# Topicality

### Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States.

Topicality 1

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Definitions 4

Resolved 5

‘Resolved’ means to enact a policy by law 5

Determination reached by voting 5

Firm decision 5

Specific course of action 5

Resolved implies immediacy 5

The 6

The means all parts, throughout 6

Requires specification 6

“The” indicates reference to a noun as a whole 6

Indicates a proper noun 6

United States 7

“United States” means United States of North America 7

“United States” means the federal government 7

"United States" means the sovereign state called the "United States" 7

"United States" means the territory over which the sovereign nation of the "United States" exercises sovereign power 7

Federal Government 8

“Federal Government” means the United States government 8

"Federal Government" means the national government, not the states or localities 8

“Federal Government” means the government of the United States of America 8

“Federal” means the political unit created by the states, not the states themselves 8

“Federal” is the central government not the states 8

“Government” is all three branches 8

Substantially 9

Substantial 9

Substantial 9

Substantially 10

“Substantial” means considerable or to a large degree --- this common meaning is preferable because the word is not a term of art 10

Substantial means “of considerable amount” --- not some contrived percentage 10

Substantially = large 11

Substantially increase means by a large amount 11

Substantially- to a great or significant extent. 11

Substantially is to a great extent or degree 11

Substantial is of ample or considerable amount, quantity, or size 11

Increase 12

Increase: 12

Increase means a net increase 12

Increase means net increase 12

Increase means to make greater 12

Increase = Pre-existing 13

Interpretation - Increase requires pre-existence 13

Increase requires making an already program greater --- the Aff creates something new 13

Increase requires pre-existence 13

Its 14

‘Its’ is possessive 14

Grammatically, this refers solely to U.S. activities 14

Transportation Infrastructure 1/3 15

Transportation infrastructure means facilities related to all modes of transportation 15

Transportation infrastructure enables the transfer of people or goods 15

Highways, bridges, airports, transit systems, and air traffic control systems are transportation infrastructure – federal transportation budget proves 15

Transportation Infrastructure 2/3 17

The new budget defines highways, rail lines, and transit networks as transportation infrastructure 17

The U.S. invests $58 billion in transportation infrastructure a year 17

Transportation Infrastructure 3/3 19

Transportation is not only the physical objects but all the factors involved 19

Infrastructure is the system that allows for the reliable flow of products and services 19

Investment 1/2 20

Transportation investment is operation and maintenance 20

Federal infrastructure investment includes tax expenditures 20

Tax credits are a form of transportation investment 20

Investment 2/2 22

Investments can’t be measured numerically – too complicated 22

Investment must place money in exchange for revenue 22

Investment requires the intent for profitable returns 22

1NC Shells 23

Substantial – 1NC 24

A. Substantially increase means by a large amount 24

The U.S. invests $58 billion in transportation infrastructure a year 24

Increase means pre-existing – 1NC 25

Interpretation - Increase requires pre-existence, this means that the affirmative cannot create a new program. 25

Violation – plan doesn’t increase, they create a new program that hasn’t existed before. 25

Standards- 25

Predictable limits – history should limit the topic- we limit debate to current infrastructure funding, there is not aff and neg literature on hypotheticals. We should limit the topic to an area where literature exists on both sides. 25

Ground- There is no literature for our off case args because no one has written against things that haven’t been tried yet. So there is no possible way we can research the topic and be well prepared. 25

Topicality is a priori and a voter for fairness and education 25

Transportation Infrastructure – Categories 1NC 26

Interpretation - Transportation infrastructure refers to specific subsectors of transportation 26

Violation – the aff isn’t part of these subsectors 26

Predictable Limits – Recent legislation for transportation infrastructure funding describes it as ONLY these categories. Any other affirmative would explode the limits of the topic. 26

Neg ground – The topic is already extremely broad. Our interp gives them 10 different categories already that the aff can parametricize. Their interp destroys neg ground 26

Field Context – were both more intuitive and legally correct 26

T is a priori and a voter for fairness and education 26

Transportation Infrastructure – Categories 2NC extensions 27

A wide definition of infrastructure would explode limits 27

Transportation Infrastructure – Excludes Vehicles 1NC 28

Interpretation- Vehicles are part of our transportation system, not our transportation infrastructure 28

ASPEC – 1NC 29

A. Violation – The Affirmative fails to specify an agent of action. Rather they just say “USFG” 29

B. Failure to specify is illegitimate and a voting issue. 29

Ground – Specifying an agent is critical to Disads relating to the specific agent of action and Counterplans to use a different agent. The agent must be named in the plan to ensure that Counterplans compete and to maximize the value of pre-round preparation, which is essential at the beginning of the year when strategies are not fully developed. 29

Moving Target – Failure to specify an agent in the plan text allows the affirmative to shift out of 1NC arguments by allowing new 2AC clarification about the agent of action. This makes it impossible for the negative to debate because the AFF could always change their plan after they heard the 1NC arguments. 29

# Definitions

## Resolved

### ‘Resolved’ means to enact a policy by law

Words and Phrases 1964 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

### Determination reached by voting

Webster’s Revised Unabridged, 1998, Dictionary.com

Resolved: 5. To express, as an opinion or determination, by resolution and vote; to declare or decide by a formal vote; -- followed by a clause; as, the house resolved (or, it was resolved by the house) that no money should be apropriated (or, to appropriate no money).

### Firm decision

American Heritage Dictionary, 2006, http://dictionary.reference.com/browse/resolved

Resolve TRANSITIVE VERB:1. To make a firm decision about. 2. To cause (a person) to reach a decision. See synonyms at decide. 3. To decide or express by formal vote.

### Specific course of action

American Heritage Dictionary, 2006, http://dictionary.reference.com/browse/resolved

INTRANSITIVE VERB:1. To reach a decision or make a determination: resolve on a course of action. 2. To become separated or reduced to constituents. 3. Music To undergo resolution.

### Resolved implies immediacy

Random House Unabridged Dictionary, 2006, http://dictionary.reference.com/browse/resolve

re·solve Description: Description: thinsp [Audio Help](http://dictionary.reference.com/help/audio.html)   /rɪˈzɒlv/ Pronunciation Key - Show Spelled Pronunciation[ri-zolv] Pronunciation Key - Show IPA Pronunciation verb, -solved, -solv·ing, noun

–verb (used with object)

1. to come to a definite or earnest decision about; determine (to do something): I have resolved that I shall live to the full.

## The

### The means all parts, throughout

Encarta, 2009, World English Dictionary, “The,” http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719495)

2. indicating generic class: used to refer to a person or thing considered generically or universally  
Description: Description: bulletDescription: Description: transExercise is good for the heart.  
Description: Description: bulletDescription: Description: transShe played the violin.  
Description: Description: bulletDescription: Description: transThe dog is a loyal pet.

### Requires specification

Random House, 2006, Unabridged Dictionary, http://dictionary.reference.com/browse/the

(used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house.

### “The” indicates reference to a noun as a whole

Webster’s, 2005 (Merriam Webster’s Online Dictionary, http://www.m-w.com/cgi-bin/dictionary)

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

### Indicates a proper noun

Random House, 2006, (Unabridged Dictionary, http://dictionary.reference.com/browse/the)

(used to mark a proper noun, natural phenomenon, ship, building, time, point of the compass, branch of endeavor, or field of study as something well-known or unique): the sun; the Alps; the Queen Elizabeth; the past; the West.

## United States

### “United States” means United States of North America

Webster’s 61 (Third New International Dictionary, p. 2501)

Of or from the United States of North America

### “United States” means the federal government

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

the federal government

### "United States" means the sovereign state called the "United States"

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

a sovereign nation or sovereign state called the “United States”

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

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

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

## Federal Government

### “Federal Government” means the United States government

Black’s Law 99 (Dictionary, Seventh Edition, p.703)

The U.S. government—also termed national government

### "Federal Government" means the national government, not the states or localities

Black’s Law 99 (Dictionary, Seventh Edition, p.703)

A national government that exercises some degree of control over smaller political units that have surrendered some degree of power in exchange for the right to participate in national political matters

### “Federal Government” means the government of the United States of America

Ballentine's 95 (Legal Dictionary and Thesaurus, p. 245)

the government of the United States of America

### “Federal” means the political unit created by the states, not the states themselves

OED 89 (Oxford English Dictionary, 2ed. XIX, p. 795)

b. Of or pertaining to the political unity so constituted, as distinguished from the separate states composing it.

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

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

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

### “Government” is all three branches

Black’s Law 90 (Dictionary, p. 695)

“[*Government*] In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.”

## Substantially

### Substantial

Merriam-Webster, 2008 (“substantial”, 2008, http://www.merriam-webster.com/cgi-bin/dictionary?book=Dictionary&va=substantially)

Main Entry: sub•stan•tial

1 a: consisting of or relating to substance b: not imaginary or illusory : real, true c: important, essential

2: ample to satisfy and nourish : full <a substantial meal>

3 a: possessed of means : well-to-do b: considerable in quantity : significantly great <earned a substantial wage>

4: firmly constructed : sturdy <a substantial house>

5: being largely but not wholly that which is specified <a substantial lie>

### Substantial

Random House Unabridged Dictionary, 2006 (Dictionary.com Unabridged, “substantial”, http://dictionary.reference.com/search?q=substantially&r=66)

1. of ample or considerable amount, quantity, size, etc.: a substantial sum of money.

2. of a corporeal or material nature; tangible; real.

3. of solid character or quality; firm, stout, or strong: a substantial physique.

4. basic or essential; fundamental: two stories in substantial agreement.

5. wealthy or influential: one of the substantial men of the town.

6. of real worth, value, or effect: substantial reasons.

7. pertaining to the substance, matter, or material of a thing.

8. of or pertaining to the essence of a thing; essential, material, or important.

9. being a substance; having independent existence.

10. Philosophy. pertaining to or of the nature of substance rather than an accident or attribute.

## Substantially

### “Substantial” means considerable or to a large degree --- this common meaning is preferable because the word is not a term of art

Arkush, 2002 (David, JD Candidate – Harvard University, “Preserving "Catalyst" Attorneys' Fees Under the Freedom of Information Act in the Wake of Buckhannon Board and Care Home v. West Virginia Department of Health and Human Resources”, Harvard Civil Rights-Civil Liberties Law Review, Winter,   
37 Harv. C.R.-C.L. L. Rev. 131)

Plaintiffs should argue that the term "substantially prevail" is not a term of art because if considered a term of art, resort to Black's 7th produces a definition of "prevail" that could be interpreted adversely to plaintiffs. [99](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n99) It is commonly accepted that words that are not legal terms of art should be accorded their ordinary, not their legal, meaning, [100](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n100) and ordinary-usage dictionaries provide FOIA fee claimants with helpful arguments. The Supreme Court has already found favorable, temporally relevant definitions of the word "substantially" in ordinary dictionaries: "Substantially" suggests "considerable" or "specified to a large degree." See Webster's Third New International Dictionary 2280 (1976) (defining "substantially" as "in a substantial manner" and "substantial" as "considerable in amount, value, or worth" and "being that specified to a large degree or in the main"); see also 17 Oxford English Dictionary 66-67 (2d ed. 1989) ("substantial": "relating to or proceeding from the essence of a thing; essential"; "of ample or considerable amount, quantity or dimensions").

