Response 7

Although Toyota believes that the Lexus ES350 vehicles as well as the Lexus ES350 All Weather Floor Mat (AWFM) does not contain a safety defect, based upon NHTSA's concerns, Toyota mailed a communication to 2007 model year ES350 vehicle owners starting on April 24, 2007 (mailing completed on May 11, 2007). The notification provided owners with a reminder to not use more than one floor mat at a time in the driver's seating position, confirm the floor mat is properly placed and does not slip forward to interfere with the movement of the pedals, and assure the floor mats are properly secured utilizing the retaining hooks as indicated in the owner's manual. To stress this for future owners as well, a bright orange caution label was provided with the owner communication requesting owners to install the label on a specified semi-smooth location on the underside of the Lexus ES350 AWFM. Owners were also informed that should they require assistance in verifying their floor mat installation condition or applying the caution label, dealership associates would be made available to aid them. Copies of the Lexus Area Office notification and dealership notification, which include dealership reimbursement procedures, which relates to the owner communication are provided electronically on CD-ROM in PDF format stored in the subfolder "AWFM Communication" in the folder "Attachment-Response 7".

In addition to the Area Office and dealership notification, copies of all relevant Marketing Material concerning the Lexus ES350 AWFM are also provided in the subfolder "Marketing Material" in the folder "Attachment-Response 7".

8. Produce copies of any consumer letters or other documents that relate to, or may relate to the subject component or the alleged defect in the subject vehicles, that Toyota has issued to any operators, owners or lessees of the subject vehicles. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

Response 8

As we stated in the Response 7, Toyota mailed an owner communication with a caution label to 2007 model year ES350 vehicle owners starting on April 24, 2007. Copies of the owner letter and caution label are provided electronically on CD-ROM in PDF format stored in the folder "Attachment-Response 8".

There is no other consumer letter or document that may relate to the subject component or the alleged defect in the subject vehicles.

9. 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 for 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 9

The 2007 model year ES350 was a new model launched in April, 2006. In order to meet the launch target of the new ES350, development of the Lexus ES350 AWFM began in April, 2005. The development process of the Lexus ES350 AWFM involves analyses and tests related to material confirmation, dimensional verification, color, temperature distortion, elongation of the floor mat, etc.

December, 2005 - Initial Fit Up

On December 1, 2005, an initial fit up with a prototype Lexus ES350 AWFM was conducted. Changes to the pattern and the grommet (Retention Hooks/Clips) holes were noted to the supplier.

February, 2006 - Fit Up Issue/Results

On February 28, 2006, an activity to verify the overall fit and function of the Lexus ES350 AWFM was conducted. The objective was to measure overall fit and function in all seating positions as well as check the accelerator pedal clearance in the driver's seating position. The "Fit up" concluded on February 28, 2006, with no issues found.

Copies of those Fit Up activities are provided electronically on CD-ROM in PDF and JPEG format stored in the folder "Attachment-Response 9".

For your reference, Toyota provides the guideline of the floor mat, including the clearance between the pedal edge at full throttle position and the mat edge in the horizontal and vertical directions, as "Attachment-Response 9-1" in hard copy only. Please note that this "Attachment-Response 9-1" contains confidential information related to the specifications of the floor mat, and a request for confidential treatment has been submitted to the Office of Chief Counsel. A public version of this document is included with this response.

May, 2007

To investigate claims that the customers may be experiencing pedal interference from the Lexus ES350 AWFM, a vehicle confirmation was conducted to determine if in fact pedal interference could occur. As a result, it was confirmed that there is no possibility of the pedal interference with the AWFM if the AWFM is placed properly and secured with the retaining clips as instructed in the owner's manual.

10. 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 subject components, 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 numbers (service and engineering) of the original component;
    e. The part number (service and engineering) of the modified component;
    f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
    g. When the modified component was made available as a service component; and
    h. Whether the modified component can be interchanged with earlier production components.

    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 10

There are no changes made to the design, material composition, manufacture, quality control, supply or installation of the Lexus ES350 AWFM from the start of the production. Although Toyota believes the Lexus ES350 AWFM does not contain a defect, to address the NHTSA's potential concerns, the following enhancements are being planned to further highlight the proper use of the Lexus ES350 AWFM. Implementation of these enhancements is planned for late May through late June, 2007. However, the process will take a few weeks to complete as well as rebuild sufficient reworked inventories to reintroduce the parts for sales to consumers. Toyota anticipates the restart of sales of the Lexus ES350 AWFM will begin in late June, 2007.

- A tag describing product usage is being attached to the Lexus ES350 AWFM retention hook/clip hole. The tag is designed to be removed by the customer only.
- A product usage label will also be applied to the header (packaging) board. The statement will eventually be printed directly onto the header (packaging) board. The usage will read:

  "Caution To avoid interference with pedal operation:
  - Do not install all weather mats on top of existing mats
  - Make sure all weather mats are secured with retention hooks (clips)".

- The tooling used to manufacture the Lexus ES350 AWFM will also be reworked to enlarge the existing caution statement which currently reads:

  "DO NOT PLACE ON TOP OF EXISTING FLOOR MATS".

  The lettering will be enlarged from the current 5 mm height to 10 mm to enhance the legibility of the caution. This version of the Lexus ES350 AWFM will also incorporate a new part number. This enhancement will be incorporated into the Lexus ES350 AWFM produced starting in late June, 2007, and will gradually replace Toyota's inventories as the previous version (tag and product usage label described above) is sold out.

We are providing photos that show the above enhancements electronically on CD-ROM in JPEG format stored in the folder "Attachment-Response 10".

11. State the number of subject components that Toyota has sold, either through service parts sales or through Port of Entry vehicle processing, that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale. State whether Toyota has prohibited wholesale or retail sale of any subject component part number and, if so, state the date of sales prohibition, and the reason the prohibition was implemented. For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Toyota is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

Response 11

Toyota has sold 6,655 Lexus ES350 AWFM through service parts sales. In addition, Toyota has had 17,113 AWFM included with the ES350 vehicles through Port of Entry vehicle processing. The number of subject components that Toyota has sold by month/year of sale is provided electronically on CD-ROM, in Microsoft Excel 2000 format entitled "Parts Sales.xls", stored in the folder "Attachment-Response 11".

In response to NHTSA's concerns, Toyota decided to proactively install the "tag" (see response 10) to be removed by the customer only, on all Lexus ES350 AWFM. The "product usage label" will also be installed on the header (packaging) board for these parts that will be reworked. Therefore the mats were placed on stop sale on March 23, 2007 to incorporate these two enhancements.

The supplier information for the Lexus ES 350 AWFM is provided electronically in Microsoft Excel 2000 format entitled "Supplier Information.xls", stored in the folder "Attachment-Response 11".

The Lexus ES350 All Weather Floor Mats (part number: PT908-33070) is specific to 2007 model year Lexus ES350 vehicles at this time.

12. Describe Toyota's vehicle ordering process that results in the subject vehicle having the subject component included with the vehicle during Port of Entry (POE) operations. Describe all POE processes that involve floor mats (including carpet or non-subject floor mats) and whether or not any process involves placing floor mats in the driver's footwell of the vehicle. State the location of each POE where subject vehicles are processed and for each provide contact details (name, title, company affiliation, and phone number) for an individual knowledgeable of subject vehicle POE operations.

Response 12

Lexus vehicle dealership delivery is based upon an allocation system. The Lexus ES350 AWFM may be placed in the 2007 model year ES350 in the following methods:

1. Dealerships may enter their vehicle preferences including POE accessories into the Preference System. The same system may be utilized to remove the POE accessory prior to vehicle processing at the POE.
2. The Lexus District Sales Manager (DSM) may order the accessory on behalf of the dealership and enter the order into the Automated Post Production Option (PPO) System.
3. Customers may Special Order a vehicle with Lexus and choose to add this accessory to their order.

In the above cases, the dealership or DSM adds a two digit alpha character (WF for AWFM) which correlates to the accessory code and assigns it to a vehicle. When the vehicle is ready to be processed at the POE, a production tag ("traveler") which includes all port accessory codes assigned to the vehicle is printed. The POE confirms the traveler and in case of the Lexus ES350 AWFM or any other Lexus AWFM, places the AWFM in the trunk of the vehicle. The carpeted floor mats are also placed in the trunk at the POE. The dealership typically installs the carpeted floor mat and retaining hooks/clips during the Pre-Delivery Service process.

The information of locations of POE operations where Lexus vehicles are processed and contact details for all questions for port accessory installations are provided electronically on CD-ROM in Microsoft Word format entitled "POE Locations and Contact.doc" stored in the folder "Attachment- Response 12".

13. Provide a copy of the installation instruction and any other documentation (including packing materials if pertinent) provided when the subject component is purchased as a service part. Also produce copies of any documents discussing the proper installation of floor mats in general (of any type, for subject and non-subject vehicles) especially any which include precautions or warnings regarding improper installation, and or any hazards or detrimental results that may occur if improper installation is performed. State the intended recipient of each document and how it is made available.

Response 13

All Toyota and Lexus model carpeted floor mats include the floor mat retaining clips packaged with the installation instructions. The instructions are written for customers, dealerships, rental and leasing company associates, etc. that may be installing the floor mats in vehicles. Since the carpeted floor mats are standard equipments on Lexus models, all Lexus vehicles have retaining clips when the vehicles are delivered to the customers. The installation instructions direct the installer to retain the document for future reference. Therefore, the package of the AWFM for Lexus models does not include the retaining clips packaged with the installation instruction when the AWFM is purchased as a service part. However, since the carpeted floor mats are optional equipment on Toyota models, the retaining clips come packaged together with the installation instructions for all Toyota AWFM's.
A copy of the installation instructions provided for the customer along with the retaining clips are provided electronically on CD-ROM in PDF format stored in the folder "Attachment-Response 13".
In addition, the owner's manual for all Toyota and Lexus vehicles includes the installation instruction for the floor mat. A copy of the appropriate page of the owner's manual for the subject vehicles is also provided in PDF format in the folder "Attachment-Response 13".

14. Describe in detail the operation of the engine control push-button (labeled "Engine Start Stop" and located on the driver's side of the instrument panel) when the vehicle is at rest (stopped) including how its functionality is effected by brake pedal application and gear shift position. Describe in detail any changes in the button's functionality that occurs when the vehicle is in motion (as opposed to at rest).

Response 14

Toyota has provided the appropriate pages of the New Car Features book for descriptions of operation of the engine control push-button in the subject vehicles, electronically on CD-ROM, in PDF format, stored in the folder "Attachment-Response 14". This includes how the functionality is affected by brake pedal application and gear shift position when the vehicle is at rest.

Normally, the operation of the engine control push-button is disabled while the vehicle is being driven, however, if the engine must be stopped in an emergency while the vehicle is in motion, the driver can press the engine control push-button for approximately 3 seconds or more to stop the engine.

15. State whether there are any normal operating conditions (such as certain throttle positions and or engine/vehicle speeds, and excluding a failure of the shift control system and or an internal transmission component) that can prevent the transmission from disengaging a forward drive gear when the shift lever is moved from the Drive to Neutral position. If so, state the conditions under which this could occur.

Response 15

There is no operating condition, such as throttle positions or engine/vehicle speeds, that can prevent the transmission from disengaging a forward drive gear when the shift lever is moved from the Drive position to Neutral position. As mentioned in the New Car Features stored in the folder "Attachment-Response 15" on CD-ROM, a gated type shift lever is used for the subject vehicles in conjunction with the 6-speed automatic transmission by the shift control cable. The shift lever can be moved from Drive to Neutral position at anytime and once the shift lever is moved from Drive to Neutral position, the drive gear is disengaged.

16. Furnish Toyota's assessment of the alleged defect in the subject vehicles, including:

a. The causal or contributory factor(s);
b. The risk to motor vehicle safety that it poses;
c. The adequacy of the warnings provided to the subject component installer regarding the installation of the subject component and the potential hazards that could result; and
d. The reports included with this inquiry, including for each whether Toyota has determined if the vehicle had improperly installed all-weather mats, and if so whether Toyota has determined who installed the mats incorrectly.

Response 16

Toyota has reviewed all applicable data available at the time and believes that some allegations of incident are likely related to the improper installation of the all weather floor mat in the driver's foot well. The ES350 has an available rubber floor mat option that cannot be used in conjunction with another floor mat at the same time. This is because these floor mats, as with all Toyota, Lexus, and Scion vehicle floor mats, utilize retaining clips in order to prevent the floor mat from sliding forward and interfering with the operation of the foot pedals. The retaining clips are affixed to the vehicle carpet. When a floor mat is placed on top of the vehicle carpet, proper installation requires the retaining clips be used to prevent unwanted movement of the floor mat, as instructed in the owner's manual. If a floor mat is already installed on the carpet, and another floor mat is placed on top of the installed floor mat, the top mat will not be secured by the retaining clips.

Toyota has found vehicles in which more than one floor mat was installed in the driver footwell at the same time. In such instances, it is possible that the top floor mat could move forward and interfere with the accelerator pedal motion. If it were to cause the accelerator pedal to become stuck in a partially depressed position, then the vehicle could accelerate without the operator's input. As with any vehicle in production today, the ES350 service brakes are more than adequate in stopping a vehicle with a stuck throttle pedal. Customers would be aware that something is operating in an unusual manner, can apply the brakes and shut off the vehicle, as instructed in their owner's manual.

Instructions in the owner's manual clearly state to secure the floor mat in the driver footwell with the provided retaining clips. In addition, a warning is embossed directly on the All Weather Floor Mats stating to not install the floor mat over an existing floor mat. Toyota does not have the ability to determine who installed the floor mats on any of the vehicles of owners that alleged this issue had occurred. But, in order to help prevent future occurrences, regardless of who installed the floor mats incorrectly, Toyota has conducted an owner mailing identifying the proper use and installation of the all weather floor mats. All regional offices, distributors, and the dealership network have also been notified. Toyota has also instructed the Lexus dealership network to assist any consumers if they require any assistance in inspecting the installation condition of their floor mats and/or help in installing a label on the underside of the floor mat for future vehicle owners. This assistance will be provided at no charge to the vehicle owner. In addition, as mentioned in Response 10 and 11, although Toyota believes the Lexus ES350 vehicles as well as the all weather floor mat do not contain a safety related defect, the all weather floor mats were placed on stop sale and Toyota plans enhancements to further highlight the proper use of the all weather floor mats. Therefore all weather mats will now only be sold with enhancements that further bring the installation instructions to the attention of consumers.

* * *

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 - April 17, 2007
Response 2 - 4	: Consumer Complaint - April 19, 2007
	Field Report - April 25, 2007
	Lawsuit - May 22, 2007
Response 5	: Warranty Claims - April 25, 2007
	Goodwill - May 3, 2007
	Extended warranty claims - April 26, 2007
Response 6	: Number of vehicles covered under the extended warranty - May 7, 2007
Response 7	: Dealer communications - May 23, 2007
Response 8	: Owner communications - May 23, 2007
Response 9	: Actions - May 23, 2007
Response 10	: Modifications/changes - May 23, 2007
Response 11	: Parts sales - May 25, 2007
Others	: End of May, 2007

CONFIDENTIAL

Attachment-Reponse 6-1

The Number of vehicles covered under extended warranty

Model	MY	Gold	Platinum	Powertrain	Total
ES 350	2007	CONFIDENTIAL			


FLOOR MATS

LEXUS


FLOOR MATS

McHenry, Stephen (NHTSA)

From: Collins, Bill (NHTSA)
Sent: Thursday, December 10, 2009 4:00 PM
To: McHenry, Stephen (NHTSA); Quandt, Jeff (NHTSA); Yon, Scott (NHTSA)
Subject: FW: [redacted] narrative.doc

From: Hill, Scott D. [mailto:Scott.Hill1@sdsheriff.org]
Sent: Thursday, December 10, 2009 2:50 PM
To: Collins, Bill (NHTSA); 'Bill Collins'
Subject: [redacted] narrative.doc

FACTS:

Notification:

On 08-28-09 at 1837 hours, I was working as traffic enforcement unit 51T4B in the city of Santee. I received a call (S7740359) of a fatal injury collision at the intersection of Mission Gorge Road and SR 125. I arrived on scene at approximately 1840 hours. All times, speeds, and measurements are approximate and were obtained with the assistance of the California Highway Patrol's (CHP) Multidiscplinary Accident Investigation Team (MAIT). A GPS coordinate system was used to obtain the area(s) of impact (AOI).

