



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



1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 13 2018

Mr. Andy Jones
Daimler Trucks North America LLC
4747 N. Channel Avenue
Portland, OR 97217

NEF-106om
AQ18-002

Dear Mr. Jones:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened Audit Query AQ18-002 to inquire into the scope and timeliness of Recall Nos. 17V-761, 17V-810, 18V-157, and 18V-163 filed by Daimler Trucks North America (DTNA). Based on DTNA's chronology of events, NHTSA opened this Audit Query to investigate whether DTNA's Part 573 Report submission for Recall Nos. 17V-761, 18V-157, 18V-163 and 18V-190 to NHTSA was untimely, and whether DTNA's owner notifications for Recall No. 17V-810 is untimely.

NHTSA also has concerns about DTNA's compliance with other Safety Act obligations, including reporting requirements, 49 U.S.C. § 30166(f), (m) and 49 C.F.R. Part 579. Based on information currently available to NHTSA, it appears that DTNA may have failed to report and/or timely submit required data and information and therefore violated its reporting obligations pursuant to 49 U.S.C. § 30166(f), (m) and 49 C.F.R. Part 579. To fully understand DTNA's compliance with Safety Act obligations and to investigate these apparent or potential violations, this letter now demands certain information from DTNA. The recalls at issue are described as follows:

RECALL NO. 17V-761 – BRAKE LIGHTS MAY NOT ACTIVATE

On November 27, 2017, Daimler Trucks North America ("DTNA") LLC notified NHTSA that DTNA determined that a defect, which relates to motor vehicle safety, potentially exists in 436,095 model year ("MY") 2008-2018 Freightliner Cascadia, 2008-2018 Western Star 4700, 2008-2018 Western Star 4900, 2008-2018 Western Star 5700, and 2008-2018 Western Star 6900 vehicles manufactured March 27, 2007 to October 30, 2017, and built with a certain stop light pressure switch. According to DTNA's report ("Part 573 Report"), in the affected vehicles, the safety defect concerns a condition in which the brake light pressure switch may not activate the brake lights. As a result, the brake lights do not illuminate when the service brakes are applied. NHTSA designated this recall as Recall No. 17V-761.

RECALL NO. 17V-810 – FIRE EXTINGUISHER MAY BE CLOGGED OR INOPERABLE

On December 15, 2017, DTNA notified NHTSA that DTNA determined that a defect which relates to motor vehicle safety potentially exists in 24,860 MY 2002-2017 Freightliner Cascadia, Century Class, Columbia, and Coronado trucks; and Western Star 4700, 4900, 5700, and 6900 trucks equipped with a Kidde Plastic-Handle or Push Button 'Pindicator' Fire Extinguisher. According to DTNA's report ("Part 573 Report"), in the affected vehicles, the safety defect concerns a condition in which the fire extinguisher may become clogged preventing the extinguisher from discharging as expected, or requiring excessive force to activate the extinguisher. Additionally, in certain models, the nozzle may detach from the valve assembly with enough force that it could cause injury and also render the product inoperable. NHTSA designated this recall as Recall No. 17V-810.

RECALL NO. 18V-157 – WHEELCHAIR LIFT CAN BE OPERATED WHILE NOT IN PARK

On March 7, 2018, DTNA notified NHTSA that DTNA determined that a defect which relates to motor vehicle safety potentially exists in 3,304 MY 2007-2018 Thomas Built Buses Minotour school buses built on a General Motors (GM) chassis and equipped with wheelchair lifts. According to DTNA's report, ("Part 573 Report"), the interlock may not prevent the wheelchair lift from operating while the vehicle gear shifter is in Neutral or Drive. If the vehicle is moved while the wheelchair lift is in operation, there is an increased risk of injury. NHTSA designated this recall as Recall No. 18V-157.

RECALL NO. 18V-163 – POWER STEERING FLUID LEAK OR ELECTRICAL ARCING

On March 12, 2018, DTNA notified NHTSA that DTNA determined that a defect which relates to motor vehicle safety potentially exists in 102 MY 2011-2017 Freightliner Custom Chassis Corporation (FCCC) XBR, XCL, XCM, and XCR recreational vehicle chassis equipped with Cummins ISL engines. According to DTNA's report ("Part 573 Report"), the power steering hose on the affected vehicles may be routed incorrectly and, as a result, the hose may rub against the power stud on the starter motor, possibly causing electrical arcing and a power steering fluid leak. This recall is an expansion of Recall No. 16V-809 and has been designated by NHTSA as Recall No. 18V-163.

