

“Municipal Influence in a Multi-national Setting? The Windsor-Detroit Border Crossing”

John B. Sutcliffe  
Associate Professor  
Department of Political Science  
University of Windsor  
Windsor, Ontario  
N9B 3P4

Tel: 519 253 3000 ext. 2360

E-mail: [sutclif@uwindsor.ca](mailto:sutclif@uwindsor.ca)

Paper prepared for presentation at the Annual Meeting of the Canadian Political Science Association at York University, Toronto, Ontario, June 2006.

## “Municipal Influence in a Multi-national Setting? The Windsor-Detroit Border Crossing”

### **Introduction**

Municipal government receives very limited mention in the Canadian constitution and its position within the political system is not constitutionally guaranteed. This limited constitutional status is in part responsible for the dominant impression that local authorities are ‘bit players’ in Canadian politics, particularly at the federal level (see Graham *et al*, 1998: 1). Under the terms of section 92(8) of the Constitution, control of local government rests with the provincial governments. Thus, provincial governments have the power to amend the structure of municipal government, to reform the policy functions carried out by municipal authorities, and to exert considerable control over the financial resources available to these authorities.

It is in part because of this constitutional context that many scholars argue that municipal governments have limited policy-making autonomy, particularly with respect to decisions that involve the senior levels of government. In this view, municipal governments lack the policy, institutional and financial resources to be able to influence intergovernmental policy-making in the Canadian context. Municipalities are little more than an ‘attentive public’ that are affected by these decisions but incapable of making a dramatic impact on their final form (see discussion in McAllister, 2004: 118-40). A related argument, not confined to the Canadian context, is linked to the literature on ‘New Urban Politics’ (see DeFilippis, 1999). In this view, the mobility of business and capital, associated with globalization, constrains the decision-making capacity of municipal governments. The fear of losing the resources provided by businesses located in their territory means that municipalities are forced to take decisions that prioritize the interests of big business (see Graham, 1995; also Leo, 2002). This argument, therefore, also emphasises that municipal governments are relatively powerless, particularly in the context of decision-making that impacts on international capital and business.

This paper examines the significance and autonomy of municipal decision-making by focusing on one policy-making case study that involves municipal government in a wider decision-making setting: the reform of the Canadian-US border crossing between Windsor, Ontario and Detroit, Michigan. Two major elements of this reform process are the decision to construct a new border crossing alongside the four existing border crossings, and the construction of a link between this new border crossing and Ontario’s Highway 401.

The border crossing between Windsor and Detroit is one of the busiest and most economically significant border crossings in North America. In 2003 approximately \$140 billion worth of trade crossed the Windsor-Detroit Border, which accounted for over 30 per cent of Canada-US trade. The decisions on reforming the border crossing are thus of immense importance to the North American economy and therefore to North American business. They are also decisions that ultimately have to be agreed by the senior levels of government in Canada and the United States. Although responsibility for the final decision does not lie with municipal government, the decision is of considerable importance to the municipality most directly affected, Windsor City Council. The border crossing generates commerce, and it serves as an important route to American services

and employment for many local residents. At the same time, border traffic creates problems for municipal infrastructure and threatens residents' health and safety. For these reasons, the local municipality is intensely interested in the on-going discussions about measures to upgrade the border crossing. Consequently, the border crossing provides a good opportunity to examine a municipality's capacity to influence a decision that involves senior levels of government and one that is of great interest to the international business community.

There are two main issues addressed in this paper. First, the paper examines the question of whether a municipality is capable of influencing this type of decision-making. Second, the paper examines the normative question of whether municipal governments should be active in this decision-making and whether they should be able to exert influence.

### **Background: Reform of the Windsor-Detroit Border Crossing**

The Canadian-US border is of vital importance to the Canadian and US economies, with 87% of Canada's exports going to the United States (Senate Committee on National Security and Defence, 2005: 1; see also Turbeville and Bradbury, 2005). Within this larger picture, the most important border crossing in North America is the Windsor-Detroit border, or Gateway, which currently consists of four crossings: a truck ferry, a car tunnel, a train tunnel, and a bridge. In terms of truck traffic, and therefore trade, the most important element of the Windsor-Detroit Gateway is the privately owned Ambassador Bridge, which was constructed in 1929, and which links Canada's Highway 401 and US Interstate 75 and Interstate 96. Over 12, 000 trucks per day drive through Windsor's city streets on their way to or from the Ambassador Bridge. [Insert Map 1 about here.]

A number of voices now argue that this border requires additional crossing capacity and improved access to the border, particularly on the Canadian side (Belzer Report, 2003; also Canada-US-Ontario-Michigan Transportation Partnership, 2002; DRIC, 2005). In both Canada and the United States representatives from the provincial/state and federal levels of government argue that without reform, the existing crossings will reach capacity by 2022 "resulting in severe congestion and delay for all international truck and auto traffic" (DRIC Slideshow Presentation, 2005: 26). In addition, representatives from the same governments also contend that the access routes to the existing border crossings will reach capacity even earlier. A Planning/Need and Feasibility Study on the border suggested that: "Anticipated increases in border crossing traffic, combined with modest growth in background traffic, will mean that Huron Church Road will likely exceed capacity within 5 years." The study continued by pointing to the problems that this would create for the local community:

As the traffic volumes approach the capacity of the facility, congestion, queuing and infiltration of traffic onto other parallel roads will become more frequent.... The local communities around the border crossings have expressed concerns with disruption to local access and impacts to air quality and noise levels (Canada-US-Ontario-Michigan Transportation Partnership, 2002: 38).

Although an updated transportation planning and needs report (DRIC, 2005) indicated that between 2000 and 2004 there was actually a 3.4% reduction in commercial border crossings at the Ambassador Bridge, the report also indicated that this would not

prevent the bridge reaching its capacity within 10 to 15 years. This report points to a general 30-year trend of increasing border commercial traffic (DRIC, 2005: 11) and to the costs of not adding capacity to the border (DRIC, 2005: 23). In this context, the report concludes that: "The governments of Canada, United States, Ontario and Michigan each have a duty and responsibility to provide for and reduce the likelihood of disruption to the safe, continuous transport of people and goods across the Detroit River frontier" (DRIC, 2005: 12).

