RESOLVED

Resolved=fixed

Resolved means fixed in purpose

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

Resolved: fixed in purpose or intention; determined

Resolved means fixed in purpose

The Chambers Dictionary, 2006

Chambers Harrap Publishers Ltd. Page 1300

Resolved –adj.  fixed in purpose

Resolved=make a decision

Resolved means to make a decision

Cambridge Dictionary, 2000

 Cambridge University Press p.728

Resolve – v. to make a determined decision; n. strong determination

COLON

Colon (:) Introduces a quotation or example

The American Heritage® Dictionary of the English Language, 2009

The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by [Houghton Mifflin Company](http://www.eref-trade.hmco.com/%22%20%5Ct%20%22_blank).

A punctuation mark ( : ) used after a word introducing a quotation, an explanation, an example, or a series and often after the salutation of a business letter

Colons set off a series after a main clause

Nordquist, Ph.D. in English, 09

[Richard Nordquist](http://grammar.about.com/bio/Richard-Nordquist-22176.htm), Ph.D. in English and rhetoric, is a professor of English, About.com, 2009, http://grammar.about.com/od/punctuationandmechanics/a/semicolondash.htm?p=1

Use a colon to set off a summary or a [series](http://grammar.about.com/od/rs/g/series09term.htm) after a complete main clause:

It is time for the baby's birthday party: a white cake, strawberry-marshmellow ice cream, and a bottle of champagne saved from another party.
(Joan Didion)

Notice that a main clause does not have to *follow* the colon; however, a complete main clause generally should precede it.

THE

“The” is placed before a noun to specify or particularize

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "The” http://dictionary.reference.com/browse/The?s=t

1. (used, especially before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article a or an ): the book you gave me; Come into the house. 2. (used to mark a proper noun, natural phenomenon, ship, building, time, point of the compass, branch of endeavor, or field of study as something well-known or unique): the sun; the Alps; the Queen Elizabeth; the past; the West. 3. (used with or as part of a title): the Duke of Wellington; the Reverend john smith. 4. (used to mark a noun as indicating the best-known, most approved, most important, most satisfying, etc.): the skiing center of the U.S.; If you're going to work hard, now is the time. 5. (used to mark a noun as being used generically): The dog is a quadruped.

**“The” means all parts**

**Encarta 9 (World English Dictionary), “The”,** http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495)

2. indicating generic class: used to refer to a person or thing considered generically or universally

 Exercise is good for the heart.

 She played the violin.

 The dog is a loyal pet

“The” is a word of limitation

Blacks Law Dictionary 1990,

An article which particularizes the subject spoken of. In construing statute, definite article “the” particularize the subject which precedes and is word of limitation as opposed to indefinite or generalizing force “a” or “an” brooks v zabka

“The” is used before unique, specific nouns

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

The: 1)used preceding a noun that has been previously specified: the pain should disappear soon; the man then opened the door. 2)used with a qualifying word or phrase to indicate a particular person, object, etc., as distinct from others: ask the man standing outside; give me the blue one. 3)used preceding certain nouns associated with one’s culture, society, or community; to go to the doctor; listen to the news; watch the television 4)used preceding present participles and adjectives when they function as nouns: the singing is awful; the dead salute you. 5) used preceding titles and certain uniquely specific or proper nouns, such as places names: the United States; the Honoruable Edward Brown; the Chairman; the moon 6)used preceding a qualifying adjective or noun in certain names or titles: William the Conqueror; Edward the First. 7)used preceding a noun to make it refer to its class generically: the white seal is hunted for its fur; this is good for the throat; to play the piano 8)used instead of my, your, her, etc., with parts of the body: take me by the hand 9)(usually stressed) the best, only, or most remarkable: Harry’s is the club in this town. 10) used with proper nouns when qualified: written by the young Hardy.

“The” marks a noun as the best known of its kind

Random House Webster’s College Dictionary 96

The: 1)use, especially before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article a or an 2)used to mark a noun as indicating something well-known or unique 3)used with or as part of a title 4)used to mark a noun as indicating the best-known, most approved, most important 5) used to mark a noun as being used generically 6)used in place of a possessive pronoun, to note a part of the body or a personal belonging

“The” is used before a noun that is easily identified

Cambridge Dictionary, 2000

 Cambridge University Press p.901

The – definite article used before a noun to refer to something that a listener or reader will understand as a particular thing because it is clear which one is intended; “the” is used before some nouns to refer to a type of activity or thing intended; “The” can mean each or every; when used before some adjectives, “the” changes the adjective into a noun to refer to all the things or people represented by that name; you can use “the” to refer to a singular noun to refer to all the things represented by that noun.

UNITED STATES

United States=50 states + Territories

“United” means to be in harmony

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "United” http://dictionary.reference.com/browse/United?s=t

1. made into or caused to act as a single entity: a united front. 2. formed or produced by the uniting of things or persons: a united effort. 3. agreed; in harmony.

“State” is the condition of a thing considering its circumstances and attributes

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "States” http://dictionary.reference.com/browse/States?s=t

1. the condition of a person or thing, as with respect to circumstances or attributes: a state of health. 2. the condition of matter with respect to structure, form, constitution, phase, or the like: water in a gaseous state. 3. status, rank, or position in life; station: He dresses in a manner befitting his state. 4. the style of living befitting a person of wealth and high rank: to travel in state. 5. a particular condition of mind or feeling: to be in an excited state.

**The United States is the fifty states and territories**

Business Dicitonary.com

http://www.businessdictionary.com/definition/United-States.html

Fifty federated states plus District Of Columbia, American Samoa, Guam, Johnston Island, Midway and Wake Islands Northern Mariana Islands, and US Virgin Islands.

#### "United States" means the territory over which the sovereign nation of the "United States" exercises sovereign power

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 689)

the territory over which this sovereign nation called the “United States” exercises sovereign power

#### United States includes territories and possessions

US Code 7 (6 USCS § 1111, lexis)

 (6) United states. The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

The United States as a whole is comprised of territories in addition to the states.

Wilson Environmental Management 8 (“SPCC Glossary of Terms,” Wilson Environmental Management [helps prevent and take care of oil spills], 2008, http://wilsonemi.com/spcc\_glossary\_of\_terms.htm)

United States: the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

**US = 50 States Definitions**

**The U.S. is the 48 mainland states plus Alaska and Hawaii.**

**Encyclopedia Britannica 9** (“United States,” Encyclopedia Britannica online, http://www.britannica.com/EBchecked/topic/616563/United-States

United States

*officially United States of America, abbreviations U.S. or U.S.A., byname America*

Overview

Country, North America.

It comprises 48 conterminous states occupying the mid-continent, Alaska at the northwestern extreme of North America, and the island state of Hawaii in the mid-Pacific Ocean.

The US is limited to the fifty states.

Collin, dictionary contributor and editor, 98 (P.H. Collin [editor], Dictionary of Government, Fitzroy Dearborn Publishers, 1998)

United States of America (USA)

*noun* independent country, a federation of states (originally thirteen, now fifty) in North America

United States is a republic made up of 50 states

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "United States” [http://dictionary.reference.com/browse/United+States?s=t](http://dictionary.reference.com/browse/United%2BStates?s=t)

A republic in the N Western Hemisphere comprising 48 conterminous states, the District of Columbia, and Alaska in North America, and Hawaii in the N Pacific. 267,954,767; conterminous United States, 3,022,387 sq. mi. (7,827,982 sq. km); with Alaska and Hawaii, 3,615,122 sq. mi. (9,363,166 sq. km). Capital: Washington, D.C. Abbreviation: U.S., US

#### “United States” is only the states

Encarta 7 (Dictionary Online, “United States”, http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861708119)

U·nit·ed States [ [y ntəd stáyts](http://encarta.msn.com/encnet/features/dictionary/Pronounce.aspx?search=United+States) ] country in central North America, consisting of 50 states.

United States=federal union

The United States is a federal union of states

The Chambers Dictionary, 2006

Chambers Harrap Publishers Ltd.

United States – n. sing. A federal union of states, esp. that of (north) America

United States is a collective name of states

Blacks Law Dictionary 1990

 This term has several meanings. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in a family of nations, it may designate territory over which sovereignty of the united states extends, or it may be collective name of the states which are united by and under the constitution.

United States includes Territories

The United States includes insular areas – such as Puerto Rico – which are under U.S. jurisdiction.

United States General Accounting Office 97 (“U.S. INSULAR AREAS: Application of the U.S. Constitution,” November 1997, US GAO reporting to Congress, http://www.gao.gov/archive/1998/og98005.pdf)

More than 4 million U.S. citizens and nationals live in insular areas1 under

the jurisdiction of the United States. The Territorial Clause of the

Constitution authorizes the Congress to “make all needful Rules and

Regulations respecting the Territory or other Property” of the United

States.2 Relying on the Territorial Clause, the Congress has enacted

legislation making some provisions of the Constitution explicitly

applicable in the insular areas. In addition to this congressional action,

courts from time to time have ruled on the application of constitutional

provisions to one or more of the insular areas.

You asked us to update our 1991 report to you on the applicability of

provisions of the Constitution to five insular areas: Puerto Rico, the Virgin

Islands, the Commonwealth of the Northern Mariana Islands (the CNMI),

American Samoa, and Guam. You asked specifically about significant

judicial and legislative developments concerning the political or tax status

of these areas, as well as court decisions since our earlier report involving

the applicability of constitutional provisions to these areas. We have

included this information in appendix I.

Native Reservations in the US

Native reservations are in the U.S.

American Indian Law Review 5

(Justin L. Pybas, NATIVE HAWAIIANS: THE ISSUE OF FEDERAL RECOGNITION, American Indian Law Review [05/06, 30 Am. Indian L. Rev. 185])

At the present time, there are more than 550 federally recognized Native American nations in the contiguous United States and Alaska. [n19](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.272847.2373632166&target=results_DocumentContent&reloadEntirePage=true&rand=1248443447873&returnToKey=20_T7026859937&parent=docview" \l "n19) "Since 1978, twenty one groups have successfully become federally recognized nations through either procedures under the Bureau of Indian Affairs, Department of Interior, or congressional action." [n20](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.272847.2373632166&target=results_DocumentContent&reloadEntirePage=true&rand=1248443447873&returnToKey=20_T7026859937&parent=docview" \l "n20) Currently there are fifty federal statutes which conclude that "Native Americans" include Alaska Natives and Native Hawaiians. [n21](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.272847.2373632166&target=results_DocumentContent&reloadEntirePage=true&rand=1248443447873&returnToKey=20_T7026859937&parent=docview" \l "n21) Alas, Native Hawaiians are not federally recognized. [n22](http://www.lexisnexis.com:80/us/lnacademic/frame.do?tokenKey=rsh-20.272847.2373632166&target=results_DocumentContent&reloadEntirePage=true&rand=1248443447873&returnToKey=20_T7026859937&parent=docview" \l "n22) The disparity in these numbers begs the question, are Native Hawaiians really that different from other Native American groups?

