



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 100148

Date Received: 2007 JAN 29 AM 9:40  
05-JAN-2007  
Repository   
Reference No. 10177888

**OWNER INFORMATION (Type or Print)**

Name: [REDACTED] Daytime Telephone Number: [REDACTED] E-mail Address: [REDACTED]  
Address: [REDACTED]  
City: FREDERICKSBURG State: VA Zip Code: [REDACTED] Evening Telephone Number: [REDACTED]

Signature of Owner: [REDACTED] Date: / /

**VEHICLE INFORMATION**

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side: [REDACTED]  
Make: TOYOTA Model: AVALON Model Year: 2005  
Date Purchased: 01-MAY-05 Dealer's Name and Telephone Number: [REDACTED] Engine: No: Cylinders 6 Fuel Type: Gas  
Original Owner:  Dealer's City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]  
Transmission Type: AUTOMATIC  Antilock Brakes  Cruise Control Powertrain: REAR WHEEL DRIVE  
Vehicle Component Code: 181000 VEHICLE SPEED CONTROL:ACCELERATOR PEDAL  
Multiple Failure: 3

**FAILED COMPONENT(S)/PART(S) INFORMATION**

Incident Date(s): 23-DEC-2006 Failure Mileage: 45000 Failure Speed: 70

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE**

Tire Make: [REDACTED] Tire Model (Name or Number): [REDACTED] Tire Size (Example P215/65R15): [REDACTED]  
DOT No. (Example: DOTM19ABC036): [REDACTED]  Original Equipment  Prior Repair Failure Location: [REDACTED]  
Tire Component Code: [REDACTED] Tire Failure Type: [REDACTED]

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE**

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

**APPLICABLE INCIDENT INFORMATION**

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash:  Yes  No Fire:  Yes  No  
Number of Persons Injured: 0 Number of Deaths: 0 Reported to Police: 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).

TL\* - ON 9/24/06 WHILE THE CONTACT WAS DRIVING VEHICLE AT 60 MPH AND IT UNEXPECTEDLY ACCELERATED TO 75 MPH. THE CONTACT HAD TO APPLY THE BRAKE WITH BOTH FEET TO DISENGAGE THE ACCELERATION ON THE VEHICLE. ON 10/09/06, WHILE DRIVING ON THE HIGHWAY AT 40 MPH THE VEHICLE ACCELERATED TO 75 MPH, HAD TO HOLD BOTH FEET ON THE BRAKE AND PULL THE VEHICLE OFF TO SIDE OF THE ROAD. AT THAT POINT THE CONTACT TOOK THE VEHICLE TO THE DEALERSHIP, AND THE DEALER STATED THAT THE GAS PEDAL WAS MOST LIKELY GETTING CAUGHT UNDER THE CARPET. THE DEALER COULDN'T FIND ANYTHING WRONG WITH THE VEHICLE. WHILE DRIVING ON 12/23/06 AT 35 MPH THE VEHICLE ACCELERATED TO 75 MPH, AFTER A QUARTER OF A MILE CONTACT WAS ABLE TO STOP THE VEHICLE BY OUTING BOTH FEET ON BRAKE. ALL THE BREAKS WERE SMOKING AND THERE WAS TRANSMISSION FLUID LEAKING. AT THAT POINT, CONTACT HAD THE VEHICLE TOWED TO ROSENER TOYOTA. \*AK

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

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Problems Related to my 2005 Toyota Avalon  
VIN #T1BK36B[REDACTED]

I have had three incidents of uncontrolled acceleration. The first was on I-95 on September 24, 2006 when the car suddenly accelerated from 35 mph to full throttle. It surprised me, I applied the brakes full force and managed to steer the vehicle to the shoulder and turn key off. I wasn't sure what caused the problem so I restarted the engine and proceeded without problem.

On October 9, 2006 while on vacation on Ocracoke Island, N.C, driving at about 45 mph the vehicle suddenly accelerated full throttle, once again I applied full pressure to brakes and was able to steer onto sand brim and my husband turned off ignition. Everyone, including myself, my husband and another couple were quite shaken.

