

CENTER for LARGE LANDSCAPE CONSERVATION

AMERICA'S TRANSPORTATION INFRASTRUCTURE ACT OF 2019 (ATIA)

New! § 1125. WILDLIFE CROSSING SAFETY

by Rob Ament & Renee Callahan Center for Large Landscape Conservation

SEC. 1125. WILDLIFE CROSSING SAFETY.

(a) DECLARATION OF POLICY.—Section 101(b)(3)(D) of title 23, United States Code, is amended, in the matter preceding clause (i), by inserting “resilient,” after “efficient”.

(b) WILDLIFE CROSSINGS PILOT PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1124(a)(1)), is amended by adding at the end the following:

“§ 174. Wildlife crossings pilot program

“(a) FINDING.—Congress finds that greater adoption of wildlife-vehicle collision safety countermeasures is in the public interest because—

“(1) according to the report of the Federal Highway Administration entitled ‘Wildlife-Vehicle Collision Reduction Study’, there are more than 1,000,000 wildlife-vehicle collisions every year;

“(2) wildlife-vehicle collisions—

“(A) present a danger to

“(i) human safety; and

“(ii) wildlife survival; and

“(B) represent a persistent concern that results in tens of thousands of serious injuries and hundreds of fatalities on the roadways of the United States; and

“(3) the total annual cost associated with wildlife-vehicle collisions has been estimated to be \$8,388,000,000; and

“(4) wildlife-vehicle collisions are a major threat to the survival of species, including birds, reptiles, mammals, and amphibians.

“(b) ESTABLISHMENT.—The Secretary shall establish a competitive wildlife crossings pilot program (referred to in this section as the ‘pilot program’) to provide grants for projects that seek to achieve—

“(1) a reduction in the number of wildlife-vehicle collisions; and

“(2) in carrying out the purpose described in paragraph (1), improved habitat connectivity for terrestrial and aquatic species.

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- “(c) ELIGIBLE ENTITIES.—An entity eligible to apply for a grant under the pilot program is—
- “(1) a State highway agency, or an equivalent of that agency;
 - “(2) a metropolitan planning organization (as defined in section 134(b));
 - “(3) a unit of local government;
 - “(4) a regional transportation authority;
 - “(5) a special purpose district or public authority with a transportation function, including a port authority;
 - “(6) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));
 - “(7) a Federal land management agency; or
 - “(8) a group of any of the entities described in paragraphs (1) through (7).

“(d) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) REQUIREMENT.—If an application under paragraph (1) is submitted by an eligible entity other than an eligible entity described in paragraph (1) or (7) of subsection (c), the application shall include documentation that the State highway agency, or an equivalent of that agency, of the State in which the eligible entity is located was consulted during the development of the application.

“(3) GUIDANCE.—To enhance consideration of current and reliable data, eligible entities may obtain guidance from an agency in the State with jurisdiction over fish and wildlife.

“(e) CONSIDERATIONS.—In selecting grant recipients under the pilot program, the Secretary shall take into consideration the following:

“(1) Primarily, the extent to which the proposed project of an eligible entity is likely to protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.

“(2) Secondly, the extent to which the proposed project of an eligible entity is likely to accomplish the following:

“(A) Leveraging Federal investment by encouraging non-Federal contributions to the project, including projects from public-private partnerships.

“(B) Supporting local economic development and improvement of visitation opportunities.

“(C) Incorporation of innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species.

“(D) Provision of educational and outreach opportunities.

“(E) Monitoring and research to evaluate, compare effectiveness of, and identify best practices in, selected projects.

“(F) Any other criteria relevant to reducing the number of wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species, as the Secretary determines to be appropriate, subject to the condition that the

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implementation of the pilot program shall not be delayed in the absence of action by the Secretary to identify additional criteria under this subparagraph.

“(f) USE OF FUNDS.—

“(1) IN GENERAL.—The Secretary shall ensure that a grant received under the pilot program is used for a project to reduce wildlife-vehicle collisions.

“(2) GRANT ADMINISTRATION.—

“(A) IN GENERAL.—A grant received under the pilot program shall be administered by—

“(i) in the case of a grant to a Federal land management agency or an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), the Federal Highway Administration, through an agreement; and

“(ii) in the case of a grant to an eligible entity other than an eligible entity described in clause (i), the State highway agency, or an equivalent of that agency, for the State in which the project is to be carried out.

“(B) PARTNERSHIPS.—

“(i) IN GENERAL.—A grant received under the pilot program may be used to provide funds to eligible partners of the project for which the grant was received described in clause (ii), in accordance with the terms of the project agreement.

“(ii) ELIGIBLE PARTNERS DESCRIBED.—The eligible partners referred to in clause (i) include—

“(I) a metropolitan planning organization (as defined in section 134(b));

“(II) a unit of local government;

“(III) a regional transportation authority;

“(IV) a special purpose district or public authority with a transportation function, including a port authority;

“(V) an Indian tribe (as defined in section 207(m)(1)), including a Native village and a Native Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602));

“(VI) a Federal land management agency;

“(VII) a foundation, nongovernmental organization, or institution of higher education;

“(VIII) a Federal, Tribal, regional, or State government entity; and

“(IX) a group of any of the entities described in subclauses (I) through (VIII).

