



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

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

1200 New Jersey Avenue, SE
Washington, DC 20590

September 9, 2014

The Honorable Dianne Feinstein
United States Senator
One Post Street, Suite 2450
San Francisco, CA 94104

NVS-216 nlm
Ref. No. 10583321

Dear Senator Feinstein:

Thank you for your correspondence on behalf of your constituent, [REDACTED] concerning his model year (MY) 2012 Lexus LS460 vehicle. Your letter was forwarded to the National Highway Traffic Safety Administration (NHTSA). I am pleased to respond.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair motor 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.

[REDACTED] indicates that he reported three safety problems to NHTSA and Lexus concerning his MY 2012 Lexus LS460 more than a month ago. He states having problems with the traction control, intermittent back-up camera failure, and the vehicle rolling forward on a hill when the transmission is in reverse. [REDACTED] alleges that NHTSA will not advise him on their progress with the investigation. In addition, he has not been able to obtain contact information for Toyota's independent monitor. He states that Lexus told him that a dealer must be able to reproduce the traction control and back-up camera problems and that there is no repair for the transmission problem. [REDACTED] also reported his problem to the Better Business Bureau who forwarded his concerns to Lexus. This action prompted Lexus to send a representative to inspect the vehicle; however, there has been no follow up since the inspection. He believes Toyota's actions are in violation of their consent decree and he should at least be able to report his problem to an independent monitor. [REDACTED] also stated that NHTSA should be more responsive to his complaint.

We received [REDACTED] complaint on April 17 via our safecar.gov website. The information from his report was entered into our complaint database. We reviewed our database in an effort to identify whether a safety defect trend exists in MY 2012 Lexus LS460 vehicles with regard to a loss of control during traction control engagement, intermittent back-up camera failure, and a transmission problem that allows the vehicle to roll forward on a hill when the

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transmission is in reverse. At this time, there is insufficient evidence to warrant opening a safety defect investigation. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention. A brochure explaining the NHTSA investigation and recall process is enclosed for [REDACTED] information; or he may visit our website at:

www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm. We recommend that [REDACTED] continue to contact Lexus/Toyota and work with his local dealer to resolve his vehicle problems.

[REDACTED] mentioned in his report to you that he has been unable to obtain contact information for the independent monitor of Toyota's consent decree. That information is as follows: David N. Kelley, Cahill Gordon & Reindel, LLP, 80 Pine Street, New York, NY 10005. Mr. Kelley's phone number is (212) 701-3050, and his e-mail address is dkelley@cahill.com.

We sympathize with [REDACTED] concerns about his vehicle and, while none justify an investigation at this time, we will continue to monitor them and act if warranted. Additional resources are available to help him address his concerns. If he has not done so already, he may consider contacting the California Office of the Attorney General regarding his problems and rights under State laws. He may also ask his dealership for a meeting with a Lexus/Toyota district manager regarding his problem. 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 to contact the FTC: by toll free telephone at (877) 382-4357; by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at www.ftccomplaintassistant.gov.

I hope this information is helpful. If you have any questions, please contact me or Ms. Nancy L. Lewis, Associate Administrator for Enforcement, at (202) 366-3217.

Sincerely yours,



Kristin J. Kingsley
Acting Director, Governmental Affairs,
Policy and Strategic Planning

Enclosure

cc: Washington Office