

NHTSA Complete Record Information



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Delivery: REG	Address To: NOA010	Due Date: 5/25/2004
S10 #:	DOT/I #:	RMP #:
Subject: PETITION FOR A DEFECT INVESTIGATION OF THE 2002 AND 2003 LEXUS ES300, SPECIFICALLY IN THE AREA OF VEHICLE SPEED CONTROL LINKAGES		
Ack Date:	Ack By:	Signed For:
Sign Office: ENFORCEMENT	Signature: WEINSTEIN	Cleared For:
Cleared Date:	Cleared By:	Closed Date:
File Loc:	XREF File:	
Added By: SHARRIS x62534	Modified By: EHAYDEN	

2004 JAN 30 AM 8:40

COMPLETE CONTACT INFO:

[REDACTED]
 ROCKVILLE, MD 2
 Tel: [REDACTED] Fax: E-mail:

PETITION

COMPLETE COMMENT INFO:

Comment Details

1/30/2004 07:44:50 AM
 Entered By: EHAYDEN
 Comment By: Ethel Hayden

Comment

FWD TO NVS210/ODI FOR RESPONSE 1/30/04.

COMPLETE ROUTING INFO:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	1/28/2004	5/25/2004	
NVS-010	INFORMATION	1/28/2004		1/28/2004
NCC-110	INFORMATION	1/28/2004		1/28/2004

COMPLETE ATTACHMENT INFO:

Description	Added By	Date & Time
659.tif	SHARRIS	1/28/2004 04:34:52 PM

Jan W.
1/30/04

PETITION

To: Dr. Runge, Director
National Highway Traffic Safety Administration

From:

[REDACTED]
ROCKVILLE, Maryland
Work [REDACTED]

Subject: PETITION - Investigation of the 2002 and 2003 Lexus ES300

Request:

I am petitioning the NHTSA to commence proceedings for an investigation of the 2002 and 2003 Lexus ES300, specifically in the area of Vehicle Speed Control Linkages.

Reason For Request:

The attached letter sent to Mr. Clements, Lexus Division, discusses not only the current problem concerning my car, but also includes information I have obtained over the last two months that provides the basis of this petition.

For this petition, the following attachments to the enclosed letter relates directly to this request.

- Attachment A: Description of Crash and Surrounding Issues describes the vehicle speed control problem as it related to my crash and the inaction of the Lexus Division to "fix" or even to offer to "fix" the problem.
- Attachment B: Office of Defects Investigations ID Numbers pertaining to this issue. There are 37 complaints sent to your department regarding this issue and the problems consumers have had in any type of resolution with the Lexus Division.

I believe it is critical for the government to look into this issue. As my letter to Mr. Clements states, I am very highly suspicious based on review of only the information I could obtain, that there is a significant safety issue in this case.

I also believe that the complaints registered with your department may only be the very "tip of the iceberg" of what consumers may be experiencing in the total market place. How many accidents were caused by this vehicle speed control problem and never identified as such? What internal information does the Lexus Division maintain on this issue?

ESD4-000659

I have spoken with Ms. McPherson in the NHTSA General Counsel's Office regarding this issue. I also spoke with her regarding the denial of the petition to look at a problem with LS and GS. She also seems somewhat surprised to hear of 37 complaints to ODI of this problem.

I request that this petition be granted and that immediately an investigation is commenced. I understand that the NHTSA has limited resources as stated in the denial of the April 2003 petition; however, the safety of people should be the priority in this situation concerning the vehicle speed control problems. I understand that unintended acceleration usually moves to the top of the priority list in matters such as this presenting problem.

EXECUTIVE SECRETARIAT
JAN 29 10 3 16
FEDERAL HIGHWAY
TRAFFIC SAFETY ADM.