Scene Description:

The collision occurred on Mission Gorge Road at the intersection with State Route 125 North. Mission Gorge Road is a major six lane divided asphalt roadway. There are three eastbound and three westbound lanes, separated by a raised concrete center median. Mission Gorge Road runs east and west and is a major, heavily traveled thoroughfare through the city of Santee.

Westbound Mission Gorge Road at the intersection has two left turn lanes for vehicles entering southbound onto SR 125. SR 125 meets Mission Gorge Road and forms a "T" intersection, which has three southbound lanes. On the terminating northbound lanes of SR 125 there are two dedicated left turn lanes and two dedicated right turn lanes.

To the north of the intersection is an open, river bottom influenced field (San Diego River). The open field area is bordered on its southern portion by a short fence constructed of wooden posts. Immediately to the north of the wooden fence is a raised dirt burm. The back side of the burm declines onto a large plateau. The plateau in turn declines onto the river bottom itself. The river bottom at the time of this incident contained no water from the San Diego River.

The speed limit on Mission Gorge Road is posted at 40 MPH. The roadway is traveled and worn. The three phase overhanging traffic lights controlling the intersection were unobstructed and functional. There is an active construction site over SR 125 on both the east and west side of the freeway. The site involves an overpass across SR 125 that is a continuation of SR 52 east and westbound. There were no construction

workers present. At the time of this collision, approximately 1837 hours, it was daylight and transitioning to dusk. The weather was clear and the sun setting in the west. The roadway was dry.

Parties:

Driver, [redacted] (D1[redacted]), was located in the driver seat of V1. D1 [redacted] was identified as the driver of V1 by Medical Examiner Investigator James Buckley (#14). D1 [redacted] was later identified as an Officer with the California Highway Patrol (CHP). I

was present when Investigator Buckley removed D1 [redacted] body from the driver's seat of V1. Investigator Buckley retrieved a California Driver's License from V1, in the area of the driver's seat. Investigator Buckley identified the driver as [redacted]. According to Investigator Buckley's preliminary assessment at the scene, D1 [redacted] had extensive blunt force injuries throughout his body, with extensive full body burns.

By way of information received via CHP sources and Officer B. Pennings (Information Officer for CHP), the other occupants of V1 were believed to be D1 Saylor's wife, [redacted], brother in law, [redacted], and daughter, [redacted]. I was informed a positive identification would only be possible at a later date, pending the results from an autopsy. This information will be encompassed in Investigator Buckley's report.

Passenger, [redacted] (09-01739) was removed from V1 at about 0035 hours. [redacted] was found in the front passenger seat. A preliminary finding at the scene from Investigator Buckley suggested [redacted] succumbed to extensive blunt force injuries. Formal cause of death and identification would be revealed at a later date post autopsy.

Passenger, [redacted] (09-01741) was removed from V1 at about 0035 hours. [redacted]a was found in the right rear passenger seat. A preliminary finding at the scene from Investigator Buckley suggested [redacted] succumbed to extensive blunt force injuries. Formal cause of death and identification would be revealed at a later date post autopsy.

Passenger, [redacted] (09-01740) was removed from V1 at 0104 hours. [redacted] was found in the left rear passenger seat. A preliminary finding at the scene from Investigator Buckley suggested [redacted] succumbed to extensive blunt force injuries. Formal cause of death and identification would be revealed at a later date post autopsy.

V1, a white 2009 Lexus ES350 [redacted]), was located on its wheels, and fully engulfed in flame. Santee Fire Department personnel arrived and extinguished the fire. Fire Personnel later confirmed there were four occupants inside and presumed deceased. V1 was at its uncontrolled point of rest in the open river bottom, approximately 154 feet north of Mission Gorge Road. It sustained major damage throughout, with the greatest area of intrusion at the entire front end and roof area.

Due to the fire, V1 sustained a great amount of burn damage over most of its interior and exterior. Any mechanical affects that may have been present were not identified at that time. It was later deemed the restraint system to V1 was intact, functioning, and engaged per reports from the ME, Santee Fire Department, and CHP MAIT units. Due to the burn damage to V1, the airbags that deployed could not be seen. The airbag containment system appeared to have engaged at impact.

Driver, [redacted] (D2[redacted]), was identified with his valid California Driver's License. D2 was contacted at the time and location of the collision scene. I observed D2

as he was seated in the driver seat of his 1983 Ford Explorer (V2), with his seat belt engaged and intact.

D2 [redacted] was transported to Sharp Memorial Hospital by Santee Fire Department, Medic #5 (FD). D2 [redacted] was treated for soft tissue damage to his right shoulder and the back of his head. He was released from the hospital on 08-30-09.

V2, a red 1983 Ford Explorer ([redacted], was located at its uncontrolled point of rest, on its wheels, within the north western portion of the intersection of Mission Gorge Road and SR 125. V2 sustained major damage, with the right rear area having the greatest amount of intrusion. Incidental damage included the buckling of the entire frame due to the force of impact. The air bags had not deployed, and the restraint system to V2 was in full function and intact.

STATEMENTS:

OPINIONS AND CONLCLUSIONS:

INVESTIGATION:

In an attempt to determine the events that transpired before the collision, I spoke to Sergeant Mentink (13425) of CHP. Sergeant Mentink is one of D1 Saylor's supervisors. Sergeant Mentink told me D1 Saylor's most recent assignment was Special Duties School Bus Program Officer. On 08-28-09, D1 Saylor reported to work at 4902 Pacific Highway in San Diego. He was present at work that day, from 0530 hours to 1400 hours.

Sergeant Mentink said there was nothing unusual or notable about his shift, other than that he brought V1 to work that day. According to a Rental Agreement from Bob Baker Toyota/Lexus, D1 [redacted] received V1 as a loaner car on 08-28-09 at 0935 hours. V1 was due back to the dealership on the same day at 1730 hours.

According to a friend and fellow CHP Officer, John Concepcion, D1 [redacted] and his family were most likely on the way to Mahala's soccer function before the collision occurred. Officer Concepcion said this was the family's usual practice for a Friday evening.

At the time of this investigation, I had not spoken to family members of D1 [redacted]. Sergeant Mentink and an attorney for the family, John Gomez, advised it would be too upsetting and unnecessary. I was advised the immediate families lived both out of town and out of the state, and had no pertinent information to provide.

Physical Evidence
A supplemental report by CHP's MAIT investigators includes the factual diagram portion of this report. This report consists of a dynamics diagram, an environment diagram, a scene diagram, and physical evidence diagram.

The physical evidence at the scene of the collision includes 39 points of evidence. These points are documented on the "Physical Evidence Descriptions" portion of MAIT's supplemental.

Using the Accident Reconstruction Pro computer program, I used a time and distance calculation to obtain a minimum speed for V1. I used the recorded 911 call from CHP to get a time of approximately 16 seconds from

a known landmark (vocalized by Passenger C. Lastrella) to the initial area of impact. Using the 16 second time frame, I obtained a minimum speed of 112.8 MPH.

I used incremental calculations from 12 seconds to 16 seconds to the initial area of impact. Through these calculations I determined a range of between 112.8 MPH to 150.0 MPH for a minimum speed of V1. The calculations are attached to this report.

The Event Data Recorder (EDR) was recovered from V1. The EDR sustained damage due to collision and the subsequent vehicle fire. It is currently in Sheriff's evidence at the Santee Patrol station. On 11/30/09, Detective Duran transported the EDR to Los Angeles where Toyota technicians examined it for data. They were unable to retrieve any data and suggested the EDR be sent to Japan for further examination.

Other Factual Information:

This investigation is a cooperative effort with the San Diego Sheriff's Department (SDSD) as the lead investigating agency. Other agencies include CHP's MAIT units (Scott Parent #16159, Justin Snider #15406, and Kevin Hearst #A08219), the Office of The Medical Examiner (ME, Investigator Buckley #14), and the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA, Investigator Stephen McHenry and Federal Engineer William Collins). Supplemental reports from these supporting agencies are attached to this investigation.

Deputy Moeller (2838) assisted with a blood draw. Deputy Collier (1519) assisted with scene control and witness statements. Deputy Burkhart (1870) assisted with scene control, scene documentation, witness statements, and digital images. Sergeant Goldberg (1110) assisted with supervision of the scene. Deputy Tucker (6963) assisted with scene control and containment. Deputy Knowles (4856) assisted with evidence collection and scene control. Corporal Spears (5632) assisted with scene control and witness statements. Sergeant Hill (1186) assisted with witness statements, and scene supervision. Please see their attached Deputy's Reports (DR) documenting their involvement.

Captain B. Eldridge (FD) assisted by providing audio evidence. The CD documents 911 calls to the FD's communications center. The CD was placed into Sheriff's evidence at the Santee Patrol Station.

Investigation (cont.):

On 08-28-09 at about 1835 hours, I was on patrol in the city of Santee. At about 1837 hours, I was monitoring the air when I heard a call of a grass fire in the field near Mission Gorge and State Route 125 North. Seconds later, it was dispatched there may be a car in the field. Believing there may have been a collision; I asked SDSD dispatch to put me on the radio call.

On the way, it was dispatched there may be at least one person inside the vehicle. At that point I advised I would be en route via a Code 3 emergency response. Additionally I was advised law enforcement was already on scene. Deputies from the SDSD began arriving on scene at about 1839 hours. I arrived at approximately 1840 hours.

When I arrived I saw a very thick and dark cloud of smoke in the open field/ river bottom area just north of Mission Gorge Road, where it intersects with SR 125 N. Deputy Moeller and I arrived at the same time and ran into the field in the direction of the smoke.

Corporal Spears, who arrived seconds before me, advised us there were four inside the burning vehicle. Deputy Moeller and I continued into the field and found a vehicle (V1) fully engulfed in flames. I could see at least one person in the right rear passenger seat, partially ejected from the back seat. Given the severity of the scene I witnessed, and the extent of vehicle damage, I believed the occupant I saw had not survived. I attempted to locate a plate on V1 because at this point it was still not formally identified. I was unable to locate a plate.

Deputy Burkhart arrived immediately after I did and began photographing the collision scene. Deputies Moeller, Knowles, and I began to check the field area for the possibility that bodies may have been ejected. None were found. I began telling civilians around V1 to immediately leave the field. I attempted to leave the area and found I was almost surrounded by fire.

As I assessed my surroundings for safe way out of the field, I could see vehicle parts scattered a great distance around V1. I later learned the debris field around V1 was greater than 80 feet in diameter. At about 1844 hours, the FD (units 4, 26, 34, 5S, and medic unit 5) arrived. FD units were able to assist me in finding a safe path from the brush fire for myself, civilians in the immediate area, and Deputy Moeller.

I notified Sergeant Hill and Lieutenant Bolwerk and advised them of the magnitude of the incident.. At about 1845 hours, I requested assistance with documentation and reconstruction of what I now considered a major collision scene. Deputy Burkhart

coordinated an air support unit to photograph the scene. Sergeant Goldberg arrived to oversee operations until Sergeant Hill arrived.

Deputies, Tucker, Collier, Knowles, Moeller and Corporal Spears all began to gather information concerning potential witnesses. They obtained contact information from witnesses then released them from the scene. At that time, witnesses were advising V1 was a white Lexus seen speeding in excess of 100 MPH while it was on SR 125 N.

Corporal Spears contacted a witness, (off duty) [redacted] ([redacted]). Corporal Spears gathered information to contact [redacted] at a later date. [redacted] was said to be one of the first witnesses on scene and attempted to assist the occupants of V1. [redacted] statement is documented on a DR by Sergeant Hill.

I contacted a unit from the San Diego Police Department, Officer J. Dragt (6168) who was the first law enforcement unit on scene. Officer Dragt had been standing by with the driver (D2) of a Ford Explorer (V2) that had been hit by V1 before it landed in the field. The following is Officer Dragt's statement:

Statement of witness, Officer Julie Dragt (SDPD #6168):

Officer Dragt was contacted at the time and location of the collision. Officer Dragt was the first law enforcement official on scene. Officer Dragt was on her way back to her beat from Las Colinas Detention Facility when she noticed smoke and flames in the area of the San Diego river bottom to the north.

Officer Dragt was west bound on Mission Gorge Road, in the number one left turn lane for south bound SR 125. Ahead of her in the intersection she noticed an SUV (V2) with major rear end damage. Officer Dragt began to think the fire she observed could possibly be related to the collision.

Officer Dragt pulled over to see if she could lend assistance to the driver of V2. As she located and attended to the driver (D2 Pretty), she was being flagged by people on scene that there was a vehicle in the river bottom (V1). By this time, Deputies from the SDSD began arriving. Officer Dragt assisted Deputies in clearing

witnesses from the area of immediate hazard near the river bottom. It was then she received additional information from witnesses that there were people inside V1 and that they were all deceased.

With Deputies on scene, Officer Dragt stayed at V2 to keep a close eye on D2 [redacted] D2 [redacted] did not appear to have any visible injury as a result of the collision however he was not very responsive. Officer Dragt noticed a strong odor of beer from the inside of V2. She looked around inside the vehicle and could see grocery bags and broken beer bottles. She did not think D2 [redacted] was under the influence but did not conduct any type of evaluation to that affect. Officer Dragt remained on scene to assist the Sheriff's Office.

Investigation (cont.):

I approached V2 which was in the intersection of Mission Gorge Road and the off ramp from SR 125 N. I found D2, [redacted] seated in the driver seat of V2. There was a strong odor of beer inside V2 and I could see broken bottles of beer inside. It appeared D2 [redacted] had been grocery shopping as there were other food items scattered within V2. D2 [redacted] was conscious but not responsive and appeared to be in shock. Medics from unit #5 began to prepare D2 [redacted] for transport to Sharp Memorial Hospital. At that time I left Officer Dragt and Medic 5 to attend to D2 [redacted]

At about 1848 hours, Community Service Officer's Wieboldt (3187), Bradfield (6249), Bumbar (3368), and Weaver (7042) took control of Mission Gorge Road and shut it down to all east and west bound traffic. The Officer's shut down Mission Gorge Road from Fanita Drive to about a quarter of a mile west of SR 125. All traffic from SR 125 was diverted east bound, and all east bound traffic west of the intersection was diverted onto SR 125 S.

At 1850 hours, the FD advised V1 was occupied by four passengers, all confirmed deceased. At this time units from the California Highway Patrol (CHP) arrived in response to a 911 call they received moments before the collision. The 911 caller was said to be an occupant of V1 and was reporting speeds in excess of 100 MPH because of a stuck accelerator. CHP units and I discussed the jurisdiction of the collision. It was determined the collision occurred in Sheriff's jurisdiction. CHP remained to assist. I was later provided a copy of the 911 recording. It has been placed into Sheriff's evidence at the Santee Patrol Station.

At 1856 hours, SDPD air support "ABLE" arrived and began photo documentation of the scene from above and to check the area for possible ejected victims. Ultimately, no other victims outside V1 were found. At about 1909 hours, Deputy Knowles stated he found the license plate of V1 in the debris field. Dispatch was advised of the plate information and informed units on scene V1 was a 2009 Lexus sedan registered to Bob Baker Lexus. Deputy Knowles was instructed to go to the dealership at 1000 Arnele Avenue in the City of El Cajon to determine who the driver of V1 was.

At approximately 1919 hours, D2 Pretty was transported to Sharp Memorial Hospital by Medic 5. Because of the odor of beer inside V2, I asked for a phlebotomist to meet D2 Pretty at the hospital for a blood draw. Deputy Moeller agreed to oversee the blood draw and followed D2 Pretty to the hospital.

Investigator Burton (23) from the San Diego County Medical Examiner's Office arrived at 1930 hours to begin the extrication process of the occupants of V1. Because the scene documentation had not yet begun, Investigator Burton was told to return later.

Nurse Robinson (852) of American Forensic Nurses met Deputy Moeller at the hospital. Nurse Robinson drew two samples of D2 Pretty's blood at 2008 hours. Deputy Moeller's Deputy's Report documents his involvement. Deputy Moeller recorded his involvement with D2 Pretty. The audio CD was placed into Sheriff's evidence at the Santee Patrol Station.

Deputy Knowles returned to the collision scene from Bob Baker Lexus at about 2009 hours. Deputy Knowles informed me the driver of V1 (D1) was a CHP Officer, Mark Saylor. D1 Saylor had earlier been loaned V1 by the dealership. CHP Officer's on scene were notified. Deputy Knowles' DR documents his involvement in this investigation.

