



# Metro

August 18, 2005

TO: BOARD OF DIRECTORS

THROUGH: ROGER SNOBLE  
CHIEF EXECUTIVE OFFICER

FROM: MATTHEW RAYMOND  
CHIEF COMMUNICATIONS OFFICER

SUBJECT: PEER REVIEW PANEL TO REVIEW FEDERAL PROHIBITION  
ON TUNNELING

## ISSUE

The Los Angeles County Metropolitan Transportation Authority (Metro) Board of Directors moved on February 24, 2005 to adopt a motion that directs, in part, Metro to remove a federal prohibition on the use of federal funds for tunneling in potential or high potential methane gas risk zones, like the Wilshire Corridor.

## DISCUSSION

A restriction on tunneling for rail in certain methane zones in the City of Los Angeles was placed in the fiscal year 1986 U.S. Department of Transportation Appropriations Act (P.L. No. 99-190). The prohibition was initiated by Congressman Henry Waxman (D-30) following a 1985 methane gas explosion at a Ross Dress-for-Less store adjacent to the Farmer's Market.

The statutory language included in the fiscal year 1986 federal transportation appropriations bill required the predecessor of the U.S. Federal Transit Administration (the Urban Mass Transportation Administration – UMTA) to enter into a contract with the predecessor of Metro, the Southern California Rapid Transit District (SCRTD) to conduct a study of the potential methane gas risks related to the proposed alignment of the Metro Rail project beyond MOS-1. To date, no such study has been undertaken.

## CURRENT STATUS

The Metro Board of Directors moved on February 24, 2005 to adopt a motion directing, in part, Metro to remove a federal prohibition on the use of federal funds for tunneling in potential or high potential methane gas risk zones, like the Wilshire Corridor. Shortly after February 24, 2005, the Metro Government Relations Department moved to create a plan of action to appropriately address the Metro Board's motion. Further, Metro CEO Roger Snoble assigned Chief Capital Management Officer, Rick Thorpe, to be Metro's lead in addressing the motion adopted by the Board.

Metro has formally asked the American Public Transportation Association (APTA) to initiate a peer review panel to examine the public safety issues related to tunneling along the Wilshire Corridor. APTA has agreed to coordinate such a peer review panel. Metro has also worked to collaborate with the City of Los Angeles on this matter given that \$1 million has been set aside for a "Red Line Tunneling Study Initiative" in their FY05-06 Budget.

Metro has conveyed to Congressman Henry Waxman (D-30) our interest in initiating a peer review panel to examine the public safety issues related to tunneling along the Wilshire Corridor. Congressman Waxman has responded in writing that he would support a "rigorously independent" study that would examine whether tunneling and operating a subway along the Wilshire corridor may be done safely. Congressman Waxman also requested that he be given the opportunity to select two of the five prospective peer review members. Metro and APTA have no objection to the Congressman selecting two qualified candidates to serve on the APTA peer review panel.

#### NEXT STEPS

Metro's Government Relations Department, at the direction of Chief Capital Management Officer, Rick Thorpe, will continue working with APTA, the City of Los Angeles and appropriate Congressional offices to facilitate the creation of a peer review panel to examine safety issues involved in tunneling along the Wilshire Corridor. Metro's goal is to have this peer review panel convene in the fall of this year and have its findings issued shortly thereafter.

Prepared by: Raffi Hamparian, Government Relations Manager for Federal Affairs