



13 December 2013

VIA EMAIL & MAIL

Associate Administrator for Enforcement  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE.  
Washington, DC 20590

Attention: Early Warning Division (NVS-217)

Dear Sir or Madam:

Appended, pursuant to 49 CFR §579.5, is a copy of a letter forwarded today to our customers recommending that they disable certain seats on their New Flyer transit buses.

Should you have any questions or comments, please do not hesitate to advise.

Thank you,  
**NEW FLYER OF AMERICA INC.**

By: Kerry Legg  
Vehicle Safety & Regulatory Compliance Manager  
(204) 224-6706



711 Kernaghan Avenue  
Winnipeg, Manitoba  
Canada  
R2C 3T4

December 13, 2013



BY COURIER AND EMAIL

**Subject: Improving Passenger Safety on Transit Buses with Front-Facing Flip-Up Seats**

Dear [REDACTED]:

As the market leader in the US and Canadian heavy-duty transit bus industry, New Flyer has an unwavering commitment to safety. We have discovered a rare safety risk that potentially exposes your transit bus passengers to catastrophic injuries and want to bring this industry-wide issue to your immediate attention.

This letter addresses safety concerns related to the first row of front-facing flip-up bus seats where no barrier exists immediately behind the open areas intended for wheelchair use. In hard-braking incidents or collisions over the past several years, we have become aware that three passengers were thrown forward from these seats and sustained quadriplegic injuries. Catastrophic passenger injuries from seat-expulsion in this manner have been extremely rare. In fact, over 21 years and after billions of passenger-miles, New Flyer has encountered only these three such serious incidents involving its buses. The buses were owned by different transit agencies and were manufactured in compliance with government regulations and each customer's unique specifications.

Although these were isolated incidents, New Flyer has made the decision to discontinue installing front-row seats without barriers on our buses going forward. We are aware that this may reduce transit bus seating capacity, but believe passenger safety is paramount.

New Flyer does not believe the current seating configuration is defective nor are we issuing a recall. New Flyer is however recommending that operators disable these seats in their existing transit fleets so that the seats remain in the locked upright position, thereby continuing to act as a barrier to the seats immediately behind. In most cases this can be achieved by simply cutting the seat locking rod. New Flyer will issue a technical bulletin that describes this procedure, and will provide labels at no cost to operators to affix to the disabled seats advising passengers that the seats were disabled for safety reasons.

If you would like a supply of labels, please call the New Flyer Parts Order Desk at 1-800-665-2637. If you have any questions regarding the locking rod disabling procedure, please call Mr. Kerry Legg, New Flyer's Vehicle Safety and Regulatory Compliance Manager, at 204-224-6706.

Safety is our shared priority.

**Sincerely,**

Paul Smith,  
Executive Vice-President, Sales and  
Marketing

cc: [REDACTED] (email only)

