

# Ottawa Light Rail Commission

Brian Dwyer  
on Tuesday, May 17, 2022



77 King Street West, Suite 2020  
Toronto, Ontario M5K 1A1

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5	OTTAWA LIGHT RAIL COMMISSION
6	STV - BRIAN DWYER
7	MAY 17, 2022
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14	--- Held via Zoom Videoconferencing, with all
15	participants attending remotely, on the 17th day of
16	May, 2022, 9:00 a.m. to 12:00 p.m.
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1 COMMISSION COUNSEL:

2 Mark Coombes, Litigation Counsel Member

3 Fraser Harland, Litigation Counsel Member

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5 PARTICIPANTS:

6 Brian Dwyer: STV

7 Michael O'Brien: Tyr LLP

8

9 Also Present:

10 Deana Santedicola, Stenographer/Transcriptionist

11 Felix Griffith, Virtual Technician

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INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE/LINE NO.
1	Curriculum Vitae of Brian Dwyer.....	15/9

\* \* The following is a list of documents undertaken to be produced, items to be followed up on, or questions refused \* \*

INDEX OF UNDERTAKINGS

The documents to be produced are noted by U/T and appear on the following page/line: [None]

INDEX OF REFUSALS

The questions/requests refused are noted by R/F and appear on the following pages: [None]

1 -- Upon commencing at 9:04 a.m.

2

3 BRIAN DWYER; AFFIRMED.

4 MARK COOMBES: Thank you, Mr. Dwyer,  
5 for attending today.

6 Before we start, I am just going to  
7 read an introduction that we read before every  
8 interview.

9 It reads as follows:

10 The purpose of today's interview is to  
11 obtain your evidence under oath or solemn  
12 declaration for use at the Commission's public  
13 hearings.

14 This will be a collaborative interview  
15 such that my co-counsel, Mr. Harland, may intervene  
16 to ask certain questions. If time permits, your  
17 counsel may also ask follow-up questions at the end  
18 of this interview.

19 This interview is being transcribed,  
20 and the Commission intends to enter this transcript  
21 into evidence at the Commission's public hearings  
22 either at the hearings or by way of procedural  
23 order before the hearings commence.

24 The transcript will be posted to the  
25 Commission's public website, along with any

1 corrections made to it, after it is entered into  
2 evidence. This transcript, along with any  
3 corrections later made to it, will be shared with  
4 the Commission's participants and their Counsel on  
5 a confidential basis before being entered into  
6 evidence.

7           You will be given the opportunity to  
8 review your transcript and correct any typos or  
9 other errors before the transcript is shared with  
10 the participants or entered into evidence. Any  
11 non-typographical corrections made will be appended  
12 to the transcript.

13           Pursuant to section 33(6) of the Public  
14 Inquiries Act (2009), a witness at an inquiry shall  
15 be deemed to have objected to answer any question  
16 asked of him or her upon the ground that his or her  
17 answer may tend to incriminate the witness or may  
18 tend to establish his or her liability to civil  
19 proceedings at the instance of the Crown or of any  
20 person, and no answer given by a witness at an  
21 inquiry shall be used or be receivable in evidence  
22 against him or her in any trial or other  
23 proceedings against him or her thereafter taking  
24 place other than a prosecution for perjury in  
25 giving such evidence.

1                   As required by section 33(7) of that  
2 Act, you are hereby advised that you have the right  
3 to object to answer any question under Section 5 of  
4 the Canada Evidence Act.

5                   Any questions at the outset from either  
6 yourself or your Counsel, Mr. O'Brien?

7                   BRIAN DWYER: I don't think so, sir,  
8 thank you.

9                   MARK COOMBES: So thank you, Mr. Dwyer,  
10 for attending today. I think at the outset it  
11 might be helpful if I pull up your CV. Your  
12 Counsel has shared a copy of your resumé with us,  
13 and I am just going to put it on the screen and ask  
14 you a few questions about it.

15                   BRIAN DWYER: Certainly. Folks, my  
16 apologies, my headphones don't seem to be working  
17 this morning, so I'll occasionally mute myself when  
18 you folks are talking. I just live not too far  
19 from the train tracks and I don't want to disturb  
20 everybody, so pardon me.

21                   MARK COOMBES: Thank you, sir. Just  
22 give me one moment to pull up the resumé your  
23 Counsel just sent me.

24                   BRIAN DWYER: Sure, no worries.

25                   MARK COOMBES: All right, Mr. Dwyer,

1 can you see the document that I have shared with  
2 you?

3 BRIAN DWYER: Honestly, sir, not real  
4 well. I don't see too well. If you can blow it up  
5 a bit. I have seen it plenty. I can probably tell  
6 you -- that is more than enough, thank you.

7 MARK COOMBES: Okay, and can you  
8 identify that document for me?

9 BRIAN DWYER: That document is a  
10 redacted version of my personal resumé.

11 MARK COOMBES: Thank you, Mr. Dwyer.  
12 And could I just have your counsel confirm that the  
13 redactions in this document relate only to  
14 personally identifying or other irrelevant  
15 personal, non-professional information?

16 MICHAEL O'BRIEN: That's correct.

17 MARK COOMBES: Thank you, Mr. O'Brien.  
18 So, Mr. Dwyer, I am going to ask you about your  
19 experience, but with specific reference to the  
20 Ottawa LRT project.

21 Can you just advise me when you began  
22 to be involved with the Ottawa LRT project and when  
23 your involvement ended?

24 BRIAN DWYER: My involvement with the  
25 project commenced in November of 2011 and my



1 involvement with the project ended in July of 2018.

2 MARK COOMBES: And I notice that on  
3 your CV it indicates that you were with --

4 BRIAN DWYER: My apologies, 2019.

5 MARK COOMBES: So just to clarify, your  
6 involvement with the project ended in July 2019?

7 BRIAN DWYER: Correct. My apologies,  
8 sir.

9 MARK COOMBES: No problem. And I note  
10 that your employment with STV, as listed on your  
11 resumé, appears to be from November 2011 until July  
12 2019. So is it correct that you were only involved  
13 with the Ottawa LRT project as an employee of STV?

14 BRIAN DWYER: I was only involved in  
15 the Ottawa project when I was an STV employee. I  
16 want to make sure I answer that question correctly,  
17 Mr. Coombes. It was not my only project while I  
18 was employed at STV.

19 MARK COOMBES: Okay, I understand your  
20 clarification. So in other words, you didn't have  
21 any involvement with the Ottawa LRT project other  
22 than as an STV employee?

23 BRIAN DWYER: Correct.

24 MARK COOMBES: Thank you for  
25 clarifying.

1                   So I am just going to highlight a  
2 couple of points in the STV description on your CV  
3 that is specifically pertaining to the Ottawa LRT  
4 project.

5                   It seems that you may have been  
6 involved in a couple different capacities. One is  
7 as Project Manager with OC Transpo Ottawa, the  
8 Project Manager on several management consulting  
9 contracts and then the other is as Subject Matter  
10 Expert/Coordinator on several large design build  
11 projects, including the Ottawa Light Rail  
12 implementation.

13                   Is that correct?

14                   BRIAN DWYER: My role in Ottawa was not  
15 project management, per se. I would say that falls  
16 more under the realm of subject matter expertise.

17                   MARK COOMBES: Okay. And just to touch  
18 briefly on your other experience, could you just  
19 give me an overview of your career as it pertains  
20 to the transit industry?

21                   BRIAN DWYER: Are you focussed, Mr.  
22 Coombes, on my time at the MBTA or beyond that as  
23 well?

24                   MARK COOMBES: Maybe you can just give  
25 me an overview of your involvement in the rail

1 industry, how about that?

2 BRIAN DWYER: Sure. So my involvement  
3 in the rail industry started in July of 1988 when I  
4 was hired by the MBTA. I started out as a  
5 part-time collector/guard. So the collector's  
6 position, you are providing tokens to customers as  
7 they enter the station and a guard's position was a  
8 position on the trains, operating the doors.

9 I then worked my way up as a part-time  
10 employee, as a yard motor person, as a road motor  
11 person, became a full-time employee in July of --  
12 July of 1991, worked in the Office for  
13 Transportation Access.

14 And, Mr. Coombes, I should say I'll  
15 speak at a high level about what I have done. If  
16 you would like me to kind of dive into any of the  
17 details, you can interrupt me.

18 MARK COOMBES: Okay, I will let you  
19 know, thank you, but please continue.

20 BRIAN DWYER: Yes. So after leaving  
21 the Office for Transportation Access, I believe I  
22 was a -- I worked in subway operations as an  
23 operations analyst, then became the Superintendent  
24 of Training. I had some education -- pardon me,  
25 some education in education. I did that

1 position -- I performed that position for about a  
2 year. That was in charge of all vehicle  
3 maintenance and operations training for subway  
4 operations which covered the heavy rail lines and  
5 light rail lines at the MBTA.

6 I then became a Light Rail Supervisor,  
7 and I worked in that position for about two years,  
8 took a promotion to become the Superintendent of  
9 the Red Line, which is a line I had started on and  
10 I was in charge of operations on the Red Line. I  
11 went back to Light Rail in 2001 I believe it was,  
12 and became the Chief of Light Rail, which covered  
13 both operations and vehicle maintenance.

