

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0360.01 Megan McCall x4215

SENATE BILL 22-151

SENATE SPONSORSHIP

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Lewis, Kolker, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Rodriguez, Winter

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McCormick, McLachlan, Mullica, Ricks, Snyder, Titone, Valdez A., Valdez D., Woodrow,
Young

Senate Committees

Transportation & Energy
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

HOUSE
3rd Reading Unamended
May 10, 2022

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A CASH FUND FOR USE BY THE**
102 **DEPARTMENT OF TRANSPORTATION TO FUND PROJECTS THAT**
103 **PROVIDE SAFE ROAD CROSSINGS FOR CONNECTIVITY OF**
104 **WILDLIFE AND THEREBY REDUCE WILDLIFE-VEHICLE**
105 **COLLISIONS.**

HOUSE
2nd Reading Unamended
May 5, 2022

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

SENATE
3rd Reading Unamended
May 3, 2022

The bill creates the Colorado wildlife safe passages cash fund (fund) within the state treasury for use by the department of transportation

SENATE
Amended 2nd Reading
May 2, 2022

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(department) to provide funding for projects by the department that provide safe road crossings for connectivity of wildlife and that reduce wildlife-vehicle collisions. The department must consult with the division of parks and wildlife and the Colorado wildlife and transportation alliance regarding the disbursement of money from the fund and must annually report on the disbursement of such money.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In Colorado, the department maintains over 23,000 miles of
5 highway, and daily seasonal movements of wildlife create a conflict that
6 results in nearly 4,000 vehicle crashes involving wildlife being reported
7 to law enforcement every year. These crashes result in injuries and
8 fatalities to humans and an estimated \$80 million annually in property
9 damage, emergency response, and medical treatment. This figure does not
10 include the value of wildlife killed in vehicular collisions, the impact on
11 the health of wildlife populations, or the loss and fragmentation of the
12 vibrant habitats wildlife call home.

13 (b) Colorado boasts the largest rocky mountain elk herd in the
14 world and is also home to significant populations of other iconic big game
15 species such as mule deer, bighorn sheep, pronghorn, and moose, as well
16 as numerous other endemic wildlife species.

17 (c) Intact habitats and intact wildlife corridors that connect the
18 habitats are vital to ensuring that Colorado's wildlife populations continue
19 to thrive. Protecting wildlife corridors has been shown to improve the
20 herd vitality of big game species that are critical to Colorado's outdoor
21 recreation economy.

22 (d) Each year, the department's maintenance crews report moving

1 an average of 5,900 animals off the roadway. It is estimated that 2% of
2 Colorado's deer population is killed by wildlife-vehicle collisions every
3 year, equal to the total number of animals harvested each year through
4 hunting, without the economic and social benefits that hunting provides.

5 (e) Wildlife crossing structures built within important wildlife
6 corridors increase public safety and are highly effective at reducing
7 wildlife-vehicle collisions and the costs associated with those collisions.
8 For example, the 2016 Colorado Highway 9 mitigation project reduced
9 wildlife-vehicle collisions by 92% in the 5 years after its construction.

10 (f) There are currently 64 successful wildlife crossing projects
11 across Colorado, but the state, through the governor's office, the
12 department, the department of natural resources, and other entities, has
13 identified many more priority areas in need of mitigation measures that
14 lack the necessary funding to advance through design and construction.

15 (g) Federal legislation to increase funding available for
16 wildlife-vehicle collision mitigation and to protect wildlife corridors has
17 been signed by the president of the United States, and such legislation
18 will contribute significant resources and competitive grants to highway
19 safety projects and provide a source of funding to the state to protect
20 wildlife corridors and pursue highway mitigation projects.

21 (h) Protecting wildlife habitats and wildlife corridors requires
22 significant financial investments, and the effectiveness and
23 cost-efficiency of all of the existing efforts in the state will be enhanced
24 by a comprehensive and coordinated effort through funding for
25 department projects. The Colorado wildlife safe passages fund created in
26 the act will proactively prepare the department to take advantage of
27 maximal federal funding opportunities in the coming months and years.

1 TO SUBSECTION (4) OF THIS SECTION, ALL PRIVATE AND PUBLIC MONEY
2 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS THAT ARE
3 TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND,
4 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
5 OR TRANSFER TO THE FUND.

6 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 FUND TO THE FUND.

