Germany

Regional Transport Policy in a Multilevel System

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Preface

The Political System

Germany is a federally organised state made up of 16 *Länder* on a regional level. The *Länder* are represented to the Federal Government by the second chamber, the *Bundesrat* (cf. Rührmaier 2001). The so-called subsidiarity principle basically applies, according to which the *Länder* are to control all things themselves, as long as they cannot be better controlled on a national level. In Article 50 of the Constitution of the Federal Republic of Germany, the function of the *Bundesrat* is defined as follows: "Through the *Bundesrat* the *Länder* assist in the legislation and administration of the Federal Government and in concerns of the European Union". In addition to the *Bundestag* and the Federal Government, the *Bundesrat* too has the right to introduce bills (cf. Pasemann 2006). Bills passed by the second chamber go first to the Federal Government, then to the *Bundestag*, and each draws up a statement of opinion. Conversely, the bills passed by the Federal Government go to the *Bundesrat* before being introduced into the *Bundestag*. The influence of the *Bundesrat* on federal legislation depends on the kind of law at issue. A basic distinction is made between "laws of assent" and "laws of veto". The *Bundesrat* has the greatest share in decisions in the case of laws subject to assent: these can fall through as a result of its vote. The necessity for assent is laid down in the Constitution and concerns three kinds of law:

- Laws on changing the Constitution (two-thirds majority required).
- Laws with implications for the finances of the *Länder* (e.g. tax laws which have implications for the revenue of the *Länder*, or laws which obligate the *Länder* to expenditure or payments in kind).
- Laws with implications for the organisational or administrative sovereignty of the *Länder*.

The *Länder* have little influence in the case of laws which do not require the explicit assent of the *Bundesrat*. In such cases the *Bundesrat* still has the possibility of veto. The veto of the *Bundesrat* against the introduction of a bill can in turn be overridden by the *Bundestag*. Here the size of the necessary quorum depends on the majority with which the second chamber introduced the veto. If the *Bundesrat* passed the veto with an absolute majority (majority of members), that veto can only be rejected by an absolute majority (majority of members) in the *Bundestag*. In the case of a two-thirds majority, two thirds of all votes cast are required if the veto is to be rejected in the *Bundestag*, but at least half of all members must vote. If the *Bundestag* does not reject the veto, the law falls through. Since the existence of the Federal Republic of Germany, 3361 laws of assent and 2973 laws of veto have come into effect in this way. A little over half of all laws (53%) were laws of assent.

The political influence of the individual *Länder* is calculated according to the number of inhabitants:

- Every *Land* has at least three votes
- *Länder* with more than two million inhabitants have four votes

- *Länder* with more than six million inhabitants have five votes
- *Länder* with more than seven million inhabitants have six votes

The position of the *Bundesrat* within the power structure of the multilevel political system of the Federal Republic of Germay depends on the one hand on the party political distribution of power in the Federal Government, and on the other hand on the *Länder*. This means that the balance of power between the second chamber, the *Bundestag* and the Federal Government is subject to constant change. In the most favourable circumstances for the *Bundestag*, the same political powers prevail in the *Bundesrat* as on a national level. In this case, the Federal Government must expect only very little resistance from the second chamber and can get its projects through largely unhindered. This has however been the exception in the history of the Federal Republic; on the whole, national political majorities have been different from regional ones. In such cases the *Bundesrat* has been able to block laws of assent in the interest of party politics, thereby putting a stop to entire reforms proposed by the governing coalition. In order to get round this blockade-like approach on the part of the *Bundesrat*, the Federal Government has incorporated the *Länder* closely into its financing structure, creating additional dependencies in the process. The implications of this mutual dependency can be demonstrated particularly clearly in the political field of transport.

As a result of the deadlock in the federal system of the Federal Republic of Germany which impedes political action on all levels, the *Bundesrat* and the *Bundestag* decided in 2003 to set up a Federalism Commission whose function it would be to create a comprehensive reform of the responsibilities of the Federal Government and the *Länder*. The first results of the Commission are now available, and their implications for the future distribution of the authority of the Federal Government and the *Länder* as regards the issue of their power to shape transport policy will be briefly outlined at the end of this study.

The Field of Transport Policy

In the public perception, transport policy is not really considered to be one of the “classic” domains of regional politics. The following article asks how far this perception is justified, and to what extent the *Länder* can in fact be considered to have an influential role in the area of transport policy. We begin with the observation that transport policy constitutes a field neglected by the political sciences, not just as far as the German *Länder* are concerned, but in German-speaking countries as a whole. In order to explain this marginality, we develop the thesis that transport policy has traditionally been restricted to a primarily distributive function. This means that transport policy has for the most part consisted – and indeed still consists – in distributing substantial funds with which an adequate infrastructure is to be provided to cope with the excessive transport requirements of modern society.

Bearing in mind the fundamentally problematic role of transport policy, we will then clarify how much scope for action the *Länder* have at their disposal to influence transport policy in the context of the multilevel political system. In many areas, a high degree of political interlinkage with the problems of tax deficits and insufficient local autonomy can be observed. And yet in some areas, indications of not insignificant opportunities for political leverage are to be found on a regional level. Taking into

account the problematic nature of interlocking politics, we will discuss attempts to reorganise the powers of the Federal Government and the *Länder*, and create greater transparency, among other things within the framework of the regionalisation reform and the current federalism reform.

All in all, the resulting diagnosis is that the *Länder* possess limited but by no means negligible scope for action in the field of transport policy. Following this diagnosis, we collate initial indications of how far the *Länder* have made use of these potential opportunities for action in actual attempts at making political changes, by casting a glance over a few relevant quantitative indicators of traffic and patterns of transport expenditure in the *Länder*.

The academic discipline of transport policy is traditionally the domain of the economic sciences (cf. Schöller 2007). Even today a close connection is assumed between societies with a highly differentiated division of labour and the accompanying development in transport. According to this assumption, the constantly rising volume of traffic in modern capitalist societies is both the result of and the condition for economic development. The transportation chains which grow longer with the increasing division of labour provoke a growth in transport which requires the development of ever more refined transport systems to support it. This in turn leads to close cooperation between economists and engineers. While the former calculate the relevant transport requirements from the close interplay between economic development and transport development, it is the function of the latter to create the technical conditions for the maintenance of traffic flow within the framework of the transport system (Schmucki 2001). The close functional connection postulated between economic drive and transport requirements[1] allows for very little scope for action and so little scope for politics, because making political changes would of course require the possibility of choice between two at least partly contradictory alternative courses of action. But as long as economic growth has priority over all other goals, and as long as transport is regarded as a quantity deriving from economic growth, opportunity for action will remain negligible and the basis for political negotiation will be correspondingly slight. Either a phase of economic prosperity calls for the expansion of the transport system by creating additional demand for transport, or else a state of economic stagnation is used to justify the expansion of the transport infrastructure in order to create conditions for a new phase of economic growth. In both cases, transport policy is reduced to mere modificatory planning, planning moreover whose major impulses come from another political field.

