



Jean Shiomoto
Director
Department of Motor Vehicles
2415 1st Ave., Mail Station F101
Sacramento, CA 95818-2606

Feb. 7, 2017

Re: Complaint regarding Otto's testing of self-driving trucks and Uber's robot cars

Dear Director Shiomoto,

I am writing on behalf of Consumer Watchdog, a nonprofit nonpartisan public interest group to make a formal complaint about Otto and its illegal testing of self-driving trucks in California. Consumer Watchdog calls on you to immediately revoke the registrations of the company's robot trucks and seek appropriate charges against the company and its executives for its flagrant disregard of California law.

Because Otto is owned by Uber, we believe the robot truck company's behavior reflects on the parent. You'll recall that Uber illegally tested its robot cars in San Francisco without permits until the DMV revoked the cars' registrations. Some cars have been returned to the city with the claim that they are only gathering data and doing mapping, not operating in self-driving mode. Based on Otto's behavior, there is absolutely no reason to take Uber's word for anything. The company simply cannot be trusted. We call on you to revoke Uber's robot car registrations again.

As you know, testing self-driving vehicles in California requires a permit, something that 21 companies have obtained with no problem. Moreover, self-driving vehicles weighing more than 10,000 pounds cannot be tested in the state under current regulations. Otto's robot trucks fail on both counts. They have no permits and they weigh too much.

Otto's wanton disregard of the law is clear in the company's own statements. In the attached document given to the Colorado Department of Transportation in preparation for the publicity stunt of having an Otto robot truck haul beer from Fort Collins to Colorado Springs, Otto describes its self-driving testing activities in the San Francisco area. The document was obtained from Colorado authorities through a public records act request. It clearly describes illegal testing:

"Before testing begins on any given day and route, the co-driver will first evaluate the current road conditions and system readiness before calling 'engage.' The driver must then manually press a button on the dashboard to engage the self-driving system. While the self-driving system is engaged, the driver must be extremely attentive and ready to take back full control whenever necessary. In situations where the driver decides to take back full, the logging software in the self-driving system remains active and records the corrective action the driver took."

There is no more explicit description of how self-driving testing is performed. Otto is simply doing this in violation of the law. The document obtained from Colorado authorities also emphasized the importance of disengagements reports, which detail when the robot technology failed and the driver took over. As you know, California regulations importantly require companies testing self-driving technology in California to file disengagement reports annually. In the document provided to the Colorado Department of Transportation Otto details four levels of disengagements:

*“**Comfort** – a case where drivers felt uncomfortable with the decision the self-driving system made, but in reality, pose near-zero safety threat to themselves or anyone else on the road. This category exists because we train our drivers to be extremely cautious and defensive.*

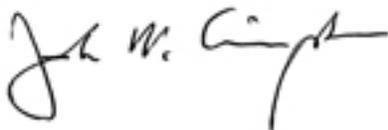
*“**Public perception** – a case where the behavior of the truck would be considered odd from an onlooker’s perspective. This is a real software bug, but has near-zero safety implications. An example might be minimal weaving within the lane while traveling in slow-moving traffic.*

*“**Major** – a scenario that could have had safety implications had there not been driver intervention. An example would be braking on the freeway when there was no reason to do so. ‘Major’ scenarios are ones that could have resulted in a safety risk had there been a different set of actors, surrounding the truck; but they would not have actually resulted in a collision or near-collision even if the human driver had not taken back full control during the particular environment of road conditions when the disengage occurred.*

*“**Critical** – a scenario where the truck’s self-driving actions put it or any surrounding actors in actual danger that required the driver to take back full control at that time. An example could be a situation where the driver takes over because the system did not command enough braking in order to stop in time for a lead vehicle.”*

Otto’s activities are even more flagrant violations of the law than Uber’s were. We call on the Department to act immediately to protect public safety by revoking the Otto vehicles’ registrations and seeking penalties for both the company and its executives to the fullest extent permissible under the law. Because Otto’s behavior calls into question the honesty of Uber’s recent claims, you should revoke the registrations of its robot cars that have just returned to California.

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: Brian Soublet, Bernard Soriano, and Jessica Gonzalez