

BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON TRANSPORTATION SECURITY  
AND INFRASTRUCTURE PROTECTION

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HEARING ON

**KEEPING THE BORDER SECURE: EXAMINING POTENTIAL THREATS  
POSED BY CROSS BORDER TRUCKING**

JUNE 19, 2007

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TESTIMONY OF

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Chair Jackson-Lee and members of the Subcommittee, thank you for allowing me to testify today. My name is Gregg Ward, Vice President of the Detroit-Windsor Truck Ferry.

At the northern border of the United States, the efficient movement of cross border trucks is essential to our manufacturing base and economic prosperity. With consistent and transparent border safety and security measures in place at all international crossings, rules and regulations are uniformly enforced. This immediately and significantly reduces threats posed by these international trucks.

On Earth Day 1990 the Detroit-Windsor Truck Ferry service was started by my father and me. We chose this start-up date 16 years ago to symbolize our commitment to environmental stewardship and a belief that marine transportation can reduce highway congestion, air pollution and the consumption of finite fossil fuels. The company operates a border crossing between Detroit, Michigan and Windsor, Ontario. In about 20 minutes, using a flat deck barge and a tugboat, up to eight trucks roll-on, cross the river and roll-off again on the other side. We transport hazardous material laden trucks that are restricted by US regulations from crossing the Ambassador Bridge and the Detroit-Canada Tunnel.<sup>1</sup> The alternative route requires a detour of 165 miles. Hazardous materials crossing our facilities include flammables, acids, radioactive materials and explosives. We also move trucks too large or heavy for the other crossings.

At times of significant congestion at the bridge, we provide surge capacity to trucks carrying critical automotive freight. September 11 proved the value of redundancy in cross-border transportation options. The merit of a cross border marine link was evident by the success of the Detroit-Windsor Truck Ferry in helping to avert post 9/11 plant closing of a major automotive assembly operation. General Motors, in a letter to US Customs following September 11, stated, "The Detroit-Windsor Truck Ferry became our only alternative that would enable General Motors to continue operation of the Detroit/Hamtramck Assembly Plant."<sup>2</sup>

With regard to risks posed by cross border trucking, I make my comments specific to Detroit where close to \$300 million in daily just-in-time deliveries move by truck through the region. The integrated US and Canadian auto industry is heavily dependent on sufficient capacity at the privately owned and operated Ambassador Bridge in Detroit. Every day, this industry sends thousands of cross-border truck shipments across this border. Assembly plants creating hundreds of thousands of jobs in Michigan as well as many other US states and Ontario rely on the just-in-time delivery of automotive parts.<sup>3</sup>

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<sup>1</sup> US 49 CFR 397.67 (a) it states, "a motor carrier transporting NRHM (Non Radioactive Hazardous Materials) shall comply with NRHM routing designation of a State." The State of Michigan NRHM Restricted Routes specifically has restrictions at the Ambassador Bridge and Detroit-Canada Tunnel for all materials that are explosive, flammable, radioactive and corrosive.  
<http://hazmat.fmcsa.dot.gov/nhmrr/index.asp?page=route>.

<sup>2</sup> Letter from General Motors, Assembly Plant Manager to US Customs Port Director. September 17, 2001.

<sup>3</sup> June 4, 2007 Ontario Chamber of Commerce and Detroit Regional Chamber letter to Senator Alan Cropsey, Majority Floor Leader, State of Michigan.

It has been said that “one well-placed bomb here could have a more devastating effect on both the United States and Canada than the destruction of the World Trade Center. Simply put, there is no substitute for the Ambassador Bridge.”<sup>4</sup>

With over 9,000 trucks and 15,000 passenger cars crossing it each day<sup>5</sup>, the Ambassador Bridge is a symbolic and economic target for those who wish our nation harm. The chairman of a National Defense and Security Committee in Canada has said “the Ambassador Bridge is the “best target” in Canada for terrorists looking to cripple the country's economy.”<sup>67</sup> I believe it undeniably has the same devastating target value for those who would harm the United States.

The loss of the Ambassador Bridge because of a terrorist action, serious accident or natural disaster would have a crippling, cascading effect on our national economy.

The Department of Homeland Security national strategy to prevent, protect and respond to all hazards is integrally linked to the word “recovery.” Moreover, in many respects “recovery” is linked to the resiliency of our cross border transportation system.

When a section of the Washington Beltway closes, traffic snarls and delays abound, but the system continues to operate through the use of secondary roads that absorb the temporary excess traffic demand. If the Ambassador Bridge closes, no such relief valve exists. US bound freight would have to divert 100 miles to the international bridge crossing in Sarnia, Ontario or 250 miles to Fort Erie, Ontario – just to enter the United States. The just-in-time system manufacturers rely upon would collapse within hours.

Notwithstanding its importance, the US Federal Highway Administration and the state of Michigan do not physically inspect the Ambassador Bridge.<sup>8</sup> They are told by private owners of the Ambassador Bridge (Detroit International Bridge Corporation) that government has no such authority.<sup>9</sup>

A bridge company official said, “The 1920s legislation that gave Detroit International its charter entrusted the bridge with a level of authority tantamount to a public utility's, so it has a prerogative to behave differently from other companies.”<sup>10</sup>

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4 Uncovered bridge. By Jack Lessenberry. MetroTimes, March7, 2007

5 BTOA Traffic Figures for 2006.

6 Ambassador Bridge ‘plum’ terror target: Attack would cripple economy, senator says. By Dave Battagello, Windsor Star, March 24, 2005.

7 Bridge OKs risky cargo, Letter of permission given to chemical company. By Doug Schmidt, Windsor Star, April 12, 2006.

8Private Bridge on Canada Border a Security Concern. By Pam Fessler, National Public Radio, Morning Edition, May 21, 2007.

