

## **Appendix B**

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### **Detroit River International Crossing Study Partnership Framework, Charter and Memorandum of Cooperation**

Partnership's Principles/ Framework Agreement

**Ontario-Michigan Border Transportation  
Partnership Framework**  
*(Approved February 7, 2001)*

**Table of Contents**

I. Background  
II. Purpose  
III. Objectives  
IV. Steering Committee  
V. External Consultation

Background

The United States Federal Highway Administration (FHWA), Transport Canada (TC), Michigan Department of Transportation (MDOT) and Ontario Ministry of Transportation (MTO), hereinafter referred to collectively as "the Partnership", and individually as "the Partners", acknowledge that:

- The region of Southwestern Ontario and Southeastern Michigan operates as a single economic region and that the Windsor-Detroit international crossings are vital to the economic growth of Ontario and Michigan, as well as Canada and the United States;
- U.S./Canadian trade totalled \$195 billion (CAD)/\$128.2 billion (USD) in 1990 and grew to \$523.5 billion (CAD)/\$344 billion (USD) in 1999, a 268% increase;<sup>1</sup>
- According to the Bridge and Tunnel Operators Association, truck traffic crossing the border in the Detroit area increased by 62% between 1995 and 1999;
- According to the Ontario Ministry of Transportation's December 1998 study, "Southwestern Ontario Frontier International Gateway Study", the existing border crossings in the Detroit/Windsor area are expected to reach transportation capacity around the year 2010;
- Many of the current highway border crossings are not directly connected to national, provincial and/or regional transportation systems;

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<sup>1</sup> Source: Statistics Canada

Approved February 7, 2001

## Steering Committee Agenda Item 4, July 22, 2004

- Border crossing transportation issues need to be evaluated and solutions identified in a collaborative manner.

THIS DOCUMENT IS NOT INTENDED TO BE A BINDING AGREEMENT;  
HOWEVER, IT IS INTENDED TO MEMORIALIZE A CONSENSUS BETWEEN THE  
PARTNERS TO PURSUE THE FOLLOWING PURPOSE, OBJECTIVES, AND  
UNDERLYING PRINCIPLES.

### Purpose of the Partnership

This Partnership has been formed for the purpose of improving the safe and efficient movement of people, goods and services across the U. S./Canadian border at the Detroit and St. Clair Rivers, including improved connections to national, provincial and regional transportation systems, such as I-75 and Highway 401.

### Objectives

**In support of the purpose, the Partnership will evaluate and identify trans-border transportation infrastructure improvements that meet the following objectives to the maximum extent possible:**

- To improve the movement of people, goods and services in a safe and efficient manner across the U.S./Canadian border at the Detroit and St. Clair Rivers to connect with existing national, provincial and regional transportation systems;
- To enhance the regional economic vitality and Canadian/U.S. trade;
- To meet the long term needs of U.S. and Canadian border inspection agencies;
- To expedite the planning and environmental study process to ensure that future travel demands in this corridor can be accommodated in a timely manner;
- To ensure that all modes of surface transportation including road, rail and marine will be considered;
- To use an integrated planning and environmental study process, hereafter referred as the "Integrated Process", resulting in a single product, which will meet the requirements of all members of the Partnership;
- To ensure that any solutions which are developed as a result of the Integrated Process comply with all relevant and applicable federal, provincial, state and/or municipal laws, regulations, bylaws, ordinances or other binding enactments validly created by bodies with legislative or rule-making authority;
- To ensure that the process is conducted in a financially responsible and prudent manner;

Approved February 7, 2001

## Steering Committee Agenda Item 4, July 22, 2004

- To ensure that intelligent transportation systems/state-of-the-art facilities, be provided to enhance border crossing efficiency.

### Steering Committee

The Partners intend to establish and maintain a Steering Committee to assist in the achievement of the above objectives. The Committee shall be composed of an equal number of representatives of each of the Partners. It may be supported by subcommittees, as appropriate.

The responsibilities of the Steering Committee shall be as follows:

- Lead in working towards the achievement of the Purpose and Objectives set out in this framework document;
- Seek the appropriation of funds required to implement various tasks to achieve the objectives from the respective Partners;
- Direct, oversee, and approve the development and implementation of the Integrated Process, and recommend the purpose and need statement for use in the environmental clearance document;
- Recommend enactment of any needed enabling legislation, regulations and strategies for implementation;
- Direct the development and implementation of communications strategies;
- Co-ordinate consultation with other public agencies, interested organizations and the public, in accordance with the requirements identified in Section V.
- While the public sector is completing the feasibility study, determine the appropriate stage(s) and mechanism(s) to foster potential public/private partnership(s).
- Manage specific projects, studies or assignments under the Integrated Process and/or oversee the management of such projects, studies or assignments.

