

Ottawa Light Rail Commission

Meeting No. 3
on Monday, April 4, 2022



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OTTAWA LIGHT RAIL COMMISSION
CITY OF OTTAWA - CATHERINE MCKENNEY
APRIL 4, 2022

--- Held via Zoom Videoconferencing, with all
participants attending remotely, on the 4th day of
April, 2022, 2:00 p.m. to p.m.

1 COMMISSION COUNSEL:

2 Kate McGrann, Co-Lead Counsel Member

3 Liz McLellan, Litigation Counsel Member

4

5 PARTICIPANTS: ,

6 Catherine McKenney: City of Ottawa

7 Peter Wardle and Betsy Segal: Singleton Urquhart

8 Reynolds Vogel LLP

9

10 ALSO PRESENT:

11 Helen Martineau, Stenographer/Transcriptionist,

12 Chris Delic, Virtual Technician

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NO./	DESCRIPTION	PAGE
1	Printout of a City of Ottawa web page with a description of the role of Catherine McKenney as it pertains to Ottawa City Council.	8

1 --- Upon commencing at 1:43 p.m.

2 CATHERINE MCKENNEY: AFFIRMED.

3 KATE McGRANN: Good afternoon,
4 Councillor McKenney. My name is Kate McGrann,
5 I'm one of the co-lead counsel for the Ottawa
6 Light Rail Transit Public Inquiry, I'm joined
7 here by another member of our counsel team,
8 Ms. McLellan, and Holly Thompson, who is off
9 screen and is with PwC, who are helping us with
10 advisory services.

11 Before we turn to the questions I just
12 want to give you some information about the
13 purpose of today's meeting and how the
14 transcript of your interview will be used. So
15 the purpose of today's interview is to obtain
16 your evidence, under oath or solemn declaration,
17 for use at the Commission's public hearings.

18 This will be a collaborative interview
19 such that my co-counsel, Ms. McLellan, may
20 intervene to ask certain questions. If the time
21 permits, I think we're scheduled to be here for
22 three hours, your counsel may ask you follow-up
23 questions at the end of this interview.

24 This interview is being transcribed
25 and the Commission intends to enter this

1 transcript into evidence at the Commission's
2 public hearings, either at the hearings
3 themselves or by way of procedural order before
4 the hearing is commenced.

5 The transcript will be posted to the
6 Commission's public website, along with any
7 corrections made to it after it has been entered
8 into evidence. The transcript, along with any
9 corrections later made to it, will be shared
10 with the Commission's participants, and their
11 counsel, on a confidential basis before it is
12 entered into evidence.

13 You will be given an opportunity to
14 review your transcript and correct any typos, or
15 any other errors, before the transcript is
16 shared with the participants or entered into
17 evidence. Any nontypographical corrections made
18 will be appended to end of the transcript.

19 Pursuant to section 33(6) of the
20 Public Inquiries Act 2009, that section provides
21 that a witness at an inquiry shall be deemed to
22 have objected to answer any question asked him
23 or her upon the grounds that his or her answer
24 may tend to incriminate the witness or may tend
25 to establish his or her liability to civil

1 proceedings at the instance of the Crown, or of
2 any person. And no answer given by a witness at
3 an inquiry shall be used or be receivable in
4 evidence against him or her in any trial or
5 other proceeding against him or her thereafter
6 taking place, other than a prosecution for
7 perjury in giving such evidence.

8 As required by section 33(7) of the
9 Public Inquiries Act, 2009 you are hereby
10 advised that you have the right to object to
11 answer any question under section 5 of the
12 Canada Evidence Act.

13 And, as I mentioned before we came on
14 the record, if you want to take a break at any
15 time just let us know.

16 Do you or your counsel have any
17 questions about any of the information I just
18 shared with you?

19 CATHERINE MCKENNEY: No, I'm good.
20 Thanks.

21 KATE McGRANN: So we will get started.
22 I'm looking to the left because I have
23 a second screen that I will attempt to share
24 with you. We had asked in advance of this
25 meeting for a copy of your CV and we were

1 directed to a web page on the City of Ottawa's
2 website. So I'm just going to show that to you
3 now, or try to.

4 So this is a PDF of the website. I'm
5 just going to scroll down on the first page, and
6 then if I scroll down to the second page there's
7 a description of your role as it pertains to
8 City Council. First of all, can you read what
9 I've shared with you.

10 CATHERINE MCKENNEY: Yes.

11 "First elected as City Councillor
12 in 2014, Catherine was re-elected as
13 Councillor in 2018.

14 Catherine is committed to
15 improving life for everyone in their
16 community, including more affordable
17 housing, better transit, more trees,
18 streets that are built for people,
19 better public spaces, protecting our
20 heritage, and supporting local
21 business.

22 Catherine previously worked for
23 City Councillors Alex Munter and Diane
24 Holmes and later for MPs Ed Broadbent
25 and Paul Dewar. They returned to City

1 Hall as strategic support to the
2 Deputy City Manager.

3 Catherine trains regularly for
4 and competes in cross-country and
5 ultramarathon running. They cycle
6 year-round, walk to work, support
7 local independent businesses, and is
8 the proud adoptive parent of four
9 Humane Society animals. They are also
10 an avid volunteer."

11 KATE McGRANN: Is the information in
12 this printout accurate?

13 CATHERINE McKENNEY: Yes, it is.

14 KATE McGRANN: So -- and you recognize
15 it and you've seen this before.

16 CATHERINE McKENNEY: Yes.

17 KATE McGRANN: So we'll introduce this
18 as Exhibit 1 to your transcript, and that
19 provides us with a bit of background in terms of
20 your professional work.

21 EXHIBIT NO. 1: Printout of a City of
22 Ottawa web page with a description of
23 the role of Catherine McKenney as it
24 pertains to Ottawa City Council.

25 KATE McGRANN: You were elected to act

1 as City Councillor in 2014. Prior to that
2 election did you have any involvement in the
3 work being done on Stage 1 of the LRT?

4 CATHERINE McKENNEY: No, I did not.
5 The Deputy City Manager I worked for was
6 responsible for operations and not for
7 infrastructure, that was a second Deputy City
8 Manager.

9 KATE McGRANN: And outside of the work
10 that you were doing prior to your election as
11 counselor, did you have any involvement as an
12 interested member of the public, or otherwise,
13 in the City's work on Stage 1 of the LRT.

14 CATHERINE McKENNEY: Yes. In 2014 --
15 2013, I have to think about the exact timing.
16 Shortly -- it would have been 2013, there was --
17 and over to 2014, there was a plan to reroute
18 all of the buses, 2,500 buses, from the
19 Transitway to Albert and Scott Street. I back
20 on to Albert Street so I was involved in the
21 fight against that rerouting.

22 KATE McGRANN: And any other
23 involvement in Stage 1 of the LRT, or topics
24 that touched on it prior to your election as
25 Councillor?

1 CATHERINE McKENNEY: No, no.

2 KATE McGRANN: We're going to start
3 with some broad questions and then we will
4 narrow our focus.

5 Since your election as Councillor in
6 2014 would you please describe to us what your
7 involvement in Stage 1 of the LRT has been?

8 CATHERINE McKENNEY: Well, we, you
9 know, we approved, of course in 2015 governance
10 and reporting requirements for Sam Berrada, who
11 is the Regulatory Monitor and Compliance
12 Officer. And, I mean, after that really it was
13 simply updates on revenue service availability
14 that were coming to Council. As you know the
15 RSA dates, timelines shifted over time. There
16 was a failure to maintain the schedule and then
17 opening. Not much more in terms of my
18 involvement as a Councillor, except for
19 receiving those updates. Up to August -- or
20 September -- August, September 2018 -- 2019,
21 sorry, 2019.

22 KATE McGRANN: Leading up to the date
23 that the system opened for --

24 CATHERINE McKENNEY: Exactly.

25 KATE McGRANN: The updates that you

1 received as a member of City Council, who did
2 you generally receive those updates from?

3 CATHERINE McKENNEY: They were mostly
4 received by the General Manager of
5 Transportation Services John Manconi.

6 KATE McGRANN: And we will ask you
7 some more pointed questions about this as we go,
8 but from where you're sitting now do you have a
9 view of the adequacy of the information that was
10 provided to you as a Council member by way of
11 those updates?

12 CATHERINE McKENNEY: Up until 2019,
13 yes, I had no reason to believe that anything
14 was inaccurate. It was -- I live about 50
15 metres from the rail line and very close to two
16 stations so it didn't take much for me to see
17 what was happening on a daily basis. I knew
18 that revenue service was never going to be met
19 when we first expected it, which would have been
20 May 2018. It was, yeah, you didn't need to be
21 an engineer to understand that nothing was close
22 to being completed.

23 KATE McGRANN: So you talked about
24 being well aware of that by virtue of the fact
25 that you live close to two stations and you can

1 see in real-time the progress --

2 CATHERINE MCKENNEY: Uhm-hmm.

3 KATE McGRANN: -- along the line.

4 Were you also aware of that by virtue
5 of the updates you were receiving as a member of
6 City Council?

7 CATHERINE MCKENNEY: I would say, yes,
8 that we started to receive updates in 2017 in
9 terms of, you know, the -- there was memos and
10 updates to us that indicated that there were
11 significant requirements still to achieve
12 revenue service by August 2017. There was a
13 failure of RTG to maintain their schedule. So
14 it was -- yeah, the updates were certainly in
15 line with what anybody can see was happening.

16 KATE McGRANN: Turning for a moment to
17 your work as a Commissioner on the Transit
18 Commission, could you start by explaining to us
19 how you took on that role?

20 CATHERINE MCKENNEY: Yeah. So I've
21 been a Transit Commissioner only since my second
22 election in 2018. I wasn't a Transit
23 Commissioner before, between 2014 and 2018,
24 although I normally sit in on every meeting.

25 But since 2018 I sit on the Transit

1 Commission and receive all updates, and, like
2 any Councillor, whether you're on the Commission
3 or not, able to ask questions and to inquire
4 into anything that I don't see presented to me.

5 KATE McGRANN: How did you come to
6 take on that role? Was that an appointment or
7 did you volunteer for it?

8 CATHERINE McKENNEY: Yes. So at the
9 beginning of each term each Councillor is asked
10 to prioritize what Committees and Boards and
11 Commissions they want to sit on. I asked for
12 five and I got all five, including Transit
13 Commissions. I wanted Transit Commission. I
14 was very -- I mean, I obviously care very much
15 about our entire transit system, so I was very
16 interested in transit.

17 KATE McGRANN: And I have seen the
18 description of the Transit Commission's mandate.
19 Could you just describe to us what your role is
20 and what your responsibilities are as a
21 Commissioner?

22 CATHERINE McKENNEY: Yeah. So it's,
23 you know, certainly oversight into the transit
24 system, both the bus and, once revenue service,
25 once we had revenue service turned over then we

1 took on responsibility for oversight of the
2 Confederation Line and Trillium Lines, so the
3 entire train system as well and, of course, the
4 entire bus system.

5 KATE McGRANN: With respect to the
6 Commission's oversight of -- you've referred to
7 it up to this stage, one of the LRTs, the
8 Confederation Line, do you feel that as a
9 Commissioner the Commission had the resources it
10 needed to effectively provide oversight of Stage
11 1 of the LRT?

12 CATHERINE McKENNEY: Can I ask for
13 clarification? I guess there's different
14 components of oversight in terms of timeline.
15 There's -- between I think it was 2011 when
16 Council approved the LRT, of course up until
17 then I didn't. And then up until RSA and then
18 since RSA.

19 So I just want to clarify if you felt
20 that -- if you're asking me about between -- up
21 until we had revenue service available --
22 availability handed over to us or since?

23 KATE McGRANN: So I think -- thank you
24 for asking for clarification. If at any point
25 you're not sure what I'm asking just let me know

1 and I will try and do better.

2 If you feel you have the information
3 to speak to each of the three time periods
4 you've identified we'd be interested on hearing
5 your views on all three of them.

6 CATHERINE McKENNEY: Okay.

7 KATE McGRANN: So maybe we can start
8 with the first one, which I think is 2011 up
9 until -- is it the award of the contract or the
10 beginning of construction?

