

# Ottawa Light Rail Commission

Peter Lauch  
on Friday, April 29, 2022



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6	OTTAWA LIGHT RAIL COMMISSION
7	RIDEAU TRANSIT GROUP - PETER LAUCH
8	APRIL 29, 2022
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15	--- Held via Zoom Videoconferencing, with all
16	participants attending remotely, on the 29th day of
17	April, 2022, 1:00 p.m. to 5:00 p.m.
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1 COMMISSION COUNSEL:

2 Christine Mainville, Co-Lead Counsel Member

3 Anthony Imbesi, Litigation Counsel Member

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6 PARTICIPANTS:

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11 Also Present:

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13 Chris Delic, Virtual Technician

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

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

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

2

3 PETER LAUCH; AFFIRMED.

4 CHRISTINE MAINVILLE: Mr. Lauch, the  
5 purpose of --

6 PETER LAUCH: Thank you.

7 CHRISTINE MAINVILLE: The purpose of  
8 today's interview is to obtain your evidence under  
9 oath or a solemn declaration for use at the  
10 Commission's public hearings.

11 This will be a collaborative interview  
12 such that my co-counsel, Mr. Imbesi, may intervene  
13 to ask certain questions.

14 If time permits, your counsel may also  
15 ask follow-up questions at the end of the  
16 interview.

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

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

1 corrections, will be shared with the Commission's  
2 participants and their Counsel on a confidential  
3 basis before being entered into evidence.

4 You'll be given the opportunity to  
5 review your transcript and correct any typos or  
6 other errors before the transcript is shared with  
7 the participants or entered into evidence.

8 Any non-typographical corrections made  
9 will be appended to the transcript.

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

23 And as required by section 33(7) of the  
24 Act, you are advised that you have the right to  
25 object to answer any question under Section 5 of

1 the Canada Evidence Act.

2 PETER LAUCH: Thank you.

3 CHRISTINE MAINVILLE: First, can you  
4 detail your involvement in Stage 1 of Ottawa's LRT  
5 Project?

6 PETER LAUCH: Certainly. Is it okay if  
7 I ask you a question first?

8 CHRISTINE MAINVILLE: Sure.

9 PETER LAUCH: I am just looking at the  
10 list of participants and I obviously recognize you,  
11 Christine, and please call me --

12 CHRISTINE MAINVILLE: Yes, I apologize,  
13 my co-counsel, Anthony Imbesi, and we have an  
14 observer not participating in the interview or --

15 PETER LAUCH: Okay, thank you for that.

16 CHRISTINE MAINVILLE: And so yes, your  
17 involvement in Stage 1 of the Ottawa LRT.

18 PETER LAUCH: Sure. So I started in  
19 June 2013, and for Stage 1 my role was the Rideau  
20 Transit Group, so ProjectCo's Technical Director,  
21 and I guess Technical Director might have been a  
22 bit of a misnomer. I guess it was a PA requirement  
23 to fill that role, but to be frank, the technical  
24 direction, per se, was done on the OLRTC side.

25 CHRISTINE MAINVILLE: So what was your

1 role during that period of time when you were  
2 Technical Director?

3 PETER LAUCH: So when I was Technical  
4 Director, I participated at a high level in design  
5 reviews with OLRTC. As the SPV, as ProjectCo, one  
6 of our primary functions, of course RTG had the  
7 contract with the City, but we were liaising quite  
8 a bit, sort of like the filter between the  
9 contractors and the City, but also as ProjectCo  
10 dealing a lot with the Independent Certifier, the  
11 lender's technical agents, the lenders themselves,  
12 and then reporting up to the Rideau Transit Group  
13 Board of Directors.

14 So I spent -- a lot of my time was  
15 sitting in on design review meetings, following  
16 up -- a lot of time following up on progress  
17 because one of the tasks that we had was to -- we  
18 would receive a monthly payment application from  
19 the general contractor and it was a very detailed  
20 schedule of values. And then we would review that  
21 and make sure that everything was in order and if  
22 we had any questions, because we were ultimately  
23 then responsible to forward that to the lender's  
24 technical agent who would then review it and  
25 approve it and then agree that us as ProjectCo,

1 that we could release the funds.

2 So in the early days when things were  
3 just starting off, it wasn't too onerous an  
4 exercise, but as more and more areas and more and  
5 more systems came on board, it was quite an  
6 involved exercise, so I had some technical help in  
7 Rideau Transit Group.

8 So we had -- it was called a Technical  
9 Assistant, and the title was a little bit -- didn't  
10 really represent what the person did. It was a  
11 very qualified engineer that worked with me, and  
12 she was -- she looked after -- we had a few field  
13 inspectors and they would go out and they would do  
14 field inspection. They would help us monitor  
15 progress, monitor quality, at a very high level,  
16 and then report back to us and provide us with  
17 information so we could track where we thought the  
18 contractor was with progress, so we had validation,  
19 so we had substantiation when we were doing the  
20 monthly application reviews.

21 CHRISTINE MAINVILLE: And so this is  
22 part of RTG's oversight of OLRTC?

23 PETER LAUCH: Correct.

24 CHRISTINE MAINVILLE: And who was the  
25 Senior Creditor's Technical Advisor?

1                   PETER LAUCH: So there were two people.  
2 One gentleman came on a quarterly basis. His name  
3 was Crawford Currie, and he worked for WS Atkins,  
4 well, still does as far as I know, but WS Atkins  
5 was bought by SNC a few years ago now, I think.

6                   And there was another gentleman who  
7 would come on a monthly basis, and his name was  
8 Richard Ciceri.

9                   And Crawford was out of the Scottish  
10 office in Glasgow, I believe, so that is why he  
11 came on a quarterly basis. And both gentlemen  
12 immensely qualified with rolling stock, with LRT,  
13 with heavy project backgrounds. So they were very,  
14 very good at their job. They held -- I don't want  
15 to say they held us to task, but they challenged  
16 us.

17                   And as we developed a relationship with  
18 them, you know as we learned more what their  
19 expectations were, we were providing more and more  
20 information as the project progressed.

21                   And then so as the LTA, as the Lender's  
22 Technical Advisor, or in some documentation you see  
23 SCTA, so Senior Creditor's Technical Advisor, they  
24 were involved -- I mean, I didn't come on board  
25 until after financial close, but I understand that

1 the Technical Advisor, Crawford in particular, was  
2 involved in the early days during the pursuit  
3 stage. And then once they also did an evaluation  
4 for the creditors on our ability to do the job from  
5 a technical, from a financial point of view.

6 So in the early days, they had  
7 different skill sets or different subject matter  
8 experts that would come and do updates and check on  
9 things themselves, so they had a rolling stock  
10 expert that came. They had a geo-technical expert  
11 that came when we were starting -- when we were  
12 getting heavy into the tunnelling. So before we  
13 started things, you know, in full -- sort of full  
14 swing, we would have review meetings with the  
15 subject matter experts and review risks and review  
16 methodologies and so forth.

17 So they actually provided a pretty good  
18 sanity check, if you will.

19 CHRISTINE MAINVILLE: And did that come  
20 to change when the City underwrote RTG's debt?

21 PETER LAUCH: Not with us. You know,  
22 the relationship with us, I mean, these people were  
23 the consummate professionals and they were  
24 representing the lenders and liaising with us.

25 So you know, the level of due

1 diligence, the level of granularity that they were  
2 looking for, the level of detail, that didn't  
3 change. You know, if it was the Bank of Montreal  
4 or if it was the City of Ottawa, they still had an  
5 obligation, and as I said, that didn't change.

6 CHRISTINE MAINVILLE: Okay. And when  
7 was that that the City underwrote the debt?

8 PETER LAUCH: I am trying to remember.  
9 It wasn't halfway through. It was a little bit  
10 before then. I would only be guessing. Probably  
11 around 2016, around there, I think.

12 CHRISTINE MAINVILLE: Okay.

13 PETER LAUCH: I have to --  
14 unfortunately, when I left RTG, I also left all my  
15 emails, all my files behind, so I am relying on my  
16 foggy memory.

17 CHRISTINE MAINVILLE: Okay, we'll come  
18 back to this issue in other respects.

19 So you mentioned your position as  
20 Technical Director for RTG. You subsequently  
21 became CEO?

22 PETER LAUCH: Yeah, that was in 2018.  
23 I am trying to remember the exact date. But  
24 Antonio Estrada, who was the CEO, he was part of  
25 ACS, and he was slated for another project. So

1 since I had been around pretty much -- well, I  
2 don't want to say since day one, but I had been  
3 around for five years, and I had carved out  
4 different sort of responsibilities for myself, if  
5 you will. I wasn't -- obviously, I wasn't the CEO,  
6 but I mean, Antonio would consult with me on some  
7 letters and where things were going and so forth.  
8 And I had established a good relationship with the  
9 City and would participate with Antonio in several  
10 high level meetings.

11 So at the time, you know, it seemed to  
12 be a logical sort of transition for me to take on  
13 that extra responsibility.

14 CHRISTINE MAINVILLE: And does July  
15 2018 sound about right in terms of when you  
16 started?

17 PETER LAUCH: Yes, that is it, because  
18 I remember Antonio going to -- he actually went to  
19 LA and it was early summer of 2018.

20 CHRISTINE MAINVILLE: And that was  
21 shortly after the first RSA deadline was missed;  
22 correct?

23 PETER LAUCH: That's correct, yes.

24 CHRISTINE MAINVILLE: And so his  
25 departure didn't have to do with any kind of

1 turnover following that?

2 PETER LAUCH: No, no, not at all. No,  
3 I think -- I mean, as I am sure you are aware, I  
4 mean, the first revenue service date was May 2018,  
5 and his plan always was -- I think he was sort of  
6 on a five-year plan, and so, yeah, no, that had  
7 nothing to do with it. It was just  
8 re-organization.

9 CHRISTINE MAINVILLE: And then you  
10 remained in the position of CEO until July 2020; is  
11 that right?

12 PETER LAUCH: That's correct, yeah.

13 CHRISTINE MAINVILLE: And so after  
14 revenue service was met in late 2019?

15 PETER LAUCH: Yeah, we met -- RSA was  
16 met on the 30th of August, 2019.

17 CHRISTINE MAINVILLE: Yes. And then  
18 you were succeeded by Nicolas Truchon as CEO?

19 PETER LAUCH: Nicolas, yeah.

20 CHRISTINE MAINVILLE: And am I right  
21 that you were also General Manager of RTM?

22 PETER LAUCH: I wasn't really the GM.  
23 We had an interim GM, but there was some -- you  
24 know, as you know, there were some changes made and  
25 I was -- you know, I was RTG's CEO, but heavily

1 involved with -- you know, not so much, you know,  
2 responsible for the maintenance side, but aware of  
3 what was going on on the maintenance side.

4           And so the partners asked me if I would  
5 be willing to take on some interim -- extra interim  
6 responsibility and sort of see what I could do to  
7 help out RTM. So I definitely did that at a fairly  
8 high level sort of role, but we did have an interim  
9 GM in place as well. So I wouldn't want to call  
10 myself the GM. That would marginalize him.

11           CHRISTINE MAINVILLE: So who was the  
12 interim GM?

13           PETER LAUCH: It was an engineer named  
14 James Messel.

15           CHRISTINE MAINVILLE: Okay, and so you  
16 didn't have a formal title at RTM, is that --

17           PETER LAUCH: They called me RTM's CEO,  
18 so...

19           CHRISTINE MAINVILLE: And what was that  
20 time period?

21           PETER LAUCH: That was, if I recall  
22 correctly, I think it was around November 2019 when  
23 I took on the RTM role.

24           CHRISTINE MAINVILLE: And also until  
25 you left in July 2020?

1                   PETER LAUCH:  Until I left, that's  
2 correct.

3                   CHRISTINE MAINVILLE:  And who -- did  
4 you succeed anyone or who did you replace?

5                   PETER LAUCH:  So there never really was  
6 a CEO role at RTM, per se.  I mean, there was a  
7 gentleman who was a General Manager named Claude  
8 Jacob, and he would report directly to the RTM  
9 Executive Committee.

10                   So it was really just -- you know, it  
11 was sort of almost introducing the role, if you  
12 will, and it was just to provide some additional  
13 oversight to RTM.  And then, you know, really to  
14 support the people that were there already, because  
15 now we were -- you know, while there were still  
16 issues going on on the construction side, we had  
17 transitioned from construction into the service  
18 side.  And again, because I had been around for  
19 such a long time, you know, there was experience  
20 and knowledge and, you know, I was able to leverage  
21 that into some of the things that RTM was doing.

22                   CHRISTINE MAINVILLE:  And was Mr. Jacob  
23 still there when you --

24                   PETER LAUCH:  So I sort of walked in  
25 the door and Mr. Jacob walked out the door.

1 CHRISTINE MAINVILLE: And was his  
2 departure related to his performance?

3 PETER LAUCH: You know, I don't think  
4 so. I mean, Claude was and is a good engineer, but  
5 I think the Executive Committee at the time sort of  
6 thought that a change was due. And we were -- you  
7 know, there was some plans to do some  
8 re-organization, so it was just, you know, there  
9 was -- you know, I don't think there was any  
10 malicious intent. It was just one of those  
11 business decisions just to -- you know, it is like  
12 hockey; I mean, sometimes you don't change all the  
13 players but you change the coach.

14 CHRISTINE MAINVILLE: Okay, and let's  
15 talk a bit about your background and experience,  
16 and we can bring up your resumé. Do you have -- I  
17 know you have experience in project management?

18 PETER LAUCH: Yes.

19 CHRISTINE MAINVILLE: Are you an  
20 engineer?

21 PETER LAUCH: I am.

22 CHRISTINE MAINVILLE: And was this your  
23 first rail project?

24 PETER LAUCH: It was my first rail  
25 project, yes.

1 CHRISTINE MAINVILLE: So can you talk a  
2 bit about the other types of projects you were more  
3 familiar with? They were construction projects?

4 PETER LAUCH: They were, yeah. I kind  
5 of grew up in construction, if you will, starting  
6 at about 18 working as a labourer on construction  
7 sites in New Brunswick, and then doing some  
8 carpentry. And then while I was in engineering,  
9 doing some survey work on jobs, and then always  
10 involved on the construction side, but also as I  
11 gained experience getting more involved on the  
12 project coordination, project engineering, project  
13 management side.

14 And then when I graduated, I was  
15 working for a general contractor and had an  
16 opportunity to work on a new paper machine project  
17 in Grand-Mère, Quebec, not too far from Shawinigan.  
18 By today's standards, probably not that big a job,  
19 but in the early '90s, a 200 -- or in 1988, a \$280  
20 million paper machine job was pretty interesting.

21 So I was there for three years, and I  
22 got involved in all kinds of civil construction,  
23 but also electrical, mechanical, and was involved  
24 in checkout and commissioning of the paper machine  
25 as well.

1                   And the company that I had worked for  
2 previously, a general contractor, they -- it is a  
3 long story, but they were doing work in the  
4 aerospace industry, and I ended up -- they ended up  
5 asking me if I would like to join them again and  
6 that was MDS Aero Support, and I was with them in  
7 Project Engineer, Project Manager, Senior Project  
8 Manager, then VP Projects for about 22 years, and  
9 we were doing sophisticated gas turbine engine test  
10 facilities pretty much all over the world. And  
11 I --

12                   CHRISTINE MAINVILLE: Can I ask --

13                   PETER LAUCH: No, go ahead, sorry.

14                   CHRISTINE MAINVILLE: Well, just to  
15 keep it short, because we have your resumé, you  
16 were then involved in some I think highway -- some  
17 transit-related projects or just -- or not really?

18                   PETER LAUCH: Not really. I mean, yes,  
19 aircraft engines is transit, I suppose, but no,  
20 none of the work we did at MDS involved, you know,  
21 transit per se, but it did involve turnkey  
22 construction projects, heavy civil, very  
23 sophisticated data acquisition and control systems,  
24 and then dealing with multiple different forms of  
25 contract. So in Canada, you know, we would deal

1 with the CCDC form. If we were doing work in  
2 Europe, it would be the FIDIC form of contract, AIA  
3 in the States.

4 So one of my responsibilities was  
5 contract negotiation both with the client and  
6 subsequently with subcontractors.

7 So you know, when I was interviewed by  
8 RTG, I didn't have an LRT card or a rail or a  
9 highway card in my pocket, but I did have other  
10 experiences that -- you know, and other things that  
11 I did that was -- you know, could certainly  
12 leverage and would certainly play well into the RTG  
13 role.

14 CHRISTINE MAINVILLE: Had you worked on  
15 other P3 projects?

16 PETER LAUCH: No, OLRTC was the first.

17 CHRISTINE MAINVILLE: Okay, we'll file  
18 your resumé as the first exhibit.

19 EXHIBIT NO. 1: Resumé of Peter Lauch.

20 CHRISTINE MAINVILLE: Who were you  
21 dealing with at OLRTC and RTM when you were CEO?  
22 Who were your counterparts?

23 PETER LAUCH: At OLRTC? At the time,  
24 there was the Project Director for the construction  
25 contractor, so OLRTC, Eugene Creamer in the early

1 days and then he was replaced by Rupert Holloway,  
2 Matthew Slade. Those are I guess the principal  
3 counterparts, if you will, and Humberto Ferrer was  
4 one. He was looking after -- he was the Deputy  
5 Director. Tim Stewart was responsible for  
6 construction. Jacques Bergeron was responsible for  
7 vehicles. So I would sort of liaise with that  
8 level of people on the OLRTC side.

9 And then on the RTM side, Grant Bailey  
10 was the GM for RTM in the early days, and we  
11 actually shared an office for several years because  
12 RTM was involved almost from the get-go. So I was  
13 dealing with Grant, and then Grant's replacement  
14 was Claude Jacob, so I dealt with Claude quite a  
15 bit and a gentleman named Tom Pate.

16 CHRISTINE MAINVILLE: And when would  
17 OLRTC or RTM deal directly with the City?

18 PETER LAUCH: So the way our contract  
19 was structured, so just to maybe put things in  
20 context, I mean, at Rideau Transit Group when I  
21 started, we were five people. So there was a CEO;  
22 there was a CFO; there was a controller; there was  
23 sort of an office manager/admin, and myself, six  
24 people; and Adriana, who was our Technical  
25 Assistant. And at our peak we were ten when we

1 brought on some -- a couple of co-op students and  
2 another more experienced gentleman to be our field  
3 inspectors.

4           So all our terms and conditions that we  
5 had with the City, they were flowed down to -- I am  
6 talking with my hands and that is going to be hard  
7 to transcribe, isn't it. All our terms and  
8 conditions that we had were flowed down to the  
9 construction contractor and to the maintenance  
10 contractor.

11           So to answer your question, depending  
12 on the nature of the issue, RTM and OLRTC were very  
13 much involved with the City because the day-to-day  
14 activities, the design coordination, the field  
15 coordination, quality assurance, environmental  
16 issues, that was all direct OLRTC/City or RTM/City.

17           If there was something of a more  
18 contractual nature, well then it would filter  
19 through RTG, but the way it was structured, we  
20 would have been more of a bottleneck than anything  
21 else, so it was agreed that the day-to-day  
22 activities could be direct --

23           CHRISTINE MAINVILLE: Was RTG always in  
24 the loop or how --

25           PETER LAUCH: Exactly. I was just

1 going to say, we were always in the loop, always  
2 cc'd, and as I said, there was biweekly  
3 coordination meetings attended by many, many people  
4 from the City and many people from OLRTC. We  
5 always had a seat there for -- there was critical  
6 working groups where we always had a seat. So  
7 there was the tunnel working group. There  
8 was -- as things progressed, there was testing and  
9 commissioning working groups, and so forth, so we  
10 made sure that we integrated ourselves into the  
11 more key elements of the project, if you will.

12 CHRISTINE MAINVILLE: Okay. And so how  
13 would you characterize the level of oversight by  
14 RTG?

15 PETER LAUCH: I mean, as I said, I mean  
16 from a technical point of view, at our peak, we had  
17 myself, a technical assistant and some field  
18 inspectors. So we would try to prioritize, and you  
19 know, as I said, integrate ourselves into area that  
20 is we thought were critical.

21 And the contractor was always very good  
22 about identifying, you know, where they thought it  
23 would be useful to have us there as a presence.

24 But I mean, over the years, I mean, as  
25 the relationship developed between OLRTC, myself,

1 the City, I mean, you know, I wasn't, you know,  
2 into the details of everything, you know, but like  
3 I said, I tried to make myself aware of the items  
4 that were critical.

5 CHRISTINE MAINVILLE: And in terms of  
6 areas of priority that you said were highlighted by  
7 OLRTC, how did the rolling stock feature in that?  
8 Was that something --

9 PETER LAUCH: It was quite prominent,  
10 of course, because, I mean, that was a critical  
11 element of the project, and it was also something  
12 that the LTA took a great interest in, because, you  
13 know, it was obviously a very significant part of  
14 the project.

15 So that is a good example of, you know,  
16 of an area where, you know, where we were involved  
17 and we would do regular reviews of Alstom  
18 production and would have to take the LTA and we  
19 would have to take the Independent Certifier and  
20 the City sometimes as well.

21 Tunnelling was another activity, so you  
22 know, getting involved in the tunnel working group,  
23 just because of the nature of the difficulty and,  
24 you know, the challenges associated with that.

25 It was important for us to participate

1 on the environmental side as well, but I should  
2 mention that RTG did have a quality assurance  
3 director and environmental and sustainability  
4 director as well. They weren't in our office  
5 full-time. They were consultants, but they  
6 definitely played a role in those two elements.

7 CHRISTINE MAINVILLE: So it wasn't  
8 merely about progress of the activities?

9 PETER LAUCH: No, no, it was --  
10 because, I mean, in order to -- you know, in order  
11 to report accurately, you know, we wanted to make  
12 sure that we understood and that we were involved  
13 in where we were with vehicle production, where we  
14 were with CBTC, where we were with tunnel  
15 production, because it all fed into the milestones  
16 as well.

17 So you know, and so we would make sure  
18 that we devoted our attention to critical items,  
19 but also things that we knew that the LTA, the IC  
20 and even the City and our Board would be interested  
21 in.

22 CHRISTINE MAINVILLE: But am I right  
23 what you have described is mostly about how it is  
24 progressing in terms of timelines?

25 PETER LAUCH: Yes, that would be

1 accurate.

2 CHRISTINE MAINVILLE: And when you said  
3 LTA, just to be clear, it is Lender's Technical  
4 Advisor?

5 PETER LAUCH: Yes.

6 CHRISTINE MAINVILLE: What would you  
7 say -- or would you be able to speak to OLRTC's  
8 level of oversight over the rolling stock, you  
9 know, whether they mostly left it to the  
10 subcontractors or what was the level of involvement  
11 there?

12 PETER LAUCH: I would say that the  
13 level of involvement was -- it is what I would  
14 expect. They definitely had subject matter  
15 experts. They definitely had people with good  
16 experience from Bombardier and other vehicle  
17 suppliers. They had good systems people. In the  
18 early days - and I wish I could remember all the  
19 names - I mean, Jacques Bergeron comes to mind and  
20 Paul Tetreault, but there was also other very good  
21 engineers that were supporting the rolling stock  
22 and liaising with Alstom on a regular basis.

23 I would say just on the rolling stock  
24 alone, they would probably have had a half dozen  
25 experts, engineers.

1 CHRISTINE MAINVILLE: At OLRTC on --

2 PETER LAUCH: At OLRTC, yeah, if not  
3 more.

4 CHRISTINE MAINVILLE: Do you know  
5 whether that was the case early on in the project?

6 PETER LAUCH: Most of the roles and the  
7 folks that I just mentioned, they were on since I  
8 started.

9 CHRISTINE MAINVILLE: Okay. Are you  
10 aware of what, if any, early planning there was on  
11 the systems integration front?

12 PETER LAUCH: Certainly. I mean, that  
13 was one of the -- that was certainly one of the  
14 elements that were sort of looked at in the early  
15 days. You have to on a project of this size.

16 So there was people that were involved  
17 in systems, obviously, systems, you know, both on  
18 the engineering side and on the oversight side,  
19 depending on what the particular system was. But  
20 it was certainly something that was on the books  
21 from the early days. You know, there was testing  
22 and commissioning plans. There was system  
23 integration plans. There was SIT, so system  
24 integration tests, and SATs, I mean, voluminous  
25 amount of documentation that was generated as the

1 project progressed.

2           And a lot of this documentation, I  
3 mean, in addition to being sort of standard  
4 operating procedure for a job like this, it was  
5 also a lot of the documentation was a requirement  
6 of the PA and it had to be submitted through  
7 Schedule 10 for City review.

8           CHRISTINE MAINVILLE: So what you have  
9 just described, I take it, is related to systems  
10 integration of the overall project, right?

11           PETER LAUCH: Correct.

12           CHRISTINE MAINVILLE: And you are  
13 saying, when you talked about there being  
14 engineering people and oversight, are you talking  
15 at OLRTC's level or --

16           PETER LAUCH: Correct, yeah.

17           CHRISTINE MAINVILLE: Okay. And then  
18 in terms of integration of the rolling stock with  
19 the signalling system, do you know what early  
20 planning there was there?

21           PETER LAUCH: I know that -- I mean,  
22 there was -- there were people responsible at OLRTC  
23 for that interface and for that integration, and  
24 you know, you couldn't divorce the train control  
25 system from the train.

1                   So there was -- certainly there was  
2 interface documents, and it is not something that I  
3 was privy to on a regular basis, but I do know that  
4 someone from OLRTC and Thales and Alstom, you know,  
5 there were teams that met on a regular basis  
6 because it wasn't just the ones and zeros. It  
7 wasn't just programming. I mean, it was physical  
8 integration as well. You know, Thales were  
9 providing some pieces of kit that had to be  
10 physically integrated into the Alstom vehicle, so  
11 that necessitated interface discussions and  
12 integration discussions and that certainly started  
13 in early days.

14                   CHRISTINE MAINVILLE: Do you understand  
15 that there were some challenges on that front in  
16 terms of the systems integration of the rolling  
17 stock and --

18                   PETER LAUCH: Well, certainly, I mean,  
19 and not -- I didn't have experience previously, but  
20 I gained a lot of experience very quickly.

21                   But from my background even at MDS, I  
22 mean, systems integration, we would be integrating  
23 multiple different systems required to test an  
24 engine, and just bear with me as I go off on this  
25 tangent for a second. But I mean, when you are

1 testing an engine, you need a fuel system, you need  
2 a hydraulic system, you need a thrust measurement  
3 system, you need all kinds of data acquisition and  
4 programmable logic control systems, and they are  
5 not all from the same source, so that integration  
6 activity has to be very carefully orchestrated and  
7 coordinated from day one.

