



BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2026-0562]

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Defect Petition DP23001 has been denied.

SUMMARY: This notice sets forth the reasons for the denial of a defect petition submitted by Costas Lakafossis (“Petitioner”) to NHTSA’s Office of Defects Investigation (ODI) requesting that the Agency recall all Tesla vehicle models produced from 2013 to the present due to what the Petitioner considers to be the increased likelihood of pedal misapplication. According to Petitioner, the differences in the operator controls between the subject Tesla vehicles and internal combustion engine (ICE) powered vehicles promote driver pedal misapplication, leading to sudden unintended acceleration (SUA) incidents. Having reviewed the information submitted by Petitioner and Tesla, as well as data within its own files, NHTSA has denied the petition because the conditions described therein do not indicate the presence of a safety defect in the subject vehicles.

FOR FURTHER INFORMATION CONTACT: Matthew Martens, Vehicle Defects Division
– D, Office of Defects Investigation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590. Email: matthew.martens@dot.gov

SUPPLEMENTARY INFORMATION:

1.0 Introduction

Interested persons may petition NHTSA requesting that the Agency initiate an investigation to determine whether a motor vehicle or an item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162(a)(2); 49 CFR Part 552. Upon receipt of a properly-filed petition, the Agency conducts a technical review of the petition. 49 U.S.C. 30162(a)(2); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the Agency or it may include the collection of information from the motor vehicle manufacturer and other sources. After conducting the technical review and considering appropriate factors, which may include, but are not limited to, the nature of the complaint, allocation of Agency resources, Agency priorities, the likelihood of uncovering sufficient evidence to establish the existence of a defect and the likelihood of success in any necessary enforcement litigation, the Agency will grant or deny the petition. *See* 49 U.S.C. 30162(a)(2); 49 CFR 552.8.

2.0 Background Information

The Petition, dated March 21, 2023, requests the recall of all Tesla vehicles produced from 2013 to the present because of a “missing” interlock that requires a brake pedal application by the driver in order to shift from Drive to Reverse. Attached to the Petition is a technical paper authored by Petitioner.¹

NHTSA’s technical review included assessments of the Petition and supporting technical paper, Tesla’s response to ODI’s Information Request (IR), and additional data available to NHTSA.

3.0 DP23001 Petition

¹ The Petition and supporting paper, “Self-driving cars and SUA accidents: a very clear understanding of the factors that increase the likelihood of serious accidents in technologically advanced cars,” are designated ODI ID 11515119 and can be found at <https://static.nhtsa.gov/complaints/11515119/11515119-0003.pdf>.

The Petition requests a safety recall of all Tesla vehicle models produced from 2013 to the present, “due to a missing critical interlock feature and specific Autopilot features that contribute to increased likelihood of driver errors in the form of Pedal Misapplication.” According to Petitioner, drivers habituated to driving ICE vehicles adapt to “one-pedal” driving afforded by the subject vehicles’ regenerative braking but may mistakenly apply the accelerator pedal in emergency situations when they intend to apply the brakes, leading to increased unintended acceleration incident rates. The Petition further proposes a remedy: the “add[ition of] a software interlock to [relevant vehicles’] control system, requiring the driver to press the brake pedal before allowing the car to fully stop and reverse gear to engage.”

In support of his petition, Petitioner describes a collision in Greece that he investigated in which the driver admitted to parking without the use of the brake pedal, and has submitted a technical paper that he authored.

Petitioner describes the “mechanism behind” the alleged pedal misapplication or SUA events supposedly caused by the alleged defect as follows:

- The subject vehicles’ regenerative braking capabilities permit a driver to decelerate the vehicle by substituting reduced accelerator pedal application for a brake pedal application when the driver wishes to decelerate with “one-pedal” driving.
- In certain circumstances, a driver may mistake the vehicle deceleration and (accelerator) pedal contact for a brake pedal application.
- At times, a driver may recognize a need for greater deceleration and inadvertently revert to prior muscle memory established while driving ICE vehicles without one-pedal driving capabilities and press harder on the accelerator pedal, mistaking it for the brake pedal, leading to an SUA incident.

According to the Petitioner, the subject vehicles should, therefore, be equipped with measures that require: (i) occasional removal of the driver's foot from the pedals; and (ii) application of the brake pedal before fully stopping the vehicle. Petitioner likens these measures to the application of BTSI to automatic transmission-equipped vehicles, which, Petitioner states, eliminated pedal misapplication at vehicle startup and trained drivers to index their foot positions.

The Petition hypothesizes that the application of an interlock requiring driver brake application when shifting from Drive to Reverse may reduce the pedal misapplication at issue.

