

Messages and Statements from Individuals Reporting Unintended Acceleration

1. **Dr. Eugenie V. Mielczarek** involving her 2007 Subaru Tribeca, July 2007 (submitted to NAS on 8/15/2010 and 9/28/2010). Dr. Mielczarek will be speaking to the committee in person.
2. **Ms. Rhonda Smith** involving her 2007 Lexus 350 ES, October 12, 2006 (testimony before House Committee on Oversight and Investigations, 2/23/2010.) Mrs. Smith will be speaking to the committee by telephone.
3. **Mr. Bob Tevis** involving his 2008 Audi 8L (date of incident not given) (Submitted to NAS on 10/1/2010). Mr. Tevis will be speaking to the committee by telephone.
4. **Mr. Richard Zappa** involving his 2010 Toyota Corolla on September 26, 2010 (Submitted to Center for Auto Safety, forwarded to NAS on 10/1/2010). Mr. Zappa will not be speaking to the committee.
5. **Mr. Bulent Ezal** involving his 2005 Toyota Camry on February 25, 2007. (Statement at Press Conference on HR 5381—Motor Vehicle Safety Act of 2010, submitted to NAS by Advocates for Highway and Automotive Safety). Mr. Ezal will not be speaking to the committee.
6. **Ms. Lilia Alberto** involving his 2005 Toyota Camry on April 19, 2008. (Statement at Press Conference on HR 5381—Motor Vehicle Safety Act of 2010, submitted to NAS by Advocates for Highway and Automotive Safety). Ms. Alberto will not be speaking to the committee.
7. **Ms. Helen Behrens** involving her 2008 Toyota Prius on July 1, 2010 (Submitted to NAS on 10/1/2010). Ms. Behrens will not be speaking to the committee.

Message from Eugenie V. Mielczarek

August 15, 2010

To: the National Academy of Sciences Committee on Electronic Vehicle Controls and Unintended Acceleration: Dr. Louis J. Lanzerotti Chair, Mark Hutchins and Alan Crane Program Officers.

Request: please distribute this communication to members of the NAS Committee on Electronic Vehicle Controls and Unintended Acceleration

From: Eugenie V. Mielczarek Emeritus Professor of Physics George Mason University, Fairfax, VA

To: Members of the National Academy of Sciences Committee on Electronic Vehicle Controls
a personal experience with a 'drive by wire car' and suggestions for your deliberations

In November 2006 I purchased a 2007 Subaru Tribeca. Unknowingly, I had purchased a car whose throttle and braking functions were determined by electronic circuitry without mechanical linkages (commonly known as a 'drive by wire car'). In July 2007 inching this car slowly forward into a space at the university, without warning, the engine revved up pinning the tachometer meter. I floored the brake pedal: it had no effect. Under this self generated acceleration the car climbed a 35 degree embankment and hurled itself into the street. Struggling with the wheel I steered left to avoid trees on the other side of the road and sped into a T-junction toward a steep drop off into woods. Instinctively, to save myself from being seriously injured, I slammed the transmission into park shutting off the engine. My contact with the Independent Institute for Highway Safety (IIHS), and the office of unintended acceleration at NHTSA requesting data on the extent of the problem yielded no information. The lack of response from media contacts, newspapers, TV and radio*; the failure of Subaru to identify the cause of the problem, compounded by the written refusals of Subaru to neither admit there was a problem nor guarantee the safety of the car, convinced me to tow the car from the dealer's service lot and donate it to the Arlington County High School Automotive Technology Program for educational purposes. During the interim three months, I had researched the problem, contacted car safety organizations, state agencies, legislators and lawyers. I also learned that in addition to the absence of mechanical linkages in the vehicle control system my model had no 'black box'. An extensive web search of DOT complaints revealed that, although not acknowledged by NHSTA, the extent of the problem was industry wide. Because no one was injured, lawyers advised me not to pursue legal action. Paraphrasing their analysis - 'without a horrific media driven event the safety issues associated with this technology will be held under the radar of the general public'.

