

TOYOTA
TOYOTA MOTOR NORTH AMERICA, INC.

WASHINGTON OFFICE
601 THIRTEENTH STREET, NW, SUITE 910 SOUTH, WASHINGTON, DC 20005

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

September 20, 2006

Mr. Ronald Medford
Senior Associate Administrator for Vehicle Safety
National Highway Traffic Safety Administration
400 Seventh Street, SW
Washington, DC 20590

Re: Remedy of Toyota Tundra Access Cab Noncompliance with FMVSS No. 225

Dear Mr. Medford:

As per our recent conversations, I am writing on behalf of Toyota Motor North America, Inc. (Toyota), to propose an amicable solution between NHTSA and Toyota to satisfy potential concerns for child passenger safety, with respect to the remedy of the noncompliance of certain model year (MY) 2003, 2004, and 2005 Toyota Tundra Access Cab pickup trucks with Federal Motor Vehicle Safety Standard (FMVSS) No. 225, "Child restraint anchorage systems."

As you are aware, the Tundra Access Cab vehicles that are the subject of this letter were built with a manual passenger air bag cut-off switch, but without a child restraint anchorage system in the front passenger seat. This combination creates a noncompliance with FMVSS No. 225. Toyota petitioned for exemption from the notification and remedy requirements of the Vehicle Safety Act in regards to this noncompliance, because we believed that the noncompliance was inconsequential to motor vehicle safety. However, NHTSA disagreed, and denied Toyota's petition.

Consistent with the Vehicle Safety Act, which confers on the motor vehicle manufacturer the right to choose the remedy for a safety defect or noncompliance, Toyota reminded the agency of our intent to bring these vehicles into compliance with a safety campaign to remove the manual passenger air bag cut-off switches. (Toyota had previously alerted the agency of the likelihood that it would elect a remedy involving removal of the manual passenger air bag cut off switch.) Toyota was satisfied that this remedy would bring the subject vehicles into compliance with the standard, because the subject vehicles already have two child restraint anchorage systems in the rear seat. In addition, to the best of Toyota's knowledge, most of our competitors' vehicles are equipped with the same configuration as Toyota's choice of remedy, i.e. two child restraint anchorage systems in rear seats with no airbag cutoff switch or child restraint anchorage system in the front passenger seat. Therefore, the subject Tundras proposed remedy would be a rather common and widely accepted configuration amongst vehicles in the same category.

Moreover, Toyota's choice of remedy was consistent with the agency's strong advice against installing ANY child restraint in the front passenger seat of an air bag equipped vehicle, advice which Toyota endorses. Nevertheless, NHTSA expressed concern about Toyota's choice of remedy, particularly for those owners who may have mistakenly believed that the presence of the manual passenger air bag cut-off switch "invited" child restraints to be installed in the front passenger seat rather than in the more appropriate rear seat. Although Toyota strongly believes that its choice of remedy was consistent with the Vehicle Safety Act, we share NHTSA's concern for child passenger safety and the potential issues which may arise if the manual switches are removed.

As we discussed, given these concerns, Toyota is currently developing a remedy that would be an alternative to the deactivation of the manual passenger airbag cutoff switch. However, as we have discussed with you and your staff, significant engineering challenges remain unresolved. Therefore, the proposal discussed below is subject to successful completion of the engineering and verification testing. We assure you that Toyota is working quickly to come to closure on a practical and feasible solution.

Proposal

First, in consideration of NHTSA's concerns, with respect to our current service campaign to deactivate the manual passenger airbag cut-off switch, Toyota will suspend the mailing of notification letters to all affected customers. No vehicles will be altered in any way by Toyota dealers with respect to this noncompliance under the current service campaign until this matter is resolved.

Second, with respect to the remedy, Toyota proposes a multi-tiered campaign that would consist of the following (subject to completion of the engineering and testing work described above):

1. A notification letter, along with a warning label, will be sent to all owners instructing them to install the label in all affected vehicles. As always, NHTSA will have the opportunity to review this letter in accordance with Part 577 before it is sent to owners. Both letter and the label will outline the following:
 - a.) The configuration of the subject vehicle (equipped with a manual passenger air bag cut-off switch, but without a child restraint anchorage system in the front passenger seat) and the associated risk;
 - b.) The subject vehicle is equipped with two child restraint anchorage systems in the rear seat, identifying the rear seat as the safest place for the installation of a child restraint;
 - c.) For those owners who express the desire for a child restraint anchorage system in the front passenger seat in addition to the existing two lower anchorages in the rear seat, Toyota will offer to install two lower anchorages in the front passenger seat at a later date and will direct owners to the tether anchorage at the right rear passenger seating position to complete the child restraint anchorage system for the front passenger seat.

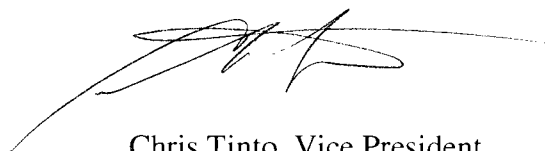
2. A form will be included with the notification letter that owners can return to Toyota, indicating whether they desire installation of the lower anchorages in the front passenger seat; all owners (and subsequent owners) would be entitled to obtain the remedy at a later date, should they subsequently determine that they want to install a CRS in the front seat.
3. Toyota will contact the owners and schedule a date for the repair.

Third, NHTSA's Office of Enforcement would confirm, in writing, that the combination of two lower anchorages in the front passenger seat and a tether anchorage in the right rear seating position is a "child restraint anchorage system" within the meaning of S5(c)(2) of FMVSS 225, and that, if Toyota proceeds to offer to install two lower anchorages in the front passenger seat, the agency would not pursue any action with respect to the adequacy of the remedy for this noncompliance.

Finally, we note that, although Toyota commits to make the in-vehicle repair available to all owners (and subsequent owners) under the conditions outlined above, based on our experience conducting safety recall campaigns, we anticipate that the number of Tundra Access Cab owners with a need for the addition of lower anchorages in the front seat is very small, and therefore the first action, i.e. installing the warning label, will satisfy most owners. For this reason, we also request that NHTSA's Office of Enforcement confirm, in writing, that it would not pursue any further action with respect to the adequacy of the notice about this noncompliance in the event that the campaign participation level is below average.

I look forward to hearing from you soon, and I thank you for the agency's willingness to work with us to bring this issue to a mutually agreeable resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Tinto", with a long horizontal flourish extending to the right.

Chris Tinto, Vice President
Technical & Regulatory Affairs
Toyota Motor North America, Inc