CL-10839452-7176

FEB 16 2016

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

JANUARY 27, 2016

U.S. DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OFFICE OF DEFECTS INVESTIGATION (NVS-210)

1200 NEW JERSEY AVE. SOUTH EAST

WEST BUILDING

WASHINGTON.D.C. 20590

I AM FILING A COMPLAINT AGAINST VOLKSWAGEN AMERICA REGARDING WHAT MAY BE A DESIGN OR OTHER MALFUNCTION OF THEIR SIDE IMPACT AIR BAG SYSTEM. THIS MALFUNCTION OCCURRED IN A JULY 9, 2015 ACCIDENT AS DETAILED IN THE ENCLOSURES. TO ADEQUATELY INFORM YOU OF THE EVENT IN WHICH OUR AIRBAGS FAILED TO DEPLOY I AM SENDING YOU COPIES OF MY LETTERS TO VW AMERICA AND THERE RESPONSE ALONG WITH OTHER PERTINENT DOCUMENTS.

OF GREAT INTEREST AND CONCERN TO ME WAS A TELEPHONE CALL FROM VW AMERICA THIS DATE BY VW REPRESENTATIVE KATIE FOX AT 1 800 822 8987. MS. FOX INFORMED ME THAT "AIRBAGS ARE NOT INSTALLED TO PREVENT INJURY" AND THAT THE CAR BODY IS THE ACCIDENT PROTECTION. MS. FOX INFORMED ME THAT THE CAR BODY HAD DONE ITS JOB REGARDLESS OF MY WIFE HAVING BEEN SEROUISLY INJURED IN THE ACCIDENT.

1 MY LETTER OF AUGUST 19, 2015 EXPLAINS THE ACCIDENT IN DETAIL.
2 MY LETER OF AUGUST 31, 2015 ANSWERS REQUESTS FROM VW AMERICA.
3 VW ENGINEERS RESPONSE TO MY LETTER OF CONCERN OVER NONDEPLOYMENT OF SIDE IMPACT AIR BAGS IN OUR ACCIDENT DATED 10/18/2015.
4 MY LETTER OF NOVEMBER 12, 2015 CLARIFYING AND DISPUTING VW ENGINEER RESPONSE DATED 10/18/2015.
5 MY LETTER OF NOVEMBER21, 2015 TO VW GROUP AMERICA EGARDING THE UNSATISFACTORY RESPONSE FORM THEIR ENGINEER.
6 COPY OF CALIFORNIA HIGHWAY PATROL WITH INFORMATION AS TO SEVERITY OF IMPACT.
7 JANURARY 27, 2016 CALL FROM KATIE FOX AS PREVEIOUSLY MENTIONED.

SINCERELY,

[redacted]

CHESTER, CA [redacted]

[redacted]

NM
22616
LD

August 19, 2015

Volkswagen Group of America

2200 Ferdinand Porsche Dr.

Herndon, VA 20171

We purchased a new 2013 VW Jetta TDI Sportwagon in September of 2013 which now has 5900 miles on it. On July 19, 2015 we were t boned by a lady while driving down the highway. The impact was so severe that we were spun out of control and forced into oncoming traffic in the left lane. Fortunately I was able to regain control and miss the oncoming traffic. Our VW's entire right side was demolished as was the right side rear suspension.

Our VW is being repaired although it should have been totaled in my opinion. We are now considering trading in our VW for a new Golf S or SE but have some reservations. In spite of the very hard impact into the right side of our VW none of the airbags deployed as they should have. My wife sitting in the right front passenger seat was thrown violently into the right side door then rebounded against her seat belt to the left as the car fishtailed before being brought under control. She is now suffering from a serious whiplash which could have been prevented if the side air bag had functioned as it should have.

You can understand our reluctance to purchase another new VW after our harrowing experience and the resulting injury. We feel Volkswagen some responsibility to us and most certainly an obligation to investigate and correct any air bag problem with the automobiles it produces.