### Substantial means “of considerable amount” --- not some contrived percentage

Prost, 6-18-2004 (Judge – United States Court of Appeals for the Federal Circuit, “Committee For Fairly Traded Venezuelan Cement v. United States” http://www.ll.georgetown.edu/federal/judicial/fed/opinions/04opinions/04-1016.html)

The URAA and the SAA neither amend nor refine the language of § 1677(4)(C). In fact, they merely suggest, without disqualifying other alternatives, a “clearly higher/substantial proportion” approach. Indeed, the SAA specifically mentions that no “precise mathematical formula” or “‘benchmark’ proportion” is to be used for a dumping concentration analysis. SAA at 860 (citations omitted); see also Venez. Cement, 279 F. Supp. 2d at 1329-30. Furthermore, as the Court of International Trade noted, the SAA emphasizes that the Commission retains the discretion to determine concentration of imports on a “case-by-case basis.” SAA at 860. Finally, the definition of the word “substantial” undercuts the CFTVC’s argument. The word “substantial” generally means “considerable in amount, value or worth.” Webster’s Third New International Dictionary 2280 (1993). It does not imply a specific number or cut-off. What may be substantial in one situation may not be in another situation. The very breadth of the term “substantial” undercuts the CFTVC’s argument that Congress spoke clearly in establishing a standard for the Commission’s regional antidumping and countervailing duty analyses. It therefore supports the conclusion that the Commission is owed deference in its interpretation of “substantial proportion.” The Commission clearly embarked on its analysis having been given considerable leeway to interpret a particularly broad term.

## Substantially = large

### Substantially increase means by a large amount

NRC 2003 (Office of Nuclear Material Safety and Safeguards Policy and Procedures, April 2003,) http://www.fontana.org/main/dev\_serv/planning/ventana\_eir/appendix\_e.pdf

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

### Substantially- to a great or significant extent.

Compact Oxford English Dictionary, 2008 (“substantially”, 2008, http://www.askoxford.com/concise\_oed/substantially?view=uk)

substantially

adverb 1 to a great or significant extent. 2 for the most part; essentially.

### Substantially is to a great extent or degree

WordNet 1.6, 1997 (dictionary.com)

Substantially - adv 1: to a great extent or degree; "I'm afraid the film was well over budget"; "painting the room white made it seem considerably (or substantially) larger"; "the house has fallen considerably in value"; "the price went up substantially" [syn: well, considerably] 2: in a strong substantial way; "the house was substantially built".

### Substantial is of ample or considerable amount, quantity, or size

The Random House College Dictionary, 1973, p. 844

Substantial - is of ample or considerable amount, quantity, or size.

## Increase

### Increase:

Merriam Websters, 2012, http://www.merriam-webster.com/dictionary/increase

1. To become progressively greater (as in size, amount, number, or intensity)
2. To make greater: augment

### Increase means a net increase

Rogers, 2005 (Judge – New York, et al., Petitioners v. U.S. Environmental Protection Agency, Respondent, NSR Manufacturers Roundtable, et al., Intervenors, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, Lexis)

[\*\*48] Statutory Interpretation. HN16While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. 42 U.S.C. § 7411(a)(4). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004); Bluewater Network, 370 F.3d at 13; Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23] (D.C. Cir. 2000). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly, [\*\*49] in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

### Increase means net increase

Words and Phrases, 2008 (v. 20a, p.264-265)

Cal.App.2 Dist. 1991. Term “increase,” as used in statute giving the Energy Commission modification jurisdiction over any alteration, replacement, or improvement of equipment that results in “increase” of 50 megawatts or more in electric generating capacity of existing thermal power plant, refers to “net increase” in power plant’s total generating capacity; in deciding whether there has been the requisite 50-megawatt increase as a result of new units being incorporated into a plant, Energy Commission cannot ignore decreases in capacity caused by retirement or deactivation of other units at plant. West’s Ann.Cal.Pub.Res.Code § 25123.

### Increase means to make greater

Reinhardt, 05 – U.S. Judge for the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (Stephen, JASON RAY REYNOLDS; MATTHEW RAUSCH, Plaintiffs-Appellants, v. HARTFORD FINANCIAL SERVICES GROUP, INC.; HARTFORD FIRE INSURANCE COMPANY, Defendants-Appellees., lexis)

