

4/2/08



**TOYOTA MOTOR NORTH AMERICA, INC.**

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March 28, 2008

Mr. Jeffrey Quandt, Chief  
Vehicle Control Division (NVS-213, Rm W48-312)  
NHTSA, Office of Defects Investigation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: NVS-213dsy; DP08-001

Dear Mr. Quandt:

This letter is being sent in response to your February 8, 2008 letter regarding DP08-001, a defect petition your office is evaluating. Per our agreement, enclosed you will find Toyota's partial response to your inquiry and a CD-ROM of the attachments. Two copies of these materials are being provided for your convenience. The remainder of our response will be submitted on April 18.

Please note that the marked portions of "Attachment Response 6-1" are identified as confidential business information and a request for confidential treatment has been made to the Office of Chief Counsel. Copies of the attachments with all confidential business information removed are included with this partial response. Copies of the attachments with the confidential business information included have been sent to the Office of Chief Counsel. Should you have any questions about this response, please contact Mr. Chris Santucci of my staff at (202) 775-1707.

Sincerely,

*Chris Tinto*  
Chris Tinto  
Vice President  
TOYOTA MOTOR NORTH AMERICA, INC.

CT:cs  
Enclosure:  
CD-ROM ATT\_1

1. State, by model, engine and model year, the number of the subject vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Toyota, state the following:
  - a. Vehicle identification number (VIN);
  - b. Engine designator (family);
  - c. Model designator;
  - d. Transmission type (manual or auto);
  - e. Number of transmission gear ranges (speeds);
  - f. Throttle control system type (mechanical, electronic, etc);
  - g. Drive train type (2WD or 4WD);
  - h. Whether equipped with air conditioning;
  - i. Whether equipped with cruise control;
  - j. Whether equipped with anti-lock braking;
  - k. Whether equipped with stability control;
  - l. Whether equipped with traction control;
  - m. Whether equipped with adjustable accelerator and brake pedal assemblies;
  - n. Date of manufacture;
  - o. Date warranty coverage commenced; and
  - p. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for further details (templates) regarding this response.

**Response 1**

The number of MY 2005-2008 Toyota Tacoma manufactured for sale or lease in the United States by model, engine and model year is as follows:

Tacoma	2005MY	2006 MY	2007 MY	2008 MY	Total
1GR-FE	110,659	138,704	117,045	71,631	438,039
2TR-FE	40,979	56,464	48,776	31,302	177,521
Total	151,638	195,168	165,821	102,933	615,560

In addition, the detail information "a" through "p" is provided electronically on CD-ROM in Microsoft Access 2000 format entitled "PRODUCTION DATA (DP08-001).mdb" stored in the folder "Attachment-Response 1".

Concerning all MY 2004 Toyota Tacoma, Toyota will respond on April 18, 2008.

2. State the number of each of the following, received by Toyota, or of which Toyota is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including dealer field reports;
  - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
  - d. Property damage claims;
  - e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" through "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

## **Response 2**

Using the methodology described in your question above, the number of reports which relate to, or may relate to, the allegations that the engine speed increased without driver application of the accelerator pedal, that the engine speed failed to return to an idle state after the operator released the accelerator pedal, or that the cruise control system caused the engine speed to change in an unsafe manner, including the reports which don't clearly show the phenomenon on the MY 2005-2008 Toyota Tacoma vehicles are as follows:

\*Consumer complaint reports are not completed as of this moment.

Type of Reports	Total	Number With Crash	Number With Injuries	Number With Fatalities	Number With Property Damage
Consumer Complaints*	347	35	4	0	0
Field Reports	13	0	0	0	0
Legal Related Claims	22	21	8	0	17
Third-Party Arbitration Proceedings	0	0	0	0	0
Lawsuits	0	0	0	0	0
Total Reports	382	56	12	0	17
Total Vehicles with Reports (Unique VIN)	326	42	9	0	17

Concerning all MY 2004 and MY 2005-2008 Toyota Tacoma's Consumer Complaints, Toyota will respond on April 18, 2008.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
  - a. Toyota's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
  - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
  - d. Vehicle's VIN;
  - e. Vehicle's make, model and model year;
  - f. Vehicle's mileage at time of incident;
  - g. Incident date;
  - h. Report or claim date;
  - i. Whether the vehicle was inspected by Toyota, and if so, the results or findings of the inspection;
  - j. Whether a crash is alleged;
  - k. Whether property damage is alleged;
  - l. Number of alleged injuries, if any; and
  - m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for further details (templates) regarding this response.

### **Response 3**

The information "a" through "m" for each item for each item (complaint, report, claim, notice, or matter) is provided electronically on CD-ROM, in Microsoft Access 2000 format entitled "REQUEST NUMBER TWO DATA (DP08-001).mdb" stored in the folder "Attachment-Response 3".

Concerning all MY 2004 and MY 2005-2008 Toyota Tacoma's Consumer Complaints, Toyota will respond on April 18, 2008.

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used for organizing the documents.

#### **Response 4**

A list of the consumer complaints, the copies of the field reports and the documents related to the legal related claims are all provided electronically on CD-ROM in Microsoft Excel 2000, Word 2000, PDF or JPEG format stored in the folder "Attachment-Response 4".

(The list of the consumer complaints is stored in sub-folder "Consumer Complaint." The copies of the field reports are stored in sub-folder "Field Report". The copies of the documents for the legal related claims are stored in the sub-folder "Legal Related Claims".)

Concerning all MY 2004 and MY 2005-2008 Toyota Tacoma's Consumer Complaints, Toyota will respond on April 18, 2008.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Toyota to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for further details (templates) regarding this response.

#### **Response 5**

The total counts of warranty claims, extended warranty claims and claims for good will services paid by Toyota for the subject vehicles that relate to, or may relate to, the allegations that the engine speed increased without driver application of the accelerator pedal, that the engine speed failed to return to an idle state after the operator released the accelerator pedal, or that the cruise control system caused the engine speed to change in an unsafe manner, including the reports which don't clearly show the phenomenon are provided electronically on CD-ROM, in Microsoft Excel 2000 format entitled "Total Count for Claims.xls" stored in the folder "Attachment-Response 5".

The detailed information for each claim is also provided electronically on CR-ROM, in Microsoft Access 2000 format entitled "WARRANTY DATA (DP08-001).mdb" stored in the folder "Attachment- Response 5".

Concerning all MY 2004 Toyota Tacoma, Toyota will respond on April 18, 2008.

6. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Toyota offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

#### **Response 6**

The search criteria used by Toyota to identify the claims is the following:

Toyota searched the warranty database for those claims that replaced any of the parts identified in Microsoft Excel file entitled "Search Criteria, Operation & Problem Codes.xls" stored in the folder "Attachment-Response 6" on CD-ROM. Toyota then reviewed the claim comments to determine if the claims may relate to the allegations that the engine speed increased without driver application of the accelerator pedal, that the engine speed failed to return to an idle state after the operator released the accelerator pedal, or that the cruise control system caused the engine speed to change in an unsafe manner, including the reports which don't clearly show the phenomenon. In addition, a list of all labor operations, labor operation descriptions, problem codes and problem code descriptions identified in these warranty claims are also provided in the same Microsoft Excel file described above.

The terms that Toyota offers for new vehicle warranty coverage on MY 2005-2008 Tacoma vehicles is as follows;

#### **For the Engine Control Computer**

In accordance with the Federal Emission Control Warranty, 96 months or 80,000 miles from the vehicle's date-of-first-use, whichever occurs first.

#### **For the Throttle Body**

In accordance with the California Emission Control Warranty, 84 months or 70,000 miles from the vehicle's date-of-first-use, whichever occurs first.

In the states where the California Emission Control Warranty doesn't apply, 36 months or 36,000 miles from the vehicle's date-of-first-use, whichever occurs first.

For other Accelerator, Cruise control system and Air Conditioner ECU except Engine Control Computer and Throttle Body

36 months or 36,000 miles from the vehicle's date-of-first-use, whichever occurs first.

There are some extended warranty coverage options that Toyota offered for purchase with the subject vehicles. Detailed information about these options is provided electronically on CD-ROM, in PDF format, entitled "Extended Warranty Option.pdf" stored in the folder "Attachment-Response 6".

The number of vehicles that are covered under each such extended warranty option, by option, model, and model year is provided as "Attachment-Response 6-1" in hard copy only. Please note that this "Attachment-Response 6-1" contains trade secret and commercial information, therefore, Toyota believes that this document must be afforded confidential treatment. A request for confidential treatment of this document has been sent to the Office of Chief Counsel. A public version of this document is included with this response.

Concerning all MY 2004 Toyota Tacoma, Toyota will respond on April 18, 2008.

7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Toyota has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

**Response 7**

Toyota has not issued any service or technical bulletins, advisories, or other communications to dealers, regional or zone offices, field offices, fleet purchasers, or other entities that relate to, or may relate to, the allegations that the engine speed increased without driver application of the accelerator pedal, that the engine speed failed to return to an idle state after the operator released the accelerator pedal, or that the cruise control system caused the engine speed to change in an unsafe manner, including the reports which don't clearly show the phenomenon on the MY 2005-2008 Toyota Tacoma vehicles .

8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Toyota. For each such action, provide the following information:
  - a. Action title or identifier;
  - b. The actual or planned start date;
  - c. The actual or expected end date;
  - d. Brief summary of the subject and objective of the action;
  - e. Engineering group(s)/supplier(s) responsible for designing and or conducting the action; and

f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

### **Response 8**

Toyota will respond to this inquiry on April 18, 2008.

9. Describe all modifications or changes made by, or on behalf of, Toyota in the design, material composition, manufacture, quality control, supply, or installation of the accelerator and or cruise control system, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
  - b. A detailed description of the modification or change;
  - c. The reason(s) for the modification or change;
  - d. The part number(s) (service and engineering) of the original component, if any; and
  - e. The part number(s) (service and engineering) of the modified component, if any.

Also, provide the above information for any modification or change that Toyota is aware of which may be incorporated into vehicle production within the next 120 days.

### **Response 9**

Toyota will respond to this inquiry on April 18, 2008.

10. Identify each air conditioning (a/c) control system (a/c system) manufactured or installed in the subject vehicles, and for each system, state;
- a. The make, model, model year, and engine designator the a/c system is installed on;
  - b. Whether the a/c system cycles the a/c compressor on and off;
  - c. The conditions which cause the compressor to cycle;
  - d. The engine idle speed when the compressor is on, and when it is off;
  - e. Whether the compressor is automatically enabled by the a/c system when the front windshield defroster is selected on the climate control system; and,
  - f. Whether there is a control switch to inhibit operation of the compressor, and if so, are there any conditions under which the control cannot disable the compressor.

### **Response 10**

Toyota will respond to this inquiry on April 18, 2008.



11. For each engine designator manufactured or installed in the subject vehicles, and for all manual and automatic transmission variants, state whether there are any conditions (e.g., when shifting the manual transmission from one gear to another at road speed) where the engine speed may remain above the normal idle speed even though the accelerator pedal is not applied, and if so, state;
- a. The conditions under which the engine speed is elevated;
  - b. The maximum engine speed that can occur (at no load); and,
  - c. The duration that the speed may remain elevated.

Also, if any such conditions exist, describe in detail the need or intent for the vehicle to operate in this manner (e.g., fuel economy, emissions reduction/requirement, etc.) and any impact the condition may have on the operation of the vehicle, including safety.

### **Response 11**

Toyota will respond to this inquiry on April 18, 2008.

12. Furnish Toyota's assessment of the alleged defect in the subject vehicles, including:
- a. The causal or contributory factor(s);
  - b. The failure mechanism(s);
  - c. The failure mode(s);
  - d. The risk to motor vehicle safety that it poses;
  - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring; and
  - f. The reports included with this inquiry.

### **Response 12**

Toyota will respond to this inquiry on April 18, 2008.

\* \* \*

Regarding privileged documents that may be responsive to this information request, Toyota understands that it is acceptable to the Agency at this stage for Toyota to identify categories of privileged documents rather than any specific document within those categories. These categories include (a) communications between outside counsel and employees of Toyota's Law Department, other Toyota employees, or employees of parties represented by Toyota in litigation or claims; (b) communications between employees of Toyota's Law Department and other Toyota employees or employees of parties represented by Toyota in litigation or claims; (c) notes and other work product of outside counsel or employees of Toyota's Law Department, including work product of employees or consultants done for or at the request of outside counsel or Toyota's Law Department. For any privileged documents that are not covered by these categories, if any, Toyota will provide a privilege log identifying any such documents under separate cover. Toyota is not claiming a legal privilege for any documents provided with this response; however, Toyota does not waive the legal privilege or work product protection with respect to other documents that may have been prepared in connection with a specific litigation or claim. In addition, Toyota may assert the attorney client privilege or claim protection under the work-product doctrine for analyses or other documents that may be prepared in connection with litigation or claims in the future.

Toyota understands that NHTSA will protect any private information about persons that is contained in the Attachments to this response, based on privacy policy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers and last 4 digits of the vehicle's VIN.

Data provided in this document is current as of the following dates:

- Response 1 : Production Data (March 3, 2008)
- Response 2 - 4 : Consumer Complaint (February 19, 2008)
  - Field Report (March 3, 2008)
  - Lawsuit (February 26, 2008)
- Response 5 : Warranty claims (March 3, 2008)
  - Goodwill (February 21, 2008)
  - Extended warranty claims (February 22, 2008)
- Response 7 : Dealer communications (March 10, 2008)