# **HOUSE . . . . . . . . . . . . . . . No. 4018**

## The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court (2017-2018)

An Act providing for capital facility repairs and improvements for the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. To provide for a program to protect, repair and improve the capital
- 2 facilities of the commonwealth and for a program of capital asset acquisitions, dispositions and
- 3 other improvements for general government operations, the sums set forth in sections 2, 2A, 2B
- 4 and 2C, inclusive, for the several purposes and subject to the conditions specified in this act are
- 5 hereby made available, subject to the laws regulating the disbursement of public funds, which
- 6 sums shall be in addition to any other amounts previously appropriated for these purposes.
- 7 SECTION 2.
- 8 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
- 9 Division of Capital Asset Management and Maintenance

1102-2017 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79 of the General Laws, for the preparation of plans and specifications, disparity studies, repairs, construction, renovations, improvements, asset management, accessibility improvements, demolition, disposition, and remediation of state-owned and former county facilities and grounds and for costs associated with repair and maintenance of buildings and building systems and equipment at various facilities of the commonwealth; provided, that any federal reimbursement received by a state agency in connection with projects funded from this item may be retained by the executive office for administration and finance and expended for the purposes of the project, without further appropriation, in addition to the amounts appropriated in this item; provided further, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that where appropriate, the commissioner of capital asset management and maintenance may transfer funds authorized herein in accordance with a delegation of project control and supervision process pursuant to section 5 of chapter 7C of the General Laws; provided further, that funds so transferred shall be distributed based on the severity of the need that the repair shall address and other criteria developed by the division, in consultation with the secretary of administration and finance; provided further, that \$60,000,000 shall be expended for the critical repairs, renovation and replacement, and deferred maintenance at state office buildings, trial courts, and executive office of public safety and security noncorrections facilities; provided further, that \$60,000,000 shall be expended for ongoing costs of the division of capital asset management and maintenance to carry out its capital programs;

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provided further, that \$2,300,000 shall be expended for the analysis of physical security
measures, as well as procedures to ensure worker safety in division of capital asset management
and maintenance-operated office buildings, including necessary capital improvements, updating
existing procedures and enhanced training; provided further, that \$23,200,000 shall be expended
for the study for redevelopment of underutilized and unused sites, including 226 Main street in
the city of Brockton, design and construction, and reuse and redevelopment; provided further,
that \$1,000,000 shall be expended for the design and construction for replacement of the power
distribution units and air conditioning units in the Massachusetts Information Technology Center
in the city of Chelsea; provided further, that \$13,465,000 shall be expended for the study, design
and construction of a phased renovation of the John W. McCormack Building in the city of
Boston, which will include the existing building's infrastructure, envelope, interior common
spaces, and surrounding site and will implement a phased renovation program; provided further,
that \$6,150,000 shall be expended for the study, design and construction to replace existing
emergency generator and transfer switches to improve reliability and safety, and to replace
existing switchgears at the State House in a phased project to minimize shutdowns and
disruption; and provided further, that \$4,500,000 shall be expended for the planning and study of
consolidation of office space, in order to make more effective use of available resources,
strategic co-location of offices, customer service and adapt to changing information-technology
configurations\$680,000,000
4000 2025. For costs associated with planning and studies, dispositions, acquisition of

4000-2025 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction,

renovations, improvements, modernization, construction, reconstruction, furnishing, equipping,
acquiring, remodeling, refurbishing, asset management, accessibility improvements, demolition,
disposition and remediation of facilities and grounds operated by the various departments within
the executive office for health and human services, all as the commissioner of capital asset
management and maintenance, in consultation with the secretary of health and human services
and the appropriate commissioners of the departments within the executive office, shall consider
appropriate; provided, that costs payable from this item shall include, but not be limited to, the
costs of leases of temporary relocation space or equipment as required for completion of a
project; provided further, that any federal reimbursement received by a state agency including,
but not limited to, projects related to the provision of health care, human services, and veterans'
services in connection with projects funded from this item may be retained by the executive
office for administration and finance and expended for the purposes of the project, without
further appropriation, in addition to the amounts appropriated in this item; provided further, that
\$100,000,000 shall be expended for the repair, maintenance projects, and emergency projects at
executive office of health and human service facilities; provided further, that \$80,600,000 shall
be expended to renovate the Tower Building, also known as the William A. Hinton State
Laboratory Institute, in the city of Boston; provided further, that \$13,000,000 shall be expended
on air conditioning, mechanical ventilation, roof replacement, and other necessary upgrades at
the Western Massachusetts Hospital in the city of Westfield; and provided further, that
\$20,000,000 shall be made available for critical systems improvements at the Taunton State
Hospital in the city of
Taunton\$401,000,000

