

Ottawa Light Rail Commission

Eugene Creamer
on Friday, May 13, 2022



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OTTAWA LIGHT RAIL COMMISSION
OLRT CONSTRUCTORS - EUGENE CREAMER
MAY 13, 2022

--- Held via Zoom Videoconferencing, with all
participants attending remotely, on the 13th day
of May, 2022, 9:00 a.m. to 11:50 a.m.

1 COMMISSION COUNSEL:

2

3 Christine Mainville, Co-Lead Counsel Member

4 Anthony Imbesi, Litigation Counsel Member

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6

7 PARTICIPANTS:

8

9 Eugene Creamer, OLRT Constructors

10

11 Mannu Chowdhury,

12 Paliare, Roland, Rosenberg, Rothstein LLP

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16

17 ALSO PRESENT:

18

19 Judith Caputo, Stenographer/Transcriptionist

20 Talia Gillani, Virtual Technician

21

22

23

24

25

INDEX OF EXHIBITS

NUMBER/DESCRIPTION	PAGE NO.
1: Curriculum Vitae of Eugene Creamer.	59

* * The following is a list of documents undertaken to be produced or other items to be followed up * *

INDEX OF UNDERTAKINGS

The documents to be produced are noted by U/T and appear on the following pages: (None).

1 -- Upon commencing at 9:00 a.m.

2

3 EUGENE CREAMER: AFFIRMED.

4 CHRISTINE MAINVILLE: Mr. Creamer, the
5 purpose of today's interview is to obtain your
6 evidence under oath or solemn declaration for use
7 at the Commission's Public Hearings.

8 This will be a collaborative interview
9 such that my co-counsel, Mr. Imbesi, may intervene
10 to ask certain questions. If time permits, your
11 counsel may also ask follow-up questions at the end
12 of the interview.

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

18 The transcript will be posted to the
19 Commission's public website, along with any
20 corrections made to it, after it is entered into
21 evidence.

22 The transcript, along with any
23 corrections, will be shared with the Commission's
24 participants and their counsel on a confidential
25 basis before being entered into evidence.

1 You will be given the opportunity to
2 review your transcript and correct any typos or
3 other errors before the transcript is shared with
4 the participants or entered into evidence. Any
5 non-typographical corrections made will be appended
6 to the transcript.

7 Finally, pursuant to Section 33 (6) of
8 the Public Inquiries Act 2009: A witness at an
9 inquiry shall be deemed to have objected to answer
10 any question asked of him upon the ground that his
11 answer may tend to incriminate the witness, or may
12 tend to establish his liability to civil
13 proceedings at the instance of the Crown or of any
14 person, and no answer given by a witness at an
15 inquiry shall be used or be receivable in evidence
16 against him in any trial or other proceedings
17 against him thereafter taking place, other than a
18 prosecution for perjury, in giving such evidence.

19 As required by Section 33 (7) of the
20 Act, you are hereby advised that you have the right
21 to object to answer any question under Section 5 of
22 the Canada Evidence Act.

23 Okay?

24 EUGENE CREAMER: Yes.

25 CHRISTINE MAINVILLE: Great. So maybe

1 we can start with you explaining your involvement
2 or role in Stage one of Ottawa's LRT.

3 EUGENE CREAMER: I was the project
4 director for about a two-year period. I went to
5 Ottawa to take over the project after the sinkhole
6 in September of the year of the sinkhole.

7 As project director, everyone in the
8 construction and design reported to me, and I
9 reported to an executive committee, and I liaised
10 with the client, the City of Ottawa.

11 CHRISTINE MAINVILLE: And so you began
12 in 2016 on the project?

13 EUGENE CREAMER: If you don't mind,
14 I'll look at my resumé.

15 CHRISTINE MAINVILLE: Sure. Which I
16 don't think we've received. If you're able to
17 provide it, it might assist us just to get your
18 more complete background.

19 EUGENE CREAMER: It's been provided to
20 my counsel. I'm surprised they haven't given a
21 copy to you.

22 CHRISTINE MAINVILLE: I might have
23 overlooked it, there's several.

24 EUGENE CREAMER: 2016. So it would
25 have been September 2016 to 2018.

1 CHRISTINE MAINVILLE: Sorry,
2 September 2016 to...?

3 EUGENE CREAMER: To somewhere in 2018,
4 which would have been probably April-May 2018.
5 I'm not exactly sure of the month in
6 2018.

7 CHRISTINE MAINVILLE: Thank you.
8 Mr. Chowdhury, I don't think I have it,
9 although it may just have gotten lost. If you're
10 able to resend it, you may be able to post it
11 before the end of the interview.

12 MANNU CHOWDHURY: We can certainly send
13 it to you.

14 CHRISTINE MAINVILLE: Thank you.
15 And so who did you take over from when
16 you arrived?

17 EUGENE CREAMER: David Whyte.

18 CHRISTINE MAINVILLE: Who were you
19 working for at the time?

20 EUGENE CREAMER: SNC-Lavalin.

21 CHRISTINE MAINVILLE: And was Mr. Whyte
22 with SNC?

23 EUGENE CREAMER: Yes, he was.

24 CHRISTINE MAINVILLE: And to be clear,
25 you were project director for OLRT Construction,

1 correct?

2 EUGENE CREAMER: That's correct.

3 CHRISTINE MAINVILLE: Do you know why
4 Mr. Whyte left the project?

5 EUGENE CREAMER: It was a corporate
6 decision, I wasn't privy to the reasons that were
7 made. I wasn't privy to the reasons that he was
8 let go.

9 CHRISTINE MAINVILLE: Okay. And you
10 were replaced by Mr. Holloway in 2018?

11 EUGENE CREAMER: That's correct.

12 CHRISTINE MAINVILLE: And why did you
13 leave the project at that time?

14 EUGENE CREAMER: It was a partner
15 decision, mostly led by EllisDon and Dragados.

16 CHRISTINE MAINVILLE: And we'll get
17 your resumé, but could you tell us a bit about your
18 experience and background?

19 EUGENE CREAMER: Yes. I'm a
20 professional engineer, I have worked on nine, or
21 ten LRT or heavy rail projects. I've got
22 experience in all levels of transportation.

23 I also hold an Airline Transport
24 Pilot's Licence. I've done redevelopment of two
25 major airports, I've done highway work, I've done a

1 lot of marine work, I've done the redevelopment to
2 marine terminals. I've got a gamut of experience
3 in industrial, commercial, institutional works.
4 And half of my career has been as an owner's
5 representative, and half has been working directly
6 on a contractor and/or in the design-build
7 environment.

8 CHRISTINE MAINVILLE: And how would you
9 describe the state of the project when you arrived
10 and took over in 2016?

11 EUGENE CREAMER: There were a lot of
12 challenges. The project had just had a sinkhole on
13 Rideau Street in Ottawa. It was a major event, and
14 there was a lot of work that had to go into getting
15 it back on track.

16 On the civil side, the trains supplier
17 was challenged with his schedule. There was a lot
18 of work that had to be done on the design, as well
19 as on the systems work and the integration for the
20 trains and all of the systems.

21 CHRISTINE MAINVILLE: Right. So maybe
22 let's start with that last piece. Were you
23 surprised at the state of the designs and
24 integration at that point in time?

25 EUGENE CREAMER: No. I had seen many

1 that were in similar situation at that stage in the
2 development of the project.

3 CHRISTINE MAINVILLE: But there
4 remained work to be done?

5 EUGENE CREAMER: Significant work to
6 do. Through my network and people that I've worked
7 with in the past, I was able to bring together
8 certain people, particularly, for the systems
9 integration and the systems role in general for
10 both the construction and the design.

11 I brought in a fellow that I had worked
12 with in Malaysia, Frank Fitzgerald, he was an
13 electrician by trade, but he also did an
14 engineering degree and a computer science degree.
15 And so he knew the whole systems world from the
16 ground up. And we had worked in Malaysia and
17 Jamaica together.

18 CHRISTINE MAINVILLE: So was he brought
19 in to look specifically at the integration of the
20 rolling stock and signalling system; or the
21 integration more broadly?

22 EUGENE CREAMER: More broadly,
23 including the SCADA system and everything to do
24 with Thales and also the integration with Alstom.

25 CHRISTINE MAINVILLE: Who is

1 responsible for the SCADA system?

2 EUGENE CREAMER: It's a company out of
3 Edmonton, I'd have to think about it. But I don't
4 have the name off the top of my head. I can
5 research it and send it to the Inquiry if they need
6 it.

7 CHRISTINE MAINVILLE: So they supplied
8 it, I guess is what you're saying?

9 EUGENE CREAMER: Yeah, it's mostly
10 programming.

11 CHRISTINE MAINVILLE: And then it just
12 falls under OLRT-C's responsibility?

13 EUGENE CREAMER: Yes, it was part of
14 our responsibility.

15 [Reporter intervened for clarification
16 purposes]

17 CHRISTINE MAINVILLE: Okay. And
18 systems integration, who had responsibility for
19 that on the project?

20 EUGENE CREAMER: OLRT-C.

21 CHRISTINE MAINVILLE: And what was RTG
22 EJV's role in that regard?

23 EUGENE CREAMER: They were the head of
24 the project, in terms of the whole project,
25 including the maintenance arm, RTM and OLRT-C and

1 the liaison with the City. So they were our
2 conduit to the City.

3 CHRISTINE MAINVILLE: Sorry, you're
4 referencing RTG probably?

5 EUGENE CREAMER: Yes, RTG.

6 CHRISTINE MAINVILLE: Right. But what
7 about the engineering joint venture, EJVV?

8 EUGENE CREAMER: Engineering joint
9 venture fell under OLRT-C.

10 CHRISTINE MAINVILLE: Right. And what
11 was their role, if any, on the systems integration
12 side?

13 EUGENE CREAMER: They had an overseeing
14 role with the technical director leading it.

15 CHRISTINE MAINVILLE: Who's technical
16 director?

17 EUGENE CREAMER: Roger Schmidt.

18 CHRISTINE MAINVILLE: Who worked for
19 OLRT-C?

20 EUGENE CREAMER: Yes.

21 Sorry, he was a private contractor,
22 working for Dragados seconded to OLRT-C.

23 CHRISTINE MAINVILLE: So he had the
24 role -- was it a systems integrator role?

25 EUGENE CREAMER: No, he had oversight

1 on the technical direction of the project. There
2 were other people involved in the systems
3 integration.

4 CHRISTINE MAINVILLE: And who were those?

5 EUGENE CREAMER: I don't have their
6 names.

7 CHRISTINE MAINVILLE: Okay. Did you
8 understand that there had been some challenges in
9 filling that role earlier on in the project?

10 EUGENE CREAMER: Yes, I was aware of
11 that. That's why I brought Frank in.

12 CHRISTINE MAINVILLE: Okay. What did
13 you understand those challenges to relate to?

14 EUGENE CREAMER: People's
15 misunderstanding of what the scope involved with
16 the integration.

17 One of the key things that needed to
18 happen was a systems functional planning document.
19 Without that, you don't have a map to do the
20 systems work.

21 CHRISTINE MAINVILLE: And so was that
22 developed later on, or was there...

23 EUGENE CREAMER: Frank can do one of
24 those in about three weeks.

25 CHRISTINE MAINVILLE: Okay, so he did?

1 EUGENE CREAMER: Yes, of course.

2 CHRISTINE MAINVILLE: Do you know why
3 that hadn't been done previously? There was some
4 misunderstanding of the need for it?

5 EUGENE CREAMER: Yeah, there was a
6 misunderstanding of what that document, the
7 strength of that document. And so without that
8 document, you don't know which systems have to talk
9 to which systems and how they interface.

10 CHRISTINE MAINVILLE: And the fact that
11 it was done later in the day than perhaps might
12 normally have been done, did that have implications
13 in terms of perhaps not being able to entirely
14 catch up or...

15 EUGENE CREAMER: No. Once Frank took
16 over, the document was put together. In terms of
17 the installation of the systems, it was all caught
18 up in very short order for the integration.

19 CHRISTINE MAINVILLE: Do you think from
20 that point on, or at least until you left, there
21 was sufficient resourcing and attention brought to
22 the systems integration component?

23 EUGENE CREAMER: There was. Rupert
24 was -- when I was project director, Rupert was my
25 direct report at SNC and he was one of our Ex-Co

1 members. And he had had a different experience in
2 Australia with systems integration. And he brought
3 in a different company to do a bunch of mapping for
4 this systems work for verification.

5 CHRISTINE MAINVILLE: And just going
6 back to the engineering joint ventures role. You
7 said they had an oversight role on the technical
8 director?

9 EUGENE CREAMER: Sorry, can you repeat
10 the question?

11 CHRISTINE MAINVILLE: You mentioned
12 them having an oversight role with the technical
13 director leading...

14 EUGENE CREAMER: Yeah. The systems
15 integration fell under the responsibilities of
16 OLRT-C. And the oversight, and directly
17 responsible was Roger Schmidt. And initially they
18 had two or three people seconded, mostly from SNC,
19 to oversee the systems integration on the design
20 side.

21 CHRISTINE MAINVILLE: And so they were
22 seconded to EJV or OLRT-C?

23 EUGENE CREAMER: I'm not sure whether --
24 I believe it was on the design side.

25 CHRISTINE MAINVILLE: I don't know if

1 you recall the names, but would that have been
2 Keith Brown?

3 EUGENE CREAMER: Keith Brown was
4 involved, but he wasn't the hands-on doing any work
5 really. It was other people that we had there.

6 CHRISTINE MAINVILLE: And so in terms
7 of the functional planning document, the systems
8 planning document that Mr. Fitzgerald ultimately
9 developed, would that have been a design
10 responsibility, or would you have expected OLRT-C
11 to do that?

12 EUGENE CREAMER: Well, OLRT-C had
13 oversight on the design. So it ultimately would
14 have come under OLRT-C's responsibility and, you
15 know, under design-build, I'm not looking to put
16 everybody in a single box. I want the right person
17 to do the job.

18 So I didn't go particularly and say,
19 "Frank, you need to do oversight on the design."
20 It's, "I need a functional plan, and please get it
21 done."

22 CHRISTINE MAINVILLE: In terms of the
23 systems integration of the signalling system and
24 the rolling stock more specifically, what was the
25 state of that integration when you arrived? Or the

1 level of attention that had been paid to.

2 EUGENE CREAMER: There had been lots
3 and lots of problems with Alstom's development.
4 The reality is, the City of Ottawa bought a
5 prototype vehicle, they did not buy a proven
6 vehicle. And that was evidenced by the City
7 themselves. Their consultant in the newspapers
8 advised that it was a prototype vehicle.

9 And with a prototype vehicle, one of
10 the key things that was not well developed was the
11 train control software. And we waited and waited
12 for long periods of time for Alstom to develop
13 their software packages, and there were multiple
14 revisions to their software. And the revisions
15 took prolonged time to be developed and then
16 uploaded on the trains.

17 And so there was always a lag with the
18 integration between the train control system and
19 Alstom's systems on the trains. And the two of
20 them had to work together, but Alstom ultimately
21 had to finish their work before they were certainly
22 a predecessor to Thales doing their work.

23 CHRISTINE MAINVILLE: When you say the
24 train control software, though, you don't mean the
25 signalling system?

1 EUGENE CREAMER: No, no. Thales
2 performed very well. Once they were given the
3 trains, and their end of the CBTC worked very, very
4 well. But there were always challenges with
5 Alstom's software.

6 CHRISTINE MAINVILLE: And do you know
7 what occasioned that?

8 EUGENE CREAMER: Sorry?

9 CHRISTINE MAINVILLE: Do you know what
10 occasioned those challenges?

11 EUGENE CREAMER: Timing, to get the
12 software. All of the programming was done in
13 France, in Paris, and there were always large
14 delays between the time the software was developed
15 and by the time it could be uploaded.

16 Now in fairness to Alstom, there is a
17 significant amount of testing that has to happen
18 with the software. They have to run through
19 multiple scenarios to make sure that they'll be
20 able to sign the safety certificate.

21 But, also in France, everybody takes
22 the month of August off, so you won't get any
23 software out of France in the month of August. So
24 when you're on tight deadlines, and people are not
25 there, the work just doesn't get done.

1 CHRISTINE MAINVILLE: And did you
2 understand that the validation testing took place
3 later than originally planned?

4 EUGENE CREAMER: Yes, I did. But that
5 was a lot to do with Alstom themselves. The test
6 track was available, they just didn't get out
7 there. And they used the sinkhole as a reason for
8 not completing the testing, but that wasn't a valid
9 reason. The test track was from University of
10 Ottawa to Blair. They had plenty of track to do
11 testing on.

12 In fact, we even moved the train
13 through the tunnel in, I believe, March or April --
14 no, it was earlier than that. It might have been
15 February. And we had it at Tunney's Pasture so
16 that they can do testing on that side. Because
17 there was a short piece of track that wasn't -- the
18 track was complete, but the power rail wasn't. And
19 that was completed in about three weeks after we
20 moved the train through. But we didn't want to
21 move trains back and forth through the tunnel,
22 because we had lots of finishing work to do in the
23 tunnels.

24 So we had trains at both ends, and they
25 could have been doing all of their testing,

1 including Thales doing their testing after the
2 train had been tested by Alstom; and that did not
3 happen. They just parked the train there and it
4 sat.

5 CHRISTINE MAINVILLE: What was the
6 original plan for the test track; do you know?

7 EUGENE CREAMER: Well, initially, the
8 first two trains were supposed to be tested off
9 site. And that was before my time. And when I got
10 there, I had found out that it hadn't been tested.
11 It hadn't been tested off site.

12 So then we re-baselined the schedule
13 with them doing the testing on the section of track
14 to the east of the alignment, which was --
15 initially it was -- I don't remember exactly which
16 station it was. But it was from Blair to one of
17 the stations, and then eventually we opened it up
18 to University of Ottawa.

19 CHRISTINE MAINVILLE: Am I right that
20 that part of the track wasn't long enough to test
21 at maximum speed?

22 EUGENE CREAMER: That's absolutely not
23 correct. We ran the train at 97 kilometres an hour
24 in that section, and there was no issue doing it.

25 And in fact, when we moved the train

1 over to the other side, near Tunney's Pasture, we
2 ran the train on the first run when we were just
3 locating it there, we ran it to 80 kilometres an
4 hour.

5 CHRISTINE MAINVILLE: What were the
6 implications of this testing -- sorry, Alstom's
7 testing starting late, as you've described?

8 EUGENE CREAMER: It pushed everybody
9 else's testing. Understanding that Alstom's
10 testing was a predecessor to turning the trains
11 over to Thales to do their integration and testing.

12 So until Alstom completed their work,
13 we could not get Thales' work done. Which is why
14 we gave an extension of time to Thales, because
15 Alstom was late.

16 CHRISTINE MAINVILLE: And when did the
17 integration testing start? The integration testing
18 on the rolling stock and signalling system?

19 EUGENE CREAMER: I don't have that date
20 in my head, I'm not sure. I'd have to go back
21 through records, and I don't have access to them
22 right now.

23 CHRISTINE MAINVILLE: Do you recall in
24 November 2017, OLRT-C writing to Thales that it did
25 not have adequately qualified or experienced

1 testing staff on site?

2 EUGENE CREAMER: Multiple letters went.
3 We did, yes, I'm sure.

4 CHRISTINE MAINVILLE: Were there
5 concerns about the testing, Thales' testing?

6 EUGENE CREAMER: Yes, there were. And
7 Thales responded.

8 CHRISTINE MAINVILLE: What were the
9 concerns?

10 EUGENE CREAMER: The concerns were
11 staffing levels and how quickly they were
12 responding.

13 CHRISTINE MAINVILLE: Okay.

14 EUGENE CREAMER: So just to clarify on
15 that. The person that Thales had as a project
16 manager, at that time, Frank was our lead for the
17 train control system. And Frank, technically,
18 could run circles around the project manager. And
19 Frank's expectation was the project manager would
20 be on a different level, technically, and that was
21 part of the challenge that we had.

22 And we got through that, because the
23 Thales manager was there to manage the resources,
24 and not as a technical reference. And once we got
25 past that, Thales performed very well.

1 CHRISTINE MAINVILLE: And if in
2 November, late November 2017, Thales indicated that
3 OLRT-C was failing to deliver the infrastructure on
4 time, do you recall whether by that time they had
5 not been able to start some of their testing?

6 EUGENE CREAMER: They couldn't do the
7 end-to-end testing, that was correct. But we did
8 have connectivity through the system, we just
9 didn't have some of the work done in the tunnel.

10 CHRISTINE MAINVILLE: And am I right
11 that that didn't happen prior to your departure,
12 the end-to-end?

13 EUGENE CREAMER: No, we had end-to-end
14 by the time I left.

15 CHRISTINE MAINVILLE: By later in 2018?

16 EUGENE CREAMER: That's correct.

17 CHRISTINE MAINVILLE: So were they
18 running the trains -- was it as part of integration
19 testing at that point?

20 EUGENE CREAMER: No. Because we had
21 just moved the train through the tunnel, which was
22 a challenge. We got it to the other end.

23 The Thales equipment was up and running
24 at Tunney's Pasture, and that's where I said that
25 Alstom could have been doing their testing at that

1 end, they just didn't -- they elected not to put
2 people on there, or they didn't have the resources.

3 CHRISTINE MAINVILLE: Okay. So the
4 trains were able to pass through the tunnel
5 sometime in 2018, but they weren't able to do the
6 full integration testing from one end to another?

7 EUGENE CREAMER: That is correct.

8 Later in 2018 they certainly could.
9 And it wasn't that far off, it was maybe a month or
10 two that they could have done full testing.

11 CHRISTINE MAINVILLE: And do you know
12 ultimately how compressed the testing and
13 commissioning was, in particular, the integration
14 testing?

15 EUGENE CREAMER: I don't, I wasn't there.

16 CHRISTINE MAINVILLE: When you were
17 there, what was the plan for trial running?

18 EUGENE CREAMER: We were going to start
19 trial running as soon as we had a test-proven
20 vehicle.

21 CHRISTINE MAINVILLE: So you mean as
22 soon as the rest of the testing and commissioning
23 was done?

24 EUGENE CREAMER: Yes.

25 CHRISTINE MAINVILLE: And then do you

1 recall what that was supposed to look like, the
2 trial running?

3 EUGENE CREAMER: Yeah, it was -- we
4 were supposed to simulate service and see how many
5 failures we had.

6 But one of the things you need to
7 understand is, the City was never ready to operate
8 the system.

9 VIRTUAL TECHNICIAN: My apologies for
10 interrupting.

11 It seems that our court reporter has
12 dropped out.

13 -- OFF THE RECORD DISCUSSION --

14 -- REPORTER'S NOTE: (Reporter confirms
15 that her backup device was being utilized and there
16 was no missing testimony).

17 CHRISTINE MAINVILLE: So let's start
18 again about the City...

19 EUGENE CREAMER: The City was not ready
20 to run the system. A good example of their efforts
21 to stall, they used building inspectors from the
22 City to measure every rise and tread on every stair
23 throughout the system.

24 I would challenge the City to tell us
25 what commercial building, institutional building,

1 residential, where the building inspectors actually
2 performed that service.

3 They found seven treads and risers that
4 were out of tolerance. But that's clearly what
5 they did to avoid starting running the system.
6 Because they clearly were not ready to run the
7 system.

8 CHRISTINE MAINVILLE: And what's your
9 basis for -- in terms of your observations about
10 their readiness on the operations side?

11 EUGENE CREAMER: They had to provide
12 drivers, and the drivers were all coming out of the
13 unionized labour pool that they had that were bus
14 drivers.

15 CHRISTINE MAINVILLE: Okay. And why
16 wouldn't they have been ready by 2018?

17 EUGENE CREAMER: They just didn't --
18 they didn't seem to have the organization in place
19 to be ready to run.

20 CHRISTINE MAINVILLE: Was the operator
21 involved in the design and construction phase in
22 any way? Were they brought in to...