At 2018 hours, a "sig alert" was put into place in response to the road closures in the area. Sergeant Hill and Lieutenant Bolwerk arrived on scene and were briefed on the incident thus far. At 2059 hours, I was advised by Deputy Moeller that he placed D2 Pretty's blood sample into the evidence refrigerator at Las Colinas Detention Facility in Santee.

At 2121 hours, Sergeant Budwine from CHP arrived on scene and was aware D1 Saylor was a CHP Officer. Because of the multiple fatality aspect, Sgt. Hill requested the assistance from the CHP's Multidisciplinary Accident Investigation Team (MAIT). It was later determined they would be handling the scene documentation, via their GPS generated factual diagramming system. MAIT arrived at 2133 hours and began their documentation. MAIT's report will be attached to this investigation and placed into Sheriff's evidence.

Investigator Buckley (14) from the Medical Examiner's Office (ME) arrived on scene at 2142 hours. Deputy Wallace (4579) and Officer Wieboldt assisted at approximately 2148 hours, by placing spot light equipment to illuminate the scene. In an effort to allow the MAIT team to accurately depict the scene, Investigator Buckley agreed to wait before he and the FD began the extrication process of the occupants of V1.

As the investigation progressed, I was advised a witness to the collision was on scene and wanted to give me a statement. At about 2230 hours, I met with Witness Corie A. Heller. The following is her statement:

Statement of (witness), [redacted]:

Witness [redacted] was contacted the night of the collision, at about 2230 hours. She initially observed V1 while she was stopped at a red light on Mission Gorge Road. Witness [redacted] went home but returned to the scene a few hours later to give a witness statement.

Witness [redacted] was stopped on Mission Gorge Road in the east bound number two lane. She was first in line and stopped at a red light. Witness [redacted] thought the light for the left turn lane from SR 125 N for west bound Mission Gorge Road turned green because

she saw a red Ford Explorer (V2) beginning a left turn. Witness [redacted] remembered V2 was the only vehicle in the left turn lanes.

V2 advanced toward the middle of the intersection when Witness [redacted] noticed a "white blur" (V1). That was when she saw this "white blur" slam into the rear of V2. Witness [redacted] could not say how fast V1 was traveling but said, "It was as fast as I've ever seen a car go". She said as V2 was pushed farther into the intersection, she saw V1 "go up in the air" then disappear.

Witness [redacted] heard an explosion then saw fire. She recalled the fire seemed to die down, but there was a lot of smoke in the field to the north. When she looked back at V2 she did not see anyone inside it. Witness [redacted]

was extremely shaken by what she had just seen and said she just wanted to go home to her kids. She came back later because she thought her statement may be important.

Investigation (cont.):

MAIT units advised me I could inform the ME's Office, they could begin the extrication process. Investigator Buckley began at 2356 hours. I was present when Investigator Buckley began taking the bodies from V1. Personnel from the FD advised the driver side seat belt was intact, engaged, and appeared functional. D1 Mark Saylor was removed from the driver's seat of V1 on 08-29-09 at 0022 hours (09-01737). D1 Saylor was identified by Investigator Buckley with the California Driver License and CHP ID card he found in V1. Investigator Buckley found the wallet partially melted into the driver seat underneath D1 Saylor.

Investigator Buckley made the preliminary determination that all occupants of V1 had extensive blunt force injuries to their bodies. Additionally, extensive thermal injury occurred with all four occupants. Investigator Buckley's Investigative Report documents specific detail regarding time of death, trauma, and means of identification of all occupants. Investigator Buckley determined the time of death for the occupants of V1 to be at 1839 hours. The official ME's report has been placed into Sheriff's evidence.

Just after the extrication process, Sergeant Hill and Lieutenant Bolwerk made their final survey and assessment of the scene. Sergeant Hill left Santee Traffic Investigators and MAIT to continue and ultimately finalize scene processing.

At the request of the MAIT team, Miller's Towing arrived to take both V1 and V2 from the scene at approximately 0350 hours. MAIT requested possession of the vehicles pending the completion of their investigation. MAIT units continued their investigation by taking photos and collecting physical evidence from the scene. At about 0400 hours, MAIT's portion of the scene documentation was complete.

Santee Public Works employees were notified at approximately 0420 hours, to assist with clearing Mission Gorge Road to allow for through traffic. Additionally, Santee Patrol units and Santee Senior Volunteer units volunteered to assist with equipment pick up and transport back to Santee Station 50. At about 0520 hours, Mission Gorge was cleared for normal traffic.

Investigation (cont.) 08-29-09:

D2 [redacted] was first contacted at the time and location of the collision. No statement was obtained at that time as D2 [redacted] was transported by Santee Medic 5 to Sharp Memorial Hospital.

D2 [redacted] was contacted later that evening (08-28-09) by Deputy Moeller (2838) at Sharp Memorial Hospital. D2 [redacted] was able to communicate to Deputy Moeller where he was coming from before the collision occurred. At that time, D2 Pretty could not recall much about the collision. Deputy Moeller's Deputy's Report (DR) is attached to this report. See his DR for more information. I obtained the following statement from D2 Pretty at Sharp Memorial Hospital:

Statement of driver, [redacted] (D2):

I contacted D2 [redacted] on 08-29-09 at about 2030 hours, at Sharp Memorial Hospital. On 08-28-09 at about 1830 hours, D2 [redacted] was traveling north on SR 125. He arrived at the end of SR 125 N and entered the number one left turn lane for west bound Mission Gorge Road. D2 [redacted] was stopped at the red light.

D2 [redacted] told me he was surprised by the fact there was little traffic as he was stopped and waiting for his light to turn green. He was the only vehicle in the turn lanes, and there was little traffic in front of him or near him. D2 [redacted] light turned green and he slowly began his left turn. D2 [redacted] later recalled the impact he felt was that of V1 hitting his vehicle. He remembered nothing after the collision.

D2 [redacted] y did not know where V1 came from but thought it was behind him. The only thing significant to D2 [redacted] was that the traffic was so light at the time. I asked D2 [redacted] if he remembered talking to Deputy Moeller the previous evening. He said he did and remembered consenting to a blood draw. I asked him if he knew why I had Deputy Moeller take blood evidence from him.

D2 [redacted] said he did not know why his blood was drawn. I told him when I contacted him at the scene; there were broken bottles of "Newcastle" beer in his vehicle (V2). I told him the odor of beer was very strong. D2 [redacted] laughed and told me he rarely drinks. He had just purchased the beer for a friend's birthday party the following day. D2 [redacted] said he had not had anything to drink that night and said he had just been grocery shopping on the way home from work.

Investigation (cont.):

D2 [redacted] asked me to contact Miller's Towing so he would be able to retrieve personal property from V2. I told him I would do that for him, and when he was ready, he could meet me and I would return his CDL to him.

D2 [redacted] was released from Sharp Memorial Hospital on 08-30-09. Nurse Leslie informed me D2 [redacted] was seen and treated by Dr. Frey. D2 [redacted] had no fractures as a result of the collision, and sustained predominately soft tissue damage. He had pain in his left shoulder, and to the left side of the back of his head.

Staff at Sharp Memorial Hospital informed me only time would dictate any further or future impact this collision will have on D2 [redacted]. Attached to this report is a Medical Records Release form signed by D2 [redacted]. D2 [redacted] has given the San Diego Sheriff's Department, permission to access his medical records for purposes of this investigation. The form was placed into Sheriff's evidence.

On 08-31-09, D2 [redacted] came to the Santee Patrol Station to pick up his CDL. Community Service Officer Clevenger (0920) located the CDL and retuned it to him. A report from the San Diego Sheriff's Crime Lab indicated D2 Pretty's blood sample revealed there was no indication of alcohol in his system. Alcohol was not a factor in D2 Pretty's involvement in this incident and will not be pursued as such in this investigation.

I obtained the names and contact information of potential witnesses from Deputies who assisted the night of the collision. These witnesses either saw V1 on SR 125 N just before the collision, or saw the actual collision occur at the end of SR 125 where it intersects with Mission Gorge Road. On 09-02-09, I began interviewing these witnesses by phone. Their statements are as follows:

Statement of (witness), [redacted]:

Witness [redacted], was contacted at the time and location of the collision. She gave a statement to Deputy Collier (1519). Witness [redacted] told Deputy Collier she saw a white Lexus (V1) "surging as if it was out of gas". See Deputy Collier's DR attached to this report. I contacted Witness [redacted] by phone on 09-02-09 at 1745 hours. The following is her statement:

Witness [redacted] was north bound on SR 125 at about 1830 hours. She was in the number one ("fast lane") near Grossmont College Drive when she noticed "a white Lexus" (V1) in front of her. Witness Sarrow noticed V1

because it was traveling “very slow”. I asked her if she could estimate the speed of V1. She said V1 was traveling at 45 – 50 MPH.

Witness [redacted] slowed down behind V1. She noticed V1 was “full of people”. Witness [redacted] wanted to change lanes to get around V1 but had to wait for all the traffic behind

her to pass before she could make her move. While waiting to change lanes, Witness [redacted] thought V1 was having “car trouble” or it “ran out of gas”.

Witness [redacted] was able to change lanes. Because she thought V1 was having “car trouble” she continued looking at V1 in her rear view mirror. She watched as V1 pulled over to the right side shoulder of SR 125 N. V1 continued traveling at about 40 – 45 MPH on the shoulder. Witness Sarrow thought V1 was going to exit at Navajo Road. She lost sight of it as she continued north.

About “30 or 40 seconds later”, V1 passed her. Witness [redacted] does not know which lane it was in, but she was positive it was V1. V1 passed her with its emergency flashers on and was traveling at what she thought was greater than 100 MPH. Witness [redacted] said, “I’ve never seen a car go that fast”. Witness [redacted] arrived at the end of SR 125 N at Mission Gorge Road and saw a collision scene. Witness [redacted] said she knew it was V1 because it could not possibly have slowed down enough to stop.

Witness [redacted] later recalled there were not many cars on SR 125 N at the time she first saw V1. She did not remember ever seeing it weave in and out of traffic or surging, nor did she remember hearing any skidding, braking, or high engine revving. She did not recall anything unusual regarding the occupants of V1.

Statement of (witness), [redacted]:

Witness, [redacted] was contacted by phone 0n 09-03-09 at about 1136 hours. Witness [redacted] noticed V1 when she was driving on SR 125 N on 08-28-09 at about 1800 hours. Witness [redacted] did not realize the nature of her observations until she later saw news reports of the incident. Witness [redacted] felt it was necessary to call the Sheriff’s Department to report her observations.

Witness [redacted] was traveling north on SR 125 N at about 1800 hours on 08-28-09. Witness [redacted] was in the number two lane when she noticed “a white four door” (V1) on the right hand shoulder of the freeway. V1 had its emergency flasher’s on and was traveling north on the shoulder, at about 25 MPH. Witness [redacted] said her observations were in the area just north of the Grossmont College/Navajo Road exit off the freeway, near the Oleander bushes.

Witness [redacted] said she saw “a puff of dark smoke” near the front end of V1. She saw two males seated inside V1; a driver and a back seat passenger. Witness [redacted] did not think any thing more than vehicle problems were occurring so she continued on her way.

About 45 seconds to a minute later, Witness [redacted] noticed the same vehicle she had just seen on the shoulder. She said it was the same one because it still had its emergency flasher’s on. V1 passed her traveling “at least 80 – 90 MPH”. Witness [redacted] quickly lost

sight of it but looked over at the 52 west bound on ramp to see if V1 exited there. She did not see it on the on ramp.

Witness [redacted] arrived at the end of 125 N and noticed an SUV (V2), and what she said was a brush fire. She turned west bound on Mission Gorge Road to see if there was anyone inside V2. Witness [redacted] did not see anyone inside V2. She left the scene at that point.

The following Monday (08-31-09) while she was at work, and later from news reports, she wondered whether her observations were related to the fatal collision the news was reporting. While watching the news she saw a "white car" that looked like the one she had seen on the freeway a couple days before. Witness [redacted] called Detective Drake (SDSD #0961) to report her statement. After I contacted her, Witness [redacted] realized what she had witnessed that day.

I asked Witness [redacted] what she noticed about V1 while it was on the freeway. She did not notice it swerving or weaving. She did not notice brake lights but said the emergency flashers were on. She did not notice any tire screeching, engine acceleration noise, nor did she notice any lunging or bucking while in motion. She said V1 was traveling at a high rate of speed when it passed her. The only other thing she thought was unusual at the time was that there did not seem to be a lot of traffic given the time of day.

Investigation (cont.):

Additional phone interviews were conducted by Deputy Burkhart on 09-02-09. Deputy Burkhart spoke to Witnesses [redacted]. All three witnesses reported seeing V1 at the terminus of SR 125 N. All three witnesses saw the collision occur. Deputy Burkhart's DR documents his interviews.

On 09-03-09 at approximately 1230 hours, Sergeant Hill and I, along with MAIT Officers Parent, Snider, Hearst, NHTSA representatives, William Collins and Stephen McHenry, went to Miller's Towing to inspect V1. Reports from NHTSA and MAIT document specific findings regarding V1. Additionally, Sergeant Hill's DR regarding his involvement in the inspection will be included with my report. Photos of V1 incident to this inspection are in Sheriff's evidence.

At the time of this meeting, Officer's Parent and Snider gave me an audio CD copy of CHP's 911 recording of the events that occurred while V1 was in motion and terminated with the collision. Passenger [redacted] can be heard communicating with the CHP's communication center. This is where Passenger [redacted] a makes the statement about V1's accelerator being stuck. The CD was placed into Sheriff's evidence at the Santee Patrol Station.

V1 sustained catastrophic damage from severe frontal impact, roof impact, side impact and fire damage. The Event Data Recorder (EDR) was recovered from V1 by Sergeant Hill. And later placed into Sheriff's evidence at the Santee Patrol Station.

Upon inspection of the driver side floor board, an all weather floor mat (AWFM) was found intact and sustained relatively little damage from the vehicle fire. The AWFM was removed from V1. The AWFM had the two manufactured holes present at the bottom of the mat. These holes are placed to accommodate two plastic retaining clips. In removing the mat, it was discovered the retaining clips were not secured to the mat. The mat appeared to have been pushed forward. Whether this was incident to the impact, or whether it was in that condition before impact was not determined.

The right side plastic retaining clip was secured to the floor board by a metal grommet, but again, not to the mat. The left side retaining clip was found loose, and underneath the AWFM. The AWFM is a Lexus product,

but not specific to V1, an ES350 sedan. The part number stamped on the mat (PT 48050 PT908-48060 Front Driver>TPF<170), as indicated in both MAIT's and NHTSA's reports, states the mat is made for a Lexus RX400H SUV.

When the AWFM was removed, it was discovered the accelerator pedal had melted and fused to the upper right hand corner of the mat. The pedal and mat were removed from V1 at the same time. The pedal is a rigid, one piece, plastic form. The main pivot point of the pedal was operational, smooth, and unencumbered in its motion. The AWFM originally removed from V1 is in Sheriff's evidence at the Santee Patrol Station. It should be noted the driver side seat belt was intact and engaged.

The left front wheel and suspension were torn from V1 upon impact. Consequently, the wheel assembly sustained no fire damage. V1's rotors showed signs they were heated and discolored. The surfaces were rough with deposits from brake pad material. The rotors showed signs of oxidation consistent with extended and endured braking. The brake pads were rough, melted and bubbled. The brake calipers were also discolored from the heat of aggressive braking.

CHP Motor Carrier Specialist Kevin Hearst (MAIT) made the preliminary assessment that these were signs indicative of constant and endured braking and not fire damage. Officer Hearst conducted an additional, more thorough inspection of the brakes, rotors, pads, calipers, and wheel assemblies at a later date. His final report documents this extensively.

Investigation (cont.):

On 09-10-09 at approximately 1400 hours, I obtained a statement from Witness [redacted]. Witness [redacted] was on scene the day of the collision. I originally

attempted to contact Witness [redacted] on 09-05-09 by phone. I was unable to contact him and left a message. Witness [redacted] returned my call at this date and time.

Statement of (witness), [redacted]:

Witness, [redacted], was contacted at the time and location of the collision, and left his name and number to a responding Sheriff's unit on scene. On 09-10-09 at about 1400 hours, I contacted Witness [redacted] by phone. He gave me the following statement:

Witness [redacted] was on west bound Mission Gorge Road. He was stopped at a red light in the number three lane about 3 – 4 cars back from the intersection. Witness Schultz heard a loud crash and saw a very fast "blur" in front of him in the intersection. At first he said, it was so fast he did not know what it was. Witness [redacted] noticed "fire in front of it", then realized it was "a car on fire" (V1).

