

Appendix F

Detroit River International Crossing Study Agency, Elected Officials and Major Stakeholders - Comments on DEIS and Responses

Letter 1, Detroit International Bridge Company



AMBASSADOR BRIDGE
 DETROIT INTERNATIONAL BRIDGE COMPANY
 P.O. BOX 30013 Detroit, Michigan 48213

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 do 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.)

1	Analysis of the economic effects of a new DRIC crossing on all existing crossings indicate they will have revenues that exceed expenses under high and low traffic forecast scenarios, indicating the business viability does not appear to be threatened. See Section 3.5.1.4 of the FEIS.
2	While auto traffic is down, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project's purpose.

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 be 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



Dan Stamper
President

3	The justifications are economic and physical security.
---	--

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.⁹

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.

⁹ 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.

The key to these groupings is their overall plaza layout. Alternative Set #1/2/3/14/16 provides a relatively direct connection to I-75 through Plaza P-a (Figure 3-18). This means less time to cross the river and connect to I-75. Alternative #5 follows this same general pattern. Alternative Set #7/9/11 has a routing within Plaza P-c that causes traffic to double back on itself causing more time and distance to be traveled to reach I-75 (Figure 3-19).

3.5.1.2 Volumes

The travel demand analyses are designed to provide traffic data for the AM peak hour, the highest-traveled midday hour, and the PM peak hour in 2004 (the base year of the analysis for which complete data are available), 2015, and 2035. Alternative Set #1/2/3/14/16 and Alternative #5 show similar volumes (Table 3-11A). This is expected considering both groups use crossing X-10, have the same plaza configuration, and the length and travel time distinction between these groups is measured at 0.1 miles and fewer than 12 seconds. Alternative Set #7/9/11 is different, because it has a much longer route that results in travel times between 90 seconds and two minutes longer than the other alternatives. Therefore, it would be expected to carry less traffic.

Figure 3-18
Model Network for Alternatives #1, #2, #3, #14 and #16
Detroit River International Crossing Study



Source: The Coradino Group of Michigan, Inc.

Figure 3-19
Model Network for Alternatives #7, #9 and #11
Detroit River International Crossing Study



Source: The Coradino Group of Michigan, Inc.

What is a Peak Hour?

A peak hour is the busiest single hour in the morning, afternoon or in the middle of the day. Analyzing peak hour traffic provides an understanding of how the roadway system works under stress conditions to be encountered on a regular basis.

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 ^d	#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	2,007	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^a

Network	U.S. to-Canada (Peak Direction)				Canada to-U.S.				Two-Way Traffic				
	BWB	DWT	AMB	NEW	BWB	DWT	AMB	NEW	BWB	DWT	AMB	NEW	Total ^b
Cars	458	1,328	1,852	3,638	490	429	664	n/a	1,583	948	1,757	2,516	5,221
	126	325	515	n/a	213	228	428	n/a	1,028	185	343	485	1,695
	414	997	1,072	1,155	466	367	502	250	1,565	850	1,484	1,874	4,405
	413	982	1,058	1,215	466	369	501	243	1,563	849	1,478	1,870	4,355
	413	978	1,054	1,215	466	370	501	243	1,563	849	1,478	1,870	4,355
Trucks	417	1,680	1,221	3,638	411	378	532	254	1,381	881	1,418	1,783	3,623
	118	505	343	258	301	245	391	133	903	122	165	228	1,033
	493	120	781	n/a	390	6	391	n/a	787	383	126	1,152	2,161
	303	75	553	1,005	305	15	508	n/a	1,005	418	68	576	1,605
	358	44	229	734	357	1	70	358	786	723	43	299	1,762
Total	225	25	125	3,025	458	08	98	468	1,008	345	28	148	315
	782	1,041	1,301	1,889	823	368	572	608	2,371	1,405	1,409	1,873	2,497
	145	213	268	368	305	168	248	285	1,008	278	158	255	345
	777	1,029	1,237	1,971	824	370	564	611	2,369	1,401	1,399	1,861	2,582
	145	213	268	368	305	168	248	285	1,008	278	158	248	345
PCE ^c	796	1,126	1,585	1,505	835	379	693	445	2,372	1,431	1,561	2,278	1,970
	145	228	328	308	308	168	248	285	1,008	278	158	248	345
	1,691	1,628	3,755	7,073	1,465	444	1,442	n/a	3,531	3,156	2,072	5,396	10,424
	245	228	328	308	308	168	248	285	1,008	278	158	248	345
	1,334	1,107	1,445	2,996	1,309	370	677	414	3,550	2,693	1,477	2,522	4,135
PCE ^d	1,223	1,100	1,557	3,105	1,361	372	657	407	3,548	2,684	1,471	2,509	4,122
	129	168	228	448	208	108	195	195	408	308	148	214	425
	1,345	1,195	1,331	2,348	1,381	381	651	401	3,553	2,741	1,376	2,237	4,028
	129	168	228	448	208	108	195	195	408	308	148	214	425
	129	168	228	448	208	108	195	195	408	308	148	214	425

^a Shapes (Δ) are used to test on preceding and following pages.
^b Slight difference in total among alternatives is the result of rounding real numbers into integers.
^c Passenger car equivalents. One truck equals 2.5 cars.

Source: The Corridor 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).

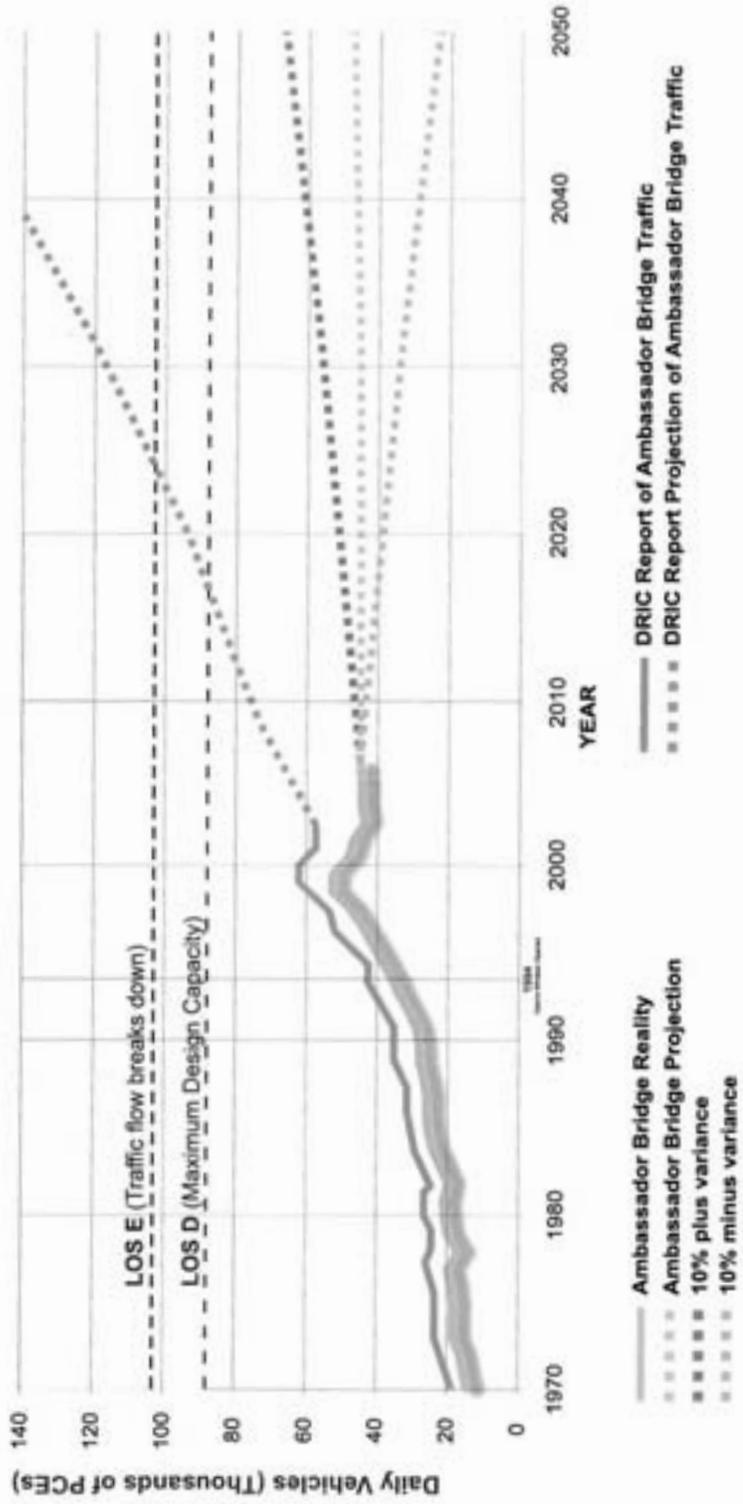
The traffic volume assignments for the Ambassador Bridge and proposed DRIC crossings are highly sensitive to travel time differences. A proposed DRIC crossing could carry as much as 80 percent of the truck traffic handled by the two bridges and about 60 percent of all traffic, depending on the alternative (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	1,662	n/a	1,962	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	832	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	2,267	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	1,965	1,319	2,278	1,970
PCEs*	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	1,896	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	2,867	3,066	3,239

* Passenger Car Equivalents. One truck equals 2.5 cars.
 Source: The Corbridge Group of Michigan, Inc.

DRIC Report versus AMBASSADOR BRIDGE Actual





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 1/2-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.

<http://www.printthis.clickability.com/pt/cpt?action=cpt&title=Two+years+of+I-75+pain+b...> 2/25/2008

"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/METRO06/022220358>

© Copyright 2008 The Detroit News. All rights reserved.

<http://www.printthis.clickability.com/pt/cpt?action=cpt&title=Two+years+of+I-75+pain+b...> 2/25/2008

Detroit Free Press

 PRINT THIS

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=/2008/02/25/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

Page 2

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 displaced 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:



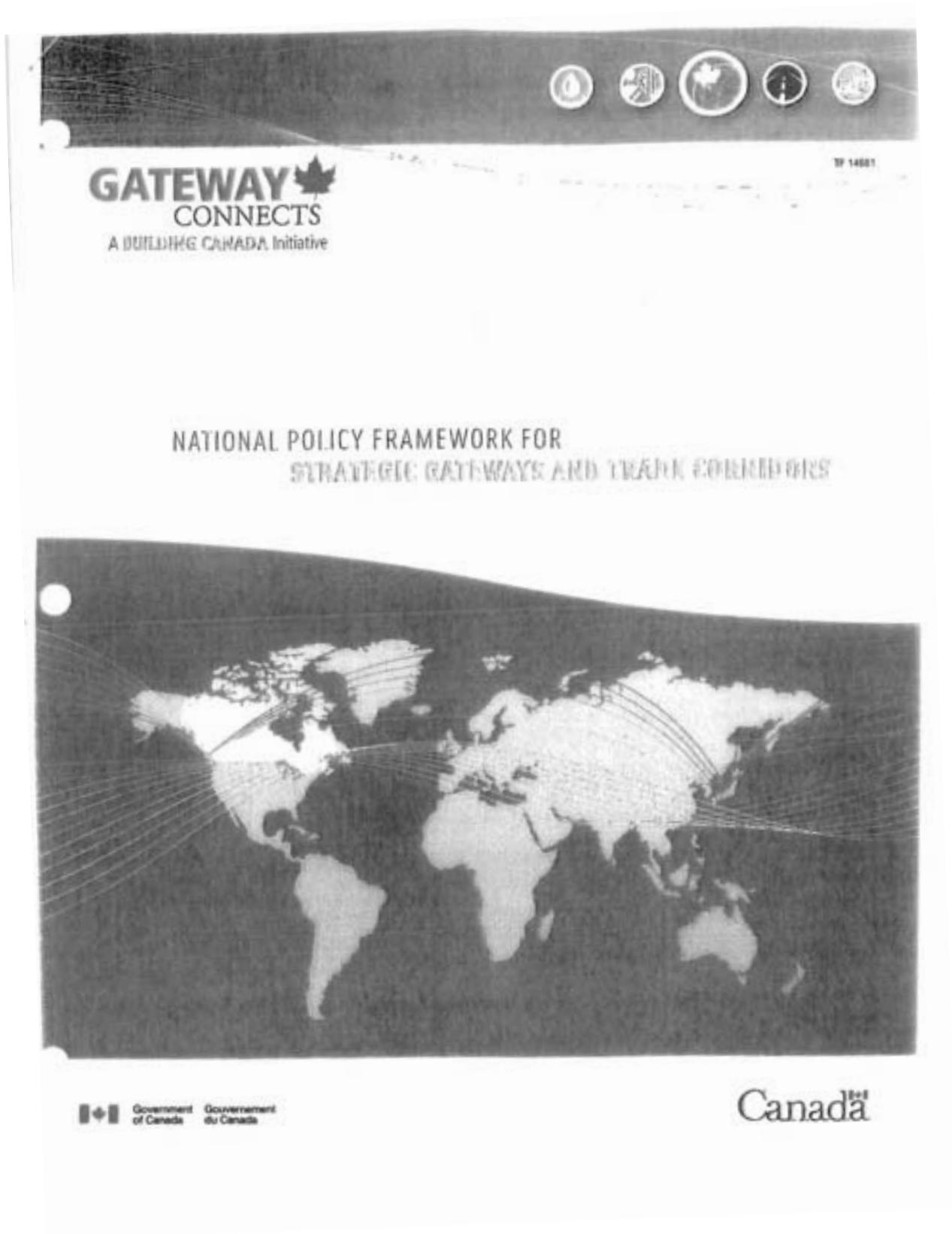
Canadian Intelligent Super Corridor (CISCOR) CISCOR Smart Inland Port Network

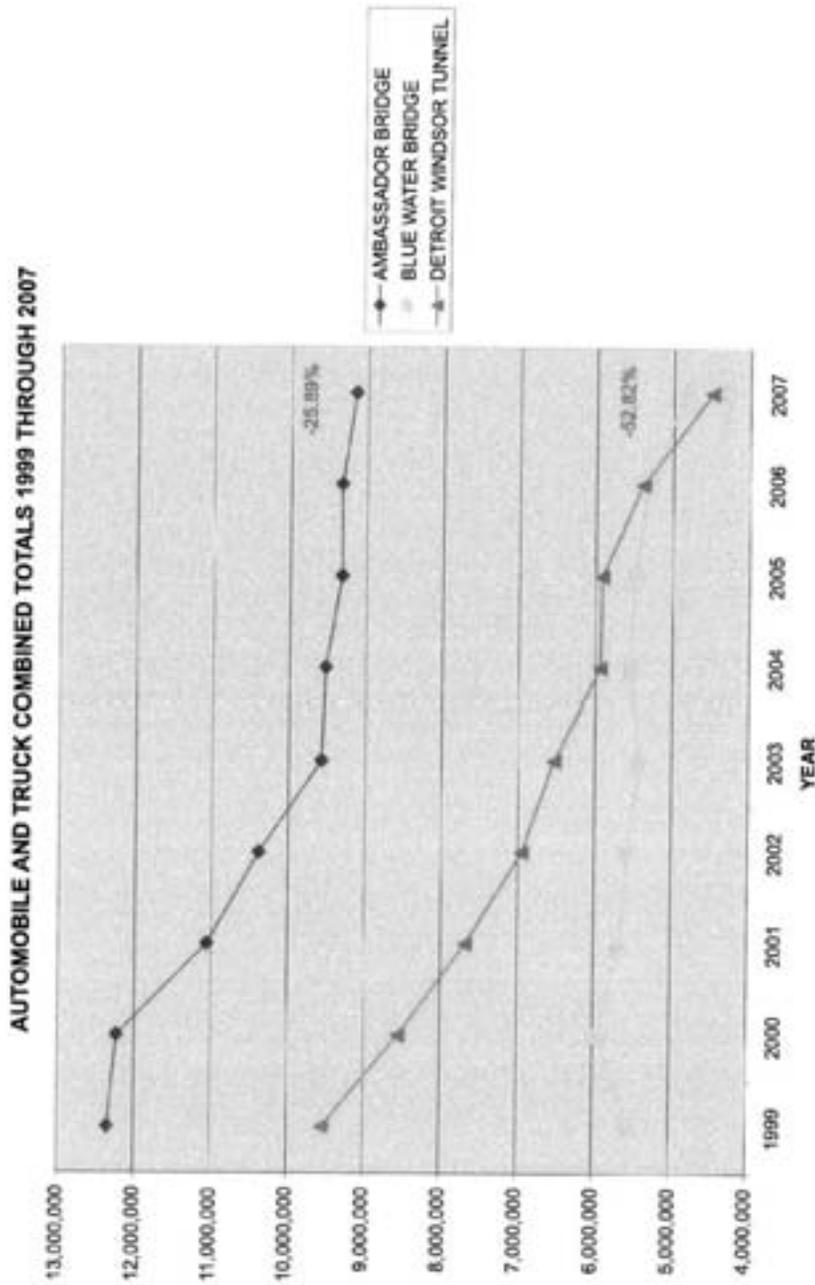


January 2007

Business Case Report



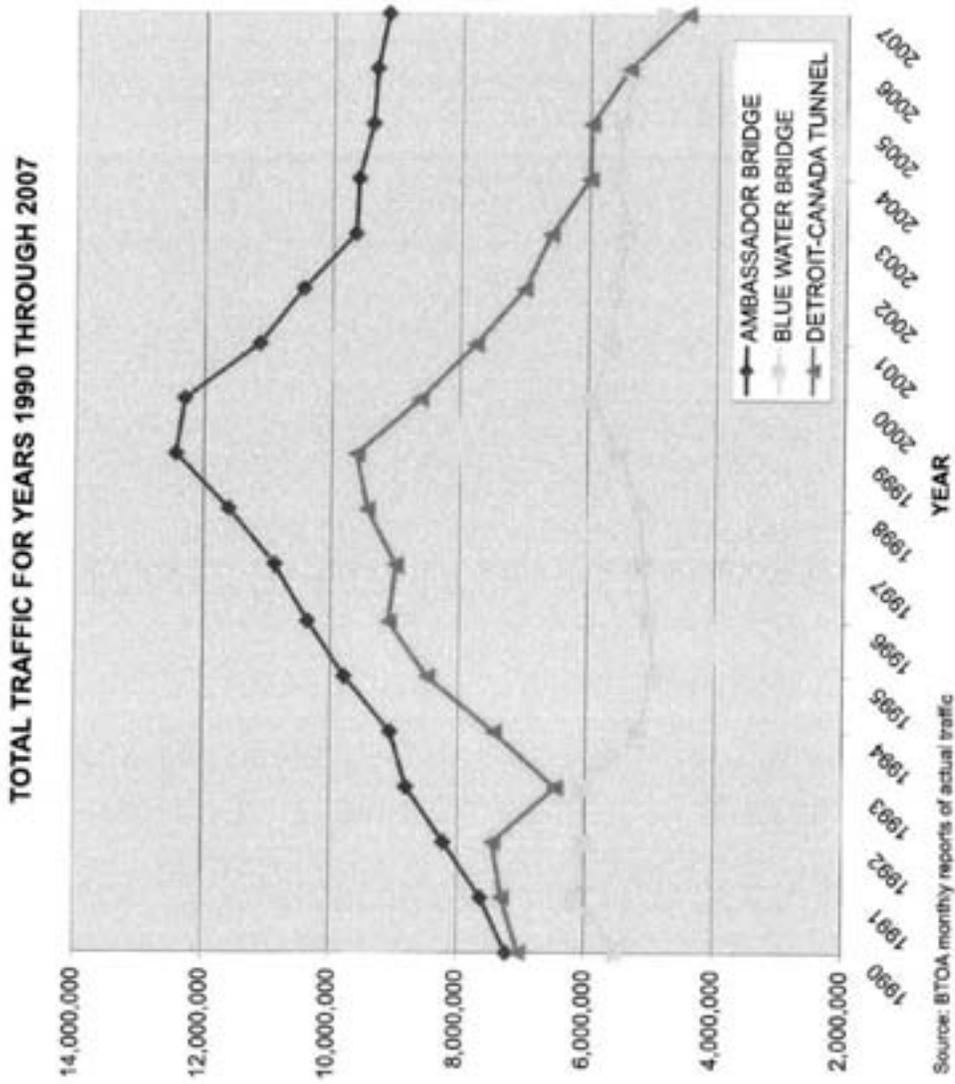


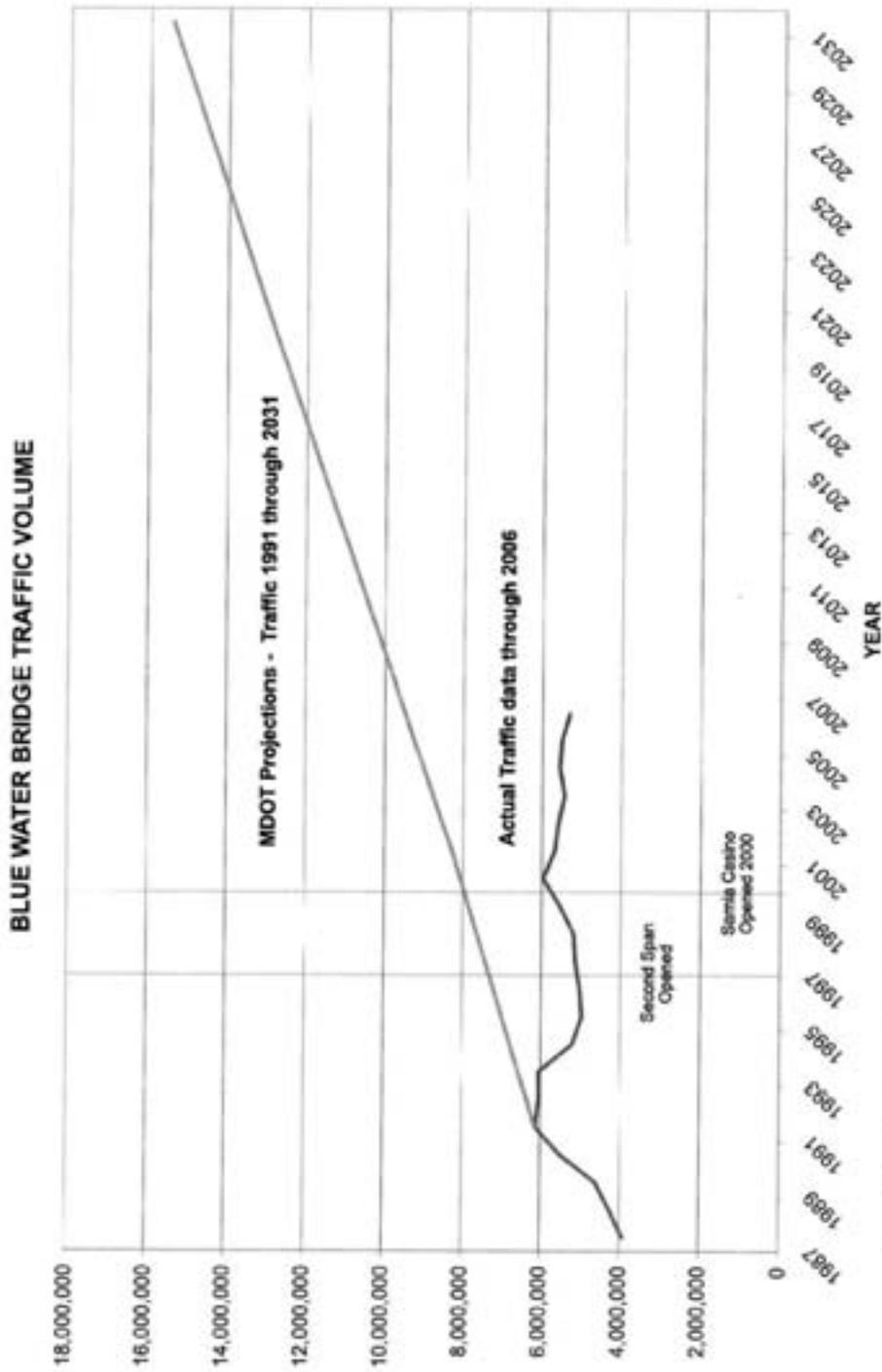


Note 1: The Samia Casino opened in 2000 resulting in the Blue Water Bridge traffic remaining relatively constant.

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.





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

Letter 4, United States Department of the Interior



United States Department of the Interior

National Park Service
 Midwest Region
 601 Riverfront Drive
 Omaha Nebraska 68102-4226



H30 (MWR-CR/NRHP)

8 8 MAR 2008



Bob Parsons
 Public Involvement and Hearings Officer
 Michigan Department of Transportation
 425 W. Ottawa Street
 P.O. Box 30050
 Lansing, MI 48909

Dear Mr. Parsons,

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing Study. Because the National Park Service (NPS) has a long-term programmatic relationship with Historic Fort Wayne through two Federal surplus property programs, the NPS is providing the following comments for your consideration.

Between 1949 and 1976 the Federal government transferred ownership of portions of historic Fort Wayne to the City of Detroit via the Federal Lands to Parks program and the Historic Surplus Property program (formerly known as the Historic Monuments program). These programs require that the NPS approve treatment and use of such historic properties, and to monitor them in perpetuity. The NPS is currently working with the City of Detroit to allow for a greater range of uses of the buildings than is now allowed in order to ensure their long-term preservation. This includes leasing opportunities. The new Master Plan for Fort Wayne, recently approved by the City of Detroit, is closely connected to these efforts. Therefore, in the DEIS, please reference and explain as appropriate the Fort Wayne Master Plan in Section 3, "The Environment." Such discussions might be appropriate on pages 3-43, 3-44, page 3-75, and page 3-125. Please clarify any relationship between the Fort Wayne Master Plan and the Rouge River Gateway Master Plan Trail.

