

# STATE OF NEW YORK

4198

2023-2024 Regular Sessions

## IN SENATE

February 6, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to enact the "New York wildlife crossing act"; to direct the department of transportation 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 is hereby authorized and  
10 directed to assess all highways, thruways, and parkways in the state for  
11 potential wildlife crossings to improve wildlife habitat connectivity,  
12 reduce wildlife vehicle collisions, and increase public safety for New  
13 York motorists. The department of transportation shall use the findings  
14 of their assessment to finalize a top ten wildlife crossings priority  
15 list no later than two years after the effective date of this act. The  
16 priority list of crossing sites shall be determined by the following:  
17 (a) (i) Identification of road segments that pose a risk to successful  
18 wildlife movement and habitat connectivity, or that pose a risk to the  
19 traveling public due to wildlife-vehicle collisions;

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

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1 (ii) Any available or subsequently collected data, or recommendations  
2 provided by the department of environmental conservation, the department  
3 of transportation, and the department of motor vehicles on needed road-  
4 way mitigation measures to improve wildlife movement and habitat connec-  
5 tivity.

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

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

11 (d) Maps that identify locations of:

12 (i) existing wildlife crossings; and

13 (ii) potential sites for additional wildlife crossings based on this  
14 study;

15 (e) Economic benefits anticipated from preserving wildlife movement  
16 patterns, including the potential impact of reduced wildlife-vehicle  
17 collisions;

18 (f) The feasibility and constructability of wildlife crossing infras-  
19 tructure; and

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

23 § 4. Two years after the effective date of this act, the department of  
24 transportation shall make public its identified list of priority wild-  
25 life crossing opportunities. The priority opportunity list and accompa-  
26 nying information listed below shall be updated every five years after  
27 publication of the initial list. The publicized list of the top ten  
28 priority wildlife crossing opportunities shall be accompanied by the  
29 following information:

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

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

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

40 § 5. The department of transportation may consult with any state or  
41 local office, agency, or department and request information from any  
42 such entity that is relevant and material to the completion of this  
43 study and report.

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

49 § 7. This act shall take effect immediately.