**Season 18  
—  
Debating the 2017-2018 Stoa Policy Resolution**

The “status quo” refers to current policies, essentially what Affirmative teams need to change. Policy debaters must have a solid understanding of the current state of affairs before debating the year’s topic. The purpose of this article is to give competitors the underlying knowledge of the status quo as it relates to the following resolution:

**“Resolved: The United States federal government should   
substantially reform its transportation policy.”**

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*Content collected and written by Vance Trefethen. Chris Jeub wrote the worksheets at the end of the essay.*

Status Quo of US Transportation Policy



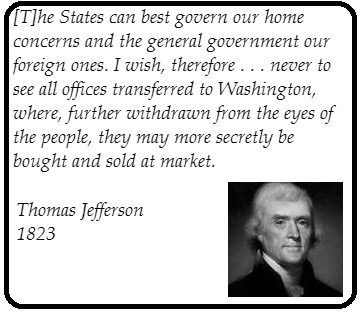
Stoa’s 2017-2018 Policy Resolution:

“Resolved: The United States federal government should substantially reform its transportation policy.”

In this chapter, we examine some of the better known and widely debated issues that are currently being discussed in the literature on transportation policy in the United States. Our goal is not to persuade you to any point of view, but rather to summarize what some of the arguments are so that you have a better understanding of the positions you may find yourself debating this year. This may also give you ideas for areas of research on Affirmative cases you could write or Negative briefs you will need to prepare.

Negatives would do well to prepare briefs full of definitions of transportation policy for use in topicality arguments. The topic as it is worded is extremely broad and vague. Almost everything we use, including our own bodies, are “transported” at some point. It will not be surprising, therefore, to see almost everything be shoe-horned into some Affirmative case. Negatives must limit the resolution to some reasonable interpretations, or else research preparation will be impossible.

An interesting side note: The resolution does not specify that the policy has to be internal or domestic within the United States. This opens up possible plans about foreign aid involving transportation.[[1]](#footnote-2)

Federal vs. States

Historically, states and cities have done most of the heavy work of transportation policy in the United States. The federal Department of Transportation was not established until 1967, so somehow the country got along without it for a very long time. Since the resolution is omnidirectional, it does not tell the Affirmative to increase or decrease federal involvement. Negatives must therefore be prepared to argue that the States are better at doing transportation policy (when the AFF increases federal involvement) and also to argue that the States cannot do it effectively (when AFF is decreasing federal involvement). Negatives may also want to research counterplans involving “states do it instead” as a possible generic response to Affirmative federal actions.

Given the fact that the states are funding most transportation policies anyway, and the array of experts who argue that local control is better, it is easy to see how this will be a useful position for Negatives to brief and prepare. The classic argument is that, in addition to being more accountable to the voters, states are “laboratories of democracy” where ideas can be tested, with the good ones adopted nationwide and the bad ones only hurting the states that tried them and not the entire population.[[2]](#footnote-3)

When Affirmatives are reducing the federal role, Negatives need to be able to research evidence so they can articulate why states might fail. This could be as simple as the fact that the states just don’t have the money to pay for the programs, or Affirmatives could delve deeper into the motivations, competencies or attitudes of state officials toward the policy under consideration. Transportation frequently involves movement across the country and among the states, making it more efficient for the federal government to standardize it and fund it. Of course, some transportation policies (involving things on the seas, interstate commerce, foreign trade, the military, etc.) can only be done by the federal government.

Another way for Affirmatives to head off Negative arguments about the states is to work on a subject completely and unquestionably under federal jurisdiction. One example is the District of Columbia, which is assigned to Congressional oversight by the Constitution. Other areas of unquestionable federal jurisdiction include military installations and Indian reservations. Congress also has jurisdiction over territories like Puerto Rico, Guam and the Virgin Islands, if you find issues in those places that could be fixed by an Affirmative plan (see Article IV of the Constitution).

