

**INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)**



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

1200 New Jersey Avenue SE.
Washington, DC 20590

July 29, 2010

[REDACTED]

Greenwich, CT [REDACTED]

NVS-216 et
Ref. No.10318620

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2008 Lexus ES 350 vehicle. We regret any inconvenience our delay in responding 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 safety defects in their design, construction, or performance. 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 appreciate the report you provided. Reports from motorists are a very important source of information for us. In your letter you indicated that while driving your MY 2008 Lexus ES350 the vehicle accelerated and crashed into a tree causing you to sustain injuries to your leg. The damage to your vehicle from the crash has been repaired in addition to receiving recall repairs. However, now you suffer from the damage to your leg and seek compensation for your medical costs.

We are sorry to hear of the injuries you sustained as a result of this incident and understand your concern for the unintended acceleration you experienced; however, your request for medical compensation does not fall under our jurisdiction. If you have not done so, you may consider contacting the Connecticut Attorney General regarding your request.

NHTSA is now undertaking a comprehensive look into the safety of electronic throttle control systems in all vehicles sold in the United States equipped with that technology. The prestigious National Academy of Sciences will examine the broad subject of unintended



acceleration and electronic vehicle controls across the entire automotive industry. Separately, NHTSA has enlisted National Aeronautics and Space Administration scientists with expertise in areas such as computer controlled electronic systems, electromagnetic interference, and software integrity to examine the issue of unintended acceleration specifically in Toyota vehicles. If either study should identify a potential safety-related defect, an investigation will be opened.

Should you encounter a safety-related problem with a motor vehicle or item of motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at <http://www.nhtsa.dot.gov/ivoq> or call the Auto Safety Hotline at 1-888-327-4236. 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>.

Sincerely,

A handwritten signature in black ink that reads "Randy Reid". The signature is fluid and cursive, with the first and last names being clearly legible.

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement