

**The Detroit River Tunnel Partnership  
Testimony**

**Factual Summary**

**March 30, 2006**

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## **Introduction**

The spring of 2001 witnessed the blossoming of a bi-national partnership between the State of Michigan, Province of Ontario and federal governments from each country. The aim of this partnership was to study the transportation needs of Michigan and Ontario – specifically, Wayne and Essex Counties. The purpose of the study was to objectively look at government data, engineering studies, traffic patterns, construction feasibility, environmental impacts, and community input to address transportation needs at this border.

More than five years later, facts show that what started out as a transparent, inclusive, cooperative effort became a process swayed by politicians, competing interests, outside pressure and hidden agendas.

The public entrusted transportation bureaucrats and consultants to ensure impartial analysis and results. They failed.

A review of DRIC documents, communications, published comments and other attributed remarks shows how a policy-driven process has turned into a border study that is out of control. Criteria have changed, decisions are arbitrary and outcomes predetermined.

The following document will show why the DRIC process is flawed. To protect Michigan taxpayers it must be brought back into balance with sound public policy. This is a five-year history of the DRIC study (2001-2006) marked by these flaws:

## **Four Reasons Why The Public Lost Confidence in the DRIC**

- 1. The DRIC border-crossing evaluation process failed to deliver an unbiased result as defined by federal laws and the NEPA process.**
- 2. The DRIC claims it is open minded to saving taxpayer dollars through public private-partnerships. However, their actions speak louder than words: The DRIC eliminated this opportunity.**
- 3. The DRIC dismissed tunnelling at this border crossing without rigorously exploring and objectively evaluating that alternative – again as defined by federal laws and the NEPA process.**
- 4. The DRIC process is tainted by political influence.**

# The Specifics

## Reason One

*The DRIC border-crossing evaluation process failed to deliver an unbiased result as defined by federal laws and the NEPA process.*

### Here are the specifics:

1. DRIC single-minded advocacy blocked consideration of alternatives, missed opportunities, and ignored existing infrastructure. (Evaluation of Illustrative Alternatives on U.S. Side of Border Nov. 2005 Vol.2)
2. The DRIC claimed to gather public comment in fair way. In fact, the research sample was not random, the questionnaire was confusing, and validating demographic information was not even collected. (Evaluation of Illustrative Alternatives on U.S. Side of Border Nov. 2005 Vol.2)
3. DRIC dismissed the value of maximizing redundancy, security and mobility. (DRIC: Preliminary Plazas/Bridges/I-75 Connection Slide Potential Land Vs. Water Bridge Cost Differences as well as Evaluation of Illustrative Alternatives on U.S. Side of Border Nov. 2005 Vol. 2)

# The Specifics

## Reason Two

*The DRIC dismissed public-private partnerships as a way of saving taxpayer dollars and eliminated the only two private proponents.*

### **Here are the specifics:**

1. DRIC cost analysis did not consider the value of private funds.
2. Not considering private funds means billions in State funds are not available for other important transportation projects.
3. The DRTP twice offered the DRIC the idea of public-private partnership funding, public oversight and eventual public ownership of the next crossing. These offers were never considered. There is no evidence these offers were ever considered.

# The Specifics

## Reason Three

*The DRIC dismissed tunnelling without rigorously exploring and objectively evaluating that alternative as required by federal laws.*

### Here are the specifics:

1. DRIC ignored independent data about tunnelling. (DRTP tunnelling data delivered to DRIC on November 3, 2005)
2. DRIC's expressed continuous resistance to tunnelling. (DRTP/ DRIC engineering meeting Oct. 13, 2005)
3. DRIC ignored Windsor neighborhood tunnelling solutions.
4. DRTP delivered 26 Gigabytes of data to DRIC on November 3, 2005 – DRTP and twinning Bridge eliminated on November 4. (E-mails between the DRIC and the DRTP, November 3 and 4, 2005)

# The Specifics

## Reason Four

*The DRIC process is tainted by political influence.*

### **Here are the specifics:**

1. On October 4, 2005, Michigan preempts DRIC process by eliminating eight crossings ahead of published DRIC schedule. (Michigan Governor's Office news release dated October 4, 2005)
2. On October 5, 2005, a Canadian MPP said, "... Ontario will be releasing its own list of favored crossings ... on Thursday [October 6, 2005]." (Windsor Star Oct. 5, 2005 )
3. Officials reported that the decisions made on November 4, 2005 were political, not technical.



## **Conclusions and Suggested Actions**

Michigan taxpayers have lost confidence in the DRIC process because it is driven by politics, not engineering.

Also, there is a huge risk: If you let DRIC move forward for the next two years without correcting these flaws, it is inevitable that the whole process will be challenged and may have to start over. Where would Michigan's economy be then?

But, we can avoid this risk.

We must take actions designed to reestablish the public trust in the final DRIC decision.

The committees should direct state government to undertake a complete engineering analysis of tunnelling in the Central Corridor. This should include a peer review of the DRIC data on tunnelling.

The committees should direct state government to insist that DRIC analyze the benefits of a multimodal transportation solution that combines the existing infrastructure of the Ambassador Bridge and the Detroit River Tunnel Partnership. This is a solution that meets the DRIC demand for six lanes and leverages private dollars for the benefit of Michigan taxpayers.

Finally, there should be continued legislative oversight of DRIC to ensure that DRIC's conclusions are transparent and in the best interest of Michigan taxpayers.

NOTE: Behind this page is a complete analysis of the four reasons that the Michigan taxpayers lost confidence in the DRIC process. It contains references to DRIC documents from their Web site, communications, e-mails, media reports and other useful documents.

## Reason One

*The DRIC border-crossing evaluation process failed to deliver an unbiased result as defined by federal laws and the NEPA process.*

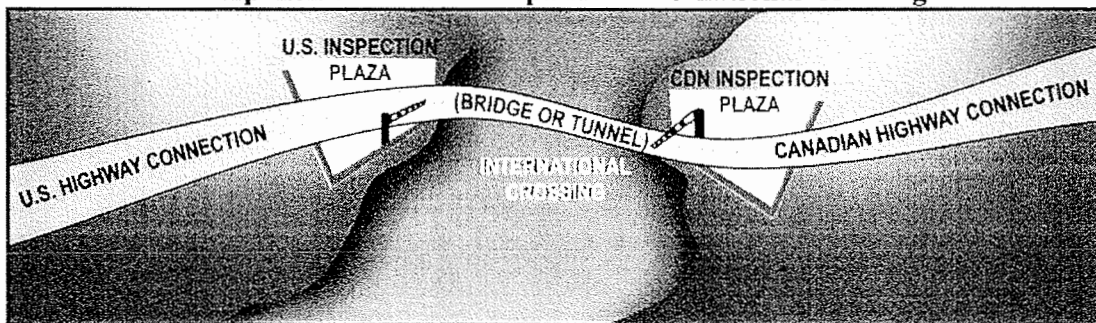
### Here's the proof:

**1. DRIC's single-minded advocacy blocked consideration of alternatives, missed opportunities, and ignored existing infrastructure.** (*Evaluation of Illustrative Alternatives on U.S. Side of Border Nov. 2005 Vol. 2*)

- In the DRIC Evaluation of Illustrative Alternatives on the U.S. Side of Border, Vol. 2 Summary November 2005, reference is made graphically to an "end-to-end solution." An end-to-end solution is not just a crossing over or under the water. It is a connection to an expressway, to a plaza, to a bridge, to a plaza on the other side, to a connection to the expressway.

This is represented by figure S-2, below:

**Figure S-2**  
**Components of New or Expanded International Crossing**



Source: The Corradino Group of Michigan, Inc.

- In our view, the DRIC must rigorously and objectively evaluate alternatives during their evaluation process. Viable alternatives, such as the twinned Ambassador Bridge and The Jobs Tunnel, existed and together were feasible as a solution. This existing and viable alternative was unexamined by DRIC and may render the environmental impact statement inadequate.
- The DRIC is required by NEPA to consider all reasonable alternatives and to take a rigorous look at each. And, the analysis must be in EA form and not just part of the administrative record. The reason for doing this is so that another reviewer could make an informed choice between the reasonable alternatives.
- The DRIC was entrusted with developing the next crossing, but instead they have prematurely become an advocate for a single crossing.

- As a six-lane freeway with a bridge, the Rail Corridor alternative has a high benefit to regional mobility for year 2035 (the horizon year of this study). A new crossing connected by a freeway using the rail corridor alignment would adequately serve long distance international truck traffic and local cross-border auto and truck traffic. The existing crossings and the roadways connecting to these crossings would also operate well in peak travel periods.

However, the Canadian Project Team recognizes that a new freeway through central and south Windsor is not consistent with the current and future land use plans for the city. This alternative was considered to have high community impacts in terms of impacts to regional commercial/retail areas and employment areas south of E.C. Row Expressway and negative impacts to community character and cohesion both in south Windsor and for the older neighborhoods near the riverfront.

Both agencies also noted that the distance from the plaza to the new crossing is highly undesirable with respect to meeting their needs for siting plazas as close to the border as possible and the security/monitoring of a secure corridor through an urban residential area this would require. Constructability concerns were also identified with this alternative pertaining to the cost, time and disruption to traffic in central Windsor associated with the interchange at E.C. Row Expressway. This connection could significantly increase the cost and time of implementing this alternative.

Based on high community impacts to Windsor associated with this alternative, the recommendation of the Canadian Project Team was that the crossing X14 alternative not be carried forward for further analysis.

