

NHTSA ccmMercury Routing Slip

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INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)
Printed: 1/4/2017

NHTSA #: ES17-000019**XREF #:****Delivery: EML****Rec'd Date: 1/4/2017****Doc Type: CNG****Address To:****Referred By: NAD-200****Doc Date: 1/4/2017****Due Date: 2/10/2017****S10 #:****DOT/I #: S-2017 5****RMP #:**

Subject: LETTER FROM SENATOR PORTMAN ON BEHALF OF CONSTITUENT [REDACTED] RE
2005 HYUNDAI SONATA SAFETY RECALL

Ack Date:**Sign Office: DIRECTOR,
GOVERNMENTAL AFFAIRS****Cleared Date:****File Loc:****Added By: CBUTLER x60180****Ack By:****Signature: ALISON PASCALE****Signed For:****Cleared By:****XREF File:****Modified By: Chris.Butler****Cleared For:****Closed Date:****Most Recent Comment:****Author:**

THE HONORABLE ROB PORTMAN
U.S. HOUSE OF REPRESENTATIVES
37 W BROAD ST, SUITE 300
COLUMBUS, OH 43215
Tel: Fax: E-mail:

JAN 10 2017

Assigned To	Task	Asgn Date	Deadline	Returned Date
NEF-010	REPLY	1/4/2017	2/10/2017	
NGA-010	SIGN	1/4/2017		

RR
1/10/17
LD

ROB PORTMAN
OHIO

COMMITTEES:
BUDGET
ENERGY AND
NATURAL RESOURCES
FINANCE
HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

United States Senate

WASHINGTON, DC 20510

January 3, 2017

Mr. Dana Gresham
Assistant Secretary for Governmental Affairs
U.S. Department Of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590-0001

Dear Dana,

I am enclosing the correspondence that I received from a constituent, [REDACTED] who is requesting my assistance with a vehicle safety issue for a 2005 Hyundai Sonata.

I would appreciate your reviewing this information, and responding to my Casework Office located at 37 W. Broad Street, Suite 300, Columbus, OH 43215, at your earliest convenience.

If you need additional information, please do not hesitate to contact my office at (614) 469-6774.

Sincerely,



Rob Portman
U.S. Senator

448 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: (202) 224-3353

312 WALNUT STREET
SUITE 3075
CINCINNATI, OH 45202
PHONE: (513) 684-3265

1240 EAST 9TH STREET
SUITE 3061
CLEVELAND, OH 44199
PHONE: (216) 522-7095

37 WEST BROAD STREET
SUITE 300
COLUMBUS, OH 43215
PHONE: (614) 469-6774

420 MADISON AVENUE
SUITE 1210
TOLEDO, OH 43604
PHONE: (419) 258-3895

www.portman.senate.gov

ES16-000019



UNITED STATES SENATE ♦ OHIO

Senator Rob Portman

REC'D



CONSENT FOR RELEASE OF INFORMATION

To begin processing your case, please complete the following information (Please Print):

Name: _____
Address: _____
City: Liberty, Twp State: OH Zip: _____
Phone: Home: _____ Cell: _____ Work: _____
Email: _____ Fax: _____
Social Security Number: _____ Date of Birth (mm/dd/yyyy): _____
BWC Claim Number: _____

Complete following fields only if applicable to your case.

Veteran's Claim Number: _____
Branch of Service: _____ Rank/Unit: _____

Type of Claim Filed: _____

Initial Claim	Date Filed: _____	☐ Pending ☐ Approved ☐ Denied
Reconsideration	Date Filed: _____	☐ Pending ☐ Approved ☐ Denied
ALJ Hearing	Date Filed: _____	☐ Pending ☐ Approved ☐ Denied
Appeals Council	Date Filed: _____	☐ Pending ☐ Approved ☐ Denied

Applicant's Name: _____ Type of Application Filed: _____
Alien Registration Number: _____ Receipt Number: _____
Date of Birth: _____ Place of Birth: _____

Briefly explain your problem and/or desired information (Include additional pages if needed or copies of any documentation that you may have which would help expedite your inquiry. Please do not send original documents):

Please see enclosed letter of Dec 26, 2016.

I am aware that provisions of the Privacy Act of 1974 (Public Law 93-579) prohibits the release of information in my file without my approval. I hereby authorize the above mentioned agency (agencies) to provide information regarding my case or claim to the Office of United States Senator Rob Portman.

