

BRIEF

FROM PARK'N FLY

**(operated by FBT DORVAL INC.
and GROUP PACKAGING INC.)**

concerning MTQ's project to :

***“IMPROVE GROUND TRANSPORTATION INFRASTRUCTURES
NEAR MONTREAL-TRUDEAU AIRPORT.”***

**Presented to the Bureau d'audiences
publiques sur l'environnement**

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1. DESCRIPTION OF THE COMPANIES AND THE BUSINESS KNOWN AS PARK'N FLY

The companies FBT DORVAL INC. and GROUP PACKAGING INC. are the owners of various lands located on Michel-Jasmin, Côte-de-Liesse and Marshall in the City of Dorval in the vicinity of the airport. The exact location of these lands are identified in a map annexed hereto as **Annex 1**.

Both companies are currently operating parking facilities on these lands under the registered name "Park'N Fly". The parking operations offered by these companies are aimed at the users of the airport. As such, the business offers the service of parking of cars with the shuttle service to and from the airport to all its customers. It also offers to the ones interested a valet service whereby the customers leave their cars in front of an office building for them to be parked by the employees of Park N' Fly while there luggage are loaded on the shuttle by other employees. The cars are later brought to the office building of the parking lot upon a call of the customer from the airport after is or her arrival. In addition to the above, one of the big advantages of this service is that the access to the cars parked are very limited and the cars remain under the constant surveillance of Park N' Fly, thus avoiding any risk of theft or vandalism, which are common in any airport parking lots due to the prolonged absence of the car owners.

These parking lots and the related buildings were constructed in 2002 and 2003 and the Park'N Fly business started its operation during the summer of 2003. The self serving parking facility located on Michel-Jasmin can accommodate 250 cars, while the valet parking facility located on Marshall and Côte-de-Liesse can accommodate 1900 cars.

The Park'N Fly business is also offered by affiliated companies of the two aforementioned companies in numerous cities in Canada, namely Toronto, Ottawa, Vancouver and Edmonton. In some of these facilities additional services to the one described above are offered, such as the registering of luggage and issuance of boarding pass. It is the intention of the owners of the Montreal companies to eventually offer the same kind of services to their Montreal clients.

In light of the foregoing, it is clear that the access to their land by the users, as well as the access between those lands and the airport, is crucial to the viability of their business. Consequently, Park'N Fly is greatly concerned with the huge impact that the project proposed by the Ministry of Transport of Quebec will inevitably have on its business and the value of its land.

2. STATUS OF THE PARK'N FLY'S OPERATIONS

After more than two full years of operation and sustained publicity, we can now say that the Park'N Fly operations in Montreal are running smoothly. It is also accurate to say that the implementation of the Park'N Fly in Dorval is the result of a long battle which took place over more than a decade and required a huge amount of efforts and perseverance from the part of the current owners.

In summary, the first land was purchased in 1989 by FBT Dorval Inc., which intended to transform the operations of storage of petroleum products that used to take place on the land into a Park'N Fly as soon as the lease would expire in 1992. This intention was discussed with the representatives of Dorval, including the mayor. However, after the purchase of the land and prior to the end of the lease, the City of Dorval modified its Zoning By-law to prohibit any parking lot business to implement itself on the territory of Dorval. A legal battle was therefore initiated by the companies in order to get the construction permits for the three pieces of land that were purchased for that purpose. On January 30, 2001, the tribunal declared the Zoning By-law null and void and granted Park'N Fly's request by ordering the City of Dorval to issue the construction permits required to implement the three Park'N Fly businesses. A copy of said judgment is annexed hereto as **Annex 2**. In rendering the judgment, the Court emitted the following comments on the attitude of the City and, namely, the mayor:

"[53] On peut cependant se poser de sérieuses questions sur l'attitude de la Ville dans tout ce dossier. Selon une preuve prépondérante, les représentants des requérantes ont rencontré le maire de la Ville en mars 1989 pour l'informer de leur projet. Ce dernier n'a alors aucunement indiqué que ce genre d'activités prévues par les requérantes pouvait causer un problème à la Ville. Quelques mois plus tard, lors d'une autre réunion, le maire n'a soulevé aucune difficulté particulière.

[54] Plus tard, lorsque la Ville était sur le point de construire un viaduc près d'un des terrains des requérantes, on leur a suggéré une rencontre avec les autorités de la Ville pour s'assurer que le projet de la Ville ne nuirait pas à leurs opérations.

[55] Plus encore, on a obligé les requérantes à procéder à la décontamination du site « Michel-Jasmin » au départ de la compagnie Texaco.

