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Synopsis of Wildlife Provisions in MAP-21's Surface Transportation Programs, Plans and Projects

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Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law by President Obama on July 6, 2012. Funding surface transportation programs at over \$105 billion for fiscal years (FY) 2013 and 2014, MAP-21 is the first highway authorization enacted since 2005. A watershed event, MAP-21 is the first national transportation law to weave throughout its programs authority for state, federal and tribal managers, and researchers to reduce the number of motorist collisions with wildlife and improve connectivity among habitats disrupted by roads. A synopsis of MAP-21's wildlife-related provisions appears below.

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SEC. 1108. SURFACE TRANSPORTATION PROGRAM. Eligible projects under the Surface Transportation Program include highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.

SEC. 1112. HIGHWAY SAFETY IMPROVEMENT PROGRAM. Eligible highway safety improvement projects include the addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.

SEC. 1119. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS. This section has three programs that include wildlife provisions: Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program.

- *Tribal Transportation Program* – The purpose of the TTP is to provide access to basic community services to enhance the quality of life in Indian country.
 - Funding from this program can be used to pay for environmental mitigation in or adjacent to tribal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; or to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate.
- *Federal Lands Transportation Program* – The Federal Lands Transportation Program (FLTP) builds upon the structure of the traditional Federal Lands Highway Program. It improves multi-modal access within national parks, forests, wildlife refuges, Bureau of Land Management lands, and U.S. Army Corps of Engineers facilities. The FLTP complements the Federal Lands Access Program. Where the Access Program provides funds for State and local roads that access the Federal estate, the FLTP focuses on the transportation infrastructure owned and maintained by Federal lands management agencies.
 - Funding from this program can be used to pay for environmental mitigation in or adjacent to Federal land open to the public to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; or to mitigate damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges.
 - There is a cap of \$10,000,000 per fiscal year for eligible activities.

- *Federal Lands Access Program* – The goal of the Federal Lands Access Program (FLAP) is to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. FLAP supplements State and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on high-use recreation sites and economic generators. FLAP complements other Federal transportation programs, such as FLTP, the Defense Access Roads program and the Forest Development Roads and Trails program.
 - Funding from this program can be used to pay for environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.

SEC. 1122. TRANSPORTATION ALTERNATIVES. The Transportation Alternatives Program (TAP) provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; and safe routes to school projects. Funding from TAP can be used for a program or project activity to reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING. A long-range transportation plan under this section shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

- The required discussion must be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING. A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

- The required discussion must be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

SEC. 1311. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS. As part of its planning process, a State or metropolitan planning organization may develop one or more programmatic mitigation plans to address the potential environmental impacts of future transportation projects.

- Programmatic mitigation plans may be developed on a regional, ecosystem, watershed, or statewide scale.
- The plan may encompass multiple environmental resources within a defined geographic area or may focus on a specific resource, such as aquatic resources, parkland, or wildlife habitat.

*To view MAP-21's Wildlife Provisions and FHWA Guidance, visit <http://www.climateconservation.org/>
To view MAP-21's text, visit <http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.pdf>*