Signature: _____

Date: 12/26/2016

Please Return Completed Form and Documents To:

By Mail:
37 West Broad Street,
Suite 300
Columbus, OH 43215

By Fax:
Fax: 614-469-7419

Questions:
Telephone: 614-469-6774
Toll-Free in Ohio Only:
1-800-205-OHIO

[REDACTED]
Hamilton, OH [REDACTED]

Phone: [REDACTED]

December 27, 2016

Senator Rob Portman
37 West Broad Street, Suite 300
Columbus, OH 43215

Subject: Submittal of information regarding a serious vehicle safety issue

Dear Senator Portman:

I wish to bring to your attention a vehicle safety issue that should have been addressed by the National Highway Transportation Safety Administration (NHTSA) in 2009, but whether through government incompetence or deliberate action to ignore readily available evidence, this agency that is charged with ensuring that road vehicles are designed to ensure the safety of occupants, failed to address a serious vehicle safety issue.

I own a 2005 Hyundai Sonata which is driven by my youngest daughter who is a senior at Wright State University in Dayton. While home for her Christmas break I took her car in for a checkup by my mechanic. For several weeks prior she had noticed some unusual vibration and noise while operating the car. The safety and mechanical inspection revealed that a sub-frame under the front end of the car, also called the engine cradle, was badly corroded to the extent that significant metal in the sub-frame was gone; perhaps more than 50% gone at one location. I have attached pictures of the corrosion damage.

My mechanic investigated further online and discovered that there were no recalls of the 2005 Hyundai Sonata for this problem but that a recall had been issued in April 2009 for model years 1999 to 2004 for this exact same problem (NHTSA Campaign Number: 09V124000, summary also attached). My mechanic contacted the local Hyundai dealership to inquire as to whether they would fix this problem given it was the same problem for which the earlier models had been recalled. They said I could bring it in and they would inspect it and make a determination.

On Monday, December 19th, I brought the vehicle to Superior Hyundai in Fairfield, OH for the inspection. Following their inspection, they indicated that it would be repaired by Hyundai but cautioned me not to drive the car as they believed it was a substantial safety hazard. We set up a tentative date for the repair and I returned home. Later that day, I received a call from Ken at Superior Hyundai who informed me that they had submitted the claim to HyundaiUSA and

they had made a determination that the cost of repair would not be covered by HyundaiUSA because "the 2005 model year was not included in the recall campaign" alluded to above.

Safety problems and design flaws are not uncommon in the manufacture of cars and vehicles. For the most severe of these problems, a recall campaign is generally designed to identify all vehicles that contain a particular design flaw and to provide appropriate repair or replacement of defective parts.

In 2009 when the recall for this problem was issued, the decision was apparently made to limit the recall to model years 1999 to 2004, probably because these models had been on the road long enough to manifest the problem. At that point in time, the 2005 and newer models probably would not have yet shown significant observable corrosion of the sub-frames. However, Hyundai engineers would have known that the design flaw that led to the problems identified in the recall had not been fixed in the 2005 and newer models and, therefore, would eventually manifest that same excessive corrosion and result in the same safety hazards.

The Recall Summary (attached) indicates that the corrosion of the sub-frame will eventually result in the forward mounting of the lower control arm becoming detached from the sub-frame. This may then result in the loss of drive power to the wheels and the front wheel making contact with the fender or wheel well "increasing the risk of a crash". Regarding the massive corrosion on my vehicle, I think it would be safe to say that the entire sub-frame could experience a catastrophic failure capable of causing serious injury or death to the occupants.

Senator Portman, the federal government agency NHTSA is entrusted with ensuring that the cars on road are designed for safety. What should be done when that agency fails to require a manufacturer to recall ALL cars with a particular design flaw? What valid reason could there have been to include 1999 to 2004 model years but not the 2005 and newer model years that contained the exact same design flaw and would eventually manifest the exact same hazardous corrosion? Could it have been a favor from the Obama Administration in exchange for significant campaign contribution made by HyundaiUSA? Was someone at the NHTSA bribed? I don't know, but it seems very suspicious to me that something so fundamental as defining the breadth of model years with a particular design flaw could be missed so badly.

So where does all this leave me now? I will not compromise my daughter's safety, so on December 28th I am scheduled to have the repair made at my own expense; an expense that had the NHTSA done its job, would have been rightly repaired years ago by HyundaiUSA.

According to regulations, if a vehicle defect is repaired at the owner's expense which later becomes the subject of a recall, the owner can request

reimbursement for the repair cost from the manufacturer. Thus, I am requesting of you or your office the following:

1. That your office look into why the 2005 model year Hyundai Sonata was not included in NHTSA Recall Campaign Number: 09V124000 given the fact that it contains the same engine cradle design flaw as the earlier models.
2. Why the NHTSA, after receiving numerous additional complaints for the exact same problem described in the recall on 1999 to 2004 model years, has failed to take any action on behalf of these American consumers who own 2005 Hyundai Sonatas?
3. Finally, I ask that you take whatever action is within your Constitutional authority to compel the NHTSA to identify and include all model year Hyundai Sonatas that contain the sub-frame design flaw described in the recall beginning with the 2005 model year.