Based on the DRIC's summary above and statements made by DRIC on March 28, 2006 in news reports, tunnelling within the DRTP corridor would mitigate community impact factors that led to the DRTP elimination. In light of this, tunnelling within the DRTP corridor makes it a feasible and viable alternative that should be reconsidered.

## Reason One (continued)

2. *The DRIC claimed to gather public comment in a fair way. In fact the research sample was not random, the questionnaire was confusing, and validating demographic information was not even collected.* (Evaluation of Illustrative Alternatives on U.S. Side of Border Nov. 2005 Vol. 2)

### Sampling not random

To obtain statistically valid results, data collectors must start with a random sample of respondents. That is the only way to assure meaningful results within an acceptable margin of sampling error based on chance, not exclusion or self-selection of respondents.

The DRIC provided questionnaire forms only to individuals who attended public meetings. Although the form was available on the DRIC Web site, the only way to know of the form's availability was to attend a meeting or hear about it from a participant.

DRIC survey results were so questionable that they prompted Detroit City Council President MaryAnn Mahaffey to remark:

"I am also concerned that those who participated in the weighting of evaluation factors were self-selected, potentially skewing the results of the survey." (September 30, 2005. Letter to DRIC Study, Bureau of Transportation Planning)

### Communities excluded

- A letter from Mexicantown Community Development Corporation (CDC) raised concerns that DRIC surveys were only available in English.
- Mexicantown CDC wrote on August 17, 2005: "The data only represents the opinions of those efficacious enough to become involved or those who were specifically approached to complete a survey. Forms were not distributed in Spanish until too late in the process." (Mexican Town CDC comment on DRIC Scoping Document)
- Detroit City Council President Maryann Mahaffey wrote in a letter to DRIC on September 30, 2005: "I am concerned that the (DRIC) evaluation surveys used to weight evaluation factors were not distributed in Spanish until late in the collection of these surveys, making it difficult for several affected residents of Detroit to participate in this process."

By neglecting to include the Hispanic community, the DRIC excluded a large part of the local population. The DRIC survey is not representative.

## Reason One (continued)

### Contradictory evidence

Aside from overlooking the concerns of the local citizens and politicians directly affected by this study, DRIC results fail to accurately reflect public opinion.

At DRIC public meetings held over three months, questionnaires were given only to those in attendance. The survey asked them to rate items of greatest importance on a scale of "1 through 100."

## Reason One (continued)

### Ambiguous questionnaire

DRAFT

**Table S-2  
Detroit River International Crossing Study  
Scoring Form – Evaluation Factors**

**How Important Are These Items?**

We want to know how you value the seven evaluation factors listed below. To provide us your opinion, please rate them on the scale of "1" through "100", with the highest rating indicating the item you believe is most important. Draw a line from the dot (•) following each factor on the left, to the scale on the right, to indicate your opinion. If you choose, you can have all factors at the same point on the scale at the right. When finished, return your form to a project representative, or by email, or by fax at the addresses listed at the bottom of this form.

Your opinions will be used to evaluate the impacts of the Illustrative Alternatives of the Detroit River International Crossing Project. In that process the Detroit River International Crossing Partnership must also consider the project's Purpose and Need Statement (attached). Therefore, a proposed river crossing alternative's international and national importance from economic and travel/transportation (including freight) perspectives may be overriding considerations throughout the evaluation. Thank you.

Factor	•	Rating Scale
Maintain Air Quality	•	
Protect Community/Neighborhood Characteristics	•	
Maintain Consistency with Local Planning	•	
Protect Cultural Resources	•	
Protect the Natural Environment	•	
Improve Regional Mobility	•	
Assess How Project Can Be Built	•	
Name of Person Completing Form: _____		Please return the completed form by July 31, 2006.

www.partnershipborderstudy.com  
 Hotline: 800.900.2649  
 Fax: 248.759.0146

Source: The Consulting Group of Michigan, Inc.

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The meeting minutes tell a different story. Citizens voiced concerns over issues such as regional mobility and constructability – areas ranked lowest by DRIC surveys. The public also raised many concerns not addressed by the survey, including issue of public health and eminent domain.

Concerns raised at public meetings contradict DRIC published results.

## Reason One (continued)

- For example, DRIC surveys indicate that the issues cared most about by the public were to “Protect Community/Neighborhood Characteristics” and “Maintaining Air Quality.” (See DRIC report, November, 2005, Vol. 2.)
- The actual meetings saw several citizens express concerns over issues affecting “Regional Mobility” and “Constructability.” (See DRIC report, June, 2005, at p.4-7. At least 5 public comments by the public were made pertaining to “Regional Mobility” and “Constructability.” See also DRIC report, April, May, 2005 for more comments)
- The public raised several concerns not addressed by the survey, including issues of public health. (See DRIC report, April, 2005 at p.3) and concerns over eminent domain. (See DRIC report, April, 2005 at p.7. See also DRIC report, June 30, 2005 meeting at p. 5, 11, 12 and 13.) These concerns could have been easily accounted for and evaluated by DRIC, but were not.

### Demographic defects

DRIC sample results lacked important validating demographic information. The questionnaire failed to include the following:

- Citizens’ full names
- Residency information
- Business owner or resident

These three key variables, at minimum, are required to compile accurate survey results.

This flawed research was used as the foundation of a formula that killed viable corridors, crossings and plazas.



## Reason One (continued)

### 3. ***DRIC dismissed the value of maximizing redundancy, security and mobility.***

*(DRIC: Preliminary Plazas/Bridges/I-75 connection Slide Potential Land Vs Water Bridge Cost Differences as well and Evaluation of Illustrative Alternatives on U.S. Side of Border Nov. 2005 Vol. 2)*

#### **Viability dismissed**

- On July 15, 2005, DRIC project leader David Wake told The Windsor Star: “As we move ahead we will evaluate the existing rail tunnel or look at a new tunnel or new bridge. We are not limiting ourselves to what (DRTP has) proposed. We are saying, ‘what use can we make of that corridor and what changes are needed to make it work.’”
- These comments directly contradict what DRIC released on Nov. 14, 2005: “Capacity provided by the DRTP two-lane truck way proposal was determined to be inadequate to serve the region’s long-term needs.”
- This release added that, “DRIC is on track to identify the preferred location of a new river crossing, which they refer to as the ‘central area of analysis.’” This effectively eliminated using two or more crossings solutions, directly contradicting an earlier statement in 2003 by Bob Nichol, spokesperson for the Ministry of Transport in Ontario in *Crain’s Detroit Business* “that no edict in place requires all the additional capacity to come from one project.”
- The announcement on November 14, 2005 eliminated the Ambassador Bridge and the DRTP tunnel and corridor in *any combination* or *use* from further consideration, thus limiting redundancy, security and mobility needs to central corridor.

# The Specifics

## Reason Two

The DRIC dismissed public-private partnerships as a way of saving taxpayer dollars and eliminated the only two private proponents.

**Here's the proof:**

*1. DRIC cost analysis did not consider the value of private funds.*

- DRIC's "cost effective analysis" arbitrarily selected a 5,600-foot bridge span labeled X14 or the DRTP crossing. As the bridge span increases, the cost exponentially rises.
- DRIC claims that a span of 5,600 feet at X14 crossing (The Jobs Tunnel) will cost \$1.1 billion. However, our professional engineer believes the same bridge can be constructed using a span of 4,900 feet at a cost just below \$700M, a savings greater than \$400M.
- Investment by the private sector rather than the public will save taxpayer dollars. The DRIC failed to evaluate and show how private sector investment could benefit Michigan taxpayers.
- On March 23, 2006, Ron DeCook testified that the cost of a new crossing would be zero because toll revenues would repay construction bonds. This is misleading because millions of public dollars have been spent already on the studies, consultants and preliminary work. Final costing for the DRIC project has yet to be determined so Mr. DeCook's comment is financially naïve. This comment is like saying a bank loan costs nothing because the borrow promises to pay the loan back.
- A multi-modal solution between Detroit and Windsor that includes rail, truck and passenger vehicles already exists and is represented by existing private crossing proponents. Because of the possibility that Michigan taxpayers can save hundreds of millions of dollars, these solutions must be evaluated fully and fairly.
- A private-public partnership investment ensures Michigan taxpayers get the best value for their investment.

## Reason Two (continued)

**2. *Not considering private funds means billion in State funds are not available for other important transportation projects.***

- With this news release DRIC identified its preferred solution of a new river crossing, which they refer to as the central area of analysis. This eliminated the only two privately funded alternatives, the Ambassador Bridge and the DRTP.

**3. *The DRTP twice offered the DRIC the idea of public-private partnership funding, public oversight and eventual public ownership of the next crossing. There is no evidence these offers were ever considered.***

- At a meeting between DRTP representatives and DRIC which took place on October 13, 2005, the DRTP proposed public oversight and potential public ownership of the next crossing. Therefore creating a viable public-private partnership.

# The Specifics

## Reason Three

The DRIC dismissed tunnelling without rigorously exploring and objectively evaluating that alternative as required by federal laws.