8           And it is not always easy. Sometimes  
9 there is conflicts, and I just don't mean  
10 personality, but like physical conflicts, you know,  
11 with pieces of equipment. So that all has to be  
12 hammered out in the early days, and you know, space  
13 was at a premium, especially in the cab of the  
14 vehicle. And Alstom, you know, they had racks, so  
15 equipment racks for, you know, for power units, for  
16 computer systems and so forth, and Thales needed  
17 some real estate there as well.

18           So I know that there was some tough  
19 discussions in the early days, literally about  
20 physically, you know, fitting this piece of kit  
21 into this opening, because ultimately, you know, if  
22 you are the vehicle supplier, you want a -- you  
23 have a very limited amount of space. I don't know  
24 if you have been in the cab of an LRT, but it is  
25 like a cockpit and there is not a lot of real

1 estate so you want to maximize efficiency of that.

2 And those things were certainly  
3 discussed at that stage, but there were -- you  
4 know, there is always going to be conflicts when  
5 you have two very good, very educated, you know,  
6 very experienced suppliers like that who also  
7 happen to be competitors.

8 So, yeah, no, I recall very clearly  
9 that in the early days, like rack space was an  
10 issue and there were modifications done, but I  
11 mean, that was kind of par for the course at that  
12 stage of the game. You know, it didn't affect  
13 overall schedule. It didn't affect -- you know, it  
14 didn't affect systems integration, per se.

15 CHRISTINE MAINVILLE: So you don't  
16 recall anything out of the norm in terms of the  
17 challenges that were faced there?

18 PETER LAUCH: I wouldn't say out of the  
19 norm. There certainly were challenges because, as  
20 I said, you are dealing with two organizations  
21 extremely experienced, and you are dealing with  
22 very good type A head strong engineers. So you  
23 know, there were certainly theoretical and  
24 technical conflicts there, but I mean, at the end  
25 of the day, the system did work. It did marry

1 well. And neither -- I mean, it wasn't -- neither  
2 organization was starting from first principles.

3 I mean, these were experienced, these  
4 were good pieces of a kit, good systems.

5 CHRISTINE MAINVILLE: What was -- so  
6 the vehicles were delayed, correct, quite  
7 significantly?

8 PETER LAUCH: Yes.

9 CHRISTINE MAINVILLE: What was your  
10 understanding then of the main causes of delay on  
11 that?

12 PETER LAUCH: I mean, the game plan  
13 changed a little bit from -- I would say probably  
14 more than a little bit from the time that the  
15 contract was let to, you know, as things sort of  
16 evolved. So initially, you know, the first two  
17 trains were going to be built in France and then  
18 taken apart and sort of rebuilt in North America  
19 and tested here.

20 Probably a good idea at the time, but  
21 not really practical, so you know, there were some  
22 changes made where the first vehicle was  
23 subsequently built in Hornell, at the Alstom  
24 facility in upper state New York, and the second  
25 one they started the assembly in Ottawa.

1 I don't think that really impacted the  
2 schedule too much in those days, but the assembly  
3 of the vehicles themselves at the maintenance and  
4 storage facility in Ottawa, that was slower than  
5 anticipated, and we had many, many meetings in the  
6 early days about learning curves and fully  
7 anticipate that the first couple of vehicles are  
8 going to take, you know, just for argument's sake,  
9 90 days. And as you get more and more experience,  
10 as you get -- as you develop more and more of a  
11 rhythm, you get better and better at it, then what  
12 they would call a "takt time", so the takt time  
13 between stations would eventually reduce as you  
14 gained more experience. And it certainly did, but  
15 probably not to the degree of efficiency that, you  
16 know, they would have hoped for initially  
17 theoretically.

18 And you know, like any project of this  
19 size and this complexity, you know, there were  
20 supply chain issues at times. There were technical  
21 issues at times. There were lots of retrofits.  
22 And this is not unusual, and I am not speaking from  
23 experience, but I am speaking from what, you know,  
24 smart people like Jacques and Paul and Matthew  
25 would tell me, that it was fully expected that as

1 your assembly evolves and as your -- there still  
2 were some design elements that were ongoing, and,  
3 you know, you find changes and you find ways to  
4 improve, or there is a supply chain issue that you  
5 have to change suppliers, so instead of you are not  
6 getting a widget from this company, you are getting  
7 it from this company, and maybe there is a physical  
8 change there.

9           So there were retrofits, and they were  
10 documented as you went on. So that and supply  
11 chain issues, the efficiency of the build, and even  
12 just the resources. I mean, there was a 25 percent  
13 Canadian content requirement, so they are -- I  
14 think Alstom was pretty good about finding  
15 satellite companies from some of their OEMs  
16 overseas. But there was a learning curve in some  
17 of those plants.

18           And then just the resources, the actual  
19 fingers and thumbs people that would put things  
20 together. I mean, Alstom was drawing from, you  
21 know, Ottawa, Quebec, Toronto. There was  
22 not -- there is not a lot of light rail transit  
23 assembly technicians available. Ottawa was  
24 well-known for its IT, especially in the west end,  
25 so you could definitely leverage some of that

1 experience when you are building harnesses and  
2 doing instrumentation and end to ends, but again,  
3 there wasn't anyone you could pull off the street  
4 and say, Okay, you know, you are going to start to  
5 assemble the subframe today, so there was a  
6 learning curve there.

7           And Alstom did train them. I mean,  
8 Alstom had qualified people from Hornell and France  
9 that they brought in, but eventually these people  
10 had to be on their own, and I think that certainly  
11 played a -- in my opinion, that certainly played a  
12 part in some of the delays because you are in a  
13 purpose-built temporary assembly area. You know,  
14 you are not in this huge plant in France, and you  
15 are not in the big plant in Hornell. So you have  
16 replicated the workstations. You have replicated  
17 the assembly process, but it is not the same thing.

18           It is -- and that was always the plan  
19 from day one, so I mean, it wasn't a revelation,  
20 but I mean, it was still -- you know, that  
21 certainly played a factor in efficiencies and  
22 learning curves.

23           CHRISTINE MAINVILLE: It was known to  
24 be a risk at the outset building at the MSF?

25           PETER LAUCH: Absolutely.

1                   CHRISTINE MAINVILLE: And is that just  
2 from your perspective mostly on the schedule front  
3 or could it also impact quality to some extent?

4                   PETER LAUCH: No, both certainly. I  
5 mean, you know, it is -- you know, people always  
6 joke sometimes, if you get a lemon for a car, well,  
7 it must be a Friday assembly. You know, so I mean,  
8 it is -- and I am not -- and please don't  
9 misinterpret that, but I mean, there is a learning  
10 curve. I mean, you are taking good people but  
11 maybe not necessarily experienced in what they are  
12 doing, and so there is -- you know, there is  
13 mistakes that get made.

14                   Now, I mean, there is a quality system  
15 in place as well, so you are going through the  
16 mechanical assembly of everything, but then there  
17 is also a lot of instrumentation checkout,  
18 electrical checkout. So when it came off the line,  
19 you know, it was in pretty good shape. Are you  
20 still going to find some bugs when you test it?  
21 Yeah, of course, I mean, that's -- you know, the  
22 same thing in my past life. I mean, you never  
23 flicked a switch and could start to test an engine.  
24 I mean, there is a very sequential, very methodical  
25 approach to it.

1           But you know, there is -- it certainly  
2 played a part of it, because from a quality point  
3 of view, I mean, if you do find something and there  
4 were NCRs found, which is good - an NCR, a  
5 non-conformance report - I mean, that is a good  
6 thing. That is why you have a quality assurance  
7 and a quality control program. But I mean, if you  
8 find it, you have to fix it. And so, you know,  
9 logically that introduces some delays.

10           CHRISTINE MAINVILLE: And would  
11 you -- was the Citadis Spirit considered a  
12 service-proven vehicle?

13           PETER LAUCH: I would say so, because I  
14 mean, it was -- they weren't starting from first  
15 principles with it. I mean, the Citadis, there  
16 was -- at the time, you know, we were -- whenever  
17 we did our presentations, you know, there was,  
18 Well, there is 1700 in service, and you know, were  
19 they out in service in the exact same elements as  
20 Ottawa? No, but there were some in service in  
21 Sweden. There were some in service in St.  
22 Petersburg in Russia, and they were in -- I  
23 actually rode one in Dublin just when I was there  
24 on vacation just to see for myself. And it was a  
25 good vehicle.

1                   And what we have was obviously  
2 customized, you know, to deal with the environment  
3 that we had in Ottawa, but to answer your question,  
4 I mean, yes, I mean, it was a proven vehicle.

5                   CHRISTINE MAINVILLE: So to be clear,  
6 the other models outside of Canada, they are the  
7 Citadis, correct, not the Citadis Spirit?

8                   PETER LAUCH: They were the Citadis,  
9 exactly, yeah.

10                  CHRISTINE MAINVILLE: So you didn't  
11 consider the changes, the customization that needed  
12 to be made, as fundamentally changing the known  
13 reliability of the model?

14                  PETER LAUCH: I wouldn't say that  
15 because the customization, I mean, aside from sort  
16 of the winterization of them, I mean, there  
17 was -- Alstom, you know, they optimized some  
18 designs. I believe it was a new bogie and new  
19 wheel system, very, very clever design, much more  
20 compact. You know, some of the -- even some of the  
21 HVAC in the vehicle, in the cab, was changed to  
22 optimize -- you know, instead of having independent  
23 systems, they shared the system.

24                  And the winterization definitely played  
25 a big role in it. I mean, you had heated floors at

1 the ramps coming up. You had -- there were other  
2 elements as well. You know, if you are running a  
3 Citadis in Marseille, it is not exactly the same as  
4 in Ottawa. So you know, winterization wasn't just  
5 slapping on insulation. It was obviously more than  
6 that. There was a robustness, if you will, that  
7 had to be improved.

8 CHRISTINE MAINVILLE: So that was a  
9 first on this vehicle?

10 PETER LAUCH: I would say so just based  
11 on what I know of where other Citadises were  
12 operating, so yeah, but it is not unusual to  
13 customize it. I mean, you know, if you go on the  
14 Alstom website and you want to buy a Citadis, I  
15 mean, there are -- you know, it is like buying a  
16 car. There are some options. You can have this  
17 type of nose or this type of seat and so forth. So  
18 I mean, there is definitely some customization, and  
19 not every operator, you know, has -- requires the  
20 same functionality, if you will.

21 So there is always going to be a level  
22 of customization.

23 CHRISTINE MAINVILLE: And how would you  
24 describe the PSOS and the specifications in this  
25 case for the rolling stock?

1                   PETER LAUCH: Yeah, it was quite  
2 prescriptive, but I mean, you know, everybody  
3 signed up to it, so you know, they knew what they  
4 were getting into. But I mean, it was  
5 prescriptive. I mean, you know, again, not coming  
6 from a background in LRTs but appreciating the  
7 complexity of how different systems marry together  
8 and how they operate together, it was complex.  
9 Just if you are imagining, you know, what you are  
10 controlling -- and I am not even talking about  
11 Thales, just the TCMS alone in the vehicles, I mean  
12 it is -- just the functionality of the vehicle that  
13 it is controlling, there is a lot of moving parts.

14                   And as I said, you know, I came from  
15 aerospace, and the first time I saw an assembly of  
16 a vehicle in Hornell, I was really impressed  
17 because of the complexity of it. You know, we  
18 would do very sophisticated instrumentation  
19 harnesses when we are testing engines, and these  
20 sophisticated harnesses were pretty much replicated  
21 within, you know, that sort of philosophy, that  
22 sort of level, that degree of difficulty was  
23 replicated in the vehicles.

24                   I mean, you know, I remember people  
25 talking about the vehicles. I mean, it is a

1 horizontal elevator going at 100 kilometres an  
2 hour. I mean, you want it to be fairly  
3 sophisticated and you want to have redundant safety  
4 systems and so forth. But as I said, it is a  
5 complicated piece of kit.

6 CHRISTINE MAINVILLE: And do you have  
7 any understanding or knowledge of what occasioned  
8 issues with the vehicles for Alstom? Like what led  
9 to the vehicles having -- just from a big picture  
10 perspective, encountering some bugs?

11 PETER LAUCH: Well, I mean, it sort of  
12 goes back to what I said. I mean, you are  
13 assembling sophisticated vehicles in a temporary  
14 facility that's long-term objective is to be a  
15 maintenance facility, so you know, you have these  
16 temporary workstations and you are using, you know,  
17 a combination of skilled and unskilled labour that  
18 you are trying to train up. You know, you are  
19 definitely having some supply chain issues along  
20 the lines.

21 I remember windshields, believe it or  
22 not, was an issue at one time for delivery. There  
23 were other components. There was an HPU, so -- and  
24 I am really testing my memory here, but I mean,  
25 there was an HPU, hydraulic power unit, that ended

1 up getting swapped out during assembly, like well  
2 before anything was tested or commissioned because,  
3 you know, through the design stage, I guess  
4 somebody realized it was undersized for the new  
5 braking system they introduced.

6           So you know, there was -- you know, you  
7 can't point your finger to one single thing, but  
8 over time, you know, things build up and  
9 eventually, you know, it is difficult to recover  
10 because things are happening, you know, sort of  
11 sequentially and building up. So it is -- as I  
12 said, it makes -- definitely, they were definitely  
13 aware, but they knew what they had to do, but it is  
14 not always easy to recover that time. And, you  
15 know, the sense of urgency wasn't always there.

16           I mean, we were -- when things were  
17 tight and you are at the end of a project -- or not  
18 even at the end of the project. You know, when you  
19 have a critical delivery, I mean, you are pulling  
20 out all the stops. You know, if you know you are  
21 in trouble, you bring in extra resources, you work  
22 extra shifts, you work on the weekend, and that  
23 wasn't always the case with Alstom.

24           Do I think that would have -- you know,  
25 would they have made up, you know, all of the

1 delays? Probably not, but they certainly would  
2 have whittled away at them.

3 CHRISTINE MAINVILLE: Are you aware of  
4 any particular value engineering done by Alstom on  
5 the vehicles?

6 PETER LAUCH: Not specifically, but I  
7 mean, it is sort of -- again, it is kind of par for  
8 the course. I mean, I'll give you the example of  
9 the hydraulic power unit. I mean, maybe not  
10 necessarily under the umbrella of value  
11 engineering, but as you progress with your design,  
12 as you progress with your assembly and you see  
13 things, and sometimes, you know, you find a better,  
14 faster way of doing something, so yeah, certainly.  
15 I mean, as I said, I am not intimate with those  
16 details. There are certainly people at OLRTC that  
17 could probably, you know, shed more light on that  
18 than I can, but yes, I mean, there were certainly  
19 some.

20 And again, I mean, you would have to go  
21 back and talk to the experts, but even just at the  
22 supply chain, I mean, Alstom was integrating --  
23 they weren't building everything themselves. You  
24 know, they were out-sourcing and then integrating  
25 things themselves, so you know, it goes all the way

1 back to who they chose. I'm sure they had a  
2 procurement process, a bid process, and they would  
3 go to a bunch of different plants to build  
4 inductors and build electrical components and so  
5 forth.

6 So yeah, I mean, that is -- there  
7 certainly was value engineering going on, and as I  
8 said, I mean, you would have to speak to people who  
9 were more intimate than me to give you more precise  
10 details.

11 CHRISTINE MAINVILLE: Sure. How would  
12 you characterize the sufficiency of the budget  
13 allocated in this case on the project, the  
14 affordability of it?

15 PETER LAUCH: I mean, that is a tough  
16 question. I wasn't involved in the early days, so  
17 I don't know, you know, how the estimate was pulled  
18 together, but I mean, the project was bid on a  
19 competitive basis, as these projects are. And the  
20 partners are, you know, ACS, Dragados, EllisDon,  
21 SNC. I mean, you know, you like to they think know  
22 what they are doing.

23 From RTG's perspective as ProjectCo, I  
24 mean, we had -- you know, there was nothing that  
25 jumped out at us, and you know, the lenders, the

1 LTA, I mean, they had done the review as well of,  
2 you know, not just the financial terms and  
3 conditions of the PA, but also the sufficiency of,  
4 you know, of money allocated to the job, to risk  
5 and so forth.

6 So you know, I mean, when we started, I  
7 certainly didn't think it was an issue.

8 CHRISTINE MAINVILLE: Right, but was  
9 there room for risks materializing as they did?

10 PETER LAUCH: Well, certainly. I mean,  
11 I can't speak to the details, but I mean, you know,  
12 even on this project, on every project I have ever  
13 done, you always allocate some money to  
14 contingency, to schedule delays, to risks. So  
15 yeah, I mean, that was certainly part of it. I  
16 mean, we had a -- we, I mean OLRTC, they had a risk  
17 manager in the early days and a very sophisticated  
18 risk matrix, so they are certainly aware and, you  
19 know, you try to forecast the probability of things  
20 happening and you look at potential mitigation.

21 So that is -- you know, that is part of  
22 the structure. That is part of the contract.

23 CHRISTINE MAINVILLE: And in terms of  
24 the impact of the Rideau sinkhole, how significant  
25 would that have been, let's start with the

1 financial, from a financial perspective.

2 PETER LAUCH: Well, from a financial  
3 perspective, again, if I'm wearing my RTG hat,  
4 really not too much of an impact, but from the  
5 contractor side obviously it has a financial impact  
6 because, you know, just when it happened, I mean,  
7 just the mitigation alone, just to get things back  
8 to steady state required a tremendous amount of  
9 effort.

10 And it is not something -- you know,  
11 you would have -- would you have planned for a  
12 sinkhole? No. Would you have planned for, you  
13 know, something to happen? You know, there was  
14 obviously some risks in everything that they did,  
15 be it geo-technical, be it structure, you know, any  
16 element of the project, but I mean, you know, you  
17 certainly don't plan for a sinkhole, especially not  
18 one of that size.

19 So as I said, just to get things back  
20 to steady state, I mean, if you can imagine when it  
21 happened, you know, by the time the valve was  
22 closed, the water stopped pumping in, then all of a  
23 sudden you are in recovery, and there were -- I  
24 think, if I recall, there was about 2700 cubic  
25 metres of concrete. So imagine a concrete truck

1 carries about 8 cubic metres, that is a lot of  
2 concrete trucks in 24 hours to fill the hole and  
3 then you assess afterwards and, you know, you have  
4 had all these utilities that were cut off. You  
5 know, all that had to be reinstated but now it is  
6 embedded in concrete, so now you are trying to gain  
7 access to that. And before you can even start  
8 tunnelling again, I mean, the geo-technical  
9 engineers and the geo-physicists, they did their  
10 analyses, and they said, Okay, even though you have  
11 this great big concrete plug there now, you can't  
12 just start digging because we need to appreciate  
13 the ramifications of what happened on the  
14 surrounding area as well. So we ended up doing  
15 grout injection to stabilize the whole area. That  
16 is nothing that you would foresee. That is a huge  
17 cost. It is just a very sophisticated method of  
18 reinforcing the ground, and you know, it is -- it  
19 wasn't free. I mean, but you had to do it. I  
20 mean, at no point in time did the contractor ever  
21 hold up their hands and said, No, I am out. They  
22 did what they had to do, and they incurred those  
23 costs and they -- you know, they kept on working  
24 because ultimately, you know, it didn't detract  
25 from the objective that we had at the end of the

1 day.

2 CHRISTINE MAINVILLE: Right. And  
3 without opining on whether this was covered or not  
4 by the geo-technical risk that RTG had assumed, are  
5 you able to speak to the decision to take on that  
6 entire risk and whether that is advisable in  
7 hindsight?

8 PETER LAUCH: I mean, you said not to  
9 opine, but it will be an opinion. I mean --

10 CHRISTINE MAINVILLE: I just mean on  
11 whether this, from a legal perspective, falls  
12 within how the contract characterized the  
13 geo-technical risk, and just leaving aside any  
14 potential dispute on that front.

15 PETER LAUCH: No, I appreciate that. I  
16 mean, there were, if I recall correctly from  
17 talking to the LTA in the early days, I mean, there  
18 were risk profiles that you could choose, and you  
19 know, the contractor -- there was a certain level  
20 of geo-technical information provided to all the  
21 bidders, and then I know that the contractor  
22 supplemented that with additional bore holes, with  
23 additional geo-technical studies, additional  
24 analyses.

25 So obviously I can't speak for the

1 partners, but if we are going to start all over  
2 again, not, you know, knowing there would be a  
3 sinkhole, I really don't know how much -- I don't  
4 know how much they would do differently because, as  
5 I said, it was a level playing field when you are  
6 bidding the job. The client gives you 'x' amount  
7 of information, bore hole information and so forth.

8 I mean -- and every geo-technical  
9 engineer and every geo-physicist will tell you, if  
10 they had their druthers, you would drill a bore  
11 hole every three feet, but I mean, that is not how  
12 it works. So you get data; you extrapolate it; you  
13 supplement it with additional studies as you see  
14 fit, and that was done.

15 And so I think, you know, no one would  
16 have forecast a sinkhole, but I think people were  
17 very cognizant of the risk. And you know, there  
18 were very, very good engineers at OLRTC, but also  
19 there were third party engineers. I mean, they  
20 brought in expertise from Dr. Sauer & Associates,  
21 world-renowned geo-technical engineers and  
22 geo-physicists.

23 I mean, it is -- you know, you had  
24 very, very strong expertise there, so I  
25 think -- and, you know, you want to win the job

1 too. You are bidding against two other  
2 competitors, so I mean, there is some risk there  
3 that you take.

4 CHRISTINE MAINVILLE: So we spoke about  
5 the impact financially of the sinkhole. Can you  
6 talk about whether it had other significant impacts  
7 on the project?

8 PETER LAUCH: Well, it certainly did.  
9 I mean, if you are familiar with the line, I mean,  
10 Rideau Station, it is the biggest station and it is  
11 kind of in the middle of the alignment.

12 And you know, of 2,500 metre, two and a  
13 half kilometre tunnel, I think it was the last 50  
14 metres that were affected, so we were sort of on  
15 the cusp of completion when this happened. And the  
16 plan was logistically, had everything gone -- you  
17 know, if we didn't have the sinkhole, I mean, you  
18 would be able to move material from one end to the  
19 other seamlessly along through the tunnel now.

20 All of a sudden, you are blocked. You  
21 have got this giant plug in the middle, so your  
22 entire supply chain to the tunnel for the rail, the  
23 lights, the systems, the wiring, the power,  
24 everything changes. So, you know, you are already  
25 busy on the east end. You are already busy on the

1 west end. And now you have to go through those  
2 busy areas, in particular from west going east, to  
3 feed equipment, supplies, material and labour into  
4 that area.

5           So you cut yourself off there, and it  
6 is not just from the physical construction, you  
7 know, redrilling the tunnel, but I mean, all of  
8 your wiring and your cabling and your  
9 instrumentation, all of a sudden you have sort of  
10 got this chunk in the middle that you can't get to  
11 right away. In the meantime, your schedule says,  
12 well, I am going to start to do some pre-SATs and  
13 pre-SITs in this area. Well, that is on hold, so  
14 you change your plan.

15           And OLRTC did react. You know, they  
16 created sort of a temporary zone in the east end  
17 where they could still proceed with some testing,  
18 and so they could still do things on a piecemeal  
19 basis, but it definitely affected the ability to do  
20 that, you know, to integrate the entire system and  
21 to do your end to ends, you know, as you had  
22 originally planned.

23           So that certainly introduced a  
24 challenge and they certainly had to react to that.

25           CHRISTINE MAINVILLE: All right. So it

1 had some impact on the testing schedule, in  
2 particular the integration testing; correct? But  
3 how would you characterize that impact? Or let me  
4 put it this way. Maybe not looking at it solely  
5 from the perspective of the sinkhole, but how much  
6 did the initial integration testing schedule or  
7 plans change as compared to what ultimately took  
8 place?

9 PETER LAUCH: I can't really speak to  
10 that in detail, just because it is not something  
11 that I was involved in at that time, but it  
12 certainly affected your overall system integration.  
13 But the way you -- excuse me -- the way you  
14 commission these systems, I mean, you don't do it  
15 in one fell swoop. You do it in a methodical  
16 piecemeal basis anyways.

17 So you know, it didn't stop them from  
18 doing some tests in the east end. It didn't stop  
19 them from doing some tests in the west end. But it  
20 certainly delayed them to be able to do the  
21 continual tests, if you will.

22 So you could still test your traction  
23 power substation on each side of it, but there was  
24 a big traction power substation right in Rideau  
25 Station. You were handcuffed until you could get

1 that in. As I said, it was the biggest underground  
2 station there was with kilometres of cable and  
3 ducting and computer room and electrical  
4 distribution room. And as I said, there was a  
5 traction power substation in there as well, and in  
6 the entrances as well. I mean, that got -- that  
7 doesn't necessarily have to do with integration,  
8 but it definitely has to do with overall  
9 construction.

10 I mean, all those -- there were  
11 subsequent delays just because of the sinkhole.  
12 You couldn't access some of those areas until  
13 everything was solid again.

14 So I mean, it had a real domino effect.  
15 I mean, it wasn't -- like I said, it wasn't just  
16 plugging in and starting drilling again. It  
17 affected every engineering discipline.

18 CHRISTINE MAINVILLE: In terms of what  
19 ultimately delayed the connectivity of the entire  
20 line and what allowed trains to run on the entire  
21 line, was that the tunnel, was that the Rideau  
22 Station, or was it just all of that in particular?

23 PETER LAUCH: Well, I would -- you  
24 know, I would say mostly the Rideau Station,  
25 because as said, I mean, the contractor reacted

1 well in the sense that, Okay, I got this giant plug  
2 here. I have to keep on testing. So they came up  
3 with a zoned approach. So essentially they  
4 developed a test track from just close to U of  
5 Ottawa, where they had like a pseudo station just  
6 before it hit the tunnel, so they had that pseudo  
7 station there all the way to Blair, so you could  
8 still carry out tests. You could still test your  
9 vehicles. You could still test your CBTC. You  
10 could still test your support systems.

11 CHRISTINE MAINVILLE: Okay, but it was  
12 mostly the Rideau Station that was the missing  
13 piece at the end and that was caused by the  
14 sinkhole.

15 PETER LAUCH: Well, certainly. I mean,  
16 the Rideau Station was -- Rideau was the last one  
17 to come online.

18 CHRISTINE MAINVILLE: Okay.

19 PETER LAUCH: And that was because of  
20 the delays that were wrought by the sinkhole.

21 CHRISTINE MAINVILLE: And then what  
22 about the impact of the sinkhole on the  
23 relationship between RTG and the City? Was that  
24 impacted?

25 PETER LAUCH: When the sinkhole

1 happened, everybody worked together extremely well.  
2 Like, it was -- I mean, it was a very, very  
3 difficult time, but the coordination efforts on  
4 both sides were great. And the City was very good,  
5 very supportive.

6 And then as we -- you know, as we  
7 started to mitigate and plan to restore, again the  
8 City was good. They brought in experts as well.  
9 There was good discussions on what the next moves  
10 would be.

