

## **Gov. Patrick to unveil proposed plan for civilian flagmen at road details**

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Massachusetts will become the last state in the country to allow civilian flagmen to replace uniformed police officers at some road construction sites under a plan that is expected to be announced today by Gov. Deval Patrick.

The governor's office would not comment on the plan, which would allow the state and municipalities to consider use of flagmen on roads with speed limits under 45 mph or lightly traveled.

But state Sen. Steven Baddour confirmed he was briefed on it early last night by Secretary of Transportation Bernard Cohen, who made "a courtesy call" to the Methuen Democrat, who is co-chairman of the Legislature's Transportation Committee.

"Right now, we're the only state in the nation that doesn't allow for use of flaggers," said Baddour, who was involved in drafting the transportation bond bill signed by the governor in April, which called for the administration to come up for new regulations on police details.

"These regulations will bring Massachusetts in line with the 49 other states. If 49 other states can strike the balance between public safety and protecting the taxpayer dollar, then so can Massachusetts," he said.

The senator hasn't yet seen the plan, but noted some of the highlights shared by Cohen in the draft proposal that was to be released today by the Patrick administration:

- r Civilian flagmen would be appropriate on any road with a posted speed limit of 45 mph or less.

- r If the road is 45 mph or greater, but is traveled by less than 4,000 cars a day, flagmen could still be used.

- r Before any construction is done on a project, there will be a meeting between the awarding authority — state or municipality — and all other parties to determine what types of details are needed.

- r The awarding authority will make the final decision on whether flagmen or police details are used.

Baddour said the draft regulations will be subject to a public hearing and comment period before the administration adopts the final policies.

"I'm sure the police union didn't want this day to come, but over 80 percent of the public did," Baddour said. "One of the first questions people raise at public meetings that I go to is 'What are you doing when it comes to police details?' This issue always rises to the top. It was an area that a lot of the public was frustrated with.

"But we didn't eliminate road details. Every state in the nation has police details. The governor deserves credit here. He set up regulations that would strike a balance. Either MassHighway or the municipality will determine whether flagmen are allowed on certain projects. The secretary of transportation clearly thinks it will save taxpayers money."

Last year, the Transportation Finance Commission, an independent panel appointed by former Gov. Mitt Romney in 2004, estimated the police monopoly on details would cost the state \$100 million over 20 years.

About 4.5 percent of the total cost of the Massachusetts Highway Department's construction projects goes to pay for police details, state officials said.

A 2004 study by the Beacon Hill Institute, a nonprofit fiscal watchdog at Suffolk University, concluded that municipalities also would save between \$37 million and \$67 million annually by replacing most police details with flagmen.

Police details have been a hotly contested issue on Beacon Hill, dating back two decades. Former Gov. William Weld tried to replace them with flagmen in the early 1990s, but failed.

Former Sen. James Jajuga of Methuen was unable to win support for a plan to allow the option of using flagmen at construction and utility jobs. He also wanted to limit the number of paid details to 25 hours per week and limit overtime pay to \$30,000.

Police unions have argued that replacing uniformed officers at road construction sites with civilians could compromise public safety and lead to more accidents.

The Patrick administration has said the civilian flagmen would receive special training to direct traffic and be equipped with orange safety vests and flags.

In an interview last night, Baddour stressed that the regulations being announced by the governor are in the draft policy stage and may be subject to more tinkering.

"There's more to these regulations that we don't know yet," Baddour said. "A lot of us, when we ran for the Legislature, ran on reform and changing the way government operated. The governor campaigned for changes. These regulations are tangible change. We have a decaying infrastructure system, and we're asking everybody to come up with ways to fix our transportation system."

While the state and municipalities would determine when and where to use flagmen, their decisions could still be affected by union contracts, Baddour said.