Congress has control over the Indian nations; they’re ultimately ruled by the USFG

**American Indian Policy Center 02** (“American Indian Tribal Sovereignty Primer,” from the American Indian Policy Center [aims to research policy-makers on issues surrounding Native legal rights, http://www.airpi.org/pubs/indinsov.html)

While the U.S. government recognizes American Indian Tribes as sovereign nations, the U.S. congress is recognized by the courts as having the right to limit the sovereign powers of tribes. However, Congress must do so in definite terms and not by implication.

FEDERAL

Federal=central government

**Federal means pertaining to the central government**

Random House Webster’s College Dictionary 96

Federal: 1)pertaining to or of the nature of a union or states under a central government distinct from the individual governments of the separate states 2)of, pertaining to, or involving such a central government

Federal Government is the national government of a federated state

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "Federal Government” http://dictionary.reference.com/browse/Federal+government?s=t

 the national government of a federated state, such as that of Australia located in Canberra

Federal means connected with the central government

Cambridge Dictionary, 2000

 Cambridge University Press p.728

Federal – adj. of or connected with the central government of some countries

Federal means relating to a central government

The Chambers Dictionary, 2006

Chambers Harrap Publishers Ltd. Page 549

Federal – adj. relating to or consisting of a treaty or a covenant; confederate, found upon mutual agreement; (of a union or a government) in which several states, while independent in home affairs, combine for national general purposes, as in the United States; of or relating to the national or central government in such a union, as opposed to regional or state government

Federal: dictionary definition

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "Federal” http://dictionary.reference.com/browse/federal?s=t

Pertaining to or of the nature of a union of states under a central government distinct from the individual governments of the separate states: the federal government of the U.S. 2. of, pertaining to, or noting such a central government: federal offices. 3. (initial capital letter ) U.S. History . a. of or pertaining to the Federalists or to the Federalist party. b. supporting the principles of the Federalist party. c. (in the Civil War) pertaining to or supporting the Union government. d. relating to or adhering to the support of the constitution. 4. (initial capital letter ) pertaining to or designating the styles of the decorative arts and architecture current in the U.S. from c1780 to c1830. 5. of or pertaining to a compact or a league, especially a league between nations or states.

 **“Federal” is the central government not the states**

AHD 92 (American Heritage Dictionary of the English Language, p. 647)

federal—3. Of or relating to the central government of a federation as distinct from the governments of its member units.

Federal=power divided

**Federal means a government where power is divided between central and regional governments**

Collins English Dictionary 98(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

Federal: 1)of or relating to a form of government or a country in which power is divided between one central and several regional governments. 2) of or relating to a treaty between provinces, states, etc., that establishes a political unit in which the power is so divided. 3)of or relating to the central government of a federation 4)of or relating to any union or association of parties or groups that retain some autonomy

GOVERNMENT

Government=control

**Government is political control over the actions of citizens**

Random House Webster’s College Dictionary 96

Government: 1)the political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states; direction of the affairs of habitants of a state, community, etc. 2)the form or system of rule by which a state, community, etc., is governed

Government is the system that rules a community

Collins English Dictionary 98(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

Government: 1) the exercise of political authority over the actions, affairs, etc., of a political unit, people, etc., as well as the performance of certain functions for this unit or body; the action of governing; political rule and administration 2) the system by which a community, etc., is ruled.

Government is the group that controls a political unit

Cambridge Dictionary, 2000

 Cambridge University Press p.728

Government – n. the offices, departments, and groups of people that control a country, state, city, or other political unit; government is also a particular system of managing a country, state, city, etc.

Government is management

The Chambers Dictionary, 2006

Chambers Harrap Publishers Ltd. Page 646

Government – n. a ruling or managing; control; a system of governing; the body of persons authorized to administer laws, or to govern the state

**Government is a branch or service of the supreme authority of a nation**

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "government” http://dictionary.reference.com/browse/government?s=t

1. The political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states; direction of the affairs of a state, community, etc.; political administration: Government is necessary to the existence of civilized society. 2. the form or system of rule by which a state, community, etc., is governed: monarchical government; episcopal government. 3. the governing body of persons in a state, community, etc.; administration. 4. **a branch or service of the supreme authority of a state or nation, taken as representing the whole: a dam built by the governmen**t. 5. (in some parliamentary systems, as that of the United Kingdom) a. the particular group of persons forming the cabinet at any given time: The Prime Minister has formed a new government. b. the parliament along with the cabinet: The government has fallen. USFG

United States federal government= all 3 branches

United States federal government is all three branches

Scuton, Research Prof, 07

(Roger Scuton, Research Prof, Institute for the Psychological Sciences in Arlington, Virginia, 2007)

The constitution of 1788 establishes a federal system of government with considerable limits to its power, but with absolute sovereignty in all matters that concern the existence of the US as a single state. The federal government consists of legislative, executive, and judicial branches, interrelated but distinct, and constructed expressly so as to accourd with the theory of the separation of powers, as this had been understood by the Founding Fathers.

United States Federal Government shares sovereignty with the State governments

USLegal.com, 2012

By US Legal, online legal dictionary, 2012, http://definitions.uslegal.com/u/united-states-federal-government/

The United States Federal Government is established by the US Constitution. The Federal Government shares sovereignty over the United Sates with the individual governments of the States of US. The Federal government has three branches: i) the legislature, which is the US Congress, ii) Executive, comprised of the President and Vice president of the US and iii) Judiciary. The US Constitution prescribes a system of separation of powers and ‘checks and balances’ for the smooth functioning of all the three branches of the Federal Government. The US Constitution limits the powers of the Federal Government to the powers assigned to it; all powers not expressly assigned to the Federal Government are reserved to the States or to the people.

SHOULD

Should=non binding

Should is a recommendation

NFPA 2006 http://www.testladders.com/nfpa\_ch3.htm

The definitions contained in this chapter shall apply to the terms used in this standard. Where terms are not included, common usage of the terms shall apply.

3.2.4. Should. Indicates a recommendation or that which is advised but not required.

**Should is non-binding**

United Nations Environment Program 06

 http://www.unep.org/dec/onlinemanual/Resources/Glossary/tabid/69/Default.aspx?letter=S

Should. As negotiating language, should entails an advice, not an obligation, to do something. However, while non-binding, it implies a stronger imperative than may.

Should expresses desire or opinion

Cambridge Dictionary, 2000

 Cambridge University Press p.792

Should – v. aux. Used to express that it is necessary, desirable, admirable, or imperative to perform the action of the following verb; used to express a desire or opinion

#### “Should” means desirable --- this does not have to be a mandate

**Atlas Collaboration 99**

 (“Use of Shall, Should, May Can,” http://rd13doc.cern.ch/Atlas/DaqSoft/sde/inspect/shall.html)shall

'shall' describes something that is mandatory. If a requirement uses 'shall', then that requirement \_will\_ be satisfied without fail. Noncompliance is not allowed. Failure to comply with one single 'shall' is sufficient reason to reject the entire product. Indeed, it must be rejected under these circumstances. Examples: # "Requirements shall make use of the word 'shall' only where compliance is mandatory." This is a good example. # "C++ code shall have comments every 5th line." This is a bad example. Using 'shall' here is too strong. should 'should' is weaker. It describes something that might not be satisfied in the final product, but that is desirable enough that any noncompliance shall be explicitly justified. Any use of 'should' should be examined carefully, as it probably means that something is not being stated clearly. If a 'should' can be replaced by a 'shall', or can be discarded entirely, so much the better. Examples: # "C++ code should be ANSI compliant." A good example. It may not be possible to be ANSI compliant on all platforms, but we should try. # "Code should be tested thoroughly." Bad example. This 'should' shall be replaced with 'shall' if this requirement is to be stated anywhere (to say nothing of defining what 'thoroughly' means).

Should=obligatory

Should indicates duty

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "Should” http://dictionary.reference.com/browse/should?s=t

1. simple past tense of shall. 2. (used to express condition): Were he to arrive, I should be pleased. 3. must; ought (used to indicate duty, propriety, or expediency): You should not do that. 4. would (used to make a statement less direct or blunt): I should think you would apologize.

#### “Should” means must – its mandatory

Foresi 32 (Remo Foresi v. Hudson Coal Co., Superior Court of Pennsylvania, 106 Pa. Super. 307; 161 A. 910; 1932 Pa. Super. LEXIS 239, 7-14, Lexis)

As regards the mandatory character of the rule, the word 'should' is not only an auxiliary verb, it is also the preterite of the verb, 'shall' and has for one of its meanings as defined in the Century Dictionary: "Obliged or compelled (to); would have (to); must; ought (to); used with an infinitive (without to) to express obligation, necessity or duty in connection with some act yet to be carried out." We think it clear that it is in that sense that the word 'should' is used in this rule, not merely advisory. When the judge in charging the jury tells them that, unless they find from all the evidence, beyond a reasonable doubt, that the defendant is guilty of the offense charged, they should acquit, the word 'should' is not used in an advisory sense but has the force or meaning of 'must', or 'ought to' and carries [\*\*\*8] with it the sense of [\*313] obligation and duty equivalent to compulsion. A natural sense of sympathy for a few unfortunate claimants who have been injured while doing something in direct violation of law must not be so indulged as to fritter away, or nullify, provisions which have been enacted to safeguard and protect the welfare of thousands who are engaged in the hazardous occupation of mining.

**Should is mandatory**

CERN 08

http://internal-audit.web.cern.ch/internal-audit/method/glossary.html

**Should** - The use of the word "should" in the Standards represents a mandatory obligation

**Should is obligatory**

Merriam Webster Online

http://www.merriam-webster.com/dictionary/should

used in auxiliary function to express obligation, propriety, or expediency

**Should is obligatory**

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

Should: the past tense of shall: used as an auxiliary verb to indicate that an action is considered by the speaker to be obligatory

Should= past tense of shall

Should is the past tense of shall

Random House Webster’s College Dictionary 96

Should: 1) past tense of shall 2)used to indicate duty, propriety, or expediency 3)used to express condition 4)used to make a statement less direct or blunt

Should means the past tense of shall

Blacks Law Dictionary 1990

 The past tense of shall; ordinarily implying duty or obligation: although usually no more than an obligation of propriety or expediency, or a moral obligation, thereby by distinguishing it from ought. It is not normally synonymous with “may” and although often interchangeable with the word “would” it does it not ordinarily express certainty as will sometimes does.

Should isn’t past tense of Shall

Should isn’t the past tense of shall

Words and Phrases 06

“Should.” Def. C.A.1. *Words and Phrases Dictionary.* Volume 39. 2006

Term “should” in statute indicates recommended course of action, but does not itself imply obligation associated with “shall.”

Substantial

Substantially=great degree

**Substantially is to a great extent**

WordNet http://wordnetweb.princeton.edu/perl/webwn?s=substantially&sub=Search+WordNet&o2=&o0=1&o7=&o5=&o1=1&o6=&o4=&o3=&h=00

Substantially is to a great extent or degree

Substantially means to a large degree

**Words and Phrases 02**

“Substantially” Def. 1. *Words and Phrases Dictionary*. Volume 40B. 2002

‘Substantially” as used in the ADA provision defining “disability” as an impairment that substantially limits one or more major life activities, suggests “considerable” or “to a large degree.” Americans with Disabilities Act of 1990.

**Substantial means by a large amount**

**NRC 3** (Office of Nuclear Material Safety and Safeguards Policy and Procedures, April 2003,) <http://www.fontana.org/main/dev_serv/planning/ventana_eir/appendix_e.pdf>

“Substantial increase” means “important or significant in a large amount, extent, or degree,” and not resulting in insignificant or small benefit to the public health and safety, common defense and security, or the environment, regardless of costs. However, this standard is not intended to be interpreted in a way that would result in disapproval of worthwhile safety or security improvements with justifiable costs.2

**Substantially isn’t essentially**

Substantially does not mean essentially

**Words and Phrases 02**

“Substantially” Def. 9. *Words and Phrases Dictionary*. Volume 40B. 2002

The word “substantially” is not necessarily synonymous with “essentially.”—Robins v. Wettlaufer.

**Substantial is unreal**

Black’s Law 91

Substantially - means essentially; without material qualification

Substantially=essentially

Substantially means essentially

Blacks Law Dictionary 1990

Essentially; without material qualification; in the main; in substance; materially; in a substantial manner. About actually, competently, and essentially

**Substantial is real**

**Words and Phrases 2**

Ala. 1909. “Substantial” means “belonging to substance; actually existing; real; \*\*\* not seeming or imaginary; not elusive; real; solid; true; veritable

Substantially=meeting requirements

Substantially means meeting requirements

**Words and Phrases 02**

“Substantially” Def. Ind. 1962 *Words and Phrases Dictionary*. Volume 40B. 2002

“Substantially” means meeting requirements in essential and material parts

Substantially=Considerable

**Substantially is considerable in quantity**

Merriam Webster Online

http://www.merriam-webster.com/dictionary/substantially

considerable in quantity : significantly great <earned a substantial wage>

Substantial means of considerable quantity

Random House Webster’s College Dictionary 96

Substantially:1)of ample or considerable amount, quantity, size, etc. 2)of corporeal or material nature; real or actual 3)of solid character or quality; firm, stout or strong 4)being such with respect to essentials 5)wealthy or influential 6)of real worth, value, or effect 7)pertaining to the substance, matter or material of a thing

**Substantial can mean considerable**

**Words and Phrases 2**

D.S.C. 1966. The word “substantial” within Civil Rights Act providing that a place is a public accommodation if a “substantial” portion of food which is served has moved in commerce must be construed in light of its usual and customary meaning, that is, something of real worth and importance; of considerable value; valuable, something worthwhile as distinguished from something without value or merely nominal

Substantially=important

Substantial means important

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

Substantial: 1)of a considerable size of value 2)worthwhile, important 3)having wealth or importance

Substantially =Material in Quantity

Substantial means materially or considerable in quantity

**Business Day 06**

(Business Day “Appeal upheld in the case of health-care merger” September 11, 2006 (Lexis)

This enquiry entails an analysis of competition in the relevant market with reference to the factors set out in section 12A (2). The court pointed out that in the competitive analysis of a proposed merger, the meaning of the word "likely" is analogous to "probability", while "substantially" means "materially or considerably in amount or duration".

Substantially= 2%

**Substantial is 2%**

**Word and Phrases 1960**

 'Substantial" means "of real worth and importance; of considerable value; valuable." Bequest to charitable institution, making 1/48 of expenditures in state, held exempt from taxation; such expenditures constituting "substantial" part of its activities.

Substantial= 5%

**Substantial is more than 5%**

**Schroeder 08** (Peter Schroeder, 10/21/08, “Regulation: NABL to Treasury: Clarify Small PAB Issuances,” The Bond Buyer, http://wwwlexisnexis.com/us/lnacademic/results/docview/docview.do?docLinkInd=true&risb=21\_T7030487035&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\_T7030487038&cisb=22\_T7030487037&treeMax=true&treeWidth=0&csi=303185&docNo=1)

Market participants have complained in the past that the Treasury has not defined what constitutes a "substantial" change. In response to the complaints, Treasury proposed two safe harbors, one of which would define a "substantial" deviation as a change of more than 5% in the amount of bonds issued from the approved amount.

Substantially=20%

## Substantially means at least twenty percent

**Words and Phrases 67**

“Substantially.” 758 Words and Phrases Dictionary. 1967

“‘Substantial’ number of tenants engaged in production of goods for commerce means that at least 20 per cent of the building be occupied by tenants so engaged. Ullo vs. Smith, D.C.N.Y., 62 F. Supp. 757, 760.”

Substantially = 30%

A substantial increase is at least 30%

Bryson, 2k1 (Circuit Judge, UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

265 F.3d 1371; 2001 U.S. App. LEXIS 20590; 60 U.S.P.Q.2D (BNA) 1272, 9/19, lexis)

The term "to increase substantially" in claim 1 of the '705 patent refers to the claimed increase achieved by the invention in the relative productivity of the catalyst used in the Fischer-Tropsch process. The specification defines "substantially increased" catalyst activity or productivity as an increase of at least about 30%, more preferably an increase of about 50%, and still more preferably an increase of about 75%. '705 patent, col. 1, ll. 59-63. Based on that language from the specification, the trial court found, and the parties agree, that the term "to increase substantially" requires an increase of at least about 30% in the relative productivity of the catalyst. Notwithstanding that numerical boundary, the trial court found the phrase "to increase substantially" to be indefinite because the court concluded that there were two possible ways to calculate the increase in productivity, the subtraction method and the division method, and the patent did not make clear which of those ways was used in the claim.

Substantially means 30%

**Business Day 03**(“Stock exchange reels as rand rules roost” 12/4/03 (Lexis)

After the close on Tuesday, Impala warned that its results for the half-year ending on December 31 this year are set to be substantially lower than the previous comparative period. According to the JSE's listings requirements, "substantially" means a change of more than 30%.

Substantially = 50%

Substantially means at least 50%

**The Herald 02**

“Parties unite in opposition to white paper on Lords reform” 1/11/02 (Lexis)

Chris Smith, the former culture secretary, said: "Quite simply, the government haven't got it right," he said. The new chamber should be substantially elected. "In my book substantially means at least 50% - 20% will not do."

Substantially means 50%

Selya, US Court of Appeals, 05

Justice Selya, 5-25-05, United States Court of Appeals for the First Circuit, 408 F.3d 41; 2005 U.S. App. LEXIS 9539

For instance, the BAA permits the use of foreign goods if it is in the "public interest," 41 U.S.C. § 10d, and Law 109 does not contain such an exception. There are also disparities between the BAA and Law 109 as the former has been interpreted in federal regulations. One such disparity is that the preference for domestic construction materials in procurement by federal agencies is 6%, see 48 C.F.R. § 25.204(b), whereas the Preference Board currently sets the preference for purposes of Law 109 at 15%. Furthermore, the BAA requires contracts for construction of public buildings to favor items manufactured in the United States that are "substantially all" composed from American raw materials. 41 U.S.C. § 10b. The applicable federal regulation defines "substantially all" as meaning at least 50%. See 48 C.F.R. § 25.101(a)(2). In contradistinction, Law 109 seems to require that cement be manufactured 100% from indigenous (Puerto Rican) raw materials, save for those indigenous materials that are unavailable in commercial quantities. See 3 P.R. Laws Ann. § 927(d).

Substantially= 85%

Substantially means 85%

Cudahy, Justice for US Court of Appeals, 95

Justice Cudahy, 5-30-95, United States Court of Appeals for the Seventh Circuit, 55 F.3d 1318; 1995 U.S. App. LEXIS 13268

An exemption from partial withdrawal liability exists, however, for those employers for whom "substantially all the employees with respect to whom the employer has an obligation to contribute under the plan perform work in the building and construction industry." 29 U.S.C. § 1383(b)(1)(A). The statute does not define "substantially all," but this court has defined it as 85 percent or more**.** Continental Can Co. v. Chicago Truck Drivers, 916 F.2d 1154, 1160 (7th Cir. 1990). The statute also does not define the time period during which the "substantially all" restriction applies. We are therefore given no guidance as to whether this restriction applies during only the last year of the three year testing period, during all three years, or during the entire eight years involved in the calculation of the partial withdrawal. Nor, to our knowledge, has any other court of appeals addressed this issue.

Substantially = 90%

Substantially means more than 90%

**Canberra Times 05** (“New laws too soft” 3/8/05 (Lexis)

About what the 2006 smoking ban would mean for Canberra's clubs and pubs the government has decided on a definition of an enclosed space but not everyone is happy. Greens MLA Deb Foskey said the ACT Government's proposed 75 per cent to 25 per cent rule was a matter of convenience and not based on health evidence. She is putting a private member's bill to the Legislative Assembly this week which seeks to redefine an enclosed space and to ban smoking in sight of poker machines. ACTClubs chief executive Bob Samarcq said clubs had invested to the tune of $15million to meet the 75 to 25 per cent rule. "It's an outcome we can live with," he said. The ACT law, passed in 2003, banning smoking in substantially closed places, was amended last week and has given Health Minister Simon Corbell the power to define what a substantially enclosed space is. "Advice from the ACT Government Solicitor suggested that without a regulation, based on legal precedent, the courts would interpret "substantially" to mean more than 90 per cent enclosed," Mr Corbell said. He said buildings standards for undercover parking without mechanical ventilation was 12.5 per cent open and up to 87.5 per cent closed. He said in 2003 the ACT Health Protection Service conducted a series of air quality tests. "Based on this experience, a review of the evidence on the topic, consideration of building codes and advice from the Government Solicitors, the Chief Health Officer has provided guidelines that he considers .... will substantially protect people from exposure to environmental tobacco smoke," Mr Corbell said. His claim that such a regulation would virtually eliminate exposure to environmental tobacco smoke in indoor areas was challenged by Dr Foskey. "I understand that the ACT Government has proposed the 75/25 rule as a matter of convenience not on the basis of health evidence," Dr Foskey said. She called on the ACT Government to release the Health Protection Report to the public. "Otherwise you do have to wonder what would happen if it was challenged under OH and S legislation." She said the analysis prepared for the Health Department showed a 25 per cent enclosure, not a 75 per cent enclosure, was significantly safer. "Doesn't the Health Minister, or the Chief Health Officer, have an obligation to make decisions that puts the health of workers and patrons first?" Mr Samarcq said now was not the time to change the definition with about 12 of Canberra's clubs in the process of modifying their buildings to meet the requirements. He said when smoking was banned in Victoria, clubs recorded a 13 per cent decrease in their takings -which if it happened in the ACT would result in every club going into the red.