14 I went to the -- I was promoted to  
15 Deputy Director of Subway Ops I believe in 2006 or  
16 so. Without looking at my resumé, I can't tell you  
17 specifically. I was in charge of operations and  
18 vehicle -- pardon me, I was not -- I was the number  
19 two person in subway operations, so that covered,  
20 again, operations and vehicle maintenance.

21 I became the Head of Safety for about a  
22 year between 2009 and 2010. Towards the end of  
23 that tenure in Safety, we had a new CEO come in.  
24 He had asked me to go back to operations, so they  
25 created a position of Director of Light Rail

1 Operations.

2 And for a couple of months, as we were  
3 looking for a replacement in safety, I actually  
4 functioned in both positions, and then I think for  
5 about the last year of my career, I was in charge  
6 of light rail operations and that -- I left the  
7 MBTA in November of 2011.

8 Some of my -- I was hired by STV. The  
9 first project I worked on was Ottawa. What you see  
10 in front of you, Mr. Coombes, is not an  
11 all-inclusive list of some of the projects and  
12 agencies that I have worked for.

13 I left STV in July of 2019 and have  
14 been employed by WSP since.

15 MARK COOMBES: And so just to clarify,  
16 you have had no involvement with the Ottawa LRT  
17 project since July 2019?

18 BRIAN DWYER: I have not.

19 MARK COOMBES: Okay. So thank you for  
20 that overview. I think it is fair to say you have  
21 had a long career in the rail industry thus far,  
22 and you have had experience in a number of  
23 different subject matter areas when it comes to the  
24 rail industry; is that correct?

25 BRIAN DWYER: Agreed.

1                   MARK COOMBES: Now, with respect to the  
2 Ottawa project -- I am going to take down your  
3 resumé now, thank you for commenting on that.

4                   BRIAN DWYER: Certainly.

5                   MARK COOMBES: With respect to the  
6 Ottawa project, you said that your role was more of  
7 a subject matter expert. Could you just give me  
8 maybe a high level overview, and we'll go into more  
9 detail, about what subject matter you may have been  
10 called upon for your expertise?

11                   BRIAN DWYER: So at a high level,  
12 Mr. Coombes, I think the best way I could  
13 categorize my involvement with Ottawa is probably  
14 in three stages.

15                   So when I was first hired by STV in  
16 November of 2011, I believe I was in Ottawa on-site  
17 within three days or so and I was soon tasked  
18 with -- kind of my primary responsibility was in  
19 crafting the safety and security portion of the  
20 PSOS. So I was on-site in Ottawa most weeks from  
21 November of 2011 until either May or June of 2012.  
22 I did have occasion to start some other work for  
23 another client in the midst of that period.

24                   So that was my first main period in  
25 Ottawa. I would say during the period between 2012

1 and let's say 2018 I had kind of re-occurring  
2 consulting roles there assisting OC Transpo with  
3 Joe North, with some kind of organizational  
4 structure discussions and management discussions.

5 At one point I was involved in helping  
6 the agency kind of craft an SMS policy, and there  
7 may have been other various and sundry tasks that I  
8 would occasionally kind of weigh in on.

9 So STV obviously had staff there  
10 working all the time, whether it was remote or  
11 on-site. Occasionally they would pull folks of  
12 certain experience, so folks who had worked at the  
13 project in different junctures and to assist with  
14 reviews, with discussions, et cetera.

15 And then I believe it was in August  
16 2018 I started to work on-site again really  
17 focussed on operational readiness, and I was up  
18 there pretty much -- well, most weeks. I was up  
19 there most weeks between August of 2018 and July of  
20 2019.

21 FRASER HARLAND: Just for the purposes  
22 of the record, Mr. Dwyer, you mentioned SMS. Can  
23 you tell us what that is?

24 BRIAN DWYER: Safety Management  
25 Systems, Mr. Harland.

1 FRASER HARLAND: Thank you.

2 BRIAN DWYER: Certainly.

3 MARK COOMBES: Thank you for that  
4 overview, Mr. Dwyer.

5 And before we go on, I am just going to  
6 remember to mark your resumé as an exhibit to the  
7 examination.

8 BRIAN DWYER: Okay, sir.

9 EXHIBIT NO. 1: Curriculum Vitae  
10 of Brian Dwyer.

11 MARK COOMBES: So tell me about your  
12 involvement in 2011. When you first became  
13 involved in the project, what was going on on the  
14 ground in the project at that time? What was  
15 happening?

16 BRIAN DWYER: When I first became  
17 involved in the project, we were working as a  
18 group, not just STV -- and I apologize,  
19 Mr. Coombes, I may not recall all the firms that  
20 were involved. I believe it was STV, Little --  
21 what I would refer to as "Little Jacobs", which was  
22 a tunnelling expert. URS, pardon me, was the other  
23 firm, and I think there was a fourth firm involved,  
24 it may have been Morrison Hershfield, were  
25 basically constituted as kind of a project office



1 known as CTP. And we worked for the City, and I  
2 don't remember the acronym of kind of the City  
3 folks we were working directly for.

4 But John Jensen was I believe kind of  
5 the Director of that group, and that group was made  
6 up of both City employees and other consultants who  
7 worked either independently -- I think most of them  
8 worked independently. There may have been some  
9 people who worked for other firms. But basically  
10 it was an arm of the City who was overseeing CTP's  
11 work, and what we were focussed on at that juncture  
12 was really the PSOS and crafting it.

13 MARK COOMBES: I am just going to ask  
14 you to clarify a few acronyms we are using here.  
15 CTP stands for?

16 BRIAN DWYER: Capital Transit Partners,  
17 if I recall correctly.

18 MARK COOMBES: And if I were to suggest  
19 to you that the office you were working for was  
20 called RIO, the Rail Implementation Office, does  
21 that sound correct?

22 BRIAN DWYER: It does. Thank you.

23 MARK COOMBES: No problem. And you  
24 also used the term "PSOS". Can you clarify for us  
25 what PSOS means?

1                   BRIAN DWYER: The Project Agreement. I  
2 don't recall what the PSOS acronym actually means,  
3 Mr. Coombes, but it was often referred to as the  
4 Project Agreement as well.

5                   MARK COOMBES: All right, and if I  
6 suggested to you that PSOS meant project-specific  
7 output specifications, would that sound correct?

8                   BRIAN DWYER: It would sound correct.

9                   MARK COOMBES: All right. So can you  
10 tell me what your piece of the PSOS was. You  
11 indicated safety and security. So what safety and  
12 security elements are we talking about? What does  
13 safety and security, as far as the PSOS goes, look  
14 like?

15                   BRIAN DWYER: So what I attempted to  
16 do, Mr. Coombes, was really use kind of my  
17 experience and kind of knowledge of industry best  
18 practices to really influence what went into the  
19 PSOS.

20                   So you know, I would look at the  
21 standards with regard to various safety and  
22 security issues. I would look at a variety of  
23 Transport Canada or other documents to try and  
24 really cull out requirements that would be expected  
25 to be part of the Project Agreement.

1                   And the reason for that was that OC  
2 Transpo was really going from primarily a bus  
3 agency, although they had the O-Train, into a  
4 fairly large, complicated rail network, and what  
5 they were -- you know, we had many engineers and  
6 many talented, you know, architects who were  
7 working on the project. I would say we probably  
8 didn't have a lot of people with operational  
9 experience or experience in systems safety.

10                   So I was assigned the task of trying to  
11 put together that portion of the Project Agreement.

12                   MARK COOMBES: And when we are talking  
13 about system safety, are you talking about the  
14 overall system as a whole, vehicles, or is it not  
15 specific to vehicles, it is the safety of the  
16 entire system?

17                   BRIAN DWYER: It is the safety of the  
18 entire system.

19                   MARK COOMBES: So this is making sure  
20 that whatever specifications are set out in the  
21 PSOS or the Project Agreement are ultimately the  
22 specifications that any bidder on the project would  
23 need to comply with; is that right?

24                   BRIAN DWYER: That was the intention,  
25 Mr. Coombes. Yes, that was the intention.

1                   MARK COOMBES: Okay. And you left that  
2 role, you indicated, in around June of 2012. So do  
3 you have any sort of sense of how well the ultimate  
4 successful bidders on the project were able to  
5 comply with those specifications?

6                   BRIAN DWYER: So what was developed for  
7 the safety and security portion of the PSOS,  
8 Mr. Coombes, much of that did not make it into the  
9 actual PSOS.

10                   And to be honest, that is not unusual  
11 when you are consulting. There is probably a good  
12 deal of work that you do on -- perform on behalf of  
13 clients that for a variety of reasons, you know,  
14 what you develop doesn't get implemented or a  
15 decision is made that, you know, it won't make the  
16 cut, if you will.

17                   And there was kind of a rigorous  
18 process by which attorneys and others within the  
19 City were looking at the PSOS, and my recollection  
20 is that what was included in my draft, let's say,  
21 of the PSOS was reduced a great deal.

22                   MARK COOMBES: I see. So in other  
23 words, maybe you were recommending the very best  
24 practices and the ultimate determination was the  
25 system would do well with something less than the

1 very best practices?

2 BRIAN DWYER: I -- not to rebut what  
3 you are saying, Mr. Coombes. I think my take on it  
4 would more be along the lines of the procurement  
5 method that they had chosen, the thought was that  
6 some of those decisions should be left to the  
7 consortium and the contractor. It should really be  
8 more of a performance specification than kind of  
9 what I would refer to as a traditional contract  
10 where you are dictating a lot of terms to a  
11 supplier or to a consultant or to a contractor.