Thank you Senator Portman for your assistance with this problem. If you need any other specific information, please contact me. Also, please keep me informed of any progress you make. I am a Marine Corps veteran and will be years old next month. I'm semi-retired and living on a very limited income while trying to pay for college tuition costs that have skyrocketed in recent years. The nearly \$1200 this repair is going to cost is a lot of money to me and my family. I would very much like it to be reimbursed to me by HyundaiUSA. Your help can make it happen. Thank you again for your service to our country.

Sincerely,

Attachments:

1. Consent for Release of Information
2. Photographs - 8 (see enclosed cd)
3. NHTSA Campaign Number: 09V124000

Report Receipt Date: APR 16, 2009
NHTSA Campaign Number: 09V124000
Component(s): SUSPENSION

Vehicle Make/Model/Model Year(s)

- HYUNDAISONATA1999-2004
- HYUNDAIXG3002001-2004
- HYUNDAIXG3502001-2004

Manufacturer: Hyundai Motor Company

SUMMARY:

HYUNDAI IS RECALLING 188,282 MY 2001-2004 SONATA AND MY 2001-2004 XG300 AND XG350 VEHICLES ORIGINALLY SOLD IN OR CURRENTLY REGISTERED IN THE STATES OF CONNECTICUT, DELAWARE, ILLINOIS, INDIANA, IOWA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSOURI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, OHIO, PENNSYLVANIA, RHODE ISLAND, VERMONT, WEST VIRGINIA, WISCONSIN, AND THE DISTRICT OF COLUMBIA. ROAD SALT APPLIED IN THESE JURISDICTIONS DURING THE WINTER MONTHS MAY RESULT IN PROGRESSIVE, INTERNAL CORROSION OF THE FRONT SUB-FRAME ON THE VEHICLES, AND MAY RESULT IN THINNING OR PERFORATION OF THE SUB-FRAME STEEL. THE CORROSION IS FREQUENTLY VISIBLE AND OFTEN DISCOVERED DURING INSPECTION OR ROUTINE MAINTENANCE, AND OWNERS MAY ALSO HEAR NOISES OR NOTICE TIRE MISALIGNMENT AND STEERING PULL. IF THESE SIGNALS ARE UNDETECTED OR UNHEEDED, THE CORROSION MAY PROGRESS AND THE FORWARD MOUNTING OF THE LOWER CONTROL ARM MAY DETACH FROM THE SUB-FRAME.

CONSEQUENCE:

IF THAT HAPPENS, THE VEHICLE MAY LOSE DRIVE POWER TO THE WHEELS, AND THE FRONT WHEEL MAY MAKE CONTACT WITH THE FENDER OR WHEEL WELL, THEREBY INCREASING THE RISK OF A CRASH.

REMEDY:

DEALERS WILL MEASURE THE THICKNESS OF THE FRONT SUB-FRAME AND INSPECT THE FRONT SUB-FRAME FOR CORROSION DAMAGE AND, IF NECESSARY, THE FRONT SUB-FRAME WILL BE REPLACED WITH A NEW SUB-FRAME THAT INCORPORATES ADDITIONAL HOLES IN THE UPPER AND LOWER PANELS. IF THE FRONT SUB-FRAME DOES NOT REQUIRE REPLACEMENT, THE DEALER WILL ADD DRAINAGE HOLES TO THE SUB-FRAME AND WILL TREAT THE SUB-FRAME WITH RUST-PROOFING MATERIAL TO STOP THE CORROSION PROCESS. THIS PROCEDURE WILL BE PERFORMED FREE OF CHARGE. THE RECALL IS EXPECTED TO BEGIN DURING APRIL 2009. OWNERS MAY CONTACT THE HYUNDAI CUSTOMER ASSISTANCE CENTER AT 1-800-633-5151.

NOTES:

HYUNDAI RECALL NO. 089. OWNERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).



2014 Senate Input Form for Governmental Affairs Correspondence
Control Sheet (I-10), W85-328



Control Number S - 2017 5

General

Date DOT Received 1/4/2017
Date DOT Entered 1/4/2017
Member's Date 1/4/2017
Member Last Name Portman
Member First Name Rob
Member Organization United States Senator
Address1 37 W Broad St
Address2 Suite 300
City Columbus
State OH
Zip 43215

Constituents

File Name [REDACTED]
Date 1/4/2017
Subject 2005 Hyundai Sonata
Action Office NHTSA
Action Code
Due Date 2 /10/2017

Contacts

MemberContact Suzanne Cox
Phone (614) 469-6774
Pending ☐
Closed Date
Remarks Suzanne_Cox@portman.senate.gov
DOT Contact Maria Harrison at (202) 366-4573

Notes: