



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

January 3, 2024

Mr. Jim Johnson
Manager, Vehicle Safety & Regulatory Compliance
New Flyer of America, Inc.
106 National Drive
Anniston, AL 36201

NEF-107HG
23V-897

Subject: Software Error May Cause Unintended Acceleration

Dear Mr. Johnson:

This letter serves to acknowledge New Flyer of America, Inc.'s notification to the National Highway Traffic Safety Administration (NHTSA) of a safety recall which will be conducted pursuant to Federal law for the product(s) listed below. Please review the following information to ensure that it conforms to your records as this information is being made available to the public. If the information does not agree with your records, please contact us immediately to discuss your concerns.

Makes/Models/Model Years:

NEW FLYER/XE35/2021-2023
NEW FLYER/XE40/2021-2023
NEW FLYER/XE60/2023

Mfr's Report Date: December 22, 2023

NHTSA Campaign Number: 23V-897

Components:

VEHICLE SPEED CONTROL

Potential Number of Units Affected: 246

Problem Description:

New Flyer of America, Inc. (New Flyer) is recalling certain 2021-2023 XE35, XE40 and 2023 XE60 battery electric transit buses. Due to a software error, unintended acceleration may occur during certain conditions.

Consequence:

Unintended acceleration can increase the risk of a crash.

Remedy:

New Flyer will update the vehicle software, free of charge. Owner notification letters are expected to be mailed February 14, 2024. Owners may contact New Flyer customer service at 1-800-241-2947. New Flyer's number for this recall is R23-023.

Notes:

Owners may also contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.nhtsa.gov.

Please ensure the following requirements are met:

Per the requirements of 49 USC 30119, please provide the part number, name and description of the component or components involved in this recall. This information should be provided in an amended 573 in the "Involved Components" section.

AMENDED 573 REQUIRED.

Your company's program shall include a plan for reimbursing an owner or purchaser who incurred costs to obtain a remedy for the problem addressed by the recall within a reasonable time in advance of your company's notification of owners, purchasers and dealers, in accordance with § 573.13. Your company's plan may incorporate by reference a general reimbursement plan it previously submitted to NHTSA, together with information specific to the individual recall. Information required by § 573.13 that is not in a general reimbursement plan shall be submitted in your company's report to NHTSA. If your company submits one or more general reimbursement plans, your company shall update each plan every two years (§ 573.13). If the vehicles are new and would be covered under the manufacturer's warranty program, please state that in the remedy section of your filing.

AMENDED 573 REQUIRED.

Please be reminded of the following requirements:

You are required to submit a draft owner notification letter to this office no less than five days prior to mailing it to the customers. Also, copies of all notices, bulletins, dealer notifications, and other communications that relate to this recall, including a copy of the final owner notification letter and any subsequent owner follow-up notification letter(s), are required to be submitted to this office no later than 5 days after they are originally sent (if they are sent to more than one manufacturer, distributor, dealer, or purchaser/owner).

Please be reminded that under 49 U.S.C. § 30112(a)(3), it is illegal for a manufacturer, to sell, offer for sale, import, or introduce or deliver into interstate commerce, a motor vehicle or item of motor vehicle equipment that contains a safety defect once the manufacturer has notified NHTSA about that safety defect. This prohibition does not apply once the motor vehicle or motor vehicle equipment has been remedied according to the manufacturer's instructions.

As stated in 49 U.S.C. § 30118(f), submission of eight consecutive quarterly reports followed by three annual reports is required. As described in 573.7, submission of the first of eight consecutive quarterly status reports is required within one month after the close of the calendar quarter in which notification to purchasers occurs. Therefore, the first quarterly report will be due on, or before, 30 days after the close of the calendar quarter. The first of three consecutive annual status reports will be due on, or before, 1 year after the eighth quarterly report was submitted.

New Flyer of America, Inc.'s contact for this recall will be Hensly Guerra who may be reached by email at hensly.guerra1@dot.gov. We look forward to working with you.

Sincerely,



Alex Ansley
Chief, Recall Management Division
Office of Defects Investigation
Enforcement