

Panama Canal Commission, including the purchase of not to exceed forty-seven passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed \$14,000 per vehicle); to employ services authorized by law (5 U.S.C. 3109); \$26,500,000 to be derived from the Panama Canal Commission Fund and to remain available until expended.

DEPARTMENT OF THE TREASURY
OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, and section 803 of Public Law 95-620, of fund anticipation notes, \$35,500,000.

UNITED STATES RAILWAY
ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, to remain available until expended, \$2,100,000, of which not to exceed \$500 may be available for official reception and representation expenses.

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, \$51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such

schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under section 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

SEC. 307. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 308. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation.

SEC. 309. None of the funds contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 310. Notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1986 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1989.

SEC. 311. None of the funds in this or any other Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation Systems Center.

SEC. 312. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 313. (a) For fiscal year 1986 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1985, no State shall obligate more than 40 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum

of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code.

(2) after August 1, 1986, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations.

(3) not distribute amounts authorized for administrative expenses and the Federal Lands Highway Programs.

SEC. 314. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and five political appointees in the Department of Transportation.

SEC. 315. Not to exceed \$1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 316. The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1986 shall not apply to obligations for the remaining approach and bridge removal work necessary to complete the new bridge alignment for the Zilwaukee Bridge.

SEC. 317. Section 5(b)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following new sentence: "Any funds apportioned for fiscal year 1982 or 1983 under subsection (a) for expenditure in an urbanized area with a population of less than 200,000 may be expended in an urbanized area with a population of 200,000 or more."

□ 1700

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PICKLE: Amend Section 317 by:

Adding the following new Subsection (b):

(b) Section 5(c)(4) of the Urban Mass Transportation Act of 1964 amended by striking the period at the end of the first sentence, and inserting the following: "except that any fiscal year 1982 funds made available to a Governor under section (b)(2) of the Urban Mass Transportation Act of 1964, as amended, that are unobligated as of October 1, 1985, or become unobligated thereafter, shall remain available for expenditure under section 5 until October 1, 1986."

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Chairman, this amendment merely clarifies the intent

of the committee that section 5 UMTA money allocated to a State's Governor may be spent in urban areas over 200,000.

To explain, section 5 is the pre-1983 UMTA Special Revenue Sharing Program. The Congress replaced the section 5 program with a new program in the 1982 Mass Transit Act.

Thus, since fiscal year 1982, a small amount of section 5 money, originally given to a Governor to spend in cities under 200,000 is unspent, because these areas do not have mass transit programs.

In section 317 of the committee bill, the committee allows a Governor to spend this fiscal year 1982 and fiscal year 1983 section 5 money in urban areas over 200,000 if there is a mass transit need.

Unfortunately, it is late in the fiscal year and the committee's intent may be defeated by the clock as far as fiscal year 1982 funds are concerned because on October 1, these funds are to be spent by DOT under the new program.

Specifically, my amendment allows the fiscal year 1982 funds allocated to a Governor to be spent under section 5 until October 1, 1986, just like the fiscal year 1983 money.

UMTA has no objections to the committee amendment or my clarifying amendment.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman of the subcommittee.

Mr. LEHMAN of Florida. I thank the gentleman for yielding.

Mr. Chairman, we have studied the amendment. It is a worthwhile amendment. It serves a useful purpose.

Mr. Chairman, we have no objection to the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, we have also examined the amendment. It is a good amendment. We accept the amendment.

Mr. PICKLE. I thank both of the gentleman very much. I am grateful for their cooperation.

Mr. Chairman, I move adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PICKLE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 318. Notwithstanding any other provision of law, within 60 days of the effective date of this Act the Urban Mass Transportation Administration shall reapportion under section 9 of the Urban Mass Transportation Act of 1964, as amended, those funds available for reapportionment pursuant to subsection (c)(4) of section 5 of that Act.

Sec. 319. None of the funds in this or any other Act shall be made available for the

proposed Woodward light rail line in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law: *Provided*, That this limitation shall not apply to alternatives analysis studies under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended.

Sec. 320. (a) Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants Program of the Urban Mass Transportation Administration, within 30 days after the enactment of this section, issue a letter of intent and enter into a full funding contract with the Southern California Rapid Transit District for \$429,000,000 to complete the Minimum Operable Segment, MOS-1, of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project: *Provided*, That the \$429,000,000 shall include \$11,800,000 earmarked for fiscal year 1984, \$117,200,000 earmarked for fiscal year 1985, \$130,000,000 in fiscal year 1986 and, subject to the availability of funds from Congress, \$170,000,000 in subsequent fiscal years.

(b) 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. The study shall develop alternative alignments and appropriate environmental documents so that construction will not penetrate the "potential risk zones" and "high potential risk zones" as defined by the Task Force Report on the March 24, 1985, Methane Gas Explosion and Fire in the Fairfax Area, City of Los Angeles. The study shall be completed no later than nine months after the date of enactment of this legislation. 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.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman from California [Mr. WAXMAN] indicate which of his amendments he is offering?

Mr. WAXMAN. Mr. Chairman, the amendment that would be before us would be the amendment printed in the RECORD. That amendment will be modified, and I will discuss the modifications which I desire.

The Clerk read as follows:

Amendment Offered by Mr. WAXMAN: Page 41, strike out line 14 and all that follows through page 42, line 4, and insert in lieu thereof the following:

(b) None of the funds described in subsection (a) may be made available for any segment of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project unless—

(1) the Southern California Rapid Transit District establishes an independent committee of experts to conduct detailed studies of the entire Metro Rail Project route and the potential hazards associated with the occurrence of methane gas;

(2) before the expiration of the 9-month period following the date of the enactment of this act, the committee established under paragraph (1) submits recommendations to the Southern California Rapid Transit District regarding any adjustments in the Metro Rail Project route that are required to avoid tunneling into or through any area

where the occurrence of methane gas presents a potential hazard;

(3) the Southern California Rapid Transit District submits to the Urban Mass Transportation Administration binding plans that—

(A) incorporate the recommendations of the committee submitted under paragraph (2); and

(B) indicate 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, and entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area"; and

(4) the Urban Mass Transportation Administration approves such plans.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. FIEDLER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman reserves a point of order.

