

**AMENDMENT**  
**OFFERED BY MR. BOST OF ILLINOIS**

In section 1206 of division B of the bill (relating to transportation alternatives program) in the matter proposed to amend section 133(h) of title 23, United States Code, strike paragraph (3) and insert the following:

1           “(3) ELIGIBLE PROJECTS.—

2                   “(A) IN GENERAL.—Except as provided in  
3           subparagraph (B), funds set aside under this  
4           subsection may be obligated for any of the fol-  
5           lowing projects or activities:

6                           “(i) Construction, planning, and de-  
7                           sign of on-road and off-road trail facilities  
8                           for pedestrians, bicyclists, and other non-  
9                           motorized forms of transportation, includ-  
10                          ing sidewalks, bicycle infrastructure, pedes-  
11                          trian and bicycle signals, traffic calming  
12                          techniques, lighting and other safety-re-  
13                          lated infrastructure, and transportation  
14                          projects to achieve compliance with the  
15                          Americans with Disabilities Act of 1990  
16                          (42 U.S.C. 12101 et seq.).

1           “(ii) Construction, planning, and de-  
2           sign of infrastructure-related projects and  
3           systems that will provide safe routes for  
4           nondrivers, including children, older adults,  
5           and individuals with disabilities to access  
6           daily needs.

7           “(iii) Conversion and use of aban-  
8           doned railroad corridors for trails for pe-  
9           destrians, bicyclists, or other nonmotorized  
10          transportation users.

11          “(iv) Construction of turnouts, over-  
12          looks, and viewing areas.

13          “(v) Community improvement activi-  
14          ties, including—

15               “(I) inventory, control, or re-  
16               moval of outdoor advertising;

17               “(II) historic preservation and  
18               rehabilitation of historic transpor-  
19               tation facilities;

20               “(III) vegetation management  
21               practices in transportation rights-of-  
22               way to improve roadway safety, pre-  
23               vent against invasive species, and pro-  
24               vide erosion control; and

1                   “(IV) archaeological activities re-  
2 relating to impacts from implementation  
3 of a transportation project eligible  
4 under this title.

5                   “(vi) Any environmental mitigation  
6 activity, including pollution prevention and  
7 pollution abatement activities and mitiga-  
8 tion to address stormwater management,  
9 control, and water pollution prevention or  
10 abatement related to highway construction  
11 or due to highway runoff, including activi-  
12 ties described in sections 328(a) and 329.

13                   “(vii) Projects and strategies to re-  
14 duce vehicle-caused wildlife mortality re-  
15 lated to, or to restore and maintain  
16 connectivity among terrestrial or aquatic  
17 habitats affected by, a transportation facil-  
18 ity otherwise eligible for assistance under  
19 this subsection.

20                   “(viii) The recreational trails program  
21 under section 206.

22                   “(ix) The safe routes to school pro-  
23 gram under section 211.

1           “(x) Activities in furtherance of a vul-  
2 nerable road user assessment described in  
3 section 148.

4           “(xi) Any other projects or activities  
5 described in section 101(a)(29) or section  
6 213, as such sections were in effect on the  
7 day before the date of enactment of the  
8 FAST Act (Public Law 114–94).

9           “(B) PROHIBITION AGAINST EMINENT DO-  
10 MAIN.—

11           “(i) IN GENERAL.—Funds set aside  
12 under this subsection may not be obligated  
13 for any project or activity that includes the  
14 exercise of eminent domain authority to  
15 carry out such project or activity.

16           “(ii) EXCEPTION .—Notwithstanding  
17 clause (i), funds reserved under this sub-  
18 section may be obligated for a project or  
19 activity that includes the exercise of emi-  
20 nent domain authority if such project or  
21 activity is—

22           “(I) described in section  
23 101(a)(29)(B), as in effect on the day  
24 before the date of enactment of the  
25 FAST Act (Public Law 114–94);

1                   “(II) an acquisition necessary to  
2                   achieve compliance with the Ameri-  
3                   cans with Disabilities Act of 1990 (42  
4                   U.S.C. 12101 et seq); or

5                   “(III) described in the safe  
6                   routes to school program under sec-  
7                   tion 211.”.