Representatives of major businesses have also spoken about the importance of the border crossings for their industries and the need for immediate improvements to the crossing. These business interests include the heads of the Canadian branches of the Big Three Automobile makers, which are also vital to Windsor's local economy (see Watson, 2004). In the words of Steven Landry, president of DaimlerChrysler Canada, delays at the border "hurt Windsor"... "We need new capacity, and we need it really fast" (quoted in Vander Doelen, 2006: C7). Similarly, Gerry Fedchun, president of the Automotive Parts Manufacturers' Association, indicated that he is worried about the border crossing now and indicated that: "We're losing contracts and people are being laid off because we can't get the parts across the border in time" (quoted in Pearson, 2005). This argument is supported by the planning and needs studies referred to above. These reports suggest that congestion and delay at the Windsor-Detroit border have the potential to cost in the region of \$21 billion a year by 2030 (see also Senate Committee on National Security and Defence, 2005: 2). Government and business concerns about the border have also been influenced by security issues in the post-September 11<sup>th</sup> 2001 period. It has been argued that adding border capacity, and doing so quickly, is a necessary response to the threat of terrorist activity against the existing crossings, and the Ambassador Bridge in particular. This was one of the central findings of a Canadian Standing Senate Committee on National Security and Defence report into border security (Senate Committee on National Security and Defence, 2005; see also Chen, 2005a).

For these reasons, reforming the Windsor-Detroit border crossing is on the policy agenda of senior governments in both Canada and the United States. The decision is multinational in character and involves private sector interests, such as the current owner of the Ambassador Bridge, and the major industries that rely on the border for trade. The final decision on the construction of a new crossing, new customs plazas and access routes to this crossing will be made by the senior levels of government in Canada and the United States: the Ontario Provincial Government, the Canadian Federal Government, Michigan State government, and the US Federal Government. These four governments formed a Transportation Partnership in December 2000. This Bi-national Partnership, now labelled the Detroit River International Crossing team (DRIC), is charged with developing a final proposal for a new crossing type and location, as well as locations for the customs plazas and access routes.

Through 2005 and early 2006 the DRIC team have been engaged in a study and consultation process to narrow the list of options. In June 2005 the DRIC was criticised for proposing 20 border options for further study (Battagello, 2005a). 15 of these options were removed from consideration in October 2005 and the list was narrowed again in November 2005. At this time, the DRIC indicated that they would be proposing the construction of a new bridge in a narrow range of locations west of the existing

Ambassador Bridge.<sup>1</sup> They also proposed three potential plaza locations and a proposed range of access routes to these locations (Insert Map 2 about here). At the time of writing, the DRIC is still in the consultation and study process that is expected to lead to one final proposed bridge location, one plaza location and one access route. If the governments concerned accept this set of proposals, it is hoped that environmental assessments and reviews will be complete by 2008, with construction of a new border crossing beginning around that time. The current documentation provided by the DRIC lists 2013 as the proposed completion date for the project.<sup>2</sup>

The final decision on reform of the Windsor-Detroit border, therefore, does not lie with the Windsor municipal government. The decision-making process, however, affects the Windsor community and Windsor City Council at a number of different levels. The municipality is one of the areas most directly affected by the existing border crossing, and thus by the decision on a future crossing. First, the municipality's economy rests heavily on border traffic or on industries that rely on 'just-in-time-delivery' across the border. The Big Three Automobile makers are the major employers in Windsor, and as noted above, representatives of these industries support the reform of the existing border crossing, as do other major employers in the region. David Bradley, head of the Canadian Trucking Alliance, argues for example that: "We need options, we need to have additional capacity or we're going to find in the not too distant future, when it's time to decide where to invest in factories and plants, that Canada will not get its fair share" (quoted in Watson, 2004). The economics of the border makes it a significant policy issue for the City of Windsor. The construction of a new border crossing is an example of a megaproject that is seen as necessary for "fostering future growth and functional transformation" for the city within the global economy (Swyngedouw *et al*, 2002: 572).

The physical location of the existing border, and particularly the access routes to the border, are also significant for Windsor. Windsor is the only major Canada-US border crossing without a direct highway connection. The approaches to the two main existing crossings, the Ambassador Bridge and the Detroit-Windsor car tunnel, are city streets used extensively by city residents as well as international traffic.<sup>3</sup> This is particularly problematic for the city given the high volume of traffic that uses the border (Canada-Ontario Joint Management Committee, 2002: 5). The status quo is therefore problematic for the city in terms of the disruption it causes to local residents and in terms of potential health implications from the volume of truck traffic. Maude Barlow, chairwoman of the Council of Canadians, highlighted the health implications of the border traffic on a recent visit to Windsor: "I wish every Canadian could sit here and be on the NAFTA highway and see the price [Windsor residents] are paying for the so-called [NAFTA] miracle. The cancer rates here are terrible – as in all border communities" (quoted in Battagello,

---

<sup>1</sup> The current proposals advocate the construction of a new bridge linking Sandwich, in west Windsor, with Delray in southwest Detroit.

<sup>2</sup> For more details, see the DRIC web-site /www.partnershipborderstudy.com/ last accessed 15<sup>th</sup> May 2006.

<sup>3</sup> The final approach to the Ambassador Bridge on the Canadian side is Huron Church Road. This street is a main city artery as well as the primary transportation link for international truck traffic, with over 12,000 trucks using the road each day. This combination of international transportation link and city street is made evident by the fact that there are more traffic lights on this stretch of road than on all of the remaining Toronto-Windsor-Detroit-Florida route (Canada-Ontario Joint Management Committee, 2002: 6).

2005c: A5).<sup>4</sup> Certainly, residents along the existing border access route are anxious to see some reform of the border crossing that will reduce the volume of truck traffic along Huron Church Road. Residents in this part of Windsor argue that there is a cost to the status quo and that it is their area that disproportionately pays these costs. As one resident has argued: “Anything to take traffic off Huron Church, without causing a lot of problems, is good and sharing the load” (quoted in Cross, 2003).

