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\*\*\*STATES CP and Federalism File

# 1NC States CP shell

**The fifty states and all territories of the United States of America should enter into interstate compacts granting regional transportation agencies the ability to enter into an unlimited number of Public-Private Partnerships and remove all necessary restrictions and regulations prohibiting public-private partnerships from cooperating on <insert the plan>**

**Contention 1—mutually exclusive--avoids politics and federalism**

**Contention 2—solvency**

**CP solves the aff, avoids the link to politics and federalism.**

**FreeEnterprise 12** [Free Enterprise, Active Group Invested in helping policymakers develop public policy that enhances the US market, States Pursue Public-Private Partnerships to Fix America’s Transportation Infrastructure, April 12th, 2012, <http://www.freeenterprise.com/infrastructure/states-pursue-public-private-partnerships-fix-americas-transportation-infrastructure>]

In the face of adversity, America innovates, and that has been evident with infrastructure investment. On the state level, businesses and governments are forging new partnerships to jointly bring America’s infrastructure up to speed. These public-private partnerships (PPPs) give governments and the private sector a way to fund infrastructure investment. While PPPs can take different shapes, with structured agreements tailored to a specific project, partnerships generally have private sector partners supplying much of the initial capital needed to cover commercial functions, like construction and operation. They also assume much of the risk inherent in building, maintaining and operating infrastructure projects. Construction delays, access to workers, and other factors can impact building costs, but the advantages are that private partners enjoy long-term, largely stable investments. On the public side, **governments can avoid many of the risks involved in major investments while still playing a role in updating and expanding America’s infrastructure**. This model is one way America can fund the massive investment needed to bring U.S. infrastructure back from the brink. “Every type of infrastructure offers limitless opportunities for properly structured agreements,” says Senator Mark Kirk (R-IL), who spoke at the U.S. Chamber’s Infrastructure Investment Forum in November. “The only thing that holds us back is our own creativity. In my time as a public servant, one critical fact is quite clear – if you don’t innovate, you get left behind. Chicago, Illinois, and the nation can lead the way on public-private partnerships, or we can lose the competition to China, Europe, and others. It’s our choice.” According to a Brookings report, between 1989 and 2011, 24 states engaged in at least one transportation PPP project. Florida, California, and Texas led the states in total number of projects, and Colorado and Virginia accounted for 56 percent of the total amount of all U.S. transportation PPP projects. In Chicago, infrastructure needs and a tight budget led city leaders to pursue PPPs to finance the $7.2 billion in projects for the city's subways, schools and other infrastructure. Not only is this important for the city’s infrastructure; it helps Chicago’s job seekers as well. The projects funded will create 30,000 jobs over the next three years. Whereas the state and local budgets preclude Chicago from footing the bill directly, under PPPs, the city can fund needed updates and enjoy the direct benefits of growth and jobs. Virginia is also reaping benefits from PPPs. The I-495/Capital Beltway HOV/HOT lanes project, for example, is a joint effort between the Virginia Department of Transportation and private companies. The state contributed $409 million to the project, while private partners provided $1.5 billion. This and other projects have proven so successful that Virginia created an office within the Virginia DoT to identify other infrastructure projects where PPPs could be useful. “By partnering with the private sector,” says Virginia Secretary of Transportation Sean Connaughton, “Virginia is moving forward on this project much more quickly than would be possible using traditional funding and construction methods – capitalizing on the best technology, financing methods, engineering and innovation.” While some states are finding benefits in using PPPs, overall, **the United States still lags behind the rest of the world** in terms of using these innovative approaches to financing infrastructure improvement. From 1985 to 2011, there were only 377 PPP infrastructure projects in the United States, representing just 9% of costs for infrastructure PPPs around the world, according to Brookings. **This is due in part to a lack of legislation in many states that enables the state and local governments to pursue PPPs for transportation infrastructure.** California passed legislation in 2009 giving regional transportation agencies the ability to enter into an unlimited number of PPPs; it also removed restrictions on the types of projects that can be pursued under a partnership. And Colorado has passed legislation creating a Statewide Bridge Enterprise that can enter into PPPs for bridge repairs and a High-Performance Transportation Enterprise (HPTE) to look for other PPP opportunities. The benefits of PPPs extend beyond the ability to finance much-needed transportation infrastructure updates. Governments are concerned with providing a public service, but businesses are profit driven. As such**, under PPPs, it is in the best interest of the private partners to be efficient and reliable; their profit and success depends on it.** The proposal for the Denver Regional Transportation District’s Eagle PPP Project, for example, was about $300 million cheaper and 11 months faster to completion than the district’s estimate.

# 2nc Solvency--Public Private Partnerships solve

**Public-Private Partnerships solve infrastructure reform.**

**Poe 11** [Sheryll Poe, Entrepreneur, Writer for Free Enterprise, Active Group Invested in helping policymakers develop public policy that enhances the US market, Experts call for Public-Private Partnerships in Transportation, November 14th 2011 <http://www.freeenterprise.com/article/experts-call-for-public-private-partnerships-in-transportation>]

Kirk and transportation experts attending the November 8 event estimated that private infrastructure funds have grown from $60 billion in 2006 to more than $190 billion in 2009. Kirk is advancing legislation that could mobilize $100 billion in private investment to build new roads, airports and railroads. The bill is paid for by limiting the rate of pay increases for federal workers. The Chamber’s event, held in conjunction with its Let’s Rebuild America coalition, shined a spotlight on efforts in Virginia and other states to use alternative contracting and financing mechanisms to deliver solutions to transportation needs. Virginia Secretary of Transportation Sean Connaughton said that his state has created an independent office within the agency to identify a “pipeline of projects” that could benefit from public-private partnerships. He touted the use of private funds in projects such as the Capital Beltway HOT Lanes project which is being delivered by Virginia Department of Transportation (VDOT) in partnership with Transurban-Fluor. “By partnering with the private sector, Virginia is moving forward on this project much more quickly than would be possible using traditional funding and construction methods – capitalizing on the best technology, financing methods, engineering and innovation,” Connaughton said. Connaughton urged the federal government to follow suit and also reform the process for evaluating environmental impacts of projects and increase funding for the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA). TIFIA is a federal program under which in the U.S. Department of Transportation (DOT) provides credit assistance via direct loans, loan guarantees, and lines of credit to help finance highway, transit, railroad, intermodal freight and port access projects. The $122 million-a-year program is completely oversubscribed and is now turning away applications. According to DOT, there were requests for $13 billion in assistance in 2010, but only $1 billion available.

