



**Testimony of Michael J. Widmer
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Draft Regulations on use of Civilian Flaggers

With these draft regulations, the administration has made an important and meaningful step in reforming the use of police details on public construction sites in the Commonwealth. Massachusetts will finally join the 49 other states that use civilian flaggers. The Foundation supports the administration's efforts to tackle this politically charged matter through an open process leading to savings for the state and municipalities.

The regulations' three-tiered system provides clear delineations with sufficient flexibility for policy makers constructing a careful balance between public safety and public expenditures. The regulations also transfer authority to determine the number and combination of needed personnel to the organization awarding the contract, placing important cost and safety controls in the hands of public officials.

EOT's recently released *Road Flagger & Police Detail Cost Report and Analysis* projects that savings at the state level would be between \$5.7 and \$7.2 million annually with substantially higher savings for municipalities. These savings are critical as cities and towns face enormous fiscal pressures.

The Transportation Finance Commission documented the declining state of our transportation infrastructure and highlighted the large shortfall in funding for essential projects. The use of civilian flaggers can free up precious dollars to repair roads and bridges across the state.

Secretary Cohen expressed a commitment to have road flaggers in place in October. Since the regulations require that all road flaggers complete a MassHighway approved certification program covering construction zone safety, traffic control, and first aid, training courses must be developed and launched quickly to avoid staffing delays.

In earlier testimony the Foundation recommended that the state provide an ombudsman to work with communities during implementation. The need may go further as it's clear from the draft regulations that the authorized representative for each construction site may need substantial support to develop, manage and enforce each site's safety plan.

Finally, the Foundation strongly encourages public reporting of wage rates, safety plans that include the number of personnel, and cost savings for each site so that communities can collaborate and adopt these changes more quickly. The Foundation applauds the administration and urges that these regulations be adopted.