



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
**CENAP-OP-R-2013-00517-75**

Date

Application No.

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

**APPLICANT:** Mr. Roy W. Little  
Delaware River Joint Toll Bridge Commission (DRJTBC)  
110 Wood and Grove Streets  
Morrisville, Pennsylvania 19067

**AGENT:** Mr. Timothy Hand  
AECOM  
30 Knightsbridge Road, Suite 520  
Piscataway, New Jersey 08854

**WATERWAYS:** Delaware River, Delaware Canal, a tributary to Buck Creek, three unnamed tributaries to the Delaware Canal, one unnamed tributary to the Delaware River, several roadside ditches, the Delaware and Raritan Canal, an unnamed tributary to the Delaware and Raritan Canal, Reeder's Creek, and several wetlands.

**LOCATION:** The proposed project is located along I-95 from the PA 332 (Yardley-Newtown Road) Interchange in Lower Makefield Township, Bucks County, Pennsylvania to the Bear Tavern Road Interchange in Ewing Township, Mercer County, New Jersey.

**ACTIVITY:** The applicant proposes to replace and widen the Scudder Falls Bridge on an upstream alignment with a pedestrian/bicycle facility and a new toll plaza; to widen I-95 within the existing median in Pennsylvania; to reconfigure the Taylorsville Road and NJ 29 Interchanges; to widen I-95 within the existing right-of-way in New Jersey; and to construct several Transportation Systems Management/Transportation Demand Management measures throughout the project corridor.

A new, wider bridge will be constructed upstream of, or north of, the existing I-95/Scudder Falls Bridge over the Delaware River, with the new bridge extending north from the southern edge of the existing bridge. This bridge will incorporate a single bridge structure. A second bridge will be constructed after demolition of the existing bridge. Upon completion of construction, the

northbound and southbound lanes of I-95 will be on separate bridge structures. Under the proposed action with standard lane additions, one travel lane in each direction will be added on the I-95/Scudder Falls Bridge. The project will also add two auxiliary lanes northbound between Taylorsville Road and NJ Route 29 and one auxiliary lane southbound to provide safer and more efficient entry and exit at these closely spaced interchanges, for a total of five lanes northbound and four lanes southbound on the I-95/Scudder Falls Bridge and approaches. One northbound auxiliary lane will be dropped at the NJ Route 29 Interchange, and the second northbound auxiliary lane will be extended east to the Bear Tavern Road (County Route 579) Interchange.

The proposed action includes a pedestrian/bicycle facility that will provide a connection across the Delaware River to the adjoining towpaths within the canal systems in Pennsylvania and New Jersey. This facility will include a ten-foot-wide path across the I-95/Scudder Falls Bridge. After crossing the bridge into Pennsylvania, the path will turn right and a ramp will bring the path down to ground elevation and connect to Woodside Road on DRJTBC property with a sidewalk provided along Woodside Road to connect the landing and the Delaware Canal towpath. The New Jersey landing will adjoin the west side of the NJ Route 29 Interchange and will connect to the Scudder Falls Recreation Area.

The proposed action also includes All Electronic Toll Collection (AETC) in order to fund the project. Placing a toll on the I-95/Scudder Falls Replacement Bridge may result in an increase in ridership on the primary transit services as the added cost (toll) for driving to employment centers may cause a change in commuting patterns. However, based on the modest changes in traffic volumes forecast under the Build/Toll conditions compared to the No Build/No Toll condition, any increase in transit ridership due to tolling the Scudder Falls Replacement Bridge is expected to be minimal.

Along the Pennsylvania mainline of I-95, one travel lane in each direction will be added within the existing median, (i.e., on the left side of the existing travel lanes). West of Taylorsville Road, with the proposed improvements, I-95 will consist of three travel lanes in each direction, with full-width inside and outside shoulders. With the inside widening, the grassed median will be replaced by the additional pavement for the travel lanes and shoulders, a paved median, and concrete median barrier.

The eastern southbound off-ramp will be eliminated at the Taylorsville Road Interchange and combined with the western southbound off-ramp. The two northbound on-ramps at the interchange, the single northbound off-ramp, and single southbound on-ramp will be retained. Elimination of this southbound off-ramp will remove the undesirable traffic weave that currently exists along Taylorsville Road between this ramp and Woodside Road. Retaining the two northbound on-ramps onto I-95 will ease northbound Taylorsville Road traffic congestion by reducing queuing lengths at I-95 ramp approaches. Taylorsville Road will be widened to provide two travel lanes plus intersection turning lanes within the interchange. Woodside Road will be widened on the approaches and exit legs to its intersection with Taylorsville Road.

The design for the NJ Route 29 Interchange will incorporate a folded diamond interchange with two roundabout intersections at the I-95 ramp termini. This design is preferred by NJDOT and viewed as the best option from safety and traffic operations perspectives. This design will retain

the bypasses for NJ Route 29 northbound and southbound through traffic and will allow free-flow traffic through the interchange, as the preferred design does not include any traffic signals or stop sign-controlled intersections. The width of the NJ Route 29 northbound bypass will be reduced to one travel lane plus shoulders to reduce existing proximity effects on the Delaware and Raritan Canal. The existing I-95 northbound on-ramp from NJ Route 175 (Upper River Road) will be eliminated.

The widening of I-95 in New Jersey between the NJ Route 29 and Bear Tavern Road interchanges will be implemented on the outside (right side) of the existing lanes, due to inadequate median width available. There is adequate NJDOT right-of-way to accomplish the necessary widening. The existing median will be used for the proposed wider left shoulder in each direction of I-95. A concrete glare screen median barrier will be installed between the northbound and southbound directions.

The following Transportation Systems Management/Transportation Demand Management (TSM/TDM) measures have been considered as part of the proposed action:

- ITS/IM: Implementation of an Intelligent Transportation System (ITS) and an Incident Management (IM) Plan will require coordination with PennDOT and NJDOT, which own the majority of the right-of-way. Measures to be considered during final design include:
  - Dynamic Message Signs;
  - Closed Circuit Television Cameras;
  - Incident Detection System;
  - Highway Advisory Radio;
  - Roadway Weather Information System;
  - Freeway Service Patrols; and,
  - Installation of fiber optic conduit and cable within the project area.
- Accommodations for Proposed Route 1 Bus Rapid Transit (BRT): The improvements to the I-95 mainline will include a 14-foot inside shoulder along the entire project area to accommodate the proposed Route 1 BRT service on the uncongested shoulder during periods of congestion on the I-95 travel lanes.
- Other TSM/TDM Initiatives: Other TSM/TDM initiatives, such as park and ride improvements will be considered in consultation with PennDOT, NJDOT, and the Bucks County and Mercer County Transportation Management Associations (TMAs) and large area employers.

**PURPOSE:** The applicant's stated purpose is to alleviate recurring current and future traffic congestion and upgrade safety and traffic operational conditions on the I-95/Scudder Falls Bridge and adjoining highway segments in Pennsylvania and New Jersey.

The National Marine Fisheries Service issued a Biological Opinion under Section 7(a)(2) of the Endangered Species Act (ESA). The Opinion concluded that the proposed action is likely to adversely affect but is not likely to jeopardize the continued existence of shortnose sturgeon.

The Incidental Take Statement accompanying the Opinion specifies 8 reasonable and prudent measures and 15 terms and conditions necessary to minimize and monitor take of listed species. A preliminary review of this application indicates that the proposed work would not affect any other listed species or their critical habitat pursuant to Section 7 of the ESA, as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The Federal Highway Administration (FHWA) executed a Programmatic Agreement under Section 106 of the National Historic Preservation Act. The FHWA determined that the project will have an adverse effect on the Delaware and Raritan Canal, which is listed in the National Register of Historic Places (NRHP); a conditional no adverse effect on the Delaware Canal, which is a National Historic Landmark and which is listed in the NRHP; and a no adverse effect on the Elm Lowne House, the Charles S. Maddock House, the New Jersey State Police Headquarters Historic District, which are all eligible for listing in the NRHP. Since the Programmatic Agreement was executed, several stipulations have been implemented, and several more remain to be implemented.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult

with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary assessment of the EFH found on the “NOAA Fisheries Service: Habitat Conservation Division” website has been performed by this office. This office has made a preliminary determination that the proposed work would have little to no effect on EFH and species of concern due to the nature of the project. However, this determination may be modified upon further coordination with Federal resource agencies.

Federal regulations contained in 33 CFR 325.1(d)(7) require applicants to include a statement describing how impacts to waters of the United States are to be avoided and minimized. Furthermore, the application must also contain a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

All structures and work over the Delaware River, the Delaware Division of the Pennsylvania Canal, and the Delaware and Raritan Canal associated with the replacement and widening of the Scudder Falls Bridge are under the jurisdiction of the United States Coast Guard. Also, all discharges of dredged or fill material into waters of the United States beyond 1,000 feet of the Ordinary High Water Mark of the Delaware River associated with the widening of I-95 in New Jersey are under the jurisdiction of the New Jersey Department of Environmental Protection.

The proposed project will impact 5.891 acres of waters and wetlands under the jurisdiction of the U.S. Army Corps of Engineers. Permanent impacts will total 0.563 acre of waters and 0.265 acre of wetlands. Permanent impacts include the construction of new bridge piers and the removal of existing bridge piers due to the Scudder Falls Bridge replacement and widening; the replacement/extension of culverts and the construction of retaining walls due to roadway widening; wetland fill due to the reconfiguration of the NJ 29 Interchange; and the construction/extension of several stormwater outfalls throughout the project corridor. Temporary impacts will total 4.724 acres of waters and 0.339 acre of wetlands. Temporary impacts include a temporary trestle causeway, temporary cofferdams, and temporary construction access required for the bridge replacement and widening; temporary construction access required for the construction of the bike/pedestrian facility; grading for the mitigation site construction, the removal of a driveway culvert, and temporary construction access in the proposed mitigation site; and the construction/extension of several stormwater outfalls.

Avoidance and minimization measures include constructing a temporary trestle causeway, which minimizes impacts to the riverbed of the Delaware River; widening I-95 within the existing median in Pennsylvania, which avoids Wetland R and Wetland K; and constructing a retaining wall along the northern side of I-95, which minimizes impacts to the unnamed tributary #1 to the Delaware River, Wetland N and Wetland L.

Mitigation will be provided on the Morris Property, which is bounded by I-95 on the south, River Road on the east, Woodside Road on the north, and the Delaware Canal on the west in Lower Makefield Township, Bucks County, Pennsylvania. This property has been purchased by the DRJTBC and currently contains a single family residence and a large stream and wetland

complex. The residence will be removed, and the upland areas will be graded down to enlarge the wetland complex that currently exists. The mitigation site will provide 1.33 acres of potential mitigation. Mitigation includes the 0.265 acre of permanent impacts to wetlands and the 0.431 acre of permanent impacts to waters due to the discharge of fill material, minus the 0.131 acre of permanent impacts due to the removal of existing bridge piers. Permanent wetland impacts will be mitigated at a ratio of 2:1, while permanent water impacts will be mitigated at a ratio of 1:1. Permanent wetland impacts to be mitigated are 0.265 acre and water impacts to be mitigated are 0.3 acres, resulting in the need for 0.83 acres of mitigation. The mitigation site will be constructed after work in the vicinity is completed, not concurrently with the overall project. As such, an additional 0.12 acres of mitigation will occur for the temporal loss of wetlands for a grand total of 0.95 acres of mitigation.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

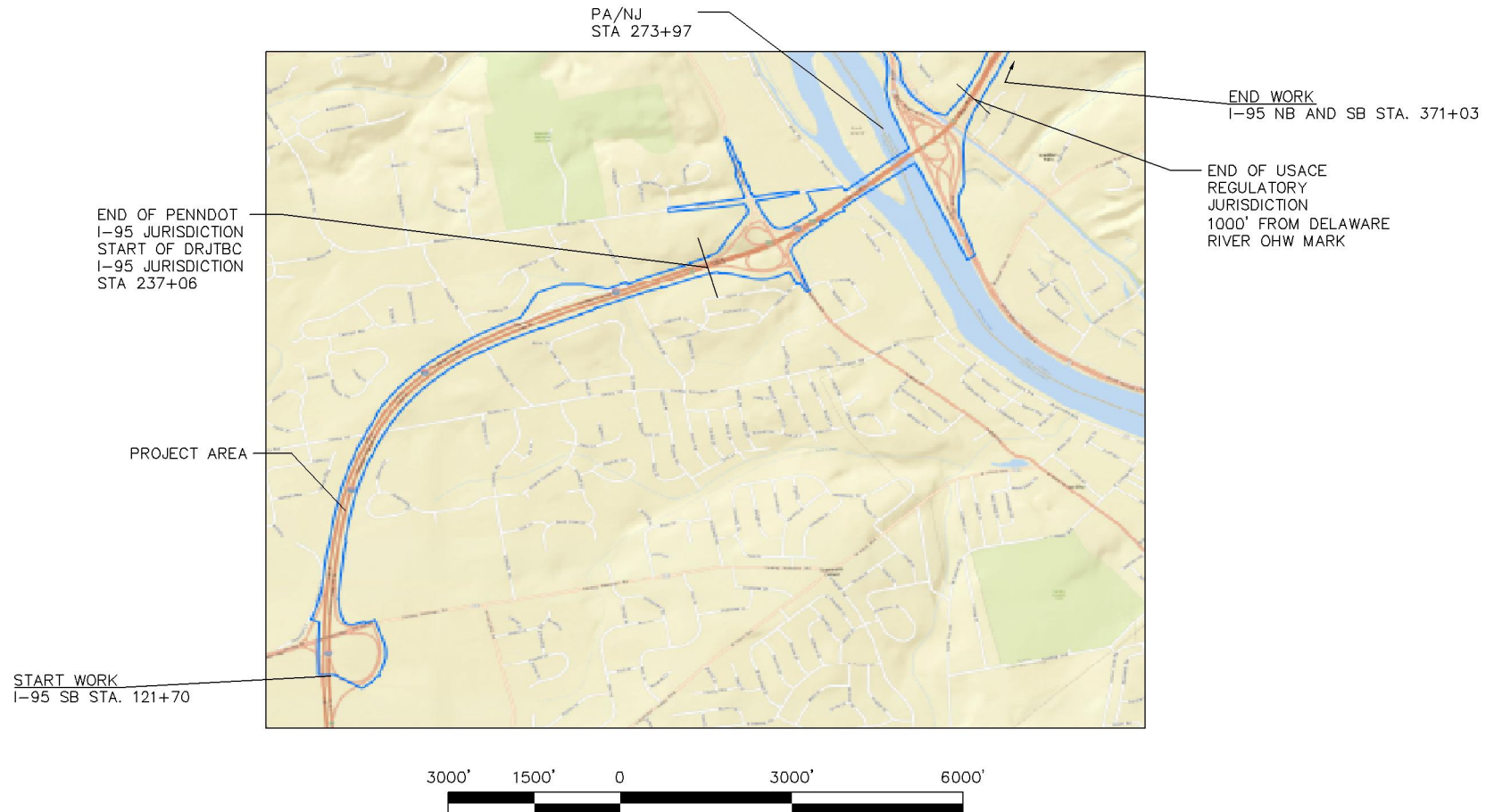
Additional information concerning this permit application may be obtained by calling Todd Schaible at (215) 656-6591, via email at [todd.a.schaible@usace.army.mil](mailto:todd.a.schaible@usace.army.mil), or writing this office at the above address.

Edward E. Bonner  
Chief, Regulatory Branch

# SCUDDER FALLS BRIDGE REPLACEMENT PROJECT

## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

### USACE SECTION 404/10 PERMIT PLANS



#### INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	COVER
2	GENERAL NOTES AND LEGEND
3	INDEX
4-15	PLAN SHEETS
16-28	GRADE, PLAN AND ELEVATIONS

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

HISTORIC CANAL  
BOUNDARY

EXISTING PIPE INLET

EXISTING CULVERT

EXISTING HEADWALL

EXISTING STRIPING - SOLID

EXISTING STRIPING - DASHED

PROPOSED MANUFACTURED TREATMENT DEVICE

PROPOSED ALL ELECTRONIC TOLLING STRUCTURE

PROPOSED BASELINE

PROPOSED CONTOURS - MAJOR

PROPOSED CONTOURS - MINOR

CUT LINE

FILL LINE

PROPOSED NOISEWALL

PROPOSED PIER

PROPOSED PIP

PROPOSED UNDERDRAIN

PROPOSED RESET PIPE INLET

PROPOSED RECONSTRUCT PIPE INLET

PROPOSED RIPRAP

PROPOSED DRAINAGE HEADWALL

PROPOSED FLARED END SECTION

PROPOSED MANHOLE

PROPOSED DRAINAGE INLET

PROPOSED STRIPING - SOLID

PROPOSED STRIPING - DASHED

LIMIT OF FLOODWAY

LIMIT OF 100 YEAR FLOOD PLAIN

812

70

EXISTING WETLAND

WETLAND BRIDGE PIER  
REMOVAL (RESTORATION)