The phrase, "has previously been charged," as used by Hartford, refers not only to a rate that the consumer has previously paid for insurance but also to a rate that the consumer has previously been quoted, even if that rate was increased [\*\*23] before the consumer made any payment. Reynolds disagrees, asserting that, under the ordinary definition of the term, an increase in a charge also occurs whenever an insurer charges a higher rate than it would otherwise have charged because of any factor--such as adverse credit information, age, or driving record 8 --regardless of whether the customer was previously charged some other rate. According to Reynolds, he was charged an increased rate because of his credit rating when he was compelled to pay a rate higher than the premium rate because he failed to obtain a high insurance score. Thus, he argues, the definitions of "increase" and "charge" encompass the insurance companies' practice. Reynolds is correct. “Increase" means to make something greater. See, e.g., OXFORD ENGLISH DICTIONARY (2d ed. 1989) ("The action, process, or fact of becoming or making greater; augmentation, growth, enlargement, extension."); WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988) (defining "increase" as "growth, enlargement, etc[.]"). "Charge" means the price demanded for goods or services. See, e.g., OXFORD ENGLISH DICTIONARY (2d ed. 1989) ("The price required or demanded for service rendered, or (less usually) for goods supplied."); WEBSTER'S NEW WORLD DICTIONARY OF AMERICAN ENGLISH (3d college ed. 1988) ("The cost or price of an article, service, etc."). Nothing in the definition of these words implies that the term "increase in any charge for" should be limited to cases in which a company raises the rate that an individual has previously been charged.

## Increase = Pre-existing

### Interpretation - Increase requires pre-existence

Ripple, 87 (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

### Increase requires making an already program greater --- the Aff creates something new

Buckley, 2006 (Jeremiah, Attorney, Amicus Curiae Brief, Safeco Ins. Co. of America et al v. Charles Burr et al, http://supreme.lp.findlaw.com/supreme\_court/briefs/06-84/06-84.mer.ami.mica.pdf)

First, the court said that the ordinary meaning of the word “increase” is “to make something greater,” which it believed should not “be limited to cases in which a company raises the rate that an individual has previously been charged.” 435 F.3d at 1091. Yet the definition offered by the Ninth Circuit compels the opposite conclusion. Because “increase” means “to make something greater,” there must necessarily have been an existing premium, to which Edo’s actual premium may be compared, to determine whether an “increase” occurred. Congress could have provided that “ad-verse action” in the insurance context means charging an amount greater than the optimal premium, but instead chose to define adverse action in terms of an “increase.” That def-initional choice must be respected, not ignored. See Colautti v. Franklin, 439 U.S. 379, 392-93 n.10 (1979) (“[a] defin-ition which declares what a term ‘means’ . . . excludes any meaning that is not stated”). Next, the Ninth Circuit reasoned that because the Insurance Prong includes the words “existing or applied for,” Congress intended that an “increase in any charge” for insurance must “apply to all insurance transactions – from an initial policy of insurance to a renewal of a long-held policy.” 435 F.3d at 1091. This interpretation reads the words “exist-ing or applied for” in isolation. Other types of adverse action described in the Insurance Prong apply only to situations where a consumer had an existing policy of insurance, such as a “cancellation,” “reduction,” or “change” in insurance. Each of these forms of adverse action presupposes an already-existing policy, and under usual canons of statutory construction the term “increase” also should be construed to apply to increases of an already-existing policy. See Hibbs v. Winn, 542 U.S. 88, 101 (2004) (“a phrase gathers meaning from the words around it”) (citation omitted).

### Increase requires pre-existence

Brown, 2003 (US Federal Judge – District Court of Oregon (Elena Mark and Paul Gustafson, Plaintiffs, v. Valley Insurance Company and Valley Property and Casualty, Defendants, 7-17, Lexis)

FCRA does not define the term "increase." The plain and ordinary meaning of the verb "to increase" is to make something greater or larger. 4 Merriam-Webster's [\*\*22] Collegiate Dictionary 589 (10th ed. 1998). The "something" that is increased in the statute is the "charge for any insurance." The plain and common meaning of the noun "charge" is "the price demanded for something." Id. at 192. Thus, the statute plainly means an insurer takes adverse action if the insurer makes greater (i.e., larger) the price demanded for insurance. An insurer cannot "make greater" something that did not exist previously. The statutory definition of adverse action, therefore, clearly anticipates an insurer must have made an initial charge or demand for payment before the insurer can increase that charge. In other words, an insurer cannot increase the charge for insurance unless the insurer previously set and demanded payment of the premium for that insured's insurance [\*\*23] coverage at a lower price.

## Its

### ‘Its’ is possessive

English Grammar, 2005, (Glossary of English Grammar Terms, http://www.usingenglish.com/glossary/possessive-pronoun.html)

Mine, yours, his, hers, its, ours, theirs are the possessive pronouns used to substitute a noun and to show possession or ownership. EG. This is your disk and that's mine. (Mine substitutes the word disk and shows that it belongs to me.)

### Grammatically, this refers solely to U.S. activities

Manderino, 1973, (Justice – Supreme Court of Pennsylvania, “Sigal, Appellant, v. Manufacturers Light and Heat Co”., No. 26, Jan. T., 1972, Supreme Court of Pennsylvania, 450 Pa. 228; 299 A.2d 646; 1973 Pa. LEXIS 600; 44 Oil & Gas Rep. 214, Lexis)

On its face, the written instrument granting easement rights in this case is ambiguous. The same sentence which refers to the right to lay a 14 inch pipeline (singular) has a later reference to "said lines" (plural). The use of the plural "lines" makes no sense because the only previous reference has been to a "line" (singular). The writing is additionally ambiguous because other key words which are "also may change the size of its pipes" are dangling in that the possessive pronoun "its" before the word "pipes" does not have any subject preceding, to which the possessive pronoun refers. The dangling phrase is the beginning of a sentence, the first word of which does not begin with a capital letter as is customary in normal English [\*\*\*10] usage. Immediately preceding the "sentence" which does not begin with a capital letter, there appears a dangling [\*236] semicolon which makes no sense at the beginning of a sentence and can hardly relate to the preceding sentence which is already properly punctuated by a closing period. The above deviations from accepted grammatical usage make difficult, if not impossible, a clear understanding of the words used or the intention of the parties. This is particularly true concerning the meaning of a disputed phrase in the instrument which states that the grantee is to pay damages from ". . . the relaying, maintaining and operating said pipeline. . . ." The instrument is ambiguous as to what the words ". . . relaying . . . said pipeline . . ." were intended to mean.