### Administration of Consultant Contracts

Under the integrated process, MTO and MDOT shall be the lead agencies on behalf of the Steering Committee in:

- determining when consultant assignments may be necessary;
- designating consultant assignments;
- stipulating what the content of such consultant assignments shall be;

Approved February 7, 2001

## Steering Committee Agenda Item 4, July 22, 2004

- selecting consultants and managing competitive bidding processes if such processes are used;
- signing contracts consistent with this Framework Document for which funding has been provided.

### Allocation of Costs

- Costs of the Needs and Feasibility Study shall be shared 50/50 between the U.S. and the Canadian Partners.
- It shall be up to FHWA/MDOT and TC/MTO to negotiate cost sharing between themselves.
- For future phases of the project, costs incurred in Canada shall be a Canadian responsibility and costs incurred in the United States shall be an American responsibility.

### Meetings

- The Steering Committee shall meet at least once every two months and additionally at the request of any Partner.
- Minutes shall be kept of all meetings and approved at the subsequent meeting.

### External Consultation

- The consultation with other public agencies, private organizations and the public shall be conducted in accordance with the established legislation and practice in the respective jurisdictions of the Partners.
- Where there are different consultation requirements in various jurisdictions, the most rigorous consultation requirement(s) shall be met as identified in the Integrated Process.
- Where no pre-existing consultation requirements exist, the Partners may establish public and private advisory groups as part of the consultation process. The roles and responsibilities of such groups shall be defined by the Steering Committee.
- The Partners shall ensure an open and transparent process that provides for consultation and input by all interested parties.

Approved February 7, 2001

**Canada-United States-Ontario-Michigan Border Transportation Partnership Charter**  
**February 2, 2005**

<p><b>The Partnership</b>  The Canada-United States-Ontario Michigan Border Transportation Partnership, hereafter referred to as the Partnership, is composed of representatives from Transport Canada (TC), U.S. Federal Highway Administration (FHWA), Ontario Ministry of Transportation (MTO) and the Michigan Department of Transportation (MDOT).</p> <p><b>Purpose of the Partnership</b>  This Partnership has been formed for the purpose of improving the safe and efficient movement of people and goods across the U.S./Canadian border at the Detroit River, including improved connections to national, provincial and regional systems such as I-75 and Highway 401.</p> <p><b>Objectives of the Partnership</b>  In support of the purpose, the Partnership will evaluate, identify, and will enable implementation of trans-border transportation infrastructure improvements that meet the following objectives to the maximum extent possible:</p> <ol style="list-style-type: none"> <li>1. To provide for the 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 Ontario, Michigan, Canada and the U.S.;</li> <li>2. To enhance local and regional economic vitality and Canadian/U.S. trade;</li> <li>3. To meet long-term transportation infrastructure needs;</li> <li>4. To consider all modes of surface transportation including road, transit, rail and marine.</li> <li>5. To expedite, facilitate and complete the planning, design and implementation of new or expanded border-crossing facilities;</li> <li>6. To use a coordinated planning and environmental study process, hereafter referred to as the "Coordinated Process", resulting in a joint solution having environmental clearance in both countries;</li> <li>7. To involve public and private stakeholders in the decision-making process;</li> <li>8. To develop solutions, in compliance with all relevant and applicable federal, provincial, state and/or municipal laws, regulations, bylaws, ordinances or other binding enactments that have been validly created by bodies having legislative or rule-making authority;</li> <li>9. To conduct the activities of the Partnership in a timely and financially responsible manner;</li> <li>10. To consider the best available procedures and technologies to enhance border-crossing efficiency, including provision of intelligent transportation systems as applicable;</li> <li>11. To support short-term measures to improve efficiency of existing border crossings;</li> <li>12. To develop a governance framework for new or expanded border crossing facilities;</li> </ol>	<p align="center"><b>Steering Committee</b></p> <p>The Partnership will maintain a Steering Committee to achieve the above objectives. Decision-making shall be shared equally among the four agencies. The Steering Committee may be supported by subcommittees, as appropriate.</p> <p><b>The Responsibilities of the Steering Committee shall be as follows:</b></p> <ol style="list-style-type: none"> <li>1. Lead in achieving the partnership purpose and objectives;</li> <li>2. Seek the appropriation of funds necessary to implement various tasks;</li> <li>3. Direct, oversee and approve the development and implementation of the coordinated process (See attachment A for study decision points);</li> <li>4. Recommend strategies for implementation of the recommended solution, including any needed enabling legislation or regulations;</li> <li>5. Direct the development of communications strategies;</li> <li>6. Provide the organizational resources, commitment and the management input and feedback required to achieve the purpose and objectives;</li> <li>7. Address organizational or institutional barriers that are hindering or preventing the achievement of the purpose or objectives;</li> <li>8. Seek resolution of political issues within the respective jurisdictions;</li> <li>9. Lead the development of a governance framework for new or expanded border crossing facilities.</li> </ol> <p align="center"><b>Working Group</b></p> <p>Under the Coordinated Process, MTO and MDOT shall be the lead agencies on behalf of the Steering Committee.</p> <p><b>The Responsibilities of the Working Group shall be as follows:</b></p> <ol style="list-style-type: none"> <li>1. Focus on completing the environmental study phase for new or expanded border crossing facilities while looking for opportunities to expedite this and future phases;</li> <li>2. Pursue opportunities to support the accelerated schedule of the study;</li> <li>3. Accept full commitment to achieving the purpose and objectives, operating procedures, and behaviors as defined in the charter;</li> <li>4. Provide support to the Steering Committee;</li> <li>5. Develop recommendations for consideration by the Steering Committee;</li> <li>6. Support the Project Managers (PMs) in procuring consultant services;</li> <li>7. Support the PMs through (1) technical review and advice; (2) review and comment on consultant deliverables and (3) ongoing support and coordination within the respective partnership organizations, and with other local and regulatory agencies and the public;</li> <li>8. Provide Quality Assurance/Quality Control support;</li> <li>9. Provide technical support to the Communications Committee;</li> <li>10. Support activities related to governance and implementation.</li> </ol>
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Updated March 2, 2006

