



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

INFORMATION ACT (FOIA) 5 U.S.C. 552(B)(6)

Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

AGENCY USE ONLY 100148

Date Received

Repository ☐

03-OCT-2016

Reference No.
10911266

OWNER INFORMATION (Type or Print)

Name

Address

City

KAILUA-KONA

State HI

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

WB1046005B2

Make

BMW

Model

R1200 R

Model Year

2011

Date Purchased

October 2010

Dealer's Name and Telephone Number

BMW Motorcycles of Salt Lake (out of business)

Engine:

No: Cylinders

Fuel Type:

gasoline

Original Owner

Dealer's City

North Salt Lake

State

Utah

Zip Code

84054

Transmission Type

☒ Antilock Brakes

Powertrain

Multiple Failure:

Incident Date(s)

01-OCT-2016

☐ Cruise Control

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: FUEL/PROPULSION SYSTEM (PWS)

Failure Mileage

24000

Failure Speed

Garage & driveway

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM19A8C036)

☐ Original Equipment

☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash

☐ Yes ☒ No

Fire

☐ Yes ☒ No

Number of Persons Injured

Number of Deaths

Reported to Police

N

Narrative Description of Incident(s), Crash(es), and Injury(ies):

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

TL* THE CONTACT OWNS A 2011 BMW R1200. THE VEHICLE WAS REPAIRED PER NHTSA CAMPAIGN NUMBER: 13V617000 (FUEL SYSTEM, GASOLINE). METAL CLAMPS WERE PLACED OVER THE FUEL PUMP FLANGE IN ORDER TO REINFORCE THE PIECE. THE CONTACT STATED THAT THE REPAIR FAILED AND THE VEHICLE WAS LEAKING FUEL FROM THE FUEL PUMP. THE VEHICLE WAS UNABLE TO BE DRIVEN. THE CONTACT WAS NOT TAKEN TO THE DEALER FOR REPAIR. THE MANUFACTURER WAS MADE AWARE OF THE FAILURE. THE APPROXIMATE FAILURE MILEAGE WAS 24,000.

See Attached Narrative

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACHMENTAL SHEETS ARE NECESSARY

The Privacy Act of 1974 (Public Law 93-579) This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.









Kona Motorcycle Shop.com

74-4989 Mamalahoa Hwy
Holualoa, HI 96725
(808) 322-6555
Chris@JasperEnterprises.com

All work guaranteed for 30 Days

Business License # W00966024-01

ASE Certification # ASE-5533-3208

Customer [REDACTED] Phone [REDACTED] Key ☒
Vehicle [REDACTED] Mileage 24794
Date [REDACTED]

WB1046005BZ [REDACTED]

Customer Described Problems

Fuel leak

Repairs and Maintenance Completed

Pick-up service Parnahoa Place
Diagnose fuel leak at pressure side elbow base
Order and replace 90° elbow end of quick couple
Order fuel pump
Remove + replace fuel pump + 2 gaskets (extensive accessories)
Basic pre ride safety check
Test ride - no leaks

Shop Time \$60.00/hr x 5.5 Hrs = \$ 330

Parts and Materials:

Quick connect elbow + O ring \$ 37⁵⁰
Fuel pump and 2 gaskets \$ 452⁴⁸



Review us on YELP!

Repairs and Maintenance \$ 819⁴⁸
4.166 % Hawaii G E Tax \$ 34¹³
Total \$ 853⁶¹

2 1.5 11

Order #: [REDACTED]
Order Date: 10/25/2016 3:46:15 PM

Customer Details

First Name [REDACTED]
Last Name [REDACTED]
Company Kona Motorcycle Shop
Phone [REDACTED]
Email [REDACTED]

Billing Address

Street [REDACTED]
City HOLUALOA
State HI
Postal Code [REDACTED]
Country USA

Shipping Address

Street [REDACTED]
City HOLUALOA
State HI
Postal Code [REDACTED]
Country USA

Payment Details

Order Number [REDACTED]
Method Payment Gateway
Local Pickup No
Parts \$ 452.48
Core Charges \$ 0.00
Discount \$ 0.00
Coupon \$ 0.00
Tax \$ 0.00
Shipping \$ 0.00
Total \$ 452.48

Special Notes

VIN:

