

United States Senate

WASHINGTON, DC 20510

CL-11464945-1000

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

May 13, 2022

Ms. Julie Bergling
Director, Government Affairs
Federal Motor Carriers Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Dear Julie,

I have been contacted by my constituent [REDACTED] of Weare, New Hampshire regarding the important issue she is experiencing with FMCA.

I have enclosed [REDACTED] inquiry for reference purposes. I believe you will find the letter self explanatory.

I would appreciate any assistance you are able to offer [REDACTED]. Please respond directly to [REDACTED] and send a copy of your response to Pam Slack in my Manchester state office at 2 Wall Street Suite 220, Manchester, NH, 03101.

Thank you for your attention to this matter.

Sincerely,



Jeanne Shaheen
United States Senator

From: [REDACTED]
Subject: Fwd: Awaiting your response
Date: May 12, 2022 at 6:30:50 PM
To: [REDACTED]

CAUTION - EXTERNAL EMAIL

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: April 27, 2022 at 3:37:25 PM EDT
To: brenda.sartor@gm.com
Subject: Awaiting your response

Good afternoon Brenda,

On the afternoon of March 9 at approximately 3:24 PM give or take one or two minutes our Chevrolet Equinox vehicle completely lost power steering. My son was able to turn the wheel enough so that instead of crashing head on into the guardrail he only scraped along parallel to it resulting in minor cosmetic damage to the passenger side rear portion of the car. He arrived home approximately 2 minutes later and relayed the events to myself and my husband. We then asked our daughter who was also in the vehicle and witnessed the event what happened and she replied that her brother was trying very hard to turn the wheel but the car wouldn't turn and so he almost crashed into the guardrail but was finally able to turn enough that he just scraped the side. At that point my husband and I went to the My Chevy app to check and see if there were any service alerts or collision alerts neither of which were reflected in the app. At that point I grabbed my iPad and went out to the car and started the car. Immediately a service power steering alert came up on the dashboard so I took a time stamped photo at 3:38pm. Next I tested exactly how difficult it was to steer the car and videoed myself (also time stamped) doing so in which case I almost couldn't make the right turn to get out of my own driveway. My husband then contacted the dealership and asked them to tow the vehicle. The car was towed to the dealership the next day by Chevy Roadside Assistance. At the dealership when my husband spoke to the service manager, Chris, the service manager's first

reaction when he heard that our son was driving the car was “ I’ve never heard of the power steering just failing but I’ve definitely seen it be disabled due to a collision“ however after the service manager inspected the car, inspected the damage, and pulled all diagnostic codes he then apologized to my husband stating that there was no way that the minor superficial contact with the guardrail could possibly cause or contribute to the power steering failure. Based on his extensive knowledge and experience and the data and info that he himself collected the Service Manager determined that a manufacture defect caused a catastrophic power steering failure and he agreed to repair the power steering at no cost to us under the manufacturers warranty. At this point I need to stress that at no point was there any force exerted into the body of the car. The only force against the car was parallel to the passenger side rear portion of the car resulting in minor cosmetic damage and that at no point in time was our vehicle ever involved in any collision of any kind any time prior. At that point my husband requested that the body damage be also covered by Chevy since the damage was due to the loss of power steering which was a manufacturing defect. At that point the service manager halted everything and stated that he could repair the power steering under warranty but he needed to file a claim for the bodywork to be covered by Chevy.

A few weeks after receiving the claim the claims representative Ranette stated that she was denying the claim stating that she had determined the power steering loss was the result of a collision that occurred prior to the loss of power steering. We knew this to be 100% false and so we asked her to provide evidence to support her claim. She refused, stating the information was proprietary and it was against policy to share it with the vehicle owner. At that point we informed her that all electronically recorded data was our property according to the congressional act that was passed in 2015 called the Driver Privacy Act and that we were entitled to that information under Federal Law.

