DOCKET NO. D-2011-018 CP-1

DELAWARE RIVER BASIN COMMISSION

Located in Special Protection Waters

Delaware River Joint Toll Bridge Commission
Scudder Falls Bridge
Bucks County, Pennsylvania and Mercer County New Jersey

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by AECOM Environmental (AECOM) on behalf of the Delaware River Joint Toll Bridge Commission (DRJTBC or docket holder) on November 18, 2011 (Application), for review of the replacement of the Scudder Falls Bridge and related roadway improvements. Several State and Federal Permits are necessary for this bridge replacement project. The Permits include, but are not limited to, a Freshwater Wetland Individual permit, Flood Hazard Area Individual Permit, and Water Quality Certificate from the New Jersey Department of Environmental Protection (NJDEP); a Pennsylvania Water Obstruction and Encroachment Permit Waiver #6, General Permit BDWM-GP-7 Minor Road Crossings, and General Permit BWM-GP-11 Maintenance, Testing, Repair, Rehabilitation, or Replacement of Water Obstructions and Encroachments from the Pennsylvania Department of Environmental Protection (PADEP); and a Joint Permit for Pennsylvania Water Obstruction and Encroachment/Section 404 Permit from the PADEP and United States Army Corps of Engineers (USACE). Applications for each of these Permits will be submitted as soon as the stormwater management design has been finalized.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the Delaware River Basin Compact. The Bucks County Planning Commission and Mercer County Planning Division have been notified of pending action. A public hearing on this project was held by the DRBC on May 10, 2012.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to include the existing 4-lane Scudder Falls Bridge into the Comprehensive Plan and approve the construction of a new 9-lane replacement bridge with shoulder lanes and a pedestrian crosswalk. The docket holder will also perform
roadway and stormwater improvements along the 4.4 mile Interstate 95 (I-95) corridor and several on and off ramps between the Pennsylvania Route 332 (PA 332) Interchange in Lower Makefield Township, Bucks County, Pennsylvania and the Bear Tavern Road Interchange in Ewing Township, Mercer County, New Jersey. These improvements will be performed in cooperation with the Federal Highway Administration (FHWA), Pennsylvania Department of Transportation (PennDOT), and New Jersey Department of Transportation (NJDOT) over two (2) phases.

2. **Location.** The existing 4-lane Scudder Falls Bridge spans the Delaware River at River Mile 139.0. The proposed 9-lane replacement bridge will be located in the same location. River Mile 139.0 is designated as a recreational area within the Lower Delaware Special Protection Waters (SPW) area. The Scudder Falls Bridge will continue to provide a roadway that connects Bucks County, Pennsylvania to Mercer County, New Jersey and is/will continue to be located at the following coordinates:

<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>LATITUDE (N)</th>
<th>LONGITUDE (W)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scudder Falls Bridge</td>
<td>40° 15’ 31”</td>
<td>74° 50’ 51”</td>
</tr>
</tbody>
</table>

3. **Area Served.** The docket holder’s existing bridge and the proposed replacement will continue to serve as a way for motor vehicles to travel freely between Bucks County, Pennsylvania and Mercer County, New Jersey. The replacement bridge will also serve bicyclists and pedestrians by providing a path that connects walking trails on either side of the scenic Delaware River and canals. Additionally, improvements to the I-95 corridor will increase the effectiveness of traffic flow and reduce congestion. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical Features.**

   a. **Existing Facilities Description.** The existing 4-lane Scudder Falls Bridge was constructed in 1959 and carries I-95 over the Delaware River between Lower Makefield Township, Bucks County, Pennsylvania and Ewing Township, Mercer County, New Jersey. The bridge has nine (9) total support piers, seven (7) of which are located in the Delaware River. I-95 is a 2-lane highway from the PA 332 Interchange to the bridge in both directions. I-95 is a 3-lane highway northbound of the bridge to the Bear Tavern Road Interchange and narrows from a 3-lane highway to a 2-lane highway in the southbound direction along the same stretch.

   The existing bridge has two ramp systems located on either end that cause congestion during peak travel times (northbound in the A.M. and southbound in the P.M.). The ramp system in Pennsylvania is called the Taylorsville Road Interchange and in New Jersey the New Jersey Route 29 (NJ 29) Interchange.

   The existing Scudder Falls Bridge roadway is located above the 500-year floodplain. The 7 in-stream pier supports are designed to withstand flooding events of this magnitude.
b. **Proposed Facilities Description.** The proposed bridge replacement is expected to occur in two stages resulting in a 9-lane Scudder Falls Bridge. The proposed bridge will continue to carry I-95 over the Delaware River between Lower Makefield Township, Bucks County, Pennsylvania and Ewing Township, Mercer County, New Jersey. The replacement bridge will have seven (7) total support piers, five (5) of which will be located in the Delaware River. Cofferdams will be used to ensure that footings for each of the piers are constructed under dry conditions within the Delaware River. One additional pier will be erected on the mainland of each state for stability and support.

I-95 will become a 3-lane highway from the PA 332 Interchange to the bridge in both directions. I-95 will remain a 3-lane highway northbound of the bridge to the Bear Tavern Road Interchange and improvements will be made making the southbound side the same.

The docket holder will also perform improvements to the Taylorsville Road and NJ 29 Interchanges. On ramps for each of these locations will have auxiliary lanes designated on the bridge so that motor vehicles will not need to merge until they are across the bridge. This should result in a better traffic flow and reduce peak congestion on the bridge through the year 2030 and beyond.

