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January 28, 2009

Daniel Smith  
Associate Administrator for Enforcement  
Recall Management Division,  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE West Building  
Washington, DC 20590

Fax: (202) 366-7882  
RMD.ODI@dot.gov

Re: Part 573 – Non-Compliance Report

Dear Mr. Smith,

Pursuant to the requirements of 49 C.F.R. Part 573, Setra of North America, Inc. ("Setra"), as the importer of motor coaches manufactured by EvoBus GmbH, advises you of a non-compliance in certain Setra S 215 HDH, S 217 HDH and S 417 motor coaches. Specifically, Setra submits this report regarding non-compliance with the Emergency Exit "Seat Ahead" or "Seat Behind" label placement requirements of Federal Motor Vehicle Safety Standard ("FMVSS") 217 in certain S 215 HDH, S 217 HDH and S 417 motor coaches.

**Part 573.6 (c)(1) – Manufacturer Name**

EvoBus GmbH, Ulm, Germany

Designated Agent:  
Setra of North America, Inc.  
6012-B High Point Road  
Greensboro, NC 27407

**Part 573.6 (c) (2) – Identification of Vehicles Containing the Noncompliance**

The affected vehicles are Model Year 1984 to 2001 Setra Model: S 215 HDH (36-50 passengers), Model Year 1994 to 2002 Setra Model: S 217 HDH (36-58 passengers) and Model Year 2003 to 2009 Setra Model: S 417 motor coaches (36-58 passengers). These "affected vehicles" include those buses bearing the Vehicle Identification Numbers for Setra Model S 215 HDH: (VIN's) WKK138VC7E1030001 – WKK138VC211030490; Setra Model S 217 HDH: VIN's WKK138SCR31045001 - WKK138VC321045274; Setra Model S 417: (VIN's) WKKA34AD033000001 – WKKA34DH993000778 and specifically include all model S 215 HDH produced from start of production in April 1984 to February 2001, all model S 217 HDH produced from January 1994 to April 2001 and model S 417 Coaches produced from start of production in September 2002 to December 2009.

The basis for determination of the affected vehicle population is an analysis of the production and sales records.

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**Part 573.6 (c) (3) – Total Number of Potentially Affected Vehicles**

A total of up to 490 motor coaches model S 215 HDH, 274 motor coaches S 217 HDH and 692 motor coaches S 417 are potentially affected.

**Part 573.6 (c) (4) - Percentage of Affected Vehicles Estimated to Contain the Problem**

100% of the identified vehicles are affected.

**Part 573.6 (c) (5) – Description of the Non-Compliance**

Consistent with the requirements of FMVSS 217 S5.5, all Setra motor coaches are equipped with emergency exits. Each emergency exits have the designation "Emergency Exit" followed by concise operating instructions describing each motion necessary to unlatch and open the exit. These instructions are located within 16 centimeters of the release mechanism.

In the FMVSS 217 S5.5 is also stated that:

"When a release mechanism is not located within an occupant space of an adjacent seat, a label meeting the requirements of S5.5.2 that indicates the location of the nearest release mechanism shall be placed within the occupant space.

Example: "Emergency Exit Instructions Located Next to Seat Ahead"

These labels are not installed in the motor coaches mentioned in the example above.

**Part 573.6 (c) (7) – Basis for Determination of Non-Compliance**

NHTSA informed Setra of North America that a customer reported to them that at a motor coach Setra model S 417 model year 2006 did not have the labels.

**Part 573.6 (c) (8) (i) – Remedial Measures**

Setra is conducting a voluntary recall campaign for the affected vehicles, to correct free of charge to vehicle owners. As part of the recall plan, Setra will send labels with a service instruction explaining the location of the labels together with the customer letter to the customers.

**Part 573.6 (c) (8) (ii) – Customer Notification**

A written notification pursuant to Part 577 will be sent to bus owners.

Setra expects that customer's notification will be initiated by March 2009.

**Part 573.6 (c) (10) – Copies of Proposed Owner Notification Letter**

A copy of the customer letter will be provided.

**Setra Contact:**

Mr. Joe Labonte  
Product Safety and Compliance Officer  
350 Hazelhurst Road,  
Mississauga, Ontario,  
L5J 4T8  
905-403-7807

Please do not hesitate to contact me if you have any questions regarding this matter. Thank you for your consideration.

Best regards,

A handwritten signature in black ink, appearing to read "Joe Labonte". The signature is fluid and cursive, with a prominent loop at the end.

Joe Labonte  
Product Safety and Compliance Officer

.cc Patricia Wallace, Safety Defects Analyst, NHTSA