



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUN 29 2004

Mr. Louis Hotard  
Director of Technical Services  
ABC Companies Inc./Van Hool Division  
17469 West Colonial Drive  
Winter Garden, FL 34787

PE04-048  
NSA-214sjm

Dear Mr. Hotard:

This is to advise you that the Office of Defects Investigation (ODI) has opened a Preliminary Evaluation (PE04-048) concerning alleged luggage compartment gas spring (strut) failure on certain motor coach buses produced by your company. As you are aware, ABC Companies Inc., Van Hool and ODI have been discussing this issue. To further understand the magnitude of the problem and to evaluate its safety consequences, ODI is opening this Preliminary Evaluation (PE).

Unless otherwise stated in the text, the following definitions apply to this information request:

**Subject vehicles:** 2000-2004 C2045 buses

**Alleged defect:** any failure, malfunction, or otherwise unsatisfactory performance of the luggage compartment gas spring (strut) and mounting bracket (s), including attaching hardware, which results in the strut's failure to support the luggage door, cause the strut to detach from its intended mounting location, and abrade or make contact with electrical circuits/components within the luggage compartment area.

**ABC:** ABC Companies Inc. and Van Hool N.V., all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone, and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged by or under the control of ABC companies Inc. and Van Hool N.V. (including all business units and persons previously referred to) who are or, were involved in anyway with (a) design, analysis, modification, or production; (b) testing, assessment, or evaluation; or (c) record-keeping, claims, or lawsuits relating to the alleged defect on the subject vehicles.



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**Document(s):** is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as built, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by you, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document (s)" also means any identical copies of the original and all non-identical copies thereof. If a document is not in the English language, provide both the original document and an English translation of the document.

The submitted information is to include, but not be limited to, all written reports or documents; transcriptions, notes, or other documentation of oral communications and telephone calls; and information contained in electronic or other storage media. For any oral communication, identify the date on which the communication took place and the names, positions, and employers of the parties involved, and relate the substance or provide a memorandum or transcript (if one is available) of the communications. If ABC claims that any information or material responsive to the following items need not be divulged to the National Highway Traffic Safety Administration (NHTSA) because it is privileged or the work product of an attorney, state the nature of that information or material and identify any document in which it is found by date, subject or title, name and position of the person from, and the person to, whom it was sent, and the name and position of any other recipient. You must also describe any such privilege that you claim, and explain why you believe it applies.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. ' 30166, please provide numbered responses to the following questions. Please repeat each question verbatim before the response.

1. State, by model and model year, the number of subject vehicles ABC has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by ABC, state the following:
  - a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Model Year;
  - e. Date of manufacture;
  - f. Date warranty coverage commenced; and
  - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA

2. State the number and provide copies of each/any documents related to the following, from all sources, of which ABC is aware and which relate, or could relate to the alleged defect in the subject vehicles:
  - a. owner/fleet complaints;
  - b. fire/incident claims;
  - c. reports involving a death or injury,
  - d. property damage;
  - e. subrogation claims;
  - f. lawsuits; and
  - g. third-party arbitration proceedings (where ABC is a party to the arbitration).

Please list and collate your response for each category ("a" through "g") by date of claim. Please provide for each item in this question the incident date, mileage of vehicle at time of incident (if known), approximate age of vehicle or model year, disposition of matter, owner's name, address, phone number and, where a fleet vehicle is involved, the name of the fleet, and the name and telephone number of a contact person at that fleet. For items "a" through "e" please provide all related information and reports whether or not ABC has verified each one. For items "f" and "g," summaries are acceptable. Please identify in the summary the caption, court, docket number, and filing date of each lawsuit if a copy of the complaint initiating the lawsuit is not provided. Multiple attempts to repair the complaint should be counted and listed separately. For each claim listed, separately include ABC's assessment and conclusion of the alleged incident.