1
2

Related to this topic, additional information would be beneficial to broaden the discussion on "Visual Impacts", pages 3-126 to 3-133, and impacts of views from within the neighborhood and from Fort Wayne to the proposed plaza areas. Also, the description of "easier access" to Fort Wayne is not fully explained, given that the primary access via Livernois Avenue would be removed according to the various alternatives. On page 3-75, access to Fort Wayne is described as to be enhanced along Campbell or Junction Streets; as either road is roughly one-half mile or more from intersecting with the primary road north of the fort—Jefferson Avenue—how will the remainder of the access to the Fort be treated?

3
4

As an editorial comment, the three "Tiers" graphically presented on page 3-113 regarding above ground resources does not correspond with the description of Tiers 1, 2, and 3 in the December 3, 2007 consultation letter to the Michigan State Historic Preservation Office in Appendix E.

5



1	References to the Fort Wayne Master Plan have been added to the FEIS (Section 3.3.1.3 of the FEIS).
2	There is no known relationship and neither refers to the other.
3	That discussion is expanded and included in Section 4.14 of the FEIS.
4	Signing on I-75, the plaza, and in appropriate locations within the host community will be provided. Additionally, information and directions can be made available at Welcome Centers, AAA, and other venues. Cross-border marketing coordination could be used to inform Canadian travelers about the fort and other Delray, Detroit, and regional attractions (and information on Sandwich Towne, Windsor and regional attractions in Canada would be provided on the U.S. side).
5	Coordination with SHPO staff and further research indicated that some historic resources listed in the December 3, 2007 letter are no longer considered potentially eligible for the <i>National Register</i> . Section 3.9.4 of the DEIS reflected that coordination.

Letter 4, continued

Thank you for the opportunity to participate in the review of this proposal. If you have any questions, please feel free to contact me by telephone at 402-661-1944 or via electronic mail at dena_sanford@nps.gov.

Sincerely,

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

Dena Sanford
Architectural Historian

cc:

Mr. Brian Conway, State Historic Preservation Officer, Department of History, Arts and Libraries
Michigan Historical Center, 702 W. Kalamazoo St., P.O. Box 30740, Lansing, Michigan 48909-8240

Mr. James Conway, Historic Fort Wayne, 6325 W. Jefferson, Detroit, Michigan 48209

Mr. Don Klima, Advisory Council on Historic Preservation, The Old Post Office Building, Room 809,
1100 Pennsylvania Ave., Washington, D.C. 20004

Mr. Thomas Berlucchi, Historic Fort Wayne Coalition, 2024 Crabtree, Troy, Michigan 48083

Mr. Lawrence Hemmingway, Deputy Director, Detroit Recreation Department, NW Activity Center,
18100 Meyers Road, Detroit, Michigan 48235

Letter 5, City of Detroit, Water and Sewerage Department

CITY OF DETROIT
WATER AND SEWERAGE DEPARTMENT
GENERAL ADMINISTRATION



April 2, 2008

Mr. Robert Parsons
Public Involvement/Hearing Officer
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. Parsons:

**Regarding: Detroit River International Crossing (DRIC) Study
Draft Environmental Impact Statement and Draft Section 4(f) Evaluation**

Reference is made to the enclosed letter from Mr. David W. Wresinski, dated February 21, 2008 regarding the subject study.

The Detroit Water and Sewerage Department (DWSD) appreciates early involvement with the initiatives MDOT has advanced specific to the proposed Detroit River International Crossing. Pursuant to Mr. Wresinski's request, involved DWSD staff reviewed the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation. Consistent with further instructions contained in the reviewed document, we are forwarding our attached comments to date direct to your attention. However, we respectfully reserve the right to comment further should circumstances warrant.

Please give careful consideration to our remarks and apprise of advances to coordinate this endeavor. You may contact me at (313) 224-4784, Ramesh Shukla at (313) 964-9894, or Mirza Rabbaig at (313) 964-9880 with any questions or to make arrangements to meet on this.

Sincerely,

Gary Fujita, P.E.
Deputy Director

GF/MR/GS

Enclosures

cc: David W. Wresinski, Administrator, MDOT

KWAM M. KELPATRICK, Mayor

ENGINEERING SERVICES DIVISION

DOCUMENT REVIEW



**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
Michigan Department of Transportation
February 2008

Sixteen alternatives are presented in the report X-1 through X-15. The river crossing alternatives are situated as far south as Grosse Isle and as far north as Belle Isle. Alternative X-10 has two variations X-10A and X-10B.

Among the proposed alternatives evaluated located in the City of Detroit, Alternatives X-11, X-10B and X-10A are preferred with lesser impacts to current infrastructure than other alternatives in Detroit. These 3 alternatives are generally located north of West Jefferson between Campbell, Post south of Fort.

All of the proposed alternatives in Detroit city limits will require significant water distribution and sewer and outfall modifications to accommodate various proposed approach routes and plazas to new bridge locations. Costs allocated for such utility modifications for these alternatives range between \$143 million and \$183 million.

DWSD's future CSO facilities planned along the Detroit River are not considered in the DEIS. DWSD's future Summit CSO facility being finalized in our LTCSO Plan Amendment due to the MDEQ later this year will be located on portion of the Revere Copper property parcel adjacent the Campbell south of Jefferson will impact and may conflict with aspects of Alt. X-11. Similarly, our future Schroeder CSO facility will likely impact Alts. X-10A and X-10A.

With any of these alternatives between 324 and 414 residential dwelling displacements and between 43 and 56 business displacements are anticipated. The Delray community would be impacted if either of these preferred alternatives are implemented. U.S. dollar estimated cost for all alternatives range from \$1.2 billion to \$1.5 billion.

Questions on this review may be directed either to:

Mirza Rabbaig, Head Engineer
DWSD, CSO Control Group
rabbaig@dwsd.org
313 964 9880

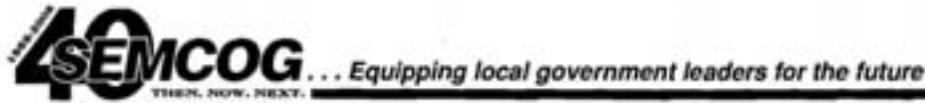
Gary Stoll, Sr. Asst. Mechanical Engineer
DWSD, CSO Control Group
stoll@dwsd.org
313 964 9883

Issued: March 15, 2008

1
2

1	Comment acknowledged, which is consistent with the information presented in Section 3 of the DEIS and the FEIS.
2	The Preferred Alternative does not impact the proposed DWSD Summit CSO facility. Consultations with DWSD staff indicate the Preferred Alternative will not impact the Schroeder CSO facility.

Letter 7, Southeast Michigan Council of Governments (SEMCOG)



Southeast Michigan Council of Governments • 535 Griswold Street, Suite 300 • Detroit, Michigan 48226-3602
313-961-4266 • Fax 313-961-4869 • www.semco.org

April 09, 2008



David W. Wresinski, Administrator/Proj Planning Div, Bureau Trans Planning
Michigan Department of Transportation
P O Box 30050
Lansing, MI 48909

RE: Application for federal assistance from Department of Transportation for a project entitled "The Detroit River International Crossing Study"
Regional Clearinghouse File No.: TR 020553

Dear Mr. Wresinski:

SEMCOG, the Southeast Michigan Council of Governments, has processed a review for the above application according to intergovernmental review procedures established in Presidential Executive Order 12372 and assumed in the Michigan Federal Project Review System.

As the designated regional planning agency for Southeast Michigan, we notified the following local government agencies of your project: Wayne County Division of Planning; SEMCOG/Transportation Programs; Detroit Planning & Development Dept; City of Wyandotte; City of Woodhaven; City of Trenton; City of Southgate; City of Riverview; City of River Rouge; City of Melvindale; City of Lincoln Park; City of Gibraltar; City of Ecorse; and City of Allen Park.

As of this date, SEMCOG/Transportation Programs has submitted written comments, which are attached. We will forward additional comments, if any, for your information and attention.

SEMCOG's staff has reviewed the application materials which you submitted and finds that your project does not conflict with areawide plans.

Sincerely,
William Parkus
William Parkus
Regional Review Office

cc: SEMCOG/Transportation Programs

William T. Roberts Chairman Mayor, City of Walled Lake	Mary Balthasar First Vice Chair Trustee, Wayne County Regional Education Service Agency	Robert J. Ceraso Vice Chairman Supervisor, Clinton Township	Philip M. Carrrough Vice Chairman Commissioner, Wayne County Board of Commissioners	Robert Blum Vice Chairman Mayor, City of St. Clair Shores	Michael Salkin Vice Chairman Clerk, Green Oak Township	John F. Jurek Immediate Past Chair Supervisor, Ira Township	Paul E. Tall Executive Director
---	---	--	---	--	---	--	------------------------------------

SEMCOG

MEMO

Southeast Michigan Council of Governments
535 Griswold, Suite 300
Detroit, MI 48226
(313) 961-4266
Fax (313) 961-4869
www.semco.org

April 4, 2008

TO: Bill Parkus
FROM: Jennifer Evans
SUBJECT: Comments on the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the Detroit River International Crossing Study

SEMCOG staff has reviewed the Draft Environmental Impact Statement and Draft Section 4(f) Evaluation for the Detroit River International Crossing Study and submits the following comments, followed by comments on the Air Quality Impact Analysis Technical Report.

Comments on Environmental Impacts

The development of a second span across the Detroit River will increase impervious surface. Storm water often carries sediment and pollutants that can impact the aquatic ecology of a water body. A storm water management system that avoids discharge, but rather collects, detains, and treats on-site should be developed as part of the project. | 1

For houses or other structures that will be demolished or relocated, sewer lines should be filled with concrete or grout at the basement level. Abandoned wells should also be filled with concrete or grout from the bottom up. This is to avoid contamination of local groundwater that eventually would be discharged to the Detroit River. | 2

Construction activities create conditions that promote erosion and sedimentation. The City of Detroit's sewer system as well as any wetlands in the project area should be protected from sedimentation pollution. Thus, compliance with and a permit under Part 91 (Soil Erosion and Sedimentation Control) of PA 451 of 1994, the Natural Resources and Environmental Protection Act, may be required. | 3

0.70 acres of wetlands have been identified in the project area. A hydrologic connection does exist between some of the wetlands and the Detroit River. The wetlands cleanse storm water — removing sediment — before release to the Detroit River. These wetlands and their natural functions should be protected to the fullest extent possible from encroachment or destruction. Thus, compliance with and a permit under Part 303 (Wetland Protection) of PA 451 of 1994, the Natural Resources and Environmental Protection Act, may be required. | 4

1	See Section 4.8 of the FEIS.
2	See Section 4.9 of the FEIS.
3	See Section 4.7 of the FEIS.
4	See Section 4.10 of the FEIS.

Letter 7, continued

Comments on Alternatives Considered

p ES-5 indicates the No Build Alternative includes the proposed six-lane replacement of the existing Ambassador Bridge. Do the Build Alternatives include this bridge as well? This project has been proposed for amendment to the 2030 Regional Transportation Plan for Southeast Michigan on June 26, 2008 and may proceed even if a new crossing is constructed. It should, therefore, be included as part of the analysis, particularly with respect to indirect and cumulative impacts. | 5

p ES-24 indicates I-75 and its service drive would be realigned under Alternatives 3 and 11. This does not appear to be addressed anywhere else in the descriptions of the Practical Alternatives. | 6

p 2-5 introduces four private-sector alternatives. Subsequent discussion explains why the DRTP and second span of the Ambassador Bridge were dropped from further analysis. The Mich-Can proposal and Don Flynn proposal are never fully described, nor is it adequately explained why they were dropped. | 7

It is difficult to follow the narrowing of alternatives. It appears that there were 51 illustrative alternatives originally identified. Some of those were eliminated due to fatal flaws, leaving 37 alternatives. The private-sector alternatives were eliminated and the area of continued analysis was narrowed resulting in 13 Preliminary Practical Alternatives. Certain plaza and interchange options were then eliminated and additional alternatives were added based on the value analysis workshop and public input. A table listing the 51 original illustrative alternatives and the fatal flaws that narrowed the list down to 37 may help. Another table showing the narrowing of the Preliminary Practical Alternatives to Practical Alternatives would also help. | 8

It is not clear from the discussion on p 2-51 if crossing X10A remains viable for further analysis or not. | 9

Comments on Traffic Analysis

Table S-8, p ES-43, indicates the combined traffic at the Ambassador Bridge and the new crossing would increase under the Build Alternatives compared to the No Build Alternative. Is this increase due to induced traffic or does it represent a shift away from the Blue Water Bridge and Detroit-Windsor Tunnel? If traffic would be diverted from existing crossings, is there any concern about the continued validity of proposed Blue Water Bridge plaza enhancements? | 10

Are the six upcoming projects referenced on p 3-33 included in the traffic analysis? If so, are they included in only the No Build Alternatives or the Build Alternatives as well? | 11

p 3-62 indicates local roads would operate at an acceptable LOS under Build and No Build Alternatives. The discussion of the freeway segments is limited to the Build Alternatives. Will the freeway exceed capacity under a No Build situation? | 12

p 3-70 indicates additional coordination will occur regarding congestion in the area of the new crossing. SEMCOG fully supports and encourages this coordination. | 13

5	Because that second span is only a proposal, not part of the Existing Plus Committed System, it is not part of the No Build Alternative. Nonetheless, the possibility that the replacement span of the Ambassador Bridge could be built was considered under indirect and cumulative impacts (Section 3.14 of the DEIS and FEIS).
6	The text beneath Figures 2-11C and 2-12C of the DEIS that describes the characteristics of the alternatives has been edited for the FEIS to note that the mainline of I-75 would have been shifted by these alternatives.
7	No individual private entity was considered in the DRIC. Most of the private alternatives were not developed beyond conceptual ideas. Alternatives that reflected the concepts offered by a private sector proponent were analyzed. The Don Flynn proposal was one of the Downriver Alternatives. Those alternatives were elemental in the Illustrative Alternatives Analysis. By the same token, all Practical Alternatives resemble the Mich-Can Proposal. Selecting Crossing X-10B and Plaza P-a as the Preferred Alternative is not an endorsement of the Mich-Can Proposal.
8	The DEIS summarizes the various alternatives that were initially considered. These were evaluated and narrowed down to address Practical Alternatives and how they were developed. Information on Illustrative Alternatives is summarized. Reference is made to the three-volume set of reports on Illustrative Alternatives referred to in footnote 1 of Section 2 of the FEIS. With respect to the narrowing of Practical Alternatives, Tables 2-4 and 2-5 provide the information requested.
9	At the writing of the DEIS, it was a viable alternative. The FEIS indicates it is not the Preferred Alternative.
10	The traffic forecast represents a shift in traffic from the Blue Water Bridge and Detroit-Windsor Tunnel as noted in Section 3.5.1.2 of the DEIS and FEIS.
11	No. The Blue Water Bridge plaza enhancements are needed to address existing problems. The diversion from the Blue Water Bridge is of traffic growth and that is relatively small. Data included in the FEIS indicate traffic on the Blue Water Bridge will increase from today's conditions under both the build and no-build forecast.
12	Only existing and committed projects are included in the traffic analysis of Build and No Build Alternatives. A "sensitivity test" of traffic effects of the proposed second span of the Ambassador Bridge on the DRIC crossing was conducted (see Section 3.14.3 of the FEIS).
13	No it will not.
14	Comment acknowledged.

Letter 7, continued

Comments on Community Impacts/Environmental Justice (EJ) Analysis

It is not clear how a finding of no disproportionately high/adverse impacts on minority populations can be defended. The DEIS indicates there will be adverse effects on all environmental justice groups; simply because non-minority groups would also be impacted does not negate the heavy burden on minority populations. Compared to regional averages, minority persons and low-income households are over-represented in the project area, which in SEMCOG's estimation will always lead to disproportionate impacts.

15

The DEIS does a good job of identifying most of the expected impacts on EJ groups and related mitigation strategies. However, the documentation does not fully address some potential impacts as follows.

The discussion of residential relocations indicates there is a sufficient supply of properties in Wayne, Oakland, and Macomb Counties to absorb the displaced. This seems to be a very wide area of analysis. What is the level of supply in the more immediate project area for those who may not wish to move far away?

16

Because of the large proportion of renter-occupied housing in the study area, the relocation strategy should adequately address the particular needs of renters.

17

MDOT has indicated that they will provide purchasing, relocation assistance and advisory services for anyone whose property is needed for the project. However, concerning properties not taken by the new plaza, the project will reduce neighborhood cohesion in the blocks surrounding the existing plaza. That area would be divided as a result of the plaza expansion causing several local businesses to be relocated. This division of the neighborhood could potentially present a challenge to the local low-income population to find sufficient alternatives to the departed businesses of comparable types.

18

It should also be noted that the proposed plaza would be directly adjacent to the existing Southwestern High School. Adequate buffers are required to prevent any unreasonable safety and hazardous impacts to the high school and/or its students and faculty.

19

The DEIS indicates a number of pedestrian crossings over I-75 will be removed and some existing transit routes will be impacted, and that replacement of the pedestrian crossings and maintenance of transit service will be discussed in the FEIS. Given that nonmotorized and transit modes are vital in this community, a more strongly worded commitment to replacing crossings as appropriate and maintaining adequate transit service should be considered.

20

p ES-42 discusses how the Michigan Department of Transportation (MDOT) and Federal Highway Administration (FHWA) are exploring concepts to enhance the Delray community under the Build Alternatives. The agencies should continue to work with community stakeholders to not only refine these concepts, but develop action plans to ensure the implementation of those plans.

21

Both the Delray community and Southwest Detroit as a whole are in a strategic location with regard to the transportation system. As a result, this community has historically been host to

15	In the DEIS, 2000 Census data were used to identify minority and low-income population groups, and non-minority population groups. Remember, the study area (based on 2000 census) was one of the most diverse communities in Detroit. At the time of the analysis, the Preferred Alternative was not identified. Analysis of the different variations of the build alternatives could not specifically identify (minority, low-income or non-minority) who lived in the homes to be potentially displaced. It was recognized that further analysis of community demographics would be needed for the FEIS. A Preferred Alternative has been identified. Further field reviews along with updated census information indicates it will have a disproportionately high and adverse effect on minority and low-income populations in the study area (Section 3.1.5 of the FEIS).
16	Since the publication of the DEIS, a Preferred Alternative has been identified which will impact 257 dwelling units and 43 businesses. A field review of the study area indicates that there is adequate replacement housing and industrial/commercial space available in Southwest Detroit (Section 3.1.4 and Conceptual Stage Relocation Plan – Appendix A).
17	Application of the federal Uniform Relocation and Real Property Acquisition Act requires the relocation needs of each renter and home owner be addressed. See Section 4.1 of the DEIS and FEIS.
18	The project will involve acquisition of 40 commercial lots on Fort Street between Crawford and Campbell streets. Of these, 12 provide retail services to local residents. It is the objective of MDOT's relocation program to place these businesses at a new location as close as possible to the current one, if the owner so desires. Further, it is the objective of the land use planning of the DRIC and the City of Detroit to stimulate increased presence of retail businesses in the area. Further, The massive investment in the new crossing can encourage private investment in housing, logistics, light industry and commercial. A potential commercial historic district in the West Jefferson/West End area, if formally recognized, would allow investors the opportunity to apply for federal and state historic preservation tax credits.
19	Such buffers will be provided as indicated in Section 4.3 of the FEIS.
20	The Preferred Alternative will provide access across I-75 at Springwells, Green, Livernois, and Clark, plus five pedestrian crossings.
21	Sections 4.21 and 4.22 of the FEIS includes measures to improve Delray.

Letter 7, continued

many of the region's and state's primary transportation facilities. The state's largest marine port is located here, and most of Michigan's interstates and Class I railroads lead to this hub. In addition to the DRIC, there are at least four major facilities that are either under construction or consideration — the Ambassador Bridge Gateway project (under construction); and the proposed Detroit Intermodal Freight Terminal, Detroit River Tunnel Partnership (replacement tunnel), and Ambassador Bridge Enhancement Project (replacement bridge). While it is not required by the NEPA process, MDOT and FHWA should work with the community to assess the cumulative impacts of these projects and develop strategies not only to mitigate the negative impacts, but to take better advantage of the community's strategic location as a transportation hub. | 22

Miscellaneous Comments

The sidebars on p ES-17 are out of context as these items are not discussed in the summary text. | 23

A project to construct a new border crossing is proposed to be amended to the 2030 Regional Transportation Plan for Southeast Michigan on June 26, 2008. The project has already been included in a regional air quality conformity analysis. Depending on the Preferred Alternative selected, minor adjustments may be necessary.

p 3-1 references the seven-county SEMCOG region, but it is never explained what SEMCOG is or which counties are included. | 24

p 3-42 indicates "(t)he Practical Alternatives are consistent with planning and zoning requirements. The proposed project has been discussed with SEMCOG ... and is scheduled for inclusion in their Regional Transportation Plan in June 2008. They have the potential to reinforce the compatibility of residential and industrial areas of Delray." It needs to be clarified that the Practical Alternatives would reinforce this compatibility. SEMCOG has no authority to do so, but given the current sentence structure, this seems to be implied. | 25

It is understood that the Canadian environmental process is running on a related, yet separate, course. Will an opportunity be provided to consider the findings of that process within the context of the FEIS or even before then? | 26

Comments on Air Quality Impact Analysis Technical Report

Overall, the air quality impact analysis is very thorough and easy to understand. MDOT and its consultant have done a good job of reviewing and analyzing the large amount of data that have been gathered on current and expected air quality conditions, both in the project area and in Southeast Michigan as a whole.

Section 2.1.2 Monitoring Station Data

While the three-year average ending in 2006 showed Southeast Michigan meeting the national ozone standard, high values at three monitors in 2007 pushed the latest three-year averages at these monitors over the standard. Thus, the region has not yet demonstrated attainment. In addition, the U.S. Environmental Protection Agency (USEPA) has just announced (on March 12, 2008) a tightening of the ozone standard from .08 ppm to .075 ppm. | 27

22	Analysis of cumulative impacts is required and is included in Section 3.14 of the FEIS. Sections 4.21 and 4.22 on mitigation, specifically the Green Sheet, discuss coordination efforts to improve Delray.
23	Issue addressed in FEIS.
24	Issue addressed in FEIS.
25	Issue addressed in FEIS.
26	The FEIS reports on the Canadian findings in the Indirect and Cumulative Impacts section. Reference is made to supporting technical reports and their availability at www.partnershipborderstudy.com . Comments on the Canadian findings should be directed to Roger Ward of the Ministry of Transport Ontario.
27	The change is noted in the errata sheet of the FEIS. It does not affect the outcome of the study. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.

Letter 7, continued

<u>Section 5.1 NAAQS and Regional Attainment Status</u> The CO conformity budget is 3,842.8 tons/day, not 1,946 tons/day.	28
Table 5-1: On March 12, 2008 USEPA changed the 8-hour ozone standard from 0.08 ppm to 0.075 ppm. The one-hour standard has been revoked.	29
<u>Section 5.3.1 Regional Conformity</u> A project to construct a new border crossing is proposed to be amended to the 2030 Regional Transportation Plan for Southeast Michigan on June 26, 2008. The project has already been included in a regional air quality conformity analysis. Depending on the Preferred Alternative selected, minor adjustments may be necessary.	30
<u>Section 5.3.2.2 PM2.5 Hot-spot Qualitative Analysis</u> The last paragraph in this section (Summary) says the Southwestern High School and Lafayette monitors are “well within the 24-hour standard.” In fact, both of these monitors are currently violating the 24-hour standard. The standard is 35 µg/m ³ . The latest three-year averages for these monitors is 40 for Southwestern High School and 37 for Lafayette. The rest of the information in this paragraph is correct.	31
<u>Section 6 Construction Impacts</u> MDOT should require contractors to use construction equipment that at least meets USEPA’s Tier 3 standards for off-road equipment. If Tier 4 equipment (which is being phased in between 2008 and 2016) is available, this should be used.	32
The project design should include landscaping — using native vegetation — to help absorb pollution, reduce fugitive dust, and improve overall aesthetics in the vicinity of the project.	33

28	This change does not affect the FEIS. The change is noted in the DEIS errata sheet of the FEIS.
29	This change is noted in Table 3-18 of the FEIS.
30	Comment acknowledged. Coordination with SEMCOG will continue.
31	The statement referred to relates to the standard of 65 ppm that applies until EPA makes non-attainment determinations with respect to the new standard.
32	MDOT’s plans during construction are covered in Section 4.6 of the DEIS and FEIS.
33	Section 4 of the FEIS notes under Visual Effects that Context Sensitive Solution (CSS) meetings to address the specifics of landscaping will be held during the design process.

Congress of the United States
 Washington, DC 20515

April 21, 2008

The Honorable Mary Peters
 Secretary
 Department of Transportation
 1200 New Jersey Avenue S.E.
 Washington, D.C. 20590

Dear Secretary Peters:

Thank you for your hard work and effort toward providing an effective, efficient and environmentally responsible transportation system for all Americans. We appreciate the challenges of our transportation system, and look forward to continuing to work with you.

We write you again to revisit the critically important issue of the plans for the construction of a second span next to the current Ambassador Bridge in Detroit, Michigan, and the legislative history within the Congress that clearly supports this project and the connection with the historic Gateway Highway Project undertaken by your Department. We wish to say that we are pleased with the support of the Governor of Michigan for continued development of plans and permits for the Ambassador Bridge enhancement project between Detroit and Windsor Ontario, Canada. The Governor's November 1, 2007 letter to you clearly states that level of support, and we continue to firmly believe that the privately financed second span of the Ambassador Bridge should continue to be an international priority for both the United States and Canada, and a viable option for the taxpayers of the State of Michigan and America.