4.0 ODI's IR and Tesla's Assessment

On May 13, 2023, ODI sent an IR to Tesla requesting relevant field incident reporting, information about its regenerative braking options, copies of internal assessments of one-pedal driving, pedal misapplication mitigation strategies, and its assessment of the alleged defect as proposed by the Petition. In its response, Tesla maintained that the relevant vehicles appropriately responded to driver inputs and, therefore, that there were not any SUA events responsive to ODI's inquiries. In support of this conclusion, Tesla explained the operation of the subject vehicles' regenerative braking systems, the creep/hold functions, and the formerly called "Pedal Misapplication Mitigation (PMM)" strategy, now referred to as "Obstacle-Aware Acceleration (OAA),"² and Tesla's overall assessment of the Petition.

5.0 ODI Analysis

ODI's analysis included assessments of the Petition and supporting technical paper, Tesla's response to ODI's Information Request (IR), and additional data available to NHTSA.

² According to the Tesla Owner's Manual, Obstacle-Aware Acceleration is designed to reduce the impact of a collision by reducing motor torque and in some cases applying the brakes, if Model 3 detects an object in its driving path. The touchscreen displays a visual warning and sounds a chime when the brakes are automatically applied. For example, Model 3, while parked in front of a closed garage door with Drive engaged, detects that you have pressed hard on the accelerator pedal. Although Model 3 still accelerates and hits the garage door, the reduced torque may result in less damage.

5.1 Scoping and Assumptions

Based on the Petition's emphasis on the human-machine interface with regenerative braking systems and conditions existing at the transition between Drive and Reverse at the end of a drive cycle, ODI restricted its analysis to manually-driven circumstances and the performance of regenerative braking in subject vehicles shifting from Drive to Reverse.

5.2 Regenerative Braking and One-Pedal Driving Across the Industry

As is relevant here, regenerative braking is the primary vehicle-based differentiator between ICE models and the subject Battery Electric Vehicle (BEV) models. Regenerative braking converts excess kinetic energy from a moving BEV into electric current, which recharges its battery and slows the vehicle. Depending on the particular vehicle model and user settings, regenerative braking may be set strongly enough to enable "one-pedal" driving where the driver primarily uses the accelerator during the drive cycle and may decelerate the vehicle with a reduced level of accelerator application (instead of a brake application). One-pedal driving furnishes substantially higher levels of deceleration than coasting deceleration in ICE- powered vehicles.³

One-pedal driving capability is not limited to the subject vehicles. ODI conducted a review of the usage of one-pedal driving across the light vehicle industry. The ability to use regenerative braking through the accelerator pedal exists across 21 light vehicle manufacturers and 64 models, from 2008 through 2023 (the date of the petition), with several models capable of generating deceleration rates comparable to those of the subject vehicle and capable of bringing the vehicle to a complete stop without the application of the brake pedal.

³ Vigil, C., Kaayal, O., and Szepeleak, A., "Quantifying the Deceleration of Various Electric Vehicles Utilizing Regenerative Braking," SAE Technical Paper 2023-01-0623, 2023, <https://doi.org/10.4271/2023-01-0623>.

5.3 Evaluation of Pedal Misapplication-Involved Collisions

ODI used vehicle data that Tesla submitted in response to ODI's information requests pertinent to DP23001 and additional Tesla pedal misapplication incidents falling outside the particular scenario posited by the Petitioner. Through this search, ODI was able to identify only a handful of collisions potentially within the scope of the alleged defect. Moreover, corresponding vehicle data demonstrated that the subject vehicles responded appropriately to control inputs by their drivers. Additionally, ODI is unaware of any evidence to suggest that Petitioner's proposed interlock⁴ would have prevented either the particular collisions furnished in Tesla's IR response or in pedal misapplication collisions more generally known to the Agency.

6.0 Conclusion

Having reviewed all relevant and available information, ODI has not found evidence of a safety defect in Tesla vehicles as described in the Petition. The use of regenerative braking controlled by the accelerator pedal, or one-pedal driving, is common across most light vehicle manufacturers of electric vehicles and Tesla vehicles are not unique in this respect. ODI has not identified evidence that would support opening a defect investigation into pedal misapplication on the subject vehicles based on an analysis of vehicle behavior or incidents known to the agency. Accordingly, the Agency is denying the petition. As with all potential motor vehicle safety risks, NHTSA will continue to review any new information or incidents as they are submitted to the Agency.

⁴ It is also worth noting that the vehicle manufacturer determines the remedy for any safety defect; NHTSA does not prescribe a specific remedy. *See* 49 U.S.C. 30120(a).

(Authority: 49 U.S.C. 30162(d) and 49 CFR part 552; delegations of authority at 49 CFR 1.95(a).)⁵

Eileen Sullivan,

Associate Administrator, Enforcement.

[FR Doc. 2026-06023 Filed: 3/27/2026 8:45 am; Publication Date: 3/30/2026]

⁵ The authority to determine whether to approve or deny defect petitions under 49 U.S.C. 30162(d) and 49 CFR part 552 has been further delegated to the Associate Administrator for Enforcement.