



U.S. Department of Transportation
National Highway Traffic Safety Administration

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

FOR AGENCY USE ONLY 100148

Date Received: 01-AUG-2018
DEC 18 2018
Repository:
Reference No.: 11115087

OWNER INFORMATION (Type or Print)

Name: [REDACTED]
Address: [REDACTED]
City: BIRMINGHAM State: AL Zip Code: [REDACTED]

Daytime Telephone Number: [REDACTED] E-mail Address: [REDACTED]
Evening Telephone Number: Same

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: KMHDU46D39U [REDACTED]
Make: HYUNDAI Model: ELANTRA Model Year: 2009
Date Purchased: 8/24/09 Dealer's Name and Telephone Number: Jim Burke Automotive, Inc 205-386-9591 Engine: No: Cylinders Fuel Type:
Original Owner: Dealer's City: Birmingham State: AL Zip Code: 35203
Transmission Type: manual Antilock Brakes: Powertrain: Multiple Failure: Incident Date(s): 29-JUL-2018
 Cruise Control

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: 030000 BRAKES (PWS) Failure Mileage: 43570 Failure Speed: 70
43587

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: None Number of Deaths: None Reported to Police: Y

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 OWNED A 2009 HYUNDAI ELANTRA. WHILE DRIVING 70 MPH WITH THE CRUISE CONTROL ACTIVATED, THE BRAKES MALFUNCTIONED. THE CONTACT SWERVED INTO THE SHOULDER LANE, TURNED OFF THE CRUISE CONTROL, AND ENGAGED THE EMERGENCY HANDBRAKE. THE CONTACT STATED THAT THE VEHICLE SKIDDED AND CRASHED INTO A LIGHT POLE, AND STOPPED IN AN EMBANKMENT IN A HEAVY BRUSH WOODED AREA. THERE WERE NO INJURIES AND A POLICE REPORT WAS FILED. THE VEHICLE WAS TOWED TO A TOW YARD AND DEEMED A TOTAL LOSS BY THE INSURANCE COMPANY. THE VEHICLE WAS NOT TAKEN TO A DEALER FOR DETERMINATION OF THE FAILURE. THE MANUFACTURER WAS NOT CONTACTED. THE FAILURE MILEAGE WAS 43,570.

Hyundai Motor America Case # [REDACTED]

Further details enclosed

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF 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.

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

See accompanying documents:

Narrative Description of the Incident

Hyundai request for information dated August 8, 2018

Alabama Uniform Traffic Crash Report

State Farm settlement letter

Hyundai correspondence

Photo of the crash

ATTACH ADDITIONAL SHEETS IF NECESSARY

Birmingham, AL

National Highway Traffic Safety Administration

1200 New Jersey Avenue SE, Washington, D.C. 20077-9382

Official Business Penalty for Private Use \$300

BUSINESS REPLY MAIL FIRST CLASS MAIL PERMIT NO. 1888 WASHINGTON, DC POSTAGE WILL BE PAID BY ADDRESSEE

US Department of Transportation National Highway Traffic Safety Administration Office of Defects Investigation, NEF-100 1200 New Jersey Avenue SE, Washington, D.C. 20077-9382

352223



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

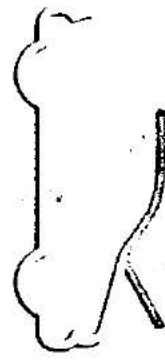


or visit: www.safercar.gov or call: Vehicle Safety Hotline 888-327-4236



Vehicle Owner's Questionnaire (VOQ) U.S. Department of Transportation National Highway Traffic Safety Administration

Think your vehicle has a safety defect? Use the enclosed form to file a report. If so:



HYUNDAI CORRESPONDENCE

Communication has been by telephone and e-mail.
Relevant communications are presented below in chronological order.

A summary of possibly relevant information is as follows:

8/1/18: Called Hyundai to report the incident, and was assigned case number [REDACTED]

8/8/18: Received a request for information from Hyundai which I provided by e-mail on 8/15/18. This included permission to remove recording devices from the car, and provided the location and contact information for where it was stored. I do not know if Hyundai actually retrieved them.

Details of communications follow below:

8/1/18: Registered the incident with Hyundai by telephone. Called Customer Service at 800-633-5151 and spoke to Eric. Was assigned case number [REDACTED] Was informed that the report goes to local persons, who will get back to me.