We recently became aware that the published Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) project has a current deadline for public comment on this more-than-6,000-page environmental study of April 29, 2008. Due to the significant impact that this study has for all stakeholders, and so that all parties can fully understand the report, we believe it would be reasonable that the agencies extend the comment period on the DEIS for a six-month period. In addition, there is an obvious need for better coordination and timing with the Canadian environmental process that has yet to issue a document for public review and comment describing the proposed project in Canada (including the customs plaza and roadway connection plans), and we have concerns about adequate disclosure in the DEIS of the cumulative effects and transboundary impacts of the DRIC project when considered together with other transportation projects in the region, including the Ambassador Bridge expansion project and the Blue Water bridge project.

1
 PRINTED ON RECYCLED PAPER

1	Comment acknowledged. MDOT and FHWA cannot speak to whether a second span of the Ambassador Bridge is an international priority to Canada. In the U.S., the Coast Guard is in charge of reviewing the Bridge Company's application for a permit to build a replacement bridge. MDOT and FHWA have provided input to the Coast Guard's process.
2	Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
3	The Canadians are proceeding in a timely manner with their process and the Partnership is coordinating activities between the countries on a continuous basis. It is noted that the Canadian process does not allow preparation of its environmental documents until the Preferred Alternative is chosen.
4	In the absence of understanding what the concerns might be, the cumulative and transboundary impacts are fully covered in Section 3.14 of the DEIS and FEIS.

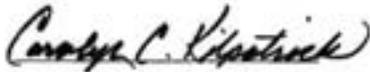
Letter 14, continued

Finally, it is our hope that the DRIC study, which has cost taxpayers hundreds of millions of dollars and significant energy, effort and work, comes to closure and a decision on the bridge is made expeditiously. We recommend in the strongest terms possible that the Administration accelerate its efforts both in the United States and through its dialogue with Canada, to follow the direction of Congress and ensure the construction of the second span of the Ambassador Bridge.

| 5
| 6

Thank you for your time and consideration. Again, we look forward to working with you and your leadership that you continue to provide on these vital cross border transportation issues.

Sincerely,


Carolyn C. Kilpatrick
Member of Congress


Joe Knollenberg
Member of Congress

5	The study has cost about \$28 million to date. The DRIC decision process continues to advance at a reasonable pace.
6	The NEPA document on the proposed second span of the Ambassador Bridge now being reviewed is under the control of the U.S. Coast Guard that is part of the U.S. Department of Homeland Security, not the Department of Transportation.

Letter 16, State of Michigan, Department of Community Health



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

March 25, 2008

David W. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
State of Michigan DOT
P.O. Box 30050
Lansing, MI 48909

RE: Detroit River International Crossing Study

Dear Mr. Wresinski:

This letter is provided as a response to your February 21, 2008 letter requesting comments relevant to the Draft Environmental Impact Statements (EIS) for the various proposals for the Detroit River International Crossing in Wayne County.

We have noted that there are no licensed health care facilities in the vicinity of the project proposals. United Community Hospital, approximately two miles from the proposed sites, currently does not have any patients and their licensed beds are in the process of being transferred to another facility.

Specifically, we have noted that within a radius of three miles of the proposed improvements there are:

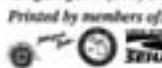
- No licensed hospitals
- No licensed nursing homes
- No licensed homes for the aged, and
- No certified End Stage Renal Dialysis (ESRD) facilities

The draft EIS mentions that the construction "will not affect major roads except Fort Street (M-85) and Jefferson Avenue, which will both be bridged. Short term temporary detours may be necessary at those two streets."

The draft also mentions that there is a Community Health and Social Services (CHGASS) center in the Delray area that would be relocated.

Since the licensed health care facilities/services are not in close proximity to the proposed construction; most of the patients, visitors, and staff at these facilities will not be adversely impacted for the duration of the project in terms of longer travel times to/from these facilities.

CAPITOL VIEW BUILDING • 201 TOWNSEND STREET • LANSING, MICHIGAN 48913
www.michigan.gov • (517) 373-3740



GDH-1270 (1/1/03) DM

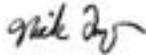
1	Comment acknowledged
---	----------------------

David W. Wresinski
March 25, 2008
Page 2 of 2

Thus at this time, we believe there would be no significant adverse impact of the proposed project on licensed healthcare facilities. Also, there do not appear to be any permitting requirements relevant to your project within the regulatory jurisdiction of the Health Policy, Regulation and Professions Administration.

1, cont.

Sincerely,



Nick Lyon
Deputy Director, Health Policy, Regulation and Professions Administration

cc: James D. Scott, P.E., HFES

NL/PGZ/mw



RAYMOND E. BASHAM
8TH DISTRICT
P.O. BOX 3008
LANSING, MICHIGAN 48909-7526
PHONE: (313) 373-7900
FAX: (313) 375-9312
senbasha@senate.michigan.gov

THE SENATE
STATE OF MICHIGAN

SENATE STANDING COMMITTEES:
NATURAL RESOURCES AND ENVIRONMENTAL
AFFAIRS, MINORITY VICE CHAIR
TRANSPORTATION, SECURITY VICE CHAIR
LOCAL, URBAN AND STATE AFFAIRS
SENIORE CITIZENS AND VETERANS AFFAIRS

April 25, 2008

David Williams
Environmental Program Manager
Federal Highway Administration
315 West Allegan Street, Rm. 201
Lansing, MI 48909

David Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Sirs,

I appreciate the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) Study. This project has and continues to seek a level of public involvement that is unsurpassed. It is with this in mind that I request that you be judicious in granting any extension to the public comment period on the DEIS.

As a State Senator and member of the DRIC Local Advisory Council (LAC), I have had the pleasure of observing a public process that has gone above and beyond to encourage the use of public input in developing a plan for an additional border crossing in the Detroit/Windsor corridor. In addition to the 40 formal public meetings and workshops held during the DRIC study over the past 36 months, I have attended or been represented at over 30 DRIC LAC meetings which were also open to the public. These meetings were advertised in thousands of direct postal and electronic mailings, broadcast over radio and television, and explained in detail on the DRIC website. Citizens, community leaders, business groups and other interested parties were provided with information in multiple languages and were given ample opportunity to comment on the DRIC Study at every step of the process.

I anticipate that there may be some who will request an extension to the public comment period on the DEIS for the DRIC Study. However, an extension to the public comment period would only serve to bog down a process that has remained transparent and open to public scrutiny for over three years. The citizens of the State of Michigan and others affected by this potential project would not benefit in any way from an extension. Keeping this in mind, I again ask that you be judicious when considering any request to extend the public comment period.

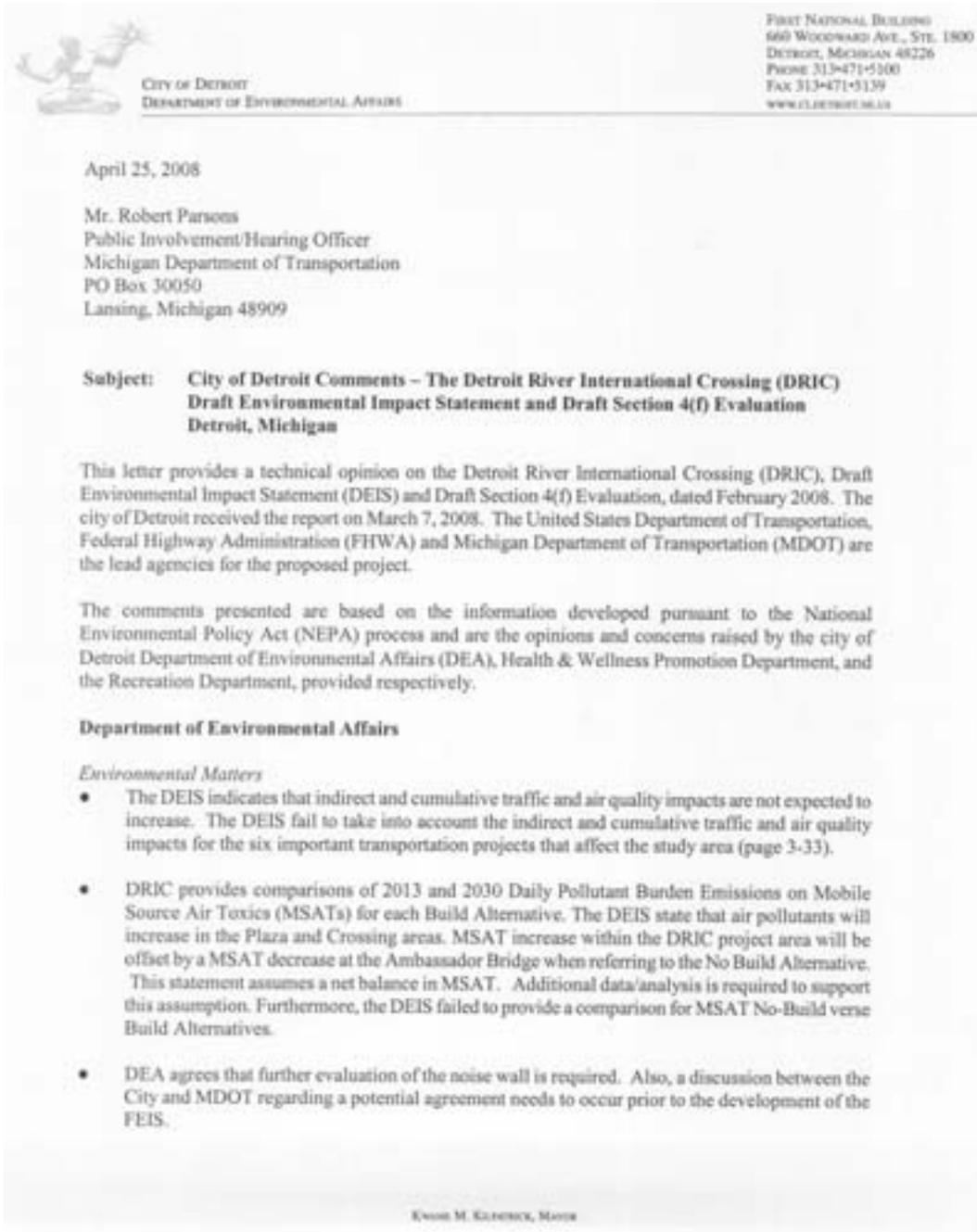
Sincerely,

RAYMOND E. BASHAM
Michigan State Senate
8th District



1	The comment period was extended 30 days to May 29, 2008.
2	Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.

Letter 22, City of Detroit, Department of Environmental Affairs



1	The most important mobile source change in the near term will result from reduced driving from SEMCOG's forecast of a regional economic downturn. The effects of other projects is almost negligible in a regional context. DIFT will reduce truck traffic regionally and, within Southwest Detroit, will reorient truck traffic to I-94. The Gateway Project will reduce congestion (air emissions) at the border. Transit development projects will be positive, if they occur.
2	The MSAT analysis followed the <i>Air Quality Protocol</i> agreed to by regulatory agencies, as explained in Section 3.6.1 of the DEIS and FEIS.
3	Decisions regarding bridge type and final design will be made after the FEIS and Record of Decision are completed.

<ul style="list-style-type: none"> Contaminated site assessments and cleanups are not contingent upon the construction of the DRIC, but redevelopment potential. Sites such as the Former Detroit Coke, Revere Cooper and Brass, Anacosta, Southwest Detroit Emergency Service Center (a.k.a. Public Safety Mall), etc. have undergone some level of cleanup in order to market the sites for redevelopment. This effort will continue on a case-by-case basis. 	4
<p><i>Social Economics</i></p> <p>It is understood that for the purpose of this project, Detroit is the "host city", whereas Delray is the "host community". The DEIS leaves an impression (based on 2005 projections) that the construction of the DRIC, would provide approximately 25,000 jobs to the state, and in contrast expects major job loss (approx. 71,000), if not constructed. It is interesting to note that in all discussions while jobs will be lost within the host city/community due to the construction of the DRIC neither the host city/community is mentioned in regards to jobs created/growth.</p>	
<p>A direct correlation of this point would be the current 56 businesses, roughly making up 686-920 jobs that currently exists (2008) versus the 775 permanent jobs estimated for the bridge operations in 2015. Our position is that the City has a current market that would be jeopardized by relocated/displaced as a direct result of the DRIC, leaving a net loss of approximately 145 jobs in 2015.</p>	7
<p>In addition, 324 to 414 dwelling units would be relocated/displaced as a direct result of the DRIC that would be realized as a loss in property tax. Yet, the DEIS mentions that "there would be significant gains in income taxes from jobs and associated sales tax from construction spending that would offset the expected loss". Need more detail.</p>	8
<p>What is being asked of the City is to sacrifice the Delray community for the good of the state and region. This is indicative of the general statements given under nearly every No Build Alternative that "past trends will continue", when in fact progress is being made by the City. This is also evident based on the City's goals for this area as identified in the City of Detroit Master Plan of Policies, 2004. The City does not simply take a wait and see approach when it comes to the Delray community. Various policies and procedures have been and are put into place to address many of the concerns mentioned in the DEIS, such as "heavy industrial growth". This is currently being handled in many ways such as rezoning, Industrial Review Committee resolutions, and Host Community Agreements to name a few. In fact, it is unfair to state that Delray is expected to grow more industrial without a crossing.</p>	9
<p>General questions to be asked:</p> <ul style="list-style-type: none"> What parameters are being used to identify the "local" economy? What efforts are in place to preserve Delray's identity during and following the DRIC construction? Out of the 8,939 to 10,416 direct jobs and 22,986 to 26,784 indirect jobs during the construction period - how many will be specifically allocated to Detroit/Delray residents? Just Compensation/Fair Market Value may not be appropriate nor feasible given the current economy and market particularly given "A house in need of repair can be purchased for as little as \$15,000", within the Delray community. 	11
	12
	13
	14

Responses continued on next page.

4	The DRIC will be a catalyst for action on contaminated site remediation where there may be none or where it may occur later in time without the DRIC.
5	That is a correct statement as presented in Section 3.2.2 of the FEIS.
6	The economic analysis cited in Section 3.2.2 of the DEIS and FEIS focused on the State of Michigan as the smallest area unit. Data available from the Detroit Intermodal Freight Terminal Project, for which an FEIS has been prepared using the widely-accepted REMI (Regional Economic Models, Inc.) model indicate the DRIC will create 4,000 to 5,000 construction jobs (out of a total of 10,000) and 10,000 to 12,000 jobs (out of another 25,000) in support of construction. Over and above that, 9,000 to 13,000 jobs would occur in Detroit that would otherwise not be created without a new crossing.
7	First, as noted in Section 3.2.3 of the DEIS and FEIS, most businesses want to relocate in or near to Delray. Second, a number of construction jobs are likely to be held by city residents, some of whom live in and near Southwest Detroit. Third, a number of long-term permanent jobs, outside those for crossing operations, can be expected to be held by people in Detroit. Data available from the Detroit Intermodal Freight Terminal Project, for which an FEIS has been prepared using the widely-accepted REMI (Regional Economic Models, Inc.) model indicate the DRIC will create 4,000 to 5,000 construction jobs (out of a total of 10,000) and 10,000 to 12,000 jobs (out of another 25,000) in support of construction. Over and above that, 9,000 to 13,000 jobs would occur in Detroit that would otherwise not be created without a new crossing.
8	The discussion cited is that additional/new tax revenues will offset any losses. This is particularly true as the Renaissance Zone designation area eliminates most taxes on Delray property.
9	There will be no "sacrifice" of Delray because of the DRIC. Further, progress until now to protect the area as a residential enclave has not been evident as stated in many interviews with those knowledgeable about the area, particularly those who live and work there. Those interviews are included in the Community Inventory Technical Report that accompanied the DEIS.

Letter 22, continued

10	Past trends indicate Delray has become more industrial in the last 50 years, particularly in the last 10 years. Reference is made to Section 3.1.2.1 and Section 3.3 of the DEIS and FEIS.
11	The DEIS and FEIS consider broad economic impacts at state and national levels. Nonetheless, using data available from the Detroit Intermodal Freight Terminal Project, for which an FEIS has been prepared using the widely-accepted REMI (Regional Economic Model, Inc.) model indicates the DRIC will create 4,000 to 5,000 construction jobs (out of a total of 10,000) and 10,000 to 12,000 jobs (out of another 25,000) in support of construction. Over and above that, 9,000 to 13,000 jobs would occur in Detroit that would otherwise not be created without a new crossing.
12	The statements made in Sections 3.3.2 and 4.21 of the DEIS and FEIS are indicative of the efforts to preserve Delray's identity during and following DRIC construction. To that end, the community has been very active through the environmental process and has actively informed MDOT of its vision of the future with and without a crossing. MDOT will coordinate the identification of the partners needed to maintain the evolving community identity through and after construction.
13	Construction jobs will be filled by the contractors that build the crossing system. Indirect jobs stem from money spent and are not "allocated."
14	The federal Uniform Relocation Act procedures that must be followed on any project sponsored by the Federal Highway Administration and MDOT are summarized in Section 4.1 of the DEIS and FEIS.



Health & Wellness Promotion Department

The Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) asks the reader to assume that only two alternatives exist: either do nothing and have the current river crossings exceed their capacity in a few years, or build a new river crossing in one of their identified alternative locations, all of which impact the Delray area. In fact a third alternative exists and that is to build another river crossing further downriver which would avoid further burdening the already overburdened Southwest Detroit area.

15

The DEIS states that traffic in terms of vehicle miles traveled (VMT) and vehicle hours traveled (VHT), especially for trucks, will improve overall in the SEMCOG Region while getting significantly worse in the border crossing area if one of their suggested alternative river crossings are built. This would seem to be in direct contradiction to Environmental Justice goals and principles by overburdening an area that has a majority minority population and a significant population living at or below the poverty level.

16

The DEIS goes on to assert that even though traffic will increase in the border crossing area, the air quality will improve due to improved emission equipment on trucks and low sulfur diesel fuel. This may be overly optimistic, even though, the air quality would improve much more if a river crossing further downriver were chosen because the amount of traffic in the Delray area would decrease rather than increase.

17

Recent research by the University of Michigan, in conjunction with local partners, under the auspices of Community Action Against Asthma and the Healthy Environments Partnership, has demonstrated that increased exposure to Diesel particulate matter increases the incidence and severity of asthma and increases the incidence of cardiovascular disease. In the case of asthma it has been shown that proximity to local sources of diesel particulate matter amplifies this effect. Due to the increases in traffic in the Delray area it is reasonable to expect increases in the incidence of asthma and cardiovascular disease in the Delray area due to this project.

Comments regarding Air Quality:

- The DRIC states that the overall air quality in the region is improving. This is not correct. USEPA has designated Wayne County and six (6) other Michigan counties as non-attainment for both ozone and PM_{2.5}.
- The DRIC based its conclusion on the assumption that the new EPA regulatory standards for diesel engines and fuel will generate adequate emission control in the future to reduce emission levels in 2035 to below levels identified in 2004. However, the number of vehicles hours in the Border Crossing area will increase upwards of 150% over the numbers identified in 2004.
- The DEIS does not address health impacts due to the DRIC. The Air Quality Impact technical paper that accompanied the DRIC study states that even though they can predict that air quality will improve with increased traffic, they do not have adequate models to predict the emissions,

18

19

15	Other possible crossing locations, including those downriver, were studied and eliminated as a result of application of a deliberative screening process including seven evaluation criteria and dozens of performance measures. This evaluation process is fully documented in the Illustrative Alternatives Analysis Technical Reports that accompany the DEIS and FEIS.
16	In the DEIS, there is no conclusion that conditions will worsen due to additional vehicle miles and vehicle hours of travel in the border crossing area. However, EPA regulations, such as cleaner fuels, efficient gas engines, and cleaner diesel engines will improve air quality in the study area even though vehicle use will increase.
17	Projections were made using U.S. EPA data and an analysis protocol in which EPA has concurred.
18	This EPA designations result from application of stricter standards, not poorer air quality.
19	The EPA regulations will improve air quality even though vehicle hours of travel will increase. That increase has been accounted for in the DRIC analysis.



- dispersion, and human exposure to airborne vehicle emission components. Therefore, no health impacts can be postulated. At a minimum an analysis of health impacts needs to be added to the DEIS. | 20
- The DRIC did not account for an accumulative effect from other transportation projects forecasted for Detroit. The accumulative effect from those projects may well over burden the communities and have a negative effect on the air quality within the Border Crossing communities. | 21
- The analysis for reduction of air emissions in 2035 is based on the fact that all the fleet vehicles will be in compliance with the EPA standards triggered in 2007. It does not account for or identify the number of Canadian owned and operated vehicles that are not required to comply with USEPA standards crossing the border or identify the number of trucks that are owned/operated by individuals whom tend to operate the older vehicles for longer periods of time than a major fleet operation. | 22
- Detroit has one of the highest incident rates for asthma in the United States. The report indicates Mobile Source Air Toxics and diesel particulate matter will increase at the Border Crossing location, however, the air quality will be offset by a reduction of those pollutants at the Ambassador Bridge. Diesel exhaust contains significant levels of small particles (known as fine particulate matter) that pose serious health risks. Exposure to fine particles can aggravate asthma, cause lung damage and even result in premature death. In addition, **EPA has determined** that diesel exhaust is likely to cause lung cancer after years of exposure. | 23

Health & Wellness Promotion Department Recommendation

The approval of the DRIC in Southwest Detroit may have a negative health impact on the citizens living in the surrounding communities. Our Department recommends that prior to starting construction and once the specific alternative is selected, MDOT conducts a Health Assessments on all potential impacts the project will have on a localized basis within the Border Crossing community. MDOT and SEMCOG must provide more than a regional assessment of air quality to ensure this project does not impact the health or quality of life for the citizens in Southwest Detroit. It is our contention that MDOT fail to adequately address the adverse health and environmental effects to the local community and its residents. | 24

Detroit Recreation Department

The DRIC impacts on the Historic Fort Wayne (Fort).

- It is not clear why the Fort was not considered a Sensitive Receptor. | 25
- The DEIS did not adequately analyze and evaluate the impact of noise on the Fort's immediate surroundings and users, and what special concerns might need to be addressed in regards to both interior and exterior uses during and after construction. | 26

20	FHWA has determined that, presently, there is not adequate science to reliably include exposure modeling or risk assessment in the air quality analysis. This is stated in Section 3.6.1 of the DEIS and FEIS. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.
21	The most important mobile source change in the near term will result from reduced driving from SEMCOG's forecast of a regional economic downturn. The effects of other projects is almost negligible in a regional context. DIFT will reduce truck traffic regionally and, within Southwest Detroit. The Gateway Project will reduce congestion (air emissions) at the border. Transit development projects will be positive, if they occur.
22	The fleet of vehicles, by type and age, used in the air quality analysis is that specified by EPA for the SEMCOG region.
23	Comment acknowledged.
24	FHWA has determined that, presently, there is not adequate science to reliably include exposure modeling or risk assessment in the air quality analysis. This is stated in Section 3.6.1 of the FEIS. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.
25	Fort Wayne was considered a sensitive receptor. It is analyzed both in terms of carbon monoxide (Section 3.6.4.1) and noise (Section 3.7.3 of the DEIS and FEIS).
26	The primary noise sources are and will be Jefferson Avenue truck traffic, traffic internal to the Fort, and airplane overflights, not a new crossing.



- The EIS did not adequately analyze and evaluate the visual impact of the DRIC on the Fort's immediate surroundings, users and what special design concerns should be implemented to help integrate the Plaza with the Fort. | 27
- It appears that the air pollution sections focus on Southwest Detroit and ignores the potential impact that the Bridge and Plaza might have on the Fort's immediate surroundings and its users. | 28
- The EIS was silent on the potential impact vibrations will have on the Fort structures during construction and long-term post construction. | 29

Overview of the Draft Environmental Impact Statement

In general, the DEIS fails to provide substantial analysis of air and noise data and appears to be subjective on many occasions and is believed that the process of elimination based on theory was used in place of empirical analyses. Significant impacts within the Delray community will result based on the DRIC development. This is not to say that many of the concerns are insurmountable, but dialogue is needed, as the host city/community yet have questions and concerns needing to be addressed. | 30
| 31

If there are any questions regarding this matter you may reach me at (313) 471-5115.

Respectfully Yours,

Vincent R. Nathan, PhD, MPH
Director

VRN/ras

cc: Honorable Kwame M. Kilpatrick, Mayor
Mr. Anthony Adams, Deputy Mayor
Dr. Phyllis Meadows, PhD, MSN, RN, Director of Detroit Health & Wellness Promotion
Ms. Loren S. Jackson, Director of Detroit Recreation Department
Mr. Marcell R. Todd, Director of Detroit City Planning Commission
file

27	MDOT anticipates ongoing consultation with the State Historic Preservation Office on this subject as the project develops. A series of workshops have been held with the community on Context Sensitive Solutions to better integrate Fort Wayne into its surroundings.
28	Fort Wayne was considered a sensitive carbon monoxide receptor, but no impacts were found. Fort Wayne is one area in the Delray community which underwent extensive analysis.
29	There would be no such impacts. The Preferred Crossing is over a quarter mile away. Room and pillar salt mining requires daily detonations that have been noted by neighbors at community meetings. These have been ongoing for years. Modern construction techniques simply do not propagate substantial vibrations. If there is a concern, MDOT provides for before and after surveys to document any change.
30	The air quality analysis followed the Air Quality Protocol developed specifically for the project by MDOT and FHWA in cooperation with USEPA, MDEQ and SEMCOG. The noise analysis was consistent with FHWA guidance.
31	Such dialogue has been ongoing and extensive with the community (see Section 6.2) and will continue as the project moves into design and subsequent phases of work.

Letter 27, U.S. Department of Housing and Urban Development



U.S. Department of Housing and Urban Development

Detroit Field Office
Office of the Director
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 1710
Detroit, MI 48226-2592
Tel. (313) 226-7900 FAX (313) 226-5611

May 2, 2008

Mr. David W. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
Murray D. Van Wagoner Building
P.O. Box 30050
Lansing, MI 48909



Dear Mr. Wresinski:

Re: Draft Environmental Impact Statement (EIS)
Detroit River International Crossing
Wayne County, Michigan
FHWA-MI-EIS-05-02-D

Thank you for the opportunity to comment on the Detroit River International Crossing (DRIC) Draft Environmental Impact Statement (EIS). The Department of Housing and Urban Development (HUD), Detroit Field Office, has reviewed the proposed design and route alternatives for DRIC. We have the following comments.