I am willing to provide your committee with documents which includes both correspondence and research such as:

- Written correspondence between myself and Subaru
- Communications with IIHS and the office of unintended acceleration at NHSTA
- Research covering the complaint web site of NHSTA -a coverage of all unintended acceleration complaints (also known as loss of vehicle control) for many manufacturers

- Web concerns on RF interference problems dating back to 2000—including advice from Subaru--
–not to operate WiFi devices in automobiles
- Federal register vol 71 no 166 August 28 2006
- A source most helpful on the history of the subject –the website of Antony Anderson, British automotive engineer

The committee should include in its report a study of rf sensor technology, band width, quality control and high impedance components linked to computer circuitry**. I suggest your committee also include input from automotive technology educators from all levels, high school through university. My contact with educators provided more information than industry or government officials. My offer to provide input to two congressional committees meeting in February 2010 went unanswered. In addition to Subaru's inability to diagnose the problem or answer technical questions about the rf sensors or the computer circuitry, what I find shocking was NHTSA's lack of concern about the safety of this technology and its failure to communicate information to the American public. It was serendipitous that I arrived on campus very early that morning before the start of classes. An hour later at the start of morning classes it might have been a different story – a member of our university community might have been killed and I might have been charged with involuntary manslaughter. Thank you for your consideration of this matter.

**in April 2008 Shirley Rooker a local radio reporter scheduled an interview with me –but canceled deciding that the concept of cars driven by rf sensors and computers was too complicated for her listeners.*

*** The pervasive industry press releases involving car mats are interesting. Neither the service manager nor company headquarters at Subaru offered this excuse. It would have been topologically impossible for the car mat to wrap itself under the brake pedal and over the accelerator.*

Eugenie V. Mielczarek

Follow-up Message from Eugenie V. Mielczarek

Below is my second communication to the committee--which I submitted on September 28 via your web site's automated invitation.

Sincerely, Eugenie Mielczarek

To: Dr. Lanzerotti and members of the NAS committee on Electronic Vehicle Controls. September 28, 2010

Thank you for the opportunity to add to my previous comment of August 25, 2010. Missing from the presentations of the previous meetings July, and September was discussion of an equally dangerous related problem. When the rf controls errantly signal the throttle to hesitate. For example In 2007 Nissan recalled 686,000 vehicles for this problem citing an rf crank shaft position sensor problem. Nor did I find mention of Prius hybrid problems which appeared after several years of use--which were attributed to rf sensor problems, or deploying air bags catalyzing unintended acceleration in Hondas. There are also complaints on the DOT website related to 2007 Subaru Foresters which speeded up when the driver initiated braking when traveling downhill. I experienced this malfunction in a loaner car and found it reported on the DOT complaint website The purview of the committee should consider widening its discussion ; presenting specifics thus acknowledging other electronic control problems.

Eugenie Mielczarek

Emeritus Professor of Physics

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February 23, 2010 Committee on Oversight and Investigations

Testimony by Rhonda and Eddie Smith

We would like to begin by thanking each of the Honorable Members of this committee for inviting us to testify today regarding the much publicized "sudden unintended acceleration"(SUA) that has been, and is currently being experienced by Toyota drivers not only in the United States, but all over the world. SUA has been the cause of numerous deaths and will continue to be, unless addressed by this committee, Toyota and NHTSA. We truly appreciate this opportunity to share our story now, since we have attempted numerous times to bring this deadly problem to Toyota and NHTSA's attention since October, 2006.

My name is Eddie G. Smith and I reside in Sevierville, TN. I am a senior vice president with Citizens National Bank in Sevierville, TN. This is my wife of 38 years, Rhonda Smith. She is a retired social worker with the State of Tennessee. We have 2 children and 2 grandchildren.