V1 went up in the air, hit a fence, hit an embankment, and then rolled into the field to the north. Witness [redacted] pulled over as soon as he was able. He got out and ran into the field. Further into the field, he noticed V1 resting on its wheels. There was a fire in the engine area of V1. He also noticed the field around V1 was on fire.

Witness [redacted] was standing near the driver side of V1. He could see what he thought were two people in the front passenger compartment of V1. Witness [redacted] was sure the occupants he saw were not alive because of the impact, and now because of the fire spreading to the rest of the car. Witness [redacted] could see what looked

like a larger than normal “hand” where the windshield should be. He thought he could see “a man’s face” near what was left of the windshield.

Witness [redacted] said there was another person in the front passenger seat. He said there was no way to get access to the car because of the fire and the damage to V1. He said a female Deputy was yelling for him to get away from V1. Witness [redacted] knew there was nothing he could do. He left the area and waited to talk to responding Deputies.

Investigation (cont.):

On 09-17-09 at approximately 1415 hours, Sergeant Hill and I met with staff at the Bob Baker Toyota/Lexus dealership at 1000 Arnele St. in El Cajon. I met with Vice President and General Manager David Ezratty and Service Advisor Joshua Kinghorn. Through these individuals, I learned the general procedure concerning Lexus loaner vehicles.

A brand new Lexus arrives at a given date and time to the dealership and is designated a “loaner car”. The arrival of a loaner is documented as received on a Memorandum Invoice. A car will be used as a loaner car for one year. After one year it will be sold as a used car. The loaner car originally comes in with new carpet style mats. The carpet

style mats are not installed inside the vehicle but kept in the trunk at the time of delivery. The carpet mats are stored pending the sale of the loaner vehicle as a used car. At that time, the carpet mats are included with the vehicle.

While the car is being used as a loaner, rubber all weather floor mats (AWFM) previously stored at the dealership, are placed in the car. The AWFM’s are vehicle specific. There are AWFM’s for the Lexus ES350 sedans and the Lexus SUV’s. The mat specific to the vehicle is installed in the corresponding car. I was advised the mats are never intermixed.

I learned the following about the Lexus ES350, detailing practices, customer complaint, and maintenance protocol, procedures for checking loaner vehicles in and out to customers, and in and out of service:

Loaner vehicle check in/out process:

This can be done both during business hours and after hours. Upon the return of a loaner car, the customer gives the keys to the Receptionist (There are only two Receptionist’s; one during business hours, and one after hours). The Detail Specialist’s check with the Receptionist and find out which car needs to be detailed.

If this is done during business hours, the Detail Specialist will service each car per a “Cleaning/Maintaining Loaner Cars” list of eight specific procedures. The list is followed on a case by case basis. For example, if the car comes in clean and free of debris, it may not necessarily receive all eight procedures on the list. The process varies according to what condition the vehicle is retuned in.

While the vehicle is being detailed, the all weather floor mats (AWFM) usually remain in the car and are vacuumed in place. The AWFM’s may be removed if soiled, but then they are returned and clipped into place.

If the loaner car is checked in after hours, the customer gives the keys to the after hours Receptionist. The Receptionist places the keys in a lock box. The Receptionist checks a hard copy file of invoices filed by customer name. The invoice is later matched with the computer invoice and filed the next day by the Service Advisor under his or her name.

The Detail Specialist maintains an after hours physical listing of the cars that had been returned. The loaner car is logged as checked in via a "Loaner Car Check In "sheet. The Detail Specialist writes in the date, time, odometer reading, fuel level and his or her name on the sheet.

The following day, the Service Advisor matches the physical list generated by the Detail Specialist to a computer generated list. Any car unaccounted for is found in a specific location employees refer to as "the wall". If a vehicle is placed by "the wall", it suggests service is needed.

The only employee responsible for checking out a loaner vehicle is the Service Advisor. The Receptionist only checks in the loaner cars. Consequently, after hours transactions do not involve the checking out of loaner cars. This must be accomplished during business hours. When a loaner car is checked out, the computer is checked for the customer's reservation. A Service Advisor gets the "smart" key (remote key fob), and if the customer is unfamiliar, may conduct a customer tutorial concerning operation of the push button ignition and key fob.

In the event of a customer complaint regarding a loaner car, the Receptionist informs the Service Advisor during business hours. If a complaint is received after hours, the Receptionist writes a note to the Service Advisor. I was informed on that day, employees had not to this date, ever received any complaints regarding Lexus loaner cars. Please see the following statements from Vice President David Ezratty, Service Advisor Joshua Kinghorn, after hours Receptionist Jessica Martin-Dunleavy, and Detail Specialist Octaviano Garcia Jr.:

Statements of (witnesses) at [redacted] Toyota/Lexus:

Witness, [redacted]

Witness [redacted] was contacted at Bob Baker Lexus on 09-17-09. Witness Ezratty is the Vice President of Bob Baker Lexus. Witness Ezratty informed me a brand new Lexus is delivered to the dealership with carpet floor mats in the trunk. They get put away so they don't get dirty. All weather floor mats are then placed in the vehicle. The all weather mats for that make and model, which are stored in the detailing department, are placed in the vehicle.

Witness Ezratty told me they do not mix and match the all weather mats. He stated a mat for a Lexus SUV would not have been implemented in a sedan. In fact, he explained, the SUV mat would not fit in a sedan. The retaining clips that keep the mat from slipping only match the corresponding mat. Witness Ezratty was confident they always put the right mat into the right vehicle.

I asked Witness Ezratty about the procedure for the detailing of loaner vehicles. He explained it depends on what the vehicle needs and what condition it is in when a customer returns it. If the customer for example, only had it a few hours, it may receive a quick vacuum and be released back into the fleet. If the customer has had it for several days, it may receive a full detail, which may include removal of the all weather floor mats. Witness Ezratty referred me to his Detail Specialist, Octaviano Garcia for specifics on what detailing V1 received.

Witness, [redacted]

Witness Kinghorn was contacted on 09-17-09 at Bob Baker Lexus. Witness Kinghorn is a Service Advisor at the dealership. Witness Kinghorn explained that one of his duties is to check the loaner vehicles out to customers. Between himself, the Lot Attendant, and the Service Consultant, a tutorial on the operation of the loaner is conducted. The instruction includes the operation of the "smart key" and the push button ignition.

I asked Witness Kinghorn about the procedure for fielding customer complaints if one were to arise. Witness Kinghorn said a complaint about any of the loaner vehicles is rare if not non existent. In the instance of a complaint however, the customer would most likely inform the Receptionist who should inform him. If he is not on duty, the cashier would write him a note and place it in his mailbox for inspection the following day. Witness Kinghorn advised me he had not ever received any complaints about V1.

Witness, [redacted]

Witness Martin-Dunleavy was contacted on 09-17-09 at the Bob Baker Lexus dealership. Witness Martin-Dunleavy works as the evening Cashier/Receptionist in the Parts and Service Department. Her hours are from 1600 – 1900 Monday through Friday.

Witness Martin-Dunleavy's responsibilities include the checking in of Lexus loaner vehicle after hours. In the instance a customer has had a problem with a loaner vehicle; Witness Martin-Dunleavy would let the Sales Manager know. In the three months Witness Martin-Dunleavy has worked at Bob Baker Lexus, she had never received a complaint about any loaner vehicle.

Witness Octaviano Garcia Jr.

Witness Garcia was contacted on 09-17-09 at the Bob Baker Lexus dealership. Witness Garcia is a Detail Specialist and has been so for about a year. Witness Garcia remembered when V1 was returned on 08-27-09.

One of Witness Garcia's responsibilities includes checking the loaner vehicles for damage and detailing the vehicle. The detail always includes at the very least, vacuuming the all weather floor mats. If they are especially soiled, Witness Garcia will remove and clean the mats. When this is necessary, he always makes sure the plastic clips are secured to the grommets on the floor mats. Additionally, he makes sure the clips are attached to the mats.

Witness Garcia remembered washing V1. He said the mats just needed vacuuming. He did not have to remove the mats. Witness Garcia explained to me the extra diligence involved in making sure the mats are properly installed. He explained this is a must due

to the 2007 recall of the all weather floor mats. Witness Garcia was positive he has never received a complaint about the ES350 in question.

Investigation (continued):

After going over loaner car procedures and interviewing employees, I was escorted to the area D1 [redacted] personal vehicle was being stored. D1 [redacted] personal vehicle is a 2006 Lexus IS250 (5UIW211). As referenced by work order #163709, the IS250 was being serviced for a CD player "rear error", a parking brake readjustment, and intermittent problems with dash and interior console lighting issues.

The IS250 has a “sport mode” gear shift system. Additionally, the IS250 has a paddle shifting system mounted on the steering wheel. This allows the driver to change gears both on the center console area and from the steering wheel. The ES350 does not have the paddle shift feature.

Both models however, have the push button ignition system. D1 [redacted] IS250 had an owner’s manual in the glove box. It went into detail about the push button ignition and went so far as to explain the need to hold it for 3 seconds to cut the engine while the car is in gear. The manual recommends that doing this may cause an accident as the brakes and power steering may be affected.

While at the dealership, Sergeant Hill and I looked at a new ES350 sedan. The sedan had a vehicle specific AWFM in place on the driver side floor board. Upon closer inspection, it appeared the pedal would not interfere with the vehicle specific mat. Upon manipulation of the pedal, it cleared the AWFM every time it wasdepressed.

Sgt. Hill asked for and was provided an AWFM for the Lexus RX400 SUV, the same type of mat found in the driver side floor board of V1. Sgt. Hill removed the AWFM already inside the ES350 and replaced it with the SUV AWFM. We found that not only did the mat fit the entire floor board, but the clips and grommets also line up with the holes on the AWFM. Sgt. Hill was able to attach the mat to the clips on the floor board.

Upon visual inspection of the SUV AWFM inside the ES350, we could see the mat filled the entire floor board area. Sgt. Hill and I were able to see that the pedal would likely come into contact with the AWFM when depressed. Sgt. Hill manipulated the pedal by hand. Each time he depressed the pedal, it became trapped on one of the edges of the AWFM. Not only did the pedal become trapped in the SUV mat, but it remained trapped. Sergeant Hill took photos of our findings. A CD of these photos is in Sheriff’s evidence at the Santee Patrol Station. I concluded my investigation and interview of employees at Bob Baker Toyota/Lexus.

By reviewing paper work provide to me by Witnesses Ezratty and Kinghorn, I later learned the following about V1’s history with Bob Baker Toyota/Lexus:

V1 was a model 9000A 2009 Lexus ES350 four door sedan produced on 09-09-08. Bob Baker Toyota/Lexus at 1000 Arnele Avenue in El Cajon, CA received V1 on 10-13-08. The dealership designated V1 as unit #167 as can be seen on the invoices, work orders, and check in log. On 10-15-08, V1 received a new car detail, and a pre delivery service per work order #153700.

On 02-26-09, V1 received its personalized settings per invoice #157801. On 04-29-09 and 04-30-09, V1 received a 5000 mile service, a wheel alignment, and center console maintenance per invoice #159761. On 06-09-09, V1 was treated for odor control per invoice #160988.

Included in this report is a reservation agreement #23372 which documents D1 Saylor’s reservation of V1 on 08-28-09 at 0930 hours. Additionally, there is a Rental Agreement that documents D1 Saylor’s contract as having received V1 at 0935 hours. All Bob Baker Toyota/Lexus paperwork mentioned in this investigation is in Sheriff’s evidence.

Among the paperwork I received from Bob Baker Toyota/Lexus, was a “History by Unit Report” documenting the last 14 customers to use V1 before D1 [redacted] The report spans the time frame between 06-29-09 to 08-28-09. I later conducted phone interviews of the following customers: Hanan Nisan, Marie Dearden, Delores Clague, and Wayne Lawyer. The customer statements are as follows:

Witness Marie Dearden:

Witness Dearden was contacted by phone on 09-30-09. Witness Dearden had V1 on 08-26-09. Witness Dearden's personal vehicle is a 2007 Lexus ES350. She said it was very similar in operation to V1. She stated she did not have any problems with V1. She drove it less than 50 miles, for a top speed of 50 MPH. In her own car, she has carpet mats with a clear plastic mat stacked on top of it. She was unsure what type of mat was in V1 at the time she had it.

Witness, [redacted]:

Witness [redacted] was contacted by phone on 10-02-09. Witness [redacted] is a customer of Bob Baker Lexus and was loaned V1 on 08-27-09. Witness [redacted] stated he did not have any problems with V1. He drove it for one day. He traveled less than 100 miles and had reached the top speed of about 65 MPH.

Witness [redacted] own vehicle is a 2008 Lexus E350 that he brought to the dealership for general maintenance. According to Witness [redacted] V1 had rubber mats in it. His own car has carpet mats which he has never had a problem with.

Witness [redacted] has used loaner cars from Bob Baker Lexus about three times. He has never had any problems. His vehicle has the push button ignition. He did not know

about the need to push the button for a steady three seconds to cut the engine while the car is in gear. He did not receive any type of operational lessons at the dealership regarding V1.

Witness [redacted]:

Witness [redacted] was contacted by phone on 10-02-09. Witness [redacted] had V1 on 08-19-09. Witness [redacted] personal vehicle is a 2007 Lexus LS460 sedan. She brought it to the dealership for her 5000 mile service. On 08-19-09 Witness [redacted] was given V1 as a loaner. She said for the one and a half days that she had it; she had no problems with it.

Witness [redacted] said her vehicle and V1 were very similar in operation, including the push button ignition. Witness [redacted] was not sure what type if any mats were inside V1. She drove V1 less than 100 miles and her top speed was 70 MPH. I asked Witness [redacted] if she was given any type of tutorial from employees at the dealership reference the operation of V1. She said she was not. The only thing the dealership checked on V1 was what condition it was in when she received it.

Witness [redacted]:

Witness [redacted] was contacted by phone on 10-29-09. Witness [redacted] is a customer of Bob Baker Toyota/Lexus and was loaned V1 on 08-20-09. Witness [redacted] personal vehicle is a 2006 Lexus RX400H SUV. He had it serviced by the dealership because of an unrelated power steering recall. Witness [redacted] SUV has carpet mats and does not have a push button ignition. He had not had any problems with his personal Lexus.

Witness [redacted] had V1 for one day and drove it less than ten miles. His top speed while he had V1 was less than 40 MPH. He cannot recall the type of floor mats in V1 and said he did not have any problems due to floor mat issues. He has driven an ES350 before he used V1 and is familiar with it operation. Witness [redacted] said he did not receive, nor did he need any extra instruction from employees of the dealership reference the use of an ES350 sedan. Witness [redacted] said he did not have any problems with V1.

Investigation (cont.):

Sergeant Hill advised me he was contacted by another customer, [redacted]. Mr. [redacted] is a customer of Bob Baker Toyota/Lexus and is one of the customer's listed on the above mentioned "History by Unit Report". Mr. [redacted] called Sergeant Hill and told him he had an unintended acceleration problem when used V1. Mr. [redacted] told Sergeant Hill he mentioned the incident to the after hours Receptionist. Sergeant Hill's report references the statement he received from [redacted].

I reviewed the statement I received from the after hours Receptionist, Witness Martin-Dunleavy. Witness [redacted] did not mention Mr. [redacted] and said that there

were no complaints involving V1 reported to her. I contacted Witness [redacted] who agreed to meet me for an additional interview. On 10-05-09 at approximately 1915 hours, I met Witness [redacted] at Starbuck's (Magnolia Avenue and Bradley Avenue) in El Cajon. I obtained the following statement:

Statement of (witness), [redacted]

On 10-05-09, I asked Witness [redacted] to tell me what she did in the event a customer complained about a loaner vehicle. She explained that in the event of a complaint, she lets the Detail Specialist know. I showed Witness [redacted] a picture of one of her recent customers, [redacted]. I asked her if she knew who he was. She said he looked familiar, but she did not think she knew him. I told her he was a customer of Bob Baker Lexus and had occasion to use V1 as a loaner car.

I asked Witness [redacted] if she remembered whether Mr. [redacted] complained about V1. She again told me she did not specifically remember Mr. [redacted], so she did not remember if he complained about V1. I asked her if she remembered any complaints at all about V1.

