

**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

December 23, 2010

The Honorable John Boozman  
U.S. House of Representatives  
Washington, DC 20515

NVS-216 nlm  
Ref. No. 10368839

Dear Congressman Boozman:

Thank you for your correspondence on behalf of your constituent, [REDACTED]  
[REDACTED] wrote concerning his model year (MY) 2004 Lexus LX470 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 motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. 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 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 his correspondence, [REDACTED] indicated that while driving there was a slight vibration in his vehicle. In an attempt to alleviate the vibration, [REDACTED] had the front end aligned and had all four tires replaced, however the vibration persisted. The vehicle was taken to a Toyota dealer who informed him that Lexus was aware of the problem and that the vibration was the result of water leaking into the automatic transmission through the breather vent. [REDACTED] contacted Lexus who reviewed his problem but they denied repairs because the vehicle was out of warranty. [REDACTED] contacted your office for assistance in resolving this matter for him and other owners.

We have reviewed our database in an effort to identify whether a safety defect trend exists with regard to transmission shudder in MY 2004 Lexus LX470 vehicles. At this time, there is insufficient evidence to warrant opening a safety defect investigation. A brochure explaining the investigation process is enclosed for [REDACTED] information; or he may visit our web site at: [www-odi.nhtsa.dot.gov/cars/problems/recalls/recallprocess.cfm](http://www-odi.nhtsa.dot.gov/cars/problems/recalls/recallprocess.cfm). The information you provided on behalf of your constituent has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention.



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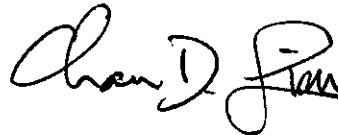
NHTSA is aware of a technical service bulletin (Article No. 10015189) concerning fifth gear transmission shudder in certain MY 2004 Lexus LX470 vehicles. However, the issuance of a technical service bulletin does not necessarily reflect the existence of a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA cannot require Lexus to perform the corrective action described in the technical service bulletin at no cost to [REDACTED]

We sympathize with [REDACTED] concerning the service problem he encountered with his vehicle; however, this does not fall under our jurisdiction. If he has not already done so, he may consider contacting his local Consumer Protection Agency, Better Business Bureau, or the Arkansas Office of the Attorney General regarding his problem and rights under State law.

In addition, the Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways [REDACTED] can contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at [www.ftc.gov/ftc/complaint.htm](http://www.ftc.gov/ftc/complaint.htm).

I hope this information is helpful. If you have any questions, please contact me or Mr. Claude H. Harris, Acting Associate Administrator for Enforcement, at (202) 366-3217.

Sincerely yours,



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

Enclosure