

# SENATE BILL 902

M1, R1, C4

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CF HB 1129

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By: **Senator Lewis Young**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment and Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Wildlife – Protections and Highway Crossings**

3 FOR the purpose of requiring the Department of Natural Resources, in collaboration with  
4 the State Highway Administration, to identify and prioritize certain species whose  
5 habitat or movement corridors intersect with State highways and develop tools,  
6 technology, and techniques to identify certain State highway infrastructure  
7 locations; requiring the Department of Natural Resources to take certain actions  
8 regarding a statewide deer population survey on or before certain dates; requiring  
9 the Department of Transportation to update certain design guidance to incorporate  
10 certain design concepts on or before a certain date; requiring the State Highway  
11 Administration to consult with the Department of Natural Resources on the design  
12 of certain bridges, culverts, and State highways; establishing certain requirements  
13 for the construction of certain bridges, culverts, and State highways; requiring the  
14 State Highway Administration to consult with the Department of Natural Resources  
15 regarding the replacement or renovation of certain bridges and culverts; establishing  
16 the Wildlife Highway Crossings Fund as a special, nonlapsing fund; requiring  
17 interest earnings of the Fund to be credited to the Fund; requiring the Secretary of  
18 Natural Resources and the Secretary of Transportation to each designate an  
19 interagency liaison officer to coordinate certain activities; requiring the State  
20 Highway Administration to identify and apply for certain funding; requiring each  
21 automobile insurance provider to charge a certain fee; requiring the Department of  
22 Transportation to develop a process for each automobile insurance provider to remit  
23 the fee to the Fund; and generally relating to wildlife protection.

24 BY repealing and reenacting, without amendments,  
25 Article – Natural Resources  
26 Section 10–2A–01(a)  
27 Annotated Code of Maryland  
28 (2023 Replacement Volume and 2023 Supplement)

29 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Natural Resources  
2 Section 10–2A–01(d) and (l)  
3 Annotated Code of Maryland  
4 (2023 Replacement Volume and 2023 Supplement)

5 BY adding to  
6 Article – Natural Resources  
7 Section 10–2A–06.2  
8 Annotated Code of Maryland  
9 (2023 Replacement Volume and 2023 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article – State Finance and Procurement  
12 Section 6–226(a)(2)(i)  
13 Annotated Code of Maryland  
14 (2021 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Finance and Procurement  
17 Section 6–226(a)(2)(ii)189. and 190.  
18 Annotated Code of Maryland  
19 (2021 Replacement Volume and 2023 Supplement)

20 BY adding to  
21 Article – State Finance and Procurement  
22 Section 6–226(a)(2)(ii)191.  
23 Annotated Code of Maryland  
24 (2021 Replacement Volume and 2023 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article – Transportation  
27 Section 8–101(a), (i), and (q)  
28 Annotated Code of Maryland  
29 (2020 Replacement Volume and 2023 Supplement)

30 BY adding to  
31 Article – Transportation  
32 Section 17–302  
33 Annotated Code of Maryland  
34 (2020 Replacement Volume and 2023 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
36 That the Laws of Maryland read as follows:

37 **Article – Natural Resources**

38 10–2A–01.

(a) In this subtitle the following words have the meanings indicated.

(d) (1) **["Endangered] EXCEPT AS PROVIDED IN § 10-2A-06.2 OF THIS SUBTITLE, "ENDANGERED species"** means any species whose continued existence as a viable component of the State's wildlife or plants is determined to be in jeopardy.

(2) "Endangered species" includes any species of wildlife or plant determined to be an "endangered species" pursuant to the Endangered Species Act.

(l) **["Threatened] EXCEPT AS PROVIDED IN § 10-2A-06.2 OF THIS SUBTITLE, "THREATENED species"** means any species of wildlife or plants which appears likely, within the foreseeable future, to become endangered including any species of wildlife or plant determined to be a "threatened species" pursuant to the Endangered Species Act.

**10-2A-06.2.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "ENDANGERED SPECIES" MEANS A WILDLIFE SPECIES LISTED BY THE DEPARTMENT AS AN ENDANGERED SPECIES.**

**(3) "FUND" MEANS THE WILDLIFE HIGHWAY CROSSINGS FUND.**

**(4) "SPECIES OF GREATEST CONSERVATION NEED" MEANS A WILDLIFE SPECIES IDENTIFIED BY THE DEPARTMENT AS A SPECIES OF GREATEST CONSERVATION NEED IN THE MARYLAND STATE WILDLIFE ACTION PLAN.**