**Public Private partnerships are the best avenue for infrastructure reformation.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

Private Financing and Project Acceleration By providing access to additional capital from private-sector financing sources, PPPs can facilitate the delivery of projects that otherwise might have been delayed or not built at all because of state and local fiscal constraints. More than $180 billion in private capital is estimated to be available now for infrastructure investment. 31 Innovative financing mechanisms such as availability payments or Grant Anticipation Revenue Vehicles (GARVEEs) (see Glossary) may help further by spreading the public sector’s investment in a project over an extended period of time. 32 Monetization of Existing Assets PPPs that involve up-front payments or revenue-sharing arrangements, it is argued, can be used to extract value from existing transportation assets and raise substantial funds for other public projects and purposes. These funds also may be leveraged to create other potential long-term financial benefits for the public sector. For example, part of the $1.83 billion up-front payment for the lease of the Chicago Skyway was used to pay off some of the city’s general obligation debt—which improved the city’s credit rating and reduced the cost of future debt—and to create a reserve fund that can generate substantial net revenue in interest. This asset had previously operated at a loss and had outstanding debt, which also was paid off by lease proceeds. 33 The $3.85 billion lease of the Indiana Toll Road was used to fund the 10-year statewide “Major Moves” transportation plan; the transportation infrastructure to be improved or built under this plan also may yield indirect economic benefits to the state. It has been noted, however, that fluctuations in the economy and rising construction costs affect the real value of up-front lease payments to the public sector. 34

# 2nc Solvency--Interstate Compacts Solve High Speed Rails

**Interstate compacts are legal and solve interstate transportation concerns.**

**Morrow 2004** [William S. Morrow Jr. Vice Chair Washington State Administrative Law Committee, The Case for an Interstate Compact APA, November 2004 http://www.americanbar.org/content/dam/aba/migrated/adminlaw/interstate/ICAPAPaper\_Morrow.authcheckdam.pdf]

The Compact Clause is not all-encompassing, however. Compacts are in essence treaties between sovereign States, and their use predates the Constitution. West Virginia ex rel. Dyer v. ∗ General Counsel, Washington Metropolitan Area Transit Commission; Vice Chair, State Administrative Law Committee.Sims, 341 U.S. 22, 31 (1951) (citing Hinderlider v. La Plata River & Cherry Creek Ditch Co., 304 U.S. 92, 104 (1938)). Because the attributes of State sovereignty not surrendered through the ratification of the U.S. Constitution survive to this day, Federal Maritime Commission v. South Carolina State Ports Authority, \_\_\_ U.S. \_\_\_, 122 S. Ct. 1864 (2002), not every interstate agreement requires congressional consent, but those that are properly approved by Congress become federal law. Where an agreement is not “directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States,” it does not fall within the scope of the Clause and will not be invalidated for lack of congressional consent. But where Congress has authorized the States to enter into a cooperative agreement, and where the subject matter of that agreement is an appropriate subject for congressional legislation, the consent of Congress transforms the States’ agreement into federal law under the Compact Clause. Cuyler v. Adams, 449 U.S. 433, 101 S. Ct. 703, 707-08 (1981) (citations and footnote omitted). Whether approved by Congress or not, interstate compacts are not merely legislative acts, they are in very important respects contracts binding on the signatories. As the Supreme Court has noted: “It requires no elaborate argument to reject the suggestion that an agreement solemnly entered into between States by those who alone have political authority to speak for a State can be unilaterally nullified, or given final meaning by an organ of one of the contracting States.” Dyer v. Sims, 341 U.S. at 28.

**Congress approved interstate compacts over high speed rail**

**Prok, J.D. University of Denver Sturm College of Law,** **09**

[Joshua D. Article: High Speed Rail: Planning and Financing the Next Fifty Years of American Mobility, Transportation Law JournalLexis Legal, Spring 09]

Congress provided for the states to enter into compacts to aid the development of high speed rail: (a) Consent to compacts. - Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including (1) retaining an existing service or commencing a new service; (2) assembling rights-of-way; and (3) performing capital improvements, including (A) the construction and rehabilitation of maintenance facilities; (B) the purchase of locomotives; and (C) operational improvements, including communications, signals, and other systems. (b) Financing. - An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may (1) accept contributions from a unit of State or local government or a person; (2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak); (3) on such terms and conditions as the States consider advisable (A) borrow money on a short-term basis and issue notes for the borrowing; and (B) issue bonds; and (4) obtain financing by other means permitted under Federal or State law. n80 Several compacts have since been formed, with differing responsibilities delegated to the resulting regulatory bodies.

# 2nc Solvency—states infrastructure banks

**Interstate infrastructure banks solve for capital concerns for infrastructure programs and have already been approved at the federal level.**

**Slone 11** [Sean Slone, writer for The Knowledge Center, Council for State Governments, State Infrastructure Banks, July 2011 http://knowledgecenter.csg.org/drupal/system/files/State\_Infrastructure\_Banks.pdf]

Operating much like other kinds of banks, these infrastructure banks can offer loans and credit assistance enhancement products to public and private sponsors of certain highway construction, transit or rail projects. Under the 2005 federal highway authorization bill, known as SAFETEA-LU, all states and territories plus the District of Columbia were given the authority to establish state infrastructure banks. This followed a period during the 1990s when at different times, anywhere from 10 to 39 states were allowed to experiment with these banks under a series of federal pilot programs. **The 2005 legislation also allowed for the creation of multi-state infrastructure banks**. Federal and state matching funds are generally used to start a state infrastructure bank. States can then contribute state or local funds and seek additional federal funds to provide more capital.1 The bank’s initial capitalization and ongoing revenue can be used in a number of different ways. The funds can be lent directly to selected projects. The bank can leverage its initial capitalization by providing loan assistance, by using loan repayments as dedicated revenue to sell bonds in the bond market and by providing additional loan assistance with the proceeds of the bond. Finally, the bank can use the funds to guarantee bonds issued by cities, counties, public-private partnerships and other entities, in the process enhancing their creditworthiness and lowering the interest rates they have to pay in the capital markets. Loan guarantees can be particularly beneficial in reducing interest rates on projects in states with cities, counties and special districts that have limited financial capacity.2

**State Infrastructure banks are more flexible in funding capacities and better serve infrastructure needs.**

**Slone 11** [Sean Slone, writer for The Knowledge Center, Council for State Governments, State Infrastructure Banks, July 2011 http://knowledgecenter.csg.org/drupal/system/files/State\_Infrastructure\_Banks.pdf]

State infrastructure banks can help states stretch their state and federal dollars and meet the demands of financing large, impactful, long-term infrastructure projects. When government agencies and authorities must seek yearly grants and allocations to finance projects, the completion of those projects can be delayed for months or years. State infrastructure banks can identify, promote and lend money to creditworthy transportation projects to ensure they’re built within a reasonable timeframe and in a financially sustainable way. And because these banks act as a “revolving fund,” more projects can ultimately be financed. When bonding is used to finance a project, the bonds are usually one of two types: revenue or general obligation. Revenue bonds often are used to finance infrastructure projects that have the ability to produce revenue through their operations; for example, new highway lanes that can be tolled or public transit facilities on which fares can be collected. These types of bonds are typically guaranteed by the project revenues, but not by the full faith and credit of a state, city or county. General obligation bonds, on the other hand, are backed by the full faith and credit of the issuing authority. These are used to finance projects that rely on government’s general revenues, such as income, sales and property tax revenue. Cities, counties and states pledge these revenues to issue the bonds and repay them. But the revolving fund aspect of a state infrastructure bank means states can lend funds for projects and receive loan repayments, which can be returned to the system for more project loans. The funding also can be turned into much larger credit lines, multiplying transportation investment capacity.

# 2nc Solvency—states infrastructure banks

**State infrastructure banks are comparatively better than federal models.**

**Plautz 11** [Jason Plautz, writer for Greenwire, Published in The New York Times, In I-Bank Debate States Provide Successful Model, <http://www.nytimes.com/gwire/2011/09/08/08greenwire-in-i-bank-debate-states-provide-successful-mod-49268.html?pagewanted=all>, published September 2011]

With successful test cases like those in Oregon and Kansas, it is obvious why the White House would want to create a bank on the national level. The loans can be used to draw in private partners for large projects, putting more people to work. But some policymakers are wary of the added bureaucracy and political complications the federal government's involvement would carry with it. Under a transportation reauthorization proposal from House Transportation and Infrastructure Chairman John Mica (R-Fla.), a national proposal would be replaced with expanded authority for state infrastructure banks, which Mica said would free up more money faster. Even some of the recipients of state money agree. "I don't see any advantage to a national bank," Gilmour said. "I'm concerned that there's been a disconnect at the federal level between those benefiting from transportation investments and those paying for them. ... I can't make my debt payment to ODOT with more debt." Gilmour, who worked for the Oregon DOT for 26 years, added that he tried to do very little with the federal government because federal red tape can add up to 30 percent of time and cost to a project. Former transportation official Orski, who now publishes a transportation newsletter, said the national bank has an advantage in that it can help large, multi-state projects. But, he added, those types of projects are rare and might be better handled through existing structures. "There is a widespread sentiment both in the House and Senate, rather than creating a new federal fiscal bureaucracy, we ought to strengthen and expand existing financial instruments, primarily TIFIA," he said, referring to the popular Transportation Infrastructure Finance and Innovation Act loan program. Work on the federal level would also eliminate the easy "set-off" of using gas tax funding to back up a loan, since it would go to projects that might not get a stream of federal money.

# Answers to they say “Federal Funding Key”

**State funding and private funding make federal investment irrelevant.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

During the last few decades, federal legislation has increasingly facilitated use of PPPs through relevant guidelines for federal funds and federal-aid highways. Federal legislation passed in 1991 first allowed federal funds to be mixed with private funds for highway development and construction. It also authorized states to use federal highway funds on any toll road owned by a public entity and on approved private facilities, excluding construction of new toll roads on the Interstate system.88 In the 2005 federal transportation bill (SAFETEA-LU), Congress eliminated dollar thresholds on design-build contracting, making any federal-aid highway project potentially eligible to use this approach.89 Federal legislation has created several innovative financing tools that facilitate PPPs. These include federal-aid fund management tools, which provide states with greater flexibility in how they manage federal highway funds; federal debt financing tools such as Grant Anticipation Revenue Vehicles (GARVEEs) and private activity bonds; and federal credit assistance through the Transportation Infrastructure Finance and Innovation Act (TIFIA), state infrastructure banks or Section 129 loans.90 These tools can reduce financing costs for private entities to be more competitive with tax-exempt state and municipal financing rates.91 (See Glossary, Figures 3 through 5, Table 2 and pages 5 to 7 for more on innovative financing methods.)

# 2nc solvency State action key

**Federal action alone is insufficient, state action is necessary to remove regulation that prevents federal developments from being effective. Public Private Partnerships are more cost effective and successful than federal programs.**

**FreeEnterprise 12** [Free Enterprise, Active Group Invested in helping policymakers develop public policy that enhances the US market, States Pursue Public-Private Partnerships to Fix America’s Transportation Infrastructure, April 12th, 2012, <http://www.freeenterprise.com/infrastructure/states-pursue-public-private-partnerships-fix-americas-transportation-infrastructure>]

The benefits of PPPs extend beyond the ability to finance much-needed transportation infrastructure updates. Governments are concerned with providing a public service, but businesses are profit driven. As such, under PPPs, it is in the best interest of the private partners to be efficient and reliable; their profit and success depends on it. The proposal for the Denver Regional Transportation District’s Eagle PPP Project, for example, was about $300 million cheaper and 11 months faster to completion than the district’s estimate. While the importance of a federal multiyear highway and transit funding bill cannot be discounted, the private sector is taking proactive steps with state and local governments to improve America’s transportation infrastructure. “Traditional funding mechanisms are inadequate for meeting the growing needs of our economy, businesses and citizens,” Donohue writes in a recent op-ed. “It is imperative that we remove regulatory impediments, state and local laws, and outdated attitudes that are taking an estimated $250 billion in global private capital out of play.”

# 2nc Solvency—fiscal Discipline net benefit

**CP frees up federal funds to become more effective. CP causes the aff without additional spending and avoids the link to politics.**

**AGC 11** [Associated General Contractors of America, The Case for Infrastructure and Reform: *Why and How the Federal Government Should Continue to Fund Vital Infrastructure in the New Age of Public Austerit*, Published July 13th, 2011 http://www.agc.org/galleries/news/Case-for-Infrastructure-Reform.pdf]

Since the completion of much of the Interstate Highway System in the 1980’s, the federal surface transportation program has lost focus. Too many politicians have diverted gas tax revenue away from highway maintenance and expansions and instead use them to fund personal priorities. As a result, gas tax payers are being forced to fund programs designed to encourage children to walk to school, to preserve covered bridges that handle little to no interstate commerce, and to finance fitness and recreational facilities. As a result, less than 70 percent of Highway Trust Fund dollars go to road maintenance or capacity projects of any kind. Congress and the Administration should either eliminate these programs that are not truly federal and/or devolve them to state and local governments where they would be more appropriate.

# Federalismn DA 1NC Shell

**A. Unique Link--**

**Transportation funding is the single most important issue for federalism**

**Horowitz 12** [Daniel Horowitz, Devolve Transportation Spending to the States, <http://www.redstate.com/dhorowitz3/2012/01/19/devolve-transportation-spending-to-states/>, Jaunary 19th 2012]

**There is no issue that is more appropriate for state solutions than transportation spending**. Every Republican member should co-sponsor the STATE ACT so we can put an end to three decades of flushing transportation down the toilet. Also, with the news that Rick Perry will head up Newt Gingrich’s Tenth Amendment initiatives, this might be a good time to advocate for federalist solutions in transportation and infrastructure. When Obama starts ascribing blame for our “crumbling infrastructure” during his State of the Union Address, Perry and Gingrich should use their megaphone to pin the blame on the donkey’s stranglehold over the transportation needs of states. With only two months until the authorization for the federal gas tax expires, most other proposals will only further entrench the power of the federal government. Call your members of Congress and ask them to co-sponsor Scott Garrett’s HR 1737 and stand for bold conservative solutions.

