

Thomas McCarthy
Head, Vehicle Safety Compliance and Product
Analysis

December 4, 2020

Mr. James C. Owens, Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Recall 20E-084 (Officer Protection Package ("OPP") module made available for some 2017-2020 MY Dodge Charger Pursuit vehicles make the vehicle Noncompliance per Federal Motor Vehicle Safety Standard ("FMVSS") 102 and 118) Petition for Determination of Inconsequential Noncompliance

Dear Mr. Owens:

FCA US LLC (f/k/a Chrysler Group LLC) ("FCA US") is a Delaware limited liability company with its principal place of business at 1000 Chrysler Drive, Auburn Hills, MI 48326.

Pursuant to 49 CFR Part 556, FCA US is petitioning for an exemption from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act because the noncompliance described below is inconsequential to motor vehicle safety.

This petition relates to FCA US' safety noncompliance equipment recall W78 (NHTSA recall 20E-084). This recall relates to two noncompliances relating to certain motor vehicle equipment: the transmission shift position display requirements of S3.1.4.1 of FMVSS No. 102 and the auto reverse of the power-operated window requirements of S5.1 of FMVSS No. 118. The Noncompliance Information Report was submitted to the National Highway Traffic Safety Administration ("NHTSA") after FCA US determined that 27,593 Officer Protection Package ("OPP") modules were made available between October 17, 2016, and October 30, 2020. Three copies of the 49 CFR Part 573 Noncompliance Information Report for W78 (NHTSA recall 20E-084) filing are attached as Enclosure A.

Description of the Noncompliance

FCA US has determined that OPP modules made available for some 2017-2020 MY Dodge Charger Pursuit vehicles may make the Dodge Charger Pursuit vehicle noncompliant with FMVSS Nos. 102 and 118. The noncompliance with FMVSS No. 102 is a result of an incorrect transmission shift position displayed in view of the driver when the vehicle ignition is in a position where the transmission can be shifted. The noncompliance with FMVSS No. 118 is a result of the driver side and passenger side front power windows being automatically closed with only the ability to automatically stop if an obstacle is detected, but not reversing direction when that obstacle is detected.

Functionality of the Officer Protection Module and Surveillance Mode

As the name implies, the purpose of the OPP module when activated (i.e., put in “Surveillance Mode”) is to provide warning and some measure of protection for law enforcement officers against ambush from the rear of the vehicle while parked. FCA US provided the OPP module, manufactured by InterMotive Inc. (“Intermotive”), free of charge to Police Departments as part of the purchase of a 2017-2020 Dodge Charger Pursuit vehicle. The OPP module is a “plug and play” module, shipped separately from the vehicle and installed by the Police Department or an installer of its choice.

When Surveillance Mode is activated, the reverse camera display will turn on. Surveillance Mode uses the rear Park Assist system in the Charger Pursuit vehicle. If any of the sensors detect a presence while in Surveillance Mode, the vehicle will chime indicating which sensor tripped, and then the OPP module will lock all the doors, roll the driver and passenger front windows up and flash the rear lights. Again, these actions are intended to increase an officer’s situational awareness when parked and working inside the vehicle.

Surveillance Mode must be turned on by the driver, and it will only engage if all of the following conditions are met:

- The vehicle ignition must be in the RUN position;
- The transmission must be in PARK;
- Vehicle speed must be zero;
- All doors must be closed;
- Service brake must not be applied; and
- The driver must choose to activate Surveillance Mode by pressing a switch.

If any one of these conditions is not met, then the OPP module will not activate Surveillance Mode.

Once Surveillance Mode is active, it will deactivate if/when any of the following occurs:

- The vehicle ignition is switched to the OFF position;
- The driver door is opened;
- The service brake is pressed;
- The Surveillance Mode switch is pressed; or
- The Transmission is shifted out of PARK.

Once the OPP Surveillance Mode is deactivated, all vehicle operations return to normal function, including accurate transmission shift position display and auto reversing power window operation. It should be noted that the operation of the rear windows is not affected while Surveillance Mode is active.

In order for the OPP module to activate the ParkView rear backup camera, it must tell the vehicle’s other computer systems that the vehicle is in REVERSE even though the transmission is actually in PARK. As a result, the PRNDL display will incorrectly show “R” when FMVSS No. 102 requires it to display “P.” As mentioned above, this condition only exists while the OPP system is activated in Surveillance Mode and will be immediately corrected if any of the deactivation criteria occur, including an attempt to shift the vehicle out of PARK.

