



**Public Hearing**

**Audience publique**

**Commissioner / Commissaire**

The Honourable / L'honorable  
C. William Hourigan

**VOLUME 16**

**Held at :**

Ian Scott Building  
100 Thomas More Private  
Second Floor Courtroom  
Ottawa, Ontario  
K1N 1E3

Tuesday, July 5, 2022

**Tenue à:**

Immeuble Ian Scott  
100, Thomas More Private  
Salle de cours au 2<sup>e</sup> étage  
Ottawa, Ontario  
K1N 1E3

Mardi, le 5 juillet 2022

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John Adair	Co-lead Counsel / Avocat principal
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Catherine Gleason-Mercier	
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Jaime Lefebvre	
Michael Valo	Alstom Transport Canada Inc.
Charles Powell	
Lena Wang	
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Heather MacKay  
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Michael Varantsidis  
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RTG (Rideau Transit Group General Partnership)

+

OLRTC (Ottawa Light Rail Transit Group General Partnership)

+

RTM (Rideau Transit Maintenance General Partnership)

Michael O'Brien  
James Doris

STV

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Ottawa, Ontario

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--- Upon commencing on Tuesday, July 5, 2022, at 9:03 a.m.

**THE REGISTRAR:** The hearing is now resumed. The Honourable Justice Hourigan is presiding.

**COMMISSIONER HOURIGAN:** Good morning. Welcome to Day 16 of the hearings.

First up today is Mr. Larry Gaul from STV. Mr. Gaul, are you there?

**MR. LARRY GAUL:** Yes, sir. I'm here. I'm having a hard time getting my video started.

**COMMISSIONER HOURIGAN:** Okay. We ---

**MR. LARRY GAUL:** Oh, here we go.

**COMMISSIONER HOURIGAN:** Yeah, I see you now. Very good.

**MR. LARRY GAUL:** Can you hear me?

**COMMISSIONER HOURIGAN:** I can hear you fine and I can see you so we're all set.

You're going to be asked questions by a number of counsel this morning. Before we begin that process, you need to either swear an oath to tell the truth or affirm to tell the truth. Which would you prefer?

**MR. LARRY GAUL:** I'll swear.

**COMMISSIONER HOURIGAN:** Okay. Stand by.

**--- MR. LARRY GAUL, Sworn:**

**COMMISSIONER HOURIGAN:** All right. Thank you. So first off you will be asked questions by Commission counsel, Ms. Young. Go ahead.

**--- EXAMINATION IN-CHIEF BY MS. EMILY YOUNG:**

**MS. EMILY YOUNG:** Good morning, Mr. Gaul.

**MR. LARRY GAUL:** Good morning.

**MS. EMILY YOUNG:** How are you today?

**MR. LARRY GAUL:** I'm good, thank you.

1                   **MS. EMILY YOUNG:** My name is Emily Young. I'm Commission  
2 counsel and I'll be asking you a few questions.

3                   So just to begin, we'll go over a brief summary of some of your  
4 experience.

5                   You were an employee of STV Inc. when you were involved in the  
6 Ottawa Light Rail Transit project, correct?

7                   **MR. LARRY GAUL:** Correct.

8                   **MS. EMILY YOUNG:** And Mr. Gaul, you have over 35 years of  
9 experience in public transit, most of that in rail; is that right?

10                  **MR. LARRY GAUL:** Correct.

11                  **MS. EMILY YOUNG:** I understand that you spent 10 years with the  
12 Washington D.C. Metro system and then over 20 years with the Dallas Area Rapid  
13 Transit system.

14                  **MR. LARRY GAUL:** Yes. I believe it was slightly under 10 years  
15 at the Washington Metro and just -- probably just under 20 years at Dallas as well.

16                  **MS. EMILY YOUNG:** Okay. So we're close.

17                  **MR. LARRY GAUL:** Yes, we're close.

18                  **MS. EMILY YOUNG:** And when you were working in Dallas, your  
19 work included setting up and running the train control centre for the new light rail system  
20 there.

21                  **MR. LARRY GAUL:** I was originally hired as part of a member of  
22 their new rail start-up team to come in and help them prepare the new light rail system  
23 into service. At that point in time, specifically my duties were to oversee the day-to-day  
24 operations of the railroad via the train control centre.

25                  **MS. EMILY YOUNG:** And in your role overseeing rail operations,  
26 you also went through several expansions of their light rail system as well; is that right?

27                  **MR. LARRY GAUL:** That is correct. The original starter system in  
28 Dallas was 20 miles. Over the next, I'm going to say, probably 16 years it expanded to

1 an 85-mile system. So there was a series of six or seven new line extension openings  
2 that we went through during that period of time.

3 **MS. EMILY YOUNG:** And I understand that you joined STV in  
4 2014.

5 **MR. LARRY GAUL:** That is correct.

6 **MS. EMILY YOUNG:** So moving to the Ottawa LRT project, I  
7 understand that you had some involvement in planning for Stage 2, but that on Stage 1  
8 your role was as an operations and maintenance advisor. Is that accurate?

9 **MR. LARRY GAUL:** It was more of an operational advisor, yes.

10 **MS. EMILY YOUNG:** And you started in that role around June or  
11 July of 2017, and I believe you remained retained working on the project until the end of  
12 2019.

13 **MR. LARRY GAUL:** That is correct.

14 **MS. EMILY YOUNG:** So you were there for the first few months of  
15 operational service.

16 **MR. LARRY GAUL:** Yes, I was.

17 **MS. EMILY YOUNG:** And my understanding of your role is that  
18 you were there to provide operational support for the rail operations department of OC  
19 Transpo.

20 **MR. LARRY GAUL:** That's correct -- to support initially Joanna  
21 Venditti and her rail operations team, and then Duane Duquette, who took over for  
22 Joanna, and then Troy Charter. So it was not just operational support; it was  
23 operational assessment too.

24 **MS. EMILY YOUNG:** In that role -- and you've described reporting  
25 to Troy Charter in the latter stages of your role -- you were acting as an advisor and  
26 providing oversight; is that accurate?

27 **MR. LARRY GAUL:** As an advisor -- I'm not sure what you mean  
28 by "oversight".

1                   **MS. EMILY YOUNG:** By “oversight” I mean that you were taking a  
2 high-level view of where OC Transpo was at a given time and assessing what they  
3 might need to do to move closer to operational readiness.

4                   **MR. LARRY GAUL:** That’s correct, yes.

5                   **MS. EMILY YOUNG:** And in your role, I understand that you did  
6 things like reviewing OC Transpo’s rules and procedures, their training plans, their  
7 hiring and staffing plans, and like I said, you’re assessing where they were relative to  
8 where you thought they needed to be to ---

9                   **MR. LARRY GAUL:** That’s correct, yes.

10                  **MS. EMILY YOUNG:** Okay. And you were not part of the  
11 independent assessment team.

12                  **MR. LARRY GAUL:** No. As far as I know, the independent  
13 assessment team was really in to look at the schedule and where the teams were on  
14 the construction phase and the testing condition phase. I was not part of that.

15                  **MS. EMILY YOUNG:** And I think you’ve sort of already said this,  
16 but just to make it clear. Part of your role was to assess OC Transpo’s readiness to  
17 enter into revenue service and make recommendations about entering into service.

18                  **MR. LARRY GAUL:** Well, it was to assess their readiness and  
19 help them prepare to go into revenue service. As for the second part of your question,  
20 I’m not sure if that was specifically my role. Certainly, if I was asked what I thought, I  
21 would provide them with an answer on where I thought they were.

22                  **MS. EMILY YOUNG:** Do you recall ever being asked those types  
23 of questions?

24                  **MR. LARRY GAUL:** Can you give me a specific type question that  
25 I can consider?

26                  **MS. EMILY YOUNG:** Questions about your views on whether OC  
27 Transpo was ready to start service, whether the system was more broadly ready to go.

28                  **MR. LARRY GAUL:** Yeah, I’m sure there were a number of

1 conversations over that issue over the period of time I was there.

2 **MS. EMILY YOUNG:** Okay. And we'll get into some more specific  
3 periods of time later, but that's helpful. Thank you.

4 And in your role, Mr. Gaul, you were giving your views and you  
5 were maybe sometimes making recommendations, but I understand that you weren't in  
6 a decision-making role and you wouldn't have been one who was deciding whether,  
7 yes, we're ready to go, ready to launch.

8 **MR. LARRY GAUL:** No, that was not my role. It was to make  
9 recommendations and assess where they were.

10 **MS. EMILY YOUNG:** Do you recall whether there was any formal  
11 evaluation of operational readiness -- a test, for example, like trial running -- to ascertain  
12 that the OC Transpo employees were ready for revenue service?

13 **MR. LARRY GAUL:** Well, there was assessments throughout the  
14 process. When the EROs were going -- the train operations -- when they were going  
15 through their initial operator training on the vehicle, well, they started on a simulator but  
16 then they moved to the vehicle. And there was assessments going on all the time of  
17 their capabilities. And they had to become certified in the rail operator job, which took  
18 them through a series of tests. They had to verify and validate and prove that they  
19 could operate the trains safely under different operating conditions and perform other  
20 specific tasks. So yes, there were assessments going on.

21 **MS. EMILY YOUNG:** Okay. It sounds to me like you're speaking  
22 more so about training and certification requirements, and what I'm asking about is  
23 whether there was a final operational test to say yes, OC Transpo is ready to go from an  
24 operations perspective.

25 **MR. LARRY GAUL:** Yeah, I think that was the purpose of trial  
26 running. Trial running was to verify that the system could be operated and maintained  
27 safely and reliably, and part of that was OC Transpo: was their staff capable of  
28 performing the jobs that they were serving in?

1                   **MS. EMILY YOUNG:** Do you recall, Mr. Gaul, whether there was  
2 any formal requirement during the trial running scoring process that related to  
3 operational performance?

4                   **MR. LARRY GAUL:** No, I think it was all tied back to the reliability  
5 of -- or the performance metrics, which was the AVKR, the headway adherence metrics.  
6 I mean, they're all interrelated. If the operators couldn't perform their job efficiently, the  
7 service was going to be unreliable. If the maintainers couldn't perform their jobs  
8 efficiently, then they weren't going to meet their AVKR goals or metrics. So it was all  
9 related.

10                  **MS. EMILY YOUNG:** Okay, fair enough. So it would have been  
11 measured, in a sense, indirectly through the general performance requirements. And  
12 you've mentioned AVKR, which just for the record I think stands for aggregate vehicle  
13 kilometre ratio.

14                  **MR. LARRY GAUL:** I'm glad you remembered that.

15                  **MS. EMILY YOUNG:** Do you think that it would have been  
16 advisable to have a specific criterion for operational evaluation during trial running?

17                  **MR. LARRY GAUL:** Could you clarify what you mean --  
18 "operational evaluation"?

19                  **MS. EMILY YOUNG:** Sure. So something specific, other than the  
20 general performance metrics, to look at perhaps how operators and controllers are  
21 responding to specific issues, troubleshooting those issues. Do they have a good  
22 response time? That's an example.

23                  **MR. LARRY GAUL:** Yeah. So during the practice running period  
24 leading up to trial running and then during that period of post-trial running into revenue  
25 service -- during that time there was all types of exercises going on. Operators and  
26 controllers were put through a series of exercises with dealing and responding to  
27 different type vehicles problems, different type incidents along the right-of-way that they  
28 would, at some point in their career, face. And so that was all part of that process to

1 further validate that OC Transpo staff was capable of managing all the different types of  
2 activities that they could conceivably -- well, not conceivably, but all different -- a varying  
3 number of exercises that they will face when they get into revenue service.

4 **MS. EMILY YOUNG:** Okay. Thank you. And we'll return a little bit  
5 to those periods of practice in a bit. For now, I want to go to a little bit more about the  
6 operator/controller training and readiness.

7 I believe you told Commission counsel in your formal interview that  
8 when you started working on the project, you were impressed with how far along OC  
9 Transpo rail operations were in their project; do you recall that?

10 **MR. LARRY GAUL:** Yes, I do.

11 **MS. EMILY YOUNG:** And they had many plans that were already  
12 in place or in development, and that included hiring and staffing plans, service plans,  
13 and their operating rulebook, and some of the standard operating procedures?

14 **MR. LARRY GAUL:** That's correct. They were at least in draft  
15 phases.

16 **MS. EMILY YOUNG:** And Mr. Gaul, I think you'd agree that the  
17 operators, controllers, and supervisors were all new or virtually new to rails; is that  
18 right?

19 **MR. LARRY GAUL:** As far as I know, all the operators were --  
20 came over from the bus side. I think there was a labour agreement to spoke to that --  
21 what -- how that was going to work. All the controllers, as far as I know, they -- none of  
22 them had a -- rail operating experience when they were selected into the job. There  
23 was some senior staff within the rail operations team that had some rail experience.  
24 Duane Duquette had a lot of railroad experience, and I think Derek Moran -- I think he  
25 had experience on the Trillium Line, OC Transpo's Trillium Line.

26 **MS. EMILY YOUNG:** But the Trillium Line, that's a diesel-powered  
27 line? It's not light rail?

28 **MR. LARRY GAUL:** You're right. It's diesel-powered but, you

1 know, rail operations is rail operations. There's a lot of commonalities between the  
2 different modes, so.

3 **MS. EMILY YOUNG:** Fair enough. And if I could ask the court  
4 operator to pull up a document at this point. The doc ID is COW0555762. And once  
5 this comes up, Mr. Gaul, I -- you'll see that this is a presentation, and I understand that  
6 it's one that you, and possibly you in conjunction with your colleagues, prepared to give  
7 at an operational-readiness meeting that took place on February 13<sup>th</sup>, 2019. Do you  
8 recall giving that presentation?

9 **MR. LARRY GAUL:** I recall the presentation. I don't specifically  
10 recall that I was giving it, but yeah, okay. Yes, I recall it.

11 **MS. EMILY YOUNG:** Do you recall being involved in preparing the  
12 slides at least?

13 **MR. LARRY GAUL:** And certainly, when I went through this  
14 document this morning when it was shared with me, yes, there was a lot of bullet points  
15 that looked like it was my writing style, so I'm sure I had -- I had input into this  
16 development -- to the development of this.

17 **MS. EMILY YOUNG:** Okay. And if we could go to the second  
18 slide, please. So on this slide -- the presentation includes a list of issues impacting  
19 ability to train and prepare for revenue service. Now, I take it that "training" is referring  
20 to training of operators, controllers, and supervisors?

21 **MR. LARRY GAUL:** I would imagine it would be, yes.

22 **MS. EMILY YOUNG:** And the first bullet point you identify here, the  
23 first obstacle, is a lack of access to the full system, which means that the OC Transpo  
24 staff don't have the opportunity to practice full service; do you see that?

25 **MR. LARRY GAUL:** Yes, I do.

26 **MS. EMILY YOUNG:** And then if we go to page three ---

27 **MR. LARRY GAUL:** I'm sorry, can you go back? What was the  
28 date of this document again?

1                   **MS. EMILY YOUNG:** No problem, February 13<sup>th</sup>, 2019.

2                   **MR. LARRY GAUL:** Okay.

3                   **MS. EMILY YOUNG:** So on page 3, another obstacle that's  
4 identified is limited access to vehicles, particularly in a form of a two-car consist; do you  
5 see that as well?

6                   **MR. LARRY GAUL:** Yes. Yeah. Yeah, so -- yeah, for a long time,  
7 we didn't have access to the full system, nor were we provided with two-car trains to  
8 operate. For a long time, it was just single-car trains.

9                   **MS. EMILY YOUNG:** And then, the presentation also identifies  
10 concerns about vehicle reliability including a high volume of faults.

11                   **MR. LARRY GAUL:** Yes, ma'am.

12                   **MS. EMILY YOUNG:** And would you agree, Mr. Gaul, that the  
13 number of faults and issues with reliability were especially acute in the winter of  
14 2018/2019?

15                   **MR. LARRY GAUL:** Well, I don't have any data that would show  
16 me that, but yes, I recall back in this time there, we were experiencing quite a number of  
17 vehicle-related problems.

18                   **MS. EMILY YOUNG:** And if we could go to slide 6, please. Sorry,  
19 slide 8, I think, is the one that I'm looking for. Okay, could you just scroll up one more  
20 slide? My apologies. Thank you. And so we can see here that these slides deal with  
21 the readiness of the operators, supervisors, and controllers. And on this page -- the  
22 presentation says that the operators are -- were well trained and they were experienced  
23 in basic operations at this stage, but they lacked experience operating in a revenue-  
24 service environment due to track and vehicle access issues. Do you see that?

25                   **MR. LARRY GAUL:** Yes, that's correct.

26                   **MS. EMILY YOUNG:** And the presentation identifies two reasons  
27 why this access to the full system was important. The first is that operators need to be  
28 able to develop the rhythm and sense of urgency and, also, that the effectiveness of

1 operating rules and procedures needs to be verified by conducting live drills and  
2 exercises. Do you see that?

3 **MR. LARRY GAUL:** Yes, I do.

4 **MS. EMILY YOUNG:** And can you explain what you mean by -- or  
5 what you and your colleagues may have meant at the time by a "sense of urgency"?

6 **MR. LARRY GAUL:** Yeah, I think when -- when you're just out  
7 there running trains on a system, you know, there's -- there's no push; there's no  
8 schedule you're trying to follow. And so in order to go into revenue service, you have to  
9 make sure that all of your team -- your operators, your supervisors -- they understand  
10 the importance of departing terminals on time, of, you know, maintaining speed across  
11 the run, of opening and closing and getting in and out of stations, you know, as quickly  
12 as possible. So you just have to have that sense of urgency.

13 **MS. EMILY YOUNG:** And that's something that the presentation is  
14 suggesting that would best be developed through something approaching revenue-  
15 service simulation?

16 **MR. LARRY GAUL:** That's correct, yes. The closer you got to it,  
17 the more they would get that sense.

18 **MS. EMILY YOUNG:** Could we scroll to the next page, please. So  
19 here, the presentation addresses the readiness of controllers, and it notes that they are  
20 lacking some experience in key systems; they don't have experience in a revenue-  
21 service environment. That's that second main bullet there.

22 **MR. LARRY GAUL:** Yeah.

23 **MS. EMILY YOUNG:** And that they didn't have experience dealing  
24 with vehicles and systems from the TOCC, which I understand is the Transit Operations  
25 Control Centre.

26 **MR. LARRY GAUL:** Yeah, I think at this time they were still  
27 working out of the backup control centre, which was in the yard control area, so they  
28 were not in -- they were not in OC Transpo's main train control centre.

1                   **MS. EMILY YOUNG:** And they would be doing their control work  
2 from that OC Transpo control centre during revenue service, correct?

3                   **MR. LARRY GAUL:** That's correct. It just wasn't ready at this time  
4 for them to populate it.

5                   **MS. EMILY YOUNG:** Okay. And Mr. Court Operator, you could  
6 take this presentation down now, but I'll just let you know that we'll bring it up again  
7 soon. So, Mr. Gaul, as we've seen, the presentation that we've looked at was given in  
8 February of 2019. Did the concerns identified about the operator, supervisor,  
9 controllers lack of operational experience persist through trial running and into revenue  
10 service, in your view?

11                   **MR. LARRY GAUL:** No, I don't think so. I think -- I don't know  
12 how long in advance of -- of the start of trial running did they start turning out, you know,  
13 reliably, 15 two-car trains. Maybe it was two or three weeks ahead of that, or something  
14 like that. I just don't recall. But even leading up to that, you know, even with 13 trains  
15 on the line, or 12 trains on the line, we could still practice the drills and exercises, so  
16 they were still getting that experience. The only thing they were lacking up until the  
17 point whenever 15 two-car trains were provided was, you know, that experience of what  
18 you're going to do when you go into revenue service.

19                   **MS. EMILY YOUNG:** Do you think it would have been preferable  
20 for them to have additional time and experience working in that close-to-revenue-  
21 service environment?

22                   **MR. LARRY GAUL:** Well, I think -- I mean, from an operational  
23 point of view, yeah, I would take as much -- I would always take more time than what  
24 anybody ever wanted to give me. So yes. From a practical view, though, you know,  
25 they got a fair amount of time. They probably had a number of weeks where they were  
26 at the 13 or 14 and -- or even 15 train mark, you know, pretty regularly, and then during  
27 the trial running, obviously, they -- it was all two-part trains.

28                   And then the period of time post-Revenue Service, I mean, post-

1 trial running, pre-Revenue Service, that was another three-week period where it was  
2 simulating the normal rush -- or the normal service thing, the normal service levels.

3 So I mean, they had a fair amount of time.

4 **MS. EMILY YOUNG:** Okay. And I think the period post-Revenue  
5 Service availability, pre-actual Revenue Service was closer to two weeks than three  
6 weeks, but I take your point.

7 **MR. LARRY GAUL:** Okay. All right.

8 **MS. EMILY YOUNG:** And it sounds like you are saying that you  
9 thought there was sufficient opportunity for them to practice incident response  
10 scenarios?

11 **MR. LARRY GAUL:** Well, yes. And when you say "incident  
12 response", can I assume that you're talking about not responding to vehicle problems,  
13 but responding to other type problems along ---

14 **MS. EMILY YOUNG:** Sorry, I did mean to include vehicle  
15 problems, so ---

16 **MR. LARRY GAUL:** Okay.

17 **MS. EMILY YOUNG:** --- needing to isolate a train or removing a  
18 train from the line that ---

19 **MR. LARRY GAUL:** Okay. Well, I think just the reliability  
20 problems, the vehicle reliability problems that we have seen for quite some time, I think  
21 the controllers got an awful lot of experience, and very good experience dealing with  
22 those type problems. So I think by the time we got into trial running, you know, with the  
23 troubleshooting checklists that they had, which was -- would help them walk an operator  
24 through some troubleshooting of a problem vehicle, so I think that was pretty solid, for  
25 what we were allowed to do, anyway.

26 Then for the sort of simulating the other type exercises, I know -- I  
27 don't know how many of those were done, but I know OC Transpo's like, field operation  
28 staff, in conjunction with some of the control centre staff, they would -- they held a

1 number of different field exercises.

2 **MS. EMILY YOUNG:** And Mr. Gaul, I just want to follow up on  
3 something you said there. What did you mean when you said, "What we were allowed  
4 to do"?

5 **MR. LARRY GAUL:** Well, initially, when we were having all these  
6 vehicle problems, it was always the Alstom technician that would be responsible to  
7 responding -- to responding in the field to troubleshoot the vehicle. And in my  
8 experience, you have an operator on site, he's the first line of defence. He's there. You  
9 don't have to wait for him.

10 So it helped to always have some type of troubleshooting checklist  
11 that somebody, either a controller or a technician back at the maintenance facility could  
12 just try and walk the operator through the troubleshooting steps to overcome the  
13 problem, rather than having to wait for a technician to arrive on site and on the scene.

14 Initially, RTM or Alstom, whoever it was, they were reluctant about  
15 this. I got the sense that they didn't want the OC Transpo staff touching their vehicles.  
16 But that slowly changed over time, and they slowly came around and saw that there  
17 was benefit to it. So they -- in so many words, agreed that there were certain vehicle-  
18 type problems that we could go ahead and try and troubleshoot ourselves. And so we  
19 developed some checklists for the controllers to walk operators through it for various  
20 type problems.

21 But there were some that Alstom said, "No, we don't want, you  
22 know, require an operator to go into a high-voltage cabinet or something, and we don't  
23 want them going in there," which I had -- didn't blame them for that.

24 **MS. EMILY YOUNG:** Do you remember when that -- let's call it an  
25 agreement -- was reached and your operators could actually start practicing those  
26 troubleshooting responses?

27 **MR. LARRY GAUL:** No, I'd have to -- I mean, I have been working  
28 with RTM and Alstom -- mainly RTM on this -- for a number of months prior to going into

1 trial running. And in fact, it was probably nine months, because once we had a draft of  
2 what the troubleshooting steps would be, then it had to go through a very rigid vetting  
3 process, you know? It had to go through OC Transpo's safety department for approval.  
4 Then it had to be confirmed. It had to go back to RTM for their approval. It had to go  
5 back, I guess, through Alstom. They had to take a last look at it.

6 So it was a very time-consuming process to finally get to the point  
7 we were at trial running.

8 **MS. EMILY YOUNG:** Okay, thank you.

9 So I believe, Mr. Gaul, that you told Commission counsel in your  
10 formal interview that the OC Transpo staff all had to reach a certain number of hours,  
11 and that included the operators having to operate the trains for a certain number of  
12 hours with the computer-based train control system on in order to be certified. Do you  
13 recall that?

14 **MR. LARRY GAUL:** Yes, I do.

15 **MS. EMILY YOUNG:** And after they completed those hours, was  
16 there an evaluation, and who would have been doing that evaluating?

17 **MR. LARRY GAUL:** Well, the rail operator training was under the  
18 OC Transpo safety and training group, so they would have been responsible for final  
19 certification of the operators. As I recall, part of that certification was -- would have  
20 been a test on rules and procedures. Part of that certification would have been, you  
21 know, taking the train out on the line and having a training instructor monitor the  
22 operator for performance to operating rules and SOPs for his or her ability to operate  
23 the train safely and reliably. So those are all pretty standard certification process in the  
24 industry.

25 **MS. EMILY YOUNG:** Okay. And you also told Commission  
26 counsel that that training that you're describing teaches operators to operate a train and  
27 do it safely, but it doesn't give them exposure to operating a train with 14 other trains on  
28 the line with scheduled times for arriving in and out of stations and terminals, and a

1 similar concept would be true for controllers. Do you recall that?

2 **MR. LARRY GAUL:** Yes, I do.

3 **MS. EMILY YOUNG:** And they would have needed time to operate  
4 the full schedule with full-service levels, and they should be doing that before trial  
5 running, during a practice running period. Do you recall giving that evidence as well?

6 **MR. LARRY GAUL:** Yeah. That's correct. That's correct.

7 I think we need to keep in mind, though, that when operators are  
8 first trained, there is only limited track that we had to work with. So in order for an  
9 operator to go out there by themselves, they had to get trained and certified, and then  
10 they could go out there and operate trains whenever the railroad was given to us. So  
11 they had to have been certified long before there was a full railroad and a full 15 trains  
12 available to operate at one time.

13 **MS. EMILY YOUNG:** And was the intention to have that practice  
14 running period you spoke about captured by the pre-trial running or practice running  
15 period that was planned on this project?

16 **MR. LARRY GAUL:** Yeah. I think pre-trial running and practice  
17 running, I think they're sort of the same thing.

18 **MS. EMILY YOUNG:** Yes. I agree.

19 **MR. LARRY GAUL:** So I think there was always a plan, from what  
20 I recall, to have a period of time prior to trial running where the operators would go out  
21 and the controllers and operators would get experience in operating the system as it  
22 would be when they go into trial running.

23 **MS. EMILY YOUNG:** And in your view, how long should this  
24 practice period have been?

25 **MR. LARRY GAUL:** Well, I will give you my examples from my  
26 start up in Dallas. After the system went through its testing and commissioning process  
27 and the system was handed over from the engineering department to the operating  
28 department, we had four weeks to do just that. We had four weeks to simulate

1 Revenue Service across the entire system prior to going into Revenue Service. So it  
2 was adequate for us in Dallas. I would assume that something like that would have  
3 been adequate as well up in Ottawa.

4 **MS. EMILY YOUNG:** Okay, thank you. And if we could go back to  
5 that presentation we had up before. It's COW0555762. And if we could go to page 15,  
6 please.

7 **--- EXHIBIT No. 250:**

8 COW0555762 – O-Train Line 1 State of Operational  
9 Readiness 13 February 2019

10 And so Mr. Gaul, I want you to just look at this list of items that are  
11 identified in the presentation as "Priority actions moving forward". And if you look at the  
12 last bullet on the page ---

13 **MR. LARRY GAUL:** Yeah.

14 **MS. EMILY YOUNG:** --- it says:

15 "Determining a minimum practice running period  
16 requirement for entry into Revenue Service, 8 weeks  
17 minimum."

18 Is what you meant by -- or you and our colleagues, recognizing it  
19 might not have just been you that prepared this presentation. Would a practice running  
20 period refer to what we've discussed, that is the period before trial running where you  
21 have the full system operated with full service levels?

22 **MR. LARRY GAUL:** Well, I think it really -- certainly you wanted  
23 some time before you go in the trial running because that's your test period, right? But  
24 that practice running period could also extend after trial running was completed but  
25 before Revenue Service started. So I don't think there is anything -- you needed to  
26 make sure you were able, the City's operators and controllers were able to run the  
27 system leading into trial running. But you also have that period of time after trial running  
28 before Revenue Service that gave them extra time out there.

1                   **MS. EMILY YOUNG:** So would you characterize this, the eight  
2 week minimum that's identified in this presentation, as an ideal number or was it truly a  
3 minimum for what you would expect?

4                   **MR. LARRY GAUL:** You know, as I mentioned before, as a --  
5 practically as an operator I would push to get as much time as I possibly could to get out  
6 there. So ideally yes, eight weeks. Was eight full weeks required? I don't think so.

7                   **MS. EMILY YOUNG:** In your formal interview, Mr. Gaul, you  
8 estimated you had only about one week to practice with a full 15 train set before trial  
9 running. And you've told us that in Dallas you had four weeks to do that.

10                  **MR. LARRY GAUL:** That's -- I recall, yes, I recall that we didn't get  
11 15 two-car trains until a week, week and a half before we went into trial running.

12                  **MS. EMILY YOUNG:** So together with, you know, if we're looking  
13 at that period of time and say it's about a week with 15 trains, and then you have about  
14 two weeks after trial running as well. That period aside from trial running is only about  
15 three weeks.

16                  **MR. LARRY GAUL:** Yeah, but you also have that trial running  
17 period where you are simulating full revenue service too. So in terms of operators and  
18 controllers getting more and more comfortable with performing their jobs, I don't think  
19 we can just discount those weeks during trial running.

20                  **MS. EMILY YOUNG:** That's fair. And so Mr. Gaul, you've said that  
21 you would, on the operations side, push for as much practice time as possible.  
22 Recognizing though that OLRTC here controls the schedule, would OC Transpo have  
23 had any ability to have a period of pre-trial running extended?

24                  **MR. LARRY GAUL:** I don't know that I was ever involved in  
25 discussions with OLRTC on their schedule.

26                  **MS. EMILY YOUNG:** Would you have raised with OC Transpo --  
27 so for example, Mr. Charter -- that you would have preferred to have more time for the  
28 operators and controllers to practise?

1                   **MR. LARRY GAUL:** Maybe that was going with full – with 15 two-  
2 car trains prior to trial running. Maybe I did say that, yes.

3                   **MS. EMILY YOUNG:** And do you remember what response you  
4 received?

5                   **MR. LARRY GAUL:** No, I do not.

6                   **MS. EMILY YOUNG:** But it sounds like there wasn't an extension  
7 ultimately, and your recommendation was not followed, given that there was only about  
8 a week of that full service time; is that fair?

9                   **MR. LARRY GAUL:** I'd have to go back and re-read the transcripts  
10 on that part of my conversation.

11                   **MS. EMILY YOUNG:** Okay. And I don't think we have enough  
12 time to do that but I appreciate, you know, your evidence about the week that you had  
13 before and comparing that to the four weeks that you had in Dallas.

14                   So I understand, Mr. Gaul, that you – we can take down this  
15 document. Sorry.

16                   You drafted a practice and capacity plan, is what you called it. And  
17 the purpose of that plan was to outline what would be done in the practice period before  
18 trial running. Do you recall that?

19                   **MR. LARRY GAUL:** Yeah. Russell Davies took the lead on the  
20 drafting this plan. I took the lead on drafting the test procedures that were included in  
21 an attachment to the plan.

22                   **MS. EMILY YOUNG:** Okay. And if we could pull up Document  
23 COMH59. I believe that this is at least one version of the practice and capacity plan.

24 **--- EXHIBIT No. 251:**

25                   COMH0000059 – OLRT Practice & Capacity Test Plan 30  
26                   November 2018

27                   **MR. LARRY GAUL:** Yes, I do recall commenting, reviewing and  
28 commenting on a couple of the earlier draft versions.

1 **MS. EMILY YOUNG:** Does this look familiar to you?

2 **MR. LARRY GAUL:** Yes, I'm familiar with this document.

3 **MS. EMILY YOUNG:** Okay. And if we could just scroll down, we  
4 can see that the date on it is November 30<sup>th</sup>, 2018. So it's fairly early on.

5 **MR. LARRY GAUL:** That's correct. There were a number of  
6 revisions and I don't know which version this is.

7 **MS. EMILY YOUNG:** Fair enough. And we'll just take it as  
8 showing us the general outlines of what this plan is for.

9 **MR. LARRY GAUL:** Yeah.

10 **MS. EMILY YOUNG:** So this plan included a series of tests to be  
11 undertaken as part of a practice running period and that included, for example, tests like  
12 emergency drills that you've alluded to.

13 **MR. LARRY GAUL:** Correct.

14 **MS. EMILY YOUNG:** We can go to page 5 of the document,  
15 please. Though we can see here there's a category of tests for PA system capacity,  
16 and I take it that those are intended to verify that the system can run at the levels it's  
17 supposed to under the Project Agreement.

18 **MR. LARRY GAUL:** Yes, it appears so.

19 **MS. EMILY YOUNG:** And if we go to page 6, I'm just looking at the  
20 first paragraph underneath the heading "Test planning", 3.1.8. And it's referring back to

21 ---

22 **MR. LARRY GAUL:** I'm sorry, can you blow that up a little bit for  
23 me?

24 **MS. EMILY YOUNG:** Certainly.

25 **MR. LARRY GAUL:** These are old eyes. Thank you, that's better.

26 **MS. EMILY YOUNG:** Perfect. And so under here we have a  
27 reference back to some of the PA system capacity tests and the plan states that:

28 "The tests generally require significant if not all of the

1 fleet and right-of-way to be fully available and  
2 dedicated to the tests [and that] significant  
3 cooperation between OTC...

4 OC Transpo, I think that is supposed to read.

5 "...and OLRTC is required to schedule the work prior  
6 to full trial running,"

7 Do you see that?

8 **MR. LARRY GAUL:** Yes, I do.

9 **MS. EMILY YOUNG:** And we can see the next item in the plan is a  
10 series of tests for operational readiness. And if we just scroll down slightly we can see  
11 here is actually a list of tests here to be performed. Do you see that?

12 **MR. LARRY GAUL:** Yes. Those are just typical day-to-day  
13 activities and routines that were to be tested, yes.

14 **MS. EMILY YOUNG:** And if we go to page 7 we also see that there  
15 is a series of failure management tests planned and there's a similar list there as well.

16 **MR. LARRY GAUL:** Sure. Again, typical type situations that the  
17 controllers and the operators will face in Revenue Service.

18 **MS. EMILY YOUNG:** All right. And that includes responding to a  
19 door fault, brake fault, switch failure, things like that.

20 **MR. LARRY GAUL:** That's correct, yes.

21 **MS. EMILY YOUNG:** And in the second paragraph that we see on  
22 the page, the plan states that:

23 "The identified tests are intended to verify that all  
24 operational staff are aware of the hardware and  
25 procedural requirements to recover from the most  
26 commonly experienced scenarios. In order to  
27 replicate the operational pressures that will be  
28 encountered during this testing, the whole system

1 must be fully operational and running at service level  
2 similar to real operations.”

3 Do you see that?

4 **MR. LARRY GAUL:** Yes, I do.

5 **MS. EMILY YOUNG:** I think that’s getting at the idea that to really  
6 test these skills you need to have at or close to a level of pressure and schedule that  
7 you would have in regular operations; is that fair?

8 **MR. LARRY GAUL:** I think there’s two components to this. One  
9 is, you know, you can train an operator on how to overcome basic door faults. And they  
10 can practise that. It doesn’t necessarily require a full -- you can practise that in the yard,  
11 practise troubleshooting a lot of these problems in the yard. But then on the other side  
12 of it, as you were sort of suggesting, the controllers and the operators don’t get a sense  
13 of that pressure of trying to overcome these problems when there’s 14 other trains out  
14 on the line and there’s delays going on to passengers. So it’s a combination of both, I  
15 think, of what you were saying.

16 **MS. EMILY YOUNG:** Okay. And I think the plan here, to be fair,  
17 makes clear that having the second factor that you’ve just spoken about, that level of  
18 pressure, is important to make sure they’re ready for service.

19 **MR. LARRY GAUL:** Yes, that is correct.

20 **MS. EMILY YOUNG:** Do you recall, Mr. Gaul, whether you were  
21 able to fully execute this plan or whatever later revision of the plan ended up being  
22 settled on?

23 **MR. LARRY GAUL:** When this plan was -- when it was introduced  
24 for implementation, if you will, the testing that was included in here -- all the different  
25 procedures that I developed and included in this document, they were sort of handed  
26 over to OC Transpo’s rail operations team. I think at the time it was under Derek  
27 Moran, and he was, I believe, taking the lead on running these tests and cycling the  
28 tests through as many of his operators as he could.

1                   **MS. EMILY YOUNG:** So you weren't directly overseeing the  
2 implementation of this plan.

3                   **MR. LARRY GAUL:** No, I was not. I witnessed a few of the tests  
4 early on in the process to see how they were going. And then certainly with all the time  
5 I spent in the control centre, I would hear these type tests going on in the field, just  
6 listening to the discussions going on in the control centre. So I knew that they were  
7 doing them, but I was not overseeing them.

8                   **MS. EMILY YOUNG:** Okay. Could we go to page 31 of the  
9 document, please? And are these the procedures that you were speaking about, Mr.  
10 Gaul?

11                   **MR. LARRY GAUL:** Yes, ma'am.

12                   **MS. EMILY YOUNG:** And if we scroll to the bottom, it looks like  
13 there was at least the intention that there would be some formal assessment of these  
14 tests. Do you remember ever seeing such an assessment or evaluating them?

15                   **MR. LARRY GAUL:** I'm not sure that I ever saw a fully evaluated  
16 test procedure, but I know that Derek Moran and his team were using these documents  
17 as their template to conduct these tests. And Derek was a very thorough individual, and  
18 I can only say that I imagine he would have filled this out. And if there was retraining --  
19 if something didn't go the way that maybe it should have gone and there was some  
20 retraining required, I'm sure he would have made sure that the employees got that  
21 retraining.

22                   **MS. EMILY YOUNG:** Okay. So you don't have direct knowledge  
23 of whether all of these tests were passed, but it's sounds like you assume that they  
24 were.

25                   **MR. LARRY GAUL:** I do not have direct knowledge that they all  
26 were passed. I would assume that the drills and exercises that Derek oversaw or his  
27 staff oversaw -- I would assume that either they were passed, or if they weren't passed  
28 and they failed, then some follow-up action was taken.

1                   **MS. EMILY YOUNG:** Okay. Would you agree, Mr. Gaul, that the  
2 OC Transpo employees -- the operators and controllers mainly -- were up against a  
3 learning curve as they moved through trial running through to launch and in revenue  
4 service itself, given that they were new to operating a new system?

5                   **MR. LARRY GAUL:** Yeah. Certainly -- well, let's start with the  
6 operators. Yeah. They had to have the time to get really comfortable and used to the  
7 full services being operated out on the alignment and, as I said before, gain that sense  
8 of urgency in what they were doing. And that takes a little bit of time to achieve that.

9                   On the controller side, yeah, these were young inexperienced, from  
10 what I remember, bright individuals who had no control centre experience, and their  
11 learning curve is much longer in a control centre environment. I've always said  
12 throughout my career that you can't even consider yourself a good controller until  
13 you've had five years of experience sitting in that seat. So yeah, it's a longer learning  
14 curve for them, but they understood how to perform. They understood and they  
15 demonstrated time and time again how -- they knew how to use the control centre  
16 equipment. They knew how to use it to help manage service interruptions. They knew  
17 how to use the equipment to safely take down power and restore power. So they had a  
18 basic understanding and knowledge of how to do the basic functions.

19                   **MS. EMILY YOUNG:** Okay. We can take down this document.  
20 Thank you, Mr. Court Operator.

21                   If we could go to STV478 -- and while we're waiting for this  
22 document to come up, Mr. Gaul, you'll see that this is an email chain that includes you,  
23 your colleague Tom Prendergast, Michael Morgan, and John Manconi, and it's dated  
24 April 15<sup>th</sup>. So if we could scroll down to the second email that ---

25                   **MR. LARRY GAUL:** I'm sorry. April 15<sup>th</sup> what year?

26                   **MS. EMILY YOUNG:** In 2019.

27                   **MR. LARRY GAUL:** Okay. Thank you. I see it, yeah.

28                   **MS. EMILY YOUNG:** Okay. Perfect. And in this email from you

1 on April 15<sup>th</sup>, you're stating that the week was an "eye-opener", that you had concerns  
2 about the number of vehicle and system failures. Do you see that?

3 **MR. LARRY GAUL:** Yes. Can you enlarge that again, please, for  
4 me? Thank you.

5 **MS. EMILY YOUNG:** And you'd recommended in this email, and I  
6 take it elsewhere as well, that there should be more Alstom techs on the mainline and in  
7 the transit operations control centre -- so more maintenance staff essentially.

8 **MR. LARRY GAUL:** Yeah, more support staff.

9 **MS. EMILY YOUNG:** And if we look at the last sentence of your  
10 email there, in parentheses you write that:

11 "We also need to look at improving the  
12 troubleshooting skills of the EROs and ERCs in the  
13 meantime." (As read)

14 And it seems that you felt pretty strongly about that just based on  
15 the punctuation you've used there.

16 **MR. LARRY GAUL:** Yeah.

17 **MS. EMILY YOUNG:** Is that fair?

18 **MR. LARRY GAUL:** Yeah, I think so. It takes a while for operators  
19 and controllers to get comfortable performing this role of trying to troubleshoot a  
20 disabled vehicle and operators actually walking through the processes. And sure, it  
21 takes time for them to really build these skills, so it's not something that's just going to  
22 happen overnight.

23 **MS. EMILY YOUNG:** And so you'd agree that you continued to  
24 hold the view after this email was sent that troubleshooting could be improved, and you  
25 continued to communicate this to OC Transpo.

26 **MR. LARRY GAUL:** Yes. That's correct.

27 **MS. EMILY YOUNG:** And even once service began, is it fair to say  
28 that it remained the case that there was still an operational learning curve?

1                   **MR. LARRY GAUL:** Yes, that would be fair.

2                   **MS. EMILY YOUNG:** Okay. And just to put a point on this, if we  
3 could go to STV769, you'll see that this is an email from you to Tom Pate. I understand  
4 that Tom Pate was a manager at RTM; is that right?

5                   **--- EXHIBIT No. 252:**

6   STV0000769 – Email Larry Gaul to Tom Pate et al. Vehicle  
7   Troubleshooting Review 16 November 2019

8                   **MR. LARRY GAUL:** That's correct.

9                   **MS. EMILY YOUNG:** Is that text big enough for you to see there  
10 on the screen now?

11                   **MR. LARRY GAUL:** Yeah. What's the date of this, please?

12                   **MS. EMILY YOUNG:** The date of this is November 16<sup>th</sup>, 2019.

13                   **MR. LARRY GAUL:** Okay, so it's after revenue service.

14                   **MS. EMILY YOUNG:** Yes. It's about two months after service.

15                   **MR. LARRY GAUL:** Yeah.

16                   **MS. EMILY YOUNG:** So in your email, what I take you to be  
17 saying here is that both teams -- and I think that you mean RTM and OC Transpo --  
18 need to get better at dealing with and overcoming vehicle-related problems. Do you see  
19 that?

20                   **MR. LARRY GAUL:** Yes, ma'am.

21                   **MS. EMILY YOUNG:** And you're referring to issues on the line at  
22 the time, which were quite bad at that point, and I think what you're saying is that when  
23 those issues arose, troubleshooting could have been done better. Is that accurate?

24                   **MR. LARRY GAUL:** Well, where do I say "quite bad".

25                   **MS. EMILY YOUNG:** You say:

26   "The recent vehicle problems on the mainline are  
27   killing us." (As read)

28                   **MR. LARRY GAUL:** I'm sorry. Where are you ---

1                   **MS. EMILY YOUNG:** That's in the second sentence.

2                   **MR. LARRY GAUL:** Okay. I got it. Yeah.

3                   **MS. EMILY YOUNG:** And you think that RTM and OC Transpo  
4 could have collectively done a better job at overcoming these issues.

5                   **MR. LARRY GAUL:** Yeah. I spent an awful lot of time in the  
6 control centre. So I would go back and listen to radio communications between -- you  
7 know, when there was a vehicle problem to see what type of troubleshooting was done,  
8 what was going out there. And I guess, apparently, from this email, yeah, there were  
9 some problems out there that I probably felt that we could have done a better job  
10 troubleshooting the problems.

11                   **MS. EMILY YOUNG:** And in the second paragraph there, we can  
12 see that you're actually proposing to start up a vehicle-troubleshooting taskforce with  
13 OC Transpo and RTM staff.

14                   **MR. LARRY GAUL:** That's correct.

15                   **MS. EMILY YOUNG:** And do you recall whether that taskforce  
16 went ahead?

17                   **MR. LARRY GAUL:** I don't know. I left the -- I know I had a  
18 meeting with Tom about it but, to be honest, I can't remember what the outcome of that  
19 meeting was. And I left the project early-December some time, mid-December. So my  
20 intent here was, though -- even though we had troubleshooting checklists for the use by  
21 the controllers to walk operators through some of the problems, there was a lot of  
22 problems that we didn't have -- a lot of vehicle-type problems we didn't have a  
23 troubleshooting checklist for. So one of the purposes of this taskforce was, "Hey, let's  
24 identify all the vehicle-type problems that we need to develop a troubleshooting  
25 checklist for. And let's get those developed and let's get everyone trained on them."

26                   The other point of this taskforce was there was a lot of times the  
27 technicians would go out on the scene, they'd have to respond to a disabled train, and  
28 they would do something to get the train moving and never get any feedback on what

1 they did. Well, my thought was, "If we know what you did to get a train moving under a  
2 certain type of reported problem, maybe we can incorporate that into a checklist so if we  
3 have this problem again, we can have a checklist to try and deal with it more efficiently."

4 **MS. EMILY YOUNG:** Okay. And it looks like, based on this email -  
5 - it's sent to Tom Pate, but Troy Charter is also copied -- it seems that you would have  
6 communicated those idea to OC Transpo and RTM.

7 **MR. LARRY GAUL:** I probably would have had a talk with Troy  
8 before I sent Tom this email.

9 **MS. EMILY YOUNG:** And was it your understanding that these  
10 recommendations were going to be implemented after you left?

11 **MR. LARRY GAUL:** I think I had the full support of Troy on it. I  
12 think Troy supported this troubleshooting process all along.

13 **MS. EMILY YOUNG:** Okay. So it sounds like we'll have to ask Mr.  
14 Charter whether that was done. Mr. Gaul, are you able to just give us a brief rundown  
15 of what a typical troubleshooting process would look like and who would be involved?

16 **MR. LARRY GAUL:** Sure. I mean let's just -- we'll start with a -- I  
17 don't want to say and "easy" problem, but let's just -- the common problem, a door fault,  
18 okay. And operator reports that his train has a door fault and one door isn't closing.  
19 Well, the troubleshooting checklist would then outline a series of steps that the  
20 controller would direct the operator to do based on -- based on experience already  
21 dealing with those similar-type door problems or based on documentation we might  
22 have gotten from RTM or Alstom. But it would just be a series of steps; "Try this. If this  
23 doesn't work, try this. If this doesn't work, try this." So, you know, that's -- I'm  
24 simplifying this quite a bit, but that's basically what the checklist would be.

25 **MS. EMILY YOUNG:** And would an Alstom tech arrive on the  
26 scene at any point, typically?

27 **MR. LARRY GAUL:** Well, it all depends on the type of problem. If  
28 we couldn't get the doors shut, Alstom would have to respond to it. But if we could get

1 the doors shut and get it locked out so it wouldn't cause any further problems, then no,  
2 there would be no need for a response by Alstom and there would be no need to take  
3 the train out of service.

4 **MS. EMILY YOUNG:** Okay, thank you. And would you agree that  
5 it would have been important to have effective communication and coordination in place  
6 between RTM and OC Transpo to respond to issues on the line?

7 **MR. LARRY GAUL:** Oh, yes, most definitely.

8 **MS. EMILY YOUNG:** And were those things present, from your  
9 recollection?

10 **MR. LARRY GAUL:** Not initially. Not initially. I think when there is  
11 a problem, typically -- early on when there was a vehicle-related problem, the controller  
12 would have to call -- I don't know if it was the RTM Helpdesk or the yard control centre -  
13 - and relay the problem -- and relay the information of the train that was having a  
14 problem. We did push later on, and we were finally successful, of having RTM put a  
15 vehicle technician in the control centre during certain hours, so they were there. As  
16 soon as the problem was reported, they were there; they were listening in; they were  
17 helping troubleshoot over the radio.

18 **MS. EMILY YOUNG:** And did that have the effect of improving  
19 response times?

20 **MR. LARRY GAUL:** I think, in many cases, it did.

21 **MS. EMILY YOUNG:** Do you think that the issues with  
22 communication and coordination between the RTM and OC Transpo would have been  
23 avoided or made easier if maintenance and operations were performed by the same  
24 entity?

25 **MR. LARRY GAUL:** You mean by, like, an agency?

26 **MS. EMILY YOUNG:** Or I mean if RTG had been responsible for  
27 operations, for example, or if OC Transpo had also been responsible for maintenance,  
28 either one of those two.

1                   **MR. LARRY GAUL:** I -- I don't know that I could answer that  
2 question. I mean I can't say what would happen under a situation that didn't happen.

3                   **MS. EMILY YOUNG:** In -- fair enough. In your experience in  
4 Dallas, for example, were the operator and maintainer the same entity?

5                   **MR. LARRY GAUL:** We were all agency -- transit agency  
6 employees, yes.

7                   **MS. EMILY YOUNG:** And did you find that there were fewer  
8 communication and coordination issues between operations and maintenance?

9                   **MR. LARRY GAUL:** Occasionally, there were, yeah. I mean we  
10 were always butting heads with each other, but it was always under the same sort of  
11 common goal of, you know, getting the trains moving and providing the service to the  
12 customers. Yeah, but we didn't always -- we weren't always cordial and pleasant to  
13 each other.

14                   **MS. EMILY YOUNG:** Fair enough. Is your impression that on the  
15 whole, though, it might have been a bit smoother?

16                   **MR. LARRY GAUL:** It -- it -- that's hard for me to say. I just don't  
17 know.

18                   **MS. EMILY YOUNG:** Okay, no problem. So let's shift gears a little  
19 bit and move to talk about trial running. You were a member of the trial running review  
20 team, and I understand you were there on behalf of OC Transpo; is that right?

21                   **MR. LARRY GAUL:** I was.

22                   **MS. EMILY YOUNG:** So you participated in the 2:00 p.m. that was  
23 held everyday during trial running when the trial running review team decided what the  
24 results of the previous day would be?

25                   **MR. LARRY GAUL:** I was there for all but three of the days.

26                   **MS. EMILY YOUNG:** And I understand that you were also actually  
27 quite close to what was happening on the ground because you were positioned in the  
28 control centre during trial running, or part of it?

1                   **MR. LARRY GAUL:** I -- that was like my home during a two-month  
2 period, was in that control centre.

3                   **MS. EMILY YOUNG:** So you had a very direct view of how  
4 operations and maintenance would have been going?

5                   **MR. LARRY GAUL:** I'm not quite sure I understand what you  
6 mean by that, "how operations and maintenance were going".

7                   **MS. EMILY YOUNG:** What I mean is that you were very much in  
8 the trenches of operating the system during trial running.

9                   **MR. LARRY GAUL:** Yes, yes.

10                  **MS. EMILY YOUNG:** And in your formal interview, you said that  
11 you expected trial running to go for a while and you didn't expect RTG to pass when it  
12 did; do you recall that?

13                  **MR. LARRY GAUL:** I do recall making that statement, yes.

14                  **MS. EMILY YOUNG:** And is that because you thought that, in  
15 general, the system wasn't performing to the level it should as a simulation of service?

16                  **MR. LARRY GAUL:** Well, I had -- let's just say I -- I -- I entered  
17 into trial running cautiously optimistic. There was -- there was many -- as you know,  
18 there were many vehicle problems that we were experiencing all through that winter of  
19 2019, even up into April and May. And yes, but that reliability issue seemed to be  
20 improving as we got closer to trial running. So while it wasn't -- while it wasn't where  
21 maybe -- maybe the equipment wasn't as reliable as I was hoping it would be, but there  
22 was -- it was showing signs of improvement and the trains were operating more reliably  
23 as we approached trial running.

24                  So yes, but I still was, you know, somewhat -- I was concerned that,  
25 you know, that the vehicle reliability is not up to what I would have wanted, entering in  
26 the trial running, but that was the purpose of trial running. It was to validate that the  
27 system was reliable, and if it wasn't, if the vehicles were having reliability issues, then  
28 you'd never successfully get through trial running.

1                   **MS. EMILY YOUNG:** May I suggest to you, Mr. Gaul, that your  
2 statement that you expected trial running to go on for longer than it did, is not just a  
3 reflection of your attitude going into trial running, it's a reflection of your impression of  
4 how things were going during running; is that fair?

5                   **MR. LARRY GAUL:** Yes. It was -- up -- you know, as I said, the  
6 vehicles, the reliability of vehicles seemed to be improving as we got closer to trial  
7 running. That's why we were putting out 15 two-car trains for a week and running them  
8 relatively reliably. And then going into trial running, yeah, we had a couple of tough first  
9 few days, but then after that, the reliability seemed to improve through the remainder of  
10 that trial running period. There seemed to be improvements in that -- continuous  
11 improvements in that reliability. And I think that carried through, even into Revenue --  
12 into that pre-Revenue Service period, if you will, and then into Revenue Service for a  
13 number of weeks.

14                   **MS. EMILY YOUNG:** Okay. I understand that things might have  
15 improved, but the implication, I would suggest to you, of saying that the period should  
16 have gone for longer, the trial running period, is that they didn't improve enough to show  
17 the level of service reliability that should have been present for a pass.

18                   **MR. LARRY GAUL:** Well, I think initially, it was -- yeah, I don't  
19 know that I can answer the question that you ask me like that. I think it was that I  
20 thought when we went into trial running that it would be a longer period of time because  
21 I thought there'd be a lot of vehicle-related issues that would not allow them to pass the  
22 requirements of trial running, going into it.

23                   As it turned out though, they had a rough first --well, three or four  
24 days, whatever it is -- they had to have a restart, and then a repeat or something, but  
25 then the service was operating much more reliably, and it was meeting the  
26 requirements, the pass requirements under the performance matrices.

27                   **MS. EMILY YOUNG:** Okay. I'm going to suggest that even when  
28 RTG started passing, you continued to have concerns about how the system was

1 actually doing.

2 And if we could just go to STV646, please?

3 **--- EXHIBIT No. 253:**

4 STV0000646 – Email Larry Gaul to Troy Charter Re: Final  
5 update: ATS SCADA Lost

6 **MS. EMILY YOUNG:** And you'll see when this comes up, Mr. Gaul,  
7 that if we scroll -- well, you can see it right there, that Troy Charter emailed you on  
8 August 7<sup>th</sup>, 2019 at 6:15 a.m. Do you see that?

9 **MR. LARRY GAUL:** I see it, yes.

10 **MS. EMILY YOUNG:** And at that point, trial running had been  
11 going on for over a week. And what Troy Charter said to you is that he would come  
12 over shortly and that they are still sorting out inspection sheets and processes.

13 And I take it he means RTM when he says "they"?

14 **MR. LARRY GAUL:** I imagine so, yes.

15 **MS. EMILY YOUNG:** And would he have been referring to the  
16 inspection sheets that were prepared for each train before launch in the morning?

17 **MR. LARRY GAUL:** That's what it appears to be referring to, yes.

18 **MS. EMILY YOUNG:** And when he's talking about processes, do  
19 you if he's speaking about launch processes or maintenance processes or maybe a  
20 combination?

21 **MR. LARRY GAUL:** This would have been the process of making  
22 sure the inspection sheets were properly filled out and that they were submitted, you  
23 know, to -- I guess it was going to the -- I can't recall who they were going to, but they  
24 were required to submit these inspection sheets as verification that the trains that they  
25 were releasing to the City for Revenue Service were safe and ready for service.

26 **MS. EMILY YOUNG:** And this is a basic aspect of the launch  
27 procedure that they need to do every day?

28 **MR. LARRY GAUL:** That's right. This is a very easy process to

1 manage.

2 **MS. EMILY YOUNG:** And if we look at your response to Mr.  
3 Charter's email, what you say is:

4 "Just another example of how unprepared they are for  
5 trial running, and we are giving them passing grades."  
6 (As read)

7 **MR. LARRY GAUL:** Yeah. I think what this is all about though, is  
8 that again, it's the inspection sheets. They can't seem to simply get this process down  
9 of managing the delivery of inspection sheets. And we'd been talking to them about this  
10 for a long, long time.

11 The reference to "and we are continuing giving them passing  
12 grades", well, yes, we are, because doing audits on the inspection sheet process during  
13 trial running was not one of the trial running scorecard metrics.

14 **MS. EMILY YOUNG:** Right. And we'll get to that in a moment. But  
15 Mr. Gaul, I would suggest that this email, what you're saying here is not just about  
16 inspection sheets. What you've said is that the inspection sheet issue is just another  
17 example of how unprepared they are for trial running; is that fair?

18 **MR. LARRY GAUL:** Yeah, I imagine there were some other  
19 problems that they had, certainly. That's ---

20 **MS. EMILY YOUNG:** And isn't it the case, Mr. Gaul, that  
21 maintenance performance is supposed to be a part of the scoring for trial running?

22 **MR. LARRY GAUL:** Maintenance performance is part of the  
23 scoring of trial running, but the way it was defined is the random reviews of  
24 maintenance work orders to make sure that the maintenance work of the vehicles have  
25 been completed, it's been properly documented, and things like that. It did not include  
26 audits of the inspection sheet process.

27 **MS. EMILY YOUNG:** We can take this email down. Thank you.  
28 So I also understand that the maintenance evaluation involved

1 assessment of up to five but no more than five maintenance issues per day, work  
2 orders, that is. Is that right?

3 **MR. LARRY GAUL:** I believe that is correct, yes.

4 **MS. EMILY YOUNG:** And so it would be, I think, fairly easy to miss  
5 a maintenance issue if the trial running review team is only getting pushed five work  
6 orders per day?

7 **MR. LARRY GAUL:** Valid point.

8 **MS. EMILY YOUNG:** So something like inspection sheets, that that  
9 didn't get pushed to you on that day, I would suggest?

10 **MR. LARRY GAUL:** We did not see any of the data. We saw  
11 scores from the various groups that were compiling all the data.

12 **MS. EMILY YOUNG:** So the trial running ---

13 **MR. LARRY GAUL:** The trial running review team is who I'm  
14 referring to.

15 **MS. EMILY YOUNG:** So you wouldn't have actually been  
16 reviewing the information about what happened in the maintenance response to a work  
17 order?

18 **MR. LARRY GAUL:** No. If there was a question or something, we  
19 might go back and ask for some more detail and someone would come in and either  
20 give us more information or they'd present it to us, but on the normal days, we would not  
21 see the maintenance records that were audited for the previous day.

22 **MS. EMILY YOUNG:** And do you recall that the maintenance  
23 assessment was a qualitative assessment, there wasn't a score, it was a pass or fail,  
24 based on the trial running reviews team's judgement of how a work order was  
25 responded to?

26 **MR. LARRY GAUL:** I think it was a qualitative assessment, yeah.  
27 I don't think there's a score attached to that, but I'd have to look at the scorecard at  
28 some point.

1                   **MS. EMILY YOUNG:** And wouldn't it be hard to make a rigorous  
2 qualitative assessment if you're not actually seeing what happened in responding to a  
3 work order?

4                   **MR. LARRY GAUL:** Well, I think that's right. If there was  
5 questions, that's where we would ask for additional information.

6                   **MS. EMILY YOUNG:** And do you recall the trial running review  
7 team asking for additional information on maintenance?

8                   **MR. LARRY GAUL:** I believe we did.

9                   **MS. EMILY YOUNG:** Do you recall how often you might have done  
10 that?

11                   **MR. LARRY GAUL:** No. No. I'm sorry, I can't answer that  
12 question.

13                   **MS. EMILY YOUNG:** That's okay. And do you also recall, Mr.  
14 Gaul, that it was possible to exercise the trial running review team's discretion and  
15 classify a day as a pass, even if the maintenance practices criterion were a fail?

16                   **MR. LARRY GAUL:** Yes. I think we were given some discretion to  
17 use best judgement, if you will, when we're evaluating the information that's provided to  
18 us. And that would be one of the reasons why we might go back and ask for some  
19 further information.

20                   **MS. EMILY YOUNG:** And did you have any concerns, Mr. Gaul,  
21 about the fact that RTG was given passing grades in light of maintenance issues or  
22 issues like those were just looked at in that email with basic morning launch processes?

23                   **MR. LARRY GAUL:** Did I have some concerns? I didn't have  
24 concerns about that inspection process. That's something that they'll get worked out.  
25 What was the other part of your question?

26                   **MS. EMILY YOUNG:** The other part of my question was to ask  
27 whether you had concerns about the fact that RTG was receiving passing grades when  
28 they were also receiving a fail on maintenance practices. And I represent to you that

1 that actually occurred on seven days of trial running.

2 **MR. LARRY GAUL:** Yeah. I do recall that occurring, yes. And I  
3 would have to go back and I'd have to get some specifics on, okay, they might have  
4 failed in the maintenance area, but why did they fail?

5 **MS. EMILY YOUNG:** Unfortunately, the score -- I would take you  
6 to the scorecards, but they don't indicate why there's a failure. And that's perhaps a  
7 failing in the scorecards.

8 **MR. LARRY GAUL:** But usually isn't there a footnote or something  
9 or a note at the bottom of a scorecard that ---

10 **MS. EMILY YOUNG:** There are at times. So if it would be helpful,  
11 we could go to have a look at one of those scorecards. And the doc ID is  
12 COW0270758.

13 And so I mentioned to you, Mr. Gaul, that on seven occasions, an  
14 overall pass was given by the trial running review team despite a failure on maintenance  
15 practices. One of those examples is on page 10. So we can see there's an overall  
16 pass there. If we scroll down, there's a fail on maintenance practices, and I see I think  
17 your signature beside it there.

18 **MR. LARRY GAUL:** My initials, yes.

19 **MS. EMILY YOUNG:** Your initials, sorry. And if we scroll down to  
20 the bottom, let's see if there's a note. And so it look likes note 3 says:

21 "The two fail status above relate to the quality of work  
22 orders in regards to the descriptions for close-out and  
23 timeliness for close-out." (As read)

24 **MR. LARRY GAUL:** Okay, so that's a paperwork process based  
25 failure.

26 **MS. EMILY YOUNG:** Okay. And if we go to page 13 -- that's  
27 August 6<sup>th</sup> -- again we'll see overall pass and a failure on maintenance, if we scroll  
28 down. And let's look at the note, again, if we can. This one I have a harder time

1 interpreting, so if you don't mind helping out. Are any of these notes about the  
2 maintenance failure?

3 **MR. LARRY GAUL:** No. I don't know if they're related to the  
4 maintenance of a failed PID or the failed CCTV, or if they were vehicle related. It's not  
5 really clear.

6 **MS. EMILY YOUNG:** Okay. And Mr. Gaul, I don't know that we  
7 need to go to any others, but I think we can see that the notes are fairly cursory. Is that  
8 fair?

9 **MR. LARRY GAUL:** That's fair, yes.

10 **MS. EMILY YOUNG:** We can take this document down. Thank  
11 you.

12 And isn't the broader question, Mr. Gaul, given the other concerns  
13 about vehicle reliability, inspection sheets, which we've discussed -- shouldn't the  
14 discretion to give a pass when there's a maintenance failure have been exercised a bit  
15 more cautiously?

16 **MR. LARRY GAUL:** Well, I was a little surprised when you said  
17 there were seven such incidents during the trial running period.

18 Let's just take the first one we saw for an example, where they said  
19 it was really a documentation process error. So I imagine when we met that day, or the  
20 next day and discussed it, that certainly any of these would have been fully vetted within  
21 the trial running review team members. It would have been discussed. And I would like  
22 to bet that as part of our review of this, we would have ask them, can you tell us: was  
23 the maintenance work performed and it just wasn't signed off on or it wasn't -- the  
24 paperwork wasn't completed afterwards? If the maintenance work was performed, then  
25 from a safety and from a customer experience point of view, they wouldn't know the  
26 difference, right? I mean, the vehicle -- the repairs were made, the vehicle was put out  
27 to service, and it was safe to operate.

28 **MS. EMILY YOUNG:** And Mr. Gaul, based on the rather thin notes

1 explaining the discretionary decisions to pass, I take it you can't say sitting here today  
2 that for each of those seven cases where there was pass even though there was a  
3 maintenance failure, it would have been merely a documentation issue.

4 **MR. LARRY GAUL:** No, I can't say that, no.

5 **MS. EMILY YOUNG:** Okay. And ---

6 **MR. LARRY GAUL:** I'd have to see them all and see if the notes  
7 made sense.

8 **MS. EMILY YOUNG:** And this is also again in the context of how  
9 the maintenance was reviewed by the trial running review team in the sense that you  
10 were receiving up to five work orders per day that were randomly given to you. And it's  
11 very possible that the significant maintenance issues would not have been seen through  
12 this process.

13 **MR. LARRY GAUL:** Yeah. I don't know. These were randomly  
14 selected maintenance work orders, and it seemed to be that this metric was focusing on  
15 work orders, which are related to actual work performed if they're properly filled out. But  
16 in hindsight maybe there should have been a more stringent metric for performance of  
17 maintenance.

18 **MS. EMILY YOUNG:** Mr. Gaul, you were the -- aside from the  
19 independent certifier, you're the one person on the trial running review team who had  
20 some degree of independence, recognizing that you, of course, were retained by OC  
21 Transpo. Did you feel any pressure in the course of those meetings to give RTG a  
22 pass?

23 **MR. LARRY GAUL:** Not at all. Not at all.

24 **MS. EMILY YOUNG:** And do you recall having any discussions  
25 with Mr. Charter or anyone else at the City about how an event or incident ought to be  
26 treated throughout trial running?

27 **MR. LARRY GAUL:** No, I don't recall any such conversation.

28 **MS. EMILY YOUNG:** Did you have any understanding that Mr.

1 Charter or Mr. Richard Holder might have been under a significant amount of pressure  
2 during this period of time?

3 **MR. LARRY GAUL:** I never saw that. I never got that sense.

4 **MS. EMILY YOUNG:** Did you ever raise any concerns with Mr.  
5 Charter, others at the City, or the trial running review team about RTG passing when  
6 they were having performance issues, like those we discussed to do with the inspection  
7 sheets and maintenance practices?

8 **MR. LARRY GAUL:** Any discussions that I might have had would  
9 have been at the trial running review team discussions. Each of these times that we  
10 passed something when maybe there was a justification for it to be rated as a fail, it  
11 would be thoroughly vetted.

12 **MS. EMILY YOUNG:** And you were comfortable with those  
13 decisions at the time.

14 **MR. LARRY GAUL:** At the time apparently I was, because I  
15 signed off on them.

16 **MS. EMILY YOUNG:** So Mr. Gaul, the change to the evaluation  
17 criteria that occurred during trial running has been already canvassed fairly extensively  
18 in these hearings, but we've heard some differing evidence, so I'm just going to ask you  
19 about it briefly. Do you recall the change that I'm speaking about?

20 **MR. LARRY GAUL:** This is the one from 98 per cent over 12 days  
21 to 96 per cent 9 of 12 days, and then the reduction in vehicles. Yes.

22 **MS. EMILY YOUNG:** That's precisely it, yes.

23 In your formal interview, you said you couldn't recall with 100 per  
24 cent certainty who raised the suggestion to change the criteria. Is that still the case or  
25 have you been able to refresh your memory?

26 **MR. LARRY GAUL:** No, that is not still the case anymore, and I'm  
27 glad this has been brought back up. It's been a long time since my initial testimony, and  
28 since then, I've had a lot of opportunity to go back through documents. And I did find, in

1 going back through a printout of the WhatsApp chats, that there was -- I think it was  
2 August 14<sup>th</sup> that there was a message from John saying -- basically he was calling a  
3 meeting for his senior team later that afternoon to discuss Peter's suggestion -- I think  
4 that's the wording -- of it.

5 So I imagine at the time it was at that meeting that we were informed  
6 of this suggested change to be made and to revert back to some agreement that was  
7 made in 2017,

8 **MS. EMILY YOUNG:** And Mr. Gaul, do you have any direct  
9 recollection or knowledge of what happened at that time aside from that WhatsApp  
10 message you referred to?

11 **MR. LARRY GAUL:** Do I have any knowledge of what happened  
12 aside to that? I'm not sure I understand.

13 **MS. EMILY YOUNG:** So my question is, do you actually remember  
14 what happened or are you looking at the WhatsApp and drawing inferences based on  
15 what it says?

16 **MR. LARRY GAUL:** No, no. Then I recall having -- I participated  
17 in that meeting and I recall that's when John explained what Peter's suggestion was and  
18 explained the background and the rationale for it. And I think at the same time Mr.  
19 Scrimgeour also presented, you know, his suggested change of going from 15 trains to  
20 13 trains. So I recall that meeting now, yes.

21 **MS. EMILY YOUNG:** And you recall that at that meeting John  
22 described the change as something that was suggested by Peter Lauch?

23 **MR. LARRY GAUL:** Yes. That's what I recall, yes.

24 **MS. EMILY YOUNG:** Do you recall what your views were on the  
25 proposed change as you expressed them in that meeting and around that time?

26 **MR. LARRY GAUL:** I think there's two different changes so I'll -- if  
27 I can, I'll talk one at a time.

28 So and I think I said this in my initial testimony too that when I

1 heard about the change from 15 to 13 trains I immediately thought about, okay, there's  
2 going to be -- service is going to be a little bit less frequent. So what does that do to  
3 capacity versus demand? And I think I said that I had a conversation with Pat  
4 Scrimgeour over that because he's the head of planning. And I'm sure that my  
5 conversation with him occurred during this meeting when I brought this up as a potential  
6 concern. But Pat assured me that the ridership -- or he assured everybody that the  
7 ridership projections have just never materialized like they thought it would so this slight  
8 increase in headways was not going to cause any capacity issues across the system.  
9 There would still be enough capacity to carry the demand. So that's one.

10 The next one to the change in the 98 over 12 days to 96 over --  
11 what is it, 9 of 12 days or something? First of all, I didn't understand where the 96 over  
12 12 days came from. But then it was -- John explained it to us that this was supposedly  
13 an agreement that had been made between OC Transpo and RTG way back in 2017.  
14 At that time I did not know that that agreement had been formally adopted.

15 So once I understood that then, you know, I understood maybe why  
16 they would go back to that. The change from 98 to 96 percent, you know, to me, both of  
17 those are very high standards to achieve. You know, in fact, I had -- for a long time I  
18 had a lot of doubt that 98 percent was even realistic. You have one day of 94 percent  
19 or something, then you need a series of days of 100 percent reliability. And this is a  
20 brand new system. You're not going to get 100 percent reliability. There's going to be  
21 problems.

22 So I'm not sure you could have ever made up the difference if you  
23 had a day or two or 94 or 95 percent. So I never saw this as a really big change in  
24 terms of evaluating the capability, evaluating the reliability of the system because in my  
25 mind 98 percent is a very very reliable system, one that probably few systems in the  
26 world meet. And 96 is not that much below it, you know. It's -- from a customer  
27 perspective they would never notice a difference between 96 and 98 percent.

28 **MS. EMILY YOUNG:** And what about the fact that this average

1 now was only to apply for 9 of 12 days rather than 12 consecutive days?

2 **MR. LARRY GAUL:** Well, certainly it made it easier to pass the  
3 trial running protocol. You know, I will say, even when I was in Dallas, that I might hit 95  
4 or 96 percent a couple of days, but I don't think we would ever ever hit it for 12 days in a  
5 row or maybe not even 9 of 12 days, you know. So it's a very high bar to set.

6 **MS. EMILY YOUNG:** So you recognize that it does make it easier  
7 to pass but that it's still a high bar? Is that your evidence?

8 **MR. LARRY GAUL:** Yeah, certainly it makes it a little easier to  
9 pass, yes.

10 **MS. EMILY YOUNG:** Okay.

11 **MR. LARRY GAUL:** But I don't think that means though that you're  
12 sacrificing reliability because again, 96 percent is a very very reliability service in the  
13 light rail industry, or even in the whole rail industry.

14 **MS. EMILY YOUNG:** Okay. Thank you for giving us your  
15 recollection on those points.

16 I just have a couple more questions but I recognize that the  
17 Commissioner may want to take the morning break at this point.

18 **COMMISSIONER HOURIGAN:** Yeah, we'll take the break now.  
19 Thank you.

20 **MS. EMILY YOUNG:** Thank you.

21 **THE REGISTRAR:** Order. All rise.

22 The Commission will recess for 15 minutes.

23 --- Upon recessing at 10:32 a.m.

24 --- Upon resuming at 10:53 a.m.

25 **THE REGISTRAR:** The hearing has resumed.

26 **--- MR. LARRY GAUL, Resumed:**

27 **COMMISSIONER HOURIGAN:** Please proceed.

28 **MS. EMILY YOUNG:** Thank you.

1 **--- EXAMINATION IN-CHIEF BY MS. EMILY YOUNG, (cont'd):**

2 **MS. EMILY YOUNG:** Just a few more questions for you from, Mr.  
3 Gaul. Do you recall stating in your formal interview that you expected there to be  
4 vehicle-reliability problems going into revenue service?

5 **MR. LARRY GAUL:** Oh, yes. Yeah, I certainly do. I mean it's --  
6 this is brand-new system. It's a brand-new fleet of vehicles. No system that I'm even --  
7 that I've been aware of or associated with has ever gone into a system with 100 -- gone  
8 into service with 100 percent reliability. It just doesn't happen. A new system needs  
9 time for things to shake down a little bit.

10 **MS. EMILY YOUNG:** Fair enough. I believe you also stated that  
11 the number of issues that were seen were higher than normal, in your view?

12 **MR. LARRY GAUL:** They seemed to be -- the vehicle-type issues  
13 seemed to be a little bit greater in volume than what I recalled in Dallas.

14 **MS. EMILY YOUNG:** And you would agree that you also had -- oh,  
15 sorry, I cut you off there. Continue.

16 **MR. LARRY GAUL:** But in Dallas, we had a lot of vehicle  
17 problems, too, because it was a brand-new fleet operating on a brand-new  
18 infrastructure, so.

19 **MS. EMILY YOUNG:** And would agree as well, Mr. Gaul, that you  
20 had significant concerns about RTM's maintenance performance going into revenue  
21 service?

22 **MR. LARRY GAUL:** I am not a not a maintenance background.  
23 My background is mostly operations. I didn't spend any time -- with the exception of  
24 maybe walking along with somebody, touring, or walking through the maintenance  
25 shop, I don't think I spent hardly any time at all in the maintenance shop. My time was  
26 mostly spent when I was at the yard with -- monitoring what's going on in the yard  
27 control centre and the launch in the mornings.

28 **MS. EMILY YOUNG:** Wouldn't you agree, though, that the launch

1 is at least maintenance-adjacent, and so is the process of troubleshooting, which  
2 involves RTM? Aren't those aspects of maintenance?

3 **MR. LARRY GAUL:** The launch and troubleshooting, yes. Yes.

4 **MS. EMILY YOUNG:** So you would have -- you were familiar with  
5 some aspects of maintenance at least?

6 **MR. LARRY GAUL:** Oh, yes. I mean yes, I'm -- I mean you can't  
7 be in the industry that many years without having some understanding of basic  
8 maintenance practices and ---

9 **MS. EMILY YOUNG:** Okay. And so you were in a position to have  
10 an informed impression on how maintenance was being performed by RTM?

11 **MR. LARRY GAUL:** Yeah, as it -- as it related to the areas that I  
12 was monitoring, yes, and other information I heard from other subject-matter experts,  
13 yes.

14 **MS. EMILY YOUNG:** And if we could just go to STV664, please.

15 **--- EXHIBIT No. 254:**

16 STV0000664 – Email Larry Gaul to Troy Charter Re: RTM  
17 Coverage Sat, Sun, Mon Launches 17 August 2019

18 **MS. EMILY YOUNG:** And Mr. Gaul, you'll see when this email  
19 comes up that it's an email chain from August 17<sup>th</sup>, 2019. And I'm most interested in  
20 your email at the top here, but I think, in fairness to you, we should scroll down to the  
21 bottom so that you get a sense of what this is about. And so if we could just go all the  
22 way to the first email in the chain. Okay, and then further up. Thank you. So my  
23 understanding is that this an email about which RTM personnel are going to be present  
24 during a series of launches.

25 **MR. LARRY GAUL:** When I looked at this the other day, yes,  
26 that's what I would take away from it.

27 **MS. EMILY YOUNG:** Okay. And so the emails that follow are a  
28 discussion about that schedule; is that fair?

1                   **MR. LARRY GAUL:** Yes, from what I recall, m'hm.

2                   **MS. EMILY YOUNG:** Okay. And if we could just scroll up to the  
3 email at the top, which is an email from you to Troy Charter. And, as I said, it's August  
4 17<sup>th</sup>, 2019. You see that?

5                   **MR. LARRY GAUL:** Yes, I see that.

6                   **MS. EMILY YOUNG:** And you'll recall at this point, August 17<sup>th</sup>,  
7 we're getting close to the end of trial running.

8                   **MR. LARRY GAUL:** Yes.

9                   **MS. EMILY YOUNG:** And this is actually just after the trial-running  
10 criteria were changed.

11                   **MR. LARRY GAUL:** Okay.

12                   **MS. EMILY YOUNG:** And I think it's fair to say, Mr. Gaul, in this  
13 email, your frustration with the contractor is quite palpable; do you agree?

14                   **MR. LARRY GAUL:** With certain aspects of the contractor, yes.

15                   **MS. EMILY YOUNG:** Okay. And when I read this email, I see you  
16 questioning what RTM engineering support is going to do to help them provide an  
17 effective maintenance regime, dependable vehicles, and a yard operation that can  
18 function effectively; do you see that?

19                   **MR. LARRY GAUL:** Yes, I do. I do. I think my point here is that --  
20 from what I understand, all those individuals that they bringing in to help support was a  
21 result of a lot of pressure that Mr. Manconi had been placing on RTG to ramp up their  
22 resources at the maintenance facility and across the whole system, but we'll just deal  
23 with the maintenance facility here. And I understood from listening in on some of those  
24 conversations that a lot of these individuals, if not most of them, were engineers, and  
25 my concern was, "Well, you know, how many of them might have had any -- any  
26 experience running a maintenance shop or running a yard, a yard control centre," you  
27 know. And I'm questioning, "What really good is that going to do to reach the overall  
28 objective of, you know, reliably and constantly dependable vehicles and a well-run

1 maintenance yard?"

2 **MS. EMILY YOUNG:** And then so what you're saying is that in your  
3 view, on August 17<sup>th</sup>, 2019, those things weren't in place yet? There was not an  
4 effective maintenance regime, there weren't dependable vehicles, and there wasn't an  
5 effective yard operation; is that a fair reading of your email here?

6 **MR. LARRY GAUL:** No. I think -- they've been proven that the  
7 vehicle reliability had been increasing, as I already stated earlier, you know, up --  
8 leading up into trial running, then they had a series of poor days at the beginning of trial  
9 running, but then the reliability had continuously been improving.

10 So I can't say that it's -- they were having -- it was just an ongoing  
11 problem with vehicle reliability. I think what I'm trying to get at here, moving forward,  
12 this is a lifelong thing. They have to be able to provide dependable vehicles and you  
13 know, operate a well-functioning yard from this point on, forever. And that's what I was  
14 concerned about.

15 **MS. EMILY YOUNG:** I accept what you've said, Mr. Gaul, that  
16 there was improvement, but I would suggest that you wouldn't have written this if you  
17 thought that the maintenance regime, vehicle dependability, and yard operation were  
18 where they should have been at that time.

19 **MR. LARRY GAUL:** I think I was concerned about what was going  
20 to be going on in the future too, yes.

21 **MS. EMILY YOUNG:** Okay. So you will agree that at this point,  
22 you were most of the way through trial running, and the criteria have just been changed,  
23 as we've already discussed, and at that point, you do have concerns about  
24 maintenance, reliability, and yard operation?

25 **MR. LARRY GAUL:** I was having concerns that how can this be  
26 sustained in the long haul?

27 **MS. EMILY YOUNG:** And by that, do you mean how could they  
28 sustain service without maintenance issues, vehicle reliability issues, and yard

1 operation issues?

2 **MR. LARRY GAUL:** Yeah.

3 **MS. EMILY YOUNG:** Okay. I do think that what you're suggesting  
4 here, though, is that they hadn't actually yet reached a point of maintenance fluidity and  
5 prowess of vehicle dependability and effective yard operations.

6 **MR. LARRY GAUL:** Oh, no. No, you're -- I think you're correct in  
7 that statement, yes.

8 **MS. EMILY YOUNG:** Okay. And do you recall that in the two-week  
9 period between the system handover at Revenue Service availability and the actual  
10 entry into service, there were still a number of issues that arose?

11 **MR. LARRY GAUL:** Yeah, I don't recall specifics, but yes, I'm sure  
12 there were some vehicle reliability issues, and I think even during that period of time, we  
13 gave them a few hours of what normally would have been our service hours to you  
14 know, perform some infrastructure maintenance work. So yes, yeah, that's correct.

15 **MS. EMILY YOUNG:** And do you recall that there were also issues  
16 with the operation of the morning launch of the trains in that time?

17 **MR. LARRY GAUL:** I can't be specific on that.

18 **MS. EMILY YOUNG:** Okay. And I believe you said earlier that you  
19 had the opportunity to review the WhatsApp chat that you were a part of with other OC  
20 Transpo ---

21 **MR. LARRY GAUL:** Yes, yes, ma'am.

22 **MS. EMILY YOUNG:** And do you remember that on September 1<sup>st</sup>,  
23 you described the launch as "rough"; on the 3<sup>rd</sup>, you described it as "not good"; and on  
24 the 7<sup>th</sup>, you again described it as "not good"?

25 **MR. LARRY GAUL:** Okay. Well, I was certainly sitting in the  
26 control centres all the time at that point in time, and if that -- if those are the messaging I  
27 sent out, then there were obviously problems on those days.

28 **MS. EMILY YOUNG:** Okay. So we should safely rely on what you

1 said in your messages as an accurate reflection of how things were going?

2 **MR. LARRY GAUL:** Because I was recording real time, yes.

3 **MS. EMILY YOUNG:** Okay. And so we've established that going  
4 into Revenue Service, there were still issues with vehicle performance, maintenance  
5 performance, and response to issues, and yard operation as well?

6 **MR. LARRY GAUL:** I would agree with that. Yes, there were  
7 problems.

8 **MS. EMILY YOUNG:** And do you recall conveying these problems  
9 to OC Transpo at the time?

10 **MR. LARRY GAUL:** Troy and I had many, many conversations on  
11 this. None of these issues are new. None of these issues that you're just talking about  
12 now, in the yard and the maintenance regime, this has been known by the OC Transpo  
13 staff and everybody associated with the start up of this railroad, this has been known for  
14 months, and John was -- I'm sorry, Mr. Manconi was pushing like heck to get them to  
15 step up on their resources and to improve their overall processes.

16 **MS. EMILY YOUNG:** And I take it that the results of those efforts  
17 on Mr. Manconi's part didn't exactly come to fruition before Revenue Service because  
18 of, you know, what we've just looked at?

19 **MR. LARRY GAUL:** Well, I think, yeah, it was before Revenue  
20 Service, though. It was -- I think what the email you had up before, wasn't that August -  
21 --

22 **MS. EMILY YOUNG:** That was August 17<sup>th</sup>, yes.

23 **MR. LARRY GAUL:** Yeah.

24 **MS. EMILY YOUNG:** So about a month.

25 **MR. LARRY GAUL:** I think that they started ramping up at that  
26 point in time, yes.

27 **MS. EMILY YOUNG:** But we did also see or review -- we didn't  
28 actually go to the messages -- your comments on several launches in early September

1 being ---

2 **MR. LARRY GAUL:** Yes.

3 **MS. EMILY YOUNG:** --- not good.

4 **MR. LARRY GAUL:** That's right, yes.

5 **MS. EMILY YOUNG:** Okay. Mr. Gaul, do you recall whether you  
6 were ever asked if the system was ready to go into service when it did?

7 **MR. LARRY GAUL:** I can't recall if I was specifically asked that  
8 question.

9 **MS. EMILY YOUNG:** Do you recall providing an opinion on the  
10 question, whether or not you were asked specifically?

11 **MR. LARRY GAUL:** I imagine at some of John's operational  
12 readiness meetings, we had discussions to that effect, and John's typical approach to  
13 things was he would go around and ask everyone in the room what their thoughts are  
14 on whatever issue was at hand. And I imagine that readiness and to go into Revenue  
15 Service was a topic that was probably discussed on multiple times, and I probably said  
16 the same thing I said earlier, that, you know, they have proven in trial running, even  
17 though they had a rough start, they prove in trial running that they could achieve  
18 whatever the trial running scorecard matrices were, and that validated that they could  
19 operate a sustained level of reliable service.

20 Now, it's not going to be 100 percent, as I said before. It's -- you're  
21 going to have problems on any new system that just opens up, and so I would probably  
22 have told them that this is not going to be problem free. We're going to experience  
23 problems. It's going to take a while for this learning curve to work its way through.

24 **MS. EMILY YOUNG:** Okay. And you have acknowledged there  
25 that they've proven their ability to run the system to the level provided for by the criteria,  
26 and we discussed before that there were some criteria that could have admittedly been  
27 more stringent?

28 **MR. LARRY GAUL:** Yes, I -- admittedly, yes. Yeah.

1                   **MS. EMILY YOUNG:** And Mr. Gaul, you sounded a little bit  
2 uncertain in your previous answer, and that you imagine you would have said those  
3 things to the City. Do you have any specific recollection of making those kinds of  
4 statements to the City?

5                   **MR. LARRY GAUL:** I don't have any specific recollection of  
6 discussions on that. I'm sorry. I'm just as -- no, okay. I got a message about internet  
7 connection. I don't know if that was on my system or your system.

8                   **MS. EMILY YOUNG:** I can still hear you just fine for now, but we'll  
9 let you know if there are any issues. Thank you.

10                  **MR. LARRY GAUL:** Yeah. There were a lot of things discussed at  
11 John's operational readiness meetings, and he was having -- during this whole time, he  
12 was having them twice a day, you know? So I mean, there was a lot of discussions  
13 going on.

14                  **MS. EMILY YOUNG:** And sitting here today, is your view that the  
15 system was ready to enter operational service when it did?

16                  **MR. LARRY GAUL:** Yeah. I think the system was Revenue  
17 Service ready. Could it have been better? Yes, but was it going to be perfect in the  
18 end? No, it wasn't going to be. There was always going to be problems.

19                  **MS. EMILY YOUNG:** Okay. And just a very final line of questions.  
20 You gave evidence in your formal interview that in your view, it was not typical for a  
21 railroad to open with full service on Day 1. Do you recall that?

22                  **MR. LARRY GAUL:** Yes, I do, but I think it was related to a term  
23 that was used that's "soft opening". And I think the -- I was misunderstanding, there  
24 was a misunderstanding between the other councillor and myself on what the term "soft  
25 opening" meant. And ---

26                  **MS. EMILY YOUNG:** You can -- please go ahead and clarify what  
27 you meant by that.

28                  **MR. LARRY GAUL:** So to me, a soft opening can be anything

1 from, you know, you don't open the entire system, you only open a segment of it. You  
2 don't open all the stations, maybe you just open some of the stations. You don't  
3 operate your full hours, it's reduced hours. But it can also be you don't change your bus  
4 service -- your bus network to feed into the rail system on opening day. To me, the bus  
5 side is a big component of this "soft opening" definition.

6                   So when I first went into Ottawa on this project, I heard that the  
7 initial plan was they're going to reroute all the buses to feed the new light rail system on  
8 opening day, which I thought was not the best practice to implement. I thought it was  
9 always much better, like we did in Dallas, to run parallel bus service for a few weeks in  
10 order to get customers familiar with the system and we're not overloading the system on  
11 day one. So that was my experience, and when I said that it was not usual to open the  
12 whole system at one day, what I really meant to say -- it was not usual to open a full  
13 system and feed your buses into the system on opening day.

14                   **MS. EMILY YOUNG:** Okay. So what you're saying now is that in  
15 your view, the fact that the City had parallel bus service operating for the first three  
16 weeks meant that there was, in effect, a soft opening.

17                   **MR. LARRY GAUL:** Yes.

18                   **MS. EMILY YOUNG:** And wasn't it the case, though, that the City  
19 was always planning to have parallel bus service?

20                   **MR. LARRY GAUL:** No. When I first got there, I think the day --  
21 the initial plan was to reroute the buses on opening day, and I think that changed. I  
22 mean, I could be wrong, but that's what I recall.

23                   **MS. EMILY YOUNG:** And in your view, was three weeks of this  
24 parallel bus service enough?

25                   **MR. LARRY GAUL:** And I'm just going back on my previous  
26 experience with my openings. We always had a two-week period.

27                   **MS. EMILY YOUNG:** And you think that's sufficient.

28                   **MR. LARRY GAUL:** I think so, yeah.

1                   **MS. EMILY YOUNG:** Okay.

2                   **MR. LARRY GAUL:** It worked for us in Dallas, and it seemed to  
3 work pretty good in Ottawa, from what I recall.

4                   **MS. EMILY YOUNG:** What do you mean by it worked pretty well?

5                   **MR. LARRY GAUL:** I think during that three-week period, the  
6 riders always had an opportunity to get on the train at whatever station the bus route  
7 served. And initially, from what I recall, there weren't a lot of riders that were doing that,  
8 but over time, it seems like there were more and more riders every day that were  
9 making that conscious decision and say, "Okay. I'm going to get on the train system  
10 today and I'm going to try it out. I'll try it out before the buses are all rerouted into it."  
11 So I think it was a successful program, and I think it gave the City and RTM three extra  
12 weeks of running trains that weren't being tested to their full capacity.

13                   **MS. EMILY YOUNG:** Right. But it is true that all the stations were  
14 open, that a 13-train service was running ---

15                   **MR. LARRY GAUL:** Yes.

16                   **MS. EMILY YOUNG:** --- and the schedule was the full service  
17 schedule.

18                   **MR. LARRY GAUL:** Yes, that's correct.

19                   **MS. EMILY YOUNG:** Okay. And so I take it that you would not  
20 have made any recommendations about a soft start aside from the three-week bus  
21 service period.

22                   **MR. LARRY GAUL:** No. Again, I think there might have been  
23 some early on discussions about some type of reduction -- starting the system with  
24 some type of reductions in hours or things like that. But a plan I think I remember  
25 hearing or seeing at some point was that -- somebody suggested running the trains  
26 from Blair to uOttawa. Well, that doesn't serve the customers one bit. What are they  
27 going to do when they get to uOttawa? You're going to walk into downtown Ottawa  
28 from there, or are they going to provide buses? So now you have people taking a bus

1 to a train, getting on a train, having to get off again and get back on another bus to go a  
2 few blocks into town? That just didn't make sense from a customer service perspective.

3 **MS. EMILY YOUNG:** No, I think what they would have done, to be  
4 fair, is they would have done exactly what you suggest. They would have taken the bus  
5 service that was still in effect at the time. But I'm just trying to get a sense of what you  
6 recall about where conversations about a soft start went.

7 So you mentioned some of them, but they'd fizzled out. Was there  
8 a note from ---

9 **MR. LARRY GAUL:** Yeah. These discussions didn't go on for  
10 long.

11 **MS. EMILY YOUNG:** And why was that?

12 **MR. LARRY GAUL:** I think everyone understood that we wanted  
13 to open the system up in its entirety along with parallel bus service.

14 **MS. EMILY YOUNG:** And in hindsight, do you think that there  
15 should have been a greater degree of soft start or longer parallel bus service?

16 **MR. LARRY GAUL:** No, I don't think so. Systems have done it  
17 both ways. I know systems that have only opened up a small section of their railroad for  
18 a couple of weeks, but there's a lot of other light rail systems -- new light rail systems --  
19 that opened up the entire starter system in one swoop, you know? So it's just a matter  
20 of choice, and you have to look at the impact on the customers on whatever decision  
21 you're considering.

22 **MS. EMILY YOUNG:** Isn't there an ultimately greater impact on the  
23 customers if there isn't enough time to make sure the line is running smoothly, iron out  
24 the bugs, and practise troubleshooting scenarios? What I'm suggesting is that if, at the  
25 end of the day, a shorter or harder start means that there are more issues and it takes  
26 longer to respond to them, couldn't that be worse for the customer?

27 **MR. LARRY GAUL:** I guess there's always that potential, but in  
28 this case, I don't think it proved out that way. I think the system operated pretty reliably

1 during that three-week parallel bus service and then for a few weeks after that too.

2 **MS. EMILY YOUNG:** So you wouldn't have done anything  
3 differently.

4 **MR. LARRY GAUL:** I don't think so. I don't think so.

5 **MS. EMILY YOUNG:** Okay. And just to close out, Mr. Gaul, I  
6 wanted to clarify whether or not you're still employed by STV Inc.

7 **MR. LARRY GAUL:** I am, but it's only a very part-time basis.

8 **MS. EMILY YOUNG:** Okay. And is my understanding correct that  
9 Mr. Manconi also works at STV?

10 **MR. LARRY GAUL:** I believe he has joined the firm, yes.

11 **MS. EMILY YOUNG:** Okay. So he's your colleague now?

12 **MR. LARRY GAUL:** Yeah, I guess you could say that. I have not  
13 seen him since he joined STV.

14 **MS. EMILY YOUNG:** Okay. Thank you very much.

15 Mr. Commissioner, those are my questions.

16 **COMMISSIONER HOURIGAN:** All right. Next up is City of  
17 Ottawa.

18 **MR. PETER WARDLE:** Thank you, Mr. Commissioner. Peter  
19 Wardle for the City of Ottawa, last name W-A-R-D-L-E.

20 **--- CROSS-EXAMINATION BY MR. PETER WARDLE:**

21 **MR. PETER WARDLE:** Good morning, Mr. Gaul.

22 **MR. LARRY GAUL:** Good morning, sir.

23 **MR. PETER WARDLE:** I want to also just go very quickly through  
24 your background. And I think you've already told us that you had a 35-year career in  
25 public transit, most of which has been in rail.

26 **MR. LARRY GAUL:** That's correct.

27 **MR. PETER WARDLE:** And you were involved in rail service  
28 planning for the DC metro subway system; is that correct?

1                   **MR. LARRY GAUL:** That's correct.

2                   **MR. PETER WARDLE:** You ran a yard and storage facility for  
3 them at one point in your career.

4                   **MR. LARRY GAUL:** That is correct.

5                   **MR. PETER WARDLE:** And you worked in the control centre.

6                   **MR. LARRY GAUL:** Also correct.

7                   **MR. PETER WARDLE:** And then in Dallas, as I understand it, you  
8 joined the light rail start-up team, and you had 20 years in Dallas in the rail group,  
9 correct?

10                  **MR. LARRY GAUL:** That's correct.

11                  **MR. PETER WARDLE:** And one of the things you did in Dallas  
12 was you set up the new train control centre.

13                  **MR. LARRY GAUL:** That's correct.

14                  **MR. PETER WARDLE:** And you've been involved in design and  
15 construction of the light rail system in Dallas, and testing and commissioning of  
16 extensions to that system.

17                  **MR. LARRY GAUL:** I provided testing and commissioning support,  
18 yes. My team did.

19                  **MR. PETER WARDLE:** Okay. And you are one of a number of  
20 STV personnel with rail experience who came to the City of Ottawa in the two- or three-  
21 year period leading up to the launch of the system, correct?

22                  **MR. LARRY GAUL:** That's correct.

23                  **MR. PETER WARDLE:** So I just wanted to go through a few of the  
24 other people. And you may not know their background, but one of them was Joe North.

25                  **MR. LARRY GAUL:** Yes, sir.

26                  **MR. PETER WARDLE:** And what was your understanding of Mr.  
27 North's experience?

28                  **MR. LARRY GAUL:** Joe was another career rail transit

1 professional, and while I don't know the early part of this career, I know he held senior  
2 operating manager positions for the St. Louis light rail system. I think he acted as the  
3 general manager of the light rail system in New Jersey. I'm sure there's other more  
4 detailed experience he has, but those are the two big ones I know of.

5 **MR. PETER WARDLE:** And what about Brian Dwyer? Are you  
6 familiar with Mr. Dwyer?

7 **MR. LARRY GAUL:** I am familiar with Brian, yeah. He's a lifelong  
8 Boston T employee so he worked for the Boston subway system in a variety of different  
9 capacities throughout his career with them.

10 **MR. PETER WARDLE:** And of course, we've already heard  
11 evidence from Mr. Prendergast and you're familiar with Mr. Prendergast and his  
12 experience, correct?

13 **MR. LARRY GAUL:** That's correct.

14 **MR. PETER WARDLE:** And is it fair to say that Mr. Manconi and  
15 his team brought in all of you with your different areas of expertise in U.S. light rail  
16 systems to make sure that OC Transpo had the very best advice it could get in the period  
17 leading up to the launch of this system?

18 **MR. LARRY GAUL:** I believe that, yes.

19 **MR. PETER WARDLE:** Okay. I want to just talk a little bit about  
20 the work you did with Troy Charter's department within OC Transpo and first, Mr. Gaul,  
21 I'm going to suggest that you worked very closely with Mr. Charter and his staff; is that  
22 correct?

23 **MR. LARRY GAUL:** That is correct.

24 **MR. PETER WARDLE:** And my friend, Ms. Young, has also  
25 already covered this a little bit. But I understand when you arrived you were very  
26 impressed with how far along OC Transpo was with hiring and staffing plans, SOPs,  
27 and the creation of a rule book, correct?

28 **MR. LARRY GAUL:** That's correct, yes.

1                   **MR. PETER WARDLE:** Okay. And you found that actually to be  
2 quite different than your experience in Dallas, correct?

3                   **MR. LARRY GAUL:** That is correct.

4                   **MR. PETER WARDLE:** And I just want to touch a little bit on the  
5 training of the operators and the controllers. So we've heard from you that the  
6 operators were brought over from the bus system to be trained on rail, correct?

7                   **MR. LARRY GAUL:** That's what I understand, yes.

8                   **MR. PETER WARDLE:** And that's not untypical, is it, in a bus to  
9 rail transition, that you would bring your existing bus operators over and train them on  
10 rail?

11                   **MR. LARRY GAUL:** No, that's exactly what we did in Dallas as  
12 well.

13                   **MR. PETER WARDLE:** Okay. And I want to talk a little bit about  
14 the controllers. So first of all, you spent a lot of time, as I understand it, in the control  
15 room.

16                   **MR. LARRY GAUL:** Between the hotel I was living in and the  
17 control room, that was my life for three or four months.

18                   **MR. PETER WARDLE:** All right. And I don't envy you because  
19 I've been in the control room so I know what it looks like and feels like.

20                   So first of all, I just want to establish, RTM had responsibility for  
21 training those controllers, correct?

22                   **MR. LARRY GAUL:** Yes. Initially they did, yes.

23                   **MR. PETER WARDLE:** And my understanding is that they hired  
24 two former controllers from the Vancouver Skytrain who had experience with the Thales  
25 CBTC system; is that your recollection?

26                   **MR. LARRY GAUL:** Yes it is, Sean and Nelson.

27                   **MR. PETER WARDLE:** And then at some point in time RTM was  
28 going to release these two individuals and OC Transpo made a decision to keep them

1 on. Do you remember that?

2 **MR. LARRY GAUL:** That's what I recollect, yes.

3 **MR. PETER WARDLE:** Okay. And starting in 2018, you were  
4 directly involved in the operator and controller training. And what I mean by that is you  
5 were watching it take place, correct?

6 **MR. LARRY GAUL:** I was, yeah. I had had the opportunity to  
7 review all the training programs and plans and everything and then during the initial  
8 parts of the training I would go out and I would sit in classrooms and listen in. I'd go out  
9 in the field when they started operating trains and things like that.

10 **MR. PETER WARDLE:** Okay. And I want to just go through this  
11 quickly. Initially trains were operated under manual control before the CBTC system  
12 was installed, correct?

13 **MR. LARRY GAUL:** Before it was fully commissioned, yes.

14 **MR. PETER WARDLE:** And as testing and commissioning  
15 proceeded there were more opportunities for operators to get what you would call, I  
16 guess, track time; is that correct?

17 **MR. LARRY GAUL:** That's correct.

18 **MR. PETER WARDLE:** Okay. And the requirements -- and you  
19 did touch on this with M<s. Young. For operators to be certified they had to get a  
20 certain number of hours of train operation, correct?

21 **MR. LARRY GAUL:** Yes. They had to get a certain number of  
22 hours of train operation, operating a train. But then they also had to get a certain  
23 number of hours of operating a train under full CBTC protection.

24 **MR. PETER WARDLE:** And to your knowledge, the operators who  
25 were used in the period leading up to launch all, you know, got their hours to be fully  
26 certified?

27 **MR. LARRY GAUL:** I think they far exceeded the hours that were  
28 required for certification, yes.

1                   **MR. PETER WARDLE:** And my understanding is that you  
2 suggested to the City giving the operators an expanded training program after they were  
3 certified; do you remember that?

4                   **MR. LARRY GAUL:** No. Somebody would have to refresh my  
5 memory.

6                   **MR. PETER WARDLE:** Okay. The practice and capacity plan that  
7 my friend took you to, you will recall my friend asked you some questions about that  
8 document?

9                   **MR. LARRY GAUL:** Yes, sir.

10                  **MR. PETER WARDLE:** So my understanding is that you would  
11 have liked the operators and controllers to have an extended period of training and  
12 experience on a system which was running 15 trains, correct?

13                  **MR. LARRY GAUL:** That's correct. Yes.

14                  **MR. PETER WARDLE:** Okay. And in fact, you actually got less  
15 than that in the period leading up to trial running except for a week at the very end,  
16 right?

17                  **MR. LARRY GAUL:** That's what I recall, yes.

18                  **MR. PETER WARDLE:** But is it fair to say that you thought that  
19 was actually good practice for the operators and controllers?

20                  **MR. LARRY GAUL:** Oh yeah. Any time they could get out there  
21 operating out of the mainline and simulating some type of revenue service, I think it was  
22 very good for them, remembering that, you know, the 15 trains is only scheduled for a  
23 two and a half hour period every weekday morning. The rest of the time it was 13  
24 trains, it was 11 trains, it was 8 trains. I think at nighttime it was 4 trains. So you know,  
25 operating out there with other trains and simulating some type of revenue service was  
26 all going to be valuable for them.

27                  **MR. PETER WARDLE:** So focusing just on 15 trains in the  
28 morning peak, that would be a mistake if we unduly focused on that and didn't think

1 about the whole picture; would that be fair, Mr. Gaul?

2 **MR. LARRY GAUL:** I think that's a fair statement, yes.

3 **MR. PETER WARDLE:** And there is a practice running period in  
4 advance of trial running. And I understand that during the end of that period you did get  
5 15 trains during the morning peak, correct?

6 **MR. LARRY GAUL:** As I recall, yes, sir.

7 **MR. PETER WARDLE:** Okay. I want to just talk a little bit about  
8 vehicle reliability. You said in your interview, Mr. Gaul, that even in Dallas with a brand  
9 new fleet you had a lot of vehicle problems; do you recall saying that?

10 **MR. LARRY GAUL:** That is correct, and we did.

11 **MR. PETER WARDLE:** So if I suggested to you it's not uncommon  
12 to have vehicle reliability issues with a new fleet, would that be fair?

13 **MR. LARRY GAUL:** That is a fair statement.

14 **MR. PETER WARDLE:** And the practice period is an opportunity  
15 to shake down the equipment and the system and the operators and the controllers,  
16 correct?

17 **MR. LARRY GAUL:** That's correct, yes.

18 **MR. PETER WARDLE:** Okay. So you, as I understand if, viewed  
19 the issues with vehicle reliability in the period leading up to trial running as normal  
20 course and expected; is that fair?

21 **MR. LARRY GAUL:** Certainly experiencing vehicle-related  
22 problems leading up to that point in time would be expected, yes.

23 **MR. PETER WARDLE:** Now, I want to talk to you a little bit about  
24 maintenance and is it fair to say, first of all, that operation of the system and any  
25 reliability issues with the vehicles is directly connected to maintenance activities? Is  
26 that fair?

27 **MR. LARRY GAUL:** Typically it is, yes.

28 **MR. PETER WARDLE:** And would you agree that this is a

1 complex system, an LRT system that requires daily maintenance in order to operate as  
2 required?

3 **MR. LARRY GAUL:** Yeah, such as any other system would too,  
4 yes.

5 **MR. PETER WARDLE:** And maybe I'll put this into plain English.  
6 In other words, if a train fails for some technical reason the failure is important but also  
7 the ability of the maintainer to get that train off the line and remedy the issue or put out a  
8 spare; is that fair?

9 **MR. LARRY GAUL:** It would be both. It would get that train off the  
10 line and put out a spare.

11 **MR. PETER WARDLE:** Right. And if the maintainer does not keep  
12 up with maintenance issues, it could compound over time?

13 **MR. LARRY GAUL:** That's very true.

14 **MR. PETER WARDLE:** Okay. So is it fair to say that you and Mr.  
15 Prendergast and the other experts from STV were very focused on alerting OC Transpo  
16 to potential issues with RTM and Alstom about whether they were ready to handle the  
17 maintenance function?

18 **MR. LARRY GAUL:** There were many many discussions between  
19 our team and OC Transpo's staff on that issue.

20 **MR. PETER WARDLE:** And I just want to take you to one  
21 document which has already been discussed with a number of witnesses. It's  
22 STV0000525.

23 **COMMISSIONER HOURIGAN:** Can you just repeat the number  
24 again, Mr. Wardle?

25 **MR. PETER WARDLE:** Of course, Mr. Commissioner. It's -- I  
26 have it as STV0000525. I have to say that it's possible I'm missing a zero. It's dated  
27 June 24<sup>th</sup>, 2019, and it has been put to other witnesses.

28 **COMMISSIONER HOURIGAN:** All right, just stand by.

1 **MR. PETER WARDLE:** I'm sorry, Mr. Commissioner.

2 **COMMISSIONER HOURIGAN:** Yeah.

3 **MR. PETER WARDLE:** If I can back to you, I had the document  
4 number wrong. It's STV0000565.

5 **COMMISSIONER HOURIGAN:** Okay, stand by. Is this it?

6 **MR. PETER WARDLE:** That's the -- that's the document.

7 **COMMISSIONER HOURIGAN:** Okay.

8 **MR. PETER WARDLE:** So, Mr. Gaul, I see you're copied on this.

9 **MR. LARRY GAUL:** Yes, sir.

10 **MR. PETER WARDLE:** And I know you have eyesight issues so  
11 we'll make it a little bigger if we need to. But I want to just come down -- so, first of all,  
12 just to situate ourselves, if we look at the top of the page -- and I know it's cut off a little  
13 bit, but this is a memorandum from Mr. Prendergast to John Manconi and others, and  
14 the date is June 24, 2019, and you'll see the "Re:" line. It's a little hard to see on the  
15 screen but the Re: line is "RTM Readiness". And do you -- I don't know if you recall this  
16 document, Mr. Gaul?

17 **MR. LARRY GAUL:** Yes, I've seen this document.

18 **MR. PETER WARDLE:** Okay. And, you know, you'll see in the  
19 first paragraph that Mr. Prendergast says:

20 "Some of you addressed herein participated in a  
21 meeting with RTM leadership last week to review and  
22 discuss their state of readiness as it relates to what  
23 they will be required to do/provide once revenue  
24 service operations begin. As some of you have now  
25 heard, when I was asked individually what rating on a  
26 scale of 1 to 10 I would give RTM, I stated a 3-4  
27 rating." (As read).

28 Do you see that?

1 **MR. LARRY GAUL:** I do.

2 **MR. PETER WARDLE:** And then a little further down the page, if  
3 we go down to "Running Double-Car Consists" -- and maybe, for you, we can just make  
4 it a little -- I don't know if we can make it bigger without cutting off the ---

5 **MR. LARRY GAUL:** Yeah, don't worry. I can read it.

6 **MR. PETER WARDLE:** Okay. I'm going to -- I'm going to read  
7 part of it to you.

8 **MR. LARRY GAUL:** Okay.

9 **MR. PETER WARDLE:** And you'll see under -- I think what I'll do is  
10 just read the whole paragraph. It starts:

11 "While this issue already a known one that requires  
12 the attention of OLRTC and, more specifically,  
13 Alstom, the to-date of the MSF and its focus has not  
14 included one that is driven by the need to constantly  
15 think in terms of two-car consists and the daily  
16 delivery service with a total of 15 two-car consists. In  
17 fact, for a number of very good reason, the mindset to  
18 date has been on getting 25 consists of either one or  
19 two car lengths out daily for the practice running that  
20 has been going on for quite some time now." (As  
21 read).

22 And just pausing there, that's a reference to the practice running  
23 that you spoke about earlier in your evidence, correct?

24 **MR. LARRY GAUL:** That's correct.

25 **MR. PETER WARDLE:** And then, you'll see it says in the next  
26 sentence -- and this is really the sentence I wanted to address with you:

27 "That mindset will need a paradigm shift on the part of  
28 the vehicle maintenance supervision and staff as the

1 transition to trial running, RSD, and the beginning of  
2 revenue service operations begins very soon. I heard  
3 nothing in the way of recognition of that and how it will  
4 be addressed when we met with RTM leadership.”  
5 (As read).

6 And is it fair to say that what Mr. Prendergast was talking about  
7 here was the mindset that you described a little earlier in your testimony? That is, as  
8 you get closer to revenue service, everybody has to be focused on getting those trains  
9 out day after day and meeting the service expectations?

10 **MR. LARRY GAUL:** Yes, that is correct.

11 **MR. PETER WARDLE:** Okay. And then, if you -- we go down to  
12 the bottom of the page, you'll see “Revenue Service Support - Incident response,  
13 structure, and resources”, and it starts:

14 “RTM presented an organization structure to provide  
15 this support and it listed all of the appropriate  
16 functional responsibilities. However, the amount of  
17 those resources, especially at the onset of revenue  
18 service, when expectations are exceptionally high and  
19 the deployment of them geographically raises  
20 concerns in terms of their ability to respond in a timely  
21 manner sufficient to meet actual and perceived public  
22 needs. It is a given that service-delivery problems will  
23 occur when service begins and the need to  
24 overcompensate with resources is something all new  
25 start-ups focus on. The importance of this one factor  
26 is something that cannot be underestimated.” (As  
27 read).

28 And do you agree with those comments, Mr. Gaul, given your

1 background and experience?

2 **MR. LARRY GAUL:** I agree with them completely.

3 **MR. PETER WARDLE:** Okay. And is it fair to say that the  
4 concerns raised by Mr. Prendergast and you were shared by Mr. Manconi and his  
5 team?

6 **MR. LARRY GAUL:** That's a fair statement to make, yes.

7 **MR. PETER WARDLE:** Okay. And Mr. Manconi and his team,  
8 throughout July and August -- and I'm going to suggest especially in August -- put  
9 continual pressure on RTM and Alstom to bring additional resources to the table; is that  
10 fair?

11 **MR. LARRY GAUL:** That's what I recall, yes.

12 **MR. PETER WARDLE:** Okay. And so if we just look at the email  
13 that my friend, Ms. Young, took you to -- and we'll take this document down now, and  
14 we turn up STV0000646 -- now, first of all, this email is on August the 7<sup>th</sup>, if you look at  
15 the date on the top right. Do you see that, Mr. Gaul?

16 **MR. LARRY GAUL:** I do, yes.

17 **MR. PETER WARDLE:** And if we situated this in with respect to  
18 trial running, this is after there had been some failures at the beginning, a few days of  
19 passes, and then several more failures and restarts; you recall that?

20 **MR. LARRY GAUL:** I do recall that.

21 **MR. PETER WARDLE:** Okay. And so is it fair to say that you are  
22 expressing in this email your frustration at the readiness of RTM and Alstom for trial  
23 running?

24 **MR. LARRY GAUL:** I think that's a fair statement to make.

25 **MR. PETER WARDLE:** Okay. And if we can just take that down  
26 for a minute and maybe talk a little bit more bigger picture, Mr. Gaul, I'm going to  
27 suggest to you that the -- an LRT system in the period leading up to turnover is not a  
28 static process that you can examine at a particular point in time, but it's actually a

1 dynamic process; would you agree with that?

2 **MR. LARRY GAUL:** That's a fair statement to make.

3 **MR. PETER WARDLE:** Okay. And what I mean by that is that  
4 problems that arise with the vehicles, the track, the signaling at a particular point in time  
5 can be identified, addressed, and solved in the process leading up to RSA, correct?

6 **MR. LARRY GAUL:** That is correct.

7 **MR. PETER WARDLE:** And so there's a continual adjustment  
8 process, correct?

9 **MR. LARRY GAUL:** That's correct, yes.

10 **MR. PETER WARDLE:** And that process, in this case, during trial  
11 running involved the vehicle manufacturer, Alstom, the maintainer, RTM, and the City  
12 operators and controllers, correct?

13 **MR. LARRY GAUL:** That is correct.

14 **MR. PETER WARDLE:** All of these people are learning to work  
15 together in 2019 as we head into practice running and then into trial running.

16 **MR. LARRY GAUL:** That is also correct.

17 **MR. PETER WARDLE:** And there were significant improvements  
18 in July and August. As we headed into trial running, we had those failures in the first  
19 few days. The system continued to improve as people learned to work with each other.  
20 Is that fair?

21 **MR. LARRY GAUL:** I think that's a fair statement, and as  
22 processes improved.

23 **MR. PETER WARDLE:** And I'm going to take just one example, if  
24 we could turn up STV653. I'm not going to take you through all of this, in the interests  
25 of time, but you'll see that this is dated August the 12<sup>th</sup>.

26 **--- EXHIBIT No. 255:**

27 STV0000653 – Email from Thomas Prendergast to Larry  
28 Gaul Re – Update 1: LRV09-LRV24 disable at TUN-W 12

1 August 2019

2 **MR. LARRY GAUL:** All right.

3 **MR. PETER WARDLE:** And if we go down, there's a lengthy  
4 email. And it actually starts with an email from Mr. Charter, and you'll see that email.  
5 You'll see Mr. Charter's email. Now, he's talking about a specific technical issue. Do  
6 you see that?

7 **MR. LARRY GAUL:** I do.

8 **MR. PETER WARDLE:** And he says:

9 "Long story short, we need to be more assertive with  
10 the techs -- I mean more proactive in removing  
11 defective trains and launching replacements." (As  
12 read)

13 You see that?

14 **MR. LARRY GAUL:** I do.

15 **MR. PETER WARDLE:** And then going up to the top, your  
16 comment in the middle of the page is:

17 "Troy is correct." (As read)

18 **MR. LARRY GAUL:** I see it.

19 **MR. PETER WARDLE:** And you talk about the mistake being  
20 "vetted with the ERC involved and summarized in a lessons learned document for  
21 review for all TOCC staff." You see that?

22 **MR. LARRY GAUL:** I do see that.

23 **MR. PETER WARDLE:** And then Mr. Prendergast says at the top  
24 of the page:

25 "Larry, totally agree, and you are in the best position  
26 as to how best to address the situation longer term.  
27 We are now in a place where when the hands-on  
28 experiences are meaningful and not unduly swept

1                                   aside by the significant of failings that occurred early  
2                                   on.” (As read)

3                                   Do you see that?

4                                   **MR. LARRY GAUL:** I do.

5                                   **MR. PETER WARDLE:** So is this not an indication that the team is  
6 learning as you go? And it's not just the OC team; it's the RTM team, correct?

7                                   **MR. LARRY GAUL:** That is correct, yes.

8                                   **MR. PETER WARDLE:** Okay. And I'm going to suggest to you,  
9 and I think you also alluded to it -- we can take this document down now -- that in early  
10 August, after the first few days where there were some failures and some restarts, you  
11 became aware that Mr. Manconi was putting pressure on RTM, and particularly Alstom,  
12 to put on additional resources, correct?

13                                   **MR. LARRY GAUL:** I was aware of that, yes.

14                                   **MR. PETER WARDLE:** And is it also fair to say that throughout  
15 trial running, and going back even further, Mr. Gaul, that Mr. Manconi and his team  
16 were focused on getting a safe and reliable system?

17                                   **MR. LARRY GAUL:** Yes, he was completely focused on that.

18                                   **MR. PETER WARDLE:** I want to take you to just one document,  
19 COW0435562. It's dated May 1<sup>st</sup>, 2019. And you'll see you're copied on this email trail.

20 **--- EXHIBIT No. 256:**

21                                   COW0435562 – Email from Brian Dwyer to John Manconi et  
22                                   al Re – Ottawa Citadis Review 1 May 2019

23                                   **MR. LARRY GAUL:** Yes, sir.

24                                   **MR. PETER WARDLE:** And if we go down the page to an email  
25 from Mr. Manconi to Matthew Slade, this email is dated April 30<sup>th</sup>. We don't have time  
26 to go through the entire email, but you'll see Mr. Manconi is not shy about expressing  
27 his opinion on occasion, correct?

28                                   **MR. LARRY GAUL:** Not at all.

1                   **MR. PETER WARDLE:** And that's not untypical in this business, is  
2 it, Mr. Gaul?

3                   **MR. LARRY GAUL:** No, not when you're under the pressure of  
4 opening up a new rail system. Yeah.

5                   **MR. PETER WARDLE:** So let's go down. If we look in this email,  
6 you'll see it says, right in the middle -- Mr. Manconi says:

7                                   "I have been assured by your CEO and your EXCO I  
8                                   can have anyone there. Meeting is to proceed and  
9                                   this back and forth is a waste of time. Everyone is to  
10                                  attend and be frank and open. One goal: launch a  
11                                  safe, reliable system." (As read)

12                   Do you see that?

13                   **MR. LARRY GAUL:** I do see that.

14                   **MR. PETER WARDLE:** And isn't that what you understood, Mr.  
15 Gaul, throughout was Mr. Manconi's objective and the objective of people like Troy  
16 Charter at OC Transpo?

17                   **MR. LARRY GAUL:** It certainly was. There's a phrase that Mr.  
18 Manconi used to use all the time, and it was "This system will not open until it's ready to  
19 be opened."

20                   **MR. PETER WARDLE:** Thank you. I want to just take you briefly  
21 to your comments about trial running. We can take this down now.

22                   You made reference to a specific WhatsApp chat message. Do  
23 you recall that?

24                   **MR. LARRY GAUL:** Yes, I do.

25                   **MR. PETER WARDLE:** If we could turn that up, Mr.  
26 Commissioner, it's STV0002337. And if we could go to message 286.

27                   First of all, Mr. Gaul, just to be clear, you were one of the  
28 participants in this chat, correct?

1                   **MR. LARRY GAUL:** I was part of this chat group.

2                   **MR. PETER WARDLE:** And the purpose of this chat was to share

3 ---

4                   **MR. LARRY GAUL:** I lost ---

5                   **COMMISSIONER HOURIGAN:** Mr. Wardle, you went mute for a  
6 second. You said “the purpose” and then you cut out, so just repeat the question.

7                   **MR. PETER WARDLE:** Thank you.

8                   The purpose of the chat was to share information amongst a fairly  
9 large group of people who were involved in this critical stage of this project, correct?

10                  **MR. LARRY GAUL:** That’s right, and to share information  
11 immediately with everybody.

12                  **MR. PETER WARDLE:** Okay. And from your involvement in the  
13 chat, you didn’t see anything that was inappropriate or unprofessional about the  
14 information being shared.

15                  **MR. LARRY GAUL:** No, not at all.

16                  **MR. PETER WARDLE:** So the chat that I believe you are referring  
17 to is chat 286, and it says -- it’s on August the 14<sup>th</sup>:

18                                   “Troy, Tom, Michael Larry....” (As read)

19                   And Larry would you be you, correct?

20                  **MR. LARRY GAUL:** I believe so, yes.

21                  **MR. PETER WARDLE:**

22                                   “...Joe, Jocelyne -- 11:00 a.m. tomorrow ramp room  
23 meeting to discuss Peter’s suggestion.” (As read)

24                  **MR. LARRY GAUL:** That’s the chat I was referring to, yes.

25                  **MR. PETER WARDLE:** Thank you very much. You can take that  
26 down now.

27                   So I have just a couple of other issues to clear up with you. My  
28 friend Ms. Young took you to a document, COW0555762. And this is the February 13<sup>th</sup>,

1 2019, PowerPoint. Do you remember being asked some questions about this?

2 **MR. LARRY GAUL:** Yes, sir.

3 **MR. PETER WARDLE:** Now, unfortunately this document does not  
4 have page numbers, but I'm going to ask you to go to a page called "State of  
5 Operational Readiness". It's midway through the PowerPoint. It looks like it's around  
6 page 16 or so. It should have "Priority Actions Moving Forward".

7 So you'll remember my friend Ms. Young asked you some  
8 questions about this last bullet point:

9 "Determining a minimum practice running period  
10 requirement for entering into revenue service: eight  
11 weeks minimum." (As read)

12 Do you see that?

13 **MR. LARRY GAUL:** I do. I do recall that.

14 **MR. PETER WARDLE:** And first of all, I think in your answer to  
15 Ms. Young, you indicated that that would be the ideal.

16 **MR. LARRY GAUL:** I believe so, yes.

17 **MR. PETER WARDLE:** And in fact, in Dallas, the experience with  
18 the practice running period was that it was more like four weeks, correct?

19 **MR. LARRY GAUL:** It was, yes. For the initial system opening, it  
20 was four weeks.

21 **MR. PETER WARDLE:** All right.

22 **MR. LARRY GAUL:** Their system extensions after that were two  
23 weeks. We tried to get two weeks -- how about that?

24 **MR. PETER WARDLE:** So let me just suggest to you a couple of  
25 things. First of all, this is all about the minimum practice running period before you  
26 launch the system, right?

27 **MR. LARRY GAUL:** That's correct.

28 **MR. PETER WARDLE:** So let's just count up the opportunities

1 here. First of all, there was a practice running period before trial running that took place  
2 over a period of some weeks, correct?

3 **MR. LARRY GAUL:** Yes.

4 **MR. PETER WARDLE:** And for at least one of those weeks, you  
5 had a minimum of 15 double-car trains for the morning peak, correct?

6 **MR. LARRY GAUL:** That is correct.

7 **MR. PETER WARDLE:** And then you had -- we counted up, you  
8 had the entire period of trial running where the trains were being run every day, correct?

9 **MR. LARRY GAUL:** That is correct.

10 **MR. PETER WARDLE:** And that was in different configurations,  
11 including 15 double-car trains, 13 double-car trains, 11, et cetera, correct?

12 **MR. LARRY GAUL:** That is correct.

13 **MR. PETER WARDLE:** And that period lasted from July 29<sup>th</sup>, I'm  
14 going to suggest, Mr. Gaul, to August the 22<sup>nd</sup>, so roughly three and a half weeks,  
15 correct?

16 **MR. LARRY GAUL:** That sounds right.

17 **MR. PETER WARDLE:** So then Ms. Young suggested to you --  
18 you actually said to her that there was a three-week period between trial running and  
19 launch, and she put to you that there was a two-week period.

20 **MR. LARRY GAUL:** I recall that, yes.

21 **MR. PETER WARDLE:** Yeah. I'm going to suggest to you that  
22 when trial running was concluded on August 22<sup>nd</sup>, the following day, August 23<sup>rd</sup>, the  
23 trains continued to be operated every day, right up until launch on September 14, 2019.

24 **MR. LARRY GAUL:** That is correct.

25 **MR. PETER WARDLE:** And that's an additional three-week period,  
26 isn't it?

27 **MR. LARRY GAUL:** I thought it was three weeks, to be honest,  
28 yes.

1                   **MR. PETER WARDLE:** So if we add up the practice running period  
2 before trial running, and we count the trial running period, which in your evidence, you  
3 indicated you would count that period of time ---

4                   **MR. LARRY GAUL:** Yeah, sure.

5                   **MR. PETER WARDLE:** --- and we add the three weeks between  
6 the completion of trial running and the launch of the system, we pretty well get to eight  
7 weeks, don't we, Mr. Gaul?

8                   **MR. LARRY GAUL:** It seems like it is, yes.

9                   **MR. PETER WARDLE:** Thank you.

10                   Just a couple of other questions. My friend suggested to you --  
11 we'll take this document down now -- she asked you some questions about the period  
12 just leading up to Revenue Service, and she put to you that in the STV chats on  
13 September 1, you had noted the launch was rough; September 3, not good; September  
14 7, not good. Do you recall that?

15                   **MR. LARRY GAUL:** I do.

16                   **MR. PETER WARDLE:** Okay. And then she suggested to you that  
17 there were issues going into Revenue Service with vehicle performance, maintenance,  
18 and the yard. Do you recall that?

19                   **MR. LARRY GAUL:** I do recall that.

20                   **MR. PETER WARDLE:** But what she didn't ask you, Mr. Gaul,  
21 given your 35 years' experience, is whether those problems were consistent with other  
22 problems you'd experienced in the launch of other systems, and what would your  
23 observation be about that?

24                   **MR. LARRY GAUL:** I think in large part, the vehicle-type problems,  
25 besides the Thales train control system, which we didn't have in Dallas, but the other  
26 standard vehicle-type problems were all very similar to what we experienced in Dallas.

27                   **MR. PETER WARDLE:** And just to close, Mr. Gaul, were you  
28 comfortable that first of all, the system was ready to launch on September 14<sup>th</sup>?

1                   **MR. LARRY GAUL:** At the time, I was. I think it had been proven,  
2 yeah.

3                   **MR. PETER WARDLE:** And did it make sense to have that parallel  
4 bus service for a period of three weeks so that passengers would transition over a  
5 period of time to the new system?

6                   **MR. LARRY GAUL:** Yes. I thought that was the right plan to  
7 introduce.

8                   **MR. PETER WARDLE:** And I think you indicated to my friend, Ms.  
9 Young, that the system operated, in fact, very reliably for those first few weeks, correct?

10                  **MR. LARRY GAUL:** That's what I recall.

11                  **MR. PETER WARDLE:** And is it fair to say, from your observation,  
12 the OC Transpo operators and controllers who were running that system in that early  
13 period, knew what they were doing?

14                  **MR. LARRY GAUL:** Yes, I think they were adequately trained and  
15 they were getting more and more experience as time went on, so yes.

16                  **MR. PETER WARDLE:** Thank you very much, Mr. Gaul. Those  
17 are all my questions.

18                  **COMMISSIONER HOURIGAN:** All right. Next up is counsel for  
19 RTG, OLRTC, and RTM.

20                  **MR. JEAN-CLAUDE KILLEY:** Hello, Mr. Gaul. Jean-Claude  
21 Killey, K-i-l-l-e-y, counsel for RTG, and we have no questions for you this morning.

22                  **COMMISSIONER HOURIGAN:** Thank you.

23                               Next is Alstom.

24                  **MS. LENA WANG:** Good morning, Mr. Commissioner.

25                               Good morning, Mr. Gaul.

26                  **MR. LARRY GAUL:** Good morning.

27                  **MS. LENA WANG:** It's Wang, W-a-n-g, counsel for Alstom.

28                  **--- CROSS-EXAMINATION BY MS. LENA WANG:**

1                   **MS. LENA WANG:** Mr. Gaul, I just have a few questions for you  
2 this morning, and if we could start by putting up a document, STV0001532?

3 **--- EXHIBIT No. 257:**

4                                   STV0001532 – Email from Brian Dwyer to Troy Charter et al  
5                                   Re – Operational Readiness Discussion 16 April 2019

6                   **MS. LENA WANG:** Okay. So if we could go down to the bottom of  
7 this email thread, Mr. Gaul, this is an email from April 2019, and the email is between  
8 you, your colleague, Brian Dwyer, and Mr. Troy Charter. Do you see that?

9                   **MR. LARRY GAUL:** Yes, ma'am, I do.

10                   **MS. LENA WANG:** Okay. So in the bottom email here, Mr.  
11 Charter is asking for your input on the recommendations to provide to RTM with respect  
12 to staffing levels at launch or at other times. Do you see that?

13                   **MR. LARRY GAUL:** I do.

14                   **MS. LENA WANG:** Okay. And if we could scroll up a little bit, a  
15 little bit more, just right here, yeah.

16                                   And here, your colleague, Mr. Dwyer, is responding to Mr. Charter,  
17 and he says that his view -- and he says -- I would say your views, that:

18   "I think Larry and I are both of the opinion that for the  
19   start of Rev Service, and perhaps longer, you need  
20   dedicated, if not mobile staff from all maintenance  
21   disciplines out on the system." (As read)

22                                   And that was your view at the time, sir?

23                   **MR. LARRY GAUL:** Yes, it was.

24                   **MS. LENA WANG:** Okay. And it was your view that the dedicated  
25 or mobile staff were needed because it was a brand-new system that needed to be  
26 launched?

27                   **MR. LARRY GAUL:** That's correct.

28                   **MS. LENA WANG:** Okay. And if we scroll up to an email just

1 above this -- there we are -- yeah -- so this is your email, sir, and in this email, you say:

2 "My position would be, at a minimum ---"

3 And you say:

4 "--- launch and peak period, two guideway techs, one  
5 east and one west, and a guideway tech near the  
6 MSF; one vehicle tech at the handover platform  
7 during launch; and two on the line." (As read)

8 And if you could scroll over:

9 "Vehicle techs should be at the handover platform  
10 during all launch periods. Off-peak, minimum of one  
11 guideway and one vehicle tech on the line at all  
12 times." (As read)

13 Do you see that, sir?

14 **MR. LARRY GAUL:** I do see that.

15 **MS. LENA WANG:** Okay. And this represented your view as of  
16 April 2019, the number of maintenance technicians, whether it be dedicated or mobile  
17 staff that you -- as Mr. Dwyer has described it -- that were required at that time; is that  
18 right?

19 **MR. LARRY GAUL:** The minimum staffing, yes.

20 **MS. LENA WANG:** Correct. And it was your view that this level of  
21 staffing, even minimum staffing, was needed because it was a new system to be  
22 launched?

23 **MR. LARRY GAUL:** That's correct, yes.

24 **MS. LENA WANG:** Okay. Those are all my questions. Thank you,  
25 sir.

26 **COMMISSIONER HOURIGAN:** All right. Thank you.

27 Next up is the Amalgamated Transit Union, Local 279.

28 **MR. JOHN McLUCKIE:** Good morning, Mr. Commissioner.

1 Good morning, Mr. Gaul.

2 My name is McLuckie, M-c-L-u-c-k-i-e, for the record, sir.

3 **--- CROSS-EXAMINATION BY MR. JOHN McLUCKIE:**

4 **MR. JOHN McLUCKIE:** So Mr. Gaul, I just have a few questions.

5 So my client represents the maintenance staff at Alstom and also  
6 most of the operating and maintenance staff at OC Transpo. I'm sure you've ran into  
7 some of them over your time in Ottawa?

8 **MR. LARRY GAUL:** I have, I'm sure.

9 **MR. JOHN McLUCKIE:** And I understand you're ---

10 **MR. LARRY GAUL:** I was also a member of ATU at a couple of  
11 different locals during my career, so ---

12 **MR. JOHN McLUCKIE:** Welcome back.

13 So I want to talk first about the training. So I understand that one of  
14 your principle roles was to oversee and manage the training for the transition to the  
15 Light Rail for the operators?

16 **MR. LARRY GAUL:** No, I was not in charge of overseeing or  
17 managing the training. That fell under Jim Hopkins and the OC Transpo safety team.

18 **MR. JOHN McLUCKIE:** Okay. And I understood from your  
19 evidence this morning that you had some contact with the staff as they were getting  
20 trained; is that not correct?

21 **MR. LARRY GAUL:** That is correct. I monitored some of the  
22 training programs, yes.

23 **MR. JOHN McLUCKIE:** And OC Transpo had a fairly  
24 comprehensive training program worked out to train bus operators to become rail  
25 operators?

26 **MR. LARRY GAUL:** Their rail operator training program seemed to  
27 be pretty comprehensive, yes.

28 **MR. JOHN McLUCKIE:** And it wasn't, in your opinion, uncommon

1 for bus operators to become rail operators. I think you said this morning that also  
2 happened in Dallas?

3 **MR. LARRY GAUL:** That's correct, and a number of other  
4 properties that I'm aware of too.

5 **MR. JOHN McLUCKIE:** And the staff at OC Transpo that wanted  
6 to become rail operators, so they had to undergo a training program that included  
7 showing that they could operate the train on the track safely and effectively?

8 **MR. LARRY GAUL:** That's correct, among a lot of other parts of  
9 the training program, yes.

10 **MR. JOHN McLUCKIE:** Yeah. And they were assisted, I'm  
11 assuming, periodically on how well they were doing?

12 **MR. LARRY GAUL:** That's correct. And they went through, you  
13 know, classroom training on rules and procedures and things like that as well.

14 **MR. JOHN McLUCKIE:** And you were comfortable with their ability  
15 to safely and effectively operate that train, correct?

16 **MR. LARRY GAUL:** I thought it was a very good training program,  
17 yes.

18 **MR. JOHN McLUCKIE:** So you had no concerns with OC Transpo  
19 and its staff operating a train in revenue service then?

20 **MR. LARRY GAUL:** Not that I recall.

21 **MR. JOHN McLUCKIE:** I do want to touch on one thing that you  
22 mentioned this morning. So the staff that performed the maintenance, you were aware  
23 that that was not OC Transpo staff, correct, those that were maintaining the trains and  
24 the infrastructure?

25 **MR. LARRY GAUL:** That's what I -- yes, I've heard that, yes.

26 **MR. JOHN McLUCKIE:** And you understood that was sort of the  
27 separate conglomerate that was manufacturing the system?

28 **MR. LARRY GAUL:** That is correct.

1                   **MR. JOHN McLUCKIE:** And they were not directly City staff?

2                   **MR. LARRY GAUL:** That's what I understand, yes.

3                   **MR. JOHN McLUCKIE:** And that's different from some of your  
4 past experiences, for example, in Dallas?

5                   **MR. LARRY GAUL:** It is different, yes.

6                   **MR. JOHN McLUCKIE:** And the staff at DART, the light rail  
7 system in Dallas, the maintenance staff are AT 1338, aren't they?

8                   **MR. LARRY GAUL:** I don't recall the Local number but yes, they  
9 were represented by the ATU, yes.

10                  **MR. JOHN McLUCKIE:** And hey were all in-house to Dallas so the  
11 operators and the maintenance staff all worked for the same transit agency?

12                  **MR. LARRY GAUL:** They did.

13                  **MR. JOHN McLUCKIE:** And I understand your past history also  
14 included a stop at the Metro Rail system in Washington, D.C.?

15                  **MR. LARRY GAUL:** It did.

16                  **MR. JOHN McLUCKIE:** And the staff there, it's still the  
17 maintenance staff and the operator staff, they're both employed by the same transit  
18 agency?

19                  **MR. LARRY GAUL:** They are.

20                  **MR. JOHN McLUCKIE:** And they're under the same umbrella, to  
21 use your term from earlier today?

22                  **MR. LARRY GAUL:** They are.

23                  **MR. JOHN McLUCKIE:** And they're also proud ATU members in  
24 Washington?

25                  **MR. LARRY GAUL:** I think that's 689; I don't know how I  
26 remember that and not Dallas.

27                  **MR. JOHN McLUCKIE:** It is indeed 689; congratulations. And that  
28 works well for those two systems where they have the maintenance and the operations

1 both inside the same umbrella?

2 **MR. LARRY GAUL:** Yes.

3 **MR. JOHN McLUCKIE:** That allows for, I'm going to suggest to  
4 you, better coordination, better cooperation between the two sides?

5 **MR. LARRY GAUL:** I think so, yes. Yeah.

6 **MR. JOHN McLUCKIE:** And I'm going to suggest to you that it's  
7 important that the maintenance side and the operations side are in a position to  
8 cooperate and coordinate with each other. Do you agree with that?

9 **MR. LARRY GAUL:** I think close cooperation is necessary, yes.

10 **MR. JOHN McLUCKIE:** And that if there isn't that close  
11 cooperation, that coordination of efforts, things can break down for the public; would you  
12 agree?

13 **MR. LARRY GAUL:** I would agree.

14 **MR. JOHN McLUCKIE:** Sir, I just want to talk a little bit then about  
15 the practice running in the training for the operators then. So I've understood from your  
16 interview with Commission counsel that ideally the train operators that were going into  
17 revenue service would have a period of time where they were working and simulating as  
18 close as they could to what the schedules and headways would be like in real  
19 operations. Do you remember telling Commission counsel that?

20 **MR. LARRY GAUL:** I do.

21 **MR. JOHN McLUCKIE:** And you indicated to her that part of that  
22 would involve running the same number of trains that would be expected in revenue  
23 service. Do you recall saying that to her as well?

24 **MR. LARRY GAUL:** I do.

25 **MR. JOHN McLUCKIE:** And at the time that the initial training was  
26 being done, and this is immediately before the trial running in July and August, the  
27 expectation was that RTG would deliver 15 trains for the morning peak, correct?

28 **MR. LARRY GAUL:** Fifteen (15) two-car trains, yes.

1                   **MR. JOHN McLUCKIE:** Fifteen (15) two-car trains. And you  
2 indicated in your testimony with counsel earlier that it was often very difficult for RTG to  
3 produce 15 two-car trains for the morning peak. Do you recall that?

4                   **MR. LARRY GAUL:** I do.

5                   **MR. JOHN McLUCKIE:** And you indicated that the maintenance  
6 staff in fact struggled to deliver consistently during the training period for the staff.

7                   **MR. LARRY GAUL:** Yes. Up until just before trial running started,  
8 yes.

9                   **MR. JOHN McLUCKIE:** In your interview you in fact said that it  
10 was perhaps only one week before the trial running period started that RTG was able to  
11 consistently deliver 15 trains for morning peak; do you remember that?

12                   **MR. LARRY GAUL:** I do remember that.

13                   **MR. JOHN McLUCKIE:** And that's still your recollection, that it was  
14 difficult for RTG to produce the trains the contract required?

15                   **MR. LARRY GAUL:** Yes, M'hm.

16                   **MR. JOHN McLUCKIE:** And this was only a week or so before trial  
17 running was set to begin, correct?

18                   **MR. LARRY GAUL:** That is correct.

19                   **MR. JOHN McLUCKIE:** So at the point that trial running was  
20 beginning, it's fair to say that RTG had not demonstrated a high degree of reliability for  
21 their train operations, correct?

22                   **MR. LARRY GAUL:** They had ---

23                   **MR. JOHN McLUCKIE:** They were unable to consistently deliver  
24 15 trains.

25                   **MR. LARRY GAUL:** Yeah. They had some typical reliability  
26 issues that they were working on addressing, yes.

27                   **MR. JOHN McLUCKIE:** And then moving into trial running, am I  
28 correct in understanding the point of trial running was for RTG to demonstrate that they

1 could perform as the contract required them to?

2 **MR. LARRY GAUL:** I would -- yeah, I think you could read that  
3 into it, yes.

4 **MR. JOHN McLUCKIE:** So if the contract required them to provide  
5 15 trains each morning for rush hour peak, then trial running should have shown that  
6 they could do that consistently and regularly. Would you agree with that?

7 **MR. LARRY GAUL:** And they did for the first, what, two weeks of  
8 trial running. They put 15 trains out. They had some problems.

9 **MR. JOHN McLUCKIE:** Well, in fact, the first few days of trial  
10 running, didn't RTG fail the assessment?

11 **MR. LARRY GAUL:** Yes, they did.

12 **MR. JOHN McLUCKIE:** And you were part of the team that  
13 reviewed their performance?

14 **MR. LARRY GAUL:** Yes.

15 **MR. JOHN McLUCKIE:** And you were part of the team that rated  
16 them as a fail for the first few days of the trial running?

17 **MR. LARRY GAUL:** Yes, sir.

18 **MR. JOHN McLUCKIE:** And they in fact had to have a pause of  
19 the trial running and then restart once they had reorganized themselves?

20 **MR. LARRY GAUL:** That is from what I recall, yes.

21 **MR. JOHN McLUCKIE:** And do you recall telling Commission  
22 counsel that at the time that the pause happened you had real concerns as to the  
23 reliability of the vehicles?

24 **MR. LARRY GAUL:** If that's what I said, then that's what I had  
25 then.

26 **MR. JOHN McLUCKIE:** And you indicated to Commission counsel  
27 that in your view the level of vehicle reliability was likely going to cause problems  
28 coming into trial running. Do you remember that?

1                   **MR. LARRY GAUL:** I do,

2                   **MR. JOHN McLUCKIE:** And you indicated that you were not  
3 convinced coming into trial running that RTG was going to be able to consistently  
4 deliver those 15 trains that they were required to; do you recall telling her that?

5                   **MR. LARRY GAUL:** Yeah, I do.

6                   **MR. JOHN McLUCKIE:** And do you recall telling her that you  
7 discussed those concerns at the start of trial running about the reliability of the train fleet  
8 with individuals including Troy Charter?

9                   **MR. LARRY GAUL:** Yes, sir.

10                  **MR. JOHN McLUCKIE:** And do you recall having those  
11 discussions with Mr. Charter, that coming into trial running the reliability of the fleet just  
12 wasn't there?

13                  **MR. LARRY GAUL:** I think Troy and I had many discussions on  
14 that one topic, yes.

15                  **MR. JOHN McLUCKIE:** And you indicated in your interview that  
16 Mr. Charter shared your concerns that coming into trial running the vehicle reliability  
17 simply wasn't there yet.

18                  **MR. LARRY GAUL:** That is correct.

19                  **MR. JOHN McLUCKIE:** And Mr. Charter, he was one of the senior  
20 City of Ottawa figures involved with the project; that's correct?

21                  **MR. LARRY GAUL:** That is correct.

22                  **MR. JOHN McLUCKIE:** And he would work closely with Mr. John  
23 Manconi, the General Manager for OC Transpo?

24                  **MR. LARRY GAUL:** I think he reported directly to Mr. Manconi,  
25 yes.

26                  **MR. JOHN McLUCKIE:** And I suggest to you Troy was probably  
27 the most senior OC Transpo employee with direct hands-on involvement with this  
28 project. Would you agree with that?

1                   **MR. LARRY GAUL:** I would agree with that.

2                   **MR. JOHN McLUCKIE:** You were there for trial running.

3                   **MR. LARRY GAUL:** I was.

4                   **MR. JOHN McLUCKIE:** I just want to cover off a few days about  
5 trial running. So we've agreed just a few minutes ago the first few days did not go well  
6 for RTG and Alstom. And we've agreed that they in fact had to pause trial running  
7 because they had failed the first few days, Do you recall that?

8                   **MR. LARRY GAUL:** I do.

9                   **MR. JOHN McLUCKIE:** And you were asked by Commission  
10 counsel about some of your observations during that period. And you offered an  
11 observation about the yards. And you talked about that the yard was not well  
12 organized, they did not have sufficient number of staff, they were unable to move trains  
13 around. And you talked in particular about the need for more hustlers, I think you called  
14 them. Do you recall that?

15                   **MR. LARRY GAUL:** I do recall that. I do recall that, yes.

16                   **MR. JOHN McLUCKIE:** And maybe you can tell us, what is a  
17 hustler?

18                   **MR. LARRY GAUL:** A hustler is somebody who moves trains,  
19 who's sole job really is to move trains around the yard, in and out of the shop, in and out  
20 of the storage tracks, up to the handover platform, and things like that.

21                   **MR. JOHN McLUCKIE:** So if there's not enough of those people  
22 then the trains aren't getting into the position they need to be to go out on the track. Is  
23 that correct?

24                   **MR. LARRY GAUL:** I think that was one of their problems.

25                   **MR. JOHN McLUCKIE:** And isn't it true that originally as  
26 envisioned this system was going to have automatic train control in the yard so that  
27 there wouldn't be a need for hustlers?

28                   **MR. LARRY GAUL:** That's what I understood, yes.

1                   **MR. JOHN McLUCKIE:** But going into revenue service -- sorry,  
2 going into the trial running, that level of automatic train control was not available in the  
3 yard, was it?

4                   **MR. LARRY GAUL:** I do not believe it was, no.

5                   **MR. JOHN McLUCKIE:** And during any of your time here in  
6 Ottawa was that level of automatic train control ever operational in the yard?

7                   **MR. LARRY GAUL:** Not that I am aware of, no.

8                   **MR. JOHN McLUCKIE:** And yet Alstom didn't have sufficient staff  
9 to move those trains around to position it for revenue service?

10                  **MR. LARRY GAUL:** It was in my opinion that they were short-  
11 staffed in that area.

12                  **MR. JOHN McLUCKIE:** And you also indicated that they didn't  
13 seem organized in the yard, that there wasn't one person in charge of the yard.

14                  **MR. LARRY GAUL:** Yeah, it was being managed a little bit  
15 differently than what I was used to and accustomed to.

16                  **MR. JOHN McLUCKIE:** And you've had past experience yourself,  
17 operating and managing a yard?

18                  **MR. LARRY GAUL:** I have.

19                  **MR. JOHN McLUCKIE:** And you didn't feel that they were staffed  
20 or equipped to perform those roles?

21                  **MR. LARRY GAUL:** That is -- in my opinion, they were short-  
22 staffed, yes.

23                  **MR. JOHN McLUCKIE:** And that was the responsibility of Alstom  
24 and RTG in the contract?

25                  **MR. LARRY GAUL:** That is correct.

26                  **MR. JOHN McLUCKIE:** It wasn't open to the City to tell them how  
27 to do that. That was their responsibility to figure it out, correct?

28                  **MR. LARRY GAUL:** No, I don't think the City could tell them that

1 they had to hire X number of more people.

2 **MR. JOHN McLUCKIE:** Okay. I just want to finish up just with  
3 some questions on the trial running again. In your interview with Commission counsel,  
4 you indicated that at the point that the pause happens -- so you'll recall they failed the  
5 first few days, then there was a pause?

6 **MR. LARRY GAUL:** Yes.

7 **MR. JOHN McLUCKIE:** That you felt that trial running, at that  
8 point, could continue for quite some time. Do you remember telling her that?

9 **MR. LARRY GAUL:** Based on the -- yeah, based on the first four  
10 days -- or first three days, whatever it was.

11 **MR. JOHN McLUCKIE:** And in your interview, you went on to say  
12 that you weren't so sure at that point in time that RTG was going to be able to pass the  
13 trial running at all. Do you remember telling her that?

14 **MR. LARRY GAUL:** I do.

15 **MR. JOHN McLUCKIE:** And wasn't it shortly after that that some  
16 changes were made to the testing criteria, for example, 15 trains became 13 trains?

17 **MR. LARRY GAUL:** During the trial running period -- I don't recall  
18 the exact date -- they made some changes to it. They -- the decision was made to  
19 revert back to what was an agreement that was originally agreed upon between the City  
20 and RTG back in 2017.

21 **MR. JOHN McLUCKIE:** Okay. And in terms of that agreement, it  
22 reduced from 15 trains to 13?

23 **MR. LARRY GAUL:** Yes.

24 **MR. JOHN McLUCKIE:** So having two fewer trains to deliver than  
25 when ---

26 **MR. LARRY GAUL:** Well, no, no, I take that back. That was not in  
27 the agreement of 2017. The 15 trains was based on the ridership projections when the  
28 system opened. And according to Pat Scrimgeour, the Head of OCT Planning, he

1 indicated that ridership had not risen to the level that they originally projected and so the  
2 system could actually provide the level -- provide the capacity with the headway  
3 associated with a 13-train operation.

4 **MR. JOHN McLUCKIE:** Right. But RTG, under the contract, had  
5 been required to provide 15 trains.

6 **MR. LARRY GAUL:** No, I don't -- my interpretation of this was that  
7 the service-level operated was the decision of the City.

8 **MR. JOHN McLUCKIE:** Right. So going in through trial running,  
9 up until that point in time when Mr. Scrimgeour jumps in, RTG had been consistently  
10 trying to provide 15 trains, correct?

11 **MR. LARRY GAUL:** Yes.

12 **MR. JOHN McLUCKIE:** And throughout the trial running phase,  
13 throughout the testing phase, they had always had the objective of 15 trains; then it  
14 changes to 13.

15 **MR. LARRY GAUL:** No, I think the few first days of trial running,  
16 similar to the week before the start of trial running, they were putting out 15 trains -- 15  
17 two-cars trains consistently, but then there were problems.

18 **MR. JOHN McLUCKIE:** Right. So I'm going to suggest to you the  
19 City reduced the number from 15 to 13 and that helped RTG get through the trial  
20 running.

21 **MR. LARRY GAUL:** Yes, I think it did help.

22 **MR. JOHN McLUCKIE:** So requiring two less trains every day  
23 made it easier for them to fulfill the trial running procedures?

24 **MR. LARRY GAUL:** And it allowed for them to have more cars to  
25 work on during the peak periods.

26 **MR. JOHN McLUCKIE:** Right, because now they had two more  
27 spare trains.

28 **MR. LARRY GAUL:** They had four extra cars, yes.

1                   **MR. JOHN McLUCKIE:** Right. And not only did they reduce the  
2 number of trains, they also reduced the percentage from 98 to 96?

3                   **MR. LARRY GAUL:** Yeah, which -- as I think I stated before,  
4 which, to me, was nominal. First of all, I don't think 98 was really achievable, and 96 is  
5 a very -- a highly reliable rail system, in my experience.

6                   **MR. JOHN McLUCKIE:** But if the contract requires 98 percent --  
7 and the Project Agreement did in fact require that -- isn't it reasonable to expect the  
8 contractor to deliver what they've contracted for?

9                   **MR. LARRY GAUL:** Well, I -- you know, I'm not an expert in  
10 exactly what the PA says, but I think the 98 percent was in reference to terms of, when  
11 would -- when would RTG or RTM start -- not being penalized, but when would  
12 deductions start taking effect if a reliability level reached a certain point? So I think that  
13 was tied to more of the deductions and the monthly payments than it was a contract  
14 requirement.

15                   **MR. JOHN McLUCKIE:** Right. So if RTG couldn't provide an  
16 average of 98-percent reliability, they started to lose money on the contract; they'd be  
17 penalized under the contract, correct?

18                   **MR. LARRY GAUL:** Yeah. Yes.

19                   **MR. JOHN McLUCKIE:** So to get their full pay, they had to  
20 achieve a 98-percent average reliability factor?

21                   **MR. LARRY GAUL:** That's correct, yes.

22                   **MR. JOHN McLUCKIE:** Anything less than that attracted a  
23 penalty? That was your understanding?

24                   **MR. LARRY GAUL:** That's correct, yes. That's how I understood  
25 it.

26                   **MR. JOHN McLUCKIE:** Right. So in the end, RTG ultimately does  
27 get a pass on the overall trial running, correct?

28                   **MR. LARRY GAUL:** They ultimately get a pass, yes. Some time --

1 -

2 **MR. JOHN McLUCKIE:** You were part of that decision?

3 **MR. LARRY GAUL:** I was part of the trial running review team,  
4 yes.

5 **MR. JOHN McLUCKIE:** Just a last few questions because I'm  
6 almost out of the time. The testing, all of the trial running, took place over July and  
7 August of 2019, correct?

8 **MR. LARRY GAUL:** The "testing". What testing?

9 **MR. JOHN McLUCKIE:** Sorry, the trial running, I should say, took  
10 place in July and August of 2019?

11 **MR. LARRY GAUL:** Yeah, late-July into late-August, I guess?

12 **MR. JOHN McLUCKIE:** So there's no snow in Ottawa in July and  
13 August, correct?

14 **MR. LARRY GAUL:** No.

15 **MR. JOHN McLUCKIE:** And you had the experience the year  
16 before of an Ottawa winter?

17 **MR. LARRY GAUL:** Oh, I had had three years of experience by  
18 that time.

19 **MR. JOHN McLUCKIE:** It must have been quite the shock from  
20 Dallas?

21 **MR. LARRY GAUL:** It was.

22 **MR. JOHN McLUCKIE:** So when it snowed, and when there was  
23 freezing and cold conditions, isn't it true that the train had other issues relating to  
24 reliability because of that weather?

25 **MR. LARRY GAUL:** I believe there were problems that were  
26 directly related to the snow.

27 **MR. JOHN McLUCKIE:** And you'd indicated in your interview with  
28 Commission counsel that just the past winter, so that would have been the winter of

1 2019, RTG had had some difficulties specifically attributed to the winter conditions?

2 **MR. LARRY GAUL:** That's what I recall, yes.

3 **MR. JOHN McLUCKIE:** But yet, all of the trial running was done  
4 during summer conditions?

5 **MR. LARRY GAUL:** Yes.

6 **MR. JOHN McLUCKIE:** And it passed during those summer  
7 conditions?

8 **MR. LARRY GAUL:** That is correct.

9 **MR. JOHN McLUCKIE:** And it was never tested at a trial-running  
10 level during the winter conditions?

11 **MR. LARRY GAUL:** No, I think I made that statement in my initial  
12 testimony, yes.

13 **MR. JOHN McLUCKIE:** Right. So the trial running was always  
14 based on winter or spring-type conditions, correct?

15 **MR. LARRY GAUL:** That is correct.

16 **MR. JOHN McLUCKIE:** Those are all my questions, sir. Thank  
17 you.

18 **COMMISSIONER HOURIGAN:** All right. Thank you, Counsel.  
19 Next up is witness counsel, STV. Do you have questions?

20 **MR. JAMES DORIS:** James Doris for STV and I have no  
21 questions for Mr. Gaul.

22 **COMMISSIONER HOURIGAN:** Thank you.

23 Re-examination?

24 **MS. EMILY YOUNG:** We have no more questions for the witness  
25 in re-examination. Thank you, Mr. Commissioner.

26 **COMMISSIONER HOURIGAN:** Thank you. Mr. Gaul, you're  
27 excused. Thank you for participating and helping the Commission with its work.

28 We're down until two o'clock.

1                   **MR. LARRY GAUL:** Thank you.

2                   **THE REGISTRAR:** Order, all rise. The Commission is adjourned  
3 until 2:00 p.m.

4 --- Upon recessing at 12:16 p.m.

5 --- Upon resuming at 2:04 p.m.

6                   **COMMISSIONER HOURIGAN:** All right. The next witness is Troy  
7 Charter from the City of Ottawa.

8                   Mr. Charter, are you there?

9                   **MR. TROY CHARTER:** Yes, I am. Thank you.

10                  **COMMISSIONER HOURIGAN:** Can you hear us okay?

11                  **MR. TROY CHARTER:** Yes, I can hear you fine.

12                  **COMMISSIONER HOURIGAN:** Okay. Terrific. Thank you.

13                  You're going to be asked some questions. First we need to either  
14 swear you in or have you affirm to tell the truth. What would you prefer?

15                  **MR. TROY CHARTER:** I'll swear.

16                  **COMMISSIONER HOURIGAN:** All right. Stand by.

17 **--- MR. TROY CHARTER: Sworn**

18                  **THE REGISTRAR:** The witness has been sworn in.

19                  **COMMISSIONER HOURIGAN:** All right. Thank you.

20                  First up is counsel for the Commission, Ms. McGrann.

21 **--- CROSS-EXAMINATION BY MS. KATE McGRANN:**

22                  **MS. KATE McGRANN:** Good afternoon, Mr. Charter. Can you  
23 hear me okay?

24                  **MR. TROY CHARTER:** Yes, I can. Thank you.

25                  **MS. KATE McGRANN:** To begin with, would you just provide us  
26 with a brief overview of your professional experience and background as it relates to the  
27 work that you did on Stage 1 of Ottawa's light rail transit project?

28                  **MR. TROY CHARTER:** Okay. So I've been with the City since

1 approximately 2002. I started with OC Transpo transit services sometime in and around  
2 2011. Always worked in operational areas within OC Transpo -- either the support staff,  
3 the operators, the bus operators primarily. Then in approximately 2014/2015, I'm  
4 promoted to the role of assistant general manager -- the title subsequently changed to  
5 director -- and it's at that point I become more involved in the rail operations.

6 At the time, we were finishing up the expansion of our Line 2, the  
7 Trillium Line, and I was focused on operationalizing that line. And that's when I started  
8 to have some involvement in Line 1, in the Confederation Line. Once again, my role  
9 there was about the operations and maintenance side of things and making sure that  
10 the City was ready to operate the line when it was transitioned over from a construction  
11 project to an operation.

12 **MS. KATE McGRANN:** Okay. And just to round things out, after  
13 the system went into operation, you continued to be involved in the operations of the  
14 system?

15 **MR. TROY CHARTER:** Yes. And I continue to this day, yes.

16 **MS. KATE McGRANN:** Okay. We'll be bouncing around a little bit  
17 in the chronology today. The first thing I want to speak to you about quickly is trial  
18 running, and I just want to ask you about one aspect there.

19 So you were a member of the trial running review team.

20 **MR. TROY CHARTER:** Yes, I was.

21 **MS. KATE McGRANN:** And the one thing I want to ask you about  
22 is who first raised the idea of reverting from the 2019 criteria to the 2017 criteria. So are  
23 you aware of what I'm speaking about when I say that there was a decision made to  
24 change from the criteria created and agreed to in 2019 to criteria that was created and  
25 agreed to in 2017?

26 **MR. TROY CHARTER:** Yes, I am familiar with the two sets of  
27 criteria and the change that was made, yes.

28 **MS. KATE McGRANN:** Okay. And you spoke about this in your

1 Commission interviews, and I'm going to pull up the transcripts just so that you can take  
2 a look at them. So the first thing we'll do is pull up transcript 50, TRN50, and go to page  
3 103. Okay. And we'll start at line 9 there. You'll see you're asked:

4 "What started the discussion about potentially  
5 switching from the trial running test procedure...." (As  
6 read)

7 And that's the 2019 procedure, right?

8 **MR. TROY CHARTER:** Yes, from the ---

9 **MS. KATE McGRANN:** "...to the RFIO?", which is the 2017  
10 procedure, right?

11 **MR. TROY CHARTER:** That is correct, yes.

12 **MS. KATE McGRANN:** And your answer is:

13 "My recollection is that RTG -- Mr. Lauch at this time -  
14 - raised the issue that there was this outstanding  
15 document, and that's when it started to be assessed  
16 at that time." (As read)

17 Do you remember giving that evidence?

18 **MR. TROY CHARTER:** I do.

19 **MS. KATE McGRANN:** And then if we go over to page 111 of this  
20 document and scroll down to line 3 -- sorry, 111 of the PDF, 110 of the document.

21 Okay, so if you look at line 3 here, you'll see you're asked:

22 "So you said that Mr. Lauch suggested using the  
23 RFIO. That's what you understand happened." (As  
24 read)

25 And you respond:

26 "Yes, going by memory on it, but I believe it would  
27 have been Mr. Lauch who would have raised that  
28 there's this outstanding document in which we



1 Do you see that?

2 **MR. TROY CHARTER:** Yes, I do.

3 **MS. KATE McGRANN:** And then if we scroll down a little bit  
4 further, the discussion continues and you're asked at line 24 there:

5 "And you said that Mr. Lauch reached out to Mr.  
6 Morgan. How do you know that?" (As read)

7 And you respond:

8 "I have seen email correspondence on that." (As  
9 read)

10 Do you see that?

11 **MR. TROY CHARTER:** Yes, I do.

12 **MS. KATE McGRANN:** Okay. And then if we keep going, you're  
13 asked at line 6 there:

14 "Were you copied on it at the time?" (As read)

15 And your response is "no". You're then asked:

16 "Did Mr. Morgan share the email correspondence with  
17 you when he received it?" (As read)

18 You respond:

19 "Yeah. Ultimately we had conversations about it, that  
20 the trial running review team had to discuss it. We did  
21 have conversations with it, including the independent  
22 certifier." (As read)

23 And then if we could scroll down a little bit further, you're asked  
24 again:

25 "Do you remember if Mr. Morgan shared the  
26 correspondence when Mr. Lauch -- with you at the  
27 time he received it?" (As read)

28 And if we could scroll down a little bit further, you say:

1 "I don't know if he shared with me the email, but we  
2 did talk about it, yes." (As read)

3 So do you remember giving those answers?

4 **MR. TROY CHARTER:** Yes, I do.

5 **MS. KATE McGRANN:** Okay. So is it fair to say -- and we can  
6 take the transcript down now -- that by the time you're interviewed by the Commission  
7 for a second time, you're recalling that Mr. Lauch is the person who first raised the idea  
8 of changing from 2019 back to 2017?

9 **MR. TROY CHARTER:** Yeah, I think I've said that consistently,  
10 that I thought it was -- that my recollection is that it's Mr. Lauch that raised it.

11 **MS. KATE McGRANN:** I mean, when we think about your first  
12 interview, you weren't sure whether it was Mr. Lauch or Mr. Slade. By the second  
13 interview, you're sure it's Mr. Lauch, right?

14 **MR. TROY CHARTER:** Yeah. I mean, I might be using the names  
15 interchangeably, but I believe it was -- you know, we've had lots of discussions with Mr.  
16 Lauch and Mr. Slade during the trial running. We had -- you know, they both were  
17 involved in a lot of the RAMP discussions, so yes.

18 **MS. KATE McGRANN:** Okay. And how do you know that it was  
19 Mr. Lauch that first raised the concept of reverting to the 2017 criteria?

20 **MR. TROY CHARTER:** No, I'm largely going by my recollection.

21 **MS. KATE McGRANN:** Your recollection of what, sir?

22 **MR. TROY CHARTER:** That RTG, that Mr. Lauch had raised the  
23 issue.

24 **MS. KATE McGRANN:** And how do you recall him raising it?

25 **MR. TROY CHARTER:** You know, it's hard to say, because there  
26 was a lot of discussions going on, you know, during the trial running period, during that  
27 period in the lead up to and post, so I am going by my recollection, but that's what I  
28 recall, was that Mr. Lauch had raised the idea that, you know, that there was that 2017

1 document that had different criteria and there was a potential for that to be used.

2 **MS. KATE McGRANN:** Do you recall being involved in a  
3 conversation in which he raised it for the first time?

4 **MR. TROY CHARTER:** I don't know if it was raised for the first  
5 time, but I know that there were discussions about that at one of our RAMP meetings.

6 **MS. KATE McGRANN:** So I really just want to focus with you, sir,  
7 on your recollection that the idea is first raised by Mr. Lauch. So how do you know that?  
8 What do you recall about how he raised it first?

9 **MR. TROY CHARTER:** I know that we were talking about the trial  
10 running review results and there was a discussion on, you know, those results, and  
11 maybe they were -- you know, the 98 percent was too an aggressive a target.

12 **MS. KATE McGRANN:** Okay. And who was involved in that  
13 discussion?

14 **MR. TROY CHARTER:** You know, I'm assuming that probably it  
15 would have been Mr. Lauch, myself, maybe Mr. Slade, possibly Mr. Gaul. But as I said,  
16 I know that that was discussed further at another meeting, so ---

17 **MS. KATE McGRANN:** I am -- I'm really interested in your  
18 recollection here, sir, so I'll ask you not to assume, and I don't want you to guess. We  
19 just want to know what you remember to help us understand why you say so confidently  
20 that this was raised first by Mr. Lauch. So tell me why you say that. Tell me ---

21 **MR. TROY CHARTER:** I don't think I'm saying it confidently. I'm  
22 saying that's my recollection, is that Mr. Lauch raised it. I don't know what other details  
23 you'd be looking for in terms of -- you know, I'm at a loss to what additional information  
24 you'd like on that.

25 **MS. KATE McGRANN:** It's -- honestly, sir, if you don't have any  
26 other information to share other than a bare recollection that it was Mr. Lauch, then  
27 that's fine. All I'm looking for is everything you remember that sort of informs your  
28 evidence that it was Mr. Lauch that raised it first.

1                   **MR. TROY CHARTER:** Thank you.

2                   **MS. KATE McGRANN:** Okay. You did, in your second interview,  
3 reference email correspondence that Mr. Morgan shared with you at some point in time.  
4 Do you remember what the topic of that email correspondence was?

5                   **MR. TROY CHARTER:** It was a discussion that they were having  
6 with regards to, you know, what the trial running criteria and the RFIO document that I  
7 reference.

8                   **MS. KATE McGRANN:** Okay. And do you remember who else  
9 was copied on that correspondence?

10                  **MR. TROY CHARTER:** Pardon?

11                  **MS. KATE McGRANN:** Do you remember who else was copied on  
12 it?

13                  **MR. TROY CHARTER:** I don't recall who was copied on that  
14 correspondence, no.

15                  **MS. KATE McGRANN:** All right. Have you reviewed it recently?

16                  **MR. TROY CHARTER:** I reviewed it as part of this process, yes.

17                  **MS. KATE McGRANN:** Can we pull up COW467601?

18                  **--- EXHIBIT No. 258:**

19                                   COW0467601 – Email from Peter Lauch to Michael Morgan  
20                                   Re – AVKR 5 August 2019

21                  **MS. KATE McGRANN:** And if we could scroll down to the bottom  
22 of this document, I'm wondering if some or all of this email exchange is what you were  
23 thinking of?

24                                   So what we've got here at the bottom is an August 14<sup>th</sup> email from  
25 Mr. Lauch to Mr. Morgan, and you can see that Mr. Lauch writes:

26   "Following the discussion we had yesterday afternoon  
27   regarding AVKR, as I drop to the following for your  
28   review and comment." (As read)

1 And then he lists it, and you can take a look.

2 **MR. TROY CHARTER:** I recall that, yes.

3 **MS. KATE McGRANN:** Is this the email that you're referring to in  
4 your interview?

5 **MR. TROY CHARTER:** Yes.

6 **MS. KATE McGRANN:** Okay. Do you have any information, or did  
7 Mr. Morgan share any information with you about what led to this email exchange?

8 **MR. TROY CHARTER:** Well, no. I mean, we would have -- as I  
9 said, we talked about this document, we talked about the changing of the criteria back  
10 at the time.

11 **MS. KATE McGRANN:** Okay. And I understand, sir, that at least  
12 in the second Commission interview, you were relying on this email in part to help  
13 substantiate your belief that the issue of changing the criteria was first raised by Mr.  
14 Lauch, and I'm wondering if, at any time, anybody gave you any information about what  
15 led to Mr. Lauch sending this email to Mr. Morgan?

16 **MR. TROY CHARTER:** No. I mean, I was involved in the trial  
17 running review team and I think it's well documented what was happening at the time,  
18 and you know, as I said, I do recall having a conversation with Mr. Lauch on this. But  
19 my recollection was that it was raised by them, not myself.

20 **MS. KATE McGRANN:** Mr. Lauch has given evidence that he was  
21 asked by the City just to put this document together. Are you aware of that evidence?

22 **MR. TROY CHARTER:** I am aware of that evidence, yes.

23 **MS. KATE McGRANN:** And do you have any reason to disagree  
24 with it?

25 **MR. TROY CHARTER:** That's not my recollection of what  
26 occurred.

27 **MS. KATE McGRANN:** And -- but you don't have any information  
28 about what led to this email, sir?

1                   **MR. TROY CHARTER:** No.

2                   **MS. KATE McGRANN:** So what is your basis for disagreeing with  
3 Mr. Lauch's evidence that he was asked to send this email by the City?

4                   **MR. TROY CHARTER:** I'm going by my recollection that it was  
5 raised by Mr. Lauch.

6                   **MS. KATE McGRANN:** Okay. Do you have any other information  
7 about how RTG came to send a letter to the City about a change in the criteria?

8                   **MR. TROY CHARTER:** Well, as I said previously, I know that we  
9 discussed this at one of our RAMP meetings, and you know, there's formal ways to  
10 communicate changes, and my understanding is this was just a discussion documented  
11 in an email, and then they had to follow up with the formal process to request the  
12 change.

13                   **MS. KATE McGRANN:** And the basis for your belief that this is a  
14 discussion formalizing a conversation is what?

15                   **MR. TROY CHARTER:** What we discussed about at the RAMP --  
16 at one of our RAMP meetings, and then subsequently, they did submit a letter  
17 requesting the change.

18                   **MS. KATE McGRANN:** Okay. So moving on from here, the next  
19 topic that I'd like to speak with you about is some items that were left open at the time of  
20 substantial completion, and I'd just like to understand if you know what their status was  
21 at the time of the achievement of Revenue Service availability.

22                   So I'll ask that you be shown AGG294.

23                   So we're looking, sir, at the independent certifier's report on  
24 substantial completion number 2. It's issued on July 27<sup>th</sup>, 2019.

25                   Are you familiar with this document?

26                   **MR. TROY CHARTER:** I am familiar with the document, yes.

27                   **MS. KATE McGRANN:** And if we could go to page 12 of this  
28 document, this is a letter from OLRT Constructors to RTG. It's part of the independent

1 certifier's package that we just looked at the first page of there. This is dated July 22<sup>nd</sup>,  
2 2019, and if you scroll down a little bit -- that's perfect -- you see this letter. It says:

3 "This letter serves as notice to the City that the  
4 requirements for substantial completion outlined in  
5 Section 26 of the Project Agreement have been  
6 satisfied." (As read)

7 Do you see that?

8 **MR. TROY CHARTER:** I do.

9 **MS. KATE McGRANN:** And then the last sentence of the second  
10 paragraph says:

11 "Please find attached a tracker with the outstanding  
12 matters (and their closed status) as agreed during  
13 meeting with the City." (As read)

14 Do you see that?

15 **MR. TROY CHARTER:** I do.

16 **MS. KATE McGRANN:** Okay. So now we're going to go take a  
17 look at the tracker with the outstanding matters and their closed status as agreed to with  
18 the City, and we'll see the beginning of that document on page 17.

19 So it's labelled "Substantial Completion Tracker". This is the  
20 document that's attached to the OLRTC letter we were just looking at.

21 Do you know generally what happened with the items that are listed  
22 on this tracker? I'm going to ask you about two specific ones, but we'll start with just  
23 generally. Do you know what happened with this?

24 **MR. TROY CHARTER:** I think -- so I can start off saying I wasn't  
25 involved in the substantial completion process, nor was I involved in creating the minor  
26 deficiency list. My focus was on the ongoing operations and maintenance.

27 But I do know generally that there were, you know, some items that  
28 were deferred to post-substantial completion, but prior to Revenue service, but those

1 were tracked by, you know, the rail construction program.

2 **MS. KATE McGRANN:** Okay. Let's take a look at page 19 and  
3 just see, and if you don't know the answer, sir, then you will let me know, but you'll see  
4 items 40 through 62 here applied to vehicles. The sub-element is each of the LRVs,  
5 and if we go back a page, you'll see that it actually lists all of them. They all have the  
6 same entry, confirmed availability and open issues, and the status is "intro", the timing  
7 is pre-substantial completion.

8 Do you know if these items, confirmed availability and open issues,  
9 were reviewed and closed to the satisfaction of the City at the time of Revenue Service  
10 availability?

11 **MR. TROY CHARTER:** I don't have direct information on that.  
12 You'd have to speak to my colleague.

13 **MS. KATE McGRANN:** Okay. And if we look down on line 72,  
14 again, it's a vehicle issue, system wide, failure to meet service standards due to  
15 reliability of subsystems. The status is "monitor". Do you know whether this item was  
16 closed to the satisfaction of the City prior to Revenue Service availability?

17 **MR. TROY CHARTER:** I don't know if that was closed, no.

18 **MS. KATE McGRANN:** Okay. And then the last one that we'll ask  
19 you about is over the page, item 73, technical area is vehicles. Again, it's system wide,  
20 failure to meet fleet requirements due to ongoing defects and deficiencies, and the  
21 status is "monitor".

22 Do you know if this item was closed to the satisfaction of the City at  
23 the time of Revenue Service availability?

24 **MR. TROY CHARTER:** I know at the time that we felt comfortable  
25 in moving forward with Revenue Service, but there were still some ongoing reliability  
26 issues with some vehicles in the fleet. But -- so I can't answer if this was closed to the  
27 satisfaction of the City, but I can attest to the service as being experienced.

28 **MS. KATE McGRANN:** Okay. So we can take that down. And I

1 don't have any more questions for you about that.

2 I now want to ask you a couple of questions about the decision to  
3 launch Revenue Service on September 14<sup>th</sup> of 2019. Who participated in making the  
4 decision to launch on that date?

5 **MR. TROY CHARTER:** It would be representatives from the  
6 departmental leadership team or DLT within OC Transpo. And I know that there would  
7 have been discussions with Mr. Manconi and the City Manager and other people in that  
8 regard.

9 **MS. KATE McGRANN:** Were you involved in that exercise?

10 **MR. TROY CHARTER:** I was involved in the departmental  
11 leadership team exercise in mapping out various scenarios depending on when the trial  
12 would end, what dates we would launch. We did that throughout the project and we had  
13 a few sort of roaming or moving targets and dates.

14 **MS. KATE McGRANN:** Okay. And can you just explain to us how  
15 the decision-making process ultimately worked out. Was it the case that the  
16 departmental leadership team made a recommendation to Mr. Manconi who carried it  
17 forward? How did that roll out?

18 **MR. TROY CHARTER:** Well, you know, I can speak to the  
19 discussion that we had at the departmental leadership team and assuming that trial  
20 running would be complete at a certain period of time, you know, what would be an  
21 appropriate time to launch the system. We had discussions about wanting the period of  
22 time post trial running to do station familiarization further practice running with our  
23 operators. So we wanted a period of time post trial running to be able to do some of  
24 those exercises.

25 So we talked about that and we mapped out some various  
26 scenarios depending on when trial running would be complete, how much time we  
27 needed to some of our activities, and then ultimately what would be the launch dates.  
28 And we talked about should the launch be on a weekend, should it be on a weekday?

1 And how do we go about doing that? So those were the discussions I was involved in.

2 **MS. KATE McGRANN:** At what point in time was it decided that  
3 the system would in fact open on September 14<sup>th</sup> of 2019?

4 **MR. TROY CHARTER:** Well, not until the completion of trial  
5 running was officially confirmed, the date. But we were -- you know, we had a target  
6 date we wanted to land, you know, sometime in that -- around that time period.

7 **MS. KATE McGRANN:** And what point in time in your mind was  
8 the target date identified?

9 **MR. TROY CHARTER:** It would have been months prior.

10 **MS. KATE McGRANN:** If a decision was made on August 23<sup>rd</sup>,  
11 which is the last day of trial running, or in and around there, to push the public launch  
12 date back later in the fall, can you speak to what steps OC Transpo would have had to  
13 take in order to make that happen?

14 **MR. TROY CHARTER:** Yeah. You know, obviously there would  
15 have been some communications we'd have to put out to our customers. There would  
16 be some adjustments possibly to be made. We'd have to continue bus service for an  
17 extended period of time and then, you know, extend that bus service later into the year  
18 than what was originally anticipated.

19 **MS. KATE McGRANN:** Okay. And then in terms of extending the  
20 bus service, what was the status of the agreements with those drivers? Would there  
21 have to be further negotiations? Would there be further hiring? What would be involved  
22 in extending the bus service?

23 **MR. TROY CHARTER:** Well, we would have had to have a  
24 conversation, a discussion with the union and come to an understanding of next steps.  
25 And you know, possibly it would have been a rebooking. Four times a year we go  
26 through a booking process with our staff in which they select their work. We would have  
27 had to have a negotiation with the union about extending that booking or redoing the  
28 booking. You know, that would be the primary main piece would be the

1 communications to our customers and know what they're going to see for service as  
2 well as having a discussion and dialogue with the union about extending the bus  
3 service.

4 **MS. KATE McGRANN:** Okay. And with respect to the  
5 communications with the public, can you help me understand the magnitude of what  
6 that exercise would be in terms of helping people understand how they're going to get to  
7 work, school, wherever else they need to go if there's going to be a change in the public  
8 launch date at that point in time, the end of August?

9 **MR. TROY CHARTER:** Yeah. It would have been significant. I  
10 mean, you want customers to know how to get to work, how to get to where they need  
11 to go, what was the impact for school. So it would have been a significant undertaking  
12 to notify our customers but it wasn't something that we haven't -- you know, we were  
13 able -- we are able to effectively communicate with our customers. So -- but yeah, I'm  
14 not going to underestimate it. It would have been a challenge but something that we  
15 were prepared to do.

16 **MS. KATE McGRANN:** Okay. Have there been any preliminary  
17 kind of engagements with the union to discuss the possibility of the need to extend  
18 service or provide full bus service in the future?

19 **MR. TROY CHARTER:** Not that I'm aware of. I mean, the union  
20 was aware of the -- and obviously that was planned to have the parallel bus service for  
21 a period of time. But I'm not aware of, you know, if there was further subsequent  
22 discussions with them on extended.

23 **MS. KATE McGRANN:** Okay. And so if I have it right, sir, but he  
24 time the trial running successfully completed, the date is set at that point in time?  
25 Everybody knows they're going to proceed on the 14<sup>th</sup>?

26 **MR. TROY CHARTER:** When trial running is completed that's  
27 when we're able to finally confirm.

28 **MS. KATE McGRANN:** Okay. And had preparations for a

1 September 14<sup>th</sup> launch date already been put in motion before the completion of trial  
2 running?

3 **MR. TROY CHARTER:** I would have believed so, yes.

4 **MS. KATE McGRANN:** Do you know if any public communication  
5 materials had been printed or otherwise gone into being?

6 **MR. TROY CHARTER:** No, I wouldn't know. My role was  
7 operations and maintenance, not the public communications.

8 **MS. KATE McGRANN:** Okay. And fair to say that as far as a  
9 staffing perspective, all of the staffing efforts had been directed by that point in time to a  
10 September 14<sup>th</sup> launch? You don't have bus drivers prepared to continue the service  
11 after September 14<sup>th</sup>, for example?

12 **MR. TROY CHARTER:** Well, we did have bus drivers continue for  
13 another three weeks.

14 **MS. KATE McGRANN:** That's a parallel bus service?

15 **MR. TROY CHARTER:** Same. Same operators.

16 **MS. KATE McGRANN:** But not any further than those three  
17 weeks?

18 **MR. TROY CHARTER:** No, I think you need to also recall that we  
19 did issue notice to operators who potentially were going to be let go as a result of the  
20 reduction in bus service and the increase in rail. And that was done well in advance of  
21 the trial running. You know, we did it -- I can't recall exactly when but we did it well in  
22 advance. And as a result of that, we ended up, we didn't have to lay any operators off.

23 **MS. KATE McGRANN:** M'hm.

24 **MR. TROY CHARTER:** So these operators would have just  
25 continued. But we would have had to have a discussion with the union about a  
26 rebooking or continuing with the work.

27 **MS. KATE McGRANN:** Okay. And from the sphere of the  
28 operations that you were responsible for, any other steps taken to prepare for a

1 September 14<sup>th</sup> launch before the end of trial running?

2 **MR. TROY CHARTER:** From an operations and maintenance  
3 perspective, we want to make sure that we're utilizing the time as best as possible, so  
4 we did station familiarization with our customer service staff and other team members  
5 that needed to see the station to be able to effectively communicate with customers.  
6 We wanted to continue with our practice running. There were additional drills and  
7 exercises we wanted to do and that's why we mapped that out, to have a period of time  
8 between trial running and revenue service.

9 **MS. KATE McGRANN:** Okay. So fair to say, sir, that other than  
10 your work on the trial running team, as far as your operational readiness work is going --  
11 and I use that to encompass both operations and maintenance. During the trial running  
12 period the focus is really on getting ready for a September 14<sup>th</sup> launch?

13 **MR. TROY CHARTER:** Yeah, following trial running? Yes. That's  
14 definitely the focus.

15 **MS. KATE McGRANN:** Okay. Turning away from that now, I have  
16 a couple of questions for you about the operational restrictions document. Can we pull  
17 up COW466007? So we are looking at -- scroll down a little bit -- the Ottawa  
18 Confederation Line 1, operational restrictions document. It's a -- you see in the bottom  
19 right-hand corner there, Rev. 3, dated September 13<sup>th</sup>, 2019. Do you see that?

20 **MR. TROY CHARTER:** Yes, I do.

21 **MS. KATE McGRANN:** And are you familiar with this document?

22 **MR. TROY CHARTER:** Yes, I am.

23 **MS. KATE McGRANN:** Would you describe to us what the City did  
24 to ensure that this document was consistently implemented once the system went into  
25 public service?

26 **MR. TROY CHARTER:** You know, I think this -- some of these  
27 items are incorporated into our standard operating procedures because there are items  
28 that are related to OC Transpo and how we operate. And then there are other factors

1 that -- you know, largely, this is about how RTM is maintaining the system as part of our  
2 oversight plan.

3                   You know, I know that for things like, for example, the fire detection  
4 alarm system is included in here. You know, we wok with fire services to make sure we  
5 have fire plans. The Project Agreement outlines what the minimum response time is  
6 when you have alarms or you have, you know, an issue with that system. So we would  
7 have incorporated those things into our standard operating procedures in other areas  
8 where it's related to RTM. Some of those items would have been included into our  
9 oversight.

10                   **MS. KATE McGRANN:** Okay. And then is there ongoing  
11 monitoring of compliance with this document by OC Transpo?

12                   **MR. TROY CHARTER:** From time to time. I mean, we do have to  
13 select what items that we are providing oversight activities are, and we do try to take an  
14 approach where you take that risk-based approach. So you know, in the early days a  
15 lot of our focus was on the vehicle, track, some of the -- you know, tracking the reliability  
16 issues to ensure that they in towards completion. But you know, we're not looking at  
17 every single piece of work that RTM is functioning or RTM is doing on a daily basis.

18                   So you have a maintainer and that's their role. And we select  
19 certain things that we try to oversee.

20                   **MS. KATE McGRANN:** Well, were you aware that it is OC  
21 Transpo's role to ensure that this document is consistently followed? It's the basis of  
22 the safety case, right?

23                   **MR. TROY CHARTER:** I think it's part of our responsibility, yes, as  
24 it is RTM's to follow. They are the maintainer of the line.

25                   **MS. KATE McGRANN:** And who at the City was in charge of  
26 ensuring that this document was consistently followed?

27                   **MR. TROY CHARTER:** Well, the transition from, you know,  
28 operations -- from construction to operations would have been -- would have fallen

1 within my portfolio once it was -- once we were in operation.

2 **MS. KATE McGRANN:** Okay. And so can you -- so some of these  
3 items were included in the Standard Operating Plan, and then how is compliance with  
4 this document overseen by you and those that you work with?

5 **MR. TROY CHARTER:** You know, we have an oversight team that  
6 does a variety actions, you know, site inspections, audits, documentation reviews, those  
7 types of things.

8 **MS. KATE McGRANN:** And was there -- was there some -- was  
9 there some way of tracking that these requirements were consistently complied with?

10 **MR. TROY CHARTER:** I can't answer specifically, no.

11 **MS. KATE McGRANN:** If we look at page 29 of this document --  
12 and I'm just using this as an example, sir, because we have limited time together today -  
13 - and scroll down, we're now in the "recommendations" section. So this document is  
14 broken up into a couple of different sections. We're in the "recommendations" section,  
15 6.4.1, "wheel and rail wear". The recommendation here is:

16 "Establish a working group to monitor wheel and rail  
17 wear data. From this, specific remedial actions can  
18 be identified and agreed such that they do not cause  
19 any worsening to one or the other." (As read).

20 And then it goes on to list some specific items that this working  
21 would look at. Do you know if the wheel and rail-wear working group was started?

22 **MR. TROY CHARTER:** Yeah, as -- as I believe you mentioned,  
23 this is in the "recommendations" section, so it's not a requirement. I'm not aware of a  
24 wheel-wear working group. That is something you could ask RTM on, but I know that  
25 they do do -- they do ultrasonic testing. We actually just recently received some of the  
26 ultrasonic tests. So there definitely activities they do. And we've had many discussions  
27 with them last year and this year on the wheel-wear interface and how we can make  
28 improvements to reduce the corrugation and the noise and vibration that's being

1 experienced.

2 **MS. KATE McGRANN:** Okay. So it sounds like the wheel and rail-  
3 wear working group would be a useful group to implement given the ongoing  
4 discussions that you've had over the last year or so with RTM?

5 **MR. TROY CHARTER:** I think that would be a good question to  
6 pose to RTM, yes.

7 **MS. KATE McGRANN:** Well, I'm posing it to you right now,  
8 though. Do you think it would be a good idea to implement this working group?

9 **MR. TROY CHARTER:** I think we were having productive  
10 conversations and we have a plan of action. Both last year we had a plan to get the rail  
11 to a certain state and, you know, reinstate it back to its pre-RSA state, and then we've  
12 been working with them this year to further improve.

13 **MS. KATE McGRANN:** The operations ---

14 **COMMISSIONER HOURIGAN:** All right. That was a very specific  
15 question. Do you think it's a good idea or not? So for my notes, can me just tell me  
16 what the answer is from your perspective? Yes, no, maybe?

17 **MR. TROY CHARTER:** Yes. Yes.

18 **COMMISSIONER HOURIGAN:** Thank you.

19 **MS. KATE McGRANN:** Okay, and we can take this document  
20 down. Now I do want to spend some time with you talking about the relationship that  
21 OC Transpo had, and continues to have, with RTG and RTM and its subcontractors  
22 from the beginning of revenue service onwards. And in the context of that discussion, I  
23 would also like you to speak a little about the experience that OC Transpo's customers  
24 have had during revenue service. So I'll let you know which aspects I want you to  
25 speak to, but that's where we're going next. In your Commission interview -- and I can  
26 pull this up if you want, but I'm just going to read it to you, and we'll see if we can go  
27 from there -- you said that:

28 "I think we're in a really good space right now in terms

1 of the working relationship between the parties. You  
2 know, Mario since has been brought on. Mario  
3 Guerra, since he's been brought on, he really brought  
4 a change in approach. The parties are working very  
5 effectively together. I think we have been able to  
6 move through a lot of some of the earlier disputes --  
7 debates, maybe not contractually, but at least from an  
8 operational perspective." (As read).

9 Do you remember giving evidence to that effect?

10 **MR. TROY CHARTER:** Yes, I do.

11 **MS. KATE McGRANN:** Okay. And this was evidence that you  
12 gave in May of this year. Has this -- this good working relationship that you described  
13 continued to be the case since then?

14 **MR. TROY CHARTER:** I would say yes.

15 **MS. KATE McGRANN:** Okay. And in your evidence, you mention  
16 that Mr. Guerra brought a change in approach. I take this change in approach  
17 contributed to the good working relationship between the parties?

18 **MR. TROY CHARTER:** Yeah, I found it very effective working with  
19 Mario, yes.

20 **MS. KATE McGRANN:** And could you briefly just give us an  
21 overview of the change in approach that he brought?

22 **MR. TROY CHARTER:** There was definitely a greater  
23 understanding that, you know, the City has a contract with one -- with one entity, and it's  
24 RTG, RTM being a subsidiary of that, and we're not interested in hearing, you know,  
25 from the various players. We want to hear from one entity, "What is the path forward?  
26 What is the issue?" You know, so that was one -- that's one of the big pieces. Mario  
27 has been much more -- has been very forthcoming with additional information and is  
28 really willing to proactively work with us.

1                   You know, Canada Day is a prime example of just that. There  
2 wasn't a requirement for them to bring in extra resources to help support the service,  
3 but they did, and they did it proactively. We worked together on it. We came up with a  
4 plan. And all the parties agreed to that plan, and we had a successful day. So I think  
5 that's a prime example of how we're more effectively -- we were better able to work  
6 together.

7                   **MS. KATE McGRANN:** Okay. And I'll see if I can summarize that,  
8 and you can let me know if I've got it right and if I've missed anything. So he's taken  
9 responsibility for the maintenance work that is to be done; is that fair?

10                  **MR. TROY CHARTER:** Yeah, I mean it's -- we want to hear from  
11 one person, not from multiple people.

12                  **MS. KATE McGRANN:** Yeah, and he's taken responsibility for  
13 being that person?

14                  **MR. TROY CHARTER:** Mario, speaking on behalf of RTM, yes.

15                  **MS. KATE McGRANN:** Okay. And he's contributed to a better  
16 flow of information with the City?

17                  **MR. TROY CHARTER:** I would say so, yes.

18                  **MS. KATE McGRANN:** And he's contributed to building a  
19 collaborative working environment with the City?

20                  **MR. TROY CHARTER:** I think that's a commitment on both parties'  
21 part, but yes.

22                  **MS. KATE McGRANN:** Okay. And so I take it from your answer  
23 that the City is finding this useful and is also engaging in increasing the flow of  
24 information as between the parties?

25                  **MR. TROY CHARTER:** Yes.

26                  **MS. KATE McGRANN:** And working collaboratively with RTM with  
27 the interest of the riders in mind?

28                  **MR. TROY CHARTER:** I would agree, yes.

1                   **MS. KATE McGRANN:** And you're experiencing success, all of  
2 you, in doing that?

3                   **MR. TROY CHARTER:** Yeah, it's been a -- it's been a long  
4 journey, but -- and there's been some ups and downs in terms of the performance of the  
5 line as well as the performance of RTM. You know, there's been some ups and downs  
6 in how our customers have been impacted. This hasn't -- this hasn't -- this isn't  
7 something that has happened overnight. It's been a -- it's been a long journey.

8                   **MS. KATE McGRANN:** I understand. And I am going to ask you  
9 about -- about the entire relationship, and we do want to hear about how this has  
10 impacted the City and OC Transpo, and how it's impacted the customers, but just -- I'm  
11 taking you in reverse order in some ways and focusing on where you're at now and  
12 what you felt has led to this -- to this current good working relationship. And so we've  
13 got Mr. Guerra and taking responsibility for dealing with City. We've got a better  
14 exchange of information and better collaboration.

15                   In your answer, you also said that, at least from an operational  
16 perspective, the parties have been able to move through earlier disputes and debates.  
17 Why do you think that has helped contribute to a better working environment and a  
18 better working relationship?

19                   **MR. TROY CHARTER:** Well, I think, to a certain degree, from an  
20 operational perspective, we've all been aligned on wanting to provide a safe and reliable  
21 service. We've all been aligned on that from the beginning. How we go about doing  
22 that, there's been disagreements in the past on that. You know, a prime example would  
23 be the switch heaters, right. We had -- we had a view as to -- you know, for the switch  
24 heaters to function properly in the east end, that we needed to have gas-powered  
25 switch heaters, not electric switch heaters. Eventually, you know, that change was  
26 made, and we have seen improved performance as a result of that.

27                   **MS. KATE McGRANN:** Okay.

28                   **MR. TROY CHARTER:** Another factor into the improved

1 relationship is that with improved performance comes an ability to work more proactively  
2 together, and I think that's -- that's not -- that's not to say that we've resolved all the  
3 issues. That's not to say that there's not still a lot of issues that we're still managing and  
4 we need resolution -- we need to come to resolution on. But, at the end of the day, our  
5 customers are getting better service, safe and reliable service, and that allows us the  
6 opportunity to work more proactively together. But there's still a lot of issues that we still  
7 need to work through.

8 **MS. KATE McGRANN:** Understood. And I just want to stick with  
9 you for a second on the notion that improved service allows you to work better together,  
10 and I'm going to suggest that that is the case for at least two reasons. One, I'm going to  
11 suggest that with improved service, you may have a little bit more time to spend working  
12 together and, in your own spheres, to improve the service. Is that fair?

13 **MR. TROY CHARTER:** I think it's fair. When you're dealing with  
14 problems, you're constantly fighting fires.

15 **MS. KATE McGRANN:** Okay. And I think -- I'm going to suggest  
16 to you that the other reason that improved service is creating an environment in which  
17 you can work more collaboratively together is that perhaps there's been an increase in  
18 trust as between the parties. And in particular, the City may be more trusting of RTM  
19 and suggestions it brings to attempt to assist in improving service. Is that fair?

20 **MR. TROY CHARTER:** Sorry, can you repeat that?

21 **MS. KATE McGRANN:** I can try.

22 **MR. TROY CHARTER:** I missed the part there, sorry.

23 **MS. KATE McGRANN:** It may not be word-for-word but I'm going  
24 to suggest to you that with an increase in the quality of service that's being delivered,  
25 and in particular, over time, working with Mr. Guerra and his team, that there may be an  
26 increase in trust as between the parties, and that it may make it a little bit easier for the  
27 parties to hear each other, for the City, for example, to hear suggestions brought by  
28 RTM to improve service. Do you think that's possible?

1                   **MR. TROY CHARTER:** I'd say that's fair.

2                   **MS. KATE McGRANN:** Okay. And just to contrast -- well, not to  
3 contrast it -- okay. That's helpful, sir. Thank you.

4                   I'm going to step back in time now to the beginning of revenue  
5 service, and I want to take a look at some things that started at the beginning of  
6 revenue service. And we're going to have the opportunity to talk about that at a more  
7 high level, but I want to speak to one specific piece of evidence from Mr. Guerra's  
8 Commission interview first. So in order to do that, We'll pull up his transcript. It's at  
9 TRN69, and we'll want to go to PDF page 60.

10                   Okay. So if we look starting at page 19 -- sorry, line 19 -- line 15,  
11 sorry. It's up on the screen. So you'll see that Mr. Guerra is asked:

12                                   "And when you say the City -- the level of involvement  
13 of the City, what are you referring to?" (As read)

14                   He's talking about a high level of involvement from the City, and he  
15 goes on to say:

16                                   "I mean, the City had an army of people on the  
17 system -- consultants, staff members -- and their sole  
18 purpose was to find something that was wrong and  
19 report it, and that's what they did. And in essence, we  
20 don't believe that's within the spirit of the system, of  
21 the PA, certainly where we need to respond to issues,  
22 but if you send, you know -- I don't know how many  
23 people they had out there, goodness, but it felt like,  
24 you know, a lot. When you send that many people  
25 out looking for something, they're going to find  
26 something and they're going to report it back, as  
27 minute as it might be. So I don't think we were ready  
28 for that, and the City is still very much involved today

1 in the day-to-day business very much.” (As read)

2 If we could scroll down a little bit more, Mr. Guerra is asked:

3 “When you talk about the City having an army of  
4 people on the system who are looking to find things  
5 that are wrong and report them, over what period of  
6 time was that exercise taking place?” (As read)

7 Mr. Guerra responds:

8 “I would say it was in the first few months of  
9 operation, more so the first month, and then it kind of  
10 tapered off.” (As read)

11 And then he’s asked:

12 “And with respect to the goals of the people who were  
13 riding the system that you’re describing, the people  
14 who formed part of this army, how did you come to  
15 understand that they had been told -- that it was what  
16 they’d been told to do, to go find things that were  
17 wrong and report them?” (As read)

18 Mr. Guerra says:

19 “They were told to find any little thing that was wrong  
20 with the system and report it back, and that’s when  
21 they started opening up all these work orders, you  
22 know, all these batches of work orders, and we  
23 couldn’t keep up. There was no way.” (As read)

24 And he’s asked again:

25 “How do you know that they were told to do that?”  
26 (As read)

27 And he says:

28 “I spoke to a few of them.” (As read)

1 He's asked:

2 "What did they tell you?" (As read)

3 He says:

4 "That we're out here looking to find things and report  
5 them back.' That was their goal. A lot of them were  
6 consultants. Some of them were City employees."

7 (As read)

8 And then he's asked if he remembers any of their names and the  
9 answer is "no". So we can take that down.

10 What I would like to know is, at the beginning of revenue service,  
11 did the City have representatives -- staff, consultants, other people -- moving through  
12 the system and interacting with it to see how it was doing, to spot issues?

13 **MR. TROY CHARTER:** Yeah, we had a number of people that  
14 were working with us, and some of them were consultants and some of them were our  
15 staff that were assigned to support the operation. So yes, we did have staff.

16 **MS. KATE McGRANN:** And were they specifically tasked with  
17 moving through the system to see if there was anything wrong?

18 **MR. TROY CHARTER:** No.

19 **MS. KATE McGRANN:** What were they tasked with?

20 **MR. TROY CHARTER:** They were tasked with being out and  
21 available on the system, and if there were issues, to report them. But it wasn't the intent  
22 to go find issues, and I don't think that was ever the direction on any of the staff to go  
23 find issues.

24 **MS. KATE McGRANN:** How many people ---

25 **MR. TROY CHARTER:** "Utilize the system. Be there. Support our  
26 customers. Support the service, and if you observe issues, report them."

27 **MS. KATE McGRANN:** How many people were given this job?

28 **MR. TROY CHARTER:** I wouldn't know. I mean, I know we had a

1 number of consultants. I have a group of supervisors that work, but they're primarily  
2 supporting the line. Later on -- I think it's later than the period of time that Mr. Guerra is  
3 talking about -- we brought on station service attendants -- were in stations and once  
4 again supporting the service, supporting our customers, potentially reporting issues. I  
5 think earlier on there was a team of people that were involved in the trial running and  
6 assessing the system during the trial running period, but they did not continue to be on  
7 trial running.

8 **MS. KATE McGRANN:** Yeah, let's stay focused on revenue  
9 service in the first couple of months of revenue service. You said you couldn't say how  
10 many people were tasked with moving through the system and if they saw an issue,  
11 reporting it. Can you ballpark it for us just to help us understand? If you can't, you  
12 can't, but if you can, it would ---

13 **MR. TROY CHARTER:** No. You know, my oversight team was I'd  
14 say three to four people -- station, track, vehicles, and systems. I'm not sure if all those  
15 positions were fully staffed at the time. We might have been using consultants for some  
16 of that. There would have been a handful of consultants that we were working with.

17 So it's hard to say. It's really hard to say, because like I said, I had  
18 some supervisors. We had rail operators. Just like we do on the bus side, we tell our  
19 staff, "If you see something report it." Observe and report, and we were following the  
20 same sort of principle.

21 **MS. KATE McGRANN:** In terms of people who were specifically  
22 tasked with moving through the system and if they see something report it, you've got  
23 three to four supervisors; you've got a handful of consultants. Who else? Anybody  
24 else?

25 **MR. TROY CHARTER:** I'm not sure. I mean, I don't believe -- I  
26 don't know if the rail construction program had anyone involved, and as I said, I know  
27 we're talking about post-trial running. We did have that team that was during trial  
28 running, but they did not continue beyond trial running.

1                   **MS. KATE McGRANN:** So we've got Mr. Guerra's evidence that  
2 there was an army of people. You're aware of three to four plus a handful. Is it possible  
3 that there were more people who were tasked with this job and you just don't know  
4 about it, sitting here today?

5                   **MR. TROY CHARTER:** I don't believe so. I don't believe it was an  
6 army of people. I think the mayor even mentioned it in his email. At least it felt like it. I  
7 think they were dealing with outstanding deficiencies that they needed to resolve, and  
8 those were the things that were being reported. And unfortunately, I think they were  
9 being reported over and over again because they weren't being resolved quickly.

10                  **MS. KATE McGRANN:** So let's just focus for a second here, and I  
11 don't want you to guess. Was the notion that there would be people moving through the  
12 system identifying issues discussed with RTG or RTM in advance?

13                  **MR. TROY CHARTER:** I believe it was.

14                  **MS. KATE McGRANN:** Okay. What's the basis for that belief?

15                  **MR. TROY CHARTER:** I know we had a lot of planning exercises  
16 about what we were going to do during trial running and what we were going to do post-  
17 trial running, so I believe there was an understanding that we were going to be out  
18 assessing and pressing the e-tels, using the passenger intercom on trains. I think there  
19 was an understanding that we were going to do that. I'm going by my recollection.

20                  **MS. KATE McGRANN:** And do you recall having that conversation  
21 with anybody at RTM?

22                  **MR. TROY CHARTER:** Yeah. I would have had conversations  
23 with Claude Jacob at the time.

24                  **MS. KATE McGRANN:** And do you remember what you told him  
25 about what these people would be doing during the start of revenue service?

26                  **MR. TROY CHARTER:** Yeah. We wanted them out there  
27 mimicking what our customers would be doing in making the use of a system, of a very  
28 busy system, so using the elevators, using the escalators, interacting with the train

1 doors -- mimicking what customers would see and feel.

2 **MS. KATE McGRANN:** If there's customers on the system, sir,  
3 why do you need additional people mimicking them?

4 **MR. TROY CHARTER:** Well, there's the period of time of post-trial  
5 running before revenue service ---

6 **MS. KATE McGRANN:** But please stick with me here. I really do  
7 want to focus on what happens after the system opens, because I want to give you the  
8 chance to deal with Mr. Guerra's evidence that RTM is being flooded with work orders  
9 generated by an army of people who are going through and interacting with the system  
10 looking for problems. So talk to me about the information that you gave to Mr. Jacob  
11 about the City's intention to have people interacting with the system once it opens to  
12 revenue service.

13 **MR. TROY CHARTER:** Part of it is we want people in the system  
14 using the system, and we'd like to capture issues before they happen. So I'd rather  
15 have my staff trying the escalators and elevators before having maybe potentially a  
16 customer who's stuck in an elevator for a period of time. I don't want to find out through  
17 an unfortunate event that the passenger emergency intercom didn't properly work, so I  
18 had staff from time to time go test those, press a button, make sure it functions properly.  
19 So it was a combination of mimicking what customers would do, but as well it was part  
20 of our oversight.

21 **MS. KATE McGRANN:** Did you have a discussion with RTM in  
22 which you explained to them that this would be taking place during revenue service?

23 **MR. TROY CHARTER:** I believe it was always understood, yes.

24 **MS. KATE McGRANN:** What is the basis for believing that it was  
25 always understood?

26 **MR. TROY CHARTER:** Because I recall having conversations with  
27 them.

28 **MS. KATE McGRANN:** Okay. And when I asked you about a

1 conversation before, you spoke about, I think, a field operating scene, but I could be  
2 wrong. Tell me exactly what you remember about telling RCM that you would be  
3 deploying this group of people to interact with the system to catch issues before they  
4 happened.

5 **MR. TROY CHARTER:** Are we talking post-trial running still?

6 **MS. KATE McGRANN:** Yes.

7 **MR. TROY CHARTER:** It was part of our oversight plan.

8 **MS. KATE McGRANN:** What did ---

9 **MR. TROY CHARTER:** We were always going to have staff that  
10 were overseeing the performance of the line, and that included the trains, the stations --  
11 everything.

12 **MS. KATE McGRANN:** I'm going to ask you this question one  
13 more time and then we'll move on. Do you have any recollection of explaining  
14 specifically to anybody at RTM that this group of people would be engaging in these  
15 activities once revenue service started?

16 **MR. TROY CHARTER:** If you're asking, I hadn't shared our  
17 oversight plan specifically with RTM, but they do know that we do have staff that are  
18 dedicated to do that because it's our staff that are also these same people that are  
19 doing the documentation reviews, asking for information from RTM. So those same  
20 people are out riding the system. They're also doing the documentation reviews.

21 **MR. TROY CHARTER:** Subsequently we've added station service attendants. Did I speak  
22 specifically with them on that? No. That was very public that we added additional  
23 customer service people who can be present in stations and part of their function was to  
24 observe and report.

25 **MS. KATE McGRANN:** Now, cutting into revenue service, sir, I  
26 understand that the City had expressed concerns repeatedly to RTM about the need for  
27 it and its subcontractors to over-resource in order to support the demands that revenue  
28 service would put on the system, right? You want to over-resource at the beginning

1 because of all the demands that will be there. And then you can score -- you can kind of  
2 ramp down as is appropriate, based on the demands of the system. Is that fair?

3 **MR. TROY CHARTER:** That's correct, yes.

4 **MS. KATE McGRANN:** And to your knowledge, based on your  
5 understanding, was the City satisfied with the level of over-resourcing that RTM had  
6 done at the time that the system was launched?

7 **MR. TROY CHARTER:** It was commitments that were made.  
8 many of the commitments they were able to achieve. We felt comfortable that we could  
9 move forward. But I wouldn't say that every single resource that we wanted to see was  
10 there.

11 **MS. KATE McGRANN:** Given that that is the state of resourcing  
12 on the maintenance side at the time that revenue service is opening, why did the City  
13 feel it was in the best interest of the system to introduce additional representatives from  
14 the City to tax the system in the way that you have described? That's going to create  
15 increased pressure on maintenance, right?

16 **MR. TROY CHARTER:** We wanted to make sure that the system  
17 was being maintained. And this was a new operation. They were new to operating as  
18 well so I see you can take it that way. I can also take it making sure that we're providing  
19 an extra set of eyes and ears to make sure that they maintain the system properly and  
20 that the City has gotten what it's paid for,

21 **MS. KATE McGRANN:** I'm not trying to take it any way, sir. I want  
22 to understand what the City considered when it sent these people out to pick up the e-  
23 tels and ride the escalators and things like that. Did the City consider what kind of an  
24 impact that additional stress on the system would have on maintenance staff and their  
25 ability to continue to do what they need to do to keep the system running?

26 **MR. TROY CHARTER:** You know, RTG and RTM assured us that  
27 they had the right resources, the right skills to be able to maintain the system.

28 **MS. KATE McGRANN:** Did they assure you that after you told

1 them that you would be sending these people in to test the system?

2 **MR. TROY CHARTER:** They maintained it all the way through.

3 **MS. KATE McGRANN:** Did they tell you that after you told them  
4 that these people would be going in to test the system?

5 **MR. TROY CHARTER:** I would say "Yes."

6 **MS. KATE McGRANN:** What is the basis for agreeing with that,  
7 sir? Why do you say yes?

8 **MR. TROY CHARTER:** They maintained that they were ready.  
9 They maintained they were ready.

10 **MS. KATE McGRANN:** Okay, I just -- in order to round this out,  
11 you haven't been able to tell me specifically that you let RTG know that these people  
12 would be coming in addition to the regular customer demands to test the system, right?  
13 You don't have any recollection of sharing that information?

14 **MR. TROY CHARTER:** Correct.

15 **MS. KATE McGRANN:** Okay. let's take a look at COW104316.

16 **--- EXHIBIT No. 259:**

17 COW0104316 – O-Train Line 1 & Bus Service Update 17  
18 March 20121

19 **MS. KATE McGRANN:** This is an O-Train Line 1 bus and service  
20 update provided by the transportation services department to the Transit Commission  
21 dated March 17<sup>th</sup>, 2021.

22 Just from looking at the cover, sir, are you familiar with this  
23 document?

24 **MR. TROY CHARTER:** Yes, I am.

25 **MS. KATE McGRANN:** Okay. And I would like to move to Slide 5  
26 because I think that this chart is going to help us understand the information that you're  
27 -- that I'm hoping you'll share about the rider experience on the system during the first --  
28 I think it's about -- well, we're going from September 2019 to March 2021.

1 In order to do that I'm going to need your help explaining what's  
2 happening on this chart because it looks a little complicated at first glance.

3 So let's start with the very basics. The x axis, the line across the  
4 very bottom of the page that runs horizontally, we've got that showing a series of  
5 months and that's the months from September 2019 through to March 2021; is that fair?

6 **MR. TROY CHARTER:** Yeah, that's the service; yeah, that's  
7 correct.

8 **MS. KATE McGRANN:** Okay. And then if you look at the y axis or  
9 the horizontal line on the very far left—hand side, we've got a series of numbers ranging  
10 from 50 to 100?

11 **MR. TROY CHARTER:** Yes. That would be the percentage of  
12 service delivered compared to planned.

13 **MS. KATE McGRANN:** Okay. And how is that percentage of  
14 service measured? Is that the average vehicle to kilometre ratio we've heard referred to  
15 before?

16 **MR. TROY CHARTER:** Yeah. As I said, it's the calculation; we  
17 look at what was planned for the service for that given day. You know, obviously when  
18 there's a 13-train operation it's a certain number of kilometres and when you go to the  
19 weekend it's 11 trains and a certain number of kilometres. So that is a function of the  
20 number of kilometres that have been achieved, delivered to customers as compared to  
21 what the service plan called for.

22 **MS. KATE McGRANN:** Okay. And we've heard from Mr. Morgan  
23 earlier in the Commission's hearing that anything below 91 percent is going to represent  
24 a bad day for OC Transpo riders. Is it fair to take that sort of general rule of  
25 understanding and apply it to this chart here as well?

26 **MR. TROY CHARTER:** To a certain degree yes. I mean, you also  
27 have to factor in the timing of the issues. You know, you could have a good service day  
28 in which it was a really challenging commute for some customers in the morning period

1 that happened at peak period. So you know, when you drop into the low 90s, those are  
2 particularly problematic days. But you could have a challenging day with higher  
3 performance as well.

4 **MS. KATE McGRANN:** Okay. So this doesn't give us a perfect  
5 understanding of what each rider experienced on each day. But it does give us some  
6 sense of whether somebody was likely to have a good experience day or a bad  
7 experience day on the system?

8 **MR. TROY CHARTER:** Yeah, correct. You need to look at the  
9 time of the disruption of the occurrence. You'd also need to look at -- you know, during  
10 occurrence some customers, if they're on the opposite line -- often there's a section of  
11 the line may not have been impacted at all.

12 **MS. KATE McGRANN:** Okay.

13 **MR. TROY CHARTER:** And then other situations, you know,  
14 obviously some of those more major events, it would have impacted everyone.

15 **MS. KATE McGRANN:** Understood. Well, given that this is what  
16 we have to work with here today, will you at least agree with me, sir, that if we see these  
17 columns -- these horizontal columns which we'll come to in a second -- starting to get  
18 close to the 90 line then it's fair to say that some people have had a pretty bad day on  
19 the system?

20 **MR. TROY CHARTER:** Yeah, I would agree.

21 **MS. KATE McGRANN:** Okay. So there's a straight horizontal line  
22 at the 100 mark across the top of the screen there and I take it that's 100 percent. The  
23 planned kilometres have been met on average?

24 **MR. TROY CHARTER:** Correct, 100 percent.

25 **MS. KATE McGRANN:** Okay. And then we've got a dotted  
26 horizontal red line just below the 100 and if we look at the bottom little legend here that  
27 says it's 97 percent threshold. So I take it that red dotted line indicates 97 percent  
28 average for the month?

1                   **MR. TROY CHARTER:** Correct.

2                   **MS. KATE McGRANN:** And then if you look just below 70 there's  
3 a percentage written out and I take it that's associated with each month that appears  
4 below it; is that right?

5                   **MR. TROY CHARTER:** That's correct.

6                   **MS. KATE McGRANN:** So first September 2019 98 percent, that  
7 means on average the AVKR for that month was 98 percent?

8                   **MR. TROY CHARTER:** Correct.

9                   **MS. KATE McGRANN:** Okay. And then there's additional  
10 information for each month on the chart and let's just use January 2020 which is the  
11 biggest horizontal red bar here to understand that.

12                   The red vertical column here, and it spans from just under 100 to  
13 about 86 percent; am I right that that column represents the range of service levels  
14 provided over the course of the month?

15                   **MR. TROY CHARTER:** Yeah. Essentially the wider the bar, the  
16 more variable the service was during that month.

17                   **MS. KATE McGRANN:** Okay. And I was -- we'll just -- we'll do a  
18 directional thing with you here. I would think of this as the taller the bar, but is it fair to --  
19 -

20                   **MR. TROY CHARTER:** I would ---

21                   **MS. KATE McGRANN:** --- the longer the bar ---

22                   **MR. TROY CHARTER:** The longer the bar, the bigger the bar ---

23                   **MS. KATE McGRANN:** --- service?

24                   **MR. TROY CHARTER:** --- the more variable the service was from  
25 a day to day perspective, yes.

26                   **MS. KATE McGRANN:** Okay. So January of 2020 has the longest  
27 bar and there's the most variation of service levels in that month then?

28                   **MR. TROY CHARTER:** Correct.

1                   **MS. KATE McGRANN:** Okay. And the average for this month,  
2 we've already talked about that. It's 88 percent, right? And we can see that below the  
3 bar there. We're almost done understanding the chart and then we can get into talking  
4 about what it shows us. But there's a black line that runs across each of the months'  
5 bars and if we look down in the legend that's described as the median. So 50 percent  
6 of data above, below. Do you see that?

7                   **MR. TROY CHARTER:** Yes.

8                   **MS. KATE McGRANN:** So sticking with January 2020 for a  
9 second, I think what this tells us is about half the days you're getting an average service  
10 level of 95 percent or over, right?

11                   **MR. TROY CHARTER:** Correct.

12                   **MS. KATE McGRANN:** And for half the days you're getting a  
13 service level of between about 75 to 95.

14                   **MR. TROY CHARTER:** And you have some -- you at least have  
15 one outlier that goes down below 60 percent there.

16                   **MS. KATE McGRANN:** You're getting ahead of me but that's  
17 exactly where I'm going next. But just to round this off. So for January 2020 half of the  
18 days are between 75 and 95 percent?

19                   **MR. TROY CHARTER:** Approximately, yes.

20                   **MS. KATE McGRANN:** Okay. Then there's one other  
21 measurement that we'll look at and it's this small open circle and you've already  
22 identified that as an outlier. I take it that those represent single service days that are  
23 meaningfully outside of the averages otherwise seen within the month. Is that right?

24                   **MR. TROY CHARTER:** That's correct, yes.

25                   **MS. KATE McGRANN:** Okay. So looking at this chart we can get  
26 a sort of high level snapshot of the months in which riders certainly had some bad days,  
27 right? And January 2020 certainly sticks out as one, fair?

28                   **MR. TROY CHARTER:** Fair. January, yes.

1                   **MS. KATE McGRANN:** And February also sticks out as one?

2                   **MR. TROY CHARTER:** That was a particularly challenging winter,  
3 yes, three months in a row, yes.

4                   **MS. KATE McGRANN:** Yeah. And March as well, right? You see  
5 those months ---

6                   **MR. TROY CHARTER:** Correct.

7                   **MS. KATE McGRANN:** And also July of 2020, that's a month that  
8 clearly shows that riders are having some pretty bad months -- pretty bad days within  
9 that month, sorry?

10                  **MR. TROY CHARTER:** That's correct.

11                  **MS. KATE McGRANN:** Okay. And I'm just going to -- I'm going to  
12 keep this up because I think it helps us all understand a little bit about the riders'  
13 experience throughout this time. Before I ask you some questions about OC Transpo's  
14 experience during this time, I just want to ask you a couple of questions quickly about  
15 the replacement bus service that the City had to engage in from time to time to make up  
16 for the lack of rail service. Have I put that fairly?

17                  **MR. TROY CHARTER:** Yeah, when we had a significant  
18 disruption, depending on whether it was during peak period or both -- you know, we  
19 couldn't move trains on a certain section of the track, we would implement what we'd  
20 call "R1 replacement bus service", yes.

21                  **MS. KATE McGRANN:** Okay. And I'd like to talk to you about R1  
22 replacement bus service from three perspectives. The first one is from the perspective  
23 of the LRT rider. Can you just give us a brief description of how the need to implement  
24 the R1 replacement bus service would impact their experience if they were trying to  
25 riding the system at that time?

26                  **MR. TROY CHARTER:** Well, they're commute would have been  
27 disrupted. They would have had longer commute times. They would have had to most  
28 likely leave a station and go to a bus stop or they would have had to continue on with

1 their bus journey on the bus. But it would have impacted their commute, longer travel  
2 times, longer wait times, and we would have dealt with some crowding, for sure.

3 **MS. KATE McGRANN:** Okay. And then, secondly, from the  
4 perspective of other OC Transpo users, people who are trying to use buses, for  
5 example, and they're not on the LRT, I understand that in order to implement the R1  
6 replacement bus service, drivers had to be diverted from other routes in order to provide  
7 that service; is that right?

8 **MR. TROY CHARTER:** At times, yes.

9 **MS. KATE McGRANN:** Okay. So from the perspective of others  
10 who were trying to use OC Transpo but not the LRT, how might the implementation of  
11 R1 replacement bus service impact their commute?

12 **MR. TROY CHARTER:** That could have resulted in trip  
13 cancellations, so customers waiting for trips that wouldn't arrive.

14 **MS. KATE McGRANN:** Okay. And that's something that would  
15 affect their day quite seriously. You would agree with that?

16 **MR. TROY CHARTER:** Very disruptive, yes.

17 **MS. KATE McGRANN:** Okay. And then, finally, from the  
18 perspective of OC Transpo staff, are there OC Transpo who are directly impacted by  
19 the need to implement the R1 replacement bus service?

20 **MR. TROY CHARTER:** Well, yeah, you have operators that are  
21 assigned to certain routes that may be redeployed to others. Some operators may have  
22 been asked to work an extra shift, work extra overtime. And yeah, I think that largely  
23 would have been the impact. It would have reassigning people. It would have been  
24 difficult on the control centre and our supervisors that are responsible for managing the  
25 service and reassigning it, and then, as well, our operators who, you know, may be  
26 asked to do different routes or finish at different times. So it would have been  
27 disruptive.

28 **MS. KATE McGRANN:** All right. And so thank you for that. We'll

1 turn back to the chart. And I'm hoping that with the background of this, the one piece of  
2 information that's on this chart that we haven't talked about yet is there are four -- I'm  
3 going to describe them as issues. Described in red here, we've got TCMS, or Train  
4 Control and Management System; and VOBC, or Vehicle Onboard Controller issues;  
5 and then we've got power and parking issues, wheel issues, and mechanical issues.  
6 Do you see those four headings?

7 **MR. TROY CHARTER:** Yes.

8 **MS. KATE McGRANN:** And I take it that they are -- their place on  
9 the charts indicate the months in which they had the most significant impact on service;  
10 is that right?

11 **MR. TROY CHARTER:** Yeah, and, you know, our commission was  
12 looking for additional as to what those challenges were, what the problems were, so we  
13 were trying to provide some additional insight into, what were the primary causes --  
14 what were the main causes for our service disruptions that impacted service?

15 **MS. KATE McGRANN:** Okay. And when you refer to your  
16 commission, you're referring to the Transit Commission?

17 **MR. TROY CHARTER:** Yes, that's who this presentation is  
18 prepared for.

19 **MS. KATE McGRANN:** Okay. And I take it that this isn't an  
20 exhaustive list of all the issues that were experienced on the system, but these are  
21 significant issues that had an impact and that's why they're listed here?

22 **MR. TROY CHARTER:** Yeah, at the time, these were the primary  
23 drivers of service disruptions.

24 **MS. KATE McGRANN:** Okay. And so with this backdrop, I just -- I  
25 wonder if you can give us a description of what the relationship between OC Transpo  
26 and RTM was like as you're dealing with the first issue that's listed on this chart for the  
27 period between October, November, and it looks like it spills over into December a little  
28 bit. What's the relationship between the City and RTM during those first four months or

1 so?

2 **MR. TROY CHARTER:** It starts to become strained. I mean we  
3 start off with good performance. Post-trial running, you can see there that the median is  
4 right up there, close to 100 percent. It drops a little bit in October. And that's -- you  
5 know, once we dialed back that parallel-plus service that we had in place for three  
6 weeks, that's when we started to see more significant issues impacting our operators.  
7 The TCMS and VOBC issues were a few -- were two of them. There were also door  
8 issues that were creating some problems. So, you know, we wanted to see results from  
9 RTG. We wanted to see them taking action to rectify those issues, and we wanted to  
10 see them rectified more timely.

11 **MS. KATE McGRANN:** Okay. And what's the nature of the day-  
12 to-day relationship like between those who are working, you know, directly in operations  
13 and those who are working directly in maintenance as far as you know at this point in  
14 time?

15 **MR. TROY CHARTER:** I think everyone starts to get a little  
16 frustrated. Everyone was excited about the system, excited about the launching, proud  
17 of the system, and then we started running into issues. And we all anticipated that there  
18 were going to be some growing pains but not to the extent of what we saw. And we  
19 saw an increase in the number of issues that started to populate up and they started to  
20 become more impactful.

21 **MS. KATE McGRANN:** Okay. And just thinking about the riders'  
22 experience during these first few months, sir, there's a couple of these outliers below  
23 the 90 level in October. And we see them in November and December as well, so I  
24 take it those are indicators that there were some days on which riders had very bad  
25 experiences during these months, right?

26 **MR. TROY CHARTER:** Yes. I mean we had some very good  
27 days, and that's why you see early on that, you know, there's still -- the median is still  
28 fairly high in terms of their service points. They had some -- we had some very good

1 days. But we had some very bad days. And when it comes to public transit, you need  
2 to be consistent. It's rinse-wash -- wash-rinse-repeat. Great day? Do it again. Great  
3 week? Do it again. Great month? Do it again.

4 **MS. KATE McGRANN:** The pressure never stops to continue to  
5 deliver reliable service to the customers, right?

6 **MR. TROY CHARTER:** That is correct.

7 **MS. KATE McGRANN:** Okay. And so then we move into a couple  
8 of months where it looks like things were -- this are quite bad on many days for the  
9 riders, and that's January, February, and March. And the issue that's identified here is  
10 power and arching, and I take it that would include issues with the overhead catenary  
11 system?

12 **MR. TROY CHARTER:** That is correct, yes, and issues with trains,  
13 you know, I'll just say, you know, due to arching events causing the train to become  
14 immobilized on the line. We also did have some switch issues during the winter months  
15 as well. But the prime -- the biggest ones were the power and arching events, sure.

16 **MS. KATE McGRANN:** Okay. And so during the months from  
17 January to March of 2020, can you just speak to me briefly about what the relationship  
18 is like between the City and RTM as compared to the first four months of service?

19 **MR. TROY CHARTER:** You know, we're continuing to be  
20 frustrated that, you know, we're seeing more issues populate up that we weren't seeing  
21 prior to, and we wanted to see more action to resolve these issues, concern that we  
22 were trending in the wrong direction as opposed to where we were earlier on. So yeah,  
23 the City is taking on more of an approach that we're enforcing the PA more and more  
24 and looking at, you know, what sort of rights do we have under the PA to incentivize or  
25 direct RTG/RTM to take the right decisions to try to turn these things around more  
26 quickly?

27 **MS. KATE McGRANN:** Okay. And I'm going to take you soon to  
28 some evidence you gave in your Commission interview in which you talked about a

1 hesitancy on the part of the City to take information or suggestions from RTG at face  
2 value, and I'm wondering if, during three months with the three long, red bars --  
3 January, February, and March in 2020 -- if by this point in time, in addition to being  
4 frustrated, the City's starting to lose a bit of faith in RTM and its ability to deliver  
5 maintenance services?

6 **MR. TROY CHARTER:** You know, at the time, I don't think -- you  
7 know, what we felt was that there wasn't sufficient action being taken and we didn't  
8 think the parties within RTM were aligned in taking the right steps to try to rectify it.

9 **MS. KATE McGRANN:** And those feelings, sir, in your mind, and  
10 from what you saw, did they have any impact on the ability of the City to work  
11 collaboratively and cooperatively with RTM to deliver service to the customers?

12 **MR. TROY CHARTER:** Not from my perspective, no. I've always  
13 been willing to work with them proactively and, you know, as I said earlier, we are still  
14 aligned and that -- you know, our primary focus is a safe and reliable service. How we  
15 get there is not always -- we're not always aligned in that regard. But when you always  
16 start from safe and reliable service, it's easy some understanding and commitments.  
17 But no, I -- you know, we were -- our customers were dealing with some real challenges  
18 and you know, these are large organizations that we're dealing with that have access to  
19 a lot of resources. You know, we wanted them to pull out all the stops.

20 **MS. KATE McGRANN:** Okay. So let's move through to the next  
21 issue that's identified on this chart that was presented to the Transit Commission, and  
22 that's wheel issues. So it looks like that's impacting riders during the month of June,  
23 July, and August of 2020; is that fair?

24 **MR. TROY CHARTER:** It's primarily in July. That's when it was  
25 discovered the wheel cracks, and you know, for a short period of time, until they were  
26 able to do inspections and verify that, you know, all -- that all the wheels on each train  
27 were safe, their fleet availability -- that's why it says "vehicle availability" under that --  
28 their vehicle availability was impacted, and they could only provide a certain number of

1 vehicles for a period of time until they could get verification process. Once they got  
2 through that process, then they were -- the vehicle availability was able to increase  
3 again, and that's why you see it represented there, and we start to move back up to  
4 higher degrees of performance.

5 **MS. KATE McGRANN:** Okay. And I believe that another real  
6 issue that's being dealt with in around this point in time is wheel flats; is that right?

7 **MR. TROY CHARTER:** The wheel flats would have occurred more  
8 during the winter months, but yes.

9 **MS. KATE McGRANN:** Okay. And I understand that a number of  
10 factors have been identified as factors that may have contributed to the wheel flat issue,  
11 and one such factor was the braking profile used on the vehicles; is that right?

12 **MR. TROY CHARTER:** I believe that was one factor, yes.

13 **MS. KATE McGRANN:** And in your Commission interview, we  
14 were discussing the City's agreement to adjust the braking profile, and you described a  
15 hesitancy on the part of the City to take what RTG was saying at face value in terms of  
16 mitigating efforts that it was suggesting that the City be taking. Do you remember giving  
17 that evidence?

18 **MR. TROY CHARTER:** I do, yes.

19 **MS. KATE McGRANN:** And can you just describe for the  
20 Commission what led to that hesitancy on the City's part?

21 **MR. TROY CHARTER:** Well, we needed a better explanation as to  
22 why they were requesting to change the brake rates. You know, there's a number of  
23 factors that played into that. We were seeing a normal high of emergency brakes  
24 associated with the GITS, the Guideway Intrusion Detection System.

25 We also found out through this time period that they do not have a  
26 functioning wheel way, which is a critical component of maintaining the vehicles.

27 And we wanted to make sure that the decision for adjusting brake  
28 rates was because it was a requirement and not a -- sorry, not a way to move away

1 from the PA requirements in terms of changing brake rates. It does change your ability  
2 to meet the 11,000 customers per direction requirement. So we wanted to make sure  
3 that the adjustments of the brake rates was being done for the right reasons. So you  
4 know, those are the primary reasons from my perspective.

5 **MS. KATE McGRANN:** Okay. And while we're talking about this  
6 hesitancy, I do want to ask you, is it possible that this hesitancy on the part of the City  
7 impacted the ability of RTG and the City to efficiently resolve issues as they arose on  
8 the system?

9 **MR. TROY CHARTER:** No, there was always the opportunity for  
10 dialogue and discussion, and I think if you recall, Ms. McGrann, that during the -- during  
11 my interview on that, I wasn't sure if we ever actually even said no to adjusting the  
12 brake rates. I said it is a possibility that there's -- that we might have said no. But I  
13 know that throughout the winter months, we were adjusting brake rates from time to  
14 time, depending on weather conditions. But the challenge became, you know, when it's  
15 a clear sunny day, why do we need to adjust the brake rates?

16 **MS. KATE McGRANN:** And so I'll just -- since you -- since we're  
17 still here, I'm going to push you on this. Is it possible that if the City is hesitant to accept  
18 a suggestion by RTG because it's concerned that the suggestion is not being made for  
19 the right reasons, the mitigation that's being suggested isn't put in place as quickly as it  
20 could be, then the issue is not being addressed as quickly as it could be?

21 **MR. TROY CHARTER:** I think, as I said, that's one factor.

22 **MS. KATE McGRANN:** Is the City still hesitant to take RTG and  
23 RTM at face value now?

24 **MR. TROY CHARTER:** I would say no. I think there is a much  
25 better dialogue between the parties at this time. But we do want to make sure that  
26 when recommendations are coming forth from RTG and Alstom, that they are properly  
27 documented, they're supported by safety professionals or engineers.

28 So we still do ask for confirmation and clarification that, you know,

1 this isn't just, "Let's hurry up and get back into service."

2 No, we'll take the right steps, we'll do our due diligence, and we'll  
3 make sure that they provide us the necessary documentation to support the decisions.

4 **MS. KATE McGRANN:** Okay. And as things stand right now, is  
5 that information forthcoming?

6 **MR. TROY CHARTER:** For the most part, yes.

7 **MS. KATE McGRANN:** And that's consistent with what you've  
8 already told us about the current good working relationship between the parties, right?

9 **MR. TROY CHARTER:** Agreed.

10 **MS. KATE McGRANN:** Just sticking with the wheel flats for  
11 another minute, in your Commission interview, another factor that I think you identified  
12 that may have contributed to the wheel flats was a learning curve, for both RTG and OC  
13 Transpo. Do you remember giving that evidence?

14 **MR. TROY CHARTER:** Yes, I do.

15 **MS. KATE McGRANN:** Okay. And is it fair to say that the  
16 performance of both the maintenance and the operation staff were improving as they  
17 spent more time working together in the Revenue Service environment?

18 **MR. TROY CHARTER:** I'd say yes. I mean, I think that's -- you  
19 know, I think you would see that in any new start-up operation, that as the teams get  
20 more effective and understand the nuances to a train, to a track, that yeah, I think you  
21 would see -- you would expect to see improved performance.

22 **MS. KATE McGRANN:** Right. This isn't unusual. This is, in fact,  
23 what everybody expected would happen? Everybody's performance would get better as  
24 they got more experience working on the system, working with each other, things like  
25 that?

26 **MR. TROY CHARTER:** I'd say that would be -- that was our  
27 expectation, and that's the expectation, I think, of any sort of major start up like this.

28 **MS. KATE McGRANN:** Okay. And that improvement in increasing

1 experience and improvement in performance has had a positive impact on the service  
2 provided over time; is that fair?

3 **MR. TROY CHARTER:** Yeah. I think we're at a point now where  
4 we're seeing much more positive performance that our customers are receiving. Not to  
5 say there's still not a lot of issues that we need to work through, but we're encouraged  
6 by the results, and we're encouraged that we've been able to sustain it. But that's not  
7 through a lack of effort and a lot of work. And there's still a lot of actions. I think ---

8 **MS. KATE McGRANN:** Understood. The improvement in  
9 performance, has that included, at least at times, a faster recovery from issues as they  
10 occur on the line as compared to when the system first went into service?

11 **MR. TROY CHARTER:** I would say it's twofold. It's reduction in  
12 the number of occurrences as well as rectification of those issues.

13 **MS. KATE McGRANN:** Okay. And both of those contributing  
14 factors play out to the benefit of the rider at the end of the day; is that right?

15 **MR. TROY CHARTER:** That is correct. I mean, no system is  
16 perfect. You will always have to respond and react to issues. We do it on the bus side  
17 all the time. The rail side's no different, and it's no different than what you'd see in other  
18 properties, yes.

19 **MS. KATE McGRANN:** Okay. And we can take this chart down.  
20 We -- I know that there are two derailments, and we will speak to those specifically, but  
21 is it fair to say that the kind of improvements that you're describing, we're generally  
22 seeing in the reliability of the system and the service delivery between September of  
23 2020 and August of 2021, until you reached the first derailment?

24 **MR. TROY CHARTER:** Yeah. There was a lot of actions that have  
25 been taken by RTM, by RTG, OLRT. I mean, I know they're all part and parcel to this.  
26 There's actions with the different players, but a lot of actions being taken to continue to  
27 try to improve the performance of the system, improve the reliability, and to be honest,  
28 deal with the backlog of issues.

1                   **MS. KATE McGRANN:** Mr. Gaul appeared before the Commission  
2 this morning, and he was asked some questions about troubleshooting. He noted -- or  
3 gave evidence that he had raised the idea of a troubleshooting task team. Do you know  
4 if that task team was ever put together?

5                   **MR. TROY CHARTER:** No, we have not put that together.

6                   **MS. KATE McGRANN:** And do you know if the goals of that task  
7 team have been achieved outside of the creation of a troubleshooting task team?

8                   **MR. TROY CHARTER:** I would say yes.

9                   **MS. KATE McGRANN:** Okay. And can you give us a bit more  
10 detail about that?

11                   **MR. TROY CHARTER:** Sure. So into trial running and into  
12 Revenue Service, there was a reluctance at certain points of allowing our operators to  
13 do more troubleshooting on the vehicles. You know, there was a limited number of  
14 functions we could do, you know, isolating a door. I think I described that. You know,  
15 isolating a door is taking a door out of service but the train is allowed to stay in service,  
16 those type of actions.

17                   But we really wanted to leverage the fact that this wasn't a  
18 driverless system, that we had an operator on the vehicle, and while we were  
19 dispatching a tech, a technician to look at the train, you can have an operator doing  
20 some preliminary work to either try to reset something, to get that train either back into  
21 service or to get a train to the -- get a train to the terminal station to minimize the impact  
22 on customers.

23                   So we saw an evolution of that during trial running and early into  
24 service, in which we were able to expand and include additional troubleshooting guides  
25 for both our controllers and our operators.

26                   Just recently though, you know, we have daily meetings with RTM  
27 and -- we have daily meetings with RTM, and we recently in the past couple of months,  
28 we've added some more actions that an operator can take in terms of troubleshooting

1 problems that is within their ability to. I mean, obviously, we don't want operators  
2 touching high-speed circuit breakers where they haven't been properly trained, but if  
3 there's certain functions they can do to provide initial troubleshooting while a  
4 technician's being dispatched, we'd want them to do that. So we don't have a working  
5 group per se, but when we do our operational debriefs and our daily meetings, this topic  
6 does come up from time to time, and when there's opportunities to expand the functions  
7 that an operator can do, we welcome it.

8 **MS. KATE McGRANN:** Okay. And the reluctance that you  
9 described that was initially experienced, do you know where that reluctance was coming  
10 from?

11 **MR. TROY CHARTER:** Primarily it was coming from Alstom at the  
12 time, the manufacturer of the train. And I understand the reluctance. They're  
13 responsible for maintaining the vehicle, and they really want to get to the root cause of  
14 issues. But when you're in revenue service with customers, you can't troubleshoot a  
15 vehicle for an hour. The train needs to either get to a terminus station where it has  
16 minimal impact or it needs to get off the line, because you could create other potential  
17 safety or security issues by having people stuck on a train for extended periods of time.

18 That was primarily where the initial reluctance was coming from,  
19 but I understand the why. It was shifting a focus from a testing and commissioning sort  
20 of mindset to now you're in revenue service with customers on those trains.

21 **MS. KATE McGRANN:** Okay. And I'm going to suggest to you,  
22 sir, that some of the things that you identified earlier that have contributed to the good  
23 working relationship you experience now, including better flow of information, more  
24 cooperation and collaboration, that that may have contributed to an environment in  
25 which additional troubleshooting steps are identified and acted upon by everybody. Is  
26 that fair?

27 **MR. TROY CHARTER:** I don't know if that's necessarily correct. I  
28 mean, earlier on -- the issues that we were experiencing earlier on -- the TCMS and

1 VOBC -- we knew what the operators could do, and that extended -- the issues were  
2 beyond their capability. It needed a technician. Then you get into the winter months.  
3 When you get in, you start dealing with the catenary pulldown -- those types of issues --  
4 once again, not an operator issue. But always been willing to look at how can we  
5 leverage an operator on that train, because that's what's best for our customers.

6 **MS. KATE McGRANN:** Okay. And so as you're adding, as you  
7 just described, additional troubleshooting steps that the operators can take, is that a  
8 result of the ongoing evolution of everybody's experience with the system and working  
9 together and things like that?

10 **MR. TROY CHARTER:** Yeah. I think what you're starting to see is  
11 you're starting to see more of a consistency and more predictability in terms of when  
12 something happens, here's the actions to take. Part of that comes with the experience.  
13 Part of it comes with just learning the nuances of the vehicle and the track and the  
14 system.

15 **MS. KATE McGRANN:** Okay. I'm going to turn away from that  
16 now to speak with you about the derailments and the return to service, and I'm going to  
17 start by asking you to briefly describe the impact that the August and September  
18 derailments had on OC Transpo's riders.

19 **MR. TROY CHARTER:** Not significant. We weren't running trains,  
20 so we had to put bus service in. So that meant longer commute times, higher  
21 cancellations for customers, and overall just disruption. Then obviously there's the  
22 reputational risk -- the reputational issues, but just focusing on the impact on customers,  
23 longer commute times, changing their travel patterns and, on certain days, definitely  
24 higher cancellations. And ---

25 **MS. KATE McGRANN:** Sorry. I missed that. Did you say ---

26 **MR. TROY CHARTER:** I was just going to say and if it wasn't for  
27 COVID, considerable overcrowding.

28 **MS. KATE McGRANN:** Okay. And others having spoken to the

1 cause of the derailments, so I would like to spend my time here with you today talking  
2 about the path back to service.

3 So I understand that the City retained transportation resource  
4 associates to assist in that work; is that right?

5 **MR. TROY CHARTER:** Yes.

6 **MS. KATE McGRANN:** Okay. So I'm going to ask that you be  
7 shown the document at TRA4.

8 **--- EXHIBIT No. 260:**

9 TRA0000004 – Independent Evaluation Confederation Line  
10 1 Safe Return to Service Status Update 5 November 2021

11 **(SHORT PAUSE)**

12 **MS. KATE McGRANN:** Okay, so we're looking at a PowerPoint  
13 titled "Independent Evaluation: Confederation Line 1 Safe Return to Service Status  
14 Update". It states that it's a technical briefing, City of Ottawa Transit Commission by  
15 Transportation Resource Associates, Inc., dated November 5<sup>th</sup>, 2021. Are you familiar  
16 with this document?

17 **MR. TROY CHARTER:** I am, yes.

18 **MS. KATE McGRANN:** And if we could turn to slide 2, the first  
19 bullet point on this slide says that TRA was charged with independently assessing the  
20 Confederation Line 1 safe return to service. And is that a fair description of the  
21 mandate that was given to TRA?

22 **MR. TROY CHARTER:** Yes.

23 **MS. KATE McGRANN:** And if we go down to slide 3, it describes  
24 TRA's scope of work in a bit more detail. The first bullet point we've already discussed.  
25 What I really want to focus on here is the second last bullet point:

26 "Advise the City of Ottawa on completeness and  
27 appropriateness of actions undertaken and changes  
28 in practice to assure a safe return to service and



1                   **MS. KATE McGRANN:** Okay. And I take it, at a high level, sir, it's  
2 the case that there's no return to service until both the City and its independent subject  
3 matter experts are satisfied that the system is safe to return to service; is that right?

4                   **MR. TROY CHARTER:** I won't speak on behalf of the City  
5 manager, but my understanding is yes, we wouldn't have returned to service if TRA  
6 wasn't aligned with the actions that were being taken and [technical difficulty] commit to  
7 that they felt that we could return safely and reliably.

8                   **MS. KATE McGRANN:** Okay.

9                   **COMMISSIONER HOURIGAN:** Counsel, we're going to interrupt  
10 now and take the afternoon break.

11                   **MS. KATE McGRANN:** Thank you.

12                   **THE REGISTRAR:** Order. All rise. The Commission will recess  
13 for 15 minutes.

14 --- Upon recessing at 3:30 p.m.

15 --- Upon resuming at 3:45 p.m.

16                   **THE REGISTRAR:** The Commission has resumed.

17                   **COMMISSIONER HOURIGAN:** Go ahead.

18                   **MS. KATE McGRANN:** Before the break, we were looking at the  
19 document at TRA4, and I'll ask that you be shown that document again. And we can  
20 jump to slide 25, please. And if we could go slide 25 as it appears in the bottom page of  
21 the -- that's perfect.

22                   So the slide deck describes a number of mitigations and corrective  
23 actions associated with root causes. And I won't take you through those, but I do want  
24 to talk about additional things that were done before the return-to-service plan, and this  
25 slide speaks to some of those. So the first bullet point says:

26                                    "In addition to mitigations and corrective actions  
27                                    associated with root causes [and those are set out  
28                                    above] all LRV safety critical open items addressed

1 prior to trains entering testing (including wheels).”

2 Can you speak a little bit to what that bullet point is describing?

3 **MR. TROY CHARTER:** Yeah. We wanted to make sure that all  
4 the safety critical items on a vehicle were checked and verified. So you know, given  
5 that the second derailment was the result -- because this was following the second  
6 derailment -- was the result of a work quality issue, you know, we wanted to make sure  
7 that there wasn't other quality issues that potentially could surface once we returned to  
8 service.

9 **MS. KATE McGRANN:** Okay. And then the next bullet point  
10 describes per train testing. Could you speak to what that bullet point is describing?

11 **MR. TROY CHARTER:** Running trains on a line without  
12 customers.

13 **MS. KATE McGRANN:** And can you give us some more  
14 information about what was involved in the per train testing?

15 **MR. TROY CHARTER:** You know, we're running those, we're  
16 operating those trains for a period of time. I don't recall how long but we did sort of like  
17 a mock service in which trains were mimicking service running back and forth on the  
18 line, opening and closing doors. And we made sure that every train was tested prior to  
19 going into service. Trains that were completed afterwards had to go through a  
20 validation exercise and testing outside of revenue service hours.

21 **MS. KATE McGRANN:** Okay. And the last bullet point here says:  
22 “All issues identified during any testing phase  
23 thoroughly investigated and resolved.”

24 And I take it that means that any issues identified during the testing  
25 phase had to be investigated and resolved before that train would be allowed to go back  
26 into service?

27 **MR. TROY CHARTER:** Exactly.

28 **MS. KATE McGRANN:** Okay. And if we could scroll to the next

1 slide, please. That's header "Return to service activities, infrastructure," and it  
2 describes infrastructure repairs, inspections and testing. Infrastructure testing of the  
3 trains.

4 And then the last bullet point says:

5 "All Confederation Line 1 system elements including  
6 those not involved in derailments..."

7 And describes it as the station's elevators, escalators, overhead  
8 catenary system, et cetera.

9 "... current on preventative maintenance inspections."

10 So am I right in understanding that bullet point to be saying that to  
11 the extent that there was any sort of backlog on the preventative maintenance, that  
12 backlog has been eliminated and everything is now current as far as preventative  
13 maintenance goes?

14 **MR. TROY CHARTER:** Yes. That's my understanding of what the  
15 tech was, yes.

16 **MS. KATE McGRANN:** Okay. And then if we could scroll down to  
17 Slide 27. It's describing return to service activities and if we look at the last three  
18 paragraphs there's a description of supervisors, instructors, safety personnel on  
19 mainline from mock service and return to service. And this is the mock service that you  
20 were just describing, Mr. Charter?

21 **MR. TROY CHARTER:** That is correct. It would have bene our  
22 staff that were driving the trains, that were managing the control centre, and would have  
23 been out in the field, yes.

24 **MS. KATE McGRANN:** Okay. And TRA is reviewing this mock  
25 service performance and results?

26 **MR. TROY CHARTER:** Yeah. TRA is involved in the entire  
27 process, yes.

28 **MS. KATE McGRANN:** And would they have been involved in the

1 identification of trains that needed to be pulled and investigated before returning to  
2 service as well?

3 **MR. TROY CHARTER:** They would have been involved in the  
4 entire process. They were involved in all of the documentation reviews as well as any  
5 meetings that we had with RTM and Alstom. And I know that they also conducted their  
6 own meetings directly with them.

7 **MS. KATE McGRANN:** Okay. And then the first bullet point here:  
8 "Operations, personnel refresh/trained on  
9 Confederation Line changes and updates, safety  
10 reporting systems, alertness for unusual or unsafe  
11 issues with trains or systems."

12 That's all training and refresher training that was done with OC  
13 Transpo staff; is that right?

14 **MR. TROY CHARTER:** Yeah. It's largely, you know, reinforcing  
15 our communications with operators about observe and report issues. If there's a smell  
16 or if you're experiencing an unusual ride, you know, make sure you report it. So it's  
17 really about reinforcing their initial training. Continue to do what you do. Observe and  
18 report. So there was a recommendation that we did that with all our staff, given what  
19 was encountered.

20 **MS. KATE McGRANN:** Okay. And was that training well  
21 received?

22 **MR. TROY CHARTER:** Yes, it was.

23 **MS. KATE McGRANN:** And in your view, was it effective?

24 **MR. TROY CHARTER:** Yeah. I mean, it's -- at the end of the day,  
25 you know, there's not a lot that an operator, if anything, that an operator could have  
26 done to have prevented that. So but any time that you have an opportunity to speak to  
27 your staff about reinforcing safety messaging, it's always a good thing.

28 **MS. KATE McGRANN:** Okay. And I understand that the line

1 initially returned to service with about seven trains, I think. Is that right?

2 **MR. TROY CHARTER:** Yeah. We were a reduced train count and  
3 then we ramped up, yes.

4 **MS. KATE McGRANN:** Okay. And you've now -- you've ramped  
5 up to full service on the line; is that correct?

6 **MR. TROY CHARTER:** Right now we're -- we were running 11  
7 trains in service up until July 1<sup>st</sup>, On Canada Day we ran a special service schedule  
8 because it was Canada Day and we had to do egress. Right now we are -- we require  
9 that they have 15 trains available, but because we're going into another period of 10  
10 days where we have a major music festival going on, we're going to be running special  
11 service for those days as well.

12 So for the past, I'll say, couple of months RTM has been required to  
13 have 15 trains available for service but we've only been launching 11.

14 **MS. KATE McGRANN:** Okay. And I take it the system is back in  
15 service, but can you just speak a little bit to OC Transpo's conclusion and what it was  
16 advised by TRA in terms of the safety of the system and why it returned to service when  
17 it did?

18 **MR. TROY CHARTER:** Yes. So ultimately the conclusion was the  
19 mitigations that were put in place, the inspection regime and the changes that were  
20 immediately made with some of the oversight and the quality control processes would  
21 allow us to return to service and provide a safe and reliable service. However, there  
22 were some longer term actions, organizational realignment, updating documentation.  
23 There was a whole bunch of other actions that were linked to sort of a safety  
24 management system and creating a safety management -- improved culture that it was  
25 longer term actions that needed to be taken as well. But as long as the mitigations were  
26 adhered to, in terms of the quality control checks as well as the checks on the axle  
27 bearing assembly -- as long as those things were done, you could safely return to  
28 service.

1                   **MS. KATE McGRANN:** Okay. We can take this document down.  
2 I've just got two more questions for you at this point, sir, that the ongoing work -- the  
3 safety management system and the other longer-term work, I take it that OC Transpo  
4 and the City are committed to doing that work?

5                   **MR. TROY CHARTER:** Yeah. OC Transpo and the City, as well  
6 as RTM.

7                   **MS. KATE McGRANN:** That was going to be my next question. In  
8 your experience and your interactions with RTM, do you see that same commitment  
9 coming from them as well?

10                  **MR. TROY CHARTER:** At this point, yes.

11                  **MS. KATE McGRANN:** Thank you very much for your time.  
12 Those are my questions.

13                  **COMMISSIONER HOURIGAN:** All right. Thank you very much.  
14 Next up is counsel for RTG/OLRT/RTM.

15                  **MR. MANU CHOWDHURY:** Thank you, Mr. Commissioner. For  
16 the record, Manu Chowdhury for the RTG parties.

17 **--- CROSS-EXAMINATION BY MR. MANU CHOWDHURY:**

18                  **MR. MANU CHOWDHURY:** Mr. Charter, are you able to hear me  
19 well?

20                  **MR. TROY CHARTER:** It's choppy.

21                  **MR. MANU CHOWDHURY:** Is that any better now?

22                  **MR. TROY CHARTER:** Let's try that again?

23                  **MR. MANU CHOWDHURY:** Is it any better now?

24                  **MR. TROY CHARTER:** That's fine.

25                  **MR. MANU CHOWDHURY:** Okay. Well, good afternoon, Mr.  
26 Charter. I just have a few brief questions for you and of course, if at any point if you  
27 have any difficulty hearing me, please let me know and we'll sort that out.

28                  So you remember, Mr. Charter, having a discussion with Ms.

1 McGrann where she took you to Mario Guerra's transcript?

2 **MR. TROY CHARTER:** I do, yes.

3 **MR. MANU CHOWDHURY:** And that discussion was about -- I  
4 believe you said you had instructed your staff to ensure that during the month of  
5 September 2019 and later on, to ensure that the system was operating as it should be,  
6 correct?

7 **MR. TROY CHARTER:** Correct.

8 **MR. MANU CHOWDHURY:** Now, as part of their assessment of  
9 checking the system should be operating as it should be, any time they would find  
10 potential errors or things that were not working properly, these would be input as work  
11 orders in the IMERS system, correct?

12 **MR. TROY CHARTER:** Yes.

13 **MR. MANU CHOWDHURY:** And do you recall that there was an  
14 unusually high number of work orders generated in September 2019?

15 **MR. TROY CHARTER:** I do know that during trial running there  
16 was a high number of work orders being introduced. That may have continued. That  
17 may have continued. I don't recall a high number of work orders being introduced in  
18 September. But I know during trial running that was a concern that was raised and  
19 discussed amongst the parties.

20 **MR. MANU CHOWDHURY:** Okay. Well, if I were to represent to  
21 you that there's approximately 900 work orders that RTM closed in the month of  
22 September 2019, would you have any reasons to doubt that?

23 **MR. TROY CHARTER:** No. I mean, it is a busy system, 13  
24 stations, lots of -- you know, 34 vehicles. So I wouldn't doubt it. I would want to see a  
25 breakdown of what all those workorders were, but I would have no reason to doubt that.

26 **MR. MANU CHOWDHURY:** Okay. And if I were to put it to you,  
27 Mr. Charter, that as part of those work orders, there was -- RTM experienced  
28 deductions of \$15.4M, would you, again, have any reasons to question that?

1                   **MR. TROY CHARTER:** No, I know that the -- I wouldn't know the  
2 exact number, but I know the deductions were very, very high, yes.

3                   **MR. MANU CHOWDHURY:** Okay. And in subsequent months in  
4 2019, so just after September 2019, there were less than 100 workorders a month. Are  
5 you aware of that?

6                   **MR. TROY CHARTER:** I have no reason to doubt that. I'm not  
7 aware of the numbers but I don't have a reason to doubt it.

8                   **MR. MANU CHOWDHURY:** So, Mr. Charter, you would agree that  
9 for -- at least for the month of September 2019, work orders were significantly higher  
10 than what would be experienced later on, even in 2019?

11                   **MR. TROY CHARTER:** If those numbers are correct, yes.

12                   **MR. MANU CHOWDHURY:** Okay. Mr. Charter, I think you  
13 discussed with Ms. McGrann a little bit the issue of the 2017 criteria and the 2019  
14 criteria; do you remember that discussion?

15                   **MR. TROY CHARTER:** Yes, I do.

16                   **MR. MANU CHOWDHURY:** Okay. Now, this has been a topic the  
17 multiple witnesses have given evidence on. Mr. Morgan gave evidence, and I  
18 paraphrase loosely here, at these hearings that Joe North of STV was tasked by Mr.  
19 Marconi to develop the 2017 trial criteria. Are you aware of Mr. North being tasked by  
20 Mr. Marconi to develop the 2017 criterias?

21                   **MR. TROY CHARTER:** Yes, I'm aware that Joe North had worked  
22 with Mr. Manconi about creating that criteria, and it was created back in 2017. Yes, I'm  
23 aware of that.

24                   **MR. MANU CHOWDHURY:** Okay. And Mr. North attended some  
25 of the trial running meetings and prepared scorecards prior to the day of trial running; is  
26 that right?

27                   **MR. TROY CHARTER:** Yeah, I believe Mr. North replaced Mr.  
28 Gaul on -- I'm not sure if it was more that one occasion but at least one occasion, yes.

1                   **MR. MANU CHOWDHURY:** Correct, okay. So Mr. Lauch said,  
2 both at his formal interview and his testimony at this hearing, that he thought you first  
3 raised the prospect of reverting back to the 2017 criteria with him but he was not sure  
4 that it was in fact you. Are you aware of that evidence?

5                   **MR. TROY CHARTER:** I am.

6                   **MR. MANU CHOWDHURY:** Okay. Now, do you have information  
7 on whether Mr. North raised the idea of reverting back to the 2017 criteria with Mr.  
8 Lauch?

9                   **MR. TROY CHARTER:** I don't recall that, no.

10                  **MR. MANU CHOWDHURY:** But as far as you're aware, it's a  
11 possibility?

12                  **MR. TROY CHARTER:** You know, my recollection was that Peter  
13 had raised it, but it is -- I guess it is a possibility and -- it is a possibility, yes.

14                  **MR. MANU CHOWDHURY:** And as you told Ms. McGrann, your  
15 recollection on this point is not confident, correct? I believe that's the word you used.

16                  **MR. TROY CHARTER:** Sorry, can you repeat that?

17                  **MR. MANU CHOWDHURY:** Of course. I think you've told Ms.  
18 McGrann that on the issue of who first raised the criteria of going back, your recollection  
19 on this point is not confident. I believe that is the word you used.

20                  **MR. TROY CHARTER:** Yeah. No, agreed. I mean I recognize  
21 that I -- you know, I don't have a lot of details to support my statement, so, you know, it  
22 is possible. And in terms of confidence level, there was a wealth of conversations going  
23 on every single day and we were all working, you know, 16-hour days, so possibly, yes.

24                  **MR. MANU CHOWDHURY:** And just, Mr. Charter, putting aside  
25 who sort of raised the criteria first, you recall that there was a vigorous and extensive  
26 discussion between the City, RTG, and STV about whether the 2017 criteria were  
27 appropriate and whether or not the 2019 criterias were too onerous?

28                  **MR. TROY CHARTER:** That was part of the discussion when it

1 came up, yes.

2 **MR. MANU CHOWDHURY:** And was any aspect of that discussion  
3 influenced by who first suggested that we go back to the 2017 criteria?

4 **MR. TROY CHARTER:** No, not that I'm -- not that I'm aware, no.

5 **MR. MANU CHOWDHURY:** No, that was not a deciding factor in  
6 any way?

7 **MR. TROY CHARTER:** No. At the end of the day, the City felt  
8 comfortable with the 2017 criteria. It was a change from what we had started off in trial  
9 running, but we felt comfortable with the change. We felt that it still provided an  
10 accurate assessment of the state of the system and, you know, its readiness, so we felt  
11 comfortable with it. But I don't believe who originally created the 2017 criteria had any  
12 factor in it.

13 **MR. MANU CHOWDHURY:** Okay. Thank you, Mr. Charter.  
14 Those are the questions I have for you.

15 Thank you, Mr. Commissioner.

16 **COMMISSIONER HOURIGAN:** All right. Thank you, Counsel.

17 We'll move on to Alstom.

18 **--- CROSS-EXAMINATION BY MR. MICHAEL VALO:**

19 **MR. MICHAEL VALO:** Good afternoon, Mr. Charter. My name's  
20 Michael Valo, v-a-l-o, for the record. I'm one of the lawyers for Alstom. I've got a  
21 handful of questions here for you and I'll just jump to the top of the trial running since my  
22 friend was just speaking to you about it. If I understand correctly, Mr. Charter, you and  
23 your team at OC Transpo worked with RTG to put together the Trial Running Plan, the  
24 2019 plan, right?

25 **MR. TROY CHARTER:** Yes, we worked on it together, yes.

26 **MR. MICHAEL VALO:** And part of that criteria for trial running was  
27 to test RTM's maintenance operations and decision-making in operational  
28 circumstances; is that right?

1                   **MR. TROY CHARTER:** Yeah, there was criteria. There was some  
2 qualitative criteria, yes.

3                   **COMMISSIONER HOURIGAN:** Sorry, stand by.

4                   Mr. Operator, can you shut down the mic of whoever's talking?

5                   Okay, proceed, please.

6                   **MR. MICHAEL VALO:** Okay, thank you very much. Sorry about  
7 that, Mr. Charter. So I was just asking you about the trial running criteria and evaluating  
8 RTM's maintenance operations and decision-making during operational circumstances.  
9 And then, of course, the trial running plan is modified in the middle of the trial running  
10 period to this reduced 96 percent availability over nine of 12 days, right?

11                  **MR. TROY CHARTER:** That's correct.

12                  **MR. MICHAEL VALO:** And that change -- I'm sorry to speak over  
13 you.

14                  **MR. TROY CHARTER:** No, no, go ahead.

15                  **MR. MICHAEL VALO:** That change occurred on August 16<sup>th</sup>; is  
16 that right?

17                  **MR. TROY CHARTER:** I believe that was about the date, yes. It  
18 was right around that.

19                  **MR. MICHAEL VALO:** And ---

20                  **MR. TROY CHARTER:** I'd need to look at the document, but I  
21 believe that to be accurate, yes.

22                  **MR. MICHAEL VALO:** Do you recall, sir, that August 14 and 15 of  
23 the trial running period were both repeat days?

24                  **MR. TROY CHARTER:** I do.

25                  **MR. MICHAEL VALO:** And so, then, the 16<sup>th</sup>, the change occurs.  
26 And I don't if you recall that particular day of trial running, do you?

27                  **MR. TROY CHARTER:** The 16<sup>th</sup>?

28                  **MR. MICHAEL VALO:** Yeah.

1                   **MR. TROY CHARTER:** If you could pull up the scorecard, it would  
2 be -- I mean I -- depending on what the question is, I do remember the day. I mean I  
3 think we started off really strong on that day, but I'd need to see the scorecard to refresh  
4 my memory on all the details.

5                   **MR. MICHAEL VALO:** Sure, that's fair. I think -- I'll pull up a  
6 document we've seen before that I think will help refresh our memory. It's the  
7 WhatsApp chat; it's at STV2337. And in fact, as this comes up, I'll ask our operator to  
8 please scroll down to item 333; that should be page 16. There we are. And you're  
9 right, sir, a very good memory, actually. A.M. peak has ended, you say:

10                                    "And we are starting our midday service reduction  
11                                    from 13 to 11 trains. Very positive a.m. rush. A  
12                                    majority of the time, all trips running on time. Even  
13                                    the space throughput and trial times, positive energy  
14                                    and control and, with our operators, ran like a railroad  
15                                    and no vehicle issues." (As read).

16                   So your recollection was absolutely right. But do you recall, sir, that  
17 the afternoon did not go that well?

18                   **MR. TROY CHARTER:** Yeah, if you could scroll down, I'm sure ---

19                   **MR. MICHAEL VALO:** Yeah.

20                   **MR. TROY CHARTER:** --- I provide an update.

21                   **MR. MICHAEL VALO:** Definitely. Let's look at 338 and below,  
22 please. And so there it is. And you'll see there, you report, Mr. Charter to Mr. Manconi:

23                                    "Diasbled train is now parked at Tunney's. Resuming  
24                                    full service using a single platform at Tunney's. Spare train  
25                                    to be launched in the gap."

26                   Mr. Manconi asks:

27                                    "Are we okay for passing the day at 96?"

28                   You respond that you're not sure. You're worried about throughput

1 in the east and now it's a two-hour impact.

2 Mr. Manconi says:

3 "We can't lose the day."

4 And you say:

5 "I know but this was long and the tech made it worse."

6 And then Mr. Manconi asks if Peter called you and suggests you  
7 launch a spare, "We can't" -- he said again:

8 "Don't lose the day." (As read).

9 So clearly Mr. Manconi was concerned about the impact of the  
10 delay; is that right?

11 **MR. TROY CHARTER:** Yeah, I think we all were. But yes.

12 **MR. MICHAEL VALO:** Right. And if we scroll down to 364, Mr.  
13 Operator, please, we'll see, later that evening, at 9:04 p.m., Mr. Manconi sends another  
14 message, and he says:

15 "I'll finish with this. Full court press on fleet, fleet  
16 deployment, fleet maintenance. Cross the lines if you  
17 have to, just tell your guys to say, 'without prejudice'.  
18 Seriously, we have to. More on next conference call  
19 on Sunday." (As read).

20 And so, Mr. Charter, I imagine when your boss directs you to cross  
21 lines and reinforces that by saying, "Seriously, we have to," you might feel some  
22 pressure to comply; that's fair?

23 **MR. TROY CHARTER:** No. I can't agree with that statement. I  
24 worked with Mr. Manconi for many years. He was always a very, very intense  
25 individual, very demanding, but no, I didn't feel any undue pressure from Mr. Manconi  
26 on that, no.

27 **MR. MICHAEL VALO:** So when he told you to "cross the lines",  
28 you just put that off to hyperbole.

1                   **MR. TROY CHARTER:** No, “cross the lines” -- I think you’re taking  
2 a different interpretation of the way I took it; that’s for sure. “Cross the lines” was “If you  
3 need to talk directly to Alstom, talk directly to Alstom; if you need to talk directly to one  
4 of the subcontractors, talk directly to one of the subcontractors. Don’t feel like you have  
5 to go through a chain of command.” That’s how I read it.

6                   **MR. MICHAEL VALO:** And what did “without prejudice” mean to  
7 you?

8                   **MR. TROY CHARTER:** Well, it’s one of those things. If you want  
9 to commit to something -- it’s one of those things: “Hey, I’m willing to do something  
10 today, which is let’s launch 13 trains.” I don’t really have a good example; I’m sorry, but  
11 “without prejudice” -- I’m not reading anything into that.

12                   **MR. MICHAEL VALO:** Okay. Well, let’s look at the next day,  
13 because you confirmed to Mr. Manconi, sir, that even though the afternoon of the 16<sup>th</sup>  
14 was technically a fail, you exercised your discretion to pass the day. Do you recall that?

15                   **MR. TROY CHARTER:** I do, yes. The trial running review team  
16 discussed it with the independent certifier there, and we decided, based upon that one  
17 criteria, to pass the day.

18                   **MR. MICHAEL VALO:** Can you scroll down to 382, Mr. Operator,  
19 please. Yeah, that’s perfect. Thank you.

20                   Mr. Charter, you’ll see it’s 9:30 a.m. the next day, August 17<sup>th</sup>. You  
21 say:

22   “Yesterday, missed both headway, and vehicle  
23 throughput was within one LRV in one direction and  
24 was perfect kilometres. Initial numbers 92.3. Might  
25 go up, not sure by how much.” (As read)

26                   Then you say:

27   “Headway throughput miss was p.m. and perfect.”  
28 (As read)

1 "So we passed the day?" Mr. Manconi asks, and you say:

2 "I will make notes on the scorecard that they missed  
3 the throughput due to two poor RTM decisions. As a  
4 result, recommend we use our discretion and pass  
5 the day. Peter knows that's my approach." (As read)

6 So what you're saying is "Even though the day is a fail, or would  
7 technically have been a fail, we'll use our discretion to pass it", right?

8 **MR. TROY CHARTER:** No. What I'm saying there is the trial  
9 running review team does have a certain amount of discretion. It was very, very close,  
10 and if it wasn't for a poor decision that was made, it would have been a pass. I think we  
11 need to take that into consideration.

12 **MR. MICHAEL VALO:** Right. And you had agreed with me earlier,  
13 sir, that the very purpose of trial running was to test RTM's decision-making in  
14 operational circumstances, right?

15 **MR. TROY CHARTER:** Yes.

16 **MR. MICHAEL VALO:** And so the very thing you're there to test  
17 that they failed to do -- you used your discretion to waive that to ensure that this day  
18 was not the third fail in a row, right?

19 **MR. TROY CHARTER:** We used our discretion because it was a  
20 bad decision. Had it not been for that one decision -- actually, it was two small  
21 decisions -- they would have passed the day. They missed by, I believe, one train. One  
22 train.

23 **MR. MICHAEL VALO:** Okay. I want to talk about a different topic  
24 now, sir. We can take this document down. Thank you very much.

25 I want to turn to the second derailment, sir, in September of 2021.  
26 Now, you're aware, I take it, that the train was already delayed in Tremblay station  
27 before departing the station, right?

28 **MR. TROY CHARTER:** I wasn't sure. I wasn't aware that it was

1 delayed departing the station, no.

2 **MR. MICHAEL VALO:** Sorry. Did I say “delayed”? I meant to say  
3 “derailed”. I’m sorry. I misspoke.

4 **MR. TROY CHARTER:** Yeah, I know that that was one of the  
5 findings, that the train had derailed at the station. I don’t know if it was necessarily as it  
6 was departing or as it was coming in and stopping, but I believe that was one of the  
7 findings, that it derailed at the station.

8 **MR. MICHAEL VALO:** Right. And the evidence we’ve heard so far  
9 is that the ERO, or the driver, did not realize the train was derailed when he departed  
10 the station.

11 **MR. TROY CHARTER:** That is correct.

12 **MR. MICHAEL VALO:** And you’re aware the radio transcript  
13 reflects that the ERO is distracted and talking to the control room about the smell of  
14 human feces on the train while he was dwelling at Tremblay station.

15 **MR. TROY CHARTER:** I know that the operator was on the radio.  
16 I don’t believe he was distracted.

17 **MR. MICHAEL VALO:** You don’t believe he was distracted. So  
18 you’re aware that the ERO did not notice visible clouds of dust and ballast scattering  
19 onto the west side platform as the train pulled out.

20 **MR. TROY CHARTER:** Our operator was focused on the path  
21 ahead.

22 **MR. MICHAEL VALO:** And he didn’t hear the train scraping  
23 against the platform edge as it pulled away.

24 **MR. TROY CHARTER:** No, they did not.

25 **MR. MICHAEL VALO:** He didn’t hear the flying ballasts falling onto  
26 the platform either.

27 **MR. TROY CHARTER:** No, they did not.

28 **MR. MICHAEL VALO:** And he didn’t notice or hear the gearbox

1 ripping up rail ties and switches along the infrastructure.

2 **MR. TROY CHARTER:** No, they did not.

3 **MR. MICHAEL VALO:** Even though the window to his cab was  
4 open at the time.

5 **MR. TROY CHARTER:** They did not hear.

6 **MR. MICHAEL VALO:** Were you aware the window of his cab was  
7 open at the time before he departed the station?

8 **MR. TROY CHARTER:** No, I was not.

9 **MR. MICHAEL VALO:** And even though the control room  
10 operators were able to hear the noise of the derailed train through the cab radio as they  
11 were talking, the ERO still indicated he did not hear anything amiss.

12 **MR. TROY CHARTER:** That's my understanding. The operator  
13 did not know that the train was derailed.

14 **MR. MICHAEL VALO:** Were you aware that the operators in the  
15 control room were able to hear train noise while they spoke to him on the radio?

16 **MR. TROY CHARTER:** No, I was not.

17 **MR. MICHAEL VALO:** And of course if they heard noise on the  
18 radio, that means it had to have been audible in the cab, right?

19 **MR. TROY CHARTER:** You can make that assumption, I guess.

20 **MR. MICHAEL VALO:** All right. Have you read the statement of  
21 the spotters, sir, the station spotters?

22 **MR. TROY CHARTER:** No, I have not.

23 **MR. MICHAEL VALO:** So you aren't aware that the spotter on the  
24 east platform reported a loud noise and stones all over the platform and actually called  
25 the control room before the train departed, but it left anyway.

26 **MR. TROY CHARTER:** I do not believe the spotter would have  
27 been able to contact control and control contact the operator prior to the derailment --  
28 prior to the train leaving the station.

1                   **MR. MICHAEL VALO:** And the spotter on the west platform, sir,  
2 also reported a loud noise and that he could see the train rubbing against the platform.  
3 He actually explained that he tried to save himself and run away he was so scared.  
4 Were you aware of that?

5                   **MR. TROY CHARTER:** I did see on the video that one of the  
6 spotters did move away because of the rocks that were coming up onto the platform,  
7 yes.

8                   **MR. MICHAEL VALO:** But you didn't read the spotters' witness  
9 statements?

10                  **MR. TROY CHARTER:** I haven't read every single statement, no.

11                  **MR. MICHAEL VALO:** Were you aware that OC Transpo's  
12 investigation determined that the ERO's attention placed on determining the human  
13 waste smell may have prevented him from identifying signs of the derailment?

14                  **MR. TROY CHARTER:** I know that's a factor that needs to be  
15 considered, yes.

16                  **MR. MICHAEL VALO:** But earlier you -- your view is that he was  
17 not distracted.

18                  **MR. TROY CHARTER:** I don't believe he was.

19                  **MR. MICHAEL VALO:** And on what basis do you disagree with  
20 OC Transpo's investigation?

21                  **MR. TROY CHARTER:** Because I know that we've had a similar  
22 occurrence in the yard -- significant occurrence in the yard -- in which an RTM  
23 employee did not know a second car of a train was derailed. And it ---

24                  **MR. MICHAEL VALO:** You'd agree ---

25                  **MR. TROY CHARTER:** --- was very similar circumstances.

26                  **MR. MICHAEL VALO:** You'd agree with me, sir, that any  
27 derailment in the yard necessarily occurred at a very low speed.

28                  **MR. TROY CHARTER:** Yes.

1                   **MR. MICHAEL VALO:** You'd also agree with me that the  
2 derailment in the yard did not involve a train scraping against the platform.

3                   **MR. TROY CHARTER:** No, it took out a cement bollard.

4                   **MR. MICHAEL VALO:** It wasn't dragging a train across a platform,  
5 right?

6                   **MR. TROY CHARTER:** It wasn't dragging a train across a  
7 platform, no, but it made significant contact with equipment in the MSF.

8                   **MR. MICHAEL VALO:** And it didn't involve a gearbox dragging on  
9 the ground, tearing up ties, and kicking up ballast.

10                  **MR. TROY CHARTER:** It did not involve a gearbox tearing up ties,  
11 no.

12                  **MR. MICHAEL VALO:** And yet in the case of LRV 21's derailment,  
13 the vehicle travelled more than 1,400 feet in a derailed state from Tremblay station. Is  
14 that right?

15                  **MR. TROY CHARTER:** I know it travelled quite a distance prior to  
16 it coming to a stop, so yes. I don't know the exact distance, but it was quite a distance.

17                  **MR. MICHAEL VALO:** I'll represent to you the 1,400 feet is taking  
18 from the TSB rail safety advisory letter.

19                         And you'd agree with me that having travelled that distance with a  
20 gearbox hanging down and in a derailed state, it tore up all kinds of infrastructure along  
21 the way, right?

22                  **MR. TROY CHARTER:** There was some damage created for sure,  
23 yes.

24                  **MR. MICHAEL VALO:** Quite a bit of damage, no?

25                  **MR. TROY CHARTER:** Yes.

26                  **MR. MICHAEL VALO:** And that infrastructure required extensive  
27 repair over many weeks before the system could be put back into service; isn't that  
28 right?

1                   **MR. TROY CHARTER:** It required extensive repairs prior to going  
2 back into service, yes.

3                   **MR. MICHAEL VALO:** Okay. Thank you, sir.

4                   I want to turn to another topic. It will be my last today, and that is  
5 the Mott MacDonald report. Are you aware, sir, that the City engaged Mott MacDonald  
6 to provide an independent review of Stage 1 of the project to validate the City's notice of  
7 default against RTG?

8                   **MR. TROY CHARTER:** I'm aware of that, yes.

9                   **MR. MICHAEL VALO:** And Mott MacDonald prepared its initial  
10 report in June of 2021, and then it updated that report in April 2022, right?

11                   **MR. TROY CHARTER:** Yeah. I believe it was updated to include  
12 observations from the MSF.

13                   **MR. MICHAEL VALO:** Okay. I'm going to ask for that document to  
14 be opened, if we could, please. It's COM0010116.

15   **(SHORT PAUSE)**

16                   **MR. MICHAEL VALO:** Okay. So if we could just scroll down a little  
17 bit so we can see the cover page, you'll see here this is the April 22 version. Do you  
18 recognize it, sir?

19                   **MR. TROY CHARTER:** It looks -- yes, I do.

20                   **MR. MICHAEL VALO:** And would you agree that Mott's report  
21 ostensibly identified deficiencies in system infrastructure and vehicles and commented  
22 on maintenance practices?

23                   **MR. TROY CHARTER:** There was a lot of observations that they  
24 provided on basically all aspects of the system, yes.

25                   **MR. MICHAEL VALO:** Were you aware that Mott did not speak to  
26 anyone from Alstom during its investigation?

27                   **MR. TROY CHARTER:** I was not aware of that.

28                   **MR. MICHAEL VALO:** I want to look at a couple of particular

1 sections to explore the result of that lack of engagement with Alstom.

2 If we could go to PDF page 185, please? All right. Just give me  
3 one -- if we could actually -- perfect. Yeah. Could we just scroll down a little bit so we  
4 can see the bottom half of this page here, please?

5 And what you can see, sir, is where a section called "Backlog of  
6 Deferred Maintenance". This, I guess, is a TIF, which is why it's a little less clear. But  
7 you see where "Backlog of Deferred Maintenance"?

8 **MR. TROY CHARTER:** I do, yes.

9 **MR. MICHAEL VALO:** Okay. And on the next page, if I could ask  
10 just to go to the next page, please, we'll see a bulleted list just a little further down.  
11 Here we are. Just, if we could pause right there.

12 And what we'll see here is a list of nine different maintenance tasks  
13 that have been deferred apparently for 12 or 15 months. And based on this list, it's  
14 review, Mott assumes -- Mott concludes, and it's here:

15 "Mott assumes, based on this list, that the vehicles  
16 are out of service and Mott concludes that the backlog  
17 of deferred maintenance indicates a maintenance  
18 system which appears to be not controlling or  
19 managing maintenance tasks." (As read)

20 Had you read that conclusion prior to just now, sir?

21 **MR. TROY CHARTER:** I'm familiar with the report, not all the -- not  
22 necessarily every single detail of it, but I know that we do have concerns about deferred  
23 maintenance, yes.

24 **MR. MICHAEL VALO:** Right. And those concerns, I'm going to  
25 suggest to you, to the extent they're based on this list, are completely unfounded, since  
26 seven of the nine vehicles on this list -- and you can see here LRV 22, 14, and then 46,  
27 42.5, 44, 43, 46, 43, seven of those nine vehicles are vehicles that are not even yet sold  
28 to the City of Ottawa, are they?

1                   **MR. TROY CHARTER:** Looking at the numbers, I would say yes,  
2 some of those vehicles aren't part of our current fleet, yes.

3                   **MR. MICHAEL VALO:** Right. And had Mott simply spoken to  
4 someone at Alstom, they would have known that, wouldn't they?

5                   **MR. TROY CHARTER:** Yes.

6                   **MR. MICHAEL VALO:** And so vehicles that aren't in the fleet, in  
7 service, that require deferred maintenance, can't possibly affect reliability or availability  
8 of vehicles, could they?

9                   **MR. TROY CHARTER:** Agreed.

10                  **MR. MICHAEL VALO:** Okay. Can we continue to the next page,  
11 please? A little further down, please?

12                                 And what we'll see is another list, and this list, Mott identifies a  
13 number of deferred maintenance tasks that are tracked from September 2019 through  
14 January 2021 that Mott indicates, "Components from delivered vehicles are being  
15 utilized for maintenance activities."

16                                 On other vehicles, I suppose, but are you familiar with this list?

17                   **MR. TROY CHARTER:** Not the list, per se, but I know of the issue  
18 of the concern, yes.

19                   **MR. MICHAEL VALO:** Right. Components of these vehicles are  
20 being taken out and used in other vehicles for repair or whatever process?

21                   **MR. TROY CHARTER:** Yeah. Those vehicle -- yeah, parts that  
22 were being removed from vehicles not necessarily in service to put into -- put onto  
23 vehicles -- to use on vehicles that were in service, yes.

24                   **MR. MICHAEL VALO:** Thank you. And if you scroll down, we can  
25 see it's quite an extensive list, and I'll represent to you, sir, that only one of these  
26 vehicles is actually a vehicle in the fleet of vehicles sold to the City of Ottawa. The rest  
27 are not yet sold. Are you aware of that?

28                   **MR. TROY CHARTER:** Yes.

1                   **MR. MICHAEL VALO:** You're aware that these vehicles are not  
2 sold to the City of Ottawa?

3                   **MR. TROY CHARTER:** A number of them are; a number of them  
4 aren't. But yeah, I'm aware of the fact that parts from vehicles that were not sold to the  
5 City of Ottawa being used to maintain the current fleet.

6                   **MR. MICHAEL VALO:** And the only vehicle here actually in this list  
7 that is a sold vehicle is Vehicle 7, and that vehicle was actually a long-stop train that  
8 was required to be rebuilt, so it was not actually in service at this time, was it?

9                   **MR. TROY CHARTER:** I don't know the specifics on the vehicle  
10 but that would have been a vehicle that was in our active fleet, yes. I know that we did  
11 have a vehicle that was long-term stop.

12                   **MR. MICHAEL VALO:** And to the extent that is a long-stop vehicle,  
13 and the rest of the vehicles aren't even sold yet and part of the active fleet, parts taken  
14 from these vehicles cannot be indicative of any type of reliability issues; isn't that true?

15                   **MR. TROY CHARTER:** I wouldn't necessarily agree with that, no. I  
16 mean, you do expect and it is a balance to have parts on hand to be able to replace  
17 components. And you know, if you're having high component failure and you don't have  
18 sufficient stock, you need to go to other vehicles.

19                   The other concern here is that, you know, these vehicles will be  
20 delivered here. In what state will they be delivered? And if Alstom is having difficulty in  
21 maintaining the fleet as it is, you know, we don't want to create more work for a  
22 workforce that's already tasked.

23                   **MR. MICHAEL VALO:** I'm going to suggest to you, sir, that's a  
24 whole different issue, and before any vehicle is delivered to the City, it's required to go  
25 through extensive acceptance testing witnessed by the City.

26                   So I presume that if any components were missing at that time, the  
27 City might have an opportunity to say so and would not accept the vehicle.

28                   **MR. TROY CHARTER:** We wouldn't accept the -- but work would

1 still may be required to be done here in Ottawa, which would take away from the ability  
2 to maintain the current fleet.

3 **MR. MICHAEL VALO:** Right. But these unsold vehicles are  
4 Alstom's to do with as they will, and they're not part of the fleet, and there's no  
5 possibility that they'd ever enter service until they are sold; isn't that right?

6 **MR. TROY CHARTER:** Until they're accepted and they go through  
7 a testing period, yes, you're correct.

8 **MR. MICHAEL VALO:** Correct. So Mott's conclusions that are any  
9 -- any conclusions drawn by Mott as to the implications for reliability based on these  
10 vehicles, is baseless.

11 **MR. TROY CHARTER:** As I think I've previously explained, I don't  
12 agree with that statement.

13 **MR. MICHAEL VALO:** Would you agree, at the very least, that  
14 again, even a short discussion with someone from Alstom with basic knowledge of the  
15 fleet could have cleared up this misinformation that Mott has included in their report?

16 **MR. TROY CHARTER:** I don't necessarily know it's clearing up  
17 some misinformation, but there is a view here that, you know, there's potentially an  
18 issue with parts supply as well as increased component failure on the current fleet.

19 **MR. MICHAEL VALO:** We just established, sir, that this isn't the  
20 current fleet.

21 **MR. TROY CHARTER:** No, but where are the parts being taken  
22 to? They're being taken to be used on the current -- to maintain the current fleet.

23 **MR. MICHAEL VALO:** Right.

24 **MR. TROY CHARTER:** That's the concern ---

25 **MR. MICHAEL VALO:** We ---

26 **MR. TROY CHARTER:** --- that we not have parts on hand to  
27 maintain the current fleet, and is there a high degree of failure rate that you're mitigating  
28 and managing by using parts from a fleet that hasn't been sold yet to the City?

1                   **MR. MICHAEL VALO:** Okay. Let's look at one other example, sir.  
2 If we could go to page 195, please?

3                   And you'll see here we're at wheel wear recording 3.1.6.3. And in  
4 the first paragraph, Mott reviews some data from the wheel truing machine, and they  
5 indicate -- I'm looking at the second paragraph there, the last sentence, having reviewed  
6 the data, they've made some concerning observations. Do you see that, sir?

7                   **MR. TROY CHARTER:** No, I'm still trying to find it.

8                   **MR. MICHAEL VALO:** Sorry, the second full paragraph before the  
9 bulleted list.

10                  **MR. TROY CHARTER:** The data from these -- okay.

11                  **MR. MICHAEL VALO:** Yeah. Taking the dataset as a whole, there  
12 are some concerning observations.

13                  And if you look at the third bullet, sir, it says, "Vehicles 1135 and  
14 1136 have no data entries, even though there's data from 1137, 1138, 1139, and 1140."  
15 Do you see that, sir?

16                  **MR. TROY CHARTER:** I do.

17                  **MR. MICHAEL VALO:** Are you aware that vehicles 35 and 36 are  
18 actually vehicles 2 and 8?

19                  **MR. TROY CHARTER:** I know that there was sequencing  
20 numbers, there was a difference in some sequencing, so possibly, yes.

21                  **MR. MICHAEL VALO:** And vehicles 2 and 8 are again, not  
22 vehicles that are currently in the fleet. They were test vehicles that still have to be  
23 rebuilt and placed into ---

24                  **MR. TROY CHARTER:** That was later, at a later date, yes.

25                  **MR. MICHAEL VALO:** Right. So it shouldn't surprise anyone that  
26 LRVs 35 and 36 have no mileage on them because they're not in use.

27                  **MR. TROY CHARTER:** Agreed.

28                  **MR. MICHAEL VALO:** So there's nothing concerning about that

1 observation at all?

2 **MR. TROY CHARTER:** Not about that point there, no.

3 **MR. MICHAEL VALO:** And again, had Mott simply asked  
4 someone, they might have also realized this was not a concerning observation, but  
5 instead, they include it as a concerning observation. Do you see that, sir?

6 **MR. TROY CHARTER:** I do see that.

7 **MR. MICHAEL VALO:** Would you agree that some of these errors,  
8 simple as they are, indicate a lack of rigour in Mott's performance of his investigation?

9 **MR. TROY CHARTER:** I think Mott does a very, very thorough job  
10 of analyzing things, and yet there may be some bullet points that are not necessarily  
11 entirely accurate could be validated. I'm going by what you're saying, that they didn't  
12 speak to anyone at Alstom. For all I know, they could have speaking to people from  
13 RTM. But I think a lot of the conclusions here are still valid.

14 **MR. MICHAEL VALO:** Okay. Sir, those are all my questions for  
15 you this afternoon. Thank you for your time.

16 Thank you, Mr. Commissioner.

17 **COMMISSIONER HOURIGAN:** All right. Thank you.

18 Next up is STV.

19 **MR. MICHAEL O'BRIEN:** Yes, thank you, Mr. Commissioner.

20 Michael O'Brien for STV, O-B-R-I-E-N.

21 **--- CROSS-EXAMINATION BY MR. MICHAEL O'BRIEN:**

22 **MR. MICHAEL O'BRIEN:** Mr. Charter, you were asked some  
23 questions this afternoon about the change in the trial running criteria from 98 percent to  
24 96 percent. Do you remember that?

25 **MR. TROY CHARTER:** I do, yes.

26 **MR. MICHAEL O'BRIEN:** You were asked questions by Ms.  
27 McGrann about who first raised the idea to change the criteria, and I believe your  
28 evidence was that it was Mr. Lauch; is that correct?

1                   **MR. TROY CHARTER:** To my recollection, yes.

2                   **MR. MICHAEL O'BRIEN:** And then RTG's counsel, Mr.  
3 Chowdhury, put to you that that change may have been raised for the first time by Mr.  
4 Joe North. And I believe you said that wasn't your recollection, but you agreed that it  
5 was "possible".

6                   **MR. TROY CHARTER:** Yeah. I mean, there were a lot of  
7 discussions, and I know that Mr. North was involved in the 27 criteria. I'd reiterate that  
8 by no means was that part of the rationale for the change. I do recall the discussion  
9 that we had about changing the criteria, but I want to recognize the fact that my memory  
10 as to who initially raised the issue is not as strong as I would like it to be.

11                   **MR. MICHAEL O'BRIEN:** Right. But you were interviewed twice  
12 by the Commission and you didn't suggest in either of those interviews that Mr. North  
13 was the ---

14                   **MR. TROY CHARTER:** No. That's correct.

15                   **MR. MICHAEL O'BRIEN:** And just to finish the question for the  
16 record -- was the person who generated the idea to change the criteria. I believe that's  
17 what you were going to agree to.

18                   **MR. TROY CHARTER:** Yeah. I mean, going by my memory, I  
19 believe it was Mr. Lauch. I do not believe it was Mr. North.

20                   **MR. MICHAEL O'BRIEN:** Thank you.

21                   Those were all my questions, Mr. Commissioner.

22                   **COMMISSIONER HOURIGAN:** All right. Thank you.  
23 Amalgamated Transit Union Local 279.

24 **--- CROSS-EXAMINATION BY MR. JOHN McLUCKIE:**

25                   **MR. JOHN McLUCKIE:** Good afternoon, Commissioner.  
26 Good afternoon, Troy.

27                   **MR. TROY CHARTER:** Nice to see you, John.

28                   **MR. JOHN McLUCKIE:** So of all of the people that are going to

1 testify in this inquiry, I think you actually have the longest record of service for the OC  
2 Transpo. You've been at this for about 20 years, Troy?

3 **MR. TROY CHARTER:** I'm in my 21<sup>st</sup>, yes. Good memory. Thank  
4 you.

5 **MR. JOHN McLUCKIE:** You and I have crossed paths many times  
6 over the 20 years. And in terms of the positions you've held -- I don't want to spend a  
7 lot of time on your resumé, but I do think it's important to understand your background.  
8 You've done a lot of different things with OC Transpo, correct?

9 **MR. TROY CHARTER:** That's correct, yes.

10 **MR. JOHN McLUCKIE:** You've been involved in a support role.  
11 You've been involved in a management role for the bus operations. And now most  
12 recently you're in a senior leadership role over the train operations, correct?

13 **MR. TROY CHARTER:** Correct.

14 **MR. JOHN McLUCKIE:** And it's fair to say that you had a fairly  
15 senior role to play in this light rail project. Would you agree with that, Mr. Charter?

16 **MR. TROY CHARTER:** Yeah. On the maintenance and  
17 operations side of things, yes, for sure.

18 **MR. JOHN McLUCKIE:** And probably second only to Mr. Manconi  
19 in terms of OC Transpo's point person on this file. Would you agree with that?

20 **MR. TROY CHARTER:** I'd say Mr. Morgan is sticking-handling a  
21 lot of the -- I mean, obviously the construction side of things, but he's still actively  
22 involved in the day-to-day operations. But yes, I'd agree.

23 **MR. JOHN McLUCKIE:** Okay. So you're fairly knowledgeable  
24 about how this system was intended to run.

25 **MR. TROY CHARTER:** Yes.

26 **MR. JOHN McLUCKIE:** And you're knowledgeable about the  
27 decisions that were taken to get us to the point we are at today with this inquiry.

28 **MR. TROY CHARTER:** Yeah. Depending on the decisions, yes.

1                   **MR. JOHN McLUCKIE:** I just want to talk first about the light rail  
2 system itself. So this was designed to be a core part of the City's transportation  
3 infrastructure, correct?

4                   **MR. TROY CHARTER:** Yes, 100 percent.

5                   **MR. JOHN McLUCKIE:** It's not a standalone system. It's one  
6 that's closely integrated with the bus network.

7                   **MR. TROY CHARTER:** Correct. We've always indicated that it is  
8 an integrated system, a true bus-rail network, and that both sides need to work well  
9 together.

10                  **MR. JOHN McLUCKIE:** And it's going to join in with your Line 2,  
11 the Trillium Line, the original O-Train system, at Bayview station, Mr. Charter?

12                  **MR. TROY CHARTER:** That's correct. That will be transfer point  
13 from Line 1 to Line 2, yes.

14                  **MR. JOHN McLUCKIE:** And in terms of the operations of the  
15 system -- so its ATU 279 members, bus operators, that provide all the bus service for  
16 the city, correct?

17                  **MR. TROY CHARTER:** Yes, it is.

18                  **MR. JOHN McLUCKIE:** And it's ATU 279 members, heavy rail  
19 operators, that operate the Trillium Line, the Line 2 system, correct?

20                  **MR. TROY CHARTER:** That is correct, yes.

21                  **MR. JOHN McLUCKIE:** And all of those integrate together with the  
22 Confederation Line to create one integrated transit system.

23                  **MR. TROY CHARTER:** Agreed.

24                  **MR. JOHN McLUCKIE:** And it was never the plan of the City,  
25 never a proposal considered by the City, to have an independent operator operate the  
26 Confederation Line, was it, Mr. Charter?

27                  **MR. TROY CHARTER:** Not to my knowledge. I mean, there are  
28 decisions and discussions that happened well before my involvement at the senior

1 management level, but not in the period of time that I've been in this capacity.

2 **MR. JOHN McLUCKIE:** And in terms of the people that are  
3 operating the trains, so those by and large were former bus operators.

4 **MR. TROY CHARTER:** Yes.

5 **MR. JOHN McLUCKIE:** And they've been trained to provide the  
6 electric rail operator role. That's true?

7 **MR. TROY CHARTER:** That is correct. We've always wanted to  
8 promote from within. One of the advantages to that is we know who we have. We  
9 know how they originally trained. We know what their commitment is to safety and  
10 customer service, so we wanted to promote from within wherever possible, yes.

11 **MR. JOHN McLUCKIE:** So I think you'll agree with me, then, Mr.  
12 Charter, they do a good job in operating the train system. Would you agree with that?

13 **MR. TROY CHARTER:** Yes, they do.

14 **MR. JOHN McLUCKIE:** And they're dedicated to that job.

15 **MR. TROY CHARTER:** Yes, 100 percent.

16 **MR. JOHN McLUCKIE:** And they do it safely.

17 **MR. TROY CHARTER:** Yes.

18 **MR. JOHN McLUCKIE:** And they're committed to safety.

19 **MR. TROY CHARTER:** We're fortunate we have a very good  
20 workforce, yes.

21 **MR. JOHN McLUCKIE:** And in terms of the maintenance staff for  
22 your buses, that's directly City controlled, correct, Mr. Charter?

23 **MR. TROY CHARTER:** Correct, yes.

24 **MR. JOHN McLUCKIE:** So those are ATU 279 members  
25 employed by the City ---

26 **MR. TROY CHARTER:** They are.

27 **MR. JOHN McLUCKIE:** --- and responsible through managers that  
28 are also employed through the City.

1                   **MR. TROY CHARTER:** That is correct, yes.

2                   **MR. JOHN McLUCKIE:** And it's a very different structure that you  
3 have here. So your maintenance contract with the light rail is with RTM, correct?

4                   **MR. TROY CHARTER:** That's ---

5                   **MR. JOHN McLUCKIE:** I think ---

6                   **MR. TROY CHARTER:** RTG is who we have the contract with and  
7 RTM is the maintainer, yes.

8                   **MR. JOHN McLUCKIE:** Right. And then RTM has subcontracted  
9 that down to Alstom. Is that true, Mr. Charter?

10                  **MR. TROY CHARTER:** That is true, yes.

11                  **MR. JOHN McLUCKIE:** So you don't have a direct contractual  
12 relationship with the body responsible for maintaining your trains, do you?

13                  **MR. TROY CHARTER:** No. I have a contractual relationship with  
14 RTG and RTM, who have a subcontract with Alstom.

15                  **MR. JOHN McLUCKIE:** Okay. And not only does Alstom maintain  
16 your trains; Alstom also maintains all the track -- the overhead electrical systems, the  
17 signalling system. Essentially all of the track infrastructure is their responsibility as well,  
18 is it not?

19                  **MR. TROY CHARTER:** That is correct, yes.

20                  **MR. JOHN McLUCKIE:** So for both the vehicles and the track  
21 infrastructure, you don't have a direct contract with the entity responsible for that, does  
22 the City?

23                  **MR. TROY CHARTER:** No, I do not.

24                  **MR. JOHN McLUCKIE:** And I just want to talk about the reliability  
25 of the maintenance, if I could, for a second.

26                         Would you agree with me that a reliable maintenance team is  
27 critical to any transit system?

28                  **MR. TROY CHARTER:** Yes.

1                   **MR. JOHN McLUCKIE:** And you'd agree with me that you have to  
2 keep up with your day-to-day maintenance requirements, be it buses or trains. Would  
3 you agree with that, Mr. Charter?

4                   **MR. TROY CHARTER:** Yeah. Earlier I talked about the day-to-day  
5 grind, the wash, rinse, repeat. Yeah. You need to keep up to date. You need to keep -  
6 - because there's always potentially another issue, and you need to stay on top of  
7 things, yes. So I would agree, yes.

8                   **MR. JOHN McLUCKIE:** So not only do you have to stay up to date  
9 on the day-to-day maintenance, but I'm also going to suggest to you you have to stay  
10 up to date on the preventative maintenance.

11                   **MR. TROY CHARTER:** Agreed.

12                   **MR. JOHN McLUCKIE:** And you have to have a team that's big  
13 enough and equipped enough and trained enough to be able to keep up with both of  
14 those, both preventative and corrective maintenance. Would you agree with that?

15                   **MR. TROY CHARTER:** Agreed.

16                   **MR. JOHN McLUCKIE:** And if you don't keep up on either -- so if  
17 you fall behind on your corrective maintenance, your day-to-day problems, or if you fall  
18 behind on your preventative maintenance, your long-term problems, the system isn't  
19 going to be reliable, is it?

20                   **MR. TROY CHARTER:** There is potential for reliability concerns,  
21 and it's difficult to recover.

22                   **MR. JOHN McLUCKIE:** And it was Alstom's responsibility, through  
23 their contract with RTM and then ultimately their contract to the City, to provide enough  
24 manpower to maintain a reliable light rail system, wasn't it?

25                   **MR. TROY CHARTER:** That is the contract, yes.

26                   **MR. JOHN McLUCKIE:** And they were required not just to perform  
27 corrective maintenance, but they had to keep on top of the preventative maintenance.  
28 Is that true?

1                   **MR. TROY CHARTER:** Yeah. RTM and Alstom, they are the  
2 maintainers of the trains and the system, yes.

3                   **MR. JOHN McLUCKIE:** And would you agree with me that if  
4 maintenance starts getting behind on preventative maintenance, the longer-term  
5 maintenance, that can have some long-term repercussions for the City? Would you  
6 agree with that?

7                   **MR. TROY CHARTER:** There is a potential domino effect, yes.

8                   **MR. JOHN McLUCKIE:** Because the system starts to get less  
9 reliable if you're not doing all your preventative maintenance. Do you agree with that?

10                  **MR. TROY CHARTER:** Yes. To your earlier point, you need to  
11 stay on top of it.

12                  **MR. JOHN McLUCKIE:** I just want to give you a specific example.  
13 So do you remember New Year's Eve of 2019, Mr. Charter?

14                  **MR. TROY CHARTER:** Yes, I do.

15                  **MR. JOHN McLUCKIE:** And the trains went down that day,  
16 correct?

17                  **MR. TROY CHARTER:** Multiple trains, yes.

18                  **MR. JOHN McLUCKIE:** And that was a very bad day for transit  
19 riders in Ottawa, true?

20                  **MR. TROY CHARTER:** That was a very painful day for our  
21 customers, yes.

22                  **MR. JOHN McLUCKIE:** And one of the root causes, as I  
23 understand from your interview with Commission counsel was identified -- was a failure  
24 to wash the roofs of the trains. So there were issues with the connectivity between the  
25 electrical system and the overhead power lines. Do you recall telling her that?

26                  **MR. TROY CHARTER:** Correct. That was one of the findings  
27 from, I'll say -- I don't know -- Alstom or RTM -- but that was one of the findings -- one of  
28 the factors that resulted in those arcing events, which then ultimately resulted in those

1 vehicles being immobilized.

2 **MR. JOHN McLUCKIE:** And that's an example of preventative  
3 maintenance, right?

4 That's something that's scheduled that's to be done on a regular  
5 cycle, Mr. Charter?

6 **MR. TROY CHARTER:** Correct.

7 **MR. JOHN McLUCKIE:** And clearly Alstom was not performing  
8 that in accordance with the schedule, were they?

9 **MR. TROY CHARTER:** That's correct.

10 **MR. JOHN McLUCKIE:** But they were letting preventative  
11 maintenance slip and that caused a major disruption for transit users on a fairly  
12 important night in Ottawa, correct?

13 **MR. TROY CHARTER:** Correct.

14 **MR. JOHN McLUCKIE:** And I just to walk through some of the  
15 other maintenance concerns that have come up. So you heard -- I don't know if you  
16 heard the testimony, but Mr. Gaul testified this morning that you and he worked together  
17 closely over this project?

18 **MR. TROY CHARTER:** I did not hear Mr. Gaul's testimony, but  
19 yes, we did work together, yes, extensively.

20 **MR. JOHN McLUCKIE:** And he has a fairly long resume in terms  
21 of involvement with light rail and other types of systems like the subway system in  
22 Washington; you're familiar with that?

23 **MR. TROY CHARTER:** Yeah. Yes, I am.

24 **MR. JOHN McLUCKIE:** And he indicated that coming into the trial  
25 running, when the trains were initially coming into their testing phase with the City, that  
26 he had concerns as to the ability of Alstom to maintain a reliable train fleet. Did he  
27 share those concerns with you, Mr. Charter?

28 **MR. TROY CHARTER:** Yeah, we had lots of discussions on that,

1 yes.

2 **MR. JOHN McLUCKIE:** And he indicated this morning that you  
3 agreed with him, coming into trial running -- so this is in July of 2019 -- that you yourself  
4 had real concerns as to Alstom's ability to maintain a reliable train fleet; do you  
5 remember that?

6 **MR. TROY CHARTER:** Yes, I did. Yes, I do.

7 **MR. JOHN McLUCKIE:** And that ability to maintain a reliable train  
8 fleet, that directly relates to the rider's experience, right? If we can't maintain a reliable  
9 train fleet, they're not going to get to or from work on time; they're not going to get to  
10 their appointments on time. That's customer-service issue, is it not?

11 **MR. TROY CHARTER:** Yeah. I mean, at the end of the day, we're  
12 here to provide a reliable service, whether it be bus or train. That's why we're here.  
13 Safe and reliable, that's the two factors -- safe and reliable service.

14 **MR. JOHN McLUCKIE:** And you indicated earlier in your  
15 testimony with Commission counsel this afternoon that during the trial running, Alstom  
16 had good and bad days; do you remember that?

17 **MR. TROY CHARTER:** Yeah, we had some real positive days and  
18 we had some days with some challenges, yes.

19 **MR. JOHN McLUCKIE:** And in fact, at the start of the trial running,  
20 most of the days were bad days; true?

21 **MR. TROY CHARTER:** Yeah, that's true, and I don't think that was  
22 unanticipated.

23 **MR. JOHN McLUCKIE:** Okay. And do you recall giving evidence  
24 in your interview with Commission counsel that there were discussions during that initial  
25 trial running phase with the senior leadership team of OC Transpo where the concerns  
26 were raised with the group as to RTG's ability to "maintain the constant grind that's  
27 required to maintain a public transportation fleet." Do you recall saying that to  
28 Commission counsel?

1                   **MR. TROY CHARTER:** Yeah, I remember that conversation.

2   Yeah, I mean it's -- you know, it's what I said earlier. Transit is -- it's -- you know, you  
3   do a good job today, you got to do it again tomorrow, and you got to keep doing that  
4   over and over again.

5                   So as an operational manager -- and Larry has the same  
6   background, you know, an operational background as well -- you're always looking at  
7   what could happen, and what mitigations you could in place, what actions you need to  
8   take. So, you know, that's what we're doing and looking at, "Okay, where can -- where  
9   could there be problems? Okay, resourcing could be a problem. It's a new system.  
10   You should be getting additional resources -- over-resource." And I've said that before;  
11   over-resource, and then, when things stabilize, then you could, you know, go back down  
12   to normal level, so to speak.

13                  **MR. JOHN McLUCKIE:** Okay. So we're going to talk about  
14   resourcing in just a second, Troy, as I'm sure you can gather. In terms of who's at that  
15   meeting -- so who would that comprise? Who's that group of sort of the senior  
16   leadership team? I think you had an acronym of DLT.

17                  **MR. TROY CHARTER:** Yeah. Yeah, not knowing specifically that  
18   -- you know -- okay, so DLT, generally, for when it came to the rail operational aspects  
19   of things, it was, you know, Michael Morgan, myself, Jocelyne Begin, Mr. Manconi. We  
20   had member of -- you know, and then we also were -- we had, you know, people from  
21   STV there. There was Tom Prendergast involved in a lot of those discussions, Larry  
22   Gaul, and there was a few other individuals. Joe North was part of certain discussions.  
23   So we had -- you know, we had a team of experts that we were working closely with and  
24   supported a smaller subset of the departmental leadership team.

25                  **MR. JOHN McLUCKIE:** So during these meetings with the  
26   departmental leadership team, concerns are being raised at this table that RTG/Alstom  
27   do not have the ability to maintain, on a consistent level, the reliability of the train fleet;  
28   that's fair?

1                   **MR. TROY CHARTER:** Concerns are being raised about a number  
2 of factors and we're looking at, what are the plans that we can put in place to minimize  
3 the potential risk associated with those.

4                   **MR. JOHN McLUCKIE:** Okay, Troy, you and I have done this  
5 before. So I asked a fairly specific question.

6                   **MR. TROY CHARTER:** Yes.

7                   **MR. JOHN McLUCKIE:** Concerns are being raised at that table  
8 with the senior management team of OC Transpo that Alstom and RTG lack the ability  
9 to provide a reliably maintained train fleet; true or false?

10                  **MR. TROY CHARTER:** That was a discussion, yes.

11                  **MR. JOHN McLUCKIE:** And that's happening at the same point  
12 that they've had several failures on the trial running?

13                  **MR. TROY CHARTER:** Yes.

14                  **MR. JOHN McLUCKIE:** Okay. And in terms of the solution -- so  
15 we were just about to start on that and you talked about solutions to the problem and  
16 that part of the request was for the management team to find solutions. Would you  
17 agree that at that point, the City had concerns about the level of manpower that Alstom  
18 was bringing forward for the maintenance side; is that true, Mr. Charter?

19                  **MR. TROY CHARTER:** Yeah, we thought they could bring in some  
20 additional expertise, some additional resources to help the team that was here on site,  
21 yes.

22                  **MR. JOHN McLUCKIE:** And in fact, you suggested to them that  
23 they were understaffed on the maintenance side; isn't that also true.

24                  **MR. TROY CHARTER:** Yeah, I wanted to impress upon on my  
25 point that I think they needed more resources to stabilize and to ensure success when  
26 we launched.

27                  **MR. JOHN McLUCKIE:** And you wanted them, at the start of the  
28 trial -- or at the start of revenue service availability, you wanted them to flood the system

1 with technicians; do you recall saying something to that effect?

2 **MR. TROY CHARTER:** Yes, sure, yeah.

3 **MR. JOHN McLUCKIE:** And you wanted them to be essentially  
4 over-resourced so that they could deal with the unexpected; is that fair?

5 **MR. TROY CHARTER:** Agreed, yes.

6 **MR. JOHN McLUCKIE:** Because you knew there was going to be  
7 problems? It's a new system; they're new trains; problems were to be expected,  
8 correct?

9 **MR. TROY CHARTER:** Yeah, we knew that we knew that we were  
10 going into it and there were going to be some growing pains. That was what ---

11 **MR. JOHN McLUCKIE:** And you were advocating for RTG and  
12 Alstom to have enough staff on hand to deal with those growing pains, weren't you?

13 **MR. TROY CHARTER:** Correct.

14 **MR. JOHN McLUCKIE:** And when you were making those  
15 suggestions to RTG and Alstom, they were only suggestions. You couldn't tell them to  
16 hire extra staff, could you?

17 **MR. TROY CHARTER:** That is correct.

18 **MR. JOHN McLUCKIE:** Because they don't work for you; they  
19 don't work for the City; they're a private contractor, correct?

20 **MR. TROY CHARTER:** That is correct.

21 **MR. JOHN McLUCKIE:** And they have an interest in making  
22 money on this contract; isn't that also correct?

23 **MR. TROY CHARTER:** That is one of the drivers, yes.

24 **MR. JOHN McLUCKIE:** So the more that it cost them to provide  
25 maintenance, the less profit they're going to make on the contract; fair?

26 **MR. TROY CHARTER:** I think they need to strike a balance, but  
27 yes. If they're not providing service, if they're incurring penalties, they're not making  
28 money either.

1                   **MR. JOHN McLUCKIE:** Okay. And you indicated in your interview  
2 with Commission counsel that in your discussions with RTG, you suggested to them  
3 that they did not have the right number of people in the right places coming into revenue  
4 service; do you remember saying that to her?

5                   **MR. TROY CHARTER:** Yes.

6                   **MR. JOHN McLUCKIE:** And notwithstanding that, RTG still did not  
7 provide the number of people that the City was calling on it to provide, did it?

8                   **MR. TROY CHARTER:** Well, they made a number of changes and  
9 they brought in a number of support staff in terms of technicians to support the line so  
10 that there was action taking place. Did I want to see more? You're asking an  
11 operational manager; I'm always going to ask for more.

