



**MASSACHUSETTS
MUNICIPAL
ASSOCIATION**

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September 26, 2016

Massachusetts Department of Public Safety
One Ashburton Place, Room 1301
Boston, MA 02108
Attn: Stephen Carley

RE: Comments on Proposed Changes to 520 CMR 6.00

Dear Mr. Carley:

On behalf of the cities and towns of the Commonwealth, the Massachusetts Municipal Association is hereby submitting comments on the Massachusetts Department of Public Safety's proposed changes to the Hoisting Machinery Regulations, 520 CMR 6.00.

These regulations for hoisting machinery have a large impact on local public works departments. In addition to the comments the MMA is submitting here, we support the comments previously submitted by the Massachusetts Highway Association, and we respectfully urge you to support the analysis submitted by both organizations.

The MMA welcomes the proposed changes to the regulations regarding approved attachments for machinery. The regulatory changes would define and recognize manufacturer-approved attachments for excavating machinery. Under these changes, operators would only need to have a license to operate the main piece of machinery, and not have to gain additional credentials to operate an attachment. We strongly support the Department's changes regarding attachments, which will ease operations and reduce burdensome requirements for municipal departments of public works.

The MMA also appreciates the inclusion of a municipal license classification (Section 6.10 (5)). The MMA would propose broadening this category to cover several other types of licenses. We would urge DPS to add class 2A, 4D and proposed 4F (currently 4G) licenses to this section to simplify requirements for municipal operators.

We urge you to consider the amended language submitted by the Massachusetts Highway Association, which would address a number of the issues that local DPWs face and simplify hoisting operations for municipal maintenance work. The suggested language would clarify and broaden the types of machinery that may be operated by holders of Class 2A-M and Class 2B-M excavating licenses. The suggested wording would allow equipment such as excavator mounted boom mounted mowers, catch basin cleaners, booms and forks mounted on loaders or other hoisting equipment utilized in municipal maintenance operations. For Class 2B-M excavating licenses, the language suggested by the Mass. Highway Association would allow for operation of combination loaders and backhoe machines, small fixed-boom mowers mounted on tractors and catch-basin cleaners, as well as any attachments. These changes will help municipal

DPWs to continue their good work in keeping our municipalities safe, clean, and environmentally friendly.

The language submitted by the Massachusetts Highway Association would also add sections to allow certain licensed operators to supervise temporary non-licensed operators during short-term emergency situations. We hope to continue the discussion on this issue between MHA, MMA and DPS. In emergency situation, municipalities sometimes must bring in additional contracted workers from out of state, who may not hold a license to operate the necessary machinery in Massachusetts. These situations may extend beyond the timeframe of a declared state of emergency, which could leave municipalities liable. MHA's proposed changes would allow emergency workers to operate certain types of machinery if they are supervised by a license holder and the supervising employee reviews the qualifications of the temporary worker to confirm that they are familiar with the Commonwealth's regulations and are proficient in operating the machinery. This change would allow municipalities to be more efficient and have more flexibility in staffing during emergency situations.

We appreciate the opportunity to submit these comments. If you need additional information or clarification regarding our recommendations, please do not hesitate to contact me or MMA Legislative Analyst Victoria Sclafani at any time.

Thank you very much.

Sincerely,



John Robertson
Legislative Director