8/8/18: Was contacted by e-mail by Anthony Heart, who has been assigned this case. He e-mailed me a "Hyundai PIR Packet (5).pdf" requesting information about the incident. A copy of that Packet is attached.

"From: Heart, Anthony [HMA] [mailto:AHeart@hmausa.com]

Sent: Wednesday, August 08, 2018 10:01 AM

To: [REDACTED]

Subject: Hyundai PIR Packet (5).pdf

Attachment: Hyundai PIR Packet (5).pdf"

Mr. Heart's contact information is as follows:

Anthony Heart
National Consumer Affairs Specialist "South Central Region"
T: 714-887-2554
Aheart@hmausa.com

8/15/18: e-mailed all information requested in the Hyundai PIR Packet (5) to HyundaiNationalCustomerCare@hmausa.com. Received confirmation of its receipt:

"From: NoReply@hmausa.com [mailto:NoReply@hmausa.com]

Sent: Wednesday, August 15, 2018 8:54 AM

To: [REDACTED]

Subject: Hyundai Motor America Case#: [REDACTED]

Thank you for contacting Hyundai Motor America. We are in receipt of your e-mail and one of our representatives will get back to you shortly.

Sincerely,
Hyundai Motor America"

Note that this packet included permission for Hyundai to retrieve recording information from sensors in the car, and provided the location and contact numbers for where it was being stored.

8/23/18: Since I had not heard back from Hyundai as indicated in their return e-mail of 8/15/18 above, I e-mailed Mr. Heart the message below, repeating information for where the car was located so relevant recording information could be retrieved:

"Dear Mr. Heart,

A week ago Wednesday (August 15th) I sent the requested information concerning the crash of my 2008 Hyundai Elantra (Report [REDACTED] Hyundai Motor America Case#: [REDACTED]). Receipt of this information was acknowledged in the message below, which notes that a representative will get back to me shortly. May I expect information about the

progress of this investigation soon? Of particular concern is that Hyundai recover sensors from the car that could provide information about the cause of the incident. As noted in the information sent last Wednesday, the car is located at Copart-Birmingham, 3101 Davey Allison Boulevard, Building 1, Hueytown, AL 35023, Phone: (205) 424-0257, and is Stock # [REDACTED]. It may be pertinent that yesterday I received the insurance payment for total loss of the car, and its title was transferred to State Farm. I would also like to know if Hyundai will take responsibility for this incident, and will pay me the \$500 deductible from my insurance as requested in my initial telephone call reporting the crash, and in the information package sent last Wednesday.

Thank you for your attention,"

Mr. Heart acknowledged receipt of this e-mail, but indicated he had not received the information sent the previous week:

"From: Heart, Anthony [HMA] [mailto:AHeart@hmausa.com]
Sent: Thursday, August 23, 2018 2:54 PM
To: [REDACTED]
Subject: RE: Hyundai Motor America Case#: [REDACTED]"

Hello [REDACTED]

I sent a packet that has to be filled out and returned with the pictures and documents so we can proceed with the investigation.

Thank you.

Anthony Heart"

I responded as follows:

"Dear Mr. Heart,

On 8/13/18 I received the packet "Hyundai PIR Packet (5)," and returned it with all requested information on 8/15/18. As directed in the packet, it was sent to your attention at 'HyundaiNationalCustomerCare@hmausa.com'. Receipt of that information by Hyundai was acknowledged in the e-mail from Hyundai of 8/15/18 copied at the end of this message. In the cover letter with the return packet I wrote "Please also let me know if there is any additional information that I can provide that would be helpful." Did I miss a request for further information? If my response of 8/15/18 with details of the incident cannot be located, I can send it again. Perhaps it should be sent directly to your e-mail address.

Thank you for your attention,"

8/28/18: Not having received a response to the above e-mail, I called Mr. Heart's office and left a message for a return call.

