

## CHAPTER 293

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**TRANSPORTATION**


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**SENATE BILL 22-151**

BY SENATOR(S) Danielson and Story, Bridges, Buckner, Donovan, Fields, Ginal, Hansen, Jaquez Lewis, Kolker, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Rodriguez, Winter, Fenberg;  
 also REPRESENTATIVE(S) McCluskie and Will, Roberts, Amabile, Bennett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCormick, McLachlan, Mullica, Ricks, Snyder, Titone, Valdez A., Valdez D., Woodrow, Young.

**AN ACT**

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

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

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

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

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

(c) Intact habitats and intact wildlife corridors that connect the habitats are vital to ensuring that Colorado's wildlife populations continue to thrive. Protecting wildlife corridors has been shown to improve the herd vitality of big game species

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

that are critical to Colorado's outdoor recreation economy.

(d) Each year, the department's maintenance crews report moving an average of 5,900 animals off the roadway. It is estimated that 2% of Colorado's deer population is killed by wildlife-vehicle collisions every year, equal to the total number of animals harvested each year through hunting, without the economic and social benefits that hunting provides.

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

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

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

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

**SECTION 2.** In Colorado Revised Statutes, **add** part 14 to article 4 of title 43 as follows:

PART 14  
COLORADO WILDLIFE SAFE PASSAGES

**43-4-1401. Definitions.** AS USED IN THIS PART 14, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ALLIANCE" MEANS THE COLORADO WILDLIFE AND TRANSPORTATION ALLIANCE ESTABLISHED IN 2018 AND MADE UP OF THE DEPARTMENT, THE DIVISION, TRIBAL GOVERNMENTS, FEDERAL AGENCIES, AND NONGOVERNMENTAL PARTNERS REPRESENTING ACADEMIA, NONPROFIT ORGANIZATIONS, AND BIOLOGICAL AND ENGINEERING SCIENCES.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION.

(3) "DIVISION" MEANS THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT

OF NATURAL RESOURCES CREATED IN SECTION 33-9-104 (1).

(4) "FUND" MEANS THE COLORADO WILDLIFE SAFE PASSAGES FUND CREATED IN SECTION 43-4-1402 (1).

(5) "PROJECT" MEANS A PROJECT BY THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN SECTION 43-4-1402 (3)(a)(I) AND (3)(a)(II).

(6) "WILDLIFE" HAS THE MEANING SET FORTH IN SECTION 33-1-102 (51).

**43-4-1402. Colorado wildlife safe passages fund - creation - use of fund.**

(1) THE COLORADO WILDLIFE SAFE PASSAGES FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED FROM THE GENERAL FUND TO THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION, ALL PRIVATE AND PUBLIC MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

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

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

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

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

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

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

(b) THE DEPARTMENT SHALL:

(I) CONSULT WITH THE DIVISION AND THE ALLIANCE CONCERNING THE DISTRIBUTION OF MONEY FROM THE FUND FOR THE PURPOSES SPECIFIED IN THIS SECTION AND, IF THE MONEY IS DISTRIBUTED TO A PROJECT ON OR ADJACENT TO

TRIBAL LAND, ALSO CONSULT WITH THE TRIBAL GOVERNMENT;

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

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

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

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

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

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

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

Approved: June 1, 2022