

MAYER • BROWN

Mayer Brown LLP  
1909 K Street, N.W.  
Washington, D.C. 20006-1101

Main Tel (202) 263-3000  
Main Fax (202) 263-3300  
www.mayerbrown.com

**Kathryn Kusske Floyd**  
Direct Tel (202) 263-3223  
Direct Fax (202) 263-5223  
kkusskefloyd@mayerbrown.com

May 29, 2008

BY EMAIL AND EXPRESS MAIL

Mr. Robert H. Parsons  
Public Involvement and Hearings Officer  
Bureau of Transportation Planning  
Michigan Department of Transportation  
P.O. Box 30050  
Lansing, MI 48909

Re: Submission of Supplemental Comments on Detroit  
River International Crossing Draft Environmental  
Impact Statement

Dear Mr. Parsons:

I am enclosing Supplemental Comments on the Detroit River International Crossing Draft Environmental Impact Statement, which I am filing on behalf of the Detroit International Bridge Company and the Canadian Transit Company.

Please let me know if you have any questions. Thank you for your attention to this matter.

Sincerely,



Kathryn Kusske Floyd

Encl.

**Detroit International Bridge Company  
Canadian Transit Company**

**Supplemental Comments On The  
Detroit River International Crossing  
Draft Environmental Impact Statement**

Submitted to:

U.S. Department of Transportation, Federal Highway Administration  
Michigan Department of Transportation

Dan Stamper  
President  
Patrick Moran  
General Counsel  
Detroit International Bridge Company  
P.O. Box 32666  
Detroit, MI 48232

John C. Berghoff, Jr.  
Kathryn A. Kusske Floyd  
Jay C. Johnson  
Mayer Brown LLP  
1909 K Street, NW  
Washington, DC 20006-1101

## EXECUTIVE SUMMARY

The Draft Environmental Impact Statement (“DEIS”) for the Detroit River International Crossing (“DRIC”) articulates several needs for a new border crossing between Detroit and Windsor: (1) providing “new border crossing capacity to meet increased long-term demand”; (2) improving “system connectivity” and “operations and processing capability in accommodating the flow of people and goods at the plazas”; and (3) providing “reasonable and secure border crossing system options.” DEIS at 1-4. The first of these needs, critiqued at length in DIBC and CTC’s Initial Comments, hinges on the false assertion that traffic volumes will increase dramatically in the long run. The remaining needs, which are the focus of these Supplemental Comments, do not suffice on their own or together as justifications for the DRIC project.

### **1. Traffic and Capacity**

To put it bluntly, there is no reason whatsoever to expect that traffic volumes will exceed border crossing capacity in the foreseeable future.

- For numerous reasons reviewed in DIBC and CTC’s Initial Comments, the model used by the DRIC study to predict future traffic volumes is hopelessly optimistic.
- The arguments in DIBC and CTC’s Initial Comments were confirmed when GSA performed its own study of the traffic here at issue and concluded that future growth will be far lower than what the DRIC study predicts.
- Even if the DRIC study’s traffic model were viable, the inputs it uses are four years old; newer data shows that actual traffic volumes are far lower than the DRIC model predicted.
- FHWA recently obtained an updated traffic study for a proposed new border crossing where the existing study was about the same age as the DRIC study.

- The Ambassador Bridge replacement span, which will be constructed as soon as regulatory approvals are received, would provide 50% more physical capacity than currently exists at that crossing and even more throughput capacity as a result of more efficient traffic sorting design.
- The DRIC study’s own analysis of “induced demand” indicates that such an agreement cannot supply the justification for a new crossing.

## **2. Improvements to Existing Plazas and Approach Roads in Canada**

The DEIS’s claimed needs for improved “system connectivity” and for improvements at plazas could readily be resolved if Canada would follow through with its prior commitments to upgrade existing crossings.

- U.S. federal and state governments have spent or are spending: \$107 million for a second span of the Blue Water Bridge; \$433 million for a new Blue Water Bridge plaza; and \$230 million on Phase One of the Ambassador Bridge Gateway Project.
- Canadian federal and provincial governments agreed in 2002 to spend \$300 million on “improvements to existing crossings and their approaches.”
- Despite their 2002 commitment, Canadian authorities have never upgraded the existing crossings, and indeed rejected Phase Two of the Ambassador Bridge Gateway Project (*i.e.*, the Ambassador Bridge replacement span) as an alternative during the DRIC study.
- According to the DEIS, the proposed DRIC bridge would cannibalize substantial amounts traffic from the existing crossings, which have been the subject of nearly \$800 million in total U.S. investment.

### **Enhancement of Homeland Security**

The DEIS's claimed need for additional redundancy to provide "reasonable and secure border crossing options" does not withstand scrutiny.

- Not counting the replacement span of the Ambassador Bridge, the existing regional transportation network already includes six crossings, none of which are operating at capacity.
- The Ambassador Bridge replacement span will be a cable stayed structure, which is designed to avoid catastrophic failure through structural redundancy.
- The proposed DRIC bridge would connect to only one interstate (I-75) in the United States, whereas the Gateway Project will connect the Ambassador Bridge to three different U.S. interstates (I-75, I-94 and I-96) upon its completion.

### **Conclusions**

- The comment period should be extended by six months to allow for additional study and public participation, especially in light of the fact that the Blue Water Bridge plaza EIS comment period was extended six months for similar reasons.
- FHWA should prepare a new traffic study that utilizes updated data, including the physical capacity of the Ambassador Bridge replacement span.
- In addition to the economic consequences of diverting traffic from the existing crossings, FHWA should reconsider the impacts of the proposed DRIC project on the low-income, heavily-minority community of Delray, including Section 4(f) impacts, environmental justice and air quality impacts.
- FHWA and MDOT should thoroughly reevaluate the other needs stated in the DEIS, and eliminate those needs that are unsupportable.

# TABLE OF CONTENTS

	Page
<b>INTRODUCTION</b> .....	1
<b>COMMENTS</b> .....	4
<b>I. The Alleged Need For Improvements To Existing Plazas And Approach Roads Is Not Sufficient Reason To Construct An Entirely New Crossing</b> .....	4
A. Federal and State governments in the U.S. are investing hundreds of millions of dollars to improve access to existing crossings.....	4
B. Canada has abandoned its commitment to improve access to existing crossings, and decided instead to act a competitor to those crossings.....	7
<b>II. The Proposed New Crossing Would Not Enhance Homeland Security</b> .....	9
A. The existing transportation network already provides multiple, redundant routes between Michigan and Ontario .....	10
B. The Ambassador Bridge Enhancement Project will create a state-of-the-art bridge far less susceptible to failure.....	11
C. Public ownership of infrastructure is not a prerequisite for national security.....	13
<b>III. The Most Recent Traffic And Economic Data Do Not Support The DEIS's Claimed Need For A New Border Crossing</b> .....	14
A. The DEIS's traffic projections are unsupportable .....	14
B. Declining to conduct an updated traffic forecast and present it to the public for comment would be an arbitrary and capricious decision .....	16
C. DIBC and CTC will construct the Ambassador Bridge replacement span as soon as they receive regulatory approval.....	19
D. "Induced demand" cannot account for the increase in traffic that would be necessary to create a need for the proposed new crossing.....	22
<b>IV. The DEIS's build alternatives would disproportionately affect the low-income, predominately minority community of Delray</b> .....	24
A. Alternatives that would not affect Delray were apparently eliminated from further study at the behest of Michigan's governor .....	24
B. EPA has recently highlighted the potentially serious air quality impacts to the Delray community.....	25
<b>CONCLUSION</b> .....	26

**SUPPLEMENTAL COMMENTS OF THE DETROIT INTERNATIONAL BRIDGE COMPANY AND THE CANADIAN TRANSIT COMPANY ON THE DETROIT RIVER INTERNATIONAL CROSSING DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Detroit International Bridge Company (“DIBC”) and the Canadian Transit Company (“CTC”) respectfully submit these Supplemental Comments regarding the Draft Environmental Impact Statement (“DEIS”) that has been prepared in connection with the proposed Detroit River International Crossing (“DRIC”) project. DIBC and CTC submitted their Initial Comments regarding the DEIS on April 29, 2008. These Supplemental Comments should be treated as cumulative. DIBC and CTC reserve the right to submit additional comments if the public comment period is extended.

**INTRODUCTION**

Despite the recent 30-day extension of the public comment period for the DEIS, all indications are that the DRIC approval process remains on the fast track. On May 1, the day after the comment period was originally supposed to end, Canadian authorities announced plans for new road connecting Highway 401 to the new DRIC bridge. Subsequent Canadian press reports have made clear that an announcement about the final location of the proposed new DRIC bridge is scheduled for no later than mid-July. FHWA and MDOT appear poised to close the comment period on May 29, and proceed to issue a Final Environmental Impact Statement. According to the DEIS, issuance of the Final EIS and Record of Decision are the last steps in the DRIC alternative evaluation process. In this rush to decision, no one seems to have taken the time to stop and ask whether a new bridge between Detroit and Windsor is actually needed, or to take a hard look at the declining cross-border traffic.

The facts surrounding the DRIC project are not in dispute. If it goes forward as planned, the new crossing would cost U.S. taxpayers between \$1.3 billion and \$1.5 billion. (Canadian officials peg the total project cost at \$5 billion.) The result would be a new bridge that plans to

poach significant amounts of traffic from the nearby Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge in Port Huron, Michigan—crossings which have recently received close to a combined \$800 million in government-funded improvements, and which have reported steady declines in traffic to levels comparable to volumes in the early 1990s.

Construction of the proposed DRIC bridge, plaza and interstate connection would devastate the low-income, heavily-minority community of Delray, destroying historic structures, hundreds of homes and dozens of businesses. The DEIS does not explain how alternative sites for the proposed bridge in communities that are over 90% white in population, were eliminated from consideration, leaving build alternatives in Delray as the only option. Furthermore, as recently pointed out by the Environmental Protection Agency (“EPA”), the DRIC project would potentially cause a serious, unmitigated decline in air quality that will directly affect Detroit public schoolchildren.

In return for these harms, the proposed DRIC bridge offers no real benefits. At the same time, the alleged “need” for improvements to approach roads and plazas described in the DEIS could easily and economically be met if Canada followed through with its longstanding commitment to upgrade existing border crossings. Simply extending the recently-announced Canadian Windsor-Essex Parkway by 1.8 kilometers would create a direct, “end-to-end” connection between Highway 401 and the Ambassador Bridge corridor, thus realizing the public benefits recognized by Congress when it appropriated \$230 million for improvements presently being made on the U.S. side of the Ambassador Bridge. Following through with the DRIC plan, on the other hand, would leave the improvements to the existing Ambassador Bridge crossing half-finished, essentially wasting hundreds of millions of dollars that Congress intended as part of a two-step border crossing solution. It makes no sense for Congress to spend hundreds of

millions of dollars to bring traffic from three U.S. highways to the Ambassador Bridge, only to have that traffic hit a potential bottleneck in Windsor because Canada has reneged on its end of the bargain—to connect Highway 401 to the Ambassador Bridge.

The DEIS's claim that a new bridge is needed to create "crossing system options" is similarly absurd. There are already six border crossings in the region, not counting the replacement span of the Ambassador Bridge, and none of them is operating at capacity. This abundance of existing crossings could absorb any extra traffic that might result in an emergency, thereby belying the DEIS's claim that a new bridge is needed for the sake of redundancy. What is more, the proposed DRIC bridge would not provide significant redundancy, since it would only connect to one interstate highway in the U.S., while the Ambassador Bridge connects to three U.S interstate highways.

Most importantly, a new DRIC bridge could not possibly satisfy the DEIS's stated need for additional crossing capacity, because no such need actually exists. Simply updating the DEIS's traffic forecasting model with recent, accurate traffic volume and economic data, and accounting for the two additional lanes of physical capacity created by the Ambassador Bridge replacement span, leads inescapably to the conclusion that traffic volumes will not even approach the capacity of existing crossings for at least another 47 years. Applying the alternative model employed by the General Services Administration for the same traffic would push the at-capacity date even further into the future, as would any calculation that included the four lanes of the original Ambassador Bridge, which will be renovated and available for use if circumstances warrant. These serious questions about the accuracy of the DRIC traffic forecasts highlights the reasons that FHWA recently requested and received an updated traffic forecast for a proposed

new border crossing at Calais, Maine where the traffic data was of comparable age to the data here.

For all of these reasons, FHWA and MDOT should not only extend the comment period, they should completely reevaluate all the bases of the DEIS's purpose and need statement.

### COMMENTS

Any NEPA environmental review must begin with a statement “specify[ing] the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. § 1502.13. Because “[t]he stated goal of a project”—*i.e.*, the project's purpose and need—“necessarily dictates the range of ‘reasonable’ alternatives” (*City of Carmel-by-the-Sea v. United States Dep't of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997)), accurately identifying the purpose and need is vital to performing a satisfactory environmental review.

#### **I. The Alleged Need For Improvements To Existing Plazas And Approach Roads Is Not Sufficient Reason To Construct An Entirely New Crossing.**

DIBC and CTC's Initial Comments largely focused on the first of several “needs” that would allegedly be met by the DRIC project, the provision of “new border crossing capacity to meet increased long-term demand.” DEIS at 1-4. The next needs identified in the DEIS—improving “system connectivity” and “operations and processing capability . . . at the plazas”—have nothing to do with crossing capacity. *Id.* Rather, these alleged “needs” were created by the failure to improve the approach roads and plazas linked to existing crossings within Canada, a failure for which the Canadian and Ontario governments are directly responsible.

#### **A. Federal and State governments in the U.S. are investing hundreds of millions of dollars to improve access to existing crossings.**

Ensuring the smooth flow of commerce between the United States and Canada—and particularly between Michigan and Ontario—has long been a priority of the United States

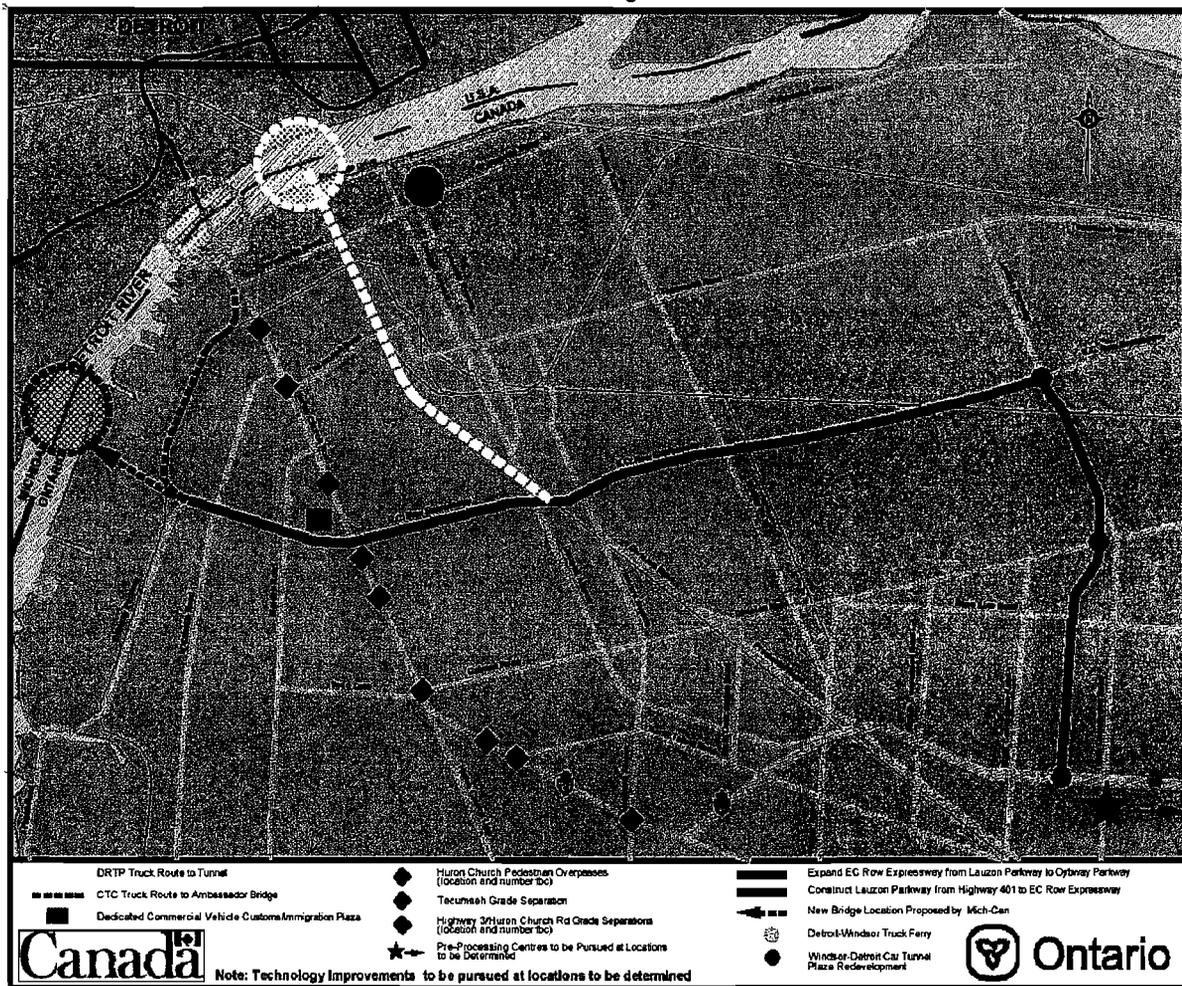
government. In 1997, a second span of the Blue Water Bridge between Port Huron, Michigan and Sarnia, Ontario opened, doubling the physical capacity of that crossing. Governments in the U.S. paid approximately \$107 million in construction costs, and governments in Canada paid an equal share. The U.S. federal and Michigan state governments were moving forward with plans to invest \$433 million to upgrade the U.S. customs plaza at the foot of the Blue Water Bridge, but have now put those plans on hold as a result of declining traffic volumes and other ancillary issues. (This is some of the same traffic that the DEIS indicates a new DRIC bridge would steal. *See* DEIS at 3-51.)

The story of the Detroit-Windsor border crossings initially sounds similar. The federal and state governments have appropriated and are currently spending \$230 million to construct Phase One of the Ambassador Bridge Gateway Project. This work will make important improvements to the linkage between the Ambassador Bridge and three U.S. Interstate Highways. DIBC and CTC are spending over \$100 million on related Phase One improvements. (These figures do not include the tremendous cost of completely closing Interstate 75 for two years while Gateway Project construction is ongoing.) When Phase One of the Gateway Project is completed in 2010, vehicles traveling over the Ambassador Bridge into the United States will pass through improved plazas and have direct access to I-75, I-94 and I-96. These changes will fully satisfy any need for improved “system connectivity” and plaza “operations and processing capability” on the U.S. side of the border.

Across the river, the federal government of Canada and the provincial government of Ontario signed a Memorandum of Understanding in September 2002 in which they committed to \$300 million as an “investment in the Windsor Gateway.” Windsor Gateway Short and Medium Term Improvements Memorandum of Understanding at 2 (attached as Exhibit A). That

investment was supposed to “focus on improvements to the *existing* border crossings and their approaches.” *Id.* (emphasis added). An internal email from May of 2003 confirms that Canada and the U.S. were planning on bi-lateral Gateway improvements on each side of the border. According to that communication, Canada’s Transport Minister discussed “extending [Highway] 401 through Windsor to facilitate a truck-only route to the Ambassador Bridge . . . .” Email to Louis Ranger, *et al.*, Re: UNTD-0003 Report Minister Collenette’s Visit (May 2, 2003) (attached as Exhibit B). A map depicting the “Windsor Gateway Action Plan” that was appended to a Canadian press release a few weeks later showed the route this extension would take:

## Windsor Gateway Action Plan



As illustrated by this map, the press release commits to “[w]ork together with . . . the Canadian Transit Company . . . to build connections to the border crossings.” News Release, Canada and Ontario Announce Next Steps at Windsor Gateway (May 27, 2003) at 1 (attached as Exhibit C).

**B. Canada has abandoned its commitment to improve access to existing crossings, and decided instead to act a competitor to those crossings.**

Despite the promises it made in 2002 and 2003, Canada has never built a connection between Highway 401 and the Ambassador Bridge corridor. While Phase One of the Detroit Ambassador Bridge Gateway Project has moved quickly ahead, at a public cost of \$230 million and a cost to DIBC of over \$100 million, Canada reneged on its Windsor Gateway Project promises before the work was performed. Now, the Canadian governments seem to have completely shifted their efforts to the DRIC project, a new crossing that would poach traffic from the existing crossings.<sup>1</sup>

The Canadian government’s exclusive focus on the DRIC project is contrary to the written objectives of the Bi-National Border Transportation Partnership and Canada’s prior public commitments to improve the existing border crossings. The U.S. and Canadian partners agreed in the Ontario-Michigan Border Transportation Partnership Framework that their goal would be to “improv[e] the movement of goods, people and services . . . across the U.S./Canadian border . . . to connect with existing national, regional and provincial transportation systems”—a goal entirely consistent with connecting Highway 401 to the Ambassador Bridge corridor, and with the U.S. investments being made to improve that corridor. Ontario-Michigan Border Transportation Partnership Framework (“Partnership Framework”) at 2 (Feb. 7, 2001). In May of 2008, however, Transport Canada announced plans to construct an

---

<sup>1</sup> Taking traffic away from at least three existing crossings (the Ambassador Bridge, the Detroit-Windsor Tunnel, and the Blue Water Bridge) threatens the viability of each crossing and will have severe economic repercussions for individuals, businesses and communities that rely on those crossings.

extension of Highway 401 toward the Detroit River called the Windsor-Essex Parkway. Although the Parkway route is similar to what is pictured in the 2003 map of the Windsor Gateway Action Plan, it does not include the obvious connection to the Ambassador Bridge. See [http://www.partnershipborderstudy.com/pdf/Parkway\\_TEPA\\_RollPlan\\_small.pdf](http://www.partnershipborderstudy.com/pdf/Parkway_TEPA_RollPlan_small.pdf) (last visited May 29, 2008). Thus, notwithstanding the fact that the proposed Windsor-Essex Parkway would end just 1.8 kilometers from the Ambassador Bridge, Transport Canada has broken its promise to connect Highway 401 to the existing Ambassador Bridge crossing.

This shift in Canadian policy against improvements to Ambassador Bridge roadway access was blindly approved in a 2005 letter from FHWA Regional Administrator James Steele. According to that correspondence, written as part of the DRIC process, the “Canadian partners have firmly stated their objections to [the Ambassador Bridge] alternative . . . .” DEIS App. C at 1. Worse, Regional Administrator Steele *acquiesced* to Canada’s “unwillingness to consider” the Ambassador Bridge replacement span as an option, even though governments in the U.S. were investing hundreds of millions in the Congressionally-approved Gateway Project, and even though the Ambassador Bridge’s minimal environmental impacts and benefits to regional mobility placed it among the highest ranking U.S. alternatives in preliminary DRIC studies. See *id.* Regional Administrator Steele overstepped his authority by making a significant decision (i) solely on the basis of Canadian desires, (ii) in direct conflict with the U.S. alternative rankings, (iii) that flouts the will of Congress, and (iv) wastes the millions of dollars currently being spent on the Ambassador Bridge Gateway Project. FHWA’s actions in assisting the Canadian government’s attempt to evade its commitment are contrary to Congress’ investment in Phase One of the Ambassador Bridge Gateway Project, and its expressed intent to “protect” plans for a second span of the Ambassador Bridge. H.R. Rep. No. 107-722, at 101 (2002) (Conf. Rep.).

In sum, rather than spending billions on a new border crossing, the DEIS's stated need to improve system connectivity and plaza operations could readily be satisfied by connecting the Highway 401 directly to the Ambassador Bridge. This would be consistent with the Partnership Framework, and with Canada's 2003 commitments regarding the Windsor Gateway project. It would also avoid stranding the hundreds of millions of dollars already invested by U.S. taxpayers in improvements to existing crossings, including the Blue Water Bridge and the Ambassador Bridge corridor, have far fewer environmental impacts, and would provide capacity sufficient for the foreseeable future. Put simply, carrying out the long-standing U.S. and Canadian plan to improve access to *existing* Detroit-Windsor crossings is a *superior* option to going forward with a new crossing.

## **II. The Proposed New Crossing Would Not Enhance Homeland Security.**

The DEIS also claims that the DRIC project is needed to provide a "reasonable and secure border crossing system options in the event of incidents, maintenance, congestion, or other disruptions." DEIS at 1-4. The DEIS ignores the redundancy already provided by the six existing crossings, as well as the replacement span of the Ambassador Bridge, which was treated as part of the No Build alternative. Instead, the DEIS advocates what it describes as a "second, distinct crossing system" that would provide a "new crossing at a different location, with separate inspection plazas and connections to the freeway network in both countries." *Id.* at 1-14. In fact, six separate and distinct crossings systems already exist throughout the region, with plenty of capacity to handle traffic overflow in the event of unforeseen "disruptions." As even Canadian officials have admitted, the Ambassador Bridge replacement span (a seventh regional crossing) would create further redundancy by virtue of its state-of-the-art cable stayed design. Moreover, the new DRIC bridge would provide limited security benefits, given that it would

connect to a *single* Interstate Highway in the U.S. The Ambassador Bridge, on the other hand, will soon connect directly to *three* interstates, thanks to Phase One of the Gateway Project.

**A. The existing transportation network already provides multiple, redundant routes between Michigan and Ontario.**

DIBC and CTC take protection of the homeland very seriously and agree that safety and security must be the top priorities of any border crossing operator. But the DEIS’s attempt to rely on safety and security to justify the proposed DRIC project is flawed on multiple levels.

A significant amount of border crossing redundancy already exists in the region. In addition to the redundancy provided by the existing Ambassador Bridge and the soon-to-be-built replacement span, Detroit and Windsor are also linked by a truck ferry, a freight rail tunnel, the Detroit-Windsor Tunnel, and the twin Blue Water Bridges between Port Huron, Michigan and Sarnia, Ontario, and a freight rail tunnel that crosses beneath the St. Clair River.<sup>2</sup> In a future emergency, all seven of these crossings could absorb traffic from any crossing that was out of commission. The DRIC project would not create a “second, distinct crossing system.” Multiple, distinct crossing systems already exist, and because none of them is currently operating close to their capacity, they could handle additional traffic if necessary, thereby providing all the redundancy the region needs.

Even if there were a need for additional, redundant border crossings, the proposed DRIC bridge would not provide the benefits portrayed in the DEIS. Unlike the Ambassador Bridge, which will soon be directly connected to three Interstate Highways in the U.S. as part of Phase One of the Ambassador Bridge Gateway Project, the new crossing described in the DEIS would

---

<sup>2</sup> The original purposes of the border transportation partnership proposing the DRIC included improving the “movement of goods, people and services in a safe and efficient manner across the U.S./Canadian border at the *Detroit and St. Clair Rivers . . .*” Partnership Framework at 2 (emphasis added). Of course, the DEIS predicts that a new DRIC bridge would divert traffic away from the Blue Water Bridge, which crosses over the St. Clair River. See DEIS at 3-51.

link only to I-75. A catastrophic accident or other disruption on I-75 would close access to the proposed DRIC bridge, whereas a disruption on any two of three interstates (I-75, I-94 or I-96) would not prevent the Ambassador Bridge from serving transportation needs. Put differently, the Ambassador Bridge Gateway Project's linkage of the Ambassador Bridge with I-75, I-94 and I-96 creates far greater redundancy—the purported need of the DRIC project—than would the proposed DRIC bridge.

The U.S. State Department likewise does not agree that the proposed DRIC bridge would create redundancy. In 2005, the State Department opined that locating the DRIC project close to the Ambassador Bridge did not significantly improve redundancy, because “a problem at any one crossing may affect all of the centrally-located crossings.” Letter from Terry A. Breese, Director, Office of Canadian Affairs, U.S. Department of State, to James A. Kirschensteiner, Assistant Division Administrator, Michigan Division, FHWA (Nov. 4, 2005) (attached as Exhibit D). The Department of State has special expertise in these matters, and has flatly contradicted one of the key arguments for a new crossing employed by the DEIS. Consequently, proponents of the DRIC project cannot seriously rely on enhanced national security as a justification for the construction of a new border crossing.<sup>3</sup>

**B. The Ambassador Bridge Enhancement Project will create a state-of-the-art bridge far less susceptible to failure.**

FHWA, the lead federal agency for the DRIC project, has explained that “it is more appropriate to rely on layers of security rather than on a single measure.” March 2006 Multiyear Plan for Bridge and Tunnel Security Research, Development, and Deployment (Pub. No. FHWA-HRT-06-072) at 1. Recognizing that the current national transportation network “has

---

<sup>3</sup> As a matter of common sense, it is easier to secure one location as opposed to two separate locations, each of which could be a target. By definition, protecting two locations around the clock requires twice the manpower.

significant redundancy” already, the agency advised that in the “long run” it would be “appropriate to develop *cost-effective designs* utilizing improved materials, components, and structural systems,” and to rely on increased detection and surveillance techniques. *Id.* (emphasis added). This long-run approach is eminently sensible, given that there are over 600,000 bridges in the United States, nearly 1,000 of which have been identified as high priority bridges to protect from attack. *See Recommendations for Bridge and Tunnel Security*, FHWA Blue Ribbon Panel, at 2 (Sept. 2003).

The Ambassador Bridge Enhancement Project adopts FHWA’s recommended approach by incorporating state-of-the-art security and design features. The replacement span will be a cable stayed structure, meaning that the roadway will be supported by numerous cables, rather than a suspension bridge, which relies entirely on two main catenary cables. *See Draft Environmental Assessment, Ambassador Bridge Enhancement Project* at 2 (Apr. 2007). Cable stayed bridges are “extremely resilient and resistant to failure since they contain considerable internal structural redundancy. This means that such structures are very robust and can withstand failures of one or more cables without a catastrophic failure of the bridge.” *Id.* at 19. Environment Canada accordingly acknowledged in 2005 (obtained pursuant to Canada’s Freedom of Access Act) that a “cable stayed bridge is preferred by US and Canadian security agencies as it provides a structural redundancy not provided by a conventional suspension bridge.” Email from Michael Shaw, Environment Canada, to Dave Broadhurst, *et al.*, Re: Windsor, Detroit River Crossing 1 of 2 (Dec. 5, 2005) (attached as Exhibit E). In short, the replacement span of the Ambassador Bridge (designated by FHWA and MDOT as part of the DEIS’s No Build alternative) significantly enhances security and safety by building and

operating, at private expense, a bridge that is far less likely to be put out of service in the event of an emergency.

**C. Public ownership of infrastructure is not a prerequisite for national security.**

Although the DEIS does not advance this argument, recent stories in the media have suggested that public ownership of the proposed new DRIC bridge would somehow enhance homeland security, especially in comparison to the privately-owned Ambassador Bridge. (Notwithstanding these reports, the DEIS actually lists private ownership as one of several potential governance structures that could be used for the DRIC bridge. *See* DEIS at 3-208 – 3-209.) To the extent the advocates of this position are serious in their belief that privately-owned structures are somehow less safe, the history of the Ambassador Bridge refutes their claim.

After the events of September 11, 2001, the Ambassador Bridge was one of the first border crossings to implement important safety improvements, including heightened security and expanded inspection facilities to allow federal agencies to fulfill their increased responsibilities. When those new security requirements created unacceptable traffic delays, DIBC and CTC constructed more inspection facilities. Today, through cooperation with the Department of Homeland Security, the General Services Administration and other responsible federal agencies, the Ambassador Bridge is one of the safest border crossings in North America, especially when many publicly owned crossings are still struggling to expand their facilities in a way that will allow Homeland Security to properly process traffic. The Ambassador Bridge employs its own armed, 24-hour protection service, as well as off-duty law enforcement officers, in addition to the security already provided by the local police force and the federal agencies that work on the plaza. On May 7, 2008, the Michigan Supreme Court unanimously held that the Ambassador Bridge is a federal instrumentality for the limited purpose of facilitating transportation and commerce, recognizing the stewardship that Bridge management has shown in fulfilling its

obligation to maintain the Ambassador Bridge as the premier trade crossing in the world. *See City of Detroit v. Ambassador Bridge Company*, 748 N.W.2d 221 (2008). No evidence suggests that public ownership would somehow improve the bridge’s record of safety, or that another, publicly-owned bridge would be a more secure alternative.<sup>4</sup>

**III. The Most Recent Traffic And Economic Data Do Not Support The DEIS’s Claimed Need For A New Border Crossing.**

The first and most important “need” for the new DRIC bridge described in the DEIS, providing “new border crossing capacity to meet increased long-term demand” (DEIS at 1-4), is the primary subject of DIBC and CTC’s Initial Comments. During the 30-day extension of the public comment period, DIBC and CTC have analyzed several assertions made in the media and elsewhere. The discussion below ultimately reemphasizes the Initial Comments’ conclusion: The DRIC traffic study is fatally flawed, and cannot justify construction of a new border crossing.<sup>5</sup>

**A. The DEIS’s traffic projections are unsupportable.**

DIBC and CTC’s Initial Comments document their profound skepticism about the validity of the DRIC traffic model. Total crossings on the Ambassador Bridge and Blue Water Bridge, and through the Detroit-Windsor Tunnel, have declined steadily since 1999. *See* Initial Comments at 13-14. The decline in the automotive industry, which generates a large share of commercial border crossings between Detroit and Windsor, continues unabated. *See id.* at 15; *see also* Neal E. Boudette & Norihko Shirouzu, *Car Makers’ Boom Years Now Look Like A*

---

<sup>4</sup> The extensive existing border crossing network also includes several publicly-owned crossings, such as the Detroit-Windsor Tunnel and the Blue Water Bridge.

<sup>5</sup> Other problems identified in DIBC and CTC’s Initial Comments, including the DEIS’s failure to address Native American heritage issues, and potential historic sites such as the location of the earliest Michigan State Fairs, the Detroit International Exposition, and the Solvay “company town” also remain unresolved. *See* Initial Comments at 34 n.21.

*Bubble*, Wall Street Journal, May 20, 2008, at A1; Chris Vander Doelen, *Windsor's Last GM Plant To Close*, Windsor Star, May 12, 2008, at A1. Personal travel to Canada recently hit an all-time low. See CTV.ca, *Travel to Canada hit all time low in March*, [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080520/travel\\_record\\_080520/20080520?hub=CTVNewsAt11](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080520/travel_record_080520/20080520?hub=CTVNewsAt11) (last visited May 29, 2008). These and numerous other data points thoroughly undermine the DRIC traffic model's unrealistic prediction of annual traffic growth at a rate of 1.9% (2.7% for commercial vehicles) for the next 30 years.<sup>6</sup>

As DIBC and CTC's Initial Comments also discuss, it is not necessary to question the DRIC traffic model—*i.e.*, the actual formula from which the traffic forecasts are derived—in order to conclude that the DEIS's purpose and need statement is fatally flawed. Even if the DRIC traffic model were assumed to be completely legitimate, the data it uses dates to 2004, and the DEIS's capacity estimate does not include the planned replacement span of the Ambassador Bridge that will provide six lanes of physical capacity when it is completed in 2010 (and which is included as part of the DEIS's No Build alternative). Merely including these factors, without making any change to the actual model itself, pushes the date at which crossing capacity would

---

<sup>6</sup> Even if the DRIC's pie-in-the-sky growth predictions were to happen, the DEIS indicates that **12 lanes** of traffic would handle the resulting demand (four lanes at the existing Ambassador Bridge, two lanes at the Detroit-Windsor Tunnel and six lanes at the proposed new DRIC bridge). See DEIS at 1-13 ("The need exists for six more lanes of cross-border roadway capacity . . ."). But the DEIS's capacity calculations completely ignores the six-lane twin span of the Blue Water Bridge, located just 60 miles away, even though the DEIS states that the Blue Water Bridge would lose 16-18% of its volume if a new DRIC bridge were built. See *id.* at 3-51. If the Blue Water Bridge would lose traffic to the proposed new bridge, then the Blue Water Bridge should have been included in the DRIC study's border crossing capacity calculations. Doing so would lead to even greater total capacity—six lanes at the Blue Water Bridge, two at the Detroit Windsor Tunnel, four at the existing Ambassador Bridge, six at the Ambassador Bridge replacement span—**18 lanes** in all. Even if the current four lane span of the Ambassador Bridge were used only for emergencies and overflow traffic, that leaves 14 lanes of continuous use. The proposed DRIC bridge would add another six lanes that, by its own estimation, are unnecessary. No traffic study, however rosy a picture it paints, justifies 24 lanes of traffic (18 existing lanes plus six new DRIC lanes).

be reached into the second half of this century, well beyond the 30-year forecast horizon typically used by FHWA. *See* Initial Comments at 12-13. No current need for a new border crossing exists if traffic volume will not approach capacity on the Ambassador Bridge and other existing crossings in the foreseeable future.<sup>7</sup>

The DEIS rightly acknowledges that the Ambassador Bridge replacement span is part of the No Build alternative (DEIS at 2-36), but it fails to follow that acknowledgement to its logical conclusion. If the replacement span is part of the No Build alternative, it should have been treated as part of the environmental baseline, *i.e.*, a project that would take place regardless of what ultimately happens with the DRIC project. *See* 40 C.F.R. § 1502.14(d) (requiring the inclusion of a “no action” alternative). Indeed, the DEIS appears to ignore advice received from the U.S. State Department to “incorporate the Ambassador Bridge’s proposed enhancement project in the Secondary and Cumulative Impacts part of the document.” DRIC Meeting Notes at 3 (Aug. 2, 2007) (attached as Exhibit F); *cf.* DEIS at 3-183 (cumulative impacts chart).

**B. Declining to conduct an updated traffic forecast and present it to the public for comment would be an arbitrary and capricious decision.**

There can be no dispute that the traffic data in the DEIS is stale. And as explained in DIBC and CTC’s Initial Comments, the 2004 predictions of the DRIC study significantly overstate the volume of traffic that actually crossed the Detroit-Windsor border in 2005, 2006, 2007 and 2008. *See* Initial Comments at 8-10. Because these outdated traffic forecasts are

---

<sup>7</sup> At least one Transport Canada official has suggested that the DRIC project is justified if capacity would be reached in “40, 50 or 60 years.” Dave Battagello, *DRIC comes up short – literally*, Windsor Star, May 3, 2008, at A1 (quoting Sean O’Dell of Transport Canada). That time frame is well beyond what is reasonably foreseeable, and FHWA has not previously attempted to justify projects on such a long-range, speculative basis. This is especially true in light of the fact that the DRIC study’s traffic projections for 2005, 2006, 2007 and 2008 have already proved far too optimistic. *See* Initial Comments at 8-10.

fundamental to the DEIS's articulated purpose and need, FHWA cannot responsibly proceed with the DRIC project unless they are updated and corrected.

Relying on the 2004 DRIC traffic projection would directly contradict FHWA's past handling of another northern cross-border project. When proponents of a new border crossing in Calais, Maine, sought to rely in 2004 on a traffic study from 1999, FHWA "requested that *updated traffic statistics and projections* be provided" by the State Department, which was serving as lead agency. 70 Fed. Reg. 22382, 22386 (Apr. 29, 2005) (emphasis added). A new study was performed in response to FHWA's request before the final Environmental Assessment and Finding of No Significant Impact were issued. *See id.* The traffic study that serves as a basis for the DEIS in this case is of comparable vintage, and especially in light of the significant problems that have been discussed here and in DIBC and CTC's Initial Comments, refusing to update the DRIC traffic study would be an arbitrary and capricious agency action.

Furthermore, a recent study prepared by the U.S. General Services Administration ("GSA") as part of its July 2007 Detroit Cargo Inspection Facility Master Plan offers a far lower forecast of the *same traffic* than the DRIC study. Although it recognized the existence of the DRIC forecasts, the GSA described them as a "high" traffic scenario, and developed its own, independent forecasts using "Standard GSA Protocol." *See* Master Plan at 3-4 – 3-5. The GSA forecasts estimated that commercial traffic would grow at an annual rate of just 0.9% through 2021, whereas DRIC projects a 2.7% annual growth rate for commercial traffic. *See id.* Accordingly, GSA's method projects a weekly one-way volume of around 40,000 commercial vehicles in 2021, while the DRIC study forecasts 55,000 commercial vehicles per week in the same year. *See id.* at 3-6. This dramatic disparity—the DRIC study projections are 37% higher

than the GSA projections—underscores the over-aggressiveness of the DRIC model.<sup>8</sup> It would be arbitrary and capricious to rely on the DRIC traffic study when an independent federal agency such as GSA reaches strikingly different conclusions about the same traffic just months before FHWA and MDOT issued the DEIS.

These traffic debates can be solved the same way they were solved in the case of the proposed Calais, Maine border crossing: by conducting a new traffic study. FHWA and MDOT must reconsider the validity of the DRIC study's traffic model in light of the different traffic model used by GSA, and the numerous criticisms previously advanced by DIBC and CTC (*see* Initial Comments at 13-17). No matter what model or models are ultimately used, the data inputs ought to include: (1) the additional physical capacity created by the Ambassador Bridge replacement span (*see infra* at 17-20; Initial Comments at 6-8); (2) actual traffic volumes from 2005, 2006, 2007 and 2008, which are substantially lower than the DRIC model predicted (*see* Initial Comments at 8-10); (3) updated SEMCOG regional population and employment forecasts (*see id.* at 10-11); and (4) Freight Analysis Framework ("FAF2") commodity trade forecasts developed by FHWA (*see id.* at 11).<sup>9</sup>

As explained in DIBC and CTC's Initial Comments, these simple adjustments demonstrate that even under the DRIC study traffic model, ***traffic volumes will not reach Detroit-Windsor border crossing capacity until 2055 or later.*** *See* Initial Comments at 12-13.

---

<sup>8</sup> Both commercial and non-commercial traffic has declined in recent years, at different rates. For the reasons articulated in their Initial Comments, DIBC and CTC do not expect commercial traffic to rebound in the foreseeable future. *See* Initial Comments at 13-17. Nevertheless, by using the same traffic model as the DRIC study, including the conversion of commercial vehicles to Passenger Car Equivalents ("PCEs"), DIBC and CTC have demonstrated that even DRIC's hopelessly optimistic traffic model does not lead to the conclusion that a new border crossing is necessary.

<sup>9</sup> DRIC participants have long been aware of this type of updated data. *See, e.g.*, DRIC Meeting Notes at 7 (June 13, 2007) (acknowledging the existence of SEMCOG's "reduced forecast of population and employment growth") (attached as Exhibit G).

Changes to the model itself, especially changes along the lines of the model used by GSA, would push that number even further into the future. An adjustment to traffic projections this dramatic, especially when those projections are fundamental to the project's stated purpose and need, must be reviewed by the public. "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken," and that "information must be of high quality." 40 C.F.R. § 1500.1(b).

**C. DIBC and CTC will construct the Ambassador Bridge replacement span as soon as they receive regulatory approval.**

The DRIC traffic study failed to account for the construction of the six-lane Ambassador Bridge replacement span—a 50% increase in physical capacity over the current, four-lane span, and a greater increase in throughput capacity achieved by traffic handling design—even though the DEIS describes the replacement span as a "variation" of the "No Build" alternative. *See* Initial Comments at 6-8. Instead, the DEIS's border crossing capacity calculations assume just four lanes of Ambassador Bridge capacity all the way through 2035. *See id.*; *see also* Dave Battagello, *DRIC comes up short – literally*, Windsor Star, May 3, 2008, at A1 (quoting Sean O'Dell of Transport Canada as saying that "[t]he DRIC process was done on assumption the Ambassador Bridge would continue to offer four lanes of service . . ."). The DEIS contradicts itself by including the Ambassador Bridge replacement span as part of the No Build alternative, but not accounting for the added physical capacity that span would provide.

Plans for the replacement span are proceeding as scheduled. Phase One of the Ambassador Bridge Gateway Project, which includes \$230 million in publicly-funded improvements to the connection between the Ambassador Bridge plaza and I-75, I-94 and I-96, as well as over \$100 million in private improvements to toll facilities, ramps and other items, is 40% complete. *See* <http://www.michigan.gov/gateway> (last visited May 29, 2008). These

improvements will be open to traffic by the end of 2009, and the entirety of Phase One will be completed by 2010.<sup>10</sup> *See id.* Phase Two of the Gateway Project, the privately-funded construction of the Ambassador Bridge replacement span, at a cost of approximately \$787 million, is set to begin in 2009. When Phase Two is finished, the existing, 80-year-old, four-lane span of the Ambassador Bridge will be closed for renovation, and the new, six-lane span will be open to traffic. *See* Ambassador Bridge Enhancement Project Environmental Assessment at 7.

At this point, the only things standing in the way of construction of the replacement span of the Ambassador Bridge are regulatory approvals in the U.S. and Canada. In Canada, these approvals must be obtained from the same federal agency that is now forcefully advocating the DRIC project, and which has explicitly rejected the Ambassador Bridge as an alternative to the proposed new crossing (*see* DEIS App. C at 1). Indeed, the DEIS acknowledges that DRIC proponents intend the new bridge to act as a *competitor* to the Ambassador Bridge, and to other existing crossings that have been improved at taxpayer expense. *See* DEIS at 3-51 (explaining that the DRIC project would steal up to 75% of Ambassador Bridge truck traffic); Initial Comments at 23-25. Under these circumstances, the Canadian governments have clear self-interest in slowing down the progress of the Ambassador Bridge replacement span, while at the same time speeding ahead to complete the DRIC process.<sup>11</sup>

---

<sup>10</sup> Phase One of the Gateway Project was the subject of a 1997 Environmental Assessment. Subsequent Congressional funding enactments have made clear that the Gateway Project is part of “plans identified by the Ambassador Bridge, *including a second span of the Ambassador Bridge.*” *See* Conf. Comm. Report at 101 (emphasis added).

<sup>11</sup> As one MDOT official participating in DRIC planning has admitted, “the intent is not to have two bridges. If [DIBC] were to succeed . . . then the [DRIC] will not continue.” Andy Henion, *Who will build Ambassador twin?*, Detroit News, Mar. 31, 2007, at 3A. Plainly, proponents of the DRIC project perceive that they are in competition with the Ambassador Bridge Enhancement Project.

These governmental authorities' conflicting interests have already resulted in contradictory agency decisions. In March, MDOT announced a six-month delay of the environmental studies related to the proposed expansion of the Blue Water Bridge plaza. Among the reasons for this delay: declining traffic over the Blue Water Bridge, which calls into question the need for the expanded plaza. *See* Editorial, *MDOT is right to delay bridge plaza study*, Times Herald (Port Huron), March 23, 2008. Yet declining traffic at the Detroit-Windsor crossing for over 8 years has not resulted in a similar delay for the DRIC project. In fact, recent media reports cite unnamed Canadian officials as stating that the location of the new DRIC bridge will be officially announced by the middle of July. *See, e.g.*, The Canadian Press, *New bridge planned for Windsor, report says*, Globe and Mail, May 8, 2008 at A6.

On the U.S. side, Department of Transportation Under Secretary for Policy Jeffrey Shane wrote a letter in April 2007 stating that federal agencies should "proceed expeditiously with appropriate federal input and support." Letter from Jeffrey N. Shane, U.S. DOT Under Secretary for Policy to Michael P. Jackson, Deputy Secretary, U.S. Department of Homeland Security (Apr. 12, 2007) (attached as Exhibit H). Meeting notes from a 2007 gathering of DRIC cooperating agencies attached to that letter describe a "Unified Federal Approach to DRIC" that would "ensure [u]ninterrupted progress in DRIC planning and construction." *Id.*, Meeting on Federal Role in a New Detroit-Windsor International Crossing at 1 (Mar. 14, 2007). This memo raises a number of serious questions about agency conflicts of interest, lack of fundamental fairness and arbitrary and capricious agency action. How can FHWA move forward with the DRIC project, while at the same time postponing review of the Blue Water Bridge plaza expansion for six months due to declining cross-border traffic? How can FHWA act as an arbiter of the DRIC DEIS when it would also be an owner of the proposed new DRIC bridge, and thus a

competitor with the existing border crossings? How can agencies involved in a “unified federal approach to DRIC” fairly judge the proposed Ambassador Bridge replacement span? Indeed, why should FHWA be the agency decision-maker concerning the DRIC bridge when it is the proponent of that bridge, and while the United States Coast Guard is the agency decision-maker for the replacement span of the Ambassador Bridge? To avoid a conflict of interest, should not an agency less involved in the DRIC process, such as the Coast Guard, be the decision-maker on the DRIC EIS? What property rights have been pursued, directly or indirectly, by the DRIC proponents in furtherance of the project?

**D. “Induced demand” cannot account for the increase in traffic that would be necessary to create a need for the proposed new crossing.**

Internal memoranda obtained by DIBC and CTC pursuant to the Freedom of Information Act suggest that DRIC proponents may consider “induced demand” a “critical component” of the DRIC traffic projections. Memorandum to File from Matt Hunter, Wilber Smith Associates, Re: MDOT / DRIC Coordination Meeting at 3 (June 19, 2007) (attached as Exhibit I). These DRIC proponents apparently postulate that construction of a new border crossing will create traffic volume that otherwise would not have existed. In this view, building a new bridge does more than accommodate traffic growth, it causes traffic growth. But the reason for recent declines in traffic is not pent-up demand that has no bridge to cross; the problem is the decline of manufacturing industries and the accompanying loss of production jobs. Building a new, multi-billion dollar bridge will not solve that problem.

This sort of “induced demand” argument is fails in several ways. First and foremost, DRIC consultants have already prepared an Induced Demand Analysis Technical Report designed to “describe how the population and employment growth forecasts in the region could be affected by a new bridge connecting Detroit to Windsor.” Induced Demand Analysis

Technical Report, at S-2 (Jan. 2008). On the whole, the Technical Report concludes that “changes in accessibility in the SEMCOG<sup>12</sup> region are limited because only one new/improved link – another border crossing – is introduced into the extensive roadway network.” *Id.* at S-7. In fact, the Technical Report predicts that population growth in the region would be a mere 0.7% higher between 2005 and 2035 if the proposed new bridge were constructed. *See id.* at 3-10. This is hardly the type of growth that justifies spending up to \$1.5 billion (in the U.S. alone) on a new crossing. In short, *the DRIC study’s own report* shoots down any argument that induced demand will supply a need for the project.<sup>13</sup>

Moreover, the suggestion that a new crossing is needed because the additional traffic demand that such a crossing would create is more than the existing crossings can handle is the worst kind of circular argument. A DEIS is supposed to “specify the underlying purpose and need to which the agency is *responding*.” 40 C.F.R. § 1502.13 (emphasis added). The purpose and need statement should therefore contain an accurate description of existing problems, not an estimate of what might happen if the agency were to select one of the build alternatives. An argument that constructing a new bridge would induce more trips across the border does not answer the pertinent question—whether current and reasonably foreseeable traffic volumes will exceed the capacity of the already-existing crossings. “If you build it, they will come,” is a slogan suited to the silver screen, not a technical theory to guide traffic predictions on which billions of dollars are riding.

---

<sup>12</sup> Southeast Michigan Council of Governments (“SEMCOG”).

<sup>13</sup> The DEIS asserts that if a new crossing is not constructed, Michigan and Ontario would lose a combined 41,500 jobs by 2035. *See* DEIS at 1-6. These projections stem from the DRIC study’s dire traffic and capacity forecasts, which, as discussed above and in DIBC and CTC’s Initial Comments, are wildly overstated. They have nothing to do with induced demand. Indeed, the DEIS’s traffic forecasts were prepared in 2004, years before the Induced Demand Analysis Technical Report, and do not account for the findings of that report.

**IV. The DEIS's build alternatives would disproportionately affect the low-income, predominately minority community of Delray.**

**A. Alternatives that would not affect Delray were apparently eliminated from further study at the behest of Michigan's governor.**

DIBC and CTC's Initial Comments discussed several aspects of the requisite environmental justice review in this matter (*see* Initial Comments at 25-34), but did not focus on the decision to eliminate alternatives in the so-called Downriver area more than two years before the DEIS was issued (*see id.* at 26-27). As reported in the News-Herald in October 2005, "Gov. Jennifer Granholm trumped her own Michigan Department of Transportation and, indeed, Canada by announcing that any new border crossing would be in Detroit," *i.e.*, in the Delray community. Bobby Ampezzan, *Governor steals the spotlight on bridge*, News-Herald, Oct. 9, 2005. The paper explained that "Granholm, who had not actively participated in the debate or even the unveiling of the bi-national study in December, suddenly announced that any new border crossing between the United States and Canada would not be anywhere but in Detroit." *Id.* The Evaluation of Illustrative Alternatives prepared as part of the DRIC study was released to the public a month after the governor's sudden announcement. *See* Initial Comments at 26.

The elimination of the Downriver communities as potential sites for the new DRIC bridge is significant because the population of those communities is more than 90% white, whereas the Detroit areas that became the sole focus of the DRIC project are predominately minority and low-income. *See* MDOT, Detroit River International Crossing Study, Power Point Presentation, at 2 (excerpts attached as Exhibit J). Such a decision is contrary to applicable authorities concerning environmental justice, which require consideration of disproportionate impacts to poor, largely minority communities like Delray. By allowing Michigan's governor to dictate the elimination of alternatives, the agencies involved with the DRIC DEIS are abdicating

their legal responsibilities to consider a range of reasonable alternatives and fairly assess those alternatives in light of environmental justice considerations.

**B. EPA has recently highlighted the potentially serious air quality impacts to the Delray community.**

On May 14, 2008, EPA Acting Region 5 Administrator Bharat Mathur sent a letter to FHWA expressing EPA's concerns with the environmental impacts described in the DEIS, and indicating that "additional information needs to be provided . . . to alleviate these public health issues." Letter from Bharat Mathur, Acting Regional Administrator, to David Williams, Environmental Program Manager, at 2 (May 14, 2008) (attached as Exhibit K). In Detailed Comments attached to that letter, EPA emphasized its concerns about air quality in Detroit, explaining that "DRIC raises air quality concerns because large numbers of diesel trucks are associated with the project." *Id.*, Detailed Comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC), at 3. EPA further pointed out "the proximity of the proposed project to Detroit Public Schools facilities and an early childhood center," warning that studies concerning the adverse effects of living near major roadways "should be given greater prominence in the FEIS." *Id.* at 5. These adverse effects cannot be adequately mitigated without relocating the entire DRIC project out of the Delray community, or relocating the public schools and early childhood center.<sup>14</sup>

The failure to fully address air quality in the DEIS is related to another problem identified in DIBC and CTC's Initial Comments, the inadequate discussion of transboundary impacts. *See* Initial Comments at 20-21. Documents obtained pursuant to Canada's Access to Information Act reveal that this issue has long been a part of DRIC discussions. For example, a June 2006

---

<sup>14</sup> A power point presentation prepared by MDOT for a recent public meeting on the DRIC project baldly asserts that "[a]ir quality will improve." Exhibit J at 3. This claim cannot be reconciled with EPA's May 14 letter.

email states that the DRIC project “will include an air quality impact study that examines the combined effect of emissions on the Canadian and US sides of the border,” as well as “any transboundary movement of primary air pollutants . . . .” Email from Dave Broadhurst to Michael Shaw & John Clarke (June 14, 2006) (attached as Exhibit L); *see also* DRIC Meeting Notes (Aug. 27, 2007) (describing International Joint Committee’s concerns with “transboundary air pollution”) (attached as Exhibit M); *cf.* Environment Canada’s additional comments on draft work plans (July 29, 2005) (recommending the use of meteorological data from Flint, Michigan, as opposed to Detroit) (attached as Exhibit N). These comments and EPA’s concerns further illuminate the shortcomings of the DEIS’s discussion of air quality impacts.

### **CONCLUSION**

- The comment period should be extended by six months to allow for additional study and public participation, especially in light of the fact that the Blue Water Bridge plaza EIS comment period was extended six months for similar reasons.
- FHWA should prepare a new traffic study that utilizes updated data, including the physical capacity of the Ambassador Bridge replacement span.
- In addition to the economic consequences of diverting traffic from the existing crossings, FHWA should reconsider the impacts of the proposed DRIC project on the low-income, heavily-minority community of Delray, including Section 4(f) impacts, environmental justice and air quality impacts.
- FHWA and MDOT should thoroughly reevaluate the other needs stated in the DEIS, and eliminate those needs that are unsupportable.

Canada



## Windsor Gateway Short and Medium Term Improvements

- Memorandum of Understanding -

Made this 25<sup>th</sup> day of September, 2002,

BETWEEN

THE GOVERNMENT OF CANADA represented by the Prime Minister of Canada

AND

THE GOVERNMENT OF THE PROVINCE OF ONTARIO, represented by the Premier of Ontario

WHEREAS the Government of Canada committed in Budget 2001 to make improvements to Canada's border infrastructure;

AND WHEREAS the Government of Ontario recognizes the importance of infrastructure investments at border crossings with the United States;

AND WHEREAS Canada and Ontario jointly recognize that the safe and efficient movement of people and goods through the Windsor gateway is of great importance to the economies of Canada, Ontario, and Windsor;

AND WHEREAS Canada and Ontario jointly acknowledge the need for improvements to the existing transportation infrastructure for the Windsor Gateway in the short, medium, and long term in order to facilitate the efficient flow of trade and reduce the impacts of international traffic on the City of Windsor and its residents;

AND WHEREAS Canada and Ontario jointly appreciate the need for complementary enhancements required to Canadian and United States customs and immigration border processes in order to optimize the benefits of investments in transportation infrastructure.

**EXHIBIT**

**A**

THEREFORE, Canada and Ontario hereby agree to the following course of action:

### **I. Canada's and Ontario's Commitment**

1. Canada and Ontario jointly commit up to three hundred million dollars (\$300M) investment in the Windsor Gateway over five years, commencing in 2002/03. This investment will be cost-shared equally between Canada and Ontario. This investment is being made in recognition that improvements are necessary to the existing border crossings and their approaches in advance of the completion of the *Canada - United States – Ontario - Michigan Bi-National Partnership* process currently underway;
2. Canada and Ontario shall continue to play key roles in the *Canada - United States – Ontario - Michigan Bi-National Partnership* to prepare a 30-year development strategy for the Windsor-Detroit Gateway and its surroundings and approaches. This includes, but is not limited to, the four and one-half million dollars (\$4.5M) in planning and feasibility study work currently underway through the Partnership; and
3. Canada and Ontario shall continue to work with the City of Windsor on immediate improvements to assist in the management of traffic on the Highway 3/Huron Church Road Corridor. This includes, but is not limited to, the eight hundred and eighty thousand dollars (\$880K) investment announced on July 11, 2002 by Canada and Ontario.

### **II. Identification and Review of Potential Projects**

4. Canada and Ontario shall appoint a Joint Management Committee to:
  - a) Identify potential transportation projects for the purposes of investment by Canada, Ontario, or other parties in the Windsor Gateway;
  - b) Consult with stakeholders and the public on potential projects, and
  - c) Report back to Canada and Ontario on an Action Plan for investment in transportation infrastructure in the Windsor gateway.
5. Potential projects to be considered by the Committee shall focus on improvements to the existing border crossings and their approaches. New border crossings shall be evaluated through the *Canada - United States - Ontario - Michigan Bi-National Partnership*.
6. Proponents of new border crossings may advance their projects concurrent with the Bi-National Planning Process.
7. The Joint Management Committee will be comprised of six (6) members, and Canada and Ontario shall each appoint three (3) members, including a

Federal Co-Chair and a Provincial Co-Chair, who shall be appointed by Canada and Ontario respectively;

8. Decisions of the Joint Management Committee will be effective only when the Federal Co-Chair and the Provincial Co-Chair each approve in writing any particular decision;
9. The Joint Management Committee can establish Sub-Committees of any type or number, at its discretion, which it deems appropriate to the effective discharge of its mandate;
10. The Committee shall begin its work effective on the date of this agreement, and it shall provide the Action Plan to Canada and Ontario within sixty (60) days. Such a report by the Committee will include recommendation(s) as to potential projects that warrant consideration for funding through the financial commitment being made by Canada and Ontario pursuant to this Memorandum, subject to design, engineering and environmental assessments, as well as all applicable laws and regulations and the receipt of necessary authorizations;
11. In its consultation process, the Committee is empowered to gather input from Canadian and United States federal, state, provincial, and municipal governments and their agencies, industry, labour, community and environmental groups, and the general public, so far as the applicable laws and regulations permit;
12. In developing the Action Plan, the Committee can recommend a package of complementary initiatives, rather than a single project, to improve transportation infrastructure on the approaches to the gateway; and
13. The Action Plan of the Committee shall be provided to the undersigned, or their respective designates, as the representatives of the Governments of Canada and Ontario. The report will be released to other parties and the public at the discretion of Canada and Ontario.

### **III. Approval and Implementation of Projects**

14. Upon submission of the Action Plan of the Committee, Canada and Ontario will jointly decide on the implementation of all or portions of the recommended Action Plan, or other additional actions that are considered appropriate
15. Canada and Ontario commit to make decisions on the implementation of the Action Plan as quickly as is reasonable and practical. Any such decisions shall comply with all applicable laws and regulations, and be subject to securing all appropriate authorizations; and

16. The implementation of projects contained in the Action Plan shall be the subject of one or more subsequent agreements between Canada and Ontario, and any other appropriate party.

**IV. Coordination with the Bi-National Planning Process**

17. The short and medium term Action Plan recommended by the Committee shall be coordinated with the long term strategies being developed by the *Canada - United States - Ontario - Michigan Bi-National Partnership* and the immediate traffic improvements to the Highway 3/Huron Church Road Corridor being implemented by Canada, Ontario, and the City of Windsor.

18. Canada and Ontario will work with our American partners to expedite, to the extent possible, the results of the *Canada - United States - Ontario - Michigan Bi-National Partnership*.

19. The short and medium term Action Plan recommended by the Committee should contribute to and be complementary of the longer term strategies for the Windsor-Detroit Gateway.

**V. Consideration of Partnerships**

20. The Committee should actively consider opportunities to provide scope for additional partners, be they public or private sector, to achieve the objectives articulated in this Memorandum, so that leveraging of the financial contribution of Canada and Ontario can occur if possible.

**VI. Communications**

21. All communications of the Committee shall be joint communications of Canada and Ontario, reflecting the collaborative approach taken by the governments, and Canada and Ontario will develop a communications protocol to this effect.

GOVERNMENT OF CANADA

GOVERNMENT OF ONTARIO

\_\_\_\_\_  
Prime Minister

\_\_\_\_\_  
Premier

**Sent:** May 2, 2003 5:38 PM  
**To:** CATS; TC:Ranger, Louis; TC:Burr, Kristine; TC:Frappler, Gerald; TC:Cherrett, Ted; TC:Roy, Guylaine; Levy, Bruce -NUE; Morin, Daniel -NUE; Fisher, Mark -NUE; Alexander, Vera -WSHDC -GR; Côté, Bertin -WSHDC -EC  
**Cc:** TC:Rochon, Jacques; TC:Angus, Timothy; TC:Burch, Terry; TC:Fortin, Marc; TC:Greenough, Joe; TC:Jones, Keith; TC:LeCours, Jean; TC:Little, Jennifer; TC:Stacey, Colin; TC: Emile; Watson, Lynda -WSHDC -TD; Boehm, Peter -WSHDC -GR; Coll, Terry -WSHDC -PA; Lambo, Pam -WSHDC -PA; TC:Borges, Helena; TC:Courtemanche, Denis; TC:Kochhar, Nelt; Simmons, Roger -SEATL -HOM/CDM; Cook, Kevin -SEATL -GR; Toohy, Megan -BFALO -GR; Costaris, George -DTROT -GR; Becker, Mary Lynn -DTROT -GR; TC:Read, John; Tooze, Shella -WSHDC -EN; Hodges, Tim -WSHDC -EN  
**Subject:** UNTD-0003: Report Minister Collenette's visit

Minister Collenette, accompanied by Deputy Minister Louis Ranger, ADM Kristine Burr, Directors General Gerry Frappler and Ted Cherrett, and the Minister's Chief of Staff Anthony Polci from TC together with Ambassador Kergin and Transportation Policy Counsellor, Audrey Tomick from the Embassy, had a productive meeting with Sec. Mineta and senior US DOT officials. Highlights of the meeting included the signing of a MOC between TC and DOT for co-operation on the Seaway as the Army Corps of Engineers undertakes a study of the current navigational and infrastructure condition of the Seaway, agreement that the DOT could be an interlocutor on transportation issues with DHS as required, that a joint strategy with DOT would be useful to promote short sea shipping, a firm mention by the Minister for continued funding for Shakwak under TEA-21 reauthorization, enthusiastic support for Canadian participation in the Alaska Rail commission, and an understanding that both departments should work toward comparable but not identical rules on security and safety issues.

**Highlights:**

**SHORT SEA SHIPPING:**

The Minister suggested that both TC and DOT should co-operate on a joint strategy for more trucking movement across the Great Lakes by way of roll-on, roll-off ferries. Both countries are facing increasing levels in truck congestion on major routes so it would seem timely and useful to explore solutions using available water transport. The Minister mentioned the plan for a ferry from Rochester across Lake Ontario to Toronto as the type of project which should be encouraged, together with the potential for other points across the Lakes. DOT noted that private industry has plans to go down the NE seaboard, but that MARAD would be strongly supportive of a Great Lakes short sea shipping. Mention was also made of a similar route from Seattle to Victoria.

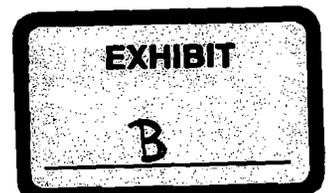
**MOC ON THE SEAWAY**

Both Albert Jacques, US Administrator of the St. Lawrence Seaway and Major General Griffin, Director of Civil Works for the US Army Corps of Engineers were present for the signing of the MOC on Seaway co-operation. Maj Gen Griffin noted that the Army Corps was anxious to begin, but stressed that the Army Corps cannot mandate that its recommendations be carried out. Therefore, it was important to note that their study would give a baseline for a conceptual plan and scoping from which the Seaway could be evaluated. Griffin also noted that the Army Corps will comply fully with the 1992 Boundary Waters treaty. The MOC ensures that Canada can authorise the study in phases and set deliverables.

**TEA-21 FUNDING:**

The Minister noted that the US was leading the way on funding for investments in transportation, but that TC had been successful in getting about 75% of the government's funding for infrastructure. He noted that short term solutions are sometimes necessary (e.g., extending the 401 through Windsor to facilitate a truck-only route to the Ambassador Bridge to ease the current congestion on Huron Church Rd.), while undertaking bi-national planning processes for the medium and long term.

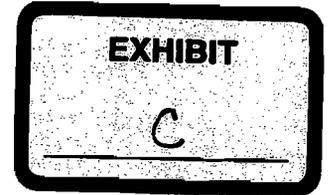
✱





## News Release

- Backgrounder | Map of the Windsor Gateway Action Plan



May 27, 2003

### CANADA AND ONTARIO ANNOUNCE NEXT STEPS AT WINDSOR GATEWAY

**WINDSOR, Ontario** - Recognizing the economic importance of the Windsor Gateway and the need to improve the approaches to the border crossings, the Governments of Canada and Ontario today announced the next steps in the implementation of the Windsor Gateway Action Plan.

The initiatives announced today follow from the Memorandum of Understanding (MOU) signed by Prime Minister Jean Chrétien and Premier Ernie Eves on September 25, 2002 to provide \$300 million over the next five years to upgrade infrastructure approaches on the Ontario side of the border.

"I am very grateful to the residents of Windsor, LaSalle and Essex County for the input that we received so far in this process," said federal International Cooperation Minister Susan Whelan. "As we move ahead, our work will continue to be guided by the need to enhance the efficiency, security and safety of the Windsor Gateway crossings, while minimizing the environmental and health impacts on the residents of the community."

"I believe that the initiatives announced today will improve the efficiency of the Windsor Gateway with better access to the border crossings and enhance the quality of life in the local community," said Ontario Transportation Minister Frank Klees. "Our ability to move goods across the border is critical to Ontario's continued economic prosperity. This plan will help ease congestion in the short and medium term while we move ahead with the Bi-National Planning Process."

The Governments of Canada and Ontario have agreed upon the following nine point plan:

1. Province will assume full responsibility for E.C. Row Expressway between Lauzon Parkway and Ojibway Parkway, and will widen it by one lane in each direction.
2. Province will assume full responsibility for Lauzon Parkway south of E.C. Row Expressway and will extend/upgrade the highway from Highway 401 to E.C. Row.
3. Work together with the City of Windsor and Town of LaSalle on improvements to Highway 3/Huron Church Road, including the grade separation of the Tecumseh Road intersection north of E.C. Row Expressway, pedestrian overpasses at key locations and the grade separation of all major intersections between Highway 401 and E.C. Row Expressway to improve the flow of traffic and enhance the safety of residents.
4. Work together with proponents, the Canadian Transit Company (Ambassador Bridge) and the Detroit River Tunnel Partnership in their efforts to build connections to the border crossings, concurrent with the Bi-National Planning Process.
5. Work together with partner agencies to accelerate the Bi-National Planning Process, and work with all proponents of new border crossing capacity, including the Canadian Transit Company (Ambassador Bridge), the Detroit River Tunnel Partnership and Mich-Can, in the context of this process.
6. Seek the City of Windsor's commitment that it will put in place arrangements to support the redevelopment of Windsor-Detroit tunnel plaza to meet the growing needs of the Windsor-Detroit community.
7. Promote the development of commercial vehicle pre-processing and staging areas to expedite and improve the flow of trucks across the border.

8. Develop and implement a plan for the deployment of technology that will facilitate the flow of traffic and enhance access to the border.
9. Work in cooperation with City of Windsor, Town of LaSalle, Town of Tecumseh, County of Essex and any other municipality affected by this plan.

"Collaboration with the private sector, the community and local governments will ensure that infrastructure investments improve access to the border crossings as quickly as possible, for the quality of life of the community" said federal Industry Minister and Minister responsible for Infrastructure, Allan Rock. "This initiative is very much part of the overall Canada-U.S. strategy to make the border safe and effective for trade. This brings the Government of Canada's recent commitment to improving border crossings in Ontario to \$305 million."

"The infrastructure investment announced today is part of a broader package of initiatives intended to improve the efficiency of the Windsor Gateway," said Ontario Finance Minister and Minister responsible for SuperBuild, Janet Ecker. "This will provide short-term improvements as well as support the longer term Bi-National Planning Process."

"Intelligent transportation systems and upgrades to Gateway approaches will help reduce congestion," said federal Transport Minister David Collenette. "This announcement also complements the Bi-National Planning Process to examine long-term solutions for new and improved border crossings."

"This is a huge step forward in addressing the concerns at our busiest border crossing," said Ontario Enterprise, Opportunity and Innovation Minister Jim Flaherty. "We know how important it is for industry to have efficient border crossings to keep and create jobs, and today's announcement is the next step in securing Ontario's economic competitiveness."

The Windsor Gateway Action Plan complements the Canada-Ontario-United States-Michigan Bi-National Partnership Planning Process currently underway to develop a longer-term strategy for the Windsor-Detroit Gateway. The Governments of Canada and Ontario continue to support the bi-national process which will address the longer-term capacity requirements for the Windsor-Detroit Gateway. Canada and Ontario will work with all proponents for new border capacity within the context of the bi-national planning process.

Project implementation shall comply with all applicable laws and regulations and be subject to securing all appropriate authorizations.

In 2002, the Windsor Gateway accounted for 25% of total truck volume between Canada and the United States. Over 20 million cars, trucks and buses cross the border at the Windsor Gateway every year.

## **Contacts:**

### **Government of Canada**

Renée Filiatrault  
Press Secretary  
Office of Susan Whelan  
Minister Of International Cooperation  
(819) 953-6238

Amy Butcher  
Press Secretary  
Office of David Collenette  
Minister of Transport  
(613) 991-0700

Communications  
Infrastructure Canada  
(613) 948-1148

Selena Beattie  
Press Secretary  
Office of Allan Rock  
Minister of Industry and Minister responsible for Infrastructure  
(613) 995-9001

## **Government of Ontario**

Rosemarie Godina  
Office of Frank Klees  
Minister of Transportation  
(416) 327-1815

Bob Nichols  
Ontario Ministry of Transportation  
Communications Branch  
(416) 327-1158

Daniele Gauvin  
Ontario SuperBuild Corporation  
(416) 325-5620

---

## **BACKGROUND**

### **NEXT STEPS AT THE WINDSOR GATEWAY**

*"The Windsor-Detroit crossings are a vitally important link for Ontario's economy and we are pleased that the federal and provincial governments are moving ahead cooperatively on this issue,"* said Len Crispino, President & CEO, Ontario Chamber of Commerce. *"Enhancing the border crossings is an important step towards increasing Ontario's prosperity."*

David Bradley, CEO of the Canadian Trucking Alliance and President of the Ontario Trucking Association welcomed today's announcement saying, *"The Windsor-Detroit gateway is the single most important border crossing for trade in the world. For Canada it is our economic lifeline. By creating greater freeway access to the border, and providing the potential for additional private sector investments in border-crossing capacity, the infrastructure improvements contained in today's announcement will significantly improve the flow of trade at Windsor-Detroit, so much of which is time-sensitive freight, to the benefit of the local, provincial and national economy."*

*"The automotive industry strongly supports the infrastructure plan announced today by the Government of Canada and the Province of Ontario, as it recognizes the critical national importance of the Windsor-Detroit border crossings for Canada's trade with the United States now and into the future. These investments will reduce traffic congestion in the short term and will form an effective platform for private sector partnerships to pursue additional border crossing infrastructure,"* said Mark Nantais, President of the Canadian Vehicle Manufacturers' Association.

*"We at DaimlerChrysler Canada applaud the federal and Ontario governments for demonstrating leadership to improve border infrastructure in the Windsor area and look forward to timely implementation of the plan announced today,"* said Ed Brust, Chairman, President and CEO, DaimlerChrysler Canada and Chair of the Canadian Automotive Partnership Council Trade Infrastructure Subcommittee. *"These joint initiatives by governments provide for short and medium-term solutions and further associated improvements through partnerships with appropriate stakeholders,"* Mr. Brust added.

The Windsor Gateway is Canada's single most important trade crossing. Thirty-three per cent of Canada-U.S. truck trade (two-way, imports and exports) uses the Windsor crossing.

## Context

In 2002, the Windsor Gateway accounted for:

- 25% of total truck volume between Canada and the United States (truck volume is considered the single most important measure of border importance);
- Nearly 30% of Canada's \$192 billion CDN exports by road (by value); and
- Over 38% of Canada's \$170 billion CDN imports by road (by value).

Canada - United States trade has more than doubled from 1991 to 2001. Annual two-way merchandise trade in 2001 totalled over \$570 billion CDN. This has led to strains in the capacity of the Canada - United States border system to expedite the flow of goods and people in an efficient manner. In 2002, 80.7 million vehicles used 14 international border crossings between Ontario and the U.S.

Since summer 2002, Canada and Ontario have jointly taken a number of actions to address congestion at the Windsor Gateway:

- In July 2002, \$880,000 was committed for immediate improvements on the Huron Church Road/Highway 3 corridor;
- On September 25<sup>th</sup>, 2002, \$300 million in funding was announced for infrastructure improvements, to be cost-shared equally over 5 years;
- Canada and Ontario appointed a Joint Management Committee to identify potential projects, consult with stakeholders and the public, and report back with an Action Plan within 60 days.
- On November 25, 2002, the Joint Management Committee submitted a proposed "Action Plan for a 21<sup>st</sup> Century Gateway" to the Governments of Canada and Ontario. This proposed Action Plan was subsequently released publicly on December 20, 2002.
- On January 25 and February 1, 2003, Canada and Ontario held community workshops in Windsor to provide area residents the opportunity to provide comments on the Action Plan.

As Canada and Ontario move forward with the implementation of this plan, consultation will continue with the City of Windsor, the Town of LaSalle, the Town of Tecumseh and Essex County.

The Governments of Canada and Ontario will also work to expedite decisions on the longer-term cross border options through the Bi-National planning process in order to meet increased trade in goods between Canada and the U.S.

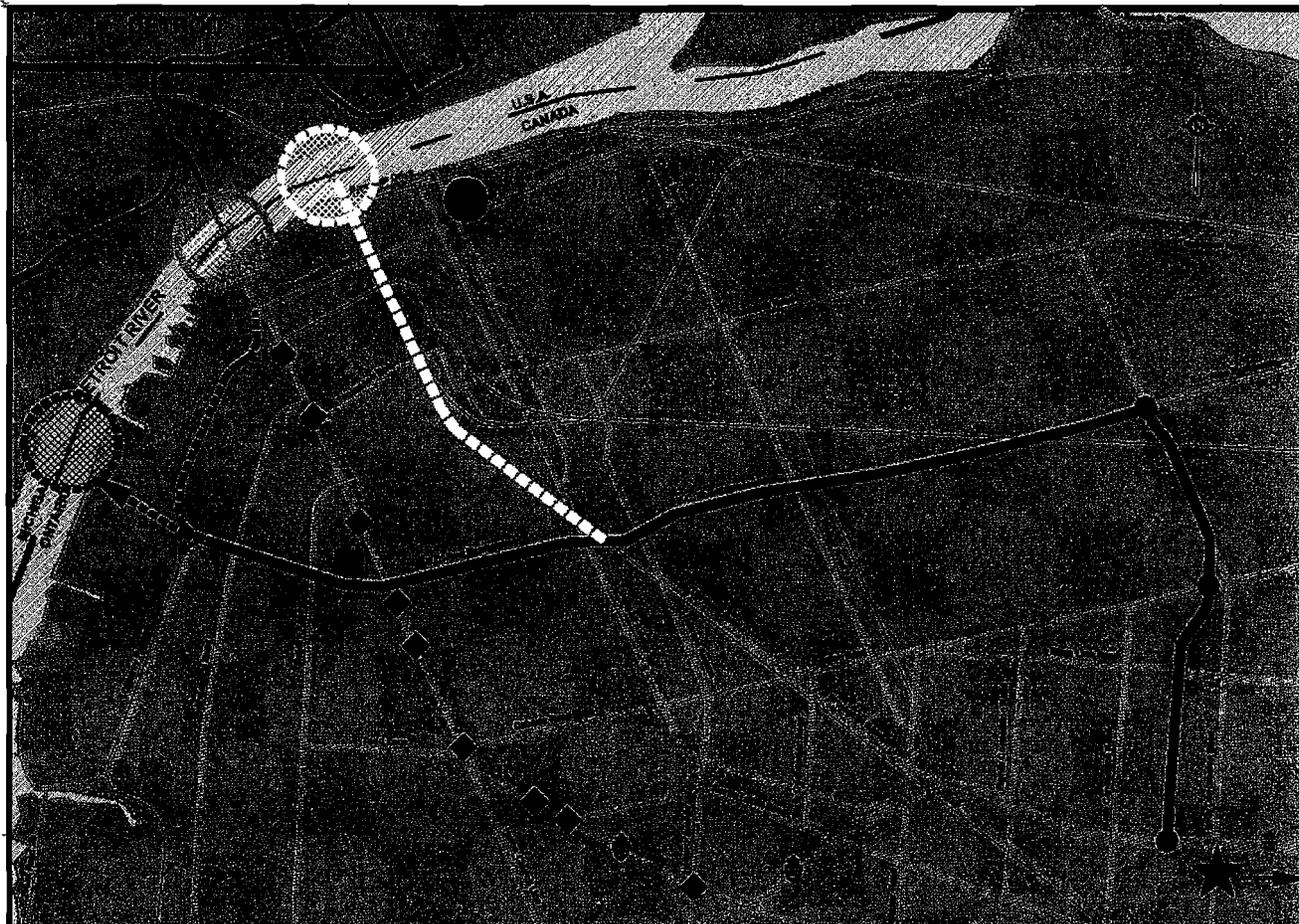
The final Windsor Gateway Action Plan released today will complement the Bi-National Partnership process that is currently underway, involving Canada, the United States, Michigan and Ontario. The Action Plan examines short-term solutions to congestion and capacity issues, while the Bi-National process has a longer-term focus.

All projects will be subject to the relevant approval requirements under federal and provincial legislation including, where applicable, the Canadian Environmental Assessment Act and the Ontario Environmental Assessment Act.

The Government of Canada's share of the investment will come from the \$600 million Border Infrastructure Fund established in Budget 2001, which is the responsibility of the Honourable Allan Rock, Minister of Industry and Minister responsible for Infrastructure. Minister Rock announced the parameters of the Border Infrastructure Fund on August 9, 2002.

Map of the Windsor Gateway Action Plan

# Windsor Gateway Action Plan



<p>----- DTTP Truck Route to Tunnel</p> <p>----- CTC Truck Route to Ambassador Bridge</p> <p>■ Dedicated Commercial Vehicle Customs/Immigration Plaza</p>	<p>◆ Huron Church Pedestrian Overpasses (location and number tbc)</p> <p>◆ Tecumseh Grade Separation</p> <p>◆ Highway 3A-Huron Church Rd Grade Separations (location and number tbc)</p> <p>★ Pre-Processing Centres to be Pursued at Locations to be Determined</p>	<p>==== Expand EC Row Expressway from Lauzon Parkway to Ojibway Parkway</p> <p>==== Construct Lauzon Parkway from Highway 401 to EC Row Expressway</p> <p>-----&gt; New Bridge Location Proposed by Mich-Can</p> <p>● Detroit-Windsor Truck Ferry</p> <p>● Windsor-Detroit Car Tunnel Plaza Redevelopment</p>
---	--	---

**Note: Technology Improvements to be pursued at locations to be determined**





**United States Department of State**

Washington, D.C. 20520

November 4, 2005

James A. Kirschensteiner  
Assistant Division Administrator  
Michigan Division  
Federal Highway Administration  
315 West Allegan Street, Room 201  
Lansing, MI 48933-1514

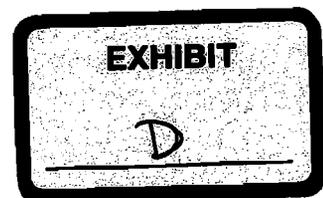
Dear Mr. Kirschensteiner:

A Department of State representative attended the closed-door session of cooperating agencies in Detroit. We have reviewed the documents distributed at that meeting as well as your request for State Department concurrence in the conclusion that the centrally-located alternatives are the only practical alternatives for a new Detroit River International Crossing (DRIC).

The Department of State is responsible for the issuance of Presidential permits for cross-border facilities and would be responsible for processing a Presidential permit for any new DRIC crossing. We, of course, stand ready to fulfill our responsibilities with respect to any application for a permit that is forwarded to us. In that connection, you should be aware that the Department has previously determined that expansion of the Ambassador Bridge, including construction of a twin span, does not require a Presidential permit and has advised the representatives of the Ambassador Bridge of that determination. Lastly, with respect to the conclusion that the only practical alternatives for a new crossing are those that are centrally-located, we would point out that the proximity of any new crossing to the existing crossings may mean that a problem at any one crossing may affect all the centrally-located crossings.

Sincerely,

Terry A. Breese  
Director  
Office of Canadian Affairs



**Lascelle, Jason [NCR]**

---

**From:** Shaw, Michael [Burlington]  
**Sent:** Monday, December 05, 2005 3:42 PM  
**To:** Broadhurst, Dave [Ontario]; Clarke, John [Ontario]; Fischer, John [Burlington]  
**Cc:** Dobos, Rob [Burlington]  
**Subject:** Windsor, Detroit River Crossing 1 of 2

**Attachments:** ContinuedAnalysesMapNov-051.pdf; Draft Air Quality Work Plan.pdf; Draft Natural Heritage Work Plan.pdf; Draft Waste and Waste Management Work Plan.pdf; Draft Tech Considerations Work Plan.pdf; Detroit River Crossing Project, Windsor - draft Work Plans for Environmental Assessment: EC Comments

Environment Canada and other federal departments have been requested to review the draft work plans for the EA of the subject project. As you are aware I am coordinating our departmental review of this project. Please note also that Transport Canada (TC) (contact: Kaarina Stiff) has triggered a CEEA screening of this project (co-proponent) and the CEA Agency (contact: Cathy Hainsworth) is coordinating the federal EA review. Other potential RA's include Canadian Transportation Agency, Fisheries and Oceans Canada, Windsor Port Authority (federal waterlots), TC-Coast Guard (NWPA), Public Works and Government Services Canada (Bridge Act), Foreign Affairs Canada (if IBWTA regs added to CEEA law list triggered in early 2006), National Energy Board (impacted pipelines).

Please review the attached November 2005 versions of the draft of the work plans that we previously reviewed as a first draft. Hopefully our comments on the updated first draft have been incorporated. I have not had a chance to review any of the documents yet as I just received them at the meeting last Thursday. We understand that they are considered to be living documents that will be updated as appropriate if new issues arise. The technically preferred corridor connected to Hwy 401 (shown on the attached "Continued Analyses Map..") will accommodate a 6 line highway to the bridge crossing location (TBD) at the Detroit River. At this time, a bridge crossing option is considered to be the only viable option. Other crossing options such as a tunnel or ferry, have been considered technically unfeasible or not able to meet project specific criteria (transportation capacity, natural and social heritage, etc.) and screened out. The ultimate bridge crossing structure may be either a clear span suspension bridge (similar to the existing Ambassador bridge), or a cable stayed bridge. The cable stayed bridge is preferred by US and Canadian security agencies as it provides a structural redundancy not provided by a conventional suspension bridge. The cable stayed bridge deck is directly supported by a series of cables mounted on two or more towers located on one side of the bridge. It was indicated that one pier in the water may be required as a last resort if the span has to be increased in the case of a longer span if a skewed bridge alignment across the river is necessary. A skewed alignment may be necessary to avoid/minimize impacts to communities located adjacent to the river within the preferred corridor.

The following draft work plans were provided by the proponent for federal review:

**Technical Considerations Work Plan**

Acoustics and Vibration Work Plan

Archaeology Work Plan

Cultural Heritage Work Plan

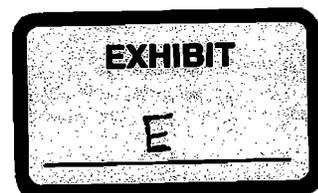
Social Impact Assessment Work Plan

**Natural Heritage Work Plan**

**Air Quality Work Plan**

**Waste and Waste Management Work Plan**

I have only attached the ones (in bold) pertinent to our interests. I have one hard copy and electronic copy of the Draft Generation and Assessment of Illustrative Alternatives Report (two files 15 Mb and 54 MB). In a following email (with 2 MB and 6 MB file attachments) I have attached the Tables of Contents for the document and an extract from the supporting report on "Alternatives Assessment Canadian Side" (do not have a hardcopy of this supporting report). If you wish to review the methodology used for the transportation alternative route/crossing selection described in these

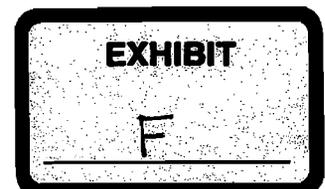


Project: Detroit River International Crossing  
 Project No. 3600  
 Location: Detroit TSC  
 Purpose: Partnership Steering Committee

Meeting No.  
 Date: August 2, 2007  
 Time: 9:00 a.m.

<p><b>Present:</b></p> <p><u>Partnership</u>                  Mohammed Alghurabi, MDOT                  Gerri Ayers, MDOT                  Mark Butler, Transport Canada                  Jim Kirschensteiner, FHWA                  Hugh McNichol, MDOT                  Susan Mortel, MDOT</p>	<p><u>Fasto Natarelli, MTO</u>                  Sean O'Dell, Transport Canada                  Jim Steele, FHWA                  Kaarina Stiff, Transport Canada                  Dave Wake, MTO                  Andy Zeigler, MDOT</p>	<p><u>Consultant Teams</u>                  Bruce Campbell, Parsons                  Jim Hartman, The Corradino Group                  Len Kozachuk, URS Canada</p>
--	--	---

<u>Item</u>	<u>Description</u>	<u>Action by:</u>
	Susan Mortel chaired the meeting. She asked if there were any changes to the agenda. There were none.	
<b>1.</b>	<b>Key Issues</b>	
<b>1. a.</b>	<b>Review of Steering Committee Meeting Notes</b> Susan Mortel asked for comments on the notes of the June 7 <sup>th</sup> Steering Committee meeting. Sean O'Dell said he had a correction on page 3 item 1 - Key Issues, where it says "Jim Steele said". Instead, it should state the "Steering Committee agreed." Sean O'Dell also suggested another change to the June 7 <sup>th</sup> Steering Committee note on page 5, second paragraph, under item 2c. The first sentence starts "Susan Mortel asked if the DIBC charge that the partnership". He suggested the notes be changed to "Susan Mortel asked if the DIBC charge is accurate that the partnership has...." Corradino will make the necessary changes.	Corradino
	Jim Steele requested a change in the July 12 <sup>th</sup> Steering Committee meeting notes on page 3, item 2, second paragraph. The sentence that starts "There are 7 Federal Property Agencies," should read "7 Federal Cooperating Agencies." URS will make that change.	URS
<b>1. b.</b>	<b>Working Group Meeting Notes</b> Susan Mortel asked if there were any comments on the draft notes of the Working Group meeting on July 26, 2007. While hearing none, she suggested any changes could be presented later to Corradino.	
<b>1. c.</b>	<b>U.S. July 30, 31 and August 1, 2 Relocation Meetings</b> Mohammed Alghurabi explained the purpose of the relocation meetings was to inform owners/renters of the relocation process and to survey their potential relocation needs. He indicated that invitations had been sent to more than 300 residential property owners/tenants by certified mail. Door-to-door contact was also made to get the word out. He mentioned 120 owners attended the first three days of the meetings. At this rate, close to 50 percent of the owners should have participated in all four meetings. Susan Mortel asked if Mall DeLong and Paul Saunders knew about the new video used for the DRIC for possible use on the Blue Water Bridge Project. Gerri Ayers mentioned that they were.	
	Mohammed Alghurabi said Tom Jay of MDOT Real Estate indicated the DRIC Team had "raised the bar" with the meeting. Sean O'Dell asked if dollars were discussed with the potential relocatees. Mohammed Alghurabi said no, noting that the meeting was primarily to inform owners/renters of the relocation process and to survey their potential relocation needs. Mohammed Alghurabi indicated that the Detroit News attended the August 1 meeting.	MDOT



<u>Item</u>	<u>Description</u>	<u>Action by:</u>
1.d.	<p><b>Canadian August 14 and 15 PIOHs</b>            Len Kozachuk discussed the upcoming Public Information Open Houses scheduled for August 14<sup>th</sup> and 15<sup>th</sup> which will focus on the access road alternatives. He said that there would be newspaper advertisements as well as emails and 38,000 flyers distributed. The final flyers and presentation materials are under review at this time. A booklet is being produced, for distribution at the meetings, to include a summary of the alternatives as well as the evaluation data. Len Kozachuk said the book will be distributed to the Steering Committee, once approved. Dave Wake mentioned that the press briefing and rollout strategy is still being prepared.</p>	URS/MTO
1.e.	<p><b>Review of Key Issues</b></p> <p>1. <b>Brine Well Impacts/Risks</b>            Mohammed Alghurabi mentioned the U.S. work is still on schedule. Z-Seis is doing the analysis of crosswell data. He mentioned that the Geotech Advisory Group will assemble on December 4<sup>th</sup> and 5<sup>th</sup>. Bruce Campbell noted the Advisory Group will meet two more times, once at the beginning of December and four to six weeks later. In the middle of those two Geotechnical Advisory Committee meetings there will be a value planning session. This will provide MDOT, as well as others, the opportunity to discuss technical details.</p> <p>Jim Kirschensteiner asked about the Geotechnical data. Bruce Campbell mentioned that early reports are promising and there have been no surprises to date, but there is still a lot to do.</p> <p>Len Kozachuk talked about Canadian geotech work. There still continues to be a blockage on hole X-10/N-2. Daily updates on the progress of this important hole are being provided. Len also mentioned that a milling bit was to be used to break the blockage. Beyond the work on the Hole X-10/N-2, two additional holes remain to be completed. On X-11/6 drilling is nearly 400 meters deep and will most likely be finished the upcoming weekend. On hole X-11/1, drilling will start next week and is scheduled to be finished by mid August. Z-Seis has demobilized and is not on site but will return when it is known there are no obstructions in the remaining holes.</p> <p>Jim Kirschensteiner asked how the blockage occurred. Len Kozachuk responded that the team was taking steps to identify this, but it appears that a section of casing had come out of alignment and was blocking the hole.</p> <p>2. <b>CBP/GSA Comments</b>            An updated plaza Program of Requirements (POR) was provided in June by CBP. Based on the POR, plaza designs have been resubmitted to CBP/GSA by the MDOT Team. Mohammed Alghurabi noted that a follow-up meeting with CBP/GSA is scheduled for August 24<sup>th</sup> as there are still some additional questions that CBP/GSA must address. He noted because the size of the plaza is shrinking on the Blue Water Bridge project, he asked CBP if the DRIC needed to do anything concerning its plaza size. CBP responded to "stay where we are at." Bruce Campbell noted the planning horizon for the CBP/GSA is more "short-term", i.e., five to ten years, and not always consistent with the long-term planning of the DRIC.</p> <p>Susan Mortel mentioned that the Blue Water Bridge plaza requirements are different than those of the DRIC because demand at the BWB and the DRIC project is different. She noted the Peace Bridge requirements are also different at 28 acres: Port Huron is 67 acres.</p> <p>Susan Mortel mentioned that the Sault St. Marie Bridge Authority would be in Port Huron on August 15<sup>th</sup> for an annual meeting. The MDOT Blue Water Bridge project staff will make a presentation to this group.</p>	

**Item    Description**

**Action by:**

Mohammed Alghurabi said that the CPB's Director of Field Operations, Director Dhillon, has moved to San Diego and that MDOT met the new Director, Bob Perez, at the end of July. Mohammed noted when he called Director Perez recently on a related issue, a very prompt response was received. .

Mark Butler mentioned that Bob Perez worked in Washington DC on the Fast/Nexus program and noted his experience with the Ambassador Bridge

Jim Kirschensteiner asked if the City of Detroit were aware of the off-loading of live stock in the middle of the plaza and Mohammed said most likely not. Susan Mortel suggested that we contact the City of Detroit. Jim Hartman mentioned that we had been working closely with City personnel on the Context Sensitive Solutions (CSS) and proposed land use concepts and we will discuss the issue with them.

Corradino

**1.f.    Traffic Model**

Mohammed Alghurabi noted the Canadian partnership had commented on the latest U.S. traffic report. Len Kozachuk mentioned the upper ranges of the U.S. and Canadian forecasts are consistent. No more updates to the model are expected.

Sean O'Dell said that they would take another look at traffic in the Investment-Grade traffic analysis.

Hugh McNichol noted that the Ambassador Bridge is now forecasting traffic that is eight percent higher than in the documents submitted for the private activity bonds application. This is a change from what they had in the environmental assessment for the Enhancement Project.

Jim Kirschensteiner said that the State Department commented that the DRIC DEIS should incorporate the Ambassador Bridge's proposed enhancement project in the Secondary and Cumulative Impacts part of the document.

**1.g.    Governance**

It was noted that no meeting is scheduled for August.

**1.h.    Other**

None.

**2.      Media Lines**

Transport Canada is still working on final language for the draft of the media lines to address DRIC progress/schedule issues. Len Kozachuk mentioned that the Canadian Team is going into public consultation sessions in mid-August so it will be important to have these messages shortly.

**3.      Practical Alternatives**

Mohammed Alghurabi mentioned that there are several technical reports being reviewed by MDOT. Comments should be back to Corradino next week so that they can turn around and final the documents and forward to FHWA. Mohammed Alghurabi said delivery to FHWA should start in September so that the cooperating agencies are not overwhelmed with all reports at once.

**Item    Description**

**Action by:**

Len Kozachuk reviewed the parkway alternative concept. He also noted URS is finishing tech reports for pre-EIS/EA circulation. They still have work to do on the parkway analysis but that should be completed by mid-October. They are looking for municipal input to complete the impact assessment.

Jim Kirschensteiner asked if they have sufficient information and photos of I-696 land bridges. Len Kozachuk said that they have been provided information by MDOT and have toured those locations.

**4.    Upcoming Meetings/Events**

Mohammed Alghurabi indicated that on August 8<sup>th</sup> there is a CSS Public Workshop for the "look and fit" of the crossing only. A preview of that workshop material will follow this meeting. Mohammed invited the Canadian Team to attend.

Bruce Campbell provided a brief update of the renderings to be used at the public workshop.

Dave Wake mentioned that they would get input on CSS at their PIOHs by using a questionnaire.

Geri Ayers mentioned the PSAG meeting scheduled for August 15<sup>th</sup> and the LAC/LAG meeting on August 29<sup>th</sup>.

It was noted that the next Steering Committee meeting is scheduled for September 6<sup>th</sup> at the Windsor Hilton.

**5.    Other**

Mohammed Alghurabi indicated a meeting was held with the Detroit Recreation Department. He also summarized the meeting with Holy Redeemer Church (Junction/Vernor).

Mohammed Alghurabi mentioned that the comments read by Joe Polack on behalf of the Ambassador Bridge Company into the record at the last LAC meeting were being addressed. He would make sure the Canadian Team was aware of the response.

With that, the meeting adjourned at 10:45 am

Prepared by Jim Hartman of The Corradino Group.

**Detroit River International Crossing Study**  
**Federal and State Agencies Meeting**  
**June 13, 2007 – 9:30 a.m.**  
**MITS Center**

**Purpose:** To up-date Federal Cooperating Agencies, Michigan state agencies, and attending Canadian representatives on DRIC project progress, especially screening of the Practical Alternatives, the deep drilling; the Bridge Type Study; CBP/GSA coordination; Delray land use; the Presidential Permit Application; and, DEIS progress.

**Attendees:** See attached

**Discussion**

Jim Kirschensteiner chaired the meeting. He asked everyone to identify themselves and their agency.

**Purpose of the Meeting**

Jim Kirschensteiner noted that Bob Bloom of the Coast Guard, who was not in attendance, had asked that the group refrain from discussing the environmental assessment of the Ambassador Bridge Enhancement Project that was now under Coast Guard consideration. He noted that the comment period on the EA has been extended to July 17.

Jim Kirschensteiner noted the agenda that had been distributed and asked if there were any proposed changes. There were none.

**Screening of Practical Alternatives**

Joe Corradino noted the handout that would be provided to the public meeting of June 20 on the Screening of the Practical Alternatives. This was similar to the material distributed to the DRIC Working Group and the Steering Committee. He noted revisions were still being made based on that input.

For the purpose of those attending from agencies that had not been involved in the project from the beginning, Joe Corradino reviewed the process that generated Illustrative Alternatives and then Practical Alternatives. Impacts on the Illustrative Alternatives were presented to the community in March 2006 and the alternatives were narrowed to a set of Practical Alternatives. They focused on an "area of continued analysis" in Delray, in Southwest Detroit. The earlier plazas associated with Illustrative Alternatives were erased so the community could propose where within Delray potential plazas were better suited. Work was conducted with the community from December, 2005, and has continued into this spring.

Potential interchanges were developed to link the plazas to I-75. Because there was a concern that the community's focus was limited to the plaza and not to impacts along I-75, extended community

Joe Corradino showed slides of the before and after Practical Alternative overall footprint. Elimination of several of the alternatives, and particularly Plaza P-b, resulted in a reduced potential impact footprint.

On June 20, this information will be presented to the public. Generally, the impacts of all the alternatives are similar, on the order of 200 single-family residences, another 100 dwelling units in two apartment buildings, and 50 more dwelling units that are in smaller duplexes and multi-family unit groups.

Preliminary land use concepts have been developed that relate to the set of practical alternatives presented. These relate also to the boulevard noted earlier.

### Questions Related to Practical Alternatives

Jim Kirschensteiner asked if any of the agencies had questions about the practical alternatives. Jerry Fulcher asked about Southwestern High School. Joe Corradino responded that consultation had occurred with the Principal, who had some thoughts about needs at his high school. These needs are not to mitigate the project's effect but are residual from some of the effects of earlier changes to the property. Notably, he would like a new hardball field. The softball field they have now faces the building and hardball can't be played there because balls hit the school. He'd like a soccer field; the students now play at Ft. Wayne. He would like an improved air filtration system. Meanwhile, he is going to see his student population increase in the near future by about 700 as other high schools close in the area. Because Detroit continues to close high schools, there is some concern that Southwestern High School could be on that list at some point in the future. On the other hand, the proposed DRIC project could act as a seed for redevelopment in the area around the high school and help maintain its place in the school system.

A question was asked about the potential effect of the DRIC on Lafarge was and whether it would stay. Joe Corradino responded that it would stay along with Yellow Trucking and McCoig Aggregate, which is next to Lafarge. An X-10 corridor bridge would pass over McCoig and Lafarge.

David Williams of the FHWA asked the impact zone related to construction. Regine Beauboeuf discussed the schedule with respect to construction timetables for the bridge, the plaza and the interchange and noted that the size of the plaza was such that it could be used as a staging area during the time the construction occurred on the interchange, plaza and bridge; therefore, it's unlikely that there would be construction impacts beyond the area of the plaza itself.

Bruce Campbell noted that construction staging would also be a function of how implementation occurs, with the potential for turnkey or public/private partnerships. He also pointed out the vacant land around Lafarge that could be used for staging.

Martha MacFarlane-Faes of the State Historic Preservation Office (SHPO) asked about: 1) effects on Ft. Wayne, and 2) how access to Southwestern High School might be affected. Joe Corradino noted that the Fort would be buffered from the project and access would be maintained to it; it could very well become a Welcome Center. Access to the school is not expected to change, as most of the students come by bus.

Mohammed Alghurabi emphasized that some of the elements shown in the graphics related to land use would require partnership with other agencies, including some of those present. He said MDOT can be a catalyst for redevelopment, but can't do it all and that others would have to step forward, as well. Jim Kirschensteiner said the project offers hope for the community and Mohammed Alghurabi added that the team had been working with the city planning agencies to try to accomplish an overall land use plan with and with and without a new bridge.

Mark Lundgren of the General Services Administration asked what was being done to get other agencies involved. Joe Corradino responded that the DIFT project nearby to the north was preceding the DRIC insofar as a community benefits program and involvement of non-transportation agencies. In that case, the community is seeking what amounted to \$10 to \$12 million of project-related benefits including, potentially, English-as-a-Second Language (ESL), job training, a more detailed air quality program on the part of SEMCOG, and a number of public improvements. He went on to say the DRIC project is larger in magnitude and could potentially have even more in the way of community enhancements/benefits. The Empowerment Zone was an important tool in the local area and he envisioned a potential relationship with U.S. Housing and Urban Development. But, in the end, the key was for the City of Detroit to be a principle player together with a private developer. His feeling was that if city land could be consolidated and a redevelopment package created, then others would join that public/private partnership. Mark Lundgren noted that GSA's role is limited to supporting appurtenances to a site and he gave examples such as streetscapes and lighting.

Robert Rietze said CBP would like GSA to own the plaza site. CBP would then lease from GSA. In terms of space, the needs of CBP, U.S. Fish and Wildlife Service, the Department of Agriculture and the Animal and Plant Inspection Station (APHIS) would all be met. GSA will have to get the funds for the land acquisition, not CBP. Outside of that, there could be buffering for which they will not pay. Regine Beauboeuf asked if GSA could contribute to utility relocation. GSA said they get rent from their federal agency client tenants. They prefer to own land outright so that they have greater flexibility for future changes. Their focus is now on the Bluewater Bridge Project, but will soon shift to DRIC and it is anticipated that there would be a Memorandum of Understanding (MOU) that will identify responsibilities and risks, then later a purchase/lease relationship.

### **Brine Well Programming**

Joe Corradino noted there were two corridors, X-10 and X-11, and that six holes had been drilled in Corridor X-10 and seven in Corridor X-11. The drilling itself is complete and equipment is now being used to create MRI-type scans of the rock structure between holes to determine whether there are any voids or evidence thereof. The next step is gravity logging to identify anomalies, which provide an improved picture of potential fragmentation/rubble zones of rock related to any potential brine wells.

The goal when the analysis is complete will be to coordinate with the Canadians and discuss a common basis to establish the results of the drilling programs in each country. Thus far in the U.S., no difficulties have been found. In Canada, there are known brine wells and their challenge is to determine the zones of influence of the known wells so bridge footings can stay outside of it. When

the work is complete, the Geotechnical Advisory Group, a peer group, will reconvene to reanalyze the collected results.

### **Bridge Study Progress**

Jim Kirschensteiner indicated that piers in the river were no longer being entertained. He asked Dave Wake of the Ministry of Transport Canada (MTO) to provide the Canadian position. Dave Wake agreed there would be no piers in the river and the Canadians were now waiting for one more letter to arrive to confirm what was already known.

Jim Kirschensteiner went on to say that it is hard to consider Alignment X-10A, which is a sharply skewed bridge across the Detroit River due to its very great length. Mohammed Alghurabi said that, in spite of that, there would be no judgment with respect to corridors until after the geotechnical results were made known.

Bruce Campbell then reviewed key points in the bridge-type study. He showed the advantages and disadvantages of cable-stayed versus suspension bridges in each corridor and related costs.

Barbara Hosler and Todd Hogrefe indicated concerned about bird strikes and the potential bridge types. Ted Stone said that a review of the literature is underway with respect to cable stay and suspension bridges. He noted that the team had discussed the size of cables that would be required for each bridge type, noting that the cable-stayed bridge cables are substantially larger, likely on the order of 10 to 12 inches in diameter, compared to the smaller cables of a suspension bridge. Bruce Campbell said cables on a suspension bridge would come in sets and be more on the order of two to three inches in diameter. He continued that one might think cable-stayed bridges presented a greater risk of bird strikes due to their height, but the smaller cables of suspension bridges might be, in fact, less desirable. Gerri Ayers noted that Dick Wolenski of MDOT was also looking into this matter. Bruce Campbell said that one problem is that bridges over water do not provide a good basis for bird counts as birds that do strike cables fall into the water and are washed away as compared to bridges with cables that are over ground where counts are possible.

Brian Conway, SHPO asked if suspension bridges are obsolete, as everybody seems to be building cable-stayed bridges. Bruce Campbell said, in fact, the issue is site-specific and the analysis will determine which is more prudent. But, suspension bridges are not obsolete.

### **Additional CBP/GSA Guidance**

Mohammed Alghurabi said his understanding was that MDOT would receive CBP's Program of Requirements (POR) prior to a teleconference scheduled for June 24. Bob Rietze explained the process of review that was required to finalize the POR, which involves consultation with GSA and plaza tenants. Bruce Campbell showed a slide of representative plazas, indicating there was flexibility within the plans to adjust to tenant needs. Plaza P-a, in particular, has available land and more flexibility to change roadways to meet the needs of all the potential plaza tenants. Don Melcher of GSA indicated that he was reaching out to all the potential plaza occupants to determine their program needs.

### **Presidential Permit**

A draft of the Presidential Permit is now at the State Department where lawyers are reviewing it. Jim Kirschensteiner said the formal application will occur at the time of the Record of Decision. Andy Irwin asked how long it might take for such a permit to eventually be approved. Sherri Holliday-Sklar of the State Department said it should be weeks, not months.

### **Streamlining Agreement**

Jim Kirschensteiner noted that pursuant to the Streamlining Agreement the agencies had signed earlier, agency sign-offs are expected on the purpose and need, scoping, and the range of Illustrative and Practical Alternatives. Joe Corradino referenced notes wherein decisions were recorded in earlier federal/state agency meetings. Jim Kirschensteiner confirmed that everyone prior to the meeting had received these meeting notes. He said FHWA will ask the agencies for concurrence on these points in a letter, and they would be asked to reply within 30 days of the date of the letter.

### **DEIS Preparation**

Joe Corradino indicated the first cut at draft technical reports was due this week from the Corradino subs and that, after review/revision by Corradino, they would be provided to MDOT one at a time through July into August. Work with MDOT on the DEIS would continue through August and September. By the latter part of October, the DEIS would be out for pre-review by the agencies group. In December, it would be made publicly available.

At this point, Dave Williams was introduced as the new environmental coordinator for FHWA.

Joe Corradino said that one potential change in the schedule could occur if the Geotechnical Advisory Group's findings are that there's a fatal flaw in one of the alignments. If this were so, it may be possible to establish a Preferred Alternative in the draft EIS.

### **Recent Developments**

Joe Corradino explained that SEMCOG has recently released a white paper indicating a reduced forecast of population and employment growth. The recovery from the current economic conditions was forecast to start about 2012. Conversion of broad geographical forecast of population and employment will not be converted to Traffic Analysis Zones for a year-and-a-half to two years. In light of this, Corradino will do sensitivity analyses to determine what the effects this growth change may cause. The sense at this point is that a dip in population and employment growth within the SEMCOG seven-county region will not have an effect on the international border traffic, but it will manifest itself primarily in reduced congestion within the SEMCOG network; thereby potentially altering routes and travel choices. But the transborder traffic is expected to remain strong because it relies on a broader U.S./Canada area.

Mohammed Alghurabi noted that on March 14, the undersecretary of FHWA brought together agencies to discuss the DRIC. Jim Kirschensteiner said this was a cabinet-level meeting striving for agency commitment to the DRIC project. This was, in part, a response to movement within the

**Detroit River International Crossing Study  
Federal and State Agencies Meeting  
June 13, 2007 – 9:30 a.m.  
MITS Center  
Attendance**

Name	Representing	E-mail Address
Mohammed Alghurabi	MDOT	alghurabim@michigan.gov
Kimberly Avery	MDOT-Taylor TSC	averyk@michigan.gov
Gerri Ayers	MDOT Environmental	ayersg@michigan.gov
Lloyd Baldwin	MDOT – Enviro	baldwinll@michigan.gov
Regine Beauboeuf	Parsons	regine.beauboeuf@parsons.com
Bruce Campbell	Parsons	bruce.l.campbell@parsons.com
Brian Conway	SHPO	conwaybd@michigan.gov
Joe Corradino	Corradino/ MDOT Consultant	jccorradinocorradino@corradino.com
Gary Crook	USDA, APHIS	gary.m.crook@aphis.usda.gov
Brian Grennell	SHPO	grennellb@michigan.gov
Jerry Fulcher	MDEQ-LWMD	fulcherg@michigan.gov
Tom Hanf	MDOT – Environmental	hanft@michigan.gov
Setsuko Hoffman	USDA PHIS PPD	setsuko.hoffman@aphis.usda.gov
Todd Hogrefe	MDNR	hogrefet@michigan.gov
Sherri Holliday-Sklar	U.S. State Department	hollidaysa@state.gov
Lynne Huggins	Mich. State Police, 2 <sup>nd</sup> District	hugginssl@michigan.gov
Andy Irwin	MDOT Project Planning	irwina@michigan.gov
Kari Johnson	MDOT Environmental	johnsonka@michigan.gov
Tiffany Julien	SEMCOG/Southeast MI Council of Govts.	julien@semcog.org
Sherry Kamke	U.S. EPA Region	kamke.sherry@epa.gov
Jim Kirschensteiner	FHWA	james.kirschensteiner@fhwa.dot.gov
F/Lt. Chuck Loader	State Police – Homeland Security	loaderc@michigan.gov
Mark H. Lundgren	U.S. General Svcs. Administration (GSA)	mark.lundgren@gsa.gov
Martha MacFarlane-Faes	State Historical Pres. Office (SHPO)	faesm@michigan.gov
Hugh McNichol	MDOT Project Planning	mcnicholh@michigan.gov
Don Melcher	General Services Administration	donaId.melcher@gsa.gov
Sara Moore	MDOT – Policy	moore.sara@michigan.gov
Paul Owens	DEQ RRD (Remediation & Redevelopment)	owensp@michigan.gov
Brad Peterson	MDOT – Design	petersonbr@michigan.gov
Sherry Piacenti	MDOT – Real Estate	piacentis@michigan.gov
Robert Rietze	U.S. Customs and Border Patrol	robert.rietze@dhs.gov
Ryan Rizzo	FHWA	ryan.rizzo@fhwa.dot.gov
Rosemary Sifford	USDA APHIS US	rosemary.sifford@aphis.usda.gov
Ted Stone	The Corradino Group	tstone@corradino.com
Patricia Thornton	MDEQ-RRD	thorntop@michigan.gov
Dave Wake	Ontario Ministry of Transportation	dave.wake@ontario.ca
David Williams	EHWA	david.williams@fhwa.dot.gov

Attachment A

Submitted for the record as read by Jerry Fulcher at the Agencies meeting of June 13, 2007.

Email from Robert Sills  
Toxicologist Specialist  
Michigan Dept. of Environmental Quality  
Air Quality Division  
sillsr@michigan.gov  
06/12/07 1:26 PM

To Jerry Fulcher  
Land and Water Management Div-MDEQ  
Transportation and Flood Hazard Unit  
fulcherj@michigan.gov

The DEQ Air Quality Division (Barb Rosenbaum) would like to submit the following two comments on the draft Air Quality Analysis Protocol for the DRIC project:

1. We appreciate that a pollutant burden analysis will be performed for the mobile source air toxics. This is consistent with our view that the project has the potential to involve substantial emissions of air toxics, raising significant public health concerns for nearby residents. While the planned burden analysis and qualitative discussion of relevant information will be helpful, it is unfortunate that ambient air impacts and human health risk assessment will not be performed. We understand that those steps are precluded by the lack of accepted methodologies and adoption into FHWA guidance. We encourage MDOT and FHWA to work with the USEPA to expedite the development of the needed models, methods and guidance so that these important assessments can be performed in the future to better inform the assessment of alternatives and mitigation options and ensure public health protection.
2. We agree with the appropriateness of conducting a hotspot analysis of PM emissions for the project. The qualitative nature of the information to be included will be useful and relevant, but falls far short of quantitative information on emissions and ambient air impacts. We understand that modeling guidance and methods are under development by USEPA, which would enable quantitative PM hotspot analysis. We request that MDOT, FHWA and USEPA work cooperatively to expedite the development of these methods and guidance.

Thank you for the opportunity to comment on the draft protocol.



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

Under Secretary for Policy

400 Seventh Street, S.W.  
Washington, D.C. 20590

April 12, 2007

The Honorable Michael P. Jackson  
Deputy Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Jackson:

I thank you and your representatives for their participation in our meeting on the "Federal Role in the New Detroit - Windsor International Crossing." March 14, 2007. I am pleased to report that we made considerable progress in reaffirming our intent to work together to support a single set of federal goals as we move this project forward.

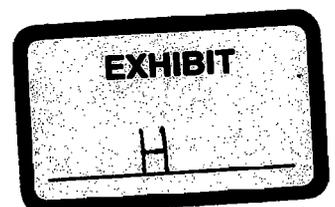
Enclosed for your information are the conclusions from the meeting, a list of participants and a description of each agency's role. In taking these actions, the group will ensure that the implementation of a new international crossing at Detroit-Windsor, as an asset critical to our national interest, will proceed expeditiously with appropriate federal input and support to the benefit of generations to come.

I thank you for your support and for the dedicated efforts of your fine staff. I look forward to our ongoing collaboration on this and future projects.

Sincerely,

Jeffrey N. Shane

Enclosures



-----

**MEETING ON FEDERAL ROLE  
IN A NEW DETROIT-WINDSOR  
INTERNATIONAL CROSSING**

**March 14, 2007**

**U.S. Department of Transportation (USDOT) Headquarters in  
Washington, D.C.**

Per discussions among our agencies, this summarizes the proceedings and outcomes of our meeting, convened at 10:30 am on Wednesday, March 14, 2007.

**Purpose:**

The purpose of the meeting was to:

- Discuss the current status of planning for a new Detroit-Windsor international crossing, and
- Re-energize cross-agency commitment to defining a solution which will ensure adequate infrastructure to meet the mutual economic and security needs of the United States and Canada in the years to come.

**Participants:**

A list of meeting participants is enclosed.

**Unified Federal Approach to DRIC**

The group reviewed the progress and status of the Detroit Windsor International Crossing (DRIC) Partnership, under which the U.S. federal government has been engaged for over three years with the state of Michigan, the Canadian federal government and the province of Ontario. We concurred, given the critical economic importance of uninterrupted flow of trade with Canada, that project planning has reached a critical stage at which a coordinated and unified federal approach to DRIC is warranted. Such an approach will ensure:

- Uninterrupted progress in DRIC planning and construction;
- Proper coordination with the Government of Canada, the state of Michigan, the province of Ontario and other stakeholders; and
- A governance structure for the new crossing which is consistent and compatible with the goals that U.S. federal agencies have for the crossing in the national interest.

With regard to the DRIC project, the agencies affirmed that the U.S. Government will work in a coordinated way to ensure:

- Safety and security of transportation users, the public, transportation infrastructure and crossing operations.
- Facilitation of the legitimate movement of trade and people.
- Protection of the national economy.
- Maximized value and economic benefits over the life of the crossing.
- Adequate, reliable and sustainable capacity for the life of the crossing.
- A crossing option and chosen governance structure acceptable to the United States, Canada, Michigan and Ontario.

**Major Points of Agreement:**

During the meeting, participants discussed and concurred with the following points:

- Each agency acknowledges the respective roles of the other agencies (also enclosed for your reference).
- The agencies will work together to support the goals related to their respective responsibilities.
- The U.S. Department of Transportation (USDOT) will take the leadership role in advancing planning and implementation of this important transportation project. The Department of State is the lead for the DRIC Presidential permitting process. Each of the other agencies listed is a cooperating agency in the project.
- A common set of talking points will be developed for use by all agencies to facilitate the federal government speaking with one voice for this project. USDOT will take the lead in drafting this document for cooperating agency input.
- The agencies will communicate regularly on issues related to the DRIC to keep all agencies informed and to engage discussion and input on upcoming decisions. Attending principals will constitute the core decision making group and will meet at least quarterly to review project progress and upcoming milestones. The existing "Senior Staff" level group will develop recommendations for concurrence by Principals. This communication will include:
  - Real time updates via email or conference call on issues of immediate or timely importance.
  - Periodic briefings on the DRIC project at key milestones, and on no less than a quarterly basis.
 (Cooperating agencies will notify Roger Petzold, Federal Highway Administration, of changes in their representation to the groups.)
- Cooperating agencies will have the opportunity to review and comment on issues related to the development of a DRIC governance structure to ensure compatibility with their roles and responsibilities pertaining to the crossing.
- USDOT, in its capacity as group lead, will communicate with Transport Canada and with the Michigan Department of Transportation.

**Conclusion:**

In taking these actions, the group intends to ensure that the implementation of a new international crossing at Detroit-Windsor, as an asset critical to our national interest, will proceed expeditiously with appropriate federal input and support to the benefit of generations to come.

# **Roles of Federal Agencies in the Detroit River International Crossing (DRIC) Working Group**

**Meeting of Federal Agencies on the  
Detroit River International Crossing (DRIC)  
March 14, 2007**

## **Department of Commerce (USDOC)**

USDOC will serve as liaison to U.S. industry, including the North American Competitiveness Council of the Security and Prosperity Partnership of North America, to ensure that planning and implementation of DRIC benefits from the views, needs and demand forecasts of industry stakeholders.

## **General Services Administration (GSA)**

GSA is a cooperating agency in the DRIC NEPA process. GSA helps federal agencies perform their core mission by offering, at best value, superior workplaces, expert solutions, acquisition services, and management policies. For the Detroit River International Crossing, GSA will design, build, or acquire land port of entry facilities to meet CBP and other federal agencies' needs based on the selected alternative.

## **Department of Homeland Security (DHS), Customs and Border Protection (CBP)**

CBP is a cooperating agency in the DRIC NEPA process. CBP is responsible for securing the nation's borders while facilitating the movement of legitimate trade and travelers through the ports of entry. CBP will specify the requirements for the land port of entry inspection facility at the Detroit River International Crossing, and will operate the facility at completion. CBP will partner with GSA, FHWA, and the state and local entities in developing these facilities in a timely, efficient, and cost effective manner.

## **Department of State (DOS)**

DOS is lead agency for the DRIC Presidential permit process and a cooperating federal agency for the DRIC NEPA process, as well as responsible for international relationships and agreements with Canada.

## **Department of Transportation (DOT)**

DOT's role is to improve the efficiency and reliability of goods and people movement at the Detroit River international land border facilities for the next 30 years. DOT is the lead federal agency for the NEPA and construction of transportation infrastructure for the DRIC in partnership with Michigan DOT.



## Memorandum

TO: File

FROM: Matt Hunter, Wilbur Smith Associates

DATE: June 19, 2007

SUBJECT: MDOT/ DRIC Coordination Meeting

PROJECT: Blue Water Bridge Plaza Study  
JN 57779

---

**Date/Time:** June 19 1:00 pm

**Location:** MDOT Learning Center

**Attendees:**

See attached list.

The following represents the key points of discussion at this meeting:

**3D Visualization.**

- Excellent tool to visualize project.
- Southern border examples handed out.

**Chamber of commerce ordered Economic Impact Study.**

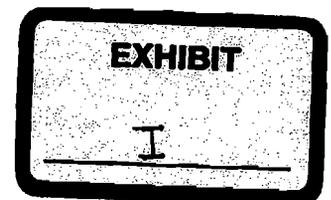
- Huge revenue source.
- \$1.53 billion into the U.S.
- Edison Inn huge generating source alone.

**Selling Michigan in lean economy – by Michael Mills.**

- Can be used to substantiate the DEIS.
- Good source of economic information.

**London Firm Study Showed.**

- Windsor most important city for North American Trade.
- Also listed Sarnia as potential growth area.
- Good selling point to why border improvement is essential to Michigan economy.
- \$49 billion came in to Michigan.
- \$21 billion out of Michigan.



### 'DRIC Outline of DEIS' & 'BWB Table of Contents' Comparison

- BWB uses "User friendly" format, 80% in Michigan do not have a college education.
- DRIC worried that court challenge may fail for lack of technicality.
  - The DRIC team will try to use a friendly format & ensure NEPA expectations are met.
- The BWB DEIS uses the Washington directive format with a tool set on how it should be used and why it follows NEPA.
- The BWB DEIS is supplemented by technical memos for additional information.

### **Ron Moses**

- Legal reviewer for FHWA reviewing DRIC.
- The DRIC team is afraid he would not like the 'User Friendly Format'.
- Ron Moses reviewed the BWB DEIS last spring and is ok with the 'User Friendly Format' as long as all content is included.

### **DRIC Team**

- Not everything needs to be in the form of a question in the Table of Contents.
- Washington DC – every planning document needs to be in same format.

### Review general content of documents

#### Purpose & Need

##### **The BWB Team**

- The BWB Team toned down the P & N content to better to reflect the DRIC. Discussing more generally goods & services, national security, and traffic at a higher level.
- City claims Purpose & Need changed.
  - Not true – evolving process, re-worded not changed
- The City of Port Huron is only focusing on traffic – the purpose & need lists many more elements other than traffic alone.
- National security is number one need.
  - Need technology – no space on current plaza.
  - Not truck parking facility as the City of Port Huron is concerned.
- Why the need for more booths?
  - The City claims that the current booths are not being utilized. Not True.
  - Not enough capacity, this is why commercial traffic is not growing!
  - When additional capacity is added more traffic will come.
- CBP claim Port Huron is highest priority.
- Concurrence of agencies required.
- Could be a problem if P & N changed for agencies
- Must be clear in public involvement process that P & N tweaked based on the findings of the project.

##### **The DRIC Team**

- The system needs to be fixed (Director Dhillon).
- Need 10 lanes for Detroit to satisfy future traffic.
- The Bridge expansion would only give a total of 6 lanes. There is a need for an additional border crossing.

### Alternatives Considered

- Both Projects have a similar title and content
- DRIC chp 3.1 - Existing Border Crossing, discusses other borders within its area of influence.
- N.McCleary feels that this is in the wrong place in the document - DRIC to consider statement
- DRIC keeping multiple Practical Alternatives unlike the BWB which has identified a Preferred Alternative
- A Preferred Alternative should only be selected if there is no other practical alternative which is the case for the BWB DEIS.
- R.Rizzo (FHWA) feels that the Alternative discussion in the BWB DEIS does not identify the City East Alternative as though it is fatally flawed, unlike the Township Alternative which does read as though it is ruled out.
- This alternative is fatally flawed due to CBP security, which will be emphasized in the document.
- Need to have CBP comment in writing on reasoning why alternatives not workable – could be a problem later if not documented.

### ***Main Reasons City East Alternative not Practical for BWB***

- Eliminated a north-south route which is against the emergency services requirements.
- CBP compromised to allow 10<sup>th</sup> Avenue if a local road but not as the main route as is the case with the City East Alternative.

### Affected Environment

#### ***Traffic***

- Where is traffic heading in TOC?
- The DRIC Team feels traffic should be a separate section.
- The BWB traffic is noted in Purpose & Need.
- High- traffic needs to be included in chapters 3.5, 3.6, 3.7
- Traffic is an integral part of the BWB DEIS and is included in the discussion of several chapters with reference to the Traffic Report Technical Memorandum for the detailed analysis.
- Suggested that the Traffic Report needs to be referred to in TOC.
- DRIC talks about induced demand – BWB trying to step back from importance of traffic. This is a critical component with DRIC as it is a blank slate. The BWB has established traffic patterns to base the forecast off.

#### ***4f Section***

- 6f needs to be removed from the title as there is no 6f discussion.
- The section should state very clearly that there is no other option but to impact the township park # and the historical E.C. Williams house.
- The Green Sheet is included in the BWB DEIS
- MOA where are they? They are in the Appendices

#### ***Mitigation not discussed in BWB yet***

- The City of Port Huron is not ready to talk.
- Collaboration needed between projects by the time the BWB reaches final EIS.

- The BWB has a community assistant plan.
- The DRIC has community enhancements plan to emphasize the project is doing extra.
- The group is to meet again with the DIFT team to ensure consistency.
- Permits are discussed in Chapter 5.22 of the BWB DEIS.

***DRIC/DIFT interviews with displaced people***

- Interviews revealed people not tied to area
- i.e. rebuild entire neighborhood not required
- DIFT – early interviews allows prioritizing sequence of ROW takes

***BWB***

- The BWB Team has regular office hours to meet with impacted owners.
- 95% of people impacted met with MDOT real estate to date.
- BWB had to backtrack from SEP15 (early acquisitions funding) to only include hardship cases.

Actions:

- Provide BWB Traffic report to DRIC team
- DEIS made available to DRIC team (DVD to Mohammed)
- DRIC to send hard copy of response to SEMCOG comments
- BWB handed out Economic Section – to be discussed at the next meeting

Next Meeting August 21      8:30 am

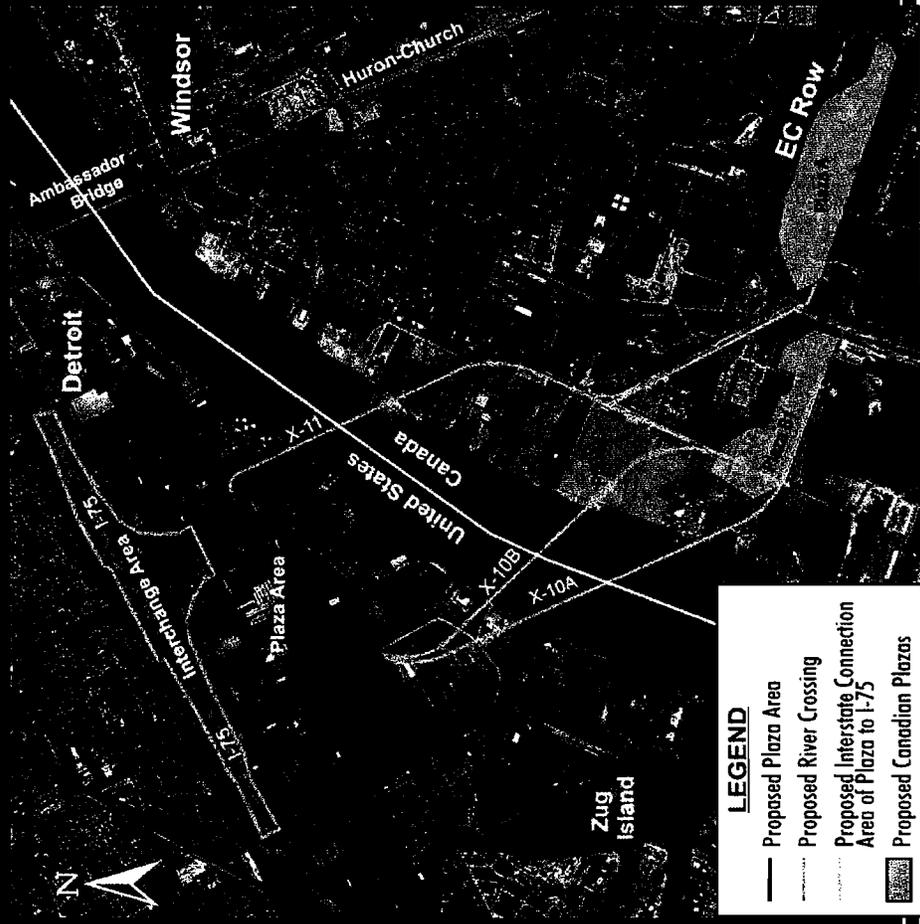
*Detroit River International Crossing Study*

**Draft Environmental Impact Statement (DEIS)/  
Section 4(f) Evaluation**

EXHIBIT

J

# Area of Analysis for Crossing System



*Detroit River International Crossing*

**Air quality will improve.**

## *Contacts*

### **Comments to:**

**Robert H. Parsons**

**Public Involvement and Hearings Officer**

**517.373.9534**

**Senior Project Manager**

**Mohammed S. Alghurabi**

**517.373.7674**

*Detroit River International Crossing*

**Thank you !**



Michigan Department of Transportation

# *Detroit River International Crossing*

## **Questions/Comments ?**



Michigan Department of Transportation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAY 14 2008

REPLY TO THE ATTENTION OF

R-19J

Mr. David Williams  
Environmental Program Manager  
Federal Highway Administration  
315 West Allegan Street, Room 201  
Lansing, Michigan 48933

Re: Comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC), Wayne County, Michigan, EIS No. 20080067

Dear Mr. Williams:

I am providing comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC), consistent with our responsibilities under Section 102(2)(c) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(c), and EPA's authority under Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609.

The purpose of the DRIC is to provide safe, efficient and secure movement of people and goods across the U.S.-Canadian border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the United States, and to support the mobility needs of national and civil defense. The DEIS describes four needs:

- (1) Provide new border-crossing capacity to meet increased long-term demand;
- (2) Improve system connectivity to enhance the seamless flow of people and goods;
- (3) Improve operations and processing capability in accommodating the flow of people and goods;
- (4) Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Nine practical Build Alternatives and one No Action Alternative have been evaluated in the DEIS. Each of the build alternatives consists of three elements: (1) an interchange connecting the plaza to the existing highway network, (2) a Customs and Immigration inspection plaza, and (3) a bridge from the plaza that spans the Detroit River into Canada. The Federal Highway Administration (FHWA) and Michigan Department of Transportation (MDOT) have not identified a preferred alternative.

The United States Environmental Protection Agency - Region 5 (EPA) has agreed to work with FHWA and MDOT on this project as a cooperating agency. As such, we have reviewed the

- 1 -



project's purpose and need, the range of alternatives, and methodologies used to evaluate environmental impacts. We previously provided concurrence with these points in July 2007. Through this letter, we are providing our concurrence with the fourth point: results of key environmental studies. We offer our comments below because we believe that FHWA and MDOT can make several important adjustments to the project and its FEIS related to air quality. The comments that we have on air quality are provided in the attached detailed comments. Our detailed comments also discuss opportunities for this project to incorporate energy efficiency in design and operation.

Based on our review of the information provided in the DEIS and the detailed comments we have enclosed on air quality, we have rated the DEIS as "Environmental Concerns-Insufficient Information" (EC-2). The "EC" means that EPA identified environmental impacts that can be reduced in order to attain the fine particulate (PM2.5) National Ambient Air Quality Standard and provide adequate protection for public health. The "2" indicates that additional information needs to be provided in the Final Environmental Impact Statement (FEIS) to alleviate these public health issues. Our rating applies to each of the build alternatives presented in the DEIS. We have enclosed a summary of EPA's rating system under NEPA.

Thank you for the opportunity to comment on this DEIS. We are available to discuss these comments. We are confident that these issues will be addressed and reflected in the forthcoming FEIS. If you have any questions, please contact me. The staff person assigned to this project is Sherry Kamke; she can be reached at (312) 353-5794 or via email at [kamke.sherry@epa.gov](mailto:kamke.sherry@epa.gov).

Sincerely,



Bharat Mathur  
Acting Regional Administrator

Enclosures (3)

- 1) Detailed Comments
- 2) EPA's Summary of NEPA Rating Definitions and Followup Actions
- 3) DRIC concurrence page for DEIS Technical Reports

cc: Robert Parsons, Michigan Department of Transportation  
David Wresinski, Michigan Department of Transportation

Detailed Comments on the Draft Environmental Impact Statement (DEIS) for the  
Detroit River International Crossing (DRIC)

Air Quality in Detroit

EPA is concerned about major infrastructure projects in the Detroit Metropolitan area because of their potential to adversely impact ambient air quality. EPA has designated Southeast Michigan as a non-attainment area for the fine particulate standard, referred to here as particulate matter 2.5 microns or less (PM<sub>2.5</sub>). Because of their impact on human health, EPA has emphasized the need to address PM<sub>2.5</sub> and diesel emissions through various national, regional, and local initiatives. Work is currently underway to develop and implement control programs that will assist in bringing this area into attainment of the health-based PM<sub>2.5</sub> standard as expeditiously as practicable. Despite implementation of national air pollution control programs, additional local controls will likely be necessary for this area to reach attainment of the National Ambient Air Quality Standard (NAAQS) for PM<sub>2.5</sub>. Any increase in the emissions in this area is cause for concern and will make the state's task of developing a control strategy for bringing the area into attainment more challenging.

Particulate Matter (PM)

The DRIC raises air quality concerns because large numbers of diesel trucks are associated with the project. The proposed DRIC project must be added to the long-range Regional Transportation Plan to determine if the DRIC will conform to the State Implementation Plan. This transportation conformity test will occur after the Preferred Alternative is identified and will be reported on in the FEIS.

In addition to the regional conformity test, FHWA and MDOT are required to prepare qualitative hot-spot analyses for PM<sub>2.5</sub> and PM<sub>10</sub> for the DRIC alternatives. This is because the project qualifies as a new or expanded project that has a significant number of or significant increase in diesel vehicles (See 40 CFR 93.123 (b)(1)). A microscale or "hot-spot" analysis is designed to evaluate whether there are air quality impacts on a local scale rather than an entire nonattainment or maintenance area. Transportation projects subject to the conformity requirement must not cause new air quality violations, worsen existing violations, or delay attainment of the air quality standards. See Clean Air Act § 176(c) and EPA's implementing regulations at 40 CFR Part 93. The transportation conformity rule requires that projects of air quality concern be assessed qualitatively for local PM impact.

The required analyses were included in MDOT's technical report entitled "Air Quality Impact Analysis." Since no preferred alternative has been identified as part of the DEIS, MDOT's hot-spot analysis treats all the existing alternatives equally. The analysis should be based on the vehicle activity at the location being analyzed. The DEIS included a discussion about the

increase in traffic during the time frame of the project, but there was limited discussion of the secondary impacts of the project. There should be a more focused discussion about how the project will actually affect traffic levels in specific locations. In addition, there have been numerous air quality studies on particulate matter in Southwest Detroit, Dearborn, and near the bridge corridor in Windsor, Ontario, which the FEIS should summarize. We cannot treat these analyses as complete because the DEIS did not pick a preferred alternative for the DRIC project. At the FEIS stage, a preferred alternative will be selected. At that time, we expect MDOT will be able to focus on that alternative and provide a clearer hot-spot analysis.

#### Ozone

EPA revised the 8-hour ozone standard on March 12, 2008. EPA expects to make final designations for the new standard in March 2010. New State air quality plans will be required in 2013. The Michigan Department of Environmental Quality will have to include air emissions related to the DRIC projects in the associated state implementation plans.

#### Mobile Source Air Toxics

The Mobile Source Air Toxics (MSAT) analysis in the DEIS is based on FHWA's "Interim Guidance on Air Toxics Analysis in NEPA Documents." While there are positive elements to this guidance, especially the willingness to acknowledge potential MSAT concerns, EPA continues to believe this guidance is not consistent with current academic literature and other published guidance. As an example, we point to the recent extensive report to the American Association of State Highway and Transportation Officials conducted as part of a National Cooperative Highway Research Program project: "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process," March 2007, [http://www.trb.org/NotesDocs/25-25\(18\) FR.pdf](http://www.trb.org/NotesDocs/25-25(18) FR.pdf). This document, commissioned by the States' Departments of Transportation, represents current professional practices of air quality experts and identifies air quality tools and approaches that would be appropriate for various NEPA settings and project levels. Although the DEIS conforms to FHWA's Interim Guidance, we continue to believe more could be done to quantify local air impacts, especially where higher concentrations of diesel emissions are expected.

The DEIS provides toxicity information for six MSATs of most concern. EPA agrees with the need to provide this information in the DEIS, but notes that the primary health concern for acrolein is not cancer, but rather respiratory. Similarly, benzene, acetaldehyde, formaldehyde, and 1,3-butadiene all have non-cancer health endpoints of potential concern. We recommend including health endpoints other than cancer for acrolein, benzene, acetaldehyde, formaldehyde, and 1,3-butadiene in the description of toxicological endpoints included in the DEIS. Cancer is not a known health endpoint for acrolein. Therefore, references to potential carcinogenicity for acrolein should be removed (pg 3-87 of the DEIS and pg 4-4 of the DEIS Technical Report).

In addition to those MSATs explicitly discussed in FHWA's interim guidance, both the guidance and DRIC DEIS acknowledge numerous studies providing evidence that populations living near major roadways face adverse health outcomes. Language in both documents notes that FHWA

cannot assess the validity of these studies. However, numerous publications, including those of EPA and the Centers for Disease Control and Prevention (CDC), have reviewed available public health studies of current populations exposed to current levels of traffic-related air pollution. The available reviews conclude that there is consistent evidence across a range of different studies for several health endpoints, including respiratory effects (lung developmental decrements, exacerbation of respiratory symptoms in asthmatics and non-asthmatics, and onset of asthma and allergic disease), cardiovascular disease and mortality, and all-cause mortality in adults (Adar and Kaufman, 2007; Salam et al., 2008; Samet, 2007). In 2004, these studies prompted the American Academy of Pediatrics (AAP), the licensing board for pediatricians, to advise that schools and child care centers be sited away from roads with heavy traffic. Given the proximity of the proposed project to Detroit Public Schools facilities and an early childhood center, these studies and their interpretation by the AAP should be given greater prominence in the FEIS. The studies establish a presumptive public health problem with populations near major transportation infrastructure, and as such, the Environmental Impact Statement should include analysis of a broader range of mitigation options. EPA can provide technical advice and assessments of available mitigation options.

As the FHWA guidance acknowledges, these studies are not specific to MSATs. As such, these studies should be treated separately from MSATs. Available information suggests that a portion of the observed health decrements in populations living near major roads may be attributable to mechanically-generated particles from brake and tire wear, ultrafine particles, or other pollutants not herein defined as MSATs. As an indicator of concern over non-tailpipe and non-evaporative pollutants for the current DEIS, a 2004 study of residents near the Peace Bridge border crossing near Buffalo, New York estimated that in the community around the bridge, hospital discharges for adult asthma increased between 1991 and 1996, while the national hospitalization rate fell (Lwebuga-Mukasa et al., 2004). Given the sharp reductions in motor vehicle emissions that occurred during that time frame, the study highlights concerns that MSAT and other tailpipe and evaporative emission trends are insufficient to explain likely health impacts of the current project.

#### Mitigation for Air Quality Impacts

Construction - Construction emissions may represent a substantial source of PM2.5 emissions in areas that currently have serious air pollution problems, for which it will be challenging to meet the PM2.5 Standard. We recommend that MDOT and FHWA do all that can be done to minimize PM2.5 emissions from the project, including construction activities.

For this project, construction emissions could be a major component of air emissions. We acknowledge the Air Quality Mitigation information that MDOT included in their Green Sheet Project Mitigation Summary, which is part of the DEIS. We note that the air quality measure is for a construction emissions plan that will include actions such as:

- Retrofitting off-road construction equipment,
- Using ultra-low sulfur fuels for equipment,

- Limiting the age of off-road vehicles used in construction,
- Minimizing engine operations,
- Restricting construction activities around more sensitive receptors,
- Instituting fugitive dust control plans, and
- Using diesel particulate traps and oxidation catalysts.

We recommend that FHWA and MDOT undertake an analysis of construction mitigation options and commit to them to the extent possible.

Operational - General mitigation approaches for anti-idling during operations are only briefly touched upon in the DEIS. We recommend that FHWA and MDOT consider the following measures:

- Routing to reduce truck traffic through residential areas and away from more sensitive receptors,
- Minimizing travel within plazas,
- Implementation of border delay reductions, and
- Implementation of anti-idling strategies at inspection queues.

Research published by EPA investigators suggests that high sound barriers and mature roadside vegetation between people and traffic may significantly reduce downwind concentrations of pollutants emitted along roadways.

We recommend that FHWA and MDOT undertake an analysis of mitigation options for both construction and operations and commit to them to the extent possible, so that an alternative with low environmental impact, both for the region and local communities, can be selected. We are available to participate in discussions on addressing mitigation.

#### Stormwater

Information included in the DEIS on sedimentation control measures and stormwater management plans sufficiently addresses EPA's scoping comments on stormwater.

#### Energy Efficiency and Sustainability

Plaza buildings should be designed and operated to minimize energy use and incorporate sustainable architecture where feasible. We recommend the project sponsors evaluate and incorporate such features as green roof, low-flow plumbing fixtures, permeable pavement, and high-efficiency lighting. Lighting on the bridge and highway links should also be high efficiency. The General Service Administration (GSA) will own the plaza buildings. Under GSA policies, all GSA new construction projects and substantial renovations must be certified through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the

U.S. Green Building Council. Projects are encouraged to exceed basic LEED green building certification and achieve the LEED Silver level. Please document in the FEIS how DRIC will implement this GSA policy.

## SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION\*

### Environmental Impact of the Action

#### LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

#### EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS satc, this proposal will be recommended for referral to the CFEQ.

### Adequacy of the Impact Statement

#### Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CFEQ.

\*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

**Lascelle, Jason [NCR]**

---

**From:** Shaw, Michael [Burlington]  
**Sent:** Wednesday, June 14, 2006 3:13 PM  
**To:** Broadhurst, Dave [Ontario]; Clarke, John [Ontario]  
**Cc:** Dobos, Rob [Burlington]  
**Subject:** RE: DRIC - Question about the IJC

**Follow Up Flag:** Follow up  
**Flag Status:** Orange

**Attachments:** RE: REPLY: DRIC - Question about the IJC; RE: REPLY: DRIC - Question about the IJC

Thanks Dave, I have attached some emails recently received on this question. The last two provide full coverage of the earlier email trail and attachments from FAC.



RE: REPLY: DRIC - Question abo...    RE: REPLY: DRIC - Question abo...

Mike

-----Original Message-----

**From:** Broadhurst, Dave [Ontario]  
**Sent:** June 14, 2006 2:46 PM  
**To:** Shaw, Michael [Burlington]; Clarke, John [Ontario]  
**Cc:** Dobos, Rob [Burlington]; Simpson, Douglas [Ontario]  
**Subject:** RE: DRIC - Question about the IJC

Mike,

I had some difficulty making the connection between the article I forwarded (need for a local AQ study) and the requests in Kaarina's e-mail for information on the IJC and the Air Quality Agreement. Perhaps there have been other news articles that we have not seen. In any event here is some overview information about the IJC, the Air Quality Agreement and the transboundary aspects of the DRIC project.

John may have some additions/modifications to suggest.

Dave

-----

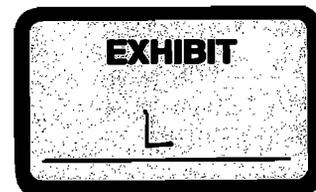
**Role of the International Joint Commission in transboundary air quality**

The International Joint Commission's efforts with respect to air quality are discharged through the International Air Quality Advisory Board. It was established to identify and provide advice on air pollution issues with transboundary implications. The role of the Board is entirely advisory in nature. Information and advice is provided to the Commission by the Board through semi-annual progress reports, workshops, technical analyses and published reports on the many aspects of transboundary air pollution.

[http://www.ijc.org/conseil\\_board/air\\_quality\\_board/en/iaqab\\_home\\_accueil.htm](http://www.ijc.org/conseil_board/air_quality_board/en/iaqab_home_accueil.htm) DFAIT may be able to provide more information about the IJC's air quality activities.

**Canada-US Air Quality Agreement**

The **Canada- United States Air Quality Agreement** was developed to address the transboundary air pollution that was contributing to the formation of acid rain. Both countries agreed to reduce emissions of sulphur dioxide and nitrogen oxides, the primary precursors to acid rain. In December 2000 the parties the Ozone Annex was added to the agreement to address the transboundary flow of air pollutants responsible for the formation of ground level ozone.



[http://www.ec.gc.ca/cleanair-airpur/Transboundary\\_Air-WS587B56F8-0\\_En.htm](http://www.ec.gc.ca/cleanair-airpur/Transboundary_Air-WS587B56F8-0_En.htm)

The agreement takes the macro look at transboundary air pollution with an emphasis on national emission targets for the precursor pollutants. However it also includes notification provisions for important stationary sources within 100 km of the international border. There is a definite link between this agreement and the IJC. The IJC's Air Quality Committee was established to assist in the implementation of the Canada US Air Quality Agreement. It is responsible for preparing progress reports on the Air Quality Agreement. The 2004 progress report is available here.

<http://www.epa.gov/airmarkets/usca/airus04.pdf>

#### **DRIC project**

The Detroit River Crossing project will include an air quality impact study that examines the combined effect of emissions on the Canadian and US sides of the border. This will include any transboundary movement of primary air pollutants such as nitrogen oxides and particulate matter. The joint assessment approach will ensure that assessment authorities in both countries are involved in each step of the project assessment.

Activities included in the Air Quality Agreement progress reports relating to highway emissions have focused on regulations for fuel and vehicle emissions. Emissions from specific highway segments are relatively localized compared to the scale of emissions normally addressed by the Air Quality Committee.

I think it is fair for the DRIC proponents to continue to inform the IJC of their progress. They may wish to specifically ask whether IJC, through its Air Quality Advisory Board, has any interest in the air quality aspects of this project.

Regards,

Dave

-----Original Message-----

**From:** Shaw, Michael [Burlington]  
**Sent:** June 14, 2006 11:54 AM  
**To:** Broadhurst, Dave [Ontario]; Clarke, John [Ontario]  
**Cc:** Dobos, Rob [Burlington]  
**Subject:** FW: DRIC - Question about the IJC

I just received this email from TC requesting our input to the question raised by MTO. Dave just circulated the news article in question to us so you are now aware of the concerns raised in the article. Please provide any comments you may have to me for response to TC.

Thanks,

**Mike**

Michael Shaw  
EA Unit  
EPOD-Ontario  
Environment Canada  
CCIW, Burlington, Ontario  
Ph. (905)336-4957 Fax. (905)336-8901  
E-mail: [michael.shaw@ec.gc.ca](mailto:michael.shaw@ec.gc.ca)

-----Original Message-----

**From:** Stiff, Kaarina **On Behalf Of** Stiff, Kaarina  
**Sent:** June 14, 2006 11:26 AM  
**To:** Shaw, Michael [Burlington]; Shawn Morton  
**Cc:** Hainsworth, Cathy [CEAA]  
**Subject:** DRIC - Question about the IJC

Hi guys,

As you may have seen, there has been some recent news coverage in Windsor regarding air quality and the Detroit River International Crossing Study. The topic has generated much discussion, and consequently MTO has asked me some questions about the role of the International Joint Commission that I'm hoping you can help me with.

Project:	Detroit River International Crossing	Meeting No.
Project No.	33015385	Date: August 27, 2007
Location:	Ottawa, Ontario	Time: 10:00 a.m.
Purpose:	Presentation to International Joint Commission (IJC)	
Present:	<i>IJC Representatives:</i> Herb Gray, IJC Canadian Section Greg McGillis, IJC Canadian Section Michael Vechsler, IJC Canadian Section Murray Clamen, IJC Canadian Ted Yuzyk, IJC Canadian Section Cindy Warwick, DFAIT	<i>DRIC Study Team Representatives:</i> Sean O'Dell, Transport Canada Kaarina Stiff, Transport Canada Susan Mortel, MDOT (via videoconference) Mohammed Alghurabi, MDOT (via videoconference) Dave Wake, MTO Murray Thompson, URS Canada

Discussion

*Action By:*

Those present (including via videoconference) introduced themselves and their respective roles. It was noted that U.S. representatives from IJC were invited but not in attendance.

Sean O'Dell, Dave Wake and Susan Mortel provided introductory statements regarding the Detroit River International Crossing (DRIC) Study noting their appreciation for the opportunity to meet with the IJC.

The DRIC team used a PowerPoint presentation (hard copy) to brief the IJC on the project status. The Canadian Chair of the IJC, Rt. Hon. Herb Gray, outlined the IJC's mandate as detailed in the International Boundary Waters Treaty of 1909 (copies of the Act were given to the Team). He explained that the Treaty is binding on both nations and decisions are not subject to appeal. It was also noted that the IJC is one commission with staff in both countries. He noted the main concerns of the IJC as relating to water quality, water quantity and transboundary air pollution.

In response to a question from Rt. Hon. Herb Gray, Murray Thompson confirmed that the DRIC team had considered options for the international bridge which included piers in the river. These are not being carried forward based on concerns regarding navigation. The current alternative proposals span the river and do not have piers in the water.

Rt. Hon. Herb Gray noted that IJC would be concerned with any proposal that had piers in the river. He also noted that IJC's mandate extended to any temporary works in the river during construction. DRIC representatives made note of this mandate and explained that construction staging details will be part of future studies.

Rt. Hon. Herb Gray noted that an IJC permit or agreement between the two countries would be required prior to construction. Details of what constituted an agreement were not made clear. It was suggested that DRIC follow up with IJC on this matter once a preferred location is known.

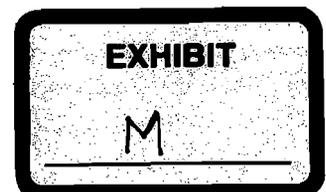
URS

Rt. Hon. Herb Gray noted that there are several local stakeholders along the Detroit River. The local IJC office (Karen Vlgmostad, Great Lakes Regional Office, IJC) likely has a list of these stakeholders. The Canadian Team will contact the local IJC office to obtain a list of stakeholders.

URS

Submitted by: Murray Thompson, URS Canada

Distribution: Study Team Attendees/Participants  
 Jim Steele and Jim Kirschensteiner, FHWA  
 Roger Ward and Joel Foster, MTO  
 Len Kozachuk, URS



**Environment Canada's additional comments (July 29, 2005) on draft Work Plans  
for the Detroit River International Crossing Project**

**Air Quality Work Plan – May 2005, Version 4**

**Section 2.1 Selection of Illustrative Alternatives (pp. 3-4)**

The report refers to the use of MOBILE6C for estimating emissions. The latest version of the Canadian model for mobile source is MOBILE6.2C. The proponent can contact Environment Canada (EC) if they require information on the updated version of the model.

The report provides a very comprehensive list of air contaminants, which was developed in consultation with EC and other federal and provincial agencies. However, noting that the public concerns regarding air toxics are substantial in the Windsor area, EC would suggest that the discussion of illustrative alternatives should also mention the scale of emissions of the other air toxics listed in the Canada - United States Strategy for the Virtual Elimination of Persistent Toxic Substances in the Great Lakes (<http://binational.net/bns/menu-e.html>), for which mobile sources are potential contributors, such as dioxin/furans, hexachlorobenze, mercury, cadmium and lead. As these substances can be estimated through Mobile 6.2C, it may also be feasible to also present the burdens of these additional air toxics.

The proposed transportation model that will be used to predict future vehicle kilometers traveled for the various route alternatives is mentioned briefly in the second paragraph on page 4. However there is insufficient explanation for reviewers to get a sense of the capabilities of this model.

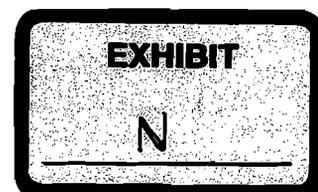
Section 3.3.1 of the March 2004 AQ Assessment Work Plan included several paragraphs addressing the transportation model. The model described in that draft had several compelling features including the ability to model morning and afternoon peak travel on a link by link basis and an approach to estimate how automobile and truck traffic would differentially respond to the introduction of each new capacity alternative. This tool had the potential to assist in a thorough comparative assessment of emissions for the various route alternatives.

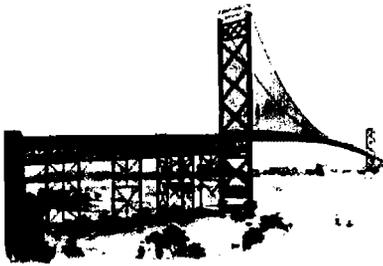
EC requests that the proponent verify that the proposed transportation model will have the capabilities described in section 3.3.1 of the March 2004 draft Air Quality Workplan. EC also requests that some additional details about the capabilities of the proposed transportation model be included in this section of the Air Quality Work Plan.

**Section 2.2, Assessment of Practical Alternatives (pp.5-7)**

EC supports the approach proposed for the selection of upper air and hourly surface meteorological data. The use of data from Windsor and Flint Michigan is appropriate, especially coupled with the assessment of the potential for orographic influences.

EC also agrees that representative background concentrations must be added to the model-predicted concentrations to get an accurate representation of projected air quality.





AMBASSADOR BRIDGE

DETROIT INTERNATIONAL BRIDGE COMPANY

P. O. BOX 32666 *Detroit, Michigan* 48232

April 29, 2008

Mr. Robert H. Parsons  
Public Involvement and Hearings Officer  
Bureau of Transportation Planning  
Michigan Department of Transportation  
P.O. Box 30050  
Lansing, MI 48909

**RE: Submission of Comments and Request for Extension of Public Comment Period for Detroit River International Crossing Draft Environmental Impact Statement**

Dear Mr. Parsons,

We are writing to request an extension of the time period for public comment on the DRIC DEIS, currently scheduled to close today, April 29, 2008. The 60 day comment period provided by the Michigan Department of Transportation and the Federal Highway Administration is far too short for thorough review and comment on the extensive volume of material (including technical reports) contained in the DRIC DEIS, totaling in excess of 6,000 pages.

The DRIC project is a massive undertaking, involving the construction of a new bridge over the Detroit River, new customs plazas in the United States and Canada, and new roads connecting the new bridge to U.S. Interstate 75 and Canadian Highway 401. A highway project of this size by nature involves a myriad of complex technical and legal issues. The DRIC project in particular also raises a host of more unusual issues that are peculiar to the construction of a new border crossing between the U.S. and Canada, including transboundary impacts in the U.S. and Canada. All of these issues must be reviewed and evaluated by the public and interested parties in order for them to provide the sort of meaningful comment required under the National Environmental Policy Act ("NEPA"). Sixty days is simply not enough time for this review and comment to take place, especially when the DEIS fails to provide adequate analysis for several resource categories and fair disclosure of significant impacts to the affected Delray community .

Furthermore, there does not seem to be any pressing need for your agencies to move so soon to the next phase of your process, which you characterize as a Final EIS. Curiously, the U.S. NEPA process has become disconnected from the Canadian Environmental process. According to recent press reports, the Canadian EA process is lagging behind the U.S. process and is likely to be further delayed. Because of this disconnect, your DEIS does not—and cannot—provide a complete project description. In fact, the specifics of the Canadian side of the DRIC project, including the location of the Canadian customs plaza and the connection between the proposed new bridge and Highway 401, remain unknown, in spite of promises to closely coordinate the U.S. and Canadian review processes. It is contrary to sound public policy for the U.S. agencies to select a preferred alternative

(which will displace an entire community on the U.S. side) and move forward to a final environmental process when Canada is so far behind in its own process.

For these reasons, we do not consider the 60-day comment period nearly long enough for an adequate review of the DEIS, and we support the requests of others who want additional time to prepare meaningful comments on the DEIS. Give the volume of materials, the complexity of the issues to be addressed, and the lack of need to rush the US process along while the Canadian side of the project is lagging, we ask that you extend the comment period for an additional 6 months.

Nevertheless, because no extension of the comment period has thus far been granted, we are enclosing the Detroit International Bridge Company and the Canadian Transit Company's Initial Comments on the DRIC DEIS. As explained above, we believe additional time would allow for a more in-depth review of the DEIS, and would generate more comments and critiques.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Stamper", with a long, sweeping horizontal stroke extending to the right.

Dan Stamper

cc: James Ray, FHWA Administrator  
David Williams, Regional FHWA Environmental Program Manager  
David Wresinski, Administrator, MDOT Project Planning Division

**Detroit International Bridge Company  
Canadian Transit Company**

**Initial Comments On The  
Detroit River International Crossing  
Draft Environmental Impact Statement**

Submitted to:

U.S. Department of Transportation, Federal Highway Administration  
Michigan Department of Transportation

Dan Stamper  
President  
Patrick Moran  
General Counsel  
Detroit International Bridge Company  
P.O. Box 32666  
Detroit, MI 48232

John C. Berghoff, Jr.  
Kathryn A. Kusske Floyd  
Jay C. Johnson  
Mayer Brown LLP  
1909 K Street, NW  
Washington, DC 20006-1101

## **EXECUTIVE SUMMARY**

The Detroit River International Crossing (“DRIC”) project proposes the construction of a new border crossing between Detroit, Michigan and Windsor, Ontario, including a new bridge across the Detroit River, new customs plazas in both countries, and new roads connecting the bridge to U.S. Interstate 75 and Canada Highway 401, all at an estimated cost of up to \$1.5 billion in the U.S. alone. The DEIS also expressly states that the new DRIC bridge will compete with, and divert traffic from, the Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge in Port Huron—each of which has received substantial U.S. taxpayer-funded improvements.

A review of the Draft Environmental Impact Statement (“DEIS”) for the DRIC project reveals a number of fundamental shortcomings. These problems are not the sort of things that could be corrected in the course of preparing a Final Environmental Impact Statement. Rather, they are fatal flaws that reveal rushed, arbitrary and capricious agency decisionmaking, and leave the entire environmental review process vulnerable to legal challenge.

### **Purpose and Need**

The DEIS claims that the DRIC project is needed because future traffic volumes will exceed the capacity of existing Detroit-Windsor border crossings as early as 2015. This claim is demonstrably false on a number of levels.

- The DEIS’s model completely ignores the stark fact that traffic volumes at the existing Detroit-Windsor border crossings have declined steeply since 1999, and show no signs of turning around in the near future.
- The DEIS’s Ambassador Bridge traffic projections, which were originally issued in 2004, overstated actual traffic volumes in 2007 by 10% for commercial traffic,

and by 20% for non-commercial traffic, and are on course for exponential error in just the third year of the forecast.

- The DEIS's population and employment forecasts are also outdated, and assume an unattainable recovery of the automobile industry; more recent forecasts require a downward revision of the DEIS's traffic predictions.
- The DEIS uses commodity trade forecasts that are more optimistic and aggressive than FHWA's own projections; substituting the FHWA numbers requires another downward revision in the predicted Detroit-Windsor traffic volume.
- The DEIS's calculations of border crossing capacity do not account for the Ambassador Bridge Enhancement Project—a privately-financed improvement that will result in the construction of a new, six-lane span to replace the existing four-lane span, thereby increasing the physical capacity of that crossing by 50%—or for planned improvements to the Detroit-Windsor Tunnel and the Blue Water Bridge plaza.
- These simple changes to the data used in the DEIS traffic model move the point at which traffic volumes would exceed capacity from 2020 to 2055—a thirty-five year increase from the DEIS's dire predictions, and well beyond FHWA's planning horizon.

### **Proposed Action**

NEPA requires, and the DEIS repeatedly promises, an “end-to-end” analysis of the entire DRIC project. Nevertheless, the DEIS contains little-to-no detail about the shape or scope of the DRIC project in Canada.

- The DEIS does not contain a description of the Canadian aspects of the DRIC project, and therefore does not adequately describe the proposed action supposedly under review.
- The Canadian environmental review of the DRIC project is lagging behind the U.S. NEPA process, making it unlikely that the Canadian review will be available to the public before decisions are made by U.S. authorities.
- Without a full project description, the DEIS does not contain a sufficient analysis of potential transboundary impacts—the environmental effects of the DRIC project’s Canadian side in the U.S. and vice versa—as required by law.

### **Screening of Alternatives**

The “alternatives” reviewed in the DEIS are essentially one build alternative. All of them propose the construction of a new customs plaza and a new connection to Interstate 75 in the low-income, heavily-minority community of Delray.

- The DRIC project conducted a screening process in 2005 that eliminated all alternatives outside Delray, including alternatives in the much wealthier, far less diverse and predominantly Caucasian Downriver area.
- Even though the DRIC project will force hundreds of Delray residents to relocate, will close dozens of local businesses, and will destroy several historic properties protected by Section 4(f), the DEIS fails to analyze reasonable, feasible and prudent alternative locations for the proposed new bridge and plaza.
- The DEIS’s “environmental justice” review does not sufficiently describe these disproportionate impacts on the mostly poor, minority residents of Delray.

### **Environmental Impact Analysis**

A DEIS must contain a complete NEPA review, to allow for full, fair and meaningful public comment. The DEIS in this case improperly postpones a number of vital reviews until the Final EIS stage, after the public comment period has closed. For example:

- The DEIS acknowledges that the DRIC project may have disproportionate impacts on the low-income residents of Delray, but declines to consider those impacts in detail until the Final EIS.
- Similarly, the DEIS postpones its review of land use impacts to Delray, even though the construction of a new border crossing and customs plaza would have a significant impact on land use in that community.
- The new DRIC crossing and new plaza would also have important consequences for Clean Air Act conformity, but the DEIS postpones that analysis as well.

### **Conclusions**

There are several ways in which FHWA should correct the inadequacies in the DEIS.

- The unrealistic traffic forecasts that are central to the DEIS's purpose and need statement must be updated and adjusted to account for readily-available data and information.
- The alternatives analysis must be revised and reexamined in a first tier DEIS that considers more than one build alternative, as provided by FHWA regulations.
- Those parts of the DEIS that are insufficient, postponed or omitted must eventually be revised and reissued for public comment, in coordination with the Canadian environmental review process.

## TABLE OF CONTENTS

	Page
<b>INTRODUCTION</b> .....	1
<b>COMMENTS</b> .....	4
<b>I. The DEIS’s Stated Need For The DRIC Project Is Based On Unrealistically Optimistic Traffic Growth Forecasts</b> .....	4
A. The DRIC project has always been portrayed as satisfying a need to accommodate imminent, dramatic increases in traffic volume .....	4
B. The DEIS’s border crossing traffic projections neither reflect present realities, nor accurately predict future growth .....	6
1. The DEIS’s capacity calculations fail to account for the Ambassador Bridge enhancement project .....	6
2. The DEIS’s 2004 traffic estimates have already proven to be overly optimistic .....	8
3. More recent population and employment forecasts require downward revision of traffic forecasts .....	10
4. The DEIS’s commercial vehicle traffic prediction is based on outdated and overly aggressive commodity trade forecasts .....	12
5. Revising the DEIS’s traffic forecasts to include more recent data and the Ambassador Bridge Enhancement Project eliminates the supposed “need” for a new border crossing.....	12
6. The decline in traffic between Detroit and Windsor since 1999 calls into question the basic premises of the DEIS’s traffic projection .....	13
<b>II. The DEIS Does Not Provide The Required “End-To-End” Border Crossing Evaluation That It Promised</b> .....	18
A. The DEIS does not adequately address environmental impacts on an “end-to-end” basis.....	18
1. The Canadian environmental review appears to be lagging behind .....	18
2. The DEIS fails to adequately address the DRIC project’s transboundary impacts .....	20
B. The DEIS selectively uses alleged Canadian impacts to advance the idea that a new border crossing is necessary .....	21
C. The DRIC project is designed to divert traffic away from other border crossings in Michigan .....	23

## TABLE OF CONTENTS

(continued)

	Page
<b>III. The DRIC Screening Process Improperly Narrowed The Range Of Alternatives To Include Only Locations In The Delray Community</b> .....	25
A. The DEIS's alternatives analysis fails to satisfy NEPA's requirements.....	25
1. The Practical Alternatives were selected without adequate explanation or public participation .....	26
2. NEPA requires consideration of all reasonable alternatives, not merely alternatives that DRIC project proponents consider practical.....	27
3. FHWA should have used a first-tier DEIS to allow public involvement in the crucial screening decisions .....	28
B. By eliminating all alternatives outside the low-income, high minority Delray community, the DEIS obscures severe environmental justice impacts .....	29
C. The DEIS's alternatives analysis is also inadequate with respect to Section 4(f) properties.....	32
<b>IV. The DEIS's Analysis Of Environmental Impacts In The United States Is Severely Flawed</b> .....	34
A. CEQ regulations require that draft environmental impact statements contain full reviews of all potential impacts .....	34
B. Numerous evaluations are improperly postponed until the FEIS .....	35
1. The DEIS postpones its review of potential disproportionate impacts to low-income residents of Delray .....	35
2. The DEIS improperly delays its discussion of land use impacts to Delray until the FEIS .....	35
3. The DEIS makes no effort to conduct a Clean Air Act conformity analysis.....	36
C. The DEIS contains additional inadequacies that should be reviewed in more detail .....	37
<b>CONCLUSION</b> .....	39

**INITIAL COMMENTS OF THE DETROIT INTERNATIONAL BRIDGE COMPANY  
AND THE CANADIAN TRANSIT COMPANY ON THE DETROIT RIVER  
INTERNATIONAL CROSSING DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Detroit International Bridge Company (“DIBC”) and the Canadian Transit Company (“CTC”)—owners and operators of the Ambassador Bridge between Detroit, Michigan and Windsor, Ontario—respectfully submit these initial comments regarding the Draft Environmental Impact Statement (“DEIS”) that has been prepared in connection with the proposed Detroit River International Crossing (“DRIC”) project. DIBC and CTC have requested an extension of the public comment period, and they reserve the right to submit additional comments in due course.<sup>1</sup>

**INTRODUCTION**

The Ambassador Bridge has for nearly 80 years served as a vital link between the United States and Canada. When it was opened in 1929, the main span of the Ambassador Bridge was the longest in the world. Today, the Ambassador Bridge is the busiest border crossing in North America.

DIBC and CTC are continuing the Ambassador Bridge’s long history of connecting the United States and Canada through the Ambassador Bridge Enhancement Project, a new, privately-financed, six-lane span that will be constructed next to the existing Ambassador Bridge, using the same U.S. and Canadian customs plazas, without taking homes or businesses and without spending taxpayer money. Important infrastructure projects are already underway in the United States in anticipation of this new span, including an expanded U.S. customs plaza and improved connections between the bridge, the plaza and the interstate highway system.

---

<sup>1</sup> The DEIS and its supporting technical reports are over 6,000 pages long. Additional time to review these materials will allow for more detailed comments on all aspects of the DEIS.

Going forward with the DRIC project, on the other hand, requires building a new border crossing between Detroit, Michigan and Windsor, Ontario, including a new bridge across the Detroit River, new customs plazas in both countries, and new roads connecting the bridge to U.S. Interstate 75 and Canada Highway 401. According to the DEIS, the U.S. costs alone for the DRIC project will range between \$1.277 and \$1.488 billion. DEIS at 3-205. The DRIC project would build the U.S. customs plaza and connection to Interstate 75 in the diverse Detroit community of Delray, displacing homes and businesses and destroying historic properties. The DEIS furthermore projects that the construction of the proposed new DRIC bridge would divert significant amounts of traffic away from existing crossings, including the Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge between Port Huron, Michigan and Sarnia, Ontario.

DIBC and CTC's years of experience as operators of a Detroit-Windsor border crossing give them a unique perspective on the DRIC DEIS. No one understands better the traffic projections that serve as the fundamental justification for the entire DRIC project. No one has more direct experience with the sort of "end-to-end" crossing between U.S. Interstate 75 in Detroit and Highway 401 in Windsor that the DRIC project envisions. And after 80 years of operation, no one has a better grasp of the potential impacts that a major border crossing can have on the local communities in Detroit and Windsor. So while DIBC and CTC have an obvious commercial interest in the construction of a new crossing in close proximity to the Ambassador Bridge, their perspective on the DEIS is also informed by their many years of experience operating just the sort of border crossing that the DRIC DEIS proposes.

After examining the DEIS in light of their singular knowledge and experience, DIBC and CTC have identified several serious problems with the its process and analysis. *First*, and most

fundamental, the DEIS explains the need for the DRIC project on the basis of 2004 traffic projections that already have proven to be hopelessly optimistic, and which promise to become even more unrealistic as time goes by. When these inflated numbers are replaced with more accurate estimates of future traffic and capacity, the supposedly imminent need for an additional border crossing that serves as the primary rationale for the DRIC project vanishes. *Second*, the DEIS does not fulfill its commitment to evaluate the DRIC project on an end-to-end basis, from U.S. Interstate 75 to Canada's Highway 401. At present, the Canadian environmental review process is not only lagging behind the U.S. process, it has been split into multiple parts, making it impossible to evaluate the DRIC project as a whole. *Third*, a flawed alternatives screening process led to the selection of what amounts to a single build alternative for analysis in the DEIS, and unjustifiably eliminated feasible and prudent alternatives that would have avoided adverse impacts to the diverse Delray community, and to historic properties in that community. *Fourth*, the DEIS improperly postpones some of the most relevant environmental impact analyses, thereby depriving the public of a legally-mandated opportunity to comment on the potential environmental impacts of the proposed DRIC project.

These four issues are not minor errors or omissions that could be corrected in the course of preparing a Final Environmental Impact Statement ("FEIS"). As discussed in more detail below, they are fatal flaws that leave the entire environmental review process vulnerable to legal challenge. To repair this damage, the Federal Highway Administration must address these serious problems by providing a fair and transparent process—to include a revision of its traffic forecasts, a tiered alternatives review and, ultimately, a thorough revision of the DEIS and additional opportunity for public comment.

## COMMENTS

The National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321, *et seq.*, as implemented through regulations promulgated by the President’s Council on Environmental Quality (“CEQ”), mandates that the potential environmental impacts of virtually any major federal action be catalogued, compared and released for public comment before the action is undertaken. For the reasons set forth below, the DRIC DEIS fails to comply with applicable legal authority, including not only NEPA, but also Section 4(f) and multiple Executive Orders. The DEIS therefore cannot serve as the basis for proceeding with the proposed federal action.

### **I. The DEIS’s Stated Need For The DRIC Project Is Based On Unrealistically Optimistic Traffic Growth Forecasts.**

A NEPA environmental review must begin with a statement “specify[ing] the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. § 1502.13. Because “[t]he stated goal of a project”—*i.e.*, the project’s purpose and need—“necessarily dictates the range of ‘reasonable’ alternatives” (*City of Carmel-by-the-Sea v. United States Dep’t of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997)), accurately identifying the purpose and need is vital to performing a satisfactory environmental review. Among the needs for the DRIC project identified in the DEIS, the claimed need for additional border crossing capacity in the near future stands out as most essential to the project’s rationale. On closer examination, however, the traffic and capacity data that underlie the DEIS’s predictions of impending gridlock are demonstrably inaccurate.

#### **A. The DRIC project has always been portrayed as satisfying a need to accommodate imminent, dramatic increases in traffic volume.**

The DRIC project is the product of the Border Transportation Partnership (the “Partnership”) between representatives from Transport Canada (“TC”), the Federal Highway Administration (“FHWA”), the Ontario Ministry of Transportation (“MTO”) and the Michigan

Department of Transportation (“MDOT”).<sup>2</sup> From 2000 to 2004, before it initiated the DRIC project, the Partnership conducted a Planning and Feasibility Study that proclaimed the need for additional border crossing capacity between Detroit and Windsor within 20 years. *See* Planning/Need and Feasibility Study, Existing and Future Travel Demand Working Paper (Jan. 2004), at 212. Thus, when the 2005 Draft Scoping Information document for the DRIC project identified the “needs” that required construction of a new border crossing, the first need on the list was the provision of “new border crossing capacity to meet increased long-term demand.” Draft Scoping Information (“DSI”) at 6 (emphasis in original). In addition, two of the three other needs identified in the scoping document—better system connectivity and improved processing capability—related directly to the feasibility study’s forecast increase in traffic volumes.<sup>3</sup> *Id.*

Although the DEIS was released in 2008, it continues to rely on the now-outdated traffic estimates used three years earlier in the 2005 Draft Scoping Information document. *See* DEIS at 1-10 (stating that “Detroit River area cross-border passenger car traffic is forecast to increase by approximately 57 percent over the period 2004 to 2035, and truck traffic by 128 percent”). Based on these estimates, the DEIS envisions that “[t]raffic demand could exceed the cross-border roadway capacity as early as 2015,” and that when capacity is exceeded, “the system will become gridlocked.” *Id.* The DEIS consequently proclaims that “a solution is needed” that

---

<sup>2</sup> According to its charter, the Partnership’s goals include “expedit[ing] the planning and environmental study process.” DEIS App. B at B-2.

<sup>3</sup> The projected traffic increase employed in creating the Draft Scoping Information document, and later in preparing the DEIS, was by any objective measure dramatic. DRIC project proponents assert that “[o]ver the next 30 years, Detroit River area cross-border passenger car traffic is forecast to increase by approximately 57 percent, and movement of trucks by 128 percent.” DSI at 7. As early as 2015, according to the Draft Scoping Information, “traffic demand could exceed the ‘breakdown’ cross-border roadway capacity . . . .” *Id.*

“[p]rovides adequate vehicle capacity to handle vehicle demand.” *Id.* at 1-8. That “solution,” according to the Partnership and the DEIS, is an entirely new border crossing.

**B. The DEIS’s border crossing traffic projections neither reflect present realities, nor accurately predict future growth.**

1. *The DEIS’s capacity calculations fail to account for the Ambassador Bridge enhancement project.*

The DEIS makes a number of dire predictions about the capacity of the existing Detroit-Windsor border crossings to handle future traffic volumes.<sup>4</sup> With respect to the Ambassador Bridge in particular, the Draft Scoping Information document states that “[u]nder optimal conditions, with all four lanes open, the ‘breakdown’ capacity of the bridge is projected to extend for another 10 years.” DSI at 8; *see* DEIS at 1-10 (indicating that “there will be inadequacies” in “[t]he capacities (number of lanes) of the Ambassador Bridge . . .”). Based in part on this estimate of the Ambassador Bridge’s capacity, the DEIS predicts that “[t]raffic demand could exceed the cross-border roadway capacity as early as 2015 if high growth occurs,” and “between 2030 and 2035” even under low growth projections. DEIS at 1-10. Because it foresees the existing Detroit-Windsor crossings as having sufficient capacity for as few as seven more years of service, the DEIS concludes that a completely new border crossing is needed immediately.

The DEIS’s pivotal estimate of border crossing capacity, however, is outdated. Well before the year 2015, the existing four-lane span of the Ambassador Bridge will have been replaced by a new span as part of the Ambassador Bridge Enhancement Project.<sup>5</sup> The

---

<sup>4</sup> The DEIS’s border crossing capacity estimates include the capacity of the two-lane Detroit-Windsor Tunnel, but do not include the recently-expanded Blue Water Bridge—even though the DEIS anticipates that construction of the DRIC bridge would divert substantial amounts of traffic away from the Blue Water Bridge (*see* DEIS at 3-51).

<sup>5</sup> The Ambassador Bridge Enhancement Project is phase two of the larger Ambassador Bridge Gateway Project, which will replace the existing 80-year old span of the Ambassador Bridge. *See* H.R. 107-722 at 101 (“[T]he original scope and intent of the Gateway Project was

construction of this new span is noted in the DEIS's discussion of alternatives, which specifies that the DEIS "consider[s] the proposal by the private-sector owners of the Ambassador Bridge to build a six-lane span to replace the existing, four-lane bridge as a variation of the No Build Alternative," *i.e.*, as something that will take place regardless of the DRIC project. DEIS at 2-36. Nevertheless, the DEIS's discussion of border crossing capacity assumes that the Ambassador Bridge will operate only two lanes in each direction through the year 2035. This failure to account for the increased capacity of the new, six-lane span of the Ambassador Bridge—even though the new span is explicitly included as part of the DEIS No Build Alternative—results in a significant underestimate of future border crossing capacity.

By increasing the number of lanes on the Ambassador Bridge from four to six, the Ambassador Bridge Enhancement Project will increase that crossing's physical capacity by 50%.<sup>6</sup> To be conservative, considering only the number of additional new lanes, and using the lane capacity estimates in the DEIS, operation of the replacement span will grow Ambassador Bridge capacity from approximately 3,500 passenger-car equivalents ("PCEs") per hour in each direction to 5,250 per hour. DRIC Travel Demand Forecasts at 104 (September 2005). Adding

---

and continues to permit direct access and relief from traffic congestion between the Ambassador Bridge and the trunkline system . . . and protect plans identified by the Ambassador Bridge, including a second span . . ."). In phase one of the Gateway project, already underway and scheduled for completion in 2009, significant upgrades designed to improve direct access to the interstate system have been made to the U.S. customs plaza and the I-75 interchange, at substantial public expense. *See* Photographs of the Ambassador Bridge Enhancement Project (attached as Exhibit A). The I-75 interchange upgrades have required a lengthy and costly closure of I-75. If the DRIC project were to go forward, a similar closure that would have to be repeated just a few miles away.

<sup>6</sup> The purpose of adding new lanes as part of the Ambassador Bridge Enhancement Project is not to increase capacity. As explained in detail below, traffic volume is primarily a function of economic, population and trade conditions in the U.S. and Canada, not the number of lanes available at a given border crossing. Moreover, two of the new lanes on the replacement span of the Ambassador Bridge will be dedicated to low-risk commercial traffic as part of the Free And Secure Trade ("FAST") program. As is the case today, four lanes will remain dedicated to regular commercial and passenger vehicle traffic.

this new capacity to the capacity of the Detroit-Windsor Tunnel thus conservatively changes total Detroit-Windsor border crossing capacity in the DEIS from around 5,000 PCEs per hour to 6,750 PCEs per hour (again, in each direction). Thus, even if everything else about the DEIS's traffic projections were accurate, the mere inclusion of the Ambassador Bridge Enhancement Project as part of baseline traffic capacity moves the *earliest conceivable* date for traffic "breakdown" from 2015 to approximately **2040**. Those twenty-five additional years of capacity transform the DRIC project from the urgent need described in the DEIS to something that is at least premature, and potentially completely unnecessary.<sup>7</sup>

2. *The DEIS's 2004 traffic estimates have already proven to be overly optimistic.*

As indicated above, the traffic forecasts that appear in the DEIS were made using data from 2004. The forecasts were not revised to include subsequent years, even though the DEIS was not published until 2008, when the actual traffic data for 2005, 2006 and 2007 was readily available, and well known to be substantially lower than projected in the DEIS. A review of traffic volumes for those years severely undermines the DRIC traffic forecasts, and with them, the DEIS's statement of purpose and need.

For example, the DEIS predicts that in 2005, 6,330,217 passenger vehicles and 3,482,572 commercial vehicles would cross between Detroit and Windsor on the Ambassador Bridge. Actual Ambassador Bridge traffic numbers for that year were significantly lower—only

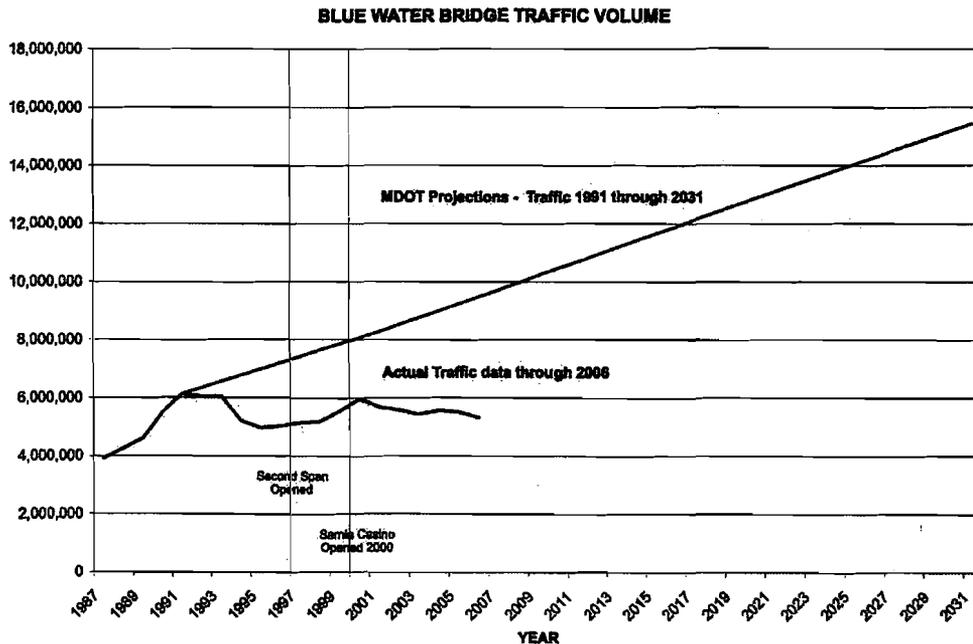
---

<sup>7</sup> The DEIS also conveniently overlooks other prominent features of the Ambassador Bridge Enhancement Project that will enhance traffic flows. For example, the Enhancement Project will further increase efficiency by employing the FAST program; by participating in the NEXUS program to simplify border crossings; by implementing the most modern and efficient cross-border "mixing" and "segregation" of traffic flow; and by employing pre-inspection and reverse inspection procedures. In addition, Ambassador Bridge may make the existing span's four lanes available when circumstances so demand. Had the DEIS acknowledged these features, its asserted need for a new bridge would have seemed even more far-fetched.

5,876,103 passenger vehicle trips and 3,464,178 commercial vehicle trips. By 2007, the DEIS predicts a dramatic increase in passenger trips (to more than 6.6 million) and commercial trips (to more than 3.7 million) over the bridge. The actual data show a *decrease* in both passenger and commercial trips between 2005 and 2007. Indeed, by 2007 the difference between the DEIS's traffic estimates and the actual traffic shows that the DEIS grossly overstated traffic volumes, by nearly 20% for passenger traffic and nearly 10% for commercial traffic. As the following table demonstrates, the ever-increasing error in the DEIS's traffic figures would compound exponentially over a 30-year horizon. The size of that error just in the first three years of the projection is remarkable.

	2004	2005	2006	2007
Passenger Traffic Predicted		6,330,217	6,494,595	6,663,242
Passenger Traffic Actual	6,167,915	5,876,103	5,839,044	5,556,457
Difference		<7.7%>	<11.2%>	<19.9%>
Commercial Traffic Predicted		3,482,572	3,610,602	3,743,339
Commercial Traffic Actual	3,390,938	3,464,178	3,514,239	3,413,839
Difference		<0.5%>	<2.7%>	<9.7%>

With these projections, FHWA and MDOT appear to be on a course to repeat the forecasting error they made in 1991, when they projected a steady increase in traffic across the Blue Water Bridge. Instead, traffic volumes on the Blue Water Bridge are *lower* today than they were in 1991, and far below what FHWA and MDOT predicted. As the following graphic illustrates, a discrepancy in the first years of a projection can quickly compound in subsequent years.



Source: MDOT Projections - Blue Water Bridge Additional Capacity Project Environmental Report, June 1994.  
Actual Traffic - BTOA monthly reports of all crossings

Any agency decision that is based on this sort of massive projection error would readily qualify as arbitrary and capricious.

3. *More recent population and employment forecasts require downward revision of traffic forecasts.*

One of the components of the DEIS's traffic model is projected growth in regional population. The DEIS reasons that more people living in the area would lead to more recreational trips across the border. The population growth predicted in the DEIS thus translates directly into traffic growth. Recently, the Southeast Michigan Council of Governments ("SEMCOG") released an updated population forecast for the seven-county region that would be home to the proposed DRIC project. The population growth rates in that forecast were substantially lower than the growth rates included in the DEIS's traffic model. Indeed, SEMCOG has projected that the region will *lose* population (continuing the current trend) until

approximately 2016. By contrast, the DEIS expects 0.37% compound annual growth in the population between 2007 and 2015. The table below illustrates the difference between the population numbers used in the DEIS and the updated numbers since released by SEMCOG.

	<b>SEMCOG Region Population Forecast</b>			
	<b>2004</b>	<b>2015</b>	<b>2025</b>	<b>2035</b>
Forecasts used in DEIS	4,920,100	5,126,100	5,313,500	5,500,800
SEMCOG (updated)	4,899,748	4,823,967	4,889,386	5,056,035

The substantially lower SEMCOG population forecast, when substituted into the DEIS’s traffic model, decreases the DEIS’s traffic projections.<sup>8</sup>

In the same way that regional population figures affect recreational border crossings, regional employment figures correlate with work-related border crossings. In January 2008, a report prepared for the City of Windsor observed a “substantial decline” in employment during 2007, primarily as a result of restructuring and downsizing in the automobile industry. The Conference Board of Canada is now predicting -0.3% annual declines in employment between 2007 and 2010. In the U.S., SEMCOG employment forecasts envision job losses that began in 2000 continuing through 2008, and subsequent growth through 2035 at a compound annual rate of just 0.2%—half the rate predicted in the DEIS. *See A Region in Turbulence and Transition: The Economic Demographic Outlook for Southeast Michigan Through 2035*, SEMCOG (March 2007). Were the DEIS to use these more recent employment numbers, it would again have to lower its traffic projections.

<sup>8</sup> The January 2008 Induced Demand Analysis Technical Report recognizes the existence of the more recent SEMCOG forecasts, but claims that the smaller number of people living in the region would not significantly reduce cross-border traffic, and “does not materially change the overall border crossing assignment pattern . . . .” Induced Demand Analysis Technical Report at 5-5. This conclusion is inconsistent with the larger population and economic trends discussed above.

4. *The DEIS's commercial vehicle traffic prediction is based on outdated and overly aggressive commodity trade forecasts.*

The economic studies that underlie the DEIS traffic forecasts predict relatively strong growth in exports, including 4.4% annual growth in automotive exports to the United States, between 2004 and 2010. Because automotive trade accounts for nearly one third of commercial vehicle traffic between Detroit and Windsor, this optimistic view of industry growth results in higher cross-border traffic predictions. Since that study was performed, however, actual export data contradicts the DEIS's predictions. Instead of increasing, Canadian automotive exports to the United States have in fact declined sharply, as illustrated below.

