

STATE OF NEW YORK

4198--B

Cal. No. 342

2023-2024 Regular Sessions

IN SENATE

February 6, 2023

Introduced by Sens. COMRIE, ASHBY, HARCKHAM, HOYLMAN-SIGAL, JACKSON, MAY, SEPULVEDA, TEDISCO, WEBB -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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
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.

LBD02060-06-4

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 deems necessary and appropriate to carry out the intent and
27 purposes of this act.

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

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

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

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

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

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

55 § 7. This act shall take effect immediately.