



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

1200 New Jersey Avenue SE.
Washington, DC 20590

OCT - 3 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Abbas Saadat
Vice President, Quality Control
Toyota Motor Engineering & Manufacturing North America, Inc.
Vehicle Safety & Compliance Liaison Office
19001 South Western Avenue
Torrance, CA 90501

NVS-213 swm
DP14-003

Dear Mr. Saadat:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is evaluating Defect Petition DP14-003 which requests an investigation of low-speed surging in model year (MY) 2006 through 2010 Toyota Corolla vehicles, and to request certain information.

In a September 11, 2014 letter, a consumer petitioned NHTSA for “an investigation into low-speed surging, in which the brakes fail to stop the vehicle in time to prevent a crash” in MY 2006 through 2010 Toyota Corolla with ETCS-i. The petition alleges an incident of low-speed surging in a MY 2010 Toyota Corolla vehicle during an attempted parking maneuver, that resulted in a collision with a parked vehicle. The petitioner provided copies of the police report and the Crash Data Retrieval (CDR) report associated with the incident. In addition, the petitioner provided other supporting material, including a list of 163 complaints to NHTSA that allegedly involve similar incidents in MY 2006 through 2010 Toyota vehicles. Copies of the petition and supporting material are provided for your information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all MY 2006 through 2010 Toyota Corolla vehicles manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Subject complaint vehicles:** the petitioner’s vehicle and all vehicles associated with the 163 complaints identified by the petitioner and provided as an attachment to this letter.
- **Toyota:** Toyota Motor Corporation, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and

all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Toyota (including all business units and persons previously referred to), who are or, in or after January 1, 2004, were involved in any way with any of the following related to the petition request in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** all allegations of unintended/unexpected engine speed increases, vehicle acceleration and/or brake ineffectiveness.
 - **Document:** “Document(s)” is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Toyota, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available,

“document(s)” also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Toyota or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms “claim,” “consumer complaint,” “dealer field report,” “field report,” “fire,” “fleet,” “good will,” “make,” “model,” “model year,” “notice,” “property damage,” “property damage claim,” “rollover,” “type,” “warranty,” “warranty adjustment,” and “warranty claim,” whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the petition request, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Toyota has previously provided a document to ODI, Toyota may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Toyota’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of subject vehicles sold by model year, engine and transmission.
2. Provide the following information for each subject complaint vehicle:
 - a. Vehicle identification number (VIN);
 - b. Model;
 - c. Model Year;
 - d. Engine;
 - e. Engine calibration;
 - f. Transmission;
 - g. Date of manufacture;
 - h. Date warranty coverage commenced;
 - i. Applicability and completion date for Recall 09V-338 (Toyota SSC 90H);
 - j. Applicability and completion date for Recall 01V-017 (Toyota SSC A0A);
 - k. Applicability and completion date for Recall 01V-023 (Toyota SSC 90L); and
 - l. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

3. State the number of each of the following, received by Toyota, or of which Toyota is otherwise aware, which relate to, or may relate to, the alleged defect in the subject complaint vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field Technical Reports;
 - c. Event Data Recorder (EDR)/CDR downloads;
 - d. All other field reports, including dealer field reports;
 - e. Reports involving a crash, injury or fatality;
 - f. Property damage claims;
 - g. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
 - h. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

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

4. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, state the following information:
 - a. Toyota's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 3 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any;
 - l. Number of alleged fatalities, if any;
 - m. The specific location of the incident, if known;
 - n. Whether the incident was investigated by Toyota;
 - o. Whether EDR/CDR information was downloaded/imaged from the vehicle;
 - p. A summary of the EDR/CDR data;
 - q. A summary of any faults that were identified in the throttle control or brake systems during post-incident vehicle evaluation/inspections;
 - r. Whether Toyota possesses copies of police accident/investigation reports related to the incident;

- s. A short description of any other documents in Toyota's possession (e.g., scene inspections/diagrams, insurance reports, photographs, expert witness reports) related to the incident; and
- t. Toyota's assessment of the causes of any engine speed increases or brake ineffectiveness alleged in the complaint.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "INCIDENT DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

- 5. Produce copies of all documents related to each item within the scope of Request No. 3. Organize the documents separately by category (i.e., consumer complaints, field reports, event data recorder reports, police reports, etc.) and describe the method Toyota used for organizing the documents. Describe in detail the search methods and search criteria used by to identify the items in response to Request No. 3.
- 6. State, for each subject complaint vehicle, a total count for all of the following categories of claims, collectively, that have been paid by Toyota to date in the subject complaint vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

