

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118-36**  
**OFFERED BY MS. WILLIAMS OF GEORGIA**

At the end of subtitle C of title XVII, add the following:

1 **SEC. 17\_\_\_ . PERMITTING USE OF HIGHWAY TRUST FUND**  
2 **FOR CONSTRUCTION OF CERTAIN NOISE BAR-**  
3 **RIERS.**

4 (a) **IN GENERAL.**—Section 339(b) of the National  
5 Highway System Designation Act of 1995 (23 U.S.C. 109  
6 note) is amended to read as follows:

7 “(b) **TYPE II NOISE BARRIERS.**—

8 “(1) **GENERAL RULE.**—No funds made avail-  
9 able out of the Highway Trust Fund may be used  
10 to construct a Type II noise barrier (as defined by  
11 section 772.5 of title 23, Code of Federal Regula-  
12 tions) pursuant to subsections (h) and (i) of section  
13 109 of title 23, United States Code.

14 “(2) **EXCEPTIONS.**—Paragraph (1) shall not  
15 apply to construction or preservation of a Type II  
16 noise barrier if such a barrier—

17 “(A) was not part of a project approved by  
18 the Secretary before November 28, 1995;

1           “(B) is proposed along lands that were de-  
2           veloped or were under substantial construction  
3           before approval of the acquisition of the rights-  
4           of-ways for, or construction of, the existing  
5           highway; or

6           “(C) as determined and applied by the  
7           Secretary, separates a highway or other noise  
8           corridor from a group of structures of which  
9           the majority of such structures closest to the  
10          highway or noise corridor—

11                  “(i) are residential in nature; and

12                  “(ii) are at least 10 years old as of  
13                  the date of the proposal of the barrier  
14                  project.”.

15          (b) ELIGIBILITY FOR SURFACE TRANSPORTATION  
16 BLOCK GRANT FUNDS.—Section 133 of title 23, United  
17 States Code, is amended—

18                  (1) in subsection (b), by adding at the end the  
19                  following:

20                  “(25) Planning, design, preservation, or con-  
21                  struction of a Type II noise barrier (as described in  
22                  section 772.5 of title 23, Code of Federal Regula-  
23                  tions) and consistent with the requirements of sec-  
24                  tion 339(b) of the National Highway System Des-  
25                  ignation Act of 1995 (23 U.S.C. 109 note).”; and

1           (2) in subsection (c)(2), by striking “and para-  
2           graph (23)” and inserting “, paragraph (23), and  
3           paragraph (25)”.

4           (c) MULTIPURPOSE NOISE BARRIERS.—

5           (1) IN GENERAL.—The Secretary of Transpor-  
6           tation shall ensure that a noise barrier constructed  
7           or preserved under section 339(b) of the National  
8           Highway System Designation Act of 1995 (23  
9           U.S.C. 109 note) or with funds made available  
10          under title 23, United States Code, may be a multi-  
11          purpose noise barrier.

12          (2) STATE APPROVAL.—A State, on behalf of  
13          the Secretary, may approve accommodation of a sec-  
14          ondary beneficial use on a noise barrier within a  
15          right-of-way on a Federal-aid highway.

16          (3) DEFINITIONS.—In this subsection:

17                (A) MULTIPURPOSE NOISE BARRIER.—The  
18                term “multipurpose noise barrier” means any  
19                noise barrier that provides a secondary bene-  
20                ficial use, including a barrier that hosts or ac-  
21                commodates renewable energy generation facili-  
22                ties, electrical transmission and distribution in-  
23                frastructure, or broadband infrastructure and  
24                conduit.

1 (B) SECONDARY BENEFICIAL USE.—The  
2 term “secondary beneficial use” means an envi-  
3 ronmental, economic, or social benefit in addi-  
4 tion to highway noise mitigation.

5 (d) AESTHETICS.—A project sponsor constructing or  
6 preserving a noise barrier under section 339(b) of the Na-  
7 tional Highway System Designation Act of 1995 (23  
8 U.S.C. 109 note) or with funds made available under title  
9 23, United States Code, shall consider the aesthetics of  
10 the proposed noise barrier, consistent with latest version  
11 of the Noise Barrier Design Handbook published by the  
12 Federal Highway Administration of the Department of  
13 Transportation.

