

## Comment from Barry Kaminsky

I believe Volkswagen explains that there are redundant indicators on the exterior of the involved vehicles, but it's not clear that either of the "two different indicator warnings in the instrument cluster" are compliant. A redundancy should not be considered an appropriate substitute for a well functioning, compliant failure indicator that's required by the FMVSS. The rule requirements are fairly clear with the possible exception of the lack of specificity of the word "significant" in the phrase "significant change in the flashing rate" but that lack of specificity isn't raised by Volkswagen.

Volkswagen's reasoning in paragraph 2 refers to "both lights" becoming inoperative. It's not completely clear to me whether they are arguing that this condition is the "steady off" of the pilot indicator that is required but I doubt they are claiming that the NHTSA is THAT wrong. If Volkswagen's reasoning is deemed unclear by the NHTSA, then a request for clarification would be appropriate. I'm currently inclined to believe that Volkswagen is noncompliant in a consequential way, not inconsequential.