23 EUGENE CREAMER: They were involved in
24 certain ways. And they did use some of their
25 labour force. In fact, some of the deficiencies

1 were done with using bus drivers to go around the
2 various stations and add to the deficiency list.

3 CHRISTINE MAINVILLE: For the stations
4 or...

5 EUGENE CREAMER: Yes, for the stations.

6 CHRISTINE MAINVILLE: In terms of the
7 operational considerations informing the design,
8 did OLRT-C have a Concept of Operations or anything
9 to work off of about how they were going to
10 operate?

11 EUGENE CREAMER: A lot of the operation
12 documentations were put together by us on a, I
13 believe it was a change order. And we had Louis
14 Ranger doing this work.

15 Louis Ranger was, prior to coming to
16 work on OLRT, he was the head of Transport Canada.

17 CHRISTINE MAINVILLE: So that's was not
18 the original plan, because it required a change
19 order?

20 EUGENE CREAMER: Yeah. It wasn't part
21 of our original scope, but it was done on the
22 change order.

23 CHRISTINE MAINVILLE: Do you know
24 whether that's because they had not been able to do
25 it themselves or...

1 EUGENE CREAMER: I don't know. That
2 decision was, when I arrived there, Louis was
3 already working for us.

4 CHRISTINE MAINVILLE: So do I take it
5 then, that prior to Mr. Ranger doing some of that
6 work, that the involvement of the operator maybe
7 was not as significant as it may otherwise have
8 been?

9 EUGENE CREAMER: Probably. Now
10 understanding that a transportation system, train
11 system, has to have an operating certificate. And
12 they need to have the documentation for an
13 operating certificate, and that's what Louis
14 Ranger -- and he used to be the Deputy Minister of
15 Transportation, Transport Canada.

16 CHRISTINE MAINVILLE: In other
17 projects, have you worked with a Concept of
18 Operations, or that type of information from the
19 operator that helps inform the design and
20 construction work?

21 EUGENE CREAMER: So understand, you'll
22 see on my resumé, I've actually held a -- I'm a
23 proper engineer. I've held a licence to drive
24 trains as well, okay, when I worked at -- so I know
25 what is required for an operating certificate, and

1 what goes into an operating handbook.

2 And when I did the Monorail Malaysia in
3 Kuala Lumpur, I worked together with our team to
4 put together the operating handbook for the
5 monorail. So I'm fully familiar with what goes
6 into an operating system, as well as, like I said
7 earlier, I do hold an Airline Transport Pilot's
8 Licence as well. I do know what happens with
9 operations.

10 CHRISTINE MAINVILLE: But in terms of
11 how a particular operator on a particular project
12 intends to operate, and how that might inform how
13 you design the system, how do those two things work
14 together, and did they work in Ottawa?

15 EUGENE CREAMER: Well, you know, the
16 operations manual falls out of the design. So, you
17 know, we look at all of the parameters and we do
18 the risk analysis, etcetera.

19 And then the operating handbook and
20 guidelines comes out of the design. So, you know,
21 a lot of that was dictated by where we are in the
22 industry for putting together the overall operating
23 systems for the train.

24 CHRISTINE MAINVILLE: So you wouldn't
25 necessarily have seen any value in OC Transpo, as

1 the operator, having more involvement earlier on in
2 the project in terms of design?

3 EUGENE CREAMER: Well, one of the
4 biggest problems was, they had no experience.

5 CHRISTINE MAINVILLE: Right.

6 EUGENE CREAMER: So, they wouldn't have
7 necessarily brought much to the table.

8 CHRISTINE MAINVILLE: Okay. But have
9 you seen that done in other projects, where you
10 have a more experienced operator?

11 EUGENE CREAMER: Well, I worked for
12 CN for a number of years. So have I seen more
13 experienced operators? Absolutely. The Class 1
14 railways in Canada operate at a different tier.

15 CHRISTINE MAINVILLE: If you're
16 designing a system, would they be involved, if
17 they're an experienced operator?

18 EUGENE CREAMER: Absolutely. When I
19 worked at CN, operations was always involved. When
20 I worked at BC Ferries -- very few people
21 understand this, but BC Ferries developed the first
22 fully automated ramp systems in the world for
23 loading ferries, and I was in charge of the first
24 one to be built. And that was with the advent of
25 the PLC, programmable logic controllers, that

1 allowed us to do that. Prior to that, everything
2 was analog. And that allowed us to do it
3 digitally.

4 CHRISTINE MAINVILLE: And did you, in
5 this case, have anything like a Concept of
6 Operations to work off of during the construction?

7 EUGENE CREAMER: Well, Louis Ranger was
8 developing some of that documentation as well. But
9 SNC would have had a breadth of experience, because
10 we worked on the original Expo Line, which was one
11 of the first driverless systems. And I worked on
12 the original Expo Line.

13 CHRISTINE MAINVILLE: Okay. But in
14 terms of something that had been devised early on
15 even during preliminary -- for the preliminary
16 designs...

17 EUGENE CREAMER: They would have had
18 some documentation on that.

19 CHRISTINE MAINVILLE: Okay.

20 Mr. Manconi, who was general manager of
21 OC Transpo, but in terms of overseeing this project
22 on the City side, would you say -- was he wearing a
23 different hat, or was he there and able to provide
24 input as operator?

25 EUGENE CREAMER: He was there providing

1 some information on how they intended to operate
2 the system. But remember, Mr. Manconi's experience
3 was primarily with the bus operations. They did
4 have a small O-Train line that was a single line
5 that was a small operation.

6 CHRISTINE MAINVILLE: So you saw a lack
7 of experience on the operations side?

8 EUGENE CREAMER: Absolutely, yes.

9 CHRISTINE MAINVILLE: And did they not
10 bring any consultants or advisors that were able to
11 fill that gap?

12 EUGENE CREAMER: They brought in STV, a
13 U.S. consultant out of New York City, which I
14 worked with them a little bit with on the
15 redevelopment of the Terminal 1 International
16 Terminal at JFK Airport.

17 CHRISTINE MAINVILLE: And so did they
18 fill that gap?

19 EUGENE CREAMER: They had some
20 experience, but I also got to work directly with
21 the AirTrain operators. So I did get some insight
22 into how AirTrain operated, and STV was more their
23 go-to for the civil side, not much on the
24 operations or on the systems design side.

25 So just following through. The City

1 fundamentally -- the trains were the wrong
2 selection for the climate in Ottawa. You've got a
3 small wheel, the trains were -- they wanted
4 something between a in-street tram type system to
5 an LRT train, and with the whole undercarriage and
6 the low floor inside an operating guideway. It was
7 not the right selection.

8 They would have been far better off
9 with a train like they have in Vancouver, or in the
10 one that they have selected for Montréal.

11 CHRISTINE MAINVILLE: Which is what?

12 EUGENE CREAMER: It's a standard LRT
13 with platform heights that are high enough that
14 you're not trying to put everything on the roof,
15 you've got lots of room on the undercarriage. And
16 the simple fact of the matter is, with a small
17 wheel and you're going 80 kilometres an hour, it's
18 just not conducive.

19 It should be one or the other. Trying
20 to jam everything into one package isn't
21 necessarily the best solution. And that was a
22 fundamental decision that they made.

23 And my understanding from people who
24 were involved in the original process, both SNC and
25 Bombardier advised the City of Ottawa against the

1 use of a low-floor vehicle and a small undercarriage.

2 CHRISTINE MAINVILLE: I'll come back to
3 that.

4 What are the potential implications?
5 Does it raise performance issues or reliability
6 concerns?

7 EUGENE CREAMER: Performance, for sure.
8 Because they also had a proprietary-type bogie
9 design that allowed for an extra degree of freedom
10 with the flex in the frame. So it makes it
11 challenging.

12 CHRISTINE MAINVILLE: And the
13 construction challenging, or the manufacturing?

14 EUGENE CREAMER: Yeah, yeah. And the
15 other fundamental decision that was made prior to
16 even going out to tender, was tie and ballast for
17 the track bed. It should have been a slab-on-grade
18 with fixed rails to the slab-on-grade.

19 The tie and ballast, in Ottawa you have
20 the situation where you have the tunnel. The
21 tunnel, the temperature of the rail in the tunnel
22 is going to be 20 degrees, and some of the rail
23 outside will be anywhere from 40 to 60 degrees, and
24 you're going to get movement of the rail and the
25 track bed with those temperatures.

1 And unlike heavy rail, where we -- on
2 the main line we'll limit curves to 4 to 6 degrees,
3 if we're trying to maintain other speeds on the
4 track; on LRT, we put in much tighter radiuses on
5 the turns and the alignment. And that means that
6 when you get thermal expansion, it will push the
7 rail, and if the curve is too tight, it will
8 actually move the whole rail, the track bed.

9 CHRISTINE MAINVILLE: Do you know if
10 that led to issues, ultimately?

11 EUGENE CREAMER: Yeah, it did end up
12 with certain issues with it, because the track does
13 move, and it has to be resurfaced.

14 Which, you know, in the overall is not
15 insurmountable. But I know that SNC looked at it
16 to see if they could justify slab-on-grade by the
17 savings out of the maintenance budget, but they
18 weren't able to justify it. But that certainly
19 would have been good value engineering.

20 CHRISTINE MAINVILLE: Would that have
21 some pressure on the maintenance, the ballast
22 issue?

23 EUGENE CREAMER: It would put some
24 issues on the maintenance. But one of the key
25 things that happened early on, was Alstom was the

1 maintainer with the management company of RTM
2 set up.

3 During the time when we were just
4 starting up, we were expected, OLRT was expected to
5 pay for Alstom's maintenance people. They did not
6 do any maintenance other than when they were
7 cajoled into greasing some of the switches.

8 But they had a golden opportunity to
9 learn how to do the track work properly, they never
10 did. They sent the people out for doing track work
11 to write lists of deficiencies for OLRT to correct.
12 But they never actually picked up any tools, and
13 did any maintenance on the track, other than some
14 lubricating of switches.

15 CHRISTINE MAINVILLE: You mean during
16 the construction phase while you were still there?

17 EUGENE CREAMER: Yes, exactly.

18 CHRISTINE MAINVILLE: Did their
19 contract not start later?

20 EUGENE CREAMER: No. I believe their
21 contract started on time, and OLRT picked up the
22 cost for Alstom's maintenance during the time
23 period that we had not started operating the
24 system.

25 CHRISTINE MAINVILLE: So wasn't

1 maintenance during the construction phase OLRT-C's
2 responsibility?

3 EUGENE CREAMER: Yes.

4 CHRISTINE MAINVILLE: Okay.

5 EUGENE CREAMER: But we were paying
6 somebody to sit in a room, instead of getting out
7 and learning how to do it. And we were doing the
8 maintenance with OLRT personnel, but we were also
9 paying somebody to sit in a room and not do the
10 work.

11 And so when they came to start
12 operating the system, their trackmen didn't know
13 what to do, because they hadn't taken the
14 opportunity to learn. They could have come out and
15 worked with our crews and learned something, they
16 did not.

17 CHRISTINE MAINVILLE: Okay. I just
18 want to go back to some of the vehicle
19 requirements.

20 The 100 percent low floors --

21 EUGENE CREAMER: Yup.

22 CHRISTINE MAINVILLE: -- did you
23 understand that to have been part of the original
24 requirements in the RFP?

25 EUGENE CREAMER: I do understand that

1 it was, but only through discussions with Sharon
2 Oakley.

3 CHRISTINE MAINVILLE: Because you said
4 SNC and Bombardier advised Ottawa against it.
5 Bombardier wasn't selected, so I take it that would
6 have been earlier on that they would have advised
7 against that?

8 EUGENE CREAMER: That's correct, yeah.
9 And it wasn't necessarily the low floor. Or sorry,
10 the flat floor. It was the low-floor vehicle,
11 because the undercarriage was now compressed. So
12 they suggested a much more robust undercarriage and
13 frame. You would have got the flat floor much
14 easier with the train like they have in Montréal or
15 Vancouver.