In contrast to this restricted perspective, still prevalent even today, on the social phenomenon of transport, the social and ecological effects are lately being discussed more and more. The aim is *integrated transport policy*, which takes all three dimensions into account and redresses the balance between them to create sustainable transport development. Inasmuch as the different goals of the triad (economy, social issues and ecology) are in part clearly at odds with each other, it would require repeated processes of negotiation to treat them as basic equivalents, which would in turn create new scope for political action (cf. Schöller 2006).

[1] While the generation of transport through economic growth can be empirically proven, the opposite was disproved quite early on (cf. GwvF 1978). But even in the case of the emergence of transport as a result of economic growth, it has long been discussed how far it is possible to succeed in uncoupling economic growth and transport growth by making politically induced improvements to efficiency as in the energy sector (cf. Peak 1994).

The difficulty in narrowing down the political field of transport from the point of view of the political sciences is further exacerbated by the fact that it is not only the dominating economy with its powers to exert direct influence which has an effect on the transport sector, but also a large number of other political fields. The most prominent example of this "hidden transport policy" is without a doubt regional planning policy, since settlement development has a direct and highly variable effect on traffic volume, depending on whether it is characterised by compactness and thus by short journeys or by extensive sprawl. Once town planning structures such as these are in place, transport policy can only ever carry out acts of modification without really being able to intervene productively[2]. Something similar is true of socio-political measures and measures based on financial or economic policy such as the state subsidising of public transport, the commuter subsidy or the state subsidy for home-buyers. Each of these policies influences transport development in a specific way, thus indirectly restricting transport policy's scope for action. For the political sciences there is obviously little here to study, which would at least in part explain why political scientists have largely abstained from carrying out research in this field of politics[3].

However, if the transport sector seems at first glance to be of very little political significance, it is represented on a national level by the ministry with the largest investment budget. To judge by its economic power, therefore, one would expect extensive political leverage. In fact though, the German Ministry of Transport does not stand out for its particularly innovative policies. Instead, the Transport Minister even today continues to give voice to the theory outlined at the start of this paper that transport contributes to economic development (cf. BMV 1992: 12, BMVBW 2003a: 8). Even the formal merger referred to above, with the Ministry of Regional Planning, Civil and Structural Engineering and Urban Development could not rectify the foiling of transport policy by house-building policy and urban development policy, since the two ministries effectively continue to exist side by side. Finally, the initial segmentation of the Ministry of Transport into several independent departments, each representing individual modes of transport, has been preventing coordinated transport policy for decades (cf. Dienel 2007).

First then, we can note that transport policy in general and regional transport policy in particular have so far remained largely undiscovered by the political sciences. The following attempt at a comparative stocktaking of regional transport policies will thus be correspondingly modest, seeing as it cannot be based on previous work by political scientists. The unsatisfactory state of materials is also the reason we decided to carry out an ad hoc study consisting of a quantitative and a qualitative inquiry. We have thus looked through the data banks on transport development available at a regional level and those on the transport expenditure of the *Länder* and have drawn up an initial overview of the indices. With all due caution we will then attempt to draw initial conclusions from these data on *Länder*-specific transport policy orientations. From the political scope for action of the *Länder*, we thus draw indirect conclusions on their relationship with the national level. The quantitative impression gained in this way is complemented by ten interviews with experts in the

2 For this reason the Ministry of Transport and the Ministry of Regional Planning, Civil and Structural Engineering and Urban Development were merged in 1998. The hope was that better coordination between the two political fields within the framework of integrational strategy would facilitate sustainable city and transport development.

3 Even today there is no chair of transport policy in the German-speaking countries filled by a political scientist.

fields of administration, politics, associations, academia, and in the Federalism Commission[4].

Review of the Situation

The question at the centre of this article is whether the *Länder* have any scope for action worth mentioning at their disposal in the field of transport policy, and if so, to what extent they take advantage of it to influence transport policy. Our initial thesis is that the main features of transport policy in the Federal Republic of Germany are uniform political objectives and an absence of any genuine political impetus to make changes. On this we base the hypothesis that there are no significant differences to be found in transport policy orientation, either on a party political level or within the group of *Länder*.

In order to operationalise this thesis, it would seem to make sense to measure transport policy according to its own claims. One of the most important claims of transport policy on all political levels has for decades consisted in the promotion of an "integrated transport system", in which the various modes of transport are supposedly employed and combined in accordance with their own strengths,[5] while the one-sided prevalence of road traffic in both passenger traffic and goods transportation is broken down by efforts to create an integrated overall system. Taking this political claim into account, we can begin our quantitative examination by asking whether or not the individual modes of transport have been equally promoted in the various *Länder*.

A search for quantitative indicators of the efforts of the *Länder* to make changes in the field of transport policy first reveals that only limited data banks are available on a regional level at all. On the one hand, the traffic structures themselves within the various *Länder* can be considered as indicators of *Länder*-specific political courses of action. Thus for example the proportions of the total volume of traffic made up by the various modes of transport can be interpreted as indicators of an impact of transport policy. One of the major indicators of the means of transport selection patterns is however missing on a regional level: that of road performance in motorised private vehicle traffic. It is calculated as a nationwide index, leaving no possibility of breaking the figure down to a regional level.

4 We would like to thank the following interviewees for their cooperation and helpful remarks: Dr Friedemann Kunst, Head of the Department of Political Affairs in Transport Policy and Transport Development Planning, in the Senate Administration for Urban Development of the City of Berlin; Hermann Blümel, Assistant in the Department of Political Questions of Transport Policy, in the Senate Administration for Urban Development of the City of Berlin; Prof. Eckhard Kutter, Chair for "Transport Systems and Logistics" at the Technological University of Hamburg-Harburg (emeritus since 2004); Daniel Bongardt, Research Fellow at the Wuppertal Institute for Climate, Environment and Energy; Dr Werner Reh, Head of Department of Transport Policy of the federal association BUND; Wolfgang Schwenk, Head of the Capital City Office of the Association of German Transport Firms; Prof. Rudolf Petersen, Wuppertal Institute for Climate, Environment and Energy; Maria Krautzberger, Permanent Secretary for Transport in the Senate Administration for Urban Development of the City of Berlin; Wolfgang Drexler, Deputy President of the *Landtag* of Baden-Württemberg and member of the Federalism Commission; Winfried Kretschmann, member of the *Landtag* of Baden-Württemberg for Bündnis 90/The Greens and member of the Federalism Commission.

5 Thus for example the Federal Government hopes for a "more efficient use of capacity in the overall transport infrastructure" from its "integrated transport policy" approach, "and in connection with this, optimised traffic flow through integratory effects". Cf. BMVBS 2007.

As an indirect measure for the relative significance of motorised private vehicle traffic, we can draw on the figures for motor-car density available to us on a regional level. As far as this indicator is concerned, a clear difference can be seen to emerge between the city states and the territorial states. Otherwise though, the figures are on a similar level in all territorial states. In the top position is the Saarland with 602 cars per 1000 inhabitants, followed by Rhineland-Palatinate, Bavaria, Hesse and Baden-Württemberg, which with 574 cars per 1000 inhabitants is not short of the top. The lowest motor-car density by a long way is boasted by Berlin: with 360 cars per 1000 inhabitants, it is almost half as high as in the Saarland. The other two city states also fall a long way behind the two territorial states with the lowest figures, Saxony-Anhalt and Mecklenburg-Western Pomerania. This indicator thus gives us no sense that the individual *Länder* have created distinctive identities for themselves in the field of transport policy. Even the plausible assumption that motor-car density is lower in the more densely populated *Länder*, can – with the help of a simple regression analysis of the two variables – only be confirmed with reservations: if the city states are included, the result is a very strong negative correlation between the two variables ($R^2 = 0.78$); if the city states are omitted, no significant correlation can be measured ($R^2 = 0.10$).

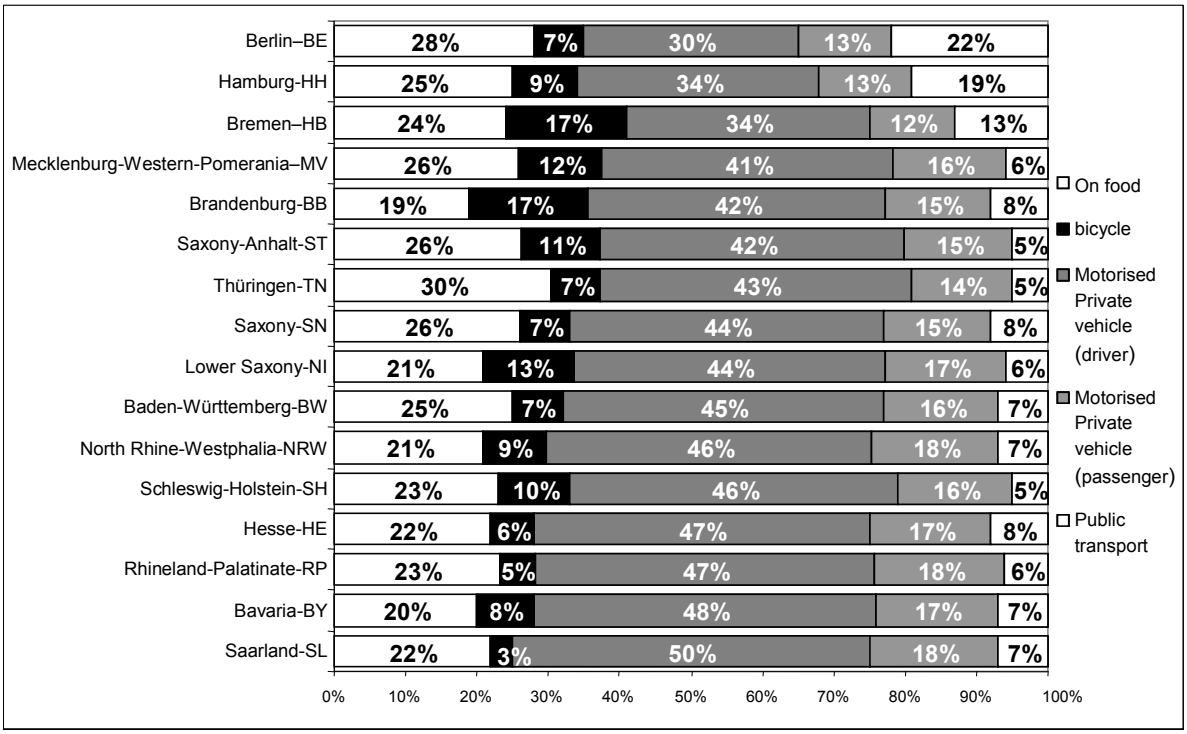
The distribution of the *Länder* on this scale would seem however to support the thesis that at least the variation within the group of territorial states is perhaps more convincingly attributed to the unequal distribution of wealth within Germany than to any efforts to influence transport policy. There is indeed a relatively strong correlation between the gross domestic product of each *Land* and motor-car density ($R^2 = 0.50$), if the city states are ignored.

In addition, the study *Mobility in Germany 2002* (cf. BMVBW 2003b), based on public opinion poll data, offers a valuable source for anyone wishing to compare traffic in the various *Länder*. Figure 1 shows the means of transport selection patterns on all journeys[6] on a random day. We restrict our observations to a comparison of the proportions of public transport and motorised private vehicle transport.

6 The perhaps surprisingly high proportions of pedestrians and cyclists should be understood in the context of the total amount used here as a basis. The distribution of modes of transport changes dramatically if instead of the proportions of journeys made, the proportions of kilometres covered is taken into account. The non-motorised means of transport are then naturally of less consequence than the motorised means of transport.

figure 1

JOURNEYS MADE IN TERMS OF MODAL SPLIT BY *LÄNDER*, 2002



Source: BMVBW 2003b

Figures in per cent rounded about total amount number of journeys. Because figures have been rounded, do not always add up to exactly 100.