8/29/18: Not having received a return telephone call or e-mail, I sent the following e-mail to Mr. Heart, and followed up by forwarding to him the documents previously sent to Hyundai on 8/15/18

"Dear Mr. Heart, Re: Hyundai Motor America Case#: [REDACTED]"

I returned the "Hyundai PIR Packet (5)" with all requested information as instructed to your attention at "HyundaiNationalCustomerCare@hmausa.com" on 8/15/18. Receipt of that material was acknowledged the same day by Hyundai, but in our exchange of e-mails on 8/23/18 it appeared you may not yet have received this information. Since I've not heard anything further about this matter, I'm going to go ahead and send you that packet of information by forwarding directly to you the previous 8/15/18 e-mail sent to "HyundaiNationalCustomerCare@hmausa.com." The reason for doing so is my concern that the window of opportunity for Hyundai to recover any sensor recordings from the car, and thus obtain information about the cause of the incident, may be closing soon.

As before, please let me know if any additional information will be helpful."

~9/5/18: While I was away from home, my wife received a telephone call from Mr. Heart acknowledging receipt of the documents.

August 3, 2018

[REDACTED]
Birmingham AL [REDACTED]

State Farm Claims
PO Box 52250
Phoenix AZ 85072-2250

RE: Claim Number: [REDACTED]
Date of Loss: July 29, 2018
Our Insured: [REDACTED]
Vehicle: 2009 Hyundai ELANTRA
VIN: KMH DU46D39U [REDACTED]
Mileage: 43587

Dear [REDACTED]

Your policy provides for payment of the actual cash value of your vehicle, less any applicable deductible. Actual cash value is determined by the market value, age, mileage and the condition of your vehicle at the time the loss occurred.

To assist us in determining actual cash value, we consider information obtained by our representatives, information provided by you, vehicle valuation services, and other sources. If you have additional information you wish us to consider, or if you believe we have not correctly determined the actual cash value of your vehicle, please contact us.

The amount payable to you was determined as follows:

Actual Cash Value	\$7,641.00
Plus: Taxes	\$362.95
Title Transfer:	\$92.25
Subtotal	\$8,096.20
Less: Deductible	\$500
Payment to Lienholder (if applicable)	\$0.00
Total Net Payable to You	\$7,596.20

Enclosed is a checklist of documents and/or items you will need to return to us. Instructions and samples are included for your reference.

You can enjoy the benefits of online registration. Benefits include 24/7 access to your claim progress and staying connected to State Farm®. Just go to statefarm.com® and select Manage Your Claim to get registered. All you need to complete the process is some initial information,

Page 2
August 3, 2018

which may include your claim number, email address, and/or your State Farm policy or account number. It only takes a few minutes. If you are already registered, thank you!

Thank you for choosing State Farm for your insurance needs.

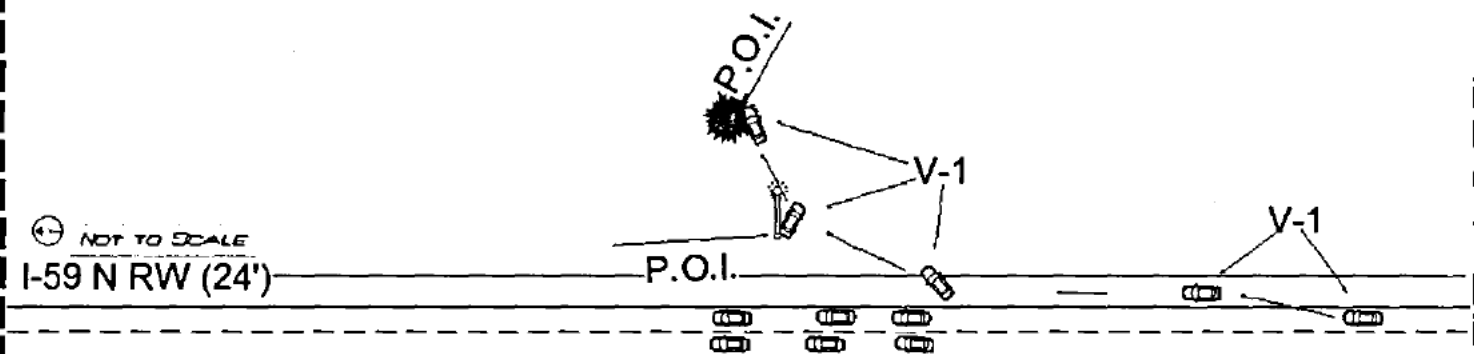
Sincerely,

Ursula White
Claim Associate
(855) 231-1590 Ext. 701

State Farm Mutual Automobile Insurance Company

Enclosure(s): Settlement Documents
Return Envelope

DIAGRAM



NARRATIVE

V-1 WAS TRAVELING NORTH ON I-59. V-1 CAME UP ON STOPPED TRAFFIC FROM ANOTHER WRECK. THE DRIVER OF V-1 STATED HE TRIED TO HIT THE BRAKES BUT MAY HAVE HIT THE CLUTCH INSTEAD. WHEN HIS CAR WOULD NOT STOP THE DRIVER PULLED HIS PARKING BRAKE. THIS CAUSED HIS REAR WHEELS TO LOCK UP AND HIS CAR TO SLIDE OFF THE ROADWAY. AFTER SLIDING OFF THE ROADWAY V-1 STRUCK A LIGHT POLE AND A TREE.

ROADWAY ENVIRONMENT

Unit No.	1	Involved Road/Bridge	1	Road Surface Type	1	Roadway Condition	1	Workzone Related?	1	Workzone Type	97	Workers Present?	NotApplicable	Workzone Law Enforcement Present?	97	Contributing Circumstances Environment	1	Contrib Mat In Roadway	1				
Contrib Material Source	97	Rdwy Curve & Grade	1	Vision Obscured By	1	Traffic Control	1	Traffic Control Functioning	97	Opposing Lane Separation	8	Trafficway Lanes	4	Turn Lanes	1	One-Way Street	No	Total # Occupants In Unit	1	Total # Injured in Unit	0	Total # Killed in Unit	0
Total Number of Units		Light			Weather			Locale		Police Present?		DOT Railroad Crossing No.											
1		1			1			1		No		N/A											

INVESTIGATION

Name of Photographer				N/A			
Time Police Notified		Time Police Arrived		Time EMS Arrived		EMS Response Run #	
05:10 PM		05:39 PM		N/A		N/A	
Name of Investigating Officer				Officer ID		Agency ORI	
Christopher B Nunn				1306		ALDPS01G0	
Name of Investigating Officer				Officer ID		Agency ORI	
The data on this report reflects the best knowledge, opinion, and belief regarding the crash, but no warrant is made as to the factual accuracy thereof.							

Property Damage Description

Description: 1 LIGHT POLE		Address: 1020 BANKHEAD HWY W BIRMINGHAM, AL 35204	
Owner: ALDOT		Telephone: (205) 328-5820	
Non-Vehicular Property Damage Severity			
3			

