

U.S. Senator Maria Cantwell
Full Committee Hearing “Hit the Road, Mac: The Future of Self-Driving Cars”
February 4, 2026
Sen. Cantwell Opening Statement
[VIDEO]

Thank you, Mr. Chairman. I think, you know I certainly want to get the Surface Transportation Bill done. I think I've mentioned it as my number one priority since your taking over the committee, so I hope we will get to that.

I don't know whether this kind of legislation is the appropriate place for that, but I do know that nearly 40,000 people die on the roads each year, and thankfully, we have seen how innovation in vehicle technology can make human drivers safer on the roads. For instance, automatic emergency braking technology has been shown to reduce injuries from rear collisions by 60 percent. These technologies are saving lives today.

Fully autonomous vehicles offer the potential to reduce crashes on roads, but we have seen the risk of letting companies beta-test on our roads with no guardrails. In 2024 a report from NHTSA linked Tesla's autopilot to hundreds of crashes, including at least 13 fatal crashes and many more injuries. Safety advocates have linked 65 fatalities to Tesla's automated technologies.

These tragedies have occurred in my state. In April 2024, Jeffrey Nissen, from Stanwood, Washington was killed when Tesla's autopilot system failed to recognize his stopped motorcycle. Tesla was allowed to market their technology—which they knew needed human supervision—as Autopilot because there were no federal guardrails. In fact, it was the state of California, not the federal government, that forced Tesla to change its marketing or lose the ability to sell in that state.

So, I do believe that federal agencies have a role. But what's happened so far is the Trump administration has tried to gut NHTSA, the federal agency is responsible for ensuring the safety of vehicles. He basically, in efforts of DOGE, lost 25 percent of their employees. I would say, at this point in time, it's trying to figure out—what are the latest and greatest technologies, and the people that understand them and can do appropriate oversight—not basically gut the agency.

At one point last year, the Office of Automation just had four people, four people, four people. I don't even know if they knew about automation, but only four people. Fewer resources mean less enforcement. NHTSA launched 41 percent fewer recall investigations last year than in 2024. NHTSA recalls protects consumers. For instance, over 67 million Takata air bag inflators have been recalled in the U.S. after NHTSA confirmed that 28 people were killed when defective air bags exploded. Chrysler recalled 2.7 million vehicles after 51 people died in fires from gas tank ruptures in rear end collisions.

And I have a suspicion right now that a lot of repair dealers are installing faulty air bags from Chinese manufacturers that are failing to protect consumers. And where is NHTSA in protecting and finding out what is happening with these faulty air bags? Are we going to just continue to let

people die in the United States? Without strong federal oversight, it is no wonder states are seeking to fill the void.

You will hear today from witnesses who believe that the best way for the federal government to keep people safe is through a safety case for autonomous vehicles. Companies may try to reassure us that the safety case is a living, breathing document, but I have my own experience having seen this played out in the aviation sector. And all I can tell you is strong oversight is needed. Why? Because the best engineers, working on the best safety, is going to deliver the best product and the best economies for us, in addition to the best safety. So, we cannot just rely on a checklist.

I do agree, Mr. Chairman, we need a new approach. I'm happy to work with you on that approach. Industry proposals seek to force autonomous vehicles into the existing framework of the Motor Vehicle Safety Act. This is the 60th anniversary of that law. The Federal Motor Safety Standards has prevented over 18 million crashes. However, the Federal Motor Safety Standards were designed to regulate bumpers, and car doors, and seat belts and a variety of things that they're not on top of today. The law was passed 20 years before the first Windows computer was ever sold. So, it's time for us to get a NHTSA that understands technology and knows what to do with it.

This revolutionary technology needs a new approach to safety that provides for flexible guardrails for beta testing and a clear path to safe commercial deployment. It needs to have an educated, as I just mentioned, strong, safety oversight from officials and the resources to make it the gold standard, just like we need in aviation.

I did find interesting the House debate on this... in which California Teamsters basically came out and called for a Waymo ban, in which a lot of anxiety existed. Really, Mr. Chairman, underneath was the fact that a law most people were concerned about [was] somehow going to allow very large trucks to exist on our highways in automated vehicles. That seems to be the real crux of the issue. So just like everything else, the devil is in the details. The devil is in the details of how we get here.

I noticed that after hearing, that again, Teamsters, safety advocates, even insurers, found fault with a preemptive strategy that was unclear. I think we're going to hear from Professor Smith about that. I think the last point of your statement is that—well, I like two lines in your statement—quote, “and people [are] dying today, not because we are careful about automated driving, but rather because we are careless about the safety generally.” And the notion that—further quoting you—"I have read many versions of potential preemptive language. In every case, the preemptive effect and even the preemptive intent of that language has been unclear to me."