	2004	2005	2006	CAGR <sup>9</sup> (2005-2035)
Total Value of Auto Exports	83,380,930	81,098,253	76,196,057	-4.4%
Total Value of Auto Trade Balance	23,483,313	22,294,401	17,665,916	-13.2%

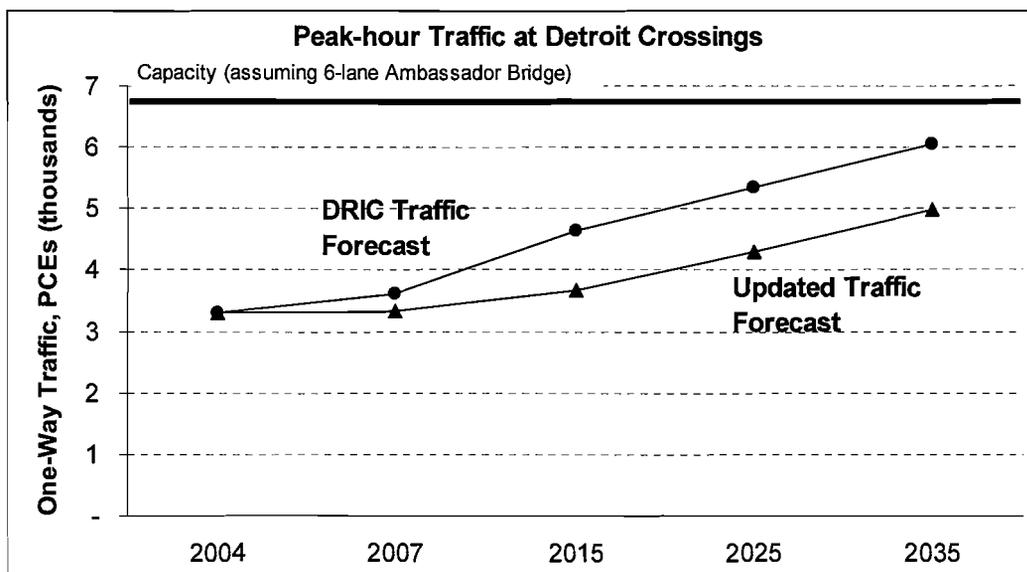
See Industry Canada data. This short-term failure in the DEIS's commodity trade forecasts could easily be corrected by using the more realistic projections of the Freight Analysis Framework ("FAF2") commodity flow database developed by FHWA in cooperation with the Bureau of Transportation Statistics. This data set projects a decline in Detroit-Windsor freight activity in the automotive sector until 2015, and overall lower growth in that sector between 2004 and 2035. Using the FAF2 data instead of the DEIS's too-optimistic projections further lowers the volume of traffic forecast by the DEIS's model.

5. *Revising the DEIS's traffic forecasts to include more recent data and the Ambassador Bridge Enhancement Project eliminates the supposed "need" for a new border crossing.*

By simply updating the traffic, population and economic data underlying the DEIS's travel forecasts, and revising the border crossing capacity to include the six-lane Ambassador

<sup>9</sup> Compound Annual Growth Rate ("CAGR").

Bridge Enhancement Project that the DEIS itself recognizes as part of its No Build Alternative, the point at which projected base traffic volumes would exceed the capacity of the Detroit-Windsor border crossings moves *thirty-five years into the future*, from approximately 2020 to approximately 2055—well beyond the 30-year horizon that FHWA recommends. The following chart shows the difference between the DEIS’s traffic forecast and the traffic situation under the DEIS’s model when these additional factors are properly considered.

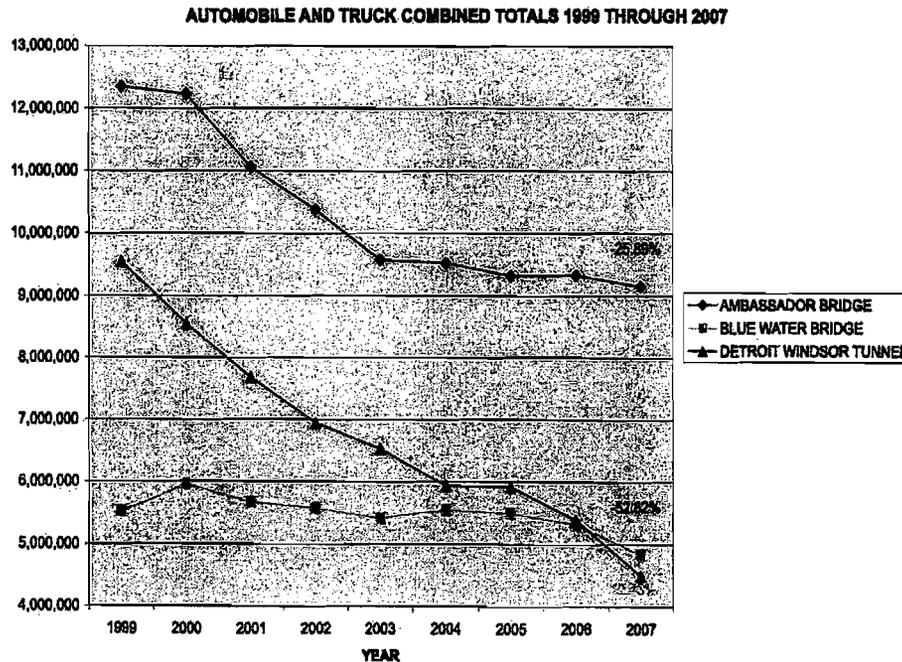


Even if everything else about the DEIS’s traffic studies were accurate—and as discussed below, they are not—this revised forecast completely rebuts the business case for a new border crossing. Looking beyond the thirty-year horizon in the DEIS, or reusing the DEIS in several years as grounds for construction of a new crossing, is contrary to FHWA practice and regulations. See 23 C.F.R. § 771.129(b).

6. *The decline in traffic between Detroit and Windsor since 1999 calls into question the basic premises of the DEIS’s traffic projection.*

Just as significant as the inaccuracy of the DEIS’s traffic forecasts is the fact that the DEIS’s predictions and the actual traffic data are trending in opposite directions. The chart on page 1-10 of the DEIS (Figure 1-3) illustrates that the DEIS traffic model anticipates an

immediate, sharp increase in trans-border traffic, even though crossings had declined steadily between 1999 and 2004. Instead, three more years of data show a *continued decline* in Detroit River crossings (as well as crossings over the Blue Water Bridge).



Note 1: The Samia Casino opened in 2000 resulting in the Blue Water Bridge traffic remaining relatively constant.

Note 2: The Blue Water Bridge Second Span opened in 1997.

Note 3: November and December 2006 were estimated based upon the average change of the first 10 months between 2005 and 2006.

Data from the first months of 2008 are down 10% from the same months in 2007, continuing this trend. See BTOA Monthly Reports, January and February 2008. The intricacies of traffic modeling forecasts aside, it defies common sense to predict a sudden and dramatic turnaround in Detroit-Windsor traffic, especially when a number of factors apparently not accounted for in the DEIS’s optimistic traffic model point toward a long-term decline in that traffic.

For instance, the DRIC Study Travel Demand Forecast report, which is the basis for DEIS Figure 1-3, assumes that the mode share between trucking and rail at both Detroit crossings (Ambassador Bridge and Detroit-Windsor Tunnel) will remain constant in future years. But in reality, several factors are driving freight shippers to shift from trucking to rail—most recently, ever-increasing fuel prices. In 2004, when the DRIC forecasts were completed, the average retail price of on-road diesel fuel was \$1.316 per gallon; today, it has risen more than tripled to \$4.177 per gallon. U.S. Department of Energy, Energy Information Administration, *Petroleum Navigator*, available at <http://tonto.eia.doe.gov/oog/info/gdu/gasdiesel.asp> (last visited April 28, 2008). Most industry observers believe that higher petroleum prices are here to stay. Because freight movement by railroad is three to four times more fuel efficient than movement by truck, and rail locomotives can effectively use alternative fuel sources, these higher fuel prices are causing a shift from truck to rail throughout North America, and railroads are currently enjoying record volumes of freight traffic. See Frank Ahrens, *A Switch on the Tracks: Railroads Roar Ahead*, Washington Post (April 21, 2008); U.S. Federal Railroad Administration, *Rail vs. Truck Fuel Efficiency: The Relative Fuel Efficiency of Truck Competitive Rail and Truck Operators Compared in a Range of Corridors*. Final Report (1991). All of these signs point toward decreasing commercial truck traffic between Detroit and Windsor for the foreseeable future.<sup>10</sup>

---

<sup>10</sup> Additional evidence of this trend appears in documents prepared in connection with the CISCOR (“Canadian Intelligent Super Corridor”) project, which show how Canadian infrastructure improvements plan to capture a substantial percentage of the sea-going import-export transportation between Europe and North America and between Asia and North America. Canada has invested millions to create, improve and expand deep sea ports at Halifax (for European trade) and at Prince Rupert Island (for Asian trade). Once on Canadian soil, the goods would be shipped by rail over a new east-west Canadian transcontinental rail line that marries European freight from Halifax and Asian freight from Prince Rupert Island. The freight then heads south to the U.S. and crosses the border by rail, traveling down the center of the United

Other circumstances are also reinforcing the downward traffic trend that has been taking place since 1999. Because U.S. auto manufacturers have lost market share, each car built with U.S. and Canadian parts results in many fewer border crossings of parts and finished vehicles. The market share of North American sales held by U.S. auto manufacturers has fallen from 90% just a few years ago to under 50% today. See [http://www.automotivedigest.com/research/research\\_results.asp?sigstats\\_id=1293](http://www.automotivedigest.com/research/research_results.asp?sigstats_id=1293); see also <http://www.plunkettresearch.com/Industries/AutomobilesTrucks/AutomobileTrends/tabid/89/Default.aspx>. General Motors discontinued its Oldsmobile line entirely in 2004. Ford sold its Jaguar and Land Rover divisions in 2008. In 2007, Chrysler sold its Chrysler Sebring and Dodge Stratus automobile lines and transferred the vehicle assembly equipment for those cars to the Russian company GAZ Automotive Plan LLC. See <http://eng.gazgroup.ru>. Further, each of these companies has announced a substantial reduction in the selection of vehicle models they will produce. All of this means that parts will become more generic, and therefore the truck transport of differing, individualized parts will diminish, not increase, as the DRIC projections suggest.

Personal border crossings, which have declined even more sharply than commercial traffic, likely have been permanently affected by the opening of three hotel casinos in Detroit that compete with the single casino in Windsor. See, e.g., Joel J. Smith, *Casino Windsor Cuts Workers as Sales Fall*, *The Detroit News* (Nov. 15, 2007); Greta Guest, *Fewer U.S. Dollars Flow to Windsor*, *Detroit Free-Press* (Sept. 8, 2006). Among those Detroit casinos is the MGM

---

States. Moreover, freight on tractor-trailer will continue the trend to “piggy-back” rail transportation, where two or more trailers are loaded on rail cars for the largest percentage of their trip to their ultimate destination. In other words, freight currently crossing the U.S.-Canadian border by truck will then cross by rail. This plan has not been considered by the DRIC DEIS, even though Transport Canada has been fully immersed in Canada’s plan to divert sea-going freight from U.S. ports, and divert truck traffic to rail traffic, and truck cross-border traffic to rail cross-border traffic. See <http://www.ciscorport.com/> (last visited April 28, 2008).

Grand Casino, which is owned and operated by the MGM Las Vegas juggernaut. Thus, the jump in personal trips to Windsor that occurred when the Windsor casino opened has now receded, and likely will not return.

Finally, in 2004, when the DRIC project made its traffic projections, the currency exchange rate was around \$1 U.S. dollar to \$1.37 Canadian dollars. *See* Bank of Canada, 10-year Currency Converter, <http://www.bankofcanada.ca/en/rates/exchform.html> (last visited April 25, 2008). Due to the favorable purchasing position of the U.S. dollar, Windsor's restaurants flourished and personal car traffic across the border was increased. The exchange rate today is nearly one-to-one, so that little cross-border traffic is generated by the promise of better purchasing power. Indeed, as a result of this neutral exchange rate, Windsor restaurants are in serious economic difficulty, and cross border passenger traffic is not anticipated to return to levels experienced in previous years. *See* Thomas Walkom, *Campaign Snapshot: Windsor; An economic engine out of gas*, *The Star* (Sept. 22, 2007).

\* \* \*

Especially in light of the DEIS's badly overestimated traffic projections, even the strongest proponents of the DRIC project, as well as the sponsoring agencies, must concede the need to collect several more years of current and readily available traffic data before deciding whether it is necessary to open a new border crossing in the Detroit-Windsor area. Going forward as things now stand would be proceeding on the basis of a DEIS whose purpose and need underpinnings cannot survive legal scrutiny. To amend this failing, a new statement of purpose and need, based on more current and more realistic traffic data, should be prepared and circulated for public comment.

## **II. The DEIS Does Not Provide The Required “End-To-End” Border Crossing Evaluation That It Promised.**

One of NEPA’s basic purposes is to “insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” 40 C.F.R. § 1500.1(b). Before “environmental information” can be made available, the public and its representatives must have information about the scope of the project itself. That is, of course, what the agencies have in this case promised: an “end-to-end” analysis of the roads, plazas and bridge planned between I-75 and Highway 401. *See* DEIS at ES-4. “The evaluation of alternatives,” according to the DEIS, “is a U.S./Canada collaboration to make all decisions on an ‘end-to-end’ basis.” *Id.* In spite of this commitment, the DEIS says almost nothing about the shape or scope of the DRIC project in Canada, the Canadian environmental review process or how the Canadian project’s effects might be felt in the United States. At the same time, the DEIS selectively cites alleged impacts of the U.S. project in Canada to reinforce what seems to be the predetermined goal of building a new border crossing. This is not the necessary and promised end-to-end analysis of the DRIC project’s proposed connection between I-75 and Highway 401.

### **A. The DEIS does not adequately address environmental impacts on an “end-to-end” basis.**

#### *1. The Canadian environmental review appears to be lagging behind.*

To begin with, “end-to-end” evaluation is impossible until both Canadian and U.S. authorities have decided on the scope of the DRIC project. Canadian environmental authorities have produced a number of discrete environmental impact studies, but they have not indicated when the Environmental Assessment will be available for public review. In fact, according to recent press reports, the target date for release of the Canadian study is being pushed back. *See April fools: DRIC delaying study results*, Today’s Trucking (March 9, 2008). As a result,

persons reviewing the DEIS do not have a complete picture of the DRIC project's environmental impacts. Until the details of the Canadian project become clear, any further action in the U.S. is premature.<sup>11</sup>

Pursuant to statutory requirements of the Federal and Provincial governments, Canadian agencies are conducting two completely separate environmental reviews in connection with the DRIC project. One study is focused on the proposed new bridge and customs plaza, and another addresses a new highway or road network connecting that new bridge to Highway 401. *See id.* (“[I]t is likely the [DRIC] recommendations will be made in two parts . . . one announcement would be made to detail a border route from Hwy. 401 and another for the actual location of the new Windsor-Detroit bridge and accompanying plaza.”). Neither of the planned Canadian environmental studies is available for public review at the present time. The DEIS does not explain when they will be available or what they might say. Consequently, readers of the DEIS have little idea what the Canadian half of the DRIC project will look like. Before the DRIC project can be considered on an “end-to-end” basis, this missing link in the plans between the U.S. side of the proposed DRIC crossing and Canada Highway 401 must be completed. Until it is, the proposed action that is being considered in the DEIS cannot be evaluated as a single project. Without a unified project to evaluate, the DRIC project cannot fulfill the DEIS's stated purpose and need for a new border crossing.

If the U.S. and Canadian environmental authorities had wanted to achieve the “end-to-end” coordination they have always promised, they could have. The DEIS could have been

---

<sup>11</sup> Unlike the review process under NEPA, the Canadian environmental review process is front-loaded. All technical studies and public consultation takes place before documents are submitted to the government for review, comment and approval. As currently scheduled, the NEPA comment period will end before the Canadian environmental review is published. It is entirely possible that the entire NEPA process, including issuance of an FEIS, will be completed before anyone knows what the DRIC project will look like in Canada.

issued simultaneously with the Canadian environmental review, and parties interested in the project could have examined the two documents side-by-side. Inexplicably, neither government has taken the steps necessary to achieve effective coordination. So while the DEIS's reliance on the Canadian Environmental Assessment makes clear that transboundary impacts (among other things) cannot adequately be assessed or commented upon until the Canadian environmental review is complete, the governments of the two countries have not done what they could and should to allow interested persons in the U.S. to understand and review the Canadian project.<sup>12</sup>

2. *The DEIS fails to adequately address the DRIC project's transboundary impacts.*

In 1997, CEQ issued Guidance that interpreted NEPA as requiring "analysis of reasonably foreseeable transboundary effects of proposed actions in their analysis of actions in the United States." CEQ, *Guidance on NEPA Analysis for Transboundary Impacts*, July 1, 1997. Courts relying on this guidance have required that agencies consider **both** (1) the impact of actions in the United States on other countries, and (2) the impacts of actions in other countries on the United States. *See, e.g., Swinomish Tribal Cmty. v. Federal Regulatory Comm'n*, 627 F. 2d 449, 512 (D.C. Cir. 1980) (Canadian environmental impacts of action in the United States sufficiently studied); *Border Power Plant Working Group v. Dept. of Energy*, 260 F. Supp. 2d 997, 1015 (S.D. Cal. 2003) (requiring NEPA review of federal permits issued to power plants operating in Mexico). CEQ Guidance further states that the agency has a "responsibility to undertake a reasonable search for relevant, current information associated with an identified potential effect." CEQ, *Transboundary Impacts*. Especially because the DEIS holds itself out as an "end-to-end" review of a proposed new border crossing, the public is entitled to a complete

---

<sup>12</sup> Despite this lack of coordination, and the lack of information in the DEIS concerning the Canadian aspects of the DRIC project, the Ministry of Transportation of Ontario recently published a prebid notice for construction of the DRIC project from the "end of Hwy 401 in Windsor through the I75 in Detroit." Daily Commercial News at 11 (April 21, 2008).

description of the entire project, and a full statement of transboundary impacts, before a preferred alternative is selected by FHWA and MDOT.

In its chapter discussing environmental impacts, the DEIS states that, “[b]ecause of the bi-national nature of the project, transboundary effects, i.e., those effects in Canada caused by the project[,] are covered in the ‘Indirect and Cumulative Impacts[’] section.” DEIS at 3-1. The Indirect and Cumulative Impacts section, however, speaks only in the most general terms about transboundary impacts, offering no details about the DRIC project in Canada (because the DEIS contains no project description). The DEIS makes no effort to describe how the Canadian side of the project would affect the environment in the United States. Separately listing the effects of the U.S. project in the U.S. and the effects of the Canadian project in Canada does not constitute *transboundary* analysis. See, e.g., *Indirect and Cumulative Impact Analysis Technical Report*, at 4-24 (describing the air quality effects on Southwest Detroit of the U.S. plaza and traffic, but not considering the air quality impacts in Canada from the U.S. plaza and particular traffic routes, or the impacts in the U.S. from the Canadian side of the DRIC project). The complete lack of analysis of impacts flowing *across the border* renders the transboundary section *per se* inadequate. See *Border Power Plant Working Group*, 260 F. Supp. 2d at 1033 (a complete lack of analysis of such effects is inherently inadequate).<sup>13</sup>

**B. The DEIS selectively uses alleged Canadian impacts to advance the idea that a new border crossing is necessary.**

The absence of fulsome discussion of the Canadian aspects of the DRIC project in connection with the DEIS’s build alternatives does not mean that alleged Canadian impacts had

---

<sup>13</sup> Notably, courts have allowed Canadian residents to file NEPA challenges to agency environmental reviews that do not address transboundary impacts. See *Manitoba v. Norton*, Case No. 1:02-cv-02057, slip op. (Nov. 14, 2003) (finding that the broad mandate of NEPA does not preclude suit by a non-citizen based on injury allegedly suffered outside the United States). Thus, the failure to address impacts in Canada from activities in the U.S. increases the DEIS’s vulnerability to a successful legal challenge.

no impact on the DRIC environmental review process. To the contrary, the DEIS specifies that “[t]he proposed second span of the Ambassador Bridge,” which had begun the review process as a potential solution to the perceived need for a new border crossing, “was eliminated because, *in Canada*, the plaza and freeway connection leading to a second span would have unacceptable impacts.” DEIS at 2-11 (emphasis added). According to a November 2005 communication from the regional FHWA administrator with responsibility for the DRIC project, that Canadian-impact-based decision was made more than two years before the DEIS was released for public review, largely in consideration of the fact that “the Canadian Partners have firmly stated their objections . . . and their unwillingness to consider this [Ambassador Bridge] alternative further.” DEIS Appendix C at 1. From all indications, the regional FHWA administrator made this decision outside the boundaries of NEPA, without consultation and without public input.<sup>14</sup> *See id.* (“*I* have reviewed the evaluation data from both the U.S. and Canadian evaluations . . . . On the Canadian side, *I* found the analysis to be consistent with the agreed evaluation criteria . . . . Therefore, *I* concur that the Canadian evaluation is accurate and agree with the Canadian decision . . . .”) (emphasis added).

Around the same time the FHWA regional administrator rejected the Ambassador Bridge Enhancement Project as an alternative to be considered as part of the DRIC project, Canadian authorities were backing away from a prior commitment they made to help fund the construction of a new connection between the Ambassador Bridge and Highway 401, initiated in association with the Ambassador Bridge Gateway Project. To date, the U.S. federal government, the state of Michigan and private entities have spent around \$230 million on the Gateway Project, which

---

<sup>14</sup> The Canadian influence on this FHWA decision becomes even clearer when it is recognized that the addition of a second span to the Ambassador Bridge was one of the two highest ranked DRIC alternatives from the U.S. perspective. *See* EIA at S-47.

improves the customs plaza and connection to Interstate 75 on the U.S. side of the Ambassador Bridge. Meanwhile, the Canadian and Ontario governments have apparently reneged on their similar \$300 million dollar promise, made as part of a 2003 Memorandum of Understanding, to fund "immediate improvements to assist in the management of traffic on the Highway 3/Huron Church Road Corridor" on the Canadian side of the Ambassador Bridge (Windsor Gateway Short and Medium Term Improvements Memorandum of Understanding at 2 (Sept. 25, 2002)).

This unexplained shift in direction away from improvements related to the Ambassador Bridge Enhancement Project toward a single-minded focus on the DRIC project's proposed new border crossing is reflected in the DEIS's discussion of purpose and need. Without any mention of the Canadian government's pre-existing commitment to improve the connection between the Ambassador Bridge and Highway 401, the DEIS states that Huron Church Road—the current Canadian access road to the Ambassador Bridge—"will likely exceed capacity within five to ten years." DEIS at 1-11. This Canadian traffic congestion problem and the associated environmental effects are then cited as additional support for the DEIS's alleged need for a new border crossing. This additional example of selectively using Canadian impacts to support the construction of a new border crossing creates a strong appearance of biased decisionmaking.

**C. The DRIC project is designed to divert traffic away from other border crossings in Michigan.**

The Ambassador Bridge is not the only border crossing that has and will suffer as a result of the DRIC project. The DEIS contains a discussion of traffic impacts that predicts how the construction of a new crossing between Detroit and Windsor will affect traffic over the existing Ambassador Bridge, Detroit Windsor Tunnel and Blue Water Bridge crossings.<sup>15</sup> Depending on

---

<sup>15</sup> The Blue Water Bridge spans the St. Clair River between Port Huron, Michigan and Sarnia, Ontario, approximately 60 miles north of the Ambassador Bridge.

the alternative selected, the DEIS estimates that the DRIC project will cause a seven percent decline in peak-hour auto traffic and a 16-18 percent decline in peak-hour truck traffic on the Blue Water Bridge. DEIS at 3-51. Traffic diversion would be even greater in the Detroit-Windsor area. According to the DEIS, the tunnel “would register a 20 to 26 percent decline in total traffic,” and the Ambassador Bridge would experience a loss of up to 39% of its car traffic, and 75% of its truck traffic. *Id.*

The DEIS does not explain why it makes financial sense for the government to build a new bridge that with the intention of capturing this amount of traffic from existing border crossings that have been and continue to be supported with some level of public funding. The U.S. federal government and the State of Michigan have invested hundreds of millions of dollars in upgrades to the Blue Water Bridge and the Ambassador Bridge Gateway Project that will increase capacity and efficiency. The Detroit-Windsor Tunnel is currently owned by the City of Detroit and the City of Windsor.<sup>16</sup> At the same time, the government-sponsored DRIC project is planning to spend well over a billion dollars on a new bridge that will absorb so much traffic from the Blue Water Bridge and Ambassador Bridge that these expensive upgrades will become unnecessary and wasteful at a time when there is already a shortage of public funds for infrastructure maintenance. Even if the DEIS were right about the future capacity that will be needed in the region, this sort of cross-purposed spending is a waste of taxpayer dollars.<sup>17</sup>

---

<sup>16</sup> Detroit’s half of the tunnel is currently under consideration for a securitized lease or sale to the City of Windsor. Such a transfer leaves open the impact of tunnel management, expansion of Windsor plaza facilities, etc., which are not even acknowledged in the DEIS. Moreover, the impact on Detroit, should Detroit remain owner of the tunnel, of losing 20 to 26% of its future traffic (DEIS at 3-51) has not been calculated by the DEIS.

<sup>17</sup> If accurate traffic forecasts are compared to the U.S. construction costs for the DRIC project (between \$1.3 and \$1.5 billion), debt service, operating and maintenance costs for the bridge will exceed projected revenue, necessitating a continuing public subsidy for the DRIC bridge.

Plainly, the government entities involved in the DRIC project (or at least some of them) intend to enter the market as a business competitor—rather than a market regulator—to the existing Michigan border crossings. The DEIS says as much when it projects that the proposed new bridge will divert traffic away from the Ambassador Bridge, Detroit-Windsor Tunnel and Blue Water Bridge. At several points in the DEIS, this plan to compete with the existing crossings appears to have deleterious effects on the quality of the environmental analysis in the DEIS, with the result that the DEIS is geared toward promoting the new crossing, rather than judging its environmental impacts. This skewed analysis reflects a bias toward the construction of a new Detroit-Windsor border crossing.

**III. The DRIC Screening Process Improperly Narrowed The Range Of Alternatives To Include Only Locations In The Delray Community.**

**A. The DEIS’s alternatives analysis fails to satisfy NEPA’s requirements.**

CEQ regulations describe the alternatives analysis as “the heart of the environmental impact statement” and emphasize that agencies “should present the environmental impacts of the proposal and the alternatives in *comparative form*, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14 (emphasis added). The courts have consistently endorsed this regulatory principle, calling the alternatives analysis “[a]n essential feature of an EIS.” *City of Shoreacres v. Waterworth*, 420 F.3d 440, 450 (5th Cir. 2005). An EIS cannot survive judicial review unless “the agency in good faith objectively has taken a hard look at the environmental consequences of a proposed action and alternatives,” and its “explanation of alternatives is sufficient to permit a *reasoned choice* among different courses of action.” *Mississippi River Basin Alliance v. Westphal*, 230 F.3d 170, 174 (5th Cir. 2000) (emphasis added).

1. *The Practical Alternatives were selected without adequate explanation or public participation.*

The “Practical Alternatives” that receive a full review in the DEIS were selected from a longer list of “Illustrative Alternatives” that included 15 different border crossings. The screening process that narrowed these 15 crossings to the three crossings analyzed in the DEIS—all of which extend to the same plaza/I-75 connector location in the Delray community—is described in a November 2005 study entitled *Evaluation of Illustrative Alternatives on U.S. Side of Border* (the “EIA”). According to the EIA, each Illustrative Alternative was independently rated by the public and by MDOT on the basis of seven factors, and the results were tabulated and discussed in the EIA document. *See* EIA at S-30.

The Illustrative Alternatives, which had been established in the July 2005 Draft Scoping Information document, were located in three general areas: the Downriver Study Area, including the communities of Wyandotte, Riverview, Southgate, Trenton, Grosse Ile, Ecorse and Brownstown Township; the Central Study Area, including the Detroit community of Delray; and the Belle Isle Area within the City of Detroit. A month before the Evaluation of Illustrative Alternatives was published, Michigan Governor Granholm announced publicly that the Downriver and Belle Isle alternatives “have been eliminated” from further study. *See* DRIC Press Release, *Governor Granholm Announces Downriver, Belle Isle Eliminated as Options for New Border Crossing* (Oct. 4, 2005). This apparently politically-motivated conclusion was confirmed in the EIA, which stated that border crossings in the Downriver Study Area were “not considered for further analysis in the DRIC study . . . .” EIA at S-51. The EIA similarly eliminated all Belle Isle crossings as “candidates for the short list of Practical Alternatives . . . .” *Id.* at S-53. Consequently, the 15 border crossings identified at the scoping stage were narrowed to a small set of “Practical Alternatives” that included just three crossings, all of them clustered

closely together, and all of them involving construction of a new plaza and interstate connection within the Delray community in the Central Study Area. For practical purposes, these three crossings represent a single build alternative.

2. *NEPA requires consideration of all reasonable alternatives, not merely alternatives that DRIC project proponents consider practical.*

The concept of “Practical Alternatives” that is applied in the EIA to eliminate Illustrative Alternatives located in the Downriver and Belle Isle areas is highly problematic from a NEPA perspective. FHWA guidance provides that “[d]uring the draft EIS stage ***all reasonable alternatives***, or the reasonable range of alternatives, should be considered and discussed at a comparable level of detail to avoid any indication of bias towards a particular alternative(s).”<sup>18</sup> FHWA Guidance, NEPA and Transportation Decisionmaking, Development and Evaluation of Alternatives (emphasis added). All of the Illustrative Alternatives evaluated in the EIA document were identified as “options that would meet the project’s purpose and need” (EIA at S-1) and “were considered feasible when developed in June 2005” (*id.* at S-3). Nevertheless, after the public/MDOT evaluation process already mentioned, and a relatively cursory discussion of potential environmental impacts, numerous Illustrative Alternatives were eliminated from further analysis.

Neither the DEIS nor the EIA adequately explains how this procedure led to the conclusion that the remaining alternatives were the only possible “Practical Alternatives,” or how the idea of “Practical Alternatives” relates to the NEPA concept of “reasonable alternatives.” Eliminations were simply announced, entirely apart from the public NEPA process—in the case of the Downriver and Belle Isle Alternatives, by Governor Granholm, and

---

<sup>18</sup> Canadian law similarly requires consideration of all reasonable “alternatives to” the project and that “alternative means” be taken into account when determining the location of a project.

in the case of the Ambassador Bridge alternative, by FHWA. Because analysis of alternatives is an essential feature of any NEPA review, these unusual screening decisions, which appear to have eliminated reasonable alternatives that meet the DRIC project's purpose and need, leaving a single build alternative, thereby making the DEIS legally vulnerable. *City of Shoreacres*, 420 F.3d at 450.

3. *FHWA should have used a first-tier DEIS to allow public involvement in the crucial screening decisions.*

Regulations promulgated by CEQ authorize federal agencies to carry out NEPA studies for large or complex projects on a "tiered" basis. *See* 40 C.F.R. § 1502.20. A tiered NEPA study involves preparation of a separate environmental impact statement, including a Draft EIS, full public comment period, and Final EIS, at each stage of the proposed action. *See id.* FHWA regularly employs this dual-layered process in connection with "major transportation actions." 23 C.F.R. § 771.111(g). In such cases, FHWA regulations provide that a first tier EIS should "focus on broad issues such as a general location, mode choice, and areawide air quality and land use implications of the major alternatives." *Id.* "The second tier," by contrast, has a much narrower focus, and is intended to "address site-specific details on project impacts, costs, and mitigation measures." *Id.*

The DRIC project is an ideal candidate for tiered NEPA analysis. Indeed, the agencies essentially took a two-stage approach here, first eliminating the alternatives they considered not "practical," and then preparing the DEIS to evaluate the remaining Practical Alternatives. The problem with the process employed in this case is decisions were made during the first stage analysis on "broad issues such as general location" without a thorough environmental review, presented in a first tier DEIS. As a result, apparently reasonable alternatives were excluded from further analysis, for reasons that are less-than-clear, because the review lacked the fairness,

transparency and public comment period that are part of a DEIS process. These problems could be corrected and avoided in the future through the conduct of a tiered environmental review in this case, where tier one was dedicated to the selection of a general location from more than one build alternative, and tier two dealt with more location-specific environmental impacts.

**B. By eliminating all alternatives outside the low-income, high minority Delray community, the DEIS obscures severe environmental justice impacts.**

Pursuant to Executive Order 12898, FHWA and MDOT are obliged “to the greatest extent practicable” to make “achieving environmental justice part of [their] mission.” When conducting a NEPA review, this means that the presence of disproportionately high and adverse effects on minority and low-income populations “should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring strategies, monitoring needs, and preferences expressed by the affected community or population.” *Environmental Justice: Guidance Under the National Environmental Policy Act* (1997) at 10. In this case, however, FHWA and MDOT not only have failed to give attention to alternatives, they have affirmatively acted to eliminate alternatives that would have had fewer impacts on the diverse community in Delray.

In addition to being targeted as the future home of a new Detroit River border crossing and customs plaza, Delray is already home to a waste incinerator, a sewage treatment facility and an oil refinery. *See* DEIS at 3-34. And while Delray is “one of the most diverse communities in the City of Detroit” (DEIS at 3-31), it is also one of the poorest and most vulnerable. The DRIC project would multiply Delray’s woes. For example:

- Under all but one build alternative, the Community Health and Social Services Center would be relocated (DEIS at 3-19).
- Police and fire service patterns would be altered by the existence of a 150-acre customs plaza (*id.* at 3-21).

- Between 800 and 1,000 Delray residents would be moved (*id.* at 3-22).
- Between 41 and 56 active businesses, which provide an estimated 685 to 920 jobs, would have to be “relocated,” if possible (*id.* at 3-24).
- Up to seven churches would no longer be able to occupy their buildings (*id.* at 3-24).

In spite of these impacts to Delray, the DEIS’s discussion of environmental justice issues shows little evidence of the requisite heightened agency attention. After reciting the basic population statistics that make clear Delray is a protected community under environmental justice standards, and acknowledging that the DRIC project “would impact a larger number of minority groups being displaced as compared to non-minority groups” (*id.* at 3-32), the DEIS devotes just two sentences to minority group environmental justice considerations.

However, the impacts would not be disproportionately high and adverse to minority population groups; and the overall adverse impacts would not be predominately borne by minority population groups. The impacts to minority population groups are not appreciably more severe than the impacts that would be experienced by non-minority population groups in the study area.

*Id.* No further evidence or discussion is offered to support these assertions.

The DEIS seems to be saying that the project is not an environmental justice problem because it will harm minorities living in the study area in proportion to the overall population of minority groups in the study area. Put another way, the study appears to argue that if the minority population in the entire Central study area is 69%, the percentage of minorities in Delray harmed by the DRIC project will also be around 69%, and therefore the project will not have a “disproportionate” impact on minority groups. This argument falls to pieces when any location *outside of* Delray is considered. For instance, the Illustrative Alternatives in the Downriver Study Area (identified as crossings X1 through X9 in the EIA) have far smaller minority populations than the Delray community. The Downriver census tracts that would have

been affected by the DRIC project are between 62.7 and 95.6 percent white. The three Delray census tracts affected by the alternatives studied in the DEIS are between 18.1 and 38.6 percent white. The demographic details that appear in the following table speak for themselves:

Census Tract	U.S. Plaza	Alternative	White	Black	Native American	Asian	Hawaiian	Other race, non-Hispanic	Two or more races, non-Hispanic	Hispanic/Latino origin
5940	S-1 & S-2	X1	93.95	0.00	0.00	0.39	0.00	0.11	1.27	4.28
5950	S-2	X1	95.63	0.66	0.61	0.73	0.00	0.00	0.59	1.78
5808	S-4	X2 & X3	92.72	0.62	0.00	1.74	0.00	0.00	1.12	3.81
5809	S-3	X2 & X3	95.19	1.04	0.49	0.97	0.00	0.00	1.06	1.25
5776	S-5	X4	94.58	0.00	0.12	0.00	0.00	0.00	1.39	3.90
5797	S-5	X4	62.70	13.04	1.25	0.40	0.00	0.19	3.27	19.15
5798	C-1	X5, X6, & X7	73.01	12.51	0.69	0.00	0.00	0.00	2.15	11.64
5795	C-2	X8 & X9	76.24	12.17	0.48	0.00	0.00	0.00	5.05	6.06
5235	C-4	X11	36.89	16.60	0.85	0.38	0.00	0.00	4.91	40.38
5236	C-4	X11	18.06	65.66	0.71	0.00	0.00	0.00	1.25	14.32
5237	C-3	X10	38.59	21.46	0.00	0.00	0.00	2.63	3.79	33.54

The environmental justice analysis is meaningless if a project proponent can simply locate all of its “Practical Alternatives” in a minority community, and then claim that the people in that community will not be disproportionately affected when the project is built. The whole point of the environmental justice mandate issues is to require consideration of alternatives that do not affect minority groups. In this case, those alternatives were eliminated years ago, as part of the EIA process, without any apparent consideration of the environmental justice effects. The only way to correct this failing is to go back and reconsider other build alternatives not located in Delray, such as the Downriver Study area and other areas outside of the Delray community, with an eye toward environmental justice.

