

VOLKSWAGEN

GROUP OF AMERICA

James C. Owens, Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Christopher T. Sandvig NAME
Director Title
Group Customer Protection Department
248-754-5000 Phone
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November 13, 2019 Date

Subject: Petition for Inconsequential Noncompliance with
FMVSS 114, Theft Protection and Rollaway Prevention
Shift Lever Micro Switch
Certain 2015 – 2020 MY Volkswagen and Audi Vehicles

VOLKSWAGEN GROUP OF AMERICA, INC.
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Dear Mr. Owens:

On October 14, 2019, Volkswagen Group of America, Inc. (Volkswagen) notified the National Highway Traffic Safety Administration (NHTSA) that it had determined a noncompliance under Federal Motor Vehicle Safety Standard (FMVSS) No. 114, Theft Protection and Rollaway Prevention existed in the following vehicles:

Volkswagen

- 2018-2019 Model Year Atlas;
- 2019 Model Year Jetta;
- 2018-2019 Model Year Tiguan

Audi

- 2015-2019 Model Year A3;
- 2015-2019 Model Year A3 Cabriolet;
- 2019-2020 Model Year Q3

Under separate cover, Volkswagen has submitted to NHTSA the required notice and information under 49 C.F.R. Part 573 that identifies all vehicles affected by this noncompliance. Volkswagen has taken steps to stop the sale of new vehicles impacted by this noncompliance until the repair can be completed by the dealer.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 C.F.R. Part 556, Volkswagen petitions for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Volkswagen is incorporated under the laws of the State of New Jersey, and maintains offices at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171.

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Affected Vehicles

As set forth in the notice to NHTSA pursuant to 49 C.F.R. Part 573, the noncompliance relates to a total of 136,497 vehicles of the following Volkswagen and Audi models:

- 2018-2019 MY Volkswagen Atlas vehicles, produced between September 12, 2016 and August 16, 2019
- 2019 MY Volkswagen Jetta vehicles, produced between October 11, 2017 and May 11, 2019
- 2018-2019 MY Volkswagen Tiguan vehicles, produced between March 01, 2017 and June 02, 2019
- 2015-2019 MY Audi A3 vehicles, produced between November 29, 2013 and July 06, 2019
- 2015-2019 MY Audi A3 Cabriolet vehicles, produced between June 06, 2014 and June 26, 2019
- 2019-2020 MY Audi Q3 vehicles, produced between June 12, 2019 and August 26, 2019

Noncompliant Condition

In the affected vehicles, it may be possible to remove the mechanical key from the ignition switch without the shift lever being in the "P" Park position. The condition is caused by a build-up of silicate on the shift lever micro switch, potentially resulting in the system not being able to recognize that the vehicle's shift lever is not in the "P" Park position.

Volkswagen notes that the subject vehicles are compliant with the theft protection provision of FMVSS No. 114, in that the driver receives an audible and visual warning when the driver door is opened and the mechanical key is in the starting system.

As vehicles sold in the U.S. must prevent key removal unless the transmission or gear selection control is locked in "park" or becomes locked in "park" as a direct result of key removal, the aforementioned vehicles do not fully meet the rollaway prevention requirements set forth in paragraph S5.2.1 of FMVSS No.: 114.

Inconsequentiality of Non-compliance

The FMVSS 114 provision relevant to rollaway prevention is S5.2.1. The provision states:

S5.2.1 Except as specified in S5.2.3, the starting system required by S5.1 must prevent key removal when tested according to the procedures in S6, unless the transmission or gear selection control is locked in "park" or becomes locked in "park" as a direct result of key removal.

Volkswagen submits that the noncompliant condition described above is inconsequential as it relates to motor vehicle safety for the following reasons:

- All affected vehicles are manufactured and delivered for first-sale in the US market in a compliant state, for both theft protection and rollaway prevention, as required under FMVSS 114;

Inconsequentiality of Non-compliance, cont'd.

- It is over a period of time in which the micro switch may become unable to register when the vehicle is not in the "P" Park position;
- If this condition occurs and the driver turns off the engine, removes the mechanical key from the ignition, and opens the driver door with the vehicle's shift lever in a position other than "P" park:
 - There are visual warning messages that appear within the instrument cluster, dependent on the model. The messages range from "Please move gear selector to P" or "Trans. in emerg. mode. You can continue driving" and are accompanied by a yellow or red triangle warning.
 - In addition, the Electronic Park Brake (EPB) system will immediately and automatically activate to apply the parking brake;
 - By automatically applying the Electronic Park Brake (EPB), the vehicle is effectively placed in a state analogous to being "locked in park position";
 - The automatic application of the Electronic Park Brake (EPB), therefore provides an equivalent level of rollaway prevention, and the purpose of the standard (i.e., mitigating the risk of a rollaway) remains satisfied.
- As of the production dates listed below, the condition has been corrected:
 - 2019 MY Volkswagen Atlas vehicles, as of August 17, 2019
 - 2019 MY Volkswagen Jetta vehicles, as of May 12, 2019
 - 2019 MY Volkswagen Tiguan vehicles, as of June 03, 2019
 - 2019 MY Audi A3 vehicles, as of July 07, 2019
 - 2019 MY Audi A3 Cabriolet vehicles, as of June 27, 2019
 - 2020 MY Audi Q3 vehicles, as of July 27, 2019

Affected vehicles held at the factory have been corrected and unsold units in dealer inventory will be corrected prior to sale.

