### States/Delegation Cplan – 1NC

Text:

The United States federal government should narrowly delegate authority over national inter-city and inter-state high-speed passenger rail to state governments, appropriate territories, and multi-state compacts related to corridors and hub networks. The state governments, appropriate territories, and multi-state compacts related to corridors and hub networks should substantially increase investment in a national network of inter-city and inter-state high-speed passenger rail – including dedicated shared fund agreements that collectively matches the total of Affirmative allocations.

#### ( ) States solve best. They *can* coordinate and, once in charge, would improve HSR efficiency.

Chicago Tribune ‘1

(“Let states drive high-speed train,” Dec 24, http://articles.chicagotribune.com/2001-12-24/news/0112240192\_1\_high-speed-rail-investment-high-speed-train-high-speed-rail)

Amtrak--the money-losing operation that poses as a national passenger railroad in the U.S.--is taking the lead in the development of a high-speed train network in the Midwest, comparable to the European trains that zoom by at more than 150 m.p.h. High-speed rail service in the Midwest is an interesting prospect--the market, as well as environmental, energy conservation and other concerns, may justify it. But putting Amtrak in charge and expecting the feds to pay for most of it certainly is a recipe for waste and bad planning. For the Midwest, at least, a frequent, comfortable and reliable high-speed rail system would be a new concept. It ought to be designed and operated as such, according to market demand, with a rigorous bottom-line approach. In other words, everything Amtrak is not. According to plans being circulated in Congress and promoted by several local groups, Chicago would be the hub of a series of high-speed rail lines zipping out to Minneapolis-St. Paul, Detroit, Cincinnati, St. Louis, Cleveland and other major urban areas, with stops at some smaller cities like Springfield, Ill., and Madison, Wis. New trains would run on upgraded freight tracks at estimated speeds of 110 m.p.h. The initial phase would be funded by approximately $4 billion, the Midwest's share of the $12 billion High Speed Rail Investment initiative, under consideration by Congress. Individual states have pledged smaller amounts to the effort, including Illinois' $50 million. A reverse logic animates this project: Instead of determining there is urgent demand--and then seeking funding--Midwestern supporters seem to be saying, "The pot of money is there, so we might as well get our share." That's not the way to build a new railroad, but to extend Amtrak domain which, torn by the incompatible demands of politics, public service and profitability, has evolved into anything but an efficient train system. States ought to take the lead in the high-speed rail effort, and contribute a substantial amount of the money. Perhaps the federal government could pay for the start-up infrastructure improvements, as it did to build the original interstate highway system in the 1950s. Then an independent multi-state agency could purchase the trains and turn over operations to a private concern. Such high stakes and strong participation by the states would lead to a far tougher analysis of what service is needed than the pinata-style planning at play here. Built modestly and incrementally, high-speed rail could work and even make money, at which time full privatization would be the next step. A Chicago-to-St. Louis line, running on relatively underutilized freight tracks through Normal and Springfield, could be a key test. Run efficiently, it could compete favorably with airlines on speed of downtown-to-downtown service, and certainly on roominess and comfort. Regional high-speed service has caught on in California and in the Northwest, and it may well do so here. Although Amtrak's math is complicated, the agency projects that, when fully operational, its high-speed Acela line on the Northeast will make about $180 million in annual profit Are there enough commuters and are they willing to give up their cars or airline seats in favor of high-speed trains? If it's their own money on the line, state officials, planners--and taxpayers--would make sure the project makes sense before any money is invested. High-speed train service in the Midwest is a prospect worth investigating, on the right terms.

#### ( ) *Multi-State compacts* specifically solve for HSR.

OPA ‘3

(Office of Public Affairs – US Department of Transportation – FACT SHEET , The Passenger Rail Investment Reform Act of 2003 – http://www.dot.gov/affairs/Passenger%20Rail%20Fact%20Sheet.htm)

\* The Administration believes that states, not Amtrak, are best equipped to decide where rail service is important. States should be empowered to choose the rail service provider of their choice, whether it's Amtrak, a private company or a public transit agency. Following a transition, the Administration's proposal would allow states to submit proposals for passenger rail capital investment to the U.S. Department of Transportation, as they have successfully done for highway and transit capital investments. \* Amtrak would transition into three companies: \* A private passenger rail company that would operate trains under contract to states and multi-state compacts - just as the current Amtrak operates trains under contract to commuter rail agencies; \* A private rail infrastructure company that would maintain and operate the infrastructure on the Northeast Corridor under contract to a multi-state Northeast Corridor Compact. Title to Amtrak's current tracks, stations and other infrastructure on the Northeast Corridor will be held by the federal government and leased to the Northeast Corridor Compact; and \* The National Passenger Rail Corporation, which would continue as a government corporation that would retain Amtrak's current right to use the tracks of the freight railroads, and the Amtrak corporate name. Both the track-access rights and the Amtrak brand would be provided under contract to states and multi-state compacts for qualifying passenger rail service they sponsor. \* Separating train operations and infrastructure ownership is not a new concept. Train operations and infrastructure ownership have for decades been split in the United States. Amtrak operates trains over more than 22,000 miles of track in the United States, but owns only 730 miles of track (mostly on the Northeast Corridor between Washington, D.C. and Boston, and in Michigan). All other tracks are owned either by freight railroads or by the states. \* Multi-state compacts are not new. Multi-state coalitions are already operating intercity rail services, and some are planning for future high-speed rail operations. The Administration believes these cooperative partnerships between the states, the federal government and freight railroads, will improve the efficiency of intercity passenger rail service as a viable alternative to air and highway travel in some corridors.

( ) These Multi-State compacts *already exist* and *can create dedicated funding pools*.