[56] *On peut également se poser de sérieuses questions sur la position officielle de la Ville à l'effet que les requérantes pouvaient opérer leur commerce dans d'autres zones que celles où sont situées leurs trois sites, alors que la position de certains représentants de la Ville et notamment celle du maire a toujours été, selon une preuve prépondérante, que les requérantes ne pourraient jamais opérer leur activité « Park'N Fly » à l'intérieur des limites de la Ville. Le procès-verbal de constat de l'huissier Jean Jobin, produit en preuve, corrobore en quelque sorte cette prise de position puisqu'on y constate que monsieur Mario St-Jean, responsable des permis, a immédiatement informé les représentants des requérantes au moment où ils déposaient les demandes de permis, que ceux-ci seraient refusés vu le zonage de la Ville, avant même d'avoir examiné ces demandes. Quant au maire, il a réaffirmé que la Ville refuserait les permis et qu'il n'y aurait pas de « Park'N Fly » à Dorval.*

[57] *Il semble donc que le maire et la Ville, n'étaient aucunement intéressés à ce que les requérantes opèrent leur activité « Park'N Fly » à l'intérieur de la Ville. Une telle attitude s'explique mal, d'autant plus que les activités projetées n'étaient aucunement incompatibles avec le caractère industriel et commercial des zones où sont situés les trois sites des requérantes. »*

(our emphasis)

The City tried to appeal from this judgment in vain since the Court of appeal on June 28, 2002, rejected the City's appeal, as shown in a copy of the judgment annexed hereto as **Annex 3**.

Notwithstanding the judgment of the Court of appeal, the City kept delaying the emission of the permits without any reason whatsoever. It is only at the end of August 2002 and after additional steps had been taken to force the emission of the permits that they were finally emitted and construction could start.

Following the aforementioned judgment of the Court of appeal, the City modified its zoning by-law to ensure that any relocation of the businesses

would be impossible and that no other business of this nature could be implemented on its territory. Consequently, it is almost an understatement to say that the City of Dorval does not want the Park'N Fly business on its territory.

In addition to what has already been mentioned, the City tried in various ways to dissuade the owners of the company to implement their Park'N Fly business in Dorval. As an example, the City tried to expropriate a large portion of one of the sites for a snow dump and refused most of the requests for putting up signs to announce the business. There is currently a pending case against the City of Dorval in which all the attempts of the City to harm the Park'N Fly business are listed. Copy of the claim is annexed hereto as **Annex 4**.

On the other hand, the attitude of Aéroport de Montréal (hereinafter "ADM") has not been a welcoming one. The negotiation of the licence contract for the shuttle service of our client has been very difficult since ADM view Park'N Fly as one of their biggest competitors for the parking services. ADM even tried to prevent the access to the Park N' Fly property by refusing the construction of a bridge over a stream located between the street and Park'N Fly's land.

The BAPE should keep in mind the sequence of events that took place prior to today involving both the City of Dorval and ADM in its evaluation of the justification for the current project of the MTQ.

It is clear that one of the consequences of the proposed project will be to prevent Park'N Fly and other competitors from offering their services to the users of the airport, while improving the accessibility of ADM's own parking facilities.

We believe that it is an important negative impact for the users and that fair competition should be maintained in the market for the good of everyone.

We also believe that such a project should foster a sustainable development by allowing the surrounding lands to provide services in the future to the users of the airport to fulfill the needs of a growing and evolving clientele.

It is our opinion that the project as proposed is doing quite the contrary, to the sole advantage of one of the funding partners of the project, namely ADM, and to the detriment of everybody else.

3. MANDATE OF THE BAPE AND DEFINITION OF "ENVIRONMENT" AND "SUSTAINABLE DEVELOPMENT" APPLICABLE TO THIS PROJECT

The BAPE's mandate is to give the opportunity to the public to intervene in decisions that could have an impact on the environment. The action of the BAPE falls within the scope of the sustainable development perspective. This notion of sustainable development includes, among others, the economic aspects:

«Le concept de développement durable détermine la perspective dans laquelle s'inscrivent toutes les actions du BAPE. Informer et consulter dans l'optique d'un développement durable signifie se référer constamment à une notion d'environnement qui englobe les dimensions sociale, économique et environnementale du milieu et mettre en œuvre les moyens pour favoriser la participation active des citoyens »¹

Therefore, the BAPE has to consider the impacts of the project on the businesses that are implemented in the area of the project and on the community using their services. It is in this perspective that the BAPE did on numerous occasions analyse the economic impacts of a project and used them as a basis for its recommendations. Per example :

