

# Freedom Matters

A Weekly Newsletter

Dane County, Wisconsin

Vol. , No. 25

Friday, June 21, 2002

We are a free people in a republic, under a constitution which limits the powers of government to those necessary to secure the unalienable rights of each person to their life, liberty and property. Yet, when a legislature is in session, no one's life, liberty or property is safe. It's the curse of a democracy. That's why we have a republic instead. *Freedom Matters* dedicates itself to the fight to restore our republic. Most of the press and courts fail to do so. They've forgotten that freedom matters.

## THE VAST PROBLEMS OF MASS TRANSIT RAIL (CULLED FROM THE INTERNET)

\* Commuter rail requires subsidies forever. Every rail project in the nation, once funded by the federal government, has requested additional federal funding to provide operating assistance. Refusing to fund new rail projects will help Congress avoid future additional construction and operating subsidies.

\* Taxpayers pay most of the costs of running mass transit rail -- because *so few people choose to ride it that it never comes close to self-sufficiency*. The percent of operating costs (not construction costs) paid by taxpayers are as follows: Baltimore 75%, Buffalo 69%, Los Angeles 85%, Pittsburgh 72%, Portland 53%, Sacramento 69%, San Diego 31%, San Jose 89%, and St. Louis 72%. The Madison proposal: 80%!

\* The costs are too high. Light rail transit is one of the most expensive forms of transportation. Even RTD—the Colorado entity pushing light rail—estimates that light rail in Denver will cost more than twenty million dollars a mile to construct. Other forms of mass transit systems (such as high occupancy vehicle lanes, heavy rail, or commuter vans) can carry the same number of riders at a much lower cost.

\* The benefits are too low. Mass transit *rail does not reduce traffic congestion, nor improve air quality*. In almost every city where it has been built, mass transit ridership has declined. In Baltimore, Buffalo, Los Angeles, Pittsburgh, Portland, Sacramento, and St. Louis, the percent of commuters using mass transit declined significantly; only San Diego bucked that trend -- but even San Diego saw no gain. Mass transit rail has no economic benefit. To the contrary, it produces a huge net loss to the economy. Worse, re time and convenience, it is the most inefficient mode of transit for commuters.

Cities where mass transit rail systems were constructed in the 1980s experienced a subsequent decline in mass transit ridership. In contrast, Phoenix and Houston turned down rail funds from the federal government, used their own resources for more rider-friendly transit improvements, and the market-share of commuters using mass transit systems increased.

*Congress should not be surprised at the poor results of these failed big-government policies.* A centralized, fixed-guideway mass transit system cannot possibly meet the disparate transportation needs of the citizens. Fixed routes cannot work unless we return society to the days of tenement housing and assembly lines. Fixed route scheduling is inconvenient or impossible for most people in today's quickly changing life styles. Mass transit rail's failures mirror the poor results which have occurred in virtually every other sector of the economy where centralized solutions were forced upon society.

## THE CONSTITUTIONAL QUESTION ... AND A LESSON FROM HISTORY

*Where in the Constitution does it say that the federal government has authority to be involved in public transportation within the borders of a single state?*

The answer, of course, is that article I, section 8 of the Constitution gives Congress eighteen specific powers, and none other. **ANY ACT BY CONGRESS WHICH IS NOT AUTHORIZED BY ONE OF THE EIGHTEEN GRANTS OF POWER IN ARTICLE I IS SIMPLY A USURPATION OF POWER, AND THE EXERCISE OF AUTHORITY NOT GRANTED. NONE OF THE ARTICLE I POWERS GIVES CONGRESS AUTHORITY OVER SURFACE TRANSPORTATION, INCLUDING MASS TRANSIT**

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**Readers' Bulletin Board.** e-mail us your comments. Include your name, for publication by *Freedom Matters*

\*\*\* Published by Freedom Matters, Inc., Cross Plains, WI. 53528, Michael Byrne, Editor\*\*\*  
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Some argue that the spending power granted to Congress allows it to spend money for any purpose, even if that purpose is not related to legitimate Congressional powers. President James Monroe confronted this argument in 1822, when Congress passed the Cumberland Road Bill, to establish a national toll road through Maryland, the District of Columbia, and Virginia. His veto message became one of the classic veto messages of all time:

*"Having duly considered the bill entitled "An act for the preservation and repair of the Cumberland road," it is with deep regret, approving as I do the police, that I am compelled to object to its passage and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power under the Constitution to pass such a law...."*

*"If the power exist, it must be either because it has been specifically granted to the United States or that it is incidental to some other power which has been specifically granted. If we examine the specific grants of power we do not find it among them, nor is it incidental to any power which has been specifically granted..."*

President Monroe continued, examining each purported constitutional basis for the Cumberland Road, and finding it deficient. Congress did not override his veto. He further explained that the spending power must only be used for purposes of national, not local, benefit. (Of course a light rail system in Denver is at best a local municipal benefit, not even a state benefit.)

The intellectual force of Monroe veto stood as a powerful barrier to unlimited federal transportation spending until the 1950s. Then, congressional spenders, playing off Monroe's statement that the spending power could be used "for the purposes of the common defense," passed a massive highway spending bill by calling it a "National Defense" act. Whatever merit the national defense pretext may have had in the 1950s (such as allowing faster movement of the U. S. Army along interstate highways), no one in the 1990s has had the audacity to claim that light rail in Denver has a genuine relation to national defense.

Persons who want to spend federal money for local transportation in Denver or elsewhere would be well-advised to follow President Monroe's advice, and seek a constitutional amendment, rather than to subvert the Constitution.

In the 1990s as 200 years earlier, Constitutional limits on congressional spending promote good government. Federal use of "free money" distorts decision making. In a system where "free money" exists, local agencies compete aggressively for the "pork." If there were no "free money," then policy options and service delivery options would be forced to compete with each other on the basis of costs and benefits. In a competitive environment at the state and local level, the high costs and the low benefits of mass transit rail would mean an immediate end to these irrational projects. *Few issues provide such an impressive opportunity to demonstrate the value of devolution.* Devolving transportation to the states will yield better and more efficient policy.

### **RAIL CARRIES RELATIVELY FEW PASSENGERS IN LARGE U.S. CITIES**

Regardless of the number of people carried by the transit network, it is the personal benefit derived by the individual consumer that drives their decision to utilize a mass transit system. On an individual level, people have increasingly decided to utilize personal automobiles over government subsidized transportation services. People apparently enjoy the convenience, flexibility, safety, comfort, and economy provided to them by their own cars. The data show a decline in mass transit usage and an increase in the use of the personal automobile between 1980 and 1990.

The proponents of rail often do not inform citizens that local taxpayers have to pick up most of the operating costs for rail systems, even if the capital construction is financed by the federal government. **In Denver, it is doubtful that taxpayers would agree to provide additional funding for RTD. THEY HAVE NEVER APPROVED THE CONSTRUCTION OR FINANCING OF LIGHT RAIL, yet the bureaucrats are going "full steam ahead" in support of the system.**