

cause was ever identified that would explain what happened in any of the three incidents.

In support of his petition, Mr. Boddaert cites a number of consumer complaints in NHTSA's database concerning "vehicle speed control" in the subject vehicles. Included among the thirty-six reports he cites is one involving a Lexus that "collided with five other cars in the space of one half mile before it could be stopped."

NHTSA has reviewed the material cited by the petitioner. The results of this review and our analysis of the petition's merit is set forth in the DP03-003 Petition Analysis Report, published in its entirety as an appendix to this notice.

For the reasons presented in the petition analysis report, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect would be issued as a result of granting Mr. Boddaert's petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: September 15, 2003.

Kathleen C. DeMeter,

Acting Associate Administrator for Enforcement.

Appendix—Petition Analysis—DP03-003

1.0 Introduction

On May 13, 2003 the National Highway Traffic Safety Administration (NHTSA) received an April 25, 2003 letter from Mr. Peter Boddaert asking the agency to conduct a "petition analysis" of 1997 through 2000 model year (MY) Lexus 300 and 400 series vehicles (subject vehicles) for "problems of Vehicle Speed Control linkages which results [sic] in sudden, unexpected excessive [vehicle] acceleration even though there is no pressure applied to the accelerator pedal." In support of his petition, Mr. Boddaert cites consumer complaints he found on NHTSA's Web site concerning "vehicle speed control" in the subject vehicles. Included among these reports is one involving a Lexus that "collided with five other cars in the space of one half mile before it could be stopped."

The petitioner contends that, of the 271 Lexus-related complaints in NHTSA's consumer complaint database, 36 (13%) have been coded by the agency as relating to "vehicle speed control." According to the petitioner, this report frequency indicates there is a "significant" safety concern with the subject Lexus vehicles.

To buttress his claim, the petitioner relates his own experience as follows:

In my own case, I own [owned, he has since traded for another vehicle] a 1999 Lexus LS400 and have experienced this problem at

least three times. The first time was reported to NHTSA on ODI [complaint] #760680. The most recent occurrence was on Friday April 17th in the state of Virginia when, without warning and without me touching the accelerator pedal the car accelerated forward rear ending the car ahead of me. For this I received a police citation. On the previous occasions when this has happened the car has been to the Lexus dealer for inspection. Each time the dealer says they cannot replicate the problem and can find nothing wrong. From all the other ODI reports, the response from the dealer is the same.

In analyzing the petitioner's allegations and preparing a response, we:

- Reviewed the petitioner's April 25, 2003 letter and two other complaints he filed with the agency on April 14, 2003 and April 28, 2003, both concerning unintended engine speed increase in his MY 1999 LS 400.¹
- Reviewed a report documenting NHTSA's study of sudden acceleration. "An Examination of Sudden Acceleration" was published in January 1989 and is available from the National Technical Information Service; Springfield, VA 22161, as report number DOT-HS-807-367.
- Reviewed two NHTSA reports (MF99-002 and MF99-002-Supplemental) concerning a fatal sudden acceleration crash occurring in Minneapolis, MN on December 4, 1998.
- Reviewed information gathered and analyzed during NHTSA's assessment of petition DP99-004 (Sudden Acceleration, MY 1988 Lincoln Town Car).
- Reviewed information gathered and analyzed during NHTSA's assessment of petition DP02-005 (Sudden Acceleration, MY 1991-95 Jeep Cherokee/Grand Cherokee).
- Reviewed information gathered and analyzed during NHTSA's Preliminary Evaluation, PE02-035 (Brake/Acceleration Pedal Separation—Ford Taurus/Sable MY 2000-2001).
- Reviewed our consumer complaint database for "sudden acceleration" and/or "vehicle speed control" related reports received through July 9, 2003 concerning Lexus, Cadillac, and Lincoln vehicles.
- Reviewed vehicle manufacturer information provided to us during various sudden acceleration investigations.
- Inspected a MY 1999 Lexus LS 400 to assess the operation of its various engine and brake control systems and their interface with the driver.
- Obtained vehicle production quantity information from Wards.
- Reviewed various Lexus vehicle service manuals.
- Reviewed various Lexus vehicle owner manuals.

2.0 The Issue of Sudden Acceleration

2.1 "Sudden Acceleration (SA)"

The term "sudden acceleration" (SA) has been used (and misused) to describe vehicle events involving any unintended speed

increase. However, the term properly refers to an "unintended, unexpected, high-power acceleration from a stationary position or a very low initial speed accompanied by an apparent loss of braking effectiveness."² The definition includes "braking effectiveness" because operators experiencing a SA incident typically allege they were pressing on the brake pedal and the vehicle would not stop. "Sudden acceleration" does not describe unintended events that begin after vehicles have reached intended roadway speeds.

2.2 The NHTSA Study

On March 7, 1989, NHTSA released a report, authored by John Pollard and E. Donald Sussman, titled "An Examination of Sudden Acceleration," documenting the agency's efforts (the "Study") to determine what was causing a relatively large number of crashes in certain model vehicles due to apparent unintended (and substantial) engine power increase and alleged simultaneous loss of braking effectiveness. Typically, these events began while the vehicle was stationary, shortly after the driver had first entered it. They frequently ended in a crash. While the phenomenon affected all automatic transmission-equipped cars sold in the U.S., some had notably higher occurrence rates, with the Audi 5000 eclipsing them all.³ The issue of "runaway" Audi 5000s had been the subject of NHTSA defect investigations and safety recalls, class action lawsuits, considerable media coverage, and public controversy. Internationally, other governments investigated the phenomenon during roughly the same time period.⁴

To help resolve the issue and thoroughly explore topics not fully investigated previously, NHTSA Administrator Diane Steed ordered an independent review of SA in October 1987 (the "Study"). The Transportation Systems Center (TSC) of Cambridge, Massachusetts was commissioned by NHTSA to study SA and identify the factors that cause and/or contribute to its occurrence. Ten different make/model/year vehicles—all with cruise control—were selected for particular scrutiny. Not all of the vehicles had unusually high SA incident rates; some were chosen based on their use of certain design approaches seen throughout the industry. In this way, the Study's sample was reasonably representative of the United States' automatic transmission-equipped vehicle population as a whole.

TSC collected literature, individual case documentation, and data for each of the selected vehicles. Many drivers involved in an alleged sudden acceleration incident were

² John Pollard and E. Donald Sussman, *An Examination of Sudden Acceleration* (Cambridge, MA: NHTSA, 1989, DOT-HS-807-367), v.

³ The sudden acceleration report rate for 1978 through 1987 Audi 5000's was 586/100,000.

⁴ Transport Canada issued a report entitled "Investigation of Sudden Acceleration Incidents" in December 1988, concluding driver error caused the phenomenon. The Japanese Ministry of Transport released a report, "An Investigation on Sudden Starting and/or Acceleration of Vehicles with Automatic Transmissions," in April 1989, which concluded that there was no common mechanical cause for sudden acceleration.

¹ In the first complaint (ODI #760680), he alleges "Engine revs to extremely high rpm (~5000) with no throttle input from driver." In the second complaint (ODI #10017631), he simply reports "The vehicle experienced sudden acceleration."