

## LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT

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JULY 28, 2006.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and  
Infrastructure, submitted the following

### R E P O R T

[To accompany H.R. 4653]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom  
was referred the bill (H.R. 4653) to repeal a prohibition on the use  
of certain funds for tunneling in certain areas with respect to the  
Los Angeles to San Fernando Valley Metro Rail project, California,  
having considered the same, report favorably thereon without  
amendment and recommend that the bill do pass.

#### PURPOSE OF THE LEGISLATION

H.R. 4653 repeals a provision in section 321 of the Department  
of Transportation and Related Agencies Appropriations Act, 1986,  
that prohibits Federal transit funds from being used for certain  
subway extension projects in the greater Los Angeles area.

#### BACKGROUND AND NEED FOR THE LEGISLATION

On March 24, 1985, an explosion was caused by the ignition of  
methane gas that had been accumulating in an auxiliary room of  
a local department store located on Third Street, in the Wilshire-  
Fairfax District of Los Angeles. The resulting explosion blew out  
the windows and partially collapsed the roof of the structure, injur-  
ing 22 people. Police closed off four blocks around the explosion  
scene, where spouting gas flames burned through the night. In the  
following days, a drill rig brought to the site was used to test for  
possible gas accumulations in the alluvial soil beneath the store. A  
pocket of pressurized gas was encountered at a depth of 42 feet be-  
neath the store building. Gas was also encountered in several other

borings at the site in smaller quantities and at lower pressures. Pressure gauges and control valves were installed, and a valved flare pipe was used to bleed off the gas into the air, where it dispersed. Over a few days, the Ross Store site gradually returned to the normal gas concentrations characteristic of the local area.

The incident raised safety concerns about tunneling in this area of Los Angeles in order to build the planned Metro Rail subway system. On March 27, 1985, the Los Angeles City Council created a Task Force to investigate the explosion and fire, determine the cause of the accident, and recommend measures that could be adopted to avoid future incidents. The Task Force did not assess the safety of the Metro Rail system. It did, however, identify two methane risk zones: a high potential risk zone and a potential risk zone.

When the fiscal year 1986 Transportation and Related Agencies Appropriations Act was considered on the House floor, two provisions were added to the bill that:

- (1) Directed the Secretary of Transportation to enter into negotiations for a full funding grant agreement to construct a minimum operable segment of the downtown Los Angeles to San Fernando Valley Metro Rail project (Public Law 99-190, section 320);

- (2) Required the Federal Transit Administration to contract with the local transit authority to conduct a study of potential methane gas risks related to the proposed alignment of the Metro Rail project beyond the first minimum operable segment (Public Law 99-190, section 321);

- (3) Prohibited any of the funds made available for the first minimum operable segment of the San Fernando Valley Metro to be made available for any segment of the Metro Rail project unless and until a formal commitment is made to the Federal government by the local transit authority that no part of the Metro Rail project will tunnel into or through any potential risk zone or high potential risk zone for methane gas (Public Law 99-190, section 321).

The effect of the funding prohibition in section 321 of the Transportation and Related Agencies Appropriations Act for fiscal year 1986 has been to prevent the consideration of any underground transit options in the areas along the Wilshire Boulevard corridor west from downtown Los Angeles toward Santa Monica. Although the prohibition in section 321 was included in appropriations legislation, which normally would limit the provision's applicability to the fiscal year in which funds are appropriated, the Federal Transit Administration has determined that this language was drafted in such a way to prevent tunneling on any segment of the Los Angeles to San Fernando Valley Metro Rail project in areas that were characterized as methane risk zones.

In October 2005, a peer review panel of engineering experts was convened at the request of the Los Angeles County Metropolitan Transportation Authority Board to conduct an independent evaluation of gas related safety issues associated with the proposed tunneling of the extension of the Metro Red Line subway along Wilshire Boulevard. Since 1985, tunneling technology and gas measurement instrumentation have improved, transit construction projects receive more robust oversight, and construction and oper-

ational experience in tunneling has increased, along with knowledge about geology and methods to mitigate safety concerns. Based on these findings, the peer review panel reported that tunneling along the Wilshire Boulevard corridor can be done safely if proper procedures and appropriate techniques are used.

#### SUMMARY OF THE LEGISLATION

##### *Section 1. Repeal of prohibition*

This section repeals a prohibition that was included in the fiscal year 1986 Department of Transportation and Related Agencies Act, 1986, on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 4653 was introduced on December 22, 2005 by Rep. Waxman and was referred to the Committee on Transportation and Infrastructure. The Committee on Transportation and Infrastructure met in open markup session on July 19, 2006, and discharged the Subcommittee on Highways, Transit and Pipelines from consideration of the bill by unanimous consent. H.R. 4653 was approved by voice vote without amendment.

#### ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes in full committee consideration of H.R. 4653.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, no funds are authorized. The legislation will provide the Los Angeles County Metro-

politan Transportation Authority with additional flexibility in how it uses certain federal funds.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4653 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 26, 2006.*

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4653, a bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

If you wish further details on these estimates, we will be pleased to provide them. The CBO staff contact is Gregory Waring.

Sincerely,

DONALD B. MARRON,  
*Acting Director.*

Enclosure.

*H.R. 4653—A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail Project, California*

In 1986, the Congress prohibited the use of federal funds for construction of any segment of the Los Angeles to San Fernando Valley Metro Rail project that would require tunneling through a certain region. The prohibition was in response to a fire, caused by naturally occurring methane gas that was located along a proposed expansion of the rail project. As a result of the prohibition, the local transit agency constructed an alternate expansion. Enacting H.R. 4653 would lift the prohibition, making future proposals involving tunneling in the region eligible for federal funding. Any such funding would be dependent on future Congressional actions. CBO estimates that enacting H.R. 4653 by itself would have no cost to the federal government.

H.R. 4653 contains no intergovernmental or private-sector mandate as defined in the Unfunded Mandates Reform Act. The bill would provide the Los Angeles County Metropolitan Transportation Authority with flexibility in how it uses certain federal funds.

The CBO staff contact for this estimate is Gregory Waring. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the

measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 4653 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104-1).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

#### **SECTION 321 OF THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1986**

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SEC. 321. The Urban Mass Transportation Administration shall enter into a contract with the Southern California Rapid Transit District to conduct a study of the potential methane gas risks relating to the proposed alignment of the Metro Rail project beyond the Minimum Operable Segment, MOS-1. [None of the funds described in section 320 may be made available for any segment of the downtown Los Angeles to San Fernando Valley Metro Rail project unless and until the Southern California Rapid Transit District officially notifies and commits to the Urban Mass Transportation Administration that no part of the Metro Rail project will tunnel into or potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area".] Funds for this study, in an amount not to exceed

\$1,000,000, shall be made available from funds previously allocated for the MOS-1 project, commencing within 30 days of enactment.

