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Patrick Administration Announces Police Detail-Flagger Regulations
Rules Strike Balance Focused on Safety and Cost Savings

BOSTON - Wednesday, August 13, 2008 - The Patrick Administration is moving forward with a plan to authorize - for the first time in recent history - the use of civilian flaggers on certain state public works projects in the Commonwealth through draft regulations released today by the Executive Office of Transportation.

"This proposal strikes an appropriate balance between public safety and efficiency," said Governor Deval Patrick.

The draft regulations call for the following measures:

With safety as a top priority, the regulations call for the development of comprehensive Construction Zone Safety Plans ("CZSP") for each public works project. These plans will determine what traffic control measures are necessary - which may include flaggers, police, or traffic control devices - and how many personnel may be needed. The plans shall be prepared in consultation with local and state law enforcement. However, the final decision will rest with the awarding authority, which in the case of state projects would be the Massachusetts Highway Department.

When determining whether flaggers or police officers are needed on state public works projects, the CZSP will follow the guidelines of a three tiered-system:

- High-Speed Roads - Allows for the use of civilian flaggers when the traffic flow has been separated from the construction zone using continuous, connected barriers. High-speed roads include both divided and undivided public roads with a legal speed limit greater than or equal to 45 mph.
- Low-Traffic, High-Speed Roads - For high-speed roads with a maximum volume of 4,000 vehicles per day, there is a presumption that civilian flaggers will be used unless CZSP recommends otherwise for public safety reasons.

- Low-Speed Roads - For low-speed roads including divided and undivided public roads with a legal speed limit less than 45 mph, there is a presumption that civilian flaggers will be used unless CZSP recommends otherwise for public safety reasons.

“Governor Patrick is to be commended for his leadership in reforming the way in which construction site safety is managed in Massachusetts. The new regulations strike an appropriate balance between public safety and spending, and will go a long way towards restoring public confidence in the way we spend transportation dollars,” said Senator Steven A. Baddour (D-Methuen), Senate Chairman of the Joint Committee on Transportation.

The use of civilian flaggers will occur mostly on projects where the state is the awarding authority including state projects on local roads. For municipal public works projects, where the awarding authority is a city or town, current state law limits the ability of the Administration to mandate the use of civilian flaggers where there is a local ordinance or collective bargaining agreement to the contrary.

"Our first priority is targeting projects where flaggers are an appropriate and cost effective alternative that continues to ensure a safe work site environment for employees and drivers," said Transportation Secretary Bernard Cohen.

Road flaggers will be required to receive training in construction zone safety and first aid, in addition to completing a Training Certification Program and presenting their certification card prior to being employed on a project.

Following a public hearing on a date to be determined and an open comment period, final regulations will be filed in the coming weeks, at which time the regulations will become effective. It is expected the first flaggers will be placed at appropriate projects during this road construction season.

For more information, visit:

http://www.eot.state.ma.us/default.asp?pgid=content/police_detail&sid=about

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