modified the corridor descriptions and designated additional corridors. Citizen and civic groups promoted many of these corridors as, for example, a means to accommodate international trade. Similarly, since 1991, a number of studies identified infrastructure and operation deficiencies near the U.S. borders with Mexico and Canada. Also various groups, some international and/or intergovernmental, studied opportunities to improve infrastructure and operations.

In 1997, the DOT's Strategic Plan for 1997–2002 was established. The strategic goals in this plan are: Safety, mobility, economic growth and trade, human and natural environment, and national security. In 1998, the FHWA's National Strategic Plan was established. The strategic goals in this plan are: Mobility, safety, productivity, human and natural environment and national security. Both sets of goals are consistent with the language of TEA–21, including sections 1118 and 1119.

The NCPD and CBI programs are funded by a single funding source. The combined authorized funding for these two programs is $140 million in each year from FY 1999 to Fiscal Year 2003 (a total of $700 million). However, obligations are limited each year by the requirements of section 1102 (Obligation Ceiling) of the TEA–21.

Under the NCPD program, funds are available to States and MPOs for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. Under the CBI program, funds are available to border States and MPOs for projects to improve the safe movement of people and goods at, or across, the border between the United States and Canada, and the border between the United States and Mexico. In addition, the Secretary of Transportation (Secretary) may transfer up to a total of $10 million of combined program funds, over the life of the TEA–21, to the Administrator of GSA Services Administration (GSA) for the construction of transportation infrastructure necessary for law enforcement in border States. Such transfer(s) will be made, based on funding requested and supporting information furnished by the Administrator of GSA. Finally, the Secretary will implement any provisions in legislation that directs that FY 2000 NCPD/CBI funds be used for specific projects. Based on the factors noted above (*i.e.*, obligation limitations, transfer of funds to GSA and legislation), the FHWA anticipates that between $95 million and $130 million will be available for allocation for projects submitted in response to this notice.

The Federal share for these funds is set by 23 U.S.C. 120 (generally 80 percent plus the sliding scale adjustment in States with substantial public lands). The period of availability for obligation is the fiscal year for which the funds are authorized and the three years following. States which receive an allocation of funds under these programs will, at the same time, receive an increase in obligation authority equal to the allocation. Under section 1102 of TEA–21, obligation authority for discretionary programs that is provided during a fiscal year is extinguished at the end of the fiscal year. Funds allocated to projects which, under the NCPD/CBI programs, receive an obligation authority increase for FY 2000, must therefore be obligated during FY 2000 or be withdrawn for redistribution.

FHWA strongly urges all MPO's, State and local governments, as well as the public to participate and provide feedback. With MPO's State and local governments all contributing, we can be successful. Please attend one of five public workshops to learn how you can participate.

Authority: 23 U.S.C. 315; secs. 1118 and 1119, Pub. L. 105–178, 112 stat. 107, at 161 (1998); and 49 CFR 1.48.

Issued on September 24, 1999.

Jill L. Hochman,

Director, Intermodal and Statewide Programs.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–99–5143; Notice No. 99–9]

Hazardous Materials: Advisory Guidance; Transportation of Flammable Gas Torches

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory Guidance.

SUMMARY: This advisory guidance is to remind all persons who travel or ship materials by aircraft that flammable gas torches are prohibited in passenger-checked or carry-on baggage and regulatory restrictions apply when flammable gas torches are offered as cargo for air transport. Recent incidents in which flammable gas torches ignited during transportation suggest that many persons are not aware of the requirements and prohibitions applicable to flammable gases and flame-producing devices.

FOR FURTHER INFORMATION CONTACT: Eric Nelson, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001, Telephone (202) 366–8553, or William Wilkening, Dangerous Goods and Cargo Security Program, FAA, Department of Transportation, 800 Independence Avenue, SW, Washington, DC 20591 Telephone (202) 267–7530.

SUPPLEMENTARY INFORMATION: Recent incidents involving micro-torches and larger torches in the air transport system highlight an urgent need to warn airline passengers not to pack flammable gas torches in their checked or carry-on baggage. In addition, persons offering these torches as cargo for transportation are subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) and must comply with all applicable requirements.

I. Background

The Federal Aviation Administration (FAA) has made RSPA aware of several recent incidents where flammable gas torches ignited during transportation that highlight the need to assure torches are transported in accordance with the requirements in the HMR, because of the risks posed by passengers carrying torches in their checked or carry-on baggage.

On April 22, 1999, at Seattle Tacoma Airport, checked baggage was being transferred between connecting flights. Ramp personnel heard a popping sound coming from a soft-sided duffel bag, and then noted a burning smell and heat emanating from the bag. When the bag was opened, air carrier personnel discovered a compressed gas cylinder fitted with a self-igniting torch assembly, with the switch in the ''on'' position. The bag also contained a butane barbeque lighter, a one-quart can of flammable paint, and an eight-ounce can of flammable adhesive, which are all regulated materials.

On April 1, 1999, at a cargo air carrier's sort facility in New York City, a box containing a cylinder charged with a flammable compressed gas caught fire. The electronic igniter on the torch head, which was attached to the gas cylinder, was discovered with its switch in the ''on'' position. Apparently, the package contents, which were loosely arranged, shifted enough to activate the trigger of the torch head, which ignited the gas, causing a flame that ignited the package.

On February 21, 1999, at the Detroit Metropolitan Wayne County Airport,

while a checked toolbox was being loaded into an aircraft, it exploded and injured two airline employees. One of the items in the toolbox was a butane torch equipped with a refillable gas canister. The passenger who checked the toolbox as baggage claimed that he completely emptied the canister by setting the lever to the open position for approximately four hours.

On August 23, 1998, at Houston International Airport, a toolbox checked as baggage gave off a flame as it was being loaded aboard an aircraft. A micro-torch with a refillable gas canister was found inside the toolbox. The micro-torch lacked safety devices to prevent accidental ignition.

On March 3, 1997, at Dulles International Airport, a small metal suitcase exploded while it was being loaded onto a conveyor belt. A ramp agent was struck in the head by fragments from the exploding suitcase and sustained minor injuries. The explosion appeared to have been caused by a charged butane micro-torch used for heating wax that is applied to skis.

Based on these incidents, RSPA and the FAA are concerned that many people may not be fully aware of the provisions of the HMR pertaining to the transportation of torches and similar devices. Ignition of a torch and the subsequent risk of fire aboard an aircraft constitute a grave threat to transportation safety.

II. Requirements for the Transportation of Flammable Gas Torches

Flammable gas torches may be designed in various configurations and differ in their intended use. However, all are forbidden to be carried aboard passenger-carrying aircraft as either checked or carry-on baggage. Butane, propane, and other flammable gases must be offered for transportation and transported in full compliance with the HMR.

Micro-Torches

Cigarette lighters or similar devices (such as mini-or micro-torches) equipped with an ignition element and containing gaseous fuel are regulated under the HMR as Lighters or Lighter refills and subject to the provisions of §§ 173.21 and 173.308. Section 173.21 forbids the transportation of packages containing a cigarette lighter or similar device equipped with an ignition element and containing fuel, except that a cigarette lighter or a similar device may be shipped if the design of the device and its inner packaging has been examined by an approved laboratory, and specifically approved by the Associate Administrator for Hazardous Materials Safety. Transportation regulations which apply to these devices include fuel capacity and filling limits, pressure capability of the device, and packaging restrictions. Devices containing a flammable gas must conform to the quantity limits and packaging requirements specified in § 173.308.

Larger Torches

A flammable gas torch that includes as one of its components a cylinder charged with liquified butane or propane gas is regulated under the HMR as Liquified petroleum gas, UN 1075, and subject to the packaging requirements of § 173.304. Flammable gases are forbidden on passenger-carrying aircraft. Flammable gases may be transported on cargo aircraft only if they are packaged, marked, and labeled, and otherwise conform to the requirements of the HMR. A torch head, many of which are self-igniting, may not be attached to the cylinder. In the above-described incidents, the owners of the torches did not remove the torch heads before packing them, which greatly increases the probability that the torch will activate and start a fire.

III. Reminder to Passengers, Cargo Offerors and Transporters

Anyone who offers for transportation or transports torches is encouraged to carefully review the requirements in the HMR, to examine all shipping procedures, and, where necessary, take measures to prevent potential incidents in transportation. Passengers, shippers, and carriers are reminded that the offering for transportation or carriage aboard aircraft of any forbidden material in violation of the HMR may subject them to enforcement action, including the assessment of criminal or civil penalties.

Additional information on the requirements for shipping torches may also be obtained by calling the RSPA Hazardous Materials Information Center at (800) HMR49–22 (467–4922) between 9:00 a.m. and 5:00 p.m. Eastern time, Monday through Friday, except Federal holidays, or the FAA Dangerous Goods and Cargo Security Program at (202) 267–7530. Information is also available at the following Internet sites: http://hazmat.dot.gov/ and http://cas.faa.gov/cas/dgp.htm.

Issued in Washington, DC, on September 24, 1999.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33780]

The Kansas City Southern Railway Company—Trackage Rights Exemption—Gateway Western Railway Company and Gateway Eastern Railway Company

Gateway Western Railway Company and Gateway Eastern Railway Company (collectively, Gateway) have agreed to grant local and overhead trackage rights to The Kansas City Southern Railway Company (KCS) [1] over track structures, including sidings, related yard facilities and industry tracks, extending: (1) between Kansas City, MO, and East St. Louis, IL; and (2) between Roodhouse, IL, and Springfield, IL, for a total distance of approximately 478 miles.[2] The purpose of the trackage rights is to allow KCS to market ''seamless'' rail service over the KCS system and Gateway's, avoiding interchange costs and delays and allowing enhanced train scheduling and equipment utilization. The transaction was initially scheduled to be consummated on or after July 21, 1999, the effective date of the exemption (7 days after the exemption was filed).[3]

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in

[1] KCS and Gateway are commonly controlled and affiliated railroad companies. *See Kansas City Southern Industries, Inc., KCS Transportation Company, and The Kansas City Southern Railway Company—Control—Gateway Western Railway Company and Gateway Eastern Railway Company*, STB Finance Docket No. 33311 (STB served May 1, 1997).

[2] A redacted version of the trackage rights agreement between Gateway and KCS was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order, which was granted in a decision served July 23, 1999.

[3] On July 19, 1999, Joseph C. Szabo, on behalf of the United Transportation Union-Illinois Legislative Board filed a petition requesting the Board to stay operation of the exemption pending the filing and disposition of a petition to reject or to revoke it. By decision served July 20, 1999, the Board granted a 60-day stay of the effective date of the exemption, until September 19, 1999, to permit the Board to examine the issues in this proceeding in greater detail, thus delaying publication of the notice and the effectiveness of the exemption. On August 9, 1999, Mr. Szabo and W. Larry Foster, on behalf of the United Transportation Union-Missouri Legislative Board, filed a petition, to reject and/or to revoke the notice of exemption or to impose added labor protection. By decision served September 16, 1999, the Board denied the petition, subject to the Board's reservation of jurisdiction to consider other issues in future proceedings, as discussed in that decision. As a result, this exemption became effective on September 19, 1999.