Puentes ‘10

(Robert Puentes is a senior fellow with the Brookings Institution’s Metropolitan Policy Program where he also directs the Program's Metropolitan Infrastructure Initiative. “Intermetropolitan Passenger Rail: Considerations for State Legislatures” – April 9th – http://www.brookings.edu/research/speeches/2010/04/09-rail-transportation-puentes)

The next point is that if a particular corridor extends beyond individual state borders, close coordination—both formal and informal—with your neighbors is essential. More than just backroom deals, these are lengthy relationships that bear real fruit in the form of finalized plans, environmental reviews, and dedicated shared funding agreements. This appeared to have been a significant advantage for those who received ARRA funding and a hindrance for those who did not as, by design, several of the award-winning corridors involved multi-state compacts. For example, the eight-state Midwest Regional Rail Initiative was established as far back as the mid-1990s. In consultation with the federal government, the states worked to develop a rail plan that was released in 1998 and updated in 2004. Last summer, the eight governors, along with the mayor of Chicago, signed a Memorandum of Understanding in anticipation of joint applications for ARRA funding that laid out plans for collective high-speed rail priorities and planning. Partly as a result, the projects in and around the Chicago hub received nearly as much funding ($2.16 billion) as did California ($2.34 billion.) Similarly, the Virginia-North Carolina Interstate High-Speed Rail Commission, created in 2001, agreed to recommend to its respective parent legislatures the enactment of an interstate rail compact. Both state legislatures passed laws establishing the Compact in 2004. The North Carolina—Virginia corridor received a total of $620 million spread among three investments.

Note: “ARRA” stands for “American Recovery and Reinvestment Act of 2009”. It was the initial wave of Obama’s “stimulus” package.

And – our internal net benefit:

#### First – Unique-link: High Speed Rail violates fiscal federalism – it coerces States Governments

Greve ‘12

Michael S. Greve is the John G. Searle Scholar at the American Enterprise Institute. “High-Speed “Federalism” Goes Off the Rails” – Jan 17th – http://libertylawsite.org/2012/01/17/high-speed-federalism-goes-off-the-rails/

The Washington Post reports that federal-state plans for a high-speed train connecting San Francisco with Los Angles and points in-between may never come off the ground. In the face of public resistance, the state may have to decline some $3.5 billion in federal “stimulus” funds dedicated to an initial segment of the line, connecting the thriving metropolises of Bakersfield and Merced. We may be witnessing an outbreak of fiscal and institutional sanity. Federal funding programs replicate, on a daily basis and an increasingly alarming scale, a debility that Alexander Hamilton identified as a constitutional problem. State officials, he wrote in Federalist 1, will seek to maximize to “the power, emolument, and consequence of the offices they hold under the state establishments.” Officials’ time horizon extends over their expected tenure (at most, their lifetimes); thus, they would never support a Constitution that is calculated to produce long-term collective gains. They would have to be beaten, as mercifully they were. Federal grants programs systematically exploit state officials’ constricted time horizon for the expansion of government at all levels. So long as federal grants promise immediate electoral gains, state officials will discount even ruinous long-term costs to zero: “Take the money and run” (often, for higher office) is the rational course of action. From the smallest earmark to the Medicaid monster (which consumes over 20 percent of states’ budgets), our entire fiscal federalism operates on this principle. California Governor Jerry Brown is still committed to the high-speed train fantasy. However, his failure to explain where the estimated $100 billion for the project might come from has generated public resistance. California seems bound to do what Ohio, Wisconsin, and Florida have already done: say “no” to the federal funds. This epidemic of good sense has an obvious source: unsustainable debt levels at all levels of government—in no small measure, a consequence and legacy cost of federal transfer programs—have produced a more realistic calculus. The issuance of yet more state debt tends to alarm voters, and assurances that the feds will agree to make up any future shortfalls or even make good on their commitment produces guffaws: they don’t have the money. Our officials have driven fiscal federalism into a wall. A few have begun to walk away from the wreck, and that’s a start. What the country needs is a stampede.

#### And, delegation to States key to reviving federalism. Transportation policy distinctly important to federalism’s return.

Horowitz ‘12

Daniel – Deputy Political Director at The Madison Project and Contributing Editor, Legislative Writer at Red State – Red state – Jan 19th – http://www.redstate.com/dhorowitz3/2012/01/19/devolve-transportation-spending-to-states/

One of the numerous legislative deadlines that Congress will be forced to confront this session is the expiration of the 8th short-term extension of the 2005 surface transportation authorization law (SAFETEA-LU). With federal transportation spending growing beyond its revenue source, an imbalance between donor and recipient states, inefficient and superfluous construction projects popping up all over the country, and burdensome mass transit mandates on states, it is time to inject some federalism into transportation spending. 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. Short-term funding is no way to plan for long-term infrastructure projects. In their alacrity to gobble up the short-term money before it runs out, state and local governments tend to use the funds on small time and indivisible projects, such as incessant road repaving, instead of better planned long-term projects. It’s time for a long-term solution, one which will inject much-needed federalism and free-market solutions into our inefficient and expensive transportation policy. 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.

#### Nations model US federalism decisions – demonstrates viability of dual sovereignty

Bogen ‘3

(David, Professor of Law and T. Carroll Brown Scholar, University of Maryland School of Law. Hastings Law Journal, 55 Hastings L.J. 333)