16 CHRISTINE MAINVILLE: Do you know why
17 they had that requirement?

18 EUGENE CREAMER: For the low floor?

19 CHRISTINE MAINVILLE: Yes.

20 EUGENE CREAMER: I don't know for sure
21 the reason. But, typically, it would be so that
22 you could use the trains on street level uses. So
23 in-street running.

24 CHRISTINE MAINVILLE: And if they had
25 plans for a future expansion that might involve

1 street running, would it make sense that they'd
2 have that requirement?

3 EUGENE CREAMER: It depends. In
4 Ottawa, no. It would not make sense, because of
5 the snow. It's not a good application.

6 They don't have it in New York City,
7 and New York City gets a lot less snow than Ottawa.
8 They don't have it in Montréal, they don't -- they
9 do have it in Toronto. But they do have a lot of
10 in-street running systems in Toronto that we don't
11 have elsewhere in Canada.

12 CHRISTINE MAINVILLE: So these ones in
13 New York or Montréal -- well, I know Montréal
14 because I'm from there. But they don't -- do they
15 interface with the streets at all?

16 EUGENE CREAMER: No.

17 CHRISTINE MAINVILLE: No.

18 EUGENE CREAMER: No.

19 CHRISTINE MAINVILLE: But would it need
20 to be -- because you said it didn't make sense for
21 Ottawa, because of the snow. But do they need to
22 be 100 percent low floor if they're going to
23 interface with the street?

24 EUGENE CREAMER: No, not necessarily.
25 They were looking at a system in Surrey, in BC, an

1 in-street running system. And also in Calgary they
2 have portions of it running in-street, and all of
3 the platforms are built up with that -- with either
4 ramp access or some sort of stair access to the
5 platform.

6 So Calgary does not -- and Calgary runs
7 right through downtown with the train, but you have
8 to mount up onto a platform to get off. And
9 Calgary's system is one of the most used systems in
10 North America.

11 CHRISTINE MAINVILLE: Do you have views
12 on whether the requirements, in particular for the
13 rolling stock, were overly prescriptive?

14 EUGENE CREAMER: They were, yes.

15 CHRISTINE MAINVILLE: Was there a
16 requirement for, effectively, a track that's used
17 for heavy rail as opposed to light rail?

18 EUGENE CREAMER: I'm not sure about
19 that. I have a vague recollection of some
20 discussion about it, but I was not there during the
21 initial design. I would have had a much better
22 knowledge of it if I had been there earlier.

23 CHRISTINE MAINVILLE: Do you recall the
24 project specifications requiring, or pointing to
25 the AREMA Standards?

1 EUGENE CREAMER: There certainly would
2 have been reference to AREMA, at least for the
3 specifications on the rail; and they're generally
4 accepted standards.

5 But in terms of actually running heavy
6 rail, using heavy rail rolling stock, that would
7 not be possible with some of the curves that were
8 on the track.

9 CHRISTINE MAINVILLE: Right. But do
10 you understand that there was, irrespective of what
11 the requirements were, some misalignment between
12 the track and the vehicle type on this project?

13 EUGENE CREAMER: There's always a long
14 discussion about wheel-rail interface. That was
15 discussions that happened way before I got there.

16 When I got there, the rail was in from
17 Tunney's Pasture, close to the University of
18 Ottawa. And they were just starting track work at
19 the west end of the alignment.

20 CHRISTINE MAINVILLE: So you wouldn't
21 have been too close to that issue?

22 EUGENE CREAMER: No.

23 CHRISTINE MAINVILLE: Okay. What about
24 the design and various requirements accounting for
25 maintenance needs?

1 Do you think it's sufficiently -- you
2 know, did it design a system that was easy to
3 maintain, or did it sufficiently account for what
4 ultimately would fall on maintenance and make it a
5 bit more complex to maintain?

6 EUGENE CREAMER: No, there was general
7 consideration for maintenance. You know, being the
8 fact that it was design-build-own-operate, we did
9 put considerations in for maintenance. We're in
10 discussions with the entity that would be the
11 maintainer. And we did listen and look at business
12 cases that would save money ultimately on the
13 maintenance.

14 CHRISTINE MAINVILLE: So RTM was
15 involved during the construction phase?

16 EUGENE CREAMER: Yeah, yeah. There was
17 always an arm available with some maintenance
18 capacity managerially.

19 CHRISTINE MAINVILLE: Did the rolling
20 stock requirements -- and you've explained some of
21 the complexities about the low floor and the bogie,
22 did that design create maintenance challenges?

23 EUGENE CREAMER: Can you repeat the
24 question, please?

25 CHRISTINE MAINVILLE: The vehicle

1 requirements, including the low floors, and small
2 wheels, and all these things, do they have
3 implications for maintenance? Is it a more
4 complicated vehicle?

5 EUGENE CREAMER: Yes, it is more
6 complicated. And, obviously, the wheel axles
7 and -- when you're running them at a higher speed
8 than you would be an in-road running system, then
9 you are challenged with additional maintenance.

10 CHRISTINE MAINVILLE: You were not
11 there at the tail end of the project, but do you
12 know whether these things were integrated into
13 maintenance plans?

14 EUGENE CREAMER: I don't know.

15 CHRISTINE MAINVILLE: Okay.

16 Now, if we go back to the rolling stock
17 being a prototype. And you said the City's
18 consultants advised about that; who are you
19 referencing?

20 EUGENE CREAMER: Boxfish. Now I don't
21 remember the person's name, but it's available in
22 the media.

23 CHRISTINE MAINVILLE: Brian Guest?

24 EUGENE CREAMER: Yes.

25 CHRISTINE MAINVILLE: So when do you

1 say he would have advised the City about this fact?

2 EUGENE CREAMER: I don't know.

3 CHRISTINE MAINVILLE: You were just
4 referencing something you read in the media?

5 EUGENE CREAMER: That's correct.

6 CHRISTINE MAINVILLE: So do you have
7 any sense of whether the City understood, through
8 your own interactions, whether the City understood
9 how proven or not this vehicle was?

10 EUGENE CREAMER: I had discussions with
11 Alstom where they told me how important it was for
12 them to get a number of kilometres on the vehicle
13 so that they could prove out the vehicle. That was
14 with Alstom. I don't know if I had a discussion
15 with the City directly referencing the prototype.

16 CHRISTINE MAINVILLE: And so are you
17 saying they wanted -- Alstom wanted a fairly
18 significant burn-in period of sorts?

19 EUGENE CREAMER: Yes, yeah.

20 CHRISTINE MAINVILLE: Am I right that
21 was not provided for in the Project Agreement?

22 EUGENE CREAMER: No, it was not.

23 CHRISTINE MAINVILLE: And so was there
24 a plan while you were there to do a significant
25 amount of burn-in?

1 EUGENE CREAMER: We were trying to get
2 them as much track time as we could.

3 CHRISTINE MAINVILLE: You don't know
4 ultimately if that was able to get done?

5 EUGENE CREAMER: Well, we did give them
6 as much track time as we could. And, you know, we
7 continued to try and operate and get them two --
8 and there were two vehicles they did a lot of
9 testing on, and those two vehicles eventually had
10 to go back in for rebuild, just because they were
11 prototypes, and there were a number of
12 modifications that had to be made to them to bring
13 them up to the final standard of the vehicles as
14 the design developed.

15 CHRISTINE MAINVILLE: You weren't there
16 earlier on, but I wonder if you know whether there
17 was any change to the vehicle that was put forward
18 by Alstom initially?

19 EUGENE CREAMER: I know from
20 discussions with various people that the original
21 vehicle that we proposed in our submission was a
22 CAF vehicle. And from people that told me that the
23 City advised the consortium that if they didn't go
24 with the Thales vehicle, and they went with the
25 CAF vehicle, they wouldn't be considered.

1 CHRISTINE MAINVILLE: Do you know
2 whether any exception was ever made to the
3 service-proven requirement for Alstom?

4 EUGENE CREAMER: I don't believe that
5 there was anything -- there was no exception made.
6 Alstom relied on the fact that the Citadis vehicle
7 was a proven vehicle in Europe. But there are two
8 Citadis vehicles, and you'll have to check with
9 Sharon which models they were. But we got the one
10 that was not proven, not the one that there were
11 multiple units operating in Europe.

12 And the other thing, too, is, a vehicle
13 in Europe isn't transferrable to the North American
14 market without doing certain things like a new fire
15 testing, crash testing, etcetera. So there was a
16 number of things that you would have to do, that
17 would be considerably different than what they were
18 calling a proven vehicle.

19 CHRISTINE MAINVILLE: And when you say
20 "Sharon", you mean Sharon Oakley?

21 EUGENE CREAMER: That's correct.

22 CHRISTINE MAINVILLE: So to what
23 extent, because you've called this a prototype,
24 what's your understanding of how different this
25 vehicle is from the Citadis Dualis that's in

1 Europe, or other Citadis vehicles?

2 EUGENE CREAMER: I'm not sure of all of
3 the differences. But I'd have enough discussions
4 with knowledgeable people to know that there's
5 significant difference, and that the vehicle that
6 we ultimately received in Ottawa was a prototype
7 because of changes to fundamental components of the
8 train.

9 CHRISTINE MAINVILLE: What's your view
10 or your observations about the suitability of the
11 MSF as the train assembly facility? In hindsight
12 or...

13 EUGENE CREAMER: In hindsight, it was
14 not a good selection. First of all, there wasn't a
15 proven labour market.

16 Ottawa, the population of Ottawa
17 doesn't support that level of manufacturing,
18 because you do need people who are capable of doing
19 the work, and it is repetitive work, so you need --
20 and then you have to find a different level of
21 supervision in terms of four persons available to
22 guide the labour force.

23 For example, in Vancouver, for Canada
24 Line, the trains were bought from Rotem, Hyundai
25 company, and those trains, even today, run

1 99.999 percent of the time. And the Bombardier
2 system, five years ago, struggled to get 95 percent
3 availability.

4 But the facilities that -- the trains
5 were built in Korea. It's a facility directly for
6 building trains and tanks. And they had their own
7 test track, we put the Thales equipment on the test
8 track over in Korea. When the trains came here,
9 they ran flawlessly.

10 CHRISTINE MAINVILLE: Do you think --
11 sorry, keep going.

12 EUGENE CREAMER: During the Olympics,
13 they ran 24 hours a day, seven days a week for
14 three weeks, with no interruptions.

15 CHRISTINE MAINVILLE: And so you see a
16 direct connection between the labour and the
17 production facility and the ultimate availability --
18 well, performance and availability of the vehicles?

19 EUGENE CREAMER: Yeah. And, you know,
20 the number of deficiencies that showed up in the
21 train particularly in wiring, etcetera, was just
22 lack of supervision and an unskilled labour force.

23 CHRISTINE MAINVILLE: The wiring
24 issues, what did those -- which breakdowns or other
25 kind of issues did those relate to?

1 EUGENE CREAMER: Well, when they did
2 start checking the wiring and doing some quality,
3 they found a lot of the plugs were not done
4 properly, the pins were bent over, there were
5 fundamental wiring deficiencies.

6 Which led to difficulties for Thales to
7 do their testing, because they had to go back and
8 fundamentally do wire checks.

9 CHRISTINE MAINVILLE: Right. There
10 were challenges or issues encountered through the
11 testing?

12 EUGENE CREAMER: Yes. And quite often,
13 Thales was fixing Alstom's wiring deficiencies.

14 CHRISTINE MAINVILLE: Were there
15 challenges between the Thales and Alstom interface?

16 EUGENE CREAMER: Well, they're
17 competitors.

18 CHRISTINE MAINVILLE: Right.

19 EUGENE CREAMER: And so, you know,
20 there was always the issue of what's proprietary
21 and what's not. So there was always some animosity
22 between the two.

23 CHRISTINE MAINVILLE: Would some form
24 of contractual relationship, interface agreement,
25 or MOU assist, if there was something between the

1 two on a project like this?

2 EUGENE CREAMER: It would help. I
3 mean, you do need a set of guidelines and rules to
4 have two competitors work together, yes.

