

**AMENDMENT TO H.R. 9028, AS REPORTED**  
**OFFERED BY MS. WILLIAMS OF GEORGIA**

At the end of the bill (before the short title), insert the following:

1       SEC. \_\_\_\_\_. (a) Section 339(b) of the National High-  
2 way System Designation Act of 1995 (23 U.S.C. 109 note)  
3 is amended to read as follows:

4       “(b) TYPE II NOISE BARRIERS.—

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

11              “(2) EXCEPTIONS.—Paragraph (1) shall not  
12 apply to construction or preservation of a Type II  
13 noise barrier if such a barrier—

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

16                      “(B) is proposed along lands that were de-  
17 veloped or were under substantial construction  
18 before approval of the acquisition of the rights-

1 of-ways for, or construction of, the existing  
2 highway; or

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

8 “(i) are residential in nature; and

9 “(ii) are at least 10 years old as of  
10 the date of the proposal of the barrier  
11 project.”.

12 (b) Section 133 of title 23, United States Code, is  
13 amended—

14 (1) in subsection (b) by adding at the end the  
15 following:

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

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

1 (c)(1) The Secretary of Transportation shall ensure  
2 that a noise barrier constructed or preserved under section  
3 339(b) of the National Highway System Designation Act  
4 of 1995 (23 U.S.C. 109 note) or with funds made avail-  
5 able under title 23, United States Code, may be a multi-  
6 purpose noise barrier.

7 (2) A State, on behalf of the Secretary, may approve  
8 accommodation of a secondary beneficial use on a noise  
9 barrier within a right-of-way on a Federal-aid highway.

10 (3) In this subsection:

11 (A) The term “multipurpose noise barrier”  
12 means any noise barrier that provides a secondary  
13 beneficial use, including a barrier that hosts or ac-  
14 commodates renewable energy generation facilities,  
15 electrical transmission and distribution infrastruc-  
16 ture, or broadband infrastructure and conduit.

17 (B) The term “secondary beneficial use” means  
18 an environmental, economic, or social benefit in ad-  
19 dition to highway noise mitigation.

20 (d) A project sponsor constructing or preserving a  
21 noise barrier under section 339(b) of the National High-  
22 way System Designation Act of 1995 (23 U.S.C. 109 note)  
23 or with funds made available under title 23, United States  
24 Code, shall consider the aesthetics of the proposed noise  
25 barrier, consistent with latest version of the Noise Barrier

- 1 Design Handbook published by the Federal Highway Ad-
- 2 ministration of the Department of Transportation.

