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INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

DOT Auto Safety Hotline

FOR AGENCY USE ONLY 100148



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

Date Received

14-APR-2014

Repository ☐

Reference No.
10579586

OWNER INFORMATION (Type or Print)

Name			
Address			
City	PARMA	State	OH
Zip Code			

Daytime Telephone Number

E-mail Address

Evening Telephone Number

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side 4T1BE30KX5U [redacted] <i>OK there is a different VIN.</i>		Make TOYOTA	Model CAMRY	Model Year 2005
Date Purchased 9-20-2010	Dealer's Name and Telephone Number Metro Toyota (Cleveland) (216) 267-7000		Engine: No: Cylinders 4	Fuel Type: gasoline 87
Original Owner ☐	Dealer's City Cleveland	State OH	Zip Code 44142	
Transmission Type ?	☒ Antilock Brakes ☒ Cruise Control	Powertrain ?	Multiple Failure:	Incident Date(s) 05-MAR-2014

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Code: 180000 VEHICLE SPEED CONTROL	Failure Mileage ant 120000 Between 110,000	Failure Speed
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ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make	Tire Model (Name or Number)	Tire Size (Example P215/65R15)
DOT No. (Example: DOTM9ABC036)	☐ Original Equipment ☐ Prior Repair	Failure Location:
Tire Component Code	Tire Failure Type:	

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:	Date Manufactured:	Model No./Name:
Seat Type:	Installation System:	
Child Seat Component Code:	Failed Part:	

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash ☐ Yes ☒ No	Fire ☐ Yes ☒ No	Number of Persons Injured 0	Number of Deaths 0	Reported to Police N
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Narrative Description of Incident(S), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e. parts repaired or replaced (and if old part is available).

NO TL* THE CONTACT OWNS A 2005 TOYOTA CAMRY. THE CONTACT STATED THAT WHILE TRAVELING VARIOUS SPEEDS, THE VEHICLE SUDDENLY ACCELERATED. THE VEHICLE WAS TAKEN TO THE DEALER WHERE THE FAILURE COULD NOT BE DIAGNOSED. THE VEHICLE WAS NOT REPAIRED. THE MANUFACTURER WAS CONTACTED ABOUT THE FAILURE. THE FAILURE MILEAGE WAS APPROXIMATELY 120,000. at the most recent incident. It failed first at about 110,000, and four more times after that. (We bought the car at 108,600 miles and drove it about 12,000 miles). Vehicle did not exactly "suddenly accelerate". The unintended acceleration occurred only when I was trying to stop. This would suggest that perhaps my foot touched both brake AND accelerator, causing the acceleration. For this reason (or suspicion) I downplayed the first 3 incidents, thinking it could have been my fault.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

(see over) and see attachment #1

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

2011 Supermarket Parking Area: Driving slowly, stepped on brake. Car accelerated but stopped on stronger press on brakes. This was experienced a second time, about one year later in "Marc's" grocery shopping parking lot. No damage and I disregarded it as a "fluke".

Photo copies of my descriptions of the five incidents are enclosed, handwritten on two pages, (as attachment #1)

My letter to the President of Toyota Motors, USA, is enclosed as attachment #2. It describes the reasons for believing that the Cleveland Toyota company had pressured me into an unfair contract, and had NOT taken

seriously the dangerous unintended acceleration that our car had displayed."

U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

1200 New Jersey Avenue SE.
Washington, D.C. 20077-9382

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Penalty for Private Use \$300



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**US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NVS-210
1200 New Jersey Avenue SE.
Washington, D.C. 20077-9382**



**Think your vehicle
has a safety defect?**



**If so:
Use the enclosed
form to file a report.**

or visit:

www.safercar.gov

or call:

**Vehicle Safety Hotline
888-327-4236**



Vehicle Owner's Questionnaire (VOQ)
U.S. Department of Transportation
National Highway Traffic Safety Administration

4.

