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Administrator Nicole R. Nason  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
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**Subject: NHTSA Failures/Posturing With Respect to Brake Transmission Shift Interlock**  
**Reference: “Death Toll Increases to 4 After Runaway Minivan Sinks in Pond” (Newsday.com)**

Dear Ms. Nason:

### **Background**

The issue of runaway vehicles dates most notoriously to the mid-1980's. At that time I was employed at Chrysler Corporation in Advanced Powertrain Planning. I was part of numerous, detailed discussions about the runaway/rollaway issue, and about the response of the manufacturer that, at that time, was receiving much media/legal attention. One technological response of this era was the invention and implementation of an electromechanical system called by several names; most recently Brake Transmission Shift Interlock (BTSI).

Of special note during these early BTSI discussions was the issue of recall and retrofit. Chrysler management (and engineering staffs) was fully aware that both European and Asian manufacturers had begun offering the BTSI as a retrofit for in-use vehicles, in some cases, free-of-charge. Later, even Chrysler initiated a BTSI recall and retrofit of in-use vehicles. Regarding Asian manufacturers, an agreement was made with JAMA in 1988 which mandated the OEM production of BTSI.

Any notion/testimony that Chrysler NS-Body minivan BTSI retrofit is not feasible is highly questionable. In June 2003 reporters from the *Detroit News* visited me at my workbench to observe the mechanical portion of a BTSI retrofit for the 1996 through 2000 model year NS-Body minivans. (Electrical/electronic components are also required but available at low cost.) The front-page *Detroit News* story of July 13, 2003 features this retrofit. I am very familiar with this feasibility because I am the person that specified it at the engineering design level, under the practice called “protect for.” The internal Chrysler meetings on the “protect for” issue, which were frequently attended by outside suppliers, occurred in 1991. The minivan BTSI “protect for” provision was known to, and approved by Chrysler management (**Tab 1**).

Upon introduction in early 1995, the 1996 NS-Body minivan (Plymouth Voyager, Dodge Caravan and Chrysler Town & Country brands) was the *only* minivan *not* to offer BTSI as standard safety equipment. The decision to *not* offer this fundamental safety system was not made by the engineering staffs; it was a decision made by Chrysler executive and engineering *management* staffs. At the time of this Chrysler management decision; unlike JAMA, NHTSA did not mandate nor did NHTSA intend to mandate BTSI. Chrysler management specifically referenced this NHTSA inaction as the basis of their decision to *not* offer this fundamental safety system. In late 2006 an agreement was finally reached with NHTSA regarding voluntary inclusion of BTSI for the 2011 model year; but almost *23 model years after the JAMA/Asian mandate of 1988*.

**“Death Toll Increases to 4 After Runaway Minivan Sinks in Pond”**

On July 6, 2007 I received a telephone call from Associated Press reporter John Christoffersen. He made inquiry into my specific and general knowledge of the tragedy that occurred in Bridgeport, Connecticut on Wednesday, July 4, 2007. The tragedy involves a 1999 NS-Body Plymouth Voyager minivan. As I told Mr. Christoffersen, I am not knowledgeable of any of the unreported details of this accident. However, I did confirm that the 1999 Plymouth Voyager minivan involved in the death of one adult and three infants was not equipped with BTSI. I return to my conversation with Mr. Christoffersen below.

**Safety Interlocks : Historical and Current**

The use of interlocks, for the purpose of mitigating human error, dates to approximately 4000 B.C., in the “Fertile Crescent” of Sumer. Recently I was deposed in a death case involving a runaway DaimlerChrysler minivan. A DaimlerChrysler document that I entered into evidence makes the following public statement:

*“The vehicle itself should actively intervene when the driver, as a result of carelessness, inattentiveness or fatigue makes mistakes that could cause serious accidents. The goal is to mitigate the effects of accidents or if- possible prevent them altogether.”*

Again, I am not knowledgeable of any of the unreported details of the July 4, 2007 accident that involved a 1999 Plymouth Voyager which is not equipped with BTSI. However, if later reports confirm that inadvertent movement of the gearshift lever, out of the park position by one of the infants, in-fact contributed to the accident, then at least two major issues will be reviewed:

1. If **any** competitive minivan is inserted into the Connecticut accident scenario (replacing the Chrysler NS-Body, which therefore implies a vehicle which *is* equipped with BTSI), then the accident scenario, if one then even exists, can no longer include the issue of inadvertent movement of the gearshift lever out of the park position by one of the infants. In this revised scenario, inclusion of BTSI would “*mitigate the effects of accidents or if- possible prevent them altogether.*”
2. Given their knowledge of its feasibility, why has both DaimlerChrysler failed to offer, and NHTSA failed to require a BTSI retrofit of the 1996 through 2000 NS-Body?