IMPACT WETLAND -  
PERMANENT

IMPACT WETLAND -  
TEMPORARY

IMPACT WETLAND -  
SHADING

WATER

WATER BRIDGE PIER  
REMOVAL (RESTORATION)

IMPACT WATER -  
PERMANENT

IMPACT WATER -  
TEMPORARY

IMPACT WATER -  
SHADING

## NOTES

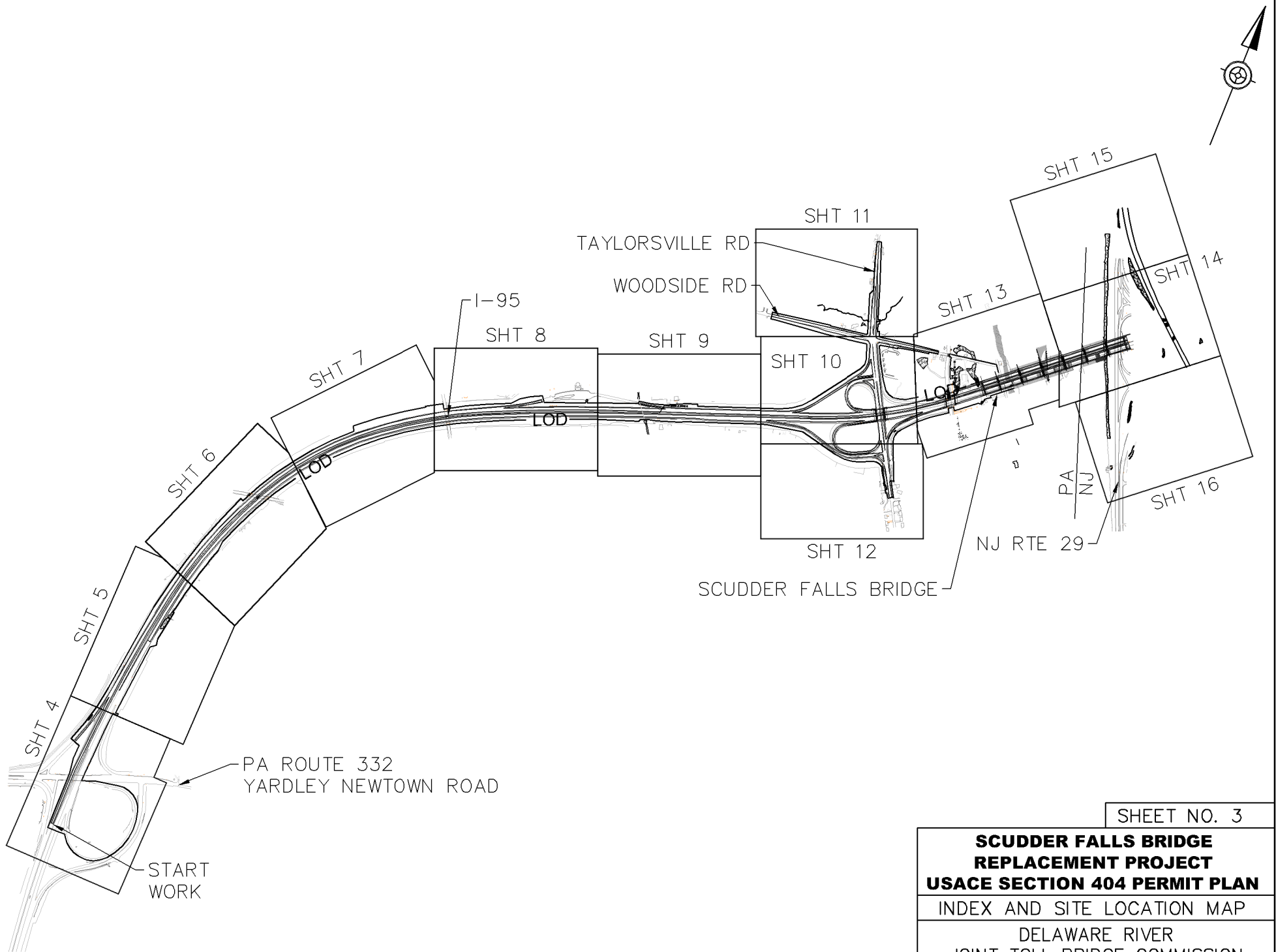
1. THE EXTENT OF ALL WATERS AND WETLANDS SHOWN ON THIS PLAN SET HAS BEEN VERIFIED BY USACE IN A JURISDICTIONAL DETERMINATION DATED XXXXX.
2. SHADING IMPACTS TO WATERS AND WETLANDS BENEATH THE SCUDDER FALLS BRIDGE HAVE BEEN CALCULATED AND PRESENTED IN THE APPROPRIATE IMPACT TABLES BUT ARE NOT SHOWN ON THE PLAN SHEETS FOR EASE OF INTERPRETATION. THE SHADING WILL OCCUR BENEATH THE LARGER FOOTPRINT OF THE PROPOSED BRIDGE, EXCLUDING THE AREAS WHERE PIERS ARE TO BE PLACED.

SHEET NO. 2

## SCUDDER FALLS BRIDGE REPLACEMENT PROJECT USACE SECTION 404/10 PERMIT PLAN

GENERAL NOTES AND LEGEND

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

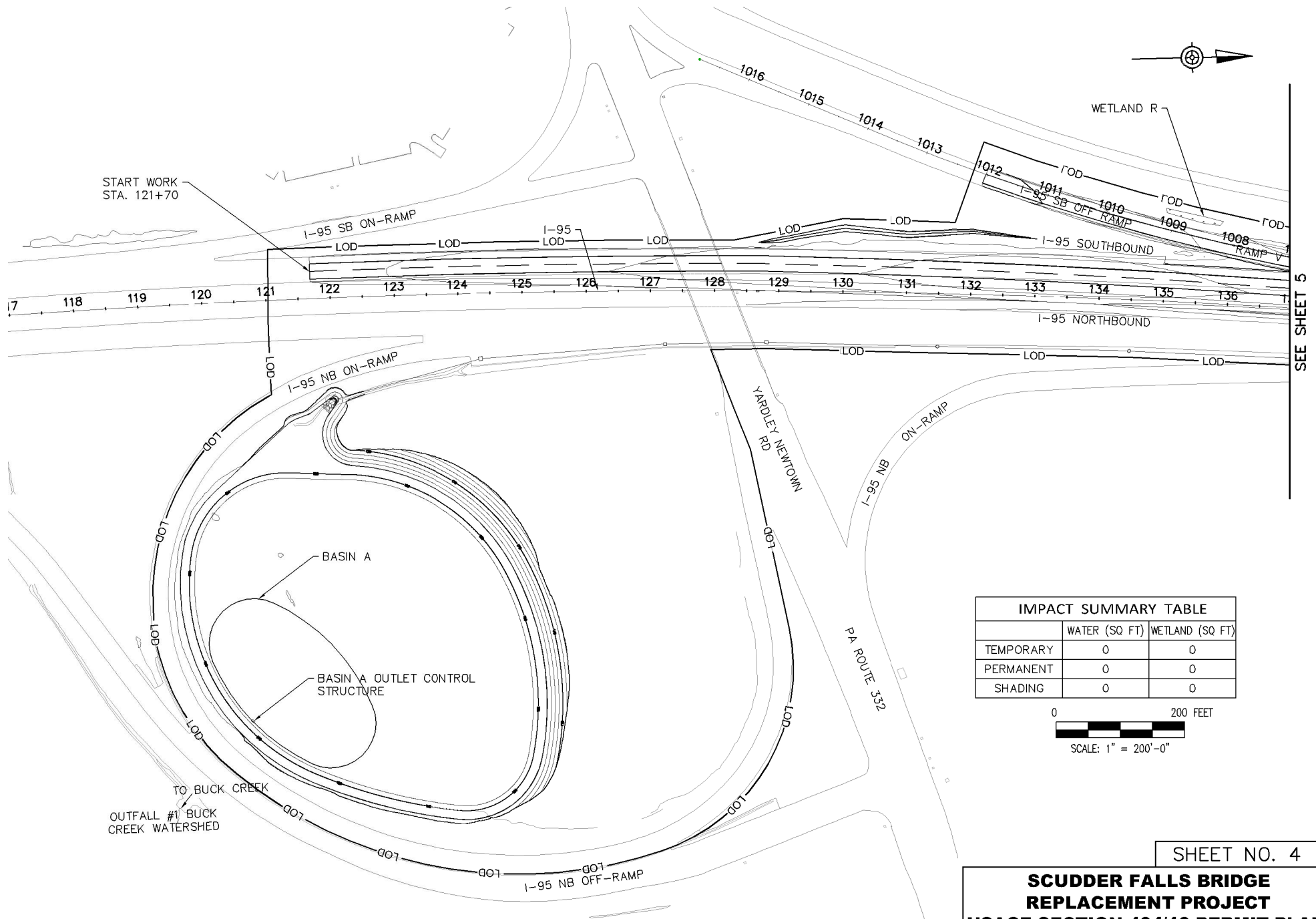


SHEET NO. 3

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404 PERMIT PLAN**

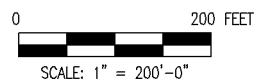
INDEX AND SITE LOCATION MAP

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA



SEE SHEET 5

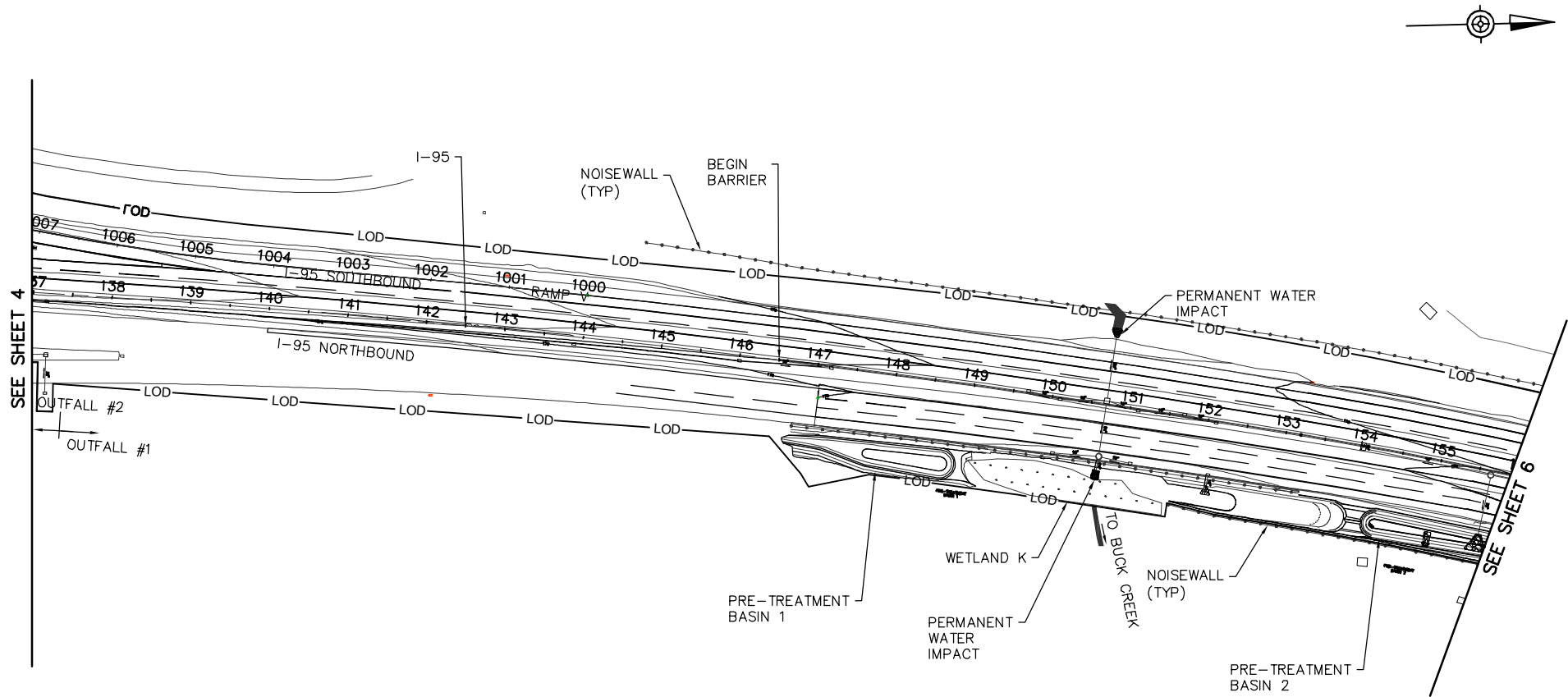
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SHEET NO. 4

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT**  
**USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
 JOINT TOLL BRIDGE COMMISSION  
 MORRISVILLE, PENNSYLVANIA



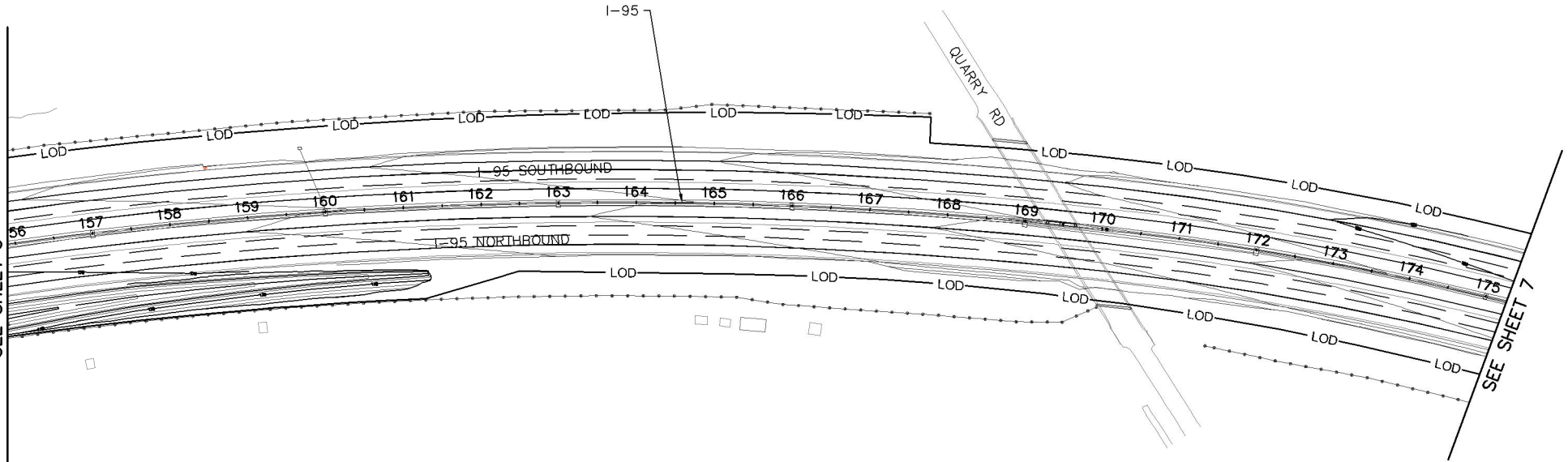
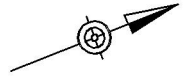
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SHEET NO. 5

SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
**USACE SECTION 404/10 PERMIT PLAN**  
DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