Order Details

Location
Tracking Number
Expected Ship Date
Internal Order Number

	Ord	Description	Unit Price
16117677883	1	Gasket	\$11.23
16147705376	1	Fuel pump assy	\$432.77
16147722876	1	Preformed seal	\$8.48

[REDACTED]
From: [REDACTED]
Sent: Wednesday, November 02, 2016 5:08 PM
To: [REDACTED]
Subject: GS1 000 451:Perform Basic AutoScan

AutoScan : -
Base System Version : 0.239 - 0.132
Serial Number : GS1 000 451
Registration : [REDACTED]
Date : 2016-11-02 17:07:19
Bike Information : -
VIN : WB1046005 [REDACTED]
VIN : WB1046005 [REDACTED]
Odometer : 24795.1 mls
Factory I-Level : K024-10-08-500
Actual I-Level : K024-10-08-500
Distance to next service : 4460.4 mls
Service due date : 31-05-2015
Motorcycle Date : 03-11-2016

- :
[REDACTED]
Controller Name : [REDACTED]
Part No. : 08521661
Hardware Index : 36
Coding Index : 03
Manufacture Date (YY/MM/DD) : 2010-07-20 MCV : 0.6.2 FSV : 0.77.51 OSV : 2.3.1 Manufacturer :
Bosch Program status : 510I Date release : YB10 VIN : WB1046005B [REDACTED] Odometer : 24795.1
mls Factory I-Level : K024-10-08-500 Actual I-Level : K024-10-08-500 Fault Codes : 0 No
Faults found :

- :
ZFE-High : -
Controller Name : [REDACTED]
Part No. : 08521877
Hardware Index : 07
Coding Index : 30
Manufacture Date (YY/MM/DD) : 2004-04-15 MCV : 0.6.0 FSV : 3.2.0 OSV : 3.3.0 Manufacturer :
Loewe Lear Factory I-Level : K024-10-08-500 Actual I-Level : K024-10-08-500 Configuration :
: Speed sensor manufacturer is Bosch
: Speed sensor type is DF11
: ABS fitted
: ESA fitted
: ESA has hall sensor
: Heated grips
: Outside temperature sensor
: Brake light switch status over CAN
: Lever type fuel sensor
: Manual low beam off switch
: Brake light type is LED
: Rear light type is LED
Fault Codes : 0
No Faults found :

- :
Integral ABS 2 - CAN : -
Controller Name : Integral ABS 2 - CAN

Part No. : 07711978

Hardware Index : C2

Coding Index : 00

Manufacture Date (YY/MM/DD) : 2010-07-22 Manufacturer : Continental Teves MCV : 0.6.0 FSV :
2.2.0 OSV : 3.3.0 Free programming slots : 1 Serial Number : 6A7M00046 Hardware No : 07682002
Hardware star No : 07711978 VIN : Z [REDACTED] Fault Codes : 0 No Faults found :

- :

Controller Name : [REDACTED]

Part No. : 07725817

Hardware Index : 07

Coding Index : 07

Manufacturer : Siemens VDO Automotive

Manufacture Date (YY/MM/DD) : 2008-07-18 MCV : 0.6.0 FSV : 3.4.0 OSV : 3.3.10 VIN : Z [REDACTED]

Assembly No. : 07725818 Variant : K25 with ABS/ASC switch on one button Factory I-Level :
K024-10-08-500 Actual I-Level : K024-10-08-500 Fault Codes : 0 No Faults found :

Sent from my iPod

[REDACTED]
Kailua-Kona, Hawaii
[REDACTED]

December 7, 2016

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NEF-100
1200 New Jersey Avenue SE
Washington, DC 2077-9382

RE: NHTSA Campaign No. 13V617000; and, Reference No. 10911266.

To Whom it May Concern:

The purpose of this letter is to augment the Vehicle Owners Questionnaire (the "Questionnaire") that was sent to me by NHTSA in November of 2016.

As a starting point, it appears there was a printing problem with the Questionnaire that was sent to me by NHTSA. The ink is not adhering to the paper that the Questionnaire was printed on and is just smearing off. For this reason, I made a photocopy of the form and enclosed the photo-copy as the basis of this letter.

