

VOLKSWAGEN

GROUP OF AMERICA

Heidi King, Deputy 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
248-754-5093 Fax
February 20, 2019 Date

Subject: Petition for Inconsequential Noncompliance with
FMVSS 101, Controls and Displays
Displays Vehicle Speed in MPH Only or, KM/H Only
2017-2019 MY Audi A3

VOLKSWAGEN GROUP OF AMERICA, INC.
3800 HAMLIN ROAD
AUBURN HILLS, MI 48326
PHONE +1 248 754 5000

Dear Ms. King:

On February 18, 2019, Volkswagen Group of America, Inc. (Volkswagen) notified the National Highway Traffic Safety Administration (NHTSA) that it had determined that a noncompliance under Federal Motor Vehicle Safety Standard (FMVSS) No. 101, Controls and Displays, existed in a number of 2017-2019 model year (MY) Audi A3 vehicles.

Under separate cover, Volkswagen is submitting 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 and repair any noncompliant vehicles.

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.

Noncompliant Condition

Affected 2017-2019 MY Audi A3 vehicles display vehicle speed in units of either only miles-per-hour (mph) or only kilometres-per-hour (km/h). Since all vehicles sold in the U.S. must display vehicle speeds in mph, or mph and km/h, these vehicles fail to fully meet the requirements set forth in paragraph S5.2.1 of FMVSS No.: 101.

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 18,379 of the following vehicles that are equipped with the Audi virtual cockpit option:

- 2017-2019 MY Audi A3 vehicles, produced between July 07, 2016 and January 07, 2019

Inconsequentiality of Non-compliance

Paragraph S5.2.1 of FMVSS No. 101 requires in pertinent part:

S5.2.1 Except for the Low Tire Pressure Telltale, each control, telltale and indicator that is listed in column 1 of Table 1 or Table 2 must be identified by the symbol specified for it in column 2 or the word or abbreviation specified for it in column 3 of Table 1 or Table 2. If a symbol is used, each symbol provided pursuant to this paragraph must be substantially similar in form to the symbol as it appears in Table 1 or Table 2. If a symbol is used, each symbol provided pursuant to this paragraph must have the proportional dimensional characteristics of the symbol as it appears in Table 1 or Table 2. The Low Tire Pressure Telltale (either the display identifying which tire has low pressure or the display which does not identify which tire has low pressure) shall be identified by the appropriate symbol designated in column 4, or both the symbol in column 4 and the words in column 3. No identification is required for any horn (*i.e.*, audible warning signal) that is activated by a lanyard or by the driver pressing on the center of the face plane of the steering wheel hub; or for a turn signal control that is operated in a plane essentially parallel to the face plane of the steering wheel in its normal driving position and which is located on the left side of the steering column so that it is the control on that side of the column nearest to the steering wheel face plane. However, if identification is provided for a horn control in the center of the face plane of the steering wheel hub, the identifier must meet Table 2 requirements for the horn.

Table 1
Controls, Telltales, and Indicators
With Illumination or Color Requirements¹

Column 1 ITEM	Column 2 SYMBOL	Column 3 WORDS OR ABBRE- VIATIONS	Column 4 FUNCTION	Column 5 ILLUMIN- ATION	Column 6 COLOR
Speedometer	-----	MPH, or MPH and km/h ¹⁵	Indicator	Yes	-----

¹⁵ If the speedometer is graduated in both miles per hour and in kilometers per hour, the scales must be identified "MPH" and "km/h", respectively, in any combination of upper- and lowercase letters.

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

- All affected Audi A3 vehicles are initially delivered for first-sale in the US market in a compliant state (speed display in miles-per-hour). Only through driver interaction within the Settings menu can the speedometer display be changed from miles-per-hour to kilometres-per-hour. The change between the display settings must be done intentionally and cannot be accomplished inadvertently

- In the affected 2017-2019 MY Audi A3 vehicles, the two speedometer scales are noticeably different. Were the previous driver to have changed the display, a subsequent driver would be able to tell at a glance that the scale is not in miles-per-hour

Miles Per Hour Setting



Kilometres Per Hour Setting



- The indicated vehicle speed in km/h is 1.6 times greater than speed in mph. Audi purports that if the vehicle operator changes the display to indicate km/h and later has not changed the display back to mph, the vehicle operator will clearly recognize that the vehicle is moving at a lower speed than intended and adjust their vehicle speed to match road and traffic conditions. Notice of the speed differential advises the vehicle operator to perform the necessary steps to adjust the speedometer back to mph (at the next appropriate opportunity)

- The 2017-2019 MY Audi A3 Owner Manuals contains information and instruction for changing the units displayed via the Infotainment system, using the MMI Settings menu. Therefore, if a vehicle operator needs to change the display to indicate mph, instructions are available

i Tips

- Depending on vehicle equipment, the instrument illumination (needles and gauges) may turn on when the lights are off and the ignition is switched on. The illumination for the gauges reduces automatically and eventually turns off as brightness outside increases. This function reminds the driver to turn the low beams on at the appropriate time.
- You can select the units used for temperature, speed and other measurements in the Infotainment system → page 243.

MMI settings

► Select: **MENU** button > **Settings** > left control button > **MMI settings**.

Language

You can change the display language as well as the language for the voice guidance* and voice recognition system.

The number of languages available depends on the market.

