

**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 13, 2010

The Honorable Christopher H. Smith
Member, U.S. House of Representatives
108 Lacey Road, Suite 38A
Whiting, NJ 08759

NVS-216 mec
Ref. No. 10331731/10340088

Dear Congressman Smith:

Thank you for your correspondence on behalf of your constituent, [REDACTED]. [REDACTED] wrote your office concerning the unintended acceleration event she encountered with a model year (MY) 2007 Lexus ES 350 vehicle.

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. However, we cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided on behalf of [REDACTED]. Reports from motorists are a very important source of information for us. In her letter, [REDACTED] indicates the crash occurred on November 18, 2008, which is before Toyota's recall announcement to address unintended acceleration. [REDACTED] received her recall notice for pedal entrapment by a floor mat on October 25, 2009; however, she believes her crash was not caused by an unsecured floor mat, but more likely a malfunction in the electronic system controlling the accelerator.

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. On behalf of NHTSA, National Aeronautics and Space Administration (NASA) is conducting 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 in the fall.



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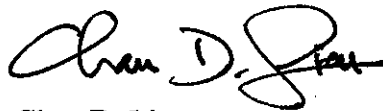
The Honorable Christopher H. Smith

The National Academy of Sciences is examining 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 restitution of all extra and excessive costs due to her new insurance premium, her driving record cleared, and to have State Farm reimbursed for the total cost they covered in repairing her vehicle and house, please be advised that this type of request does not fall under our jurisdiction. The National Traffic and Motor Vehicle Safety Act requires a manufacturer to remedy the safety-related defect without charge; however, it does not require manufacturers to reimburse vehicle owners for consequential damages that are caused by a safety defect or recall.

I hope this information is helpful. If you have any questions, please 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 "Chan D. Lieu". The signature is fluid and cursive, with the first name "Chan" being the most prominent.

Chan D. Lieu
Director, Governmental Affairs,
Policy and Strategic Planning

cc: Washington Office