



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

JUL 29 2010

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Dillon
Senior Manager Product Investigations and Campaigns
Vehicle Compliance and Safety Affairs
Chrysler Group, LLC
800 Chrysler Drive – CIMS 482-00-91
Auburn Hills, MI 48326

NVS-212jfa
PE10-012SP1

Dear Mr. Dillon:

This letter supplements the Office of Defects Investigation (ODI) information request letter of May 6, 2010 concerning sticking accelerator pedal assemblies (i.e., the accelerator pedal does not return to the idle position when released) in model year (MY) 2007 Dodge Caliber vehicles manufactured by Chrysler Group, LLC (Chrysler Group).

On June 3, 2010, Chrysler Group submitted a Defect Information Report to conduct a safety recall of certain model year 2007 Dodge Caliber and Jeep Compass vehicles to remedy a defect of sticking accelerator pedals in the "Electronic Throttle Control" system. Chrysler Group's letter stated that these vehicles utilize a brake override technology¹. The letter refers to the technology as "Smart Brake" and states that as a result of that technology Chrysler Group has concluded that the "condition" of sticking accelerator pedals does not present an unreasonable risk to motor vehicle safety (Chrysler nonetheless is conducting a safety recall).

In a prior conversation with ODI on May 25, 2010 you briefly described how Chrysler Group's Smart Brake system works advising that the accelerator pedal must be in a fixed position and that the brake must be applied for a period of time before the technology activates. To assist us in our understanding of the functionality of this system, and to help us understand how it might impact the vehicle's operation when the accelerator pedal is not returning properly, additional information is required.

Unless otherwise stated in the text, the following definitions apply to these information requests:

¹ Brake override refers to a system that prioritizes brake application over the accelerator pedal. If both the brake and accelerator are simultaneously applied, the accelerator pedal request is "ignored" and the engine power is reduced to a low level. Brake override can readily be accomplished on vehicles that utilize electronic throttle control through software strategies.

- **Subject vehicles:** all model year 2007 Dodge Caliber vehicles manufactured for sale or lease in the United States.
- **Subject components:** the electronic throttle control (ETC) accelerator pedal assembly.
- **Chrysler:** Chrysler Group, LLC, all of its past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Chrysler (including all business units and persons previously referred to), who are or, in or after 2000, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** any failure, malfunction, or other such abnormal condition(s) of the subject component that results in unwanted vehicle acceleration or engine power, or a failure of the accelerator pedal to return to the idle position.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers,

including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Chrysler, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the Chrysler or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Chrysler has previously provided a document to ODI, Chrysler may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Chrysler's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Provide a detailed technical description, and any supporting or related documents, describing Chrysler's "Smart Brake" system including the components it consists of and how they interact to perform the brake override functionality, including the following:
 - a. State specifically how the system determines that the accelerator pedal is stuck in an open position (i.e., it has not returned to the unapplied position), what data or inputs it relies upon, and whether or not engine power output plays any role in this determination;
 - b. State the specific condition(s) that must exist for the system to make this determination, including the length of time the condition(s) must exist, the range of accelerator pedal positions where the accelerator can be considered to be stuck open (including any

- minimum position the system will not respond to), and the engine parameter(s) that the system monitors;
- c. State how the system determines that the brake pedal is being applied by the operator, and whether or not the system knows to what extent the brake is being applied (i.e., the operator's brake application force);
 - d. State the length of time the brake pedal must be applied before the system intervenes after the accelerator pedal has been determined to be stuck in an open position, both for the initial and any subsequent brake application;
 - e. State whether or not the order in which the control pedals are applied (i.e., if the brake is applied first then the accelerator is determined to be stuck open, or vice versa) has any impact on how the system functions, and explain the impact; and,
 - f. State what happens if the operator releases the brake pedal after the system has intervened but while the accelerator pedal is still stuck in an open position, including any delays in response and the rate at which the throttle valve will be reopened if that occurs.
2. Provide a discussion of any operational scenarios known to Chrysler whereby a properly functioning Smart Brake system may not work as intended to override the throttle control system. Additionally state how the system would respond in each of the following circumstances:
- a. The accelerator pedal returns from an applied position at a slow or reduced return rate including a rate that could last several seconds or minutes before the pedal fully returns to the closed position;
 - b. The operator pumps (applies and releases) the brake pedal in response to the alleged defect instead of applying the brake pedal continuously and steadily;
 - c. The operator pumps (applies and releases) the accelerator pedal in an attempt to address the alleged defect and return the accelerator to the closed position; and,
 - d. The operator brings the vehicle to a stop by applying the brake pedal, and with the assistance of the Smart Brake system, while the accelerator pedal remains stuck fully open, and then subsequently releases the brake pedal in this condition.

This letter is being sent to Chrysler pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Chrysler's failure to respond promptly and fully to this letter could subject Chrysler to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Chrysler cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Chrysler does not submit one or more requested documents or items of information in response to this information request, Chrysler must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the

person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

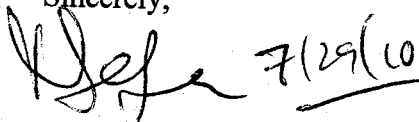
Chrysler's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by August 11, 2010. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE09-049 in Chrysler's response to this letter and in any confidentiality request submitted to the Office of the Chief Counsel. If Chrysler finds that it is unable to provide all of the information requested within the time allotted, Chrysler must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If Chrysler is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Chrysler then has available, even if an extension has been granted.

If Chrysler claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b) (4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Chrysler must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Chrysler is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

Please send email notification to John Abbott (John.Abbott@dot.gov) and to ODI_IRresponse@dot.gov when Chrysler sends its response to this office and indicate whether there is confidential information as part of Chrysler's response.

If you have any technical questions concerning this matter, please call John Abbott of my staff at (202) 366-5221.

Sincerely,



D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation