A deadly crash in San Francisco was caused by ANOTHER Malfunctioning Tesla

By Megan Cassidy, Annie Vainshtein

The Tesla hurtled down the Interstate 280 off-ramp to Sixth Street, sideswiping three vehicles along the way. It picked up speed, running red lights and nearly touching 90 mph as it raced northwest toward downtown San Francisco.

At Sixth and Harrison, the Tesla Model Y slammed into a Lexus at a stoplight, then spun into oncoming traffic. Seven people were injured, one of whom described the impact of the crash as an explosion. The driver of the Lexus, San Francisco resident Mikhael Romanenko, was killed.

Witnesses would later describe the car to police as a “black blur” and the driver “a madman,” according to a police report. But as the Tesla’s driver, Jia Lin Zheng, 66, was being treated for his own injuries in the wake of the Jan. 19 crash, he offered a chilling explanation: The car, he told police, had accelerated on its own.

“The Tesla malfunctioned and began to speed up” as he exited the highway, San Francisco police wrote in a report, describing Zheng’s account. “Zheng stated every time he stepped on the brake of the Tesla, he felt the car accelerate.”

Drivers have reported incidents of what is known as sudden unintended acceleration for decades, and for an array of vehicle makes and models. While the accelerations can be triggered by a mechanical defect or electrical failure,

they can also be the result of driver error, such as mistaking the gas and brake pedals.

But the claim by Zheng — who has a history of speeding tickets, records show — echoed those of a long line of Tesla drivers, who over the last several years have reported the cars jolting forward or backward on their own.

Tesla has issued few public statements on the issue, and it did not respond to the Chronicle's requests for comment for this story. But in a 2020 blog post, recent legal filings and communications with customers, the company has largely maintained that the incidents were caused by driver error, an assertion supported by the National Highway Traffic Safety Administration.

Following a review of nearly 250 sudden unintended acceleration claims in Teslas, the agency in 2021 published a report finding no evidence of a design factor or electrical issue with the vehicles that would cause the alleged problems.

Yet, claims like Zheng's following the deadly San Francisco crash have continued accruing, with people alleging in NHTSA complaints, media interviews and social media posts that their Teslas accelerated on their own.

The question remains: Is there an undiagnosed problem in some battery-driven cars featuring advanced driver-assist systems, or are the cars' drivers looking for high-tech excuses for accidentally punching the gas?

NHTSA is now weighing another petition to investigate and potentially recall Tesla cars over the alleged sudden unintended acceleration problems, based on newly obtained information on the car's electrical system.

The results could have weighty implications for Tesla and for the untold number of drivers who, like Zheng, face costly damage fees, lawsuits or even prison time for crashes they swear they didn't cause.

A violent wreck

In the moments before his death, Romanenko, his girlfriend, Linh Luu, and her 8-year-old dog were on their way to pick up Luu's family members for a trip to the airport, she said.

When the Tesla smashed into the couple's car at Sixth and Harrison streets, the impact thrust their vehicle forward into an unoccupied Waymo robotaxi and several other vehicles, and sent the Tesla spiraling into a truck on the other side of the street, according to police reports.

Romanenko was killed almost instantly as one side of the Lexus was torn off. Luu was hospitalized with broken bones and her dog, Keeper, was pronounced dead at the scene. Seven people from six other vehicles were injured.

Police arrested Zheng on suspicion of vehicular manslaughter, but city prosecutors have not made a decision on whether to charge him. According to a police report, Zheng — whose attorney declined to comment for this story — had no alcohol in his system and his vitals suggested he hadn't recently suffered from a medical episode.

Anna Dubrovsky, an attorney for Romanenko's mother, Julia Romanenko, filed a wrongful death lawsuit May 21 against Zheng in San Francisco Superior Court. Zheng and his relatives had not been officially served the lawsuit as of Friday evening, Romanenko's attorneys said. The defendants declined to comment.

The suit, which seeks unspecified damages, also names Zheng's son and daughter-in-law, saying they owned the Tesla and were "well aware of Jia Lin Zheng's tendency to drive dangerously, and at a high rate of speed, without any regard for traffic signals."

