

PART 573 Noncompliance Information Report

Pitts Enterprises, Inc. has determined that a noncompliance with Federal Motor Vehicle Safety Standard No. 121 exists in the motor vehicles listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573.

Date this report was prepared: January 13, 2011

Furnish the manufacturer's identification code for this recall (if applicable): 5JY

1. Identify the full corporate name of the fabricating manufacturer of the vehicle being recalled.

Pitts Enterprises, Inc.

Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

Philip Smitley, Chief Financial Officer

Telephone Number: 334-855-4754 **Fax No.:** 334-855-3507

Name and Title of Person who prepared this report.

Philip Smitley
Chief Financial Officer

Signed:

I. Identify the Vehicle Models Involved in the Recall

2. Identify the Vehicles Involved in the Recall, for each make and model or applicable vehicle line (provide illustrations or photographs as necessary to describe the vehicle), provide:

Make(s): Pitts Trailers **Model Years Involved:** 2004 – 2008 **Model(s):** LT, et al.

Production Dates: Beginning: Aug, 2004 **Ending:** Oct, 2008

VIN Range: Beginning: 5JYLT40264P04150 **Ending:** 5JYLP40288P081335

Vehicle Type: Trailer **Bodystyle:** Steel frame logging trailer

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

Logging trailer containing upright log retention bolsters with straight frame chassis equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Make(s): Pitts Trailers **Model Years Involved:** 2004 -2008 **Model(s):** LP, et al.

Production Dates: Beginning: Aug. 2004 **Ending:** Oct. 2008

VIN Range: Beginning: 5JYLP40254P0401644 **Ending:** 5JYLP40288P081332

Vehicle Type: Trailer **Bodystyle:** Steel frame logging trailer

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

Logging trailer containing upright log retention bolsters with a drop frame chassis equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Make(s): Pitts Trailers **Model Years Involved:** 2004 - 2008 **Model(s):** LB-35

Production Dates: Beginning: Aug. 2004 **Ending:** Oct. 2008

VIN Range: Beginning: 5JYLB35204P041648 **Ending:** 5JYLB35248P081334

Vehicle Type: Trailer **Bodystyle:** Steel frame, low deck flatbed

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

Fixed neck, low deck flatbed with 35,000 lbs. load capacity with dove tail loading ramps equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Make(s): Pitts Trailers **Model Years Involved:** 2005 - 2008 **Model(s):** HD-35

Production Dates: Beginning: Oct. 2004 **Ending:** Oct. 2008

VIN Range: Beginning: 5JYHD35245P050399 **Ending:** 5JYHD35228P081221

Vehicle Type: Trailer **Bodystyle:** Steel frame, low deck flatbed with hydraulic tail equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

Fixed neck, low deck with per-cambered frame and hydraulic tail equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Make(s): Pitts Trailers **Model Years Involved:** 20005 - 2008 **Model(s):** TA, et al.

Production Dates: Beginning: Oct. 2004 **Ending:** Oct. 2008

VIN Range: Beginning: 5JYTA20275P050009 **Ending:** 5JYTA20208A081239

Vehicle Type: Trailer **Bodystyle:** Steel frame flatbed with dove tail ramps

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

Tongue neck flatbed with either flip-type or vertical suspended dove tail ramps equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Make(s): Pitts Trailers **Model Years Involved:** 2005 - 2008 **Model(s):** PT, et al.

Production Dates: Beginning: Oct. 2004 **Ending:** Oct. 2008

VIN Range: Beginning: 5JYPT222X5P050128 **Ending:** 5JYPT22238P080981

Vehicle Type: Trailer **Bodystyle:** Steel frame logging trailer

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:

Tongue neck log trailer with upright log retention bolsters and straight frame chassis equipped with the MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc.

Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents.