<p><b>Decision-Making Policy</b></p> <p>Decisions will be timely and defensible. Administrative and technical decision-making occur at the level of PM's. Decisions, including key decisions at major milestones and exceptions to existing policies, will go to the Steering Committee.</p> <p><b>Conflict-Resolution Policy</b></p> <p>Parties within this Charter are committed to procedures that achieve the following goals:</p> <ul style="list-style-type: none"> <li>• Identify potential conflicts early</li> <li>• Resolve in a timely &amp; defensible manner</li> <li>• Resolve in a manner that is neutral and free from reprisal</li> <li>• Resolve by consensus</li> <li>• Maintain mutual respect</li> <li>• Resolve at lowest level (managed/contained)</li> </ul> <p><b>Conflict Resolution/Procedure</b></p> <ul style="list-style-type: none"> <li>• Scope out &amp; analyze</li> <li>• Determine need for external expert</li> <li>• Identify alternatives to achieve consensus</li> <li>• Analyze Pros and Cons</li> <li>• Document the decision</li> <li>• Respect the decision</li> </ul> <p><b>External Communication Policy</b></p> <p>Parties within this Charter are committed to facilitating external communications that are:</p> <ul style="list-style-type: none"> <li>• Consistent</li> <li>• Timely</li> <li>• Proactive/visible</li> <li>• Are not unduly repetitive</li> <li>• Protective of the image of the Partnership</li> </ul> <p>Procedures</p> <ul style="list-style-type: none"> <li>• The Partnership agrees to establish a communications subcommittee</li> <li>• Technical questions will be referred to the PM, who may refer questions to the consultant</li> <li>• PM will answer question and notify Partners of the answer given.</li> <li>• Questions posed by elected officials will be answered by the concerned Partner, who will in turn notify other partners of the answer given</li> <li>• The Partnership will maintain a project website</li> <li>• PMs will oversee regular updating of the project website</li> </ul>	<p><b>Internal Communication Policy (Among the Partners and within the individual agencies)</b></p> <p>The Partnership will strive for internal communications that are inclusive and based on the concept of "no surprises."</p> <p><b>Procedure</b></p> <p>The PM's are responsible for distributing information internally. All WG members are responsible for supporting the PM's to facilitate inclusive communications.</p> <p>PM's will adopt a proactive communications strategy:</p> <ul style="list-style-type: none"> <li>• Provide regular updates to senior management and decision makers</li> <li>• Provide regular updates of communications products such as backgrounders, questions and answers</li> <li>• Verify that communications products of partner agencies are consistent</li> <li>• Arrange timely release of communications materials</li> </ul> <p><b>Rules of Conduct</b></p> <p>Parties within this charter are committed to the following goals:</p> <ul style="list-style-type: none"> <li>• Achieving trust/building trust through communication</li> <li>• Providing open and effective communication</li> <li>• Being a high performance team</li> <li>• Being efficient, proactive &amp; timely</li> </ul> <p><b>Steering Committee Members</b></p> <p>Jim Steele, Division Administrator, FHWA  Susan Mortel, Bureau Director of Transportation Planning, MDOT  Ray Mantha, Executive Director, Windsor BIIG, MTO  Sean O'Dell, Executive Director, Windsor Gateway Project Team, TC</p> <p><b>Working Group Members</b></p> <p>Mohammed Alghurabi, Project Manager, MDOT  Geraldyn Ayers, Supervisor, Environmental Analysis Unit, MDOT  Andy Irwin, Project Planning Section, MDOT  Andy Zeigler, Metro Region Planner, MDOT  Jim Kirschensteiner, Assistant Division Administrator, FHWA  Kaarina Sliff, Environmental Assessment Project Manager, TC  Dave Wake, Manager, Planning, Windsor BIIG, MTO  Roger Ward, Senior Project Manager, MTO  Joel Foster, Environmental Planner, MTO</p>
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## **Appendix A**

