CL-11524790-1000

To
Administrator
National Traffic Safety Administration
1200 New Jersey Avenue SE.
Washington
DC 20590

May 4, 2023

Potentially near catastrophic event with Tesla Y on I70 April 29 associated with so called phantom breaking (Tesla Y 2023)

My wife and I have owned our new Tesla Y for less than a month. Most of our driving up until April 29 was local in Boulder, Colorado, beyond driving to Tesla dealership in Loveland, CO where we picked up the car.

When taking over the new 2023 Tesla Y at dealership in Loveland, CO the sales representative gave us an overview of several basic functions of the car. Among other things he mentioned about was how to activate cruise control (Now I know it is called Speed Assist by Tesla). That was an easy tap down on the stalk on the right of the steering wheel.

April 28 in Boulder: Prior to our planned drive from Boulder to Indianapolis IN, I decided to, for the first time, test the Speed Assist. I felt that it would be appropriate just to see how it works. I did the testing on [redacted] in Boulder for a few minutes using speeds around 40-50 mph. It seemed to work fine.

April 29 traveling [redacted] from Boulder to Hays, KS: We started our drive from Boulder at 6:45 AM assuming that we would have a long day of travel to our overnight stop in Lawrence, KS.
This sunny Saturday morning the traffic was very light and the day perfect for driving. It was with some excitement we took off in our new car. We had a sunny clear sky and a temperature around 50F. Once up on the Toll Road towards Denver [redacted] I set the Speed Assist at 75 mph. I had decided to strictly stay on all speed limits to avoid any unnecessary use of the battery.
Driving [redacted] was totally uneventful using Speed Assist. Shortly we had left the tollroad and got out on [redacted] the car made a number of quick braking from 75 mph to 66 mph, from 75 mph to 68 mph and 75 mph to 70 mph. These happened with several miles

apart. We were almost alone on the freeway, specifically there was zero traffic in front of us that could affect the Speed Assist. I noticed that on two of those three incidents we passed over minimal uphills in the road, passing over small creeks/trenches. (In retrospect I remembered that there were railings on the side of the road to mark these short segments, that you normally barely notice.)

The above were odd events and I did not think so much about it. Maybe there was some mismatch between the battery and the drive train. I was also thinking of what the sales person had said that "It takes a while before the car gets adjusted using the cameras and the computer system."

The day before, April 28, my son in law asked me if I had tested "Autopilot" on the Tesla. I answered him "No". But, having learned that "Autopilot" was similar to lane control, which what we have had for 6 years on our Subaru Outbacks I was eager to test it. Using cruise control and lane control makes the long haul driving so smooth and comfortable. It is a deal breaker when you are on the road for 17 hours cross country. When I tried to activate Autopilot when I was driving I got a short message on the monitor that stated that Autopilot could only be activated in Park mode.

When we stopped to charge in Limon, CO, I activated Autopilot. When doing that I read a text on the screen about Autopilot being a "beta product". So I accepted. I did not get any impression from the text that I was threading into some immediate danger to me, my passengers or anyone on the road. So, the word "beta" did not act as a warning message to not consider using Autopilot. (I had read about the fully automatic driving mode of Tesla. But, at no point did I connect the two features. Autopilot was free with the car and the full driving mode was an additional expensive function which we had no intention to buy.)

We then drove Limon to Colby, Colorado and on a few occasions we got a few more sudden minor braking events or perhaps they were some kind of rapid "slowdowns". It was odd. What type of behavior could this be? My wife looked at me with looks like "wondering what I was doing". It did appear strange that this new car should keep making "quick stopping actions". The events so far were annoying/disturbing more than foreshadowing of a potentially dangerous event.

At all these braking events the traffic around us was minor. Nobody was passing us and any car in front of us was hundreds of feet further down the road moving away from us. We were cruising at a steady 75 mph.

An another annoying bug/feature was that anytime we changed lanes the Autopilot was disconnected. It also got disconnected when the car did not recognize the midline/ sideline. What was really surprising was that Autopilot did not remember that it was in Autopilot. It required that it was re-engaged with the double-click on the stalk to the right of the steering wheel. (This was totally contrary to our many years previous experience with Subaru Outback models 2017 and 2020 which once engaged in cruise control/lane control always re-engaged as soon as it identified that we were back in lane.)
I was really surprised that Tesla had created a software which forced the driver to re-engage Autopilot every single time we made a lane change or the painting in the road was week.

I was surprised how poorly the Autopilot seemed to identify the white dashed line separating the two lanes on the freeway. For a long spell it constantly either did not engage or disengaged shortly after I engaged Autopilot. (This was also a different experience from Subaru that to my memory was much better at recognizing the paint markings. I was actually thinking the follow "How can a Tesla have software for fully automatic driving as an expensive add-on when it barely could recognize the white dashed line between the lanes." It felt so contradictory to what fully automatic driving would represent to me.

We kept cruising at 75 mph.

After som further driving I noticed that when we moved onto a newer road surface with new and more distinct lane paint markings the Autopilot worked better and better. I thought: "I hope all roads in the future are like this so drivers do not have to flip Autopilot on so often. But, the quality of the road paint did not fix the lane changing issue.