As a supplement to the enclosed Questionnaire, please note the following narrative:

My wife and I jointly own two 2011 BMW R1200GS motorcycles. In approximately the mid-Spring of 2014 we received written notification of a mandatory safety recall for a problem involving potential fuel leaks from the vehicle's fuel pump. At that time, my wife and I were getting ready to relocate to the Island of Hawaii (aka the Big Island), in the State of Hawaii, as of August 1, 2014. Because we were aware of the fact that there are no BMW Motorcycle dealers or authorized BMW motorcycle repair shops on the Big Island (the closest authorized dealer/repair shop is on Oahu - 2 islands away), we immediately contacted our Utah BMW Motorcycle dealer (BMW Motorcycles of Utah) to arrange to have the "recall work" completed before we moved to Hawaii. At the time that BMW Motorcycles of Utah completed the recall work, we were told that the fuel pump was inspected and found to have no cracks and that a "reinforcing collar" was installed that would "take care of future problems".

Because I had faith in BMW's reputation and the fact that NHTSA had presumably approved this "fix" for the leaky fuel pump plague that was afflicting so many BMW motorcycles, I figured the problem was resolved and pretty much forgot about the issue until October 1, 2016.

On October 1, 2016, we took the bike in question (see VIN number in attached Questionnaire) off of its center stand and started the engine with the intention of driving it out of the garage. As soon as we started the engine, the fuel pump started to violently spray gasoline from the

quick connect on the top of the fuel pump. This was not a "small" leak as had been described by BMW in the original NHTSA recall paperwork. Rather, it was a large "gusher". In fact, the spray was so large and powerful that it sprayed all the way from the gas tank compartment up past the handlebars and onto the windshield of the motorcycle, which is pretty clearly evidenced by the fact that the gasoline "etched" the windshield material, leaving a rather nasty cloudy patch on the windshield. Not insignificantly, this area between the top of the fuel pump and the windshield is exactly the area in which a riders' arms, upper torso and head would be situated while driving the bike. In addition to spraying gasoline up and onto the windshield, it pretty much sprayed gasoline in every direction from the top of the fuel pump, drenching the top of the gas tank, the engine block, the front part of the exhaust pipes where they exit from the engine block, the front fork/shocks, the front tire and all over the wiring and inside of the fairings in the gas tank/wiring compartment. Obviously, there are at least 20 ways that this type of a leak could have proved catastrophic/deadly if the leak had manifested while the motorcycle was moving.

We immediately shut the bike off and cleaned it up as best as we could, considering we couldn't even reach all of the areas where the gasoline had sprayed. At that time, I remembered that there had been a prior recall for a leaky fuel pump issue so I started researching the issue on line. Between reading the recall documentation on NHTSA's site and a recall "thread" on the on-line rider's blog maintained by BMW, it became pretty clear to me that BMW would claim that it "satisfied" it's recall obligation, relative to the leaky fuel pump, by putting the metal collar around the quick disconnect on the fuel pump. However, just to be sure, I called BMW Customer Relations using the phone number provided in the NHTSA recall documents that I found on-line.

I explained the problem that I was having with my BMW fuel pump and the BMW Customer Relations representative told me that they had no further recall obligation relative to my leaky fuel pump. Since BMW represented to NHTSA that the reinforcing collar would resolve the potential safety issues, their recall obligations were apparently limited to inspection of the pump and either (i) if a leak was found, replacement of the pump, or (ii) if no leak was found, installation of the supposed reinforcing collar. Thus, since our bike had been inspected and found to have no leaks at the time of the inspection, installation of the reinforcing collar apparently fully satisfied BMW's obligation under the recall.

Not surprisingly, I voiced my concern to the customer relations representative that this supposed "fix" is ridiculous because the reinforcing collar is nothing more than a very loosely fitting "washer" that slides, by hand, over the end of the quick connect. In fact, the alleged reinforcing collar fits so loosely over the quick connect that it wiggles back and forth, has a visible gap between the inside edge of the collar and the plastic quick connect nipple, and effectively exerts no protection for the part, either in the form of circumferential pressure (to prevent radial cracking), or shielding properties (to protect the part from weather or other corrosive elements that could contribute to wear and tear on the part). I also complained that since this was such long standing problem, covering bikes from 2005 through 2011, those of us who had later model bikes (in our case, 2011 bikes) would be prejudiced because the older