Zheng’s history of traffic incidents in his home state of Hawaii include five citations for speeding, records show. Other infractions included allegedly running a red light and disobeying a traffic control sign.

“This gentleman is clearly ignoring the rules of the road and endangering people,” Dubrovsky said in an interview.

That the car was a Tesla may or may not factor into the criminal investigation and lawsuit, as drivers who blame their cars for their crashes are often treated skeptically.

In San Francisco, an 80-year-old woman is facing both a wrongful death lawsuit and criminal charges of felony vehicular manslaughter following a West Portal crash in March 2024 that killed a family of four, including two young children.

Mary Fong Lau allegedly drove her Mercedes sport utility vehicle at high speed into an oncoming lane of traffic and then slammed into a transit shelter. Police said investigators who looked at “every aspect” of the case couldn’t find evidence that the car malfunctioned.

Long-running dispute

But Lau wasn’t driving a Tesla. Beginning in the 2010s, high-profile allegations of sudden unintended accelerations in the company’s vehicles began cropping up around the country, often covered by local news stations when the cars rammed into nail salons, gas stations and garages.

Following a 2019 petition to investigate the matter and issue a recall, NHTSA’s Office of Defects Investigations reviewed 246 complaints made to the agency of sudden unintended acceleration — sometimes abbreviated as SUA — filed for Tesla models 3, S and X since 2013, 203 of which involved crashes.

Tesla called the petition “completely false,” stressing that the person who filed it was a short-seller of the company’s stock.

“We investigate every single incident where the driver alleges to us that their vehicle accelerated contrary to their input, and in every case where we had the vehicle’s data, we confirmed that the car operated as designed,” the company said in a 2020 blog. “In other words, the car accelerates if, and only if, the driver told it to do so, and it slows or stops when the driver applies the brake.”

Federal officials largely echoed this sentiment a year later after completing their review, maintaining that drivers were to blame. “In every instance in which event data was available for review by ODI (the Office of Defects Investigations), the evidence shows that SUA crashes in the complaints cited by the petitioner have been caused by pedal misapplication,” the agency wrote in 2021.

In many of the incidents reviewed by NHTSA, the car recorded that accelerators were depressed at or near 100%.

Some Tesla owners and their lawyers, though, assert that a car’s record of a depressed accelerator doesn’t necessarily mean it was pushed down by the driver.

“Tesla takes the position that when the data shows 100% acceleration, that must mean the driver was pushing on the acceleration pedal with 100% force,” said attorney Todd Walburg, who represented family members of a Tesla driver who was killed four years ago in Ohio in what they alleged to be a crash caused by sudden unintended acceleration.

“In our view, when the 100% acceleration occurs in a situation that it just doesn’t make sense,” Walburg said, “it’s more likely than not evidence of a malfunction.”

In some cases, those who allege sudden unintended acceleration in Teslas contact the company directly. Tesla’s response often comes as a phone call along with a letter, altered case by case to describe the specific amount of

force the company says was used by the driver, according to documents posted on NHTSA's website.

"Based on this review, Tesla determined that the vehicle operated without fault and that the accelerator pedal was manually pressed by the driver immediately prior to the incident," one letter stated.

Some drivers remain unconvinced.

"Does not make logical sense that the car could accelerate 87% in a matter of 2 feet!" one Model S driver wrote in her complaint to NHTSA. "I am 150% sure I did not hit the accelerator. I am (not someone) who may have pedal confusion."

Another: "I contacted Tesla and was told I step on the gas 100% in under 2 second[s], and they would not claim responsibility. As I tell them I am 100% sure I did not step on anything 100% (gas or brake) when I am in a busy parking lot. They still denied and said it was my fault."

Mystery settlement

Last month, as San Francisco authorities continued investigating the Sixth Street crash, Tesla attorneys signed off on what experts said may be the company's first settlement of a wrongful death lawsuit claiming sudden unintended acceleration in one of its vehicles, according to court records.

While the terms of the settlement are unknown, as is whether the company accepted fault, some observers interpreted the agreement as a concession by Tesla, citing CEO Elon Musk's 2022 statement on the platform now known as X that the carmaker would "never surrender/settle an unjust case against us, even if we will probably lose."

