



U.S. Department  
of Transportation

National Highway  
Traffic Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

December 18, 2017

The Honorable Dennis A. Ross  
Member, U.S. House of Representatives  
170 Fitzgerald Road, Suite 1  
Lakeland, FL 33813

NEF-109 rrr  
Ref. No. 10985168

Dear Congressman Ross:

Thank you for your correspondence on behalf of your constituent, [REDACTED] concerning his model year (MY) 2009 Cottrell 7510 trailer. The Federal Motor Carrier Safety Administration forwarded your correspondence to the National Highway Traffic Safety Administration (NHTSA). I am pleased to respond.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist.

[REDACTED] indicates that he is concerned about the safety of his MY 2009 Cottrell 7510 trailer that came equipped with a Hendrickson axle/suspension system. He alleges that the axle ends were discontinued in 2009. In addition, he asserts that many of these axles are susceptible to fire and have completely burned trailers and their loads. [REDACTED] wants to know why the National Transportation Safety Board or other safety-related agencies have not investigated this problem. Your constituent also asks if the vehicle manufacturer or the supplier of a defective part is responsible for remedying a defective part, when that remedy must be provided, and what responsibility the trailer and axle manufacturers have beyond an extended warranty that ended on December 31, 2016, or a partial rebate. Finally, [REDACTED] observes that a Florida law requires remedy parts must be available for agricultural equipment within a set time and asks why such a requirement would apply to one industry and not another.

We thank you and [REDACTED] for bringing this matter to our attention. Historically, owners of commercial vehicles are much less likely to file complaints with NHTSA than ordinary consumers. NHTSA has contacted [REDACTED] to obtain more information regarding the axle problem on his trailer. He provided NHTSA with more details, including a lead to another company that alleges their fleet of trailers had a problem with Hendrickson axles. We contacted the trucking company and were informed that their fleet of trailers was built with different axles.

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Based on [REDACTED] information, NHTSA is monitoring Hendrickson axles and reviewing all available data to determine if other trailer manufacturers that use these axles are experiencing similar fires. As part of our review, we will contact Cottrell Trailers and the axle/suspension supplier, Hendrickson, to see if they received any reports of axle fires or other safety-related defects. Please note that NHTSA has not reached any determinations or opened a formal investigation at this time. The information you and [REDACTED] provided will be considered with future reports to identify any safety defect trends that may require our attention.

While neither NHTSA nor Cottrell Trailers have determined that a safety-related defect exists in the 2009 Cottrell 7510 trailer owned by [REDACTED], such a determination would require Cottrell to initiate a safety recall. If such a recall was initiated, it would be the responsibility of the original manufacturer of the vehicle to provide a remedy for any components installed in the vehicle when it was manufactured. The supplier of a defective component is only responsible for conducting a recall of those parts sold as replacement equipment. In either case, there is no fixed deadline by which replacement parts must be made available, as our statute requires that a remedy must be provided within a reasonable period of time.

[REDACTED] also asks why are there different laws for agricultural vehicles and highway vehicles such as his trailer. We note first that agricultural and other off-road vehicles are not under NHTSA's jurisdiction, which is limited to motor vehicles and equipment primarily intended for highway use. Therefore, our statutes and regulations, as Federal law, create a uniform set of requirements for highway vehicles and equipment across all of the States. If, as [REDACTED] observes, Florida has established a different requirement for agricultural vehicles, it may do so because such a law would apply only to off-road vehicles or equipment.

For [REDACTED] information, an explanation of NHTSA's investigation and recall process is on our website at <https://www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm>.

I hope this information is helpful. If you have any questions, please feel free to contact me or Mr. Jeffrey M. Giuseppe, Associate Administrator for Enforcement at 202-493-2631.

Sincerely yours,



Brian Barnard  
Director, Governmental Affairs,  
Policy and Strategic Planning

cc: Washington Office