



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

MAY 20 2013

1200 New Jersey Avenue SE.  
Washington, DC 20590

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

Kanupriya Arora  
Autocar, LLC  
551 S WASHINGTON STREET  
P.O. BOX 190  
Hagerstown, IN 47346

NVS-214njs  
PE13-011

Dear Mrs. Arora:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE13-011) to investigate allegations of delayed throttle response in certain Model Year (MY) 2011 Autocar trucks equipped with Cummins ISL-G engines manufactured by Autocar, LLC (Autocar), and to request certain information.

This office received one (1) VOQ reporting a fleet experiencing delayed throttle response in several MY 2011 Autocar trucks equipped with Cummins ISL-G engines. The fleet believed this to be a safety issue and took all subject vehicles out of service until the issue was resolved to their satisfaction. The vehicles met FMVSS 124, however the fleet believed the delay created a dangerous driving condition. The issue was believed to be the result of electronic delays resulting from the throttle signal being routed through multiple electrical control devices. The issue was resolved on the complainant vehicles when the throttle was directly linked to the accelerator. The resolution to the issue was discovered through a joint effort by Cummins and Autocar. A copy of the VOQ report is enclosed for your information.

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

- **Subject vehicles:** all MY 2011 Autocar trucks equipped with Cummins ISL-G engine manufactured for sale or lease in the United States.
- **Peer vehicles:** all MY 2011 Autocar trucks equipped with Cummins ISL engine manufactured for sale or lease in the United States.
- **Subject component:** vehicle throttle linkage and controls installed on the subject vehicles.

- **Autocar:** Autocar, LLC, 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 Autocar (including all business units and persons previously referred to), who are or, in or after 2009, 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:** delayed throttle response.
  
- **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 Autocar, 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 Autocar 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 Autocar has previously provided a document to ODI, Autocar 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 Autocar's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject and peer vehicles Autocar has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Autocar, state the following:
  - a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Model Year;
  - e. Subject component part number and design version installed as original equipment;
  - f. Date of manufacture; and
  - g. Date warranty coverage commenced.

Provide the table in Excel, or a compatible format, entitled "PRODUCTION DATA." A pre-formatted, Data Collection File which provides further details regarding this submission, will be emailed to you.

2. State the number of each of the following, received by Autocar, or of which Autocar is otherwise aware, which relate to, or may relate to, the alleged defect in the subject and peer vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including dealer field reports;
  - c. Reports involving a crash, injury or fatality;
  - d. Property damage claims;
  - e. Third-party arbitration proceedings where Autocar is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which Autocar 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. 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 Autocar's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" 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. Autocar'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 a crash is alleged;
  - j. Whether property damage is alleged;
  - k. Number of alleged injuries, if any; and
  - l. Number of alleged fatalities, if any.

Provide this information in Excel, or a compatible format, entitled "REQUEST NUMBER TWO DATA." A pre-formatted, Data Collection File which provides further details regarding this submission, will be emailed to you.

4. Produce 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 Autocar used for organizing the documents.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Autocar to date that relate to, or may relate to, the alleged defect in the subject and peer vehicles: 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. Autocar'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; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Excel, or a compatible format, entitled "WARRANTY DATA." A pre-formatted, Data Collection File which provides further details regarding this submission, will be emailed to you.

6. Describe in detail the search criteria used by Autocar to identify the claims identified in response to Request 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 Autocar 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 Autocar 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. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Autocar 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 Autocar is planning to issue within the next 120 days.
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, Autocar. 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. Provide documentation of Autocar's self-certification for FMVSS 124. Include any and all drivability reports of the subject vehicles whether conducted by, or for, Autocar.
10. Provide a detailed description of the subject and peer vehicles throttle controls. All available throttle options should be individually and thoroughly explained. Include drawing, schematics, flowcharts, etc. as necessary to accurately explain the system(s).
11. What is the displacement of the ISL-G engine? What is the internal volume of the air intake between the point of fueling and cylinder intake valves? At what engine speed does the subject vehicle idle at?
12. Provide a copy of all installation instructions, design requirements and/or guidance provided by Cummins to Autocar pertaining to the pairing of the Cummins ISL-G engine and the subject component.
13. Describe all modifications or changes made by, or on behalf of, Autocar in the design, material composition, manufacture, quality control, supply, or installation of the subject component, 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 number(s) (service and engineering) of the original component;
  - e. The part number(s) (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 Autocar is aware of which may be incorporated into vehicle production within the next 120 days.

14. Furnish a list including contact information of the ten (10) fleets who purchased the largest number of subject vehicles
15. Furnish Autocar's assessment of the alleged defect in the subject vehicle, including:
  - a. The causal or contributory factor(s);
  - b. The failure mechanism(s);
  - c. The failure mode(s);
  - d. The risk to motor vehicle safety that it poses;
  - e. 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
  - f. The reports included with this inquiry.

#### **Legal Authority for This Request**

This letter is being sent to Autocar 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.

#### **Civil Penalties**

Autocar's failure to respond promptly and fully to this letter could subject Autocar 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(b), provides for civil penalties of up to \$7,000 per day, with a maximum of \$17,350,000 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 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

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

### **Confidential Business Information**

**All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph 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 PE13-011 in Autocar's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Autocar 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, Autocar 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-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Autocar 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 phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 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. See 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at [otto.matheke@dot.gov](mailto:otto.matheke@dot.gov) or (202) 366-5253.

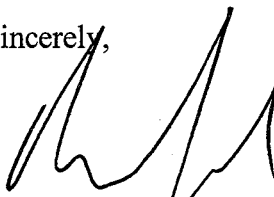
### **Due Date**

Autocar's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by June 28, 2013. If Autocar finds that it is unable to provide all of the information requested within the time allotted, Autocar must request an extension from me at (202) 366-6938 no later than five business days before the response due date. If Autocar 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 Autocar then has available, even if an extension has been granted.