RECALL NO. 18V-190 – PROPANE LINE MAY CHAFE AND LEAK

On March 26, 2018, DTNA notified NHTSA that DTNA determined that a defect which relates to motor vehicle safety potentially exists in 957 MY 2014-2019 Thomas Built Buses Saf-T-Liner C2 school buses that use propane autogas as a motor fuel. According to DTNA's report ("Part 573 Report"), an interference condition between a fuel line and a J-hook body support bracket may cause chafing of the line and potential fuel leak. A propane fuel leak in the presence of an ignition source could increase the risk of a fire. NHTSA designated this recall as Recall No. 18V-190.

DEFINITIONS

To the extent used in this request, the following definitions apply:

- **“Affiliates”** means a corporation that is related to another corporation (such as a subsidiary, parent, or sibling corporation) by shareholdings or other means of control.
- **“Agent”** means an individual, such as a representative, who is authorized to act for or in place of another.
- **“Subject Defect” or “Defect Condition”**
 - (a) when referencing Recall No. 17V-761 means the failure of the brake lights to illuminate with a light application of the brake pedal after several hard brake applications;
 - (b) when referencing Recall No. 17V-810 means the excessive force required (or the inability) to discharge the fire extinguisher;
 - (c) when referencing Recall No. 18V-157 means the failure of the wheelchair lift interlock to prevent operation of the lift while the vehicle’s transmission is not in the Park position;
 - (d) when referencing Recall No. 18V-163 means the electrical arcing caused by the starter motor’s power stud, and the power steering fluid leak; and
 - (e) when referencing Recall No. 18V-190 means the interference condition between a propane autogas fuel line and a J-hook body support bracket, and the propane autogas fuel leak.
- **“Defective Component”** means the component in which the root cause of the defect existed, as described in each respective Part 573 Report.
- **“Describe”** means to provide, with respect to any act, occurrence, transaction, event, statement, communication, or conduct (hereinafter, collectively, “act”), all facts concerning any such act, including, but not limited to, a description of each act, and the date, the location, and the names and addresses of all persons involved.
- **“Document(s)”** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure, and includes 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, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all

types, and all mechanical, magnetic, and electronic records or recordings of any kind. 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.

- **“DTNA”** means Daimler Trucks North America LLC and all of its past and present officers and employees, whether assigned to its principal offices or any of their 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 Trucks North America LLC (including all business units and persons previously referred to).
- **“Employee”** means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.
- **“Identify,” “Identity,” or “Identification”** with respect to a person, includes that person’s name, title or position, employer, and last known business address and telephone number. With respect to a document, such terms include the date (or time period covered if not dated), nature of document, author, and recipient(s). With respect to a business, such terms include the corporate address, name of its principals, telephone number, and name and address of the agent for service. With respect to a website, such terms include the url of the site, the name and address of the owner of the site, and the name and address of the administrator of the website.
- **“Officer”** means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.
- **“Subject Vehicles”**
 - (a) when referencing Recall No. 17V-761 means 2008-2018 Freightliner Cascadia, 2008-2018 Western Star 4700, 2008-2018 Western Star 4900, 2008-2018 Western Star 5700, and 2008-2018 Western Star 6900 vehicles with a certain stop light pressure switch;
 - (b) when referencing Recall No. 17V-810 means certain model year 2002-2017 Freightliner Cascadia, Century Class, Columbia, and Coronado trucks; and Western

Star 4700, 4900, 5700, and 6900 trucks equipped with a Kidde Plastic-Handle or Push Button 'Pindicator' Fire Extinguisher;

- (c) when referencing Recall No. 18V-157 means certain model year 2007-2018 Thomas Built Buses Minotour school buses built on a General Motors (GM) chassis and equipped with wheelchair lifts;
 - (d) when referencing Recall No. 18V-163 means certain model year 2011-2017 FCCC XBR, XCL, XCM, and XCR recreational vehicle chassis equipped with Cummins ISL engines; and
 - (e) when referencing Recall No. 18V-190 means certain model year 2014-2019 Thomas Built Buses Saf-T-Liner C2 school buses that use propane autogas as a motor fuel.
- **"You" or "Your"** means DTNA or DTNA's.
 - To the extent that the terms defined in 49 C.F.R. § 579.4 are used in these requests, whether used in singular or in plural form, they have the same meaning as found in 49 C.F.R. § 579.4.