- ◆ *«**Constat** – La commission constate que la route de contournement dans l'agglomération de Stoneham-et-Tewkesbury pourrait être défavorable aux commerces ciblant la clientèle de transit. Le ministère des Transports n'a cependant pas évalué les effets qu'engendrerait un éventuel contournement routier sur ces commerces.*
- ◆ ***Avis 36** – La commission est d'avis que le ministère des Transports devrait, avant la construction de la route de contournement, établir un état de référence de l'activité des commerces susceptibles d'être touchés et prévoir les effets d'un tel contournement sur ces commerces.*
- ◆ ***Avis 37** – La commission est d'avis que le ministère des Transports devrait mettre en place un comité d'accompagnement afin d'apporter un soutien*

¹ BAPE web site: <http://www.bape.gouv.qc.ca/sections/bape/organisme/>

professionnel aux commerçants directement touchés et ainsi permettre d'atténuer les répercussions de la voie de contournement sur leur entreprise². »

In the case of the prolongation of the highway 30 the BAPE also took in consideration the economic aspect on the project :

« L'option préférentielle, en l'occurrence celle où l'autoroute passerait au sud de Saint-Constant, a pour volet complémentaire essentiel la transformation de la route 132 en boulevard urbain. La situation actuelle de la route 132 est depuis longtemps inappropriée, mettant à l'épreuve la patience des citoyens de Candiac, Delson, Saint-Constant et Sainte-Catherine. Avec l'option sud, cette route qui traverse le cœur de ces villes redeviendrait la « rue principale », au service de la population et des entreprises locales. Toute ambiguïté sur son statut et sa vocation étant levée, cet axe deviendrait porteur d'une approche intégrée de l'aménagement du territoire et du développement économique et social de ces collectivités »³.

It is the role of the BAPE to ensure that the MTQ had analysed, amongst other things, the economic impacts of a project and informed correctly the participants of those. The option proposed should then be "the solution of least negative impact for the community".

In the present case, the MTQ should have evaluated the impacts and tried to minimize them as much as possible. Not only the MTQ⁴ did not do it, it even refused to assume any responsibility whatsoever in this regard⁵. It should be borne in mind that the MTQ knew that the project would have important impacts on the traffic and consequently on the Park'N Fly business and voluntarily decided not to consider them, as shown in

² Projet d'amélioration de la Route 175 des kilomètres 60 à 84 et 84 à 227, Rapport d'enquête et d'audience publique, Rapport 214, Juillet 2005, p. 92.:
<http://www.bape.gouv.qc.ca/sections/rapports/publications/bape214.pdf>

³ Projet de construction de l'autoroute 30 de Sainte-Catherine à l'autoroute 15, Rapport d'enquête et d'audience publique, Rapport 164, Juin 2002, p. 68. :
<http://www.bape.gouv.qc.ca/sections/rapports/publications/bape164.pdf>

⁴ Ministère des transports. Complément d'information. Modification au projet et aux impacts, août 2003, 23p.

⁵ Notes sténographiques de l'audience du 14 septembre 2005 p. 78 à 80, lignes 3276 à 3350.

document DA46 describing the flow of circulation in front of the Park'N Fly businesses is annexed hereto as **Annex 5**.

4. OPPORTUNITY OF THE PROJECT

4.1 MTQ's objective

In its presentation, the MTQ mentioned that the objective underlying its project is to improve the ground transportation infrastructures near the Montreal-Trudeau airport in order to facilitate the access of the persons driving to and from the airport. In order to achieve this main and only objective, the MTQ adopted a project in which it abolishes as many exits and cross roads as possible to reduce any decision a driver might have to take during his or her drive to the airport.

The end result of this objective is the separation of the local traffic from the traffic going to the airport. Therefore, the drivers going to the airport will not have the possibility to access the properties located in the vicinity of the airport, unless they know well in advance that the service they are looking for exists and know where to exit and how to get there, since no advance signage will be possible.

4.2 Justification of the project

In its presentation the MTQ identified two main justifications for the project:

- First, a reduction of the traffic going to and exiting from the airport which is presumed to grow substantially in the next ten years due to the increase of persons travelling through the airport;
- Second, the need to improve traffic flow around the Dorval circle in order to reduce the number of accidents in this area. Based on document DA27 annexed hereto as **Annex 6**, it appears that a 129 accidents would have occurred in the Dorval circle during a 4 year period, namely from 1997 to 2000.

4.3 Proposed solution

In order to solve the two problems identified in the justification section above, the MTQ proposes new infrastructures which simplify the traffic pattern for the drivers arriving from highway 20 in both directions or highway 520 (Côte-de-Liesse) that are going directly to the airport. To the MTQ's standpoint, this solution will reduce the traffic jams during rush hours and limit the number of accidents occurring in the Dorval circle since it will no longer exist.