Witness [redacted] said that about two days before the crash that killed the [redacted] family, she remembered an "older couple" came in and returned V1. She said she was not sure if the "older couple" was Mr. [redacted] and his wife. The male half of the couple told her "the floor mat made the car go full throttle".

I asked Witness [redacted] how she handled the complaint from "the older couple". She told me she advised the Detail Specialist on duty who was Witness [redacted]. Witness [redacted] was not sure what Witness Garcia did about the complaint. She told me that in the three and a half months she has been employed by Bob Baker Toyota/Lexus in El Cajon, this is the first time she had ever received any complaint about a loaner Lexus.

Investigation (cont.):

I noted the differences between the statement Witness [redacted] gave me at the dealership and the one she gave me later at the Starbucks. At the dealership, she stated she had never received any complaints about a loaner vehicle. She also told me if she were to receive a complaint, it would be fielded by the Sales Manager.

At the Starbucks, Witness [redacted] said she did in fact remember a complaint about V1 from an "older couple". Also in contrast, was whether complaints were fielded by the Service Advisor, the Sales Manager or the Detail Specialist. Specifically, Witness [redacted] said she told Witness Garcia about the complaint from Mr. [redacted]. Witness Garcia is a Detail Specialist.

On 10-7-09 at approximately 1530 hours, I contacted Witness [redacted] by phone. Witness [redacted] gave me the following statement:

Statement of (witness) [redacted]:

Witness [redacted] was a customer of Bob Baker Lexus in El Cajon on 08-24-09. Witness [redacted] explained he owns a 2006 Lexus IS250 that was being serviced for a routine maintenance check. While he waited for his car's service, he had occasion to use V1 as a loaner. He had V1 for two days (08-24-09 – 08-25-09) and put approximately 80 – 100 miles on it. The top speed he achieved with V1 was between 80 – 85 MPH.

Witness [redacted] told me about an incident he had regarding V1. He was on the Poway Road on-ramp to Interstate 15 North. As he was merging onto the freeway, he saw a truck nearby and accelerated "briskly" to get in front of it. Witness [redacted] got onto the freeway, and once in front of the truck, let his foot off the accelerator. V1 kept accelerating on its own, to about 80 – 85 MPH.

Witness [redacted] stepped on the brakes and tried to lift up on the accelerator with his right foot. He was attempting to access the shoulder of the freeway, and still applying the brakes, was able to slow V1 to about 50 – 60 MPH. While he was slowing, he pushed the ignition button "a few times" and was not able to turn the engine off. He also "popped the throttle" with his foot to see if he could get it to clear itself. None of this worked. V1 kept moving at an uncontrolled and high rate of speed.

Witness [redacted] kept on the brakes, slowing V1 to 25 – 30 MPH and pulled over to the shoulder. He was able to then place V1 into neutral with the gear shift. When he did this, the engine made a very loud whining, racing sound. Witness [redacted] was able to stop V1.

Witness [redacted] looked down at his feet and saw the accelerator was stuck underneath the floor mat. He was able to pull it up with his foot, and said he had to apply a significant amount of pressure to do so. He then reached down and pulled the mat back and away from the accelerator. The mat was pushed forward. Witness [redacted] did not think it was clipped because he was able to move the mat. After clearing the mat, he continued driving with no other problems.

I asked Witness [redacted] to tell me about his own car, and how familiar he was with the Lexus product. He has never had any problems with his own Lexus. Witness [redacted] said he has a "sport shift" in his car that he never uses. I asked him if sport mode could easily be confused for normal mode. He said he did not think so because it is a deliberate effort to have to pull the shifter to the left to activate.

Witness [redacted] has never had all weather floor mats in his own car. I asked him if he thought the mats in V1 were the mats specific to the ES350. He told me he did not know, but that the mats were "a big heavy rubber mat" in place "to protect the car better".

I asked Witness [redacted] about his use of the push button ignition when he tried to cut the engine of V1. He explained he pushed the button in a series of intermittent successions. I asked him if he ever pushed and held the ignition to turn off V1. He said he did not. I asked him if he was aware of the practice of holding the button for at least three seconds to cut the engine while the car is in gear. He said he was not.

As far as his braking of V1, Witness Bernard explained he did not "pump" the brakes. He used steady constant pressure and was able to slow V1. He said he pressed hard and steady and ultimately was able to stop V1.

I asked Witness [redacted] what transpired when he returned V1 to the dealership. He said he and his wife returned V1 on 08-25-09 at about 1830 – 1900 hours. He said a "young lady" ("less than 30 years old") was the Receptionist at the time. Witness [redacted] told the Receptionist about V1 and how it became "stuck in wide open position".

Witness [redacted] said he got the impression either the Receptionist did not understand him or just did not know what he meant. He said at that point it made him "anxious" because he felt the matter was important. Witness [redacted] explained to the Receptionist, "I think the mat caused it" and told her "you need to tell someone".

Witness [redacted] said the Receptionist told him to tell the Detail Specialist when his own car was returned to him. He said he remembered retrieving his personal vehicle from a male "lot attendant" but could not describe him. Witness [redacted] did not tell this other male employee what he told the Receptionist. He assumed the Receptionist would let someone know.

Investigation (cont.):

V1 and V2 were both towed and held in the yard at Miller's Towing, 1402 Pioneer Way in El Cajon, Ca. V1 and V2 were towed at the request of MAIT investigators. At the request of MAIT, I arranged for V1 to be towed by the San Diego Sheriff's Crime Lab, from Miller's Towing to the San Diego Sheriff's evidence yard (.43, 1840 Weld Boulevard, El Cajon, Ca.). This transaction took place on 09-25-09. V1 is currently in the Sheriff's evidence yard, and will be released pending the completion of this investigation.

The title to V2 was released to Miller's Towing by D2 [redacted]; in lieu of the balance he owed on V2 ($1,389.33). On 09-25-09, Miller's Towing received a check for the balance owed from The Gomez Law Firm. The Gomez Law Firm represents the family members

of the [redacted] families. Miller's Towing released V2 to the Gomez Law Firm.

Summary:

On 08-28-09 at approximately 1835 hours, D1 [redacted] was driving V1, a white 2009 Lexus ES350 sedan, on loan from Bob Baker Toyota/Lexus. D1 Saylor was traveling north on SR 125, with his wife, front seat passenger [redacted], daughter [redacted] in the right side back seat, and brother in law [redacted], in the left side back seat.

On SR 125 N, in the area of the Grossmont College/Navajo Road exit, witnesses observed V1 exhibiting what was described as some type of car trouble. According to these witnesses, V1 was at times traveling slower than the flow of traffic while on the freeway, or pulled over to the right hand (east) shoulder. While on the shoulder, V1 was proceeding straight at slower than normal freeway speeds. In other instances, V1 had what was noted as smoke or flames emanating from the front end and underside of V1.

Witnesses stated they saw V1 a second time, after seeing it pulled off to the shoulder. These sightings vary from seconds to a minute later on SR 125 N. When V1 was observed again, it was seen traveling at a high rate of speed. Witnesses estimated speed in excess of 90 MPH. Once it reached the end of SR 125 N, V1 collided with V2 within the intersection of SR 125 and Mission Gorge Road. V2 was in the number one left turn lane in position to make a left turn onto west bound Mission Gorge Road. V2 was just beginning its left turn and was slowly accelerating forward before and during impact with V1.

V2 continued its now uncontrolled movement north, spun completely around, and came to its uncontrolled point of rest. Ultimately, V2 rested facing west with a northern orientation, in the North West portion of the intersection.

Concurrently, and post impact with V2, V1 continued north across the intersection. The impact with V2 did little to diminish its high rate of speed, as witnesses estimated speeds in the area of 100 MPH. One witnesses stated V1 actually appeared to accelerate post impact with V2. V1 became briefly airborne when its wheels lost contact with Mission Gorge Road, and continued north until the right front tire hit the north curb. With this impact, the right rear tire followed, and also struck the north curb.

V1 again elevated and still traveling north, struck a wooden post and rail fence. Immediately after striking the wooden fence, V1 slammed into a raised dirt embankment. V1 was facing North West on impact, the front end and right front corner taking the full force of the impact. According to the ME's report, this is most likely what caused the fatal injuries to all four occupants of V1.

V1 came off the embankment and became airborne again. The front end facing west, V1 continued north until it landed on its left side, on a sloping decline into the river bed. V1 bounced and became airborne again until it landed on its wheels in the brushy area of the river bed. V1 was facing west when it came to its uncontrolled point of rest on 08-28-09, at approximately 1837 hours. Witnesses stated V1 exploded however is unknown how the fire started. The likely scenario is the intense heat generated by the over burdened braking system caused the field and V1 to catch fire. The brush fire and subsequent vehicle fire was extinguished by the efforts of the Santee Fire Department.

Medical Examiner's Report:

A copy of the ME Investigative and Autopsy Report's has been placed into Sheriff's evidence at the Santee Patrol station. The ME cites the manner of death as "accident" and the cause of death as "blunt impact injuries" for all four occupants of V1. Although the occupants had extensive thermal injury, fire most likely was not a factor in this fatality. All occupants were conclusively identified via dental comparison.

Area(s) of Impact (AOI):

There are seven areas of impact obtained by MAIT, using a GPS coordinate system. The AOI's were determined by physical evidence, damage sustained by V1 and V2, and vehicle dynamics analysis. The measurements are documented using Survey Data Points, which were converted into feet for purposes of this investigation. Refer to MAIT's investigative report for further detail.

AOI #1 (V1 vs. V2) - 8.7' north of the north edge of the cross gutter and 62' west of the east curb line of 125 N.

AOI #2 (left front wheel assembly of V1 vs. the north curb of Mission Gorge Road) – 0' on the north curb of Mission Gorge Road and 85.5' west of the east curb line of 125 N.

AOI #3 (right front wheel of V1 vs. the north curb of Mission Gorge Road) – 0' on the north curb of Mission Gorge Road and 68.3' west of the east curb line of 125 N.

AOI #4 (right rear wheel of V1 vs. north curb of Mission Gorge Road) – 0' on the north curb of Mission Gorge Road and 63.4' west of the east curb line of 125 N.

AOI #5 (V1 vs. wooden fence) – 40’ north of the north curb line of Mission Gorge Road and 73.2’ west of the east curb line of 125 N.

AOI #6 (V1 vs. dirt embankment) – 44.3’ north of the north curb line of Mission Gorge Road and 74.2’ west of the east curb line of 125 N.

AOI #7 (V1 vs. the descending dirt river bed ground) – 103.6 north of the north curb line of Mission Gorge Road and 65.3’ west of the east curb line of 125 N.

Intoxication Narrative:

A blood sample was drawn from D2 [redacted] at Sharp Memorial Hospital. The blood was drawn incident to the strong odor of alcohol inside V2 upon initial contact with D2 Pretty. Field coordination tests were not performed due to D2 [redacted] medical status. The blood draw resulted in a .00 % BAC for D2 [redacted]. DUI was not a factor in this incident. Refer to the American Forensic Nurses Request for Service form for information concerning the blood draw. The form is both attached to this report, with the original copy in Sheriff’s evidence at the Santee Patrol station.

According to the ME’s report, drugs or alcohol were not a factor for any of the occupants of V1.

Cause:

A Lexus all weather rubber floor mat (part # 48050 PT908 – 48060 Front Driver>TPF<170”) is a part specific to a 2005 – 2009 Lexus RX400H sport utility vehicle. Incident to a post collision vehicle inspection of V1 (a white 2009 Lexus ES350, CA license plate 6DRT323, Vin #JTHBJ46G792[redacted]), a rubber mat with the above mentioned characteristics, was found in the driver side floor board of V1.

V1 is a loaner vehicle registered to Bob Baker Toyota/Lexus, 1000 Arnele Avenue, in El Cajon California. At some point, the RX400H all weather mat was placed in V1 at the above mentioned dealership. Because this mat was not a part specific to the vehicle it was installed in, it caused a sudden unintended acceleration event.

This occurred due to the following events:

The accelerator pedal became trapped either in the grooves of the mat or underneath it, causing V1 to reach speeds greater than 100 MPH.

The size of the mat with relation to the size of the floor board, did not allow room for easy manipulation to clear the pedal (the SUV mat is much larger than the sedan mat).

The plastic retaining clips were not attached, which could allow for the mat to be forced forward, and apply further pressure on the accelerator pedal.

The following associated factors occurred:

The vehicle was not equipped with a key that would other wise allow for manual emergency shut off. The push button ignition feature had no emergency instantaneous shut off capability. It is unknown, however unlikely that D1 [redacted] knew of the 3 second delay to shut V1 off while in gear.

As evidenced in the inspection of V1, the brakes most likely failed due to over burdened, excessive, and prolonged application at high speed. There is also the possibility of prior brake wear damage caused when witness Bernard had a heavy, sustained braking event.

As a whole, these events combined to cause V1 to become a runaway vehicle. Per witness statements, and time/distance speed calculations, V1 traveled at greater than 100 MPH as it reached the end of SR 125 N. D1 Saylor simply ran out of time and options. Therefore, the cause of this collision is excessive speed due to the improper mat placement. The combined events were beyond the control of D1 Saylor regardless of what he did or did not do.

Due to the catastrophic damage to V1, other avenues of unintended acceleration could not be explored. Beyond the all weather floor mat, other and/or additional factors causing a sudden unintended acceleration event (re: electrical, mechanical, or computer generated) should be ruled out. However, the obtainable evidence and witness statements indicate the unintended acceleration was caused by the accelerator becoming trapped in the floormat.

At this time it cannot be determined what gear the automatic transmission was engaged in prior to impact. At the time MAIT conducted their inspection of V1, the transmission indicated the attached lever was all the way in the rearward position. As indicated in exemplar testing, this is indicative of V1's shift lever in the "drive" position.

V1 initially impacted V2, and then the dirt embankment. As expressed in MAIT's analysis, this type of impact would generate force consistent with front to rear energy. This type of energy would force the shift lever forward, not backward. It is not likely the impact with V2 and the embankment would have forced the lever into drive. However the lever could have been forced post impact by an occupant of V1.

Opinions and Conclusions:

In September of 2009, Toyota Motor Corporation ordered a recall of 3.8 million of their vehicles in the United States regarding their all weather rubber floor mats. In November of 2009, Toyota Motor Corporation began the process of replacing or reconfiguring the accelerator pedals of 4 million Toyota/Lexus vehicles.

The National Highway Traffic Safety Administration in conjunction with Toyota Motor Corporation should continue to research the use and design of the all weather rubber floor mat application in their vehicles. Toyota Motor Corporation should also research the possibility alternate systems installed in their vehicles may be responsible for this or other sudden unintended acceleration events.

In the interest of public safety, Bob Baker Toyota/Lexus, at 1000 Arnele Avenue in El Cajon California, should review their procedures for the following:

Proper installation of equipment specific to certain vehicles

Communication between consumers and the appropriate staff with regard to customer complaints

The means by which customers are informed of emergency operation of loaner and new vehicles. This should extend beyond what is indicated in the owner's manual alone.

The means by which customers and staff are kept apprised of recall events and safety bulletins

RECOMMENDATION:

Representatives from the El Cajon Office of the District Attorney were consulted on this case. The possibility of criminal issues concerning this investigation was discussed. The District Attorney's Office was of the opinion that while this case may rise to the level of civil responsibility, criminal prosecution will not be considered at this time.

CHP Officer & 3 Family Members Die in Mysterious Santee Crash

Reported by: San Diego 6 News Team

Email: newstips@sandiego6.com
Last Update: 8:01 am

SANTEE - Four people killed in a horrific crash and fire in Santee are believed to have been an off-duty California Highway Patrol Officer and members of his family.

The San Diego County Medical Examiner's Office has not positively identified the victims, but they are believed to be Officer Mark Saylor and four members of his family.ir bodies, CHP Officer Brian Pennings said.

The crash happened around 6:35 p.m. Friday when a Lexus rental vehicle smashed through the T-intersection at the terminus of state Route 125 at Mission Gorge Road, struck a Ford Explorer, plowed through a picket fence, over an embankment and came to rest in the bed of the San Diego River. The Lexus caught fire, and the victims were burned beyond recognition, CHP Officer Brian Pennings said.

The officer confirmed initial reports that an occupant of the vehicle called 911 to report that the car's accelerator was stuck, and the vehicle was traveling at a high rate of speed and unable to stop.

The highway in that area goes downhill for several miles from the area near Grossmont College and intersects with one of the busiest streets in the county.