5 CHRISTINE MAINVILLE: And there were
6 none in this case, correct?

7 EUGENE CREAMER: I don't -- I have no
8 recollection.

9 CHRISTINE MAINVILLE: What was the
10 City's oversight of the construction like? How
11 involved were they?

12 EUGENE CREAMER: They weren't that
13 involved. They came in and came out. Their
14 biggest issue was always schedule.

15 CHRISTINE MAINVILLE: Would you have
16 expected them to have greater involvement or not?

17 EUGENE CREAMER: No, I would not have
18 expected them to have greater involvement, because
19 they lacked the technical knowledge to really opine
20 on anything and provide any guidance.

21 CHRISTINE MAINVILLE: In an ideal
22 world, would they have brought in that level of
23 experience to be able to contribute better?

24 EUGENE CREAMER: They would have.

25 CHRISTINE MAINVILLE: Yes?

1 EUGENE CREAMER: Yes.

2 These are complex projects, and they
3 require people who have a certain level of
4 experience with complex projects. And the City
5 didn't have people at that level.

6 CHRISTINE MAINVILLE: And how was the
7 partnership with the City over the course of the
8 project, or the relationship?

9 EUGENE CREAMER: It was challenging.

10 CHRISTINE MAINVILLE: Can you tell me
11 about that?

12 EUGENE CREAMER: Well, there were --
13 one of the -- the easiest way to explain it is that
14 a man needs three things to go to work,
15 information, tools and material. So whether you're
16 a carpenter, an engineer, it doesn't matter.

17 If you're an electrician, if you're
18 missing one of those three things, you can't work
19 efficiently or you can't work at all.

20 And one of the things that happens
21 quite often with owners, they don't understand
22 their responsibility in terms of providing
23 information. And so without the information
24 component, the project gets challenged. And that's
25 how, in government organizations, you end up with

1 significant cost overruns, if people don't know how
2 to make decisions in a timely manner.

3 CHRISTINE MAINVILLE: What were the
4 types of information or decisions you needed from
5 the City that you weren't getting?

6 EUGENE CREAMER: For example, the
7 City's view on were there stanchions in the train.
8 Which leaves a loophole for people like Alstom,
9 companies like Alstom, to say that they don't have
10 all of the design information.

11 That's a simple example. All the way
12 to complex ones, where you want the camera image
13 to -- the CCT image to come up in the cab of the
14 train. So you have these cameras on the outside,
15 and you want to get the image to the cab inside the
16 train as part of the systems. So that's the sort
17 of decisions and operating decisions that are
18 somewhat arbitrary.

19 Another key example would be, the City
20 required us to put a push button in to keep -- for
21 driver alertness. Which one of the more inventive
22 drivers made himself a little mechanical device to
23 pop the button every 15 seconds, so he didn't have
24 to manually do it.

25 But that's the sort of stuff that, you

1 know, making decisions like that, arbitrary
2 decisions, well, we should do this; it doesn't
3 necessarily help the driver's alertness.

4 CHRISTINE MAINVILLE: Was this raised
5 during your time with the need for more, for
6 decisions or information or...

7 EUGENE CREAMER: Yeah. It comes up
8 through the whole length and breadth of the
9 project.

10 So it's, you know, for example, we were
11 all the way through the project. We were going
12 through with people that the City had assigned to
13 do a deficiency list. And because it's
14 design-build, the inspector insisted that we fill
15 in a small space underneath the upstand guardrail
16 on the stairs and on the platforms.

17 And then when the building inspector
18 came back in he said, "no, you didn't have to do
19 that, that's not a code requirement." And, you
20 know, we're supposed to build to code, and we had
21 built to code, and then they wanted this
22 enrichment, which was arbitrary, because the fellow
23 who was looking at the deficiency said he wasn't
24 going to sign it off unless we filled it in. It's
25 arbitrary and subjective.

1 CHRISTINE MAINVILLE: What about the
2 City's approach to the Project Agreement or
3 partnership; what would you say was --

4 EUGENE CREAMER: I would say it was
5 certainly challenged as a partnership. They
6 were -- they leaned on the agreement with their
7 view of what they thought their entitlement was
8 under the agreement. So the relationship was
9 tenuous.

10 CHRISTINE MAINVILLE: As compared to
11 all your other projects, is that something you
12 generally see, or that you don't expect to see as
13 much?

14 EUGENE CREAMER: I have experience
15 working internationally and working in Canada. If
16 I had to rate agencies, the worst agency to work
17 for is Alberta Infrastructure. The next one would
18 be Manitoba. Ontario MTO and Ontario
19 Infrastructure reasonably good. And BC, very good.

20 CHRISTINE MAINVILLE: So you mentioned
21 IO and the Ministry of Transportation, but in terms
22 of the City's approach itself, their approach to
23 the relationship and the PA, how did that compare
24 to others?

25 EUGENE CREAMER: Well, it was a bit

1 tenuous. Because one of the things that used to
2 happen was, the lead for the City would meet with
3 Alstom separate from us; and that's very, very
4 difficult. Because Alstom are ultimately a very
5 difficult subcontractor to work with. But when
6 they were meeting directly with the City, it was
7 very difficult.

8 I've had other experiences with Alstom.
9 For example, in Vancouver, we were bidding the
10 Surrey line, and we had to name a train supplier.
11 In our discussions with Alstom, one of the
12 requirements of the system was that we have a
13 battery component, because there was a section in
14 town where they did not want to have an overhead
15 catenary system. So we had to have a battery on
16 board of the train.

17 It took a half an hour discussion with
18 Alstom for them to finally admit that they did not
19 have any proprietary battery technology. They
20 tried to insist that they had something that nobody
21 else had. And it took us a half an hour. And the
22 interesting thing was, that we had already signed
23 an agreement in principle with a supplier in
24 Vancouver for batteries.

25 The first ferry systems in the world

1 were in Europe. And the batteries that were used
2 as the power supply system, are built in Richmond,
3 British Columbia. We had signed a proprietary
4 agreement with them to supply batteries for the
5 trains.

6 But all of the other train suppliers
7 said that they would just get the batteries off of
8 the standard issue from the market. And it took us
9 a half an hour to get Alstom to admit that they
10 would just go to the market for the batteries.

11 CHRISTINE MAINVILLE: Was there any
12 involvement of the political sphere during your
13 time on the project? And if any, to what extent?

14 EUGENE CREAMER: I probably met with
15 the Mayor two or three times, and his main focus
16 was schedule. And was there much on the political
17 side? Absolutely.

18 One of the requirements directly in the
19 contract was that we had to have one of the
20 stations finished to a state that would allow the
21 City to put in a halogram of the train coming into
22 the station. And we had to allow public access,
23 and delay the finishing works in that station, at
24 Lyon Station, so that the public could come through
25 and see a halogram of a train coming into the

1 station.

2 So there was lots of political
3 messaging around the whole project.

4 CHRISTINE MAINVILLE: What implications
5 did that have for OLRT-C?

6 EUGENE CREAMER: All of these projects,
7 it doesn't matter, I'm not going to point out
8 OLRT-C. Right now I'm working on the Broadway
9 Subway project in Vancouver. You know, the
10 governments have become very astute to the public's
11 response to these, to the projects.

12 So in Ottawa, there was just the
13 responsibility of making sure that we put a good
14 image in front of the public, which corporately all
15 three partners wanted to do.

16 But in terms of answering your question
17 directly, yeah, I think that there was a little bit
18 of additional work that we had to do to keep the
19 image of the overall project, and the City's image
20 of the project intact.

21 CHRISTINE MAINVILLE: And you said
22 there was quite a bit of focus on the schedule on
23 the City's part. What kind of pressure, if any,
24 did that create for OLRT-C?

25 EUGENE CREAMER: Well, I mean that's

1 probably one of the reasons I was brought to the
2 project after the sinkhole, was to try and bring it
3 back on track in terms of schedule.

4 So we tried to push as hard as we could
5 to complete the tunnel, so that we could get
6 connectivity from one end of the alignment to the
7 other.

8 CHRISTINE MAINVILLE: Okay, we'll talk
9 more about this -- go ahead, sorry.

10 EUGENE CREAMER: But the City were
11 mostly interested in what was the status of the
12 construction based on the schedule.

13 CHRISTINE MAINVILLE: We'll talk a bit
14 more about the schedule, but we'll take a break, if
15 we can go off record.

16 -- OFF THE RECORD DISCUSSION --

17 -- RECESS TAKEN AT 10:29 --

18 -- UPON RESUMING AT 10:45 --

19 CHRISTINE MAINVILLE: So, Mr. Creamer,
20 we'll just deal with your resumé. Is this the one
21 here on the screen that you've sent?

22 EUGENE CREAMER: That's correct.

23 CHRISTINE MAINVILLE: Okay. And so the
24 contents of this are accurate, to the best of your
25 ability?

1 EUGENE CREAMER: Yes.

2 CHRISTINE MAINVILLE: Okay. So we'll
3 file this as Exhibit 1 to the interview.

4 EXHIBIT NO. 1: Curriculum Vitae of
5 Eugene Creamer.

6 CHRISTINE MAINVILLE: So I just want to
7 ask about the impact of the sinkhole. You weren't
8 there in the immediate aftermath, but very shortly
9 thereafter you came in?

10 And so what was known about the impact
11 of the sinkhole in the ensuing aftermath?

12 EUGENE CREAMER: That there would be
13 some challenges to recover the time that would be
14 lost in the schedule. And there were technical
15 issues with how we were going to resolve completing
16 the last of the tunneling in that area.

17 CHRISTINE MAINVILLE: And are those
18 challenges to the schedule, is that something that
19 was immediately recognized, or only over time did
20 that become...

21 EUGENE CREAMER: No, it was immediately
22 recognized.

23 CHRISTINE MAINVILLE: And did the City
24 understand this, or was something else conveyed to
25 the City about the impact?

1 EUGENE CREAMER: We gave them a
2 recovery schedule trying to maintain our original
3 schedule.

4 CHRISTINE MAINVILLE: And how did
5 OLRT-C plan to recover the time lost?

6 EUGENE CREAMER: Additional resources,
7 and working 24 hours a day.

8 CHRISTINE MAINVILLE: And am I right
9 that there was also some overlap between the
10 manufacturing and testing, and compression of the
11 testing and commissioning phase?

12 EUGENE CREAMER: Are you talking about
13 for the trains?

14 CHRISTINE MAINVILLE: Well, even more
15 broadly but --

16 EUGENE CREAMER: All of the systems?

17 CHRISTINE MAINVILLE: Yes.

18 EUGENE CREAMER: There would have been
19 some compression, yes.

20 CHRISTINE MAINVILLE: And so I take it
21 OLRT-C's stand to the City was, we're going to try
22 to make it up?

23 EUGENE CREAMER: That's correct. And
24 in terms of the question about the systems and
25 everything, the amount of testing that had to be

1 systemwide was not as significant as one would
2 think.

3 So long as we had connectivity all the
4 way to Tunney's Pasture and from Blair, the
5 sinkhole was not going to create that big of an
6 issue for the system side.

7 And the amount of testing that had --
8 that the train had to do from end-to-end was only a
9 few, maybe a month's worth of testing to go
10 end-to-end with the trains.

11 CHRISTINE MAINVILLE: Was that view
12 shared by Thales and Alstom?

13 EUGENE CREAMER: No, well, Alstom would
14 not agree to that. They would come back and say
15 that they needed to do testing end-to-end. But
16 that was not really that accurate.

17 CHRISTINE MAINVILLE: What's your basis
18 for disagreeing?

19 EUGENE CREAMER: Because the reason I'm
20 disagreeing with Alstom is that the number of tests
21 that had to happen end-to-end were a very small
22 number that would not have prevented them from
23 doing all of their testing program between Blair
24 and University of Ottawa. You're only talking
25 about another 5 or 6 stations.

1 CHRISTINE MAINVILLE: And what about
2 Thales?

3 EUGENE CREAMER: Thales, same thing,
4 and especially after we moved the train to Tunney's
5 Pasture, which would have allowed testing all of
6 Thales' equipment.

7 Because their equipment was up and
8 ready for testing months before we completed all of
9 the work at Rideau Station, which was right near
10 where the sinkhole happened.

