

Ottawa Light Rail Commission

William Allman
on Friday, May 20, 2022



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OTTAWA LIGHT RAIL COMMISSION

WILLIAM ALLMAN

May 20, 2022

--- Held via Zoom Videoconferencing, with all
participants attending remotely, on the 20th day of
May, 2022, 1:00 p.m. to 3:35 p.m.

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COMMISSION COUNSEL:

Christine Mainville, Counsel Member

Mark Coombes, Commission Counsel Member

PARTICIPANTS:

None

ALSO PRESENT:

Eveliene Symonds, Stenographer/Transcriptionist

Talia Gillani, Virtual Technician

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1 -- Upon commencing at 1:00 p.m.

2 WILLIAM ALLMAN: AFFIRMED:

3 BY MS. MAINVILLE:

4 1 Q. So I'll just set out the terms of
5 the interview. The purpose of today's interview is
6 to obtain your evidence -- sorry, to obtain your
7 evidence under oath or solemn declaration for use
8 of the Commission's public hearing. This will be a
9 collaborative interview such that my co-counsel,
10 Mr. Coombes, may intervene to ask certain
11 questions.

12 The interview is being transcribed, and
13 the Commission intends to enter the transcript into
14 evidence at the Commission's public hearings,
15 either at hearing themselves or by way of
16 procedural order before the hearings commence.

17 The transcript will be posted to the
18 Commission's public website along with any
19 corrections made to it after it's entered into
20 evidence. The transcript will be shared with
21 Commission's participants and their counsel on a
22 confidential basis before being entered into
23 evidence.

24 You'll be given the opportunity to
25 review your transcript and correct any typos or

1 other errors before the transcript is shared with
2 the participants or entered into evidence. Any
3 non-typographical corrections made will be appended
4 to the transcript.

5 And, finally, pursuant to section 33
6 sub 6 of the public inquiries about 2009, a witness
7 at an inquiry shall be deemed to have objected to
8 answer any question asked of him upon the ground
9 that the answer may tend to incriminate the witness
10 or may tend to establish his liability to civil
11 proceedings at the instance of the Crown of any
12 person.

13 And no answer given by a witness at an
14 inquiry shall be used or by receivable in evidence
15 against him in any trial or other proceedings
16 against him thereafter taking place other than a
17 prosecution for perjury in giving such evidence.

18 And as required by section 33, sub 7 of
19 the Act, you have the right to object to answer any
20 questions under section 5 of the Canada Evidence
21 Act.

22 So if that's all agreeable, we can
23 begin.

24 Could you, first, explain to us your
25 role in Stage 1 of Ottawa's LRT project?

1 A. Yeah, sure. So my role -- I had
2 two roles on the -- on the projects, and I -- I was
3 brought in to -- to facilitate, to coordinate the
4 handover of documents such as manuals, training,
5 spares from the DBJV for me. For the DBJV to
6 the -- to the main trainer, RTM, and it was really
7 a, you know, facilitation between the two parties.
8 So that was -- that was my -- my first role.

9 And then the second role was the -- to
10 facilitate/co-chair the trial running process.
11 And, yeah, that -- that -- that was -- there were
12 two -- they were the two roles.

13 2 Q. Okay. And when you say the DBJV,
14 that's OLRTC?

15 A. Oh, yeah, sorry. OLRTC, sorry.

16 3 Q. The design build joint venture?

17 A. Yeah.

18 4 Q. And at the time, I understand you
19 were an employee of SNC-Lavalin?

20 A. Yeah, that's correct.

21 5 Q. Okay. And when would you have
22 first become involved with the Ottawa LRT? Do you
23 recall the timeframe?

24 A. Okay. So 20 -- let me just try
25 and -- try and recall. It must have been, I don't

1 know, the early -- early part -- early 2019 from --
2 from memory. I mean, I'd have to go -- I'd have to
3 go back and look at that in more detail. But,
4 yeah, from -- from what I can recall, you know,
5 maybe the -- the beginning of 2019. Yeah.

6 (DISCUSSION OFF THE RECORD)

7 BY MS. MAINVILLE:

8 6 Q. Early 2019. And then did your
9 involvement end after the trains went into service?

10 A. Yeah. Yes. Yes, it did. And
11 when -- beginning of 2019, it was -- it was to
12 facilitate the -- the handover process. And then
13 I -- it wasn't a full-time role. And then I then
14 came back to the projects for the trial running --
15 again, I'm just trying to recall those dates. I --
16 it must have been summer -- June, July, maybe --
17 you know, of 2019. And that was really because I
18 had availability, you know, in between projects.
19 So, yeah, that's an approximate -- approximate
20 timeline.

21 7 Q. Okay. And do you recall whether
22 your involvement ended on the RSA date or when the
23 trains started becoming available to the public?

24 A. It was pretty much -- from what I
25 can recall, it was pretty much as the trial running

1 ended.

2 8 Q. Okay.

3 A. Yeah, that -- yeah.

4 9 Q. Okay. Got it. And so you didn't
5 come back -- after you -- you stopped preparing for
6 the handover to RTM and you left and then you came
7 back for trial running, you didn't continue being
8 involved in that work, the handover work?

9 A. No. No. It's -- no, by then --
10 no, my -- my role pretty much ended from there.
11 And if it -- if there was any involvement past
12 then, it was -- it was, like, really minimal, you
13 know. Just a follow-up, an e-mail or, you know --
14 yeah, so my -- my main role finished, because then
15 I -- I -- I went back and -- to Toronto and working
16 with SNC in their -- in their corporate business.
17 So, yeah, I finished my assignment. My assignment
18 had finished.

19 10 Q. Okay. And do you recall how long
20 you spent on that main role, the handover to RTM?
21 Was that a couple months? Was that a bit longer
22 than that or less?

23 A. I -- off and on, you know,
24 maybe -- maybe six months from -- from memory,
25 yeah. Maybe six months.

1 11 Q. Okay. And just up for a second
2 about your experience. We can bring up your
3 résumé. I see you've been involved in a lot of
4 rail projects; correct?

5 A. Yeah. Yeah, that's -- yeah, it's
6 all on there from -- yeah, I think that's --
7 that's -- that's there to say, based on the résumé
8 here.

9 12 Q. And you're a civil engineer?

10 A. Yes. Yes. By trade a civil
11 engineer, chartered civil engineer with the
12 Institute of Civil Engineers in the UK and
13 Engineers Australia in Australia.

14 13 Q. And then you came to Canada and
15 started working for SNC-Lavalin?

16 A. Yes, that's correct.

17 14 Q. In 2016, I see.

18 A. Yeah. Yeah. 2016. September
19 2016.

20 15 Q. Yes, and, sorry, that's on the
21 second page. And in that capacity, you worked on
22 several projects here in Canada as well?

23 A. Yeah, that's correct. Yeah, a
24 number of different projects that have -- that are
25 all listed there. Let me see if there's another

1 thing missing there. That's -- that's a good
2 summary, yeah.

3 16 Q. And had you had other experience
4 relevant to or akin to the roles that you played on
5 Ottawa's LRT project? So participating or
6 chairing, trial running, and this type of handover
7 between the constructor and maintainer, I should
8 say.

9 A. Yeah, you know, running,
10 developing, and leading bit teams and, you know,
11 project teams, you know, and managing the interface
12 and the coordination between lots of different
13 disciplines and different types of people you'll
14 find on these projects.

15 Yeah, you know, experience in that
16 aspect, experience in -- in the coordination of,
17 you know, different -- different parts of
18 organizations. So in a sense of, you know, an
19 owner, you know, an engineering -- the main sense
20 from my alliance work in Australia where we partner
21 with the -- with the client. And, you know, so --
22 so very much around the -- the -- the coordination,
23 the facilitation of -- of multiple different
24 parties, commissioning of infrastructure in
25 Australia with signalling. But then I have no

1 experience of -- of actually a -- you know, a -- a
2 trial running demonstration on an LRT project.

3 17 Q. And a trial running period or
4 something akin to it, is that typical on a system?

5 A. On -- on a -- on a new system,
6 then yes. You know, in the heavy rail industry,
7 you know, we -- you know, this is existing network.
8 So, you know, there is, you know, tried and tested
9 standards and processes for handback and
10 commissions of our sets. But then, you know, on
11 a -- on a stand-alone, then, yeah, it's -- it's --
12 it's what you -- it's what you would see and expect
13 on a -- on a new -- on a new railway, for sure.

14 18 Q. And what does it usually look
15 like? I mean, how long does it go for, typically?

16 A. I -- I do not know. I -- I -- I
17 don't know that answer. I -- I do know that they
18 are undertaken on -- on projects, on P3 projects
19 and LRT projects from my frame -- from my
20 knowledge, but I -- I don't know how long and --
21 and to that level of detail.

22 19 Q. Okay.

23 A. Yeah.

24 20 Q. And I take it you've been involved
25 in other light rail projects?

1 A. Light rail but in different -- in
2 different aspects, yes. So involved in -- so as
3 per my CV, you know, on bidding for light rail
4 projects and light rail P3 projects and, you
5 know -- as per the CV -- you know, there are two in
6 Australia, Canberra and -- and Sidney. And also in
7 a -- in a -- in a capacity of truck renewals on
8 light rail infrastructure in -- in Melbourne. And,
9 actually, the light rail in Dubai, I was
10 construction manager on the Al Sufouh rail for a
11 period of time.

12 21 Q. We'll file your résumé as the
13 first exhibit, so we can take it down.

14 EXHIBIT 1:

15 Résumé of William Allman

16 BY MS. MAINVILLE:

17 22 Q. So maybe just in terms of your
18 main role, the handover from OLRTC to RTM, could
19 you explain how that unfolded, perhaps what the
20 state of play was when you first came in and go
21 from there?

22 A. Yeah, so from what I can recall,
23 the -- the -- the handover, they -- they needed
24 support in that handover. And they were -- the RTM
25 were missing documents such as manuals, and they

1 also required training on new assets which were
2 being built and testing, commissioned. And also
3 we -- we -- there was also spares. So the
4 infrastructure's built -- or a station's built,
5 then there's always spare parts, then the handover
6 of those spare parts as well.

7 So it was really to facilitate and
8 get -- to enable RTM to be ready to maintain the
9 system.

10 23 Q. So I take it the constructors
11 basically have parts, and then they don't need them
12 anymore when construction is over, but they're
13 useful for maintenance? Is that the idea? Then
14 they pass it --

15 A. That's exactly it. That's the --
16 and there's an agreement typically of, you know,
17 how many spares. And it's like you buy -- I'm just
18 trying to think. Like you buy a car, you get a
19 manual on the car. You get training on how to use
20 the different functions of the car, you know. And
21 then you may have, I mean, a spare tire, you know.
22 So based on that analogy, that's the same for any
23 asset on the railway, on an LRT project.

24 24 Q. And given that you weren't there
25 until the very end of the construction project at

1 least on -- in this role, what impact did that have
2 on that handover?

3 A. Sorry, could you just repeat that?

4 25 Q. Yes, what impact did the fact that
5 construction was not yet entirely complete --
6 because you were not at RSA; correct? So what
7 impact did that have on the handover you were
8 applying for?

9 A. I mean, that's -- that's -- that's
10 always very common, you know. So, I mean, you
11 don't -- you've got a -- there's -- there's a
12 ramp-up period for the maintainer. So, you know,
13 that starts before, you know, where -- when I say
14 "way before," you know, kind of -- you know,
15 typically based on --

16 MS. MAINVILLE: Okay. Let's --

17 THE WITNESS: -- individual --

18 BY MS. MAINVILLE:

19 26 Q. So can I stop you, Mr. Allman?
20 You froze for several seconds.

21 A. Okay. Sorry.

22 27 Q. It's okay. I think you'll have to
23 restart your answer. You seem fine now, but I
24 think it was quite early in your answer, so...

25 THE COURT REPORTER: I can read up to

1 where he froze.

2 MS. MAINVILLE: Okay, great.

3 THE WITNESS: Okay. So as I was
4 saying, it's typical for the construction still to
5 be -- you know, construction still of the -- the
6 finishing off the construction, the testing, the
7 commissioning, whilst the maintainer's ramping up.
8 And the maintainer being ready for taking over the
9 maintenance of the system.

10 So, you know, this may typically be,
11 you know, in the range, you know, like, six, 12
12 months, even longer, you know, preparation, and we
13 start to get a handover of spares, manuals being
14 handed over, training. So it all -- it overlaps.

15 BY MS. MAINVILLE:

16 28 Q. Okay. But typically at the very
17 end, is there supposed to be a last bit of work
18 done, then, on this piece?

19 A. It's supposed to be. To start
20 maintenance, it's supposed to be seamless. There
21 shouldn't be -- yeah, it should be a seamless
22 process, yeah.

23 29 Q. Okay. And, of course, you weren't
24 there ultimately for that end -- the end piece and
25 the actual handover; correct?

1 A. Into -- into revenue service, no.
2 No, I wasn't there.

3 30 Q. So do you have any sense of how
4 that went, or you wouldn't know?

5 A. I -- I don't know. I -- yeah.

6 31 Q. And so can you tell us more about
7 the work you did do while you were there to plan
8 for this handover?

9 A. Yeah, so it was -- it was really,
10 you know -- it was a real coordination. I -- you
11 know, it was an enjoyable process, to be honest,
12 because, you know, there was some -- some really
13 good people working with RTM and OLRT, and it was
14 kind of quite straightforward.

15 It was -- it was just making sure
16 they -- they have all the manuals, so, you know,
17 setting up, you know, spreadsheets with -- from
18 memory, spreadsheets, what were they missing, going
19 and talking to the -- you know, the different
20 discipline engineers or leads, and chasing up
21 manuals and booking in training and spares, yeah.

22 It was -- it was -- it was quite an
23 easy, you know, facilitation of the -- of the
24 process of handing over, you know, and setting up
25 meetings and getting people to talk and coordinate

1 between them. So that was it. It wasn't really
2 anything more complicated than that, really. It
3 was quite straightforward.

4 32 Q. And so are these meetings just
5 between the constructor and RTM, or does it involve
6 other parties like the City or other
7 subcontractors?

8 A. I -- yeah, so from memory, it --
9 you know, it -- it would be a combination of, you
10 know, Alstom were RTM's maintainer, so they kind
11 of -- trying to recall what exact meetings and
12 making the assumption that, you know, they were
13 there. They -- they would attend those meetings,
14 because, you know, that is a -- it's a facilitation
15 of coordination between different parties. But,
16 you know, mostly it would be OLRTC and RTM, and
17 that's very normal. You know, so...

18 33 Q. But you would've had no role in
19 ensuring that Alstom maintenance had the documents.
20 You would just make sure RTM had it?

21 A. Well, that's correct. So RTM, and
22 then RTM, you know, it's their subcontractor, so,
23 you know, my role was to ensure RTM had everything
24 they needed in the sense of the manuals, the
25 training, and the -- and the spares.

1 34 Q. And were there things that were
2 not yet ready while you were there in terms of user
3 guides and manuals and other such things, other
4 documentation?

5 A. From what I can recall, there were
6 certain manuals which weren't available at the
7 time, and, you know -- and that's what we were
8 tracking. We were tracking what was missing and,
9 yeah, so -- yeah, there's -- yeah, the -- they were
10 tracked.

11 35 Q. They were tracked. Okay. So when
12 you left, earlier you said your assignment was
13 finished, but is it possible that was still an
14 outstanding list of documents or records that --

15 A. I -- there -- it would have all
16 been tracked. I can't recall, you know, what was
17 there and what was missing, but it was
18 definitely -- I can recall that there -- there was
19 a tracking document with what was and what wasn't,
20 so it was -- it was clear -- it was clear what --
21 what was there and what wasn't.

22 36 Q. And I guess I should be --
23 should've been clearer on when you came onto the
24 project, on this role, was it for OLRTC? Were you
25 considered part of OLRTC?

1 A. Yeah, I was OLRTC, but I -- I took
2 a -- you know, like, I deal with, you know, a --
3 I'm an independent consultant now. You know, even
4 though I was brought in by OLRTC, you know, I
5 really took the approach of, like, you know,
6 independent view, you know, best for projects, and
7 that's kind of how I work, so, yeah.

8 37 Q. And so would this tracking
9 document have a name? Would it be on OLRTC
10 letterhead, at least? Is there any descriptor that
11 you can give us?

12 A. I -- yeah, I can't recall. You'll
13 have to ask them. I'm sure --

14 38 Q. Sam?

15 A. -- I'm sure it's -- it will be
16 there somewhere. Yeah, maybe RTM has it. Three
17 years ago now, so... You know, I -- you know, I
18 don't know if they -- yeah, I don't know. Yeah.

19 39 Q. And, sorry, do you say Sam? You
20 have to ask Sam?

21 A. Oh, you have to ask them.

22 40 Q. Them.

23 A. Sorry, yeah, RTM.

24 41 Q. Okay.

25 A. Sorry for that.

1 42 Q. Okay. Got it. And who were you
2 working with on this project, both on OLRTC and
3 RTM's?

4 A. Sorry, individuals or --

5 43 Q. Yes, individuals.

6 A. So when -- so this -- this -- this
7 handover phase at the start, it was Rupert.

8 44 Q. M-hm. Holloway?

9 A. Yeah, Rupert Holloway. And -- but
10 then, you know, he -- he brought me on to the
11 project. And then from the OLRTC side, it was --
12 I'm really just trying to remember. It was James
13 Duffy. He was the -- he was from the systems. I'm
14 trying to -- trying to recall, like, different --

15 45 Q. Did you work with Matt Slade on
16 this portion of the project? I know later on you
17 would for trial.

18 A. I did later on. Yeah, I -- I
19 would have done, yeah. Matt as well. So Rupert
20 brought me on, and then -- and then it would have
21 been Matt, you know, when -- when Rupert left.
22 Then -- and then other members of OLRTC. I can't
23 recall names.

24 46 Q. That's good enough.

25 A. And then -- and then RTM, you

1 know, Claude. I can't recall his second name.

2 47 Q. Jacob?

3 A. Yeah, and Tom Pate.

4 48 Q. Tom Pate? Okay.

5 A. Yeah, there was members. They
6 were good -- good people.

7 49 Q. And in terms of manuals and other
8 documentation, would that have included materials
9 from Thales and Alstom in terms of Alstom as
10 manufacturer of the train?

11 A. You know what? That's a good
12 question, and I can't recall if the -- if the
13 train -- if the train stuff was on that, the
14 rolling stock. I can't -- I don't think it was. I
15 think it was everything other than the train, but I
16 could be wrong. Yeah.

17 But, you know, everything from
18 elevators to -- to track to -- you know, to the
19 different comms systems. The Thales stuff, the
20 Alstom -- the Thales stuff, yeah, that would
21 have -- yeah, it was switch points, yes. From
22 memory from what I can recall, yeah, that -- that
23 would have been on there. But I can't remember --
24 I can't recall the -- the rolling stock being on
25 there.

1 50 Q. Okay. And if you were not in
2 charge of the -- or if -- I should rephrase. If
3 you didn't deal with the rolling stock materials,
4 would someone else have, or it's just that it may
5 not have been considered?

6 A. I -- it -- I -- I don't know, but
7 I do know that someone somewhere would have been --
8 would have been doing that. You know, from
9 Alstom -- and I'm just assuming here. I don't know
10 this, but I'm assuming that, you know, being
11 Alstom, the manufacturer, it's Alstom maintaining
12 it, that there for sure would have been some form
13 of handover process between those two parts of
14 Alstom, yeah.

15 51 Q. So is it possible that you didn't
16 look at it or it didn't go through OLRTC, because
17 it was assumed or accepted that it would go from
18 Alstom --

19 A. Yeah, I --

20 52 Q. -- directly?

21 A. -- really don't know. I can't
22 recall.

23 53 Q. Fair enough. And what about
24 OC Transpo as the operator? Did you have any
25 involvement in transferring that information one

1 way or the other to or from?

2 A. No, I -- I can't recall -- for
3 that particular role, I -- I can't recall having to
4 facilitate or hand documents over to OC Transpo as
5 part of that process.

6 54 Q. And do you know how that would
7 have been done, then?

8 A. I -- I don't. There was a --
9 from -- and I wasn't involved with this, but
10 there -- you know, like, training on the -- on,
11 like, the dispatching, yeah, I -- I -- I don't
12 know, because I wasn't involved with it, so I don't
13 know.

14 55 Q. So overall, did you -- in terms of
15 the parts that you did handle, did you see any gaps
16 there -- or gaps remaining when you were done or
17 encounter any particular challenges?

18 A. I mean, I -- I -- I can't recall
19 when I left, what the gaps were left. I -- yeah.
20 I -- I -- I -- yeah, I -- I don't know.

21 56 Q. And am I right, then, that no one
22 took over your role, you just -- it was effectively
23 completed?

24 A. Yeah, I -- I don't know. I can't
25 recall. I think it was -- from memory, I think it

1 was just managed then. You know, the -- the bulk
2 of the -- you know, I'm assuming the majority of
3 the -- the information had been handed over. And
4 really then it's a -- you know, I suppose what I
5 did was just facilitate the coordination. But
6 then, you know, once there's a process in place,
7 you know, people know what's missing. It's really,
8 you know, for RTM to liaise directly with OLRTC.
9 So I don't think, but I could be wrong that, you
10 know, someone took over that specific role.

11 But that -- that would have been -- I'm
12 assuming that would have been -- that would have
13 been, you know, further -- what I -- there has to
14 be further follow-up, I'm assuming. There's got to
15 be between RTM and OLRTC but doesn't need --
16 doesn't need an individual in there to manage it
17 anymore.

18 57 Q. Do you recall that there were
19 still retrofits ongoing right up to RSA and even
20 post-RSA and software upgrades or changes and
21 things like that happening?

22 A. Yeah, I -- I wasn't involved.

23 58 Q. Okay. So you wouldn't have been
24 aware of that happening? Okay.

25 Just for the record, if you can say no.

1 A. Oh, yeah. No. No. Sorry.

2 59 Q. So let's move to your other role.
3 First of all, did you have any
4 involvement in testing and commissioning more
5 broadly or only trial running?

6 A. Only -- only trial running.

7 60 Q. Okay. Did you have any sense of
8 how testing and commissioning had gone when you'd
9 come into it and how it looked like? Like, you
10 know, whether it ended up being compressed or
11 anything like that?

12 A. I -- I don't know, yeah. I didn't
13 have visibility of schedule -- or the testing
14 commissioning schedule, so I don't know.

15 61 Q. And were you given any information
16 generally about how the trains were running or, you
17 know, any issues being encountered or challenges at
18 that point in time?

19 A. Yeah, from -- from what I can
20 recall, the -- the rolling stock -- and from what I
21 recall, the -- there weren't as many complete
22 trains available from the -- from the schedule.
23 That's the -- that's the only -- that's -- that's
24 all I can recall, and that's pretty -- pretty high
25 level.

1 62 Q. Okay.

2 A. Yeah.

3 63 Q. Okay. And were you first asked to
4 devise procedures or other materials to be used for
5 trial running?

6 A. There was already a
7 specification -- from what I can recall, there was
8 a -- you know, there was a requirement in the -- in
9 the projects agreement, in the PSOS from what I can
10 recall. And then there was already a -- I don't
11 know if we call it -- if it was called a manual or
12 maybe -- maybe -- maybe a trial running procedure.
13 And that was already there when I arrived.

14 And I was, from what I can recall,
15 asked to divide -- develop a score card in
16 preparation for the -- for the trial running based
17 on the -- you know, if -- if it is a trial running
18 manual, trial running specification.

19 64 Q. Okay. So maybe we can bring up a
20 document to see if this relates to what you're
21 referencing. It's OTT377178.

22 A. Ahh, yeah. Okay. Yeah.

23 65 Q. You'll see this is called "trial
24 running Test Procedure." And then at the top, it
25 says, Prepared by Matthew Slade and Will Allman.

1 A. M-hm.

2 66 Q. So do you recall then whether you
3 had some involved in preparing this procedure or
4 only parts of it? Was it partially prepared when
5 you arrived?

6 A. Yeah, it -- from -- from what I
7 can recall, it was -- it was pretty much written.
8 And the only way I can recall -- you know, there
9 would have been a review, and the only thing I can
10 recall, the work I did was the actual score card
11 itself on -- yeah, on this document. And, you
12 know, there -- there would have been -- you know,
13 like with any document, (indiscernible) revisions.
14 So I'm taking it that this must be the -- either
15 the last one -- the final --

16 67 Q. Yeah, no, if you go down, it says,
17 Final Revision 2, and the date is July 31st, 2019.

18 A. Okay.

19 68 Q. Does that sound like --

20 A. Yeah.

21 69 Q. -- your final document?

22 A. I -- yeah, it's got "final"
23 written on there, so I'm assuming it is.

24 70 Q. Okay.

25 A. Making that assumption.

1 71 Q. And do you recall working --
2 walking through this document -- you said that your
3 work involved a review of it. Was there a
4 discussion of the criteria with Mr. Slade or
5 otherwise?

6 A. There -- there would have been,
7 I'm sure, but I -- I can't remember. I can't
8 recall, you know, any -- any of those details. But
9 there -- yeah, there -- I'm sure there was.

10 72 Q. Do you know --

11 A. Yeah.

12 73 Q. Do you have a general recollection
13 of what you and/or Matthew Slade sought to achieve
14 with this document in terms of the level of
15 reliability or performance that you were hoping to
16 get based on this particular procedure and the
17 criteria within it?

18 A. Yeah, there's -- you know, as I
19 said before, there -- you know, this is based on a,
20 you know, agreed -- you know, I think it was -- you
21 know, those -- those requirements, you know,
22 availability, they come from a -- you know, the
23 project's agreement, project specification. And
24 whatever availability, requirements, you know,
25 however many days, that was already agreed when

1 I -- when I -- when I came on the project.

2 So it wasn't for me to -- to say, you
3 know, okay, you know, so many days or level of
4 availability. That's outside of my -- my
5 agreement, and it's not for me. I was really only
6 there for facilitation and development of score
7 card based on the -- you know, the requirements in
8 this document with regards to availability of the
9 system.

10 74 Q. And do you happen to recall what
11 the project agreement required in respect to trial
12 running generally?

13 A. I -- I do not. I do not. I mean,
14 I'm sure -- I'm sure that's their -- yeah, I
15 don't -- I don't recall. I -- I'm -- I'm making
16 that assumption, because there was this document --
17 this trial running test procedure was there when I
18 arrived with those metrics and number of days and
19 availability.

20 So I'm just making an assumption that
21 it was based on -- it must have been, because
22 that's how, you know, contracts are executed and
23 not -- not -- you know, it must have been agreed.
24 If it wasn't in a specification, it would have been
25 agreed between the City, the OC Transpo, and OLRTC

1 before -- before I arrived.

2 75 Q. And do you recall a requirement
3 for 12 days of consecutive -- 12 consecutive days
4 of trial running?

5 A. Yeah, I -- to the -- to the best I
6 can recall, then, yeah, it was -- I -- I think that
7 was one of the requirements.

8 76 Q. And do you have any recollection
9 of how that was interpreted at the outset when this
10 was being devised? Maybe to assist you, let's go
11 to page 3, because there, there's the definition of
12 trial running set out in reference to the project
13 agreement.

14 So you'll see at the bottom there, it
15 says: (As read)

16 "Trial running 12-consecutive
17 day period that may commence upon
18 the successful completion of testing
19 and commissioning. Upon successful
20 completion of trial running, the
21 integrated system will be ready for
22 revenue service."

23 So I don't know if that jogs your memory and if you
24 have recall having any discussions or recall any
25 chat -- what the 12-day -- well, what the

1 successful completion of trial running was.

2 A. Yeah, it says it there. It's, you
3 know, 12 consecutive days of, you know, successful
4 completion and testing commissioning. And that --
5 that was -- from memory, that was what the -- like,
6 I could be wrong here, but, like, you know, if
7 it -- if it was in here, then that's what went onto
8 the score card. So it was -- it was quite
9 straightforward in that sense of, you know, says it
10 there, so, yeah, 12 consecutive days.

11 77 Q. I suppose my question is: What
12 was a successful completion of trial running? Was
13 it so 12 consecutive days with a passing grade?

14 A. Yeah, I mean, it's -- yeah, 12
15 consecutive days. And then it says there, like you
16 know, where ready for revenue service. So, yeah,
17 upon completion of 12 consecutive days, I -- from
18 memory, that was the end of revenue service.

19 78 Q. And do you recall whether that
20 could include -- at least when this procedure was
21 being devised and at the outset of trial running,
22 could that include repeat days?

23 A. I -- I -- I really can't recall.
24 It was -- I -- I'd have to -- I'd have to go back
25 through this document and, yeah, there were --

1 there was, like, pause days and repeat days, but
2 I -- yeah, I -- I -- I just can't -- I can't
3 remember.

4 79 Q. Okay. And we'll come to this
5 later, but you'll recall that there was a change to
6 some of the criteria during trial running?

7 A. Yeah, it was -- yeah, I do -- I do
8 recall that there was some pause days and that, I
9 mean -- and from memory, you know, without, like,
10 reading through this document, that -- you know,
11 the 12 consecutive days and then pause days, and
12 it -- I do -- I do recall a change. I can't
13 remember the details of that change, but there was
14 a change.

15 80 Q. Okay. So we'll get to some of the
16 aspects of --

17 A. Okay.

18 81 Q. -- the change shortly. But one of
19 my questions about the 12 days, then, is do you
20 have any recollection of whether there was a change
21 to the definition of 12 consecutive days? For
22 instance, you know, that it could now include
23 pauses or anything like that? Do you recall that
24 there being a change or whether that procedure
25 was -- or your interpretation was the same from the

1 outset?

2 A. It -- it was the procedure, you
3 know, about -- I can't recall the details. I don't
4 want -- I don't want to say something, because I --
5 I -- honestly, I -- I can't recall the details. I
6 do recall -- and I -- I -- I just can't remember
7 the details of it. I do recall that there was a
8 change in the procedure, and I -- I think it was
9 around, like, the pausing or the repeat. And to
10 me, it's 12 consecutive days, but I'm not
11 100 percent.

12 If you've got something which jogs my
13 memory, I may be able to answer that more clearly,
14 but I just can't recall from this.

15 82 Q. Okay. We'll see as we walk
16 through it whether anything jogs you memory.

17 I just want to go back to what you said
18 about if it wasn't in the specification, there
19 would have been an agreement on some of the
20 criteria. Are you able to speak to what you've
21 seen in other projects in terms of how much of the
22 trial running requirements or criteria are set out
23 in the project agreement itself?

24 A. Not the -- sorry, like, the
25 details of, like, how many days and --

1 83 Q. Well, so would you expect some of
2 what's contained in this trial running procedure,
3 some of the more specific criteria and the various
4 components that would be evaluated, have you seen
5 that sometimes specified in the project agreement
6 itself, or is it usually more framed quite broadly
7 in the project agreement without --

8 A. Yeah, and -- yeah, no, I mean,
9 it -- it is -- from -- from -- you know, I'm just
10 thinking to one which I do recall, and it's in
11 the -- it's in the project's agreement. And I -- I
12 just can't -- you know, like, it's -- I'm sure, you
13 know, there's a -- I mean, I don't know where you
14 investigated to go, but, you know, there's --
15 there's lots of other authorities.

