

# STATE OF NEW YORK

4198--A

2023-2024 Regular Sessions

## IN SENATE

February 6, 2023

Introduced by Sens. COMRIE, ASHBY, HOYLMAN-SIGAL, MAY, SEPULVEDA, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 maybe known and cited as the "New  
2 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  
7 limited to culverts, bridges, wildlife underpass tunnels, wildlife over-  
8 pass bridges, and fencing associated with such structures.

9 § 3. The department of transportation and the New York state thruway  
10 authority is hereby authorized and directed to assess all highways,  
11 thruways, and parkways in the state for potential wildlife crossings to  
12 improve wildlife habitat connectivity, reduce wildlife vehicle colli-  
13 sions, and increase public safety for New York motorists. The department  
14 of transportation, in conjunction with the New York state thruway  
15 authority, shall use the findings of their assessment to finalize a top  
16 ten wildlife crossings priority list no later than two years after the

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

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1 effective date of this act. The priority list of crossing sites shall be  
2 determined by the following:

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

6 (ii) Any available or subsequently collected data, or recommendations  
7 provided by the department of environmental conservation, the department  
8 of transportation, and the department of motor vehicles on needed road-  
9 way mitigation measures to improve wildlife movement and habitat connec-  
10 tivity.

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

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

16 (d) Maps that identify locations of:

17 (i) existing wildlife crossings; and

18 (ii) potential sites for additional wildlife crossings based on this  
19 study;

20 (e) Economic benefits anticipated from preserving wildlife movement  
21 patterns, including the potential impact of reduced wildlife-vehicle  
22 collisions;

23 (f) The feasibility and constructability of wildlife crossing infras-  
24 tructure; and

25 (g) Any additional information that the department of environmental  
26 conservation, department of motor vehicles, and non-governmental organ-  
27 izations deems necessary and appropriate to carry out the intent and  
28 purposes of this act.

29 § 4. Two years after the effective date of this act, the department of  
30 transportation in conjunction with the New York state thruway authority  
31 shall shall make public its identified list of priority wildlife cross-  
32 ing opportunities. The priority opportunity list and accompanying infor-  
33 mation listed below shall be updated every five years after publication  
34 of the initial list. The publicized list of the top ten priority wild-  
35 life crossing opportunities shall be accompanied by the following infor-  
36 mation:

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

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

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

47 § 5. The department of transportation may consult with any state or  
48 local office, agency, or department and request or receive information  
49 from any such entity that is relevant and material to the completion of  
50 this study and report.

51 § 6. The department of transportation is hereby directed to addi-  
52 tionally update appropriate design guidance, including the Highway  
53 Design Manual, by July 1, 2026, to incorporate design concepts for wild-  
54 life passage features and related standard plans and specifications as  
55 appropriate.

56 § 7. This act shall take effect immediately.