

12V-591  
(10 pages)

Safety Defect and Noncompliance Report Guide for Vehicles  
**PART 573 Defect and Noncompliance Report**<sup>1</sup>

On 28 November 2012, 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: 14 December 2012

Furnish the manufacturer's identification code for this recall (if applicable): R12-040

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  
711 Kernaghan Ave.,  
Winnipeg, MB Canada  
R2C 3T4

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) 224-6706

Fax No.: (204) 224-0248

Name and Title of Person who prepared this report.

Same as above.

Signed:



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

This guide was developed from 49 CFR Part 573, "Defect and Noncompliance Reports" and also outlines information currently requested. Any questions, please consult the complete Part 573 or contact Mr. Jon White at (202) 366-5227 or by FAX at (202) 366-7882.

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

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

**Model(s):** C40LFR

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

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

**VIN Range: Beginning:** 036444 **Ending:** 036462

**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 with energy absorbing material 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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2006 - 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

**VIN Range: Beginning:** 036505 **Ending:** 036534

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2007 - 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 with energy absorbing material 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:** 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 with energy absorbing material installed in the flooring forward of the rear bench seat.

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

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

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

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

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

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

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

**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 with energy absorbing material 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 with energy absorbing material installed in the flooring forward of the rear bench seat.

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

**Model(s):** DE40LF

**VIN Range: Beginning:** 028993 **Ending:** 029031

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2008 - 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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2006 to 2010

**Model(s):** DE40LFR

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

**VIN Range: Beginning:** 029626 **Ending:** 029636

**VIN Range: Beginning:** 030172 **Ending:** 030211

**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

**VIN Range: Beginning:** 037711 **Ending:** 037751

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2004, 2006, and 2008 - 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:** 036064 **Ending:** 036068

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2009 **Model(s):** DE60LFA

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

**VIN Range: Beginning:** 035085

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

**VIN Range: Beginning:** 035756 **Ending:** 035760

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

**VIN Range: Beginning:** 036380 **Ending:** 036388

**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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2007 - 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

**VIN Range: Beginning:** 038102 **Ending:** 038103

**VIN Range: Beginning:** 038282 **Ending:** 038293

**Vehicle Type:** Heavy Duty Transit Bus **Body style:** Diesel Electric Sixty Floor 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 with energy absorbing material installed in the flooring forward of the rear bench seat.

**Make(s):** New Flyer **Model Years Involved:** 2011

**Model(s):** XDE40

**VIN Range: Beginning:** 039386 **Ending:** 039442

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

**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 with energy absorbing material 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.**

17.0 %

## **II. Identify the Recall Population**

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

<b>Model</b>	<b>Year</b>	<b>Number of Vehicles Potentially Involved</b>
C35LF	2009	13
C40LFR	2008 - 2009	46
D35LFR	2009	7
D40LF	2006 - 2009	372
D40LFR	2007 - 2009	105
D60LF	2004, 2007, 2009	58
D60LFA	2006, 2009	6
D60LFR	2007 - 2009	35
DE35LFA	2009	20
DE40LF	2006, 2009	159
DE40LFA	2009	161
DE40LFR	2006 - 2010	336
DE60LF	2004, 2006, 2008 - 2009	531
DE60LFA	2005, 2007, 2009	71
DE60LFR	2007 - 2009	71
XDE40	2011	57

**Total Number Potentially Affected by the Recall:** 2048

### **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 models of New Flyer bus which have been either manufactured, or modified after-market by New Flyer, with a drive shaft access panel which incorporates honeycomb energy absorbing material attached to the underside of the panel.

Those vehicles which had a steel plate installed under the drive shaft access panel either during vehicle manufacture, or as an after-market retrofit, are not affected.

### **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 or the drive shaft attaching hardware, a portion of the drive shaft and/or the attaching hardware may enter the passenger compartment through the drive shaft access panel.

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

The re-enforced drive shaft access panel may be of insufficient strength, or, the panel may not be properly secured to the surrounding floor.

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

Should a portion of the drive shaft or attaching hardware enter the passenger compartment as the result of a drive line failure, 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 2009** – 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 and Nov 2009** – 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 2009** – 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 2010** – Energy absorbing material tested for field retrofit of existing buses with similar access panel installation. Effected population determined.

**Feb 2010** – New Flyer decides to declare recall status to incorporate the energy absorbing material (10V-089).

**Feb 2010 through Aug 2011** – Recall Campaign to incorporate energy absorbing material is completed on all subject vehicles.

**May 2011** – New Flyer is informed of a driveline failure compromising the integrity of the passenger compartment. It is determined that the panel is not properly secured. Driveshaft failure was due to improper re-installation technique.

**Mar 2012** – New Flyer is informed of a driveline failure compromising the integrity of the passenger compartment. It is determined that the latches securing the panel failed. Driveshaft failure was due to improper re-installation technique.

**Apr 2012** – New Flyer is informed of a driveline failure compromising the integrity of the passenger compartment. This is on the same vehicle as the May 11 event. It is suspected that the panel was not properly secured and that repairs from the event in May 2011 had compromised the access panel's overall integrity. Driveshaft failure was suspected to have been the result of improper re-installation technique.

**May 2012** – New Flyer issues both a Technical Service Information Bulletin (TSIB 12-01) and a Service Manual Bulletin (SMB-118) to all customers regarding proper driveshaft installation technique.

**Nov 2012** – New Flyer is informed of a driveline failure compromising the integrity of the passenger compartment. It is determined that the re-enforced composite access panel was not physically capable of sustaining multiple hits. Driveshaft failure was suspected to have been the result of improper re-installation technique.

**Nov 2012** – New Flyer decides to declare recall status and to conduct a field retrofit to remove the energy absorbing material from the driveshaft access panel and incorporate a steel plate below the panel, attached to the vehicle structure.

**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 the previously installed honeycomb energy absorbing material removed from the underside of this access panel, and a steel plate installed below the 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.**

The majority of new production vehicles have had a steel plate incorporated under the access panel since 2010. The remainder opted for the energy absorbing material for fleet conformity, these vehicles will also be retrofitted with steel plates.

## **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.**

Recall notifications to owners will be sent out with notification receipt of this document from the NHTSA Recalls Office, the assignment of the recall code and approval of customer communications.

## **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.**