Major event number 1
Driving on at steady 75 mph with quite moderate traffic. We passed a semi which was going slightly slower than 75 mph probably slightly more than 70 mph.
We passed the semi and then in a normal fashion moved from the passing lane to the inside line. At the moment we got back into the inside lane in front of the semi the Tesla hit the brakes. Everything happened very quickly at this time. The sequence of events is roughly the following: First I was just stunned, then I saw the semi in the rear window approaching, I remember I thought "Does the semi driver think I am crazy?". Then my next thought was "Got to get away before he hits us". More or less without thinking I moved my foot from the floor to the gas pedal and pushed it. I do not know how close

the semi was at that time. I do not know if the semi was breaking or sounding the horn. We moved forward. The next time I checked our speed we were doing 85 mph.

My wife and I were breathless. What had happened?

(In retrospect I am quite sure that at the same time we passed the semi we drove in under an over path for a smaller road. I felt like we just entered a tunnel the moment we passed the semi.)

At this point we decided to disengage Autopilot.

Disconnecting Autopilot was possible to do while driving. We made the assumption that there must be some serious flaw in the Autopilot software. My thought while driving was that Tesla had stated that Autopilot was a "beta product", which I with a click had accepted to use. It was strange to me that a "beta product" would put us in such a dangerous situation.

(At the time when we disconnected Autopilot we did not associate Speed Assist to Autopilot.)

We decided only to drive with Speed Assist which to us at that point represented a "normal cruise control", which we had had on our cars at least dating back some 30 years. (After we had ended the drive for the day I thought back to our purchase day of the Tesla: The Tesla sales person had instructed on how to engage Speed Assist but he had not mentioned anything around "beta software" or any risks with using Speed Assist.)

So we continued to drive with Speed Assist doing 75 mph. Going through Colorado and Kansas was quite comfortable driving at this speed. A few cars caught up with us but we only rarely caught up with other cars to pass.

After a while the car suddenly slowed down/braked moderately like on previous occasions. We were alone on the freeway. The landscape was completely flat. At this point we had started to speculate if even Speed Assist could put us at danger. My wife pointed out that when the car hit the brakes/slowed down there had been a large white painted area in the middle of our lane where we had the sudden slowdown/braking.

A short time later we got another sudden brake of the car. This time we just passed a half torn black tire that was laying on the roadside very close to the edge of the lane.

Major event number 2

After further driving we passed under an over-path the car fully braked from 75 mph to 61 mph. We were pushed forward in our seat belts. To our luck we were once again all alone on the road.

It was another scary almost unreal event. We felt very much at unease. This car is dangerous. We concluded that it was actually putting us and others at severe risk of accident. What is wrong with the car? We felt lucky that all these events, except for the event with the semi, had happened with almost no traffic in front of us or behind us.

At this point we decided to disengage Speed Assist.

We switched to foot control of the speed.

This was the first time in 30 years I had to drive long stretches keeping my right foot on the gas pedal. Very awkward. My fot/leg went to sleep by being forced to sit in a still position. It was very hard to keep a steady speed much because traffic was so scarce giving no references from around you.

My wife started to search the web and found several entries regarding Tesla that related to something called "phantom breaking". This was a totally unknown concept to us. But, it seemed to explain what had happened. At the same time we found entries relating to Tesla phantom breaking going back several years including a class action law suite on the East Coast.

Are all Tesla Y prone to phantom breaking? Did we get a lemon? Can we get it fixed? Can Tesla replace the computer? Can we can a replacement car? Can we make the sales go back and we instead buy a safe care (Sic!)?

We would not have bought the car if we had known about the potential dangerous events that could happened? We would not buy a car that would not have cruise control or lane control.

When we came to Hays, KS, to charge the car I submitted a service request to happen in Indianapolis, IN being end point for our trip.

Just as we arrived at the charging station in Hays we caught up with another white Tesla Y that we had charged next to earlier on the trip. I walked over to give them a heads-up about what had happened to us knowing that they had a baby in the car. They couple answered that they had had the same thing happening to them and they had also switched to "gas pedal driving" and had submitted a service request.

When charging in Hays we made the decision to drive on hoping that it was only Autopilot and Speed Assist that were malfunctioning with the car.

Driving in a classical fashion with the gas pedal was eventless from Hays to Indianapolis.

Do you have to be in an accident, having someone injured or having someone killed for Tesla to provide a warning to customers of Tesla Y?
As a new Tesla owner what is our next step? Can we trust our Tesla Y not to cause an accident? Should we garage the car until Tesla has made its needed software updates? Can we return the car to Tesla? Get it replaced?

In summary our observations when incidents occurred:

1. We had an estimated 10 phantom braking events during est. 2 hours of driving
2. Two major occurred while going under overpaths
3. Three occurred while passing rails on the side of the road delineating creeks
4. One occurred when we observed part of a large tire next to our lane
5. One occurred when we passed over a large white painted area in the lane
6. Remaining incidents gave us not impressions other than flat road and nothing else

Respectfully

[redacted]

Boulder, CO [redacted]

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