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Trial puts van safety concerns under spotlight

Carmakers face wave of lawsuits from passenger-van crashes.

By Jeff Plungis

Detroit News Washington Bureau

WASHINGTON — On May 8, 2001, 12 women were driving to a Gainesville, Texas, outlet mall in a church-owned van when one of the tires suddenly lost its tread.

The driver, Dorothy Griffin, a 62-year-old church member, couldn't bring the large, 15-passenger van under control. It quickly crossed into the center median and rolled over several times. Griffin and three friends were killed.

The crash is expected to become the first exhibit in a coming wave of litigation against Detroit's automakers. Eleven victims or their families are suing DaimlerChrysler AG, the maker of the Dodge Ram 3500 van, and Michelin, which made the tire, for product liability.

Barring a last-minute settlement, the suit will be the first of its kind to reach a jury on Oct. 21. A victory in the closely watched trial could help limit automakers' liability for some 500,000 vans in use in the United States.

But if the jury sides with the plaintiffs, it could lead to a recall or redesign of large vans — a potentially huge expense that automakers would like to avoid because there are no quick or easy engineering fixes.

"The remedy might be to force 15-passenger vans out of the market," said Jim O'Reilly, a product liability expert at the University of Cincinnati College of Law.



The van crossed the median and rolled over after a tire blew and the driver lost control.



Photos by Gary Lawson / Associated Press

Rescuers pull a woman from a crash in Texas in May 2001. The deaths of four women in the 15-passenger vehicle highlight the dangers in maneuvering large vans, critics say.

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Detroit automakers and federal safety officials maintain there is no evidence that full-size passenger vans are defective, even if they are difficult to handle. The solution to growing safety questions about the vans — popular with school and church groups — lies in better driver training, auto and safety experts say.

Insurance companies, alarmed at the rising number of fatalities and injuries, are responding by dropping coverage and promoting alternatives such as school buses.

The victims in the Texas case, all members of the First Assembly of God church in Burkburnett, contend DaimlerChrysler was aware of the possibility of a tire failure and how difficult the vehicle would be to handle in that event, but failed to provide proper warning about the risks of driving the van.

They will also argue that the Ram van, which has a slightly shorter wheelbase than similar models from General Motors Corp. and Ford Motor Co., is especially difficult to handle. Michelin will defend itself against charges that its tire was defective.

Attorneys for the victims and for the manufacturers have been forbidden to discuss the case in the weeks leading up to the trial by Texas District Court Judge Roy Sparkman.

High-profile crashes

Whatever the outcome of the trial, there is growing concern about the safety of vans in the wake of a string of high-profile crashes. According to the National Highway Traffic Safety Administration, there have been at least 424 deaths involving 15-passenger vans on U.S. roadways since 1990. The figure, compiled in April, does not include at least 21 deaths in recent crashes, including:

Passenger van safety

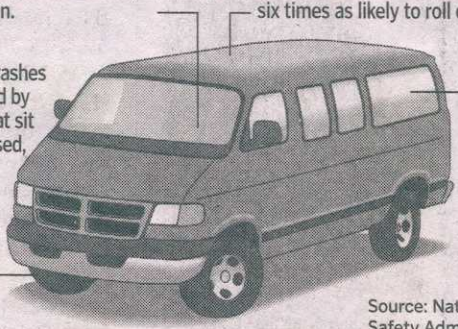
15-passenger vans have been involved in a string of deadly crashes, claiming at least 424 deaths between 1990 and this past April. Here's what federal safety officials say about the vans:

Difficult steering

The vans' long, top-heavy construction makes steering much more difficult than a car, especially if an abrupt, turning maneuver is necessary. Fishtailing is more likely, especially in a fully loaded van.

Tire failure

Many of the fatal crashes have been preceded by tire failure. Vans that sit out in the sun, unused, for long periods could develop rubber damage due to ultraviolet light. Van owners should check their tires regularly.



Prone to roll over

A high center of gravity makes them prone to roll over in an emergency maneuver. The vans are three times as likely to roll over with 10 or more passengers than a lightly loaded van, and six times as likely to roll over with 15 or more.

Buckle up

The most important safety precaution may be the most obvious: Buckle up. An estimated 80 percent of those killed in van crashes were not wearing a seat belt.

Source: National Highway Traffic Safety Administration
The Detroit News

“Because of the number of people involved in every one of these crashes, it should be chastening to the automakers.”

MICHAEL THOMAS
Safetyforum.com, a consumer group

are marketed to groups whose drivers have no special training.

“You would need to have a lot of race-car driving experience to get out of that kind of trouble,” Hogan said.

Hogan and other attorneys have conducted tests to find possible solutions, such as the installation of dual rear wheels offered on some heavy-duty pickup trucks. Automakers have opted against additional engineering fixes to control costs, he said.

“The vehicles themselves are not inherently dangerous. This is a human behavior issue.”

DR. JEFFREY RUNGE
NHTSA administrator

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NHTSA recommends that any group using a 15-passenger van require all occupants wear seat belts and that the vans only be operated by experienced, trained drivers. NHTSA also warns against carrying cargo on the roof, calls for special attention to tire maintenance and urges extra caution on rural roads.

North Carolina church van crash around the same time, also involving a Dodge Ram 3500. The board is expected to recommend new practices for manufacturers, including more testing and computer modeling along the lines of what is done for passenger cars.

Currently, cars meet much higher crash standards than vans. For example, vans can be approved for sale without passing a side-impact crash test.

Osterman said that the NTSB has not come up with evidence of any specific defect in its crash investigations.

The NTSB first looked into the question of van safety in 1999 after a series of four crashes involving 15-passenger vans carrying children. The board concluded that the vans were much more poorly equipped to protect passengers in a crash than alternatives, like a small school bus.

The vans, unlike school buses, were not required to meet strict federal safety standards for body construction. That means vans are more likely to suffer severe body damage, like the intrusion of the frame, that leads to more serious injuries. The weaker body frame is an especially bad problem in side impacts.

School buses have been subjected to strict safety regulations since a series of deadly crashes in the 1970s. Since then, buses have been built with stronger body joints, roofs that hold up in rollovers and high-backed seats spaced to minimize injuries. Vans are exempted from all of these mandates.

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■ On Sept. 12, 14 loggers perished in northern Maine when their 2002 Dodge 15-passenger van slipped off a bridge into a remote river, the single deadliest crash in state history.

■ In July, a Ford Super Club Wagon van carrying six cheerleaders rolled over near Birmingham, Ala. Five passengers were ejected. Two were killed. The others suffered injuries ranging from a dislocated hip to partial paralysis.

■ Five firefighters heading toward a massive wildfire south of Denver were killed in June when their 21-year-old colleague and driver lost control of a 15-passenger van, a Ford E-350, while reaching for a beverage.

■ In the first part of 2000, there were four separate crashes involving athletic teams, killing five and injuring five others.

'Slew of lawsuits'

Trial lawyers and automotive safety advocates are gearing up for a wave of litigation. Almost all of the rollover crashes involve multiple fatalities and injuries, leaving automakers open to potentially costly jury verdicts. Juries that find the automakers negligent in marketing the vans without sufficient warning about the particular risks could award large punitive damages.

"There are already a slew of lawsuits," said Michael Thomas, research director of Safetyforum.com, a consumer group that works with plaintiff attorneys. "Because of the number of people involved in every one of these crashes, it should be chastening to the automakers."

Ben Hogan, an attorney based in Birmingham, Ala., who has handled liability cases against GM and Ford, said 15-passenger vans are especially vulnerable to "oversteer" and "fish-tailing." The problems are much more severe than an average driver can handle, Hogan said, even though the vans

Ford issued an unusual warning to van owners on Sept. 6, recommending that drivers "avoid sharp turns, excessive speeds and abrupt maneuvers." It also called for van drivers to review the safety procedures in their owners manual and that only trained, experienced operators operate the vans.

The automaker controls 47.8 percent of the large van market. It sold 159,600 E-series vans last year, including passenger and cargo versions. Sales are up 5 percent this year.

Ford spokeswoman Carolyn Brown said the notice was posted after media inquiries. "We definitely stand behind the safety of our vans," she said.

Susceptible to rollover

The vans hold a high center of gravity and become more unstable when fully loaded, according to the NHTSA. The vans become even more difficult to steer when they are carrying passengers or cargo.

The vans are more susceptible to rollover as the number of passengers increases. When carrying 10 or more passengers, the vans are nearly three times more likely to roll over than when carrying five or fewer passengers, according to a NHTSA study released in April 2001. When carrying 15 or more passengers, the vans were almost six times as likely to roll over.

NHTSA has taken the unusual step of issuing two separate safety advisories about the vans. It advises van owners to use extreme caution and undertake special training for drivers, who only need a regular driver's license, not a commercial driver's license.

But NHTSA has not launched a defect investigation into the vans. NHTSA Administrator Dr. Jeffrey Runge says it is an issue of driver training, not engineering.

"The vehicles themselves are not inherently dangerous," Runge said in

Insurance coverage dropped

Despite the government's findings, insurance companies that specialize in the largest van markets, like churches and schools, have decided to drop coverage for these vans.

After NHTSA issued its first warning in April 2001, Guide One, the nation's largest church insurance company, undertook a study of claims data. During the two years ending in 2002, it had processed claims for eight deaths and 42 serious injuries involving 15-passenger vans, compared with one death and 12 serious injuries for all other vehicles combined. And the vans represented a small fraction of the total vehicle population Guide One insures, company officials said.

"We were seeing a widespread problem," said Jeff Hanna, executive director for the Guide One Center for Risk Management.

Guide One now wants to exit the business of insuring 15-passenger vans, Hanna said, by educating its customers and hoping they choose alternative modes of transportation.

The company now urges church groups to purchase small school buses instead. It will no longer write new policies that cover 15-passenger vans. Beginning next year, for churches that already own vans, Guide One will require a list of drivers for each van and extra training for the drivers. It is also hiking rates for policies that cover vans by 20 percent to 25 percent.

"I've always known that buses were safer," Hanna said. "I just didn't know how unsafe vans were."

GuideOne is not alone. The Colorado School Districts Self-Insurance Pool, the biggest insurer of public schools in that state, also has stopped issuing new policies that cover 15-passenger vans.

Lower crash standards

The National Transportation Safety Board will issue a report later this month on the propensity for 15-passenger vans to roll over, based on its investigation of the Texas crash and a fatal