Additionally, Volkswagen is not aware of any field or customer complaints related to this condition, nor has it been made aware of any accidents or injuries that have occurred as a result of this issue.

Conclusion

For the forgoing reasons, Volkswagen submits that the subject non-compliance does not present an unreasonable risk, is inconsequential as it relates to motor vehicle safety and requests an exemption from the notification and remedy requirements of the Motor Vehicle Safety Act pursuant to 49 U.S.C. 30118(d) and associated regulations at 49 C.F.R. Part 556.

Please contact me if you require any additional information or have any questions related to this petition.

Sincerely,



Christopher T. Sandvig
Director, Group Customer Protection
Group Quality

Part 573 Safety Recall Report

19V-729

Manufacturer Name : Volkswagen Group of America, Inc.**Submission Date :** OCT 14, 2019**NHTSA Recall No. :** 19V-729**Manufacturer Recall No. :** 37L6, 37M5, 37M4**Manufacturer Information :**

Manufacturer Name : Volkswagen Group of America, Inc.

Address : 3800 Hamlin Road

Auburn Hills MI 48326

Company phone : 1-800-893-5298

Population :

Number of potentially involved : 161,943

Estimated percentage with defect : 100 %

Vehicle Information :

Vehicle 1 : 2018-2019 Volkswagen Atlas

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Atlas recall population has been determined to include only subject vehicles with a shift lever assembly manufactured by one specific supplier (ZF). These were built with an automatic transmission, electronic parking brake without Kessy (keyless entry) and produced within a certain time frame. Vehicles not being recalled do not match the build criteria identified with the defect and are therefore excluded from the recall. Atlas vehicle count: 13,894

Production Dates : SEP 12, 2016 - AUG 16, 2019

VIN Range 1 : Begin : 1V2HR2CA6JC500087 End : 1V2AP2CA4KC596519 Not sequential

Vehicle 2 : 2019-2019 Audi A3 Sedan

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Audi A3 recall population includes only vehicles with a shift lever assembly manufactured by one specific supplier (Kuester) and are equipped with an automatic transmission, electronic parking brake and a mechanical key (without Kessy/keyless entry). Affected vehicles have been built between SOP and CW 36/2019. Vehicles not included in the recall population do not match these criteria and are therefore not affected by the recall. A3 Sedan vehicle count: 181

Production Dates : MAR 04, 2019 - JUL 06, 2019

VIN Range 1 : Begin : WAUAUGFF7KA063071 End : WAUAUGFF0KA124602 Not sequential

Vehicle 3 : 2018-2019 Volkswagen Tiguan

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Tiguan recall population has been determined to include only subject vehicles with a shift lever assembly manufactured by one specific supplier (ZF). These were built with an automatic transmission, electronic parking brake without Kessy (keyless entry) and produced within a certain time frame. Vehicles not being recalled do not match the build criteria identified with the defect and are therefore excluded from the recall. Tiguan vehicle count: 37,351

Production Dates : MAR 01, 2017 - JUN 02, 2019

VIN Range 1 : Begin : 3VV1B7AX8JM000203 **End :** 3VV1B7AX8KM160549 Not sequential

Vehicle 4 : 2019-2019 Volkswagen Jetta

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Jetta recall population has been determined to include only subject vehicles with a shift lever assembly manufactured by one specific supplier (Kuester). These were built with an automatic transmission, electronic parking brake without Kessy (keyless entry) and produced within a certain time frame. Vehicles not being recalled do not match the build criteria identified with the defect and are therefore excluded from the recall. Jetta vehicle count: 46,647

Production Dates : OCT 11, 2017 - MAY 11, 2019

VIN Range 1 : Begin : 3VWCN7BU5KM000130 **End :** 3VWC57BU1KM198687 Not sequential

Vehicle 5 : 2017-2019 Audi A3 Sedan

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Audi A3 recall population includes only vehicles with a shift lever assembly manufactured by one specific supplier (Kuester) and are equipped with an automatic transmission, electronic parking brake and a mechanical key (without Kessy/keyless entry). Affected vehicles have been built between SOP and CW 36/2019. Vehicles not included in the recall population do not match these criteria and are therefore not affected by the recall. A3 Sedan vehicle count: 3,454

Production Dates : JUL 11, 2016 - MAR 08, 2019

VIN Range 1 : Begin : WAUB8GFF8H1006640 **End :** WAUAUGFF8K1028698 Not sequential

