

Ottawa Light Rail Commission

Mario Guerra
on Thursday, April 14, 2022



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6	OTTAWA LIGHT RAIL COMMISSION
7	RTM - MARIO GUERRA
8	APRIL 14, 2022
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14	--- Held via Zoom Videoconferencing, with all
15	participants attending remotely, on the 14th day of
16	April, 2022, 1:00 p.m. to 4:41 p.m.
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1 COMMISSION COUNSEL:

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3 Kate McGrann, Co-Lead Counsel Member

4 Carly Peddle, Litigation Counsel Member

5

6 PARTICIPANTS:

7

8 Mario Guerra

9 Gordon Capern, Esq., Paliare Roland Rosenberg

10 Rothstein LLP

11

12 ALSO PRESENT:

13

14 Chandani Joshi, Virtual Technician

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1	INDEX OF EXHIBITS	
2		
3	NUMBER/DESCRIPTION	PAGE NO.
4		
5	1: CV of Mario Guerra	7
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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

2 MR. MARIO GUERRA: AFFIRMED.

3 KATE MCGRANN: Good afternoon,
4 Mr. Guerra. My name is Kate McGrann. I'm one of
5 the co-lead counsel of the Ottawa Light Rail
6 Commission inquiry and joined by a member of the
7 counsel team, Carly Peddle.

8 Before we get started, I want to
9 provide you with some information about today's
10 interview. The purpose of today's interview is to
11 obtain your evidence under oath or solemn
12 declaration for use of the Commission's public
13 hearings. This will be a collaborative interview
14 such that my co-counsel may intervene to ask
15 certain questions. If time permits, your counsel
16 may also ask follow-up question at the end of the
17 interview.

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

23 The transcript will be posted to the
24 Commission's public website along with any
25 corrections made to after it is entered into

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

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

12 Pursuant to section 36(6) of the Public
13 Inquiries Act, 2009, a witness at an inquiry shall
14 be deemed to have objected to answer any question
15 asked him or her upon the ground that his or her
16 answer may tend to incriminate the witness or may
17 tend to establish his or her liability to civil
18 proceedings at the instance of the Crown or any
19 person, and no answer given and by a witness at an
20 inquiry shall be used or be receivable in evidence
21 against him or her in any trial or other proceeding
22 against him or her thereafter taking place other
23 than a prosecution for perjury in giving such
24 evidence.

25 As required by section 33(7) of that

1 Act, you are hereby advised that you have the right
2 to object to answer any questions under section 5
3 of the Canada Evidence Act.

4 Do you have any questions about any of
5 that?

6 MARIO GUERRA: I do not.

7 KATE MCGRANN: We are scheduled to sit
8 until 5. We'll plan to take a short break around
9 2. But if at any point during the interview
10 anybody needs to take break, please just let me
11 know, and we'll stop.

12 To begin, Mr. Guerra, we asked your
13 counsel to provide us with a copy of your CV. I'm
14 just going to show you a copy of what we received.
15 So I am showing you on the screen a picture of -- I
16 think it's a three-page document. I'm going to
17 scroll through. Tell me to slow down if you need
18 to. My mistake; it was a four-page document. Do
19 you need to see any part of that document again?

20 MARIO GUERRA: No, I'm fine. Thank
21 you.

22 KATE MCGRANN: Do you recognise this
23 document?

24 MARIO GUERRA: I do.

25 KATE MCGRANN: And what is it?

1 MARIO GUERRA: This is the -- the CV
2 that I submitted.

3 KATE MCGRANN: Thank you very much.
4 I'm going to stop sharing my screen, and we'll
5 enter that as Exhibit 1 to your interview.

6 EXHIBIT 1:
7 CV of Mario Guerra

8 KATE MCGRANN: Would you, please,
9 describe your professional experience as it's
10 relevant to the Ottawa light rail transit project?

11 MARIO GUERRA: I started with the -- in
12 the transit industry in 1980 as an apprentice with
13 the Toronto Transit Commission, electrical
14 apprentice, and worked my way up through the ranks
15 within the TTC, various roles: training
16 department, supervisor, and so on, and I culminated
17 that as a general superintendent in charge of rail
18 car maintenance of the TTC, which was the last
19 position I held with the TTC.

20 I then went and worked in New York City
21 for approximately one and a half, two years, also
22 in charge of vehicle maintenance. Obviously a much
23 bigger scope than the TTC.

24 After that, I came back home, didn't do
25 anything for a while, shut it down for a while.

1 And then with the advent of the P3 transit
2 projects, I was able to get a job with EllisDon.
3 The position was mostly bidding various projects,
4 P3 transit projects.

5 And then I came to SNC-Lavalin as the
6 vice president in charge of the rail projects and
7 since then have taken on progressively more -- more
8 responsibilities within SNC.

9 About almost two years now -- I guess
10 it will be two years in June -- I've also been
11 acting CEO and general manager of the Rideau
12 Transit Maintenance as well as my -- as having my
13 position still within SNC as vice president there.

14 KATE MCGRANN: And with respect to your
15 role as the acting CEO and general manager of
16 Rideau Transit Maintenance, which I'll refer to as
17 RTM going forward, would you, please, describe to
18 me what your responsibilities were in that role?

19 MARIO GUERRA: Well, we've -- we've
20 subcontracted with RTG -- well, really
21 subcontracted with City of Ottawa. In essence, we
22 are charged with the maintenance of all assets,
23 whether that be vehicles or -- or linear assets or
24 buildings. So in essence, we maintain all the
25 assets on behalf of RTG for the City of Ottawa.

1 KATE MCGRANN: And when you say "RTG,"
2 just so we've got that clear, that's Rideau Transit
3 Group?

4 MARIO GUERRA: Yeah, they would be --
5 in the P3 world, we work call them projectCo. They
6 would be the client facing organisation.

7 KATE MCGRANN: So I understand that RTM
8 is charged with the maintenance of all assets. And
9 what is your role in executing those obligations?

10 MARIO GUERRA: So I -- I liaise with
11 the client, the City, as well as the -- the team
12 that we have here to ensure that this happens. And
13 I also liaise with -- a lot of my time is spent
14 liaising with our major subcontractor Alstom as
15 well and ensuring that we meet the requirements as
16 set in the project agreement. I also report to the
17 board of directors for RTM as well.

18 KATE MCGRANN: With respect to
19 reporting to the board of directors of RTM, who
20 sits on that board?

21 MARIO GUERRA: So there's three
22 organisations that make up the JV. It's EllisDon,
23 ACS, and SNC-Lavalin, and they each have appointed
24 representatives to the board, various executives to
25 the board. So ultimately this position as the

1 CEO/GM reports to that board.

2 KATE MCGRANN: And what form does that
3 reporting take?

4 MARIO GUERRA: So I'm delegated certain
5 responsibilities with the -- that things that I
6 am -- that I'm -- that's within my scope that the
7 board has delegated to me. But I meet with the
8 board monthly now. We have been meeting monthly
9 for quite a while, actually, just keeping abreast
10 of what's going on in situations, financial
11 implications, any HR issues that may arise from
12 time to time.

13 And so if at times I need to take
14 action that's above my purview, then I would have
15 to get -- seek board approval for that as well.

16 KATE MCGRANN: Okay. With respect to
17 the meetings, are the reports that you've provided
18 the meetings oral only? Or do you also provide
19 written reports to the board?

20 MARIO GUERRA: We minute -- every
21 meeting is minuted, and at times, we will provide
22 reports to the -- to the board on various issues.

23 KATE MCGRANN: And in addition to the
24 meetings that you attend, are there any other
25 reporting obligations that you have to the board?

1 MARIO GUERRA: I mean, there's informal
2 discussions. Sometimes the board will contact me
3 to seek clarification on certain things. So there
4 are informal discussions that take place.

5 KATE MCGRANN: Okay. With respect to
6 liaising with the City, what is the purpose of
7 that?

8 MARIO GUERRA: Oh. I mean, ultimately,
9 it's to keep them apprised of what we're doing and
10 providing them with information related to
11 incidents as they happen. We have some contractual
12 meetings that we're required to have with the City
13 as well as per the contract, so we have to tend
14 those.

15 Mostly, it's just to provide them with
16 information and update them on things that are
17 going on. We currently actually have been for a
18 while meeting daily every morning.

19 KATE MCGRANN: Who attends the daily
20 meetings?

21 MARIO GUERRA: So it would be the City
22 representatives, including -- including the GM, and
23 I would say maybe about six or seven of her staff.
24 All my management staff, Alstom staff as well as
25 RTG and OLRTC. It's quite a large group.

1 KATE MCGRANN: And approximately how
2 long have those daily meetings been taking place?

3 MARIO GUERRA: Since the -- after the
4 last derailment.

5 KATE MCGRANN: Stepping back in time,
6 when did you first step into the role that you are
7 currently in as acting CEO and general manager of
8 RTM?

9 MARIO GUERRA: I believe it would have
10 been -- it'll be two years in June, so it would
11 have been June of 2020.

12 KATE MCGRANN: And was somebody in your
13 role before --

14 MARIO GUERRA: Yeah.

15 KATE MCGRANN: -- you took this role
16 on? Who was that?

17 MARIO GUERRA: Claude Jacob.

18 KATE MCGRANN: Before you stepped into
19 the role that you have today, did you have any
20 involvement in stage 1 of Ottawa's LRT?

21 MARIO GUERRA: Yes, I sat on the board.

22 KATE MCGRANN: What can you tell me
23 about what RTM's role was in stage 1 of the Ottawa
24 LRT before the system entered revenue service?

25 MARIO GUERRA: So, ultimately, the --

1 the work there is in -- in -- in mobilising to
2 ensure that we're ready to -- to start maintaining
3 the system when revenue service commences. So the
4 activities are mobilising, getting employees on
5 board, getting employees trained, entering into
6 various subcontracts with various companies.
7 Basically laying the ground work to ensure the --
8 that the -- that RPM is ready once the -- once --
9 once the service starts.

10 Now, there's also -- in a contract, we
11 are required to deliver certain documents as well
12 prior to revenue service, maintenance documents and
13 things of that nature, asset management documents.
14 So we also would be working on those to ensure that
15 they're completed on time as well.

16 KATE MCGRANN: To your knowledge, was
17 there an overall plan put together for the pre
18 revenue service phase of RTM's work, setting out
19 its obligations and the steps that need to be taken
20 to meet them?

21 MARIO GUERRA: Yeah, we -- we had a
22 mobilisation plan, things we needed to do. Yes.

23 KATE MCGRANN: As part of that
24 mobilisation plan, I understand that RTM has
25 subcontractors and also share obligations for the

1 maintenance work that is to be done.

2 MARIO GUERRA: Right.

3 KATE MCGRANN: What kind of work was
4 RTM doing, if anything, to assess the readiness of
5 its maintenance subcontractors and prepared to do
6 that work with them?

7 MARIO GUERRA: Well, some -- some more
8 than others. I mean, some companies -- for
9 example, we were contracted with the company for
10 escalator maintenance. Well established in the
11 industry, really no need to really go into details
12 with them. Others, such as Alstom, who are
13 probably our main -- our biggest contractor, do the
14 maintenance of the vehicles and the infrastructure.
15 Obviously we would have been more involved with
16 them to ensure that they were staffed up to the
17 required levels, to ensure that their employees
18 were properly trained, they had good solid
19 management in place to monitor it and -- and so on
20 of.

21 KATE MCGRANN: So --

22 MARIO GUERRA: So depending on the sub,
23 we would have had varying degrees of involvement
24 and -- and mobilisation.

25 KATE MCGRANN: Looking specifically at

1 Alstom, what can you tell me about the work that
2 RTM did with Alstom in the pre revenue service
3 phase to prepare for maintenance service?

4 MARIO GUERRA: Yeah, that would be
5 hard. I really was at the board level at that
6 point and not really involved in the -- in the
7 day-to-day operation. So I wouldn't want to
8 speculate in terms of the details.

9 KATE MCGRANN: Okay. As a member of
10 the board -- let me ask you this question. When
11 did the RTM begin working to prepare for revenue
12 service?

13 MARIO GUERRA: Well, that work starts
14 as soon as we win the bid. We start -- we have to
15 start putting the management team in place and
16 start -- and start planning. So it's immediate.

17 KATE MCGRANN: At some point along the
18 way, did the board begin receiving reports about
19 RTM's readiness process -- progress, I should say,
20 and the readiness of -- let's focus on Alstom --

21 MARIO GUERRA: Yeah.

22 KATE MCGRANN: -- for revenue service?
23 Okay.

24 MARIO GUERRA: Yes, that would have
25 been something that we would have been appraised

1 of.

2 KATE MCGRANN: Around what time would
3 the board start receiving reports about that?

4 MARIO GUERRA: I get -- soon after
5 we -- soon after we entered the contract with --
6 with Alstom, you know, then -- then the staff would
7 have engaged, and it was -- would have started
8 discussions with Alstom around their plans. And --
9 and we would have probably been getting reports on
10 that right -- right then and there.

11 KATE MCGRANN: As a member of the
12 board, were you notified at any point of any
13 concerns about the readiness of RTM or Alstom for
14 revenue service?

15 MARIO GUERRA: I don't know that there
16 were any concerns. There were things that we might
17 have asked, like, work force levels and things like
18 that to ensure that -- that they were ready to go.
19 But I don't know if there were really any concerns
20 at that point.

21 KATE MCGRANN: Can you speak to me from
22 the information that was available to you as a
23 member of the board about what steps RTM took to
24 assess its own readiness in advance of the system
25 handover?

1 MARIO GUERRA: I mean, ultimately,
2 we -- we would have benchmarked against other
3 projects in terms of what we saw, what we've seen
4 there. We -- we had people that were experienced
5 that had worked in the transit industry. And based
6 on the assumptions that were made during the bid,
7 that would have come into play as well. So all of
8 that would have -- would have led us to determine,
9 you know, our readiness for -- for revenue service.

10 With Alstom, it would have been very
11 much the same, you know, in terms of what are your
12 plans? There would have been a lot around the
13 facilities, ensuring the facilities would have been
14 ready to -- to maintain the vehicles as well. So
15 that would have been a big focus of us. So things
16 of that nature.

17 KATE MCGRANN: You referenced
18 assumptions made during the bid. Would you explain
19 to me what you were talking about?

20 MARIO GUERRA: Well, I mean, when
21 you're bidding a project, you assume, for example,
22 you know, a certain level of staff to be able to --
23 to do the work. So that would have been our
24 starting point.

25 And then, you know, as -- as the assets

1 are built and constructed and tested and
2 commissioned, you need to make adjustments to that
3 original -- to those original assumptions.

4 KATE MCGRANN: And what kind of
5 information flowing out of the construction or
6 manufacturing of the assets and the testing and
7 commissioning would you be looking for to assess
8 the levels of staff, for example, required?

9 MARIO GUERRA: Yeah, so, I mean, we
10 have -- we have what's called an interface
11 agreement. It sits between us and the constructor.
12 And that interface agreement, you know, talks to
13 things that we are required to -- type of
14 information required to receive. If there are any
15 changes to the assumed design, that we get
16 appraised, we get -- we be involved to ensure that
17 it doesn't affect the maintenance.

18 So we would have had some oversight on
19 the design, for example, to ensure that, you know,
20 they said they were going to have five rooms. Did
21 they build seven rooms? Or did they just build
22 five? So we would have had oversight to make sure
23 that our assumptions going in on design and
24 construction were, indeed, what's being done . And
25 that was so that we could protect ourselves in case

1 of, you know, there were additional maintenance
2 costs going forward.

3 KATE MCGRANN: You mentioned the
4 constructor. Are you referring to OLRTC?

5 MARIO GUERRA: Yes, I am.

6 KATE MCGRANN: You explained that RTM
7 would be notified along the way if, for example,
8 there was a change to the design so that it could
9 protect itself with respect to costs. Have I got
10 that right?

11 MARIO GUERRA: Yes.

12 KATE MCGRANN: Could you explain to me
13 what you mean by that?

14 MARIO GUERRA: See, like, I -- so when
15 we -- when we go into one of these projects,
16 there's a concept -- reference concept design,
17 typically about 30 percent -- to the 30 percent
18 level. But as -- as you go through, you know,
19 further design or even at the construction phase,
20 you know, there's value engineering that happens,
21 there's opportunities. So we would be there to
22 ensure that any of these value engineering
23 initiatives did not impact our ability to -- to
24 maintain the system going forward over the -- over
25 the 30-year period, you know, to ensure that we --

1 that the numbers were as they said. So if they
2 said 100 escalators, it was 100 escalators. To
3 make sure that we had access to maintenance to
4 various rooms and things of that nature.

5 KATE MCGRANN: And to your knowledge,
6 were there any changes to the design from the
7 30 percent reference design?

8 MARIO GUERRA: There are. There always
9 are.

10 KATE MCGRANN: That would, I think, be
11 an overly broad question. But to your knowledge,
12 were there any changes to the design from the
13 30 percent reference design through to what was
14 actually constructed and manufactured that had a
15 material impact on the assumptions that were made
16 about the maintenance requirements and what it
17 would take to meet that?

18 MARIO GUERRA: Yeah, to the best of my
19 recollection, I don't think there's anything major
20 from a maintenance perspective, no.

21 KATE MCGRANN: I understand but I want
22 to confirm this with you that at the time of the
23 certification of revenue service availability and
24 then as you head into revenue service, there were a
25 number of deficiencies. And by that, I mean there

1 were a series of retrofits that were required for
2 the vehicles. Is that right?

3 MARIO GUERRA: Yes.

4 KATE MCGRANN: And then I believe there
5 were also outstanding issues with respect to the
6 system infrastructure as well.

7 MARIO GUERRA: Fairly common for that
8 to happen. Yes, that's true.

9 KATE MCGRANN: Did those outstanding
10 items have any impact on the preparation that RTM
11 made for maintenance?

12 MARIO GUERRA: On the preparation? I
13 would say probably not. Best -- from -- from the
14 board level, anyways, I don't think there were.

15 KATE MCGRANN: And to your knowledge --
16 and if you don't know, just let me know. But to
17 your knowledge, were there any adjustments made to
18 the assumptions about the resources that would be
19 required to maintain the system either from a work
20 force perspective or otherwise?

21 MARIO GUERRA: Let me make sure -- can
22 you just repeat the question? I want to make sure
23 I understand it correctly.

24 KATE MCGRANN: I can try. It might not
25 be word for word, though, so just bear with me.

1 I'm trying to understand the status of
2 the vehicles and the system with the deficiencies
3 that we just talked about generally had any impact
4 on the assumptions that were made about what would
5 be required for RTM to meet its maintenance
6 obligations, did changes need to be made to the
7 approach that was being taken?

8 MARIO GUERRA: I -- so definitely the
9 answer is that we did have to adjust work force.
10 I'm not sure if I can make a direct link to any --
11 to the -- to the issues that were not resolved
12 going into revenue service. I think we -- I think
13 we just underestimated what was required, and we
14 had to adjust for that by providing additional
15 resources, which we have.

16 KATE MCGRANN: At a high level, can you
17 help me understand how the original assessment of
18 maintenance needs was made? And I'll give you an
19 example that may be completely irrelevant, but, for
20 example, did RTM look to similar projects and use
21 that as a benchmark for what kind of resources
22 would be required? Did you do any sort of
23 forecasting or modelling to try to determine what
24 resources would be required and meet the
25 maintenance requirements? How do you go about

1 planning for that?

2 MARIO GUERRA: I think all of the above
3 depending on -- we would -- we would look to other
4 projects. For example, we had the Canada Line
5 project out in Vancouver, which is a P3 SNC
6 project. So we would have looked there.

7 We would have done modeling based on
8 OEM -- OEM, original equipment manufacture --
9 recommendations for the equipment. So we would
10 have used that.

11 We would have contacted subcontractors
12 as well to get some -- some base pricing from them,
13 depending, again, on what we were looking at.

14 Sorry, we would have done all of the
15 above to ensure that we had the right work force
16 and -- and material and dollars in place to be able
17 to deliver on the contract.

18 KATE MCGRANN: When you say that, that
19 there were changes to the work force required and
20 that there had been an underestimation of what was
21 required, how did that underestimation become
22 clear? Or how did RTM learn that there had been an
23 underestimation?

24 MARIO GUERRA: I think we
25 underestimated the amount of oversight that would

1 be required on -- on the various activities that we
2 needed to perform. So we were required to build up
3 those resources and have some more subject matter
4 experts to be able to provide oversight.

5 KATE MCGRANN: And about when did that
6 take place?

7 MARIO GUERRA: It's -- it's -- it's
8 gradually happened over the last few years.

9 KATE MCGRANN: Okay. And are there any
10 particular areas where more oversight was required
11 than initially envisioned?

12 MARIO GUERRA: Yeah, in the vehicle and
13 infrastructure side.

14 KATE MCGRANN: Can you give me some
15 more information about what additional oversight
16 was required on the vehicle side of things?

17 MARIO GUERRA: So we now have -- are in
18 the process -- well, have put something together, a
19 plan together to -- to audit the -- to ensure that
20 inspections, all preventative maintenance
21 activities are done in a timely and proper manner
22 in an ongoing basis.

23 KATE MCGRANN: And what will be the
24 subject of that audit?

25 MARIO GUERRA: So, for example, the --

1 you know, you're required to do -- to perform
2 inspections at various levels; maybe at 25,000
3 kilometres, for example. So we would -- we audit
4 to ensure that the inspections are being done at
5 25,000 kilometres and that they're being done as is
6 required. That's the type of oversight that we now
7 provide.

8 KATE MCGRANN: Okay. So if I've got
9 this right, RTM has introduced audits of compliance
10 with requirements to conduct performance
11 inspections on the vehicles?

12 MARIO GUERRA: That's part of it, yes.

13 KATE MCGRANN: And what else is
14 involved in the increased oversight that's been
15 introduced on the vehicle side of things?

16 MARIO GUERRA: We -- we also now have
17 24/7 management of the operation to ensure that the
18 work that gets scheduled is executed as scheduled
19 and to deal with any issues that may come up.

20 KATE MCGRANN: What does 24/7
21 management of the operation involve?

22 MARIO GUERRA: We had to hire enough
23 managers to ensure that we always had -- always
24 have, sorry, at least one manager on duty at all
25 times.

1 KATE MCGRANN: And is the manager an
2 employee of RTM?

3 MARIO GUERRA: Yes.

4 KATE MCGRANN: Who are they managing?

5 MARIO GUERRA: They're managing all
6 activities on that shift. That includes
7 subcontractors, our own technicians, any incidents
8 that may happen. They're, in essence, managing all
9 activities.

10 KATE MCGRANN: When was the 24/7
11 management introduced?

12 MARIO GUERRA: Just over the last four
13 months.

14 KATE MCGRANN: And what led to the
15 introduction of that management?

16 MARIO GUERRA: Well, as -- as a result
17 of the last derailment, you know, we -- we -- the
18 proverbial "we" -- subcontractors, everybody
19 including the City -- we evaluated our organisation
20 and -- and when -- where the focus was, and we
21 determined that we needed to provide more oversight
22 and monitor all activities. So those incentives
23 were part of our return to service plan that we
24 committed to with the City.

25 KATE MCGRANN: And is the 24/7

1 oversight intended to stay in place for a specific
2 and defined period of time, or is it in place just
3 generally going forward?

4 MARIO GUERRA: Generally going forward.

5 KATE MCGRANN: What was the nature of
6 the management that was in place before the 24/7
7 management was introduced?

8 MARIO GUERRA: We had -- we had
9 supervisors at a lower level managing, and -- and
10 our managers were on call if any incidents
11 happened.

12 KATE MCGRANN: And so when you say you
13 had supervisors at a lower level, were they
14 fulfilling the 24/7 component of --

15 MARIO GUERRA: Yeah, but they were
16 more --

17 KATE MCGRANN: -- the oversight.

18 MARIO GUERRA: They were more focussed
19 on RPM only activities than we have, whereas these
20 are more -- more -- they're focusing on all aspects
21 of the business.

22 KATE MCGRANN: I recognise that this
23 management has only been in place for a couple of
24 months, I think you said. Is that right?

25 MARIO GUERRA: Yes.

1 KATE MCGRANN: From what you've seen of
2 it so far, what impact has the introduction of this
3 new management had on the system?

4 MARIO GUERRA: It's certainly improved
5 the flow of information in terms of what is going
6 on. So that's -- and in doing so, it ensures
7 accountability when things maybe don't go as -- as
8 planned so that you can -- so that you can debrief
9 and figure out why, what happened, and what do we
10 need to do to make it better. So the flow of
11 information then gives us the ability to -- to then
12 work with those involved to ensure that we
13 continuously better -- so there's kind of a
14 continuously improvement loop, and that's all due
15 to the flow of information.

16 KATE MCGRANN: And so I can envision
17 it, who is implicated in the flow of information?
18 Like, the flow of information from whom to whom?

19 MARIO GUERRA: So, for example, we --
20 we have -- we will -- we would have several
21 activities planned for tonight. A lot of work is
22 done during the nights, because that's when the
23 system is down. So it gives us the opportunity to
24 go out and do work. So we would look at the work
25 that was scheduled and work that was executed, and

1 then we would -- we would discuss why the work that
2 was not executed wasn't executed, what was the
3 problem, and then work to ensure that that doesn't
4 repeat itself going forward.

5 KATE MCGRANN: Okay. And who is
6 involved in that sort of assessment? Who is
7 looking at the information, and who is involved in
8 the conversations?

9 MARIO GUERRA: So me and my managers
10 would look at the information, and then we would
11 communicate that to Alstom or our own internal
12 people, depending on who -- who was involved.

13 Now we have a morning meeting. I
14 indicated earlier we have a meeting with the City
15 every day. Prior to that, we also have a meeting
16 with Alstom every day as well. And if there was
17 any Alstom issues, it would be discussed at that
18 meeting.

19 KATE MCGRANN: And so just to be sure
20 that I've got it clear in my head, you said prior
21 to that, I think you're referring to the order of
22 meetings during the day. So is it the case that
23 first there's a meeting with Alstom, and then
24 there's a morning meeting with the City as you
25 described to us?

1 MARIO GUERRA: Yes. That's correct.

2 KATE MCGRANN: And the daily meetings
3 with Alstom, when did those start?

4 MARIO GUERRA: Same time as the City
5 ones after the derailment.

6 KATE MCGRANN: Before the introduction
7 of the daily meetings with Alstom -- bear with me
8 for a second.

9 When you started in your current role
10 in or about June of 2020, what kind of regular
11 interactions was RTM having with Alstom in
12 repentence of the maintenance work that was being
13 done?

14 MARIO GUERRA: I mean, regular -- there
15 were weekly meetings, but most of the meetings were
16 informal.

17 KATE MCGRANN: And by that, do you mean
18 there were regularly scheduled weekly meetings and,
19 in addition to that, there would be meetings as
20 needed?

21 MARIO GUERRA: As needed, yes. But
22 we're so close to -- I mean, their office is right
23 next door here, so there's a lot of interaction
24 throughout the day.

25 KATE MCGRANN: And when you say it's

1 right next door, within the same building or it's
2 in the building that's next to the building you're
3 in?

4 MARIO GUERRA: Same building, same
5 floor.

6 KATE MCGRANN: So when you joined in or
7 about June of 2020, what was your view on the
8 sufficiency of the communication between RTM and
9 Alstom as it related to maintenance?

10 MARIO GUERRA: I think it -- it needed
11 improvement. It needed to be more formalised.

12 KATE MCGRANN: And when you say it
13 needed to be more formalised, what do you mean by
14 that?

15 MARIO GUERRA: It needed better tools
16 to communicate so that we are -- we are a --
17 up-to-date on everything that's ongoing and
18 prepared to -- so that we can provide the City with
19 the information that they need as well.

20 KATE MCGRANN: When you say you need
21 better tools, I assume you don't mean a better
22 telephone line or --

23 MARIO GUERRA: No.

24 KATE MCGRANN: -- better pens. What do
25 you mean by better tools?

1 MARIO GUERRA: Well, for example, in
2 the morning, you would need information on if there
3 were any incidents on the line, any delays, any
4 failures, vehicle failures. You would need that
5 information to be able to -- to communicate and
6 answer any questions that might come up throughout
7 the day.

8 KATE MCGRANN: Okay. So that sounds to
9 me like there was -- like, was it the case that
10 there wasn't a regular flow of the necessary
11 information to RTM from Alstom?

12 MARIO GUERRA: I think there was flow.
13 I think -- I think it just needed to be formalised
14 a bit more. That's all.

15 KATE MCGRANN: And what steps did you
16 take to formalise the information flow from Alstom
17 to RTM?

18 MARIO GUERRA: Well, we've -- we've
19 formalised reports, and we've agreed on what sort
20 of information's contained in the reports. We
21 brought Alstom in and -- and offered more
22 visibility on some of the reports that we generated
23 as well so that they're aware of it. We brought
24 them into some meetings that maybe they didn't go
25 to before with the City. So they're now much more

1 visible to the City as well, you know, just to show
2 full transparency.

3 So we've done a lot of that over the
4 last couple years to ensure that -- that people
5 are -- are aware of what's going on and -- and
6 therefore we can work together to find solutions a
7 lot quicker than -- than operating in silos.

8 KATE MCGRANN: When you joined in July
9 of 2020, was there a siloed nature in your view to
10 some of the work that was being done by the City,
11 RTM, Alstom, some or all of the above?

12 MARIO GUERRA: To a certain extent
13 because of the way the contract is stipulated, I
14 would say the answer to that is probably yes. Much
15 more contractual relationship, I would say.

16 KATE MCGRANN: Can you explain to me in
17 a little bit more detail what you mean by that?

18 MARIO GUERRA: What's a good example?
19 So, I mean, so Alstom is a subcontract with RTM.
20 So Alstom shouldn't have any direct contract with
21 the City. That would -- that would be one
22 prevailing theory. Today, Alstom attends meetings
23 with us in front of the City so that the City can
24 hear directly from them. So that whole sort of
25 mindset has shifted quite a bit over the last

1 couple years.

2 KATE MCGRANN: What was the theory or
3 thinking that supported keeping Alstom and the City
4 from meeting directly, from not having them meet
5 directly?

6 MARIO GUERRA: I -- I don't know. I
7 don't know. It's hard for me to speak to that.
8 You -- you have contracts, and you tend to go, you
9 know, based on what the contract stipulates, so --
10 but I -- I don't know why. It just -- I guess it's
11 just how things happened.

12 KATE MCGRANN: And what motivated the
13 change in approach such that we now see Alstom
14 attending meetings with the City, things like that?

15 MARIO GUERRA: Well, I mean, we had a
16 few high profile incidents. As most people would
17 be aware, we had two derailments, we had an
18 incident of cracked wheels. So three fairly major
19 incidents. So we needed to become more fluid. We
20 needed open and honest communication moving
21 forward.

22 And the way to do that, I felt at the
23 time -- especially after the second derailment --
24 was just to get everybody in the room and let's
25 talk about what the issues are and let's -- and

1 let's plan how we could fix it to make sure it
2 doesn't happen again. So I think, you know, having
3 everybody in the same room helped to expedite
4 that -- that process.

5 KATE MCGRANN: So you've told me a
6 little bit about the nature of the relationship
7 with Alstom when you joined in June 2020 and the
8 weekly meetings and then informal meetings and
9 things like that. What were the interactions like
10 with the City when you joined?

11 MARIO GUERRA: Just trying to figure
12 out how to characterise it accurately. It depends
13 on -- depends on varying levels depending on what
14 we were dealing with the City.

15 In many ways, we felt is City was being
16 very punitive in the assessment of the project
17 agreement. So from that -- from that perspective,
18 you know, it wasn't exactly a wonderful
19 relationship.

20 And in other ways, we worked well
21 together to try and resolve issues. So I think it
22 was a mixed bag of things. To a large extent,
23 today still somewhat the same thing.

24 KATE MCGRANN: When you joined, what
25 kind of, if any, regular interactions with the City

1 took place in the day-to-day operations?

2 MARIO GUERRA: So there are morning
3 meetings -- contractual morning meetings to
4 decide -- to evaluate the incidents that have
5 happened and, in essence, to decide who bears
6 responsibility for those incidents. So we would
7 have daily meetings with the City to -- to -- to
8 discuss those -- those matters.

9 KATE MCGRANN: Okay. And that was the
10 case when you joined?

11 MARIO GUERRA: Yes.

12 KATE MCGRANN: And have those daily
13 meetings continued in the same fashion throughout
14 your time?

15 MARIO GUERRA: They're now three times
16 a week.

17 KATE MCGRANN: Three times a week?

18 MARIO GUERRA: No longer daily. When I
19 say daily, I mean weekdays, sorry. Not weekends.
20 But we also now have -- we added additional
21 meetings in as well, so...

22 KATE MCGRANN: Okay. So what will be
23 the best way to describe the meetings that were
24 once daily and now happen three times a week to
25 assess and evaluate incidents from a prior day?

1 MARIO GUERRA: So every morning, we
2 generate a report, and the report looks at the
3 incidents from the previous day and speaks to what
4 happened. So, for example, we had a door incident
5 at such and such a time at such and such a station.
6 And it could be a failure, or it could have been a
7 customer holding the door open causing it -- so the
8 purpose of those discussions is to determine who
9 bears responsibility for it.

10 If it's us, then obviously we -- we get
11 assessed the penalties, if any, associated with
12 that incident. And if it's the City, then
13 obviously -- or public or anything like that,
14 anything beyond our control, then obviously we
15 don't get penalised for it.