PARLIAMENTARY INQUIRY

Ms. FIEDLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. FIEDLER. Mr. Chairman, is this the amendment that has been made in order under the existing rule?

The CHAIRMAN. The Clerk has reported the amendment that is in order under the existing rule.

Ms. FIEDLER. I thank the Chair.

Mr. WAXMAN. Mr. Chairman, the amendment before us is an amendment made in order under the rule, and I will seek a modification of that amendment in order to have it comply with an agreement that we have worked out and which we will discuss shortly.

But let me explain the problem as to why we are discussing this issue at all.

For some years now in Los Angeles we have been trying to get a rapid transit metrorail system. The process has taken years—in fact, over a decade. Last year, we appropriated money for the project and yet the construction has not yet started.

I have been a supporter of the metrorail system, and I continue to be a supporter of the metrorail system. However, in March of this year in an area that would be envisioned by the original route of the metrorail system, there was an explosion. None of us thought at first that there would be any particular connection with the metrorail, but the reality was that this explosion was due to methane gas in that area. The mayor of our city appointed a task force. The task force went out to find out why the explosion took place. The designated two areas: a potential high risk area surrounded by a potential risk area.

We have been concerned about the idea of tunneling through that area. We have had a conflict in testimony.

Some experts say, "Well, sure, it is a risky area, but we can do it safely."

Others have told us in the testimony that we received at a hearing that I held for my subcommittee in June of this year that the construction of such a subway system is fraught with peril. One witness described that if they hit an expected methane gas pocket, it could be like a fireball, costing the lives of the people working on that system.

Well, it seems to me foolhardy to tunnel through an area and take that kind of a risk to the workers involved, and later to the people that will be riding that metrorail system and to the surrounding community, the people living in the surrounding community.

We have proposed to everyone involved that we must accomplish three results: First, to avoid penetrating through this risky area because we did not think it made any sense to continue the idea of tunneling through an area where there is a risk.

Second, the city task force looked at this area and said there is a risk here but there may well be a risk as great in other areas along the metrorail route.

The only reason that they have not looked at the rest of that route is because they have only had an explosion in one part of that route.

We have said there has to be a reevaluation of the safety in light of this explosion, in light of the fact that we know now about the danger of methane gas along that route.

Further, we said there has not only to be a reevaluation but it has to be done independently of the people who insist they can go forward safely.

What our amendments would do is, first of all, ask my colleagues to join in making clear that the language offered in the committee by my friend and colleague, Mr. Dixon, that would call for a rerouting of that subway system out of that risk area be, in fact, guaranteed. Second, we have asked that a study be done of the safety of the route, particularly the second segment of the route. The amendment would further clarify that part.

Now, I have genuine concern about the first segment of the metrorail system as well. However, while the amendment that is before us would require that funds not be dispensed, construction not begun, and other limitations be made on the metrorail system until such time as they reevaluate the safety of the first section, we have been convinced that to put this in the statute may well be harmful to the progress of metrorail finally getting started. So we have agreed to ask the transportation committee of the city of Los Angeles, the city council, to convene an independent committee of technical experts comprised of 10 people, 2 of whom we would be permit-

ted to recommend to be on that committee. The technical committee would deliberate on the question of methane gas safety and whether tunneling is unsafe in that first MOS segment. Their deliberations would be open to the public.

Councilwoman Pat Russell from the city of Los Angeles, who is chairman of that city council committee, would appoint the chair of the technical committee.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 5 additional minutes.)

Mr. WAXMAN. The councilwoman would appoint the chair of the technical committee, and the technical committee would establish its own rules.

The technical committee would report to the transportation committee of the city council in a public hearing, and that committee, the transportation committee of the council, would adopt findings or take whatever action they deem appropriate. The technical committee and the transportation committee would complete that work, their work, by December 31, 1985. This would be a response to a letter that Congressman Dixon and I would send to Councilwoman Russell.

The reason this makes sense to us is, what we want is a second look into the safety issue before tunneling begins, before construction starts.

Let us look at it again from a technical point of view. Let us reevaluate this whole matter in light of the fact that we have had an explosion. Then let us have someone who is politically accountable to the public deal with that technical committee's report. Let them do it in the sunshine and open to the public of the people of Los Angeles so that they may be able to participate and understand what decisions are being made.

If we can accomplish that result for the first segment, a study of the continued route thereafter which will provide for reports annually to the Congress of the United States so that we will have those reports before any other appropriation would be made to metrorail and an assurance that we will not be tunneling through an area that is already designated as risky by the city task force, it seems to me we ought to then go forward with a proposal that has come out of the Appropriations Committee.

Now, in a minute, Congressman Dixon will be introducing a substitute which would bring this proposal that is before us into conformity with exactly the points that I have raised.

I would like to engage Mr. Dixon in a colloquy before he takes that step and ask him to confirm the statements that I have made as to what will be undertaken with respect to the evaluation of the first segment by the transportation committee of the Los Angeles City Council and his understanding

of the way that we have presented to this Committee of the Whole the procedure in dealing with the metrorail.

□ 1715

Mr. DIXON. Yes, if the gentleman will yield.

Mr. WAXMAN. I yield to the gentleman.

Mr. DIXON. The gentleman is correct when he indicates that in a moment I will be offering a substitute amendment to Mr. WAXMAN's amendment, and you are certainly correct in saying that we are all concerned with the safety of the metrorail project that the Transportation Committee, under the direction of Congressman LEHMAN, has provided funds, for in this bill.

The gentleman is also correct in saying that we have reached an agreement outside of the legislation to independently ask the chairman of the Transportation Committee to look into this matter by appointing a technical committee, of which you have two representatives, and that they will make a finding or report back to the Transportation Committee, and that that Transportation Committee will make a finding.

Where we have disagreed from time to time as good friends is to the whole issue of safety; and although I am agreeing because I think certainly 10 ounces of prevention is worth it under the circumstances, I want to make it clear that I still maintain that the metro rail system is safe, particularly MOS-1.

I certainly agreed to offer an amendment in the full committee which the gentleman is perfecting here, that makes it clear that those high potential risk zones will not be tampered with in any way, shape, or form.