Windsor City Council thus indicates that it wants the existing border crossing route reformed, and that it should have a voice in the decision-making process. Its main objective is to ensure that the proposed new crossing and access routes have a minimal impact on the city and to try, to the greatest extent possible, to get the international trucks off city streets. Mayor Eddie Francis made this clear in a letter sent to Ontario Premier Dalton McGuinty in which he asserted that: “This community is entitled to enjoy quality of life without having to worry about international trucks ripping through their neighbourhoods and the ill effects on health” (quoted in Battagello, 2005b). The mayor expressed similar sentiments in his 2006 state of the city address. In reference to the border crossing, he asserted that the city council, “will defend this city against any cheap intrusion into our communities. I will not sacrifice the interests of our citizens for a quick fix, or a cheap fix”. He continued by arguing that: “We believe we can get trucks off our city streets and out of our neighbourhoods” (quoted in Chen, 2006: A1). In short, the border crossing decisions affect Windsor and consequently the city council has sought to engage in the decision-making process. In addition, other participants in the policy debate argue that the municipal government needs to play an important role in the decision-making process. With reference to the border crossing, then Prime Minister Paul Martin, for example, stated that: “We are not going to do this unless it really conforms to what the people of the city [Windsor] want. So now it’s a question of getting onto it and determining how the city wants to see us do it. This is not going to be imposed, that’s an absolute guarantee” (quoted in Pearson, 2004: A1). A central question, however, remains whether the municipality will be capable of influencing this process.

### **Windsor City Council and the Border Decision**

The City of Windsor is directly engaged in the decision-making process at a number of levels. First, the Detroit River International Crossing (DRIC) team is committed to undertaking its work in close consultation with local stakeholders, including municipal governments. This has manifested itself in a series of meetings with these stakeholders, including Windsor City Council. The municipality has used these meetings to try to influence the DRIC team’s decision-making.

Second, as part of its engagement with the DRIC team, the city council has sought to influence the eventual decision on the border crossing. This has taken the shape of council resolutions through 2003 and 2004 expressing opposition to two of the new border crossing routes being advocated – the Detroit River Tunnel Partnership (DRTP) and the twinning of the existing Ambassador Bridge.<sup>5</sup> In addition, the city has itself taken

---

<sup>4</sup> The Council of Canadians is a non-governmental organization, founded in 1985. The Council seeks to defend Canada, and Canadian policies, against the perceived threat from integration with the United States. See [www.canadians.org](http://www.canadians.org).

<sup>5</sup> The DRTP is a Canadian company owned by Canadian Pacific Rail and Borealis Transportation Infrastructure Trust (which itself is owned by the Ontario Municipal Employees Retirement System). The

steps to introduce its own long-term border solution. In October 2003 the city hired Toronto lawyer David Estrin to provide advice on the border file, with an additional recommendation that a transportation expert be hired to develop a border-crossing plan for the city. In 2004 the city retained traffic consultant, Sam Schwartz, to produce a report on the border issue.<sup>6</sup> This report (the Schwartz Report) was made public in January 2005 and the city has pressed for senior government support for its recommendations, including the construction of a new bridge and a new dedicated highway to provide access to this new bridge.

Third, the city is actively involved in the related decision-making concerning improvements to the border approaches on the Canadian side. In September 2002 the Canadian Government and Government of Ontario announced a commitment to spend \$300 million on improvements to the border infrastructure at the Windsor Gateway. Following public consultations and work with the municipal councils, a first phase of projects was announced in May 2004 under the *Let's Get Windsor-Essex Moving Strategy*, with a second phase announced in April 2005 (Premier of Ontario, 2005). Throughout this period, Windsor City Council has made considerable efforts to influence the projects on which the short/medium term money committed by the provincial and federal governments will be spent. Since January 2005 the City Council has sought to link this money to further the plan proposed by the Schwartz Report (see Cross, 2005a).

Thus, Windsor City Council is one participant in the policy debates surrounding the border crossing debate, and indeed has been proactive in trying to engage in these debates. As indicated by its decision to adopt the Schwartz Report, the city has not been prepared to wait for other policy actors to set the terms of the debate but has attempted to take the lead in setting the policy agenda. Some commentators argue that the city has already demonstrated its influence in shaping the decisions that have been taken so far, and in particular the decision not to link the EC Row Expressway with Highway 401, as was called for by the provincial and federal governments' Action Plan for short to medium term expenditure on the border (Canada-Ontario Joint Management Committee, 2002). With respect to the decision on EC Row, Gord Henderson, a local newspaper commentator, colourfully commented that: "This city showed that even the big boys in Ottawa and Toronto can be brought to their knees by passionate grassroots activism and effective community leadership" (2005: A3).<sup>7</sup>

The municipality's actions with respect to this policy area provide some support for the literature arguing that there is a larger municipal role in intergovernmental policy-making than would be expected from a formal reading of the Canadian constitution. Fowler and Siegel, for example, argue that the federal government is engaged with local authorities across a wide range of policy areas and that, in part because of this,

---

DRTP proposal is to convert the existing rail tunnel into a two-lane truck tunnel, and construct a new rail tunnel alongside the existing tunnel. The project intends to create a direct, truck-only link from Highway 401 to the proposed tunnel using existing Canadian Pacific rail corridors through the city. In addition, the DRTP proposal calls for the construction of customs and security clearance centre on existing rail yards.

<sup>6</sup> The Schwartz Report, available at [www.citywindsor.ca/001429.asp](http://www.citywindsor.ca/001429.asp).

<sup>7</sup> The EC Row is Windsor's one expressway that runs east-west across the city. The Joint Management Committee argued in favour of linking the east end of this expressway to Highway 401 as a short-term measure to reduce congestion on the Highway 401-Talbot Road-Huron Church Road link to the Ambassador Bridge. Windsor City Council opposes this plan on the grounds that it will convert a city street into an international truck route and that, in so doing, it will divide the city (see Hall, 2003).

municipalities are gradually obtaining “a de facto status as real governing and policy-making bodies, which provincial governments would never allow them to obtain de jure” (Fowler and Siegel, 2002: 14). This argument echoes the academic literature on the European Union, which suggests that a system of multi-level governance exists (see Goldsmith, 2003; Hooghe and Marks, 2001). In some policy sectors, at some times, local governments are securing a place in policy-making alongside senior levels of government. Local governments are not replacing senior governments as primary decision-makers in any policy sector, but they are, however, using informational resources, such as local expertise, and political resources, to develop a voice in decision-making alongside national governments and the international decision-making structures of the European Union (see van den Hoven and Sutcliffe, 2003; also Bradford, 2004).

In this North American case study, the municipal level of government is a participant in the decision-making process. It is also the case that its positions on the border crossing thus far are not in line with scholars who argue that municipal governments’ decision-making is dominated by business interests, and that municipal governments are powerless in the face of global capital. According to these arguments, municipal governments have limited capacity to take decisions that run counter to the interests of business elites (see, for example, Lake, 2002: 818). As McAllister notes: “From this perspective, local governments might be seen as little more than captive agents of private-sector forces efficiently organizing social processes for the benefit of propertied interests” (2004: 20). ‘New Urban Politics’ studies and urban regimes studies identify the mobility of global capital as a major factor constraining municipal decision-making (see DeFilippis, 1999). The fear of losing the resources provided by businesses located in their territory means that municipalities take decisions that prioritize the interests of big business (see Graham, 1995; Leo, 2002; Pendras, 2002). A number of scholars of Canadian municipalities and elsewhere highlight the role of elites, particularly business elites, as a dominant influence on municipal councils. Hamel (2002), for example, argues that consultation exercises are limited by the fact that they may be dominated by local elites who do not necessarily represent the interests of the local population as a whole. Caroline Andrew (2001: 109) has also examined the strength of the link between local government and local business, and argued that there needs to be stronger local public involvement in municipal decision-making. Similarly, there are studies of municipal government in the United States and Europe that point to the overwhelming importance of business interests in municipal decision-making (see Hill, 1996; Harding *et al.*, 2000; Hoggett, 1997; Needham, 2002). In the view of these scholars, citizen participation may be largely limited to participation by those already privileged in the political process and not representative of the local community as a whole. Villeneuve and Séguin expressed this view when they argued that, “it is well known that property owners (who generally belong to middle and high-income groups) are more likely than tenants (who tend to be poorer) to organize politically, vote at municipal elections, and, consequently, influence local governments” (2000: 548).

Windsor City Council’s actions thus far do not entirely support these arguments. The municipality’s positions on the border debate run counter to some of the main business interests in both the local and global economy. The municipality, for example, is firmly opposed to one of the major industrial players in the border debate: the

Ambassador Bridge Company.<sup>8</sup> This company's preferred reform of the border crossing has two main elements. In the first place, they argue that more time is available before the existing border-crossings, and particularly the bridge, reach their capacity (see Chen, 2005b). Thus, the Ambassador Bridge Company suggests that the costs associated with delays at the existing borders can be averted by introducing increased customs processing capacity through the construction of a new plaza in Detroit and by improving the existing access roads to the bridge (see Kidd, 2005). In the longer term, the bridge company proposes twinning the existing Ambassador Bridge as the mechanism for adding additional border-crossing capacity (Battagello, 2005d). To this end, the company has begun the process of securing planning permission and the necessary environmental assessments for a twinned bridge (Battagello, 2005e). In addition, the bridge company has already purchased substantial amounts of the property, on both sides of the border, which will be necessary for the twinning of the Ambassador Bridge (see Battagello, 2006a). The Ambassador Bridge Company thus argues that it can reduce delays at the border crossing in both the short to medium and long term. It also argues that it can do so at a substantially lower cost to taxpayers than the crossing proposal being developed by the Detroit River International Crossing team (Battagello, 2006b). In spite of these arguments, Windsor City Council is opposed to the Ambassador Bridge Company's plans.

The city has also demonstrated opposition to other business interests that have called for a quick resolution to the border crossing. This is evident, for example, through the city's opposition to the Detroit River Tunnel Partnership's (DRTP) proposal for a new border crossing. As noted above, the DRTP's proposal is to convert existing rail tracks and the rail tunnel into a truck route. Supporters of the DRTP project highlight the fact that the project would almost completely separate international truck traffic from local city traffic, it provides an alternative border route in the event of security problems at one of the existing crossings (which stands in contrast to the proposal to twin the Ambassador Bridge), and it would be largely self-financing. The main advantage stressed by supporters of the DRTP is that it is a project that can add to border crossing capacity quickly (see Watson, 2004). Major business interests, including the trucking industry and the Big 3 automakers, and union groups, expressed support for the DRTP on this basis (see Sheahan, 2003). In December 2002, the Windsor Star (the major local newspaper) argued "that the DRTP proposal represented the best way to deal with the problems of congestion and tie-ups *in a reasonable time-frame*. It would increase competition, increase capacity and, with the new train tunnel, it would make rail more competitive" (Windsor Star, 2002: A8. Emphasis added). In spite of this business support, the city has strongly opposed the DRTP proposal, a reflection of strong community opposition to the proposal (see Sutcliffe, 2005).

These two examples of Windsor City Council opposing powerful business interests indicates that contrary to the literature referred to above, the municipality is capable of developing policy positions autonomously of business interests. The examples

---

<sup>8</sup> Billionaire Manuel 'Matty' Moroun who purchased the Ambassador Bridge in 1979 owns the Ambassador Bridge Company. This is the only US-Canadian border crossing that is owned by a private individual and it has a virtual monopoly on cross-border truck traffic. By some estimates, the bridge collects \$60 million (US) per year in tolls (see Kidd, 2005). In addition to the bridge, Matty Moroun also owns extensive land on both sides of the border.

do not, however, fully negate the related argument that municipalities are incapable of preventing decisions being taken that are supported by powerful business interests. It may be argued that this is evident in the very fact that the municipality has not challenged the idea that a new border crossing is needed. The view advocated by the Council of Canadians, for example, is that it is the North American Free Trade Agreement that presents the largest challenge to the health and well-being of Windsor residents (and indeed all Canadians) and that the best course of action is to limit the extent of integration with the United States rather than to facilitate more trade through a new border crossing (see Battagello, 2005c: A5). In this view, support for the construction of any new border crossing is simply evidence that the municipality cannot resist the wider neo-liberal agenda that is supported by Conservative politicians and business elites.<sup>9</sup>

It is not necessary to accept this position to suggest that a final decision on the border crossing may be adopted, with the backing of business interests, in spite of municipal opposition. The Ambassador Bridge Company, for example, is intent on pursuing its plan to twin the existing bridge in spite of the municipal opposition and independently of the DRIC study team, which has already ruled against the twinning of the Ambassador Bridge as the recommended long-term reform of the border crossing (Battagello, 2005d). The environmental assessment process for the construction of a second span at the Ambassador Bridge has already begun (see Battagello, 2006b) and the company is intent on winning support for this option from the senior politicians that will ultimately have to approve the project. To this end, the Ambassador Bridge Company has been critical of the DRIC process, arguing that it has taken too long, been too expensive, and that the money would be better spent on improving access roads to the existing crossings (Battagello, 2006a).<sup>10</sup>