INSTRUCTIONS

1. Your response to the Information Request shall be sent to Office of the Chief Counsel (NCC-100), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. Additionally, submit a copy of your response by email to Mr. Otto Matheke of the Office of Chief Counsel at Otto.Matheke@dot.gov.
2. Please repeat the applicable request verbatim above your response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.
3. 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 also be reminded that where a document responsive to a request is not in the English language, both the original document and an English translation of the document must be produced.
4. You are required to respond to every request listed in this Information Request. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you are unable to respond because you do not have all or any of the precise information needed to respond, provide an estimate. If, on the basis of attorney-client, attorney work product, or other privilege, you do not submit one or more requested documents or items of information in response to this Information Request, you must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.

5. If you claim that any of the information or documents provided in response to this Information Request constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. Part 512, to the Office of Chief Counsel (NCC-100), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. You are required to submit two copies of the documents containing allegedly confidential information and one copy of the documents from which information claimed to be confidential has been deleted. Failure to adhere to the requirements of 49 C.F.R. Part 512 will result in a rejection of your request for confidential treatment.
6. All documents shall be produced electronically, as described below, in a common format (e.g., Word or PDF).
 - (a) Hard copy documents shall be imaged in PDF format. They shall be provided as multi-page PDFs with document level optical character recognition (OCR).
 - (b) Electronically Stored Information (ESI) shall be converted to multi-page PDFs and produced along with document level OCR/extracted text.
 - (c) You shall produce an index that lists the title of each document produced and the request to which it corresponds.
7. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this Information Request all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document requests all responses which might otherwise be construed to be outside its scope.
8. DTNA's response to this Information Request must be under oath, i.e., accompanied by an affidavit, signed by a responsible officer of DTNA, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of DTNA to be searched diligently for information and documents responsive to this Information Request and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Information Request.

REQUESTS

REPORTS, PRODUCTION AND CLAIMS

1. For all subject vehicles except subject vehicles in Recall No. 17V-810 state, by model and model year, the number of subject vehicles DTNA has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by DTNA, state the following:
 - (a) Vehicle identification number (VIN);
 - (b) Make;
 - (c) Model;
 - (d) Model Year;
 - (e) Part number of the defective component as defined in the Part 573 Report;
 - (f) Date of manufacture;
 - (g) Date warranty coverage commenced; and
 - (h) The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA."

2. State the number of each of the following, received by DTNA, or of which DTNA is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - (a) Consumer complaints, including those from fleet operators;
 - (b) Field reports, including dealer field reports;
 - (c) Reports involving an injury or fatality;
 - (d) Property damage claims;
 - (e) Third-party arbitration proceedings where DTNA is or was a party to the arbitration; and
 - (f) Lawsuits, both pending and closed, in which DTNA 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 DTNA'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) DTNA'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), street address, email 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 property damage is alleged;
- (j) Number of alleged injuries, if any; and
- (k) Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

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 DTNA used for organizing the documents. Describe in detail the search methods and search criteria used by DTNA to identify the items in response to Request No. 2.

REGARDING RECALL NO. 17V-761 – BRAKE LIGHTS MAY NOT ACTIVATE

5. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states that in December 2015 DTNA diagnosed the "original issue" as "a driver education issue and there was no indication that the condition effected the brake lights." Respond to the following requests related to this part of the chronology:
 - (a) Provide a copy of the "report of a cruise re-engaging after brakes are applied;"
 - (b) Describe the overall process used for DTNA to make a determination that this "original issue" was "a driver education issue" and not a safety-related defect;
 - (c) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;
 - (d) Explain why the action did not reveal the defect existed; and
 - (e) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used in preparation for DTNA's December 2015 diagnosis.
6. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, "April 2016, an additional review of warranty revealed a potential issue whereby the stop light switch may not activate." Respond to the following requests relating to this part of the chronology:

- (a) Explain what prompted the “additional review of warranty;”
 - (b) Identify and describe the nature of this warranty review;
 - (c) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;
 - (d) Explain what “revealed a potential issue;”
 - (e) Explain why this warranty review did not reveal the defect existed; and
 - (f) Produce a copy of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to make the determination that there was “a potential issue.”
7. DTNA’s chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, “April 2016 to November 2016, returned switches were returned to the supplier where testing of the components showed no problem found.” Respond to the following requests relating to this part of the chronology:
- (a) Describe the testing done between April 2016 and November 2016;
 - (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;
 - (c) Explain why the testing showed there was “no problem found;”
 - (d) Explain why this testing did not reveal the defect existed; and
 - (e) Provide all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, related to the determination that “testing of the components showed no problem found.”
8. DTNA’s chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, “December 2016 to May 2017 DTNA continued to do an extensive investigation into the root cause of the failure.” Respond to the following requests relating to this part of the chronology:
- (a) Describe the investigation done between December 2016 to May 2017;
 - (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist; and
 - (c) Explain why this investigation did not reveal the defect existed.
9. DTNA’s chronology contained in the Part 573 Report for NHTSA Recall No. 17V-761 states, “May 2017 to October 2017, DTNA used a new test setup . . . along with further testing by the supplier.” Respond to the following requests relating to this part of the chronology:
- (a) Describe the testing done between May 2017 to October 2017;
 - (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist; and
 - (c) Explain why the testing “concluded that it was possible for air pressure to build between the sensor and connector over time potentially causing the brake lights not to activate after several hard applications of the brake.”

