

POLICY DIRECTIVE

Jonathan Gulliver (signature on original)

HIGHWAY ADMINISTRATOR

Bridge and Tunnel Inspection and Testing Protocol for Roadways Covered by Air Rights Developments

This Policy Directive supersedes Policy Directive P-18-003, dated June 21, 2018

1. Purpose and Scope

- 1.1. To provide a uniform protocol for the inspection and testing of portions of MassDOT roadways covered by air rights developments and for use by the air rights tenants or owners as a recommended minimum level of inspection and testing of their air rights structures to ensure safety of the public using the highway.
- 1.2. The protocol shall be consistent with Policy Directives P-25-001 and P-25-002, “Bridge and Tunnel Inspection Standards and Procedures” and “Tunnel Inspection and Testing Program”.
- 1.3. The protocol shall apply to all MassDOT roadways covered by air rights agreements, easements or overbuilds.
- 1.4. The protocol shall apply to future air rights developments above MassDOT roadways.
- 1.5. As covered roadway sections are each of a unique design and contain unique components of varying functional life expectancies, it is acknowledged that the protocol established by this policy will be evaluated on an annual basis and modified if necessary.
- 1.6. As the covered roadway sections are subject to individual air rights agreements or easements imposing distinct rights and obligations on air rights tenants or owners with respect to unique real property, it is acknowledged that the protocol established by this policy may be modified in accordance with specific terms of individual air rights agreements or easements, subject to the written approval of the District Highway Director and Highway Division Administrator.

2. Identification of Covered Roadway Elements

- 2.1. Each covered roadway section (i.e. bridges and tunnels) will be assigned a Bridge Identification Number ("BIN") or Tunnel Identification Number ("TIN").
- 2.2. Covered roadway sections that do not have BINs or TINs will be identified and requests for identification numbers will be submitted to MassDOT.
- 2.3. MassDOT will supply air rights tenants or owners with appropriate identification numbers for their structures.

3. Inspection of Covered Roadway Elements

- 3.1. All TINs shall be inspected by the affected air rights tenants or owners in accordance with the National Tunnel Inspection Standards ("NTIS") and the provisions and frequencies noted in Policy Directive P-25-002, "Tunnel Inspection and Testing Program". The air rights tenants or owners shall engage the services of an engineering firm selected from a pre-approved list of consultants supplied by MassDOT. The selected firm will have access to the MassDOT 4D database and be familiar with current inspection protocols. All elements within the air rights section of roadway shall be inspected during the routine inspections, regardless of ownership. This includes roadways, walls, lights, utilities, etc.
- 3.2. Tunnel Inspections shall be reported on the appropriate Inspection Form (as such form may be amended from time to time).
- 3.3. All BINs shall be inspected by the affected air rights tenants or owners in accordance with National Bridge Inspection Standards ("NBIS") and the provisions noted in Policy Directive P-25-001, "Bridge and Tunnel Inspection Standards and Procedures". The air rights tenants or owners shall engage the services of an engineering firm selected from a pre-approved list of consultants supplied by MassDOT. The selected firm will have access to the MassDOT 4D database and be familiar with current inspection protocols. All elements within the air rights section of roadway shall be inspected during the routine inspections, regardless of ownership. This includes roadways, walls, lights, utilities, etc.
- 3.4. Bridge inspections shall be reported on the appropriate NBIS form (as such form may be amended from time to time).
- 3.5. Copies of completed inspection reports shall be submitted within 60 days of inspection completion and shall be forwarded to MassDOT by the affected air rights tenants or owners by electronic mail. A critical finding and any follow-up action(s) should be reported to MassDOT within 24 hours of the finding

and should include a reasonable time frame in which they will be addressed. Non-critical deficiency notices will identify deficiencies to be addressed by air rights tenants or owners and include a reasonable time frame in which they will be completed. If tenants or owners do not timely respond to their deficiency notices as noted, the matter will be referred to the Office of General Counsel and the Office of Real Estate and Economic Development for further action.

- 3.6. MassDOT will advise affected air rights tenants or owners when to perform the initial inspection of the structure. MassDOT reserves the right to require a follow-up inspection at any time due to changes or concerns with the structure.
- 3.7. MassDOT will advise affected air right tenants or owners to inspect and maintain covered roadway elements in accordance with this protocol, and wherever feasible will amend existing air rights agreements to require air rights tenants or owners to comply with the requirements of this protocol.
- 3.8. MassDOT will advise affected air rights tenants or owners to establish an inspection schedule for each individual BIN and/or TIN within their facility consistent with this protocol.
- 3.9. MassDOT will advise affected air rights tenants or owners to perform inspections of each BIN and/or TIN within their facility in accordance with the provisions of this protocol and document the actions on the appropriate forms.
- 3.10. MassDOT will advise affected air rights tenants or owners to submit copies of completed inspection reports for each BIN and/or TIN within their facility to MassDOT promptly upon completion of inspection.
- 3.11. MassDOT will advise affected air rights tenants or owners to document all maintenance and repairs performed on air rights structures and to note this work in the inspection reports or as requested by MassDOT.
- 3.12. Tenants will be required to secure Highway Access Permits to access the affected MassDOT properties and/or roadways necessary to facilitate inspection. MassDOT will support these inspections as needed.
- 3.13. Tenants shall submit a list of contacts who can be notified on a 24-hour basis to respond to any safety issues that may arise related to the air rights section of roadway. This list shall be updated regularly as needed and shall be resubmitted annually.
- 3.14. MassDOT reserves the right to hold a pre-inspection meeting at any time.

4. Testing of Ventilation Equipment

- 4.1. Ventilation equipment owned by MassDOT and located within the area of air rights development will be tested by MassDOT in accordance with the provisions and frequencies noted in Policy Directive P-25-002, "Tunnel Inspection and Testing Program".
- 4.2. MassDOT will coordinate testing and preventative maintenance of ventilation equipment owned by air rights tenants or owners with such air rights tenants or owners in accordance with the provisions and frequencies noted in Policy Directive P-25-002, "Tunnel Inspection and Testing Program".

5. Overbuilds

Overbuilds are considered air rights developments which were constructed over the previously constructed tunnels. These air rights structures are not exposed to the roadway areas. MassDOT is responsible for maintenance of the tunnel structures in these areas, including ceiling areas. The inspection requirements for these air rights tenants will be modified to take this differing condition into account. Owners and tenants of overbuilds will be notified by MassDOT of any inspection and/or maintenance responsibilities.

6. TIN 35 – Prudential Tunnel

Since the Prudential Tunnel is comprised of multiple tenants and owners including MassDOT, the inspection consultant will be hired by MassDOT and the cost of inspection will be divided among the tenants/owners. The cost of the various inspections (Routine and Special Member) will be based on a percentage of the required inspection for each individual tenant/owner. Tenants/owners will be notified of their estimated costs in advance of each inspection.