

## 05-1584 – Chronology

Forest River Bus, LLC (“FRB”), through its predecessor entity, Starcraft Bus has used the same frontal barrier design since the product was first certified in 2008. The frontal barriers used on the school buses at issue in this noncompliance report have not changed in any material respect since they were first certified.

In September 2020, NHTSA, through its third-party testing contractor Applus IDIADA KARCO Engineering, LLC (“KARCO”) evaluated the performance of a Model Year 2019 Starcraft Quest Schoolbus to the requirements of FMVSS 222, S5.2.3. That test indicated an apparent exceedance of the force/deflection curve of the passenger side restraining barrier to S5.2.3(a) and in May 2021, NHTSA initiated a formal inquiry. FRB responded to that inquiry in June 2021. As described in FRB’s response, the testing conducted by KARCO allowed for inappropriate contortion of the test apparatus because it did not have sufficient rigidity. The KARCO test apparatus did not maintain the test condition required by the regulation and in FRB’s view, the KARCO test was not conducted consistent with the FMVSS 222 test procedure. FRB retained a third-party testing facility perform additional testing of the frontal barrier in November 2021, which indicated that the frontal barrier met the requirements of S5.2.3. Videos of that testing were provided to NHTSA. The agency issued a second Information Request in March 2022 to which FRB submitted a partial response in April 2022 and submitted the remainder of the response in May 2022.

FRB met with NHTSA virtually on December 2, 2022, at NHTSA’s request. At that meeting, NHTSA stated that the frontal barrier tested by the third-party retained by FRB was a 34-inch barrier and not the same size as the 30-inch frontal barrier tested by KARCO. NHTSA took the position that the 30-inch seat barrier did not meet the FMVSS 222 frontal barrier performance requirements, and a recall was necessary.

On December 5, 2022, FRB opened a research item into the 30-inch front barrier. During the course of its investigation, FRB found that although it had requested the third-party testing facility to evaluate a 30-inch barrier, it instead evaluated a slightly larger 34-inch barrier. FRB began reviewing the production records and schedules to determine the scope of vehicles to potentially be addressed under the recall. Concurrently, FRB has arranged for additional testing and evaluation of the performance of a 30-inch barrier.

On December 16, 2022, this issue was presented to the Corporate Recall Committee, which decided to submit a Noncompliance Information Report to NHTSA with the option to file a Petition for Inconsequential Noncompliance depending on the outcome of the additional evaluation of the 30-inch frontal barrier.

On December 21, 2022 FRB submitted a Noncompliance Information Report with a notice of intent to file an Inconsequentiality Petition depending on testing results.

On January 11, 2022 FRB again retained a third-party testing facility to perform additional testing of the frontal barrier, which indicated that the frontal barrier met the requirements of S5.2.3. Videos of that testing were provided to NHTSA.

On January 17, 2022 FRB timely submitted an Inconsequentiality Petition.

On June 6, 2024, Forest River’s Office of Corporate Compliance (“OCC”) received NHTSA’s denial of the Inconsequentiality Petition and in accordance with the regulations, is now updating its Noncompliance Information Report for campaign 22V946.