



April 30, 2020

Collins Bus Corporation  
415 W 6<sup>th</sup> Street  
South Hutchinson KS, 67566  
1-800-533-1850

James C. Owens  
Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington DC, 20590

RE: Collins Bus Corporation  
Petition for Determination of Inconsequential Noncompliance

Dear Mr. Owens:

Pursuant to 49 U.S.C. §§ 30118(d) and 30120(h), and in accordance with 49 C.F.R. Part 556, Collins Bus Corporation, a Kansas corporation with its principal place of business at 415 West 6th Street, South Hutchinson, Kansas ("Collins"), hereby petitions for an exemption from the notification and remedy requirements of the Motor Vehicle Safety Act for a noncompliance with Federal Motor Vehicle Safety Standard ("FMVSS") 217<sup>1</sup> on the basis that the noncompliance is inconsequential to motor vehicle safety.

### **I. Summary of the Noncompliance**

On April 10, 2020, Collins submitted a noncompliance information report to the National Highway Traffic Administration ("NHTSA") indicating that 11,079 school buses manufactured from February of 2012 through April of 2020 do not fully comply with the school bus emergency window exit identification requirements set forth in Section S5.5.3(b) of FMVSS 217.<sup>2</sup> Section S5.5.3(b) of FMVSS 217 states:

Concise operating instructions describing the motions necessary to unlatch and open the emergency exit shall be located within 15 centimeters of the release mechanism on the inside surface of the bus. These instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background.

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<sup>1</sup> 49 C.F.R. § 571.217 ("Bus emergency exits and window retention and release").

<sup>2</sup> Pursuant to 49 C.F.R. § 556.4(6), three copies of the 573 report are enclosed with this petition as Exhibit 1.

Specifically, in the affected buses the required operating instructions describing the motions necessary to unlatch and open the emergency window exit are eight (8) millimeters in height rather than the required ten (10) millimeters. The following picture showing the noncompliance was provided to Collins by a NHTSA safety and compliance engineer as part of a Laboratory Notice of Test Failure:<sup>3</sup>



## II. The Noncompliance is Inconsequential to Motor Vehicle Safety

The 2-millimeter deficiency in the letter height is inconsequential to motor vehicle safety. The actual height of the emergency window exit operating instructions letters – eight (8) millimeters, as shown in the pictures in Exhibit 2 – is 80% of the height required by FMVSS 217 (ten (10) millimeters). The NHTSA has previously granted inconsequential noncompliance petitions for labeling defects across various motor vehicle safety standards, including for more significant lettering height deficiencies:

- Notice Granting Petition by Kia Motors: Letters as little as **53.1%** of the minimum height requirement.<sup>4</sup>

<sup>3</sup> Additional pictures provided by the NHTSA engineer are attached as Exhibit 2.

<sup>4</sup> 69 Fed. Reg. 41333 (July 8, 2004) (Docket No. NHTSA-2004-17439).

- Notice Granting Petition by General Motors: Lettering height **76.3%** of the minimum height requirement.<sup>5</sup>
- Notice Granting Petition by Hyundai: Letters as little as **78.1%** of the minimum height requirement.<sup>6</sup>
- Notice Granting Petition by Mercedes-Benz: Letters “about **78%** of the minimum height required for such letters.”<sup>7</sup>

Further, the instruction label includes the words “Emergency Exit” in letters with a height of 11 millimeters, which not only meets but substantially exceeds the 1-centimeter requirement. *See* 67 Fed. Reg. at 72026 (noting that some of the letters did meet the minimum height requirements in finding that insufficient height of other letters did not have an adverse effect on vehicle safety).

The height discrepancy does not affect the readability of the instructions. *See* Exhibit 2; 67 Fed. Reg. at 72026 (finding that letters which were roughly 78% of the required size (which required size was nearly one-third of the relevant one-centimeter letter height requirement at issue here) would not “degrade the legibility” of the words); 81 Fed. Reg. at 92964 (finding “the lettering height for the park brake applied indicator ‘Park’ at 2.44 mm versus the FMVSS No. 135 requirement of 3.2 mm poses little if any risk to motor vehicle safety”).

Further, the discrepancy does not compromise the conspicuity of the instructions. As shown in the pictures in Exhibit 2, the instructions are not only in a color that sharply contrasts with their background (red) as required by FMVSS 217, the letters are additionally in bold and block capital letters, which is not required by the standard but which preserves the 8-millimeter height across the width of the words and increases the visibility of the instructions. *See* 81 Fed. Reg. at 92964 (finding the use of all capitalized letters, where not required, provided “a more pronounced indicator”). And as noted above, some of the words in the label (i.e. “Emergency Exit”) not only meet but exceed the minimum height requirement, thereby increasing the visibility of the instructions.