In short, Congress has sufficient power to deal directly or indirectly with every form of national problem. The decisions of the Court, however, demand that Congress demonstrate that the problem is a national one when its scope is not obvious. This demand, and the need to use less direct instruments such as the spending power, force Congress to confront the institutional issue as to which level of government can best deal with the problem. It also makes state sovereignty a practical reality, so that most problems will be understood as state responsibility. There are at least three advantages to maintaining federalism and not interpreting the privileges and immunities clause to confer a general congressional power to legislate on personal security and property rights: it maximizes popular satisfaction, it promotes experimentation, and it provides a model on the international level to reconcile national factions. The utilitarian argument for federalism is that it maximizes satisfaction. A rule that satisfies the majority in each of the fifty states will be a much larger number than a rule that satisfies the national majority but overrides local state majorities. The wrinkle is the weight to be assigned the desire of persons in one state to have their rule adopted in a neighboring state where there is no significant commercial effect on the first state from such an adoption. Congressional power should be sufficient to enable a national majority to overcome local majorities when that desire is at a high level, but the stumbling blocks that the Court has [\*397] raised to preserve federalism may help preserve local preferences where the national interest is low. The states have always been famed as the laboratories of experimentation. 332 With respect to individual rights, the slow expansion of laws prohibiting discrimination based on gender orientation suggests that states may be even more progressive than the national government, a government whose laws often preempt local attempts to grapple with issues. It may well be that the huge amounts of financing necessary to run for national office create a polarization that does not well reflect a majority. Raising money is easier for the more ideological candidates on each side, and this promotes more strife and less cooperation in the national legislature. 333 Local campaigns are cheaper and need not be as ideologically divisive. That creates the possibility of legislatures more amenable to working together on problems and creating new solutions. Finally, American federalism has been a model throughout the world for bringing together diverse peoples under a larger governmental structure. 334 The utility of a national economic policy and a national foreign policy is apparent, but the tug of different ethnic and cultural backgrounds makes this difficult. The breakaway republic of Chechnya in Russia and the fear of separate status for Kurds in Turkey suggest the problems nations may have with significant internal groups with different interests. The lack of autonomy for Tibet gives the Republic of China on Taiwan pause about uniting with the Peoples Republic on the Mainland. If the warning of the anti-federalists comes true, that states cannot maintain their separate sovereignty under a national government, the United States will no longer be the beacon on the hill that gives hope for resolving this kind of international problem. A viable federalism is therefore important, not just for the internal purposes of maximizing popular satisfaction and fostering experimentation, but to demonstrate to a fractious world that dual sovereignty is a viable form of government.

#### Only a U.S. model of federalism provides the dual sovereignty to check civil war in Iraq

Mihalakas ‘12

Nasos Mihalakas, LLM from University College London and a JD from the University of Pittsburgh, “Time for Iraq to Activate its Federation Council!”, April 30, https://mihalakas.wordpress.com/2012/04/30/time-for-iraq-to-activate-its-federation-council/

The political power struggle in Baghdad has significantly escalated since the last U.S. troops withdrew in December 2011, with Prime Minister Nouri al-Maliki slowly abandoning the principle of a unity government that gives all stakeholders a share of power and instead trying to consolidate power in his own hands. The situation has deteriorated so much that in a recent interview with the Associated Press the president of Iraq’s self-rule Kurdish region (Massoud Barzani) demanded that Shiite leaders “agree on sharing power with their political opponents by September or else the Kurds could consider breaking away from Baghdad.” Tony Karon reports, that even the radical Shiite cleric Moqtada al-Sadr, whose support was critical to getting Maliki reelected, has taken to referring to the Prime Minister as “the dictator.” The most egregious case of power-grab by Maliki, was the ‘politically motivated’ prosecution of Iraqi Sunni leader and Vice-President of the government Tarek al-Hashemi, who was forced to flee Baghdad to escape criminal charges his supporters see as designed to hobble the Sunni political leadership. According to Mr. Karon, Hashemi fled first to Erbil, capital of Iraq’s Kurdistan Regional Government (KRG), whose terrain the Iraqi security forces are not authorized to enter, and is now in Turkey. Barzani’s ‘declaration of defiance’ against Maliki, is very much the result of Kurdistan’s long-held desire for independence as well as a consequence of Maliki’s recent attempt to consolidate power. Although unilateral secession by the Kurds (or the Sunnis) is somewhat unlikely, the escalation of political tensions by Maliki could lead to the eventual break-up of Iraq. Furthermore, according to the AP, Barzani also said he “wholeheartedly” supports Sunni desires to create their own self-rule regions in Iraq. Sunni lawmakers, whose Iraqiya political coalition won the most seats in 2010 parliamentary elections but were outmaneuvered by Maliki for the right to form the government, bitterly complain they have no say in Iraq’s power structure. Unless something is done to alleviate the concerns of Kurds and Sunnis about their place in the national government, Iraq might inevitable collapse. Salvation however might still lie within, courtesy of the federal elements of the Iraqi constitution. Iraq’s Ethnic Federalism Under Iraq’s current ‘ethnic/religious federalism’, major political powers are divided among people representing the three main religious/ethnic division: the Kurds who make up 20% of the population, and between the two Muslim faiths (65% Shia and 30% Sunni). Therefore, the convention that has emerged since 2005 (when the current constitution came to force) has been to elect a President of Kurdish background, while the Prime Minister has to come from the Shia community, and the Speaker of the Council of Representatives (parliament) from the Sunni community. In Iraq’s federal structure there are four different levels of government: the central government in Baghdad, the regions (currently only one – Iraqi Kurdistan), the provinces (eighteen) and the local administrations. The Iraqi constitution is very much typical federal constitution, in the way it distributes powers vertically. The federal/national government in Baghdad has limited enumerated powers, and the provinces are endowed with their own distinct political/legislative/judicial authorities. Therefore, the constitution provides that the regions enjoy a great amount of power under this structure, often at the expense of the central government in Baghdad. The constitutions federalism even grants provinces the power to join together and form ‘regions’ which will be semi-autonomous. Although Iraqi Kurdistan is the only legally defined region within Iraq, with its own government and quasi-official militia, other provinces can do the same through a referendum (See: Art. 115 of the Iraqi Constitution). Therefore, Article 115 applies to provinces joining together and forming a region. In fact, instead of blocking the creation of large and powerful administrative regions in the country that could confront central government or even each other, the constitution actually encourages it. This is particularly worrying considering that separatism is already a very powerful trend in Iraq. In Iraq, it was very much expected that the governorates will begin the process of grouping together immediately after the parliamentary elections of 2005. Political tensions between the three communities, could lead to further ethnic/religious divisions and the eventual ‘partition’ of Iraq. According to Zaid Al-Ali, “the result will most likely be that Iraq will eventually come to resemble Belgium, whose federal structure of government contains three states: Flanders (Flemish-speaking), Wallonia (French-speaking), and Brussels itself.” Similarly, Iraq is likely to be divided in three parts, with a Kurdish region in the north, a Shia-dominated south and a Sunni region in the center. Horizontal Federalism – the Iraqi Federation Council The only way to prevent this from happening is by strengthening ‘horizontal federalism’ within the Iraqi federal government. Under the Iraqi Constitution, there are to be two legislative houses, the Council of Representatives and the Federation Council. The Council of Representatives is directly elected by the people, “at a ratio of one representative per 100,000 Iraqi persons representing the entire Iraqi people.” The Council of Representatives has the power to enact all federal laws, including the approval and adjustment of the federal budget, conduct foreign policy and defense, and consent to a declaration of war or state of emergency. On the other hand, the Federation Council does not exist yet. The Federation Council is to be composed of representatives of regions and all governorates that have not joined a region. The Constitution does not enumerate the formation or functions of the Federation Council, but leaves those particulars to the Council of Representatives. (See: Article 62 of the Iraqi Constitution) There are plenty of available models for a second legislative chamber representing sub-national entities (like the German Bundesrat, or the South African National Council of Provinces), but of course the U.S. Senate could be the best model to protect the provinces and curb the federal government’s powers. A second legislative body, which represents all provinces equally, with a primary function of safeguarding the rights and privileges of the regions and provinces from excessive overreach by the federal government will go a long way in alleviating fears and concerns by the ethnic/religious minorities of Iraq – as well as strengthen federalism and prevent any further talk of secession of break-up.

