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117TH CONGRESS
2D SESSION

H. R. 6801

To amend the National Highway System Designation Act of 1995 to permit the construction of certain noise barriers with funds from the Highway Trust Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2022

Ms. WILLIAMS of Georgia (for herself, Mr. HIMES, and Mr. BACON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To amend the National Highway System Designation Act of 1995 to permit the construction of certain noise barriers with funds from the Highway Trust Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Negating Neighborhood Noise Act''.

SEC. 2. PERMITTING USE OF HIGHWAY TRUST FUND FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.

Section 339(b) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note) is amended to read as follows:

"(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct a Type II noise barrier (as defined by section 772.5 of title 23, Code of Federal Regulations) pursuant to subsections (h) and (i) of section 109 of title 23, United States Code.

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

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

"(B) is proposed along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway; or

"(C) as determined and applied by the Secretary, separates a highway or other noise corridor from a group of structures of which

the majority of such structures closest to the highway or noise corridor—

"(i) are residential in nature; and

"(ii) are at least 10 years old as of the date of the proposal of the barrier project.".

SEC. 3. ELIGIBILITY FOR SURFACE TRANSPORTATION BLOCK GRANT FUNDS.

Section 133 of title 23, United States Code, is amended—

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

"(25) Planning, design, preservation, or construction of a Type II noise barrier (as described in section 772.5 of title 23, Code of Federal Regulations) and consistent with the requirements of section 339(b) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note).''; and

(2) in subsection (c)(2) by striking "and paragraph (23)" and inserting ", paragraph (23), and paragraph (25)".

SEC. 4. MULTIPURPOSE NOISE BARRIERS.

(a) IN GENERAL.—The Secretary of Transportation shall ensure that a noise barrier constructed or preserved under section 339(b) of the National Highway System

Designation Act of 1995 (23 U.S.C. 109 note) or with funds made available under title 23, United States Code, may be a multipurpose noise barrier.

(b) STATE APPROVAL.—A State, on behalf of the Secretary, may approve accommodation of a secondary beneficial use on a noise barrier within a right-of-way on a Federal-aid highway.

(c) DEFINITIONS.—

(1) MULTIPURPOSE NOISE BARRIER.—The term ''multipurpose noise barrier'' means any noise barrier that provides a secondary beneficial use, including a barrier that hosts or accommodates renewable energy generation facilities, electrical transmission and distribution infrastructure, or broadband infrastructure and conduit.

(2) SECONDARY BENEFICIAL USE.—The term ''secondary beneficial use'' means an environmental, economic, or social benefit in addition to highway noise mitigation.

SEC. 5. AESTHETICS.

A project sponsor constructing or preserving a noise barrier under section 339(b) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note) or with funds made available under title 23, United States Code, shall consider the aesthetics of the proposed noise barrier,

consistent with the latest version of the Noise Barrier Design Handbook published by the Federal Highway Administration of the Department of Transportation.

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