11 But we did get connectivity quite
12 quickly for the systems works. With the train over
13 there and connectivity, we could have easily done
14 the testing at the other end if Thales had -- or
15 Alstom had have elected to use the train that we
16 provided at the west end of the alignment.

17 CHRISTINE MAINVILLE: But ultimately,
18 is it fair to say Thales would have liked to have
19 more time to do more end-to-end testing, or
20 running?

21 EUGENE CREAMER: Thales? No, I don't
22 think that they were -- I mean, obviously in any
23 testing phase, there are issues that come up. But
24 it's not always the case.

25 I referenced earlier the work that I

1 did at BC Ferries. We allowed a two-month period
2 for testing and commissioning.

3 And after a week, we were just looking
4 at each other and we started loading ferries. So
5 you know, and that was a prototype, brand new
6 technology, and the engineering was done such that
7 the components that we used were of high quality
8 and reliability, that after a week and a half we
9 started loading ferries.

10 CHRISTINE MAINVILLE: You mean you were
11 done because it went smoothly?

12 EUGENE CREAMER: All of the testing,
13 all of the results were exactly what we expected.
14 There were no takeaways and modifications required.

15 CHRISTINE MAINVILLE: Would you say the
16 schedule at some point in time became perhaps
17 unrealistic in terms of achieving the May 2018 RSA
18 date?

19 EUGENE CREAMER: History has proven
20 that.

21 CHRISTINE MAINVILLE: They were overly
22 optimistic, or were they simply not achievable?

23 EUGENE CREAMER: I wouldn't say it was
24 overly optimistic and I wouldn't say it was not
25 achievable. We didn't get the level of cooperation

1 that we expected from Alstom.

2 CHRISTINE MAINVILLE: In terms of
3 characterizing the schedule, is it fair to say it
4 didn't provide for any float? If everything worked
5 perfectly, perhaps you could get there?

6 EUGENE CREAMER: There was no float in
7 the schedule. There were certain critical bands in
8 a schedule, especially this one, where there were
9 multiple predecessors that had to complete for
10 different critical paths. But a schedule --
11 everybody uses the word "critical path". It's
12 usually a critical band.

13 There's 3 or 4 paths that could cause
14 failure at any point in time.

15 CHRISTINE MAINVILLE: Aside from Alstom
16 with rolling stock delays, were there not other
17 delays on the critical path that caused a problem,
18 like the stations, or Rideau Station?

19 EUGENE CREAMER: The stations -- Rideau
20 Station was one of the last ones to be finished.
21 But the stations typically don't drive the
22 schedule. There were some challenges with finishes
23 in the station, but that can always be overcome.

24 There was a degree of complexity with
25 the systems and the station that had some

1 challenges. But they were generally overcome as
2 well.

3 The primary delays were on the train
4 running and the trains having significant
5 reliability issues.

6 CHRISTINE MAINVILLE: A lot of which
7 were uncovered once the trains were running the
8 line?

9 EUGENE CREAMER: Yeah, trial running,
10 the trains, the reliability was challenging.

11 CHRISTINE MAINVILLE: And OLRT-C tried
12 to claim for a relief event or delay event as a
13 result of the sinkhole?

14 EUGENE CREAMER: That's correct.

15 CHRISTINE MAINVILLE: Were you involved
16 in the discussions about what approach to take
17 following the sinkhole in that regard?

18 EUGENE CREAMER: Yes. I would have
19 been involved in them.

20 CHRISTINE MAINVILLE: Was there some
21 discussion about -- well, why don't you tell me
22 about how that went, and what drove the decision to
23 approach it this way?

24 EUGENE CREAMER: Well, my main focus
25 was to try and recover the delays caused by the

1 sinkhole. That said, we did open up discussions
2 with the City about an extension for the event.
3 Relationships were tenuous on it, but we did open
4 the discussions and the City never offered an
5 extension of time.

6 CHRISTINE MAINVILLE: What more, or
7 what would you have expected the City to do in the
8 face of an event like this?

9 EUGENE CREAMER: I would have
10 reasonably expected them to offer an extension of
11 time. Like I said earlier, 50 percent of my
12 career, I was an owner's representative myself. I
13 would have gone to the powers to be at the City and
14 tried to convince them to give an extension of
15 time. It would have been the right thing to do.

16 CHRISTINE MAINVILLE: For the good of
17 the broader project?

18 EUGENE CREAMER: So the good of the
19 project, yes.

20 CHRISTINE MAINVILLE: And in terms of
21 OLRT-C having taken on the full geotech risk, do
22 you have a view as to whether that should have been
23 done, or whether the geotech risk was properly
24 allocated on the constructor -- the contractor, I
25 should say?

1 EUGENE CREAMER: It's always a
2 difficult one. I was the owner's representative on
3 the Millennium line in Vancouver and we already had
4 a successful contractor on method and on schedule
5 and price. And then they came in at the last
6 minute and offered us that they would take the
7 geotechnical risk.

8 Sitting on the owner's side, I had no
9 choice but to recommend that they freely offered to
10 take the risk off the table for us, so we did
11 accept it. And the contractor had challenges with
12 the geotechnical, and ultimately had some
13 significant losses.

14 So now, being on the other side, I've
15 arrived too late to actually have any real
16 discussion about whether we should or should not
17 have taken on the geotechnical risk.

18 CHRISTINE MAINVILLE: And there was,
19 are you aware of a request made to the City
20 relating to changes to the liquidated damages to be
21 paid out given the delay?

22 EUGENE CREAMER: I was aware that we
23 had discussions about that. The City wasn't
24 offering any relief at that point in time.

25 CHRISTINE MAINVILLE: Do you recall

1 what was requested, whether it was a reduction to
2 the liquidated damages to the City as opposed to
3 the ones owed to RTG?

4 EUGENE CREAMER: I don't recall.

5 CHRISTINE MAINVILLE: Were you aware of
6 the City underwriting RTG's debt, or there being
7 some debt swap?

8 EUGENE CREAMER: Most of the
9 relationships with RTG and the City, I didn't get
10 involved with.

11 CHRISTINE MAINVILLE: Okay. In terms
12 of the -- you're aware there was an insurance claim
13 with respect to the sinkhole?

14 EUGENE CREAMER: Yes. And we -- and
15 when we were asked to give a reserve for the
16 sinkhole, the financial person at OLRT grossly
17 underestimated the reserve that the insurance
18 company should put in place, which caused all sorts
19 of challenges to get the reserve.

20 When I got there, the first thing I
21 looked at is, I said, the reserve should be well
22 over a hundred million. And they told me, no, no
23 40 million should cover it; I said, no it won't.

24 And so unfortunately we had already
25 asked for the \$40 million reserve, which the

1 insurance company paid out very quickly. After
2 that, we had to fight for any money we got.

3 CHRISTINE MAINVILLE: Okay. And the
4 reserve being the amount that would be produced --

5 EUGENE CREAMER: When a major event
6 like that happens, the first thing the insurance
7 company asks you for is an estimate so they can put
8 a reserve. So they go back to the insurers and
9 tell them that we need to put a reserve in for
10 this, this event has happened.

11 CHRISTINE MAINVILLE: And was there a
12 reason that the parties -- and by that I mean on
13 the project company side and the City -- didn't
14 just have this be an insurance issue, and, you
15 know, not have it otherwise impact the
16 relationship, or the disputes in terms of who may
17 be responsible?

18 EUGENE CREAMER: Well, there were some
19 challenges there, and OLRT-C's position was that
20 the City had some liability in it because part of
21 the reason we had the sinkhole was there was a
22 leaking fire hydrant in that area that lubricated
23 the face of the rock and allowed the slip plane to
24 develop.

25 CHRISTINE MAINVILLE: Okay, which meant

1 there was the possibility of claiming a latent
2 defect or some other --

3 EUGENE CREAMER: Yes.

4 CHRISTINE MAINVILLE: And so given this
5 insurance reserve issue you mentioned, and the City
6 not providing a extension or reducing the
7 liquidated damages, what was the extent of the
8 financial impact on OLRT-C?

9 EUGENE CREAMER: Well, the total cost
10 of the sinkhole was in the order of 120 to
11 \$150 million. And it put a lot of strain on the
12 joint venture; it put a lot of strain on the
13 partners.

14 Initially we had a significant reserve
15 of cash, and then we only got the pay out of the 40
16 million and then we had to spend a lot of time and
17 resources to claim anything above the 40 million.

18 So it was a challenge. In terms of the
19 relationship with the City, there was a
20 deterioration because the City didn't want to
21 recognize and provide additional, either time or
22 compensation.

23 CHRISTINE MAINVILLE: And so how did
24 this impact the project from that point on, the
25 financial strain, the strain on the relationship?

1 EUGENE CREAMER: Well, before I went
2 there, I didn't have any grey hair. That's not
3 quite correct; that can be stricken from the
4 record.

5 It made it very difficult because we
6 made the point that the City had some culpability
7 in the events because of the fire hydrant issue,
8 and they weren't happy about that. And so it
9 started to affect some of the relationship.

10 CHRISTINE MAINVILLE: Is it fair to say
11 over time there was some reluctance to keep the
12 City fully apprised of the delays to the project?

13 EUGENE CREAMER: No, we were sharing
14 schedules with them. But our schedules were
15 showing completion on time. So, you know, we
16 told -- we did advise them that there was a
17 possibility of a delay.

18 But we were really expecting more
19 cooperation, particularly from Alstom, than what we
20 got in terms of doing testing and operating.

21 CHRISTINE MAINVILLE: But I take it the
22 sinkhole, I mean, irrespective of Alstom, it had
23 some impact overall on the schedule? And how does
24 that relate to the rolling stock and how this
25 sinkhole occasioned delay that couldn't be entirely

1 mitigated?

2 EUGENE CREAMER: The biggest problem
3 with Alstom was getting them out and testing on the
4 track that was available, and them trying to keep
5 focusing on that they needed the entire alignment
6 to test. And then, which they didn't need.

7 CHRISTINE MAINVILLE: The sinkhole
8 impacted the availability of the entire alignment,
9 and Alstom said they needed that for the testing,
10 thus the ultimate delays?

11 EUGENE CREAMER: That was their
12 position. It was never our position. Ours was
13 that the testing could have gone on between
14 University of Ottawa and Blair.

15 CHRISTINE MAINVILLE: Okay. I take it,
16 quite aside from the City, there was -- given the
17 financial strain on the OLRT-C -- there was a lot
18 of pressure to get to RSA?

19 EUGENE CREAMER: Yes, there was, there
20 was huge pressure.

21 CHRISTINE MAINVILLE: How does RTM fit
22 into that in terms of them ultimately having to
23 maintain the system, and I would think it being in
24 their interest that the system is running very
25 smoothly?

1 EUGENE CREAMER: Uhm-hmm.

2 CHRISTINE MAINVILLE: So did they have
3 an insurance divergence to some extent on that
4 desire to get to RSA as quickly as possible?

5 EUGENE CREAMER: I think there were
6 some challenges managerially within RTM, that their
7 preparation for handing over the system wasn't at a
8 level that I would normally have expected.

9 Remembering that this was a city that
10 primarily did not have an operating LRT system.

11 CHRISTINE MAINVILLE: So you think
12 there were challenges in terms of the level of
13 experience and qualified personnel to deal with
14 this, the maintenance?

15 EUGENE CREAMER: There were challenges
16 with maintenance; some of the personnel lacked the
17 level of experience that I would have expected from
18 an operator.

19 CHRISTINE MAINVILLE: You weren't there
20 ultimately when they reached RSA, but was there a
21 plan for --

22 EUGENE CREAMER: No, I was not there
23 when they reached RSA.

24 CHRISTINE MAINVILLE: Right. Was there
25 any plan, though, or do you know how the sort of

1 handover to RTM was going to happen in terms of
2 transferring information about the system for
3 maintenance planning purposes?

4 EUGENE CREAMER: That happened -- I
5 mean, we did have plans, etcetera, that were going
6 over to RTM during the time I was there. But most
7 of the transfer happened after I left.