### Here's the proof:

1. **DRIC ignored independent data about tunnelling.** (DRTP tunnelling data delivered to DRIC on November 3, 2005)

### Independent technical data ignored

- During September 2005, DRTP representatives met DRIC officials to discuss Draft Scoping Document in a two-part meeting.
- The first meeting was between the DRIC and DRTP technical engineers where they discussed tunnelling in the Detroit River. The second meeting, that same day, DRIC members met with the DRTP board of directors to discuss policy issues.
- In setting up both meetings, Jim Steele of the Federal Highway Administration, one of the only officials involved in the DRIC process since 2001, confirmed the agenda for the Oct. 13, 2005 meetings in an e-mail message. "The purpose of the meeting is to gather information about the DRTP project which will be included with all of the other information now being evaluated by the Partnership in narrowing down the list of alternatives to the practical ones for further study."
- DRTP engineers illustrated how tunnelling within the DRTP corridor could be accomplished to meet the DRIC's desire for six lanes of traffic with two three-lane tunnels or three two-lane tunnels. At this meeting, DRIC officials requested all the tunnelling engineering data the DRTP had collected over the last two years. The DRTP engineers told the DRIC that they would have to check with the DRTP board of directors, but that they saw no reason why they could not share the data. (Notes from the engineering meeting stated that the DRIC technical team expressed a strong sentiment against tunnelling as a crossing option.)
- On the topic of timing, DRIC representatives said a shortened list of crossing alternatives would be released publicly Nov. 28, 2005 – or perhaps a bit sooner. (MDOT's director of planning, in an Oct. 27, 2005 appearance before the House Transportation Committee, also cited late November as the time when the list would shrink to corridors deemed "practical alternatives.")

## Reason Three (continued)

- On Nov. 3, 2005 in response to the Oct. 13 engineering data request, DRTP's engineers provided online access to a 26-gigabyte file with approximately 200 pages of borehole data, bedrock geotechnical condition data and more. A message to the four DRIC steering committee managers said:
  - a. "The data . . . clearly demonstrates that both mix-face tunnels and rock tunnels can be constructed in the Detroit River Tunnel Partnership corridor. Further, these data show that tunnelling is a practical alternative, a conclusion based on sound engineering.
  - b. "In addition, this conclusion addresses the Detroit River International Crossing Study's desire that the next crossing include six lanes and proves that six lanes can be accommodated within the DRTP corridor . . . with three two-lane tunnels . . . or two three-lane tunnels."
- The extensive data gathered and analyzed over years, was provided the morning of Nov. 3, 2005. Shortly before 9 a.m. the next day, Steele told a Michigan-based DRTP executive that the tunnel corridor and the twinning of the Ambassador Bridge would *not* be on the shortened list that could be announced as soon as Nov. 10. "*He [Steele] said it was not a political decision, it was on a technical basis,*" the executive told colleagues in a message. "*I asked how it can be a technical decision when they did not have any technical information until yesterday on our corridor. He said he didn't know about that. . . . The process looks like it has been corrupted.*"
- The engineering data collected by DRTP was the only such submission from any crossing alternative proponent. Steele's disclosure that the project had been dropped before the next sunrise proves that **decisions no longer were transparent, impartial or made on a "technical basis,"** as claimed.
- In response to the Draft Scoping Document, DRTP provided a report that laid out that its transportation corridor conforms to the DRIC's purpose and need criteria. The Jobs Tunnel and its direct corridor have many advantages: existing transportation infrastructure that can be reused.
  - The twin-tube rail tunnel.
  - A direct transportation corridor connecting the 401 in Windsor and I-75/I-96 in Detroit.
  - 207 acres for related transportation infrastructure.

## Reason Three (continued)

- Other infrastructure can be constructed in a creative and a flexible manner that will meet all of the DRIC purpose and need statements listed in the scoping document. With its existing flexible transportation corridor, The Jobs Tunnel can be broadened to meet a variety of infrastructure elements. Because it's already an active transportation corridor, it lets transportation planners design a variety of optimum crossings that meet current and future transportation needs of the region.
- The Jobs Tunnel project can support the DRIC purpose:
  - Provide safe, efficient and secure movement of people and goods across the Canada/U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S.
  - Support the mobility needs of national and civil defense to protect the homeland.
- The Jobs Tunnel project can support the DRIC need by:
  - Provide new border-crossing capacity to meet increased long-term demand.
  - Improve system connectivity to enhance the seamless flow of people and goods.
  - Improve operations and processing capability.
  - Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, or other disruptions.

