

Daimler Trucks North America  
Tiffani Torgeson  
Manager  
Compliance and Regulatory  
Affairs

March 1, 2022

Administrator  
National Highway Traffic Safety Administration  
Attention: Recall Management Division  
1200 New Jersey Avenue S.E.  
Washington D.C. 20590

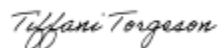
**Re: Petition for Exemption from Notification and Remedy Provisions of Motor Vehicle Safety Act  
Daimler Truck North America LLC (Internal Campaign Number FL-918)**

Dear Deputy Administrator Cliff:

Pursuant to 49 U.S.C. § 30118(d) and 49 C.F.R. Part 556, enclosed please find a petition for inconsequential treatment submitted on behalf of Daimler Truck North America LLC (DTNA) related to Internal Campaign Number FL-918 related to the size of some letters on the emergency exit labels of certain Thomas Built Bus (TBB) vehicles.

Please feel free to contact me with any questions.

Sincerely,



Tiffani Torgeson  
Manager  
Compliance and Regulatory Affairs

Enclosures

## **Introduction**

In March 2020, DTNA received a notification from NHTSA's Office of Vehicle Safety and Compliance (OVSC) regarding a potential non-compliant emergency exit pushout window and door label that the agency had analyzed earlier and found compliant, and upon which DTNA in good faith relied.

In April 2020, DTNA responded to OVSC that, with standard rounding, the label-letters met the requirements and stated that the label should be considered compliant. Some of the letters on the labels are 4.9 cm while others are 5.0 cm or larger (different letters are slightly different sizes in order that the different shapes appear all the same size).

In November 2020, DTNA received Information Request (IR) NEF-240DLi/OA-217-200317A from OVSC. DTNA promptly responded to the agency's IR and again explained its good faith position that 1) the labels meet the requirements of FMVSS 217 following the agency's rules of rounding and precision and 2) were the exact same labels had previously been reviewed by the OVSC and found to be compliant during prior OVSC compliance testing.

On January 31, 2022, DTNA received a second IR from OVSC seeking additional information, but providing the option to declare a recall instead of responding to the agency's IR.

On February 3, 2022, in order to avoid a protracted dispute with the agency, DTNA decided to conduct a voluntary non-compliance recall on school buses manufactured with certain emergency exit pushout window and door labels.

Accordingly, DTNA hereby files a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556.<sup>1</sup>

Information requested in 49 C.F.R. § 556.4(b):

- DTNA is a limited liability company organized under the laws of Delaware. DTNA's principal place of business is 4747 N. Channel Avenue, Portland, OR 97217-7699.
- The motor vehicle equipment at issue is an emergency exit label on 28,814 TBB SAF-T-Liner C2, SAF-T-Liner HDX; SAF-T-Liner EFX, and Minotour school buses manufactured between 9/28/2018 and 2/23/2021.
- The noncompliance involves FMVSS 217 5.5.3(b), which states that:

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<sup>1</sup> DTNA's petition, and the grounds thereunder, are strikingly similar to the April 30, 2020 petition for inconsequential noncompliance of Collins Bus Corporation, for which the agency is currently considering and for which Collins Bus relies on a number of NHTSA precedents in which comparable exemption for inconsequential noncompliance under FMVSS 217 has been granted. See *NHTSA, Collins Bus Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance*, NHTSA Docket No. 2020-0030, 85 Fed. Reg. 84463 (Dec. 28, 2020).

# DAIMLER

Each school bus emergency exit provided in accordance with S5.2.3.1 shall have the designation "Emergency Door" or "Emergency Exit," as appropriate, in letters at least 5 centimeters high, of a color that contrasts with its background.

- Below are data, views, and arguments supporting DTNA's assertion that the noncompliance is inconsequential.
- The present petition will be submitted electronically as required under present protocols.

## Detailed Description of the Noncompliance

DTNA has previously described the emergency exit labels used in certain TBB buses, including within DTNA's response to the original 2020 IR. However, for the convenience of the reader, the labels are shown below, along with digital caliper measurements to indicate their sizes.