The gentleman and I would differ, though, as it relates to understandable concern, because I would indicate to the gentleman that the explosion had nothing to do with metro rail. Everyone should understand that there is no construction going on.

To me, although the gentleman would disagree, the similarity between metro rail and the explosion was in fact that there is methane gas there that in the tunneling we will have to deal with; we are not going to go through the area, so we will not deal with it; but to me, that is the only similarity.

Obviously, the reports that have been done indicate that there can be tunneling safety.

Mr. WAXMAN. If I might reclaim my time, just to add a few points, Mr. Chairman.

I hope the gentleman is correct; I know he is as concerned as I am about safety, as is Mayor Bradley and everyone else involved in supporting the metrorail system.

I cannot tell the gentleman it is unsafe. I would not seek to make that claim. What I believe must be done is

that we take a look at this thing again in light of the fact that we have had an explosion.

When we did look at it again, we found that metro rail's consulting engineers classified the rail alignment into regions designated "high level hazard"; "medium level hazard"; and "low level hazard."

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. According to the consultants, the hazard designation was based upon the concentration and pressure. Six stations were designated by the engineers as high level hazards, including three stations in MOS-1; the Civil Center station, the Fifth and Hill station, and the Seventh and Flower station. There are only five stations in MOS-1, and three of them are, or 60 percent have been characterized as "high level" hazards by metrorail's own engineers.

Yesterday, the principal engineer with the State said readings were high.

Our compromise would require a re-evaluation in light of these facts, to determine the safety of the route. If in fact it is as safe as we hope it will be, then that reevaluation could be completed and we can go forward.

I am not saying it is unsafe. I am not convinced it is safe; I am convinced that when it comes to a question of safety, that should be our paramount concern, and we should sometimes step back and have an independent re-evaluation of those safety concerns by technical people.

Ultimately, the decision is not one of engineers and geologists; it must be a decision by a publicly elected official, and that is why we would have the city council people review that as well, and adopt their findings.

So I am hopeful that we can reach the conclusion and join together with everyone in giving the assurances that some people feel comfortable to give at this time but which this gentleman does not feel able to join in, in absolute assurance that the project will be safely constructed.

The issue is whether it can be safely constructed, not whether the area is hazardous; the area is hazardous, and we hope that the methods of construction in that first segment will allow us to feel that we can go forward and not be concerned that an unforeseen event costing people's lives might occur.

AMENDMENT OFFERED BY MR. DIXON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WAXMAN

Mr. DIXON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON as a substitute for the amendment offered by Mr. WAXMAN: On page 41, section 320(b) strike lines 19-25 on page 41 through the period on page 42 line 1 insert the following: None of the funds described in subsection (a) may be made available for any segment of the downtown Los Angeles to San Fer-

nando 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 19, 1985 entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area."

POINT OF ORDER

Ms. FIEDLER. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentlewoman will state her point of order.

Ms. FIEDLER. Mr. Chairman, this amendment violates clause 2, rule XXI. It is legislation in an appropriations bill, and it has not been previously cleared by the Rules Committee.

The CHAIRMAN. Does the gentlewoman have anything further to add?

Ms. FIEDLER. In my opinion, Mr. Chairman, based on the existing rules, that this was not cleared by the Rules Committee; that there was a specific amendment or a lesser amendment which was acceptable by Congressman WAXMAN, and that any amendment which might be brought by another Member was not cleared by the Rules Committee.

Mr. WAXMAN. Mr. Chairman, if I might, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] is recognized.

Mr. WAXMAN. Mr. Chairman, I would contend that the point of order should not be sustained; that the amendment is a perfecting amendment to the amendment that had been approved by the Rules Committee for the purposes of the waiver.

The substitute amendment that is before us is legislating in no other way than what had already been approved for the purpose of the waiver by the rule that was adopted by the House.

Under those circumstances, as a perfecting amendment, legislating in no greater extent than the original amendment, it is consistent with the rule adopted.

Ms. FIEDLER. Mr. Chairman, in all due respects to the viewpoint expressed by my colleague, this is a substitute amendment, not a perfecting amendment, and consequently reflects a totally different approach to the entire project; and consequently it is, in my opinion, supportive of the violation of the point of order, and the point of order should be sustained.

The CHAIRMAN. (Mr. SHARP). The Chair is prepared to rule.

The Chair would indicate that under the rules and precedents, when a waiver is granted by the Rules Committee against an amendment to a general appropriation bill containing legislation, a substitute or a perfecting amendment thereto is in order as long as it only perfects the protected amendment without proposing addi-

tional legislation. And such is the case in this instance; the substitute does not enlarge upon what has been made in order by the Rules Committee.

So the Chair would overrule the point of order.

PARLIAMENTARY INQUIRY

Ms. FIEDLER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. FIEDLER. If it is true that a perfecting amendment which was not made in order under the Rules Committee by a Member who did not seek a waiver of the existing rules was acceptable, would an additional amendment be reportable under the same concept for another Member dealing with the same general issues?

The CHAIRMAN. The Chair would have to evaluate each amendment as the substance of the amendment was before the Chair, as to its relationship to the original Waxman amendment.

The Waxman amendment was made in order by the rules; it is subject to perfecting amendment; and the Chair would simply have to evaluate amendments that are offered to it to determine whether those would be germane or contain further legislation.

Ms. FIEDLER. One further inquiry if I may, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Ms. FIEDLER. Is the amendment now before the House considered to be the Waxman amendment, or is it the Dixon amendment?

The CHAIRMAN. The amendment that has just been read is of course the substitute amendment offered by Mr. Dixon to the amendment offered by the gentleman from California [Mr. WAXMAN].

Ms. FIEDLER. I thank the Chair.

□ 1725

Mr. DIXON. Mr. Chairman, I think the gentleman from California [Mr. WAXMAN] has given you an adequate overview of the situation. This amendment is a perfecting amendment, because it clearly will delineate the area in which the rapid transit system to be developed in Los Angeles will not enter. Basically, there are two zones in Congressman WAXMAN's area labeled "high potential" and "potential risk zones" by the Los Angeles City task force. Although I offered an amendment in the committee, which I feel does the same thing, Mr. WAXMAN felt that this language would in fact perfect that, and so I am pleased to offer this amendment.