16 So those the types of discussions that
17 would take place in those meetings.

18 KATE MCGRANN: Okay. And what would
19 qualify as an incident? How does something become
20 recognised as an incident?

21 MARIO GUERRA: So it depends. If
22 you're talking about, for example, vehicle
23 availability, then if there was loss of kilometres
24 or a delay to service, that would qualify as an
25 incident that we would have to look at.

1 If it's -- could be a -- a work order
2 where something happened, and there would be some
3 debate over which KPI applies and how it gets
4 applied and, again, whether it's -- the terms that
5 are used is projectal fault or non projectal fault.
6 So projectal fault means it's our fault, and non
7 projectal fault means it's theirs. So there would
8 be an assessment around that.

9 KATE MCGRANN: What sources of
10 information are used to generate the daily report?

11 MARIO GUERRA: The -- the -- the
12 vehicle kilometres is all based on the train
13 control system, which automatically calculates how
14 many kilometres were -- were -- were lost and the
15 length of the delay.

16 A work order, we have what's called a
17 help desk. So anything that's reported on the line
18 gets reported to the help desk. They open a work
19 order, and then, in essence, they would assign the
20 KPI to it based on their best knowledge. And then
21 we would respond accordingly. And depending on
22 which KPI is signed, there are time limits that you
23 have to respond and rectify within. And if you
24 don't meet those, then you're assessed penalties
25 based on that.

1 KATE MCGRANN: What does the acronym
2 "KPI" stand for?

3 MARIO GUERRA: Key performance
4 indicators.

5 KATE MCGRANN: You mentioned that, I
6 think at the time you joined, there was a sense
7 that the City was being punitive in its view of the
8 project agreement. First of all, have I described
9 that accurately?

10 MARIO GUERRA: Yes.

11 KATE MCGRANN: Can you explain to me
12 what you mean by that?

13 MARIO GUERRA: I mean, that's still the
14 case today. For example, as I told you, when an
15 incident happens -- I mean, let's me use an
16 example. That's probably the best way to -- a
17 door. So we have a door in the station, and maybe
18 the door isn't latching properly. So there's a
19 work order that's generated for that. We would
20 apply a KPI to that work order. And depending on
21 your interpretation of that incident, there's
22 varying KPIs, some more punitive than others.

23 So, for example, some KPIs would
24 require you to respond within four hours and repair
25 within 24 hours, for example. Some KPIs would

1 require you to respond within half hour and rectify
2 within an hour.

3 And in our experience, the City tends
4 to apply the most punitive of those to the work
5 orders. And as a result, we are not always able to
6 respond within that half hour, hour, and,
7 therefore, we are assessed huge penalties as a
8 result of it.

9 Sometimes we would code it as one KPI
10 or we believe it was a non KPI event, and the City
11 would come back and apply a KPI to it at a later
12 date. And -- and those situations, you could end
13 up with some work orders in the hundreds of
14 thousands of dollars, because if you think about --
15 we open up a work order, and let's say it's a work
16 order that you get half hour response and an hour
17 expectation time. It's roughly \$1,000 every time
18 you miss one of those. So in essence for every
19 hour you miss that, you're being assessed about
20 \$3,000 per -- per hour.

21 So, you know, when -- when the City
22 comes back after you submit your invoice and
23 assesses that as a KPI worthy, if that was out
24 there, you say \$24,000 a day times 20 days, you can
25 see how the numbers start to creep up. Right? And

1 that's exactly what happened.

2 We were assessed \$16 million penalties
3 for the month of September because of that, their
4 interpretation of the -- it's unheard of.

5 So we have a fundamental disagreement
6 with the City on the interpretation of the KPI.

7 KATE MCGRANN: September of what year
8 in terms of --

9 MARIO GUERRA: 2019.

10 KATE MCGRANN: I just want to
11 understand a little bit more. "Mechanics" isn't
12 the right word, but the way in which KPIs are first
13 assigned and then later potentially reassessed and
14 changed.

15 MARIO GUERRA: Sure.

16 KATE MCGRANN: So how are KPIs assigned
17 when a work order is first placed or an issue is
18 first identified?

19 MARIO GUERRA: So an issue was -- is
20 communicated to our help desk. Our help desk opens
21 a work order, and they have, you know, criteria
22 that we put together. And they will determine if
23 and what type of KPI will apply to that type of
24 work order. And then depending on that, it
25 prioritises the work order. Obviously the -- the

1 ones with the more stringent times get prioritised
2 first.

3 If on certain occasions the help desk
4 didn't believe there was a KPI type work order or
5 believed it was a lesser KPI, lesser punitive KPI,
6 they would assign that, we would do the work, the
7 work order would get closed in the system. And
8 when we invoice the City for payment, we have to
9 attach a list of work orders and the amounts. So
10 we would have -- submit that to the City.

11 The City would then come back and
12 say -- they would review each work order, and they
13 would say this work order here that you opened, in
14 our opinion, it should have had a KPI assigned to
15 it. You did not have a KPI assigned to it. So
16 we're going to assess the full amount for that
17 period. And that's where you get these crazy, you
18 know, \$100,000 for a KPI, because they're doing it
19 after the fact.

20 I don't know if that explains it to
21 you.

22 KATE MCGRANN: That was helpful. Thank
23 you. A follow-up question I have for you is I'm
24 trying to understand if this ties in to the
25 meetings that you were having on a daily basis to

1 assess incidents that I understand are now
2 happening thrice weekly. So it sounds to me based
3 on the description that you just gave that the
4 feedback from the City on whether the
5 characterisation of the KPI that was assigned is
6 accurate happens after the City receives the
7 invoice.

8 MARIO GUERRA: Sometimes. Sometimes it
9 happens in real time, depending.

10 KATE MCGRANN: If it happens in real
11 time, is it happening the next morning at that
12 meeting, or is it happening faster than that?

13 MARIO GUERRA: It would happen probably
14 the next morning, and then it would happen again,
15 because, contractually, we also have a monthly
16 meeting where we again go through disputed amounts
17 to try to resolve those as well. So it would
18 happen twice.

19 KATE MCGRANN: And I may come back with
20 some more detailed questions, but stepping back for
21 a second, I just -- what impact, if any, has the
22 City's approach to the KPIs under the contract had
23 on RTM's ability to meet its maintenance
24 requirements under the contract?

25 MARIO GUERRA: Well, I mean, it's hard

1 to -- it's hard to quantify that. I mean,
2 obviously it -- it does take the focus away from --
3 from other areas. You know, when you're busy
4 fighting a KPI over a door, you know, it takes the
5 focus away from, you know, making sure the vehicles
6 are working. I don't know. What I believe are
7 client facing service and safety critical issues.
8 So it does take the focus away from that.

9 At the same time, you're not getting
10 paid. So that's not a very good thing -- situation
11 either. You know, we didn't get paid, I don't
12 think, for the first -- we got one payment, and
13 then we didn't get paid for five or six months.

14 You know, luckily, we had three
15 organisations that were committed to this to make
16 it work, and we kept doing everything we could to
17 deliver service, despite not being paid. But it's
18 not a very -- it's not a very good situation when
19 you're providing service and you're not being paid
20 for it because of somebody's interpretation of the
21 contract.

22 Again, you know, not a very good
23 situation. It's hard for me to quantify that as a
24 result of that, this happened, but I can say it
25 certainly did take away from the focus elsewhere.

1 KATE MCGRANN: To the extent that you
2 feel you can answer this, what would you say to
3 somebody who said, I'm looking at the situation
4 from the outside. I see that you are working, and
5 payments are not being made. Is that leading to a
6 reduction in the service that's being offered or a
7 change in the level of services being offered,
8 because you're not getting the payments you were
9 expecting?

10 MARIO GUERRA: It's hard for me to make
11 that direct link. You know, it certainly was
12 something that was front and centre on people's
13 minds. Absent that, then you're probably able to
14 focus on other things a lot better. But it's hard
15 to make a direct link from one to the other.

16 KATE MCGRANN: How would the removal of
17 this particular factor allow for better focus or
18 more focus?

19 MARIO GUERRA: Well, I mean, somebody
20 like me would be able to -- you know, to focus a
21 lot better on the work that's being -- trying to
22 move the -- the work forward. You know, trying to
23 improve things rather than fighting the City over
24 deductions all the time. So it certainly would
25 allow me to focus a lot better on the business of

1 trying to move forward as well as some of my -- my
2 key people here. That's for sure.

3 KATE MCGRANN: I am going to define
4 this for you now, and your counsel will jump in
5 wherever he feels necessary, but I just want to say
6 at the front end of this, the questions that I'm
7 asking you, I'm not looking for you to share any
8 legal advice that has been provided to RTG, RTM,
9 nor am I asking you to describe any legal advice
10 that you have sought, just to clarify before we go
11 forward.

12 What kind of efforts have been made to
13 streamline or otherwise reduce the requirements
14 coming out of these ongoing discussions with the
15 City about the application of the project agreement
16 and the proper characterisation of the KPIs and
17 things like that? It sounds like it's taking up a
18 lot of time and effort. What efforts have been
19 made to try to minimise that or streamline it?

20 MARIO GUERRA: At one time, we were in
21 discussions with the City about possibly looking at
22 the interpretation and the -- of the payment
23 mechanism. We did have a couple of meetings. But
24 then I believe the derailment happened, and
25 everything kind of grounded to a halt. We're

1 hoping to resurrect those discussions.

2 KATE MCGRANN: And from where you're
3 sitting right now, if you can answer that, do you
4 have a sense of how likely it might be that those
5 discussions could be picked up again?

6 MARIO GUERRA: I think it's more than
7 likely they will. I mean, how far we'll get, who
8 knows. I mean, we do have other projects we can
9 compare it to, and this project is very unique in
10 its interpretation of the contract, I can tell you
11 that. We're hopeful that we can -- we can sit down
12 and work together to try resolve some of these
13 issues.

14 KATE MCGRANN: Okay. When you say that
15 this project is unique as compared to others that
16 you're aware of with respect to its interpretation
17 of the contract, you've described here a specific
18 approach that the City has taken to KPIs, which I'm
19 going to summarise, and then you can tell me if
20 I've got it right or not. But it sound like
21 there's a tendency on the part of the City to
22 characterise any incident in a way that requires
23 the most stringent response from RTM. Is that
24 fair?

25 MARIO GUERRA: That's fair.

1 KATE MCGRANN: Other than that aspect
2 of the City's approach to the project agreement,
3 are there other parts of the City's approach to the
4 project agreement that are unique in your
5 experience?

6 MARIO GUERRA: Yes. Yes. One specific
7 one I can -- I can -- I can speak to is the dispute
8 that we have with the City over their ability to
9 carry forward deductions. I'll explain to you what
10 that means.

11 So we have a monthly payment, typically
12 is fixed usually. A part portion of our payment is
13 fixed. I can say that. The other portion is based
14 on the number of kilometres. So remember I said
15 that we were assessed that huge -- the huge
16 deductions early on in 2019? The City would take
17 anything over our fixed amount for that month. So
18 let's say our fixed amount is 2 million, and the
19 City assesses 4 million in penalties. The City
20 would assess 2 million this month and then the
21 other 2 million next month. So in essence, we
22 would not get paid for two consecutive months. We
23 believe that that -- the deductions should be
24 capped at our monthly payment.

25 On another project with the same exact

1 payment, the payment we have here was -- was
2 initially put together by infrastructure Ontario.
3 They're the ones that developed this. On that
4 project, when we -- which is not in operation yet,
5 but we were very concerned about the same sort of
6 situation happening there where we asked about
7 that. We were told that in the model, absolutely
8 they do not have the ability to carry forward --
9 that our service payments capped monthly, and
10 there's no ability in this model to carry forward
11 deductions.

12 Two completely different views on the
13 same exact issue. The people telling me that were
14 from IO, the people that designed the system.
15 That's an example of where we are.

16 Another, I think, good example that --
17 that we have one other project, another P3
18 projects, whether that be, you know, hospitals or
19 whatever, you know, at the -- at the start of the
20 project, I don't know -- I don't know if you call
21 it a bedding-in period or a soft start, there's
22 various terms for that. You have the ability to --
23 to define the interpretation of these KPIs so that
24 everybody's on the same page moving forward.

25 Once again, on this project, we did not

1 have the ability to do that. It was simply from
2 day one, this is what it is, and that's what it's
3 been since then.

4 So just a couple of examples where, on
5 other projects we -- things are much different.

6 KATE MCGRANN: Couple of follow-up
7 questions about that. The other project that you
8 referenced that also has the IO monthly payment
9 terms that we've been talking about --

10 MARIO GUERRA: Yeah.

11 KATE MCGRANN: -- what is that project?

12 MARIO GUERRA: I guess I could tell
13 you.

14 Any problem with telling them, Gordon?
15 Okay. Eglinton LRT.

16 KATE MCGRANN: And who are the people
17 at IO that gave you the information about how those
18 terms would be interpreted?

19 MARIO GUERRA: I don't know if I can --
20 Gordon?

21 MR. CAPERN: Kate, can we get back to
22 you about that? I just -- I'm not clear on the
23 circumstances in which that conversation took
24 place. Is that all right with you?

25 MS. MCGRANN: Yeah, we'll make a note

1 of that as something you're going to take away and
2 come back to us on.

3 MR. CAPERN: Yeah. Thank you.

4 KATE MCGRANN: I'd like to understand
5 what you said about a bedding-in period and the way
6 that KPIs have worked in other ways. Is it the
7 case that in the other projects that you're
8 referencing, the KPIs are set from the outset at a
9 certain level, but as you begin the project,
10 parties agree to change how they will be treated at
11 the front of the project and then slowly ramp up
12 towards the level that they were intended to be at?
13 Is that the kind of situation you're talking about?

14 MARIO GUERRA: Yeah, I think that --
15 that -- that's accurate in terms of -- you're --
16 basically, you're testing the system for
17 functionality. But at the same time, you're --
18 you're testing the -- the project agreement as well
19 to see if it's being applied correctly, because
20 these are 30-year projects. You need to make sure
21 that you're aligned. Otherwise, you know, life is
22 going to be very difficult as a result of it. So,
23 yeah. There -- I think it's twofold. You're
24 testing the system, you're loading the system, but
25 you're also testing that your -- your KPIs or your

1 project agreement is also, you know -- it's set up
2 right for the project.

3 KATE MCGRANN: With respect to testing
4 the system on the front end, you said that the
5 attitude was -- you know, it is what it is from --
6 from the get go. Is that fair?

7 MARIO GUERRA: Yeah. I mean, yeah.
8 Yeah. Pretty much.

9 KATE MCGRANN: And then was that the
10 attitude of the City?

11 MARIO GUERRA: The City's
12 representatives, yes.

13 KATE MCGRANN: To the extent that you
14 can speak to this, were there any discussions with
15 the City prior to full revenue service about
16 starting revenue service with less than everything
17 required from a service perspective under the
18 project agreement?

19 MARIO GUERRA: I wouldn't have been
20 party to those discussions. Sorry.

21 KATE MCGRANN: It's okay. Even though
22 you weren't part of them, were you aware of any
23 discussions that took place by virtue of your role
24 on the board or otherwise?

25 MARIO GUERRA: Those discussions would

1 have taken place between RTG or RTC and the City.
2 RTM wouldn't have had that.

3 KATE MCGRANN: And when you say they
4 would have taken place, I'm just trying to
5 understand whether you were aware of any
6 discussions that took place.

7 MARIO GUERRA: I'm not.

8 KATE MCGRANN: And since the
9 commencement of revenue service, have there been
10 any instances -- leaving aside the derailments for
11 a second, have there been any instances in which
12 the service offered was taken down from full
13 service as required under the project agreement to
14 allow for the kind of testing of the system,
15 response to issues that have arising from the
16 system along the way?

17 MARIO GUERRA: Yeah, we've had some.
18 We've had some -- some extensive maintenance. I
19 mean, the PA allows for us to do shutdowns
20 periodically. We're allowed so many. So we have
21 had shutdowns of the system to allow for
22 maintenance that otherwise couldn't be done while
23 the system is running. So I can think of at least
24 two instances where that's happened.

25 KATE MCGRANN: And the two instances

1 that you think of, what are those?

2 MARIO GUERRA: So, initially, there was
3 a -- what we call a remedial plan, where we went
4 out and did some work on the track and on the OCS.
5 I can't remember the exact time for that one, to be
6 honest with you.

7 And then subsequent to that, I believe
8 last year, the system was shut down so that we
9 could do rail grinding and add more ballast to the
10 system and whatnot.

11 So it's -- it's normal. This is why
12 the contract allows for us to shut down for a
13 period of hours every year if required.

14 KATE MCGRANN: You use the acronym OCS.
15 What does that stand for?

16 MARIO GUERRA: Overhead cantenary
17 system. It's the power line.

18 KATE MCGRANN: And both of those
19 shutdowns you described, were both of those within
20 what the project agreement contemplates as a shut
21 down opportunities, to your understanding?

22 MARIO GUERRA: I believe so, but I'm
23 not 100 percent sure. One -- one of them may have
24 exceeded -- exceeded the allotted hours. I can't
25 remember, to be honest with you.

1 KATE MCGRANN: And then have there been
2 any requests from RTM or its subcontractors for
3 reductions in the service required by the City
4 other than those instances in order to address
5 issues that have arisen or issues that were carried
6 over from pre revenue service?

7 MARIO GUERRA: Other than the
8 derailments?

9 KATE MCGRANN: Other than the
10 derailments.

11 MARIO GUERRA: Other than those two
12 shutdown periods, none that I can think of.

13 KATE MCGRANN: And just to make sure
14 that I've got that answer clearly, other than those
15 two periods, RTM has not asked for any concessions
16 from the City in terms of number of trains run,
17 hours of the services available, or anything --

18 MARIO GUERRA: That --

19 KATE MCGRANN: -- that's in order to --

20 MARIO GUERRA: I don't --

21 KATE MCGRANN: -- allow for additional
22 work to be done?

23 MARIO GUERRA: Yeah, I mean, ultimately
24 that's dictated by the City. There are discussions
25 that are ongoing all the time in terms of, you

1 know, how many trains are put in service. But the
2 decision, ultimately, is done by the City.

3 KATE MCGRANN: Okay. So I take it that
4 the City hasn't agreed to any further reductions,
5 but have any been sought?

6 MARIO GUERRA: The City has -- we
7 currently are in reduced service state currently,
8 but that's -- I think that's a mutual decision.
9 It's not -- it's something that we discussed, and
10 the service levels are such that the ridership
11 isn't there. So as a result of that, there's less
12 trains in service. But it's a mutual decision. I
13 don't think it's driven by any particular party.

14 KATE MCGRANN: Just going to take a
15 minute to look at my notes and reposition myself.
16 While I'm doing that, I'll turn to my co-counsel
17 and ask, Ms. Peddle, do you have any questions on
18 anything that we have discussed so far?

19 MS. PEDDLE: Not so far.

20 KATE MCGRANN: I'm going to bounce
21 around here a little bit in the chronology of
22 events for a bit, and I apologise for that.

23 In the steps taken prior to revenue
24 service, to your knowledge, did RTM have any role
25 in the integration of Alstom on the manufacturing

1 side, Thales, and/or Alstom's maintenance arm?

2 MARIO GUERRA: That wasn't part of our
3 scope.

4 KATE MCGRANN: What can you tell me
5 about RTM's work with OC Transpo prior to revenue
6 service?

7 MARIO GUERRA: I mean, we would have
8 interacted around -- mostly around the deliverables
9 we had with regards to the PA, so our maintenance
10 manual. So we would have been providing
11 information to the City, and they would have been
12 providing feedback and comments back to us. So
13 that was definitely a point of interaction.

14 KATE MCGRANN: And do you have any
15 information about how those interactions went in
16 terms of timeliness of manuals provided, any
17 feedback provided back from the City?

18 MARIO GUERRA: I think it was --
19 overall, it was fairly positive.

20 KATE MCGRANN: Was RTM involved in any
21 training provided to OC Transpo staff prior to --

22 MARIO GUERRA: That would have been --
23 the constructor was in charge, providing the
24 train the trainer, I believe, was the concept that
25 was used.

1 KATE MCGRANN: So that fell to the
2 whole RTC?

3 MARIO GUERRA: Yes.

4 KATE MCGRANN: Any preparatory work
5 done together by the RTM and the City to prepare
6 for revenue service?

7 MARIO GUERRA: I mean, there would have
8 been discussions and meetings around -- I mean, the
9 City would have been updated on the things that we
10 were doing to get ready for -- for -- like,
11 mobilisation plan activities. So the City would
12 have been involved in discussing as there would
13 have been regular updates to the City to ensure
14 that, you know, things were -- were being prepared
15 so that we would be ready, yes.

16 I wouldn't have been involved, though.
17 I would have been more at the board level at that
18 point.

19 KATE MCGRANN: From where you're
20 sitting now today, is there anything that RTM could
21 have done to be better prepared from a maintenance
22 perspective for revenue service?

23 MARIO GUERRA: Yeah, that's very
24 difficult to answer. I mean, I think from a board
25 perspective, at that time, you know, every

1 indication was that we were ready. I don't think
2 we were ready for the City's interpretation of the
3 PA, as I said earlier. I don't think we were ready
4 for how involved the City would be on a day-to-day
5 basis. We certainly weren't ready for that.

6 You know, I think from an overall
7 system liability, you know, my experience over a
8 long time is that you're going to have issues with
9 the vehicles. That's just -- it's a brand new
10 system, brand new cars. You're going to have
11 issues. So I think that was expected.

12 I think the level of involvement by the
13 City, I think, caught us off guard. No way -- in
14 no way did we contemplate that.

15 KATE MCGRANN: And when you say the
16 level of involvement of the City, what are you
17 referring to?

18 MARIO GUERRA: I mean, the City had an
19 army of people on the system -- consultants, staff
20 members -- and their sole purpose was to find
21 something that was wrong and report it, and that's
22 what they did. And in essence, we don't believe
23 that's within the spirit of -- of the system, of
24 the PA. Certainly where we need to respond to
25 issues, but if you send, you know -- I don't know

1 how many people they had out there, goodness, but
2 it felt like, you know, a lot. When you send that
3 many people out looking for something, they're
4 going to find something, and they're going to
5 report it back, as minute as it might be. So I
6 don't think we were ready for that.

7 And the -- and the City is still very
8 much involved today in the day-to-day business.
9 Very much.

10 KATE MCGRANN: When you talk about the
11 City having an army of people on the system who are
12 looking to find things that are wrong and report
13 them, over what period of time was that exercise
14 taking place?

15 MARIO GUERRA: I would say it was in
16 the first few months of operation, more so the
17 first month, and then it kind of tapered off.

18 KATE MCGRANN: And with respect to the
19 goals of the people who were riding the system that
20 you're describing, the people who form part of this
21 army, how did you come to understand what it was
22 they had been told to do, to go find things that
23 were wrong and report?

24 MARIO GUERRA: They were told to find
25 any little thing that was wrong with the system and

1 report it back. And that's -- that's when they
2 started opening all these work orders, you know,
3 all these batches of work orders. And we couldn't
4 keep up. There was no way.

5 KATE MCGRANN: How do know that they
6 are told to do that?

7 MARIO GUERRA: I spoke to a few of
8 them.

9 KATE MCGRANN: And what did they tell
10 you?

11 MARIO GUERRA: That, We're out here
12 looking to find things and report them back. That
13 was their goal. A lot of them were consultants,
14 some of them were -- were City employees.

15 KATE MCGRANN: Do you remember --

16 MARIO GUERRA: I --

17 KATE MCGRANN: Sorry. I didn't mean to
18 cut you off. Please, go ahead.

19 MARIO GUERRA: No, no, the volume of
20 work orders was just insane in those -- in that
21 first month. It was just crazy.

22 KATE MCGRANN: Do you remember the
23 names of anybody that you spoke to about the
24 instructions that were provided?

25 MARIO GUERRA: I don't, no.

1 KATE MCGRANN: And so I understand that
2 the number of work orders that were being logged by
3 the City and its consultants decreased. Is it that
4 the number of work orders decreased after the first
5 couple months or the number of people riding the
6 system looking for things to --

7 MARIO GUERRA: I think both.

8 KATE MCGRANN: Both?

9 MARIO GUERRA: Both.

10 KATE MCGRANN: You said that the City's
11 involvement in day-to-day operations continues to
12 be quite high. What --

13 MARIO GUERRA: Yeah.

14 KATE MCGRANN: -- does that look
15 like -- what did it look like after the number of
16 people riding the system looking for issues went
17 down?

18 MARIO GUERRA: Just a level of -- I
19 mean, it's gotten progressively more and more as
20 time has gone on, especially after the derailments.
21 It's the level of the information they asked for,
22 the level of detail they ask for, you know, it's
23 just -- it's at times insurmountable, and we have a
24 hard time keeping up. Just -- they just want all
25 the details, every single detail. They go through

1 every single work order, they question everything.
2 It's just -- my -- micromanagement is what I would
3 call it at this point.

4 KATE MCGRANN: And has it been the case
5 that the level of micromanagement, as you describe
6 it, has stayed relatively steady since you joined?
7 Or have there been changes to it?

8 MARIO GUERRA: It's increased.

9 KATE MCGRANN: Increased?

10 MARIO GUERRA: Especially in light of
11 the derailments.

12 KATE MCGRANN: Is it still increasing,
13 like, over the last month or two? Has it continued
14 to increase, from your view, or has it --

15 MARIO GUERRA: Yes, now we have
16 consultants -- TRA consultants as well. From that
17 perspective, it's continued to increase.

18 KATE MCGRANN: And --

19 MARIO GUERRA: Well, as well as other
20 consultants, by the way, not just TRA.

21 KATE MCGRANN: What other consultants
22 are involved in the --

23 MARIO GUERRA: They had -- Mott
24 McDonald's been in. They've done some studies.
25 What else? There's probably a few others that I

1 can't remember, but it's been -- been a lot of
2 consultants here. But currently, it's been -- TRA
3 and Mott McDonald have been two that...

4 KATE MCGRANN: What impact has this
5 micromanagement of the City and its consultants
6 have on RTM and its subcontracts ability to fulfil
7 their maintenance obligations?

8 MARIO GUERRA: Well, again, it takes
9 away from focus on the business, right? Because
10 you're out there trying to gather, you know, every
11 single inspection report that they want or, you
12 know, responding to why this work order had this
13 comment on it or -- you know, I have people here
14 whose jobs it is just to do that. You know? It
15 just takes away from the focus elsewhere in the
16 business. At some point, you know, there's gotta
17 be some -- as I think people around here like to
18 say, at some point, please just let us do our jobs,
19 which is to maintain the system. Let us do our
20 jobs.

21 KATE MCGRANN: So I asked you, you
22 know, sitting here today, what your views were on
23 RTM's readiness for its maintenance obligations
24 after revenue service started. Do you have a view
25 on the City's readiness for revenue service

1 operations and things like that?

2 MARIO GUERRA: I mean, I can give
3 you -- I mean, I wasn't intimately involved at the
4 start, but I can say that, from my board
5 perspective, you know, I think they were as ready
6 as they could be, you know, absent any bedding-in
7 period or soft start, whatever. You have to
8 understand, it's a brand new system. It's not a
9 legacy system. You have brand new people, not, you
10 know, widely experienced in rail systems. So, you
11 know, I would say they're a lot better today than
12 they were two years ago, for sure.

13 But I would say that I don't know if
14 there was anything -- and I know I keep -- keep
15 coming into this bedding period. Sorry. I really
16 think that that would have added in a lot of value.
17 Absent that, you know, I think they were as ready
18 as anybody.

19 KATE MCGRANN: You say that the City's
20 a lot better today than they were at the start.
21 Better how?

22 MARIO GUERRA: Well, in terms of -- for
23 example, in the way that -- that they will react to
24 incidents on the line. The operators are now much
25 more experienced; they're able to isolate faults a

1 lot quicker. You know, the control centre is now
2 able to -- to deal with issues that come up with
3 diversions a lot quicker. It's just they gained
4 that experience over two and a half years that
5 they're able to apply now. So an incident does not
6 cause as much disruption today as it may have
7 caused two, two and a half years ago.

8 KATE MCGRANN: And would that be just
9 as a result of the natural learning curve of
10 working with the system and operation over time?

11 MARIO GUERRA: I think so, yeah.

12 KATE MCGRANN: Any specific steps taken
13 to try contribute to that sort learning curve by --

14 MARIO GUERRA: Yeah, sure.

15 KATE MCGRANN: -- the City over time?

16 MARIO GUERRA: Sure. I mean, you know,
17 every time there's an incident, there's a debrief,
18 and all the stakeholders are present at the
19 debrief. And we discuss the incident, what could
20 have been done differently, what could have been
21 done better so that we can apply those lessons
22 going forward. So, you know, those happen for just
23 about every -- any significant incident.

24 THE COURT REPORTER: Can I just ask you
25 to wait until the question is over?

1 MARIO GUERRA: Sorry.

2 KATE MCGRANN: With respect to debrief
3 meetings, what's the nature of the relationship as
4 it's displayed at those meetings? Are the meetings
5 collaborative? Do you find them to be largely
6 productive? Are there things that could be done to
7 make them better?

8 MARIO GUERRA: I would say mostly
9 collaborative. And -- and -- and in terms of
10 determining next steps as well, collaborative. I
11 think the -- the mindset is to -- is to learn and
12 apply those lessons going forward so things can
13 improve.

14 KATE MCGRANN: And the mostly
15 collaborative nature of those meetings, has that
16 been is case since you joined -- have there been
17 any changes to the -- let me ask one question at a
18 time.

19 Has it been the case that those
20 meetings have been largely collaborative in your
21 experience since you joined as acting as CEO and
22 general manager?

23 MARIO GUERRA: Yes.

24 KATE MCGRANN: Have there been any
25 changes to the tone or output of those meetings

1 since you joined?

2 MARIO GUERRA: I think, as I said
3 earlier, there's a lot more experience now, so I
4 think we're able to sort through issues a lot
5 quicker than we did before.

6 KATE MCGRANN: Any other changes?

7 MARIO GUERRA: With respect to the
8 debriefs?

9 KATE MCGRANN: Yeah.

10 MARIO GUERRA: No. I mean, there's
11 more accountability around the actions required, so
12 they're tracked a lot closer now than they were
13 before.

14 KATE MCGRANN: And is that closer
15 tracking the result of the introduction of new
16 methods or system tracking outcomes? Or how has
17 that changed?

18 MARIO GUERRA: No, just I think we're
19 better at it than we were before. That's all.

20 KATE MCGRANN: And when you say "we're
21 better at it," who are you referring to?

22 MARIO GUERRA: All of us collectively.

23 KATE MCGRANN: In terms of preparing
24 for revenue service and the start of maintenance
25 service, what impact did the delays in achieving

1 RSA from what was originally contemplated in the
2 project agreement to when RSA was achieved have on
3 RTM's ability to prepare and the steps it took to
4 prepare?

5 MARIO GUERRA: Yeah, we -- we had to
6 continuously adjust our mobilisation plan as a
7 result of it. I think the -- the biggest impact at
8 times was the uncertainty of what that date was
9 going to be -- from our perspective, anyways,
10 because we didn't have -- obviously we weren't part
11 of those conversations. So, obviously, we were
12 trying as much as we can to defer costs so that --
13 so I think the uncertainty of that date really
14 caused us to -- to at times make decisions without
15 really knowing, you know, what that start date was
16 going to be.

17 KATE MCGRANN: What kind of decisions
18 are you making without knowing what the start
19 date's going to be?

20 MARIO GUERRA: Hiring the people,
21 getting them -- ensured that they're -- typically,
22 you know, depending on the job classification, some
23 positions require a lot of training, because you
24 can't just hire people off the street that have
25 that skillset. So you would require, you know,

1 some cases up to three months of training. So you
2 would typically hire those people, you know, four,
3 even five months to ensure that they're fully
4 trained.

5 So the shifting of that date, you know,
6 and the uncertainty of it, sometimes we just had to
7 hire people early because of it, and that ended up,
8 you know, costing more money. It also -- I think
9 because people are hired into a role and they're
10 not in a real live operation, it's possible that
11 they would lose some of that as well. So it -- we
12 needed to keep people fresh, keep them trained to
13 ensure that we were all set going into our new
14 service.

15 KATE MCGRANN: Okay. With respect to
16 the hiring of people, was it the case that you
17 engaged in hiring or rounds of hiring and then
18 ultimately had to let those people go because
19 revenue service wasn't achieved on time for them to
20 work?

21 MARIO GUERRA: No, we kept everybody.

22 KATE MCGRANN: Kept everybody? Okay.

23 MARIO GUERRA: And it just resulted in
24 additional costs that otherwise wouldn't have been
25 incurred.

1 KATE MCGRANN: Who bore the cost of
2 that work force that wasn't able to get started as
3 envisioned?

4 MARIO GUERRA: So we have -- through
5 our interface agreement with OLRTC, they would bear
6 the cost of those liquidated damages associated
7 with the late start.

8 KATE MCGRANN: And with respect to the
9 notion that you would provide training and then if
10 the people receiving the training didn't get to use
11 it on the job in a certain amount of time, that the
12 training wouldn't be as fresh, how did you deal
13 with that?

14 MARIO GUERRA: Yeah, that's a good
15 question. In some instances, they would -- we had
16 them do work within the facility here. So, sorry,
17 let me back up a little bit to give you some
18 context if I can.