Label # 170560



Before Installation



Before Installation



Installed



Label # 170561



Before Installation



Before Installation



Installed

No buses available

Label # 170562



Before Installation



Before Installation



Installed



Label # 170563



Before Installation



Before Installation



Installed

No buses available

### Analysis

#### **The FMVSS 217 Noncompliance Here Falls Squarely in NHTSA's Past Grants of Exemption for Inconsequential Noncompliance, and Should Be Granted.**

The relevant labels were designed with letters at least 5 cm and reasonably believed at all relevant times that they complied with FMVSS 217 under applicable law, including NHTSA's public statements regarding numerical rounding.

Even if the letters are noncompliant with FMVSS 217, NHTSA has easily granted an exemption under Part 556 and applicable law. For example:

- NHTSA granted inconsequentiality to Kia Motors for letters as small as 53.1% of the minimum height requirement. See 69 Fed. Reg. 41332 (July 8, 2004) (Docket No. NHTSA-2004-17439). The agency agreed that letters of this size "will not have an adverse effect on vehicle safety." (*Id.*) DTNA's smallest letters are 98% of the minimum height requirement.



- NHTSA granted inconsequentiality to General Motors for letters as small as 76.3% of the minimum height requirement. See 81 Fed. Reg. 92963 (December 20, 2016) (Docket No. NHTSA-2016-0093).
- NHTSA granted inconsequentiality to Hyundai for letters as small as 78.1% of the minimum height requirement. See 69 Fed. Reg. 41568 (July 9, 2004) (Docket No. NHTSA-2004-17439).
- NHTSA has granted inconsequentialities where buses were manufactured with only one emergency exit instead of two (see 63 Fed. Reg. 32694) and where emergency exits were mounted under the same post and roof bow panel space (see 70 Fed. Reg. 24464), and while the agency has distinguished these cases from other requests of inconsequentiality, in both cases the noncompliance could lead to crowding of passengers trying to flee an exit.

Here, at best, the labels at issue may be approximately 0.1 cm outside the standard. Under NHTSA's precedents, that deviation from the standard is axiomatically nonconsequential to motor vehicle safety.

Among other things, the lettering – even 0.1 cm outside the standard – are sufficiently large as to aid passengers fleeing an emergency. Indeed, with other letters being above the required 5 cm, the reasonable aggregate perception of a viewer is that the letters are 5 cm or more. The 0.1 cm difference does not compromise the conspicuity of the labels, and as illustrated by the pictures above and in the underlying OVSC investigation, the labels are in bold letters contrasting the background of the labels. As DTNA has stated to the agency before, DTNA is aware of no complaint, accident, injury, or death arising from the labels having some letters 0.1 cm below the standard. And the labels meet all other requirements of applicable FMVSSs. On this basis, NHTSA may (and should) easily grant an exemption for inconsequential noncompliance.

### **There is a Substantial Question As to Whether or Not There Is Fair Notice As to NHTSA's Rounding Rules in Connection with FMVSS Compliance**

With respect, and as the agency well-knows, "the application of a regulation in a particular situation [must] give fair warning that the allegedly violative conduct was prohibited." *United States v. Chrysler*, 158 F.3d 1350, 1354 (D.C. Circuit 1998) (NHTSA required to give fair notice of what is required by FMVSS compliance).

Here, there is a substantial question whether or not there is fair notice as to how a manufacturer is to comply with FMVSS 217 (and potential scores of other FMVSSs) given the agency's past statements on numerical rounding. For example, and among other examples:

- In discussing its New Car Assessment Program, NHTSA has been using a "longstanding" digit rounding practice based upon the ASTM's E29 "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications." (See 79 Federal Register 28594, May 16, 2014.) The agency, recognizing that some finite number of digits must be used in specifications, described its procedure as:
  - When the digit after the last digit to be retained is less than 5, keep the last digit unchanged (for example, in rounding to the hundredths place: 0.453 = 0.45).

- When the digit after the last digit to be retained is greater than or equal to 5, increase the last retained digit by 1 (for example, in rounding to the hundredths place:  $0.455 = 0.46$  and  $0.465 = 0.47$ ).

NHTSA's statements teach that infinite precision is not possible, so some number of digits must be used, and some procedure must be established to round off the others. The ASTM procedure that is NHTSA's "longstanding rounding method" (citing the agency as it wrote at *Id.*) is also used by other agencies, including the Environmental Protection Agency, says that where a standard states a requirement with one digit accuracy, one digit be retained and the rest rounded. So here, where NHTSA's FMVSS 217 says "at least 5 centimeters," the measurement would be made to two digits, such as 4.9 cm, and then rounded to 5 cm for comparison against the 5 cm standard, such that 4.9 cm would comply with the standard as specified with one digit accuracy.

