



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

October 24, 2023

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 16171
(THIRD REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. **GRANTEE:** (See individual authorization letter)
2. **PURPOSE AND LIMITATION:**
 - a. This special permit authorizes the transportation in commerce of batteries in alternative packaging by motor vehicle. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.
4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR § 173.159(c) and (d) in that alternative packaging is authorized, as provided herein.
5. **BASIS:** This special permit is based on the application of O'Reilly Automotive Stores, Inc. dated May 22, 2014, submitted in accordance with § 107.105 and the public proceeding thereon and additional information of September 17, 2014, and dated October 6, 2023.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Batteries, wet, filled with acid, <i>electric storage</i>	8	UN2794	N/A

7. SAFETY CONTROL MEASURES:

- a. PACKAGING: Prescribed packagings are non-specification packagings as described:

(1) Alternative 1: Gaylord pallet, (a plastic pallet with solid walls) as described in the application, dated May 19, 2014, containing the batteries in no more than two layers provided the top layer allows space between the terminals and the top cover of the pallet. The pallet may be split into two compartments using a plastic divider. The compartment not containing batteries may include compatible hazardous materials. Void space in the compartment containing batteries may be filled with non-hazardous materials. All void spaces within in the pallet must be filled with non-hazardous, non-conducting bracing or cushioning materials to prevent shifting of the batteries during transportation. Additional Gaylord pallets or wood pallets may be stacked on top of the Gaylord pallets and the completed load must be securely shrink- or stretch-wrapped together.

(2) Alternative 2: Batteries are placed on a wooden pallet and shrink- or stretch-wrapped to secure the batteries from movement. When batteries do not fill up the entire pallet area, the remainder of the area may be filled with one or more layers of plastic totes. The totes may contain conductive, non-hazardous, or compatible hazardous materials. Pallets with complete layers of batteries may have plastic totes or fiberboard boxes containing conductive, non-hazardous, or compatible hazardous materials placed on top. The pallet height must not exceed one and a half times the width of the pallet. All contents of a completed pallet must be secured with shrink- or stretch-wrap.

(3) Gaylord and wooden pallets must be capable of withstanding, without damage, a superimposed weight equal to two times the weight of the unit or, if the unit exceeds 907 kg (2,000 pounds), a superimposed weight of 184 kg (4,000 pounds).

(4) Batteries that are placed on the wooden pallets must cover the bottom layer to the maximum extent possible prior to creating additional layers.

b. OPERATIONAL CONTROLS:

- (1) Battery terminals must be protected in accordance with § 173.159(a)(2). Battery terminals must not be relied upon to support any part of the superimposed weight and must not short out if a conductive material is placed in direct contact with them.
- (2) The top of each layer of batteries must be protected by strong corrugated fiberboard or rigid plastic if additional batteries or materials are placed upon them.
- (3) Plastic totes or fiberboard boxes containing hazardous materials other than batteries must be packaged in accordance with the HMR.
- (4) Non-hazardous conductive materials must be contained in strong outer packagings that are sift-proof if solid or leakproof if liquid.
- (5) Each completed wood or Gaylord pallet must be marked and labeled in accordance with the HMR.

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.
- b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each “Hazmat employee”, as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—“The Hazardous Materials Safety and Security Reauthorization Act of 2005” (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term “exemption” to “special permit” and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. **REPORTING REQUIREMENTS:** Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-13, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LAVALLE/NICKS