11 Where things started to maybe go a bit  
12 pear shaped is, you know, when the letters started  
13 flying about who is responsible, you know,  
14 disputes, relief events and so forth.

15 So I mean, invariably when you start  
16 talking money and you start talking contract, it  
17 is -- you know, it changes the relationship a  
18 little bit. It is almost inevitable.

19 But I mean, again, it didn't stop  
20 neither party from working. It certainly didn't  
21 stop the contractor from working. And I mean,  
22 there were standstill agreements in place, so, you  
23 know, to basically formalize, look, we are going to  
24 keep on working and we'll deal with these things as  
25 we can. So that was helpful.

1           But yeah, no, I mean, my opinion is  
2 that it changes the relationship because, as I  
3 said, you know, now we are talking about delays, we  
4 are talking about relief, we are talking about  
5 money.

6           CHRISTINE MAINVILLE: Uhm-hmm. And RTG  
7 raised a delay event and a relief event shortly  
8 thereafter; correct?

9           PETER LAUCH: That's correct.

10          CHRISTINE MAINVILLE: And they were  
11 refused by the City?

12          PETER LAUCH: They were refused by the  
13 City, yeah. And so it is -- I mean, it is always  
14 going on in the background, but I mean, it  
15 was -- and to be frank with you, I am not even sure  
16 where it is to this day. I think it is still in  
17 dispute.

18          So, yeah, no, it was certainly refused  
19 by the City.

20          CHRISTINE MAINVILLE: Were there other  
21 requests for assistance made of the City, that the  
22 City did not respond to in relation to the sinkhole  
23 and its impacts?

24          PETER LAUCH: I would have to think on  
25 that a bit. I mean, nothing jumps to mind. As I

1 said, I mean, you know, especially in the early  
2 days and when we are look at the mitigation plans,  
3 I mean, it was a co-operative effort. And you  
4 know, the City, they had consultants, they had  
5 expertise, and there was good dialogue on that.

6 But to be frank, I mean, I don't really  
7 know what specifically the City could do to help  
8 us, you know, other than provide an army of  
9 labourers maybe, but no, nothing specifically.

10 CHRISTINE MAINVILLE: We have talked  
11 about Rideau Station being delayed. There were  
12 other significant delays to the stations; correct?

13 PETER LAUCH: There were some, and some  
14 of them were actually a function of Rideau Station  
15 as well, but I think Rideau was probably the  
16 pacing, you know, the pacing item. I mean, some of  
17 the above-ground stations, you know, if you don't  
18 have a glass pane in or if you don't have -- you  
19 know, if you don't have, you know, a permanent door  
20 on a comms room, you know, it doesn't really stop  
21 you.

22 And I'm not trying to belittle that. I  
23 am just saying, you know, there was work-arounds,  
24 but there really wasn't a work-around for Rideau.  
25 You just had to get at it and you had to reinstate

1 it.

2 CHRISTINE MAINVILLE: And this is going  
3 back a bit farther, but do you recall the schedule  
4 for the stations was delayed back in 2014 from the  
5 original January 2014 schedule to in May 2014 there  
6 was a fair bit of compression of the schedule for  
7 the stations. Do you recall what would have been  
8 the cause of that?

9 PETER LAUCH: No, I don't. But I am  
10 trying to jar my memory now to see if it actually  
11 had an effect on the end date. But I --

12 CHRISTINE MAINVILLE: Right, so, well,  
13 let me help you. So what I am referencing I think  
14 in particular are the Pimisi, Lyon, Parliament,  
15 Rideau and Hurdman Stations where there was  
16 compression of the timeline, and pushing -- it was  
17 pushing the start date on them.

18 PETER LAUCH: Yeah, I mean, I can see  
19 that. Hurdman, for example, I mean, you were  
20 dealing with -- if I recall correctly, you were  
21 building on an old sort of dump site, so you are  
22 dealing with methane there, so there was some  
23 complexity introduced there. And Hurdman was a  
24 huge station. I mean, that was the bus-train hub.

25 Lyon, Lyon is a sophisticated station.

1 It was the first one we got to from the tunnel. So  
2 I could see where -- you know, after you are more  
3 and more involved in the project, yeah, I could  
4 certainly see where you would -- I don't want to  
5 say there were unknowns, but you know, you learn  
6 more as you progress.

7 And Pimisi, Pimisi is, you know, a  
8 huge, ornate, very fancy station, so I could  
9 certainly see just from an architectural point of  
10 view where, you know, there could have been some  
11 delays introduced there.

12 I mean, if you look at all of those  
13 stations, they are lovely, but I mean, it is like  
14 going to the Guggenheim Museum. I mean, each  
15 panel, there is not a lot of repeated square  
16 panels. Everything is kind of customized, and so,  
17 you know, just -- and you are laser measuring  
18 everything. You are measuring it twice, and then  
19 you are getting shop drawings and double-checking.

20 So, yeah, I can certainly see where  
21 there would be some delays, but nothing that would  
22 impact, you know, running a train.

23 CHRISTINE MAINVILLE: And do you  
24 recall, you talked about the test track that was  
25 devised between Ottawa U and Blair. Was that the

1 original plan for the test track?

2 PETER LAUCH: I don't recall if that  
3 was the original plan. I think, you know, the  
4 original plan probably would have been to run end  
5 to end as a test track, but it certainly made  
6 sense.

7 Again, you know, taking a methodical  
8 segmented approach to it, to me it made -- you  
9 know, at the time it made a lot of sense. I mean,  
10 the faster you can get a train on the rails to  
11 start testing, the more things you are going to  
12 learn, the better it is. I think at the outset, I  
13 think there was a test track at Alstom in France,  
14 so you know, if they had stuck with plan A, you  
15 know, that would have all been done there.

16 But I mean -- no, I mean, that is not  
17 entirely true. I mean, you still need to test all  
18 the vehicles. You still need to run all the  
19 vehicles. You still need to break them in.

20 CHRISTINE MAINVILLE: Am I right that  
21 the test track was delivered late for Alstom's  
22 purposes and Thales'?

23 PETER LAUCH: I don't recall if it was  
24 delivered late. If the target date was missed,  
25 perhaps. Was Alstom ready at that target date? I

1 would have to go back and look at that. I am not  
2 entirely convinced that was the case.

3 CHRISTINE MAINVILLE: Okay, and do you  
4 recall the MSF being delivered late?

5 PETER LAUCH: The MSF itself wasn't  
6 delivered late because we had milestones attached  
7 to it. When you talk about the MSF being delivered  
8 late, I'm assuming you are talking about maybe some  
9 of the Alstom elements of it.

10 CHRISTINE MAINVILLE: Yeah, and so what  
11 were those?

12 PETER LAUCH: So I don't -- like I  
13 said, I mean, we had a big milestone to complete  
14 the MSF, so everyone was quite incentivized to  
15 finish the construction of it.

16 And then, you know, from an Alstom  
17 point of view, was the contractor late in putting  
18 up the workstations and -- actually, that was  
19 Alstom. I honestly don't recall. I don't know  
20 what impact that would have had on the start of  
21 production.

22 I mean, when you are -- you know, some  
23 of the workstations at the beginning of assembly,  
24 they are not very sophisticated. You are dealing  
25 with a big subframe. You know, it is like the

1 frame of a car, so it is a great big steel  
2 structure, and that is -- you know, it is like  
3 building a house. You have to start with the  
4 foundations. And that is the foundation of the  
5 vehicle.

6 So you know, if I recall correctly, I  
7 mean, there were certainly stages that they could  
8 have started at. I know that they did complain a  
9 lot about lateness and electrical hookups not being  
10 complete, but I mean, there was -- you know, there  
11 is always work-arounds for things like that.

12 So I don't know how much validity there  
13 is in that versus a claim or an excuse on their  
14 side.

15 CHRISTINE MAINVILLE: When would you  
16 say RTG knew that the May 2018 RSA date would not  
17 be met?

18 PETER LAUCH: I mean, probably -- I  
19 mean, the sinkhole was in June 2016. Probably late  
20 2017, I guess. I mean, that is when the letters  
21 started to fly as well. And again, bear in mind, I  
22 mean, we were the liaison between the City and  
23 OLRTC, so you know, we obviously supported OLRTC.  
24 But it was up to them to decide, you know, if they  
25 were going to modify the schedule or if they were

1 going to file a delay or a relief event.

2 So we -- you know, that came from them  
3 to us and on to the City.

4 CHRISTINE MAINVILLE: So tell me more  
5 about that. It was really in terms of pushing back  
6 the RSA date, that was not up to RTG. It was  
7 really OLRTC making that call?

8 PETER LAUCH: Yeah, it certainly was.  
9 I mean, they were our design/build subcontractor,  
10 so I mean -- and then, you know, pushing it  
11 back -- I mean, this was all -- you know, the  
12 realization, it is not like we were walking around  
13 with blindfolds on. The realization, it wasn't  
14 just being cognizant of, yeah, you know, we are  
15 falling behind here because of the sinkhole, but it  
16 was all tied into the relief and delay events as  
17 well, because I mean, if the -- you are writing all  
18 these letters and, you know, with the hopes that  
19 you are going to come to an understanding and that  
20 there is going to be an acknowledgment of it, but  
21 until there is, you kind of -- you know, you kind  
22 of hold the party line.

23 So I mean, that is the situation we  
24 were in. I mean, there was no -- you know, there  
25 was no epiphany. There was no revelation. I mean,

1 in early 2018 when we were supposed to be finished  
2 in four months, I mean, you know, you realize it  
3 wasn't going to happen and then I do recall letters  
4 going back and forth where there were schedule  
5 updates provided but with caveats, you know,  
6 subject to resolution or subject to understanding  
7 of.

8 So I mean, it was -- you know, it was  
9 much more in the hands of the lawyers than the  
10 engineers at that time.

11 CHRISTINE MAINVILLE: So those were the  
12 schedules you were receiving from OLRTC with the  
13 caveats.

14 PETER LAUCH: Correct.

15 CHRISTINE MAINVILLE: So what would you  
16 say was the level of transparency that RTG had into  
17 OLRTC's schedule?

18 PETER LAUCH: Well, I would say -- I am  
19 not quite sure how you measure transparency, but I  
20 mean, we were very involved. I mean, you know,  
21 there was -- at the end of the day, you know, RTM,  
22 OLRTC, RTG, yes, they were separate entities but  
23 they were the same owners, the same partners.

24 CHRISTINE MAINVILLE: Right.

25 PETER LAUCH: And you know, they

1 supported each other, and we had to be aware of  
2 what was going on because we weren't just flipping  
3 information to the City. I mean, we were vetting  
4 it and we had to understand it.

5           You know, so in terms of transparency,  
6 I mean, you know, the contractor was very good  
7 about keeping us abreast of where they were with  
8 key issues. And the City and the LTA were aware as  
9 well, because bear in mind once a month we were  
10 doing these very involved tours, you know,  
11 one -- two or three days a month with the lender's  
12 technical agent and then one day a month with the  
13 Independent Certifier and the City and we are  
14 touring the stations. We are touring the MSF. We  
15 are looking at assembly production.

16           So it is -- you know, it is -- if you  
17 haven't poured a foundation yet, it is not  
18 something that you can mask. I mean, it is quite  
19 evident.

20           CHRISTINE MAINVILLE: Uhm-hmm. And  
21 when new dates were set by OLRTC over time, were  
22 those realistic from your perspective?

23           PETER LAUCH: I would say yes, but  
24 again, you know, some of the dates were with  
25 caveats, but you know, as the construction found

1 its rhythm again, I mean, a lot of the schedule  
2 updates would have been predicated on vehicles and  
3 systems, and it was based on the information that,  
4 you know, Alstom was providing or Thales was  
5 providing or Willowglen or whoever it was at the  
6 time.

7 So do I think it was realistic? Yeah,  
8 I think it was realistic. Do I think it was  
9 optimistic? Yeah, in some cases, it was  
10 optimistic.

11 CHRISTINE MAINVILLE: Would you have  
12 been aware of communications from Alstom and Thales  
13 about their forecasts in terms of schedule?

14 PETER LAUCH: Only insomuch as what was  
15 in the OLRTC's schedule. So you know, as you can  
16 imagine, I mean, you have got these multitude of  
17 suppliers, not just Thales and Alstom, but  
18 Willowglen and other suppliers and even on the  
19 construction side, I mean, the granularity of the  
20 schedule that we saw and that we presented to the  
21 City was huge. But there were still sort of  
22 summations of, like, you know, Thales is writing  
23 code or Alstom is writing PCMS code, like we are  
24 not going into that level of detail, like where are  
25 you with your programming schedule.

1                   So at a high level, yeah, certainly, we  
2 would know where they were in terms of their  
3 overall schedule.

4                   CHRISTINE MAINVILLE: So, for instance,  
5 if Alstom in late May 2017 made clear that it was  
6 not feasible to have all 34 LRVs ready for the May  
7 2018 RSA, is that something OLRTC would have  
8 immediately -- would it have immediately impacted  
9 their schedule and what would RTG have known of  
10 that?

11                  PETER LAUCH: Well, I mean, if Alstom  
12 told them in 2017 they weren't going to have enough  
13 vehicles, it certainly would have impacted the  
14 schedule. You know, would the contractor recognize  
15 and accept that? No, I mean, if I am buying a new  
16 house, and you know, it is supposed to be ready at  
17 the end of this year and the contractor says, Well,  
18 it is not going to be ready for another six months,  
19 I am saying, Okay, what are you doing about it?  
20 Are you looking at your supply chain? Have you  
21 augmented resources? Are you working overtime?  
22 Are you working the weekend?

23                  You know, you don't want to give that  
24 until you absolutely have to, and so you want  
25 to -- you know, commercially and contractually, you

1 want to keep them incentivized as much as you can.

2 CHRISTINE MAINVILLE: Would you always  
3 expect OLRTC, though, to keep an accurate schedule,  
4 like one that is not meant to simplify incentivize,  
5 but that accurately reflects the reality of --

6 PETER LAUCH: Well, I mean, they had a  
7 team of schedulers, so I mean, there was a point in  
8 time where, as I said before, I mean, they were  
9 sort of towing the company line and saying here is  
10 the date, but, you know, we are assuming we are  
11 going to get relief, we are going to get that.

12 But internally, I mean, they had -- you  
13 know, they managed themselves well. I mean, it is  
14 like we are doing here. We have a large P6  
15 schedule which we are tracking and which we are  
16 presenting to the client on a regular basis, but on  
17 a day-to-day basis, we have one-, two-, three-week  
18 look ahead schedules where the level of granularity  
19 is much more than what you show.

20 So you know, I am not sure if I'm  
21 answering your question, but I mean, they were  
22 certainly aware and they were certainly working to  
23 a real schedule.

24 CHRISTINE MAINVILLE: And so it is fair  
25 to say there was, from your perspective, an

1 integrated construction schedule that would  
2 integrate all the various pieces and their  
3 respective schedules?

4 PETER LAUCH: A hundred percent, a very  
5 detailed, very sophisticated schedule at that.

6 CHRISTINE MAINVILLE: Is it fair to say  
7 there was some reluctance to keep the City fully  
8 apprised of the delays in the schedule?

9 PETER LAUCH: I would not say that, no.  
10 I mean, you know, you talked about transparency. I  
11 mean, there is not a lot we couldn't do without  
12 somebody watching us or reporting on it, and the  
13 contractor had to generate a monthly works report,  
14 as we do here, you know, as part of the PA.

15 And in that monthly works report, you  
16 are providing an update on activities. You are  
17 providing an update on schedule. So you know, even  
18 if we didn't hold a formal schedule review meeting,  
19 I mean, information was definitely being provided  
20 and it was being provided to the City, to the LTA  
21 and to the IC.

22 CHRISTINE MAINVILLE: Right, but isn't  
23 it the case that at some point the IC stopped  
24 receiving updates to the schedule?

25 PETER LAUCH: Yeah, I think there was a

1 point in time where -- to be frank with you, I am  
2 not quite sure why, but I guess OLRTC, there was no  
3 traction being made on the relief and the delay  
4 event issue, so they basically said, you know, here  
5 is our schedule. It is not changing until we get  
6 acknowledgment, you know, of some of these other  
7 issues.

8 But to say the IC weren't getting  
9 updates, like I said, everyone was getting the  
10 monthly works report, and in the monthly works  
11 report was a schedule. Was it -- I am trying to  
12 recall now if it was -- you know, if there was a  
13 point in time where they said, we are just  
14 repeating, you know, cutting and pasting the same  
15 one. I can't recall.

16 CHRISTINE MAINVILLE: And if the  
17 schedule has a number of caveats, is that  
18 problematic from RTG's perspective and then in  
19 terms of that being what is provided to the City or  
20 the IC?

21 PETER LAUCH: Well, I mean, the caveats  
22 were more -- you know, you mentioned the letter,  
23 you know, when they send dispute and relief event  
24 letters. I mean, those were the letters that  
25 introduced the caveats and said, Okay, here is our

1 date, but...

2           You know, I remember one of the first  
3 ones, you know, here is our date, we are sticking  
4 to May, but it doesn't take into account the  
5 ramifications of the delay events. And there was  
6 another letter, if I recall correctly, I think it  
7 is when Eugene was still there, it is when we  
8 actually sent a letter but actually acknowledged a  
9 date other than May 2018. But that was the one  
10 where it said, Okay, here is our revised plan, but  
11 you know, the assumption is we are showing you that  
12 it is not May 2018. I think at that time that it  
13 was August, but where it is predicated on  
14 acknowledgment, or at least having a discussion on  
15 the relief event.

16           And there were also variations that  
17 came into play at that time as well that affected  
18 the schedule.

19           CHRISTINE MAINVILLE: But isn't -- like  
20 if it is predicated on a relief event, I mean,  
21 isn't the expectation then already that the end  
22 date will be farther down the --

23           PETER LAUCH: Of course.

24           CHRISTINE MAINVILLE: Right. So --

25           PETER LAUCH: No, of course, I

1 mean -- sorry to interrupt you.

2 CHRISTINE MAINVILLE: No.

3 PETER LAUCH: The schedule showed that.  
4 As I said, I mean, to us -- and I do remember it  
5 because it was the first time that we had seen sort  
6 of acknowledgment on the OLRTC side that, okay, you  
7 know, it is obvious we are going to be pushed out  
8 to the right a bit. Here is the revised schedule.

9 But again, as I said, it came with  
10 those caveats.

11 CHRISTINE MAINVILLE: But wasn't the  
12 RSA date kept the same, despite knowing that that  
13 would not in fact be the RSA date?

14 PETER LAUCH: I would really have to go  
15 back through my old letters and files, but I  
16 think -- I don't know if it was formally requested,  
17 but I think that updated schedule would have showed  
18 an RSA date further to the right, and as I said, to  
19 the best of my memory, I think it was in August.

20 But I would have to get permission to  
21 go back through my old emails and whatnot.

22 CHRISTINE MAINVILLE: Do you recall in  
23 November 2017 RTG's intent to continue to say that  
24 the May 2018 RSA date would be met and the City  
25 pushing back against that?

1                   PETER LAUCH: Yeah, no, I remember it.  
2 I think it was -- I think I even had to sit in at a  
3 FEDCO meeting at that time.

4                   No, I do remember, but again it was  
5 part of the contractual positioning that OLRTC had.  
6 I mean, they didn't want to admit it at the time  
7 without some kind of acknowledgment from the City.

8                   So I mean, you know, it was really, you  
9 know, legal advice to say sort of hold your ground,  
10 and until you know, you know, where you are going  
11 to get to with the client. I mean, again, as I  
12 said, you are kind of towing the company line then.

13                  CHRISTINE MAINVILLE: I see, okay, so  
14 it was to wait until these disputes were resolved  
15 was part of the -- relating to the sinkhole?

16                  PETER LAUCH: There were some to the  
17 sinkhole, and if I recall correctly, there were  
18 some variations as well that the contractor said  
19 had an impact on schedule.

20                  There was fare gates, I think, and ash  
21 wood and a few others, a few other elements that  
22 were integrated into the stations.

23                  And actually, you know, now that you  
24 are reminding me of that, I mean, those  
25 station-related items, ash wood, the fare gate and

1 so forth, that would definitely have impacted the  
2 schedule as well. And going back to your question  
3 about Pimisi and Lyon and Hurdman, that probably  
4 was some of the reason for some of those delays.

5 CHRISTINE MAINVILLE: Right. And in  
6 terms of -- so I understand OLRTC's positioning,  
7 contractual positioning there, and RTG having  
8 effectively the same partners, but did that cause  
9 concern from RTG's perspective in terms of the  
10 relationship with the City and the ability to  
11 maintain the City's trust in that regard?

12 PETER LAUCH: I don't think so. I  
13 mean, RTG always had a good relationship with the  
14 City. Antonio was very, very good about  
15 cultivating a relationship.

16 So you know, his first counterpart was  
17 Nancy Schepers, and you know, the value of the  
18 relationship was important and, you know, providing  
19 good information was important.

20 So me personally, I don't think it  
21 eroded the trust because, I mean, we were  
22 forthright and the people we were dealing with at  
23 the City, you know, the contracts manager and  
24 Michael Morgan and John Manconi, I mean, you know,  
25 they were aware.

1                   You know, and I think, you know  
2 despite -- and it was a difficult relationship at  
3 times, but there was still an understanding. You  
4 know, we were -- it is not like we weren't talking.  
5 It is not like we weren't making them aware of what  
6 the issues and what the situation was.

7                   CHRISTINE MAINVILLE: They knew the May  
8 2018 deadline was not realistic quite early on?

9                   PETER LAUCH: I mean, I can't speak for  
10 them, but I would have to assume so, because, I  
11 mean, as I said, just, you know, walking through  
12 the production facility at Alstom and walking  
13 through Rideau Street, I mean, you would see that.

14                   CHRISTINE MAINVILLE: Did you  
15 understand, though, that they had set up a team to  
16 assess the schedule delays, yes?

17                   PETER LAUCH: Yeah, there was  
18 consultants they hired from STV. They called them  
19 "deep dives", and I think we probably had about  
20 five or six deep dives. And I also recall a term  
21 sheet at the end of the job where we had to pay for  
22 the deep dives.

23                   CHRISTINE MAINVILLE: Did you  
24 understand that that was the result of them feeling  
25 that they couldn't rely on the information being

1 provided from RTG?

2 PETER LAUCH: In terms of analyzing the  
3 schedule, I think they weren't happy with the -- I  
4 guess you would call it an XER file, so sort of the  
5 root file, so they could do like a Monte Carlo  
6 analysis or run some analyses, because what they  
7 had was probably older information.

8 So I do remember that. I remember they  
9 had -- STV brought two or three schedulers with  
10 them on one of the deep dives, and I also remember  
11 they pretty much sat around for the week because,  
12 you know, I guess they didn't have the tools to do  
13 what they wanted to do.

14 CHRISTINE MAINVILLE: And why couldn't  
15 they rely, at least at a certain point in time, on  
16 the work being done by the Senior Lender's  
17 Technical Advisor who were tracking the progress?

18 PETER LAUCH: Sorry, I don't know if I  
19 quite understand your question.

20 CHRISTINE MAINVILLE: So the City had  
21 its team of assessors --

22 PETER LAUCH: Uhm-hmm.

23 CHRISTINE MAINVILLE: -- looking at the  
24 progression of the project, but the Lender's  
25 Technical Advisor was also looking at that, were

1 they not?

2 PETER LAUCH: Certainly, but the  
3 Lender's Technical Advisor was defending the  
4 lender's interests, and as much as everybody wanted  
5 us to finish on revenue service availability date  
6 in the contract, I mean, the creditors were  
7 probably more interested in not reaching a long  
8 stop date, which was a year after RSA.

9 So you know, the LTA was certainly  
10 aware and certainly cognizant of it, and you know,  
11 they would be -- they would issue reports to the  
12 lenders and, you know, being what it was, I mean,  
13 as you know, the City was part of that team at one  
14 time, so I am sure they would have seen those  
15 reports.

16 But I mean, again, I am not trying to  
17 be obtuse here, but the LTA was looking at the  
18 creditors' risk. They were looking at more of the  
19 long stop date as opposed to, you know, are you  
20 going to finish May 2018 or are you going to finish  
21 June 2018? Well, if you are going to finish June  
22 2018, there is probably more interest in our  
23 pocket, so as long as you don't reach the long stop  
24 date.

25 CHRISTINE MAINVILLE: I see. So can

1 you explain the context in which the possibility of  
2 the City underwriting RTG's debt came about?

3 PETER LAUCH: I do not know how that  
4 came about. I don't know what the background was.  
5 I mean, you know, I am not a financial person. I  
6 know it made sense to the City. It had to do with  
7 interest payments and, you know, sort of pay me  
8 once, may me twice.

9 So I guess someone looked at it and  
10 they probably decided that assuming the long-term  
11 debt themselves made sense, but everything that  
12 went behind that decision, no, I wasn't privy to  
13 that at the time.

14 CHRISTINE MAINVILLE: So do you know if  
15 it was raised by the City or you don't know?

16 PETER LAUCH: I don't know how, you  
17 know, we became aware of it, and you know, I am not  
18 trying to make an excuse, but at the time my focus  
19 was more on the liaison, the project coordination,  
20 project management side. Our CFO in dealing with  
21 the creditors, I mean, he would have been aware of  
22 it, and then the partners as well, of course.

23 But, you know, how it was -- I don't  
24 recall how that was transmitted to me.

25 CHRISTINE MAINVILLE: Are you able to

1 explain the benefit to RTG in terms of agreeing to  
2 this?

3 PETER LAUCH: Well, I don't know how  
4 much RTG could agree to it. I don't know how much  
5 choice they had, but I mean, if the consortium of  
6 banks is willing to have someone take some of the  
7 debt, I mean, if it is -- if A pays it or B pays  
8 it, I mean, as I said, I am not -- you know, I  
9 would only speculate, but I don't know how much of  
10 a say RTG actually would have had in that.

11 CHRISTINE MAINVILLE: Okay. And did it  
12 impact the relationship between RTG and the City?

13 PETER LAUCH: Early days, I would  
14 probably say no, you know, but as -- you know, as  
15 things progressed and things got a little rougher,  
16 I mean, all of a sudden your client is also your  
17 creditor and where that comes into play is really  
18 just sometimes on dissemination of information.

19 So the client, you know, wouldn't see  
20 the detailed schedule of value breakdown payment  
21 applications that the LTA would provide to the  
22 creditors. Now, all of a sudden, you know, they  
23 have that information and, you know, they can look  
24 at that and they can jump to their own conclusions  
25 about things.

1                   So you know, it certainly has an impact  
2 there because all of a sudden -- I mean, I don't  
3 want to say you are exposed and it is not like you  
4 are hiding anything, but all of a sudden, you know,  
5 the level of information they are privy to that  
6 typically a client wouldn't see, all of a sudden,  
7 you know, they have access to it.