12 MARK COOMBES: I understand. So when  
13 you arrived on the ground in November of 2011, had  
14 the procurement method been determined at that  
15 point?

16 BRIAN DWYER: It had been.

17 MARK COOMBES: And when you arrived, do  
18 you know if decisions had been made already about  
19 the type of system that Ottawa was hoping to  
20 implement?

21 BRIAN DWYER: Can you clarify the type  
22 of system, Mr. Coombes?

23 MARK COOMBES: Sure. Was it known at  
24 that time that it was intended to be an LRV system  
25 or other different types of technologies proposed?

1 What was your understanding as to what Ottawa was  
2 looking for at that point?

3 BRIAN DWYER: By the time I got  
4 involved in the project, it was already determined  
5 that it would be an LRV-type system.

6 MARK COOMBES: And did you have any  
7 views at that time as to whether or not that was a  
8 suitable system for the Ottawa implementation, or  
9 was that outside of the scope of your ambit?

10 BRIAN DWYER: I would say the latter,  
11 Mr. Coombes.

12 MARK COOMBES: Okay, in other words,  
13 you weren't asked to comment on that? You didn't  
14 form any views on it because you didn't have to?

15 BRIAN DWYER: No, correct.

16 MARK COOMBES: And I just want to  
17 confirm a few elements of whether you were involved  
18 or not. Did you have any involvement in assessing  
19 any of the potential vendors for the procurement?

20 BRIAN DWYER: Yes.

21 MARK COOMBES: Okay. And can you  
22 recall what vendors you might have been assessing  
23 at that time?

24 BRIAN DWYER: I don't recall all the  
25 teams, Mr. Coombes. I was involved -- they had the

1 procurement broken out into kind of various  
2 subsections. So it was not kind of a large group  
3 who was weighing in on all portions of the  
4 procurement.

5 I don't recall all of the kind of  
6 subgroups, if you will, that were part of the  
7 selection process. I was involved in what I  
8 believe was kind of an O&M portion of it. I know  
9 there was a financial portion of it. There may  
10 have been a performance portion of it.

11 Yeah, but all of the groups, I don't  
12 recall the makeup of all of those parties.

13 MARK COOMBES: And just to clarify, you  
14 said you were involved in the O&M portion of it.  
15 Is that operations and maintenance?

16 BRIAN DWYER: Yes.

17 MARK COOMBES: So your involvement from  
18 an operations and maintenance perspective then was  
19 really -- was what? What were you doing as part of  
20 the operations and maintenance portion of what you  
21 were doing?

22 BRIAN DWYER: I would say the City and  
23 the Project Team was really focussed on ensuring  
24 that the bidders could meet the kind of capacity  
25 that the City was expecting and the performance

1 metrics as far as headways, et cetera.

2 So my recollection is that is what we  
3 were primarily focussed on.

4 MARK COOMBES: Okay, and did you have  
5 any involvement in assessing Alstom, who was the  
6 vendor that was ultimately selected for the  
7 project?

8 BRIAN DWYER: I don't recall if Alstom  
9 was party to kind of the presentation in the  
10 material we reviewed, Mr. Coombes. I know from my,  
11 you know, later involvement that Alstom was the  
12 vehicle supplier, of course.

13 MARK COOMBES: Yes, so we'll get back  
14 to -- we'll definitely come back to Alstom, you  
15 know, with your later involvement in the project.

16 But just in terms of your involvement  
17 at that early stage, would you have been asked to  
18 comment on or did you have any involvement with  
19 reviewing plans for the use of the Citadis model  
20 train for the project?

21 BRIAN DWYER: I don't recall what the  
22 material was that we reviewed, Mr. Coombes, to be  
23 honest.

24 MARK COOMBES: All right. So is it  
25 fair to say that the work that you were doing, you



1 know, with respect to the PSOS and the O&M  
2 component was more at a higher generic level that  
3 would apply to everybody as opposed to reviewing  
4 specific, you know, proposals at that time?

5 BRIAN DWYER: For the PSOS work, yes.  
6 I mean, we were provided material very -- pardon  
7 me, not to editorialize, I thought the process by  
8 which the City kind of undertook the selection  
9 process was really well-codified. They had a  
10 Fairness Commissioner talk to us. I was involved  
11 in a great deal of procurement processes at the  
12 MBTA, and I was really impressed with the manner in  
13 which the City undertook it.

14 But to be honest with you, Mr. Coombes,  
15 I don't recall the material that we reviewed, and I  
16 do recall that it was -- you know, the whole thing  
17 was very confidential.

18 MARK COOMBES: I mean, I am only asking  
19 you for your recollection, so I appreciate -- if  
20 you are telling me you don't recall, then I can  
21 appreciate that.

22 BRIAN DWYER: Sure.

23 MARK COOMBES: It was, you know, at  
24 this point 12 years ago, so it was a long time ago  
25 to remember, I appreciate that.

1 BRIAN DWYER: Yes.

2 MARK COOMBES: So maybe we can just  
3 move forward then to some of your other involvement  
4 during sort of what I would call the intervening  
5 period, maybe from 2012 to 2018.

6 BRIAN DWYER: Certainly.

7 MARK COOMBES: At that time, did you  
8 have like an ongoing role with respect to the  
9 project, or I think I recall you giving your  
10 evidence that you were maybe brought in, you know,  
11 sort of in bits and pieces to comment on things as  
12 the project went along; is that a fair  
13 characterization?

14 BRIAN DWYER: Yeah, I would say the  
15 latter is probably a fair characterization, Mr.  
16 Coombes, and I would say I think when -- I don't  
17 recall -- excuse me, folks. I don't recall exactly  
18 when Mr. Manconi was brought in as the OC Transpo  
19 General Manager, but he seemed to have an interest  
20 in having some people with agency experience weigh  
21 in on things like organizational structure and  
22 talking to the team.

23 And at the time I was working I think  
24 still for Joe North, so most of his contact would  
25 have been with Joe but I would be brought in to

1 some of those discussions either on-site or  
2 reviewing material or meeting with staff, et  
3 cetera.

4 MARK COOMBES: All right. And that was  
5 going to be one of my next questions, which is did  
6 you have a direct interface with the City, or was  
7 most of your involvement through another member of  
8 STV?

9 BRIAN DWYER: I would say it fluctuated  
10 a good bit, Mr. Coombes. So I am comfortable  
11 saying that a lot of my -- I worked for Joe North.  
12 You know, if you looked at an STV org chart at the  
13 time, I reported to Joe. So usually for I would  
14 say a number of years, my involvement was really  
15 through Joe.

16 So the meetings I attended, the  
17 material I might review and comment on, that would  
18 all go through Joe North.

19 MARK COOMBES: So you were involved in  
20 meetings with the City staff at that time, as  
21 relevant?

22 BRIAN DWYER: Yes.

23 MARK COOMBES: And with respect to your  
24 activities during this period, from 2012 to 2018,  
25 can you give us an overview of some of the activity

1 that you would have been involved in? I mean, I am  
2 not expecting you to have a perfect recollection of  
3 that multi-year time period, but if you could give  
4 us just a sense of what was the project doing at  
5 that time and what were you being asked to comment  
6 on at that time?

7 BRIAN DWYER: So if there were -- I  
8 don't want to call it a seminal period,  
9 Mr. Coombes. When I was on-site for a period in  
10 that time frame, it was working -- pardon me,  
11 helping the OC Transpo with the SMS policy, it  
12 was -- you know, most of what I reviewed and did  
13 with the project in that intervening period was  
14 done off-site. So there were a lot of kind of, you  
15 know, phone meetings and email correspondence. I  
16 would be sent various documentation, SOPs, et  
17 cetera, and asked to comment on them.

18 MARK COOMBES: All right. And were you  
19 ever asked to produce any of that material  
20 yourself, or was it more of a commentary and  
21 advisory role on what other organizations had  
22 produced?

23 BRIAN DWYER: I think the answer  
24 depends on the material.

25 So I would say for the SMS policy that

1 we worked on, again, I would almost draw a  
2 comparison to what I mentioned about the PSOS. So  
3 I may be producing some information that portions  
4 of it get used, but it doesn't get used writ large,  
5 if you will.

6           And with regards to my commentary  
7 about, you know, SOPs and on other policies for OC  
8 Transpo or that the consortium is providing to  
9 them, I would comment based on my experience and  
10 based on my understanding of how the system would  
11 work and really doing -- and pardon me, I think  
12 everybody involved was really doing all they could  
13 to try to vision forward to the point where the  
14 system was operating and trying to make sure that,  
15 you know, OC Transpo was well-positioned for their  
16 role in it.

17           MARK COOMBES: And so did you have any  
18 involvement with RTM, which was the maintainer for  
19 the project?

20           BRIAN DWYER: Involvement in that I  
21 would review -- pardon me, Mr. Coombes, we are  
22 talking about in the intervening period 2012, let's  
23 say, to '18?

24           MARK COOMBES: Correct.

25           BRIAN DWYER: Yeah, involvement in that

1 I would attend some meetings with them or review  
2 documentation that they would put together, yes, I  
3 did.

4 MARK COOMBES: Okay, and then your  
5 involvement with OC Transpo was on the operations  
6 aspect of how the system would work once it was in  
7 service; is that right?

8 BRIAN DWYER: Most of my advice to OC  
9 Transpo was really in the operating and safety  
10 realm. If you kind of had to put it in a bucket, I  
11 would provide -- however, I would provide any  
12 relevant feedback or information I thought would be  
13 helpful to them, but certainly it was focussed more  
14 on operations and safety than anything.