3. State the total number of warranty claims, including extended warranty claims, and requests for "good will," field, or zone adjustments received by ABC that could relate to the alleged defect in the subject vehicles. **Provide a copy of each claim.** Please provide for each item in this question a table showing the incident date, mileage of vehicle at time of incident (if known), model year, owners complaint, disposition of matter, owners name, address, phone number and, where a fleet vehicle is involved, the name of the fleet, and the name and telephone number of a contact person in that fleet. Each problem claim code must be identified. For those VIN's with multiple warranty claims occurring on different dates, ABC should count each claim separately. Each warranty/problem claim code must be identified. For each claim, separately include ABC's assessment and conclusion of the alleged incident.
4. If ABC has issued any service or technical bulletins, advisories, other communications or any other documents provided to fleets, dealers, zone offices, or field offices, provide a copy of each such document. If no such documents have been issued, so state. Explain what process is in place to repair a vehicle with strut failure.
5. Identify and describe all significant modifications or changes made by or on behalf of ABC in the manufacture, design, or material composition of any components that may be or are related to the alleged defect in the subject vehicles. The following information must be included for each such modification or change:
  - a. the date or approximate date on which the modification or change was incorporated into production;
  - b. a description of the modification or change, to include an explanation on the differences between the original and replacement part;
  - c. the reason for the modification or change; and
  - d. whether the modified or changed components can be interchanged with earlier production components.

Provide a detail drawing depicting the original location of the subject strut and its proximity to the electrical connections inside the luggage compartment. Provide an electrical schematic identifying which vehicle electrical circuits utilize the electrical connections located in the luggage compartments.

6. Furnish a copy of all documents not specifically requested herein, which ABC believes are relevant to, or which were used in formulating its assessment of, the alleged defect.
7. Identify 10 fleets purchasing at least 2 subject vehicles for each model year. For each entity identified, provide the corporate name, address, telephone number, and contact person (if applicable), and the number of vehicles purchased by model and model year.
8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, ABC. For each such action, provide the following information:
  - a. action title or identifier;
  - b. the actual or planned start date;

- c. the actual or expected end date;
- d. brief summary of the subject and objective of the action;
- e. engineering group(s)/supplier(s) responsible for designing and for conducting the action; and,
- f. a brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

9. Describe any difference in the way the struts are mounted or secured on 1999 model year buses, and on buses built after the subject buses. Provide a drawing depicting these differences and the location of the struts within the luggage area. Also, identify any differences in the material properties of the mounting hardware between 1999 model year buses, if applicable.
10. Furnish ABC's assessment of the alleged defect in the subject vehicle, including:
  - a. all causal or contributory factors;
  - b. the failure mode;
  - c. model, model years affected and why the defect is limited to these particular model, model year vehicles;
  - d. the risk to motor vehicle safety that it poses; and
  - e. whether there are any circumstances that would provide vehicle operators or others with warning of its existence.
12. Identify what action ABC intends to take on this matter.
13. Provide the dates in which ABC ceased collecting data in response to each item of this information request.

This letter is being sent to your company pursuant to 49 U.S.C. ' 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49. Your failure to respond promptly and fully to this letter could subject ABC to civil penalties pursuant to 49 U.S.C. ' 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. ' 30163.

Your response to this letter, in duplicate, must be submitted to this office by **August 13, 2004**. Please refer to **PE04-048** in Van Hoo's response to this letter. Please include in your response the identification codes referenced on page one of this letter. If you find that you are unable to provide all of the information requested within the time allotted, you must request an extension from Richard Boyd at (202) 366-4933 no later than five business days before the response due date. If you are unable to provide all of the information requested by the original deadline, you must submit a partial response by the original deadline with whatever information you then have available, even if you have received an extension.

If you consider any portion of your response to be confidential information, 49 CFR Part 512, "Confidential Business Information," requires that you submit two copies of those document(s) containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted, to the Office of Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW, Washington, D.C. 20590. In addition, ABC must provide supporting information for the request for confidential treatment in accordance with part 512.4(b) and (e) and include the name, address, and telephone number of a representative to receive a response from the Chief Counsel.

If you have any technical questions concerning this matter, please call Sonny Murianka of my staff at (202) 366-5196.

Sincerely,



Richard Boyd, Chief  
Medium and Heavy Truck Division  
Office of Defects Investigation