As striking as it is unsurprising is here once again the significant difference between city states and territorial states as far as the frequency of public transport use is concerned as compared with motorised private vehicle transport (drivers and passengers). Within the group of territorial states however this value only fluctuates by a few per cent.

If we consider the structure of transport use in passenger transport as an indicator for transport policy impact on a regional level, it is hardly possible to make out indications of significantly different efforts at shaping transport policy in the individual *Länder*. In the transport-related sociological discourse however, important arguments are to be found which generally grant only slim chances of success to political action in influencing the public transport selection patterns. Authors such as Stefan Rammler (2001) postulate an "elective affinity" between mobility and the modern age, and Heine *et al.*, and the authors of the project group *Mobilität* (Mobility) take as their starting point the assumption that as the epitome of maximum independent mobility, the motor car has become the benchmark beside which all other means of transport are reduced to second choice (cf. Heine/Mautz/Rosenbaum 2001, Projektguppe Mobilität 2004, and Schöller 2005b). In view of this line of argument, it would seem to be political wishful thinking with little real chance of success to hope to persuade more people to make increased use of public transport. Thus even the most emphatic political commitment to public transport would not necessarily result in any spectacular shift in the use of transport to the disadvantage of the motor car.

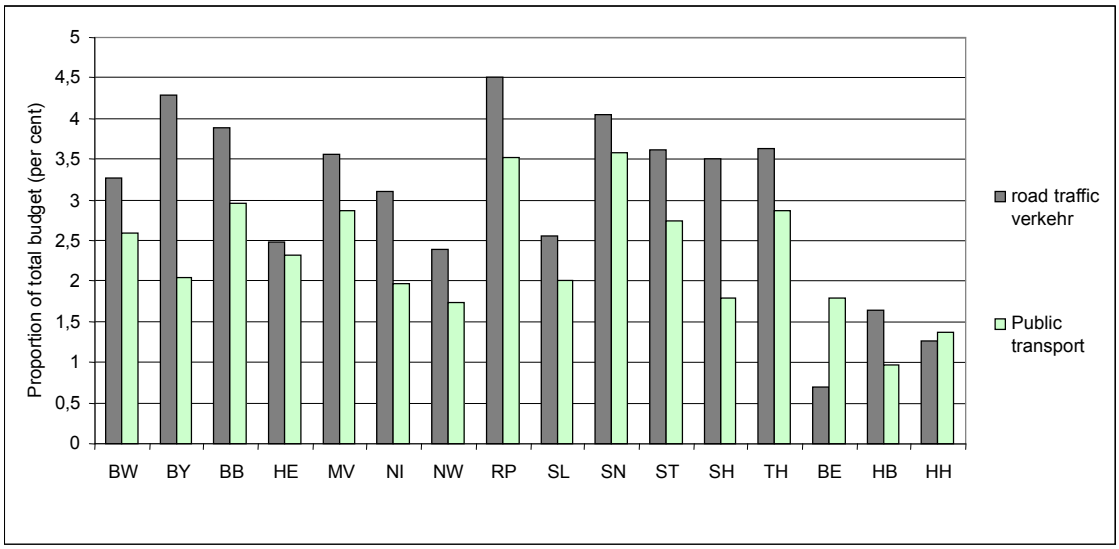
In view of these arguments it seems advisable not to measure the attempts of the *Länder* at influencing transport policy solely by their actual impact. We should then

also cast a look at the structures of the financial promotion of the various modes of transport carried out by the individual *Länder* as a direct expression of their decisions in shaping transport policy on a regional level. For the sake of clarity only the two variables road traffic and public transport have been taken into account; waterways have been omitted seeing as these are really only of relevance to goods transportation[7].

A quick glance at the spending patterns for the years 2000-2004 at first confirms our initial thesis: figure 2 shows the average proportion of the total budget of each *Land* spent on public transport and road traffic for that period of time.

figure 2

AVERAGE PROPORTION OF TOTAL BUDGET OF EACH *LAND* SPENT ON ROAD TRAFFIC AND PUBLIC TRANSPORT, 2000-2004



Source: Federal Office of Statistics, own calculation.

If we compare the *Länder* according to the proportion of the total budget spent on the two variables road traffic and public transport, the relative uniformity is striking; in most cases, the proportion of spending on road traffic is higher than the proportion spent on public transport. The only exceptions are the two city states Hamburg and Berlin, which alone display the surplus to the advantage of public transport that we would expect of urban settlement conditions. But beyond this general diagnosis we are also struck by differences within the group of territorial states: some *Länder*, notably Bavaria, Schleswig-Holstein and Lower Saxony reveal a particularly large surplus in road traffic expenditure.

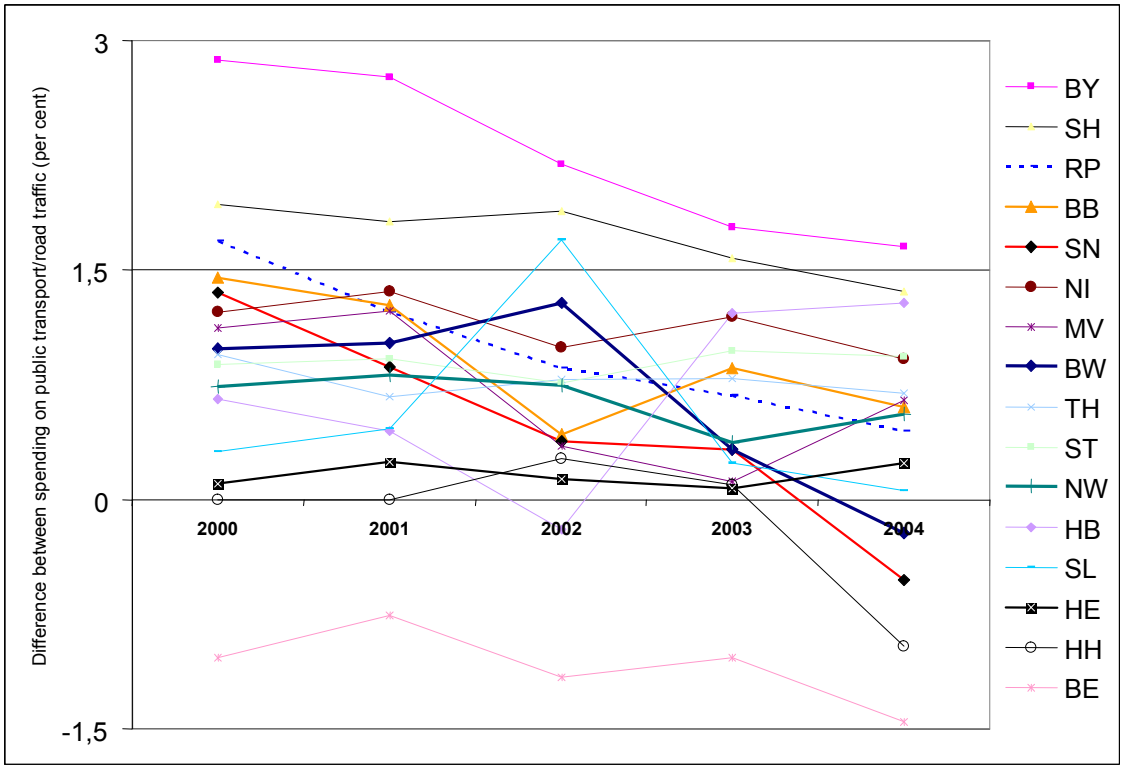
A further differentiation emerges if we consider the development over time which underlies the average values for the years 2000 to 2004. Figure 3 represents as index the difference between the proportion of the total budget of each *Land* spent on public transport and that spent on road traffic. The closer the individual data points are to the *x*-axis, the smaller the difference between the proportion of spending on public transport and on road traffic in the *Land* in question. Negative values represent a public transport proportion higher than the road traffic proportion.