Based on the information provided, we are concerned about possible impacts on HUD funded activities along the proposed design and route. We have identified City of Detroit initiated actions 1992 up to date such as identifying and removing blighted conditions, relocating affected households and businesses, encouraging private investment, redeveloping cleared sites, and creating new opportunities for residents. These activities (Cluster 5 and small part of Cluster 4) fall into HUD Community Development Block Grant (CDBG), HOME, Section 108 and Economic Development Initiative (EDI) Grants up to **\$44,231,828.92**. Enclosed please find the City of Detroit expenditures for HUD funded activities for the DRIC Study Area (Cluster 5 and small part of Cluster 4).

There may be additional activities in the area funded through other entities under HUD programs that are as yet unidentified.

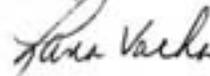
We believe it is necessary to have a more thorough understanding of the Demolition and Relocation Plans to appreciate the potential impacts to HUD funded activities within the area. Certain HUD assisted activities, even if owned by other governmental or private entities carry restrictions on disposition, reuse, or continuity of use. Prior approval of demolition or relocation may be required.

www.hud.gov

1 | The plans to use portions of Delray for the DRIC do not require use of HUD-funded properties.

In summation, based on our review and in accordance with HUD policy, a specific mitigation plan should be developed to ensure that appropriate consideration be given to any such use restrictions and that compensation is provided if required by HUD program regulations. Should you have any questions concerning this letter, please contact Carmen Reverón, Field Environmental Officer, at (313) 226-7900, Ext. 8194. Also, feel free to contact me directly with regard to this or other matters that may be of mutual interest or concerns. I can be reached at (313) 226-7900, Ext. 8146.

Sincerely,



Lana Vacha, Director
Detroit Field Office

Enclosure:

HUD expenditures for funded activities for the Detroit River International Crossing Study Area (Cluster 5 and a small part of Cluster 4)

CDBG 2000 – to date

NAME OF ORGANIZATION	EXPENDITURE
Abayomi CDC	\$ 208,023.47
Alpha Kappa Alpha	\$ 22,799.29
Alternatives for Girls	\$ 851,222.92
Alzheimers Association	\$ 163,105.00
Bagley Housing	\$1,177,106.78
Bridging Communities	\$ 271,642.33
City Year	\$ 73,450.00
Clark Park	\$ 72,748.21
Covenant House	\$ 329,708.08
Delray United Action Council	\$ 187,021.90
Detroit Inner City Drill Team	\$ 17,799.87
Freedom House	\$ 189,089.23
Goodwill Industries	\$ 124,142.90
Greening of Detroit	\$ 212,363.19
Hubbard Richard Neibhd. Strategy Area	\$ 342,906.27
International Institute	\$ 46,611.00
Joy-Southfield Development Corp.	\$ 2,653.93
LASED	\$ 364,068.27
Lead Program - 2yrs.	\$ 104,023.00
Life Directions	\$ 97,107.87
Living Arts	\$ 39,536.69
Matrix Theatre Company	\$ 34,884.37
Matrix Walter/Mary Ruether Senior Cntr.	\$ 73,971.13
Mexicantown CDC	\$ 839,212.79
Neighborhood Centers Inc.	\$ 347,130.24
Peoples Community Services	\$ 402,427.88
Senior Home Repair Program 05-06	\$ 330,930.00
Senior Home Repair Program 06-07	\$ 287,066.00
Southwest Counseling & Development	\$ 47,202.34
Southwest Detroit Business Assoc.	\$ 972,768.86
Southwest Detroit Community Recreation Cntr.	\$ 29,581.75
Southwest Detroit Environmental Vision	\$ 96,962.01
Southwest Housing Corporation	\$ 494,582.00
Southwest Zone Community Policing	\$ 125,000.00
United Generation Council	\$ 25,019.82
Young Detroit Builders Youthbuild	\$ 362,668.74
Demolition – 05-07	<u>\$ 1,075,000.00</u>
TOTAL:	\$ 10,368,789.92

HOME – since 1992

ADDRESS	EXPENDITURE
388 W. Grand Blvd.	\$ 800,000
250 W. Grand Blvd.	\$ 753,699
3615 W. Vernor	\$ 2,225,000
1185 Clark Street	\$ 2,000,000
8715 W. Vernor	\$ 1,829,900
1930 Cabot	\$ 2,000,000
1324-36 Porter	\$ 1,009,955
9200 W. Vernor	\$ 3,689,250
4108 31st street	\$ 4,784,446
1250 18th street	\$ 398,295
275 W. Grand Blvd.	\$ 2,000,000
Bagley Housing Homebuyer Program	<u>\$ 5,344,323</u>
TOTAL	\$26,834,868

SECTION 108 LOANS/EDI GRANTS

NAME OF ORGANIZATION	EXPENDITURE
Mexicantown	\$ 4,647,510 – 2002
	\$ 250,000 – EDI 2002
West Vernor/Lawndale	\$1,530,661 – 2002
West Vernor/Lawndale	<u>\$ 600,000</u> – EDI 2002
TOTAL	\$7,028,171
GRAND TOTAL:	<u>\$ 44,231,828.92</u>

Letter 28, U.S. General Services Administration



GSA Great Lakes Region

May 13, 2008

Mohammed Alghurabi
Senior Project Manager
Michigan Department of Transportation
Murray D. Van Wagoner Building
425 W. Ottawa Street
P.O. Box 30050
Lansing, MI 48909

Subject: Detroit River International Crossing Study, Draft Environmental Impact Statement

Dear Mr. Alghurabi,

This letter is in response to your letter dated May 1, requesting review comments on the Draft Environmental Impact Statement (DEIS) for the proposed new Michigan-Ontario international crossing. The comments transmitted with this letter are observations from the perspective of the General Services Administration (GSA).

Attached is a copy of Michigan Department of Transportation comment form, "DRIC Draft Environmental Impact Statement and Draft Section 4(f) Evaluation", with GSA's comments inserted. Our comments are primarily concerned with broadening the description of activities at the inspection plaza beyond Customs and Border Protection to include the other federal inspection services who have expressed their interest in this project – U.S. Department of Agriculture, Animal and Plant Health Inspection Service – Veterinary Services, and U.S. Department of Health and Human Services – Food and Drug Administration.

The General Services Administration appreciates having the opportunity to participate in this important project. Please feel free to contact me on (312) 353-1237 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "DMelcher", written over a circular scribble.

Donald R. Melcher, Jr.
Project Manager
Office of Border Stations
GSA, Great Lakes Region

Enclosure

U.S. General Services Administration
230 South Dearborn Street
Chicago, IL 60604-1696
www.gsa.gov

"DRIC Draft Environmental Impact Statement and Draft Section 4(f) Evaluation"		Reviewer's Comments - Document, dated	Comments By: General Services Administration; May 13, 2008	"Priority" Column: 1 - Comment must be addressed. 2 - Comment does not constitute a "fatal flaw," but revisions are needed to improve the completeness of information and readability. 3 - Comment represents typographical or grammatical errors. * - Requires discussion
Michigan Department of Transportation				
Page	Paragraph or line number	Comment	Priority	Response (How was the comment addressed?)
Preface				
1	Para. 2	Change, "U.S. Customs" to "U.S. border inspection activities"	2	
Executive Summary				
ES-2	Para. 3	Change, "Customs inspections plaza" to "U.S. border inspection plaza"	2	
ES-3	Para. 1	Change, "Customs processing" to "U.S. border inspection processing"	2	
ES-19	Para. 4	"400 jobs": Is that CBP alone, or does it include the other federal inspection services?	3	
		"200 brokers": Seems to be a high number - the current population at the Cargo Inspection Facility, 2810 W. Fort St., is 18 broker firms, with a total employee population of approximately 50-60 persons over multiple shifts for a 24 hour work day. Electronic transactions have reduced the number of people needed on site.	3	
ES-27	Para. 1-3	Is consideration to physically relocate historic structures a possibility; to relocate displaced residents who desire to remain in Delray, to a "new" neighborhood community?	3	

1
2
3
4
5
6

1	Change made in FEIS.
2	Change made in FEIS.
3	Change made in FEIS.
4	It is 400 jobs in 2035 at U.S. Customs and Border Protection.
5	200 brokers is the total employee broker-related population in 2035.
6	Relocation of the impacted historic structure - St. Paul AME Church - is not likely to occur based on contact with the pastor. Relocation of other, non-historic structures, is an option but contact with owners indicates this is not a likely option either.

Letter 29, U.S. Department of Transportation, FAA, Detroit Airports District Office



Detroit Airports District Office
11677 South Wayne Road
Suite 107
Romulus, MI 48174

May 6, 2008

Bob Parsons, MDOT Public Hearing Officer
Bureau of Transportation Planning
P.O. Box 30050
Lansing, MI 48909

Dear Mr. Parson:

Detroit River International Crossing
Review Comments for draft
Environmental Impact Statement (DEIS)
FHWA-MI-EIS-05-02-D

Irene Porter of the Federal Aviation Administration (FAA) Detroit Airport District Office requested that I provide comments on the DEIS.

In general we have no comments on the draft document. We strongly encourage you to file a FAA form 7460 with the general bridge location and height, so that we can perform any required airspace analysis of the proposed project. This could provide you with valuable information on any potential airspace impacts. There is no cost for this analysis and the data can be submitted to our web site <https://ocaaa.faa.gov/ocaaa/external/portal.jsp>. This analysis will also provide information on what type of marking and lighting will be required for the project. General information on marking and lighting is contained in FAA Advisory Circular 70/7460-1K "Obstruction Marking and Lighting".

If you have any additional questions please contact me at (734) 229-2905.

Sincerely,

Ernest P. Gubry
Environmental Protection Specialist
Detroit Airports District Office

1	Form has been filed.
---	----------------------

Letter 30, State of Michigan, Department of Environmental Quality



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

April 29, 2008

Mr. David E. Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909



Dear Mr. Wresinski:

SUBJECT: Draft Environmental Impact Statement (DEIS)
Detroit River International Crossing Study (DRIC), Wayne County, Michigan

The Michigan Department of Environmental Quality (MDEQ), Land and Water Management Division (LWMD), has completed its review of the DEIS for the Detroit River International Crossing Study (DRIC), Wayne County Michigan. The DEIS discusses proposed impacts in Michigan. Other divisions within MDEQ may provide a separate response.

The purpose of the proposed project is to:

- Provide safe, efficient, and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada, and the United States.
- Support the mobility needs of national and civil defense to protect the homeland.

The project needs include:

- Provide new border-crossing capacity to meet increased long-term demand.
- Improve system connectivity to enhance the transportation of people and goods.
- Improve operations and processing capability of transporting people and goods.
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Nine practical build alternatives and the no-build alternative have been identified. The build alternatives consist of three elements:

- One of three bridge alternatives that will fully span the Detroit River. These alternatives are X-11, X-10A, and X-10B.
- A new plaza consisting of approximately 150 acres.
- A new interchange to connect the plaza to the existing highway network.

CONSTITUTION HALL • 525 WEST ALLEGAN STREET • P.O. BOX 30458 • LANSING, MICHIGAN 48909-7958
www.michigan.gov • (517) 241-1515

Potential relocations range from 324 to 414 residences and up to 56 businesses, as well as other facilities.

The LWMD has the following comments:

1. The DEIS indicates that only 0.01 acres of wetlands will be impacted by the three bridge alternatives. A permit for these minor impacts will be required from LWMD, under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The mitigation ratio for these impacts would be 1:1. 1

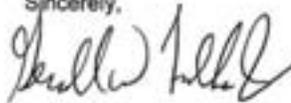
2. The bridge crossing over the Detroit River will require a permit under Part 301, Inland Lakes and Streams, and Part 31, Water Resources Protection, of the NREPA. Only minimal impacts are expected, as the proposed bridge will completely span the Detroit River. Proper storm water runoff controls should be implemented to ensure that there is no direct runoff from the bridge into the Detroit River. 2

3. LWMD staff reviews projects for consistency with Michigan's Coastal Management Program (MCMP), as required by Section 307 of the Coastal Zone Management Act, PL 92-583, as amended. The proposed bridge crossing project is within Michigan's coastal zone management boundary, and as such is subject to consistency requirements. A determination of consistency with the MCMP requires evaluation of a project to determine if it will have an adverse impact on coastal land or water uses or coastal resources. Projects are evaluated using the permitting criteria contained in the regulatory statutes administered by the MDEQ. These statutes constitute the enforceable policies of the Coastal Management Program. Provided no valid objections based on valid environmental concerns are received during the public notice period and all required permits are issued and complied with, no adverse impacts to coastal resources are anticipated. Upon issuance of all necessary permits, this project will be consistent with MCMP. 3

4. We concur with the alternatives to be carried forward in the DEIS.

If you have any questions, please contact Mr. Alex Sanchez at 517-335-3473, or you may contact me.

Sincerely,



Gerald W. Fulcher, Jr., P.E., Chief
Transportation and Flood Hazard Unit
Land and Water Management Division
517-335-3172

- cc: Mr. David Williams, U.S. Federal Highway Administration
 Ms. Sherry Kamke, U.S. Environmental Protection Agency
 Mr. Craig Czarnecki, U.S. Fish and Wildlife Service
 Mr. John Konik, U.S. Army Corps of Engineers
 Mr. Andrew Hartz, MDEQ
 Mr. Alex Sanchez, MDEQ

1	Issue addressed in Section 4.10 of the FEIS.
2	Issue addressed in Section 4.8 of the FEIS.
3	Comment acknowledged.

Letter 31, Congresswoman Candice S. Miller

CANDICE S. MILLER
12th District, Michigan

WASHINGTON OFFICE
224 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202 224-7188
FAX: 202 224-7189

DISTRICT OFFICE
1882 VAN DYKE AVENUE
SHELLEY TOWNSHIP, MICHIGAN
3136 967-8019
FAX: 3136 967-8022



Congress of the United States
House of Representatives
Washington, DC 20515-2210
April 28, 2008

COMMITTEE ON
HOMELAND SECURITY
EMERGENCY COMMUNICATIONS,
PREPAREDNESS, AND RESPONSE
MANAGEMENT, INVESTIGATION,
AND OBTAINMENT

COMMITTEE ON
TRANSPORTATION
AND INFRASTRUCTURE
HIGHWAYS AND TRAILS
WATER RESOURCES
AND ENVIRONMENT

The Honorable Mary Peters
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

Dear Madame Secretary:

It is my understanding that the Federal Highway Administration (FHWA) and the Michigan Department of Transportation (MDOT) have recently released a draft environmental impact statement (DEIS) for the Detroit River International Crossing (DRIC) project. I write today to express my concerns regarding this project.

The Michigan-Ontario frontier is among the busiest border trade regions in the United States. Canada is our country's largest trading partner, so it is important that we maintain sufficient infrastructure to expedite the flow of traffic with our neighbor to the north. My congressional district includes the Blue Water Bridge in Port Huron, Michigan, which is the second busiest commercial crossing on the Canadian border. Port Huron is also home to the Canadian National Rail Tunnel, which is the busiest rail port of entry into the United States. A mere 60 miles to the south of Port Huron sit both the Ambassador Bridge, the busiest commercial crossing on the northern border, and the Detroit-Windsor Tunnel.

As traffic has increased over the last few decades, the operators of these crossings have taken significant steps to ensure the continued smooth flow of traffic along the border. In 1995, Canadian National Railroad replaced the original Port Huron-Sarnia Tunnel with a larger tunnel capable of handling the double-stacked rail trains which have taken over the industry. The Blue Water Bridge was twinned in 1997 in order to double its capacity, and currently is in the process of greatly expanding the American plaza.

While these improvement projects have been planned, designed, and have been or are near completion, we have seen a leveling off of traffic growth at many of these same crossings. Actual traffic at the Blue Water Bridge is nowhere near the growth that had been projected. Time will tell whether the past few years are simply a brief pause or the beginning of a long term stagnation. It is in this setting that Michigan residents are being asked to consider the construction of another major border crossing on the Michigan/Ontario frontier, which would sit a few miles south of the Ambassador Bridge.

The recent report of the National Surface Transportation Policy and Revenue Study Commission encouraged greater private sector participation in transportation infrastructure due to the pressure on public sector revenue sources. Relying on available private dollars to meet our transportation needs frees up public dollars to maintain existing critical infrastructure.

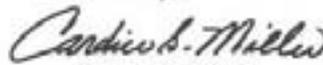
As the Committee on Transportation and Infrastructure begins its work on the next highway reauthorization, I intend to raise the issue of the DRIC because it represents an important choice for transportation officials. Our nation is facing numerous transportation priorities including updating deficient and obsolete bridges, replacing our decades old interstate highway system, and reducing stifling congestion. With limited resources at all levels of government to devote towards transportation infrastructure, it is important that we make the best possible decisions.

As a result, I will not support a federal initiative for a new crossing that would hurt our established and existing crossings, especially when we are already expending significant amounts of public funds, time, and effort to make security and efficiency improvements at the Blue Water Bridge.

To protect Michigan and the U.S. taxpayers from further wasteful expenditure on the DRIC process, I not only support the request of my colleagues, Rep. Kilpatrick and Rep. Knollenberg, for a six-month extension of the DEIS public comment period, I also request that the Department put the DEIS on hold indefinitely to more fully understand the impacts that the DRIC may cause to our region

Thank you for your time and consideration.

Sincerely,



Candice S. Miller
Member of Congress

Cc: Acting Administrator James Ray, Federal Highway Administration
David Williams, Federal Highway Administration
David Wresinki, Michigan Department of Transportation
James L. Oberstar, U.S. House Committee on Transportation and Infrastructure

1	Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
---	---

JOHN D. DINGELL
15TH DISTRICT, MICHIGAN

CHAIRMAN
COMMITTEE ON
ENERGY AND COMMERCE

CO-CHAIR
HOUSE GREAT LAKES
TASK FORCE

MEMBER
MIGRATORY BIRD
CONSERVATION COMMISSION

Congress of the United States
House of Representatives
Washington, DC 20515-2215

May 1, 2008

WASHINGTON OFFICE:
ROOM 2208
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2218
(202) 225-4071

DISTRICT OFFICE:
1988 WEST OUTER DRIVE
SUITE 100-E
DEARBORN, MI 48124
(313) 276-3826

23 EAST FRONT STREET
SUITE 103
MONROE, MI 48191
(734) 243-1840

301 WEST MICHIGAN AVENUE
SUITE 206
YPSILANTI, MI 48197
(734) 481-1100

The Honorable Mary Peters
Secretary
Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Peters:

I write to you today to comment on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) Study. As you know, the border crossing along the Detroit River is of critical importance not only to my home state of Michigan, but also to the U.S., supporting millions of jobs in the Michigan area and throughout the country. It has come to my attention that a six-month extension may be requested. As the author of the National Environmental Policy Act (NEPA), it is critically important that members of the community have ample opportunity to comment, however, it is equally important that an extension is not used simply as a tactic to delay the process.

When the Memorandum of Cooperation between the United States and Canada was signed, you commented that new capacity at this crossing would not only strengthen our economies, but it would also cut congestion and improve the flow of goods and people. Like you, I believe it is clear that a second crossing is necessary and a right thing to do.

Given that the comment period for the DEIS ends this week, please answer the following questions:

- 1) How many public comments has the U.S. Department of Transportation (DOT) received in response to the DEIS?
- 2) In your opinion, has the 60 day comment period been sufficient to meet the needs of the people? If so, please explain why. If not, please explain why not.

The NEPA permit process was designed in such a way as to ensure that federal agencies carefully examine any environmental consequences before undertaking any building activities. As such, it is critical that the DOT give every consideration to all comments and concerns regarding the DEIS in a timely and fair manner. The work that you do is important to Michigan and the 15th District and any delays could impede the progress made on an important proposal.

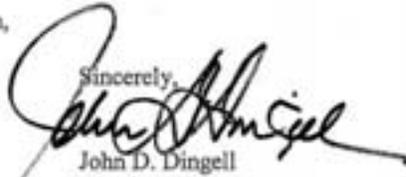
THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE
THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

1	On the order of 700 comments were received. The comments received during the 30-day extension of the comment period were not different in content and substance from those received during the initial comment period which ended on April 29, 2008.
---	--

Thank you for your anticipated cooperation. Because of the sensitive nature of this situation, I would ask that a response be sent to me no later than May 19, 2008. I would further ask that you fax your response to my Washington office at (202) 226-0371. Should you have any questions, please have your staff contact Kimberlee Trzeciak in my office at (202) 225-4071.

With every good wish,

Sincerely,



John D. Dingell
Member of Congress

Letter 33, Michigan Senators Raymond E. Basham and Glenn S. Anderson



RAYMOND E. BASHAM
 8TH DISTRICT
 P.O. BOX 3628
 LANSING, MICHIGAN 48908-7528
 PHONE: (313) 224-1968
 FAX: (313) 279-8218
 rerbasham@senate.michigan.gov

THE SENATE
 STATE OF MICHIGAN

SENATE STANDING COMMITTEES:
 NATURAL RESOURCES AND ENVIRONMENTAL
 AFFAIRS, MINORITY VICE CHAIR
 TRANSPORTATION, MINORITY VICE CHAIR
 LOCAL, URBAN AND STATE AFFAIRS
 SENIOR CITIZENS AND VETERANS AFFAIRS

April 29, 2008

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

Dear Mr. Parsons:

Submitted herein are comments on the Detroit River International Crossing Study (DRIC) Draft Environmental Impact Statement (DEIS). The DRIC Study entails one of the most critical issues facing Michigan: how to remain competitive in a globally integrated economy. Expanding international border crossing capacity between Southeast Michigan and Southwest Ontario is far more than a transportation infrastructure project. The United States and Canada share the largest trading relationship in the world. The economies of Michigan and Ontario are inextricably linked. It is critical that the bi-national partners take the steps to expand international border crossing infrastructure, and enhance the seamless flow of goods and people in order to strengthen the vitality of the Great Lakes economic region.

1

Equally important to insuring that Michigan is poised to take advantage of its strategic geographic location within the global trade market, is the need for Michigan to revitalize its urban neighborhoods. We must insure that transportation infrastructure located in revitalizing and growing urban neighborhoods, like southwest Detroit, is designed in a manner that limits its environmental and community impacts on residential and commercial retail development.

2

Public ownership of a new international border crossing system is critical to U.S. economic competitiveness and security. The Detroit Windsor border is the most valuable international crossing in North America. Public ownership and oversight protects this asset by ensuring that structural maintenance and integrity, security, and safety objectives are met. Public ownership further ensures that the toll structure is transparent and based solely on debt financing and maintenance requirements. The toll rates are therefore not based on a profit-making objective and provide a competitive rate for freight shippers and passenger vehicles. Ensuring public

3

1	Comment acknowledged.
2	DRIC infrastructure does that, to the extent practical, in light of engineering standards and security measures that must be applied. Work dealing with Context Sensitive Solutions will continue throughout the project's following phases to support, to the extent practicable, neighborhood revitalization.
3	See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing.

safety is first and foremost a public function and responsibility. There is a wide literature on the continuing vulnerability of the nation's critical transportation and supply chain infrastructure. As the DRIC Study progresses, the discussion on governance and operations should include an initiative designed to ensure that the international border crossing system is operated in a manner that includes credible security protocols while improving efficiency and reliability - both are equally important.

4

During the Twentieth Century, the Canadian provinces and the Great Lakes states progressively integrated their economies and formed one of the largest bi-national economic regions in the world. Today, this economic region faces a vast array of economic challenges. One of these challenges is that the international border went from one of the most open crossings in the world facilitating a relatively seamless flow of goods and people between the two countries, to one that is reaching capacity, is landlocked and is tightened by new border security requirements.

The DRIC Study estimates that vehicle traffic at the Detroit-Windsor border crossing will increase by 57 percent and commercial truck traffic by 128 percent during the next thirty years. Current capacity at the border will be overloaded by as early as 2015 if high traffic growth occurs and by 2035 if traffic grows more slowly. The forecast of capacity indicates that deficiencies will develop in the roadways leading to the Ambassador Bridge and Detroit Windsor Tunnel, the available lanes of these two crossings, and the ability to process vehicles through customs and immigration. It is prudent and appropriate to plan now. To address future mobility needs, the DRIC Study outlines the following requirements:

5

- Provide new border crossing capacity to meet increased long-term demand
- Improve system connectivity to enhance the seamless flow of people and goods
- Improve operations and processing capacity
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, and other disruptions.

Southwest Detroit hosts the most extensive transportation network in Michigan. The Ambassador Bridge, the Detroit River Rail Tunnel, the Port of Detroit, four Class One Railroads, and three interstate freeways are all located in the area. The Detroit Windsor Truck Ferry and Michigan's largest intermodal facility are additional components of this transportation system.