We would like to share our experience with you concerning a SUA incident experienced by my wife on October 12, 2006 in our new Lexus 350 ES. This car had 2728 miles on it when this occurred. The vehicle has a keyless, push button ignition and requires a key fob to be present inside the car in order for it to start. My wife was driving the car and called me on my cell phone at work during most this horrifying experience. Rhonda wrote down this experience October 13, 2006, as we knew this was a potential deadly malfunction that could possibly affect many other Toyota drivers. She is going to read her experience to you, as written by her that day.

" I am writing these words to try and convey some of my feelings of a near death experience, which occurred on October 12, 2006 between approximately 10:50 and 11:00 a.m.

On this Thursday, I had planned on visiting my 85 year old father in Knoxville. I was driving my 2007 Lexus 350 ES from my home in Sevierville down Hwy 66 to I-40 East. Upon entering I-40 I accelerated with everyone else, into the flow of traffic. At this point, I merged over into the second lane, NOT going into passing gear.

It is at this time I lost all control of the acceleration of the vehicle. The car goes into passing gear and the cruise light comes on. At this time, I am thinking that maybe the cruise is what has caused the car to accelerate, as my foot is NOT on the gas pedal. I take off the cruise control. The car continues to accelerate. The car is now up to 80 mph. The brakes do not slow the car at all. Now I am at 85-90 mph. I push the car into NEUTAL and it makes a revving noise. I push the emergency brake on... nothing helps. I continue hitting and slamming the brakes. Now I am at 85-90 mph. I look at the traffic ahead to see if I can maneuver in and out of the upcoming cars and trucks, or if I am going to need to put the car into the guardrail and into the trees.

The last time I looked at the speedometer it read 100 mph. At this time, I had the emergency brake on while frantically shifting between ALL the gears (besides park) but mainly had it in REVERSE and with the emergency brake on. I finally figured the car was going to go to its maximum speed and was praying to God to please help me. After about 3 miles had passed, I thought it was my time to die, and I called my husband (on bluetooth). I knew he couldn't help me in this particular situation, but I just needed to hear his voice. What an awful 911 call he received at work.

At almost exactly 6 miles God intervened. I had not tried anything different that I had frantically tried before to slow the vehicle, yet the car began to slow down ever so slowly. It slowed enough for me to pull to the left median, with the motor still revving up and down. At 35 mph it would not shut off. Finally, at 33 mph I was able to turn the engine off. However, the radio remained on and I was not about to touch ANY button on that car, or ever again."

Rhonda C. Smith

Eddie arrived approximately 5-10 minutes later at my location, still on the phone with me. After trying to calm me down he inspected the vehicle to make sure it was turned off and secure. At this time he made a visual inspection for anything out of the ordinary that might have caused this. There was nothing unusual concerning the accelerator or anything that might have jammed it open. The car radio and inside lights were still on, even though I had exited way away from the car and had turned it off. He immediately called a wrecker, as I knew I was never going to drive that car again. After the wrecker arrived, the wrecker driver was given the key fob and asked to tow it back to Sevierville. When he hooked to the car and prepared to winch it onto the rollback, he asked my husband to put the car in neutral so he could start his winch. The driver was standing 20-25 feet away at the rollback controls. Without thinking, my husband sat down in the car with no fob on him and was able to pull the car from park to neutral. This should not have happened. As the car went into neutral, the car actually tried to start by itself with the engine turning over several times. This shocked my husband and he immediately exited the vehicle. At that time the wrecker driver walked back and they were dumbfounded as to how the vehicle could try to start with no key fob inside the vehicle. We have a notarized statement from Tommy Clayton, the driver with Baker's Wrecker Service, stating this fact to be true. The vehicle was then towed back to Sevierville and then to the dealership in Kingsport, TN. The dealership was told this story and they advised they would thoroughly check it out. After several weeks we were advised they could find nothing wrong with the car. We refused to accept this answer and attempted to contact Toyota by phone to let them know that we felt they had an electronics issue that could lead to serious injury and death. Toyota advised they would check on our situation and contact us. After a week to 10 days we had not received a call back. We called again and got the same story of "we will check on it and contact you as soon as possible". This happened the same way several times over the next few weeks and we finally forced a written reply from them that stated, and I quote, "when properly maintained, the brakes will always override the accelerator". Once again we contacted our dealer and expressed our disgust with Toyota's handling of this and they advised us to contact NCDS (National Center for dispute Settlement) and ask for an arbitration hearing. We were eventually set up by NCDS to have a hearing in Gatlinburg, TN, on March 1, 2007. The representative for Lexus was Mr. Leonard St. Amand, their TN District Field Technician. Mr. St. Amand, although in Kingsport at the time (a 1 hour drive), did not bother to show up but chose to attend via speaker phone. This turned out to be a farce with Mr. St. Amand stating he could not re-create the incident and that we had more than likely caused this problem by standing on the brakes while spinning the tires. Of course we were insulted and furious over being called liars. Needless to say, NCDS denied our claim for a total refund of our money for this "possessed" car, and for the record we did not owe any money on this vehicle.

