



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

27-OCT-2009

Repository Reference No.
10289945**OWNER INFORMATION (Type or Print)**

Name

Address

City TAPPAHANNOCK

State VA

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

4T1BK36B65U

Make
TOYOTAModel
AVALONModel Year
2005

Date Purchased

Dealer's Name and Telephone Number

Engine:
No: Cylinders

Fuel Type:

Original Owner

Dealer's City

State

Zip Code

Transmission Type

 Antilock Brakes

Powertrain

Multiple Failure:

Incident Date(s)
24-SEP-2005 Cruise Control**FAILED COMPONENT(S)/PART(S) INFORMATION**

Vehicle Component Code: 180000 VEHICLE SPEED CONTROL

Failure Mileage
11000Failure Speed
25**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: DOTM19ABC036)

 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

 Yes No

Fire

 Yes No

Number of Persons Injured

Number of Deaths

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* THE CONTACT OWNS A 2005 TOYOTA AVALON. WHEN ATTEMPTING TO APPLY THE BRAKES, THE VEHICLE ACCELERATED WITHOUT TOUCHING THE ACCELERATOR PEDAL. THE VEHICLE WAS SHIFTED INTO NEUTRAL TO DECELERATE. THE VEHICLE WAS TOWED TO TWO DIFFERENT DEALERS, BUT THE TECHNICIANS COULD NOT REMEDY THE FAILURE. A COMPLAINT WAS FILED WITH THE MANUFACTURER, BUT NO ASSISTANCE WAS PROVIDED. THE CURRENT MILEAGE WAS 45,000. THE FAILURE MILEAGE WAS 11,000.

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.

Toyota... Purchased on 7/30/2005 at Mechanicsville Toyota 6546 Mechanicsville Pike,
Mechanicsville, VA 23111 (Mileage = 9220) State dealer board 804 367 1100

- Sept. 12, 2005 Experienced Engine Accelerating while foot on brake (sitting in car). Called Toyota and had car towed in to Sparks Toyota per Dwayne Segar. Couldn't find any problem with car. One of the mechanics suggested the Problem might be with the position of cruise control in relation to drivers Knee. Service manager dismissed this as possibility and said design of the Auto made this an impossibility. Dwayne asked if I wanted to leave car and see If they could put more test miles on car. Contacted Mr. Allen in Mechanicsville After some discussion he agreed to pick up one day rental on Hertz rental. Left Sparks Toyota and rented car. Returned to Ocean Isle.
- Sept. 13, 2005 Left cottage in rental car after mandatory evacuation order, checked into Hampton Inn in Myrtle Beach. Returned to Sparks and Hertz to pick up Toyota. Service Dept. at Sparks had closed early. Only service manager was there to relate That they could find no mechanical problems with my car. I retrieved car And drove back to Hampton Inn (Myrtle Beach).
- Sept. 14, 2005 Stayed an additional night at Hampton Inn. Ocean Isle still under emergency Evacuation. Used car to drive locally.
- Sept. 15, 2005 Checked out of Hampton Inn. Drove car locally. Went back to Ocean Isle. Spent night at Ocean Isle.
- Sept. 16, 2005 Went out (furniture stores). Drove car locally. No problems.
- Sept. 17, 2005 Left Ocean Isle. Noticed a similar problem at stop sign, but not as pronounced. Drove home. Mechanicsville Toyota was closed by this time. Per recording Also close on Sunday 18th.
- Sept. 19, 2005 Contacted Mr. Lee (our salesman at Mech.) and he referred me to Todd in Service dept. Made and appointment for Tuesday 9/20
- Sept. 20, 2005 Drove car to Mechanicsville. Service department examined car (included me in Test drive and were not able to duplicate problem or determine through their Diagnostics what happened. They said car was designed so that problem I described could not happen. (I thought problem might be related to location of Steering wheel in relation to cruise control). Paul, Dennis and James in service depart. were sympathetic but said if the problem could not be duplicated it could Not be fixed. My position was the car is not safe to drive and I wanted to discuss Options. Service dept. contacted district manager for Toyota (Danny Ngo). His Position was same as service dept. concerning duplication of problem. I could Not talk to Mr. Ngo because service department refused to give me his phone #. I then talked with dealership manager Mr. Allen concerning a refund. He stated That was not an option and he would drive car himself and see if problem occurred When he drove it (mileage 10,683). We also discussed option of trading car for a Similar vehicle. Mr. Allen loaned me a car to drive home. Drove home and Contacted customer relations (person named June) and opened case # 200509200668. Person named Errin (female) called later and said she would be handling my case and would call back by 9/30 about developments in case and what facts she could find out. Customer relations number is 1-800-331-4331. Mr. Allen stated he would call on 9/21 and give me results of his test drive.
- Sept. 21, 2005 Mr. Allen called and stated he had driven the car about 60-70 miles under stop And go conditions and had experienced no problems. Mr. Allen will keep car

And drive it one more day in hopes of finding problem. Mr. Allen stated he Was unable to find a similar auto thru his auctions and that he would be Willing to trade the car in on another car; but it would involve additional Expense that would have to be covered by myself. I offered to pay for Mileage that had accumulated on the Avalon and accept a refund minus That amount. He said the reality was that the car was no longer worth what I paid for it. Will call again tomorrow to check on status.

September 22

Mr. Allen called and said there is no difference in operation results. I asked about upgrading to a 2006 and he said the difference in cost would Be about \$4700. I said I was thinking more of \$2000 and he said that didn't Work for him at all. He also admitted that if he had observed the same Acceleration problem and his service department couldn't determine the Cause then I would still be obligated to keep the car because they couldn't Duplicate the problem. I ask for the owners phone # and Mr. Allen said he Would give that to me; but Mr. Page wouldn't be available for about 10 days I told him I would return his loaner and pick up the Avalon on Friday 23

September 23,

Talked with caseworker at Toyota and related recent developments. Asked Why I couldn't be furnished with dist. manager number, since he could have mine. Also made reference about Toyota's settlement over "insensitive" TV commercial. Toyota rep. Said I could write to Toyota about this at Toyota Motor Sales USA 19001 Southwestern AV. Dept. WC11, Torrance Ca. 90509. Said writing to Toyota CEO would not achieve a response. Said she would call next Wed. to Let me know about results of her "research" on this subject. Picked up Avalon At dealer, auto had 10,802 miles on odometer.

September 24

Phillip called with recall from Toyota on steering problem with Avalons 1-800-331-4331 was number for recall info (same # as is in owner's manual for customer relations)

September 28

Aaron called said that Toyota's position was that since dealer couldn't duplicate Problem there was no repair they could make and I could submit to arbitration Hearing that would require me to file papers requesting same. This entire process Would take about 40 days and I'm not bound by the outcome. The case is heard By an arbitrator who is paid by Toyota; but supposedly independent. She gave me A new case # (200509280312) and is sending necessary papers to file claim. She Stated that there were no special service alerts on the vehicle.

October 12

Filled out form for arbitration and mailed same this date. Made copy of form.

October 22

Request came for arbitrator requesting papers (bill of sale, registration, title). None of the requested service records are in my possession. Case #8005238 per Arbitrator.

October 26

Made copies of requested information and returned same to arbitrator:

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

Included this chronology for their information.

Summary: My fear is that the car is unsafe to operate or that there is a design flaw concerning the location of the cruise control that Toyota does not wish to admit because of the expense of a recall

Dispute center ruled in favor of Toyota because problem could not be duplicated
And dismissed claim. Saved letter regarding their findings.

[REDACTED]
Tappahannock, Va. [REDACTED]