Vehicle 6 : 2019-2020 Audi Q3

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Audi Q3 recall population includes only vehicles with a shift lever assembly manufactured by one specific supplier (Kuester) and are equipped with an automatic transmission, electronic parking brake and a mechanical key (without Kessy/keyless entry). Affected vehicles have been built between SOP and CW 35/2019. Vehicles not included in the recall population do not match these criteria and are therefore not

affected by the recall. Q3 vehicle count: 1,495

Production Dates : JUN 12, 2019 - AUG 26, 2019

VIN Range 1 : Begin : WA1AECF35K1070951 End : WA1AECF33L1004772 Not sequential

Vehicle 7 : 2015-2016 Audi A3 Sedan

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Audi A3 recall population includes only vehicles with a shift lever assembly manufactured by one specific supplier (Kuester) and are equipped with an automatic transmission, electronic parking brake and a mechanical key (without Kessy/keyless entry). Affected vehicles have been built between SOP and CW 36/2019. Vehicles not included in the recall population do not match these criteria and are therefore not affected by the recall. A3 Sedan vehicle count: 31,109

Production Dates : NOV 29, 2013 - JUL 28, 2016

VIN Range 1 : Begin : WAUBFGFF5F1000653 End : WAUB8GFFXG1118631 Not sequential

Vehicle 8 : 2017-2019 Audi A3 Cabriolet

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Audi A3 recall population includes only vehicles with a shift lever assembly manufactured by one specific supplier (Kuester) and are equipped with an automatic transmission, electronic parking brake and a mechanical key (without Kessy/keyless entry). Affected vehicles have been built between SOP and CW 36/2019. Vehicles not included in the recall population do not match these criteria and are therefore not affected by the recall. A3 Cabriolet vehicle count: 113

Production Dates : SEP 13, 2016 - JUN 26, 2019

VIN Range 1 : Begin : WAU78LFF6H1019112 End : WAU7ELFF5K1032790 Not sequential

Vehicle 9 : 2015-2016 Audi A3 Cabriolet

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : The Audi A3 recall population includes only vehicles with a shift lever assembly manufactured by one specific supplier (Kuester) and are equipped with an automatic transmission, electronic parking brake and a mechanical key (without Kessy/keyless entry). Affected vehicles have been built between SOP and CW 36/2019. Vehicles not included in the recall population do not match these criteria and are therefore not affected by the recall. A3 Cabriolet vehicle count: 2,251

Production Dates : JUN 06, 2014 - JUN 30, 2016

VIN Range 1 : Begin : WAU78LFF7F1024063 End : WAU78LFF1G1117186 Not sequential

Description of Noncompliance :

Description of the Noncompliance : Over time, a build-up of silicate on the shift lever micro switch contacts can result in an isolation-like layer that may be interpreted as an open micro switch. This open switch normally indicates that the shift lever is in "P" park position. If the build-up happens, it may be possible to remove the key from the ignition switch without the shift lever being in the "P" Park position because the system isn't able to recognize that the vehicle is not in "P" Park. This makes the vehicle noncompliant with FMVSS 114, S5.2.1.

FMVSS 1 : 114 - Theft protection

FMVSS 2 : NR

Description of the Safety Risk : If the ignition key is removed without the shift lever being in "P" Park position and the door opened, the electronic parking brake will engage automatically. This will prevent the car from rolling away. Therefore Volkswagen determines this non-compliance as non-safety and decided to file a petition of inconsequential non-compliance.

Description of the Cause : Possible failure of the micro switch ("P" Park position detection) in the shift lever due to increased resistance caused by silicate contamination on the contact surface.

Identification of Any Warning that can Occur : In the affected models an audible warning sound and failure message and a warning light may appear in instrument cluster due to the micro switch failure.

Supplier Identification :

Component Manufacturer

Name : ZF Friedrichshafen AG

Address : 12001 Tech Center Drive
Livonia MICHIGAN 48150

Country : United States

Chronology :

August 14, 2019: Volkswagen's Product Safety Committee decided to recall certain vehicles for this topic that were not equipped with an electronic parking brake.

August – October 2019: Ongoing testing and legal and technical evaluation for vehicles with electronic parking brake.

October 07, 2019: Topic and test results were presented to Volkswagen's Group Product Safety Committee and a non-compliance with FMVSS 114, S5.1.2 was determined. The test results showed that the non-compliance is not safety relevant because if the ignition key is removed without the shift lever being in "P" Park position and the driver opens the door, the electronic parking brake will engage automatically. This will prevent the car

from rolling away. As a result, the Group Product Safety Committee decided to file a petition for inconsequential non-compliance.

Description of Remedy :

Description of Remedy Program : Volkswagen dealers will install at new inventory vehicles a circuit board (external current limiter) to prevent current spikes that may damage the micro switch.

How Remedy Component Differs from Recalled Component : To remedy this defect, an additional circuit board will be installed.
Part number of the remedy part is:
5Q0.713.132

Identify How/When Recall Condition was Corrected in Production : Additional circuit boards introduced in production to prevent current spikes:
VW Atlas: CW28/2019,
VW Tiguan: CW 23/2019,
VW Jetta: CW 20/2019
Audi A3: CW 36/2019
Audi Q3: CW 35/2019

Recall Schedule :

Description of Recall Schedule : Dealers/owners: on or before December 13, 2019
Planned Dealer Notification Date : DEC 19, 2019 - DEC 19, 2019
Planned Owner Notification Date : DEC 19, 2019 - DEC 19, 2019

* NR - Not Reported