It is too early to determine whether the Ambassador Bridge Company will be successful. There are, however, indications that it does have some political support, particularly in Michigan. Michigan State Representative Shelley Goodman Taub, for example, has argued that the costs for converting Windsor's Huron Church Road into a non-stop freeway and getting rid of the stop lights would be a lot cheaper than constructing a new border crossing (Battagello, 2006c). Similarly, Detroit Mayor Kwame Kilpatrick, whose electoral campaigns have received financial support from the Ambassador Bridge Company, has openly questioned the need for a new crossing separate from the Ambassador Bridge. Instead, he has argued that the border problems can be resolved if Windsor and Ontario improve access roads to the bridge (Battagello, 2006d). It is therefore possible that the Ambassador Bridge Company will have a substantial voice in determining the future of the border crossing in spite of the opposition of Windsor City Council (see Kidd, 2005). The Detroit River Tunnel Partnership (DRTP) is similarly still working, over the objections of the municipality, to have its proposal adopted as the next border crossing. Most recently, the DRTP has proposed tunnelling significant portions of their proposed access route as a means of addressing public concerns regarding the project (Battagello, 2005f), and is fighting a

---

<sup>9</sup> See the Council of Canadians' web-site /[www.canadians.org/](http://www.canadians.org/) for many articles/arguments opposing 'deep integration' between the United States and Canada (see also Laxer, 2004).

<sup>10</sup> At joint hearings of the Michigan Senate and House Transportation Committees assessing the DRIC process, it was reported that the study process will cost in the region of \$21m (US). These hearings were held in March and May 2006 (see Battagello, 2006c).

municipal by-law that seeks to regulate the use of rail lands (Lajoie, 2006). As with the Ambassador Bridge, the possibility still exists that this proposal will be adopted in spite of the frequently expressed opposition of Windsor City Council.<sup>11</sup>

It is therefore necessary to avoid overstating the extent to which the municipality has a significant say in the decision-making process surrounding the Windsor-Detroit border crossing. Acknowledging that Windsor City Council is engaged in the decision-making process does not necessarily imply that the municipality will actually influence the final decisions taken. As Ian Bache states with respect to multi-level governance in the European Union, participation in multi-level decision-making is not the same as influence (see Bache, 1998; Bache and Bristow, 2003). Having a voice in decision-making does not necessarily mean that other actors will listen to that voice. In studies of EU decision-making, for example, it is very difficult to identify clear instances of autonomous, local government influence over decision-making.

There are reasons to suggest caution with respect to the extent of the municipality's voice in this case study. This is not a decision where the municipality enjoys autonomous decision-making capacity (see Fleurke and Willemse, 2006: 75). Indeed, many commentators have pointed to the vast network of actors that is interested and engaged in this decision (see Kidd, 2005). The president of DaimlerChrysler Canada recently expressed frustration with the number of participants in the decision-making process and with the consequent delays in reaching a final decision (see Vander Doelen, 2006). The DRIC team has already demonstrated that it will consult widely with these interested parties, including the general public (see Battagello, 2006c), and the extent of this consultation indicates that the municipality will be only one of many voices seeking to influence the final decision. The DRIC team's decisions thus far indicate, moreover, that it will not support all of the municipal government's positions. Its March 2006 decision on the options for continued study with respect to the access road to a proposed new bridge did not correspond to the city's recommendations. The DRIC rejects the access road recommended by the city's Schwartz Report – a by-pass through the Ojibway park area in the west of the city (Insert Map 3 about here) – in favour of a recommendation to develop the existing Talbot Road-Huron Church access road. The DRIC argues that the Schwartz Report by-pass has too great an impact on environmentally protected areas. This conclusion is supported by some groups within the local community (see Cross, 2005b).

Just as the Detroit River International Crossing team is not obliged to adopt all, or any, of the municipality's recommendations, neither are the senior levels of government on both sides of the border. As noted earlier, it is these governments that will take the final decisions on the border crossing and they have already indicated that they will not inevitably adopt the proposals advocated by the municipality. This has already been demonstrated by the refusal of the Canadian federal government to support key elements of the city's Schwartz Report, particularly the proposed by-pass referred to above (see Cross, 2005a). Disagreement between the municipality and the senior levels of government was also evident when the mayor and councillors refused to attend an April 2005 federal-provincial announcement of funds for environmental assessments on

---

<sup>11</sup> As with the proposal to twin the Ambassador Bridge, the DRTP will also have to overcome the opposition of the DRIC, which has ruled out the DRTP proposal on the grounds that it will add insufficient capacity and will have a substantial impact on the surrounding communities (see Battagello, 2005f).

border-related projects (Battagello, 2005g). The city politicians were opposed to these assessments because there was no explicit support for the Schwartz Report and because they feared that these assessments supported the potential use of the EC Row Expressway as an international truck route, which they opposed (Sutcliffe, 2005). Finally, both local and the state governments in Michigan have demonstrated that they have their own interests and agendas with respect to the border, and that these may not necessarily coincide with those of Windsor City Council. This was already noted above with respect to the policy statements of Detroit Mayor Kwame Kilpatrick, and his suggestions that the main border reform needed is the improvement of the existing Canadian access roads.

In sum, this is an immensely complicated policy decision, involving a large number of interested parties and decision-makers. The municipality has been one of the active participants in the policy debates, and yet there are reasons to question its capacity to exert influence over the final border decisions. The municipality is not the final decision-maker and there are many other interested parties with positions that are not identical to those of the municipal government. There are also limits to the resources that the local municipality has available to influence the final decisions. Windsor City Council has, for example, expertise on issues relating to the border crossing and has added to this by hiring Sam Schwartz, a well-respected traffic engineer. Mayor Eddie Francis publicly commented on this expertise in stating that: “We believe the best plan is the one created by the *world expert* Sam Schwartz” (quoted in Battagello, 2005g: A13, emphasis added). The city, nevertheless, does not have a monopoly of expertise on this issue.<sup>12</sup> Finally, the city does not have the strength of a unified municipal position supported by all members of the local community. Although the council has developed a clear position (the Schwartz Report) that it is presenting to the other participants in the decision-making process, this position is not universally accepted within the local community. Citizens’ groups have been formed in opposition to the Schwartz Report because of its impact on environmentally sensitive areas. Other citizens’ groups support the DRTP proposal (Battagello, 2004). Inevitably, given the volume of traffic involved, every proposed crossing alternative generates community opposition from those most directly affected. In this context, it is virtually impossible for the municipality to present a proposal that enjoys universal support in the local community. Its bargaining power is therefore weakened.

### **Should the Municipal Government be Influential?**

The final question to be addressed in this paper is whether the municipal government should have an influential voice in this decision-making process, regardless of whether it does in fact exert influence. At both a practical and theoretical level it is possible to argue that the municipal voice should be limited. A number of commentators, from different ideological perspectives, have argued that the decision-making process is too slow and that effective leadership is required to accelerate the decision-making. This is the argument made by DaimlerChrysler Canada President, Steven Landry, who stated: “I don’t know who the leader should be, but somebody needs to step forward and make it

---

<sup>12</sup> Some voices are being raised, even within Windsor City Council, questioning the amount of money the municipality is spending on legal and expert advice on the border file (Battagello, 2005h). The amount spent is in the region of \$1.7 million, which is limited in comparison to the amount being spent on the Detroit River International Crossing studies.

happen” (quoted in Vander Doelen, 2006: C7). From a different perspective, Windsor NDP MP, Brian Masse, has also commented on the slow speed of decision-making with respect to the border: “...I have become used to delay and obfuscation, promises made until they are broken, inaction posed as investigation, neglect presented as planning and progress” (Masse, 2006: A6). It is possible to argue that one mechanism for reducing the delay is to reduce the amount of consultation and allow the senior governments to take the decision quickly. This was one of the conclusions of the Canadian Standing Senate Committee on National Security and Defence report into border security (Senate Committee on National Security and Defence, 2005). The Committee Chair, Senator Colin Kenny, argued that construction of a new border crossing needs to be expedited in order to protect against a potential terrorist attack against the existing crossings. According to Kenny the border issue is of such importance to Canada that it may be appropriate for the federal government to “have the power to act unilaterally” (quoted in Chen, 2005a). The report concludes that: “We cannot afford to allow the process to get bogged down in the local politics of Windsor-Detroit” (Senate Committee on National Security and Defence, 2005: 59).

In this argument, the importance of the issue dictates that the federal government should be able to provide assertive leadership, even if this runs contrary to municipal government interests. The contention here is that the greater good of the Canadian, and North American economies, should not be subverted by the parochial interests of the municipality. In a very different context, Robert Lake has argued in favour of a significant role for central government in policy-making (2002). In Lake’s view, the resources of the central government can be used to produce decisions that are in the greater good of society as a whole. “The principal reason to bring back big government is that the national state is the scale of the state institution best able to marshal the political, discursive and material resources necessary to achieve goals of social justice, defined as a decrease in income inequality, at local, national and global scales” (Lake, 2002: 815). Lake’s arguments can be applied to the border crossing. If business groups dominate decision-making, they may take decisions in their self-interest, rather than the interest of the community. In such a situation, it might be argued that senior governments are best placed to act in the interests of the community.<sup>13</sup>

At the same time, however, it can be argued that there is a place for the municipality in this decision. It is clearly not the case that the municipality alone should take the final decision given the number of interests throughout North America affected by the decision on the Windsor-Detroit border. It is also the case that the municipality is not going to pay the financial costs of the reform of the border crossing. Nevertheless, the municipality does have the right to be consulted about the implications of the border crossing for the local community, and to provide a voice for the local community, which will be significantly affected by the decisions made on this issue. As some proponents of the multi-level governance perspective argue, it should not be a case of one level of

---

<sup>13</sup> Elements of this argument are made by citizens’ groups on both sides of the border. Some of these groups object to the activities of the Ambassador Bridge Company. Margaret Garry (vice-president of Mexicantown Community Development Corp.), for example, complains that “the Ambassador Bridge is privately owned by a company that considers impacts to its bottom line at the expense of the community where it does business” (quoted in Battagello, 2005i). Mary Ann Cuderman, spokeswoman for West Windsor Truck Watch, expresses similar views.

government or another making the final decision. It is the case, rather, that all levels have something to add to the decision-making process. Neil Bradford makes this argument in suggesting that a revamped “intergovernmental interface”, with a larger role for municipal government, will increase Canada’s capacity to respond to policy problems (2004: 41). Bradford continues by arguing that the municipalities are best placed to engage with citizens in determining local priorities and also “know best how and where to invest in physical and social infrastructure” (Bradford, 2004: 42).

In this case, then, the municipality needs to be consulted and included in decision-making as part of a wide network of multi-level governance. This may complicate and slow the decision-making process, but it arguably will result in a better final decision and one that is more readily acceptable to the local community where the infrastructure project will be constructed. This conclusion is supported by a number of opinion surveys, which indicate that local government is often more trusted than the provincial or federal levels of government (Cameron, 2002: 307). The 2003 annual survey carried out by the Centre for Research and Information on Canada found that 45% of respondents felt that local government should be given more power as compared to 32% who felt the provinces need more power and 14% who felt the same way about the federal government (CIRC, 2003). A 2005 report to Infrastructure Canada reached a similar conclusion. It found that over half of Canadians have “much more positive view of their local government’s performance (in comparison with the provincial or federal governments) addressing the concerns of their community” (Infrastructure Canada, 2005: 70).

The inclusion of the affected municipalities in decision-making (alongside other interested actors including the general public) is also supported by a study of megaprojects (see Flyvbjerg et al, 2003). Flyvbjerg *et al* argue that megaprojects (such as a new Windsor-Detroit border crossing) are often subject to significant problems, including massive cost overruns and limited public support (2003: 3). They continue by arguing that these problems are in part the result of special interests dominating the process of project development; these interests include contractors and politicians, who are rarely in office once the real costs of a project are realised (Flyvbjerg et al, 2003: 43-4). They argue that one mechanism for dealing with the problems associated with megaprojects is the facilitation of greater public involvement in the development process. They suggest that “[p]articipation should be as representative as possible” with governments taking “an active role in identifying, inviting and balancing stakeholder and civil society groups, so that all relevant groups get an opportunity to participate, and no one group gets to capture and dominate” the development process (2003: 111-2).

There is, therefore, a case to be made for the inclusion of the municipality as one voice representing the local community in the decision-making process. While the city council is well placed to represent the community, it need not be the only voice for the local community. As the term indicates, multi-level governance implies more than just the engagement of governments in decision-making (see Hambleton, 2002). It suggests that local governments are engaged in decision-making alongside other governments as well as private and public groups. As Hambleton argues, the process of decision-making is “interactive because no single agency, public or private, has the knowledge and resource capacity to tackle the key problems unilaterally” (2002: 150). In the case of the Windsor-Detroit border, it is to be hoped that a more effective and more legitimate

decision can be reached through the inclusion of municipalities as one voice, not the only voice, representing the local community.

### **Conclusion**

The reform of the Windsor-Detroit border is an important issue. It is also a complicated issue that requires a series of decisions affecting a large number of parties. One of the parties that will be greatly affected is the community where the current border crossings, and the proposed future crossing sites, are located: Windsor, Ontario. For this reason, the municipal council has a duty and a right to be engaged in the decision-making process in order to help protect the interests of the local residents. It is also possible to argue that this engagement will help to facilitate a better final decision, as well as one that will be more likely to be seen as legitimate by local residents.

At the same time, it is necessary to be cautious about the possible impact of municipal engagement in this decision-making process. While the municipality has taken many steps to participate in the process, there is no guarantee that this participation will turn into concrete influence over the final decisions. Given that the long-term border crossing decision is an international issue affecting communities in the United States as well as Windsor and the surrounding county, and that a Detroit River International Crossing team representing the governments of Ontario, Canada, Michigan and the United States will make a final proposal, with the final decision being taken by these governments, it is potentially unwise for Windsor City Council to suggest that a 'made-in-Windsor' solution is possible. Multi-level participation that involves municipalities does not inevitably translate into multi-level governance.

### **References**

Andrew, C. (2001), 'The Shame of (Ignoring) the Cities', *Journal of Canadian Studies*, 35.4: 100-110.

Bache, I. (1998), *The Politics of European Union Regional Policy: Multi-Level Governance or Flexible Gatekeeping?*, Sheffield: Sheffield Academic Press.

Bache, I. and Bristow, G. (2003), 'Devolution and the Gatekeeping Role of the Core Executive: The Struggle for European Funds', *British Journal of Politics and International Relations*, 5.3: 405-427.

Battagello, D. (2006a), 'Kill border study, bridge firm urges', *Windsor Star*, 15 May: A3.

Battagello, D. (2006b), 'Bridge forges ahead with twin span', *Windsor Star*, 27 April: A1; A4.

Battagello, D. (2006c), 'DRIC on hot seat in Lansing hearing', *Windsor Star*, 24 March: A3.

Battagello, D. (2006d), 'No new crossing needed, Kilpatrick says', *Windsor Star*, 25 March: A1; A8.

Battagello, D. (2005a), 'Border muddle feared', *Windsor Star*, 14 June: A1; A5.

Battagello, D. (2005b), 'Border group focuses on final option', *Windsor Star*, 6 Oct.: A2.

Battagello, D. (2005c), 'Barlow warns of NAFTA toll', *Windsor Star*, 12 Jan.: A5.

Battagello, D. (2005d), 'Bridge says border study won't halt expansion plan', *Windsor Star*, 21 Oct.: A1; A4.

Battagello, D. (2005e), 'Assessment launched for plan to twin the bridge', *Windsor Star*, 23 Dec.: A1; A4.

Battagello, D. (2005f), 'DRTP's future 'bright' former mayor insists', *Windsor Star*, 3 Dec.: A3.

Battagello, D. (2005g), 'City to snub border plan', *Windsor Star*, 21 April: A1; A13.

Battagello, D. (2005h), 'Legal fees under review', *Windsor Star*, 30 Aug.: A2.

Battagello, D. (2005i), 'Bridge expansion still in cards', *Windsor Star*, 24 Nov.: A2.

Battagello, D. (2004), 'Pro-DRTP flyer angers opponents', *Windsor Star*, 1 June: A2.

Belzer, M.H. (2003), 'The Jobs Tunnel: The Economic Impact of Adequate Border-Crossing Infrastructure', *Report Commissioned by the Detroit River Tunnel Partnership*, Nov. 2003.

Bradford, N. (2004), 'Place Matters and Multi-level Governance: Perspectives on a New Urban Policy Paradigm', *Policy Options*, 30.1: 39-44.

Cameron, K. (2002), 'Some Puppets; Some Shoestrings! The Changing Intergovernmental Context', in C. Andrew, K.A.Graham and S.D. Phillips (eds.), *Urban Affairs: Back on the Policy Agenda*, Montreal: McGill-Queen's University Press, pp. 303-8.

Canada-Ontario Joint Management Committee (2002), *Windsor Gateway: An Action Plan for a 21<sup>st</sup> Century Gateway*, Toronto-Ottawa: Government of Ontario-Government of Canada.

- Canada-United States-Ontario-Michigan Transportation Partnership (2002), *Transportation Problems and Opportunities Report: Working Paper*.
- Centre for Research and Information on Canada (CIRC) (2003). *Annual Publius Survey on Attitudes Towards Federalism*, CIRC.
- Chen, D. (2006), 'Parks to replace rails', *Windsor Star*, 2 May: A1.
- Chen, D. (2005a), 'Senate report urges new crossing by 2011', *Windsor Star*, 16 June: A1; A4.
- Chen, D. (2005b), 'Bridge questions volume of traffic', *Windsor Star*, 21 May: A1; A4.
- Cross, B. (2005a), 'Mayor blames feds for sabotaging plan', *Windsor Star*, 22 April: A4.
- Cross, B. (2005b), 'Truck route draws fire', *Windsor Star*, 14 May: A5.
- Cross, B. (2003), "Talbot Road residents hail border plan," *Windsor Star*, 28 May: A5.
- DeFilippis, J. (1999), 'Alternatives to the "New Urban Politics": Finding Locality and Autonomy in Local Economic Development', *Political Geography*, 18: 973-90.
- Detroit River International Crossing Study (DRIC) (2005), *Transportation Planning and Needs Report*, Draft, Nov. 2005.
- Fleurke, F. and Willemse, R. (2006), 'Measuring Local Autonomy: A Decision-making Approach', *Local Government Studies*, 32.1: 71-87.
- Flyvbjerg, B., Bruzelius, N. and Rothengatter, W. (2003), *Megaprojects and Risk*, Cambridge: Cambridge University Press.
- Fowler, E.P. and Siegel, D. (2002), 'Introduction: Urban Public Policy at the Turn of the Century', in Edmund P. Fowler and David Siegel (eds.), *Urban Policy Issues: Canadian Perspectives*, Oxford: Oxford University Press, pp.1-16.
- Goldsmith, M. (2003), 'Variable Geometry, Multilevel Governance: European Integration and Subnational Government in the New Millennium', in K. Featherstone and C.M. Radaelli (eds), *The Politics of Europeanization*, Oxford: Oxford University Press.
- Graham, S. (1995), 'Introduction: The City Economy', in P. Healey, S. Cameron, S. Davoudi, S. Graham and A. Madanipour (eds.) *Managing Cities: The New Urban Context*, Chichester: John Wiley.
- Graham, K.A., Phillips, S.D. and Muslove, A.M. (1998), *Urban Governance in Canada: Representation, Resources, and Restructuring*. Toronto: Harcourt Brace.

- Hall, D. (2003), 'Border option gets cool reception', *Windsor Star*, 23 July: A3.
- Hambleton, R. (2002), 'The New City Management', in R. Hambleton, H.V. Savitch and M. Stewart (eds), *Globalism and Local Democracy: Challenge and Change in Europe and North America*, Basingstoke: Palgrave, pp.147-168.
- Hamel, P. (2002), 'Urban Issues and New Public Policy Challenges: The Example of Public Consultation Policy in Montreal', in C. Andrew, K.A. Graham and S.D. Phillips (eds.), *Urban Affairs: Back on the Policy Agenda*, Montreal: McGill-Queen's University Press.
- Harding, A., Wilks-Heeg, S., and Hutchins, M. (2000), 'Business, Government and the Business of Urban Governance', *Urban Studies*, 37.5-6: 975-994.
- Henderson, G. (2005), '3 down, 1 to go', *Windsor Star*, 17 Nov.: A3.
- Hill, P. (1996), *Dallas: The Making of a Modern City*, Austin: University of Texas Press.
- Hoggett, P. (1997), *Contested Communities. Experiences, Struggles, Policies*, Bristol: The Polity Press.
- Hooghe, L. and Marks, G. (2001), *Multi-level Governance and European Integration*, Lanham: Rowman & Littlefield.
- Infrastructure Canada (Cities Secretariat) (2005), *National Overview of Findings from a National Survey on the Quality of Life in Canadian Communities*, Ottawa, [//www.infrastructure.gc.ca/ndcc/cities/cities\\_study/toc\\_e.shtml](http://www.infrastructure.gc.ca/ndcc/cities/cities_study/toc_e.shtml)// accessed 15 April 2005.
- Kidd, K. (2005), 'Billionaire's Bridge', *Toronto Star*, 13 Nov.: A10.
- Lajoie, D. (2006), 'City lawyer slams DRTP road plan', *Windsor Star*, 17 May: A3.
- Lake, R.W. (2002), 'Bring Back Big Government', *International Journal of Urban and Regional Research*, 26.4: 815-822.
- Laxer, J. (2004), *The Border: Canada, the US and Dispatches from the 49<sup>th</sup> Parallel*, Toronto: Anchor Canada.
- Leo, C. (2002), 'Planning Aspirations and Political Realities', in E.P. Fowler and D. Siegel (eds.) *Urban Policy Issues*, Oxford: Oxford University Press.
- Masse, B. (2006), 'Border strategy: Trade, tourism and security', *Windsor Star*, 6 May: A6.
- McAllister, M.L. (2004), *Governing Ourselves? The Politics of Canadian Communities*, Vancouver: UBC Press.

Needham, C. (2002), 'Consultation: A Cure for Local Government', *Parliamentary Affairs*, 55.4: 699-714.

Ontario Ministry of Transportation (2002), "\$300 million Canada-Ontario Investment at the Windsor Gateway," *News Release*, Toronto, 25 September.

Pearson, C. (2005), 'Firms seek quicker fix', *Windsor Star*, 28 January: A5.

Pearson, C. (2004), 'Take charge, PM tells city; No border fixes without Windsor's okay, he vows', *Windsor Star*, 13 March: A1.

Pendras, M. (2002), 'From Local Consciousness to Global Change: Asserting Power at the Local Scale', *International Journal of Urban and Regional Research*, 26.4: 823-833.

Premier of Ontario (2005), 'Canada and Ontario announce major steps to improve the Windsor-Detroit Gateway', *News Release*, 21 April 2005.

Senate Committee on National Security and Defence (2005), *Borderline Insecure*, An Interim Report, June 2005, Ottawa.

Sheahan, M. (2003), 'DRTP Tradeway will effectively address border traffic concerns', *Windsor Star*, 17 February: A7.

Sutcliffe, J.B. (2005), 'Public Participation in Local Politics: The Impact of Public Consultation on the Windsor-Detroit Border Decision Making Process', Paper presented at the Annual Meeting of the Canadian Political Science Association, London, Ontario, Canada: June 2005.

Swyngedouw, E., Moulaert, F. and Rodriguez, A. (2002), 'Neoliberal Urbanization in Europe: Large-scale Urban Development Projects and the New Urban Policy', *Antipode*, 34.3: 542-577.

Turbeville, D.E. and Bradbury, S.L. (2005), 'NAFTA and Transportation Corridor Improvement in Western North America: Restructuring for the Twenty-First Century', in H. N. Nicol and I. Townsend-Gault (eds), *Holding the Line: Borders in a Global World*, Vancouver: UBC Press.

Van Den Hoven, A. and Sutcliffe, J.B. (2003), 'Subnational lobbying and the Structural Funds: A French-Scottish Comparison', *Local Government Studies*, 29.2: 107-35.

Vander Doelen, C. (2006), 'Landry calls for action on ending border woes', *Windsor Star*, 17 May: C7.

Villeneuve, P. and Séguin, A-M. (2000), 'Power and Decision-Making in the City: Political Perspectives', in T. Bunting and P. Fillion (eds.), *Canadian Cities in Transition: The Twenty-First Century*, 2<sup>nd</sup> edition, Oxford: Oxford University Press.

Watson, T. (2004), 'Bottleneck City', *Canadian Business*, 77(8); 55.

Windsor Star (Editorial) (2002), 'The border; keeping perspective', *Windsor Star*, 28 December: A8.