She continued to refuse, then eventually did send an email with an attachment which had the first three pages of an electronic data recording report but no actual data. My husband contacted her again stating that there was no actual data in the file she sent and we needed the data from the EDR report sent to us. She continued to insist that she had no data to send however, after repeated contacts, she did send a partial data report proving that her previous statement that she had ‘no data’ was false. After reading this second file my husband pointed out that a that document was not the original report and had been significantly altered and it did not contain any of the data pertaining to the March 9 incident. At that point Ranette continued to insist that there was no other data to give us yet maintained that she had additional proprietary data there was a collision and that the collision happened prior to the power steering loss. At that point we escalated to her supervisor who repeated the same position. We also informed this supervisor that she was required to give us the information according to the federal law. She repeatedly responded that the data was “ proprietary “ and that her corporate policy did not allow her to do that. We then asked to speak to her

supervisor which she refused to allow stating that her supervisor did not speak to the public. We then escalated by sending emails to senior management in the General Motors corporation. On Monday I spoke with Brenda Sartor a member of the senior management team. Brenda stated to me that she believed I was looking for a timestamp for only the power steering loss and she provided me the timestamp of 8:21 PM to which I replied the incident occurred between 3:15 and 3:30 in the afternoon (on their way home from school) not eight at night and there was no way that her data was accurate. I also stated to her that we were not primarily looking for the timestamp of the power steering loss. What we were looking for was a timestamp of a collision of significant enough force to completely and permanently disable the entire power steering system that they claimed occurred, and that that they claimed was the causal factor for the power steering loss. Brenda not only was unable to provide any evidence whatsoever of any collision, let alone one of that significance, she also was not able to provide any evidence whatsoever that any collision occurred at a specific time, let alone at a time prior to the loss of power steering. We asked her to provide any evidence that could possibly warrant reversing the determination of the service manager. She was unable to and stated that she needed to collect more information and that the service manager had not yet responded to her attempts to contact him. I offered to stop by the dealership myself to get a copy to email to her but she declined my offer.

Sent from my iPad

From: [REDACTED]
Subject: Fwd: Catastrophic Power Steering Failure
Date: May 12, 2022 at 6:26:50 PM
To: [REDACTED]

CAUTION - EXTERNAL EMAIL

Sent from my iPad

Begin forwarded message:

[REDACTED]
Date: April 15, 2022 at 9:40:35 AM EDT
To: mark.reuss@gm.com, mary.barra@gm.com, steve.carlisle@gm.com
Subject: Catastrophic Power Steering Failure

Good Morning,

I am looping you in on an email sent to General Counsel Craig Glidden on Monday. Please note that due to the continued fraudulent and deceptive conduct and noncompliance with federal law on the part of GM/Chevrolet Claims Representatives my husband and I have filed complaints with the US Attorney General , State of New Hampshire DOJ Consumer Protection Bureau, and US Senator Maggie Hassan.

This communication will constitute knowledge of the safety issues regarding Chevy vehicles, employee misconduct, and noncompliance to federal law to the senior management of General Motors. Next steps will likely involve television and social media campaigns to inform the public of the safety issues and misconduct.

I am hoping that senior management will take action to protect the safety and well being of their customers.

"Good Afternoon Mr. Glidden,

I am writing to ask your assistance in resolving a matter that I feel was mishandled by a GM claims representative. This issue involved a catastrophic power steering failure of our 2020 Chevy Equinox's EPS which could have resulted in substantial injury, loss of life and property. With two witnesses in the vehicle power steering was completely lost and a "service power steering" alert displayed on the dashboard. As a result the driver was not able to maintain complete control of the vehicle which resulted in the vehicle briefly scraping alongside a guardrail. GM roadside assistance towed the vehicle to the dealership where the experienced and knowledgeable service manager ran diagnostics and inspected the vehicle and determined that that catastrophic power steering failure resulted in the loss of steering control resulting in minor damage to the passenger side of the vehicle and agreed to fix the power steering issue under the GM warranty. When we asked that GM also pay to repair the scrape we were told that they had to contact GM claims for a determination and authorization.

The GM claims representative conveyed to me her erroneous conclusion that based on the EDR data among other factors the power steering failure was the result of a collision however we know this to be impossible as we have two witnesses that will testify that steering became almost impossible PRIOR to scraping along the guardrail. Additionally due to the car being directly behind the school bus the incident thankfully took place at very low speed.

Per the 2015 Driver Privacy Act my husband requested the EDR data from the event from the Chevrolet Product Assistant Claims representative. She initially stated to my husband we were not entitled to receive this information as per GM policy. My husband then explained that we have a right to the EDR data and they we aren't asking for any proprietary information. She reluctantly sent a file that supposedly contained the EDR data (attached [REDACTED] Crash Data) but

as you can see, the file doesn't actually contain any data relevant to any incidents.

After numerous voicemails and emails to Ranette, she sent a second file (attached FDR crash data) which contains more information, but as you can see, there is no record of any accident on the incident date (3/8/22) nor any crash impact alerts only a front sensor alert on 3/4/22 and a crash imminent braking event a year ago. No record of anything on 3/8 contrary to the claim that the data showed evidence in which to deny our claim. As you can see, the report shows nothing of the sort.