Justification for Petition for a Determination of Inconsequentiality

FCA US believes these technical noncompliances are inconsequential to motor vehicle safety for the following reasons:

FMVSS No. 102

FMVSS No. 102 provides, in part:

S1. Purpose and scope. This standard specifies the requirements for the transmission shift position sequence, a starter interlock, and for a braking effect of automatic transmissions, to reduce the likelihood of shifting errors, to prevent starter engagement by the driver when the transmission is in any drive position, and to provide supplemental braking at speeds below 40 kilometers per hour (25 miles per hour).

S3.1.4.1 Except as specified in S3.1.4.3, if the transmission shift position sequence includes a park position, identification of shift positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever any of the following conditions exist: (a) The ignition is in a position where the transmission can be shifted; or (b) The transmission is not in park.

When the OPP module is in Surveillance Mode, the PRNDL display indicates the vehicle is in REVERSE while the transmission is actually in PARK. If a driver attempts to shift the transmission, he must press the brake pedal because of the brake shift interlock system. Once the brake pedal is depressed, Surveillance Mode deactivates and the correct gear position will be immediately displayed. Further, the driver must have parked the vehicle, left the ignition in the RUN position, had all doors closed and intentionally activated Surveillance Mode.

The stated purpose of FMVSS No. 102 is to “reduce the likelihood of shifting errors.” Surveillance Mode of the OPP module does not increase the likelihood of shifting errors. The temporary noncompliance of displaying an inaccurate transmission shift position in the limited circumstances when Surveillance Mode is intentionally activated is not likely to result in a shifting error, since Surveillance Mode deactivates and immediately cures the technical noncompliance if the driver attempts to shift the transmission.

The NHTSA has previously granted inconsequential treatment for FMVSS No. 102 transmission position indication noncompliance. Examples of the Agency granting similar inconsequentiality petitions for temporary incorrect gear position display include:

- General Motors, April 15, 1988, 53 FR 12638
- General Motors, June 16, 1993, 58 FR 33296
- Nissan, July 19, 1999, 64 FR 38701
- Workhorse Custom Chassis, April 26, 2005, 70 FR 21492
- Honda, June 14, 2006, 71 FR 34413
- General Motors, November 28, 2011, 76 FR 73006
- Nissan, September 25, 2013, 78 FR 59090
- Paccar, March 28, 2014, 79 FR 17648
- Ford, July 17, 2015, 80 FR 42604
- Ford, October 22, 2015, 80 FR 64058
- GM, March 30, 3/30/2016, 81 FR 17761

The noncompliance in this instance is similar to the situation presented in Nissan's latest petition. "Nissan explains that the noncompliance is that on the affected vehicles a unique sequence of actions can lead the shift position indicator to incorrectly display the shift position as required by paragraph S3.1.4.1 of FMVSS No. 102." 78 FR 59090, 59091 (September 25, 2013). Nissan further explained that "[t]his issue only occurs when the ignition is switched from "ON" into "ACC" mode and the engine is off. Further, the vehicle cannot be restarted unless the ignition is switched out of "ACC" at which point the shift position indicator would reset and show the correct position." (*Id.*). NHTSA agreed that, under these "rare" circumstances, "the noncompliance poses little if any risk to motor vehicle safety." 78 FR at 59091. Similar to Nissan's case, in the Charger Pursuit vehicles, the inaccurate transmission shift position display occurs only when a specific set of conditions are present after the operator intentionally activates Surveillance Mode. The inaccurate transmission shift position display returns to the correct position immediately upon pressing the brake, opening the driver's door, shifting the transmission or pressing the Surveillance Mode switch. Importantly, the vehicle cannot be operated in the noncompliant condition. For these reasons, FCA US believes this condition does not increase the likelihood of shifting errors when the vehicle is in operation, and is therefore inconsequential to motor vehicle safety.

FMVSS No. 118

FMVSS No. 118 provides, in part:

S5. Automatic reversal systems. A power-operated window, partition, or roof panel system that is capable of closing or of being closed under any circumstances other than those specified in S4 shall meet the requirements of S5.1, S5.2, and, if applicable, S5.3.

S5.1. While closing, the power-operated window, partition, or roof panel shall stop and reverse direction either before contacting a test rod with properties described in S8.2 or S8.3, or before exerting a squeezing force of 100 newtons (N) or more on a semi-rigid cylindrical test rod with the properties described in S8.1, when such test rod is placed through the window, partition, or roof panel opening at any location in the manner described in the applicable test under S7.

When the OPP module is in Surveillance Mode, detection of a presence at the rear of the vehicle will initiate automatic window closure of the driver and passenger front windows. While closing, the power-operated windows will stop when an obstruction is detected, however, they will not reverse direction. Removal of the reverse direction feature was a conscious design decision made by the creator of the OPP module, InterMotive, to facilitate the purpose of the module - the safety and protection of law enforcement officers.

