## **Ottawa Light Rail Commission**

Meeting No. 1 on Wednesday, March 30, 2022



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6	OTTAWA LIGHT RAIL COMMISSION
7	MEETING NO. 1: TRANSPORTATION ACTION
8	CANADA – DAVID JEANES
9	MARCH 30, 2022
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15	Held via Zoom Videoconferencing, with all
16	participants attending remotely, on the 30th day of
17	March, 2022, 9:00 a.m. to 11:05 a.m.
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    COMMISSION COUNSEL:
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    Kate McGrann, Co-Lead Counsel Member
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    Anthony Imbesi, Litigation Counsel Member
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    PARTICIPANT:
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    Transportation Action Canada:
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    David Jeanes
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13
    ALSO PRESENT:
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15
    Judith Caputo, Stenographer/Transcriptionist
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    Gabriel Lavoie, Virtual Technician
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1	INDEX OF EXHIBITS
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3	NUMBER/DESCRIPTION PAGE NO.
4	
5	1: E-mail dated March 29, 2022 8
6	and attached Curriculum Vitae of David Jeanes.
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11	* * The following is a list of documents undertaken
12	to be produced or other items to be followed up $\ast$ $\star$
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14	INDEX OF UNDERTAKINGS
15	
16	The documents to be produced are noted by $U/T$ and
17	appear on the following pages: 10:3, 14:4, 30:2
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1	Upon commencing at 9:05 a.m.
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3	KATE McGRANN: Good morning,
4	Mr. Jeanes. Thanks for joining us today.
5	By way of introductions, my name is
6	Kate McGrann. I am one of the two co-lead counsel
7	for the Ottawa Light Rail Transit Public Inquiry.
8	I'm joined by Anthony Imbesi, who is a member of
9	our counsel team. And then Judith Caputo, who you
10	met before we started the transcript, is here
11	transcribing the interview.
12	So before we turn to some of the
13	questions we want to discuss with you, I just want
14	to share some information with you about today's
15	interview.
16	The purpose of today's interview is to
17	obtain your evidence under oath or solemn
18	declaration for use of the Commission's Public
19	Hearings.
20	This will be a collaborative interview
21	such that Mr. Imbesi, who is joining me from the
22	counsel team, may intervene to ask certain
23	questions as well.
24	If time permits, if you have anything
25	you want to share at the end of the interview that

1 comes out of our questions or otherwise, you're 2 welcome to share. 3 As we discussed before we started the 4 transcription, this interview is being transcribed. 5 The Commission intends to enter this transcript 6 into evidence at the Commission's Public Hearings 7 either at the hearings or by way of procedural 8 order before the hearings commence. 9 The transcript will be posted to the 10 Commission's public website, along with any 11 corrections made to it after it is entered into 12 evidence. 13 The transcript, along with any 14 corrections later made to it, will be shared with 15 the Commission's participants and their counsel on 16 a confidential basis before it's entered into 17 evidence. 18 You will be given the opportunity to 19 review your transcript and correct any typos or 20 other errors before the transcript is shared with 21 the participants or entered into evidence. Anv 22 non-typographical corrections you request will be 23 appended to the transcript. 24 And finally, pursuant to Section 33 (6) 25 of the Public Inquiries Act 2009: A witness at an

1	inquiry shall be deemed to have objected to answer
2	any question asked him or her on the ground that
3	his or her answer may tend to incriminate the
4	witness, or may tend to establish his or his
5	liability to civil proceedings at the instance of
6	the Crown or of any person, and no answer given by
7	a witness of an inquiry shall be used or be
8	receivable in evidence against him or her in any
9	trial or other proceedings against him or her
10	thereafter taking place, other than a prosecution
11	for perjury, in giving such evidence.
12	As required by Section 33 (7) of that
13	act, you are hereby advised that you have the right
14	to object to answer any question under Section 5 of
15	the Canada Evidence Act.
16	Do you have any questions about any of
17	that commission?
18	DAVID JEANES: No, I think that's
19	straightforward. This morning I'm not necessarily
20	in a position to provide you with exact dates if
21	I'm referring to occurrences. I have dates of the
22	most significant occurrences that I will probably
23	be talking about.
24	And similarly, if there are documents,
25	supporting documents, that are required, I would

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1	have to follow up in supplying those to you if
2	they're documents you don't have already.
3	KATE McGRANN: Okay, that's just fine.
4	We'll have the transcript that we can refer to that
5	will help us follow along if there are any
6	documents that you mention that you'd like to go
7	look at and later come back to.
8	ANTHONY IMBESI: If I may, before we
9	begin, I was not certain that the witness was
10	affirmed.
11	MS. MC GRANN: No.
12	DAVID JEANES: Okay.
13	DAVID JEANES: AFFIRMED.
14	KATE McGRANN: I'm going to start off
15	by testing myself and trying to share my screen for
16	a second here.
17	Mr. Jeanes, what I am going to try and
18	show you, and see if it works, is a copy of an
19	e-mail that you sent to me yesterday in response to
20	my request for a CV.
21	Are you looking at a copy of the e-mail
22	that you sent to me?
23	DAVID JEANES: I am, yes, there is a
24	typo in this I didn't spot before I sent it to you.
25	I had to tailor it somewhat to the

1 information that I thought you needed to have. 2 KATE McGRANN: That's understandable; 3 this isn't a spelling or grammar test. I didn't 4 notice the typo when I read it. You can point it 5 out to us if you want. 6 DAVID JEANES: It's in the "Awards and 7 Recognitions" section. There's a list of three 8 items which are repeated there, and it's the second 9 occurrence which is the correct one. 10 KATE McGRANN: Okay. 11 But I can certainly send DAVID JEANES: 12 you an update on that. Okay, go ahead. 13 We'll enter this KATE McGRANN: 14 transcript into evidence so that it becomes an 15 exhibit, I quess it would be Exhibit 1 to your 16 transcript. 17 EXHIBIT NO. 1: E-mail dated March 29, 18 2022 and attached Curriculum Vitae of 19 David Jeanes. 20 KATE McGRANN: I wanted to ask you a 21 couple of questions about some of the information listed here. First of all, with respect to 22 23 publications, you've noted that -- many 24 international conference papers and journal 25 articles.

1 My question for you is, were any of those papers or articles relevant to the issues 2 3 that you see with the Commission's mandate in 4 relation to the Ottawa LRT Stage 1 Project. 5 DAVID JEANES: I think probably not. б The majority of the international conferences were 7 telecommunications related, and certainly not 8 specific to the railway or transit industry. 9 Although I've written many newspaper 10 articles and articles for Transport Action's own 11 newsletter on rail-related matters, I don't believe 12 any of those are specifically relevant to this 13 inquiry. 14 Okay, and I think you've KATE McGRANN: 15 answered my next question, which was: You note 16 here you were previously editor of Transport 17 Action's newsletter. Anything written in that 18 newsletter related to the Ottawa LRT Stage 1 19 project? 20 DAVID JEANES: Not at the time I was 21 editor, because it was an earlier period. 22 Transport Action has a current monthly electronic 23 newsletter, and there have certainly been a number 24 of articles written by various people in that 25 newsletter that relate to Ottawa LRT.

1 I can certainly provide those if they 2 are required. 3 U/T KATE McGRANN: That would be very 4 helpful. So that will be our first follow up 5 question for you, and we will follow up with you 6 via e-mail with a list of these. 7 But if you could provide us with any 8 editions of the Transport Action Canada newsletter 9 with articles that touch on Stage 1 of the Ottawa 10 LRT that are relevant to the Commission's terms of 11 reference, that would be appreciated. 12 DAVID JEANES: Okay. 13 KATE McGRANN: Similarly, under the 14 heading "Transportation Advocacy", you've noted 15 here: Research and briefs to multiple Federal and 16 Provincial inquiries on transcontinental passenger 17 trains, high speed rail, railway policy, rail 18 safety, etcetera. 19 What was the nature of the research and 20 briefs that you reference here in your CV? 21 DAVID JEANES: Well, it was 22 particularly -- as you may be aware, there have 23 been a number of studies over the decades into the 24 potential for high speed rail in Canada. 25 And there were, for example, hearings

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1	conducted by the jointly by the Province of
2	Ontario and Province of Québec in a Rapid Train
3	Task Force.
4	I wrote briefs there addressing how
5	other countries had approached migration to high
6	speed rail, and how those, how those approaches
7	might be applicable to Canada.
8	Similarly with transcontinental rail,
9	those were hearings of the, initially the Canadian
10	Transportation Commission, which is today the
11	Canadian Transportation Agency. Plus various other
12	hearings, I appeared before senate committees, for
13	example, when rail policy was being discussed.
14	Most of those briefs were verbal, but I
15	did do a variety of presentations and papers,
16	either in PowerPoint form or as written reports.
17	KATE McGRANN: Okay. And I will come
18	to the specific information that you provide about
19	your involvement with the Ottawa LRT for a second.
20	But with respect to the transportation advocacy
21	otherwise, has any of that work related to light
22	rail transit?
23	DAVID JEANES: Well, yes, it certainly
24	has. I've been involved as, on behalf of Transport
25	Action, as a member of the public and as a member
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1	of various consultation groups for the past
2	25 years in terms of specific inquiries, planning
3	activities, environmental assessments etcetera,
4	that relate to light rail.
5	So those are all on the record. In
6	most cases I was appointed by the City of Ottawa to
7	be a member of various advisory committees. And in
8	two specific cases, they were appointments that had
9	to be directly approved by council, because they
10	were quite significant membership, for example, in
11	the Steering Committee for the Light Rail Pilot
12	Project in 1998, and the Advisory Committee for the
13	Rapid Transit Expansion Study in 2003.
14	Because in that case, I was one of only
15	two public members appointed to sit on those
16	committees.
17	KATE McGRANN: And so let me come to
18	your work on the Ottawa Light Rail Transit and
19	steps that preceded Stage 1, so planning and things
20	like that.
21	Other than in Ottawa, have you done any
22	work with respect to light rail transit?
23	DAVID JEANES: Mostly the point of view
24	of visiting and observing other light rail systems.
25	During the initial planning for Ottawa light rail,
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1	I visited light rail systems in Britain, in Europe,
2	in different parts of the United States.
3	And the existing rail transit systems,
4	which at the time were either subway or streetcar,
5	or in case of Vancouver, sky train type of
6	operations.
7	So I visited those, I was involved in
8	organizing presentations by experts from those
9	systems, to Transport Action. You know, we had
10	meetings which featured the chief planners from the
11	LRT in Calgary, the Toronto Transit Commission and
12	so on, where we had interaction and I was closely
13	involved with the experts and senior managers of
14	those systems.
15	Also the visits included visiting
16	control centres for LRT systems, maintenance
17	facilities for LRT systems, again, in different
18	cities.
19	And I could make a list enumerating
20	those. In terms of was I involved in the planning
21	of any of those systems? No, I did not submit any
22	submissions with respect to planning transit in
23	other cities.
24	KATE McGRANN: Okay. If you could make
25	a list for us of those activities, including the