During this time we had contacted NHTSA and after some prodding, we were contacted by Mr. Steve Chan and Mr. D. Scott Yon, Safety Defects Engineers. This was about the middle of March, 2007.

Mr. Yon took over our claim and seemed to be very receptive of our concerns for this SUA (Sudden Unintended Acceleration) causing serious injury and possibly death. We furnished pictures of the car and documentation of what had transpired since October, 2006. On April 11, 2007, Mr. Yon flew to Knoxville, TN, and drove to Sevierville to inspect our vehicle. The vehicle had been towed to a local Sevierville car dealer's lot and secured for Mr. Yon's inspection. He seemed to arrive with the pre-conceived idea to sell to us, that it was a floor mat problem. We continually insisted that it was not the mats, but instead somewhere in the electronics. Mr. Yon, along with my husband, took the vehicle on a short test drive. Mr. Yon performed several tests at a speed of 50 mph or less. These tests included placing the car in neutral while accelerating, and trying to stop the vehicle with the accelerator engaged and the foot brake fully applied. The transmission did disengage when put in neutral, but the car would not come to a complete stop with the foot brake engaged. Upon returning to the car lot, Mr. Yon and my husband placed the vehicle on a hydraulic lift and removed the wheels and tires. All of the brake pads were totally burnt up and the rotors and drums were ruined. Eventually this was something we had to pay to repair ourselves.

After insisting it was "probably" floor mats, Mr. Yon issued his final report and put the blame on the floor mats. These floor mats were a heavy gauge rubber mat placed on top of the summer mats by the dealer. It would have taken a magic trick for this mat to turn up enough or slide forward enough to cause this SUA. The report was issued on May 2, 2007. In it Mr. Yon claimed to have performed a test with the floor mat in our presence that would show cause for the floor mat to be blamed. This was never demonstrated to us or shown to us that it could ever happen accidentally. Once again we advised NHTSA and Mr. Yon that this SUA problem was going to eventually cause the loss of life and serious injury.

At this point we contacted numerous news agencies across the United States, only to have one local station take an interest in our claim of Toyota and NHTSA ignoring this potential deadly problem.

Don Dare with WATE-TV, Channel 6 News, Knoxville, TN called and did a full broadcast interview with us, showing where Toyota and NHTSA claimed that SUA was caused by floor mats. He also showed that we believed it to be somewhere in the electronics and not the floor mats. This was aired in the spring of 2007. WATE-TV did another broadcast interview in February, 2010 showing the first interview along with the current interview and showcasing the highway patrolman and his family's horrible 911 call shortly before their deaths. The 2010 interview seemed to confirm our 2007 assertion that it was not floor mats, but in the electronics. We did forward this 2010 video to Toyota and NHTSA and received no response.

