

**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

September 16, 2010

[REDACTED]  
President,  
HTE Associates Inc.  
[REDACTED]  
Newbury, MA [REDACTED]

NVS-216 et  
Ref. No.10329631

Dear [REDACTED]

Thank you for your correspondence concerning your model year (MY) 2004 Lexus ES330 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 you encountered unintended acceleration on two occasions and you believe the problem stems from an electrical issue rather than a mechanical defect. We understand your concern for the unintended acceleration you experienced; however, as you may know, the MY 2004 Lexus ES330 is not included in the recent recalls announced by Toyota that address unintended acceleration caused by pedal entrapment and a sticky pedal.

The agency has opened recall query (RQ)10-003, summary enclosed, requesting additional information from Toyota to more fully understand and evaluate, among other things, whether the scope of the recalls (makes, models, and model years) is sufficiently broad and the recalls were



done in a timely manner. NHTSA will fully investigate any possible defect trends in these vehicles regardless of whether pedal entrapment, a sticky accelerator pedal or electronic throttle control (ETC) systems appear to be an issue.

In addition, NHTSA is also undertaking a comprehensive look into the safety of ETC systems in all vehicles sold in the United States equipped with that technology. The National Academy of Sciences is examining 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 cursive script that reads "Randy Reid".

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

Enclosure



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

# ODI RESUME

Investigation: RQ10-003  
Date Opened: 02/16/2010  
Principal Investigator: Jennifer Timian  
Subject: Unintended Acceleration

Manufacturer: Toyota Motor Corporation  
Products: Various MY 2004 - 2010 Toyota, Lexus and Pontiac vehicles  
Population: 7,709,749

Problem Description: Unintended and uncontrollable acceleration.

## FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:			
Crashes/Fires:			
Injury Incidents:			
# Injuries:			
Fatality Incidents:			
# Fatalities:			
Other*:			

\*Description of Other:

Action: Open Recall Query (RQ).

Principal Investigator: <u>Jennifer Timian</u>	Date: <u>02/16/2010</u>
Div. Chief: <u>George Person</u>	Date: <u>02/16/2010</u>
Office Dir.: <u>Kathleen C. DeMeter</u>	Date: <u>02/16/2010</u>

SUMMARY: On September 26, 2007, Toyota filed a Defect Information Report and notified NHTSA that some of its model year (MY) 2007 and 2008 Lexus E350 and Toyota Camry vehicles could experience unintended and uncontrolled acceleration due to interference between the optional all weather floor mat offered on those vehicles and the vehicles' accelerator pedal. This decision was influenced by an Office of Defects Investigation (ODI) Engineering Analysis. This recall was designated 07E-082.

Two years later, on October 5, 2009, Toyota filed a Defect Information Report and notified NHTSA that a number of its MY 2004-2009 Lexus and Toyota vehicles may also experience unintended and uncontrolled acceleration due to interference between the accelerator pedal and the driver's floor mat. This recall was designated 09V-388.

(Continued on Page Two)

Several months later, on January 27, 2010, Toyota filed an amended, or supplemental, Defect Information report and expanded the population of vehicles to include additional MY 2008-2010 Toyota and Lexus vehicles. Since this expansion took place in a different calendar year, this recall was designated 10V-023.

Separately on January 21, 2010, Toyota filed a Defect Information Report and notified NHTSA that certain Toyota vehicles and certain Pontiac Vibe vehicles contained a safety defect in the accelerator pedal assembly that may cause the accelerator pedal to become harder to depress, slower to return, or in the worse case, mechanically stuck in a partially depressed position. NHTSA designated this recall 10V-017.

In total, the four recalls cover over 7.6 million Toyota and Lexus vehicles as well as the Pontiac Vibe product made by New United Motor Manufacturing, Inc., a venture of Toyota and General Motors Corporation.

NHTSA requires additional information from Toyota to more fully understand and evaluate, among other things, whether the scope of the recalls identified above (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 the driver's side floor mat, or as a lever design (including materials) or performance problem giving rise to a sticking accelerator pedal, without fully considering the broader issue of unintended acceleration and any associated safety-related defects that warrant recalls. For purposes of this investigation, "unintended acceleration" refers to unintended, unrequested, uncontrollable, and/or unexplained acceleration of a subject vehicle, and to the failure of a vehicle's engine to return to idle when the driver takes his or her foot off of the accelerator pedal or raises his or her foot to a position where the engine ordinarily would return to idle, regardless of the alleged or determined cause of the acceleration or failure to decelerate or return to idle and regardless of the speed at which the event allegedly took place. Unintended acceleration thus is broader than interference between the accelerator pedal and driver's side floor mat and sticking accelerator pedals with levers made of a particular plastic(s). NHTSA is seeking information about how Toyota viewed complaints and other reports to Toyota and how Toyota assessed potential electromagnetic interference. The agency also requires information from Toyota on why some models of vehicles with electronic throttle control were not included in the recalls. This investigation does not duplicate TQ10-001 or TQ10-002.

#