

**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**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

April 22, 2010

The Honorable Larry Kissell
Member, U.S. House of Representatives
325 McGill Avenue, Suite 500
Concord, NC 28027

NVS-216 et
Ref No.10319819

Dear Congressman Kissell:

Thank you for your correspondence dated March 8 on behalf of your constituent, [REDACTED] [REDACTED] wrote concerning the problem he encountered with his model year (MY) 2007 Lexus ES 350 vehicle. Your correspondence was received on March 10.

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.

We appreciate this report and the Vehicle Owner Questionnaire [REDACTED] provided. Reports from motorists are a very important source of information for us. [REDACTED] indicated that while driving his MY 2007 Lexus ES 350 he experienced unintended acceleration on two occasions. Each time, [REDACTED] was able to regain control of his vehicle by tapping the accelerator pedal. He reported his unintended acceleration incidents to a Lexus dealer. The dealer advised that they could not find a problem and Lexus has not announced a recall. Although [REDACTED] experienced a sticky accelerator pedal, his vehicle was not produced with a CTS accelerator pedal which is involved in NHTSA Recall Campaign No.10V-017. At this time, there is no evidence of a safety defect in non-CTS accelerator pedals.

ES10-001525

However, in October 2009, Toyota announced the recall of 3.8 million vehicles, including the MY 2007 Lexus ES 350, for accelerator pedal entrapment by the driver's floor mat, (NHTSA Recall Campaigns No. 09V-388 and No. 10V-023). That recall was recently expanded to include almost 5.4 million vehicles. When an accelerator pedal is depressed to or almost to the floor, as is done during attempts to merge onto a freeway or pass another vehicle at highway speeds, it can become trapped by an out of position or unsecured floor mat.

Toyota notified owners of affected vehicles to remove any driver's floor mat and not replace it with any other mat pending the production of model-specific remedies. We are aware of deaths associated from pedal entrapment by the floor mat; therefore, it is imperative that [REDACTED] remove all driver's side floor mats or ensure that all mats are properly secured. Toyota will mail a second notification to owners of affected vehicles notifying them of free remedy when it is available.

Regardless of the cause, if a consumer is experiencing unintended acceleration in their vehicle, they should take the following steps:

- Brake firmly and steadily – do not pump the brake pedal
- Shift the transmission into Neutral (for vehicles with automatic transmissions and the sport option, familiarize themselves with where Neutral is – the diagram may be misleading).
- Steer to a safe location
- Shut the engine off (for vehicles with keyless ignition, familiarize themselves with how to turn the vehicle off when it is moving – this may be a different action than turning the vehicle off when it is stationary).
- Call a dealer to pick up the vehicle. Do not drive it.

Safety is our top priority. NHTSA is in contact with consumers and Toyota to gather all the facts to get to the root cause of these unintended acceleration issues regardless of their causes. In particular, we have identified several instances in which a dealer made mistakes in applying one of the recall remedies. This has been the topic of ongoing dialogue with Toyota and we understand that Toyota is improving their instructions to dealers. NHTSA will continue to examine these incidents and a dialogue with Toyota in this matter.

Page 3
The Honorable Larry Kissell

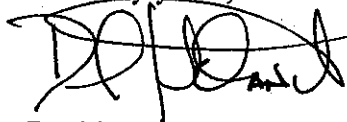
NHTSA is now undertaking a comprehensive look into the safety of electronic throttle control (ETC) systems in all vehicles sold in the United States equipped with that technology. The prestigious National Academy of Sciences (NAS) will examine the broad subject of unintended acceleration and electronic vehicle controls across the entire automotive industry. Separately, NHTSA has enlisted National Aeronautics and Space Administration (NASA) 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.

NAS, which includes the National Research Council, will examine the broad subject of unintended acceleration and electronic vehicle controls across the entire industry over the course of 15 months. This will not be limited to Toyota, but will cover all vehicle manufacturers. A panel of experts will review possible sources of unintended acceleration, including electronic vehicle controls, human error, mechanical failure and interference with accelerator systems. The experts will look at software, computer hardware design, electromagnetic compatibility and electromagnetic interference. The NAS panel will make recommendations to NHTSA on how to enhance its rulemaking, research, and defects investigation activities to ensure the safety of electronic control systems in motor vehicles.

The NHTSA review of the ETC systems in Toyota vehicles is to be completed by late summer. NHTSA has brought in NASA engineers and other experts in subjects such as electromagnetic compatibility as part of a shorter-term review of these systems used in Toyota vehicles to determine whether they contain any possible flaws that would warrant opening a defect investigation. NASA's expertise in electronics, hardware, software, hazard analysis and complex problem solving ensures this review will be comprehensive. If either study should identify a potential safety-defect, an investigation could be opened.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Strickland", with a large, sweeping flourish extending from the end of the signature.

David L. Strickland