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

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire

To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 252

Date Received	Repository
22-MAR-2005 2005	Reference No. 10115586

OWNER INFORMATION (Type or Print)

Name			Daytime Telephone Number	E-mail Address
Address				
City CLAY	State NY	Zip Code	Evening Telephone Number	

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? [X] YES [ ] NO
In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

Signature of Owner _____ Date 4/14/05

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side	Make	Model	Model Year
4T1CA38P75U	TOYOTA	SOLARA	~~2005~~ 2005

Date Purchased	Dealer's Name and Telephone Number			Engine:	Fuel Type:
10/6/04	BURDICK TOYOTA INC 315-458-7590			No. Cylinders 6	Gas
Original Owner [X]	Dealer's City NORTH SYRACUSE	State NY	Zip Code 13212		

Transmission Type		Powertrain	Vehicle Component Code
AUTOMATIC	[X] Antilock Brakes [X] Cruise Control	FRONT WHEEL DRIVE	103000 POWER TRAIN:AUTOMATIC TRANSMISSION Multiple Failure: 1

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s)	Failure Mileage	Failure Speed	
22-MAR-2005			

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make	Tire Model (Name or Number)	Tire Size (Example P215/65R15)
DOT No. (Example: DOTMAL9ABC098)	[ ] Original Equipment [ ] Prior Repair	Failure Location:
Tire Component Code		Tire Failure Type

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:	Date Manufactured:	Model No./Name:
Seat Type:	Installation System:	
Child Seat Component Code:	Failed Part:	

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the Incident(s), Failure(s), Crash(es), and Injury(ies).)

Crash	Fire	Number of Persons Injured	Number of Deaths	Reported to Police
[ ] Yes [X] No	[ ] Yes [X] No	0	0	N

Narrative Description of Incident(S), Crash(es), and Injury(ies).
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure: i.e, parts repaired or replaced (and if old part is available).

DRIVER NOTICED THAT WHILE SHIFTING THE VEHICLE TRANSMISSION WOULD DOWN SHIFT ON ITS OWN, AND THE VEHICLE WOULD JERK UNCONTROLLABLY. DRIVER WAS able TO MAINTAIN CONTROL OF THE VEHICLE, AND DROVE IT TO THE DEALER FOR INSPECTION. MECHANIC CLAIMED THAT VEHICLE WAS OPERATING AS DESIGNED. *AK
INCLOSED IS SOME DOCUMENTATION ON SERIOUS SAFTEY ESSUES CONCERNING TOYOTA SOLARA'S. THE ¼ SECOND DELAY IS UNPREDICTABLE BUT OCCURS MORE FREQUENTLY IN STOP & GO TRAFFIC. I URGE YOU TO TEST DRIVE THE CAR & EXPERIENCE FIRST HAND THIS DELAY & SUDDEN SHIFING AND I THINK YOU WILL AGREE THAT THIS POOR RESPONSIVENESS CAN & PROBABLY HAS CAUSED ACCIDENTS.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

January 26, 2005

National Center for Dispute Settlement
2777 Stemmons Freeway
Suite 1452
Dallas, Texas 75207

RE: CASE #

I would like to respond to the Toyota Motor Sales, USA, Inc Manufacturer Response Form mailed to me on 1/21/05 and received by me on 1/25/05.

The Toyota company has taken the stance that my Toyota Solara is operating as designed and therefore is not responsible for the ¾ second delay when pushing or letting off the accelerator or the jerky shifting after the hesitation.

I find the hesitation and the jerky shifting is not only irritating and uncomfortable to drive but more importantly a serious safety hazard. A ¾ second delay in accelerating or de-accelerating pulling out in traffic or emergency braking can be the difference between a "near hit" and a personal injury accident. Also, the sudden shifting into a lower gear causes the front wheels to spin on a slippery surface (we get over 100 inches of snow in Syracuse) which causes loss of traction and loss of steering.

If they can not or will not correct this problem, I want to get my money back in order to buy a car that does not have these multiple safety issues.

Attached is an article where Toyota admits to a problem and shows that others are having the same safety concerns.

Sincerely,

Hesitation issue goes beyond Toyota's luxury line

Friday, December 10, 2004

By Don Hammonds, Pittsburgh Post-Gazette

Toyota engineers are working to find an acceptable fix for a hesitation problem in five-speed automatic transmissions in certain of its luxury Lexus and Toyota models, the Japanese automaker said yesterday.