## Reason Three (continued)

### Hastened announcement

- Amid indications of an imminent “short list” announcement that would exclude DRTP, its chief executive sent a Nov. 10, 2005 letter to DRIC “to advise them that we believe such a conclusion is contrary to the Partnership’s mandate and its legal obligations.” The communication added:
  - “DRTP has demonstrated to the Partnership that the existing transportation corridor has additional capacity beyond the proposed new rail tunnel and has unequivocally stated that it will make additional capacity available for any feasible border-crossing options, even including the Ambassador Bridge. DRTP is prepared to offer a full range of public-private partnership options and governmental regulation/oversight in connection therewith.
  - “. . . As a reasonable alternative, and one that DRTP has absolutely committed to making available, DRTP’s existing transportation corridor must be included under the NEPA [National Environmental Policy Act] analysis or the resultant work product will be fatally flawed.”
- Four days later, however, DRIC eliminated a twinned Ambassador Bridge proposal, the DRTP corridor and two other alternatives from further consideration “based on technical analysis.” No explanation was given for why the announcement came two weeks ahead of schedule.
- MDOT’s senior project manager told affected parties via e-mail:
  - “The capacity provided by the Detroit River Tunnel Partnership (DRTP) two-lane truckway proposal was determined to be inadequate to serve the region’s long-term needs. . . . Twining the Ambassador Bridge was determined to not be practical based on the community impacts of the proposed plaza and access road in Canada.”

## Reason Three (continued)

- Supporting materials released as part of the Nov. 14, 2005 decision added that a DRTP corridor solution would “cause major community impacts in significant urban areas” – an unavoidable side effect of any six-lane crossing at this border. Moreover, Michael D. Hurst, the Windsor-based DRTP chief executive officer, has issued two news releases – including one in fall 2005 before the elimination of alternatives – that reiterated his project’s interest in tunnelling all or substantial parts of the rail corridor between Highway 401 and the Detroit River. Excerpts:
  - “The residents of Windsor, LaSalle and especially the Talbot Rd. area have made their position clear: They want the new border corridor to be tunneled. Our partnership owns the existing transportation corridor, it is short, it gets trucks off city streets and there is little disruption to the community during construction.”

And without assessing the tunnel project’s ability to expand cross-border rail capacity, DRIC concluded that the “DRTP proposal for two-lane truckway does not meet long-term mobility needs.”

2. ***DRIC expressed continuous resistance to tunnelling.*** (DRTP/DRIC engineering meeting Oct. 13, 2005)

- DRIC consultant presented a negative overview of the problematic construction of tunnelling at a public information session attended by 200 people. Her presentation was virtually identical to the Tunnel Construction History dating back to 1871 found on the Detroit/Windsor auto tunnel Web site at [www.dwtunnel.com/history.html](http://www.dwtunnel.com/history.html).
- A public information session led by Kentucky-based consultant Joe Corradino made no references to crossings except bridges.
  - In June of 2005 Southgate city council member Theresa Lannen stated that “a review of the presentation did not show any pictures of The Jobs Tunnel.” She asked if it were considered in the analysis. Lannen added, “MDOT should take advantage of resources like the existing tunnels. It will be cheaper in the long run.” Lannen concluded “the study team needs to know that there are not many voices saying ‘MDOT is doing a great job!’”



## Reason Three (continued)

### 3 *DRIC ignored Windsor neighborhood tunnelling solutions.*

In a news release dated April 7, 2006, DRTP CEO Michael Hurst encouraged:

- “The bi-national partnership to be creative with the exiting transportation corridors and associated assets with the Windsor-Detroit region as they move through their deliberations to find the optimum solution.”
- “DRTP has heard what the community has said and advised the bi-national [partnership] that the DRTP is flexible with respect to certain design elements that address community concerns and demonstrate the DRTP’s commitment to context-sensitive design.”
- “Tunnelling substantial parts of the project including the section between 401 and E.C. Row, this makes the existing transportation corridor even more secure to industry and government. Preliminary engineering for tunnelling has already been done.”
- In an e-mail dated March 28, DRTP CEO Mike Hurst reminded David Wake, DRIC project leader of a statement made by the DRIC in December of 2005 “that the DRTP corridor would not be looked at because the DRIC would then have to look at tunnelling Huron Church/Talbot Road.” Ironically, in a news release in *The Windsor Star* on March 28, 2006, a DRIC spokesperson Mark Butler stated: “Tunnelling Huron Church and Talbot Road is now an option being considered by the DRIC.” As a result of this statement, Mr. Hurst asked Mr. Wake “if you are now looking at tunnelling Huron Church /Talbot Road, does that mean you will also be looking at the DRTP corridor. It would appear the rationale for not looking at that option earlier no longer exists.”
- DRTP CEO’s e-mail to David Wake March 28, 2006 confirms that tunnelling is a way to mitigate community concerns and therefore the DRTP corridor should not have been eliminated.
- On Dec. 6<sup>th</sup> 2005 the Murray Thompson told DRTP CEO Mike Hurst that ad

### 4. *DRTP delivered 26 Gigabytes of data to DRIC on November 3, 2005 – DRTP and twinning Bridge eliminated on November 4. (E-mails between the DRIC and the DRTP, November 3 and 4, 2005)*

- A month earlier, Mohammad Alghurabi, Senior Project Manager of MDOT stated: “The group (DRIC) has turned over its preferences to politicians in Toronto, Ottawa, Lansing and Washington to finalize the decision ... There is a position on one side and a position on the other side. We have our own laws, and you have your laws. It’s more than just technical on what can be done. It’s above my head. ”

