



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAY 25 2001

Mr. Gregory R. Curtis
Director, Customer Service Standards and Procedures
AirTran Airways, Inc.
9955 AirTran Boulevard
Orlando, FL 32827

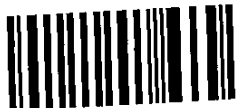
Ref. No. 01-0129

Dear Mr. Curtis:

This is in response to your letter dated May 23, 2001, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for the safe transportation aboard an aircraft of a wheelchair or other battery-powered mobility aid equipped with a nonspillable battery. Specifically, you ask for clarification of provisions in § 175.10(a)(19)(iv).

Your questions are paraphrased and answered as follows:

- Q1. Is it permissible to transport a wheelchair with an attached nonspillable battery when the wheelchair cannot be loaded in an upright position?
- A1. Yes. As indicated in the final rule (58 FR 50496, September 27, 1993) that adopted § 175.10(a)(19), "RSPA stated that the intent of the change was to clarify that a nonspillable battery may be removed from the wheelchair and packed separately, if necessary (e.g., if the battery were not adequately secured to the wheelchair)." When a nonspillable battery is securely attached to a wheelchair in a manner that assures it will not become separated under normal conditions of transportation, there is no need for the nonspillable battery to be packed separately. Accordingly, the wheelchair then may be loaded in other than an upright position.
- Q2. When a wheelchair cannot be loaded in an upright position, does the battery have to be fully enclosed in a rigid housing (outer package) that is plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY," or is it acceptable for the battery to simply be secured to the wheelchair?
- A2. When a wheelchair cannot be stored in an upright position, the provisions of § 175.10(a)(19) require that a nonspillable battery must be removed and separately packaged only when the battery is not securely attached to the wheelchair. Even if secured directly to the wheelchair, the battery must be marked "NONSPILLABLE" or "NONSPILLABLE BATTERY." See § 173.159(d).



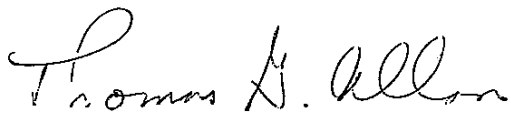
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175.10

- Q3 What is the intent of the packaging and marking requirements in § 173.159(d)(1)-(2)?
- A3. Section 173.159(d) addresses specific standards that a nonspillable battery must meet to qualify for the same general exception from requirements in the HMR that have always applied to dry batteries. The packaging requirements are intended to prevent damage to the battery under normal conditions of transportation. The marking requirements are intended to facilitate the easy identification of a nonspillable battery by carriers, reshippers, and compliance enforcement personnel to know whether the battery may be offered for transportation or transported under the general exception from the HMR.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



AirTran.
AIRWAYS

Allan
§175.10(a)(19)(iv)
Aircraft

01-0129

Gregory R. Curtis
Director Customer Service Standards and Procedures

Tom Allen
Office of Hazardous Material Standards
DHM-10
United States Department of Transportation
Washington, DC 20590

Dear Mr. Allen:

I am writing to request a formal interpretation of CFR 49, Part 175.10(a)(19)(iv) as it pertains to the acceptance of wheelchairs or mobility aids equipped with nonspillable batteries. Specifically, AirTran Airways has operated with the understanding that CFR 49, Part 175.10(a)(19)(iv) requires a wheelchair or other mobility aid equipped with a nonspillable battery to be carried as checked baggage in accordance with the following requirements:

- The battery is removed and placed in a strong, rigid package that is marked **NONSPILLABLE BATTERY**, or
- It is handled in accordance with 175.10(a)(20)(iv)

The placement and content of the parenthetical reference contained in CFR 49, Part 175.10(a)(19)(iv) advocates that the battery must be contained in an outer package (fully enclosed, rigid housing) that is properly marked. This interpretation is supported by CFR 49, Part 173.159(d)(1), which requires the battery to meet the provisions of Section 173.159(d). Section 173.159(d)(1) requires the battery to be protected against short circuits and securely packaged, and Section 173.159(d)(2) requires the battery and outer packaging to be plainly and durably marked "nonspillable" or "nonspillable battery". Collectively, the requirements portray a desire to have the nonspillable batteries placed in an outer package to prevent short circuits and damage.

I am seeking clarification and guidance with respect to the following:

1. Is it permissible to transport, by aircraft, a wheelchair or mobility aid with a nonspillable battery attached when the wheelchair or mobility aid cannot be loaded, stowed, secured and/or unloaded in an upright position?

2. If item 1 above is acceptable, does the battery have to be fully enclosed in a rigid housing (outer package) that is plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY"; or is it acceptable for the battery to simply be secured to the wheelchair or mobility aid?
3. What is the intent of the packaging and marking requirements in Sections 173.159 (d)(1) and (2)?

I greatly appreciate your assistance with this very important matter.

Sincerely,

Gregory R. Curtis

Gregory R. Curtis