“Crumbling Infrastructure”

One can easily foresee a number of debates this year on the question of whether the US transportation infrastructure is “crumbling.” Some say America’s infrastructure is in terrible shape:

“One of President Trump's key aims during his time in office is overhauling and revitalizing America's potholed roads, disheveled railways and creaking bridges. … according to the government, 70,000 bridges (one out of every nine) are classified as being structurally deficient. … According to a report from the American Society Of Civil Engineers, the U.S. economy is expected to lose just under $4 trillion in GDP between 2016 and 2025 if investment gaps are not addressed. This could hit $14 trillion by 2040 if the nation's aging roads, railways and bridges are left to decay even further.”[[3]](#footnote-4)

Others say our infrastructure is doing just fine.

“America’s state-owned highways have actually improved on key measures of road performance. … the crumbling infrastructure meme is just a myth. …We compile data from the states’ reports to the federal government from 1989 through 2008 (the last year available). We also track spending and compare each state with national averages. Perhaps surprisingly, the U.S. highway system actually improved … over the last two decades:   
- The percentage of rural interstates rated “poor” declined by two-thirds, from 6.6 percent to 1.9 percent.   
- Urban interstates with poor pavement dropped from 6.6 percent to 5.4 percent.   
- Rural primary poor pavement improved from 2.8 percent to 0.5 percent.   
- Deficient bridges improved from 37.8 percent to 23.7 percent.   
- Fatality rates improved from 2.16 to 1.25 per 100 million miles driven.”[[4]](#footnote-5)

Highway Funding

The federal Highway Trust Fund (HTF) is the federal government’s primary vehicle for funding road construction and maintenance. The federal fuel tax (currently 18.4 cents/gallon on gasoline and 24.4 cents/gallon in diesel) funds the HTF, which follows complicated formulas for distributing the money back to the states to assist them in paying for highways and other transportation projects. The HTF was founded on the principle of “user pays”: Those who use the highways are the ones paying for them through the fuel tax.

There are a number of areas ripe for reform with the HTF. Congress hasn’t raised the gasoline tax since 1993, so while the price of everything else has gone up a lot since then, the tax has not kept pace. Revenues are also reduced by the conundrum that Congress also insists on higher fuel efficiency standards (CAFE), so as cars obey one Congressional mandate, they jeopardize another one by using less fuel and paying less tax. In addition, Congress can’t seem to help itself when it comes to spending, and it always votes for more transportation projects than the HTF can pay for. The shortfall is always made up by Congress voting to transfer general revenues (i.e. deficit borrowing, since the federal government doesn’t collect enough tax money to cover the federal budget) into the HTF at the last minute.

One possible solution is to tax vehicles based on miles traveled (perhaps with some kind of odometer monitoring system), so that all vehicles (including electric cars that use no taxed fuel) pay their fair share of the cost of highways. Others advocate abolishing the HTF altogether, along with its taxes, and let the States decide on an appropriate level of gas tax and highway funding, rather than being dictated by Washington. Congress could also cut the budget so that spending gets into line with revenue, or they could stop diverting fuel tax money into mass transit (see below).

Mass Transit

Mass transit includes things like buses, trains, light rail, and subways. The HTF has some of its “highway” money (about $8 billion/year) diverted into subsidies for mass transit. The federal government also provides funding from the Federal Transit Administration, with an annual budget of $12 billion. These funds are distributed to various mass transit projects to subsidize state and local efforts at providing transportation alternatives to cars.

Mass transit can have several goals. It can be a way to subsidize transportation for the poor,[[5]](#footnote-6) who can’t afford gas, insurance, car payments or parking, so they can hold down jobs in the city and be productive citizens. Transit could also be a way to reduce road congestion. Every person who rides the train to work is a person who isn’t in a car clogging traffic on the freeway. Even people who drive and pay for roadways might appreciate paying a little for transit if it keeps the roads a bit less congested. Some view mass transit as a way to improve the environment, under the theory that it can move more people with more efficient fuel usage and less pollution. If true, this could lead to reduced mortality from air pollution and aid efforts at reducing the risks of climate change, if such risks exist. Others view mass transit as necessary to “get people out of their cars.” Some think this is a social good in and of itself, viewing the automobile as a negative factor that reduces the quality of life by promoting urban/suburban sprawl, in addition to its negative environmental impacts.