**Substantial is 90%+**

**Words & Phrases 2000**

N.H. 1949. -The Word "substantially" as used in provision of Unemployment Compensation Act that experience rating of an employer may transferred to' an employing unit which acquires the organization, -trade, or business, or "substantially" all of the assets thereof, is 'an elastic term which does not include a. definite, fixed amount of percentage, and the transfer does not have to be 100 per cent but cannot be less than 90 per cent in the ordinary situation.

INCREASE

Increase= to make greater

**Increase is to become greater in amount**

WordNet

http://wordnetweb.princeton.edu/perl/webwn?s=increase

Verb: Increase is to become bigger or greater in amount

**Increase is to make greater**

Merriam Webster Online

http://www.merriam-webster.com/dictionary/increase

transitive verb1: to make greater : augment

Increase is to become greater

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

Increase: 1)to make or become greater in size, degree, frequency, etc.; grow or expand 2)the act of increasing; augmentation 3)the amount by which something increases.

Increase is growth

Random House Webster’s College Dictionary 96

Increase: 1)to make greater, as in number, size, strength, or quality; augment 2)to become greater, as in number, size, strength, or quality 3)to multiply by propagation 4)growth or augmentation in size, strength, quality 5)the act or process of increasing

Increase is to add to grow in size or number

The Chambers Dictionary, 2006

Chambers Harrap Publishers Ltd. Page 754

Increase – v. to grow in size or number; to become ricer or more powerful; to make great in size or number; to make richer or more powerful; growth, increment; addition to the original stock, profit

Increase means growth

Blacks Law Dictionary 1990

Increase: Enlargement, growth, development, increase increment, addition, accession, extension, production, profit, interest, issue. The produce of land; the offspring of animals.

Increase=monetary

Increase is monetary modification

**Words and Phrases 08**

“Increase.” Def. Minn. App. 2004. *Words and Phrases Dictionary.* Volume 28B. 2008

A durational modification of child support is as much an “increase” as a monetary modification, and the needs of subsequent children must be considered when determining the indefinite extension of the support obligation pursuant to statute providing that, when a party moves to “increase” child support, the circumstances change and the adjudicator is obligated to consider the needs of after-born children. M.S.A.

Transportation Infrastructure

Transportation infrastructure is made of facilities critical to survival

NCRST (National Consortium on Remote Sensing in Transportation),

(NCRST, "Critical Infrastructure Protection",

http://www.ncgia.ucsb.edu/ncrst/research/cip/CIPAgenda.pdf, DOA: 6/28/12)

Although no universally agreed upon definition of or criteria for the Critical Transportation Infrastructure (CTI) exists, most observers would agree that the CTI is composed of those transportation facilities whose removal from service would significantly affect public safety, national security, economic activity or environmental quality

Transportation infrastructure means highways, bridges, ports, airports, and pipelines

Goodchild et. al, 2002

(Michael – director of University of California, Santa Barbara’s Center for Spatial Studies, Richard L. Church, and Val Noronha, Spatial Information Technologies in Critical Infrastructure Protection, National Consortium on Remote Sensing in Transportation, p. 2)

Examples of Critical Transportation Infrastructure (CTI) 1. Major arterial highways and bridges comprising the National Highway System (NHS), including the Strategic Highway Network (STRAHNET) and National Intermodal Connectors. 2. International marine harbors, ports and airports. 3. Major railroads, including depots, terminals and stations. 4. Oil and natural gas pipelines. 5. Transportation Control Systems (e.g., air traffic control centers, national rail control centers)

Transportation infrastructure includes vehicles, operations, and structures for transportation

Revised Code of Washington 47.46.020, 2010 (http://apps.leg.wa.gov/rcw/default.aspx?cite=47.46.020)

(5) "Transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

Transportation Infrastructure is anything designed for transportation of people of goods

CRPG (Collaboratory for Research on Global Projects), 2008

(Ryan J. Orr, Gregory Keever, CRPG, "Enabling User-Fee Backed Transportation Finance in California",

http://crgp.stanford.edu/publications/working\_papers/Orr\_Keever\_Enabling\_User\_Fee\_Backed\_Transportation\_Finance\_wp0041.pdf, DOA:6/27/12)

Here transportation infrastructure is defined as “any fixed physical asset designed for transporting people and goods including highways, arterial streets, bridges, tunnels, and mass transportation systems.” An often overlooked aspect of transportation infrastructure, even of the most well constructed type, is that it is a consumable asset: it has a finite life, wears out with use, and needs periodic replacement.

Transportation Infrastructure Definition

EJTIR, 2010

(Chantal C. Cantarelli (Faculty of Technology, Policy and Management, Delft University of Technology), Bent Flyvbjerg (Saïd Business School, University of Oxford), Eric J.E. Molin (Faculty of Technology, Policy and Management, Delft University of Technology), Bert van Wee (Faculty of Technology, Policy and Management, Delft University of Technology), "Cost Overruns in Large-scale Transportation Infrastructure Projects: Explanations and Their Theoretical Embeddedness",

<http://www.ejtir.tbm.tudelft.nl/issues/2010_01/pdf/2010_01_01.pdf>, DOA: 6/27/12)

We define transportation infrastructure projects as follows: ‘Transport infrastructures include roads, rail lines, channels, (extensions to) airports and harbours, bridges and tunnels. Of these projects it is the ‘hardware’ that is considered, and the “software”,i.e. projects relating to deregulations, liberalization, privatization, and so forth is excluded’. The literature did not provide one minimum cost level that is generally applied to mark a large-scale project. A large scale project is defined in this paper by a minimum cost level of 500 million euros.

Transportation infrastructure excludes communications, housing, and electricity distribution

Alshawi 9

(Mustafa, Associate Dean – University of Salford and Chair – Iraq Institute for Economic Reforms, “Concept and Background to Public Private Partnership (PPP) / Private Finance Initiative (PFI)”, 11-20, http://www.oecd.org/dataoecd/50/33/47562550.pdf, DOA:6/29/12)

Infrastructure is defined as transportation infrastructure (roads, bridges, airports, ports, rail lines); communications infrastructure; housing; and electricity generation and distribution. Infrastructure projects can be “mega projects” (dams, coast-to‐coast highways, mega‐ports, large power plants) or much smaller projects that can include communication franchises or limited highway spurs.

Water supply and disposal, telecom, and power generation, transmission, and distribution aren’t topical

Snieska 9

(Vytautas, Professor – Kaunas University of Technology, and Ineta Simkunaite, Professor – Projectu Vadybos Centras, “Socio-Economic Impact of Infrastructure Investments”, Inzinerine Ekonomika-Engineering Economics, 3, p. 17, DOA: 6/29/12)

Authors of scientific literature suggest many definitions of infrastructure sector and its components, they widely interpret the features and functions of infrastructure while the issue of measurement is based mainly on the available data for different regions. Infrastructure is defined as a complex of capital goods which are not consumed directly; they provide services only in combination with labour and other inputs. This description allows to distinguish a wide range of components and to analyse their direct impact on development issues and emphasises the need of specification of infrastructure sector in order to measure its impact. In this article infrastructure is defined as the core physical structure consisting of: transportation infrastructure, water supply and disposal infrastructure, telecommunications infrastructure and power infrastructure, consisting of sub sectors that are defined by a set of physical variables: transportation infrastructure (length of roads, rail tracks, etc.), water supply and disposal infrastructure (resident population connected to wastewater collection and treatment systems), telecommunications infrastructure (number of telephone lines), power infrastructure (power plants, transmission and distribution lines).

Communication, water, and energy systems are regulated utilities, not “transportation infrastructure”

**Quadrant 7**

(Real Estate Investors, “Global Diversified Infrastructure Fund of Funds”,

http://www.quadrantrealestateadvisors.com/investments/public/uploads/documents%5CGlobal%20Diversified%20Infrastructure%20Fund%20of%20Funds.pdf, DOA: 6/29/12)

II. Defining Infrastructure Assets

Starting with the failure of the levy systems in New Orleans, followed by the collapse of the Mississippi River Bridge in Minneapolis, Minnesota on August 1, 2007, American infrastructure capital needs were brought to the forefront of America. The aging stock of infrastructure continues to deteriorate and the demand for public and private investment continues to grow. The question now becomes, which entity is going to address this growing need? However, an even more fundamental question also exists, what are infrastructure assets? According to the American Heritage Dictionary, infrastructure comprises the “basic facilities, services and installations needed for the functioning of a community or society, such as transportation and communication systems, water and power lines, and public institutions including schools, post offices and prisons.” The dictionary also notes that the term infrastructure has been used since 1927 to refer to the public works required for an industrial economy to function or the installations necessary for the defence of a country. The expectation most have is that infrastructure assets primarily involve government regulated monopolies and governmentally maintained assets. Unfortunately, classification is not that simple. When defining infrastructure investments, the common definition accepted in the institutional investment management community is “the physical assets that are needed to provide essential services to society,” which has lead managers to have highly different interpretations of the definition of “essential.” In general, the infrastructure market is divided into two general sectors—economic infrastructure and social infrastructure. Economic infrastructure includes transportation assets and regulated utilities, which includes communication, water, and energy systems. Social infrastructure is more vaguely defined and may include any asset in which the government maintains control or assets that are necessary for the longevity of the population. Such assets include schools, prisons, hospitals, parks, and others.

Transportation infrastructure is defined as transit, highways, airports, railways, waterways and intermodal links

Trimbath 2011 (Susanne, Ph.D., former Senior Research Economist in Capital Market Studies at Milken Institute, Transportation Infrastructure: Paving the Way, STP Advisory Services, LLC, p. 9, DOA: 6/29/12)

The strategy applied by the US Chamber of Commerce for the infrastructure performance index project presents a model for developing the way forward. A stakeholder-centric approach allows you to measure the right things, communicate to the people in a language they understand and get to ACTION faster. The process, detailed in the Technical Report last summer (US Chamber 2010), is basically this: 1. Clearly define “transportation infrastructure” as the underlying structures that support the delivery of inputs to places of production, goods and services to customers, and customers to marketplaces. The structures are: • Transit • Highways • Airports • Railways • Waterways (Ports) • Intermodal Links

Infrastructure

Executive Order limits infrastructure

John Moteff, Claudia Copeland, and John Fischer, 2003

(John Moteff, Claudia Copeland, and John Fischer, " Critical Infrastructures: What Makes an Infrastructure Critical?",

http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/RL31556\_01292003.pdf, DOA;6/28/12)

According to this Executive Order (EO) these infrastructures included: telecommunications; electrical power systems; gas and oil storage and transportation; banking and finance; transportation; water supply systems; emergency services (including medical, police, fire, and rescue); continuity of government.

Infrastructure is the military installations of a country

Dictionary.com

(Dictionary.com, "Infrastructure",

http://dictionary.reference.com/browse/infrastructure?s=t, DOA: 6/27/12)

noun 1. The basic, underlying framework or features of a system or organization. 2. The fundamental facilities and systems serving a country, city, or area, as transportation and communication systems, power plants, and schools. 3. The military installations of a country.

