



## Memorandum in Support

### COMMITTEE ON ANIMALS AND THE LAW

Animals #23

January 23, 2024

S. 4198

By: Senator Comrie

A. 4243

By: M. of A. Carroll

Senate Committee: Environmental Conservation

Assembly Committee: Environmental Conservation

Effective Date: Immediately

**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.

**LAW AND SECTIONS REFERRED TO:** N/A

### **THE COMMITTEE ON ANIMALS AND THE LAW** **SUPPORTS THIS LEGISLATION**

This bill would direct some portions of the FY23 federal funding allocated for wildlife crossings to the state of New York for actionable development of wildlife crossing infrastructure. More specifically, the bill would direct the New York Department of Transportation (“DOT”) to identify priority sites along highways, thruways, and parkways throughout the state where wildlife crossings are most needed to increase public safety and improve habitat connectivity. These priority sites would be determined by assessing various criteria including (but not limited to), identifying road segments that pose the most serious risks to successful wildlife movement and habitat connectivity and/or the traveling public due to wildlife/vehicle collisions; the feasibility of the wildlife crossing infrastructure; and the economic benefits anticipated from preserving wildlife movement patterns, including the potential impact of reducing wildlife/vehicle collisions. The DOT would make its list of priority wildlife crossing opportunities public two years after the effective date of the act and would update it every five years. The bill would also direct the DOT to update its design guidance, including the Highway Design Manual, to incorporate design concepts for wildlife passage features for future infrastructure.

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In the United States there are over one million collisions between cars and large animals every year.<sup>1</sup> Roughly 200 people are killed each year and even more are injured.<sup>2</sup> In 2022, in New York alone, there were an estimated 36,743 animal-related car crashes, and of those crashes, 1,675 caused injuries and two resulted in fatalities to humans.<sup>3</sup> As the sponsor's memo in support of the bill points out, every year wildlife/vehicle collisions amount to more than \$8 billion in medical costs and vehicle repairs. In 2022, the Washington Department of Transportation reported that the average deer/vehicle collision results in an economic cost of \$9,175, an elk/vehicle collision \$24,242, and a moose/vehicle collision \$42,652.<sup>4</sup>

While we can quantify the impact that wildlife/vehicle collisions have on humans, the toll on wildlife is truly immeasurable. In addition to collisions resulting in countless injuries, death, and suffering to wildlife, the development of roadwork and infrastructure that does not account for ecosystem preservation, migratory routes, and habitat connectivity threatens the long-term survival and wellbeing of various species. For example, road construction and expansion often result in the bifurcation of habitats that isolates wildlife populations, leading to weaker genetics over time and possible extinction of a species. Poorly planned road construction can create barriers between wildlife and the landscape/habits they rely on to meet their daily, seasonal, and basic biological needs. Moreover, such construction can severely disrupt the migration corridors that many species rely on for survival.<sup>5</sup>

The development of designated wildlife crossings is an effective way to reduce wildlife/vehicle collisions and the negative impact they have on both humans and animals. California, Colorado, Florida, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont Virginia, Washington and Wyoming have all invested in the development of wildlife bridges/overpasses, viaducts, tunnels, and culverts with great success. By way of example, a single wildlife crossing along State Highway 9 in Colorado reduced collisions by 90% between 2015-

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<sup>1</sup> "Biden-Harris Administration Launches First Ever Program to Improve Safety on America's Roadways by Preventing Wildlife-Vehicle Collisions," (April 4, 2023) available at <https://www.transportation.gov/briefing-room/biden-harris-administration-launches-first-ever-program-improve-safety-americas> (last visited November 19, 2023).

<sup>2</sup> Id.

<sup>3</sup> AAA Report on Car-Animal Crashes in New York State (November 17, 2023), available at <https://info.westerncentralny.aaa.com/news-room/oh-deer-beware-car-animal-crashes-nys#:~:text=There%20were%2036%2C743%20animal%2Drelated,crashes%20and%20two%20fatal%20crashes> (last visited November 19, 2023).

<sup>4</sup> Washington State Department of Transportation Quarterly Performance Analysis of WSDOT's Multi-model Systems and Programs (March 2022), available at <https://wsdot.wa.gov/sites/default/files/2022-06/gray-notebook-Mar22.pdf> (last visited November 19, 2023).

<sup>5</sup> United States Department of Transportation Federal Highway Administration, "Wildlife Crossing Structure Handbook Design and Evaluation in North America" (March 2011), available at [https://www.fhwa.dot.gov/clas/ctip/wildlife\\_crossing\\_structures/ch\\_2.aspx](https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/ch_2.aspx) (last visited November 19, 2023).

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2020.<sup>6</sup> In Oregon, along U.S. 91 near Lava Butte, collisions decreased roughly 85% during a 2015-2017 monitoring period.<sup>7</sup> And in Wyoming, seven underpasses and fencing along a stretch of Wyoming Highway 30 has resulted in an 81% reduction in deer-vehicle collisions after three years; another on U.S. Highway 191 has reduced collisions by 79%.<sup>8</sup>

The Federal government has recognized the importance of investing in the development of wildlife crossings across the country. In April 2023, the U.S. Department of Transportation announced a first of its kind pilot program that would make grant funding available to states and communities to construct wildlife crossings. The pilot program dedicates \$350 million to states over five years, including more than \$111 million grants through its first round of funding awards. Passage of the New York Wildlife Crossing Act would ensure that our state has the ability to benefit from funding opportunities such as this one to support the development of wildlife crossings that protect the lives and wellbeing of both humans and animals.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

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<sup>6</sup> Pew Charitable Trusts, “Wildlife Crossings Along U.S. Roads Can Help Animals and Habitat Adapt to Climate Change,” (February 14, 2023), available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/02/14/wildlife-crossings-along-us-roads-can-benefit-animals-people-and-climate> (last visited November 19, 2023).

<sup>7</sup> Id.

<sup>8</sup> Wyoming Game & Fish Department, “Dry Piney Wildlife Crossing Project Complete” (October 4, 2023), available at <https://wgfd.wyo.gov/News/Dry-Piney-wildlife-crossing-project-complete> (last visited November 19, 2023).

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