I would indicate that I have prior to this received a letter from RTD indicating that they found that my language was binding and would not enter into the area, but since there is some question, I would offer this perfecting amendment.

Let me say further that Congressman WAXMAN I think has been very articulate in making his case about

safety. As I indicated before in a colloquy with him, we are interested in safety. I just want to point out that I feel that the preponderance of the evidence, the overwhelming amount of the evidence, from CALOSHA, RTD, from the city of Los Angeles, from the Fire Department of Los Angeles and the County Fire Department clearly spell out that, as it relates to MOS-1, it is perfectly safe. However, as Mr. WAXMAN correctly points out, in the effort to take that extraordinary step, we are joining together to ask the City Council Transportation Committee also once again to take a look at the safety and design measures.

I rise in strong support of the perfecting amendment, and I ask for an "aye" vote.

AMENDMENT OFFERED BY MS. FIEDLER TO THE AMENDMENT OFFERED BY MR. DIXON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WAXMAN

Ms. FIEDLER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Ms. FIEDLER to the amendment offered by Mr. DIXON as a substitute for the amendment offered by Mr. WAXMAN: Strike out the language of the substitute and insert in lieu thereof the following:

(b) None of the funds described in subsection (a) may be made available for any segment of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project unless—

(1) the Southern California Rapid Transit District establishes an independent committee of experts to conduct detailed studies of the entire Metro Rail Project route and the potential hazards associated with the occurrence of methane gas;

(2) before the expiration of the 9-month period following the date of the enactment of this Act, the committee established under paragraph (1) submits recommendations to the Southern California Rapid Transit District regarding any adjustments in the Metro Rail Project route that are required to avoid tunneling into or through any area where the occurrence of methane gas presents a potential hazard;

(3) the Southern California Rapid Transit District submits to the Urban Mass Transportation Administration binding plans that—

(A) incorporate the recommendations of the committee submitted under paragraph (2); and

(B) indicate 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, and entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area"; and

(4) the Urban Mass Transportation Administration approves such plans.

Ms. FIEDLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I reserve a point of order against the amendment.

Ms. FIEDLER. Mr. Chairman, several years ago I brought an amendment to the floor of the House and gained the support of 135 Members of the Congress to strike funds for the metro-rail project in Los Angeles. I did that after considering the issue very much in depth and only with a great deal of soul searching. I did it because I was persuaded at that time that the project was simply too expensive for us to go forward with, that there were a number of major hazards along the route, including 1,200 underground oil wells, which I warned at that time had the potential to create an explosion either during the tunneling process or during the process of actually going through, since methane gas is odorless and sightless, and there had in fact been a history of clear-cut problems. During past history, people would go into their backyards and stick a shovel in their backyard, light a cigarette, and explosions would take place. That was not unusual in this area. So I decided to support an effort to cut the funds. I was not successful in that effort, but I have been successful in encouraging the support of the Department of Transportation. So even though funds have been appropriated over the last several years, the Department of Transportation has not released those funds.

Now, this map which I have over here to my left gives a little bit of an outline as to why I honestly believe that we should not go forward with the project and specifically with the route, and the reason I am bringing forward the amendment is because I have confidence that at least it deals with one of the major factors that we have seen in the last few months.

What happened was that there was an underground explosion which took place along the route of the metro-rail, just a few yards from it, and 22 people were injured in Congressman WAXMAN's district. As a result of that, he became concerned. He obviously will speak for himself on the issue. I do not need to try to speak for him. But a hearing was held, and he expressed a very deep concern about some of the hazards which were created as a result of the methane gas.

This particular map shows you the route which is outlined in yellow. The dots which you see are the underground oil wells as identified by the Department of the Interior, many of which create what I believe to be a substantial hazard. These round spots with the triangles in the middle represent the areas that are the station, and in three of the five stations in the first 4 miles of this project they have identified significant hazard according to the RTD's own documents themselves. These are in the downtown Los Angeles area. They say that they would be designated as high level hazard.

Now, I am obviously deeply concerned about the safety of the people of Los Angeles, and I am convinced my colleagues are, those who support the original substitute amendment. I think that they are concerned based upon very good faith for the welfare of the people. But I also feel that for us to go forward and permit the approval of \$429 million for a project whose route is, in my opinion, unsafe, and, in the opinion of a number of experts who have looked at various areas along the route, simply is foolhardy on our part.

Now, when the project was first initiated, it was supposed to cost \$100 million a mile. They have not yet stuck a shovel in the ground. The project escalated to \$300 million a mile. And the project's first 4 miles will cost \$1.1 billion, which is what they originally claimed the entire 18 miles would cost.

I believe—and I believe there are a number of experts who agree with me—that there is significant concern. The Appropriations Committee has expressed their concern through the language which they put into the bill but in my opinion has no teeth in it, because the RTD had the authority to originally devise a route which was safe. It is clear, in my opinion, that they want to build this project regardless of what the implication is regarding the safety of the people. They want to move forward with nearly a half billion dollars of public funds, without any reasonable assurance that the route is safe and that the public safety is going to be protected. I think that this is extremely unwise. I personally believe to risk this kind of hazard for public safety, when we know in fact that there has already been a serious accident along the route, is something that we simply cannot accept.

I would like to read to you the opinion of UMTA Administrator Ralph Stanley.

The CHAIRMAN. The time of the gentlewoman from California [Ms. FIEDLER] has expired.

(By unanimous consent, Ms. FIEDLER was allowed to proceed for 3 additional minutes.)

Ms. FIEDLER. Mr. Stanley said, in a letter which was sent to me on September 11:

As you know, funding for this project was not included in President Reagan's FY '86 budget because the funding currently available is totally inadequate to complete the proposed 18.6 mile system. It is estimated that approximately \$2 billion in Federal funds will be required to complete the project.

UMTA is very concerned about the project related safety issues raised by you and Congressman Waxman and feel it is only prudent that the activities outlined in your amendment occur before any consideration be given to providing Federal funds for the Los Angeles Metro rail project. Therefore, we fully support the amendment as currently worded.

The amendment that UMTA supports that is the substitute which I have offered.

I would like to read a little bit of additional language which comes from one of the investigative reports which was done for the city of Los Angeles task force report on the recent Fairfax explosion.

