



## **Testimony to the Executive Office of Transportation on Police Details**

**by Jim Stergios**

**Monday, September 15, 2008**



Thank you for the opportunity to testify. My name is Jim Stergios. I am the Executive Director of Pioneer Institute.

Reform of police details is of real and symbolic importance to the prospects of addressing our long-term transportation infrastructure needs. It can achieve significant savings that could be used to fix more roads. At the same time it can help address a credibility gap faced by the Commonwealth stemming, in large part, from the management of the Big Dig.

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We can argue if this criticism is warranted or properly directed, but the fact remains – the public does not believe it is getting its money’s worth from current spending on transportation. Effective reform on the issue of police details will tell the citizens of

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**September  
2008**

Massachusetts a lot about how intent the state is on rebuilding that credibility.

Pioneer Institute has also expressed skepticism about the legislation and the ensuing regulations. This is not because we believe these reforms were easy to achieve. We appreciate that the Governor and Secretary Cohen have taken on the police detail issue. We understand that previous administrations were unable or unwilling to take on the issue. We also understand the limits of what could be accomplished given the wording of the relevant legislation.

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**“Effective reform...will tell the citizens of Massachusetts a lot about how intent the state is on rebuilding that credibility.”**

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Our skepticism is the result of our belief that the Commonwealth is in a new place – and transportation policies must be crafted with a sense of responsibility holding that new reality in mind. The Big Dig is completed, but we have billions of dollars in unmet needs across the state. We must face the fact that, at some point in the future, the state will have to seek additional resources to adequately address the maintenance needs of our transportation infrastructure.

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**“We are the only state that utilizes police details in this manner.”**

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Seeking new revenue requires public buy-in and therefore building public trust. That trust is premised on a demonstrated commitment to significant reform, greater transparency, and good execution. If these reforms don't deliver the expected savings, it will damage the Commonwealth's credibility. Savings of \$5.7 million, or even \$7.2 million, are to be

applauded. But they will not seem significant to citizens who may be called upon to provide hundreds of millions of dollars in new revenue.

We are concerned that the realized savings will not match the expectations and the need – real and symbolic. We are pleased, after review of the draft report just released by the Executive Office of Transportation, that lower compensation costs, updated safety plans, and reformed work rules will result in savings while preserving safety. Two things must happen: First, we must ensure that these savings projections are not diluted by changes to the regulation or by poor implementation in the field.

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Second, we must revise the initial legislation, written by the Legislature and signed by the Governor, because it is fundamentally flawed. It allows a massive loophole for municipal police officers, whose collective bargaining agreements can supersede this regulation. These collective bargaining agreements lock in unnecessary police details for many roads with low speeds and traffic volumes that would otherwise be covered by this regulation. The loophole perpetuates an unneeded cost that is borne by the taxpayer at the end of the day. It will also clearly be exploited in municipal contract negotiations.

Opponents of this reform argue that since flagmen and signalers are paid at rates similar to detail officers under collective bargaining, this

reform is ineffective. The argument is flawed for three reasons: The September 9th Cost Report details significant near-term savings from lower compensation rates for flaggers. There is significant potential for collective bargaining to change pay rates in the future. And, finally, it ignores the thicket of work rules and conventions, such as minimum duty hours and unclear (or unenforced) cancellation policies that drive up costs.

The predictions of doom and disorder that other speakers will deliver today fail the common

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sense test for most citizens. We are the only state that utilizes police details in this manner. Can we go to taxpayers with a straight face and say that we have delivered on the promise of reform?

All of these criticisms do, however, convey something important: To be successful, the Secretary's Office will need to be vigilant about advancing reform of these rules, and the legislative and executive leadership must address the exclusion for municipal collective bargaining.

Today is a good first step. But only by taking these actions will we demonstrate to the public that we will not allow expediency to derail our work to address the state's backlog of transportation needs.

Thank you for the time and opportunity to address this issue.



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