

CENTER FOR AUTO SAFETY

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June 29, 2016

The Honorable Mark R. Rosekind, Ph.D.
Administrator, National Highway Traffic Safety Administration (NHTSA)
1200 New Jersey Avenue SE
Washington, DC 29590

Dear Dr. Rosekind:

NHTSA's Fatality Analysis Reporting System (FARS) is supposed to be a census of fatal motor vehicle crashes but it is not. The National Safety Council historically comes up with 2,000 more motor vehicle deaths each year. Much of the difference is due to deaths occurring in non-traffic incidents such as hyperthermia or by definitional restrictions on FARS such as not counting off-roadway crashes or deaths beyond 30 days after the crash. For the past 15 years, we have documented our efforts on the Center's "Missing in FARS" campaign, available at <http://www.autosafety.org/missing-in-fars/>.

Congress considered the issue of missing vehicle deaths so important that it mandated the creation of the Not in Traffic Surveillance (NiTS) system to compile basic data on "non-traffic" crashes in SAFETEA-LU, P.L. 109-59 (August 10, 2005).¹ NiTS began operation in 2007 and contains only basic incident details compared to FARS but does pickup many deaths that FARS misses.

However, NiTS and FARS are still not perfect in picking up traffic deaths. CAS recently learned of a drowning/submersion death from 2007 that does not appear to show up in either FARS or NiTS. According to news reports, on the late night of Monday, June 4, 2007, a 17-year-old teenager, Trey Kidwell, drove his 1990 Toyota Camry off the Fairfield Boat Ramp (Union County, IN) into Brookville Lake and drowned while the other passenger in the vehicle, 16-year-old Robert Sharp, managed to escape and called for help.² Emergency personnel arrived shortly thereafter but the vehicle had submerged and Trey Kidwell died.

This death did not appear in the FARS database (year 2007) when we made a query using state (IN), month (June), age (16-17), and sex (male) or by state(IN), month (June), make (Toyota) and model (Camry) as the criteria. We then turned to the 2007 non-traffic crashes dataset in NiTS (accessed from data.gov) but there was no record of this incident either.

This case should be included in either NiTS or FARS as it contributes to the policy analysis of vehicle submersion fatality on which NHTSA has a spotty record at best. Until August 10, 2011, NHTSA insisted there were only 3 to 5 drowning deaths each year but was then forced to admit that there were

¹ SEC. 10305. Nontraffic Incident Data Collection.

(a) In General. --In conjunction with the study required in section 10304, the National Highway Traffic Safety Administration shall establish a method to collect and maintain data on the number and types of injuries and deaths involving motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds in non-traffic incidents.

(b) Data Collection and Publication. --The Secretary of Transportation shall publish the data collected under subsection (a) no less frequently than biennially.

² <http://www.fairwarning.org/2011/08/activists-crusade-stalls-as-auto-safety-goals-collide/>
http://www.chronicle-tribune.com/archives/wabashplaindealer/teen-drowns-after-driving-into-brookville-lake/article_7d45e789-751e-58fb-886d-449600fec605.html

actually 384 deaths each year on average according to a published study by NHTSA's Rory Austin.³ The Austin study explained:

While NHTSA's FARS database contains a census of all motor vehicle traffic fatalities, it does not contain the information needed to identify fatalities that resulted from drowning. Therefore, not only are the circumstances surrounding these drowning deaths uncertain, the frequency of such deaths is also unknown.

This NHTSA conclusion is most telling because it admits that certain types of deaths cannot be measured by FARS. Another such type of death is seat back collapse where FARS does not contain any information on seat back collapse as CAS pointed out in [its March 9, 2016 submission to NHTSA in support of the Cantor Petition to upgrade FMVSS 207](#).

Most likely, this is a FARS case instead of a NiTS case for two reasons. First, the car was driven on the road that led directly into the lake. Thus, it definitely meets the criteria of a vehicle in transport on a traffic way. Second, the driver was soon drowned as a direct result of this accident, meeting the other criteria that at least one involved person died within 720 hours (30 days) after the crash. In addition, a virtually identical case took place in 2006 which was included in FARS.⁴ Leonard J. Lamphear, 55, drowned after driving his car into the same lake down the same boat ramp on July 6, 2006.⁵ (See attached google map picture of ramp.) But for the fact that the 2007 FARS file has been made final, the Kidwell case should be entered into FARS just as the Lamphear case was.

How can NHTSA explain two virtually identical cases with one going into FARS and one not. Plus the second one doesn't even go into NiTS. CAS requests a response to this letter indicating why the Kidwell death was not documented in either the NiTS or FARS databases and request that the agency find a correction that places the Kidwell fatal crash on record. Time after time and safety hazard after safety hazard, inaccurate NHTSA death and injury databases are failing the American public and leading to inadequate safety measures to prevent needless deaths and injuries on the roads and driveways of America.

Sincerely,



Yuwen Chang
Vehicle Safety Intern



Clarence Ditlow
Executive Director

³ [Austin, R., NHTSA. \(2011\). Drowning Deaths in Motor Vehicle Traffic Accidents](#). In *22nd International Technical Conference on the Enhanced Safety of Vehicles (ESV)* (No. 11-0170).

⁴ Case No. 552 in Indiana, 2006

⁵ <https://www.highbeam.com/doc/1N1-11319D0A6B504990.html>

