

July 8, 2005

Jeff Runge, Administrator  
National Highway Traffic Safety Administration  
Office of Defect Investigations  
NSA-10-01400  
Seventh Street, SW  
Washington, DC 20590

2005 AUG -5 AM 4:50

Add to  
10127521  
Ref. DP 05-002

Re: Petition for Defect Investigation of  
All 2002-2005 Toyota and Lexus vehicles  
Manufactured by the Toyota Corporation  
Concerning Vehicle Speed Control (VSC),  
Electronic Throttle, and Uncontrollable  
Acceleration problems raised by Consumer  
Complaints filed with NHTSA. (Also see  
Undersigned's ODI NHTSA Complaint Number  
10127521 filed on July 5, 2001).

Dear Mr. Runge:

I filed a complaint with your Agency on July 5, 2005, ODI Number 10127521, regarding an accident I was involved in on July 1, 2005 while driving my 2002 Camry XLE. The facts are quite simple. My auto was parked on a residential driveway about four to five feet from the curb. The ground was level. I turned the ignition on while it was in park. As you are aware, in order to shift this particular vehicle into reverse it is necessary to place one's foot on the brake, which I did. Unless there is a steep incline opposite to the direction of the reverse movement, there is never a need to press the accelerator pedal at the distance I described since there is sufficient acceleration in the reverse gear to move the car into the street. As the vehicle was being turned in a clockwise direction, the auto, suddenly and totally unexpectedly, accelerated at an extraordinary and increasing rate, spinning the vehicle totally out of control and causing it to crash against an electric utility box at an adjacent driveway. The police later advised me that the vehicle made a J-turn after exiting the driveway and then spun around into the utility box. Had there been any vehicles or pedestrians in the street, deaths would probably have followed given the rate of speed of the uncontrollable vehicle.

There was also a similar incident involving my vehicle in April 2002 while in reverse gear which I will be willing to discuss with your investigators.

I understand that your Agency conducted a very limited investigation of 2002 and 2003 Toyota and Lexus vehicles in 2004 regarding Vehicle Speed Control (VSC) and unexplained acceleration issues, but that investigation involved the evaluation of only eleven (11) vehicles.

Mc  
8/10/05

In addition, I understand that these eleven complaints also may have raised questions with respect to the new electronic throttles installed by Toyota and Lexus beginning with their 2002 vehicles.

I was advised that after reviewing those eleven complaints your Agency concluded in July 2004 that there was no conclusive evidence of any fault with the Toyota and Lexus vehicles. Based upon the additional facts and circumstances described below, as well as my personal experiences, there is now an overwhelming amount of information available to your Agency which provides a clear basis for reopening the prior investigation or to conduct a new investigation with respect to these recurring problems which continue to mount.

With respect to the July 2004 investigation, it is my understanding that you issued a report regarding your conclusions. I request a dated copy of the report. I also request that you provide me with the following additional information if not already contained in the report: (1) please specify how the investigation was undertaken, including the kinds of technical equipment and tests used to evaluate the complaints; (2) please advise whether you interviewed the Consumer Complainants; (3) please describe the information and/or documentary evidence that Toyota and/or Lexus provided your Agency with respect to the ODI complaints; (4) please advise whether Toyota and/or Lexus provided NHTSA with records, documents, or any other information or evidence with respect to complaints made to them by their customers concerning VSC problems, acceleration problems, or any related problems, whether or not such customers filed complaints with NHTSA; (5) please advise whether NHTSA's investigation included a review of problems with respect to Toyota Avalons and Sienna minivans and/or any other Toyota or Lexus vehicles in addition to Camry and Lexus vehicles concerning which ODI complaints have been filed with your Agency; (6) please advise the specific findings, if any, made by NHTSA with respect to its investigation; (7) please advise whether NHTSA requested and/or Toyota Corporation provided any information, records, and/or documents concerning any VSC, electronic throttle, or uncontrollable acceleration problems reported to Toyota or Lexus dealers with respect to 2002-2005 Toyota and Lexus vehicles, notwithstanding that no ODI complaints were filed, and, if so, please provide the specifics.

In my review of portions of the NHTSA website, I noticed that there were many additional complaints filed with your Agency during the second-half of 2004, after your July 2004 investigation was completed and that there were complaints filed in 2005, as well as complaints filed prior to July 2004 but were reviewed by your investigators after July 2004. These ODI complaints involved 2002-2004 various 2002-2005

Toyota and Lexus vehicles. I have not yet completed my research with respect to all 2002-2005 Toyota and Lexus vehicles which is very time consuming. I therefore request that you provide me with a complete list of all ODI Consumer Complaint Numbers for all Toyota and Lexus vehicles from 2002 to date relating to VSC, electronic throttle, sticking accelerator, and uncontrollable acceleration problems filed with your Agency, and the failure date for each such vehicle.

Let me provide you with just a very few examples of ODI complaints which I found, a number of which are virtually identical with the complaint I filed..

(1) ODI: 10121650, Fail Date 3/29/05; Internal Use 5/19/05. While backing out of a parking space and turned the wheel counterclockwise, I attempted to brake but the car

flew out of control, crashed into a concrete wall and a parked vehicle; (2) ODI: 10107685, Fail Date 12/09/04, Internal Use 1/21/05. The throttle stuck wide open on the car when put in a reverse from a parked position. This caused the car to go completely out of control striking several objects coming to rest in the middle of a road; (3) ODI 10120280, Fail Date 5/8/05, Internal Use, 5/9/05. Auto placed in drive, accelerated out of control. Brakes did not work. (The brake failure problem is a continuing problem in many of the complaints.) Emergency neither. Thanks to curb did not run thru fence that separates supermarket parking lot & housing's playground full of kids and parents enjoying mother's day; (4) ODI 10117998, Fail Date 4/12/05; Internal Use, 4/17/05. Pulled into business parking lot & came to complete stop. Shifted to reverse, took foot off brake, slightly touched the accelerator, removed foot from accelerator & car suddenly accelerated rapidly on its own. Firmly applied brake-but car continued to accelerate. Did not slow down car. Struck SUV & then other car, car continued to accelerate until was stopped by metal light pole. (5) ODI 10103490, Fail Date 11/12/04; Internal Use 12/23/04; Unexplainable surge backwards, inappropriate speed, shot through a parking space behind me into next row of parked row of cars and hit a parked car totaling it; (6) See ODI 10100310 for another reverse uncontrollable acceleration; (7) See ODI 10094578, 2005 incident, reverse uncontrollable acceleration, one person killed and one injured; (8) See ODI 10065367 where accelerator stuck. Struck Building. Driver died due to fatal injuries from crash. Police said crash due to mechanical defect. Victim found with both feet still on brake pedal. These are just a small sampling of the ODI complaints in your Agency's files which mandate a defect investigation. Moreover, they are just the tip of the iceberg. I would doubt the complaints filed with NHTSA represent more than two per cent, if that, of the customer complaints to Toyota and Lexus regarding VSC and related problems and accidents.

It may be that your Agency has already opened an investigation into the issues I have raised. If so, I would appreciate being so advised in writing. If you have not opened such an investigation, I would appreciate your advising me of that fact and the reasons therefor given the continuing, rising, and serious nature of the complaints. It is clear to me that as time passes the statistical certainties of additional accidents resulting from serious defects in these vehicles will become obvious to your organization. Those statistics are already appearing in NHTSA records. I therefore respectfully request that you respond affirmatively to my Petition for a Defect Investigation. I look forward to a favorable and prompt response from your Agency.

Very truly yours,  
  
Jordan Ziprin

Jordan Ziprin  
2351 East Orangewood Ave.  
Phoenix, AZ 85020-4730  
Telephone Number: (602) 943-6885  
Facsimile Number: (602) 870-2071  
Sent by U.S. Certified Mail

July 26, 2005

National Highway Traffic Safety Administration  
Office of Investigations  
NSA-10-01400  
Seventh Street, SW  
Washington, DC 20590

Gentlemen:

Consumer Complaint, July 5, 2005, ODI: 10127521

TELEPHONE # (602) 943-6885

I filed a complaint with your Agency on July 5, 2005 regarding an accident I was involved in while driving my 2002 Camry XLE on July 1, 2005. The facts are quite simple. My auto was parked on a residential driveway about four to five feet from the curb. The ground was level. I turned on the ignition with my foot on the brake and shifted from park to reverse. Unless there is a steep incline, there is never a need to press the accelerator pedal since there is sufficient acceleration in the reverse position to move the car backwards as was the case in this instance. I started to turn the wheel in a clockwise direction. All of a sudden the velocity of the vehicle continually increased to an extraordinary degree causing the vehicle to spin out of control and crash against an electric utility box at an adjacent driveway. The entire driver's side of the vehicle was damaged, the electrical connections to at least three residences were damaged, as well, as I am told, a telephone line connection. Luckily, no one was injured. Had anyone been in the street behind me, death would certainly have followed. I was certainly lucky myself not to have suffered major injuries.

There was also a prior incident involving my vehicle also in the reverse gear which I will be happy to discuss with one your investigators. It occurred around April 2002.

I understand that your Agency undertook a limited investigation of 2002 and 2003 Camrys, 2002 and 2003, Lexus E300s, 2002-2003 Avalons, 2002-2003 Solares which consisted of evaluating eleven (11) vehicles. The issues concerned Vehicle Speed Control and questions concerning Toyota's newly installed electronic throttle. I was further advised that you concluded your investigation in July 2004 without any conclusive finding of any fault with the vehicles.

I request that you provide me with a dated copy of the July 2004 report. In addition, I request that you provide me with the following information, if not already contained the report: (1) what kind or kinds of investigations were undertaken by your Agency in reaching your conclusions? (2) what kind or kinds of technical and/or engineering tests were undertaken? And (4) what information and/or documentary evidence did Toyota provide you with respect to the ODI complaints and with respect to any complaints with respect to the above-named vehicles to Toyota and Lexus dealers whether or not any ODI complaints were filed

2005 AUG -5 AM 4:48

Adm #  
10127521  
Ref: DP 65-002

Martin  
8/1/05

July 26, 2005

After my accident, I noted many additional ODI complaints filed with your Agency during the second-half of 2004 and throughout 2005 with respect to Vehicle Speed Control issues, sticking accelerators, resulting injuries and deaths. I also noted that there were instances where instances of Fail Dates which preceded July 2004 were reviewed after the July 2004 report was issued.

I read an article which appeared in USA Today which indicated that your Agency has reopened an investigation of the above-described problems. The article was dated November 11, 2004. A low level Toyota employee told me that he was unaware that the investigation was reopened. I request that you advise me whether in fact such an investigation has been reopened, and, if so, the date it was reopened, as well as its current status. I

If an investigation has not been reopened, I would appreciate a response why no such action has been taken, given the continuing nature and seriousness of the complaints. It is clear to me that as time goes, the statistical probabilities, already beginning to appear in your records, will establish the serious and fatal nature of the defects in the Toyota and Lexus vehicles.

Sincerely,

Jordan Zippin

  
2351 East Orangewood Avenue  
Phoenix, AZ 85020-4730