Substantial debates can be had over whether these are worthy goals, and if they are, whether we’re getting our money’s worth with the billions being spent to achieve them. There’s substantial question about whether mass transit ridership has increased despite the billions invested in it. Even if mass transit can achieve great things, if no one rides it and the trains or buses cruise around empty, it does nothing but waste money.

Consideration of transit subsidies can also include federal funding of Amtrak. The government-owned and operated passenger train service has never made a profit in its 46-year lifetime, and many experts advocate cancelling federal subsidies and/or selling it off and privatizing it. Whatever parts of it that are profitable will stay in business and whatever parts are wasteful can disappear, if left to the market.

Water

The federal government has for many years played a role in funding transportation infrastructure involving rivers, locks, canals, ports and other waterway projects. Many cities in the US, even far inland, are connected by water transportation to the oceans through rivers and the Great Lakes. Coastal cities have port facilities that require substantial funding to keep them maintained and up to date to handle large volumes of shipping traffic.

“Increasing containers on the nation’s inland waterways will be necessary to meet increasing demand over the next 30 years, said U.S. Department of Transportation Maritime Administrator Paul “Chip” Jaenichen. “It’s really not a matter of ‘if,’ it’s a matter of ‘when.’ 85 percent of all freight that’s moving domestically is moving on our roads and our rails. That is just not sustainable from a congestion stand point. We’re going to have to incorporate water into that transportation freight network,” he said. According to Jaenichen, about 6 percent of the total domestic freight market takes place on inland waterways.”[[6]](#footnote-7)

One of the most frequently referenced water transportation issues is the Jones Act, which requires cargo carried between two US ports to be transported on US-flagged, US-built, US-citizen-owned and crewed ships. This has the effect of driving up transportation costs by taking a large number of potential shipping options out of the market, drastically reducing competition and creating artificial profit margins for Jones Act ships.

Safety

The federal government has a large and detailed list of Federal Motor Vehicle Safety Standards (FMVSS).[[7]](#footnote-8) These standards regulate the design, performance, and safety features of vehicles allowed on US roadways. The federal government enforces these standards through the National Highway Traffic Safety Administration (NHTSA), which also oversees CAFE standards and publishes research on vehicle safety issues.

Trucking has specific safety concerns that go above and beyond those of cars, given the dangerous risks posed by their size and potentially hazardous cargoes. Regulation of trucks and buses on our nation’s highways is done by the Federal Motor Carrier Safety Administration (FMCSA). The federal government imposes numerous rules, including drug and alcohol prohibitions, mandatory rest periods, special licensing requirements, and inspection rules.

The federal government, through the Federal Aviation Administration (FAA) is also heavily involved in the safety of air travel, both by regulating the air carriers and by its own direct involvement in operating the air traffic control (ATC) system. The nation’s ATC is charged with safely moving thousands of planes around the nation simultaneously and continuously, and comes under great strain. New technologies have been right around the corner for many years, but don’t seem to be getting implemented. Many are arguing for privatizing the ATC, as Canada did some years ago, by sending it to a non-profit corporation that could collect user fees and issue bonds to fund capital improvements. This would free ATC from the vagaries of Congressional budget bungling and create new incentives for better performance and results.

Security

The Transportation Security Administration (TSA) may be the most commonly seen face of federal involvement in transportation. Since airport security was federalized following the 9/11 terrorism events, TSA has come in for its share of criticism from many sides.

Its competence is certainly open to question, as several tests and studies have found it not very difficult to slip dangerous items past the TSA screeners at airports.[[8]](#footnote-9) Others question the invasions of privacy, groping, and other humiliating experiences at the hands of federal employees in a zone where it appears the Fourth Amendment has been suspended. Reforms could include changing the procedures or technology used for airport screening (of passengers or baggage), or even abolishing the TSA altogether and reverting airport security back to the airlines themselves.

Energy

Cars are the biggest concern when it comes to transportation’s relationship with energy, given the amount of petroleum-based fuel burned each year to move Americans around in private vehicles. Getting cars to use less fuel, and getting cars to use alternative fuels, are both policies that have been pursued by the federal government in recent years.

