

# CENTER FOR AUTO SAFETY

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Frank Borris, Director  
Office of Defects Investigation  
National Highway Traffic Safety Administration (NHTSA)  
1200 New Jersey Avenue SE  
Washington DC 20590

Re: EA 09-016, 2004-05 Ford Freestar, Mercury Monterey Sudden Transmission Failure

Dear Mr. Borris:

NHTSA is currently investigating 2004-05 Ford Freestar, Mercury Monterey for “loss of motive power due to a failure of the transmission.” In its January 17, 2011 response to the agency, Ford claims loss of motive power “does not present an unreasonable risk to safety in these vehicles.” Ford goes on to claim: “A vehicle that loses motive power due to torque converter failure remains readily controllable and can be safely maneuvered and stopped. . . . In fact less than 2% of customer complaints express any safety related concern with their vehicles after experiencing a loss of motive power due to torque converter malfunction.”

Ford should be ashamed of itself for making such spurious arguments. In 1978, Ford challenged a NHTSA defect determination and lost on the very issue Ford says is not safety related. *US v Ford Motor Co.*, 453 FSupp 1240 (DDC 1978). Although that case involved windshield wiper failure, the court found:

“[W]hen forward visibility is impaired, as a result of windshield wiper failure, drivers have reduced their speed below the prevailing speed of other drivers on the road or have brought their vehicles to a stop in or along side lanes intended for moving traffic.” (Id. at 1249.)

“Even if drivers pull to the side of the road and bring their vehicles to a stop on the shoulder they are still expose to the risk of being struck from behind by a moving vehicle.” (Id. at 1250.)

The court held this “pose an unreasonable risk within the meaning of the Safety Act” and upheld a recall. (Id.)

There is no simply no difference between a vehicle slowing down in traffic, stopping in traffic or pulling off to the side of the road due to a windshield wiper failure or a transmission failure. The failure constitutes a safety defect and there should be a recall.

Ford’s further argument that less than 2% of consumers have safety concerns when their transmission fails is confronted by the below 94 complaints to the Center for Auto Safety (CAS) on transmission failure in 2004-05 Ford Freestar, and Mercury Monterey vans. Fully 42 of the 94 consumers expressly complain about the safety and hazards they encountered when their transmissions failed. While many of the others don’t say they were scared to death, it is clear that if asked they would say the failure on the road was hazardous.

CAS asks this letter and the 92 complaints attached hereto be placed in the docket of EA09-016 and that Ford be ordered to recall all 2004-05 Ford Freestar, and Mercury Monterey vans for defective transmissions. The attachment contains a live link for each complaint so that the agency can view them on website.

Sincerely,

Clarence M Ditlow  
Executive Director

<b>Details</b>	<b>Make</b>	<b>Model</b>	<b>Year</b>	<b>Date Received</b>	<b>Submitted By</b>	<b>State</b>	<b>Zip</b>
<a href="#">View</a>	Ford	Freestar	2004	29 Sep 2011	Bob Bedford	OH	45011
<a href="#">View</a>	Ford	Freestar	2004	28 Sep 2011	Kasey Woodson	NE	68113
<a href="#">View</a>	Ford	Freestar	2004	28 Sep 2011	Ricardo Garcia	TX	77578
<a href="#">View</a>	Ford	Freestar	2005	28 Sep 2011	Eric Hernandez	CA	92504
<a href="#">View</a>	Ford	Freestar	2005	28 Sep 2011	Michael Valenzuela	CA	92243
<a href="#">View</a>	Ford	Freestar	2005	28 Sep 2011	Priscilla Tutton	FL	34788
<a href="#">View</a>	Ford	Freestar	2004	28 Sep 2011	Kenneth Clevenger	FL	33610
<a href="#">View</a>	Ford	Freestar	2005	12 Sep 2011	John & Kathren Simien	TX	75007
<a href="#">View</a>	Ford	Freestar	2004	09 Sep 2011	David Snider	MD	21911
<a href="#">View</a>	Ford	Freestar	2004	07 Sep 2011	judy reissmann	WI	54401
<a href="#">View</a>	Ford	Freestar	2005	02 Sep 2011	Lusa Andrade	ON	L6T 1Y7
<a href="#">View</a>	Ford	Freestar	2004	29 Aug 2011	Dwayne Macek	WV	26062
<a href="#">View</a>	Ford	Freestar	2005	22 Aug 2011	Christy Collins	TX	75234
<a href="#">View</a>	Ford	Freestar	2005	18 Aug 2011	Jennifer Doherty	KS	66701
<a href="#">View</a>	Ford	Freestar	2005	09 Aug 2011	Carroll Sublette	VA	23002
<a href="#">View</a>	Ford	Freestar	2005	31 Jul 2011	Shay and Bryan Prince	WI	54465
<a href="#">View</a>	Ford	Freestar	2004	23 Jul 2011	Jeannette Allen	MI	48021