10. Identify and describe the information DTNA had or had otherwise been provided in connection with its defect decision making in November 2017. Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used in preparation for DTNA's November 2017 decision to recall the subject vehicles for the defect.
11. Provide a detailed summary of circumstances relating to the decision to recall the subject vehicles for the defect. Your response must include:
 - (a) The date when DTNA first became aware of the subject defect;
 - (b) The date that the safety-related defect decision was made;
 - (c) Who made that decision;
 - (d) The date that DTNA first filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles; and
 - (e) Specification of all items of information that were necessary for DTNA to determine the existence of the subject defect and to make its defect decision, and the date on which DTNA obtained each item.
12. If you are contending that DTNA filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles prior to November 27, 2017:
 - (a) Produce a copy of all documents to support your contention, and
 - (b) Produce a copy of all notices, bulletins, dealer notifications, and other communications that relate to the recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s) (sent to more than one manufacturer, distributor, dealer, or purchaser/owner) provided to NHTSA's Recall Management Division, along with any documentation of NHTSA's receipt of such communications.

REGARDING RECALL NO. 17V-810 – FIRE EXTINGUISHER MAY BE CLOGGED OR INOPERABLE

13. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-810 states that in October 2017 DTNA became aware of a potential issue related to certain Kidde fire extinguishers, and began an investigation to determine the scope and consequences of the issue. Respond to the following requests related to this part of the chronology:

- (a) Explain how DTNA "became aware" of the potential issue;
- (b) Identify and describe the nature of DTNA's investigation;
- (c) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;
- (d) Explain any conclusions that came from DTNA's investigation including whether it was determined that a safety defect existed; and
- (e) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended

actions, whether in final or draft, associated with or used to reach the conclusion in DTNA's October 2017 investigation.

14. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 17V-810 states that in November 2017, Kidde released CPSC [Consumer Product Safety Commission] Recall No. 18-022 and NHTSA Recall No. 17E-062.

In December 2017, DTNA decided to initiate a voluntary safety recall (NHTSA No. 17V-810) for vehicles equipped with potentially defective Kidde fire extinguishers. Respond to the following requests related to this part of the chronology:

- (a) Provide a detailed chronology of the events (including the principal actors) that occurred between when Kidde released NHTSA Recall No. 17E-062 and when DTNA decided to initiate Recall No. 17V-810;
 - (b) Identify whether the actions are ones routinely taken by DTNA in instances of a supplier issuing a CPSC recall for a product used in one or more DTNA vehicles; and
 - (c) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to reach the conclusion for DTNA to issue voluntary safety NHTSA Recall No. 17V-810.
15. Provide a detailed summary of circumstances relating to the decision to recall the subject vehicles for the defect. Your response must include:
- (a) The date when DTNA first became aware of the subject defect;
 - (b) The date that the safety-related defect decision was made;
 - (c) Who made that decision;
 - (d) The date that DTNA first filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles; and
 - (e) Specification of all items of information that were necessary for DTNA to determine the existence of the subject defect to make its defect decision, and of the date on which DTNA obtained each item.
16. DTNA's recall schedule contained in the Part 573 Report for NHTSA Recall No. 17V-810 identifies the planned dealer and owner notification date as February 12, 2018, however, NHTSA's Recall Management Division received DTNA's draft owner notification letter on March 15, 2018 citing an expected distribution date of March 30, 2018. Respond to the following requests relating to this part of the chronology:
- (a) Provide a detailed chronology of the events (including the principal actors) that occurred between when DTNA submitted its Part 573 Report for NHTSA Recall No. 17V-810 and DTNA's submission of the draft owner notification letter to NHTSA's Recall Management Division;
 - (b) Identify whether the actions are ones routinely taken by DTNA in instances where owners need to be notified that a safety defect has been identified; and

- (c) Describe why the owner notification letters were not furnished no later than 60 days from the date DTNA filed their Part 573 Report for NHTSA Recall No. 17V-810, as required by 49 C.F.R. 577.7(a)(1).