For almost a decade, community representatives have advocated for a coordinated and comprehensive approach to transportation infrastructure project planning such that community development objectives are supported rather than undermined. The proposed Detroit Intermodal Freight Terminal (DIFT), the widening of Interstate 94, the reconstruction of the Detroit River rail tunnel, the construction of the MDOT Gateway Project, and the DRIC Study project are all located in Southwest Detroit. No similar geographic region in the state, and perhaps even the country, hosts such important and valuable transportation infrastructure. Segmenting the planning and evaluation of these projects dilutes the real impacts, particularly cumulative impacts, and misses the opportunities to gain greater efficiencies and public benefits. In fact, the Policy Principles adopted by the Detroit Regional Chamber and the Windsor & District Chamber of Commerce include such a recognition. One of their principles on border infrastructure states that a new crossing should be part of a broad development and economic vitality vision for the

4	These issues will be addressed by the U.S. Department of Homeland Security and the Michigan Homeland Security.
5	Comment acknowledged.

region that is shaped in collaboration with affected communities. To date, little progress has been made toward this goal. **The DRIC Study Final Environmental Impact Statement should include, as a mitigation activity, funding for and a specific timeline for a coordinated and comprehensive community-based transportation infrastructure project plan.**

6

One of the most critical mitigation activities that must be incorporated into the DRIC Study Final Environmental Impact Statement is a comprehensive economic development strategy that focuses on Michigan's significant international trade strengths. Canada is the leading market for thirty-nine states and is a larger market for U.S. goods than all twenty-five counties of the European Union. Michigan's share of bilateral trade with Canada is more than double that of the next highest ranking state (New York). In 2005, the Great Lakes region and the Canadian provinces account for more than \$500 billion in two-way merchandise trade. Sixty-two percent of the total trade between the U.S. and Canada originates in the Great Lakes region. Twenty-eight percent, representing \$113.3 billion of surface trade flows annually between the United States and Canada at the Detroit Windsor border. The trade volume that currently crosses the Ambassador Bridge exceeds all U.S. exports to Japan.

7

Several entities have articulated the need for an economic strategy designed to develop the Great Lakes region, Michigan, and southeast Michigan as a global logistics and transportation hub. Increased global economic integration has substantially elevated the significance of transportation networks and supply chain and logistics industries to a region's economic competitiveness. The Brookings Institute, Detroit Renaissance, and the Detroit Regional Chamber have each made a compelling case for developing southeast Michigan as a global transportation hub. Representative Tobocman has introduced legislation in the Michigan House of Representatives to create the Michigan Supply Chain Development Authority which would be tasked with developing a state-wide strategy to grow the supply chain and logistics sectors. While these proposals are all critical, two components are missing: a coordination and synthesis of these initiatives and a concentrated focus on bringing these economic benefits to the local host communities. The DRIC Study should advocate for such a coordinated strategy as well as provide funding and leadership to forward this critical initiative.

8

8, cont.

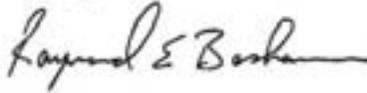
Redundancy is a critical objective of the DRIC Study Project and an essential feature of a final project. The current international border crossing system at the Detroit Windsor border is outdated and does not work. It constricts billions of dollars of trade onto three lanes of traffic, with limited plaza space in the heart of two, older, and dense residential communities. A breakdown in one lane of traffic, or on a local road, or a similar system failure can significantly disrupt the flow of commerce for the entire region. A natural disaster or terrorist attack on such infrastructure would have truly enormously debilitating impact on the Great Lakes economic region. Additional lanes across the river, seamless interstate and roadway connections, and adequate plaza capacity are needed for the system to respond to the requirements of global economic integration. Border crossings are significant sources of congestion, delay, unpredictability, and increasing costs. The negative impacts of inadequate border crossing system infrastructure extend to the tens of thousands of health care workers crossing into the U.S. to work, air emissions, and the tourism industry.

9

6	Redevelopment of Delray will be aided by the mitigation measures listed in Section 4 of the FEIS. Public and private sector entities will be needed to redevelop the area, including building infill housing. That will not be done by MDOT and FHWA.
7	The DRIC mitigation plan (Sections 4.21 and 4.22 of the FEIS) includes some funding to develop such a strategy.
8	The DRIC mitigation plan (Sections 4.21 and 4.22 of the FEIS) includes some funding to develop such a strategy.
9	Comment acknowledged.

Thank you for the opportunity to comment on the DRIC Study DEIS. This represents the most important projects in decades impacting the future of the Detroit, the region, and the State of Michigan. As always, we are available for further discussion and we look forward to a productive relationship moving forward.

Sincerely,



RAYMOND E. BASHAM
State Senator
8th District



GLENN S. ANDERSON
State Senator
6th District



ALAN L. CROPSEY
SENATE MAJORITY FLOOR LEADER
STATE OF MICHIGAN

3RD DISTRICT
OFFICE 54 CAPITOL BUILDING
PO BOX 3009
LANSING, MICHIGAN 48906-1009
PHONE: (313) 375-0300
FAX: (313) 374-8881
www.micropseu@senate.michigan.gov



COMMITTEES:
JUDICIARY VICE CHAIR
APPROPRIATIONS MEMBER
APPROPRIATIONS SUBCOMMITTEES
JUDICIARY AND CORRECTIONAL CHAIR
DEPARTMENT OF ENVIRONMENTAL
QUALITY VICE CHAIR
DEPARTMENT OF TRANSPORTATION
VICE CHAIR
STATE POLICE AND MILITARY AFFAIRS
VICE CHAIR
CAPITAL OUTLAY MEMBER

April 24, 2008

David Williams
Environmental Program Manager
Federal Highway Administration
315 West Allegan Street, Rm. 201
Lansing, MI 48933

Dear Mr. Williams:

I am writing to inform you of my concerns regarding the Draft Environmental Impact Statement ("DEIS") prepared by the Michigan Department of Transportation ("MDOT") for the Detroit River International Crossing Study ("DRIC Study"). I want to be sure that FHWA is aware that the law has, and continues to, restrict MDOT's participation in the DRIC Study and that the Legislature has scheduled oversight hearings for late April and May on MDOT's activities and whether additional restrictions should be imposed. Currently, the public comment period on the DEIS is set to expire on April 29, 2008. Because the legislative oversight hearings will not be completed before then, we believe that the public comment period should be extended for at least six months. After the hearings, members of the Legislature may submit comments on the DEIS, and we believe that those comments would be a key piece of information to the NEPA decision-making process.

1

The people of Michigan have a direct and substantial interest in the DEIS and the study of potential border crossings between Michigan and Canada. MDOT is a leading participant in the DRIC Study. However, MDOT's activities are limited by the authority granted by law. The law does not authorize MDOT to design, construct, finance, or operate a crossing over the Detroit River between Detroit and Windsor. MDOT's sole authority to engage in the DRIC Study stems from the appropriation of State funds, and this authority contains significant restrictions on MDOT's participation in the DRIC Study.

For fiscal year 2006-2007, the enacted budget law directed that MDOT "shall not, directly or indirectly, expend any funds appropriated [through line-item appropriations] for design or right-of-way acquisition associated with a new crossing of the Detroit River between Detroit, Michigan and Windsor, Ontario." Public Act. 345 of 2006, Art. 18, § 384.

2



1	The comment period was extended 30 days or until May 29, 2008.
2	Comment acknowledged.

For the 2007-2008 fiscal year (Public Act. 129 of 2007, Sec. 384) the law imposes more severe limits on MDOT. The law permits MDOT to finish the DRIC Study, but prohibits MDOT from binding the State in any way to future action of any DRIC project recommendation. The law specifically provides that "the department is prohibited from pursuing actions beyond the normal completion of the study phase. Such prohibited actions include, but are not limited to, applications for federal permits, design engineering work, right-of-way acquisition, construction, routine property acquisition, or condemnation activity." The law also specifies that "any additional spending to implement any recommendation of the DRIC Study will require prior approval of the full legislature." MDOT was required to make a full accounting of all funds associated with the DRIC Study back to 2003, and both the Senate and the House are directed to hold committee hearings on the involvement of MDOT in the DRIC Study.

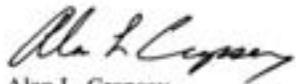
3

3

In light of the upcoming oversight hearings, I believe that there is a possibility of additional legislation restricting MDOT's participation in the DRIC Study, both in the use of State funds and MDOT's authority to further engage in the NEPA process. The State has a vested interest in ensuring that public funds are put to use appropriately. MDOT dollars provide 20% of the overall funding for the DRIC Study. Should the law impose further restrictions on MDOT's participation in the project, the sustainability of the DRIC Study may be affected.

For all of these reasons, I ask that the FHWA hold off on consideration of the DEIS and extend the public comment period for at least six months.

Sincerely,



Alan L. Cropsey
State Senator
33rd District

cc: James Ray
David Wresinski

3	Comment acknowledged.
---	-----------------------



Edch House District
Southwest Detroit
H-153 CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

(517) 373-0823
1-877-STEVE-12
FAX: (517) 373-6993
stevetobocman@house.mi.gov

STEVE TOBOCMAN
MICHIGAN HOUSE OF REPRESENTATIVES
MAJORITY FLOOR LEADER

April 29, 2008

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

RE: Detroit River International Crossing Draft Environmental Impact Statement

Dear Mr. Parsons:

Submitted herein are comments on the Detroit River International Crossing Study (DRIC) Draft Environmental Impact Statement (DEIS). The DRIC Study entails one of the most critical issues facing Michigan: how to remain competitive in a globally integrated economy while protecting the quality of life for its residents. Expanding international border crossing capacity between Southeast Michigan and Southwest Ontario is far more than a transportation infrastructure project. The United States and Canada share the largest trading relationship in the world. The economies of Michigan and Ontario are inextricably linked. It is critical that these bi-national partners take steps to expand international border crossing infrastructure and enhance the seamless flow of goods and people to strengthen the vitality of the Great Lakes economic region.

1

Equally important to ensuring that Michigan is well-positioned to take advantage of its strategic geographic location in the global trade market is the need for Michigan to revitalize its urban communities. We must ensure that transportation infrastructure located in revitalized and growing urban neighborhoods, like Southwest Detroit, is designed in a manner that limits the negative environmental and community impacts on both residential and commercial retail development.

2

Southwest Detroit is one of the only growing communities in the City of Detroit; this is a substantial reversal of a decades-long trend of population decline in the City. It is also the most ethnically diverse neighborhood in Michigan. Southwest Detroit is thriving economically based in large part on its strong support of and welcoming stance toward immigrants. It is imperative that the spirit of environmental justice directives are followed to ensure that Southwest Detroit is not further disproportionately impacted by adverse air and noise impacts, loss of cultural and social resources, and an overall undermining of the residential and commercial development

3

1



1	Comment acknowledged.
2	DRIC infrastructure does that, to the extent practical, in light of engineering standards and security measures that must be applied. Work dealing with Context Sensitive Solutions will continue throughout the project's following phases to support, to the extent practicable, neighborhood revitalization.
3	Comment acknowledged.

potential of this community. Otherwise, all of the of the economic benefits to manufacturers and commercial enterprises will be more than offset by the adverse impacts to regional economic competitiveness resulting from blight, disinvestment, and environmental degradation resulting from poorly planned transportation infrastructure run amok.

During the 20th century, the Canadian provinces and the Great Lakes states progressively integrated their economies and formed one of the largest bi-national economic regions in the world. Today, this region faces a vast array of economic challenges. One of these challenges is that the international border went from one of the most open crossings in the country, facilitating a relatively seamless flow of goods and people between the two countries, to one that is quickly reaching maximum capacity; is landlocked; and is restricted by new border security requirements.

Project Need

The DRIC Study estimates that the Detroit Windsor border crossing vehicle traffic will increase by 57 percent and commercial truck traffic by 128 percent during the next thirty years. This estimate has been relied upon by the Detroit International Bridge Company to justify the Ambassador Bridge Enhancement Project. Current capacity at the border will be overloaded by as early as 2015 if high traffic growth occurs, and by 2035 if traffic grows more slowly. The forecast of capacity indicates that deficiencies will develop in the roadways leading to the Ambassador Bridge and Detroit Windsor Tunnel; the available lanes of these two crossings; and the ability to process vehicles through customs and immigration. It is prudent and appropriate to plan for these increased demands now. To address future mobility needs, the DRIC Study outlines the following requirements for new border crossing:

- Provide new capacity to meet increased long-term demand;
- Improve system connectivity to enhance the seamless flow of people and goods;
- Improve operations and processing capacity; and
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, and other disruptions.

Redundancy

Redundancy is a critical objective of the DRIC Study Project and an essential feature of a final project. The current international border crossing system at the Detroit Windsor border is outdated and does not work in a new global economy with heightened international security issues. It constricts billions of dollars of trade onto three lanes of traffic, with limited plaza space in the heart of two, older, and dense residential communities. A breakdown in one lane of traffic, or on a local road connecting the asset (bridge or tunnel) to the interstate, or a similar system failure can significantly disrupt the flow of commerce for the entire region. A natural disaster or terrorist attack on such infrastructure would have truly enormously debilitating impact on the Great Lakes economic region. Additional lanes across the river, seamless interstate and roadway connections, and adequate plaza capacity are needed for the system to respond to the requirements of global economic integration. Border crossings are a significant source of congestion, delay, unpredictability, and increasing costs. Inadequate border crossing system

4

2

4	Comment acknowledged.
---	-----------------------

infrastructure threatens thousands of health care workers crossing into the U.S. to work, air emissions, tourism industry workers, and manufacturing jobs. Only a new crossing with adequate lanes, plaza facilities, and direct freeway connections can truly provide adequate system redundancy

Public Ownership and Governance

Public ownership of a new international border crossing system is critical to U.S. economic competitiveness and security. The Detroit-Windsor border is the most valuable international crossing area in North America. Public ownership and oversight protects this asset by ensuring that structural maintenance and integrity, security, and safety objectives are met. Public ownership further ensures that the toll structure for the crossing is transparent and based solely on debt financing and maintenance requirements. Under public ownership, the toll rates provide a competitive rate for freight shippers and passenger vehicles because they are not structured to generate profits. Ensuring public safety is first and foremost a public function and responsibility. There are volumes of literature on the continuing vulnerability of the nation's critical transportation and supply chain infrastructure. As the DRIC Study progresses, the discussion on governance and operations should include an initiative designed to ensure that the international border crossing system is operated in a manner that includes credible security protocols while improving efficiency and reliability. Both are equally important.

5
6

Discussions regarding governance should include a thorough evaluation of the efficacy of a Public-Private Partnership regarding operation of the international bridge crossing system. Specific principles that protect the investment in the asset, ensure unfettered commercial and passenger access, security, and long-term viability must first be established to guide an evaluation. Equally important is that this discussion continue to recognize and respect the binational partnership established at the commencement of the DRIC Study.

The DRIC Study Project Context: Southwest Detroit

Southwest Detroit hosts the most extensive and valuable transportation network in Michigan, including the Ambassador Bridge; the Detroit River Rail Tunnel; the Port of Detroit; four Class-One railroads; and three interstate freeways. The Detroit Windsor Truck Ferry and Michigan's largest inter-modal facility are additional components of this transportation system.

Historically, the region has benefited from this comprehensive transportation system, while the host community has shouldered the brunt of the negative impacts. The balance of benefits and impacts must be recalibrated such that the community receives tangible and sustained economic benefits, physical improvements, and air quality protections. The DRIC Study represents an unprecedented opportunity for the Michigan Department of Transportation and the Federal Highway Administration to systematically reform the manner in which major transportation projects are planned and implemented. Historical analysis and empirical studies have repeatedly demonstrated the negative unintended consequences of interstate freeway construction on communities, particularly urban locales.

5	See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing.
6	These issues will be addressed by the U.S. Department of Homeland Security and the Michigan Homeland Security.

It is imperative that the growth and revitalization of the host community is equally as important as an objective of the DRIC Study as increasing international border crossing capacity. The Context Sensitive Solutions community workshops initiated by MDOT and conducted through several months of planning represent a strong commitment toward this outcome. As the DRIC Study proceeds to the Final Environmental Impact Statement and potentially to a design phase, similar workshops should recommence. An important component to the efficacy of the workshops was their facilitation by an architectural design firm with substantial knowledge of the impacted communities. It will be important to retain a similarly situated entity to complete the neighborhood land use plan through the design phase of the project.

7

Design Objectives and Local Roadways

Future design planning should include the goals of concentrating residential and commercial density; creating connections between neighborhoods and to the Detroit River; and increasing non-motorized routes and pathways. **The design analysis must be extended to those areas that will be impacted north of Interstate -75 by changes to the local roadway, new freeway ramps, and relocation.** Additionally, the current Interstate-75 exit ramps function as the southern access routes to the Southwest Detroit's main commercial corridor. Impacts to the West Vernor and Springwells commercial districts must be thoroughly assessed with optimal traffic routing options determined for ensuring that the customer base can continue to access these districts.

8

9

The long-awaited MDOT Gateway project commenced the final, and most intrusive, construction phase in February 2008. One of the objectives of the Gateway Project is to provide direct access ramps to and from the Ambassador Bridge plaza and the Interstate freeway system. The direct access ramps will result in a significant decrease of truck traffic on the local roadways adjacent to the Ambassador Bridge plaza and will enhance access to the local community for passenger vehicles. It is critical that the preferred alternative is determined based on its ability to remove trucks from the local roadway system. The removal of truck traffic from the local roadway system, particularly on Clark Street, must not be undermined by a new configuration of freeway ramps. Direct connections for truck traffic to and from the bridge plaza and Interstate-75 and safe, efficient routing for passenger vehicles must be components of the final design of the bridge system. Additionally, there will likely be a number of process-related lessons learned from the implementation of the Gateway Project that should be implemented during the construction phase for a new international bridge system.

10

11

Clark and Junction streets function as the main north and south access routes connecting Southwest Detroit neighborhoods. These routes should be protected for continued residential use. The final traffic design should be based on removing trucks from residential and neighborhood commercial corridors as well as increased connectivity between neighborhoods. A revitalized Delray neighborhood must be connected to surrounding neighborhoods.

12

13

The Livernois and Dragoon intersection has long functioned as a one-way pair thoroughfare between Interstate 75 service drive and West Vernor – the main commercial corridor serving southwest Detroit. Despite the fact that Livernois and Dragoon are residential, a substantial

14

Responses continued on next page.

7	The Context Sensitive Solutions work will continue into the DRIC design phase. Land use planning and zoning is the purview of the City of Detroit.
8	Access across I-75 has been recognized as a primary community concern. The Preferred Alternative improves this access compared to any Practical Alternative in the DEIS, by providing vehicular access across I-75 via Springwells, Green, Livernois, and Clark, plus five pedestrian crossings. Today, there are seven vehicle crossings and five pedestrian/bicycle crossings. The Preferred Alternative provides new boulevards on Green and Campbell to enhance access to the Detroit River. Also, bike lanes will be added to connect to the West Riverfront and Rouge River Gateway paths when they are constructed. Finally, there will be non-motorized pathways within the plaza buffer zone.
9	Impacts to the West Vernor and Springwells commercial districts have been thoroughly assessed. No adverse effects are expected to occur.
10	The Preferred Alternative traffic analysis has taken into account local truck routes due to placement of the plaza that will cut off several streets. See Section 3.5 of the FEIS.
11	Comment acknowledged.

Letter 35, continued

12	Access across I-75 has been recognized as a primary community concern. The Preferred Alternative improves this access compared to any Practical Alternative in the DEIS, by providing vehicular access across I-75 via Springwells, Green, Livernois, and Clark, plus five pedestrian crossings. Today, there are seven vehicle crossings and five pedestrian/bicycle crossings. The Preferred Alternative provides new boulevards on Green and Campbell to enhance access to the Detroit River. Also, bike lanes will be added to connect to the West Riverfront and Rouge River Gateway paths when they are constructed. Finally, there will be non-motorized pathways within the plaza buffer zone.
13	The Preferred Alternative maintains connections to surrounding neighborhoods through access to/from and across I-75 for pedestrians and vehicles.
14	Measures that will discourage use of Livernois/Dragoon are noted in Section 3.5.3 of the DEIS and FEIS. The DIFT project to the north of the DRIC project will reorient an entrance to a major truck/train intermodal yard in a way that will reduce truck traffic on the one-way pair. The interchange of Livernois and I-94 will be reconstructed to facilitate truck access from that direction, not I-75.

volume of truck traffic travels these streets. Consequently, years of truck travel have resulted in a diminished quality of life for those living on these streets. House foundations have been compromised from constant vibration, air quality is lessened, and public safety is compromised. A community planning process which developed an alternative design for the proposed Detroit Intermodal Freight Terminal resulted in a strong consensus that trucks should be permanently removed from Livernois and Dragoon and that the Interstate 75 service drive be rebuilt such that trucks would no longer be able to access this intersection. Achieving this outcome must be a priority of any DRIC Study alternative.

14, cont.

14, cont.

Several community land use plans developed during the previous decade by a collaborative of community development corporations included "gateways" into the various southwest Detroit neighborhoods. Design alternatives to the local roadway changes should include concepts for increasing green spaces, non-motorized paths, lighting, and signage. There also is support for land bridge treatments that host local pocket parks, such as that which crosses Interstate 696 in Oak Park.

15

16

I am encouraged that the DEIS includes identification of the various plans to develop and increase nonmotorized greenway paths throughout southwest Detroit as well as the redevelopment of Historic Fort Wayne. It is important that opportunities for green linkages connecting neighborhoods to each other, Detroit River, and Historic Fort Wayne are fully explored and included in the FEIS. In particular, the West Riverfront and Rouge River Gateway plans should be components of the final land use design of the DRIC Study project.

15, cont.

Community Benefits Agreement

A newly-elected board of eleven community representatives, organized under the Community Benefits Agreement Coalition should be empowered to guide the process of developing a Community Benefits Agreement in association with the DRIC Study project. I strongly support developing and implementing a Community Benefits Agreement in association with the DRIC Study project. A final CBA must provide legal rights for community signatories and beneficiaries.

17

While the CBA Coalition is in the process of determining their priorities for mitigation and benefits, the Delray Community Land Use Plan provides a template for the types of activities likely to be included in a CBA. The CBA developed in association with the Detroit Intermodal Freight Terminal project provides a model upon which to build. Replacement housing, an economic development strategy, infrastructure upgrades and improvements, and air quality improvements have all been identified as areas of critical need in southwest Detroit.

The DEIS does not fully identify those mitigation strategies associated with each alternative and therefore substantially limits the commentary that can be provided as part of the DEIS process.

18

Coordinated Transportation Infrastructure Planning

For almost a decade, community representatives have advocated for a coordinated and comprehensive approach to transportation infrastructure project planning such that community

15	Landscaping will be included in the buffer around the plaza. A non-motorized path is also contemplated. All will be developed in the design phase through the application of Context Sensitive Solutions principles.
16	While the number of pedestrian crossings will be maintained after the DRIC project is completed, they will not be "land bridges."
17	The DRIC mitigation items included in the ROD are enforceable through legal action.
18	Additional mitigation is included in Section 4 of the FEIS.

development objectives are supported rather than undermined. The proposed Detroit Intermodal Freight Terminal (DIFT), the widening of Interstate 94, the reconstruction of the Detroit River rail tunnel, the construction of the MDOT Gateway Project, and the DRIC Study project are all located in Southwest Detroit. No similar geographic region in the state, and perhaps even the country, hosts such important and valuable transportation infrastructure. Segmenting the planning and evaluation of these projects dilutes the real, cumulative impacts and misses opportunities to gain greater efficiencies and public benefits. The Policy Principles adopted by the Detroit Regional Chamber and the Windsor & District Chamber of Commerce include such a recognition. One of their principles on border infrastructure states that a new crossing should be part of a broad development and economic vitality vision for the region that is shaped in collaboration with affected communities. To date, little progress has been made toward this goal. **The DRIC Study Final Environmental Impact Statement should include, as a mitigation activity, funding and a specific timeline for a coordinated and comprehensive community-based transportation infrastructure project plan.**

19

Economic Development

One of the most critical mitigation activities that must be incorporated into the DRIC Study Final Environmental Impact Statement is a comprehensive economic development strategy that focuses on Michigan's significant international trade strengths. Canada is the leading market for thirty-nine states and is a larger market for U.S. goods than all twenty-five countries of the European Union. Michigan's share of bilateral trade with Canada is more than double that of the next highest ranking state (New York). In 2005, the Great Lakes region and the Canadian provinces account for more than \$500 billion in two-way merchandise trade. Sixty-two percent of the total trade between the U.S. and Canada originates in the Great Lakes region. Twenty-eight percent, representing \$113.3 billion of surface trade flows annually between the United States and Canada at the Detroit Windsor border. The trade volume that currently crosses the Ambassador Bridge exceeds all U.S. exports to Japan.

Several entities have articulated the need for an economic strategy designed to develop the Great Lakes region, Michigan, and southeast Michigan as a global logistics and transportation hub. Increased global economic integration has substantially elevated the significance of transportation networks and supply chain and logistics industries to a region's economic competitiveness. The Brookings Institute, Detroit Renaissance, and the Detroit Regional Chamber have each made a compelling case for developing southeast Michigan as a global transportation hub. I have introduced legislation in the Michigan legislature to create the Michigan Supply Chain Development Authority which would be tasked with developing a state-wide strategy to grow the supply chain and logistics sectors. While these proposals are all critical, two components are missing: a coordination and synthesis of these initiatives and a concentrated focus on bringing these economic benefits to the local host communities. The DRIC Study should advocate for such a coordinated strategy, as well as provide funding and leadership to forward this critical initiative.

20

20, cont.

The DEIS reports that up to 56 businesses may be relocated as a result of a DRIC Study project. An economic development strategy must be developed with the goal of retaining these businesses in southwest Detroit and Delray – particularly since most indicated that their intention

21

19	Redevelopment of Delray will be aided by the mitigation measures listed in Section 4 of the FEIS. Public and private sector entities will be needed to redevelop the area, including building infill housing. That will not be done by MDOT and FHWA.
20	The land use concept developed as part of the DRIC recognizes the logistic potential of the area to be served by two bridges, particularly Delray.
21	The Relocation Plan allows the relocatee to select a location of his/her/its (business) choosing.

Letter 35, continued

and preference is to stay. The larger Southwest Detroit region has demonstrated a remarkable track record to attract, retain, and grow a wide variety of retail, commercial, industrial, and other businesses.

The DEIS reports that there are seventeen major employers (defined as businesses with more than 200 employees) in the study area. Seven of these businesses are in Detroit and six in southwest Detroit. It is imperative that these businesses are consulted as to their traffic and truck routing needs – particularly those that may be located in close proximity to new bridge plaza and interstate connections.

