



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

1200 New Jersey Avenue SE.
Washington, DC 20590

FEB 26 2016

Dr. James Stobie
[REDACTED]
[REDACTED]

NEF-130swm
DP15-007

Dear Dr. Stobie:

This letter is in response to your petition requesting that the National Highway Traffic Safety Administration (NHTSA) conduct a defect investigation to "have Toyota correct software defects in their electronic throttle control software" and then "issue a national recall of all effected [sic] vehicles and have Toyota replace the old faulty code with the new safer code."

We have evaluated your petition, and a summary of the analysis is presented in the enclosed notice, which was published in the Federal Register.

The Agency performed a thorough technical review of the concerns raised in your petition. Our analysis of the EDR results for the collision that occurred with your vehicle, the Hybrid Control Unit (HCU) download results from your vehicle, the facts set forth in your petition and information NHTSA obtained from Toyota, indicates that:

- 1) Sometime during the last 0.512 seconds of the event time frame the accelerator pedal was fully applied;
- 2) At the airbag trigger point (EDR $t = 0s$) immediately following the vehicle's impact with the building, the stop lamp switch status was ON, indicating that the brake had been applied at least enough to illuminate the brake lights;
- 3) At no time during the event were the brake and the accelerator pedals depressed simultaneously (based on information from the HCU); and;

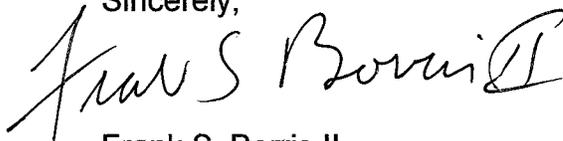
4) The braking system on the vehicle was fully functional and was capable of stopping a vehicle at full throttle if meaningfully applied in sufficient time.

As described in detail in the petition analysis denial, we did not find any "new" information supplied in your petition. Neither did we find any reasonable indication that the referenced software defects were valid, nor did we find that the referenced Honda Fit recall was applicable to your petition allegations.

Based on our analysis, it is unlikely that NHTSA would issue an order requiring the notification and remedy of a defect related to motor vehicle safety at the conclusion of the requested investigation. Therefore, your petition is denied.

Thank you for your interest in automotive safety. We want to assure you that we will continue to monitor incidents of this kind and take further action if it appears warranted.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank S. Borris II". The signature is written in a cursive, flowing style.

Frank S. Borris II
Acting Associate Administrator
for Enforcement