

**Ministry of Transportation**

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**Ministère des Transports**

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June 22, 2009

Ms Catherine McLennon  
Special Project Officer  
Environmental Assessment and Approvals Branch  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario, M4V 1L5

Dear Ms. McLennon:

The following comments are provided in response to the issues raised in the submission from the Canadian Transit Company (CTC), sent to your Director, on May 29, 2009.

1. The CTC alleges that approval of the Detroit River International Crossing (DRIC) EAR is premature.

This assertion is on the basis of ongoing litigation in the United States. The DRIC study team is aware of this litigation. From the outset, the Partnership realized that the project must meet legislative requirements in both Canada and the United States. With this in mind, work was carried out in full coordination with the U.S. team and documented so as to meet the needs of each approval jurisdiction. Each jurisdiction is now proceeding through the approvals process, including any challenges (legal or otherwise). In the opinion of the DRIC study team there is no reason to stop this approvals process in Ontario, while other jurisdictions continue to seek approvals. To do so and to wait for the results of such challenges would unnecessarily delay obtaining overall approvals for the project.

2. The CTC alleges that DRIC has proceeded on the basis of a biased and arbitrary process.

This is simply not true. The entire environmental assessment, as documented in the EAR, has proceeded through a traceable and replicable process, which is based on thorough and systematic analysis. The study began in 2005 with identification of need and a broad range of Illustrative Alternatives, which included fifteen (15) potential alternative river crossing locations. At the time, there were several specific proposals "on the table" including:

- Twinning of the Ambassador Bridge
- The DRTP
- The Mich-Can proposal
- The Schwartz proposal, and
- Downriver crossing proposal

With knowledge of these proposals in hand during the generation of the fifteen (15) alternative border crossing systems at the Illustrative Alternatives stage, the DRIC study team developed river crossing alternatives at these locations and others. (The Illustrative Alternatives stage is discussed in Chapter 6 of the EA Report.) Subsequently, the Illustrative Alternatives were the subject of a thorough and systematic analysis. As described in the EA Report, the decision on the recommended crossing location is based on all the information gathered throughout the study and is well founded based on the analysis done at each stage of the study.

The CTC alleges that the number of properties displaced, as identified in the EA Report, is not consistent with those identified in the Schwartz Report. Specifically, the CTC claims that "The DRIC EAR concludes that the proposed Windsor-Essex Parkway would result in the displacement of approximately 140+ households and 45+ businesses." The DRIC study team disagrees. In fact, Exhibit 8.15, page 8-44 identifies 309 – 333 households and 48 businesses as potential acquisitions for the Parkway. These numbers were used in the comparison with other alternatives. As the recommended plan was developed and refined the number of properties required was revised to approximately 360 residential homes and 48 businesses (see Chapter 10, page 10-8). We can not find reference to the numbers reported by the Ambassador Bridge. In any event the DRIC report numbers are based on full concept designs whereas the Schwartz Report numbers were based on a cursory overview analysis. Any attempt to compare these estimates, is in our view, meaningless.

The CTC also notes the City of Windsor's allegations that the process was biased in that the announcement was made in favour of the Windsor-Essex Parkway prior to final documentation being made available. The DRIC study team responded to this matter in our March 2009 submission to MOE. An excerpt from that response is shown below:

"Contrary to the assertions in paragraphs 129 – 153 of the City's submission, the commitment in the EA TOR to present analysis of the practical alternatives prior to selecting the TEPA was addressed through a series of activities. At the Practical Alternatives stage, the DRIC study team identified reasonable alternatives through a thorough and systematic process, involving the analysis and evaluation of the Illustrative Alternatives. The initial group of five practical alternatives was presented for consultation in March 2006. Comments were received from many stakeholders, including the City of Windsor. The analysis and evaluation of Practical Alternatives provided stakeholders with additional consultation opportunities, above and beyond those proposed in the TOR. Preliminary analysis results for the initial five access road alternatives were presented at the December 2006 PIOH. The complete analysis of the initial five access road alternatives was presented at the fifth round of PIOHs in August 2007, and technical reports were posted on the study website.

At the same PIOHs in August, 2007, the Parkway alternative was introduced. The Parkway alternative was developed based on refinements to the below-grade and tunnel alternatives. The Parkway was based on the notion of a more "green", context sensitive alternative, which emerged through consultation with stakeholders including the City of Windsor. Introduction of the Parkway at the same time as the presentation of the full analysis of the initial five practical alternatives

gave stakeholders the opportunity to reflect on the features of the Parkway, in the full knowledge of the detailed analysis information.

In October 2007, the City of Windsor introduced the GreenLink concept to the public. The DRIC study team reviewed publicly available information on the GreenLink proposal, asked the city for additional information about the proposal, attended the City's GreenLink public meetings and, contrary to the assertions made in paragraphs 163 – 169 of the City's submission, met with city representatives during October, November and December 2007. These meetings provided the opportunity for the study team to gain improved understanding of the GreenLink proposal and for city representatives to gain improved understanding of the Parkway alternative. Subsequently, in March 2008, the City provided more information about the GreenLink proposal to the study team.