It says:

All evidence suggests that oil and gas seepage has increased steadily in the past years. How often and at what location a gas bubble can come to the surface cannot be predicted, meaning we simply do not know when this kind of problem might reoccur.

And I might add that within a year of the time of the explosion along the route, there has been testing done. In at least 3 locations of subway stations in the first 4 miles of metrorail construction, there are clearly identified spots of considerable hazard. It simply does not make sense to go forward unless the entire subway route is subject to a thorough investigation and review before any construction is begun.

I yield to my colleague.

Mr. COUGHLIN. I want to commend the gentlewoman. Certainly it is her leadership in this House that has, I think, resulted in trying to examine this project thoroughly, both from a safety standpoint and from a cost-benefit standpoint. Certainly what she has done in the past has been repeatedly proven to be the fact, and I think that, really, Los Angeles owes her a great debt of gratitude in the diligence that she showed in pursuing this. I certainly support her effort because she has been proved so correct in the past.

Ms. FIEDLER. I thank the gentleman. I appreciate his comments.

The CHAIRMAN. Does the gentleman from California [Mr. WAXMAN] insist upon his point of order?

Mr. WAXMAN. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. Is there further discussion on the amendment?

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment, recognizing the fact that it is an amendment with which I have been associated until the very recent times. And I want to explain to the Members why I decided that it is not an appropriate amendment for us to adopt.

The amendment would place a number of very severe limitations on the whole metrorail system going forward and in ways that I do not think are appropriate, in light of the proposal that Mr. DIXON and I have agreed to, with others in Los Angeles, that we presented to the Members on the floor today and have outlined to the Members on the floor today that have been agreed upon to take place in the city of Los Angeles.

The arguments made to me why this amendment might harm metrorail's

progress is that it conditions everything and would keep them from getting started and maybe even from getting their funding, to the point where they might lose out on the opportunity to go forward if there is a time delay. Not that there is a safety problem, but a time delay.

For example, this amendment would say they could not start construction on the first phase until such time as they have re-examined the whole route. Well, I think that makes sense, as a general statement, but they do not know the whole route, since they are going to be required to realign that route in order to avoid the potential risk in the potential high risk area.

Well, I think it should be reviewed for safety. And under our proposal it will be reviewed for safety. But it may not be accomplished in time for the funding to be used for the construction of the first phase.

Now, I want to pay tribute to the gentlewoman from California [Ms. FIEDLER]. She has raised alone a number of important considerations for us to think about with respect to metrorail. She has been an opponent of the whole metrorail system. We have been together in raising concerns about safety, but our concerns only converge when we are talking about safety. Her desire would be to see the whole system not to be funded and not be built. That is not my proposal. I want the safety considerations dealt with, and once they are dealt with, I would like to see metrorail go forward. I do not want to jeopardize that system.

So I must urge that my colleagues reject this Fiedler amendment, go along with the perfecting amendment offered by Mr. DIXON, so that we can deal with safety satisfactorily and still have a metrorail system that we need so desperately in the city of Los Angeles.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. Yes, I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman made mention of the fact that he had been associated with this amendment very recently.

Mr. WAXMAN. Yes.

Mr. WALKER. The Fiedler amendment is in fact precisely the language that the gentleman offered earlier to get this debate started, is that not the case?

Mr. WAXMAN. If I could reclaim my time, the gentleman is correct, but I wanted to point out the flaws in that amendment which brought me to the point of deciding to abandon that amendment and to change it in ways that would still allow metrorail to go forward and deal with those safety considerations. If I did not want metrorail to go forward, even after the

safety considerations were resolved, I probably would say, "Well, let's put this roadblock in the way, and maybe another one as well, and maybe even strike the funds," which, of course, was Ms. FIEDLER's position in the last Congress.

Mr. WALKER. If the gentleman will further yield, as this gentleman well knows, there is nobody who is better able sometimes to find the flaws of an amendment than the author of the amendment, so we thank the gentleman for giving us that kind of expertise. But if I understand the gentleman correctly, those of us who do have some reservation about this project going forward period would in fact probably want to support the Fiedler approach; is that correct?

Mr. WAXMAN. I am not sure of that. Some may want to go along with that approach, some may want to ask that the funds not be authorized or appropriated. There are other procedural remedies to put forward the views that different Members have with regard to the metrorail system. So I would not seek to suggest how people ought to vote on this amendment except if you want metrorail and you want it done safely, constructed safely, then stick with the proposal that Mr. DIXON and I are putting forward, because I think we will be able to give you greater assurance that we will accomplish both.

This amendment would give you greater assurances of safety but it may not give you assurances that after that we will still have a metrorail.

Mr. WALKER. I thank the gentleman for yielding.

□ 1740

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to section 320(b) end in 15 minutes, at 5:55 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Ms. FIEDLER. Mr. Chairman, reserving the right to object, I am trying to make certain, if there is a limitation on the debate, that equal time is divided between my view and the opposing view.

Mr. LEHMAN of Florida. Mr. Chairman, I would include that as part of my unanimous-consent request, that the time be equally divided.

Ms. FIEDLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Accordingly, debate on this amendment and all amendments thereto shall end at 5:55 p.m.

The gentleman from Florida [Mr. LEHMAN] will be recognized for 7½ minutes, and the gentlewoman from

California [Ms. FIEDLER] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the Fiedler amendment and in support of the substitute by Mr. Dixon to the Waxman amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding.

Mr. Chairman, I would just like to speak briefly in opposition to the Fiedler amendment and in support of the Dixon amendment.

Again, we are dealing here with a complicated and subtle situation. We have an amendment that was originally offered by my colleague from California [Mr. WAXMAN] who, after careful consideration thought an analysis and detailed deliberations with a variety of people on this issue, came to the conclusion that that original amendment was overkill, and that in fact there is a ground that is now reflected in the Waxman-Dixon proposal that would in fact legitimately address the safety concerns but would not be using a shotgun or a sledgehammer in order to address those particular concerns.

I worry that the Fiedler amendment, which goes back to much stronger language, goes well beyond what I think has become a well-crafted, more narrow approach, but one that does two things that both must be done. On the one hand, the Dixon-Waxman language does deal with the safety concerns. It does deal with them comprehensively, effectively and thoroughly. On the other hand, it does not do it in such a way that it is likely to kill the entire project. I think it is very important that we be very clear what language we are focusing on.