## Reason Three (continued)

### Tunnelling Under Roads Rejected and Then Considered by DRIC

- The DRIC team of consultants tends to say one thing and then do another. In one example of this, on December 6, 2005 a DRIC representative, in response to a direct question about the possibility of tunnelling within the DRTP corridor to mitigate neighborhood concerns, replied: **“If we looked at tunnelling the DRTP we would have to have looked at tunnelling Talbot Road/Huron Church, which we did not.”**
- Then in a January 31, 2006 letter responding to a citizen’s concerns, a DRIC representative stated, “The Project Team will be considering tunnelling in the Huron Church/Talbot Road corridor as a method of reducing the potential impacts in this corridor.” If the DRIC can now look at tunnelling to mitigate neighborhood concerns within the Huron Church/Talbot Road corridor it seems logical that they should also look at tunnelling within the DRTP corridor to mitigate those same neighborhood concerns used to eliminate the DRTP corridor earlier in the process.
- On March 28, 2006, The Windsor Star headline read “Officials to study tunnel to border.” The article stated that “a six-lane freeway tunnelled under Huron Church and Talbot Roads will be on a short list of border-crossing options.” DRIC spokesperson Mark Butler conceded **“a tunnel to the border for international truck traffic wasn’t even a consideration when DRIC publicized a narrowed-down list of corridor options in November.”** This contradicts the fact that DRIC ignored a viable tunnelling alternative to mitigate neighborhood concerns, offered earlier that year by DRTP CEO in a news release, dated April 7, 2006.
- By singling their focus to Huron Church/Talbot Road for tunnelling, in our opinion the DRIC did not exhaust all feasible and known tunnelling options, as required by federal law.

# The Specifics

## Reason Four

### The DRIC process is tainted by political influence

#### Here's the proof:

1. *On October 4, 2005, Michigan preempts DRIC process by eliminating eight crossings ahead of published DRIC schedule.* (Michigan Governor's Office news release dated October 4, 2005)

#### Downriver concerns

- A. Southgate: March 25, 2005, first DRIC Local Advisory Committee meeting. Residents and leaders question plans for a new crossing.
- B. Wyandotte: April 11, 2005, DRIC's second community gathering, 500 people hear confirmation that a bridge in their area is among alternatives under review.
- C. Southgate: June 30, 2005, widespread opposition voiced at DRIC advisory meeting that drew about 1,200 people, including most downriver mayors and an aide to U.S. Sen. Debbie Stabenow (D-Mich.). All speakers opposed a local span, The News-Herald biweekly community newspaper reported.
- D. Downriver: July 14, 2005, elected leaders from Wyandotte, Riverview and Grosse Ile met to coordinate resistance. (Trenton's mayor joined later sessions.)
- E. Grosse Ile: Late August, nearly 800 people packed Grosse Ile High School's auditorium a month later, according to The News-Herald of Aug. 28, 2005, for a state Senate Transportation Committee. Officials and residents again spoke vehemently against a downriver crossing.
- F. The week of the Grosse Ile hearing, Rep. John Dingell sent nine pointed questions about the DRIC process to MDOT Director Gloria Jeff, noting: "It is important that all aspects of the study process are open and transparent."
- G. Her four-page reply Aug. 25, 2005 promised "an open and inclusive study process" and assured the congressman: "The four agencies represented in the Border Transportation Partnership share equal decision-making responsibilities."

## Reason Four (continued)

### Michigan's surprise

At that point, DRIC's public timetable called for a "short list" narrowing of crossing alternatives to be announced in late November. Consultants and engineers said they still were reviewing project submissions, community impacts and environmental considerations. DRIC team managers were meeting with project representatives, as they would do Oct. 13 with DRTP engineers and board members.

But on Oct. 4, 2005, an elected official from one of the four governments that "share equal decision-making responsibilities" broke ranks with an announcement that clearly caught others off guard. A 10-paragraph news release from her office began:

**LANSING – Governor Jennifer M. Granholm today announced the elimination of two areas under consideration for a new border crossing between southeast Michigan and Ontario – Downriver, located south of the U.S. Steel property in Ecorse, and the area upriver near Belle Isle.**

Her handout did not quote any DRIC partners.

### Detroit reacts

- A. Detroit Mayor Kwame Kilpatrick on Feb 3, 2006 in a letter told the Governor, "Neither of us should stand by as the DRIC generates the same community frustration in Detroit that occurred downriver."
- B. In the same letter, Mayor Kilpatrick claims "MDOT, burdened by a border study out of control, exacerbates the threat to the economic vitality of Detroit by dictating an untimely, unneeded and unwanted border-crossing distant from the heart of Michigan's most important city."