Your consideration and response to this letter would be very much appreciated.

Sincerely,

[redacted]

Chester, CA [redacted]

[redacted]

August 31, 2015

VWof America Customer Care

Reference #[redacted]

Here is the information you requested regarding my letter of August 19, 2015.

The accident report [redacted] is being sent by FAX. Photos will be sent by e-mail ASAP. The vehicle is located at Lassen Auto Body 755 Alexander Ave. in Susanville California 96130, phone 530 257 2882. The last repair cost we have is $15,152.48.

Briefly here is what happened. We were traveling on a two lane highway at about 50 mph. A lady was stopped at a stop sign at an intersection on our right. For some unknown she accelerated hard into the right side of our VW Jetta TDI Sportwagen. The impact was so hard in sent us into a sin into oncoming traffic which avoided us until I was able to regain control of the car and pull off of the road. The impact first hit the right passenger door then the entire rear of the car. The impact was so hard it even broke the right rear wheel and bent the suspension leaving the now tireless wheel cocked off about 10 degrees out of alignment. Amazingly none of the air bags deployed and [redacted] was thrown hard into the uncushioned right side door.

[redacted]

Chester, CA [redacted]

[redacted]

[redacted]

November 12 2015

Lawrence West

Product Liaison Engineer

Volkswagen Group of America

Re your letter (enclosed)

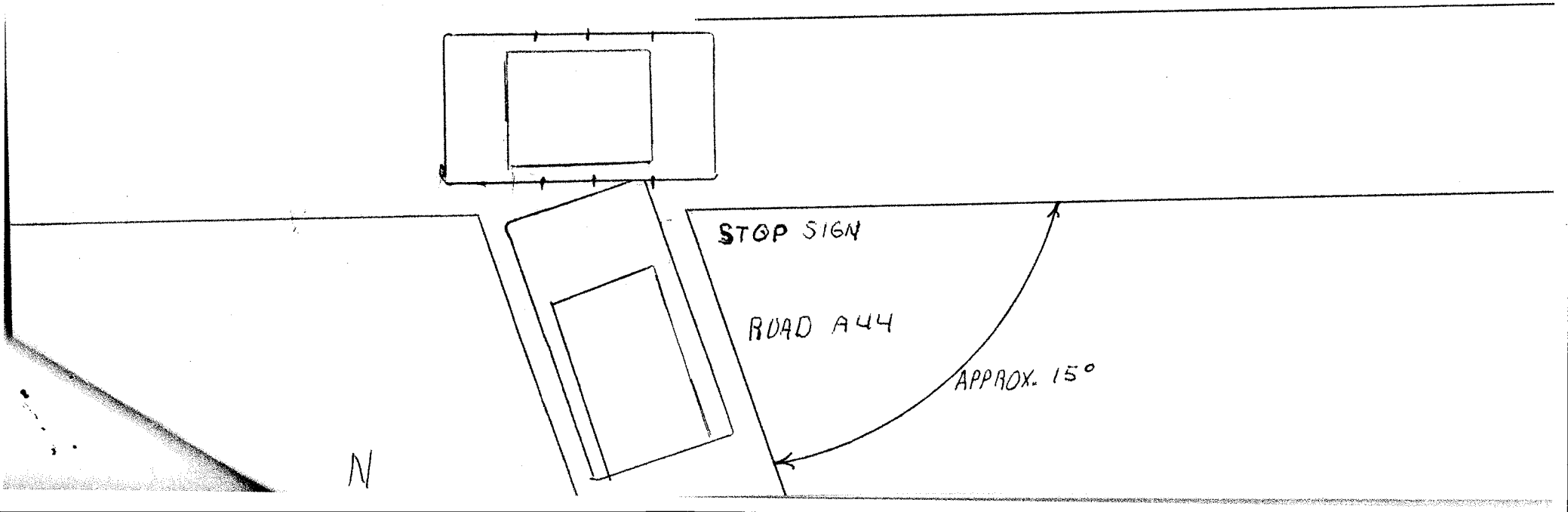
For your information I have included a drawing of the roads and cars involved in our accident of July 19 2015. In your letter you state that our car was struck in the right rear quarter pane initially. This is incorrect as we were struck in the front part of the right front door of our four door VW Jetta TDI Sportwagen. The remainder of the damage i.e. the rear quarter panel and right rear door was done by the forward motion of our vehicle as we were doing some 55 M.P.H. when struck. As for impact it was so hard we were forced across three lanes of traffic. As you can see from my drawing the highway and the intersecting road from which we were struck form an angle of about 15 to 20 degrees. This along with the fact that the driver of the at fault vehicle was making a sharp left turn onto the highway forms the angle at which you indicate VW side airbags are designed to deploy. The airbags of the vehicle that struck us deployed from the force of the impact as should have ours.

