

## APPENDIX II

### Problems of International Bridges

The following problems have been identified in relation to international bridges between Ontario and the U.S.A.:

1. Lack of any legislative authority for construction, operation and maintenance of the Canadian half of the bridge.

This situation arose mainly because at the time, the Province of Ontario was unwilling to recognize Federal authority in the field and the Federal Government did not press the issue. The three bridges in the Niagara Falls area form this category with minor variations. The construction of the Lewiston-Queenston Bridge was authorized by Federal legislation but no authority was given for operation and maintenance. In the case of the Rainbow Bridge, there was no Federal legislation authorizing either construction or operation. The sale of the Whirlpool Bridge by the former owner was authorized, but there was no legislative authority for the present owner to acquire or operate the bridge. In all three cases, however, the Ontario Government issued a licence under the Extra Provincial Corporations Act allowing the bridge authority to do business in Canada. One effect of the lack of legislative authority is that the eventual reversion of the three bridges cannot be considered definite, and problems could develop around this issue. The only indication that there is a Canadian reversionary interest is contained in a Joint Resolution of the U.S. Congress, and this can hardly be considered a satisfactory basis. It should perhaps be mentioned that the reversionary provisions would only take effect in 2000. The absence of Canadian legislation also brings into question the right of the Bridge Commission to levy tolls on unauthorized structures. Furthermore, the fact that there is no real contact between the Federal Government and the Bridge Commission means that the constitutional authority is largely ignored.