Infrastructure falls in four categories – transportation and energy are distinct

Heintz 9

(James, Associate Research Professor and Associate Director – Political Economy Research Institute, et al., “How Infrastructure Investments Support the U.S. Economy: Employment, Productivity and Growth”, January, http://americanmanufacturing.org/files/peri\_aam\_finaljan16\_new.pdf)

II. ASSESSMENT OF INFRASTRUCTURE NEEDS FOR THE U.S. In the previous section we looked at trends and patterns of public investment since 1950. We now examine what levels of infrastructure investment are required in the future to address expected needs and to fill the gap left by inadequate rates of past investment. We will then use this assessment of needs to develop policy scenarios and to estimate the employment impacts of an expanded infrastructure investment program. We will show, in later sections of the report, that a program of accelerated investment which aims to eliminate the country’s infrastructure deficit can generate millions of new jobs. In this section we focus on four broad categories of infrastructure and specific areas of investment within each category. The infrastructure categories are: 1. Transportation: the road system; railroads; aviation; mass transit; and inland waterways and levees; 2. Public school buildings; 3. Water infrastructure: drinking water, wastewater, and dams; 4. Energy: electrical transmission, through all sources, including renewables, and natural gas pipeline construction.

Infrastructure is transportation networks – it’s distinct from vehicles and operations

**CSFT 6** (“Aboard Transportation”, http://www.cfst.org/transportation.html)

Transportation Transportation or transport is the carrying of people and goods from one destination to another. The term comes from the Latin trans meaning “across” and portare meaning “to carry”. Transportation can be divided into three distinct fields: 1. Infrastructure - When we refer to infrastructure it includes our transport networks such as roads, railways, airways, canals, and pipeline. This also includes the terminals or nodes such as airports, railway stations, bus stations, and seaports. 2. Vehicle – These comprises of the vehicles that we regularly ride in the networks for instance automobiles (buses, cars, taxis, and etc.), trains and airplanes. 3. Operations – They are the control of the whole transport system including traffic lights/signals on roads, ramp meters, railroad switches, air traffic control, and etc.

US law defines infrastructure as only non-military

National Infrastructure Improvement Act 7

(National Infrastructure Improvement Act of 2007- Passed by the Senate,

http://uspolitics.about.com/od/legislation/l/bl\_s775.htm, DOA: 6/27/12)

(4) INFRASTRUCTURE- (A) IN GENERAL- The term `infrastructure' means a nonmilitary structure or facility and equipment associated with that structure or facility. (B) INCLUSIONS- The term `infrastructure' includes-- (i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1471), determines to be appropriate; (ii) a mass transit facility; (iii) an airport or airway facility; (iv) a resource recovery facility; (v) a water supply and distribution system; (vi) a wastewater collection, treatment, and related facility; (vii) waterways, locks, and dams; (viii) a levee and any related flood-control facility; (ix) a dock or port; and (x) a solid waste disposal facility

Even broad definitions of infrastructure exclude the military

Ford, 1991

(Robert, Principal Administrator in Country Studies III Division – OECD, and Pierre Port, Principal Administrator in the Capital Movements – OECD, "Infrastructure and Private-sector Productivity", Economic Studies, 17, Autumn,

http://www.oecd.org/dataoecd/32/48/34257626.pdf, DOA: 6/27/12)

Although Aschauer concentrated on public-sector capital, this does not necessarily cover all infrastructure investment and, moreover, the split between publicly-provided and privately-provided infrastructure varies widely from country to country, perhaps for historical reasons. Therefore, two concepts of infrastructure were constructed. The “narrow” definition is the capital stock of “producers of government services”, and the “broad” definition includes, in addition, equipment and structures in electricity, gas and water, and structures in transport and communication (these are subtracted from the private-sector capital stock in the relevant regressions). The broad definition is some-what more internationally comparable. Neither definition includes the military capital stock.

Infrastructure can be split into either economic or social infrastructure

Inderst, 2009

The definition of infrastructure investment seems intuitive. The OECD uses a simple and general definition for infrastructure as the system of public works in a country, state or region, including roads, utility lines and public buildings. A standard dictionary‘s definition is: ―The basic facilities, services, and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, and public institutions including schools, post offices, and prisons.‖ (American Heritage Dictionary). Infrastructure assets are traditionally defined by their physical characteristics. One can split them into two main categories, and a range of sectors within those: Economic infrastructure transport (e.g. toll roads, airports, seaport, tunnels, bridges, metro, rail systems) utilities (e.g. water supply, sewage system, energy distribution networks, power plants, pipelines, gas storage) communication (e.g. TV/ telephone transmitters, towers, satellites, cable networks) renewable energy Social infrastructure education facilities health (hospitals and health care centres) security (e.g. prisons, police, military stations) others (e.g. parks)

Infrastructure does not include green practice recipients

U.S. EPA, Office of Grants and Debarment, 2009

(U.S. EPA, Office of Grants and Debarment, " Definition of “Infrastructure” for purposes of the American Recovery and

Reinvestment Act of 2009",

http://www.epa.gov/ogd/forms/Definition\_of\_Infrastructure\_for\_ARRA.pdf, DOA: 6/27/12)

The term infrastructure refers to the substructure or underlying foundation or network used for providing goods and services; especially the basic installations and facilities on which the continuance and growth of a community, State, etc., depend. Examples include roads, water systems, communications facilities, sewers, sidewalks, cable, wiring, schools, power plants, and transportation and communication systems. The term does not include green practices recipients can follow to reduce energy consumption and greenhouse gas emissions and improve air, water quality, and waste management.

Infrastructure is the basic facilities, services, and installations a community needs

Thefreedictionary.com

(Thefreedictionary.com, "Infrastructure",

http://www.thefreedictionary.com/Infrastructure, DOA:6/27/12)

n. 1. An underlying base or foundation especially for an organization or system. 2. The basic facilities, services, and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, and public institutions including schools, post offices, and prisons.

“Infrastructure” contains multiple categories --- “transportation” is distinct from water and energy

**Heintz 9** (James, Associate Research Professor and Associate Director – Political Economy Research Institute, et al., “How Infrastructure Investments Support the U.S. Economy: Employment, Productivity and Growth”, January, http://americanmanufacturing.org/files/peri\_aam\_finaljan16\_new.pdf, DOA: 6/29/12)

II. ASSESSMENT OF INFRASTRUCTURE NEEDS FOR THE U.S.

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2. Public school buildings;

3. Water infrastructure: drinking water, wastewater, and dams;

4. Energy: electrical transmission, through all sources, including renewables, and natural gas pipeline construction.

Infrastructure is the system that allows for the reliable flow of products and services

Moteff et. al, 1/29/2003

(John, Claudia Copeland, and John Fischer – Resources, Science and Industry Division of the Congressional Research Service, Critical Infrastructures: What Makes an Infrastructure Critical?, Report for Congress, p. 2-3, DOA: 6/29/12)

Using the language of this EO, the Commission’s final report 5 to the President defined critical infrastructure in the Glossary as: “Infrastructures so vital that their incapacitation or destruction would have a debilitating impact on defense or economic security.” The following supporting definitions were provided: Infrastructures: The framework of interdependent networks and systems comprising identifiable industries, institutions (including people and procedures), and distribution capabilities that provide a reliable flow of products and services essential to the defense and economic security of the United States, the smooth functioning of government at all levels, and society as a whole.

Infrastructure is a fundamental system

Random House Dictionary 2012

1. the basic, underlying framework or features of a system or organization. 2. the fundamental facilities and systems serving a country, city, or area, as transportation and communication systems, power plants, and schools. 3. the military installations of a country.

Transportation

Transportation has to move people or goods

DoE 8

(United States Department of Energy – Energy Intense Indicators in the U.S., “Terminology and Definitions”, 4-22, http://www1.eere.energy.gov/ba/pba/intensityindicators/trend\_definitions.html, DOA: 6/29/12)

An end-use sector that consists of all vehicles whose primary purpose is transporting people and/or goods from one physical location to another. Included are automobiles; trucks; buses; motorcycles; trains, subways, and other rail vehicles; aircraft; and ships, barges, and other waterborne vehicles. Vehicles whose primary purpose is not transportation (e.g., construction cranes and bulldozers, farming vehicles, and warehouse tractors and forklifts) are classified in the sector of their primary use.

Transportation is only for roads, bridges, and intermodal systems

DeLauro 11

(U.S. Representative, Legislation to Create a National Infrastructure Development Bank, H.R. 402, 1-24, http://www2.apwa.net//Documents/Advocacy/HR%20402.pdf, DOA:6/29/12)

(25) TRANSPORTATION INFRASTRUCTURE PROJECT.—The term ‘‘transportation infrastructure project’’ means any project for the construction, maintenance, or enhancement of highways, roads, bridges, transit and intermodal systems, inland waterways, commercial ports, airports, high speed rail and freight rail systems.

“Transportation” is a limiting term --- anything else isn’t topical

**Averback 87**

(Jonathan C., Citations Editor, “Comparing The Old And The New Pollution Exclusion Clauses In General Liability Insurance Policies: New Language -- Same Results?”, Boston College Environmental Affairs Law Review, Summer, 14 B.C. Envtl. Aff. L. Rev. 601, Lexis, DOA: 6/29/12)

Courts will not honor the insurer's intention to limit coverage of certain risks if this intention is ambiguously expressed. 86 Instead, courts look for both parties' objectively-manifested intent, as implied by the words of the contract. 87 One principle of contract interpretation that courts will use to imply the parties' intent is that of ejusdem generis. 88 This principle allows a court to infer that specific words restrict the meaning of general terms when the specific terms precede the general terms in a particular phrase. 89 Thus, in a phrase "cattle, hogs and other animals," "animals" may not refer to much more than farm animals, because the specific animals mentioned before the general word are hogs and cattle. 90 Ejusdem generis is only one aspect of a broader doctrine holding that general phrases [\*613] may be restricted in meaning by being grouped with specific terms regardless of the ordering. 91 Thus, as in the above example, the term "animals" in the phrase "animals, cattle and hogs" may be limited to farm animals under this broader doctrine. In applying construction doctrines, courts look to the ordinary meanings of the words used in a phrase to discern the intent of the parties.

Transportation is the act of transporting

Dictionary.com (Dictionary.com, "Transportation",

http://dictionary.reference.com/browse/transportation?s=t, DOA: 6/27/12)

1. The act of transporting. 2. The state of being transported. 3. The means of transport or conveyance. 4. The business of conveying people, goods, etc. 5. Trice of travel or transport by public conveyance; fare.

Transportation includes the military

Kim, 2009

(Brian, Wyles Laboratories, Inc., et al., "Guide on Preparing Airport Greenhouse gas Emissions Inventories", Airport Cooperative Research Program – Report 11, http://onlinepubs.trb.org/onlinepubs/acrp/acrp\_rpt\_011.pdf, DOA: 6/27/12) Transportation Sector: Consists of private and public passenger and freight transportation, as well as government transportation, including military operations.