12                   **MR. JOHN McLUCKIE:** And in fact, in your interview with  
13 Commission counsel, you indicated that your opinion was that they remained under-  
14 resourced even after these discussions with them; isn't that true, sir?

15                   **MR. TROY CHARTER:** Yeah. Yeah. As I said, I would always  
16 ask for more.

17                   **MR. JOHN McLUCKIE:** And you indicated -- the problem is -- and  
18 I'm looking at your transcript here and you indicated that you had asked for additional  
19 staff, and you said:

20                                    “So from that perspective, you know, from a project  
21 perspective, from a day-to-day service delivery  
22 perspective, they're the ones, you know, that is the  
23 output-based, performance-based specification, right?  
24 They are they to -- they built the system; they're there  
25 to maintain it; so it is their decisions with regards to  
26 the appropriate staffing levels but they assured us  
27 that they had the appropriate knowledge, skills, ability,  
28 the right number of people. The City's suggestions

1 were primarily around the new system. You know,  
2 things can happen. There is, you know, in any new  
3 system, always a learning curve, a growing curve, a  
4 bedding-in period. Over-resource -- the City was  
5 focused on anticipating, mitigating, and over-  
6 resourcing to be prepared for what could happen. But  
7 throughout the process, RTM and RTG maintained  
8 that they had the right number of people, they were  
9 properly trained, and they had the skills and ability to  
10 do that job." (As read).

11 So that's from your transcript, sir. Do you recall saying that?

12 **MR. TROY CHARTER:** Yes, I do.

13 **MR. JOHN McLUCKIE:** So you were pushing for more staff. You  
14 felt they were under-resourced; they needed more system technicians in the system.  
15 And RTG was saying no; isn't that correct?

16 **MR. TROY CHARTER:** No, they weren't saying no. They were  
17 actually making commitments to bring in additional resources. And they did. They were  
18 able to accomplish some of the things that they had indicated. There was door  
19 technicians. There was increased technicians on the line. Was it sufficient? As I said, I  
20 wanted to see more. I wanted, you know, anything with regards to more expertise,  
21 more resources, would help ensure the success of the line and good service for our  
22 customers.

23 **MR. JOHN McLUCKIE:** Right. But you didn't have the ability to  
24 force them to get more; you could simply ask. And as you saw here, they didn't have to  
25 agree with you; isn't that correct?

26 **MR. TROY CHARTER:** Correct.

27 **MR. JOHN McLUCKIE:** And that was because of how the P3  
28 contract was structured, correct?

1                   **MR. TROY CHARTER:** Correct.

2                   **MR. JOHN McLUCKIE:** So I want to talk about the scoring  
3 process. So as part of the scoring process ---

4                   **COMMISIONER HOURIGAN:** Counsel? Counsel, you're well  
5 over, so let's deal with this quickly, please.

6                   **MR. JOHN McLUCKIE:** If I could perhaps have five minutes, sir,  
7 and I promise you ---

8                   **COMMISIONER HOURIGAN:** That's fine. Five minutes is fine.  
9 Go ahead.

10                  **MR. JOHN McLUCKIE:** Now, Mr. Charter, in terms of the scoring  
11 process, you remember there were some score sheets that you've been taken to over  
12 this process?

13                  **MR. TROY CHARTER:** Yes, I do.

14                  **MR. JOHN McLUCKIE:** And one of the score sheets indicates a  
15 maintenance pass/fail, correct?

16                  **MR. TROY CHARTER:** Yes, I do.

17                  **MR. JOHN McLUCKIE:** And as I understand the maintenance  
18 pass/fail, what it looks at is a number of workorders chosen at random, correct?

19                  **MR. TROY CHARTER:** Yeah, so I had randomly chosen  
20 workorders, yes.

21                  **MR. JOHN McLUCKIE:** And the workorders are important  
22 because it tracks what technicians do on a vehicle; correct?

23                  **MR. TROY CHARTER:** Correct.

24                  **MR. JOHN McLUCKIE:** I'll let you go back later on and see what  
25 was done, who did it, what parts were replaced, potentially serial numbers on the parts;  
26 so details on a work order are important; aren't they?

27                  **MR. TROY CHARTER:** Yes.

28                  **MR. JOHN McLUCKIE:** And yet when you reviewed these

1 maintenance reports, over and over again Alstom was not fully complying with the work  
2 orders; were they?

3 **MR. TROY CHARTER:** No, there were big challenges with  
4 completeness of the documentation in the work orders.

5 **MR. JOHN McLUCKIE:** So they weren't completing any work  
6 orders; they weren't documenting the repairs properly; didn't you see that as a red flag,  
7 sir?

8 **MR. TROY CHARTER:** Well, what we saw with that was – the  
9 information, the work was being done; we could see that the work was flowing through  
10 their system and we had a line of sight on it, but what we wanted to see was more  
11 details and more completeness in the work order notes. So, yeah, so we felt it was  
12 important to mark it as a fail because we wanted to see improvement, but ultimately,  
13 you know, it was a qualitative assessment as to the quality of those work orders. So,  
14 yeah, we wanted to see improvements to that but, you know, we did not feel it was  
15 sufficient for it to fail a bit because we could see the work order system working.

16 **MR. JOHN McLUCKIE:** Just to keep within my time here, Mr.  
17 Charter, I have two last areas of questions for you; so first is on spare trains. You  
18 indicated in your interview with Commission counsel that spare trains are helpful  
19 because they provide an opportunity for those trains to be fixed when they're out of  
20 revenue service; do you agree with that?

21 **MR. TROY CHARTER:** Yeah, having a healthy spare ratio assists  
22 with the ability to meet the daily service requirements, yes.

23 **MR. JOHN McLUCKIE:** And dropping down from 15 to 13 trains  
24 provided two additional spare vehicles; right?

25 **MR. TROY CHARTER:** Yes, it did.

26 **MR. JOHN McLUCKIE:** And it was the choice of the City at the  
27 initial contract to only have 17 trains; correct?

28 **MR. TROY CHARTER:** Sorry, are you talking about the time of

1 procurement?

2 **MR. JOHN McLUCKIE:** Right. At the time of procurement you  
3 could have bought 18 train sets or 19 train sets; the City chose to buy 17.

4 **MR. TROY CHARTER:** I don't have that knowledge; I wasn't  
5 involved in the procurement side of things.

6 **MR. JOHN McLUCKIE:** Well, you know they only bought 17, Troy;  
7 correct?

8 **MR. TROY CHARTER:** Correct.

9 **MR. JOHN McLUCKIE:** But they could have bought 18 or 19 had  
10 they wanted to?

11 **MR. TROY CHARTER:** Should the funding be available, yes.

12 **MR. JOHN McLUCKIE:** It was a money issue that they chose to  
13 have less spares in order to save money on the budget; correct?

14 **MR. TROY CHARTER:** Yeah and I wasn't part of the process but I  
15 assume, yes.

16 **MR. JOHN McLUCKIE:** So my last question just relates to the bus  
17 service, and you heard Ms. McGrann ask you some questions about this earlier. So in  
18 terms of the bus service you were running at parallel for quite some time while the train  
19 was delayed; correct, sir?

20 **MR. TROY CHARTER:** Sorry? You're talking about late in the  
21 construction?

22 **MR. JOHN McLUCKIE:** Right. So you were late in getting the  
23 train into operation?

24 **MR. TROY CHARTER:** Correct.

25 **MR. JOHN McLUCKIE:** And you continued to run parallel bus  
26 service; correct?

27 **MR. TROY CHARTER:** Correct.

28 **MR. JOHN McLUCKIE:** And then the plan was, once the train

1 became in operation you were going to continue the parallel service for three more  
2 weeks; isn't that true, sir?

3 **MR. TROY CHARTER:** Possibly, yes.

4 **MR. JOHN McLUCKIE:** And you indicated with Ms. McGrann this  
5 morning, that a lot was tied to those three weeks, including the fact that you've issued  
6 lay-off notices to a number of drivers; isn't that true?

7 **MR. TROY CHARTER:** They only issued lay-off notices much  
8 earlier in the process because we wanted people to be aware that there was a potential  
9 that they may be let go.

10 **MR. JOHN McLUCKIE:** And ultimately you reduced the FTE count  
11 at OC Transpo by 201 bodies; do you recall that, sir?

12 **MR. TROY CHARTER:** Approximately, yes.

13 **MR. JOHN McLUCKIE:** And I'm going to suggest to you, that's  
14 about 10 per cent of the membership of ATU279?

15 **MR. TROY CHARTER:** Yeah, and my understanding is not one  
16 person was impacted by it.

17 **MR. JOHN McLUCKIE:** Not one person was impacted by it, but  
18 you were still 201 FTE's less than when you started; isn't that true?

19 **MR. TROY CHARTER:** Correct. Because the train was replacing  
20 the bus service.

21 **MR. JOHN McLUCKIE:** So when the train had reliability issues  
22 and you had to go out and find bus operators to perform extra work to cover off the  
23 train, you didn't have those 201 bodies to rely on anymore; did you, sir?

24 **MR. TROY CHARTER:** No, that's correct; it would impact other  
25 parts of the network to our customers, yes.

26 **MR. JOHN McLUCKIE:** You chose to reduce staffing and that  
27 lessened your ability to respond to issues with the train; correct?

28 **MR. TROY CHARTER:** We reduced staffing as a result of the

1 launch of the rail line.

2 **MR. JOHN McLUCKIE:** And that lessened your ability to respond  
3 when the train had problems; correct?

4 **MR. TROY CHARTER:** Yeah, because at the time, during trial  
5 running, we were experiencing, yes, some – I'll say "growing pains" in that regard, but  
6 no where did we perceive that the ongoing conditions and the ongoing issues, that we  
7 started to experience in November, December, January and throughout the year.

8 **MR. JOHN McLUCKIE:** And you ended up having to steal  
9 operators from other routes, call operators in on their day off, provide over-time  
10 incentives to get operators available to run service parallel to the train; isn't that true?

11 **MR. TROY CHARTER:** Yes. It was unfortunate, but there were  
12 reliability issues and we had to make those adjustments, yes.

13 **MR. JOHN McLUCKIE:** And had you had those 201 people, I'm  
14 going to suggest to you, you might not have had to do that, sir.

15 **MR. TROY CHARTER:** Agreed.

16 **MR. JOHN McLUCKIE:** Those are all my questions, sir, thank you  
17 for the indulgence.

18 **COMMISSIONER HOURIGAN:** All right. Thank you, counsel.

19 Mr. Jeanes, do you want to ask questions; it was unclear whether  
20 you were today; just let us know.

21 **--- CROSS-EXAMINATION BY MR. DAVID JEANES:**

22 **MR. DAVID JEANES:** Yes, thank you, Mr. Commissioner; I didn't  
23 really have any questions prepared; I've listened to Mr. Charter's testimony today with  
24 great interest and I think that some of the points that I had raised earlier on with Mr.  
25 Manconi and others that Mr. Charter might agree with.

26 Mr. Charter, what I'm talking about is, we had a lot of discussion  
27 earlier about the possibility of a softer launch than was actually the case. And certainly  
28 today you've talked about a number of those aspects, particularly what could have

1 happened if the system had been brought into service in a more gradual way. We've  
2 had discussion, for example, about whether the proposal that I think came from RTG,  
3 that there could be a soft launch between Blair and the University of Ottawa, that's been  
4 quite a controversial matter that's been addressed by a number of people so far, but  
5 you're aware of that suggestion that was made?

6 **MR. TROY CHARTER:** I'm aware of that suggestion and you  
7 have to think about the volumes of customers that we'd be moving from the east end  
8 and U Ottawa is not an appropriate location for that number of people. We do not have  
9 good bus access in there and it's not into the downtown core.

10 **MR. DAVID JEANES:** Yeah. No, I would agree with that  
11 completely. I think the question was more about the purpose of a soft launch to provide  
12 perhaps a more realistic testing of the system than happened during the pre-launch  
13 days when the trains were basically running empty with, you know, dwell times that  
14 weren't necessarily realistic at the station because nobody was actually getting on and  
15 off and that if there had been some period of ridership with some perhaps smaller  
16 numbers of people who actually were going to the University of Ottawa or were going to  
17 Hurdman or Tremblay and headed for some destination there, that might have provided  
18 some useful operating experience. I'm not suggesting that it would have been a good  
19 way of getting people downtown from Blair, and I don't think that would have been  
20 necessary because it would have been in parallel with the same bus service that you  
21 were providing for the initial three weeks; right?

22 **MR. TROY CHARTER:** You know, throughout the project it was  
23 clear to everyone that, you know, we needed to open the entire line and that it was –  
24 you know, we've referred to it as the "spine of the network". This wasn't build a rail line  
25 and the population will build up around it; it was right through the downtown core. So,  
26 you know, we were very, very public and very vocal with everyone that this was going to  
27 be a busy line from day one. But the City did take numerous steps to – you know, I'll  
28 say, to do a softer launch. You know, there was that reduction of 15 to 13 trains which

1 we knew was going to benefit the reliability – benefit our customers in terms of a more  
2 reliable service. And we knew that our ridership numbers were lower than what was  
3 originally planned for in the project agreement. So – you know, we went to 13 trains.  
4 We had that period of time between – which wasn't contemplated in the project  
5 agreement, that period – you know, the practice running where we ran for an extra two  
6 and a half weeks. And then as well we ran parallel bus service for three weeks. And  
7 then you look at some of the other factors we did, which was – you know, we launched  
8 on a weekend; we didn't offer a free service; we did a lot of things to try to soften that  
9 launch. But, unfortunately, I don't think there's any definition of what is a soft launch  
10 and it wasn't contemplated in the project agreement. So we took steps.

11 **MR. DAVID JEANES:** Right. Thank you.

12 One other thing I'd like to ask you, and we've had a long discussion  
13 about the level of availability that had to be reached, whether 96 per cent, 98 per cent,  
14 based on a number of factors, including the number of kilometres actually operated by  
15 all the trains in service during a particular day. But the failure mode that really hurt the  
16 travelling public were stopped trains, I believe. And we've seen plenty of those  
17 described both during the test period where – you know, even in July of 2019 multiple  
18 stopped trains was an occurrence. Trains were stopped in various places during the  
19 trial running, and then certainly once we started getting into the door problems and the  
20 emergency brake application problems, we had many, many instances where a train  
21 was essentially blocking service for up to an hour and forcing the system to operate a  
22 signal line around it or in some cases not operate at all?

23 **MR. TROY CHARTER:** That's correct. Stopped trains was one of  
24 the primary reliability challenges in the early days. You know, into trial running you saw  
25 a lot of those times the stopped trains occurred at terminus stations where we have two  
26 tracks and we're able to continue running a very, very good reliable service. But  
27 definitely those stopped trains that occurred mid-line, that was one of the primary  
28 causes of the disruptions that impacted our customers so significantly.

1                   **MR. DAVID JEANES:** Yeah. And perhaps more so than losing  
2 one train out of 13 would have caused because, you know, that would have been –  
3 percentage wise that would have been a much smaller loss in capacity than if you had  
4 to fall back to say half the frequency because you're running some single line operation.

5                   **MR. TROY CHARTER:** Agreed.

6                   **MR. DAVID JEANES:** Okay. And I'm just wondering, I mean you  
7 were observing the trial running period; was there really any thought and discussion  
8 about what the impact of these stopped trains was going to be on the traveling public?  
9 Because the focus really seems to have been on that 96, 98 per cent number instead.

10                  **MR. TROY CHARTER:** Yeah, I mean that was the metric that was  
11 used, was the 96 per cent, but we knew that, you know, obviously that the more reliable  
12 the system was, the higher the number you would see. And we know that when you're  
13 at between, you know, 98 to 96 per cent, that's not a significant difference in terms of  
14 service delivered to our customers. You have to look at things like, you know, time of  
15 day in which that occurs, but, you know, we didn't think that the difference between 98  
16 to 96 was that significant. But when you drop down to the low 90s, that's definitely  
17 when, you know, those are real painful days for our customers, but that was the  
18 rationale that we applied.

19                  **MR. DAVID JEANES:** And that was illustrated on the charts,  
20 particularly with the dots showing outliers that Ms. McGrann was talking to you about  
21 earlier.

22                               Okay. I'm only supposed to use about five minutes, so thank you  
23 very much. I appreciate that and certainly your testimony today has been very  
24 interesting and thank you, Mr. Commissioner, for giving me this opportunity..

25                  **COMMISSIONER HOURIGAN:** Thank you, Mr. Jeanes. Next is  
26 witness counsel, the City of Ottawa.

27 **--- CROSS-EXAMINATION BY MR. PETER WARDLE:**

28                  **MR. PETER WARDLE:** Thank you, Mr. Commissioner, Peter

1 Wardle, the City of Ottawa, W-A-R-D-L-E.

2 First of all, I wonder if I could take you back to a couple of the  
3 points my friend Mr. Valo made with you, and first of all, about the second derailment.  
4 And, Mr. Charter, you're obviously very familiar with that derailment; correct?

5 **MR. TROY CHARTER:** Yes, I am.

6 **MR. PETER WARDLE:** And Mr. Valo didn't really mention it to  
7 you in his questions, but as I understand it, the vehicle that derailed was actually the  
8 rear vehicle on the train; correct?

9 **MR. TROY CHARTER:** Yeah, so when a train – we have  
10 essentially what we call “two cars”, two individual cars; so the operator was in the first  
11 car and the derailment occurred towards the back of the second car.

12 **MR. PETER WARDLE:** And that is actually significant, isn't it, in  
13 terms of what the operator would be able to see or observe; correct?

14 **MR. TROY CHARTER:** Correct. So prior to departing a station  
15 the operator has what we call “platform-edged cameras”. Those platform-edge cameras  
16 give a view of the train backwards. And it's designed to ensure that no one's – you  
17 know, no one has a piece of luggage or something stuck in a door. It provides the  
18 operator with confirmation that it's safe to depart. But once the operator has that all  
19 clear safe to depart, you know, we want them focussed on looking ahead at the track  
20 ahead. And that's what the spotter there is also as well doing, is – they're there to  
21 advise the operator that it's safe to depart. That was a secondary mitigation; we've now  
22 been able to remove those from the line but that's – that was their function. So the  
23 operator was focused on driving ahead because he got the “all clear” in terms of the  
24 cameras as well as the spotter.

25 **MR. PETER WARDLE:** And the incident you mentioned about the  
26 yard, how does that factor into the equation; why did you think that was significant in  
27 response to a question from Mr. Valo?

28 **MR. TROY CHARTER:** Because I've had conversations with RTM

1 and when we had that derailment in the yard where it was the second car of a two-car  
2 train, you know, we had concerns about how could the operator drive that far or how  
3 could the hostler, because it wasn't a City employee, how could the hostler drive that  
4 far, cause that much damage in the yard and not be aware? We had some serious  
5 concerns about that. And it was investigated and it came forward that that hostler just  
6 wasn't aware, even though it took out a big cement – you can't see my hand, sorry – it  
7 took out a big cement boulder in the yard and caused considerable damage to that train.  
8 And, you know, the operator of that train, the hostler, you know, stopped and started  
9 and, you know, we couldn't fathom how they couldn't feel that. And so then in this  
10 situation, you know, it's convenient now for people to say that, well, the operator ought  
11 to have known, whereas private, previously before, the hostler didn't know, couldn't  
12 have been aware; so that's why it's relevant.

13 **MR. PETER WARDLE:** It's convenient for Mr. Valo to suggest that  
14 to you because it's clear, isn't it, that it was an Alstom employee who didn't tighten the  
15 bolt; isn't that right?

16 **MR. TROY CHARTER:** Yes.

17 **MR. PETER WARDLE:** So let's talk for a moment about  
18 somebody we haven't heard anything about today, Mr. Steve Nadon. Who is Mr. Steve  
19 Nadon; what's his position?

20 **MR. TROY CHARTER:** He's the maintenance director with RTM.

21 **MR. PETER WARDLE:** And was he on the train that day just  
22 before the derailment?

23 **MR. TROY CHARTER:** Yes, he was.

24 **MR. PETER WARDLE:** And how do you know that, Mr. Charter?

25 **MR. TROY CHARTER:** He did tell us but we can also clearly see  
26 Steve on CCTV camera footage.

27 **MR. PETER WARDLE:** And do I understand he was actually there  
28 with his family riding the train?

1                   **MR. TROY CHARTER:** Yes, he was. He was taking his family out  
2 to show them what he's been so busy working with, to show some pride in the system  
3 and share it with his family, yes.

4                   **MR. PETER WARDLE:** And what happened just before the train  
5 left that final station; what did Mr. Nadon and his family do?

6                   **MR. TROY CHARTER:** They exited the train at Tremblay Station.

7                   **MR. PETER WARDLE:** And do you know if Mr. Nadon exited the  
8 train because he had concerns?

9                   **MR. TROY CHARTER:** Yes, Mr. Nadon did indicate to us that he  
10 could hear a noise on the train; he didn't have any indication that the train had derailed  
11 but he heard a noise on the train and he wanted to get off at the station and that maybe  
12 that train would have come to a stop in between stations, so he exited the train with his  
13 family at Tremblay Station.

14                   **MR. PETER WARDLE:** Now, as I understand it, there were  
15 mechanisms available to Mr. Nadon to actually stop the train in its tracks before it exited  
16 the station; is that correct?

17                   **MR. TROY CHARTER:** Yeah, there's a number of things that Mr.  
18 Nadon could have done had he – and I don't believe he ever thought that the train had  
19 derailed, but you know, could hold the door, hit the passenger emergency intercom to  
20 radio to the operator, possibly flag to the camcom. spotter, the whistler blower that was  
21 there, but the train could have stopped – the train could have been stopped.

22                   **MR. PETER WARDLE:** All right. And Mr. Nadon did not take any  
23 of those steps; correct?

24                   **MR. TROY CHARTER:** No, you can see on that camera footage  
25 that Mr. Nadon was trying to reach someone, trying to make a call and then the train  
26 pulls away and at that point it's too late.

27                   **MR. PETER WARDLE:** All right. Let's move to another issue that  
28 Mr. Valo explored with you briefly, and that is August 16, 2019, and Mr. Valo took you to

1 the STV chat for that day. And I won't pull it up again, but you'll recall Mr. Valo asked  
2 you some questions about the fact that the morning peak for that particular day, August  
3 16<sup>th</sup>, was very good and then there was a problem with the train in the afternoon; do you  
4 recall that?

5 **MR. TROY CHARTER:** I do.

6 **MR. PETER WARDLE:** And in the chat – and perhaps we'll just  
7 pull it up so the Commissioner has it; it's STV0002337, and we're looking at messages  
8 338 and following. And you'll see that – and Mr. Valo took you to some of the entries  
9 from Mr. Manconi. And I just want to start at 339. You'll see Mr. Manconi says, "Are we  
10 okay for passing the day at 96?"

11 You respond, "Unsure. Worried about throughput in east end now.  
12 Two-hour impact."

13 "We can't lose the day."

14 "I know, but this was long and the tech made it worse."

15 And then, "Did Peter talk to you? He didn't know about the missing  
16 techs."

17 And just stopping there, I assume that's Peter Lauch?

18 **MR. TROY CHARTER:** That's correct.

19 **MR. PETER WARDLE:** And then, "No, he did not call."

20 And then I just wanted to focus on the next message.

21 "Problem was made worse. Got the train back to  
22 Tunney's, then tried to move it again and it caused  
23 another delay right when we were going back to full  
24 mainline, causing another approximately eight-minute  
25 delay across the entire line." (As read)

26 Do you see that, Mr. Charter?

27 **MR. TROY CHARTER:** I do.

28 **MR. PETER WARDLE:** Okay. And just to put this in context for

1 the Commissioner, Tunney's is at the far west end of the line, correct?

2 **MR. TROY CHARTER:** That is correct, yes.

3 **MR. PETER WARDLE:** And as I understand it, there's a crossover  
4 to the east of Tunney's Station, correct?

5 **MR. TROY CHARTER:** Correct. There are two tracks at Tunney's  
6 Station and trains can cross over from one track to another just east of the station.

7 **MR. PETER WARDLE:** And this train was initially moved to be  
8 parked at Tunney's Station, correct?

9 **MR. TROY CHARTER:** Correct.

10 **MR. PETER WARDLE:** And so when the train was parked there,  
11 there was the ability, as I understand it, to have a train in operation come from the east  
12 end, unload passengers, and then return on the other track?

13 **MR. TROY CHARTER:** Correct. We can effectively manage  
14 service very well with minimal if no impact to customers by having one train parked at  
15 the station and using the other platform that's available to us.

16 **MR. PETER WARDLE:** But in this case, as I understand it, the  
17 technician understood that the problem had been resolved and recommended moving  
18 the first vehicle back to the MSF; is that correct?

19 **MR. TROY CHARTER:** That is correct.

20 **MR. PETER WARDLE:** And it then failed again while it was on the  
21 mainline?

22 **MR. TROY CHARTER:** Yeah. So as it was pulling out of the  
23 station, it had another fault, became immobilized, which then impacted our ability to  
24 return back to the full service.

25 **MR. PETER WARDLE:** And so you had to single track for a period  
26 of time, correct?

27 **MR. TROY CHARTER:** We had a single track between Lyon and --  
28 sorry, we had a single track, yes, between -- I think it was Lyon Station and Tunney's

1 Pasture.

2 **MR. PETER WARDLE:** So when the scoring was done the next  
3 day -- and I'm going to suggest that we go to the next day -- we'll go to the 17<sup>th</sup>, and if  
4 we go to chat or message 385, you say:

5 "I will make notes on the scorecard that they missed  
6 the throughput due to two poor RTM decisions." (As  
7 read)

8 And just stopping there, what were the two poor RTM decisions?

9 **MR. TROY CHARTER:** Well, one we touched upon which was  
10 pulling the train out of the station when it was already parked and stable. No, we  
11 wouldn't do that if we were in Revenue Service, especially at peak time. We'd wait to a  
12 period of time in which we had less trains on the line and there was less potential for  
13 impact.

14 But as well, you know, during trial running, one of the challenges  
15 that we -- maybe challenge is too strong a word -- but shifting everyone's mindset from  
16 a testing and commissioning environment to pretend there's customers on the line and  
17 you need to get that train out of the terminal station or off to the MSF, and we would  
18 send Alstom -- our team would spend too much time trying to troubleshoot an issue and  
19 understand what was going on rather than if we were in Revenue Service, get it off the  
20 line, get it to terminal station. So those are the two problems that -- you know, poor  
21 decisions that were made, and if it wasn't for those two decisions, we know that they  
22 would have -- that they wouldn't have failed in that criteria.

23 **MR. PETER WARDLE:** So it goes on to say, "As a result,  
24 recommend we use discretion and pass the day."

25 And when you say "recommend", that means you are going to  
26 recommend to the trial running test team, correct?

27 **MR. TROY CHARTER:** Correct. That's my discussion. It's not a  
28 decision I make in isolation. It's a decision that the trial running review team needs to

1 be part of, and you know, as I said, we had the independent surveyor there as part of it.

2 **MR. PETER WARDLE:** And just -- I won't take you to this, but if  
3 you go back to the trial running test procedure, there is a provision that provides for  
4 discretion on the part of the team, correct?

5 **MR. TROY CHARTER:** Correct. There is some language in there  
6 that talks about if there is any fail within the past day, there's a process that needs to be  
7 verified by the independent certifier.

8 **MR. PETER WARDLE:** And you took some comfort throughout  
9 this process, as I understand it, that there was a representative of the independent  
10 certifier who was involved in all the trial running review team meetings, correct?

11 **MR. TROY CHARTER:** Yeah. The independent certifier was  
12 definitely involved in the creation of the documents. I'm not saying they were  
13 necessarily an active participant, but they were there and they were listening to all the  
14 dialogue. And in the document itself, we included some specific language to talk about  
15 the role of the IC. It didn't say the trial running review team would create the final  
16 report. It said the IC, it talks about the IC and their role in dealing with disputes, yes, but  
17 it also talks that, you know, as I said, any fails within the past day needed to be  
18 validated and verified by the IC.

19 There's also language in there that talks about, you know, if the IC  
20 may require more investigation prior to making a final assessment as to whether we  
21 pass or fail.

22 So yes, we took comfort in that.

23 **MR. PETER WARDLE:** And if we go over the page and we go to  
24 message 394, it says, "Yesterday was a pass, not a strong pass, but a pass  
25 nonetheless."

26 And I take it what that is, you're reporting back to Mr. Manconi that  
27 you've now met with the other members of the trial running review team and they agree  
28 with your recommendation to pass the day?

1                   **MR. TROY CHARTER:** Yeah. Correct. And I'm also advising that  
2 at the same time, you know, it's -- it wasn't a great day, but they did meet the criteria,  
3 yes.

4                   **MR. PETER WARDLE:** All right. Thank you.

5                   Let me go to a couple of other issues.

6                   First of all, you were asked some questions by Ms. McGrann about  
7 the City's plans in the period before launch, when you finalized those plans, the things  
8 that would have been involved in -- had you not gone into Revenue Service. Do you  
9 recall those questions?

10                  **MR. TROY CHARTER:** I do.

11                  **MR. PETER WARDLE:** Mr. Charter, looking back, do you have  
12 any hesitation that had you or any member of the trial running test team thought that  
13 trial running wasn't going to be successful, or the trains needed more time, or  
14 something else needed to be done, that you could have stopped the process at that  
15 point in time and reset the clock for launch?

16                  **MR. TROY CHARTER:** One hundred (100) percent. We had the  
17 ability to stop and reset new dates, 100 percent.

18                  **MR. PETER WARDLE:** And did you ever feel, in that process --  
19 and I know you were working through this process 16, 20-hour days -- did you ever feel,  
20 in this whole process, that you were under pressure, either from Mr. Manconi or from  
21 others up in the management chain or from the political level, to do anything that was  
22 inappropriate or against your professional judgement?

23                  **MR. TROY CHARTER:** No. Everyone was aligned in safe, reliable  
24 service. That was the focus. I think there was a recognition that yeah, there was going  
25 to be some growing pains, but everyone was aligned, safe, reliable service, and no, I  
26 was not under any undue pressure from anyone.

27                  **MR. PETER WARDLE:** And had you been of the opinion that there  
28 was something important that was not being done that should be done, that would affect

1 the safety and reliability of the system, would you have gone to Mr. Manconi and  
2 recommended that you not launch?

3 **MR. TROY CHARTER:** One hundred (100) percent. I mean, Mr.  
4 Manconi, I think, would have been very upset had I not, had I not. I mean, he operated  
5 under a no-surprises strategy, so if anything like wheel cracks or catenary pull downs or  
6 any of those issues that we experienced post-launch, if any of those issues -- if there  
7 was any indication of those issues at the time, he would have expected us to notify and  
8 we would have pulled the plug. We would have stopped.

9 **MR. PETER WARDLE:** Let's just turn now to the maintenance  
10 period, and Commission counsel asked you some questions about the City's oversight  
11 of the system while it was in Revenue Service in the first few months. Do you recall  
12 that?

13 **MR. TROY CHARTER:** Yes, I do.

14 **MR. PETER WARDLE:** And a number of times she took you to Mr.  
15 Guerra's evidence and Mr. Guerra's evidence about the number of people from the City,  
16 and the impression was left that the City was flooding the system with work orders. Do  
17 you recall those questions from Ms. McGrann?

18 **MR. TROY CHARTER:** I do.

19 **MR. PETER WARDLE:** Okay. So first of all, is it your view as a  
20 senior member of management of OC Transpo that sending in staff to ensure that  
21 issues are not sitting undiscovered or are buried is actually good standard practice.

22 **MR. TROY CHARTER:** Yes, and I think that's the expectation that  
23 the public has. It's that we would be conducting our due diligence.

24 **MR. PETER WARDLE:** And isn't that a part of appropriate  
25 oversight by the City of Ottawa over the maintainer, RTM?

26 **MR. TROY CHARTER:** Yes.

27 **MR. PETER WARDLE:** And isn't that one of the issues that this  
28 Commission has been tasked to look at: whether there was appropriate oversight?

1                   **MR. TROY CHARTER:** That's my understanding, yes.

2                   **MR. PETER WARDLE:** Okay. And is it fair to say that the City  
3 was not creating issues but identifying existing issues, which were reported faster to  
4 RTM than they otherwise would have been?

5                   **MR. TROY CHARTER:** Yeah, 100 percent. I mean, if the issues  
6 didn't exist, we wouldn't have anything to report on.

7                   **MR. PETER WARDLE:** The suggestion seemed to be that the  
8 system and RTM would have been better served if they were simply allowed to ignore  
9 those issues and that identifying them caused problems. But you would disagree with  
10 that, correct?

11                   **MR. TROY CHARTER:** Yes, 100 percent. Like I said, I don't want  
12 to find out from an unfortunate event that the passenger emergency intercom didn't  
13 function or we had customers stuck in an elevator for three or four hours that we could  
14 have prevented. So yeah, I want to be very proactive, especially with the new system. I  
15 want to be very proactive to ensure that it is continuing to meet the initiatives: safe and  
16 reliable service. So I should be doing my due diligence, and we continue to do that to  
17 this day.

18                   **MR. PETER WARDLE:** And let me just put this analogy to you.  
19 It's a little bit like Goldilocks and the three bears. The City is being criticized at the  
20 beginning of the maintenance period because it's being too hard on the maintainer  
21 RTM, right? That was the import of Ms. McGrann's questioning.

22                   **COMMISSIONER HOURIGAN:** Sorry. Counsel, let's be fair. She  
23 was putting to him what the evidence of the witness was, and she was giving him an  
24 opportunity to respond to it. So I don't agree with your characterization of her  
25 questions. It was a specific reference in the evidence and she was giving him an  
26 opportunity to respond, so let's be careful how we characterize things.

27                   **MR. PETER WARDLE:** That's fair, Mr. Commissioner.

28                   I'll put it a little differently. I won't cast any stones at my friend Ms.

1 McGrann, but let me put it this way to you. Let's just take Mr. Guerra. Mr. Guerra is  
2 suggesting, as I take it from his evidence, that the City was being too hard on the  
3 maintainer in September 2019, correct?

4 **MR. TROY CHARTER:** Yeah, I agree. I've heard that from Mario,  
5 and I feel that I'm sort of in a situation where no matter which I go, it's the wrong  
6 decision sometimes. They were being too hard or being too soft.

7 **MR. PETER WARDLE:** And being too soft would be all of the  
8 questions that all of the City witnesses have been exposed to over the last few days  
9 about trial running, right?

10 **MR. TROY CHARTER:** Yeah.

11 **MR. PETER WARDLE:** The suggestion is that in trial running, the  
12 City was too soft on RTG; isn't that right?

13 **MR. TROY CHARTER:** That's what I've seen of a certain number  
14 of interviews I've watched. You can say it's being too soft. No, we were working in  
15 partnership. And we've had some strained relationships at times, but trying to work in  
16 partnership. But yeah, I definitely feel too soft and then now too hard.

17 **MR. PETER WARDLE:** And that's really why I made the analogy  
18 to Goldilocks and the three bears, because the porridge is either too hot or too cold,  
19 right?

20 **MR. TROY CHARTER:** I didn't get that.

21 **MR. PETER WARDLE:** All right. Let's talk briefly about some of  
22 the issues raised with respect to the maintenance period. And I'm going to take you  
23 through these very quickly, because I know it's been a long afternoon.

24 Commission counsel took you to a PowerPoint presentation from  
25 March of 2021 that had a bar graph, and you discussed issues with the system during  
26 2019 and 2020. Do you recall that?

27 **MR. TROY CHARTER:** Yes.

28 **MR. PETER WARDLE:** And I won't bring it up again, but one of

1 the red bars was in July 2020, and that was the issue with the cracked wheels, correct?

2 **MR. TROY CHARTER:** We had reduced fleet availability because  
3 they found an issue with a protruding jack screw that put some undue pressure on some  
4 wheels, and it was a crack that was observed. So until all the vehicles and all the  
5 wheels could be inspected, we had to operate with a reduced fleet. And yeah, that was  
6 in July of 2020, yes.

7 **MR. PETER WARDLE:** And just so we're clear, wheel cracks are  
8 completely different from wheel flats, correct?

9 **MR. TROY CHARTER:** That is correct. Two totally different  
10 things, yes.

11 **MR. PETER WARDLE:** Okay. And it was wheel cracks that  
12 impacted service in July of 2020, correct?

13 **MR. TROY CHARTER:** Yes.

14 **MR. PETER WARDLE:** And that was investigated by the TSB,  
15 correct?

16 **MR. TROY CHARTER:** They were involved, yes.

17 **MR. PETER WARDLE:** And all the wheels needed checking and  
18 replacing.

19 **MR. TROY CHARTER:** Correct. Alstom had to put an inspection  
20 regime in place to check all wheels until such time as they could confirm that new  
21 wheels had been put in place that didn't have that potential for that undue pressure that  
22 caused the cracks.

23 **MR. PETER WARDLE:** And that took, I'm going to suggest, 17  
24 months for RTG and its subcontractors, RTM and Alstom, to complete, correct?

25 **MR. TROY CHARTER:** Yeah. About a year and a half, yes.

26 **MR. PETER WARDLE:** And that was much longer than the City  
27 would have like; is that fair?

28 **MR. TROY CHARTER:** Much longer than the City would have

1 liked, and there was multiple commitments to finish it much earlier that were missed.

2 **MR. PETER WARDLE:** Now, I just want to deal briefly with the  
3 question of cooperation.

4 There has been an improvement -- and you were quite clear about  
5 it -- in cooperation between the parties, correct?

6 **MR. TROY CHARTER:** Yes.

7 **MR. PETER WARDLE:** But just to confirm, RTG is still in default  
8 under the project agreement, correct?

9 **MR. TROY CHARTER:** Yeah. I'm not sure how much I can talk to  
10 this, but yes.

11 **MR. PETER WARDLE:** And Mott MacDonald is one of the City's  
12 independent expert advisors, correct?

13 **MR. TROY CHARTER:** That is correct, yes.

14 **MR. PETER WARDLE:** And it issued a report regarding the  
15 system, and Mr. Valo took you to a couple of items in that report in April of 2022,  
16 correct?

17 **MR. TROY CHARTER:** Correct.

18 **MR. PETER WARDLE:** Are you aware that Mott MacDonald made  
19 numerous requests for information from RTG and its subcontractors and that many of  
20 those remain outstanding to this day?

21 **MR. TROY CHARTER:** Yes, I do.

22 **MR. PETER WARDLE:** And is it fair to say that TRA continues to  
23 this day to have a role in supervising RTM, correct?

24 **MR. TROY CHARTER:** That is correct. We felt it was important for  
25 TRA to continue to work with us, to work with Alstom, to ensure that the commitments  
26 that have been made as part of that safe return to service plan are followed through and  
27 implemented.

28 **MR. PETER WARDLE:** And I'm not going to take you into this in

1 any great detail, and I don't want to go back to the graph, but RTG has incurred  
2 significant failure points, not just for vehicle kilometre availability, but also system  
3 events, correct?

4 **MR. TROY CHARTER:** That is correct. I mean, there's elements  
5 in the contract that talk about if you have failures in your a.m. or p.m. peak period and  
6 you fall below a certain threshold, it's a system event. And there's also potential for  
7 another penalty for a system event if you fall below a certain threshold for the number of  
8 commoners for the day, yes. So there's been extensive penalties associated with that  
9 as well.

10 **MR. PETER WARDLE:** And although service has improved over  
11 time, Mr. Charter, it hasn't been full service for much of the time because of COVID and  
12 because of various reduced service plans that were implemented between the parties,  
13 correct?

14 **MR. TROY CHARTER:** Yes. I mean, the City has taken the view  
15 that with lower ridership, it's an opportunity to try to rectify some of those issues that are  
16 impacting reliability. We wanted to take advantage of that, so the City has taken  
17 numerous actions, working with them in partnership, to help. But yes, we are dealing  
18 with a reduced fleet that we're putting into service.

19 And we also need to factor in that RTM and Alstom are benefitting  
20 from Stage 2 vehicles. They're not required right now. They are required for Stage 2,  
21 but it's in everyone's best interest to get those vehicles in service and keep them  
22 moving. So they benefit from those two things: lower requirements for service as well  
23 as an increased fleet size for Stage 2 vehicles.

24 **MR. PETER WARDLE:** So even as of today's date, there's still  
25 unresolved reliability issues with the system, correct?

26 **MR. TROY CHARTER:** Yes.

27 **MR. PETER WARDLE:** Lastly, Mr. Charter, Mr. Valo made some  
28 suggestions to you that the conclusions in the Mott report are baseless, to use his

1 words, because Alstom is using parts of other vehicles to maintain the current fleet. Do  
2 you recall his questions on those issues?

3 **MR. TROY CHARTER:** I do.

4 **MR. PETER WARDLE:** And is it fair to say this is called  
5 “cannibalization”?

6 **MR. TROY CHARTER:** Yeah. We’ve used that term. Yes.

7 **MR. PETER WARDLE:** And that’s an issue that’s indicative of a  
8 lack of spare parts, correct?

9 **MR. TROY CHARTER:** It’s a lack of spare parts or you’re having a  
10 really high failure rate of certain components -- a combination of the two, or one or the  
11 other.

12 **MR. PETER WARDLE:** And this will become a significant issue  
13 when those Stage 2 vehicles are part of the fleet, correct? In other words, Alstom won’t  
14 have any vehicles to cannibalize.

15 **COMMISSIONER HOURIGAN:** Sorry, we missed what you said.  
16 You have to verbalize.

17 **MR. TROY CHARTER:** Correct. That is a concern. I’m just seeing  
18 a note here saying my internet connection is unstable. Can you hear me?

19 **MR. PETER WARDLE:** Yes, we can.

20 **COMMISSIONER HOURIGAN:** We can hear you. Go ahead.

21 **MR. TROY CHARTER:** So yeah, it’s twofold. Yeah, when we have  
22 to go to the expanded fleet we will not have that pool of spare parts. But as well of  
23 equal concern is we know that maintaining the fleet is a constant grind and, you know,  
24 I’m concerned about having additional vehicles brought here to Ottawa that need more  
25 maintenance work from the Ottawa team. They need to focus on current service.  
26 Those are decisions within Alstom’s and RTM’s scope of responsibility.

27 **MR. PETER WARDLE:** All right. Just to finish up, Mr. Charter, I  
28 won’t take you to it but I did take a witness to it earlier today. An email from Mr.

1 Manconi in April of 2019 that talked about the goal of all parties being a safe and  
2 reliable service. During the period that you've been involved in Stage 1 of the LRT has  
3 that always been the goal of the City of Ottawa?

4 **MR. TROY CHARTER:** One hundred percent. Safe and reliable  
5 service.

6 **MR. PETER WARDLE:** Thank you very much. Those are my  
7 questions for you, Mr. Charter.

8 **MR. TROY CHARTER:** Thank you.

9 **COMMISSIONER HOURIGAN:** Any re-examination?

10 **MS. KATE McGRANN:** No, thank you, Mr. Commissioner.

11 **COMMISSIONER HOURIGAN:** All right, Mr. Charter. Thank you  
12 for testifying today and helping the committee with its work.

13 You're excused. We're down til tomorrow at 9:00 a.m.

14 **THE REGISTRAR:** Order. All rise.

15 The hearing is now adjourned for the day. And we are resumed  
16 tomorrow at 9:00 a.m.

17 --- Upon adjourning at 5:28 p.m.

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4 I, Wendy Clements, a certified court reporter, hereby certify the foregoing pages to be  
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8 Je, Wendy Clements, une sténographe officiel, certifie que les pages ci-hautes sont une  
9 transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et  
10 je le jure.

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Wendy Clements