#### Iraq civil war goes global

Ferguson ‘6

(Harvard Prof, 9/11, “The Next War of the World,” http://www.realclearpolitics.com/articles/2006/09/the\_next\_war\_of\_the\_world.html)

What makes the escalating civil war in Iraq so disturbing is that it has the potential to spill over into neighboring countries. The Iranian government is already taking more than a casual interest in the politics of post-Saddam Iraq. And yet Iran, with its Sunni and Kurdish minorities, is no more homogeneous than Iraq. Jordan, Saudi Arabia, and Syria cannot be expected to look on insouciantly if the Sunni minority in central Iraq begins to lose out to what may seem to be an Iranian-backed tyranny of the majority. The recent history of Lebanon offers a reminder that in the Middle East there is no such thing as a contained civil war. Neighbors are always likely to take an unhealthy interest in any country with fissiparous tendencies. The obvious conclusion is that a new "war of the world" may already be brewing in a region that, incredible though it may seem, has yet to sate its appetite for violence. And the ramifications of such a Middle Eastern conflagration would be truly global. Economically, the world would have to contend with oil at above $100 a barrel. Politically, those countries in western Europe with substantial Muslim populations might also find themselves affected as sectarian tensions radiated outward. Meanwhile, the ethnic war between Jews and Arabs in Israel, the Gaza Strip, and the West Bank shows no sign of abating. Is it credible that the United States will remain unscathed if the Middle East erupts? Although such an outcome may seem to be a low-probability, nightmare scenario, it is already more likely than the scenario of enduring peace in the region. If the history of the twentieth century is any guide, only economic stabilization and a credible reassertion of U.S. authority are likely to halt the drift toward chaos. Neither is a likely prospect. On the contrary, the speed with which responsibility for security in Iraq is being handed over to the predominantly Shiite and Kurdish security forces may accelerate the descent into internecine strife. Significantly, the audio statement released by Osama bin Laden in June excoriated not only the American-led "occupiers" of Iraq but also "certain sectors of the Iraqi people -- those who refused [neutrality] and stood to fight on the side of the crusaders." His allusions to "rejectionists," "traitors," and "agents of the Americans" were clearly intended to justify al Qaeda's policy of targeting Iraq's Shiites. The war of the worlds that H. G. Wells imagined never came to pass. But a war of the world did. The sobering possibility we urgently need to confront is that another global conflict is brewing today -- centered not on Poland or Manchuria, but more likely on Palestine and Mesopotamia.

### States solve best for HSR

#### ( ) States and Compacts solve best for HSR

Utah Foundation ‘10

The Utah Foundation is a private, non-profit public service agency established to study state and local government –“High-Speed Rail Around the World: A Survey and Comparison of Existing Systems” – Report Number 694, August 2010 – http://utahfoundation.org/img/pdfs/rr694.pdf

Ad hoc arrangements of states working together to build, fund and govern inter-state HSR are a possibility, assuming the states have the collective capital necessary to secure financing and the collective will to create inter-state compacts that regulate HSR and create governance structures that serve the interests of all those involved. If state transit authorities were able to get the funding necessary, they could effectively act as the national railway companies do in the cases of Eurostar and Thalys, with stakes in the ownership and governance of the system. Arrangements like this would also not preclude the ability to receive any federal funds that are directed towards HSR. In deed, among those HSR projects that have secured funding in the U.S., a few are such inter-state arrangements. In this way, coalitions of states could overcome some of the limitations of having a less-centralized national government compared to other HSR countries.

#### ( ) States can coordinate to develop national high speed rail

E.N.S. 9

(Environmental News Service, “Midwest Governors Coordinate to Seek High Speed Rail Funding,” July 27, http://www.ens-newswire.com/ens/jul2009/2009-07-27-095.html)

At the Midwest High Speed Rail Summit today in Chicago, an agreement was struck between eight states to work cooperatively to achieve Recovery Act funding to develop the Chicago Hub High Speed Rail Corridor - also called the Midwest corridor. Midwest governors and rail executives were hosted by Illinois Governor Pat Quinn, U.S. Senator Dick Durbin of Illinois and Chicago Mayor Richard Daley. "We are stronger working as a region than we are individually, and I want to thank the other Midwest governors for their cooperation and commitment," said Governor Quinn. "We are determined to take full advantage of federal recovery funds and bring high speed rail to Illinois and the Midwest. Today's agreement will help make our vision a reality." The governors envision a nationwide network including a Chicago hub that would connect trains traveling up to 110 miles per hour serving cities across the region, along with connections to adjoining regional corridors. This plan reflects the proposals advanced earlier this year by President Barack Obama and U.S. Transportation Secretary Ray LaHood. Under the Recovery Act, President Obama has made $8 billion available nationwide for high speed passenger rail, the largest investment that the federal government has made in over a decade. Five governors attended the summit - Iowa Governor Chet Culver; Wisconsin Governor Jim Doyle; Michigan Governor Jennifer Granholm and Ohio Governor Ted Strickland, as well as Illinois Governor Quinn. Eight Midwest states signed the Memorandum of Understanding including Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. The agreement signed today establishes a Midwest steering group to provide a single voice in support of the region's collective high speed rail priorities. The steering group will coordinate each state's individual applications and advocacy to the Federal Railroad Administration for Recovery Act funding.

