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:

Section 1. Short title. This act maybe known and cited as the "New York wildlife crossing act".

§ 2. For the purposes of this act:

"Wildlife crossing" means a structure designed or retrofitted to enable wildlife to successfully cross roads and other human-caused barriers to wildlife movement. Such crossings may include but not be limited to culverts, bridges, wildlife underpass tunnels, wildlife overpass bridges, and fencing associated with such structures.

§ 3. The department of transportation and the New York state thruway authority is hereby authorized and directed to assess all highways, thruways, and parkways in the state for potential wildlife crossings to improve wildlife habitat connectivity, reduce wildlife vehicle collisions, and increase public safety for New York motorists. The department of transportation, in conjunction with the New York state thruway authority, shall use the findings of their assessment to finalize a top 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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effective date of this act. The priority list of crossing sites shall be determined by the following:

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

(ii) Any available or subsequently collected data, or recommendations provided by the department of environmental conservation, the department of transportation, and the department of motor vehicles on needed roadway mitigation measures to improve wildlife movement and habitat connectivity.

(b) Identification of bridges and culverts that block or impede, especially road segments that negatively affect wildlife habitat and movement;

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

(d) Maps that identify locations of:

(i) existing wildlife crossings; and

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

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

(f) The feasibility and constructability of wildlife crossing infrastructure; and

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

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

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

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

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

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

§ 6. The department of transportation is hereby directed to additionally update appropriate design guidance, including the Highway Design Manual, by July 1, 2026, to incorporate design concepts for wildlife passage features and related standard plans and specifications as appropriate.

§ 7. This act shall take effect immediately.