SEE SHEET 5



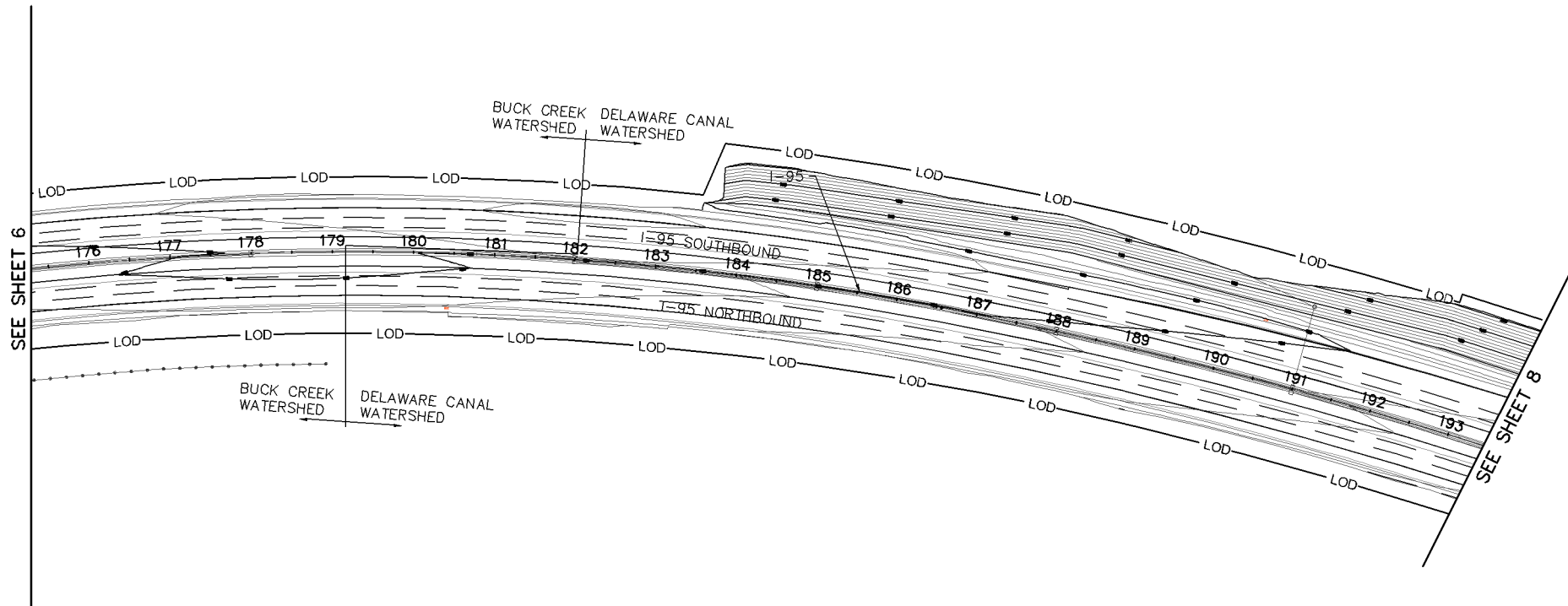
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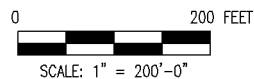
SHEET NO. 6

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA



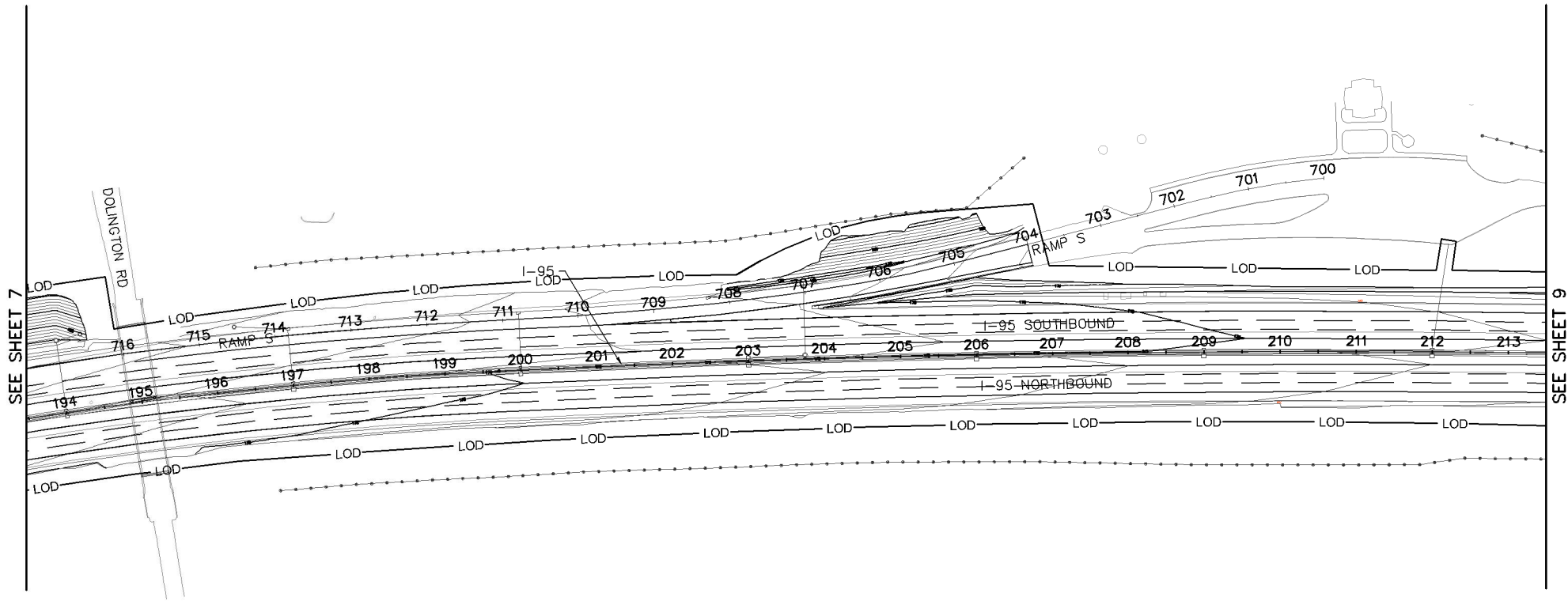
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SHADING	0	0



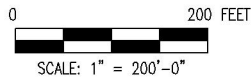
SHEET NO. 7

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA



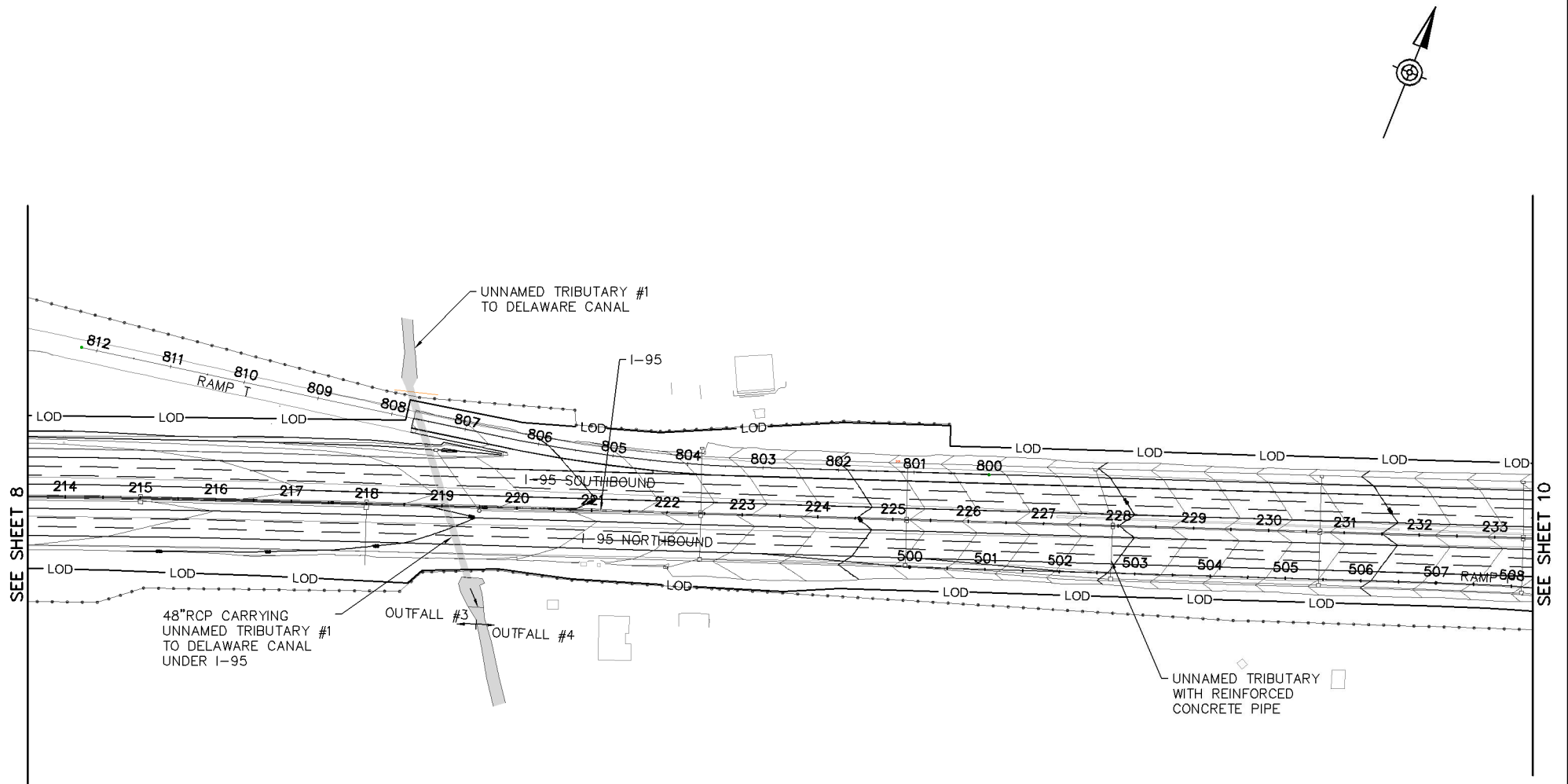
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SHADING	0	0



