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**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
JANUARY 18, 2007**

SUBJECT: FEDERAL LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATION ON FEDERAL LEGISLATION

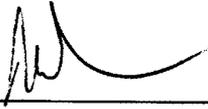
RECOMMENDATION

Adopt position on H.R. 238 (Waxman) – A bill that would repeal a prohibition on the use of federal funds on the Los Angeles to San Fernando Valley Metro Rail project. **SUPPORT.**

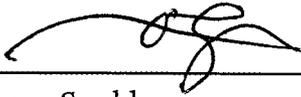
ATTACHMENT

Attachment A1: Legislative Analysis

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BILL: H.R. 238

AUTHOR: CONGRESSMAN HENRY WAXMAN (D-30)

SUBJECT: WILSHIRE TUNNELING RESTRICTION

STATUS: PENDING BEFORE THE HOUSE COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE

ACTION: SUPPORT

RECOMMENDATION

Adopt a Support position on H.R. 238 (Waxman).

ISSUE

H.R. 238, if adopted into law, would achieve the goal of a Board motion adopted in February 2005 that sought removal of the current restriction on the use of federal funds for Metro Rail tunneling in and around the Wilshire Corridor. Similar legislation (H.R. 4653) was adopted on September 20, 2006 by the full U.S. House of Representatives in the recently concluded 109th Congress. However, that legislation was not adopted by the U.S. Senate and therefore did not become law.

PROVISIONS

H.R. 238 is a measure introduced by Congressman Henry Waxman (D-CA) that seeks to repeal a restriction on federal funding for subway tunneling in the Wilshire Corridor.

Specifically, H.R. 238 would provide the following:

- Repeal the second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Acts of 1986 (99 Stat. 1287). That sentence reads: “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 through any zone designated as a 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.”

IMPACT ANALYSIS

Section 321 of the Fiscal Year 1986 Department of Transportation Appropriations Act (P.L. No. 99-190) contains statutory language that restricts tunneling in the Wilshire Corridor. H.R. 4653 would repeal this restriction.

Passage of H.R. 238 would allow Metro to seek federal funds for the extension of the Metro Red Line west of the existing Wilshire/Western station. Currently this proposed project is contained in the strategic portion of the Long Range Transportation Plan.

This legislation is consistent with a Board motion adopted on February 24, 2005 that instructed staff to seek removal of the current federal prohibition on the use of federal funds for tunneling in potential or high potential methane gas risk zones in the City of Los Angeles, like the Wilshire Corridor. Following the adoption of the Board motion in February of 2005, Metro asked an American Public Transportation Association (APTA) Peer Review panel to independently examine the safety of tunneling along the Wilshire Corridor. That panel issued its final report on December 7, 2005 in which it concluded that it is possible to both safely tunnel and safely operate a subway along the Wilshire Boulevard Corridor.

Adoption of this bill into law would effectively achieve Metro's goal of removing the current federal restriction on the use of federal funds for tunneling in the Wilshire Corridor.

Passage of this bill would send a positive message to policymakers and lawmakers in Los Angeles, Sacramento and Washington, D.C. that the extension of the Metro Red Line in the Wilshire Corridor can be done without compromising public safety.

H.R. 238 was referred for action to the House Committee on Transportation & Infrastructure on January 4, 2007. The committee is expected to hold a mark-up on H.R. 238 as early as next month. Metro Government Relations staff in Washington, DC is working closely with aides to members of the committee to encourage prompt consideration and passage of H.R. 238.