

# Town Line/Linden Brook Flooding Updates

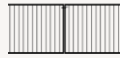
Town Line/Linden Brook Culvert Working Group  
*Claudia Chung, Office of Rep. Steve Ultrino*





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# Ongoing Problems



## Tide Gates

- *Due to lack of oversight and maintenance by MassDOT and DCR, the tide gates regulating storm water flow in the region are currently **NOT FUNCTIONAL**. There are missing parts that have not been replaced.*
- *MassDOT and DCR legal teams have not agreed on who is responsible for the maintenance of the tide gates attached to the Route 1 Cutler Highway Bridge*
- According to the Acts of 2009, Chapter 25, Section 178, DCR transferred all vehicular bridges INCLUDING “all approaches, appurtenant structures, works and systems” to MassDOT.
- MassDOT legal claims that they do NOT own tide gates because they are not “necessary for the Massachusetts Department of Transportation to operate, manage, maintain, reconstruct and repair the bridges.”



## Channels/Culverts

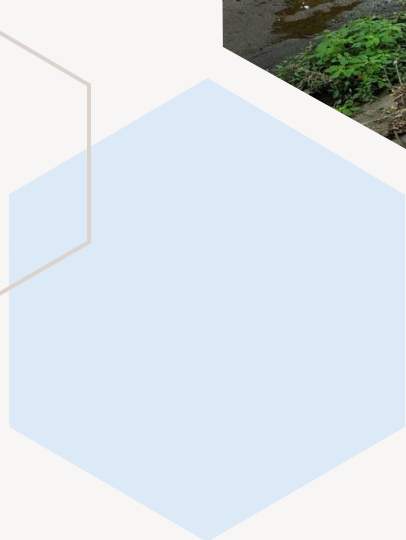
- *As of May 30 2023, Malden has cleared out and inspected X miles of pipe segments. The City has also used video cameras to map and identify pipe segments that need maintenance. Details can be found in the attached maps.*
- DCR has been actively working with Revere and Malden to remove any debris blocking the culverts and channels in the region.
- DCR’s map shows that all channel/culverts (upstream from Cutler Bridge to past Broadway) are under DCR ownership

# Current Status

*(As of January 10, 2024)*

TLB Tide Gates		Town Line Brook Channel/Culverts		Linden Brook Culverts
<p><b>Owner:</b> In dispute</p> <p><b>Maintenance:</b> In dispute</p> <p><b>Issue:</b> Since March, MassDOT and DCR legal counsel have disagreed over who owns the tide gates. <b>State Legislature cannot give funds to fix the tide gate unless they agree on who will execute the fixing.</b></p>		<p><b>Owner:</b> DCR</p> <p><b>Maintenance:</b> DCR &amp; cities</p> <p><b>Issue:</b> DCR and the cities involved have been doing cleaning and inspection since the summer of 2023. <b>A maintenance schedule is currently being discussed and studies are being conducted to identify where repairs and improvements are needed.</b></p>		<p><b>Owner:</b> DCR</p> <p><b>Maintenance:</b> DCR/Malden</p> <p><b>Issue:</b> A maintenance schedule is currently being discussed and studies are being conducted to identify where repairs and improvements are needed.</p>

# What We Are Doing



## Monthly Working Group Meetings

- **Parties Involved:** MassDOT; DCR; Offices of Rep. Ultrino, Rep. Gianinno, Sen. Lewis, Sen. DiDomenico; Revere; Malden
- **Monthly updates on ongoing projects related to the culverts and tide gates**

## In the State House

- On-site visit with DCR, MassDOT, and Malden officials at Delta Terrace (September 2021)
- Letters of concern sent to:
  - Lt. Governor Driscoll (December 2023)
  - DCR Commissioner (June 2023)
- Meetings with MassDOT legal counsel (March-April 2023)
- Schedule meeting with Lt. Governor Driscoll (In progress)
- Meeting with DCR Commissioner (June 28, 2023)

# Steps You Can Take



## File a Property Damage Claim

- Massachusetts' Tort Claims Act allows you to file a property damage claim against DCR. You must present your claim in writing within 2 years of date of loss.
- You can either file a claim through the Attorney General's Office or present your own claim in writing to the Secretary of the Executive Office of Energy and Environmental Affairs.

### 1. If you present your own claim:

1. You must present your claim in writing and include description of what happened, when, where, and what you seek in compensation, as well as your address and contact number. Supporting documents and photographs are useful in addressing your claim more quickly.
2. Mail your claim to:

*Rebecca L. Tepper, Secretary*

*Executive Office of Energy and Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114*

### 2. If you file a claim through the Attorney General:

1. You can download and fill out a presentment claim form [HERE](#)
2. Mail a copy of your completed form and any supporting documents (including bills/estimate for property damage) to:

*Office of Attorney General Andrea Joy Campbell*

*Trial Division*

*One Ashburton Place, 18th Floor*

*Boston, MA 02108*

3. You can also call the Attorney General's Trial Division at (617) 963-2350 with any questions.
- DCR will issue a formal recommendation of settlement or denial within 6 months from the date your claim is presented.

# Documents & Links

1. Malden Flooding Report, *Updated October 2021* ([DropBox](#))
2. One Year Progress Report, *Updated June 2023* ([DropBox](#))
3. Malden Storm Drain Maps, *Updated May 2023* ([DropBox](#))
4. Attorney General's Website for Claims against the Commonwealth ([Link](#))
5. DCR Website for Property Damage or Personal Injury Claim Procedures ([Link](#))





# Thank you

**Claudia Chung**, Legislative Aide to  
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