



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

MAR 1 - 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Nasser Zamani
Senior Manager, Compliance and Regulatory Affairs
Daimler Trucks North America LLC.
4747 North Channel Avenue
P.O. Box 3849 C1D-BE
Portland, OR 97217-7699

NVS-214sjm
PE10-007

Dear Mr. Zamani:

As you are aware, on February 3, 2010, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) opened a Preliminary Evaluation (PE10-007) to investigate allegations of brake lamps failing to illuminate during a "light brake pedal application" on Model Years (MY) 2009 through 2011 Thomas Built C2 model school buses.

This office has been informed by two school bus fleets that when applying the brake pedal with "light pedal force," the brake lamps failed to illuminate. ODI is concerned that inoperative rear brake lamps fail to warn following vehicle drivers of the intention of the school bus to stop, possibly resulting in a vehicle crashing into the rear of the school bus.

The buses involved, have been discussed with a member of your staff and photographs furnished showing what is being discovered in the field.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All MY 2009 through 2011 Thomas Built C2 School Bus style buses, manufactured for sale or lease in the United States.
- **Daimler:** Daimler Trucks North America LLC., (formally known as, **Freightliner LLC**), and **Thomas Built Buses**, 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 directly or indirectly (e.g., employee of a consultant) by or under the control of Daimler



(including all business units and persons previously referred to), who are or, in or after 2005, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
- b. Testing, assessment or evaluation;
- c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
- d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Alleged defect:** Any failure, malfunction, or otherwise unsatisfactory performance of a subject vehicle's brake lights failing to illuminate when the brake pedal is depressed.

- **Document:** "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, mailgrams, 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-builts, 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, electronic communications, including but not limited to, the Internet 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 Daimler, 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. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Daimler or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms “claim,” “consumer complaint,” “dealer field report,” “field report,” “fire,” “fleet,” “good will,” “make,” “model,” “model year,” “notice,” “property damage,” “property damage claim,” “rollover,” “type,” “warranty,” “warranty adjustment,” and “warranty claim,” whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

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 information requests. Insofar as Daimler has previously provided a document to ODI, Daimler may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Daimler’s response to each request, identify the source of the information and indicate the last date the information was gathered.

NHTSA requests that Daimler provide two hard copies of the requested documents (with the exception of any spread sheets) and also provide a copy of its response in Microsoft Word format on a CD or DVD.

1. State, by model year, and model, the number of subject vehicles Daimler has manufactured for sale or lease in the United States.

Provide the table in Microsoft Access 2000, or a compatible format, entitled “PRODUCTION DATA.”

2. State, by model year, and model, the total number of each of the following, received by Daimler, or of which Daimler is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles. Provide a copy of each such claim:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;

- d. Property damage claims;
- e. Third-party arbitration proceedings where Daimler is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Daimler is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem, causal and contributing factors, and Daimler's assessment of the problem, with a summary of the significant underlying facts and evidence. For items e and f, identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Daimler's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model, and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether the brake lights failed while the bus was braking;
 - j. Number of alleged injuries, if any;
 - k. Number of alleged fatalities, if any;
 - l. Summary description of the complaints; and,
 - m. Daimler's opinion/assessment of the incidents. Provide a copy of the claim or repair order, any/all field reports and any documents related to or produced by Daimler during their evaluation of this issue.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER THREE DATA."

4. State, by model year, and model, a total count for all of the following categories of claims, collectively, that have been paid by Daimler to date that relate to, or may relate to, the alleged defect in the subject vehicles and provide a copy of each:
 - a. Warranty claims;
 - b. Extended warranty claims;
 - c. Claims for good will services that were provided;
 - d. Field, zone, or similar adjustments and reimbursements; and