**ABC News Primetime: DaimlerChrysler NS-Body Lack of BTSI and Retrofit Story – 3 May 2001**

Enclosed is a dvd copy of my interview with Mr. Chris Wallace of *ABC News Primetime*. Note that this report of six years ago is dedicated to the 1996 through 2000 Chrysler NS-Body minivans. I had advised *ABC News* of the BTSI retrofit feasibility of the NS-Body. The context of that advice was my participation in many class action lawsuits that were specifically requesting that DaimlerChrysler recall/retrofit these minivans with BTSI. Near the end of the enclosed dvd report, you will note that Mr. Wallace states:

*“The company has finally installed brake-shift interlock in its 2001 minivans. But some parents now want the government to recall the millions of older minivans still on the road, and force Chrysler to put in brake-shift interlock. Otherwise, families that still bear the terrible scares have no doubt, more parents and children will be hurt.”*

Obviously “the government” referred to by *ABC News Primetime* would be DOT/NHTSA (**Tab 2**).

**Class Action Lawsuits Demand NS-Body BTSI Retrofit: NHTSA Bias In Favor of DaimlerChrysler**

Several years ago at least 12 class action lawsuits requested in-part that the 1996 through 2000 NS-Body be recalled/retrofitted with BTSI. In those lawsuits the Chrysler defense lawyers argued against the recall on the basis of NHTSA actions, lack of actions, possible actions, potential actions, etc. This is not the first time that Chrysler lawyers have pointed to “the government” as a basis for their rebuttal arguments.

What is woefully unknown to the taxpayer is the obvious and corrupting influence of the employment practices between the automobile industry and NHTSA, the so-called “government.” A blatant relevant example includes Jacqueline Glassman. Glassman was a product defect defense attorney employed by the internal Chrysler Office of General Counsel, reporting to William O’Brien. In a blatant disregard for the potential of her bias, President Bush appointed Glassman to the position of Chief Counsel for NHTSA. Glassman was also the lead defense attorney for Chrysler in the California Lemon Law class action lawsuits

At this time plaintiff attorneys Mr. Allyn Lite, Mr. Melvin Weiss, et al. had filed a class action in California requesting that the NS-Body be retrofitted with BTSI. Angelino vs. DaimlerChrysler was filed in late 2001. Again, during this time, the former internal Chrysler defense attorney Glassman, who had extensive experience with California class action litigation against Chrysler, was now the Chief Counsel for NHTSA.

During the lawsuit of Angelino vs. DaimlerChrysler, the latter argued for and secured a Stay on the proclaimed basis that “the government” was considering a “potential investigation” involving BTSI. The DaimlerChrysler claim was not a mistake. The DaimlerChrysler claim was not a matter of ignorance. The DaimlerChrysler claim regarding a “potential investigation” by NHTSA was a fabrication, having no basis in truth. This fabrication was ostensibly confirmed as-such by the April 16, 2002 letter to Mr. Lite from NHTSA Associate Administrator Kenneth Weinstein.

Given the above history, the California class of 1996 through 2000 Chrysler NS-Body minivans were not recalled and retrofitted with BTSI. For detailed information about the Angelino case contact Mr. Allyn Lite in Newark, NJ (973-623-3000). Meanwhile, Glassman has resigned from NHTSA, and is now employed at the well-known DaimlerChrysler defense firm of Hogan & Hartson, where former internal Chrysler lead product litigation attorney Lewis Goldfarb (of minivan liftgate latch defect notoriety) is a partner. **To-the-best-of-my-knowledge no plaintiff attorney, especially any that have litigated against DaimlerChrysler, has ever been appointed to the “government” position of NHTSA Chief Counsel, or any other prominent NHTSA position (Tab 3).**

**“Chrysler Minivans Do Not Protect from Injury and Death in Roll-Away Accidents”**

On September 25, 2000, seven years ago, I wrote to Department of Transportation Secretary Rodney Slater. This letter covered six separate areas of concern, but specifically emphasized the omission of BTSI on DaimlerChrysler minivans. I further emphasized that the ongoing justification of that omission was “*the lack of a NHTSA regulatory requirement for such protection.*” DOT/NHTSA never responded with alacrity. Only after being coerced by members of Congress did I receive “response” from the DOT Office of Congressional Affairs which stated, “(NHTSA) is looking into the matter.”

### **Reliance on the Competence and Integrity of NHTSA**

In my experience, the taxpayer and juror alike *assume* the competence and integrity of “the government.” DaimlerChrysler lawyers have repeatedly relied on a patriot response to “the government” as a subjective portion of their defense strategy. Until or when they have a specific reason to doubt NHTSA, only then will the taxpayer react with strong disapproval. I am deeply patriotic, and it is in that context where, in those cases where NHTSA has acted improperly either through incompetence or bias, that I offer specific information, criticisms, or testimony. The most blatant example of NHTSA misconduct was part of was my court room testimony in the case of Flax vs. DaimlerChrysler. The jury in Flax understood the safety implications of DaimlerChrysler lawyers, NHTSA and DOJ jointly conspiring to withhold safety defect information from the taxpayer. As is known to Mr. Goldfarb, this is not diatribe, and in-fact has been documented and admitted to under-oath by the highest levels of DaimlerChrysler management (**Tab 4**).