March 5, 2014, ca 3 PM

Driving from home to shop at ~~Auto~~ Aldi's on Tiedeman Parkway is 0.2 miles from my house. There is a stop sign before entering Parkway & turning right. A car was approaching from the left. My car would not stop but accelerated. I decided I had enough room to get onto Parkway ahead of him (rather than pull onto a sloping lawn on my right - wet & soggy with melted snow). I made it, but it was close.

5.

April 2, 2014 6:50 PM. Drove to Walgreens to pick up prescription (Ridg + Pearl, one mile from home). On leaving, traffic was heavy on Ridg Road so I used the Pearl Road exit (a little longer way, but no need to cross traffic). Traffic was coming West (Southwest) on Pearl, so I pressed brake to stop and let traffic pass. But car accelerated from 2 or 3 mph to 5 or 8 mph and getting faster. I pulled to the right onto a sidewalk and quickly put car into neutral. Car stopped. I avoided a likely accident.

I called Toyota but service desk was closed. Called next day for appointment.

Car was again examined by Service department and found OK. No problems. Spoke to Margie who tried to re-assure me. I like her but she could offer no remedy. Mr. Schneider, president of Metro Toyota was on vacation and would be back Thursday or Friday. I did not want to drive the 05 Camry. She arranged a loan of a new Corolla, and I planned to return and see Mr. Schneider ASAP.

Attachment #1

History of Unintended acceleration

Toyota Camry, 2005
(Feb or March)

2. Year 2012 Grant Eagle Parking lot. Minor acceleration when pulling into a parking slot. Going only 2 or 3 mph. Stepped very hard on brake and car stopped, just before hitting cement block that marked the end of the parking slot.

This worried me because I had heard of unintended accelerations, but I was hopeful that this was an anomaly that would not recur.

1. Year 2011, June or July (early summer)

On leaving Marc's food store, Ridge Park Square, car accelerated on its own - but stopped when I stepped on brakes. Car never reached more than about 10 mph. I was not certain that it truly accelerated on its own, + I put it out of mind. I never considered this to be a definite incident.

3. Year 2012 November 12-15. Leaving Walgreen parking lot at Ridge and Pearl. I was using ~~west~~^{west}bound exit into Ridge Rd, planning to turn right (North). Traffic was coming on Ridge from the south. Car would not stop but accelerated and I was forced to disregard traffic and just pull rapidly into the traffic. I hoped they would stop - make room for me, and they did, but they honked in disapproval. I was truly shaken up. I called Toyota and got an appointment for January 2. (Perhaps this incident was in December, before Christmas?) It was upsetting and I wondered could this have been my fault. I know the acceleration was unintended, but perhaps, I thought, my foot hit the accelerator. I didn't think so, but was upset about this near accident.

Toyota Metro checked car & said it was A.O.K. - no problem with brakes or accelerator. Implication: it was all my fault. I doubted it, but resolved to be very careful with car.

Attachment #2

Copy for Mr. Jerry Schneider

[REDACTED]
Cleveland (Parma), Ohio [REDACTED]

James E. Lentz, President and Chief Operating Officer
Toyota Motors Sales, USA
19001 So. Western Avenue
Torrance, CA 90501

April 24, 2014

I have driven Toyota Camrys for more than 20 years, finding them the most reliable and well designed cars available in my preferred price range. I was pleased with our dealer, Metro Toyota. However, this letter comes because of a change in this positive experience. I have not consulted a lawyer, and am writing this in my own personal, straight-forward language.