8                   And you know, I think I told you in the  
9 first time we met, I mean, there was a couple of  
10 times where, in my opinion, they kind of conflated  
11 the responsibilities they had as client versus  
12 creditor, and you know, I would almost have to ask  
13 them sometimes, you know, are you asking me that as  
14 the client or are you asking me that as the  
15 creditor, because it might be two different  
16 answers.

17                   CHRISTINE MAINVILLE: Uhm-hmm.

18                   PETER LAUCH: So yeah, no, definitely,  
19 you know, it changed the dynamic a little bit for  
20 sure.

21                   CHRISTINE MAINVILLE: And so you have  
22 just mentioned a comment you would make. Was it  
23 raised as a concern the fact that the City was  
24 wearing these two hats?

25                   PETER LAUCH: Again, at that time, I

1 mean, I wasn't involved that much on the financial  
2 side. So was there a concern? I am sure, yeah. I  
3 wasn't even involved with the Board while I was  
4 Technical Director, so I can't really, you know,  
5 tell you what they were thinking.

6 CHRISTINE MAINVILLE: But in terms of  
7 when this issue started becoming more apparent in  
8 terms of the impact on the dynamics, was that --  
9 was it raised as being problematic?

10 PETER LAUCH: I don't know if it was  
11 raised specifically as being problematic, but  
12 again, you know, the client is the creditors -- you  
13 know, if, for example, like if we wanted to get --  
14 I'll just use this as an example, if we wanted to  
15 get some relief on an LD, for example, you know,  
16 you could go to the creditor, or you could -- the  
17 client might say no way in hell, but the creditor  
18 might say, okay, under the circumstances, this,  
19 that. But now the client was -- the City was  
20 wearing both hats, so they were, you know, judge  
21 and jury at the same time.

22 So just like I said, I mean, that is  
23 maybe just one example, but I mean, there is  
24 certainly -- I am sure there is other areas where  
25 there would be some overlap. You know, did it

1 impact us on a day-to-day basis? No, we still had  
2 a job to do, we still had a deadline to meet, and  
3 we weren't going to use that as an excuse for  
4 something, but it is more of a relationship issue  
5 than anything else, I would say.

6 CHRISTINE MAINVILLE: Did it impact  
7 information-sharing at all?

8 PETER LAUCH: That I can't tell you,  
9 because I mean, we would feed information to the  
10 LTA and the LTA would provide it to the senior  
11 advisor who was representing the lenders. And  
12 where it went from there? Yeah, I mean, if the  
13 City was part of that group, then they would have  
14 access to it.

15 The LTA created a monthly report based  
16 on information that he got from us and based on  
17 information that he gleaned from a site visit, and  
18 then exactly how that was distributed upstream, I  
19 am not sure.

20 CHRISTINE MAINVILLE: Okay. It is fair  
21 to say it created a power imbalance between RTG and  
22 the City?

23 PETER LAUCH: Yeah, I suppose you could  
24 characterize it as such.

25 CHRISTINE MAINVILLE: Would it have had

1 the effect of relieving some of the pressure on  
2 OLRTC or RTG?

3 PETER LAUCH: I mean, OLRTC was our  
4 supplier, so if there was going to be any relief,  
5 you know, it would come from us, and if it was  
6 going to come from us, then, you know, we would  
7 have had to have gotten it from the client or the  
8 creditor.

9 So, I mean, I don't know if I'm  
10 answering your question, but I mean, it  
11 wasn't -- you know, it wasn't that cut and dry, and  
12 as I said, I am -- you know, where the creditors,  
13 you know, if you made a compelling case to, you  
14 know, push the long stop date out a little bit, of  
15 course that would have a domino effect and that  
16 would help out RTG and that would help out OLRTC.

17 CHRISTINE MAINVILLE: We spoke about  
18 some financial impacts on OLRTC. Is it fair to say  
19 that the bulk of the financial implications of the  
20 delays fell on to OLRTC?

21 PETER LAUCH: I mean, the short answer,  
22 yes. I mean, they continued to work. As I said  
23 before, they never once held up their hands and  
24 said, We are done. They kept on plugging away, and  
25 they were issuing monthly payment applications to

1 us and we were still paying them for work  
2 performed.

3 But you know, they still had to pay  
4 suppliers. They still had to pay people. And so,  
5 you know, it certainly had an impact on them, and  
6 you know, that is when they would have to go to the  
7 partners. And if they needed -- you know, if they  
8 need an infusion, then, you know, that is who they  
9 would see.

10 But that support was always there. As  
11 I said, no one -- you know, not once did someone  
12 say, you know, enough is enough, we can't take this  
13 anymore. No, they kept on -- there was a lot of  
14 support at a high level. There was no way anyone  
15 was going to sort of shy away or shirk their  
16 responsibilities. I mean, you had to do what you  
17 had to do.

18 CHRISTINE MAINVILLE: So do you see  
19 this financial pressure on the constructor as  
20 having had any particular impact on the project at  
21 the end of the day?

22 PETER LAUCH: No. No, not at the end  
23 of the day. I mean, it is like every job. I mean,  
24 you know, schedule and budget, that is what you are  
25 looking at all the time, but as I said, you know,

1 they kept on working; they kept on adding  
2 resources; they kept on bringing people in. I  
3 mean, the ultimate objective was always there.

4 CHRISTINE MAINVILLE: Did it result in  
5 increased pressure to get to substantial completion  
6 or RSA?

7 PETER LAUCH: Absolutely. I mean, it  
8 is -- that is only human, yes.

9 CHRISTINE MAINVILLE: And there were  
10 some changes to the payment milestones; correct?

11 PETER LAUCH: To a couple of them, yes.

12 CHRISTINE MAINVILLE: And what were  
13 they made in response to?

14 PETER LAUCH: So I am trying to  
15 remember which one. If I recall, there was a  
16 milestone, and I don't know which one it was, but  
17 one of the milestones was I think for 50 percent  
18 tunnel completion.

19 And 50 percent tunnel completion, you  
20 know, you could look at it and say, Okay, you have  
21 got a 2 and a half kilometre tunnel, so you know,  
22 when you get to 1.25, that is 50 percent. But the  
23 City was actually quite helpful in that regard.  
24 They recognized that, you know, it should maybe be  
25 based more on a volume and a level of effort basis,

1 because, you know, there is elements of your tunnel  
2 that are uniform. You know, you have got a  
3 straight section from the west portal to Lyon  
4 Station, and then from Lyon to Parliament and  
5 Parliament to Rideau and so forth.

6 But then you also have transition  
7 sections, and Rideau is a much larger station, so  
8 to try to do it linearly didn't really make sense,  
9 and that was not something that was ever  
10 contemplated at financial close. 50 percent tunnel  
11 completion, yeah, that is a good one, and see how  
12 that fits in our financial curve, yeah, it makes  
13 sense, and then when we got to that point, you  
14 know, it didn't really make a lot of sense without  
15 modifying it a little bit. And the modifications  
16 weren't anything -- it just made good sense.

17 So for example, we would have -- you  
18 know, you calculate the volume for the straight  
19 section, but then you would add a factor for a  
20 transition section, because the degree of  
21 difficulty, the complexity of it, the level of  
22 effort was a little bit more because you are going  
23 up at an angle and you are doing it on a step  
24 basis.

25 The same thing when you get to the

1 cavern itself. If you are no longer with the  
2 tunnel boring machines, with the road headers, you  
3 can't just go and do it all in one shot. You have  
4 to do it on a step basis. So literally you build  
5 the ramp up, you excavate at the top, excavate a  
6 little bit in the middle, excavate a little bit at  
7 the bottom and you keep on that. So there was an  
8 acknowledgment of the difference in how that -- you  
9 know, the level of efforts that were required to  
10 get that, so they were very good about working with  
11 us to come up with a way to modify that.

12 It didn't change the actual milestone.  
13 Like it was still 50 percent tunnel completion.  
14 But how we calculated that and how we acknowledged  
15 that was something that we worked on together with  
16 them.

17 I think there was another one for  
18 equipment supply, and I am trying to remember which  
19 one it was, but it was based on two -- a piece of  
20 equipment that didn't make sense, you know, to get  
21 early, so we could modify that.

22 There was the access to the MSF, and  
23 again, it didn't change the milestone, the  
24 definition of the milestone, per se, but like how  
25 we calculated was we worked with the City to come

1 up with, you know, a substantive way to quantify  
2 that.

3 So in that regard, it was something  
4 they were quite co-operative and quite helpful.

5 CHRISTINE MAINVILLE: Were there any  
6 payments for work not yet performed?

7 PETER LAUCH: No.

8 CHRISTINE MAINVILLE: Okay.

9 PETER LAUCH: No, and that is why it  
10 was important to, you know, look at how we  
11 calculated the milestones, because, you know, both  
12 parties had to substantiate it.

13 CHRISTINE MAINVILLE: We might take a  
14 break. Let's go off record.

15 [Discussion Off The Record.]

16 -- RECESSED AT 2:41 P.M.

17 -- RESUMED AT 2:56 P.M.

18 CHRISTINE MAINVILLE: We spoke about  
19 the changes to -- well, Mr. Estrada's departure in  
20 the summer of 2018. I understand there were  
21 concomitant changes made to OLRTC's management  
22 team; do you recall that? In May -- let me be more  
23 precise. In May 2018.

24 PETER LAUCH: In May 2018? I am trying  
25 to remember if that was a time that they switched

1 from Eugene Creamer to Rupert. There were three  
2 Project Directors for OLRTC. They started with a  
3 gentleman named David White. Then there was Eugene  
4 Creamer and then Rupert. And then Matthew Slade  
5 took that role on at the end.

6 CHRISTINE MAINVILLE: Right, is it  
7 possible that is around the time when Joseph  
8 Marconi and Matt Slade were brought in?

9 PETER LAUCH: Yeah, Matthew and Rupert  
10 were pretty much brought in at the same time.

11 CHRISTINE MAINVILLE: Are you aware of  
12 whether that was intended to be a change in  
13 approach or direction or tone?

14 PETER LAUCH: I think it was, you know,  
15 a function of timing and where we were in the  
16 project too. I mean, Matthew in particular brought  
17 a lot of integration and LRT experience. I mean,  
18 he was involved I think on the peripheral on the  
19 job but not on a day-to-day basis, but they changed  
20 that and brought him in pretty much full-time.

21 And same thing with Rupert. I mean,  
22 Rupert had more LRT background, I think, and you  
23 know, just -- and both him and Eugene and David  
24 were all SNC, so I think it was more of a function  
25 of timing.

1 CHRISTINE MAINVILLE: Okay.

2 PETER LAUCH: And you know, timing  
3 where we were and the spot we were in and what we  
4 were working on in the schedule.

5 CHRISTINE MAINVILLE: Right. The first  
6 RSA date just having been missed; correct?

7 PETER LAUCH: I beg your pardon?

8 CHRISTINE MAINVILLE: The first RSA  
9 date of May 2018 --

10 PETER LAUCH: Yeah, I don't -- you  
11 know, I don't know how much that played into it.  
12 As I said, I think, you know, a five and a half  
13 year job, I mean, it is not unusual to change the  
14 Project Director. Mind you, I shouldn't say that.  
15 I hope they don't do it here.

16 But I mean, it is not unusual, you  
17 know, to put the -- you know, as more appropriate  
18 skill sets are required, you know, to parachute  
19 that person in.

20 CHRISTINE MAINVILLE: Did they have a  
21 different approach, especially I suppose  
22 Mr. Holloway and Mr. Slade?

23 PETER LAUCH: Well, certainly, I mean,  
24 they both have a lot of direct experience in  
25 commissioning an LRT, and both -- you know,

1 everyone has a different management style, a  
2 different approach.

3 Rupert was very hands-on. He was very,  
4 you know, really focussed on the priorities, you  
5 know, really wanted to make sure -- I mean,  
6 everyone who worked for Rupert knew that he  
7 supported them, and as much as he was in front of  
8 the client and with RTG, he was boots on the ground  
9 with the people in the field too. He really wanted  
10 to understand and he could commiserate with them on  
11 what was happening.

12 So, like I said, I mean -- and it is,  
13 you know, not a slight on the other -- you know, on  
14 his predecessors, just a different style.

15 CHRISTINE MAINVILLE: What was -- how  
16 would you characterize the City's approach to the  
17 partnership?

18 PETER LAUCH: I don't know, maybe you  
19 can give me a bit more context.

20 CHRISTINE MAINVILLE: Uhm-hmm. Well,  
21 maybe we can first talk at a more individual level.  
22 How were your dealings with John Manconi?

23 PETER LAUCH: Professional, you know,  
24 for the most part good, I would say. I mean, John  
25 and I spoke a lot, I mean, especially towards the

1 end. I mean, you know, where things weren't going  
2 great, I mean, we were meeting and talking a lot.  
3 And even, you know, the lead-up to RSA, I mean, the  
4 City had what they call a RAMP room, so it was a  
5 rail activation management program, and it was  
6 basically a war room, so we would meet on a regular  
7 basis there, not just John and myself, but like the  
8 whole teams.

9           So I mean, you know, we were  
10 communicating. Was every conversation wonderful?  
11 No. Were there some -- you know, were there some  
12 bad words said sometimes? Not by me, but by --  
13 yeah, I mean, it was -- but, I mean, you know,  
14 everyone was under a lot of pressure, and you know,  
15 in hindsight, you know, I can say, you know, geez  
16 what a so and so, but I mean, you know, he was  
17 under pressure as much as I was.

18           So there were definitely some difficult  
19 conversations. There were some ugly ones, I would  
20 say, and some silly ones - and I am being  
21 completely biased - and it was all from them, not  
22 from us, like we were trying to stay above board.  
23 But yeah, no, there were a few times I was somewhat  
24 shocked, but as I said, I mean, I think it was  
25 probably emotional and reactionary on their side.

1 CHRISTINE MAINVILLE: Sorry, are you  
2 saying you may be a bit biased, but your perception  
3 is it was on the City's end that there was more --  
4 I don't want to put words in your mouth, but that  
5 they were being more aggressive, is that a word you  
6 used or --

7 PETER LAUCH: No, I wouldn't say that,  
8 and it wasn't continuous. It was -- you know, it  
9 was at times. I mean, it is -- you know, you are  
10 working with someone for a long time and you are on  
11 opposite sides of the fence, and there is going to  
12 be times when you have a difficult conversation and  
13 you try to keep it professional.

14 And you know, sometimes someone maybe  
15 loses it a little bit, and like I said, I mean, you  
16 know, in my professional career, the client is  
17 always first and it is all about providing service.  
18 And even if you don't agree with them, even if in  
19 the back of your mind you are thinking something  
20 else, you don't say it. But not everyone always  
21 had that filter on the other side.

22 CHRISTINE MAINVILLE: And so who other  
23 than John Manconi would you deal with regularly?

24 PETER LAUCH: So I was dealing with  
25 some of the senior project staff quite a bit, and I

1 would deal with Steve Kanellakos quite a bit,  
2 especially after RSA, when we were getting  
3 in -- you know, we were into service, you know, the  
4 first few weeks after RSA were pretty good, but  
5 then, you know, as I am sure you are aware and I'm  
6 sure we'll probably discuss, I mean, there some  
7 issues that arose and made life rather difficult.

8 So I would deal Steve quite a bit,  
9 sometimes one on one and sometimes with John there  
10 as well, and I was always well supported by the  
11 partners also.

12 So I think if you are asking me who my  
13 main contacts were, on a day-to-day basis, Michael  
14 Morgan, John Manconi, and then, you know, Steve  
15 wasn't just looking after the RTG, so I mean, he  
16 had other things to deal with, so -- but I would be  
17 dealing with him on a fairly frequent basis as  
18 well.

19 CHRISTINE MAINVILLE: Okay. Steve  
20 Kanellakos?

21 PETER LAUCH: Steve Kanellakos, sorry,  
22 yeah.

23 CHRISTINE MAINVILLE: Did you meet much  
24 with the Mayor?

25 PETER LAUCH: No, not very often, and

1 if I did, you know, it wasn't to have tea. It is  
2 because something was going wrong, and you know, he  
3 wanted to tear -- basically tear a strip off us and  
4 have some good quotes for the media.

5 So, yeah, no, it wasn't -- definitely  
6 not my most favourite times.

7 CHRISTINE MAINVILLE: And was that  
8 prior to RSA or mostly after?

9 PETER LAUCH: I don't think I -- I  
10 don't think we really met with the Mayor like on  
11 anything contentious or difficult before RSA.

12 CHRISTINE MAINVILLE: Okay. And what  
13 about the City's advisors?

14 PETER LAUCH: Sorry, could you be more  
15 specific?

16 CHRISTINE MAINVILLE: Sure, so -- well,  
17 first of all, let me ask you this first. How would  
18 you characterize the City's level of experience on  
19 this project and whether they had the right  
20 experience or brought in the right experience?

21 PETER LAUCH: I think in the early  
22 days, when we were doing construction, you know, we  
23 were doing civil works and general construction,  
24 good people and experienced people.

25 And there is a lot of people that I had

1 respect for, good engineers, and they certainly  
2 knew what they were doing.

3           Yeah, at the same time, and I am sure  
4 they would say the same thing about us, I mean,  
5 there were also some people that weren't my  
6 favourites to deal with. But on the construction  
7 side, I definitely think they were more than  
8 qualified.

9           When it came to the more sophisticated  
10 elements of the project, the systems, the vehicle,  
11 I mean, they didn't have that expertise in-house,  
12 so you know, they brought in some outside help for  
13 that, which is smart, which is what you do. But it  
14 was -- you know, there were certain people that  
15 were more difficult to deal with than other people.  
16 You almost think sometimes they had a bit of a  
17 hidden agenda. You know, the tunnel meetings were  
18 very difficult because of an individual. Quality  
19 meetings were very difficult because of an  
20 individual. And sometimes you would wonder if that  
21 sort of attitude emanated from the top, but I mean,  
22 you still have to move forward, so --

23           CHRISTINE MAINVILLE: Who are you  
24 referencing when you say "an individual"?

25           PETER LAUCH: Well, there were people

1 from the City. You know, I mean, we all had --  
2 OLRTC and the City had representatives, you know,  
3 some that were more civil-oriented, some that were  
4 more mechanical, some that were more electrical.

5 And then the counterparts we dealt with  
6 in the tunnel and then QA and there was probably a  
7 few others as well. Like I said, I am not going to  
8 name names. You know, it is personalities that we  
9 are dealing with. Like every job, I'm sure you see  
10 it as well, I mean, some people are more difficult  
11 to deal with than others.

12 CHRISTINE MAINVILLE: But when you are  
13 describing a tone potentially coming from the top,  
14 what is that tone or --

15 PETER LAUCH: So in the project and in  
16 the way the PA is structured, the IO contract, I  
17 mean, there is a level of oversight that the client  
18 has, he is entitled to, and Schedule 10 talks about  
19 the review process. You know, so you submit  
20 drawings and designs at different stages for review  
21 and comment, and every once in awhile, especially  
22 in the early days, I mean, we would get comments  
23 back, and this was less RTG. It was more OLRTC. I  
24 just sort of saw it from the peripheral.

25 But I mean, you would submit a package

1 of drawings and you would have 450 comments, which  
2 was unusual. It is no longer reviewing. It is  
3 really drilling down, and a lot of the comments  
4 were, you know, opinions, you know, have you  
5 thought of this? You know, maybe I think it should  
6 be this. Like they are not taking responsibility.  
7 Ultimate liability is on the design/build  
8 contractor, and they were very, very careful, as  
9 they should be. I mean, they never said "approve".  
10 It was "review".

11 But they were -- you know, they should  
12 have been reviewing for conformance to the PSOS.  
13 They shouldn't be opining on, you know, well, I  
14 think it would be better like this. I mean, that  
15 is -- ultimately the liability is on the  
16 contractor, and it is up to the contractor to  
17 provide the best product possible because, you  
18 know, not only are we delivering it to the client,  
19 but we are maintaining it for 30 years. We have an  
20 invested interest to make sure that it is done  
21 right. You know, we don't want to inherit a lemon.

22 So my personal opinion is that that  
23 could have been better controlled. You know,  
24 someone could have pulled the reins in, and there  
25 were some people that kind of felt they had free

1 rein, and they weren't in charge. They didn't have  
2 that responsibility. They didn't have that  
3 liability. I mean, that is why you had the P3. It  
4 was passed on to the private sector.

5 So again, my opinion is there were many  
6 times, you know, that boundary was overstepped and,  
7 you know, if it is one person, that is fine, but if  
8 it is more than one person, you kind of wonder if  
9 it doesn't sort of emanate from the top.

10 CHRISTINE MAINVILLE: So in terms of  
11 oversight and the level of oversight, you wouldn't  
12 say the City was mostly hands-off during  
13 construction then. It seems like quite the  
14 opposite.

15 PETER LAUCH: To be frank, I mean, it  
16 was a bit of a surprise for me the level of detail  
17 that we got into in some of the discussions and  
18 some of the meetings. Now certainly some of were  
19 warranted. You know, when you are digging under  
20 the City, you are digging a tunnel in the heart of  
21 the City, you would expect them to have some  
22 additional oversight and some additional questions,  
23 and they had consultants that were very, very good.  
24 It was Jacobs, I think, and they definitely were a  
25 good sounding board, a good engineering sort of

1 overview.

2 But then there were other areas where,  
3 like I said, if you get a design package and you  
4 have gone through three iterations already, per  
5 Schedule 10, you have gone through 30 percent, 60  
6 percent, 90 percent, whatever, and you get 430  
7 comments back and your package is rejected, well  
8 the rules of engagement in the PA mean that you  
9 have got to address each one of those comments and  
10 re-submit. I mean, that is a time -- I mean, that  
11 is a hell of a time drain when people should be  
12 focussing on other things, and again, don't get me  
13 wrong. Nobody was trying to cut any corners. You  
14 are dealing with professionals who sign, stamp and  
15 issue for construction drawings.

16 So -- and you know, ultimately, if the  
17 contractor screws up, it is on him, and so like I  
18 said, I mean, in the early days, I was somewhat  
19 taken aback by the level of involvement.

20 CHRISTINE MAINVILLE: So would you say  
21 there was oversight, but was it the right approach  
22 to oversight?

23 PETER LAUCH: I mean, at the end of the  
24 day, they are paying for it, so you know, there are  
25 certain rights that they have under the contract.

1 Was it the right approach? They certainly had the  
2 right to have oversight. Did they overstep their  
3 boundaries? I mean, you can interpret, you know,  
4 what -- the level of involvement that they are  
5 entitled to, and they definitely, you know, in some  
6 cases took it to the far end, in my opinion.

7 CHRISTINE MAINVILLE: Did that course  
8 correct at any point in time in terms of their  
9 over-commenting on --

10 PETER LAUCH: I think over time it got  
11 better. I mean, as the parties got to know each  
12 other a little bit better, and you know, I  
13 won't -- you know, trust is an interesting word. I  
14 mean, there was a certain amount of trust that you  
15 build up over time, and I think it was building. I  
16 think it kind of eroded towards the latter part of  
17 the project, but I mean, it is -- you know, there  
18 was a lot of pressure on everyone, and as I said, I  
19 mean, the City had a big team and, you know, they  
20 thought they were doing the right thing, and I  
21 think, to be fair, you know, for the most part they  
22 were.

23 But as I said, I mean, there were  
24 certain areas in my opinion that I think it was  
25 overdone.

1 CHRISTINE MAINVILLE: And was there any  
2 change based on when the General Manager of OC  
3 Transpo came in, John Manconi?

4 PETER LAUCH: I would say yes. I mean,  
5 when I started, we didn't deal with OC Transpo. We  
6 dealt with RIO, Rail Implementation Office. And OC  
7 Transpo was, as far as I understood, was pretty  
8 much RIO's client, so you know, the City team, the  
9 engineers that we were dealing with, they were  
10 basically, you know -- I don't want to say  
11 representing, but they were -- you know, OC Transpo  
12 was their client. And you know, we would see an OC  
13 Transpo person at some of the biweekly coordination  
14 meetings but that didn't start right away.

15 But then I think there was a change,  
16 and don't ask me the date, I can't tell you exactly  
17 when it was, but there was a re-organization within  
18 the City where I think Nancy Schepers retired and  
19 then the way they restructured it is all of a  
20 sudden OC Transpo was much more involved, and I  
21 think they sort of -- and then the Rail  
22 Implementation Office sort of reported up to John  
23 Manconi.

24 So there were certainly -- you know,  
25 there was -- was it something you could pinpoint

1 right away? No, but over time, there was certainly  
2 a change.

3 CHRISTINE MAINVILLE: And how would you  
4 describe that change?

5 PETER LAUCH: Again, you know, in the  
6 early days, it was okay, but then there was -- you  
7 know, when things got more difficult, I mean, it  
8 became a little bit more, I would say, strained. I  
9 mean, it is not like -- you know, we had lots of  
10 meetings together and we were still being  
11 professional, we were still being polite and, you  
12 know, we were still talking, but you know, it was  
13 different. There was definitely stress, and you  
14 know, as soon as you start -- you know, as we said  
15 before the break, I mean, as soon as some of the  
16 letters started flying, the atmosphere is  
17 different, you know, and it causes some strains on  
18 the relationship.

19 CHRISTINE MAINVILLE: When did the  
20 relationship become more litigious, if I could  
21 characterize it that way?

22 PETER LAUCH: I guess shortly after the  
23 sinkhole, because there were some variations, you  
24 know, some claims that the contractor had put forth  
25 as reasons for delays or claims, and as I mentioned

1 to you before, what comes to mind is ash wood and  
2 fare gates, and there was several others.

3 But when those -- when each party was  
4 trying to blame the other for responsibility for  
5 the sinkhole, things inevitably became more  
6 difficult.

7 CHRISTINE MAINVILLE: And going back to  
8 my earlier question about the City's approach to  
9 partnership, did you -- I mean, a P3 involves a  
10 partnership; correct?

11 PETER LAUCH: Yes.

12 CHRISTINE MAINVILLE: So --

13 PETER LAUCH: That is one of the "P's",  
14 yeah.

15 CHRISTINE MAINVILLE: That is one of  
16 the "P's". So I guess my question is did you see  
17 the City as acting as a true partner in the way  
18 that a P3 is intended to function?

19 PETER LAUCH: That is a tough question.

20 CHRISTINE MAINVILLE: And if it changed  
21 over time, of course, you know, explain that.

22 PETER LAUCH: Yeah, I mean, you know,  
23 so much of it comes down to personalities and to,  
24 you know, how you deal with people and then  
25 relationships. I mean, so that is a tough

1 question.