LEGEND

Location	Category	Code	Description	Location	Category	Code	Description
Report Header	Unit Type	1	Passenger car	Driver	Travel Direction	1	North
Report Header	Unit Type	97	Not applicable	Vehicle	Attachment	1	None
Location And Time	Contributing Circumstance	57	Other distraction inside the vehicle (explain in narrative)	Vehicle	Body	2	Four door
Location And Time	Contributing Unit	10	Unit1	Vehicle	Citation Offense	99	None
Location And Time	Controlled Access Highway Location	1	Main road	Vehicle	Damage Severity	4	Major, disabled
Location And Time	Coordinate Status	Known	Known	Vehicle	Defect	1	None
Location And Time	Coordinate Type	2	From GPS	Vehicle	Emergency Status	97	Not applicable
Location And Time	Crash Manner	2	Single vehicle crash (all types)	Vehicle	Estimated Speed Code		Not set
Location And Time	Crash Severity	0	Property damage only	Vehicle	Hazardous Cargo	97	Not applicable
Location And Time	Distance Node Unit	20	Miles	Vehicle	Hazardous Cargo Release Type	97	Not applicable
Location And Time	Distracted Driving	57	Other distraction inside the vehicle (explain in narrative)	Vehicle	K12 Child Going To Or From School	0	Not Set
Location And Time	Harmful Event	46	Collision with light pole (breakaway)	Vehicle	Make	HYUN	Hyundai
Location And Time	Highway Classification	1	Interstate	Vehicle	Non-Motorist Action	0	Not Set
Location And Time	Highway Side	1	Northbound	Vehicle	Non-Motorist Location	0	Not Set
Location And Time	Roadway Feature	1	No special feature	Vehicle	Oversized Load	N/A	NotApplicable
Location And Time	School Bus Related	1	No school bus involved	Vehicle	Oversized Load Permit	N/A	NotApplicable
Location And Time	Time Display Format	10	Standard	Vehicle	Owner Address Code	Same	Same
Driver	Alcohol Test Type	6	No Test Given	Vehicle	Owner Name Code	Same	Same as driver
Driver	Commercial Driver License Status	97	Not applicable / unlicensed	Vehicle	Placard Requirement	97	Not applicable
Driver	Contributing Circumstance	97	Not applicable	Vehicle	Placard Status	3	Not applicable (placard not required)
Driver	Driver Address Code	0	Not Set	Vehicle	Tag Number		Not set
Driver	Driver Condition	1	Apparently normal	Vehicle	Tag State	0	Not set
Driver	Driver License Class Code	0	Not set	Vehicle	Tag Year	0	Not set
Driver	Driver License Endorsement	97	Not applicable	Vehicle	Tow Status	1	Towed due to disabling damage
Driver	Driver License Number	0	Not set	Vehicle	Towed Code	0	Not Set
Driver	Driver License Restriction	97	Not applicable	Vehicle	Unit Type	1	Passenger car
Driver	Driver License State Code	0	Not set	Vehicle	Usage	1	Personal vehicle
Driver	Driver License Status	C	Current / valid	Vehicle	VIN	0	Not set
Driver	Driver Name Code	0	Not Set	Vehicle	Year		Not set
Driver	Drug Test Result	97	Not applicable	Uninjured Occupants	Age Code	9	65 or older
Driver	Drug Test Type	4	No test given	Uninjured Occupants	Airbag	2	Not deployed, no switch
Driver	Gender	1	Male	Uninjured Occupants	Birth Date Code	0	Not Set
Driver	Harmful Event	46	Collision with light pole (breakaway)	Uninjured Occupants	Ejection Status	1	Not ejected or trapped
Driver	Liability Ins. Policy Code	0	Not Set	Uninjured Occupants	Gender	1	Male
Driver	Liability Insurance NAIC Number Code		Not Set	Uninjured Occupants	Occupant Type	1	Driver
Driver	Maneuver	1	Movement essentially straight	Uninjured Occupants	Safety Equipment	2	Shoulder and lap belt used
Driver	Phone Number Code	0	Not Set	Roadway Environment	Environmental Contributing Circumstance	1	None apparent
Driver	Place of Employment	Retired	Retired	Roadway Environment	Light Condition	1	Daylight
Driver	Race	1	White / Caucasian	Roadway Environment	Locale	1	Open country
Driver	Residence Within 25 Miles	Yes	Yes	Roadway Environment	Opposing Lane Separation	8	Cable barrier

LEGEND

Location	Category	Code	Description	Location	Category	Code	Description
Roadway Environment	Road Bridge Condition	1	None apparent				
Roadway Environment	Road Surface Type	1	Asphalt				
Roadway Environment	Roadway Condition	1	Dry				
Roadway Environment	Roadway Curvature And Grade	1	Straight, level				
Roadway Environment	Roadway Material	1	None				
Roadway Environment	Roadway Material Source	97	Not applicable				
Roadway Environment	Traffic Control	1	No controls present				
Roadway Environment	Traffic Control Status	97	Not applicable				
Roadway Environment	Trafficway Lane Count	4	Four lanes				
Roadway Environment	Turn Lane Presence	1	None				
Roadway Environment	Vision Obscuration	1	Not obscured				
Roadway Environment	Weather Condition	1	Clear				
Roadway Environment	Workzone Law Enforcement Presence	97	Not applicable				
Roadway Environment	Workzone Relationship	1	Not in / related to workzone				
Roadway Environment	Workzone Type	97	Not applicable				
Investigation	Non-Vehicular Property Damage Severity	3	Moderate (between \$500 and \$10,000)				

August 8, 2018

[REDACTED]
Birmingham, AL [REDACTED]

Re: 2009 Hyundai Elantra - Hyundai Case Number [REDACTED]

Dear [REDACTED]

We thank you again for contacting Hyundai Motor America. We are sorry to hear of the circumstances which prompted you to reach out to us.

As discussed, I have attached the Document Request Packet and the Authorization Request form. It's important to return all the documents requested as soon as possible to my attention, preferably by email HyundaiNationalCustomerCare@hmausa.com or fax (714) 965-5031.

You can always reach me directly by calling (714) 887-2554. My hours of operation are 7:00 a.m. to 4:00 p.m., Pacific Time, Monday through Friday. When calling, please reference your case number.