7 Spending on waterways tends to be of comparatively little consequence. The exceptions are Hamburg, where it constituted approximately 50% of transport expenditure between 2000 and 2004, and Bremen, where in the same period of time the proportion of spending on waterways was about 15% of transport expenditure.

Berlin is the only *Land* to illustrate this relationship to consistently display a higher public transport proportion after 2000.

figure 3

DEVELOPMENT OF THE DIFFERENCE BETWEEN SPENDING ON PUBLIC TRANSPORT AND SPENDING ON ROAD TRAFFIC (PROPORTIONS OF TOTAL BUDGET), 2000-2004



Source: Federal Office of Statistics, own calculation.

Indications of the creation of various distinctive identities in the field of transport policy are to be found in the difference between the two large territorial states Bavaria and Baden-Württemberg. While Bavaria may also demonstrate a clear trend towards a convergence of the variables public transport and road traffic, the proportion of spending on road traffic in 2004 is here approximately twice as high as the proportion of spending on public transport. Baden-Württemberg on the other hand is one of the few territorial states to display a negative value in figure 3 for 2004, meaning that spending on public transport was higher there than on road traffic.

How can we explain the visible differences in figure 3? One determinant that would come into question is that of regional structural factors. In largely rural *Länder*, it is "natural" that motorised private vehicle transport should play a greater role (cf. BMVBW 2003b), while public transport has a more important function in meeting transport requirements in *Länder* with a higher population density. A glance at the three *Länder* occupying the top positions after Bavaria, all with particularly high proportions spent on road traffic, supports this hypothesis: they are the relatively sparsely populated *Länder*, Schleswig-Holstein, Lower Saxony and Saxony-Anhalt. A regression analysis of the average difference of proportions on population density does indeed at first yield a strongly negative correlation ($R^2 = 0.55$). However if we

leave aside the city states, it is no longer possible to make out any clear correlation (R^2 = 0.11). It is possible that a more differentiated indicator of regional structure should take the place of mere population density in order to explain the differences. If we take the values for degree of urbanisation according to the regional typification of Eurostat, the city states yield an R^2 of 0.41 for the (negative) correlation between the proportion of the population resident in urbanised areas and the difference of the proportions to the advantage of public transport. If, however, we leave aside the city states, the correlation is once again negligible (with an R^2 of 0.13).

Further possible explanatory factors are the party political make-up of the *Länder* and the government participation of the individual parties in the most recent year taken into account here (2004). A measure of certainty of R^2 = - 0.19 for the regression of the above-mentioned indicator on an indicator for the SPD(Social Democratic)-character (and also an R^2 of 0.18 for the indicator CDU(Christian Democratic)-character) does not, though, seem high enough to assume linear dependency[8]. The proportion of each party in the cabinet seats in 2004 similarly shows no significant correlation with the differences of spending on transport. The result of this simple statistical investigation corresponds therefore with our thesis that at least the main popular parties in the Federal Republic of Germany have developed no distinct profile of their own in the field of transport policy. But even the government participation of the Greens shows no measurable correlation whatsoever with the difference of the proportions of spending on road traffic and public transport (R^2 = 0.00).

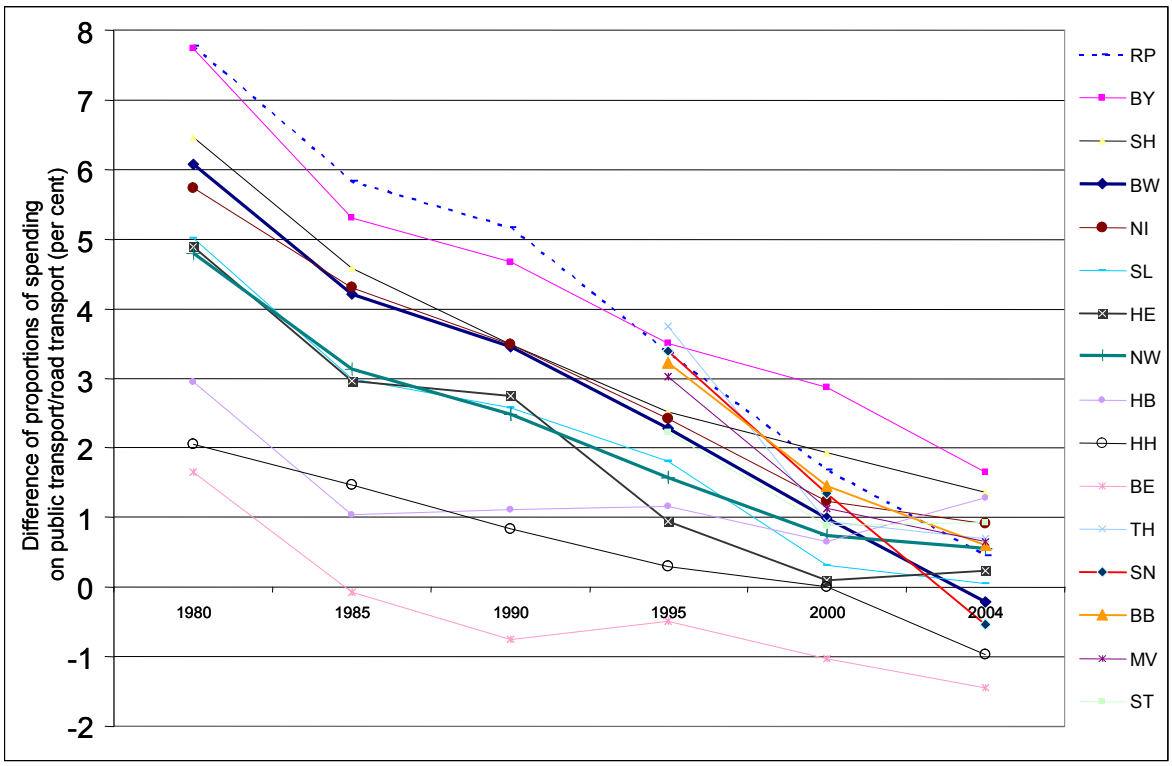
In addition, no correlation can be measured between the difference of the proportions in spending on road traffic and public transport and the economic power of the *Länder*, expressed in GDP.

