
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 564 Session of
2017

INTRODUCED BY YAW, MCGARRIGLE, YUDICHAK, BREWSTER, BARTOLOTTA,
VOGEL, HAYWOOD, RAFFERTY AND BROWNE, MARCH 28, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 13, 2018

AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

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

17 "Limited access highway." As defined in 75 Pa.C.S. § 102

1 (relating to definitions).

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

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

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

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

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

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

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

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

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

30 (2) the fencing would obstruct scenic views of the area,

1 and the local government for the municipality in which the
2 bridge is located:

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

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

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

10 Section 4. Bridges over nonlimited access highways.

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

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

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

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

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

26 SECTION 5. PROTECTIVE FENCING RELATED TO SUICIDE AND ATTEMPTED <--
27 SUICIDE.

28 THE DEPARTMENT SHALL, AS PART OF THE DEPARTMENT'S PRELIMINARY
29 DESIGN PROCESS FOR THE BUILDING OF A BRIDGE OR THE INSTALLATION,
30 MODIFICATION OR REHABILITATION OF A CONCRETE BARRIER ON A

1 BRIDGE, CONSIDER INSTALLATION OF PROTECTIVE FENCING IF:

2 (1) THE DEPARTMENT HAS DIRECT NOTICE OF AN INSTANCE OF
3 SUICIDE OR ATTEMPTED SUICIDE; OR

4 (2) INCREASED SURVEILLANCE OR INTERVENTION OR
5 INSTALLATION OF WARNING SIGNS OR OTHER DETERRENCE MEASURES
6 HAS NOT PREVIOUSLY RESULTED IN A DECREASE IN THE INSTANCE OF
7 SUICIDE OR ATTEMPTED SUICIDE.

8 Section 5 6. Effective date.

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9 This act shall take effect immediately.