



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

SEP 1 1999

Mr. Jack Burkert  
Senior Vice President  
Lancer Insurance Company  
PO Box 1386  
Millersville, MD 21108

Ref. No. 99-0195

Dear Mr. Burkert:

This is in response to your letter dated July 16, 1999, requesting information on loss histories and assessment information on battery-operated devices, and advice for the proper transportation of batteries and battery-operated devices under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for information on the loss history for battery-related incidents while in any mode of transportation, this Office's assessment of loss potential for battery-related incidents, and guidance on proper methods of transporting battery-operated devices.

Unfortunately, this Office can not provide you with specific information on the loss history for battery-related incidents in all modes of transportation. Section 171.16(a) requires a carrier who transports hazardous materials to report each incident that involves a release of hazardous materials from a package in writing to the Department on DOT Form 5800.1 within 30 days of the discovery. However, § 171.16(c)(ii) exempts electric storage batteries from this reporting requirement. Because data is not collected on battery incidents, we can not provide you with an assessment of the potential for loss caused by batteries in all modes of transportation. Data collected on other incidents reported under the requirements of § 171.16 can be accessed via the Internet from the following website: <http://hazmat.dot.gov/ohmforms.htm#incidents>.

Regarding your request for guidance on transporting batteries, § 173.222 of the HMR exempts wheelchairs equipped with wet electric storage batteries from all requirements of the HMR other than the provisions of § 175.10(a)(19) and (20), which apply to transportation by aircraft. However, § 173.21(c) forbids the transportation of electrical devices which are likely to generate sparks or a



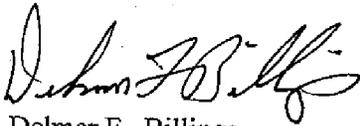
990195

1240NT

dangerous quantity of heat. Therefore, although not directly regulated for transportation, care must be taken when transporting wheelchairs that contain batteries in order to prevent the batteries from short-circuiting.

I trust this answers your inquiry. If you have further questions, please do not hesitate to contact this Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards

100-10  
Reply

# LANCER INSURANCE COMPANY



P.O. BOX 1386, MILLERSVILLE, MARYLAND 21108 • TEL (410) 987-1803 • FAX (410) 987-1804

July 16, 1999

Mr. Alan Roberts  
Associate Administrator for  
Hazardous Material Safety  
United States Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20005

Nelson  
1240 NT  
99-0195

Dear Mr. Roberts,

On reading the advisory guidance (RSPA-99-5143) on battery, and battery operated device transportation, I became concerned about a parallel issue that is not addressed or discussed in the notice.

As you may be aware, certain mobility devices used by passengers on board buses and coaches are battery operated. These include both wheelchairs and scooters. When the passenger enters a lift-equipped coach on a battery powered device, I would not expect there to be an inordinate safety risk. But many coaches are not lift equipped, and the passenger is manually transferred to a seat on board. The mobility device is then stowed in a baggage compartment under the floor. Often, the stowage is without the benefit of adequate blocking and bracing.

The Americans with Disabilities Act is very clear that these procedures be used when offering transportation services. Can you offer to me, as a manager of risk and an insurer of these vehicles, any loss history in any transport mode with regard to these battery operated devices, your assessment of loss potential, and any advice on proper transport?

I thank you in advance for your consideration of this request.

Sincerely,

  
Jack Burkert  
Senior Vice President

Copy- Tim Delaney  
Wayne Ricci