September 13, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stanton Saucier, PE
Vice President - Marketing and Product Planning
Ricon Corporation
7900 Nelson Road
Panorama City, CA 91402

NVS-214jry
PE12-015

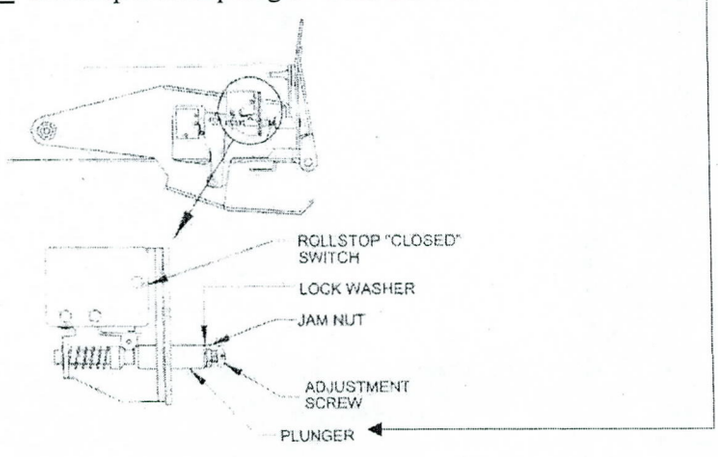
Dear Mr. Saucier:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE12-015) to investigate the performance of the outer roll stop latching mechanism in certain Ricon wheelchair lifts. We are aware of one injury incident involving an alleged roll stop latch failure on a Ricon "Mirage" lift occurring in Brooklyn, NY on 3-6-12 involving [redacted] Following Ricon's inspection of both that bus and others in [redacted] fleet with the subject lift, it installed a modified roll stop switch plunger on those buses/lifts within the scope of this investigation.

To gather more information about the outer roll stop latching issue, and to assess why Ricon has not issued a safety-related recall to install the modified plunger other subject lifts, we request information where the following definitions apply:

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

- **Subject Wheel Chair Lifts:** All Ricon "Mirage" F9TF model wheel chair lifts.
- **Subject Component:** Rollstop switch plunger - both OE and modified versions:



- **Alleged defect:** Any condition which could be/would be addressed by the modified roll stop switch plunger provided by Ricon to [redacted] including, but not limited to, failure of the outer roll stop to mechanically lock in the upright position no matter Ricon's opinion of root and/or contributing cause(s).

- **Ricon:** The Ricon Corporation, 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 (including Wabtec Corporation) 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 Ricon (including all business units and persons previously referred to), who are or, in or after 1991, were involved in any way with any of the following related to the alleged defect in the subject lifts:
  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.

- **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 Ricon, 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 the manufacturer 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 Ricon has previously provided a document to ODI, Ricon 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 Ricon's response to each request, identify the source of the information and indicate the last date the information was gathered. If requested information is unavailable, so state and provide a brief explanation. Along with your written response, please provide this information in Microsoft Word 2000, or a compatible format, entitled "IR Response."

1. State, by production year, the number of subject wheel chair lifts (lifts) Ricon has manufactured for sale or lease in the United States. Separately, for each lift manufactured to date, state the following:
   a. Model;
   b. Model Year;
   c. Date of manufacture; and
   d. Lift Owner (i.e., [redacted] etc.).

Provide this information in Microsoft Excel 2000, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by Ricon, or of which Ricon is otherwise aware, where the subject lift was alleged to have experienced the alleged defect:
   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 lift, property damage claims, consumer complaints, or field reports;
   d. Property damage claims;
   e. Third-party arbitration proceedings where Ricon is or was a party to the arbitration; and,
   f. Lawsuits, both pending and closed, in which Ricon is or was a defendant or codefendant.

   For subparts "a" through "f," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately for each model and model year. 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 and causal and contributing factors and Ricon'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. Ricon'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. Lift owner or fleet name (and fleet contact person), address, and telephone number;
   d. Lift's Production Date;
   e. Incident date;
   f. Report or claim date;
   g. Whether an injury incident is alleged;
   h. Number of alleged injuries, if any;
   i. Number of alleged fatalities, if any; and
   j. A brief summary of the complaint.