8 CHRISTINE MAINVILLE: And you don't
9 know how smoothly that went or not?

10 EUGENE CREAMER: No, I do not.
11 Although I can say that Rupert was very organized.
12 So there would have been a good push to do a proper
13 job of it.

14 CHRISTINE MAINVILLE: Were it not for
15 the sinkhole and other challenges encountered, do
16 you have a view as to whether the budget on this
17 project was sufficient or tight in any way?

18 EUGENE CREAMER: It would have been
19 tight, but there would have been -- we would have
20 had some minor losses without the sinkhole. That
21 would be my view.

22 CHRISTINE MAINVILLE: Okay. Were you
23 there when changes were made to the milestone
24 payments?

25 EUGENE CREAMER: I have no recollection

1 of that.

2 CHRISTINE MAINVILLE: Okay. Did you,
3 during your time on the project, have access to the
4 resources and support you felt you needed?

5 EUGENE CREAMER: There were challenges
6 with the partners in terms of some of the resources
7 that they brought to the project.

8 CHRISTINE MAINVILLE: For instance?

9 EUGENE CREAMER: Some of the level of
10 experience that we were using to build the stations
11 came out of the Ottawa market, primarily from one
12 of the partners, and I would have expected a
13 different level of experience.

14 The key station that had the most
15 amount of work to do was Rideau Station, and I put
16 a key superintendent that I worked with my whole
17 career there.

18 So that became the actual finishing of
19 the station, and the work in the station became
20 less of a concern.

21 CHRISTINE MAINVILLE: Any other area
22 that was a challenge as a result of resourcing
23 issues?

24 EUGENE CREAMER: I told you earlier on
25 in the inquiry that I had brought Frank Fitzgerald

1 to do the systems work. He was very strict with
2 the administration of the interface with Alstom.

3 Alstom lobbied to have him removed from
4 the job. Because he was making them very
5 accountable for their actions.

6 CHRISTINE MAINVILLE: Did you view the
7 designs on the project as, you know, sufficiently
8 developed as the project progressed? Did you have
9 concerns about their level of development over
10 time?

11 EUGENE CREAMER: No, they were
12 generally in line with what I would have expected.
13 The original design manager, Roger Woodhead, Roger
14 Woodhead and I had worked on a number of projects.

15 Roger had moved on from the time that I
16 took over, but the design was not in poor
17 condition.

18 CHRISTINE MAINVILLE: Okay. And are
19 you aware of a U.K.-based company SEMP being
20 brought in?

21 EUGENE CREAMER: Yes, I'm aware of
22 SEMP.

23 CHRISTINE MAINVILLE: Were they brought
24 in while you were still there?

25 EUGENE CREAMER: Yes.

1 CHRISTINE MAINVILLE: What were they
2 brought in for?

3 EUGENE CREAMER: To do the validation
4 and verification.

5 CHRISTINE MAINVILLE: And of the
6 systems integration in particular, correct?

7 EUGENE CREAMER: That's correct.

8 At the end of the day, they did not
9 have an engineering licence in the Province of
10 Ontario. They were not able to sign up on the
11 certification. We had to bring back Jacques
12 Bergeron to sign off on it.

13 There was limited value in any of the
14 work that they did.

15 CHRISTINE MAINVILLE: And why do you
16 say that?

17 EUGENE CREAMER: Well, to sell services
18 and then not be able to provide the actual signoff
19 of the work that you've done, that's one. And
20 they're not used to the system that we have in
21 Canada, where a single engineer takes
22 responsibility for his work.

23 CHRISTINE MAINVILLE: So what
24 implications did that have, or what made that a
25 problem?

1 EUGENE CREAMER: Well, they were using
2 some European standards to measure against for the
3 validation verification, which initially the work
4 was being handled by SNC, and SNC had completed the
5 same scope of work on a number of LRT projects in
6 Canada and worldwide, including Malaysia.

7 Do you understand the process of the
8 services they were offering?

9 CHRISTINE MAINVILLE: Well, they
10 prepared the safety case, didn't they?

11 EUGENE CREAMER: The safety case
12 belonged to OLRT to produce. But what they
13 actually provided was they took the original
14 requirements, they mapped them against -- they
15 validated them against the design and then they
16 verified that the operating system would do what
17 the original requirements were. So it's
18 validation, verification.

19 CHRISTINE MAINVILLE: Okay.

20 EUGENE CREAMER: Which, if you're
21 asking an engineer of record to sign off on it,
22 you're going to get the same thing under the
23 Canadian system.

24 CHRISTINE MAINVILLE: Who made the
25 decision to bring them in then?

1 EUGENE CREAMER: It was made at the
2 executive level, and it was primarily Rupert
3 Holloway, based on his experience in Australia,
4 where, how he explained it to me was the owners
5 weren't ready to take over the system, so they said
6 that the validation and verification had not been
7 done.

8 CHRISTINE MAINVILLE: The City raised
9 concerns, you mean?

10 EUGENE CREAMER: No, not -- I'm not
11 talking about the City of Ottawa. I'm talking
12 about Rupert's -- the way he explained it to me,
13 his experience in Australia. And that validation
14 and verification weren't done and Australia were
15 not ready -- or the client in Australia wasn't
16 ready to run the system.

17 So they used the validation and
18 verification, lack of documentation to delay
19 opening the system.

20 CHRISTINE MAINVILLE: So what you're
21 saying is that Rupert Holloway wanted to make sure
22 that everything was lined up here so that didn't
23 happen?

24 EUGENE CREAMER: Yeah, he based it on
25 his experience in Australia, possibly not fully

1 understanding how the Canadian system worked in
2 terms of the responsibilities of engineers.

3 CHRISTINE MAINVILLE: But were there
4 not gaps that needed to be filled in terms of those
5 requirements?

6 EUGENE CREAMER: I don't believe there
7 were gaps in the system. I don't think that -- it
8 was an administrative exercise that SEMP did.

9 CHRISTINE MAINVILLE: You don't think
10 there was value in bringing them in, in terms of
11 the integration of the system, the overall
12 integration, including operations and maintenance.

13 EUGENE CREAMER: No, I don't believe
14 so.

15 CHRISTINE MAINVILLE: Did you see their
16 end work product, though, were you there?

17 EUGENE CREAMER: No. I saw the
18 beginning of it and I saw it about 50 percent
19 through and, yes.

20 CHRISTINE MAINVILLE: What was -- just
21 changing gears, what was provided for initially, or
22 at least during your time on the project, about
23 when the system would go into service following
24 RSA?

25 EUGENE CREAMER: That was really up to

1 the City. The City would decide what sort of
2 operating period they would run the trains for.

3 CHRISTINE MAINVILLE: Did you have any
4 sense of what their plan was?

5 EUGENE CREAMER: I was in discussions
6 about how long they would run the system after RSA.
7 But I didn't come out with a sense of how long they
8 were going to run it for before they actually put
9 it into service.

10 CHRISTINE MAINVILLE: Were there any
11 discussions about a progressive start or a soft
12 start of sorts?

13 EUGENE CREAMER: I think there were.
14 There were discussions about, can we operate from
15 this station to this station and have a soft start?
16 Yes, there were.

17 CHRISTINE MAINVILLE: Raised by OLRT-C
18 or...

19 EUGENE CREAMER: We would have put it
20 forward, yes.

21 CHRISTINE MAINVILLE: Do you know what
22 the City's response was?

23 EUGENE CREAMER: I don't have a
24 complete recollection, but I don't think that they
25 were on board to do it.

1 CHRISTINE MAINVILLE: And what was the
2 reason behind the request by OLRT-C or raising that
3 possibility?

4 EUGENE CREAMER: Well, if we had RSA on
5 a portion of the system, then we would have been in
6 a position to make the argument that we had
7 achieved RSA on a portion of it.

8 CHRISTINE MAINVILLE: So even before
9 May 2018, there was some proposal of sorts to
10 perhaps put part of the system into operation?

11 EUGENE CREAMER: I believe there was,
12 yes.

13 I don't know that we put a proposal in
14 front of them; we certainly had discussions.

15 CHRISTINE MAINVILLE: And so presumably
16 you believed that the rolling stock could be ready
17 sufficiently ready at least for a portion of the
18 system?

19 EUGENE CREAMER: We were certainly
20 trying to get it ready for a portion of the system,
21 but we would have still needed the operating
22 certificate from Alstom, and the safety
23 certificate.

24 And we're not sure -- I can't say with
25 any certainty that Alstom would have been in a

1 position on a partially available alignment that
2 they would have issued the safety certificate.
3 Strategically, it could have affected their
4 position to claim against OLRT.

5 CHRISTINE MAINVILLE: What planning was
6 there for the safety case while you were there, in
7 meeting the safety requirements?

8 EUGENE CREAMER: I can't answer that
9 question with any certainty. Jacques Bergeron and
10 Sharon Oakley would be better equipped to answer
11 that question.

12 CHRISTINE MAINVILLE: And we just
13 touched only briefly on trial running, but do you
14 have any recollection of how the Project Agreement
15 requirement of 12 days of trial running was being
16 interpreted when you were there?

17 EUGENE CREAMER: We would have had
18 discussions about it, but I have no recollection
19 right now what the outcome of those discussions
20 were.

21 We were certainly pushing very hard to
22 get trial running going.

23 CHRISTINE MAINVILLE: And based on your
24 experience elsewhere, how long would you have
25 normally recommended or deemed advisable for a

1 trial running period on any system like this?

2 EUGENE CREAMER: 2 to 3 months.

3 CHRISTINE MAINVILLE: And so were you
4 surprised that the PA provided for 12 days? Or is
5 it your understanding of the 12 days was not the
6 total period, but the period that it would be
7 running smoothly or --

8 EUGENE CREAMER: Yeah, I would have
9 expected 2 to 3 months as a reasonable period with
10 some challenges and a few faults and a few issues
11 with the system in describing some integration
12 issues.

13 But you know, like I said, with more
14 complex systems, especially with the amount of
15 software that's involved, and there could be
16 potential challenges with configuration management.

17 I mean, within other industries, like
18 aviation, the triple 7, or the 737s that tripped
19 over themselves recently, all of that was related
20 to configuration management.

21 And it's the same thing with the train
22 systems and getting a safety certificate. Thales
23 and Alstom are quite vigilant about their software
24 and making sure that it doesn't trip over itself.

25 CHRISTINE MAINVILLE: Were there

1 configuration issues here that you observed?

2 EUGENE CREAMER: There were some
3 configuration issues with Alstom -- well, obtaining
4 the software and once the software was installed,
5 generally we did find some configuration issues
6 and/or faults in the software, and it required
7 reprogramming.

8 CHRISTINE MAINVILLE: Do you know
9 whether there was an opportunity to fully resolve
10 those?

11 EUGENE CREAMER: I think that there's
12 still some challenges. There certainly were a
13 number of challenges when I left.

14 CHRISTINE MAINVILLE: Why was -- well,
15 do you know who devised the criteria and the
16 requirements for trial running, the procedures?

17 EUGENE CREAMER: They were in the PA.
18 It would have been the City or the consultants that
19 they employed to develop the PA.

20 CHRISTINE MAINVILLE: Okay. Do you
21 recall someone by the name of Russell Davies being
22 brought into work on that as well?

23 EUGENE CREAMER: I do not.

24 CHRISTINE MAINVILLE: What was the
25 expected RSA date when you left, if you recall?

1 EUGENE CREAMER: I do not recall.

2 CHRISTINE MAINVILLE: Okay.

3 EUGENE CREAMER: I think it was
4 sometime in September, but I'm only guessing.

5 CHRISTINE MAINVILLE: Would you say
6 that the parties originally, at the outset of the
7 project, properly anticipated the degree of
8 schedule and budget flexibility that would be
9 required on this project?

10 EUGENE CREAMER: Sorry, can you repeat
11 that question?

12 CHRISTINE MAINVILLE: Sure. Did the
13 parties, having worked on the project now in
14 hindsight, would you say the parties properly
15 anticipated the degree of schedule and budget
16 flexibility that would be required for this
17 project?

