

December 10, 2010

The Honorable David L. Strickland  
Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

PETITION

Dear Mr. Strickland,

On September 1, 1999, Jose Sierra, a gardener in Long Island, died by fire in Southampton, NY, after his vehicle collided with a 1996 Jeep Grand Cherokee.

On December 12, 2003, Bennett Hartsel, a Senior honors student at SMU, died by fire in John's Island, SC, when the 2002 Jeep Grand Cherokee in which he was a passenger rolled over and was consumed by fire.

On February 12, 2006, Cassidy Jarmon, a 4-year old girl, died by fire in Cleburne, TX, after the 1993 Jeep Grand Cherokee in which he was a passenger was struck from behind and caught fire.

On July 10, 2009, Rodney Wood, driving in Fort Worth, TX traffic, died by fire when his 2004 Jeep Grand Cherokee was struck from behind and caught fire.

What do these cases have in common? None of them are counted as fire deaths by NHTSA. These four cases are but a few examples of a large group of crashes which NHTSA has excluded from consideration in its investigation of Jeep Grand Cherokee fires.

The Center for Auto Safety (CAS) petitioned NHTSA in October of 2009 to open a defect investigation regarding 1993-2004 Jeep Grand Cherokee fuel-fed fires. In August of this year, NHTSA granted the petition (DP09-005) and opened a preliminary evaluation (PE10-031) to investigate fire incidents in these vehicles.

In the petition, CAS cites multiple failure modes that could produce a fuel leak and fire, including rollovers. NHTSA's opening analysis limits the potential failure mode to rear impact, limits the fatality count to Jeep occupants, and excludes rollover crashes in which the hazardous location of the filler hose and fuel tank are particularly vulnerable. In

doing so, NHTSA fails to produce an accurate accounting of the deadly scope of the Grand Cherokee's fuel system problem.

The attached opening resume for PE10-031 details NHTSA's failure report summary, in which NHTSA has "isolated 10 crashes with 13 occupant fatalities" based on Fatality Analysis Reporting System (FARS) data. In order to isolate these crashes, NHTSA limited their search to subject vehicles struck in the rear (5, 6, or 7 clock-point) positions with a Most Harmful Event (MHE) of fire/explosion. NHTSA did not include fatalities where burning fuel from the Jeep enveloped occupants of striking vehicles, nor did it include rollover crashes with MHE of fire.

Our attached analysis of FARS cases in which the subject vehicle was struck in the 5-6-7 clock-point positions isolates 15 crashes with 21 occupant fatalities. Three of these crashes were not listed as MHE of fire/explosion in FARS, but autopsy reports confirm thermal injury and carbon monoxide toxicity as the cause of death in each. NHTSA's analysis does not account for these three crashes, and for unknown reasons omits two other FARS crashes which meet NHTSA criteria of death by fire in Jeep Grand Cherokees.

The attached CAS analysis of FARS cases in which fatalities occurred in the non-Jeep vehicle isolates 8 crashes with 14 fatalities. NHTSA's omission of these deaths is particularly egregious because the Grand Cherokee's fuel tank is located behind the rear axle in the crush zone of a rear impact. The Jeep fuel tank location is much more likely to result in the fire death of the occupants of a striking vehicle than the Chevrolet Blazer, Ford Explorer, or Toyota 4Runner which do not have fuel tanks behind the rear axle that NHTSA has selected as peer vehicles.

Additionally, NHTSA did not account for the possibility of fuel filler neck or other fuel system damage in Jeep Cherokee rollover incidents where fire/explosion was MHE. The attached CAS analysis of FARS data shows 15 crashes with 23 occupant fatalities in such cases. CAS cited the potential for rollover as a cause of Grand Cherokee fuel system failure in our original petition, yet NHTSA's analysis omits rollover crashes.

The combined analysis of rear impact, rollover, and non-Jeep cases isolates 35 unique crashes with 53 fatalities, more than triple the number that NHTSA indicates in its opening resume. In order to accurately gauge the threat of the Grand Cherokee's fuel system, CAS petitions NHTSA to take into account (1) death by fire in striking vehicles and (2) death by fire in rollovers rather than limiting the scope of its investigation to rear impacts. CAS also petitions NHTSA to consider death by fire where records show the death was by fire but FARS simply failed to identify the death as a MHE fire and/or the crash as being a fire crash.