Sincerely,

Anthony Heart
Specialist, National Consumer Affairs
Hyundai Motor America



August 8, 2018

[REDACTED]
Birmingham, AL [REDACTED]

Case Number: [REDACTED]

Dear [REDACTED]

This notice is sent to you in response to your recent inquiry. To assist us in our investigation, please send the following information or documents listed below:

- A. Color photographs of the damage to your Hyundai, including the front end, side and rear, engine compartment, front and rear interior, Vehicle Identification Number (VIN) plate, located on the top left side of the dashboard.
- B. Documentation reflecting payments made to you by your insurance company.
- C. An itemized list of what you are seeking. Attach any supporting documents you may have in your possession.
- D. A description of the Hyundai vehicle, including VIN, mileage and a copy of the current registration. (If you have not done so already, please ensure to preserve the vehicle in its current condition for possible inspection.)
- E. All reports indicating the cause of the incident.
- F. The date, location and details of the incident, including the usage of the vehicle prior to the incident.
- G. Purchase Agreement/Bill of Sale/
- H. Repair/maintenance invoices in your possession.
- I. Signed Owner Authorization Request.
- J. The Hyundai file number assigned to your case.
- K. Current daytime telephone number.

Providing this information will expedite our investigation and ensure a prompt response to your inquiry. Providing authorization alone will not be sufficient. We need all relevant information and documentation in your possession as request above. We will contact you once the documents have been received and reviewed. Please be advised that any documents and/or photographs you provide will be disposed of within thirty (30) days of our receipt of them. Thus, we recommend you provide copies rather than originals.

If we do not receive all the information/documentation requested within 30 days from the date of this letter, we will presume that you no longer wish to have Hyundai review your matter.

Sincerely,

Hyundai, National Consumer Affairs

Please direct all correspondence to:

Mailing Address:
Hyundai Motor America
10550 Talbert Ave.
P.O. BOX 20850
Fountain Valley, CA 92728-0850
Attn: Anthony Heart

[REDACTED]
Birmingham, AL [REDACTED]

21 November 2018

US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NVS-210
1200 New Jersey Avenue SE.
West Building
Washington DC 20950

Re: #ODI 11115087

Dear Sir or Madam,

On 01 August 2018 I reported by telephone a possible safety defect in my 2009 Hyundai Elantra. The case was assigned, #ODI 11115087, and I was told to expect in about four weeks by mail a description of the incident for me to edit and return to you. The form was received as expected and mailed back to you on September 10th. Yesterday (November 20th) it was returned to my home marked "RETURN TO SENDER/REFUSED/UNABLE TO FORWARD," despite it uhaving your address printed on your form. The form is herewith being resent to you, using the address obtained from an agent at your Vehicle Safety Hotline. This address differs from that printed on the form by having "NSV-210" instead of "NEF-100," the inclusion of "West Building," and a zip code of 20950 instead of 20077-9382.

If these differences indeed are responsible for the prior mailing being refused and returned, perhaps the form could be corrected before being sent out to others.

Thank you for your attention,

[REDACTED]
tel: [REDACTED]
e-mail: [REDACTED]

AUTHORIZATION REQUEST

HYUNDAI MOTOR AMERICA HAS BEEN ASKED TO INSPECT THE FOLLOWING:

Customer: _____
VIN#: KMHDU46D39U _____
Model: Elantra _____
Year: 2009 _____
HMA File #: _____
Vehicle Location: Unknown _____

Please authorize a representative from Hyundai Motor America to perform the necessary interior/exterior inspection of the vehicle and retrieval of any electronically-stored data (if applicable). Thank you in advance for your cooperation.

Present Owner/Lessor/Lessee/Representative Attorney:

I _____ authorize and consent the inspection of the
[Printed Name]

following vehicle, (VIN) _____ including the retrieval of any
[Vehicle Identification Number]

electronically-stored data in the vehicle (if applicable). I understand this data may include imaging data from the Vehicle's Event Data Record (EDR) and/or information about the movement and operation of the above vehicle, including parameters such as vehicle speed, braking, and steering, and the use of the front seat belts, as well as diagnostic information and information about the deployment of the airbags and seat belt pretensioners. I acknowledge and agree voluntarily to waive any privacy rights to the information or data imaged from the subject vehicle's EDR or other computer memory.