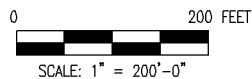
SHEET NO. 8

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA



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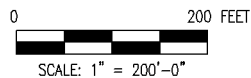


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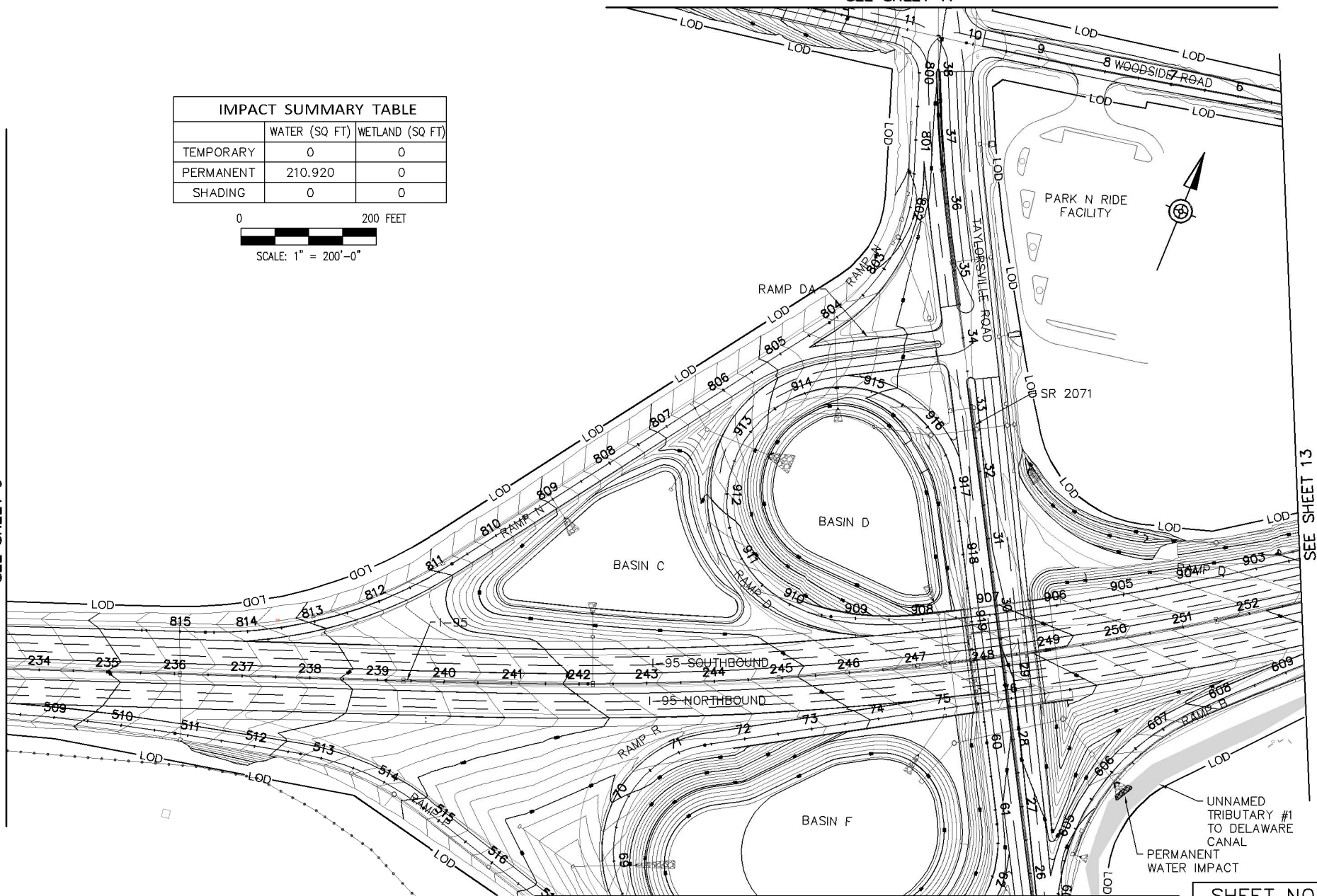
**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

IMPACT SUMMARY TABLE		
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SEE SHEET 9



SEE SHEET 12

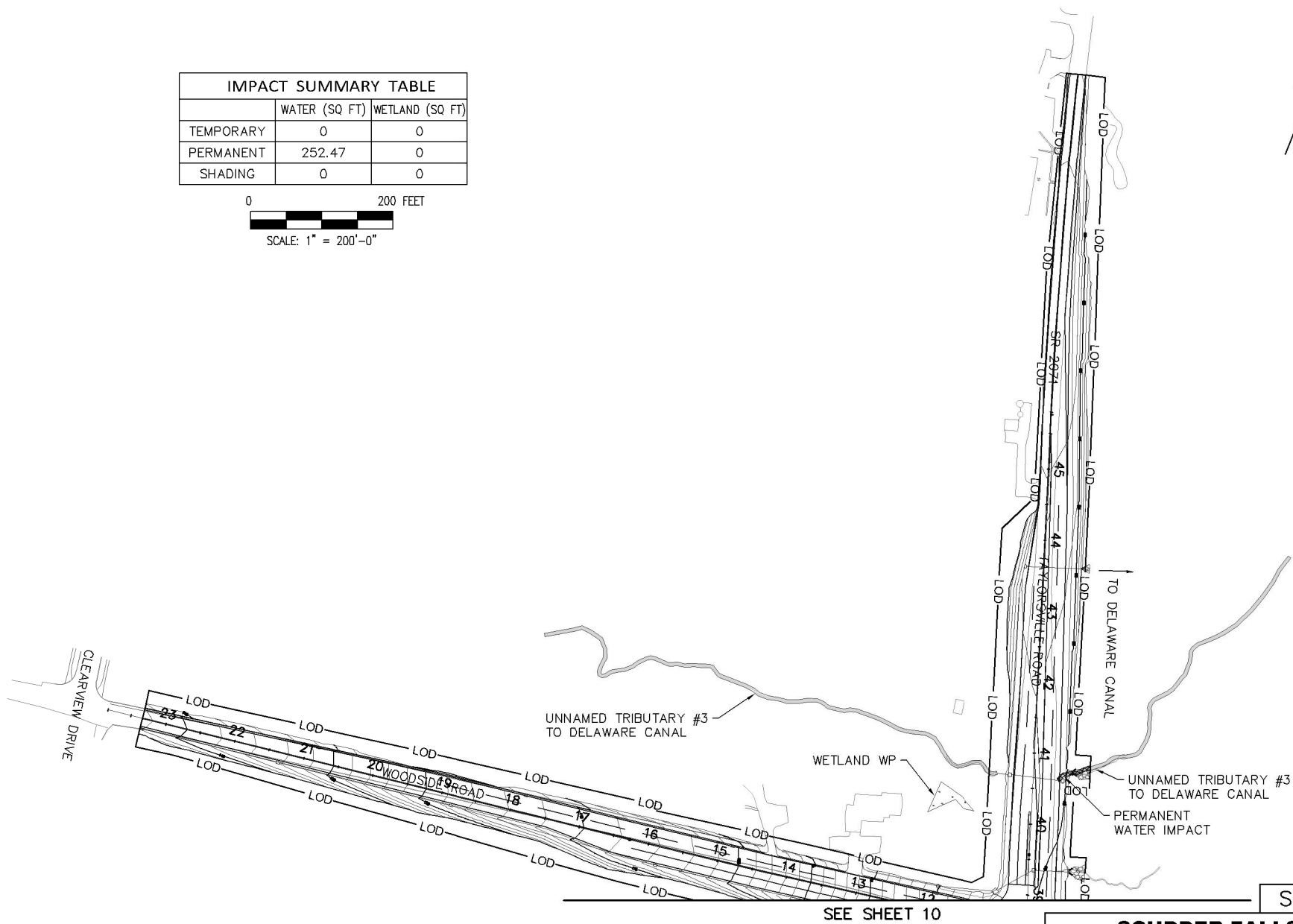
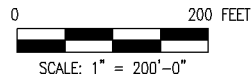
SHEET NO. 10