#### ( ) No logical solvency deficit – states have to do the construction anyway and states say no to the plan

Cooper ‘10

(Michael, writer for the New York Times, “Rail Service Expansion Imperiled at State Level,” Oct 4, http://www.nytimes.com/2010/10/05/us/05rail.html)

Republicans running for governor in a handful of states could block, or significantly delay, one of President Obama’s signature initiatives: his plan to expand the passenger rail system and to develop the nation’s first bullet-train service. Enlarge This Image In his State of the Union address this year, the president called for building high-speed rail, and backed up his words with $8 billion in stimulus money, distributed to various states, for rail projects. But Republican candidates for governor in some of the states that won the biggest stimulus rail awards are reaching for the emergency brake. In Wisconsin, which got more than $810 million in federal stimulus money to build a train line between Milwaukee and Madison, Scott Walker, the Milwaukee County executive and Republican candidate for governor, has made his opposition to the project central to his campaign. Mr. Walker, who worries that the state could be required to spend $7 million to $10 million a year to operate the trains once the line is built, started a Web site, NoTrain.com, and has run a television advertisement in which he calls the rail project a boondoggle. “I’m Scott Walker,” he says in the advertisement, “and if I’m elected as your next governor, we’ll stop this train.” Similar concerns are threatening to stall many of the nation’s biggest train projects. In Ohio, the Republican candidate for governor, John Kasich, is vowing to kill a $400 million federal stimulus project to link Cleveland, Columbus and Cincinnati by rail. In Florida, Rick Scott, the Republican candidate for governor, has questioned whether the state should invest in the planned rail line from Orlando to Tampa. The state got $1.25 billion in federal stimulus money for the project, but it will cost at least twice that much to complete. And the nation’s most ambitious high-speed rail project, California’s $45 billion plan to link Los Angeles and San Francisco with trains that would go up to 220 miles per hour, could be delayed if Meg Whitman, a Republican, is elected governor. “In the face of the state’s current fiscal crisis, Meg doesn’t believe we can afford the costs associated with new high-speed rail at this time,” said Tucker Bounds, a campaign spokesman. Ms. Whitman’s desire to delay the project, which has already received $2.25 billion in stimulus money, drew a rebuke from the administration of Gov. Arnold Schwarzenegger, a Republican who champions high-speed rail. “To say ‘now is not the time’ shows a very narrow vision,” said Matt David, the governor’s communications director. The state-level opposition is a reminder of the challenge of building a national transportation project in the United States: while the federal government can set priorities, the construction is up to the states. With recent polls showing all of the anti-rail Republican candidates leading or within striking distance of their pro-rail Democratic rivals, it is possible they could be elected and try to stop the train projects. Federal officials, meanwhile, are incredulous that candidates are threatening to spurn stimulus money that their states competed ferociously to win just a year ago. “The bottom line is that high-speed rail is a national program that will connect the country, spur economic development and bring manufacturing jobs to the U.S.,” Transportation Secretary Ray LaHood, a former Republican congressman, said in a statement. “It will also transform transportation in America, much like the Interstate highway system did under President Eisenhower. It’s hard to imagine what would have happened to states like Ohio and Wisconsin if their leaders had decided they didn’t want to be connected to the rest of the country back then.” Several candidates said they wanted to spend the stimulus rail money on roads and bridges, but it is unlikely they would be able to do so without changing the law: the stimulus, which included $28 billion for roads and bridges, required that the $8 billion for rail projects be spent on rail projects. Federal officials declined to speculate on what would happen if anti-rail candidates were to win. But states that turn down rail money would probably have to return it to the federal government, which could then award it to states that want it. Building a real high-speed rail network, like the ones expanding in Europe and Asia, is costly.

### Neg – Feds fails, States solve better

#### ( ) Federal actions fails – State remedies solve better

A.G.C. ‘11

(“THE CASE FOR INFRASTRUCTURE & REFORM: Why and How the Federal Government Should Continue to Fund Vital Infrastructure in the New Age of Public Austerity” – THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA – AGC’s Case for Infrastructure & Reform in based in large part on comments from leaders, including those who participated in a March 2, 2011 panel discussion hosted by the association and The Weekly Standard, including Reason Foundation’s Robert Poole, Virginia Secretary of Transportation Sean Connaughton, Oklahoma Congressman James Lankford and the U.S. Chamber of Commerce’s Bruce Josten. May 19th – http://www.agc.org/galleries/news/Case-for-Infrastructure-Reform.pdf)

Give State and Local Officials More Flexibility Federal infrastructure programs have become overly prescriptive and insistent on one-size fits-all solutions. This limits the ability of state and local officials to create projects that meet federal needs while accommodating often unique situations. Aside from setting minimum safety standards and ensuring high levels of design and construction quality, federal infrastructure programs should eliminate the high cost of accepting federal funds by eliminating uniform requirements, including Buy America provisions, and the tremendous amount of paperwork that comes with those requirements.

### Defending Compacts

This solves 100% of the Aff – State compacts for corridors and hub networks were set-up for the 11 major HSR lines envisioned by the White House. They can solve.

