MAY 20 2015

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

1200 New Jersey Avenue SE.
Washington, DC 20590

**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
RQ15-002

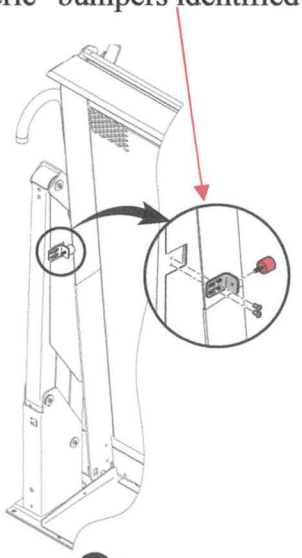
Dear Mr. Saucier:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened this Recall Query to investigate the efficacy of Ricon's recall remedy in 14E041...a remedy implemented to address platform hinge failures in certain S-series wheelchair lifts. We have received a repeat failure allegation involving a school bus equipped with an "in-scope" lift. Ironically, this same bus had a similar failure prior to the recall's launch and was one of the data points prompting the recall. Subsequently, the fractured lift was replaced and recall remedy bumpers installed. The replacement lift later fractured when the remedy bumpers failed. Documentation of this failure is provided in the attached memo.

To gather more information about Ricon's recall remedy, 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 lifts subject to 14E-041.
- **Subject Remedy:** "Elastomeric" bumpers identified in recall 14E-041.



NHTSA
www.nhtsa.gov

- **Alleged defect:** With the remedy bumpers installed, any condition in which the subject lifts rotate beyond the location to which the bumpers are intended to limit travel while the lift is stowed.

- **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;
   d. Lift Owner (i.e., NYCT, WMATA, etc.).
   e. Date remedy installed, and
   f. Owner contact information at time of remedy installation

   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 an alleged defect is alleged:
   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. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that Ricon relied upon

when assessing the remedy's effectiveness at eliminating the issue addressed by the recall. For each such action, provide the following information:

a. Action title or identifier;
b. Its start date;
c. Its 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.

9. 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 lift platform in those S-series lifts within the scope of 14E-041. 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.

10. Furnish Ricon's assessment of the alleged defect (including the event detailed in the attached memo). Your assessment should contain:
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 **June 12, 2015**. Please refer to **RQ15-002** in your 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-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., 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

Enclosure: Memo to file re: 14E041 remedy failure

# Memorandum

U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

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**Subject:** Ricon S-series wheelchair lift repeat failure **Date:** March 13, 2015

**From:** *Bob Young*

**To:** File – RQ15-002

**Re:** Remedy failure, 14E041 - First Student Transportation; Severn, MD; Bus 1660.

**Background**
On July 15, 2014, Ricon Corporation released safety recall 14E-041 to address lower pivot fatigue fractures in certain of its S-series wheel chair lifts. This recall resulted from ODI's investigation of subject lift field failures including six failures involving school buses owned and operated by First Student (a school transport contractor) in Baltimore, MD. Ricon's remedy in 14E-041 was the installation of an "elastomeric bumper kit" (essentially a rubber bumper), designed to limit lift platform oscillation while in the stowed position. When NHTSA requested additional information about Ricon's recall remedy, they provided the following on July 18, 2014:

> "The ***Platform Bumper*** consists of a pair of small brackets adjustably mounted to the inboard surfaces of both upper parallel arms. The elastomeric element is fitted to the bracket such that it engages both sides of the lift platform.
>
> As outlined in both the 573 and Platform Failure Analysis documents, Ricon is currently experiencing cracking of the pivot plates of some platforms that is the result of high load, low cycle fatigue. Fatigue is the weakening of a material caused by repeatedly applied loads. A worst case fatigue loading occurs when a fully-reversing load condition is present.
>
> In the S-Series lift, when the platform is in the stowed position and the unit is subject to the right excitation, the platform can oscillate such that it moves about its pivoting axis, in an inboard and outboard direction. The S-Series platform is held in the vertical position by the interaction between the knuckle actuator assembly, the platform pivot plate and the underside of the lower parallel arm. Accordingly, when the platform oscillates, the pivot plate is subject to a nearly fully reversing load. When the excitation is of sufficient energy, a reversing load of sufficient magnitude is apparently present and large enough to cause cracking in some of the 51" and 54" long S-Series platforms.
>
> By acting the directly on the platform, the ***Platform bumper*** restricts platform movement to only the outboard direction of the platform [toward the door/window, Ed.] Moreover, the loading in the pivot plate is no longer completely reversed. Accordingly, the fatigue resistance of the pivot plate on a platform under the influence of the ***Platform Bumper*** is vastly improved."