It would certainly require further empirical underlay to attempt to explain the differences in spending. For the purposes of this article though, it is at present enough to point out that, at least within the group of territorial states, it is possible to identify a relatively uniform pattern of higher spending on road traffic. The longer term development of the transport expenditure of the *Länder* largely confirms this impression. Figure 4 shows the development of the indicator introduced above, the difference of the proportions of spending on road traffic and public transport for the years 1980 to 2004. The values for the individual *Länder* may be on a different level in each case, but the developments follow a fairly uniform trend: beginning with a consistently clear dominance of road traffic with Bavaria and Rhineland-Palatinate in the top positions and Berlin as an exception, a national tendency of increased spending on public transport can be seen to emerge, and thus too a convergence of the two variables. An important role in the consolidation of this trend is doubtless played by the 1996 regionalisation of local rail transport which was accompanied by a considerably enlarged range of offers in this public transport segment, financed by regionalisation funds on the part of the Federal Government (cf. Karl 2008).

8 The data for the indicators of party political make-up (defined as average proportion of cabinet seats since the foundation of the *Land*), composition of the cabinet in 2004 and GDP per capita were placed at our disposal by Frieder Wolf from the data bank held at the chair of Manfred G. Schmidt at the University of Heidelberg.

figure 4

DEVELOPMENT OF THE DIFFERENCE BETWEEN SPENDING ON PUBLIC TRANSPORT AND SPENDING ON ROAD TRANSPORT (PROPORTION OF THE TOTAL BUDGET), 1980-2004



Source: Federal Office of Statistics, own calculation.

Newly formed *Länder* from 1995; until 1995 Berlin = W. Berlin only; until 1990 rail transport only.

The spending values for 1980-2000 were compiled in five-year stages. 2004 was added as the last available year. The linking of the data points for each *Land* with a line is purely for the sake of clear representation. Data from before 1980 were left out of account, since the representation in older editions of the specialist series 14 "Results of Calculations of the Total Public Budget" is according to the Federal Office of Statistics not comparable with later editions.

It may seem worthwhile to make further empirical investigations in our pursuit of an explanation for the variations in spending patterns, but it is only with considerable reservations that we can draw inferences about regional decisions on shaping transport policy. Thus higher spending on road traffic can only to a certain extent be interpreted as an indicator for a *Land*'s anti-public transport policy. The fact that the scope for action of the *Länder* is not only to be found in the area of financial responsibility would seem to argue against an interpretation of this nature. The qualitative statements of experts which we collected point repeatedly towards fields of action in the area of public transport promotion and the promotion of cycling which do not prioritise financial involvement. Thus for example the efforts of the individual *Länder* to introduce a nationwide integrated fixed-interval timetable was mentioned by several of our interviewees as an extremely effective non-monetary form of commitment to attractive public transport. As positive examples of structuring regional transport policy, other interviewees mention efforts in the area of public

transport towards a transparent employment of funds conforming to market conditions: some *Länder*, including Schleswig-Holstein, have here made especially logical use of opportunities for new instruments of governance such as the call for tenders of transport services in rail transport – in the case of Hesse in local public road transport as well – thus to a certain extent aiming for an increase in value in the form of better supply without having to employ significant financial means (cf. Wachinger 2006 on the example of Hesse)[9].

At the same time we should bear in mind that the data available to us here conceal the complexity of federal financial relations. The *Länder* do not have full autonomy of expenditure over all funds spent on transport on a regional level. As demonstrated above, different forms of spending on transport on a regional level are supplied by different sources, among others from earmarked Federal Government funds. In this way the Federal Government plays a decisive role in the financing of the transport and infrastructure on offer. Among other things, the funds the Federal Government makes available for the realisation of federal road planning projects are distributed on a regional level. The *Länder* announce their requirements for expansion measures in the area of transport infrastructure; road construction and expansion generally take in a significantly higher share of the funds.

In the variable of public transport expenditure, the funds are among other things received in accordance with the regionalisation law. Since the funds are earmarked for local public transport, the amount is only an indirect expression of *Länder*-specific decision-making processes. However the proportion of these funds supplied from the tax-on-oil pot to which every *Land* is entitled, is calculated among other things according to the supply of public transport provided so far. High allocations from the regionalisation law accordingly bear witness to a state policy that is indirectly at least public transport friendly. In addition however, federal subsidies in the area of public transport are also calculated according to factors like number of inhabitants, which is hardly under the control of political influence (cf. DifU 2005).

