



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

September 15, 2009

Dear Councillors:

The Committee on Government Operations held a hearing to discuss a Petition for Amending the Special Law: An Act Financing Improvements to the Commonwealth's Transportation System (Docket 1048). This matter was sponsored by Mayor Menino, referred to this Committee on Wednesday, August 5, 2009, and heard at a public hearing on September 3rd, 2009 at 11:00am at which public comment was taken.

The proposed home rule petition would direct the state secretary of transportation and public works, in consultation with the secretary of public safety, to issue regulations addressing public work projects in Boston; specifically requiring police details on certain roads that have a speed limit less than 45 mph, but have high traffic volumes of more than 4000 vehicles per day.

At the hearing several individuals testified, including representatives from the Boston Transportation Department, Boston Police Department, local unions, contractors and the Boston Municipal Research Bureau. Representatives from the Transportation Department explained that this initiative was proposed in response to 2008 regulations issued by the state stating that civilian flaggers were adequate on roads with a speed limit less than 45 mph. Representatives from the administration explained that Boston is unique and, although our roads are less than 45 mph, the City faces a disproportionate amount of vehicle traffic and unique safety concerns that warrant police details on roads that see more than 4000 vehicles per day.

Several individuals touted the need for police details on such heavily used roads, despite lower speed limits. The Committee discussed how trained police officers have the required training to handle emergency situations and traffic issues as well as the authority to actually do something when public safety requires, such as enforce traffic laws. Many of these Boston roads are evacuation routes; highlighting the unique nature of certain Boston roads that demand police details.

Although some raised cost concerns contending that civilian flaggers do the job at a lower cost, the cost differential appears to be negligible. Civilian flaggers are required to be paid the prevailing wage, which is set by the Commonwealth. This wage varies depending on the municipality, but can be about \$35/hour in Boston. However, this is only the minimum threshold and contractors gave evidence that this cost usually increases to account for civilian flagger benefits, insurance, etc. In some instances, contractors testified that they have seen the price bid up as high as around \$50/hour for a civilian flagger. Police details are paid a fixed rate of \$37/hour. The potential for a slight hourly differential, which doesn't often occur because of the bidding structure, is outweighed by the public safety needs on our high volume roads.

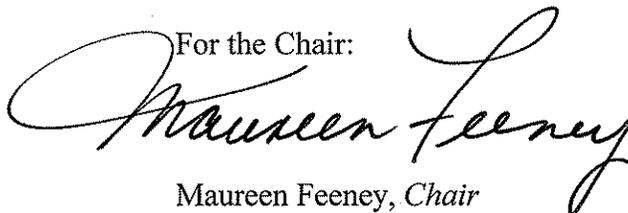
The need to have people with legal authority and proper training for Boston's busiest roads is a public safety issue that cannot be overlooked. It is imperative that Boston take preventative measures to avoid possible evacuation, safety or traffic catastrophes.

By the Chair of the Committee on Government Operations, to which the following was referred:

**Docket #1048 Petition for Amending the Special Law: An Act Financing
Improvements to the Commonwealth's Transportation System**

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter ought to pass.

For the Chair:

A handwritten signature in black ink, reading "Maureen Feeney". The signature is written in a cursive style with a large, looping initial "M".

Maureen Feeney, *Chair*
Committee on Government Operations



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

August 4, 2009

TO THE CITY COUNCIL

Dear Councilors:

I transmit herewith for your approval a home rule petition to the General Court entitled "Petition for Amending the Special Law: An Act Financing Improvements to the Commonwealth's Transportation System."

Section 10 of Chapter 86 of the Acts of 2008 established new guidelines regarding public works projects across the Commonwealth, and ordered the secretary of transportation and public works, in consultation with the secretary of public safety, to promulgate regulations. The statute and resulting regulations, however, fail to account for the heavy traffic volumes and patterns within the City of Boston, and therefore the proposed legislation orders the Commonwealth to create regulations specific to public roadways within the City.

I urge your Honorable Body to join me in this effort to ensure that public works projects within the City of Boston are adequately regulated and meet appropriate standards of public safety.

Sincerely,

Thomas M. Menino
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

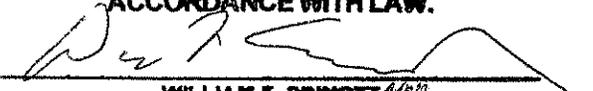
ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston, to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR AMENDING THE SPECIAL LAW: AN ACT FINANCING IMPROVEMENTS TO THE COMMONWEALTH'S TRANSPORTATION SYSTEM

SECTION 1. Notwithstanding section 10 of chapter 86 of the Acts of 2008, the secretary of transportation and public works, in consultation with the secretary of public safety, shall promulgate regulations which specifically address public works projects within the City of Boston. Such regulations shall take into account the traffic patterns and volumes of traffic on public roadways within the City, and shall include regulations addressing High Traffic Low Speed Roads. High Traffic Low Speed Roads shall be defined as divided and undivided Public Roadways with a legal speed limit less than 45 miles per hour, but with volumes of traffic more than 4000 vehicles per day.

SECTION 2. This amendment is enacted as a recognition that High Traffic Low Speed roads within the City of Boston present unique challenges in creating construction zone safety plans, and require the utilization of police details to effectively preserve public safety in and around these construction zones.

**I HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.**


WILLIAM F. SINNOTT
CORPORATION COUNSEL

01048

in City Council REFERRED TO
COMMITTEE ON

AUG 0 5 2009

Government Operations

CITY OF BOSTON
IN CITY COUNCIL

Sept 15 2009

THE COMMITTEE CHAIR Government Operations
RESPECTFULLY REPORTS THAT THE MATTER
WITHIN OUGHT

TO PASS.

Maureen Flannery
CHAIR

ACCEPTED,

CITY CLERK