



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

OCT 13 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tim Lafon
Volvo Trucks North America, Inc.
PO Box 26115
Greensboro, NC 27402

NVS-214njs
DP15-006

Dear Mr. Lafon:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has received a petition (copy enclosed) for an investigation of poor ride quality in certain model year 2013-2016 Volvo VNL vehicles.

The Petitioner alleges that the ride quality of their model year 2015 Volvo 780 vehicle exhibits excessive cab sway. They attribute driver fatigue to this sway as it affects both team drivers when driving or sleeping in the sleeper berth. Additionally, they claim the excessive sway negatively affects their ability to control the vehicle in certain situations. Their cab has come out of alignment, which they believe is related to the excessive sway experienced in this truck. When the cab came out of alignment it bottomed out. The team driver who was in the sleeper berth at the time experienced back pain and had not been able to return to work since. ODI received one (1) additional VOQ which reported excessive sway on a 2016 Volvo. A field report search revealed Volvo's trucks manufactured as early as 2013 may have experienced similar cab issues.

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject vehicles:** Model year 2013-2016 Volvo VNL vehicles equipped with sleeper berth and manufactured for sale or lease in the United States.
- **Volvo:** Volvo Trucks North America, 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 Volvo (including all business units and persons previously referred to), who are or, in or after 2011, 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.
- **Subject component**: Vehicle/Cab suspension and all associated parts installed on the subject vehicles.
 - **Alleged defect**: Any failure, malfunction, or otherwise unsatisfactory performance of the subject component on the subject vehicles which directly or indirectly results in loss of control, excessive cab sway, or cab misalignment.
 - **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 Volvo, 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. Please repeat the applicable request verbatim above each response. After Volvo’s response to each request, identify the source of the information and indicate the last date the source updated the information prior to the preparation of the response. Insofar as Volvo has previously provided a document to ODI, Volvo may either 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. Previously submitted complaints and field reports do not need to be provided. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the Information Request letter (including the 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.

1. State the total number of subject vehicles sold in the United States by make, model, and model year. Further break this production data down by front suspension type (i.e., air vs. spring) and cab suspension type (i.e., hard mount, spring, or air ride).
2. State the number by make, model, and model year, and provide copies of all documents containing the following, from all sources, of which Volvo is aware and which relate, or could relate to the alleged defect in the subject vehicles:
 - a. Owner/fleet complaints;
 - b. Field reports;
 - c. Crash/incident claims;
 - d. Subrogation claims;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings, where Volvo is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which Volvo is or was a defendant or codefendant.

Please list and collate your response for each category ("a" through "g") by date of claim. Please provide for each item in this response the incident date, disposition of matter, and, where a fleet vehicle is involved, the name of the fleet, and the name and telephone number of a contact person at that fleet. For items in “a” through “g,” please identify all those

involving an alleged injury or fatality. For items in "a" through "e," please provide all related information and reports whether or not Volvo has verified each one. For items in "f" and "g," summaries are acceptable. Please identify in the summary the caption, court, docket number, and filing date of each action if a copy of the complaint or other document initiating the action is not provided.

3. State, by make, model, and model year, a total count for all of the following categories of claims, collectively, that have been paid by Volvo to date that relate to, or may relate to, the alleged defect in the subject vehicles: 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.
4. Provide copies of all service and technical documents, including, but not limited to, notices, bulletins, advisories, and other communications that Volvo provided, or made available, to dealers, zone offices, field offices, fleet purchasers, relating in whole or part to the alleged defect in the subject vehicles or which will be provided or made available within the next 60 days.
5. State whether and how the alleged defect could adversely affect vehicle control including advanced safety systems, such as electronic stability control, roll stability control, etc., which may be offered on the subject vehicles. If any testing supporting Volvo's answer has been conducted, please provide a summary of the test purpose and results.
6. Furnish Volvo's assessment of the alleged defect in the subject vehicles, including:
 - a. All causal or contributory factors;
 - b. The failure mode(s);
 - c. Root cause(s) of the failures; and
 - d. The risk to motor vehicle safety that it poses.

Legal Authority for This Request

This letter is being sent to Volvo 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

Volvo's failure to respond promptly and fully to this letter could subject Volvo 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 \$7,000 per day, with a maximum of \$17,350,000 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 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

If Volvo 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, Volvo does not submit one or more requested documents or items of information in response to this information request, Volvo 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 DP15-006 in Volvo's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Volvo 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, Volvo 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. Volvo 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

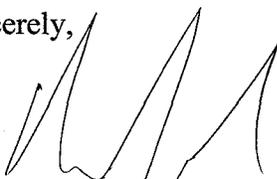
Volvo's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **October 26, 2015**. If Volvo finds that it is unable to provide

all of the information requested within the time allotted, Volvo must request an extension from me at (202) 366-6938 no later than five business days before the response due date. If Volvo 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 Volvo then has available, even if an extension has been granted.

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

Prior to starting your response, please call Nate Seymour of my staff at (202) 366-2069 to discuss this information request or if you have any technical questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. York', with a stylized flourish at the end.

Bruce B. York, Chief
Medium/Heavy Duty Vehicle Division
Office of Defects Investigation

ODI reference numbers: 10701592, 10715844, 10747593.

Enclosure 1: Defect Petition DP15-006