

Rebuttal for the PBA's Top 15 reasons why the ANSBG Proposal at the IRR will not happen

1. PBA: The Ambassador Bridge did not conduct an environmental assessment or environmental impact study.

ANSBG: These documents are in process. The Ambassador Niagara Signature Bridge Project has begun preliminary consultation with both regulatory agencies and the public as part of the National Environmental Policy Act of 1969 (NEPA) environmental review process that we expect to undertake. The formal scoping process will begin following designation of a Lead Agency.

Prior to this designation, the Ambassador Niagara Signature Bridge Group must submit a Presidential Permit that includes a Draft Environmental Assessment (EA). The regulatory purpose of the Presidential Permit is stated in Executive Order 11423 of August 16, 1968 (33 Fed. Reg. 11741), "The proper conduct of the foreign relations of the United States requires that executive permission be obtained for the construction and maintenance of facilities connecting the United States with a foreign country." Permits are required for facilities that span the international border, classified as inter alia, bridges, pipelines, tunnels, conveyor belts, and tramways. The agency that issues the Presidential Permit must find that the project serves national interest.

This Draft EA, by law, must comply with NEPA, the National Historic Preservation Act of 1966 (NHPA), and Executive Order 12898 of February 11, 1994, preserving environmental justice. This Draft EA will form the foundation of the Draft Environmental Impact Statement (DEIS) that will be developed for public review and comment.

2. PBA: The Ambassador Bridge proposal is more about taking over the Public Peace Bridge than building a new bridge at the International Railway Bridge.

ANSBG: Not true. As you can see by our powerpoint, (www.ambassadorniagara.com/071014_Ambassador_Niagara_10_slides.pdf), we have concrete plans for the Bridgeburg-Black Rock International Railroad Bridge corridor. The ownership of the Peace Bridge is completely under the jurisdiction of the Public Bridge Authority.

3. PBA: The Ambassador Bridge itself does not believe in two separated bridges.

ANSBG: Within the upper Niagara River, the Peace Bridge handles both truck and automotive traffic, funneling truck traffic immediately parallel to a residential neighborhood and an Olmsted Park. This current configuration makes the City of Buffalo appear as a loading dock, rather than a gateway to the United States. Instead, we propose focusing truck traffic within the already industrialized Bridgeburg-Black Rock International Railroad Bridge corridor—one that has been

used for commercial traffic for over 100 years. That way, truck traffic can be focused in the International Railroad corridor while car traffic will be focused within the existing Peace Bridge corridor.

4. PBA: The Ambassador Bridge proposal is based on flawed, unrealistic data.

ANSBG: We use the most current data that is publicly available including data that is also used in the Peace Bridge EIS.

5. PBA: The Ambassador Bridge is inconsistent as to whether an additional bridge is needed.

ANSBG: The extra several hundred dollars in expense per truck caused by border delays provides the economic reason for an additional bridge. At the same time, the unsafe and unhealthy condition of trucks queuing for miles over the existing border crossing that lacks room to expand supports the social need for another crossing.

The ANSBG has spent millions of dollars so far on environmental studies and other activities conducted for the sole purpose of developing a second crossing at the Bridgeburg-Black Rock International Railroad Bridge corridor. Obviously, we see that there is a viable business opportunity at this location. Most importantly, from an engineering and environmental perspective, the Bridgeburg-Black Rock corridor is the ONLY option for a second crossing, as you can see from our alternatives analysis presented in our powerpoint at http://www.ambassadorniagara.com/071014_Ambassador_Niagara_10_slides.pdf.

6. The Ambassador Bridge is prohibited from building a bridge by a Government of Canada franchise granted to the Peace Bridge.

ANSBG: This issue is addressed in our powerpoint. The franchise issue, if it is still in force, is subject to exception by approval from the Peace Bridge or the Governor in Council of Canada. The common usage of the word “or” allows the Canadian Government the power to grant a second border crossing despite the self-serving protests of the PBA. Furthermore, the new Canadian International Bridges and Tunnels Act provides additional federal jurisdiction for approving the Ambassador Niagara Bridge crossing.

7. PBA: The Ambassador Bridge proposal does not comply with any long-term transportation planning on either side of the border.

ANSBG: In Canada and the US there is no question that there is a real problem with truck traffic. For trucks, the Peace Bridge is a choke point in their transportation pathway that impacts cars as well.

With regard to the I-190, the number of trucks using that roadway will be the same whether there is one bridge or two. As demonstrated by our powerpoint, the PBA is

aware of the fact that regardless of whether or not a companion bridge is built AND/OR the Ambassador Niagara Bridge is built that traffic on the I-190 will result in a Level of Service of “F” for the year 2040.

In regards to traffic flow at the border: traffic at Buffalo - Fort Erie is destined to increase with time, and the Peace Bridge will only need to expand. With another bridge that problem is mitigated.

With regard to land acquisition, property owners have direct input to negotiate a fair value. Ambassador is not able to use eminent domain to force a resolution in their favor.

8. PBA: The Ambassador Bridge proposal has totally unrealistic time and cost estimates. ”The President of Detroit’s Ambassador Bridge said Tuesday that his company could build a span across the Niagara River in two years.... Stamper projected that the cost would be \$250 million, including the links to the expressway.”

Buffalo News
April 20, 2005

ANSBG: The powerpoint

(http://www.ambassadorniagara.com/071014_Ambassador_Niagara_10_slides.pdf)

addresses the cost of the project using 2003 dollars. The two year construction period for the project does not include the time necessary to obtain all the necessary regulatory approvals in the US and Canada. Most importantly, we do not have to eradicate a neighborhood in order to complete our project.

9. PBA: The Ambassador Bridge proposal will need to rely on taxpayer funding.

ANSBG: The criticism regarding Ambassador’s dependence on public financing is not valid. Public roads are built or improved based on need. Roads on Ambassador’s property are the company’s responsibility. If after construction there is increased demand, it will be a result of the successful operation of the crossing or the lack of success at other crossings. Note that all of the PBA funds are from public money (tolls and public funding), and the PBA is still seeking \$100 million more from taxpayers for a remedy that will exacerbate the public nuisance it is imposing on a residential community.

The Ambassador project will be privately financed.

10. PBA: The Ambassador Bridge does not provide any access to the historic Bridgeburg District of Fort Erie or the South End Riverwalk District, or the Garrison Road Commercial District.

ANSBG: Constructing access roads into Bridgeburg for heavy commercial trucks would result in dislocation of neighborhoods, and, as such, Ambassador does not

choose to construct these roads. On the other hand, the function of all existing roads in Bridgeburg will be maintained, so the current levels of access will be continued.

11. PBA: Ambassador Bridge proposal impacts a community not now impacted.

ANSBG: The impacts of the Ambassador Niagara Bridge would be positive. It will be constructed in an existing transportation corridor which will be improved as a result of the construction. Vehicle inspection on the Canadian side will be located away from residential areas, and the US inspection area will diminish congestion by drawing trucks away from the Peace Bridge. Other benefits to the region and the Peace Bridge specifically include enhancement of the regional gateway and elimination of major disruption in a local neighborhood for plaza expansion.

12. PBA: Ambassador Bridge proposal would remove property from the tax rolls.

ANSBG: Nonsense. ANSBG, unlike the PBA, could ultimately add several millions of dollars in equity to the local taxable base of real property in host communities. In addition, construction of the Ambassador project will spur development in the adjacent property which will increase property values and sales tax revenues. If Peace Bridge revenues decrease, the decrease will be determined by the preferences of consumers.

The Peace Bridge is dependent on public (taxpayer) money to build its expansion. The Ambassador project is privately financed (no taxpayer money).

13. PBA: Neither the Ambassador Bridge proposal nor the International Railroad corridor enjoys any political support in either country.

ANSBG: Despite the public relations campaign waged by the PBA and funded by public resources, responses at public meetings and letters of support have been favorable of the project. The PBA's own public outreach process has generated significant support for the IRR corridor. At Collaborative Worrkshop #4 held in December 2002 and attended by 722 people 380 people, or more than 50%, favored one or more of the alternatives recommended for the IRR crossing.

14. PBA: The Ambassador Bridge, even though it is a private land owner, ignores municipal by-laws, and permit processes and then forces local governments into costly, lengthy litigation.

ANSBG: The PBA's track record speaks for itself when it comes to litigation. The PBA has used questionable judgment in exempting itself from public scrutiny by invoking its status as a public authority or international entity. This is the same scrutiny that government agencies and private businesses, including Ambassador, are subject to.

The ANSBG is subject to all local, state, and federal laws in the US and Canada. If there are any legal objections to Ambassador's actions, there is legal recourse.

15. PBA: The economics of two competing bridges in such close proximity to each other makes no sense. A *Globe and Mail* Report on Business interviewed Ambassador owner Mr. Matty Moroun on the conflict between his company's proposal to build a bridge in Detroit/Windsor and another proposal from a bi-national committee to build a different bridge to increase capacity in the Detroit/Windsor corridor. In this interview, Mr. Moroun stated: "It's lunacy—just unbelievable. It clogs my thinking. You can't build another bridge that's so close to ours. It's stupid."

ANSBG: Using Michigan as an analogy to Niagara is comparing apples to oranges. Traffic between the US/Canada is busiest at the Michigan/Ontario border. In addition to the Ambassador Bridge, there is an international tunnel immediately upstream of the Ambassador Bridge, as well as an international ferry, and the Bluewater Bridge to the north in the region.

In Niagara County, there are 3 international bridges and an international railroad crossing all with separate goals, but operating complementary to each other. The Rainbow Bridge is dedicated to cars, and the Lewiston – Queenston Bridge is dedicated to trucks and cars.

In Erie County the Peace Bridge has a monopoly on all vehicular traffic.

We believe competition is good. It results in higher standards of performance, greater productivity and control of costs. As an end result the Ambassador Niagara Bridge will be a major positive addition to business, the community and the PBA because it steers trucks away from the 80 year old Peace Bridge and allows it to perform as it was originally intended—as a local vehicular artery or “front door”—to and from Canada and the US.

Providing safe crossings for commercial and automotive vehicles that fit within the allowable zoning of the host communities makes economic sense and benefits the public's health and safety.