

From: ()
Subject: Traffic Detail language



To: All Police Chiefs

From: Chief A. Wayne Sampson (Ret.), Executive Director

DATE: Friday, April 04, 2008

Below is the actual language regarding Police Details that was enacted yesterday by the Senate and it will now go back for a House Conference Committee. We will keep you advised as the legislation develops further.

SECTION 20. Notwithstanding any general or special law or rule or regulation to the
85 contrary, the secretary of the executive office of transportation and public works in
86 consultation with the secretary of the executive office of public safety is hereby
87 authorized to promulgate regulations and recommend guidelines for the use of police
details at public works sites. Said regulations and guidelines 88 shall consider categorizing
89 public works projects, including roadways, bridges, intersections, railroads and any other
90 similar project components, into tiers and recommend which tiers require the utilization
91 of police details during work hours. Said regulations shall also take into account traffic
92 patterns, roadway design, criminal and civil offenses committed in the area and proximity

93 to schools, playgrounds and other youth activity locations. The secretaries may also
94 recommend whether the utilization of alternative personnel is appropriate for various tiers
95 of public works projects. In promulgating the rules and regulations hereunder, the
96 secretary shall be required to examine the actual costs savings from the utilization of
97 alternative personnel.

98

99 Notwithstanding anything in this section, the regulations and guidelines promulgated
100 hereunder shall ensure that the awarding authority of the public works contract shall have
101 the authority to determine the appropriate traffic control measures as long as such
102 measures are consistent with the ordinances or bylaws of the location of the public works
103 project. In addition, the regulations and guidelines shall not disrupt any applicable
104 collective bargaining agreement under Chapter 150E of the General Laws.

105

106 Said regulations and guidelines shall require the inclusion of a “construction zone safety
107 plan” in each public works contract which requires the use of personnel to ensure the
108 safety of workers on construction sites. Said plan shall include the number of
109 construction zone safety personnel required to be on site daily and the procedures to be
110 followed in the case the designated personnel do not arrive to the work site as agreed.

111

These regulations shall be promulgated and forwarded to the 112 chairman of the senate
113 committee on ways and means, the chairman of the house committee on ways and means,
114 and the senate and house chairmen of the joint committee on transportation within 90
115 days of the effective date of this bill.

116 SECTION 21. Notwithstanding any general or special law or rule or regulation to
117 the contrary, the secretary of transportation and public works shall submit to the clerks of
118 the senate and house of representatives, the chairs of the senate and house committees on
119 ways and means and the senate and house chairs of the joint committee on transportation
120 a report detailing the amount paid for traffic details for each public transportation
121 construction project which was started and completed during the past 5 years and which
122 was paid in whole or in part with state funds. The report shall distinguish, for each year,
123 the traffic details performed by municipal police versus traffic details performed by state
124 police. It shall also identify the percentage of the total cost of the project that the traffic
125 detail work represented. The report shall be submitted not later than December 31, 2008.