

HOUSE No. 70

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE COMMISSIONER,
100 NASHUA STREET, BOSTON 14, November 5, 1963.

HON. KEVIN H. WHITE, *Secretary of State*, State House, Boston, Massachusetts

DEAR SIR: — In compliance with the provisions of section 33 of chapter 30 of the General Laws (Tercentenary Edition), as amended by chapter 67 of the Acts of 1948, I have the honor to submit herewith such parts of the annual report of the Department of Public Works as contain recommendations or suggestions for legislative action, accompanied by drafts of nine (9) bills embodying the legislation recommended. These drafts have been submitted to the Counsel for the House of Representatives for advice and assistance as to the form thereof.

Respectfully submitted,

JACK P. RICCIARDI,
Commissioner.

RECOMMENDATIONS.

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

1. AN ACT PROVIDING FOR INSURANCE FOR THE AIRCRAFT OF THE DEPARTMENT OF PUBLIC WORKS AND FOR OCCUPANTS THEREOF.

The Department some months ago purchased a helicopter and in connection with its use feels that it is incumbent upon it to have proper insurance coverage, not only for the department-owned helicopter but for any aircraft which may be used, leased or operated by the Department for the protection of persons and property against any damage arising out of injury or destruction of property or bodily injuries to or the death of any person.

Legislation is, therefore, proposed to provide for public liability and property damage insurance for any aircraft under the care, custody and control of the Department, as well as to provide accidental death and bodily injury insurance to all persons who are lawful passengers in said aircraft, and to provide compensation for damage to or loss of state-owned or personally-owned property or equipment while said aircraft is engaged in the service of the Commonwealth within the Commonwealth or elsewhere.

2. AN ACT RELATIVE TO RAILROAD WARNING SIGNS.

A revision of section 142 of chapter 160 of the General Laws which now spells out the exact specifications for the disc railroad warning signs which must be used by municipalities and this Department at grade crossings.

The specifications listed in the statute are at variance with the specifications prescribed in the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways. The sign required by the new manual is 36 inches in diameter as compared to the statutory size limitation of 30 inches.

In revising this section of statute we have deleted any reference to actual sign specifications but merely refer to signs required by official standards of the Department. This change will assure continued compliance with any new changes in national standards

which are accepted by this Department as official standards for Massachusetts.

Adoption of this bill will assure proper warning to motorists approaching grade crossings in accordance with any new standards for such warning signs without the necessity of first amending the statute.

3. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO MANAGE CERTAIN REAL ESTATE ACQUIRED FOR HIGHWAY PURPOSES.

Among the many problems involved in the construction of interstate and other highways are clearance of the site and costs of acquisition of rights-of-way.

In the matter of clearance of sites, the Department has been hampered by inability or refusal of many occupants to remove themselves and their personal possessions from structures in the path of highway construction.

The establishment of the Relocation Advisory Board is designed to assist such persons or firms who desire assistance in relocating, and who evince a willingness to cooperate with the Department in the matter of relocation. Under existing law such occupants are entitled to four (4) months notice to vacate the premises subsequent to the date of acquisition. Frequently occupants deliberately remain on the premises because they occupy the same rent free and tax free. The various municipalities involved are thus deprived of taxable income resulting in an unfair and inequitable real estate tax on the remaining property owners in the community or communities involved. Many states now provide that occupants of structures acquired by the State, shall pay a fair and reasonable rental during the period of occupancy subsequent to the date of acquisition and prior to the date when actual construction is scheduled to begin. The accompanying bill is designed to charge such occupants a fair rental during the period of occupancy as above-described. It further provides that such properties shall be taxable to the Commonwealth by the cities and towns involved, during the period that said properties are income-producing.

Up to the present time takings by the Department for highway construction have been limited to current needs, as determined by available appropriations.

The accompanying bill proposes that the Department of Public Works be specifically authorized to acquire rights-of-way for a

period not to exceed seven (7) years prior to the date on which construction is scheduled to begin. The Bureau of Public Roads recommends such advance acquisition.

It has been the experience of many states and of the Bureau of Public Roads that such advance acquisition materially reduces the costs of such rights-of-way, and a large number of states have enacted legislation providing for such advance acquisition.

Under the Federal Highway Act of 1962 the Commonwealth, upon approval of preliminary plans for such advance acquisition, will be entitled to request and receive federal funds for acquisition of such rights-of-way in advance of actual construction. Enactment of this bill will materially reduce the total cost of highway construction and thereby afford a substantial savings to the taxpayers.

4. AN ACT AUTHORIZING CITIES AND TOWNS TO INSTALL PAVEMENT MARKINGS ACCORDING TO THE DESIGN SPEED OF THE HIGHWAY.

The Department has been petitioned many times by cities and towns to have legislation enacted authorizing them to paint highways according to design speed.

5. AN ACT RELATIVE TO NON-STANDARD PAVEMENT MARKINGS ON STATE HIGHWAYS.

The Department feels that this law has provided no protection for school children but has only confused the motoring public by the existence of non-standard pavement markings on state highways. The Department therefor is seeking repeal of the existing law.

6. AN ACT RELATIVE TO REMOVAL OR RELOCATION OF UTILITY POLES.

Recently the Telephone Company and the Department have experienced difficulty in obtaining the removal or relocation of utility poles.

It is the contention of the Telephone Company that they cannot relocate a telephone pole without the permission of the Selectmen even in the case of a state highway. This contention is based on the wording of the statute chapter 166, section 22 of the General Laws.

These changes in the existing law prevent local authorities from interfering in the matter of pole locations on or along state highways.

7. AN ACT ALLOWING THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH A SCHEDULE OF FINES FOR PARKING VIOLATIONS ON STATE HIGHWAYS.

It is recommended that section 20C of chapter 90 be amended to include the Department in the allowances to set a schedule of fines for parking violations on state highways. This allowance was granted to all cities and towns last year and at that time should have included the Department.

8. AN ACT RELATIVE TO THE VIOLATIONS OF THE PEDESTRIAN CONTROL LAW.

There has been some confusion about the issuance of violation tickets for the enforcement of the pedestrian control law which is scheduled to become effective in most communities which are concerned next September. These communities and law enforcement agencies have requested the Department to sponsor legislation establishing a standard form.

9. AN ACT AUTHORIZING THE CITY OF BOSTON TO CONVEY TO THE STATE DEPARTMENT OF PUBLIC WORKS CERTAIN LAND IN SAID CITY.

The Department is desirous of acquiring the site specified in the bill in order to alleviate a critical parking condition now existing at the Department headquarters on Nashua Street. The area mentioned in said bill would be used for the parking of state-owned vehicles. The City of Boston is in agreement with said transfer.