I happen to come from a district adjacent to the district in which this methane gas issue arose. I have paid very careful attention to it as a Representative of the Los Angeles area. I have been deeply concerned about the safety issues. I think that the issues that both Ms. FIEDLER and Mr. WAXMAN have raised are extremely important issues. But I do think in dealing with the specific safety concerns emanating from Mr. WAXMAN's district, and emanating from the explosion that occurred, those safety concerns are dealt with properly by the Dixon-Waxman amendment, going further, going to the Fiedler amendment goes beyond what is necessary and in fact I think is clearly understood by all of us to be an effort to throw a significant roadblock into the project itself.

So I do not think we need a sledgehammer or a shotgun at this point. We need a rifle, a careful, analytic, well-crafted compromise, and I think that that is what the Dixon-Waxman language will provide. I would urge my colleagues to reject the Fiedler lan-

guage, however well intentioned it may be, to reject the Fiedler language and to accept the Dixon-Waxman compromise.

Mr. LEHMAN of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. FIEDLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments made by my colleague from California; however, I have a very different perspective on this issue. Ordinarily, when a project begins and is funded, it is clearly understood what the route is going to be. Somebody wants a project and they go out and evaluate the situation and they come back and they say we have got a specific route which we are going to go through. We know how much it is going to cost, we know what the problems are that we are going to encounter. We make a complete environmental impact report on the issue, and we go out and seek funding, which is what happened in this case.

But what has happened now is that that entire situation is totally changed. No longer do we know what the route is; no longer do we know what the real costs are going to be. No longer do we know what the real hazards are going to be, and so this Congress is being asked to finance to the tune of nearly half a billion dollars of taxpayer money a project where they do not know where it is going, and they do not know what the implications of the costs are going to be. That simply does not make rational sense to me, and frankly, up until a very short time ago, did not make sense to my colleague, Mr. WAXMAN, who wrote the amendment which I offer as a substitute.

I think that that condition continues to be the case. The RTD, who has the authority and the responsibility under the substitute from Mr. Dixon and Mr. WAXMAN offered today, are the same people who have the responsibility to evaluate the merits and the safety of the route all along. In fact, they put together an environmental impact statement on the issue but did not indicate the kind of extensive hazards which have since been proven to be the case along the route.

I would like to talk for just a brief moment, if I may, about some of the statements made in a hearing held by Congressman WAXMAN on June 14. This is what one of the engineering experts said:

In the construction of tunnels one is particularly concerned with explosive gases because of the confining atmosphere of the work area. To underline this point, one must only remember the Sylmar Tunnel explosion which killed 17 workers in June 1971.

It happens that Sylmar is in my district in the San Fernando Valley, a little distance away from this area. But typical of the kinds of problems that we have where methane gas exists.

Explosive gases underground are unpredictable. And the potential for unforeseen contact with these gases is always present, particularly in tunnels. An example of the unpredictability, despite the precautions, 2 years ago a small tunnel was excavated under the direction of my inspectors not more than 200 feet north of where this explosion occurred. Although the tests were conducted at least two times, each work shift, during the construction of that tunnel job, no gas was detected during the 1-month life of that job from July 10 to August 11, 1983, and yet, in March 1985 an explosion took place.

People were injured even though there had been an investigative job done along this route.

This is a very hazardous situation and I cannot argue strongly enough for support of this amendment. This amendment is not everything I would like it to be. If I had my way, I would offer an amendment to cut the funds. But since public safety happens to be my No. 1 concern as I believe it is with some of my colleagues, this amendment I believe strikes a reasonable balance between retaining the funding, not going forward with the funding until such time, and I underline that word, until such time as a safe and efficient route has been devised and proof of that route safety has been presented to the Department of Transportation and so approved. So that we can feel confident that rather than saying, "Hey, I did not know there was going to be a problem, and something happens, and we have to pick up the pieces and feel the sense of responsibility," I would not want that on my conscience and I hope my colleagues do not want it on theirs.

Mr. Chairman, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding.

Mr. Chairman, like Ms. FIEDLER, like Mr. DIXON, like Mr. WAXMAN, I am very concerned about the safety of southern California and those who will be traveling in the Los Angeles Metrorail system. It is very rare, Mr. Chairman, that I would support a Dixon-Waxman compromise on almost any issue; but I must say that they have crafted a very strong compromise which will in fact assure the safety of southern California. I wish to strongly support the Metrorail. It is the best, most cost-effective new start imaginable, and I am very pleased with the compromise that they have assembled and I look forward to continued assured safety for southern California and its travelers.

□ 1750

Mr. LEHMAN of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DIXON].

Mr. DIXON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think everyone here on the floor, and I hope everyone who is watching through our communications systems, understands the issue here.

The gentlewoman from California [Ms. FIEDLER] has been opposed to Metrorail from the very first day. She has used every opportunity to have a vote on the Metrorail issue and has been defeated on the issue at every opportunity. She uses a Sylmar explosion in 1972 that, in fact, makes Metrorail all that more justifiable.

Since 1972, we have not had one single explosion in California because of rigid guidelines in the performance of construction and monitoring. Since that time we have built over 60 miles of tunneling in methane gas areas.

The issue of safety has been addressed by an amendment by myself and the gentleman from California [Mr. WAXMAN] by taking out those high-risk areas from the proposed route. MOS-1 will take 5 years to build, and in that interim period we have directed RTD to come up with an alternative modification that does not penetrate those routes.

This program is supported on this floor in a bipartisan way. It is supported by the Governor of the State of California, George Deukmejian. It is supported by the mayor of Los Angeles, the county board of supervisors, RTD, it has been supported by engineering and scientific studies around California, including Cal-OSHA and the department of mining.

So for someone to come on the floor and say that there is any uncertainty about the safety or the route, it seems to me at this point, when the gentleman from California [Mr. WAXMAN] and I have agreed to a formula to address his concerns, is an effort to defeat this issue.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield on that point?

