

U.S. Senator Maria Cantwell
Hearing on Department of Transportation Nominees
July 23, 2025
Sen. Cantwell Opening Remarks
[\[VIDEO\]](#)

Sen. Cantwell: Thank you, Mr. Chairman, and welcome to the nominees. Congratulations on that nomination. We're here today to consider, as the Chairman said, Mr. Zerzan to be General Counsel at [the] Department of Transportation, Mr. Rutherford to be Assistant Secretary for the Office of Multi[modal] Freight Infrastructure and policy, and Ms. Oz to be Assistant Secretary for the Office of Research and Technology.

These three positions are critical to the core mission of the Department in improving safety and investing in our nation's infrastructure. The Department's leaders must be committed to holding the transportation sector[s] it regulates to protect safety and consumer standards.

Mr. Zerzan, the General Counsel plays a critical role in everything the Department does, determining which safety requirements are approved or eliminated, signing off on grant agreements, [and] allowing cities and states to begin building projects. I have recently expressed my concern about the now Deputy Secretary Steven Bradbury, who, as General Counsel during the first Trump Administration, orchestrated a number of rollbacks on important safety issues, and I hope to ask you questions about that and look for a different approach.

I am alarmed that the Department's recent formalization of a new process that would authorize you, if you were confirmed, to take actions against safety inspectors, if a company claims the inspector violated DOT's enforcement procedures, [essentially] allowing regulated entities to regulate the very officials charged with keeping public safety.

We found in the ODA process at Boeing, this became a very big issue, where the ODA individuals responsible for approving the process were retaliated against and thereby pulled their punches...and the rest of it is history. So we need a strong safety regime.

Maintaining the strongest safety process doesn't just save lives, it spurs economic growth, enables the U.S. to stay competitive, and certainly is essential for selling U.S. airplanes abroad. Now, we continue to see a huge opportunity in which we want aviation to win, as there's a world demand for 40,000 planes [over the next 20 years]. At the same time, we have to address other sectors of transportation.

Last week, we saw reports indicating the loss of more than 20 percent of the Federal Highway Administration workforce and 30 percent of the Federal Transit Administration's workforce. So clearly this is impacting our ability to move quickly in improving projects and getting them implemented. So I would love to ask you about that and how you expect to turn that around so that DOT can continue to move forward.

Mr. Rutherford, I created the Freight Office to improve multimodal freight planning. Okay, that sounds like a generous staff writing there. I'm not sure if I created it. Maybe I had legislation and we all approved it, or something like that. But let's not get Al Goreish here.

Sen. Cruz: We're happy to give credit to the former Chair.

Sen. Cantwell: Okay... Well, to be clear, our state had a freight office. Why? Because if you moved freight in the state of Washington, you got a percentage of the gas tax because moving freight was part of economic development, so why not prioritize transportation investment that moved economic development?

So yes, we did say, let's create a federal freight policy, which Ray LaHood and others, and we all did. So okay, great. So now we know 'freight can't wait.' We had yesterday's hearing on the Surface Transportation Act, similar issue, where we're saying, if we're not competitive as a nation and moving freight quickly, then we're going to lose, in our case, to British Columbia or somewhere else, and then the competitive[ness] of the United States is impacted.

So definitely want to continue to make sure that freight investments are prioritized, and we talked about that yesterday as we prepare for a Surface Transportation Act.

Ms. Oz, the DOT's research programs are vital for using technology to improve both safety and efficiency, and it's important to recognize that the industry that we continue to work together on the development of these issues and get them implemented. One thing that we're really concerned about now is...spectrum interference and radio altimeters. When we look at what happened in the DCA air crash, there was a lot of discussion even about how the altimeters of those helicopters might have been affected, giving them different altitudes. And...for the previous implementation and discussion between DOT and NTIA, [there is] a lot of confusion over how to have the airline industry safely transmitting, and the interference that might occur with 5 and 6G. So look forward to asking questions about that.

Clearly, we have a lot to do to continue to improve transportation. I'm excited about the opportunities, excited about the the continuation of drone technology, which we have championed here in the Committee for many years, and the applications are so numerous and continuing to pay dividends. So obviously DOT has a very big role here to continue the roll out of that drone technology. And so look forward to asking about that.

Thank you, Mr. Chairman.

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Senator Cantwell: Thank you, Mr. Chairman. Mr. Zerzan, under your predecessor, Mr. Bradbury's role in the first Trump Administration allowed for an exemption to the ADS-B Out system for the Department of Defense. And it was then later learned that this wasn't as the request was requested in the exemption, a not very often used thing, but it turned out to be something they did all the time.

So how can you make sure that, as you're looking at regulations, particularly when the Administration says they want to get rid of 10 rules, how can you make sure that these kinds of oversights where people really weren't paying attention to the fact that DOD and FAA did not really have a clear plan to keep these planes separated, what can you do to make sure that that kind of rulemaking and exemption isn't followed in the future?

Mr. Zerzan: Thank you, Senator. I take the obligation of the General Counsel to ensure the laws are being followed very seriously. I also acknowledge my own limitations on technical matters, and fortunately, the Department is full of people who exercise excellent judgment in most cases. So, I would certainly attempt to rely upon the experts and ensure that, in following the law, we're doing whatever we can do to maximize safety for the American people.