**B. Impact – First, American federalism is the lynchpin of global security**

**Calebresi, 95**

[Stephen, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, “Reflections on United States

v. Lopez: "A GOVERNMENT OF LIMITED AND ENUMERATED POWERS": IN DEFENSE OF UNITED STATES v.

LOPEZ,” 94 Mich. L. Rev. 752, Michigan Law Review, December, 1995]

Small state federalism is a big part of what keeps the peace in countries like the United States and Switzerland. It is a big part of the reason why we do not have a Bosnia or a Northern Ireland or a Basque country or a Chechnya or a Corsica or a Quebec problem. n51 American federalism in the end is not a trivial matter or a quaint historical anachronism. **American-style federalism is a thriving and vital institutional arrangement** - partly planned by the Framers, partly the accident of history - and it prevents violence and war. It prevents religious warfare, **it prevents secessionist warfare, and it prevents racial warfare**. **It is part of the reason why democratic majoritarianism in the United States has not produced violence or secession for 130 years**, unlike the situation for example, in England, France, Germany, Russia, Czechoslovakia, Yugoslavia, Cyprus, or Spain. There is nothing in the U.S. Constitution that is more important or that has done more to promote peace, prosperity, and freedom than the federal structure of that great document. There is nothing in the U.S. Constitution that should absorb more completely the attention of the U.S. Supreme Court.

**Second, modeled U.S. federalism prevents war**

**Howard, 03**

[Dick, White Burkett Miller Professor of Law and Public Affairs, University of Virginia, “TOWARD CONSTITUTIONAL

DEMOCRACY IN IRAQ: AN AMERICAN PERSPECTIVE,” 6/25,

<http://judiciary.senate.gov/testimony.cfm?id=826&wit_id=2344>]

Federalism. Formal federalism, as charted by the U.S. Constitution, may or may not be appropriate in other countries. **Federalism**, however, **is a system which has many variants and is found in one form or another around the world**. **Federalism and its cousins** (such as devolution) **is associated with values of pluralism, diversity, and local choices about local problems. Such arrangements may be especially important to defuse conflicts** of nationality or ethnicity.

# Federalism links: Transportation

**Devolution of transportation authority to the states is integral to American Federalism**

**Horowitz 12** [Daniel Horowitz, Devolve Transportation Spending to the States, <http://www.redstate.com/dhorowitz3/2012/01/19/devolve-transportation-spending-to-states/>, Jaunary 19th 2012]

It is time to abolish the Highway Trust Fund and its accompanying federal gasoline tax. Twenty years after the completion of the IHS, we must devolve all transportation authority to the states, with the exception of projects that are national in scope. Each state should be responsible for its own projects, including maintenance for its share of the IHS. Free of the burden of shouldering special interest pork projects of other states, each state would levy its own state gas tax to purvey its own transportation needs. If a state wants a robust mass transit system or pervasive bike lanes, let the residents of that state decide whether they want to pay for it. That is true federalism in action.

**Federalism is being returned to balance in the status quo, transportation is a vital area.**

**Horowitz 12** [Daniel Horowitz, Devolve Transportation Spending to the States, <http://www.redstate.com/dhorowitz3/2012/01/19/devolve-transportation-spending-to-states/>, Jaunary 19th 2012]

Throughout the presidential campaign, many of the candidates have expressed broad views of state’s rights, while decrying the expansion of the federal government. In doing so, some of the candidates have expressed the conviction that states have the right to implement tyranny or pick winners and losers, as long as the federal government stays out of it. Romneycare and state subsidies for green energy are good examples. The reality is that states don’t have rights; they certainly don’t have the power to impose tyranny on citizens by forcing them to buy health insurance or regulating the water in their toilet bowels – to name a few. They do, however, reserve powers under our federalist system of governance to implement legitimate functions of government. A quintessential example of such a legitimate power is control over transportation and infrastructure spending. The Highway Trust Fund was established in 1956 to fund the Interstate Highway System (IHS). The fund, which is administered by the DOT’s Federal Highway Administration, has been purveyed by the federal gasoline tax, which now stands at 18.4 cents per gallon (24.4 for diesel fuel). Beginning in 1983, Congress began siphoning off some of the gas tax revenue for the great liberal sacred cow; the urban mass transit system. Today, mass transit receives $10.2 billion in annual appropriations, accounting for a whopping 20% of transportation spending. Additionally, the DOT mandates that states use as much as 10% of their funding for all sorts of local pork projects, such as bike paths and roadside flowers. As a result of the inefficiencies and wasteful mandates of our top-down approach to transportation spending, trust fund outlays have exceeded its revenue source by an average of $12 billion per year, even though the IHS – the catalyst for the gasoline tax – has been completed for 20 years. In 2008, the phantom trust fund was bailed out with $35 billion in general revenue, and has been running a deficit for the past few years. Congress has not passed a 6-year reauthorization bill since 2005, relying on a slew of short-term extensions, the last of which is scheduled to expire on March 31.

# States CP solves Federalism net benefit

**CP is key to restoring federalism in America.**

**Mitchell** 11 [Dan Mitchell, Author CATO institute, top expert on fiscal policy issues such as tax reform, the economic impact of government spending, and supply-side tax policy, <http://danieljmitchell.wordpress.com/2011/01/06/time-to-shut-down-the-department-of-transportation-and-take-a-small-step-to-restoring-federalism/>]

Republicans have been spouting lots of good rhetoric, but what really matters is shrinking the burden of government. One very attractive option is federalism. There are things that perhaps should be done by government, but there is absolutely no reason why they require a remote, expensive, one-size-fits-all, redistributionist, unconstitutional bureaucracy in Washington. Writing for Real Clear Markets, Diana Furchtgott-Roth of the Hudson Institute uses highway funding as an example of how we can get much better results if Washington butts out and lets states make their own decisions. She doesn’t take this argument to its logical conclusion and urge the dismantling of the Department of Transportation, but I’ll unabashedly take that extra step. Don’t just shut it down. Bury it in a lead-lined coffin, cover it with six feet of concrete, and then add a foot of salt to make sure it doesn’t somehow spring back to life.