bikes, in which the defect would be more likely to have matured into a full blown leak, would receive a new fuel pump whereas those of us with newer bikes would simply receive the crappy, useless metal collar, which amounts to nothing more, from an engineering perspective, than a piece of chewing gum and a prayer. At that point, the customer relations representative said that there was nothing they would be willing to do relative to the recall. She did, however, suggest that BMW allows their dealers to petition BMW for financial assistance for "unusual" repairs but that I would have to take the bike to a certified BMW dealer/mechanic. I said that would be a great idea except that I live 2 islands away from the closest certified BMW dealer/mechanic and asked if BMW's Roadside Assistance Program would pay the cost to crate my bike and have it shipped by ocean barge to Oahu. She was not amused by this question and stated that shipping would be entirely my cost. I then pointed out that under the terms of the prior fuel pump recall, BMW's Roadside Assistance Program was responsible for the cost of shipping damaged bikes to the closest dealer for repair. At that time, she pointed out that BMW was not willing to do anything further relative to their recall obligation and that any assistance with the repair cost would be a customer accommodation unrelated to their recall obligation and that they were not, therefore, willing to pay any portion of the cost to ship my bike.

As you might imagine, this put me in an impossible position relative to the needed repair work. Since the cost to crate the bike, deliver it to the shipping port, ship the bike to Oahu by barge, and then have the bike delivered to the BMW dealer would be somewhere in the range of \$500 to \$600 (which doesn't even include the return costs), shipping the bike to Oahu for the repair work was simply not tenable. At that point, my only option for having the bike professionally repaired was to contact Chris Jasper at Kona Motorcycle Shop, the only ASE Certified mechanic on the island who regularly works on BMW motorcycles and schedule an appointment to have the bike diagnosed and repaired.

Chris looked at the bike and after completing relevant diagnostics and physically inspecting the fuel pump, confirmed that, in fact, the source of the fuel leak was a large radial crack in the fuel pump quick connect underneath the supposed reinforcing collar. At my request, Chris saved the cracked, leaky fuel pump which I still have in my possession. To assist with your investigation, I have included several photos that illustrate (1) the location and size of the crack, (2) that the reinforcing collar simply slides on and off of the quick connect and doesn't clamp on or exert any force, (3) a gap between the outside edge of the quick connect nipple and the inside edge of the collar, demonstrating the lack of any "reinforcing" or "shielding" functionality of the collar, and (4) that a crack of exactly the type prompting the original recall formed in exactly the area of the supposed reinforcing collar.

Please note that my complaint is not an isolated complaint. If the NHTSA investigator simply searches the publicly viewable on-line BMW motorcycle rider forums for threads involving this issue, it will be readily apparent that many riders who were provided the same "reinforcing collar" fix are now experiencing the exact same failure that the original recall was intended to avoid.

I honestly believe that BMW is fully aware of the fact that their supposed "fix", consisting of nothing more than a slip-on metal "washer", was an inexpensive cosmetic fix intended to mislead the public and NHTSA into believing the safety issue had been resolved. I believe engineering experts will find that there is absolutely no science to support BMW's claim that this alleged reinforcing collar "fixed" or ameliorated the leaky fuel filter problem. In this regard, I am, quite frankly, disappointed that NHTSA allowed BMW to satisfy its recall obligations with such a haphazard and obviously inadequate response. While my injury was purely economic in nature, I can only hope others have not suffered catastrophic physical injury or death as a result of this problem.

In petitioning to have this recall reopened, I am seeking reimbursement from BMW for the \$853.61 expense that was incurred in diagnosing and replacing the leaky fuel filter and I am seeking the cost to replace the windshield that was irreparably damaged as a result of the leaky fuel filter. Additionally, I am committed to seeing that BMW takes responsibility for its misrepresentations to NHTSA and BMW bike owners, and for BMW's inadequate handling of this potentially catastrophic defect. As a pissed off motorcyclist who also happens to be an attorney, I am seriously entertaining a class action law suit if it becomes necessary in order to motivate BMW to take responsibility for this manufacturing defect.

To assist in your investigation, I have included a copy of the repair invoice and other diagnostic paperwork that my mechanic gave me and the photos described above.

If you have any questions or require further information, please call me at [REDACTED]

Regards,
[REDACTED]
[REDACTED]