



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

October 23, 2008

[REDACTED]
Alexandria, VA [REDACTED]

NVS-216 et
Ref. No. 10233916

Dear [REDACTED]:

Thank you for your correspondence dated June 21, 2008, concerning your model year (MY) 2003 Volkswagen Passat. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence on July 2, 2008.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to determine whether an investigation into a possible safety defect or safety defect recall adequacy is warranted.

With regard to the heat shield failure mentioned in your letter, Federal regulations require a manufacturer conducting a safety recall of motor vehicles or motor vehicle equipment to reimburse owners who have paid to obtain a remedy for the problem within a reasonable time, which in many instances is one year, prior to the manufacturer's notification. Certain restrictions apply, including the need to submit certain documents to the manufacturer. Owners should follow the instructions in the recall notification letter to file a claim. Owners who feel that their claim was wrongfully denied should pursue the matter with the manufacturer. Owners may also report any dispute to NHTSA by contacting the Department of Transportation's (DOT) Auto Safety Hotline (Hotline) or by filing a complaint via the agency's Internet Web site. While NHTSA does not have the resources to intervene in individual disputes, it does monitor this data and may address situations where appropriate.

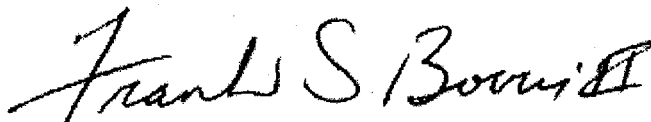
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NHTSA
www.nhtsa.gov

Additionally, our statute does not require manufacturers to reimburse owners for costs associated with a safety recall (e.g., lost wages while the vehicle is being repaired, car rentals, damage caused by the defect, etc.). Nor does the statute authorize the Federal government to reimburse vehicle owners for any costs associated with safety recalls or assist vehicle owners in obtaining reimbursements for costs associated with an alleged defect.

NHTSA is aware of Volkswagen's Technical Service Bulletin (TSB) (copy enclosed) concerning the air plenum area in certain MY 2002 Volkswagen Passat vehicles. However, the issuance of a TSB does not necessarily reflect the existence of a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Neither Volkswagen nor NHTSA has determined that the vehicles in question contain such a defect. Therefore, NHTSA cannot require Volkswagen to reimburse you for the cost of the corrective action described in the TSB. We recommend that you continue to work with Volkswagen for resolution.

Should you encounter a safety-related problem with a motor vehicle or item of motor vehicle equipment in the future, you can complete an electronic Vehicle Owner's Questionnaire online at <http://www.nhtsa.dot.gov/ivoq>. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at <http://www.nhtsa.dot.gov/cars/problems>.

Sincerely,

A handwritten signature in black ink that reads "Frank S. Borris II". The signature is written in a cursive style with a large, stylized "F" and "B".

Frank S. Borris II, Acting Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement