



Congress of the United States
House of Representatives
Washington, DC 20515

April 14, 2020

James C. Owens
Acting Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Owens,

We write to convey our deep concern about the National Highway Traffic Safety Administration's (NHTSA's) refusal to adopt critical limousine safety recommendations produced by the National Transportation Safety Board (NTSB) in the wake of the Schoharie limousine crash.

On October 6, 2018, 17 friends left Amsterdam, New York, in a 2001 Ford Excursion XLT stretch limousine en route to a 30th birthday celebration. Tragically, they never reached their destination.¹ As the 13,000-pound vehicle approached the T-intersection of New York State Route 30 and New York State Route 30A, the vehicle careened past a stop sign and through the intersection at a high rate of speed. The limousine then entered a restaurant parking lot, striking an unoccupied sport utility vehicle before colliding with an earthen embankment and coming to rest in a ravine. The crash killed all 18 limousine occupants and 2 pedestrians.²

In September 2019, after an initial investigation of the Schoharie crash, the NTSB released a series of preliminary safety findings identifying significant safety issues related to occupant protection in limousines. The NTSB found that the limousine manufacturer cut the factory frame of a Ford Excursion and welded an additional 144 inches of frame to "stretch" the vehicle. The alterations increased the weight of the vehicle, moving the limousine into the classification of midsize buses, which are vehicles with a gross vehicle weight rating (GVWR) of 10,001 to 26,000 pounds. As a 'midsize bus,' the limousine was not required to meet seat belt system design and performance requirements that apply to passenger cars and larger motor coaches. Instead, the manufacturer installed seat belt systems without appropriate spacing to adequately protect passengers. Further, the seat belt system may not have had sufficient strength

¹ *20 Killed in Limo Crash in New York; Deadliest U.S. Accident in 9 Years*, New York Times (Oct. 7, 2018).

² National Transportation Safety Board, *Safety Recommendation Report: Providing Occupant Protection for Limousine Passengers* (Sept. 13, 2019) (NTSB/HSR-19/02).

to withstand crash loads. The NTSB recommends that NHTSA require seat belts for each passenger seating position on new limousines.³

The NTSB also found that the side-facing seats installed in the limousine's passenger compartment failed during the crash. When altering the Excursion, the limousine manufacturer added two rows of side-facing seats, which were not required by law to meet safety standards. Without minimum safety standards in place, the anchorage failed as the side-facing seats detached from the floor during the collision. Importantly, five forward-facing seats in the passenger compartment, which were required to meet minimum safety standards, remained structurally intact and attached to the floor. The NTSB recommends that NHTSA apply minimum safety standards to side-facing seats in new limousines.⁴

In March, NHTSA transmitted a letter to NTSB declining to act on these safety recommendations.⁵ Despite catastrophic seat failures in the Schoharie limousine, NHTSA claims that there is insufficient evidence to establish an unmet safety need relating to seat strength of side-facing seats in limousines. NHTSA also states that seat belt standards "may not be cost effective" and suggests that there is not enough evidence to demonstrate that seat belts in limousines would improve survivability.

NHTSA's mission is to save lives and prevent injuries.⁶ But rather than proactively seeking to investigate and address clear limousine safety hazards endangering the public, NHTSA continues to justify inaction. Sadly, this is not the first deadly limo accident. Devastating limousine crashes have occurred in Long Island, New York; Elgin, Illinois; Cranbury, New Jersey; and San Francisco, California.⁷ NTSB has investigated and issued recommendations in several of these cases, demonstrating a clear safety gap that NHTSA refuses to close. Rather than look for reasons not to take decisive action, the agency should work with its partners to find reasonable actions that will save lives.

We request that you respond to the following questions by April 30:

³ *Id.*

⁴ *Id.*

⁵ Letter from James C. Owens, Acting Administrator, National Highway Traffic Administration, to Robert L. Sumwalt, III, Chairman, National Transportation Safety Board (Mar. 10, 2020).

⁶ National Highway Traffic Safety Administration, *NHTSA's Core Values* (www.nhtsa.gov/about-nhtsa/nhtsas-core-values) (accessed Apr. 10, 2020).

⁷ See note 2; *4 Bridesmaids Killed in Limo Crash*, Fox 5 New York (July 18, 2015); *Bride, Friends who Dies in California Limo Fire Sought Desperate Escape*, Reuters (May 6, 2013).

1. From 1975 through 2017, NHTSA estimates that seat belts saved 374,196 lives.⁸ While this life-saving feature is required for passenger cars and buses with a gross vehicle weight rating (GVWR) below 10,001 pounds or above 26,000 pounds, limousines with a GVWR between 10,001 and 26,000 pounds are not required to have seat belts.⁹ Has NHTSA made a determination that seat belts will not have a life-saving effect for limousines with a GVWR between 10,001 and 26,000 pounds? If yes, please provide the evidence supporting that determination.
2. NHTSA's letter (citation) states that the agency evaluated whether to establish seat belt requirements for vehicles with a GVWR between 10,001 and 26,000 pounds in 2013 based on crash data from incidents between 2000 through 2009.¹⁰ Has NHTSA conducted a more recent evaluation of crash data to support its determination to not establish seat belt standards for limousines? If yes, please detail that evaluation.
3. Seat belts cannot save lives if they are not appropriately anchored to the vehicle. Without safety standards in place, the NTSB has found evidence that the limousine manufacturers that are installing seat belts may use anchorages that endanger vehicle occupants. For example, the NTSB's investigation of the Elgin, Illinois limousine crash revealed that the passenger lap belts were attached by wood screws to a bench seat frame made of plywood.¹¹ Has NHTSA evaluated whether seat belt anchorages in limousines, such as lap belts held together by wood screws to plywood seat frames, present unreasonable safety risks? If yes, please detail that evaluation.
4. The NTSB's investigation revealed that the forward-facing seats in the passenger compartment, which are required to meet minimum safety standards, remained structurally intact and attached to the floor while the side-facing seats, which are not required to meet minimum safety standards, detached during the crash.¹² Do side-facing seats in limousines that lose structural integrity and detach during crashes present an unreasonable safety risk? If yes, please explain how NHTSA will address this unreasonable safety risk.
5. NHTSA's letter states that there was a lack of information associated with injury causation and vehicle maintenance in NTSB's preliminary report to conclude that safety standards for seats are necessary.¹³ In coming to that conclusion, did NHTSA ask the NTSB for supplementary information after the report's release? If yes, please describe

⁸ National Highway Traffic Safety Administration, *Seat Belts* (www.nhtsa.gov/risky-driving/seat-belts) (accessed Apr. 10, 2020).

⁹ 49 C.F.R. § 571.208

¹⁰ See note 5.

¹¹ See note 2.

¹² See note 2.

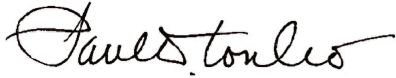
¹³ See note 5.

what information was requested and whether it was provided. Why did NHTSA not accept the NTSB's invitation to be party to the investigation?

6. Please detail what actions NHTSA is taking to ensure limousines are safe.

Thank you for your attention to this important matter. If you have any questions about our inquiry, please contact Emily Silverberg in Congressman Tonko's office at 202-225-5076.

Sincerely,



Paul D. Tonko



Antonio Delgado



Elise Stefanik