2 I mean, you know, what is a  
3 partnership? I mean, the supplier is not looking  
4 for a hand-out, but you know, at times they are  
5 looking for some flexibility. They are looking,  
6 you know, for some -- and "leeway" is not the right  
7 word either because that connotes trying to get  
8 away with something. But I mean, you want to be  
9 able to have an open and frank discussion. You  
10 want to be able to -- you know, when you think  
11 something is going to go in the wrong direction,  
12 you want to be able to give your client a heads-up,  
13 but the problem was I always got the sense that,  
14 you know, if you wanted something from the client,  
15 well, there had to be something in return. You  
16 know, and that is not always the way a partnership  
17 works.

18 I mean, so there was -- to me, that  
19 made the role a little bit difficult sometimes, and  
20 that is my interpretation, but I mean, I was around  
21 for seven years and I saw people come and go, and I  
22 can tell you, I mean, especially towards the end, I  
23 mean, it was very, very strained. And before the  
24 break, you know, I said there was -- I learned some  
25 new words from the GM.

1           And you know, I still recall one time,  
2 I guess it was March 2020, I mean, there was a lot  
3 of pressure on everyone, COVID and, you know,  
4 getting vehicles out, and there were technical  
5 problems with the vehicles for sure. But I still  
6 remember there was a horrible launch, and I  
7 think -- I remember getting a phone call saying, I  
8 am going to bury you guys now.

9           CHRISTINE MAINVILLE: Bury?

10          PETER LAUCH: I am going to bury you  
11 guys now. So you know, that is not very  
12 partner-like. Was it a visceral emotional  
13 reaction? Yeah, but still, as much as you think  
14 it, you don't say it.

15          CHRISTINE MAINVILLE: Uhm-hmm.

16          PETER LAUCH: So that is -- and I use  
17 that as an example, and as I said, there were other  
18 examples. And you know what, I was on the end of  
19 it sometimes, which is fine, that is the  
20 responsibility I took and, you know, I can take it.

21                 But you know, I wouldn't return the  
22 volley because that is not what you do. That is  
23 not how you talk to a client, and that is not very  
24 professional.

25                 But as I said, that certainly

1 made -- you know, that certainly strained things at  
2 different times, because I mean, as I said, it is  
3 not very partner-like.

4 CHRISTINE MAINVILLE: In terms of their  
5 approach to the Project Agreement, I mean, you have  
6 spoken I think to this a little bit in terms of  
7 wanting something in return as opposed to having  
8 some flexibility irrespective of that.

9 Would you say there was a strict  
10 approach to interpreting the Project Agreement on  
11 the part of the City?

12 PETER LAUCH: I would say so, but it is  
13 also not unexpected. I mean, I am using the same  
14 form of contract here, and you know, there is some  
15 nuances and changes obviously because of different  
16 scope of work, but I mean, you know, the main T's  
17 and C's are the same. And you would know better  
18 than me as a lawyer. I mean, you can interpret  
19 things different ways, but some of them are pretty  
20 black and white.

21 And the City and us as well, you know,  
22 you would interpret things the way they were  
23 intended, and the City had good people on the  
24 contracts side.

25 CHRISTINE MAINVILLE: All right. Could

1 you give me an example of an instance where the  
2 ProjectCo wanted some flexibility and the City  
3 wanted something in return where you would have  
4 expected them to be a bit more flexible?

5 PETER LAUCH: I would really have to  
6 try to jar my memory.

7 I think, I mean, you know, you are  
8 going to hear this many times from people on the  
9 RTG/OLRTC side, and I am sure you are familiar by  
10 now with the term sort of "soft start". I mean,  
11 you know, that was one of them, but that was -- I  
12 remember Rupert mentioning it and Matthew  
13 mentioning it, and I even think that one of the  
14 City senior consultants, Tom Prendergast from STV,  
15 mentioned it, but it was a non-starter.

16 And you know, we weren't looking for a  
17 concession. If we could, you know, have a softer  
18 start or if we could have more maintenance time,  
19 for example, it wasn't something that, there  
20 was -- it wasn't a freebie we were looking for. It  
21 was, you know, something that would make sense and,  
22 you know, we would end up with a better product.

23 But I mean, there was just no  
24 discussion on that particular example.

25 And I would have to really jog my

1 memory to find some other ones. But you have to  
2 balance this as well. I mean, we talked before  
3 about milestones. You know, there was definitely  
4 cooperation at different times. There was  
5 definitely -- you know, it is not like it was a  
6 contentious relationship the whole time. I mean,  
7 there was definitely -- you know, there were some  
8 positive elements to it as well.

9 CHRISTINE MAINVILLE: Did RTG or OLRTC  
10 ever articulate what it envisioned by a soft start,  
11 like what it meant by it exactly?

12 PETER LAUCH: Oh, certainly. I mean,  
13 it meant, you know, some concurrent bus running.  
14 It meant instead of, you know, launching the full  
15 fleet of vehicles, a reduced -- sort of a reduced  
16 number of vehicles, maybe, you know, even a shorter  
17 time. You know, instead of running until 1:00  
18 o'clock every morning, maybe pulling it back to  
19 12:00 or even 11:00, just because that would give  
20 you more time for maintenance.

21 Now, if you have a soft start, you  
22 know, you could probably live with the maintenance  
23 time because you have access to the vehicles more,  
24 but the whole intent was to sort of -- you know, it  
25 allowed you to -- your reliability growth, it just

1 gave you more time to establish that.

2           You know, it is -- there were all kinds  
3 of advantages to it. As I said, reliability  
4 growth, you could integrate your vendors easier,  
5 you are sort of slowly introducing the system, you  
6 know, to the patronage, and you know, nobody was  
7 asking for, you know, let's run five vehicles for a  
8 year and see how it goes. No, it was, you know,  
9 instead of doing everything in one fell swoop,  
10 10,400 people per hour per direction from day one,  
11 the biggest, largest, most active transit system in  
12 North America, instead of doing that, let's build  
13 it up. Let's build up our confidence. Let's build  
14 up, you know, the customer's confidence.

15           And this wasn't a revelation. I mean,  
16 as I said, even their own consultants recommended  
17 it, but there was a point in time where you don't  
18 dare bring it up again because it was a  
19 non-starter.

20           CHRISTINE MAINVILLE: And were you in  
21 the room when the consultant, their consultant,  
22 gave this advice?

23           PETER LAUCH: No, I think Tom would  
24 have mentioned it to someone on our side at some  
25 time. I definitely was in the room when Matthew

1 mentioned it.

2           You know, it was discussed more than  
3 once, but as I said, it was quite clear that it was  
4 a non-starter.

5           CHRISTINE MAINVILLE: And Tom, by  
6 "Tom", you mean Tom Prendergast?

7           PETER LAUCH: Yeah, he was a senior  
8 consultant from STV.

9           CHRISTINE MAINVILLE: Okay. So you  
10 think it this was reported to your side, not to you  
11 personally?

12           PETER LAUCH: No, but I mean, STV  
13 were -- you know, there was times we were kind of  
14 married at the hip because they were at the MSF and  
15 they were -- they had people, you know, with OLRTC  
16 quite often. And you know, and they were  
17 like-minded people and they were a bunch of  
18 engineers. They wanted to get the job done, and  
19 they talk, so invariably, you know, Oh, by the way,  
20 you know, mention this and suggested that and we'll  
21 shut down.

22           CHRISTINE MAINVILLE: And what is the  
23 time frame for this being raised?

24           PETER LAUCH: Well, you know, when we  
25 talked before, you know, you mentioned like the

1 first time STV came, and while we were on the  
2 break, I actually went on the -- the best source of  
3 information, by the way, is railfans.ca. It is  
4 light rail transit fans, and every presentation  
5 from FEDCO, every memo from Council and from  
6 Manconi to Council, it is all on there.

7 So if ever you can't find something, go  
8 there. So I looked there, and there was a FEDCO  
9 presentation, and I think it corroborated what you  
10 said, when STV came for the first time in 2017 to  
11 do, you know, the first deep dive. And it actually  
12 listed a chronology of some of the letters that  
13 were sent. And so, as I said, I had a quick look  
14 at that just to sort of refresh my memory as to  
15 when STV came.

16 But as you rightly noted, it was around  
17 2017 and then they came back several times  
18 afterwards as well.

19 CHRISTINE MAINVILLE: So you think it  
20 was shortly after STV arrived that this discussion  
21 was had about a soft start?

22 PETER LAUCH: It was certainly had.  
23 The first time we were in the RAMP room was Matthew  
24 and Rupert and myself and he raised it, and there  
25 was people there from STV and then John Manconi, et

1 cetera. And then as I said -- I mean, it is only  
2 anecdotal on my side, but if you speak to Matt, and  
3 I know you are talking to him next week, I'm sure  
4 he'll corroborate that.

5 CHRISTINE MAINVILLE: Just on that,  
6 have you had discussions with Mr. Slade about your  
7 testimony?

8 PETER LAUCH: Yes, yeah.

9 CHRISTINE MAINVILLE: Okay. And what  
10 about?

11 PETER LAUCH: Just on my part, it was a  
12 lot about trying to jar my memory and, you know,  
13 trying to predict what you would ask me.

14 CHRISTINE MAINVILLE: Okay. So I take  
15 it -- you said there was no point in raising it  
16 again later on. Well, first of all, who at the  
17 City shot that idea down?

18 PETER LAUCH: It was John, John  
19 Manconi.

20 CHRISTINE MAINVILLE: And do you know  
21 why was it conveyed, why?

22 PETER LAUCH: I think it had to do with  
23 the program they had in place. Like, you know, it  
24 had to do with the bus re-routing. It had to do  
25 with, you know, the expected passenger loads that

1 they were going to put on the train to allow them  
2 to take away bus lines.

3 I mean, it wasn't -- you know, I don't  
4 think it was a knee-jerk reaction from John. I  
5 mean, you know, he could rationalize it because, as  
6 I said, it wasn't just -- there was major changes  
7 in transit. It wasn't just the LRT that was going  
8 to bring people from Tunney's to Blair. There was  
9 major, major changes to the bus routes.

10 CHRISTINE MAINVILLE: And didn't the  
11 City ultimately do some of what you explained would  
12 be a soft start? I mean, they ran the buses for  
13 about three weeks, I think, and they reduced the  
14 number of vehicles, right, from 15 to 13?

15 PETER LAUCH: Well, the 15 to 13  
16 decision was taken early on when they realized that  
17 the passenger load wasn't going to be what it was,  
18 but yes, no, you are absolutely correct. There  
19 was -- I don't know if I would call it a soft start  
20 because there was still full service on the LRT,  
21 but there was definitely parallel buses running for  
22 awhile, and three weeks rings a bell.

23 CHRISTINE MAINVILLE: So what do you  
24 mean by "full service" then, the hours?

25 PETER LAUCH: Yeah, yeah, and so we

1 had, you know, launching 13 in the morning and then  
2 reducing, as you will, during the day based on the  
3 plan, and then increasing again in the afternoon  
4 and then running until, depending on the day of the  
5 week, I think Monday to Thursday was until 1:00 in  
6 the morning, Friday was till 2:00, and then  
7 Saturdays was late as well, and Sunday was a bit  
8 earlier.

9 But yeah, no, it was the full service  
10 plan that was implemented.

11 CHRISTINE MAINVILLE: And you said the  
12 decision to reduce the complement of trains to 13  
13 was taken early on?

14 PETER LAUCH: Yeah, it was actually a  
15 part of our term sheet, when we agreed revenue  
16 service availability.

17 CHRISTINE MAINVILLE: Right, so isn't  
18 that pretty late in the day? Like --

19 PETER LAUCH: Well, the vehicles were  
20 there.

21 CHRISTINE MAINVILLE: Right.

22 PETER LAUCH: It is not like we were  
23 holding, you know, two vehicles back. The vehicles  
24 were there.

25 CHRISTINE MAINVILLE: You had 15.

1                   PETER LAUCH: Yeah, and we had more,  
2 there was a spare as well, but the decision was  
3 made based on projected passenger load, that it  
4 wasn't -- it didn't make sense to run 15 right  
5 away.

6                   CHRISTINE MAINVILLE: Okay. Was that  
7 something that was raised by the City or by RTG?

8                   PETER LAUCH: It was raised by the  
9 City, and as I said, it was agreed with us. I  
10 mean, again, it didn't come for free. We were  
11 still -- you know, we were still being measured  
12 against 15, but it made sense at the time.

13                   CHRISTINE MAINVILLE: So RTG was facing  
14 deductions for running 13 even though that is what  
15 the City wanted?

16                   PETER LAUCH: I have to look at how  
17 that played out during the maintenance regime, but  
18 yeah, I believe that is so. But like I said, I  
19 would have to check.

20                   CHRISTINE MAINVILLE: Okay. And when  
21 RTG raised a soft start in around 2017 or earlier  
22 on, I mean, did RTG expect full payment?

23                   PETER LAUCH: No.

24                   CHRISTINE MAINVILLE: Okay.

25                   PETER LAUCH: No, as I said, it

1 was -- nobody was looking for a freebie. You know,  
2 appreciative and cognizant that it wasn't, you  
3 know, a handout, but it definitely -- like I said,  
4 I mean, you know, it afforded that time to get more  
5 reliability and to grow the system on a more  
6 build-up basis as opposed to try to do everything  
7 in one fell swoop.

8 CHRISTINE MAINVILLE: How did the City  
9 respond to the delays to the RSA date?

10 PETER LAUCH: I am going to try not to  
11 use all the words, but -- no, I mean, they were  
12 professional about it, I mean, especially, you  
13 know, we -- you know, we had meetings. We had  
14 discussions. And we sent letters. You know, we  
15 had to. We were obliged to, you know, to formally  
16 request and identify if the date was going to be  
17 revised.

18 How did they react? I mean, you know,  
19 you can jump up and down until you are blue in the  
20 face. I mean, it is what it is. It wasn't for  
21 lack of effort on the contractor side. I think the  
22 City saw that the efforts were being made,  
23 especially on the -- you know, especially on the  
24 construction element of it. I think that, you  
25 know, the vehicle part was frustrating for

1 everybody, but as I said, I mean, the effort was  
2 certainly being made.

3 CHRISTINE MAINVILLE: And how -- well,  
4 first of all, when was it known that August 2019  
5 would be the new RSA date?

6 PETER LAUCH: I think --

7 CHRISTINE MAINVILLE: Ultimately, I  
8 think, because I know there were interim dates.

9 PETER LAUCH: Yeah, no, there was a  
10 letter, I think it was in January of 2018, that  
11 identified an August date, if I am not mistaken.  
12 And I am trying to remember what I just read on the  
13 Rail Fans website, so, yeah, I think it was in  
14 January 2018 where the August date was put on  
15 paper.

16 But I don't think -- if I recall, I  
17 don't think the City actually believed it at the  
18 time. I think it was STV who said, you know, we  
19 think you are not completely far off, but instead  
20 of August 2018, probably more like Q42018.

21 CHRISTINE MAINVILLE: Right, so now you  
22 are talking about August 2018, sorry. I am  
23 referencing August 2019.

24 PETER LAUCH: Oh, sorry, I'm sorry.

25 CHRISTINE MAINVILLE: It is okay.

1                   PETER LAUCH: Sorry, I allowed myself  
2 to go on a tangent. You are going to have to  
3 repeat the question.

4                   CHRISTINE MAINVILLE: So when what  
5 ultimately became the true RSA date of August 31,  
6 2019 or 30th, when was that known, that date?

7                   PETER LAUCH: So when that was? We  
8 knew -- so we submitted for substantial completion,  
9 which meant, you know, our testing and  
10 commissioning and our systems integration, all that  
11 good stuff was done, certificates were available,  
12 and that was in July.

13                   And then we had to go through trial  
14 running, and then once we were on the tail end of  
15 trial running, then we could say with confidence,  
16 you know, that we are going to be able to -- we'll  
17 have substantial completion on August 30th. And  
18 trial running also entailed -- once we finished  
19 trial running, there were still a few days where we  
20 had to pull together paperwork, certificates and so  
21 forth, so there was about a two- or three-day lag  
22 after we completed trial running to when we could  
23 say, okay, we have met the prerequisites for  
24 revenue service availability and we submitted that  
25 to the Independent Certifier and the City.

1                   CHRISTINE MAINVILLE: So I take it you  
2 mean that that's when it became definitive that  
3 that was the date, but when was it -- wasn't it  
4 targeted earlier on?

5                   PETER LAUCH: No, certainly -- no, now  
6 I understand your question, it certainly was, and I  
7 don't exactly remember which letter it was, but it  
8 wasn't something that we dropped on them at the  
9 eleventh hour. I mean, I would have to go back to  
10 the chronologies and see when the actual letter was  
11 issued, but as I said, it was -- and we were  
12 discussing this all the time in the RAMP meetings.

13                   You know, I would have to go back  
14 and -- well, I don't have my records. I would have  
15 to go back and ask somebody, but like I said, it  
16 wasn't -- you know, it is not like we dropped a  
17 letter on them July 30th and say, Hey, we are going  
18 to be done in a month. I mean, it was discussed,  
19 and we were constantly -- especially as we got to  
20 the tail end and we were signing off a systems  
21 integration test and systems acceptance test, you  
22 know, we were tracking all that on a daily basis,  
23 actually more than that, and so we were always  
24 measuring ourselves against how many tests we have  
25 to do, how many we have done, and as we continued

1 to converge, the date became more and more  
2 tangible.

3           So, you know, I can't remember when the  
4 exact date was, but as I said, there were certainly  
5 enough heads-up because, I mean, the City had a lot  
6 of plans and a lot of things they had to do in  
7 preparation for this as well, because as I said,  
8 bus re-routing, public notification, I mean, there  
9 was all -- you know, it wasn't just us that was  
10 involved in this launch. There was a lot of other  
11 areas that were affected.

12           CHRISTINE MAINVILLE: Don't you need to  
13 give notice of substantial completion at least six  
14 months prior?

15           PETER LAUCH: Yeah, and that is why I  
16 was trying to think exactly what that date was. So  
17 if you work backwards, like I said, I don't have  
18 the letters in front of me, but I mean, there was  
19 specific parameters in the PA, specific notice  
20 times that we had to give.

21           CHRISTINE MAINVILLE: So is it fair to  
22 assume that at least sometime in early 2019 people  
23 were working towards an August 2019 RSA date?

24           PETER LAUCH: Absolutely.

25           CHRISTINE MAINVILLE: Okay. And by

1 RAMP, you mean the rail activation management --

2 PETER LAUCH: Yeah, I know it by its  
3 acronym. It was basically a war room at the OC  
4 Transpo office on Belfast. It was the rail  
5 activation management plan -- program. Program, I  
6 think. What it was, I mean, it was like a vis  
7 meeting. It was a room full of white boards where  
8 we were tracking all the individual segments and  
9 systems.

10 CHRISTINE MAINVILLE: And was this RSA  
11 date any different than the previous one? Was it  
12 clear that this had to be it or, you know, was  
13 there a different kind of pressure?

14 PETER LAUCH: I mean, there was always  
15 pressure. I am trying to remember how -- you know,  
16 what the City conveyed to the public and, you know,  
17 what the Mayor was saying, because, you know, that  
18 is where the pressure would have come.

19 So was it any different than the other  
20 ones? It is hard to say, but I mean, it was  
21 obviously -- you know, it was obviously evident  
22 that it was going to happen, that it was  
23 attainable.

24 Was it going to be exactly, you know,  
25 August 30th? I mean, that was a function of trial

1 running. That was a function of whatever we  
2 negotiated as a term sheet afterwards. But, yeah,  
3 I mean, if I am trying to answer your question with  
4 a yes or no - yes, there was more pressure.

5 CHRISTINE MAINVILLE: So -- sorry, let  
6 me rephrase that. Under the project agreement, was  
7 it known when the system would go into service  
8 following RSA?

9 PETER LAUCH: That decision was  
10 entirely the City's. I mean, we had an obligation  
11 to get it to RSA and tell the City, okay, we are  
12 ready. And when they actually launched, when they  
13 actually put the system in service, that was up to  
14 them.

15 CHRISTINE MAINVILLE: Did you know  
16 when -- what their intention was?

17 PETER LAUCH: Yeah, there was -- I knew  
18 it was going to be -- I remember getting dragged  
19 into a goofy ceremony at City Hall and September  
20 14th was the date, and I think -- I don't have the  
21 correspondence, but I think we acknowledged that it  
22 was going to be September 14th even in our RSA  
23 letter, if I am not mistaken.

24 CHRISTINE MAINVILLE: I take it there  
25 was -- well, no, I am going to ask it. Was there

1 any burn-in period provided for?

2 PETER LAUCH: There was no specific  
3 burn-in period in the PA, but I do believe that in  
4 other previous LRT projects there was a burn-in  
5 period. And you know, if it was taken out and why  
6 it was taken out, I couldn't tell you, but I do  
7 understand in talking to others that, in previous  
8 even IO contracts, I believe, I think there was a  
9 burn-in period.

10 CHRISTINE MAINVILLE: Okay. So you  
11 don't know why none was provided for here?

12 PETER LAUCH: No.

13 CHRISTINE MAINVILLE: Would you say  
14 that would have been advisable?

15 PETER LAUCH: Knowing what I know now,  
16 certainly. I mean that, sort of goes to the soft  
17 start sort of idea as well, right. I mean, it  
18 is -- I mean, yes. I mean, I certainly do believe  
19 it was advisable. It certainly would have --  
20 again, you know, I apologize for repeating the same  
21 thing all the time, but reliability growth, I mean,  
22 it would have given you more time to establish  
23 that.

24 I mean, the more time you have to test  
25 the system, I mean, obviously, you know, you hope

1 the more robust it is going to be.

2 CHRISTINE MAINVILLE: The safety  
3 requirements, they were not all in the PA? They  
4 were devised later?

5 PETER LAUCH: They weren't detailed in  
6 the PA, but I mean, the safety certification, the  
7 City had a safety auditor. I mean, that was known.  
8 We knew what we had to go through. I mean, that  
9 element of the project was very well done by both  
10 sides, and everybody was involved in that, OLRTC  
11 and RTM and OCT and the City.

12 CHRISTINE MAINVILLE: Who devises them?

13 PETER LAUCH: So the City safety  
14 auditor, I mean, they did their own audit, but the  
15 safety management system, that was something that  
16 was developed by OLRTC. OLRTC did a threat and  
17 vulnerability analysis as well, which played into  
18 it.

19 And then on the safety certification  
20 side, the City had -- the City did have -- I am  
21 trying to remember his name now. It will come to  
22 me. But to answer your question, I mean, the bulk  
23 of it was done by OLRTC. That was part of the PA  
24 responsibility.

25 CHRISTINE MAINVILLE: Do you recall the

1 contract, Schedule K1 more specifically, provided  
2 for the entire line to be available to Alstom for  
3 integration testing by the RSA date?

4 PETER LAUCH: Sorry, which schedule are  
5 you referring to?

6 CHRISTINE MAINVILLE: Schedule K1 of  
7 the -- oh, sorry, that would have been the  
8 subcontract. Would --

9 PETER LAUCH: I don't recall as I sit  
10 here.

11 CHRISTINE MAINVILLE: Okay, fair  
12 enough. Do you recall the IC not being made aware  
13 of the commencement of commissioning at the MSF?

14 PETER LAUCH: No.

15 CHRISTINE MAINVILLE: Okay.

16 PETER LAUCH: We were -- no. We  
17 had -- they were certainly involved.

18 CHRISTINE MAINVILLE: In 2015/2016 --

19 PETER LAUCH: Yes.

20 CHRISTINE MAINVILLE: -- and then  
21 raising concerns about not being provided with a  
22 commissioning schedule until -- sorry, until  
23 October 2015?

24 PETER LAUCH: I don't recall that, and  
25 I would have been involved in that. I would have

1 to -- again, I would have to get someone to dig  
2 into old records.

3 CHRISTINE MAINVILLE: Do you recall  
4 testing and commissioning meetings being  
5 discontinued in June 2018 and the IC raising  
6 concerns about that?

7 PETER LAUCH: Discontinued? No, I  
8 honestly don't remember. I had a good relationship  
9 with Monica from the IC, which --

10 CHRISTINE MAINVILLE: Monthly --

11 PETER LAUCH: I beg your pardon?

12 CHRISTINE MAINVILLE: Monthly meetings,  
13 monthly testing and commissioning meetings and  
14 discontinued in June 2019 and none being scheduled  
15 at the time, no further ones?

16 PETER LAUCH: No, I don't remember  
17 that. I mean, we had -- we liaised with the IC  
18 quite a bit. They were heavily involved in  
19 close-out as well.

20 CHRISTINE MAINVILLE: Okay.

21 PETER LAUCH: Yeah, no, that -- you are  
22 making me curious now. I am going to have to ask  
23 some questions.

24 CHRISTINE MAINVILLE: Okay. It is  
25 probably best, though, not to discuss with other

1 witnesses. You can review documents.

2 PETER LAUCH: Fair enough, okay, I'll  
3 wait.

4 ANTHONY IMBESI: Just before we move on  
5 just from that point, do you recall the monthly  
6 testing and commissioning reports stopping around  
7 that time? So on the one hand, Christine had  
8 mentioned meetings, but do you recall reports  
9 stopping?

10 PETER LAUCH: I don't recall reports  
11 stopping. I definitely do recall that there were  
12 reports because we actually gleaned some of our  
13 information that we would feed up to the LTA from  
14 those reports and from those updates, and I didn't  
15 always -- you know, I didn't always rely on the  
16 reports to get my information because I could go  
17 to -- you know, I could go to the people that were  
18 in charge if I wanted to see how many SITs were  
19 done, theoretical versus actual. I mean, I could  
20 get that information.

21 But I really don't recall like if  
22 something was abruptly stopped. Again, I mean,  
23 obviously I won't ask the question now, but at  
24 sometime in the future I will.

25 ANTHONY IMBESI: Thank you.

1                   CHRISTINE MAINVILLE: When would you  
2 say the plans for testing and commissioning were  
3 devised, in terms of all of testing and  
4 commissioning, the full scope?

5                   PETER LAUCH: I couldn't tell you the  
6 exact date, but I know it was something that was  
7 definitely -- you know, it was done early on, and  
8 it had to be, and if I am not mistaken, I think it  
9 was probably a deliverable under Schedule 10. Like  
10 I would have to look at the contract to refresh my  
11 memory, but it is not something that was done at  
12 the last minute. I mean, even here, it is  
13 something -- you know, we are a year and a half  
14 away from completion, and we are talking about  
15 testing and commissioning and close-out meetings,  
16 so...

17                   CHRISTINE MAINVILLE: Are you able to  
18 talk about how the original plans for the testing  
19 to be done by Thales and Alstom was impacted?

20                   PETER LAUCH: How it was impacted?

21                   CHRISTINE MAINVILLE: Well, how it  
22 compared to -- well, what the ultimate testing was  
23 and how that compared to the original plans?