22

Residential Relocation and Development

The DEIS reports that there is a range of between 324 and 414 dwelling units that will be relocated depending on the Build Alternative designated as Preferred in the FEIS. Although relocation decisions are ultimately personal, it is critical that these housing units are retained within southwest Detroit. There are several community development corporations with a successful portfolio of housing projects in southwest Detroit as well as nonprofit agencies with experience partnering with developers to build market rate and affordable housing. These entities should be included in the planning for a comprehensive housing relocation and development program. In addition, a careful analysis of the impact of future property tax liability on low-income individuals is warranted as it is my understanding that even with the additional subsidy provided by current state law, low income households would not be able to sustain the property tax liability of a replacement dwelling.

23

24

Air Quality

Given the extensive array of industrial and transportation land uses in Southwest Detroit, it is difficult to fathom how air quality will be improved with the construction of expanded international border crossing capacity that will accommodate the predicted growth in commercial traffic. As is the case with the Detroit Intermodal Freight Terminal project, the status quo is not acceptable - real improvements to air quality must be a component of the DRIC Study project. Clearly, mobile source emissions are not the only component of localized air quality impacts.

25

26

As with the comprehensive analysis of transportation infrastructure projects, long requested by community advocates, there is a dire need for a comprehensive analysis of air quality. Such an analysis must include identification of point and mobile source toxins, continued monitoring of the emission levels, and a clear action plan that incrementally improves air quality with measurable results. The Final EIS should include funding for such an analysis in addition to specific mitigating activities. While the CBA Coalition on the DRIC Study is formulating specific environmental mitigation requests, the CBA for the DIFT project may be instructive in the types of mitigation requested. Those requests included diesel emission control programs, anti-idling equipment, retrofitting of heavy equipment, indoor air filtering system for residential and institutional buildings located within a specific radius from the international border crossing system. In particular, the noise and air quality impacts to Southwestern High School should be more thoroughly evaluated and the most stringent mitigation activities proposed and funded.

27

28

7

22	The Preferred Alternative improves access to I-75 compared to any of the previously presented Practical Alternatives. Full interchanges are preserved at Springwells and at Clark, although the location for two of the Clark interchange ramps will be changed. Some access to the freeway in the vicinity of the existing Livernois interchange has been retained. Major businesses will be met with during the design phase of the project, which is standard procedure.
23	The development of housing will be the responsibility of public and private entities outside MDOT and FHWA.
24	Michigan law may allow for some short term tax relief on an individual basis. This is an incentive to relocate to Renaissance Zone.
25	Mobile source air pollution will decrease because emissions decrease at a higher rate than the number of vehicle miles increase.
26	Comment acknowledged. But, mobile sources of pollution are, appropriately, the sole focus of the DRIC air quality analysis.
27	Southeast Michigan already has the most comprehensive monitoring network in Michigan, which includes a monitor located at the south limit of Southwestern High School. It measures PM2.5, PM10, SO2, manganese, arsenic, cadmium, nickel, volatile organic compounds, and carbonyls.
28	Idling occurs with toll payment and U.S. Customs inspections and clearance. Vehicle engines must be turned off during secondary inspection. By the year of the project opening (2013), trucks will be six years into the transition to the clean engines required by EPA of all new diesel trucks beginning in 2007. Pollutants of construction vehicles and dust will be controlled per MDOT contract specifications.

Letter 35, continued

The DEIS does not adequately evaluate the potential health impacts that the shift in Mobile Source Air Toxics (MSAT) emissions will have on Delray residents and Southwestern High School students. Public health experts have indicated that reasonable estimates can be made using available modeling protocols for dispersion. Although there is a degree of uncertainty associated with modeling dispersion, it should be completed to provide some projections of potential health impacts and to assist in formulating adequate mitigation strategies. In addition, this would add to the principles of transparency and disclosure that the DRIC Study has already demonstrated it is committed to. | 29

Southwest Detroit Environmental Vision has put forth a Construction and Ongoing Mitigation Plan that should be implemented. I am herein referencing those comments and strongly concur with their suggestions. Elements of the mitigation include:

- Limiting the age of on-road vehicles used in construction | 30
- Minimizing engine operations | 31
- Restricting construction activities surrounding Southwestern High School and other sensitive receptors | 32
- Instituting fugitive dust control plans | 33
- Using diesel particulate traps and oxidation catalysts on construction vehicles | 34
- Using existing power sources or clean field generators rather than temporary power generators | 35
- Require contractors to use construction equipment that at least meets the Environmental Protection Agency's (EPA) Tier 3 standards for off-road equipment. If Tier 4 equipment is available, this should be used | 36
- Regular Sweeping of road to minimize fugitive dust | 37

Ongoing Mitigation

- Enforcement of anti-idling policies during primary and secondary truck inspections | 38
- Air filtration systems for sensitive receptors including Southwestern High School | 39
- Funding for comprehensive air monitoring in the impacted area | 40
- Regular sweeping of area roads | 41
- The project design should include landscaping using native vegetation | 42

Noise and Vibrations

Infrastructure designs that reduce noise impacts should be implemented along the Interstate-75, adjacent residential areas, and Southwestern High School. Noise barriers and walls should be designed in consultation with those immediately impacted and through the Context Sensitive Solution workshops. Particular care for the historic character of the area should be considered as well as opportunities for further greening. Noise monitoring must be an ongoing activity following construction with a commitment to further mitigation if levels exceed the established standards. | 43

| 44

Responses continued on next page.

29	FHWA has determined that, presently, there is not adequate science to reliably include exposure modeling or risk assessment in the air quality analysis. This is stated in Section 3.6.1 of the FEIS. Health studies are used to establish standards. NEPA uses what is available. NEPA studies are not intended to establish standards.
30	Either vehicle age will be limited or diesel particulate traps or oxidation catalysts will be encouraged.
31	Minimizing engine running time is economical for contractors. MDOT can add engine idling restrictions to contract specifications.
32	Restriction of construction around sensitive receptors such as Southwestern High School is noted in Section 4.6 of the DEIS and FEIS.
33	Fugitive dust control plans are included in standard MDOT construction specifications as noted in Section 3.6.4.2 of the FEIS.
34	Either vehicle age will be limited or diesel particulate traps or oxidation catalysts will be encouraged.
35	Emissions from generators and similar small engines are now regulated by EPA.
36	Either vehicle age will be limited or diesel particulate traps or oxidation catalysts will be encouraged.
37	Sweeping roads is part of the MDOT-required fugitive dust control plans (Section 4.6 of the DEIS and FEIS).
38	U.S. Customs and Border Protection already enforces anti-idling during secondary inspections and will continue to do so.
39	Air filtration systems are not required as the DRIC will not have adverse impacts on Southwestern High School and other sensitive receptors.

Letter 35, continued

40	Southeast Michigan already has the most comprehensive monitoring network in Michigan, which includes a monitor located at the south limit of Southwestern High School. It measures PM2.5, PM10, SO2, manganese, arsenic, cadmium, nickel, volatile organic compounds, and carbonyls.
41	The roads involved in the project are the plaza connection to Campbell and the ramps to I-75, which will be subject to normal MDOT maintenance. Other roads in Delray are under the jurisdiction of the City of Detroit.
42	A statement has been added to the Green Sheet that landscaping will emphasize native vegetation and not include invasive species.
43	As noted in Table 3-23 of the DEIS, no sensitive receptors around the plaza require mitigation. The areas of vehicle activity are far enough away that noise levels are low. Table 3-25 lists the reasonable and feasible noise walls that will be implemented with the Preferred Alternative.
44	The noise modeling follows FHWA and MDOT guidelines and is adequate to predict future project noise.

CHASS Clinic

Community Health and Social Services (CHASS) Clinic is a landmark institution in Southwest Detroit having served the community for more than 38 years. CHASS clinic one of only four federally qualified health centers (FQHC) in Detroit and is located in the heart of area of analysis for expanded border crossing capacity. Although the center is not slated for acquisition in each alternative, it would be severely impacted by any alternative. In 2007, CHASS Clinic provided services to more than 13,000 individuals without health care coverage or limited health care coverage. CHASS Clinic has plans to expand and modernize their campus at its current location. It is imperative that CHASS Clinic remain a vital service in Southwest Detroit. The FEIS must include provisions for the planned campus expansion, ensure that passenger and pedestrian routes are optimal, and truck traffic is routed away from the facility. Discussions should commence immediately between MDOT and the CHASS Clinic.

45

Southwestern High School

In addition to the Delray community, Southwestern High School (SWHS) is the most impacted community resource under all alternative locations. It is imperative that discussions commence immediately with Southwestern High School representatives and the Detroit Public School system regarding impacts, mitigation, and benefits. The school must be equipped with a state-of-the-art air filtering system and other emission control equipment. Increased greening and buffering must be designed with SWHS representatives as well as opportunities to enhance the campus, curriculum, and extra-curricular programs. Particular attention to the ingress and egress of the school campus must be a component of the design workshops.

46

47

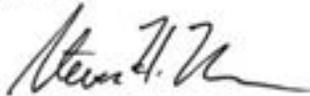
Local Permits

I would note that local permits are not included in the extensive listing of permits that a new international border crossing system would require. All local permits should be included in this listing in the FEIS.

48

Thank you for the opportunity to comment on the DRIC Study DEIS. This represents the most important projects in decades impacting the future of the 12th District, the region, and the State of Michigan. I commend the Michigan Department of Transportation for its partnership with the community I represent, its respect for their input, and the open and transparent manner in which this long process has been conducted. As always, I am available for further discussion and I look forward to a productive relationship moving forward.

Sincerely,



Steve Tobocman
State Representative
12th District – Southwest Detroit

45	The nearest ramp to the CHASS Clinic does not approach to any closer than 200 yards with the Preferred Alternative.
46	The public involvement process included over 40 meetings at Southwestern High School. Parents and students were among the attendees. The school administration and Detroit Public Schools has been involved in DRIC discussions.
47	Such considerations are consistent with the development and application of Context Sensitive Solutions which will continue into the design phase of the DRIC project. CSS is based on significant public engagement.
48	Local permits will not be known until the design phase. So they are not listed in the FEIS.

Letter 39, Detroit International Bridge Company



AMBASSADOR BRIDGE
DETROIT INTERNATIONAL BRIDGE COMPANY
P.O. BOX 32888 *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.

1

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 Delay 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

2

1	Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
2	The U.S. and Canadian environmental processes have been fully integrated from the outset of the Detroit River International Crossing Study per Section 2 of the DEIS and FEIS.

(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.

2, cont.

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.

1, cont.

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,



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.

| 3

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,

ES-1

3	Comment acknowledged.
---	-----------------------

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.

Letter 39, continued

- 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
INTRODUCTION	1
COMMENTS	4
I. The DEIS's Stated Need For The DRIC Project Is Based On Unrealistically Optimistic Traffic Growth Forecasts	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
II. The DEIS Does Not Provide The Required "End-To-End" Border Crossing Evaluation That It Promised	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
III. The DRIC Screening Process Improperly Narrowed The Range Of Alternatives To Include Only Locations In The Delray Community	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
IV. The DEIS’s Analysis Of Environmental Impacts In The United States Is Severely Flawed	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
CONCLUSION	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.¹

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.

4

¹ 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.

4	The owners of the Ambassador Bridge were informed via a letter from the Canadian Customs and Border Services Agency dated June 17, 2008, that "the preliminary planning accomplished so far suggests there is insufficient land available to accommodate a functional port of entry (i.e., a plaza) without impact on the community south and west of existing installations." The areas south and west of existing Canadian installations is occupied by institutional, residential and other uses. (Letter available at www.partnershipborderstudy.com .)
---	---

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

Letter 39, continued

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.

5

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.

5, cont.

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

6

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

5	<p>A new border crossing is needed in the Detroit-Windsor area to:</p> <ul style="list-style-type: none"> * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S.. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. <p>To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:</p> <ul style="list-style-type: none"> * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.
6	<p>It is unclear where such portrayals have been made or by whom. The traffic forecasts show capacity being exceeded between 2015 and 2035.</p>

Letter 39, continued

Department of Transportation ("MDOT").⁷ From 2000 to 2004, before it initiated the DRRC 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 DRRC 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.⁸ *Id.*

7

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

8

9

⁷ According to its charter, the Partnership's goals include "expedit[ing] the planning and environmental study process." DEIS App. B at B-2.

⁸ The projected traffic increase employed in creating the Draft Scoping Information document, and later in preparing the DEIS, was by any objective measure dramatic. DRRC 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.*

7	<p>A new border crossing is needed in the Detroit-Windsor area to:</p> <ul style="list-style-type: none"> * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S.. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. <p>To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:</p> <ul style="list-style-type: none"> * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.
8	<p>The latest information has been used. When SEMCOG released a socioeconomic forecast with lower growth than projected earlier, a sensitivity analysis was performed and reported in Section 3.2.1.3 of the FEIS. It did not substantively change the forecast travel demand.</p>
9	<p>A new border crossing is needed in the Detroit-Windsor area to:</p> <ul style="list-style-type: none"> * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S.. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. <p>To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:</p> <ul style="list-style-type: none"> * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

"[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.

9, cont.

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.

10

The DEIS makes a number of dire predictions about the capacity of the existing Detroit-Windsor border crossings to handle future traffic volumes.⁴ 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.

11

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.⁵ The

⁴ 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).

⁵ 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

10	The Ambassador Bridge Enhancement Project Environmental Assessment submitted to the U.S. Coast Guard April 24, 2007 states "the second span will provide four full service traffic lanes plus two lanes dedicated to low risk commercial travelers." (p.1) "These FAST lanes do not represent an expansion of capacity since they are restricted to those that have been pre-approved for their use." (p 43). Capacity is not otherwise discussed in that EA. As it was stated that the FAST lanes do not contribute to capacity (and it is unclear how that could be so), the position of the DIBC at the time of the writing of the DRIC FEIS was interpreted to be that a new bridge would not add capacity. Nonetheless, travel demand modeling was performed for both a four-lane Ambassador Bridge and a six-lane Ambassador Bridge. The analysis of the six-lane condition is reported in Section 3.14.3 of the FEIS.
11	The immediacy stems from the need for redundancy. The need for a completely new border crossing is immediate. The schedule for implementation is designed to move forward as quickly as practicable to address that need.

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%.⁶ 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

10, cont.

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.

⁶ 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.⁷

12

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.

13

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

⁷ 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.

12	DEIS page ES-3 notes capacity involves: 1) roads leading to the Ambassador Bridge and Detroit-Windsor Tunnel; 2) customs processing; 3) and, the crossings themselves. An increase in capacity on a bridge does not change the capacity of the approach roads. The Enhancement Project EA states, "Finally, the construction of any new roads linking the Ambassador Bridge with Highway 401 is outside the scope of the Ambassador Bridge Enhancement Project and would be within the exclusive control of Canadian and Ontario government agencies." Because the Enhancement Project includes no provision for a roadway capacity expansion, the existing capacity limitations of the approach corridor remain.
13	Auto traffic is down because of changes/enhancements of border security procedures, economic conditions, and changes in the value of the U.S. currency, to cite a few reasons. But, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project's purpose.

Letter 39, continued

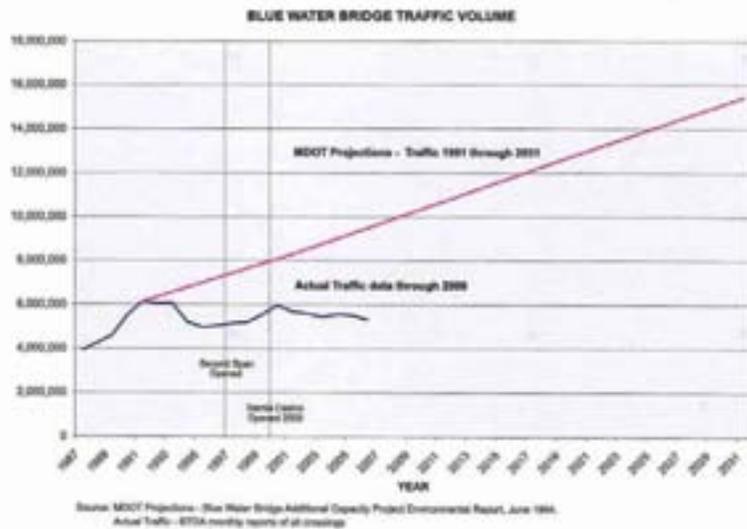
5,876,103 passenger vehicle trips and 3,464,178 commercial vehicle trips. By 2007, the DEIS predicts a dramatic increase in passenger trips (to more than 6.6 million) and commercial trips (to more than 3.7 million) over the bridge. The actual data show a *decrease* in both passenger and commercial trips 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.

13, cont.

13, cont.

	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.



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

13, cont.

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

14

14	The conclusion in the Induced Demand Technical Report is consistent with and takes into account the lower SEMCOG population and employments forecasts the commenter notes. (Refer to Section 3.5.1.4.) Cross border travel is driven by trade/truck traffic that is a function of broad national issues rather than the number of people and jobs in the SEMCOG region. With that said, it is recognized the auto traffic forecast for 2035 indicates it will just about return to 2000 levels. That forecast is more sensitive to population and employment. The 2035 auto traffic forecast is reasonable.
----	---

Letter 39, continued

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.

SEMCOG Region Population Forecast				
	2004	2015	2025	2035
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.⁸

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.

15

⁸ 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.

14, cont.

15 The conclusion in the Induced Demand Technical Report (Section 2.1) is consistent and takes into account the lower SEMCOG population and employment forecasts the commenter notes. Cross border travel is driven by trade/truck traffic that is a function of broad national issues rather than the people and jobs in the SEMCOG region alone. With that said, it is recognized the auto traffic forecast for 2035 indicates it will just about return to 2000 levels. Auto traffic is more sensitive to population and employment. The 2035 auto traffic forecast is reasonable. Regarding trucks, recent U.S. Department of Transportation data indicate April 2008 set a new record for U.S. trade with our North American neighbors, at \$74.3 billion. (The previous high was \$74.2 billion in October, 2007). Trade with Canada alone reached \$48.9 billion, a 15% increase from April 2007. April also marked the 14th straight month that surface trade with Canada improved compared to the same month the previous year. Michigan was the leading state in trading with Canada, at \$6.4 billion, a full 33% higher than the number two state, Illinois. These numbers support the conclusion that the DRIC crossing is needed sooner rather than later to address economic security.

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

16

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 ⁹ (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.

16, cont.

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.*

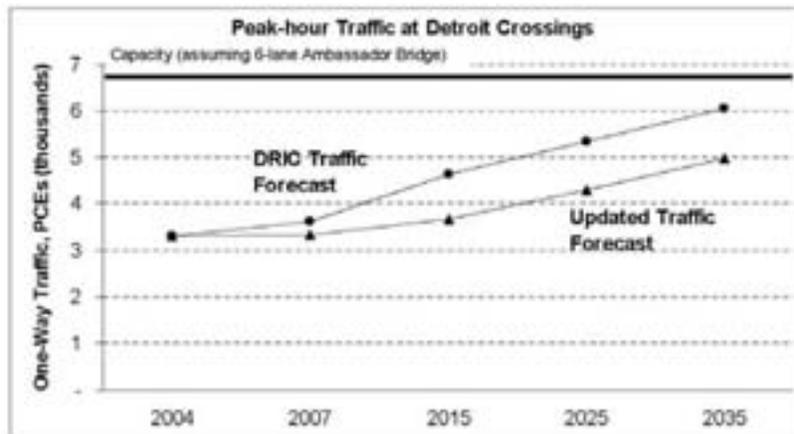
17

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

⁹ Compound Annual Growth Rate ("CAGR").

16	Response to be determined.
17	<p>A new border crossing is needed in the Detroit-Windsor area to:</p> <ul style="list-style-type: none"> * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. <p>To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:</p> <ul style="list-style-type: none"> * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

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.



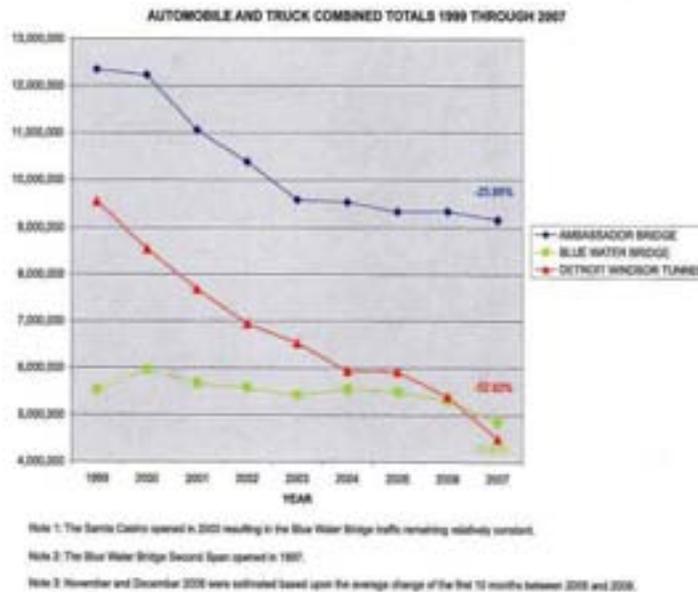
Even if everything else about the DEIS’s traffic studies were accurate—and as discussed below, they are not—this revised forecast completely rebuts the business case for a new border crossing. Looking beyond the thirty-year horizon in the DEIS, or reusing the DEIS in several years as grounds for construction 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

18 Auto traffic is down because of changes/enhancements of border security procedures, economic conditions, and changes in the value of the U.S. currency, to cite a few reasons. But, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project’s purpose.

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).



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.¹⁹

¹⁹ 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

19	The DRIC model uses an increase in intermodal traffic of 20% by 2030 which reduces truck traffic at the border by almost five percent in 2030. That reduction then is taken into consideration in projecting a 128% growth in truck traffic by 2035.
----	--

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; 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 Plant 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.

20

20,
cont.

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

21

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).

20	That statement is not consistent with the latest surface transportation U.S. and Canadian data for April 2008. They show an increase of 15.9 percent in the value of trade compared to April of 2007. Michigan was the greatest trading partner with Canada in April 2008 at \$6.4 billion. It is also noteworthy that most, if not all, of the "foreign" automakers with plants in the U.S. who are gaining market share also have plants in Canada and they contribute to the cross-border traffic. The relative locations of those plants indicate that the Detroit - Windsor border crossing is the most likely route for this traffic.
21	Figure 1-3 in the DEIS and FEIS shows the combined effects of all the risk factors that could move forward or delay the time when a new or expanded crossing is required. The Extreme High Scenario consists of a combination of High Trade Growth and High Passenger Car Demand Scenarios. The Extreme Low Scenario is a combination of the Low Trade Growth, Diversion to Intermodal Rail, High Diversion to St. Clair River crossing and Low Passenger Car Demand Scenarios. Such unlikely scenarios would advance the year in which capacity is reached by five years to about 2015 or delay it by fourteen years to about 2034, respectively. This information can be found on the project Web site under Canadian Reports - "Travel Demand Forecasts, 2005," Section 6.2.5. Such effects on cross border traffic are part of the risk analysis in the DRIC forecasting. Reference is made to 3.5.1.4.

Letter 39, continued

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).

21, cont.

* * *

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.

22

22	Reasonable and secure crossing options are needed now. The sensitivity to traffic volumes is related to financing a new bridge. A separate and independent investment grade traffic study will follow the FEIS.
----	---

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

23

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.

24

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

25

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,

23	The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.
24	The goal of a new border crossing was determined through the binational feasibility study in 2004. The DRIC study has been transparent from the outset.
25	The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.

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.¹¹

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.

25, cont.

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

¹¹ 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.

25, cont.

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 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.¹²

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

¹² 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).

26	Canada has conducted its own environmental process which has covered the impacts on the Canadian side of the border. The determination was made by the Canadian authorities to situate the bridge in the same area that the FEIS is covering on the U.S. side of the border. The FEIS took into account the Canadian environmental determination.
----	---

26

26, cont.

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).¹³

26, cont.

26, cont.

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

27

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

¹³ 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.

27	The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.
----	---

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.¹⁴ 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).

27, cont.

27, cont.

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

28

¹⁴ 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.

28	The Gateway Project has independent utility and does not rely in any way on changes in Canada. It was designed to accommodate a second span of the Ambassador Bridge but is in no way dependent on, or a justification for, a second span. Canada and Ontario continue to make improvements consistent with the program entitled: Let's Get Windsor-Essex Moving Strategy for 15 projects in various stages of implementation. These improvements include \$300 million in Border Infrastructure Funds.
----	---

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)).

28, cont.

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.

29

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

30

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.¹⁵ Depending on

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

29	The end-to-end evaluation phase was used to indicate that the selected alternative would be an alternative that both nations would find suitable through the use of each nation's respective evaluation procedure. Such an alternative was arrived at and is presented as the Preferred Alternative in the U.S. FEIS and as the Technically Preferred Alternative in the Canadian Environmental Assessment.
30	The DRIC project serves the broad public economic good. When traffic flow, travel time/distance saved, and jobs created are considered, as documented in Section 3.5.1.4 of the FEIS, that good is well served.

Letter 39, continued

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.¹⁶ 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.¹⁷

30, cont.

¹⁶ 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.

31

¹⁷ 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.

32

31	Analysis of the economic effects of a new DRIC crossing on all existing crossings indicate they will have revenues that exceed expenses under high and low traffic forecast scenarios indicating the business viability does not appear to be threatened. See Section 3.5.1.4 of the FEIS.
32	Judgments on the financial aspects of the DRIC will be made prior to its construction based on sound fiscal standards.

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.

33

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).

33, cont.

33	A wide range of alternatives was initially considered. These alternatives were then reviewed and ranked based on the identified need and other evaluation factors. Only those that ranked highest were carried further. The alternatives that best met the combined evaluation were in the Delray area. The evaluation of alternatives leading to defining the Delray area as the appropriate location for a new crossing was accepted by FHWA as documented in Appendix C of the DEIS and FEIS.
----	--

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

34

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.