Moreover, in the area of transport financing, the *Länder* function as a level of distribution between the Federal Government and the local authorities. This concerns for instance the funds which the *Land* passes on to the local authorities according to the law that guarantees the autonomy of powers (*Entflechtungsgesetz*). In the area of local public transport, the mechanisms for distributing the funds to the local authorities can sometimes differ considerably from one *Land* to the next. How much influence the *Länder* are actually entitled to exert on their use of the funds can accordingly vary greatly (cf. Berschin *et al.* 2005). On the basis of our first superficial examination of the quantitative indicators available to us, we can sum up by stating that the data banks cited here offer relatively few indications that the individual *Länder* have any distinctive identity in the field of transport policy. The clearest confirmation of this thesis is to be found in the longitudinal section since the 80's, where we can observe the dominance of spending on road traffic with a consistency similar to that of the uniform trend towards a higher proportion of spending on public transport since the 90's. For the more recent past however, it was also possible to

[9] One example of how the *Länder* can access pro-active scope for action over and above the existing framework is the inner-city speed limit enforced by the regional government in Berlin. While federal legislature stipulates a speed limit of 50 km/h in the road traffic regulations, any deviation from this limit must be well justified to hold out against legal action against the introduction of a speed limit of 30 km/h (on the part of taxi drivers for example). The *Land* of Berlin is currently preparing an application of this nature, in which effects of noise pollution reduction, the reduction of air pollution and increased traffic safety are given as reasons for the partial introduction of a 30 km/h speed limit on inner-city main roads.

demonstrate that the spending profiles do reveal differentiations: while Bavaria for example still spends relatively high proportions on road traffic, road-traffic proportions in Baden-Württemberg sank in 2004 to below the figure for public transport. With the help of the simple statistical investigation we have employed here, it has, though, so far not really been possible to find unequivocal indications of factors which would explain these occasional variations in orientation. Together with the non-monetary opportunities for shaping transport policy, the differences observed indicate that there is scope for action for the *Länder*. Whether the *Länder* actually make good use of this scope for action to create a distinctive identity in the field of transport policy is however rather to be doubted, given the relatively uniform dominance of the proportion of road traffic at least within the group of territorial states.

Issues of Governance of the Transport Infrastructure System

The current political composition of the transport sector in Germany can be explained firstly from the point of view of the specific historical situation of the post-war period, and secondly from the point of view of the singularity of the political field of transport itself. The period of economic growth in the 50's and 60's, the so-called "economic miracle" was accompanied by a significant rise in traffic volume. Private mass motorisation and goods transportation alike developed rapidly. In this way, the entirety of West German society was mobilised to a previously unheard-of degree. In order to meet the demand for transport and so as not to endanger national economic development, a more extensive expansion of transport infrastructure was deemed necessary (cf. Klenke 1993). Following the unitarian concept of the state (cf. Hesse 1962), the "equality of living conditions" originally formulated in Article 72, § 2 of the German Constitution was regarded as a benchmark in all parts of the country[10]. In connection with the philosophico-legal concept of existential provision, according to which it is the duty of the state to fulfil certain shared tasks such as providing an appropriate offer of mobility to every member of society, a comprehensive state claim to control emerges (cf. Gegner/Schöller 2005). The rights of the Federal Government in the transport sector and those of the Federal Ministry of Transport are set down in Article 85 of the Constitution as part of the delegated administration of federal laws (cf. Hebeler 2002). "This so-called delegated administration of federal laws is characterised by decidedly hierarchical powers on the part of the Federal Government to issue directives to and carry out checks on the *Länder*" (Garlichs 1980: 25). The Federal Transport Minister accordingly disposes over extensive powers.

In Germany however, unlike in Switzerland, where a strictly hierarchical top-down style planning was carried out, a non-hierarchical bottom-up style planning procedure has in effect prevailed (cf. Reh 1988:29). Thus the Federal Government collects the reported intentions of the *Länder* and selects from them according to certain criteria of its own devising, based on how worthwhile it considers the construction project in question to be, and how high the regional proportional representation is. A proportional financial participation of the Federal Government, the *Länder* and the

[10] Since 1994 the demand has been for the "production of living conditions of equal value". Cf. Barlösius/Neu 2007 on the difference between equality and equal value.

local authorities is then agreed on, following the 1971 Municipal Transport Financing Law (GVFG). By participating in a wide variety of transport projects with this mixed financing, the Federal Government has attempted to exert influence on the transport policy of the *Länder*.

In general, Federal Government policy follows a strategy of conflict avoidance in its allocation of funds, by basing its decisions on population size in the case of *Länder*-specific financing. With this "neutral" criterion, the Federal Government avoids providing content-based reasons for its financing, thus circumventing unequal distribution, which would require practical explanations and be associated with conflict-ridden processes of negotiation. Furthermore the financing carried out by the Federal Government is tied up to certain circumstances considered worthy of support. This means in particular that even today it is on the whole rigorous infrastructural measures which receive funding. In contrast, innovative mobility services are not promoted. In this way it is not just the quantitative promotion which is levelled to a standard measurement; qualitative differences too are largely blocked. Finally, this opaque kind of political interlinkage has repeatedly proved itself inefficient, if not counterproductive as far as its outcome is concerned, because the *Länder* have increasingly concentrated their efforts on obtaining funding from the Federal Government, regardless of whether they actually require the infrastructural transport facility in question (Scharpf/Reissert/Schnabel 1976). A repeatedly documented example are financially particularly extravagant infrastructural measures such as underground railway construction, measures which are in many cases hugely oversized and inappropriate to local circumstances (cf. Nuhn/Hesse 2006: 192). Since however they were given the go-ahead sight unseen as it were, the *Länder* were able to ask the Federal Government to finance underground railways even for relatively small towns. Scharpf, Reissert and Schnabel (1976: 151) have already pointed out that had the Federal Government exercised more restraint in transport financing, local authorities might perhaps have been led to consider more reasonably priced alternatives such as trams, rather than systematically dismantling them.

Apart from the obvious deficits of this coordinated transport policy in the multilevel political system, long the subject of unanimous criticism, the extent of the Federal Government's opportunities for control and the nature of the scope for action remaining to the *Länder* is even today largely unknown as far as transport policy is concerned. While Heinrich Mäding (1978) could study the example of federal trunk road construction and come to the conclusion that the Federal Government has a "high controlling power" (ibid.: 152) at its disposal, Dietrich Garlichs (1980) shortly afterwards drew the opposite conclusion from the same example. These two contradictory theses were then fully reviewed by Werner Reh (1988), who arrived at the differentiated conclusion that if on the one hand the Federal Government does not exhaust its policy-making powers, it does on the other hand make use of its financial participation ("golden reins") on a regional and local level to penetrate areas no longer actually under its control. Conversely, according to Reh, the *Länder* and local authorities have many different ways of eluding federal intentions without actually being permitted to become properly active themselves. The resulting discrepancy between entitlement and reality gives an ambivalent picture of the authority of the *Länder* to act in matters of transport policy. On the one hand, the Federal Government has the legalistic grounds to give standardised instructions to the *Länder* and to local authorities in the planning process, in order to contribute to a

coordinated overall plan, without in fact make use of this opportunity (cf. Reh/Heuser 2007). On the other hand, it has stretched its involvement in financial policy so far that it no longer has the power to exert content-based influence. Due to the large number of projects which receive funding and the resulting complexity and confusion, it is no longer possible for the Federal Government to subject every plan to an individual examination, let alone give it the appropriate attention.

