

POLICY DIRECTIVE

Jonathan Gulliver (signature on original)

ADMINISTRATOR

Tunnel Inspection and Testing Protocol **For Roadways Covered by Air Rights Developments**

This Policy Directive supersedes Policy Directive P-13-004, dated March 15, 2013

1. Purpose and Scope

- 1.1 To provide a uniform protocol for the inspection and testing of portions on I-90 and the Central Artery 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 Directive P-18-002, “Tunnel Inspection and Testing Program”.
- 1.3 The protocol shall apply to the following roadway sections covered by air rights agreements or easements:
 - Shaw’s Supermarket (formerly Star Market) Overpass – Newton
 - Crowne Plaza Hotel Overpass – Newton
 - Central Artery North Area (“CANA”) Tunnel Parcel 2* – Charlestown
 - CANA Parcel 4* – Charlestown
 - Urban Investment and Development (a.k.a. Copley Square) – Boston
 - Prudential Center – Boston
 - Hynes Convention Center – Boston
 - Shaw’s Supermarket – Boston
 - Copley Marriot Hotel – Boston
 - John Hancock Insurance – Boston
- 1.4 The protocol shall apply to future air rights developments above I-90 and the Central Artery.
- 1.5 As the covered roadway sections listed above 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 annually and modified if necessary.

- 1.6 As the covered roadway sections listed above 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”).
 - 2.1.1 Existing BINs and TINs for bridge and tunnel structures will be reviewed. In some cases, existing identification numbers may be changed to ensure consistency.
 - 2.1.2 Covered roadway sections that do not have BINs or TINs will be identified and requests for identification numbers will be submitted to MassDOT.
 - 2.1.3 MassDOT will supply air rights tenants or owners with appropriate identification numbers for their structures.

3. Inspection of Covered Roadway Elements

- 3.1 All tunnel TINs shall be inspected by the affected air rights tenants or owners in accordance with the provisions and frequencies noted in Policy Directive P-18-002, “Tunnel Inspection and Testing Program”.
 - 3.1.1 Tunnel Inspections shall be reported on the appropriate Inspection Form (as such form may be amended from time to time).
- 3.2 All bridge BINs shall be inspected by the affected air rights tenants or owners in accordance with National Bridge Inspection Standards (“NBIS”) requirements.
 - 3.2.1 Bridge inspections shall be reported on the appropriate NBIS form (as such form may be amended from time to time).
- 3.3 Copies of completed inspection reports shall be submitted within 90 days of inspection completion and shall be forwarded to MassDOT by the affected air rights tenants or owners by certified 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 completed. 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 Asset Development for further action.

- 3.4 MassDOT will advise affected air rights 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 the air rights tenants or owners to comply with the requirements of the protocol.
 - 3.4.1 MassDOT will advise air right tenants or owners to retain a senior structural engineer registered in Massachusetts with at least 10 years of experience inspecting bridge, tunnel and building structures to conduct the inspections.
 - 3.4.2 MassDOT will advise affected air rights tenants or owners to establish an inspection schedule for each individual BIN and TIN within their facility consistent with this protocol.
 - 3.4.3 MassDOT will advise affected air rights tenants or owners to perform inspections of each BIN and TIN within their facility in accordance with the provisions of this protocol and document the actions on the appropriate forms.
 - 3.4.4 MassDOT will advise affected air rights tenants or owners to submit copies of completed inspection reports for each BIN and TIN within their facility to MassDOT promptly upon completion of inspection (as noted in Section 3.3).
- 3.5 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.
- 3.6 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.

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-18-002, "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-18-002, "Tunnel Inspection and Testing Program".

- * The CANA Parcel 2 and CANA Parcel 4 air rights developments were constructed over the previously constructed CANA Tunnel. Consequently, the air rights structures are not exposed to the roadway areas. MassDOT is responsible for maintenance of the tunnel structures in this area, including ceiling areas. The inspection requirements for these air rights tenants will be modified to take this differing condition into account.