

November 22, 2002

Mr. Dennis E. Ross - Via Fax: 313-248-7450
Office of General Counsel
Ford Motor Company
The American Road
Dearborn, MI 48126

Dear Mr. Ross:

As a result of the tragic death by fire of Dallas Police Officer Patrick Metzler, the City of Dallas has become acutely aware of the issues involving rear impact fire occurrences in Crown Victoria Police Interceptors. The City wants to provide its officers with reasonably safe patrol vehicles, and is now undertaking an investigation to determine whether the Ford Crown Victoria Police Interceptor, even after the installation of the new shields installed by Ford following Officer Metzler's death, is such a vehicle. The specific purpose of this investigation is twofold:

- 1) To investigate the need for possible litigation against Ford to seek further improvement in the fuel system of the vehicles, and
- 2) To provide information to assist City management in determining whether to purchase Ford CVPIs in the future.

We have requested that the most recent "upgrade" involving new shields to protect the fuel system be installed on our police vehicles, and that installation is presently underway. Yet, information in our possession leads us to question whether or not the "upgrade" is adequate to protect our officers.

Our investigation indicates that one of the punctures in the Metzler fuel tank was made by contact between the tank and the side rails of the frame which we deformed inward by the collision. This seems to be a failure mode similar to that reported in your Crash Test 9706 for which frame shields were installed for the 1996-97 model years. Unfortunately, no such frame shields are included in our 1998-present vehicles, or in the recent "upgrade." We request that you take action immediately to provide frame shields and install them on our vehicles to protect against this puncture source.

In addition, our investigation to date and review of Ford public statements has raised numerous other questions. We want to advise you of our present concerns and to request your cooperation in providing us with information to complete our decision-making process. Specifically, we request that Ford agree to voluntarily provide formal sworn information pursuant to the pre-suit investigation procedures of Texas Rule of Civil Procedure 202.

Our most immediate concerns fall into the following categories:

I. August, 2002 Exponent Testing: Ford points toward this testing to support the adequacy of its recent upgrade, yet our review of the test report and other Ford comments provide information that the vehicle failed the test by leaking fuel in excess of the FMVSS 301 leakage amounts both during the impact phase and rollover phases of the test. Further, the test report shows that the test vehicle was "ballasted" with 200 lbs. of sandbags in the deep well of the trunk; we are concerned with the propriety of this test protocol. We request that Ford:

- A. Produce all crash test vehicles and related equipment and documentation for our inspection
- B. Produce for deposition the Ford or Exponent engineers responsible for the tests to answer specific questions about the conduct of the test, the results of the test and the conclusions which can be drawn from the tests. This would include specific information as to the amount and source of the leakage which, to the best of our knowledge, has not been released to the public.

II. Development and adequacy of new shields: We request that Ford produce the engineers responsible for the development of the new shields to give deposition testimony on the development and testing of the shields, and on the adequacy of the shields to prevent future fire deaths in Ford Crown Victoria Police Interceptors.

III. Removal of frame shields: We request that Ford produce the design-responsible engineer to testify about Ford's knowledge of tank failures due to bending of frame rails, the use and non-use of the shields for various model years, and whether such shields are needed to provide reasonable safety for the vehicles. In this connection, we request that Ford produce all documentation

related to this failure mode and the use and non-use of the associated shields.

IV. Bladder tanks: Some cities have begun installing bladder tanks on CVPIs. Yet, we understand that Ford has criticisms of the immediately available bladder technology.

We request that Ford produce for deposition an engineer with detailed knowledge of bladder technology, including:

- A. Its present usage in both civilian and military vehicles, including auto racing and aircraft;
- B. Its availability for either retrofit or use in future production;
- C. The benefits and drawbacks of bladder tanks

In this connection we request that Ford produce documentation of its criticisms of the technology.

V. FIRE Panels: Ford's public statement indicates that it is investigating FIRE Panels and other fire suppression technology. We request that Ford produce an engineer with responsibility for such investigation to testify as to the nature and results of the such investigation.

VI. Trunk Pac: This is apparently intended to provide a remedy for the fuel tank being punctured by objects being carried in the deep well trunk. We request that Ford produce a design responsible engineer to testify specifically on the design of the trunk pack, its intended use and expected effectiveness, and that Ford produce all materials related to the development of the trunk pac. In addition, we request that Ford produce a witness to explain its rationale for charging cities for the cost of the trunk pac when it seems to be necessary to render the vehicle reasonably safe.

I request that your office contact me not later than December 2 to confirm that Ford will agree to these requests and to schedule the inspections and depositions. In light of the six Crown Victoria Police Interceptor fires since May of this year, and the deaths of three officers, as well as the death involved in a Crown Victoria taxicab in New York City, we consider gathering this information to be a matter of urgency. We will request that the inspection be scheduled not later than Dec. 15, and that the depositions be scheduled for early January.

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I feel that it is only fair to state that, unless Ford agrees to provide the information which we are requesting in this letter, the City will have no alternative but to initiate litigation to obtain this information and to adjudicate its rights.

Sincerely,

Madeleine B. Johnson
City Attorney

c: Douglas B. Lampe