B.L.E.T. ‘9

Policy Position Paper – “High Speed Rail” – Brotherhood of Locomotive Engineers and Trainmen – http://www.ble-t.org/pr/pdf/RAIL\_BLETProposal\_2C.pdf

Current Projects The funding in both the stimulus and the FY09 omnibus bill has enabled municipalities, states and multistate compacts to apply for funding for commuter and high speed rail projects. Among the projects in the development stages are the California high speed rail projects which will run north and south through the state. Voters in the state voted for a $9 billion bond measure in November 2008 to develop the corridor. Also under consideration is a high speed rail line from Las Vegas to Los Angeles. Another corridor that is receiving state funding is the 3 C (Cleveland, Columbus and Cincinnati) corridor in Ohio which received funds in the most recent Ohio Department of Transportation budget. The State of Florida hopes to use stimulus funds to develop a high speed line between Walt Disney World and Orlando International Airport. Many other states hope to use funding to create or improve commuter rail lines, including New Jersey, Minnesota and Illinois. There are 11 federally designated high speed rail corridors: • the Northeast Corridor (Boston to Washington, D.C.); • the California Corridor (Bay Area–Los Angeles– San Diego); • the Empire Corridor (NYC to Buffalo); • the Pacific Northwest Corridor (Vancouver, B.C. to Eugene, OR); • the South Central Corridor(San Antonio, Austin, Dallas, Little Rock, Oklahoma City, Tulsa); • the Gulf Coast Corridor (Houston, New Orleans, Mobile, Meridian, Birmingham); • the Chicago Hub Network (Chicago, Twin Cities, St. Louis, Kansas City, Detroit, Cleveland, Columbus, Cincinnati, Louisville, Indianapolis); • the Florida Corridor (Orlando, Tampa, Miami); • the Keystone Corridor (Philadelphia, Harrisburg, Pittsburgh); • the Northern New England Corridor (Portland, Boston, Montreal); • the Southeast Corridor (Washington, Richmond, Raleigh, Charlotte, Atlanta, Columbia, Macon, Savannah, Birmingham, Jacksonville).

### A-to “Delegation Fiat = not real world”

#### ( ) Yes, our fiat is real-world. Delegation to States is advocated in best survey of policy-literature.

A.G.C. ‘11

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Given the essential role the federal government clearly must play in investing in the nation’s infrastructure, as well as the significant problems with our current approach, it is clear that we need to rethink and reform virtually every aspect of our approach to infrastructure. That is why the Associated General Contractors of America has undertaken an exhaustive review of the many ideas currently being offered for reforming infrastructure. We’ve met with leading policy thinkers and former members of the President’s Council of Economic Advisors, reviewed reports from two Congressionally-chartered study commissions, and even convened, in cooperation with The Weekly Standard, our own policy panel to discuss the best way to reform our approach to infrastructure. The association compiled those many reform proposals and has selected many of the most promising ones. In addition, we crafted new proposals based on many of the insights and observations others have made about our current infrastructure approach. In assembling and crafting these recommendations, we wanted to make sure that our proposed changes also help refocus the federal role exclusively on areas and projects that are clearly in the federal interest, and get the federal government out of other potentially worthwhile undertakings that should more suitably be handled at the state or local levels. Our recommendations include: Eliminate Transportation Spending Programs that Are Not Truly Federal 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.

### A-to “Feds have better coordination”

#### ( ) No *long-term* Federal Solvency – lack of maintenance and organization.

Puentes ‘10

(Robert Puentes – Senior Fellow @ Brooking’s Metropolitan Policy Program – Congressional Testimony – Hearing on Infrastructure Banks – May 13, 2010 – http://www.brookings.edu/research/testimony/2010/05/13-infrastructure-puentes)

The federal government spends about $65 billion each year on infrastructure—transportation, energy, water and environmental protection [1]. While the figure is not negligible, the investment in infrastructure is only 2.2 percent of total federal spending. More than three-quarters of this spending consists of transportation grants to state and local governments ($50.4 billion) [2]. While most of the attention has been on increasing funding for projects, there are also renewed calls to improve the way the federal government invests in infrastructure. Today, the federal government generally does not select projects on a merit basis, is biased against maintenance, and involves little long term planning. In this context, there is interest in a new federal entity for funding and financing infrastructure projects through a national infrastructure bank.

### A-to “States can’t afford to do HSR”

#### First – their arg assumes States run an expensive system. Our 1NC Chicago Tribune ev changes the would expensive infrastructure. Once authority was delegated, States would have an incentive to build cost-effective projects.

#### Second – Fiat solves. They can run a State budget tradeoff disad, but we fiated that States would fund the project

#### And, States will find creative funding schemes.

Puentes ‘9

(et al, Robert Puentes – Senior Fellow @ Brooking’s Metropolitan Policy Program – Innovative State Transportation:

Funding and Financing Policy Options for States – – January 05, 2009 – http://www.nga.org/files/live/sites/NGA/files/pdf/0901TRANSPORTATIONFUNDING.PDF)

Each state is facing the challenges of rising demand and inadequate revenue to some degree. However, they each have unique needs and strategic goals and objectives. In states with less population and traffic density, certain user-fee solutions may not be as feasible as they would be in more densely populated states and regions. Governors are pursuing varied options to address these challenges, and states are pioneering new means of planning for and funding and financing transportation. Some states have worked to increase or index their motor fuel taxes to overcome purchasing power declines and to increase revenue for transportation projects. Some states also are increasing vehicle registration fees and looking to general fund revenues to fund transportation. More broadly, states are pursuing a number of innovative funding and financing options that also can help to reduce demand. Options that are discussed in this report include: • Debt financing strategies, including state infrastructure banks; • Tolling, vehicle miles traveled fees, congestion pricing, and other user fees; • Public-private partnerships that leverage private capital and expertise; and • Freight-specific strategies.