The victims possibly include Saylor's 45-year-old wife, Cleofe; his 13- year-old daughter, Mahala; and his brother-in-law, 38-year-old Chris Lastrella, Pennings said.

Saylor, 45, tested school bus drivers and their vehicles, and inspected ambulances, tow trucks and armored vehicles for safety, Pennings said.

"He was an outstanding officer who was well-respected by his peers," Pennings said. He was also a "passionate athlete who was very competitive."

Pennings said Saylor would have completed 20 years as a highway patrolman in October, working in offices in western Los Angeles County and El Cajon before settling in the San Diego office in 1995. He began his current inspection assignment four years ago, he said.

The Sheriff's Department is the lead investigative agency, and the CHP is assisting, he said.

The driver of the Explorer, Phillip Pretty, 52, was hospitalized with moderate injuries, according to Pennings.


CHP Officer Mark Saylor

RELATED TERMS: SAN DIEGO, CHULA VISTA, MISSION GORGE, SANTEE

Public memorial Saturday for CHP officer, family

By Kristina Davis
UNION-TRIBUNE STAFF WRITER
2:00 a.m. September 4, 2009

SAN DIEGO — A public memorial service for a California Highway Patrol officer and three family members who died in a fiery crash last week has been set for Saturday.

The service will honor Officer Mark Saylor, 45; his wife, Cleofe, 45; his daughter, Mahala, 13; and his brother-in-law, Chris Lastrella, 38.

The service will begin at 2:30 p.m. at Calvary Chapel, 1771 E. Palomar St., in Chula Vista. The church will open to the public at 2 p.m., and a viewing will follow the service until 8:30 p.m.

The public and law enforcement are welcome to attend the service, though the family requests that law enforcement dress in civilian clothing and not in uniform. A separate law-enforcement-only service is planned at a later date.

In lieu of flowers, the family has requested donations to the Mark Saylor Family Memorial Fund at USE Credit Union, 8889 Rio San Diego, Suite 102, San Diego, CA 92108.

The four were killed Aug. 28 when their loaned Lexus, driven by Saylor, crashed into a Ford Explorer on northbound state Route 125 at Mission Gorge Road in Santee. The Lexus plowed over a curb and through a fence before hitting an embankment and becoming airborne. It rolled several times before stopping and bursting into flames in the nearby San Diego River basin.

Moments earlier, someone in the Lexus had called 911 to report a stuck accelerator. Investigators are still working to determine if the accelerator was stuck.

Kristina Davis: (619) 542-4591;

RELATED TERMS: SAN DIEGO, CHULA VISTA, MISSION GORGE, SANTEE

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Memorial for CHP Officer & 3 Family Members Killed in Runaway Car

Reported by: San Diego 6 News Team

Email: newstips@sandiego6.com
Last Update: 9/05/2009 2:11 pm

CHULA VISTA - A Highway Patrol officer, his wife, daughter and brother-in-law -- all killed in a fiery crash in Santee -- will be remembered at a memorial service Saturday in Chula Vista.

Mark Saylor and his wife Cleofe, both 45, their 13-year-old daughter Mahala and 38-year-old brother-in-law Chris Lastrella were killed in the crash at 6:35 p.m. Aug. 28 at the end of state Route 125 at Mission Gorge Road.

The officer was off-duty at the time of the crash.

They were in a 2009 Lexus loaned by Bob Baker Lexus in El Cajon while their vehicle was being serviced, authorities said. One of the occupants, believed to be Cleofe Saylor, called 911 to report the accelerator in the loaner vehicle was stuck.

Witnesses said the car was going more than 100 mph shortly before the crash.

The car collided with an SUV waiting to turn left at the end of Highway125, and continued across Mission Gorge Road, crashed through a fence and ended up on fire in the bed of the San Diego River.

All four victims died at the scene.

A public Celebration of Life will be held at 2:30 p.m. at Calvary Chapel, 1771 E. Palomar St., Chula Vista, CHP Officer Brad Baehr said.

A viewing will be held from 2 p.m. to about 8:30 p.m., Baehr said.

The family welcomes participation by the public and CHP, but law enforcement officers are asked to wear civilian clothes, according to Baehr.

CHP Officer Mark Saylor

Related Links

- SD6 Exclusive: Runaway cars & a San Diego woman who survived a runaway crash

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Previous story:

SANTEE - The victims of a crash apparently caused by a stuck accelerator in a car loaned by an El Cajon dealership were positively identified Monday as an off-duty CHP officer, his wife, teenage daughter and brother-in-law.

Killed in the fiery collision around 6:35 p.m. Friday, at the end of state Route 125 at Mission Gorge

Road, were California Highway Patrol Officer Mark Saylor of Chula Vista; his 45-year-old wife, Cleofe; 13-year-old daughter, Mahala; and 38-year-old brother-in-law, Chris Lastrella, according to the San Diego County Medical Examiner's Office.

The Saylor family was in a Lexus that was going more than 100 mph when it clipped a Ford Explorer, smashed through a fence and hit an embankment, which launched the car into the bed of the San Diego River, where it burst into flames.

The driver of the Explorer, Phillip Pretty, 52, was hospitalized with moderate injuries.

Both vehicles had been going north on SR 125, and the driver of Explorer was trying to turn left when the SUV was struck from behind, according to law enforcement and witness reports.

Someone believed to be Saylor's wife called 911 to report that the car's accelerator was stuck, CHP Officer Brian Pennings said. That downhill stretch of northbound 125 near Grossmont College intersects one of the busiest streets in the county.

Saylors' regular vehicle was being serviced at Bob Baker Lexus, which issued them the loaner car that crashed.

A sales manager for the dealership, Blair Carter, told SignOn San Diego that employees' hearts sunk when they learned about the crash. He said the car was equipped with a system that should have shut off the engine if there was a major malfunction.

Saylor, 45, was a safety officer who inspected school buses, ambulances, tow trucks and armored vehicles.

"He was an outstanding officer who was well-respected by his peers," Pennings said, adding that Saylor was also a "passionate athlete who was very competitive."

Pennings said Saylor would have completed 20 years as a highway patrolman in October, working in offices in western Los Angeles County and El Cajon before settling in the San Diego office in 1995. He began his safety inspection assignment four years ago.

The Sheriff's Department is in charge of the accident investigation, and is being assisted by the CHP.


DO NOT
ENTER
WRONG WAY


NO U TURN
WEST


Mahala,
From the entire Nomads
U-14 Soccer Team. you will
Forever missed. We all love you!!


63-28


MAIT
INVESTIGATOR


ADVICS
6
28V


ALL AUTO


EL CAJON
BOB BAKER LEXUS


NIKON
Nikon


FRONT DRIVER
P1908-48060
48050


TOYOTA
89170-33550
12V
DENSO
JAPAN
SRS AIRBAG


DO NOT PLACE ON TOP OF


DO NOT PLACE ON TOP OF


EDGE, THAT I WAS NOTIFIED &
AL APPROVAL
ED ESTIMATES:
DATE
TIME
X


APPROVAL


LRC

[redacted]

PT908 – 48060 Front Driver >TPF< 170". When referenced, this part number indicates that it is used in a 2005-2009 Lexus RX400H sport utility vehicle.

3- Push Button Ignition Start with no Emergency Instantaneous Shut off device – In the event that this vehicle was producing unwanted power, there was no ignition key that could be mechanically actuated to instantaneously disconnect electrical power to the engine. In place of the key is a software push button that delays engine shutdown for three seconds once depressed. This instruction is not indicated on the dashboard.

4- The brake pads and rotors were inspected for heat generated by emergency braking. While there was significant fire damage to the majority of the vehicle, the pads, rotors, and calipers could still be observed. The left front wheel assembly and suspension were torn from the vehicle in the crash and had not been involved in the fire. Other rotors on the vehicle generally exhibited similar conditions. Rotors were discolored and heated, had very rough surfaces, had substantial deposits of brake pad material, and showed signs of bright orange oxidation on the cooling fins consistent with endured braking. Pads were melted and rough with a considerable amount surface material dislocated to the leading edge. The friction surfaces were burned but somewhat reflective. The edges of the pads were bubbled. The calipers were also heat discolored with heat patterns in the area adjacent to the rotor.

5- 

...s ES-350 – Front

U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Memorandum

Vehicle Research and Test Center P.O. Box B37
East Liberty, Ohio 43319
(937) 666-4511

Subject: REPORT: Vehicle and Crash Site Inspection of 2009 Lexus ES-350, VIN JTHBJ46G79[redacted]

Date: SEP 30 2009

From: Bill Collins
Investigator and Interviewer,
Engineer, Vehicle Research and Test Center

Reply to Attn. Of: NVS-310

To: Kathleen DeMeter
Director, Office of Defects Investigation

NVS-210

Through: Roger Saul
Director, Vehicle Research and Test Center

Present at time of inspection:

NHTSA Bill Collins;
NHTSA Stephen McHenry;
California Highway Patrol, Officers from the Multi-Disciplinary Accident Investigation Team;
San Diego Sheriff's Department, Officers from the Santee Post

Date of Inspection: 09/03/2009

Owner: Bob Baker Lexus Dealership (Loaner Car), 1000 Arnele Avenue, El Cajon, CA 92020

Vehicle condition at time of inspection: Catastrophic damage caused by severe frontal impact, roof impact, side impact, & fire damage. The driver's seat buckle was observed in a closed, connected condition.

Narrative: All four occupants were killed at 6:38PM on August 28th, 2009 at the T-intersection of Highway 125 and Mission Gorge Road in Santee, California. The vehicle was a loaned Lexus ES-350 traveling at a very high rate of speed that failed to stop at the end of Highway 125. It entered the T-intersection and collided with a Ford Explorer. The Lexus continued on past the end of the T-intersection and struck an embankment, at which time it became airborne. The Lexus eventually came to rest in a dry riverbed where it burned for an extended period of time. The driver, Mark Saylor was a 19 year veteran of the California Highway Patrol. The vehicle was loaned to the driver, Mr. Saylor by Bob Baker Lexus while Mr. Saylor's vehicle was in for service.

Disposition of Event Data Recorder: The EDR was observed intact in the vehicle with minor fire damage. It remains in the vehicle under the custody of the San Diego Sheriff's Department and is being stored at a contracted wrecking service facility. No attempts to retrieve data from the EDR have yet been made.

911 Record: The California Highway Patrol has a digital recording of the 911 call that lasted approximately less than one minute and terminated with the crash.

Crash sequence:

1 - The first impact was a slightly offset frontal crash with a slow moving Ford Explorer. Estimated speeds are near 100 mph.

2 - The second impact resulted when the car traveled beyond the T-intersection into an approximately 6 foot tall earthen barrier with a 45 degree slope. The vehicle significantly gouged this slope as it ramped it and went airborne.

3 - The third impact occurred as the vehicle touched down along the downward slope of a riverbed. It is believed this impact caused the roof crush. The car appears to have again become airborne at this point.

4 - The fourth impact was into a slightly upward slope of the river bed. Here the right front part of the vehicle landed first onto the ground as it came to the final resting place and caught fire.

Cause of crash – Very excessive speed- According to the 911 call made by the brother-in-law sitting in the back seat of the Lexus, the accelerator pedal was depressed in a full power condition and attempts by the driver to release the pedal were unsuccessful.

Other significant factors:

1- Accelerator Pedal – The pedal is made from a composite plastic that forms a rigid, one-piece lever. Beyond the main pivot, the lever is not hinged and has no means for relieving forces caused by interferences. Upon removing the pedal from the vehicle, the rotating motion of the pedal assembly was confirmed to still be operational. The return spring action was smooth and unencumbered.

2- Upon inspection of the crashed vehicle, it was found that an all-weather floor mat bearing the Lexus insignia was present in the driver's foot well vehicle with very minor fire damage. The mat was not secured by either of the two retaining clips. The right clip was installed into the grommet of the carpeting but not installed into the mat. The left clip was found under the middle of mat but was not clipped to either the carpet or the rubber mat. Removal of the mat was difficult because the bottom edge of the accelerator pedal had melted to the upper right corner of the mat. Further inspection of the mat revealed that while it was a Lexus brand mat, it was not the correct application for the vehicle. The mat part number was stamped and still visible on the reverse side. It read "PT 48050

PT908 – 48060 Front Driver >TPF< 170". When referenced, this part number indicates that it is used in a 2005-2009 Lexus RX400H sport utility vehicle.

3- Push Button Ignition Start with no Emergency Instantaneous Shut off device – In the event that this vehicle was producing unwanted power, there was no ignition key that could be mechanically actuated to instantaneously disconnect electrical power to the engine. In place of the key is a software push button that delays engine shutdown for three seconds once depressed. This instruction is not indicated on the dashboard.

4- The brake pads and rotors were inspected for heat generated by emergency braking. While there was significant fire damage to the majority of the vehicle, the pads, rotors, and calipers could still be observed. The left front wheel assembly and suspension were torn from the vehicle in the crash and had not been involved in the fire. Other rotors on the vehicle generally exhibited similar conditions. Rotors were discolored and heated, had very rough surfaces, had substantial deposits of brake pad material, and showed signs of bright orange oxidation on the cooling fins consistent with endured braking. Pads were melted and rough with a considerable amount surface material dislocated to the leading edge. The friction surfaces were burned but somewhat reflective. The edges of the pads were bubbled. The calipers were also heat discolored with heat patterns in the area adjacent to the rotor.

5- According to information provided by the San Diego Sheriff's Department at the time of inspection indicated that the crashed vehicle had been loaned by Bob Baker Lexus to another customer immediately prior to loaning it to Mr. [redacted] The previous customer using the loaner car reported an unwanted acceleration event. At the time, he alleges he experienced speeds in excess of 80 mph but successfully placed the vehicle into Neutral and the car began to slow down. The customer identified that the all-weather floor mat was causing the interference with the accelerator pedal. When he pulled the mat away from the pedal, the vehicle returned to idle. The customer complained about the unwanted acceleration when he returned the vehicle to the dealership

Crash vehicle photographs:

Figure 1 - Subject Vehicle 2009 Lexus ES-350 – Front

Figure 2 - Rear Left Caliper and Rotor Exhibiting Signs of Endured Braking

Figure 3 - Driver's Compartment with Lexus All Weather Floor Mat

Figure 4 - All Weather Floor Mat Removed from Driver's Footwell, Bonded to Lower Edge of Accelerator Pedal Assembly

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DP09-001

Safety probe of certain Lexus ES models is closed

latimes.com

AUTOS

Safety probe of certain Lexus ES models is closed

Reports of sudden acceleration are unlikely to stem from a vehicle defect, the National Highway Traffic Safety Administration says. Toyota has blamed out-of-place floor mats for most such incidents.

By Ralph Vartabedian and Ken Bensinger

October 28, 2009

Federal safety regulators have closed an inquiry into sudden-acceleration incidents involving certain Lexus ES models after concluding that a vehicle defect was unlikely.

The National Highway Traffic Safety Administration's inquiry into the 2007 Lexus ES 350 and the 2002-03 Lexus ES 300 was triggered by a petition from Jeffrey A. Pepski of Plymouth, Minn.

Pepski said his 2007 Lexus ES 350 suddenly accelerated from 60 to 80 mph while he was driving home from work Feb. 3.

Pepski said his accelerator pedal became stuck and he could not lift it up with his right foot, while the car continued to accelerate.

He said he "depressed the brake as hard as I could using both feet" but managed only to slow the vehicle. He eventually shifted into neutral and shut the engine off.

Toyota said the incident was caused by an out-of-place floor mat, an explanation it has used in responding to most reports of sudden acceleration. The company also wrote to NHTSA officials, saying they should deny the petition.

After considering the case for seven months and interviewing Toyota executives, NHTSA's Office of Defects Investigation said it decided to deny Pepski's petition for a formal investigation and issued a letter Tuesday outlining its response.

NHTSA officials said any additional investigation "is unlikely to result in a finding of a defect" and cited the agency's "limited resources" in deciding to close the case.

The denial letter, signed by Kathleen DeMeter, director of the defects office, was entered into an online investigation file Tuesday but then was removed later in the day without explanation.

DeMeter could not be reached for comment on why the file was removed. Normally, such letters are issued publicly at the same time they are published in the Federal Register, which has not yet carried the formal notice.

Since Pepski filed his request, Toyota has voluntarily recalled 3.8 million of its vehicles, after a horrific crash in San Diego involving a Lexus took the lives of a California Highway Patrol officer and his family.