Pres. Obama in 2011 set substantially higher Corporate Average Fuel Economy standards for cars sold in the United States, to be phased in by 2025. CAFE sets a miles-per-gallon target that auto makers must meet across all the cars they sell in a particular year in the US. The manufacturer can sell big gas guzzlers if they want to, but they have to sell enough small fuel-efficient cars to make the average come out to the target value. If not, they pay a penalty based on the number of cars sold and the amount by which the average was missed. Pres. Trump is said to be considering relaxing the standards.

“…the Alliance of Automobile Manufacturers, sent a letter to Trump’s transition team … Alliance Chief Executive Mitch Bainwol called for creation of a presidential advisory committee to guide the review process, and hinted at a “new paradigm” for vehicle regulation. …Government analysts at the time calculated CAFE-related prices would add $926 to the cost of an average vehicle sold in 2016 and $2000 in 2025.”[[9]](#footnote-10)

Vehicle safety is also an important consideration with CAFE standards. Lighter cars get better mileage, so manufacturers cut vehicle bulk to improve fuel economy. But less metal in the car means passengers have less protection in a crash, and probably CAFE has cost some lives over the years.

For alternative fueled vehicles, the IRS has a tax credit available to the end purchaser if their vehicle is a hybrid, electric, or clean diesel. The list of other federal subsidies, credits and incentives for alternative fuel vehicles is lengthy.[[10]](#footnote-11) Any of these could be ripe for reform, expansion, or elimination:

* Advanced Biofuel Feedstock Incentives
* Advanced Biofuel Production Grants and Loan Guarantees
* Advanced Biofuel Production Payments
* Advanced Energy Research Project Grants
* Advanced Technology Vehicle (ATV) and Alternative Fuel Infrastructure Manufacturing Incentives
* Airport Zero Emission Vehicle (ZEV) and Infrastructure Incentives
* Alternative Fuel Tax Exemption
* Alternative Fuel and Advanced Vehicle Technology Research and Demonstration Bonds
* Biodiesel Education Grants
* Biomass Research and Development Initiative
* Ethanol Infrastructure Grants and Loan Guarantees
* Idle Reduction Equipment Excise Tax Exemption
* Improved Energy Technology Loans
* Low and Zero Emission Public Transportation Research, Demonstration, and Deployment Funding
* Natural Gas Vehicle (NGV) Weight Exemption
* Qualified Plug-In Electric Drive Motor Vehicle Tax Credit
* Value-Added Producer Grants (VAPG)

Miscellaneous

There are numerous other miscellaneous areas in which the federal government is involved in transportation. The resolution is broad enough to possibly include many things beyond the obvious ones you first think of when “transportation policy” is mentioned. We can’t possibly think of nor cover them all, but you are encouraged to research the literature and see what experts classify under “transportation policy,” as you do the reading needed to prepare for this topic.

The federal government has a “National Space Transportation Policy,”[[11]](#footnote-12) which seems to open up space flight to being topical under this year’s resolution if you are changing something contained in the NSTP. Since human space flight is a form of transportation, it’s not so far-fetched to be considered topical under this resolution, though one doubts its framers had it in mind. There’s also the concept of a “space elevator,” first proposed in 1895, that remains a dream of many for transporting things efficiently into earth orbit without launch vehicles.

The US Coast Guard has extensive interactions with transportation and could have some activities that become topical this year. The US House of Representatives arguably considers the Coast Guard part of transportation policy, as they have a House Committee on Transportation & Infrastructure with a subcommittee on “Coast Guard and Maritime Transportation.” Cases to fund Coast Guard ice-breakers to clear the Northwest Passage for commercial transit have appeared in two past Blue Books, and could arguably be topical again this year.

Other military services also transport things and may have policies that could fit under the resolution, if one interprets it creatively. The federal government could also fund port maintenance/expansion/infrastructure, for civilian or military uses.

Use your imagination and do your research. Keep grounded in “real world” issues that are labeled as “transportation” policies in the literature and you will be able to defend your case from topicality challenges.

Worksheet: Status Quo of US Transportation Policy

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Answer the following in the spaces provided.

1. Why should Negatives prepare to run topicality arguments with this resolution?

2. What does it mean that the Stoa resolution is “omnidirectional”? What must Negatives do to prepare against such a resolution?