Division of Capital Asset Management and Maintenance

7066-8110 For costs associated with plans and specifications, planning and studies, repairs, reconstruction, demolition, remediation, rehabilitation, modernization, disposition, renovations, improvements and maintenance at Massachusetts public higher education campus facilities and grounds; provided, that all projects approved for design and construction by the division of capital asset management and maintenance shall be consistent in priority and need with regional capital master plans developed by the division of capital asset management and maintenance, in consultation, as applicable, with the presidents of the community colleges, state universities, and University of Massachusetts and approved by the board of higher education, with respect to the community colleges and state universities, or approved by the board of trustees of the University of Massachusetts, as applicable; provided further, that all maintenance and repair work funded by this item shall be included in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that the total amount authorized herein for the University of Massachusetts system shall be allocated by the president of the University of Massachusetts based on each campuses share of the total deferred maintenance backlog of the University of Massachusetts system and shall be reviewed and updated periodically by the president of the University of Massachusetts; provided further, the secretary of administration and finance shall submit a report to the chairs of the house and senate committees on bonding, capital expenditures and state assets and the chairs of the joint committee on higher education on or before March 1, 2018 on the progress of projects authorized pursuant to chapter 258 of the acts of 2008 and that funds shall not be disbursed from this item prior to filing of said report; provided further, that \$7,000,000 shall be expended for the study, design and construction of critical repairs for the Springfield Technical Community College, Building 20; provided further, that \$4,500,000 shall be expended

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for capital improvements and repairs, including roof replacements and repairs, HVAC upgrades, elevator modernization, and parking lot repaving, to the Springfield Technology Park operated by the Springfield Technical Community College Assistance Corporation, as established by section 125 of chapter 273 of the acts of 1994; provided further, that \$500,000 shall be expended for a feasibility study to determine scope, square footage, and cost of construction of a campus for the University of Massachusetts Dartmouth Law School in the downtown area of the city of New Bedford; and provided further, that \$41,000,000 shall be expended for a new science building and renovation to the existing Science Center, and modernization and renovation of existing facilities at Cape Cod Community

College.....\$950,000,000

8000-3502 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, remediation, rehabilitation, modernization, and demolition for public safety and security facilities, all as the commissioner of capital asset management and maintenance, in consultation with the secretary of public safety and security and the appropriate commissioners of the departments within the executive office, shall consider appropriate; provided, that costs payable from this item shall include, but not be limited to, the costs of leases of temporary relocation space or equipment as required for completion of a project; provided further, that \$400,000 shall be expended for a study to document and analyze the condition and strategic placement of Massachusetts Army National Guard facilities, and to develop a master plan for short-term and long-term capital investment, and possible disposition of properties no

longer needed thereof; provided further, that \$660,000 shall be expended for the study to develop
strategy for accommodating the Massachusetts State Police Crime Lab on a long-term basis,
including a detailed review of facilities and programs, site selection criteria, and procurement
options; provided further, that \$4,000,000 shall be expended for the study, design, and
construction for renovations to state police headquarters in the town of Framingham; provided
further, that \$45,000,000 shall be expended for the purpose of designing, constructing, originally
equipping, and furnishing a new police headquarters in the city of Springfield; provided further,
that \$500,000 shall be expended for a feasibility study to determine scope, square footage, and
cost of construction of a fire and police headquarters in the downtown area of the city of New
Bedford; provided further, that \$350,000 shall be expended for a study to provide an updated
assessment and strategic implementation plan to address reduction of the deferred maintenance
backlog within the system of existing barracks; and provided further, that \$24,550,000 shall be
expended for the study, design, and construction for renovation of the existing historic Lower
Basin Barracks in the city of Boston\$500,000,000