**C. The DEIS's alternatives analysis is also inadequate with respect to Section 4(f) properties.**

Consideration of alternatives is even more important under 49 U.S.C. § 303(c), a law more commonly known as Section 4(f). Unlike NEPA, which requires *consideration* of reasonable alternatives to the proposed action, Section 4(f) affirmatively *prohibits* the Secretary of Transportation from approving a project that involves the use of, among other things, “land of an historic Site of national, State or local significance,” unless there exists “no prudent and feasible alternative to using that land.” *See, e.g., City of Alexandria v. Slater*, 198 F.3d 862, 871 (D.C. Cir. 1999) (noting that “section 4(f) . . . imposes a substantive mandate on the Administration”). Although the DEIS acknowledges that all proposed build alternatives will require demolition of between 6 and 8 properties protected by Section 4(f) (*see* DEIS at 5-2), its review of prudent and feasible alternatives falls short under Section 4(f)’s standard.

As an initial matter, it is important to recognize that Section 4(f)’s “prudent and feasible” standard is different from NEPA’s “reasonable alternatives” standard. An alternative that qualifies as unreasonable under NEPA may or may not be prudent and feasible alternatives under Section 4(f). *See, e.g., Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 203 (D.C. Cir. 1991) (rejecting agency argument that “anytime an alternative is unreasonable under NEPA . . . the alternative would also be imprudent within the meaning of section 4(f)(1)”). Thus, even if the EIA document were correct to eliminate Downriver and Belle Isle alternatives as unreasonable under NEPA, those study areas must still be considered under Section 4(f)’s prudent and feasible alternatives standard. The DEIS failed to give them such consideration, and thus failed to satisfy its obligations under Section 4(f).

Furthermore, although the DEIS asserts that “[a]ll feasible and prudent alternatives have been carried forward for detailed study” (DEIS at 5-19), a review of the alternatives eliminated

through the EIA process in light of the relevant regulations demonstrates that several feasible and prudent alternatives were excluded from the DEIS's Section 4(f) analysis. Recently-issued FHWA regulations specify the circumstances under which the agency may find an alternative not prudent.<sup>19</sup> *See* 49 C.F.R. § 774.17. Those circumstances include (1) failure to meet the project's purpose and need, (2) the existence of unacceptable safety or operational problems, (3) severe social, economic or environmental impacts, (4) severe disruption to established communities, (5) severe disproportionate impacts to minority or low-income communities, (6) severe impacts to federally-protected species or habitats, (7) extraordinary additional construction, maintenance or operational costs, and (8) other unique problems. *See id.* The Downriver and Belle Isle alternatives do not appear to be imprudent under these criteria.<sup>20</sup>

To begin with, the EIA acknowledges that all of the Illustrative Alternatives meet the project's purpose and need, (*see* EIA at S-1), meaning they cannot be eliminated as imprudent under criteria (1). Next, a review of the EIA reveals no evidence that the Illustrative Alternatives would involve unacceptable safety or operational problems on the U.S. side of the Detroit River (criteria (2)), "severe" social, economic or environmental impacts (criteria (3)), harm to federally-protected environmental features (criteria (6)), or "extraordinary" construction, maintenance or operation costs (criteria (7)) that could render an alternative imprudent and support the agency's action. *See Stop H-3 Ass'n v. Coleman*, 533 F.2d 434, 445 (9th Cir. 1976) (Although "Section 4(f) does not require . . . specific findings and reasons for approving a project . . . , a court reviewing the Secretary's 4(f) decision must satisfy itself that the Secretary evaluated the highway project with the mandates of section 4(f) clearly in mind."). Finally,

---

<sup>19</sup> These regulations are consistent with prior FHWA guidance concerning feasible and prudent alternatives under Section 4(f).

<sup>20</sup> The requirement of feasibility is an engineering criteria. None of the illustrative alternatives in the EIA fail to meet the feasibility standard.

whatever community disruption or harm to low-income or minority neighborhoods might exist, it cannot be greater in Delray than in the largely white, higher-income Downriver study area.

The failure to include feasible and prudent alternatives in the DEIS's Section 4(f) analysis is a significant legal error. *See, e.g., Busey*, 938 F.2d at 203 (stating that courts "are entrusted with ensuring that the agency looked hard at the pertinent facts and thought hard about the relevant factors" and that courts "are required to repudiate agency caprice"). All of the alternatives reviewed in the DEIS have an adverse impact on several Section 4(f)-protected historic properties in the Delray area. Yet the DEIS contains no discussion of alternatives that would not involve harm to those properties even though, the Illustrative Alternatives eliminated by the EIA process appear to qualify as feasible and prudent under Section 4(f). Furthermore, the DEIS eliminated the Ambassador Bridge Enhancement Project alternative, which would not displace any residents or businesses, or adversely impact any Section 4(f) properties.<sup>21</sup>

#### **IV. The DEIS's Analysis Of Environmental Impacts In The United States Is Severely Flawed.**

##### **A. CEQ regulations require that draft environmental impact statements contain full reviews of all potential impacts.**

CEQ regulations state that a draft environmental impact statement "must fulfill and satisfy to the fullest extent possible the requirements established for final statements . . . ." 40 C.F.R. § 1502.9(a). In other words, a draft EIS must contain all of the analyses that NEPA requires, to allow for full public comment on the environmental review. A final EIS, by contrast,

---

<sup>21</sup> Other potential historical resource issues were not properly considered by the DEIS. For example, Delray was originally inhabited by the Huron and Algonquin tribes. The Huron are known to have engaged in communal burial on Zug Island, and it is possible that similar burial mounds or other archeological sites exist in Delray. Furthermore, it is known that from 1878 to 1880 and again in 1883, the Michigan State Fair was held in Detroit, apparently on the land running from River Street to the Detroit River. Investigation may reveal artifacts from those fairs in the Delray area. The DEIS should have done more to determine whether these and other historical resource issues are worthy of further investigation, and presentation for public comment, because they may influence the selection of the preferred alternative.

is intended to “respond to comments,” not to describe new aspects of the review itself. *Id.* § 1502.9(b). “If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” *Id.* § 1502.9(a). Contrary to these regulatory requirements, even an initial review of the DEIS reveals numerous examples of analyses that have been postponed for further evaluation in the FEIS.

**B. Numerous evaluations are improperly postponed until the FEIS.**

1. *The DEIS postpones its review of potential disproportionate impacts to low-income residents of Delray.*

First and foremost, the DEIS postpones a full review of environmental justice issues. Even though it acknowledges that each of the alternatives may have “disproportionately high and adverse effects on low-income population groups in the Delray Study Area,” the DEIS pushes off a detailed review of those potential impacts. DEIS at 3-32. “These impacts will be further evaluated after MDOT has completed its interviews with the property owners and tenants who may be displaced [by the DRIC project], and ***after the public comment period has ended.***” *Id.* (emphasis added). Thus, the DEIS explicitly acknowledges that its full review of environmental justice impacts on low-income Delray residents will occur at a time when the public will have little chance to comment on the adequacy of that review. Even “[i]f additional impacts are identified,” the DEIS acknowledges that those “impacts and mitigation measures will be addressed in the FEIS.” *Id.* Because this procedure blatantly violates CEQ regulations, a revised draft of this section must be circulated for public comment. *See* 40 C.F.R. § 1502.9(a).

2. *The DEIS improperly delays its discussion of land use impacts to Delray until the FEIS.*

The DEIS’s illusory discussion of land use suffers from a similar flaw. In its land use section, the DEIS describes a “vision” of making Delray “a better place to live, with a new crossing system as its neighbor.” DEIS at 3-46. MDOT and FHWA claim to be “exploring a

number of concepts by which enhancements may be made to the Delray area as it becomes the ‘host community’ for the DRIC project.” *Id.* But the DEIS contains no concrete information about these “concepts,” which are apparently intended to offset the significant loss of jobs and homes in the Delray community that the DRIC project would cause. Rather, the DEIS observes that its land use “concepts may continue to be studied and refined as the DRIC Study moves toward the selection of the Preferred Alternative, which will be addressed in the DEIS.” *Id.* Again, this postponement of analysis constitutes a violation of CEQ regulations requiring a revision and recirculation of the relevant section. What is worse, the continued “refinement” of land use impacts leaves the door wide open for the Delray community to receive far less than it has been promised, without proper opportunity for community review of changes that are made subsequent to the public comment period.

3. *The DEIS makes no effort to conduct a Clean Air Act conformity analysis.*

As discussed in connection with the earlier critique of the DEIS’s statement of purpose and need, one of the basic (if faulty) premises behind the DRIC project is a steady, sharp increase in Detroit-Windsor crossing traffic volumes over the next 30 years. This increase in automobile and truck traffic would undoubtedly have a significant impact on the region’s air quality. The DEIS acknowledges that the SEMCOG region is already not in conformity with “some” national air quality standards. DEIS at 3-89. To properly account for the increased air pollution that would stem from a new border crossing, “[t]he proposed DRIC project must be added to the SEMCOG long-range *Regional Transportation Plan* (RTP) to determine if the DRIC would cause problems in attaining or maintaining air quality standards.” *Id.* The DEIS nevertheless states that “[t]his conformity test will occur *after* a Preferred Alternative is identified” and “will be reported on in the [FEIS].” *Id.* (emphasis added). In other words, the public comment period will have come and gone before anyone knows for certain whether the

DRIC project would prevent the SEMCOG region from meeting the federal air quality standards mandated by the Clean Air Act. This is yet another example of a vital issue that the public should be allowed to understand long before a preferred alternative is selected.

\* \* \*

These three postponed analyses further illustrate the way in which the DEIS, consistent with the Partnership's stated goal of "expedit[ing] the planning and environmental study process" (DEIS App. B at B-2), has rushed to judgment. Environmental reviews that are time-consuming, or that require significant mitigation, or that may not be favorable to the DRIC project, are consistently put off, eliminating the public's opportunity to understand and comment on them. *See, e.g.*, DEIS at 3-104 (noise analysis); *id.* at 3-145 (cultural resources). This pattern of postponement and failure to provide opportunity for public comment is flatly contrary to CEQ regulations, which mandate that these incomplete portions of the DEIS be withdrawn, revised and re-circulated for full public comment. *See* 40 C.F.R. § 1502.9(a).

**C. The DEIS contains additional inadequacies that should be reviewed in more detail.**

Because these comments are intended as preliminary, DIBC and CTC have not attempted to discuss in detail every problem with the DEIS's environmental review. Including technical appendices, the document contains 6,000 pages of material. The 60 day comment period was simply insufficient to conduct the sort of in-depth analysis that would be necessary to itemize every problem in those pages.<sup>22</sup> Nevertheless, a few problems in addition to those already mentioned here stand out.

To begin with, the DEIS's chapter discussing mitigation of environmental impacts is wholly inadequate. From the outset of that section, the DEIS admits that "[w]ithout the benefit

---

<sup>22</sup> For this reason, DIBC and CTC have requested an extension of the comment period in separate correspondence.

of detailed design plans and data,” nothing more than “mitigation concepts” are possible. DEIS at 4-1. Thus, the Delray residents who would be forced from their homes if the DRIC project were to proceed are offered nothing more than a “Conceptual Stage Relocation Plan.” *Id.* at 4-3. No sources of funding for this plan are identified, and no concrete commitments to the residents are made. Other mitigation plans are similarly sketchy. The vast bulk of mitigation planning is reserved for future development in the “design phase” (*id.* at 4-1), effectively precluding public comment on mitigation measures.

The analysis of air toxics from the DRIC project is also problematic. The DEIS contains a mobile source air toxics (“MSAT”) analysis up to a quantification of MSAT emissions for ramps and (plaza and crossing) for 2013 and 2030. In addition, the DEIS references the FHWA Feb 3, 2006 *Interim Guidance on Air Toxic Analysis in NEPA documents*, which lists a number of reasons excusing performance of an air quality and risk assessment. But the DEIS does not apply NCHRP’s best practices guidance for informing the public and decision-makers, which would be appropriate for a project of the size and scope of the DRIC.

It is also noteworthy that the DEIS contains no discussion whatsoever of greenhouse gas emissions or their potential impact on climate change. A recent Ninth Circuit Court of Appeals decision, *Center for Biological Diversity v. National Highway Safety Administration*, 508 F.3d 508 (9th Cir. 2007), suggests that greenhouse gas analysis is an important consideration in any NEPA review. Such a review of greenhouse gases would seem particularly relevant for a project that is being studied on the basis of a predicted increase in automobile traffic.

All of these issues, and many more, could be addressed in detailed technical comments regarding the DEIS, if an extension of the comment period were granted. At present, it is enough

to note that, in addition to the four major issues identified in these preliminary comments, the DEIS's environmental review appears to be fundamentally deficient in a number of areas.

### **CONCLUSION**

For the reasons discussed, DIBC and CTC conclude that the DEIS is wholly inadequate under NEPA. The only way for FHWA and MDOT to address these inadequacies is to reevaluate several aspects of the DEIS from scratch. The traffic data that is central to the DEIS's purpose and need statement must be updated and adjusted to account for more recent economic conditions. The alternatives analysis must be revised and reexamined on a tiered basis that considers more than one build alternative. And those parts of the DEIS that are insufficient, postponed or omitted must eventually be revised and reissued for public comment.

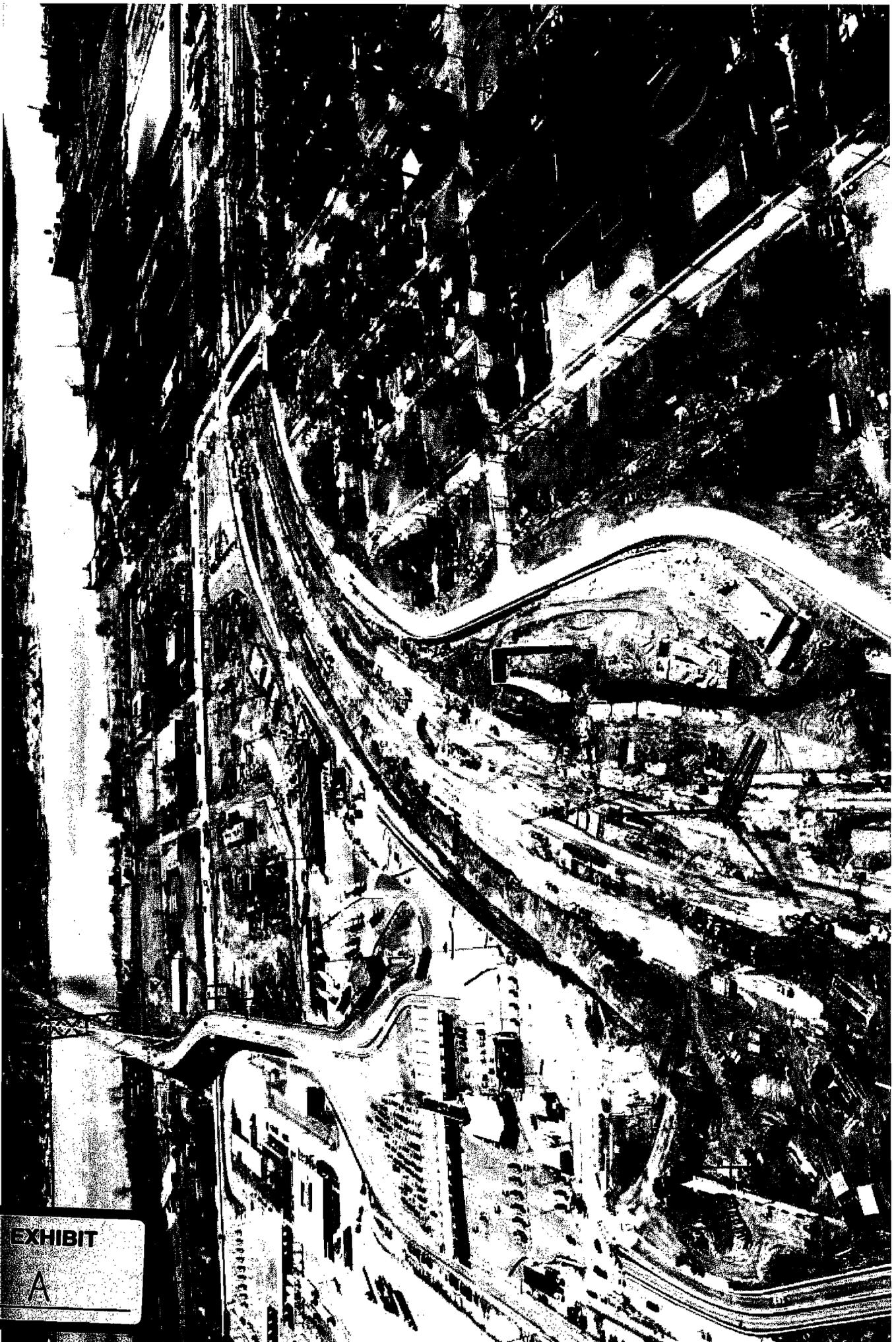


EXHIBIT  
A



6

WEST GRAND BLVD

FORT ST

25TH ST

24TH ST

PLAZA 9

8

4

VERNOR HWY

23RD ST

8

5

1

3

WELCOME CENTER

6

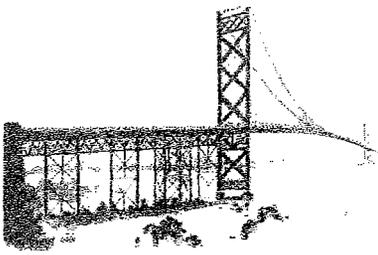
2

STERNING ST

BAGLEY ST



North



92456 Ben

AMBASSADOR BRIDGE

DETROIT INTERNATIONAL BRIDGE COMPANY

P. O. BOX 32666 *Detroit, Michigan* 48232

February 25, 2008

Governor Jennifer M. Granholm  
P.O. Box 30013  
Lansing, Michigan 48909

Dear Governor Granholm:

You have consistently stated the Detroit River International Crossing (DRIC) process is to accommodate future traffic in the corridor. During virtually every communication with your office regarding DRIC, I have consistently reiterated the damaging effects and the negative impacts the DRIC would have on this region, including the irreparable harm it would to the Ambassador Bridge, the Detroit / Windsor Tunnel and Blue Water Bridge as well. Not surprisingly, the recent release of the DRIC's Draft Environmental Impact Statement (DEIS) has acknowledged and confirmed these facts:

“Table 3-11B provides further definition of how traffic on the DRIC alternatives is drawn from other crossings...:

- Blue Water Bridge: 7% decline in cars, 16-18% decline in overall truck traffic with introduction of DRIC crossing...
- Detroit-Windsor Tunnel would register a 20-26% decline in total traffic...
- Ambassador Bridge would register a 37-39% reduction in car traffic...[and] a reduction of 75% of its truck traffic.”

*(DRIC DEIS, p. 3-51 & p. 3.53, Attached. Emphasis added.)*

As previously discussed, the DRIC was and still is **not a solution** for transportation growth in this region: it remains a coordinated, concerted governmental effort to destroy the viability of the Ambassador Bridge, the Detroit / Windsor Tunnel and the Blue Water Bridge. You have heard me say before, the DRIC proposition will do nothing but cannibalize the current crossings, because as you know, capacity is not the issue - especially at the Ambassador Bridge.

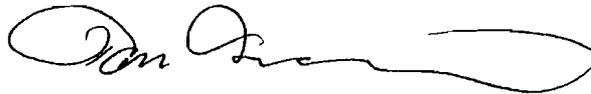
As a member of the consortium behind DRIC, you have an obligation and responsibility to ensure that this boondoggle is put on the shelf and will not be used to further harm the existing border crossing operators. In our current economic climate, we are all struggling today to maintain a business given the reduced amount of international traffic using our facilities. All you have to do is look at the numbers, and they will tell the actual story. International traffic has been declining since 1999. *(See Attached graphs of actual traffic.)*

There is absolutely no transportation justification for a DRIC bridge in this corridor, especially in light of the Ambassador Bridge Gateway Project (currently under construction) investing \$231 million, closing I-75 for 2 years and only taking minimal properties from citizens. DRIC on the other hand calls for 414 homes, 56 businesses and 14 civic non-profits. (See *Detroit News*, Feb. 22, 2008; *Detroit Free Press* Feb. 25, 2000; and *DRIC DEIS, Appendix A, p. 2.*) As the final map attached to this letter shows, Michigan simply cannot afford to harm its transportation facilities and our strengths as a distribution hub while Canada systematically builds only infrastructure projects that provide a competitive advantage to Canada alone. (See *North American report covers/maps, attached. A more thorough briefing on this may beneficial to inform your views.*)

The economic devastation of the Ambassador Bridge, the Detroit/Windsor Tunnel and the MDOT's twinned Blue Water Bridge is surely not the legacy that your administration would like to leave Michigan.

Regards,

DETROIT INTERNATIONAL BRIDGE COMPANY

A handwritten signature in black ink, appearing to read "Dan Stamper", written in a cursive style.

Dan Stamper  
President

# Draft Environmental Impact Statement and Draft Section 4(f) Evaluation

## The Detroit River International Crossing Study



Prepared by:  
U.S. Department of Transportation  
Federal Highway Administration  
and  
Michigan Department of Transportation

In association with the following Cooperating Agencies:  
U.S. Army Corps of Engineers  
U.S. Coast Guard  
U.S. Environmental Protection Agency  
U.S. Fish & Wildlife Service  
U.S. General Services Administration  
U.S. Department of Homeland Security - U.S. Customs & Border Protection  
U.S. Department of State

February 2008

## 3.5 Traffic

This section covers how traffic was predicted for the new bridge and how the nearby freeways and major local roads would operate with the traffic changes. Reference is made to the two-volume set of *Traffic Analysis Technical Reports* for details.<sup>9</sup>

### 3.5.1 Travel Demand Model and Results

#### 3.5.1.1 Overview

The travel demand model that was created specifically for the DRIC project is a composite of detailed roadway networks and trip tables representing the SEMCOG region, the State of Michigan, Windsor, and Ontario. The model also covers all of Canada and the U.S. with less-detailed networks than in the Detroit-Windsor region. The travel demand model treated all crossings equally in terms of tolls and the time consumed in paying tolls and Customs processing. All travel model applications used the same Canadian approach road to the plaza at the new crossing.

---

#### What is a Travel Demand Model?

A computer program used to estimate traffic over large areas. The model uses data on population and employment to determine how many trips will be made. When a new roadway link is analyzed, like a new bridge, the model reports on traffic changes in the transportation system.

---

A number of travel demand modeling analyses were performed for the DRIC. The highest traffic volumes in a range of forecasts are used in this DEIS. This is consistent with MDOT's approach to the NEPA process, which is to examine maximum-impact scenarios during preliminary analyses and, then, modify the analyses in the FEIS as the specifics of the project become better defined.

Providing a new border crossing would cause travel shifts over a wide area. For example, a new Detroit-Windsor crossing could attract travelers from the Blue Water Bridge at Port Huron, Michigan. At the same time, the proposed border crossing would reduce traffic on the Ambassador Bridge and in the Detroit-Windsor Tunnel.

Because of their similarity, Practical Alternatives #1, #2, #3, #14 and #16 are represented by a single set of travel demand model applications. They include an X-10 crossing, Plaza P-a, and a similar trumpet-type interchange at I-75. Alternative #5, also with an X-10 crossing and including Plaza P-a, has a trumpet-type interchange shifted far enough east (i.e., upstream on I-75) that a separate set of traffic data was produced. Alternatives #7, #9 and #11 are represented by a single set of travel demand model applications as they are variations of an X-11 crossing with Plaza P-c.

---

<sup>9</sup> The Corradino Group of Michigan, Inc. and Parsons Transportation Group, *Detroit River International Crossing Study Level 2 Traffic Analysis Report, Part 1: Travel Demand Model and Part 2: Highway Capacity Analysis and Microsimulation Modeling Results*, February 2008.



Table 3-11A  
 Maximum Two-way Crossing Volumes: Proposed DRIC Crossing  
 Detroit River International Crossing Study

	Alternative Group	AM		MD		PM	
		2015	2035	2015	2035	2015	2035
Cars	#1/2/3/14/16	845	1,104	559	596	1,225	1,405
	#5	848	1,090	590	605	1,262	1,462
	#7/9/11	473	611	294	376	807	1,124
Trucks	#1/2/3/14/16	602	964	746	1,138	734	1,092
	#5	604	948	718	1,153	740	1,120
	#7/9/11	395	729	322	699	512	846
Total	#1/2/3/14/16	1,447	2,068	1,305	1,734	1,959	2,497
	#5	1,452	2,038	1,308	1,758	2,002	2,582
	#7/9/11	868	1,340	616	1,075	1,319	1,970
PCEs <sup>a</sup>	#1/2/3/14/16	2,350	3,514	2,424	3,441	3,060	4,135
	#5	2,358	3,460	2,385	3,488	3,112	4,262
	#7/9/11	1,461	2,434	1,099	2,124	2,087	3,239

Table 3-11B provides further definition of how traffic on the DRIC alternatives is drawn from other border crossings in the Port Huron/Sarnia and Detroit River areas in the 2035 PM peak hour. It illustrates the following:

- A seven percent decline (○ red oval) in overall auto traffic on the Blue Water Bridge and a 16 to 18 percent decline in overall truck traffic with the introduction of a proposed DRIC crossing in the 2035 PM peak hour (○ blue oval). The decline is expected to be greater in the peak U.S.-to-Canada direction than the Canada-to-U.S. direction.
- The Detroit-Windsor Tunnel would register a 20 to 26 percent decline in total traffic (○ green oval), with the most significant reduction expected to occur in auto traffic in the U.S.-to-Canada peak direction.
- With Alternative Set #1/2/3/14/16 and Alternative #5, the Ambassador Bridge would realize a 37 to 39 percent reduction in car traffic (□ red squares). Also, with Alternative Set #1/2/3/14/16 and Alternative #5, the Ambassador Bridge is expected to realize a reduction of 75 percent of its truck traffic (□ green squares).
- With Alternative Set #7/9/11, the Ambassador Bridge is expected to realize a reduction of only 30 percent of its car traffic (□ blue square) and a reduction of 54 percent of its truck traffic (□ black square). The increased travel time of Alternative Set #7/9/11 compared to the other DRIC alternatives causes retention of car traffic at the Ambassador Bridge.

**Table 3-11B**  
**PM 2035 Peak Hour Volumes**  
**Detroit River International Crossing Study<sup>a</sup>**

	Network	U.S.-to-Canada (Peak Direction)					Canada-to-U.S.					Two-Way Traffic				
		BWB	DWT	AMB	NEW	Total <sup>b</sup>	BWB	DWT	AMB	NEW	Total <sup>b</sup>	BWB	DWT	AMB	NEW	Total <sup>b</sup>
Cars	No Build	458	1,328	1,852	n/a	3,638	490	429	664	n/a	1,583	948	1,757	2,516	n/a	5,221
	#1, #2, #3, #14, #16	414	997	1,072	1,155	3,638	466	367	502	250	1,585	880	1,364	1,574	1,405	5,223
	#5	413	982	1,028	1,215	3,638	466	369	501	247	1,583	879	1,351	1,529	1,462	5,221
	#7, #9, #11	417	1,080	1,221	920	3,638	471	378	532	204	1,585	888	1,458	1,753	1,124	5,223
Trucks	No Build	493	120	761	n/a	1,374	390	6	391	n/a	787	883	126	1,152	n/a	2,161
	#1, #2, #3, #14, #16	368	44	229	734	1,375	357	1	70	358	786	725	45	299	1,092	2,161
	#5	364	47	209	756	1,376	358	1	63	364	786	722	48	272	1,120	2,162
	#7, #9, #11	379	46	364	585	1,374	364	1	161	261	787	743	47	525	846	2,161
Total	No Build	951	1,448	2,613	n/a	5,012	880	435	1,055	n/a	2,370	1,831	1,883	3,668	n/a	7,382
	#1, #2, #3, #14, #16	782	1,041	1,301	1,889	5,013	823	368	572	608	2,371	1,605	1,409	1,873	2,497	7,384
	#5	777	1,029	1,237	1,971	5,014	824	370	564	611	2,369	1,601	1,399	1,801	2,582	7,383
	#7, #9, #11	796	1,126	1,585	1,505	5,012	835	379	693	465	2,372	1,631	1,505	2,278	1,970	7,384
PCEs <sup>c</sup>	No Build	1,691	1,628	3,755	n/a	7,073	1,465	444	1,642	n/a	3,551	3,156	2,072	5,396	n/a	10,624
	#1, #2, #3, #14, #16	1,334	1,107	1,645	2,990	7,076	1,359	370	677	1,145	3,550	2,693	1,477	2,322	4,135	10,626
	#5	1,323	1,100	1,551	3,105	7,078	1,361	372	659	1,157	3,548	2,684	1,471	2,209	4,262	10,626
	#7, #9, #11	1,365	1,195	2,131	2,383	7,073	1,381	381	935	857	3,553	2,746	1,576	3,068	3,239	10,626

<sup>a</sup> Shapes (Δ) are tied to text on preceding and following pages.

<sup>b</sup> Slight difference in totals among alternatives is the result of rounding real numbers into integers.

<sup>c</sup> Passenger car equivalents. One truck equals 2.5 cars.

Source: The Corradino Group of Michigan, Inc.

- With Alternative Set #1/2/3/14/16 and Alternative #5, the proposed DRIC crossing is forecast to carry approximately 43 percent of all international Passenger Car Equivalents (PCEs) in the peak U.S.-to-Canada direction (△ red pyramid). In the non-peak, Canada-to-U.S. direction, the proposed DRIC crossings would carry 33 percent of all PCEs (△ green pyramid). Overall, Alternative Set #1/2/3/14/16 and Alternative #5 would carry 40 percent of all PCEs (▽ green wedge).
- The extra travel time associated with Alternative Set #7/9/11 would lower its share to 34 percent of all PCEs in the peak U.S.-to-Canada direction (△ blue pyramid). With this alternative set, the proposed DRIC crossing would carry 24 percent of all PCEs in the Canada-to-U.S. (non-peak) direction (△ black pyramid) and 30 percent of total PCEs (▽ black wedge).

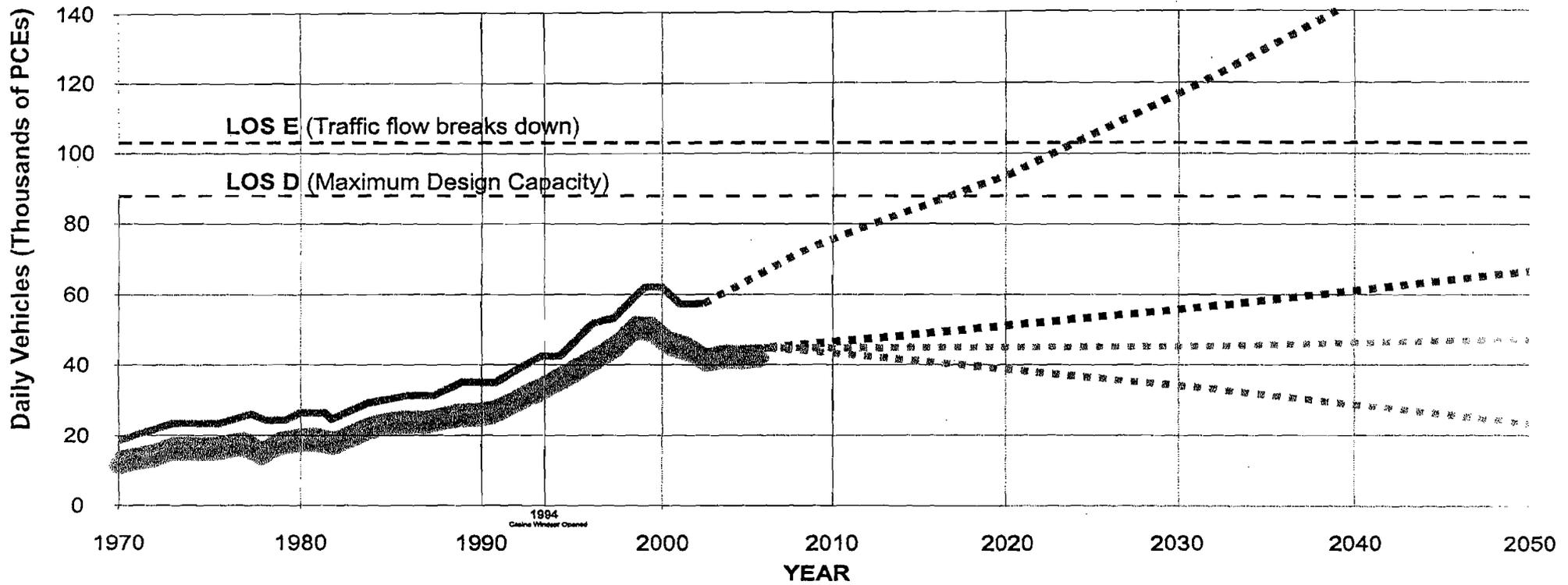
The traffic volume assignments for the Ambassador Bridge and proposed DRIC crossings are highly sensitive to travel time differences. A proposed DRIC crossing could carry as much as 80 percent of the truck traffic handled by the two bridges and about 60 percent of all traffic, depending on the alternative (Table 3-12A).

**Table 3-12A**  
**Maximum Two-way Crossing Volumes**  
**Proposed DRIC Crossing and Ambassador Bridge**  
**Detroit River International Crossing Study**

	Alternative	AM				Midday				PM			
		2015		2035		2015		2035		2015		2035	
		AMB	NEW	AMB	NEW	AMB	NEW	AMB	NEW	AMB	NEW	AMB	NEW
Cars	No Build	1,682	n/a	1,982	n/a	1,118	n/a	1,386	n/a	2,165	n/a	2,516	n/a
	#1, #2, #3, #14, #16	1,098	845	1,229	1,104	713	559	875	596	1,302	1,225	1,574	1,405
	#5	1,094	848	1,242	1,090	685	590	870	605	1,264	1,262	1,529	1,462
	#7, #9, #11	1,394	473	1,613	611	932	294	1,016	376	1,638	807	1,753	1,124
Trucks	No Build	605	n/a	919	n/a	862	n/a	1,242	n/a	782	n/a	1,152	n/a
	#1, #2, #3, #14, #16	80	602	128	964	211	746	409	1,138	144	734	299	1,092
	#5	71	604	141	948	205	718	397	1,153	133	740	272	1,120
	#7, #9, #11	274	395	339	729	613	322	799	699	347	512	525	846
Total	No Build	2,287	n/a	2,901	n/a	1,980	n/a	2,628	n/a	2,947	n/a	3,668	n/a
	#1, #2, #3, #14, #16	1,178	1,447	1,357	2,068	924	1,305	1,284	1,734	1,446	1,959	1,873	2,497
	#5	1,165	1,452	1,383	2,038	890	1,308	1,267	1,758	1,397	2,002	1,801	2,582
	#7, #9, #11	1,668	868	1,952	1,340	1,545	616	1,815	1,075	1,985	1,319	2,278	1,970
PCEs <sup>a</sup>	No Build	3,195	n/a	4,280	n/a	3,273	n/a	4,491	n/a	4,120	n/a	5,396	n/a
	#1, #2, #3, #14, #16	1,298	2,350	1,549	3,514	1,241	2,424	1,898	3,441	1,662	3,060	2,322	4,135
	#5	1,272	2,358	1,595	3,460	1,198	2,385	1,863	3,488	1,597	3,112	2,209	4,262
	#7, #9, #11	2,079	1,461	2,461	2,434	2,465	1,099	3,014	2,124	2,506	2,087	3,066	3,239

<sup>a</sup> Passenger Car Equivalents. One truck equals 2.5 cars.  
Source: The Corradino Group of Michigan, Inc.

# DRIC Report versus AMBASSADOR BRIDGE Actual



- Ambassador Bridge Reality
- Ambassador Bridge Projection
- 10% plus variance
- 10% minus variance
- DRIC Report of Ambassador Bridge Traffic
- DRIC Report Projection of Ambassador Bridge Traffic



Friday, February 22, 2008

## Two years of I-75 pain begins

Tom Greenwood / The Detroit News

**DETROIT** -- Monday's morning commute will look very different for the 110,000 motorists who daily drive Interstate 75 near the Ambassador Bridge.

By midnight Sunday, the Michigan Department of Transportation will have closed I-75 between Clark Street and Rosa Parks Boulevard, an area that stretches from the shadow of the old Tiger Stadium to just past the Ambassador Bridge, in southwestern Detroit.

MDOT will begin preliminary work at 10 a.m. today, when it closes the left two lanes of northbound I-75 from the Rouge Bridge to Lafayette Boulevard. When that occurs, traffic will not be allowed to use northbound I-75 to westbound I-96. The lane configuration will remain this way until 10 p.m. Sunday when all traffic will be forced off the freeway at Clark Street.

Additionally, the right two lanes of eastbound I-96 will be closed from I-94 to the I-75 split from 9 a.m. until 5 p.m. today. After 5 p.m., the left two lanes will open and there will be a right lane closure of eastbound I-96 until early July. Then, starting at 7 tonight, the left two lanes of westbound I-96 will be closed from Martin Luther King Boulevard to Warren until early July.

According to MDOT, the shutdown of the 1 ½ -mile stretch of freeway is part of the massive Gateway Project, a major economic development project that will remove thousands of trucks that daily rumble through southwestern Detroit on surface streets. For the first time, trucks will be have direct access to the Ambassador Bridge, crossed each year by more than 11 million vehicles, making it the single busiest international crossing in the United States.

The project also will provide better access to the popular Mexicantown area and its dozens of restaurants, bakeries and mercados. As for the shutdown, which could last up to two years, MDOT believes the key word for commuters is "adjustability." MDOT points to the apprehension that came with the closing of large stretches of M-10 over the past two years; the dreaded "Dodge the Lodge, Parts I & II."