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

SEE SHEET 13

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SHADING	0	0

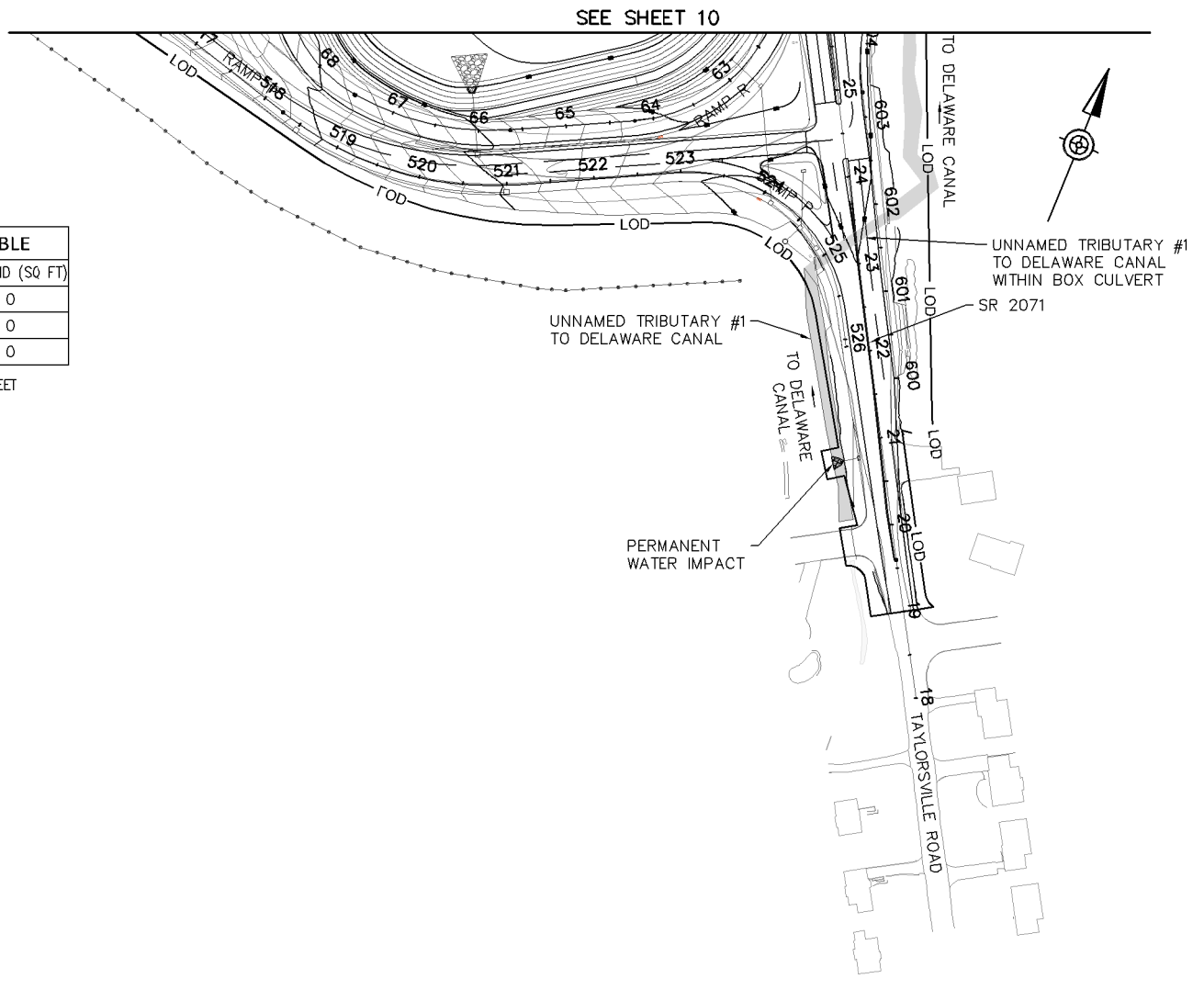
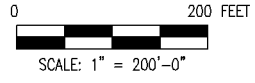


SHEET NO. 11

**SCUDDER FALLS BRIDGE  
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DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

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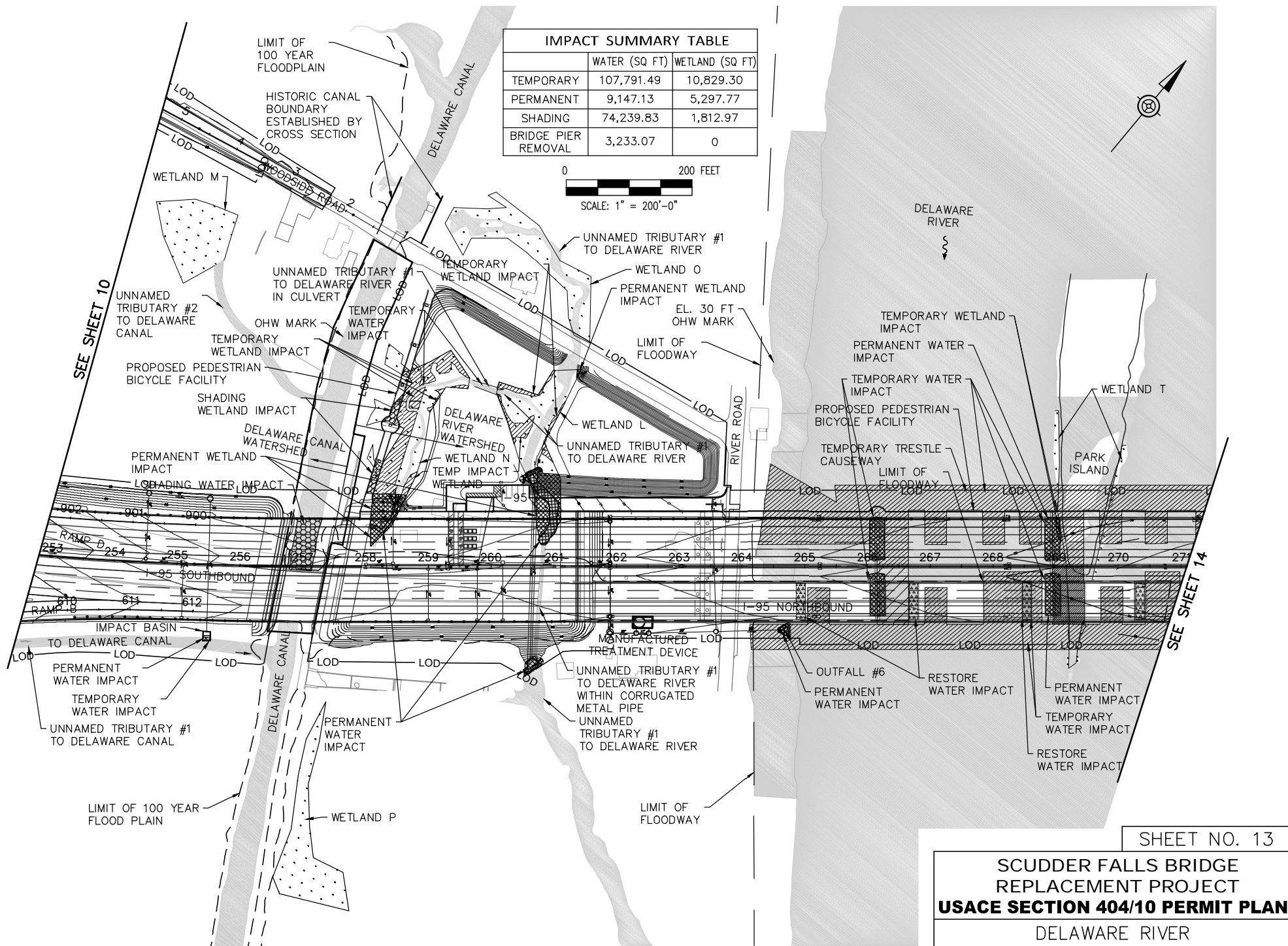
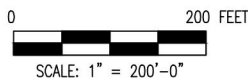


SHEET NO. 12

**SCUDDER FALLS BRIDGE  
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DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

IMPACT SUMMARY TABLE		
	WATER (SQ FT)	WETLAND (SQ FT)
TEMPORARY	107,791.49	10,829.30
PERMANENT	9,147.13	5,297.77
SHADING	74,239.83	1,812.97
BRIDGE PIER REMOVAL	3,233.07	0