I look forward to hearing your point of view regarding this matter which I can only view as faulty design or faulty equipment which should be brought to the attention of the proper government authorities and or an attorney.

Sincerely,

[redacted]

Chester, CA [redacted]


Hwy 36
E
Left Turn lane
West
STOP SIGN
ROAD A44
APPROX. 15°
N

VOLKSWAGEN

GROUP OF AMERICA

[redacted]

Chester CA

[redacted]

[redacted]

Lawrence Wes
Product Liaison Enginee
Product Liaison Grou
201-227-790
201 894 549
larry.west2@vw.cor

RE: 2013 Volkswagen Jetta Sportwagen ; VIN: 3VWPL7AJ7DM[redacted]

September 23, 201

Dear [redacted]

Thank you for allowing us the opportunity to review the information that you forwarded regarding your 2013 Volkswagen Jetta Sportwagen. As customer satisfaction is a priority to us, it is our desire to assist our customers whenever possible. We truly regret the circumstances prompting you to contact us. This letter is to advise you that we have concluded our review and analysis of this incident and to apprise you of the results.

By design, every time the key of your vehicle is switched on, the airbag control module performs a self-diagnostic test of the entire airbag system. The airbag light is illuminated for several seconds while it performs the self-check and then goes out if there are no airbag system malfunctions. This vehicle does not have an EDR (Event Data Recorder) or "black box" as they are commonly referred to and any speed, deceleration, throttle position, etc; information is not retained in the airbag control module. There is no mention of the airbag light being illuminated at the time of the incident which indicates to us that the airbag system was functioning properly.

Airbags are designed to supplement the pyrotechnic safety belts in restraining you in a severe life or near life threatening accident. Airbags may or may not deploy in certain collisions, depending on a number of circumstances, and our pyrotechnic devices work independently of each other. The extent of vehicle damage and associated repair costs are not necessarily indicators that airbag deployment criteria have been met.

The airbag system is designed to deploy the front airbags with an impact to the front of the car that is approximately 30 °± from the longitudinal centerline of the vehicle when all criteria are met. The side airbags are designed to deploy with an impact that is approximately 30°± of the lateral centerline of the car when all criteria are met. Some of the additional criteria required are the rate of deceleration (how fast the vehicle changed velocity), the nature of the thing impacted (soft, hard, moving, stationary etc.), and if the ignition key is on. Airbags are not designed to deploy in rear collisions as

Utilizing the information that you provided, here are some of the things that were observed:

- The car has been impacted in the right rear corner of the car.
  - The impact begins at the trailing edge of the right rear door and continues rearward.
  - The suspension is damaged requiring wheel and suspension parts replacement.
  - The right rear quarter panel and wheel housing was replaced.
  - The bumper cover was pulled rearward off the bumper assembly.
- No pyrotechnic devices deployed.

The impact to this car is to the right rear corner of the car with continued damage going rearward. This impact is greater than the 30° from the lateral centerline and does not meet the criteria for airbag deployment. I have included a diagram of the angles required for airbag deployment with the approximate angle of impact to the subject vehicle.