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1	expert meetings, the visits that you discussed and
2	the other work there along with dates as best you
3	can, we'll ask you to do that as well.
4	U/T DAVID JEANES: Okay, sure.
5	KATE McGRANN: And then turning to the
6	entry on your CV titled "Ottawa LRT".
7	DAVID JEANES: Yes.
8	KATE McGRANN: You've listed here a
9	number of different activities, and I wonder if you
10	would just walk us through these and provide us
11	with a bit more detail about what your involvement
12	looked like, the nature of the issues that you were
13	speaking to, and any output that came from that,
14	inputted reports, submissions, letters and things
15	like that.
16	DAVID JEANES: Okay. So I've been
17	involved in transit planning already for nearly two
18	decades, particularly as an employee of Bell
19	Northern Research and Nortel, but that was
20	primarily working with OC Transpo, including
21	numerous meetings between Nortel and OC Transpo
22	senior management on bus service improvements for
23	Nortel.
24	But my first public activity
25	specifically related to light rail was in 1997,

1 when the Transportation Master Plan came forward 2 for approval before the Transportation Committee of 3 what was then the regional council. 4 And I and several other colleagues from 5 Transport Action spoke at that meeting. We gave a 6 coordinated presentation on the benefits of light 7 rail for Ottawa. 8 This was building on one of the reports 9 that had been prepared by consultants as part of 10 the preliminary studies for the 1997 Transportation 11 Master Plan and we actually were instrumental in 12 convincing the Transportation Committee to vote in 13 favour of a light rail pilot project. 14 That was actually -- at the time it was 15 strongly opposed by cities, staff and by 16 OC Transpo, but the Transportation Committee 17 overruled. 18 That was subsequently a key topic in an 19 election. And Bob Chiarelli became the regional 20 chair for the regional municipality as a result of 21 that election on -- in part, a light rail platform. And the commitment to light rail was part of his 22 23 acceptance speech after that election. 24 Following that, I, in collaboration 25 with city staff, planned a workshop in early 1998,

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1	which was the very first public meeting to show the
2	public what light rail was all about and how it
3	might apply to Ottawa.
4	That workshop was held at one of the
5	City of Ottawa community centres, the Jim Durrell
6	Centre, and was very well attended. I and other
7	colleagues, and although it was organized by the
8	region municipality, a lot of the content was
9	provided by us, by Transport Action. And I and
10	others presented, and we mounted displays there
11	again, showing light rail technology from around
12	the world.
13	It was partly as a result of that that
14	I was appointed by the regional council to be 1 of
15	4 advisory members of the Steering Committee to
16	implement the light rail pilot project. Two of
17	those members were city councillors; two of the
18	members were members of the public who had been
19	involved in advocacy for light rail.
20	And those appointments were actually a
21	requirement from the from city council, that
22	there be external participants in the Steering
23	Committee for the project, that it not be limited
24	to city staff and consultants.
25	So I then participated for nearly two

1 years in regular meetings. They were half-day 2 meetings every two weeks basically of that Steering 3 Committee, dealing with all aspects of planning the 4 light rail pilot project, including the 5 participation in those meetings of the consultants, б who were KPMG, and the rail consultant IBI, and the 7 representatives of the different departments that were involved. 8

And also representatives of CP Rail,
because the pilot project was being implemented in
their corridor. So that was a significant thing.
I won't go into more detail on that right now
because obviously that was quite a while ago.

<sup>14</sup> Subsequent to that, as I mentioned, I
<sup>15</sup> also received a similar type of appointment from
<sup>16</sup> what was then Ottawa City Council because there had
<sup>17</sup> been amalgamation of the different municipalities
<sup>18</sup> into the larger City of Ottawa.

And I was appointed to be -- again, 1 of 4 public representatives on the Advisory Committee for a very large transit study which was conducted by the City of Ottawa, the Rapid Transit Expansion Study, which was conducted as a separate activity from the 2003 Transportation Master Plan. So basically the Transportation Master

1 Plan was done without a rail component to it, and a 2 parallel study addressed the rail strategy, which 3 was basically how we would build on the pilot 4 project going forward. 5 That study led to further studies which б were, which I followed but in which I did not 7 participate personally, such as the identification 8 of the priority project as the north-south 9 corridor, with a secondary possible project being 10 the east-west rail corridor, which ran to the 11 south. 12 It wasn't the present Confederation 13 line route. It was an existing rail corridor that 14 ran in the southern part of the City. 15 But I did follow that closely and was 16 involved, again, as a member of various environmental 17 assessment public advisory committees. 18 There was one environmental assessment 19 done on the north-south line, which led to the 2006 20 North-South Light Rail Project, where contracts 21 were actually awarded for constructing the --22 basically electrifying, modernizing the north-south 23 diesel light rail service from the pilot project 24 and extending it through the downtown. 25 So I participated in that environmental

1	assessment. I also participated in the parallel
2	environmental assessment for the other line, the
3	east-west line.
4	That project at an advanced stage, as
5	you're probably aware, was cancelled subsequent to
6	a municipal election, and I can go in to the
7	details of that later. But at the moment I'm
8	really just concentrating on my personal
9	involvement.
10	I will mention that during this whole
11	period, Transport Action had a lot of involvement
12	directly with different players in the rail
13	industry.
14	Whether VIA Rail, Canadian Pacific,
15	railway suppliers. We participated actively in the
16	Railway Association of Canada, which brings
17	together operating railways and railway suppliers.
18	Attended many conferences.
19	Were involved in joint activities such
20	as the Railway Association of Canada's Rail Days on
21	Parliament Hill, where the representatives of the
22	railway industry met with members of Parliament to
23	brief them on the current progress in the rail
24	industry.
25	So I and others of my colleagues

1 actually participated jointly with other 2 representatives of the rail industry in those kinds 3 of meetings. 4 So that was all happening in the 5 background. And, in that context, we actually had 6 quite good relations with various rail suppliers 7 that had been on the north-south light rail 8 project. And that included companies like 9 Bombardier and Siemens. Siemens was the company 10 that eventually won the vehicle contract. 11 In any case, after that project was 12 cancelled, and there are obviously a lot of 13 complicated politics around that, the subsequent 14 activity was in 2007, which was the formation of a 15 task force under Mayor Larry O'Brien that was 16 chaired by the former Transport Minister David 17 Collenette. 18 And that was take to a comprehensive 19 look into the future of rail transit for Ottawa. 20 That study was conducted by a panel, a 21 number of people on the panel where they came from 22 different sectors, one from the taxi industry, one 23 from Transport Action, as it happened, not me, and 24 also other people. 25 I think, in any case, during the

1 deliberations of that task force, I did submit a 2 brief to them, and I met with them on two occasions 3 to provide input, suggestions, perspective. 4 That study led to the recommendation of 5 a downtown tunnel, and that study is available, б slightly different from what the Confederation line 7 evolved to. 8 Because it was proposing a tunnel that 9 would be similar to transit systems that had been 10 constructed in European cities such as Munich and 11 Frankfurt, which were essentially heavy rail 12 tunnels that would allow existing surface rail 13 lines to actually feed into the city centre. 14 What that proposal recommended was more 15 like something like the GO Transit network in 16 Toronto, based on existing rail lines or rail 17 corridors in the Ottawa area that would have all 18 come together in a tunnel under downtown. 19 So although it was the genesis of the 20 rail tunnel concept, it wasn't what was actually 21 built. But I was not a member of that task force, 22 I only provided input to it through submission and 23 through meetings. 24 Subsequent to that, the actual planning 25 for the downtown transit tunnel included an

1 environmental assessment, and I was a member of one 2 of the advisory committees, public advisory 3 committees for that assessment. 4 Each of these EAs had generally 5 multiple advisory committees. One representing 6 public community associations etcetera, one 7 representing business associations, and one 8 representing people with professional involvement 9 in transportation planning. 10 I participated for a while in the 11 public ones, but then by agreement with the City of 12 Ottawa I transitioned to be a member of the -- what 13 they call the agency consultation groups, which 14 included representatives from organizations like 15 Hydro Ottawa, Rideau Valley Conservation Authority, 16 OC Transpo, different government agencies, National 17 Capital Commission, etcetera. 18 And I have continued since then to 19 participate in multiple environmental assessments 20 on transportation planning as a member of those 21 agency consultation groups, rather than as a member 22 of the public consultation group. 23 I'm going on. Interrupt me if you want 24 to ask me any questions as I --25 KATE McGRANN: I have one question and

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1	it's with respect to the 2007 task force that you
2	told us about, where you said that you weren't on
3	the task force but you submitted a brief, and I
4	believe made some submissions.
5	What was the topic of the brief that
6	you submitted?
7	DAVID JEANES: It was actually a
8	proposal for a light rail tunnel light rail, in
9	fact, rather than heavy rail underneath Queen
10	Street.
11	So very similar to what actually got
12	built except that it was based more on what
13	Vancouver was doing on Granville Street in
14	Vancouver, which was building light rail only a
15	short distance below the surface rather than a deep
16	tunnel.
17	And so there were I mean, there were
18	other examples, but basically what I provided was
19	an outline of what a light rail service under Queen
20	Street could look like.
21	And the task force did not adopt what I
22	submitted, at least not exactly, because, as I
23	said, they went for more of what I would classify
24	as a heavy rail tunnel than light rail.
25	KATE McGRANN: Okay. And I recognize

1 that this question may not be possible, but if 2 possible, could you briefly summarize for us the 3 benefits of the shallow, I'll call it, light rail tunnel that you were proposing in that brief. 4 5 Well, the advantage of DAVID JEANES: 6 it is that you don't have the requirement for such 7 deep elevators and escalators. People movement is 8 easier. It was partly based on a concept which I 9 had observed working very effectively in Tokyo, 10 where, under the Ginza, there is a sequence of 11 subway stations with a mezzanine above. 12 The mezzanine is essentially a walking 13 roof that parallels the entire subway line. So 14 that basically what happens is every station you 15 get on or off at, you can actually walk from there 16 to the next station and therefore exit at any block 17 along the Ginza. 18 You don't end up with everybody pouring 19 out of one set of stairs at one intersection and 20 then nothing for the next half kilometre. 21 So the Ginza one was kind of extreme. 22 But what I was looking at was the possibility in 23 Ottawa of having something like that, either linked 24 into the existing buildings on the south side of 25 Queen Street, which had internal pedestrian

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1	malls, there were quite a number.
2	So that basically you would have a sort
3	of a continuous indoor pedestrian walking route all
4	the way from Elgin Street essentially to Lyon
5	Street, taking advantage of existing buildings.
6	Because there were many buildings
7	particularly on the south side, the World Exchange
8	Plaza, the Place de Ville and various other
9	buildings that could have been integrated.
10	And at the same time, the stations
11	would typically be at intersections. So that, as
12	is quite common in Toronto or in Edmonton, when you
13	get off at a station you can actually choose which
14	corner of the intersection you wish to exit at,
15	which minimizes the requirement for pedestrians to
16	be crossing the street in large numbers.
17	And those ideas were not adopted in the
18	system that has been built. In general, you know,
19	even where there were multiple exits from a
20	station, they didn't have any downtown stations
21	where all four corners were provided some access to
22	the underground.
23	I've strayed a little bit away from the
24	question, but there were other issues which
25	obviously I wasn't dealing with directly which were

1	things like the buried utilities, which proved to
2	be a rather massive problem in the construction of
3	the LRT.
4	And that's primarily because in Ottawa,
5	most of those buried utilities were very old, and
6	many of them life-expired anyway. And so it was
7	kind of a complex situation, and some of what I
8	proposed might have been difficult to achieve, but
9	in retrospect probably not more difficult than the
10	amount of work they eventually had to do anyway,
11	basically rebuilding most of that infrastructure.
12	During the project, Queen Street
13	although they were digging a deep tunnel, Queen
14	Street was actually closed for many, many months
15	during that project, during the project.
16	KATE McGRANN: Now, I took you away
17	from what you had been discussing and I'll take you
18	back there, which was your involvement in Ottawa
19	LRTC.
20	You had been speaking, before I asked
21	you that specific question, I think, about your
22	involvement in public consultation and agency
23	consultation, subsequently groups going forward.
24	Was there anything else you wanted to
25	add about your work in that respect?