However, this solution has numerous incidental consequences some of which are major in nature:

- It will no longer be possible to go directly from highway 20 to highway Côte-de-Liesse for the drivers arriving from the east. A drive through the local streets of Dorval will become mandatory in order to do so;
- It will not be possible to reach highway 20 in direction of Montreal from the highway Côte-de-Liesse directly without having to go through the local streets of Dorval;
- The drivers who will take the exit to go to the airport will not have the opportunity to exit in order to either reach highway Côte-de-Liesse or reach the properties adjacent to the airport. For example : it will no longer be possible for these drivers to get to the Hotel Best Western, Hotel Hilton, the parking with shuttle service offered by the train station, the parking with shuttle service adjacent to the Hotel Hilton and the parkings with shuttle service offered by Park'N Fly.
- It will no longer be possible for the drivers coming from highway Côte-de-Liesse and following the signs to get to the airport to access the same properties;
- In both cases, in order to get to these properties, the drivers will have to exit well in advance in the case of the drivers on Côte-de-Liesse and one exit later in the case of the drivers on highway 20 from both directions in order to take the local streets of Dorval. It is important to note that it will not be possible for these drivers to see these properties and their service prior to reaching the required exit;
- The Marshall avenue will be modified substantially to eliminate a portion of the street that is currently reaching Autoroute Côte-de-Liesse and on which the entrance of the Park'N Fly on Marshall and Côte-de-Liesse is located;
- As another incidental consequence the MTQ will close the exit going to boulevard Fénélon thus limiting the access to existing companies.

4.4 Total absence of justification for the incidental consequences

The decision of not maintaining the access to Michel-Jasmin (and at the same time highway Côte-de-Liesse) for the drivers exiting highway 20 in both directions has absolutely no justification whatsoever since it will not slow the traffic flow of the cars going to the airport by adding an exit and it will not prevent any accident from happening since,

based on the numbers provided by the MTQ, this portion of the existing infrastructures is not a source of accidents. Based on document DA27 (Annex 6), it appears that between 1997 and 2000 only two accidents occurred in the vicinity of the Michel-Jasmin avenue, which amounts to 0.5 accident per year or 0.004 accident per month in this area. To the contrary, a close examination of the proposed solution indicates that the proposed situation will be much more complicated than the existing one and, hence, might result in a higher rate of accidents.

4.5 Alternative solutions

In its presentation the MTQ mentioned that it had three options possible: the *status quo*, an improvement of the existing infrastructures and a total change. The option chosen by the MTQ is the last one and it was compared

to the first one only. No presentation whatsoever was made with respect to the negative and positive impacts of the second option. It is therefore impossible to assert that the proposed option offers the least negative impact for the community.

We believe that the negative impacts for the community of the proposed solution are important and that **an analysis of the second option should be made seriously before recommending anything with respect to the proposed project.**

We also believe that alternate solutions could easily be implemented to prevent and substantially reduce the negative consequences without impacting on the fulfillment of the main objective.

5. IMPACTS OF THE PROJECT

5.1 Impacts on the Park'N Fly's operations

Needless to say that the modifications proposed by the MTQ will have huge and detrimental impacts on the operations of the three Park'N Fly lots in Dorval. **It is our opinion however that these impacts are absolutely not necessary to allow the MTQ to fulfill its main objective being the improvement of the traffic flow from and to the airport and the reduction of the number of accidents occurring in the Dorval circle.**

We will describe the impacts for each of the three lots of the Park'N Fly's operations.

5.1.1 The Michel-Jasmin site

The parking lot located on Michel-Jasmin is a self servicing one where no valet parking is offered. This parking is easily visible and accessible by any driver coming from highway 20 in both directions. Currently, these drivers have to pass on Michel-Jasmin and make a left turn to get to the airport a few feet before the site. Consequently, the drivers have the occasion to see the signage of Park'N Fly and continue on Michel-Jasmin if they decide to use this parking facility.

Based on the proposed solution, it will not be possible for the drivers coming from highway 20 in any of the directions to get to the Michel-Jasmin site once they will have taken the exit leading to the airport. Note that they will have to take such exit at a place where the Park'N Fly operations will obviously not be visible in any way.

Consequently, in order to get to the site the drivers will have to know in advance i) that there is a Park'N Fly facility, ii) where such facility is located and iii) that they have to exit at another place on the highway to get to it. If they are coming from the east, they will have to stay on highway 20 and exit to get to the local streets of Dorval. If they are coming from the west, they will have to exit before the exit to the airport in order to get to the local streets of Dorval. Then the drivers will have to go underneath the new infrastructures, go around the Hotel Best Western and then turn right to get to the site, after having crossed at least three traffic lights. Given the fact that the MTQ indicated that no signage will be possible to announce the Park'N Fly operations, as appears from Document DA49 annexed hereto as **Annex 7**, it is easy to presume that the cars that will use the local streets of Dorval will not be drivers aiming at the airport.

The site will be even less accessible for the customers arriving from highway Côte-de-Liesse. They will have to do exactly the same thing as explained hereafter with respect to the Marshall and Côte-de-Liesse site and then make an important detour in the local streets of Dorval to come back onto Michel-Jasmin. This would be so difficult to do that it is easy to assume that the Michel-Jasmin site will no longer get any customers arriving from this direction.

5.1.2 The Côte-de-Liesse site

It is important to note that the Côte-de-Liesse site is offering a valet service and therefore, has an office building located right after the entrance where the customers leave their cars. Such entrance is located on the portion of Marshall avenue located on the North-East side a few feet up from the highway Côte-de-Liesse.

Currently, the access to the Côte-de-Liesse site which is located on Côte-de-Liesse and surrounded by Marshall avenue, is rather easy. For the drivers coming from highway 20, the access is the same as for the Michel-Jasmin site except that the customers have to continue and take the crossover bridge unto Marshall avenue that will take them directly to the Côte-de-Liesse site. The current signage is such that the driver arriving on Michel-Jasmin can easily see both the Michel-Jasmin and the Côte-de-Liesse Park'N Fly sites and make a decision to go to them prior to take the left turn to the airport.

The proposed infrastructures will make it almost impossible for the drivers coming from highway 20 from any directions to get to the Côte-de-Liesse site for reasons similar to the ones described above for the Michel-Jasmin site.

The situation will also be catastrophic for the drivers coming from highway Côte-de-Liesse since it will no longer be possible to turn on Marshall avenue to get to the Côte-de-Liesse site. Consequently, all the drivers going to the airport and arriving from highway Côte-de-Liesse will pass by the Park'N Fly operation without any possibility whatsoever to exit in order to get to it. The only customers who will be able to access the property from highway Côte-de-Liesse will have to exit well in advance. All the plans presented by the MTQ to that effect does not indicate exactly where the new exit will be since it is outside of the plans that are currently filed. Therefore, the driver will have to know that the Park'N Fly operations exist, exit even before it will have the occasion to see the signage located on the property and drive along the new three thousand (3 000) places parking facility that ADM will have constructed on the extended Marshall avenue.

In addition to that, the current configuration of Marshall avenue will be modified so as to close the portion of the street accessing highway Côte-de-Liesse where the entrance of the parking facilities is located. Since this facility has been planed in order to provide

valet parking services to its customers, it will not be possible to modify the implantation of the parking facility, the location of the building and all the traffic flow of the facility having been planed accordingly. As previously explained, the issuance of the construction permits for these facilities were obtained through court judgments and it is very unlikely that the City of Dorval will allow any modification whatsoever to the present configuration of the site.

5.1.3 The Marshall site

This site is located on the northern part of Marshall and is adjacent to both the Côte-de-Liesse parking lot and the land of ADM. This facility is currently not accessible by the customers since it is used only by the employees of Park'N Fly for parking the cars using the valet service of the company. Therefore, the impact of the new infrastructures will be the same for this parking facility as the one described for the Côte-de-Liesse site since all of its customers are entering through the Côte-de-Liesse parking facility.

5.1.4 Impacts on the shuttle service

Obviously the modifications proposed by the MTQ to the traffic infrastructures will render the providing of the shuttle service of the Park'N Fly operations very difficult since the access to all of its facilities from and to the airport will be substantially limited.

5.1.5 Impact on the flow of vehicles

Based on the document DA46 provided by the MTQ (**Annex 5**), there are currently 2760 cars per hour passing in front of the Park'N Fly facility on Côte-de-Liesse (and Marshall) that can easily access the property with a right turn. On the other hand, 1310 cars per hour apparently drive on Michel-Jasmin right after the left turn to the airport. With respect to this last figure, we consider it less relevant than would have been the number of cars per hour driving on Michel-Jasmin prior to the left turn going to the airport. This number would have given us an indication of the potential clients for both the Michel-Jasmin and the Côte-de-Liesse and Marshall sites. Thus, the number provided is only a weak indication of the reality.

With respect to the figures provided by the MTQ for the traffic flow in 2016 in the event that the project is authorized as proposed, we notice that the numbers of cars per hour potentially accessing the properties will be substantially reduced compared to the current situation (830 cars per hour on Marshall avenue vs 2760 and 1170

cars per hour on Michel-Jasmin vs 1310). Again, this last number indicates only the numbers of cars using the road for local purposes and does not provide us with any indication whatsoever as to the amount of cars per hour going to the airport. It is also interesting to note that based on these figures 2460 cars per hour will drive by the Côte-de-Liesse facility without being able to access it.

The comparison with the predictions of the situation in 2016 if the project is not put in place is even more alarming. Based on these figures 3210 cars per hour would pass before the Park'N Fly facility on Côte-de-Liesse (vs 830 if the project is authorized) and 1870 cars per hour would pass before the facility located on Michel-Jasmin with a possibility to get to the Côte-de-Liesse site as well (vs 1170 if the project is authorized).

These comparisons demonstrate that should the project of the MTQ be implemented as proposed there will be a drastic reduction of the affairs of the Park'N Fly operations. At the same time, the number of users of the airport will grow from ten (10) Million persons a year to eighteen (18) Million persons a year.

The Commission should ask the question as to where will these current and future clients go if they can no longer access the Park'N Fly facilities or any of its competitors. Obviously, the only remaining option will be ADM.

5.1.6 Conclusions

In conclusion, it is clear that the fact of not allowing access to Michel-Jasmin avenue and the highway Côte-de-Liesse for the drivers exiting highway 20 from both directions in order to get to the airport **will have a detrimental impact on the Park'N Fly operations while unduly advantaging one of the funding promoters of the project.** As such, it will **substantially reduce the value of the business as well as the value of the lands where these businesses are located.** The mere fact that these lands are located so close to the airport without being able to develop them in order to offer services to the airport users will deprive these properties from a large part of their value since any potential development becomes improbable.

5.2 Impacts on the independent airport parking operations

The situation mentioned above for the Park'N Fly operations will be similar to the ones suffered by the other independent airport parking operations located in the vicinity of the airport. Currently, the train station and the Hotel Hilton offer the same kind of services. The parking operations located beside the train station will no longer exist and the parking facility of the Hotel Hilton will also be much harder to access than currently. Consequently, the drivers arriving from either highway 20 or highway Côte-de-Liesse will likely pass in front of the existing independent airport parking operations without being able to access them and will end up at the airport.

In light of the expectations of growth in the number of users of the airport, the Commission should ask itself the question as to where these current and now customers will go in order to park these additional cars. A review of the proposed solution indicates that less parking spaces will be available on ADM's property right beside the airport, while an additional parking facility will be constructed along highway Côte-de-Liesse. We submit that the demonstration has not been made with respect to the capacity of ADM to fulfill the needs of the current and future users of parking facilities.

5.3 Impacts on the existing services offered to the users of the airport

In addition to the impacts on the independent airport parking operations described above, similar impacts will be suffered by those facilities located in the vicinity of the airport that are providing services to the users of the airport. Therefore, it will be much more difficult for the users of the airport to access the premises offering services related to the presence of the airport in Dorval such as the hotels.

5.4 Impacts on future development of this area

For the same reason that the existing operations will be hugely impacted by the proposed infrastructures, any future development of the lands located in the vicinity of the airport in order to provide services to its users is greatly jeopardized. As everybody knows, the success of every business depends on its location, including both its accessibility and visibility. Therefore, unless the project is modified in order to allow the drivers going to the airport to exit and easily access these lands, it will not be possible to develop them in order to offer services to the travellers.

This should be a concern to the Commission given the fact that the promoter is estimating an important growth of the number of users of the airport, as

shown partly in document DA37 annexed hereto as **Annex 8**. Will the 3000 spaces that will be added by ADM be sufficient to replace the parking facilities lost as a result of the modifications as well as the growing demand of its clientele ?

5.5 Impacts on the traffic flow from and to highway Côte-de-Liesse

The impacts of the proposed infrastructures on every drivers going to or arriving from highway Côte-de-Liesse will be important and very negative. Currently, the access to highway Côte-de-Liesse from highway 20 from both directions is rather easy: they take the Dorval circle which lead the drivers onto Michel-Jasmin and they follow the sign for the access to Côte-de-Liesse which is located in front of the Michel-Jasmin Park'N Fly facility. The access to highway 20 from highway Côte-de-Liesse is also very easy since the highway Côte-de-Liesse ends at the Dorval circle which allows the drivers to choose the direction they wish to follow afterwards.

However, the proposed solution will force the cars to pass through the local streets of Dorval and make various turns in order to get from one highway to another. This situation appears strange given the fact that the main objective of the MTQ was to provide for a better flow of cars in the area. We rarely see a situation where the users of a highway have to get onto local streets in order to get on another highway. The most effective solution usually favours the planning of access directly from one to another.

By obliging the users to go through the local streets of Dorval we believe that the risk of accidents will raise substantially. We also have serious doubts as to the possibility to reduce the traffic lines in such a situation.