NHTSA has stated in various FMVSSs that the ASTM E29 rounding method is to be used. See, e.g., NHTSA's Test Procedure for FMVSS 111, p. 7, stating that rounding is to be used (although nowhere in FMVSS 111 does NHTSA explicitly state that rounding is acceptable).

- In a 1990 interpretation from Paul Jackson Rice, Chief Counsel, NHTSA, to David G. Dick Acts Testing Labs, Inc., NHTSA stated that:

Rounding is generally not used in the safety standards. The standards expressly specify when rounding is appropriate.

Of course, this contradicts the agency's statement in the Test Procedure to FMVSS 111 that rounding is to be used. What's more, 49 C.F.R. 571.217 itself makes no such provision, and this approach is inconsistent with the agency's prior written statements in the FMVSSs.

For example, in FMVSS 217, the agency states that the "DOT" symbol must be at least "1.0 cm" high. If rounding is not appropriate, then specifying two digits makes no sense; the agency should have said at least "1 cm" high, following the digit convention the agency seems to espouse elsewhere in FMVSS 217 with the emergency exit labels currently at issue.

In short, NHTSA has expressed two different procedures for comparing measured values to standards and has even conflicted its own statements of what rules apply. By doing so, the agency makes clear that procedures for comparing numbers to a standard is ambiguous and lacks "fair notice" as required by the Court. This may be why NHTSA itself deemed these same labels compliant when it audited them in 2014, as discussed above. When DTNA reexamines the labels for compliance in response to NHTSA's IR, DTNA lacks fair notice as to which of the above procedures, rounding or not, apply.

"[A]n agency is hard pressed to show fair notice when the agency itself has taken action in the past that conflicts with its current interpretation of a regulation." *United States v. Chrysler*, 158 F.3d at 1356 DTNA, in good faith, believed then and now that the relevant lettering complies with FMVSS 217 given its good faith understanding of NHTSA's written statements on numerical rounding. Understanding that the agency in the underlying OVSC investigation asserted a new and different view, DTNA proceeded with its recent recall, which as set forth above falls squarely in NHTSA's precedents as inconsequential to motor vehicle safety.

**Conclusion**

For all the foregoing reasons, DTNA respectfully requests that NHTSA grant this petition and relieve DTNA of its notification and remedy obligations under 49 U.S.C. §§ 30119, 30120 and 49 C.F.R Part 577 in connection with recall FL-918.



## Defect Information Report

(Section 573.6)

**FL-918**

**Date of Submission:** February 09, 2022

**Manufacturer:** Daimler Truck North America LLC  
P.O. BOX 3849  
Portland, Oregon 97208

**Type of Report:**  Safety Defect  Non-Compliance

### Vehicle Information

**Model Yr. Start:** 2019 **Model Yr. End:** 2022

**Make:** Thomas Built Buses

**Model:** SAF-T-Liner C2, SAF-T-Liner HDX; SAF-T-Liner EFX, and Minotour

**Production Dates:** **Begin:** 9/28/2018 **End:** 2/23/2021

**Type:** School Bus

**Descriptive Information:** Thomas Built Buses school buses with specific emergency exit pushout window and door labels

**Number potentially involved:** 28,814 vehicles

**Estimated percentage of involve with defect:** 100 %

### Defect / Noncompliance Description

**For this Defect/Noncompliance:**

**Describe the defect or noncompliance:**

On the affected school buses, some of the individual letters on the label for the emergency exit pushout window and door measure 4.9 cm, although others measure over 5 cm. FMVSS 217 5.5.3(b) requires the letters be at least 5 centimeter high. While NHTSA had earlier determined the letters to be compliant, and DTNA in good faith relied on that determination, to avoid a protracted dispute with the agency, DTNA decided to file this report. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556.

**If a noncompliance, provide the applicable FMVSS:** FMVSS 217 - Bus emergency exits and window retention and release

**Describe the safety risk:**

Emergency Exit labels with individual letters that are less than 5cm high may not comply with the requirements of FMVSS 217.

