

[REDACTED]  
Boynton Beach, FL  
[REDACTED]  
[REDACTED]

January 28, 2025

The Honorable Jennifer Homendy  
Chairman, National Transportation Safety Board  
490 L'Enfant Plaza SW  
Washington, DC 20594

Dear Ms. Homendy

I leased a 2023 Nissan Rogue from Greenacres Nissan on December 23, 2023. I am writing to you because I believe this vehicle and other Nissan products are a safety hazard due to the configuration of the Automatic Emergency Braking Feature and the Intelligent (?) Lane Intervention Feature. I have had the vehicle tested on three (3) occasions by the service department personnel and told that it is operating according to Nissan specifications. I am enclosing a letter sent to Mr. Michael Pennachio about these problems. He initially responded and said he would insure the problem would be fixed to my satisfaction. I contacted Nissan Customer Service in Michigan and was told the vehicle is operating properly. On my second call, a supervisor told me to take the car to a different dealership and maybe they can do a better job. I contacted Mr. Pennachio after this call and he told me he would contact a Nissan specialist to fix the problem but that never happened.

I have had a few instances where I avoided possible crashes because I manually overrode the two systems. This should not happen. I do not know how many other instances of possible or actual crashes occurred because of this problem, but I do not think I am the only customer who has experienced difficulty with these poorly functioning features.

I am enclosing a copy of my letter to Mr. Pennachio which should give you a better understanding of the problem. I would appreciate your agency looking into this problem as it may save lives.

Very truly yours



Daniel D. Falson

[REDACTED]  
Boynton Beach, FL  
[REDACTED]

December 20, 2024

Mr. Michael Pennachio, Executive Manager/Owner  
Greenacres Nissan  
5353 Lake Worth Rd.  
Greenacres FL, 33463

Dear Mr. Pennachio,

I entered into a lease with Greenacres Nissan on December 22, 2023 for a 2023 Nissan Rogue, (VIN number [REDACTED]). I have been very disappointed with certain functions of the vehicle: specifically the Automatic Emergency Braking and the Intelligent Lane Intervention features of the cruise control system. A "Tech Line Support Request" (Case Number [REDACTED]) was created on October 29, 2024.

**Automatic Emergency Braking Feature:**

I have come close to being involved in accidents because of the malfunctions and/or non-performance of this feature. I use cruise control on a regular basis on most roads with lane delineations as I have had surgeries on my right knee and this allows me a greater degree of freedom and control. I leased a Honda Accord with this feature about 6 years ago and the performance was excellent so I am familiar with the operation of this feature.

I keep the distance setting on two bars because I want a safe distance between my vehicle and the one in front of me as I do not want to be involved in an accident. This also precludes most aggressive drivers from cutting in front of me and slamming on their brakes. As you know, there is a blue warning light on the upper left side of the dashboard, which turns yellow as an alert to a possible accident. On a few occasions this feature turned red and has basically SCREAMED at me stating "Accident about to happen. Do something" and it was incumbent upon me to manually apply the brake with all my might to avoid a collision as the system SUMMER TREE did not engage properly.

The vehicle would have been involved in a collision if I hadn't intervened. **This should not happen!!!**

There are many other times when the braking is linear and stops the vehicle nicely, other times the harshness of the braking feature almost causes me to hit my head on the dashboard. I never know what to expect!!

### **Intelligent Lane intervention Feature:**

I was told when using this feature to center the car in the lane and just gently grasp the steering wheel. I tried that and the vehicle went all over the lane, both left and right. **It does not work as specified.** I have used it near my house on Gateway Boulevard in Boynton Beach between Jog Road and Military Trail because that is not a straight road. My assistance is required to steer the vehicle as it does not stay in lane and I have come close to hitting the curbs on both sides of the road. **That should not happen!!.**

There have also been times when the Lane Intervention Feature disables itself. I can be driving and all of a sudden, the "Green Steering Wheel" on the dashboard goes blank and the vehicle may start to swerve within or outside the lane. Within a few seconds it re-enables itself and stays in lane like nothing happened. I have had to grasp the steering wheel firmly when this occurs. **This definitely should not happen.**

I brought the car into your service department on 3 occasions to fix these problems. Your Service Manager, Elvis Muniz, registered a complaint with Nissan home office in Texas on October 29, 2024 and was basically told "That is how the system operates, nothing we can do" **I can't accept that explanation.** Your sales department offered to swap the 2023 Rogue out for a newer version (2024) with a new type of cruise control feature. I test drove it with the same results. I also drove a 2024 Altima with the "New and Improved" version. Same result. The vehicle does not brake in a linear fashion and does not stay in lane.

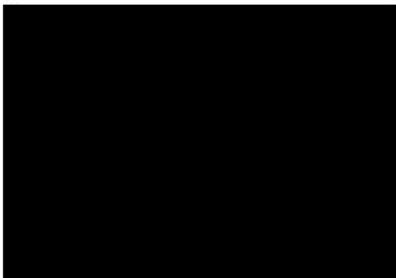
One other problem. The cruise sometimes does not reengage on a **DRY ROAD** and a warning light comes on stating "Slippery Road, can't use cruise". I can not tell you how frustrating that is when cars are behind me and I can't reengage the cruise control using the steering wheel button to accelerate as I normally do. I must forcefully step on the accelerator pedal to keep from being rear ended . There is no plausible explanation for this.

I have brought the vehicle on on three occasions that I am aware of specifically for these problems. Your staff has tried to fix the situations, but to no avail. They have contacted the home office in Texas and gotten no positive feedback. So I am writing to

you as I am probably not the only Nissan customer encountering these situations. I am putting you on notice that If I am involved in an accident due to the cruise control system not functioning as it should, I will hold Nissan Motor Corporation and Greenacres Nissan responsible and I will take whatever actions I deem necessary to protect myself.

I would appreciate a written response by the end of business on Friday December 27, 2024.

Very Truly Yours,



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The Honorable Jennifer Homendy  
Chairman, National Transportation Safety Board  
490 L'Enfant Plaza SW  
Washington, DC 20594

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