



Insights: Perspectives

Key Takeaways | Boston's Mega-Projects: The Big Dig and the Boston Harbor Project

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Written by

KEY TAKEAWAYS

Boston's Mega-Projects: The Big Dig and the Boston Harbor Project

Kilpatrick Townsend's [Randy Hafer](#) was the keynote speaker at the "[Society of Construction Lawyers North American 2023 Conference](#)" recently held in Boston. This annual event is a unique opportunity for professionals in the construction and construction law field to discuss cutting-edge topics related to domestic and international construction disputes.

Mr. Hafer's speech focused on looking back at two of Boston's mega-projects that forever transformed the city and region: the Boston Harbor Project and the Central Artery/Tunnel Project aka the "Big Dig."

Key takeaways from Mr. Hafer's address:

The Boston Harbor Project

- A 12-year (1988-2001), \$3.5 billion state-of-the-art waste-water treatment project to clean up Boston Harbor;
- One of the largest wastewater projects ever undertaken in the United States at the time, and the largest court-ordered compliance action in the history of the Clean Water Act;
- 32 design contracts and 133 construction and support services contracts;
- Highlight was a 9.5 mile deep rock effluent outfall tunnel which discharges treated effluent into the deep waters of Massachusetts Bay through a series of 55 diffusers spaced along the last 1.5 miles of the tunnel;
- The Kilpatrick Townsend Infrastructure Team and Mr. Hafer worked with the public owner, Massachusetts Water Resources Authority (MWRA), over a 10-year period to help minimize and resolve disputes;
- Despite a number of issues and disputes on the outfall tunnel, the BHP finished essentially on time and on budget;
- All disputes on the tunnel and the BHP as a whole were eventually settled without trial;
- The plant provides secondary treatment of wastewater generated by more than two million residents and more than 5,500 businesses in the greater Boston metropolitan area; and,
- Boston Harbor is clean!

The Big Dig

- Arguably the largest, most challenging highway project in the history of the United States;
- Replaced Boston's deteriorating six-lane elevated Central Artery (I-93) with a state of the art underground highway;
- Created more than 300 acres of open land while reconnecting downtown Boston to the waterfront;
- Construction began in the Fall of 1991 and was essentially completed in 2006;
- Original estimated cost approx. \$2.6B; final cost almost \$15B;
- The Kilpatrick Townsend team was hired by the public owner MassHighway/MassTurnpike/MassDOT, and Mr. Hafer was appointed a Special Assistant Attorney General (SAAG);
- The legal team focused on resolving the largest construction contract dispute on the Project; and,
- After more than a decade of DRP business and litigation, described by

- After more than a decade of DRB hearings and litigation, described by MassDOT Deputy General Counsel as “likely one of the most complex disputes in the history of the Commonwealth of Massachusetts” all claims and disputes were resolved.



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