



President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC, 20500

Sept. 13, 2016

Dear Mr. President:

Newly unveiled documents clearly revealing an inappropriate and possibly unethical relationship between Google and key members of your administration involved in developing autonomous vehicle policy demonstrate the need for you to stop your administration's undue haste to get autonomous vehicle technology on the road. The National Highway Traffic Safety Administration is expected to issue new autonomous vehicle polices any day. The new revelations make it even more imperative that any such NHTSA policy statement be delayed until adequate Federal Motor Vehicle Safety Standards covering autonomous technologies are implemented through a public rulemaking process.

Emails from 2011 through 2016 between Google employees and White House, NHTSA and Department of Transportation officials obtained by the Campaign for Accountability show Google used its influence in the Obama administration to push its vision for self-driving cars, enlisting White House officials and federal regulators to lobby state officials about rules that might have hindered the Internet giant's business plans.¹ Instead of a transparent process involving all stakeholders, your administration simply deferred to Google. At one point for example White House technology advisor R. David Edelman, simply sent an email asking Google to send its policy priorities for "us government types."

Secretary of Transportation Anthony Foxx and NHTSA Administrator Mark R. Rosekind have apparently fallen victim to the hype of the developers of self-driving cars at the expense of public safety. The newly released emails obtained by the Campaign for Accountability make clear exactly how Google methodically took control of developing your administration's autonomous vehicle policy.

A particularly troubling aspect of your administration's unjustified rush to deploy autonomous vehicles is the role that former NHTSA officials are playing in promoting robot cars. Former NHTSA Administrator David L. Strickland is counsel and spokesman for the Self-Driving Coalition for Safer Streets, comprised of Google, Lyft, Uber, Ford and Volvo. Three other former top NHTSA officials, including Ron Medford, now represent Google and its self-driving car program before their former colleagues.

If the public is to have any faith at all that NHTSA's self-driving vehicle policies are in the public interest rather than serving the narrow self-interest of the developers and manufactures, this revolving door must close. To that end Consumer Watchdog has called on Secretary Foxx

¹ Campaign For Accountability, <http://www.googletransparencyproject.org/articles/google-enlisted-obama-officials-lobby-states-driverless-cars>, Last accessed Sept. 13, 2016

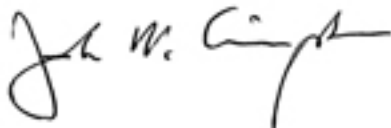
and Administrator Rosekind to pledge they will not work as an employee or consultant to developers of self-driving autonomous vehicles for at least seven years after leaving their respective positions. So far, there has been no response and we call on you, Mr. President, to demand that commitment to ethical behavior from your appointees.

Consumer Watchdog calls on you to block NHTSA's premature and danger autonomous vehicle guidelines. Only a formal rulemaking will adequately protect public safety. As NHTSA fully engages in a public process to promulgate rules, it must adhere to five principles. They are:

1. No state pre-emption – Some of the best regulations covering self-driving cars are in states like California. For instance, companies testing self-driving cars in California must file reports of any crashes and an annual “disengagement report” detailing all the times that the self-driving technology failed. Any NHTSA policies must not pre-empt state law.
2. No underground regulations – NHTSA policies must not take the place of safety standards that are enacted through a formal rulemaking with full public involvement and transparency.
3. Enforceability – If an autonomous technology improves safety, it must be regulated through an enforceable Federal Motor Vehicle Safety Standard that has been promulgated through a formal rulemaking process. Voluntary standards, such as the agreement NHTSA reached with the auto industry concerning automatic emergency braking, are not enforceable and do not adequately protect the public.
4. Transparency – Transparency is essential not only to the rulemaking process, but it must also be a requirement for manufacturers. Testing vehicles on public roads brings with it a responsibility for full disclosure. Self-driving car manufactures must make public the algorithms used to navigate their cars and any technical data when the self-driving technology fails.
5. No revolving door – Top NHTSA and Department of Transportation officials must pledge not to join the self-driving vehicle industry for at least seven years after leaving their positions as government regulators.

Autonomous vehicle technologies do hold the promise of improving safety. But that promise can only be realized after thorough testing and a public rulemaking process that results in enforceable standards. Allowing the DOT and NHTSA to race ahead and issue untested, unenforceable, voluntary guidelines will only result in more unnecessary tragic injuries and deaths.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Simpson, Privacy Project director

CC: Secretary of Transportation Anthony Foxx, NHTSA Administrator Mark R. Rosekind, Special Assistant to the President for Energy and Economic Policy Michael Levi