19 The majority of the work that we do is
20 subcontracted out to various subcontractors, but we
21 do self-perform the maintenance on facilities and
22 things of that nature. So from that perspective,
23 we were able to have people go out there and do
24 some of that work as well as do some of that work
25 within the shop as well. So we did do some work,

1 just not to the extent that we normally -- to try
2 and keep people fresh as we can.

3 Those are also positions that we could
4 probably afford to defer hiring, because they're
5 more general type skills, facility maintenance
6 technicians. Other aspects, we are actually -- for
7 example, we have what's called the yard control
8 downstairs, which is where we monitor the movement
9 of trains in the yard. So that's all done. So
10 those people were actually already in place prior
11 to revenue service because of the movements in the
12 yards.

13 KATE MCGRANN: And what information was
14 available to you about how the delays impacted
15 Alstom's readiness for maintenance?

16 MARIO GUERRA: Alstom was in the same
17 boat as we were. Obviously the -- they would be
18 made whole through liquidated damages as well. But
19 they already had vehicles here. They had staff
20 that was provide -- that were providing maintenance
21 on the cars already, and they were doing warranty
22 work. So there was work there for them in that
23 perspective.

24 KATE MCGRANN: Just coming up on 2:30,
25 and this is a good point in my questions to stop,

1 so I suggest that we take a break. Is 15 minutes
2 sufficient for everybody?

3 MARIO GUERRA: Sure.

4 KATE MCGRANN: Okay. So we will --

5 MR. CAPERN: Good here.

6 KATE MCGRANN: -- go off the record and
7 come back at 2:45.

8 MR. CAPERN: Thank you, Kate.

9 (ADJOURNMENT)

10 MR. CAPERN: If it's okay, Kate, I can
11 address the issue. Madam reporter, are we back on
12 already?

13 THE COURT REPORTER: Sure.

14 KATE MCGRANN: Please go ahead.

15 MR. CAPERN: I spoke about the
16 communications with audit and its interpretation of
17 the deduction point carryover issues; in other
18 words, the fact that those -- that the fairly
19 common provision in the governing P3 agreements.
20 And, you know, Mr. Guerra's evidence is that, I
21 think, IO interprets that provision differently
22 than the City of Ottawa has attempted to apply it
23 in the circumstances here.

24 Because of the circumstances in which
25 that information came from IO to Mr. Guerra, I

1 think it is not appropriate for him to disclose the
2 identity of the individuals involved. And we would
3 invite you to be in touch with IO if you wish to,
4 as you obviously have the power to do, to get their
5 interpretation of that particular provision so
6 you've got that from the horse's mouth, as it were.

7 KATE MCGRANN: Thanks for that.

8 Mr. Guerra, I'd like to spend some time
9 speaking with you about maintenance work that
10 Alstom has done. And as a starting point based on
11 your prior experience, can you explain to me what
12 you would expect Alstom's maintenance service to
13 look like? And by that, I mean what hours would
14 you expect them to be on the job and where
15 physically would they be on the system in the
16 normal course when they're not responding to an
17 incident.

18 MARIO GUERRA: So hours are 24/7. We
19 are a 24/7 operation. And they would be located --
20 majority of their staff would be located at the
21 maintenance facility here in Belfast. They would
22 also need to have a presence on the line during
23 revenue service to react to any incidents. And
24 they would, depending upon the nature of the work,
25 obviously, be out on -- on the line either reacting

1 to incidents or doing preventative maintenance on
2 the assets.

3 KATE MCGRANN: And the presence on the
4 line, what does that look like? Who would be on
5 the line, and where would you expect them to be?

6 MARIO GUERRA: So on the -- just about
7 every transit system that I have experience with,
8 you typically have technicians on the line,
9 especially during peak periods during the day,
10 usually mornings and afternoons, so that you can
11 react to any incidents on the line much quicker to
12 remedy the situation and keep the service going.

13 So you can either -- there's different
14 approaches. In some instances, they're placed at
15 strategic stations; in some instances, they ride
16 the trains. It depends on the system.

17 KATE MCGRANN: And when you joined,
18 were Alstom staff acting as you expected them to in
19 terms of the hours they were working and where they
20 were placed on the system?

21 MARIO GUERRA: The answer is yes, but
22 not to the extent I felt they should.

23 KATE MCGRANN: And can you explain
24 where they did not meet or -- where they didn't
25 meet your expectations, where they weren't doing

1 what you thought they should be doing?

2 MARIO GUERRA: Well, first, they
3 weren't consistent about it. So they didn't
4 consistently put people out there. Sometimes if
5 they were short staffed, we wouldn't see them. And
6 then they -- they limited it to certain times of
7 day. They weren't consistent at all. So I felt
8 they could have had a -- especially in view of the
9 fact that this was a brand new system with
10 virtually brand new vehicles, so we were going to
11 see more -- more incidents than you would normally
12 see, I felt they should have had a heightened
13 presence on the system because of that.

14 KATE MCGRANN: What impact did the
15 approach that Alstom was taking when you joined
16 have on RTM's ability to provide maintenance
17 service? When I say "RTM," I mean both it and its
18 subcontractors.

19 MARIO GUERRA: We were much lower to
20 respond to events, because we had to dispatch
21 technicians from the shop. So depending on where
22 the incident happened, we weren't able to get there
23 as quick, which meant we weren't able to resolve
24 the issue. And oftentimes that resulted in the
25 system -- delays on the system because of it. It

1 would impact the service.

2 KATE MCGRANN: What do you know about
3 the reasons for why Alstom did not have the kind of
4 presence on the line that you would have expected?

5 MARIO GUERRA: I don't -- you know,
6 honestly, I don't think they understood the
7 importance of such an activity. I don't think they
8 were experienced enough to be able to make that
9 assertion. And they were probably short staffed.
10 Not probably. They were short staffed.

11 KATE MCGRANN: Okay. With respect to
12 your view that you didn't think that they
13 understood the importance of the -- is it the line
14 presence, the technician's presence on the line
15 that they didn't understand?

16 MARIO GUERRA: Yeah, sometimes referred
17 to as line mechanics.

18 KATE MCGRANN: Line mechanics? Okay.
19 What led you to form the view that maybe they
20 didn't understand the importance of line mechanics?

21 MARIO GUERRA: The fact that they
22 didn't have the -- the numbers I felt needed to be
23 out there based on my experience.

24 KATE MCGRANN: And what steps, if any,
25 did RTM take to address the number of line

1 mechanics that were in place versus what you
2 thought should be there?

3 MARIO GUERRA: Obviously, we had
4 discussions with Alstom to try convince them to do
5 so. They did in spurts but not on a consistent
6 basis. We had no contract with them to force them
7 to do so.

8 KATE MCGRANN: So when you joined, you
9 thought that they didn't understand the importance
10 of the line mechanics. After efforts were taken to
11 try to get them to increase the line mechanic
12 presence, what is your understanding as to why they
13 could only get there in spurts and you weren't able
14 to get to the level that you thought was required?

15 MARIO GUERRA: Just insufficient
16 resources at the end of the day. I don't think
17 they had enough people, and it's a -- it's a
18 skillset that -- that is -- is -- you can't just go
19 out and hire mechanics for rail vehicles. They
20 just don't exist. So they require a lot of
21 training. So, you know, it's hard to get people up
22 and trained, you know. It needs quite a lengthy
23 time period to get people to the point where
24 they're able to function.

25 KATE MCGRANN: Can you give me a sense

1 of how long it would take to train someone to step
2 into a role like that?

3 MARIO GUERRA: Based on my experience?
4 I'm going to say two to three months before they're
5 at the point where they're able to adequately
6 perform their -- the duties. Very complicated
7 vehicles. Very, very complicated.

8 KATE MCGRANN: You mentioned that
9 Alstom was short staffed when you joined. I
10 understand that short staffing to include line
11 mechanics. Is that fair?

12 MARIO GUERRA: Well, yeah, mechanics in
13 general, yes.

14 KATE MCGRANN: And is there a
15 distinction between line mechanics and other
16 mechanics?

17 MARIO GUERRA: There's a distinction
18 between what's called a warranty technician and --
19 and a vehicle technician. These particular
20 situations, because the vehicles were under
21 warranty, it would have been the warranty
22 technicians that would have been addressing the --
23 the problems with the cars.

24 KATE MCGRANN: And was Alstom short of
25 warranty technicians when you joined?

1 MARIO GUERRA: I believe so, yes.

2 KATE MCGRANN: And do you know why they
3 were short warranty technicians when you joined?

4 MARIO GUERRA: I would only be
5 speculating, so I will say no.

6 KATE MCGRANN: When you joined, was
7 Alstom taking steps to try to address its short
8 staffing with respect to line mechanics with
9 respect to warranty technicians?

10 MARIO GUERRA: Initially, I would say
11 no.

12 KATE MCGRANN: In your view, was Alstom
13 aware that it was short staffed?

14 MARIO GUERRA: I think we had a
15 disagreement where they felt they were adequately
16 staffed, and we felt they weren't.

17 KATE MCGRANN: Was that disagreement
18 ultimately resolved?

19 MARIO GUERRA: Ultimately, yes. After
20 the last derailment, Alstom staffed up to a large
21 degree, yes.

22 KATE MCGRANN: And what caused Alstom
23 to increase its number of staff?

24 MARIO GUERRA: So after the last
25 derailment, there was -- there was a lot of work

1 required to get back to revenue service from the
2 perspective of the -- addressing the issues with
3 the vehicles and ensuring that they were safe for
4 use on the line. So they would have had to have
5 staffed up to ensure -- to get that work done in
6 the -- in an acceptable timeframe. You know,
7 they -- they brought in a lot of quality control
8 people to ensure that all the -- that's all
9 processes around that.

10 There was just a genuine increase in
11 presence in the maintenance facility, so they would
12 have staffed up -- I'm going to say twofold at
13 least during that period.

14 KATE MCGRANN: And then once revenue
15 service resumed, what happened to Alstom's staffing
16 levels?

17 MARIO GUERRA: They decreased but not
18 to the levels they were before. They're -- they
19 maintained higher level work force.

20 KATE MCGRANN: And as things sit right
21 now, what is your view on the adequacy of the
22 number of staff and roles filled at Alstom?

23 MARIO GUERRA: On the vehicle side, I
24 think I would say they're sufficient. On the
25 infrastructure maintenance side, I would say

1 they're not. They -- they're not adequately
2 staffed.

3 MS. PEDDLE: If I could just jump in?

4 KATE MCGRANN: Please.

5 MS. PEDDLE: You said that Alstom
6 increased their staff in the maintenance facility
7 twofold. How quickly did that happen after the
8 derailment?

9 MARIO GUERRA: Actually, fairly
10 quickly. They brought in staff as we -- as you
11 probably are aware, Alstom and Bombardier at that
12 point merged. One bought the other one; I don't
13 know whatever it is. So they had access to a lot
14 of the legacy Bombardier staff and various projects
15 thorough Ontario and Quebec. So they were able to
16 draw on those projects and bring a number of staff
17 in quite quickly to the organisation.

18 KATE MCGRANN: You mentioned that there
19 was no contractual lever available, I think. And
20 then I can't read my own notes. So we were talking
21 about the level of Alstom staff and also their
22 presence on the line. I think I asked you, what
23 steps did you take to try address that? Let's
24 start there. What steps did you try to take to
25 address when you saw that number of staff and also

1 the -- more specifically, the number of staff on
2 the line when you arrived?

3 MARIO GUERRA: That was a -- it was a
4 topic of discussion, ongoing discussion. It was
5 escalated, you know, to the highest of levels
6 within Alstom. And when I said we don't have a
7 contractual lever is we are -- our contract doesn't
8 stipulate you must have 20 employees. It's
9 performance based. So the number of employees is
10 theirs. But, you know, we did everything we could
11 to try get them there. We escalated to the highest
12 level of management. That's about all we could do.
13 Right?

14 KATE MCGRANN: Were they meeting the
15 performance requirements under the contract as
16 between --

17 MARIO GUERRA: No, because the
18 availability numbers obviously were not met for a
19 number of periods. And so from that perspective,
20 no. At -- we had spurts. Let me qualify that. So
21 there were -- there were months, where, yes, the
22 available targets for the vehicle availability were
23 met, and there were months were no. So it was
24 somewhat inconsistent from that perspective.

25 KATE MCGRANN: Okay. Were the

1 contractual levers that were available as a result
2 of the performance requirements have any material
3 use to you in trying to get Alstom to increase its
4 staffing levels?

5 MARIO GUERRA: Yeah, we do have -- and
6 that -- not specifically that, but we do have the
7 ability to -- if they're not performing, to --
8 to -- to do certain things to -- to encourage them
9 to -- to get there, depending on how bad the
10 performance was, what the levels were.

11 KATE MCGRANN: In describing work done
12 by Alstom technicians, you mentioned reactive work
13 and you mentioned proactive work. With respect to
14 those two kinds of work, what was Alstom's
15 performance like? And by that, I mean were they
16 performing at the same levels with respect to their
17 reactive work and their proactive work? Or were
18 they better at one than the other?

19 MARIO GUERRA: I think early on, it was
20 mostly reactive, because we were having failures.
21 With the -- the performance, the reliability of the
22 system wasn't what it should be. I think from a
23 reactive perspective, they're a little slow on the
24 mark earlier.

25 From a proactive, yeah, Alstrom, I

1 mean, they're vehicle suppliers, so they delivered
2 lots of vehicles and lots of properties. So, you
3 know, it's never fast enough. You know, we have a
4 problem, but it -- you know, then there are steps
5 that are being in place to mitigate the problem
6 short term, and then there are long-term solutions
7 to the problem. So from that perspective, I mean,
8 I think if you ask any client, it's never fast
9 enough. And I think -- on my experience, I think
10 they did a fairly good job, yeah.

11 KATE MCGRANN: And was that the case
12 from the beginning of the work that you took on in
13 around June 2020 throughout?

14 MARIO GUERRA: Yeah, I mean, they were
15 slower on some things and okay on others. I think
16 you'll find that, for example, on the cracked
17 wheels issue, it took them a long time to -- to get
18 that done. So they were very slow there in terms
19 of that retrofit. So I think on the retrofit side
20 of business, they were slow. I think that improved
21 significantly over the last few months, but they
22 were quite slow there.

23 KATE MCGRANN: With respect to the
24 cracked wheels, do you know why they were slow to
25 respond? Do you know what contributed to that?

1 MARIO GUERRA: Again, I'd have to --
2 from my experience, I think work force availability
3 was an issue, and they just had too many things
4 going on at the same time. There were too many
5 retrofits. I don't think things were scheduled as
6 well as they should -- should have been and
7 executed.

8 KATE MCGRANN: The scheduling that
9 you're talking about, who was responsible for that?

10 MARIO GUERRA: Alstom.

11 KATE MCGRANN: And then the execution,
12 did that also fall to Alstom?

13 MARIO GUERRA: Yes.

14 KATE MCGRANN: With respect to the
15 retrofits more generally, what was the status of
16 the retrofits that were required to the vehicles
17 when you joined in June 2020?

18 MARIO GUERRA: Not good. The list was
19 very long. It wasn't progressing as fast as it
20 should be, and I think from my -- from our
21 perspective and also obviously from the City's
22 perspective as well.

23 KATE MCGRANN: With respect to the list
24 of retrofits, were the list of retrofits to be done
25 holdovers from issues identified prior to revenue

1 service? Or were there new retrofits required as
2 well?

3 MARIO GUERRA: Both.

4 KATE MCGRANN: Can you speak to how
5 many retrofits were still outstanding from what had
6 been identified prior to revenue service when you
7 joined in 2020?

8 MARIO GUERRA: I couldn't speak to the
9 numbers back then. Sorry.

10 KATE MCGRANN: Do you know if they were
11 behind in addressing the retrofits that were
12 outstanding from prior revenue service when you
13 joined in June 2020?

14 MARIO GUERRA: I would believe, yes,
15 they were behind.

16 KATE MCGRANN: Do you know what factors
17 caused them to be behind where they had planned to
18 be or where it had been planned they would be with
19 those retrofits?

20 MARIO GUERRA: I think the -- the sheer
21 number of retrofits. And, again, I point to maybe
22 the lack of resources or work force or lack of
23 planning, all those things, I think, would have
24 contributed to it. It's not uncommon to go to
25 revenue service with -- I think they refer to it as

1 a punch list of issues still needing to be
2 resolved. It's not uncommon. It happens. But
3 they certainly were not resolved in a timely
4 fashion. In fact, two and a half years in, and the
5 list is still quite large.

6 KATE MCGRANN: You say it's not unusual
7 to go into revenue service with a list of
8 retrofits. With respect to the number of retrofits
9 that were required on this project, was the number
10 of retrofits required heading into revenue service
11 unusual in your experience?

12 MARIO GUERRA: It's hard to answer that
13 question, because I'm -- my experience is in -- is
14 in legacy type systems where you can afford to
15 maybe -- because you have an existing fleet, you
16 can afford to hold the vehicles back a little
17 longer. So it's hard for me to answer that
18 question on a brand new system.

19 KATE MCGRANN: If you can't answer this
20 question, just let me know, but was it the nature
21 of the retrofits that were required heading into
22 revenue service unusual in your experience?

23 MARIO GUERRA: Oh, I don't think so.

24 KATE MCGRANN: Nothing of any
25 particular kind of seriousness or work required to

1 be addressed on that list cause you any --

2 MARIO GUERRA: Sorry, not -- not
3 heading into revenue service. What happened post
4 revenue service, yeah, I can say there's a couple
5 there where I'd say were a bit unusual.

6 KATE MCGRANN: Can you identify for me
7 which ones were unusual, in your view?

8 MARIO GUERRA: I think -- yeah, I mean,
9 the -- the ones that resulted from -- from
10 workmanship were -- were unusual. I think you
11 can -- you know, incidents that happened as a
12 result of something that are forming, but, you
13 know, we had -- the second derailment is basically
14 due to torques not -- bolts not being torqued. So
15 for me, that was unusual, because you don't -- you
16 don't see that sort of thing.

17 KATE MCGRANN: Other than the second
18 derailment, any other examples of retrofits
19 required that were unusual in your view?

20 MARIO GUERRA: Retrofits? No. I mean,
21 I wouldn't classify that as a retrofit, the
22 torque -- bolts not being torqued. That's --
23 retrofit is typically due to the malfunctioning of
24 some equipment, right?

25 KATE MCGRANN: Any other examples of

1 workmanship creating issues that were unusual in
2 your view?

3 MARIO GUERRA: There's been a few.
4 We've had handles fall off that weren't tightened
5 up properly. We recently had a -- a vehicle where
6 the gearbox had no oil in it; as a result, seized
7 on the line. So there's been a few.

8 KATE MCGRANN: And what steps, to your
9 knowledge, has Alstom taken to address those
10 issues?

11 MARIO GUERRA: Well, they -- they
12 increased -- or improved their quality control
13 processes and their presence around QC. And
14 they've also updated their processes to ensure that
15 they have checks and balances in place, that sort
16 of thing. It's been a real positive move over the
17 last -- since the last derailment. It's -- that's
18 where they focussed all their attention.

19 KATE MCGRANN: And what involvement did
20 RTM have in addressing those issues? By "those
21 issues," I mean the workmanship issues that you've
22 identified.

23 MARIO GUERRA: We were front and centre
24 with -- with them along with the City. Like I
25 said, you know, the -- the one workmanship issue

1 that is obviously the -- the bolts not being
2 tightened on the gearbox were the causes of a major
3 derailment. After that, I think I alluded to
4 earlier where it was a real collaborative effort
5 between us, the City, their consultants, TRA,
6 and -- and Alstom to ensure that they put the right
7 quality control processes in place to ensure that
8 doesn't happen again.

9 KATE MCGRANN: And I think that we've
10 talked a bit about what that collaborative effort
11 looks like, but could you just describe how that
12 played out in terms of practice?

13 MARIO GUERRA: Sure. I mean, we -- we
14 met every day. There was two streams that we were
15 looking at that needed to be addressed. The first
16 stream was the infrastructure, and the other stream
17 was the vehicle.

18 On the infrastructure side, we needed
19 to make a lot of repairs to the system because of
20 the damage caused by the derailment. So we would
21 have -- we had daily meetings with all parties
22 around that just to monitor progress, see if there
23 was any issues.

24 And on the vehicle side, much the same
25 where we would meet -- on the vehicle side not

1 necessarily daily but probably -- I'm going to say
2 at least three times a week to discuss progress and
3 to discuss, you know, what the expectations were
4 from the City through their consultants, TRA, in
5 terms of what was acceptable before we could return
6 the vehicles back to service.

7 So there was a whole inspection regime
8 that had to be developed and validated and
9 approved. We had -- we had to put together an
10 extremely detailed return to service plan as well.
11 So that all had to be documented, in some cases
12 verified, and then communicated to the City in a
13 timely manner before the City would allow us to
14 begin -- begin putting vehicles into service.

15 Now, we -- during that period, we were
16 still doing work. You know, because the system was
17 shut down, we took the opportunity to do some work.
18 But it was a long effort. I have a binder here
19 that's fairly thick, which is our return to service
20 plan. It's quite comprehensive.

21 KATE MCGRANN: Speaking to the
22 reliability of the service that was available from
23 the system and leaving aside the derailments for
24 the minute, what in your view were the biggest more
25 significant contributing factors to the reliability

1 issues that were seen on the system?

2 MARIO GUERRA: We had some issues with
3 some equipments, auxiliary power equipment where we
4 had -- we actually had some of these inductors --
5 wouldn't say blowing up. It's probably an
6 exaggeration. But -- so that was a problem. That
7 caused us a lot of delays. In fact, that caused a
8 huge delay on New Year's Eve. I think it was in
9 '19 into '20 at the U of Ottawa. That -- that was
10 a bad one. We had a couple of those instances. So
11 that was hard.

12 I think the wheels were one of the --
13 the cracked wheels were one that caused us to
14 actually come up real quickly with a work around or
15 a -- a mitigation where we had to inspect the
16 wheels just about every day. So that caused quite
17 an impact on us as well. Doors were a problem for
18 a while. The reliability of the doors just wasn't
19 there. Which is typical of most systems; doors
20 tend to be a lot of problems.

21 Yeah, I mean, those are probably three
22 systems that gave us quite a bit of problems early
23 on.

24 KATE MCGRANN: The inductors, was it
25 ultimately determined that was causing the issues

1 with those?

2 MARIO GUERRA: Yeah, they figured out
3 what was causing it, and there have been
4 mitigations put in place. But the long-term fix
5 hasn't been -- requires a redesign of that
6 circuitry, so that's still pending. But we --
7 we got -- we've put in place mitigations so that --
8 so that we don't have the same results anymore.

9 And, really, we don't really see very
10 many of those incidents anymore.

11 KATE MCGRANN: I missed what you said.
12 The long-term fix requires -- and then I missed the
13 part that came after that.

14 MARIO GUERRA: Change-through design of
15 the circuitry. So they're still working on that.

16 MS. PEDDLE: What are the mitigation
17 efforts that were put in place?

18 MARIO GUERRA: So now I'll try not to
19 get too technical. But whereas the inductor may
20 have blown up or for now, we have put steps in
21 place to protect it, then maybe it will blow a fuse
22 or circuit breaker instead, so we just have to
23 reset the circuit breaker. That sort of
24 mitigation.

25 MS. PEDDLE: I thought I read on the

1 news article that it was a problem with dirt
2 build-up. Is that accurate at all?

3 MARIO GUERRA: I think we determined
4 that it might have been a contributing factor
5 because of the -- when you have the pantograph that
6 rides along the OCS, there's always copper, like...
7 So as a result of that, we also started --
8 instituted an annual cleaning program on the roofs
9 of the vehicles. There were a number of steps
10 taken to try and mitigate. That was one.

11 KATE MCGRANN: Just to help visualise
12 how this mitigation works, what's required in order
13 to replace a blown fuse or reset a circuit breaker?

14 MARIO GUERRA: The -- the train comes
15 in, go on the roof, and that's it.

16 KATE MCGRANN: Is that the kind of
17 thing would be fixed by an Alstom technician who is
18 riding along?

19 MARIO GUERRA: Yeah. Yes.

20 KATE MCGRANN: And would a blown fuse
21 or certain breaker that requires resetting stop the
22 train; like, cause the train to stop on the line or
23 otherwise impair its ability to complete its route?

24 MARIO GUERRA: It may depending on
25 which -- on the circumstances.

1 KATE MCGRANN: Can you speak about the
2 work around and the mitigation efforts with respect
3 to the cracked wheels?

4 MARIO GUERRA: Sure. So it -- it
5 sounds worse than it actually is. It's just a
6 hairline that was found. So what was -- the work
7 around was that the vehicles would be inspected
8 every day prior to going to service, see if there
9 was any cracks on the wheels. It was quite an
10 undertaking for a while until the wheels were
11 changed out.

12 KATE MCGRANN: And have all the wheels
13 been changed out at this point in time?

14 MARIO GUERRA: Currently, all except
15 two vehicles, which -- the two vehicles were
16 involved in the heavy derailments which still
17 haven't been repaired. But everything in service
18 has been -- the wheels have all been addressed,
19 yes.

20 KATE MCGRANN: And what did it take to
21 obtain the replacement wheels and to put them in
22 place?

23 MARIO GUERRA: It's quite an
24 undertaking. I mean, we have to -- we have to
25 remove the bogies from the vehicle, and the wheels

1 get replaced. It was quite an undertaking to be
2 able to do that.

3 KATE MCGRANN: I believe that the
4 bogies are under the vehicles. Is that correct?

5 MARIO GUERRA: Yeah. Yes.

6 KATE MCGRANN: So then do you have the
7 lift the vehicles off the ground to --

8 MARIO GUERRA: Yeah.

9 KATE MCGRANN: -- get at them?

10 MARIO GUERRA: Correct.

11 KATE MCGRANN: Did you have the
12 resources in order to effect the repairs at the MSF
13 at the time that the wheels cracked?

14 MARIO GUERRA: Some of that work was
15 done outside of the MSF in the other Alstom
16 facility.

17 KATE MCGRANN: In terms of obtaining
18 the replacement wheels, for people who don't have
19 experience with an LRV system, there could be an
20 understanding that you place an order and get
21 replacement wheels within a week. Can you help me
22 understand what's involved in obtaining replacement
23 wheels?

24 MARIO GUERRA: Well, there's quite a
25 lead time on those. And in terms of ordering them,

1 they come from Europe, so that adds a level of
2 complexity. And then Covid didn't help matters,
3 you know, with the pipeline for all sorts of parts,
4 not just the wheels. So it's differently the
5 sourcing of wheels had an impact on the ability to
6 expedite the project.

7 KATE MCGRANN: Can you speak to the
8 results of the inspections that were instituted to
9 look for cracks in the wheels? Was it an issue
10 that you, in fact, found as a result of the
11 inspections?

12 MARIO GUERRA: Sorry. Can you try that
13 again? I just want to --

14 KATE MCGRANN: Yes. I would happily
15 try it again. You instituted inspections looking
16 for cracks in the wheels as an interim measure, I
17 understand, until you're able to replace all the
18 wheels. During that time that the inspections were
19 being conducted, did you find wheels that were
20 cracked that impacted the ability to meet service
21 requirements?

22 MARIO GUERRA: I believe we found a few
23 more, couple more. Two or three, I believe.

24 KATE MCGRANN: And at this point, my
25 understanding is you said that all the vehicles in

1 service, that problem has been addressed?

2 MARIO GUERRA: Yes.

3 KATE MCGRANN: And the only vehicles
4 that are awaiting replacement wheels are the two
5 that are not currently in use?

6 MARIO GUERRA: That's correct.

7 KATE MCGRANN: You also mentioned
8 issues with reliability of the doors. Can you help
9 us understand what those issues were and what
10 contributed to them?

11 MARIO GUERRA: I mean, varying issues.
12 It could be the door motors, it could be the
13 circuitry around there, it could be a number of
14 issues. But essentially typically what happens is
15 you get to the station, and the doors won't close
16 for whatever malfunction.

17 So they're required -- the doors have
18 to be isolated to keep the people in service. If
19 the doors don't close, the vehicle won't move until
20 it's isolated. So that's typically what happens
21 with doors.

22 Sometimes it's the passengers that
23 force the doors open and cause it to happen as
24 well, so...

25 KATE MCGRANN: And what steps was RCM

1 or Alstom or others able to take to try to address
2 those issues?

3 MARIO GUERRA: A few. So there were
4 modifications obviously done to try prevent that
5 from happening in the first instance. But we also
6 worked closely with OC Transpo to ensure that their
7 operators had the right information to be able to
8 have them isolate the doors, which obviously would
9 allow for the vehicles to be able to open a lot
10 quicker than waiting for a technician.

11 So we've worked very hard with OC
12 Transpo to provide them operational tools to try to
13 deal with incidents like that.

14 KATE MCGRANN: Just so I understand
15 what isolating the doors actually involves, so the
16 doors are stuck open. What can a train operator do
17 in order to address that?

18 MARIO GUERRA: There's a -- in some
19 systems, there's a button, some systems, it's a
20 handle, which allows you to manually close the
21 doors, and then those doors are bypassed so that
22 they don't affect the operation of the vehicle.

23 KATE MCGRANN: And the efforts made to
24 arm the OC Transpo operators with tools and
25 information so they can react in that way, how were

1 those efforts met by the City and OC Transpo?

2 MARIO GUERRA: They were very open to
3 it.

4 KATE MCGRANN: The information and the
5 tools required for the drivers to be able to
6 identify that issue as something they can deal with
7 and then isolate the doors so service can continue,
8 is that the kind of information and skillset you
9 would have expected the drivers to have from the
10 outset of revenue service?

11 MARIO GUERRA: Some of it, but most of
12 it, I think, is dependent on the kind of issues
13 that you run into as the vehicles are in service.
14 Right? That kind of drives where you're at.

15 One other thing -- sorry, one other
16 thing I failed to mention is we took an Alstom
17 supervisor, and they now have a desk downstairs
18 here in the yard control room. So they will also
19 talk with the operators when an incident happens to
20 try and help them, guide them in terms of what
21 steps to do. So we have done that as well, and
22 that's helped out a lot as well.

23 KATE MCGRANN: The steps that were
24 taken to help arm the operators with skills and
25 tools to deal with door issues like this, is that

1 the kind of exercise that you would expect -- that
2 would fall in as bedding-in period for people
3 with --

4 MARIO GUERRA: Yeah, I think you would
5 have learned some of that in that period, yes. I
6 mean, yeah, and the answer is yes. Some of that
7 would have been done during that period with the
8 understanding that some incidents would have
9 happened probably after the bedding-in period. So
10 it's a continuous loop of continuous learning,
11 right?

12 KATE MCGRANN: Okay.

13 MARIO GUERRA: The de -- sorry, one
14 more thing. The debriefs helped as well that I
15 spoke about earlier.

16 KATE MCGRANN: I understand that there
17 have been some incidents in the maintenance
18 facility. And by "incidents," I mean a collision.
19 Does that ring a bell for you?

20 MARIO GUERRA: There's been a couple,
21 yes. In the yard, yes.

22 KATE MCGRANN: Okay. Can you describe
23 those collisions to me?

24 MARIO GUERRA: Sure. I mean, we
25 have -- we have what's called a rail car mover,

1 which in essence connects up to the -- the trains
2 so that we can move them around the yard. So we
3 had instants where the operator of a rail car mover
4 is not -- thought he was going and was going in
5 reverse and caused a collision in the yard.

6 We've also had two derailments in the
7 yard as well.

8 KATE MCGRANN: I'm going to speak about
9 the collisions and the derailments separately just
10 to keep them -- so we all know what we're talking
11 about.

12 With respect to collisions, did any of
13 the collisions have any impact on the availability
14 of vehicles for service or otherwise the service
15 that the system was able to provide to the riders?

16 MARIO GUERRA: No, I -- collisions have
17 been minor in nature, so I would say probably not.

18 KATE MCGRANN: And then with respect to
19 the two derailments within the yards, can you
20 describe for me one at a time what happened with
21 that?

22 MARIO GUERRA: They were both very
23 similar, happened in the same location. Only
24 there's a track that goes around. The biggest
25 difference was the first time, it was noticed very

1 quickly, so it didn't cause much damage. The
2 second time, the operator didn't notice it, and it
3 caused quite a bit of damage in the yard.

4 We did an investigation, and, you know,
5 we found that the track needed to be lubricated in
6 order to -- and we needed to go maybe a little
7 slower around that turn. And as a result of taking
8 those actions as well as we -- we ended up putting
9 operators on both ends of the train as well when
10 there's certain moves made in the yard. So all of
11 that has resulted in no additional derailments.

12 And, yes, one of those did cause an
13 impact because the vehicle was damaged to the point
14 where we couldn't use it for service anymore.

15 KATE MCGRANN: About when did that
16 derailment take place?

17 MARIO GUERRA: Oh, my God. I'm going
18 to say about a year ago. Sorry.

19 KATE MCGRANN: And how long were the
20 impacts of that derailment felt on the service
21 provided to the public?

22 MARIO GUERRA: We were one vehicle
23 short, I would say, for a good six months.

24 KATE MCGRANN: Who drives the trains or
25 moves them around in the maintenance yard?

1 MARIO GUERRA: That's a good question.
2 Technically, the yard is supposed to be fully
3 automated. Unfortunately, it's not yet. It's
4 something that -- that wasn't completed prior to
5 revenue service. So the work continues to try to
6 get it automated.

