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Missouri City, Texas
February 20, 2007

US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-211)
400 7th Street, SW
Washington, DC 20590

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To hopefully someone that can help,

I have experienced brake failures on two Lincoln/Mercury cars which could have resulted in serious accidents. I believe the failure is due to a manufacturing design defect which from a users point of view will happen randomly. When I came to the conclusion that the brakes had a design error, I wrote the attached report on 12/14/2006 and sent it Fed Ex to the NHTSA. I have not heard anything from the NHTSA acknowledging my input. This is serious and causing loss of life every day and needs to be pursued as quickly as possible.

The most common accident caused by the failure is a rear end collision. However this type of accident is easily blamed on "driver error". It may be impossible to sort out what percentage of these are caused by this brake malfunction.

The second type of accident caused by the brake failure is when entering a street or highway. Failing to stop puts the car into moving traffic and potentially the most serious accident since the car is broadsided by a car or truck moving at high speeds. Again the accident is blamed on "driver error". Yes many are caused by bad drivers – but what fraction is currently caused by a faulty brake system that could have been prevented.

Some fraction of the times when the brake malfunctions the car can accelerate out of control. This results in "bizarre" accidents which seem to be reported on a regular basis in the news where a car or truck runs into a home or building. Two of this type of accident has happened in the last year within 5 miles of my home. Both are being pursued as "driver error". Innocent people were killed in these two accidents – two were sleeping in their bed. In the last week, news reported an SUV drove through the wall of a theater and another story in Houston of a truck slamming into a house. I am sure this is only a small fraction of suspect accidents of this type that actually occurred.

Until this is resolved, innocent people are being killed. Innocent people are going through legal nightmares trying to defend themselves from "driver error" accidents when their only crime was driving a car with faulty brake system. If they had a few drinks before this accident, many are likely in jail and lives ruined all because they bought a car with a faulty brake system.

Each day accidents are weeding these car off the highways, but we need to find the actual problem and get the faulty systems off the road before more accidents occur. I will assist in any way I can.

Please acknowledge receiving this input.

Respectfully submitted,

[Redacted signature]

aa
3/1/07
cc

Missouri City, Texas
December 14, 2006

US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-211)
400 7th Street, SW
Washington, DC 20590

To hopefully someone that can help,

I recently came to the conclusion that many accidents that happen each day are the result of defects in the design of car braking systems. With the easy conclusion of the number of idiots behind the wheel each day, accidents caused by the brake failure are easy to record as driver error and no attempt is made to sort the ones actually cause by a malfunctioning brake system.

In the minor accidents caused by brake failure, the driver's claim of innocence is lost in insurance settlements or easily destroyed in a trial by a prosecutor. In the more severe accidents, the driver may not live to tell of his innocense. Even if he servives a serious crash, he may not remember details to sort this out. (My son was involved in a moderately serious accident and claims no memory of it)

I do not have the time, resources, money, and especially the authority to determine if this is unique to one manufacturer or many. Since brakes are supplied by third parties to many major manufacturers, one make / model / year may not stand out in your data collection as an anomily. I suspect this has been going on for many years with the drivers shouldering the blame.

I called the NHTSA Safety Hotline since this input does not fit with the normal single car or accident report format forced by your website. I was told that I could not talk to anyone about my situation because of limited staff. I was told you limit input to details into your data base and sometimes pick out anomallies you want to pursue. I will attempt to detail my logic, but a conversation would be better to make sure your questions are answered. The seriousness of this is enormous if I am right, and needs immediate attention.

The following is contained in this letter

- Page 2 - Personal experience /details with a 2005 Mercury Grand Marqui
- Page 3 - Personal experience /details with a 2006 Lincoln Town Car
- Page 4 - Recent local accident I believe caused by brake problem and will be blamed on "driver error" – 2004 Lincoln LS
- Page 5 - Summary

2005 Mercury Grand Marqui

I purchased a "used" 2005 Mercury Grand Marqui from Southwest Lincoln Mercury on Nov 30, 2005. The mileage on the car was 863 miles. I drove the car for 3 or 4 days with no problem. Then one time when braking for a red light, the car slowed most of the way down to stop, then I lost total control of stopping the car, and ended up stopping 10 to 20 feet after what I intended. I was setting in the intersection!!! Fortunately this was a local side street intersection with no traffic.

- 1) If a car was in front of me, I would have been stopped by running into the car and have an accident on my record – MY (driver) fault!
- 2) If the intersection was a busy cross street with heavy traffic this could have been a major accident and again MY (driver) fault.
- 3) If the intersection had an 18 wheeler barreling along – I would not be writing this to you.

I took the car back to the service department and complained about the brake incident. They took the car away and cancelled my purchase. Evidently the first owner had the same complaint and the manufacturing technicians could not find a problem so they sold it again.

I am aware of anomalies in design / manufacturing and considered SW Lincoln honorable in taking the defective car back. (But what if I had the accident instead of just the scare?)

I assume this car has been scrapped

2006 Lincoln Town Car

On Oct 5, 2006 my wife and I flew to Dayton, Ohio for a visit. We rented a 2006 Lincoln Town Car (Ohio Licence Plate # [REDACTED] from AVIS for 3 days. The car had 16061 miles on it when I rented it. I put on about 300 miles before returning it. It exhibited the same brake failure twice in that short time.

- 1) The first instance the brake did not stop the car in a controlled manner, I headed for the road side ditch to allow it to stop. Just luckily there was nothing to hit!!!
- 2) The second time it failed, I was exiting a freeway to a heavily travel road and had cars on both sides of me. With the recent experience of the failure, I had the wits to used the parking brake to stop the car before entering the speeding cross street traffic. In the 40 years I have driven, I have never before used the parking brake to stop a car in traffic!

How blessed can I be to survive two more incidences where an accident should have happened, and I would get credit for "driver faulted" accident. My insurance rates would be astronomical by now. The manufacturer would continue with a clean record!

When I returned the car I told AVIS the car was dangerous and should never be on the road again. After getting home, I sent an email with more detailed information that the car was dangerous and should not be driven. The response I got was a polite thank you and there claim that their technician had checked the car out!!!!

I am interested in how many wrecks this car had been in before in its 16000 mile history?

I am interested if AVIS followed my warning an disposed of the car

or

Now someone else has the honor of an accident on his record as "driver fault" disposing the car via an accident and Lincoln has no feedback of the brake design problem.

Local Accident – 2004 Lincoln LS

On November 17, 2006 a local accident happened where a woman was killed getting a shopping cart at a grocery store. The car involved was a 2004 Lincoln LS. The driver claims the brakes did not work, but the police are building the case that it was “driver error”. This is an ongoing investigation which I have no authority to get any details with police / lawyers positioning their cases.

No one is listening to the driver claim of brake malfunction!!!!

Lincoln is not getting the feedback that the design of the brakes caused the accident. Actually Lincoln is getting the opportunity to interpret the car’s “black box” which they will certainly add to their position of driver error and not their fault.

Article in the Houston Chronicle

Shopper dies after car hits supermarket

■ Missouri City police think driver hit the accelerator instead of brake

By RUTH RENDON
and ZEN T.C. ZHENG
HOUSTON CHRONICLE

MISSOURI CITY — A woman getting a cart prior to shopping at a Kroger was killed Friday after a car plowed through the store’s entrance.

“She had no idea what was coming,” Missouri City police

Capt. John Bailey said of Sue Ann Marasckin.

The 2004 Lincoln driven by a Missouri City woman, whose name was not released, crashed through a set of sliding glass doors about 1:25 p.m. The 57-year-old driver initially told police her brakes failed but authorities now think she hit the car’s accelerator instead of the brakes. An investigation is ongoing.

Marasckin, 59, of Manvel, was doing what most shoppers do before entering the store at 6200 Texas 6 — getting a shopping cart when she was struck and killed, police said.

Missouri City resident Mike Herr said he was about to start shopping when he saw the car crash through the entrance.

“I heard a huge boom and I knew something terribly wrong had happened,” Herr said. “The car had smashed into the store and got stuck at the entrance. I was praying that nobody was hurt and was relieved to see the driver walking out of the car.” When he got closer, Herr said Marasckin was motionless on the ground.

Marasckin suffered massive internal and head injuries after hitting the car’s windshield, Bailey said. A customer performed CPR on Marasckin un-

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Summary

I believe that the brake malfunction is the cause of several news stories I have heard recently about cars crashing into houses. (And I probably caught only a minor fraction of the this one type of crash caused by the brake design problem) All are reported as “driver error”.

I tried to google similar information on the web and find that this problem has existed for years with legal cases back in the 90’s where drivers were “run over” by prosecutors and manufactures control of the media so the cases ended up as “driver error” and manufactures continue to produce faulty products!

If you accept my input, this has been happening for years under the watch of the NHTSA.

I would like to pursue this further to get the bad designs off the road immediately, but with limited resources and authority, I can only report what I have personally experienced.

With todays car manufactures buying sub assemblies from third parties, I can not claim for or against the possibility that the defective brake is only in Lincoln / Mercury designs.

Here in this report I have shown –

- All cars are Lincoln / Mercury designs
- Three different model years
- Three different model designs.

that may have this problem. I have very limited access to data so I can not claim this is only a problem on Lincoln / Mercury designs. Research must be done to see if other Ford, GM, Chrysler, or foreign cars have the same problem.

THIS IS SERIOUS AND MUST BE ADDRESSED QUICKLY

HOW MANY ACCIDENTS AND DEATHS OCCUR EACH DAY AS THE PUBLIC BEARS THE BRUNT OF FILTERING THESE CARS OFF THE ROAD.

I will help in anyway I can to solve this issue, but again I do not have the resources or authority to pursue much further.

Respectfully submitted,