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

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

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

- 7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Toyota has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or

communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

8. Provide the following information regarding each version of EDR used in the subject vehicles:
 - a. A matrix showing EDR versions used in subject vehicles by MY;
 - b. A detailed description of the resolutions and sampling rates for all pre-crash data captured by each EDR version;
 - c. The supplier name and contact information; and
 - d. Copies of all documents related to studies/evaluations of pre-crash data in Toyota vehicles equipped with the same or similar versions of EDR's.
9. Provide the following information regarding the idle speed control system used in the petitioner's vehicle:
 - a. Identify all systems/components that can request increases in engine speed/torque during low-speed operation in idle speed control mode;
 - b. Identify all normal operating conditions that could produce engine speeds greater than or equal to 1600 rpm during low-speed (less than 4 mph) driving maneuvers at idle (i.e., accelerator pedal not applied) in Drive gear; and
 - c. Identify all fault conditions that could produce engine speeds greater than or equal to 1600 rpm during low-speed (less than 4 mph) driving maneuvers at idle (i.e., accelerator pedal not applied) in Drive gear; including a description of all related diagnostics, trouble codes and failsafe operating modes.
10. Provide a graph showing the transmission upshift and downshift curves for 1-2, 2-3, 3-4, 4-3, 3-2, and 2-1 by vehicle speed and throttle angle for a MY 2010 Toyota Corolla equipped with the same engine and transmission as the petitioner's vehicle.
11. Furnish Toyota's assessment of the allegations in the defect petition, including:
 - a. The causal or contributory factor(s) for the incident described in the defect petition;
 - b. Summary of 163 complaints cited by the petitioner as similar incidents;
 - c. Summary of throttle control and brake system faults identified in subject complaint vehicles during post-incident inspections; and
 - d. Summary of non-recall related throttle control and brake system service histories in subject complaint vehicles before and after the reported incidents.

Legal Authority for This Request

This letter is being sent to Toyota pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information.

Civil Penalties

Toyota's failure to respond promptly and fully to this letter could subject Toyota to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$7,000 per violation per day, with a maximum of \$35,000,000 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests. The maximum civil penalty of \$7,000 per violation per day is established by 49 CFR 578.6(a)(3). The maximum civil penalty of \$35,000,000 for a related series of daily violations of 49 U.S.C. § 30166 is authorized by 49 U.S.C. § 30165(a)(3) as amended by § 31203(a)(1)(B) of the Moving Ahead for Progress in the 21st Century Act, Public Law 112-141.

If Toyota cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Toyota does not submit one or more requested documents or items of information in response to this information request, Toyota must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information

All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to DP14-003 in Toyota's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Toyota claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Toyota must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Toyota is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated

submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

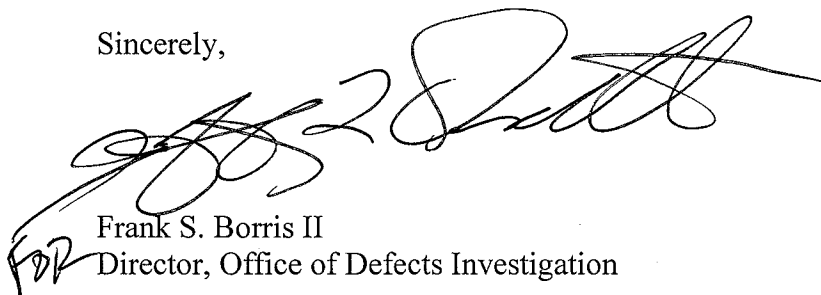
Due Date

Toyota's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by November 7, 2014. Toyota's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Toyota finds that it is unable to provide all of the information requested within the time allotted, Toyota must request an extension from Jeff Quandt of my staff at (202) 366-5207 no later than five business days before the response due date. If Toyota is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Toyota then has available, even if an extension has been granted.

Please send email notification to Stephen McHenry at stephen.mchenry@dot.gov and to ODI_IRresponse@dot.gov when Toyota sends its response to this office and indicate whether there is confidential information as part of Toyota's response.

If you have any technical questions concerning this matter, please call Stephen McHenry of my staff at (202) 366-4883.

Sincerely,



Frank S. Borris II
Director, Office of Defects Investigation

Enclosure 1, one CD-ROM titled Data Collection Disc containing three Microsoft Access database template files.