This was all done by the news station and us to hopefully warn the American public that there was a tremendous and possibly deadly issue with Toyota vehicles, and that Toyota and NHTSA were aware of SUA at least since 2006 but chose to blatantly ignore it.

Eventually in early 2008, due to the traumatizing effect this had taken on Eddie and me, we decided to give up our mission to get Toyota and NHTSA to address this electronics problem in the hopes that they had somehow corrected it. Unfortunately, it took almost 4 years, a mass of injuries and numerous lives being lost for Toyota and NHTSA to confess their sins in this joint dismissal, or cover up, whichever the case may be.

In summary, we would like to inform this committee and the American public that we feel we put forth our best effort in 2006 and 2007 to inform Toyota Motor Company and NHTSA of the potential for SUA to become a deadly issue.

Our hopes were that our efforts might help spare the unnecessary injury and loss of innocent lives. However, we failed miserably, all due to Toyota and NHTSA's uncaring attitude and total disregard for human life.

One would think that Toyota, along with NHTSA's help, would have stepped up and used some of their massive profits to address this now major, deadly problem.

It is our hope that this testimony will in some way help the families of those killed and those that sustained serious injuries from SUA. We also hope they will somehow benefit from the knowledge that we provided critical information to Toyota and NHTSA showing that the problem was not floor mats but in the electronics of their vehicles at least 3 ½ years ago.

Once again, we would like to thank this committee for taking the time to hear our story and hope that somehow Toyota and NHTSA will be held accountable for choosing the path of not preventing the unnecessary loss of life. We would also like to ask this committee to set a higher standard for NHTSA to be held accountable for in the future.

Thank you,

Rhonda and Eddie Smith



Message to Chairman from Bob Tevis (10/1/2010)

Hi Professor Lanzerotti,

Please let me know if you could help me or recommend an expert to assist me in this matter.

I drive a 2008 Audi 8L. On Tuesday, when entering the parking garage at Overlook Hospital in Summit, NJ my car suddenly accelerated and crashed into the ticket machine and another vehicle. The car would just not stop even though I was heavily pressing the brakes. I was on a slow moving line entering the garage when this happened so the car was moving slowly until it literally took off. The brakes must have created some effect because the airbags never deployed.

I received a summons in the mail today from the Summit court and intend to fight the careless driving accusation since I know I was not driving carelessly and have a spotless driving record for more that 20 years. I am interested in getting an expert to look over the car which is currently in a shop so we can assess what happened to the care and I can build my defense. I noticed on the Internet that you are chairing a panel on the topic of unintended acceleration and felt you might be able to help me. Please let me know. I also left a message on your voicemail. I can be reached at 908-709-8899 or via this email address.

Thanks for your help.

Best wishes.

Bob Tevis
retevis@copper.net

Message from Richard Zappa

Sent: Wednesday, September 29, 2010 2:21 PM
To: Clarence Ditlow
Subject: Toyota Corolla acceleration

Greetings:

I spoke to you today regarding my 2010 Toyota Corolla. My name is Richard Zappa and my phone # is 516-783-0962.

My car is 6-7 months old and has just over 8000 miles. It has had very poor "pick-up" from the beginning. I always have to push the accelerator all the way down, in order to merge onto a road. Even so, the car occasionally did not pick up speed. Also, there was a clicking noise which occurred when stepping on the accelerator.

On Sunday, 9/26/10, I was driving on a parkway and attempting to switch lanes. I pushed down the accelerator -all the way down- and the gas pedal stuck. This is the first time this has happened in this car. I was stunned and panicked momentarily. I was able to slam on the brakes and the gas pedal released. Fortunately, no one was close to me and an accident was avoided. I made it home and continue to use the car. However, I am not using the parkways or traveling more than 40-50 miles per hour. I haven't heard the clicking noise since this incident but I am traveling at much lower speeds than I normally do.