Okay, so we're dealing with this in AI, and I do think we have to talk about the overlay of AI and AV and how that's going to work. And if we're going to have a preemptive strategy, then it has to be a real law, and it has to have real teeth, and we have to understand exactly what we're doing. But please understand, many Americans, including Teamsters, are very anxious about how this plays out for them, how this plays out for very large trucks, and how we move forward on

advancing both the safety regime that we need here and how we to continue to be leaders. Thank you, Mr. Chairman.

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Sen. Cantwell: Professor Smith, you talked about trust and faith and building that over a period of time. My point is that the information age is delivering a lot of technology change. I'm not sure Boeing understood software as well as they should have understood software. I think here we may not have a NHTSA that understands these challenges, either, but we certainly can't dismantle them. And we need to have people when it comes to AI or privacy, we need people in the federal government who are going to understand the issues. Otherwise, we're not going to do a good job. So, I think that's part of building that trust and faith you're talking about, because you're going to continue to repeat issues. Not everything is going to be known. You're still going to, again, there's a difference between a beta program and a large-scale program -- and then something else you find out happens.

So, I'm trying to get to this point, because we have these, you know, we have an autopilot issue. I mentioned a constituent of mine, Mr. Nissen, who was run over. He was on a motorcycle, and he was run over by a Tesla car on autopilot that the family is saying did not detect the motorcycle. This isn't like blaming it on the people who were supposed to be in the car, although that is a pretty big debate -- did the term autopilot mean something to the users of Tesla, and then they are responsible? But I think the family in some of these cases...there was a case in Florida where they basically are saying, -- ‘no, it's still negligence because of the way autopilot was marketed.’ I'm assuming, Dr. Peña, you like this binding arbitration that your users are under now? That they sign an agreement and then if something goes wrong?

Dr. Peña: Yes, could you describe the arbitration?

Sen. Cantwell: In the User [Terms of Service] for Waymo you basically sign an agreement that...if there's a dispute about what happened, you now are in a binding arbitration...with Waymo -- over the results of those cases. I'm trying to get to liability here. I'm trying to get to liability. So you approve that now, correct?

Dr. Peña: Ranking Member Cantwell, that's not my area of expertise. My area is primarily AV safety, but I will be happy to get back to you.

Sen. Cantwell: Okay, my understanding, Professor Smith, these are just like binding arbitration contracts.

Prof. Smith: It's very common in industry, yes, unfortunately.

Sen. Cantwell: So we are not going to take this common standard in software where I'm downloading a game or some app and now we'll apply it to cars. We're just not going to do that. I'm not going to do that, and I'm not going to allow that to happen. I'm not going to sign a binding arbitration agreement with Waymo and then basically say, ‘I can't sue them. I'm just

stuck in binding arbitration.' I guarantee you this Congress isn't going to be for that either. The Senate has already taken action trying to be more aggressive. But where do we go with this issue, you know, of building that trust that you're talking about and showing...Mr. Farrah just said he doesn't believe in preempting states. That's a good thing. But how do we get this to the point where there is true liability, so that people will build products and be accountable for them?

Prof. Smith: Thank you. And the reality is that we all do sign these agreements every day, agreeing to arbitration, and we don't realize it. We don't realize it matters until we're hurt, until we're the victims, and then we realize that we can't use the courts. And no one really else realizes it, because arbitration is often secret, and therefore that information is not coming out.

So, you talked very much about trustworthiness. The companies in this field are necessarily saying to regulators and to the public, 'trust us,' and that needs to come with substance, right? With great power comes great responsibility. So, they need to say, here's what we're doing, here's why we believe it's safe, and here's why you can trust us. And then that needs to be interrogated by, as you've described, competent, capable, well-resourced officials. The idea that our automated driving office could fit in the McDonald's, or our defects agency could fit in a warehouse, is astounding to me, for a country of this size and sophistication.

Sen. Cantwell: Well, I think the Chairman of this Committee berated the then CEO of Boeing, Dave Calhoun, for, you know, basically breaking that trust and faith. I think Kelly Ortberg is trying to reestablish it and to say that, 'no, it has to be based on good engineering and a constant accountability.' But I do think figuring out the federal responsibility so that we can have predictability and certainty -- but it has to come with some liability. It just does. And when you look at these instances of NHTSA playing this role in the past, it also had to come with changing a culture. We're trying to change the culture of the FAA right now, but you're going to have to change the culture...when companies just want to go along and just keep promoting airbags that don't work, then that's a problem. You got to get rid of and change the culture. So anyway, I look forward to hearing more about what you think that federal framework looks like. Thank you, Mr. Chairman.