

SB0902/183826/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 902
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “dates” insert “under certain circumstances”; in line 9, strike “Department of Transportation” and substitute “State Highway Administration, in consultation with the Department of Natural Resources,”; in line 10, strike “requiring” and substitute “authorizing”; in line 11, after “design” insert “, rehabilitation, or replacement”; strike beginning with “establishing” in line 12 down through “culverts;” in line 15; in line 18, strike “Secretary of Transportation” and substitute “State Highway Administrator”; strike beginning with “each” in line 20 down through “Fund” in line 23 and substitute “the Department of Natural Resources to develop a website to be used for accepting donations for certain purposes”; and in line 26, after “10-2A-01(a)” insert “, (d), and (l)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 29 on page 1 through line 4 on page 2, inclusive.

On page 2, strike in their entirety lines 30 through 34, inclusive.

AMENDMENT NO. 2

On page 3, in line 2, in each instance, strike the bracket; strike beginning with “**EXCEPT**” in line 2 down through “**ENDANGERED**” in line 3; in line 7, in each instance, strike the bracket; strike beginning with “**EXCEPT**” in line 7 down through “**THREATENED**” in line 8; in lines 14 and 15, strike “**MEANS A WILDLIFE SPECIES LISTED BY THE DEPARTMENT AS AN ENDANGERED SPECIES**” and substitute “**HAS THE MEANING STATED IN § 10-2A-01 OF THIS SUBTITLE**”; in lines 22 and 23, strike “**MEANS A WILDLIFE SPECIES LISTED BY THE DEPARTMENT AS A THREATENED SPECIES**” and substitute “**HAS THE MEANING STATED IN § 10-2A-01 OF THIS SUBTITLE**”; in line 26, strike “**AND PRIORITIZE**”; in the same line, after “**SPECIES**”

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insert a comma; in the same line, strike “AND”; and in line 27, after “SPECIES” insert “, AND SPECIES OF GREATEST CONSERVATION NEED”.

On page 4, in line 1, after “(2)” insert “(I) ON OR BEFORE OCTOBER 1, 2024, DESIGNATE WHICH SPECIES IDENTIFIED IN ITEM (1) OF THIS SUBSECTION ARE PRIORITIES FOR CONNECTING HABITATS OR PREVENTING COLLISIONS BETWEEN VEHICLES AND WILDLIFE; AND

(II)”;

in line 3, after “UNDER” insert “THIS”; in the same line, strike “(1) OF THIS SUBSECTION”; in line 4, strike “DEVELOP” and substitute “SUBJECT TO THE AVAILABILITY OF FUNDING, DEVELOP”; in the same line, after “ANY” insert “MAPS,”; in line 8, strike “IDENTIFIED” and substitute “DESIGNATED”; in the same line, strike “(1)” and substitute “(2)”; in line 13, strike “THE” and substitute “(I) SUBJECT TO THE AVAILABILITY OF FUNDING, THE”; in lines 14, 16, 18, and 22, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; in line 22, strike “SUBJECT TO AVAILABILITY, USE” and substitute “USE”; after line 23, insert:

“(II) IN DEVELOPING DEER POPULATION HABITAT MAPS UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE DEPARTMENT MAY COMBINE DEER POPULATION SURVEY DATA WITH OTHER AVAILABLE DATA TO MORE PRECISELY IDENTIFY PRIORITY LOCATIONS FOR WILDLIFE CROSSINGS.

“(III) IF AVAILABLE FUNDING IS INSUFFICIENT TO CONDUCT THE STATEWIDE DEER POPULATION SURVEY REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT MAY CONDUCT REGIONAL OR HOTSPOT SURVEYS.”;

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in lines 24 and 25, strike “DEPARTMENT OF TRANSPORTATION” and substitute “STATE HIGHWAY ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT,”; strike beginning with “UPDATE” in line 25 down through “STANDARDS” in line 28 and substitute “DEVELOP DESIGN GUIDELINES FOR BRIDGES, CULVERTS, AND ROADS THAT WILL IMPROVE PASSAGE FOR SPECIES DESIGNATED UNDER SUBSECTION (B)(2) OF THIS SECTION”; in line 29, strike “THE” and substitute “ON COMPLETION OF THE DESIGN GUIDELINES REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE”; in the same line, after “SHALL” insert “CONSIDER THE DESIGN GUIDELINES AND MAY”; and in line 30, strike “OF ALL NEW” and substitute “, REHABILITATION, OR REPLACEMENT OF”.

On pages 4 on 5, strike beginning with “COULD” in line 31 on page 4 down through “NEED” in line 2 on page 5 and substitute “INTERSECT THE HABITAT OF A SPECIES DESIGNATED UNDER SUBSECTION (B)(2) OF THIS SECTION”.

On page 5, strike beginning with “(I)” in line 3 down through “TIMELINE” in line 36 and substitute “NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO REQUIRE THE STATE HIGHWAY ADMINISTRATION TO INCORPORATE INTO THE DESIGN, REHABILITATION, OR REPLACEMENT OF A BRIDGE, CULVERT, OR STATE HIGHWAY ANY DESIGN ELEMENTS RECOMMENDED IN THE DESIGN GUIDELINES REQUIRED UNDER SUBSECTION (D) OF THIS SECTION THAT:

(I) SIGNIFICANTLY INCREASE THE PROJECT COST OR TIMELINE; OR

(II) ARE UNREASONABLE, UNFEASIBLE, OR NOT IN ACCORDANCE WITH RELEVANT SAFETY STANDARDS AND ENGINEERING BEST PRACTICES”.

(Over)

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On page 6, in line 3, after “**TERRESTRIAL**” insert “**OR SEMIAQUATIC**”; strike beginning with “**REVENUE**” in line 15 down through “**(III)**” in line 21; and in lines 23 and 24, strike “**(IV)**” and “**(V)**”, respectively, and substitute “**(II)**” and “**(III)**”, respectively.

On page 7, in line 6, strike “**AND**”; in the same line, after “**DESIGN**” insert “**, AND ENGINEERING, WHICH MAY INCLUDE HYDRAULIC ANALYSIS AND SIZING**”; and in line 12, after “**TERRESTRIAL**” insert “**OR SEMIAQUATIC**”.

On page 8, in line 2, strike “**AND**”; in line 4, after “**INCLUDING**” insert “**:**

1.”;

in the same line, strike “**COMPENSATION**” and substitute “**COMPENSATION**”; in line 5, after “**SECTION**” insert “**;**

2. COST RECOVERY;

3. GIS DATA; AND

4. ANY OTHER RELATED ADMINISTRATIVE COSTS;

AND

(XII) COVER THE COSTS OF ASSET MANAGEMENT FOR WILDLIFE CROSSING INFRASTRUCTURE, INCLUDING PLANNING, INVENTORY, CONDITION INFORMATION, AND LIFE CYCLE ANALYSES”;

in line 16, strike “**SECRETARY OF TRANSPORTATION**” and substitute “**STATE HIGHWAY ADMINISTRATOR**”; in line 23, after “**APPROPRIATE**” insert “**,**

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REASONABLE, AND FEASIBLE, AND FOR WHICH STATE MATCHING FUNDS ARE AVAILABLE"; and after line 23, insert:

“(1) THE DEPARTMENT SHALL:

(1) DEVELOP A WEBSITE TO BE USED FOR ACCEPTING DONATIONS TO THE FUND; AND

(2) IF FEASIBLE, WORK WITH THE MOTOR VEHICLE ADMINISTRATION TO PROVIDE THE OPTION, APPEARING ON THE VEHICLE REGISTRATION PORTAL, TO DONATE TO THE FUND.”.

On page 9, strike in their entirety lines 19 through 29, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any project that has an existing National Environmental Policy Act record of decision and for which the design of the project is more than 30% complete before the effective date of this Act.”.

On page 10, in line 1, strike “2.” and substitute “3.”.