



Town of Wilbraham

DEPARTMENT OF PUBLIC WORKS

240 Springfield Street

Wilbraham, Massachusetts 01095

(413) 596-2800 ext. 208

Edmond W. Miga, Jr., P.E.
Director of Public Works

November 23, 2015

Executive Office for Administration & Finance
State House, Room 373
Boston MA, 02133

Dear Sir/Madam:

The hoisting license requirements imposed by the Department of Public Safety has turned into an overly complicated regulation that costs the people of the Commonwealth time and money without any significant benefit. With this regulation in place, it has caused more paperwork, more fees, and more government interference without any consideration of the consequences.

Hoisting machinery is operated by a small percentage of the population. If public safety is the objective, resources should be directed towards the larger percentage of the population.

Regardless of what rules and regulations are in place, there will continue to be accidents. Public Works is all about public safety. The safety of the motoring public. The safety of our employees providing this service having so many types of hoisting equipment and creating so many individual categories of licenses is not a solution, but a problem. Equipment costs so much today that anything we buy requires specific training on the machine prior to someone using it regardless if they have a license or not. The license does not mean you can safely operate the machine. The license means you paid a fee.

Creating separate licenses for different categories of machinery has meant that Public Works employees need to get a minimum of two (2) licenses, but most will get three (3) separate licenses, requiring three (3) separate tests, three (3) separate CEU classes to maintain each license. What has this accomplished? The employee and municipality will lose time and productivity. It will be a financial burden placed on the employee and the Town for lost time and the cost per license. The Town has a foreman's position which will require four (4) licenses.

The regulation places liability on the employer, The Town. We have now become the hoisting police. We need to create a spreadsheet to manage who has what license to operate what machine and is the license current because each license per person is different. Licenses are only good for two (2) years.

The other irony of the regulation is how it affects the private sector. We have an employee who operates a farm so he is exempt, but as soon as he comes to work, he needs a license. A resident plowing his driveway with a bobcat or a Kubota tractor meeting the definitions of hoisting equipment now has to have a license, DOT medical card and CEU(s). This is ridiculous. Aside from pointing out issues, we should be looking for solutions.

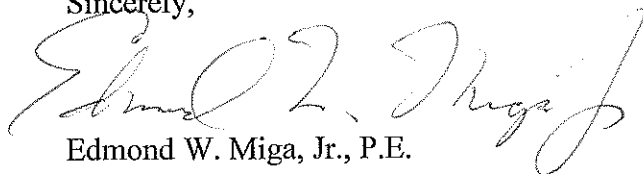
- First: One license with less categories like driver's licenses. Not multiply licenses.
- Second: A license would be good for five (5) years like a driver's license.
- Third: Separate CEU for Towns. CEU(s) can be taken on-line for free. Public Safety is the issue then the Department of Public Safety should be proactive in creating training films that would be posted on the web and be required to be reviewed annually with a signoff similar to the Conflict of Interest Law. This service should be free to all Towns in the Commonwealth.
- Fourth: Employees should be responsible to report licenses to employer.
- Fifth: Private property owners are also exempt like farmers.
- Sixth: When an emergency is declared, then hoisting license requirements should not apply. When there is a disaster and it is imperative that power be restored, the power company pulls resources in from all over the country. They need to be exempt from current hoisting requirements and held to a different standard. Likewise, Cities and Towns responding to a snow emergencies need not be held to policing hoisting licenses.

Considering we have regulation after regulation that regulates construction, this is another form of over regulating. Trench permitting/trench safety, Dig Safe requirements, OSHA 10 requirements, unions, insurance companies, right to know laws, confined space training and plans, and lastly, the fact that almost all other States in this country do not require hoisting licenses.

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Respectfully, the Governor should be commended for issuing Executive Order 562 to review regulations that are nonproductive, over regulated, redundant and negatively impacts the good people of the Commonwealth.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edmond W. Miga, Jr.", written in black ink.

Edmond W. Miga, Jr., P.E.

EWM/dd

cc: Massachusetts Highway Association
Tri County Highway Superintendents
Department of Public Safety