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Feds seek van rollover test

GM, Ford also urged to make 15-passenger vehicles safer

By Jeff Plungis / Detroit News Washington Bureau

WASHINGTON -- The National Transportation Safety Board is pressing federal regulators and Detroit's two biggest automakers to add engineering enhancements to improve the safety performance of large, 15-passenger vans.

The NTSB, which is conducting a broad review of rollover accidents involving large passenger vans, is also calling on the National Highway Traffic Safety Administration to expand new rollover ratings to include 15-passenger vans.

NHTSA's current vehicle rollover ratings, and proposed plans for more dynamic rollover tests, apply only to passenger cars, trucks, minivans and sport utility vehicles.

"Given their high rate of rollover involvement in single-vehicle accidents, particularly under fully loaded conditions for which they are designed and are being used, the Safety Board believes that 15-passenger vans should be included in dynamic testing and proposed rollover resistance ratings," Carol Carmody, acting chairwoman of the NTSB, wrote in a Nov. 1 letter to Dr. Jeffrey W. Runge, NHTSA's chief.

In separate letters dated Nov. 1 and sent to the chief executive officers of General Motors Corp. and Ford Motor Co., the board urged the two automakers to evaluate and test the use of electronic stability control systems to help drivers maintain better control of large vans in emergency driving situations.

So-called ESC systems rely on computers to stabilize a vehicle by monitoring wheel movement and the direction the driver is steering. If a driver's intentions and the vehicle's movement don't correspond, sophisticated electronics selectively brake individual wheels or change power supplied to wheels, helping drivers maintain control.

In the letter to Ford and GM, the NTSB also said other devices such as traction control and systems that warn drivers when they unknowingly depart a traffic lane "may have the potential to assist drivers in maintaining control of (15-passenger vans)."

An estimated 500,000 15-passenger vans are in use on U.S. highways today. Based on NHTSA estimates compiled in April, 424 people have died in passenger van accidents in the United States since 1990.

GM spokesman Mike Morrissey said the automaker would most likely follow the NTSB recommendation.



Chevrolet Express



Ford F150 Econoline

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"At first glance, it looks like it's constructive," Morrissey said. "We're more than willing to listen to the NTSB and whatever NHTSA has to say. We're continually looking to new technologies to improve our vehicles. Those are activities we're doing every day."

Ford spokeswoman Carolyn Brown said: "I'm sure we will look at what they're asking us to do. We stand behind the integrity and safety of the Econoline 15-passenger van, as we always have. We believe the vehicle is safe."

Suggestions often heeded

The automakers and NHTSA aren't legally bound to follow the safety board's recommendations. But in practice, NTSB suggestions are often adopted by federal agencies and manufacturers. Following a 1999 NTSB report that raised warnings about the use of 15-passenger vans by grade schools, many states adopted laws outlawing the practice.

The NTSB investigates and makes safety recommendations that cover accidents involving civil aviation and other modes of transportation. The agency played a large role in convincing automakers and manufacturers to encourage the proper installation and improve the performance of child safety seats in the mid-1990s.

NHTSA spokesman Rae Tyson said the agency would consider adding 15-passenger vans to its testing program, but its new car assessment program has historically excluded small-volume vehicles. With limited resources, NHTSA initially tests the biggest-selling vehicles to make the program relevant to the greatest number of consumers, Tyson said.

"Obviously, we share their concern about the safety of 15 passenger vans," Tyson said.

NHTSA proposed a new rollover road test for cars and trucks on Oct. 1. The test will consist of two extreme steering maneuvers -- a so-called "j-

turn" and a "fishhook" -- on a test track. Results will be published through the agency's New Car Assessment Program, the familiar "star ratings" for crash tests aimed at consumers weighing a new vehicle purchase.

The NTSB says the tests should be expanded to include 15-passenger vans under various load conditions.

Rollover warnings

NHTSA has issued two separate consumer advisories about large passenger vans, which are popular with church groups and college athletic programs.

