

23 USC 171: Wildlife crossings pilot program

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From Title 23-HIGHWAYS

CHAPTER 1-FEDERAL-AID HIGHWAYS

Jump To:

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[Miscellaneous](#)

[Effective Date](#)

§171. 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.

(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 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.

(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.

(i) **TREATMENT OF PROJECTS.-**Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.

(Added Pub. L. 117-58, div. A, title I, §11123(b)(1), Nov. 15, 2021, 135 Stat. 499 .)

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117–58, set out as an Effective Date of 2021 Amendment note under section 101 of this title.