Before I bring the car to the Toyota dealer, I would like an independent agency to look at the car. I am absolutely certain that the gas pedal did not stick because of a floor mat. I have owned a 1999 Camry, a 2003 4Runner, and a 2005 Corolla. Obviously, I trust this car maker and have been very satisfied with Toyota cars. This is why I am especially upset by my experience on Sunday. I hesitate to bring the car to the dealer only to be told this was due to driver error.

Your attention to this matter is appreciated.

Richard Zappa

1912 Decatur Ave

North Bellmore, NY 11710

516-783-0962

Laya72@aol.com

Statement of Bulent Ezal
Pismo Beach, CA
Press Conference on H.R. 5381, the Motor Vehicle Safety Act of 2010
July 21, 2010

My name is Bulent Ezal. I am a retired engineer and financial consultant, having worked for Mobil Oil as well as Dean Witter / Morgan Stanley for over forty years, combined.

In the early afternoon of February 25, 2007, I was parking my 2005 Toyota Camry at a restaurant in Pismo Beach, California. My wife of 46 years, Anne, was with me. As I had nearly stopped, and was about to put my vehicle in park with my foot on the brake, the engine suddenly roared, and the vehicle pulled away suddenly, throwing me back into my seat. The car climbed a low curb, crossed a wide sidewalk, broke through two small fences, and plunged off a cliff. The last thing I remember is seeing the sky in front of me and hearing my wife scream. Our car fell 100 feet to the rocks below, flipped onto its roof, and then back onto its wheels, coming to rest in the surf.

I learned later that my wife was found dead at the scene. I was pinned in the vehicle. Skilled rescuers from the Pismo Beach Police Department, Fire Department, Paramedics and Special Rescue Team were able to extricate me and raise me up the vertical cliff in a basket and transport me to the hospital, where I spent several days under observation. Luckily my injuries were not life threatening, and I was released to my personal physician.

I was a loyal Toyota owner for many years. I had my dealer do all the maintenance on my vehicle. I am a methodical person, and kept my car in good condition. I washed the car myself just a day or so before the accident, and insured that my driver's side carpeted floor-mat was snapped in place and secure.

I've had no other accidents, not even fender-benders, since we returned to the United States from overseas in 1977, up to the time of this tragic event. I was, and am, in excellent health. I still play singles tennis, swim a mile twice a week, and work out at a gym. On the day of the accident, which occurred at approximately 1:00 pm, I had not had any alcohol or medications.

This was the first time I had ever experienced an unwanted acceleration. After learning about the thousands of complaints, the inadequate investigations made by our government of accidents that took the lives of others before my incident, and of the alternative designs that would prevent the problem, I am deeply saddened. Toyota's negligence in making a defective product caused the death of my college sweetheart, my wife of over forty-six years, my best friend, Anne. She will be missed not only by me, but by her son Kenan and her grandchildren Jazlyn and Tarkan, as well as by her many friends.

I ask only that Toyota fix the problem with their vehicles, or at least put in the appropriate failsafe systems that would prevent an unwanted acceleration event. And I urge Congress to pass

this legislation, H.R. 5381, the Motor Vehicle Safety Act of 2010, to help in preventing a situation like this from ever occurring again.

Thank you for your time, today.

Bulent Ezal

**Statement of Lilia Alberto for the Alberto Family
Flint, MI
Press Conference on H.R. 5381, the Motor Vehicle Safety Act of 2010
July 21, 2010**

We are here today because we have experienced the terrible loss of our mother, Guadalupe Alberto, in the sudden, unintended acceleration of her 2005 Toyota Camry, and we believe that our participation here today will help raise public awareness of the sudden acceleration problems in Toyota vehicles and, we hope, spare others from becoming victims of such tragic incidents.

Shortly after 2:00 in the afternoon of Saturday, April 19, 2008, our mother left her Flint, Michigan residence in her Camry to make lunch for our father and work at their nearby grocery store. She drove her same daily route to and from the store, drove often around Flint during the work week and to church on Sundays but rarely drove above 45 mph.

