

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Ultrino

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for the ownership and maintenance of the Cutler Highway Bridge and related infrastructure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>5/7/2024</i>

HOUSE No.

By Representative Ultrino of Malden, a petition (subject to Joint Rule 12) of Steven Ultrino relative to the maintenance of the Cutler Highway Bridge and related infrastructure in the city of Revere by the Massachusetts Department of Transportation and the Department of Conservation and Recreation. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act providing for the ownership and maintenance of the Cutler Highway Bridge and related infrastructure.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. As used in this act, the following words shall, unless the context clearly
2 indicates otherwise, have the following meanings:—

3 “Appurtenant structure”, any equipment, systems, parts and structures that are attached to
4 or pertinent to the design, operation or function of assets .

5 “Asset”, any common flood prevention structure and equipment that is used to control
6 flows of water or whose function is necessary for the proper operation of structures used to
7 control flows of water including, but not limited to, dams, tide gates, flood gates, solar panels
8 and floats.

9 “Cutler bridge” or “Cutler highway bridge”, the 107 Cutler highway vehicular bridge,
10 Massachusetts Department of Transportation bridge number R05061, and all equipment and

11 assets attached to the bridge that are pertinent to highway and bridge operations, located in the
12 city of Revere. This shall include, but is not limited to, 8 box culverts structurally built into the
13 Cutler highway vehicular bridge, and trash racks affixed to the upstream side of the Cutler
14 highway vehicular bridge, with the purposes of protecting the 8 box culverts from large debris,
15 sediment and other build up.

16 “Emergency maintenance” or “emergency repairs”, any immediate repairs or
17 maintenance work necessary to address unforeseen issues that prevent the proper operation and
18 function of an asset.

19 “Flood gate”, a type of gate classified as a common flood prevention structure. When
20 operating as designed, the gate can be opened or closed to control the flow of water for Town
21 Line brook or Linden brook.

22 “Repair”, any project or construction work carried forth with the purpose of returning
23 dysfunctional assets and appurtenant structures to their intended and fully operational state.
24 Repairs shall not disable or disrupt the operations of the assets and appurtenant structures for
25 more than 30 days.

26 “Reconstruction”, any projects or construction work that shall disable or disrupt the
27 operations of an asset or appurtenant structure for more than 30 days. Reconstruction shall also
28 be any work or construction work that would require demolishing or replacement of over 50 per
29 cent of the existing asset or appurtenant structure.

30 “Routine maintenance”, any project or inspection work carried forth while an asset or
31 appurtenant structure is operating as intended or reasonably adequately in which no major

32 functions are disabled or disrupted, with the purpose of maintaining the intended functions of
33 and ensuring the proper operation of an asset or appurtenant structure.

34 “Tide gate”, a type of gate classified for the purposes of this act as a common flood
35 prevention structure. When operating as designed, the gate allows water to flow freely when the
36 tide sets in 1 direction but closes automatically and prevents the water from flowing in the
37 opposite direction.

38 SECTION 2. Any assets, appurtenant structures or other structures used to control the
39 flow of water to or from the Town Line brook or Linden brook shall be under the care, custody
40 and control of the department of conservation and recreation. This shall include, but is not
41 limited to, the tide gates attached to the 107 Cutler highway vehicular bridge, located in the city
42 of Revere. This shall not include the 8 box culverts structurally built into the Cutler highway
43 vehicular bridge and trash racks affixed to the upstream side of the Cutler highway vehicular
44 bridge, with the purposes of protecting the 8 box culverts from large debris, sediment and other
45 build up. The department shall be responsible for the inspections, emergency maintenance,
46 routine maintenance, reconstruction and repairs to the assets and appurtenant structures pursuant
47 to section 4.

48 SECTION 3. The Cutler highway bridge, located in the city of Revere, shall be under the
49 care, custody and control of the Massachusetts Department of Transportation. For the purposes
50 of this act, all equipment and attachments necessary for the operation of the Cutler highway
51 bridge including, but not limited to, the 8 box culverts structurally built into the Cutler highway
52 vehicular bridge, and trash racks affixed to the upstream side of the Cutler highway vehicular
53 bridge shall be under the care, custody and control of the Massachusetts Department of

54 Transportation. The department shall be responsible for the inspections, emergency maintenance,
55 routine maintenance, reconstruction and repairs to the assets and appurtenant structures pursuant
56 to section 5.

57 SECTION 4. (a) The department of conservation and recreation shall, from time to time
58 but at least twice annually, conduct routine maintenance and inspections of the assets and
59 appurtenant structures identified in section 2 to identify any damage, wear and tear or loss of
60 functionality of said structures.

