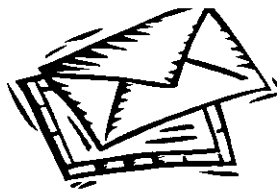


NHTSA ccmMercury Routing Slip

CL-10285376-2677



Printed: 9/16/2009

NHTSA #: ES09-005906

XREF #:

Delivery: S10 E-MAIL

Rec'd Date: 9/16/2009

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Address To: S1

Referred By: NPO-011

Doc Date: 9/3/2009

Due Date: 9/30/2009

S10 #: S10-090910-094

DOT/I #:

RMP #:

Subject: LETTER TO THE SECRETARY FROM [REDACTED] REQUESTING ASSISTANCE WITH AN ALLEGED LIFE THREATENING ISSUE RE TOYOTA RAV4S

Ack Date:

Sign Office: ENFORCEMENT

Cleared Date:

File Loc:

Added By: BMILLINGS x65470

Ack By:

Signature: SMITH

Cleared By:

XREF File:

Modified By:

BERNADETTE.MILLINGS

Signed For:

Cleared For:

Closed Date:

Most Recent Comment:

Author:

[REDACTED]

LANDOVER, MD [REDACTED]

Tel: Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	9/16/2009	9/30/2009	
NVS-010	INFORMATION	9/16/2009		9/16/2009
NPO-011	INFORMATION	9/16/2009		9/16/2009

SEP 17 2009

RECEIVED - NHTSA
2009 SEP 16 A 11:48
EXECUTIVE SECRETARIAT

ET
2:49
9/17/09
NJ

September 3, 2009

Secretary Ray LaHood
U.S. Dept. of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

Dear Secretary LaHood:

I am seeking your assistance resolving an issue pertaining to my 2001 Toyota RAV4. This problem no longer just distressing 2001-2003 owners but all RAV4 owner are being affecting this life threatening issue. At this point, no one is taking this issue serious. My personal situation puts me in no position to buy a new vehicle. I am a single mom who has just finished fighting a long battle to save my home. My income has not gone up nor have I been successful at obtaining a job that pays more money. I purchased this vehicle expecting long term usage, especially if I kept up with the recommended maintenance. Toyota has always produced vehicles that were viewed as being very dependable and reliable. So truly, I am very disappointed with my problems with my vehicle.

Do lives have to be lost before this becomes an issue worth investigating? On, July 30, 2009, I sent a letter to Yoshi Inada, President of Toyota addressing my issues and concerns. As of today, I have not received no written response just a call from customer service reiterating that Toyota is not responsible. The customer service representative did inform me that "If in the future there is a recall, I would be reimbursed my money". Toyota is putting me and my family in danger. There are so many unhappy Rav4 customers commenting on various sites about this problem because Toyota is not listening.

Recently, there was an article in the New York Time entitled **RAV4 Owners Fume Over Toyota's Handling of Transmission Glitch** written by Christopher Jensen. This article has received numerous comments from RAV4 owners that are dealing with this problem. I've contact U.S. Senator Benjamin Cardin about this problem and he responded and informed me to contact The Consumer Protection Division within Maryland Attorney General's Office. A representative from Congresswoman Donna Edwards office contacted me and told me this was not a federal issue and to contact The Consumer Protection Division as well. Based on this insert from the article, is the NHTSA which is a Federal Government office putting consumers in danger "Mr. Clarence Ditlow, executive director of the Center for Auto Safety, who has watched the safety agency and the auto industry for three decades, says he has concluded that the agency is reluctant to open investigations into transmission problems unless they involve vehicles that stall or have problems on the highway, which constitutes a clear safety problem." This is the response from the spokesperson from NHTSA Rae Tyson. He said the problem has been deciding whether the complaints are a **safety issue or just consumer inconvenience.**

"They are watching it very closely," he said. So the agency believes or thinks consumers would waste time complaining about an issue that is affecting many. Basically, this is being viewed as a game of russian roulette for consumers. This is a life or death issue not a game for consumers to get over on Toyota. What are they watching for? The number of complaints is extremely high and lives are put in danger every day. What about the RAV4 owners that is not aware of this problem? What happens when their vehicle cuts off in traffic and causes a major accident?

My vehicle has almost been hit about 8 -10 times due to the stalling. Unfortunately, Toyota does not see this as a problem and hides behind the fact that car owners have gone pass their warranty period. They were very aware of this problem which begins once your vehicle reaches between 80,000 – 85,000 miles. Per the information I have gathered from the internet it is varies when the problems are actually starting. They can't get away with having consumers purchase vehicles under a hidden short usage rule. I've actually been talking to other RAV4 owners that I have seen in my area. The conversation that stuck with me the most was one with an elderly woman. She was retired and purchased her vehicle because of Toyota's history of reliability. When I shared with her my issues, she was elated because she had been experiencing some of the same problems.

Attached is The New York Times article for your review. It is imperative that this issue be addressed. I've made several attempts to get Toyota to address this issue not just for me but for all owners of a Toyota Rav4. My hope upon you reviewing this information is that you find this important enough to address immediately.