11 CATHERINE McKENNEY: That would have
12 been when Council approved the plan for LRT, for
13 the -- you know, in 2012 is when they finalized
14 the P3 agreement. So up until then I would say,
15 no, I was not -- I wasn't a City Councillor. I
16 followed it but I wasn't a City Councillor so I
17 wasn't involved in those details.

18 But since being elected, certainly as
19 the system was being built, obviously that
20 wasn't part of Transit Commission's oversight,
21 right. It was still with FEDCO, Finance and
22 Economic Development. So the updates were going
23 there and I'm not a member of FEDCO, although I
24 sit in on FEDCO almost every time.

25 But there wasn't -- there wasn't a

1 large role for Councillors to play as it was
2 being built until we got to, I would say, you
3 know, into 2017 when we were about a year out
4 and we knew that -- or you could see that it
5 wasn't going to be ready on time. So that's
6 when we started to get the updates.

7 So up until 2017 I would say there
8 wasn't a lot oversight required, if you will.
9 But then from 2017 to 2018, and I'm breaking
10 that down even to 2019 and then I was on Transit
11 Commission. But we did get several updates
12 about the schedule, the -- whether we were going
13 to have substantial completion, et cetera.

14 Do I feel that I had enough
15 information at that time? I felt that -- I felt
16 that at the time it was quite obvious that it
17 wasn't going to be completed by May 2018, and I
18 felt that it took a good six months for us to
19 get that clarification from both RTG and
20 management.

21 And then after we had revenue service,
22 and I was on Transit Commission, and it was
23 handed over to Transit Commission, certainly
24 then we ran into many issues starting almost
25 immediately. And there was a high level of

1 frustration at that point for myself as both a
2 City Councillor, and a member of Transit
3 Commission, that the system was not functioning
4 anywhere close to the way the public should
5 expect it to.

6 KATE McGRANN: Focusing specifically
7 on your role as a Commissioner of the Transit
8 Commission for a second, since it took on -- or
9 since it stepped into the role of oversight upon
10 handover do you feel the Commission had the
11 resources it needed to carry out its oversight
12 obligations? And by that I mean everything from
13 are you receiving sufficient information to --
14 do you have sufficient support from staff? Do
15 you have the expert advice that you feel you
16 need in order to properly oversee the system?

17 CATHERINE McKENNEY: Well, I'll start
18 at the twelve-day testing period. So just
19 before it got turned over I could see that it
20 wasn't running for many of those twelve days. I
21 asked that question; I believe I just asked it
22 personally. I think I picked up the phone and
23 called the City Manager at the time and was told
24 that, you know, it was fine and we were going to
25 have it in service after the -- or handed over

1 after the twelve days. I was quite frustrated
2 by that.

3 It was clear early on, if you look at
4 early on reports, that it should have been
5 twelve days of performance testing almost
6 without stop. Actually one of the reports even
7 says, You may see some short times when it's not
8 running. But there were days when it wasn't
9 running through those twelve days, and
10 subsequent reporting on it said that they met
11 the twelve-day performance testing but it failed
12 to continue to -- staff failed to continue to
13 mention that it needed to be consecutive.

14 So there was always a high level of
15 frustration that there was not twelve days of
16 consecutive testing of that train where
17 performance was being met. So it was obvious,
18 to me anyway and to anyone else asking the
19 questions, that we should not have taken over
20 the train until we had those twelve days of
21 testing.

22 We did take it over and that was done
23 under delegated authority. But again almost
24 immediately we had serious issues. Doors,
25 switches and the power to it, the catenary

1 system, the brakes, the communication systems.

2 And at that point I did not feel that
3 we were being provided with the information we
4 needed directly, especially at this point, from
5 RTM that gave us confidence, and gave the public
6 confidence, that the system was being maintained
7 properly and that there was proper oversight by
8 RTM.

9 KATE McGRANN: What was the nature of
10 the reporting that you received as a member of
11 the Transit Commission on the operations and
12 maintenance of Stage 1 once it went into full
13 revenue service?

14 CATHERINE McKENNEY: I think it was
15 November when we had our first update on the
16 issues to Transit Commission on the
17 reliabilities issues, and by that time we had,
18 like I said, many, many, issues and it had been
19 out of service several times.

20 You know, after that it was -- staff
21 did not come back to us often with updates. I
22 believe it was like May before we had
23 conversations and started to consider notices of
24 default.

25 So, again, it was difficult to

1 understand from the perspective of Commissioner
2 just how serious the issues were with the trains
3 and the system.

4 KATE McGRANN: If we were to go
5 looking for the updates that you received as a
6 member of the Transit Commission what form would
7 we find them in? Are they in staff reports?
8 Are they in memos, PowerPoint presentations, for
9 example?

10 CATHERINE McKENNEY: Many of them were
11 PowerPoint presentations which were nice and
12 clear, and also memos with updates as well more
13 so then. I don't remember the reports, I
14 remember clearly the updates by PowerPoint and
15 by memo.

16 KATE McGRANN: And with respect to the
17 frequency of the updates, did you feel that you
18 were getting them often enough to allow you to
19 do your job as a Commissioner?

20 CATHERINE McKENNEY: Not at the
21 beginning, no. I felt that, you know, we often
22 had to ask. We had to ask for special meetings,
23 especially after the first derailment and the
24 second. We asked for special meetings.
25 Sometimes we'd be going two, three months

1 without a meeting, and often it was denied.

2 So it was, again, my role, as I see
3 it, as a Commissioner and a Councillor is to
4 ensure that I'm getting enough information to
5 make decisions and that the public is getting
6 enough information to maintain confidence in
7 their system.

8 KATE McGRANN: And speaking generally,
9 you said that you weren't getting sufficient
10 information, specifically at the beginning,
11 would that have been in the Fall of 2019 into
12 the Spring of 2021 time period that we're
13 talking about?

14 CATHERINE McKENNEY: Yes, exactly.

15 KATE McGRANN: What steps, if any, did
16 you take to increase the amount of information
17 you were receiving or the nature of it to better
18 arm yourself to do your job?

19 CATHERINE McKENNEY: Certainly going
20 into 2020 myself, and a number of other
21 Councillors, held a press conference to publicly
22 appeal for more information and to appeal to
23 staff in the City to take the issues more
24 seriously, and to look at the contract that we
25 had and try to figure out why we had a train

1 that was not functioning properly, that was
2 actually -- I called it often "dysfunctional"
3 and I stand by that.

4 KATE McGRANN: Can you tell me about
5 the steps that you took prior to holding the
6 press conference to try to obtain the
7 information that you were looking for?

8 CATHERINE McKENNEY: Yeah. I don't
9 recall, I'll be honest with you, between August,
10 September 2019 up until I believe it was early
11 winter, like February 2020. So in that
12 timeframe, up until then I don't recall taking a
13 number of steps for more information. Asking
14 for it at Commission and asking questions
15 obviously at Commission when we got updates.

16 But it was really, January, February
17 2020, when things really started to go awry.
18 And we had cold weather and it was getting more
19 and more obvious that issues -- early on you
20 expect the issues to resolve, doors, brakes, et
21 cetera, the catenary system, you never expect
22 that they will keep on -- that they will be
23 ongoing.

24 And then come winter it was obvious
25 that we were not going to get through the winter

1 with a well-functioning train and we had to
2 bring up the R1 service. People were really --
3 the public really was in the -- was losing
4 confidence in our ability to maintain our
5 transit system in the City.

6 KATE McGRANN: And what kind of
7 information were you looking for that you
8 weren't getting?

9 CATHERINE McKENNEY: Certainly what
10 the resolutions were. It seemed at the time,
11 and it just got and more so as time went on,
12 that RTM, who had the contract to maintain the
13 system, did not take the issues -- didn't seem
14 to be taking the issues seriously. Cracked
15 wheels, flat wheels, switch systems that
16 continued to freeze. It took, I felt, far, too
17 long to switch over to the gas heaters for the
18 switches. It was just kind of ongoing.

19 And it got to a point, like I say, in
20 early 2020 when you knew we weren't going to get
21 through a winter. So it's -- I can't recall
22 exactly but I do recall at one point us feeling
23 like we had to make a public statement as a
24 group of Councillors to get some action.

25 KATE McGRANN: And just to understand

1 your evidence that you didn't feel that RTM was
2 taking the issues seriously. I understand that
3 part of what formed that view is the time it was
4 taking RTM to respond to some of the specific
5 issues you listed. Any other reasons why you
6 formed the view that they may not be taking the
7 issues seriously?

8 CATHERINE McKENNEY: No, it was mostly
9 the time involved in resolving any issues, and
10 repetition of issues.

11 KATE McGRANN: I'm going to take a
12 step back and ask you some questions about how
13 decisions were made at the City about matters
14 relating to the LRT while you were a Councillor.

15 You've spoken a little bit about what
16 I'll call key milestones that took place with
17 respect to the construction and implementation
18 of the system while you were a Councillor. What
19 major decisions did City Council make with
20 respect to Stage 1 of the LRT while you were
21 serving as a member of Council?

22 CATHERINE McKENNEY: Certainly we
23 approved, like I said, the overall governance
24 for the system and the reporting requirements
25 for the Regulatory Monitoring and Compliance

1 Officer, because we had a federally-regulated
2 system because it crosses provincial boundaries.
3 So certainly that was a decision taken by us.

4 And we approved an independent
5 assessment as an authority, as it was being
6 built, to be able to report to us what was
7 happening as the -- as we were moving towards
8 revenue service.

9 Outside of that I don't believe that
10 we had a lot of decision-making points. That
11 had already been in place up until revenue
12 service and then it was handed over to Transit
13 Commission.

14 KATE McGRANN: The independent
15 assessment that you mentioned, who was hired or
16 retained to conduct that independent assessment?

17 CATHERINE McKENNEY: I don't recall.
18 The one in 2017 I don't recall. The one later
19 was -- after the second derailment was TRA but I
20 don't recall who the 2017 one was.

21 KATE McGRANN: Do you recall the
22 person or entity retained to provide an
23 independent assessment in 2017, reporting back
24 to Council? Do you recall receiving any reports
25 or updates from that?

1 CATHERINE McKENNEY: Not clearly, no.
2 My understanding, as I do remember, was that it
3 was always part of the updates back to us as we
4 moved towards RSA, but I don't have any specific
5 recollection of anything from the independent
6 assessment.

7 KATE McGRANN: And do you recall if
8 the independent assessor ever appeared before
9 Council or ever made themselves available to
10 answer questions from Council?

11 CATHERINE McKENNEY: No, I don't
12 recall that. I don't believe it happened.

13 KATE McGRANN: With respect to TRA,
14 and I believe that's Transportation Resource
15 Associates?

16 CATHERINE McKENNEY: Yes.

17 KATE McGRANN: What reports of their
18 work has Council received?

19 CATHERINE McKENNEY: So TRA was
20 retained as an independent third party to
21 provide us with a safe-return-to-service plan
22 after the second derailment. So that would have
23 been -- the second derailment happened
24 September 2019, so I believe they were hired
25 very shortly after, like -- for that. When we

1 got our return-to-service plan they had
2 oversight on that. So we had, what I felt at
3 the time, for the first time really, somebody
4 who knew what they were doing.

5 KATE McGRANN: Sorry, bear with me for
6 one second. Can you walk me through the process
7 by which it was identified that an independent
8 assessor, eventually TRA, should be retained all
9 the way through to their coming on board with
10 the City? How did that all take place?

11 CATHERINE McKENNEY: That -- so we had
12 two derailments in close proximity. We had one
13 on August 8 and Transportation Safety Board of
14 course was involved in that. And it was the
15 second derailment, like I say, in September
16 where the -- it was in September and it -- I
17 can't remember the exact number of days but it
18 lasted well into November where we had no light
19 rail system at all in this entire City.

20 And at some point TRA, I believe it
21 was early November but I would have -- I would
22 have to go back and look specifically at the
23 report, but they were brought on, like I say, in
24 that time period so that we would have
25 confidence in our return-to-service plan. It

1 was brought to us as an update.

2 KATE McGRANN: Do you know who at the
3 City identified the need for an assessor like
4 TRA?

5 CATHERINE McKENNEY: My understanding
6 is that it was the City Manager, yes.

7 KATE McGRANN: Did you have any
8 involvement in the process leading to the
9 decision that somebody thought it would be
10 useful?

11 CATHERINE McKENNEY: No.

12 PETER WARDLE: Just, Kate, if you
13 don't mind, the City has made a claim of
14 confidentiality with respect to TRA's reports,
15 so we're not claiming privilege over them but,
16 as I understand, they have not been provided to
17 RTG or RTM.

18 So after we're finished today with
19 Councillor McKenney we'll review the transcript
20 and see whether we need to make a claim of
21 confidentiality over this part of the
22 transcript, I hope not but just wanted to alert
23 you to it.

24 KATE McGRANN: No, that's helpful.
25 And please do let me know if I appear to be

1 getting close to areas that are going to be the
2 subject of the claim. I will say this now, that
3 I don't think we're going to engage with it, but
4 in none of my questions am I looking for any
5 information about legal advice that the City has
6 sought or that has been provided to the City.
7 So if my question is asking for that it's
8 certainly not my intention and you and other
9 counsel will let me know if I get into that.

10 Trying to understand the role of the
11 Steering Committee during the period that you
12 served as a Councillor, so from 2014 onwards.
13 Can you explain to us what the Executive
14 Steering Committee's role was with respect to
15 Stage 1 of the LRT was?

16 CATHERINE McKENNEY: So the Executive
17 Steering Committee at the time, and again I
18 wasn't on Transit at that time, but it was the
19 City Manager, who was Kent Kirkpatrick at the
20 time, Nancy Schepers, who was the Deputy City
21 Manager, John Jensen I believe was with Rail
22 Office, and I don't remember the other names on
23 the Executive Steering Committee, but they
24 oversaw the -- you know, the work being done on
25 the stations as we move closer to May of 2018.

1 KATE McGRANN: And was it specifically
2 with the construction of the stations that their
3 mandate focused on?

4 CATHERINE McKENNEY: The stations and
5 the trains being delivered.

6 KATE McGRANN: Okay. That sounds like
7 they're overseeing the entire sort of -- the
8 putting together of the entire project. Was
9 there anything that they weren't responsible
10 for?

11 CATHERINE McKENNEY: Not that I'm
12 aware of, no.

13 KATE McGRANN: And then the Financial
14 and Economic Development Committee, FEDCO

15 CATHERINE McKENNEY: Yes.

16 KATE McGRANN: What was FEDCO's area
17 of responsibility, or areas of responsibility
18 with respect to Stage 1 of the LRT?

19 CATHERINE McKENNEY: It was to oversee
20 the budget. As you know of course it became a
21 P3 so it was, you know, so there wasn't much
22 budgeting outside of the agreement and just to
23 receive updates on the construction and the
24 delivery of the trains.

25 I believe it was minimal. I'll be

1 honest, once it was handed over as a P3 with a,
2 you know, design-bid-build, it really took it
3 out of the City's hands at that point.

4 KATE McGRANN: Were there any standing
5 committees with relation to Stage 1 of the LRT
6 during your time as a Councillor?

7 CATHERINE McKENNEY: Other standing
8 committees?

9 KATE McGRANN: Yes.

10 CATHERINE McKENNEY: I'm trying to
11 remember if Transportation Committee had any
12 role. If they did it was around keeping Ottawa
13 moving, changing -- so, yes, they would have had
14 a role, I'm sorry, around the plans to which
15 route -- like road configurations and detours
16 for buses, and that sort of thing. So they
17 would have had some role in that in the planning
18 for what was happening during construction.

19 KATE McGRANN: I have a couple of
20 questions for you about the procurement phase of
21 the -- I realize this predates your time as City
22 Councillor and if you're not able to answer this
23 just let me know.

24 With respect to the procurement phase
25 of the project, I understand that this predates

1 your time as a City Councillor so if you're not
2 able to answer these questions let me know, but
3 I'll ask and see what information you do have.

4 So in the procurement phase, with
5 respect to the vehicles, it's my understand that
6 the City sought service-proven vehicles through
7 the procurement phase. Do you have any
8 knowledge about the steps that the City took in
9 looking at service-proven vehicles and where
10 that requirement came from?

11 CATHERINE McKENNEY: I do not, no.

12 KATE McGRANN: Do you have any
13 knowledge or information about whether the City
14 believed that it was receiving service-proven
15 vehicles in the Alstom Citadis Spirit?

16 CATHERINE McKENNEY: Yes. There was,
17 I do recall, in one of the updates that we were
18 provided, it was either a memo or a PowerPoint.
19 But I do recall that the Alstom Citadis, not
20 Spirit necessarily but the Alstom Citadis had --
21 that there was experience with those trains in
22 winter conditions. Later we learned that it was
23 not the Spirit, it was not the exact one we got.

24 KATE McGRANN: Sorry, I missed what
25 you said at the beginning there. Did you say

1 later we learned it wasn't the Spirit?

2 CATHERINE McKENNEY: Uhm-hmm.

3 KATE McGRANN: Do you recall when you
4 learned that the Spirit was not the vehicle that
5 was discussed in the presentation you received?

6 CATHERINE McKENNEY: I don't recall
7 exactly, no, but it would have been in that
8 first winter of 2020.

9 With more probing questions I do
10 recall that being brought out, that although
11 Alstom and the Citadis had experience -- those
12 trains had experience in snow conditions that
13 the one specific to us, I believe it's the
14 Spirit, never had. So we did learn that, yes.

15 KATE McGRANN: Was it your
16 understanding that the Citadis Spirit, the model
17 that the City has, had been successfully in
18 operation elsewhere but just not during winter
19 conditions? Or what was your understanding
20 about the nature of the Citadis Spirit?

21 CATHERINE McKENNEY: I don't recall
22 whether it had ever been. I can't say that.

23 KATE McGRANN: Do you recall what your
24 reaction was when you learned that the Citadis
25 vehicle that you heard was used in winter

1 condition was not the model or vehicle that the
2 City received?

3 CATHERINE McKENNEY: Well, I was
4 surprised that we had a model that had never
5 been used in winter. Given our conditions,
6 especially in Ottawa, it's a very snowy city and
7 can become very cold. But given the issues we
8 were experiencing up until that point in the
9 winter, you know, it wasn't a surprise.

10 KATE McGRANN: Did you ask any
11 questions or seek to understand how the City
12 came to choose a vehicle that had not been used
13 successfully in winter conditions before?

14 CATHERINE McKENNEY: I don't recall
15 whether I asked the question. Sometimes
16 somebody else asked the questions before me, I
17 don't re-ask the questions, but those questions
18 were certainly raised.

19 And there was an indication that it
20 had gone through National Research Council's
21 winterized kind of testing system. And it
22 turned out that we learned that that was not
23 highly successful but it went ahead anyway and
24 we ended up with that train.

25 So, again, it just harkened back to

1 what felt like, and what was feeling more like
2 we had rushed into revenue service without
3 having a system and a set of trains that were --
4 had been successfully tested.

5 KATE McGRANN: When you say that you
6 learned that the -- please tell me if I'm
7 misquoting you, is it that the National Research
8 Council's winter testing was not highly
9 successful?

10 CATHERINE McKENNEY: Uhm-hmm. Through
11 questioning at a Transit Commission meeting we
12 learned that there was still issues with doors
13 and with some of the freezing even through that
14 testing.

15 KATE McGRANN: Sorry if this seems
16 overly wordsmithy (sic), and I think it's the
17 case that you found that the vehicles'
18 performance upon testing was not highly
19 successful as apposed to the testing not being
20 particularly successful?

21 CATHERINE McKENNEY: Yes, it was the
22 vehicles, the outcomes of the vehicle testing,
23 yes.

24 KATE McGRANN: And to your knowledge,
25 what is -- what has been done about the issues

1 that you learned presented themselves during the
2 National Research Council testing?

3 CATHERINE McKENNEY: They continued to
4 be part of the issues ongoing with respect to
5 mostly the doors, the catenary systems.

6 Over time, and especially since the
7 two derailments when we brought in TRA and there
8 was significant increase in both oversight,
9 inspection, those issues seem to be resolving
10 themselves.

11 We also went through most of 2020 and
12 then 2021 winter with very low ridership and
13 less issues than we had seen that first winter.

14 KATE McGRANN: Sticking with the
15 procurement timeframe, I do want to ask you some
16 questions about the budget that was set for the
17 project. Do you have a sense of what the view
18 was of the adequacy of the budget when it was
19 set?

20 CATHERINE McKENNEY: I don't have a
21 view on that, no.

22 KATE McGRANN: Are you aware whether
23 there were concern at the City about the
24 adequacy of the budget for the project when it
25 was set?

1 CATHERINE McKENNEY: From my
2 recollection looking back at reports, and of
3 course I was around, I paid attention at the
4 time, I don't recall. I don't recall that there
5 was serious concerns about the budget, no.

6 KATE McGRANN: And then sitting where
7 you are today, are you aware of any concerns
8 that have been raised at the City about the
9 adequacy of the budget, with the benefit of
10 hindsight?

11 CATHERINE McKENNEY: Less so about the
12 budget, more so about the private-public
13 partnership relationship and how that's played
14 itself out through all of the issues we've seen
15 and the resolution of the issues.

16 KATE McGRANN: And I will come back to
17 that topic with some more questions for you
18 shortly.

19 Last couple of questions about the
20 procurement phase. Are you aware of any
21 concerns that were raised about the risks
22 associated with the project and who would be
23 taking those risks on in the context of the P3
24 model?

25 CATHERINE McKENNEY: I don't recall

1 any conversations about risks of the project. I
2 think that at the time, my recollection anyway,
3 and again it was mostly as a staff person, but
4 more so as a resident who wanted to see light
5 rail coming to the City.

6 I certainly don't recall there being
7 concerns about the system, the design of the
8 system. It was, you know, going back to the --
9 in 2012 when it presented itself as a public
10 private partnership, but up until then, no, I
11 don't recall that at all.

12 KATE McGRANN: And then, again,
13 sitting where you're sitting now, with the
14 project at the phase that it is at, are you
15 aware of any concerns about the risks of the
16 project and how they were allocated between the
17 City and its private partner?

18 CATHERINE McKENNEY: Well, the -- you
19 know, the whole argument in favour of P3s is
20 that you turn over risk to your private partner.
21 However, when you're talking about a transit
22 system that can shut down a City if it doesn't
23 function, and this one has not functioned, that
24 risk comes back to us. It comes back to us in
25 public confidence. It comes back to us in

1 public health. People's mental health, mental
2 well-being, not being able to get to work, not
3 being able to pick up their children at daycare
4 on time. It can be overwhelming for a City of
5 people who count on transit to get from one end
6 of the City to another.

7 And, as you know, we stopped running
8 those buses through the downtown, which was
9 required, but there's no other way of -- when
10 that day that it breaks down there's just no
11 other way of navigating throughout the City.

12 So that transfer of risk really means
13 very little when you have a system that is
14 completely dysfunctional. And it wasn't just
15 over budget it didn't function.

16 KATE McGRANN: When you said that the
17 buses were required to be shut down what do you
18 mean by that?

19 CATHERINE McKENNEY: So when we
20 replaced our bus rapid transit from Blair to
21 Tunney's we removed all of our express buses
22 that ran through the Transitway.

23 So this light rail system was built in
24 our existing Transitway, so it essentially
25 replaced a very successful bus rapid transit

1 system. I think it was if not the most
2 successful anywhere it was a very successful bus
3 rapid transit. It essentially replaced that bus
4 rapid transit and replaced it through a tunnel
5 and through the downtown.

6 And when I say the buses had to
7 eventually be removed, the downtown, getting
8 through Albert and Slater with that many buses,
9 transporting that many people was a failure
10 point. You just could not get through and you
11 couldn't move buses through quickly enough.

12 So to go back maybe to your earlier
13 question on the design, I believed that it did
14 need to be a tunnel to we needed to go
15 underneath; so we needed to budget for
16 tunneling.

17 But you couldn't keep both systems
18 parallel. You could for a while but the whole
19 intent was to remove those buses that were
20 travelling through the downtown.

21 And, of course, because now the train
22 is built in the Transitway, the old Transitway,
23 you couldn't have buses running through the
24 Transitway.

25 KATE McGRANN: So turning to the

1 construction phase, and by "construction" I mean
2 -- I also include the manufacturing of the
3 vehicles for the LRT. We talked a little bit
4 about how City Council received information
5 about the construction process. Is there
6 anything that you wish Council had received
7 during that period of time that you didn't
8 receive?

9 CATHERINE MCKENNEY: No, I don't
10 believe so. I don't recall having concerns
11 about the construction phase.

12 KATE McGRANN: During the construction
13 phase what advisors and consultants to the City,
14 outside of staff, did you understand to be
15 active during that time?

16 CATHERINE MCKENNEY: My understanding
17 was staff -- RTG obviously, the consortium, but
18 staff to Council.

19 KATE McGRANN: So you're not aware of
20 any consultants or third-party advisors to the
21 City who were actively working on the City side
22 of the construction phase?

23 CATHERINE MCKENNEY: Not to my
24 knowledge, no.

25 KATE McGRANN: In your view did the

1 City have the expertise it needed to perform its
2 role during the construction and manufacturing
3 phase?

4 CATHERINE McKENNEY: In my view,
5 because it was a public-public partnership, and
6 the way that that is set up is that the City
7 then doesn't retain that expertise and doesn't
8 have the oversight necessary to ensure that the
9 system was being built on time and was being
10 built to a standard that would keep the system
11 functioning, I believe that that is a direct
12 result of it being a public-private partnership.

13 KATE McGRANN: I want to ask you a
14 couple of follow-up questions just to make sure
15 I understand your answer.

16 So what about the public-private
17 partnership model -- let me put it this way,
18 what impact did the fact that there was a
19 public-private partnership model chosen have on
20 the City's needs in terms of the project for
21 construction? What did the City have to do
22 during that phase as a result of it being a P3?

23 CATHERINE McKENNEY: Well, I believe
24 that as a result of it the City did not have the
25 ability to maintain the oversight that it

1 needed.

2 I'll give you -- if I can, we had --
3 at the same time we had the Trillium Line, which
4 is our line that runs north-south, which is not
5 a P3, which was Bombardier.

6 And we had staff in from Bombardier
7 overseeing the Trillium Line. There had been
8 issues with it, they were-resolved. However, it
9 was City staff who oversaw and managed
10 Bombardier staff, a very different relationship.
11 So the pressure can be put on to, you know, and
12 the expertise then brought in and hired for that
13 oversight.

14 On the Confederation Line, as it was
15 being built, we did not have -- my concern was
16 always, and again I'm not an engineer, I've
17 never built a train system in my life, not even
18 a toy one, but as a result of the public-private
19 partnership we are not managing the people who
20 are building the system, we're just turning it
21 over; it's like a turnkey.

22 So the ongoing frustration as things
23 were breaking down, and RTG and RTM did not seem
24 to take anything seriously, we had no way of
25 correcting that because we just had to take

1 their word for what they were doing.

2 So that was -- from my perspective
3 that's what went wrong in terms of building the
4 system and bringing in the right trains.

5 KATE McGRANN: And so would it -- is
6 it fair to say that -- I mean, it almost sounds
7 like you think the City handed over too much
8 responsibility for the project in --

9 CATHERINE McKENNEY: Absolutely.

10 KATE McGRANN: -- putting RTG, and
11 then its subcontractor OLRTC, who was overseeing
12 construction, completely in charge of the
13 construction and manufacturing?

14 CATHERINE McKENNEY: Yes, and we can
15 see that today, because today we have -- since a
16 second serious derailment, like, finally, people
17 are like, Okay, we're going to do something
18 about this. You can't have trains derailing in
19 this City.

20 We brought in TRA, they oversee almost
21 everything that's happened. We learned the
22 second derailment was because somebody didn't
23 torque a bolt enough because there was a change
24 in shift. It's almost laughable if it weren't
25 so serious and discouraging.

1 So now we've got somebody, you know,
2 completely overseeing RTM and, as a result,
3 we're seeing some resolution. I believe that
4 the system is running better. We're getting
5 higher reliability and less serious problems.
6 So absolutely I believe that that was a huge
7 issue in terms of the resulting dysfunction of
8 the system.

9 KATE McGRANN: In your view would it
10 have been beneficial for the City to have
11 somebody, with the level of expertise that TRA
12 brings to the table, overseeing the project on
13 the City's behalf throughout the construction
14 and manufacturing phase?

15 CATHERINE McKENNEY: Well, then it
16 would not have been a P3 right? A P3 really is
17 a turnkey. You design, you bid for it and you
18 build it and maintain, in this case. So that --
19 it does go back to the governance that was set
20 up through that P3 agreement.

21 We did get TRA. So I suppose from the
22 beginning would it have been -- would we have
23 had better results? Probably. It's expensive
24 and costs more. There's -- yeah. More than I
25 think if we managed the system ourselves and had

1 somebody with expertise build it, but we can
2 oversee it and have our own rail expertise on
3 staff.

4 KATE McGRANN: The Commissioner has
5 been asked to look into the commercial and
6 technical circumstances that led to the
7 breakdowns and derailments on Stage 1. In your
8 view were there any events or occurrences during
9 the construction and manufacturing phase that
10 may have caused or contributed to the breakdowns
11 and derailments?

12 CATHERINE MCKENNEY: Oh, I have no
13 insight into that at all, no.

14 KATE McGRANN: Are you able to speak
15 to the relationship between the City on the one
16 hand, RTG and its subcontractors on the other,
17 during the construction and maintenance phase?
18 Sorry, the construction and manufacturing phase.

19 CATHERINE MCKENNEY: Oh, construction
20 and manufacturing? My understanding was that it
21 was minimal. As a Commissioner and Councillor I
22 have to accept the advice of staff, which I had
23 no reason not to.

24 In terms of moving towards the date
25 timelines and that sort of thing, but other than

1 that I would have had no insight into certainly
2 the construction of the system, no.

3 KATE McGRANN: And then with respect
4 to just the working relationship between the
5 City and its P3 partner, RTG, do you have any
6 information or knowledge about how that
7 relationship was working during the construction
8 phase?

9 CATHERINE McKENNEY: Not during the
10 construction no.

11 KATE McGRANN: Did City Council or the
12 Transit Commission receive information about the
13 winter testing that was conducted in or around
14 the time that it was conducted and completed?

15 CATHERINE McKENNEY: No, we did not.

16 KATE McGRANN: With respect to the
17 changes in the construction schedule,
18 particularly the substantial completion date and
19 then the revenue service availability dates, do
20 you know who at the City was involved in
21 assessing and responding to the changes of dates
22 as they took place?

23 CATHERINE McKENNEY: My understanding
24 is that it was the Executive Steering Committee,
25 and moving forward that changed, of course, in

1 terms of personnel, but that's my understanding.

2 KATE McGRANN: So personnel on the
3 committee changed but the committee remained --

4 CATHERINE McKENNEY: To the best of my
5 knowledge, yes, it was the City Manager
6 Transportation -- we didn't have Deputy City
7 Managers any more so it was the City Manager,
8 the Transportation Manager and rail office?

9 KATE McGRANN: Okay.

10 CATHERINE McKENNEY: Director of Rail
11 Office.

12 KATE McGRANN: So membership of that
13 committee changed but the committee remained the
14 body that was responding to requests for changes
15 in the schedule?

16 CATHERINE McKENNEY: Precisely, yes.

17 KATE McGRANN: I understand that in or
18 around September of 2018 RTG advised that it
19 could meet a November 2nd, 2018, deadline if
20 aspects of the project agreement requirements
21 were carved out. Are you familiar with what I'm
22 describing?

23 CATHERINE McKENNEY: Was that the --
24 that was when they asked to have only certain
25 stations opened and less trains I understand.

1 KATE McGRANN: Okay. And who was
2 involved in assessing and responding to that
3 proposal?

4 CATHERINE McKENNEY: My understanding
5 is that it was the City Manager and General
6 Manager of Transportation Services.

7 KATE McGRANN: That was not a decision
8 that was brought to counsel for its --

9 CATHERINE McKENNEY: No, that was an
10 update. I remember receiving the update but we
11 didn't act -- that was delegated authority to
12 the City Manager and the General Manager.

13 KATE McGRANN: And then with respect
14 to the construction and manufacturing phase, are
15 you aware of any outstanding to-do items from
16 the City related to that phase? Signoffs?
17 Information? Answers to questions? Anything
18 like that?

19 CATHERINE McKENNEY: No, I'm not.

20 KATE McGRANN: I'm about to move on
21 from the construction and manufacturing phase, I
22 will just ask my colleague, Ms. McLellan, do you
23 have any questions about what I've asked about
24 so far?

25 LIZ McLELLAN: No.

1 KATE McGRANN: Is there anything that
2 you wanted to tell us about the construction and
3 manufacturing phase that I haven't asked you
4 about? Anything you wanted to discuss?

5 CATHERINE McKENNEY: No, no, I don't
6 think so.

7 KATE McGRANN: Turning now to the
8 handover of the system, so trial running,
9 commissioning and then the handover to the City.
10 What information was made available to you as a
11 Councillor, and a Transit Commissioner, about
12 the approach taken to the trial running phase?

13 CATHERINE McKENNEY: We received an
14 update -- sorry, it was a memo that we received
15 in May that -- it was an update on substantial
16 completion, that at the time RTG had not met
17 their substantial completion. And that was an
18 Independent Commissioner who ruled on that. So
19 they had indicated substantial completion, it
20 came back us in a memo that in fact the IC had
21 ruled that they hadn't.

22 It was in that time that we got an
23 update, and I believe that was a PowerPoint, on
24 the steps that RTG needed to take to delivery.
25 And of course this was in May of 2019 I believe.

1 And that included substantial completion, the
2 twelve-day test and then revenue service
3 availability.

4 So it was just kind of preparing us
5 because at this point we were a year behind.
6 And it was just kind of indicating to us, like,
7 here is what we need if we're going to have RSA
8 by August of 2013.

9 KATE McGRANN: Do you recall if any of
10 the information in that memo came as a surprise
11 to you or was new to you?

12 CATHERINE McKENNEY: No, I don't. Not
13 at that time.

14 KATE McGRANN: And then as the system
15 moved towards revenue system availability, so
16 moving through June, July, August of 2019, what
17 kind of information was made available to you
18 about the standards that needed to be met in
19 order to complete the trial running and achieve
20 revenue service availability?

21 CATHERINE McKENNEY: In July we
22 received a substantive memo that outlined --
23 well, it was a memo that outlined how RTG had
24 achieved their substantial completion. And it
25 talked then about the trial running and that

1 that would begin -- I forget the exact date, it
2 was in July.

3 So we were -- we were being prepared
4 for -- and you could see it. I mean, you only
5 had to go by the stations, they're pretty open
6 stations, to see that things were in place, that
7 it seemed to be ready. But that trial
8 running -- I remember that trial running would
9 start in -- I forget the exact date, I'm sorry,
10 but it was in July.

11 KATE McGRANN: And same question with
12 respect the July memo, was there any information
13 in there that was new to you or came as a
14 surprise to you?

15 CATHERINE McKENNEY: Not in the July
16 memo. There was a subsequent memo in August
17 that gave us an update on kick-off, which was
18 going to happen -- you know, opening which was
19 going to happen mid-September. And I remember
20 the surprise in that memo was that there was a
21 change in the messaging around the twelve days
22 of consecutive running, error-free running. And
23 I remember specifically because I asked about
24 it.

25 And I asked about the twelve days,

1 when it's happening or not happening. And I
2 remember specifically in that memo that they did
3 not talk about error-free days or consecutive
4 days, they just talked about the twelve days and
5 what had happened. So there was a -- you know,
6 it was a nuance but it was there for sure.

