



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUN 23 2014

Mr. Randy Davis
Supervisor of Operations
Royal Batteries Distribution
2580 North Orange Blossom Trail
Kissimmee, FL 34744

Ref. No.: 14-0083

Dear Mr. Davis:

This is in response to your email dated April 22, 2014, and subsequent emails with a member of my staff, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for verification that your understanding of a recent interpretation (Ref. No.: 13-0134) from this office is correct, and that your trucks in full compliance with the transport conditions in § 173.159(e)(1)-(3) would not be required to be placarded.

You state that your company trucks pick up used wet (electric storage) batteries from multiple individuals and exchange them for new batteries. You ask if these shipments from multiple individuals are eligible for exception from the HMR if in compliance with § 173.159(e).

As stated in the letter of interpretation Ref. No.: 13-0134 you mention above, if after taking possession of each battery your company performs all pre-transportation functions necessary for the shipment you are acting as the shipper of the batteries. In this case the pre-transportation functions would be those listed in § 173.159(e)(1)-(3). Put another way, if after taking possession of the batteries you also ensure compliance with the conditions in § 173.159(e)(1)-(3) you qualify for the exception from the HMR, including placarding, provided in § 173.159(e).

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Webb
§ 173.159(e)(4)

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, April 22, 2014 1:31 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Rule 173.159(e)(4)

Definition of Batteries
14-0083

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation. I referred him to letters of interpretation 10-0025 and 10-0105 in his previous phone call at the HMIC.

Thanks,

Victoria

From: Randy Davis [<mailto:randyd@royalbattery.com>]
Sent: Tuesday, April 22, 2014 12:20 PM
To: INFOCNTR (PHMSA)
Cc: 'Rick Tattoli'; CoryT@royalbattery.com; gregd@royalbattery.com; esafee@royalbattery.com
Subject: Rule 173.159(e)(4)

Dear Sir – Madam my name is Randy Davis I am the Operations Manager for Royal Battery Disturbers. I am looking for a (CRYSTAL CLEAR) definition concerning rule 173.159.(e) When I see the word Ambiguity in your definition well that leaves a lot that can be in the gray area or determined solely by who is reading it. Please refer to Reference.NO. : 13-0134 Which you sent to a competitor of ours on August 23,2013. As you can see you are kind of stating that the HMR;49 CFR Parts 171-180 Exchanging a new battery for a used battery from multiple stops (may) or (may not) need to be Placard as they are all from different shippers, This is not the truth, because there is **no** (Bill Of Lading) from each stop making them the shipper this is making us the (only shipper). We do conform with 173.159(e) in the first three conditions, so in Crystal Clear wording does this mean we meet the forth also and do not need to run Placards on our fleet? If you look at Royal Battery Dist. 35 year DOT record we take pride in keeping with ALL updates and changes within our industry but in this case we cannot seem to get that **crystal clear** wording which would be extremely helpful. Please advise as soon as you can as I do not want to put any of my drivers or company in a situation that would result in a fine or blemish on their DOT license or on the company's DOT history. If you should have any further questions feel free to contact me at any time. And I thank you in advance for reading this and sending me your Letter of Interpretation from the U.S.Department of Transportation.

Sincerely ,

Randy Davis
Supervisor Of Operations
Royal Battery Dist.

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