

**INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)**

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D. C. 20594

Date 3/4/10

The enclosed correspondence is referred to your office for such action as may be necessary.

The writer has been notified of this referral.

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NHTSA/ODI

Remarks: COMPLAINT ON
2007 LEXUS

└
Enclosure

National Transportation Safety Board

February 8, 2010

Fredericksburg, VA. [REDACTED]

Tel. [REDACTED]

POHANKA LEXUS
Attn: Mr. Gary Whipkey
13901 Lee Jackson Highway
Chantilly, VA. 20151

Dear Mr. Whipkey,

This letter is in reference to a new 2007 LEXUS ES 350 we bought on August 30, 2006 from your dealership. VIN: JTHBJ46G372 [REDACTED] Current mileage approximately 34,000.

During the 3-1/2 years we have owned this car, we have on numerous occasions experienced a sudden unintended acceleration of the car while driving in the speed range of 30 to 40 MPH. The first experience occurred within a few weeks of owning the car. Initial contact with your service department concerning this matter resulted in guidance that it was not an issue of a major safety concern and that when we brought the car in for our first service that the issue would be inspected. Your following maintenance service records document our reporting of this matter.

Pohanka invoice number 252941 dated March 8, 2007 for a 5,000 mile service (actual mileage 4739) includes the "unintended acceleration problem". No repairs were done.

Pohanka invoice number 278929 dated August 9, 2007 for a 10,000 mile service. Actual mileage was only 8,560 because of concern for the "acceleration problem" as reported in the service invoice. No repairs were done.

In addition to the two above documented "unintended acceleration" problems, many more occurred at the same relative speed of 30 to 40 MPH, the latest being in January 2010.

We have been following the many reports concerning the potential related Lexus floor mat safety notice. Also the recent Toyota accelerator pedal problem which as reported by Toyota does not apply to our Lexus. As for the Lexus floor mat problem, our floor mat was removed and the "acceleration" problem continues.

In the February 4, 2010 issue of the Washington Post, on the front page, this news article highlighted a 2007 investigation that "found that at least 3 of every 100 Lexus ES 350 owners in Ohio reported experiencing unintended acceleration". This investigation appears to confirm that our 2007 Lexus has a continuous similar problem that the Ohio investigation revealed. Also there were other related articles in the Washington Post. This concerns us as it may appear, as reported by others, that we have an electronic and/or computer software problem that needs fixing.

The purpose of this letter is to officially inform you of the unresolved major safety problem with our Lexus, and ask how you intend to expeditiously resolve this matter. We trust that you fully recognize the seriousness of this life-safety matter and the potential liability that your dealership may incur.

Appears that some of the options you have are to:

1. Make immediate corrective repairs.
2. Provide at no cost an equivalent "loaner" car while corrective repairs are being resolved.
3. Replace our Lexus.

On February 4 and 5 we have left voice mail messages with your service manager Mr. Kevin Murray to discuss, but he has not returned our calls. It was reported that he was at work.

Please provide a written reply as soon as possible, but it would be appreciated if you replied no later than February 16, 2010.

Thank you,



Copy furnished

National Transportation Safety Board
Attn: NHTSA Lexus/Toyota Safety Issues
490 L'Enfant Plaza SW
Washington, DC 20024

} WE WOULD APPRECIATE YOUR
COMMENTS AND GUIDANCE THANKS
W. Snayder.

Fredericksburg, VA

RICHMOND VA 232

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NATIONAL TRANSPORTATION SAFETY BOARD
ATTN: NHTSA, LEXUS/TOYOTA SAFETY BOARD
490 L'ENFANT PLAZA SW
WASHINGTON, DC 20024

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TRANSPORTATION SAFETY BOARD

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03/04/2010

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National Highway Traffic Safety Administration
Office of Defects Investigation
1200 New Jersey Avenue, S.E.
West Building
Washington, D.C. 20590