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<a href="#">View</a>	Ford	Freestar	2004	23 Jul 2011	sharon lawson	KY	42528
<a href="#">View</a>	Ford	Freestar	2005	14 Jul 2011	Christina Crawford	DE	19713
<a href="#">View</a>	Ford	Freestar	2005	06 Jul 2011	Edwin Whitmire	GA	30106
<a href="#">View</a>	Ford	Freestar	2005	23 Jun 2011	Richard Barriger	NY	13787
<a href="#">View</a>	Ford	Freestar	2004	19 Jun 2011	Denise Temple	MI	48025
<a href="#">View</a>	Ford	Freestar	2005	02 Jun 2011	John and Christie Barker	FL	32207
<a href="#">View</a>	Ford	Freestar	2004	23 May 2011	Jose Lugo	VA	23464
<a href="#">View</a>	Ford	Freestar	2004	18 Apr 2011	Barbara Porter	WA	98539
<a href="#">View</a>	Ford	Freestar	2005	31 Mar 2011	Brian Morgan	NY	12187
<a href="#">View</a>	Ford	Freestar	2004	31 Mar 2011	Patricia Condon	MA	01821
<a href="#">View</a>	Ford	Freestar	2004	30 Mar 2011	Barbara SANDERS	NY	10312
<a href="#">View</a>	Ford	Freestar	2005	28 Mar 2011	Trina Roy	MA	01201
<a href="#">View</a>	Ford	Freestar	2005	31 Jan 2011	Tracy Liberty	MN	49829
<a href="#">View</a>	Ford	Freestar	2004	19 Jan 2011	Daniel McHattie	PA	15061
<a href="#">View</a>	Ford	Freestar	2005	12 Nov 2010	Michael Stanton	MI	49120
<a href="#">View</a>	Ford	Freestar	2004	05 Oct 2010	Brad Kania	OH	43611
<a href="#">View</a>	Ford	Freestar	2004	08 Sep 2010	Wayne Niehaus	IL	61062

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<a href="#">View</a>	Ford	Freestar	2004	07 Sep 2010	Jason Faulkner	OH	44094
<a href="#">View</a>	Ford	Freestar	2004	12 Aug 2010	Linda Desler	VA	23323
<a href="#">View</a>	Ford	Freestar	2005	05 Aug 2010	Martha McBurney	IL	60914
<a href="#">View</a>	Ford	Freestar	2004	04 Aug 2010	Gary Galletta	OH	45069
<a href="#">View</a>	Ford	Freestar	2004	31 Jul 2010	Carrie Fink	TX	76262
<a href="#">View</a>	Ford	Freestar	2005	21 Jul 2010	Louis Kuhlmann	MI	48738
<a href="#">View</a>	Ford	Freestar	2004	17 Jul 2010	Michael Lewis	IA	50029
<a href="#">View</a>	Ford	Freestar	2005	11 Jul 2010	Mark Danico	ME	04088
<a href="#">View</a>	Ford	Freestar	2004	29 Jun 2010	FRANK SHUGARTS	OH	44403
<a href="#">View</a>	Ford	Freestar	2004	10 Jun 2010	Heath Allison	MO	63028
<a href="#">View</a>	Ford	Freestar	2004	09 Jun 2010	Stephen Wiersema	MI	49412
<a href="#">View</a>	Ford	Freestar	2005	27 May 2010	Julie Brezina	AZ	85142
<a href="#">View</a>	Ford	Freestar	2005	18 May 2010	Jamison Turner	WI	53932
<a href="#">View</a>	Ford	Freestar	2004	07 Apr 2010	GREG DOLL	MD	20814
<a href="#">View</a>	Ford	Freestar	2005	06 Apr 2010	Kimberly Borries	MD	21014
<a href="#">View</a>	Ford	Freestar	2005	01 Apr 2010	Ignacio Valerio	NY	10308
<a href="#">View</a>	Ford	Freestar	2005	08 Mar 2010	Brook Fadley	OH	44041

