

## Facts mangled to fabricate case for jailing of two bridge tollers in Detroit - the Michigan media disgrace

Posted on Tue, 2012-01-17 12:37

**AMBASSADOR BRIDGE DISTORTION GATEWAY PROJECT JAILING**

**Detroit Free Press** Virtually without exception reporters, columnists and editorial writers in Detroit are big fans of Jailin judge Prentis Edwards and insist he did the right thing to send Manuel 'Matty' Moroun and Dan Stamper of the Ambassador Bridge company to the Wayne County lockup last Thursday. For the local press it's a simple morality play in which the state and the law are the white knights of virtue and the capitalist bridge tollers are the dark villains.

The Detroit Free Press ran a cartoon of a jolly jailer happily waving ole Matty Moroun into a jail cell with an empty caption for a pin-the-abuse-on-Matty contest. The journalists' fun was ended after 30 hours when a state appeals court over-ruled the Jailin Judge Friday, and ordered the two tollers' release.

But over the weekend the local hacks returned to their beatup of the bridge company execs in a renewed campaign to endorse Edwards' verdict and lay the emotional ground for the next round of prosecution. Again the Detroit Free Press was leading the lynch mob of radio, TV, and print.

"Moroun's unfinished ramps force trucks into neighborhoods, disrupting community" was the main headline of the Detroit Free Press.



Their report led off: "Trucks bound for Detroit from Windsor are not using a ramp that was designed to carry them from a customs inspections facility on the U.S. side of the Ambassador Bridge directly to I-75 or I-96. That ramp is not finished - in fact, there's a big gap with only steel beams painted a sage green color.

### Moroun's unfinished ramps force trucks into neighborhoods, disrupting community

**Detroit Free Press misreports**

The so-called 'Detroit Free Press' article, which claims that the Ambassador Bridge is a 'major transportation bottleneck' and that the 'state' is responsible for the 'traffic' is a total fabrication. The bridge is a major transportation facility and the 'state' is not responsible for the 'traffic'.

And big rigs headed to Ontario from Detroit can't take advantage of two new exit ramps that would more efficiently move them and their cargo from the freeways to the bridge, adding to border traffic congestion. Several completed ramps are still closed, the state contends, because Manuel (Matty) Moroun's company that operates the bridge improperly built the plaza that was supposed to manage bridge traffic.

"The impact of the lengthy battle between the state and billionaire Moroun over unfinished ramps and plaza design is perhaps best illustrated by seeing where heavy truck traffic ends up as drivers try to get from interstates to Canada across the bridge, and vice versa to deliver their goods."

Natasha Thomas: "Even her neighborhood would be a much quieter place if the project had been completed following the time frame and design the state set out in 2004. Instead, heavy trucks pound through southwest Detroit, rattling residents awake at times, she said."

"Natasha Thomas figures her neighborhood would be a much quieter place if the project had been completed following the time frame and design the state set out in 2004. Instead, heavy trucks pound through southwest Detroit, rattling residents awake at times, she said."

And so the story continues the narrative of the big bad capitalist villains being responsible for the big rigs rumbling through local neighborhoods and disturbing the peace of Natasha Thomas and her neighbors.

But the Detroit Free Press report is rubbish.

It's a total inversion of the facts.

The big gap in the ramp with no deck and only steel beams painted the sage green is immediately outside Ambassador Bridge company property and part of the project that is the responsibility of MICHIGAN DOT. The bridge company has had its portion of the ramp complete for some months, a fact that seems to have eluded the Jailin Judge who heard no testimony on the state of work and has never visited the site to see it - disgraceful negligence by a judge who has made a mockery of Michigan "justice."

And the Detroit Free Press completely misreports the situation. It's own graphic of the divide of responsibility of the project shows the missing ramp is on MDOT turf and an MDOT obligation under the contract.

A Michigan DOT official concedes to TOLLROADSnews that the Detroit Free Press report is mistaken.

He agrees that the state is responsible for the missing ramp, not the bridge company as the Detroit Free Press falsely reports.

The MDOT official tells TOLLROADSnews that to build the ramp bridgework the state needs to install piers just a foot or so inside bridge company property. He blames the state's delay in completing the ramp on the bridge company lawyers being slow to grant legal title to the foot or two of land inside bridge company property for the piers.

For its part the bridge company says it has completed all the ramp work required by its contract with the state, and they tell us they think they've done all the legal paperwork to allow the state DOT to move on the missing bridging.

Three features of the Ambassador Bridge Gateway project are sending the big rigs through Natasha Thomas' neighborhood and all three are located firmly in Michigan DOT territory and outside the control of the bridge company - contrary to the Detroit Free Press propaganda.