17. If you are contending that DTNA produced an owner notification letter relating to the defect in the subject vehicles prior to March 30, 2018:

- (a) Produce a copy of all documents to support your contention, and
- (b) Produce a copy of all notices, bulletins, dealer notifications, and other communications that relate to the recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s) (sent to more than one manufacturer, distributor, dealer, or purchaser/owner) provided to NHTSA's Recall Management Division, along with any documentation of NHTSA's receipt of such communications.

REGARDING RECALL NO. 18V-157 – WHEELCHAIR LIFT CAN BE OPERATED WHILE NOT IN PARK

18. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 18V-157 states that at the end of November 2017 a dealership reported that a group of new buses could be moved while the wheelchair lift was in operation, and that DTNA began an investigation to understand the potential consequences and determine the scope of the issue. Respond to the following requests relating to this part of the chronology:

- (a) Explain the manner in which the dealership notified DTNA of the subject defect;
- (b) Describe any documentation or information provided to DTNA by the dealership relating to the subject defect;
- (c) Identify and describe the nature of DTNA's investigation;
- (d) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist;
- (e) Explain any conclusions that came from DTNA's investigation including whether it was determined that a safety defect existed; and
- (f) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to reach the conclusion in DTNA's November 2017 investigation.

19. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 18V-157 states that in March 2018 DTNA decided to voluntarily recall certain Thomas Built Buses equipped with wheelchair lifts. Respond to the following requests relating to this part of the chronology:

- (a) Provide a detailed chronology of the events (including the principal actors) that occurred between when the dealership reported to DTNA that a group of new buses had a safety defect and when DTNA decided to initiate Recall No. 18V-157;

- (b) Identify whether the actions are ones routinely taken by DTNA in instances of a dealership reporting a safety defect in one or more DTNA vehicles; and
- (c) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to reach the conclusion for DTNA to issue voluntary safety NHTSA Recall No. 18V-157.

20. If you are contending that DTNA filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles prior to March 7, 2018:

- (a) Produce a copy of all documents to support your contention, and
- (b) Produce a copy of all notices, bulletins, dealer notifications, and other communications that relate to the recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s) (sent to more than one manufacturer, distributor, dealer, or purchaser/owner) provided to NHTSA's Recall Management Division, along with any documentation of NHTSA's receipt of such communications.

REGARDING RECALL NO. 18V-163 – POWER STEERING FLUID LEAK OR ELECTRICAL ARCING

21. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 18V-163 states that in October 2016 DTNA determined that the power steering hose clearance to the starter stud may not have clearance on certain RV chassis, and that DTNA decided to conduct a voluntary safety recall (NHTSA Recall No. 16V-809) on those RV chassis with inadequate clearance.

In November 2017 DTNA became aware of an RV outside of the original population that experienced a thermal event, and began an investigation. Respond to the following questions relating to this part of the chronology:

- (a) Explain how DTNA "became aware" of the thermal event related to the subject defect in an RV outside of the original population of NHTSA Recall No. 16V-809;
- (b) Identify and describe the nature of DTNA's investigation;
- (c) Identify whether the action is one routinely taken by DTNA in instances where a subject safety defect may exist outside of the originally recalled population;
- (d) Explain any conclusions that came from DTNA's investigation including whether it was determined that the subject safety defect existed outside of the originally recalled population; and
- (e) Produce a copy of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to reach the conclusion in DTNA's November 2017 investigation.

22. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 18V-163 states that in March 2018 DTNA decided to expand the population of the original recall by

conducting NHTSA Recall No. 18V-163. Respond to the following requests relating to this part of the chronology:

- (a) Provide a detailed chronology of the events (including the principal actors) that occurred between when DTNA began conducting the November 2017 investigation and DTNA's decision to extend the population of the original recall by conducting NHTSA Recall No. 18V-163;
- (b) Identify whether the actions are ones routinely taken by DTNA in instances where a subject safety defect may exist outside of the originally recalled population; and
- (c) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to reach the conclusion for DTNA to issue voluntary safety NHTSA Recall No. 18V-810.

