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Black Boxes In Your Car: What You Don't Know Can Hurt You.

In 2004 there were 30 million cars and trucks equipped with Event Data Recorders (EDRs), otherwise referred to as "black boxes." In the very near future, all new vehicles will be equipped with these devices.

Most of these devices capture rudimentary information just prior to an accident. The activation of an air bag initiates the retention of this information and allows for subsequent retrieval of data such as vehicle speed, seat belt use, and brake application.

The official explanation rationalizing the installation of black boxes emphasizes safety research.



If the sole purpose and use of black box data were "safety research" there would be little controversy surrounding this technology. However, as is often the case, the personal, legal, and

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**This information is courtesy of the
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economic ramifications spawned by technological innovations far exceed superficial public explanations. In truth, the variety of data and length of retention possible with EDRs is only limited by imagination. The ability to monitor every element of vehicle use over an extended time period is not limited by technology.

An Uninformed Public

One of the most troubling aspects of the black box issue is the lack of concrete information available to the public. The vast majority of the public isn't aware of the existence of these devices, while the few individuals who *do* know of it are unable to locate a reliable source of information regarding the device's specific abilities and possible uses.

The National Motorists Association is fielding more and more complaints from a public that is becoming agitated regarding black boxes. Consumers are claiming that while searching for a car to purchase, sales personnel claim to have never heard of black box technology. Yet, in most of these instances, the consumer discovers (after the purchase) that the vehicle, in fact, does contain such a device.

At the same time, consumers are unable to determine what information their vehicles' black boxes record or under what circumstances they are activated. The car dealerships either don't know or refuse to share this information. The same applies to the automobile manufacturers.

Consistently, the reaction from the ordinary citizen who discovers they have a black box in their vehicle is, "I didn't know it was there." And, inevitably, "How do I get rid of it?"

A Question Of Ownership

Who owns the information recorded on the black box? At first glance, the answer should be the owner of the vehicle. However, consider how the information in the black box can be accessed. If the car owner wishes to download the information for personal use, he/she is unable to do so without purchasing specialized equipment at a prohibitive cost.

Neither can that person have a dealership, mechanic, or the car manufacturer access the information for them. These businesses have a history of refusing these requests based either on an inability to retrieve the information or claim they offer no such services.

It could be argued that because it is virtually impossible for the owner of the vehicle to access the black box data, they don't necessarily own or benefit from it. This leads us to the obvious question, "Who benefits from the black boxes?"

Black Box Benefactors

The official justification for black box technology is safety research that benefits all drivers. However, this rationalization holds little water when research parameters are examined. From a research perspective, there is no rational or scientific need, nor justification to equip tens of millions of vehicles on a perpetual basis with black boxes. Equipping several thousand vehicles with these devices will result in the same scientific findings that would result from equipping the entire vehicle fleet of 200 million vehicles with black boxes, and for far less money. Furthermore, this could be done with an educated public, which volunteers to cooperate with this research rather than a public that is kept in the dark.

On the other hand, there is good reason to believe that the promotion of universal black box installation in new vehicles has more to do with governmental and corporate economic interests. None of which benefit the owner of the vehicle.

Already, both enforcement agencies and the court system are taking advantage of black box technology despite the fact that there is no information regarding the reliability of these devices. Neither of these groups offer protection to the owner of the vehicle. Police are allowed to take the black box without a warrant during post-accident investigations. If no accident is present, the information can be easily attained through a warrant. The courts have been extremely lenient in this regard. Officials have stated, "The issue here is not one so much of legal authority to use

EDR data in court, but instead what the public will accept."

The insurance industry is also eager to mine the data from black boxes. Once again, protection against abuse is non-existent. A common clause in insurance policies is that the individual must cooperate with any reasonable request by the insurer when investigating a claim. This clause is usually enough to allow an insurer access to the information contained within the black box. There are no legal protections against this nor are their avenues for the car owner to explore.