The proposed replacement Scudder Falls Bridge roadway will be located above the 500-year floodplain. The 5 in-stream pier supports will be designed to withstand flooding events of this magnitude.

c. **Other.** The PADEP and NJDEP will regulate stormwater discharges for the project area.

It is estimated that thirteen percent (13%) of residents living in Bucks County, Pennsylvania utilize the Scudder Falls Bridge on a daily basis to commute to work in Mercer County, New Jersey. Likewise, four percent (4%) of residents living in Mercer County, New Jersey utilize the bridge on a daily basis to commute to work in Bucks County, Pennsylvania. Current traffic congestion causes a nuisance for nearby home owners as well as commuters.

As part of the construction, the DRJTBC will erect a gantry to support EZ-Pass and camera equipment on the southbound side of the bridge (leaving New Jersey) in order to charge a toll to cover the cost of construction and maintenance of the bridge. The proposed low and high tolls are $1 and $3, respectively. The environmental assessment document submitted to the Commission states that a forty percent (40%) discount on this toll will be offered for commuters that use the bridge twenty (20) out of thirty-five (35) consecutive days. The existing bridge is not tolled. With the addition of this equipment congestion is expected to be reduced, thereby decreasing the nuisance for nearby home owners and commuters.

d. **Cost.** The overall cost of this project is estimated to be between $282,560,000 and $300,000,000. This cost includes the replacement of the Scuudder Falls Bridge, demolition of the existing bridge, and all roadway, walkway, stormwater, and interchange improvement work.
e. **Relationship to the Comprehensive Plan.** The existing and proposed Scudder Falls Bridge will be added to the Comprehensive Plan upon approval of this docket.

**B. FINDINGS**

The purpose of this docket is to include the existing 4-lane Scudder Falls Bridge into the Comprehensive Plan and approve the construction of a new 9-lane replacement bridge with shoulder lanes and a pedestrian crosswalk. The docket holder will also perform roadway and stormwater improvements along the 4.4 mile I-95 corridor and several on and off ramps between the PA 332 Interchange in Lower Makefield Township, Bucks County, Pennsylvania and the Bear Tavern Road Interchange in Ewing Township, Mercer County, New Jersey. These improvements will be performed in cooperation with the FHWA, PennDOT, and NJDOT over 2 phases.

The existing bridge is a non-redundant superstructure type. It has two primary load carrying members (beams). Failure of one member could result in a catastrophic collapse of the bridge. As such, non-redundant bridge structures are no longer permitted nationwide by the FHWA. This is why the current bridge structure can’t be utilized as part of the project and will be entirely replaced during Phase 2.

The replacement bridge is required to meet current FWHA, PennDOT, and NJDOT criteria. Redundancies will be integrated into the bridge design to ensure that this replacement bridge lasts at least 75 years.

Phase 1 will consist of constructing the southbound portion of the bridge immediately upriver of the existing bridge. The five (5) in-stream piers will be constructed using cofferdams as to ensure construction in the dry. Additionally the new crosswalk, southbound I-95 improvements/widening, and work on the southbound on and off ramps will be performed.

Phase 2 will consist of demolishing the existing bridge. After demolition is complete the northbound span of the replacement bridge will be constructed. The five (5) in-stream piers will be constructed using cofferdams as to ensure construction in the dry. Additionally the new northbound I-95 improvements/widening, and work on the northbound on and off ramps will be performed.

Construction of the replacement bridge and the roadway improvements are expected to start in the year 2013 or 2014. Construction is anticipated to last 3 to 4 years.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations (WQR)* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation.

Article 3.10.3A.2.e.1). and 2). of the Commission’s *WQR*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must
submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder’s service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does entail additional construction and expansion of facilities/service area (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Condition II.j. has been included in this docket.

The nearest surface water intake of record for public water supply downstream of the project is operated by the City of Trenton, approximately 4.5 miles away.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission’s WQR.

C. DECISION

I. Effective on the approval date for Docket No. D-2011-018 CP-1 below, the project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the Compact, subject to the following conditions:

   a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, NJDEP, and USACE, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

   b. The bridge and roadway improvement records shall be available at all times for inspection by the DRBC.

   c. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

   d. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

   e. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.
f. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation.

g. The bridge replacement project shall commence within five years of approval of this docket or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the bridge replacement project has not commenced within five years of Docket Approval and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the bridge replacement project shall expire. If this should occur, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction related to any bridge replacement or modification project in the future.

h. The docket holder is permitted to construct and/or replace structures and roadways defined in the “Area Served” section of this docket.

i. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

j. Prior to the start of construction or within six (6) months of approval of this docket (by November 10, 2012), whichever occurs first, the docket holder shall submit and have approved by the Executive Director of the DRBC, a NPSPCP in accordance with Article 3.10.3A.2.e.1) and 2). of the Commission’s WQR.

k. Dredging and/or pier construction may not be performed during the time intervals required in all state or federal permits to protect the migration of anadromous fish or possible nearby red belly turtle habitats.

l. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

m. The Executive Director of the DRBC, may direct a suspension of dredging operations whenever deemed by the Executive Director that the operations are not being conducted in accordance with this docket approval, are adversely affecting water quality, or are harmful to the passage of anadromous or catadromous fishes.
n. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

DATE APPROVED: May 10, 2012