Once again the engine was restarted and we proceeded without incident. My husband told me to contact Lustine Toyota, Woodbridge, VA about the problem. I was also due for a service, so I called and they said they would check it when I brought it in for scheduled maintenance. I took the car into Lustine Toyota on November 1, 2006. They said they checked the accelerator and found no problem and said to drive the car and let them know if it did it again. I reluctantly took the vehicle and continued to drive it with not knowing if it would do it again.

My worst fears were realized on December 23, 2006. I was accelerating from a stop light at Route 17 and Hartwood Dr. in Hartwood, VA when the vehicle suddenly accelerated at full throttle to 80 mph. Again I applied the brakes with both feet. It took nearly a quarter mile to stop the vehicle. I was able to steer into a parking lot at Hartwood Automotive. A mechanic heard the engine revving out of control. I managed to hold brakes on and turn the engine off. The mechanic, David Planakis, told me to get out of the car because smoke was coming from beneath the car and all four brake rotors were glowing red. I called my husband and he talked to [REDACTED] who said he did not feel that the car was safe to drive. My husband called Geico Insurance and had the car towed to Rosner Toyota in Fredericksburg, VA.

On December 27, 2006, I was contacted by a Mr. Jeff Grossman, Assistant Service Manager at Rosner Toyota, who notified me that my transmission fluid was black and that all four brake rotors were badly warped and that the brake pads were nearly worn out and needed to be replaced. He said these repairs would be approximately \$900.00. I told him I thought these problems were related to the excessive braking required to stop the vehicle in the previous incidents. He said he could not do these repairs as warranty because they could not duplicate the acceleration problem. At this point my husband told them not to perform any service work on the vehicle.

I contacted Chris Allison at Lustine Toyota, Woodbridge, VA, where I purchased the vehicle, to see if they would give me a rental car until the problem was found. He stated the same thing that Rosner Toyota told me, it couldn't be proven the problem was warranty and therefore, they couldn't provide me with a rental.

Chris Allison, the Senior Service Manager for Lustine Toyota, said he would contact Rosner Toyota to speak to the service technician and call me back. I then contacted Toyota Customer Experience at 1-(800)-333-4331 to explain my problem and they assigned me a case number, #200701020870, and stated the case would be expedited and that I would be contacted within two days. I then received a call back from Chris

Allison on January 3, 2007. He stated that the vehicle had a technical service bulletin for an oil leak that had not been performed. This was supposed to be done at Lustine, during an oil change maintenance service. I didn't know anything about it because it was a service bulletin sent to the dealership. He also stated that the black transmission fluid was not a problem if I planned to trade the vehicle at 100,000 miles. This statement is contrary to Rosner Toyota's recommendation to flush and replace fluid every 30,000 miles. Who's right? He also stated that they hadn't found the problem at Rosner, nor could they explain the black transmission fluid.

On January 9, 2007, I received a call from Mr. Grossman. He said a Toyota field technician had checked the car and driven it for seven miles and found no problem. Rosner Toyota had given me a rental for six days and asked that I return it and pick up my vehicle. My husband asked Mr. Grossman if the car was safe to drive and questioned the brake rotor problem. Mr. Grossman said he had driven the vehicle and the brakes were fine, all of a sudden the brakes were okay?

My husband refused to let me drive the vehicle. We called a tow company and had the care towed to Hartwood Automotive to have brakes checked. Mr. Planakis test drove the car for one mile and stated that the rotors were warped to excess that the car was not safe to drive. He also checked the transmission fluid, which was now a clear pink and had obviously been changed. I at no point authorized Rosner to change the transmission fluid. On January 16, 2007, my husband had the vehicle towed to our residence at 30 Flying H Farms Rd. Fredericksburg, VA because of the brake rotor problem and the failure of Toyota to diagnose the acceleration problem.

The vehicle is dangerous to me and others on highway. We will not drive the vehicle until the problem is repaired. Today is January 16, 2006 and I still do not have a vehicle that I, my husband or an ASE certified mechanic considers safe to drive. My husband asked if Toyota would give us a statement that the vehicle was safe to drive and they refused. The service manager at Rosner Toyota stated to my husband he would not let his wife drive this car so why should I risk my life or others because Toyota Motors won't do the right thing.

On January 16, 2007, we received a call from Kevin at Toyota Corporate. He stated there was nothing found wrong with my car and that the next step would be going to arbitration.

Date JANUARY 16, 2007

Signed \_\_\_\_\_