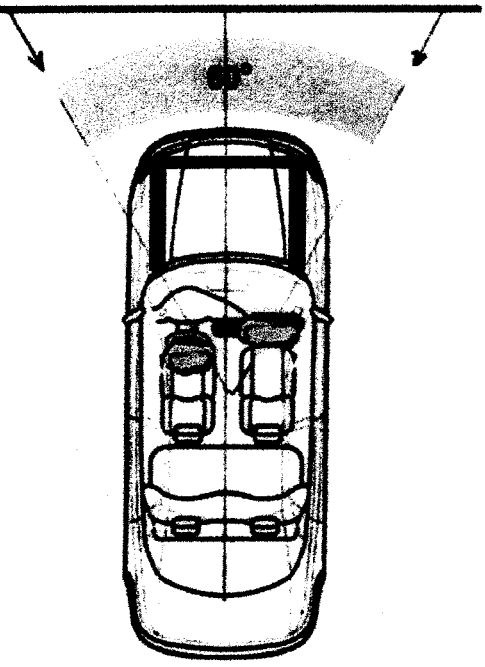
It is important to remember that while the supplemental airbag system is designed to reduce the likelihood of life threatening injuries; other injuries, for example, swelling, bruising, broken bones, muscle and spinal strain, along with abrasions may also be associated with airbag deployments and/or safety belt usage during an accident.

Based on the facts and information available to us, it is our position that the vehicle and the airbag system performed as designed in this incident. If you have any additional information or questions please feel free to forward them to me.

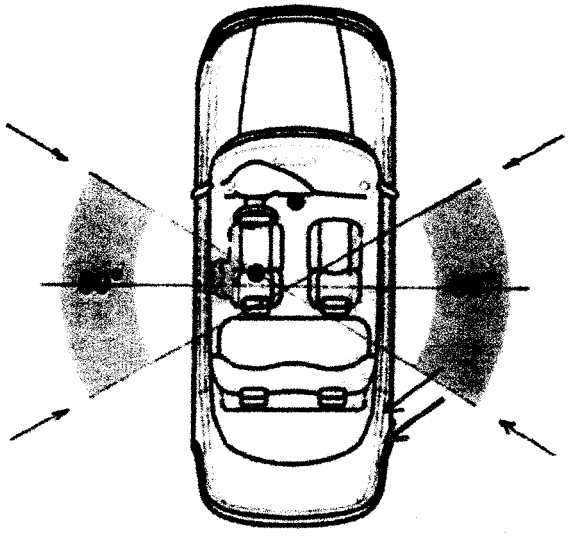
Larry West
Product Liaison Engineer

AIRBAG AND SAFETY SYSTEM OVERVIEW

Volkswagen airbag systems are supplemental restraint systems designed to work in conjunction with the safety belts to help protect the driver in the event of a severe collision.



Front Impact
The front airbags and pyrotechnic safetybelts deploy in head-on or near head-on collisions (of sufficient severity) within an angle of about +/- 30° of the center line of the vehicle (total 60°).



Side Impact
Volkswagen side impact systems will deploy in a side impact (of sufficient severity) within an angle of about 60°. Only the airbags on the side of impact will be deployed.

Volkswagen airbag systems are not designed to deploy when the vehicle is struck from behind.

November, 21, 2015

Michael Horn

President and CEO

Volkswagen Group of America

P.O. Box214500

Auburn Hills, MI 48322-4500

On July 19, 2015 while driving our VW Jetta TDI Sportwagen we were struck by vehicle that accelerated hard from a stop sign ramming us in the right front door, left rear door and right rear quarter pane as both vehicles continued in motion. The impact was so hard it sent us across three lanes of traffic and into oncoming traffic. Repairs exceeded $16,100.00 which exhibits the seriousness and force of the impact. While the impact was at the angle your engineer indicates the side impact air bags should have deployed they did not. The at fault vehicle's air bags did deploy and our very experienced body shop owner agrees that our air bags should have deployed.