7 So as a result of the yard not being
8 fully automated, Alstom has had to hire staff,
9 employees. We call them hostlers because they
10 hostile the vehicles. It's a railroad term. So
11 they're the ones that move the trains.

12 KATE MCGRANN: Do you know what caused
13 the delay to the complete automation of the yard?

14 MARIO GUERRA: Caused the delay?

15 KATE MCGRANN: Yes.

16 MARIO GUERRA: I don't know.

17 KATE MCGRANN: Other than the
18 requirement that hostlers be hired -- and how do
19 you spell that?

20 MARIO GUERRA: H-O-S-T-L-E-R-S.

21 Hostlers.

22 KATE MCGRANN: Okay. Other than the
23 requirement of hostlers be hired to move the trains
24 around in the yard, have there been any other
25 impacts on the ability to -- well, let me put it

1 this way. Have there been any impacts on the
2 ability to perform the maintenance required as a
3 result of the fact that the yard's not fully
4 automated yet?

5 MARIO GUERRA: The answer to that is
6 yes. I mean, it would be hard -- it's hard for me
7 to sit here and give you specific examples, but
8 obviously a fully automated yard allows you to move
9 quick certify, safer, faster than one where you
10 have to rely on someone to drive it. So the
11 impacts -- the answer to that is, yes, it has
12 impacted our ability to offer service.

13 KATE MCGRANN: And is there currently a
14 schedule towards full automation or an anticipated
15 date for full automation?

16 MARIO GUERRA: Yeah, we're hopeful it
17 can be done before the year end.

18 KATE MCGRANN: So fair to say that the
19 incomplete automation of the maintenance facility
20 was an outstanding issue or deficiency that has had
21 some impact on the ability to perform maintenance
22 work?

23 MARIO GUERRA: Yes.

24 KATE MCGRANN: Any other -- sorry, I
25 think you said yes, and I shouldn't talk over you.

1 MARIO GUERRA: I'm trying to -- I'm
2 trying to play by the rules to wait for you to
3 finish.

4 So the answer to the question is yes,
5 that's fair to say.

6 KATE MCGRANN: Okay. Any other
7 outstanding deficiencies that have had an impact on
8 RTM or its subcontractor's abilities to complete
9 their maintenance obligations?

10 MARIO GUERRA: There's been a couple.
11 I guess there's also -- there was a secondary
12 delivery track for service that is still not in
13 service. That would give us another option. That
14 has impacted or abilities as well.

15 There was some shop equipment that was
16 not ready to go on day one as well that had some
17 revenue impact as well, so, yeah. Those --
18 those -- those two things.

19 KATE MCGRANN: Okay. Anything else you
20 can think of sitting here today?

21 MARIO GUERRA: Not of any great
22 significance. I mean, those two were somewhat
23 significant.

24 KATE MCGRANN: Can you help me
25 understand what the secondary delivery track --

1 what is it and what does it do?

2 MARIO GUERRA: So when we -- when we
3 have vehicles going into revenue service, our job
4 is to deliver them to a handover platform where
5 the -- those -- a transfer operator takes over.

6 With the advent of stage 2, there was a
7 secondary delivery track built. So if we had that
8 secondary track, then we could move two vehicles or
9 three vehicles in some cases up and have them ready
10 to go and be able to deliver service, you know, in
11 a more expedited fashion. Not having that, you
12 know, makes -- makes the delivery service at times
13 tougher, not having that option.

14 KATE MCGRANN: You said with the advent
15 of stage 2. So was the secondary delivery track
16 part of the work that was envisioned for stage 1?
17 Or is that a late breaking addition?

18 MARIO GUERRA: That was the later
19 addition when stage 2 was in sight.

20 KATE MCGRANN: Okay. And then you
21 mentioned there was some shop equipment that wasn't
22 ready to go. Can you be more specific about what
23 wasn't there?

24 MARIO GUERRA: Some jacks to lift
25 vehicles.

1 KATE MCGRANN: Okay. Anything else?

2 MARIO GUERRA: Probably a slough of
3 little things, but it's hard for me to pinpoint.

4 KATE MCGRANN: Okay. Who was to
5 provide the jacks?

6 MARIO GUERRA: Oh, RTC.

7 KATE MCGRANN: Could you help me
8 understand the impact of not having the jacks
9 available on maintenance service?

10 MARIO GUERRA: It limits your ability
11 to -- to perform work that requires the vehicles to
12 be lifted. When you have multiple locations,
13 obviously, you can -- you can go get through work
14 much faster as a result of it.

15 KATE MCGRANN: How many jacks were
16 supposed to be available?

17 MARIO GUERRA: There was one set that
18 wasn't available.

19 KATE MCGRANN: Sorry, but does one set
20 consist of -- let me ask you this. How many trains
21 can one set of jacks lift at a single time?

22 MARIO GUERRA: One.

23 KATE MCGRANN: And how many sets of
24 jacks were planned for in the maintenance facility?

25 MARIO GUERRA: Two.

1 KATE MCGRANN: So half as many as you
2 expected.

3 MARIO GUERRA: We only have one, yes.

4 KATE MCGRANN: Okay. And is it still
5 the case that there's only one?

6 MARIO GUERRA: No.

7 KATE MCGRANN: Okay. When was the
8 second set of jacks put in service?

9 MARIO GUERRA: Three, four months ago.
10 We actually have three sets right now. Alstrom
11 brought in their own after the derailment to
12 expedite things even further.

13 KATE MCGRANN: A couple questions about
14 that. Is the plan to continue on with three from
15 this point onwards?

16 MARIO GUERRA: Just two.

17 KATE MCGRANN: When -- I'm assuming
18 that the Alstrom jacks will be the set that will be
19 removed? Yes? Okay.

20 Just because the court reporter can't
21 record it if we're nodding and --

22 MARIO GUERRA: Sorry.

23 KATE MCGRANN: That's okay.

24 MARIO GUERRA: The answer is yes.

25 KATE MCGRANN: Okay. And have you

1 noticed an impact in having two jacks on the
2 ability to perform maintenance work required?

3 MARIO GUERRA: Absolutely. It's paying
4 huge dividends in terms of expediting work through
5 the shop.

6 KATE MCGRANN: Are you able to help me
7 understand why there was a delay in getting the
8 second set of jacks in the maintenance facility?

9 MARIO GUERRA: I couldn't speak to
10 that.

11 MS. PEDDLE: Did you have two jacks
12 when you were dealing with the cracked wheel issue?

13 MARIO GUERRA: No. But understand, as
14 I said earlier, some of that work was done off
15 site, right, in an Alstom facility.

16 MS. PEDDLE: Thank you.

17 KATE MCGRANN: And just to help us
18 understand what that would look like, where was the
19 Alstom facility that that work was --

20 MARIO GUERRA: One of their plants in
21 Quebec, I believe. I don't remember exactly where
22 they have a plant.

23 KATE MCGRANN: The level of staffing at
24 Alstom when you joined, we've spoken about that.
25 Were you aware of the level of staffing at Alstom

1 before you joined, or is that something you learned
2 about when you stepped into Mr. Jacob's role?

3 MARIO GUERRA: No, I was aware of it
4 when on the board.

5 KATE MCGRANN: How were you aware of it
6 as a member of the board?

7 MARIO GUERRA: It was an issue we
8 escalated through the board to Alstom senior staff.

9 KATE MCGRANN: Were there any other
10 issues arising from Alstom's maintenance work that
11 came to your attention as a member of the board?

12 MARIO GUERRA: Yeah, I think there --
13 as we talked about, their responsiveness to
14 incidents on the line and their level of staffing
15 as a result of it. I think that was one. I mean,
16 their -- their -- the speed at which they were
17 addressing the retrofits, we talked about wheels as
18 an example of that, that was something, you know,
19 that we were very concerned about as well. So
20 things of that nature.

21 KATE MCGRANN: And with respect to the
22 levels of staffing, you said that was escalated to
23 Alstom's senior management. Is that right?

24 MARIO GUERRA: Yes.

25 KATE MCGRANN: And what was the result

1 of that escalation?

2 MARIO GUERRA: Initially, not -- not a
3 good result. There wasn't much done initially. I
4 think that with -- with time and, as I said, most
5 recently, they really have stepped up.

6 KATE MCGRANN: Okay. With respect to
7 the speed of Alstom's work to address the
8 retrofits, were any steps taken to address that at
9 the board level when you were a member of the
10 board?

11 MARIO GUERRA: Yeah, the board would
12 meet with senior staff at Alstom.

13 KATE MCGRANN: What was the result of
14 those efforts?

15 MARIO GUERRA: So it -- I have to add
16 some context to that question. There's actually
17 two separate contracts with Alstom. There's the
18 maintenance contract that we have, RTM, and then
19 there's the supply contract, which is the -- that's
20 through OLRTC.

21 So, in fact, the retrofits fall on the
22 supply side of the -- so we wouldn't have been able
23 to have much impact. We certainly voiced our
24 concerns from a service perspective. It would have
25 been OLRTC that would have had to meet with Alstom

1 in -- in that particular matter.

2 KATE MCGRANN: With respect to -- I'm
3 going to describe this as a crossover issue. I'll
4 tell you why, and then you can tell me if you agree
5 with that characterisation or not. But this is an
6 issue that, I think, presented itself during the
7 construction phase, engages the arm of Alstom that
8 was working on construction, but it's having an
9 impact on the maintenance phase. Is that fair?

10 MARIO GUERRA: Yes.

11 KATE MCGRANN: So with respect to a
12 crossover issue like that, what kind of cooperation
13 or collaboration is available to RCI vis-à-vie its
14 relationship with OLRTC? How can RTM work with
15 OLRTC to address the crossover issue?

16 MARIO GUERRA: We have interface
17 agreements and we have the interface meetings. And
18 those issues are -- we're also at the end of the
19 day in the same companies. You know, SNC, SNC,
20 EllisDon and -- so there's a relationship there as
21 well. So we would use, obviously, any internal --
22 internal levers we can use to get that. So, you
23 know -- so that was definitely used.

24 Most recently, however, as I said -- as
25 I indicated earlier, the meetings that we currently

1 hold every day, OLRTC and Alstom supply are present
2 at those meetings as well so that we can have
3 issues discussed amongst all the parties. And that
4 started with our return to service initiatives.

5 So, again, we weren't in those silos
6 anymore. Now everybody's at the meetings, and
7 issues are discussed. And I believe it's been a
8 very -- a very good way to -- to -- to sort of
9 address issues and make sure everybody's on the
10 same page.

11 KATE MCGRANN: Okay. With respect to
12 the -- let's see if I can read my own handwriting.
13 With respect to the speed at which Alstom was
14 addressing the retrofits and the issues that arose
15 there, how effective was the interface agreement
16 between RCM and OLRTC in resolving this issue or
17 seeking to resolve it?

18 MARIO GUERRA: In that particular
19 instance, the interface agreement itself wasn't
20 from the perspective of -- because we would -- we
21 would simply ask for OLRTC to intervene because
22 what you called the crossover event that would --
23 would ultimately impact our ability the delivery
24 service, right? So...

25 And that lead to a lot of issues around

1 the penalties and assessing penalties and who was
2 responsible and all that wonderful contractual
3 stuff that's still ongoing today.

4 KATE MCGRANN: Okay. So when you're
5 talked about penalties and assessing penalties, are
6 you speaking about the penalties that the City can
7 levy against RTM?

8 MARIO GUERRA: Yes. Especially
9 because -- it's complicated, because you're in a
10 warranty period as well. So there's, you know --
11 you know, you get assessed -- let me play it for
12 you once through.

13 So RTG gets assessed penalties by the
14 City for various APRs or non performance, whatever
15 it is. RTG would flow those deductions down to
16 RTM. If it's within Alstom's scope, then those
17 deductions get flowed down to Alstom. Alstom
18 then -- Alstom maintenance. To Alstom maintenance.
19 You know, and then they claim that's due to defect
20 or warranty, and so it comes back up through us to
21 RTC to Alstom supply. It's kind of a -- that's how
22 it would work.

23 KATE MCGRANN: Okay. So when you say
24 it's complicated by the fact that it's in the
25 warranty period, does the complication flow from

1 the number of parties that who are engaged from
2 that --

3 MARIO GUERRA: From that and also
4 assigning responsibility, because it's -- it's --
5 you know, it's -- the -- the maintainer will state
6 that it's CC defect, and the constructor or
7 supplier will say it's due to poor maintenance. So
8 there's always a little bit of friction there.

9 KATE MCGRANN: Okay. And just so that
10 someone who is reading this transcript will know
11 who you're talking about, the maintainer is RTM,
12 right? And they would be saying it's a CC defect;
13 the CC is OLRTC?

14 MARIO GUERRA: Yes, and their subs
15 would be Alstom maintenance and Alstom supply.

16 KATE MCGRANN: That exercise in
17 determining responsibility for an issue like this,
18 has that exercise any impact on RTM's ability to
19 perform its maintenance obligations under the
20 project agreement?

21 MARIO GUERRA: Again, it's hard to make
22 a direct link, but certainly it has had an impact
23 from the perspective of the -- we -- we are
24 assessed the penalties. And in turn, so is Alstom
25 maintenance in a first instance. So from that

1 perspective, you know, the fact that you're not
2 being paid is not a good motivator.

3 So it's hard to make a direct link.
4 But I would say indirectly, probably somewhat.

5 KATE MCGRANN: So we talked about the
6 retrofits as a crossover issue in that it was an
7 issue that came up during the construction period,
8 engages people working on the construction side of
9 things, but has an impact on the maintenance
10 service.

11 Any other crossover issues like that
12 beyond the train retrofits?

13 MARIO GUERRA: Well, we have
14 facility -- facility retrofits as well, like,
15 infrastructural retrofits that still needed to --
16 to get done. There's a bunch of items on the --
17 the list there as well.

18 KATE MCGRANN: Could you describe them
19 by general category to help me understand what that
20 list looks like?

21 MARIO GUERRA: More on the facility
22 side. Like, for example, the heat tracing on -- on
23 some of the stations wasn't working, so that
24 resulted in us having to hire people to clean snow,
25 an example. There was some retrofits needed to be

1 done on the overhead wire that we needed to shut
2 down to be able to do it. Just general things
3 like, you know, failures in -- on the system
4 that -- that happened that we addressed that
5 impacted us and caused the City to apply KPIs to us
6 all during that warranty period.

7 KATE MCGRANN: The focus of the
8 Commission is on breakdowns and derailments on the
9 system. To the extent that you can answer this
10 question, were any of the facility retrofits that
11 were required -- did they have any impact, do you
12 think, or any contribution to the breakdowns or
13 derailments either directly or indirectly as a
14 result of the attention of staff required in other
15 places, things like that?

16 MARIO GUERRA: Oh, I would say no.

17 KATE MCGRANN: So we were talking about
18 issues that were either elevated to the RTM board
19 or that you became aware of as a result of your
20 position on the board regarding maintenance work
21 being done. And we talked about issues with
22 Alstom's work and some -- I believe some --
23 anything that you haven't mentioned already that
24 you became aware of as a result of your position on
25 the board with respect to RTM's ability to perform

1 its maintenance obligations?

2 MARIO GUERRA: I can't think of
3 anything additional.

4 KATE MCGRANN: Beyond what you've
5 identified to us and we've discussed so far, are
6 there any other obstacles to RCM performing its
7 maintenance obligation under the project agreement?

8 MARIO GUERRA: None that I can think
9 of.

10 KATE MCGRANN: I don't think we've
11 covered this, but I am sure that your counsel will
12 let me know if we have. Can you describe what the
13 working relationship was like with Alstom when you
14 first joined?

15 MARIO GUERRA: When I --

16 KATE MCGRANN: When I say "when you
17 first joined," that wasn't very clear. When you
18 first joined as acting CEO and general manager of
19 RCM.

20 MARIO GUERRA: Somewhat contentious.

21 KATE MCGRANN: And what do you mean by
22 that?

23 MARIO GUERRA: You know, there was -- I
24 didn't believe that they were acting as they should
25 or reacting as they should when issues would come

1 up, so that would result in some rather contentious
2 discussions at times. They lacked what I call the
3 sense of urgency around issues at the time. That
4 was my thought.

5 KATE MCGRANN: When you say they
6 weren't acting as you thought they should, what do
7 you mean by that?

8 MARIO GUERRA: I mean, my experience --
9 I've been around, like I said, for a long time.
10 When -- when issues arise, you could feel a buzz in
11 the workplace. People are running around, they're
12 doing things. There's that sense of urgency
13 around -- I didn't -- that just wasn't happening
14 with Alstom. You would -- I'll give you an
15 example. You know, I would come in, you know, and
16 check service, and we would be one train short for
17 service, as an example. So I would walk down to
18 the Alstom offices, and lights are out, nobody's
19 home. You know, and it was just -- they lack that
20 understanding, the sense of urgency of what it took
21 to -- to deliver revenue service. I didn't fee
22 they had -- they had that.

23 So because of that, you know, there was
24 a lot of frustration and -- and at time times
25 contentious discussions to -- to make them

1 understand the seriousness of that.

2 KATE MCGRANN: I want to asked you to
3 describe what you meant by somewhat contentious.
4 You said three things. They're not acting as they
5 should, they weren't reacting as they should, and
6 they lacked a sense of urgency. Are you describing
7 the same kind of thing in three different ways when
8 you say that? Or is there more to not reacting as
9 they should than you've already described?

10 MARIO GUERRA: No. I mean, so we
11 alluded to support on the line. They obviously
12 didn't see a need for that. So they didn't act as
13 I think you should in this type of industry. You
14 know, they're -- I don't know that they -- the lack
15 of sense of urgency obviously stands by itself.

16 And I don't know that -- that the staff
17 understood the seriousness of a P3 project and --
18 and -- and what that looks like if you don't
19 deliver and the penalties and the pay points
20 associated with that.

21 I had the sense that they didn't fully
22 understand what that meant. The fact that if
23 you're short for service, there are some serious
24 penalties that will be levied against you above and
25 beyond the reputation of not being able to deliver

1 service. I don't think they understood that.

2 KATE MCGRANN: Well, what was it that
3 led to your view that maybe they didn't understand
4 the seriousness of not providing the service
5 required?

6 MARIO GUERRA: The fact that they
7 didn't pay and react the way that I think they
8 should have whenever we had any of these instances.
9 They were very at times lackadaisical in their
10 approach to -- to the situation, usually around
11 revenue service, delivery of revenue service.

12 Small things at the time. Something
13 like, you know, when you're delivering service, I
14 indicated earlier how we hand the trains over, it's
15 common practice to have a technician present in
16 case you have any issues in the morning. Right?
17 Those kinds of little things they just didn't
18 understand the need for it and had to kind of
19 impress on them the need to do such things. We've
20 come a long way. We've come a long way.

21 KATE MCGRANN: Using the example you
22 just provided of having a technician present at
23 handover of a vehicle from maintenance to revenue
24 service, I take it that you took steps to explain
25 the importance of that step in the work that was

1 being done?

2 MARIO GUERRA: Yes.

3 KATE MCGRANN: And once you had
4 explained to them the importance -- and by "them,"
5 I mean Alstom. Once you explained to Alstom the
6 importance of that step, what was their reaction?
7 What was their response?

8 MARIO GUERRA: I mean, it took a while,
9 but eventually they got there, and they put
10 somebody out there. But, again it wasn't very
11 consistent and it wasn't monitored. So, you know,
12 there were times where, you know, there wouldn't --
13 there just simply wasn't anybody there whether
14 because of short staffed or the person just didn't
15 go there.

16 They -- they made the effort to
17 allocate the resource, but initially they lacked
18 the effort to ensure that it was happening on a
19 consistent basis. And eventually -- you know,
20 eventually, it came around.

21 KATE MCGRANN: Do you know what caused
22 or contributed to them coming around on the
23 management and oversight piece that you just
24 identified?

25 MARIO GUERRA: Honestly? Me beating

1 the crap out of them every day.

2 KATE MCGRANN: I'm sorry. Could you
3 say that again?

4 MARIO GUERRA: My tenacity around
5 reminding them of what should be done. I'll say
6 that a little differently.

7 KATE MCGRANN: And did you have the
8 sense that the approach that you took to reminding
9 Alstom of what needed to be done was different than
10 the approach taken by your predecessor?

11 MARIO GUERRA: Yeah. To be fair to
12 Claude, I have much more experience in -- in -- in
13 transit than he ever did. So, you know, just to be
14 fair to him, I don't think he had that -- that
15 level of experience.

16 KATE MCGRANN: Other than engaging with
17 your tenacious nature to help Alstom understand
18 what needed to be done, any other steps that you
19 took to change the approach that RTM was taking to
20 maintenance when you took over from Mr. Jacob?

21 MARIO GUERRA: Yeah, I think eventually
22 we moved more into a mentoring type relationship
23 with them and some of the people that we have here
24 as a different approach to try and get them there.
25 And they did -- they did make some changes to

1 their -- to their leadership here eventually and
2 brought in some people that were a lot more
3 experienced. And I -- and that helped a lot as
4 well, because they understood these things a lot
5 better.

6 So I think that the mentoring aspect of
7 it and the -- they fact that they brought some
8 people in eventually, I think we -- it got us to
9 the point where we are today, which is, you know, a
10 lot further ahead. These things now are second
11 nature. They're no longer an issue for us.

12 KATE MCGRANN: The mentoring, I won't
13 ask you to go into granular detail, but can you
14 give me a sense of, first of all, when that
15 started?

16 MARIO GUERRA: I would say probably a
17 few months after I -- I came into this role, we
18 started taking that approach. Not only with me but
19 my staff as well, to -- to try and talk to them,
20 try and explain why it's important to do some
21 things certain ways and whatnot. Yeah.

22 KATE MCGRANN: And what was the initial
23 reaction to your efforts to implement some
24 mentoring in the workplace?

25 MARIO GUERRA: I think for the most

1 part, most of the staff were accepting of it. They
2 understood that we were all -- I think the end of
3 the day, the goals were the same. It's just how we
4 got that there that we needed to -- to kind of
5 figure out to do it better.

6 KATE MCGRANN: Were there any
7 particular areas that you felt were calling out for
8 mentorship or that really benefitted from the
9 mentorship that you implemented?

10 MARIO GUERRA: I would say delivery of
11 service was one aspect that -- where we worked
12 really hard with Alstom to improve.

13 KATE MCGRANN: And what kind of things
14 did you work on specifically to try to improve the
15 delivery of service they were providing?

16 MARIO GUERRA: We talked about having a
17 technician there, about having -- making sure that
18 the -- the supervisors, you know, start planning
19 for -- for revenue service a lot earlier, for
20 example. You really -- in this type of industry,
21 you start planning for morning service the day
22 before. You have to start forecasting and
23 planning. So, you know, providing those tools,
24 working more closely with them around planning and
25 executing, those types of things.

1 KATE MCGRANN: And anything else that
2 you think that mentoring -- any other areas that
3 you think that mentoring addressed that weren't
4 receiving the right or enough attention before you
5 started doing that work?

6 MARIO GUERRA: No. I mean, it was a --
7 I mean, it was a constant -- you know, there was a
8 lot of discussions and whatnot, so it was pretty
9 consistent on both sides. But I can't think of
10 anything else specifically.

11 KATE MCGRANN: And then you mentioned
12 that Alstom brought in some people who were more
13 experienced. More experienced in what?

14 MARIO GUERRA: So we noticed a big --
15 when Alstom and Bombardier merged -- I'll say
16 "merged," because I don't know who bought who. I
17 guess Alstom bought them, because they're called
18 Alstom. So then Bombardier had a much more evolved
19 services business in North America that they can
20 tap into. So you noticed a big difference. They
21 started bringing some of the Bombardier legacy
22 people into the operation here. And then you
23 noticed a big difference in terms of the skillset
24 and the understanding of the type of business of
25 these people. Until today. The people they have

1 here now understand the business quite well.

2 KATE MCGRANN: Okay. So the extent you
3 can, can you describe to me what roles the more
4 experienced legacy Bombardier employees came in to
5 fill at Alstom?

6 MARIO GUERRA: The general managers.
7 Like, I see the -- the quality control people, the
8 amount of industrial engineering staff that came
9 here. So a lot of those top level people are --
10 are pretty much legacy Bombardier people.

11 KATE MCGRANN: Okay. What did the
12 staff at RTM look like when you joined as acting
13 CEO and general manager?

14 MARIO GUERRA: What do you mean by
15 looked like?

16 KATE MCGRANN: I mean how many people
17 were there, and what roles did they fill?

18 MARIO GUERRA: Let me think. I think
19 there was about -- about 30-odd people at the time.
20 We're probably at 40-some odd people now. We've
21 gone through some -- some major reorganisation over
22 the last couple of years. I mean, I reorged
23 initially to allow us to -- to focus on the -- on
24 the issues that were arising as a result of the --
25 of the -- of the, you know, reliability problems

1 that we were having during the initial phase. I
2 brought in some new people as well in some more
3 senior roles. So that was done, I think, maybe six
4 months after I took over.

5 And then more recently over the last
6 three or four months, I reorged again, as I think I
7 indicated earlier, to focus more on oversight and
8 management of the work, essentially split the
9 organisations into two. One is to provide
10 oversight, one that provides the management. And
11 then I have the support functions -- HR, legal and
12 whatnot that report to -- change the reporting
13 structure a slight bit as well. So, you know,
14 we're constantly looking at better ways to -- and
15 we increased that, obviously, as well.

16 KATE MCGRANN: What reorg -- let me
17 start again. The reorganisation that you did
18 approximately six months after you joined to focus
19 on the reliability issues, what changes did you
20 make, and how did they affect RTM's ability to
21 address the issues?

22 MARIO GUERRA: So we replaced
23 Claude Jacob, obviously, as a change. There was a
24 couple of key positions here as well on the
25 maintenance director side that I replaced as well.

1 Again, we hired a couple people as well. We --
2 we've hired a vehicle specialist, so on vehicles to
3 better work and track reliability and provide some
4 oversight on issues so that we can be better
5 informed. So initially those types of things.
6 Changed some reporting relationships as well.

7 KATE MCGRANN: The directors that you
8 replaced, what were you hoping to accomplish with
9 the people that you brought in?

10 MARIO GUERRA: Some of it was just we
11 needed a change. We needed a new voice in the
12 room. Some of it was bringing in people that were
13 more technically sound, new more technically. So a
14 little bit of both. Some for some, it was a change
15 and some of it was -- was bringing in people that
16 had more technical skills.

17 KATE MCGRANN: And similar question to
18 changes that you made to the reporting
19 relationships, what were you hoping to accomplish
20 with those changes?

21 MARIO GUERRA: Just trying to
22 streamline things as best as I can and delegate
23 more to the next level of management down rather
24 than having a lot of reports directly to -- to my
25 position.

1 At times, you know, I mean, people --
2 leaders work definitely, but I needed to empower
3 them to make decisions and -- and to do things, so
4 I -- I adjusted the reporting relationships to
5 ensure that that -- that that happened.

6 KATE MCGRANN: And with the changes
7 that you made to the reporting relationships to
8 streamline and to empower people to make decisions,
9 were those changes successful?

10 MARIO GUERRA: I would say yes. For
11 the most part, yes.

12 KATE MCGRANN: And how would you
13 measure that success? How did you see it play out?

14 MARIO GUERRA: I think the flow of
15 information was much better. There wasn't -- there
16 was less duplication of effort on -- on certain
17 things. There was much more -- there was much more
18 clarity around who was responsible for what. All
19 those things.

20 KATE MCGRANN: And the changes that you
21 made to the directors, were those changes
22 successful? Did you accomplish what you wanted to?

23 MARIO GUERRA: Yes. They're still
24 here.

25 KATE MCGRANN: I was going to ask you

1 how you measured that success. The continued
2 presence is one way.

3 MARIO GUERRA: Well, that's one way,
4 but, you know, they've adjusted as well as the
5 business needs. And, you know, as I've said,
6 recently, we have gone through another reorg three,
7 four months ago. So I would say yes, they were
8 successful. And we also let a few people go over
9 time as well.

10 KATE MCGRANN: To help me understand
11 the reorg that was done more recently, you said
12 that you've created two -- I will say this, and you
13 tell me if you've got it right. It sounds like
14 you've got two groups working now. One focussed on
15 oversight and one focussed on management. Is that
16 accurate?

17 MARIO GUERRA: That's accurate.

18 KATE MCGRANN: Okay. To somebody who
19 thinks that oversight and management sound like the
20 same thing, can you help me understand the
21 difference between --

22 MARIO GUERRA: Sure.

23 KATE MCGRANN: -- the work being done
24 by the two groups?

25 MARIO GUERRA: Sure, I can do that. So

1 the -- it's important that -- that the two are
2 separate in my mind and a lot of organisations that
3 I'm in. So the management group is essentially --
4 the maintenance manager's sole responsibility is
5 to, (a), ensure that the work that is being
6 scheduled is being executed on and reporting back
7 on that. They're there to deal with issues,
8 whether that be employee issues, subcontractors,
9 whatever that may be. And in essence, during the
10 weekends, off shifts, whatever, they are in charge
11 of the operation. And they have been delegated
12 certain powers. And on other things, obviously
13 they would have to call their supervisors.

14 But they're there to make sure that the
15 work being done is being done properly, it's being
16 done safely on an ongoing basis with any basis.
17 That's what they do.

18 The oversight group, they're there to
19 provide oversight to ensure that the work is
20 generally being done in a timely manner and in a
21 proper manner. So they will -- I don't know if the
22 word "audit" is correct, but let's go with that.
23 So they will go down and do an audit on a
24 particular activity, and they will ensure that the
25 employee -- that the -- that the work is being done

1 in a timely manner in accordance with the
2 specifications, in accordance with the work methods
3 statements. Is the employee wearing all their PPE?
4 Is the employee working safely? All that. So that
5 all gets documented on the table.

6 They will show up unexpected just to
7 make sure that people are there, doing what they're
8 supposed to be doing.

9 So it's more -- that particular aspect
10 is meant to correct and identify anything that is
11 not being done in accordance with the requirements,
12 whether that's behavioural or technical. That's
13 the purpose of the oversight.

14 KATE MCGRANN: Okay. And one question
15 about the work that the management group is doing.
16 You said that they're there to ensure that the work
17 that is scheduled to be done is done. Work by who?

18 MARIO GUERRA: I have -- by RPM staff,
19 by Alstom, by our cleaning staff, by our other
20 maintenance staff. They will show up at a station
21 at night, make sure that the cleaners are there,
22 that the cleanliness of the station is -- is good.
23 They're there in charge of that shift and
24 everything that's going on in that shift.

25 KATE MCGRANN: And same question as

1 with respect to the first reorg you did. Have
2 these changes that have been in place for three to
3 four months -- so far, are you seeing the
4 management group accomplishing what you were hoping
5 to accomplish?

6 MARIO GUERRA: Yes. Unfortunately, I
7 have a couple vacancies now, but yes. So
8 they're not -- they're out there. They're having
9 an impact, because we're already seeing some
10 behaviours being corrected.

11 Because they're now reporting
12 continuously every morning, I come in, I have a
13 report, and it's a detailed report on everything
14 that's happened in the past 24 hours.

15 So I'm able to take that, and if it's
16 an Alstom issue, I'm able to go to Alstom and say,
17 Hey, this is what we saw last night. What
18 happened? Well, you know, guy called in sick. We
19 rescheduled the work for today. Okay. Let's make
20 sure that, you know, we're adequately staffed.

21 If there are any safety incidents, I
22 can deal with my safety person and make sure that
23 she's investigating properly.

24 Just it arms you with the information
25 that you need on the activities that are going to

1 on so that you can, in some cases, ensure there's
2 further actions taken or hold people accountable at
3 the end of the day, make sure that things get done
4 in the future.

5 KATE MCGRANN: Okay. And with respect
6 to the oversight group, are they accomplishing what
7 you were hoping that group would accomplish?

8 MARIO GUERRA: Yeah, that -- they're
9 not 100 percent yet, because we're still
10 developing -- we just hired a couple people. We're
11 still developing the -- the -- the methods and
12 the -- the actual forms that we used to -- to -- to
13 provide oversight. But on the -- on the couple of
14 areas that we're doing it, yes, we noticed that
15 it's paid dividends in terms of having that
16 feedback loop.

17 At the end of the day, we're trying to
18 contract behaviours. It's not an I gotcha moment
19 or anything like that. And we've already seen that
20 in certain areas.

21 KATE MCGRANN: We've spoken as a result
22 of other areas that we have been discussing about
23 the derailments. But I just want to address them
24 as a stand-alone topic. With respect to the first
25 derailment, can you just talk to me about the

1 approach that was taken to respond to that?

2 MARIO GUERRA: Well, our response
3 was -- was immediate. We were on site fairly
4 quickly. You know, there's an initial assessment
5 that's done in -- in terms of what happened, what
6 may have caused it to happen.

7 And, you know, there was a lot of
8 discussion with Alstom engineering at the time in
9 terms of what might have happened.

10 And then at some point during the
11 night, you know, in my discussions with Alstom
12 engineering, we decide that because there was no
13 certainty around the cause, we were going to ground
14 the fleet. We were not going to -- we were not
15 going to provide service the next morning, because
16 there was too much uncertainty around what had
17 happened and -- and what needed to be done. So --
18 so at that point, the decision's made by us in
19 consultation with Alstom that we ground the fleet.