# Federalism Link: High Speed Rail

**High speed rail is devolved now, centralizing it undermines federalism**

**DeHaven 11**[Tad DeHaven, budget analyst on federal and state budget issues for the Cato Institute, Federal Gas Taxes and Federalism, Novermber 2011]

Last week I discussed the Obama administration’s decision to redistribute federal high-speed rail money rejected by Florida Gov. Rick Scott. I noted that “Florida taxpayers were spared their state’s share of maintaining the line, but they’re still going to be forced to help foot the bill for passenger-rail projects in other states.” My underlying point was that the states should be allowed to make their own transportation decisions with their own money. Two Michigan state policymakers — both Republican — want to send the same message to Washington. State representatives Paul Opsommer and Tom McMillin have introduced resolutions that call on the federal government to allow the states to keep the federal gasoline taxes that they send to Washington. (Opsommer’s resolution would have to pass both state chambers, whereas McMillin’s resolution would only need to pass in the Michigan House.) Michigan would no longer send its money to Washington so that it can be washed through Congress and the federal bureaucracy and sent back to Michigan (and the other states) with costly federal strings attached. Instead, highway financing and control would be left to the states. As a Cato essay on federal highway funding argues, re-empowering the states is clearly preferable to the current top-down approach: With the devolution of highway financing and control to the states, successful innovations in one state would be copied in other states. And without federal subsidies, state governments would have stronger incentives to ensure that funds were spent efficiently. An additional advantage is that highway financing would be more transparent without the complex federal trust fund. Citizens could better understand how their transportation dollars were being spent. The time is ripe for repeal of the current central planning approach to highway financing. Given more autonomy, state governments and the private sector would have the power and flexibility to meet the huge challenges ahead that America faces in highway infrastructure. Some people, particularly those with an interest in the current convoluted arrangement, argue that it’s necessary for the enlightened beings in Washington to provide us with a national “vision” or “plan.” But the redirection of Florida’s high-speed rail allotment to other states shows that decision-making in Washington usually has more to do with politics than economics. Conspicuously left out of the Obama administration’s re-spreading of high-speed cheese was Wisconsin, which tried to grab some of the Florida money for an intercity rail line that connects the state to Chicago. Reason’s Sam Staley points out that Wisconsin Gov. Scott Walker also said “no thanks” to the administration’s high-speed rail money. Staley says “the snubbing of the State of Wisconsin smells a lot like political payback,” and links to a piece from a Milwaukee Journal-Sentinel columnist who doesn’t have any doubts.

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# States Rights Uniqueness: Low Now

**Federalism is under attack now from centralized transportation, must work to restore state’s rights.**

**Roth 10** [Gabriel Roth, Research Fellow at the Independent Institute, Federal Highway Funding, published 2010]

Congress implements highway policy through multi-year authorization bills. The last of these was passed in 2005 as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Congress will likely be reauthorizing highway programs in 2011, and it is currently pursuing many misguided policy directions in designing that legislation. One damaging policy direction involves efforts to reduce individual automobile travel, which will harm the economy and undermine mobility choice. Another damaging policy direction is the imposition of federal "livability" standards in transportation planning. Such standards would federalize land-use planning and pose a serious threat to civil liberties and the autonomy of local communities. Finally, ongoing federal mandates to reduce fuel consumption have the serious side effect of making road travel more dangerous. The federal government pursues these misguided goals by use of its fiscal powers and regulatory controls, and by diverting dedicated vehicle fuel taxes into less efficient forms of transportation.

**Federal Transportation law wrests power from the states. Must work to counteract current policices.**

**TAP 11** [The American Partnership, The 112th Congress, Federalism and Transportation Policy, <http://theamericanpartnership.com/2011/01/05/the-112-congress-federalism-and-transportation-policy/>]

**Reauthorizations of federal transportation policy are a series of macro political and subgovernment struggles.** At the subgovernmental level state and local officials are primarily divided along spatial lines. Southern, rural and low population density states often support more funding for highways and roads while Northeastern and urban areas support funding for a broader mix of mass transit and alternative transportation in addition to roads. Further, funding formulas, the ratio of gas tax contributions versus receipts from Washington and the determination of who gets control over federal funds all serve to divide state and local elected and bureaucratic officials. These divisions are all secondary to ensuring that the federal government authorizes and appropriates increasing amounts of money with each reauthorization. State and local officials unite for the macro political battle of funding the overall transportation program and then engage in the smaller skirmishes to secure benefits for their specific constituencies. Republican leadership in Congress will face an uphill battle to cut transportation funding in their efforts to control the deficit. A united intergovernmental lobby led by the National Governors Association, joined with the Chamber of Commerce and construction unions is nearly unbeatable. Pressure on members of Congress from government officials, businesses and workers in their constituencies will make it very difficult to oppose transportation funding given the current high unemployment rate, crumbling infrastructure and traffic congestion.

# States rights high now—Obama

**Obama is working to restore federalism, currently limiting government control.**

**James 11** [Frank James, Writer for NPR, Obama Defying His GOP Image, Calls for More State Control in Education, March 14th 2011]

Furthermore, the Obama White House is trying to turn the tables on the Republican-controlled House. It's GOP members who typically argue most forcefully for limits to federal power so decisions can be made in the states and localities closer to the people. An excerpt from The Hill news outlet based on a Sunday briefing reporters received from Education Secretary Arne Duncan giving guidance on Obama's Monday speech: Duncan described No Child Left Behind as a "one size fits all solution." "We need to do away with unnecessary federal mandates" in favor of local control that produces results, Duncan said. "We can't be top-down from Washington, we have to provide much more flexibility." If Republicans reject his reform proposals contained in his budget proposal for fiscal 2011, it would allow him to portray them as the standing in the way of devolving power back down closer to the people. He would be able to claim that on some level he was more about states' rights than they were.

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\*\*\*AFF CARDS

# Affirmative Answers States CP —Public Private Partnerships Fail

**Public Private Partnerships put the state in unnecessary risk – bankruptcy risks are too high.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

Some stakeholders express concern about how default by a private partner could affect the public sector, especially for long-term lease agreements. Recent examples of PPP bankruptcies in the United States include the Las Vegas Monorail, South Carolina’s Southern Connector and California’s South Bay Expressway (see Appendix G). Of special concern are agreements in which the public sector is at particular financial risk in case of bankruptcy—for example, if it has guaranteed the private partner’s loans65 or is otherwise owed money at the time of default.66 These issues generally are addressed through PPP contract provisions that transfer financial risk and define what happens to the asset should the private entity be unable to pay its debts or declare bankruptcy. In some cases, the facility reverts to the state, which can either take it over or re-lease it with another private operator. This may create additional, unexpected costs for the public sector, however. In other situations—such as the Chicago Skyway—the lenders first have an opportunity to remedy the default and either operate the facility or appoint a successor to do so.67 If a private concessionaire should need to sell, get out of, or modify a contract during the lease term, final approval generally rests with the state.68

# Affirmative Answers States CP --Federal Government Key

**Federal investment in infrastructure is key to jump starting projects to ensure further development**

**AGC 11** [Associated General Contractors of America, The Case for Infrastructure and Reform: *Why and How the Federal Government Should Continue to Fund Vital Infrastructure in the New Age of Public Austerit*, Published July 13th, 2011 http://www.agc.org/galleries/news/Case-for-Infrastructure-Reform.pdf]

Our federal investments in locks and other navigation facilities along waterways have allowed farmers, miners and manufacturers to efficiently ship billions of dollars worth of produce and products along our rivers. They have made our ports viable and allowed exporters access to global markets. Meanwhile, our investments in flood and erosion control have protected vital farmlands, saved lives and kept communities dry. These flood control investments also represent a significant value for the taxpayer. For every dollar invested in flood control by the federal government, taxpayers save $6. That is because those flood control investments lower repair and reconstruction costs, mitigate the cost of the federal government’s flood insurance program and protect vital economic interests along many of our rivers. Federal support for drinking and wastewater systems has kept our cities and towns safe, our waterways clean and our communities healthy. Once again, these investments deliver a tremendous return for taxpayers by lowering healthcare costs, reducing the cost of cleaning up polluted waterways and contributing to increased economic vitality. And our investments in hydroelectric dams and rural irrigation projects have opened up millions of acres of once arid land to development, lowered the cost of power and helped provide water to millions of residents in vibrant communities like Las Vegas, Phoenix and Southern California. Indeed, it is hard to imagine where our country would be today without a long legacy of vital federal infrastructure investments. We would not be as economically competitive, as prosperous, or as safe if it weren’t for federal investments in the nation’s infrastructure. And while some of the infrastructure we take for granted today would have been built even without federal infrastructure investments, there is little doubt that much of it would not exist today except for the federal government. Anyone who questions that premise never had to take a cross-country road trip before the Interstate Highway System was completed.