## Transportation Infrastructure 1/3

### Transportation infrastructure means facilities related to all modes of transportation

Maine Revised Statutes, 2-1-2012 (Title 23: HIGHWAYS Part 1: STATE HIGHWAY LAW Chapter 3: OFFICIALS AND THEIR DUTIES Subchapter 1: DEPARTMENT OF TRANSPORTATION,

http://www.mainelegislature.org/legis/statutes/23/title23sec52.html

The Department of Transportation, referred to in this chapter as "the department," may from time to time make and shall enforce rules and regulations relating to the planning, design, engineering, construction, improvement, maintenance and use of transportation infrastructure. The department may from time to time make and shall enforce rules relating to the manner of conducting all investigations and hearings and the administration of its office, powers and duties. The department shall direct the expenditure of all money for the planning, design, engineering, construction, improvement, demolition, maintenance and use of all transportation infrastructure for which state funds are provided by law. The department may conduct traffic survey interviews and other statistical studies on the state highway system as considered necessary for the use in planning and development of the statewide highway system. The department may obtain leases for such land and office space as the department considers necessary for the performance of its duties. As used in this section, "transportation infrastructure" means infrastructure related to all modes of transportation, including highways, bridges, railroads, ferries, mass transit, airports and bicycle and pedestrian facilities, as well as all buildings, utilities, facilities and other appurtenances related to such modes. [2007, c. 306, §1 (AMD).]

### Transportation infrastructure enables the transfer of people or goods

Puentes, 3-26-2009 - Senior Fellow and Director, Metropolitan Infrastructure Initiative Brookings Institution (Robert “Creating Livable Communities: Housing and Transit Policy in the 21st Century” Congressional Testimony http://www.brookings.edu/research/testimony/2009/03/26-housing-puentes)//dm

At the root of these agglomerations is the evolution of the American economy into a series of clusters—networks of firms that engage in the production of similar and related products services. And firms within these clusters crave proximity—to pools of qualified workers, to specialized services, to other firms, and to transportation infrastructure that enables the mobility of people and goods.

### Highways, bridges, airports, transit systems, and air traffic control systems are transportation infrastructure – federal transportation budget proves

Peters, 10-25-2007, Secretary of Transportation (Mary, Statement by her made before the committee on the budget – US house of representatives, http://testimony.ost.dot.gov/test/pasttest/07test/peters9.htm)//dm

Relying on an array of taxes on gasoline, diesel, jet fuel, airline tickets, heavy truck sales, and truck tires, as well as general taxpayers, the Federal Government currently makes investments of approximately $61 billion in America’s highways, bridges, airports, transit systems, and in our air traffic control system. These taxes are deposited into dedicated trust funds and then re-allocated based on formulas, special designations and earmarks. Over the last 20 years, we have witnessed substantial increases in Federal transportation spending and simultaneous deterioration in the performance of the systems that are intended to benefit from this spending.

## Transportation Infrastructure 2/3

### The new budget defines highways, rail lines, and transit networks as transportation infrastructure

United States Department of Transportation, 2012 – the topic (“2013 Budget reflects central role of transportation in the lives of Americans, in the vitality of our nation's economy” 2/13/12 http://fastlane.dot.gov/2012/02/2013-budget.html)//dm

An America built to last needs a strong transportation infrastructure. Without the ability to move goods and people safely and efficiently, we're stuck standing still. That’s why the President’s budget will improve America’s highways, rail lines, and transit networks, allowing for growth and continuing to ensure that these systems are safe. Of the President’s proposal, $305 billion would fund road and bridge improvements. Now, that's a long overdue 34 percent increase over the previous transportation bill. And this proposal will also streamline and simplify our highway system by consolidating more than 55 different programs down to just five Our roadways cannot bear the burden of America's growing population on their own; investing in the nation's transit systems is another critical need, which is why President Obama’s budget includes $108 billion over six years for transit--a 105 percent increase--prioritizing projects that rebuild and rehabilitate existing transit systems, and including an important new transit safety program. The president’s budget also provides $2.5 billion in 2013 as part of a $47 billion six-year investment to continue construction of our national high-speed rail network. The Federal Railroad Administration has been working with stakeholders to plan and develop high-speed rail corridors across the country that will create new choices for travelers. And work is already underway on eight projects, which are on-time and under budget.