Measurement units

The following measurement units can be set depending on availability: **Speed, Distance, Temperature, Fuel consumption, Volume, Pressure.**

- As of January 08, 2019, production has been corrected, vehicles withheld at the factory have been corrected and unsold units will be corrected prior to sale

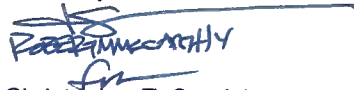
Additionally, Volkswagen is not aware of any field or customer complaints related to this condition, nor has it been made aware of any accidents or injuries that have occurred as a result of this issue.

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-105

Manufacturer Name : Volkswagen Group of America, Inc.

Submission Date : FEB 18, 2019

NHTSA Recall No. : 19V-105

Manufacturer Recall No. : 90L9



Manufacturer Information :

Population :

Manufacturer Name : Volkswagen Group of America, Inc.

Number of potentially involved : 137

Address : 3800 Hamlin Road

Estimated percentage with defect : 100 %

Auburn Hills MI 48326

Company phone : 1-800-893-5298

Vehicle Information :

Vehicle 1 : 2018-2018 Audi RS3

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Affected vehicles manufactured from production start of the product improvement until January 8th, 2019 and equipped with the virtual cockpit are affected. Volkswagen is filing a petition for inconsequentiality. Audi RS3 vehicle count: 2

Production Dates : MAR 19, 2018 - MAR 19, 2018

VIN Range 1 : Begin : WUABWHFF4J1905681 End : WUABWGFF3J1906007 Not sequential

Vehicle 2 : 2018-2018 Audi A3 Sportback

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Affected vehicles manufactured from production start of the product improvement until January 8th, 2019 and equipped with the virtual cockpit are affected. Volkswagen is filing a petition for inconsequentiality. Audi A3 Sportback vehicle count: 1

Production Dates : AUG 01, 2018 - AUG 01, 2018

VIN Range 1 : Begin : WAUUPBFF7JA154802 End : WAUUPBFF7JA154802 Not sequential

Vehicle 3 : 2018-2019 Audi A3 Sedan

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Affected vehicles manufactured from production start of the product improvement

Descriptive Information : until January 8th, 2019 and equipped with the virtual cockpit are affected.
Volkswagen is filing a petition for inconsequentiality.
Audi A3 Sedan vehicle count: 66

Production Dates : JUN 22, 2017 - OCT 24, 2018

VIN Range 1 : Begin : WAUB1GFF0J1006657 **End :** WAUGUGFF1K1012188 Not sequential

Vehicle 4 : 2018-2019 Audi A3 Cabriolet

Vehicle Type :

Body Style :

Power Train : NR

Descriptive Information : Affected vehicles manufactured from production start of the product improvement until January 8th, 2019 and equipped with the virtual cockpit are affected.
Volkswagen is filing a petition for inconsequentiality.
Audi A3 Cabriolet vehicle count: 68

Production Dates : JUN 07, 2017 - JAN 07, 2019

VIN Range 1 : Begin : WAUY8LFF2J1002964 **End :** WAU5ULFF8K1020109 Not sequential

Description of Noncompliance :

Description of the Noncompliance : When switching the speedometer display from miles-per-hour to kilometers-per-hour in the MMI, the speedometer displays vehicle speed in kilometers-per-hour (km/h) only. This is not in compliance with 49CFR Section 571.101 - Standard No. 101; Controls and Displays.

FMVSS 1 : 101 - Control and displays

FMVSS 2 : NR

Description of the Safety Risk : Noncompliance with 49CFR Section 571.101 - Standard No. 101; Controls and Displays. Volkswagen believes that there is no risk to motor vehicle safety and will file a petition for inconsequentiality.

Description of the Cause : Due to a system error, the vehicles have received an incorrect target data container.

Identification of Any Warning that can Occur : NONE

Supplier Identification :

Component Manufacturer

Name : AUDI AG

Address : NR

Ingolstadt FOREIGN STATES 85045

Country : Germany

Chronology :

January 2019: Quality monitoring detected that there is no display of both mph and km/h in the virtual cockpits of the A3 product improvement vehicles.

February 4, 2019: Issue is presented to the Audi Product Safety Committee. The APS asked the U.S.A. market to determine which measures need to be taken in this case.

February 11, 2019: After discussing in depth with Volkswagen Group of America, the Audi AG Product Safety Committee determined a noncompliance with 49 CFR Section 571.101 - Standard No. 101; Controls and Displays and decided to file a petition for inconsequentiality, as Audi believes this issue poses no risk to motor vehicle safety.

Description of Remedy :

Description of Remedy Program : Volkswagen is filing a petition for inconsequentiality. Any unsold vehicles will receive a new target data container (software). Audi will not offer a reimbursement plan under this recall.

How Remedy Component Differs from Recalled Component : The new software allows the speed to be displayed in either miles per hour only or in miles per hour and kilometres-per-hour. No part number.

Identify How/When Recall Condition was Corrected in Production : Vehicles produced after January 8, 2019 have the correct software.

Recall Schedule :

Description of Recall Schedule : Dealers/owners: On or before April 19, 2019

Planned Dealer Notification Date : APR 19, 2019 - APR 19, 2019

Planned Owner Notification Date : APR 19, 2019 - APR 19, 2019

* NR - Not Reported