#### ( ) States can attract private partners – gaining huge short-term revenue boosts

Puentes ‘9

(et al, Robert Puentes – Senior Fellow @ Brooking’s Metropolitan Policy Program – Innovative State Transportation:

Funding and Financing Policy Options for States – – January 05, 2009 – http://www.nga.org/files/live/sites/NGA/files/pdf/0901TRANSPORTATIONFUNDING.PDF)

Next, states can seek to increase investment in the system in the near-term. States and the federal government have long-relied on the motor fuel tax, and are likely to continue to do so. However, states have several options to supplement motor fuel tax revenue. Some states have looked to public-private partnerships to attract private sector capital and project expertise in order to move forward on priority projects. One type of public-private partnership, an asset lease, has the potential to provide states with significant upfront capital which can be used to fund a number of transportation priorities. However, these partnerships often require either new user fees or private collection of existing user fees (such as tolls), that provide a return on investment to the private partner. A public-private partnership strategy alone will not solve all of a state’s transportation challenges, but carefully managed partnerships can complement existing revenue, accelerate project delivery, and attract private capital and expertise.

#### ( ) Plan triggers state spending disad too – only a chance the counterplan develops a *cost effective* rail system

Goff 12

(Emily, writer for Heritage, “The California Conundrum: New, Costly High-Speed Rail vs. Massive Budget Deficit,” May 23, http://blog.heritage.org/2012/05/23/the-california-conundrum-new-costly-high-speed-rail-vs-massive-budget-deficit/)

The federal-state transit courtship ritual is by now a well-rehearsed dance. Washington’s alluring checkbook tempts states enough that they commit matching funds to projects they otherwise would not even dream of pursuing on their own. Take high-speed rail and other passenger rail projects—they are expensive to build and maintain, and states are faced with many other pressing infrastructure needs but limited resources to pay for them. So, “free” money from Washington seems too good to be true. Then come project delays and construction cost overruns. Federal grants also have strings attached, such as union wage requirements, which send costs skyward. Soon, the price tag of an HSR project is substantially more than what states signed up for. Once the HSR line is built, another pesky fact materializes: Actual rail ridership rates do not necessarily equal capacity estimates. Poor ridership translates into large funding gaps, and befuddled states then have trouble covering operating expenses, let alone capital costs. Taxpayers are on the hook subsidizing the rail line long after the federal money train has left the station.

#### ( ) High-Speed Rail boosts *local property value* – meaning local government will help fund projects

Puentes ‘9

(et al, Robert Puentes – Senior Fellow @ Brooking’s Metropolitan Policy Program – Innovative State Transportation:

Funding and Financing Policy Options for States – – January 05, 2009 – http://www.nga.org/files/live/sites/NGA/files/pdf/0901TRANSPORTATIONFUNDING.PDF)

The idea is that rail systems, by improving accessibility, will increase land values. The increment over any pre-existing property value can then be taxed, thereby “capturing” the benefit that accrues to private landowners by virtue of the public rail investment and helping to defray rail construction or operating costs. Although the idea of value capture has been discussed in policy circles for years, it is employed in relatively few places and most prominently in the form of benefit assessment districts in metropolitan areas like Miami, Florida; Los Angeles, California; and Denver, Colorado.103 For example, construction of a transit station is likely to increase land values in the walking radius near the area. The local government could choose to dedicate the taxes from the incremental increase in property values to repaying bonds issued for its construction, an approach known as tax increment financing (TIF). Alternatively, private property owners could choose to create a special tax district that would allocate costs of the project to beneficiaries. In most states, a vote of the affected landowners is required. The general principle at work here is known as value capture financing, where non-transportation users, primarily adjacent property owners who benefit from transportation projects, contribute to the costs of such projects. It should be noted that the revenues generated by value capture financing schemes generally do not flow directly to the state. However, they are becoming an increasingly important source of local match revenues to state projects, as such contributions grow as a percentage of total state project costs. In 2004, it is estimated that such specialized taxes and contributions amounted to $15.4 billion for highway projects ($3.8 billion federal and state, $11.6 billion local) and $9.5 billion for transit projects ($3.6 billion state, $6.1 billion local), for a total of $24.9 billion.104 Table 4 details the role that specialized taxes, such as TIF or special tax districts, play in funding highways and transit.

### A-to States can’t solve Private Investors

#### ( ) States won’t *need* as much private investment – our Chicago Tribune and Horowitz ev proves Feds make projects more expensive. States would run more efficient systems and not need private investors to foot the bill

#### ( ) The *Aff* can’t solve private investment, either. Too many roadblocks for *significant* private investment in HSR.

Dutton ‘10

(Audrey Dutton is a reporter for The Gazette; The Bond Buyer – April 28th – http://www.bondbuyer.com/issues/119\_329/rail\_transportation\_bill\_high\_speed-1011398-1.html)

The momentum building behind high-speed rail in the past couple of years has encouraged rail proponents. Nevertheless, ambitious plans to link major cities and give commuters and leisure travelers a reasonable alternative to flying and driving may hit some roadblocks. One of the largest hurdles is how to pay for a sustained investment in rail, a range of sources said in interviews. A DROP IN THE BUCKET The $10 billion that Congress and the administration have provided thus far is a pittance compared to the overall sum that is needed. A new fast-rail system will be expensive — about $65 million per mile, according to the National Conference of State Legislatures, or $600 billion for a complete, 17,000-mile national network, according to the U.S. High Speed Rail Association. Funding from private investors or governments is hard to come by for even the most commonplace infrastructure, much less one that aims to fundamentally change how Americans get from place to place and whose public benefits are, according to the NCSL, “difficult to predict.”