1	DAVID JEANES: Well, I haven't listed
2	all of them, and it would take a bit of work for me
3	to go back and review all of them. But obviously
4	the principal one was the downtown transit tunnel
5	environmental assessment. So I participated in
6	that throughout.
7	But there have been many other
8	environmental assessments that were related and
9	that did potentially include rail components.
10	KATE McGRANN: Okay.
11	DAVID JEANES: For example, for Stage 2
12	and Stage 3 there were other environmental
13	assessments extending the plan out to Moody Drive
14	in Stage 2, for example, and Baseline Road. And
15	then extending out to Stittsville, basically in
16	Stage 3.
17	And so I participated as well on an
18	advisory basis in those environmental assessment
19	agency consultation groups.
20	And then other ones which were partly
21	rail-related, going south, south-west transit way
22	extension into Barrhaven and the environmental
23	assessments eventually looking at conversion of
24	that to light rail.
25	The most recent one has involved

1 extending light rail south from the Baseline 2 Station down into Barrhaven, with new grade 3 crossings of the VIA Rail line, Fallowfield Road, 4 etcetera. And so I participated in that. 5 Similarly, there were other specific б environmental assessments for the hospital corridor 7 in the east end of Ottawa, which was originally 8 considered as a potential light rail route, and the 9 southeast transit way extension, which was looked 10 at both as bus and rail, but was eventually decided 11 to remain as a bus transit way project. And that's 12 the one that roughly follows Innes Road in the east 13 end.

14 As I said, I haven't covered every 15 single one because there have been many, many of 16 And some I've only monitored. I've been them. 17 invited to be on an agency consultation group, but 18 particularly if there wasn't a rail component to 19 it, I didn't necessarily participate. But I 20 generally remained on the distribution list for 21 these activities.

KATE McGRANN: I'm going to stop
 sharing my screen now or try to at least, okay.
 So thank you for sharing all of that

<sup>25</sup> information, I'm going to turn now to some

1 questions about Transport Action Canada. 2 I have some questions about its 3 structure and its membership. So who are the 4 current board members of the group? 5 DAVID JEANES: The Board currently --6 do you want to give you actual names right now? 7 The Board is composed of members from across 8 Transport Action, I should say, is a Canada. 9 registered charity, and it is a Canadian 10 not-for-profit corporation. It was founded in 11 1976, and it has been a registered charity for 12 almost all that time. 13 It's governed by a Board of Directors. 14 Currently the Board of Directors has 12 people on 15 it. Two are from Nova Scotia, one is from New 16 Brunswick, one is from Québec, three are from 17 Ontario, one is from Manitoba, and one is from BC. 18 And hang on just a second. Sorry, two are from BC. 19 Do you need me to give you the names? 20 The names are on the record. They're available 21 both from Canada Revenue Agency's website and from 22 Corporations Canada's website, and I can give you 23 that full list. 24 If you can give us the KATE McGRANN: 25 full list after the interview, that would be just

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1 great. 2 U/T DAVID JEANES: If you wish, I could 3 give you the names right now. 4 KATE McGRANN: No that's okay, you can 5 provide it afterwards. 6 So it's governed by a Board of 7 Directors, and then are there members of the Board 8 as well? 9 Yes, the Board of DAVID JEANES: 10 Directors is elected by the membership at an Annual 11 General Meeting. And the membership is members 12 across the country currently, approximately, 235 13 members across the country. 14 And the membership numbers tend to 15 fluctuate. They tend to be higher when it's an 16 issues-oriented organization and membership tends 17 to increase when there is a particularly a national 18 issue. 19 Transportation Action Canada is 20 affiliated with regional organizations in different 21 parts of the country. So there's a regional 22 organization that's an affiliate in Atlantic 23 Canada, in Québec, and in British Colombia and in 24 Ontario. 25 And each of those regional

1 organizations is separately incorporated, either as 2 a provincially regulated association or as a 3 not-for-profit corporation. 4 KATE McGRANN: To your knowledge, is 5 the Ontario related regional organization engaged б at all with the Ottawa Stage 1 Light Rail Transit 7 Project. 8 Well, they are, because DAVID JEANES: 9 I actually do sit on the Board of Transport Action 10 Ontario as well. And a lot of the activity of 11 Transport Action Ontario has been focused on the 12 Greater Toronto, Hamilton area, southwestern 13 Ontario. Also there are active groups in different 14 parts of Northern Ontario. 15 So the organization has a number of 16 focused areas, and Ottawa is certainly one of them. 17 KATE McGRANN: Can you just describe to 18 me generally, how Transport Action Canada and 19 Transport Action Ontario go about the work that 20 they have done on Ottawa Stage 1 LRT? 21 DAVID JEANES: Yes. Going back to the 22 first activity that I mentioned since 1997, we have 23 generally, through multiple people living in the 24 Ottawa area or with an interest in the Ottawa area, 25 produced submissions to meetings of the city's

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1 Transit Commission, or Transportation Committee. 2 Transportation Committee deals mainly 3 with infrastructure matters; the Transit Commission 4 deals mainly with operational matters. 5 And we have been there, not just me, 6 though I have presented many times at those 7 meetings, and those generally are five-minute oral 8 presentations. Sometimes accompanied by a written 9 brief or PowerPoint presentation. And quite a few 10 of our local members have made such presentations 11 from time to time. 12 We've also interacted with the media, 13 media interviews, OpEd articles and so on, related 14 to transit. 15 And then also, from time to time, 16 specific meetings with city bureaucrats. 17 For a period during the planning, the 18 North-South Light Rail Project, the one which was 19 cancelled and the subsequent planning for the 20 downtown transit tunnel, I used to meet every two 21 weeks with the general manager of planning for the 22 City of Ottawa, just to go over issues and 23 concerns. 24 And I've had many, many meetings with

<sup>25</sup> members of city staff in the planning department

1 over the years. 2 And those meetings have often involved 3 other local members of Transport Action. I should 4 say the way Transport Action Canada works, most of 5 our members are actually members of both the 6 regional association and the national organization. 7 KATE McGRANN: Okav. And how do your 8 members organize the work that they have done with 9 respect to Stage 1 of the Ottawa Light Rail 10 Transit? 11 I'll give you an example of what I 12 For example, was a committee struck, are mean. 13 working groups organized? How do you go about 14 doing the work that you do? 15 DAVID JEANES: Yeah, so we have, from 16 time to time, had specific subworking groups. We 17 put together a proposal back in 2006 for a 18 significant change that we proposed to the 19 North-South Light Rail Project. 20 And that involved four of our members, 21 essentially working as a committee and producing 22 the brief, which was then subsequently released to 23 the media and actually had a significant citywide 24 impact in the run up to the 2006 election. 25 Our local members with an interest in

1 transit meet regularly. We do, in fact, have a 2 weekly Zoom meeting where we go over these issues 3 and what we're working on. 4 In between those meetings we generally 5 work by e-mail exchange when we're collaborating on 6 preparing briefs or submissions or articles. 7 KATE McGRANN: Okay. The focus of the 8 Commission, as you know, is the commercial and 9 technical circumstances that led to the breakdowns 10 and derailments on the Stage 1 project. 11 You mentioned a minute ago attending 12 meetings with both city staff and others. Would 13 any of those meetings have touched on topics that 14 are relevant to the Commission? 15 I would say yes. DAVID JEANES: One of 16 the most important ones was the technology forum 17 which was held in June of 2009, and I think in one 18 of my previous communications with you I had the 19 wrong year for that; I said 2007. 20 But that was an event organized by the 21 City of Ottawa in preparation for the decision to 22 go with light rail as their technology. 23 And it was a fairly large scale 24 conference which was held for an invited audience, 25 but with representatives from transit systems

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1	across the country, including Toronto Transit
2	Commission and Calgary Transit and so on.
3	A number of presentations were given;
4	city staff were there and other invited
5	stakeholders, including myself, were there. That
6	was then followed up with an abbreviated public
7	presentation where the public didn't get to hear
8	all of the presentations that had been given by the
9	experts from other cities, but they basically got a
10	summary version presented by OC Transpo and by the
11	City's transportation planners.
12	But that forum was very significant,
13	because it really was dealing with the question of
14	what kind of rail transit system Ottawa should
15	have?
16	Should it be a subway or a metro?
17	Should it be a light rail and some aspects, how the
18	stations should be designed, how it should be
19	operated, a whole number of things like that.
20	And there was various advice given that
21	came from the other cities about things to avoid,
22	such as underbuilding the system at the beginning,
23	designing platforms that were too short, having
24	systems that were not, you know, where the speed of
25	operation wasn't really high enough to provide a

1 good transit service. 2 There was advice on vendor selection 3 for vehicles that came, the importance of choosing 4 proven robust technology and particularly 5 understanding how the users want to access the б system. 7 A lot of discussion went on about 8 specific climate requirements at that forum, and 9 then there was also discussion about the problem of 10 transitioning from an existing very high capacity 11 bus rapid transit system, which was fairly unique 12 for Ottawa. 13 The other cities had mostly built up 14 their transit over many years. Toronto, for 15 example, since the mid 1950s. So the TTC subway 16 and related transit had evolved, whereas Ottawa was 17 going to be a -- you know, jumping into the water 18 at the deep end basically, where we already had a 19 heavily loaded transit system. 20 So there were also presentations by 21 manufacturers, so various vehicle manufacturers 22 were present at that technology forum: Alstom, 23 Bombardier, Kinkisharyo, which was a Japanese 24 company providing light rail transit vehicles 25 particularly for Dallas, Texas, for example, and