January 15, 2004

**Deany Clements, Group Vice-President
And General Manager, Lexus Division
19001 S. Western Avenue
Torrance, California 90509**

Dear Mr. Clements:

I am writing regarding the complaint I registered with the Toyota Corporation, Lexus Division on November 10, 2003. Since that time, a Lexus engineer has inspected my car. A consumer satisfaction representative, Melissa, at your location called and informed me that, "The automobile is working as designed." I requested in writing from her the results of the inspection. She responded that within two weeks a letter would be sent to my address. After 3.5 weeks I again called your consumer satisfaction unit and informed them that I had not received in writing the disposition of the inspection. I was informed the letter was in the General Counsel's office.

I have included in this letter for your review a description of the accident and relevant situations surrounding this crash in Attachment A.

Attachment B summarizes the information I found on NHTSA, Office of Defects Investigation.

Attachment C is a copy of the Parts and Service Invoice from 1/6/2003, 1,000-mile check and noting the problem with the transmission. In fact I believe my words were, "...the most jerking car I have ever drivenI wish I had back my 1998 Trofeo with 155,000 miles on.."

Attachment D is a copy of the Parts and Service Invoice from 5/6/03, with the complaint of vibration of the brakes, and the car sputtering, hesitating, and stalling, consistent with my complaint of 1/6/2003.

Attachment E is a copy of the Parts and Service Invoice from 7/7/2003, replacing the rotors of the car after 5,253 miles!!! In my research I understand the original rotors were made from an inferior material.

Attachment F is a copy of an invoice and a summary of service dates from the dealership. This shows that the dealer supposedly found no problem except radiator after the crash. This is at 9,875 miles.

Attachment G is a copy of a petition I have forwarded to the NHTSA.

Attachment is a receipt I received for rental of a car. Your N.J. office approved 7 days of rental for a car. Melissa instructed me to submit to you the receipt and Lexus would reimburse me by check.

I have also spoken with Ms. McPherson at the General Counsel's office at NHTSA about a petition that was denied about previous unintended acceleration problems with the Lexus product. As stated by NHTSA the petition was denied, at this time, because of the limited resources.

In addition, I have spoken with a national known crash investigator located here in Montgomery County, MD. He indicated to me that the invested parties know the problems with the 2002 and 2003 ES300. However, I could not afford to retain him for \$3,000 to do the investigation.

As a seasoned analytical and problem solving person, I am VERY HIGHLY SUSPICIOUS and have no doubt in my mind that the ES300, 2002 Lexus I purchased one year ago and have only 9,875 miles on has a significant safety problem concerning the computer software, throttle and transmission interacting when certain conditions are present.


I am further concerned that not the dealer, or the Lexus Division has made any effort to assure that I do not have this problem again. I have not been offered "a fix" or work completed to correct this problem. Has your Risk Management Unit been advised of this situation and approved no response or offer of a "fix" for my car? I did not receive the notice that Lexus customers affected by this problem received sometime last summer. Mr. Nickles confirmed this at the dealership when the Service Manager checked the computer. I requested from Chris King a copy of this letter and I have not received anything as of this date.

I am requesting a refund of the purchase price of this vehicle, VIN JTHBF30G720085328 immediately. With this certified mail, I am notifying you that this vehicle does not conform to the conditions under which I purchased this vehicle.

I am concerned about the timeliness of this request as I am about ready to pick this repaired vehicle up and again and start driving. I do not feel safe in the vehicle and the worst part, as a hands on grandmother, my son will not allow me to transport my grandchildren in this vehicle again.

With the Lexus reputation and "the pursuit of excellence" in the market place, I cannot understand why you would not respond to me on this problem except to possibly not open up the entire situation surrounding this issue that may possibly lead to a recall. My only concern is my safety, my family's safety, and the public.

Sincerely,


Rockville, MD 

ATTACHMENTS

Cc: Mr. Don Nickles, General Manager, Lexus of Rockville
Dr. Range, Director, NEITSA
Erie Insurance Company
Brenda Sykes, Boiselle Insurance Partnership
Kia Taylor, Silver Spring Office
National Center for Dispute Settlement, NCDS

ATTACHMENT A: Description of Crash and Surrounding Issues

While pulling into a parking space in a shopping area, at 2-4 mph, with my foot on the brake, the car lurched/surged at full speed, jumping the curb and hitting a tree with full force. Because of previous concerns with speed control noted in writing with the dealership at 1,000 and 3,900-mile checks and recent accelerator situations, I immediately called the Lexus dealership. After a conference call with Lexus Roadside assistance and the dealership, my car was flat bedded to the dealership. The frontal crash rendered the vehicle not drivable. Radiator damage with leakage of fluid covered a portion of the parking lot. I requested that the car be checked over, as there must be something very wrong with the vehicle to surge unexpectedly with such force. I also had two experiences with acceleration that had happened 4 and 6 weeks earlier and I had not reported this to the dealership.

