

**NEW FLYER**

26 February, 2010

VIA EMAIL and MAIL

George Person
Head - Recall Management Division
US DOT – National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-215)
1200 New Jersey Ave. SE,
Washington, DC 20590

Subject: **Safety Recall Declaration – Drive Shaft Access Panel Reinforcement.**

Dear Mr. Person:

New Flyer Industries Canada ULC and New Flyer of America Inc. (together "New Flyer"), have declared recall status with regards to a product improvement they are implementing to reinforce an access panel located in the vehicle floor.

It has been determined that in the event of a drive shaft failure, the drive shaft access panel may not be of sufficient strength to prevent failed parts from entering the passenger compartment. Failure of the panel integrity could result in passenger injury or death. To date there has been one recorded failure of the panel outside the United States, with no injuries.

The recall population is based on all New Flyer production vehicles, as well as after-market alterations conducted by New Flyer, with an access/inspection panel located above the drive shaft of the vehicle in the passenger compartment flooring.

New Flyer will contact the customers who purchased buses identified as having the fault, with parts and instructions on how to complete this recall. New Flyer is filing the appropriate 573 defect report (see attached) and will manage all quarterly reporting for this recall.

If you have any further questions please contact me.

Sincerely,
NEW FLYER OF AMERICA INC.
NEW FLYER INDUSTRIES CANADA ULC

By: Kerry Legg
Vehicle Safety & Regulatory Compliance Manager
Customer Services Head Office
(204) 934-4876

Headquarters/
Winnipeg Facility
711 Kernaghan Ave.
Winnipeg, Manitoba
R2C 3T4 Canada
Ph: (204) 224-1251

Customer
Services
25 DeBaets St.
Winnipeg, Manitoba
R2J 4G5 Canada
Ph: (204) 982-8400

New Product
Development
Unit 7, 45 Beghin Ave.
Winnipeg, Manitoba
R2J 4B9 Canada
Ph: (204) 982-8413

Crookston
Facility
214 5th Ave. SW
Crookston, Minnesota
56716 USA
Ph: (218) 281-5752

St. Cloud
Facility
6200 Glenn Carlson Dr.
St. Cloud, Minnesota
56301 USA
Ph: (320) 203-0576

Safety Defect and Noncompliance Report Guide for Vehicles
PART 573 Defect and Noncompliance Report¹

On 23 February 2010, New Flyer Industries Canada ULC [MFR] decided that a defect which relates to motor vehicle safety 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 Defect and Noncompliance Reports.

Date this report was prepared: 25 February 2010

Furnish the manufacturer's identification code for this recall (if applicable): R10-006

1. Identify the full corporate name of the fabricating manufacturer of the vehicle being recalled. If the recalled vehicle is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

New Flyer Industries Canada ULC
Customer Services Head Office
25 DeBaets St.,
Winnipeg, MB Canada
R2J 4G5

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

Mr. Kerry Legg
Vehicle Safety & Regulatory Compliance Manager

Telephone Number: (204) 934-4876

Fax No.: (204) 224-0248

Name and Title of Person who prepared this report.

Same as above.

Signed:



¹Each manufacturer must furnish a report, to the Associate Administrator for Safety Assurance, for each defect or noncompliance condition which relates to motor vehicle safety.

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): New Flyer **Model Years Involved:** 2009 **Model(s):** C35LF

VIN Range: Beginning: 035939 **Ending:** 035948

VIN Range: Beginning: 036049 **Ending:** 036051

Vehicle Type: Heavy Duty Transit Bus **Body style:** Compressed Natural Gas Thirty Five Foot Low Floor

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2008 to 2009 **Model(s):** C40LFR

VIN Range: Beginning: 033148 **Ending:** 033158

VIN Range: Beginning: 036083 **Ending:** 036098

Vehicle Type: Heavy Duty Transit Bus **Body style:** Compressed Natural Gas Forty Foot Low Floor Restyled

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2009 **Model(s):** D35LFR

VIN Range: Beginning: 036335 **Ending:** 036341

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Thirty Five Foot Low Floor Restyled

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2006 to 2009 **Model(s):** D40LF

