



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

# ODI RESUME

Investigation: DP09-001  
Date Opened: 04/08/2009 Closing Date: 10/29/2009  
Principal Investigator: Stephen McHenry  
Subject: Unwanted and Unintended Acceleration

Manufacturer: Toyota Motor North America, Inc., Toyota Motor Corporation  
Products: 2007 Lexus ES350 and 2002-2003 Lexus ES300  
Population: 230,517 (estimated)

Problem Description: Petition request for an investigation into unwanted and unintended acceleration not caused by accelerator pedal interference.

## FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	64	0	0
Crashes/Fires:	8	0	0
Injury Incidents:	7	0	0
# Injuries:	15	0	0
Fatality Incidents:	0	0	0
# Fatalities:	0	0	0
Other*:	50	0	0

\*Description of Other: Number of incidents attributable to accelerator pedal interference

Action: This petition has been denied. Recall 09V-388

Engineer: Stephen McHenry *SMH*

Date: 10/29/2009

Div. Chief: Jeffrey L. Quandt

Date: 10/29/2009

Office Dir.: Kathleen C. DeMeter

Date: 10/29/2009

Summary: The Office of Defects Investigation (ODI) opened DP09-001 on April 8, 2009, to evaluate a defect petition requesting additional investigation of potential throttle control system defects unrelated to floor mat interference with accelerator pedals in model year (MY) 2007 Lexus ES350 vehicles. The petitioner referenced an earlier ODI investigation concerning floor mat interference with accelerator pedal return (PE07-016/EA07-010), which he stated was too narrow in scope as it did not include all incidents of unwanted acceleration and consider all potential causes of vehicle speed control concerns. The petition also requested an "investigation of MY 2002-2003 Lexus ES300 for those 'longer duration incidents involving uncontrollable acceleration where brake pedal application allegedly had no effect' that were determined not to be within the scope of investigation PE04-021." As background, the petitioner owns a MY 2007 Lexus ES350 that allegedly experienced an unwanted and uncontrolled acceleration event (ODI complaint number 10261660). Toyota concluded that the incident was caused by an unsecured floor mat.

To assess the petitioner's request, ODI interviewed the petitioner, inspected his vehicle, reviewed information submitted by Toyota, reviewed owner complaints alleging incidents of unwanted acceleration in the subject vehicles and material related to the investigations cited by the petitioner. ODI identified 64 complaints alleging incidents of unwanted acceleration in MY 2007 Lexus vehicles, resulting in 8 crashes and 15 injuries. ODI's analysis of these complaints determined that 50 (78%) involved incidents of floor mat interference, including 7 (88%) of the crashes and all 15 injuries. Therefore, ODI's analysis found that the only defect trend related to vehicle speed control in the subject vehicles involved the potential for accelerator pedals to become trapped near the floor by out-of-position or inappropriate floor mat installations.

On October 5, 2009, Toyota initiated a safety recall (Recall 09V-388) to address concerns with potential accelerator pedal entrapment by floor mats in approximately 3.8 million vehicles, including the subject vehicles. Except insofar as the petitioner's contentions relate to that recall, the factual bases of the petitioner's contentions that any further investigation is necessary are unsupported. In our view, additional investigation is unlikely to result in a finding that a defect related to motor vehicle safety exists or a NHTSA order for the notification and remedy of a safety-related defect, as alleged by the petitioner, at the conclusion of the requested investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The agency will take further action if warranted by future circumstances. Please see the Federal Register notice for further details.