These are:

(1) the unfinished elevated ramp of sage green girders and no deck immediately north of the finished bridge company structure and a Michigan DOT responsibility

(2) a barrier on the new MDOT offramp from I-75N for Canada-bound trucks completely under MDOT control

(3) a barrier on the new I-75 South offramp providing direct route in to the bridge plaza

MDOT says that the two barriers remain because the bridge company (DIBC) has still not built a contractually required overpass of 23rd Street. And a set of drawings they show going back several years indeed show an up-&-over bridge going over a 23rd Street cul de sac.

But 23rd Street no longer exists.

There is no street to overpass.

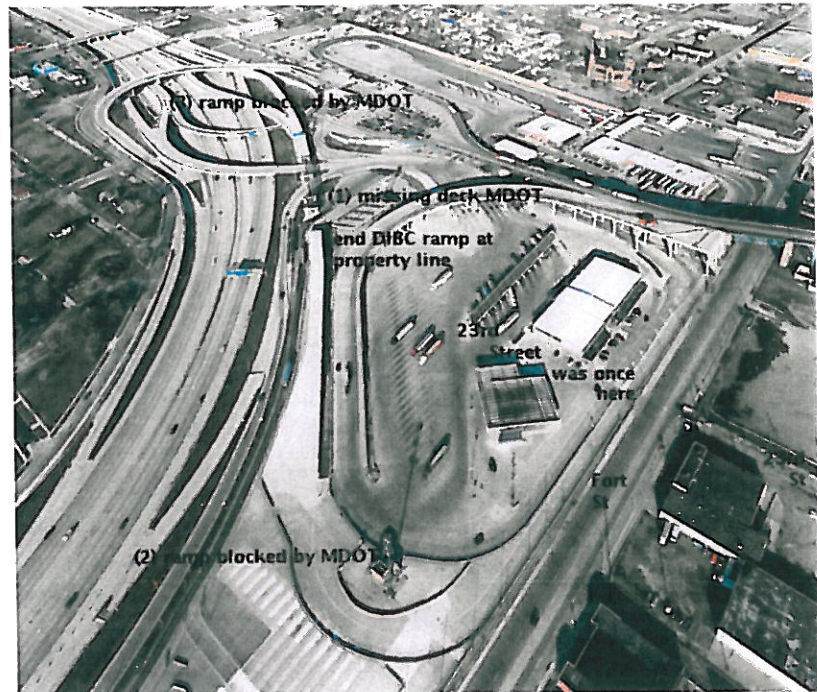
In recent years the bridge company bought the several properties on 23rd Street north of Fort Street, demolished sheds and other buildings on the lots and incorporated it all into their expanded plaza area. No 23rd Street exists to need overpassing.

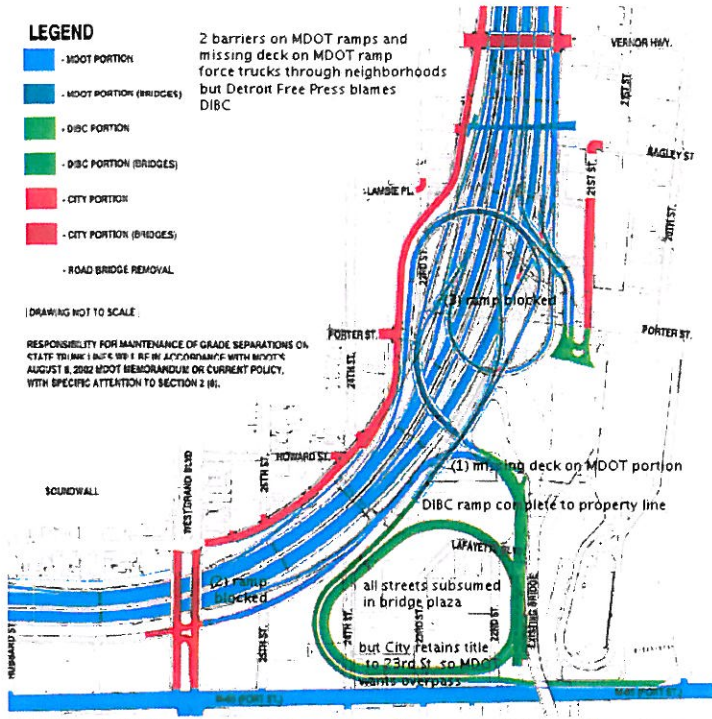
You can see this in the aerial photo which apparently the Jailin Judge doesn't wish to view or his fans in the local press corps.