VIN Range: Beginning: 030330

VIN Range: Beginning: 030749 **Ending:** 030757

VIN Range: Beginning: 030789 **Ending:** 030912

VIN Range: Beginning: 031728 **Ending:** 031738

VIN Range: Beginning: 031994 **Ending:** 032003

VIN Range: Beginning: 032938 **Ending:** 033056

VIN Range: Beginning: 034336 **Ending:** 034371

VIN Range: Beginning: 035254 **Ending:** 035285

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Forty Foot Low Floor

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2007 to 2009 **Model(s):** D40LFR

VIN Range: Beginning: 032793 **Ending:** 032804

VIN Range: Beginning: 033093 **Ending:** 033104

VIN Range: Beginning: 034744 **Ending:** 034783

VIN Range: Beginning: 034939 **Ending:** 034946

VIN Range: Beginning: 035898 **Ending:** 035930

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Forty Foot Low Floor Restyled

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2004, 2007 & 2009 **Model(s):** D60LF

VIN Range: Beginning: 026949 **Ending:** 026953

VIN Range: Beginning: 026954 **Ending:** 026978

VIN Range: Beginning: 027462 **Ending:** 027472

VIN Range: Beginning: 027527 **Ending:** 027531

VIN Range: Beginning: 031468 **Ending:** 031475

VIN Range: Beginning: 036064 **Ending:** 036068

VIN Range: Beginning: 036418 **Ending:** 036421

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Sixty Foot Low Floor

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2006 & 2009 **Model(s):** D60LFA

VIN Range: Beginning: 030331 **Ending:** 030336

VIN Range: Beginning: 036052 **Ending:** 036054

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Sixty Foot Low Floor Advanced

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2007 to 2009 **Model(s):** D60LFR

VIN Range: Beginning: 032586 **Ending:** 032594

VIN Range: Beginning: 032858 **Ending:** 032872

VIN Range: Beginning: 035455 **Ending:** 035465

VIN Range: Beginning: 035541 **Ending:** 035557

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Sixty Foot Low Floor Restyled

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2009 **Model(s):** DE35LFA

VIN Range: Beginning: 035493 **Ending:** 035512

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Thirty Five Foot Low Floor Advanced

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2009 **Model(s):** DE40LF

VIN Range: Beginning: 035391 **Ending:** 035448

VIN Range: Beginning: 035714 **Ending:** 035755

VIN Range: Beginning: 035878 **Ending:** 035897

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Forty Foot Low Floor

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2009 **Model(s):** DE40LFA

VIN Range: Beginning: 034083 **Ending:** 034205

VIN Range: Beginning: 035182 **Ending:** 035219

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Forty Foot Low Floor Advanced

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2006 to 2009 **Model(s):** DE40LFR

VIN Range: Beginning: 029643 **Ending:** 029652

VIN Range: Beginning: 031248 **Ending:** 031287

VIN Range: Beginning: 032504 **Ending:** 032531

VIN Range: Beginning: 032647 **Ending:** 032674

VIN Range: Beginning: 033707 **Ending:** 033708

VIN Range: Beginning: 034734 **Ending:** 034735

VIN Range: Beginning: 035086 **Ending:** 035117

VIN Range: Beginning: 035876 **Ending:** 035877

VIN Range: Beginning: 035949 **Ending:** 036048

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Forty Foot Low Floor Restyled

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2004, 2006, and 2008 to 2009 **Model(s):** DE60LF

VIN Range: Beginning: 026466

VIN Range: Beginning: 026493 **Ending:** 026523

VIN Range: Beginning: 026613 **Ending:** 026793

VIN Range: Beginning: 027023 **Ending:** 027066

VIN Range: Beginning: 031072 **Ending:** 031077

VIN Range: Beginning: 032916 **Ending:** 032937

VIN Range: Beginning: 034380 **Ending:** 034529

VIN Range: Beginning: 034784 **Ending:** 034785

VIN Range: Beginning: 035069 **Ending:** 035084

VIN Range: Beginning: 035818 **Ending:** 035875

VIN Range: Beginning: 036099 **Ending:** 036112

VIN Range: Beginning: 036490 **Ending:** 036504

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Sixty Foot Low Floor

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2005, 2007 and 2009 **Model(s):** DE60LFA

VIN Range: Beginning: 029383

VIN Range: Beginning: 032544 **Ending:** 032563

VIN Range: Beginning: 035035 **Ending:** 035056

VIN Range: Beginning: 035085

VIN Range: Beginning: 035167 **Ending:** 035181

VIN Range: Beginning: 035756 **Ending:** 035765

VIN Range: Beginning: 036316 **Ending:** 036334

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Sixty Foot Low Floor Advanced

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of the rear bench seat.

