

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jessica Ann Giannino and 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 Town Line Brook and Linden Brook culverts and dams.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>1/14/2025</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/15/2025</i>

**HOUSE . . . . . No.**

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[Pin Slip]

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**The Commonwealth of Massachusetts**

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

An Act providing for the ownership and maintenance of the Town Line Brook and Linden Brook culverts and dams.

*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 at, into or out of the Town Line brook or Linden brook shall be under the care,  
40 custody, and control of the Department of Conservation and Recreation. This shall include, but is  
41 not limited to, the tide gates attached to the 107 Cutler highway vehicular bridge, located in the  
42 city 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 Massachusetts Department of Transportation shall be responsible for the  
55 inspections, emergency maintenance, routine maintenance, reconstruction and repairs to the  
56 assets and appurtenant structures pursuant 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 section 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.

67 SECTION 5. (a) The Massachusetts Department of Transportation shall, from time to  
68 time but at least twice annually, conduct routine maintenance and inspections of the Cutler  
69 bridge and structures identified in section 3 to identify any damage, wear and tear or loss of  
70 functionality of said structures.

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

74 (c) The Massachusetts Department of Transportation shall be responsible for and shall  
75 conduct any repairs, reconstruction and emergency repairs on the Cutler bridge and structures  
76 identified in section 3, as required, to ensure that they are functioning properly.

77 SECTION 6. (a) Subject to existing permitting requirements, the Massachusetts  
78 Department of Transportation shall permit Department of Conservation and Recreation personnel  
79 to pass on and over the Cutler bridge and other property owned by Massachusetts Department of  
80 Transportation as reasonably necessary to access the assets and appurtenant structures identified  
81 in section 2 to carry out the requirements of this act.

82 (b) The Department of Conservation and Recreation shall permit elected officials and  
83 employees of the cities of Malden, Revere and Everett to observe the inspections, routine  
84 maintenance, repairs, reconstruction and emergency repairs conducted pursuant to section 4.

85 SECTION 7. (a) The Department of Conservation and Recreation shall report the results  
86 of any inspection conducted pursuant to subsection (a) of section 4 to the Massachusetts  
87 Department of Transportation, the mayor and city council president of the city of Malden, the  
88 mayor and city council president of the city of Revere and the mayor and city council president  
89 of the city of Everett within 90 days of the inspection.

90 (b) The Department of Conservation and Recreation shall notify the mayor and city  
91 council president of the city of Malden, the mayor and city council president of the city of  
92 Revere and the mayor and city council president of the city of Everett in writing of any  
93 maintenance pursuant to subsection (b) of section 4 and any repairs pursuant to subsection (c) of  
94 section 4.

95 SECTION 8. The costs of carrying out the routine maintenance, repairs, reconstructions,  
96 inspections and emergency repairs provided for in this act shall be borne by the state agency  
97 upon which care, custody and control rests.