16 I'm sure you can pull some -- you know,
17 some documents from other -- other railways, other
18 authorities, and what they would include, but
19 for -- yeah, and one I recall, yes, there was the
20 type of detail. I just -- I can't recall. Like,
21 it's -- yeah. Sorry.

22 84 Q. Okay.

23 A. I can go do a load of analysis for
24 you and, you know, pull on my contacts from
25 authorities around the globe and do an analysis,

1 but I can't pull that up from memory, I'm afraid.

2 85 Q. We may take you up on that.

3 A. Yeah, no, seriously, I'm an
4 independent consultant, so...

5 86 Q. Okay. So let me just ask you this
6 way, in case you remember. Do you recall any
7 discussions about the requirements in the project
8 agreement in this particular case on this project
9 being quite vague or ambiguous?

10 And I apologize, apparently my windows
11 are getting washed.

12 A. No, that's all good. You know,
13 I'm just -- I'm just -- I'm really trying to help
14 here, and I'm really, like, going deep into my --
15 into my memory, and I can't recall. I really can't
16 recall. You know, when we were developing this,
17 you know, I can't recall people raising issues from
18 OC Transpo, but I wasn't involved in a lot of those
19 conversations.

20 You know, I really was brought in to --
21 to chair, facilitate kind of like -- almost like a
22 bit of an independent -- even though I wasn't at
23 the time -- to, you know, facilitate. And, you
24 know, if there was issues or disputes, I wasn't
25 involved. And I can't recall, you know, what

1 they -- what those were, if -- if there were any,
2 so...

3 87 Q. Okay. And maybe we can bring this
4 down for now.

5 A. Yeah.

6 88 Q. What was -- and perhaps it's as
7 you just described it, but your role as co-chair of
8 the trial running review team?

9 A. Yeah, it was really to, you know,
10 chair the -- chair the team. It was a great bunch
11 of -- great bunch of people from memory, and it
12 was -- you know, the RTM -- there's a
13 representative. There had to always be a
14 representative from each of the different parties,
15 and that was, from memory, the independent
16 certifier was there, OC Transpo, City of Ottawa,
17 RTM, RTG, and OLRTC. And I believe the OLRTC under
18 the trial running work procedure -- or if it was in
19 a PA or piece, I can't recall -- but it was for the
20 OLRTC to chair -- chair those meetings. So it
21 really was that. It was -- it was facilitation,
22 chairing the process. And, yeah.

23 89 Q. And do you recall that at least
24 Matthew Slade's intention -- well, I'm not trying
25 to have you speak to his intentions, but were there

1 discussions -- or would you have understood from
2 discussions with him or others that this test
3 procedure and the criteria set out there were
4 intended to achieve high enough reliability in
5 terms of reliability metrics -- high enough
6 reliability for the system so that it aligned with
7 the metrics on which RTM would be evaluated
8 following RSA, if you understand what I mean?

9 So RTM would be evaluated to a certain
10 level or had to achieve certain metrics to not face
11 deductions or penalties.

12 A. Yeah. Yeah.

13 90 Q. Do you recall any sense or
14 understanding that this test procedure was meant
15 to -- or the requirements in the test procedure
16 were meant to align with that?

17 A. I -- I can't recall if it was
18 aligned specifically for that. What I do know is
19 that, yeah, there was a payment mechanism on
20 availability with the RTM contract like there in
21 any P3 contracts, you know, with the maintenance to
22 ensure the level of customer and -- customer
23 satisfaction, availability, you know, things such
24 as graffiti and cleanliness, you know, to a -- to a
25 high enough standard, like peak performance

1 indicators.

2 So, you know, by going through this
3 process -- now, whether or not it was linked or
4 not, I'm not sure -- but being a maintainer, taking
5 over an asset, and being on a abatement payment
6 mechanism, yeah, you want to ensure that the
7 service being handed over is of a -- you know, a
8 good quality with availability so you're not going
9 to have deductions through your term.

10 So, yes, in the sense of that you --
11 you would -- you know, the -- they kind of go hand
12 in hand, but I don't know if -- I can't recall
13 if -- I can't recall if RTM was actually driving
14 the viability regime. I kind of would have thought
15 that would be from OC Transpo and the City of
16 Ottawa as the -- the ultimate owner and ultimately
17 holding the risk of the projects with -- in the
18 sense of availability of the system. So I don't
19 know if this answers it.

20 91 Q. Yes, but what do you mean by
21 driving the availability regime?

22 A. So the -- the -- when you -- when
23 you receive an asset, you -- you need to -- well,
24 you need to ensure that it's -- that it's of a --
25 of a -- of a quality, of a standard and it -- it's

1 available. Like, so, you know, the metrics in
2 there, you can have a look at the abatement regime,
3 and, you know, that -- that's -- that's what -- you
4 know, by putting -- you put key performance
5 indicators into a contract to -- to drive the
6 performance of a -- of a -- of a body, of a person,
7 of a maintainer. So that's why they're in there.

8 And that's what I meant by, you know,
9 driving -- you know, it drives, it ensures that
10 you're going to get a level of service. That's why
11 they're in there. And that's why you get penalised
12 if -- if you're not achieving that criteria.

13 You know, and that's typically how
14 owners, sponsors, authorities, you know, ensure
15 that they're getting a system which, you know,
16 is -- is reliable and, you know, is -- is -- is
17 clean and safe and -- and everything which goes
18 into the railway.

19 I don't know if that --

20 92 Q. Yes.

21 A. Yeah? Okay.

22 93 Q. Were you involved in the pre-trial
23 running phase or what might have been called
24 practice running?

25 A. Yeah, like, that rings...

1 94 Q. Where there may have been failure
2 incidents or --

3 A. Yeah, I do -- I do recall, like --
4 I -- I -- I can't remember, but -- if we actually
5 did the score cards, but I do recall, you know, a
6 pre-trial running. But I -- I don't think from
7 memory that we did, like, a -- kind of the whole
8 formal -- I'm -- I can't recall doing, like, a
9 formal chairing of the -- of any meetings and score
10 cards. But, yeah, I --

11 95 Q. But you may have witnessed some of
12 it, like, you know, some -- some --

13 A. Yeah.

14 96 Q. -- scenarios like failure
15 scenarios?

16 A. Yeah, I -- I would have for sure.
17 I can't remember exactly what that looked like. I
18 don't know if that's captured -- captured
19 somewhere. Probably -- probably is in the data
20 somewhere, but, yeah.

21 97 Q. So do you have any recollection of
22 how the trains were performing going into trial
23 running or prior to trial running?

24 We're frozen.

25 So we lost you again for a moment.

1 A. That's strange. It's -- yeah,
2 sorry about that.

3 98 Q. It's okay. So we didn't get any
4 answer. And so if you can just -- I'll repeat the
5 question, which was whether you have any
6 recollection of how the trains were running or
7 performing in the lead-up to trial running?

8 THE COURT REPORTER: Frozen again.

9 BY MS. MAINVILLE:

10 99 Q. We lost you again.

11 A. Sorry. I'm sorry. It's -- I
12 don't know what's going on with my internet, but it
13 should be more stable now.

14 100 Q. Okay.

15 A. If that happens again, if we can
16 just break for a few minutes while I just go and
17 sort it out.

18 101 Q. That makes sense. Okay. So if
19 you could start your answer.

20 A. Sorry, sorry. I missed the
21 question again.

22 102 Q. Missed the question. Okay. Do
23 you have any recollection of how the trains were
24 running or performing in the lead-up to RSA --
25 sorry, in the lead-up to trial running?

1 A. I -- I can -- I think -- I think I
2 can recall that there was some -- yeah, there
3 were -- it -- we weren't achieving -- I --
4 honestly, I -- I -- I can't remember if it was --
5 if there was some good days and then there was some
6 bad days.

7 But I -- I do recall that there was
8 some not so good days, but I can't recall -- there
9 must have been -- I -- honestly, I'm kind of --
10 I'm -- I'm really trying to -- trying to remember.
11 And I don't know -- you know, I'm kind of assuming
12 that there must have been good days to go into a
13 trial running, but I -- but it's really -- like,
14 I'm -- I'm kind of almost kind of guessing a little
15 bit there. I'm kind of assuming. I can't remember
16 for sure.

17 103 Q. Because normally you would want to
18 make sure you're ready for trial running before
19 engaging in it.

20 So we'll take a break, yeah. Okay?
21 And if you want to maybe drop off and come back and
22 log back in, we can try that. You know what? We
23 were not too far from taking our 15-minute break,
24 so why don't we do that?

25 THE WITNESS: Okay. Sounds good.

1 (ADJOURNMENT)

2 BY MS. MAINVILLE:

3 104 Q. So when we left off, Mr. Allman, I
4 asked you a question about readiness for trial
5 running. So I think you said something along the
6 lines of you're assuming there were good days in
7 terms of the trains running and the lead-up to
8 trial running, because you -- and because you went
9 to trial running. And I believe my question was
10 along the lines of that I take it you would
11 normally want to ensure the system was ready to go
12 to trial running.

13 A. Yeah, I mean, you (audio glitch).

14 MS. MAINVILLE: Okay. So let's pause.
15 We're still having audio issues, so why don't you
16 try to calling in, then? Maybe stay on the line
17 until we're sure we have you.

18 THE WITNESS: Yeah, sorry, I'm going to
19 dial in off my cell, because I don't know what's
20 going on, because I've switched.

21 (ADJOURNMENT)

22 BY MS. MAINVILLE:

23 105 Q. Okay. So my question, again, was
24 I expect typically when you go into trial running,
25 you want to ensure the trains are running fairly

1 well, at least?

2 A. Yeah, fair enough. That's a fair
3 assumption to make.

4 106 Q. How ready do you want to be in the
5 normal course?

6 A. I mean, you -- I mean, if I -- I
7 can't put a -- you know, a definition of, like,
8 what -- how ready looks like. You know, I suppose
9 if anything, I mean, it depends -- you know, it's
10 like you want to be -- you want to be ready,
11 because you want to -- you want to succeed. But
12 I -- I don't know -- I -- yeah, without having data
13 or anything in front of me, and even then, it's --
14 I don't know the system and the -- the
15 availability. I mean, that's really the testing
16 commissioning, and, you know, the technical team
17 delivering on what they believe is ready. So I --
18 yeah, I...

19 107 Q. I take it you wouldn't have had
20 any input or -- or would you say you had any
21 awareness of discussions about whether the system
22 was ready for trial running?

23 A. I -- I can't recall those
24 conversations. I'm assuming that -- and this is
25 just assuming that, you know, people believed that

1 it was ready for trial running if we commenced
2 trial running. But that wasn't my decision.