Mr. DIXON. No, I will not yield. The gentlewoman has had quite a bit of time. I have been yielded 4 minutes. I think it is inappropriate for the gentlewoman to take the 7 minutes and then I yield to her. I would like to make my statement and then sit down.

Ms. FIEDLER. The gentleman is entitled to make the decision, but I have the right to ask him to yield.

Mr. DIXON. I will not yield.

So, Mr. Chairman, at this 11th hour, a lot of give and take, concern by safety, a lot of support from people organizations, we have once again confronted an amendment to defeat the whole Metrorail program.

It is not unsafe, I maintain. I am taking that step forward. There are areas of high-risk methane coupled with pressure that can cause the combustion. We are not penetrating that route. It seems to me that Congress has acted on the Fiedler amendment time and time again, and I ask for a no vote on the Fiedler amendment, an aye vote on the Dixon amendment,

and an aye vote on the Waxman amendment.

Ms. FIEDLER. Mr. Chairman, the gentleman just leaving the well indicated that he feels that the project is entirely safe, yet he offered an amendment before the Committee on Appropriations—

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. No, I will not for the same reason that the gentleman would not.

The gentleman offers an amendment in the Committee on Appropriations indicating that he is concerned about safety. At the same time, the amendment which he brings to the floor today, coauthored with my colleague, the gentleman from California [Mr. WAXMAN] also indicates that there are significant safety hazards.

I ask my colleagues to point their attention again to the map, if I may, which I brought out on the floor, and this, I might add, covers only a small segment of the route, and to look at the three spots that are in the red area. Those are three of the stations in the first 4 miles of the segment, each identified specifically by the RTD in their own documents as having hazardous levels of methane gas.

It is clear that there are problems there. As recently as just a few months ago there was an explosion, even though the gentleman claims that there has not been an explosion in years, since 1972. This entire debate has been generated because there was an explosion, and I might add that 22 people were injured in that explosion. So to try to claim that there is no problem, I think, is just totally untrue based upon the facts.

I would urge my colleagues that until such time as we are convinced that this project has a safe route, that this project is understood in terms of its cost, that my colleagues support my amendment. It is an appropriate amendment. Let us go forward with the investigation of a safer route which makes some economic sense and some security sense.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Ms. FIEDLER] to the amendment offered by the gentleman from California [Mr. DIXON] as a substitute for the amendment offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. FIEDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 242, not voting 20, as follows:

[Roll No. 299]

AYES—172

Archer	Hall, Ralph	O'Brien
Arney	Hamilton	Oxley
Badham	Hansen	Packard
Bartlett	Hartnett	Parris
Barton	Hendon	Petri
Bateman	Henry	Porter
Bedell	Hiler	Quillen
Bentley	Hillis	Regula
Bereuter	Hopkins	Ridge
Bilirakis	Hubbard	Ritter
Bliley	Hughes	Roberts
Boehlert	Hyde	Robinson
Boulter	Ireland	Roemer
Broomfield	Jacobs	Rogers
Brown (CO)	Jeffords	Roth
Broyhill	Johnson	Roland (CT)
Burton (IN)	Kasich	Rudd
Callahan	Kindness	Russo
Campbell	Kolbe	Saxton
Carney	Kramer	Schaefer
Chandler	LaFalce	Schneider
Chappie	Lagomarsino	Schulze
Cheney	Latta	Sensenbrenner
Coats	Leach (IA)	Sharp
Cobey	Lent	Shaw
Coble	Lewis (FL)	Shumway
Coleman (MO)	Livingston	Siljander
Combest	Loeffler	Skeen
Coughlin	Lott	Slaughter
Courter	Lujan	Smith (NE)
Craig	Lungren	Smith (NH)
Daniel	Mack	Smith (NJ)
Daub	Madigan	Smith, Denny
Davis	Marlenee	Smith, Robert
DeLay	Martin (IL)	Snowe
DeWine	Martin (NY)	Solomon
Dickinson	Mazzoli	Spence
DioGuardi	McCain	Stallings
Duncan	McCollum	Stenholm
Dyson	McDade	Stump
Edwards (OK)	McEwen	Sundquist
Emerson	McGrath	Sweeney
Fawell	McHugh	Swindall
Fiedler	McKernan	Tauke
Fields	McKinney	Tauzin
Fish	McMillan	Vander Jagt
Franklin	Meyers	Walker
Frenzel	Michel	Weber
Gekas	Miller (WA)	Whitehurst
Gilman	Molinari	Whittaker
Gingrich	Monson	Wortley
Goodling	Montgomery	Wylie
Gradison	Moore	Young (AK)
Green	Morrison (WA)	Young (FL)
Gregg	Myers	Zschau
Grotberg	Neal	
Gunderson	Nichols	
Hall (OH)	Nielson	

NOES—242

Ackerman	Chapman	Evans (IL)
Alexander	Chappell	Fascell
Anderson	Clay	Fazio
Andrews	Clinger	Feighan
Annunzio	Coelho	Flippo
Anthony	Coleman (TX)	Florio
Applegate	Collins	Foglietta
Aspin	Conte	Ford (MI)
Atkins	Conyers	Ford (TN)
AuCoin	Cooper	Fowler
Barnard	Coyne	Frank
Barnes	Crockett	Frost
Bates	Dannemeyer	Fuqua
Beilenson	Darden	Gallo
Bennett	Daschle	Garcia
Berman	de la Garza	Gaydos
Biaggi	Dellums	Gejdenson
Boggs	Derrick	Gephardt
Boland	Dicks	Gibbons
Boner (TN)	Dingell	Glickman
Bonior (MI)	Dixon	Gonzalez
Bonker	Donnelly	Gordon
Borski	Dorgan (ND)	Gray (IL)
Bosco	Dornan (CA)	Gray (PA)
Boucher	Dowdy	Guarini
Boxer	Downey	Hatcher
Breaux	Dreier	Hawkins
Brooks	Durbin	Hayes
Brown (CA)	Dwyer	Hefner
Bruce	Early	Heftel
Bryant	Eckart (OH)	Hertel
Burton (CA)	Eckert (NY)	Horton
Bustamante	Edgar	Howard
Byron	Edwards (CA)	Hoyer
Carper	English	Huckaby
Carr	Erdreich	Hutto