7 KATE McGRANN: What information was
8 given to you in response to questions asked by
9 anybody about that change in approach?

10 CATHERINE McKENNEY: We were told --
11 it was in a public forum that, you know, it was
12 never meant to be twelve consecutive days; that
13 there were going to be times when it would come
14 down; and as long as it ran for two or three
15 days that it was a -- the system would be deemed
16 to be ready.

17 Many of us felt that it wasn't ready.
18 I remember being at City Hall for -- that would
19 have been in August as well, when the Mayor and
20 the Transit Commissioner and -- the head of the
21 Transit Commission and the head of
22 Transportation, the General Manager of
23 Transportation Services were telling us, you
24 know, we're going to kick it off. It's going to
25 open September 14th.

1 And I'll be honest with you, I was
2 conflicted because I wanted it to open and I
3 wanted it to be successful. We were -- I never
4 personally, and even residents that I represent,
5 were never nearly as concerned about the delays
6 as we had been since about the issues, but we
7 were excited for it. We were excited to have
8 light rail.

9 We had the little Trillium Line that
10 worked so well but went nowhere. I shouldn't
11 say that but, you know, it was one line.

12 And I remember at least one of my
13 colleagues suggesting that we should -- we
14 should make a point that we shouldn't have the
15 opening until we had twelve consecutive days.
16 But that wasn't our decision to make so they
17 went ahead with it.

18 But in all honesty I did not call
19 publicly for it to -- for us to take a step
20 back. I had hoped that people who oversaw the
21 system and oversaw the testing knew what they
22 were doing and had confidence that it could open
23 on September 14.

24 KATE McGRANN: Whose decision was it
25 to proceed with the opening on September 14th?

1 CATHERINE McKENNEY: My understanding
2 is it was the Mayor, the City Manager and the
3 General Manager. I say the Mayor only because
4 he's the Mayor, but I think the delegated
5 authority was to the City Manager and the
6 General Manager.

7 I know as a Transit Commissioner I
8 wasn't part of that decision making, but I
9 wouldn't have expected to be. I knew that that
10 was -- it's not a decision that Council's going
11 to be...

12 KATE McGRANN: Are you aware of any
13 discussions, at any point, about not proceeding
14 with the public opening on September 14th and
15 pushing that later into the Fall for any reason?

16 CATHERINE McKENNEY: No. Outside of a
17 couple of personal conversations with some of my
18 colleagues who had some concerns, and we did
19 discuss it, nothing beyond that, no.

20 KATE McGRANN: And this is going to
21 sound like the same question in different words,
22 and it may be.

23 Just to cover it off, are you aware of
24 anybody suggesting to City staff or the Council
25 that the start date should be pushed off later

1 into the Fall to allow for more testing
2 commissioning? Anything like that?

3 CATHERINE McKENNEY: No, I don't
4 recall any -- certainly nothing of a public
5 nature, no.

6 KATE McGRANN: Are you aware of
7 anything that's not public in nature along those
8 lines? So discussions behind closed doors,
9 discussions among staff otherwise about
10 potentially moving the public opening date later
11 into the future?

12 CATHERINE McKENNEY: I would not be
13 part of those discussion. I'm not part of that
14 sort of inner circle. I'm not a Chair of any of
15 the committees or commissions so I was never
16 involved in any -- if there were discussion,
17 again, it was -- the only discussions I recall
18 were private discussions between myself and one
19 or two other colleagues who had some concerns.
20 We talked about it but in the end, as far as I
21 can recall, nobody called for it to be delayed
22 publicly.

23 KATE McGRANN: To your knowledge what
24 steps did the City take to prepare to accept the
25 system from RTG? Step into the role of

1 operator? Transit Commission steps into its
2 oversight role? How did everybody prepare for
3 that?

4 CATHERINE McKENNEY: I don't remember
5 whether that was a memo or a PowerPoint but it
6 was certainly brought to us. I'd have to go
7 back and look at the specific either memo or
8 PowerPoint, but we did have a PowerPoint.

9 It was a PowerPoint because I remember
10 very clearly now. I'm seeing it where it talked
11 about, Here are the steps once it opens. We
12 have three weeks of parallel bus service. Once
13 we have RSA -- I can't recall whether there was
14 a gap of a day or three, but at that point the
15 City would be the owner of the system, and then
16 Transit Commission would have oversight of the
17 system as part of the entire transit system, the
18 City's transit system.

19 KATE McGRANN: Other than the document
20 you've just described and the presentation that
21 went along with it, were you provided with any
22 other information as a member of the Transit
23 Commission about the oversight that the
24 Commission would take of the system?

25 CATHERINE McKENNEY: You know, I mean,

1 obviously kind of ancillary to that would be the
2 communications. How we would communicate to the
3 public; where to go; the way finding; the
4 parallel bus service; what that meant; how to
5 transfer if you transfer points, Blair and
6 Tunney's. Most of that was really around
7 communications and outreach to the public and
8 what the system would look like to the public
9 once it got handed over.

10 KATE McGRANN: Were you provided with
11 any information about the work done to prepare
12 the drivers for operating the trains, things
13 like that?

14 CATHERINE McKENNEY: No.

15 KATE McGRANN: As a member of the
16 Transit Commission did you feel prepared to step
17 into the oversight role that the Commission had
18 over the LRT when the City took ownership?

19 CATHERINE McKENNEY: Yes, I did.

20 KATE McGRANN: Do you have any
21 awareness of retrofits that may still be
22 required for the Stage 1 vehicles and what the
23 status of that is?

24 CATHERINE McKENNEY: I don't. I'd be
25 guessing if I said that they were still working

1 on the wheels, that could be the cracks in the
2 wheels but, no, I don't.

3 KATE McGRANN: I am prepared to move
4 away from the topic of the handover so,
5 Ms. McLellan, do you have any questions about
6 anything we've talked about.

7 LIZ McLELLAN: I don't, no.

8 KATE McGRANN: I'm going to ask you
9 some questions about operations of the system
10 but since we're switching topics if you wanted
11 to take a quick break now would be a good time.

12 CATHERINE MCKENNEY: I'm fine
13 actually.

14 KATE McGRANN: I'd like to understand
15 the nature of the information and source s of it
16 that you received about the systems' operations,
17 first in your role as a City Councillor. How do
18 you learn about how the systems' operations are
19 going?

20 CATHERINE MCKENNEY: How they're
21 going? Like once we assumed?

22 We got updates at Transit Commission.
23 Of courses the issues started almost immediately
24 after the three-week parallel service was taken
25 out, unfortunately. So our first update would

1 have been at the November Transit Commission,
2 and that update really focused on reliability
3 issues. By that time really we had issues with
4 the doors being jammed, the switches not
5 operating, the catenary system that provides the
6 power to the system, there were brake issues,
7 the comms issues, the TCMS, I forget what it
8 stands for, but sort of the whole computer
9 control system.

10 Yeah, so, that was -- we did get the
11 update pretty early on. Like I say it was in
12 November that that outlined all of the
13 reliability issues from September to November.

14 KATE McGRANN: And were you, as a
15 Transit Commissioner, asked to do anything in
16 response to that information?

17 CATHERINE McKENNEY: No, it was for
18 information. We could ask questions, of course,
19 and seek assurances that staff still had
20 confidence in the system going forward, that RTM
21 had confidence that they could maintain the
22 system and have it function at a high level of
23 reliability. But as Transit Commissioners
24 that's the extent of our involvement, yeah.

25 KATE McGRANN: And that November

1 Transit Commission meeting was the first Transit
2 Commission meeting that occurred after the
3 system went into public service?

4 CATHERINE McKENNEY: I don't recall.
5 There could have been one in October but, I'm
6 sorry, I just don't recall.

7 KATE McGRANN: With respect to the
8 decision to end parallel service three weeks
9 into full LRT service, do you know who was
10 involved in making that decision?

11 CATHERINE McKENNEY: Well, that would
12 have come to us as part of the system -- as part
13 of the report to take over the system and what
14 that was going to look like, so we would have
15 approved that report.

16 KATE McGRANN: So is it your
17 recollection that this was in the nature of a
18 recommendation from staff to end the parallel
19 bus service at that time?

20 CATHERINE McKENNEY: I don't recall it
21 being a specific recommendation. I recall it
22 being a part of a report that we received for
23 information, but we received it so it was
24 within.

25 KATE McGRANN: And then following the

1 November Transit Commission meeting that you
2 just spoke about, how did you and the other
3 members of City Council continue to receive
4 information about the operations of the LRT
5 system?

6 CATHERINE McKENNEY: It was through
7 regular updates to the Commission. Again, the
8 issues into 2019 and then into 2020 escalated.
9 So it was -- we asked for and expected updates
10 at each Commission meeting, that's how we
11 received it.

12 KATE McGRANN: And who provided the
13 updates?

14 CATHERINE McKENNEY: The General
15 Manager of Transportation Services, John
16 Manconi.

17 There was also too, I might add, in
18 the 2020 budget that went ahead there was a
19 decision made to add new buses. So there was a
20 budget pressure in the 2020 budget, I believe it
21 was 7.5 million, and that was in response to
22 having to run the RIs when the system wasn't
23 functioning, but also to correct some of the --
24 I don't know if I want to call them
25 "deficiencies", that's not the word I want.

1 We -- there were issues with some of
2 the -- because there had been a significant
3 change in bus routes and some of them just
4 didn't work. So we realized at that point that
5 we'd have to retain some of our buses to
6 continue to run R1, which is the replacement
7 service, if and when the system went down. And
8 that it was a budget pressure I believe of
9 7.5 million in the 2020 budget to add nineteen
10 new buses to amend the overall bus service.

11 KATE McGRANN: So those buses were
12 brought in both to address needs that arose as a
13 result of the LRT's performance, and also to
14 supplement what had originally been planned in
15 terms of bus service on an ongoing basis?

16 CATHERINE McKENNEY: Exactly.

17 KATE McGRANN: Did you, as a member of
18 Council, or as a Transit Commissioner, ever
19 receive an update or any information about the
20 performance of the City staff who are operating
21 the vehicles on the system?

22 CATHERINE McKENNEY: No, we did not.

23 KATE McGRANN: With respect to taking
24 on the operation of the system, do you know if
25 there was ever any consideration given, or any

1 discussion about bringing in an experienced
2 light rail operator to work in tandem with City
3 staff while the system got started?

4 CATHERINE McKENNEY: Not to my
5 knowledge, no.

6 KATE McGRANN: With respect to the
7 working relationship between the City and RTG,
8 and its subcontractor RTM at this point, what's
9 your understanding about the nature of that
10 relationship post revenue service availability?

11 CATHERINE McKENNEY: My understanding,
12 from the last couple of years, is that it has
13 been fraught with conflict. That there's been a
14 growing level of frustration with RTM from the
15 perspective of City staff who answer to Council
16 and answer to -- we answer to the public, of
17 course, on the dysfunctional system.

18 So the nature of the relationship I
19 can -- has been strained certainly, and it's
20 been one of frustration. And I get -- I mean
21 that's not me guessing, that's -- I've heard
22 staff say it that they are -- we've been told,
23 If you want answers to your questions get Alstom
24 to show up or get RTM to show up.

25 Certainly the General Manager at the

1 time, Mr. Manconi, was frustrated by how RTM,
2 and Alstom, which is their problem, and they're
3 subcontractor to RTM, but it was a high level of
4 frustration with the way RTM did not take the
5 issues seriously that were happening in the
6 City.

7 KATE McGRANN: When you say they
8 didn't take the issues seriously, can you be
9 more specific about what you mean?

10 CATHERINE MCKENNEY: Well, it was just
11 ongoing. Like, we never -- we had flat wheels,
12 we had cracked wheels, we had issues in the
13 heat, issues in the cold.

14 You know, that first derailment was
15 failure of the axle system and the wheels. The
16 second one was that they just didn't -- they
17 didn't take their role -- their maintenance role
18 seriously. That was -- TRA actually reported
19 that back to us that they felt that they did not
20 have high safety requirements. That they just
21 didn't take the maintenance of the system
22 seriously.