23. On December 12, 2017, NHTSA received submission of a Daimler Field Report (CAC Fleet Report SFYRVCHASSIS-1616-23-00145, DTNA Reference # 000000005898636) created on July 17, 2017. This Field Report documented a fire with unknown source in a 2016 Freightliner Custom RV Chassis vehicle (VIN: 4UZFCHCY3G[REDACTED]).

On February 23, 2018, NHTSA's Office of Defects Investigations sent an email communication to DTNA requesting additional information about several DTNA Field Reports, one of which being CAC Fleet Report SFYRVCHASSIS-1616-23-00145.

DTNA's response to NHTSA's – sent by Thomas Panganiban – summarized DTNA Field Report SFYRVCHASSIS-1616-23-00145 stating, "The post fire investigation determined that the cause and origin was the power steering hose contacting the starter." Respond to the following requests relating to this Field Report:

- (a) Explain how DTNA became aware of the fire event reported in the 2016 Freightliner Custom RV Chassis vehicle identified in this Field Report;
- (b) Identify and describe the nature of DTNA's investigation;
- (c) Identify whether the action is one routinely taken by DTNA in instances where there is a vehicle fire with an unknown cause;
- (d) Describe how DTNA made the determination that the "cause and origin [of the reported vehicle fire] was the power steering hose contacting the starter";
- (e) Explain any conclusions that came from DTNA's investigation including whether it was determined that the subject safety defect existed in this vehicle although it was outside of the originally recalled population;
- (f) If it was determined that the subject safety defect did NOT exist in this vehicle, explain how DTNA came to this conclusion; and
- (g) Provide a copy of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, either in final or draft, associated with or used to reach the conclusion that the safety defect DID or DID NOT exist in this vehicle.

24. On September 10, 2017, NHTSA received a Vehicle Owner's Questionnaire (VOQ) from a consumer who owns a 2016 Freightliner XC-R (VIN: 4UZFCHCY1G[REDACTED]). In their

complaint the consumer states, "On August 9th, 2017 we experienced an engine fire upon starting our 2016 Newmar Dutchstar Motorhome. On September 7th, 2017 the fire investigators representing National Interstate Insurance Company, Newmar Corporation, Freightliner Custom Chassis Corporation and Cummins Engine did their investigation which my husband attended. All present concurred that the cause of the fire matched what was described in Newmar recall 16V809... This recall did not include the manufacture date of our motorhome and therefore we had no knowledge of this recall...." Respond to the following requests regarding this VOQ:

- (a) Explain how DTNA became aware of the 2016 Freightliner XC-R vehicle identified in this VOQ;
- (b) Identify and describe the nature of DTNA's investigation;
- (c) Identify whether the action is one routinely taken by DTNA in instances where there is a vehicle fire;
- (d) Describe how DTNA and/or the other investigators made the determination that "the cause of the fire matched what was described in Newmar recall 16V809";
- (e) Explain any conclusions that came from any party present at the August 9, 2017 investigation including whether it was determined that the subject safety defect existed in this vehicle although it was outside of the originally recalled population;
- (f) If it was determined that the subject safety defect did NOT exist in this vehicle, explain how DTNA came to this conclusion; and
- (g) Provide a copy of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, either in final or draft, associated with or used to reach the conclusion that the safety defect DID or DID NOT exist in this vehicle.

25. If you are contending that DTNA filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles prior to March 12, 2018:

- (a) Produce a copy of all documents to support your contention, and
- (b) Produce a copy of all notices, bulletins, dealer notifications, and other communications that relate to the recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s) (sent to more than one manufacturer, distributor, dealer, or purchaser/owner) provided to NHTSA's Recall Management Division, along with any documentation of NHTSA's receipt of such communications.

REGARDING RECALL NO. 18V-190 – PROPANE LINE MAY CHAFE AND LEAK

26. DTNA's chronology contained in the Part 573 Report for NHTSA Recall No. 18V-190 states that DTNA first became aware of the subject defect in July 2017, which prompted an extensive investigation requiring inspections of vehicles in the field. Respond to the following requests relating to this part of the chronology:

- (a) Provide a detailed chronology of the events (including the principal actors) that occurred between when DTNA first became aware of the chafing and/or leaking present in the subject defect and when DTNA decided to initiate Recall No. 18V-190;
- (b) Identify whether the action is one routinely taken by DTNA in instances where a safety defect may exist; and
- (c) Provide copies of all documents, including but not limited to presentations, executive summaries, summary findings, memoranda, agendas, or recommended actions, whether in final or draft, associated with or used to reach the conclusion that leaking and/or chafing propane lines constituted a safety related defect for which DTNA issued voluntary safety NHTSA Recall No. 18V-190.