Jenkins	Mrazek	Smith (IA)
Jones (NC)	Murphy	Snyder
Jones (OK)	Murtha	Solarz
Jones (TN)	Natcher	Spratt
Kanjorski	Neison	St Germain
Kaptur	Nowak	Stagers
Kemp	Oskar	Stangeland
Kennelly	Oberstar	Stokes
Kildee	Obey	Stratton
Kiecicka	Ohm	Studds
Kolter	Ortiz	Swift
Kostmayer	Owens	Synar
Lantos	Panetta	Tallon
Leath (TX)	Pashayan	Taylor
Lehman (CA)	Pease	Thomas (CA)
Lehman (FL)	Penny	Thomas (GA)
Leland	Pepper	Torres
Levin (MI)	Perkins	Torricelli
Levine (CA)	Pickle	Towns
Lewis (CA)	Rahall	Traficant
Lightfoot	Rangel	Traxler
Lipinski	Ray	Udall
Lloyd	Reid	Valentine
Lowery (CA)	Richardson	Vento
Lowry (WA)	Rinaldo	Visclosky
Luken	Rodino	Volkmer
Lundine	Roe	Waigren
MacKay	Rose	Watkins
Manton	Rostenkowski	Waxman
Martinez	Roukema	Weaver
Matsui	Rowland (GA)	Weiss
Mavroules	Roybal	Wheat
McCandless	Sabo	Whitley
McCloskey	Savage	Whitten
McCurdy	Scheuer	Wilson
Mica	Schroeder	Wirth
Mikulski	Schumer	Wise
Miller (CA)	Seiberling	Wolf
Mineta	Shelby	Wolpe
Mitchell	Shuster	Wright
Moakley	Sikorski	Wyden
Mollohan	Sisisky	Yates
Moody	Skelton	Yatron
Moorhead	Slattery	Young (MO)
Morrison (CT)	Smith (FL)	

NOT VOTING—20

Addabbo	Hammerschmidt	Price
Akaka	Holt	Pursell
Bevill	Hunter	Stark
Crane	Kastenmeier	Strang
Dymally	Long	Vucanovich
Evans (IA)	Markey	Williams
Foley	Miller (OH)	

□ 1810

The Clerk announced the following pair:

On this vote:

Mr. Crane for, with Mrs. Long against.

Mr. FOGLIETTA and Mr. GALLO changed their votes from "aye" to "no."

Mr. FISH changed his vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DIXON] as a substitute for the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN], as amended.

The amendment, as amended, was agreed to.

Mr. BEREUTER. Mr. Chairman, I wish to address my colleagues on one particular aspect in the pending appropriations measure—that relating to funding for the Railroad Highway Crossings Demonstration Program. This is a section near and dear to the hearts of my constituents.

Permit me to begin by expressing my sincere appreciation to the chairman of the Transportation Appropriations Subcommittee, the ranking member and my good friend, the gentleman from Pennsylvania, and all members of this subcommittee for your continued support for funding the demonstration project located in Lincoln, NE. You have consistently recognized the pressing need we have to moderate the impacts of railroad crossings within our capital city, and you have been most generous in your support.

In May of this year, I appeared before the subcommittee to request \$6.9 million for elimination of a hazardous grade crossing conflict in Lincoln—the so-called K and L Streets extension. This amount actually reflected the shortfall in funding we received in last year's continuing resolution. I am delighted that the subcommittee and full Appropriations Committee accepted our request and that the pending bill earmarks the full \$6.9 million for the Lincoln project.

The urgency of proceeding with this project became even more apparent in June when a major train derailment knocked out a concrete support column from beneath an overpass on O Street, which is a main artery in the city. This bridge is the primary connection between downtown Lincoln and the western part of the city, with an average daily vehicle count of nearly 30,000.

As a result of the accident, the bridge has to be closed to all traffic for 5 days. This unfortunate accident graphically demonstrated the need for an alternate connection between west Lincoln and the rest of the community. During the closing of the Harris overpass, we had 20,000 to 30,000 vehicles being rerouted, many through residential neighborhoods, because there was no other reasonable and convenient alternative. The other connections to west Lincoln are all across railroad tracks and are frequently blocked by trains. We would have had major traffic congestion problems had we used one of these streets for a detour. The heavy traffic on residential streets created not only inconveniences to the people living in the area, but also caused serious safety concerns.

The K and L Streets extension which the committee bill will fund would have allowed local officials to reroute traffic without major inconveniences to the driving public and businesses and without significantly increasing the potential for traffic and pedestrian accidents in residential neighborhoods.

The K and L Streets segment is crucial to the development of southwest Lincoln. Presently, this section of the city is isolated from the central business district and other areas of the city by tracks which serve the high volume traffic of the Burlington Northern coal trains and other heavy freight carriers. At present, street travelers must cross over five sets of tracks, which carry an estimated 36 trains per day, most of which are traveling 5 to 10 miles per hour, and average 100 cars in length.

The lack of convenient and safe access to this sector of the city has severely hindered its economic development. It also has posed a serious problem for emergency police and

fire vehicles which need to traverse the tracks to get to the residents in the area. The police department estimates that at least one police vehicle per day on an emergency call is delayed by a train blockage. The fire department, with a one-truck station within the boundaries of the southwest section, experiences major train-created delays one to two times per month. Ambulance services personnel quoted an average of five calls per week which are held up by train crossings.

Lincoln's involvement in the railroad safety demonstration project has been a true partnership with the Federal Government. Thus far, 61 percent of the total demonstration project costs have been locally funded; the remaining 39 percent have been funded with Federal demonstration funds. It is an excellent partnership which should be continued until completed.

Thank you.

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY] having assumed the chair, Mr. SHARP, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3244) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING THE 5-MINUTE RULE ON THURSDAY, SEPTEMBER 12, 1985

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 2 on Thursday, September 12, 1985, for the purpose of holding a hearing on several bills that are intended to grant or restore coastwise trading and fishing privileges to a number of vessels.

The subcommittee will sit in markup of those bills immediately following the hearing.

The ranking minority member of the committee, the gentleman from New York [Mr. LENT] and the ranking minority member of the subcommittee, the gentleman from Kentucky [Mr. SNYDER] have been apprised of the hearing, and markup date, and time, and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.