### The U.S. invests $58 billion in transportation infrastructure a year

American Road & Transportation Builders Association 2012 (FAQs, p. http://www.artba.org/about/faqs-transportation-general-public/faqs/#7)

HOW MUCH DOES THE FEDERAL GOVERNMENT INVEST IN TRANSPORTATION IMPROVEMENTS EACH YEAR? The federal government invested $58 billion in transportation improvements through the core federal transportation improvement programs during FY 2011, which began October 1, 2010 and ended September 30, 2011. This was the same amount of funding as was provided during FY 2010. Federal investment in highway improvements in FY 2011 included $41.8 billion through the core highway program, the same as during FY 2010. Most federal highway investment is used to upgrade and maintain the nation's core highways, including the Interstate Highway System, and to repair and replace deficient bridges. For public transportation, the federal government invested $10.3 billion during FY 2011, also the same as during FY 2010. Federal public transportation program funds are used to build and upgrade rail mass transit systems in major cities and to purchase and upgrade buses and facilities of local transit agencies. The federal government’s investment in airport improvements in FY 2011 included $3.51 billion through the core Airport Improvement Program, also unchanged from FY 2010. Airport improvement funds are used to build and upgrade airport runways, taxiways and other ground facilities. The federal government also finances the air traffic control system and helps airports pay for equipment upgrades. Most of the $9 billion annual construction work on railroads is privately-financed by the nation's railroad companies. The federal government, however, provides an annual appropriation, of just under $1.5 billion in FT 2011, for capital improvements to Amtrak as well as to help cover operating expenses. In addition to the above amounts, Congress provided $527 million in FY 2011 for the Transportation Investment Generating Economic Recovery (TIGER) program under which state and local governments can apply for grants that can be used for highway, transit or railway improvements

## Transportation Infrastructure 3/3

### Transportation is not only the physical objects but all the factors involved

Ballentine’s Law Dictionary 2010 p. Lexis

The carriage of persons or property from one point to another. Removing a person from the country by way of punishment upon his conviction of an offense against the laws of the country. Fong Yue Ting v United States, 149 US 697, 709, 37 L Ed 905, 911, 13 S Ct 1016. As used in the Interstate Commerce Act: -- not only the physical instrumentalities, but all services in connection with the receipt, delivery, elevation, transfer in transit, ventilation, refrigeration or icing, storage, and handling of the property transported.

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

John Moteff et. al, 1-29-2003 (Claudia Copeland, and John Fischer – Resources, Science and Industry Division of the Congressional Research Service, Critical Infrastructures: What Makes an Infrastructure Critical?, Report for Congress, p. 2-3)

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

## Investment 1/2

### Transportation investment is operation and maintenance

Deshpande and Elmendorf, 2008 - Senior Research Assistant of The Hamilton Project, senior fellow in the Economic Studies program at the Brookings Institute and previous principal analyst at Congressional Budget Office (Manasi and Douglas, An Economic Strategy for Investing in America’s Infrastructure, 7/08, [http://www.brookings.edu/~/media/research/files/papers/2008/7/infrastructure%20elmendorf/07\_infrastructurestrat\_elmendorf.pdf)//EM](http://www.brookings.edu/~/media/research/files/papers/2008/7/infrastructure%20elmendorf/07_infrastructurestrat_elmendorf.pdf)/EM)

Over time spending has shifted relatively from new capacity to operation and maintenance of existing capacity (see Figure 5).While gross operation and maintenance spending has remained fairly constant around 0.85 percent of GDP, gross investment in new capacity has declined markedly—from 1.25 percent of GDP in the 1960s to its 1980s level of 0.80 percent; it remains around that level today. Transportation investment as a whole has undergone a shift to operation and maintenance, but new capital spending has actually risen for mass transit and aviation while falling for highways and water transportation.

### Federal infrastructure investment includes tax expenditures

CBO, 2008 – Congressional Budget Office (“Issues and Options in Infrastructure Investment”, May, [http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/91xx/doc9135/05-16-infrastructure.pdf)//DH](http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/91xx/doc9135/05-16-infrastructure.pdf)/DH)

2. The federal government also funds investments in infrastructure through “tax expenditures,” which represent the cost of tax receipts that are forgone because of the exclusion of interest on tax-exempt municipal bonds from personal and corporate gross income and certain other tax preferences. In 2006, tax expenditures for transportation, water resources, and water supply and wastewater treatment systems totaled about $8 billion.

### Tax credits are a form of transportation investment

Missouri Revised Statutes 2011 – official laws of the state of Missouri (Missouri Revised Statutes, 8/28/11, http://www.moga.mo.gov/statutes/C100-199/1350000545.HTM)//EM

Tax credit for investing in the transportation development of a distressed community--approval of investment by economic development, credit carried forward, transfer of certificate of credit, maximum amount allowed. 135.545. A taxpayer shall be allowed a credit for taxes paid pursuant to chapter 143, 147 or 148 in an amount equal to fifty percent of a qualified investment in transportation development for aviation, mass transportation, including parking facilities for users of mass transportation, railroads, ports, including parking facilities and limited access roads within ports, waterborne transportation, bicycle and pedestrian paths, or rolling stock located in a distressed community as defined in section 135.530, and which are part of a development plan approved by the appropriate local agency. If the department of economic development determines the investment has been so approved, the department shall grant the tax credit in order of date received. A taxpayer may carry forward any unused tax credit for up to ten years and may carry it back for the previous three years until such credit has been fully claimed. Certificates of tax credit issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee. The tax credits allowed pursuant to this section shall be for an amount of no more than ten million dollars for each year. This credit shall apply to returns filed for all taxable years beginning on or after January 1, 1999. Any unused portion of the tax credit authorized pursuant to this section shall be available for use in the future by those entities until fully claimed. For purposes of this section, a "taxpayer" shall include any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

## Investment 2/2

### Investments can’t be measured numerically – too complicated

Peter Guerrero, 7-23-2001 (director of Physical Infrastructure Issues at the United States General Accounting Office, U.S. Infrastructure: Funding Trends and Federal Agencies’ Investment Estimates, p. 14)

Overall Comments About the Estimates Some perspective is called for in reviewing the investment estimates by the seven agencies. First, the investment estimates encompass major areas of public infrastructure, but they cannot be easily compared or simply “added up” to produce a national estimate of all infrastructure investment needs because they were developed using different methods and were for different time periods. A fundamental reason that the estimates were prepared differently and lack comparability is that they are developed and used for different purposes. Some agencies use the information to determine the financial resources needed to manage and/or repair their own assets, while other agencies develop estimates at the request of the Congress to provide general information to decisionmakers or to help direct federal funding to states, localities, and other parties.