It should also be reiterated that this information the insurer is accessing is something that the car owner has no knowledge of nor does he have an ability to access that information himself. He is forced to blindly hand this over to an agency that does not have his best interest in mind.

An Unreliable Technology

As was mentioned earlier, there are no studies available to the reliability of the black box technology being used in vehicles. At the same time, there have been highly publicized accounts of the inaccuracies.

For example, in 2004, Maine Governor John Baldacci was traveling on I-295, near Bowdoinham, in his state-owned Chevrolet Suburban. State Police Detective James Trask was behind the wheel when the SUV hit a patch of ice while in the process of passing a slower-moving car. Both the Suburban and the car spun off the interstate. The governor's vehicle did contain a black box.

The black box recorded that the SUV was traveling at 71 mph about five seconds before its airbags deployed. Trask told investigators that his speedometer showed 55 mph before he began passing the car. A State Police accident reconstruction also differed from the data recorder's information, estimating the SUV's speed at somewhere between 55 and 65 mph.

The Suburban's speed is not the only point of contention in regard to the accident.

Questions also arose as to whether or not Governor Baldacci was wearing his seatbelt. The onboard recorder indicated the governor was not buckled in, but a spokesperson for the governor disputes the data. Trask, the driver of the vehicle, supports Baldacci's claims and told the press that he remembers unbuckling the injured governor's belt. Furthermore, medical staff who treated the governor at a nearby hospital stated that the governor's injuries were consistent with being belted during an accident.

Maine's Public Safety Commissioner, Michael Cantara, concurred. In regard to the governor's accident he wrote, "The clear and convincing physical evidence and the interviews of the involved parties were sufficient to satisfy the questions raised by the conflicting data and it is the State Police conclusion that Governor Baldacci had his seat belt buckled." So, it would appear, the data recorder was wrong not once, but twice.

What would the outcome have been if this accident only involved vehicles operated by ordinary citizens? The only reason serious charges were not leveled against those involved in this accident was because the governor was able to draw upon resources not available to the public. It is not likely that the average person would be able to develop such a case.

The Future

Currently, black box data typically only covers five seconds before an accident. The technology exists for that block of recorded time to be extended from seconds to months. The capability exists for that information to be stored or transmitted via remote wireless connections. In reality, the sheer amount of data that can be gleaned from black boxes will continue to expand as will the ease of harvesting that information. Increasing at an even larger rate will be the number of agencies both public and private that will have access to that information.

Achievable Solutions

Abuses of black box data are just beginning. Most of this is due to two facts: 1) The



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majority of the public doesn't know that the devices exist. 2) There are virtually no protections in place.

This is easily rectified. Action can be taken by state and federal government that would protect the public from current and potential abuses of these devices.

1. Black boxes (Event Data Recorders/EDRs) may be installed on a sufficient number of vehicles to guarantee scientifically valid results that can lead to vehicle safety improvements. The vehicle owners should willingly agree to the installation of the devices and there should be no coercion to accept the installation. (Coercion includes the corporate practice of inflating the base price of a product or service and then reducing the price through "discounts" for desired behavior or equipment. A car without a black box should not cost more than a car with a black box.)
2. Prohibit insurance companies from requiring as a condition of coverage or payment, access to black box and related recording device information.
3. Prohibit the coerced use (subpoena, court order, discovery) of black box and related

recording device information for enforcement and judicial purposes.

4. Provide for a practical and cost-effective method for vehicle owners to use their black box and related recording device information for purposes relating to civil and criminal matters.
5. Vehicle owners should be able to activate, de-activate black boxes and related recording devices in a convenient manner.
6. Black box and related monitoring devices should not be enabled to transmit or broadcast data to any external wireless receiver.
7. Require that the installation and operation of black boxes be completely independent from the operation of all other vehicle systems and components to the extent that these systems and components operate normally when the black box is disabled and not collecting data.

None of these points would hinder the use of black boxes for research purposes, but it would protect motorists from potential abuse.

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