61 (b) The department of conservation and recreation shall be responsible for and shall
62 conduct any routine maintenance on the assets and appurtenant structures identified in sections 2,
63 as required, to ensure that they are functioning properly.

64 (c) The department of conservation and recreation shall be responsible for and shall
65 conduct any repairs, reconstruction and emergency repairs on the structures identified in section
66 2, as required, to ensure that they are functioning properly. In the event that the department of
67 conservation and recreation is unable to conduct such repairs, reconstruction or emergency
68 repairs on the assets and appurtenant structures identified in Section 2, the department may enter
69 into agreement with a relevant municipality or state agency to outsource the work. The
70 department of conservation and recreation shall be responsible for reimbursing any such
71 municipality or state agency for the costs of repairs, reconstruction and emergency repairs
72 conducted pursuant to section 8.

73 SECTION 5 . (a) The Massachusetts Department of Transportation shall, from time to
74 time but at least twice annually, conduct routine maintenance and inspections of the Cutler

75 bridge and structures identified in section 3 to identify any damage, wear and tear or loss of
76 functionality of said structures.

77 (b) The Massachusetts Department of Transportation shall be responsible for and shall
78 conduct any routine maintenance on the Cutler bridge and structures identified in section 3, as
79 required, to ensure that they are functioning properly.

80 (c) The Massachusetts Department of Transportation shall be responsible for and shall
81 conduct any repairs, reconstruction and emergency repairs on the Cutler bridge and structures
82 identified in section 3, as required, to ensure that they are functioning properly. In the event that
83 the Massachusetts Department of Transportation is unable to conduct such repairs, reconstruction
84 or emergency repairs on the Cutler bridge and structures identified in section 3, the department
85 may enter into agreement with a relevant municipality or state agency to outsource the work. The
86 Massachusetts Department of Transportation shall be responsible for reimbursing any such
87 municipality or state agency for the costs of repairs, reconstruction and emergency repairs
88 conducted pursuant to section 8.

89 SECTION 6. (a) Subject to existing permitting requirements, the Massachusetts
90 Department of Transportation shall permit department of conservation and recreation personnel
91 to pass on and over the Cutler bridge and other property owned by Massachusetts Department of
92 Transportation as reasonably necessary to access the assets and appurtenant structures identified
93 in section 2 to carry out the requirements of this act.

94 (b) Subject to existing permitting requirements, the Massachusetts Department of
95 Transportation shall permit elected officials and employees of the cities of Malden, Revere and
96 Everett to pass on and over the Cutler bridge and other property owned by Massachusetts

97 Department of Transportation as reasonably necessary to access the assets and appurtenant
98 structures identified in section 2 in order to carry out the requirements of this act.

99 (c) The department of conservation and recreation shall permit elected officials and
100 employees of the cities of Malden, Revere and Everett to observe the inspections, routine
101 maintenance, repairs, reconstruction and emergency repairs conducted pursuant to section 4.

102 SECTION 7. (a) The department of conservation and recreation shall report the results of
103 any inspection conducted pursuant to subsection (a) of section 4 to the Massachusetts
104 Department of Transportation, the mayor and city council president of the city of Malden, the
105 mayor and city council president of the city of Revere and the mayor and city council president
106 of the city of Everett within 90 days of the inspection.

107 (b) The department of conservation and recreation shall, notify the mayor and city
108 council president of the city of Malden, the mayor and city council president of the city of
109 Revere and the mayor and city council president of the city of Everett in writing of any
110 maintenance pursuant to subsection (b) of section 4 and any repairs pursuant to subsection (c) of
111 section 4.

112 SECTION 8. (a) The costs of carrying out the routine maintenance, repairs,
113 reconstructions, inspections, and emergency repairs provided for in this act shall be borne by the
114 state agency upon which care, custody and control rests.

115 (b) In the event that any such municipality has expended funds for and conducted routine
116 maintenance, repairs, reconstructions, inspections, and emergency repairs pursuant to subsection
117 (c) of section 4 and subsection (c) of section 5, said municipality shall provide an itemized
118 statement, certified by the municipality's treasurer, to either the department of conservation and

119 recreation or the Massachusetts Department of Transportation pursuant to subsection (a) showing
120 the sums expended by it no later than 90 days after the completion of said routine maintenance,
121 repairs, reconstructions, inspections and emergency repairs.

122 (c) Pursuant to subsection (a), the department of conservation of recreation or the
123 Massachusetts Department of Transportation shall reimburse any such municipality that has
124 conducted and paid for routine maintenance, repairs, reconstructions, inspections and emergency
125 repairs within 90 days of the receipt of an itemized statement from the municipality as required
126 in subsection (b) of section 8.