

C A M P A I G N F O R ACCOUNTABILITY

September 30, 2016

Paul Hammersbaugh
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Mr. Hammersbaugh:

Campaign for Accountability (CfA), an organization dedicated to holding public officials and public institutions accountable, is concerned that the National Highway Traffic Safety Administration (NHTSA)'s ethics enforcement program is not as robust as required to guard against undue influence by those the agency regulates. In particular, NHTSA's contacts and communications with Google executives involved in the company's self-driving car initiative have raised questions about whether the agency's regulation of this industry has been compromised.

This perception was brought into stark relief when Ron Medford, former deputy director for NHTSA and then-Transportation Secretary Ray LaHood's "right-hand man,"¹ left the agency in January 2013 to become Google's Director of Safety for Self-Driving Cars. This move was viewed as giving Google "a bureaucrat intimately familiar with the inner-workings of the transportation administration."²

In addition to Mr. Medford, at least three other senior NHTSA officials including Administrator David Strickland, Senior Associate Administrator Danny Smith, and Government Affairs Director Chan Lieu left the agency between 2012 and 2015 to aid Google's self-driving car push. Mr. Strickland and Mr. Lieu joined Venable LLP, a law firm that counts Google as a client, and Mr. Smith apparently serves as a Google consultant.³

Prior to joining Google, Mr. Medford – along with a host of other top officials at the Transportation Department -- communicated regularly by email with high-level Google officials.⁴ Transportation officials, including Mr. Medford, had "regular confidential meetings" that included a demonstration by Google of its self-driving cars.⁵ Recently

¹ Damon Lavrinc, [Google Poaches Deputy Director of National Highway Traffic Safety Administration](http://www.wired.com/2012/11/ron-medford-google-nhtsa/), *Wired.com*, November 19, 2012, available at <https://www.wired.com/2012/11/ron-medford-google-nhtsa/>.

² *Id.*

³ Google Transparency Project, [Google's Revolving Door Raises New Ethical Concerns](http://googletransparencyproject.org/articles/googles-revolving-door-raises-new-ethical-concerns), September 13, 2016, available at <http://googletransparencyproject.org/articles/googles-revolving-door-raises-new-ethical-concerns>

⁴ Adrienne LaFrance, [Google's 'Cozy' Relationship With Driverless-Car Regulators](http://www.theatlantic.com/technology/archive/2016/09/google-uber-policy-white-house-driverless/499649/), *The Atlantic*, September 13, 2016, available at <http://www.theatlantic.com/technology/archive/2016/09/google-uber-policy-white-house-driverless/499649/>.

⁵ *Id.*

disclosed emails reveal that at the same time, NHTSA was working closely with Google on federal guidelines for self-driving cars.⁶

Further, emails reveal numerous contacts between Mr. Medford and Google in the months before he joined the company. On September 17, 2012, Mr. Medford sent an email to Google self-driving car project co-founder Sebastian Thrun requesting a “brief visit” regarding autonomous driving during a planned California trip. Mr. Medford also asked Mr. Thrun for “a separate discussion while I am there.”⁷ Three weeks later, Mr. Medford planned a dinner with Chris Urmson, then Google’s lead engineer for self-driving cars.⁸ About a month later, Mr. Medford announced he was leaving the government to join Google.⁹

One week before his departure — and after his new job had already been announced — an agency official reminded Google executives to drop Mr. Medford from future email to his NHTSA email address to avoid possible ethical problems.¹⁰ Notwithstanding that warning, Mr. Medford continued to email Google executives from his government account in his final days in the post.¹¹

Then, in September 2013 — eight months after taking the Google job — Mr. Medford arranged a meeting at Google's headquarters with his successor at NHTSA, David Friedman.¹² Against this backdrop, Mr. Medford’s departure for Google raises questions about whether the ethical boundaries the Department of Transportation has imposed were crossed.

According to NHTSA’s website, the agency is “dedicated to achieving the highest standards of excellence in motor vehicle and highway-safety.”¹³ The agency’s critical public safety mission underscores the need to ensure NHTSA’s important regulatory and policy decisions are not tainted by undue industry influence. But the seemingly porous barrier between the regulatory work of the agency and those it regulates raises serious ethical questions about the extent to which Google has influenced NHTSA’s decision-making process. At a minimum, the ties between Google and NHTSA officials — current and former — present the appearance of impropriety, thereby undermining the agency’s regulatory work.

Employees of NHTSA, like those of all other federal agencies, are subject to Office of Government Ethics regulations. As you know, the Department of Transportation has issued guidance on negotiating future employment, and post government employment restrictions

⁶ *Id.*

⁷ Email from Ronald Medford to Sebastian Thrun, September 17, 2012.

⁸ Email from Ronald Medford to Chris Urmson, October 21, 2012.

⁹ Lavrinc, *Wired*, November 19, 2012.

¹⁰ Email from Daniel Smith to Anthony Levandowski, et al., November 21, 2012.

¹¹ Email from Ronald Medford to Sebastian Thrun, November 25, 2012.

¹² Email Exchange between Ron Medford and Kristin Kingsley, September 3, 2013.

¹³ <http://www.nhtsa.gov/About>.

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including limits on former agency officials' lobbying of their former agency colleagues¹⁴. Yet even with these safeguards in place, suggestions of conflicts of interest have raised questions about critical agency decisions.

The interactions between Mr. Medford and Google suggest Mr. Medford may not have observed all applicable ethics guidelines, laws and regulations when he moved to Google and after he started work at the company. Questions about his actions include when Mr. Medford began discussing with Google the possibility of employment; whether there was a time after which Mr. Medford recused himself from issues related to Google or autonomous vehicles; whether he spoke with the agency's designated ethics officer about any necessary recusal; what Mr. Medford discussed with David Friedman during their September 2013 meeting and whether it complied with ethics laws and regulations.

The issues raised by Mr. Medford's actions suggest that NHTSA should develop a more robust conflicts process aimed at avoiding not only actual conflicts, but also those situations that present the appearance of a conflict or impropriety. At a time when companies wield enormous influence over agency decisions that directly and dramatically impact the public, it is imperative that all Americans have confidence in the impartiality of NHTSA's decisions.

Thank you for your attention to this matter.

Sincerely,



Anne L. Weismann
Executive Director

¹⁴ Memorandum from Rosalind A. Knapp, Deputy General Counsel and Designated Agency Ethics Official, Department of Transportation to Departmental Employees, "Guidance on Post Employment Matters and Negotiating for Future Employment," May 31, 2011, *available at* https://www.transportation.gov/sites/dot.gov/files/docs/memo-post-employment-guidance_0.pdf.