



September 13, 2023

Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref:

NHTSA Campaign Number: 23V-562 Potential Number of Units Affected: 28,765

NHTSA Campaign Number: 23V-563 Potential Number of Units Affected: 403

Petition for Exemption due to Inconsequential Noncompliance

This petition for a declaration of an Inconsequential Noncompliance is submitted pursuant to the requirements of Title 49 Code of Federal Regulations Part 556 on behalf of Blue Bird Body Company ("Blue Bird"), 3920 Arkwright Road Suite 200, Macon, Georgia 31210.

The noncompliance relates to 49 CFR 571.217 Paragraph S5.5.3(b), Bus Emergency Exits and Window Retention and Release.

BACKGROUND

Blue Bird Body Company has been a final stage and a single stage school and non-school bus manufacturer since 1927.

DESCRIPTION

On August 2nd 2023, NHTSA informed Blue Bird that it discovered a non-compliance pertaining to labeling of the emergency exit during testing a 2022 Blue Bird All American School Bus (NHTSA # C20220900, VIN: 1BABJBSA5NF381107) at Applus IDIADA Karco Engineering. When testing to the requirements of 49 CFR 571.217, the vehicle appeared to be non-compliant with the Emergency Exit Label requirements for the operating instructions' letter height. As per the regulation, concise operating instructions describing the motions to unlatch and open the emergency exit doors shall be in letters at least 1 centimeter high and of a color that contrasts with its background. During testing the lettering in the bus was measured to 0.882 centimeters.

Blue Bird has always ensured we abide by the regulations and safety is never compromised. Upon investigation we determined our supplier was not consistently adhering to our requirement which specifies a letter height of 0.5 inches (1.27 cm), exceeding the requirement. We have quickly remedied the issue upon notification and have corrected buses at the manufacturing location and purged our inventory of decals which may be questionable.

ARGUMENT OF INCONSEQUENTIALITY

Blue Bird is requesting a declaration of an inconsequential non-compliance by NHTSA for this matter because the difference between 1 centimeter and 0.882 centimeters is difficult to differentiate without the use of very precise measuring equipment. A 0.118 cm difference is less than 3/64ths of an inch or



0.047 inches and will be unrecognizable. We believe this variation is not significant enough to make the instructions unclear to passengers or compromise their ability to open the door in an emergency.

NHTSA references a similar case submitted by Collins Bus Corporation in which a petition for decision of Inconsequential Noncompliance was denied. *See* 87 FR 48756, pp. 48756-48760. However, in that case the lettering height on the Collins buses was 2 mm below the required 1 cm standard. Based upon NHTSA's own reasoning in that decision, this case is distinguishable from the Collins matter. In that decision, Collins argued that some of the lettering in the labeled message actually *exceeded* the requirement by 1 mm; therefore, the discrepancy of the challenged lettering being 2 mm smaller than required should be deemed inconsequential. In its basis for denial, NHTSA expressly noted that there *is a material difference* in a 1 mm variation versus a 2 mm variation, "... NHTSA is not persuaded by Collins's argument that a 2 mm measurement is any less substantial than a 1 mm measurement..." *Collins* at p. 48758. Accordingly, NHTSA's decision suggests that a mere .118 cm variation from the standard measured in a single location *can* be deemed inconsequential.

Additionally, we believe the jaws of a Vernier caliper when used for the official measurement of letter height can be inaccurate and inconsistent when used to differentiate such small variation from the standard. Manual error in repeatability of the measurement device and user could result in differences that exceed the difference the Blue Bird text size is from the requirement. Indeed, the actual photo provided of the measurement in this case demonstrates the potential for human error in distinguishing such a small variation. As shown in Figure 1, the caliper is not positioned flat against the decal, and only one location on the decal was measured. A difference of .118 cm could easily be accounted for by a slight angle of the calipers or measurements taken in multiple locations on the signage.



