

 U.S. Department of Transportation National Highway Traffic Safety Administration		INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6) DOT Auto Safety Hotline		FOR AGENCY USE ONLY 100148	
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 06-MAR-2017 JUN 13 2017	Repository ☐ Reference No. 10958767
OWNER INFORMATION (Type or Print)				Daytime Telephone Number [REDACTED]	E-mail Address [REDACTED]
Name [REDACTED]		Address [REDACTED]		Evening Telephone Number [REDACTED]	
City TRUMANSBURG	State NY	Zip Code [REDACTED]			
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 JTHBK1GG9D2 [REDACTED]		Make LEXUS	Model ES350	Model Year 2013	
Date Purchased	Dealer's Name and Telephone Number		Engine: No: Cylinders	Fuel Type:	
Original Owner ☐	Dealer's City	State	Zip Code		
Transmission Type ☐ Antilock Brakes ☐ Cruise Control	Powertrain	Multiple Failure:		Incident Date(s) 03-MAR-2017	
FAILED COMPONENT(S)/PART(S) INFORMATION					
Vehicle Component Code: 180000 VEHICLE SPEED CONTROL			Failure Mileage 42300	Failure Speed 60	
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: DOTM19ABC036)	☐ 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	Number of Deaths	Reported to Police N	
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).					
TL* THE CONTACT OWNS A 2013 LEXUS ES350. WHILE DRIVING APPROXIMATELY 60 MPH, THE CRUISE CONTROL LEVELER FRACTURED FROM THE BASE OF THE STEERING COLUMN. THE VEHICLE WAS DRIVEN TO THE DEALER. THE PARTS FOR THE REPAIR WERE NOT AVAILABLE. THE MANUFACTURER WAS NOT NOTIFIED OF THE FAILURE. THE APPROXIMATE FAILURE MILEAGE WAS 42,300.					
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.					

May 23, 2017

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[REDACTED]
Trumansburg, NY [REDACTED]

RE: Vehicle Owner's Questionnaire Form

Dated: 06-MAR-2017

Ref#: 10958767

Email: [REDACTED]

Phone: [REDACTED]

Dear Madam or Sir

Additional Information to the best of my ability and recall: I have since informed both the Toyota Corporation and the Lexus Corporation.

A more detailed explanation of the failure: 3 days before the cruise-control switch-arm completely broke off, I heard what sounded like plastic cracking or multiple fracturing, coming from the end of the switch-arm attached to the steering wheel, when I set the cruise control to the speed I wanted. I thought it strange, but dismissed it as dirt or debris in the steering wheel, as the cruise-control switch continued to work. A few days later on my way to the dealership from which we purchased our 2013 Lexus 350-ES for its first free service, I stopped to get gas on my way to Rochester. Since I had to shut off the car to get gas, I had to re-start the cruise-control and set the switch-arm when I got up to cruising speed. When I pressed down on the switch with my [REDACTED] arthritic finger – an experienced finger that has never experienced a cruise-control switch breaking off when you put barely any pressure on it to set it – the switch just broke off, dangling by the wires which held it from completely falling off. When the dealer told me that they would have to order the switch, even after I asked for a loaner because I didn't think the car was safe to drive, they told me my car was "ready to go, with a very nice wash job – don't you think?" Upon using the

steering wheel normally to get back home – which is a 90-minute drive, not including rest-stops, etc. – I kept hearing something hitting, but couldn't figure out what it was. Upon entering a rest area on I-90 E, when I had to turn the steering wheel quite a bit to park the vehicle, I noticed that the still-dangling switch kept flying around with the turning of the steering wheel, because the dealer never did anything with it. Upon returning home and doing an internet search to see if anyone else had a problem like this with my same make & model car, I read a woman's description I could've wrote myself, because the exact same thing happened to her. She taped her switch to the steering wheel before taking her car back to be repaired, so I took her idea and did the same, only I didn't drive the car until it was back to the dealership for the repair, because I didn't trust the safety of it. Had that switch got caught up and/or jammed against my windshield-wiper switch-arm or my headlight switch-arm while turning the steering wheel, I could've easily lost control of my vehicle, resulting in an accident which could've injured myself or others, or even caused death(s), especially considering I was driving a good portion of my trip on a 65 mph freeway! In that same Lexus online Forum where I read about the woman's same experience, she too said that the dealership denied ever knowing about a failure like that; and an engineer gave a great explanation of 'why' the switch was **designed to fail** – I just wished I had printed them out (maybe the site wouldn't let me, because normally I would do that).

