

## Toyota secretive on 'black box' data

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Crashed cars with airbags deployed are shown to visitors as part of the display of Toyota Motor Corp.'s safety performance standards, called "Global Outstanding Assessment," at the automaker's exhibition hall in Toyota, central Japan, Thursday, March 4, 2010. Toyota has for years blocked access to data stored in devices similar to airline "black boxes" that could explain crashes blamed on sudden unintended acceleration, according to an Associated Press review of lawsuits nationwide and interviews with auto crash experts. (AP Photo/Shuji Kajiyama)

(AP) -- Toyota has for years blocked access to data stored in devices similar to airline "black boxes" that could explain crashes blamed on sudden unintended acceleration, according to an Associated Press review of lawsuits nationwide and interviews with auto crash experts.

The AP investigation found that [Toyota](#) has been inconsistent - and sometimes even contradictory - in revealing exactly what the devices

record and don't record, including critical data about whether the brake or accelerator pedals were depressed at the time of a crash.

By contrast, most other automakers routinely allow much more open access to information from their event data recorders, commonly known as EDRs.

AP also found that Toyota:

- Has frequently refused to provide key information sought by crash victims and survivors.
- Uses proprietary software in its EDRs. Until this week, there was only a single laptop in the U.S. containing the software needed to read the data following a crash.
- In some lawsuits, when pressed to provide recorder information Toyota either settled or provided printouts with the key columns blank.

Toyota's "[black box](#)" information is emerging as a critical legal issue amid the recall of 8 million vehicles by the world's largest automaker. The National Highway Transportation Safety Administration said this week that 52 people have died in crashes linked to accelerator problems, triggering an avalanche of lawsuits.

When Toyota was asked by the AP to explain what exactly its recorders do collect, a company statement said Thursday that the devices record data from five seconds before until two seconds after an [air bag](#) is deployed in a crash.

The statement said information is captured about vehicle speed, the accelerator's angle, gear shift position, whether the seat belt was used and the angle of the driver's seat.

There was no initial mention of brakes - a key point in the sudden acceleration problem. When AP went back to Toyota to ask specifically about brake information, Toyota responded that its EDRs do, in fact, record "data on the brake's position and the antilock brake system."

But that does not square with information obtained by attorneys in a deadly crash last year in Southlake, Texas, and in a 2004 accident in Indiana that killed an elderly woman.

In the Texas crash, where four people died when their 2008 Avalon ripped through a fence, hit a tree and flipped into an icy pond, an EDR readout obtained by police listed as "off" any information on acceleration or braking.

In the 2004 crash in Evansville, Ind., that killed 77-year-old Juanita Grossman, attorneys for her family say a Toyota technician traveled from the company's U.S. headquarters in Torrance, Calif., to examine her 2003 Camry.

Before she died, the 5-foot-2, 125-pound woman told relatives she was practically standing with both feet on the brake pedal but could not stop the car from slamming into a building. Records confirm that emergency personnel found Grossman with both feet on the brake pedal.

A Toyota representative told the family's attorneys there was "no sensor that would have preserved information regarding the accelerator and brake positions at the time of impact," according to a summary of the case provided by Safety Research & Strategies Inc., a Rehoboth, Mass.-based company that does vehicle safety research for attorneys, engineers, government and others.

One attorney in the Texas case contends in court documents that the Toyota may have deliberately stopped allowing its EDRs to collect

critical information so the Japanese automaker would not be forced to reveal it in court cases.

"This goes directly to defendants' notice of the problem and willingness to cover up the problem," said E. Todd Tracy, who had been suing automakers for 20 years.

Randy Roberts, an attorney for the driver in that case, said he was surprised at how little information the Avalon's EDR contained.

"When I found out the Toyota black box was so uninformative, I was shocked," Roberts said.

Toyota refused comment Thursday on Tracy's allegations because it is an ongoing legal matter, but said the company does share EDR information with government regulators.

"Because the EDR system is an experimental device and is neither intended, nor reliable, for accident reconstruction, Toyota's policy is to download data only at the direction of law enforcement, NHTSA or a court order," the Toyota statement said.

Last week, Toyota acknowledged it has only a single laptop available in the U.S. to download its data recorder information because it is still a prototype, despite being in use since 2001 in Toyota vehicles. Three other laptops capable of reading the devices were delivered this week to NHTSA for training on their use, Toyota said, and 150 more will be brought to the U.S. for commercial use by the end of April.

By contrast, acceptance and distribution of data recorder technology by other automakers is commonplace.

General Motors, for example, has licensed the auto parts maker Bosch to

produce a device capable of downloading EDR data directly to a laptop computer, either from the scene of an accident or later. The device is available to law enforcement agencies or any other third party, spokesman Alan Adler said.

Spokesmen from Ford and Chrysler said their recorder data is just as accessible. "We put what you would call 'open systems' in our vehicles, which are readable by law enforcement or anyone who has a need to read that data," Chrysler spokesman Mike Palese said.

Nissan also makes its EDR data readily available to third parties using a device called Consult, spokesman Colin Price said. The program allows access to a host of vehicle data, from diagnosing the cause of a check-engine light to downloading EDR data after a crash, he said.

However, Honda does not allow open access to its EDR data. Spokesman Ed Miller said the data is only readable by Honda and is made available only by court order.

In many cases, attorneys and crash experts say EDR data could help explain what happened in the moments before a crash by detailing the positions of the gas and brake pedals as well as the engine's RPM.

"Had Toyota gotten on the stick and made this stuff available early on, I think they'd be in a better position than they are now," said W.R. "Rusty" Haight, owner of a San Diego-based collision investigation company.

In congressional hearings on the recalls last week, U.S. Transportation Secretary Ray LaHood said Toyota's EDR data cannot be read by a commercially available tool used readily by other [automakers](#). "Toyota has a proprietary EDR, which is the system that only they can read," LaHood said.

The AP review of lawsuits around the country found many in which Toyota was accused of refusing to reveal EDR and other data, and not just in sudden acceleration cases.

In Kentucky, to cite one example, a recent lawsuit filed by Dari Martin over a wreck involving a 2007 Prius sought information from Toyota to bolster his claim that the car's seatbelt was defective. Toyota refused, contending there was no reliable way to validate the EDR data and that an engineer would have to travel from New Jersey or California at a cost of some \$5,000 to retrieve it.

"There is simply no justifiable reason for Toyota not to disclose this information," Martin's lawyers said in a court filing.

Lawsuits in California and Colorado have accused Toyota of systemically withholding key documents and information in a wide variety of accident cases, but no judge or jury has found against the car company on those allegations.

Some crash experts say Toyota shouldn't bear too much criticism for failing to capture large amounts or specific kinds of data, because EDR systems were initially built for air bag deployment and not necessarily to reconstruct wrecks. They also vary widely from vehicle model to model, said Haight, the San Diego collision expert.

"That doesn't mean I'm hiding something or preventing you from getting something," Haight said. "It simply means that, in the development of a car, other considerations took priority - nothing more."

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