139 SECTION 2A.

## EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

142 JUDICIARY

Trial Court

1102-5700 For capital needs at court facilities, including, but not limited to, expenditures for the planning, design, and acquisition of land and buildings and interests therein by purchase,

lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws, the preparation of plans and specifications, the construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair and improvements, including furnishings and equipment and temporary relocation costs, as needed for priority projects identified by the division of capital asset management and maintenance and the executive office of the trial court; for building repairs necessary to correct unsafe and overcrowded conditions, for the remediation of life safety code violations, for the remediation of access code and civil rights violations, for the remediation of environmental hazards and for security improvements and other necessary repairs at court facilities owned by the commonwealth or by political subdivisions of the commonwealth; provided, that expenditures made from this item shall include, but not be limited to, expenditures for the projects identified through the draft court capital master plan, dated April 2017; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that \$150,000,000 shall be expended for costs of the reconstruction or replacement of court facilities located in the city of Quincy; provided further, that \$4,500,000 shall be expended to determine scope, square footage, and cost of replacement for a new Suffolk County High Rise; provided further, that \$500,000 shall be expended for a feasibility study to determine scope on a Southern Middlesex facility; provided further, that \$30,000,000 shall be expended for costs of modernization of the court facility located in the town of Malden to address envelope, life safety,

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holding and security, MEP systems, and cross circulation; provided further, that \$45,000,000 shall be expended for the modernization of Brockton Superior Court to address envelope, life safety, holding and security, MEP systems, and cross circulation; provided further, that \$45,000,000 shall be expended for modernization of the court facility located in the town of Lynn to address life safety, holding and security, MEP systems, and cross circulation; provided further, that \$20,000,000 shall be expended for modernization of the court facility located in the town of Attleboro to address life safety, holding and security, MEP systems, and cross circulation; provided further, that \$20,000,000 shall be expended for modernization of the court facility located in the town of Northampton to address life safety, holding and security, MEP systems, and cross circulation; provided further, that \$20,000,000 shall be expended for upgrades at the Fitchburg district court; provided further, that \$20,000,000 shall be expended for renovations and construction at the Framingham district court; provided further, that \$10,000,000 shall be expended for capital improvements to the East Boston municipal court; provided further, that \$10,000,000 shall be expended for costs of renovations at Pittsfield district court; provided further, that \$15,000,000 shall be expended for renovations at the Hingham district court; provided further, that \$7,000,000 shall be expended for the renovation of the district court building located in the town of Concord; provided further, that \$12,000,000 shall be expended for the costs of renovations at Wareham district court; provided further, that \$15,000,000 be expended for renovations at Dudley district court; provided further, that \$10,000,000 shall be expended for renovations at Cambridge Third district court; provided further, that \$8,000,000 shall be expended for renovations at West Roxbury municipal court; provided further, that \$123,562,890 shall be expended for the costs of the reconstruction or replacement of court facilities located in the downtown area of the city of New Bedford; provided further, that

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SECTION 2B.

#### EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

1100-3005 For a grant program cities, towns, regional organizations whose membership is exclusively composed of municipal governments or municipal redevelopment authorities or agencies, or similar governmental development agencies to provide funding for capital facility purposes, including those owned or operated by nonprofit organizations, including, but not limited to planning and studies, preparation of plans and specifications, site assembly and preparation, dispositions, acquisitions, repairs, renovations, improvements, construction, demolition, remediation, modernization, and reconstruction of facilities, infrastructure, equipment and other capital assets, technical assistance, information technology equipment and infrastructure, and for costs associated with improving accessibility of municipal facilities under guidelines adopted by the executive office for administration and finance provided, that the