**(5) "STATE HIGHWAY" HAS THE MEANING STATED IN § 8-101 OF THE TRANSPORTATION ARTICLE.**

**(6) "THREATENED SPECIES" MEANS A WILDLIFE SPECIES LISTED BY THE DEPARTMENT AS A THREATENED SPECIES.**

**(B) THE DEPARTMENT, IN COLLABORATION WITH THE STATE HIGHWAY ADMINISTRATION, SHALL:**

**(1) IDENTIFY AND PRIORITIZE THREATENED SPECIES AND ENDANGERED SPECIES WHOSE HABITAT OR MOVEMENT CORRIDORS INTERSECT WITH STATE HIGHWAYS;**

**(2) GIVE SPECIAL CONSIDERATION TO THREATENED SPECIES AND ENDANGERED SPECIES THAT ARE REPTILES AND AMPHIBIANS IN IDENTIFYING AND PRIORITIZING SPECIES UNDER ITEM (1) OF THIS SUBSECTION; AND**

**(3) DEVELOP ANY TOOLS, TECHNOLOGY, AND TECHNIQUES NECESSARY TO IDENTIFY LOCATIONS WHERE NEW OR ALTERED STATE HIGHWAY INFRASTRUCTURE COULD:**

**(I) RECONNECT HABITAT OR MOVEMENT CORRIDORS FOR SPECIES IDENTIFIED UNDER ITEM (1) OF THIS SUBSECTION; AND**

**(II) REDUCE COLLISIONS BETWEEN VEHICLES AND WILDLIFE.**

**(C) (1) ON OR BEFORE NOVEMBER 1, 2024, THE DEPARTMENT SHALL DEVELOP A METHODOLOGY AND A COST ESTIMATE FOR PERFORMING A STATEWIDE DEER POPULATION SURVEY.**

**(2) THE DEPARTMENT SHALL:**

**(I) COMPLETE THE STATEWIDE DEER POPULATION SURVEY REQUIRED UNDER THIS SUBSECTION ON OR BEFORE NOVEMBER 1, 2026;**

**(II) DEVELOP DEER POPULATION HABITAT MAPS BASED ON THE RESULTS OF THE SURVEY;**

**(III) PROVIDE THE SURVEY DATA AND HABITAT MAPS TO THE STATE HIGHWAY ADMINISTRATION TO ASSIST WITH IDENTIFYING AREAS WHERE WILDLIFE CROSSINGS OR WILDLIFE-VEHICLE COLLISION MITIGATION PROJECTS WILL REDUCE COLLISIONS BETWEEN VEHICLES AND DEER; AND**

**(IV) SUBJECT TO AVAILABILITY, USE FUNDING FROM THE FUND TO COVER THE COSTS OF IMPLEMENTING THIS SUBSECTION.**

**(D) ON OR BEFORE JUNE 30, 2026, THE DEPARTMENT OF TRANSPORTATION SHALL UPDATE ANY APPLICABLE DESIGN GUIDANCE, INCLUDING THE TECHNICAL DESIGN STANDARDS IN THE STATE HIGHWAY ADMINISTRATION ACCESS MANUAL, TO INCORPORATE DESIGN CONCEPTS FOR WILDLIFE PASSAGE FEATURES AND RELATED PLAN AND SPECIFICATION STANDARDS.**

**(E) (1) THE STATE HIGHWAY ADMINISTRATION SHALL CONSULT WITH THE DEPARTMENT ON THE DESIGN OF ALL NEW BRIDGES, CULVERTS, OR STATE HIGHWAYS THAT COULD REASONABLY BE EXPECTED TO CAUSE HABITAT**

1 FRAGMENTATION FOR A TERRESTRIAL THREATENED SPECIES, ENDANGERED  
2 SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED.

3 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
4 PARAGRAPH, ANY NEW BRIDGE, CULVERT, OR STATE HIGHWAY CONSTRUCTED  
5 ALONG A WATERWAY IN THE STATE THAT CAUSES HABITAT FRAGMENTATION FOR A  
6 TERRESTRIAL THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF  
7 GREATEST CONSERVATION NEED SHALL INCLUDE A PRESERVED OR RESTORED  
8 NATURAL BANK OF SUFFICIENT WIDTH TO ALLOW THE SPECIES TO SAFELY PASS  
9 THROUGH OR ALONG THE BRIDGE, CULVERT, OR STATE HIGHWAY.

10 (II) IF A NATURAL BANK IS NOT PRESENT OR FEASIBLE TO  
11 PRESERVE OR RESTORE, THE CONSTRUCTION OF A NEW BRIDGE, CULVERT, OR  
12 STATE HIGHWAY ALONG A WATERWAY SHALL INCLUDE THE CREATION OF AN  
13 ARTIFICIAL BANK OR SHELF OF SUFFICIENT WIDTH TO ALLOW A TERRESTRIAL  
14 THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST  
15 CONSERVATION NEED TO SAFELY PASS THROUGH OR ALONG THE BRIDGE,  
16 CULVERT, OR STATE HIGHWAY.