Even the results of the few existing studies on the political field of transport lead to the suspicion that the Federal Government has not achieved a coherent transport policy in the past, and that it has not been possible for the *Länder* to make their mark through any individual involvement in transport policy. The empirical results of the present study have largely confirmed this assumption by showing that transport development in the *Länder* is characterised by a relatively homogenous panorama, the product of economic necessity and social compensatory measures.

Current Trends in Development

While the theoretical findings of the studies on political interlinkage are able to provide convincing reasons for the limited authority of the *Länder* to act in matters of transport policy, and while they have been largely confirmed by empirical investigations, new trends in development have been emerging since the 90's, which might perhaps contribute to fundamental changes in the political field of transport. There are some indications that it is time for a revaluation of transport policy. International megatrends such as climate change, the increasingly predictable end of fossil fuels and the global effects of transport growth in transformational countries such as China and India play a part, as on a national and regional level do demographic change, limited public funds and the transport requirements associated with advancing European integration. These challenges provoke even greater necessity for political action (cf. Schöller-Schwedes/Rammler 2008). At the same time, however, the present limits of the capacity of the *Länder* to act in matters of transport policy are becoming increasingly obvious. Thus in the recently published EU interim report on the white paper on transport, development is reported to be moving in the opposite direction from the sustainable European transport development originally aimed at, and prognostications for the future are no better, if no fundamental changes are made to the general political set-up (cf. KOM 2006).

In Germany, first efforts to reform political responsibilities in the transport sector were made in the mid 90's, in reaction to the discrepancy between the demands of transport policy and actual transport development. With the privatisation of the railways (1994) and the regionalisation reform (1996), first steps were taken towards breaking up traditional organisational and financial structures in order to create more transparency in matters of funds employed and output achieved in rail transport, and at the same time to encourage innovative and customer-driven developments in services supplied (cf. JdB 2004/05, 2006/07). While the rail privatisation mainly affected relations between the railway and the Federal Government, the regionalisation reform aimed to shift responsibility from the Federal Government to the *Länder*. In local rail transport, the latter are nowadays considerably freer to develop a mobility supply to match specific demand. Judging by major indices, the outcome after ten years is entirely positive (cf. Trost 2006). Thus the overall traffic volume in local rail transport could be significantly increased. Since the reform,

however, the *Länder* also receive significantly more state funding, so that it is unclear to what extent the positive effects are owing to the political structural reforms, and to what extent they are simply the result of massive increases in funds. Furthermore, several reform measures were initiated before the regionalisation reform.

A further concrete step towards greater transparency, more unambiguous distribution of authority and clearer political classification, is the result of the Federalism Reform I. The mixed financing of the Federal Government, *Länder* and local authorities, which had been criticised since the beginning of the 70's, was repeated as part of this reform. With the deletion of §§ 2 and 3 of the Municipal Transport Financing Law, a number of funding regulations which had previously limited the scope for action of the *Länder* no longer apply. Since January 2007, the *Länder* receive a lump sum from the Federal Government which they can dispose of freely within the framework of the "earmarking of funds for a particular area of responsibility". In addition it was agreed that the earmarking of funds for a particular area of responsibility would no longer apply in 2014. Even then, however, the investment earmarking is to continue, so that the *Länder* will still be forced to invest the funds they receive, rather than being able to employ them elsewhere if they see fit. This would mean that a long-criticised construction error in the financial system would continue to produce false incentives to invest in expensive major projects (underground railways, depots, etc.) beyond 2014, so as to be able to receive and spend the earmarked funds.

The results of the first Federalism Reform are considered in a particularly critical light by those involved in the reform initiatives of the 70's (cf. Scharpf 2006). This may have to do with the fact that the assessment is even today often based on a planning demand claiming to give priority to a starkly central state authority. At the same time, however, a traditional understanding of state and political control dominates, while the newer (political) academic debates within the framework of governance research point in another direction (cf. Scott 2004). According to them, a far more radical change of perspective is necessary, if we are to appropriately judge the transformational processes underway at the moment. For it is emerging that in the transport of the future, governance will no longer simply correspond with the habitual forms of traditional state activity (government).

Different fields of politics will provide different answers to the question whether it is possible to achieve the goal of avoiding the trap of political interlinkage by strengthening the central taxation authorities, or on the contrary by strengthening the autonomy of the *Länder* in relation to the Federal Government. In the field of transport, however, there are important practical arguments in favour of decentralising the planning, financing and administration of the transport infrastructure used in a largely regional context. In order to attain the goal of integrated transport policy, a middle way is needed between an over-decentralised parochialism on the one hand and centralistic planning euphoria on the other hand. The *Länder* would in this case make suitable controlling authorities. At the same time, however, it is questionable to what extent the *Länder* coincide with actual transport regions, seeing as they owe their geographical borders to the accidents of history. Do their borders not in fact cut artificially through coherent transport space, as is frequently criticised in the case of the city states and their environs? These problems would seem instead to provide an argument for the creation of *Länder* borders of overlapping planning regions, with independent authority in the field of transport policy (cf. Gutsche/Kutter 2006).

Finally, we would like to point out the growing significance of the European Union to national transport policy. Thus German legislation is now in 70 to 80 per cent of cases in some way influenced by European laws (cf. Plehwe 2007). This also means, however, that the relevant political decision-making processes in the multilevel political system are increasingly transferred to an EU-level or to political arenas where national and European players together negotiate topics relevant to transport policy (cf. Bongardt 2007). Traditional areas of responsibility are disappearing and national transport policy can be understood less and less in terms of national players alone. In the interviews we conducted with experts on the subject, it was repeatedly made clear that the responsible national representatives were finding themselves forced to develop new political strategies of action, in order to do justice to the challenges of a Europeanised transport policy. For on an EU-level there is no institutional committee either for the *Länder* or for the local authorities to represent their interests apart from the regional committee which has insufficient authority at its disposal (cf. Rechlin 2004). The informal lobbying practised through the regional offices in Brussels is therefore of growing significance.

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