34, cont.

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

34, cont.

34, cont.

34, cont.

34	The evaluation of alternatives leading to defining the Delray area as the appropriate location for a new crossing was accepted by FHWA as documented in Appendix C (Concurrence of FHWA in Analysis of Practical Alternatives and Results) of the DEIS and FEIS. That documentation demonstrates sufficient analyses were conducted to eliminate the referenced alternatives. The analyses occurred, the decision was made and the Governor's announcement is consistent with it.
----	---

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.*

35

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).”¹⁸ 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.

36

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

37

¹⁸ 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.

35	Michigan's <i>Preconstruction Process Documentation Manual</i> guides project development. It includes Task 2340 - Develop and Review Practical Alternatives. "Practical alternatives" is the standard nomenclature used by MDOT (as well as FHWA) for "reasonable alternatives." This has been the case for years.
36	The "cursory" discussion involves: Volume 1: Summary (70 pages); Volume 2: Technical Analysis (220 pages with numerous comparative tables); Volume 3: Technical Data (bound as three separate volumes covering Crossing, Plaza and Route data) (over 500 pages total). The analysis documented in these reports was certified as acceptable by FHWA as documented in Appendix C of the DEIS and FEIS.
37	The evaluation of alternatives leading to defining the Delray area as the appropriate location for a new crossing was accepted by FHWA as documented in Appendix C (Concurrence of FHWA in Analysis of Practical Alternatives and Results) of the DEIS and FEIS. That documentation demonstrates sufficient analyses were conducted to eliminate the referenced alternatives. The analyses occurred, the decision was made and the Governor's announcement is consistent with it.

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.

37, cont.

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

38

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,

38	Such an approach is at the discretion of FHWA. It was not chosen.
----	---

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).

39

40

39	MDOT and FHWA have worked with the community to balance disproportionate impacts with benefits. See Sections 4.2 and 4.21 of the DEIS and FEIS.
40	Communities other than Delray were eliminated from further study beyond the Illustrative Alternatives Evaluation, such as River Rouge and the Belle Isle area, have greater concentrations of minority populations.

- 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.

41

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

41, cont.

41, cont.

41	The disproportionate impacts on minority and low-income populations are discussed in Section 3.1.5 of the FEIS. Mitigation of them is presented in Sections 4.2 and 4.21 of the FEIS and the "Green Sheet" in that section.
----	---

Letter 39, continued

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.

42

42 The disproportionate impacts on minority and low-income populations are discussed in Section 3.1.5 of the FEIS. Mitigation of them is presented in Sections 4.2 and 4.21 of the FEIS and the "Green Sheet" in that section.

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

43	The proposed Belle Isle Illustrative Alternative passed right by the "crown jewel" of the Detroit Parks system -- Belle Isle. The impacts to Section 4(f) properties for this and the Downriver Alternatives are enumerated in the three-volume report <i>Evaluation of Illustrative Alternatives Technical Memorandum</i> .
----	--

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.¹⁹ 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.²⁰

43, cont.

43, cont.

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,

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

²⁰ 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., Bussey*, 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.²¹

44

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,

46

²¹ 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.

45

44	This comment addresses U.S. impacts, not Canadian. Canadian impacts were judged to be significant to owners of properties and historic areas.
45	These resources were fully investigated in consultation with the State Historic Preservation Office. See the Archaeological Phase I and II Investigations and the two-volume Above-Ground Resources Survey which is available at the 21 repositories and on the Web.
46	CEQ regulations were fully complied with by incorporating public input to the DEIS combined with refined data to fully assess disproportionate and adverse effects on populations protected by the Environmental Justice Executive Order.

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

46, cont.

46, cont.

47

47, cont.

47	MDOT is not the official land use planning agency. The City of Detroit is. MDOT has and will continue to coordinate with the City as the project advances. Additionally, MDOT will continue to work with the community and will facilitate partnership building to include agencies and organizations that have tools, programs, and expertise to implement strategies for land use and investment.
----	---

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.

| 47, cont.

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

| 48

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

48	The DEIS states that the conformity test will occur after the Preferred Alternative is identified. The test has been run and the project found to conform, so it has been added to the <i>Regional Transportation Plan</i> .
----	--

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).

49

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.²² 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

50

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

49	The claim of "postponement leading to rushed judgment" is not understandable. Public engagement of all DRIC materials has allowed the fullest evaluation of project impacts and appropriate mitigation of adverse effects.
50	This business was never a potential relocation. Only those businesses falling within the potential right-of-way of an alternative were contacted.

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.

50, cont.

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.

51

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.

52

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

51	Correct. FHWA has not adopted the NCHRP guidance.
52	To date no national standards have been set for greenhouse gases. EPA has established no criteria or thresholds. But, on April 2, 2007, the Supreme Court issued a decision in <i>Massachusetts et al v. Environmental Protection Agency et al</i> that the USEPA has authority under the Clean Air Act to establish motor vehicle emissions standards for carbon dioxide (CO ₂), a primary greenhouse gas. The USEPA is determining the implications of the decision. However, the Court's decision did not have any direct implications on requirements for evaluating transportation projects. Further, because of the interactions among elements of the transportation system as a whole, project-level emissions analyses for greenhouse gases are less informative than those conducted at the regional, state, or national level. Because of these concerns, FHWA concludes that CO ₂ emissions cannot be usefully evaluated in this EIS in the same way as other vehicle emissions.

Letter 39, continued

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.





Letter 42, Michigan Representatives Lee Gonzalez and Hoon-Yung Hopgood



Lee Gonzalez
Michigan House of Representatives
49th District

P.O. Box 30014
Lansing, MI 48909-7114
Office: (313) 373-7505
Toll-Free: (800) 354-6949
legprocon@house.mi.gov

APPROPRIATIONS
Subcommittee
Transportation (Chair)
Higher Education (Vice-Chair)
Joint Capital Outlay

May 23, 2008

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

Dear Mr. Parsons:

In our roles respectively as Chair of the House Appropriations Subcommittee on Transportation and Chair of the House Standing Committee on Transportation, we submit herein our comments on the Draft Environmental Impact Statement (DEIS) for the Detroit River International Crossing (DRIC) Study. A basic question is how to best manage the busiest trade corridor in the world by thoroughly studying the best options aimed at increasing capacity and redundancy in today's global (and integrated) economy. This integrated economy between the United States and Canada, Michigan and Ontario, and Detroit and Windsor demands a deeper process of reform—and in the case of the Detroit-Windsor border crossing—one that aims at the transformation of our infrastructure and its governance.

Expanding international border crossing capacity between Southeast Michigan and Southwest Ontario is far more than a transportation infrastructure project. The U.S. and Canada share the largest trading relationship in the world. The economies of Michigan and Ontario are inextricably linked. It is critical that the bi-national partners take the steps to expand international border crossing infrastructure, and enhance the seamless flow of goods and people in order to strengthen the vitality of the Great Lakes economic region. *As a border improvement project the DRIC Study is essentially a bi-national economic security imperative.*

Public ownership of a new international border crossing system is critical to U.S. economic competitiveness, security and redundancy. The Detroit-Windsor border is both the most valuable international crossing in North America and a dynamic asset. Public oversight/governance would protect this asset by ensuring proper measures, such as strategic priorities, capacity, security, and structural maintenance and integrity on a bi-national scope. Additionally, public oversight/governance further ensures that the toll structure is transparent, along with greater crossing choice that induces competitive rates for freight shippers, passenger vehicles and others. As we seek to be provocateurs in the new economy, there is the opportunity for long-term private sector investment in the form of a private-public partnership.

| 1
|
| 2
| 3

1	See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing.
2	See Response 1 above.
3	See Response 1 above.

As the DRIC Study progresses, the discussion on governance and operations should include an initiative designed to ensure that the international border crossing system is operated in a manner that includes credible security protocols while improving efficiency and reliability. Both are equally critical. *In today's global knowledge economy and a post 9-11 world, we must be concerned with just-in-time (JIT) business relationships and the unfortunate reality of the major challenge of redundancy—a just-in-case (JIC) backup plan.*

4

5

One of the most critical mitigation activities that must be incorporated into the DRIC Study Final Environmental Impact Statement is a comprehensive economic development strategy that focuses on Michigan's significant international trade strengths. Canada is the leading market for thirty-nine states and is a larger market for U.S. goods than all twenty-five countries of the European Union. Michigan's share of bilateral trade with Canada is more than double that of the next highest ranking state (New York). In 2005, the Great Lakes region and the Canadian provinces account for more than \$500 billion in two-way merchandise trade. Sixty-two percent of the total trade between the U.S. and Canada originates in the Great Lakes region. The trade volume that currently crosses the Ambassador Bridge exceeds all U.S. exports to Japan. In 2007, \$122 billion of two-way surface trade at the Detroit-Windsor border represented 28% of total U.S.-Canada trade.

6

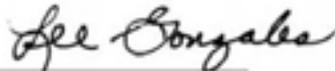
Redundancy is a core issue of the DRIC Study Project and an essential feature of a final border improvement project. While the Ambassador Bridge operates effectively in its current form and will celebrate its 80th year in 2009, there is a need to take the next step in a global context. A breakdown in one lane of traffic on the current span can significantly disrupt the flow of commerce for the entire region. A natural disaster or terrorist attack on such infrastructure would have a truly enormous debilitating impact on the Great Lakes economic region. Additional lanes across the river, seamless interstate and roadway connections, and adequate plaza capacity are needed for the system to respond to the requirements of global economic integration. Border crossings are significant sources of congestion, delay, unpredictability, and increasing costs. The shortcomings of an inadequate border crossing system infrastructure extends to the many health care workers crossing into the U.S. to work daily, as well as negative impacts to air emissions, and the tourism industry.

7

Again, thank you for the opportunity to comment on the DRIC Study DEIS. As chairs of our respective transportation committees in the Michigan House of Representatives we cannot express enough how important this project is to the future of the Detroit region, the State of Michigan and international trade. As always, we are available for further discussion and look forward to a productive relationship moving forward.

8

Sincerely,



Representative Lee Gonzales
Chair, Subcommittee on Transportation
49th House District



Representative Hoon-Yung Hoppood
Chair, House Transportation Committee
22nd House District

4	Security protocols will be determined by the Department of Homeland Security.
5	Comment acknowledged.
6	The DRIC mitigation plan (Sections 4.21 and 4.22 of the FEIS) includes some funding to develop such a strategy.
7	Comment acknowledged.
8	Comment acknowledged.

Letter 43, Detroit Department of Transportation



DETROIT DEPARTMENT OF TRANSPORTATION
 1301 EAST WARREN, DETROIT, MICHIGAN 48207
 GENERAL INFORMATION: (313) 933-1300
 OUTSIDE THE (313) AREA: 1-888-DDOT-BUS
 MICHIGAN VOICE RELAY: 1-800-649-3777
 WWW.CLEARINGHOUSE.DDOT



MDOT Public Hearings Officer
 Bureau of Transportation Planning
 P.O. Box 30050
 Lansing, MI 48909
 Fax: (517) 373-9255

Dear Mr. Bob Parsons,

The Michigan Department of Transportation's (MDOT) Detroit River International Crossing (DRIC) Draft Environmental Impact Statement (DEIS) is an expansive overview of the problems plaguing the poverty stricken community of Delray and the forecasted assumptions of increased border traffic resulting in needed capacity improvements. It is assumed that without an investment of this magnitude our states economic prosperity will be hindered.

As a representative of the Detroit Department of Transportation there are many concerns that are brought forward when thinking holistically about the impacts of such a development in Southwestern Detroit. MDOT has taken strides to enhance the communities in Southwest (SW) Detroit by improving the existing Ambassador Bridge Plaza and truck traffic connectivity to I-75(I-96)I-94 and is providing a new pedestrian crossing within the corridor. Finally bringing needed congestion relief and neighborhood connectivity to the residents of SW Detroit after decades of truck traffic on local roads. A promising and encouraging project for residents in an area continuing to reinvent itself, and becoming more economically prosperous during a State recession.

Only two City of Detroit bus routes are listed as being affected by a project of this magnitude Route 11 and 30, but the ongoing construction would more than likely affect route 19 that utilizes Fort St. Of-course adjustments can be made to the routes affected.

| 1

Though there are not many routes impacted by this development, the displacement of low-income families (30%) and the multitude of zero car households (23%) are a concern. These demographics are a reflection of DDOT's typical rider and a project of this magnitude could have a massive impact on our ridership.

| 2

The DRIC DEIS proposes developing a whole new border crossing that eliminates multiple pedestrian crossings, displaces many low-income residents and businesses. This seems to be a poor solution to the border capacity problem. The existing infrastructure should be utilized to its fullest potential, there is know need for a whole new plaza and new interchange that will displace residents and hinder neighborhood pedestrian connectivity. The expenses that may be incurred by residents of the State of Michigan for this development are not sustainable within the current infrastructure. Clearly MDOT is attempting to once again use highway development as a tool for removing urban blight, and displacing many low-income and minorities in the Delray community. The local benefits of this project are minimal in comparison to the rest of the region so why would the bridge need to displace so many people and businesses in our city?

| 3

| 4

| 5

| 6

MDOT has made it public knowledge that billions of dollars are spent every year rehabilitating the current state highway, road and bridge systems. However, there is failing road and highway

ERIN M. KILGORE, Mayor
 City of Detroit

Responses continued on next page.

1	A meeting held with DDOT on September 25, 2008, concluded that rerouting of their two bus lines could be accomplished as documented in Section 3.5.6.1 of the FEIS.
2	The Preferred Alternative reduces the number of residential relocations to 257. For these households, and others in the area, transit use is less than 5 percent of all trips. The two Department of Transportation bus routes have been re-routed in collaboration with DDOT to minimize impacts.
3	A new border crossing is needed in the Detroit-Windsor area to: * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S.. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to: * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.

Letter 43, continued

4	The project has been judged by FHWA and SEMCOG to be financially sustainable. Only with this determination can the DRIC be included in the Regional Transportation Plan. It was added to the RTP on June 26, 2008.
5	MDOT and the community have been working together to identify key issues and concerns such as blight in the Delray Area. A conceptual Master Plan was developed by the community (hopefully the city will adopt the plan) which will help guide the community in the future. The community has also been working with MDOT and other agencies to identify community enhancements that would improve the Delray Area.
6	Expected local benefits are not "minimal." Many residents indicate they will relocate in the City of Detroit and most business relocate near Delray. A number of construction jobs are likely to be held by city residents, some of whom live in and near Southwest Detroit. A number of long-term permanent jobs, outside those for crossing operations, can be expected to be held by people in Detroit. Exact estimates are not available.

Letter 43, continued

infrastructure still throughout the region. This is not efficient or sustainable, and proposing developing a whole new bridge and plaza system is narrow-minded and shortsighted. Efficiency is key in developing solutions to infrastructure issues.

The enhancements MDOT is exploring with residents of Delray are also setting a precedence that will result in costly community benefits for future major developments. To allow a community to develop a Master Plan for themselves when the city already has a plan in place is misleading and inappropriate for residents. The State has overstepped it's boundaries because if the city rejects the proposed plan, then city officials are left with a poor perception for residents in Delray. Also if the city rejects the new plan, the time, money, and participation were a complete loss.

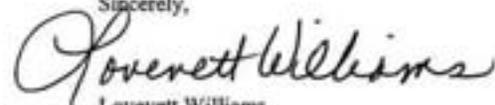
The beneficiaries of this development are the Canadian's, they had an increase in manufacturing jobs, many of which used to be in Michigan, and the study has eliminated the option for twinning the Ambassador Bridge. A public private partnership with the Bridge Company would have been the best solution for the City and State. The fact that Canada has not developed the Huron Church Rd to accommodate truck traffic is not the State of Michigan's problem or the City of Detroit's. Why would it be proposed that SW Detroit destroy a community regardless of it's socioeconomic level to accommodate Canadian requests? When the reasoning is the exact same that Canada has not developed Huron Church Rd and does not want the Ambassador twinned.

The issue of redundancy is important and homeland security is obviously on everyone's radar, but would it not be more difficult to defend and protect two separate structures and plazas covering a vastly greater land and river mass area, then consolidated facilities and coordinated crossings and plazas?

The continued development of manufacturing and highways in Southeast Michigan will only result in the continued transformation of Michigan into a giant truck stop. The amount of highways within Detroit already outweighs most major cities by a long shot. The focus should be on providing amenities/infrastructure to residents of southeast Michigan that attracts white, blue, and green collar jobs and less truck traffic.

The city of Detroit is transitioning into a diverse career hub a project of this magnitude will only hinder city progress.

Thank you for your time and if you have any questions please don't hesitate to contact Wesley King at (313) 833-9602, weskin@detroitmi.gov or myself at (313) 833-7670.

Sincerely,

 Lovevett Williams
 DDOT Interim Director

cc: Tim Roseboom, DDOT
 Wesley King, DDOT

7	Comment acknowledged.
8	The land use plan in the DRIC DEIS (Section 3.2.2.1) is compatible with the land use plan for the area pending before the Detroit City Planning Commission for adoption. The City Planning Commission as well as the Detroit Economic Growth Corporation participated in the plan's development. It was shaped based on their comments.
9	The alternative evaluation process took into account both benefits and impacts on an end-to-end basis involving both nations.
10	Security will be addressed by the U.S. Department of Homeland Security and the Michigan Homeland Security.



Robert A. Ficano
County Executive

Wayne County Building
600 Randolph - Suite 349
Detroit, Michigan 48226
(313) 224-0286
Fax (313) 967-6558

May 28, 2008

Kirk T. Steudle
Director
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Dear Director Steudle:

I am writing to inquire about issues involving the Detroit River International Crossing, which is now undergoing environmental review in the U.S.

To begin with, I am concerned about the substantial cost for the new DRIC bridge. The DRIC study indicates that the U.S. cost of the project will be close to \$1.5 billion, and media reports have put the cost substantially higher. Our County and State are already facing extremely difficult budget constraints. I believe that we need to spend more time understanding the increased demand for the new bridge in light of traffic patterns over the past eight to ten years.

Just as important, the plans for the new DRIC bridge show that the construction of the bridge, customs plaza and connection to I-75 will fundamentally impact the Delray community in Southwest Detroit. The plan will require the relocation of hundreds of residents and the closing or relocation of several businesses. In order to justify this dramatic change, I would want to see the full business case and relocation strategy. My understanding is that the community redevelopment scenarios envisioned within the DRIC study are not traditionally funded by FHWA funds, and as such, should be disclosed to the community that they are separate and distinct from the mitigation expected from the DRIC project.

Finally, I would simply ask that we make sure that all appropriate United States environmental reviews are completed and that all proper due diligence is followed. I understand that the Canadian Government is further ahead on its reviews than we are on our side, and just want to make sure that we are able to complete all of our reviews prior to making any final decision.

1	The project has been judged by FHWA and SEMCOG to be financially sustainable. Only with this determination can the DRIC be included in the Regional Transportation Plan. It was added to the RTP.
2	Auto traffic is down because of changes/enhancements of border security procedures, economic conditions, and changes in the value of the U.S. currency, to cite a few reasons. But, truck traffic is up since 1999 reaching its highest level ever on the Ambassador Bridge in 2006. Truck traffic is an indicator of trade and the health of the economies of the two largest trading partners in the world. Providing economic security is part of the DRIC project's purpose.
3	MDOT has developed mitigation included in Sections 4.21 and 4.22 of the FEIS, specifically the Green Sheet. A number of items called "benefits" by the local community are included there.
4	Comment acknowledged.

Page 2
Kirk T. Steudle, Director
Michigan Department of Transportation
May 28, 2008

I ask that you review the costs and benefits of the DRIC proposal and re-evaluate the fundamental purpose and need for the project in light of the impact of the plan on our residents and businesses. I understand that the Blue Water Bridge Plaza Study has extended its completion date pending closer scrutiny of the impacts. Given this precedent, I would request at a minimum that the comment period for the DRIC be extended for a reasonable time. Thank you for considering my views.

5

Sincerely,



Robert A. Ficano
Wayne County Executive

Cc: Robert H. Parsons, Public Involvement and Hearings Officer

5	Given the initial interest in a longer comment period, FHWA approved a 30-day extension to May 29. In light of the extensive public outreach prior to the release of the DEIS on February 29, the two public hearings conducted after the release of the DEIS and the comments received prior to the granting of the extension, the 30-day extension gave all interests ample time to review and comment on the DEIS.
---	---

Letter 50, Detroit International Bridge Company



AMBASSADOR BRIDGE
 DETROIT INTERNATIONAL BRIDGE COMPANY
 P. O. BOX 22544 Detroit, Michigan 48222

May 21, 2008

James Ray
 Administrator
 Room E87-312
 Federal Highway Administration
 1200 New Jersey Avenue, SE
 Washington, DC 20590

Re: Ambassador Bridge and Detroit River International Study Bridge Proposal

Dear Mr. Ray:

The traffic numbers used in the DRIC in its DEIS are outdated and flawed. Even the DRIC has recognized this by announcing that it is engaging new traffic experts. However, the DRIC has failed to withdraw its DEIS and is attempting to push FHWA into approving a DEIS that is based upon flawed and outdated traffic information. We believe that before the DEIS can be properly considered, the DRIC must conduct a new traffic study of the geographic regions on each side of the Detroit/Windsor border that will take into account the economic realities of the American/Canadian automobile industry, the transfer of manufacturing to other countries, the fuel pressures that make rail transportation attractive, and the overall conversion of Mid-America to a non-manufacturing economy.

| 1

The proof of the continuation of the long range downturn in future traffic is literally in front of us on a daily basis. For example:

| 2

Monday, May 19, 2008: The Ontario Trucking Association's report dated Monday, May 19, 2008 stating the cross border trucking was down 8.4% since 2000. A copy is attached.

Tuesday, May 20, 2008: The front page of yesterday's Wall Street Journal concludes that the prediction that the U.S. automobile market will recover to a level of 20 million vehicles a year is incorrect and that new accurate estimates are only 15 million vehicles a year. The recovery of the automobile industry in our region to production in the 20's of millions was relied upon by the DRIC proposal. That must be reduced immediately by at least 25% according to the Wall Street Journal.

A Canadian news service released yesterday the report of StatsCanada that tourist travel from the US to Canada in March

1	The DEIS does not assert that the traffic volumes will increase dramatically. It does state that they will increase using reasonable forecasting assumptions.
2	The GSA study the comment refers to states as follows: "In addition to projections derived through <u>standard GSA/Regal protocols</u> (emphasis added), the most relevant forecasts available for this application are derived from the Detroit River International Crossing (DRIC) process. . . . These forecasts are driven by economic forecasts and a cross border regional travel demand models, and the traffic outputs are higher than the standard statistical projections derived through the GSA/Regal Protocol. Taken together, these two approaches inform low and high traffic forecasts that yield a range of facility requirements used in the development of master plan layout options. Options developed within this context can be evaluated for the adaptability to the actual traffic flows experienced over the planning horizon."

2008 was 12.4% lower than in March 2007. Randy Williams, President and CEO of the Tourism Industry Association of Canada stated that the reduction was not surprising because there has been a decline for the past 5 years. Williams stated: "Every year we think we hit rock-bottom and we should start to see a turnaround and it's worse than the year before. We don't know where the bottom of the well is." A copy is attached.

Wednesday, May 21, 2008

The Detroit Free Press reports that Detroit Metropolitan Airport cannot support the increased air travel predictions upon which a new runway proposal was based. The claimed need for a new runway was based upon 2004 numbers and projections which have proven to be grossly overstated. The DRIC numbers were made in 2002 and 2004 and are similarly overstated. The Airport was forced to reconsider their traffic predictions from 2004; the DRIC should be similarly required. A copy is attached.

We do not wish to bombard you with similar information that we have gathered from disinterested third parties because it would overwhelm your desk. Just the fact that we can give you information that is presented by news media sources each day this very week is proof that the DRIC numbers are flawed and must be reconsidered through a comprehensive traffic study of the entire region to be serviced by a new crossing between Detroit and Windsor.

We strongly encourage you to instruct the DRIC to withdraw their DEIS until a new and comprehensive traffic study is completed for the region. We also believe that a tiered environmental review is appropriate for this project. To accomplish this, we request that you withdraw the DEIS or at least extend the comment period for the current DEIS for not less than 6 months and during that period, instruct the DRIC to submit a new DEIS.

The suggestions in this letter are to be considered cumulative to the criticisms of the DRIC DEIS that we have earlier presented to you and are not in substitution for them.

Sincerely,

Patrick A. Moran

cc.
Hon. Mary Peters
Quintin C. Kendall

| 3

3	The best available data were used to develop the DRIC travel forecasting models. They have been reviewed by a peer group and found to be acceptable. No further data collection is needed nor will be conducted to complete the FEIS.
---	---

Ontario's cross-border truck traffic slumping in 2008

By: Adam Ledlow

TORONTO, Ont. – Ontario truck crossing statistics issued earlier this week by the Public Border Operators Association (PBOA), shows that international truck traffic is down 5.6% in the first four months of 2008 compared to the same period last year. If the timeline comparison is extended to 2005 the decrease in international truck crossings is 8.4% which could translate into 900,000 fewer truck crossings in 2008 compared to 2005.

"Trucking activity is a leading economic indicator, and these numbers are yet another sign that the Ontario economy is going through a series of challenges that requires rethinking on the parts of all levels of government," said Ontario Trucking Association president, David Bradley.

Trade with the US has been the cornerstone of economic growth for Ontario, with trucking hauling upwards of 75% of this trade measured by value.

"The removal of this many international trucking shipments from the supply chain is a reflection of many causes including a high Canadian dollar, slumping US economy and ongoing glut of border security programs," Bradley said.