3 108 Q. Right.

4 A. Yeah.

5 109 Q. Let me ask you this: Was there a
6 date set for trial running that you were working
7 towards for some time?

8 A. I really -- I -- I can't remember.
9 I -- from memory, I -- from memory, we were looking
10 at a -- for going into revenue service, I -- I
11 think it was, like, September, October, and the
12 City wanted some time to prepare themselves. So
13 even though, you know, we get through trying trial
14 running and maybe obligations of the trial running
15 procedure, the contracts, and then there was a -- I
16 don't know what we call it, but there was a
17 readiness period for OC Transpo.

18 But I -- from memory, I think it was,
19 like, September, October to go into revenue
20 service. I -- I can't -- I can't recall an exact
21 date or kind of even a month. Maybe -- maybe it
22 was September, because that's when school goes
23 back. But that's just a -- you know, a guess.

24 110 Q. Do you recall how long that
25 readiness period was going to be for?

1 A. I -- I think -- and I could be
2 wrong here -- one month comes to mind, but I -- but
3 I could be wrong.

4 111 Q. In other words, your expectation
5 may have been that even once trial running was
6 complete, and RSA was reached, there may be about a
7 month period before the system became available to
8 the public; is that right?

9 A. I think -- I think so. I --
10 that -- that's what I can -- that's the best I can
11 recall.

12 112 Q. Okay. Do you recall any urgency
13 to get to trial running and to subsequently
14 complete trial running?

15 A. Yes. You know, there was a -- you
16 know, with -- with any of these -- these projects,
17 you know, typically, you know -- and this is
18 speaking globally, you know -- they don't typically
19 come in on time. And, you know, there is -- there
20 is lots of examples around the world of -- of that.
21 You know, and this was no -- no different.

22 And, you know, the -- there's --
23 there's pressure from the public, you know, from --
24 from the media, from memory, and -- and -- and then
25 the owner. And then always -- there's always

1 pressure from the -- you know, from the actual
2 corporations themselves. So, yeah, that's --
3 that's a reasonable assessment.

4 113 Q. Right. And you had that
5 understanding just based on your involvement during
6 the trial running period?

7 A. Yeah, I think anyone who lives in
8 Ottawa -- could be anyone, some walking on the
9 street, working in a cafe -- you had that kind
10 of -- you know, from -- from memory, the press
11 and -- yeah, it was -- you can't not see that. You
12 know, it's -- it's like the whole city was talking
13 about it, so...

14 114 Q. Okay. And do you recall
15 challenges at the start of trial running in terms
16 of how the trains were performing?

17 A. Yeah, I do recall -- I do recall
18 issues with the availability of the trains. I
19 don't know -- and I can't recall any specifics on
20 what those issues were, but that was the main --
21 that's the main focus, you know, on the
22 availability of the trains.

23 115 Q. Would you have known at the time
24 what the issues were?

25 A. I -- I would not have any

1 visibility of the actual issues themselves. I
2 wasn't involved. If I did know at the time, it was
3 purely from, you know, just general chatter. But,
4 you know, that always comes with a, you know, word
5 of caution, because it's maybe come in second or
6 third hand.

7 But, yeah, I wasn't -- I wasn't
8 involved in -- in any of those meetings,
9 discussions, regarding the performance of the
10 rolling stock and the -- the details behind them.

11 116 Q. And so in terms of the data that
12 the trial running team would receive, it did not
13 include details or information about, you know, any
14 particular events on the line or what actual issues
15 might be arising?

16 A. Yeah, it was -- it was really
17 data. It was -- it was -- it was -- it was quite
18 simple in that sense of data of, you know, the --
19 as per the score card, there were, you know, so
20 many -- so many trips had to be completed and then
21 from memory, you know, a -- a number of kilometres
22 per day and then, you know, availability of the
23 different systems.

24 And it was really -- that was all
25 derived from data, so I don't recall any -- like,

1 there was -- I don't -- I don't recall that there
2 was any kind of specific reasons for -- you know,
3 it was because of this particular issue on a train
4 or, you know -- you know, it was -- it was really
5 more about the -- the score card and the -- you
6 know, a train had broken down.

7 Probably there -- there would have
8 been, you know, probably discussion, Oh, we didn't
9 achieve it today, because a train broke down, and
10 it stopped the service. It's probably as detailed
11 as that.

12 117 Q. Okay.

13 A. Yeah.

14 118 Q. Do you recall whether you would
15 receive data from Alstom such as their reliability
16 reviews?

17 A. I can't recall -- I can't recall
18 seeing that. The only data we received was -- oh,
19 was it from -- I can't remember who it came from,
20 because we -- we had -- we had, like, average
21 kilometres per the day, and then -- I don't know.
22 There was a few sources. So, yeah, we didn't get
23 any reliability -- I -- I can't recall seeing any
24 reliability data from Alstom.

25 It was purely on, you know, how many

1 kilometres trains had gone in the day, and there
2 are a few different sources for that: odometer
3 readings; from memory, there were people on the
4 ends of the terminal stations counting how many
5 trips were made; and then some kilometre data from
6 the -- from the cycling system.

7 But that was it. It was really just
8 data on, you know, how many kilometres rather than
9 any kind of availability data and reliability data.

10 119 Q. And what about, for instance, for
11 the maintenance evaluations? What kind of data
12 would you be kind of relying on for that?

13 A. So the maintenance -- maintenance
14 one was a -- how did that -- I think it was more of
15 an observation. If from memory, there was a --
16 there was a table, there was, like, a safety
17 evaluation team. And I think it was more on
18 observations, which I suppose it has -- it has to
19 be in the sense of, you know, incidents, incident
20 response, accidents.

21 So, yeah, it was more, you know,
22 qualitative rather than quantitative, which, you
23 know, travelers on -- yeah, I can't recall who
24 was -- they used to provide a recommendation on a
25 daily basis of the -- of the maintenance and any

1 issues.

2 120 Q. So would you receive these
3 observations from others, or would you at least
4 occasionally go on the line on site?

5 A. No, it was -- it was from others.
6 Yeah, no, I -- you know, I -- I certainly didn't
7 make those -- I didn't -- I didn't make up that
8 determination. It was just that -- that one was
9 based on the -- the safety manager. And I think
10 that was from -- you know, there was a team who
11 was -- like OC -- OC Transpo or City of Ottawa and
12 RTM. I -- yeah.

13 121 Q. Do you recall who was the safety
14 manager?

15 A. What's that, sorry?

16 122 Q. Do you recall who was the safety
17 manager?

18 A. No, I don't.

19 123 Q. Who would they have been with?
20 Who would they have been with? Like, was it a City
21 employee or was it an OLRTC or RTM?

22 A. I -- I'm pretty sure it would have
23 been a combination. You know, so there's a level
24 of independence in there. So it's not just OLRTC
25 and RTM, but I'm just assume -- I -- I can't recall

1 who it was, but I'm pretty -- I'm quite sure that
2 it was someone from the City there as well.

3 124 Q. And so outside of the trial
4 running review team meetings, what -- where would
5 you be? What would you be doing, if anything?

6 A. It was a -- it was an enjoyable
7 summer. It was -- it was -- it -- it was -- I --
8 I -- I enjoyed it. I mean, I wasn't on the -- you
9 know, the diplomacy end like the others were, so,
10 you know, it was really facilitating those
11 meetings. And I also attended a meeting in the
12 morning, you know, which may be a little bit more
13 of a -- like, a working level.

14 And that was OC Transpo, I think, City
15 of Ottawa there and RTM and OLRTC. And that was
16 basically -- you know, they would meet and -- and
17 assess some of the -- the data as well. So, yeah,
18 I would attend that one, but I was just really
19 not -- as an observer. I didn't chair those
20 meetings or, you know, participate, because it
21 wasn't my information. I wasn't responsible for
22 the development or import of any of this
23 information data. I didn't chair the meeting from
24 memory. No, I'm pretty sure I didn't chair the
25 meeting.

1 125 Q. And, sorry, I missed part of it.
2 Were these the morning --

3 A. Yes.

4 126 Q. -- meetings?

5 A. Yeah.

6 127 Q. Okay. So did that -- for
7 instance, did that include Steve Nadon, do you
8 recall?

9 A. I can't remember if he was there
10 or not. I think he was. I -- I -- I can't recall.
11 To be honest, I'm struggling to remember who was at
12 the meetings. Yeah, Steve may have been there.
13 Yeah, sorry. Yeah.

14 128 Q. If you recall as we go, please let
15 me know who might have been in attendance.

16 A. Yeah.

17 129 Q. Would there have been other
18 members of the afternoon trial running review team
19 who would attend these morning meetings?

20 A. I think -- I think RT -- RTM would
21 have been there and the -- and the OC Transpo.
22 I -- I can't -- you know, I can't recall who was
23 there, and I -- I -- yeah, I -- I can't -- I can't
24 remember, so...

25 130 Q. So was there more discussion at

1 these meetings about what happened --

2 A. Yeah.

3 131 Q. -- to (indiscernible)?

4 A. Yeah, it was kind of like a -- so
5 it -- it's kind of like a -- a day in the life
6 of -- those meetings will be taking place every
7 day. And they would have taken place every day,
8 you know, whilst the service is in -- whilst we're
9 in revenue service. I -- I would think because it
10 was kind of like a -- I can't remember the name of
11 it, but it was -- yeah, it was -- I think you may
12 have mentioned, but beside -- you meet on a daily
13 basis and review what -- what happened, and, you
14 know, it comes back to the -- you know, the
15 availability regime, the -- the payment mechanism,
16 and it's -- you know, is it a projectco cost or non
17 projectco cost?

18 So it was kind of like a -- a -- like
19 kind of a -- a trial run for how those meetings
20 would then eventuate into when they're in revenue
21 service. But, yeah, I was really an observer in
22 those -- in those meetings.

23 132 Q. So let's start with, I think, the
24 relevance of whether something is a projectco cost
25 or not, is that -- it wouldn't -- lost kilometres,

1 for instance, may not be deducted or attributed --
2 wouldn't enter the tally at the end of the day if
3 it wasn't due to the project company's performance?

4 A. Yeah. Yeah, that's correct.

5 133 Q. And that assessment would be at
6 morning team meetings, not at the afternoon trial
7 running?

8 A. Yeah. Yeah, that's correct.

9 134 Q. And the afternoon team meeting
10 would just receive the outcome of that assessment?

11 A. Yeah. Yeah, so that's -- and
12 that's in -- yeah.

13 135 Q. And would there need to be some
14 level of -- well, I think it's an absolute term.
15 Would there have to be unanimity of the morning
16 meeting or not?

17 A. Yeah, there wouldn't -- I think --
18 I think -- which is all normal, there's nothing --
19 you know, it's all kind of how it would work. You
20 know, I'm -- I think from memory, it was always,
21 you know, come out of those meetings and, you know,
22 everything would be agreed. And, you know, from
23 memory, if -- there was any dispute, it was so
24 minimal, and literally it would be, like, you know,
25 such a small amount of kilometres, which made no

1 real impact.

2 And that's the -- that's -- that's all
3 I can remember, because I -- yeah, I -- I just
4 remember, you know, them disputing, which is
5 completely normal, but, you know, is it a -- that
6 kind of thing, doesn't really make any difference.
7 So, you know, because there's always a bit of a
8 buffer with the -- with the kilometre -- you know,
9 the average kilometres.

10 So, yeah, I -- I can't recall there
11 ever being anything significant or, you know, any
12 big disputes which would swing the results of
13 the -- the day.

14 It was always if there was a fail day,
15 it was pretty obvious. I mean, it was, like, a big
16 fail. I can't remember, but I could be wrong, if
17 there was any, like, really close on the line. And
18 it really was all around the -- from memory the --
19 you know, the -- the -- the availability of the
20 trains.

21 136 Q. And so it's possible that there
22 were some that were close to the line that may have
23 passed, but you don't recall?

24 A. No, I don't -- I -- I can't recall
25 any being really close. Yeah, I just -- I can't

1 remember. It was always, like, amicable. Sorry,
2 mince my words. You know, it was always -- in
3 those meetings, there was never really any major
4 dispute. So based on that -- and that's going back
5 to, you know, memory and feeling at the time, and,
6 you know, I'm -- I'm kind of assuming that there
7 weren't any real kind of close debates.

8 It was kind of like a really obvious
9 fail or it was a -- it was a -- it was a pass. But
10 I -- but I could be wrong. That's just -- without
11 seeing the data -- well, score cards and the -- but
12 I don't remember anything being really close.

13 137 Q. Do you recall everybody, all the
14 parties, being pretty incentivised to get to RSA?

15 A. Yeah, you know, I think that's --
16 I think that's fair enough. You know, as we're
17 talking before, you know, everyone wants --
18 everyone wanted to get into revenue service, so, I
19 mean, yeah, there's a collective incentive, that
20 wise, for different reasons. So yeah. Yes.

21 138 Q. Would there have been more
22 discussion about events on the line at the morning
23 meetings? Would you have had more awareness there
24 of --

25 A. Yeah.

1 139 Q. -- performance?

2 A. Yeah, there would have been.
3 There would be, yeah, more -- more discussions,
4 more of a working level -- a working-level
5 discussion.

6 140 Q. And so do you have any
7 recollection of what kind of issues were being
8 encountered?

9 A. It's a -- I -- as I said before,
10 the -- you know, I remember there being, you know,
11 some dispute, which is completely normal, you know,
12 with -- okay, is it projectco cost, is it a non
13 projectco cost? But it was always -- from memory,
14 it was always pretty minimal like kilometres. When
15 you actually got to it, there wasn't anything
16 significant. Yeah.

17 141 Q. And would the qualitative
18 evaluation of the maintenance performance that we
19 discussed, would that have been done then at the
20 morning meetings or both or only at the later
21 meetings?

22 A. I can't remember. And I think
23 they used to provide a -- a little report or a -- I
24 can't recall if that was in an e-mail. I can't
25 recall if it was provided in that morning meeting

1 or not. I think it was separate, but I -- yeah, it
2 was -- I -- yeah, I just can't -- I can't recall if
3 it was there or not at that meeting.

4 142 Q. Okay. And you still don't recall
5 who else might have been on the morning -- or who
6 may have been on the morning meeting team?

7 A. No. Tom Pate would have been
8 there. Tom Pate was there, and -- and I can't
9 remember if Steve was there or not.

10 143 Q. Okay.

11 A. And, yeah, and then there -- there
12 were members of OC Transpo and OLRTC and RTM.

13 144 Q. Do you recall whether Troy Charter
14 would have been in the morning meeting?

15 A. I can't remember. I don't know.
16 I don't know if he was there or not. I -- I could
17 be wrong, but I -- I don't think he was.

18 145 Q. Just to assist you, he would have
19 been in the afternoon ones, I believe.

20 A. Yeah, he was -- it was definitely
21 in the afternoon ones, for sure.

22 146 Q. But not necessarily the morning?

23 A. Not necessarily the morning.

24 147 Q. Okay. Did you ever hear anything
25 from Alstom or conveyed to you about Alstom or

1 others being surprised that any given day was a
2 pass?

3 A. I -- no, I didn't. I didn't.
4 Sorry, I kind of chuckled a bit there. But, no,
5 I -- I didn't get that.

6 148 Q. Why did you chuckle?

7 A. I suppose a funny statement, like,
8 yeah, from Alstom. No, I -- I didn't, no, so...

9 149 Q. I just wonder whether or not
10 you're chuckling because that's inconsistent with
11 what you understood Alstom to have conveyed or
12 you --

13 A. No, it's just the way you say
14 surprised, Alstom surprised at their own rolling
15 stock breaking down. Yeah, no, I don't -- I
16 didn't -- I didn't really communicate with -- I
17 never had -- even, you know, from my previous role
18 with the -- with the, you know, facilitation, the
19 handover, I didn't have -- I didn't have, you know,
20 that much involvement with Alstom. Pretty much all
21 RTM, and I wasn't involved in the rolling stock
22 discussion, so it was pretty limited.

23 150 Q. And to be clear, I meant surprised
24 just that a particular event, for instance, didn't
25 lead to a failure.

1 A. Okay. Yeah, no.

2 151 Q. So do you recall how the change to
3 the criteria came about?

4 A. I don't. So what I can recall is
5 that there was some fail days, and I -- I think and
6 from memory, that would have meant doing a restart.
7 And I -- yeah, so I -- so I -- I'm -- I'm kind of
8 assuming that that's -- that's why the chain --
9 there would have been a change.

10 152 Q. You know, to assist you, why don't
11 we bring up the sort of total results, the
12 compilation of results for the entire trial
13 running -- or the bulk of it, which is at
14 COW270758. And this includes all the daily score
15 cards, but we'll go to the very last page which has
16 a bit of a synopsis. That might help jog your
17 memory. So you'll see there where the restart
18 began after August 8th?

19 A. Ahh. Okay, yeah.

20 153 Q. And then you have eventually the
21 12 days.

22 A. Yeah.

23 154 Q. So does that help you situate
24 when -- or for what reason the criteria changed?

25 A. So I'm kind of looking at that

1 there. Okay. Yeah, so I remember now. I went
2 to -- it was -- it was going well at the beginning,
3 and then as we ramped up, then there was some
4 fails. So that's a pause, then a restart.

5 So based on this here, I'm assuming
6 that the change came about, you know, on that 14th
7 and 15th, because it's got -- instead of pause,
8 it's got repeat, so, yeah, I'm -- I'm assuming it
9 happened around then.

10 155 Q. I see. Right. So not right after
11 the restart but a bit later on?

12 A. Yeah. I mean, just -- just
13 looking at that, I -- looking at that there, I'm --
14 I'm assuming it was around the -- around the repeat
15 period.

16 156 Q. And so do I take it it was linked
17 to these scored or the repeat scores -- the repeat
18 day scores, I should say?

19 A. Sorry, can you just say that
20 again, please?

21 157 Q. So do I take it the change in the
22 criteria was linked to the repeat day scores?

23 A. I -- I -- I can't recall, but I'm
24 just going off what's in front of me here and
25 making the assumption that that was when there was

1 a change. But I can't recall from memory when --
2 when that was other than looking here and making
3 the assumption it's on those days.

4 158 Q. Do you recall, though, that the
5 intention was linked to reliability issues and
6 needing to -- to lower the criteria to some extent?

7 A. I remember the -- the rolling
8 stock and the -- and the availability, and I wasn't
9 involved in, you know, any discussions around
10 changing the -- the criteria. So, I mean, going
11 off the score card or metrics, you know, by
12 changing it, I'm not having to, you know, do a --
13 do a restart on the 14th and 15th.

14 Then, yeah, you know, I mean, that's --
15 I -- I think that's moving away from the original
16 12 -- 12-day average -- average kilometre day, a
17 12-day AVKR, which is, you know, without looking at
18 the document, the test procedure had to be
19 consecutive days, but I could be wrong. It would
20 be in the -- in the document.

21 159 Q. Sorry, it had to be what days?

22 A. Consecutive.

23 160 Q. Consecutive days. Right. So I'm
24 going to ask you, to the best of your recollection,
25 but I may be able to bring you to the score sheet.

1 If the criteria hadn't changed, you're saying it's
2 possible that the 14th and/or the 15th may
3 otherwise have been a restart? And I can bring you
4 to those score sheets, if it assists.

5 A. Yeah, looking at that -- yeah,
6 that -- looking at that in front of me there, then,
7 you know, yeah, it's the assumption I would make.

8 161 Q. Let's go up a bit just to assist
9 you to this mark, either -- well, let's start with
10 the 14th of August. There. So you'll see --

11 A. Okay.

12 162 Q. -- there's a few failures on the
13 operational category.

14 A. Yeah.

15 163 Q. Would that normally have led to a
16 restart, those failures?

17 A. I -- I -- I'll have to look, you
18 know, back at the -- the trial running procedure.
19 But from memory, it would -- it would result in
20 a -- in a -- in a -- in a restart, I think. But,
21 you know, I'd have to look back at the trial test
22 running procedure, you know.

23 164 Q. Okay.

24 A. It should be -- it should be
25 spelled out in there, because it's a -- it's a

1 specification you're following. It's a procedure.

2 165 Q. M-hm.

3 A. And it should be clear on there
4 what constitutes, say, a repeat day or pause day or
5 a, yeah, restart.

6 166 Q. The criteria was clear for each of
7 those. It wasn't a qualitative judgment at the
8 outset, I'm saying, in terms of the original
9 procedure?

10 A. I -- I -- put it this way. Going
11 into it, I'm sure it was -- I'm sure it was clear
12 or clear in people's minds of what -- what the
13 specification meant, you know. You do find in --
14 you know -- you must come across it as well, then,
15 you know, when there's issues, that maybe, you
16 know, it's not so clear anymore. But for -- yeah,
17 I'd have to -- I'd have to reread the document
18 and -- and then make an assessment that way.

19 167 Q. Okay. Do you recall that the
20 travel time and the headway were sort of key items
21 for the scoring?