18 EUGENE CREAMER: Are you asking the
19 question about the OLRT and the City?

20 CHRISTINE MAINVILLE: Project company,
21 yeah, actually the Project Co and the City.

22 EUGENE CREAMER: And RTG?

23 CHRISTINE MAINVILLE: Yes.

24 EUGENE CREAMER: Okay. I think RTG and
25 OLRT had a good understanding of what was required.

1 The City, I didn't always see the level
2 of experience that I would have expected on a
3 project of this size from an owner.

4 CHRISTINE MAINVILLE: But the
5 requirements under the contract, were they
6 realistic, were they realistic performance
7 requirements, looking back? And you know, versus
8 the sinkhole and other things intervened, so you
9 may say, had there not been a sinkhole or...

10 EUGENE CREAMER: Yeah. The
11 requirements were somewhat prescriptive, so the
12 best design-builds are when they give you the
13 number of passengers they want to run on the
14 system, the general routing of the system, and
15 flexibility on what the finishes will be in the
16 station.

17 What the flexibility on the complete
18 running system for the train. That is a good
19 example of a design-build. And that's where you
20 get your most value.

21 A lot of the design-builds have morphed
22 into prescriptive descriptions of what they want
23 for either systems, trains, and/or finishes. So it
24 leaves everyone with a challenge.

25 CHRISTINE MAINVILLE: Were you aware of

1 STV's work on the rolling stock requirements?

2 EUGENE CREAMER: I would have seen some
3 documentation on it.

4 CHRISTINE MAINVILLE: Did you have a
5 view, or do you recall?

6 EUGENE CREAMER: I don't have a view.
7 I think that, you know, the statements that I made
8 earlier about the selection of the train, I think a
9 lot of it was with the City. And their
10 functionality that they tried to build into the
11 system.

12 So STV, they're a mature consultant.
13 They do work for MTA, which is a New York system.
14 They do work for the Port Authority in New York.
15 They're a reasonable consultant who takes direction
16 from their client.

17 CHRISTINE MAINVILLE: Should a new
18 system like this, with what you say is not a
19 service proven vehicle or at least a prototype
20 vehicle, and other new interfaces, should the PA in
21 such a case provide for clearer expectations or
22 more stringent expectations on trial running, for
23 instance, and a burn-in period? Should that be
24 better provided for at the outset?

25 EUGENE CREAMER: It should have been,

1 but the City was taking the premise that it was a
2 proven vehicle.

3 CHRISTINE MAINVILLE: Presumably RTG as
4 well? Or I guess Alstom was retained by OLRT-C?

5 EUGENE CREAMER: Alstom was retained by
6 OLRT-C, but our original proposal was with CAF.

7 CHRISTINE MAINVILLE: Were you aware of
8 whether this was the first time that Thales and
9 Alstom integrated Thales' signalling system on an
10 LRT for Thales -- for Alstom?

11 EUGENE CREAMER: I don't know. I don't
12 know for sure. But both players have worked
13 internationally, and initially, Thales or Alstom
14 developed their own train control system. But the
15 original system, particularly for driverless
16 trains, was developed by Thales.

17 CHRISTINE MAINVILLE: Do you have a
18 view as to whether it would have been preferable to
19 have a fewer number of entities interfacing and so,
20 for instance, one of the options I suppose may have
21 been to go with -- well, Alstom to also supply the
22 signalling system, as opposed to having an
23 additional interface on the project?

24 EUGENE CREAMER: No. Because I think
25 that Thales performed well. Alstom was a difficult

1 supplier to administer.

2 CHRISTINE MAINVILLE: But were it not
3 for those challenges, if you were starting at the
4 outset, not aware of what was to come on that,
5 would you normally try to reduce the number of
6 interfaces on the project?

7 EUGENE CREAMER: It's --

8 CHRISTINE MAINVILLE: Or account for
9 them differently?

10 EUGENE CREAMER: It's a good management
11 strategy, but you need to evaluate what they're
12 bringing to the table and who is the maturer -- who
13 has the mature knowledge basis in what's being
14 supplied?

15 So if you have a heavy civils
16 contractor now taking on mechanical or electrical
17 work, they may or may not have the personnel that
18 can manage that scope.

19 So in this case, I think that Thales
20 has a very mature product. I've never worked with
21 the Alstom system, but I do know that Thales was a
22 leader in train systems, train control systems.

23 CHRISTINE MAINVILLE: Do you have a
24 view as to the advisability of the Canadian content
25 requirement for the rolling stock in a case like

1 this?

2 EUGENE CREAMER: Yeah, that was
3 difficult, because that's what led us to doing the
4 assembly at the MSF. And that created some
5 challenges.

6 CHRISTINE MAINVILLE: Did it have
7 significant impact on Alstom's supply chain?

8 EUGENE CREAMER: I think it did. They
9 did source the bogies locally, and there were some
10 challenges with that. But that's the only major
11 component that I'm aware of. But there would have
12 been other components.

13 CHRISTINE MAINVILLE: You talked about
14 the challenges with the maintenance. Do you think
15 the maintenance incentives in the PA are deficient
16 in some way?

17 What explains the fact that those
18 incentives, the fact that you'll face deductions
19 and penalties if you don't maintain the system
20 properly, what explains that that didn't work it
21 seems, to sufficiently incentivize the maintainers?

22 EUGENE CREAMER: I can't comment on
23 that. I don't have a breadth of knowledge of how
24 well the maintenance is going or not going. I do
25 know that initially the managerial skill level

1 brought in was not of a level that I would have
2 reasonably expected.

3 CHRISTINE MAINVILLE: Who was there for
4 RTM during your time?

5 EUGENE CREAMER: Tom Pate, who is a
6 reasonable person. They hired somebody who came
7 out of Brandon, Manitoba; I don't remember the
8 person's name. But he had worked for a small
9 maintainer for the main line track, for the Class 1
10 railways, CN/ CP.

11 But he had a small -- it was a small
12 maintainer that did sightings, and a little bit of
13 main line work for the Class 1s.

14 He didn't have the breadth of expertise
15 to actually maintain an LRT.

16 CHRISTINE MAINVILLE: Did you work at
17 all with Claude Jacob?

18 EUGENE CREAMER: Sorry?

19 CHRISTINE MAINVILLE: Claude Jacob.

20 EUGENE CREAMER: I'm not sure.

21 CHRISTINE MAINVILLE: Were you involved
22 in some of the challenges relating to the fare
23 gates and the ash wood for the stations?

24 EUGENE CREAMER: The ash wood, yes.
25 The fare gates we had to install them. That was --

1 they were owner supplied. But the ash wood, yes.

2 CHRISTINE MAINVILLE: And what was the
3 challenge there?

4 EUGENE CREAMER: It was to incorporate
5 some trees that were cut down locally and then to
6 make sure the ash wood went into the ceilings. The
7 problem with the ash wood in the ceilings was that
8 it had to be fire rated, so it had to be treated
9 fire rated. So there were some challenges in
10 getting that done.

11 CHRISTINE MAINVILLE: And that caused
12 delay? Would you say any significant delay?

13 EUGENE CREAMER: There would have been
14 some delay in it, but being that it was an
15 architectural finish like that, if there was a
16 desirability to open the stations, it would not
17 have been -- the building code would not have
18 impeded opening and it could have been done after
19 the opening.

20 CHRISTINE MAINVILLE: What about the
21 delays to the design book? Would that have had a
22 material impact on the completion of the rolling
23 stock?

24 EUGENE CREAMER: I don't know. I
25 cannot answer that question. I don't think that it

1 would have, but without actually having researched
2 it, I can't answer one way or the other.

3 CHRISTINE MAINVILLE: Is there anything
4 else that I haven't asked about that you think we
5 should be made aware of?

6 EUGENE CREAMER: No, I think we've
7 covered a gamut of subjects on the whole LRT.

8 No, I don't think there is.

9 CHRISTINE MAINVILLE: Anthony, do you
10 have any follow up questions or additional areas?

11 ANTHONY IMBESI: No, I don't.

12 CHRISTINE MAINVILLE: Can I just ask
13 you one last one? Do you have any view as to David
14 Whyte's performance, having come in after him, if
15 there were issues of concern when you arrived based
16 on his work?

17 EUGENE CREAMER: I would rather not
18 comment.

19 CHRISTINE MAINVILLE: You're under
20 oath. And I think you have to.

21 What about just -- were there topics or
22 areas where there could have been better --

23 EUGENE CREAMER: Sorry. At the
24 beginning of the inquiry, didn't it say that I
25 didn't have to incriminate myself?

1 CHRISTINE MAINVILLE: So, well, okay.

2 So maybe let's go off record.

3 EUGENE CREAMER: If you can ask the
4 question differently, I can answer.

5 CHRISTINE MAINVILLE: Okay. Why don't
6 we go off record for a minute.

7 -- OFF THE RECORD DISCUSSION --

8 CHRISTINE MAINVILLE: We can go back on
9 record.

10 Could you speak to any difference
11 between the management styles that you had as
12 opposed to your predecessor, Mr. Whyte?

13 EUGENE CREAMER: Mr. Whyte was very
14 much a high level manager, and he didn't work at
15 the same level of detail that I did in terms of
16 understanding.

17 One of the skills that a good manager,
18 project director brings to the table is his ability
19 to listen. And going forward from there, making
20 sure that you understand the technical level of,
21 and what the potential outcomes of the decisions
22 that you'll be required to make with the technical
23 knowledge and your experience.

24 CHRISTINE MAINVILLE: And one of the
25 aspects that -- because you mentioned when you came

1 in, you had to bring in Mr. Fitzgerald on a systems
2 integration front. Was that one of the sort of
3 gaps that you saw when you came in based on his --

4 EUGENE CREAMER: No, it was nothing --
5 I would not expect him to have that level of skill
6 that Frank could bring to the table.

7 I also brought back in Dr. Oakley,
8 Sharon Oakley, because the person who was
9 administering the Alstom contract was not answering
10 -- or was not responding to every letter that
11 Alstom wrote.

12 And Sharon had the experience of
13 managing the Rotem contract on the Canada Line, and
14 that was one of the most successful triple
15 B projects in Canada. And the trains and the
16 running system were three months early.

17 CHRISTINE MAINVILLE: And just so the
18 record is clear. We'll just make note, Dr. Oakley
19 is your spouse, correct?

20 EUGENE CREAMER: We have a
21 relationship, yes.

22 CHRISTINE MAINVILLE: And I wasn't
23 suggesting that Mr. Whyte would have performed the
24 role that Mr. Fitzgerald did, but would you have
25 expected that work to start earlier in terms of

1 bringing in the right people for it?

2 EUGENE CREAMER: Yes.

3 CHRISTINE MAINVILLE: Any questions?

4 EUGENE CREAMER: Just one clarification
5 on Frank Fitzgerald.

6 Frank actually covers the breadth of
7 the design as well as the installation work and the
8 construction work for systems. And he also is very
9 astute and knowledgeable about the programming.

10 I don't have anything else.

11 CHRISTINE MAINVILLE: Okay. Mannu, do
12 you have any questions that you want to ask?

13 EUGENE CREAMER: No, I'm --

14 CHRISTINE MAINVILLE: Your counsel, I'm
15 sorry.

16 EUGENE CREAMER: Oh.

17 MANNU CHOWDHURY: No questions of
18 Mr. Creamer for me.

19 CHRISTINE MAINVILLE: Why don't we go
20 off record.

21

22 -- Concluded at 11:50 a.m.

23

24

25

1 REPORTER'S CERTIFICATE

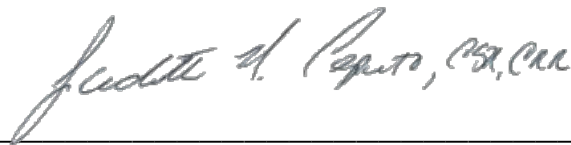
2
3 I, JUDITH M. CAPUTO, RPR, CSR, CRR,
4 Certified Shorthand Reporter, certify;

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

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

13 That the foregoing is a Certified
14 Transcript of my shorthand notes so taken.

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

17 
18 _____

19 NEESONS, A VERITEXT COMPANY

20 PER: JUDITH M. CAPUTO, RPR, CSR, CRR
21
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