“(3) COMPLIANCE.—An eligible entity that receives a grant under the pilot program and enters into a partnership described in paragraph (2) shall establish measures to verify that an eligible partner that receives funds from the grant complies with the conditions of the pilot program in using those funds.

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“(g) REQUIREMENT.—The Secretary shall ensure that not less than 60 percent of the amounts made available for grants under the pilot program each fiscal year are for projects located in rural areas.

“(h) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall submit to Congress, and make publicly available, a report describing the activities under the pilot program for the fiscal year that ends during that calendar year.

“(2) CONTENTS.—The report under paragraph (1) shall include—

“(A) a detailed description of the activities carried out under the pilot program;

“(B) an evaluation of the effectiveness of the pilot program in meeting the purposes described in subsection (b); and

“(C) policy recommendations to improve the effectiveness of the pilot program.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1124(a)(2)) is amended by inserting after the item relating to section 173 the following:

“174. Wildlife crossings pilot program.”.

(c) WILDLIFE VEHICLE COLLISION REDUCTION AND HABITAT CONNECTIVITY IMPROVEMENT.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by subsection (b)(1)), is amended by adding at the end the following:

“§ 175. Wildlife-vehicle collision reduction and habitat connectivity improvement

“(a) STUDY.—

“(1) IN GENERAL.—The Secretary shall conduct a study (referred to in this subsection as the ‘study’) of the state, as of the date of the study, of the practice of methods to reduce collisions between motorists and wildlife (referred to in this section as ‘wildlife-vehicle collisions’).

“(2) CONTENTS.—

“(A) AREAS OF STUDY.—The study shall—

“(i) update and expand on, as appropriate—

“(I) the report entitled ‘Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress’; and

“(II) the document entitled ‘Wildlife Vehicle Collision Reduction Study: Best Practices Manual’ and dated October 2008; and

“(ii) include—

“(I) an assessment, as of the date of the study, of—

“(aa) the causes of wildlife-vehicle collisions;

“(bb) the impact of wildlife-vehicle collisions on motorists and wildlife; and

“(cc) the impacts of roads and traffic on habitat connectivity for terrestrial and aquatic species; and

“(II) solutions and best practices for—

“(aa) reducing wildlife-vehicle collisions; and

“(bb) improving habitat connectivity for terrestrial and aquatic species.

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“(B) METHODS.—In carrying out the study, the Secretary shall—

- “(i) conduct a thorough review of research and data relating to—
 - “(I) wildlife-vehicle collisions; and
 - “(II) habitat fragmentation that results from transportation infrastructure;
- “(ii) survey current practices of the Department of Transportation and State departments of transportation to reduce wildlife-vehicle collisions; and
- “(iii) consult with—
 - “(I) appropriate experts in the field of wildlife-vehicle collisions; and
 - “(II) appropriate experts on the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species.

“(3) REPORT.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the America’s Transportation Infrastructure Act of 2019, the Secretary shall submit to Congress a report on the results of the study.

“(B) CONTENTS.—The report under sub-paragraph (A) shall include—

- “(i) a description of—
 - “(I) the causes of wildlife-vehicle collisions;
 - “(II) the impacts of wildlife-vehicle collisions;
 - “(III) the impacts of roads and traffic on—
 - “(aa) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
 - “(bb) species identified by States as species of greatest conservation need;
 - “(cc) species identified in State wildlife plans; and
 - “(dd) medium and small terrestrial and aquatic species;
- “(ii) an economic evaluation of the costs and benefits of installing highway infrastructure and other measures to mitigate damage to terrestrial and aquatic species, including the effect on jobs, property values, and economic growth to society, adjacent communities, and landowners;
- “(iii) recommendations for preventing wildlife-vehicle collisions, including recommended best practices, funding resources, or other recommendations for addressing wildlife-vehicle collisions; and
- “(iv) guidance, developed in consultation with Federal land management agencies and State departments of transportation, State fish and wildlife agencies, and Tribal governments that agree to participate, for developing, for each State that agrees to participate, voluntary joint statewide transportation and wildlife action plan—
 - “(I) to address wildlife-vehicle collisions; and
 - “(II) to improve habitat connectivity for terrestrial and aquatic species.

“(b) WORKFORCE DEVELOPMENT AND TECHNICAL TRAINING.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the America’s Transportation Infrastructure Act of 2019, the Secretary shall, based on the study conducted

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under subsection (a), develop a series of in-person and online workforce development and technical training courses—

“(A) to reduce wildlife-vehicle collisions; and

“(B) to improve habitat connectivity for terrestrial and aquatic species.