1 other cities. 2 That was a pretty important forum and I 3 participated in it, and I had lots of discussions 4 with Ottawa city staff around that event. And it 5 did deal with many issues which subsequently were 6 significant in the way that the Confederation line 7 was built, and the transition from bus rapid 8 transit to light rail transit. 9 KATE McGRANN: Okav. From that forum, 10 particularly with respect to the advice that other 11 cities and organizations provided about risks and 12 how they could be avoided, so you mentioned 13 underbuilding, operational speed not being high 14 enough, and you listed a number of others. 15 Any pieces of advice that you can 16 recall that you don't feel were followed in the way 17 the City went about implementing Stage 1 of the 18 LRT? 19 DAVID JEANES: Well, I think the 20 strongest message that came was choosing technology 21 that is proven, robust and meets the needs. 22 My perspective is that we didn't 23 actually follow that route. We ended up trying to 24 be leading edge on technology, and in fact, going 25 to designs that were significantly different from

1 anything that was currently in use at the time. 2 And that was for a variety of reasons. 3 So one was the decision which was made and was 4 ratified by the City Council shortly after that 5 forum, to adopt light rail technology rather than б metro technology. Because that essentially led to 7 the need to find a light rail vehicle that exceeded 8 the performance characteristics of anything that 9 existed at the time. 10 So the City of Ottawa actually built in 11 requirements for characteristics like 100 percent 12 low floor for accessibility for its vehicles, even 13 though the industry standard at the time was 14 essentially 70 percent low floor. 15 Which meant at the front and backs of 16 light rail vehicles you can still have a high 17 enough floor to have the necessary equipment 18 underneath the floor. 19 Whereas going 100 percent low floor, 20 which was a technology that was being developed for 21 streetcar systems, which, of course, have to be 22 boarded from the sidewalk, they ended up 23 essentially having to go with a design which was 24 quite new. And therefore, not meeting that 25 requirement of being proven and robust.

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And I think that's significant. And I'm not talking about the ability of any particular manufacturer to deliver a vehicle that met the requirements. I'm actually talking about the requirements themselves.

6 Because certainly that was an area that 7 was being explored and developed for streetcar type 8 systems, but the decision for Ottawa to go with 9 light rail vehicle technology for what, in terms of 10 capacity requirements, was essentially a heavy 11 metro, was, I think, a fundamental problem and 12 advice from that technology forum that wasn't 13 followed.

14 KATE McGRANN: Along those lines, any 15 other advice from the technology forum that you can 16 recall that you feel wasn't followed that's related 17 to the commercial and technical circumstances that 18 led to the Stage 1 breakdowns and derailments?

DAVID JEANES: Well, I guess one
 message, and this was actually the number one
 message that was summarized by OC Transpo's General
 Manager, Alain Mercier, at the public session, was
 that in many cities the capacity of their initial
 system design was not enough.

The message is: Don't underbuild. And

1 I'm afraid that subsequently what we did was, we 2 built too close to the capacity that was going to 3 be there almost from day one. 4 The message certainly came throughout 5 the implementation again and again from 6 John Manconi, the subsequent general manager of 7 OC Transpo, that we were building a light rail 8 system that from day one would have the heaviest 9 rider ship in light rail system in North America. 10 That should have been a red flag, I think. 11 What happened was when we went into 12 service, we went into service with barely enough 13 vehicles to operate the planned frequency when 14 nothing went wrong. When anything went wrong, we 15 were over the line in terms of having the capacity 16 to handle the existing demand. 17 So, for example, whenever we had a 18 disabled train, we would be going to single line 19 infrequent operation on certain parts of the 20 system, and the system capacity would be 21 dramatically dropped below what was already, you 22 know, sort of barely enough to handle the 23 ridership. 24 The trains were crowded to the doors

<sup>25</sup> from day one and that certainly led to a lot of the

1 door problems which plaqued the system in the early 2 days. 3 And so I think that what happened was 4 that it was designed to be just enough, but not --5 but not more. 6 INTERRUPTION IN THE MEETING --\_ \_ 7 Anyway, sorry about that phone ringing. 8 Anyway, so I think that was the key system. 9 Just to go back to that, there were 10 various things -- you did talk on your list about 11 value engineering. And I think that there were 12 some value engineering decisions that were made 13 later on that, again, brought the design capacity 14 of the system down from what it might have been. 15 One, for example, one planned passing 16 siding was eliminated to save costs between Hurdman 17 and Tremblay Station. That passing siding could 18 have made in fact a significant difference in 19 providing better fallback in case of failures. 20 The general opinion that we have is 21 that the system was not designed with enough 22 crossovers to support the times when you would have 23 to go to single track operation on certain parts of 24 the system. 25 For example, there's a stretch on the

1 west end which is nearly 3 and a half kilometres 2 with no crossovers, so that really limits the 3 overall capacity of the system whenever there is a 4 disabled train at one of the stations. 5 And those seem to have been cost saving 6 measures that brought the system capacity down to 7 be barely enough to handle the demand even when 8 everything was working, and not enough when there 9 was any kind of failure. 10 The decision was made to require a 11 certain number of vehicles to operate the system, 12 and that was based on mainly considering the number 13 of vehicles that had to be in service, plus the 14 number of vehicles that had to be in maintenance. 15 But there wasn't any allowance for 16 vehicles that would be taken out of service because 17 of incidents. 18 So that when you lost a vehicle for a 19 protracted period of time, for example, because of 20 the wheel cracks that were detected in 2020, July 21 of 2020, there were no longer enough vehicles to 22 meet the original plan, because the original plan 23 had only allowed those two factors: Vehicles in 24 service and vehicles in maintenance. 25

And in order to have adequate fallback

1	in case of failures, they probably should have
2	planned for more vehicles than they did. Because,
3	again, they were designing for the expected
4	capacity rather than in excess of the expected
5	demand, rather.
6	KATE McGRANN: I would like to start
7	now to some questions about observations you've
8	made about technology choices and planning
9	decisions to the extent we haven't covered them
10	already.
11	Before I do, I just want to give my
12	colleague Mr. Imbesi an opportunity to ask any
13	follow up questions he may have at this time.
14	ANTHONY IMBESI: Just one question, Mr.
15	Jeanes, and I think this will probably be addressed
16	to a certain extent in some further questions.
17	When you were talking about that
18	original public meeting that you said was critical,
19	was anything discussed at that time about the
20	tunneling, or was that more focused on technology
21	and planning generally?
22	DAVID JEANES: I think at the time that
23	the 2009 technology forum was held, it was pretty
24	clear that it was going to be a tunnel.
25	There had been the 2008

1	Transportation Master Plan had basically looked at
2	different operations for getting transit through
3	downtown Ottawa, but the idea of a surface route
4	had largely been dismissed at that point, partly
5	because of opposition from downtown businesses.
6	There was a business coalition on
7	Albert and Slater Streets which was strongly
8	opposed to putting in a surface light rail line on
9	those streets. And that coalition actually had a
10	fair bit to do with the decision in 2006 by City
11	Council to cancel the project.
12	So that coalition was strongly in
13	favour of a tunnel. As I mentioned, the 2007 study
14	that was done by the task force led by David
15	Collenette had recommended a tunnel, albeit a
16	somewhat different type of tunnel.
17	And so when that technology forum was
18	held, we were really looking at what technology
19	would be appropriate for operating what essentially
20	was a subway under downtown Ottawa.
21	Does that answer your question?
22	ANTHONY IMBESI: Yes, thank you.
23	KATE McGRANN: Okay. So why don't we
24	carry on on the theme on the topic of the tunnel.
25	You've made some observations that

1 we've seen in the media, in particular, asking 2 about whether after some studies were done that 3 indicated deeper bedrock than anticipated, and poor 4 soil conditions, whether the plans for the tunnel 5 should have been reevaluated. 6 Can you speak to us about those 7 concerns that you expressed in a bit more detail? Yeah, a lot of --8 DAVID JEANES: 9 digging tunnels under Ottawa is not impossible. 10 The Federal Government constructed a 11 very large tunnel, basically the full length of 12 Wellington Street, as a service corridor for 13 providing steam heat and other facilities from the 14 Cliff Heating Plant, which is west of the Supreme 15 Court, all the way through downtown Ottawa. 16 And certainly the construction of that 17 tunnel, I don't know whether any of the technical 18 details about it were available, but it was a 19 massive tunnel effort that happened a few decades 20 ago from excavation point in front of the Supreme 21 Court. And so tunneling in Ottawa's downtown 22 bedrock was understood. 23 It was also understood that there were 24 areas where the bedrock didn't exist. Particularly

<sup>25</sup> near Rideau Street, where the major sinkhole

1 happened, it was known that the soil there was very 2 unstable, and that therefore a lot of precautions 3 would have to be taken tunneling through it. 4 It wasn't known that similar conditions 5 also applied in another area along Waller Street б nearer to where the east portal of the tunnel 7 happened, where another smaller sinkhole happened 8 earlier in the project. 9 But certainly there was a lot of test 10 drilling that was done over an extended period to 11 examine those soil conditions and the -- but we 12 didn't really have, from the public perspective, 13 and even from the perspective of City Council, we 14 didn't really have a perspective into how the 15 tunnel planning was being done. 16 At one point, 1997 City Council treated 17 this as a very important issue and they actually 18 passed a motion requiring that -- this was a little 19 earlier in the project, but requiring that a 20 company with extensive tunneling experience had to 21 be a major partner in the first project, which was 22 the tunneling project that was cancelled in 2006. 23 Sorry, the 2006 was surface light rail. 24 Sorry. But there was a later stage where City 25 Council was very concerned about that.

1 But, in fact, we never met with and 2 never heard public presentations from tunneling 3 experts; all of that was really done internal to 4 the construction consortium. So you know, although 5 the tunneling experts and certainly the company 6 that was involved, my understanding is had very 7 extensive experience with tunneling. But there 8 wasn't much visibility or transparency to those 9 kinds of issues. 10 So, for example, the decision to go with a device called a "roadheader" to basically 11 12 mine out the tunnel, rather than using a tunneling 13 shield, that was guite revolutionary for Canada. 14 Most other tunnels in other cities 15 including fairly recently had been built by 16 tunneling shields. For example, the Canada line in 17 Vancouver passing under the city centre and under 18 Burrard Inlet was done with a tunneling shield. 19 The extension of the Montréal Metro to 20 Laval in the north, had been done with a tunneling 21 shield 22 Most of the Toronto subway extensions,

Most of the Toronto subway extensions, whether the Sheppard line, or the extension under York University and up into Vaughan in Toronto, those were all done by tunneling shields. So there

1 was a lot of experience there. 2 That approach to tunneling can deal 3 with the problems where you transition from hard 4 rock into unstable soil, but it requires, you know, 5 the appropriate equipment to do that, and it's not 6 unknown for major issues to happen in other 7 countries. The main north-south rail line in 8 9 southern Germany was taken completely out of 10 service when the excavation -- when there was a 11 total collapse of the ground around the tunneling 12 shield where they were building a high speed rail 13 tunnel in southern Germany. 14 And that caused massive problems, far 15 greater economic disruption than we had from the 16 Rideau Street sinkhole, for example. 17 So it's not unknown for tunneling 18 problems to happen, or for there to be failures. 19 But again, we don't know exactly what 20 were the reasons why the different approach of 21 mining out the tunnel with these roadheader 22 machines was adopted rather than using a tunneling 23 shield approach, which was perhaps better 24 understood, and that we had more experience with in 25 Canada.