Name (please print): _____

Status (i.e., Owner, Lessor, Lessee, Representative Attorney, etc.): _____

Signature: _____ Date: _____

Additional owners/lessees, please sign below (required in Arkansas and Oregon):

Signature of additional owner/lessees: _____

Print Name and Date: _____

NARRATIVE DESCRIPTION OF THE INCIDENT

The cause of the incident was failure of the brakes to engage while in cruise control. A description of the incident is as follows:

At approximate 5:05 pm Sunday, July 29th, I was heading east on I-20, I-59 in the right hand lane under cruise control and at the speed limit of 70 mph. About a quarter mile before exit 115 (Jaybird Road), I noticed brake lights from traffic slowing in front of me, and gently applied the brakes to slow down. The pedal depressed, but there was no response. I then pressed the brake pedal more forcefully, it yielded easily, but there was again no response. Since I was now rapidly approaching the cars in front of me, I moved over into the shoulder lane and tried the brakes once again, but again with no response. Still traveling at about 70 mph toward stopped cars several hundred yards ahead, I manually turned off cruise control and applied the hand brake. The brakes grabbed immediately, and the car skidded out of control. It traveled approximately 50 yards straight down the shoulder lane, then veered off the road to the right, struck a light pole on the back left side, and then turned forward and came to a stop in thick brush and trees. Air bags did not deploy. I could not open the driver's side door, but could leave through the front passenger side door. I had not physical injury from the crash, and the light pole was not damaged.

In the attached police report (Alabama Uniform Traffic Crash Report) the reporting officer noted that I raised the possibility that I had depressed the clutch rather than the brake, as it was the only explanation I could think of immediately post-crash for the failure to stop. On reflection I reject this possibility for several reasons: 1) I have been driving manual transmission cars for over 50 years, and reflexively press the brake pedal when needing to slow or stop; 2) this was not a panic situation—initially I had plenty of time to stop; 3) I definitely used my right foot to depress the pedal during this incident, whereas I use my left foot for the clutch.

Additional information that may be pertinent to your investigation is that this may have been the first time that the brakes were used while under cruise control in this car. Although I am familiar with using cruise control in different automobiles I have owned, that morning of July 29th was the first time I had used it in the Elantra for at least several years, and possibly since purchasing the car. I am fairly sure that I did not use the brake while in cruise control during the morning outbound trip from Birmingham to Tuscaloosa, but simply turned off cruise control when traffic started becoming congested. The brakes performed normally that day while driving in traffic (not in cruise control). Similarly, I am almost certain that I did not use the brake under cruise control in the afternoon return trip prior to the described incident—I don't recall ever having to resume cruise control, as would be required after using the brakes. Thus this operational defect may have been present when the car was purchased, or may have occurred during the prolonged disuse of cruise control.

An incident similar to mine is reported on the website [REDACTED] [REDACTED] except that in my case there was no sense that the car accelerated (speed may have been maintained because I was on a downhill slope). I only experienced a complete failure of the brakes to engage. Note that this report is for the same year and model car as mine, and also for a manual transmission:

"Failure Date: 04/28/2013

Traveling on interstate, using cruise control (as I had the day previously and for approx 150 miles this day) attempted to stop vehicle due to vehicles slowing down in front of me. Could not get out of cruise control - in fact, the vehicle accelerated -- and brakes did not work. Fortunately, I was in the right lane and was able to exit the highway without hitting the guardrail (approx. 20 feet away when I left the highway), traveled at a high rate of speed down a slight embankment and into a field, where fortunately there were no obstacles, and was able to stop the vehicle approx. 500 feet from leaving the highway. The engine was still running, now at a normal rate. I attempted to return to the interstate but was not successful due to the embankment. I drove through my previous tracks in the field and was able to get onto a nearby exit ramp. The vehicle functioned normally after that. Please note, this vehicle has a manual transmission. I did not attempt to engage the clutch to put the transmission in neutral because I had both hands on the steering wheel trying to maneuver through the field, which was quite green, actively growing, and approximately 15 inches high. The crop scraped the underside of the vehicle, which is now in the shop waiting to have the new part replaced. The mechanic will check for damage on the underside. I am not sure if the vehicle stopped b/c the brakes finally kicked in or the vegetative growth slowed me down."