5.6 Conclusions

Inevitably the proposed infrastructures will have tremendous impacts on the existing businesses located in the vicinity of the airport that are providing services to its users. It will also prevent any future development from happening due to the difficulty to access the properties in the vicinity of the airport. Since the number of accidents in this area was known as being extremely low and since the addition of an exit in each direction will not impact the flow of traffic going to the airport, **we are of the opinion that the incidental impacts of the proposed solution are totally unjustified.**

We also are of the opinion that these incidental consequences are to the detriment of everyone, including the users of the airport that would benefit from those services. It is interesting to note that the proposed modifications will eliminate all the current competitors of ADM, will increase the potential

clients of ADM for those kind of services, including parking, and will prevent any new competitors to implement themselves in the vicinity of the airport.

Given the fact that ADM is one of the funding partners of the project, we strongly suggest that the Commission analyses these incidental consequences and recommend either the refusal of the project or its modification in order to ensure that the highways will be connected between themselves and that the adjacent lands will be easily accessible for the drivers going to the airport.

6. ALTERNATE SOLUTIONS

An analysis of the proposed infrastructures indicates that it would be possible to maintain the access on Michel-Jasmin and, as a consequence, onto highway Côte-de-Liesse from the proposed access between highway 20 and the airport. For the drivers arriving from highway 20 from the east, the exit could be located where the Budget facility was, and could lead onto Michel-Jasmin and the current entrance to highway Côte-de-Liesse. For the drivers coming from highway 20 from the west an exit could be planned to allow access to Michel-Jasmin and then onto highway Côte-de-Liesse. On the other hand, for the drivers arriving from highway Côte-de-Liesse there is no justification for closing the portion of the Marshall street that already allows the access from Côte-de-Liesse since there is no indication that any accident has ever occurred at this location. Consequently, the right turn onto Marshall avenue should be maintained, which would facilitate the access to both the Park'N Fly facilities and the Hotel Hilton and the adjacent parking facilities. In any case, the portion of the Marshall avenue leading to the facilities entrance should be maintained.

These alternate solutions would not have any impact on the overall proposed infrastructures. In addition to facilitate the access to the lands in the airport's proximity, these solutions will also allow an easier flow of traffic for the drivers going from one highway to another and, as a result, substantially reduce the amount of cars using the local streets of Dorval where the risks of accidents are higher.

6.1 Advantages of maintaining the access

As previously explained, maintaining an access to Michel-Jasmin and Marshall would have a serie of advantages for now, as well as for the future :

- It will provide an easier and less risky access between highway 20 and highway Côte-de-Liesse;

- It will provide and easier access to the lands in the proximity of the airport;
- This access will allow the existing companies to continue doing business both for the local residents and for the users of the airport;
- This access will also allow the offering of services that are related to the activities of the airport in the future;
- Therefore, the users of the airport will have a greater choice of services and providers of same;
- The existence of competitors will ensure that the costs imposed for the services rendered will be appropriate;
- The quantity and quality of the services will vary in light of the needs of the airport users which will most probably be growing in the future;
- This access will allow the possibility to offer services to the users that are not already and will not be offered by ADM although they are related to the needs of the airport users;
- These modifications will substantially reduce the impacts on the existing companies and maintain the value of their business as well as the value of the lands which translates into the taxes paid to all levels of governments (municipal, provincial and federal) and will maintain the existing jobs.

6.2 Disadvantages of not maintaining the access

On the contrary, granting the authorization for the project as proposed by the MTQ, which involves the abolition of the access to Michel-Jasmin and Marshall avenues, will have numerous and important negative impacts:

- It will render the access between the two highways very difficult, which will likely have an impact on the traffic flow, will increase local congestion and increase the risks of accidents in the local streets of Dorval;
- It will render the access to the adjoining lands very difficult and almost impossible for the users of the airport that will not know in advance i) the existence of the services offered on the land and ii) the road to take in order to get to them;

- The reduced accessibility will prevent any future company to implement itself in order to provide services related to the needs of the users of the airport;
- The reduced access will also have an important impact on the viability of the existing companies, some of them will even most probably have to close down;
- The value of these businesses will drastically be reduced and jobs will most probably be lost;
- Given the fact that these lands are located right next to the airport but will not be accessible for the users of this airport, the possibility of developing these lands will be scarce, which imply that their value will drop drastically;
- The reduction in the value of the businesses and in the value of the lands will result in a reduction of the taxes paid to all levels of governments (municipal, provincial and federal);
- The users of the airport will loose existing services that are related to their needs;
- There will be no possibility for new services in the future to accommodate the future needs of a growing clientele;
- The absence of competitors to ADM will be detrimental for the users since it might translate into higher prices and insufficient offer of services;
- The clients will also loose services that are presently offered to them that are not offered by ADM;

6.3 Necessity to allow signage

Should the Commission ultimately recommend the authorization of this project without modifications with respect to the access to Michel-Jasmin and Marshall, we submit that it would be important to impose as a condition an obligation for the MTQ to allow the companies offering services for the users of the airport that are located on the surrounding of Michel-Jasmin and Marshall avenue to put appropriate signage on highway 20 and highway Côte-de-Liesse prior to the exits leading to their properties, as well as to the airport, in order to allow the users of the airport to get to their premises efficiently. In the absence of such appropriate signage, the location of the

exits that the drivers will have to take will prevent them from being able to make a decision based on their needs.