24                   PETER LAUCH: I mean, you know, we  
25 started off our discussion a couple of hours ago

1 about -- with Alstom and we talked about delays and  
2 how they were late in some aspects.

3 But I mean, in terms of testing, I  
4 mean, you know, testing took many forms. I mean,  
5 it was built up. I mean, both Thales and Alstom  
6 and other systems suppliers, I mean, things were  
7 built up. Like even on a -- you know, the cars are  
8 made up of -- the vehicles are made up of four cars  
9 or four segments. Well, there is testing that goes  
10 on in each one of those, and as they get put  
11 together, there is more end to end integration  
12 testing and so forth.

13 So the overall testing, I mean, that  
14 was going on for quite awhile. I mean, there was  
15 specific tests that Alstom had to do to get  
16 certification, so you know there was load tests and  
17 brake tests and so forth. And then each vehicle  
18 got tested, each vehicle got certified, and that  
19 was -- you know, that was happening as vehicles  
20 became available, and as more and more vehicles  
21 became available and you coupled them and you  
22 started to replicate headways and service, I mean,  
23 that was all part of it.

24 So you know, I am not trying to avoid  
25 the question or be obtuse here, but like, it is a

1 big picture thing.

2 CHRISTINE MAINVILLE: Sure.

3 PETER LAUCH: And it is made up of a  
4 lot of moving parts.

5 CHRISTINE MAINVILLE: In terms of  
6 dynamic testing, was that compressed?

7 PETER LAUCH: Overall? Yes.  
8 Individually? No.

9 I mean, and like I said, each vehicle  
10 went through dynamic testing. And dynamic testing  
11 doesn't necessarily mean you are rolling it up and  
12 down the track. It means you are in the electrical  
13 bay and you are running end to ends. You know, you  
14 are opening and closing doors. You are raising and  
15 lowering the pantograph.

16 So on an individual basis, you could do  
17 dynamic testing, and we had lots of -- you know, we  
18 were -- even once revenue service started, I mean,  
19 they were still producing vehicles and we were  
20 still introducing test vehicles on there.

21 So I don't know if I'm answering your  
22 question, but I mean, it is -- you know, the nature  
23 of this type of job, and actually when I was at MDS  
24 as well, I mean, the testing and commissioning  
25 always gets pushed to the end invariably.

1 CHRISTINE MAINVILLE: So what do you  
2 mean by overall the dynamic testing was compressed?  
3 Do you mean on the entire line or the amount of  
4 time overall?

5 PETER LAUCH: Yeah, I mean  
6 replicating -- basically replicating service, you  
7 know, running multiple vehicles on the line at the  
8 same time.

9 So individually, I mean, there were  
10 tons of tests that were done, as I said, on the  
11 components and then as the assembly grew, and then  
12 there was a -- I think they called it a car history  
13 book and the car history book documented all the  
14 certifications, all the quality control and  
15 everything else. I mean, there was reams of  
16 individual tests that had to be done.

17 And so -- but it wasn't 17 vehicles  
18 being done at the same time. It was happening as  
19 they were coming off the line, so it was on a  
20 piecemeal basis.

21 CHRISTINE MAINVILLE: Would you agree  
22 that ultimately the dynamic, the overall dynamic  
23 testing was insufficient perhaps in hindsight?

24 PETER LAUCH: No. You know, I mean, I  
25 don't think it was insufficient. I think it

1 was -- you know, it was stressful because we were  
2 trying to do an awful lot in a short period of  
3 time, but I mean, you know, there were -- Alstom  
4 had a very prescriptive program of what they had to  
5 do, and they had their own internal quality  
6 assurance and quality control and they had to abide  
7 by those steps.

8           So you know, like every -- if they had  
9 more time, would they have taken more time? Yes.  
10 But you know, do I think it is -- I don't think the  
11 test plan would have changed, so you know --

12           CHRISTINE MAINVILLE: It met the  
13 criteria, but ideally there would have been more  
14 time to do more?

15           PETER LAUCH: Yeah.

16           CHRISTINE MAINVILLE: What about  
17 dynamic winter testing? Was that done?

18           PETER LAUCH: Yeah, that was -- you  
19 know, the media loved that one. I mean, you know,  
20 we talked in the beginning about sort of  
21 customizing the Citadis for winter, so there were  
22 lots of things that were introduced to make it  
23 winter-worthy.

24           And there was severe weather testing  
25 done at the NRC, as part of the Alstom, you know,

1 verification and certification program.

2           So you know, was there a specific --  
3 you know, it wasn't in the PA, and was there a  
4 specific time where we said, Okay, we are going to  
5 do winter testing? No. Did we do winter testing?  
6 Yes, because by default, I mean, in 2017 we were  
7 running on the test track and it was snowing, and I  
8 mean, the media had a field day when one day we  
9 left a vehicle out on the track because the snow  
10 had built up, but that was done deliberately  
11 because, you know, the nose cone wasn't on the  
12 vehicle and rather than try to plow it through the  
13 snow, we said, Okay, we'll wait until we clear the  
14 tracks.

15           But it was certainly -- you know, it  
16 was certainly winter-tested, and you know,  
17 depending on when the RSA fell, invariably it was  
18 going to go -- it was -- you were doing some  
19 testing through winter. And as I said, the  
20 severity and the degree of testing that was done at  
21 the NRC was -- you know, it was like -- you know,  
22 it is like we were running an LRT in Thompson,  
23 Manitoba. It was definitely involved.

24           CHRISTINE MAINVILLE: And there was  
25 some of the testing performed in winter, in real

1 winter conditions outdoors on the tracks, but was  
2 there any testing that was intended as winter  
3 testing, that was specific to testing the winter  
4 conditions?

5 PETER LAUCH: I don't know if there was  
6 something that was -- you know, I don't know if  
7 there was a specific winter test planned, but take,  
8 for example, in-floor heating. I mean, you can  
9 test that. You can measure that your elements are  
10 heating the floor. You can measure gradients of  
11 temperature, heating ventilation systems. You can  
12 measure that. You can measure the efficiency of  
13 that with air flows.

14 You know, the doors, I mean, maybe you  
15 can't measure minus 20 weather, but the doors were  
16 certainly exercised many, many, many times before a  
17 vehicle was put in service.

18 And there were other winter sort of  
19 elements that were introduced. I still remember  
20 too there was even -- believe it or not, there is  
21 actually backup baseboard heating in the vehicles  
22 that no one sees, so if something does go wrong  
23 with the heating system, you have a fall-back, and  
24 those are all tested.

25 CHRISTINE MAINVILLE: Was there any

1 winter testing that was in the original plans or  
2 that RTG would have liked to do that ultimately was  
3 cut?

4 PETER LAUCH: I don't think so, and  
5 again, I am putting my RTG hat on. You know, I  
6 don't -- you know, I don't think I would have seen  
7 that level of granularity, but no, I don't  
8 think -- I don't recall anyone ever discussing a  
9 reduction in testing.

10 CHRISTINE MAINVILLE: Okay. And were  
11 there any concerns about the NRC testing, winter  
12 testing, in terms of the results?

13 PETER LAUCH: I don't think so. I  
14 mean, things came out of it, you know, that led to  
15 maybe some design modifications, I think maybe the  
16 windshield wipers or something like that.

17 But I mean, as far as I know -- I mean,  
18 I wasn't there for the tests. I saw a ton of  
19 photos, and I mean, the vehicle was literally  
20 encased in ice, and then subject, you know, to  
21 fluctuations in temperature.

22 So I am not sure what the lessons  
23 learned were, but to the best of my knowledge,  
24 there was no -- you know, nothing came out of it  
25 that was a shock or that required any kind of, you

1 know, going back to square one.

2 CHRISTINE MAINVILLE: Could you talk  
3 about what the original plans were for trial  
4 running?

5 PETER LAUCH: Yeah, I mean, there is in  
6 Schedule 14, I think commissioning, I think it  
7 talks about trial running. It doesn't go -- you  
8 know, it doesn't go into the details of, you know,  
9 percentage availability and so forth, but it talks  
10 about 12 consecutive days and it talks about, you  
11 know, it has to happen after substantial  
12 completion.

13 And I know that there were two people  
14 in particular that were involved in that. There  
15 was -- from the City, it was a gentleman I believe  
16 named Joe North, and then from the OLRTC side, it  
17 was the Technical Director, Roger Schmidt, they  
18 were very much involved in sort of formulating the  
19 plan and coming up with the trial running plan.

20 CHRISTINE MAINVILLE: So am I right  
21 that this was in 2017?

22 PETER LAUCH: Yeah, that sounds right.

23 CHRISTINE MAINVILLE: And there was  
24 some agreement on that plan devised by the City?

25 PETER LAUCH: Uhm-hmm, yeah, and no --

1 CHRISTINE MAINVILLE: And -- no, sorry  
2 go ahead.

3 PETER LAUCH: No, I was just agreeing  
4 with what you said. Yes, I mean, it wasn't  
5 something that was done arbitrarily. It had to be  
6 agreed.

7 CHRISTINE MAINVILLE: Would it not have  
8 fallen on OLRTC or RTG to produce that plan?

9 PETER LAUCH: It did.

10 CHRISTINE MAINVILLE: Okay, so --

11 PETER LAUCH: It was, but my point is  
12 it wasn't done in isolation. Joe North was someone  
13 who the City brought on, a consultant who was  
14 experienced, and I mean, you know, the City was  
15 very much involved because they were operating the  
16 vehicles, so you wanted their input.

17 And it wasn't -- you know, there was  
18 two engineers putting this thing together. They  
19 weren't concerned with commercial or contractual  
20 issues. They were concerned about meeting the  
21 output specifications and making sure that the  
22 vehicle did what it was supposed to do through this  
23 period.

24 CHRISTINE MAINVILLE: And were changes  
25 made to this plan prior to trial running?

1                   PETER LAUCH: I don't think so, not  
2 prior to trial running. I mean, you know,  
3 invariably you are going to ask me some questions  
4 on it, and there were some changes made during  
5 trial running. But I think that the intent was  
6 that this was the plan.

7                   CHRISTINE MAINVILLE: So but wasn't  
8 it -- didn't trial running start with a different  
9 trial running test procedure and not this plan, not  
10 the 2017 criteria?

11                   PETER LAUCH: I don't think so.

12                   CHRISTINE MAINVILLE: Maybe we can --

13                   PETER LAUCH: But you know, your  
14 question is making me think, but I don't think so.

15                   CHRISTINE MAINVILLE: Maybe we can --

16                   PETER LAUCH: As I said, there was some  
17 changes as we started going through it, but I  
18 thought we started with the original plan.

19                   CHRISTINE MAINVILLE: Why don't we pull  
20 it up, just to see if it refreshes your memory. It  
21 would be -- this is not our -- this is not the  
22 document ID that will ultimately be the correct ID,  
23 but for now it is OTT-377178. And it is the Trial  
24 Running Test Procedure.

25                   PETER LAUCH: Yes.

1 CHRISTINE MAINVILLE: And do you  
2 recognize this?

3 PETER LAUCH: Yes, Paliare actually  
4 sent it to me.

5 CHRISTINE MAINVILLE: Right, and so --

6 PETER LAUCH: This morning because they  
7 said you were going to discuss it and I have a  
8 printout of it here, but I mean, the date is July  
9 2019/31, and that is when we started testing,  
10 so --

11 CHRISTINE MAINVILLE: Right, so wasn't  
12 the plan to start with this?

13 PETER LAUCH: It was, and I  
14 believe -- you are making me think now, but I am  
15 looking through it quickly in terms of -- you know,  
16 in terms of some of the parameters that were  
17 identified in there. I mean, that is what we were  
18 doing. I think we were following this plan.

19 You know, this was summarized in a  
20 spreadsheet as well, which I am sure you are aware  
21 of.

22 CHRISTINE MAINVILLE: So let me first  
23 ask you, who would have devised this procedure?

24 PETER LAUCH: So Matt and Will, Matthew  
25 Slade and Will Allman, probably modified it a bit.

1 Roger Schmidt was the original architect, and as I  
2 said, that is when I mentioned that he and Joe  
3 North would meet frequently and sort of hammer out  
4 the framework for this.

5 CHRISTINE MAINVILLE: So maybe we could  
6 bring this down, and this will have to be filed as  
7 Exhibit 2, because we don't have a proper doc ID  
8 for it.

9 EXHIBIT NO. 2: Document entitled  
10 (RFI-O) -266, document ID COW442401.

11 CHRISTINE MAINVILLE: But if we could  
12 bring up another document called (RFI-O) -266,  
13 which is document ID COW442401.

14 Do you recognize this document?

15 PETER LAUCH: Yes. Yes, I do.

16 CHRISTINE MAINVILLE: So is this  
17 not -- if you look at page 2, where there is a  
18 date, a 2017 date, is this not what was devised in  
19 2017?

20 PETER LAUCH: Yeah, and I think I said  
21 that. I mean, Roger's name is on there.

22 CHRISTINE MAINVILLE: Right.

23 PETER LAUCH: And him and Joe North  
24 worked together to -- you know, when you look  
25 at -- when you read through that RFI and you look

1 at "Evaluation" and "Scorecard", for example, and  
2 you look at checklists and so forth, these are  
3 things that those two guys would have been  
4 discussing.

5 CHRISTINE MAINVILLE: Right, so I guess  
6 my question is the criteria here, will you agree  
7 with me that the criteria in this 2017 document is  
8 not the same -- not exactly the same as what is in  
9 the trial running test procedure that is dated July  
10 2019?

11 PETER LAUCH: So I would have to do a  
12 like for like and compare.

13 So the biggest thing that would jump  
14 out at me would be AVKR, if that was changed from,  
15 say, 98 percent to 96 percent, and --

16 CHRISTINE MAINVILLE: Correct, and --

17 PETER LAUCH: And I would have to flip  
18 through the document, so --

19 CHRISTINE MAINVILLE: Correct, and so  
20 if -- let me say this. If the 2017 document had a  
21 96 percent average daily AVKR.

22 PETER LAUCH: Uhm-hmm.

23 CHRISTINE MAINVILLE: And you can see  
24 that at page 6 of the document, I go back to my  
25 earlier question, did you not start not with that

1 percentage but with the trial running test  
2 procedure percentage, which was 98 percent?

3 PETER LAUCH: Yes, we did start with  
4 that.

5 CHRISTINE MAINVILLE: Okay, so then my  
6 question is why was there a decision to start with  
7 this trial running test procedure as opposed to  
8 what had been agreed upon in 2017?

9 PETER LAUCH: If I recall, and again,  
10 you know, I am not the right person to maybe give  
11 you a lot of detail because I was not involved in  
12 formulating this document, but the 98 percent, I  
13 think it was predicated on what RTM would be judged  
14 against once we hit the maintenance period, so I  
15 guess someone thought that would be a good target.

16 And I guess in hindsight, it was  
17 probably a little naive, maybe a little optimistic,  
18 because it wasn't -- you know, it wasn't a PA  
19 requirement, per se, but I think -- you know, I  
20 think some of the people you are going to be  
21 speaking to, they might be able to give you a bit  
22 more detail as to, you know, what transpired to  
23 make that change.

24 CHRISTINE MAINVILLE: Okay. And would  
25 you say there was an intention in terms of the 2019

1 document to have criteria that reflected a high  
2 degree of reliability of the system?

3 PETER LAUCH: I would say yes.

4 CHRISTINE MAINVILLE: Such that, you  
5 know, if it met that test, you know, there was  
6 pretty high confidence that the vehicles would run  
7 quite smoothly?

8 PETER LAUCH: Uhm-hmm, yeah, I would  
9 agree with that. I mean, but -- but trial running  
10 was more than just AVKR. As you know, you have  
11 seen the other parameters are involved as well,  
12 so...

13 CHRISTINE MAINVILLE: Yes. And so why  
14 don't you walk me through -- so first of all, you  
15 were part of the trial running review team?

16 PETER LAUCH: Yeah, so we would meet at  
17 2 o'clock every day for no more than half an hour,  
18 and basically there was a lot of work that was done  
19 before we sat down every afternoon to review all  
20 the data that came in from the various elements,  
21 and I think it was put on a board and basically we  
22 looked at that and discussed it and then ultimately  
23 the decision would be taken if it was a pass or a  
24 fail or a restart or whatever.

25 CHRISTINE MAINVILLE: And how was the

1 20-day consecutive trial running requirement  
2 initially interpreted?

3 PETER LAUCH: It was 12-day, first of  
4 all, not 20.

5 CHRISTINE MAINVILLE: Did I say 20?

6 PETER LAUCH: Yeah.

7 CHRISTINE MAINVILLE: I meant 12.

8 PETER LAUCH: How was it interpreted?  
9 You know, I can't really speak to that, and again,  
10 I am not trying to avoid the question. It is just,  
11 you know, I wasn't participating in those  
12 discussions.

13 12 consecutive days of running means,  
14 you know, running 12 consecutive days, and I am not  
15 trying to be flip here, but I mean, there was  
16 no -- you know, you have seen yourself in Schedule  
17 14 I don't recall there being a lot of discrete  
18 numbers.

19 So, you know, we were trying to run 12  
20 consecutive days, and as I said, it is not just the  
21 AVKR because we were supposed to introduce some  
22 other scenarios in there as well that would affect  
23 it.

24 So you know, my interpretation of 12  
25 consecutive days was that we had to have the

1 ability to launch revenue service trains 12 days in  
2 a row, you know, run to the -- I am trying to  
3 remember what the right terminology is, but run to  
4 the plan, you know, for that day, and be it a  
5 Friday, Saturday, Sunday, whatever.

6           So I mean, it was to -- you know, we  
7 have done all our systems integration and we have  
8 done all our testing and commissioning, so now we  
9 are supposed to test the system as basically  
10 replicating revenue service.

11           CHRISTINE MAINVILLE: And did the  
12 interpretation change of what that meant, the  
13 12 -- over time, the 12 consecutive days?

14           PETER LAUCH: There was -- you can't  
15 just look at it in terms of 12 days. So there was  
16 a change, and you know, I know you are aware of  
17 that. You know, after we had gone through a week  
18 and a half, a bit more, there was a change where,  
19 you know, it was, again, based on -- and I am  
20 trying to remember the exact wording, there was a  
21 change based on 9 out of 12 days I think had to  
22 achieve this level of percentage.

23           And the reason for that was, I mean, we  
24 were sitting in that room every day, and we were  
25 functioning. We were launching trains every

1 morning. We had two bad days that we had to  
2 restart, or start over. The other days were sort  
3 of -- I am trying to remember what the right  
4 terminology was, if it was a pause or a -- I am  
5 just going to look at --

6 CHRISTINE MAINVILLE: Maybe repeat?

7 PETER LAUCH: Repeat, yeah.

8 CHRISTINE MAINVILLE: Right.

9 PETER LAUCH: So there was after -- and  
10 just so you know, I told you that Paliare sent me  
11 the testing and commissioning plan, so that is what  
12 I am looking at.

13 CHRISTINE MAINVILLE: Yes, I -- as  
14 requested, yes.

15 PETER LAUCH: Okay, good, thanks for  
16 that. So after the fifth day of the restart, so  
17 there were two repeats, and I think -- I recall  
18 having a discussion with Troy Charter and Matthew  
19 where the City was suggesting and saying, Look, you  
20 know, you are running at decent percentages, but we  
21 don't -- you know, we don't think that 98 percent  
22 is going to be achievable. Why don't we basically  
23 go back to what you wanted to do in 2017.

24 And they said, Look, if you send us an  
25 RFI, if you send us a request, then we'll work with

1 you to do that.

2           And I am trying to remember some of the  
3 letters, but I remember I had written a letter to  
4 the City basically formalizing the request, and I  
5 had a meeting with them at some time and they were  
6 open to it. But it came with some caveats, and  
7 some of the caveats eventually made their way to  
8 the RSA term sheet.

9           CHRISTINE MAINVILLE: Okay, so let's  
10 just walk through that again. Who did you say  
11 raised that you suggested?

12           PETER LAUCH: So it was the City that  
13 suggested it, and it was Troy Charter who was  
14 working for John.

15           CHRISTINE MAINVILLE: Uhm-hmm.

16           PETER LAUCH: And he was with us in a  
17 lot of those 2 o'clock meetings, and if it wasn't  
18 him, it was a delegate. And he pulled Matt and I  
19 out of the meeting and basically floated it, and  
20 you know, we were amenable to it but wanted to  
21 discuss the details with the City, which we did.

22           So I am just looking at the summary  
23 sheet here, so the 13th of -- so we probably would  
24 have had that discussion -- so we had two repeat  
25 days, Wednesday the 14th and Thursday the 15th, and

1 so probably, I am assuming, at probably the end of  
2 the day of that Tuesday we probably had that  
3 discussion, or I think it was just before the  
4 meeting, actually.

5 But then I remember having a  
6 face-to-face with John and Troy and Michael and  
7 where we talked about what this would look like, so  
8 if we went from 98 percent over 12 days to 96  
9 percent 9 out of 12, you know, what would that  
10 entail? And as I said, there were some -- so the  
11 City was amenable to it, and basically it was just  
12 going back to what we were going to do in the first  
13 place, but as I said, it came with a few  
14 conditions.

15 So I had to go back to our Board and  
16 discuss the conditions, and everybody -- well, it  
17 wasn't really negotiable, so the City was helping  
18 us out here, but like it wasn't -- you know, we  
19 weren't going to come back with a counter-offer.  
20 It was basically we are offering you this because  
21 it is the right thing to do, but you basically have  
22 to accept all these other conditions. And some of  
23 those -- as I said, some of those conditions made  
24 their way to the term sheet.

25 CHRISTINE MAINVILLE: Okay. So before

1 going to the conditions or caveats, when you say  
2 John, Troy and Michael, that is John Manconi, Troy  
3 Charter and Michael Morgan?

4 PETER LAUCH: Correct, yeah, and I  
5 mean, that would have been -- again, I don't have  
6 my documents with me, but I mean, I wouldn't have  
7 done that alone. Matthew or Will or somebody would  
8 have been with me from the OLRTC side, because it  
9 wasn't a decision I could take as RTG because  
10 ultimately it was OLRTC that was -- you know, that  
11 would say yea or nay on it.

12 CHRISTINE MAINVILLE: Because they were  
13 responsible for the testing?

14 PETER LAUCH: Correct.

15 CHRISTINE MAINVILLE: And  
16 commissioning, and achieving the trial running  
17 criteria?

18 PETER LAUCH: Correct.

19 CHRISTINE MAINVILLE: Now, there were  
20 two changes, changing the AVKR average to -- from  
21 98 percent to 12 -- to 96 percent?

22 PETER LAUCH: 12 percent would have  
23 been great, yeah.

24 CHRISTINE MAINVILLE: So that was the  
25 one change; correct?

1 PETER LAUCH: Yeah.

2 CHRISTINE MAINVILLE: And then do I  
3 understand the other change to be 9 out of 12 days?

4 PETER LAUCH: Yeah, that's correct.

5 CHRISTINE MAINVILLE: So going from 12  
6 consecutive days to 9 out of 12 days consecutive?

7 PETER LAUCH: Yes.

8 CHRISTINE MAINVILLE: Consecutive  
9 passes?

10 PETER LAUCH: Well, 9 out of 12 days  
11 meeting I think the AVKR of 96 percent or higher.

12 CHRISTINE MAINVILLE: Oh, sorry, right,  
13 so in order to calculate the 96, the average AVKR,  
14 you are going to take 9 out of 12 days?

15 PETER LAUCH: Exactly, and I think you  
16 went right to the issue. The issue was the  
17 average, not the individual day, because there were  
18 some days where we were at 99 and other days we  
19 were at 92. So it was the average. I mean, AVKR  
20 is an average.

21 CHRISTINE MAINVILLE: Okay, and that is  
22 what was ultimately done, the 9 best days of the 12  
23 consecutive days were used to calculate the AVKR  
24 afterwards?

25 PETER LAUCH: Correct, and yes, and you

1 have the same document that I am looking at, you  
2 see sort of the best -- you see the summary  
3 spreadsheet at the end of it, and that is what that  
4 shows.

5 CHRISTINE MAINVILLE: And was there  
6 also a change to the number of vehicles?

7 PETER LAUCH: Yeah, we went from 15 to  
8 13, and as I said before, that was a function of  
9 what the revised passenger load calculations were  
10 going to be. And again, it is not like we didn't  
11 have 15, but the in-service requirement was 13.

12 CHRISTINE MAINVILLE: And so for those  
13 12 days, did you have 13 vehicles running or 15?

14 PETER LAUCH: Well, it depends. I  
15 mean, there was -- you know, we had a selection, so  
16 you know, we had an obligation to start the day  
17 with 13 vehicles. Was it the same 13 every day?  
18 No, probably not, because you know, we had two  
19 spares. There was more than two spares, so you  
20 would rotate them.

21 So sometimes if a vehicle, you know, if  
22 it developed a minor problem, so rather than rush  
23 in the maintenance hours to fix it, you swap it out  
24 with another one, and then, you know, do whatever  
25 you had to do that next day.

1 CHRISTINE MAINVILLE: Uhm-hmm. But was  
2 the plan at the start of trial running to be  
3 running 15 trains during all of it --

4 PETER LAUCH: I am trying to remember  
5 when we dropped down to 13. I don't know if that  
6 was part of the change. I can't remember that. I  
7 do know that we -- I do know, because I was in the  
8 room at 4:15 in the morning a few times, that I do  
9 know that we launched 15 trains a few times. We  
10 had to prove we could do that.

11 CHRISTINE MAINVILLE: And do you know,  
12 so was -- let me start back. It was already  
13 determined prior to trial running that you would be  
14 running 13 trains at peak times in terms of when  
15 the trains were going to actually be in service?

16 PETER LAUCH: So that is the part I am  
17 not sure of. I would have to check.

18 CHRISTINE MAINVILLE: Okay.

19 PETER LAUCH: But as I said, we did,  
20 there were a few occasions that we did launch 15,  
21 but I think when we made this change with the City,  
22 the 96 percent, the 9 days, one of the caveats was,  
23 okay, you could launch 13 out of 15, because we had  
24 already shown the capability of doing 15.

25 CHRISTINE MAINVILLE: Right, right.

1 And why is that a caveat as opposed to a further  
2 change to the criteria?

3 PETER LAUCH: So this goes back to what  
4 we talked about before where we were able to do 13,  
5 but I think we were still measured against 15, not  
6 during trial running, but once maintenance started.

7 So it was a favour to us, if you will,  
8 but it wasn't free. But what it did, it gave  
9 Alstom more flexibility.

10 So instead of having one or two spares,  
11 now all of a sudden you have three or four, so it  
12 just gives you a little bit more flexibility when  
13 you are in revenue service.

14 CHRISTINE MAINVILLE: And would it --

15 PETER LAUCH: And --

16 CHRISTINE MAINVILLE: Sorry, go ahead.

17 PETER LAUCH: No, and I was just going  
18 to say, and I don't know if they ever even got to  
19 15 yet, because I mean, obviously with COVID, I  
20 mean, it was reduced, and even now I am not sure  
21 how many they are running.