#### ( ) States *can* attract private investment in HSR

Freemark ‘11

(Yonah – Master of Science in Transportation from the Massachusetts Institute of Technology; Bachelor of Arts in Architecture, Department of Civil and Environmental Engineering, Yale University with Distinction. Also a freelance journalist who has been published in Planning Magazine; Next American City Magazine; Dissent; The Atlantic Cities; Next American City Online; and The Infrastructurist – He created and continues to write for the website The Transport Politic – The Transport Politic – “Doing Right by the Public: PPPs in High-Speed Rail” – August 27th – http://www.thetransportpolitic.com/2011/08/27/doing-right-by-the-public-ppps-in-high-speed-rail/)

But because of more detailed projections, the 178-mile first phase of the project is now expected to cost far more than initially envisioned — $10 to $13.9 billion instead of $7.1 billion — and it will need an injection of funds from another source to be constructed. With a promise to the state’s citizens that another demand for California-wide funds will be avoided, few local dollars to contribute, and an utter inability to rely on Washington for practically anything, that means the system will have to find private investors to join in. Whatever the relative merits of allowing private companies to invest in what is fundamentally public infrastructure, California has no other place to turn for the successful completion of its system. California is not alone; with a depressed economy and few public sector funds available, there is increasing recognition of the importance of engaging private-sector funds in the creation of infrastructure. Illinois Governor Pat Quinn signed a bill this week authorizing public-private partnerships (PPPs) to be used for the creation of infrastructure in his state. Critics of the California High-Speed Rail Authority have repeatedly argued that the agency would be unable to locate businesses that might be willing to contribute to the system, but international examples suggest that there is significant private sector interest in infrastructure construction. The Authority will release a request for qualifications soon and select a winning bidder in early 2012. But it has yet to clarify the manner in which it would structure its relationship with private companies in terms of financing, construction, and operations. For precedents, the state should to look at France, which has recently signed two very large deals with private financing and construction conglomerates for the completion of two new extensions of its already large high-speed rail network. They provide two different models for engaging PPPs.

#### ( ) Empirically, States *can* attract Public-Private partnerships for investment.

Puentes ‘9

(et al, Robert Puentes – Senior Fellow @ Brooking’s Metropolitan Policy Program – Innovative State Transportation:

Funding and Financing Policy Options for States – – January 05, 2009 – http://www.nga.org/files/live/sites/NGA/files/pdf/0901TRANSPORTATIONFUNDING.PDF)

Next, states can seek to increase investment in the system in the near-term. States and the federal government have long-relied on the motor fuel tax, and are likely to continue to do so. However, states have several options to supplement motor fuel tax revenue. Some states have looked to public-private partnerships to attract private sector capital and project expertise in order to move forward on priority projects. One type of public-private partnership, an asset lease, has the potential to provide states with significant upfront capital which can be used to fund a number of transportation priorities. However, these partnerships often require either new user fees or private collection of existing user fees (such as tolls), that provide a return on investment to the private partner. A public-private partnership strategy alone will not solve all of a state’s transportation challenges, but carefully managed partnerships can complement existing revenue, accelerate project delivery, and attract private capital and expertise.

### A-to States Can’t solve “Grade Separation”

#### ( ) This makes no sense – grade separation is just building rail line that avoids other transportation lines – all of our ev that “States can solve” speaks to their ability to plan for items like grade separations.

#### ( ) States and locals *can* solve grade separation – Illinois proves.

I.D.O.T. ‘11

(Illinois Dept of Transportation – “Governor Pat Quinn FY 2012-2016, Proposed Rail Improvement Program” – Summer – http://www.dot.state.il.us/prip2012/2012program.pdf)

The Fiscal Year 2012-2016 Proposed Rail Improvement Program provides funding for rail freight, rail passenger and high-speed rail capital projects, as well as state operating assistance for supplemental Amtrak service. The capital program elements over the five years are summarized below. Rail Freight Program. The purpose of the Rail Freight Program is to provide capital assistance to communities, railroads and shippers to preserve and improve rail freight service in Illinois. For Fiscal Years 2012-2016, the program proposes S16 million from current federal and state revenues for rail freight improvements. Rail Passenger Program. Illinois supports a National Passenger railroad system that not only serves the residents of Illinois but also plays an integral part of a balanced transportation system. The Fiscal Year 2012-2016 program proposes S235 million for capital projects to facilitate passenger service expansion. Chicago Region Environmental Transportation and Efficiency Program The CREATE program is a multi-billion dollar effort to improve Chicago's extensive rail system by modernizing connections and grade separating highway and rail traffic. Because Chicago is the nation's transportation hub, this program will increase the efficiency and reliability of much of the nation's rail service. This public-private partnership will be funded through state and federal sources, along with the freight railroads. The five-year program provides S300 million from the State Capital Bill for TIGER grant funding and $100 million from the Illinois Jobs Now program.High-Speed Rail. The five-year program provides S400 million in addition to federal dollars from American Recovery and Reinvestment Act (ARRA) funds for improving the signal system, track and equipment along the Chicago-St. Louis corridor to allow trains to travel at speeds of 110 miles-per-hour (mph). For Fiscal Year 2012 the capital program allocates a total of $159.2 million in current state and federal revenues for improving passenger service and for freight improvement projects. In addition to the program for capital improvements, the state provides operating subsidies for state-supported trains between Chicago and Carbondale, Quincy, St. Louis and Milwaukee. For Fiscal Year 2012 these subsidies will total $26 million.

### A-to “States can’t solve high-tech signaling”

#### This makes no sense – high-tech signaling is not a form of expertise, it’s just technology that helps trains operate safely during fog. There’s no real Fed key warrant here other than money.

#### ( ) And, high-tech signaling can be purchased – States have already done it.

#### National Conference of State Legislatures ‘11

(“Transport Report” – Volume 2, Issue 7 – August/Sept. 2011 – http://www.ncsl.org/documents/transportation/trn-augsept2011.pdf)

On Aug. 3, U.S. Transportation Secretary Ray LaHood announced that California, Illinois, Iowa, Michigan and Missouri would collectively receive $336.2 million to purchase next-generation, American-made trains. According to a further release on Aug. 8, California’s share is part of a $179 million total award to the state to continue building a statewide passenger rail network with both high-speed and intercity service. These dollars will also be used for new track construction and installation of high-tech signaling. Despite recent critiques and pending reform legislation, California is continuing to lay the groundwork for the nation’s first 220-mph, “true” high-speed rail system. In total, $10.1 billion in federal funds have been provided so far to 32 states and D.C. for high-speed and intercity passenger rail projects; of that, $7.3 billion has been obligated.