## Reason Four (continued)

### Canada reacts

- A. Hours later, Transport Canada scrambled to show unity with a five-paragraph release that began:

**OTTAWA - Canada and Ontario are pleased to confirm today the announcement by the Office of the Governor eliminated eight alignment alternatives within two corridors under consideration for a new border crossing.**

Strains were obvious immediately.

- B. In a letter the next morning, Windsor Mayor Eddie Francis challenged Ontario Premier Dalton McGuinty to heed local concerns by walking through the door his Michigan counterpart opened a day earlier:

“If the governor has used her rightful authority to remove alternatives ahead of the final analysis on the basis of community needs and their entitlement to healthy and quality living, then you should do the same by removing all of the alternatives that this community (Windsor) has opposed on similar grounds and for the same reasons.”

- C. Suddenly, the focus had veered from objective analysis to old-fashioned politics.

“We would have chosen to wait. We have a strict schedule,” Transport Canada’s spokesman told The Windsor Star for an Oct. 6 article, which said “Granholtz’s announcement clearly blindsided Canadian officials.”

“**Governor steals the spotlight on bridge**” said an Oct. 9 headline in The News-Herald, which reported that she “trumped her own Michigan Department of Transportation and, indeed, Canada.” The Downriver newspaper noted that Sen. Basham and three Democratic state representatives issued press releases moments after the governor’s announcement, while Sen. Bruce Patterson (R-Canton Township) hadn’t been tipped in advance even though “Patterson was perhaps the most outspoken opponent of the Downriver alternatives in the state Legislature.”

## Reason Four (continued)

### Windsor reacts

- A. Windsor: March 6<sup>th</sup>, 2006, the City of Windsor planning department, in reaction to the DRIC's preferred crossing – the central area of analysis – is moving to declare Olde Sandwich Towne as a Heritage Conservation District (HCD). Olde Sandwich Towne was founded in 1797 making it the oldest European settlement in Ontario. This designation will protect the historic significance of the City and place strict building limits in the DRIC's proposed area of analysis. If approved, by city council, this HCD will require that alterations and new construction or demolition in this historically designated region be approved by city council.
- B. Windsor: March 23<sup>rd</sup>, 2006, 850 area residents packed a special City of Windsor council meeting and demanded that tunnelling to the new border-crossing be favored over an at-grade freeway down Huron Church. Ignoring public sentiment, DRIC has determined that an expanded Talbot and Huron Church Road corridor will be the main feeder route. Once again, DRIC has failed to rigorously consider the benefits of other feasible alternatives, as required by Canadian federal law.
- City of Windsor traffic consultant Sam Schwartz suggested (to the community) “you should say, ‘I want to see the spectrum of (border) alternatives.’” Schwartz said the community should be asking the DRIC to produce plans that minimize environmental and neighborhood disruption. This statement by Schwartz suggests that the DRIC has not presented all feasible alternatives, as required by Canadian federal law.
- C. Windsor: March 25, 2006, Windsor Star columnist Gord Henderson wrote “I can't imagine Duncan and Papatello [two Canadian provincial politicians] showing their faces in Windsor if the DRIC tries to inflict an at-grade hellway, with six lanes for trucks and four service lanes in a 200-metre wide ‘zone of disruption ...’” Henderson continued “People have had it with this seemingly endless debate. That much was evident in the bitterly divisive five-hour Windsor council meeting held Thursday at the Ciociaro Club in Tecumseh. They're exhausted and want it behind them. But, they fear what's coming.”
- Once again, these references above infer that the DRIC has not exhausted all feasible alternatives.

## Reason Four (continued)

2. *On October 5, 2005, a Canadian MPP said, "... Ontario will be releasing its own list of favored crossings ... on Thursday [October 6, 2005]." (Windsor Star Oct. 5, 2005)*
  - The day after the State of Michigan made its announcement taking crossings off the list, MPP Sandra Pupatello advised *The Windsor Star* on Oct. 5, 2005, that, "... Ontario will be releasing its own list of favored crossings after holding its own steering committee meeting Thursday." This steering committee is made up of politicians including MTO Minister Harinder Takhar.
  - Several days later, Alghurabi from the DRIC team readily conceded that DRIC handed control to politicians on both sides of the border. And politicians were intimately involved in the process that was sold to the public as above politics. "The group (DRIC) has turned over its preferences to politicians in Toronto, Ottawa, Lansing and Washington, to finalize the decision .... There is a position on one side, and a position on the other side. We have our own laws, and you have your laws. It's more than just technical on what can be done. It's above my head." (Oct. 8, 2005, *The Windsor Star*)
3. *Officials reported that the decisions made on November 4, 2005 were political not technical.*
  - Jim Steele in a telephone conversation with a DRTP official stated "the process (DRIC) looks like it has been corrupted."