Partnership Decision Points  
Environmental Clearance Phase  
Detroit River International Crossing  
07/16/2004

1. Project Purpose and Need
2. Study Area
3. Illustrative Alternatives and Evaluation Criteria
4. Recommended Alternative and Evaluation Criteria
5. Mitigation

Updated March 2, 2006



**MEMORANDUM OF COOPERATION BETWEEN  
THE DEPARTMENT OF TRANSPORTATION OF THE UNITED STATES OF AMERICA  
AND THE DEPARTMENT OF TRANSPORT OF CANADA ON THE DEVELOPMENT OF  
ADDITIONAL BORDER CAPACITY AT THE DETROIT-WINDSOR GATEWAY**

The Department of Transportation of the United States of America and the Department of Transport of Canada, hereinafter referred to as the "Participants";

**WHEREAS** the Participants recognize that to facilitate the flow of goods and people across our shared border, development of additional border capacity at the Detroit-Windsor gateway is a national priority for the Government of Canada and the Government of the United States of America;

**WHEREAS** the Participants recognize that the ports of entry in the Detroit-Windsor region are the busiest commercial land border crossings in North America, and believe that system redundancy in the form of crossing options is in the national interest of both countries;

**WHEREAS**, the Participants recognize that development of sufficient crossing capacity in the Detroit-Windsor area, as an asset critical to the national interest of both countries, should rely on completion of the environmental studies and analyses currently underway by the Detroit River International Crossing Partnership (DRIC) study process;

**WHEREAS** the Participants believe that the development of an enhanced border crossing system will ensure a modern, efficient, integrated, safe and secure freeway-to-freeway transportation connection, and desire to strengthen collaboration to ensure the most efficacious and expedient implementation of the enhanced crossing system; and

**BEING CONSISTENT** with the direction given at the North American Leaders' Summit, August 21, 2007, in Montebello, Quebec, Canada to maintain a high priority on the development of enhanced capacity of the border crossing infrastructure in the Detroit-Windsor region,

**INTEND** to cooperate as in this Memorandum of Cooperation as follows:

1. The Participants believe that, in order to address the federal interests of both countries, the new crossing system should:
  - (a) strive to protect the safety and security of transportation users, the public, transportation infrastructure and crossing operations;
  - (b) while respecting jurisdictional responsibilities, provide a freeway-to-freeway transportation system with a chosen governance structure that is acceptable to the Governments of the United States, Canada, Michigan and Ontario;
  - (c) provide adequate, reliable and sustainable capacity for the life of the crossing;
  - (d) provide redundancy in border operations to ensure the continuous, unimpeded flow of both vehicular and commercial cross-border traffic;

- (e) be subject to public oversight designed to protect the public interest of both nations; and
  - (f) improve system connectivity to facilitate the legitimate flow of people and goods.
- 2.
- (a) The Participants intend to, through coordination among interested federal agencies within their respective countries, strengthen collaboration to advance the development of an enhanced crossing system.
  - (b) Because the impact of this work is equally important locally as well as nationally, the Participants intend to work continuously with state and provincial partners to advance this project so that:
    - (i) the federal interests listed above are satisfied through an appropriate governance structure;
    - (ii) project timelines are consistent with mutually recognized project milestones in order that necessary federal and local approvals could be obtained in a timely manner;
    - (iii) the DRIC has consistent transportation standards and procedures which apply to the entire structure, rather than that portion of the structure located in a particular country;
    - (iv) public and private stakeholders, as required by national law and regulations, are notified of the critical importance of this project to the national economies and security of the United States of America and Canada;
    - (v) there is timely notification of each other to stakeholder issues or actions which may have an impact on the progress of the project; and
    - (vi) there are regular meetings at the working and principals' levels to continue the project moving forward as expeditiously as possible.
3. The Participants may modify this MOC jointly in writing.
4. This MOC will come into operation upon signature by both Participants.
5. Either Participant may discontinue this MOC by giving to the other participant written notice of its intent to discontinue.
6. Activities under this MOC are subject to the availability of appropriated funds.

SIGNED in duplicate at Washington, D.C. on this 26 day of November 2007, in the English and French languages.

  
FOR THE DEPARTMENT OF  
TRANSPORTATION OF THE UNITED  
STATES OF AMERICA

  
FOR THE DEPARTMENT OF TRANSPORT  
OF CANADA