

HOUSE No. 200

The Commonwealth of Massachusetts

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION
DEPARTMENT OF PUBLIC WORKS
TEN PARK PLAZA, BOSTON 02116, NOVEMBER 6, 1985.

The Honorable Michael J. Connolly, *Secretary of the Commonwealth*,
State House, Boston, Massachusetts 02133.

Dear Mr. Secretary:

In accordance with the provisions of section thirty-three of chapter thirty of the General Laws, I submit herewith ten (10) legislative recommendations of the Department of Public Works for 1986.

Sincerely,

ROBERT T. TIERNEY,
Commissioner.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

LEGISLATIVE RECOMMENDATIONS OF THE DEPARTMENT OF PUBLIC WORKS

1. AN ACT RELATIVE TO EXTRA WORK OR MATERIALS, ORDER AND CLAIMS IN PUBLIC CONTRACTS.

Section 20A of Chapter 29 of the General Laws requires that a one (1) week prior notice be given to the Comptroller prior to the issuance of an Extra Work Order which exceeds five thousand (5,000) dollars on a construction project. This five thousand (5,000) dollars figure was set by Chapter 509 of the Acts of 1967. Since 1967 construction costs have risen by more than threefold.

Therefore it is proposed to increase the five thousand (5,000) dollars threshold to fifteen thousand (15,000) dollars in order to be consistent with today's costs.

If enacted this legislation could reduce unnecessary delays on public construction projects and would not cause any real dilution of controls or be inconsistent with prior legislative intent.

2. AN ACT TO FURTHER REGULATE THE EXPENDITURE OF FUNDS FOR THE REPAIR OF MOTOR VEHICLES.

Section 36A of Chapter 30 of the General Laws provides that no state motor vehicle may be repaired in a non-state garage if the cost of repair exceed three hundred (300) dollars for a vehicle whose acquisition cost was less than six thousand (6,000) dollars, or six hundred (600) dollars for those vehicles whose acquisition cost was greater than six thousand (6,000) dollars. These dollar limits were last amended by Chapter 527 of the Acts of 1976. Since 1976 the Consumer Price Index for Boston has risen by over sixty-five (65) percent. The amount of increase proposed in this bill averages sixty-two (62) percent.

Passage of this bill would not dilute the controls enacted in 1976, but would establish limits consistent with present costs.

3. AN ACT RELATIVE TO DEPARTMENT OF PUBLIC WORKS TRAVEL TRASH CONTRACTS.

At present persons under contract with the Commonwealth for the transportation of garbage or refuse must comply with the provisions of Chapter 159B of the General Laws which establishes certain licensing requirements for trucks. However, persons under contract with a city or town are exempt from this requirement.

If the proposed legislation is enacted, entending to the Commonwealth the same exemption granted to its municipalities, cost reductions for performing this type of work would result. In 1984, on four (4) separate contracts for the removal and transportation of travel trash, the department was unable to make an award to the lowest bidder because of the existing law. The department was forced to either readvertise the contract or to make an award to a higher bidder, both costly options.

4. AN ACT RELATIVE TO THE PENALTY FOR THE ILLEGAL USE OF THE SO-CALLED "BREAKDOWN LANE" AS A TRAVEL LANE.

Section 4B of Chapter 89 of the General Laws prohibits driving in the right lane when it has been constructed or designed for purposes other than ordinary travel. This is commonly referred to as the "break-down lane".

Records maintained by the Bureau of Traffic Operations of the Department of Public Works indicated that severe accidents have occurred as a result of illegal use of this lane.

The existing penalty for illegal use of this lane is only twenty (20) dollars. It is recommended that the penalty be increased to one hundred (100) dollars for this violation.

5. AN ACT FURTHER REGULATING TRAFFIC SIGNS OR DEVICES.

The intent of this act is to reference a standard document, the Uniform Manual of Traffic Control Devices, in the General Laws in order to bring uniformity in the interpretation of various definitions and traffic engineering procedures in the various cities and towns. Traffic control devices should mean the same thing to all motorists in all sections of the Commonwealth in order to enhance public safety and provide for uniform enforcement.

6. AN ACT FURTHER REGULATING THE LAW OF THE ROAD.

The intent of Section 1 is to update Section 2 of Chapter 89 of the General Laws by substituting the word visible for audible. The present law requires the use of a signaling device such as a horn when changing lanes. Current practice is to use directional signals and the law should reflect this. The intent of Section 2 is to correct a punctuation error in the present text of Section 8 of Chapter 89. The intent of the law is to allow a person to make a right turn on red to any street or a left turn from a one way street to another one way street. As presently, punctuated a person may legally only make a right turn on red to a one way street. The department feels this technical defect should be corrected.

7. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF PUBLIC LAND IN THE CITY OF MEDFORD AND TO TRANSFER THE CARE, CUSTODY AND CONTROL OF SAID PARCEL TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

The proposed legislation authorizes the transfer of approximately one thousand seven hundred fifty (1,750) square feet of land from the Medford Housing Authority to the Department of Public Works. This land is necessary for the construction and realignment of the interchange between Interstate 93 and Route 16 in the city of Medford.

8. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF PUBLIC LAND IN THE TOWN OF SANDWICH BEING USED AS A WATER DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

The proposed legislation authorizes the transfer of approximately seven thousand five hundred (7,500) square feet of land presently being used as a water district from the town of Sandwich to the Department of Public Works. This land is needed to provide right-of-way for improvements to Route 6A, a state highway, in the town of Sandwich.

9. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE TWO CERTAIN PARCELS OF PUBLIC LAND IN THE TOWN OF SOUTHAMPTON BEING USED FOR TOWN WELLS AND TO TRANSFER THE CARE, CUSTODY AND CONTROL OF SAID PARCELS TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

The proposed legislation authorizes the transfer of approximately two thousand three hundred ninety-five (2,395) square feet of land from the town of Southampton to the Department of Public Works. This land is needed to provide right-of-way for the reconstruction of the bridge carrying Route 10 over the Manhan River in the town of Southampton.

10. AN ACT RELATIVE TO VEHICULAR BRIDGES MAINTAINED BY THE DEPARTMENT OF PUBLIC WORKS.

The purposes of chapter 634 of the Acts of 1971 was provided for the public safety by transferring the responsibility for certain bridges owned either individually or jointly by various cities, towns, counties and railroad companies to the department of public works in order that an orderly inspection, rating, repair and replacement program could be undertaken. To date, approximately seven (700) hundred bridges have been transferred under this act. The department has rated and inspected these bridges and performs necessary maintenance. The most deficient structures are replaced most deficient structures with new bridges.

In some cases the transferred bridges cross railroad lines which have been abandoned. In this instance, rather than incurring the considerable expense of replacing a bridge which serves no purpose, the department fills the railroad cut and constructs a regular roadway. It no longer is appropriate for this isolated section of road, perhaps only fifty (50) or sixty (60) feet in length to be state highway. Control of this section of road and fill should be with the entity which controls the surrounding road.

IN SENATE,
January 14, 1914.

REPORT OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR ENDING DECEMBER 31, 1913.

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