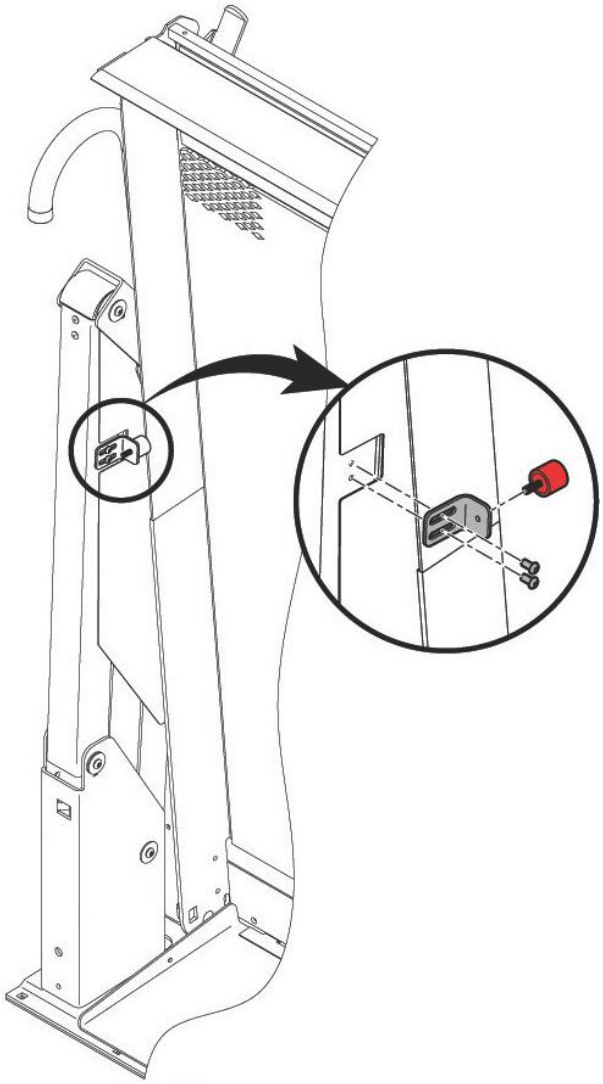


Figure 1. The recall remedy's "Platform Bumper"…there are two, one each on the left and right arms

**1st Student, Baltimore...Bus 1660**

We first inspected bus 1660 on July 2, 2014. It had its original Ricon, S-series wheelchair lift, model RIS5510-F1020000C, S/N 514913 with a completely fractured left lower pivot. Here is the bus and fractured pivot as we found them on July 2nd.






On August 29, 2014, Ricon authorized replacement of the original S-series lift by American Bus Sales and Service (ABS) in Annapolis, MD. While replacing the lift, ABS installed the "platform bumper" recall remedy as directed in 14E-041…a recall "influenced" by ODI's earlier documentation of subject lift failures in four school bus fleets, including First Student Baltimore. The new lift was another S-series, model RIS5510-F1020000C, S/N 515894.

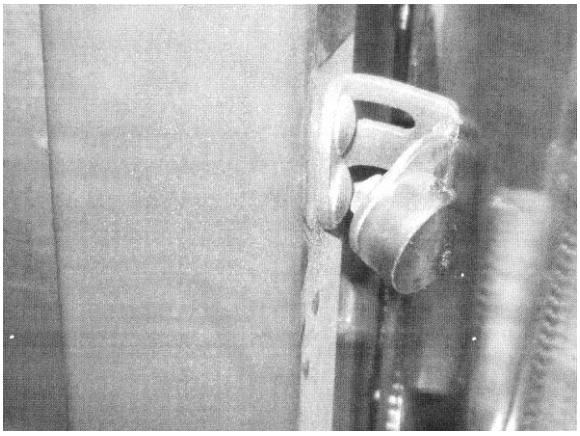
On February 25, 2015, we were contacted by First Student, Baltimore regarding a recall remedy failure of a Ricon S-series wheelchair lift platform in three of its buses, including #1660. The following morning we inspected bus #1660 at the company's Severn, MD depot and found the lower left pivot completely fractured again…on a lift installed 212 days (and 11,862 miles) earlier.