Figure 1: Letter Height Measurement



BLUE BIRD

Blue Bird's lettering meets all other labeling requirements of FMVSS No. 217, namely that (1) operating instructions must be "concise" and describe "the motions necessary to unlatch and open the emergency exit," (2) operating instructions must "be located within 15 centimeters of the release mechanism on the inside surface of the bus," and (3) operating instructions must be "of a color that contrasts with [their] background." NHTSA has not made any assertion that The Blue Bird lettering fails to comply with any of these requirements.

NHTSA has not provided any claim or reasoning that that .118 cm variation from the 1 cm lettering height requirement compromises a passenger's ability to safely view or understand the lettering, and by its own prior decisions notes that a 1 mm variation from the standard is a substantial difference from a 2 mm variation (its basis for denial of a prior petition for inconsequential noncompliance). In addition, Blue Bird has demonstrated that manual use of Vernier calipers can create discrepancies and variations when distinguishing variations as small as .118 cm.

Accordingly, Blue Bird respectfully requests the Administrator issue a decision of inconsequential noncompliance to Federal Motor Vehicle Safety Standard 217 with regard to the labeling for the Emergency Exits and Window Retention and Release on all 2019-2023 Blue Bird Vision and Blue Bird All American school and non-school buses built before August 3, 2023.

Best Regards,

Sumanth Balesh
Director, Product Certification & Compliance
Blue Bird Body Company
3920 Arkwright Road, Suite 200
Macon, Georgia 31210
Phone: 478-933-5093

BLUE BIRD BODY COMPANY

3920 Arkwright Road Suite 200, Macon, Georgia 31210 – (800) 486-7122

Part 573 Safety Recall Report

23V-562

Manufacturer Name : Blue Bird Body Company**Submission Date :** AUG 09, 2023**NHTSA Recall No. :** 23V-562**Manufacturer Recall No. :** R23CK (SB)**Manufacturer Information :**

Manufacturer Name : Blue Bird Body Company

Address : P.O. Box 937
402 Blue Bird Boulevard Fort Valley
GA 31030

Company phone : 478-822-2242

Population :

Number of potentially involved : 28,765

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2019-2024 Blue Bird Vision

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : OTHER

Power Train : DIESEL

Descriptive Information : FMVSS 217, Bus Emergency Exits and Window Retention and Release. The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The requirement specifies the instructions describing the motions necessary to unlatch and open the emergency exit. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter.

Production Dates : JUL 01, 2019 - AUG 03, 2023

VIN Range 1 : Begin :

NR

End : NR

 Not sequential

Vehicle 2 : 2019-2024 Blue Bird All American

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : OTHER

Power Train : DIESEL

Descriptive Information : FMVSS 217, Bus Emergency Exits and Window Retention and Release. The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The requirement specifies the instructions describing the motions necessary to unlatch and open the emergency exit. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter.

Production Dates : JUL 01, 2019 - AUG 03, 2023

VIN Range 1 : Begin :

NR

End : NR

 Not sequential

Description of Noncompliance :

Description of the Noncompliance : FMVSS 217, Bus Emergency Exits and Window Retention and Release. The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The requirement specifies the instructions describing the motions necessary to unlatch and open the emergency exit. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter.

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

FMVSS 2 : NR

Description of the Safety Risk : The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter. The non-compliant Emergency Exit Label could increase the risk of injury.

Description of the Cause : Blue Bird Supplier failed to read the drawing correctly and did not provide an compliant FMVSS 217, Emergency Exit Label. The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter.

Identification of Any Warning that can Occur : A driver would be able to visually identify a non-compliant Emergency Exit Label.

Involved Components :

Component Name 1 : Decal - Rear and Side Emergency Door Instructions

Component Description : Rear and Side Emergency Door Instructions

Component Part Number : 0812248

Supplier Identification :**Component Manufacturer**

Name : NR

Address : NR
NR
Country : NR

Chronology :

August 2, 2023: Daniel Lind, NHTSA Safety Compliance Engineer, had a conference call with Sumanth Balesh, Director of Product Certification and Compliance.