23 Again, you know, I'm not an engineer.
24 I probably know more about a train system than I
25 should. Like, I probably should not know words

1 like "catenary". I never knew what a "bogey"
2 was until this system.

3 But it's, you know, it just became
4 obvious to everyone that they weren't
5 responding, that it was the same issues over and
6 over that were not being corrected. And it
7 became evident through our updates from staff
8 that they were equally frustrated, or they were
9 becoming equally frustrated.

10 KATE McGRANN: If I can summarize, and
11 you can tell me if I have it right and if I'm
12 missing anything. So there's the fact that
13 there are issues that are repeatedly coming up.
14 There's the fact that there are new issue. And
15 then it sounds like the nature and timing of the
16 response from RTG, RTM, Alstom. Those are the
17 three factors that I think you're saying fed
18 into the frustration on the City side. Did I
19 get that right?

20 CATHERINE McKENNEY: Absolutely.

21 KATE McGRANN: Am I missing anything?

22 CATHERINE McKENNEY: No, I don't think
23 so.

24 KATE McGRANN: Do you have any sense
25 of how that frustration -- well, let me try it

1 this way.

2 To your knowledge did that frustration
3 affect the ability of the City staff to go about
4 doing their work on the system?

5 CATHERINE MCKENNEY: I can only
6 surmise. I don't know that. I don't have that
7 insight.

8 KATE McGRANN: Do you know if the City
9 ever looked at changing the levels of service?
10 And by that I mean the number and frequency of
11 trains in service at any point? During the
12 COVID period, for example, to respond to
13 decreases in ridership?

14 CATHERINE MCKENNEY: Yes. We agreed
15 in -- early on in COVID, in April 2020, to
16 reduce the trains and service to nine from
17 fifteen. And this was to give RTG the ability
18 to pull the others out of service, put them into
19 maintenance and actually work on the maintenance
20 issues that they knew. They had identified what
21 the issues were, the cracked wheels, the brakes,
22 the things that continued to be ongoing.

23 So the City did agree to that
24 reduction in service through COVID. It also
25 meant -- I know there was low ridership, but the

1 ridership that was left, and this is what
2 frustrated me about that, was that -- the
3 ridership that remained were mostly very low
4 income workers, people who had no choice but to
5 take transit.

6 And the headway, of course went from
7 five minutes to 11 and 15 minutes. So people
8 waited longer for the trains.

9 So somebody was being delayed.
10 Somebody's service was being removed from them
11 even though they were paying full price for
12 their transit passes.

13 And in all of that RTM only allowed us
14 to keep back \$100,000 a month; it made no sense.
15 But, anyway, it was a decision that was made and
16 it frustrated me because it took away service
17 from people who paid for this train, who had no
18 choice but to take the train.

19 KATE McGRANN: A couple of questions
20 about that. So with respect to the agreement to
21 reduce service requirements, who from the City
22 was involved in making that decision?

23 CATHERINE McKENNEY: It was a decision
24 made by the City Manager and the General
25 Manager, but it did come to committee for

1 information so we could have said no, but we
2 didn't.

3 KATE McGRANN: In looking at that
4 change were you given any information about
5 whether there would be changes to, I'll call it
6 the "scoring system" for RTG, RTM? So the
7 points that are applied to their ability to meet
8 the contract requirements or otherwise?

9 CATHERINE McKENNEY: No. I believe
10 that the reliability of -- like the performance
11 got based on nine trains rather than fifteen.
12 So when we got -- you know, when we got updates
13 on the reliability it was based only on nine.
14 And it -- but, no, I don't think that overall
15 that it changed the requirements, no.

16 KATE McGRANN: When you say that you
17 were only allowed to keep back \$100,000 a month
18 during this time, can you explain to me what
19 you're talking about there?

20 CATHERINE McKENNEY: Yes. So my
21 recollection is this, that the deal was that we
22 would allow RTM to take six trains out of
23 service, keep them always in maintenance, you
24 know, they could switch those out obviously, it
25 wasn't the same nine and six, but we did that.

1 The only payment we held back at that
2 point was -- I'd have to go back and get the
3 absolute specifics, but I recall it being
4 something like \$100,000 a month. It was nominal
5 really.

6 KATE McGRANN: And did you
7 understand -- I'm reacting to the fact that you
8 said you were only "allowed" to keep back
9 \$100,000 a month. What's your understanding of
10 that requirement or that limit?

11 CATHERINE McKENNEY: Sorry, that's
12 probably the wrong way of stating it. That was
13 the agreement, that \$100,000 would be held back.

14 When questioned we were told that we
15 had no -- because of our agreement with RTM they
16 had the right to run less service if it could be
17 shown that they didn't need the headway.

18 So we had no legal requirement to keep
19 back payment because they went to nine. I mean,
20 I can't tell you that I understood fully the
21 entire rationale, I just felt that with only
22 nine trains running that there didn't seem to be
23 much incentive to get back up to fifteen as
24 quickly as possible.

25 PETER WARDLE: So, again, I'm sort of

1 hesitant to intercede, I don't have a problem
2 with the witness speaking about her knowledge
3 about the reduction and why she didn't think it
4 was adequate, but in terms of any legal advice
5 given around that topic we would be claiming
6 privilege.

7 KATE McGRANN: Understood.

8 Are you aware of any other requests
9 coming from RTG to reduce service levels on the
10 system in order to allow work to be done on the
11 vehicles or otherwise?

12 CATHERINE McKENNEY: No. Only the
13 safe-return-to-service plan had a reduction in
14 the number of vehicles, which was seven trains,
15 plus one spare, and then work back up to
16 fifteen, but that was to safely return to
17 service. They both made sense.

18 KATE McGRANN: And the
19 safe-to-return-to-service plan is with reference
20 to the return to service after the second
21 derailment?

22 CATHERINE McKENNEY: Exactly.

23 KATE McGRANN: Because I'm going to
24 ask you about consultants and advisors to the
25 City, and following on your counsel's comment I

1 just want to reiterate, I'm not asking you to
2 provide me with any information about legal
3 advice that the City has sought, or that it's
4 received.

5 But I would like to understand, to
6 your knowledge, which consultants and advisors
7 to the City have been active in working with the
8 City since operations began? So since public
9 service began.

10 CATHERINE MCKENNEY: Well, of course,
11 the regulatory and -- the Monitor and Compliance
12 Officers, Sam Berrada, TSB of course has had
13 oversight on several issues. There was another
14 but the name is escaping me, I'm sorry.

15 KATE McGRANN: That's okay. Are you
16 able to tell me what their area of focus? That
17 might help us narrow it down.

18 CATHERINE MCKENNEY: It was -- they
19 were brought on when we first issued our first
20 Notice of Default. And it was, again, oversight
21 into the defaults that had been identified. I
22 can't remember who -- I'm sorry.

23 PETER WARDLE: I think the witness may
24 be referring to a consultant retained by our
25 firm. And at the moment we're claiming

1 privilege over any reports or communications in
2 relation to that consultant.

3 I don't want to help the witness with
4 the name, but I think that's important.

5 KATE McGRANN: That's okay. We can
6 just move on without naming the consultant whose
7 name you can't remember anyways.

8 CATHERINE McKENNEY: I can't remember
9 anyways. And then of course TRA.

10 KATE McGRANN: And anyone else?

11 CATHERINE McKENNEY: Not that I can
12 recall. There's a lot of information around
13 this.

14 KATE McGRANN: Understood. I am going
15 to be jumping around a little bit in time with
16 my next couple of questions so just a heads up
17 and apologies in advance.

18 With respect to the issue of the
19 cracked wheels, were you aware, as a member of
20 Council or otherwise, of any prior issues that
21 Alstom had experienced with cracked wheels
22 before the Ottawa Stage 1 system?

23 CATHERINE McKENNEY: No, I was not.

24 KATE McGRANN: And now I'm going to
25 jump away from that topic to something

1 different.

2 From looking at the media available
3 about the LRT system it looks like by early 2020
4 members of the Transit Commission were speaking
5 publicly about exiting the maintenance contract
6 with RTG. Can you just explain to me, from your
7 perspective, how the conversation got to that
8 point where you're looking at potentially ending
9 the contract?

10 CATHERINE MCKENNEY: Yeah. It started
11 obviously in the winter months so, it was early
12 2020 there had been up until November many
13 issues on going repetitive, winter came and it
14 was -- you know, it became obvious to us that
15 the system was not going to make it through the
16 winter and, again, from our perspective I
17 believe there were six Councillors who decided
18 to call publicly for us to consider getting out
19 of the maintenance contract and taking that over
20 ourselves and bringing in the expertise to
21 manage maintenance ourselves.

22 KATE McGRANN: Are you able to speak
23 to the steps -- the steps in advance of publicly
24 calling to end the contract? Like, what steps
25 were taken to try to address the issues that you

1 saw before turning to the public call to end the
2 maintenance contract?

3 CATHERINE McKENNEY: Well, again, you
4 know, we had the doors, switches, brakes, the
5 wheels, the communication system, the catenary
6 overhead. And we brought back -- at that point
7 we had to bring back R1 service, so we had to
8 reinstate the R1 service.

9 And then it would -- the system would
10 get back up and running, shut down again, back
11 with the R1s.

12 So it's -- I'm going back a couple of
13 years but certainly -- it really -- you know, I
14 can't recall the exact order in which things
15 broke down but it was at a time when the
16 switches were freezing; they weren't able to get
17 in and heat the switches; they were electric not
18 gas powered.

19 So the system through the winter just
20 was not going to be able to function, and this
21 was still pre-COVID. So thousands of people
22 every day were counting on it to get home and
23 there was a tremendous amount of public pressure
24 to do something.

25 And, again, we just did not -- we just

1 did not -- we lost confidence that RTM both took
2 it seriously and even had the expertise
3 themselves to fix it. I think if they had the
4 expertise they may have fixed it. So it was at
5 that point through just, you know, sheer
6 frustration and tremendous, tremendous public
7 pressure to do something that we publicly called
8 for us to get out of the -- to investigate
9 getting out of the contract.

10 KATE McGRANN: Prior to making the
11 public call to look at exiting the contract, did
12 Council or the Transit Commission seek to
13 explore with staff, or otherwise, what could be
14 done to address the issues that you saw in the
15 maintenance work that was being done?

16 CATHERINE McKENNEY: Well, of course
17 this was not staff calling for the exit from the
18 agreement, this was a number of independent
19 Councillors, not even all on Transit Commission.
20 We were just independent Councillors who shared
21 the same concerns.

22 You know, we obviously -- we had
23 updates, mostly in-camera. I'm not sure what
24 more I can say because a lot of what we heard
25 was in-camera in terms of options.

1 KATE McGRANN: Maybe we'll mark that
2 issue as an area to be left for now and we'll
3 come back to it.

4 But I take it that you didn't go from
5 zero to calling to look at exiting the contract.
6 There are a number of steps along the way that
7 you're concerned about speaking about right now?

8 CATHERINE McKENNEY: Well, again, I
9 think that there's -- it depends on what you're
10 calling for the end of the contract. With the
11 six of us that went out and called for the City
12 to seriously consider ending the contract and
13 bringing it in-house, that was, again, a result
14 of ongoing issues from very shortly after
15 revenue service.

16 From there as we moved forward and
17 issued a Notice of Default, et cetera, then
18 there were different points of consideration as
19 we moved through. And, again, after March,
20 April, 2020, when we reduced to nine trains, and
21 during COVID had most of them in maintenance,
22 the system's reliability got better. It got
23 better because there weren't as many people on
24 it.

25 We had the Notice of Default so RTM

1 had very specific requirements. They could be
2 measured, they could be reported and there were
3 less trains overall. They were able to keep six
4 trains in -- six plus the other extra four in
5 maintenance.

6 So the issues in 2020, and even a lot
7 of 2021, certainly did subside until the --
8 there were little things but then until the two
9 derailments in 2021.

10 KATE McGRANN: And I'll come to the
11 two derailments in a moment, but sticking just
12 for now to the discussion in early 2020 about
13 looking at exiting the maintenance contract,
14 what was the reaction of City staff to that
15 public call?

16 PETER WARDLE: So I just want to be
17 careful here, Ms. McGrann. Councillor McKenney
18 has been very careful. I don't want her speaks
19 about discussion that took place at an in-camera
20 meeting. My understanding is that counsel for
21 the City were present at those meetings and were
22 providing legal advice.

23 So I don't have a problem with
24 Councillor McKenney speaking about anything that
25 took place between her and other members of

1 staff outside of an in-camera Council meeting.

2 CATHERINE MCKENNEY: Could you repeat
3 the question?

4 KATE McGRANN: Yes, for sure.

5 After you made the public call to look
6 at exiting the maintenance contract what was the
7 reaction from City staff to that call?

8 CATHERINE MCKENNEY: Nothing. We were
9 largely ignored.

10 KATE McGRANN: And what was the
11 public's reaction to that call to look at
12 exiting the contract?

13 CATHERINE MCKENNEY: Oh, people were
14 very, very happy that we had done that. It was
15 the first time I remember receiving many calls,
16 some emails, talking to people on the street,
17 that people felt like somebody was taking it
18 seriously, that what people were experiencing
19 was being called out publicly.

20 KATE McGRANN: And you spoke to both
21 changes in the service levels, but also changes
22 in the performance of the system through the
23 beginning of COVID as ridership levels, numbers,
24 not necessarily needs, declined and the number
25 of trains in service were decreased.

1 What was your sense of the public's
2 view of the system during that phase from --
3 call it from first couple of months of 2020?

4 CATHERINE McKENNEY: Well, again, I
5 take the train frequently and regularly, as does
6 my wife, as does my daughter really. We live
7 right here. There's two systems and we
8 downtown. So I'm on the train -- obviously
9 through COVID less so, I didn't go the office
10 every day, but any time I go downtown I take the
11 train.

12 And the people left on the train are
13 mostly low income. They -- you know, they're
14 coming from -- I'm making assumptions, service
15 jobs, but they -- we don't usually -- it's not
16 usually the demographic that we hear from.

17 We hear from people who are coming in
18 to work for the public service. So like all
19 things, people of lower income don't tend to get
20 in touch with their Councillors, don't tend to
21 have access to media outlets, don't tend to have
22 access to social media and the forums for
23 raising issues. So we heard very little about
24 LRT through COVID.

25 KATE McGRANN: Did you have a sense of

1 the views of your constituency on Stage 1 of the
2 LRT through COVID? Do you know if there was any
3 sort of change in public view that you were
4 aware of about the system, its reliability?

5 CATHERINE MCKENNEY: You know, the
6 funny thing is I represent the downtown. The
7 vast majority of my constituents that I
8 represent don't take LRT, not that there's
9 anything wrong with it, it's just that they're
10 already downtown and it comes downtown.

11 So it serves mostly people from
12 outside of the downtown. Certainly it serves
13 mostly people in the suburban communities who
14 need to commute into downtown; so they were
15 mostly working from home. And residents that I
16 represent probably take the train less than
17 anyone else.

18 I'm not criticizing the system, it's
19 just a matter of fact, right? Why would you pay
20 \$126 to take the train downtown when you can
21 walk there in 20 minutes? I get a free pass
22 because I'm a City Councillor so I use it all
23 the time. I wouldn't pay \$126 to get downtown
24 on the train. So I don't hear from my
25 residents. That is a long way of saying that.

1 Even through all of the issues, even
2 when it breaks down, even when it wasn't
3 running, it wasn't residents that I represent
4 that I was hearing from because they don't count
5 on it, they count on buses.

6 KATE McGRANN: So speaking more
7 generally then, you were certainly aware of a
8 big public response to your call to look at
9 exiting the contract. Do you have a sense of
10 how the public more generally, how it's views of
11 the system either changed or didn't change as
12 you moved through 2020 into 2021?

13 CATHERINE McKENNEY: I think because
14 people weren't on it, and it seemed to be
15 running fairly regularly, yeah, it was a bit of
16 out of sight out of mind really.

17 People's attention was turned, fair
18 enough, to COVID and what was happening. So we
19 did really hear much, much less in terms of
20 concerns around LRT until the derailment.

21 KATE McGRANN: So it was the first
22 derailment that marked a change in public
23 engagement?

24 CATHERINE McKENNEY: Yes, absolutely.

25 KATE McGRANN: I understand from the

1 media that you sought to review warranties
2 associated with the vehicles on the LRT Stage 1.
3 What led you to look to those documents for that
4 information?

5 CATHERINE MCKENNEY: Well, it was
6 obvious, again, that the trains were delivered
7 to us with defects in the wheels, and the --
8 that they flatten but that they also were
9 cracking. And my concern was that we were
10 getting, in terms of timelines, well into the
11 maintenance agreement. And we'd had those
12 trains now for two years and I worried what the
13 warranty looked like and at what point was the
14 warranty up and would we, or RTM, be responsible
15 for any repairs to the trains?

16 KATE McGRANN: What ultimately came of
17 your request to look at the warranties?

18 CATHERINE MCKENNEY: I recall getting
19 an update at Council but, I'll be honest, I
20 can't remember if it was in-camera or not. I'd
21 have to go back and look.

22 KATE McGRANN: Okay. I also
23 understand that you were involved in organizing
24 a rally in August of 2021 seeking a public
25 Transit Commission meeting. Can you explain to

1 me what led to -- what led to calling that
2 rally?

3 CATHERINE McKENNEY: Yes. So, again,
4 we had not had a Transit Commission meeting for
5 the summer, as is usual, but then with the
6 August derailment I felt that it was incumbent
7 upon us as Commissioners to receive information
8 in a public forum about the derailment and about
9 RTM's response to the derailment and what that
10 meant.

11 And I just felt it was a significant
12 safety issue at that point that needed to be
13 brought into the public forum.

14 KATE McGRANN: And what was the
15 response that you received to the rally?

16 CATHERINE McKENNEY: It was denied.
17 So the Chair of the Transit Commission turned
18 down the request.

19 KATE McGRANN: You spoke about seeing
20 the need to have answers to questions about the
21 derailment and the response answered in a public
22 forum. Were you able to achieve those outcomes
23 through a different means instead of a Transit
24 Commission meeting?

25 CATHERINE McKENNEY: No, not until the

1 following Transit Commission meeting, which
2 happened I believe about three weeks later.

3 KATE McGRANN: In some of the media
4 that I've seen, I believe leading up to the
5 rally, it looks like you were expressing
6 concerns about transparency and information
7 being withheld. What information were you
8 concerned was being withheld?

9 CATHERINE McKENNEY: Again, we were
10 not getting information on what caused the
11 derailments; what the oversight was with RTM;
12 what RTM's oversight was with Alstom. Again my
13 concerns really were around the outcomes of a
14 public-private partnership where City staff
15 don't have a role in the oversight.

16 And, again, it's -- the advantage, if
17 you will, of P3s is that you transfer risk
18 but, again, the significant risk in public
19 confidence, in public safety with the
20 dysfunction of this system, this light rail
21 system, was turned right back over to us.

22 And I was continually frustrated that
23 we weren't having regular updates. We weren't
24 getting the answers that we needed. We had to
25 demand that RTG, RTM, come and stand before us

1 and answer questions. We had to demand that of
2 staff to bring them in.

3 And eventually with TRA we were able
4 to get answers to our questions about exactly
5 what was happening. It was really, in my
6 opinion, the first time since we saw significant
7 issues with the function of this train and the
8 safety of this train, that we had an
9 understanding of RTM's complicity in it, and the
10 fact that they did not take maintenance and
11 safety seriously.

12 KATE McGRANN: The concerns that you
13 had about the withholding of information over
14 the cause -- over the steps taken by RTM and its
15 subcontractors, did those concerns remain after
16 the September 2021 Transit Commission meeting.

17 CATHERINE McKENNEY: I believe it was
18 the October 20th -- there was a Transit
19 Commission meeting in October. I believe it was
20 October 20th where we got an update and we got
21 from TRA the safe-return-to-service plan, that
22 we had a better understanding of the reasons for
23 the derailment, the second derailment, which was
24 much more serious.

25 And then we were able to understand

1 what the increase in the quality control checks
2 would be, the increase of oversight and
3 inspection that TRA was undertaking that
4 provided confidence in the way forward.

5 KATE McGRANN: You've seen that the
6 Transportation Safety Board came in to look at
7 the first derailment and the second derailment,
8 and understand that at least some aspects of
9 those investigations are ongoing.

10 Do you have a sense of, with respect
11 to the cause, for example, whether that
12 information was available but being withheld or
13 whether conclusions had not been reached?

14 CATHERINE McKENNEY: I don't know.

15 PETER WARDLE: Sorry, were you asking
16 about both derailments?

17 KATE McGRANN: I was just asking
18 generally.

19 PETER WARDLE: Okay.

20 CATHERINE McKENNEY: I don't know.

21 I'd just be guessing so I can't say.

22 KATE McGRANN: And then with respect
23 the work that was being done by RTM and Alstom,
24 was it your understanding that the information
25 you wanted wasn't available to the City at all,

1 or just that you weren't receiving it and you
2 weren't sure where -- who knew what about what
3 happening on the City side?

4 CATHERINE McKENNEY: I had concerns
5 that the City did not have the expertise needed
6 on staff to ensure quality control, to ensure
7 the inspections. And, again, I don't believe
8 that they had the expertise on staff and, as a
9 result, their oversight was lacking in terms of
10 the overall maintenance.

11 KATE McGRANN: Other than the issues
12 in performance that we've discussed, and the
13 derailments, was there anything else that
14 contributed to your view that the City may not
15 have the experience necessary for effective
16 oversight of the system?

17 CATHERINE McKENNEY: No. It was -- it
18 was -- you know, obviously the system buildout
19 and the revenue service availability but, again,
20 that was never -- that was never a major concern
21 until we got to the twelve-day testing where I
22 felt that we may not be ready.

23 And, hence, it looks like -- we can
24 assume today that the system wasn't ready but it
25 certainly -- no, it was over the issues on the

1 train, the system, the rail system, and
2 obviously the derailments where I felt that
3 that's really where the expertise required was
4 lacking. And, you know, as soon as TRA came in
5 and started to oversee the system things did
6 change.

7 KATE McGRANN: Okay.

8 I'll try and ask this question in a
9 way that doesn't intrude on the areas that your
10 counsel has identified to me.

11 Since TRA's involvement do you have
12 any ongoing concerns about information being
13 withheld from you and others?

14 CATHERINE McKENNEY: Not at this time,
15 no.

16 KATE McGRANN: Staying in the summer
17 of 2021 for a second, I understand that there
18 was a question of two task forces being called
19 with respect to the LRT system. And bear with
20 me, I'm going from memory. One was to be an
21 external, independent Commission comprised of
22 rail experts to provide a system assessment; and
23 then the other was to be an independent panel to
24 provide a long-term, go-forward plan.

25 First of all, did I get that right?

1 Were those the two task forces you were looking
2 at?

3 CATHERINE McKENNEY: Yes.

4 KATE McGRANN: Starting with the task
5 force of independent rail experts to provide a
6 full assessment, what was the reason that you
7 wanted that task force to be called?

8 CATHERINE McKENNEY: To understand --
9 to tell us what we didn't know. To understand
10 the shortcomings of the system and how we got to
11 where we are today.

12 KATE McGRANN: Sitting here today do
13 you have concerns that there are shortcomings in
14 the system that you're not aware of?

15 CATHERINE McKENNEY: Yes, I am. I'm
16 always concerned that, again, the issues are
17 ongoing. They seem to be resolving themselves,
18 not themselves but being resolved through
19 quality assurance and oversight.

20 But my concern was always that we were
21 building Stage 2 and hadn't learned the lessons
22 from Stage 1. And I continue to worry that
23 we're going to open up Stage 2 and be faced with
24 many of the same issues, which is why I was
25 seriously calling for, at that time, a task

1 force and later on an inquiry.

2 KATE McGRANN: The questions that
3 existed in your mind in the summer of 2021 about
4 the assessment in the system, do those remain
5 outstanding to you? Do you still feel that you
6 don't know what the causes were.