Correction: **the cruise control switch-arm** is NOT located "on the steering column" as stated on the form; it **is located on the steering wheel**, which is why its breakage, and the dealership's failure to attach it to any surface, made it such a dangerous hazard, capable of causing death.

Recent update: when I called Lexus Corporation to make a formal complaint, after talking to someone from your agency, they reported to me that in their records, my vehicle "was fixed under warranty". Funny, when I first complained about the switch failing, Dorchel Lexus told me that the cruise-control switch-arm

was NOT covered under warranty. How can you say 'both' statements? I think it is to avoid registering the failure with NHTSA – isn't that illegal?

I have been using cruise-control ever since it came out. I had it installed in vehicles that didn't come with it. I've commuted up to an hour and a half, one-way to work, most of my working life. I use my cruise-control all the time to comply with the numerous ever-changing speed limits I go through. I have never heard of a switch failing before. I know cracking or fracturing plastic when I hear it. One does not have to use hardly any force to set a cruise-control. Statistically, it's impossible to build millions of cars with 10's of millions of devices, without something/some part failing. Isn't that what recalls are all about? Doesn't a New York State Licensed Repair Shop at an auto dealership bare some type of responsibility and/or liability for keeping its customers safe to the best of their ability? I ASKED FOR A LOANER. I WAS TOLD MY CAR WAS READY TO GO. THE DEALERSHIP LEFT A BROKEN SWITCH ARM DANGLING, THAT COULD HAVE IMPAIRED MY ABILITY TO STEER MY VEHICLE. I BARELY TOUCHED THE CRUISE-CONTROL SWITCH-ARM WHEN IT BROKE OFF – THAT IS MECHANICAL FAILURE.

If anyone or ones can not "determine that a safety-related defect exists", I can't for the life of me, understand why. I find it interesting (?) that apparently Lexus/Toyota Corporations and their dealerships are telling customerS exactly the same thing when a part fails. Yet, Lexus Corporation has given me a \$300.00 Service Repair credit, long after they replaced the switch at their cost – when I made the recent formal complaint. Cheaper than a recall, aye? I also am flabbergasted that at least myself and one other person – I was so angry about the whole experience, my internet search wasn't that intensive – both had our vehicles handed back to us by Lexus with the cruise-control switch-arm still dangling, and both of us feared for our life should the broken switch-arm become entangled in other switch-arms during the steering of our vehicle process, and both of us had to secure that broken switch-arm for our own safety! WHY wouldn't a dealership/licensed repair shop have the common sense to do that?

Even Lexus Customer Service and Lexus Care asked me why I didn't ask for or receive a loaner vehicle – why are 'they' asking 'me'?! And I DID ask for a loaner, stating I didn't think the vehicle was safe to drive. This is as ludicrous as it is preposterous. Where the heck has consumer-safety and service, company honesty gone to? We pay many 10's of 1,000's of dollars for a 2-ton object that moves at speeds of at least 55 mph, amongst millions of other 2-ton+ and God knows how many-tons vehicles at speeds that fast and faster. Vehicles in which 100's of 1,000's of people get killed and maimed in, every year in accidents in this country. Isn't it common sense, even economical common sense, to try and reduce that number? Or have consumers just come to be necessarily expendable for the sake of profit? Those were rhetorical questions, you realize.

Sincerely [REDACTED]
[REDACTED]