

# STATE OF NEW YORK

4243--B

Cal. No. 117

2023-2024 Regular Sessions

## IN ASSEMBLY

February 13, 2023

Introduced by M. of A. CARROLL, SIMONE, L. ROSENTHAL, ARDILA, SHIMSKY, KELLES, SIMON, COLTON, STECK, SEAWRIGHT, LEVENBERG, JACOBSON, GUNTHER, OTIS, REYES, EPSTEIN, THIELE, GLICK, DURSO, GANDOLFO, NOVAKHOV, MCGOWAN, STERN, RAGA, RAJKUMAR, HEVESI, ANDERSON, KIM, BARRETT, DINOWITZ, McMAHON, FORREST, BICHOTTE HERMELYN, CUNNINGHAM, PAULIN, SLATER, TAYLOR, BURGOS, SHRESTHA, LAVINE, SAYEGH, EACHUS, MAMDANI, DE LOS SANTOS, CONRAD, SILLITTI, WEPRIN, BENEDETTO, PRETLOW, ZACCARO, JACKSON, TAPIA, FAHY, JONES, McDONALD, MEEKS, STIRPE, BORES, LEE, BRONSON, WALLACE, BUTTENSCHON, PHEFFER AMATO, DILAN, DAVILA, BURKE, FALL, AUBRY, LUNSFORD, RAMOS, HUNTER, SANTABARBARA, BENDETT, DARLING -- read once and referred to the Committee on Environmental Conservation -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to enact the "New York wildlife crossing act"; to direct the department of transportation and the New York state thruway authority to identify sites along all highways, thruways, and parkways in the state where wildlife crossings are most needed to increase public safety and improve habitat connectivity; and to create a priority list of wildlife crossing opportunity areas where federal grant monies may be available to implement the top five projects identified

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "New York wildlife crossing act".
- 3 § 2. For the purposes of this act:
- 4 "Wildlife crossing" means a structure designed or retrofitted to
- 5 enable wildlife to successfully cross roads and other human-caused
- 6 barriers to wildlife movement. Such crossings may include but not be

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD02060-07-4

1 limited to culverts, bridges, wildlife underpass tunnels, wildlife over-  
2 pass bridges, and fencing associated with such structures.

3 § 3. The department of transportation and the New York state thruway  
4 authority is hereby authorized and directed to assess all highways,  
5 thruways, and parkways in the state for potential wildlife crossings to  
6 improve wildlife habitat connectivity, reduce wildlife vehicle colli-  
7 sions, and increase public safety for New York motorists. The department  
8 of transportation, in conjunction with the New York state thruway  
9 authority, shall use the findings of their assessment to finalize a top  
10 ten wildlife crossings priority list no later than two years after the  
11 effective date of this act. The priority list of crossing sites shall be  
12 determined by the following:

13 (a) (i) Identification of road segments that pose a risk to successful  
14 wildlife movement and habitat connectivity, or that pose a risk to the  
15 traveling public due to wildlife-vehicle collisions;

16 (ii) Any available or subsequently collected data, or recommendations  
17 provided by the department of environmental conservation, the department  
18 of transportation, and the department of motor vehicles on needed road-  
19 way mitigation measures to improve wildlife movement and habitat connec-  
20 tivity.

21 (b) Identification of bridges and culverts that block or impede, espe-  
22 cially road segments that negatively affect wildlife habitat and move-  
23 ment;

24 (c) Information about how increased movement of species could benefit  
25 overused and highly impacted habitat areas;

26 (d) Maps that identify locations of:

27 (i) existing wildlife crossings; and

28 (ii) potential sites for additional wildlife crossings based on this  
29 study;

30 (e) Economic benefits anticipated from preserving wildlife movement  
31 patterns, including the potential impact of reduced wildlife-vehicle  
32 collisions;

33 (f) The feasibility and constructability of wildlife crossing infras-  
34 tructure; and

35 (g) Any additional information that the department of environmental  
36 conservation deems necessary and appropriate to carry out the intent and  
37 purposes of this act.

38 § 4. Two years after the effective date of this act, the department of  
39 transportation in conjunction with the New York state thruway authority  
40 shall make public its identified list of priority wildlife crossing  
41 opportunities. The priority opportunity list and accompanying informa-  
42 tion listed below shall be updated every five years after publication of  
43 the initial list. The publicized list of the top ten priority wildlife  
44 crossing opportunities shall be accompanied by the following informa-  
45 tion:

46 (a) Feasibility factors impacting construction for the top five of the  
47 top ten wildlife crossing opportunities, which should include any avail-  
48 able and helpful estimate costs, the availability and habitat quality of  
49 the land on either side of the crossings, and any relevant public  
50 support for the crossings;

51 (b) A description of any methodologies used beyond the requirements  
52 listed in subdivisions (a) and (b) of section three of this act to  
53 create the top ten list; and

54 (c) A list of available federal grant funds that the top five projects  
55 are eligible for.

1 § 5. The department of transportation may consult with any state or  
2 local office, agency, or department and request or receive information  
3 from any such entity that is relevant and material to the completion of  
4 this study and report.  
5 § 6. The department of transportation is hereby directed to addi-  
6 tionally update appropriate design guidance, including the Highway  
7 Design Manual, by July 1, 2026, to incorporate design concepts for wild-  
8 life passage features and related standard plans and specifications as  
9 appropriate.  
10 § 7. This act shall take effect immediately.