9 (3) (a) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
10 THE DEPARTMENT TO FUND PROJECTS THAT PROVIDE SAFE ROAD
11 CROSSINGS FOR CONNECTIVITY OF WILDLIFE AND REDUCE
12 WILDLIFE-VEHICLE COLLISIONS AND ALSO FOR THE FOLLOWING PURPOSES:

13 (I) FOR THE FULL RANGE OF WILDLIFE CROSSING PROJECT NEEDS
14 INCLUDING:

15 (A) PROJECTS IDENTIFIED ON THE DEPARTMENT'S TEN-YEAR
16 PRIORITY PIPELINE PROJECTS LIST WITH WILDLIFE PASSAGE COMPONENTS
17 OR OTHER WILDLIFE PASSAGE OPPORTUNITIES IDENTIFIED BY THE
18 DEPARTMENT, THE DIVISION, THE ALLIANCE, ANY BOARD OF COUNTY
19 COMMISSIONERS, OR ANY TRIBAL GOVERNMENT; AND

20 (B) COSTS RELATED TO PROJECT FEASIBILITY STUDIES, PLANNING,
21 CONSTRUCTION, RETROFITTING, AND MAINTENANCE OF WILDLIFE ROAD
22 CROSSING INFRASTRUCTURE; ROADKILL TRACKING AND STUDIES; ANIMAL
23 DETECTION SYSTEMS; SIGNAGE; EXCLUSIONARY FENCING; WILDLIFE JUMP
24 OUTS; AND TO ASSIST WITH PRIVATE LAND CONSERVATION EFFORTS;

25 (II) TO PROVIDE MATCHING MONEY AS REQUIRED OF THE STATE BY
26 FEDERAL GRANT PROGRAMS RELATING TO WILDLIFE CROSSING PROJECTS;
27 AND

1 (III) FOR ADMINISTRATIVE AND PERSONNEL EXPENSES RELATED TO
2 THE PURPOSES FOR THE FUND SET FORTH IN THIS SECTION.

3 (b) THE DEPARTMENT SHALL:

4 (I) CONSULT WITH THE DIVISION AND THE ALLIANCE CONCERNING
5 THE DISTRIBUTION OF MONEY FROM THE FUND FOR THE PURPOSES
6 SPECIFIED IN THIS SECTION AND, IF THE MONEY IS DISTRIBUTED TO A
7 PROJECT ON OR ADJACENT TO TRIBAL LAND, ALSO CONSULT WITH THE
8 TRIBAL GOVERNMENT;

9 (II) PRIORITIZE THE DEPARTMENT'S TEN-YEAR PRIORITY PIPELINE
10 PROJECTS WITH WILDLIFE COMPONENTS, THE 2019 WESTERN SLOPE
11 WILDLIFE PRIORITIZATION STUDY, AND ANY SUBSEQUENT STUDIES
12 CONCERNING THE PRIORITIZATION OF WILDLIFE WITHIN THE STATE WHEN
13 REVIEWING PROJECTS TO RECEIVE MONEY FROM THE FUND; AND

14 (III) CONSIDER DISTRIBUTING MONEY FROM THE FUND TO
15 PROJECTS TO FILL FUNDING GAPS FOR WILDLIFE ROAD CROSSINGS AND
16 CONNECTIVITY THAT ARE NOT OTHERWISE BUDGETED OR REQUIRED FOR
17 PROJECTS UNDER OTHER FEDERAL OR STATE OBLIGATION.

18 (4) ON SEPTEMBER 1, 2022, THE STATE TREASURER SHALL
19 TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND
20 FOR USE BY THE DEPARTMENT AS SET FORTH IN SUBSECTION (3) OF THIS
21 SECTION.

22 (5) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE
23 GOVERNOR'S OFFICE, THE DEPARTMENT OF NATURAL RESOURCES, THE
24 DIVISION, THE ALLIANCE, AND GREAT OUTDOORS COLORADO REGARDING
25 ITS EXPENDITURES FROM THE FUND INCLUDING, AT A MINIMUM:

26 (a) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
27 THE FUND DURING THE PRIOR FISCAL YEAR; AND

1 (b) A LISTING OF ALL PROJECTS RECEIVING FUNDING FROM THE
2 FUND AND THE AMOUNT OF FUNDING FOR EACH PROJECT DURING THE
3 PRIOR FISCAL YEAR.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2022 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.