



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

August 12, 2013

[REDACTED]

North Palm Beach, FL [REDACTED]

NVS-216 nam
Ref. No. 10513181

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2011 BMW 328xi. Your correspondence was received by the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation.

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 motor vehicle equipment when our investigations indicate that they contain 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 trend may exist. However, we do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

You state on April 18, your wife was driving your family in your MY 2011 BMW 328xi when another vehicle ran a stop sign which resulted in a crash. However, you indicate that the no air bags deployed and you feel this problem added you and your wife's injuries. You contacted BMW to report the crash and air bag problem, but to date they have not responded. You request that BMW inspect your vehicle to determine why the air bags did not deploy. In addition, you request that NHTSA open an investigation into the air bag system of MY 2011 BMW 328xi vehicles.

We have reviewed our database in an effort to identify whether a safety defect trend exists with regard to non-deployment of the front driver/passenger, and front side-mounted air bags in MY 2011 BMW 328xi vehicles. At this time there is insufficient evidence to indicate a defect trend that warrants opening a safety defect investigation or to initiate a safety recall. The information provided has been entered into our database and will be considered with future reports to identify any safety defect trends that may require our attention. For your information, the NHTSA investigation and recall process can be found on our web site at www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm.

A number of factors, other than crash severity, can affect whether an air bag will deploy in a given crash; e.g., the angle of impact, the speed of the other vehicle, and the amount of force absorbed by the other vehicle or object that is impacted. Only an expert in crash reconstruction can provide an educated opinion as to whether the air bag in a vehicle should have deployed in a specific crash. We recommend that you continue to work with BMW or a local dealer to determine why the air bags did not deploy in the crash.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at www.nhtsa.gov or call the Auto Safety Hotline at 1-888-327-4236. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained from our web site.

Sincerely yours,



Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement