

---

February 27, 2024

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis MD 21401

***RE: Letter of Information – Senate Bill 902 – Wildlife – Protections and Highway Crossings***

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on Senate Bill 902 for the Committee's consideration.

The MDOT and State Highway Administration (SHA) thank the sponsors of this bill and its cross file for meeting to discuss the intent of the bill as well as some possible challenges for SHA with the bill as drafted. Senate Bill 902 requires the implementation of certain connectivity infrastructure in the design of new bridges, culverts, and State highways along a waterway in the State that causes habitat fragmentation for a terrestrial threatened species, endangered species, or Species of Greatest Conservation Need.

For bridges and culverts, this provision does not consider design elements dictated by hydrologic and hydraulic analysis, areas that are regulated by the Maryland Department of the Environment. The requirements to incorporate natural or artificial banks and shelves resulting in a larger structure may have upstream or downstream flooding impacts on adjacent properties. While the requirements to implement modifications with the replacement or renovation of a bridge or culvert are limited in those instances where the modifications would significantly increase the project cost or timeline, these provisions in the bill do not account for instances where safety or sound engineering practices would dictate that wildlife connectivity infrastructure not be included in the final design. In other instances where infrastructure enhancements must be considered for roadworks, the implementation is subject to a reasonableness and feasibility assessment performed by the Administration, as the subject matter experts on transportation engineering and highway design.

The SHA notes that the bill generally requires the Administration to consult with DNR on the design of new bridges, culverts, or State highways that could reasonably be expected to cause habitat fragmentation for a terrestrial threatened species, endangered species, or Species of Greatest Conservation Need. While this will result in recommendations only where habitat fragmentation is determined to be an issue, the costs for solutions to rectify the habitat fragmentation vary depending on the required solution or, where options exist, the option selected.

The SHA will continue to prioritize practices that enhance endangered species projects and reduce wildlife related crashes. Presently, SHA, through its Office of Environmental Design, is researching what other states are doing in this area and evaluating potential funding sources for the Administration's efforts. One of SHA's goals for this year is to utilize funds on hand to target grant opportunities and other federal funding for various projects, including the possibility of habitat mapping relative to State highways.

The Honorable Brian J. Feldman  
Page Two

The State Highway Administration will continue to meet with the sponsors to determine whether amendments to the bill could address the concerns included in this letter, as well as how the State could meet the requirements of this bill through the Department's existing business practices.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 902.

Sincerely,

Matthew Mickler  
Deputy Director (Acting)  
Office of Policy and Research  
Maryland State Highway Administration  
410-545-5629

Pilar Helm  
Director  
Office of Government Affairs  
Maryland Department of Transportation  
410-865-1090