17 (III) THE STATE HIGHWAY ADMINISTRATION SHALL DEVELOP  
18 ADDITIONAL APPROPRIATE MEASURES AS NECESSARY TO ENCOURAGE A  
19 TERRESTRIAL THREATENED SPECIES, ENDANGERED SPECIES, OR SPECIES OF  
20 GREATEST CONSERVATION NEED TO SAFELY PASS THROUGH OR ALONG A BRIDGE,  
21 CULVERT, OR STATE HIGHWAY.

22 (3) (I) WHEN PLANNING FOR THE REPLACEMENT OR RENOVATION  
23 OF AN EXISTING BRIDGE OR CULVERT DUE TO DAMAGE OR DETERIORATION, THE  
24 STATE HIGHWAY ADMINISTRATION SHALL CONSULT WITH THE DEPARTMENT TO  
25 DETERMINE WHETHER MODIFICATIONS TO THE BRIDGE OR CULVERT DESIGN  
26 COULD:

27 1. CONNECT HABITAT FOR TERRESTRIAL THREATENED  
28 SPECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED;  
29 OR

30 2. PROVIDE SAFER WILDLIFE CROSSINGS AND REDUCE  
31 COLLISIONS BETWEEN VEHICLES AND WILDLIFE.

32 (II) THE STATE HIGHWAY ADMINISTRATION SHALL  
33 INCORPORATE INTO THE DESIGN OF A BRIDGE OR CULVERT BEING REPLACED OR  
34 RENOVATED DUE TO DAMAGE OR DETERIORATION ANY MODIFICATIONS IDENTIFIED  
35 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT DO NOT SIGNIFICANTLY  
36 INCREASE THE PROJECT COST OR TIMELINE.

1           **(F) (1) THERE IS A WILDLIFE HIGHWAY CROSSINGS FUND.**

2                   **(2) THE PURPOSE OF THE FUND IS TO PROTECT:**

3                           **(I) ANY TERRESTRIAL THREATENED SPECIES, ENDANGERED**  
4 **SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED WHOSE HABITAT OR**  
5 **MOVEMENT CORRIDORS INTERSECT WITH A STATE HIGHWAY; AND**

6                           **(II) MOTORISTS AND WILDLIFE IN THE STATE BY REDUCING**  
7 **COLLISIONS BETWEEN VEHICLES AND WILDLIFE.**

8                   **(3) THE DEPARTMENT, IN CONSULTATION WITH THE STATE**  
9 **HIGHWAY ADMINISTRATION, SHALL ADMINISTER THE FUND.**

10                   **(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
11 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

12                           **(II) THE STATE TREASURER SHALL HOLD THE FUND**  
13 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

14                   **(5) THE FUND CONSISTS OF:**

15                           **(I) REVENUE DISTRIBUTED TO THE FUND UNDER § 17-302 OF**  
16 **THE TRANSPORTATION ARTICLE;**

17                           **(II) ANY FEDERAL FUNDING AWARDED TO THE STATE FOR**  
18 **WILDLIFE CROSSINGS, HABITAT CONNECTIVITY, OR PREVENTION OF COLLISIONS**  
19 **BETWEEN VEHICLES AND WILDLIFE, INCLUDING FUNDING AWARDED TO THE STATE**  
20 **UNDER THE FEDERAL INFRASTRUCTURE INVESTMENT AND JOBS ACT;**

21                           **(III) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**  
22 **FUND;**

23                           **(IV) INTEREST EARNINGS OF THE FUND; AND**

24                           **(V) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
25 **FOR THE BENEFIT OF THE FUND.**

26                   **(6) THE FUND MAY BE USED TO:**

1                   **(I) ADVANCE WILDLIFE CROSSING OR WILDLIFE-VEHICLE**  
2 **COLLISION MITIGATION PROJECTS JOINTLY IDENTIFIED AND PRIORITIZED BY THE**  
3 **DEPARTMENT AND THE STATE HIGHWAY ADMINISTRATION;**

4                   **(II) ASSIST WITH PREPARATIONS NECESSARY FOR THE**  
5 **PROJECTS SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING DATA**  
6 **COLLECTION, FEASIBILITY STUDIES, AND PROJECT DESIGN;**

7                   **(III) DEVELOP METHODS AND TOOLS FOR IDENTIFYING**  
8 **LOCATIONS WHERE WILDLIFE CROSSING OR WILDLIFE-VEHICLE COLLISION**  
9 **MITIGATION PROJECTS WOULD:**

