



U.S. Department
of Transportation

Memorandum

National Highway
Traffic Safety
Administration

Subject: Vehicle Inspection

Date: 12/15/2005

Vehicle Owner Questionnaire ODI 10139786

From: D. Scott Yon

12/15/05

To: File, DP05-002

Present:

Mr. Steve Reiche, Appraiser, Travelers Insurance

Scott Yon, NHTSA Office of Defects Investigation (ODI)

The vehicle inspection was conducted on October 26, 2005 at a body repair facility in Falls Church, VA. The VIN was recorded as JTHBF30G420042405 and the mileage as 18,658 miles. The certification label indicated the date of manufacture to be 02/02, and the point of manufacture to be Japan. Photographs of the vehicle exterior and the damage to the front end were taken. The damage is consistent with the incident described by the complainant during interview. The repair costs are estimated at about \$3,000. The hood of the vehicle was taped closed and could no longer be latched. Photographs of the interior and the underhood area were taken. A visual inspection of the driver's footwell and under seat area, and the brake and throttle control pedals was conducted. A visual inspection of the underhood area was conducted, including the brake master cylinder, air induction, and throttle body components. The functionality of the instrument panel warning lamps was tested. The engine was started momentarily and the vehicle was maneuvered out of a parking spot for further assessment. The warning lamps extinguished when the engine was running, and the idle speed and throttle control appeared normal. A wide open throttle (WOT) brake override test was performed; the brakes were capable of restraining the vehicle. The vehicle could not be driven due to the damage from the crash incident. No vehicle components were removed or disturbed during the inspection, no interrogation or communication with the electronic vehicle systems was performed. No abnormalities or faults other than the body damage were found.

Yon, Scott

From: Neighborgall, Linda [Linda.Neighborgall@nhtb.gov]
Sent: Wednesday, December 21, 2005 12:51 PM
To: Yon, Scott
Cc: brappert@travelers.com
Subject: RE: Ref ODI 10139786; My Comment re your 12/15 memorandum

- 1) I will fax to you today a copy of Toyota's only response to the letters I have written to them, and the copy of a repair receipt from Pohanka Lexus showing repairs to the throttle of a 2000 Lexus necessary to prevent recurrences of a sudden acceleration (SA) problem the owner experienced. The car is an older, higher mileage model than I thought when I spoke with you. FYI, having no explanation for the SA event, the owner repaired the car (and the car he surged into) following his SA accident at his own (insurance company) expense. He was unaware of the SA issue until I spoke with him and urged him to look into it. He was mystified when his SA accident happened; but now, having educated himself, is absolutely convinced that was the cause. Thus, he took the car to his dealer and asked them to check it out. As you can see, the accident was indeed caused by SA.
- 2) I have finally taken a moment from my holiday preparations to review your 12/15/05 memorandum documenting your necessarily cursory examination of my car following my latest SA incident/accident -- I say "necessarily" because of the limitations under which you were operating. Please attach this response to your 12/15 memo in your NHTSA investigative file, take it into consideration in your disposition of my complaint and your open investigation, and to the documents made public in conjunction with my complaint.

You make the generalized statement in your memo that your brake override test showed that "the brakes were capable of restraining the vehicle." This statement gives the highly misleading impression that I (or any owner of one of these defective cars) could have used the brakes to prevent the SA and crash from happening. As you know from my description of the conditions under which the SA crash happened and your visit to the crash site, nothing could be further from the truth or more irrelevant to the issue of the existence of a defect in the car that causes SA. It is disappointing -- alas, not surprising these days -- that a Federal regulatory body would consider ignoring this simple truth.

As NHTSA well knows, SA happens quickly and without forewarning; it is not controllable. Even assuming that the braking system is otherwise mechanically capable of stopping the movement of the car under normal circumstances, it does not logically follow that the braking systems are even relevant under most of the scenarios in which SA can occur (e.g., idling into a parking space adjacent a building or wall, idling at a traffic signal). Simply put, SA occurrences are not "normal circumstances." To take the position that what might hold true in normal circumstances also defines the possibilities inherent in SA occurrences is uninformed at best, and unconscionable. That thinking does nothing to address and correct a very real, very dangerous defect that will, predictably if intermittently, continue to cause serious injury and death unless it is properly diagnosed and remedied. An otherwise functioning braking system is of no consequence when one is confronted, without notice, with an uncontrollable full-out runaway vehicle. In circumstances where there is insufficient time and distance in which to effectively employ the brakes -- even assuming (as I do not) that the brakes are unaffected by the defect that causes SA.