Her Camry was well-maintained and Mom was the usual driver. As we now know, it was equipped with Toyota's electronic throttle control system, known as the ETCS-i.

She began driving down Copeman Blvd., in our residential neighborhood where the posted speed was 25 mph. At some point her car suddenly began to accelerate to a high rate of speed. She struggled to maintain control as she sped straight through four intersections with stop signs. Remarkably, she was able to avoid hitting anything or anyone, even though one of the cross streets, Ballenger Highway, was four lanes across and heavily travelled. An eyewitness observed her Camry blow through the final stop sign, jump the curb, sideswipe a tree and go airborne, and then slam into a large tree more than five feet above the ground. He described her in her last moments before impact as having both hands on the wheel, sitting upright, trying to regain control and clearly terrified. We think the vehicle was traveling nearly eighty miles per hour when it crashed into the second tree.

Our Mom, 77 years old, who had enjoyed excellent health and had properly secured her seat belt, died at the scene, which was about four-tenths of a mile from our family home.

My brother-in-law contacted the federal government and requested an investigation. The National Highway Traffic Safety Administration ("NHTSA") assigned investigation of the case to the Calspan Special Crash Investigation (SCI) team. The facts are that the driver's-side floor mat was not in the vehicle at the time of the crash. It had been removed for cleaning. The medical examiner found that there were no pre-crash medical conditions that could have contributed to the crash. NHTSA and Calspan apparently never considered the possible involvement of the ETCS-i or any other electronic component; nothing in the record indicates that the electronic throttle control system's design or its components were examined for possible failure modes.

Our family also contacted Toyota, but found the company to be rude and dismissive. Toyota's Claims Manager, Carole A. Hargrave, sent a letter dated June 5, 2008, to my brother-in-law. In it, Ms. Hargrave claimed that "there are built in sensors and failsafe logic for the accelerator pedal and the throttle position" and that "based on our inspection of the vehicle it has been determined that no manufacturing or design defect was identified that caused or contributed to the accident."

Because Toyota has refused to accept responsibility for the defects in the Camry, including the lack of a failsafe system, all of which led to our mother's death, we filed a civil action in state court in Flint. That action is proceeding at this time. In the meantime, we hope that increased public awareness of the problem will help others avoid what happened to our mother.

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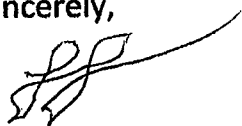
August 22, 2010

National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington DC 20590

Dear Sirs,

I understand that you are undertaking a study of sudden unintended acceleration in Toyota vehicles. Will you please add my incident to the cases you will investigate. On July 1, 2010 I experienced such an incident with my 2008 Toyota Prius while attempting to park it in a parking lot. Immediately after it happened I sat down and wrote an account of the occurrence which I am enclosing along with other data pertinent to the event.

Sincerely,



Helen F, Behrens

127 Fire Lane #1
Wakefield, RI 02879
(401) 783-1133

Or

Box 42
Goshen MA 01023
(413) 268-0309

Cc Transportation Research Board

Helen Behrens, 127 Fire Lane #1, Wakefield RI 02879 (401) 7 83-1133

On July 1 , 2010 I drove to the post office in Goshen, MA in my 2008 Toyota Prius. I entered the parking lot at the more westerly entrance and slowly drove across the lot to a parking space on the edge of the lot slightly behind the building in which the post office is located. As I was coming to a complete stop, with my foot on the brake, the car very suddenly accelerated. Within about 1/10th of a second it was moving at a very high rate of speed. It is hard to judge how fast it was moving but it seemed like 70 or 80 mph. It did not increase speed gradually but was almost instantly moving very fast. I could hear the engine reving quite loudly. The car crossed a grassy area about 20 feet wide and then hit a post which was about 6" in diameter. It demolished the post and then plowed through some small trees and large shrubbery. It finally came to a stop about 10' from the corner of a house. The whole incident took less than a minute.