27. Provide a detailed summary of circumstances relating to the decision to recall the subject vehicles for the defect. Your response must include:

- (a) The date when DTNA first became aware of the subject defect;
- (b) The date that the safety-related defect decision was made;
- (c) Who made that decision; and
- (d) The date that DTNA first filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles.

28. If you are contending that DTNA filed a Part 573 Report with NHTSA relating to the defect in the subject vehicles prior to March 26, 2018:

- (a) Produce a copy of all documents to support your contention, and
- (b) Produce a copy of all notices, bulletins, dealer notifications, and other communications that relate to the recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s) (sent to more than one manufacturer, distributor, dealer, or purchaser/owner) provided to NHTSA's Recall Management Division, along with any documentation of NHTSA's receipt of such communications.

SERVICE, WARRANTY, TECHNICAL DOCUMENTS, AND 49 C.F.R. PART 579 REPORTING

29. Furnish a copy and state the date of issuance of any service, warranty, or technical document DTNA has prepared including, but not limited to bulletins, advisories, informational documents, training documents, or other communications, that was sent to any dealers, regional or zone offices, field offices, or service facilities related to the following:

- (a) The subject defect in the recalled vehicles;
- (b) The subject defect in comparator vehicles; or
- (c) The installation, attachment, replacement, or performance of the stop light pressure switch in the either the recalled or comparator vehicles, identifying to which population the document applies.

30. Provide a corporate organizational chart(s) identifying the employees who are responsible for collecting and reporting information to NHTSA pursuant to 49 C.F.R. Part 579. Include the

name, title, business address, business email, and business telephone number for each person(s), and state the person's role in collecting and reporting information to NHTSA pursuant to 49 C.F.R. Part 579.

31. Describe DTNA's policy or procedure for collecting, tracking, and submitting notices, bulletins, and other communications described in 49 C.F.R. § 579.5 that DTNA sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States, for the past five years. Include in your answer the steps DTNA undertakes to comply with the submission deadline in 49 C.F.R. § 579.5. Your answer should explain any changes in that policy or procedure and include a copy of all documents describing the policy or procedure.
32. Describe in detail DTNA's process for determining whether notices, bulletins, and other communications sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States need to be reported to NHTSA pursuant to 49 C.F.R. § 579.5. State whether DTNA has made any changes to that process during the prior five years and, if yes, describe the changes.
33. Describe in detail any changes DTNA anticipates making to its process for collecting notices, bulletins, and other communications described in 49 C.F.R. § 579.5 that DTNA sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States and providing those communications to NHTSA. Your response should include an anticipated timeline for implementing any such changes.
34. For a period of five years prior to the date of this letter, provide a copy of all notices, bulletins, and other communications as specified by 49 C.F.R. § 579.5 that DTNA has not previously provided to NHTSA. To the extent not indicated on the document, provide the date that each notice, bulletin, or other communication responsive to this request was issued. Explain why each notice, bulletin, or other communication responsive to this request was not previously submitted.
35. Provide a detailed explanation about DTNA's technical service notes, including:
 - (a) The purpose of technical service notes, including how that purpose differs from a technical service bulletins;
 - (b) What information technical service notes contain;
 - (c) Who has access to technical service notes;
 - (d) Who sends technical service notes;
 - (e) To whom technical service notes are sent;
 - (f) Whether DTNA is aware of technical services notes distributed beyond the designated recipients, and if so, why that occurred;
 - (g) How technical service notes are distributed;
 - (h) How the information contained in technical service notes is distributed outside DTNA, if at all;
 - (i) To whom the information contained in technical service notes is distributed outside DTNA, if at all;

