



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

SEP 29 2010

Via U.S. Mail

David Archer
Director of Engineering, Cab, Chassis, and Electrical
Pierce Manufacturing, Inc.
2600 American Drive
Appleton, Wisconsin 54912

NVS-215/jtt
10V-423

Re: Safety Recall 10V-423

Dear Mr. Archer:

Thank you for your prompt submission of an amended defect report providing a more detailed chronology of principal events leading up to Pierce Manufacturing, Inc.'s (Pierce) defect decision in relation to certain of its emergency vehicle applications. Upon further review of this report, we have a concern related to the timing of that decision that we wanted to bring to your attention.

Your chronology identifies that Pierce by September 24, 2009, knew of four steering bracket failures in the vehicles. Subsequent failures occurred this past year. The vehicles involved are very large emergency response vehicles, not infrequently traveling at high speeds, and for which any kind of steering failure could easily become a traumatic and tragic event.

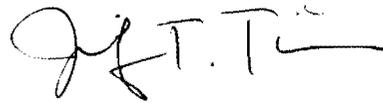
We acknowledge that it may not be unusual for a year or more to pass before a manufacturer has sufficient information upon which to render a responsible safety defect decision. Nevertheless, looking objectively at this chronology an interpretation could be made that Pierce took an exceedingly long time to reach a defect decision, particularly in view of the safety defect involved and the nature of the vehicles impacted. The argument could be made that Pierce unreasonably delayed notifying NHTSA and, by association, the public, of a safety defect.

We remind Pierce that a vehicle manufacturer must notify NHTSA, as well as its owners, purchasers, and dealers, once it learns its vehicles or items of motor vehicle equipment contain a safety defect. 49 U.S.C. § 30118(c)(1). This notification must take place within a reasonable time after it decides *or should have decided* its vehicles/equipment contain the safety defect. (emphasis added). 49 U.S.C. § 30119(c); see U.S. v. General Motors, 656 F. Supp. 1555, 1559 n.5 (D. D.C. 1987) (“[A] manufacturer incurs its duties to notify and remedy whether it actually determined, or it should have determined, that its vehicles are defective and the defect is safety-related”). NHTSA has by regulation defined “reasonable time” to mean five working days. 49 CFR 573.6(b).



We remind Peirce that it is obligated to notify NHTSA of any safety defect within five days of when it made, *or should have made*, its defect decision. We suggest that Pierce consider adjustments and improvements to its internal procedures to avoid unnecessary delays in rendering important safety defect decisions and communicating those decisions to us.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.T. Timian', with a horizontal line extending to the right.

Jennifer T. Timian
Acting Chief
Recall Management Division