

HOUSE No. 84

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE COMMISSIONER,
100 NASHUA STREET, BOSTON, December 4, 1946.

To the General Court of Massachusetts.

In accordance with the provisions of section 33 of chapter 30 of the General Laws, a copy of the recommendations for legislation to be contained in the annual report of this Department (Pub. Doc. No. 54) is submitted herewith, together with drafts embodying the legislation recommended. These drafts have been submitted to the Counsel for the House, as required by law.

JOSEPH F. CAIRNES,
Commissioner.

RECOMMENDATIONS.

The Department is recommending legislation this year for the following purposes:

1. TO REGULATE THE PURPOSES FOR WHICH CITIES AND TOWNS MAY BORROW WITHIN THE DEBT LIMIT.

Sub-section 5 of section 7 of chapter 44 of the General Laws specifies the types of highway construction for which cities and towns may borrow within the debt limit for a period of ten years. This law was passed in 1913 when cement concrete and bituminous pavements of a reasonably permanent nature had not been developed, and the sub-section specifies only "stone, block, brick or other permanent pavement of similar lasting character."

The Department has interpreted the words, "or other permanent pavement of similar lasting character" to include cement concrete and modern bituminous pavements, but because there is some question as to the validity of such an interpretation under the present law, it appears advisable to request the amendment of the law to include cement concrete, bituminous concrete and bituminous macadam pavements, which in the opinion of the Department are sufficiently permanent in character to warrant permission for ten-year bond issues.

2. TO REQUIRE THAT WARNING SIGNS AT GRADE CROSSINGS OF RAILROADS BE IN ACCORDANCE WITH A TYPE ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS.

The Department recommends a revision in the law relating to railroad crossing advance warning signs, in order to permit it to erect signs which conform with the Federal standards, these signs to be 30-inch circular warning signs, bearing the legend "R. R." in the side quadrants of a diagonal cross, and to be located a distance of 300 feet in advance of the railroad crossing.

3. TO REGULATE THE EMPLOYMENT OF TEMPORARY LABORERS, CHAUFFEURS AND WORKMEN BY THE STATE DEPARTMENT OF PUBLIC WORKS.

The purposes of this act is to exempt from the Civil Service Rules and Regulations men employed in the winter months on snow removal work and those who are employed during emergencies, such as hurricanes and other disasters. Employees could be obtained on an emergency status under civil service, but the limited number of days which they would be allowed to work would handicap the Department to such an extent that the work would be adversely affected. The men on snow removal work are obtained on short notice, usually in the centers of population or along the state highway routes, and work only a few hours, or, at most, a few days and then do not work again until there is another snow storm. As emergency employees, they probably would not be available after the middle of the season, as they would have worked their allotted time. If temporary employees are used, it is difficult to get a sufficient number who will agree to work only when required on account of snow or other emergencies. Even those who do agree are reluctant to report because of the hour at which they are called. Both of these types of employees at the expiration of the period revert to their original status on the civil service list and receive no benefits from civil service. To secure employees during such emergencies from the civil service list requires a great deal of paper work in connection with their employment, which seems to be unnecessary. The passage of the accompanying bill is therefore recommended.

4. TO PERMIT STATE FUNDS TO BE USED IN THE MAINTENANCE OF TOWN WAYS, OTHER THAN STATE HIGHWAYS, CONSTRUCTED IN WHOLE OR IN PART WITH STATE MONEY.

Section 25 of Chapter 81 of the General Laws provides, in effect, that any public way which has been constructed in whole or in part with money furnished by the Common-

wealth, and is not a state highway, shall be maintained by the town and the expense thereof, borne by the town or county, or both, as may be agreed.

This is inconsistent with section 26 of said chapter 81, which provides for the maintenance of public ways in certain towns, in part, at the expense of the State, and with chapter 90, section 34, sub-section 2 (a), which permits the appropriation of state funds to assist in the maintenance of town ways as well as for other purposes.

It is the opinion of the Department that this inconsistency in the law should be corrected, and the recommendation is therefore submitted to amend said section 25 of chapter 81.

5. TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO MAKE PROVISIONS FOR THE CONTINUED DEVELOPMENT OF THE GENERAL EDWARD LAWRENCE LOGAN AIRPORT AT EAST BOSTON, AND TO CLARIFY THE AUTHORITY OF THE DEPARTMENT TO ENTER INTO LEASES AND OTHER CONTRACTS.

It is recommended that additional funds be provided for the continued development of the General Edward Lawrence Logan Airport at East Boston, and legislation is also recommended to clarify the situation with relation to the authority of the Department to make leases and other contracts.

6. TO AUTHORIZE THE ALCOHOLIC BEVERAGES CONTROL COMMISSION TO ISSUE LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO CONCESSIONAIRES AT ANY STATE-OWNED AIRPORT.

The Department believes that any person, firm or corporation who receives from the officials in charge of any state-owned airport a concession to operate a restaurant, club, package store or tavern, should be licensed to sell alcoholic beverages in accordance with the terms of such concession and while it is in effect. As state-owned airports are outside the jurisdiction of the towns in which they are situated, it is recommended that such licenses be issued by the Alcoholic Beverages Control Commission, as provided in the attached draft of a bill.