Although the local accident investigation is pending, Toyota has told owners of seven Toyota and Lexus models to remove floor mats, which reportedly can jam accelerator pedals. The company says it is working on a broader

solution to the problem.

Toyota's recall includes the 2007 to 2010 Camry, the 2005 to 2010 Avalon, the 2004 to 2009 Prius, the 2005 to 2010 Tacoma and the 2007 to 2010 Tundra. The Lexus models recalled are the 2007 to 2010 ES 350 and the 2006 to 2010 IS 250 and IS 350.

NHTSA's denial of the Pepski petition marks the fifth time the agency has denied a petition for a probe of Toyota products for sudden acceleration defects since about 2000.

The agency has not opened a formal evaluation related to the current recall by Toyota, though it has received written requests to conduct such an investigation.

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ken.bensinger@latimes.com

DP09-001

Santa Monica July 2008


07.24.2008


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09.17.2009


09.17.2009


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DP09-001

styrofoam block under carpet


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DP09-001

Toyota 5-14-09 TO ODI, TOYOTA 10-5-09 TO NSA PART 573

TOYOTA

TOYOTA MOTOR NORTH AMERICA, INC.
WASHINGTON OFFICE
601 Thirteenth Street, NW #910 South Washington, DC 20005

TEL: (202) 775-1700
FAX: (202) 463-8513

October 5, 2009

Mr. Daniel C. Smith
Associate Administrator for Enforcement
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Certain Toyota and Lexus Vehicles
Potential Floor Mat Interference with Accelerator Pedal

Dear Mr. Smith:

On September 29, 2009 Toyota issued a consumer safety advisory to address the risk of floor mat entrapment of accelerator pedals in certain Toyota and Lexus models. Toyota urged owners of potentially affected vehicles to take out removable drivers' side floor mats in their vehicles, pending the development of model-specific remedies. Toyota undertook this action in response to reports of vehicles accelerating rapidly after release of the accelerator pedal, due to entrapment of the pedal by unsecured or improper floor mats.

The purpose of this letter is to transmit the information specified by Part 573 of your regulations with respect to the forthcoming safety campaign, which will provide a vehicle-based remedy for affected vehicles to reduce the risk of future incidents.

Although Toyota is willing to identify this campaign as a safety recall in the owner communication about the campaign, Toyota has not determined that the vehicles identified in item 2, below, contain a "safety-related defect" within the meaning of the federal vehicle safety laws. Nevertheless, Toyota will voluntarily notify its customers of this campaign and will voluntarily cooperate with NHTSA's recall procedures by providing six quarterly reports of campaign completion.

Toyota understands that NHTSA will assign a recall number to this campaign, as if it were a campaign conducted under the Safety Act, and will post the information about the campaign on the NHTSA/ODI website. Toyota also requests that the summary of the campaign on the NHTSA/ODI website contain a notation that Toyota has not made a decision that these vehicles contain a safety-related defect.

A draft owner notification letter will be provided under separate cover. Please see the following information, as specified in Part 573 of your regulations:

1. Manufacturer's name/address:

Toyota Motor Corporation ["TMC"]
1, Toyota-cho, Toyota-city,
Aichi-ken, 471-8571, Japan

Affiliated U.S. Sales Company

Toyota Motor Sales, USA, Inc. ["TMS"]
19001 South Western Avenue
Torrance, CA 90509

2. Vehicles involved in this notification:

Based on production records, we have determined the affected vehicle population to be the population described in the table below:

Make/ Car Line	Model Year	Manufac-turer	VIN		Production Period
			VDS	VIS	
Camry	2007-2010	TBD	TBD	TBD	TBD
Avalon	2005-2010	TBD	TBD	TBD	TBD
Prius	2004-2009	TBD	TBD	TBD	TBD
Tacoma	2005-2010	TBD	TBD	TBD	TBD
Tundra	2007-2010	TBD	TBD	TBD	TBD
Lexus ES 350	2007-2010	TBD	TBD	TBD	TBD
Lexus IS 250/350	2006-2010	TBD	TBD	TBD	TBD

Please note this list of vehicles is preliminary and may change as Toyota's internal investigation continues. We will advise you promptly of any changes to this list.

3. Total number of vehicles:

As noted in item 2, above, Toyota is still in the process of determining the scope of the affected vehicle population. We currently estimate that there are 3.8 million vehicles identified in item 2, above; however, this estimate is subject to change as Toyota refines the number of affected vehicles by model.

4. Approximate percentage of vehicles estimated to actually contain the condition:

Unknown

5. Description of the condition:

Toyota has determined that there is a potential for an accelerator pedal to get stuck in the wide open position due to an unsecured or incompatible driver's floor mat. A stuck open accelerator pedal may result in very high vehicle speeds and make it difficult to stop the vehicle, which could cause a crash, serious injury or death.

6. Chronological summary of events leading to this campaign:

In 2007, Toyota undertook a voluntary safety campaign of all-weather floor mats designed for certain Lexus ES350 and Toyota Camry models to address the risk of potential floor mat interference with the accelerator pedal.

Recent events have prompted Toyota to take a closer look at the potential for accelerator pedal entrapment by unsecured or incompatible floor mats in these models, as well as other Toyota and Lexus models on which complaints of entrapment have been received. On September 29, Toyota determined to conduct a safety campaign to address this condition.

7. Description of Campaign (including schedule for dealer and customer notification):

Toyota will notify owners of affected vehicles to take out any removable driver's floor mat and not replace it with any other floor mat, pending the development of model-specific remedies. Toyota expects to carry out this customer notification via first class mail, and expects to begin the mailing in late October (by model)

and expects to complete the mailing in December. A draft copy of the owner letter will be provided under separate cover.

After Toyota completes its countermeasure development actions, it will provide a second notification to owners of affected vehicles about the availability of a free remedy. Toyota will provide you with an advance draft of the notification for your review when it is available. Toyota does not currently have a firm schedule for the second notification; however, Toyota will provide such a schedule as soon as possible. Please note that different models may be ready for the second notification at different times. Toyota will keep your staff informed as this schedule evolves.

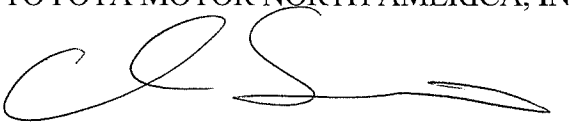
Toyota has notified its dealers about the safety advisory. A copy of the dealer communication will be provided under separate cover. When the second notification for customers is ready to begin, Toyota will notify its dealers and provide appropriate documentation for the action to them. This schedule will be developed in parallel with the schedule for second notification of customers.

Toyota believes that the reimbursement provisions of Part 573 are not applicable to this campaign, because no vehicle owner will have obtained the as-yet undeveloped countermeasure(s) at his/her own expense.

Toyota appreciates this opportunity to cooperate with NHTSA. Should you have any questions about this information, please let me know at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.



Chris Santucci
Assistant Manager
Technical & Regulatory Affairs

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May 14, 2009

Ms. Kathleen C. DeMeter
Director
Office of Defects Investigation
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20690

Re: Response to the Petition for a Defect Investigation Submitted by [redacted]

Dear Ms. DeMeter:

On March 13, 2009, Mr. [redacted] submitted a petition for a defect investigation that requested the Office of Defects Investigation (ODI) to conduct "an additional investigation into the unwanted and unintended acceleration of model year 2007 Lexus ES350 [subject vehicle]." The petitioner is aware that ODI previously investigated acceleration issues in the Lexus ES350 vehicles (PE07-016), but he contends that that investigation "was too narrow in scope and did not adequately address all complaints made to the NHTSA."[1]

By way of background, Mr. [redacted] owns a subject vehicle. He contends while driving his vehicle on February 3, 2009, he experienced "a sudden uncontrollable surge in acceleration." Soon thereafter, Mr. [redacted] submitted a complaint and a claim to the Lexus Customer Satisfaction Department, in which he requested that Lexus repurchase his vehicle.

As reflected in the work order prepared by the Lexus dealer service technician who looked at Mr. [redacted]'s vehicle immediately after the incident, the floor mat at the driver's position was not clipped in place.[2] Based on an inspection of the vehicle, Toyota concluded that the incident was due to entrapment of the floor mat under the accelerator pedal, and the company therefore denied his claim on March 10 (a copy of that letter is attached). Mr. [redacted]'s

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[1] Mr. [redacted] also requested "an additional investigation of model years 2002-2003 Lexus ES300" vehicles to address issues that were "not within the scope of an earlier investigation (PE04-021) closed on July 22, 2004." However, his petition contains virtually no information supporting this request, and therefore there is no basis on which to reopen that investigation.

[2] Mr. [redacted] stated that this was the floor mat that came with the vehicle as original equipment. He also stated that he did not purchase the all-weather floor mats that were the focus of PE07-016.

dissatisfied with that denial, and he contends that the incident that he experienced was unrelated to the floor mat. He submitted a complaint to ODI via the Internet on March 12 (ODI Complaint No. 10261660), and he submitted this defect petition one day thereafter.

As you are aware, ODI has previously considered the issue of alleged unintended acceleration in the subject vehicles. As explained below, Mr. [redacted] has not identified any new evidence or new issues that would warrant an additional investigation, and therefore his petition should be denied. However, because he has made several arguments that ODI did not consider during its prior investigation (because they have no bearing on the alleged defect), Toyota Motor North America, Inc. (Toyota), is submitting this response. We will respond separately to each of the seven "issues" raised in the petition.

Issue # 1

Mr. [redacted] contends that Toyota's response to ODI's April 5, 2007 information request (IR) in PE07-016 "may have been limited in some manner by the failure to properly address the appropriate parties to the investigation," and that the IR should have defined Toyota "more broadly to include all US incorporated subsidiaries of TMC regardless of level or tier." Toyota hereby confirms that it construed the request to apply to all Toyota entities, including the entities identified by Mr. [redacted] and that its earlier responses included all non-privileged responsive information and documents in the possession of all of those Toyota entities. Therefore, this purported "issue" provides no basis for granting the petition.

Issue # 2

Mr. [redacted] notes that Toyota's response to the IR in PE07-016 "implies that not all allegations of incident . . . were related to the improper installation of the all weather floor mat in the driver's foot well." Toyota agrees that there have been some allegations of unintended acceleration on the subject vehicles that do not appear to be related to interference with the floor mat. However, the limited number of such incidents does not suggest the existence of a safety-related defect in these vehicles. Moreover, ODI was aware of such reports at the time it closed the PE, so Mr. [redacted] reference to them at this time does not provide any basis for granting his petition.[3]

[3] At page10 of his petition, Mr. [redacted] dentifies a number of VOQs that complain of unintended acceleration in the subject vehicles that, in his view, were not related to interference with the floor mat. Toyota has reviewed each of those VOQs. While we agree that these owners assert that that the floor mats were not involved in the incidents in question, that does not mean that the floor mats were, in fact, uninvolved. For example, Mr. [redacted] ontinues to assert that his incident was not caused by interference between the floor mat and the accelerator pedal, despite clear evidence to the contrary.

Issue # 3

Mr. [redacted] notes that ODI has received reports alleging unintended acceleration in the subject vehicles that is unrelated to the all-weather floor mats in addition to the ten vehicle owner questionnaires (VOQ) that the agency knew of at the time it originally opened PE07-016.[4] However, he concedes that ODI was fully aware of these reports at the time it closed that investigation. Therefore, as with Issue # 2, the existence of these reports does not provide any basis for reopening that investigation.

Issue # 4

Mr. [redacted] asserts that the Electronic Throttle Control System (ETCS) in the subject vehicles "does not satisfy the requirements of Standard No. 124; Accelerator control systems, specifically S5.1 and S5.3 . . . ." There is no basis for that assertion.

S5.1 of FMVSS No. 124 provides:

> There shall be at least two sources of energy capable of returning the throttle to the idle position within the time limit specified by S5.3 from any accelerator position or speed whenever the driver removes the opposing actuating force. In the event of failure of one source of energy by a single severance or disconnection, the throttle shall return to the idle position within the time limits specified by S5.3, from any accelerator position or speed whenever the driver removes the opposing actuating force.

Mr. [redacted] appears to believe that because the sensors in the ETCS in the subject vehicles "do not measure either any force/pressure to the driver-operated control or any release of the actuating force to the driver-operated control (i.e., accelerator pedal)," the vehicles fail to comply with the standard. However, as NHTSA well knows, the FMVSSs are performance standards and do not mandate any specific design or designs. In fact, the throttle control system in the subject vehicles fully complies with the requirements of FMVSS No. 124, as demonstrated by tests conducted in the manner specified in the laboratory test procedure issued by NHTSA's Office of Vehicle Safety Compliance (OVSC), TP-124-06 (April 20, 2000).[5]

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[4] Mr. [redacted] refers to reports provided by Toyota in the IR response and information received by ODI in response to a survey that it conducted during its investigation.

[5] Because the vehicles fully comply with the standard, it is obvious that there is no merit to Mr. [redacted] allegations that Toyota violated 49 U.S.C. § 30112(a) when it sold those vehicles, or that it violated 49 U.S.C. § 30115(a) when it certified them as complying with all applicable FMVSSs.

Issue # 5

Mr. [redacted] asserts that the difficulty that he experienced in trying to stop his vehicle during the February 3 incident, coupled with reports from other complainants describing similar difficulties, indicates that it is "unlikely" that the subject vehicles satisfy the requirements of S7.11.4 of FMVSS No. 135, "Light vehicle brake systems." S7.11.4 of that standard provides:

> The service brakes on a vehicle equipped with one or more brake power assist units or brake power units, with one such unit inoperative and depleted of all reserve capability, shall stop the vehicle as specified in S7.11.4(a) or S7.11.4(b).
>
> (a) Stopping distance from 100 km/h test speed: <= 168 m (551 ft).
> (b) Stopping distance for reduced test speed: $S <= 0.10V + 0.0158V^2$.

There is absolutely no merit to the petitioner's assertion. For ODI's convenience, Toyota has enclosed a copy of the relevant portions of the test report it submitted to the Office of Vehicle Safety Compliance for the 2009 MY demonstrating such compliance.[6]

Issue # 6

Mr. [redacted] has also criticized the manner in which the starting system[7] in the subject vehicles functions. However, his description of that system is not accurate (his confusion is apparently due to a misunderstanding of language that appears in the Owner's Manual for the subject vehicles), and thus his criticisms do not warrant further investigation.

The subject vehicles have a starting system that does not utilize a traditional metal ignition key. Rather, when a fob that contains an electronic code is present, the driver can start the vehicle's engine by pressing a button located on the instrument panel while depressing the brake pedal. When the vehicle is stopped, the driver can stop the engine by simply pressing this button again. However, if the driver wishes to shut off the engine while the vehicle is in motion, he or she must press the button for approximately three seconds. The purpose of this feature is to avoid the possibility that a driver might inadvertently shut off the engine while the vehicle is in motion by accidentally pressing or brushing against the button.

Mr. [redacted] does not criticize the fact that the starter button must be pushed for three seconds to shut off the engine. Rather, he is concerned about the safety consequences if a vehicle's steering wheel were to lock while the vehicle is in motion, or if the steering wheel were to automatically move away from the driver while the vehicle is in motion, and he believes that both of these things would occur if the engine in the subject vehicles is turned off by pressing the start button for three seconds.

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[6] Mr. [redacted] may be under the misconception that a vehicle must be able to satisfy the specified requirements of FMVSS No. 135 while the throttle pedal is depressed and the transmission is in a forward gear. Of course, that is not accurate. *See* S7.11.2(b), which specifies that the transmission is "in neutral" when this test is conducted.

[7] This term is defined in FMVSS No. 114, "Theft protection and rollaway prevention," as "the vehicle system used in conjunction with the key to activate the engine or motor."

Toyota agrees that it would not be appropriate for the steering wheel to lock or for it to move automatically to the stowed position while a vehicle is in motion. However, neither of these scenarios can or will occur in the subject vehicles. Mr. [redacted] assertions to the contrary are based on language in the Owner's Manual, which contains a description of the starting system in these vehicles that may be confusing.

For example, at page 95, the Owner's Manual states: "The engine cannot be switched to OFF unless the shift lever is in P." As an example, in order to be more clear, the Manual should have used the word "vehicle" instead of the word "engine" in that sentence, since – as described above – the engine ***can*** be shut off by depressing the starter button for three seconds even if the transmission is not in "Park." If that occurs, the electronic code that allows the driver to activate the engine, and which constitutes the vehicle's "key," will remain in the vehicle until the transmission is moved to "Park," and the key-locking system of the vehicle will remain in the "accessory" (ACC) mode, rather than the "OFF" mode. This is consistent with – indeed is required by – S5.2.1 of FMVSS No. 114. Toyota plans to revise this portion of the manual to address any confusion in the near future.