15 MARK COOMBES: Okay. And this was OC  
16 Transpo was sort of, for lack of a better term,  
17 using your skills because they weren't a mature  
18 rail operator; is that fair to say?

19 BRIAN DWYER: I would say that is a  
20 fair statement, Mr. Coombes. I am not being  
21 cheeky. I mean, obviously it is not for me to say  
22 why OC Transpo was using us.

23 I think Mr. Manconi wanted to make sure  
24 at one point that there was some operating advice  
25 that he and the agency were getting. I think at

1 times, you know, folks are worried about -- pardon  
2 me, not worried. I think at times folks like to  
3 have kind of multi-faceted pieces of advice they  
4 get, not just engineering advice but also kind of  
5 practical agency advice, if you will.

6 And again, that is my kind of take on  
7 it. That is not OC Transpo's, if you will.

8 MARK COOMBES: Right, and that would be  
9 because they had never run one of these systems  
10 before, so they were -- were they sort of building  
11 from the ground up their operations procedures,  
12 their SMS, as you say? They were really developing  
13 something that they hadn't done before?

14 BRIAN DWYER: They had the O-Train in  
15 place, Mr. Coombes, so I would not say -- you know,  
16 the O-Train is not the Confederation Line. It is a  
17 train line that is, you know, regulated and needs  
18 to be run and has its own kind of safety  
19 precautions and maintenance and operational  
20 characteristics.

21 So they did have some experience there.  
22 I do think -- so I think certainly advice from  
23 folks like myself and Joe I would like to think was  
24 helpful to OC Transpo. They were certainly paying  
25 well for that to STV.

1           But I do think that the staff they had  
2 set up within OC Transpo already was a very robust  
3 staff. I mean, OC Transpo was the second-largest  
4 bus agency in Ontario, so you know, they were a  
5 known entity, if you will.

6           And I think that as far as the  
7 organization, I think it was set up well.

8           MARK COOMBES: And this is going to be  
9 a very sort of high level question, but you know,  
10 we are talking about a very broad time period here.

11           Generally speaking, did you have a  
12 sense that the City was receptive to your advice?  
13 I mean, when I say "the City", I mean OC Transpo  
14 specifically.

15           BRIAN DWYER: Yes.

16           MARK COOMBES: And at that time, did  
17 you perceive sort of any gaps or issues with  
18 experience that you thought needed addressing?

19           BRIAN DWYER: Issues with experience  
20 with whom, Mr. Coombes?

21           MARK COOMBES: So in other words, you  
22 know, any areas that OC Transpo maybe didn't have  
23 the correct procedures in place, that they sort  
24 of -- there was a gap in their knowledge or  
25 experience?



1                   BRIAN DWYER: I guess I would say that  
2 OC -- I thought OC Transpo did an excellent job of  
3 preparing for the roll-out of the operation, and I  
4 think probably Mr. Manconi and Jocelyne Beijin did  
5 an excellent job -- tried to make sure that where  
6 they felt they may have gaps in experience, they,  
7 A, got some consulting help to fill that, but B,  
8 tried to make it a bit of a mentoring role between  
9 those consultants and the staff they had.

10                   And when I say a mentoring role, I am  
11 really not thinking of myself. There was another  
12 gentleman who worked for STV who has I would say,  
13 if I had to say, you know, better experience than I  
14 do who was on-site in the last number of years who  
15 I think really played a mentoring role to a couple  
16 of folks.

17                   MARK COOMBES: And who was that person?

18                   BRIAN DWYER: Larry Gaul.

19                   MARK COOMBES: Larry Gaul, thank you.

20                   So just, again, focussing on this  
21 period, did you have any concerns at that time  
22 about what you were seeing or the processes that  
23 were being implemented? Any sort of concerns that  
24 would lead to issues in operations or maintenance  
25 later on?

1                   BRIAN DWYER: I would comment on  
2 anything that was kind of put in front of me or if  
3 there were topical discussions, Mr. Coombes. At  
4 that juncture, I couldn't point to anything to say,  
5 Wow, this looks to be kind of, for lack of a better  
6 term, a showstopper or a significant issue.

7                   MARK COOMBES: So at that time, you  
8 know, I guess your role was not to be in charge of  
9 the project. That was for OC Transpo. But you  
10 were -- anything that you were asked to comment on,  
11 you know, you commented on and then what the City  
12 might have or might not have done with that advice  
13 you may not even know the full extent of it; is  
14 that fair?

15                  BRIAN DWYER: Yeah, Mr. Coombes, you  
16 know, I am a very risk-averse person, and I was,  
17 you know, probably in part taught that by my career  
18 at the MBTA, you know, that operating the size of  
19 the system that the T does and in the climate we do  
20 can be very difficult and challenging.

21                  So you know, I commented on a great  
22 deal, so I could not tell you point by point in all  
23 the commentary I provided, you know, what actually  
24 kind of made it into documentation, et cetera, and  
25 what did not.

1 I think OC Transpo was receptive to the  
2 advice they got from people they viewed who had a  
3 certain level of expertise.

4 MARK COOMBES: And maybe you could just  
5 explain to me a little bit more, and you touched on  
6 it earlier, but you know, at this stage if you are  
7 assisting with SMS or the safety management  
8 systems, you know, describe for somebody who has no  
9 rail experience, what does -- safety management  
10 systems, what does that involve?

11 BRIAN DWYER: I would say that at a  
12 broad level, SMS is really something that transit,  
13 especially rail transit, has probably really gotten  
14 into in the last 10 or 15 years. I would say it  
15 has borrowed more from aviation than any  
16 discipline.

17 And part of it is really about kind of  
18 a proactive safety culture and trying to use  
19 leading indicators rather than -- leading  
20 indicators such as, you know, rules compliance  
21 programs in training rather than lagging indicators  
22 such as accidents or, you know, signal violations,  
23 et cetera, to really get out ahead of issues that  
24 an operation might have.

25 MARK COOMBES: All right, so putting

1 policies and procedures in place to make sure  
2 issues don't happen as opposed to assessing why  
3 they did happen?

4 BRIAN DWYER: Correct. And I would say  
5 as well, Mr. Coombes, really ensuring that the  
6 agency is well set up to be constantly tracking  
7 that data and reviewing that data and undertaking  
8 course corrections if they see any items of  
9 concern.

10 MARK COOMBES: Understood. Maybe we  
11 can move forward in time then to talk about your  
12 involvement with the project starting in August of  
13 2018.

14 So what happened in August 2018? What  
15 marks the start of that period of the project for  
16 you?

17 BRIAN DWYER: I would say -- pardon me,  
18 as I indicated previously, I was involved at  
19 different points in those intervening years between  
20 2012 and 2018. If I had to -- I wouldn't point to  
21 an event, Mr. Coombes. I would point to the fact  
22 that at that point it was getting close to the  
23 period where the project should have been up and  
24 running, and I think OC Transpo wanted to increase  
25 the boots they had on the ground.

1                   MARK COOMBES: And were you a member of  
2 the Independent Assessment Team at that time?

3                   BRIAN DWYER: I attended a lot of  
4 meetings of the Independent Assessment Team,  
5 Mr. Coombes. I don't think I was technically a  
6 member of the Independent Assessment Team.

7                   MARK COOMBES: And what type of -- I  
8 suppose what were you doing for the project at that  
9 time, starting in August 2018? What were you being  
10 called upon to do?

11                  BRIAN DWYER: So again, really  
12 reviewing a great deal of policies and procedures,  
13 helping out with that. I would say more than  
14 anything, I was attached to Troy Charter, who was  
15 the Chief Operating Officer, and I was -- you know,  
16 as I am sure we can all appreciate, as I mentioned,  
17 OC Transpo is a huge bus operation still. Troy at  
18 that time was still the Chief Operating Officer for  
19 all of those operations, but he is also preparing  
20 to be running a major rail line within his kind of  
21 empire, if you will.

22                  So I was really kind of serving as an  
23 extension of his staff, assisting with anything  
24 associated with the project. At a broad level, I  
25 would say that is -- you know, I started my day

1 with Troy and usually ended my day with Troy.

2 MARK COOMBES: And were you on the  
3 ground in Ottawa at that time? Were you attending  
4 remotely? What did your physical involvement in  
5 the project look like?

6 BRIAN DWYER: No, I couldn't tell you  
7 week by week, Mr. Coombes, but the majority of the  
8 time -- pardon me, the majority of the work time  
9 between August of 2018 and July of 2019, I was  
10 on-site in Ottawa.

11 MARK COOMBES: And at that time, you  
12 know, the original -- are you aware of what the  
13 original revenue service date for the project was?

14 BRIAN DWYER: I know there were --  
15 pardon me, I can't recall the dates, Mr. Coombes.  
16 I do know that in the period that I was on-site,  
17 2018 to 2019, we missed a date or two.

18 MARK COOMBES: And do you have a sense  
19 at that time of what sort of the main issues were  
20 that were causing the sort of slippage of the  
21 revenue service date?

22 BRIAN DWYER: My recollection is a lot  
23 of it had to do with vehicle performance and the  
24 number of vehicles available.

25 MARK COOMBES: And were you being asked

1 to comment on any of that vehicle performance or  
2 number of vehicles, or were you -- was your  
3 commentary sort of focussed elsewhere?

4 BRIAN DWYER: I think, as I indicated  
5 previously, Mr. Coombes, although we may have had a  
6 specific area that we were really focussed on,  
7 given our experience and if you are attending a  
8 larger meeting with a number of folks, at different  
9 points they may ask you your opinion about  
10 something or you may feel compelled to weigh in on  
11 a particular issue.

12 So it was -- at that time, I forget the  
13 exact dates, my apologies, but OC Transpo became  
14 concerned enough about the vehicles that they added  
15 another person from STV. And again, I don't know  
16 if he was technically a member of the Independent  
17 Assessment Team, but he became kind of a boots on  
18 the ground guy and just is -- you know, I have  
19 known the gent for quite sometime, even before I  
20 came to STV, and I mean, if you want to talk about  
21 a legitimate SME, this guy is the man.

22 MARK COOMBES: And is that Scott  
23 Kreiger?

24 BRIAN DWYER: It is.

25 MARK COOMBES: And so I guess I am just

1 trying to, you know -- we have spoken with Scott  
2 Kreiger. We know his involvement was mostly with  
3 the vehicle side of things.

4 BRIAN DWYER: Uhm-hmm.

5 MARK COOMBES: I guess what I am trying  
6 to ask you is, you know, where were your efforts  
7 focussed? What parts of the system were you  
8 focussed on at that time, if you had a focus?

9 BRIAN DWYER: I would say operational  
10 readiness.

11 MARK COOMBES: And operational  
12 readiness, is that in terms of OC Transpo being  
13 ready to operate the system? Does that have  
14 anything to do with maintenance? When we were  
15 talking about operational readiness, what are you  
16 referring to?

17 BRIAN DWYER: It certainly primarily  
18 focussed on the OC Transpo end of things, but it is  
19 also considering kind of the interaction with the  
20 consortium as far as running the system.

21 And, again, Mr. Coombes, not to be  
22 cheeky, I mean they are inextricably linked, if you  
23 will. You know, OC Transpo may have the operators  
24 and the Control Centre and some field supervisory  
25 staff, but you need those vehicles, you need the



1 maintenance of the system, you know, et cetera.

2 So you know, you can't have one without  
3 the other.

4 MARK COOMBES: Sure, sure. Maybe I can  
5 just drill down a little bit and ask you about at  
6 that point OC Transpo's readiness to operate the  
7 system.

8 So you know, I can imagine that there  
9 are a number of issues or areas that need to be  
10 addressed in terms of operational readiness, so you  
11 have touched on, you know, policies and procedures  
12 being in place. I assume training of drivers is a  
13 large component of that?

14 BRIAN DWYER: Yes.

15 MARK COOMBES: And did you have a sense  
16 of how the training of drivers was proceeding at  
17 that time, whether it was ahead of schedule, behind  
18 schedule?

19 BRIAN DWYER: I don't remember the  
20 exact dates, Mr. Coombes. I would say generally I  
21 do recall that at one point there was some  
22 difficulty in getting access to different points of  
23 the system, and I believe -- you know, that is  
24 not -- and if it is okay, I won't mention the other  
25 project, but I am involved in a project now where a

1 very similar dynamic exists where there is ongoing  
2 construction of a system that continues but an  
3 entity is trying to get their operators and their  
4 field staff out there for familiarization, to drive  
5 vehicles, et cetera.

6 My recollection is that existed at OC  
7 Transpo. I think that towards the end of my tenure  
8 there, though, that was -- that issue -- I don't  
9 want to say it was solved, but operators were  
10 training and I was actually -- I was very impressed  
11 with the training staff that OC Transpo had in  
12 place. They had most of the trainers come over, I  
13 think they matriculated over from bus which to me  
14 is you are always best off taking folks who were  
15 trainers somewhere else and kind of incorporating  
16 them in.

17 So I thought they did a good job with  
18 training.

19 MARK COOMBES: And do you have any  
20 sense if there were some difficulties with, you  
21 know, training proceeding sort of in that 2018  
22 period, let's say, what those difficulties were  
23 related to? Was that related to the availability  
24 of the track, the availability of vehicles? Do you  
25 have a sense of why they were having those

1 difficulties?

2 BRIAN DWYER: The details I don't.  
3 Mr. Coombes, I would say, you know, there was  
4 certainly periods where it was difficult to  
5 get -- my recollection is there were periods where  
6 it was difficult to get vehicles.

7 There was definitely an issue at one  
8 point with regards to trying to train people on a  
9 system that isn't fully constructed and issues --  
10 you know, concerns with regards to, you know,  
11 ventilation and access, et cetera.

12 And vehicles would occasionally be an  
13 issue because I think, you know, Alstom was in the  
14 process of trying to maintain the vehicles that had  
15 already been produced and finishing the fleet off.

16 MARK COOMBES: And you know, in terms  
17 of availability of the system, so is that related  
18 to, you know, being able to run trains from, you  
19 know, end to end on the system?

20 BRIAN DWYER: Yes.

21 MARK COOMBES: And do you have a  
22 recollection of a sinkhole that occurred during the  
23 project?

24 BRIAN DWYER: I know there was a delay  
25 due to the sinkhole, yes.

1                   MARK COOMBES: And any sense of whether  
2 that delay was something that contributed to the  
3 maybe difficulties that OC Transpo was having with  
4 driver training?

5                   BRIAN DWYER: I don't know that -- I  
6 don't think I view the two as connected.

7                   MARK COOMBES: Okay. Any sense at that  
8 time of what the relationship between the City and  
9 let's say RTG or different subcontractors within  
10 RTG? You were involved in meetings. Do you have a  
11 sense of what the working relationship was like  
12 between the parties?

13                   BRIAN DWYER: It was constant. It  
14 was -- you know, as with most projects that, you  
15 know, at different points, you know, may be missing  
16 their scheduled start date or are having some  
17 difficulties, it would get -- at different  
18 junctures, it got contentious. But I think it was  
19 mostly collaborative, in my opinion.

20                   MARK COOMBES: At least maybe as  
21 compared to other projects you have worked on,  
22 would you say there was, you know, more of a  
23 different approach in this project or similar to  
24 other projects you have worked on?

25                   BRIAN DWYER: So I would say,

1 Mr. Coombes, that most of the other projects I work  
2 on, it would be more the traditional kind of  
3 process where it is not based on kind of a  
4 performance specification, if you will. It is more  
5 kind of, you know, there is very strict criteria  
6 within a contract which somebody can point to.

7 My appreciation of the contract with  
8 RTG was that, you know, you may not have those.

9 MARK COOMBES: Okay. Can you maybe go  
10 into that in a little bit more detail? What do you  
11 think was maybe not there?

12 BRIAN DWYER: That maybe it is more of  
13 a States things, Mr. Coombes, but a lot of  
14 the contracts we have, they are very -- or, pardon  
15 me, the projects I have worked on, it is very  
16 didactic with regards to what you are requiring a  
17 contractor or a consultant to do.

18 I don't have perfect knowledge of all  
19 that was in the agreement with RTG, but I think  
20 there was some kind of broadness to what was in  
21 there.

22 And I think with regards to elements  
23 like the vehicles, I think it was more of a  
24 performance specification than a very prescriptive  
25 point-by-point that you shall have this and you

1 shall have that.

2 MARK COOMBES: And so, I mean, maybe  
3 help me understand what you perceive the impact of  
4 that may have been.

5 BRIAN DWYER: Yeah.

6 MARK COOMBES: Does that mean that the  
7 City would have had to have been more involved in  
8 sort of, I don't know, for lack of a better term,  
9 sort of giving guidance as things went? Or what do  
10 you think the outcome of that was in this  
11 particular case? What sort of dynamic --

12 BRIAN DWYER: Yeah, I -- I talked  
13 before you finished, Mr. Coombes. I am terribly  
14 sorry.

15 MARK COOMBES: No problem. I was just  
16 going to say what sort of dynamic did that create,  
17 in your perception? I mean, obviously you don't  
18 have a view of the project as a whole, but just,  
19 you know, you have sort of talked about your  
20 perception. So tell me about your perceptions of  
21 what that sort of implication was here?

22 BRIAN DWYER: What I was trying to get  
23 across, Mr. Coombes, is I am used to usually,  
24 routinely, more didactic provisions in a contract  
25 that you can point to to say, you know - not that I

1 am making this up, but an example - hey, we are a  
2 acquiring a Knorr compressor for your vehicle and  
3 we expect it to have this service life, et cetera.

4           You know, that I am aware of, the  
5 contract that OC Transpo had or the City had didn't  
6 have provisions like that in there, so it  
7 doesn't -- there is nothing wrong with that. In  
8 performance specifications used throughout the  
9 industry, most of the projects I worked on - and I  
10 am really thinking more of my MBTA career and  
11 experience there - were far more prescriptive about  
12 what you require of somebody. They weren't  
13 performance-related. They were didactic  
14 requirements that were built into a contract.

15           MARK COOMBES: All right. And given  
16 your involvement sort of in the PSOS at the outset,  
17 do you have a sense of why that might have been  
18 different in this case? Again, from your  
19 experience. I am not asking you to sort of  
20 speculate, but you know, if you have any specific  
21 experience, I would be interested in hearing about  
22 it.

23           BRIAN DWYER: Certainly. I would say  
24 no, Mr. Coombes, in that when I came into that role  
25 in November of 2011, that was already decided and

1 set up, so if you will, that was the paradigm that  
2 the group was working within.

3 MARK COOMBES: Understood. Do you have  
4 a sense of whether, you know -- and again, you  
5 weren't with the project right up until revenue  
6 service, so I can't -- obviously, I am not going to  
7 ask you to comment after the July 2019 period.

8 But at least, you know, your sense of  
9 what was happening towards the end of 2018 or 2019,  
10 do you think that the amount of training that the  
11 operators had with the system was adequate? Do you  
12 think they got enough time to be trained to run the  
13 system?

14 BRIAN DWYER: I didn't recall any issue  
15 with operator training, Mr. Coombes, as far as the  
16 length of training.

17 MARK COOMBES: Sure. And otherwise, in  
18 terms of maybe not specifically the train operators  
19 themselves, the drivers, but just OC Transpo's  
20 overall ability to run the system, do you think  
21 there were any issues at that time that might have  
22 prevented OC Transpo from being able to get the  
23 experience necessary to be fully able to operate  
24 the system on a daily basis?

25 BRIAN DWYER: I want to make sure I



1 answer the question you are asking. Can you repeat  
2 the question one more time, Mr. Coombes?

3 MARK COOMBES: Sure. So we have  
4 already talked about, say, the training of the  
5 drivers specifically and whether they have had  
6 access to the track to go end to end or otherwise.

7 BRIAN DWYER: Sure.

8 MARK COOMBES: I assume that is only  
9 one component of the overall operation of the  
10 system. There is also a number of staff that OC  
11 Transpo has to have to physically operate the  
12 system writ large, not just the drivers.

13 Did you have a sense of whether there  
14 were any other issues with getting those people,  
15 you know, in the positions they needed to be, to be  
16 successful in operating the system?

17 BRIAN DWYER: I don't recall any  
18 outstanding issues. I was actually very impressed  
19 with the -- and I am going to forget the last name  
20 of the chap who was in charge of the Control  
21 Centre, but he was -- and you know, I am going to  
22 sound like an old guy now, but he was a  
23 crackerjack.

24 I spent a good amount of time, myself  
25 and Larry Gaul in the Control Centre as they were

1 undertaking trial running and getting ready to kind  
2 of react to the system. And in the Control Centre  
3 you need to worry about safety primarily but you  
4 need to worry about performance and you need to  
5 worry about headways. And I was very impressed  
6 with the time and care that that staff took to  
7 really kind of learn the system and how it  
8 operated.

9 MARK COOMBES: And did you get any  
10 sense during that time that there were any sort of  
11 frustrations that they were feeling with the  
12 readiness of the system and the ability to do sort  
13 of the work they needed to do to get ready?

14 BRIAN DWYER: Referring to the Control  
15 Centre staff, Mr. Coombes, or --

16 MARK COOMBES: Yes.

17 BRIAN DWYER: Any project or any  
18 service I have always been involved in either -- I  
19 would say that it takes time for people to develop  
20 an appreciation for exactly how the system works.  
21 So I would say that was no different at OC Transpo.

22 MARK COOMBES: Did you have any  
23 involvement with sort of understanding what vehicle  
24 issues might have been existing at that time, say  
25 in the late 2018 period?

1 I mean, obviously we have heard from  
2 other witnesses that there was an issue with  
3 vehicle availability generally, right, so there was  
4 some problem with getting the number of trains  
5 ready.

6 But in terms of any other vehicle  
7 issues that you might have understood were going on  
8 at that time, did you have any exposure to any of  
9 those issues?

10 BRIAN DWYER: I would have had exposure  
11 through discussions at kind of the IAT meetings and  
12 other discussions, Mr. Coombes, but specifically,  
13 no.

14 MARK COOMBES: So, you know, again,  
15 that would be more of a question probably for Scott  
16 Kreiger than it would be for you; is that fair to  
17 say?

18 BRIAN DWYER: It would be a much better  
19 question for Mr. Kreiger. I would also -- I would  
20 steal your thunder a bit, Mr. Coombes. I think I  
21 would have the same take that it sounds like some  
22 of the other witnesses did that the primary issue  
23 with the vehicles seemed to be availability, the  
24 number of vehicles available.

25 MARK COOMBES: Sure. So you know, no

1 sense of -- and you can just agree or disagree with  
2 me. You would have no real interface or sense of,  
3 you know, specific issues that Alstom was  
4 encountering say over testing over that winter?

5 BRIAN DWYER: I don't recall,  
6 Mr. Coombes.

7 MARK COOMBES: You know, no  
8 understanding of any issues they were seeing with  
9 doors of the trains?

10 BRIAN DWYER: I don't recall specifics  
11 of anything like that. Mr. Coombes, I have been  
12 involved in vehicle procurements at the T, and you  
13 know, ancillary -- I don't even know what word I am  
14 using.

15 I have also had some involvement as a  
16 consultant, not as a direct overseer, but kind of  
17 assisting different agencies, and that might fall  
18 under your bailiwick. Doors, propulsion, brakes,  
19 they are issues on any vehicle procurement.

20 MARK COOMBES: Sure. I guess what I am  
21 trying to get at is, you know, I don't know you and  
22 I don't know your involvement with the project, so  
23 you know, I am not suggesting you should have had  
24 an interface with those things. I am asking if you  
25 did or didn't, and you can feel free to tell me

1 that you didn't is I guess where I am going with  
2 that.

3 BRIAN DWYER: And, Mr. Coombes, I am  
4 trying to give you a complete answer. I would have  
5 heard and talked with people on the IAT or Scott or  
6 people at OC Transpo about issues that came up. I  
7 don't recall specifically what those issues with  
8 the vehicle were. Vehicle availability was an  
9 issue.

10 MARK COOMBES: And is that vehicle  
11 availability in terms of both at and going into  
12 revenue service and also for, say, training and  
13 testing?

14 BRIAN DWYER: I would say one leads to  
15 the other, so yes.

16 MARK COOMBES: Sure. And were you  
17 involved at all in either assisting with or  
18 reviewing any of the sort of testing and  
19 commissioning activities that took place, you know,  
20 say, going from late 2018 to your conclusion with  
21 the project?

22 BRIAN DWYER: Yes.

23 MARK COOMBES: And maybe you could just  
24 give me a sense of what your involvement with that  
25 activity would have been during that time period.

1                   BRIAN DWYER: I think -- details I  
2 don't recall, Mr. Coombes. I would say that there  
3 were testing and commissioning plans that would  
4 have made the rounds kind of in that interim period  
5 we talked about previously.

6                   And I think when it came to kind of the  
7 actual testing and commissioning in that period  
8 when I was back in Ottawa, it was really advising  
9 staff. If they had questions or they wanted to  
10 talk about kind of my experience with it, I might  
11 weigh in, but we were not in the field involved in  
12 testing and commissioning.

13                  MARK COOMBES: I understand. So you  
14 would be more about reviewing the results of  
15 testing and commenting as opposed to actually being  
16 involved with the performance of any testing and  
17 commissioning?

18                  BRIAN DWYER: Yes.

19                  MARK COOMBES: Did you have a sense of  
20 whether there was any schedule compression going on  
21 on this project?

22                  BRIAN DWYER: Can you provide a little  
23 more detail there, Mr. Coombes?

24                  MARK COOMBES: Sure. So we have heard  
25 from other witnesses that, you know, sort of one of

1 the activities that the Independent Assessment Team  
2 was undertaking was sort of some scheduling  
3 assessments, right, figuring out whether or not the  
4 schedule updates that RTG was giving were accurate,  
5 realistic, reasonable.

6 And one of the sort of issues that we  
7 have heard from other witnesses is that there was a  
8 sense that there was a number of activities that  
9 still needed to be done and the time for doing  
10 those activities was sort of shrinking. That is  
11 what I mean by compression. Would you agree that  
12 that was what was happening on this project?

13 BRIAN DWYER: Yes.

14 MARK COOMBES: And were you asked to  
15 sort of review or comment on schedules at any  
16 point?

17 BRIAN DWYER: Through the IAT and other  
18 discussions we would have with the City and with  
19 the RTG staff, we would brainstorm about a lot of  
20 issues, sure.

21 MARK COOMBES: And did you have a sense  
22 of sort of what was causing -- did you or I guess  
23 your experience in the IAT, did you have a sense of  
24 what was causing that scheduling issue or  
25 compression I am referring to?

1 BRIAN DWYER: No.

2 MARK COOMBES: And do you recall any  
3 discussions at any point with the City or otherwise  
4 about a soft start of the system?

5 BRIAN DWYER: In detail, no, but yes.

6 MARK COOMBES: Okay. And those  
7 discussions would have been, you know, between the  
8 IAT and the City; is that your recollection?

9 BRIAN DWYER: I don't know if it  
10 was -- I think the IAT may have been talking to OC  
11 Transpo and the City may have been talking to the  
12 consortium about that. I am not exactly sure of  
13 kind of how all of that laid on top of each other.

14 MARK COOMBES: And so just to be clear,  
15 you are not really sure what the discussion was or  
16 what the content of that discussion might have  
17 been, just that there was potentially some  
18 discussion about it?

19 BRIAN DWYER: Yeah, and there would  
20 have been, Mr. Coombes, but I would say what I  
21 could not clarify for you is, you know, obviously  
22 folks involved in a project may kind of weigh in on  
23 suggestions they have based on other experience  
24 they have had in other places.

25 So whether or not that was kind of



1 discussed internally with whether the IAT or with  
2 OC Transpo or with kind of the consulting team or  
3 how that did or did not get to RTG, I am not really  
4 sure.

5 MARK COOMBES: And if I could ask you  
6 just, you know, based on your experience, any views  
7 about a soft start, about whether that is  
8 beneficial for a system or sort of what the  
9 advantages and disadvantages of a soft start are?  
10 Any experience with that?

11 BRIAN DWYER: No.

12 MARK COOMBES: Maybe we can talk a  
13 little bit about sort of maintenance for a second  
14 and RTM. Did you have any interaction with  
15 commenting on, you know, during that time period,  
16 say the August 2018 period on, about the  
17 maintainer's readiness for going into revenue  
18 service?

19 BRIAN DWYER: I would capture that  
20 again, Mr. Coombes, about those are  
21 probably -- those are issues that would have been  
22 discussed at the IAT. The details behind them I  
23 don't recall.

24 MARK COOMBES: You don't recall. So do  
25 you recall - and again, you can say yes or no -

1 whether or not the perception was that RTM was  
2 ready or not ready to maintain the system at  
3 revenue service?

4 BRIAN DWYER: I have a recollection  
5 there were concerns regarding their readiness, but  
6 I don't recall the details of the why behind that.

7 MARK COOMBES: You wouldn't recall the  
8 specific concerns that were at the service at that  
9 time?

10 BRIAN DWYER: No.

11 MARK COOMBES: Again, you can say yes  
12 or no about this, but any understanding about the  
13 interactions between RTM and its maintenance  
14 subcontractor Alstom?

15 BRIAN DWYER: Can you repeat the  
16 question, Mr. Coombes?

17 MARK COOMBES: So I'll give you a  
18 little bit more detail before I ask the question,  
19 and maybe that will assist.

20 BRIAN DWYER: Yes, sure.

21 MARK COOMBES: So RTM is the  
22 organization responsible for maintenance of the  
23 system.

24 BRIAN DWYER: Yes.

25 MARK COOMBES: Alstom, the vehicle

1 manufacturer, is also the subcontractor responsible  
2 for the vehicle maintenance portion of that  
3 contract. Do you have any understanding or can you  
4 recall any details about any concerns arising about  
5 the relationship between RTM and Alstom during that  
6 time period?

7 BRIAN DWYER: I don't recall details  
8 about an issue of the relationship between those  
9 two parties. I do -- as we have discussed,  
10 Mr. Coombes, the vehicles were absolutely an issue  
11 with regards to availability and the number of them  
12 that were ready for revenue service.

13 MARK COOMBES: And do you recall that  
14 there were issues not just with the availability of  
15 the number of vehicles for revenue service, but  
16 were there any concerns at the time about the  
17 ability of the maintainer to ready those vehicles  
18 for service, you know, on a daily basis?

19 BRIAN DWYER: I would say yes.

20 MARK COOMBES: And do you remember what  
21 any of those specific concerns might have been?

22 BRIAN DWYER: I would say they are the  
23 same concern that any agency has or any, you know,  
24 vehicle maintenance provider has, is having the  
25 requisite number of qualified staff to maintain a

1 fleet.

2 MARK COOMBES: And do you recall there  
3 being any specific concerns about there being the  
4 required number of qualified staff, any concerns  
5 about staffing issues that would have been raised,  
6 per your commentary or otherwise?

7 BRIAN DWYER: The details behind it,  
8 no.

9 MARK COOMBES: Maybe I'll ask you about  
10 trial running. Do you have any recollection of  
11 what the plans for trial running of the system were  
12 in sort of the 2018/2019 time period?

13 BRIAN DWYER: I don't remember all the  
14 provisions of trial running, but I do remember it  
15 was a -- that was one portion of the agreement that  
16 seemed prescriptive to me.

17 MARK COOMBES: Okay, could you go into  
18 a little bit more detail about what the  
19 prescriptive elements might have been, in your  
20 perception?

21 BRIAN DWYER: Certainly. So I would  
22 say, Mr. Coombes, in my perception, I think  
23 most -- less from personal experience and more from  
24 knowledge of the industry, I don't think that most  
25 places have such a robust trial running setup or

1 expectation plan going into that.

2 And I don't believe trial running  
3 started while I was there, but what the expectation  
4 was with regards to performance and failures in  
5 service, I remember believing that that portion of  
6 the requirement was very strict and - pardon me - I  
7 would wholeheartedly endorse that.

8 MARK COOMBES: In other words, having  
9 strict requirements for trial running.

10 BRIAN DWYER: Yes.

11 MARK COOMBES: And maybe you can  
12 comment a little bit on this, but in your view,  
13 what is the goal of trial running?

14 BRIAN DWYER: Trial running is to make  
15 sure that the system operates the way you are  
16 expecting.

17 MARK COOMBES: All right, in terms  
18 of -- is that in terms of the vehicle performance  
19 or just the whole system generally?

20 BRIAN DWYER: So I think vehicle  
21 performance is a key part of that, but certainly  
22 through trial running you are testing the capacity  
23 of the signal system. You are testing the capacity  
24 of the power system. You are ensuring that the  
25 kind of support mechanisms like the Control Centre

1 have the ability to run the system and interact  
2 with the system the way you are expecting.

3 So yeah, vehicles are certainly a  
4 critical part of it, but I think it is far more  
5 than that.

6 MARK COOMBES: And did you have any  
7 sense of what criteria were being developed for  
8 trial running? Were you ever asked to comment  
9 specifically on trial running criteria as part of  
10 your tasks?

11 BRIAN DWYER: That might be going back  
12 to the PSOS, Mr. Coombes. I don't recall the  
13 details of it, but again, my recollection is that  
14 that was just a very robust process with regards  
15 to, you know, failures in service and, you know,  
16 headways, et cetera.

17 MARK COOMBES: Right. I guess my more  
18 specific question is do you have any specific  
19 recollections of being asked to evaluate trial  
20 running criteria and sort of give commentary on it?

21 BRIAN DWYER: I don't.

22 MARK COOMBES: Okay. Any sense at that  
23 time, and so this would be going into the early  
24 2019 period to I suppose the end of your  
25 involvement with the project, what was the sense

1 from -- and maybe you can comment on if you were  
2 involved in it. Was there a perception that there  
3 was a lot of pressure to get the system into  
4 service? What was the sort of -- maybe you can  
5 comment on the environment as you experienced it  
6 then.

7 BRIAN DWYER: Yeah, I would want  
8 to -- I could give you my recollection. Certainly  
9 there was -- there is always pressure with a public  
10 project about getting it into service. I was  
11 always duly impressed by the fact that the City had  
12 no interest in -- pardon me, the City had every  
13 intention of holding the contractor to having the  
14 system prepared before they were looking to run it.

15 MARK COOMBES: Right, and I suppose  
16 what did that look like? If the City was sort of  
17 holding them to that, what was the City doing to do  
18 that? Do you know what that was?

19 BRIAN DWYER: Successful trial running.

20 MARK COOMBES: And what that might have  
21 translated into in terms of how the City was  
22 putting that -- I don't know if putting pressure on  
23 the contractor is the right way to put it, but how  
24 was the City sort of exerting that desire to get  
25 that system into operation? What was that looking

1 like maybe on the ground, if you have any  
2 recollection of that?

3 BRIAN DWYER: You know, I think the  
4 whole idea of the IAT, Mr. Coombes, and you know,  
5 the contractor or consortium, whatever you would  
6 want to call the group, coming in and chatting  
7 about their efforts to move things forward, that  
8 certainly shows the City's resolve to get the  
9 system up and running, I think.

10 And you know, we are all human beings.  
11 I think anybody who was coming in to meetings on a  
12 daily or weekly basis and their entity isn't, you  
13 know, meeting the expectations of the client, that  
14 is certainly pressure, in my opinion, and that is  
15 an opinion statement, obviously.

16 MARK COOMBES: Sure. I think now might  
17 be a good time for us to take the morning break, so  
18 if we can maybe just ask if Mr. O'Brien has any  
19 follow-up questions for anything I have asked the  
20 witness so far?

21 MICHAEL O'BRIEN: I may. It may make  
22 sense, Mr. Coombes, if we do take the break, that I  
23 will look at my notes and if now is the time you  
24 would like me to ask any follow-up questions, I'll  
25 do so when we return from the break.



1                   MARK COOMBES:   Okay.   And, Mr. Harland,  
2 any questions before the break?

3                   FRASER HARLAND:   Maybe just a couple,  
4 actually.

5                   Mr. Dwyer, you mentioned near the  
6 beginning of or closer to the beginning of the  
7 interview that your draft for the PSOS related to  
8 the safety and security portion was reduced a great  
9 deal from what you had drafted.

10                  Do you have a recollection of some of  
11 the things that you had drafted that were removed  
12 from the PSOS?

13                  BRIAN DWYER:   In detail, Mr. Harland, I  
14 don't.

15                  FRASER HARLAND:   Did it raise concerns  
16 for you about key things that in your view should  
17 be part of a PSOS or should be part of what an  
18 operator is requiring that were no longer part of  
19 the Project Agreement?

20                  BRIAN DWYER:   I would say no,  
21 Mr. Harland, because the discussion of kind of the  
22 model was that it is not as if the expectation  
23 would be that some of this would not be part of the  
24 project.   It is just the model set up was that the  
25 consortium would develop that.   It wouldn't be

1 dictated in a prescriptive manner.

2 FRASER HARLAND: Okay, and then sort of  
3 similar questions related to the SMS policy that  
4 you discussed.

5 BRIAN DWYER: Uhm-hmm.

6 FRASER HARLAND: You also said that you  
7 had provided a number of suggestions or a draft  
8 that wasn't fully reflected in the actual SMS  
9 policy. Do you have any recollection of the  
10 difference between your proposals and the document  
11 that the City ended up with?

12 BRIAN DWYER: I don't.

13 FRASER HARLAND: Okay. And again, did  
14 you have concerns there about the ultimate SMS  
15 policy and any things that you thought, you know,  
16 in an ideal world they would have 'x', 'y' or 'z'  
17 and those aren't actually reflected there?

18 BRIAN DWYER: I don't recall having  
19 concerns about what didn't make it into the policy,  
20 Mr. Harland, and I guess I would say as a  
21 consultant, you are providing your subject matter  
22 expertise as best you can. In my humble opinion,  
23 you'll never know the agency as well as the folks  
24 who work there. So although, you know, you may  
25 come up with some suggestions, they are the folks

1 who are going to have to live with that and kind of  
2 implement that, and I think they have a better idea  
3 of how they can actually incorporate safety into  
4 their system than you may.

5 FRASER HARLAND: Okay. And we have  
6 heard from at least one witness that the SMS policy  
7 looked more like something that would be used for  
8 bus operation and not for a rail operation.

9 Do you have any comment on that? Were  
10 they translating something they would have been  
11 using for buses to trains, or do you feel like they  
12 created a sufficient policy for a rail network,  
13 which is obviously what was needed for this  
14 project?

15 BRIAN DWYER: I would say they created  
16 a policy that was sufficient for rail, and my  
17 recollection is that Ron Hopkins, who at the time  
18 was -- pardon me, I hope I have his name right.  
19 Jim Hopkins, pardon me, Jim Hopkins was the Chief  
20 Safety Officer. Jim had some my recollection is  
21 some really good rail experience and mining  
22 experience. I don't recall that there was a great  
23 deal used that was kind of bus-related.

24 So no, without looking at  
25 documentation, Mr. Harland, I don't know that I

1 could say, but I don't recall thinking that this  
2 looked like a document that was better suited for  
3 bus.

4 FRASER HARLAND: Okay, and then a last  
5 question related to trial running. You said that  
6 it was quite prescriptive in the Project Agreement.  
7 One of the things that was set out in the Project  
8 Agreement was that there would be a twelve-day  
9 period, and we have heard that other than that  
10 length of time, there wasn't a lot prescribed.

11 Do you have a comment on whether that  
12 is a sufficient period of time, in your experience,  
13 to trial run a brand new system like this?

14 BRIAN DWYER: I wouldn't have had  
15 experience specific to kind of opening up a brand  
16 new system. At that point with trial running, I do  
17 think twelve-day trial running with the criteria  
18 they had in there was a very robust process.

19 FRASER HARLAND: I think those were my  
20 follow-up questions for the moment, so we can go  
21 off record.

22 [Discussion Off The Record.]

23 -- RECESSED AT 10:26 A.M.

24 -- RESUMED AT 10:38 A.M.

25 MARK COOMBES: So, Mr. Dwyer, I just

1 want to get your view. I mean, one of the reasons  
2 that this Commission exists is because, you know,  
3 there have been certain issues with the performance  
4 of the system, and our terms of reference have sort  
5 of lumped those together as what we are calling  
6 breakdowns and derailments.

7 Do you have a sense based on anything  
8 you saw during your time on the project of what  
9 might have led to those issues that the system  
10 experienced after it went into revenue service?  
11 Anything that sticks out in your mind as something  
12 that might have contributed to issues that the  
13 system faced?

14 BRIAN DWYER: Mr. Coombes, I haven't  
15 followed the roll-out of the system, if you will.  
16 I am actually just quite busy with kind of work and  
17 life, so I would say no.

18 MARK COOMBES: And so I'll follow up  
19 with this question, but you know, I assume your  
20 answer might be no, but feel free to tell me.

21 One of the Commissioner's mandates is  
22 to -- and the Commission's mandate generally is to  
23 give recommendations moving forward as to either  
24 processes or specific things that could be  
25 implemented to prevent issues like this that the

1 system experienced from happening in the future.

2 Would you have any specific  
3 recommendations or even general recommendations  
4 based on your experience with the project as to how  
5 things were done that could be done differently or  
6 maybe improved upon? Do you have any commentary in  
7 that regard?

8 BRIAN DWYER: I would say no.

9 MARK COOMBES: Mr. Harland, any  
10 follow-up?

11 FRASER HARLAND: Just one line of  
12 inquiry that occurred to me over the break.

13 Mr. Dwyer, one of the issues that the  
14 trains experienced was a sort of higher than  
15 expected level of wheel flats, and we have heard  
16 from some witnesses that the likely explanation for  
17 this is that the operator during bad weather was  
18 operating the trains at too high of a speed and  
19 that they had multiple speed profiles available to  
20 them but were using the highest speed even in bad  
21 weather.

22 Do you have a comment or any sense,  
23 given your time on the project and your time on the  
24 operator, as to why the operator might not have  
25 been aware of this issue or how that issue may have

1 arisen?

2 BRIAN DWYER: I don't, Mr. Harland.

3 FRASER HARLAND: Okay. I think that is  
4 it for me.

5 So, Mr. O'Brien?

6 MICHAEL O'BRIEN: Mr. Dwyer, you were  
7 asked about your role in developing the PSOS; do  
8 you recall that?

9 BRIAN DWYER: Yes, sir.

10 MICHAEL O'BRIEN: And you testified  
11 that you played a role in developing the safety and  
12 security section of the PSOS; is that correct?

13 BRIAN DWYER: Correct.

14 MICHAEL O'BRIEN: In addition to  
15 developing that section or in addition to  
16 contributing to the development of that section of  
17 the PSOS, was part of your role to review the  
18 entire PSOS from a safety and security perspective?

19 BRIAN DWYER: No.

20 MICHAEL O'BRIEN: You testified that  
21 vehicle availability was an issue; do you recall  
22 that?

23 BRIAN DWYER: I do.

24 MICHAEL O'BRIEN: In response to a  
25 question about vehicle availability relating to

1 revenue service and training and testing, you  
2 commented that one leads to the other; do you  
3 recall that exchange?

4 BRIAN DWYER: I do.

5 MICHAEL O'BRIEN: To confirm, having  
6 left STV in July 2019, you weren't involved in the  
7 project when it went into revenue service?

8 BRIAN DWYER: I was not.

9 MICHAEL O'BRIEN: Were you involved in  
10 the decision to put the system into revenue  
11 service?

12 BRIAN DWYER: I was not.

13 MICHAEL O'BRIEN: With respect to trial  
14 running, can you clarify whether you participated  
15 in trial running?

16 BRIAN DWYER: I did not.

17 MICHAEL O'BRIEN: Did you participate  
18 in preparing for trial running?

19 BRIAN DWYER: That may be a difficult  
20 question to answer, Mr. O'Brien. I guess leading  
21 up -- you know, there is probably a great deal of  
22 steps that -- you know, it is almost like every  
23 action everybody is taking is preparing for trial  
24 running, I guess, with regards to, hey,  
25 trial -- pardon me, I don't want to be flippant



1 here.

2 I did not participate in preparing for  
3 trial running if by that question you are talking  
4 specifically that, hey, we are starting trial  
5 running - and I am using a random date,  
6 Mr. O'Brien - on August 1st and this is July 27th  
7 and we are getting our ducks in order and the  
8 provisions ready for kind of next week, if you  
9 will.

10 I hope that makes sense. That was  
11 quite a rambling answer, my apologies.

12 MICHAEL O'BRIEN: You testified that  
13 the trial running specifications -- or you  
14 testified to the trial running specifications; do  
15 you recall that?

16 You are on mute, sir.

17 BRIAN DWYER: Terribly sorry.

18 I believe I testified to the fact that  
19 I thought my recollection of the trial running  
20 provisions were they were pretty strict.

21 MICHAEL O'BRIEN: And so I guess my  
22 question is did you ever read those provisions with  
23 a view to advising OC Transpo on trial running or  
24 participating in trial running yourself?

25 BRIAN DWYER: No.

1                   MICHAEL O'BRIEN: Those are all the  
2 questions that I have for you, Mr. Dwyer. Thank  
3 you.

4                   BRIAN DWYER: Certainly.

5                   MARK COOMBES: I have no further  
6 questions arising out of your Counsel's questions,  
7 Mr. Dwyer, unless Mr. Harland does.

8                   FRASER HARLAND: No, none from me,  
9 thank you.

10                  MARK COOMBES: Okay, I think that can  
11 conclude the interview, so we can go off record.

12

13 -- Adjourned at 10:44 a.m.

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1 REPORTER'S CERTIFICATE

2  
3 I, DEANA SANTEDICOLA, RPR, CRR,  
4 CSR, Certified Shorthand Reporter, certify:

5 That the foregoing proceedings were  
6 taken before me at the time and place therein set  
7 forth;

8 That the statements of the  
9 presenters and all comments made at the time of the  
10 meeting were recorded stenographically by me and  
11 were thereafter transcribed;

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

15  
16  
17  
18 Dated this 17th day of May, 2022.

19 

20  
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22 NEESONS, A VERITEXT COMPANY,

23 PER: DEANA SANTEDICOLA, RPR, CRR, CSR  
24  
25

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