The problem was brought to light this week when the Post-Gazette reported on troubles McMurray resident Timothy W. Farabaugh was having with his 2004 Lexus ES330 ("Hesitating Lexus unsettling for owners," Dec. 8, 2004). The vehicle didn't respond immediately when his wife pressed the accelerator while trying to merge into traffic, causing her to narrowl avoid an accident.

It became clear the problem was more widespread when other readers who saw Wednesday's PG story reported the same hesitation with their Toyotas and other Lexus models.

It turns out that the five-speed automatic in the 2002 to 2004 Lexus ES300 and ES330 models also is used in the Toyota Highlander and Lexus RX330 sport utility models, two of the company's biggest sellers.

"The engineers in Japan are trying to come up with a fix on this problem ... The first attempt to solve this has not been completely successful," said Toyota spokesman Wade Hoyt. That first attempt "involved reprogramming the computer tha controls the transmission," he added.

The reprogramming "relieved part of the problem, but did not completely cure it," he said -- a statement with which Alvise Anti of Pittsburgh can concur.

She said her RX330 had the "update -- Lexus calls it the fix – but obviously it's not working. The car is drivable, but if yo are not aware of the problem, it can be dangerous."

Another owner, Beth Caldwell, said her 2004 Toyota Highlander V-6 with the five-speed automatic transmission had the same hesitation problem and that when she took it to the dealer's service department, she was told "that's how the new transmissions are."

Scott McAliley said he got a similar response when he approached his dealer about his 2004 Lexus ES330. He said the dealer told him that, "a.), They couldn't find anything out of the ordinary and b.), The problem would diminish over time a the computer learned our habits."

One 2002 ES330 owner, Michael Moran, said he "made contact with the customer service department at Lexus headquarters in California, which led to a test drive of my car and a resultant confirmation of the malfunctioning transmission.

"I was offered a new 2004 ES330 for $4,000, an offer I unfortunately accepted. ... The 2004 ES330 model I am now driving has an even more pronounced malfunctioning transmission."

There have been no reports of serious or fatal accidents because of the problem.

Spokesman Brad Nelson said that once Toyota comes up with a successful fix, it may issue a technical service bulletin to dealers so they could make repairs on cars when they are brought in or launch a service campaign that would notify owner that there is an issue and that the problem can be corrected.

Hoyt said he believed that only drivers who were unusually sensitive to their cars' shifts and performance would notice the hesitation.

2005 Toyota Solara Problem

- Hesitates when accelerator is depressed
  - Poor responsiveness
  - Unable to pull out into traffic
  - Safety issue if need to acceslerate and there is a ¾ second delay
- When car does respond to depressed accelerator, transmission shifts hard into lower gear and car jerks forward with unexpected acceleration
  - Uncomfortable ride
  - Temperary loss of handling and control
  - In snow or slippery conditions, front tires spin causing loss of control and steering
- Delay on de-acceleration when taking foot off accelerator
  - Feeling of stuck accelerator
  - Car continues to maintain speed (at times) even though foot is off accelerator causing delayed stopping
  - Car is still trying to maintain speed even when applying the break
  - Emergency breaking distance is extended

- Toyota states the driver will get use to the ¾ second delay.
  - I have now got over 4,000 miles on the car and I'm still not use to its responsiveness or lack of responsiveness.
- Toyota states the car will learn the driving habit of the driver and adjust after 100 miles or so.
  - How can the car learn my driving habits when I drive very cautious in my development, I drive on the freeway to get to work, I drive in rush hour traffic and my wife/children also drive the car with their own set of driving habits.
- Toyota states the accelerator management computer system needs time to determine speed, transmission gears, accelerator position and driving habits - which is why there is a delay in engine responsiveness and time for the transmission to shift into the proper gear.
  - With today's computers running millions of instructions per second, handling these relatively small number of calculations should take milleseconds.
- Toyota states drivers that cannot get use to the ¾ second delay are too sensitive.
  - Safe drivers need to feel confident their car will respond in an acceptable timeframe and have a car that does respond immediately in emergency situations.

If Toyota feels ¾ second delay in acceleration and de-acceleration is acceptable, will they put in a 5 second delay on their next models?