**Identify any warning which can precede or occur:** NA

**If applicable, identify the manufacture of the defective or noncompliant component.:** Emergency Exit Labels

**Involved Components**

**Component Name:** Label

**Component Description:** Emergency Door/Exit Label

**Component Part Number:** 170560, 170561, 170562, 170563

**Chronology of Defect / Noncompliance Determination**

**Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.**

In March 2020, DTNA received a notification from the Office of Vehicle Safety and Compliance (OVSC) regarding a potential non-compliant emergency exit pushout window and door label that the agency had analyzed earlier and found compliant, and upon which DTNA in good faith relied. In April 2020, DTNA responded to the OVSC that, with standard rounding, the label-letters met the requirements and stated that the label should be considered compliant. At this time DTNA completed a review of warranty and field reports, and no reports or complaints were identified. In November 2020, DNTA received Information Request (IR) NEF-240DLi/OA-217-200317A from the OVSC. DTNA promptly responded to this IR and reiterated its position that 1) the labels met the requirements of FMVSS 217 following the agency's rules of rounding and precision and 2) were the exact same labels had previously been reviewed by the OVSC and found to be compliant. On January 31, 2022 DTNA received second IR from the OVSC seeking additional information but providing the option to declare a recall instead of responding to the agency's IR. In February 2022, in order to avoid a protracted dispute with the agency, DTNA decided to conduct a voluntary non-compliance recall on school buses manufactured with certain emergency exit pushout window and door labels. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556.

## Identify the Remedy

**Describe the defect/noncompliance remedy program, including the manufacture's plan for reimbursement.**

Not applicable at this time. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556. In the event the agency denies that petition, DTNA will comply with applicable law, and provide the appropriate information to the agency.

**Planned Dealer Notification Begin Date:**

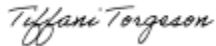
**Planned Dealer Notification End Date:**

**Planned Owner Notification Begin Date:**

**Planned Owner Notification End Date:**

**Manufacture's identification code for this recall (if applicable):** FL-918

**DTNA Representative;**



Tiffani Torgeson  
Manager, Compliance and Regulatory Affairs

Daimler Trucks North America  
Tiffani Torgeson  
Manager  
Compliance and Regulatory  
Affairs

April 13, 2022

Administrator  
National Highway Traffic Safety Administration  
Attention: Recall Management Division  
1200 New Jersey Avenue S.E.  
Washington D.C. 20590

**Re: Petition for Exemption from Notification and Remedy Provisions of Motor Vehicle Safety Act  
Daimler Truck North America LLC (Internal Campaign Number FL-918), revised April 13, 2022 to correct  
a citation error**

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Manager  
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Label # 170560



Before Installation



Before Installation



Installed



Label # 170561



Before Installation



Before Installation



Installed

No buses available

Label # 170562



Before Installation



Before Installation



Installed



Label # 170563



Before Installation



Before Installation



Installed

No buses available

## Analysis

### The FMVSS 217 Noncompliance Here Falls Squarely in NHTSA's Past Grants of Exemption for Inconsequential Noncompliance, and Should Be Granted.

the relevant labels were designed with letters at least 5 cm and reasonably believed at all relevant times that they complied with FMVSS 217 under applicable law, including NHTSA's public statements regarding numerical rounding.

Even if the letters are noncompliant with FMVSS 217, NHTSA has easily granted an exemption under Part 556 and applicable law. For example:

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Here, at best, the labels at issue may be approximately 0.1 cm outside the standard. Under NHTSA's precedents, that deviation from the standard is axiomatically nonconsequential to motor vehicle safety.

Among other things, the lettering – even 0.1 cm outside the standard – are sufficiently large as to aid passengers fleeing an emergency. Indeed, with other letters being above the required 5 cm, the reasonable aggregate perception of a viewer is that the letters are 5 cm or more. The 0.1 cm difference does not compromise the conspicuity of the labels, and as illustrated by the pictures above and in the underlying OVSC investigation, the labels are in bold letters contrasting the background of the labels. As DTNA has stated to the agency before, DTNA is aware of no complaint, accident, injury, or death arising from the labels having some letters 0.1 cm below the standard. And the labels meet all other requirements of applicable FMVSSs. On this basis, NHTSA may (and should) easily grant an exemption for inconsequential noncompliance.

