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

1200 New Jersey Avenue SE.
Washington, DC 20590

December 9, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeff Hintz
Vanguard National Trailer Corporation
289 East Watertower Drive
Monon, IN 47959

NEF-106ns
DP21-004

Dear Mr. Hintz,

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Defect Petition (DP21-004) to assess the lack of side underride guards on select semi-trailers and to request certain information.

This office received a request for ODI to open a defect petition to assess the safety benefit of van-type semi-trailers being equipped with side underride guards. The petitioners allege that side underride guards have been well studied, operationally verified and are an inexpensive safety feature that can lessen or prevent traffic injuries and fatalities. A copy of the petition is enclosed for your information.

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

- **Subject vehicles:** All van-type semi-trailers manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Subject component:** Side Underride Guards

- **Alleged defect:** Traffic crash injuries and/or fatalities resulting from the lack of side underride guards on the subject vehicles.

- **Vanguard:** Vanguard National Trailer 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 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 Vanguard (including all business units and persons previously referred to), who are or, in or after January 1, 2005, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

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

- **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 Vanguard, 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 Vanguard 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 Vanguard has previously provided a document to ODI, Vanguard 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 Vanguard's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State by model year the number of subject vehicles Vanguard has manufactured for sale or lease in the United States since 2006. Include by model year the number of subject vehicles which were manufactured by Vanguard with side underride guards as original equipment.

2. State the current or estimated number of Vanguard subject vehicles still in service for all model years.

3. Please report Vanguard current percent of the subject vehicle market share.

4. Provide a brief summary of any and all reports, claims, or other notices received by Vanguard, or of which Vanguard is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles or vehicles equipped with side underride guards.

5. Does Vanguard currently offer side underride guards as standard or optional equipment? If yes, is it a Vanguard design or from another supplier? If from another supplier, identify the supplier and provide their contact information.

6. Produce copies of all installation, service, warranty, and other documents that relate to, or may relate to, the subject component in the subject vehicles.

7. Provide a brief summary of all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations that relate to, or may relate to the subject component that have been conducted, are being conducted, are planned, or are being planned by, or for, Vanguard.

8. Anglewing is one aftermarket manufacturer of side underride guards. Please assess the compatibility of this product with Vanguard trailers. See the following link for additional information: http://www.angelwingskirts.com/
   a. Effect, if any, this guard will have on the structural integrity of Vanguard trailers;
   b. The approximate weight adding this side underride guard will add to Vanguard trailers;
   c. The approximate reduction in cargo carrying capacity adding this side underride guard will have on Vanguard trailers;
   d. Effect, if any, this guard will have on the durability and service life of Vanguard trailers;
   e. The approximate cost, including materials and labor for installation of these guards both on new production and in-service Vanguard units;
   f. Effect, if any, this guard will have on the maneuverability and operating environment compatibility of Vanguard trailers;
   g. Your assessment of the effectiveness this side underride guard would have preventing injury and death of other roadway users when installed on Vanguard trailers; and
   i. Your assessment of any additional concerns, issues, or benefits this side underride guard may have.

9. Safetyskirt is one aftermarket manufacturer of side underride guards. Please assess the compatibility of this product with Vanguard trailers. See link for additional information: https://www.trailerguards.com/
   a. Effect, if any, this guard will have on the structural integrity of Vanguard trailers;
   b. The approximate weight adding this side underride guard will add to Vanguard trailers;
   c. The approximate reduction in cargo carrying capacity adding this side underride guard will have on Vanguard trailers;
   d. Effect, if any, this guard will have on the durability and service life of Vanguard trailers;
   e. The approximate cost, including materials and labor for installation of these guards both on new production and in-service Vanguard units;
   f. Effect, if any, this guard will have on the maneuverability and operating environment compatibility of Vanguard trailers;
   g. Your assessment of the effectiveness this side underride guard would have preventing injury and death of other roadway users when installed on Vanguard trailers; and
   i. Please provide your assessment of any additional concerns, issues, or benefits this side underride guard may have.

10. Furnish Vanguard's assessment of the following in today's transportation system:
    a. The feasibility of side underride guards.
    b. The industry financial cost of side underride guards;
    c. The effectiveness side underride guards may have preventing traffic crash injuries and fatalities;
    d. The potential changes in the US transportation system side underride guards may require; and
    e. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Vanguard 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

Vanguard's failure to respond promptly and fully to this letter could subject Vanguard 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(a)(3), provides for civil penalties of up to $22,723 per violation per day, with a maximum of $113,611,635 for a related series of daily 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. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If Vanguard 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, Vanguard does not submit one or more requested documents or items of information in response to this information request, Vanguard 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 DP21-004 in Vanguard's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Vanguard 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, Vanguard must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512. Additional information can be found here: https://www.nhtsa.gov/coronavirus/submission-confidential-business-information.

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel, at daniel.rabinovitz@dot.gov or (202) 366-8534.

Due Date

Vanguard's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **January 10, 2022**. Vanguard's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Vanguard 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 Vanguard then has available.

Please send email notification to Nate Seymour at nate.seymour@dot.gov and to ODI_IRresponse@dot.gov when Vanguard sends its response to this office and indicate whether there is confidential information as part of Vanguard's response.

If you have any technical questions concerning this matter, please call Nate Seymour of my staff at (202) 366-2069.

Sincerely,



Josh Neff, Chief
Medium & Heavy-Duty Vehicle Defect Division
Office of Defects Investigation

Enclosure 1, Copies of the subject reports referenced in the introduction of this letter identified by the following ODI reference numbers: VOQ 11436550