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INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)**



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Administrator

1200 New Jersey Avenue SE
Washington, DC 20590

June 28, 2010

The Honorable Steve Israel
Member, U.S. House of Representatives
150 Motor Parkway, Suite 108
Hauppauge, NY 11788

NVS-216 et
Ref. No. 10318695

Dear Congressman Israel:

Thank you for your correspondence on behalf of your constituents, [REDACTED] and his daughter, [REDACTED]. [REDACTED] wrote concerning his daughter's model year (MY) 2002 Toyota RAV4.

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 on behalf of [REDACTED]. Reports from motorists are a very important source of information for us. [REDACTED] indicated that the computer in his daughter's MY 2002 Toyota RAV4 was defective and caused an acceleration problem. The computer was replaced in 2008, but [REDACTED] believes the new computer may also be defective in light of the recent Toyota recalls. He is seeking compensation for the replacement costs of the computer and transmission, including compensation for any necessary future repairs.

We understand [REDACTED] concern regarding the acceleration problem [REDACTED] encountered and the costs associated with the repair of her vehicle; however, the MY 2002 RAV4 is not included in the recent recalls announced by Toyota that address unintended acceleration caused by pedal entrapment and a sticky pedal. Additionally, vehicle manufacturers are not required to provide reimbursement to vehicle owners unless their vehicle has received safety recall repairs prior to notification of a recall. A review of our database revealed no recalls involving the MY 2002 Toyota RAV4 vehicle at this time.

NHTSA has opened a recall query (RQ10-003, summary enclosed) requesting additional information from Toyota to more fully understand and evaluate, among other things, whether the scope of the recalls identified (makes, models, and model years) is sufficiently broad. The agency is seeking to determine whether Toyota viewed the underlying defects too narrowly as interference between the accelerator pedal and driver's side floor mat, lever material and design or overall performance problems. In addition, NHTSA is requesting information about how Toyota viewed complaints and other reports to Toyota and how Toyota assessed potential electromagnetic interference issues.

NHTSA is now undertaking a comprehensive look into the safety of electronic throttle control (ETC) systems in all vehicles sold in the United States equipped with that technology. The agency has procured help from scientists and other experts in areas such as computer controlled electronic systems, electromagnetic interference, and software integrity from the National Aeronautics and Space Administration (NASA) to conduct a short-term review of ETC systems used in Toyota vehicles to determine whether they contain any possible flaws that could cause unintended acceleration. NASA's expertise in electronics, hardware, software, hazard analysis and complex problem solving ensures this review will be comprehensive. The NASA review of the ETC systems in Toyota vehicles should be completed by late summer.

In addition, the prestigious National Academy of Sciences will examine the broad subject of unintended acceleration and electronic vehicle controls across the entire automotive industry. This will not be limited to Toyota, but will cover all vehicle manufacturers. The panel will make recommendations to NHTSA on how its rulemaking, research, and defects investigation activities may be enhanced to ensure the safety of electronic control systems in motor vehicles. If either study should identify a potential safety-related defect, an investigation will be opened.

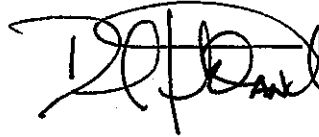
With regard to [REDACTED] request for compensation for necessary future repairs to his daughter's vehicle, this does not fall under our jurisdiction. If he has not done so, he may consider contacting the Federal Trade Commission (FTC). The FTC has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways he can contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at <http://www.ftc.gov/ftc/complaint.htm>.

Page 3

The Honorable Steve Israel

I hope this information is helpful. If you have any questions, please have your staff contact me or Mr. Daniel C. Smith, Associate Administrator for Enforcement, at (202) 366-3217.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Strickland", written over a horizontal line.

David L. Strickland

Enclosure

cc: Washington Office