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Here, there is a substantial question whether or not there is fair notice as to how a manufacturer is to comply with FMVSS 217 (and potential scores of other FMVSSs) given the agency's past statements on numerical rounding. For example, and among other examples:

- In discussing its New Car Assessment Program, NHTSA has been using a "longstanding" digit rounding practice based upon the ASTM's E29 "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications." (See 79 Federal Register 28594, May 16, 2014.) The agency, recognizing that some finite number of digits must be used in specifications, described its procedure as:
  - When the digit after the last digit to be retained is less than 5, keep the last digit unchanged (for example, in rounding to the hundredths place: 0.453 = 0.45).



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NHTSA has stated in various FMVSSs that the ASTM E29 rounding method is to be used. See, e.g., NHTSA's Test Procedure for FMVSS 111, p. 7, stating that rounding is to be used (although nowhere in FMVSS 111 does NHTSA explicitly state that rounding is acceptable).

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For example, in FMVSS 217, the agency states that the "DOT" symbol must be at least "1.0 cm" high. If rounding is not appropriate, then specifying two digits makes no sense; the agency should have said at least "1 cm" high, following the digit convention the agency seems to espouse elsewhere in FMVSS 217 with the emergency exit labels currently at issue.

In short, NHTSA has expressed two different procedures for comparing measured values to standards and has even conflicted its own statements of what rules apply. By doing so, the agency makes clear that its procedures for comparing numbers to a standard is ambiguous and lacks "fair notice" as required by the Court. This may be why NHTSA itself deemed these same labels compliant when it audited them in 2014, as discussed above. When DTNA reexamines the labels for compliance in response to NHTSA's IR, DTNA lacks fair notice as to which of the above procedures, rounding or not, apply.

"[A]n agency is hard pressed to show fair notice when the agency itself has taken action in the past that conflicts with its current interpretation of a regulation." *United States v. Chrysler*, 158 F.3d at 1356 DTNA, in good faith, believed then and now that the relevant lettering complies with FMVSS 217 given its good faith understanding of NHTSA's written statements on numerical rounding. Understanding that the agency in the underlying OVSC investigation asserted a new and different view, DTNA proceeded with its recent recall, which as set forth above falls squarely in NHTSA's precedents as inconsequential to motor vehicle safety.



## **Conclusion**

For all the foregoing reasons, DTNA respectfully requests that NHTSA grant this petition and relieve DTNA of its notification and remedy obligations under 49 U.S.C. §§ 30119, 30120 and 49 C.F.R Part 577 in connection with recall FL-918.

# Part 573 Safety Recall Report

# 22V-075

**Manufacturer Name :** Daimler Trucks North America, LLC**Submission Date :** FEB 09, 2022**NHTSA Recall No. :** 22V-075**Manufacturer Recall No. :** FL-918**Manufacturer Information :****Population :**

Manufacturer Name : Daimler Trucks North America, LLC

Number of potentially involved : 28,814

Address : 4747 N. Channel Avenue

Estimated percentage with defect : 100 %

Portland OR 97217-3849

Company phone : 800-745-8000

**Vehicle Information :**

Vehicle 1 : 2019-2022 Thomas Built Buses Saf-T-Liner HDX School Bus

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 2 : 2019-2022 Thomas Built Buses saf-T-Liner EFX School Bus

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 3 : 2019-2022 Thomas Built Buses Saf-T-Liner C2 School Bus

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 4 : 2019-2022 Thomas Built Buses Minotour School Bus

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin :

NR

End : NR

Not sequential

## Description of Noncompliance :

Description of the Noncompliance : On the affected school buses, some of the individual letters on the label for the emergency exit pushout window and door measure 4.9 cm, although others measure over 5 cm. FMVSS 217 5.5.3(b) requires the letters be at least 5 centimeter high. While NHTSA had earlier determined the letters to be compliant, and DTNA in good faith relied on that determination, to avoid a protracted dispute with the agency, DTNA decided to file this report. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556.

