

# Even at Zero MPH, Cars Can Kill Children

By BRITTANY BALLESTEDT

Bethany Falkner turned the keys in the ignition and backed out of the driveway of her Iowa home on a January morning in 1998. Three-year-old Steven Falkner, seeing some friends up ahead, rolled down the backseat window to wave. His knee pressed down on the power window switch, and the glass pushed forcefully on his throat. Steven died as a result of the injuries.

It was not the sort of accident that makes national headlines, but to Janette Fennell, even one such needless death is an indicator of a deadly vehicle design flaw that should be fixed.

Fennell is the founder of a non-profit group called Kids and Cars, an organization whose mission is to ensure that no child is killed or injured in a non-traffic, non-crash vehicle accident.

Fennell, 51, who lives in Leawood, Kan., became an auto safety activist after two gunmen robbed her, locked her in the trunk of her car and left her for dead. She managed to escape but easily could have died if her BMW did not have an emergency latch allowing those trapped in trunks to escape. Shortly after the harrowing incident in 1995, Fennell founded the Trunk Release Urgently Needed Coalition (TRUNC) to lobby lawmakers and car companies about the importance of installing interior trunk releases. When her research revealed that 11 children had died when trapped in car trunks in 1998, the media, automakers and regulators began to listen.

Fennell, a Public Citizen member since 1991, sought the advice of Public Citizen President Joan



Claybrook, who had served as administrator of the National Highway Traffic Safety Administration (NHTSA) under President Jimmy Carter. "Public Citizen took a step up and took me under their wing, teaching me how to run press conferences, write press releases, et cetera," Fennell said. "They are such a guiding light on so many issues."

Despite opposition from NHTSA and Fennell's inexperience in advocacy, she fought for a national requirement for all vehicles to have internal trunk latches and eventually won. In 2000, the U.S. Department of Transportation announced that it would require automakers to install them in all new cars by September 2001.

## It's Not Always Traffic

After that initial success, Fennell formed Kids and Cars to focus attention on the long-neglected problem of children being killed in non-traffic accidents, such as being backed over in driveways because of vehicle blind spots and choked by power windows. According to Kids and Cars, 165 children died in non-traffic accidents in 2004 alone.

In August 2003, a coalition of auto safety groups including Kids and Cars and Public Citizen petitioned the government to require auto manufacturers to install window switch mechanisms that reverse the window when an obstruction is encountered and prohibit inadvertent activation.

Fennell did not stop there. She collected data from hundreds of news and police reports, and documented the deaths of 23 children strangled by power windows. With this information, Fennell persuaded members of Congress to support her cause. She invited grieving parents to share their stories and demonstrated the power of car windows by using them to cut vegetables in half. In September 2004, NHTSA announced that by 2008, all vehicles must have power window switches that are more difficult to accidentally close.

## The Horror of Back-overs

The campaign to prevent child deaths in vehicle back-overs has taken a similar route, beginning with the collection of data to highlight the problem. These incidents were often referred to by the media as "freak accidents," because the public and government were unaware of how common they were. Kids and Cars started to collect data and found that back-over deaths are astoundingly frequent — about twice a week on average.

"This database that we have put together and have continued to update has really given us the ability to see the problem," Fennell said. "Now, it is actually on the national agenda and we even have some language in the Senate transportation bill."

The Senate legislation authorizes funds for federal highways, safety programs and transit programs. At press time, the legislation was pending in a House-Senate conference.

Kids and Cars also has established a partnership with Consumers Union, publisher of *Consumer*

*Reports*. In April 2003, *Consumer Reports* published a chart showing the large blind spots in light trucks, such as SUVs and pickup trucks. The group now conducts tests to identify blind zones and posts the information online free of charge.

## Legislative Victories

"They are testing different types of cameras and rear sensors to help people learn about the visibility when they are backing up," Fennell said. "They have also done some articles about power windows and our overall agenda in making cars safer for kids."

In addition, with the help of U.S. Rep. Peter King (R-N.Y.), Fennell is promoting the Cameron Gulbransen Kids and Cars Safety Act of 2005. The act calls on the government to collect and publish data on child injury incidents; create standards for the degree of visibility when backing up; create an automatic reverse function for power window switches; and install a reminder system in vehicles to prevent children from being left in cars.

In recent Kids and Cars campaign victories, California and Nevada legislation declared it illegal to leave children alone in cars. In California, violators of this law pay a \$100 fine, with 70 percent of the fine going into a fund dedicated to alerting consumers about the dangers of leaving children in cars.

"I believe it is important to educate our consumers about these issues," Fennell said. "People do not understand the dangers of a vehicle that is going zero miles per hour. We try so much when these tragedies happen to educate others to ensure that these tragedies will not happen again."

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