- (j) How DTNA determines whether to submit any of the technical service notes to NHTSA pursuant to 49 C.F.R. § 579.5; and
 - (k) If it is DTNA's position that technical service notes are not required to be reported under 49 C.F.R. § 579.5, explain your position.
36. Does DTNA restrict its employees from sending technical service notes outside DTNA? If yes, describe the restriction, the purpose of the restriction, and provide a copy of any documents relating to the restriction.
37. Does DTNA encourage its employees to share information in technical service notes outside DTNA orally rather than by providing a copy of the technical service notes? If so, explain why.
38. Provide copies of all your technical service notes from the past 5 years. For each technical service note:
- (a) To the extent not indicated on the document, provide the date that the technical service note was issued.
 - (b) State whether DTNA previously provided a copy of the technical service note to NHTSA (and if yes, on what date); and
 - (c) Provide the list of the names and addresses of each manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States, to which DTNA sent the technical service note.
39. Describe DTNA's policy or procedure for collecting, tracking, and submitting property damage claims, consumer complaints, warranty claims, and field reports involving systems and components specified in 49 C.F.R. § 579.22 for the past five years. Include in your answer the steps DTNA undertakes to comply with the submission deadlines in 49 C.F.R. § 579.28. Your answer should explain any changes in that policy or procedure and include a copy of all documents describing the policy or procedure.
40. Describe in detail DTNA's process for determining whether property damage claims, consumer complaints, warranty claims, and field reports involving systems and components specified in 49 C.F.R. § 579.22 need to be reported to NHTSA pursuant to 49 C.F.R. Part 579. State whether DTNA has made any changes to that process during the prior five years and, if yes, describe the changes.
41. Describe in detail any changes DTNA anticipates making to its process for determining whether property damage claims, consumer complaints, warranty claims, and field reports specified in 49 C.F.R. § 579.22 need to be reported to NHTSA pursuant to 49 C.F.R. Part 579. Your response should include an anticipated timeline for implementing any such changes.
42. For each reporting period, as established in 49 C.F.R. Part 579, from November 1, 2012 through the present date, provide a copy of property damage claims, consumer complaints, warranty claims, and field reports required under 49 C.F.R. § 579.22 that DTNA has not previously provided to NHTSA. To the extent not indicated on the document, provide the

date that each document responsive to this request was issued. Explain why each document responsive to this request was not previously submitted.

43. NHTSA is aware that DTNA sent Service Bulletins SB 54-293 and SB 46-55 from November of 2015 to owners as an owner notification campaign. Explain why DTNA used an owner notification campaign in this situation. Include in your answer an explanation of why DTNA did not submit this owner notification campaign to NHTSA under 49 C.F.R. § 579.5.
44. In addition to the situation described in Request No. 14, explain if there is any other time DTNA would use an owner notification campaign for any reason outside of the defect and noncompliance notification required by 49 C.F.R. Part 577. Include in your answer:
 - (a) Why DTNA would use an owner notification campaign;
 - (b) Who would receive the campaign letters;
 - (c) Whether you would notify NHTSA of the campaign;
 - (d) How DTNA would determine whether to submit any of the campaign letters to NHTSA;
 - (e) What information you would include in the campaign;
 - (f) How campaign letters would be distributed; and
 - (g) Copies of any owner notification campaign letters responsive to this request. To the extent not indicated on the document, provide the date that each owner notification campaign responsive to this request was issued. If any document responsive to this request was not previously submitted to NHTSA, explain why.
45. Describe in detail the training, if any, that employees involved in reporting receive regarding 49 C.F.R. Part 579. Provide a copy of any written training or guidance materials regarding 49 C.F.R. Part 579 used by employees involved in reporting.
46. Describe in detail any and all practices, processes, or other methods DTNA uses for ensuring open communication between your legal office and your safety office, including inquiries regarding NHTSA's information requests, reporting, defect determinations, and recalls. In addition, provide the internal process by which DTNA records and documents adherence to these practices.

Legal Authority for This Request

This letter is being sent to DTNA 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

DTNA's failure to respond promptly and fully to this letter could subject DTNA 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 \$21,000 per day, with a

maximum of \$105,000,000 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 Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-21, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely to ODI information requests.

If DTNA 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, DTNA does not submit one or more requested documents or items of information in response to this information request, DTNA 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 AQ18-002 in DTNA's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

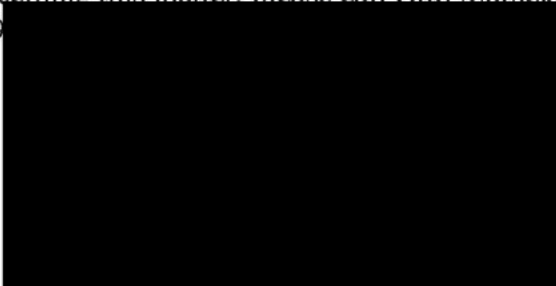
If DTNA claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, DTNA must submit supporting information together 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. DTNA 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 or (202) 366-5253.

Due Date

DTNA's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **July 2, 2018**. If DTNA finds that it is unable to provide all of the information requested within the time allotted, DTNA must request an extension from me at (202) 366-5207 no later than five business days before the response due date. If DTNA 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 DTNA then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Otto Matheke of the Office of Chief Counsel at (202) 366-69



Medium and Heavy Vehicles Division
Office of Defects Investigation