**Federal Restrictions make Public Private Partnerships inefficient and ineffective. The issue must be handled at the federal level.**

**AGC 11** [Associated General Contractors of America, The Case for Infrastructure and Reform: *Why and How the Federal Government Should Continue to Fund Vital Infrastructure in the New Age of Public Austerit*, Published July 13th, 2011 http://www.agc.org/galleries/news/Case-for-Infrastructure-Reform.pdf]

Making matters worse, federal law actually prohibits the installation of high speed electronic tolling facilities on the vast majority of state owned and operated interstate highways. The consequence of this is states that have enacted workable public private partnership laws have limited options available for them to attract private capital. As a result, many domestic and international institutional investors that would love to invest in U.S. infrastructure have instead been left with no option but to invest billions in foreign infrastructure projects. The federal government also provides states with very limited options for crafting innovative approaches to finance complex, multi-year projects. One of the most effective alternative financing options, Transportation Infrastructure Finance Innovation Act (TIFIA) loans, which provide low interest loans to cover up to one-third of the cost of a project, is so under-funded it can only finance a fraction of the qualified projects seeking funding.

# Affirmative Answers States CP Federal Funding Necessary

**9Public-Private Partnerships aren’t sufficient. They need stronger investment from the federal government to succeed, federal funding must increase to attract private investment necessary for PPPs.**

**Poe 11** [Sheryll Poe, Entrepreneur, Writer for Free Enterprise, Active Group Invested in helping policymakers develop public policy that enhances the US market, Experts call for Public-Private Partnerships in Transportation, November 14th 2011 <http://www.freeenterprise.com/article/experts-call-for-public-private-partnerships-in-transportation>]

“Public-private partnerships are not the complete solution to all our infrastructure needs. The money raised won’t fill the coffers of the federal Highway Trust Fund,” said Sen. Mark Kirk (R-IL), author of a new bill to help build highways, transit, rail and airports, wipe out barriers to private investment, and provide tools to states to raise more money. “But infrastructure and pension funds and other investment pools could provide the backing for major infrastructure projects.” Kirk and transportation experts attending the November 8 event estimated that private infrastructure funds have grown from $60 billion in 2006 to more than $190 billion in 2009. Kirk is advancing legislation that could mobilize $100 billion in private investment to build new roads, airports and railroads. The bill is paid for by limiting the rate of pay increases for federal workers. The Chamber’s event, held in conjunction with its Let’s Rebuild America coalition, shined a spotlight on efforts in Virginia and other states to use alternative contracting and financing mechanisms to deliver solutions to transportation needs. Virginia Secretary of Transportation Sean Connaughton said that his state has created an independent office within the agency to identify a “pipeline of projects” that could benefit from public-private partnerships. He touted the use of private funds in projects such as the Capital Beltway HOT Lanes project which is being delivered by Virginia Department of Transportation (VDOT) in partnership with Transurban-Fluor. “By partnering with the private sector, Virginia is moving forward on this project much more quickly than would be possible using traditional funding and construction methods – capitalizing on the best technology, financing methods, engineering and innovation,” Connaughton said. Connaughton urged the federal government to follow suit and also reform the process for evaluating environmental impacts of projects and increase funding for the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA). TIFIA is a federal program under which in the U.S. Department of Transportation (DOT) provides credit assistance via direct loans, loan guarantees, and lines of credit to help finance highway, transit, railroad, intermodal freight and port access projects. The $122 million-a-year program is completely oversubscribed and is now turning away applications. According to DOT, there were requests for $13 billion in assistance in 2010, but only $1 billion available.

# Affirmative Answers States CP---CP Links to politics

**Public Private Partnerships are political suicide and create public controversy. Backlash would have political ramifications.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

In the United States, **public decision makers may view supporting private sector involvement in public service delivery as politically risky, or even career-threatening**.157 A process of outreach and education during the policymaking stage allows legislators to communicate their goals for the PPP process, explain potential benefits and trade-offs, and address constituent concerns and misconceptions.158 For example, two main political concerns about PPPs—the transfer of a public asset to private control and possible toll increases based on profit motives rather than public policy objectives—relate primarily to long-term brownfield concessions but not necessarily to other PPP models.159 This distinction may need to be made for stakeholders.

# Affirmative Answers States CP-- state budgets turn

**A. Public Private Partnerships hurt state revenue.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

PPPs—particularly brownfield concessions involving tolls—have been criticized for trading potentially more valuable future toll revenue for up-front payments, essentially shortchanging the public sector over time.63 The higher cost of non-tax-exempt private financing and the need to provide a return on investment also may result in higher overall financing costs for the private sector. These costs then must be repaid through lower up-front payments to the public sector and/or higher tolls.64 On the other hand, it is argued, in this kind of PPP the private sector also assumes the risk of potentially lower-than-expected toll revenues, while the public sector may benefit from the potential indirect effects of asset monetization (see *Monetization of Existing Assets* on page 9). Concerns about lost revenue have been addressed partly through careful asset valuation (see also Principle 8) and revenue-sharing agreements, in which the public sector receives a portion of ongoing revenues from the facility (see *Glossary*).

**B. States economic crash brings down the US economy**

**Lav and McNichol 09** [Iris J. Lav and Elizabeth McNihol “State Budget Troubles Worsen”, May 18th 2009,

<http://www.cbpp.org/cms/?fa=view&id=711>]

The vast majority of states cannot run a deficit or borrow to cover their operating expenditures. As a result, states have three primary actions they can take during a fiscal crisis: they can draw down available reserves, they can cut expenditures, or they can raise taxes. States already have begun drawing down reserves; the remaining reserves are not sufficient to allow states to weather a significant downturn or recession. The other alternatives — spending cuts and tax increases — can further slow a state’s economy during a downturn and contribute to the further slowing of the national economy, as well.