In April 2001 and May 2002, the agency warned that the chances of a rollover involving large vans increase greatly as the number of passengers increases. When carrying 10 or more passengers, the vans are nearly three times as likely to roll over than when carrying five or fewer passengers. When carrying 15 or more passengers, the vans were almost six times as likely to roll over.

"These vans are devastating," said Joan Claybrook, president of Public Citizen, a Washington-based consumer group. "It's an area where we are likely to see more litigation. The more you load these vehicles to serve the purpose for which they are sold, the more dangerous the vehicles become."

Large passenger vans -- including the Ford E350 Club Wagon, the Chevrolet Express 3500, the GMC Savana 3500 and the Dodge Ram Wagon -- have drawn more scrutiny among safety regulators and the insurance industry. And Detroit's automakers have been subject to an increasing number of product liability lawsuits brought by victims of crashes involving 15-passenger vans.

DaimlerChrysler's Dodge division plans to discontinue the Ram van next year.

GM and Ford have 90 days to respond to the safety board's request.

Liability claims on rise

The Big Three face hundreds of millions of dollars in potential liability claims.

Ford, the dominant player in the van market with nearly half of all U.S. sales, is particularly vulnerable. There are about 80 cases pending against Ford alone, according to attorneys working on the issue.

"There's a big problem with these vans," said Neil Smith, a Daingerfield, Texas, attorney who has settled a case against Ford and has another suit pending. "Passengers are an afterthought. Ford just added another seat and extended the cab. The vehicle is carrying too much weight on the rear axle to

steer adequately."

Smith said there would be more lawsuits if crashes continue, because plaintiffs attorneys regularly share information gathered in earlier cases. That makes it less expensive and faster to bring a suit to trial.

"As litigation develops, plaintiff attorneys gather more and more information about a vehicle," Smith said. "It's a David versus Goliath fight when a guy like me files a suit against the Ford Motor Co. They might have 15 lawyers working on a single case."

Ford officials declined to discuss the magnitude of the legal challenge the automaker faces.

The company does not track numbers of cases related to a specific problem because there are so many, Ford spokeswoman Kathleen Vokes said. But Vokes cautioned that it would be wrong to judge the importance of an issue by the number of lawsuits filed.

"There are a lot of unfounded claims out there. There are a lot of frivolous cases."

The growing legal problem is especially bad news for Ford, which is still battling lawsuits related to Firestone tires and faces class-action suits from police departments alleging the Crown Victoria Police Interceptor has a faulty gas tank.

DCX lawsuit settled

DaimlerChrysler and GM face van-related lawsuits as well. A last-minute settlement Oct. 22 spared DaimlerChrysler from a high-profile trial in the fatal crash of a Dodge Ram 15-passenger van in Texas. Terms of the settlement were not disclosed.

But David Perry, a Corpus Christi, Texas, attorney who handled the case, said evidence uncovered during his preparation indicates the 1993 Dodge MaxiWagon van's rear axle is 15 percent overloaded when the van is full of people. Perry said internal Chrysler documents also indicate that the van's short wheel base contributes to a dangerous level of oversteer in emergency maneuvers.

In a letter sent Nov. 1 to federal safety officials, Perry asked for a defect investigation.

"I think it's going to be an ongoing issue," Perry said. "The chickens are coming home to roost. It will be a lot cheaper and more efficient for them in the future if they fix the problem as soon as they see it."

DaimlerChrysler spokeswoman Angela Ford said no one at the company had seen Perry's letter and could not comment on the specifics. However, she said the vans were safe if drivers were trained to handle their unique characteristics.

"These vehicles present no unusual risk to drivers when they are operated properly," Ford said.

High-profile crashes

Adding to the challenge for the automakers is the nature of van crashes: They tend to be especially deadly, with multiple victims, and are likely to make headlines in a local area. But with the NHTSA warnings and media attention, crashes that once would have been dismissed as tragic accidents are being scrutinized. They usually end up in court.

"There are more of these cases out there," said Sean Kane of Strategic Safety, a research group that works with plaintiff's attorneys. "This problem is not going to go away. You can't stop rollover from occurring in these vehicles."

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