I am including my correspondence with you engineer and myself and ask that you consider my information and request. We like our VW but seriously consider it unsafe to drive given the facts of the accident and the opinion of others experienced with auto accidents and air bag deployment. It is my wish to resolve this issue outside of the courts and government agencies if possible. I look forward to your response to this letter.

Sincerely,

[redacted]

Chester, CA [redacted]

[redacted]

CHP accident report

Notification:

I received a call from CHP dispatch of a property damage only collision at approximately 1610 hours. I responded from the Susanville CHP office and arrived at approximately 1625 hours. All times, speeds, and measurements represented in this report are approximations. I obtained all measurements using a roll meter.

Statements:

Party #1 (P-1, [redacted]): I contacted [redacted] standing next to Vehicle #1 (V-1, Jeep) at the scene of this collision. She related the following: She was driving V-1 southbound on [redacted] approaching the intersection with [redacted] P-1 stopped V-1 at the intersection and proceeded into the intersection to make a left turn. While P-1 was making the turn the front of V-1 collided with the right rear of Vehicle #2 (V-2, Volkswagen). "I pulled out thinking it was clear, obviously it wasn't."

Party #2 (P-2, [redacted]): I contacted [redacted] standing next to Vehicle #2 (V-2, Volkswagen) at the scene of this collision. He related the following: He was driving V-2 westbound on [redacted], just east of [redacted] within the westbound lane and traveling at approximately 50 miles per hour. While approaching [redacted] P-2 looked to his right and observed Vehicle #1 (V-1, Jeep) stopped at the intersection of [redacted] As V-2 was passing V-1, P-1 made a hard acceleration from the intersection and collided with the right rear of V-2. V-2 then "fishtailed" out of control into oncoming traffic, until P-2 was able to regain control of V-2 and park V-2 on the right shoulder of [redacted] just west of [redacted]

Witness #1 (W-1, [redacted]): I contacted [redacted] at the intersection of [redacted] He related the following: He was driving his vehicle westbound on [redacted] east of [redacted] and directly behind Vehicle #2 (V-2, Volkswagen). W-1 observed Vehicle #1 (V-1, Jeep) accelerate forward into the intersection and collide with V-2. W-1 related he believed P-1 was attempting to "cut" between his vehicle and Vehicle #2.

Summary:

Party #1 (P-1, [redacted]) was stopped in Vehicle #1 (V-1, Jeep) at the intersection of [redacted] and [redacted] facing south. Party #2 (P-2, [redacted] was driving Vehicle #2 (V-2, Volkswagen) westbound on [redacted] east of [redacted]. approaching V-1. Believing there was no oncoming traffic, P-1 attempted to make a left turn onto [redacted] failing to yield the right of way to V-2. The right front of V-1 collided with the right rear of V-2.

After the collision P-2 moved V-2 to the right shoulder of [redacted] just west of [redacted] Rd. W-1 moved V-1 to the right shoulder of [redacted] just south of [redacted]

Area of Impact:

AOI #1 was located within the intersection 8 feet south of the south roadway prolongation line of [redacted] and 18 feet west of the west roadway prolongation line of [redacted]

Cause:

Party #1 (P-1, [redacted] was found to be at fault for this collision by driving Vehicle #1 (Jeep) in violation of section 21801(a) of the California Vehicle Code. In an attempt to make a left turn onto a [redacted] P-1 failed to notice oncoming traffic causing the front of V-1 to collide into the right rear of V-2.