22 CHRISTINE MAINVILLE: Am I right,  
23 though, that it would also assist with the daily  
24 average to be running 13 instead of 15?

25 PETER LAUCH: Yeah, it is about --

1 yeah, because, you know, your headways are  
2 all -- you know, they are adjusted. I mean, yeah,  
3 it would assist, I mean, but I think the bigger  
4 advantage was on having more spare capability.

5 CHRISTINE MAINVILLE: So how did that  
6 impact the number of scheduled kilometres, because  
7 every day, am I right, there was a target schedule  
8 of kilometres to be run?

9 PETER LAUCH: Yeah, so I mean, less  
10 trains means less kilometres, but it doesn't -- it  
11 wasn't a compromise in service. I mean, it had to  
12 do with headway, so I mean, you know -- and bear in  
13 mind the 15 vehicles was only in the morning. So  
14 even if we were, you know, running per the  
15 requirements from day one, the only time you  
16 actually run 15 is in the morning. You reduce  
17 throughout the course of the day, and it was only  
18 13 in the evenings.

19 So how did it affect? I mean, I am  
20 trying to remember the terminology, but there was a  
21 great big spreadsheet that would be introduced into  
22 the system and that is what determined the headways  
23 and the times and so forth.

24 So in terms of the kilometres, I mean,  
25 the kilometres were a function of the number of

1 vehicles and the headways.

2 CHRISTINE MAINVILLE: Maybe I could  
3 take you to an example of a score sheet, a  
4 scorecard, in COW -- sorry, COW270758.

5 PETER LAUCH: Yes.

6 CHRISTINE MAINVILLE: If we go to, for  
7 instance, page --

8 PETER LAUCH: You can give me the date  
9 at the top of it, if you want, as a reference.

10 CHRISTINE MAINVILLE: Yes, I am looking  
11 for an example. Well, let's go to August 9th,  
12 2019. So you see how in the "Scheduled KM" section  
13 here, that there is an original number that is  
14 typed in and then there is a handwritten number.

15 PETER LAUCH: Yeah, yeah.

16 CHRISTINE MAINVILLE: Oh, is that just  
17 the difference between -- well, no, so what is the  
18 second number that is handwritten in terms of the  
19 scheduled kilometres?

20 PETER LAUCH: Well, there is two  
21 numbers that were handwritten. It looks like they  
22 corrected the scheduled kilometres and then the  
23 actual as well.

24 So I don't have --

25 CHRISTINE MAINVILLE: Right, so what

1 would the correction be based on?

2 PETER LAUCH: I don't know why. I  
3 would have to ask Will or Matt or even one of the  
4 City guys about that. That had to do with maybe  
5 there was a mistake in the data that came out of  
6 the number-crunching earlier, I am not sure.

7 CHRISTINE MAINVILLE: Okay.

8 PETER LAUCH: But I mean, we all  
9 initialled it, and we wouldn't have initialled it  
10 if it wasn't valid.

11 CHRISTINE MAINVILLE: So I guess what I  
12 am wondering is if -- once there was a decision  
13 made to run 13 trains instead of 15, naturally  
14 there would be fewer kilometres run in a day total;  
15 correct?

16 PETER LAUCH: Yeah, yeah.

17 CHRISTINE MAINVILLE: So would the  
18 scheduled kilometres be -- number changed so that  
19 your average is not skewed by --

20 PETER LAUCH: Well, I mean, if you keep  
21 on going down that sheet, I mean, you see, you  
22 know, it depends -- sometimes it depends on the day  
23 of the week as well. But I mean, if you go to  
24 Sunday, August 18th, that is obviously only 30  
25 vehicles, so your scheduled kilometres changes as a

1 function of that.

2 The next day, Monday, 30 vehicles  
3 again, and maybe that was a holiday, but yeah, I  
4 mean, you see -- there is a direct correlation  
5 between number of trains and kilometres, of course.

6 CHRISTINE MAINVILLE: So in terms of  
7 what the City ultimately puts forward as a  
8 go-forward plan during trial-running, they have  
9 lowered what the average is, the AVKR average is,  
10 the number of days that would be counted to  
11 calculate that average, and the number of trains  
12 that need to be run, which reduces the scheduled  
13 kilometres; is that fair?

14 PETER LAUCH: I think that is fair, but  
15 I mean, you know, I don't want to misinterpret what  
16 we are talking about here because, I mean, what is  
17 key was the scheduled kilometres, and, you know, if  
18 we launched five and we had scheduled kilometres to  
19 respect or we launched 15, what was key is what we  
20 actually measured against it. So the AVKR  
21 obviously, yes, the theoretical, the scheduled  
22 kilometres is a function of the number of vehicles  
23 and the headways and that changes not just if we  
24 went to 15 or 13 but changes on the day of the week  
25 as well, but what is important is the actual,

1 because your AVKR is just -- you know, I am  
2 not -- you know, I am not trying to lecture here,  
3 but I mean, it is just the math.

4 So I am not quite sure what we are  
5 driving at here.

6 CHRISTINE MAINVILLE: Well, let me put  
7 it this way. At the end of the day the criteria  
8 was lessened, it was maybe zero to pass trial  
9 running?

10 PETER LAUCH: I don't know if it was  
11 easier. I mean, we still had that AVKR to meet,  
12 and notwithstanding the number of vehicles, there  
13 were other parameters that we were measuring, as  
14 you can see on there as well.

15 So it is -- you know, I wouldn't want  
16 to say it was easier. Did it provide more  
17 flexibility? Certainly.

18 CHRISTINE MAINVILLE: And you indicated  
19 that the -- well, let me ask you this. Well, the  
20 rationale put forward by Mr. Charter initially was  
21 he didn't think the 98 percent was achievable  
22 because of how things were -- how the vehicles were  
23 performing; is that fair?

24 PETER LAUCH: I think that is fair.  
25 You know, not achievable? No, I mean, not

1 achievable consistently day over day, because we  
2 had a few days we were above 98 and we were at 99,  
3 so...

4 CHRISTINE MAINVILLE: And was that the  
5 tenor of the discussion as well with Michael Morgan  
6 and John Manconi?

7 PETER LAUCH: Yeah, I think so. You  
8 know, and this wasn't a gift. I mean, this was a,  
9 you know, grown-up discussion with the operator,  
10 with the maintainer, with the tester, and you know,  
11 as I said, we did launch 15, even though, you know,  
12 the service didn't require it eventually, but we  
13 still had to prove we could do that.

14 And then, I mean, I think it was just  
15 more rational. It made more sense.

16 Was it more achievable? Yeah, I mean,  
17 probably more achievable, but again, like I said,  
18 it wasn't a huge compromise and it wasn't a gift,  
19 and you know, it -- anyway.

20 CHRISTINE MAINVILLE: They were  
21 incentivized to get to RSA?

22 PETER LAUCH: They were certainly  
23 incentivized to get to RSA, and this goes back  
24 to -- you know, you asked me before about pressure,  
25 you know, was there more political pressure? There

1 probably was because, I mean, you know, a huge  
2 advertising campaign and a lot of commitments, and  
3 it is important, you know, the politician doesn't  
4 want to lose face. So I mean, that might have led  
5 into it, but as I said, I mean, it did not take  
6 away from all the peripheral systems, all the  
7 support systems.

8 I mean, if we failed the safety issue,  
9 if we failed something, we wouldn't have passed. I  
10 mean --

11 CHRISTINE MAINVILLE: Understood.

12 PETER LAUCH: -- AVKR was one parameter  
13 of it.

14 CHRISTINE MAINVILLE: Understood. The  
15 safety requirements were met for going into  
16 service?

17 PETER LAUCH: Exactly.

18 CHRISTINE MAINVILLE: How  
19 significant -- let me rephrase.

20 Can you speak to the issues that the  
21 trains were encountering during trial running, that  
22 you were seeing with the trains?

23 PETER LAUCH: I didn't -- you know, I  
24 didn't get that level of detail because, as I said,  
25 when we met at 2 o'clock every day, we were looking

1 at the summation of the previous day. So we were  
2 looking at -- you know, we were looking at numbers.  
3 We were looking at -- you know, I'm looking at one  
4 of the sheets here, so you know, "Traction Power".  
5 Did we meet the scheduled hours, yes/no?

6 "Passenger Announcement System", do you have a  
7 fail? Yeah, maybe there was one fail on one  
8 vehicle, then you go down to the footnote and there  
9 was a reason for it.

10 So you know, that is the level of  
11 granularity I had, but what was important to us was  
12 the numbers. So we would look -- you know, again,  
13 we would look at the spreadsheet and we would -- we  
14 had a white board. We literally filled it out and  
15 then it was transcribed into the spreadsheet, so  
16 what was important to us was all the  
17 number-crunching and the culmination of all the  
18 work that was done the previous day.

19 So I don't know if I'm answering your  
20 question, but my point was we didn't -- when we  
21 were doing this meeting, we didn't have the  
22 detailed performance logs of every vehicle.

23 CHRISTINE MAINVILLE: Okay. Were  
24 others on the trial running team paying closer  
25 attention to that?

1           PETER LAUCH: Not that I wasn't paying  
2 close attention to it, but no, but they were in the  
3 same boat as me. I mean, if you look at the names  
4 on the list there, so Troy was, you know, sort of  
5 top of the food chain at OCT under John, and  
6 Michael, when he participated, Matthew as well,  
7 these people, we were all relying on all of the  
8 work that had been done the previous day.

9           And there were occasions, I mean, where  
10 we would bring someone in. Sometimes we brought  
11 Tom in or Tom would replace Claude, and he was more  
12 intimate with what happened the previous day and he  
13 could provide an explanation. And Troy or Larry or  
14 Richard from the City side, if -- you know, they  
15 might say, Oh, yeah, hang on, that was an operator,  
16 he pushed the wrong button, so they could answer to  
17 that.

18           But you know, they were in the same  
19 boat as me. Like I said, we went in there. It was  
20 supposed to be, you know, a very high level, almost  
21 secret meeting. We literally pulled the blinds on  
22 the windows. We didn't leave anything in the room  
23 afterwards. We didn't write anything down. And  
24 there was one person who was documenting it from  
25 the City. I forget her name. But basically she

1 transcribed what we had from the white board on to  
2 a sheet, and then we would fill out -- you know, we  
3 all kept our own little tracking spreadsheet.

4 But I think the point I am trying to  
5 make here is, you know, we certainly had access to  
6 it if we needed it, but the purpose of this meeting  
7 wasn't to challenge every e-stop that was pushed or  
8 every intercom that was tested. The purpose of the  
9 meeting was to look at the numbers, and if it was  
10 all green, obviously there was no discussion. But  
11 if there was something that was red or sort of, you  
12 know, just on the peripheral of being accepted,  
13 that is what stimulated discussion.

14 But ultimately, you know, even having  
15 said that, OLRTC and RTG and RTM could talk until  
16 they were blue in the face, but the ultimate  
17 decision was the IC's, so --

18 CHRISTINE MAINVILLE: Well, the IC is,  
19 fair to say, just taking the criteria that is  
20 agreed upon between the City and Project Company  
21 and advising as to whether it is met?

22 PETER LAUCH: No, exactly, and I mean,  
23 and they were -- you know, to be fair to them, they  
24 were very black and white. I mean, if it says you  
25 should do this and you haven't done that, then

1 there has to be a real good reason or you don't  
2 pass.

3 CHRISTINE MAINVILLE: And were you  
4 receiving these reliability reviews from Alstom?

5 PETER LAUCH: Not directly, no.

6 CHRISTINE MAINVILLE: Do you recall  
7 being made aware, prior to trial running, of the  
8 issues being encountered with the trains as  
9 everybody is approaching trial running?

10 PETER LAUCH: Yeah, when I was -- I  
11 mean, the OLRTC kept us in the loop. You know, I  
12 can't remember the level of detail, but if there  
13 was a problem with the PACIS software, or if there  
14 was a problem with the TCMS software or so forth, I  
15 mean, we were certainly kept in the loop on that.

16 CHRISTINE MAINVILLE: As was the City;  
17 correct?

18 PETER LAUCH: Correct.

19 CHRISTINE MAINVILLE: And what can you  
20 tell me about the pre-trial running phase, what was  
21 that about? Do you recall a pre-trial running  
22 phase?

23 PETER LAUCH: No, certainly, I mean,  
24 that is kind of part of testing and commissioning,  
25 and that is, you know, when I was saying before,

1 like we try to throw more and more vehicles on to  
2 the track and there was a period of time where we  
3 had a lot of single vehicles as opposed to coupled  
4 and that was really just to test systems.

5           So that was pre-trial running, I guess  
6 you could sort of call it unofficial trial running,  
7 but it was more for our own purposes too. And a  
8 lot of times it could be a specific test. We  
9 wanted to simulate a specific headway, or you know,  
10 there might have been a specific SIT or SAT that  
11 the T and C team was trying to carry out.

12           CHRISTINE MAINVILLE: Is that when  
13 failure scenarios were done?

14           PETER LAUCH: In some cases, yeah.

15           CHRISTINE MAINVILLE: So can you  
16 explain what that is?

17           PETER LAUCH: So, I mean, you  
18 deliberately try to screw something up. I mean,  
19 you know, you deliberately activate the intrusion  
20 access control at the end of a platform to make  
21 sure that your emergency stop works on a train.  
22 You deliberately have someone keep their hand in a  
23 door while you are trying to leave the platform.  
24 You know, there is a litany of them, and they were  
25 all part of the certification process as well.

1 CHRISTINE MAINVILLE: And did the plans  
2 for pretrial running change during the course of  
3 it?

4 PETER LAUCH: I don't think so. And  
5 bear in mind, I mean, we could not submit -- we  
6 could not say, okay, we have met substantial  
7 completion until we have done some very specific  
8 tests and, you know, the City had signed off on  
9 them as well.

10 So I don't think -- you know, I am  
11 probably not answering your question directly, but  
12 to the best of my knowledge, I don't think anything  
13 changed in pre-trial running.

14 CHRISTINE MAINVILLE: Was there --  
15 would you have liked to see more of it even --

16 PETER LAUCH: Yeah.

17 CHRISTINE MAINVILLE: -- if the  
18 criteria was met?

19 PETER LAUCH: You always want to see  
20 more. I mean, in my past life too, I mean, no one  
21 would say no to some additional test time.

22 CHRISTINE MAINVILLE: Uhm-hmm. And  
23 were double trains or coupled trains run through  
24 trial running?

25 PETER LAUCH: Yes.

1 CHRISTINE MAINVILLE: Okay. Am I right  
2 that there were a number of events that occurred  
3 during trial running? Would you have been at least  
4 aware of that, like --

5 PETER LAUCH: You know, I don't know if  
6 I would characterize it as a number of events. I  
7 mean, you know yourself from looking at the  
8 documentation, I mean, you know, we had some bad  
9 days in the early days. It is not shown on your  
10 spreadsheet. I mean, the first two days we didn't  
11 pass.

12 CHRISTINE MAINVILLE: Uhm-hmm.

13 PETER LAUCH: But we also didn't stop  
14 running. So you know, if there was, if there  
15 was -- you know, there was, like I said, the first  
16 two days and then there was two days in between,  
17 and I am looking at the summation here, the 7th and  
18 the 8th, we didn't stop running. You know, we  
19 stopped measuring AVKR and some of the other  
20 things, but we continued to do testing. It just  
21 wasn't -- it just, you know, wasn't considered  
22 trial running.

23 But my point here is if there was an  
24 issue on the track or if we didn't launch enough  
25 trains that morning, which would have killed our

1 AVKR for that day, we didn't -- no one put up their  
2 hands and went home for the day. They kept on  
3 running. They kept on testing. They kept on -- it  
4 actually, you know, gave them the opportunity to  
5 continue other tests.

6 CHRISTINE MAINVILLE: Is it fair to say  
7 there were lingering performance issues during --  
8 with the trains during trial running?

9 PETER LAUCH: I don't know if it would  
10 be fair to say that because, I mean, we did hit  
11 revenue service, and we did -- you know, they  
12 started in revenue service the 14th of September, I  
13 believe. I mean, the vehicles were performing  
14 quite well in the early days.

15 So I am trying to remember, you know,  
16 if there was a specific recurring issue. I mean,  
17 the stuff that I remember were small things, like,  
18 you know, a CCTV issue in one place, and as I  
19 mentioned to you before, like, you know, maybe one  
20 e-stop.

21 Were there specific train issues? You  
22 know, I don't recall any where, you know, that  
23 manifested like further on down the road. Like,  
24 you know, I don't -- no, I -- I know I'm mumbling  
25 here. I'm trying to jar my memory. But no, I

1 don't think so.

2 CHRISTINE MAINVILLE: Do you recall  
3 that, you know, everyone knew that there may be --  
4 that there would be some issues that would  
5 inevitably arise during RSA?

6 PETER LAUCH: I mean, that is hard to  
7 predict. I mean, you know, you go on the TTC or  
8 you go on the Montreal subway and there is issues  
9 sometimes, and those are, you know, long-running,  
10 reliable systems.

11 So I don't know quite how to answer  
12 that. You know, did we sit around and say, you  
13 know, this could happen and that could happen? No.  
14 I mean, I don't think anyone predicted that, you  
15 know, especially -- I mean, this -- you know, my  
16 understanding is the whole reason for this inquiry  
17 is because, you know, really the catalyst were the  
18 derailments. I mean, no one back in 2019 when we  
19 were doing this, I don't think anyone would have  
20 predicted that, you know, a year and a half down  
21 the road that some of these issues would crop up.

22 CHRISTINE MAINVILLE: Is it fair to say  
23 that there wasn't a very prolonged de-bugging  
24 period on the trains?

25 PETER LAUCH: I mean, this goes back to

1 our discussion about burn-in and soft start, so --

2 CHRISTINE MAINVILLE: Yeah.

3 PETER LAUCH: So, you know, knowing  
4 what I know now, yes.

5 CHRISTINE MAINVILLE: Was it understood  
6 or clear to everyone - and when I say "everyone",  
7 we can talk about who that is - but that the system  
8 wasn't running perfectly smoothly?

9 PETER LAUCH: You know, I don't know if  
10 I would say that. I mean, you know, as I said, on  
11 Saturday, September 14th, I think it was. I mean,  
12 they were running the trains.

13 CHRISTINE MAINVILLE: Yes, but before  
14 that --

15 PETER LAUCH: Before that?

16 CHRISTINE MAINVILLE: -- leading up to  
17 RSA, there were some bugs still being uncovered, is  
18 that not the case?

19 PETER LAUCH: A hundred percent, and  
20 some of those bugs you would -- you know, you saw  
21 on the revenue service availability term sheet that  
22 there was some -- you know, there was some  
23 softwares that -- you know, I am trying to think of  
24 the right terminology. There was some PACIS  
25 software. I remember, you know, we were trying

1 to -- Alstom was trying to upgrade a certain  
2 software, but they had to get what they call a SIL  
3 certification. And I am trying to remember what  
4 the SIL is. It is "safety" something. But they  
5 ended up having to regress, and it was no -- it  
6 didn't affect anything, just I think just some  
7 relatively minor bugs. But we had to regress. So  
8 that was on the term sheet. It was like a punch  
9 list.

10 So to answer your question, yes, I  
11 mean, there were certainly some things that were on  
12 this punch list, this term sheet, that we had to go  
13 back and make sure that we rectified.

14 CHRISTINE MAINVILLE: So let's go back  
15 to what you called the caveats that the City had  
16 or -- so is this effectively what became the term  
17 sheet?

18 PETER LAUCH: So yeah, so there was  
19 some -- so on the term sheet, and I am trying to  
20 remember what some of the items were, there was a  
21 list of them and there were set-offs. You know,  
22 there was money held back because of it.

23 There was two additional, I think  
24 vehicles 16 and 17, fully certified where there was  
25 set-off for that. There was \$2 million times two

1 for two different software upgrades. There  
2 was -- like I said, I don't have that, but I mean,  
3 there was -- if you -- I'm sure someone can provide  
4 it to you, but it was on the IC. It was actually  
5 part of the IC certificate as well that revenue  
6 service availability.

7 So in addition to all the -- you know,  
8 what you showed on the screen, in addition to all  
9 the scorecards, there was a letter attached, you  
10 know, with what the term sheet setoffs were.

11 So basically, it was additional  
12 holdbacks, and you know, there was a detail punch  
13 list done on the construction side. But these were  
14 very specific setoffs that, okay, we are going to  
15 give you RSA, but you know, we all acknowledge that  
16 this still needs to be done and this still needs to  
17 be done; no impact on service, but you have got to  
18 get it done, and the way to incentivize you to get  
19 it done is we are holding back this money until you  
20 do. I mean, it is not exactly abnormal at the end  
21 of a contract.

22 CHRISTINE MAINVILLE: Right, but is it  
23 actually the case that none of what was deferred  
24 until post-RSA would have an impact on service?

25 PETER LAUCH: No, because as I said, I

1 mean, there was a software upgrade, which we had to  
2 commit to and for a couple of items, but I mean,  
3 the systems were still working. The doors were  
4 still opening and closing. I mean, it was -- it is  
5 like, you know, my background is construction. I  
6 mean, you want to get beneficial occupancy, and you  
7 can get that but there is still a punch list item  
8 and the punch list item doesn't affect your use of  
9 the facility but you still have to do it because it  
10 is part of your obligation. It is still a  
11 deliverable. But the City or the client has given  
12 you a bit more time to do it, but not for free.  
13 They are holding back 'x' amount of money until you  
14 get that done.

15           And as I said, I mean, my entire, you  
16 know, project life, I mean, that is pretty normal.

17           CHRISTINE MAINVILLE: Would you agree  
18 that it was -- deferring some of these items was  
19 going to have added stress or pressure on  
20 maintenance?

21           PETER LAUCH: I can't remember what the  
22 items were. I don't think so. You know, if  
23 I'm -- I wish I had the list in front of me, but I  
24 mean, like I said, I mean, there was a couple of  
25 software items. There was the vehicles. There

1 was --

2 CHRISTINE MAINVILLE: There were  
3 deferred retrofits to the vehicles.

4 PETER LAUCH: Yeah, and that was -- but  
5 none of those really affected service, and I don't  
6 know how they would affect maintenance. I mean,  
7 there was --

8 CHRISTINE MAINVILLE: Well, what about  
9 just in terms of access to the trains to get these  
10 done and access to -- or added pressure on the MSF  
11 for the work to be done?

12 PETER LAUCH: Yeah, no, if you phrase  
13 it that way, certainly, because I mean, some of the  
14 retrofits and some of the upgrades, you need access  
15 to the vehicle.

16 CHRISTINE MAINVILLE: Right.

17 PETER LAUCH: And sometimes the time  
18 that you had during the maintenance period was --  
19 you know, that would have been tight. It would  
20 have been insufficient, and that is why the more  
21 vehicles you had, the better you could rotate the  
22 vehicles through to do the retrofits.

23 You know, bear in mind, you know, that  
24 was one of the issues, is the time that the  
25 maintainer had, both Alstom and RTM, to actually

1 carry out maintenance was super tight. I mean, you  
2 know, if you look at the schedule, the running  
3 schedule, it says, okay, we are going to run from  
4 5:00 in the morning to 1:00 at night, but you are  
5 launching trains at 4 o'clock in the morning, and  
6 when you are shutting down at the end of the day,  
7 you don't have from 1 o'clock in the morning to 5  
8 o'clock because the schedule, the last train still  
9 has to come in. It just means, you know, your  
10 service is stopping at 1:00, but you don't abandon  
11 people at a station, at least not deliberately.

12 And so, you know, you have to wait  
13 until the last train comes in before you can jump  
14 on the track, before you can access some of the  
15 systems. That takt time - and that was one of the  
16 issues with a soft start and a break-in period - it  
17 gives you and affords you a little bit more time to  
18 carry out these repairs.

19 And I think, you know, it has been  
20 almost two years now, and I am not -- I am  
21 obviously not involved, but I think it is the same  
22 to this day. I don't think there has been any  
23 change in service times to allow a bit more time to  
24 do maintenance.

25 CHRISTINE MAINVILLE: And so was there

1 a concern then going into RSA that there would  
2 be -- about whether there would be enough time to  
3 do proper maintenance?

4 PETER LAUCH: I'm sure there was a  
5 concern, but I mean, it was what it was. I mean,  
6 it had to be done, and you know, part of the next  
7 phase was to coordinate that and manage that.

8 CHRISTINE MAINVILLE: Right. But was  
9 there anything done to prepare, for RTM to prepare  
10 for that?

11 PETER LAUCH: I mean, bear in mind when  
12 we talk about the Alstom, you know, the vehicle  
13 maintenance, that was all on Alstom, and actually  
14 even infrastructure, as I am sure you are aware. I  
15 mean, Alstom maintenance didn't just do the  
16 vehicles; they were looking after the  
17 infrastructure as well.

18 So you know, you are asking the  
19 question in the context of RTM. I mean, there is  
20 nothing I can really think of, because our team was  
21 more facility maintenance and, you know, governance  
22 of Alstom. But what they were directly responsible  
23 for, what they were self-performing was more on the  
24 facilities side and, you know, that was accessible.  
25 I mean, you obviously had to coordinate it with the

1 City if your escalator was down or something, I  
2 mean, you have to coordinate that with them, but it  
3 is a little more accessible, if you will.

4 CHRISTINE MAINVILLE: So there was  
5 going to be a lot of pressure on Alstom maintenance  
6 after?

7 PETER LAUCH: Absolutely, yes.

8 CHRISTINE MAINVILLE: And do you know  
9 what was done in terms of preparation for that?

10 PETER LAUCH: Alstom -- yeah, I mean,  
11 Alstom was awarded the subcontract for maintenance,  
12 and there were two divisions at Alstom. So there  
13 was, you know, the builder part, and you know,  
14 you'll see in some of the documentation the  
15 difference between a warranty tech and a  
16 maintenance tech, the same skill sets, but one was  
17 working for the builder and one was working for the  
18 maintainer.

19 So were Alstom prepared? My personal  
20 view is no, they weren't prepared. Alstom, you  
21 know, they confused warranty period with  
22 maintenance sometimes. Things that were their  
23 responsibility they sometimes refused to do because  
24 they said, Well, that is on OLRTC to do as the  
25 builder. We are still in the maintenance

1 period -- sorry, we are still in the warranty  
2 period. It was up to them to do. And that was  
3 incorrect.

4           And a lot of this came to light to me  
5 to when I -- not in revenue service, but when I  
6 started to take on some of the RTM  
7 responsibilities, I mean, I started to appreciate  
8 that much more. They had people, and they had some  
9 good people too, but they were somewhat handcuffed  
10 because I guess Alstom management was saying -- if  
11 there was an issue with the OCS or a parafil or  
12 something on the rail, it was difficult to motivate  
13 Alstom to take responsibility for it even though it  
14 was their responsibility. They would say, no, it  
15 is not us, it is warranty.

