

SENATE No. 2967

The Commonwealth of Massachusetts

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

SENATE, February 26, 2026.

The committee on Senate 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. 620), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2967).

For the committee,
Michael J. Rodrigues

SENATE No. 2967

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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 have the following meanings
2 unless the context clearly requires otherwise:

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

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

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

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

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

32 “Tide gate”, a type of gate classified for the purposes of this act as a common flood
33 prevention structure that, when operating as designed, allows water to flow freely when the tide

34 sets in 1 direction but closes automatically and prevents the water from flowing in the opposite
35 direction.

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

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

75 department shall be responsible for the inspections, emergency maintenance, routine
76 maintenance, reconstruction and repairs to the assets and appurtenant structures.

77 (b) The Massachusetts Department of Transportation shall: (i) not less than twice
78 annually, conduct routine maintenance and visual inspections of the Cutler bridge and any
79 structures identified in subsection (a) to identify any damage, wear and tear or loss of
80 functionality of the structures; (ii) conduct any routine maintenance on the Cutler bridge and
81 structures identified in said subsection (a), as required, to ensure that they are functioning
82 properly; and (iii) be responsible for and shall conduct any routine repairs, reconstruction and
83 emergency repairs on the Cutler bridge and structures identified in said subsection (a), as
84 required, to ensure that they are functioning properly.

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

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

93 (e) The department of conservation and recreation shall coordinate with and assist the
94 Massachusetts Department of Transportation to provide access through the flood gates to
95 complete the formal bridge inspections and repairs to the assets and appurtenant structures
96 identified in this section.