Public Transportation is vehicles meant to transport customers

Idaho Transportation Department

(Idaho Transportation Department, "Public Transportation Definition",

http://itd.idaho.gov/taskforce/Public%20Transportation%20Definition.pdf, DOA:6/27/12)

Public Transportation includes all multiple occupancy vehicle services designed to transport customers on local and regional routes. It is transportation by van, bus, or rail or other conveyance, either privately or publicly owned, providing to the public general or special service.

Public Transportation is transportation by a conveyance

APTA (American Public Transportation Association), 2012

(APTA, "Public Transportation",

http://www.apta.com/resources/statistics/Pages/glossary.aspx, DOA: 6/27/12)

Public Transportation (also called transit, public transit, or mass transit) is transportation by a conveyance that provides regular and continuing general or special transportation to the public, but not including school buses, charter or sightseeing service.

Investment

Investment is use of resources to increase production

About.com

(About.com, "Definition of Investment",

<http://economics.about.com/cs/economicsglossary/g/investment.htm>, DOA:6/27/12)

Investment is defined as any use of resources intended to increase future production output or income.

Investment is an item acquired for future financial return

Thefreedictionary.com

(Thefreedictionary.com, "Investment",

http://www.thefreedictionary.com/Investment, DOA:6/27/12)

n. 1. The act of investing. 2. An amount invested. 3. Property or another possession acquired for future financial return or benefit. 4. A commitment, as of time or support. 5. A military siege. 6. Archaic a. A garment; a vestment. b. An outer covering or layer.

Investment is the investing of capital for profitable returns

Dictionary.com

(Dictionary.com, "Investment",

http://dictionary.reference.com/browse/Investment?s=t, DOA: 6/27/12)

noun 1. The investing of money or capital in order to gain profitable returns, as interest, income, or appreciation in value. 2. A particular instance or mode of investing. 3. A thing invested in, as a business, a quantity of shares of stock, etc. 4. Something that is invested; sum invested. 5. The act or fact of investing or state of being invested, as with a garment.

In

“In” indicates inclusion within limits

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "In” http://dictionary.reference.com/browse/In?s=t

1. (used to indicate inclusion within space, a place, or limits): walking in the park. 2. (used to indicate inclusion within something abstract or immaterial): in politics; in the autumn. 3. (used to indicate inclusion within or occurrence during a period or limit of time): in ancient times; a task done in ten minutes. 4. (used to indicate limitation or qualification, as of situation, condition, relation, manner, action, etc.): to speak in a whisper; to be similar in appearance. 5. (used to indicate means): sketched in ink; spoken in French.

####  “In” indicates a position within the limits or boundaries

**Merriam-Webster Dictionary 2012** (http://www.merriam-webster.com/dictionary/in)

1 a —used as a function word to indicate inclusion, location, or position within limits <in the lake> <wounded in the leg> <in the summer> b : into 1 <went in the house>

**In means within**

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

In 1)inside; within 2) at a place where there is 3) indicating a state, situation or condition 4)before or when 5) using(a language, etc.) as a means of communication

In means within a place

Random House Webster’s College Dictionary 96

In: 1)used to indicate inclusion within space, a place or limits 2)used to indicate inclusion within something abstract or immaterial 3)used to indicate inclusion within or occurrence during a period or limit of time 4)used to indicate limitation or qualification, as of situation, condition, relation, manner, action, etc. 5)on the inside; within

**In means positioned within something**

Cambridge Dictionary, 2000 Cambridge University Press p.432

In – prep. Adj.  positioned inside or within the limits of something, or contained, or surrounded, or enclosed by something; from outside, or toward the center; involved or connected esp. with a job or an interest; expressing a situation, condition, or feeling; used to show which characteristic of a person or thing is being described

In means within

The Chambers Dictionary, 2006 Chambers Harrap Publishers Ltd. Page 750

In – prep. Expressing the relation of a thing to that which surrounds, encloses, includes, or conditions it, with respect to the time place, time, or circumstance; or to that which  is assumed, held, maintained , or the relation of a right or possession to the person who holds or enjoys it

1NC Transportation Infrastructure is not Communications

1. Interpretation

Transportation infrastructure excludes communications, housing, and electricity distribution

Alshawi 9

(Mustafa, Associate Dean – University of Salford and Chair – Iraq Institute for Economic Reforms, “Concept and Background to Public Private Partnership (PPP) / Private Finance Initiative (PFI)”, 11-20, http://www.oecd.org/dataoecd/50/33/47562550.pdf, DOA:6/29/12)

Infrastructure is defined as transportation infrastructure (roads, bridges, airports, ports, rail lines); communications infrastructure; housing; and electricity generation and distribution. Infrastructure projects can be “mega projects” (dams, coast-to‐coast highways, mega‐ports, large power plants) or much smaller projects that can include communication franchises or limited highway spurs.

1. Violation
2. Limits – In an expansive topic, communications would exponentially increase the topic area. There would be far too many subject areas to cover, ranging from telecommunications to internet speed. Unlimiting the topic makes it *impossible* for the negative to prepare for the debate.
3. Topicality is a voting issue for education and fairness.

No Communications

Water supply and disposal, telecom, and power generation, transmission, and distribution aren’t topical

Snieska 9

(Vytautas, Professor – Kaunas University of Technology, and Ineta Simkunaite, Professor – Projectu Vadybos Centras, “Socio-Economic Impact of Infrastructure Investments”, Inzinerine Ekonomika-Engineering Economics, 3, p. 17, DOA: 6/29/12)

Authors of scientific literature suggest many definitions of infrastructure sector and its components, they widely interpret the features and functions of infrastructure while the issue of measurement is based mainly on the available data for different regions. Infrastructure is defined as a complex of capital goods which are not consumed directly; they provide services only in combination with labour and other inputs. This description allows to distinguish a wide range of components and to analyse their direct impact on development issues and emphasises the need of specification of infrastructure sector in order to measure its impact. In this article infrastructure is defined as the core physical structure consisting of: transportation infrastructure, water supply and disposal infrastructure, telecommunications infrastructure and power infrastructure, consisting of sub sectors that are defined by a set of physical variables: transportation infrastructure (length of roads, rail tracks, etc.), water supply and disposal infrastructure (resident population connected to wastewater collection and treatment systems), telecommunications infrastructure (number of telephone lines), power infrastructure (power plants, transmission and distribution lines).

2NC

Communication, water, and energy systems are regulated utilities, not “transportation infrastructure”

Quadrant 7

(Real Estate Investors, “Global Diversified Infrastructure Fund of Funds”,

http://www.quadrantrealestateadvisors.com/investments/public/uploads/documents%5CGlobal%20Diversified%20Infrastructure%20Fund%20of%20Funds.pdf, DOA: 6/29/12)

II. Defining Infrastructure Assets

Starting with the failure of the levy systems in New Orleans, followed by the collapse of the Mississippi River Bridge in Minneapolis, Minnesota on August 1, 2007, American infrastructure capital needs were brought to the forefront of America. The aging stock of infrastructure continues to deteriorate and the demand for public and private investment continues to grow. The question now becomes, which entity is going to address this growing need? However, an even more fundamental question also exists, what are infrastructure assets? According to the American Heritage Dictionary, infrastructure comprises the “basic facilities, services and installations needed for the functioning of a community or society, such as transportation and communication systems, water and power lines, and public institutions including schools, post offices and prisons.” The dictionary also notes that the term infrastructure has been used since 1927 to refer to the public works required for an industrial economy to function or the installations necessary for the defence of a country. The expectation most have is that infrastructure assets primarily involve government regulated monopolies and governmentally maintained assets. Unfortunately, classification is not that simple. When defining infrastructure investments, the common definition accepted in the institutional investment management community is “the physical assets that are needed to provide essential services to society,” which has lead managers to have highly different interpretations of the definition of “essential.” In general, the infrastructure market is divided into two general sectors—economic infrastructure and social infrastructure. Economic infrastructure includes transportation assets and regulated utilities, which includes communication, water, and energy systems. Social infrastructure is more vaguely defined and may include any asset in which the government maintains control or assets that are necessary for the longevity of the population. Such assets include schools, prisons, hospitals, parks, and others.

William Xu

Energy is not included in Transportation Infrastructure

1NC

Communication, water, and energy systems are regulated utilities, not “transportation infrastructure”

Quadrant 7

(Real Estate Investors, “Global Diversified Infrastructure Fund of Funds”,

http://www.quadrantrealestateadvisors.com/investments/public/uploads/documents%5CGlobal%20Diversified%20Infrastructure%20Fund%20of%20Funds.pdf, DOA: 6/29/12)

II. Defining Infrastructure Assets

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Infrastructure falls in four categories – transportation and energy are distinct

Heintz 9

(James, Associate Research Professor and Associate Director – Political Economy Research Institute, et al., “How Infrastructure Investments Support the U.S. Economy: Employment, Productivity and Growth”, January, http://americanmanufacturing.org/files/peri\_aam\_finaljan16\_new.pdf)

II. ASSESSMENT OF INFRASTRUCTURE NEEDS FOR THE U.S. In the previous section we looked at trends and patterns of public investment since 1950. We now examine what levels of infrastructure investment are required in the future to address expected needs and to fill the gap left by inadequate rates of past investment. We will then use this assessment of needs to develop policy scenarios and to estimate the employment impacts of an expanded infrastructure investment program. We will show, in later sections of the report, that a program of accelerated investment which aims to eliminate the country’s infrastructure deficit can generate millions of new jobs. In this section we focus on four broad categories of infrastructure and specific areas of investment within each category. The infrastructure categories are: 1. Transportation: the road system; railroads; aviation; mass transit; and inland waterways and levees; 2. Public school buildings; 3. Water infrastructure: drinking water, wastewater, and dams; 4. Energy: electrical transmission, through all sources, including renewables, and natural gas pipeline construction.

The infrastructure categories are:

1. Transportation: the road system; railroads; aviation; mass transit; and inland waterways and levees;

2. Public school buildings;

3. Water infrastructure: drinking water, wastewater, and dams;

4. Energy: electrical transmission, through all sources, including renewables, and natural gas pipeline construction.

1. Interpretation
2. Violation- They are not topical because energy does not count as part of transportation infrastructure
3. Standards-

Limits- They open a whole new category creating unlimited affs and making it impossible for the neg to research

1. Voters-

Fairness and Topicality

2NC

“Infrastructure” contains multiple categories --- “transportation” is distinct from water and energy

Heintz 9 (James, Associate Research Professor and Associate Director – Political Economy Research Institute, et al., “How Infrastructure Investments Support the U.S. Economy: Employment, Productivity and Growth”, January, http://americanmanufacturing.org/files/peri\_aam\_finaljan16\_new.pdf, DOA: 6/29/12)

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In this section we focus on four broad categories of infrastructure and specific areas of investment within each category.

