



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 26 2013

[REDACTED]
Attorney at Law

[REDACTED]
Southampton, NY [REDACTED]

NVS-216 nlm
Ref. No. 10487438

Dear [REDACTED]

Thank you for your letter to Secretary LaHood concerning your model year (MY) 1999 Lexus LS 400 vehicle. Your correspondence was forwarded to the National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation (ODI) for reply.

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 trend may exist. We do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

NHTSA received your reports from May 4, 2011, and December 5, 2012. Your information was entered into our complaint database. Under our regular procedures, NHTSA staff may follow up and contact the vehicle owner if we require additional information. We apologize for any confusion this may have caused you.

You allege that while you were driving your MY 1999 Lexus LS 400 vehicle at 15 mph and applying the brakes, your vehicle accelerated and crashed into the vehicle in front of you which resulted in an injury to that driver. You took your vehicle to a dealership for diagnostics testing which did not identify a failure code. However, the unintended acceleration has recurred on several occasions after the crash. The dealership recommended that you replace the throttle body. Also, the dealer suggested that you contact the manufacturer for further assistance due to the nature of the problem. Lexus Customer Relations stated that they would notify their legal department but offered no further assistance. You are requesting that NHTSA review your complaints of unintended acceleration in your vehicle.

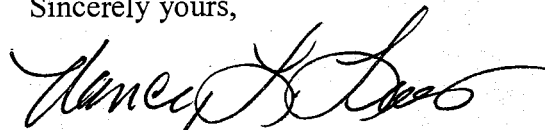
[REDACTED]

We have reviewed our database in an effort to identify whether a safety defect trend exists in MY 1999 Lexus LS 400 vehicles that can cause unintended acceleration. At this time, there is insufficient evidence to show a safety defect trend that would warrant opening a safety defect investigation. However, your information will be considered with future reports to identify any safety defect trends that may require our attention.

NHTSA has reviewed unintended acceleration in MY 1999 Lexus LS 400 vehicles in a prior investigation. On April 25, 2003, NHTSA received a petition from a citizen requesting the investigation of MY 1997 through MY 2003 Lexus 300 and 400 series vehicles. The petitioner alleged that these vehicles have a problem with vehicle speed control linkages that can result in unintended acceleration. ODI found no data indicating the existence of a defect trend related to vehicle speed control linkage problems; therefore, the petition was denied. A copy of the closing resume report for defect petition 03-003 is enclosed. A brochure explaining the NHTSA investigation and recall process is enclosed for your information; or you may visit our web site at www.nhtsa.gov.

If further assistance is needed, please contact Mr. Frank S. Borris, Director, Office of Defects Investigation, at (202) 366-4799.

Sincerely yours,



Nancy L. Lewis
Associate Administrator
for Enforcement

Enclosures



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ODI RESUME

Investigation: DP 03-003

Prompted By: Owner Petition

Date Opened: 07/17/2003

Date Closed: 09/23/2003

Principal Investigator: J. Robert Young

Subject: Unintended Engine Speed Increase/Sudden Acceleration

Manufacturer: Toyota Motor Sales, USA Inc.

Products: 1997-2000 Lexus LS And GS 400

Population: 599,983

Problem Description: Alleged Unintended Engine Speed Increase And Vehicle Movement W/O Pressing The Accelerator

FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	1*	N/A**	1***
Crashes/Fires:	1	N/A**	1***
Injury Incidents:	0	N/A	0
# Injuries:	0	N/A	0
Fatality Incidents:	0	N/A	0
# Fatalities:	0	N/A	0
Other:	0	N/A	0

* The petitioner alleges three separate incidents including one crash w/o injury.

** ODI did not request complaint information from Toyota during the petition analysis.

*** Currently, because ODI is unaware of any credible reports supporting the petitioner's allegation, we are listing only his complaint.

Action: PETITION DENIAL

Engineer: Robert Young

Date: 09/23/2003

Div. Chief: Richard Boyd

Date: 09/23/2003

Office Dir.: Kathleen C. DeMeter

Date: 09/23/2003

Summary: On May 13, 2003 The National Highway Traffic Safety Administration (NHTSA) received an April 25, 2003 Letter From Mr. Peter Boddaert petitioning the Agency to conduct a "Petition Analysis" of certain 1997 through 2000 model year Lexus 300 and 400 series vehicles for "problems of vehicle speed control linkages which results in sudden, unexpected excessive (vehicle) acceleration even though there is no pressure [sic] applied to the accelerator pedal." In support of his petition, Mr. Boddaert cites a number of ODI reports concerning vehicle speed control linkages in the subject vehicles. Included amongst the thirty-six reports he cites is one involving a Lexus that "collided with five other cars in the space of one-half mile before it could be stopped.

ODI found no data indicating the existence of a defect trend related to the petitioner's allegations at this time. Therefore, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect would be issued as a result of granting Mr. Boddaert's petition. A full technical discussion is included in our Technical Report. Consequently, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

JAK
10/02/03