<u>Model</u>	<u>Percentage of total</u>
LT, et al.	27.9%
LP, et al.	10.2%
LB-35	16.6%
TA, et al.	2.4%
PT, et al.	0.6%
HD-35	0.6%

II. Identify the Recall Population

3. Furnish the total number of vehicles recalled potentially containing the defect or noncompliance.

<u>Model</u>	<u>Year</u>	<u>Number of Vehicles Potentially Involved</u>
LT	2004	2
LT	2005	497
LT	2006	552
LT	2007	391
LT	2008	302
LP	2004	1
LP	2005	181
LP	2006	217
LP	2007	125
LP	2008	117
LB-35	2004	5
LB-35	2005	287
LB-35	2006	338
LB-35	2007	199
LB-35	2008	217
HD-35	2005	7
HD-35	2006	12
HD-35	2007	10
HD-35	2008	6

TA	2005	24
TA	2006	50
TA	2007	20
TA	2008	58
PT	2005	5
PT	2006	13
PT	2007	3
PT	2008	11
Total Number Potentially Affected by the Recall:		<u>3,650</u>

4. Furnish the approximate percentage of the total number of vehicles estimated to actually contain the defect or noncompliance: 98.0%

Identify and describe how the recall population was determined--in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled vehicles:

The MSQR-5000 was standard installation on selected models during this production period.

The date range of production was based on beginning and ending dates of purchases of the MSQR 5000 system.

III. Describe the Defect or Noncompliance

5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.

The MSQR 5000 differential pressure regulator/quick release valve device manufactured by Air Brake Systems, Inc. was installed on selected models. The MSQR 5000 device does not include an antilock brake system as defined by FMVSS 121 or the requisite sensors and warning lights specified in FMVSS No. 121 S5.2.3.

Describe the cause(s) of the defect or noncompliance condition.

The MSQR system does not meet the definition of an ABS system or provide the warning light required by FMVSS 121.

Describe the consequence(s) of the defect or noncompliance condition.

The purpose of the Federal Motor Vehicle Safety Standard (FMVSS) for air brake systems, No. 121, is to insure safe braking performance under normal and emergency conditions. The MSQR 5000, which was installed in the trailers subject to the recall to satisfy FMVSS No. 121's ABS requirements, does not meet the definition of an ABS as required by FMVSS No. 121. Also, the trailers do not have a light to warn the operator of an ABS malfunction as required by FMVSS No. 121. Pitts has received no complaints or reports of any on-road failures associated with this noncompliance.

Identify any warning which can (a) precede or (b) occur.

n/a

If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.

Air Brake System, Inc.

P. O. Box 270

Mt. Pleasant, MI 48804-0270

Part No. 5000 Description: MSQR-5000 ABS Valve

Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:

William Washington

IV. Provide the Chronology in Determining the Defect/Noncompliance

If the recall is for a defect, complete item 6, otherwise item 7.

6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.

7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.

Pitts installed the MSQR 5000 based on representations that the system met all federal requirements and the fact that the system continuously passed state inspections. In late October, Pitts received an Information Request from NHTSA relating to the MSQR 5000. After further discussions with the agency and investigation, on January 10, 2011 Pitts determined that the MSQR 5000 does not meet the requirements of FMVSS 121.

V. Identify the Remedy

A description of the manufacturer's program for remedying the defect or noncompliance.

Pitts will replace the MSQR 5000 with an ABS system meeting all the requirements of FMVSS 121. Vehicle owners will be instructed to seek installation of the replacement parts at an authorized dealer or the manufacturing plant in Pittsview, Alabama. For fleet owners with the capacity to perform the installation in-house, if requested by the fleet owner Pitts will provide the parts and installation instructions with an allowance for labor. Pitts will institute a reimbursement plan consistent with 49 CFR Part 573.13.

9. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.

Vehicle owners will be instructed to seek installation of the replacement parts at an authorized dealer or the manufacturing plant in Pittsview, Alabama. For fleet owners with the capacity to perform the installation in-house, if requested by the fleet owner Pitts will provide the parts and installation instructions with an allowance for labor.

Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.

Pitts will replace the MSQR 5000 system with an ABS system compliant meeting all the requirements of FMVSS 121. The modification will involve installation of appropriate ABS compliant air valve, sensor ring, axle sensor block, wiring harness and warning light.

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.

Pitts discontinued installation of the MSQR 5000 in October 2008.

VI. Identify the Recall Schedule

10. Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.

Pitts will notify end purchasers of the recall and provide them a list of authorized dealers or the plant location for replacement of the MSQR 5000 with an alternative brake system. Pitts is currently investigating the availability of replacement parts and the sourcing of repairs and will provide further details of the recall campaign when available.

VII. Furnish Recall Communications

11. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) or by E-Mail to RMD.ODI@dot.gov for review prior to mailing.

Note that these documents are to be submitted separately from those provided in accordance with Part 579.5 requirements.

Pitts will supply the owner and dealer notification letters as available.