



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

[ 49 CFR Part 173 ]

[Docket No. HM-21; Notice 69-9]

**ELECTRIC STORAGE BATTERIES**

**Shipping by Highway**

The Hazardous Materials Regulations Board is considering an amendment to § 173.260(e) of the Hazardous Materials Regulations that would expand an exemption concerned with the shipping of electric storage batteries by highway. Materials other than hazardous materials which are not permitted under the existing exemption would be permitted to be carried in the same motor vehicle with batteries under certain conditions.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before May 20, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

The basis for this proposal is a petition for a special permit recently received by the Hazardous Materials Regulations Board in which the petitioner pointed out that the need for a permit would be obviated by an appropriate change in the regulations. The petitioner proposed limiting the exemption to situations where storage batteries constitute the only commodity being transported in the vehicle or the only other commodity being transported consists of battery-related accessory items which are packed in fiberboard 200-pound test cartons so as to prevent contact with the batteries in a manner that could cause short circuits. After evaluating the proposed rule change, the Board has concluded that it is not necessary to limit the other items that could be transported in the same vehicle to battery-related items provided that no other hazardous materials are transported in the same vehicle and provided that the other items carried are

loaded in a manner that they can be blocked, braced, or otherwise secured so as to prevent any contact with or damage to the batteries. However, the Board believes that the exception should cover only those shipments where a motor vehicle is carrying only one shipper's goods. This limitation will thus achieve substantially the same type of control that is available in a private carriage shipment while not so limiting the types of carriage that may be used.

In consideration of the foregoing, the Hazardous Materials Regulations Board proposes to amend § 173.260(e) to read as follows:

**§ 173.260 Electric storage batteries, wet.**

\* \* \* \* \*

(e) Electric storage batteries containing electrolyte or battery fluid are exempt from Parts 170-189 of this chapter, and Part 397 of Chapter III of this Title, for carriage by highway or rail if—

(1) For shipments by rail, the batteries (either wet or dry) constitute the only commodity being transported and are loaded or braced to prevent damage in transit or short circuits.

(2) For shipments by highway,

(i) No other hazardous materials are transported in the same vehicle, and

(ii) the batteries are loaded or braced so as to prevent damage or short circuits in transit,

(iii) any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(iv) the transport vehicle is carrying no materials being shipped by any persons other than the shipper of the batteries.

\* \* \* \* \*

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 9, 1969.

JOHN R. JAMIESON,  
Administrator,  
Federal Highway Administration.

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