1 But I'm not an expert in tunneling 2 matters. As I said, there was really no public 3 exposure of the planning that led to those 4 decisions by the contractor. 5 KATE McGRANN: Okay. A couple of б follow up questions on that. 7 So you had said that it was known that 8 the soil was unstable around Rideau Street; how was 9 it known? 10 DAVID JEANES: It's part of the geology 11 of Ottawa, and it's also -- certainly, it was fully 12 documented during the planning process, that the 13 alignment in the depth of the tunnel and the 14 placement of stations and so on, had to take into 15 account those geological features. And of course it was confirmed by the testing. 16 17 You know, I can't say -- you know, 18 there has never been a public inquiry into the 19 Rideau Street tunnel collapse, and I believe 20 there's still litigation going on between the City 21 of Ottawa and the contractors over that. 22 There have been conflicting reports 23 produced by the two parties on what the reason was. 24 You know, what came first? Did the excavation of 25 the tunnel cause the sinkhole, or did the sinkhole

1	happen for other reasons and flood the tunnel?
2	But in either case, it was a
3	catastrophic circumstance. I believe, although I'm
4	not certain, that they lost two of their three
5	roadheader machines as a result of that incident
6	and fortunately they were fairly close to
7	completing the tunnel.
8	But they had to complete the rest of
9	the tunnel with only one of the road headers
10	operational. And those are very expensive pieces
11	of equipment. So you know, that was somewhat
12	catastrophic.
13	But certainly the need to take
14	precautions at that particular point in the
15	tunneling were well understood.
16	KATE McGRANN: Just to make sure I've
17	covered off what you've described. So generally,
18	as a result of information that's available about
19	that part of Ottawa and then also specifically as a
20	result of studies and other work done as part of
21	the planning process?
22	DAVID JEANES: Yes, that's true.
23	KATE McGRANN: You mentioned in a
24	CTV article that you referenced other projects in
25	Ottawa where there were issues I think as examples

1 of why this should have been an area where caution 2 was exercised. 3 First of all, do you know what I'm 4 talking about when I say that? 5 DAVID JEANES: No, I'm not certain what 6 that reference was to. 7 KATE McGRANN: Okav. 8 DAVID JEANES: Over the years, there 9 have been various infrastructure issues in Ottawa, 10 but I'm not sure that they would classify as 11 similar to that. 12 We've certainly have had other 13 sinkholes. We've had some very large sinkholes, 14 certainly big enough to swallow a car. 15 One that happened on Highway 174, which 16 is the freeway, city-owned freeway east of the 17 City, a very big sinkhole that basically took away 18 a whole block of Gladstone Avenue in a popular 19 built up area in the west end. 20 We've had many of these sinkholes have 21 related to water main failure or drainage problems, 22 or things like that. 23 We lost a railway line that connected 24 Ottawa north up the Gatineau Valley because of a 25 massive washout of rail bed that occurred because

1 of drainage issues. 2 So over the years there have been many, 3 many issues related to that. I think that is one reason why there was a question of whether the 4 5 Rideau Street sinkhole had been caused by the 6 failure of a water main, or was the water main 7 broken as a result of the collapse into the tunnel? 8 So those are questions which perhaps 9 haven't been answered and I'm not competent to 10 judge what the answer is there. 11 I'm going to move KATE McGRANN: Okay. 12 away from questions about the tunnel and the 13 sinkhole, but before I do, Mr. Imbesi, do you have 14 any follow up questions on those topics? 15 ANTHONY IMBESI: No, I don't, thank 16 you. 17 DAVID JEANES: Perhaps I could offer 18 two things. One of the things was, there were 19 other issues, of course, with the tunnel that 20 happened. 21 One of the biggest problems was the 22 fact that a sanitary sewer was punctured during 23 some of the surface level work and resulted in the 24 groundwater becoming contaminated. 25 And because the tunnel is not water

1 tight, it's actually designed to allow groundwater 2 to enter the tunnel and be pumped out, as a result 3 you've had a persistent sewage smell since the 4 opening of the system. 5 And at other points the rock bolts that б were being used to secure the wall of the tunnel 7 actually punctured the walls of the parking garage 8 that were adjacent to the route being followed. 9 So there were other mishaps that 10 occurred during the construction of the tunnel. It 11 wasn't only the Rideau sinkhole and Waller 12 sinkhole; there were other issues as well that 13 occurred as well during the tunnel construction. 14 And whether that's to be expected or 15 not, and whether something could have been done to 16 prevent that happening, is hard to say. But they 17 certainly have led to some residual problems with 18 It's not really a finished product. the tunnel. 19 KATE McGRANN: Okay. Are there other 20 technology choices that were made with respect to 21 the Stage 1 of the LRT that may be related to the 22 breakdowns and derailments that you observed? 23 DAVID JEANES: Yes, so a couple here. 24 I mentioned already the 100 percent low floor, 25 which necessitated the design of a new bogie, the

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1	bogie or truck, you know, being the assembly that
2	contains the wheels, the axles, the motor, the
3	gearbox and brakes and so on.
4	Ottawa's requirements were quite
5	complex for that because they also, to meet
6	accessibility needs, required an innovation that
7	didn't exist on any streetcars, which was that the
8	system had to be automatically leveling, so it
9	would always be exactly the same level as the
10	station platforms.
11	That feature didn't exist in the bogies
12	that were currently available. So a new bogie had
13	to be designed by Alstom called the Iponam bogie.
14	And, in fact, it was a new patent and developed
15	specifically for North America, in fact, for Ottawa
16	as the first customer for it.
17	So that introduced a lot of complexity,
18	on top of which Ottawa also imposed the requirement
19	that the vehicle be capable of speed of 100
20	kilometres an hour.
21	At the time, most light rail vehicles
22	were designed for a top speed of 80 kilometres an
23	hour. So this was an additional technology
24	challenge that had to be met.
25	Although the vehicles have been tested

1 to 100 kilometres per hour, they are not actually 2 using that speed. Their maximum speeds are really 3 approximately 80 kilometres per hour. 4 So the question is whether that 5 specification that was a requirement from the City 6 of Ottawa was actually necessary. 7 I think probably what motivated it was 8 that the light rail line was replacing buses which 9 had a normal operating speed of 100 kilometres per 10 hour. 11 It was kind of hard to imagine that 12 you'd replace your main transit system with 13 something that was 20 percent slower. So that may 14 have been the reason, but for whatever was the 15 reason, it did require new technology development 16 in the vehicles. 17 And in fact, when you look at the 18 bogie, that's where we've had many of the technical 19 problems that have plagued the system. 20 You know, we've had emergency brake 21 applications resulting in flat wheels. We've had 22 axle bearing boxes that overheated because they 23 weren't properly maintained and resulted eventually 24 in the failure of the axle itself, and the 25 derailment that happened at Tunney's Pasture.

1 We've had a similar problem with 2 maintenance issues with the gearbox resulting in a 3 gearbox actually falling off and the train 4 derailing at Trumblay Station. 5 And although not specifically to do 6 with the bogie design, we've also had the wheel 7 cracks, which were a maintenance or installation 8 issue that resulted in most of the -- many of the 9 trains being taken out of service for extended 10 periods of time and all the trains having to have 11 their wheels replaced. 12 So that was perhaps a technology issue. 13 These bogies and wheel assemblies are extremely 14 complicated and particularly to maintain. 15 They have a very large number of bolts 16 holding them together, all of which have to be 17 torqued exactly according to very exacting 18 requirements. 19 Which apparently have not been followed 20 in a number of cases because the mistorquing of the 21 bolts has been identified as related to the cause 22 of at least two and possibly three of the 23 incidents. 24 Another technology area was related to 25 climate. And obviously the specification called

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1	for operation in Ottawa's climate, which, as you
2	know, is a very wide temperature difference between
3	the lowest winter temperatures and the highest
4	summer temperatures.
5	And it appears, that, you know, however
6	and I'm not certain whether sufficient
7	specifications were given for Ottawa's unique
8	situation, one example being the large quantity of
9	road salt that's used in Ottawa. And in many cases
10	the rail line, where it's operating on the surface,
11	is adjacent to roadways.
12	So we've had situations where we've had
13	salt contamination building up on the roofs of the
14	vehicles. The maintenance had not included
15	facilities for washing the roofs and removing that
16	salt.
17	And as a result, there were severe
18	electrical problems, extensive system failures and
19	a requirement to eventually replace all of the
20	roof-mounted inductors which are part of the
21	electrical supply system for the trains.
22	And so clearly, either there was
23	something wrong with the specification or there was
24	something wrong with the technology that was used
25	to meet Ottawa's requirements.

1	Those were not the only winter
2	problems. They also extended to the track. For
3	example, we've had incidents of broken rail wells,
4	which occur at low temperature. That's, you know,
5	rail integrity is a well understood science, and so
6	it's, you know, a little puzzling why we had those
7	failures and that hasn't been fully explained.
8	The reverse problem happens in summer
9	where at higher temperatures, when the temperatures
10	get up into the 30-degree range, they've had to
11	reduce the operating speed of the system for safety
12	reasons.
13	And of course when you're running a
14	system that's pretty close to capacity anyway, when
15	you reduce the operating speed you're also reducing
16	the system capacity, and therefore not meeting the
17	demand.
18	Other countries seem to have dealt with
19	that. You know, we looked at the rules that VIA
20	Rail follows, for example, when it imposes speed
21	restrictions due to high heat.
22	We looked at Australia, which has
23	extremely high temperatures, sometimes getting up
24	into the 40-50 degree range. And, again, they have
25	generally the ability to continue rail operations

1	at much higher temperatures than the temperatures
2	where we started having to have speed restrictions.
3	So that's an issue.
4	There were other issues concerning
5	snow, where the intruder detection system, which is
6	supposed to stop a train with an emergency brake
7	application if a person or an animal or some
8	obstruction is on the track ahead, and that system
9	was triggered by blowing snow, resulting in a
10	number of emergency brake applications that then
11	caused flat wheels, which then took trains out of
12	service or created discomfort and noise for the
13	passengers.
14	You know, a lot of the trains were
15	actually operating with flat wheels for some time,
16	just because there were so many of these
17	occurrences.
18	And in the early days of winter, the
19	steps in the railway stations all in the
20	stations all became very dangerous because they
21	were excessively slippery.
22	And basically they had to be resurfaced
23	with a better tread in order to make the stairs
24	safe for users, because people were falling in the
25	stations as soon as the floors became wet.
1	

And then there's the whole this
isn't so much a safety question, but major changes
had to be made to the bus transfer points because
there had been no provision of adequate shelter
capacity.
And so, for example, at Tunney's
Pasture they had to essentially build a station out
of scaffolding, and temporary shelter material,
just because the design of the station was
completely unacceptable in Ottawa winters.
So I think that was a specification
issue that did have safety and failure related
issues.
I haven't mentioned a couple of things
related to the overhead electrical supply. Almost
all the overhead conductor wire supports in the
catenary system had to be replaced because of
failures that were occurring under extreme weather
conditions, and we also had periods where there was
fairly extensive arcing.
Where, you know, where we're getting
sparks as electricity jumped from the overhead wire
to portions of the train that were not part of the
intended electrical current path.
So, you know, all those kinds of issues

1 which happened really seemed to show that the 2 requirements of Ottawa winters and to some extent 3 Ottawa summers were not met. 4 One other thing doesn't really relate 5 to safety but does relate to passenger comfort. 6 We had a lot of experience of winter 7 operation on the light rail pilot project, and we 8 had discovered there it was very important that the 9 doors be closed most of the time and that stations 10 only be opened when they had to be used. 11 So on the Trillium line, the 12 north-south line, the normal process is that if a 13 passenger wants to get in or out of the train, you 14 press a button the door opens, you go through it, 15 the door closes. 16 Whereas on the Confederation line the 17 doors remain open for the entire time the train is 18 in the station, and it's all 14 doors that are open 19 while you're stopped. So that essentially the 20 heating and air conditioning does not work on the 21 Ottawa system. 22 And that was a decision that was made, 23 I think, post-delivery of the trains. Possibly 24 related to the door problems, but as a result we've 25 ended up with a system which, from the passenger's

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1	point of view, doesn't meet the climate control
2	requirements that were specified, that we knew were
3	needed from our experience with the light rail
4	pilot project in the north-south line and that
5	should have been used.
6	So you know, that's an issue it's not a
7	safety-related issue except that potentially the
8	decision to disable that feature of allowing
9	passengers to open the doors resulted from all of
10	the problems that existed on the overcrowded trains
11	with failures of the doors during closing.
12	You know, they didn't want the
13	customers touching the doors at all. And that's
14	led to this climate problem.
15	People do find that it's extremely cold
16	travelling on those trains in winter. They're
17	based on although additional insulation was
18	installed in the trains compared to what would have
19	been used in European installations, for example,
20	it's not really enough anyway.
21	And when the doors are open the
22	insulation that is present in the doors and the
23	walls, which are very thin, really isn't enough to
24	provide adequate climate control.
25	KATE McGRANN: A couple of follow up
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1	questions on what you've said on these topics, just
2	to make sure I understand what you're talking about
3	and to help our court reporter. The first one is
4	the Iponam bogie. Do you know how that's spelled?
5	DAVID JEANES: Yes, it's I-P-O-N-A-M so
6	Norman, Arthur, Michael. Iponam, and it's been
7	fairly well documented in technical papers. It's
8	been referenced on Alstom's own website as a
9	product specifically for Ottawa and for North
10	America.
11	And it has been patented in the
12	there's a U.S. patent for it, and I suspect there
13	are also other patents that have been applied for
14	that really detail how it works.
15	But the specific requirements were to
16	meet the low floor requirement that had been
17	imposed by Ottawa, to provide for the automatic
18	levelling of the train at station platforms, which
19	involved the ability to do basically compressed air
20	lifting.
21	So what would normally just be a spring
22	suspension in these bogies is springs plus
23	compressed air to allow some variability to ease
24	the wheelchair access at the doors.
25	And then the other thing about it is

1 unlike the more conventional approach to light rail 2 vehicles, which had been 70 percent low floor, you 3 can't put all the equipment under the floor so you 4 have to essentially place it outside the wheels. 5 And that's why when you're looking at 6 the derailments, for example, you're seeing that 7 the brakes, the electric motor, and gearbox are 8 located outside of the wheels rather than inside 9 under the floor, which is the more conventional 10 approach where you can have a higher floor at the 11 front or the back of the train. 12 And you can also have larger diameter 13 wheels, which may provide better performance than 14 the smaller wheels which have to be used with these 15 bogies. 16 KATE McGRANN: You've made several 17 references to specifications. I'm wondering 18 whether the specifications were adequate, accurate. 19 What specifications are you referring to? 20 DAVID JEANES: Well, the actual RFP, 21 which was given to the bidders on the project, was 22 not made public. And in some cases, I think was 23 not even provided in confidence to members of City 24 Council. In many cases we don't know exactly what 25 it was that the City was asking for.

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1 For example, I've mentioned 2 specifically the requirements for 100 percent low 3 floor and for 100 kilometre per hour operation. I 4 don't actually know where I could find the precise 5 document that states that those were requirements б in the RFP. I have that information from other 7 sources. 8 Similarly, the actual bids that were 9 submitted to the City of Ottawa were not made public, and, you know, throughout this process, 10 11 many documents have been treated as commercial 12 confidence and I know that -- I have not been 13 involved in trying to obtain such documents. 14 I personally, and Transport Action, 15 haven't initiated any Freedom of Information 16 requests, for example, to try to get at any such 17 documents. 18 But certainly, there has been an 19 understanding throughout this process that a lot of 20 it was done behind closed doors and not visible to 21 either public scrutiny or scrutiny by city 22 councillors. 23 KATE McGRANN: Okay. Those were the 24 follow up questions I had on the areas we just

discussed. Mr. Imbesi, do you have any follow up

1 questions? 2 ANTHONY IMBESI: I have just one 3 question, Mr. Jeanes, to tie things off. There's 4 an article in the Ottawa Citizen after you were 5 granted standing and it attributes a few comments 6 to you. Some of them we just talked about in terms 7 of your comments that not enough planning was done 8 for winter conditions. You also made a comment or 9 one that's attributed to you, that's asking why the 10 City went with the train model, the Alstom model, 11 that hadn't been used anywhere else. 12 Are there any issues from your 13 perspective with the new train model that 14 contributed to (inaudible) --15 -- Reporter's Note: (Experienced 16 virtual connection difficulties). 17 KATE McGRANN: Can we go off the record 18 to address these technical issues? 19 -- OFF THE RECORD DISCUSSION --20 ANTHONY IMBESI: Yes, Mr. Jeanes, thank 21 I have one question: There's a comment you. 22 that's attributed to you in an Ottawa Citizen 23 article. 24 The question is why the City went with 25 the train model the Alstom Citadis Spirit, which

1 hadn't been used anywhere else? 2 Are there any issues from your 3 perspective that have led to the subject matters 4 that are matters of this inquiry beyond what we've 5 already spoken about other than the bogies and 6 other issues that we've spoken to in relation to 7 the train? 8 DAVID JEANES: Yes, I'd just like to 9 point out that article did slightly misquote me on 10 that point. I was specifically referring to the 11 new bogie design when I spoke to the reporter Jon 12 Willing. 13 The Alstom Citadis as a family of 14 vehicles has been used in other cities and has been 15 fairly widely used, but it had to undergo 16 significant modifications including using 17 additional insulation in the walls which I had 18 already mentioned. 19 And the substitution of a new bogie 20 design, which, because the bogie contains so many 21 of the important operating elements of the system, 22 that essentially made the whole thing new 23 technology as opposed to proven off the shelf 24 technology. 25

There's been a difference on the

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vehicle.

1 Trillium Line in Ottawa. We are going, we are 2 going into our third generation of diesel light 3 rail vehicle on the Trillium Line and in each case 4 the vehicle acquired has been taken straight off 5 the shelf with minimal modifications for Ottawa 6 conditions. And as a result in 2001, we obtained 7 three vehicles from Bombardier that performed 8 extremely well for ten years or more. 9 Subsequently, similar vehicles from 10 Alstom were used on the Trillium Line and have 11 likewise had very few technical problems because 12 they were basically identical to large numbers, in 13 fact, hundreds of similar vehicles that have been 14 used in Europe in all kinds of weather conditions. 15 And now we're in the process of 16 assembling and testing these light rail vehicles 17 from Stadler in Switzerland, again, from a family 18 of vehicles that has a great deal of experience. 19 And of course in Switzerland lots of 20 operation in winter conditions, which can involve 21 heavy snowfall and so on. 22 So there really was a fundamental 23 difference that I referred to that I wasn't stating 24 that the Citadis Spirit itself was a completely new

1 Certainly not much experience in North 2 America, although Alstom has provided vehicles, for 3 example, for the Montréal Metro. That's a 4 completely different type of technology from the 5 light rail technology which was certainly being 6 used in Ottawa for the first time, although it had 7 been used in other cities on other continents. 8 I would if I could also like to go back 9 and mention I omitted one thing when I was talking 10 about preparedness for winter, and that was the 11 switch heaters. The electric switch heaters, which 12 proved to be a major source of failures on the 13 track infrastructure. 14 And again, they seemed to have been 15 underdesigned for the realities of Ottawa winters. 16 In many cases they have now had to go to additional 17 heating mechanisms, either electrical or 18 substituting gas heaters for the original electric 19 switch heaters with a larger capacity. 20 And again, that was probably to be 21 anticipated. We had lots of experience with switch 22 heaters, gas powered, propane powered switch 23 heaters on the Trillium Line from day one and we 24 knew exactly what was needed for reliable operation 25 of that line.

