# Bingham HH Topicality Args

## Substantial

#### Substantial means more than 50%

Merrick B. Garland, 1997, Garland, Judge, United States Court of Appeals for the District of Columbia Circuit, "Grand Canyon Air Tour Coalition v. Federal Aviation Administration, No. 97-1003, US DC Circuit Court, FindLaw, caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=dc&navby=case&no=971003a

"Substantial" may well be defined as meaning "more than half." See Webster's Third New International Dictionary 2280 (1993) ("being that specified to a large degree or in the main") (4th meaning).

#### Current transportation spending is $556 billion, means plan must spend $278 billion

The Economist, 4/28/11 (The Economist is an authoritative weekly newspaper focusing on international politics and business news and opinion. “Life in the slow lane.” <http://www.economist.com/node/18620944>)

Mr Obama is thinking big. His 2012 budget proposal contains $556 billion for

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commas around the word “investment” when Democrats apply it to infrastructure.

## Increase

#### Increase requires pre-existence

Buckley et al, 06 - attorney (Jeremiah, 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”

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a phrase gathers meaning from the words around it”) (citation omitted).

## Pipelines

#### Transportation infrastructure is NOT pipelines – we have a case list

Chamber of Commerce 10 Transportation Performance Index Summary Report U.S. Chamber of Commerce 9/23/2010 <http://www.uschamber.com/sites/default/files/lra/files/LRA_TPI%20_Summary_Report%20Final%20092110.pdf> BK

\*Dr. Martin Regalia was involved in guiding the development of the Index.

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of the Infrastructure Performance Index it is considered an element of energy infrastructure.

## Military

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

National Infrastructure Improvement Act , ‘7

(National Infrastructure Improvement Act of 2007 – Passed by the Senate, <http://uspolitics.about.com/od/legislation/l/bl_s775.htm>)

(4) INFRASTRUCTURE(A) IN GENERAL- The term `infrastructure'

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dock or port; and (x) a solid waste disposal facility.

## Transportation Infrastructure

#### Interpretation- Transportation infrastructure includes 9 topic areas

The White House Office of the Press Secretary 11 The American Job Act: President Obama’s Plan To Create Jobs Now <http://www.whitehouse.gov/sites/default/files/omb/legislative/reports/american-jobs-act.pdf>

(B) TRANSPORTATION INFRASTRUCTURE PROJECT- The term `transportation infrastructure project' means the

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, including high-speed rail. (ix) Freight rail systems.

## Telecommunications

#### Interpretation- Transportation infrastructure excludes telecommunications

**Snieska and Simkunaite 9** (Vytautas, Professor – Kaunas University of Technology, and Ineta, Professor – Projectu Vadybos Centras, “Socio-Economic Impact of Infrastructure Investments”, Inzinerine Ekonomika-Engineering Economics, Vol 3, p. 17, ken)

Authors of scientific literature suggest many definitions of infrastructure sector and its components, they

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telephone lines), power infrastructure (power plants, transmission and distribution lines).

## Vehicles

#### 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,

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need tracks, airplanes need airports, and boats need docks and ports.