“(2) AVAILABILITY.—The Secretary shall—

“(A) make the series of courses developed under paragraph (1) available for transportation and fish and wildlife professionals; and

“(B) update the series of courses not less frequently than once every 2 years.

“(c) STANDARDIZATION OF WILDLIFE COLLISION AND CARCASS DATA.—

“(1) STANDARDIZED METHODOLOGY.—

“(A) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration (referred to in this sub-section as the ‘Secretary’), shall develop a quality standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the National Highway System, considering the practicability of the methodology with respect to technology and cost.

“(B) METHODOLOGY.—In developing the standardized methodology under subparagraph (A), the Secretary shall—

“(i) survey existing methodologies and sources of data collection, including the Fatality Analysis Reporting System, the General Estimates System of the National Automotive Sampling System, and the Highway Safety Information System; and

“(ii) to the extent practicable, identify and correct limitations of those existing methodologies and sources of data collection.

“(C) CONSULTATION.—In developing the standardized methodology under subparagraph (A), the Secretary shall consult with—

“(i) the Secretary of the Interior;

“(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service;

“(iii) Tribal, State, and local transportation and wildlife authorities;

“(iv) metropolitan planning organizations (as defined in section 134(b));

“(v) members of the American Association of State Highway Transportation Officials;

“(vi) members of the Association of Fish and Wildlife Agencies;

“(vii) experts in the field of wildlife-vehicle collisions; “(viii) nongovernmental organizations; and “(ix) other interested stakeholders, as appropriate.

“(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The Secretary shall—

“(A) develop a template for State implementation of a standardized national wildlife collision and carcass data system for the National Highway System that is based on the standardized methodology developed under paragraph (1); and

“(B) encourage the voluntary implementation of the template developed under subparagraph (A).

“(3) REPORTS.—

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“(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing the standardized methodology developed under paragraph (1) not later than the later of—

“(i) the date that is 18 months after the date of enactment of the America’s Transportation Infrastructure Act of 2019; and

“(ii) the date that is 180 days after the date on which the Secretary completes the development of the standardized methodology.

“(B) IMPLEMENTATION.—Not later than 4 years after the date of enactment of the America’s Transportation Infrastructure Act of 2019, the Secretary shall submit to Congress a report describing—

“(i) the status of the voluntary implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A);

“(ii) whether the implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A) has impacted efforts by States, units of local government, and other entities—

“(I) to reduce the number of wildlife-vehicle collisions; and

“(II) to improve habitat connectivity;

“(iii) the degree of the impact described in clause (ii); and

“(iv) the recommendations of the Secretary, including recommendations for further study aimed at reducing motorist collisions involving wildlife and improving habitat connectivity for terrestrial and aquatic species on the National Highway System, if any.

“(d) NATIONAL THRESHOLD GUIDANCE.—The Secretary shall—

“(1) establish guidance, to be carried out by States on a voluntary basis, that contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity for terrestrial and aquatic species, taking into consideration—

“(A) the number of wildlife-vehicle collisions on the highway that pose a human safety risk;

“(B) highway-related mortality and the effects of traffic on the highway on—

“(i) species listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C 1531 et seq.);

“(ii) species identified by a State as species of greatest conservation need;

“(iii) species identified in State wildlife plans; and

“(iv) medium and small terrestrial and aquatic species; and

“(C) habitat connectivity values for terrestrial and aquatic species and the barrier effect of the highway on the movements and migrations of those species.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by subsection (b)(2)) is amended by inserting after the item relating to section 174 the following:

“175. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

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(d) WILDLIFE CROSSINGS STANDARDS.—Section 109(c)(2) of title 23, United States Code, is amended—

- (1) in subparagraph (E), by striking “and” at the end;
- (2) by redesignating subparagraph (F) as sub-paragraph (G); and
- (3) by inserting after subparagraph (E) the following:

“(F) the publication of the Federal Highway Administration entitled ‘Wildlife Crossing Structure Handbook: Design and Evaluation in North America’ and dated March 2011; and”.

(e) WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—Section 144 of title 23, United States Code, is amended—

- (1) in subsection (a)(2)—
 - (A) in subparagraph (B), by inserting “, resilience,” after “safety”;
 - (B) in subparagraph (D), by striking “and” at the end;
 - (C) in subparagraph (E), by striking the period at the end and inserting “; and”;
 - (D) by adding at the end the following:

“(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.”;
- (2) in subsection (b)—
 - (A) in paragraph (4), by striking “and” at the end;
 - (B) in paragraph (5), by striking the period at the end and inserting “; and”;
 - (C) by adding at the end the following: “(6) determine if the replacement or rehabilitation of bridges and tunnels should include measures to enable safe and unimpeded movement for terrestrial and aquatic species.”; and
- (3) in subsection (i), by adding at the end the following:

“(3) REQUIREMENT.—The first revision under paragraph (2) after the date of enactment of the America Transportation Infrastructure Act of 2019 shall include techniques to assess passage of aquatic and terrestrial species and habitat restoration potential.”.

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