### Investment must place money in exchange for revenue

Ballentine’s Law Dictionary 2010 p. Lexis

The act of placing money where it will yield an income or revenue. Savings Bank of San Diego County v Barrett, 126 Cal 413, 58 P 914; Drake v Crane, 127 Mo 85, 29 SW 990. The laying out of money in such a manner that it may produce a revenue, whether the particular method be a loan, or the purchase of stocks, securities or other property. Putting money on interest, either by way of loan, or the purchase of income-producing property. Drake v Crane, 127 Mo 85, 29 SW 990. A note, bond, or share of stock purchased for income.

### Investment requires the intent for profitable returns

Random House Dictionary 2012

1. the investing of money or capital in order to gain profitable returns, as interest, income, or appreciation in value.

2. a particular instance or mode of investing.

3. a thing invested in, as a business, a quantity of shares of stock, etc.

4. something that is invested; sum invested.

5. the act or fact of investing or state of being invested, as with a garment.

# 1NC Shells

## Substantial – 1NC

### A. Substantially increase means by a large amount

NRC 2003 (Office of Nuclear Material Safety and Safeguards Policy and Procedures, April 2003,) http://www.fontana.org/main/dev\_serv/planning/ventana\_eir/appendix\_e.pdf

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

### The U.S. invests $58 billion in transportation infrastructure a year

American Road & Transportation Builders Association 2012 (FAQs, p. http://www.artba.org/about/faqs-transportation-general-public/faqs/#7)

HOW MUCH DOES THE FEDERAL GOVERNMENT INVEST IN TRANSPORTATION IMPROVEMENTS EACH YEAR? The federal government invested $58 billion in transportation improvements through the core federal transportation improvement programs during FY 2011, which began October 1, 2010 and ended September 30, 2011. This was the same amount of funding as was provided during FY 2010. Federal investment in highway improvements in FY 2011 included $41.8 billion through the core highway program, the same as during FY 2010. Most federal highway investment is used to upgrade and maintain the nation's core highways, including the Interstate Highway System, and to repair and replace deficient bridges. For public transportation, the federal government invested $10.3 billion during FY 2011, also the same as during FY 2010. Federal public transportation program funds are used to build and upgrade rail mass transit systems in major cities and to purchase and upgrade buses and facilities of local transit agencies. The federal government’s investment in airport improvements in FY 2011 included $3.51 billion through the core Airport Improvement Program, also unchanged from FY 2010. Airport improvement funds are used to build and upgrade airport runways, taxiways and other ground facilities. The federal government also finances the air traffic control system and helps airports pay for equipment upgrades. Most of the $9 billion annual construction work on railroads is privately-financed by the nation's railroad companies. The federal government, however, provides an annual appropriation, of just under $1.5 billion in FT 2011, for capital improvements to Amtrak as well as to help cover operating expenses. In addition to the above amounts, Congress provided $527 million in FY 2011 for the Transportation Investment Generating Economic Recovery (TIGER) program under which state and local governments can apply for grants that can be used for highway, transit or railway improvements.

**Violation – The aff does not increase enough to be considered substantial – they don’t increase the budget even close to 50%**

**Standards**

**1. Neg ground- Under their interpretation the neg can’t link to any disadvantages because to the aff being small. Our interpretation allows for more comprehensive affs that have a strategy behind them.**

**2. Limits- Under the affs interpretation we could incentivize a huge number of tiny transportation initiatives. They explode the topic and allow infinite affs.**

**3. No Brightline- the affs interpretation is vague and makes it impossible to tell whether or not the plan is topical. Prefer our interpretation because it gives a specific quantifier as to why the aff is non-topical.**

**D. Topicality is a priori and a voter for fairness and education**

## Increase means pre-existing – 1NC

### Interpretation - Increase requires pre-existence, this means that the affirmative cannot create a new program.

Ripple, 87 (Circuit Judge, Emmlee K. Cameron, Plaintiff-Appellant, v. Frances Slocum Bank & Trust Company, State Automobile Insurance Association, and Glassley Agency of Whitley, Indiana, Defendants-Appellees, 824 F.2d 570; 1987 U.S. App. LEXIS 9816, 9/24, lexis)

Also related to the waiver issue is appellees' defense relying on a provision of the insurance policy that suspends coverage where the risk is increased by any means within the knowledge or control of the insured. However, the term "increase" connotes change. To show change, appellees would have been required to present evidence of the condition of the building at the time the policy was issued. See 5 J. Appleman & J. Appleman, Insurance Law and Practice, § 2941 at 4-5 (1970). Because no such evidence was presented, this court cannot determine, on this record, whether the risk has, in fact, been increased. Indeed, the answer to this question may depend on Mr. Glassley's knowledge of the condition of the building at the time the policy was issued, see 17 J. Appleman & J. Appleman, Insurance Law and Practice, § 9602 at 515-16 (1981), since the fundamental issue is whether the appellees contemplated insuring the risk which incurred the loss.