Make(s): New Flyer **Model Years Involved:** 2007 to 2009 **Model(s):** DE60LFR

VIN Range: Beginning: 032356 **Ending:** 032360

VIN Range: Beginning: 034887 **Ending:** 034916

VIN Range: Beginning: 035118 **Ending:** 035127

VIN Range: Beginning: 035449 **Ending:** 035454

VIN Range: Beginning: 035931 **Ending:** 035932

VIN Range: Beginning: 036060 **Ending:** 036063

Vehicle Type: Heavy Duty Transit Bus **Body style:** Diesel Electric Sixty Foot Low Floor Restyled

Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall: Recalled vehicles have an additional drive shaft access panel installed in the flooring forward of

the rear bench seat.

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. For example, if the recall involved Widgets equipped with certain items of equipment from January 1, 1996 through April 1, 1997, then what was the percentage of the recalled Widgets of all Widgets manufactured during that time period.

18.5 %

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>
C35LF	2009	13
C40LFR	2008 - 2009	27
D35LFR	2009	7
D40LF	2006 - 2009	342
D40LFR	2007 - 2009	105
D60LF	2004, 2007, 2009	63
D60LFA	2006, 2009	9
D60LFR	2007 - 2009	52
DE35LFA	2009	20
DE40LF	2009	120
DE40LFA	2009	161
DE40LFR	2006 - 2009	244
DE60LF	2004, 2006, 2008 - 2009	540
DE60LFA	2005, 2007, 2009	83
DE60LFR	2007 - 2009	57

Total Number Potentially Affected by the Recall:

1843

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

100%

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:

All model New Flyer buses which have been manufactured, or modified after-market by New Flyer, with an access panel located above the power train drive shaft to simplify drive shaft inspection and removal.

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.

If there is a failure of a drive shaft component or associated hardware, the access panel may be of insufficient strength to prevent that component or hardware from entering the passenger compartment through the access panel.

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

Access panel does not have the re-enforced strength of the surrounding floor.

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

Should a component or hardware resulting from a drive line failure enter the passenger compartment, there is potential for injury or death.

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

None

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

None

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

N/A

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.

Sept 09 – Report is received from a Non-US based customer of a failure of the drive shaft compromising the integrity of the passenger compartment. On sight analysis is conducted.

Oct 09 and Nov 09 – Investigation conducted focusing on root cause for the drive shaft failure. Failure was determined to be the result of an improper casting of the drive line yoke assembly due to a misinterpretation of the engineering drawings.

Dec 09 – Effected population for drive shaft defect determined for inspection and possible replacement of drive shaft assembly. Access panel is tested for ability to withstand damage resulting from similar failures. Methods are developed to incorporate reinforcement panel for both existing and production vehicles.

Jan 10 – Energy absorbing material tested for field retrofit of existing buses with similar access panel installation. Effected population determined.

Feb 10 – New Flyer decides to declare recall status for this product improvement.

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.

N/A

V. Identify the Remedy

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

Buses requiring the recall action will have an inspection/access panel inside the bus, in the center of the upper deck flooring directly above the drive shaft.

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

Remedied vehicles will have a thick layer of honeycomb energy absorbing material attached to the underside of this access panel.

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.

New production vehicles will have an additional removable steel plate incorporated under the access panel which must also be removed to gain access to the drive shaft.

VI. Identify the Recall Schedule

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.

New Flyer is preparing to modify these panels on delivered vehicles. Recall notifications to owners will be sent out within 10 days of notification receipt of this document from the NHTSA Recalls Office, and the assignment of the Recall Code.

VII. Furnish Recall Communications

9. 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 electronically or by Fax (202-366-7882) for review prior to mailing.*

Note that these documents are to be submitted separately from those provided in accordance with Part 573.8 requirements.