The Owner's Manual for the subject vehicles states, at page 38, "When the engine switch is turned OFF, the steering wheel returns to its stowed position by moving up and away to enable easier driver entry and exit. Switching to ACC or IG-ON mode will return the steering wheel to the original position." While this section of the manual is technically correct, the steering wheel will not move to the stowed position because, as described above, the vehicle will remain in the ACC mode rather than the OFF mode if the engine switch is actuated with the transmission in any position other than "Park."

Since the scenarios that concern Mr. [redacted] cannot occur in these vehicles, there is no reason to grant his petition with respect to this "issue." Moreover, even apart from the specific matters raised by Mr. [redacted] Toyota believes that it would not be appropriate for ODI to address issues related to the operation of keyless starting systems through a defect investigation. FMVSS No. 114 contains detailed requirements applicable to such systems, and there is no doubt that the subject vehicles comply with those requirements. If the agency were to consider the possibility of establishing additional requirements applicable to starting systems, it should proceed through a rulemaking proceeding, rather than through one or more defect investigations

Issue # 7

Although the issue that troubles Mr. [redacted] is not articulated very precisely, he appears to criticize the fact that the engine control module (ECM) in the subject vehicles does not automatically shut off fuel to the engine when the brake system's power assist feature is being used. As mentioned above, the vehicle fully complies with FMVSS 124 and FMVSS 135.

For the reasons noted with respect to these prior issues, the analysis of this sort of design choice is not an appropriate subject for a defect investigation. If NHTSA believes that it should look into the possibility of imposing requirements applicable to the functioning of ECMs, it should do so in the context of a rulemaking proceeding, in which all interested persons could participate, rather than in the context of a defect investigation.

CONCLUSION

For all of the reasons stated above, the petitioner has not alleged facts to support his claim that the subject vehicles contain a safety related defect. Therefore, Toyota believes the petition should be denied. Should you have any questions about this letter, please contact myself or Mr. Chris Santucci of my staff at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.

Chris Tinto
Vice President
Technical & Regulatory Affairs

CT:cs
Attachment

TOYOTA

Writers Direct Telephone (310) 468-5638
Writers Direct Fax (310) 381-5017

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501

March 10, 2009

[redacted]
PLYMOUTH MN [redacted]

Re: Date of Loss: February 2, 2009
Vehicle: 2007 Lexus ES 350
VIN: JTHBJ46G072[redacted]

Dear Mr. [redacted]

This letter is in response to your communication with Lexus Customer Satisfaction. Toyota Motor Sales, USA, Inc. ("TMS") has reviewed your claim and conducted a technical inspection of your vehicle.

You reported that while driving the vehicle on the interstate it accelerated on its own and you were unable to stop it for nearly two miles when it finally slowed after a concerted effort on your part. You believe that this was due to a defect in your vehicle.

The inspection of your vehicle revealed no evidence of any vehicle defects or malfunction. The throttle assembly and accelerator pedal were operating as designed, with no binding or sticking of any of the components. The brakes showed signs of excessive wear which is consistent with what you described happened to you.

The inspection also revealed that the floor mat was in a position where it could interfere with the operation and travel of the accelerator pedal. When the vehicle was taken in to the dealership, the floor mat retaining clips were not properly secured which allowed the floor mat to move out of position. While we understand that you feel the floor mat was not the problem, the evidence revealed during our inspection showed otherwise.

We are very sorry about to learn of this unfortunate incident, however, our inspection of your vehicle found that the incident was not due to any sort of manufacturing or design defect, and we are unable to offer additional assistance.

Thank you for allowing us the opportunity to address your concerns.

Very truly yours,

Troy H. Higa
Claims Administrator

Attachment 1
FORM – 135
Rev. 10/10/08

VEHICLE INFORMATION / TEST SPECIFICATIONS

FMVSS No. 135
(Specify Units)

Vehicle Make/Model/Year: LEXUS ES350 2009MY

MANUFACTURER RECOMMENDED BRAKE ADJUSTMENT PERFORMED AFTER 200 STOP BURNISH:

■ Making stops, define: _____

_____

BRAKE SYSTEM INDICATOR LAMP LABELING, OPERATION & IGNITION KEY CHECK:

☐ Single lamp ■ Multiple lamps

CONDITION(S) INDICATED:

☐ Pressure differential or ■ Drop in fluid level

LAMP ON AT:

Pressure _____ Pedal Force _____

OR

LOW FLUID:

Reservoir full 324cc Lamp on at 121cc

Manufacturer recommended safe level of reservoir _____

ELECTRICAL FAILURE:

■ Antilock ■ Variable Proportioning

PARKING BRAKES ON:

■ Ignition Key Check – All Lamps ■ Yes ☐ No

ELECTRICALLY ACTUATED SERVICE BRAKES:

Failure of power source ■ Yes ☐ No

ELECTRIC TRANSMISSION OF SERVICE BRAKE CONTROL SIGNAL:

■ Yes ☐ No

EV WITH RBS, FAILURE OF RBS:

■ Yes ☐ No

POWER BRAKES:

☐ Not Available ■ Vacuum

☐ Hydraulic ☐ Power Assist Unit

☐ Brake Power Unit ☐ Accumulator

☐ Electrically Actuated ☐ Electrical Backup

MASTER CYLINDER PISTON DIAMETER:

Primary 22.2mm Secondary 22.2mm

SERVICE BRAKE PEDAL RATIO: 2.61 to 1

PARKING BRAKE:

☐ Front Wheels ■ Rear Wheels

☐ Drive Shaft Brake ☐ Service Brake Linings

■ Non-service Brake Linings

Note: For non-service brake linings, submit a copy of the burnish instructions provided to vehicle owners.

☐ Hand Control ■ Foot Control Ratio 5.18~5.84 ~~to 1~~

Parking Mechanism ■ Yes ☐ No

Describe: Have your Lexus dealer perform the bedding-down.

PRESSURE VALVE:

☐ Metering _____ ☐ Reblend _____

☐ Proportioning _____

Ratio _____ to 1

☐ Variable Proportioning -- ☐ Mechanical ■ Electrical

Note: For either, submit procedure to render inoperative: _____

NA

HYDRAULIC SPLIT:

■ Diagonal ☐ Front/Rear ☐ Other

ANTISKID SYSTEM:

☐ Not Available ■ 4-wheels ☐ Rears Only

☐ Other Manufacturer _____

> ***Submit procedure for rendering ABS inoperative*** (provide sufficient detail for laboratory personnel including step by step, schematics, wiring diagrams, photos, etc…)

Remove the wire of ABS ECU unit.

MASTER CYLINDER RESERVOIR:

Reservoir Capacity: 324cc

Fluid displaced new to worn linings: 121cc

Subsystem 1 capacity: 33cc

Subsystem 2 capacity: 33cc

Primary system fluid output for single stroke of master cylinder: 9.7cc

Secondary system fluid output for single stroke of master cylinder: 9.7cc

FOR VEHICLES EQUIPPED WITH REGNERATIVE BRAKING SYSTEM (RBS):

Additional Manufacturer Recommended Procedures:

> ***Submit procedure for rendering RBS inoperative*** (provide sufficient detail for laboratory personnel including step by step, schematics, wiring diagrams, photos, etc...)

NA

FOR VEHICLES EQUIPPED WITH BATTERIES FOR PROPULSION OR BRAKING:

> ***Submit procedure for depletion or disconnection of batteries*** (provide sufficient detail for laboratory personnel including step by step, schematics, wiring diagrams, photos, etc...)

NA

FRONT BRAKES:

DRUM:

☐ Cast ☐ Composite

☐ Duo Servo ☐ Leading/Trailing

☐ Finned ☐ Leading/Leading

DISC:

■ Cast ☐ Fixed Caliper

☐ Multi-piece ■ Float Caliper

■ Vented ■ Pin ☐ Slider

SIZE:

Drum Inside Diameter _____

Disc Diameter 296 mm

Disc Thickness 28mm

LINING SIZE:

Primary Pad:

Length _____

Width _____

Thickness _____

Inboard Pad:

Length 127.8mm

Width 49.5 mm

Thickness 12.0 mm

Secondary Pad:

Length _____

Width _____

Thickness _____

Outboard Pad:

Length 127.8 mm

Width 49.5 mm

Thickness 12.0 mm

Fully Worn Pad Thickness: _____

Fully Worn Pad Thickness: 6.5mm

LINING INSTALLED DIMENSIONS (Nominal Production Values):

Drum Shoe Cage Diameter _____
(Outside Diameter of Shoe Cage Diameter)

Diametral Clearance _____
(Drum Diameter – Shoe Cage Diameter)

Disc-Clearence To Lining:

Inboard 0

Outboard 0

LINING CODES:

Primary _____

Secondary _____

Inboard _____

Outboard _____

LINING ATTACHMENT:

	BONDED	RIVETED
Primary	☐	☐
Secondary	☐	☐

	BONDED	RIVETED
Inboard	■	☐
Outboard	■	☐

Wheel Cylinder Diameter: _____

Caliper Bore Diameter: 63.5mm

Calipers Per Wheel: 1

Non-Service Parking Brake Type and Size (specify) _____

REAR BRAKES:

DRUM:

☐ Cast ☐ Composite

☐ Duo Servo ☐ Leading/Trailing

☐ Finned ☐ Leading/Leading

DISC:

■ Cast ☐ Fixed Caliper

☐ Multi-piece ■ Float Caliper

☐ Vented ■ Pin ☐ Slider

SIZE:

Drum Inside Diameter _____

Disc Diameter 281mm

Disc Thickness 10mm

LINING SIZE:

Primary Pad:

Length _____

Width _____

Thickness _____

Inboard Pad:

Length 80.6mm

Width 41.5mm

Thickness 10.5mm

Secondary Pad:

Length _____

Width _____

Thickness _____

Outboard Pad:

Length 80.6mm

Width 41.5mm

Thickness 10.5mm

Fully Worn Pad Thickness: _____

Fully Worn Pad Thickness: 6mm

LINING INSTALLED DIMENSIONS (Nominal Production Values):

Drum Shoe Cage Diameter _____
(Outside Diameter of Shoe Cage Diameter)

Diametral Clearance _____
(Drum Diameter – Shoe Cage Diameter)

Disc-Clearance To Lining:

Inboard 0

Outboard 0

LINING CODES:

Primary _____

Secondary _____

Inboard _____

Outboard _____

LINING ATTACHMENT:

	BONDED	RIVETED
Primary	☐	☐
Secondary	☐	☐

	BONDED	RIVETED
Inboard	■	☐
Outboard	■	☐

Wheel Cylinder Diameter: _____

Caliper Bore Diameter: 38.1mm

Calipers Per Wheel: 1

Non-Service Parking Brake Type and Size (specify) Drum in hut D170mm

FMVSS No. 135 DATA SUMMARY - MANUFACTURER TEST RESULTS

(Use sample table below or similar to provide results)

MY: 2007 / Make: LEXUS / Model: ES350

GVWR: 2127kg LLVW: 1866kg

TEST	Loading Condition	Specification and Limit				TEST RESULTS (In compliance if one stop meets requirement)		
		Speed (km/h)	Min. Pedal Force (N)	Max. Pedal Force (N)	Stopping Distance Requirement (m)	Shortest Stop Minimum Pedal Force (N)	Shortest Stop Maximum Pedal Force (N)	Shortest Stop Stopping Distance (m)
Vehicle Maximum Speed	LLVW	228						
Cold Effectiveness	GVWR	100	65	500	70 m		490	46.1
High Speed Effectiveness	GVWR	160	65	500	speed dependant		460	115.9
Stops with Engine Off	GVWR	100	65	500	70 m		480	45.4
Cold Effectiveness	LLVW	100	65	500	70		475	43.4
High Speed Effectiveness	LLVW		65	500	speed dependant		470	110.1
Failed Antilock	LLVW	100	65	500	85		265	49.6
Failed Proportioning Valve	LLVW	100	65	500	110			
Failed Hydraulic Circuit #1	LLVW	100	65	500	168		500	83.2
Failed Hydraulic Circuit #2	LLVW	100	65	500	168		490	83.5
Failed Hydraulic Circuit #1	GVWR	100	65	500	168		470	92.1
Failed Hydraulic Circuit #2	GVWR	100	65	500	168		475	93.4
Failed Antilock	GVWR	100	65	500	85		370	51.2
Failed Proportioning Valve	GVWR	100	65	500	110			
Signal Transmitted Electrically, RBS, Electrically Actuated Brakes								
Power Brake Unit Failure	GVWR	100	65	500	168		500	127.8
Depleted EV batteries								
Parking Brake - Uphill	GVWR	B	B	B	B		330	
Parking Brake - Downhill	GVWR	B	B	B	B		270	
Hot Performance Stop #1	GVWR	100	65	460	68.2		450	47.7
Hot Performance Stop #2	GVWR	100	65	500	89		475	48.0
Recovery Performance Stop	GVWR	100	65	460	59.9		455	43.9

DP09-001

Toyota Meeting Oct 2009


INFO
CLIMATE
AUDIO
POWER
LOAD
P
PLEASE PRESS P TO ENGAGE PARK
VOL
PWR
TOYOTA
R
N
D
B


PRIUS


PWR
VOL
TUNE
CLOSE
AM
FM
SAT
CD
AUX
AUDIO
SEEK
TRACK
INFO·PHONE
DEST
MAP
VOICE
SETUP
DISP
E7022
POWER
DISP
TEMP
OFF
Plasmacluster
FRONT
AUTO
MODE
A/C
REAR
P
R
N
D
B
EV
ECO
MODE
PWR
MODE
CANCEL
RES
SET


Snap-on Brake Service
EXIT
CLASS
SESSIO

TOYOTA
TUNDRA


Challenger
Snap-on Brake Service
EXIT


PUSH
ON⇔OFF

YOTA

AVALON

BrownsCar.com
Buy Happy
Brown's
CAR STORES
Brown's


Jersey
61D
n State
AWD IS 250


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TEMP
AUTO
OFF
DUAL
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TRAF
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ECT
SNOW
OFF
PWR·VOL
LEXUS


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14
+ RES
ENGINE
START
STOP
TEMP
FRONT
DUAL
MODE

M
:00
PASSENGER
PWR·VOL
TUNE·FILE
LEXUS
LOAD
SEEK TRACK
AM·SAT
FM
DISC·AUX
SCAN
TYPE DISC
P1823
SHIFT LOCK
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OTA

HIGHLANDER

V6

SCION
Maryland
12
10
1A98777
what moves you

4WD

AUTO

OFF

MODE

REAR

REAR TEMP

SYNC

L

R

P

R

N

S-D

DAC

SNOW

12V/120W


MAP VOICE
DEST
PWR
VOL
JBL
WMA
MP3
ENGINE
START
STOP
LOAD
CLOSE
MENU
TEMP
AUTO


VENZA
Back Door Release
WWW.TOYOTA.COM


ES 350


SAT
DISC
AUX
LOAD
AUDIO
DISP
SETUP
TEMP
PASS TEMP
OFF
PUSH AUTO
ENGINE START STOP
P
R
N
+
S
D
-


ENGINE START STOP
CLIMATE
AUDIO
DISP
INFO
TEMP
PWR·VOL
LEXUS
AUTO
OFF
FRONT
REAR
6 DISC CD CHANGER


P
TEMP
LOAD 2
AUDIO
AUX
DISC
SAT
FM
AM


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S-D

FM
SAT
DISC
AUX
LOAD
AUDIO
DISP
SETUP
TEMP
PUSH AUTO
PASS TEMP
OFF
ENGINE
START
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CAMRY


TOYOTA
TACOMA


ENGINE
START
STOP
AM
FM
AUX
AUDIO
DUAL
AUTO
OFF


P
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4·D
3
2·L


SET
PUSH
ON OFF


PRIUS


PUSH
ON - OFF
HIGHLAND

4RUNNER

P
R
N
4·D
3
2·L
12V
120W


REAR
OFF
PUSH
ACC
ON
START
AUTO
H4
PUSH
H2
L4
LO
H

P

R

N

4·D

3

2·L


P
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N
S-D


PUSH
ON-OFF

DP09-001

VRTC


PUSH
ON↔OFF