Senator Cantwell: So how would you, in this case, when DOD came to the FAA and said, "We want an exemption," how would you as Counsel make sure that you're following what is the process to understand what the exemption really is. As opposed to, I'm sure a lot of people would like to give DOD an exception, right? There's important missions that they have.

Mr. Zerzan: Yeah, and I think it's an excellent question, and candidly, not being familiar with the particulars of this case, it's hard for me to give a precise answer. But I do encounter instances, even in my current job, where the DOD or other departments come to us and ask for various accommodations or agreements. And in each case, it is the same process, which is to rely upon the technical experts and seek their judgment and then make a good faith determination of what I think is compliant with the law.

Senator Cantwell: Thank you for that. And get up to speed on it, because I think it will come up. This is an ongoing issue, and you know, this incident that just happened in the Upper Midwest also just a reflection of there's something amiss here. If this kind of near-miss things are continuing to happen. So, we need DOT to be on the ball.

Mr. Rutherford, do we need to increase the investments in infra and freight and port infrastructure?

Mr. Rutherford: I think if we, Senator, if we're talking about investments in infrastructure, generally, absolutely. But I think it would be premature to speak about individual grant vehicles, because, as I mentioned in my opening remarks, I really want to make certain that we adopt a holistic and systematic approach. We've got a number of grant vehicles, not only within the Office...

Senator Cantwell: I'm more looking that you come with this private sector experience saying, "I understand the movement of goods and services."

Mr. Rutherford: Correct.

Senator Cantwell: And what I'm trying to get at is that we are at a threatened point of not being competitive enough if you can't get products safely and timely to market. And so, in my world, because we represent a lot of ports, I see exactly what that bottleneck can be. And so, infrastructure investment is going to help us be competitive as a nation. So, I want an increase in that investment, I'm just trying to see if you agree.

Mr. Rutherford: I agree, but not only those within the Office of the Secretary, but also elsewhere. You know, whether they be in MARAD or what have you, any other investments. And that's why for me, I guess, my point...

Senator Cantwell: You're saying make it an ecosystem that works together very effectively.

Mr. Rutherford: Correct.

Senator Cantwell: Great. We're all for MARAD spending too. Only because the market is outside the United States. Ninety-five percent of consumers are outside the United States. So, if you're not getting U.S. products to them timely, we're not going to be competitive.

Mr. Rutherford: Absolutely. And I guess where I was trying to arrive is my point of departure is really the National Freight Strategic Plan. And then that should be not only managing what we do at the Office of the Secretary but also influencing grant making decisions elsewhere within DOT.

Senator Cantwell: Yes, thank you. Thank you for that. Ms. Oz, I'd love to ask about what your daughter sings in opera, but we might not have time for that.

Ms. Oz: To be discussed.

Senator Cantwell: Pardon me?

Ms. Oz: To be discussed later.

Senator Cantwell: To be discussed. So -- what do you think -- you've now had this private sector experience where...we are really, basically beta testing and rolling out to larger regimes of adoptions, right? But trying to do so in a safe manner.

I've always thought that, you know, just starting here and then just saying, "Well, we did a few betas, and now we're going to open it up to the whole country," that's too much. So, how do you see us continuing to move forward in the adoption, and what do you do about the trucking sector and the huge workforce that is involved there? Because it's a very key part of the U.S. economy, hundreds of thousands of people.

Ms. Oz: Senator Cantwell, it's an excellent question, a two-part question. The first part has to do with the fact that, as I mentioned in my testimony, we built this technology here in America. And so, we have all of the foundational capability to scale it in the most safe way we can, by using conservative planning and by using systems that are fail operational.

So that includes redundancies in the system. It includes ensuring we have secondary approaches like telematics, teleoperations, remote vehicle management. But most importantly, we need a framework in which we can give clear guidance to industry on scaling and deploying the capabilities on public roads in America in a safe way.

And that's, I think, the challenge with this administration, with all of us, to incorporate many elements of the technical capabilities we currently have and just ensure that we coordinate them and work together on a national framework.

Trucking is a very interesting windfall benefactor for this technology, because trucking and commerce is one of the areas that makes the most economic distinction on benefits, as we have remote vehicle management. So, I think it's one of the first use cases that we can emerge with, and I'm hoping to provide good clarity and good guidance on how we can do that on the technical side and with research that we've already...

Senator Cantwell: Yeah, I'm getting you a little out of your lane, because we're not hiring you to figure out what to do with 200,00 or 300,000 Teamsters. But at the same time, when you sit there and you're looking at the framework which you described, which I think is a good plan, having a framework that then you can coordinate with industry and then get people to buy confidence in. I thought the same about the drone system.

You know, we had people [en]visioning lots of drone use in the Northwest for a long, long time. I think we started 2001 with pushing the FAA to keep moving forward. So, here it's the same thing, but you also have a huge employment sector, unlike the drone industry didn't have that, you know, existing workforce issue. So, we'll look forward, my time has expired, to discussing this more with you. Thank you.