# Affirmative answers State CP- Environment Turn

**A. Public Private Partnerships ignore government regulation for environmental concerns and greatly increase dangerous emissions.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

Concerns have been raised that PPPs may not sufficiently safeguard the environment. Some say, for example, that PPPs may allow private entities to choose less costly and less environmentally friendly construction and maintenance methods; encourage higher traffic rates—yielding higher emissions—to maximize revenues; or use private financing to avoid the National Environmental Policy Act (NEPA) requirements for federally funded projects. To address this, PPP contracts may include enforceable environmental performance standards; environmental studies and mitigation also have been integrated into PPP processes.74

b. And, global warming kills billions—leads to extinction

Cummins, International Director, Organic Consumers Association, and Allen, Policy Advisor, Organic Consumers Association, 2010

Ronnie, and Will, Common Dreams, “Climate Catastrophe: Surviving the 21st Century,” February 14, http://www.commondreams.org/view/2010/02/14-6, last accessed 10.17.10 [RG]

The hour is late. Leading climate scientists such as James Hansen are literally shouting at the top of their lungs that the world needs to reduce emissions by 20-40% as soon as possible, and 80-90% by the year 2050, if we are to avoid climate chaos, crop failures, endless wars, melting of the polar icecaps, and a disastrous rise in ocean levels. Either we radically reduce CO2 and carbon dioxide equivalent (CO2e, which includes all GHGs, not just CO2) pollutants (currently at 390 parts per million and rising 2 ppm per year) to 350 ppm, including agriculture-derived methane and nitrous oxide pollution, or else survival for the present and future generations is in jeopardy. As scientists warned at Copenhagen, business as usual and a corresponding 7-8.6 degree Fahrenheit rise in global temperatures means that the carrying capacity of the Earth in 2100 will be reduced to one billion people. Under this hellish scenario, billions will die of thirst, cold, heat, disease, war, and starvation.

# Affirmative Answers States CP--Feds preemption

**Federal government must give authorization for foreign investment done through Public Private Partnerships, states don’t have the authority.**

**NCSL 10** [NATIONAL STATE COUNCIL OF LEGISLATORS, PUBLIC-PRIVATE PARTNERSHIP FOR TRANSPORTATION: A TOOLKIT FOR LEGISLATORS. PUBLISHED October 2012 http://www.ncsl.org/documents/transportation/PPPTOOLKIT.pdf]

Foreign-led consortia have won bids for some PPPs in the United States and are likely to continue to do so, based on their international experience and expertise with such projects. Concerns about foreign concessionaires or operators of U.S. transportation facilities mainly involve foreign control of domestic assets, national security issues, and potential federal preemption of state and local authority in cases involving international trade issues.79 To address some of these concerns, Arizona law requires that foreign companies in PPP concessions be certified to do business in the state (see Appendix B).80 Other stakeholders, however, point to the benefits of attracting foreign investment for U.S. infrastructure and drawing on international innovations in project delivery. In addition, foreign-led consortia may include direct equity investors from the United States as well as up to hundreds of domestic subcontracting firms, and many U.S. pensions have invested in non-U.S. investment funds, thus “blurring the line between foreign and domestic interests.”81

# Affirmative Answers Federalism DA--Link defense

**Transportation is not key to federalism**

**DeHaven 11**[Tad DeHaven, budget analyst on federal and state budget issues for the Cato Institute, Federal Gas Taxes and Federalism, Novermber 2011]

American federalism, which shapes the roles, responsibilities, and interactions among and between the federal government, the states, and local governments, is continuously evolving, adapting to changes in American society and American political institutions. The nature of federalism relationships in surface transportation policy has also evolved over time, with the federal government’s role becoming increasingly influential, especially since the Federal-Aid to Highway Act of 1956 which authorized the interstate highway system. In recent years, state and local government officials, through their public interest groups (especially the National Governors Association, National Conference of State Legislatures, National Association of Counties, National League of Cities, U.S. Conference of Mayors, and American Association of State Highway and Transportation Officials) have lobbied for increased federal assistance for surface transportation grants and increased flexibility in the use of those funds. They contend that they are better able to identify surface transportation needs in their states than federal officials and are capable of administering federal grant funds with relatively minimal federal oversight. They also argue that states have a long history of learning from one another. In their view, providing states flexibility in the use of federal funds results in better surface transportation policy because it enables states to experiment with innovative solutions to surface transportation problems and then share their experiences with other states. Others argue that the federal government has a responsibility to ensure that federal funds are used in the most efficient and effective manner possible to promote the national interest in expanding national economic growth and protecting the environment. In their view, providing states increased flexibility in the use of federal funds diminishes the federal government’s ability to ensure that national needs are met. Still others have argued for a fundamental restructuring of federal and state government responsibilities in surface transportation policy, with some responsibilities devolved to states and others remaining with the federal government

**No risk of encroachment that’s substantial enough to alter federalism.**

**Young 03** [Ernest Young, Professor of Law at the University of Texas Texas Law Review published May 2003]

One of the privileges of being a junior faculty member is that senior colleagues often feel obligated to read one's rough drafts. On many occasions when I have written about federalism - from a stance considerably more sympathetic to the States than Judge Noonan's - my colleagues have responded with the following comment: "Relax. The States retain vast reserves of autonomy and authority over any number of important areas. It will be a long time, if ever, before the national government can expand its authority far enough to really endanger the federal balance. Don't make it sound like you think the sky is falling."

**Transportation is a necessary sector of federal control. It won’t cause a disruption of federalism.**

**Blumenauer** **2010**

[Representative Earl Blumenauer, Democrat, Oregon. Should the Federal Government Take Over Regulation of Rail Transit Safety? http://blumenauer.house.gov/index.php?option=com\_content&task=view&id=1592&Itemid=169]

The simple answer is an emphatic yes. The Department of Transportation’s new criteria will unleash funding for vital transportation projects across the nation that will not only spur economic growth, but reduce congestion time as well as our reliance on dirty, expensive fuels. Yet it seems misleading to label the criteria announced by Secretary LaHood as new. When I authored Small Starts, which was signed into law in 2003, the original intent was to provide federal funding for smaller scale and less expensive transit projects. Which projects would be funded was to be determined by a variety of benefits, from economic development potential to environmental gains. By dropping the Bush-era practice of focusing exclusively on travel-time savings for suburban commuters, Secretary LaHood has restored the integrity of this program. Consistent with President Obama and his administration’s commitment to livability, and in the spirit of the law as written, DOT is doing the right thing by looking at a wide spectrum of economic and pollution reduction benefits. The Obama administration is walking the walk when it comes to improving the capacity of all our communities, both urban and rural. Fundamental to making communities livable is to ensure people have more transportation options, from streetcars and bus-rapid transit to bike lanes. From New Orleans to Tucson, there are more than eighty cities exploring the streetcar, with a dozen projects in various states of development, even before this decision.