1 So going with heaters of much lower 2 capacity for the Confederation line seems to have 3 been a mistake. 4 And switch heaters of course are used 5 on main line railways throughout Canada, Montréal, 6 Toronto Union Station has probably nearly Toronto. 7 a hundred such heaters installed at various places 8 around the approach to the station. And generally 9 they're all designed to be high capacity to meet 10 Canadian winter conditions. 11 So that was just another area where I 12 think, again, we were not really meeting what 13 should have been the specifications for Ottawa 14 winter conditions. 15 Sorry to go back to that, but I had 16 omitted it from the list of things I had intended 17 to mention. 18 KATE McGRANN: Please don't apologize. 19 I'm going to switch our focus slightly 20 to ask if there are any planning decisions related 21 to Stage 1 of the LRT that you haven't already 22 discussed that you feel are related to our mandate 23 with respect to the breakdowns and derailments of 24 Stage 1? 25 Well, one thing I DAVID JEANES:

1 haven't talked about, maybe it was cost-related but 2 it's the decision to rather closely follow the 3 alignment of the preexisting bus transit way. 4 That was partly done for cost reasons; 5 the City of Ottawa already owned that corridor. It 6 had less of an environmental impact because it was 7 already being used for intensive transit purposes. 8 But in a number of places the 9 curvature, which had been acceptable for buses, was 10 really rather extreme for what was intended to be a 11 100 kilometre per hour rail system. 12 As a result we had very tight curves in 13 some parts of the system, particularly between 14 Hurdman and Tremblay stations. 15 Those curves present operational 16 problems. It's been necessary to install what's 17 called a check rail, just to make sure that the 18 wheels are actually guided properly around the 19 curve. 20 And you don't see such check rails on 21 most other systems that are designed to operate 22 rapid transit because, you know, generally the 23 curves would be designed to be more appropriate for 24 the intended speeds. 25 Either by not being as sharp, or the

1 other approach is to do what's called super 2 elevation, which is basically you tilt the outside 3 rail up, so that the train is kind of leaning into 4 the curve, which helps to keep the train centered 5 on the rails and avoid the need for an inside check 6 rail to prevent the, to hold the wheel against the 7 track. 8 So as a result, those areas, first of 9 all they've been places where there has been 10 stress, including one of those rail weld failures 11 which I referred to where the rail actually broke. 12 There's been a lot of noise and 13 vibration which they've tried to eliminate but 14 haven't succeeded now. Customers are still 15 complaining about the noise and vibration on that 16 curve even today after many attempts to improve the 17 situation. 18 And I think that's an issue. And it 19 also does mean there are a number of places on the 20 system where even the designed speed of 80 21 kilometres an hour can't be met because they've had 22 to impose lower speed limits on those curves.

Whereas, I think you'd find on most of the bus transit way, the buses would continue to be rolling at a steady sort of 100 kilometres an hour

1 most of the way. 2 Nowhere on the bus transit way do they 3 have speed limit signs telling the bus drivers that 4 they have to slow down because there's a curve in 5 the road. And yet on the Confederation line, that б does happen. 7 So I think that was a planning issue, 8 maybe done for cost reasons, but the system could 9 have been designed to be better able to handle the 10 intended speeds of operation, particularly since 11 they were specifying 100 kilometres an hour for the 12 vehicles. 13 Other things, you have a guestion and I 14 don't know whether you're going to get to it in 15 your list of topics, which is Canadian content 16 requirements. Would this be an appropriate point 17 to mention that? 18 MS. MC GRANN: Yes, please, go ahead. 19 DAVID JEANES: So these vehicles, like 20 all rail vehicles, we do have rail manufacturing in 21 Canada, but the rail industry, as has been 22 mentioned many times, sources its components 23 worldwide. 24 So the elements of the vehicles that 25 we're using do come from all over the world. The

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1	wheels are manufactured in one country; the car
2	bodies in another country. The cast steel frames
3	of the bogies come from Britain but the rest of the
4	bogie doesn't. So various other things like that.
5	So Canadian content requirements,
6	again, I don't know exactly what they were in the
7	RFP. But certainly they have been met in various
8	ways. Alstom assembles its bogies at a factory
9	that they operate in Sorel, Québec. So certainly
10	labour content is Canadian there.
11	The vehicles, the final assembly of all
12	of the vehicles but 1 or 2 was done in Ottawa by
13	using the maintenance shops at the Belfast
14	maintenance and storage facility as an assembly
15	facility.
16	So that provided Canadian employment
17	and Canadian content for the vehicles, even though
18	most of the components were coming from outside
19	Canada.
20	And that's, that's not an unusual
21	approach. The same approach was used with
22	Bombardier's contract to provide vehicle, Sky Train
23	vehicles for the Millennium Line in Vancouver.
24	Where basically Bombardier used the maintenance
25	facility as their assembly factory, and then turned

1	the facility as well as the trains over to
2	TransLink, to operate the system.
3	So that's not very different, except
4	here, the RTG was turning over the maintenance to
5	its affiliate company, RTM, rather than to
6	OC Transpo.
7	So, I mean, those are factors. I can't
8	comment on how that, you know, what impact having
9	Canadian labour content and Canadian assembly
10	plants and foreign components, what impact that may
11	have had on the vehicles.
12	You know, clearly there were some
13	manufacturing issues. We know that the cracked
14	wheels related to incorrectly installed wheels in
15	that there were bolts called jacking bolts, which
16	should have been removed before the wheels were
17	assembled, and that wasn't done.
18	So clearly there have been some
19	mistakes made in the vehicle assembly that might
20	not have happened if there hadn't been a Canadian
21	content requirement. But I can't judge to what
22	extent the problems stem from that.
23	It's just a factor that maybe has to be
24	considered. And particularly, where you can't
25	insist on Canadian components because they don't

1 necessarily exist. 2 You know, these pieces come from 3 whoever in the world is the, you know, the supplier 4 of such elements. The wheels for example, the 5 company that made the wheels is probably the б leading company in the world for this type of 7 product. 8 And so the fact that the wheels cracked 9 is not something to do with the selection of the 10 company that supplied the wheels. 11 KATE McGRANN: Are there any other 12 issues that you're aware of as a result of your 13 work or the work of Transport Action Canada that 14 you think would be related to the breakdowns and 15 derailments on Stage 1 that we haven't discussed 16 vet? 17 DAVID JEANES: Well, I'm not really able to discuss this aspect. But you will be 18 19 talking a fair bit with Thales, the supplier of the 20 signalling and control system. Again this is an 21 innovation. 22 The system that Thales installed, which 23 largely eliminates line sight signals, the only 24 light signals are basically at the places where 25 there are crossovers or switches. And the

1 interface between the Thales signalling system and 2 the actual vehicle control. 3 I think this is on your list of, you 4 know, it's number nine on your list the Alstom and 5 the Thales interface, the management of the same. 6 So here you have a signalling system 7 which is something new for North America, I think. 8 I mean, Thales is a very experienced 9 company in the field of railway signalling, but 10 still here we're talking about something that would 11 also fall into that category of being a technology 12 risk, because not necessarily meeting those 13 requirements which were mentioned back in 2009 at 14 the technology forum, which were proven robust, 15 etcetera. 16 But again, I'm not capable of making 17 any judgments about the quality of that system. 18 But certainly, there were some of the failures that 19 occurred, which have been documented over the 20 course of the operation of the system, have been 21 because of issues between the signalling and 22 control system and the on board vehicle control 23 computer system. 24 So that's just an area to look at. 25 I think one other area that I'd like to

1	talk about, and I don't know where it fits exactly
2	is the approach to testing the system before
3	bringing it into service, and the way of doing the
4	cutover from bus service to rail service.
5	Can I talk about that now?
6	KATE McGRANN: Yes, please go ahead.
7	DAVID JEANES: Yeah, so there were
8	criteria that were set for how the system would be
9	tested and they were quite strict. They required
10	12 days of continuous operation with a full
11	complement of trains running at the designed
12	service frequency which I think was a train every
13	four minutes, and so on.
14	And during that period, I went out
15	several times to observe the system and to actually
16	record the times of all the trains on the line as
17	they were passing, just to determine how many
18	trains were actually being tested and how closely
19	they were adhering to the target test schedule and
20	so on.
21	I think it's fairly clear and it's
22	since been admitted by OC Transpo, that the
23	requirement for 12 days of continuous uninterrupted
24	service was never met.

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They stopped it several times rather

1 than going back to the beginning of the 12-day 2 They restarted the clock part way through period. 3 the 12 days, which originally was something they 4 said they weren't going to do. 5 And as a result, when the system did б reach a state that was called "operational 7 readiness", it's far from clear that it actually 8 was ready and I think that, you know, subsequent 9 events and discussion have proven that a lot of 10 compromises were made in those criteria. 11 So I think that's important. I think 12 the amount of testing wasn't enough. The fact they 13 didn't really do any winter testing because with 14 the system going into service in September, most of 15 the testing was done during the month of August, 16 which meant they really had no idea how the system 17 would behave once we reached winter. By contrast, VIA Rail right now is 18 19 testing a brand new locomotive and train system 20 built by Siemens, which they're going to be 21 bringing in as their main corridor train in Canada. 22 And they have said that they need to do 23 a full year's testing and particularly winter 24 testing, which they have been doing in and around 25 As you know -- well, you may not know --Ottawa.

1	but we've had some extreme winter conditions in
2	terms of snowfall and temperature that have been a
3	very good test.
4	Normally for a system like this where
5	it's known you're going to be operating under very
6	challenging conditions in winter, not having any
7	winter testing prior to the start of service, I
8	think was a mistake.
9	Another thing that was a mistake then
10	was deciding that after three weeks' operation of
11	the system in September, it was safe to terminate
12	the bus transit way. So the system went into
13	service on the 14th of September in 2019, and the
14	bus transit way was shut down on the 6th of
15	October 2019.
16	I think that there were probably cost
17	reasons for doing that. The City had certainly
18	intended to save money by eliminating buses and
19	reducing the bus driver workforce and so on, but
20	that was a mistake.
21	If instead they had decided to continue
22	parallel bus service at least into and perhaps
23	through the winter, we would never have had the
24	chaos which we had during the late fall and winter
25	of 2019-2020.

1 And particularly since it had been 2 stated again and again by John Manconi that we were 3 transitioning from the heaviest bus-based -- bus 4 transit system in North America which would be the 5 heaviest used light rail system in North America. 6 I think that that decision to do that 7 cutover was a mistake. There was no particular 8 need for it because the surface roadways through 9 Ottawa, the transit way on Albert and Slater Street 10 continued to exist. 11 In fact, they left the reserve bus lane 12 and the driving restrictions in place even after 13 their were no buses anymore. So that it wasn't a 14 case that the buses had to be taken out of service 15 in order to allow the rail line to operate. 16 So I think that that plan for service 17 introduction was wrong for the complexities and the 18 demands that we were facing in 2019. 19 KATE McGRANN: I don't have any follow 20 up questions on those comments. 21 Mr. Imbesi, do you? 22 No, I don't. ANTHONY IMBESI: 23 KATE McGRANN: The last specific area I 24 have that I wanted to ask about today was, I'll 25 call it the commercial approach that the City took

1	to this project. So the public-private
2	partnership.
3	Did you or Transport Action Canada have
4	a view on the appropriateness of that approach to
5	implementing this project?
6	DAVID JEANES: Not really at the time.
7	I think we were more focused on technical and
8	service issues. Certainly there have been good
9	examples of public-private partnerships in Ottawa
10	in other areas and in other parts of the world.
11	And there have also been disasters.
12	You know, Britain is an interesting
13	example, because in the Margaret Thatcher era,
14	Britain decided to completely privatize its railway
15	system and turned over the infrastructure to a
16	private operator.
17	Which then, from the point of view of
18	profit motive, they neglected maintenance which led
19	to catastrophic multi-fatality accidents.
20	And eventually the same Conservative
21	government which had privatized the infrastructure
22	operation, had to renationalize it because the
23	profit motive in the private sector was in fact
24	working against the operation of the safe system.
25	And so I think we've never made this as

