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JUL 09 2010

July 1, 2010

Edison, New Jersey [REDACTED]

David L. Strickland, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

Dear Mr. Strickland, Re: Accident due to faulty traction control or other software

We were in an accident driving a 2004 Lexus ES330 (VIN: JTHBA30G745 [REDACTED]) in cold conditions where the anti-lock braking system (ABS), faulty traction control, vehicle stability control (VSC), calipers, brake lines, pads, rotation sensors, piston, or other source caused the car to skid off the road into the guard rail. No other vehicle was involved. A slight application of the brakes caused the wheels to freeze and car to skid into the side rail as indicated in a submitted police report of the event.. I took the car to Lexus of Edison and spoke with the following people: Donna Coleman (service consultant), Joseph Rattino (service coordinator), and Ralph Bencivenga (service manager) to determine if the vehicle was safe to drive. Diagnostic testing could only confirm that the internal computer was not reporting a system error. I was advised that road testing in similar conditions would be required to verify a safe vehicle. We have no means of conducting this type of evaluation. We believe that Toyota determined there was a glitch in the antilock brake system software referred to as "traction control" or "vehicle stability control" software. Toyota decided to make a change to its production line to address the problem, but moved to a recall after receiving more complaints on similar vehicles; but did not address the 2004 Lexus ES330. To our knowledge no recall or adjustments has been made on this vehicle. We requested a safety evaluation of this vehicle all monetary issues have been resolved. We are afraid to drive in similar conditions and requested a full review of the accident. We have heard once from Toyota on April 9, 2010 from Carolyn at Lexus Customer Satisfaction and she indicated a Mr. William Bergen would contact us within 30 days. No such person has made any contact. We have written 3 letters to Toyota with no response. How should we proceed?

Very truly yours, [REDACTED]

cc: Congressman Leonard Lance

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