These episodes were:

- While driving on Interstates 270 at approximately 50-60 miles an hour, I took my foot off the accelerator and the car did not slow down. Fortunately, I was not in the situation that I had to stop.
- While driving on Shady Grove Road, I came up on a car stopped at a stop sign. When I applied my brake to stop, the vehicle did not stop and I had to apply pressure on the brake 3 more times. I stopped within inches of the car in front of me.

I would like to note, I am an experienced driver. I had just completed a 3,500-mile trip to New York City, Newport, Quebec, Pa., N.Y.

The following occurred after the car was taken to the Lexus dealership:

- The service representative, Chris King, spoke to me after my car was "inspected." He told me that my foot must have slipped off the brake and gave me a referral to an auto body shop. I told him I was sure that I had not pushed the gas pedal rather than the brake. He reassured me that sometimes we think we do things and we really don't.
- Upon my return home on the 10th, I knew I had not caused the surge. I proceeded to check the NHTSA Internet site and found my way to the complaints registered with the Office of Defects Investigations.
- ODI has registered 37 complaints regarding this problem with the 2002 and 2003 RS300. These complaints document over and over again, the "surge", "deacceleration", "acceleration", "lurches", "stalling", "sudden acceleration", "surge on cruise control", "new fly-by-wire throttle", "position sensor on the accelerator controlled by the computer", "stumble", "shudder", "surging", "nudges forward with brake on", "shifting delay", "lags", "suddenly speeding off", "significant flaw", "dangerous condition", "vehicle control asped", and etc.
- Customers repeatedly warned of the safety hazard this could cause with not only car damage but also with personal injury up to and including death. It also

documents that customers were "promised a fix" that they not come, and that the Lexus Division and the Lexus dealerships were well aware of the problem.

- When the Lexus Division did say something to the consumer it was, "The auto is working as designed."
- On November 11, 2003 I spoke with the Lexus dealership general manager, Mr. Nickles, in his office for one and half hours discussing this situation. During this conversation, it reinforced the fact that this problem was known and the Lexus Division had not issued a recall on this problem.
- When asked by Mr. Nickles if I had received a letter regarding this problem, I said I had not. Upon checking with Mr. King, it confirmed I had not received any notification of this problem and a fix. It appears that my vehicle's VIN number was not in the batch issued this letter.

I have since found out from Mr. Blascoe, an appraiser with Erie Insurance, that the repairs would cost a minimal of \$6,500. Since the initial appraisal, I have been informed that the crash even bent the frame costly another \$1,000 to 2,000. The speed of the car was significant at the time of the crash.

Since my original time on the NHTSA, ODI, I have also discovered there was this problem with 1997-2000 LS and GS. A petition has been filed with NHTSA and was denied, at this time, because of limited resources.

The critical aspect of these two days was that I was sent out of the Lexus dealership twice not being informed of the problem with the ES300 2002 and 2003 noted back as far as I can determine December of 2001!!

ATTACHMENT B: Office of Defects Investigations ID Numbers

The following OED ID Numbers pertain to Vehicle Speed Control: Linkages

ES300 2002 (27 Complaints)

ES300 2003 (10 Complaints)

759781
762166
762530
764271
764487
769597
8010725
8010740
8017143
8018169
10000029
10001095
10004854
10012059
10016697
10016699
10018429
10021292
10022535
10023430
10032815
10034592
10037515
10037542
10037938
10038311
10045944

10016689
10019094
10019235
10019684
10020695
10026818
10040083
10041127
10041522
10047889