1	a public submission, but there is a concern that
2	when you're looking at public-private partnerships,
3	the profit motive is always going to add a cost to
4	the project that has to come, you know, that has to
5	come from somewhere.
6	Governments generally don't have to
7	make a profit on public infrastructure investment.
8	It's nice if they can break even, but they don't
9	have to build in a profit. I think that's a
10	factor.
11	The other point of discussion that has
12	come from up from time to time is financing costs
13	because governments generally can achieve a lower
14	cost of money than the private sector can. So that
15	also has to be built into the costs.
16	You set that off against the fact that
17	the private sector is believed to be capable of
18	doing things more efficiently than government, so
19	there's obviously a trade off.
20	And the higher costs of financing and
21	the need to generate a profit may be offset by
22	those efficiencies. But that's not an area where I
23	have expertise, so really I'm saying those are
24	matters that we discuss, but there's no clear
25	answer that says that the private sector should not

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1	be a partner in these kinds of projects.
2	Because there have been plenty of
3	examples where private sector involvement has been
4	very good. And we've seen, you know, fairly
5	successful GO Transit in Toronto for example,
6	decided that they would contract their maintenance
7	and their railway operations to the private sector
8	at that time with Bombardier.
9	With the case of the maintenance of the
10	Trillium Line in Ottawa, we always contracted to
11	the private sector; the maintenance of the vehicles
12	was contracted to Bombardier. The maintenance of
13	the track and infrastructure was contracted to
14	Rail-Term, so both private companies.
15	But that project as a whole was still
16	managed as a City project and financed as a City
17	project and of course never expected to actually
18	yield a profit.
19	So the Confederation line, of course,
20	has to yield a profit in some way and normally that
21	profit comes through the it's built into the
22	cost of the initial construction contract and it's
23	built into the periodic payments for the
24	maintenance services over the 30-year life of the
25	maintenance contract. But the profit element is

1 there. 2 So I don't want to say that to -- it 3 becomes a bit of an ideological debate and there 4 isn't a clear answer as to where the best division 5 is between public and private participation in 6 these large projects. 7 KATE McGRANN: Okay. And then along 8 the same lines, do you have any views on what I'll 9 call the division of responsibilities with respect 10 to the project? 11 So the private partner takes on the 12 design, the construction and maintenance; the City 13 maintains responsibility for the operation of the 14 system. Any views on that division? 15 Well, I think to some DAVID JEANES: 16 extent it's necessary in an environment, where you --17 OC Transpo is a big employer; it's a unionized 18 employer. And in making these kinds of innovations 19 to our transit system, it's very important to have 20 the unions onboard as partners, rather than as 21 opponents. 22 So I think there's a bit of a fine line 23 The maintenance was a bit of an issue here. 24 perhaps for the unions because the maintenance is 25 contracted to RTM, and is not being done by

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1	OC Transpo. But they've managed that, I guess.
2	One of the interesting consequences of
3	that, though is we have very little insight into
4	how the maintenance operation actually works. We
5	see very little about what RTM actually does in the
6	Belfast maintenance yard in the maintenance
7	facility.
8	Occasionally we get reports which are
9	submitted to the Transportation Safety Board saying
10	that vehicles have derailed in the yard, but it's
11	entirely an internal concern of RTM when that
12	happens and neither the City nor OC Transpo nor the
13	public really are involved in that.
14	So there's kind of a curtain that's
15	hiding part of the operation that might not be
16	there if the maintenance were a public operation.
17	For example, OC Transpo has always
18	welcomed the public to go and view their
19	maintenance operations at events like "Doors Open".
20	I think the public have a fairly good
21	understanding or at least an opportunity to
22	understand how bus maintenance works. And the bus
23	maintenance garages have been built by the City,
24	you know, with public processes and so on.
25	Whereas in the case of the

1 Confederation line, most of that maintenance 2 activity is happening behind a curtain that we 3 can't see through. 4 KATE McGRANN: What in your view are 5 the benefits of the kind of public access that 6 you've been describing to the maintenance 7 facilities? 8 Well, I guess people can DAVID JEANES: 9 perhaps have more pride in their work when they 10 know other people are seeing what they do. And I 11 think, you know, pride in workmanship and good 12 working conditions are essential to good 13 maintenance. 14 And your inquiry may be delving into 15 that, because you already have reports from the 16 Transportation Safety Board that indicate that 17 there were significant maintenance deficiencies 18 that led, particularly, to the two derailments and 19 to the wheel cracks. 20 So those are kinds of issues that 21 became public because of failures. But a more open 22 operation might lead to a better process. 23 I know the City does audit the training 24 and maintenance policies of RTG and RTM and they've 25 employed a consultant specifically to do that.

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1	But that's not the same as having, you
2	know, day-to-day visibility as to what's going on.
3	And I think that the quality of maintenance and the
4	pride in workmanship and so on would be higher with
5	a more open operation.
6	KATE McGRANN: That brings me to the
7	end of the specific questions that I have for you.
8	Mr. Imbesi, did you have any other questions?
9	ANTHONY IMBESI: No.
10	KATE McGRANN: So my last general
11	question for you, Mr. Jeanes, is were there any
12	other topics that we haven't discussed related to
13	the breakdowns and derailments of Stage 1 that
14	you'd like to discuss now? Is there any other
15	information you'd like to share with the
16	Commission?
17	DAVID JEANES: Okay, just trying to
18	think through it. I mean, I mentioned briefly sort
19	of value engineering and the decisions that were
20	made at various points during the process to bring
21	down some of the costs and, I don't know, the whole
22	range of decisions that may have been taken during
23	that process.
24	Some of them would have been taken by
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1	Possibly some were taken without having to be
2	revealed to the City. I don't know about that.
3	But we do know, for example, that
4	somebody made the decision that it wasn't necessary
5	to have temperature sensors on the axle bearings,
6	and that that led to the failure in August 2021,
7	the derailment at Tunney's Pasture.
8	And it's normal in the rail industry to
9	monitor the temperature of axle bearings. Every
10	main line railway has what are called hot box
11	detectors, which are devices that are located
12	beside the track and actually measure the
13	temperature of every axle as a train goes by.
14	And that's normal, because you do get
15	bearing problems on all kinds of trains, and
16	bearings do overheat, and they do lead to
17	derailments, and they can lead to axle failures.
18	In this case, because of the design of
19	the bogie, the bearing box was on the inside of the
20	wheel, wasn't visible during normal maintenance,
21	couldn't be got at easily because of where it was
22	under the train.
23	And because of the incorrectly torqued
24	bolts, overheated, you had bearing failure, you had

<sup>25</sup> very high temperature, you had axle failure, none

1	of which was detected because there was no
2	temperature sensor built into the system.
3	They couldn't use an external one
4	because the bearing box was on the inside of the
5	wheel, unlike most railways, where you can detect
6	the temperature from the outside. And they didn't
7	have sensors actually mounted.
8	Now they could have at a price, and for
9	some reason they didn't. So was that value
10	engineering during the project? Was it something
11	the City agreed to; that the City was prepared to
12	take that risk and so on. I don't know.
13	But I think that's an issue you need to
14	look at because it was definitely related to the
15	axle failure on the in August of last year.
16	I guess there's an issue, I don't know
17	exactly what the status is, Transportation Safety
18	Board reports can't be used as evidence in judicial
19	proceedings, so I don't know to what extent you
20	have access to the Transportation Safety Board
21	reports.
22	They are public documents; we've
23	certainly read them and are very concerned about
24	some of those issues that happened.
25	We still don't know exactly why and how

1 the gear box fell off the train on the 19th of 2 September when you had the derailment at Tremblay 3 Station, but, again, it's a similar kind of thing. 4 As I mentioned earlier these Iponam 5 bogies are extremely complex. They have very large б number of bolts on them all of which have to be 7 very precisely torqued. 8 They're subject to all kinds of 9 Not only the interaction between the stresses. 10 wheel and the rail, but the disk brakes, the 11 gearing between the motor and the wheel and the 12 complexity of the suspension. 13 So there's a lot of stuff there that 14 needs -- very intensive maintenance is required and 15 has to be done exactly right. 16 So you know, that's an issue for the 17 derailment at Tremblay that you know we haven't 18 seen a final report on that yet. So not clear 19 exactly how that happened. But of course that was 20 fairly catastrophic because it tore up several 21 hundred metres -- or it required the replacement of 22 several hundred metres of track, destroyed part of 23 the signalling system. 24 Serious damage to one of the train sets 25 and fortunately no injuries to any member of the

1 public, although it did happen on an inservice 2 train and there were passengers on that train. 3 Unlike the derailment at Tunney's Pasture the 4 previous month, where the train was already out of 5 service when it derailed. But you know, it could 6 have been more serious. If those trains had been 7 operating under rush hour crowd conditions, those 8 could have been quite serious incidents. 9 I think that's probably all I have to 10 I will get to you the articles say right now. 11 related to Ottawa LRT from the Transport Action 12 newsletter. 13 Also, the presentation that I made to 14 the Rapid Transit Task Force under David Collenette 15 and a list of the transit systems that I visited 16 and also the presentations that we arranged for 17 Transport Action from people from other transit 18 systems. 19 And I think I mentioned already that 20 included the Toronto Transit Commission, the 21 Calgary Transit, also the Canada Line in Vancouver, 22 we had a presentation from senior management of the 23 Canada Line at one of our national board meetings 24 that we had held in Vancouver. So plus other 25 things like that.

-
So I will submit that to you. And if
there are any other things that you feel that I
need to document in terms of dates or specifics, I
will also give you the list of board members of
Transport Action Canada. And I could do the same
for Transport Action Ontario as well if that would
be relevant for you, because for the Board for
Transport Action Ontario.
KATE McGRANN: Yes, that would be
helpful, thank you.
DAVID JEANES: If there's anything else
you feel I should submit to you, I'll try and do
that as quickly as I can.
I understand your absolutely drop dead
date is the end of April, but I want to be much
sooner than in terms of getting the information to
you. I'll try to get it to you within a few days.
KATE McGRANN: Much appreciated. I
think this will end the mark the end of the
interview.
If we have any further questions, we'll
be in touch and if you come across further
information that you want to share, please feel
free to send it to me.
Concluded at 11:05 a.m.

1	REPORTER'S CERTIFICATE
2	
3	I, JUDITH M. CAPUTO, RPR, CSR, CRR,
4	Certified Shorthand Reporter, certify;
5	That the foregoing proceedings were
6	taken before me at the time and place therein set
7	forth;
8	That the statements of the presenters
9	and all comments made at the time of the meeting
10	were recorded stenographically by me;
11	That the foregoing is a Certified
12	Transcript of my shorthand notes so taken.
13	
14	Dated this 31st day of March, 2022.
15	fudite de l'equito, CS, Chi
16	
17	NEESONS, A VERITEXT COMPANY
18	PER: JUDITH M. CAPUTO, RPR, CSR, CRR
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