The suit stemmed from a fatal 2021 crash in Jeffersonville, Ohio. After passing through an intersection, Clyde Leach's Tesla Model Y hopped a curb and slammed into a gas station pillar, igniting a fire.

Leach’s estate alleged that the crash was due to sudden unintended acceleration, and that Tesla knew about the problem and failed to warn its customers. Tesla’s attorneys maintained that Leach floored the car’s accelerator. The settlement ended months of litigation over whether Tesla should be forced to turn over documents the company deemed confidential. Walburg, who represented Leach’s estate, said he could not comment on the settlement or even its existence. And while Tesla has settled few cases in court, it remains unclear how claims of sudden unintended acceleration have fared in private arbitration that the company uses by contract in many disputes with customers.

In the past, other car companies have acknowledged problems with sudden unintended acceleration, but these cases have generally involved physical flaws with pedals and floor mats that prompt a pedal to stay depressed. Andrew McDevitt, a San Francisco attorney who has filed lawsuits against Tesla, said it’s possible that some alleged incidents of sudden unintended acceleration were caused by a mix of design flaws and user error. An uninitiated Tesla driver, he said, may accidentally activate some of the car’s driver-assist features, such as cruise control.

The bigger mystery, McDevitt asserted, surrounds the incidents that drivers believe are caused by an electrical malfunction, even as Tesla and the government see human error.

“The (question) most people are focused on is what would be the electrical explanation, where it truly is spontaneous,” McDevitt said. “You didn’t accidentally push the wrong lever, you didn’t accidentally push the pedal, but the car took off.”

Claims persist

In the years following NHTSA's January 2021 report clearing Tesla of defects, at least 270 other complaints have been filed with the regulatory agency alleging that the company's vehicles accelerated without a driver's input, according to a Chronicle review of materials on the department's website.

Many of the claims involved accidents; at least two resulted in a fatality. The information provided in the reports is often limited, though a few patterns emerge.

Most of the complainants, for instance, said the events occurred while the cars were moving slowly, such as in parking lots or while pulling into garages.

Others, however, made claims similar to those in the San Francisco case, saying they lost control while on the highway and that the brake pedal seemed to make the car go faster.

Complaining parties include drivers who said they were using driver-assist modes including Autopilot, which steers the vehicle and controls its speed, as well as those who weren't.

One San Jose woman said that while she was driving at about 65 mph, with Autopilot engaged, she pushed the brake pedal only to have the vehicle speed up, while the steering wheel became difficult to turn.

After steering left to avoid a rear-end crash, she said, "the vehicle's front end had crashed into the divider wall and the vehicle ricocheted across four lanes of traffic and ran off the roadway." The woman was hospitalized with fractures to her spine and ribs.

Two years ago, NHTSA was petitioned to take a second look at the sudden unintended acceleration allegations in Teslas, following a study by a retired Minnesota engineer who independently reviewed the vehicles' design details.

The engineer, Ronald Belt, said in his petition that the details had previously been difficult to obtain but had been posted on open-source networks.

In his petition, Belt contended that some or all of the sudden unintended acceleration events may have been caused by high currents that caused a drop in the supply voltage. Further, he said, digital values obtained by incorrectly digitizing the correct analog sensor values may be sent to the vehicle's event data recorder, "causing Tesla and NHTSA to conclude that the driver caused the sudden increase in torque by stepping on the accelerator pedal."

Belt, who has published research papers on auto safety, said he became interested in the phenomenon following the incidents involving Toyota cars. "I was saddened to see how drivers were ridiculed by saying that they were the cause of the sudden acceleration by stepping on the accelerator pedal, when my engineering background in electronics told me that the vehicle electronics could have caused the sudden acceleration," Belt said in an email to the Chronicle.

Though NHTSA accepted Belt's petition in June 2023, its website still lists an "open investigation." A spokesperson said the agency had no updates on the case's status, but that it conducts a "technical analysis" on all such petitions. If a petition is granted, the government opens a recall investigation.

Aside from a form letter he received from the agency acknowledging his petition, Belt said NHTSA has not communicated with him. He's unaware of whether Tesla has responded to his concerns.