Sincerely,

Michael Brooks  
Staff Attorney

Attachments: 7

Jose Sierra

FARS # 360720



Bennet Hartsel, Brett Jones

FARS# 450884



Cassidy Jarmon

FARS# 480273



Rodney Wood

FARS # 481432



**MY 1993-2004 Jeep Grand Cherokee Fatal Fire Crashes with Most Harmful Event as Fire/Explosion and 5-6-7 Initial or Principal Impact, 1992-2009**

This table includes known fire crashes where fire/explosion is listed as Most Harmful Event, and the Initial or Principal Impact clockpoint is 5, 6, or 7, obtained from NHTSA's Fatal Analysis Crash System (FARS) for Calendar Years 1992-2009 and from public records for other years and for crashes not listed in FARS.

<b>Crash Date by State</b>	<b>Name</b>	<b>City/County</b>	<b>Deaths</b>	<b>Make/Model/Year</b>	<b>FARS #</b>	<b>Principal Impact</b>	<b>Initial Impact</b>
<b>California</b>							
10/27/99 <sup>F</sup>	Young Sup Lee	Los Angeles	1	1998 Grand Cherokee	62795	6	12
07/20/01 <sup>F</sup>	FARS	San Bernardino Co.	1	1994 Grand Cherokee	61708	6	6
08/30/02 <sup>F</sup>	FARS	Bakersfield	1	1993 Grand Cherokee	62653	6	12
<b>Florida</b>							
09/05/07 <sup>F</sup>	FARS	N/A	2	1998 Grand Cherokee	122577	6	12
<b>Illinois</b>							
10/16/07 <sup>F</sup>	FARS	La Salle Co.	2	1993 Grand Cherokee	170830	6	12
<b>Louisiana</b>							
07/20/03 <sup>F†(3)</sup>	FARS	St. Martin Co.	5	2000 Grand Cherokee	220401	6	12
<b>New Jersey</b>							
02/24/07 <sup>F</sup>	Susan Kline	Parsippany	1	1996 Grand Cherokee	340080	12	6
<b>New York</b>							
09/01/99 <sup>*F-A†(1)</sup>	Jose Sierra	Southampton	1	1997 Grand Cherokee	360720	6	6
08/15/07 <sup>F</sup>	FARS	Duanesburg	1	1993 Grand Cherokee	360655	6	6
06/19/08 <sup>F</sup>	FARS	Churubusco	1	2004 Grand Cherokee	360417	6	6
<b>Texas</b>							
01/16/98 <sup>F</sup>	FARS	Brazoria Co.	1	1994 Grand Cherokee	480087	5	5
02/12/06 <sup>*F-A</sup>	Cassidy Jarmon	Cleburne	1	1993 Grand Cherokee	480273	6	6
7/10/09 <sup>*F-A</sup>	Rodney Wood	Fort Worth	1	2004 Grand Cherokee	481432	6	6
<b>West Virginia</b>							
09/30/06 <sup>F</sup>	FARS	Charleston	1	1998 Grand Cherokee	540269	6	6
<b>Wisconsin</b>							
07/03/07 <sup>F</sup>	Stacy Mayer	Nashotah	1	2001 Grand Cherokee	550300	6	6



Crash Date by State	Name	City/County	Deaths	Make/Model/Year	FARS #	Principal Impact	Initial Impact
			21				

<sup>F</sup> Indicated in FARS as most harmful: "fire/explosion."

\* Indicated in FARS as most harmful: "motor vehicle in transport" or "motor vehicle in transport in other roadway."

\*\* Item in parentheses is most harmful event as indicated in FARS.

<sup>F-A</sup> Fire listed as cause of death in autopsy report or death certificate.

<sup>F-L</sup> Fire indicated as cause of death in litigation.

<sup>F-R</sup> Fire indicated as cause of death in accident report.

† Fatality(s) (#) occurred in bullet vehicle.

NC: Non-Collision

**MY 1993-2004 Jeep Grand Cherokee Fatal Fire Crashes with Most Harmful Event as Fire/Explosion, and Fatalities in Non-  
Jeep Vehicle 1992-2009**

This table includes known fire crashes where fire/explosion is listed as Most Harmful Event, obtained from NHTSA's Fatal Analysis Crash System (FARS) for Calendar Years 1992-2009 and from public records for other years and for crashes not listed in FARS.

