

Chapter 86 of the Acts of 2008

SECTION 10. Notwithstanding any general or special law or rule or regulation to the contrary, the secretary of transportation and public works, in consultation with the secretary of public safety may promulgate regulations and recommend guidelines for the use of police details at public works sites. The regulations and guidelines shall consider categorizing public works projects, including roadways, bridges, intersections, railroads and any other similar project components, into tiers and recommend which tiers shall require the utilization of police details during work hours. The regulations shall also take into account traffic patterns, roadway design, criminal and civil offenses committed in the area and proximity to schools, playgrounds and other youth activity locations. The secretaries may also make recommendations on the use of alternative personnel is appropriate for various tiers of public works projects. In promulgating the rules and regulations hereunder, the secretary shall examine the actual costs savings from the utilization of alternative personnel.

Notwithstanding any provision of this section to the contrary, the regulations and guidelines promulgated hereunder shall ensure that the awarding authority of the public works contract has the authority to determine the appropriate traffic control measures; provided, however, that when a municipality is the awarding authority, the traffic control measures shall be consistent with the ordinances or by laws of the municipality wherein the public works project is being undertaken and the measures shall not affect any applicable provisions of a collective bargaining agreement under chapter 150E of the General Laws.

The regulations and guidelines shall require the inclusion of a “construction zone safety plan” in each public works contract which shall require the use of personnel to ensure the safety of workers on construction sites. The plan shall include the number of construction zone safety personnel required to be on site daily and the procedures to be followed in the case the designated personnel who fail to arrive at the work site as agreed.

These regulations shall be promulgated and forwarded to the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on transportation within 90 days after the effective date of this act.