3. Is America’s high infrastructure “crumbling”? Explain.

4. What is the HTF? How is it funded, and what are the funds supposed to be used for? What principle was the HTF founded on?

5. What sorts of things include “mass transit”? Where do they get federal money? How are these funds distributed?

6. What is one of the most referenced water transportation issues? What does it require of cargo ships? How does this cut into profit margins for companies?

7. Why does trucking have specific safety concerns that go above and beyond those of cars? Who regulates trucking? What kinds of rules does the federal government impose on truckers and the industry?

8. What government agency oversees air travel? How do they involve themselves in the safety of air travel?

9. What 2011 standards on automobiles were put into place by Pres. Obama?

10. How can space travel be considered topical under this year’s resolution?

Answers

1. Negatives would do well to prepare briefs full of definitions of transportation policy for use in topicality arguments. The topic as it is worded is extremely broad and vague. Almost everything we use, including our own bodies, are “transported” at some point. It will not be surprising, therefore, to see almost everything be shoe-horned into some Affirmative case. Negatives must limit the resolution to some reasonable interpretations, or else research preparation will be impossible.

2. The resolution is omnidirectional, meaning it does not tell the Affirmative to increase or decrease federal involvement. Negatives must therefore be prepared to argue that the States are better at doing transportation policy (when the AFF increases federal involvement) and also to argue that the States cannot do it effectively (when AFF is decreasing federal involvement). Negatives may also want to research counterplans involving “states do it instead” as a possible generic response to Affirmative federal actions.

3. There are arguments both for and against whether our infrastructure is “crumbling.” Students may reference the sources in the article, or they may find their own.

4. The federal Highway Trust Fund (HTF) is the federal government’s primary vehicle for funding road construction and maintenance. The federal fuel tax (currently 18.4 cents/gallon on gasoline and 24.4 cents/gallon in diesel) funds the HTF, which follows complicated formulas for distributing the money back to the states to assist them in paying for highways and other transportation projects. The HTF was founded on the principle of “user pays”: Those who use the highways are the ones paying for them through the fuel tax.

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1. For example, the Agricultural Cargo Preference rules about transportation of US food aid abroad. <https://www.foreign.senate.gov/download/smith-testimony-04-14-15> [↑](#footnote-ref-2)
2. Justice Louis Brandeis 1932 dissent in the case of *New State Ice Co. v. Liebmann*. “Denial of the right to experiment may be fraught with serious consequences to the nation. It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” [↑](#footnote-ref-3)
3. FORBES magazine 13 March 2017 https://www.forbes.com/sites/niallmccarthy/2017/03/13/the-massive-cost-of-americas-crumbling-infrastructure-infographic/#3dc691dd3978 [↑](#footnote-ref-4)
4. David T. Hartgen 2013 https://fee.org/articles/the-myth-of-crumbling-highways/ [↑](#footnote-ref-5)
5. Or people who can’t drive for other reasons, like disabilities that would prevent them from obtaining a driver’s license, or whose driving privileges have been revoked due to bad behavior. [↑](#footnote-ref-6)
6. Joseph Leahy 2016 « Federal grants aim to boost container shipping on Mississippi River » http://news.stlpublicradio.org/post/federal-grants-aim-boost-container-shipping-mississippi-river#stream/0 [↑](#footnote-ref-7)
7. They have their own website: <http://www.fmvss.com/> [↑](#footnote-ref-8)
8. One DHS study found 95% failure to detect forbidden items. <http://abcnews.go.com/US/exclusive-undercover-dhs-tests-find-widespread-security-failures/story?id=31434881> [↑](#footnote-ref-9)
9. LOS ANGELES TIMES 25 Nov 2016 http://www.latimes.com/business/autos/la-fi-hy-trump-electric-vehicles-20161121-story.html [↑](#footnote-ref-10)
10. US Dept of Energy https://www.afdc.energy.gov/laws/fed\_summary [↑](#footnote-ref-11)
11. US Dept of Commerce. http://www.space.commerce.gov/policy/national-space-transportation-policy/ [↑](#footnote-ref-12)