# Non-Unique--Federal government power High Now

**Federal control is at an all-time low in the past couple of decades.**

**Amy 12** [Douglas Amy, professor of politics Mount Holyoke College, The Real Reason for Big Government, June 6th 2012 http://www.huffingtonpost.com/douglas-j-amy/the-real-reason-for-big-government\_b\_1582196.html]

There are two main theories. Most Republicans argue that it is in government's nature to grow continuously and uncontrollably -- like some kind of institutional cancer. They see politicians and bureaucrats as having a strong self-interest to increase their own power, and the best way to do that is to increase the size and scope of government programs. So for conservatives, this perpetual public sector growth is illegitimate and needs to be drastically reined in. Trouble is, this theory does not correspond to what we know about the growth of the federal government. A chronicle of government growth over the last 100 years shows that most of the increase in federal programs took place in only two decades: the 1930s and the 1960s. And the last 40 years have seen little significant growth in our national government. In 1970, 2.9 million civilians worked for the federal government; in 2008, that figure was 2.8 million. In 1970, federal bureaucrats made up 3.8 percent of total U.S. workers, while in 2008 they made up a mere 1.9 percent. Hardly evidence of continuous or uncontrollable growth.

**Federal control is not at dangerous levels, no risk of collapse of federalism.**

**Amy 12** [Douglas Amy, professor of politics Mount Holyoke College, The Real Reason for Big Government, June 6th 2012 http://www.huffingtonpost.com/douglas-j-amy/the-real-reason-for-big-government\_b\_1582196.html]

In other words, big government is not something that has been forced on Americans by liberal elitists and power-hungry bureaucrats. We have it because we ourselves have demanded big government to deal with the many big problems we have faced in our society. We have called for big government programs when it has been obvious that there are serious problems that cannot be solved through individual effort or by the natural workings of the free market. And by and large, most Americans continue to support these big government programs. Polls consistently show **that between 60 and 70 percent of Americans want to see increased federal government activity** around issues of the environment, education, crime, Social Security, and health care. Importantly, such large majorities supporting big government programs cannot simply be made up of liberals; they must also include a lot of moderates and conservatives as well. So when it comes to the issue of big government, it may actually be the Republicans who are the elitists -- who are trying to impose their view of minimal government on a public that has demanded and still supports most big government programs. Democratic candidates in the upcoming elections would do well to make that one of their campaign messages.

# Affirmative Answers Federalism DA—No impact

**American federalism isn’t modeled**

**Stepan 99** [Alfred Stepan, Professor of Government at Oxford and Columbia, Journal of Democracy 10.4, 19-34, “Federalism and Democracy: Beyond the U.S. Model,” published 1999]

In seeking to understand why some countries are reluctant to adopt federal systems, it is helpful to examine what political science has had [End Page 20] to say about federalism. Unfortunately, some of the most influential works in political science today offer incomplete or insufficiently broad definitions of federalism and thereby suggest that the range of choices facing newly democratizing states is narrower than it actually is. In large part, **this stems from their focusing too exclusively on the model offered by the United States**, the oldest and certainly one of the most successful federal democracies. One of the most influential political scientists to write about federalism in the last half-century, the late William H. Riker, stresses three factors present in the U.S. form of federalism that he claims to be true for federalism in general. 1 First, Riker assumes that every longstanding federation, democratic or not, is the result of a bargain whereby previously sovereign polities agree to give up part of their sovereignty in order to pool their resources to increase their collective security and to achieve other goals, including economic ones. I call this type of federalism coming-together federalism. For Riker, it is the only type of federalism in the world. Second, Riker and many other U.S. scholars assume that one of the goals of federalism is to protect individual rights against encroachments on the part of the central government (or even against the "tyranny of the majority") by a number of institutional devices, such as a bicameral legislature in which one house is elected on the basis of population, while in the other house the subunits are represented equally. In addition, many competences are permanently granted to the subunits instead of to the center. If we can call all of the citizens in the polity taken as a whole the demos, we may say that these devices, although democratic, are "demosconstraining." Third, as a result of the federal bargain that created the United States, each of the states was accorded the same constitutional competences. U.S. federalism is thus considered to be constitutionally symmetrical. By contrast, asymmetrical arrangements that grant different competencies and group-specific rights to some states, which are not now part of the U.S. model of federalism, are seen as incompatible with the principled equality of the states and with equality of citizens' rights in the post-segregation era. Yet although these three points are a reasonably accurate depiction of the political structures and normative values associated with U.S. federalism, **most democratic countries that have adopted federal systems have chosen not to follow the U.S. model.** Indeed, American-style federalism embodies some values that would be very inappropriate for [End Page 21] many democratizing countries, especially multinational polities. To explain what I mean by this, let me review each of these three points in turn.

**New states don’t model US federalism**

**Moravcsik 05** [Andrew Moravcsik, Professor of Politics at Princeton University. “Dream On, America.” Published January 2005]

Once upon a time, the U.S. Constitution was a revolutionary document, full of epochal innovations--free elections, judicial review, checks and balances, federalism and, perhaps most important, a Bill of Rights. In the 19th and 20th centuries, countries around the world copied the document, not least in Latin America. So did Germany and Japan after World War II. Today? **When nations write a new constitution, as dozens have in the past two decades, they seldom look to the American model.** When the soviets withdrew from Central Europe, U.S. constitutional experts rushed in. They got a polite hearing, and were sent home. Jiri Pehe, adviser to former president Vaclav Havel, recalls the Czechs' firm decision to adopt a European-style parliamentary system with strict limits on campaigning. "For Europeans, money talks too much in American democracy. It's very prone to certain kinds of corruption, or at least influence from powerful lobbies," he says. "Europeans would not want to follow that route." They also sought to limit the dominance of television, unlike in American campaigns where, Pehe says, "TV debates and photogenic looks govern election victories." So it is elsewhere. After American planes and bombs freed the country, Kosovo opted for a European constitution. Drafting a post-apartheid constitution, South Africa rejected American-style federalism in favor of a German model, which leaders deemed appropriate for the social-welfare state they hoped to construct. Now fledgling African democracies look to South Africa as their inspiration, says John Stremlau, a former U.S. State Department official who currently heads the international relations department at the University of Witwatersrand in Johannesburg: "We can't rely on the Americans." The new democracies are looking for a constitution written in modern times and reflecting their progressive concerns about racial and social equality, he explains. "To borrow Lincoln's phrase, South Africa is now Africa's 'last great hope'." Much in American law and society troubles the world these days. Nearly all countries reject the United States' right to bear arms as a quirky and dangerous anachronism. They abhor the death penalty and demand broader privacy protections. Above all, once most foreign systems reach a reasonable level of affluence, they follow the Europeans in treating the provision of adequate social welfare is a basic right. All this, says Bruce Ackerman at Yale University Law School, contributes to the growing sense that American law, once the world standard, has become "provincial." The United States' refusal to apply the Geneva Conventions to certain terrorist suspects, to ratify global human-rights treaties such as the innocuous Convention on the Rights of the Child or to endorse the International Criminal Court (coupled with the abuses at Abu Ghraib and Guantanamo) only reinforces the conviction that America's Constitution and legal system are out of step with the rest of the world.