Transportation infrastructure means highways, bridges, ports, airports, and pipelines

Goodchild et. al, 2002

(Michael – director of University of California, Santa Barbara’s Center for Spatial Studies, Richard L. Church, and Val Noronha, Spatial Information Technologies in Critical Infrastructure Protection, National Consortium on Remote Sensing in Transportation, p. 2)

Examples of Critical Transportation Infrastructure (CTI) 1. Major arterial highways and bridges comprising the National Highway System (NHS), including the Strategic Highway Network (STRAHNET) and National Intermodal Connectors. 2. International marine harbors, ports and airports. 3. Major railroads, including depots, terminals and stations. 4. Oil and natural gas pipelines. 5. Transportation Control Systems (e.g., air traffic control centers, national rail control centers)

Infrastructure does not include green practice recipients

U.S. EPA, Office of Grants and Debarment, 2009

(U.S. EPA, Office of Grants and Debarment, " Definition of “Infrastructure” for purposes of the American Recovery and

Reinvestment Act of 2009",

http://www.epa.gov/ogd/forms/Definition\_of\_Infrastructure\_for\_ARRA.pdf, DOA: 6/27/12)

The term infrastructure refers to the substructure or underlying foundation or network used for providing goods and services; especially the basic installations and facilities on which the continuance and growth of a community, State, etc., depend. Examples include roads, water systems, communications facilities, sewers, sidewalks, cable, wiring, schools, power plants, and transportation and communication systems. The term does not include green practices recipients can follow to reduce energy consumption and greenhouse gas emissions and improve air, water quality, and waste management.

NIB is not topical

1NC

Transportation infrastructure means highways, bridges, ports, airports, and pipelines

Goodchild et. al, 2002

(Michael – director of University of California, Santa Barbara’s Center for Spatial Studies, Richard L. Church, and Val Noronha, Spatial Information Technologies in Critical Infrastructure Protection, National Consortium on Remote Sensing in Transportation, p. 2)

Examples of Critical Transportation Infrastructure (CTI) 1. Major arterial highways and bridges comprising the National Highway System (NHS), including the Strategic Highway Network (STRAHNET) and National Intermodal Connectors. 2. International marine harbors, ports and airports. 3. Major railroads, including depots, terminals and stations. 4. Oil and natural gas pipelines. 5. Transportation Control Systems (e.g., air traffic control centers, national rail control centers)

Transportation Infrastructure is anything designed for transportation of people of goods

CRPG (Collaboratory for Research on Global Projects), 2008

(Ryan J. Orr, Gregory Keever, CRPG, "Enabling User-Fee Backed Transportation Finance in California",

http://crgp.stanford.edu/publications/working\_papers/Orr\_Keever\_Enabling\_User\_Fee\_Backed\_Transportation\_Finance\_wp0041.pdf, DOA:6/27/12)

Here transportation infrastructure is defined as “any fixed physical asset designed for transporting people and goods including highways, arterial streets, bridges, tunnels, and mass transportation systems.” An often overlooked aspect of transportation infrastructure, even of the most well constructed type, is that it is a consumable asset: it has a finite life,

wears out with use, and needs periodic replacement.

Public Transportation is vehicles meant to transport customers

Idaho Transportation Department

(Idaho Transportation Department, "Public Transportation Definition",

http://itd.idaho.gov/taskforce/Public%20Transportation%20Definition.pdf, DOA:6/27/12)

Public Transportation includes all multiple occupancy vehicle services designed to transport customers on local and regional routes. It is transportation by van, bus, or rail or other conveyance, either privately or publicly owned, providing to the public general or special service.

1. Interpretation
2. Violation- They are not topical because NIB does not count as part of transportation infrastructure
3. Standards-

Limits- They open a whole new category creating unlimited affs and making it impossible for the neg to research

1. Voters-

Fairness and Topicality

2NC

Transportation Infrastructure Definition

EJTIR, 2010

(Chantal C. Cantarelli (Faculty of Technology, Policy and Management, Delft University of Technology), Bent Flyvbjerg (Saïd Business School, University of Oxford), Eric J.E. Molin (Faculty of Technology, Policy and Management, Delft University of Technology), Bert van Wee (Faculty of Technology, Policy and Management, Delft University of Technology), "Cost Overruns in Large-scale Transportation Infrastructure Projects: Explanations and Their Theoretical Embeddedness",

<http://www.ejtir.tbm.tudelft.nl/issues/2010_01/pdf/2010_01_01.pdf>, DOA: 6/27/12)

We define transportation infrastructure projects as follows: ‘Transport infrastructures include roads, rail lines, channels, (extensions to) airports and harbours, bridges and tunnels. Of these projects it is the ‘hardware’ that is considered, and the “software”,i.e. projects relating to deregulations, liberalization, privatization, and so forth is excluded’. The literature did not provide one minimum cost level that is generally applied to mark a large-scale project. A large scale project is defined in this paper by a minimum cost level of 500 million euros.

Transportation has to move people or goods

DoE 8

(United States Department of Energy – Energy Intense Indicators in the U.S., “Terminology and Definitions”, 4-22, http://www1.eere.energy.gov/ba/pba/intensityindicators/trend\_definitions.html, DOA: 6/29/12)

An end-use sector that consists of all vehicles whose primary purpose is transporting people and/or goods from one physical location to another. Included are automobiles; trucks; buses; motorcycles; trains, subways, and other rail vehicles; aircraft; and ships, barges, and other waterborne vehicles. Vehicles whose primary purpose is not transportation (e.g., construction cranes and bulldozers, farming vehicles, and warehouse tractors and forklifts) are classified in the sector of their primary use.

Transportation is the act of transporting

Dictionary.com (Dictionary.com, "Transportation",

http://dictionary.reference.com/browse/transportation?s=t, DOA: 6/27/12)

1. The act of transporting. 2. The state of being transported. 3. The means of transport or conveyance. 4. The business of conveying people, goods, etc. 5. Trice of travel or transport by public conveyance; fare.

1NC Investment must be within the US

1. Interpretation

United States is a republic made up of 50 states

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "United States” [http://dictionary.reference.com/browse/United+States?s=t](http://dictionary.reference.com/browse/United%2BStates?s=t)

A republic in the N Western Hemisphere comprising 48 conterminous states, the District of Columbia, and Alaska in North America, and Hawaii in the N Pacific. 267,954,767; conterminous United States, 3,022,387 sq. mi. (7,827,982 sq. km); with Alaska and Hawaii, 3,615,122 sq. mi. (9,363,166 sq. km). Capital: Washington, D.C. Abbreviation: U.S., U

1. Violation
2. Limits – In an expansive topic, the area of investment must be controlled or the topic area would exponentially increase the topic area. The topic would then cover all forms of international transportation infrastructure involving the US. Unlimiting the topic makes it *impossible* for the negative to prepare for the debate.
3. Topicality is a voting issue for education and fairness.

Investment must be within America

“The” is a word of limitation

Blacks Law Dictionary 1990,

An article which particularizes the subject spoken of. In construing statute, definite article “the” particularize the subject which precedes and is word of limitation as opposed to indefinite or generalizing force “a” or “an” brooks v zabka

“In” indicates inclusion within limits

Dictionary.com, 2012

By Dictionary.com, online dictionary, 2012, "In” http://dictionary.reference.com/browse/In?s=t

1. (used to indicate inclusion within space, a place, or limits): walking in the park. 2. (used to indicate inclusion within something abstract or immaterial): in politics; in the autumn. 3. (used to indicate inclusion within or occurrence during a period or limit of time): in ancient times; a task done in ten minutes. 4. (used to indicate limitation or qualification, as of situation, condition, relation, manner, action, etc.): to speak in a whisper; to be similar in appearance. 5. (used to indicate means): sketched in ink; spoken in French.

####  “In” indicates a position within the limits or boundaries

**Merriam-Webster Dictionary 2012** (http://www.merriam-webster.com/dictionary/in)

1 a —used as a function word to indicate inclusion, location, or position within limits <in the lake> <wounded in the leg> <in the summer> b : into 1 <went in the house>

**In means within**

Collins English Dictionary 98

(General Consultant: JM Sinclair, HarperCollins, pg 1568) [Tanay]

In 1)inside; within 2) at a place where there is 3) indicating a state, situation or condition 4)before or when 5) using(a language, etc.) as a means of communication

2NC

**Precise limits is the only way to achieve consistency and prevents deviation**

**Ehrlich and Posner 74** (Issac, Assistant Professor of Business Economics, University of Chicago, and Richard A., Professor of Law, University of Chicago, “An Economic Analysis of Legal Rulemaking,” : The Journal of Legal Studies, Vol. 3, No. 1 (Jan., 1974), pp. 257-286)

It does this by increasing the (subjective) probabilities that the undesirable activity is punishable and that the desirable is not. The cost of an activity includes any expected punishment costs. The expected punishment cost of engaging in an activity is the product of (1) the subjective probability of the participant's being apprehended and convicted and (2) the cost to him of the penalty that will be imposed if he is convicted. The probability of apprehension and conviction, in turn, is the product of (1) the probability that the activity in which the person is engaged will be deemed illegal and (2) the probability that, if so, he will be charged and convicted for his participation in it. The more (efficiently) precise and detailed the applicable substantive standard or rule is, the higher is the probability that the activity will be deemed illegal if it is in fact undesirable (the kind of activity the legislature wanted to prevent) and the lower is the probability that the activity will be deemed illegal if it is in fact desirable. Thus the expected punishment cost of undesirable activity is increased and that of desirable activity reduced. Although this conclusion is independent of individuals' attitudes toward risk, its implications are particularly striking under certain plausible assumptions about those attitudes. Suppose that most people who engage in socially undesirable activities (criminals, tortfeasors, and other violators) are risk preferring while most people who engage in socially desirable activities are risk averse. Then an increase in specificity, by reducing the variance in outcomes associated with engaging in a particular activity, would tend to have a disproportionately deterrent effect on undesirable activity and a disproportionately encouraging effect on desirable activity. This is because people who like risk may invest in risky activities resources greater than the expected gain, while people who dislike risk may invest in the avoidance of risky activities resources greater than the expected cost of these activities, and the elimination of risk discourages both kinds of investment.

