

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.

§ 172. 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.

(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 Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report on the results of the study.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) a description of—

(I) the causes of wildlife-vehicle collisions;

(II) the impacts of wildlife-vehicle collisions; and

(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, a 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 Surface Transportation Reauthorization Act of 2021, the Secretary shall, based on the study conducted 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 subsection 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.**—

(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 Surface Transportation Reauthorization Act of 2021; 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 Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report describing—

- (i) the status of the voluntary implementation of the standardized methodology de-

veloped 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.

(Added Pub. L. 117-58, div. A, title I, §11123(c)(1), Nov. 15, 2021, 135 Stat. 502.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Surface Transportation Reauthorization Act of 2021, referred to in subsecs. (a)(3)(A), (b)(1), and (c)(3), is the date of enactment of div. A of Pub. L. 117-58, which was approved Nov. 15, 2021.

The Endangered Species Act of 1973, referred to in subsecs. (a)(3)(B)(i)(III)(aa) and (d)(1)(B)(i), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

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.

§ 173. Rural surface transportation grant program

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term “program” means the program established under subsection (b)(1).

(2) RURAL AREA.—The term “rural area” means an area that is outside an urbanized area with a population of over 200,000.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a rural surface transportation grant program to provide grants, on a competitive basis, to eligible entities to improve and expand the surface transportation infrastructure in rural areas.

(2) GOALS.—The goals of the program shall be—

(A) to increase connectivity;

(B) to improve the safety and reliability of the movement of people and freight; and

(C) to generate regional economic growth and improve quality of life.

(3) GRANT ADMINISTRATION.—The Secretary may—

(A) retain not more than a total of 2 percent of the funds made available to carry out the program and to review applications for grants under the program; and

(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund the award and oversight of grants provided under the program.

(c) ELIGIBLE ENTITIES.—The Secretary may make a grant under the program to—

(1) a State;

(2) a regional transportation planning organization;

(3) a unit of local government;

(4) a Tribal government or a consortium of Tribal governments; and

(5) a multijurisdictional group of entities described in paragraphs (1) through (4).

(d) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(e) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may make a grant under the program only for a project that is—

(A) a highway, bridge, or tunnel project eligible under section 119(d);

(B) a highway, bridge, or tunnel project eligible under section 133(b);

(C) a project eligible under section 202(a);

(D) a highway freight project eligible under section 167(h)(5);

(E) a highway safety improvement project, including a project to improve a high risk rural road (as those terms are defined in section 148(a));

(F) a project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area; or

(G) a project to develop, establish, or maintain an integrated mobility manage-

ment system, a transportation demand management system, or on-demand mobility services.

(2) BUNDLING OF ELIGIBLE PROJECTS.—

(A) IN GENERAL.—An eligible entity may bundle 2 or more similar eligible projects under the program that are—

(i) included as a bundled project in a statewide transportation improvement program under section 135; and

(ii) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and the eligible entity.

(B) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), a bundling of eligible projects under this paragraph may be considered to be a single project, including for purposes of section 135.

(f) ELIGIBLE PROJECT COSTS.—An eligible entity may use funds from a grant under the program for—

(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(g) PROJECT REQUIREMENTS.—The Secretary may provide a grant under the program to an eligible project only if the Secretary determines that the project—

(1) will generate regional economic, mobility, or safety benefits;

(2) will be cost effective;

(3) will contribute to the accomplishment of 1 or more of the national goals under section 150;

(4) is based on the results of preliminary engineering; and

(5) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

(h) ADDITIONAL CONSIDERATIONS.—In providing grants under the program, the Secretary shall consider the extent to which an eligible project will—

(1) improve the state of good repair of existing highway, bridge, and tunnel facilities;

(2) increase the capacity or connectivity of the surface transportation system and improve mobility for residents of rural areas;

(3) address economic development and job creation challenges, including energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008 (86 Fed. Reg. 7628 (February 1, 2021));

(4) enhance recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national