Please send email notification to Nate Seymour at [nate.seymour@dot.gov](mailto:nate.seymour@dot.gov) and to [ODI\\_IRresponse@dot.gov](mailto:ODI_IRresponse@dot.gov) when Autocar sends its response to this office and indicate whether there is confidential information as part of Autocar's response.


Please call Nate Seymour of my staff at (202) 366-2069, to discuss this information request or if you have any technical questions concerning this matter,

Sincerely,

A handwritten signature in black ink, appearing to be 'B. York', written in a cursive style.

Bruce B. York, Chief  
Medium/Heavy Duty Vehicle Division  
Office of Defects Investigation

Enclosure: One copy of a Vehicle Owner's Questionnaire: 10471829.

 U.S. Department of Transportation National Highway Traffic Safety Administration		<b>DOT Auto Safety Hotline</b> <b>Vehicle Owner's Questionnaire</b> <b>To Report Vehicle Safety Defects</b> <b>1-888-DASH-2-DOT</b> <b>(1-888-327-4236)</b> <b>INTERNET: www.nhtsa.dot.gov/hotline</b>		FOR AGENCY USE ONLY 100148	
		Date Received 22-AUG-2012		Repository <input type="checkbox"/> Reference No. 10471829	
<b>OWNER INFORMATION (Type or Print)</b>					
Name MICHAEL BRENNAN		Daytime Telephone Number 626-664-4476		E-mail Address MICHAEL.BRENNAN@LA DWP.COM	
Address 19054 EAST DONINGTON STREET					
City GLENDORA		State CA	Zip Code 91741	Evening Telephone Number 818-771-4338	
<i>The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).</i>					
<b>VEHICLE INFORMATION</b>					
17 digit Vehicle Identification Number Located at bottom of windshield on driver's side 5VCA3LLEOBH212537		Make AUTOCAR	Model XPEDITOR	Model Year 2011	
Date Purchased	Dealer's Name and Telephone Number			Engine: No: Cylinders	Fuel Type:
Original Owner <input type="checkbox"/>	Dealer's City		State	Zip Code	
Transmission Type	<input type="checkbox"/> Antilock Brakes	Powertrain	Multiple Failure: 1	Incident Date(s) 14-FEB-2012	
	<input type="checkbox"/> Cruise Control				
<b>FAILED COMPONENT(S)/PART(S) INFORMATION</b>					
Vehicle Component Code: 180000 VEHICLE SPEED CONTROL				Failure Mileage 90	Failure Speed 55
<b>ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE</b>					
Tire Make		Tire Model (Name or Number)		Tire Size (Example P215/65R15)	
DOT No. (Example: DOTM19ABC036)		<input type="checkbox"/> Original Equipment	Failure Location:		
		<input type="checkbox"/> Prior Repair			
Tire Component Code				Tire Failure Type:	
<b>ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE</b>					
Make:		Date Manufactured:		Model No./Name:	
Seat Type:		Installation System:			
Child Seat Component Code:		Failed Part:			
<b>APPLICABLE INCIDENT INFORMATION</b>					
<i>(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)</i>					
Crash <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Fire <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Number of Persons Injured 0	Number of Deaths 0	Reported to Police N	
<b>Narrative Description of Incident(S), Crash(es), and Injury(ies).</b> <b>Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e, parts repaired or replaced (and if old part is available).</b>					
<p>I AM EMPLOYED BY THE CITY OF LOS ANGELES IN THE DEPARTMENT OF WATER AND POWER AS A JOURNEYMAN EQUIPMENT MECHANIC. ASE CERTIFIED, GM SENIOR MASTER TECH AND FORD SENIOR MASTER TECH. THE DEPARTMENT RECENTLY PURCHASED A LARGE NUMBER OF AUTOCAR MEDIUM DUTY TRUCKS POWERED BY CUMMINS ISL-G ENGINES. THE ENGINES ARE COMPRESSED NATURAL GAS(CNG) FUELED, SPARK IGNITION, ENGINES AND FLY BY WIRE THROTTLE CONTROL. THROTTLE RESPONSE DOES NOT MIRROR THROTTLE INPUT FROM THE OPERATOR. UPON INITIAL THROTTLE APPLICATION THERE IS A DELAYED RESPONSE OF APPROXIMATELY 1.25 SECONDS AND THE THROTTLE CONTINUES TO BE "LAZY." WHEN THE THROTTLE IS DEPRESSED COMPLETELY TO WIDE OPEN THE ENGINE RUNS UP TO GOVERNED SPEED BUT WHEN THE THROTTLE IS RELEASED THE ENGINE CONTINUES TO OPERATE AT WIDE OPEN THROTTLE FOR APPROX. 1-2 SECONDS. WE EMPLOY PROFESSIONAL DRIVERS THAT CONSIDER THIS DRIVING CHARACTERISTIC UNNERVING. FURTHERMORE NO MECHANIC ON STAFF FEELS THESE CAN BE SAFELY OPERATED. HOWEVER THE MANUFACTURERS OF THE ENGINE(CUMMINS) AND THE CHASSIS(AUTOCAR) BOTH ADMIT SOMETHING IS NOT RIGHT AND THAT THEY HAVE NUMEROUS COMPLAINTS FROM OTHER CLIENTS BUT EACH CONTINUES TO BLAME THE OTHER STATING COMPONENT AND OR SOFTWARE ISSUES. I BELIEVE IT IS A THROTTLE INPUT SAMPLE RATE ISSUE BUT HAVE NO WAY TO ALTER THOSE SETTINGS.</p>					
<b>Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY</b>					
<b>The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.</b>					