SHEET NO. 13

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA

0 200 FEET

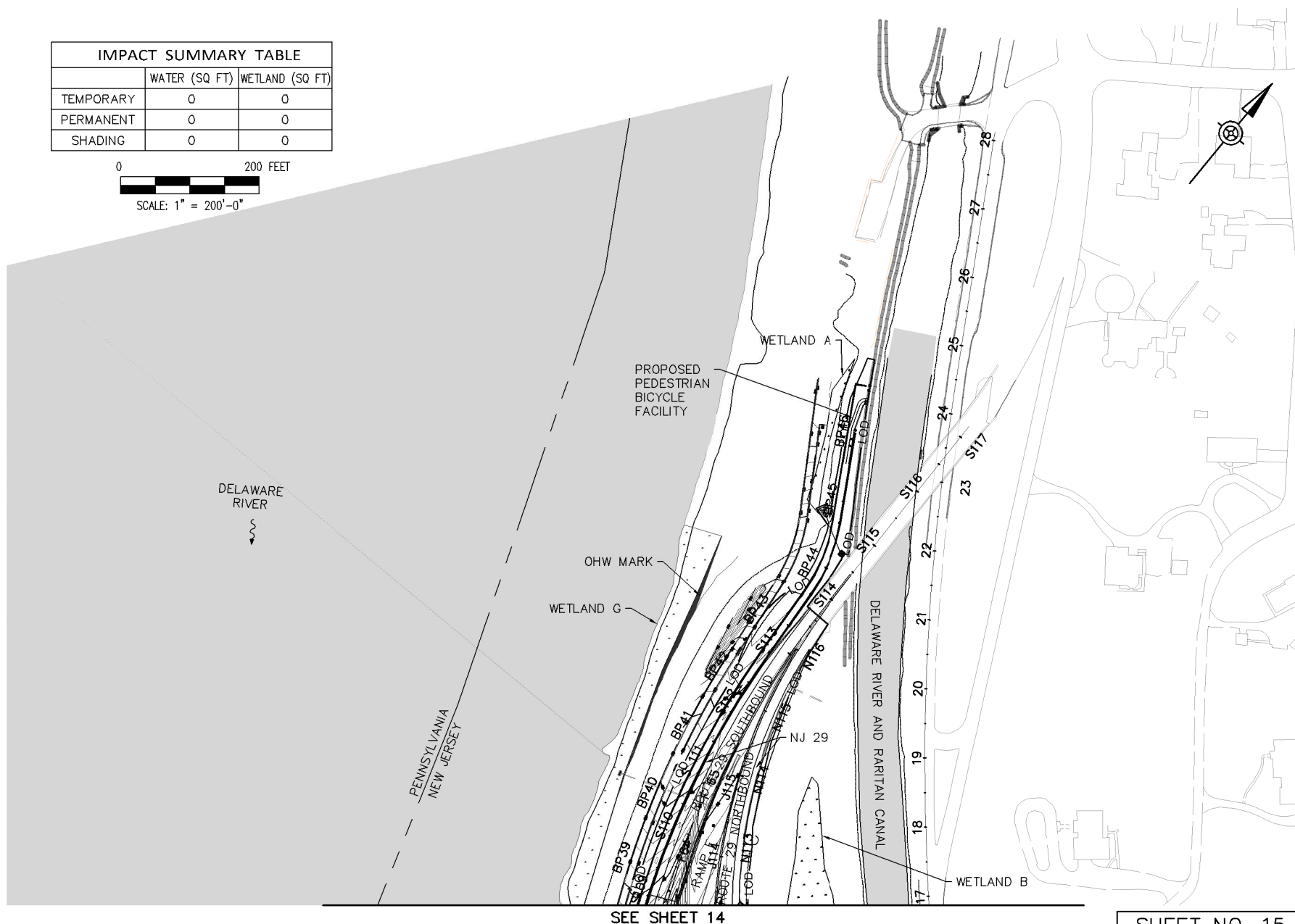
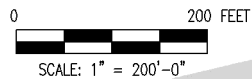


SCALE: 1" = 200'-0"



SCUDDER FALLS BRIDGE REPLACEMENT PROJECT <b>USACE SECTION 404/10 PERMIT PLAN</b>
DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION MORRISVILLE, PENNSYLVANIA

IMPACT SUMMARY TABLE		
	WATER (SQ FT)	WETLAND (SQ FT)
TEMPORARY	0	0
PERMANENT	0	0
SHADING	0	0

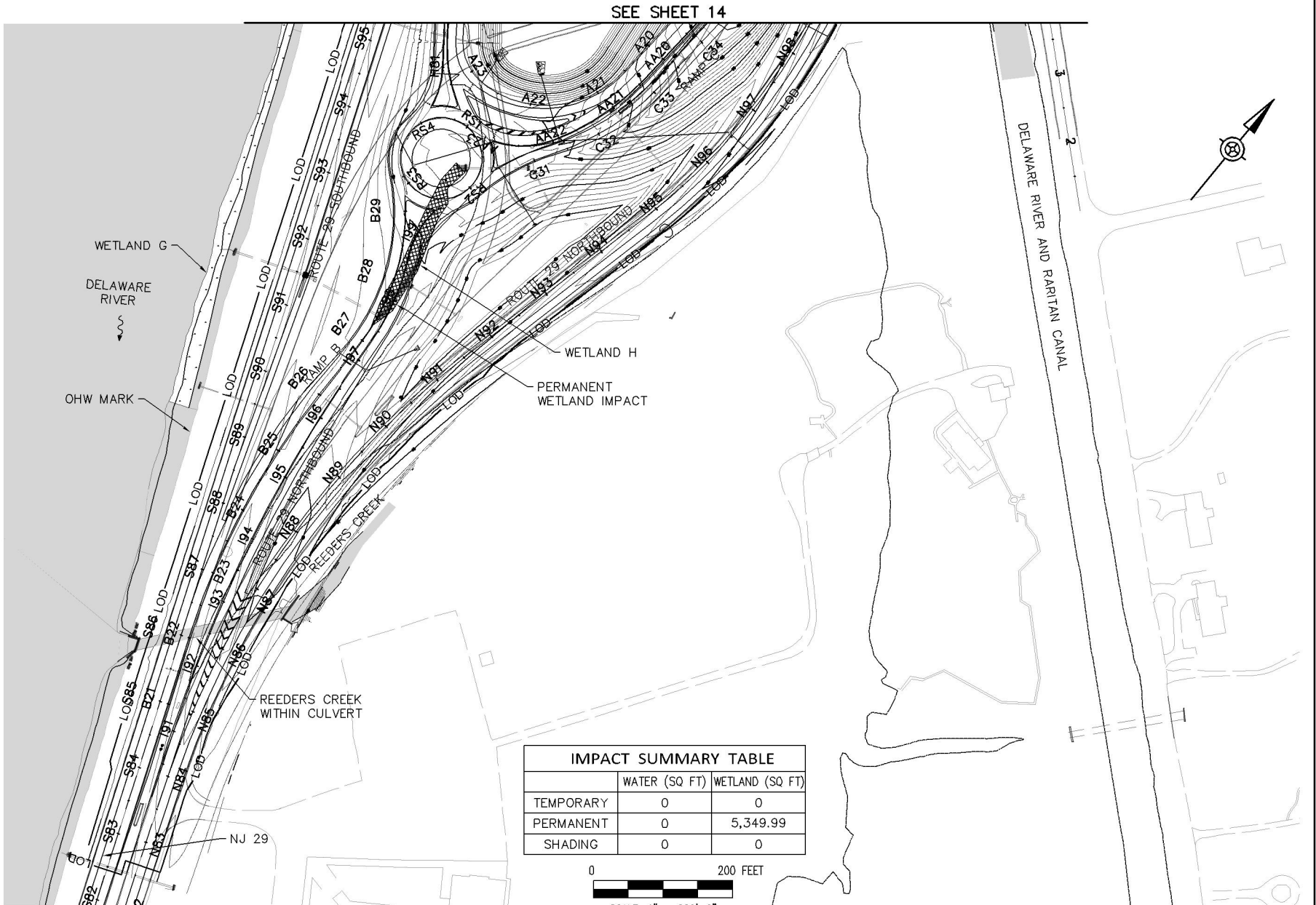


SEE SHEET 14

SHEET NO. 15

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USAGE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA



SHEET NO. 16

**SCUDDER FALLS BRIDGE  
REPLACEMENT PROJECT  
USACE SECTION 404/10 PERMIT PLAN**

DELAWARE RIVER  
JOINT TOLL BRIDGE COMMISSION  
MORRISVILLE, PENNSYLVANIA