

APR 07 2011

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EXECUTIVE SECRETARIAT

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RECEIVED - NHTSA

BMW of North America, LLC
P.O. Box 1227
Westwood, New Jersey 07675-1227

From:

[REDACTED]
Sacramento, CA [REDACTED]

On 1-19-11 I purchased a new 328i, four door BMW, from Concord BMW. This was the 6th BMW I have purchased, new, since 1984. I have always been satisfied, and more, with my BMW's and particularly the service I received from Niello BMW in Sacramento, CA.

I believe my new BMW has a safety defect which I cannot seem to resolve dealing with BMW. The problem is the rail on which the front seats are mounted. Each seat has 2 rails attached to the floor. These the rails, attached to the seats, move to allow adjustment. I am 5'11" and my legs are average. When the drivers seat is properly adjusted the top rails mounted on the seats, project several inches into the foot well of the rear passenger compartment. These rails are bare metal and have sharp edges on the end. They project 2 1/2 inches and are not flush to the floor. There is ample space for the feet or toes to pass beneath the sharp rails. I believe this poses a safety hazard while getting into and out of the vehicle-and also while driving. In the event of a crash I believe they could cause serious painful injury that could be crippling.

The following is a chronology of my attempts to correct this safety hazard in my vehicle:

1-19-11: Vehicle purchased.

1-25-11: Contacted Concord BMW about my concerns. They responded that no protective covers were installed on any 2011 328i sedan.

Believing that this problem may be with my vehicle only, I decided to wait until I had other concerns before I took it to my local BMW service dept.

3-18-11: Took vehicle to Niello BMW with my concerns and asked them to correct the safety hazard. They examined the seat rails and installation and advised me that the rails were the correct parts and were installed correctly. Not satisfied with that I asked the service manager to compare my vehicle with other 2011 328i sedans. He did and concluded that if there was a problem it was with the way all 328i's were engineered. He referred me to BMW customer relations.

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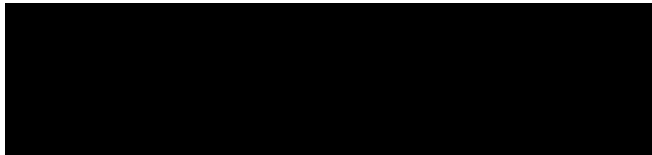
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3-21-11: I called BMW customer relations and spoke with Brandon. He was unable to resolve my concerns and advised he would "file my complaint" and referred me to his assistant manager, Monica. I described the problem to Monica, who admitted she was not really understanding the problem, but concluded it was a "normal" situation and they cannot correct it just for me. I expressed my dissatisfaction with her response. She said she would pass on my complaint and that I should receive a response in 3 to 5 days.

3-25-11: I received a call from Kevin Brown who identified himself as a BMW representative. His response was that the car was "engineered" that way and they intend to do nothing about it. I asked for his reply in writing and he would not comply. I asked why and he said it was against their policy to respond in writing.

Considering the above I feel I have no other choice and am referring this to NHTSA in hopes that this safety defect can be corrected before anyone is seriously injured.

In conclusion, I want it perfectly clear that my experience, past and present, with Concord BMW and Niello BMW has always been excellent. I cannot say the same with BMW customer relations.



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