



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 2 1999

Ref. No. 99-0280

Mr. Jeff K. Ehrman
Challenger Transportation, Inc.
P.O. Box 247
Clinton, MO 64735

Dear Mr. Ehrman:

This is in response to your letter dated October 6, 1999, regarding the shipment of electric storage batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if electric storage batteries meeting the criteria specified in § 173.159(e) are subject to placarding when shipping papers are provided (e.g., Batteries, wet, filled with acid, 8, UN2794, PG III).

The answer is no. Under § 173.159(e), electric storage batteries must: (1) be the only hazardous material on the vehicle; and (2) be loaded or braced so as to prevent damage and short circuits. In addition, any other material loaded in the vehicle must be blocked and braced to prevent contact with or damage to the batteries and the vehicle may not carry material shipped by any person other than the shipper of the batteries. Electric storage batteries meeting the criteria specified in § 173.159(e) are not subject to the HMR. The HMR include, but are not limited to, shipping paper, marking, labeling, and placarding requirements. If the shipper chooses to provide a hazardous materials shipping paper, the shipper must do so in accordance with all the requirements in Part 172, Subpart C; however, the vehicle need not be placarded.

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



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CHALLENGER TRANSPORTATION, INC.

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October 6, 1999

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Director OHMS
Mr. Edward Mazzullo
400 7th Street SW
Washington, DC 90509

Dear Mr. Mazzullo,

I would appreciate your written interpretation on the following issue.

I.E.: If the bill of lading shows: Batteries, wet, filled with acid, 8, UN2794, PGIII and the batteries are shipped meeting all requirements of 173.154(2) and 173.159(e) which allows exemption. Are we still allowed to take exemption 173.159(e) and not plaquer the load if all requirements in section 173.159(e) and 173.154(2) are made.? (copy of bill of lading attached)

I look forward to your interpretation and written response. Should you have any additional questions or comments please contact me at 800-334-7269.

Sincerely,

Jeff K. Ehrman
President
Challenger Transportation, Inc.

JKE/dj
Attachment