executive office may expend not more than 1 per cent of the total amount available for the cost of administering this program; provided, that \$1,000,000 shall be expended for the design and construction of a Cape Verdean Community Center in the city of New Bedford; provided further, that \$5,000,000 shall be expended for the study, design, and construction of a Cape Verdean Cultural Center in the city of Boston; provided further, that \$3,000,000 shall be expended for the design and construction of the Casa da Saudade Portuguese Cultural Center in the city of New Bedford; provided further, that \$7,000,000 be expended for the design and construction of the Jackson Square Recreational Facility in the Jamaica Plain neighborhood of the city of Boston; provided further, that \$6,000,000 be expended for the design and reconstruction of the North American Indian Center of Boston in the Jamaica Plain neighborhood of the city of Boston; provided further, that \$40,000,000 be expended for redevelopment and infrastructure improvements in the Hyde Square and Jackson Square areas of the Jamaica Plain neighborhood of the city of Boston. \$85,000,000

efficiency, climate change readiness, environmental risk reduction, resiliency and carbon emissions reduction of state-owned facilities, equipment and related capital assets, including costs associated with planning and studies, prepayment of lease for a term that exceeds the useful life of the facility, gifts or other transfers or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition, disposition and remediation of state-owned and former county facilities and grounds, and repair and maintenance of buildings and building systems and equipment at various state-owned facilities; provided, that all maintenance and

1102-2019 For the accelerated energy program to improve the energy efficiency of state-owned facilities, including costs associated with planning and studies, prepayment of a lease for a term that exceeds the useful life of the facility, gifts or other transfers or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition, disposition and remediation of state-owned and former county facilities and grounds, and repair and maintenance of buildings and building systems and equipment at various state-owned facilities; provided, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system administered by the division of capital asset management and

maintenance; provided further, that the commissioner of capital asset management and maintenance may, where appropriate, transfer funds in accordance with the delegation of project control and supervision process under section 5 of chapter 7C of the General Laws; provided further, that for projects which the secretary of administration and finance certifies to the comptroller directly or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of debt service related to those projects; provided further, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided further, that amounts expended for division employees may include the salary and salary-related expenses of such employees to the extent that they work on or in support of these projects; provided, however, that the division shall not expend more than 5 per cent of the funds authorized in this item for such costs; and provided further, that the commissioner of capital asset management and maintenance shall maximize efforts to utilize all available means to minimize use of capital funds to pay for salaries of division 

SECTION 2C.

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### EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

Office of the Secretary

8000-0702 For equipment for the department of correction and other agencies within the executive office of public safety and security including, but not limited to, medical equipment, security equipment, safety equipment, communications equipment, and vehicles; and provided,

that \$4,000,000 shall be expended for the equipment needs the for department of correction and public safety agencies other than state police.......\$20,000,000

SECTION 3. To meet the expenditures necessary in carrying out sections 2 and 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor, from time to time, but not exceeding, in the aggregate, \$3,405,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2017, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor recommends to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2052. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 4. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from, time to time, but not exceeding, in the aggregate, \$320,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2017, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor recommends to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2042. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 5. To meet the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from, time to time, but not exceeding, in the aggregate, \$20,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2017, and shall be issued for a maximum term of years, not exceeding 10 years, as the governor recommends to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2032. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 6. Section 5 of chapter 7C of the General Laws as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 9, the figure "\$2,000,000" and inserting in place thereof the following figure:- \$5,000,000.

SECTION 7. Said section 5 of said chapter 7C, as so appearing, is hereby further amended by adding the following sentence:- "Notwithstanding the foregoing, the commissioner may delegate project control and supervision to the University of Massachusetts over projects involving structural or mechanical work with an estimated cost of less than \$10,000,000 if the commissioner determines that the University of Massachusetts has the ability to control and supervise such project. As used in this section, 'estimated cost' means the estimated construction cost stated in a study or program prepared in accordance with section 59.".

SECTION 8. Subsection (e) of section 46 of said chapter 7C, as so appearing, is hereby amended by striking out clauses (i) and (ii) and inserting in place thereof the following clauses:

"(i) the design fee under the contract is less than \$30,000; or (ii) the estimated construction cost of the project for which the design services are required is less than \$300,000".