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

FMVSS 2 : NR

Description of the Safety Risk : Emergency Exit labels with individual letters that are less than 5cm high may not comply with the requirements of FMVSS 217.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

## Involved Components :

Component Name 1 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170560

Component Name 2 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170561

Component Name 3 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170562

Component Name 4 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170563

## Supplier Identification :

### Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

## Chronology :

In March 2020, DTNA received a notification from the Office of Vehicle Safety and Compliance (OVSC) regarding a potential non-compliant emergency exit pushout window and door label that the agency had analyzed earlier and found compliant, and upon which DTNA in good faith relied. In April 2020, DTNA responded to the OVSC that, with standard rounding, the label-letters met the requirements and stated that the label should be considered compliant. At this time DTNA completed a review of warranty and field reports, and no reports or complaints were identified. In November 2020, DNTA received Information Request (IR) NEF-240DLi/OA-217-200317A from the OVSC. DTNA promptly responded to this IR and reiterated its position that 1) the labels met the requirements of FMVSS 217 following the agency's rules of rounding and precision and 2) were the exact same labels had previously been reviewed by the OVSC and found to be compliant. On January 31, 2022 DTNA received second IR from the OVSC seeking additional information but providing the option to declare a recall instead of responding to the agency's IR. In February 2022, in order to avoid a protracted dispute with the agency, DTNA decided to conduct a voluntary non-compliance recall on school buses manufactured with certain emergency exit pushout window and door labels. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556.

## Description of Remedy :

Description of Remedy Program : Not applicable at this time. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556. In the event the agency denies that petition, DTNA will comply with applicable law, and provide the appropriate information to the agency.

How Remedy Component Differs from Recalled Component : NR

Identify How/When Recall Condition was Corrected in Production : NR

## Recall Schedule :

Description of Recall Schedule : Not applicable at this time. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556. In the event the agency denies that petition, DTNA will comply with applicable law, and provide the appropriate information to the agency.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

\* NR - Not Reported



# Part 573 Safety Recall Report

# 22V-075

**Manufacturer Name :** Daimler Trucks North America, LLC**Submission Date :** APR 13, 2022**NHTSA Recall No. :** 22V-075**Manufacturer Recall No. :** FL-918**Manufacturer Information :****Population :**

Manufacturer Name : Daimler Trucks North America, LLC

Number of potentially involved : 28,814

Address : 4747 N. Channel Avenue

Estimated percentage with defect : 100 %

Portland OR 97217-3849

Company phone : 800-745-8000

**Vehicle Information :**

Vehicle 1 : 2019-2022 Thomas Built Buses Saf-T-Liner HDX School Bus

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 2 : 2019-2022 Thomas Built Buses saf-T-Liner EFX School Bus

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 3 : 2019-2022 Thomas Built Buses Saf-T-Liner C2 School Bus

Vehicle Type : BUSES, MEDIUM &amp; HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin : NR End : NR  Not sequential

Vehicle 4 : 2019-2022 Thomas Built Buses Minotour School Bus

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style :

Power Train : NR

Descriptive Information : Thomas Built Buses school buses with specific emergency exit pushout window and door labels

Production Dates : SEP 28, 2018 - FEB 23, 2021

VIN Range 1 : Begin :

NR

End : NR

Not sequential

## Description of Noncompliance :

Description of the Noncompliance : On the affected school buses, some of the individual letters on the label for the emergency exit pushout window and door measure 4.9 cm, although others measure over 5 cm. FMVSS 217 5.5.3(a) requires the letters be at least 5 centimeter high. While NHTSA had earlier determined the letters to be compliant, and DTNA in good faith relied on that determination, to avoid a protracted dispute with the agency, DTNA decided to file this report. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556.

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

FMVSS 2 : NR

Description of the Safety Risk : Emergency Exit labels with individual letters that are less than 5cm high may not comply with the requirements of FMVSS 217.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

## Involved Components :

Component Name 1 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170560

Component Name 2 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170561

Component Name 3 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170562

Component Name 4 : Label

Component Description : Emergency Door/Exit Label

Component Part Number : 170563

## Supplier Identification :

### Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

## Chronology :

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## Description of Remedy :

Description of Remedy Program : Not applicable at this time. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556. In the event the agency denies that petition, DTNA will comply with applicable law, and provide the appropriate information to the agency.

How Remedy Component Differs from Recalled Component : NR

Identify How/When Recall Condition was Corrected in Production : NR

## Recall Schedule :

Description of Recall Schedule : Not applicable at this time. DTNA plans to file a petition for inconsequential noncompliance in accordance with 49 C.F.R. Part 556. In the event the agency denies that petition, DTNA will comply with applicable law, and provide the appropriate information to the agency.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

\* NR - Not Reported