There were witnesses in the parking lot who came to my aid. The woman's name was Tammy Beaulieu, 1 Wildwood Lane, Goshen. Tel 413 268-9010. Amazingly, I was not hurt, just considerably shaken up. A local policeman (Jeff) came and filled out a report. He gave me a State of Massachusetts "Motor Vehicle Crash Operator Report" to fill out.

As a prelude to this incident I should relate my experience with the car during the last month. I had a letter from Toyota about a recall and took the car to Toyota of Newport where they did whatever needed to be done. Since then I have noticed that while I am in cruise control and am going up a rise in the road the engine will start to audibly rev and the car will gain 2, 3, or 4 mph over what was set for cruise control speed. It also gains a few miles when on a downward slope. As soon as the road levels out it

goes back to what the cruise control setting was. This had never happened before they did the recall work. So I took it back to Toyota of Newport. They dismissed the problem as not important, said it was a normal occurrence and had nothing to do with the work they had done for the re-call. This has continued to happen occasionally although not all the time. It seemed to be happening more frequently lately and only when I had the car in cruise control. I now wonder if this was not a forewarning of the final serious incident.

Ms. Helen Behrens
127 Fire Lane 1
Wakefield, RI 02879

RE: Date of Loss: July 1, 2010
 Vehicle: 2008 Toyota Prius
 Vin #: 1NXBU4EE2AZ200702

Dear Ms. Behrens:

This letter will acknowledge our receipt of your recent communication with our Customer Relations Department in regards to the above referenced incident.

It is our understanding that you had an accident recently, it was reported that the vehicle accelerated in the parking lot of the Post Office and crossed a grassy area and hit a post.

As you are aware, an inspection of your vehicle was completed on July 21, 2010 at Lia Toyota. An inspection of the brake system, throttle system and floor mats was completed. The brake pads were of adequate thickness and the rotors smooth and in good condition. The brake fluid was within normal limits and no fluid leaks were noted. The accelerator pedal was in good condition and moved freely with no binding or sticking. The driver's side floor mat was properly secured. Your vehicle was not road tested due to the damage, the brakes were tested with a stall test and the held the vehicle in place at 2000 RPM. They added fluid to the transmission and drove the car on the parking lot of the dealer and all systems performed as designed with no unusual or unexpected reactions observed.

We are very sorry to hear about your unfortunate incident; however, our inspection determined that this incident was not a result of any type of manufacture design or defect. Thank you for allowing us to address your concerns.

Very truly yours,


Donald Beierschmitt
Toyota Motor Sales, U.S.A., Inc.

Donald Beierschmitt
Toyota Motor Sales, USA, Inc.
19001 South Western Avenue
Torrance, CA 90501

Re: Case # 1007011156

Dear Mr. Beierschmitt,

I just received your letter dated 07/29/2010 regarding the inspection results on my 2008 Toyota Prius, VIN 1NXBU4EE2AZ200702. I am not pleased with the results of your investigation as I know that this incident was not the result of anything that I did wrong. I feel that it was a malfunction of the mechanics and/or software systems of the vehicle.

There is no mention in your letter of the inspector checking the acceleration problem in the Cruise Control system that I mentioned in my notes. It seems that the problem presented itself after my "factory recall repair" when my cruise control system did not seem to work properly. I had previously reported to Toyota of Newport in June that there was an issue with the cruise control, and that the system may be faulty. It is possible that the incident was a result of a fault in the electronics in the cruise control system. If the car suddenly went into cruise control while I was coming to a stop in a parking space, and tried to accelerate the car to the last cruise control setting that I had used (which was probably 65 MPH), this type of incident could have occurred. For this reason I think that the Cruise Control System should have been investigated.

My insurance company, AMICA, will be in touch with you.

Sincerely,

Helen Behrens
127 Fire Lane #1
Wakefield, RI 02879

Cc: AMICA