### **“List of 2007 Model Year Vehicles Without BTSI”**

The media also repeatedly relies on the words and deeds of NHTSA. During the conversation mentioned above with AP reporter Christoffersen, he detailed portions of his Bridgeport, CT report of July 4, 2007 involving a 1999 Plymouth Voyager. Christoffersen claimed that various models “also” did not include BTSI and that the source for that part of his report was NHTSA. One of the models that Christoffersen claimed did not have BTSI left me somewhat flabbergasted.

At the NHTSA website two links provide information about the inclusion or lack-thereof of BTSI in 2007 model year vehicles. The site needs your attention with haste because it is not accurate, potentially libelous, and therefore misleads the consumer and media about safety content from several manufacturers (**Tab 5**).

The NHTSA site entitled, “**List of 2007 Model Year Vehicles Without BTSI**” borders on egregious. This site lists one of the inventors of BTSI as not having it: Audi. It was Audi that was the focus of numerous, internal Chrysler discussions mentioned above; the manufacturer that, at that time, was receiving much media/legal attention. The Ford vehicles you have listed in-fact *do* include BTSI. Indeed, it is absurd for NHTSA to list the Mercury Monterey as not having BTSI, while simultaneously publicizing that the sister-vehicle Ford 500 does have it. A similar status exists for the vehicles offered by General Motors, BMW, Mazda, and Isuzu. The negative listing of the Jeep Liberty, a member of the vehicle line that was recalled and retrofitted in the late-1990’s, is incorrect. Perhaps the most revealing NHTSA listing involves the Honda S2000 vehicle: Since the S2000 is not offered with an automatic transmission it is reasonable that it would not have BTSI. I am not certain about the Volkswagen Beetle, but would be very surprised to learn that a 2007 German vehicle did not offer BTSI.

Alternatively, information that 1993 through 2000 model year minivans, manufactured by Jacqueline Glassman’s prior employer, are the *only* minivans from that era that are *not* equipped with BTSI, is nowhere to be found at the NHTSA website. This lack of accurate information may have altered the historical vehicle purchase decisions of many people including those in Bridgeport, Connecticut.

I am also concerned with a site that feigns concern but appears to justify a lack of NHTSA integrity regarding a mandate that manufacturers offer BTSI (*on the basis of* a list *claiming* that said manufactures still do not include it). Even if this NHTSA list was accurate, does it not simultaneously document the Agency’s lack of competence and ethics with respect to a BTSI mandate similar to what was emplaced by JAMA nearly 20 years ago? The list/site should be a focus of severe criticism, not tacit justification by NHTSA.

### **Requests and Conclusion**

1. Please correct the “**List of 2007 Model Year Vehicles Without BTSI**” as soon as possible.
2. Information that 1993 through 2000 model year minivans are the *only* minivans from that era that are *not* equipped with BTSI, is not found at the NHTSA website. This information may have altered the historical vehicle purchase decisions of many people including those in Bridgeport, Connecticut. Would it be possible to for you to add this information to the NHTSA website?
3. DaimlerChrysler had already recalled and retrofitted its entire Jeep vehicle line, a *much* more complicated technical accomplishment, and a much more (piece) costly offering, than a retrofit of the 1996 through 2000 NS-Body minivans. DaimlerChrysler and NHTSA are both aware of the feasibility of retrofitting the 1999 Plymouth Voyager minivan. The class action lawsuits that were dismissed in-part by various references to NHTSA, at a time when a former DaimlerChrysler defense lawyer was Chief Counsel for NHTSA, had declared this vehicle to be “defective,” and had demanded that it be retrofitted specifically to prevent future death and injury. The NHTSA knowledge of these issues dates to not-later-than the April 16, 2002 letter to Mr. Lite from NHTSA Associate Administrator Kenneth Weinstein. Regardless if further analysis of the tragedy of July 4, 2007 confirms that an infant caused inadvertent movement of the gearshift lever out of the park position, and therefore lack of BTSI was a proximate cause, will you personally look into the issue of a recall and known-to-be feasible retrofit of the 1996 through 2000 NS-Body minivans?

Please do not hesitate to contact me at any time.

Cordially,

Paul V. Sheridan  
2005 Civil Justice Foundation National Champion  
Former Chairman, Chrysler Minivan Safety Leadership Team

(Courtesy Copy List Available Upon Request)

Attachments/enclosures