In addition, the NHTSA has previously granted petitions for inconsequential noncompliance under FMVSS 217 for conditions that present more direct and safety risk than the potential safety risk (if any) created here. *See* Grant of Petition by New Flyer of America, 63 Fed. Reg. 32694 (granting petition for inconsequential noncompliance where buses were manufactured with only one emergency exit instead of two);<sup>8</sup> Grant of Petition by IC Corporation, 70 Fed. Reg. 24464 (granting petition for inconsequential noncompliance where school buses were manufactured with two emergency doors under the same post and roof bow panel space).<sup>9</sup>

Finally, the emergency window exit instructions on the affected vehicles meet all other labeling requirements of FMVSS 217 and do not affect the actual operation of the emergency window exit, and Collins has not received any complaints regarding the size or visibility of the instructions and

<sup>5</sup> 81 Fed. Reg. 92963 (Docket No. NHTSA-2016-0093).

<sup>6</sup> 69 Fed. Reg. 41568 (Docket No. NHTSA-2004-17439).

<sup>7</sup> 67 Fed. Reg. 72026 (Docket No. NHTSA-2002-12544).

<sup>8</sup> Docket No. NHTSA-98-3791.

<sup>9</sup> Docket No. NHTSA-2005-20545.

is not aware of any injuries associated with the size or visibility of the instructions. Collins has corrected the noncompliance in all buses remaining within its possession.

For the reasons stated above, the noncompliant condition in the affected vehicles is inconsequential to motor vehicle safety, and Collins requests that NHTSA exempt it from the notification and remedy provisions under the Motor Vehicle Safety Act. If you have any questions, or if there is anything else we can provide, please contact me at 1-800-533-1850 ext 402.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Hiebert", with a long horizontal flourish extending to the right.

Chris Hiebert  
VP/General Manager  
Collins Bus Corporation

# Part 573 Safety Recall Report

# 20V-215

**Manufacturer Name :** Collins Bus Corporation**Submission Date :** APR 15, 2020**NHTSA Recall No. :** 20V-215**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Collins Bus Corporation

Address : P.O. Box 2946  
Hutchinson KS 67504

Company phone : 9999

**Population :**

Number of potentially involved : 11,079

Estimated percentage with defect : NR

**Vehicle Information :**

Vehicle 1 : 2012-2020 Ford TH 400

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style : OTHER

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm.

Production Dates : FEB 03, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

 Not sequential

Vehicle 2 : 2012-2020 Ford Sh416

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : SL,SH,DH,,DE,TH AND TL models, Ford and Chevy 2012-2020

Production Dates : FEB 13, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

 Not sequential

Vehicle 3 : 2012-2020 Chevy DE516

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Production Dates : FEB 16, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

Not sequential

Vehicle 4 : 2012-2020 Chevy DH516

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Production Dates : FEB 02, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

Not sequential

Vehicle 5 : 2012-2020 chevy DH500

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Production Dates : FEB 02, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

Not sequential

Vehicle 6 : 2012-2020 FORD TL 400

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Production Dates : FEB 16, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

Not sequential

Vehicle 7 : 2012-2020 FORD T24

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Production Dates : FEB 02, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

Not sequential

Vehicle 8 : 2012-2020 Chevy DH400

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : ALL

Power Train : NR

Descriptive Information : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Production Dates : FEB 16, 2012 - APR 03, 2020

VIN Range 1 : Begin : NR End : NR

Not sequential

### Description of Noncompliance :

Description of the Noncompliance : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

FMVSS 1 : 217 - Bus emergency exits and window retention and release

FMVSS 2 : NR

Description of the Safety Risk : none

Description of the Cause : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm.

Identification of Any Warning that can Occur : NR

### Involved Components :

Component Name 1 : NR

Component Description : NR

Component Part Number : NR

## Supplier Identification :

### Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

## Chronology :

Collins had a meeting April 8, 2020 to determine the decal was not in compliance with FMVSS217. All units in production were inspected and will be corrected before shipping.

Collins is intending on filing a inconsequential petition for this recall.

## Description of Remedy :

Description of Remedy Program : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm.

How Remedy Component Differs from Recalled Component : Emergency Exit Identification and Labeling. When measured from the interior, the character height for the operating instructions for the left and right emergency exit windows is 8 mm. The letter height and location for the operating instructions does not meet the minimum height requirement.

Identify How/When Recall Condition was Corrected in Production : Collins had a meeting April 8, 2020 to determine the decal was not in compliance with FMVSS217. Collins Bus has addressed the noncompliance with production to make sure the new decal is installed in the proper location with the correct lettering height requirements to meet all FMVSS217 standards.

Collins is intending on filing a inconsequential petition for this recall.



**Recall Schedule :**

Description of Recall Schedule : Collins is intending on filing a inconsequential petition for this recall.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

\* NR - Not Reported