FMVSS No. 118 specifies requirements for power-operated window systems in motor vehicles to minimize the risk of injury or death from their accidental operation. Specifically, the standard seeks to prevent injury or death from accidental entrapment in a power window while closing. The regulatory history of the standard confirms that the primary concern is risk to children. ("The agency's experience is that children are the group of people most likely at risk from inadvertent or unsupervised operation of power windows." Response to Petitions for Reconsideration, 57 Fed. Reg. 23958, June 5, 1992.) Given the police surveillance circumstances in which this noncompliance would manifest, children are highly unlikely to be present in the motor vehicle. NHTSA has previously granted a petition for a determination of inconsequential noncompliance based on an analysis of whether children were likely to be present in the front seat of the noncompliant delivery trucks. ("NHTSA agrees that given the nature and intended use of the subject vocational vehicles, it would be unlikely for children to be placed in the front passenger seating area." Grant of Petition for a Determination of

Inconsequential Noncompliance, 81 FR 87654, 87656, December 5, 2016.) FCA US believes this purpose can be fulfilled while also protecting law enforcement officers.

Successful activation of Surveillance Mode requires a specific set of conditions. Not only must the vehicle be in the RUN position, in PARK, with the doors closed and no application of the service brake, the driver must choose to activate the Surveillance Mode. When Surveillance Mode is activated, the backup camera view will be displayed on the radio head unit. This is an immediate visual cue that the OPP module is in Surveillance Mode. It is unlikely that Surveillance Mode would be inadvertently activated, and even if it were, it is easily recognizable.

Deactivation of Surveillance Mode is easily achieved. It is much more likely that Surveillance Mode can be inadvertently deactivated rather than inadvertently activated. Switching the vehicle ignition to the OFF position, opening the driver door, pressing the service brake, shifting the transmission out of PARK, or pressing the Surveillance Mode switch immediately restores normal vehicle functionality, including reverse direction functionality of the driver and passenger front power windows. Surveillance Mode cannot be latched on from key cycle to key cycle, as a requirement for Surveillance Mode is the ignition in the RUN position. Again, switching the vehicle ignition to OFF deactivates Surveillance Mode.

Purchasers of Charger Pursuit vehicles who request the OPP module are law enforcement agencies. Officers of such law enforcement agencies are highly trained and sophisticated vehicle operators. Law enforcement personnel use vehicles much differently than the average vehicle owner, and are accustomed to, if not expect, unique vehicle attributes while engaged in law enforcement duties.

The OPP module is a “plug and play” module that can be easily removed when and if the law enforcement agency sells the vehicle into the civilian market. FCA US acknowledges, however, that the law enforcement agencies cannot be required to remove the OPP module from the vehicle prior to such sale.

Lastly, FCA US is not aware of any injuries, or customer complaints associated with the condition.

In consideration of the foregoing demonstration that subject noncompliant condition is inconsequential as it relates to motor vehicle safety, FCA US petitions to be exempt from the notification and remedy provisions of the Motor Vehicle Safety Act as provided in 49 CFR Part 556.

Sincerely,



Thomas McCarthy

Enclosures

CC: Mr. Joshua Neff

Chief, Recall Management Division



ENCLOSURE A

Chrysler (FCA US LLC)

Equipment Report

NHTSA ID: 20E084 Transaction ID: 20-00273-25257-10 (Original Report)

Required fields indicated with *

Table with manufacturer details: Manufacturer: Chrysler (FCA US LLC), 800 Chrysler Drive, Auburn Hills MI 48326-2757, FCA VSO/NHTSA FCA VSO/NHTSA 2485762579.

This is a Noncompliance Report. Filing a petition pursuant to 49 CFR 556

Equipment Information table for Dodge Charger Pursuit Officer Protection Package ("OPP") module N/A, including brand, model, production dates, and part number.

Number potentially involved: 27593 Estimated percentage of involved with defect: 100%

Defect / Noncompliance Description table containing detailed text about transmission shifting, power windows, and safety risks.

This Recall affects all vehicles.

Table with manufacturer information and company contact details for InterMotive, including name, address, and contact person.

ENCLOSURE A

Involved Components

If the defect or noncompliance involves a specific component(s), identify that component(s) below.

Component Name: OPP module
Component Description: OPP module
Component Part Number: N/A

Purchaser Information

Chronology of Defect / Noncompliance Determination

Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:

• On September 16, 2020, FCA US Vehicle Safety and Regulatory Compliance contacted the owner of Intermotive and verified functionality of the OPP module as designed to assess compliance with FMVSS 102 and 118. • On November 05, 2020, FCA US determined, through the Vehicle Regulations Committee, to conduct a voluntary safety recall of the affected OPP modules.