10                         **1. REDUCE COLLISIONS BETWEEN VEHICLES AND**  
11 **WILDLIFE; OR**

12                         **2. CONNECT HABITATS OF TERRESTRIAL THREATENED**  
13 **SPECIES, ENDANGERED SPECIES, OR SPECIES OF GREATEST CONSERVATION NEED;**

14                   **(IV) DEVELOP REGIONAL OR STATEWIDE HABITAT MAPS OF THE**  
15 **SPECIES IDENTIFIED AND PRIORITIZED IN ACCORDANCE WITH SUBSECTION (B) OF**  
16 **THIS SECTION TO IMPROVE HABITAT CONNECTIVITY OR REDUCE COLLISIONS**  
17 **BETWEEN VEHICLES AND WILDLIFE;**

18                   **(V) CONSTRUCT EXCLUSIONARY FENCING;**

19                   **(VI) PROVIDE MATCHING FUNDS FOR FEDERAL GRANTS;**

20                   **(VII) PROVIDE MAINTENANCE FOR COMPLETED PROJECTS;**

21                   **(VIII) MONITOR AND EVALUATE COMPLETED PROJECTS;**

22                   **(IX) PROVIDE EDUCATION AND OUTREACH REGARDING:**

23                         **1. COLLISIONS BETWEEN VEHICLES AND WILDLIFE;**

24                         **2. THREATENED SPECIES, ENDANGERED SPECIES, OR**  
25 **SPECIES OF GREATEST CONSERVATION NEED WHOSE HABITATS ARE DIVIDED BY**  
26 **STATE HIGHWAYS; AND**

27                         **3. ANY OTHER RELATED TOPIC THE DEPARTMENT OR**  
28 **STATE HIGHWAY ADMINISTRATION DETERMINES IS APPROPRIATE;**

(X) PROVIDE MATCHING GRANTS TO COUNTIES AND MUNICIPALITIES FOR PROJECTS RELATED TO THE PURPOSE OF THE FUND; AND

(XI) COVER THE COSTS OF RELEVANT ADMINISTRATION AND PERSONNEL EXPENSES, INCLUDING COMPENSATION FOR THE INTERAGENCY LIAISON OFFICERS REQUIRED UNDER SUBSECTION (G) OF THIS SECTION.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(9) MONEY EXPENDED FROM THE FUND FOR THE PROTECTIONS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE PROTECTIONS.

(G) THE SECRETARY AND THE SECRETARY OF TRANSPORTATION EACH SHALL DESIGNATE AN INTERAGENCY LIAISON OFFICER TO COORDINATE ACTIVITIES RELATED TO THE PURPOSE OF THE FUND.

(H) THE STATE HIGHWAY ADMINISTRATION SHALL:

(1) IDENTIFY ANY FEDERAL FUNDING PROGRAMS THAT COULD SUPPORT THE PURPOSE OF THE FUND; AND

(2) APPLY FOR ANY FUNDING THAT THE STATE HIGHWAY ADMINISTRATION DETERMINES IS APPROPRIATE.

#### **Article – State Finance and Procurement**

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

189. the Teacher Retention and Development Fund; [and]

190. the Protecting Against Hate Crimes Grant Fund; AND

**191. THE WILDLIFE HIGHWAY CROSSINGS FUND.**

### **Article – Transportation**

8–101.

(a) In this title the following words have the meanings indicated.

(i) “Highway” includes:

(1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

(2) Any other property acquired for the construction, operation, or use of the highway.

(q) “State highway” means any public highway owned by this State.

**17–302.**

**(A) EACH INSURER OR OTHER PROVIDER OF THE SECURITY REQUIRED UNDER § 17–103 OF THIS TITLE SHALL ESTABLISH AND COLLECT AN ANNUAL WILDLIFE–VEHICLE COLLISION MITIGATION FEE FOR EACH VEHICLE IN THE STATE FOR WHICH THE INSURER PROVIDES SECURITY.**

**(B) THE FEE ESTABLISHED UNDER THIS SECTION IS \$10 PER VEHICLE.**

**(C) THE DEPARTMENT SHALL DEVELOP A PROCESS FOR EACH INSURER OR OTHER PROVIDER OF THE SECURITY REQUIRED UNDER § 17–103 OF THIS TITLE TO REMIT THE FEES COLLECTED UNDER THIS SECTION TO THE WILDLIFE HIGHWAY CROSSINGS FUND ESTABLISHED UNDER § 10–2A–06.2 OF THE NATURAL RESOURCES ARTICLE.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2   1, 2024.