- e. Warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.
5. Separately, for each such claim, state the following documentation/information:
- a. Daimler's claim number;
 - b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
 - c. VIN;
 - d. Repair date;
 - e. Vehicle mileage at time of repair;
 - f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
 - g. Labor operation number;
 - h. Problem code;
 - i. Replacement part number(s) and description(s);
 - j. Concern stated by customer, did the pedal get stuck in the off idle position;
 - k. Provide a copy of any related document including the claim or repair order;
 - l. Comment, if any, by dealer/technician relating to claim and/or repair; and
 - m. Daimler's assessment.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

6. Describe in detail the search criteria used by Daimler to identify the claims identified in response to Request No. 2 and No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Daimler on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Daimler offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
7. Describe how Daimler first became aware of the alleged defect and state the date on which Daimler first became aware of the possibility of the alleged defect. Provide a detailed **chronology** of all known dysfunctional brake light switch incidents regarding the subject defect, starting from the time Daimler first became aware of this issue to present. Include all information and provide a copy of any document used at any internal/external meeting(s), meetings with the part supplier, or other manufacturers.
8. Produce copies of any/all service bulletins, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Daimler has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Daimler is planning to issue within the next 120 days. For each such document provided, include a detailed

explanation as to what precipitated the issuance of the service bulletin/document and its relevancy to the alleged defect.

9. 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, Daimler. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start and end date;
 - c. Brief summary of the subject and objective of the action;
 - d. engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - e. 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.

10. Describe all modifications or changes made by, or on behalf of, Daimler in the design, material composition, manufacture, quality control, supply, or installation of the brake light switch from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason (s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Daimler is aware of which may be incorporated into vehicle production within the next 120 days.

Also, provide Daimler's opinion as to why the switches that were given to the fleets as replacement switches, also continued to fail.

11. State the number of each of the following that Daimler has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production),

model, model year of the vehicle, and material of the handle in which it is used and month/year of sale (*including the cut-off date for sales, if applicable*):

- a. Replacement switches;
- b. Replacement switch kits;
- c. Any kits that have been released, or developed, by Daimler for use in service repairs to the subject component/assembly; and
- d. Any replacement part that have been released, or developed, by Daimler for use in service repairs to the subject component/assembly.

Please identify any distinguishing characteristic between the original switch and the replacement brake switch.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number)

12. Provide a detailed description as to what action was taken to remedy the buses found during this investigation and include any available information as to why a few of the replacement switches have failed after being installed.
13. Provide a complete schematic, including an illustrated parts breakdown (IPB) of the brake light system and its components and component location, maintenance and adjustment procedures.
14. Furnish Daimler's assessment of the alleged defect in the subject vehicle, including:
 - a. The causal or contributory factor on why under certain brake pedal application, the switch fails;
 - a. The failure mechanism(s);
 - b. The failure mode(s);
 - c. The risk to motor vehicle safety that it poses;
 - d. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
 - e. The reports discussed with your staff and related to this inquiry.
15. Identify what action Daimler intends to take in this matter.

This letter is being sent to Daimler 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 and to request reports and the production of things. It constitutes a new request for information. Daimler's failure to respond promptly and fully to this letter could subject Daimler 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. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Daimler cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Daimler does not submit one or more requested documents or items of information in response to this information request, Daimler must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

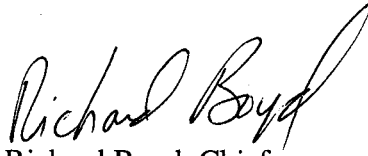
Daimler's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by April 9, 2010. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraphs and should not be sent to this office.** In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE10-007 in Daimler's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Daimler finds that it is unable to provide all of the information requested within the time allotted, Daimler must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Daimler is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Daimler then has available, even if an extension has been granted.

If Daimler claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Daimler must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Daimler is required to submit **two copies of the documents 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.** Please remember that the word "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

Please send email notification to Sonny Murianka (smurianka@dot.gov) and to ODI_IRresponse@dot.gov when Daimler sends its response to this office and indicate whether there is confidential information as part of Daimler's response.

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

Sincerely,

A handwritten signature in black ink that reads "Richard Boyd". The signature is written in a cursive style with a large, looping initial "R".

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