We continue to await the requested data pertaining to the power steering failure event, as the most recent report was not complete. In fact, the latest report was created and modified today, so it is not the actual report, it is a subset of data that is being handpicked and hoping it would satisfy our inquiries. It does not. Incidentally, the Bosch tool used to generate the EDR report is an industry standard and is not proprietary information, there is nothing in it that would be protected by GM policy.

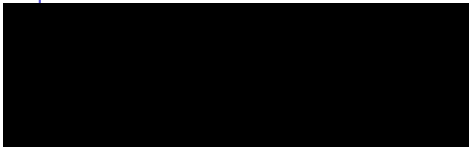
We are hoping to come to an expedient and mutually satisfying resolution to this misunderstanding. Therefore we are respectfully requesting that GM (Chevrolet) repair both the power steering system and damage resulting from the failure at no cost to us. We further ask that we be given all EDR data pertaining to the catastrophic power steering failure event and resulting damage. Lastly we ask that Chevrolet and/or GM conduct an investigation into the matter to determine if this was an isolated occurrence, or if other Chevrolet/GM owners are in danger from a similar occurrence.

Luckily this event happened at a time and place where the car was driven at a very low rate of speed. Had it occurred just six minutes earlier the car would have been in a 50mph section of a state highway and my two children in the car would likely be severely injured or worse, as would the occupants of any other cars around them.

I know that Chevy greatly values the safety of their customers and vehicle operators and I have every confidence that Chevy/GM will quickly resolve this situation.

I thank you for your time and consideration. "

Thank you for your time,



Sent from my iPad

From: [REDACTED]
Subject: Fwd: Written request for all EDR data
Date: May 12, 2022 at 6:31:59 PM
To: [REDACTED]

CAUTION - EXTERNAL EMAIL

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: April 28, 2022 at 8:55:17 AM EDT
To: brenda.sartor@gm.com
Cc: mary.barra@gm.com, craig.glidden@gm.com, mark.reuss@gm.com, [REDACTED]
[REDACTED]
Subject: Written request for all EDR data

Good morning Brenda,

Although both my husband and myself have requested to be sent all recorded data on our vehicle GM has not yet complied with this request. We have asked on over a dozen occasions, verbally on the phone, verbally in voicemail messages and in writing via email. We have requested this information from Claims Representative "Ranette", her supervisor "Kimberly" and yourself. We have explained that Federal Law entitles us to this information and refusing to provide this information is a willful and knowing violation of Federal Law on the part of General Motors.

Please provide all recorded data (EDR) that you have collected on our vehicle from all data collection sources including OnStar. Additionally please provide the data that GM has used to come to the determination of these two assertions that GM representatives have made 1) that a collision of significant enough force and location on the vehicle to cause catastrophic power steering failure has occurred, and 2) that this alleged collision occurred PRIOR to the loss of power steering. I ask that this information be transmitted in writing via email to this

email address in a reasonable timely manner which typically is considered to be five business days.

Thank you,



Sent from my iPad

U.S. Senator Jeanne Shaheen
New Hampshire

2 Wall Street, Suite 220
Manchester, NH 03101
(603) 647-7500
Fax: (603) 647-9352

506 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-2841
Fax: (202) 228-3194

www.shaheen.senate.gov



COMMITTEE ASSIGNMENTS

FOREIGN RELATIONS

APPROPRIATIONS

ARMED SERVICES

SMALL BUSINESS AND
ENTREPRENEURSHIP

Privacy Release Form

The Privacy Act of 1974 requires written consent from the constituent before information can be obtained from a government agency's records. To better serve you, please complete this form entirely and return it to me. If you are enquiring on behalf of someone else, that person must sign this form. Please be advised that all information you provide on this form will be held in the strictest confidence by my office and will not be used for any other purpose other than your case.

Full Name: [REDACTED]

Address: [REDACTED]

City: Weare

State: NH

Zip code: [REDACTED]

Social Security Number: [REDACTED]

Date of Birth: [REDACTED]

Home Phone: [REDACTED]

Work Phone: [REDACTED]

Cell Phone: [REDACTED]

Email Address: [REDACTED]

I prefer to be contacted by: ☐ Home Phone ☐ Work Phone ☒ Cell Phone ☒ Email

Federal Agencies Involved NHTSA

Have you, or a family member, ever served in the military? [REDACTED]

Have you contacted other Congressional or Senate offices about this issue? ☒ Yes ☐ No

If yes, whom have you contacted? Maggie Hasan

How did you learn about our casework services?

