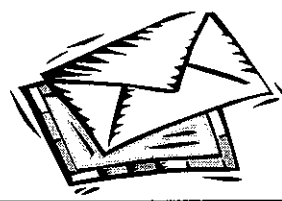


NHTSA ccmMercury Routing Slip



Printed: 3/13/2008

NHTSA #: ES08-001846	Rec'd Date: 3/13/2008	Referred By: NPO-011
XREF #:	Doc Type: CNG	Doc Date: 3/12/2008
Delivery: EML	Address To:	Due Date: 3/24/2008
S10 #:	DOT/I #:	RMP #:
Subject: EMAIL FROM CONGRESSMAN NICK LAMPSON ON BEHALF OF CONSTITUENT, [REDACTED] [REDACTED] REGARDING PROBLEMS CONCERNING ABS BRAKE SYSTEM ON MERCURY AND LINCOLN VEHICLES. REPLY TO ATTN: BRITTANI WILLIAMS (STAFFORD, TX OFFICE)		
Ack Date:	Ack By:	Signed For:
Sign Office: DEPUTY ADMINISTRATOR	Signature: JAMES F. PORTS, JR.	
Cleared Date:	Cleared By:	Cleared For:
File Loc:	XREF File:	Closed Date:
Added By: BMILLINGS x65470	Modified By: BERNADETTE.MILLINGS	
Most Recent Comment:		

Author:

THE HONORABLE NICK LAMPSON
 U.S. HOUSE OF REPRESENTATIVES
 10701 CORPORATE DRIVE
 SUITE 118
 STAFFORD, TX 77477
 Tel: 281 240-3700 Fax: 281 240-2959 E-mail:

CL-10221678-8408

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	3/13/2008	3/24/2008	
NVS-010	INFORMATION	3/13/2008		3/13/2008
NIA-110	INFORMATION	3/13/2008		3/13/2008
NOA-010	INFORMATION	3/13/2008		3/13/2008
NOA02	INFORMATION	3/13/2008		3/13/2008

2008 MAR 14 AM 7:49

2008 MAR 13 PM 4:51
 2008 MAR 13 PM 4:51

03/14/08
 KB

From: Shults, Bruce <NHTSA>
Sent: Wednesday, March 12, 2008 2:55 PM
To: Hammond, Judy <NHTSA>
Subject: FW: Constituent Casework-[REDACTED]

Judy – per our phone conversation, please forward this Congressional inquiry to the appropriate persons for response. Thanks - Bruce

From: Williams, Brittani [mailto:Brittani.Williams@mail.house.gov]
Sent: Wednesday, March 12, 2008 11:41 AM
To: Shults, Bruce <NHTSA>
Subject: Constituent Casework-[REDACTED]

March 12, 2008

Mr. Bruce Shults
National Highway Traffic Safety Administration
819 Taylor St. RM 8A38
Fort Worth, TX 76102

Re: [REDACTED]
Missouri City, TX [REDACTED]

Dear Mr. Shultz,

The above-mentioned constituent has contacted me regarding problems he has experienced concerning his ABS brake systems on Mercury and Lincoln vehicles. At your earliest convenience, I would appreciate your checking into this matter and advising the constituent of the options available to him. I have attached correspondence and documents we have received from [REDACTED] to assist you.

Please advise me of your findings and an anticipated date of resolution so that I may respond appropriately to my constituent. I look forward to hearing from you soon, and thank you for your

3/13/2008

ES08-001846

consideration of this request.

Sincerely yours,

M

NICK LAMPSON
Member of Congress

Please address all Correspondence in this matter to:

Congressman Nick Lampson
Attn: Brittani Williams
10701 Corporate Dr., Suite 118
Stafford, TX 77477
phone 281-240-3700
fax 281-240-2959
Brittani.Williams@mail.house.gov

NL/bw

Brittani Williams
Constituent Services Representative
Congressman Nick Lampson
10701 Corporate Drive, Suite 118
Stafford, TX 77477
281.240.3700
281.240.2959 Fax
Brittani.Williams@mail.house.gov

Get updates on Congressman Lampson's work for the 22nd district by signing up for his e-newsletter at <http://www.lampson.house.gov>

Statement of Confidentiality: Please note that the contents of this email message are confidential and intended for the named recipient only. Persons other than named recipients are not authorized to rely upon, distribute or copy the information contained herein. If you are in receipt of this transmission in error, please notify the sender immediately and destroy the contents of the message.

3/13/2008

ATTACHMENT 2 - SEND LETTER SEND

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

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.

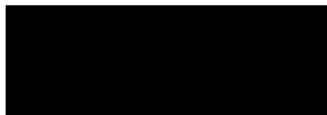
Some fraction of the times when the brake malfunctions the car can accelerate out of control. This results in "bizarre" accidents which seem to be reported on a regular basis in the news where a car or truck runs into a home or building. Two of this type of accident has happened in the last year within 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,



Missouri City, Texas
March 4, 2008

Page 2

NHTSA seems to work from priorities based on the number of complaints they receive. I may be the only one that recognizes the ABS random defect issue which does not get me any attention from their organization.

While states and the federal governments are pursuing making the roads safer thru legislation on

- 1) Cell Phones
- 2) Elder Drivers
- 3) Distracted Driving
- 4) DUI punishments harsher
- 5) Seat belt initiatives

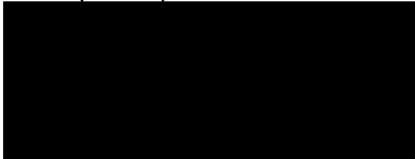
The major cause of these accidents -- defective ABS brakes -- is not even on the list of problems to be addressed.

Until this is resolved, innocent people are being killed. Innocent people, who did not die in the accident, 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 to speed this process.

Respectfully submitted,





MF

Congressman Nick Lampson 22nd Congressional District, TX

Washington, DC Office
436 Cannon House Office Building
Washington, DC 20515
(202) 225-5951
(202) 225-5241 fax

District Offices
10701 Corporate Dr., Ste 118
Stafford, TX 77477
(281) 240-3700
(281) 240-2959 fax

1020 Bay Area Blvd., Ste 224
Houston, TX 77058
(281) 461-6300
(281) 461-6303 fax

Privacy Act Release Form

Name [REDACTED] Home Ph. [REDACTED]
Address [REDACTED] Work Ph. RETIRED
City/State/Zip MISSOURI CITY, TEXAS Cell Ph. [REDACTED]
Date of Birth 10/9/48 E-mail [REDACTED]

Agency/Embassy To Be Contacted: NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN

Social Security Number: [REDACTED]

Veteran's Claim Number (if applicable) _____

Alien Registration Number (if applicable) _____

BCIS Texas Service Center Receipt (SRC No.) (if applicable) _____

Please describe the nature and details of your problem and the assistance you are requesting. Please be as specific as possible and include additional pages if necessary. Attach copies of any correspondence and documentation which relate to your case.

I have determined that the ABS Drake Systems on cars have a random fail mode that cause many accidents/deaths on the road every day!! I sent a Request to the NHTSA 12/14/06 and a follow up 2/20/07 (attached) and offered to assist in chasing this major problem

I understand that under the provisions contained in the Privacy Act of 1974, Federal government agencies may not release records without an individual's written consent. I hereby authorize Congressman Nick Lampson and his staff to make the necessary inquiries on my behalf and to obtain all necessary information regarding my request.

Date 3/4/08 Signature [REDACTED]

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 innocence. Even if he survives 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 anomaly. 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 anomalies 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 Y.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-

Please see CRASH, Page A12

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,