Our 2005 Camry, purchased in year 2010, has had five instances of unintended acceleration in which the car started to move faster when I applied the brakes. The first two incidents occurred in supermarket parking lots where there was room to stop, and the car did stop when I pressed hard on the brakes. I was concerned, but put the incidents out of mind (perhaps because the brakes worked 99.9 % of the time). However, in November 2012 and again in March and April of this year, there were three alarming incidents, because in each of the three, I was entering a street with traffic. In the first two incidents, I was unable to stop the car and was forced to enter the traffic flow in an abrupt and risky fashion. Cars honked, but there was no collision. In the most recent incident (April 2, 2014), I was able to stop the car by shifting into neutral, a quick reaction that saved me from a likely collision with rush hour traffic. (I provided more detailed descriptions of each incident to agents at Metro Toyota.) Each time, the service department examined our car and found no defects in it, so the car was returned, to be driven again. However, I realized on April 2nd, the last incident, that driving this car was putting my life at risk, and I never drove it again. (I have been driving for 72 years without an accident, except for two minor scrapes, both judged by insurance to be the other party's fault.)

A friend who is a senior auto mechanic told me that braking and accelerating are governed by software that can be replaced or repaired. However, Metro Toyota said they could not redo the software. They advised me to phone customer relations, where my wife and I spoke to a case manager, Mr. Castro who denied that there was a problem with the car or its software. He insisted that the service department was the most qualified judge of our car's operation, and had pronounced the car as OK. He said that changing the software was never done in a situation like this. He said we could try another service department if we were not satisfied. (We were case # 1404101457.)

April 2 was an extremely busy time for me with five important appointments scheduled for the next few days. At the same time, Metro Toyota was urgently pressing me to return the loaner car they'd given us, saying it was needed immediately by another customer. I was frantic about losing our transportation. We were being offered the choice of either taking back the 2005 Camry (with its acceleration problems) or to lease a new car. Under extreme personal pressure, I accepted the minor price concessions being offered by Metro Toyota, who maneuvered me into the lease of a new Camry.

This choice we were given seemed wrong, and unconscionable. We should not have been offered the option of taking back an unfit car that might kill us and kill other drivers. This became more clear to me when I consulted the Internet the next day and learned that Toyota Motors had been forced to pay a billion dollar penalty about five months earlier, for "misleading statements and concealment", in the case of an Oklahoma Camry where unintended acceleration had caused injuries and death. From another

Google entry : U.S. Attorney General Eric Holder stated that Toyota "will admit to continuing misleading statements and behavior that is not forthright", covering up defects that could produce "acceleration" in the Electronic Throttle Control System, and would now pay a 1.2 billion dollar fine, the largest in automotive history. This story was dated March 19, 2014. And here, Toyota was again "covering up defects" with my car, just two weeks later. It was upsetting for me to have to change my view of Toyota from : "the most exemplary automobile company, tops in ethics as well as in engineering", to *an unrepentant "bad guy"*.

Taking advantage of my state of urgent stress about losing all transportation, Toyota converted a scandal into a new car lease. A new car lease does not serve our purposes, for our equity would be totally lost if I died or became disabled during the lease period. (My age is 90 and my wife no longer drives).

We are only asking you for a good, used car that has a clean record on "unintended acceleration", and that we will own (and not lease). We are not asking for a cash settlement, or pursuing a lawsuit. This letter requests that Toyota Motors make good on this matter, and asks for a direct response within ten business days.

copies to:

-Mr. Jerry Schneider, president, Metro Toyota
-Mr. Castro, Complaints adjuster, Toyota Motors

-Attorney General Eric Holder, Dept. Of Justice	}	
-US Government Office of Defects Investigation	}	These six copies
-National Highway Traffic Safety Administration	}	are not being sent
-Channel 5 TV ("Five on your side" investigations)	}	with this letter
-The Cleveland Plain Dealer	}	
-Cleveland Better Business Bureau	}	

From [REDACTED]

I never received
a reply to this letter.
An assistant called me
by telephone. She
(Micky McGee) told
me that I had signed
a contract with
Toyota Motors to lease
a new car, and that
it is impossible to
change that contract
or to alter any detail
of it, as I had
requested. I reminded
her that I was under
frantic pressure, and had
been maneuvered into
signing the lease without
consulting wife or family.