

HOUSE No. 5490

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 9, 2026.

The committee on Ways and Means, to whom was referred the Senate Bill providing for the ownership and maintenance of the Town Line Brook and Linden Brook culverts and dams (Senate, No. 2967), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5490.

For the committee,

AARON MICHLEWITZ.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. As used in this act, the following words shall, unless the context clearly
2 requires 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”, the 107 Cutler highway vehicular bridge identified by the Massachusetts
10 Department of Transportation as bridge number R05061 located in the city of Revere and all
11 equipment and assets attached to the bridge that are pertinent to highway and bridge operations
12 including, but not limited to, 8 box culverts structurally built into the Cutler bridge and trash
13 racks affixed to the upstream side of the bridge for the purpose of protecting the 8 box culverts
14 from large debris, sediment and other build up.

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

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

21 “Reconstruction”, any project or construction work that would: (i) disable or disrupt the
22 operations of an asset or appurtenant structure for more than 30 days; or (ii) require demolishing
23 or replacement of more than 50 per cent of the existing asset or appurtenant structure.

24 “Repair”, any project or construction work undertaken to return dysfunctional assets and
25 appurtenant structures to their intended and fully operational state; provided, however, that a
26 “repair” shall not disable or disrupt the operations of the assets and appurtenant structures for
27 more than 30 days.

28 “Routine maintenance”, any project or inspection work undertaken while an asset or
29 appurtenant structure is operating as intended or operating in a reasonably adequate manner in
30 which no major functions are disabled or disrupted; provided, however, that such project or
31 inspection shall be undertaken with the purpose of maintaining the intended functions of and
32 ensuring the proper operation of an asset or appurtenant structure.

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

37 SECTION 2. (a) All assets, appurtenant structures and other structures used to control the
38 flow of water at, into or out of the Town Line brook or Linden brook shall be under the care,
39 custody and control of the department of conservation and recreation. Such assets, appurtenant
40 structures or other structures shall include, but shall not be limited to, the tide gates attached to
41 the 107 Cutler bridge; provided, however, that such assets, appurtenant structures or other
42 structures shall not include the 8 box culverts structurally built into the Cutler bridge and trash
43 racks affixed to the upstream side of the Cutler bridge to protect the 8 box culverts from large
44 debris, sediment and other buildup. The department shall be responsible for the inspections,
45 emergency maintenance, routine maintenance, reconstruction and repairs to the assets and
46 appurtenant structures.

47 (b) The department of conservation and recreation shall: (i) not less than twice annually,
48 conduct routine maintenance and inspections of the assets and appurtenant structures identified
49 in subsection (a) to identify any damage, wear and tear or loss of functionality of the structures;
50 (ii) be responsible for, and conduct any routine maintenance on, the assets and appurtenant
51 structures identified in subsection (a), as required, to ensure that they are functioning properly;
52 and (iii) conduct any routine repairs, reconstruction and emergency repairs on the structures
53 identified in subsection (a), as required, to ensure that they are functioning properly.

54 (c) The department of conservation and recreation shall be responsible for the costs of the
55 routine maintenance, repairs, reconstructions, inspections and emergency repairs for the assets
56 and appurtenant structures identified in subsection (a).

57 (d) The department of conservation and recreation shall report the results of any
58 inspection conducted pursuant to subsection (b) to the Massachusetts Department of

59 Transportation, the mayor and the president of the city council in the city of Malden, the mayor
60 and the president of the city council in the city of Revere and the mayor and the president of the
61 city council in the city of Everett not later than 90 days after any inspection.

62 (e) The department of conservation and recreation shall notify the mayor and the
63 president of the city council in the city of Malden, the mayor and the president of the city council
64 in the city of Revere and the mayor and the president of the city council in the city of Everett, in
65 writing, of any maintenance, repair or reconstruction undertaken pursuant to subsection (b).

66 (f) The department of conservation and recreation shall permit elected officials and
67 employees of the cities of Malden, Revere and Everett to observe the inspections, routine
68 maintenance, repairs, reconstruction and emergency repairs undertaken pursuant to subsection
69 (b).

70 SECTION 3. (a) The Cutler bridge shall be under the care, custody and control of the
71 Massachusetts Department of Transportation. For the purposes of this act, all equipment, and
72 attachments necessary for the operation of the Cutler bridge including, but not limited to, the 8
73 box culverts structurally built into the Cutler bridge and trash racks affixed to the upstream side
74 of the Cutler bridge shall be under the care, custody and control of the Massachusetts
75 Department of Transportation. The Massachusetts Department of Transportation shall be
76 responsible for the inspections, emergency maintenance, routine maintenance, reconstruction and
77 repairs to the assets and appurtenant structures.

78 (b) The Massachusetts Department of Transportation shall: (i) not less than twice
79 annually, conduct routine maintenance and visual inspections of the Cutler bridge and any
80 structures identified in subsection (a) to identify any damage, wear and tear or loss of

81 functionality of the structures; (ii) conduct any routine maintenance on the Cutler bridge and
82 structures identified in subsection (a), as required, to ensure that they are functioning properly;
83 and (iii) be responsible for and shall conduct any routine repairs, reconstruction and emergency
84 repairs on the Cutler bridge and structures identified in subsection (a), as required, to ensure that
85 they are functioning properly.

86 (c) The Massachusetts Department of Transportation shall be responsible for the costs of
87 the routine maintenance, repairs, reconstructions, inspections and emergency repairs of the
88 Cutler bridge and any structures identified in subsection (a).

89 (d) Subject to existing permitting requirements, the Massachusetts Department of
90 Transportation shall permit personnel of the department of conservation and recreation to pass on
91 and over the Cutler bridge and other property owned by the 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 (e) The department of conservation and recreation shall coordinate with and assist the
95 Massachusetts Department of Transportation to provide access through the flood gates to
96 complete the formal bridge inspections and repairs to the assets and appurtenant structures
97 identified in this section.