SECTION 9. Section 144 of chapter 352 of the acts of 2004, is hereby amended by inserting after the words "replace and maintain the building thereon", the following words:-provided, that in connection therewith, the lessee, acting alone or in partnership with a codeveloper acceptable to the division of capital asset management and maintenance, may demolish the existing building and other structures and develop all or a portion of the leased property for the purposes described herein and any other lawful purposes that are charitable in nature or intended to generate revenue to support the charitable purposes of the lessee.

SECTION 10. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008, as amended by section 7 of chapter 237 of the acts of 2014, is hereby further amended by striking out the figure "\$1,303,055,630" and inserting in place thereof the following figure:"\$1,403,055,630".

SECTION 11. Item 7100-1000 of section 2 of said chapter 258, as amended by sections 8 and 9 of chapter 237 of the acts of 2014, is hereby further amended by striking out the figure "\$1,101,500,000" and inserting in place thereof the following figure:- "\$1,201,500,000".

SECTION 12. Section 3 of said chapter 258, as amended by section 10 of chapter 237 of the acts of 2014, is hereby further amended by striking out the figure "\$2,404,555,630" and inserting in place thereof the following figure:- "\$2,604,555,630".

SECTION 13. Said section 3 of said chapter 258 is hereby further amended by striking out the figure "2048" and inserting in place thereof:- "2052".

SECTION 14. Item 1102-2008 of section 2C of chapter 304 of the acts of 2008 is hereby amended by striking out, in line 37, the figure "\$60,000,000" and inserting in place thereof the following figure:- "\$21,100,000".

SECTION 15. Item 1102-5600 of said section 2C of said chapter 304 is hereby amended by striking out the following words: "that not less than \$72,000,000 shall be expended for the costs of the renovation of the probate and family court building located in the city of Salem".

SECTION 16. Subsection (d) of section 49 of chapter 9 of the acts of 2011, as amended by section 23 of chapter 119 of the acts of 2015, is hereby further amended by striking out, in the second sentence, the figure "\$100,000" and inserting in place thereof the following figure:"\$150,000".

SECTION 17. Subsection (e) of said section 49 of said chapter 9, as so amended, is hereby further amended by striking out the words, "January 1, 2017," and inserting in place thereof the following words:- "January 1, 2019".

SECTION 18. Subsection (f) of said section 49 of said chapter 9, as so amended, is hereby further amended by striking out, the words "June 30, 2017" and inserting in place thereof the following words:- "June 30, 2019".

SECTION 19. The secretary of administration and finance shall submit a report on the progress of any projects funded through the authorizations in this act and included in the governor's 5-year capital investment to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means and the chairs of the senate and house committees on bonding, capital expenditures and state assets. The report shall include, but not be limited to: (i) the previous year planned spending; (ii) the previous year spending; (iii) the

current year planned spending; (iv) the current year spending to date; (v) the original estimated total project cost; (vi) the project description; (vii) the location of the project; (viii) the type of spending; (ix) the type of asset; and (x) the useful life of the project once completed. The report shall be submitted not later than June 30 and December 31 of each year for a period of 8 years after the effective date of this act.

SECTION 20. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the balances of the following items and any allocations thereof shall be extended through June 30, 2020 for the purposes of, and subject to, the conditions stated for these items in the original authorizations and any amendments to such authorizations: 0640-0035, 1100-9201, 1599-7061, 1599-7062, 1599-7063, 1790-3001, 1790-3002, 1790-3003, 1790-3004, and 8000-2030.

SECTION 21. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the balances of the following items and any allocations thereof shall be extended through June 30, 2022 for the purposes of, and subject to, the conditions stated for these items in the original authorizations and any amendments to such authorizations: 0640-0302, 0330-2223, 1100-3002, 1100-3003, 1102-2009, 1102-2014, 1102-5600, 1790-2500, 4000-2020, 4000-2022, 7000-9091, 7066-8000, 7100-1000, 8000-3501, 8000-0701, 8000-2021, 8000-2022, 8100-2026, 8900-7500, and 8900-8500.