20 So at that point, probably around 3,
21 3:30 in the morning, I would say, I contact the
22 City, and I let them know that we will not be
23 providing service in the morning so that they're
24 able to -- to get bus service ready to go. So
25 that's...

1 Then after -- after that decision is
2 made, then the focus turns to the retrieval of the
3 vehicle and try get it back to the MSF so a
4 proper -- so we can evaluate what actually happened
5 and put steps in place to mitigate. So -- so that
6 took quite a while. There's quite a bit of...

7 In essence, the vehicle fell off the
8 vehicle, right? In essence. So we had to figure
9 out how to do it. It takes us -- takes us almost a
10 full day to get the vehicle back in line.

11 And then the process starts. You know,
12 TSB is involved, obviously, at that point as well,
13 the City is involved, there's safety people
14 involved. So try determine the root cause and what
15 needed to be done.

16 KATE MCGRANN: How would you describe
17 the relationship between RCG, RTM, Alstom, and the
18 City as it played out in response to the first
19 derailment? Was it a good collaboration? Was
20 there good communication? Was there cooperation as
21 required?

22 MARIO GUERRA: I think in the first
23 one, there is. I mean, we -- we -- the City is in
24 full agreement with us to ground the fleet. I
25 think everybody was on the same page. So I think

1 from that perspective, everybody's mentality is
2 safety first above all else. So let's take the
3 time to evaluate and make sure, you know, we know
4 what the situation is before we put vehicles back
5 in service.

6 KATE MCGRANN: And with respect to
7 steps that were taken to address potential route
8 cause -- I'm trying to think how to describe this.
9 What steps were taken to account for the derailment
10 when service resumed?

11 MARIO GUERRA: Okay. So once --
12 once -- once we figure out what happened, then --
13 then the focus is on mitigation. And mitigation in
14 these instances typically is in two stages.
15 There's the immediate mitigation to try to keep
16 service going, and then there's the long-term fix,
17 long-term mitigation.

18 So it was determined -- Alstom
19 engineering determined that it was the axle bearing
20 that failed. There was a nut in there that
21 actually came loose. So engineering comes up with
22 a way to test the cars to see if there was
23 likelihood of that happening on another car.

24 Essentially we lift the cars and see if
25 there's -- if there's play. And if we see a

1 certain level of play -- we're talking about less
2 than a millimetre here. It's very minute. So we
3 develop -- in consultation with Alstom, they
4 developed this test.

5 And obviously that is communicated with
6 the City. And then in consultation with RPM, the
7 City, Alstom, OLRTC, you know, we agreed that the
8 test is a sound one, and all the vehicles get
9 tested initially before going into service. And
10 then the test is happening -- and still happening
11 today. Every 7,500 kilometres, we do a test on the
12 vehicles.

13 The long-term fix is still not in
14 place. There's still -- actually, we expect to
15 hear something within the next few weeks as to
16 what -- what that looks like and what -- what the
17 long-term fix is going to look like. Until that
18 long-term fix is in place, we will continue to
19 inspect the vehicles every 7,500 kilometres.

20 And we have found vehicles that have
21 failed the specification. So in those instances,
22 the vehicles are taken out of service, and the --
23 the axle bearing is -- is replaced with a brand new
24 one before it goes back into service.

25 KATE MCGRANN: Okay. And then with

1 respect to the second derailment, can you walk me
2 through the same sort of sequence of events? So
3 initial response, short-term mitigation, long-term
4 mitigation to the extent that that applies?

5 MARIO GUERRA: Yeah, so that one is
6 slightly different, because initially we're not
7 given access to the scene, because the police is on
8 scene -- on site. There was a report somebody
9 threw something, so police takes over. Immediate
10 there, we cannot access the site to evaluate what's
11 going on.

12 Eventually, the police allows one
13 representative, I think, from each group -- Alstom
14 and RTM -- to go down and have an initial look.
15 And -- and we do. And then it's while, and TSB
16 kind of takes over as well. So they don't really
17 allow us to do anything in terms of try and -- we
18 weren't -- obviously the same as the first
19 instance, we want to evaluate, look at it, see if
20 we can determine the initial cause, and then
21 eventually it's about recovering the vehicle back
22 in the shop so we can do our analysis.

23 So that -- that effort is somewhat
24 hindered first by the police and then by TSB,
25 because they don't give the green light to be able

1 to try and rerail the vehicle for -- it might have
2 been a day or two. Not very long. And so, you
3 know, it's a while. It's a day or two before we
4 can actually figure out what happened with that --
5 that incident.

6 Even when we get the vehicle back into
7 the shop, we're asked -- the core team -- not to
8 touch it at all. So we want to send some of the
9 equipment up for analysis, but we're not allowed
10 to. The parts have to remain quarantined until TSB
11 gives us the green light. Which is their
12 prerogative. At the end of the day, that's what
13 they do. Right?

14 So eventually, you know, we're --
15 we're -- we're still able to do some analysis, and
16 we start to think based on what we saw on the
17 guideway where we saw some parts on the guideway
18 vary -- varied locations on the guideway, bolts
19 that probably came off the gearbox and things of
20 that nature. And when you visually look at it, you
21 saw that there was bolts missing. In other words,
22 it wasn't, like, some sort of force sheered the
23 bolts off -- the bolts off. They were actually
24 missing.

25 So we start to think that it was

1 probably human error without, you know, factually,
2 because we still hadn't had a chance to actually
3 dive into it, because the parts and everything is
4 warrantied. But we start to think that it was most
5 likely human error.

6 And then eventually, you know, that's
7 the conclusion that people come to.

8 In the course of addressing one of the
9 axle bearing failures that we talked about earlier,
10 in order to change that bearing, the gearbox has to
11 be removed. So when the gearbox was put back in,
12 the bolts were not tightened properly. They were
13 not torqued. So over the course of time, the bolts
14 started coming loose.

15 And that's why we found evidence of
16 bolts elsewhere on the guideway. It was -- it was
17 something that didn't happen just like that. It
18 happened over time. And then eventually it gets to
19 the station, and the gearbox actually shifts and
20 drops.

21 And then when the vehicle starts to
22 leave the station, the gearbox has dropped, and it
23 jumps the tracks. And at that point, that -- that
24 particular bogie is derailed, and, you know, the
25 train travels, I don't know, about 150 metres.

1 And because of the derailment, it
2 causes significant damage to the -- to the
3 infrastructure as well as the vehicle, obviously,
4 so, yeah. So that's the initial kind of...

5 KATE MCGRANN: And with respect to the
6 relationship with the City and the work done
7 following the derailment, can you speak to what
8 that was like?

9 MARIO GUERRA: Yeah, that was not as
10 good as the first time around. Really, the City,
11 obviously, respectfully, is very worried, and, you
12 know, even I think at some point, you know, we're
13 asked to go to a Commission meeting. And we do so.
14 And, you know, we pretty much get lambasted by the
15 Commission at the meeting about the incidents.

16 The City commits to bringing TRA in.
17 Well, first, they -- first, they bring in one other
18 consultant in, and then that consultant -- there
19 was a -- there was some sort of conflict with the
20 consultant, so that -- that consultant is then
21 replaced. So that -- that caused a bit of delay in
22 terms of starting to get things rolling, because,
23 you know, they didn't have their consultants up and
24 running until over a week later. So eventually,
25 TRA comes in, and we start working with them and

1 the City in terms of what the strategy will look
2 like to get back to service.

3 And at this point, you know, I think it
4 could have gone a lot quicker and smoother, but
5 there are kinds of obstacles. And in terms of
6 developing the return to service plan where we
7 not -- we're not really working as cooperatively,
8 because the City is insisting on all kinds of
9 things for us to be able to put the vehicles back
10 into service. So it becomes a bit of -- I'm trying
11 to find the word to explain it. At this point, I
12 think the City and TRA are holding us back to a
13 certain extent.

14 KATE MCGRANN: A couple clarifications.
15 You said that you attended a Commission meeting.
16 Is that the Transit Commission, the City's
17 Transit --

18 MARIO GUERRA: Yes.

19 KATE MCGRANN: -- Commission?

20 MARIO GUERRA: Yes. Sorry. Yes.

21 KATE MCGRANN: That's okay. You
22 mentioned a consultant that was retained prior by
23 TRA, but you thought there maybe had been an issue
24 with them. Do you know if that was STV?

25 MARIO GUERRA: Yes, it was.

1 KATE MCGRANN: During the time that you
2 were -- let me put it this way. The work that was
3 done and the relationship with the City as you
4 described it following the second derailment, has
5 that had an impact on RTM's ability to provide
6 maintenance service that lasted beyond the return
7 to service?

8 MARIO GUERRA: I think yes.

9 KATE MCGRANN: And what impact do you
10 think it's had?

11 MARIO GUERRA: I'll give you an
12 example. The wheels -- we talked about the wheels
13 earlier, right, the green wheels. So we had come
14 up with a process whereby we inspected the wheels,
15 and the vehicles were allowed to go out to service.
16 After the derailment, the City changed the rules
17 and said, No, you can no longer put those wheel and
18 those cars in service unless they have brand new
19 wheels in them. So they basically changed the --
20 changed the scenario under which we -- that -- that
21 impacted our ability to get vehicles into service
22 quicker, because we now had some cars still with
23 red wheels on them, and we couldn't put them into
24 service. So they changed the rules on us a bit
25 there. That's one example.

1 KATE MCGRANN: Do you know what the
2 rationale was for that change and approach to the
3 wheels?

4 MARIO GUERRA: They just changed their
5 minds.

6 KATE MCGRANN: What was RTM's
7 relationship like with Alstom and the response to
8 the second derailment?

9 MARIO GUERRA: I think we -- I would
10 characterise our relationship as -- as good. You
11 know, obviously not as fast as we wanted things to
12 move, but at end of the day, we wanted to be sure.
13 So I would characterise it as -- as good, but we
14 would have liked the -- for things to have moved a
15 little quicker.

16 KATE MCGRANN: Since the return to
17 service from a revenue service reliability
18 perspective, what have the main challenges been in
19 meeting the revenue service requirements?

20 MARIO GUERRA: Well, initially, we had
21 to perform a slough of inspections on -- on all the
22 fasteners to make sure everything was torqued,
23 everything was marked. So that -- that was quite
24 the exercise initially. So we had to gradually
25 bring vehicles into service. So it was seven

1 trains, eight, nine, 10, 11, and so on. So it
2 impacted us from that perspective.

3 Since then, we've had a couple of
4 incidents, problems unrelated. But, overall, you
5 know, the service and reliability of the fleet is
6 actually quite good. I would say, you know, we
7 gradually built up to the 11 service. We've been
8 able to maintain 11 pretty steady in, you know, I
9 guess, March, April. In April, we provided 15
10 trains up for service, although we're only putting
11 11. So the reliability of the service today is
12 actually quite good.

13 KATE MCGRANN: You said that you ran
14 into a couple instances or problems that were
15 unrelated. Do you mean unrelated to --

16 MARIO GUERRA: Derailment and the --
17 and the torquing of the bolts.

18 KATE MCGRANN: Okay. And what
19 instances or problems have you run into since
20 returning to service?

21 MARIO GUERRA: We've had a couple of
22 problems with the OCS itself. We had a couple
23 issues with the springs on the pantograph that have
24 broken. And we figured out why, so it's been
25 corrected. And we had one instance where a gearbox

1 did not have any oil in it, and that caused us a
2 bit of an incident on the line.

3 But for the most part, you know, I
4 think I -- in fact, I know in April -- I just saw
5 the numbers earlier -- we're at about 99 percent
6 availability for April, so we're -- we're doing
7 quite well these days.

8 KATE MCGRANN: Just so I understand the
9 incidents and problems that you just described, the
10 OCS is the overhead cantenary system?

11 MARIO GUERRA: Yes.

12 KATE MCGRANN: And the spring on the
13 pantograph, is that the same issue as the overhead
14 cantenary --

15 MARIO GUERRA: Two different --

16 KATE MCGRANN: No?

17 MARIO GUERRA: Two different issues.

18 KATE MCGRANN: Can you tell me what the
19 OCS issue was?

20 MARIO GUERRA: If I can explain it.
21 There are things called parafills, which actually
22 (indiscernible) CS up. We had a couple of those
23 break over the last little while. They needed to
24 be replaced, which is not unheard of. It's -- it's
25 it happens. It happens on other systems; it

1 happened on this one. So that happened.

2 And then we also had where a bracket
3 shifted, and it was contacted by a few cars. That
4 caused us a bit of -- a bit of a setback.

5 So things of that nature which -- I
6 wouldn't say they're normal, but things happen, and
7 they're going to happen. And, you know, so I
8 wouldn't characterise them as highly unusual.

9 KATE MCGRANN: For the piece that held
10 the pantograph in place, that breakage, was the
11 cause identified for that?

12 MARIO GUERRA: Yeah. There's --
13 these -- the parafills that sit where the system
14 goes over, there tends to be a lot of salt from the
15 roadways through the winter. So there's probably a
16 little bit more corrosion. So we've instituted
17 additional inspections in those areas to ensure
18 that they're -- they're kept cleaner.

19 KATE MCGRANN: And then with respect to
20 the bracket that shifted, do you know what caused
21 that?

22 MARIO GUERRA: No. Just one of those
23 things. Again, it's just a matter of being more
24 diligent in our inspections so we can catch it.

25 KATE MCGRANN: I think you mentioned a

1 spring on one of the pantographs broke. Have I got
2 that right?

3 MARIO GUERRA: Yes.

4 KATE MCGRANN: And do you know what
5 caused that?

6 MARIO GUERRA: Yeah, we had some rework
7 springs that were used. And those seem to be the
8 ones that were failing, so we replaced all of them
9 on the entire fleet. That was maybe 15 springs.

10 KATE MCGRANN: What's a reworked
11 spring?

12 MARIO GUERRA: A -- a spring, for
13 example, that may have rusted, and then we -- we
14 maybe clean it up and paint it and put it back in
15 rather than -- rather than a brand new one.

16 KATE MCGRANN: And then the gearbox
17 that didn't have oil, were you able to isolate what
18 led to that?

19 MARIO GUERRA: Human error.

20 KATE MCGRANN: I am sorry to bounce
21 around, particularly at the end of the day, but
22 turning back to derailment two for one second, the
23 human error in the failure to torque the bolts,
24 have I described that fairly?

25 MARIO GUERRA: Yes.

1 KATE MCGRANN: Is there a paper trail
2 that would usually follow a part that's being
3 worked on from the beginning of service through to
4 the end? Or some kind of record that would show
5 you what was done and when it was completed and
6 things like that?

7 MARIO GUERRA: Yes. There's two
8 methods of documenting that. And there's a paper
9 trail where, you know, there's a -- what's called a
10 work method statement that outlines what should be
11 done. And then that is supposed to be checked and
12 signs.

13 And then there's also a work order that
14 goes into a maintenance system to verify that the
15 work's been done.

16 KATE MCGRANN: Was it determined what
17 happened to those two methods of recordkeeping with
18 respect to the train that derailed?

19 MARIO GUERRA: I think they were
20 retrieved. One of the contributing factors was
21 there was a shift change as well, a handover, and
22 we believe there was an assumption by the next
23 shift that the previous shift had torqued the
24 bolts, and in the end, they weren't torqued. So --
25 so that's part of the -- part of the -- the process

1 was to ensure that when there was a handover, that
2 things were communicated more effectively.

3 KATE MCGRANN: Do you know whether
4 either approach to keeping records of the work done
5 showed that the torquing had not been completed?

6 MARIO GUERRA: I -- I wouldn't know.

7 KATE MCGRANN: You wouldn't know?

8 MARIO GUERRA: I wouldn't know.

9 KATE MCGRANN: Do you know who would be
10 able to answer that question?

11 MARIO GUERRA: Somebody from Alstom.

12 KATE MCGRANN: Just while I'm looking
13 at my notes, I will turn to my colleague.

14 Ms. Peddle, do you have any follow-up
15 questions based on what we discussed today?

16 MS. PEDDLE: I'll have to look at my
17 notes too.

18 KATE MCGRANN: Just bear with us for a
19 moment.

20 (DISCUSSION OFF THE RECORD)

21 KATE MCGRANN: I don't have any
22 follow-up questions at this time based on the
23 discussions that we have had today.

24 Ms. Peddle, do you have any follow-up
25 questions?

1 MS. PEDDLE: No, I don't think so.

2 KATE MCGRANN: Mr. Capern, were there
3 any questions you wanted to ask the witness?

4 MR. CAPERN: No, I think I was just
5 going to ask Mr. Guerra, you know, we touched on
6 the issue earlier of the importance of the
7 bedding-in period from your perspective and whether
8 there's anything further you wanted to add about
9 the importance of that beyond what you've already
10 said today.

11 MARIO GUERRA: Yeah, I mean, in
12 these -- maybe a little something, yes. Maybe I
13 will. This -- Ottawa LRT is a brand new system,
14 brand any vehicles, brand new system, brand new
15 people. If a bedding-in period was to be used,
16 this is the place it needed to be used, because
17 there's -- like I said earlier, it tests the
18 efficiency of the system, the vehicles, the
19 infrastructure, the people, you know, the
20 responsiveness, everything, all systems, the PA --
21 we talked about testing the PA. You know, on any
22 new system, I think the bedding-in period is
23 absolutely critical to the long-term success.

24 You know, if it's a more robust
25 existing legacy system, then -- then -- then, no,

1 it's not as big a deal.

2 So the importance of it is absolutely
3 critical. So I just want to make sure. Thanks for
4 the question, Gordon. I just want to make sure I
5 drove that home even more.

6 KATE MCGRANN: Following on that,
7 maybe -- oh, sorry, Ms. Peddle. Do you have a
8 question?

9 MS. PEDDLE: Yeah, I was just
10 wondering, based on the your experience -- and
11 maybe you actually don't have knowledge, because
12 you were working in systems that were already in
13 place, but are you aware of other LRTs actually
14 contractually providing for this bedding-in period?

15 MARIO GUERRA: Yeah, there's only --
16 there's on one other LRT system -- actually, two,
17 and I'm not familiar with the Waterloo system. I'm
18 more familiar with Canada Line out in Vancouver.
19 So there aren't that many examples.

20 But I think if you look at the social
21 infrastructure side of things where P3s were more
22 prevalent in hospitals, courthouse, I think you'll
23 see there that bedding-in periods were quite a norm
24 in those contracts, I believe.

25 KATE MCGRANN: And with respect to the

1 Canada Line, do you know if a bedding-in period was
2 either provided for or engaged with?

3 MARIO GUERRA: I don't know. That's,
4 like, 11 years ago. Sorry.

5 KATE MCGRANN: Following on
6 Mr. Capern's question -- I guess, two follow-ups.
7 First of all, the mandate of the Commission broadly
8 is to look at the commercial and technical
9 circumstances that led to the breakdowns and
10 derailments on the system. Any areas that we
11 didn't discuss today that you think the Commission
12 should be looking at as part of its investigation?

13 MARIO GUERRA: None that I can think of
14 right now.

15 KATE MCGRANN: One of the things that
16 the Commissioner has been asked to do is to make
17 recommendations to try to prevent similar issues
18 from happening in the future. Are there any
19 specific recommendations or areas that you would
20 suggest he focus on as he does his recommendation
21 work?

22 MARIO GUERRA: Yeah, I'll say the -- a
23 colleague of mine recently in an Affidavit -- which
24 I'm sure the Commission has read -- said that, you
25 know, it's a P3 project: it's public private

1 partnership. I think sometimes the City forgets
2 about the third P, the partnership piece of it.
3 And I don't know if that's politically driven by
4 the Commission being on them so much, but, you
5 know, this -- for the long-term success of this
6 project, we need to start acting as partners to --
7 to ensure -- and I don't think -- especially as it
8 relates to the interpretation of the PA, we
9 certainly have not thus far. So I would -- I would
10 leave you with that.

11 KATE MCGRANN: I will bother you with
12 one follow-up.

13 MARIO GUERRA: Okay.

14 KATE MCGRANN: Based on what you know
15 about the project and the relationships involved
16 and things like that, is there anything that you
17 think could have been done or could be done to
18 create more opportunities for the kind of
19 partnership relationship that you've described to
20 happen?

21 MARIO GUERRA: Yeah, I mean, open
22 dialogue. I mean, you know, it's almost like
23 there's a fear of -- perception that we're being
24 cut -- given any breaks. Like, that if we discuss
25 something, that it will be perceived as us getting

1 a break rather than looking at it from a long-term
2 success of the project. And -- and because of
3 that, you know, the opportunity to actually have
4 progressive discussions around the payment and
5 these other things don't present themselves. And
6 that's probably a little bit politically driven, if
7 I'm being honest with you, in Ottawa.

8 KATE MCGRANN: Okay. Any other
9 recommendations or areas that you think the
10 Commissioner should be looking at in the
11 recommendation realm?

12 MARIO GUERRA: No. I mean, I'll say
13 we've come a long way. You know, we are not the
14 same -- both the City and Alstom and us, we're not
15 the same organisations we were, you know, and I
16 think it's starting to show. And, you know, we
17 need to keep that momentum and -- but we need to
18 work out our differences if we're going to be
19 successful in the long run. It needs to be a true
20 partnership at the end of the day.

21 KATE MCGRANN: What do you think the
22 main contributors were to the changes that you
23 described in the City, Alstom, and RTM that have
24 led you to being where you are today?

25 MARIO GUERRA: I mean, from -- I think

1 just open dialogue. You know, I said earlier,
2 bring everybody to the table. Let's have a
3 discussion. You know, what is the goal here, and
4 how do we get there, you know, and working
5 together. And the City in many ways has helped.
6 It's not all bad. They have helped. You know?
7 You know, and Alstom and -- supplier and OLRTC, I
8 think everybody being at the table, I think, has
9 really worked towards moving us to where we are
10 today: you know, shared goals in terms of
11 providing safer, reliable service. I think that
12 that's -- that's what's hugely contributed. At
13 least from my perspective, anyways.

14 KATE MCGRANN: And I think that truly
15 is it as far as questions from me. I'll turn to
16 Ms. Peddle and Mr. Capern. Any follow-up questions
17 from either of you?

18 MS. PEDDLE: Not from me.

19 MR. CAPERN: No. Not from me.

20 MARIO GUERRA: Okay.

21 KATE MCGRANN: Well, thank you very
22 much for your time this afternoon. This brings the
23 interview and my questions for today at least to an
24 end.

25 We can go off the record now.

1 -- Upon concluding at 4:39 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 statements of the
10 presenters and all comments made at the time of the
11 meeting were recorded stenographically by me;

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

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

18 Dated this 14th day of April, 2022.

19
20 

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WORD INDEX

< \$ >

\$1,000 40:17
\$100,000 42:18
\$16 41:2
\$24,000 40:24
\$3,000 40:20

< 0 >

05/05/2020
162:17

< 1 >

1 3:5 7:5, 6
12:20, 23 108:16
1:00 1:16 4:1
10 149:1
100 20:2 54:23
137:9
11 149:1, 7, 8,
11 157:4
14 1:8
14th 1:15
162:18
15 73:1 149:9
152:9
150 144:25
19 93:9
1980 7:12

< 2 >

2 6:9 48:18, 20,
21 108:6, 15, 19
2:30 72:24
2:45 73:7
20 40:24 83:8
93:9
2009 5:13
2019 41:9 48:16
2020 12:11
30:10 31:7
33:9 35:7
85:13 86:17
87:7, 13
2022 1:8, 16
162:18
24 39:25 136:14
24/7 25:17, 20
26:10, 25 27:6,
14 74:18, 19
25,000 25:2, 5

< 3 >

3 138:20
3:30 138:21
30 19:17 20:7,
13
30-odd 129:19
30-year 19:25
51:20
33(7) 5:25
36(6) 5:12

< 4 >

4 48:19
4:39 161:1
4:41 1:16
40-some 129:20

< 5 >

5 6:2, 8

< 7 >

7 3:5
7,500 141:11, 19

< 9 >

99 150:5

< A >

abilities 107:8,
14
ability 19:23
28:11 43:23
48:8 49:8, 10,
22 50:1 64:6
69:3 76:16
84:7 95:23
98:5, 20 105:25
106:2, 12, 21
109:10 111:2
115:23 117:18
119:25 130:20
147:5, 21
abreast 10:9
Absent 45:13
65:6, 17
absolutely 49:7
111:3 155:23
156:2
acceptable 81:6
92:5
accepting 127:1
access 20:3
82:13 142:7, 10
accomplish
131:8, 19

132:22 136:5
137:7

accomplishing
136:4 137:6

account 140:9

accountability
28:7 68:11

accountable
137:2

accurate 43:6
51:15 95:2
133:16, 17

accurately
35:12 39:9

achieved 69:2
70:19

achieving 68:25

acronym 39:1
54:14

ACS 9:23

Act 5:13 6:1, 3
122:12

acting 8:11, 15
12:7 67:21

75:18 120:18,
24 121:6 122:4
129:12 158:6

action 10:14

actions 68:11
104:8 137:2

activities 13:4
24:1, 21 26:6, 9,
22 27:19 28:21

58:11 136:25

activity 77:7
134:24

actual 137:12

add 54:9
113:15 155:8

added 36:20
65:16

addition 10:23
30:19 108:17, 19

additional 19:1
22:14 24:15

36:20 55:21
70:24 104:11

120:3 151:17

address 55:4
73:11 77:25

80:7 82:23, 25
90:9 100:1, 17

113:7, 8 114:15
115:9 130:21
137:23 140:7

addressed 89:1
91:15 96:18

99:1 119:4
128:3

addressing

79:22 81:2
87:11 90:20

112:17 115:14
144:8

adds 98:1

adequacy 81:21
adequately 79:5

80:15 82:1
136:20

ADJOURNMENT
73:9

adjust 22:9, 14
69:6

adjusted 132:4
133:4

adjustments
18:2 21:17

advance 16:24
advent 8:1

108:6, 14
advice 46:8, 9

advised 6:1
affect 18:17

100:22 130:20
Affidavit 157:23

AFFIRMED 4:2
afford 72:4

88:14, 16
after 4:25 7:24

12:3 16:4, 5
30:5 34:23

40:22 42:19
43:6 62:4, 15,

20 64:24 78:10
80:19, 24 82:7

91:3 94:13
102:9 110:11

126:17 130:4,
18 139:1 147:16

afternoon 4:3
160:22

afternoons
75:10

ago 65:12 66:7
104:18 110:9

133:7 157:4
agree 51:10

114:4
agreed 32:19

56:4 141:7

agreement 9:16
18:11, 12 35:17

39:8 46:15
48:2, 4 51:18

52:1, 18 53:13
54:20 69:2

71:5 115:15, 19
117:20 120:7

139:24

agreements

73:19 114:17
ahead 61:18

73:14 126:10
alined 51:21

allocate 124:17
allotted 54:24

allow 45:17, 25
53:14, 21 55:21

92:13 100:9
129:23 142:17

allowed 53:20
143:9 147:15

allows 53:19
54:12 100:20

106:8 142:12
alluded 91:3

122:11

Alstom 9:14

11:24 14:12
15:1, 2, 20 16:6,

8, 13 17:10
29:11, 16, 17, 23

30:3, 7, 11 31:9
32:11, 16, 21

33:11, 19, 20, 22
34:3, 13 35:7

56:25 72:16
74:10 75:18

76:15 77:3

78:4 79:9, 24
80:7, 12, 20, 22

81:22 82:5, 11,
21 83:6 84:3,

12 86:10, 12
90:9 91:6

95:17 97:15
100:1 101:16

105:8 110:18
111:15, 19, 24,

25 112:8
113:12, 17, 25

114:7 115:1, 13
116:17, 18, 21

117:15, 24

120:13 121:14,

18 124:5 125:9, 17 127:12 128:12, 15, 17, 18 129:5 135:19 136:16 138:8, 11, 19 139:17 140:18 141:3, 7 142:13 148:7 154:11 159:14, 23 160:7 Alstom's 57:1 72:15 74:12 81:15 84:14 112:10, 23 113:7 116:16 119:22 Alstrom 84:25 110:10 136:16 America 128:19 amount 23:25 42:16 48:17, 18 71:11 129:8 amounts 42:9 43:16 analysis 142:22 143:9, 15 and/or 57:1 annual 95:8 anticipated 106:14 anybody 6:10 61:23 65:18 124:13 anymore 94:8, 10 104:14 115:6 anyways 21:14 69:9 160:13 apologise 56:22 appended 5:10 application 46:15 applied 38:4 51:19 applies 38:3 142:4 apply 39:20 40:4, 11 41:23 66:5, 21 67:12 73:22 119:5 appointed 9:23 appraised 15:25 18:16 apprentice 7:12, 14 apprised 11:9	approach 22:7 34:13 43:22 47:18 48:2, 3 76:15 123:10 125:8, 10, 19, 24 126:18 138:1 148:2 154:4 approaches 75:14 appropriate 74:1 approval 10:15 approved 92:9 approximately 7:21 12:1 130:18 APRIL 1:8, 16 149:9 150:4, 6 162:18 APRs 116:14 areas 24:10 44:3 127:7 128:2 137:14, 20, 22 151:17 157:10, 19 159:9 arisen 55:5 arising 53:15 112:10 129:24 arm 57:1 100:24 101:24 114:7 arms 136:24 army 59:19 60:11, 21 arose 115:14 arrived 83:2 article 95:1 aside 53:10 92:23 asked 5:15 6:12 16:17 49:6 55:15 62:21 64:21 82:22 122:2 143:7 145:13 157:16 asking 46:7, 9 aspect 48:1 126:6 127:11 135:9 aspects 27:20 72:6 assertion 77:9 assess 14:4 16:24 18:7	36:25 42:16 43:1 48:20 assessed 37:11 38:24 40:7, 19 41:2 48:15 116:11, 13 117:24 assesses 40:23 48:19 assessing 116:1, 5 assessment 22:17 29:6 35:16 38:8 138:4 asset 13:13 assets 8:22, 23, 25 9:8 17:25 18:6 75:2 assign 38:19 42:6 assigned 41:13, 16 42:14, 15 43:5 assigning 117:4 associated 37:11 71:6 122:20 assume 17:21 31:21 assumed 18:15 assuming 110:17 assumption 153:22 assumptions 17:6, 18 18:3, 23 20:15 21:18 22:4 attach 42:9 attempted 73:22 attend 10:24 attended 146:15 attending 1:15 34:14 attends 11:19 33:22 attention 90:18 112:11 119:14 128:4 attitude 52:5, 10 audit 24:19, 24 25:3 73:16 134:22, 23 audits 25:9	automated 105:3, 6, 8 106:4, 8 automatically 38:13 automation 105:13 106:14, 15, 19 auxiliary 93:3 availability 20:23 37:23 83:18, 22 86:2 103:13 150:6 available 16:22 55:17 72:14 82:19 83:22 84:1 92:22 109:9, 16, 18 114:13 awaiting 99:4 aware 32:23 33:5 34:17 47:16 52:22 53:5 80:13 82:11 111:25 112:3, 5 119:19, 24 156:13 axle 140:19 141:23 144:9 < B > BA 162:3, 22 back 7:24 12:5 40:11, 22 42:11 43:19, 20 50:21 51:2 57:12, 17 60:5 61:1, 12 71:17 73:7, 11 81:1 87:9 88:16 92:6 116:20 134:6 139:3, 10 140:4 141:24 142:21 143:6 144:11 146:2, 9, 12 152:14, 22 bad 84:9 93:10 160:6 bag 35:22 balances 90:15 ballast 54:9 base 23:12 based 17:5 23:7 34:9 38:12, 20, 25	43:2 48:13 74:10 77:23 79:3 83:9 143:16 154:15, 22 156:10 158:14 Basically 13:7 51:16 89:13 147:19 basis 5:4 24:22 42:25 59:5 78:6 124:19 134:16 batches 61:3 bear 21:25 30:7 71:5 154:18 bearing 140:19 141:23 144:9, 10 bears 36:5 37:9 beating 124:25 bedding 65:15 bedding-in 49:21 51:5 65:6 102:2, 9 155:7, 15, 22 156:14, 23 157:1 beginning 85:12 153:3 behalf 8:25 behavioural 135:12 behaviours 136:10 137:18 Belfast 74:21 believe 12:9 21:4 40:10 42:4 44:6 46:24 48:23 54:7, 22 57:24 59:22 80:1 87:14 97:3 98:22, 23 111:21 115:7 119:22 120:24 153:22 156:24 believed 42:5 bell 102:19 benchmark 22:21 benchmarked 17:2 benefitted 127:8 best 20:18 21:13 36:23
--	---	--	--	---