9 The Troll Under the Bridge. By Stephane Fitch and Joann Muller, Forbes, November 15, 2004.

10 Matty Moroun Beat Buffett in Bridge Deal, May Lose Monopoly. By John Lippert and Erik Schatzker, Bloomberg Markets magazine, January 22, 2003.

The bridge owner “won’t release maintenance records and refuses to let law enforcement officials onto the bridge to nab trucks that could be carrying explosives, toxic waste or other materials banned by law from crossing the bridge.”<sup>11</sup>

Manuel “Matty” Moroun’s habit of snubbing the United States and Canadian governments’ efforts to control and regulate his bridge goes back decades. The Economist in 1980 expressed outrage at the company’s “cavalier behavior” when Moroun told the Canadians they had no right to review his purchase of the international bridge.<sup>12</sup>

In November 2001, Moroun startled GSA and Detroit officials by starting construction on four new Customs booths--without Goods and Services Administration approval. The city of Detroit sued him, arguing he needed building and zoning permits. Moroun's attorneys insisted local laws didn't apply because the bridge, since it handles cross-border commerce is a "federal instrumentality.”

The city of Detroit attorney who prosecuted the city's complaint said, “You can’t have it both ways. You can't claim you're immune from regulation because you're a federal instrumentality and then, at the same time, tell the federal government to go to hell.”<sup>13</sup>

Openly ignoring the Federal Motor Carrier Safety Administration National Hazardous Material Route Registry, Moroun allowed restricted gasoline tankers from Canada to cross his bridge after September 11, 2001. These trucks were destined for the bridge owner’s duty free complex at the foot of the bridge.

Michigan State Police said “Even though the bridge is a private structure, Michigan Department of Transportation says that it is a restricted route and those items cannot cross.” The President of the bridge company responded, “We don’t believe the state has the authority to determine what crosses a private piece of property.”<sup>14</sup>

In my February 15, 2007 testimony before the Subcommittee on Coast Guard and Maritime Transportation, Committee on Transportation and Infrastructure, the issue of ongoing illegal transportation of hazardous materials across the Ambassador Bridge and the risk to our national transportation system is extensively documented.<sup>15</sup>

In May 2007, National Public Radio exposed how trucks are allowed to park directly under the Ambassador Bridge after paying a toll, allowing the driver to walk to the duty free store located several hundred feet away. According to the report, “A spokesman for the Federal Highway Administration says his agency has raised concerns about the trucks with Moroun, but it doesn't have jurisdiction. Neither does the federal agency that

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11 Billionaire’s Bridge. By Kenneth Kidd, Toronto Star, November 13, 2005.

12 Bridges to Understand, World Business, The Economist, March 22, 1980.

13 The Troll Under the Bridge. By Stephane Fitch and Joann Muller, Forbes, November 15, 2004.

14 Hazmat Trucks On Bridge Leads to Crackdown. Local 4 Investigation Uncovers Suspect Hauling Practice. January 10, 2002

15 February 15, 2007 testimony before the Subcommittee on Coast Guard and Maritime Transportation, Committee on Transportation and Infrastructure, pages 6-8 and Attachments A-G.

oversees the transportation of hazardous materials. Nor does the Coast Guard. Nor does the Michigan State Police.”<sup>16</sup>

The failure of government to make safety and security decisions at the privately owned Ambassador Bridge is an invitation to terrorists to disable it. But large fuel storage tanks are buried in the ground adjacent to the Ambassador Bridge. They are there today. Imagine 13,000 gallon fuel tankers parking directly under the bridge to replenish the storage tanks. This happens on a regular basis and the government seems powerless to stop it.



The tanker that exploded in April 2007 and caused an intense fire melting steel girders and bolts supporting a Bay Area bridge ramp had only 8,600 gallons of gasoline and no fuel storage tanks below it.

Until recently the Canadian government had no clear authority to regulate matters concerning approvals for the constructing new, or altering existing, international bridges

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<sup>16</sup> Private Bridge on Canada Border a Security Concern. By Pam Fessler, National Public Radio, Morning Edition, May 21, 2007.

or tunnels; approvals for changes in ownership, operation or control; and issues about maintenance, operations, safety and security.

To resolve this problem, the Canadian government recently enacted the **International Bridge and Tunnels Act**. This legislation provides the federal government with legislative authority to ensure effective oversight of the existing 24 international vehicular bridges and tunnels and nine international railway bridges and tunnels, as well as any new international bridges or tunnels built in the future. The Minister, through the governor-in-council, has the power to regulate the safety, security, operation and use of international bridges and tunnels. The Minister will have the authority to issue an emergency directive in response to a threat to the safety or security of any international bridge or tunnel. To help protect the safety, security and efficiency of the transportation system, Ministerial approval will be required for transactions that result in changes in ownership or the operation of any international bridge or tunnel.

This determined Canadian action contrasts with the United States, where there is no similar authority or oversight in respect of privately owned international border crossings. This endangers our national security. Even after September 11, 2001, our company, a transporter of dangerous cargoes across the border, has never been formally interviewed about how we finance operations, who beneficially owns our company or what other companies do we control and operate.

As these questions have not been asked of our company, it is reasonable to conclude that there has not been any vetting of other privately owned border crossings.

I submit that this Subcommittee should consider the dire national consequences of leaving our federal law enforcement agencies without clearly defined legislative authority to control our international borders and regulate the flow of trucking at crucial border crossings.

Our northern frontier needs to remain accessible to trucking, safe and secure. By strengthening government oversight and providing uniform controls at the border, the risks posed by cross-border trucks can be mitigated, efficiency of movement improved and the vitality of our trading nation protected.

Thank you for this opportunity to provide testimony.

Gregg M. Ward  
June 19, 2007