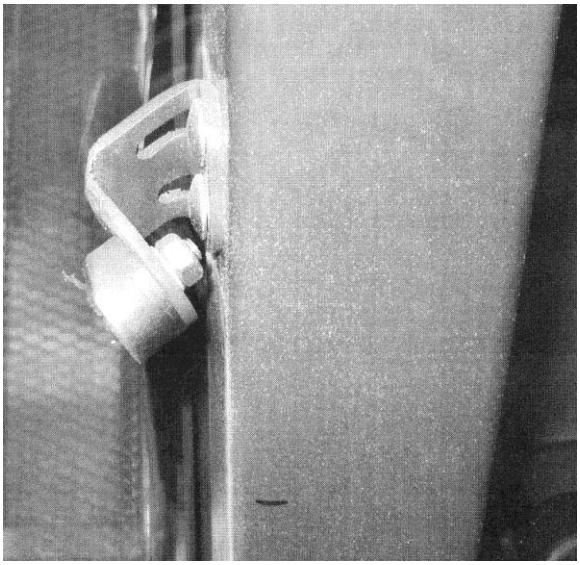





Fractured left lower pivot on arm after lift removal…

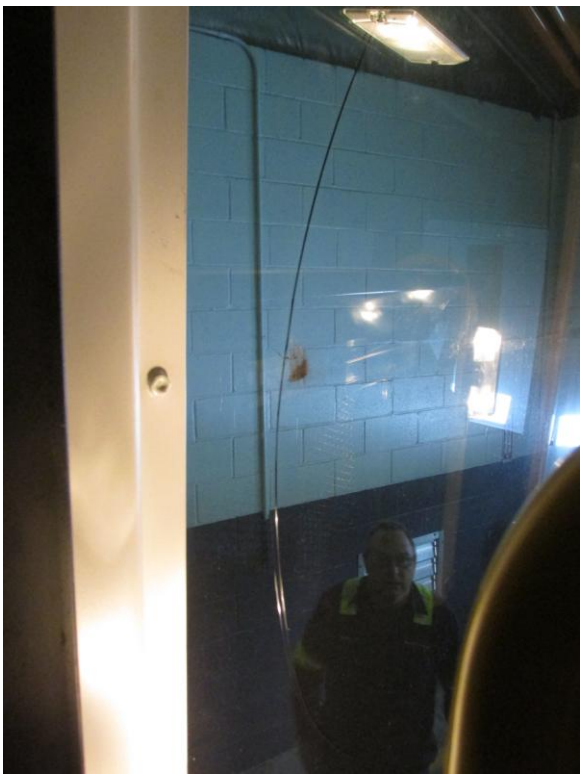
Maintenance staff advised that, in addition to the fractured pivots, they found both platform bumpers completely bent back against the arms rendering them ineffective.





Both pictures were taken by FSB staff after discovering The pivots had fractured.

During our February 25th inspection, we also noted the lift door window was cracked…evidence that the platform continued to oscillate while in the stowed position despite the presence of the recall remedy platform bumpers.



**Ricon's Recall Remedy**

In the Part 573 Defect Report we received on July 16, 2014 wherein Ricon addresses S-series side plate cracking (Recall 14E-041), the company identifies the remedy as follows:

> **V. Identify the Remedy**
>
> **8. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.**
> Ricon will supply a supplemental platform support bumper kit at no charge. The bumpers are fitted to the upper parallel arms and engage the sides of the platform when it is fully stowed. By limiting the amplitude through which the platform is allowed to oscillate, the load transferred through the structure at the pivot plate is significantly reduced such that mechanism that precipitates the cracks cannot occur.
>
> Any platforms wherein a crack has begun to propagate, Ricon will replace the platform.
>
> **Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.**
> a. Any unit in the field that is not cracked is acceptable to use. The aforementioned bumper kit is recommended to ensure that the platform pivot plates do not crack in the future.
>
> **Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state; If the product was discontinued, so state.**
> Platforms on new construction will be made from higher strength steel and will not require the bumper kit.

**Next Step**

It appears that the remedy in safety recall 14E-041 is not adequate. To gather additional information about this subject, including Ricon's data and perspective, we will open a RQ.