<p>38:20 39:16 131:22 better 28:10, 13 31:15, 21, 24, 25 45:14, 17, 21, 25 58:21 65:11, 20, 21 66:21 67:7 68:19, 21 84:18 126:5 127:5 130:14 131:3, 4 132:15 bid 15:14 17:6, 18 bidding 8:3 17:21 big 17:15 128:14, 20, 23 156:1 bigger 7:23 biggest 14:13 69:7 92:24 103:24 binder 92:18 bit 32:14 33:17, 25 35:6 41:11 56:21, 22 71:17 89:5 91:10 93:22 104:3 117:8 130:13 131:14 139:6 145:21 146:10 147:24 150:2 151:4, 16 159:6 blow 94:21 blowing 93:5 blown 94:20 95:13, 20 board 9:17, 19, 20, 24, 25 10:1, 7, 8, 15, 19, 22, 25 11:2 12:21 13:5 15:5, 10, 18 16:3, 12, 23 21:14 52:24 58:17, 24 65:4 112:4, 6, 8, 11 113:9, 10, 11 119:18, 20, 25 boat 72:17 bogie 144:24 bogies 96:25 97:4 bolts 89:14, 22 91:1 143:18, 21, 23 144:12, 13,</p>	<p>16 149:17 152:23 153:24 Bombardier 82:11, 14 128:15, 18, 21 129:4, 10 bore 71:1 bother 158:11 bother 158:11 bought 82:12 128:16, 17 bounce 56:20 152:20 bracket 151:2, 20 brand 59:9, 10 65:8, 9 76:9, 10 88:18 141:23 147:18 152:15 155:13, 14 break 6:8, 10 73:1 150:23 159:1 breakage 151:10 breakdowns 119:8, 12 157:9 breaker 94:22, 23 95:13, 21 breaking 108:17 breaks 158:24 bring 82:16 145:17 148:25 160:2 bringing 128:21 131:12, 15 145:16 brings 160:22 broad 20:11 broadly 157:7 broke 152:1 broken 149:24 brought 32:21, 23 81:7 82:10 110:11 126:2, 7 128:12 130:2 131:9 build 18:21 24:2 building 31:1, 2, 4 buildings 8:24 build-up 95:2 built 18:1 108:7 149:7 bunch 118:16 bus 138:24</p>	<p>business 27:21 45:25 60:8 64:9, 16 85:20 128:19, 24 129:1 133:5 busy 44:3 button 100:19 buzz 121:10 bypassed 100:21 < C > calculates 38:13 call 9:5 27:10 49:20 54:3 63:3 105:9 121:2 134:13 called 18:10 38:16 72:7 79:18 102:25 115:22 128:17 136:18 150:21 153:9 calling 127:7 Canada 6:3 23:4 156:18 157:1 cantenary 54:16 150:10, 14 Capern 2:9 50:21 51:3 73:5, 8, 10, 15 155:2, 4 160:16, 19 Capern's 157:6 capped 48:24 49:9 car 7:18 102:25 103:3 140:23 Carly 2:4 4:7 carried 55:5 carry 48:9 49:8, 10 carryover 73:17 cars 59:10 72:21 79:23 140:22, 24 147:18, 22 151:3 case 18:25 29:22 32:9 36:10 39:14 51:7 63:4 67:16, 19 70:16</p>	<p>85:11 110:5 123:16 cases 70:1 92:11 108:9 137:1 catch 151:24 category 118:19 caught 59:13 caused 66:7 69:14 80:22 87:17 91:20 93:7, 13, 16 103:5 104:3 105:12, 14 119:5 124:21 138:6 145:21 150:1 151:4, 20 152:5 CC 117:6, 12, 13 centre 45:12 66:1 90:23 CEO 8:11, 15 12:7 67:21 120:18 129:13 CEO/GM 10:1 certain 4:15 10:4 11:3 13:11 17:22 33:12 42:3 51:9 71:11 76:6 84:8 95:21 104:10 126:21 132:16 134:12 137:20 141:1 146:13 certainly 28:4 44:25 45:11, 24 59:5, 24 88:3 113:23 117:22 158:9 certainty 138:13 CERTIFICATE 162:1 certification 20:23 Certified 162:4, 23 certify 106:9 162:4, 14 challenges 148:18 chance 144:2 Chandani 2:14 change 19:8 34:13 45:7</p>	<p>51:10 125:19 130:12, 23 131:11, 14 144:10 148:2 153:21 changed 41:14 68:17 96:11, 13 131:6 147:16, 19, 20, 24 148:4 changes 18:15 20:6, 12 22:6 23:19 63:7 67:17, 25 68:6 125:25 130:19 131:18, 20 132:6, 9, 20, 21 136:2 159:22 Change-through 94:14 characterisation 43:5 46:16 114:5 characterise 35:12 47:22 148:10, 13 151:8 charge 7:17, 22 8:6 57:23 134:10 135:23 charged 8:22 9:8 check 121:16 checked 153:11 checks 90:15 chronology 56:21 circuit 94:22, 23 95:13 circuitry 94:6, 15 99:13 circumstances 50:23 73:23, 24 95:25 157:9 City 7:20 8:21, 25 9:11 11:6, 12, 21 26:19, 24 29:14, 24 30:4 31:18 32:25 33:1, 10, 21, 23 34:3, 14 35:10, 14, 15, 25 36:7 37:12 39:7 40:3, 10, 21 41:6 42:8, 10, 11 43:4, 6 45:23 46:15, 21</p>
--	---	--	--	--

<p>47:18, 21 48:8, 16, 19 52:10, 15 53:1 55:3, 16, 24 56:2, 4, 6 57:11, 17 58:5, 9, 11, 13 59:4, 13, 16, 18 60:7, 11 61:14 62:3 64:5 66:15 73:22 90:24 91:5 92:4, 12, 13 101:1 116:6, 14 119:5 138:22 139:13, 18, 23 141:6, 7 145:6, 10, 16 146:1, 8, 12 147:3, 16 158:1 159:14, 23 160:5 City's 43:22 48:2, 3 52:11 59:2 62:10 64:25 65:19 86:21 146:16 civil 5:17 claim 116:19 clarification 11:3 clarifications 146:14 clarify 46:10 clarity 132:18 classification 69:22 classify 89:21 Claude 12:17 125:12 130:23 clean 118:24 152:14 cleaner 151:18 cleaners 135:21 cleaning 95:8 135:19 cleanliness 135:22 clear 9:2 23:22 29:20 50:22 120:17 clearly 55:14 client 9:6, 11 44:7 85:8 close 30:22 99:15, 19 100:20 closed 42:7</p>	<p>closely 100:6 127:24 closer 68:12, 14 co-counsel 4:14 56:16 code 40:9 Co-Lead 2:3 4:5 collaboration 114:13 139:19 collaborative 4:13 67:5, 9, 10, 15, 20 91:4, 10 colleague 154:13 157:23 collectively 68:22 collision 102:18 103:5 collisions 102:23 103:9, 12, 13, 16 come 17:7 25:19 32:6 40:11 42:11 43:19 51:2 60:21 66:2 73:7 93:14 98:1 120:25 121:15 123:20 136:12 144:7 147:13 159:13 comes 40:22 95:14 116:20 140:21 145:25 coming 46:14 65:15 72:24 124:22 144:14 commence 4:22 commencement 53:9 commences 13:3 commencing 4:1 comment 64:13 comments 57:12 162:10 commercial 157:8 COMMISSION 1:6 2:1 4:6, 19 7:13 119:8 145:13, 15 146:15, 16, 19</p>	<p>157:7, 11, 24 158:4 commissioned 18:2 Commissioner 157:16 159:10 commissioning 18:7 Commission's 4:12, 20, 24 5:3 commits 145:16 committed 26:24 44:15 common 21:7 73:19 123:15 communicate 29:11 31:16 32:5 communicated 41:20 92:12 141:5 154:2 communication 31:8 34:20 139:20 communications 73:16 companies 13:6 14:8 114:19 company 14:9 compare 47:9 compared 47:15 complete 95:23 105:13 107:8 completed 13:15 105:4 153:5 154:5 completely 22:19 49:12 complexity 98:2 compliance 25:9 complicated 79:6, 7 116:9, 24 complication 116:25 component 27:14 comprehensive 92:20 concept 19:16 57:24 concerned 49:5 112:19 concerns 16:13, 16, 19 113:24</p>	<p>concessions 55:15 concluding 161:1 conclusion 144:7 conduct 25:10 conducted 98:19 162:15 confidential 5:4 confirm 20:22 conflict 145:19 connects 103:1 consecutive 48:22 consist 109:20 consistent 76:3, 7 78:5 124:11, 19 128:9 consistently 76:4 constant 128:7 constantly 130:14 constructed 18:1 20:14 construction 18:5, 24 19:19 114:7, 8 118:7, 8 constructor 18:11 19:4 57:23 117:6 consultant 145:18, 20 146:22 consultants 59:19 61:13 62:3 63:16, 20, 21 64:2, 5 91:5 92:4 145:23 consultation 138:19 141:3, 6 contact 11:2 138:21 contacted 23:11 151:3 contained 32:20 contemplate 59:14 contemplated 69:1 contemplates 54:20</p>	<p>contentious 120:20 121:1, 25 122:3 context 71:18 113:16 continue 101:7 110:14 141:18 continued 36:13 63:13, 17 133:1 continues 62:11 105:5 continuous 102:10 continuously 28:13, 14 69:6 136:12 contract 11:13 13:10 16:5 23:17 33:13, 20 34:9 43:22, 24 44:21 47:10, 17 54:12 78:6 83:7, 15 113:18, 19 137:18 contracted 14:9 contractor 14:13 contracts 34:8 113:17 156:24 contractual 11:11 33:15 36:3 82:19 83:7 84:1 116:2 contractually 43:15 156:14 contribute 66:13 contributed 85:25 87:24 99:10 124:22 160:12 contributing 92:25 95:4 153:20 contribution 119:12 contributors 159:22 control 37:14 38:13 66:1 72:7 81:7 90:12 91:7 101:18 129:7 conversation 50:23</p>
---	--	---	--	---

<p>conversations 29:8 69:11 convince 78:4 cooperation 114:12 139:20 cooperatively 146:7 copper 95:6 copy 6:13, 14 core 143:7 correct 5:7 30:1 97:4, 10 99:6 134:22 135:10 162:13 corrected 136:10 149:25 corrections 4:25 5:2, 10 correctly 21:23 51:19 corrosion 151:16 cost 71:1, 6 costing 70:8 costs 19:2, 9 69:12 70:24 COUNSEL 2:1, 3, 4 4:5, 7, 15 5:3 6:13 46:4 120:11 couple 27:23 33:4 34:1 46:23 50:4, 6 62:5 89:4 93:10 98:23 102:20 107:10 110:13 129:22 130:24 131:1 136:7 137:10, 13 146:14 149:3, 14, 21, 22 150:22 course 74:16 144:8, 13 COURT 66:24 73:13 110:20 162:21 courthouse 156:22 covered 120:11 Covid 98:2 cracked 34:18 85:16, 24 93:13 96:3 97:13 98:20 111:12</p>	<p>cracks 96:9 98:9, 16 crap 125:1 crazy 42:17 61:21 create 158:18 created 133:12 creating 90:1 creep 40:25 criteria 41:21 critical 44:7 155:23 156:3 crossover 114:3, 12, 15 115:22 118:6, 11 Crown 5:18 CS 150:22 CSR(A 162:3, 22 culminated 7:16 current 30:9 currently 11:17 12:7 56:7 64:2 96:14 99:5 106:13 114:25 curve 66:9, 13 customer 37:7 cut 61:18 158:24 CV 3:5 6:13 7:1, 7 < D > daily 11:18, 19 12:2 30:2, 7 36:7, 12, 18, 19, 24 38:10 42:25 91:21 92:1 damage 91:20 104:1, 3 145:2 damaged 104:13 damages 71:6 72:18 date 40:12 69:8, 13, 15 70:5 106:15 Dated 162:18 date's 69:19 day 1:15 29:15, 16, 22 30:24 32:7 36:25 37:3 40:24 50:2 75:9 76:7 78:16 91:14 93:16 96:8 107:16 114:19</p>	<p>115:1 125:1 127:3, 21 137:3, 17 139:10 143:2, 3, 12 148:12 152:21 159:20 162:18 days 40:24 150:7 day-to-day 15:7 36:1 59:4 60:8 62:11 de 102:13 deal 25:19 66:2 71:12 100:13 101:6, 25 134:7 136:22 156:1 dealing 35:14 111:12 debate 38:3 debrief 28:8 66:17, 19 67:2 debriefs 68:8 102:14 decide 36:4, 5 138:12 decision 56:2, 8, 12 139:1 decisions 69:14, 17 132:3, 8 decision's 138:18 declaration 4:12 decreased 62:3, 4 81:17 deduction 73:17 deductions 45:24 48:9, 16, 23 49:11 116:15, 17 deemed 5:14 defect 116:19 117:6, 12 defer 69:12 72:4 deficiencies 20:25 22:2 107:7 deficiency 106:20 define 46:3 49:23 defined 27:2</p>	<p>definitely 22:8 57:13 114:23 132:2 degree 80:21 degrees 14:23 delay 37:24 38:15 93:8 105:13, 14 111:7 145:21 delays 32:3 68:25 72:14 76:25 93:7 delegate 131:22 delegated 10:4, 7 134:11 deliver 13:11 23:17 44:17 108:4, 10 121:21 122:19, 25 deliverables 57:8 delivered 85:1 delivering 123:13 delivery 107:12, 25 108:7, 12, 15 115:23 123:11 127:10, 15 department 7:16 dependent 101:12 depending 14:22 23:3, 13 29:12 35:13 38:21 39:20 41:24 43:9 69:22 74:24 76:21 84:9 95:24 depends 35:12, 13 37:21 75:16 derailed 144:24 153:18 derailment 12:4 26:17 30:5 34:23 46:24 80:20, 25 82:8 89:13, 18 90:17 91:3, 20 104:16, 20 110:11 137:25 139:19 140:9 142:1 145:1, 7 147:4,</p>	<p>16 148:8 149:16 152:22 derailments 34:17 53:10 55:8, 10 62:20 63:11 92:23 96:16 103:6, 9, 19 104:11 119:8, 13 137:23 157:10 describe 7:9 8:17 36:23 46:9 63:5 91:11 102:22 103:20 114:3 118:18 120:12 122:3 129:3 139:16 140:8 described 29:25 39:8 47:17 54:19 122:9 147:4 150:9 152:24 158:19 159:23 describing 60:20 84:11 122:6 description 43:3 design 18:15, 19, 23 19:8, 16, 19 20:6, 7, 12, 13 94:14 designed 49:14 desk 38:17, 18 41:20 42:3 101:17 despite 44:17 detail 33:17 62:22, 25 126:13 detailed 43:20 92:10 136:13 details 14:11 15:8 62:25 determine 17:8 22:23 37:8 41:22 139:14 142:20 determined 26:21 93:25 95:3 140:18, 19 153:16 determining 67:10 117:17 develop 141:3</p>
---	--	---	---	---

<p>developed 49:3 92:8 141:4 developing 137:10, 11 146:6 dialogue 158:22 160:1 dictated 55:24 difference 103:25 128:20, 23 133:21 differences 159:18 different 49:12 50:5 75:13 122:7 125:9, 24 142:6 150:15, 17 differently 66:20 73:21 98:4 125:6 difficult 51:22 58:24 diligent 151:24 direct 22:10 33:20 45:11, 15 117:22 118:3 directly 33:24 34:4, 5 119:13 131:24 director 130:25 directors 9:17, 19 131:7 132:21 dirt 95:1 disagreement 41:5 80:15, 17 disclose 74:1 discuss 29:1 36:8 66:19 92:2, 3 157:11 158:24 discussed 29:17 56:9, 18 115:3, 7 120:5 154:15 discussing 58:12 137:22 discussion 83:4 138:8 154:20 160:3 discussions 11:2, 4 16:8 37:8, 16 46:14, 21 47:1, 5 52:14, 20, 23, 25 53:6 55:24 58:8 78:4</p>	<p>121:2, 25 128:8 138:11 154:23 159:4 dispatch 76:20 displayed 67:4 dispute 48:7 disputed 43:16 disruption 66:6 distinction 79:15, 17 dive 144:3 diversions 66:3 dividends 111:4 137:15 document 6:16, 18, 19, 23 documented 92:11 135:5 documenting 153:8 documents 13:11, 12, 13 doing 11:9 14:4 28:6 42:18 44:16 56:16 58:10 72:21 75:1, 25 76:1 92:16 121:12 128:5 135:7, 8, 15 137:14 150:6 dollars 23:16 40:14 door 30:23 31:1 37:4, 7 39:17, 18 44:4 99:12 101:25 Doors 93:17, 18, 19 99:8, 15, 17, 19, 21, 23 100:8, 15, 16, 21 101:7 downstairs 72:8 101:17 draw 82:16 drive 106:10 driven 56:13 158:3 159:6 drivers 101:5, 9 drives 101:14 104:24 dropped 144:22 drops 144:20 drove 156:5</p>	<p>due 28:14 89:14, 23 116:19 117:7 duplication 132:16 duties 79:6 duty 25:24</p> <p>< E > earlier 29:14 59:3 68:3 84:24 91:4 102:15 111:14 114:25 123:14 127:19 130:7 144:9 147:13 150:5 155:6, 17 160:1 early 48:16 70:7 84:19 93:22 effect 97:12 effective 115:15 effectively 154:2 efficiency 155:18 effort 46:18 91:4, 10 92:18 124:16, 18 132:16 142:23 efforts 46:12, 18 78:10 94:17 96:2 100:23 101:1 113:14 126:23 Eglinton 50:15 electrical 7:13 elevated 119:18 EllisDon 8:2 9:22 114:20 employee 26:2 134:8, 25 135:3, 4 employees 13:4, 5 14:17 61:14 83:8, 9 105:9 129:4 empower 132:2, 8 encourage 84:8 ended 70:7 104:8 ends 104:9</p>	<p>engaged 16:7 70:17 117:1 157:2 engages 114:7 118:8 engaging 125:16 engineering 19:20, 22 129:8 138:8, 12 140:19, 21 ensure 9:12 13:2, 7, 14 14:16, 17 16:18 18:16, 19 19:22, 25 23:15 24:19 25:4, 17, 23 28:12 29:3 33:4 58:13 70:3, 13 81:5, 8 90:14 91:6, 7 100:6 124:18 132:5 134:5, 19, 24 135:16 137:1 151:17 154:1 158:7 ensured 69:21 ensures 28:6 ensuring 9:15 17:13 81:3 enter 4:19 7:5 entered 4:25 5:4, 9 12:24 16:5 entering 13:5 entire 152:9 envision 28:16 envisioned 24:11 71:3 108:16 equipment 23:8, 9 89:24 93:3 107:15 108:21 143:9 equipments 93:3 error 144:1, 5 152:19, 23 errors 5:8 escalated 83:5, 11 112:8, 22 escalation 113:1 escalator 14:10 escalators 20:2 especially 34:23 62:20</p>	<p>63:10 75:9 76:8 116:8 158:7 Esq 2:9 essence 8:21, 24 26:8 36:5 38:19 40:18 48:21 59:22 103:1 134:9 139:7, 8 essentially 99:14 130:8 134:3 140:24 establish 5:17 established 14:10 Europe 98:1 evaluate 36:4, 25 139:4 140:3 142:10, 19 evaluated 26:19 Eve 93:8 Eveliene 162:3, 22 event 40:10 115:22 events 56:22 76:20 142:2 eventually 124:9, 19, 20 125:21 126:1, 8 142:12, 21 143:14 144:6, 18 145:24 everybody 26:18 34:24 35:3 70:21, 22 73:2 139:25 160:2, 8 everybody's 49:24 115:6, 9 140:1 evidence 4:11, 20 5:1, 5, 9, 20, 24 6:3 73:20 144:15 evolved 128:18 exact 48:25 49:13 54:5 exactly 35:18 41:1 111:21 exaggeration 93:6 example 14:9 17:21 18:8, 19</p>
---	--	--	--	--

<p>19:7 22:19, 20 23:4 24:25 25:3 28:19 32:1 33:18 37:4, 22 39:14, 16, 23, 25 49:15, 16 65:23 72:7 85:16 112:18 118:22, 25 121:15, 17 123:21 127:20 147:12, 25 152:13 examples 50:4 89:18, 25 106:7 156:19 exceeded 54:24 executed 25:18 28:25 29:2 86:7 134:6 executing 9:9 127:25 execution 86:11 executives 9:24 exercise 60:13 102:1 117:16, 18 148:24 Exhibit 7:5, 6 EXHIBITS 3:1 exist 78:20 existing 88:15 155:25 expect 74:12, 14 75:5 102:1 141:14 expectation 40:17 expectations 75:25 92:3 expected 59:11 75:18 77:4 101:9 110:2 expecting 45:9 expedite 35:3 98:6 110:12 expedited 108:11 expediting 111:4 experience 7:9 40:3 48:5 59:7 66:4 67:21 68:3 74:11 75:7 77:23 79:3 85:9 86:2 88:11, 13, 22</p>	<p>97:19 121:8 125:12, 15 156:10 experienced 17:4 65:10, 25 77:8 126:3 128:13 129:4 experts 24:4 explain 17:18 19:12 33:16 39:11 48:9 74:11 75:23 123:24 126:20 146:11 150:20 explained 19:6 124:4, 5 explains 42:20 extensive 53:18 extent 33:12 35:22 45:1 52:13 72:1 75:22 119:9 129:2 142:4 146:13 extremely 92:10 < F > facilities 17:13 71:21 facility 71:16 72:5 74:21 81:11 82:6 97:16 102:18 106:19 109:24 111:8, 15, 19 118:14, 21 119:10 facing 9:6 44:7 fact 42:19 73:18 76:9 77:21 88:4 93:7 98:10 106:3 113:21 116:24 118:1 122:22 123:6 126:7 150:4 factor 45:17 95:4 factors 87:16 92:25 153:20 factually 144:1 failed 101:16 140:20 141:21 failing 152:8</p>	<p>failure 37:6 152:23 failures 32:4 84:20 119:3 144:9 fair 47:24, 25 52:6 79:11 106:18 107:5 114:9 125:11, 14 Fairly 21:7 34:18 57:19 73:18 82:9 85:10 92:19 138:3 152:24 fall 86:12 90:4 102:2 113:21 familiar 156:17, 18 fashion 36:13 88:4 108:11 fast 85:3, 8 86:19 148:11 fasteners 148:22 faster 43:12 106:9 109:14 fault 38:5, 6, 7 faults 65:25 fear 158:23 fee 121:21 feedback 43:4 57:12, 17 137:16 feel 45:2 121:10 feels 46:5 fell 58:1 139:7 felt 34:22 35:15 60:2 75:22 76:7, 12 77:22 80:15, 16 104:20 127:7 fighting 44:4 45:23 figure 28:9 35:11 127:5 139:8 140:12 143:4 figured 94:2 149:24 fill 129:5, 17 filled 81:22 financial 10:10 find 33:6 59:20 60:4, 12, 22, 24 61:12 67:5</p>	<p>85:16 98:19 146:11 fine 6:20 finish 107:3 fix 35:1 94:4, 12 140:16 141:13, 17, 18 fixed 48:12, 13, 17, 18 95:17 fleet 88:15 138:14, 19 139:24 149:5 152:9 floor 31:5 flow 28:5, 10, 15, 17, 18 32:10, 12, 16 116:15, 25 132:14 flowed 116:17 flowing 18:5 fluid 34:19 focus 15:20 17:15 26:20 44:2, 5, 8, 25 45:14, 17, 18, 20, 25 64:9, 15 119:7 129:23 130:7, 18 139:2 140:13 157:20 focusing 27:20 focussed 27:18 90:18 133:14, 15 follow 153:2 following 145:7 147:4 156:6 157:5 follow-up 4:16 42:23 50:6 154:14, 22, 24 158:12 160:16 follow-ups 157:6 force 16:17 21:20 22:9 23:15, 19 71:2 78:6 81:19 86:2 87:22 99:23 143:22 forecasting 22:23 127:22 foregoing 162:5, 12 forgets 158:1 form 10:2 60:20 77:19 formalise 32:16</p>	<p>formalised 31:11, 13 32:13, 19 forming 89:12 forms 137:12 forth 162:7 forward 8:17 19:2, 24 27:3, 4 29:4 34:21 45:22 46:1, 11 48:9 49:8, 10, 24 66:22 67:12 found 96:6 98:10, 22 104:5 141:20 144:15 four-page 6:18 fresh 70:12 71:12 72:2 friction 117:8 front 33:23 45:12 46:6 51:11 52:4 90:23 frustration 121:24 fulfil 64:6 fulfilling 27:14 full 33:2 42:16 52:15 53:12 106:14, 15 139:10, 24 fully 70:3 105:2, 8 106:3, 8 122:21 function 78:24 functionality 51:17 functions 130:11 fundamental 41:5 fuse 94:21 95:13, 20 future 137:4 157:18 < G > gained 66:3 gather 64:10 gearbox 90:6 91:2 143:19 144:10, 11, 19, 22 149:25 152:16</p>
--	---	---	--	--

general 7:17
8:11, 15 12:7
67:22 72:5
79:13 118:19
119:2 120:18
129:6, 13
generally 22:3
27:3, 4 86:15
134:20
generate 37:2
38:10
generated
32:22 39:19
genuine 81:10
give 22:18
24:14 65:2
71:17 78:25
106:7 107:13
121:14 126:14
142:25 147:11
given 5:6, 19
142:7 158:24
gives 28:11, 23
143:11
giving 5:23
GM 11:22
goal 61:13
160:3
goals 60:19
127:3 160:10
God 104:17
Good 4:3
14:18 33:18
44:10, 18, 22
49:16 71:14
72:25 73:5
85:10 86:18
104:23 105:1
113:3 115:8
118:2 135:22
139:19, 20
145:10 148:10,
13 149:6, 12
goodness 60:1
Gordon 2:9
50:14, 20 156:4
gotcha 137:18
gotta 64:16
governing 73:19
gradually 24:8
148:24 149:7
granular 126:13
great 107:21
green 142:25

143:11 147:13
grinding 54:9
ground 5:15
13:7 97:7
138:13, 19
139:24
grounded 46:25
Group 9:3
11:25 134:3, 18
135:15 136:4
137:6, 7 142:13
groups 133:14,
24
guard 59:13
GUERRA 1:7
2:8 3:5 4:2, 4
6:6, 12, 20, 24
7:1, 7, 11 8:19
9:4, 10, 21 10:4,
20 11:1, 8, 21
12:3, 9, 14, 17,
21, 25 13:21
14:2, 7, 22 15:4,
13, 21, 24 16:4,
15 17:1, 20
18:9 19:5, 11,
14 20:8, 18
21:3, 7, 12, 21
22:8 23:2, 24
24:7, 12, 17, 25
25:12, 16, 22
26:3, 5, 12, 16
27:4, 8, 15, 18,
25 28:4, 19
29:9 30:1, 4, 14,
21 31:4, 10, 15,
23 32:1, 12, 18
33:12, 18 34:6,
15 35:11 36:2,
11, 15, 18 37:1,
21 38:11 39:3,
10, 13 41:9, 15,
19 43:8, 13, 25
45:10, 19 46:20
47:6, 25 48:6
50:10, 12, 19
51:14 52:7, 11,
19, 25 53:7, 17
54:2, 16, 22
55:7, 11, 18, 20,
23 56:6 57:2, 7,
18, 22 58:3, 7,
23 59:18 60:15,
24 61:7, 11, 16,
19, 25 62:7, 9,

13, 18 63:8, 10,
15, 19, 23 64:8
65:2, 22 66:11,
14, 16 67:1, 8,
23 68:2, 7, 10,
18, 22 69:5, 20
70:21, 23 71:4,
14 72:16 73:3,
25 74:8, 18
75:6, 21 76:2,
19 77:5, 16, 21
78:3, 15 79:3,
12, 17 80:1, 4,
10, 14, 19, 24
81:17, 23 82:9
83:3, 17 84:5,
19 85:14 86:1,
10, 13, 18 87:3,
8, 14, 20 88:12,
23 89:2, 8, 20
90:3, 11, 23
91:13 93:2
94:2, 14, 18
95:3, 14, 19, 24
96:4, 14, 23
97:5, 8, 10, 14,
24 98:12, 22
99:2, 6, 11
100:3, 18 101:2,
11 102:4, 13, 20,
24 103:16, 22
104:17, 22
105:1, 14, 16, 20
106:5, 16, 23
107:1, 10, 21
108:2, 18, 24
109:2, 6, 10, 17,
22, 25 110:3, 6,
9, 16, 22, 24
111:3, 9, 13, 20
112:3, 7, 12, 24
113:2, 11, 15
114:10, 16
115:18 116:8
117:3, 14, 21
118:13, 21
119:16 120:2, 8,
15, 20, 23 121:8
122:10 123:6
124:2, 8, 25
125:4, 11, 21
126:16, 25
127:10, 16
128:6, 14 129:6,
14, 18 130:22

131:10, 21
132:10, 14, 23
133:3, 17, 22, 25
135:18 136:6
137:8 138:2
139:22 140:11
142:5 145:9
146:18, 20, 25
147:8, 11 148:4,
9, 20 149:16, 21
150:11, 15, 17,
20 151:12, 22
152:3, 6, 12, 19,
25 153:7, 19
154:6, 8, 11
155:5, 11
156:15 157:3,
13, 22 158:13,
21 159:12, 25
160:20
Guerra's 73:20
guess 8:9
34:10 50:12
107:11 128:17
149:9 157:6
guide 101:20
guideway
143:17, 18
144:16
guy 136:18

< H >
hairline 96:6
half 7:21 40:1,
6, 16 66:4, 7
88:4 110:1
halt 46:25
hand 123:14
handle 100:20
handles 90:4
handover 16:25
108:4 123:23
153:21 154:1
handwriting
115:12
happen 11:11
21:8 26:8 35:2
36:24 43:13, 14,
18 66:22 82:7
91:8 99:23
138:6 144:17
151:6, 7 158:20
happened 24:8
27:11 28:9
34:11 36:5

37:4 38:2 41:1
44:24 46:24
53:24 76:22
81:15 89:3, 11
102:9 103:20,
23 119:4 132:5
136:14, 18
138:5, 9, 17
139:4 140:12
143:4 144:18
151:1 153:17
happening 43:2,
11, 12 49:6
100:5 121:13
124:18 140:23
141:10 157:18
happens 9:12
19:20 39:15
43:6, 9, 10 88:2
99:14, 20
101:19 150:25
happily 98:14
hard 15:5 34:7
43:25 44:1, 23
45:10, 14 62:24
78:21 88:12, 17
93:11 100:11
106:6 109:3
117:21 118:3
127:12
head 20:24
29:20
heading 88:10,
21 89:3
hear 33:24
141:15
hearings 4:13,
20, 21, 22
heat 118:22
heavy 96:16
heightened
76:12
Held 1:14 7:19
151:9
help 22:17
38:17, 18 41:20
42:3 95:11
97:21 98:2
99:8 101:20, 24
107:24 109:7
111:6, 17
118:19 125:17
133:10, 20

helped 35:3
101:22 102:14
126:3 160:5, 6
helpful 42:22
Hey 136:17
high 22:16
34:16 62:12
higher 81:19
highest 83:5, 11
highly 151:8
hindered 142:24
hire 25:22
69:24 70:2, 7
78:19 105:8
118:24
hired 70:9
105:18, 23
131:1, 2 137:10
Hiring 69:20
70:16, 17 72:4
hold 88:16
115:1 137:2
holding 37:7
146:12
holdovers 86:25
home 7:24
121:19 156:5
honest 34:20
54:6, 25 159:7
honestly 77:6
124:25
hopeful 47:11
106:16
hoping 47:1
131:8, 19 136:4
137:7
horse's 74:6
hospitals 49:18
156:22
hostile 105:10
hostlers 105:9,
18, 21, 23
H-O-S-T-L-E-R-S
105:20
hour 40:1, 2, 6,
16, 19, 20
hours 39:24, 25
54:13, 24 55:17
74:13, 18 75:19
136:14
HR 10:11
130:11
huge 40:7
48:15 93:8

111:4
hugely 160:12
human 144:1, 5
152:19, 23
hundreds 40:13

< I >
identified 41:18
86:25 87:6
90:22 120:5
124:24 151:11
identify 89:6
101:6 135:10
identity 74:2
immediate
15:16 138:3
140:15 142:9
impact 19:23
20:15 21:10
22:3 28:2
43:21 64:4
68:25 69:7
76:14 77:1
93:17 98:5
103:13 104:13
106:21 107:7,
17 109:8 111:1
113:23 114:9
115:23 117:18,
22 118:9
119:11 136:9
147:5, 9
impacted 72:14
98:20 106:12
107:14 119:5
147:21 149:2
impacts 104:20
105:25 106:1, 11
impair 95:23
implement
126:23
implemented
127:9
implicated 28:17
implications
10:11
importance
77:7, 13, 20
78:9 123:25
124:4, 6 155:6,
9 156:2
important
126:20 134:1
impress 123:19

improve 45:23
67:13 127:12, 14
improved 28:4
85:20 90:12
improvement
28:14 31:11
incentives 26:22
incident 34:18
37:4, 12, 19, 20,
25 39:15, 21
47:22 66:5, 17,
19, 23 74:17
76:22 101:19
143:5 150:2
incidents 11:11
26:7 27:10
32:3 34:16, 19
36:4, 6, 25 37:3
43:1 65:24
74:23 75:1, 11
76:11 89:11
94:10 100:13
102:8, 17, 18
112:14 136:21
145:15 149:4
150:9
include 79:10
includes 26:6
including 11:22
26:19
incomplete
106:19
inconsistent
83:24
increase 63:14,
17 78:11 80:23
81:10 84:3
increased 25:14
63:8, 9 82:6
90:12 130:15
increasing 63:12
incriminate 5:16
incurred 70:25
INDEX 3:1
indicated 29:14
114:25 123:14
130:7
indication 59:1
indicators 39:4
indirectly 118:4
119:13
indiscernible
150:22
individuals 74:2
inductor 94:19

inductors 93:4,
24
industrial 129:8
industry 7:12
14:11 17:5
122:13 127:20
informal 11:1, 4
30:16 35:8
information 4:9
11:10, 16 16:22
18:5, 14 24:15
28:5, 11, 15, 17,
18 29:7, 10
31:19 32:2, 5,
11, 16 38:10
50:17 57:11, 15
62:21 72:13
73:25 100:7, 25
101:4, 8 132:15
136:24
information's
32:20
informed 131:5
infrastructural
118:15
infrastructure
14:14 21:6
24:13 49:2
81:25 91:16, 18
145:3 155:19
156:21
initial 126:22
130:1 138:4
142:3, 14, 20
145:4
initially 24:11
49:2 54:2
80:10 113:2, 3
124:17 129:23
131:5 141:9
142:6 148:20, 24
initiatives 19:23
115:4
Inquiries 5:13
inquiry 4:6
5:13, 20
insane 61:20
insisting 146:8
inspect 93:15
141:19
inspected 96:7
147:14
inspection
64:11 92:7

inspections
24:20 25:2, 4,
11 98:8, 11, 15,
18 148:21
151:17, 24
instance 5:18
100:5 115:19
117:25 142:19
149:25
instances 53:10,
11, 24, 25 55:4
71:15 75:14, 15
93:10 123:8
140:14 141:21
149:14, 19
instants 103:3
instituted 95:8
98:8, 15 151:16
instructions
61:24
insufficient
78:15
insurmountable
62:23
integration
56:25
intended 27:1
51:12
intends 4:19
interacted 57:8
interaction
30:23 57:13
interactions
30:11 35:9, 25
57:15
interface 18:10,
12 71:5 114:16,
17 115:15, 19
interim 98:16
internal 29:11
114:21, 22
interpretation
39:21 41:4, 6
44:20 46:22
47:10, 16 49:23
59:2 73:16
74:5 158:8
interpreted
50:18
interprets 73:21
intervene 4:14
115:21
interview 4:10,
13, 17, 18 6:9