PBOA president Stan Korosec, also vice-president of operations for Blue Water Bridge Canada, agrees with Bradley. "Our members are also concerned about the thickening of the border," he says. "We have been meeting with representatives of the Department of Homeland Security and US Customs and Border Protection since the summer long delays experienced in 2007 and are pleased with their efforts to date to facilitate legitimate trade and tourism without affecting security. We hope that the Canadian government allocates the proper staffing and resources to the Canada Border Services Agency (so that similar delays are not experienced coming into Canada this summer)."

OTA has called on the Ontario and federal governments to assist the trucking industry by improving the tax treatment of its equipment, introducing incentives for the purchase of energy-efficient equipment and changes in regulatory language that would allow the industry to utilize more productive equipment.

"A more productive and energy efficient trucking industry is one part of the solution to helping revive the Ontario manufacturing sector," Bradley said.

5/21/2008

Travel to Canada hit all-time low in March

American and overseas travel to Canada hit a record low in March, Statistics Canada reported Tuesday.

CTV.ca News Staff

In total, only 2.3 million foreign visitors, including those from the U.S., came to Canada in March – a 12.4 per cent drop in travel compared to March 2007.

March had the fewest number of tourists since record-keeping began in 1972. It also marks a fifth consecutive month of all-time lows for the Canadian tourism industry.

U.S. residents made only 730,000 trips in March, down 2.5 per cent from the previous month.

Overseas travellers to Canada made just 384,000 trips in March, 3.0 per cent fewer than in February.

Eight of Canada's top 12 international markets saw decreases. The most significant drops in tourism were from Mexico, Germany and Hong Kong. Visits from Indian, Italian and Dutch tourists were up slightly.

Randy Williams, president and CEO of the Tourism Industry Association of Canada says the StatsCan report is not surprising. His organization has been noticing the significant declines in American tourism to Canada for over five years.

"Every year we think we hit rock-bottom, and we should start to see a turnaround and it's worse than the year before. We don't know where the bottom of this well is," Williams told CTV.ca.

Williams believes the American market will continue to slip as long as gas prices are high, the U.S. economy is slowing, and lineups at the border are long because of increased documentation requirements.

The Tourism Industry Association of Canada has been lobbying for the use of enhanced drivers' licences to replace passports that will soon be mandatory to cross the U.S.-Canada border by land.

But Williams says it's not all bad news for the industry, which has seen other international tourists visiting Canada in healthy numbers.

Meanwhile, Canadian residents were making a record number of trips outside of the country in March, StatsCan reported.

The number of Canadian trips abroad rose 1.4 per cent to almost 4.5 million. The vast majority of trips – 85 per

5/21/2008

cent – were to the United States.

The past six months has seen rates of Canadian travel to the U.S. at their highest since 1998.

Canadian travel to countries other than the United States was a record 670,000 – an increase of 0.4 per cent.

March was the 10th month in which a record high was set for Canadian travel over the past year.

The StatsCan report comes just before national tourism week kicks off June 2.

5/21/2008

OTHER VOICES

DETROIT FREE PRESS | WWW.FREEPRESS.COM

FEBRUARY 14, 2008 \$1A

Airport's faulty data show it is trying to steamroll over Romulus

By ALAN LAMBERT

The Metro Airport is allowed to move forward with building a fifth parallel runway, the expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

The worst part is, we have known for months that it shouldn't be done. The airport doesn't need this runway.

In a front-page article of May 8, the Free Press pointed out that the airport used extremely outdated data and had information leading to a series of gross miscalculations. Deane has told our neighbors in Dearborn, Dearborn Heights, Taylor and Inclineville that an analysis using the best, most current data to examine the airport's claim that it needed a fifth runway. What we found and what the Free Press exposed was staggering.



Alan Lambert
Lambert

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

The worst part is, we have known for months that it shouldn't be done. The airport doesn't need this runway.

In a front-page article of May 8, the Free Press pointed out that the airport used extremely outdated data and had information leading to a series of gross miscalculations. Deane has told our neighbors in Dearborn, Dearborn Heights, Taylor and Inclineville that an analysis using the best, most current data to examine the airport's claim that it needed a fifth runway. What we found and what the Free Press exposed was staggering.

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.



The new runway is under construction at the airport.

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

Using numbers from 2004, Detroit Metro officials said the airport will use more than 800,000 barrels and buildings by 2025. Every other nearby expansion will mean hundreds of homes, three 2,500 people from their homes, thousands of jobs and emergency services have already been lost and hundreds of jobs and businesses, and jobs will be lost in Romulus.

Letter 51, Detroit International Bridge Company

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,

/s/

Kathryn Kusske Floyd

Encl.

Mayer Brown LLP operates in combination with our associated English limited liability partnership and Hong Kong partnership (and its associated entities in Asia).

**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

1, cont.

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.

2

3

1	The DEIS does not assert that the traffic volumes will increase dramatically. It does state that they will increase using reasonable forecasting assumptions.
2	The GSA study the comment refers to states as follows: "In addition to projections derived through <u>standard GSA/Regal protocols</u> (emphasis added), the most relevant forecasts available for this application are derived from the Detroit River International Crossing (DRIC) process, . . . These forecasts are driven by economic forecasts and a cross border regional travel demand models, and the traffic outputs are higher than the standard statistical projections derived through the GSA/Regal Protocol. Taken together, these two approaches inform low and high traffic forecasts that yield a range of facility requirements used in the development of master plan layout options. Options developed within this context can be evaluated for the adaptability to the actual traffic flows experienced over the planning horizon."
3	The best available data were used to develop the DRIC travel forecasting models. They have been reviewed by a peer group and found to be acceptable. No further data collection is needed nor will be conducted to complete the FEIS.

Letter 51, continued

- 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.

	Page
INTRODUCTION	1
COMMENTS	4
I. The Alleged Need For Improvements To Existing Plazas And Approach Roads Is Not Sufficient Reason To Construct An Entirely New Crossing	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
II. The Proposed New Crossing Would Not Enhance Homeland Security	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
III. The Most Recent Traffic And Economic Data Do Not Support The DEIS's Claimed Need For A New Border Crossing	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
IV. The DEIS's build alternatives would disproportionately affect the low-income, predominately minority community of Delray	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
CONCLUSION	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

Letter 51, continued

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

Letter 51, continued

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.

4

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.

5

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

4	<p>A new border crossing is needed in the Detroit-Windsor area to:</p> <ul style="list-style-type: none"> * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S.. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. <p>To address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border, there is a need to:</p> <ul style="list-style-type: none"> * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions.
5	<p>Comment acknowledged.</p>

Letter 51, continued

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

6

7

6	The Gateway Project also does not address the need for crossing options (redundancy) in case of incidents. It will improve plaza operations in the U.S., but connectivity on one side of the border alone is meaningless without connectivity on the other side.
7	The "Windsor Gateway" referred to in that memorandum is not the DIBC "Gateway Project." The funds referenced in that memorandum have since been expended on a number of projects which complied with the stated goals/intentions/objectives of that memorandum.

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.¹

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

¹ 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.

8	This is not a matter for response by MDOT or FHWA.
---	--

Letter 51, continued

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_TEPARollPlan_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.).

9

10

9	No blind approvals were ever provided by FHWA. The letter of James Steele that concurred with results of the <i>Evaluation of Illustrative Alternatives</i> was a studied and appropriate assessment of the end-to-end data of that portion of the study process. The Ambassador Bridge replacement span was not included on the list of Practical Alternatives for the reasons articulated in Regional Administrator Steele's letter and covered in Section 2.1 of the DEIS and FEIS. The "Congressional approval" consisted of allowing direct access between the U.S. Interstate system and the Ambassador Bridge (which had previously been prohibited because the Ambassador Bridge is a private entity).
10	See Response 9.

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.

11

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

12

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

12, cont.

11	The Bluewater Bridge and Ambassador Gateway projects have distinct purposes, needs and independent utility, as does the DRIC project.
12	None of the modes/alternatives mentioned can substitute for the physical redundancy provided to the principal mode serving commerce - trucks. Further, analysis indicates that a new DRIC crossing best responds to the crisis of one of the existing crossings being "out of commission."

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.² 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

² 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.

12, cont.

13

14

13	The Preferred Alternative would create a new river crossing two miles down river from the Ambassador Bridge. It would provide a new interchange on I-75, plazas in the U.S. and Canada separate from that at the Ambassador Bridge and a new access road to Highway 401 in Canada.
14	The connections of the two crossings to the U.S. interstate highway system are effectively the same.

Letter 51, continued

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.³

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

³ 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.

15

15, cont.

16

15	The 2005 Letter from the State Department was cautioning against selecting an alternative that was located too close to the existing crossing (like a twinned bridge option) because of the dangers cited in the letter. Additionally, the State Department has reviewed all major products of the DRIC produced since the 2005 letter that lead up to the DEIS. It reviewed and commented on the DEIS. The project's purpose and need and the Preferred Alternative both address national security and redundancy. That position with the U.S. State Department involvement has not changed.
16	Cable-stay and suspension bridges are both candidates for use in the DRIC. For the DRIC, a decision on bridge type will be made during the design phase. Nonetheless, bridge type does not address the security and redundancy issues.

Letter 51, continued

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

16, cont.

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.

| 17

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

17	See Section 3.20. The Partnership is committed to providing an end-to-end solution for additional border crossing capacity that will be publicly owned in both countries. Michigan will own the U.S. portion of the bridge, the plaza, and the interchange, with the plaza leased to the federal government. Canada will own the Canadian portion of the bridge and its plaza. The Ontario will own the Canadian access route. Preferred for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid use of taxpayer dollars by charging reasonable toll. It is envisioned that the owners will form a joint venture to oversee the concession contract with the private sector. The U.S. and Canada are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing.
----	--

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.⁴

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.⁵

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*

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

⁵ 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.

Letter 51, continued

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 (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.⁶

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

⁶ 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.⁷

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).

18

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

19

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

⁷ 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.

18	The second span of the Ambassador Bridge is not an approved project. Nonetheless, its impacts are appropriately noted in Section 3.14 of the DEIS and FEIS.
19	<p>A new border crossing is needed in the Detroit-Windsor area to:</p> <ul style="list-style-type: none"> * Provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area to support the economies of Michigan, Ontario, Canada and the U.S. * Support the mobility needs of national and civil defense to protect the homeland. <p>To address future mobility requirements (<i>i.e.</i>, at least 30 years) across the U.S.-Canada border, there is a need to:</p> <ul style="list-style-type: none"> * Provide new border-crossing capacity to meet increased long-term demand; * Improve system connectivity to enhance the seamless flow of people and goods; * Improve operations and processing capability in accommodating the flow of people and goods at the plazas; and, * Provide reasonable and secure border crossing options in the event of incidents, maintenance, congestion, or other disruptions. <p>Traffic forecasts relate to capacity. Capacity is one of four listed needs. Redundancy is another. Redundancy requires a new plaza and interchange in the U.S. and a new plaza and access road in Canada.</p>

Letter 51, continued

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

19,cont.

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.

20

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

21

20	The traffic modeling has been established on sound data and principles. It includes a risk analysis to address "unknown unknowns." It's traffic modeling procedures and results have been vetted by a team of internationally-recognized peers who concur the models are sound and effective predictors of future traffic.
21	<p>The GSA study, to which the comment refers, states as follows:</p> <p>"In addition to projections derived through <u>standard GSA/Regal protocols</u> (emphasis added), the most relevant forecasts available for this application are derived from the Detroit River International Crossing (DRIC) process, These forecasts are driven by economic forecasts and a cross border regional travel demand models, and the traffic outputs are higher than the standard statistical projections derived through the GSA/Regal Protocol. Taken together, these two approaches inform low and high traffic forecasts that yield a range of facility requirements used in the development of master plan layout options. Options developed within this context can be evaluated for the adaptability to the actual traffic flows experienced over the planning horizon."</p> <p>Using the DRIC forecast in this light is neither arbitrary nor capricious.</p>

than the GSA projections—underscores the over-aggressiveness of the DRIC model.⁸ 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).⁹

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.

⁸ 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.

⁹ 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.

22

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

22	The proposed second span of the Ambassador Bridge is being reviewed by Transport Canada and Windsor Port Authority.
----	---

improvements will be open to traffic by the end of 2009, and the entirety of Phase One will be completed by 2010.¹⁰ *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.¹¹

22, cont.

¹⁰ 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).

¹¹ 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.

Letter 51, continued

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

23

23	The U.S. agencies recognize the important economic value of the Detroit-Windsor corridor. Since international trade is a federal prerogative it is only natural that the agencies responsible for international trade and commerce should work together to assure that corridor trade is not impeded by congestion and capacity issues. As is our practice due diligence will be taken throughout the process.
----	--

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.

24

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

24	The induced demand analysis (Section 3.2 of the DEIS and FEIS) was not used to justify a crossing. It was employed to define the shifts in jobs that could occur if a new crossing were built.
----	--

Technical Report, at S-2 (Jan. 2008). On the whole, the Technical Report concludes that “changes in accessibility in the SEMCOG¹² 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.¹³

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.

24, cont.

¹² Southeast Michigan Council of Governments (“SEMCOG”).

¹³ 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

25	Communities other than Delray, which were eliminated from further study beyond the Illustrative Alternatives Evaluation, such as River Rouge and the Belle Isle area, have greater concentrations of minority populations. The Governor's announcement was consistent with the DRIC technical analyses.
----	---

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.

26

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.¹⁴

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

27

¹⁴ 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.

26	This comment is addressed in responses to EPA's comments in a letter of May 14, 2008. See Appendix F of the FEIS.
27	Transboundary impacts are presented in Section 3.4 of the DEIS. Both U.S. and Canadian air quality analysis conclude there will be no adverse effects.

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.

Letter 52, State of Michigan Department of Agriculture



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

DON KOVISTO
DIRECTOR

March 14, 2008

Mr. David E. Wresinski, Administrator
Project Planning Division
Bureau of Transportation Planning
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: Detroit River International Crossing Draft Environmental Impact Statement

Dear Wresinski:

I received your request for review and comment on the Detroit River International Crossing Draft Environmental Impact Statement (DEIS). I have reviewed the DEIS with Michigan Department of Agriculture staff as well as attended the regular meetings of the state and federal agencies leading up to the development of the DEIS document.

This area is a highly urbanized corridor. There are no impacts to agriculture within the site location. We have not identified nor do we anticipate any impacts on established county or intercounty drains.

| 1
| 2

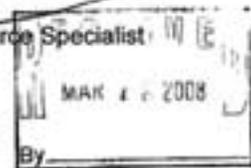
As this would serve as a primary international border crossing, our main concern at this point is that the plaza areas have sufficient facilities to conduct necessary inspections of incoming animals and plants to prevent potential introduction of unwanted insects, pests, and disease before they travel a significant distance into the State. The DEIS does not address this directly but it is my understanding that the Government Service Agency is serving as the primary conduit for translating the needs of USDA-APHIS into the development of adequate inspection facilities. We look forward to the resulting improvement in the screening capabilities in this very busy international corridor.

| 3

To the best of our knowledge, we do not have any additional concerns regarding the issues identified in the DEIS. We appreciate being included in this NEPA process. Feel free to contact me at 517-241-3933, if I can be of further assistance on this project.

Sincerely,

Abigail S. Eaton
Environmental Resource Specialist



CONSTITUTION HALL • P.O. BOX 30017 • LANSING, MICHIGAN 48909
www.michigan.gov • (517) 373-1104

1	Comment acknowledged.
2	Comment acknowledged.
3	The General Services Administration is conducting its analysis of the plaza to ensure adequate facilities are available for functions required to take place there.

Letter 53, U.S. Environmental Protection Agency



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 -

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (50% Postconsumer)

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.

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_{2.5}). Because of their impact on human health, EPA has emphasized the need to address PM_{2.5} 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_{2.5} 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_{2.5}. 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.

1

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_{2.5} and PM₁₀ 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 impacts.

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

1	The project will not cause an increase in emissions in the non-attainment area in the timeframe of the applicable State Implementation Plan. Decreases in emission rates will not be exceeded by increases in vehicle miles traveled.
---	---

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 DRJC 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.

2
3

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 DRJC 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.arh.org/NotesDocs/25-25\(18\)_FR.pdf](http://www.arh.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.

4

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).

5

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

6

2	With identification of the Preferred Alternative, information has been added about local traffic;. See 3.5.2 of the FEIS.
3	MDOT has identified two additional studies, neither yet available to the public. Studies that are available are referenced in Section 4.2 of the <i>Air Quality Analysis Technical Report</i> , notably the <i>Detroit Air Toxics Initiative (DATI)</i> and the <i>Detroit Exposure Aerosol Research Study (DEARS)</i> .
4	FHWA understands EPA's concerns, but the pre-amble language in the conformity rule for PM _{2.5} hot spot analysis explains why the mobile source emissions model (MOBILE6.2) is not adequate for use in a spot location analysis. The same argument against analyzing health effect applies to MSATs. The interim guidance on MSATs was developed, because of the concerns over the inability of MOBILE6.2 to adequately predict emissions at spot locations. FHWA is concerned about the health impacts of MSATs. That is why FHWA supports research such as the National Near Roadway MSAT Study, which may eventually lead to the ability to develop meaningful analyses of the impacts of MSATs.
5	Refer to #4.
6	Refer to #4.

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.

6, cont.

6, cont.

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.

7

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.

8

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:

8, cont.

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

7	Refer to #4.
8	MDOT is committed to implementing the air quality measures listed for construction on the Green Sheet found in the Section 6 of the FEIS. But, it is noted that construction mitigation is voluntary as there would be no increase in PM2.5 from the project in the timeframe of the applicable State Implementation Plan.

Letter 53, continued

- 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.

| 8. cont.

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.

| 9

| 10

| 11

| 12

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.

| 13 | 14

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.

| 15

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 roofs, low-flow plumbing fixtures, permeable pavements, 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

| 16

9	As Section 3.6.3.1 of the DEIS and FEIS notes, eliminating the Livernois/Dragon interchange will substantially reduce truck traffic on these two arterials that penetrate the densely residential Southwest Detroit area.
10	The Preferred Alternative includes Plaza P-a which has a direct routing of traffic through the plaza that minimizes travel compared to the other plaza alternative not chosen.
11	Border delay will be a function of staffing levels by U.S. Customs and Border Protection and the enforcement of security rules set by the U.S. and Canadian governments.
12	Anti-idling strategies during secondary inspection are already in effect by U.S. Customs and Border Protection. So, the same measures in place at the Blue Water Bridge and Ambassador Bridge would be followed.
13	Sound barriers are planned as noted in Section 3.7 of the DEIS and FEIS.
14	Vegetation will be placed in the buffer around the plaza as permitted by U.S. Customs. A clear, unobstructed view will influence the landscape design. Mature vegetation will be retained as noted on the Green Sheet. See also the Preferred Alternative section of Section 3.11.2.
15	Comment acknowledged.
16	The GSA is conducting its own Feasibility Study concurrent with the EIS. Its stated goal is to achieve a LEED Silver level status.

Letter 53, continued

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 site, this proposal will be recommended for referral to the CEQ.

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 CEQ.

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

**Interagency Streamlining Agreement for Preparation
of the Detroit River International Crossing
Environmental Impact Statement**

Key Point: Draft Environmental Impact Statement and Draft Section 4(f) Evaluation & All Supporting Technical Reports*

Please check one:

My signature indicates that
U.S. Environmental Protection Agency

Agency Name

has achieved general agreement with the FHWA on the above Key Point.

My signature indicates that

Agency Name

has no statutory authority with regard to this Key Point.

My signature indicates that

Agency Name

has not achieved general agreement with the FHWA on the above Key Point for the following reasons:

Bharat Mathur
Print Name


Signature

7/14/08
Date

* Air Quality Analysis, Induced Demand, Community Inventory, Wetlands-Threatened & Endangered Species-Coastal Zone Management, Brine Well Cavity Investigation, Cultural Analysis - Aboveground, Cultural Analysis - Archaeological, Indirect & Cumulative Impacts Analysis, Noise Study, Initial Site Assessment/Preliminary Site Investigation, Traffic Analysis Level 1: Illustrative Alternatives, Traffic Analysis Level 2 Part 1: Travel Demand Model, Traffic Analysis Level 2 Part 2: Highway Capacity Analysis & Microsimulation Modeling Results, Conceptual Engineering

Project: 18505

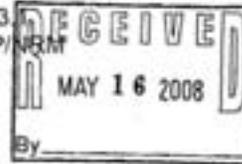


United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240



MAY - 9 2008

9043
PEP/



ER 08/218

Mr. James J. Steele
Division Administrator
Federal Highway Administration
315 West Allegan Street, Room 201
Lansing, Michigan 48933

Dear Mr. Steele:

As requested, the Department of the Interior (Department) has reviewed the draft Environmental Impact Statement (EIS) and draft Section 4(f) Evaluation for the **Detroit River International Crossing Study, Wayne County, Michigan**. The Department offers the following comments and recommendations for your consideration.

General Comments

The draft EIS provides a comparison between the No Build Alternative and nine Practical (Build) Alternatives crossing the Detroit River at one of three possible locations for a new bridge. A preferred alternative has not been identified. The draft EIS provides an adequate discussion of the consequences to fish and wildlife resources from construction of each of the practical alternatives.

Section 4(f) Evaluation Comments

The draft Section 4(f) Evaluation identified properties in the project study area eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)). Eight properties, both historic and recreational, were found to be in the project area and at least one of the nine build alternatives will use all or parts of these properties. These properties include the Berwalt Manor Apartment Building, Kovacs Bar, St. Paul African Methodist Episcopal Church, Frank Beard School, the Detroit Savings Bank/George International Building, the South Rademacher Community Recreation Center, the South Rademacher Playground, and the Post-Jefferson Playlot. The Post-Jefferson Playlot appears not to be currently used for recreation and its significance is currently under discussion.

1	Comment acknowledged.
---	-----------------------

Mr. James J. Steele

2

Of the five historic properties that have been determined to be eligible for the National Register of Historic Places, three would be removed under all practical alternatives, varying portions of one historic property would be used under each practical alternative, and one historic site would be removed by only one of the practical alternatives. Of the three recreational properties, all three would be removed by all of the practical alternatives. The evaluation considered other alternatives and the no-action alternative that would have avoided impacts to these properties; however, these were determined not to be prudent alternatives. The draft does not identify a preferred alternative, and consultation with the Michigan State Historic Preservation Officer (SHPO) has not reached a conclusion.

Therefore, the Department concurs with the Federal Highway Administration (FHWA) that there appears to be no feasible or prudent alternative resulting in the loss of eligible Section 4(f) properties. The Department does not concur that all measures to minimize harm to the property have been employed because a preferred alternative has not yet been identified and the Michigan SHPO has yet to concur in determinations of effect; though there is a draft version of a Memorandum of Agreement (MOA) in the document. A copy of the MOA, once executed, should be attached to the final evaluation.

2

Specific Comments on the Draft EIS

Effects on Wildlife and Wetlands

Section 3.8.1.4, *Wildlife and Migratory Birds*, page 3-107: This section addresses potential effects to migratory birds from the bridge lighting design and indicates that coordination with the Fish and Wildlife Service (FWS) will occur during the design phase. We appreciate the willingness of the FHWA and the Michigan Department of Transportation (MDOT) to work with the FWS on the lighting design to minimize potential avian mortality at a new crossing of Detroit River. In addition to the lighting plan, we recommend that the coordination with the FWS also involve discussion of designs and measures that the transportation agencies might consider to minimize potential avian impacts as they develop and evaluate bridge structure designs (e.g., cable-stay vs. suspension bridge, height of the bridge towers, etc.) to meet the primary design criteria for a new bridge. We recommend that any such coordination be documented in the final EIS.

3

The Department has a continuing interest in working with the FHWA and the MDOT to ensure impacts to resources of concern to the Department are adequately addressed. For matters related to Section 4(f), please contact Regional Environmental Coordinator Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102; telephone 402-661-1844. For matters related to fish and wildlife resources, please continue to coordinate with Mr. Craig Czarnecki, Field Supervisor, or Ms. Barbara Hosler, Project Biologist, Ecological Services Field Office, U.S. Fish and Wildlife Service, 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823-6316, telephone 517-351-2555.

2	An executed MOA will be included in Appendix E prior to the signing of the Record of Decision.
3	Decisions regarding bridge type and final design will be made after the FEIS and Record of Decision are concluded.

Mr. James J. Steele

3

We appreciate the opportunity to provide these comments.

Sincerely,



for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
✓ Mr. David E. Wresinski, Administrator
Project Planning Division
Michigan Department of Transportation
P.O. Box 30050
Lansing, Michigan 48909



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

Michigan State
Office

3001 Coolidge
Road, Suite 250
East Lansing, MI
48823-6321
(P) 517-324-6276
(F) 517-324-6171
www.nrcs.usda.gov

August 26, 2005

Ms. Margaret Barondess, Manager
Environmental Section
Project Planning Division
P.O. Box 30050
Lansing, Michigan 48909

**RE: Detroit River International Crossing Study and Draft Environmental
Impact Statement (DEIS), Wayne County, Michigan, U.S.A.**

Dear Ms. Barondess:

We have reviewed the DEIS for the Detroit River International Crossing Study. It is apparent that most if not all of the area is heavily developed. There is no potential that the alternatives described in this study will have a negative impact on prime or unique farmland.

Special attention, however, should be given to the possible movement of soil particles to surface waters as construction begins. The nature of the specific soils and the knowledge as to how easily they may erode is not available since this part of Wayne County was not included in the Soil Survey of Wayne County Area, Michigan. Such data may also tell how quickly surface contaminants can travel while attached to finer soil particles or how quickly soil infiltration may occur and threaten groundwater.

Thank you for this opportunity to comment on the DEIS.

William E. Bricker, for

JOHN A. BRICKER
State Conservationist

cc:

Steve Olds, District Conservationist, NRCS, Ann Arbor, Michigan
Albert Jones, ASTC(FO), NRCS, Flint, Michigan



The Natural Resources Conservation Service works in partnership with the American people to conserve and sustain natural resources on private lands.
An Equal Opportunity Provider and Employer