If your office is unable to assist me, please forward me the information to whom I should contact to get assistance.

I can be reached on [REDACTED] or via email at [REDACTED]

Sincerely,

[REDACTED]

Wheels

The Nuts and Bolts of Whatever Moves You



August 26, 2009, 8:37 am

RAV4 Owners Fume Over Toyota's Handling of Transmission Glitch

By Christopher Jensen



2001 Toyota RAV4.

Although customer satisfaction studies have often given Toyota's RAV4 "cute ute" high marks for quality, some owners are furious at the automaker because it failed to warn them of a serious transmission problem. Had Toyota warned them, they say, they could have avoided expensive repairs.

Benjamin Birkbeck of Yarmouth, Me., who owns a 2002 RAV4, is one of those consumers. His wife, Rhonda, was trying to merge into traffic when a suddenly faulty transmission meant she was "almost run over by a semitruck," he wrote in a complaint on the Center for Auto Safety Web site. "This is a safety issue. My wife was almost killed."

Dianna Radford of Albuquerque, N.M., had to pay about \$4,000 for a repair on her 2002 model. "I have owned Toyotas for 12 years and I will never buy another one, the way I was treated," she said.

They are not alone. The National Highway Traffic Safety Administration has more than 120 complaints about transmission problems with the 2001–2003 RAV4, of which Toyota sold about 250,000. Often the blame is put on the engine control module (E.C.M.), which tells the transmission what to do.

In March 2006, Toyota sent dealers a technical service bulletin warning them that some consumers might complain about harsh shifting. It said improvements were made to the computer "manufacturing process to reduce the possibility of this condition occurring." It then told the dealers to replace the module and if that did not work to replace the transmission. But consumers owning the vehicles were

never notified about the problem.

That kind of a warning is important because, as soon as the transmission begins to misbehave, consumers should stop driving it and get it fixed to avoid major transmission damage, said Lance Wiggins, the technical director of the Automatic Transmission Rebuilders Association. Mr. Wiggins said the association is quite familiar with the RAV4 problem.

Over all, Toyota has "a fairly responsible customer satisfaction program," said Clarence Ditlow, executive director of the Center for Auto Safety. But this time consumers are getting a bad deal.

"At best you can say it slipped through the cracks," Mr. Ditlow said. "At worst you can say that Toyota is knowingly imposing the risk of a very large repair on consumers."

Brian Lyons, a spokesman for Toyota, said that when the bulletin was sent out the automaker didn't notify consumers because it was not considered a safety problem; additionally, repairs were being covered by a warranty, he said, and Toyota did not realize that the E.C.M. problem might result in damaged transmissions.

Although it is now clear that the E.C.M. problem can damage transmissions, Mr. Lyons said the automaker isn't ready to send out notices to consumers because it is still studying the issue and whether to extend the warranty. He said consumers with problems should call Toyota's customer assistance center at (800) 331-4331.

Mr. Ditlow interprets the March 2006 service bulletin as an admission of a defect, something Mr. Lyons did not dispute. But despite the defect, Toyota did not offer any special warranty coverage. Instead, the bulletin said repairs would be covered under the federal emissions warranty of 80,000 miles or eight years from the time the vehicle was sold.

The bulletin also told dealers they could only make repairs under that warranty based on consumer complaints once a problem had been identified — not to prevent the problem.

Many owners have turned to the federal safety agency, saying they feel their vehicles are not safe and asking for help in the form of a recall. But the agency has not undertaken a defect investigation, which could lead to a recall.

Mr. Ditlow, who has watched the safety agency and the auto industry for three decades, says he has concluded that the agency is reluctant to open investigations into transmission problems unless they involve vehicles that stall or have problems on the highway, which constitutes a clear safety problem.

Rae Tyson, a spokesman for the agency, said the problem has been deciding whether the complaints are a safety issue or just consumer inconvenience. "They are watching it very closely," he said.

Rhonda Birkbeck says if an agency official had the same experience she had there wouldn't be any doubt it was a safety defect. "I just hope they won't still be studying it when someone loses their life," she said.

- [E-mail This](#)



Office of the Secretary of Transportation Executive Secretariat

Control number:	S10-090910-094	Action office:	NHTSA
Document date:	9/3/2009	Due date:	
Writer:	[REDACTED] [REDACTED] Landover, MD 20785		
Subject:	Request For Assistance With an Alleged Life Threatening Issue Regarding Toyota RAV4s		

Action: Appropriate Handling

Date	Action	Action by
9/10/2009	Folder Processed for Appropriate Handling.	AWILLIAMS
9/10/2009	DIST: C1,I1	AWILLIAMS
9/10/2009	Updated Folder Information.	AWILLIAMS
9/10/2009	Updated Folder Information.	AWILLIAMS
9/10/2009	Work Folder Assigned to NHTSA.	MPETTIFORD
9/10/2009	Incoming File Uploaded.	MPETTIFORD
9/10/2009	Control Number Created.	MPETTIFORD

Date	Note	Note by
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For more information please contact:
Ada Williams, ada.williams@ost.dot.gov