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<a href="#">View</a>	Ford	Freestar	2005	08 Mar 2010	Lisa Callery	MA	01851
<a href="#">View</a>	Ford	Freestar	2004	03 Mar 2010	Charles Deal	MA	02155
<a href="#">View</a>	Ford	Freestar	2005	26 Feb 2010	Elier Aguilera	WI	53188
<a href="#">View</a>	Ford	Freestar	2005	17 Feb 2010	Judy Caffrey	NY	12401
<a href="#">View</a>	Ford	Freestar	2005	12 Feb 2010	Pauline Holden	SC	29607
<a href="#">View</a>	Ford	Freestar	2005	30 Jan 2010	Craig Newberg	FL	33328
<a href="#">View</a>	Ford	Freestar	2004	16 Jan 2010	annette connolly	FL	33991
<a href="#">View</a>	Ford	Freestar	2004	14 Dec 2009	Rex Lindsay	IN	46231
<a href="#">View</a>	Ford	Freestar	2005	13 Dec 2009	Kebede Admasu	WA	98198
<a href="#">View</a>	Ford	Freestar	2005	09 Dec 2009	Michael Barnett	CT	06897
<a href="#">View</a>	Ford	Freestar	2005	08 Dec 2009	Daniel Grisham	IN	46126-9474
<a href="#">View</a>	Ford	Freestar	2005	06 Dec 2009	Edmund McDougall	AB	T0C 0L0
<a href="#">View</a>	Ford	Freestar	2004	05 Dec 2009	Charles Delp	PA	16242
<a href="#">View</a>	Ford	Freestar	2005	11 Nov 2009	Ted Bennett	FL	32327
<a href="#">View</a>	Ford	Freestar	2004	01 Sep 2009	Nadine Burroughs	DE	19709
<a href="#">View</a>	Ford	Freestar	2005	29 Jul 2009	Jason Stewart	PA	18018
<a href="#">View</a>	Ford	Freestar	2004	21 Jul 2009	Anabel or Martin Rivas	Texas	78734

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<a href="#">View</a>	Ford	Freestar	2004	21 Jul 2009	Lisa Hatchel	NC	28104
<a href="#">View</a>	Ford	Freestar	2005	21 Jul 2009	Sandra Caron	GA	31558
<a href="#">View</a>	Ford	Freestar	2005	19 May 2009	Bryon Wiley	MI	49285
<a href="#">View</a>	Ford	Freestar	2004	28 Mar 2009	douglas robertson	MI	48418
<a href="#">View</a>	Ford	Freestar	2005	13 Jan 2009	Marilyn Munoz	CA	95630
<a href="#">View</a>	Ford	Freestar	2005	16 Jun 2008	Dana Shepard	IL	60901
<a href="#">View</a>	Ford	Freestar	2004	03 Jun 2008	Courtney Rodriguez	PA	19426
<a href="#">View</a>	Ford	Freestar	2005	28 May 2008	Meagan Tant	GA	30680
<a href="#">View</a>	Ford	Freestar	2005	03 Apr 2008	ADRINA BUSSEY	AK	99505
<a href="#">View</a>	Ford	Freestar	2005	04 Mar 2008	Anne Mertensotto	MN	55330
<a href="#">View</a>	Ford	Freestar	2004	08 Feb 2008	Mary Quinn	IN	47906
<a href="#">View</a>	Ford	Freestar	2004	19 Nov 2007	Jim genovese	MD	21409
<a href="#">View</a>	Ford	Freestar	2004	19 Sep 2005	Madeline Torres	NJ	07109
<a href="#">View</a>	Ford	Freestar	2004	28 Jul 2004	Diana Thomas	AZ	85204
<a href="#">View</a>	Mercury	Monterey	2004	22 Aug 2011	Theresa gardner	KS	66061
<a href="#">View</a>	Mercury	Monterey	2005	26 Jul 2011	Kim Krug	IL	60140
<a href="#">View</a>	Mercury	Monterey	2004	15 Nov 2010	mary smreker	MO	63056

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<a href="#">View</a>	Mercury	Monterey	2005	11 Sep 2010	Glenn LaPrade	NC	27021
<a href="#">View</a>	Mercury	Monterey	2005	28 Aug 2010	Wanda Biggs	IN	47711
<a href="#">View</a>	Mercury	Monterey	2004	16 May 2010	Betty Miles	KY	40047
<a href="#">View</a>	Mercury	Monterey	2004	10 May 2010	Lori Horton	OH	44212
<a href="#">View</a>	Mercury	Monterey	2004	11 Apr 2010	Tom McAloon	PA	18902
<a href="#">View</a>	Mercury	Monterey	2004	15 Dec 2009	Catherina Gunnells	MI	48192
<a href="#">View</a>	Mercury	Monterey	2005	09 Dec 2009	Mark Young	SC	29835
<a href="#">View</a>	Mercury	Monterey	2004	23 Nov 2009	Casey Zdenek	FL	34953
<a href="#">View</a>	Mercury	Monterey	2004	07 Jan 2008	Kelly Lilly	VA	20165