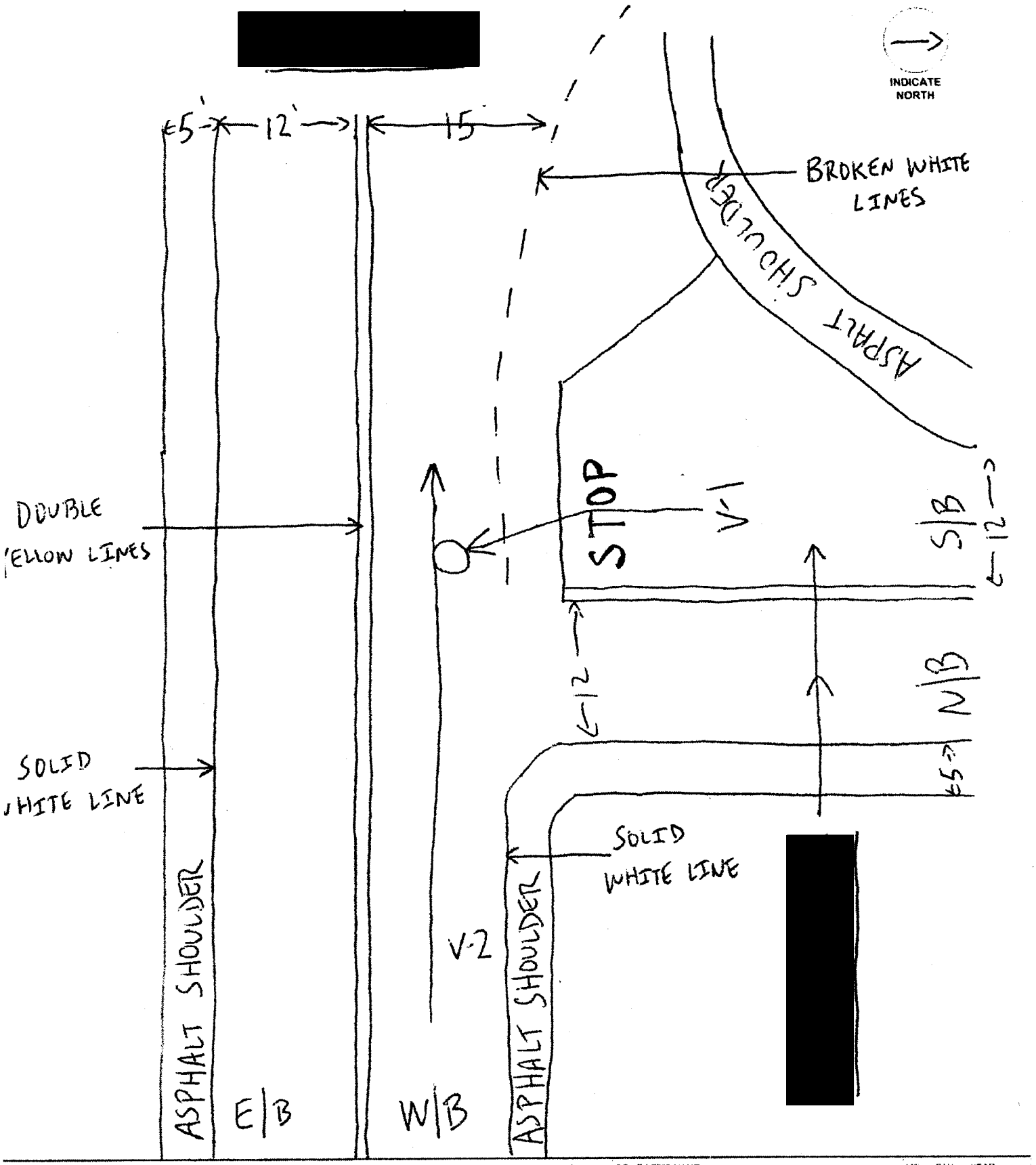
CALIFORNIA
UAL DIAGRAM
555 Page 4(Rev. 11-06) OPI 065

Page of

OF COLLISION (MO DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D	NUMBER

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

[redacted]



PREPARED BY	I.D. NUMBER	MO DAY YEAR	REVIEWER'S NAME	MO DAY YEAR

c555_b06.fp

[redacted]

Chester CA [redacted]

US Department of Transportation
National Highway Traffic Administration
Office of Defects Investigation (NVS-210)
1200 New Jersey Ave. South East
West Building
Washington DC 20590