22 A. I -- it was -- yeah, from memory,
23 you know, yeah, it was all around the vehicle, you
24 know. The availability, the kilometres, you know,
25 and the journey time there. But then, you know,

1 I'm just reading this. Okay.

2 Weekday, headway three out of four, but
3 then on that score card, you know, we have two reds
4 and two greens. So that's a fail, but then safety
5 is a pass.

6 Yeah. So, yeah, really around, you
7 know, that operations piece there, the operational
8 and the vehicle availability, I mean, that's what
9 you need for the -- you know, for service to be --
10 to be performing, you know, carrying -- carrying
11 passengers on trains, you know, especially volume
12 of passengers.

13 168 Q. Right. And so do you recall
14 whether -- if maintenance was a failure or was a
15 failing, like, on this card, for instance, for
16 maintenance practices that did not necessarily
17 result in a -- a failed day, including right from
18 the outset of the trial running, so in terms of the
19 original procedure?

20 A. Yeah, that's -- that's what I
21 recall is even if there was a failure on the
22 maintenance practices and from memory with some of
23 the customer systems, then if the -- the vehicle
24 availability and the operational were passes, then
25 the overall day would be a pass.

1 169 Q. Okay.

2 A. But safety, from what I can
3 recall, you know, it was really a pass. So if you
4 fail safety but where you agreed on absolutely
5 everything else, that it would be a fail day.

6 170 Q. Right.

7 A. From what I recall.

8 171 Q. Right. Those were the driving --

9 A. Yeah.

10 172 Q. -- criteria. So could a big
11 maintenance failure ever lead to a failed day or
12 maybe --

13 A. I don't.

14 173 Q. -- (indiscernible)?

15 A. I don't know -- from memory, I
16 don't recall any failure maintenance days resulting
17 in a trial running day fail.

18 174 Q. Do you recall what type of issues
19 were being encountered on the maintenance front?

20 A. I'm just trying to remember.
21 Yeah, I -- I really don't recall. I'm just trying
22 to think of an example. I'm pretty sure this
23 was -- this was documented, but I -- but I can't
24 recall any specifics. I don't know if it was
25 response -- maybe response time to -- to -- to

1 maintenance issues.

2 You know, so if an event was logged,
3 there was a response time. And if RTM didn't
4 respond or rectify the issue within that time, then
5 maybe that was a fail. But I -- but I could be
6 wrong. I think that's what it was, but I can't --
7 I can't recall any examples.

8 175 Q. Do you recall whether there were
9 concerns about the maintenance performance
10 following trial running?

11 A. Yeah, there was. Yeah, I do
12 recall that. I do recall there were concerns that
13 they weren't ready.

14 176 Q. Would you have any sense of what
15 may have been done as a result of that to prepare?

16 A. Sorry, can you -- can you repeat
17 that?

18 177 Q. Do you have any knowledge of what
19 was planned to correct that, if anything, following
20 trial running?

21 A. I don't, no. Sorry.

22 178 Q. Do you recall -- because projectco
23 was on the trial running review team, correct, from
24 RTM?

25 A. Sorry, Claude --

1 179 Q. Mr. Jacob.

2 A. Yeah. Yes.

3 180 Q. Do you recall whether he shared
4 the concerns about maintenance not being ready?

5 A. He didn't -- he didn't share those
6 concerns with me.

7 181 Q. Okay. So you don't know one way
8 or the other?

9 A. No.

10 182 Q. Okay. So you said you weren't
11 part of the discussion about changing the criteria.
12 Does that mean you don't know who initiated it?

13 A. I don't -- I wasn't involved. I
14 can't recall the discussions around who initiated
15 it. What I do know is that in order to make the
16 change -- that is, a change to a specification, a
17 procedure -- that needs to be approved or
18 instructed by the owner/sponsor, you know, so in
19 this case, City of Ottawa, OC Transpo.

20 183 Q. Okay. And do you recall one of
21 the changes being that there was a reduction of the
22 number of trains to be run from 15 to 13?

23 A. That does -- that does ring a
24 bell, but, yeah, I'm really sorry. I don't -- I
25 can't recall any details on that, but it -- it --

1 it definitely -- it -- it rings a bell. That's all
2 I can say.

3 184 Q. Okay.

4 A. Yeah, I can't remember.

5 185 Q. You don't know -- well, do you
6 know what drove that reduction?

7 A. I --

8 186 Q. Sorry, go ahead.

9 A. I was just going to say the
10 only -- I mean, just looking at it logically, you
11 know, to drive a reduction is because there is a --
12 an issue, you know, in the sense of the -- the
13 availability of the -- of the systems. So, you
14 know, actually from -- from memory, when we're
15 going up to the service level -- the highest
16 service level, then that's when the -- to the best
17 I can recall, is when we were having failure days.

18 But I -- but without seeing the data, I
19 can't verify that. But that's just a -- you know,
20 from memory, the best I can recall.

21 187 Q. There were some challenges making
22 15 trains available; is that fair?

23 A. I -- I think so. Yeah, from -- to
24 the best I can recall, yes.

25 188 Q. And do you recall a change to the

1 AVKR average, so the AVKR going from 98 percent to
2 96 percent?

3 A. You know, I don't. I -- I can't
4 remember that change. Again, it's in -- if
5 that's -- you know, if that's what it was changed
6 to, then that -- that happened. It's all recorded.
7 But I -- I can't recall that.

8 189 Q. Okay. Do you recall a change from
9 12 days to using the best nine out of 12 days to
10 calculate the AVKR average?

11 A. Yeah, nine -- okay, yeah, I've --
12 I can't remember. What -- what did you -- what was
13 the exact question?

14 190 Q. If you recall that being one of
15 the changes.

16 A. No, you just reminded me then.
17 So, yeah, no, I was kind of thinking back on that,
18 and, you know, lower down on what you showed me
19 here, it was the 12. Yeah, no, I can't remember
20 that beyond that.

21 191 Q. Sorry?

22 A. I'd forgotten that it changed from
23 nine to 12 until you told me, so...

24 192 Q. Sorry, until I told you. So you
25 were --

1 A. Yeah, sorry, until you told me.

2 193 Q. Got it. Okay. And going to try
3 to see if you recall this, even though it's quite
4 specific. I take it that reducing the number of
5 trains from 15 to 13, would it result in fewer
6 scheduled kilometres to be run proportionate to
7 that? Right?

8 A. Yes. Yes. That would be -- that
9 would be correct, yeah, because there's less trains
10 in the system.

11 194 Q. M-hm.

12 A. So I think that's a -- I think
13 that's a fair assumption.

14 195 Q. And so but my follow-up question
15 is: Do you recall the number of scheduled
16 kilometres was reduced beyond that or whether it
17 was only a reflection of -- whether the reduction
18 was only a reflection of the number of trains being
19 run?

20 A. Yeah, I -- I can't recall it
21 being -- I -- I've got no memory of it being
22 reduced, the average kilometres other than, you
23 know, trains -- less trains. Sorry.

24 196 Q. If we go to August 19th, just to
25 see an example here, you'll see that the

1 operational travel time here was a fail.

2 A. M-hm.

3 197 Q. But the day is a pass. So are you
4 able to speak to that and why that would be the
5 case? And this is following the change in criteria
6 being toward the end of trial running.

7 A. Yeah, just having a look here.
8 Okay. So I'm just starting from the bottom. Now
9 you know, with Christmas, the systems -- that was
10 quite common, you know. You get some fails in
11 there. You know, vehicle availability was -- was
12 very important. I see the maintenance fail. So
13 all the headways of that and the -- and the average
14 vehicle kilometres, they were the main ones.

15 Maybe this is travel time ATMO 23
16 minutes. So you know, kind of -- I -- you know,
17 from memory, you know, looking at this, you know, I
18 have to say, well, you know, the big -- the vehicle
19 availability's green. So what have we got? A 97.
20 So, okay, daily average. But here it's 97.21.

21 And then it all passes, and it's quite
22 close on the travel time. So, yeah, I mean,
23 it's -- it looks like that, and it's -- it says at
24 the top that would be a pass. I'm just going off,
25 you know, the memory of -- and, you know, those

1 generated trial runnings and, you know, kind of
2 what would constitute a pass or a fail and based on
3 the -- the previous score card you showed me.

4 198 Q. So at least in respect of an
5 instance like this, where it was close to the
6 required travel time, there would have been some
7 level of quality judgment on whether --

8 A. Yeah.

9 199 Q. -- it was good enough or --

10 A. Yes.

11 200 Q. -- (indiscernible)?

12 A. Yes.

13 201 Q. And similarly if we go to
14 August 22nd, you see there on the headway, there
15 are two fails. And normally three out of the four
16 are required to pass, so it's a fail, but the
17 overall day is a pass.

18 A. M-hm. Okay. Yeah, that's -- hmm.

19 202 Q. Now, there are footnotes if you go
20 down.

21 A. Yeah.

22 203 Q. Just take a moment to review that
23 to see if it refreshes your memory.

24 A. Okay. So, yeah, CC, yeah. Minor
25 issues, not in passing safety, security, or

1 availability. RFI? What is that? RFI OTTC.

2 204 Q. So I was -- that was going to be a
3 question I was going to come to shortly.

4 A. Yeah.

5 205 Q. But if you recall, the new
6 requirements, in terms of the changes that were
7 made were reflected in this other procedure or
8 document, which I'll take you to later, if you --
9 to refresh your memory. But it would have been
10 call RFI0266.

11 A. Okay.

12 206 Q. So do you recall that day what
13 kind of evaluation or assessment would have been
14 made to determine that the day was a pass?

15 A. I -- I don't -- do you mind just
16 scrolling back up a second? Yeah. So, actually,
17 sorry, the -- do you mind just going back down
18 again? And there's one -- the -- AVKR refer to
19 Appendix C, RRT conclusion. Yeah, I -- I just -- I
20 don't recall based on this.

21 207 Q. Okay. And do you recall what
22 PA -- is this is a reference to the project
23 agreement, in this footnote, this CCTV and PA?

24 A. Oh, public announcement.

25 208 Q. Ahh, I see. And so would that

1 relate to the headway, that footnote?

2 A. It says -- oh, CCTV and PA?

3 209 Q. Yes.

4 A. No, that's customer systems and
5 other major systems, so...

6 210 Q. And that's down below. Yeah,
7 exactly. Okay. So then the footnote's relevant to
8 the headway?

9 A. Yeah, I don't -- I can't see one
10 there.

11 211 Q. No.

12 A. This RFI, morning peak, I'm not
13 sure what that's in relation to. And the AVKR,
14 refer to trial running TRRT conclusion.

15 I'm just trying to remember what that
16 is. Trial running -- I don't know what the RT is.
17 So, yeah, I'm not sure. Sorry.

18 212 Q. Okay. Why don't we take this
19 down, and I'll show you the RFI to see if you
20 recall it. It is at COW442401. So this -- well,
21 let's start with whether you recall -- and you can
22 scroll through a bit, whether you recall this being
23 ultimately the criteria relied on after the change.

24 A. Yeah, I can't recall ever seeing
25 this.

1 213 Q. It's dated 2017, if you go the
2 second page. I don't know if you had any sense of
3 reverting back to criteria that had been devised in
4 2017.

5 A. No. Maybe that's when the -- that
6 must have been when the document was written, I'm
7 guessing.

8 214 Q. Yeah.

9 A. The trial run procedure. Yeah. I
10 can't -- I can't recall seeing that or -- not
11 really, yeah. Not really sure what that is in
12 relation to. Looks like it's a -- yeah, I don't
13 know.

14 215 Q. Mark, can you scroll down a little
15 bit to make sure if there's a sense of the rest of
16 the document? If you go to, for instance, the --
17 further down to the section on service delivery
18 yeah. There.

19 So you'll see this is where, for
20 instance, the average AVKR indicates 96 percent?

21 A. Okay. Okay.

22 216 Q. And minimum peak availability, 88
23 percent?

24 A. Yeah.

25 217 Q. So do you believe at the time, you

1 would have had this document?

2 A. I -- I can't recall seeing this
3 document. Doesn't mean to say I didn't. I -- I
4 cannot recall seeing this document.

5 218 Q. Fair enough. Do you recall
6 whether -- after the changes were made to some of
7 the criteria, the remaining criteria still applied
8 in terms of the original trial running test
9 procedure?

10 A. I -- I don't know.

11 219 Q. You have no recollection?

12 A. No -- what -- with regards to
13 this? This RFI, sorry?

14 220 Q. Well, so this RFI only speaks to
15 some of the requirements, I suppose, such as AVKR
16 and reflects some changes to the criteria. But the
17 trial running test procedure that you signed off on
18 with Mr. Slade, the one you were relying upon
19 originally for trial running, is far more detailed,
20 I would say.

21 So I'm just wondering whether the other
22 aspects of the trial running test procedure, the
23 July 2019 one, those still applied to the extent
24 that the trial running review team were still
25 relying on that procedure in some respects?

1 A. I -- I would think so. I -- you
2 know, it was -- the focus was very much, you know,
3 developing a -- the -- the steps were, you know,
4 the trial running procedure document, developing a
5 score card which reflects it, and then the focus
6 was all on the -- on the score card.

7 221 Q. Okay.

8 A. So I -- I -- I can't recall -- I
9 don't know if that's the question, did -- did --
10 did we still refer back to the trial running
11 procedure.

12 222 Q. Okay. Even when there was a
13 qualitative assessment, you didn't go back to it
14 necessarily to evaluate?

15 A. Oh, qualitative and what's that,
16 sorry?

17 223 Q. Well, for instance, the
18 maintenance and --

19 A. Oh. Okay. Ahh. Yeah, I'm --
20 I -- I -- I can't recall on the qualitative. It
21 was on the maintenance if we referred back to that
22 document, although I -- yeah, I don't -- I -- I
23 really don't know. It's...

24 224 Q. Was there generally an
25 understanding by everybody on the trial running

1 review team that the criteria being applied would
2 result in a lesser level of reliability or
3 performance, potentially of the system, than the
4 original criteria sets?

5 A. It -- it was never -- it was never
6 in those -- in our trial running meetings, it was
7 never discussed, from memory.

8 225 Q. So you were not part of the
9 discussions about changing the criteria. So you're
10 presented with new criteria, and you just started
11 applying that criteria. Is that --

12 A. Yeah, that's -- you know, I
13 facilitate a process, and, you know, the process is
14 changed by -- you know, and as I say before, to get
15 a procedure, you know, a standard PHA, you know,
16 that -- that comes as a -- an instruction or, you
17 know, typically an instruction or -- an instruction
18 or an approval from the sponsor/owner, in this
19 case, OC Transpo, City of Ottawa.

20 And, you know, as you can see on the
21 score cards, all those members were present and
22 signed off every day, including independent
23 certifier. So, you know, yeah, that's -- that --
24 that's what's being agreed, that's what was
25 communicated -- I mean, must have been

1 communicated, and, yeah, that -- and that's what we
2 followed.

3 226 Q. We can take this down.

4 Do you recall being apprised of a terms
5 sheet to get to RSA, an agreement between RTG and
6 the City as to outstanding items that would be
7 deferred?

8 A. No, I -- I -- no knowledge. I
9 wasn't involved in that.

10 227 Q. I take it you, then, had no
11 knowledge as to an operational restrictions
12 document devised for entering service?

13 A. No. No, that wasn't part of the
14 trial running committee.

15 228 Q. And do you know in the lead-up to
16 RSA whether anyone was in the position that you
17 were in originally in terms of the transition from
18 OLRTC to RTM?

19 A. Sorry, can you just repeat that,
20 please?

21 229 Q. Yeah. So in the immediate lead-up
22 to RSA, so after trial running or around that time,
23 do you know whether anyone was performing that role
24 you had performed in terms of ensuring the handover
25 transition from OLRTC to RTM?

1 A. No. As -- as I said before, I
2 can't recall anyone being specifically in that
3 role. It was -- it was really, you know, at this
4 stage between RTM and OLRTC. If I -- if I was
5 involved in any way, then it -- I'm -- I'm thinking
6 it must have been pretty -- pretty minor.

7 230 Q. Were there still some issues that
8 you were -- well, you -- did you have an
9 understanding that the trains were still
10 experiencing some issues in the latter part of
11 trial running?

12 A. From -- from what I can recall,
13 the best I can recall is not all the trains. I --
14 I can't remember the full count -- I'm sure you've
15 got this information -- is that not all the -- all
16 the trains were available, and that's all I --
17 that's all I know.

18 231 Q. By that, do you mean of the 13
19 trains, or do you mean not being able to meet the
20 15? Or more broadly than that?

21 A. Yeah, it was whatever the -- the
22 contract requirements were with the number of
23 trains, I just recall that not all of the trains
24 were available.

25 232 Q. So the total, like, 34 trains?

1 A. Yeah, I -- but I -- I -- I
2 don't -- I don't recall, you know, what number
3 were...

4 233 Q. Did you have a view as to the
5 system's readiness for RSA after trial running?

6 A. No. No. Afraid not.

7 234 Q. Do you --

8 A. No, I was -- you know, regarding
9 anything on availability, was all -- you know, from
10 my role, was all around the score cards and the
11 percentages on the -- on the score cards, and that
12 was it, yeah.

13 235 Q. Would you have been aware of other
14 views on the trial running review team about that
15 or concerns, for instance, about the readiness of
16 the system?

17 A. Yeah, I -- I don't know.

18 236 Q. Okay. And I think I asked you
19 earlier. Do you have any comparators in terms of
20 any other projects that you would have been
21 involved in trial running? Am I right that you
22 said --

23 A. No, I --

24 237 Q. -- you were --

25 A. -- I haven't. I mean, it's not

1 uncommon. I mean, I'm -- I think maybe Sydney
2 light rail may have gone through similar issues,
3 but I could be wrong. Over in Australia.

4 238 Q. Right. Do you have any knowledge
5 or comparator in terms of what other projects do in
6 terms of a burn-in period, kind of a longer
7 dry-running period on any system like this?

8 A. No. No, I don't, I'm afraid.
9 It's something, you know, you can go find out, but
10 it's -- yeah. I -- yeah, I -- I don't know. I'm
11 sure -- I'm sure the authorities would -- would
12 share. And, you know, maybe Metrolinx is -- is
13 probably quite a good comparator. That's all the
14 infrastructure in Ontario, so...

15 239 Q. And just going back to your
16 earlier role on the OLRTC/RTM transition, do you
17 recall reviewing maintenance plans? Or would you
18 have reviewed maintenance plans --

19 A. No.

20 240 Q. -- (indiscernible)?

21 A. No, it was quite a -- as I said
22 previously, it was a pretty easy role in the sense
23 of it was really, you know, a number of different
24 manuals for different assets and hand over those
25 manuals or facilitating the handover. And really,

1 you know, my role was to facilitate the
2 communication and, you know, the working
3 relationship of -- between RTM and OLRTC, so, no, I
4 didn't -- I didn't review the manuals.

5 241 Q. Okay. And at least by the time
6 you left, do you recall what the status of the
7 spare parts was? Like, was there still work to be
8 done on that, on ensuring a full complement of
9 spare parts?

10 A. I -- I can't recall. I can't
11 remember. I could be wrong. I can't remember
12 anything. You know, as I said before, I didn't
13 have, you know, visibility from memory of the -- of
14 the rolling stock.

15 But with regards to the other spares, I
16 can't remember it being a major issue. I -- I
17 don't think there was -- yeah, I -- I can't recall
18 there being an issue.

19 242 Q. Okay. Is there anything that I
20 haven't asked about that you think I should know or
21 that you may recall that may be relevant to us?

22 A. No, no. I think you've been -- I
23 think you've been very thorough. I wish I could,
24 you know, answer some of the questions in more
25 detail, so -- but I'm -- yeah, just I can't recall.

1 But, no, it's -- I think you've covered
2 everything -- everything I know.

3 243 Q. Thank you. I'll just check
4 whether my colleague has any follow-up questions.

5 MR. COOMBES: No, I don't have any
6 follow-ups.

7 MS. MAINVILLE: Okay. Great. Then we
8 can go off record.

9 -- Upon concluding at 3:36 p.m.

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1 REPORTER'S CERTIFICATE

2
3 I, Eveliene Symonds, BA, CSR(A),
4 Certified Shorthand Reporter, certify;

5 That the foregoing proceedings were
6 taken before me at the time and place therein set
7 forth, at which time the witness was put under oath
8 by me;

9 That the testimony of the witness
10 and all objections made at the time of the
11 examination were recorded stenographically by me
12 and were thereafter transcribed;

13 That the foregoing is a true and
14 correct transcript of my shorthand notes so taken.

15 I further certify that this
16 questioning was conducted in accordance with the
17 Protocol for Remote Questioning, Revised
18 05/05/2020.

19 Dated this 20th day of May, 2022.

20
21 
22

23 NEESONS COURT REPORTING INC.

24 PER: EVELIENE SYMONDS, BA, CSR(A)

25 CERTIFIED REAL-TIME REPORTER

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