Identify the Remedy

Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.

FCA US intends to timely petition the NHTSA, pursuant to 49 CFR Part 556, for exemption from the notification and remedy requirements due to the inconsequentiality of the noncompliance as it relates to motor vehicle safety.

Describe what distinguishes the remedy component from the recalled component.

Identify and describe how and when the recall condition was corrected in production.

Identify the Recall Schedule

Describe the recall schedule for notifications.:

**11/13/2020: FCA US plans to submit a petition for inconsequentiality on or before 12/07/2020.

Planned Dealer Notification Begin Date:

Planned Dealer Notification End Date:

Planned Owner Notification Begin Date:

Planned Owner Notification End Date:

Manufacturer's identification code for this recall (if applicable):

W78

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

Manufacturer Comments to NHTSA Staff

Document Upload

There are 0 documents associated with this report.

Part 573 Safety Recall Report

20E-084

Manufacturer Name : Chrysler (FCA US LLC)

Submission Date : NOV 13, 2020

NHTSA Recall No. : 20E-084

Manufacturer Recall No. : W78



Manufacturer Information :

Manufacturer Name : Chrysler (FCA US LLC)

Address : 800 Chrysler Drive
CIMS 482-00-91 Auburn Hills MI
48326-2757

Company phone : 1-800-853-1403

Population :

Number of potentially involved : 27,593

Estimated percentage with defect : 100 %

Equipment Information :

Brand / Trade 1 : Dodge Charger Pursuit

Model : Officer Protection Package ("OPP") module

Part No. : N/A

Size : NR

Function : NR

Descriptive Information : Officer Protection Package ("OPP") modules made available for some 2017-2020 MY Dodge Charger Pursuit vehicles may make the Dodge Charger Pursuit vehicle noncompliant with FMVSS 102 and 118.

The scope was determined by FCA US LLC ("FCA US") Government Fleet Sales records that showed the request of an OPP module.

FCA US has included all OPP modules that it has provided to purchasers of its vehicles in this recall.

Production Dates : OCT 17, 2016 - OCT 30, 2020

Description of Noncompliance :

Description of the Noncompliance : FMVSS No. 102, Transmission shift position sequence, starter interlock, and transmission braking effect, S3.1.4.1 states: "[] identification of shift position, including the positions in relation to each other and the position selected, shall be displayed in view of the driver []" Suspect vehicles included in this recall will display "R" while the transmission is in the PARK position and should be displaying "P" when the OPP module is activated by the driver.

FMVSS No. 118, Power-operated window, partition, and roof panel systems, S5.1 states: "While closing, the power-operated window [...] shall stop and reverse direction either before contacting a test rod [...] or before exerting a squeezing force of 100 Newtons or more [...]." Suspect vehicles included in this recall will only stop the windows during an auto up event in the case that an object is detected, when the OPP module is activated by the driver.

FMVSS 1 : 102 - Trans shift lever seq/starter interlock/trans braking effect

FMVSS 2 : 118 - Power-operated window systems

Description of the Safety Risk : FCA US believes that the noncompliance with FMVSS 571.102 and FMVSS 571.118, in this instance, is inconsequential as it relates to motor vehicle safety, and intends to petition the NHTSA, pursuant to CFR Part 556, for exemption from the notification and remedy requirements.

Description of the Cause : NR

Identification of Any Warning that can Occur : NR

Involved Components :

Component Name : OPP module

Component Description : OPP module

Component Part Number : N/A

Supplier Identification :

Component Manufacturer

Name : InterMotive

Address : 12840 Earhart Ave.

Auburn CALIFORNIA 95602

Country : United States

Chronology :

- On September 16, 2020, FCA US Vehicle Safety and Regulatory Compliance contacted the owner of Intermotive and verified functionality of the OPP module as designed to assess compliance with FMVSS 102 and 118.
- On November 05, 2020, FCA US determined, through the Vehicle Regulations Committee, to conduct a voluntary safety recall of the affected OPP modules.

Description of Remedy :

Description of Remedy Program : FCA US intends to timely petition the NHTSA, pursuant to 49 CFR Part 556, for exemption from the notification and remedy requirements due to the inconsequentiality of the noncompliance as it relates to motor vehicle safety.

How Remedy Component Differs from Recalled Component : NR

Identify How/When Recall Condition was Corrected in Production : NR

Recall Schedule :

Description of Recall Schedule : **11/13/2020: FCA US plans to submit a petition for inconsequentiality on or before 12/07/2020.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

Purchaser Information :

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR

Address : NR

NR

Country : NR

Company Phone : NR

* NR - Not Reported