<b>Crash Date by State</b>	<b>Name</b>	<b>City/County</b>	<b>Road</b>	<b>Deaths</b>	<b>Make/Model/Year</b>	<b>FARS #</b>
<b>California</b>						
03/16/96 <sup>F†</sup> (5)	FARS	Carson	91	5	1996 Grand Cherokee	60718
07/07/96 <sup>F†</sup> (1)	FARS	Poway	Espola Rd.	1	1993 Grand Cherokee	61698
05/24/06 <sup>F†</sup> (1)	FARS	Orange Co.	SR-241	2	2001 Grand Cherokee	61349
<b>Louisiana</b>						
07/20/03 <sup>F†</sup> (3)	FARS	St. Martin Co.	I-10	5	2000 Grand Cherokee	220401
<b>Michigan</b>						
04/30/05 <sup>F†</sup> (1)	FARS	Oakland Co.	I-75	3	2004 Grand Cherokee	260239
<b>Nebraska</b>						
12/19/06 <sup>F†</sup> (1)	FARS	Pierce Co.	553 Ave. 849 Rd.	1	2000 Grand Cherokee	310215
<b>New York</b>						
09/01/99 <sup>*F-A†</sup> (1)	Jose Sierra	Southampton	SR-27	1	1997 Grand Cherokee	360720
<b>Oklahoma</b>						
05/26/01 <sup>F†</sup> (1)	FARS	Oklahoma City	S. Choctaw Rd.	2	1993 Grand Cherokee	400185
				<b>20</b>		

<sup>F</sup> Indicated in FARS as most harmful: "fire/explosion."

\* Indicated in FARS as most harmful: "motor vehicle in transport" or "motor vehicle in transport in other roadway."

\*\* Item in parentheses is most harmful event as indicated in FARS.

<sup>F-A</sup> Fire listed as cause of death in autopsy report or death certificate.

<sup>F-L</sup> Fire indicated as cause of death in litigation.

<sup>F-R</sup> Fire indicated as cause of death in accident report.

† Fatality(s) (#) occurred in bullet vehicle.

### MY 1993-2004 Jeep Grand Cherokee Fatal Fire Crashes with Most Harmful Event as Fire/Explosion and Rollover 1992-2009

This table includes known fire crashes where fire/explosion is listed as Most Harmful Event and a Rollover occurred, obtained from NHTSA's Fatal Analysis Crash System (FARS) for Calendar Years 1992-2009 and from public records for other years and for crashes not listed in FARS.

Crash Date by State	Name	City/County	Deaths	Make/Model/Year	FARS #	Rollover
<b>Alabama</b>						
04/12/06 <sup>F</sup>	FARS	Montgomery	1	2004 Grand Cherokee	10243	Subsequent Event
04/25/07 <sup>F</sup>	FARS	Macon Co.	1	1993 Grand Cherokee	10270	First Event
<b>Arizona</b>						
02/01/98 <sup>F</sup>	FARS	Gila Co.	1	1993 Grand Cherokee	40059	First Event
03/13/01 <sup>F</sup>	FARS	Mohave Co.	2	1994 Grand Cherokee	40104	Subsequent Event
<b>California</b>						
05/07/00 <sup>F</sup>	FARS	Orange Co.	1	1993 Grand Cherokee	60499	First Event
08/18/05 <sup>F</sup>	James Lindskog	Oceanside	1	1994 Grand Cherokee	63236	First Event
<b>Colorado</b>						
01/10/05 <sup>F</sup>	FARS	Mesa Co.	1	2004 Grand Cherokee	80025	Subsequent Event
<b>Illinois</b>						
09/04/00 <sup>F</sup>	Nguyen, Bui, Vo, Prith	Chicago	6	1993 Grand Cherokee	170827	Subsequent Event
<b>South Carolina</b>						
08/06/99 <sup>F</sup>	FARS	Marlboro Co.	2	1993 Grand Cherokee	450527	First Event
05/21/00 <sup>F</sup>	FARS	Hampton	1	1994 Grand Cherokee	450396	Subsequent Event
12/17/03** <sup>F-A</sup>	Bennett Hartsel, Brett Jones (overturn)	Johns Island	2	2002 Grand Cherokee	450884	Subsequent Event
<b>Tennessee</b>						
08/31/01 <sup>F</sup>	FARS	Jackson	1	1999 Grand Cherokee	470731	Subsequent Event
08/31/02 <sup>F</sup>	FARS	Lawrence Co.	1	1994 Grand Cherokee	470669	First Event
<b>Wisconsin</b>						
05/18/03 <sup>F</sup>	FARS	Grant Co.	1	1996 Grand Cherokee	550248	Subsequent Event
07/03/07 <sup>F</sup>	Stacy Mayer	Nashotah	1	2001 Grand Cherokee	550300	Subsequent Event
			<b>23</b>			

**<sup>F</sup> Indicated in FARS as most harmful: "fire/explosion."**

**\* Indicated in FARS as most harmful: "motor vehicle in transport" or "motor vehicle in transport in other roadway."**

**\*\* Item in parentheses is most harmful event as indicated in FARS.**

**<sup>F-A</sup> Fire listed as cause of death in autopsy report or death certificate.**

**<sup>F-L</sup> Fire indicated as cause of death in litigation.**

**<sup>F-R</sup> Fire indicated as cause of death in accident report.**

**† Fatality(s) (#) occurred in bullet vehicle.**