16           You know, not -- whereas our focus was  
17 on, we have to maintain service. That is  
18 sacrosanct. You know, above all, we had to  
19 maintain service. So often times OLRTC ended up  
20 doing things themselves just because Alstom didn't.  
21 And Alstom had the manpower to do it because a lot  
22 of the Alstom were ex-OLRTC.

23           CHRISTINE MAINVILLE: Were ex-OLRTC?

24           PETER LAUCH: Well, quite a few of the  
25 rail maintenance staff and some of the

1 infrastructure maintainers were ex-OLRTC.

2 CHRISTINE MAINVILLE: Well, why do you  
3 say that they were incorrect about something not  
4 being in the warranty period and on OLRTC to do as  
5 opposed to --

6 PETER LAUCH: So, I mean, they had the  
7 obligation to maintain the system, and you know,  
8 when we finished, you know, trial running and RSA  
9 wasn't just about the trains, it was about the  
10 infrastructure as well, and the infrastructure was  
11 accepted.

12 And so Alstom's obligation started the  
13 day after RSA, and you know, the way I have worked  
14 on every job I have ever done, if there is an  
15 element that you have to maintain or if there is  
16 something that is broken and you are the  
17 maintainer, typically you go fix it. And if you  
18 don't think it is your responsibility, then you try  
19 to back-charge someone afterwards, but you don't  
20 just walk away with your hands up and say it is not  
21 me and, you know, you don't not provide the staff,  
22 you don't not provide the support.

23 As I said, I mean, there was -- and  
24 this would have been directed from the top because  
25 the boots on the ground people, they wanted to do

1 it, but they were handcuffed. And I am assuming it  
2 is resolved now because the warranty period is  
3 probably over, but that was a struggle when I  
4 started on the RTM side and --

5 CHRISTINE MAINVILLE: What it -- sorry.

6 PETER LAUCH: No.

7 CHRISTINE MAINVILLE: No, keep going.

8 PETER LAUCH: And as I said, I mean, it  
9 was definitely a challenge to motivate them to do  
10 what we felt was within their remit.

11 CHRISTINE MAINVILLE: And what about  
12 the vehicles, the maintenance on the vehicles? Was  
13 there hesitation on Alstom's part to take on some  
14 of the responsibility and how would that relate to  
15 the fact that there was still some work to be done  
16 on the trains?

17 PETER LAUCH: I don't think there was  
18 hesitation to take on the responsibility because, I  
19 mean, that was very black and white. I mean, you  
20 know, I don't agree with it, but you know, you  
21 could argue about something on the OCS or the rail  
22 perhaps, but you can't argue about anything on the  
23 vehicle because that is completely under their  
24 remit.

25 There was some -- you know, I think

1 internally they probably had some arguments  
2 sometimes between their warranty people and their  
3 maintenance people, that, you know, that was -- I  
4 mean, I have seen that firsthand myself sometimes,  
5 which was kind of silly.

6 But no, ultimately that was their  
7 responsibility.

8 Did they have the bandwidth and the  
9 resources to do it? I mean, that is another  
10 question.

11 CHRISTINE MAINVILLE: Would you say RTM  
12 was ready for RSA?

13 PETER LAUCH: I would say so, because  
14 the RTM people were -- you know, they were involved  
15 with OLRTC a lot from day one. As I said, I mean,  
16 Grant Bailey, who was in charge at the time, and  
17 James Messel was there at the same time as well,  
18 very involved in design review meetings, very  
19 involved with OLRTC. We had interface meetings.  
20 They had their subcontracts in place well before  
21 revenue service, so the people that were going to  
22 maintain, you know, elevators, escalators, cleaners  
23 and so forth, yeah, I think they were ready.

24 And they probably -- you know, lessons  
25 learned, they probably staffed up more now. But

1 the issues were never -- you know, the issues were  
2 never the structures. The issues were the  
3 vehicles.

4 CHRISTINE MAINVILLE: There were going  
5 to be -- there was also a Minor Deficiencies List,  
6 correct, of things that still needed to be done?

7 PETER LAUCH: Correct.

8 CHRISTINE MAINVILLE: And that was a  
9 pretty extensive list, was it not, with fairly big  
10 items on it?

11 PETER LAUCH: I mean, there was -- you  
12 know, there was 14 job sites, right. I mean, there  
13 was 13 stations in the MSF, so there was going to  
14 be punch list items.

15 You know, when you say big, fairly big  
16 items, I can't remember if there were fairly big  
17 items on the facilities side.

18 Obviously on the vehicles side, I mean,  
19 you know, you mentioned retrofits, so there were  
20 quite a few of those, and I am not even sure if  
21 they are still done to this day.

22 CHRISTINE MAINVILLE: What was Alstom's  
23 position, if they had any, or if they were  
24 permitted to have any, on whether the vehicles were  
25 ready for RSA?

1                   PETER LAUCH: I mean, they were  
2 certainly permitted because we were completely  
3 reliant on them. You know, so I mean, to be fair,  
4 the boots on the ground people were working hard to  
5 produce the vehicles and get them out, and you  
6 know, as I mentioned to you earlier, I mean, there  
7 was a very robust QA/QC system before a vehicle  
8 could be thrown out on the track.

9                   So, you know, they were -- as I said, I  
10 mean, you know, management notwithstanding, I mean,  
11 there was -- they wanted to get it done. They  
12 wanted to do it right. But there was a lot of  
13 changes, you know, within Alstom as well. As I am  
14 sure you are aware, there was a point in time  
15 where, you know, with Stage 2 coming, they shifted.  
16 They moved assembly to Brampton, so that meant, you  
17 know, some resource allocation and some equipment  
18 reallocation and so forth that all had an effect on  
19 it.

20                   But actually you are talking about RSA,  
21 but to RSA, no, I mean, they were the masters of  
22 their own destiny there.

23                   CHRISTINE MAINVILLE: But you said you  
24 thought Alstom was sufficiently -- Alstom  
25 maintenance sufficiently resourced or staffed?

1                   PETER LAUCH: No, I didn't say that. I  
2 said they did have people, and a lot of them were  
3 ex-OLRTC.

4                   CHRISTINE MAINVILLE: Right.

5                   PETER LAUCH: No, I don't think they  
6 were sufficiently staffed because, I mean, some of  
7 the systems that we didn't -- you know, that  
8 weren't -- that didn't become available and were  
9 part of the term sheet, I mean, they were replaced,  
10 you know, sometimes with bodies and there was a  
11 requirement to have more technicians available,  
12 especially on trains at peak periods to  
13 troubleshoot.

14                   No, I think they were underresourced.  
15 And I am not the only one. I mean, the City and  
16 their consultants told us this several times. And  
17 you know, again, going back to the discussion we  
18 had awhile ago on assembly, I mean, these were  
19 skill sets you don't pull off the street. I mean,  
20 you know, you can hire a good electrical or a good  
21 mechanical technician, but if he doesn't have LRT  
22 experience, you have to train them up. But Alstom,  
23 you know, they had other options. I mean, they had  
24 facilities and systems in place all over the world,  
25 but for some reason, I mean, I think there was

1 insufficient resources, especially in the early  
2 days, by Alstom.

3 CHRISTINE MAINVILLE: And what was done  
4 prior, in the leadup to RSA, was there any  
5 recognition of this, about whether they were not  
6 ready or ready?

7 PETER LAUCH: I don't think -- I don't  
8 want to say that they weren't ready, because I  
9 mean, we were running vehicles, but there was  
10 definitely concern about, you know, adequate  
11 resources, once we get into maintenance, and you  
12 know, you mentioned the retrofits. I mean, these  
13 are all things had to be done still, and we just  
14 didn't see the bodies and we didn't see the sense  
15 of urgency either.

16 I mean, we were often in -- you know,  
17 we were in there at all hours, and there were times  
18 where, you know, at the height of a critical time  
19 when there were a lot of issues, you know, the  
20 place on the Alstom side of the building would be a  
21 ghost town and I could never reconcile that  
22 because, I mean, we were -- you know, it wasn't  
23 unusual -- when things were going difficult, it  
24 wasn't unusual for Matthew and a guy named Raphaele  
25 and myself to have a teams meeting at 10 o'clock at

1 night, and just because -- you know, it is what it  
2 is. You have an obligation and you have to deal  
3 with it, and I didn't always get that sense from  
4 everybody at Alstom. It wouldn't be fair to  
5 characterize them all like that, but I didn't get  
6 that sense at the upper management level.

7 CHRISTINE MAINVILLE: So would that not  
8 cause some concerns going into RSA, if there wasn't  
9 a confidence that maintenance was fully prepared?

10 PETER LAUCH: You know, some of this  
11 sort of came to light as we got into revenue  
12 service, because as I said, I mean, if you  
13 walk -- you know, Alstom had staffed up with some  
14 ex-OLRTC people, so you knew that they had the  
15 skills. You know, they had the experience. They  
16 had the exposure.

17 But when we started having troubles,  
18 and you know, we started to have to put more  
19 technicians on trains, and you know, they were  
20 taking them away from the warranty side or the  
21 assembly side, so that really came to light that  
22 there were insufficient resources.

23 But I mean, you could see it even  
24 during production because, I mean, there wasn't a  
25 lot of overtime. There wasn't a lot of weekend

1 work where they were trying to catch up, and part  
2 of that was because they didn't have the bodies.

3 So did that translate into a prediction  
4 that there was going to be problems in maintenance?  
5 Probably to a degree. But I mean, you know, Alstom  
6 was always reassuring you that, you know, they had  
7 sufficient staff, they had sufficient capability.

8 CHRISTINE MAINVILLE: And did they --  
9 what, if anything, did RTG or OLRTC do to ensure  
10 that maintenance was prepared? Was there anything  
11 done to try to address that?

12 PETER LAUCH: So which maintenance are  
13 you speaking about? About the vehicle?

14 CHRISTINE MAINVILLE: Well, ultimately,  
15 yes -- well, for, no, generally prepared, but  
16 ultimately RTM is responsible for Alstom  
17 maintenance, right?

18 PETER LAUCH: Yeah, no, absolutely.

19 CHRISTINE MAINVILLE: So what was done  
20 to ensure preparedness or to try to ensure  
21 preparedness?

22 PETER LAUCH: Well, I mean, you know,  
23 there was plans and procedures that were reviewed.  
24 Like on paper, I mean, you know the maintenance  
25 schedules and the plans, I mean, they were known

1 and they were reviewed and accepted.

2 And so what had to be done and how it  
3 had to be done was known. It was the execution of  
4 it where there were certainly times where, you  
5 know, rather than get into a discussion about who  
6 is responsible for what, RTM just went out and did  
7 it.

8 And you know, in order -- I still  
9 recall, I think it was in November 2019, and you  
10 know, it was crazy, crazy change in temperature,  
11 and there was a rail break. And you know, we had  
12 to sort of take the bull by the horns ourselves,  
13 and if you wanted to get it done, it was going to  
14 be our forces that were managing it. Now, there  
15 were Alstom people that helped, but almost  
16 begrudgingly.

17 But I mean, that is -- you know, I  
18 still remember that. I mean, our mindset was we  
19 have to do whatever we can to provide service, and  
20 I can tell you when things were difficult in early  
21 2020, you know, the partners brought in their own  
22 resources. Like I was never undersupported.

23 And you know, we had to bring in --  
24 there was difficulties with the vehicle and we  
25 weren't getting straight answers and, you know, we

1 were trying to understand root cause analyses of  
2 certain things. The SNC execs and EllisDon execs  
3 and ACS execs, they would just tell Matt and me,  
4 just tell us what you need. Tell us what you need  
5 and you are going to get it because, come hell or  
6 high water, we have to improve and we have to  
7 provide service.

8 And then, you know, we'll deal with the  
9 repercussions with Alstom afterwards.

10 CHRISTINE MAINVILLE: And what about --  
11 there were a lot of deductions that flowed down to  
12 Alstom maintenance; correct?

13 PETER LAUCH: Now we are talking about  
14 the revenue period, the maintenance period?

15 CHRISTINE MAINVILLE: Yes.

16 PETER LAUCH: No, certainly. I mean,  
17 again, as I said to you before, the RTG terms and  
18 conditions flowed down to OLRTC on the construction  
19 side and to RTM on the maintenance side, and each  
20 one of those two entities, I mean, OLRTC flowed  
21 down terms and conditions to the builder of the  
22 vehicles and RTM flowed terms and conditions down  
23 to the maintainer and those terms and conditions to  
24 the maintainer included deductions.

25 CHRISTINE MAINVILLE: So do you know,

1 given that Alstom according to your evidence seemed  
2 to not be performing as well as perhaps they  
3 should, why did those incentives provided for in  
4 the PA, the deductions, why were those not  
5 sufficient, do you think?

6 PETER LAUCH: I don't think it is that  
7 they weren't sufficient. I think the stage that  
8 Alstom was at, both with OLRTC and RTM,  
9 contractually and commercially was that there was  
10 no more -- I don't think, you know, there was any  
11 more financial leverage, if you will. You couldn't  
12 penalize them anymore because we weren't getting  
13 paid, so RTM wasn't getting paid, so Alstom wasn't  
14 getting paid.

15 So there was no financial leverage.  
16 You couldn't incentivize them that way. It was  
17 just, you know, piling on, okay, here is a  
18 deduction. We'll just pile on more. It doesn't  
19 really matter because you are not paying me anyway.

20 So you know, that -- it wasn't -- you  
21 know, normally that would motivate someone. You  
22 know, we were extremely motivated. We had the term  
23 sheet. There were setoffs. I mean, we were very  
24 motivated to do whatever we had to do to get those  
25 paid out.

1           But as I said, there was a point in  
2 time on both those subcontracts where you kind  
3 of -- you know, you ran out of stick, so you were  
4 reliant on good faith. You were reliant on  
5 reputation, you know, and you were hoping that that  
6 would kick in and they would do what is right.

7           I mean, the contracts were even  
8 structured that way, even ours with the City. I  
9 mean, I told you before, it is not like we could  
10 walk away. Even if you didn't agree with  
11 something, you still had to do it, you still had to  
12 perform. And that was the nature of the contract.

13           CHRISTINE MAINVILLE: Is it fair to say  
14 there was some financial pressure on Alstom as a  
15 result of this?

16           PETER LAUCH: I think that would be  
17 fair to say. When you are not getting paid, there  
18 is certainly financial pressure.

19           CHRISTINE MAINVILLE: Do you have any  
20 sense of the root causes of, you know, what  
21 ultimately led to these breakdowns and derailments?

22           PETER LAUCH: I can't speak to the  
23 derailments. I mean, you know, I was gone by then.  
24 But you know, some of the other issues we had, I  
25 mean, you know, a terrible night was New Year's Eve

1 2019 where we had several inductor failures, I  
2 mean, and where inductors -- so you know,  
3 roof -- they were electrical roof elements, almost  
4 like big resistors, I mean, they literally fried.

5 What was the root cause of that?  
6 Obviously we dug into that. There were some  
7 manufacturing issues. I think there were some  
8 design issues. I mean, I'm not a rail expert, but  
9 that is when -- you know, I told you we had full  
10 support of the partners. I mean, we brought  
11 expertise in to try to look at that to try to  
12 determine ourselves what some of the issues were.

13 So I mean -- and I think some of those  
14 things are still ongoing. Some of those elements  
15 are still the subject of retrofits.

16 CHRISTINE MAINVILLE: I know we are at  
17 time, but I wonder if I could just ask two more  
18 questions.

19 PETER LAUCH: No, by all means.

20 CHRISTINE MAINVILLE: Am I right that  
21 there is an interface agreement between OLRTC and  
22 RTM? And just for the record, you need to say yes.

23 PETER LAUCH: For the record, yes.

24 CHRISTINE MAINVILLE: And is it fair to  
25 say that RTM, if possible, will avoid imposing

1 liquidated damages on OLRTC if it can deal with  
2 matters otherwise?

3 PETER LAUCH: Sure. I mean, RTG,  
4 OLRTC, RTM, I mean, at the end of the day, we are  
5 the same family.

6 CHRISTINE MAINVILLE: Right.

7 PETER LAUCH: They are separate  
8 business entities, but no, and there were  
9 discussions on that. I mean, you know, there  
10 was -- RTM certainly had recourse in some cases to  
11 charge OLRTC. RTG certainly had recourse to charge  
12 OLRTC in some cases.

13 But you know, did it make sense? I  
14 mean, we were just sort of penalizing ourselves.  
15 So I mean, we worked together and there certainly  
16 was an interface agreement, and I was part of the  
17 interface committee internally. So RTM, OLRTC, RTG  
18 met on a regular basis.

19 CHRISTINE MAINVILLE: And would that  
20 not -- if things were taken on by RTM and not  
21 OLRTC, because we are in the same family in any  
22 event, would that not ultimately impact Alstom,  
23 though, if things are being pushed down to them?

24 PETER LAUCH: I don't know if I quite  
25 understand the question, but I mean, the vehicle is

1 very discrete. You know, I mean, again, I go back,  
2 I mean, Alstom owned it. I mean, it wasn't like  
3 RTM or OLRTC could come in and start changing out  
4 door software or changing out HPUs. I mean, that  
5 was all Alstom.

6 So I don't know if I quite understand  
7 your question.

8 CHRISTINE MAINVILLE: Well, if it was a  
9 warranty issue, and aside from -- and Alstom  
10 maintenance is not solely responsible for the  
11 rolling stock. They have additional -- they have  
12 responsibility for additional maintenance, correct?

13 PETER LAUCH: Alstom, yeah, exactly, so  
14 Alstom was responsible for the infrastructure  
15 maintenance as well.

16 CHRISTINE MAINVILLE: Right, so if,  
17 let's say, there is something that could have  
18 been -- could have fallen, let's hypothetically  
19 say, under OLRTC's responsibility.

20 PETER LAUCH: Uhm-hmm.

21 CHRISTINE MAINVILLE: Whether it is the  
22 warranty period or whatnot, but RTM decides not to  
23 flow it back to OLRTC, doesn't it land on Alstom's  
24 plate ultimately? Doesn't it put more pressure on  
25 Alstom?

1                   PETER LAUCH: I suppose. I mean, I am  
2 trying to think of what a specific example would  
3 be, but you know, when I was there, OLRTC still had  
4 a presence.

5                   So I can't think of an example where  
6 that would happen. I mean, you know, as I said, I  
7 mean, it was -- there was a couple of things that  
8 happened. Like we were doing OCS cleaning at one  
9 time ourselves. When I say "we", I mean, RTG,  
10 OLRTC, RTM, because although we felt it was  
11 Alstom's responsibility, they just weren't going to  
12 do it.

13                   So you know, could RTM have said, It is  
14 not me, it is you, or, you know, Don't worry about  
15 it, I am going to get Alstom to do it? No, I mean,  
16 it just didn't work that way at the time. I mean,  
17 it was basically, if you want to get it done, just  
18 do it yourself.

19                   CHRISTINE MAINVILLE: Right. And I  
20 just need to ask because you were a General Manager  
21 of RTM for a period of time -- well, sorry, not  
22 General Manager. We talked about the CEO. What  
23 was the state of play when you came in, and what,  
24 if any, changes did you need to make?

25                   PETER LAUCH: So when I came in, it

1 was, you know, we definitely -- we changed some  
2 personnel. You know, I think there was the Safety  
3 Manager, and there was some minor changes there.  
4 But I think some of the changes were probably, you  
5 know, more transparency from the management level  
6 to, you know, to the managers to what the issues  
7 were, and again, you know, it comes down to  
8 personalities.

9 I mean, we talked before about the  
10 change from Eugene to Rupert. I mean, you know,  
11 the gentleman who was in there before was a good  
12 engineer, but he had a certain style.

13 So some of the changes that were made,  
14 like I said, a bit more communication, a bit more  
15 openness, a little bit more support. You know, if  
16 we were in trouble and we needed some additional  
17 resources, some additional equipment, you know, one  
18 of sort of the -- when I agreed to take on the  
19 additional role, I wanted to have a certain amount  
20 of leeway in terms of what I could and couldn't do,  
21 like in terms of budget and resources and so forth,  
22 obviously within the bounds of reason, but I wanted  
23 to be able to react quicker.

24 And really, you know, part of it was  
25 trying to empower the management level to do more.

1 I mean, we hired good, smart people, and you know,  
2 rather than go through a hierarchy of approvals,  
3 you know, if something is urgent, do it and, you  
4 know, we'll figure it out.

5 Now, again, everything within the  
6 bounds of reason, but I mean, like I said, I mean,  
7 you hire good people to do a job, you have got to  
8 let them do their job. And it is not a shot at the  
9 previous guy. It was just -- like I said, it was  
10 just a different style.

11 And then, but to be -- you know, a lot  
12 of my time when I was there, especially in early  
13 2020, I mean, it was spent troubleshooting and  
14 dealing with lawyers because there was -- and I  
15 mean that in a positive way. But you know, there  
16 were lots of letters going back and forth between  
17 RTM and Alstom and the City, and so, you know, that  
18 took a great deal of time, and you know, we also at  
19 one point in time, I think it was March or April,  
20 we had to produce a remedial plan to the City which  
21 was like -- you know, it was very -- it was a  
22 distraction. I mean, I would much rather have  
23 focussed on the day-to-day operations, but  
24 unfortunately, I mean, we had to respond to the  
25 client. And so a lot of my time was, like I said,

1 spent troubleshooting and dealing with legal  
2 issues.

3 CHRISTINE MAINVILLE: Do you see any  
4 issues with the interface with OC Transpo, so  
5 maintenance, RTM and OC Transpo?

6 PETER LAUCH: Yeah --

7 CHRISTINE MAINVILLE: As the operator,  
8 to be clear.

9 PETER LAUCH: Yeah, I mean, I saw it  
10 firsthand when I actually moved into the RTM  
11 offices. I mean, it was difficult. I mean, the OC  
12 Transpo people -- and I am trying to think of a  
13 polite analogy here, but I mean, they are in your  
14 shorts all the time. You couldn't do anything at  
15 the MSF without one of the OC Transpo people -- I  
16 think sometimes they were referred to as spies, but  
17 I mean, it was difficult.

18 And then, you know, I wasn't involved  
19 in the daily meetings, but I would speak to the  
20 folks coming out of it, and they were just  
21 defeated. I mean, it was like the client was  
22 looking for every niggly little thing to nail the  
23 maintainer with.

24 There wasn't -- that is where -- you  
25 know, that is another case, you know, where, in my

1 opinion, I mean, the partnership kind of soured,  
2 and you know, it was probably -- I mean, everything  
3 was -- there was a lot of, as I said, a lot of  
4 legal letters going back and forth, so you know, I  
5 think there was -- like I think the client wanted  
6 to make sure that, you know, the maintainer know  
7 who was in charge and they were going to punish  
8 them.

9           And as I said, I mean, it was extremely  
10 frustrating. It was extremely demotivational  
11 sometimes just because it was difficult to work  
12 with them. I mean, you know -- and I know you  
13 talked to Steve, Steven Nadon, and I mean, there  
14 were cases where, you know, it was almost like they  
15 were deliberately trying to find things. I mean,  
16 they were certainly deliberately trying to find  
17 things, but then there was sometimes -- and this  
18 is, you know, anecdotal, but, I mean, it is like  
19 they were literally trying to trip things up on  
20 purpose because sometimes they didn't understand  
21 what it is they were looking at.

22           But I mean, you know, we weren't being  
23 paid, and the penalties were more than what we  
24 would have been paid, and it wasn't fair and it  
25 wasn't very partner-like, that's for sure.

1 CHRISTINE MAINVILLE: And when you were  
2 there, were there issues with work orders being put  
3 in effectively kind of flooding the --

4 PETER LAUCH: Absolutely, and I know  
5 that RTM took ownership of the work orders after  
6 awhile, and that was one of the issues. I mean,  
7 just -- you know, you used the right term  
8 "flooding". I mean, it was overwhelming, and the  
9 way that, you know, the system was structured, if  
10 you didn't address a certain thing within a certain  
11 amount of time, you got penalized for it, but then  
12 it was cumulative, like the longer you took to  
13 address something.

14 And so that was -- and I think, you  
15 know, I have been divorced for two years from  
16 there, but I don't know if it has changed now, but  
17 I do know that while I was there, RTM was taking  
18 over the work order system.

19 CHRISTINE MAINVILLE: Was that -- were  
20 you involved in discussions about resolving that,  
21 because you were still also CEO of RTG?

22 PETER LAUCH: No, I certainly was, but  
23 it was early days, and you know, we were trying to  
24 make a case for it. And I am trying to remember  
25 the gentleman that I would speak to, but you know,

1 the City held the cards, so you know, those were  
2 difficult discussions, but I mean, we had lots of  
3 experts. I mean, you know, there was Mario. There  
4 was Pat. There was a few others who were ex-TTC  
5 that would come in and do these analyses, and it  
6 was just ridiculous. So we said it has to change.  
7 You can't operate this way. Never mind just now in  
8 the short term, but in the long term, it just  
9 wasn't sustainable.

10 CHRISTINE MAINVILLE: And truthfully,  
11 my last question. Were there too many interfaces  
12 ultimately in this project? So there was a  
13 new -- a different operator, Alstom and Thales'  
14 systems to be integrated and these different  
15 components. So several systems and interfaces.

16 Do you have a view as to whether that,  
17 you know, should be the case, having to do it  
18 again?

19 PETER LAUCH: That is a good take away  
20 and think about it question, but you know, my sort  
21 of knee-jerk answer to you, is do I think there  
22 were too many interfaces? No, I don't think the  
23 Alstom/Thales interface was problematic, per se. I  
24 think it is not unusual for a CBTC supplier to work  
25 with a different vehicle supplier and so forth.

1                   And the interface with OCT as the  
2 operator, I mean, they just operate, right, and  
3 that is what they should be doing. There is a fine  
4 line between interface and interference, though,  
5 and I think that was crossed sometimes, often,  
6 maybe still.

7                   But you know, on the surface of it, if  
8 I could go back and start over, I don't think I  
9 would change a lot in terms of the interface, per  
10 se. How it was managed and how it was established  
11 and how it was grown and sustained, yeah, I would  
12 certainly change that.

13                   CHRISTINE MAINVILLE: Okay. Thank you,  
14 and thank you for everybody for staying longer. If  
15 I could just caution you not to speak about your  
16 evidence today with other witnesses, in particular  
17 Matthew Slade, who hasn't yet been interviewed.

18                   PETER LAUCH: Yeah, no problem.

19                   CHRISTINE MAINVILLE: Okay.

20                   We can go off record.

21

22 -- Adjourned at 5:12 p.m.

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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,  
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That the foregoing proceedings were  
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Dated this 2nd day of May, 2022.



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