August 2, 2023: Daniel Lind, issued an e-mail to Sumanth at 11:35 a.m. to include attachments and supporting documentation regarding the vehicle which appears to be non-compliant with the Emergency Exit Label Requirement (FMVSS 217).

August 9, 2023: Blue Bird submitted a NHTSA 573 to correct this condition and to inform NHTSA of Blue Bird's Intention to file a Petition for Inconsequentiality.

Description of Remedy :

Description of Remedy Program : To correct this noncompliance, Blue Bird will notify the affected dealers and owners and will provide recall repair instructions. Blue Bird will reimburse the labor cost of the repair related to this recall at no cost to the Dealer or to the vehicle owner. If the modifications directed by this notification were performed on your bus prior to the receipt of this recall notification, provide a copy of the work order/invoice to campaignparts@blue-bird.com for Blue Bird warranty consideration.

Parts are required and will be available when the recall releases.

How Remedy Component Differs from Recalled Component : The revised Emergency Exit Label will meet the requirements and be compliant.

Identify How/When Recall Condition was Corrected in Production : August 2, 2023: Daniel Lind, NHTSA Safety Compliance Engineer, had a conference call with Sumanth Balesh, Director of Product Certification and Compliance, to inform Blue Bird the Emergency Label is a Noncompliance.
August 2, 2023: Blue Bird reviewed the drawings and found that the decal supplier is not following the drawings provided to them and are not satisfying the requirement.
August 2, 2023: Blue Bird put hold on buses in our property and ensured they dont get shipped before the labels are corrected.
August 3, 2023: Blue Bird conveyed this issue to our supplier and asked supplier to correct and send us the updated label to proofread.
August 3, 2023: Blue Bird designed a in-house label to satisfy the requirements to ensure buses are not on hold for long time.
August 4, 2023: Supplier sent updated labels, ensured it satisfies requirements.

Recall Schedule :

Description of Recall Schedule : Dealer and Owner Notifications are to be issued on or before October 5, 2023.

Parts are required and will be available when the recall releases.

Planned Dealer Notification Date : OCT 05, 2023 - OCT 05, 2023

Planned Owner Notification Date : OCT 05, 2023 - OCT 05, 2023

* NR - Not Reported

Part 573 Safety Recall Report

23V-563

Manufacturer Name : Blue Bird Body Company**Submission Date :** AUG 09, 2023**NHTSA Recall No. :** 23V-563**Manufacturer Recall No. :** R23CK (NSB)**Manufacturer Information :**

Manufacturer Name : Blue Bird Body Company

Address : P.O. Box 937
402 Blue Bird Boulevard Fort Valley
GA 31030

Company phone : 478-822-2242

Population :

Number of potentially involved : 403

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2021-2024 Blue Bird Vision

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : OTHER

Power Train : DIESEL

Descriptive Information : FMVSS 217, Bus Emergency Exits and Window Retention and Release. The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The requirement specifies the instructions describing the motions necessary to unlatch and open the emergency exit. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter.

Production Dates : JUL 25, 2019 - JUL 31, 2023

VIN Range 1 : Begin :

NR

End : NR

 Not sequential

Vehicle 2 : 2020-2024 Blue Bird All American

Vehicle Type : BUSES, MEDIUM & HEAVY VEHICLES

Body Style : OTHER

Power Train : DIESEL

Descriptive Information : FMVSS 217, Bus Emergency Exits and Window Retention and Release. The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The requirement specifies the instructions describing the motions necessary to unlatch and open the emergency exit. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter.

Production Dates : JUL 01, 2019 - JUL 10, 2023

VIN Range 1 : Begin :

NR

End : NR

 Not sequential

Description of Noncompliance :

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

FMVSS 2 : NR

Description of the Safety Risk : The Emergency Exit Label requirements for the operating instructions letter height is non-compliant. The instructions shall be in letters at least 1 centimeter high and of a color that contrasts with its background. The letters measured was 0.88 centimeters. The Emergency Exit Label Operating Instructions do not meet the minimum letter height requirement of 1 centimeter. The non-compliant Emergency Exit Label could increase the risk of injury.

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