### Violation – plan doesn’t increase, they create a new program that hasn’t existed before.

### Standards-

### Predictable limits – history should limit the topic- we limit debate to current infrastructure funding, there is not aff and neg literature on hypotheticals. We should limit the topic to an area where literature exists on both sides.

### Ground- There is no literature for our off case args because no one has written against things that haven’t been tried yet. So there is no possible way we can research the topic and be well prepared.

### Topicality is a priori and a voter for fairness and education

### T is a priori and a voter for fairness and education

## Transportation Infrastructure – Categories 1NC

### Interpretation - Transportation infrastructure refers to specific subsectors of transportation

American Jobs Act, 2011 (112 H. Doc. 53, legislation submitted to the House by Obama, 9/13, lexis)//DH

(9) Infrastructure project.-- (A) In general.--The term ``eligible infrastructure project'' means any non-Federal transportation, water, or energy infrastructure project, or an aggregation of such infrastructure projects, as provided in this Act. (B) Transportation infrastructure project.--The term ``transportation infrastructure project'' means the construction, alteration, or repair, including the facilitation of intermodal transit, of the following subsectors: (i) Highway or road. (ii) Bridge. (iii) Mass transit. (iv) Inland waterways. (v) Commercial ports. (vi) Airports. (vii) Air traffic control systems. (viii) Passenger rail, including high-speed rail. (ix) Freight rail systems. (C) Water infrastructure project.--The term ``water infrastructure project'' means the construction, consolidation, alteration, or repair of the following subsectors: (i) Waterwaste treatment facility. (ii) Storm water management system. (iii) Dam. (iv) Solid waste disposal facility. (v) Drinking water treatment facility. (vi) Levee. (vii) Open space management system. (D) Energy infrastructure project.--The term ``energy infrastructure project'' means the construction, alteration, or repair of the following subsectors: (i) Pollution reduced energy generation. (ii) Transmission and distribution. (iii) Storage. (iv) Energy efficiency enhancements for buildings, including public and commercial buildings.

### Violation – the aff isn’t part of these subsectors

### Predictable Limits – Recent legislation for transportation infrastructure funding describes it as ONLY these categories. Any other affirmative would explode the limits of the topic.

### Neg ground – The topic is already extremely broad. Our interp gives them 10 different categories already that the aff can parametricize. Their interp destroys neg ground

### Field Context – were both more intuitive and legally correct

## Transportation Infrastructure – Categories 2NC extensions

### A wide definition of infrastructure would explode limits

Building America’s Future Educational Fund, (Building America’s Future: Falling Apart and Falling Behind, Transportation Infrastructure Report 2011)

Building America’s Future Educational Fund (BAF Ed Fund) is a bipartisan coalition of elected officials dedicated to bringing about a new era of U.S. investment in infrastructure that enhances our nation’s prosperity and quality of life. Founded by former Governor Edward Rendell of Pennsylvania, former Governor Arnold Schwarzenegger of California, and Mayor Michael Bloomberg of New York, BAF Ed Fund boasts a politically diverse membership of state and local elected officials from across the nation. BAF Ed Fund seeks to advance a new national vision for infrastructure investment that strengthens our cities and rural communities, and focuses on economic growth, global competitiveness, job creation, and environmental sustainability. In addition, we embrace a wide definition of infrastructure—from roads and bridges to water and sewer systems, energy systems, buses, trains, ports, airports, levees, dams, schools, and housing.

## Transportation Infrastructure – Excludes Vehicles 1NC

### Interpretation- Vehicles are part of our transportation system, not our transportation infrastructure

Amosweb 12 (“Taking A Ride On Transportation Infrastructure” A pedestrian’s guide to the economy, <http://www.amosweb.com/cgi-bin/awb_nav.pl?s=pdg&c=dsp&k=47>, ken)

We usually think about transportation in terms of vehicles -- like cars, trucks, trains, airplanes, and boats. Vehicles, however, are only part of any transportation system. You usually need depots, roadbeds, and other such capital goods that we refer to as infrastructure. Cars need streets and highways, trains need tracks, airplanes need airports, and boats need docks and ports.

**Violation- The aff increases investment in vehicles and our transportation system**

**Reasons to Prefer-**

**Predictable limits- including elements of our basic transportation system explodes the topic to an infinite number of vehicle and technology subsidies**

**Ground- We lose links to DA’s based on spending and construction – they access a whole new set of aff ground that will always outweigh the aff. Transportation explodes the topic to include fuel, vehicle design, and other subsidies**

**Voters**

**T is a priori and a voter for fairness and education**

## ASPEC – 1NC

### A. Violation – The Affirmative fails to specify an agent of action. Rather they just say “USFG”

### B. Failure to specify is illegitimate and a voting issue.

### Ground – Specifying an agent is critical to Disads relating to the specific agent of action and Counterplans to use a different agent. The agent must be named in the plan to ensure that Counterplans compete and to maximize the value of pre-round preparation, which is essential at the beginning of the year when strategies are not fully developed.

### Moving Target – Failure to specify an agent in the plan text allows the affirmative to shift out of 1NC arguments by allowing new 2AC clarification about the agent of action. This makes it impossible for the negative to debate because the AFF could always change their plan after they heard the 1NC arguments.