



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

400 Seventh Street, S.W.  
Washington, D.C. 20590

NOV 03 2005

NVS-216 et  
Ref. No. 10136679

Virginia Beach, VA

Dear

Thank you for your correspondence dated August 26, 2005, concerning a problem you have encountered with your 2004 Lexus ES 330 vehicle. Your correspondence was received on September 3, 2005. Due to limited resources we were not able to respond to you in a more timely manner. We regret any inconvenience our delay may have caused you.

The National Highway Traffic Safety Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to help us determine whether an investigation into a possible safety defect is warranted.

A review of our database relative to problems associated with the brake system in 2004 Lexus ES 330 vehicles revealed insufficient evidence to warrant opening a safety defect investigation at this time. The information you provided has been entered into our database. It will be considered with other reports to identify any safety defect trends that may require our attention.

If you have not done so, you may consider contacting your local Consumer Protection Agency, Better Business Bureau, or the Virginia State Office of the Attorney General regarding your problem and your rights under the Virginia State Lemon Law. You may also ask your dealership for a meeting with the Toyota Motor North America, Inc., district manager regarding your problem.



DOT AUTO SAFETY HOTLINE  
888-DASH-2-DOT  
888-327-4236

You can contact our toll-free Vehicle Safety Hotline (Hotline) at 1-888-327-4236. One of our representatives may be able to assist you on matters concerning motor vehicle and motor vehicle equipment safety recalls or to report an alleged safety problem. You can also request safety information. If our telephones are busy, or you call during non-working hours, you can leave your name, telephone number, and a brief subject on our recording system. A Hotline representative will return your call.

Additionally, we have an Internet Web site at <http://www.nhtsa.dot.gov> that you may want to visit. An electronic Vehicle Owner's Questionnaire (VOQ) is also available on this Web site at <http://www.nhtsa.dot.gov/ivoq>. This form is for vehicle owners to report safety related problems about their motor vehicles or motor vehicle equipment, e.g., child safety seats, jacks, tires, brake fluid, etc. The reports submitted are transferred to our database and are used to identify safety-related defect trends that require our attention. If you do not have access to the Internet, please use the enclosed VOQ to inform this agency of any future motor vehicle or motor vehicle equipment safety problems you may experience. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc., can be obtained at <http://www.nhtsa.dot.gov/cars/problems>.

If further assistance is needed, please contact Mr. Michael J. Jordan, Safety Defects Program Assistant, Correspondence Research Division, Office of Defects Investigation, at (202) 493-0576.

Sincerely,

A handwritten signature in black ink, appearing to read "Alberto A. Jimenez" with a stylized flourish at the end.

Alberto A. Jimenez, Chief  
Correspondence Research Division  
Office of Defects Investigation  
Enforcement

Enclosure