   Provide this information in Microsoft Excel 2000, or a compatible format, entitled "COMPLAINT DATA."

4. Produce electronic copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Ricon used for organizing the documents.

5. State, by subject lift production date, a total count for all of the following categories of claims, collectively, that have been paid by Ricon where either the subject component was replaced in the subject lifts or a subject lift was repaired for the alleged defect: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign. Separately, for each such claim, state the following information:
   a. Ricon's claim number;
   b. Lift owner or fleet name (and fleet contact person) and telephone number;
   c. Lift production date;
   d. Repair date;
   e. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
   f. Labor operation number;
   g. Problem code;
   h. Causal part (if identified);
   i. Replacement part number(s) and description(s);
   j. Concern stated by customer; and
   k. Comments, by dealer/technician relating to claim and/or repair;

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

6. Describe in detail the search criteria used by Ricon to identify the claims identified in response to Request No. 6, 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 lifts.

7. Produce electronic copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject components, that Ricon 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 Ricon is planning to issue within the next 120 days. Additionally, if a copy of the communication was sent to NHTSA (as required by C.F.R. 49 §579.6) prior to Ricon's receipt of this information request, please state the date it was sent to the Agency and identify the person to whom it was sent. If no copy was sent to NHTSA, please fully explain why.

8. If not provided in your response to item 7, please produce electronic copies of all communications related to the March 6, 2012 incident occurring in Brooklyn, NY.

9. For each modified subject component distributed by Ricon, please identify (all contact information) the entity to which it was sent. Please order your response by distribution date.

10. 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 subject components that have been conducted, are being conducted, are planned, or are being planned by, or for, Ricon. 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 electronic 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.

11. Identify and describe all modifications or changes made by, or on behalf of Ricon in the design, material composition, manufacture, quality control, supply, or installation of the subject component from the start of production to date. For each such modification or change, provide the following information:

    a. The model wheel chair lift that the modification or change applies to;
    b. The date or approximate date on which the modification or change was incorporated into production;
    c. A detailed description of the modification or change;
    d. The reason(s) for the modification or change;
    e. The part numbers (service and engineering) of the original component;
    f. The part number (service and engineering) of the modified component;
    g. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
    h. When the modified component was made available as a service component; and
    i. Whether the modified component can be interchanged with earlier production components.

12. Furnish Ricon's assessment of the alleged defect, including::
    a. All causal or contributory factors;
    b. Any warning that a roll stop latch failure may be imminent;
    c. The risk to motor vehicle safety; and
    d. The potential for future occurrences of the alleged defect

This letter is being sent to Ricon 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. Ricon's failure to respond promptly and fully to this letter could subject Ricon 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.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to $5,000 per day, with a maximum of $15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Ricon 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, Ricon does not submit one or more requested documents or items of information in response to this information request, Ricon 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.

Ricon's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **October 19, 2012**. Please refer to **PE12-015** in Ricon's response to this letter. If Ricon finds that it is unable to provide all of the information requested within the time allotted, Ricon must request an extension from Mr. Bruce York at (202) 366-6938 no later than five business days before the response due date. If Ricon 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 Ricon then has available, even if an extension has been granted.

If Ricon 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, Ricon must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Ricon is required to submit two copies of the documents containing

allegedly confidential information (though only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

Please send email notification to Bob Young (Robert.young@dot.gov) and to ODI_IRresponse@dot.gov when Ricon sends its response to this office and indicate whether there is confidential information as part of its response.

If you have any technical questions concerning this matter, please call Bob Young of my staff at (202) 366-4806.

Sincerely,

Bruce York, Chief
Medium and Heavy Duty Vehicle Division
Office of Defects Investigation

NHTSA:NVS:ODI
NVS-214:JRY:
Cc:
NVS-214 Chron
Document: I:\