

HOUSE No. 218

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WORKS

TEN PARK PLAZA

BOSTON, MASSACHUSETTS 02116-3973, NOVEMBER 4, 1986.

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 four (4) legislative recommendations of the Department of Public Works for 1987.

Sincerely,

ROBERT T. TIERNEY,
Commissioner.

The Commonwealth of Massachusetts

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

LEGISLATIVE RECOMMENDATIONS OF THE DEPARTMENT OF PUBLIC WORKS

1. HISTORICAL BACKGROUND AND INFORMATION IN SUPPORT OF "AN ACT FURTHER REGULATING CONTRACTS FOR CONSTRUCTION AND MATERIALS."

Existing law, enacted in 1963, provides that all public works construction, which exceeds \$5000 in estimated value, be advertised for bid in accordance with the provisions of section 39M of Chapter 30.

Since 1963, cost of highway construction has increased 4.4 times without any corresponding change in this \$5000 threshold figure. As a result, for even the most minor work, a full set of contract bid documents and plans must be prepared at significant cost to the Commonwealth. In addition to this unnecessary expense, there are time delays associated with contract advertising and award which often unreasonably delay needed repairs. Finally, many small, as well as beginning majority and minority contractors, do not regularly bid on department contracts due to the complexities of the process. By increasing the threshold to \$25,000, participation by these contractors in department work can be encouraged.

This legislation does not dilute any of the controls enacted in 1963 but adjusts the threshold figure to be consistent with current construction costs. This legislation does not affect building construction thresholds which were amended by Chapter 484 of the Acts of 1984.

2. HISTORICAL BACKGROUND AND INFORMATION IN SUPPORT OF "AN ACT FURTHER REGULATING THE PLACEMENT AND MAINTENANCE OF CERTAIN TRAFFIC CONTROL DEVICES BY CITIES AND TOWNS."

The purpose of this bill is to allow municipalities sufficient authority to control traffic on their local ways, while retaining for the Commonwealth control over those areas which have impact beyond municipal borders.

Under present law the department of public works must approve

virtually every traffic signal, sign, parking space or other control device placed by municipalities on locally controlled ways.

This bill enables municipalities to place certain traffic control devices on local ways under their control without prior approval of the department provided procedures set forth in the bill are followed.

3. HISTORICAL BACKGROUND AND INFORMATION IN SUPPORT OF "AN ACT PROVIDING FOR THE CONSTRUCTION OF SALT STORAGE SHEDS BY CITIES AND TOWNS."

Chapter 811 of the acts of 1985 provided \$2,000,000 for the construction of municipal salt sheds. It was estimated that fifty (50) sheds could be constructed with these funds. Subsequent to passage of Chapter 811, the department determined that the existing salt shed design, which had been in use since the mid-1970's, did not meet current State building code standards. To bring the shed design into conformity with this code increased costs by approximately two and one-half (2½) times per shed.

Passage of this legislation would allow construction of all fifty (50) sheds which had been intended to be built with the original \$2,000,000 in Chapter 811.

4. HISTORICAL BACKGROUND AND DATA SUPPORTING "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 designated for purposes other than ordinary travel. This is commonly referred to as the "breakdown lane."

The unauthorized use of this lane jeopardizes disabled motorists, police officers while they are aiding these motorists or while engaged in law enforcement actions and the highway maintenance workers of the department of public works.

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.