☐ I had a prior case.

☐ Friend or family member

☐ Newsletter

☐ Newspaper or TV

☒ Other

I authorize Senator Shaheen's office to communicate information about my case with the following individual (s) -law [REDACTED]

I freely and willingly authorize Senator Shaheen and her staff to make inquiries into my personal records, and/or files to obtain information about me pertaining to my request for assistance. I understand that I may [REDACTED]

Signature: [REDACTED]

Date 5/12/22

Please print and sign this form and send it to:
2 Wall Street, Suite 220, Manchester, NH 03101 or fax to (603) 647-9352

Please briefly explain your problem. In writing, provide a detailed account. Include any additional relevant correspondence that you have initiated or received concerning this matter.

See attached

Please state how you would like Senator Shaheen to help you.

Compel General Motors to abide by the 2015 Driver's Privacy Act and provide all electronically stored information related to EDR/Onstar that they gathered as part of declining our claim. Also would like General Motors investigated for privacy violations, data mining of personal information and selling said data without consent.

Military or Veteran's Issues

Rank _____ Unit _____ Duty Station _____
Veterans Case Number _____

Medicare Issues

I am having problems with: _____ Part A _____ Part B _____ Part D
Medicare Number _____

Social Security Issues

Type of Claim Filed _____
Has the claim been denied? ☐ Yes ☐ No Office you are dealing with _____

Immigration Issues

Receipt Number _____ Name of Beneficiary _____
Alien Number A- _____ Date of Birth _____ Place of Birth _____
Type of Petition _____ Consulate Involved _____
Current Immigration Status _____

Please print and sign this form and send it to:

2 Wall Street, Suite 220, Manchester, NH 03101 or fax to (603) 647-9352

From: [Korkor, Julie \(NHTSA\)](#)
To: [Davis, Cynthia L \(NHTSA\)](#)
Cc: [REDACTED] (TSA)
Subject: [REDACTED]
Date: Monday, May 16, 2022 7:56:11 AM
Attachments: [REDACTED]
[Fwd Catastrophic Power Steering Failure.pdf](#)
[Fwd Awaiting your response.pdf](#)
[Fwd Written request for all EDR data.pdf](#)
[REDACTED]
[REDACTED]

Hello Cynthia

Please control the attached and assign.

Thank you!

Julie Korkor

Office of Executive Correspondence
U.S. Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-5470 (office)
julie.korkor@dot.gov (email)



From: Caldwell, Megan (NHTSA) <megan.caldwell@dot.gov>
Sent: Monday, May 16, 2022 7:47 AM
To: Korkor, Julie (NHTSA) <julie.korkor@dot.gov>
Cc: Fritz, Trish (NHTSA) <trish.fritz@dot.gov>
Subject: [REDACTED]

Good morning!

Please control.

Thank you,
Megan

From: Bergling, Julie (FMCSA) <julie.bergling@dot.gov>

Sent: Friday, May 13, 2022 4:24 PM

To: 'Slack, Pam (Shaheen)' <Pam_Slack@shaheen.senate.gov>

Cc: Caldwell, Megan (NHTSA) <megan.caldwell@dot.gov>; Fritz, Trish (NHTSA) <trish.fritz@dot.gov>

Subject: [REDACTED]

Hi Pam,

This issue does not fall under the purview of FMCSA, rather passenger vehicle safety is handled by the National Highway Traffic Safety Administration. Megan Caldwell (copied here) is your POC.

Have a good weekend,

Julie A. Bergling, Governmental Affairs Specialist
Office of Governmental Affairs
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE | Washington, DC 20590
P: (202) 366-8924
C: (240) 435-5973
julie.bergling@dot.gov



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

From: Slack, Pam (Shaheen) <Pam_Slack@shaheen.senate.gov>

Sent: Friday, May 13, 2022 3:37 PM

To: Bergling, Julie (FMCSA) <julie.bergling@dot.gov>

Subject: [REDACTED]

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Julie

I hope you are well.

I have attached a privacy release and documentation from [REDACTED] in regard to a safety issue with their General Motors vehicle.

Thank you in advance for any assistance you can provide.

Please let me know if I can help in any way.

Kind regards

Pam

Pam Russell Slack
Senior Special Assistant for Constituent Services
Office of US Senator Jeanne Shaheen
603.358-6604 office



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