But, according to MDOT Deputy Engineer Tony Kratofil, after a week or two, motorists adopted favored alternate routes or simply left for work a little earlier than usual.

"Motorists will seek out the route that's best for them," Kratofil said.

"We are offering motorists several alternate routes, plus we're encouraging commuters to join car and van pools. They can also take advantage of the HOV lanes and special DDOT/SMART 'Gateway Express' buses that will run on Michigan Avenue."

Southgate resident Kay Kasic has been preparing for the shutdown by conducting trial runs on various alternate routes to her job in the Eastern Market area.

"I tried taking Fort into the downtown area, but I wasn't crazy about it," Kasic said. "Finally I ended up choosing a route which takes me from I-75 to Livernois to Rosa Parks and then back to the freeway. I'm all for this project if it eases truck traffic to the Ambassador Bridge, but I wish they had delayed it for a few years."

Sami Schrandt, one of the owners of the 51-year-old Mexican Village Restaurant, is trying to think positive about the upcoming shutdown.

"We started as a one-room restaurant and we grew; which is progress," Schrandt said.

"This project is also progress, although I'm sure it will affect our business in the short run. Our regulars know how to get here but we're concerned that newcomers may not want to make the effort because of construction. We're hoping it will bring in more business once the project is completed."

MDOT realizes closing the freeway was an unpopular choice, but said it really had no other option.

"It would cause massive traffic backups, plus it would have extended length of the project from two years to three or four years. Closing the freeway also frees up room for construction equipment and makes the work zone safer for workers. The important thing to remember is that despite the closure, 'Detroit will be open for business.'"

According to MDOT, in a "worst case scenario," I-75 could be closed for up to two years, but the state has 8 million reasons why it could open much sooner than that. The Gateway Project contract calls for the project to be completed by December 2009, but offers an \$8 million bonus if it's finished by January 2009.

"(The contractor) can collect up to \$5 million if it's finished by the 'March Madness' quarter-finals in March. After that it's on a prorated basis," Kratofil said.

According to MDOT, three prior phases to the Gateway Project have already been completed: the rehabilitation of Fort Street from Clark to Rosa Parks, the reconstruction of West Grand Boulevard bridges over I-75 and the reconstruction of the I-75/96 southbound service drive and the I-96 off-ramp from Vernor Highway to Michigan Avenue.

This final phase of the project will include the reconstruction of 1 ½ miles of I-75, from Clark to Rosa Parks; the rebuilding of one mile of I-96, from the I-75/96 interchange northward; and repairs to 18 ramps and 24 bridges within the work zone. One of the highlights of the project will be the construction of a lighted, cable pedestrian bridge over the freeways that will reconnect the east and west sides of Mexicantown at Bagley Avenue.

The total cost of all four phases of the project comes to \$231 million, making it the largest project in MDOT history.

Detroit resident Deborah Thrower grimaced at the thought of the closing.

"I guess I'll have to seriously start looking for alternate routes. It's going to make it tougher for me to reach downtown Detroit, but it sure isn't going to stop me!"

*You can reach Tom Greenwood at (313) 222-2023.*

**Find this article at:**

<http://www.detroitnews.com/apps/pbcs.dll/article?AID=/20080222/METRO05/802220358>

# New Detroit bridge would displace 400 homes, up to 920 jobs

By ZACHARY GORCHOW • FREE PRESS STAFF WRITER • February 25, 2008

A new border crossing in southwest Detroit would require relocating 400 houses, as many as 920 jobs and up to seven churches, according to a draft environmental impact statement on the project released today.

Officials from the Detroit River International Crossing study presented the draft to the Detroit City Council. Officials told council members they would decide on an exact location for a new bridge in April. The two sites now under consideration are just north of Zug Island near the River Rouge border and a mile farther upriver.

Councilmembers were told the project would cost between \$1.3-\$1.5 billion.

The bridge has not yet been approved, but a major study is underway and expected to conclude this year. Government officials in the study say the Detroit-Windsor Tunnel, the Ambassador Bridge and the truck ferry will not be sufficient to meet rising traffic demands.

Leaders of several community groups told the council that while they would have preferred the bridge not be built in southwest Detroit, state officials have reached out to the community, giving them hope a new crossing will have positive economic spinoff benefits to the troubled Delray neighborhood.

The study is separate from a review being conducted by the Detroit International Bridge Co., which owns the Ambassador Bridge, and is looking at "twinning" the Ambassador to create a new span adjacent to the existing one.

**Find this article at:**

<http://www.freep.com/apps/pbcs.dll/article?AID=/20080225/NEWS01/80225045>

Michigan Department of Transportation  
Real Estate Division  
Conceptual Stage Relocation Plan  
Detroit River International Crossing  
Job #802330

February 8, 2008

**GENERAL AREA AND PROJECT INFORMATION**

The purpose of the Detroit River International Crossing (DRIC) project is to provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area and to support the economies of Michigan, Ontario, Canada and the United States. In addition, it will address future mobility requirements across the U.S.-Canadian border and provide new border crossing capacity to meet increased long-term demand. There are nine DRIC Alternatives.

The general area of the proposed project consists of a mixture of residential, commercial, non-profit, industrial and vacant properties.

**DISPLACEMENTS**

DRIC Alternative 1	349 Residential 43 Commercial 13 Non-Profit Organizations
DRIC Alternative 2	353 Residential 44 Commercial 14 Non-Profit Organizations
DRIC Alternative 3	324 Residential 49 Commercial 13 Non-Profit Organizations
DRIC Alternative 5	414 Residential 51 Commercial 13 Non-Profit Organizations
DRIC Alternative 7	365 Residential 50 Commercial 13 Non-Profit Organizations
DRIC Alternative 9	369 Residential 51 Commercial 14 Non-Profit Organizations

DRIC Alternative 11	340 Residential 56 Commercial 13 Non-Profit Organizations
DRIC Alternative 14	338 Residential 41 Commercial 9 Non-Profit Organizations
DRIC Alternative 16	356 Residential 45 Commercial 13 Non-Profit Organizations

#### **DISPLACEMENT EFFECTS AND ANALYSIS**

Acquisition of property for this project will allow for an orderly and timely relocation of all eligible displaced residents, businesses and non-profit organization (community facilities). The acquiring agency will ensure the availability of a sufficient number of replacement properties in the Tri-county area (Wayne, Oakland & Macomb counties) for all eligible displacees.

**Residential:** The project may cause the displacement of approximately 414 residential properties. A study of the Tri-county housing market indicates a sufficient number of replacement homes and rentals will be available throughout the relocation process. It is anticipated that the Tri-county residential real estate market will have the capacity to absorb the residential displacements impacted by this project.

**Commercial:** The project may cause the displacement of approximately 56 businesses. A review of the Tri-county commercial real estate market indicates that there are a sufficient number of replacement sites available to relocate eligible displaced businesses.

**Non-Profit Organizations (Community Facilities):** The project may cause the displacement of approximately 14 non-profit organizations. A review of the Tri-county real estate market indicates that there is an adequate supply of properties available as replacement sites for eligible non-profit organizations.

ASSURANCES

The acquiring agency will offer assistance to all eligible residential, commercial and non-profit displacees impacted by the project including persons requiring special services and assistance. The Agency's relocation program will provide such services in accordance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; Act 87, Michigan P.A. 1980, as amended, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquiring agency's relocation program is realistic and will provide for the orderly, timely and efficient relocation of all eligible displaced persons in compliance with state and federal guidelines.

Prepared By:

  
William J. Swagler

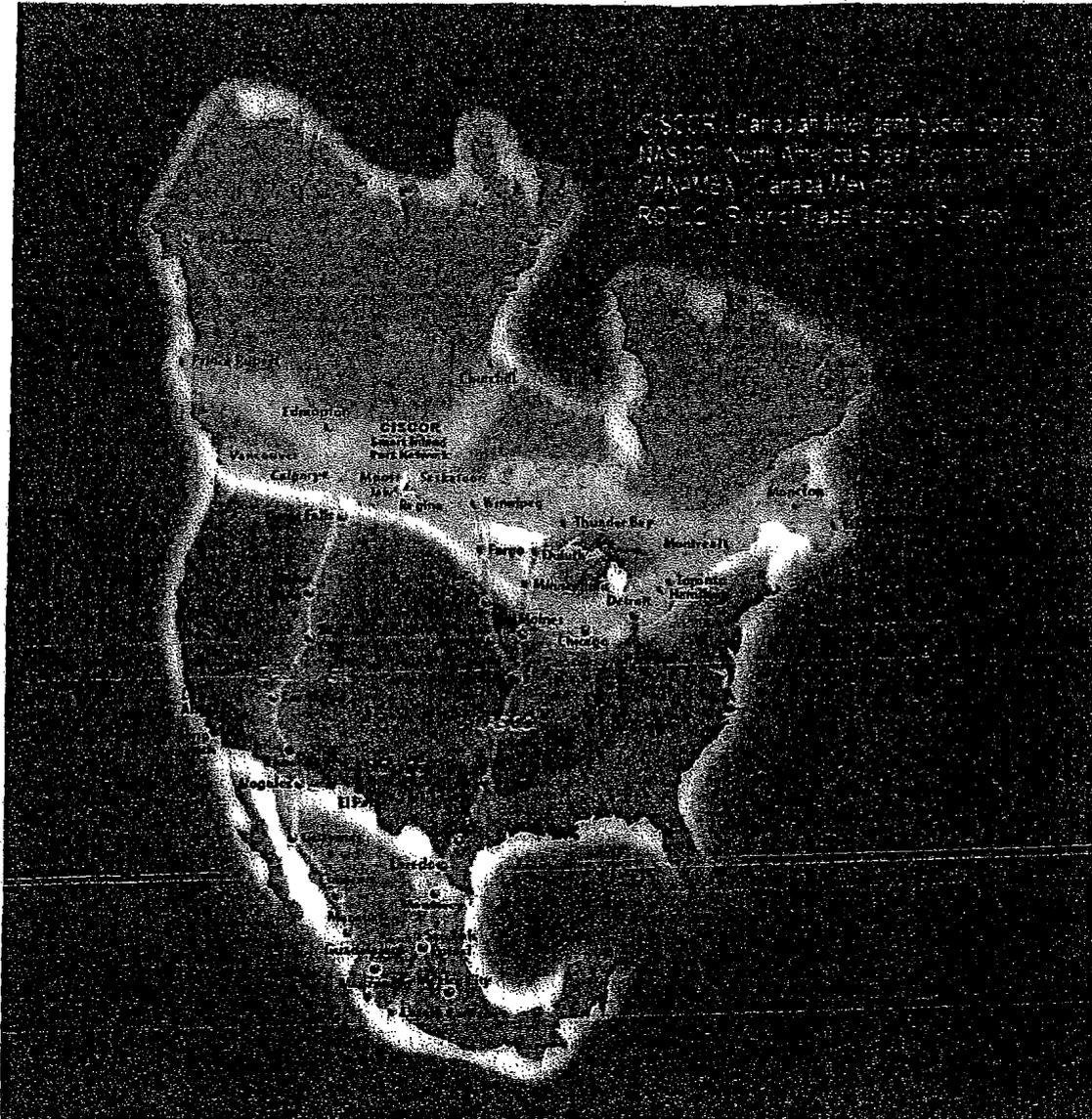
2-12-08  
Date:

  
Teresa Vanis

2-12-08  
Date:



## Canadian Intelligent Super Corridor (CISCOR) CISCOR Smart Inland Port Network



January 2007

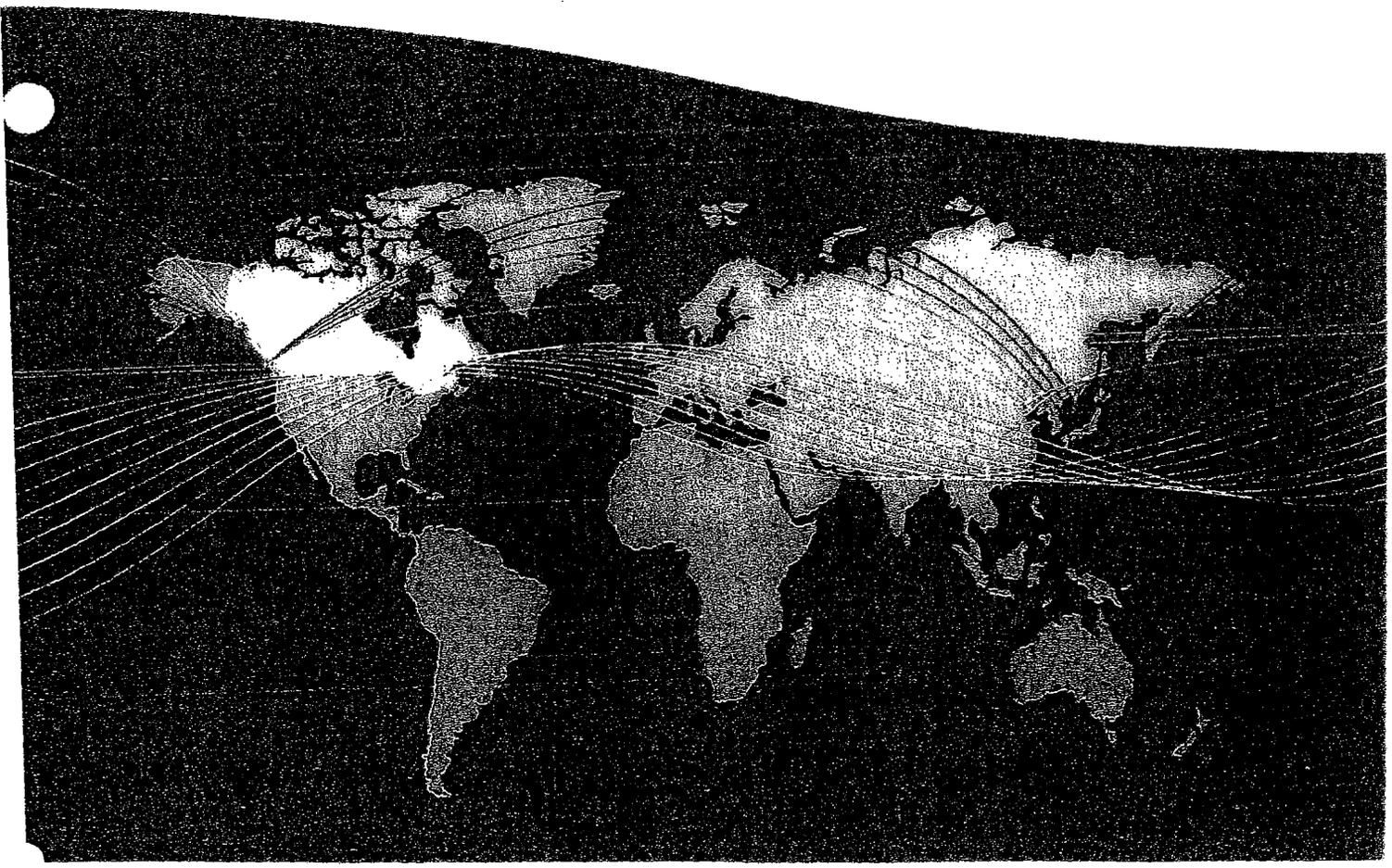
Business Case Report



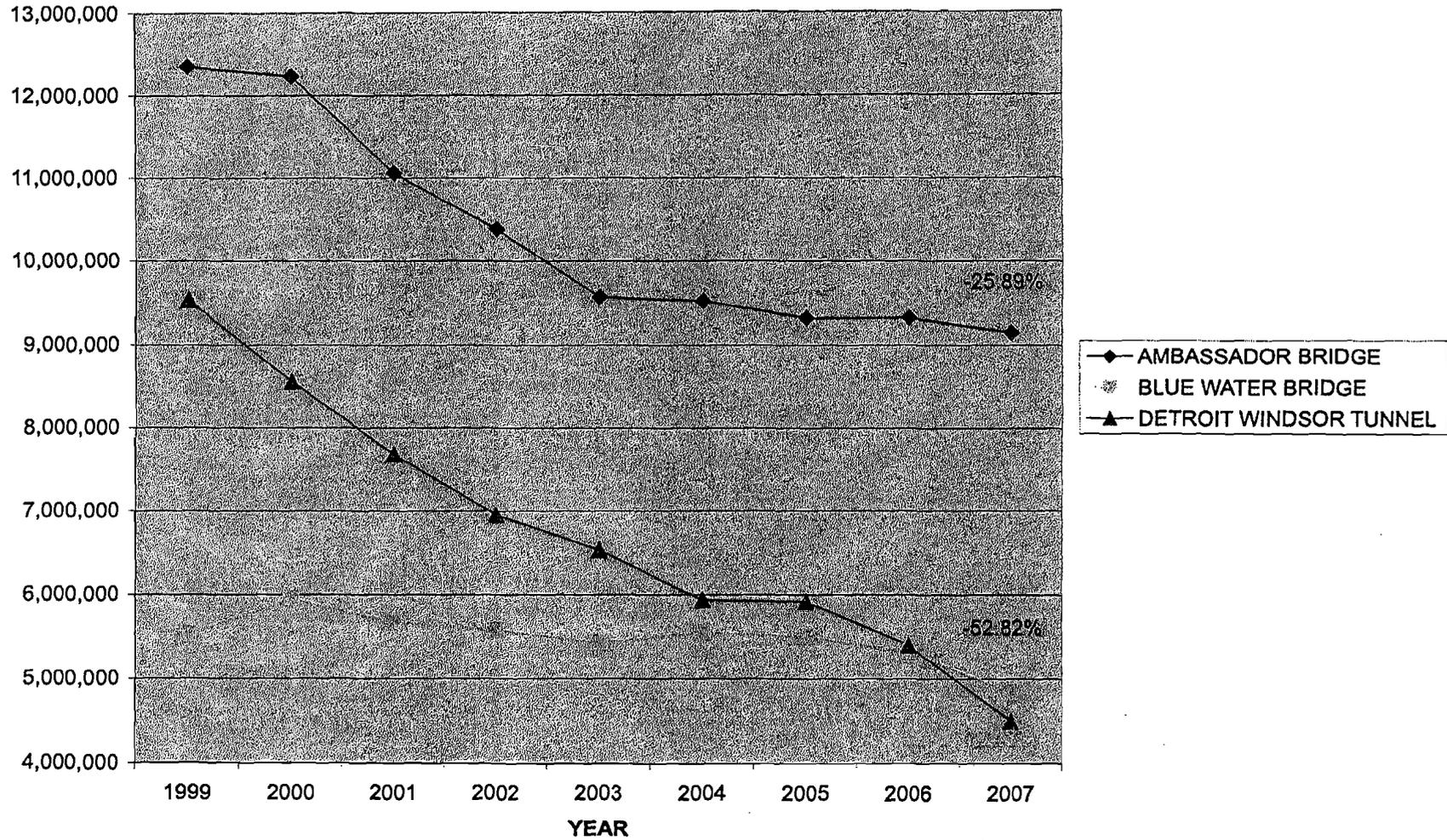
**GATEWAY**   
CONNECTS  
A BUILDING CANADA Initiative

TP 14681

## NATIONAL POLICY FRAMEWORK FOR STRATEGIC GATEWAYS AND TRADE CORRIDORS



### AUTOMOBILE AND TRUCK COMBINED TOTALS 1999 THROUGH 2007

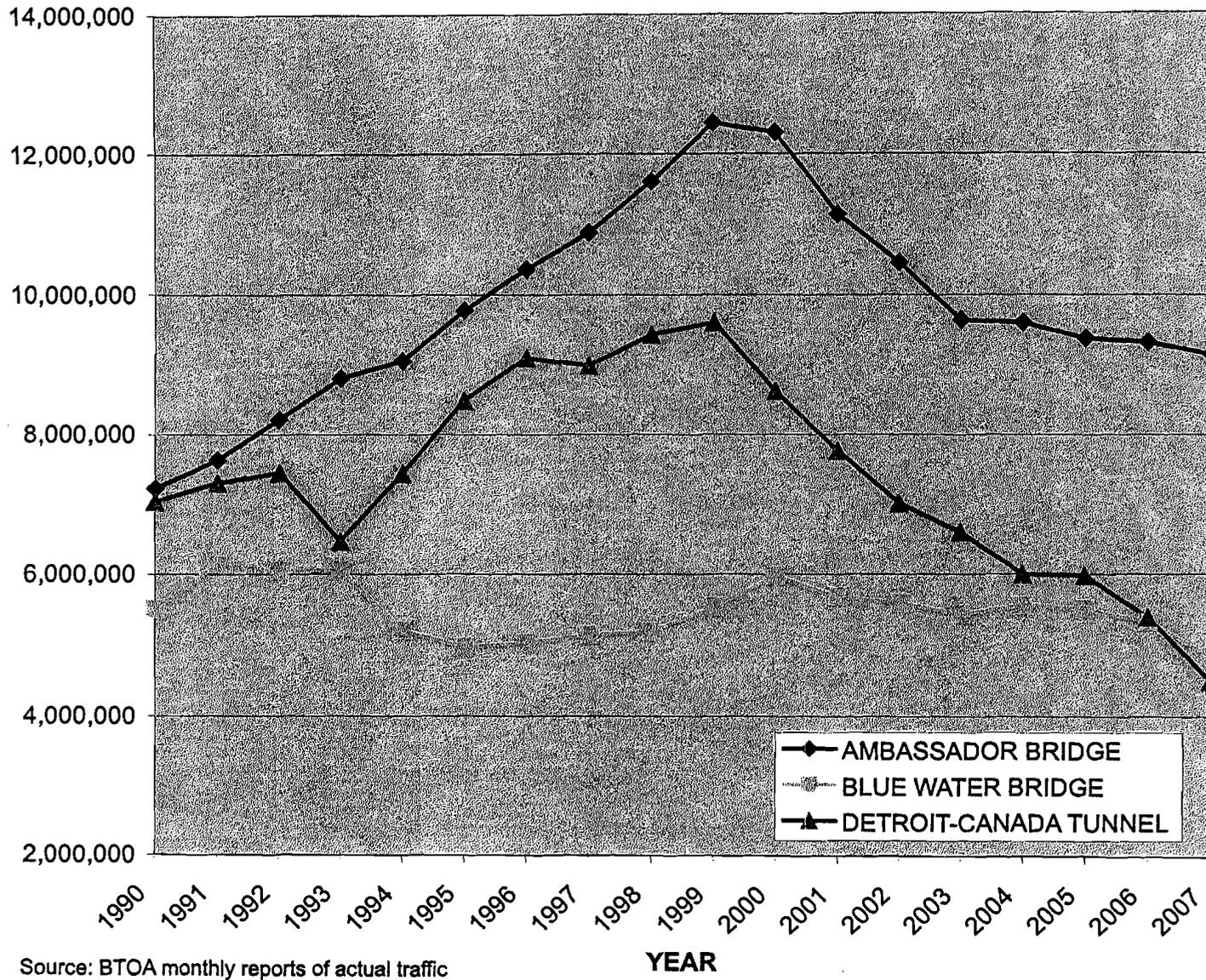


Note 1: The Sarnia Casino opened in 2000 resulting in the Blue Water Bridge traffic remaining relatively constant.

Note 2: The Blue Water Bridge Second Span opened in 1997.

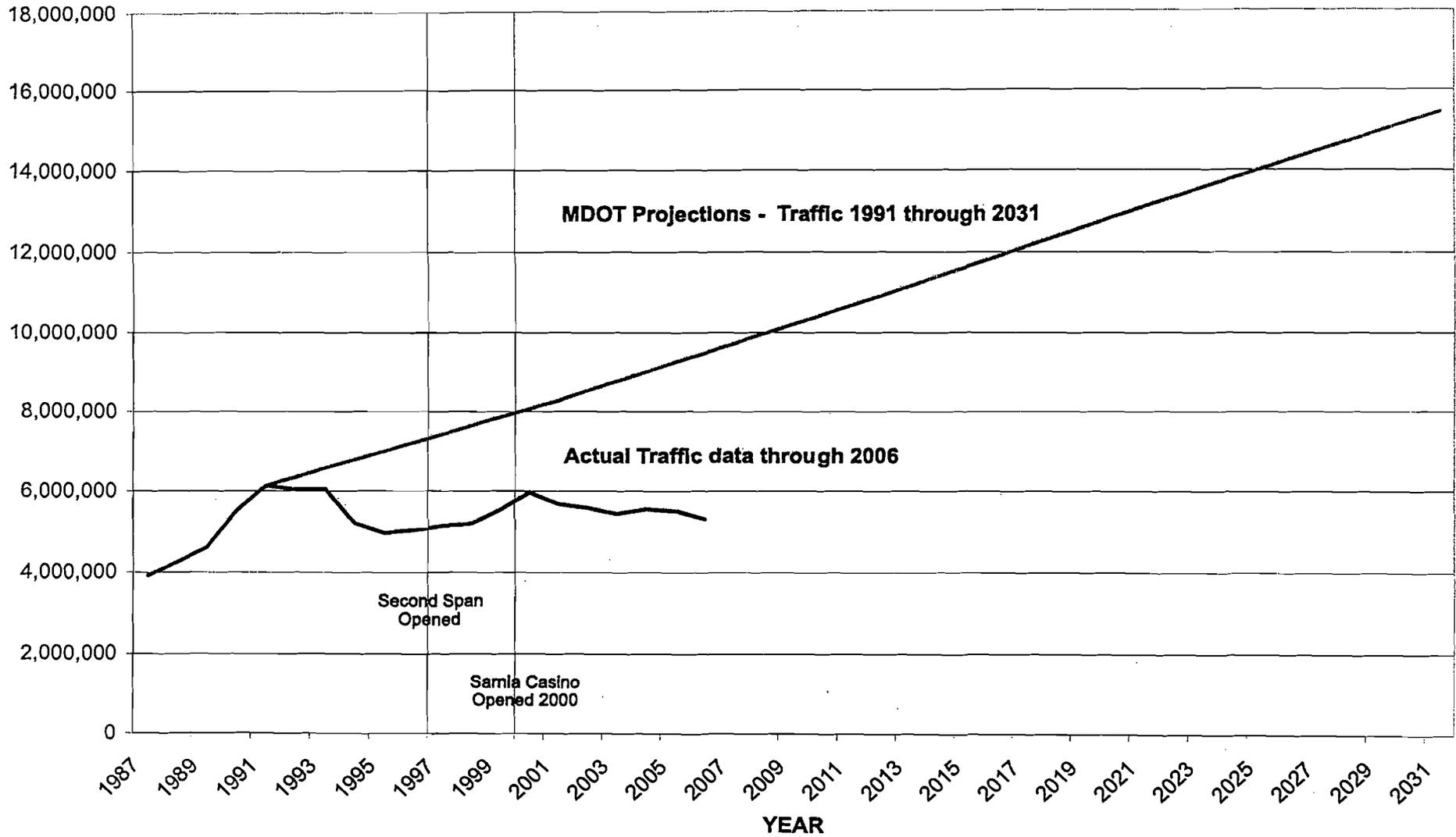
Note 3: November and December 2006 were estimated based upon the average change of the first 10 months between 2005 and 2006.

### TOTAL TRAFFIC FOR YEARS 1990 THROUGH 2007



Source: BTOA monthly reports of actual traffic

# BLUE WATER BRIDGE TRAFFIC VOLUME



Source: MDOT Projections - Blue Water Bridge Additional Capacity Project Environmental Report, June 1994.  
Actual Traffic - BTOA monthly reports of all crossings

**Bob Parsons - Comments on Draft Environmental Impact Statement and Draft Section 4(f) Evaluation: The Detroit River International Crossing Study**

---

**From:** <[REDACTED]>  
**To:** <parsonsb@michigan.gov>  
**Date:** 5/29/2008 11:10AM  
**Subject:** Comments on Draft Environmental Impact Statement and Draft Section 4(f) Evaluation: The Detroit River International Crossing Study  
**CC:** <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>, <[REDACTED]>

---

Bob Parsons

MDOT Public Hearings Officer

Bureau of Transportation Planning

Bob:

The following are Hydro One Networks Inc.'s (Hydro One) comments on the subject document.

The Hydro One Keith transformer station, some transmission lines and distribution feeders are wholly within the maximum footprint of the combined alternatives.

All the alternatives (plaza and crossing) impact on Hydro One's facilities to varying degrees. For example, Plaza C would occupy the entire site of the Keith transformer station. This alternative requires the complete relocation of this station and its connecting transmission lines. Plaza B encroaches on this station to a smaller extent and requires the relocation of some station facilities. Crossing X-10B and Crossing X-11 (to Plaza A via Brighton Beach) also encroach on this station and require the relocation of some facilities. All plaza and crossing combinations (including plaza approach roads) impact Hydro One transmission lines and distribution feeders, and would require the relocation of some transmission towers and circuits. The proximity of the Keith transformer station to a plaza and/or crossing and associated approach roads will require the upgrade of some station facilities to mitigate the risks of insulator flashover due to salt contamination. Further, a regular maintenance program of power washing will be required to mitigate the risks of insulator flashover.

The crossing proponents will be required to reimburse Hydro One for all costs incurred for equipment relocation, upgrade and maintenance associated with the Detroit River International Crossing facilities including all costs associated with land acquisition and approvals. The proponent will be responsible for acquiring a new site and obtaining all necessary approvals for the relocated Keith Transformer that is acceptable to Hydro One. The relocation of the Keith transformer station will in all likelihood require approval from the Ontario Ministry of Environment via the submission of an Environmental Study Report (ESR) in a form suitable to the Ministry of Environment. The relocation of transmission lines may require both 'Leave to Construct' approval under Section 92 of the Electricity Act from the Ontario Energy Board and approval from the Ministry of Environment depending on the scope of the transmission line relocations. If the International Power Line known as J5D interconnecting the Hydro One System and that of the International Transmission Company (ITC) is impacted, then approvals from the Canadian National Energy Board and the US Department of Energy may also be required. The time required to obtain the necessary approvals and to relocate the electrical facilities will be at least five years and could be as much as ten depending on project complexity and the time required to address issues that arise during the approvals process.

John Sabiston

Transmission Planning Manager – West

System Investment

Hydro One Inc

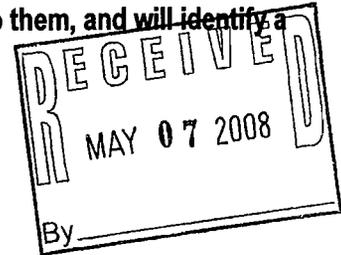
[REDACTED]

# The Detroit River International Border Crossing DRAFT ENVIRONMENTAL IMPACT STATEMENT Comment Form

The Michigan Department of Transportation (MDOT) is sponsoring the Detroit River International Corridor (DRIC) Study in southeastern Michigan. The purpose of the DRIC Study is 1) to provide safe, efficient and secure movement of people and goods across the Canadian/US border on the Detroit River area to support the economies of Michigan, Ontario, Canada, and the US; and 2) to support the mobility needs of national and civil defense. Nine Practical Alternatives have been identified for a new Detroit River crossing, a plaza and a connection to I-75. This is your opportunity to comment on the Draft Environmental Impact Statement (DEIS), which provides background on the project and presents the impacts of the alternatives.

## GET INVOLVED!

Your comments are important and will become a matter of public record. A Final Environmental Impact Statement will be prepared after the close of the comment period, now extended to May 29, 2008. The Final Environmental Impact Statement will summarize all comments received on the DEIS and respond to them, and will identify a Preferred Alternative.



\* \* \* PLEASE PRINT CLEARLY \* \* \*

Name TOM VAUGHAN  
Address 40 CO-PIPE PRODUCTS, INC [REDACTED]  
City/Zip [REDACTED]  
Email [REDACTED]

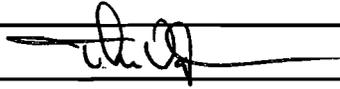
## TELL US WHAT YOU THINK.

We want to know what you think. Is there an issue we did not address? Everything you say about this project is important. Please use the space below and on the back. If you wish, you may mail your comments or email them (see back of this sheet for more information).

THIS PROJECT IS CRITICAL AND EXTREMELY IMPORTANT  
TO THE SUCCESS OF THE MICHIGAN ECONOMY.  
WE STRONGLY RECOMMEND THIS PROJECT PROCEED  
EXPEDITIOUSLY AND SHOULD BE A PRIORITY FOR

**Additional Comments**

ALL LEVELS OF GOVERNMENT.



**Comments must be e-mailed, faxed or postmarked on or before May 29, 2008.**

***If possible, please return this before you leave. If not, please mail it to:***

***Robert H. Parsons, Public Involvement and Hearings Officer***

***Bureau of Transportation Planning***

***Michigan Department of Transportation***

***P.O. Box 30050***

***Lansing, MI 48909***

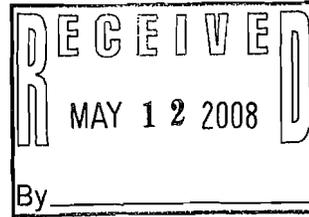
***Fax: (517) 373-9255***

***Email [parsonsb@michigan.gov](mailto:parsonsb@michigan.gov)***

***For more information visit our Web site at [www.partnershipborderstudy.com](http://www.partnershipborderstudy.com)***



May 7, 2008



**School-Based &  
Community Health Program**

1 Ford Place - 4B  
Detroit, MI 48202-3450  
(313) 874-5426 Office  
(313) 874-9169 Fax

**Mr. Robert H. Parsons**  
**Public Involvement and Hearing Officer**  
**Bureau of Transportation Planning**  
**Michigan Department of Transportation**  
**P.O. Box 30050**  
**Lansing, Michigan 48909**  
**FAX (517) 373-9255**  
**Email: [parsonsb@michigan.gov](mailto:parsonsb@michigan.gov)**

Re: Comments on the DRIC-DEIS

Dear Mr. Parsons,

I write to you on behalf of Detroit Public Schools in the interest of Southwestern High School and submit the following comments on the Draft Environmental Impact Statement for the Detroit River International Crossing. Henry Ford Health System has a clinic inside Southwestern High School that provides care for the children and siblings.

All of the alternative locations for the potential DRIC project will be immediately adjacent to Southwestern High School and thus will significantly impact the current and future student populations. The current student population is roughly 1,000 students who also live in the near and broader impact area and bear the burdens of transportation infrastructure in southwest Detroit. These students experience asthma higher than the national average. The DRIC project would increase truck traffic in the immediate area, which will be further damaging to the students' health, even though the DEIS contends that overall air quality will improve.

The DEIS does not include details of mitigations for each alternative, so it is not possible to fully evaluate preferences.

A) The overall size of this project increases the negative impacts that the school will face. All efforts should be made to ensure that the plaza and other infrastructure are designed for the most efficient use of space. The proposed plazas appear to more than double the size of the existing truck plaza for the Ambassador Bridge, which does not seem necessary.

B) Environmental impacts to the school will be significant, including impacts on air quality, noise, and congestion. At minimum, traffic routing, noise barriers, and vegetative buffering will be necessary to minimally reduce impacts. Any of the alternatives that provide more distance from traffic on the plaza would be preferred, as these may make differences in the local air quality.

C) Air quality mitigation for the school should be included in the project, including but not limited to:

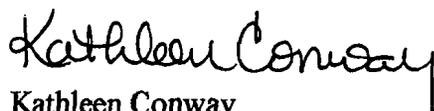
- Installing an air filtration system throughout the school
- Reducing diesel emissions by: implementing idle-reduction technologies and programs on the plaza and other areas; and by pursuing strategies to offset overall diesel emissions through retrofitting area truck fleets with diesel reduction technologies
- Constructing an indoor recreation facility for the school, so students have healthy access to recreation like students have in other areas. Recreating opens lung passageways more fully making, them more vulnerable to the damaging effects of air pollution and illnesses like asthma. Access to healthy recreation is an environmental justice issue.
- Installing an air monitor at the school to track and address problems
- Buffering with large trees and other vegetation to help mitigate diesel particulate and dust from traffic.

D) Preserve access to the school from the north to the south side of I-75, including keeping open the Springwells interchange and reconstructing pedestrian bridges over I-75.

E) Conduct a baseline health study of students as well as annual health screenings to monitor the project impacts. The health of students must be assessed as part of the Final Environmental Impact Statement in order to adequately address potential risks and to monitor any ongoing impacts should the project be implemented.

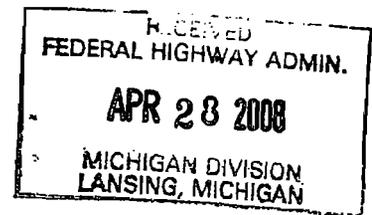
Thank you for your serious consideration of the students and the school.

Sincerely,



Kathleen Conway  
Administrator, Pediatrics  
Henry Ford Health System

**ROBERT AND  
DOLORES K EVANS**  
[REDACTED]  
**RIVER ROUGE MI 48218**



April 24, 2008

Mr. David Williams  
Environmental Program Manager  
Federal Highway Administration  
315 W. Allegan Street, Room 201  
Lansing, Michigan 48933

Dear Mr. Williams:

We are the owners of Kovacs Bar, 6986 W. Jefferson and have been following the planning of the new proposed bridge since its inception. After receiving volumes of information from your meetings and the environmental study for this project, we have concluded that a new bridge is necessary.

We have also reviewed the many plans and feel that plan 7 would be the best for the area. Any further delays for additional studies would not be in the benefit of anyone who is affected by this proposed bridge.

It is our hope that a final decision is made by soon as to which plan is selected.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert &amp; Dolores Evans".

Robert and Dolores Evans