



Via online submission

August 24, 2012

Ms. Lynn Zanto, Administrator
Rail Transit & Planning
Montana Department of Transportation
2701 Prospect Ave.
Helena, MT 59620

Re: Comments on *Moving Ahead for Progress in the 21st Century Act* (MAP-21)

Dear Ms. Zanto,

Montanans for Safe Wildlife Passage (MSWP) is pleased to submit the following letter in response to your request for comments on the newly enacted federal transportation law: *Moving Ahead for Progress in the 21st Century Act* (MAP-21). Although we are still in the process of assessing the law's overall effects, we provide below our initial comments. We expect to be in a better position to discuss how the Montana Department of Transportation (MDT) can implement MAP-21's new wildlife provisions by October and will contact MDT then to request a briefing regarding next steps.

Montanans for Safe Wildlife Passage. MSWP is a new group formed last fall to bring individuals and conservation groups together to advocate for innovative solutions to improve and/or maintain habitat connectivity across Montana roads and provide safe passage for Montana's people, fish, and wildlife. Our members include individuals who have been working on improving wildlife passage for wildlife and aquatic species for over 15 years, including research, mapping, monitoring, policy work, and on the ground projects. For more information on MSWP, please visit our website at www.montanans4wildlife.org.

MAP-21's Wildlife Connectivity and Related Safety Provisions. For the first time in U.S. history, a national transportation law has woven throughout its programs authority for state, tribal, metropolitan and federal land managers to reduce the number of motorist collisions with wildlife and improve connectivity among habitats disrupted by roads.

MAP-21 comes on the heels of the Federal Highway Administration's 2008 National Wildlife-Vehicle Collision Report to the U.S. Congress, which indicated that, *every year*, an estimated one to two million collisions occur between cars and large animals in the U.S. An estimated 200 people die and 26,000 people are injured *every year* as a result of these collisions,

costing Americans over \$8 billion *every year* (Huijser *et al.* 2007). The Report, moreover, documented a 50 percent increase in wildlife-vehicle collisions over the preceding 15 years (Huijser *et al.* 2007). This issue is of particular importance to the citizens of Montana, which ranks 4th nationally in the likelihood that a driver will hit a deer.

MAP-21's wildlife provisions offer significant direction to address safety improvements to protect motorists from wildlife-vehicle collisions and to help America's wildlife safely cross the road. The law's wildlife and safety provisions are far reaching and necessary. We are pleased to see that the law empowers states to:

- Adopt mitigation aimed at reducing vehicle-caused wildlife mortality (§ 1103(29)(F)(ii));
- Restore and maintain connectivity among terrestrial and aquatic habitats (§ 1103(29)(F)(ii));
- Mitigate hazards caused by wildlife (§ 1108(a)(7));
- Add or retrofit structures to reduce wildlife-vehicle collisions (23 U.S.C. § 148(a)(4)(B)(xvii));
- Adopt other measures to eliminate or reduce crashes involving vehicles and wildlife (23 U.S.C. § 148(a)(4)(B)(xvii)).

In addition, MAP-21 authorizes federal land and tribal transportation managers to:

- Improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity (23 U.S.C. § 202(a)(1)(A)(vi)(I), § 203(a)(1)(A)(iv)(I), § 204(a)(1)(A)(iv)); and
- Mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate (23 U.S.C. § 202(a)(1)(A)(vi)(II), § 203(a)(1)(A)(iv)(II)).

Leveraging Other Ongoing Efforts to Reduce Wildlife-Vehicle Collisions. In a related vein, MSWP member organizations have been participating in the Western Governors' Association (WGA) Wildlife Corridors Initiative, and the connectivity provisions contained within MAP-21 are the perfect complement to the WGA's efforts to alleviate the impacts of transportation on wildlife movement and habitat in the West. Currently, the Western Governors' Wildlife Council, at the behest of the Governors, is developing tools and policies that assist states in identifying and conserving crucial wildlife habitat and corridors across the region, including addressing the intersection of highway safety and wildlife connectivity. We anticipate addressing how the WGA's efforts dovetail with those of MDT in more detail during our briefing regarding next steps.

Conclusion. Given MAP-21's greater emphasis on wildlife connectivity and its authorization of state DOTs to use federal highway funds to reduce wildlife-vehicle collisions, MSWP similarly anticipates that MDT will place a greater emphasis on opportunities to reduce such collisions in Montana and to restore or maintain wildlife connectivity. Future actions could include reviewing available crash data for the highest concentration of wildlife collisions as well as Montana Fish Wildlife & Parks data on crucial corridors (which we understand may be available by later this fall) for the purpose of nominating projects to mitigate particularly dangerous highway sections (with regard to wildlife-vehicle collisions) that are not otherwise slated for repair or upgrade.

Thank you for providing the opportunity for MSWP to offer its comments on MAP-21. We are pleased that MAP-21 recognizes and systematically addresses the critical need to reduce wildlife-vehicle collisions and improve ecological connectivity. We look forward to meeting with you later this fall regarding MAP-21's implementation.

Renee Callahan

On behalf of Montanans for Safe Wildlife Passage