

AMENDMENT TO RULES COMMITTEE PRINT

117-54

OFFERED BY MS. WILLIAMS OF GEORGIA

At the end of title LIII of division E, add the following:

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

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

16 “(A) was not part of a project approved by
17 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.

