

BRIDGE FENCING SAFETY ACT - ENACTMENT
Act of Jun. 28, 2018, P.L. 435, No. 65

Cl. 36

An Act

Providing for installation of protective fencing on certain State-owned bridges and for powers and duties of the Department of Transportation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Bridge Fencing Safety Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bridge." A State-owned, new or existing bridge under the jurisdiction of the department.

"Department." The Department of Transportation of the Commonwealth.

"Limited access highway." As defined in 75 Pa.C.S. § 102 (relating to definitions).

Section 3. Bridges over interstate and other limited access highways.

(a) Bridges with sidewalks.--When a bridge is built with a sidewalk or a concrete barrier is installed, modified or rehabilitated on a bridge with a sidewalk over an interstate or other limited access highway, the department shall install protective fencing.

(b) Bridges without sidewalks.--When a bridge is built without a sidewalk or a concrete barrier is installed, modified or rehabilitated on a bridge without a sidewalk over an interstate or other limited access highway, the department, as part of its preliminary design process, shall consider installation of protective fencing at all of the following locations:

(1) On an overpass near a school, playground or other site where it would be expected that the overpass would be frequently used by children.

(2) On an overpass in an urban area used exclusively by pedestrians and not easily kept under surveillance by police.

(3) On an overpass where experience relating to nearby structures indicates a need for protective fencing.

(4) On an overpass where there have been incidents of objects being dropped or thrown from the overpass and where increased surveillance, warning signs or apprehension of offenders has not effectively alleviated the problem.

(c) Exceptions.--The provisions of subsection (a) shall not apply if:

(1) a protective barrier is required on the bridge; or

(2) the fencing would obstruct scenic views of the area, and the local government for the municipality in which the bridge is located:

(i) decides that fencing must not be placed on the bridge;

(ii) provides a statement to the department that there have been no incidents of objects being dropped from the bridge onto traffic; and

(iii) agrees that local law enforcement will monitor the bridge.

Section 4. Bridges over nonlimited access highways.

The department, as part of its preliminary design process, shall consider installation of protective fencing at all of the following locations on bridges over nonlimited access highways:

(1) On an overpass near a school, playground or other site where it would be expected that the overpass would be frequently used by children.

(2) On an overpass in an urban area used exclusively by pedestrians and not easily kept under surveillance by police.

(3) On an overpass with a sidewalk, where experience relating to nearby structures indicates a need for protective fencing.

(4) On an overpass where there have been incidents of objects being dropped or thrown from the overpass and where increased surveillance, warning signs or apprehension of offenders has not effectively alleviated the problem.

Section 5. Protective fencing related to suicide and attempted suicide.

The department shall, as part of the department's preliminary design process for the building of a bridge or the installation, modification or rehabilitation of a concrete barrier on a bridge, consider installation of protective fencing if:

(1) the department has direct notice of an instance of suicide or attempted suicide; or

(2) increased surveillance or intervention or installation of warning signs or other deterrence measures has not previously resulted in a decrease in the instance of suicide or attempted suicide.

Section 6. Effective date.

This act shall take effect immediately.