6.4 Conclusions

There is no positive impact to the abolition of access on Michel-Jasmin and Marshall, except for ADM.

As previously indicated, the abolition of the access to Michel-Jasmin and to Marshall avenue will not increase the facility to access the airport and will not reduce the risk of accidents that are already minimal in these two areas.

Consequently, there is no justification whatsoever for abolishing these accesses. We are of the opinion that the users of the airport will be disadvantaged by this solution upon the implementation of the new infrastructures, as well as for many years afterwards. These limitations should be a concern for the Commission in light of the projections of the MTQ and ADM concerning the important increase of the persons that will use the airport in the next ten years.

The Commission should ensure that the solution proposed by the MTQ and ADM will maintain and foster a competitive and healthy business environment for the present time and for the future. It is the mere definition of sustainable development as expressed by the Commission itself. The Commission should not recommend a solution that is to the disadvantage of everyone, except one of the funding promoters of the project.

We are of the opinion that the solution as proposed by the MTQ and ADM amounts to a disguised expropriation, the costs of which will have to be assumed by the citizens in general through lower taxes that will be paid by the existing companies, through higher prices that will be charged by ADM and through judgments of the courts condemning the Ministry of Transport to pay the damages suffered by the owners of the land. Contrary to what has been mentioned during the first part of the hearing, Section 952 of the Civil code specifically states that no one can be deprived of its property, directly or indirectly, without being fully compensated. Judgments of our courts have already established that a modification that results in a loss of business and land value for an owner is compensable under the expropriation principle.

7. PARK'N FLY'S POSITION CONCERNING THE PROJECT

Park'N Fly has no particular opinion concerning the necessity to modify the existing infrastructures in order to fulfill the objectives of the MTQ to improve the traffic flow in the vicinity of the airport. However, Park'N Fly strongly believes that the proposed infrastructures do not fulfill this goal and will have detrimental impacts for everyone but ADM.

In summary, although the traffic flow going to the airport might be improved by the proposition of the MTQ, Park'N Fly believes that it will not be the case for the traffic flow between highway 20 and highway Côte-de-Liesse. To the contrary, Park'N Fly is of the opinion that the proposed infrastructures will render the flow between these two highways more difficult than it is actually and will increase the risks of accidents related to these transfers.

In addition, although the number of decisions that the users going directly to the airport will have to take might be less than presently, all the other users of the area, including those going from one highway to the other, will have more decisions to make than today, which implies a greater risk of accidents.

On the other hand, the proposed solution will have incidental impacts that are negative in nature for everyone except ADM. By abolishing the access to highway Côte-de-Liesse, to Michel-Jasmin avenue and to Marshall avenue, the proposed infrastructures will have negative impacts on the business environment in the surrounding area of the airport. Said negative impacts will be suffered primarily by the existing companies that have established themselves in this location in order to serve the users of the airport. These impacts will also have a long term effect, since the future development of this area in a view to provide for the growing needs of the users of the airport will not be possible. Such a situation is detrimental for every potential customer, including those of the airport, since ADM will become a monopoly and, as such, will not be bound by the pricing rules applicable in a competitive market.

Park'N Fly is therefore of the opinion that project as proposed by the MTQ is far from being the option of least negative impact for the community. As such, it does not fall within the definition of sustainable development retained by the Commission and now proposed by the Minister of the Environment to become legally binding even to the MTQ.

As a result, Park'N Fly is of the opinion that the Commission should not recommend the authorization of the solution proposed by the MTQ and should ask the MTQ to review its drawings accordingly.

Should the Commission decide to recommend the project, Park'N Fly suggests that modifications be imposed to the project as conditions for its

acceptance. As part of the conditions that should be imposed, the addition of appropriate access to Michel-Jasmin for the drivers going to the airport that are arriving from highway 20 in both directions and the maintaining of the Marshall avenue as it now exist, including its access on Côte-de-Liesse, should be mandatory.

Finally, should the Commission be of the opinion that the infrastructures should be authorized as proposed without the aforementioned modifications, a condition should be added to oblige the MTQ to allow the owners of companies located on Michel-Jasmin and Marshall avenue to post appropriate signage on highway 20 and highway Côte-de-Liesse.

We remain available should you require any additional information on the foregoing.