1NC Transportation Infrastructure is not Military

1. Interpretation

### “Infrastructure” must be available for public use --- military equipment is excluded

Fourie 6 (Johan, Chief Operating Officer – ArcelorMittal South Africa, “Economic Infrastructure: A Review of Definitions, Theory, and Empirics”, South African Journal of Economics, 74(3), September, Wiley Online Library)

One way to define infrastructure is to describe it in terms of its characteristics. A perhaps sufficiently succinct definition of infrastructure, also called ‘social overhead capital’, is provided by Hirschman (1958). He defines infrastructure as “capital that provides public services”. In essence, infrastructure therefore consists of two elements –‘capitalness’ and ‘publicness’. The first element is used to distinguish between infrastructure (defined as a stock variable) and public goods (defined as a flow variable) (Rietveld and Bruinsma, 1998:18). The latter element involves the general properties of non-rivalry and non-excludability. A distinction can, thus, be made between infrastructure and public capital where infrastructure would include goods that have a capital character, but are not necessarily public. Such goods could include privately owned telecommunications, but would exclude publicly owned military equipment (which are public capital, but does not provide public services). Thus, a common feature of infrastructure seems to be that there is at least a strong public involvement in the use thereof (Rietveld and Bruinsma, 1998:19). Economists label such goods physical infrastructure, or infrastructure capital, while urban planners might refer to them as transportation modalities and utilities.”

1. Violation
2. Limits – In an expansive topic, military infrastructure would literally double the topic. Every kind of infrastructure can be used both for public and military purposes. Plus, the ability to make infrastructure *exclusively* military would triple the topic because you can make any aff public, military, or multi-purpose. Unlimiting the topic makes it *impossible* for the negative to prepare for the debate.
3. Topicality is a voting issue for education and fairness.

No Military

U.S. law defines “infrastructure” as only non-military

National Infrastructure Improvement Act 7 (National Infrastructure Improvement Act of 2007 – Passed by the Senate, http://uspolitics.about.com/od/legislation/l/bl\_s775.htm)

(4) INFRASTRUCTURE-

(A) IN GENERAL- The term `infrastructure' means a nonmilitary structure or facility and equipment associated with that structure or facility.

(B) INCLUSIONS- The term `infrastructure' includes--

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, treatment, and related facility;

(vii) waterways, locks, and dams;

(viii) a levee and any related flood-control facility;

(ix) a dock or port; and

(x) a solid waste disposal facility.

Even broad definitions of infrastructure exclude the military

Ford 91 (Robert, Principal Administrator in Country Studies III Division – OECD, and Pierre Port, Principal Administrator in the Capital Movements – OECD, “Infrastructure and Private-Sector Productivity”, Economic Studies, 17, Autumn, http://www.oecd.org/dataoecd/32/48/34257626.pdf)

Although Aschauer concentrated on public-sector capital, this does not necessarily cover all infrastructure investment and, moreover, the split between publicly-provided and privately-provided infrastructure varies widely from country to country, perhaps for historical reasons. Therefore, two concepts of infrastructure were constructed. The “narrow” definition is the capital stock of “producers of government services”, and the “broad” definition includes, in addition, equipment and structures in electricity, gas and water, and structures in transport and communication (these are subtracted from the private-sector capital stock in the relevant regressions). The broad definition is somewhat more internationally comparable. Neither definition includes the military capital stock.

Contextually, infrastructure is distinct from military goods

Activist Post ‘12

http://www.activistpost.com/2012/03/new-obama-executive-order-seizes-us.html

In a stunning move, on March 16, 2012, Barack Obama signed an Executive Order stating that the President and his specifically designated Secretaries now have the authority to commandeer all domestic U.S. resources including food and water. The EO also states that the President and his Secretaries have the authority to seize all transportation, energy, and infrastructure inside the United States as well as forcibly induct/draft American citizens into the military. The EO also contains a vague reference in regards to harnessing American citizens to fulfill “labor requirements” for the purposes of national defense.

2NC

All technology is dual use

Raymond D. **Duvall**, and Jonathan **Havercroft** , University of Minnesota & University of Victoria, March 22-25,**2006** (“Taking Sovereignty Out of This World: Space Weaponization and the Production of Late-Modern Political Subjects,” International Studies Association. <http://www.allacademic.com//meta/p_mla_apa_research_citation/0/9/8/6/8/pages98680/p98680-1.php> ).

The weaponization of space—the act of placing weapons in outer space—has an intimate relationship to space exploration, in that the history of the former is embedded in the latter, while the impetus for space exploration, in turn, is embedded in histories of military development. Since the launch of Sputnik, states that have ability to access— and hence to explore—outer space have sought ways in which that access could improve their military capabilities. Consequently, militaries in general and the U.S. military in particular have had a strong interest in the military uses of space for the last half century. Early on, the military interest in space had two direct expressions: enhancing surveillance; and developing rocketry technologies that could be put to use for earthbased weapons, such as missiles. Militaries also have a vested interest in the “dual-use” technologies that are often developed in space exploration missions. While NASA goes to great lengths in its public relations to stress the benefits to science and the (**American) public of its space explorations, it is noteworthy that many of the technologies developed for those missions also have potential military use.**

Yes Military

“Transportation” includes the military

Kim 9 (Brian, Wyle Laboratories, Inc., et al., “Guidebook on Preparing Airport Greenhouse Gas Emissions Inventories”, Airport Cooperative Research Program – Report 11, http://onlinepubs.trb.org/onlinepubs/acrp/acrp\_rpt\_011.pdf)

Transportation Sector: Consists of private and public passenger and freight transportation, as well as government transportation, including military operations.

Infrastructure includes the military installations of a country

Dictionary.com Accessed 6/2012

in·fra·struc·ture

   [in-fruh-struhk-cher] Show IPA

noun

1. the basic, underlying framework or features of a system or organization.

2. the fundamental facilities and systems serving a country, city, or area, as transportation and communication systems, power plants, and schools.

3. the military installations of a country.

Even if you accept the public standards, military infrastructure still qualifies

Inderst 9

Georg Inderst 2009 “Pension Fund Investment in Infrastructure” OECD Working Papers on Insurance and Private Pensions http://www.oecd.org/dataoecd/41/9/42052208.pdf

The definition of infrastructure investment seems intuitive. The OECD uses a simple and general definition for infrastructure as the system of public works in a country, state or region, including roads, utility lines and public buildings. A standard dictionary's definition is:

'The basic facilities, services, and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, and public institutions including schools, post offices, and prisons." (American Heritage Dictionary).

Infrastructure assets are traditionally defined by their physical characteristics. One can split them into two main categories, and a range of sectors within those:

Economic infrastructure

• transport (e.g. toll roads, airports, seaport, tunnels, bridges, metro, rail systems)

• utilities (e.g. water supply, sewage system, energy distribution networks, power plants, pipelines, gas storage)

• communication (e.g. TV/ telephone transmitters, towers, satellites, cable networks)

• renewable energy

Social infrastructure

• education facilities

• health (hospitals and health care centres)

• security (e.g. prisons, police, military stations)

• others (e.g. parks).

1NC

 Port Security is not topical

Infrastructure is the military installations of a country

Dictionary.com

(Dictionary.com, "Infrastructure",

http://dictionary.reference.com/browse/infrastructure?s=t, DOA: 6/27/12)

noun 1. The basic, underlying framework or features of a system or organization. 2. The fundamental facilities and systems serving a country, city, or area, as transportation and communication systems, power plants, and schools. 3. The military installations of a country.

Executive Order limits infrastructure

John Moteff, Claudia Copeland, and John Fischer, 2003

(John Moteff, Claudia Copeland, and John Fischer, " Critical Infrastructures: What Makes an Infrastructure Critical?",

http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/RL31556\_01292003.pdf, DOA;6/28/12)

According to this Executive Order (EO) these infrastructures included: telecommunications; electrical power systems; gas and oil storage and transportation; banking and finance; transportation; water supply systems; emergency services (including medical, police, fire, and rescue); continuity of government.

1. **Interpretation**
2. **Violation- Ports aren’t military infrastructure**
3. **Standards limits- it opens up unlimited options for the aft to debate throughout the season**
4. **Voters Issue- fairness, education**

**2NC**

 Transportation includes the military

Kim, 2009

(Brian, Wyles Laboratories, Inc., et al., "Guide on Preparing Airport Greenhouse gas Emissions Inventories", Airport Cooperative Research Program – Report 11, http://onlinepubs.trb.org/onlinepubs/acrp/acrp\_rpt\_011.pdf, DOA: 6/27/12) Transportation Sector: Consists of private and public passenger and freight transportation, as well as government transportation, including military operations.

Transportation” is a limiting term --- anything else isn’t topical

Averback 87

(Jonathan C., Citations Editor, “Comparing The Old And The New Pollution Exclusion Clauses In General Liability Insurance Policies: New Language -- Same Results?”, Boston College Environmental Affairs Law Review, Summer, 14 B.C. Envtl. Aff. L. Rev. 601, Lexis, DOA: 6/29/12)

Courts will not honor the insurer's intention to limit coverage of certain risks if this intention is ambiguously expressed. 86 Instead, courts look for both parties' objectively-manifested intent, as implied by the words of the contract. 87 One principle of contract interpretation that courts will use to imply the parties' intent is that of ejusdem generis. 88 This principle allows a court to infer that specific words restrict the meaning of general terms when the specific terms precede the general terms in a particular phrase. 89 Thus, in a phrase "cattle, hogs and other animals," "animals" may not refer to much more than farm animals, because the specific animals mentioned before the general word are hogs and cattle. 90 Ejusdem generis is only one aspect of a broader doctrine holding that general phrases [\*613] may be restricted in meaning by being grouped with specific terms regardless of the ordering. 91 Thus, as in the above example, the term "animals" in the phrase "animals, cattle and hogs" may be limited to farm animals under this broader doctrine. In applying construction doctrines, courts look to the ordinary meanings of the words used in a phrase to discern the intent of the parties.

**1NC**

**High Speed Rail is not military therefore not topical**

Infrastructure is the military installations of a country

Dictionary.com

(Dictionary.com, "Infrastructure",

http://dictionary.reference.com/browse/infrastructure?s=t, DOA: 6/27/12)

noun 1. The basic, underlying framework or features of a system or organization. 2. The fundamental facilities and systems serving a country, city, or area, as transportation and communication systems, power plants, and schools. 3. The military installations of a country.

Infrastructure is a fundamental system

Random House Dictionary 2012

1. the basic, underlying framework or features of a system or organization. 2. the fundamental facilities and systems serving a country, city, or area, as transportation and communication systems, power plants, and schools. 3. the military installations of a country.

1. **Interpretation**
2. **Violation- High speed rails aren’t fundamental to society**
3. **Standards limits- if the AFT can use this than it open up unlimited amounts of options**
4. **Voters- unfair and educational**

**2NC**

 Transportation infrastructure is made of facilities critical to survival

NCRST (National Consortium on Remote Sensing in Transportation),

(NCRST, "Critical Infrastructure Protection",

http://www.ncgia.ucsb.edu/ncrst/research/cip/CIPAgenda.pdf, DOA: 6/28/12)

Although no universally agreed upon definition of or criteria for the Critical Transportation Infrastructure (CTI) exists, most observers would agree that the CTI is composed of those transportation facilities whose removal from service would

significantly affect public safety, national security, economic activity or environmental quality

**Increase is to become greater in amount**

WordNet

http://wordnetweb.princeton.edu/perl/webwn?s=increase

Verb: Increase is to become bigger or greater in amount