<p>7:5 160:23 intimately 65:3 introduced 25:9, 15 26:11 27:7 introduction 26:15 28:2 30:6 68:15 investigating 136:23 investigation 104:4 157:12 invite 74:3 invoice 40:22 42:8 43:7 involve 25:21 involved 14:15 15:6 18:16 25:14 28:12 29:6, 7, 12 57:20 58:12, 16 59:4 60:8 63:22 65:3 74:2 96:16 97:22 139:12, 13, 14 158:15 involvement 12:20 14:23 59:12, 16 62:11 90:19 involves 100:15 IO 49:14 50:8, 17 73:21, 25 74:3 irrelevant 22:19 isolate 65:25 100:8 101:7 152:17 isolated 99:18, 20 isolating 100:15 issue 41:17, 19 49:13 73:11 76:24 85:17 86:3 90:25 98:9 101:6 106:20 111:12 112:7 114:3, 6, 12, 15 115:16 117:17 118:6, 7 126:11 136:16 146:23 150:13, 19 155:6 issues 10:11, 22 21:5 22:11 25:19 29:17</p>	<p>34:25 35:21 44:7 47:13 53:15 55:5 59:8, 11, 25 62:16 66:2 68:4 73:17 81:2 86:25 88:1 90:1, 10, 20, 21 91:23 93:1, 2, 25 99:8, 9, 11, 14 100:2 101:12, 25 112:10 114:18 115:3, 7, 9, 14, 25 118:11 119:18, 21 120:25 121:3, 10 123:16 129:24 130:19, 21 131:4 134:7, 8 149:23 150:17 157:17 items 21:10 118:16 it'll 12:10 < J > jacks 108:24 109:5, 8, 15, 21, 24 110:8, 18 111:1, 8, 11 Jacob 12:17 125:20 130:23 Jacob's 112:2 job 8:2 69:22 71:11 74:14 85:10 108:3 jobs 64:14, 18, 20 joined 4:6 31:6 33:8 35:7, 10, 24 36:10 39:6 63:6 67:16, 21 68:1 75:17 76:15 78:8 79:9, 25 80:3, 6 86:17 87:7, 13 111:24 112:1 120:14, 17, 18 129:12 130:18 Joshi 2:14 July 33:8 jump 46:4 82:3 jumps 144:23</p>	<p>June 8:10 12:10, 11 30:10 31:7 35:7 85:13 86:17 87:13 JV 9:22 < K > Kate 2:3 4:3, 4 6:7, 22, 25 7:3, 8 8:14 9:1, 7, 18 10:2, 16, 23 11:5, 19 12:1, 5, 12, 15, 18, 22 13:16, 23 14:3, 21, 25 15:9, 17, 22 16:2, 11, 21 17:17 18:4 19:3, 6, 12 20:5, 10, 21 21:4, 9, 15, 24 22:16 23:18 24:5, 9, 14, 23 25:8, 13, 20 26:1, 4, 10, 14, 25 27:5, 12, 17, 22 28:1, 16 29:5, 19 30:2, 6, 17, 25 31:6, 12, 20, 24 32:8, 15 33:8, 16 34:2, 12 35:5, 24 36:9, 12, 17, 22 37:18 38:9 39:1, 5, 11 41:7, 10, 16 42:22 43:10, 19 45:1, 16 46:3 47:2, 14 48:1 50:6, 11, 16, 21 51:4 52:3, 9, 13, 21 53:3, 8, 25 54:14, 18 55:1, 9, 13, 19, 21 56:3, 14, 20 57:4, 14, 20 58:1, 4, 19 59:15 60:10, 18 61:5, 9, 15, 17, 22 62:1, 8, 10, 14 63:4, 9, 12, 18, 21 64:4, 21 65:19 66:8, 12, 15 67:2, 14, 24 68:6, 9, 14, 20, 23 69:17 70:15,</p>	<p>22 71:1, 8 72:13, 24 73:4, 6, 8, 10, 14 74:7 75:3, 17, 23 76:14 77:2, 11, 18, 24 78:8, 25 79:8, 14, 24 80:2, 6, 12, 17, 22 81:14, 20 82:4, 18 83:14, 25 84:11 85:11, 23 86:8, 11, 14, 23 87:4, 10, 16 88:6, 19, 24 89:6, 17, 25 90:8, 19 91:9 92:21 93:24 94:11 95:11, 16, 20 96:1, 12, 20 97:3, 6, 9, 11, 17 98:7, 14, 24 99:3, 7, 25 100:14, 23 101:4, 23 102:12, 16, 22 103:8, 18 104:15, 19, 24 105:12, 15, 17, 22 106:13, 18, 24 107:6, 19, 24 108:14, 20 109:1, 4, 7, 15, 19, 23 110:1, 4, 7, 13, 17, 23, 25 111:6, 17, 23 112:5, 9, 21, 25 113:6, 13 114:2, 11 115:11 116:4, 23 117:9, 16 118:5, 18 119:7, 17 120:4, 10, 16, 21 121:5 122:2 123:2, 21 124:3, 21 125:2, 7, 16 126:12, 22 127:6, 13 128:1, 11 129:2, 11, 16 130:16 131:7, 17 132:6, 12, 20, 25 133:10, 18, 23 135:14, 25 137:5, 21 139:16 140:6 141:25 145:5 146:14, 19, 21</p>	<p>147:1, 9 148:1, 6, 16 149:13, 18 150:8, 12, 16, 18 151:9, 19, 25 152:4, 10, 16, 20 153:1, 16 154:3, 7, 9, 12, 18, 21 155:2 156:6, 25 157:5, 15 158:11, 14 159:8, 21 160:14, 21 keeping 10:9 34:3 62:24 154:4 kept 44:16 70:21, 22 151:18 Key 39:3 46:2 130:24 kilometres 25:3, 5 37:23 38:12, 14 48:14 141:11, 19 kind 14:3 18:4 22:21 28:13 30:10 35:25 46:12, 25 51:13 53:14 60:17 69:17 77:3 88:25 95:16 101:8, 12, 14 102:1 114:12 116:21 122:7 123:18 127:4, 13 142:16 145:4 153:4 158:18 kinds 84:14 123:17 146:5, 8 knowing 69:15, 18 knowledge 13:16 20:5, 11 21:15, 17 38:20 56:24 90:9 156:11 knows 47:8 KPI 38:3, 20, 22 39:2, 20 40:9, 10, 11, 23 41:6, 23 42:4, 5, 14, 15, 18 43:5 44:4 KPIs 39:22, 23, 25 41:12, 16 43:22 46:16</p>
--	--	--	---	---

47:18 49:23 51:6, 8, 25 119:5 < L > lack 87:22 121:19 122:14 lackadaisical 123:9 lacked 121:2 122:6 124:17 lambasted 145:14 large 11:25 35:22 80:20 88:5 largely 67:5, 20 lasted 147:6 latching 39:18 late 71:7 108:17 laying 13:7 lead 97:25 115:25 leaders 132:2 leadership 126:1 leading 45:5 learn 23:22 67:11 learned 102:5 112:1 learning 66:9, 13 102:10 leave 144:22 158:10 leaving 53:10 92:23 led 17:8 26:14 77:19 123:3 152:18 157:9 159:24 legacy 65:9 82:14 88:14 128:21 129:4, 10 155:25 legal 46:8, 9 130:11 length 38:15 lengthy 78:22 lesser 42:5 lessons 66:21 67:12 level 15:5 17:22 19:18 21:14 22:16 27:9, 13 45:7	51:9, 12 58:17 59:12, 16 62:18, 21, 22 63:5 78:14 81:19 82:21 83:12 98:1 111:23, 25 112:14 113:9 125:15 129:9 131:23 141:1 levels 14:17 16:17 18:8 25:2 35:13 56:10 81:16, 18 83:5 84:4, 10, 16 112:22 lever 82:19 83:7 levers 84:1 114:22 levied 122:24 levy 116:7 liability 5:17 59:7 liaise 9:10, 13 liaising 9:14 11:6 life 51:21 lift 97:7 108:24 109:21 140:24 lifted 109:12 LIGHT 1:6 4:5 7:10 63:10 142:25 143:11 lights 121:18 liked 148:14 likelihood 140:23 limited 76:6 limits 38:22 109:10 linear 8:23 link 22:10 45:11, 15 117:22 118:3 liquidated 71:6 72:18 Litigation 2:4 live 70:10 LLP 2:10 loading 51:24 located 74:19, 20 location 103:23 locations	109:12 143:18 logged 62:2 long 12:2 59:8 79:1 85:17 86:19 92:18 104:19 121:9 123:20 143:2 159:13, 19 longer 36:18 88:17 126:11 147:17 long-term 85:6 94:4, 12 140:16, 17 141:13, 17, 18 142:3 155:23 158:5 159:1 looked 23:6 129:15 Looking 14:25 18:7 23:13 29:7 45:3 46:7, 21 60:3, 12 61:12 62:6, 16 91:15 98:15 130:14 154:12 157:12 159:1, 10 looks 37:2 91:11 118:20 122:18 141:16 loop 28:14 102:10 137:16 loose 140:21 144:14 lose 70:11 loss 37:23 lost 38:14 lot 9:13 17:12 28:21 30:23 33:3, 7 45:14, 21, 25 46:18 60:2 61:13 64:1 65:11, 16, 20 66:1, 3 68:3, 4, 12 69:23 78:20 80:25 81:7 82:13 91:19 93:7, 20 100:9 101:22 115:25 121:24 126:2, 3, 4, 10 127:19 128:8 129:9 131:24 134:2 138:7	146:4 151:14 lots 85:2 lower 27:9, 13 76:19 LRT 12:20, 24 50:15 155:13 156:16 LRTs 156:13 LRV 97:19 lubricated 104:5 luckily 44:14 < M > Madam 73:11 made 4:25 5:2, 10 17:6, 18 20:15 21:11, 17 22:4, 6, 18 45:5 46:12, 19 72:18 100:23 104:10 124:16 131:18 132:7, 21 138:18 139:2 162:10 main 14:13 148:18 159:22 maintain 8:24 17:14 19:24 21:19 64:19 149:8 maintained 81:19 maintainer 117:5, 11 maintaining 13:2 maintenance 7:18, 22 8:12, 16, 22 9:8 13:12 14:1, 5, 10, 14 15:3 18:17 19:1 20:3, 16, 20 21:11 22:5, 18, 25 24:20 30:12 31:9 43:23 53:18, 22 57:1, 9 58:21 64:7, 23 68:24 71:21 72:5, 15, 20 74:9, 12, 21 75:1 76:16 81:11, 25 82:6 102:17 104:25 106:2, 19, 21	107:9 109:9, 24 111:2, 8 112:10 113:18 114:9 116:18 117:7, 15, 19, 25 118:9 119:20 120:1, 7 123:23 125:20 130:25 134:4 135:20 147:6 153:14 major 9:14 20:19 34:18 91:2 129:21 majority 71:19 74:20 making 44:5 69:18 127:17 malfunction 99:16 malfunctioning 89:23 management 11:24 13:13 14:19 15:15 25:17, 21 26:11, 15 27:6, 7, 23 28:3 83:12 112:23 124:23 130:8, 10 131:23 133:15, 19 134:3 135:15 136:4 manager 8:11, 15 12:7 25:24 26:1 67:22 120:18 129:13 managers 25:23 27:10 29:9 129:6 manager's 134:4 managing 26:4, 5, 8 27:9 mandate 157:7 manner 24:21 92:13 134:20, 21 135:1 manual 57:10 manually 100:20 manuals 57:16 manufacture 23:8 manufactured 20:14 manufacturing
--	--	--	---	---

18:6 56:25 March 149:9 MARIO 1:7 2:8 3:5 4:2 6:6, 20, 24 7:1, 7, 11 8:19 9:4, 10, 21 10:4, 20 11:1, 8, 21 12:3, 9, 14, 17, 21, 25 13:21 14:2, 7, 22 15:4, 13, 21, 24 16:4, 15 17:1, 20 18:9 19:5, 11, 14 20:8, 18 21:3, 7, 12, 21 22:8 23:2, 24 24:7, 12, 17, 25 25:12, 16, 22 26:3, 5, 12, 16 27:4, 8, 15, 18, 25 28:4, 19 29:9 30:1, 4, 14, 21 31:4, 10, 15, 23 32:1, 12, 18 33:12, 18 34:6, 15 35:11 36:2, 11, 15, 18 37:1, 21 38:11 39:3, 10, 13 41:9, 15, 19 43:8, 13, 25 45:10, 19 46:20 47:6, 25 48:6 50:10, 12, 19 51:14 52:7, 11, 19, 25 53:7, 17 54:2, 16, 22 55:7, 11, 18, 20, 23 56:6 57:2, 7, 18, 22 58:3, 7, 23 59:18 60:15, 24 61:7, 11, 16, 19, 25 62:7, 9, 13, 18 63:8, 10, 15, 19, 23 64:8 65:2, 22 66:11, 14, 16 67:1, 8, 23 68:2, 7, 10, 18, 22 69:5, 20 70:21, 23 71:4, 14 72:16 73:3 74:18 75:6, 21 76:2, 19 77:5, 16, 21 78:3, 15 79:3, 12, 17 80:1, 4, 10, 14,	19, 24 81:17, 23 82:9 83:3, 17 84:5, 19 85:14 86:1, 10, 13, 18 87:3, 8, 14, 20 88:12, 23 89:2, 8, 20 90:3, 11, 23 91:13 93:2 94:2, 14, 18 95:3, 14, 19, 24 96:4, 14, 23 97:5, 8, 10, 14, 24 98:12, 22 99:2, 6, 11 100:3, 18 101:2, 11 102:4, 13, 20, 24 103:16, 22 104:17, 22 105:1, 14, 16, 20 106:5, 16, 23 107:1, 10, 21 108:2, 18, 24 109:2, 6, 10, 17, 22, 25 110:3, 6, 9, 16, 22, 24 111:3, 9, 13, 20 112:3, 7, 12, 24 113:2, 11, 15 114:10, 16 115:18 116:8 117:3, 14, 21 118:13, 21 119:16 120:2, 8, 15, 20, 23 121:8 122:10 123:6 124:2, 8, 25 125:4, 11, 21 126:16, 25 127:10, 16 128:6, 14 129:6, 14, 18 130:22 131:10, 21 132:10, 14, 23 133:3, 17, 22, 25 135:18 136:6 137:8 138:2 139:22 140:11 142:5 145:9 146:18, 20, 25 147:8, 11 148:4, 9, 20 149:16, 21 150:11, 15, 17, 20 151:12, 22 152:3, 6, 12, 19, 25 153:7, 19	154:6, 8, 11 155:11 156:15 157:3, 13, 22 158:13, 21 159:12, 25 160:20 mark 84:24 marked 148:23 material 20:15 23:16 84:2 matter 24:3 114:1 151:23 matters 36:8 98:2 McDonald 64:3 McDonald's 63:24 McGrann 2:3 4:3, 4 6:7, 22, 25 7:3, 8 8:14 9:1, 7, 18 10:2, 16, 23 11:5, 19 12:1, 5, 12, 15, 18, 22 13:16, 23 14:3, 21, 25 15:9, 17, 22 16:2, 11, 21 17:17 18:4 19:3, 6, 12 20:5, 10, 21 21:4, 9, 15, 24 22:16 23:18 24:5, 9, 14, 23 25:8, 13, 20 26:1, 4, 10, 14, 25 27:5, 12, 17, 22 28:1, 16 29:5, 19 30:2, 6, 17, 25 31:6, 12, 20, 24 32:8, 15 33:8, 16 34:2, 12 35:5, 24 36:9, 12, 17, 22 37:18 38:9 39:1, 5, 11 41:7, 10, 16 42:22 43:10, 19 45:1, 16 46:3 47:2, 14 48:1 50:6, 11, 16, 25 51:4 52:3, 9, 13, 21 53:3, 8, 25 54:14, 18 55:1, 9, 13, 19, 21 56:3, 14, 20 57:4, 14, 20	58:1, 4, 19 59:15 60:10, 18 61:5, 9, 15, 17, 22 62:1, 8, 10, 14 63:4, 9, 12, 18, 21 64:4, 21 65:19 66:8, 12, 15 67:2, 14, 24 68:6, 9, 14, 20, 23 69:17 70:15, 22 71:1, 8 72:13, 24 73:4, 6, 14 74:7 75:3, 17, 23 76:14 77:2, 11, 18, 24 78:8, 25 79:8, 14, 24 80:2, 6, 12, 17, 22 81:14, 20 82:4, 18 83:14, 25 84:11 85:11, 23 86:8, 11, 14, 23 87:4, 10, 16 88:6, 19, 24 89:6, 17, 25 90:8, 19 91:9 92:21 93:24 94:11 95:11, 16, 20 96:1, 12, 20 97:3, 6, 9, 11, 17 98:7, 14, 24 99:3, 7, 25 100:14, 23 101:4, 23 102:12, 16, 22 103:8, 18 104:15, 19, 24 105:12, 15, 17, 22 106:13, 18, 24 107:6, 19, 24 108:14, 20 109:1, 4, 7, 15, 19, 23 110:1, 4, 7, 13, 17, 23, 25 111:6, 17, 23 112:5, 9, 21, 25 113:6, 13 114:2, 11 115:11 116:4, 23 117:9, 16 118:5, 18 119:7, 17 120:4, 10, 16, 21 121:5 122:2 123:2, 21 124:3, 21 125:2, 7, 16 126:12, 22 127:6, 13 128:1,	11 129:2, 11, 16 130:16 131:7, 17 132:6, 12, 20, 25 133:10, 18, 23 135:14, 25 137:5, 21 139:16 140:6 141:25 145:5 146:14, 19, 21 147:1, 9 148:1, 6, 16 149:13, 18 150:8, 12, 16, 18 151:9, 19, 25 152:4, 10, 16, 20 153:1, 16 154:3, 7, 9, 12, 18, 21 155:2 156:6, 25 157:5, 15 158:11, 14 159:8, 21 160:14, 21 means 38:6, 7 48:10 meant 76:23 122:3, 22 135:10 measure 98:16 132:13 measured 133:1 mechanic 78:11 Mechanics 41:11 77:17, 18, 20 78:1, 10, 19 79:11, 12, 15, 16 80:8 mechanism 46:23 meet 9:15 10:7 13:20 20:17 22:5, 24 34:4 38:24 43:23 75:24, 25 91:25 98:20 113:12, 25 meeting 10:8, 21 11:18 29:13, 14, 15, 18, 23, 24 34:4 43:12, 16 83:14 145:13, 15 146:15 148:19 162:11 meetings 10:17, 18, 24 11:12, 20 12:2 29:22 30:2, 7, 15, 18, 19 32:24 33:22 34:14 35:8
--	---	---	--	--

36:3, 7, 13, 21, 23 37:17 42:25 46:23 58:8 67:3, 4, 15, 20, 25 91:21 114:17, 25 115:2, 6 Member 2:3, 4 4:6 15:9 16:11, 23 112:6, 11 113:9 members 59:20 mentality 140:1 mention 101:16 mentioned 19:3 39:5 79:8 82:18 84:12, 13 99:7 108:21 119:23 128:11 146:22 151:25 mentoring 125:22 126:6, 12, 24 128:2, 3 mentorship 127:8, 9 merged 82:12 128:15, 16 met 83:18, 23 91:14 101:1 method 153:10 methods 68:16 135:2 137:11 153:8, 17 metres 144:25 micromanageme nt 63:2, 5 64:5 millimetre 141:2 million 41:2 48:18, 19, 20, 21 mind 134:2 minds 45:13 148:5 mindset 33:25 67:11 mine 157:23 minimise 46:19 minor 103:17 minute 10:20 56:15 60:5 92:24 141:2 minuted 10:21 minutes 73:1 missed 94:11, 12	missing 143:21, 24 mistake 6:18 mitigate 85:5 95:10 139:5 mitigation 93:15 94:16, 24 95:12 96:2 140:13, 15, 17 142:3, 4 mitigations 94:4, 7 mixed 35:22 mobilisation 13:22, 24 14:24 58:11 69:6 mobilising 13:1, 4 model 49:7, 10 modeling 23:7 modelling 22:23 modifications 100:4 moment 137:18 154:19 momentum 159:17 money 70:8 monitor 14:19 26:22 72:8 91:22 monitored 124:11 month 41:3 48:17, 20, 21 60:17 61:21 63:13 monthly 10:8 43:15 48:11, 24 49:9 50:8 months 26:13 27:24 44:13 48:22 60:16 62:5 70:1, 3 79:4 83:21, 23 85:21 104:23 110:9 126:17 130:4, 6, 18 133:7 136:3 morning 11:18 29:13, 24 32:2 36:2, 3 37:1 43:11, 14 123:16 127:21	136:12 138:15, 21, 23 mornings 75:10 motivated 34:12 motivator 118:2 motors 99:12 Mott 63:23 64:3 mouth 74:6 move 45:22 46:1 90:16 99:19 103:2 105:11, 23 106:8 108:8 148:12 moved 125:22 148:14 movement 72:8 movements 72:11 mover 102:25 103:3 moves 104:10, 25 moving 34:20 49:24 160:9 MSF 97:12, 15 139:3 multiple 109:12 mutual 56:8, 12 < N > names 61:23 natural 66:9 nature 13:13 17:16 20:4 27:5 33:9 35:6 67:3, 15 71:22 74:24 88:20 103:17 112:20 125:17 126:11 143:20 151:5 necessarily 92:1 necessary 32:10 46:5 needed 13:22 24:2 26:21 30:20, 21 31:10, 11, 13, 15 32:13 34:19, 20 70:12 77:22 91:15, 18 104:5, 6 118:15, 25 119:1 125:9, 18 127:4 131:11 132:2	138:17 139:15 150:23 155:16 needing 88:1 needs 6:10 22:18 78:22 133:5 159:19 NEESONS 162:21 New 7:20 28:3 59:9, 10 65:8, 9 68:15 70:13 76:9, 10 87:1 88:18 93:8 130:2 131:11, 13 141:23 147:18 152:15 155:13, 14, 22 news 95:1 night 135:21 136:17 138:11 nights 28:22 nobody's 121:18 nodding 110:21 non 5:9 38:5, 6 40:10 116:14 norm 156:23 normal 54:11 74:16 151:6 normally 72:1 76:11 North 128:19 note 50:25 notes 56:15 82:20 154:13, 17 162:13 notice 104:2 noticed 103:25 111:1 128:14, 20, 23 137:14 notified 16:12 19:7 notion 71:9 number 20:25 48:14 55:16 62:2, 4, 5, 15 77:25 80:23 81:22 82:16, 25 83:1, 9, 19 87:21 88:8, 9 95:9 99:13 117:1 NUMBER/DESCR PTION 3:3 numbers 20:1 40:25 77:22	83:18 87:9 150:5 nut 140:20 < O > object 6:2 objected 5:14 obligation 120:7 obligations 9:9 10:25 13:19, 25 22:6 64:7, 23 107:9 117:19 120:1 obstacles 120:6 146:5 obtain 4:11 96:21 obtaining 97:17, 22 OC 57:5, 21 100:6, 11, 24 101:1 occasions 42:3 OCS 54:4, 14 95:6 149:22 150:10, 19 odd 129:20 OEM 23:8 offer 106:12 offered 32:21 45:6, 7 53:12 office 30:22 offices 121:18 oftentimes 76:24 oil 90:6 150:1 152:17 OLRTC 11:25 19:4 71:5 113:20, 25 114:14, 15 115:1, 16, 21 117:13 141:7 160:7 ones 30:5 42:1 49:3 89:7, 9 105:11 152:8 ongoing 24:22 31:17 46:14 55:25 83:4 116:3 134:16 Ontario 49:2 82:15 onwards 110:15
--	---	---	--	--

<p>open 34:20 37:7 38:18 40:15 99:23 100:9, 16 101:2 158:21 160:1 opened 42:13 opening 61:2 opens 41:20 operating 33:7 operation 15:7 25:17, 21 49:4 60:16 66:10 70:10 74:19 100:22 128:22 134:11 operational 100:12 operations 36:1 62:11 65:1 operator 100:16 103:3 104:2 108:5 operators 65:24 100:7, 24 101:19, 24 104:9 opinion 42:14 opportunities 19:21 54:21 158:18 opportunity 5:6 28:23 92:17 159:3 option 107:13 108:13 oral 10:18 order 4:22 29:21 38:1, 16, 19 39:19, 20 40:15, 16 41:17, 21, 24, 25 42:4, 7, 12, 13 55:4, 19 63:1 64:12 95:12 97:12, 20 100:17 104:6 144:10 153:13 ordering 97:25 orders 40:5, 13 42:9 61:2, 3, 20 62:2, 4 organisation 9:6 26:19 82:17 organisations 9:22 44:15 130:9 134:2 159:15</p>	<p>original 18:3 22:17 23:8 originally 69:1 OTTAWA 1:6 4:5 7:10 8:21, 25 12:23 73:22 93:9 155:13 159:7 Ottawa's 12:20 outcomes 68:16 outlines 153:10 output 67:25 outset 51:8 101:10 outside 45:4 97:15 outstanding 21:5, 9 87:5, 12 106:20 107:7 overall 13:17 57:19 59:6 149:4 Overhead 54:16 119:1 150:10, 13 overly 20:11 oversight 18:18, 22 23:25 24:4, 10, 15 25:6, 14 26:21 27:1, 17 124:23 130:7, 10 131:4 133:15, 19 134:18, 19 135:13 137:6, 13 < P > p.m 1:16 4:1 161:1 P3 8:1, 4 9:5 23:5 49:17 73:19 122:17 157:25 P3s 156:21 PA 53:19 57:9 59:3, 24 155:20, 21 158:8 paid 44:10, 11, 13, 17, 19 48:22 118:2 137:15 paint 152:14 Paliare 2:9 pantograph 95:5 149:23 150:13 151:10</p>	<p>pantographs 152:1 paper 153:1, 8 parafills 150:21 151:13 part 6:19 13:23 25:12 26:23 47:21 48:12 52:22 57:2 60:20 69:10 94:13 108:16 127:1 132:11 150:3 153:2, 25 157:12 participants 1:15 2:6 5:3, 9 particular 24:10 45:17 56:13 74:5 79:19 88:25 114:1 115:18 127:7 134:24 135:9 144:24 particularly 152:21 parties 51:10 91:21 115:3 117:1 partners 158:6 partnership 158:1, 2, 19 159:20 parts 48:3 98:3 143:10, 17 144:3 party 52:20 56:13 passengers 99:22 pay 122:19 123:7 paying 111:3 payment 42:8 44:12 46:22 48:11, 12, 24 49:1 50:8 159:4 payments 45:5, 8 49:9 peak 75:9 Peddle 2:4 4:7 56:17, 19 82:3, 5 94:16, 25 111:11, 16 154:14, 16, 24 155:1 156:7, 9</p>	<p>160:16, 18 penalised 37:15 penalties 37:11 38:24 40:7 41:2 48:19 116:1, 5, 6, 13 117:24 122:19, 24 pending 94:6 pens 31:24 people 17:4 29:12 33:4 34:16 46:2 49:13, 14 50:16 59:19 60:1, 3, 11, 19, 20 62:5, 16 64:13, 17 65:9 69:20, 24 70:2, 7, 9, 12, 16, 18 71:10, 23 72:2, 10 76:4 78:17, 21, 23 81:8 97:18 99:18 102:2 118:8, 24 121:11 125:23 126:2, 8 128:12, 22, 25 129:7, 9, 10, 16, 19, 20 130:2 131:1, 9, 12, 15 132:1, 8 133:8 135:7 137:2, 10 139:13 144:7 155:15, 19 people's 45:12 perceived 158:25 percent 19:17 20:7, 13 54:23 137:9 150:5 perception 158:23 perform 24:2 25:1 79:6 106:2, 21 109:11 111:2 117:19 119:25 148:21 performance 25:10 39:3 83:9, 15 84:2, 10, 15, 21 116:14 performing 84:7, 16 120:6</p>	<p>period 19:25 27:2 42:17 49:21 51:5 54:13 60:13 65:7, 15 78:23 81:13 92:15 102:2, 5, 7, 9 116:10, 25 118:7 119:6 155:7, 15, 22 156:14 157:1 periodically 53:20 periods 55:12, 15 75:9 83:19 156:23 perjury 5:23 permits 4:15 person 5:19 124:14 136:22 perspective 20:20 21:20 35:17 52:17 58:22, 25 63:17 65:5 69:9 71:22 72:23 81:2 83:19, 24 84:23 85:7 86:21, 22 113:24 115:20 117:23 118:1 140:1 148:18 149:2 155:7 160:13 phase 13:18 15:3 19:19 114:7, 9 130:1 physically 74:15 picked 47:5 picture 6:15 piece 124:23 151:9 158:2 pinpoint 109:3 pipeline 98:3 place 5:22 11:4 12:2 14:19 15:15 23:16 24:6 27:1, 2, 6, 23 36:1 37:17 50:24 52:23 53:1, 4, 6 60:14 72:10 78:1 85:5 90:15 91:7 94:4, 7, 17,</p>
---	--	--	--	---

21 96:22 97:20
104:16 136:2
139:5 141:14,
18 151:10
155:16 156:13
162:6
placed 41:17
75:14, 20
places 119:15
plan 6:8 13:17,
22, 24 24:19
26:23 35:1
54:3 58:11
69:6 92:10, 20
110:14 146:6
planned 28:8,
21 87:17, 18
109:24
planning 15:16
23:1 87:23
127:18, 21, 23, 24
plans 16:8
17:12
plant 111:22
plants 111:20
platform 108:4
play 17:7
107:2 116:11
132:13 140:25
141:1
played 91:12
139:18
point 6:9 15:6,
17 16:12, 20
17:24 57:13
58:18 63:3
64:16, 18 72:25
73:17 74:10
78:23 79:5
82:12 87:21
96:13 98:24
104:13 110:15
126:9 138:10,
18, 20 139:12
144:23 145:12
146:3, 11
points 122:19
police 142:7, 9,
12, 24
politically 158:3
159:6
poor 117:7
portion 48:12,
13

position 7:19
8:3, 13 9:25
119:20, 24
131:25
positions 69:23
72:3 130:24
positive 57:19
90:16
possible 70:10
possibly 46:21
post 89:3
posted 4:23
potential 140:7
potentially 41:13
power 54:17
74:4 93:3
powers 134:12
PPE 135:3
practice 91:12
123:15
pre 13:17 15:2
55:6
predecessor
125:10
preparation
21:10, 12
preparatory 58:4
prepare 15:3,
11 58:5 69:3, 4
prepared 14:5
31:18 58:14, 21
preparing 68:23
prerogative
143:12
presence 74:22
75:3 76:13
77:4, 14 78:12
81:11 82:22
90:13 133:2
PRESENT 2:12
66:18 115:1
123:15, 22 159:5
presented 114:6
presenters
162:10
president 8:6,
13
Pretty 52:8
128:8 129:10
145:14 149:8
prevailing 33:22
prevalent 156:22
prevent 100:4
157:17

preventative
24:20 75:1
previous 37:3
153:23
pricing 23:12
prior 13:12
29:15, 20 36:25
52:15 56:23
57:5, 21 72:10
74:11 86:25
87:6, 12 96:8
105:4 146:22
prioritised 42:1
prioritises 41:25
private 157:25
proactive 84:13,
17, 25
problem 29:3
50:14 85:4, 5, 7
93:6, 17 95:1
99:1
problems 79:23
93:20, 22
129:25 149:4,
14, 19, 22 150:9
procedural 4:21
proceeding 5:21
proceedings
5:18 162:5
process 15:19
24:18 35:4
139:11 147:14
153:25
processes 81:9
90:13, 14 91:7
productive 67:6
professional 7:9
profile 34:16
program 95:8
progress 15:19
91:22 92:2
progressing
86:19
progressive
159:4
progressively
8:7 62:19
project 7:10
9:16 17:21
23:5, 6 35:16
39:8 46:15
47:9, 15 48:2, 4,
25 49:4, 17, 20,
25 50:7, 11
51:9, 11, 18