Our MDOT guy readily agrees there is no functional requirement for the 23rd Street overpass, but he says there is still a legal requirement. That's because the City of Detroit has not legally ceded 23rd Street title to the bridge company. He says the City is using legal title over the non-existent 23rd Street as leverage in a separate dispute the City has with the bridge company over their use of parkland.

MDOT says as long as the City refuses to cede legal title to the disappeared 23rd Street the state agency has to stick to plans that are part of its contractual agreements with the bridge company. It is the bridge company's duty to settle its parkland problem with the City and get the City to cede legal title to the street.

Apparently then MDOT will consider forgiving the bridge company the duty to build a 23rd Street overpass.





The Gateway Project is supposed ease traffic congestion and improve connectivity to area highways. As you can see here, there are several partners involved in completing the project. Judge Edwards says Moroun's company has not done the work properly - the judge has not taken testimony since DIBC works in the fall, and didn't visit to look at facts on the ground before jailing Moroun and Stamper

"Contract 2004-0213 Ambassador Bridge Gateway Project Agreement" it is way short of working drawings to be built to.

Paragraph 1 has "Agreement on project design concept" stating that the objectives of the project are to:

- (1) improve direct connections between the bridge and the state trunkline roads with those named being I-75, I-96, Clark and Fort streets. The agreement, note, provides for trucks to continue using Fort Street and other non-interstates - going through neighbors to some extent.
- (2) accommodate a potential future second span of the Ambassador Bridge
- (3) accommodate access to a new welcome center

A key objective of the whole Gateway project was explicitly to allow for a second span, though MDOT has turned a somersault on that, and it is the bridge company that gets accused of wrongdoing through building its portion with a stub ramp for the new span.

I'm frankly shocked by the next aspect of the great Contract because I was wrong too.

Like all the other reporters - and of course the awful Jailin' Judge - I thought until this morning that the bridge company had signed onto a contract which clearly made the design of its part of the Gateway Project subordinate to Michigan DOT. I also fault the bridge company's own lawyers and bridge company officials for failing to assert their rights under the contract in constantly saying they are trying to do what MDOT wants.

Par 5 page 6 under Project design responsibilities says that each party is responsible for base, preliminary and final design for "that party's portion of the project." Note it doesn't say the state does all the design and the bridge company must build to that.

Under Par 8 p7 certain parts of the project are subject to acceptance by the other party in their detailed design, but here the parties are characterized as equal in standing, not as the bridge company subordinate to the state.

Only then will the Jailin Judge be taken off the tails of Matty and Dan!

The wild west farce of jailing the bad ole boy Matty, and his sidekick Dan to teach them a supposedly deserved lesson in obeisance to lawful authority has only been made possible by a bunch of lynch mob reporters disgracing their profession with crass partisanship. These hacks carefully avoid both concrete facts on the ground - the location of the missing deck, the MDOT barriers, the lack of any 23rd Street to overpass - and also the nature of the contract that the white knights of the state claim the baddies so stubbornly resist.

And they never quote from the DMOT-DIBC contract, interestingly.

To actually read the famous Contract of April 27, 2004 that the Jailin' Judge expresses such frustration over the DIBC's failure to fulfill is to understand that it left lots of discretion to both parties and lots of room for differences of opinion. In many places it is statements of aims.

On letterhead of Governor Jennifer Granholm and Gloria Jeff director, on old letterhead of the State of Michigan, Department of Transportation it is titled



Mr. Dan Stamper  
Detroit International Bridge Company  
12225 Stephens Road  
Warren, Michigan 48099

Dear Mr. Stamper:

**Contract 2004-0213  
Ambassador Bridge Gateway Project Agreement**

Enclosed is the fully executed copy of the above noted contract, dated April 23, 2004

If you have any questions, please feel free to contact me at 517/373-4468

Sincerely,

Judy Krausz  
Contract Analyst

Enclosure

Thus: "The parties shall mutually approve base and final design plans... Each party shall provide written notice to the other party of its approval, approval with comment, or disapproval... Each party shall be provided a reasonable opportunity... Consents and approvals required by either party.. shall not be unreasonably withheld, conditioned or delayed."

The Contract is stated as an agreement between equals and nowhere is there any commitment to follow the narrative of subordination to state dictat that the Jailin Judge and his local media cheer boys portray as proper behavior by DIBC. I got carried along by that too. Like so much else on this dispute it turns out flat wrong.

Copy of the contract:

<http://tollroadsnews.com/sites/default/files/TheContract20040427.pdf>

TOLLROADSnews 2012-01-17

<b>Attachment</b>	<b>Size</b>
<a href="#">TheContract20040427.pdf</a>	1.24 MB

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