During the winter of 2007-2008, the DRIC study team developed refinements to the Parkway alternative. In making these refinements, the study team considered stakeholder input, including the input obtained from the city's GreenLink proposal. The refined Parkway alternative was introduced as the Windsor-Essex Parkway. The analysis of practical alternatives was updated to include the Windsor-Essex Parkway. With this information in hand, the evaluation of the six practical alternatives (initial five plus the Windsor-Essex Parkway) was undertaken. A summary of the evaluation, and the identification of the Technically and Environmentally Preferred Alternative, was released to the public on May 1 2008. The results of this evaluation were presented at the sixth round of PIOHs in June 2008. Stakeholders were encouraged to provide feedback on all of the information presented at these Open Houses."

The CTC also asserts that the Senate Committee Report of 2005 biased the results of the DRIC study. This is simply not true. Although the Senate Committee published a report in 2005; the Senate Committee provides advice to government, but does not grant approvals. The report of the Senate Committee was noted by the DRIC study team, and was considered together with numerous positions and proposals put forward by a wide range of interested parties. The DRIC study team received input from municipalities, the public, and various private sector proponents (see previous section). As noted previously, the DRIC study team undertook a wide range of consultations in 2005, and in fact throughout the study, so that a wide range of alternatives could be considered. Each of these alternatives was included in the development and analysis of Illustrative Alternatives. The Illustrative Alternatives were subjected to a thorough and systematic evaluation. The entire evaluation is documented in the Generation and Assessment of Illustrative Alternatives Report and summarized in the DRIC EA Report.

3. The CTC made several comments with respect to the Planning/Need and Feasibility (P/NF) study.

The P/NF study was carried out between the years 2001 and 2004, prior to the commencement of the Environmental Assessment Study. The CTC alleges that the Planning/Need and Feasibility study inappropriately considered ownership of public versus private as a factor in assessing whether a new crossing access road and custom plaza was necessary. Their view appears to be based on the assumption that a Revenue Generation Study was part of the study and somehow related to an ownership

assumption. The objectives of the P/NF study, as stated on page 3 of the final report (2004), are as follows:

- Identify existing and future transportation problems and opportunities with respect to capacity of border crossings, and the linkage to, and capacity of, existing and planned future national, provincial and municipal transportation systems.
- Identify a focused analysis area within which transportation alternatives will be studied.
- Identify and analyze surface transportation alternatives (highway, arterial road, rail and marine) that are practical and feasible from a transportation, environmental, border processing and financial perspective.
- Recommend feasible international crossing alternatives that address the identified transportation problems and opportunities.
- Develop an overall 30-year transportation strategy, which includes implementation strategies for any international crossing alternatives.

Although a Revenue Generation Study was contemplated by the partnership, this work was not undertaken during the P/NF study. Regardless, ownership of new crossings was not among the criteria used to develop the overall 30-year transportation strategy as recommended in the final report. Furthermore, when the EA Terms of Reference (ToR) was published in May 2004, the ToR did not propose any limitations on the study area that might have been expected, based on the work completed in the P/NF study.

As part of this section of their submission, the CTC goes on to comment that the Partnership promised an end-to-end analysis of the roads, customs plaza, and bridge plan between I-75 and Highway 401. As noted previously, this end-to-end study was done in close coordination with both the Canadian and U.S. members of the Partnership. While analysis and evaluation for individual components was carried out within each respective country, the work was done using similar criteria and the results compared and evaluated on an overall basis by the Partnership. The results with respect to the Illustrative Alternatives are documented in the Generation and Assessment of Illustrative Alternatives Report and summarized in the DRIC EA Report (see Chapter 6.5, page 6-46 to 6-49 of the EAR). Likewise, the end-to-end analysis and evaluation for Practical Alternatives is documented in detail in the Practical Alternatives Report and summarized in the DRIC EA Report (see Chapter 8.1.4, pages 8-20 to 8-22 of the EAR). The Screening Report required under the Canadian Environmental Assessment Act will be released for public comment in the near future.

4. The CTC asserts that the DRIC EA has failed to assess all reasonable alternatives.

Specifically, the CTC submission refers to the Ambassador Bridge Replacement Span. The EA Report states that "The Windsor-Detroit border crossing represents an important trade corridor between the United States and Canada. Based on 2006 border crossing statistics, approximately 28% of Canada-US surface trade passes through Windsor-Detroit.

"The purpose of the undertaking is to provide for the safe, efficient and secure movement of people and goods across the Canadian-US border in the Detroit River area to support the economies of Ontario, Michigan, Canada and the US.

"In order to meet the purpose as defined in Chapter 1 of this document, the Detroit River International Crossing study has strived to address the following regional transportation and mobility needs:

- Provide new border crossing capacity to meet increased long-term travel demand;
- Improve system connectivity to enhance the continuous flow of people and goods;
- Improve operations and processing capabilities at the border; and
- Provide reasonable and secure crossing options (i.e., network redundancy)."

The Replacement Span project proposed by the CTC would provide only one (1) new physical traffic lane each way (except in emergency situations when the existing bridge could be re-opened according to their plan). The Replacement Span project does not provide for plaza capacity requirements necessary to meet long-term needs, and does not address system connectivity. Therefore the Replacement Span does not satisfy the purpose and need as defined in the DRIC EA.

An alternative that would provide for a new six-lane bridge adjacent to the existing Ambassador Bridge, as a component of a complete end-to-end solution, was considered in the DRIC study as an Illustrative Alternative, but not short-listed based on the thorough and systematic analysis carried out during the Illustrative Alternatives phase of the work (see Chapter 6, pages 6-34 and 6-48 of the EAR). This alternative, along with all other Illustrative Alternatives, assumed the existing four-lane Ambassador Bridge would remain in service.

Notwithstanding the above, the Partnership has acknowledged that the CTC has the ability to seek approvals for its project through the appropriate regulatory frameworks in both countries.

The CTC asserts that DRIC ignores prior information released by both Canadian and U.S. governments in support of the Replacement Span project and contends that the CTC / DIBC has obtained agreement to construct the Ambassador Bridge Replacement Span in the United States. To our knowledge this is not correct. Regardless, as stated earlier, all alternatives considered an international bridge would be operating at this location, be it a new six lane replacement bridge, or the existing four lane bridge, there will remain a need for the proposed DRIC bridge.

The CTC submission goes on to conclude that the United States and members of the Partnership concluded that the Ambassador Bridge Replacement Span represented a viable alternative for consideration in the short-list of Practical Alternatives. Again, this is simply not correct. As noted above, the alternative considered during the Illustrative Alternatives phase was, in fact, a twinning of the current Ambassador Bridge, as a component of a complete end-to-end solution. Although the alternative ranked highly in the U.S. analysis, when considered on an end-to-end basis the Partnership concluded that it would not be carried forward as a Practical Alternative.

5. Failure to comply with approved Terms of Reference:

The CTC points out that the Terms of Reference require the proponent to consider optimization of existing infrastructure. They go on to assert that, in this regard, the EA

should have included the Replacement Span project. As noted previously, the Replacement Span project does not meet the long-term needs of the Partnership in that it does not does not satisfy the purpose and need as defined in the DRIC EA. Notwithstanding this, the DRIC study team did consider optimization of existing infrastructure in the development and analysis of Illustrative Alternatives. That phase of the project considered use of several existing corridors, including E.C. Row Expressway, Huron Church Road to the Ambassador Bridge, as well as twinning of the existing crossing (see Chapter 6 of the EAR). However, as stated previously, the twinning option was not short-listed based on the thorough and systematic analysis and evaluation undertaken during the Illustrative Alternatives phase of the study.

#### 6. Unrealistic traffic projections:

The CTC continues to assert that the traffic projections for the DRIC study are unrealistic given the current economic situation. The DRIC study team considered recent changes in traffic volumes in comparison to the travel demand forecasts undertaken at the outset of the study and concluded that even given the current downturn there is still a long-term requirement for increased crossing capacity (see Chapter 5.1.1, page 5-6 of the EA Report). As noted above, traffic capacity is but one of four transportation needs identified in the DRIC EA.

The CTC submission also alleges that the DRIC study team did not take into account availability of capacity at the Bluewater Bridge. This is not correct. The DRIC study team did consider long range demands throughout the southwest Ontario, and southeast Michigan corridor. The work done during the P/NF study clearly illustrated the need for additional crossing capacity in the Windsor / Detroit area. The majority of passenger movements across the Ontario-Michigan border are same-day trips starting and ending in the Detroit-Windsor areas. For truck movements, there are a substantial number of shorter-distance truck movements, between Windsor/Essex County and Detroit/Wayne County. It is not reasonable to assume that these trips could be diverted to Sarnia-Port Huron.

#### 7. Failure to respond to previous comments submitted by CTC/DIBC:

The CTC alleges that the DRIC study team failed to respond to some comments provided in a previous (February 27, 2009) letter. In fact, the DRIC study team provided MOE with written comments (March 13, 2009), in response to the earlier comments from the CTC.

In the May 29, 2009 letter from the CTC, there is reference to a letter dated January 7, 1999, from Doug Wale, who was the Manager of MTO's Provincial Planning Office at the time. Although Mr. Wale's letter provided support in principle for the Michigan Strategy, the letter does not indicate formal involvement in the preparation, review or approval of the Gateway Project Environmental Assessment. Mr. Wale's letter highlighted the need for "further work such as a bi-national planning study, including key stakeholders, to help examine the feasibility of an improved freeway connection between Highway 401 and I-75, within the Windsor-Detroit area." Two years later, the Border Transportation Partnership was formed, and the P/NF study commenced.

On the matter of traffic volumes, as noted in Item 6 above, traffic capacity is but one of four transportation needs identified in the DRIC EA. Current (2008-2009) economic conditions and traffic volume trends suggest that traffic growth may be closer to the lower growth scenario shown in the DRIC EA Report.

Yours truly,

A handwritten signature in black ink, appearing to read "Dave Wake". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dave Wake  
Manager, Planning Office