52:1, 2, 18
53:13 54:20
69:2 88:9 98:6
117:20 120:7
122:17 157:25
158:6, 15 159:2
projectal 38:5, 6,
7
projectCo 9:5
projects 8:2, 3,
4, 6 17:3 19:15
22:20 23:4
47:8 49:18
50:5 51:7, 20
82:14, 16
proper 24:21
46:16 134:21
139:4
properly 14:18
39:18 90:5
134:15 136:23
144:12
properties 85:2
prosecution
5:23
protect 18:25
19:9 94:21
Protocol 162:16
proverbial 26:18
provide 4:9
6:13 10:18, 21
11:15 24:4
25:7 26:21
31:18 71:9
72:20 76:16
100:12 103:15
109:5 130:9
131:3 134:19
137:13 138:15
147:5
provided 10:17
46:8 57:16, 17,
21 61:24
104:21 123:22
149:9 157:2
provides 130:10
providing 11:10
22:14 44:19
57:10, 12, 23
72:20 123:4
127:15, 23
138:23 156:14
160:11
provision 73:19,
21 74:5

public 4:12, 20,
24 5:12 37:13
104:21 157:25
punch 88:1
punitive 35:16
39:7, 22 40:4
42:5
purpose 4:10
11:6 37:8
59:20 135:13
Pursuant 5:12
purview 10:14
put 13:17
24:18 41:22
49:2 56:1 76:4
91:6 92:9 94:4,
7, 17, 20 96:21
105:25 110:8
124:9 139:5
140:4 144:11
146:9 147:2, 17,
23 152:14 162:7
putting 15:15
92:14 104:8
149:10

< Q >
QC 90:13
qualify 37:19,
24 83:20
quality 81:7
90:12 91:7
129:7
quantify 44:1, 23
quarantined
143:10
Quebec 82:15
111:21
question 4:16
5:14 15:10
20:11 21:22
42:23 63:1
66:25 67:17
71:15 88:13, 18,
20 105:1 107:4
113:16 119:10
131:17 135:14,
25 154:10
156:4, 8 157:6
questioning
162:15, 16
questions 4:15
6:2, 4 32:6
43:20 46:6
50:7 56:17

<p>72:25 110:13 154:15, 22, 25 155:3 160:15, 16, 23 quick 76:23 106:9 quicker 33:7 66:1, 3 68:5 75:11 100:10 146:4 147:22 148:15 quickly 82:7, 10, 17 93:14 104:1 138:4 quite 10:9 11:25 33:25 62:12 78:22 82:17 85:22 88:5 92:20 93:16, 22 96:9, 23 97:1, 24 104:3 129:1 139:6 148:23 149:6, 12 150:7 156:23</p> <p>< R > RAIL 1:6 4:5 7:10, 17 8:6 54:9 65:10 78:19 102:25 103:3 railroad 105:10 ramp 51:11 ran 149:13 ranks 7:14 rationale 148:2 RCG 139:17 RCI 114:13 RCM 99:25 115:16 120:6, 19 react 65:23 74:23 75:11 100:25 123:7 reacting 74:25 120:25 122:5, 8 reaction 124:6 126:23 reactive 84:12, 17, 20, 23 read 82:20 94:25 115:12 157:24 readiness 14:4 15:19, 20 16:13,</p>	<p>24 17:9 64:23, 25 72:15 reading 117:10 ready 13:2, 8 16:18 17:14 58:10, 15 59:1, 2, 3, 5 60:6 65:5, 17 107:16 108:9, 22 138:24 real 43:9, 10 70:10 90:16 91:4 93:14 really 8:20 14:11 15:5, 6 16:19 65:15 69:13, 15 94:9 113:5 127:8, 12, 20 142:16 145:10 146:7 160:9 realm 159:11 REAL-TIME 162:23 reasons 77:3 reassessed 41:13 receivable 5:20 receive 18:14 received 6:14 receives 43:6 receiving 15:18 16:3 71:10 128:4 recognise 6:22 27:22 recognised 37:20 recollection 20:19 recommendation 157:20 159:11 recommendation s 23:9 157:17, 19 159:9 record 73:6 110:21 153:4 154:20 160:25 recorded 162:11 recordkeeping 153:17 records 154:4 recovering 142:21 rectify 38:23</p>	<p>40:1 red 147:23 redesign 94:5 reduce 46:13 reduced 56:7 reduction 45:6 reductions 55:3 56:4 refer 8:16 87:25 reference 19:16 20:7, 13 referenced 17:17 50:8 referencing 51:8 referred 77:16 referring 19:4 29:21 59:17 68:21 regarding 119:20 regards 57:9 regime 92:7 regular 30:10, 14 32:10 35:25 58:13 regularly 30:18 related 11:10 31:9 relates 158:8 relationship 33:15 35:6, 19 67:3 114:14, 20 120:13 125:22 139:17 145:6 147:3 148:7, 10 158:19 relationships 131:6, 19 132:4, 7 158:15 relatively 63:6 relevant 7:10 reliability 84:21 92:22, 25 93:18 99:8 129:25 130:19 131:3 148:17 149:5, 11 reliable 160:11 rely 106:10 remain 143:10 remedial 54:3 remedy 75:12 remember 48:14 54:5, 25 61:15, 22 64:1 111:21</p>	<p>reminding 125:5, 8 Remote 162:16 remotely 1:15 removal 45:16 remove 96:25 removed 110:19 144:11 reorg 130:16 133:6, 11 136:1 reorganisation 129:21 130:17 reorged 129:22 130:6 repair 39:24 repaired 96:17 repairs 91:19 97:12 repeat 21:22 29:4 repentance 30:12 replace 95:13 98:17 replaced 97:1 130:22, 25 131:8 141:23 145:21 150:24 152:8 replacement 96:21 97:18, 21, 22 99:4 report 9:16 37:2 38:10 59:21 60:5, 12, 23 61:1, 12 64:11 130:12 136:13 142:8 reported 38:17, 18 REPORTER 66:24 73:11, 13 110:20 162:4, 23 REPORTER'S 162:1 reporting 9:19 10:3, 25 130:12 131:6, 18 132:4, 7 134:6 136:11 162:21 reports 10:1, 17, 19, 22 15:18 16:3, 9 32:19, 20, 22 131:24 reposition 56:15</p>	<p>representative 142:13 representatives 9:24 11:22 52:12 reputation 122:25 requests 55:2 require 39:24 40:1 69:23, 25 78:20 required 5:25 11:12 13:11 14:17 18:8, 13, 14 21:1, 19 22:5, 13, 22, 24 23:19, 21 24:1, 2, 10, 16 25:1, 6 52:17 53:13 54:13 55:3 68:11 78:14 81:1 86:16 87:1 88:9, 10, 21, 25 89:19 95:12 99:17 101:5 106:2 111:2 119:11, 14 123:5 139:21 requirement 105:18, 23 requirements 9:15 20:16 22:25 25:10 43:24 46:13 83:15 84:2 98:21 135:11 148:19 requires 47:22 94:5, 12 95:21 109:11 rerail 143:1 rescheduled 136:19 reset 94:23 95:13 resetting 95:21 resolve 35:21 43:17 47:12 76:23 115:17 resolved 22:11 80:18 88:2, 3 resolving 115:16 resource 124:17 resources 21:18 22:15, 21,</p>
---	--	---	---	--

<p>24 24:3 78:16 87:22 97:12 respect 8:14 9:18 10:16 11:5 19:9 21:5 47:16 52:3 60:18 67:2 68:7 70:15 71:8 77:11 80:8, 9 84:13, 16 85:23 86:14, 23 88:8 96:2 103:12, 18 112:21 113:6 114:2, 11 115:11, 13 119:25 136:1 137:5, 24 140:6 142:1 145:5 151:19 153:18 156:25 respectfully 145:11 respond 38:21, 23 39:24 40:1, 6 59:24 76:20 85:25 138:1 responding 64:12 74:16 response 40:16 47:23 53:15 124:7 138:2 139:18 142:3 148:7 responsibilities 8:8, 18 10:5 responsibility 36:6 37:9 117:4, 17 134:4 responsible 86:9 116:2 132:18 responsiveness 112:13 155:20 result 26:16 40:5, 8 44:24 51:22 56:11 66:9 68:15 69:7 84:1 89:12 90:6 95:7 98:10 104:7 105:7 106:3 109:14 112:15, 25 113:3, 13</p>	<p>119:14, 19, 24 121:1 129:24 137:21 resulted 70:23 76:24 89:9 104:11 118:24 results 94:8 98:8 resumed 81:15 140:10 resurrect 47:1 retained 146:22 retrieval 139:2 retrieved 153:20 retrofit 85:19 89:21, 23 retrofits 21:1 86:5, 15, 16, 24 87:1, 5, 11, 19, 21 88:8, 10, 21 89:18, 20 112:17 113:8, 21 115:14 118:6, 12, 14, 15, 25 119:10 return 26:23 92:5, 10, 19 115:4 146:6 147:6 148:16 returning 149:20 revenue 12:24 13:3, 12, 18 15:2, 11, 22 16:14 17:9 20:23, 24 22:12 52:15, 16 53:9 55:6 56:23 57:5 58:6, 22 64:24, 25 68:24 70:19 72:11 74:23 81:1, 14 86:25 87:6, 12, 25 88:7, 10, 22 89:3, 4 101:10 105:5 107:17 108:3 121:21 123:11, 23 127:19 148:17, 19 reverse 103:5 review 5:7 42:12 Revised 162:16 rework 152:6</p>	<p>reworked 152:10 ride 75:15 Rideau 8:11, 16 9:2 riders 103:15 ridership 56:10 rides 95:6 riding 60:19 62:5, 16 95:18 ring 102:19 roadways 151:15 robust 155:24 Roland 2:9 role 8:15, 18 9:9 12:6, 13, 15, 19, 23 30:9 52:23 56:24 70:9 79:2 112:2 126:17 roles 7:15 81:22 129:3, 17 130:3 rolling 145:22 roof 95:15 roofs 95:8 room 34:24 35:3 101:18 131:12 rooms 18:20, 21 20:4 root 139:14 Rosenberg 2:9 Rothstein 2:10 roughly 40:17 rounds 70:17 route 95:23 140:7 RPM 13:8 27:19 135:18 141:6 RSA 69:1, 2 RTC 53:1 58:2 109:6 116:21 RTG 8:20, 25 9:1 11:25 46:8 53:1 116:13, 15 RTM 1:7 8:17 9:7, 17, 19 12:8 13:24 14:4 15:2, 11 16:13, 23 19:6 21:10 22:5, 20 23:22 25:9 26:2 30:11 31:8</p>	<p>32:11, 17 33:11, 19 46:8 47:23 53:2 55:2, 15 56:24 57:20 58:5, 20 64:6 76:17 77:25 90:20 107:8 113:18 114:14 116:7, 16 117:11 119:18 125:19 129:12 139:17 142:14 159:23 RTM's 12:23 13:18 15:19 43:23 57:5 64:23 69:3 76:16 117:18 119:25 130:20 147:5 148:6 rules 107:2 147:16, 24 run 55:16 101:13 149:19 159:19 running 53:23 121:11 145:24 rusted 152:13 < S > safe 81:3 safely 134:16 135:4 safer 106:9 160:11 safety 44:7 136:21, 22 139:13 140:2 salt 151:14 sat 12:21 scenario 147:20 scene 142:7, 8 schedule 106:14 scheduled 6:7 25:18 28:25 30:18 86:5 134:6 135:17 scheduling 86:8 scope 7:23 10:6 57:3 116:16 screen 6:15 7:4 scroll 6:17</p>	<p>secondary 107:11, 25 108:7, 8, 15 section 5:12, 25 6:2 seek 10:15 11:3 seeking 115:17 seized 90:6 self-perform 71:21 send 59:25 60:2 143:8 senior 112:8, 23 113:12 130:3 sense 39:6 47:4 78:25 121:3, 12, 20 122:6, 15, 21 125:8 126:14 separate 113:17 134:2 separately 103:9 September 41:3, 7 sequence 142:2 series 21:1 serious 122:23 seriousness 88:25 122:1, 17 123:4 service 12:24 13:3, 9, 12, 18 15:2, 3, 12, 22 16:14 17:9 20:23, 24 22:12 26:23 37:24 44:7, 17, 19 45:6 49:9 52:15, 16, 17 53:9, 12, 13 55:3, 6 56:1, 7, 10, 12, 24 57:6 58:6, 22 64:24, 25 68:24, 25 70:14, 19 72:11 74:12, 23 75:12 76:17 77:1 81:1, 15 87:1, 6, 12, 25 88:7, 10, 22 89:3, 4 92:6, 10, 14, 19, 22 96:8, 17 98:20 99:1, 18 101:7, 10, 13 103:14 104:14, 20</p>
---	--	--	---	---

105:5 106:12 107:12, 13 108:3, 10, 12 109:9 110:8 113:24 115:4, 24 118:10 121:16, 17, 21 122:23 123:1, 4, 11, 13, 24 127:11, 15, 19, 21 138:15, 23, 24 140:5, 10, 16 141:9, 22, 24 146:2, 6, 10 147:6, 7, 15, 18, 21, 24 148:17, 19, 25 149:5, 7, 10, 11, 20 153:3 160:11 services 45:7 55:17 128:19 set 9:16 51:8 52:1 70:13 109:17, 19, 21 110:8, 18 111:8 162:6 setback 151:4 sets 109:23 110:10 setting 13:18 share 13:25 46:7 shared 5:2, 8 160:10 sharing 7:4 sheer 87:20 sheered 143:22 shift 26:6 135:23, 24 153:21, 23 shifted 33:25 151:3, 20 shifting 70:5 shifts 134:10 144:19 shop 71:25 76:21 107:15 108:21 111:5 142:22 143:7 short 6:8 76:5 77:9, 10 79:9, 10, 24 80:3, 7, 13 85:6 104:23 121:16 122:23 124:14	Shorthand 162:4, 13 short-term 142:3 show 6:14 33:1 135:6, 20 153:4 159:16 showed 154:5 showing 6:15 shut 7:25 54:8, 12, 20 92:17 119:1 shutdown 55:12 shutdowns 53:19, 21 54:19 sick 136:18 side 24:13, 16 25:15 57:1 81:23, 25 85:19 91:18, 24, 25 113:22 118:8, 22 130:25 156:21 sides 128:9 sight 108:19 signed 38:22 significance 107:22 significant 66:23 92:25 107:23 145:2 significantly 85:21 signs 153:12 siload 33:9 silos 33:7 115:5 similar 22:20 103:23 131:17 157:17 simply 50:1 115:21 124:13 single 62:25 63:1 64:11 109:21 sit 6:7 47:11 81:20 106:7 151:13 site 111:15 138:3 142:8, 10 sits 9:20 18:11 sitting 47:3 58:20 64:22 107:20 situation 44:10, 18, 23 45:3	49:6 51:13 75:12 123:10 140:4 situations 10:10 40:12 79:20 skills 72:5 101:24 131:16 skillset 69:25 78:18 101:8 128:23 slight 130:13 slightly 142:6 slough 109:2 148:21 slow 6:17 84:23 85:18, 20, 22, 24 slower 85:15 104:7 slowly 51:11 Small 123:12 smoother 146:4 SNC 8:8, 13 23:5 114:19 SNC-Lavalin 8:5 9:23 snow 118:24 social 156:20 soft 49:21 65:7 sole 59:20 134:4 solemn 4:11 solid 14:18 solutions 33:6 85:6 somebody 12:12 45:3, 19 124:10 133:18 142:8 154:11 somebody's 44:20 somewhat 35:23 83:24 107:22 118:4 120:20 122:3 142:23 soon 15:14 16:4, 5 Sorry 23:14 25:24 36:19 52:20 61:17 65:15 67:1 71:16 87:9 89:2 98:12 101:15 102:13	104:18 106:24 109:19 110:22 125:2 146:20 152:20 156:7 157:4 sort 22:22 29:6 32:19 33:24 49:5 66:13 68:4 89:16 90:15 94:23 115:8 142:2 143:22 145:19 sorts 98:3 sought 46:10 56:5 sound 47:20 131:13 133:19 141:8 sounds 32:8 43:2 46:17 96:5 133:13 sources 38:9 sourcing 98:5 speak 16:21 34:7 48:7 52:14 87:4, 8 96:1 98:7 103:8 111:9 145:7 speaking 74:9 92:21 116:6 speaks 37:3 specialist 131:2 specific 27:1 47:17 48:6 66:12 106:7 108:22 157:19 specifically 14:25 83:1 84:6 127:14 128:10 specification 141:21 specifications 135:2 speculate 15:8 speculating 80:5 speed 112:16 113:7 115:13 spell 105:19 spend 74:8 spent 9:13 spirit 59:23 split 130:8	spoke 61:7, 23 73:15 102:15 spoken 111:24 137:21 spring 150:12 152:1, 11, 12 springs 149:23 152:7, 9 spurts 78:5, 13 83:20 staff 11:23, 24 16:6 17:22 18:8 57:21 59:19 72:19 74:20 75:18 80:23 81:22 82:6, 10, 14, 16, 21, 25 83:1 105:8 112:8 113:12 119:14 122:16 126:19 127:1 129:8, 12 135:18, 19, 20 staffed 14:16 76:5 77:9, 10 79:9 80:13, 16, 20 81:5, 12 82:2 124:14 136:20 staffing 79:10 80:8 81:15 84:4 111:23, 25 112:14, 22 stage 12:20, 23 108:6, 15, 16, 19 stages 140:14 stakeholders 66:18 stand 39:2 54:15 stand-alone 137:24 stands 122:15 start 13:2 15:14, 15, 16 16:3 30:3 40:25 49:19, 21 65:4, 7, 20 68:24 69:15, 18 71:7 82:24 127:18, 21, 22 130:17 143:16, 25 144:4 145:25 158:6
--	---	--	---	--

started 4:8
7:11 16:7 30:9
61:2 64:24
71:2 95:7
115:4 126:15,
18 128:5, 21
144:14
starting 17:24
52:16 74:10
145:22 159:16
starts 13:9
15:13 139:11
144:21
state 56:7
117:5
statement
153:10
statements
135:3 162:9
station 37:5
39:17 99:15
135:20, 22
144:19, 22
stations 75:15
118:23
status 22:1
86:15
stay 27:1
stayed 63:6
steady 63:6
149:8
stenographically
162:11
step 12:6 79:1
123:25 124:6
stepped 12:18
112:2 113:5
Stepping 12:5
43:20
steps 13:19
16:23 32:15
56:23 66:12
67:10 69:3
77:24 80:7
82:23, 24 85:4
90:8 94:20
95:9 99:25
101:21, 23
113:8 123:24
125:18 139:5
140:7, 9
stipulate 83:8
stipulated 33:13
stipulates 34:9

stop 6:11 7:4
72:25 95:21, 22
strategic 75:15
strategy 146:1
stream 91:16
streamline
46:13, 19
131:22 132:8
streams 91:14
street 69:24
stringent 42:1
47:23
structure 130:13
stuck 100:16
studies 63:24
stuff 116:3
STV 146:24
sub 14:22
subcontract
33:19
subcontracted
8:20, 21 71:20
subcontractor
9:14
subcontractors
13:25 14:5
23:11 26:7, 18
55:2 71:20
76:18 134:8
subcontractor's
107:8
subcontracts
13:6 64:6
subject 24:3, 24
submit 40:22
42:10
submitted 7:2
subs 117:14
subsequent
54:7
success 132:13
133:1 155:23
158:5 159:2
successful
132:9, 22 133:8
159:19
sufficiency 31:8
sufficient 73:2
81:24
suggest 73:1
157:20
summarise
47:19
superintendent
7:17

supervisor 7:16
101:17
supervisors
27:9, 13 127:18
134:13
supplier 117:7
160:7
suppliers 85:1
supply 113:19,
22 115:1
116:21 117:15
support 122:11
130:11
supported 34:3
supposed 105:2
109:16 135:8
153:11
Symonds 162:3,
22
system 12:24
13:3 16:24
19:24 21:6, 19
22:2 28:3, 23
38:13 42:7
49:14 51:16, 24
52:4 53:14, 16,
21, 23 54:8, 10,
17 59:7, 10, 19,
23 60:11, 19, 25
62:6, 16 64:19
65:8, 9 66:10
68:16 74:15
75:7, 16, 20
76:9, 13, 25
84:22 88:18
91:19 92:16, 23
93:1 97:19
103:15 119:3, 9
150:10 151:13
153:14 155:13,
14, 18, 22, 25
156:16, 17
157:10
systems 65:10
88:14 93:19, 22
100:19 150:25
155:20 156:12

< T >
table 135:5
160:2, 8
takes 44:4
64:8, 15 108:5
139:9 142:9, 16

talk 34:25
60:10 101:19
106:25 126:19
137:25
talked 22:3
91:10 112:13,
17 116:5 118:5
119:21 127:16
144:9 147:12
155:21
talking 17:19
37:22 50:9
51:13 82:20
86:9 103:10
117:11 119:17
141:1
talks 18:12
tap 128:20
tapered 60:17
targets 83:22
team 4:7 9:11
15:15 143:7
technical 94:19
131:16 135:12
157:8
Technically
105:2 131:13
Technician 2:14
79:18, 19 95:17
100:10 123:15,
22 127:17
technicians
26:7 72:6 75:8
76:21 79:22, 25
80:3, 9 84:12
technician's
77:14
telephone 31:22
tenacious
125:17
tenacity 125:4
tend 5:16, 17
11:13 34:8
93:20
tendency 47:21
tends 40:3
151:14
term 85:6
105:10
terms 15:8
17:3, 11 28:5
38:4 41:8
49:22 50:9, 18
51:15 55:16, 25
57:16 65:22

67:9 68:23
75:19 85:18
91:12 92:5
97:17, 25
101:20 111:4
128:23 137:15
138:5, 9 142:17
145:22 146:1, 5
160:10
test 140:22
141:4, 8, 10, 11
tested 18:1
141:9
testing 18:6
51:16, 18, 24, 25
52:3 53:14
155:21
tests 155:17
Thales 57:1
Thanks 74:7
156:3
theirs 38:7
83:10
theory 33:22
34:2
thick 92:19
thing 35:23
44:10 60:25
89:16 90:16
95:17 101:15,
16 102:14
122:7 133:20
things 10:5
11:3, 16 13:13,
22 16:16, 17
17:15 18:13
20:4 24:16
25:15 28:7
34:11, 14 35:9,
22 45:14, 23
46:17 50:5
58:9, 14 60:12,
22 61:12 62:6
65:1 67:6, 12
71:22 81:20
84:8 85:15
86:3, 5 87:23
107:18 109:3
110:12 112:20
118:9 119:2, 15
121:12 122:4
123:12, 17, 19
126:4, 10, 21
127:13, 25
131:5, 22 132:3,

17, 19 134:12 137:3 143:19 145:22 146:9 148:11, 14 150:21 151:5, 6, 23 153:6 154:2 156:21 157:15 158:16 159:5 thinking 34:3 thinks 133:19 third 158:2 thorough 82:15 thought 76:1 78:2, 9, 14 94:25 103:4 121:4, 6 146:23 thousands 40:14 three-page 6:16 threw 142:9 thrice 43:2 ties 42:24 tightened 90:4 91:2 144:12 time 4:15 9:13 10:12 12:5 13:15 16:2 20:22 27:2 30:4 34:23 36:14 37:5 38:22 39:6 40:17 43:9, 11 44:9 45:24 46:18, 20 51:17 54:5 55:25 58:25 59:8 60:13 62:20, 24 66:10, 15, 17 67:18 70:19 71:11 74:8 78:23 85:17 86:4 96:13 97:13, 25 98:18 103:20, 25 104:2 109:21 113:4 121:3, 9, 24 123:12 129:19 133:9 138:8 140:3 144:13, 18 145:10 147:1 154:22 160:22 162:6, 7, 10 timeframe 81:6 timeliness 57:16	timely 24:21 88:3 92:13 134:20 135:1 times 10:13, 21 25:25 36:15, 17, 24 40:24 42:1 62:23 69:8, 14 76:6 92:2 108:12 121:2, 24 123:9 124:12 132:1 today 12:19 33:22 35:23 39:14 58:20 60:8 64:22 65:11, 20 66:6 107:20 116:3 126:9 128:25 136:19 141:11 149:11 154:15, 23 155:10 157:11 159:24 160:10, 23 today's 4:9, 10 told 35:5 39:14 49:7 60:22, 24 61:6 tone 67:25 tonight 28:21 tools 31:15, 21, 25 100:12, 24 101:5, 25 127:23 top 129:9 topic 83:4 137:24 Toronto 7:13 torque 89:22 152:23 torqued 89:14, 22 144:13 148:22 153:23, 24 torques 89:14 torquing 149:17 154:5 touch 74:3 143:8 touched 155:5 tougher 108:13 TRA 63:16, 20 64:2 91:5 92:4 145:16, 25 146:12, 23 tracing 118:22	track 54:4 103:24 104:5 107:12, 25 108:7, 8, 15 131:3 tracked 68:12 tracking 68:15, 16 tracks 144:23 trail 5:21 153:1, 9 train 38:12 57:24 79:1 95:14, 22 100:16 104:9 118:12 121:16 144:25 153:18 trained 13:5 14:18 70:4, 12 78:22 trainer 57:24 training 7:15 57:21 69:23 70:1 71:9, 10, 12 78:21 trains 55:16 56:1, 12 72:9 75:16 103:1 104:24 105:11, 23 109:20 123:14 149:1, 10 transcribed 4:18 transcript 4:19, 23 5:1, 7, 8, 11 117:10 162:13 transfer 108:5 transit 7:10, 12, 13 8:1, 4, 12, 16 9:2 17:5 75:7 125:13 146:16, 17 transparency 33:2 Transpo 57:5, 21 100:6, 12, 24 101:1 travels 144:25 treated 51:10 true 21:8 159:19 162:12 truly 160:14 trying 22:1 35:11 42:24 45:21, 22 46:1 53:4 64:10	69:12 84:3 107:1, 2 131:21 137:17 140:8 146:10 TSB 139:12 142:15, 24 143:10 TTC 7:15, 18, 19, 23 turn 56:16 104:7 117:24 154:13 160:15 turning 152:22 turns 139:2 twofold 51:23 81:12 82:7 type 18:13 25:6 41:23 42:4 72:5 88:14 122:13 125:22 127:20 128:24 types 37:16 127:25 131:5 typical 93:19 typically 19:17 48:11 69:21 70:2 75:8 89:23 99:14, 20 140:14 typographical 5:10 typos 5:7 < U > ultimately 9:25 11:8 12:25 17:1 55:23 56:2 70:18 80:18, 19 93:25 115:23 uncertainty 69:8, 13 70:6 138:16 uncommon 87:24 88:2 underestimated 22:13 23:25 underestimation 23:20, 21, 23 understand 9:7 13:24 20:21 21:23 22:1, 17 41:11 42:24 43:1 51:4 53:5	60:21 62:1 65:8 77:15, 20 78:9 79:10 97:22 98:17 99:9 100:14 102:16 107:25 109:8 111:7, 13, 18 118:19 122:1, 22 123:3, 18 125:17 129:1 133:10, 20 150:8 understanding 54:21 78:12 97:20 98:25 102:8 121:20 128:24 understood 77:6, 13 122:17 123:1 126:4 127:2 undertaking 96:10, 24 97:1 unexpected 135:6 Unfortunately 105:3 136:6 unheard 41:4 150:24 unique 47:9, 15 48:4 unrelated 149:4, 15 unusual 88:6, 11, 22 89:5, 7, 10, 15, 19 90:1 151:8 update 11:16 updated 58:9 90:14 updates 58:13 up-to-date 31:17 urgency 121:3, 12, 20 122:6, 15 < V > vacancies 136:7 validated 92:8 value 19:20, 22 65:16 Vancouver 23:5 156:18 varied 143:18 various 7:15 8:3 9:24 10:22
--	--	---	---	--

13:6 20:4 24:1 25:2 49:22 71:20 82:14 116:14 vary 143:18 varying 14:23 35:13 39:22 99:11 vehicle 7:22 24:12, 16 25:15 32:4 37:22 38:12 79:19 81:23 83:22 85:1 90:5 91:17, 24, 25 96:25 99:19 100:22 104:13, 22 123:23 131:2 139:3, 7, 8, 10 142:21 143:1, 6 144:21 145:3 vehicles 8:23 14:14 17:14 21:2 22:2 25:11 44:5 59:9 72:19 76:10 78:19 79:7, 20 81:3 85:2 86:16 88:16 92:6, 14 95:9 96:7, 15 97:4, 7 98:25 99:3 100:9 101:13 103:14 105:10 108:3, 8, 9, 25 109:11 131:2 140:4 141:8, 12, 19, 20, 22 146:9 147:15, 21 148:25 155:14, 18 verified 92:12 verify 153:14 versus 78:1 vice 8:6, 13 Videoconferenci ng 1:14 view 31:7 33:9 39:7 63:14 64:24 76:8 77:12, 19 80:12 81:21 89:7, 19	90:2 92:24 123:3 views 49:12 64:22 Virtual 2:14 virtually 76:10 virtue 52:23 vis-à-vie 114:13 visibility 32:22 visible 33:1 visualise 95:11 visually 143:20 voice 131:11 voiced 113:23 volume 61:19 < W > wait 66:25 107:2 waiting 100:10 walk 121:17 142:1 wanted 132:22 148:11, 12 155:3, 8 warrantied 144:4 warranty 72:21 79:18, 21, 25 80:3, 9 116:10, 20, 25 119:6 Waterloo 156:17 ways 35:15, 20 51:6 122:7 126:21 130:14 160:5 wearing 135:3 website 4:24 week 36:16, 17, 24 92:2 97:21 145:24 weekdays 36:19 weekends 36:19 134:10 weekly 30:15, 18 35:8 43:2 weeks 141:15 whatnot 54:10 126:21 128:8 130:12 wheel 111:12 147:17 wheels 34:18 85:17, 24 93:12, 13, 16 96:3, 9,	10, 12, 18, 21, 25 97:13, 18, 21, 23 98:4, 5, 9, 16, 18, 19 99:4 112:17 147:12, 13, 14, 19, 23 148:3 widely 65:10 win 15:14 winter 151:15 wire 119:1 wish 74:3 witness 5:13, 16, 19 155:3 162:7 wonderful 35:18 116:2 wondering 156:10 won't 99:15, 19 126:12 word 21:25 41:12 134:22 146:11 words 73:18 143:21 work 9:5 13:1, 7, 18 14:1, 3, 6 15:1, 13 16:17 17:23 21:19 22:9 23:15, 19 25:18 28:12, 21, 24, 25 29:1, 3 30:12 33:6, 10 38:1, 16, 18 39:19, 20 40:4, 13, 15 41:17, 21, 24, 25 42:4, 6, 7, 9, 12, 13 44:16 45:21, 22 47:12 54:4 55:22 57:5 58:4 61:2, 3, 20 62:2, 4 63:1 64:12 70:20 71:2, 16, 19, 24, 25 72:22 74:9, 24 80:25 81:5, 19 84:11, 12, 13, 14, 17 85:12 86:2 87:22 88:25 92:16, 17 93:14 96:2, 6 97:14 105:5 106:22 108:16 109:11, 13 111:2, 4, 14,	19 112:10 113:7 114:14 116:22 119:20, 22 123:25 127:14 128:5 130:8 131:3 132:2 133:23 134:5, 15, 19, 25 135:2, 15, 16, 17 136:19 145:6 147:2 153:10, 13 154:4 157:21 159:18 worked 7:14, 20 17:5 35:20 51:6 100:6, 11 127:11 153:3 160:9 working 13:14 15:11 44:6 45:4 66:10 75:19 94:15 114:8 118:8, 23 120:13 127:24 133:14 135:4 145:25 146:7 156:12 160:4 workmanship 89:10 90:1, 21, 25 workplace 121:11 126:24 works 95:12 work's 153:15 world 9:5 worried 145:11 worse 96:5 worthy 40:23 written 10:19 wrong 59:21 60:12, 23, 25 < Y > yard 72:7, 9 101:18 102:21 103:2, 5, 7 104:3, 10, 25 105:2, 7, 13, 24 106:8 yards 72:12 103:19 yard's 106:3 Yeah 9:4 12:14 13:21 15:4, 21 18:9 20:18	24:12 27:15 50:10, 25 51:3, 14, 23 52:7, 8 53:17 55:23 58:23 62:13 66:11, 14 68:9 69:5 71:14 77:16 79:12 84:5, 25 85:10, 14 89:4, 8 93:21 94:2 95:19 97:5, 8 102:4, 6 106:16 107:17 112:12 113:11 125:11, 21 126:21 137:8 142:5 145:4, 9 151:12 152:6 155:11 156:9, 15 157:22 158:21 year 41:7 54:8, 13 104:18 106:17 years 7:21 8:9, 10 12:10 24:8 33:4 34:1 65:12 66:4, 7 88:4 129:22 157:4 Year's 93:8 York 7:20 < Z > Zoom 1:14
--	--	---	---	---