7 CATHERINE MCKENNEY: Oh yeah. I think
8 I want to know how we as a City ended up with
9 such a highly dysfunctional system? It's not
10 usual. There are far more issues with this
11 system than there are with any other new system.

12 I mean, you can compare it to Montreal
13 when it was 30 years old and the trains were
14 old, but this is a brand new system, first two
15 years and it's -- it should have functioned much
16 better than it did. And I still want to know,
17 we don't have those answer, how we ended up with
18 the system that we ended up with.

19 KATE McGRANN: With respect to the
20 other task force that was called for, and that
21 would be the independent panel to advise on a
22 way forward, to provide long-term, reliable and
23 safe service. What were you hoping that task
24 force would accomplish?

25 CATHERINE MCKENNEY: That, you know,

1 was so that we could -- again, you have to
2 remember this was before we had TRA called in.
3 So it was to tell us what is needed. To bring
4 in rail experts to tell us what's needed? What
5 should be looking for? How do we move forward
6 with this system? Correct what needs to be
7 corrected.

8 But ensure that we've learned those
9 lessons and that none of it is repeated in Stage
10 2. And moving forward it's my hope that the
11 City continues to grow its light rail system,
12 and we need to not repeat what happened on Stage
13 1.

14 KATE McGRANN: Was there any debate or
15 discussion amongst Councillors about the two
16 task forces and whether they should be called or
17 not?

18 CATHERINE McKENNEY: Well, I brought
19 that motion to Commission and it was rejected
20 by, I believe, 5 to 4 so it kind of ended there.
21 It didn't stay out in the public realm for long
22 so they just said, no, they weren't interested
23 in the task force.

24 KATE McGRANN: So no discussion or
25 debate preceded that vote?

1 CATHERINE McKENNEY: There was some,
2 not much. Yeah, there wasn't much.

3 People felt that with the expertise
4 already brought in, the name I can't remember,
5 and then Sam Berrada, that we were already --
6 that that function was already in place, which I
7 did not agree with.

8 KATE McGRANN: Okay.

9 CATHERINE McKENNEY: Because for me
10 it's not just now about fixing the system, which
11 we need to do obviously, but, again, it's very
12 important that we understand why we got what we
13 did? Where did we go wrong? And I don't know
14 the answer to that. I'm quite sincere when I
15 look for those answers because I do believe
16 that, you know, there's a high probability that
17 we'll repeat it with Stage 2 if we don't
18 understand what happened in Stage 1.

19 KATE McGRANN: I believe there was a
20 Transit Commission meeting in September 2021, I
21 believe it was September 20th, that was attended
22 by Nicolas Truchon, the CEO of RTG, and Mario
23 Guerra, the CEO of RTM, in part to respond to
24 questions from members of the Commission and
25 otherwise. Do you know what meeting I'm

1 referring to.

2 CATHERINE MCKENNEY: Yeah, I do.

3 KATE McGRANN: And were you in
4 attendance at that the meeting?

5 CATHERINE MCKENNEY: Yes, I was.

6 KATE McGRANN: Can you give me a sense
7 of how long Mr. Truchon and Mr. Guerra were
8 answering questions for, approximately?

9 CATHERINE MCKENNEY: Approximately it
10 was probably at least a couple of hours, two,
11 three hours. It was quite a while. There were
12 a lot of questions. Commissioners were anxious
13 to ask questions directly to the two.

14 KATE McGRANN: I'm not going to ask
15 you to tell me everything that happened, but can
16 you -- from your perspective what were the main
17 topics that they were asked questions about?

18 CATHERINE MCKENNEY: Train reliability
19 and service reliability, oversight, quality of
20 the entire system. Like, you know, why did we
21 get a system that is dysfunctional? Did we --
22 were corners cut? What happened that we could
23 pay \$2.1 billion for a system and not have a
24 functional system? Was really the overriding
25 kind of question.

1 There were more specific questions,
2 obviously, but -- to the wheel cracks and how
3 that was being addressed, the braking system and
4 the parts of the system that had ongoing issues
5 and why RTM was not capable of fixing them?

6 KATE McGRANN: And can you give me a
7 sense of what the messaging was from those two
8 gentlemen in response to the questions on those
9 topics?

10 CATHERINE McKENNEY: There was some
11 suggestion, certainly that this was a system
12 like any other and you were going to have issues
13 early on with any new system. It didn't make
14 much sense.

15 If I buy a car and it broke down for
16 the first two years you wouldn't think, Well, I
17 can't wait for year three when the bugs are
18 ironed out.

19 But I didn't feel at the time that
20 they took our concerns seriously, that they
21 understood the significance of the problems and
22 the seriousness of losing public confidence in a
23 transit system in a City and what that can do to
24 a City on many levels. So it was -- yeah, it
25 was, as I recall, a frustrating meeting.

1 KATE McGRANN: Can you speak to what
2 it was about their responses that led you to
3 conclude that maybe they weren't taking the
4 concerns seriously?

5 CATHERINE MCKENNEY: Mostly the
6 suggestion that it was to be expected that there
7 would be these types of issues with a new
8 system. That they were doing everything they
9 could to ensure things like the cracked wheels
10 were being addressed.

11 But at no time did they acknowledge
12 that we had given them -- at no time did they
13 acknowledge really, or I felt, that we had given
14 them significant leeway in terms of removing
15 trains from service to be in maintenance. Just
16 seemed to, again, this is my opinion. What I
17 took from it was that they just felt that things
18 would get better doing the same thing that they
19 continued to do.

20 So we just were not -- we did not hear
21 anything that suggested that anything would
22 change.

23 KATE McGRANN: Did representatives of
24 RTG or its subcontractors attend any other
25 Transit Commission meetings?

1 CATHERINE McKENNEY: Yes. I won't be
2 able to tell you exactly which ones but, yes,
3 they attended before that one, I believe twice
4 before that but, again, I can't give you
5 specifics.

6 KATE McGRANN: And the prior time or
7 two times that they came to the Transit
8 Commission meetings did they also make
9 themselves available for questions during those
10 meetings?

11 CATHERINE McKENNEY: Yes, they did.
12 Yeah.

13 KATE McGRANN: And the reception or
14 reaction to those questions asked at the earlier
15 meetings was it any different that the reception
16 or reaction at the September 2021 meeting?

17 CATHERINE McKENNEY: No, not very
18 much. I think early on you always have hope
19 that things will change, and when you are able
20 to speak directly to the person responsible and
21 ensure that they're hearing what the issues are
22 and the seriousness of it that you'll get better
23 outcomes.

24 But to be honest with you I don't
25 recall those meetings. I remember asking about

1 the trains, asking about the wheels. Much of
2 that discussion -- I remember at least one of
3 the meetings was around the Alstom trains and
4 their responsibility vis-a-vis the maintenance
5 of the trains and the subcontract for the
6 trains, but I don't remember much more about the
7 meetings.

8 KATE McGRANN: Okay. Sticking then
9 with the September 20th, 2021, meeting, do you
10 have a view of what impact, if any, that meeting
11 had on the public's view of the LRT system?

12 CATHERINE McKENNEY: The public were
13 always frustrated with RTM when they presented
14 in front of Commission and Council. Again, this
15 is talking to people in the community, social
16 media. Just feeling that a lot of the answers
17 that we were looking for often came from the
18 media, often came from investigative reporting
19 and not from even staff, and certainly not from
20 RTM. So the public was always frustrated with
21 RTM.

22 KATE McGRANN: In September 2021 you
23 introduced a motion asking that a municipal
24 inquiry be called. And I understand that
25 questions identified in your motion were whether

1 the City maintained sufficient oversight, and
2 about the delegation of authority by Council to
3 staffing, whether that was appropriate.

4 So I'd like to understand what led you
5 to put those two questions -- to include those
6 two questions, starting with the question of
7 whether the City maintained sufficient
8 oversight?

9 CATHERINE MCKENNEY: Well, it had
10 become obvious, I think, by the end that
11 oversight was lacking, both staff's oversight of
12 RTM. And then I wanted to understand from
13 staff, from a governance perspective, whether
14 our delegation of authority to staff led to
15 decisions being made where we weren't given the
16 information.

17 It certainly -- I wasn't suggesting
18 that anything was done improperly by staff, but
19 I did want to learn, going forward -- I wasn't
20 involved in LRT Phase 1 but I was in Stage 2,
21 and I wanted to learn if the delegation of
22 authority led to the lack of oversight. And if
23 so is that something that we can correct in
24 Stage 2? Should we learn more? Should we be
25 getting more and making more decisions as a

1 Commission, essentially. And I don't know the
2 answer to that.

3 KATE McGRANN: Were there any specific
4 categories or decisions that you had in mind in
5 particular when you wondered about whether too
6 much had been delegated or insufficient
7 oversight?

8 CATHERINE McKENNEY: If I had one it
9 would be revenue of service availability.
10 Should we have had more information? Is there a
11 role for Commission and Council to play and say,
12 "yes" or "no" to whether we believe that the
13 services are ready for service? That's probably
14 key but, no, again I asked the question because
15 I really did not know the answer.

16 KATE McGRANN: I'm going pause for a
17 second because I have not checked with my
18 colleague, Ms. McLellan, for some time.

19 Ms. McLellan, was there any questions
20 that you wanted to ask about the areas we've
21 covered so far?

22 LIZ McLELLAN: No, all good.

23 KATE McGRANN: With respect to public
24 communications about the system, I'd like to
25 understand, to the extent that you can help me,

1 who determines what is going to be communicated
2 to the public and who will take that
3 responsibility on? Was there at any time, to
4 your knowledge, a communication's plan or
5 strategy with respect to Stage 1 of the LRT,
6 either its construction or its operation?

7 CATHERINE MCKENNEY: Yeah, certainly
8 its operations. I can't speak so much to
9 construction because I wouldn't have been
10 elected at that point. But certainly with
11 respect to mobility, so how traffic would move
12 as it was being constructed.

13 And then as the system came on what
14 that meant, "ready for rail". Was it a
15 communications tool that the City was going to
16 use to kind of inform people what the train
17 meant, what it meant in terms of the change in
18 their service. It meant now for many people
19 that they would have to switch from train to bus
20 at the transfer stations, just that sort of
21 thing. So there was a significant
22 communications plan around it. It never came to
23 us for approval, it came as information, of
24 course, as an operational report.

25 KATE McGRANN: Once the system was in

1 public service and issues started to present
2 themselves in the service, was there any sort of
3 plan put in place for how to communicate with
4 the public about issues with the system?

5 CATHERINE MCKENNEY: Yeah. Certainly
6 one other Commissioner really pushed for
7 on-time, on-demand communications as soon as
8 something happened. So that was lacking. You
9 know, a train would go down, nobody would hear
10 about it. We'd hear about it through social
11 media before we got any information from staff.

12 So certainly there were concerns
13 raised about the real-time communications. So
14 that -- certainly that improved significantly
15 through social media channels, et cetera,
16 communications around issues with service and
17 change of plans for people.

18 KATE McGRANN: Do you know if there
19 was any thought given to designating a
20 spokesperson or a point person for staff or
21 members of Council to refer inquiries to or rely
22 on when questions were asked about issues with
23 the system?

24 CATHERINE MCKENNEY: We normally --
25 the normal process for a communication

1 spokesperson from a City perspective, from an
2 administration perspective, is that it comes in
3 through media relations. And then it's usually
4 the General Manager, or he delegates one of his
5 managers, but usually the General Manager is the
6 spokesperson.

7 From Commission if it's, you know,
8 communications on behalf of the Commission it's
9 normally the Chair of the Commission. But as a
10 Councillor-Commissioner we can speak to media on
11 any issue. We're not bound by any rules in
12 terms of communications.

13 KATE McGRANN: Do you have any
14 knowledge of whether there was co-operation
15 between the City and RTG in speaking publicly
16 about the issues on the system?

17 CATHERINE McKENNEY: I don't know
18 that.

19 KATE McGRANN: So we understand that
20 certain payments under the Project Agreement for
21 the maintenance phase have been made and other
22 payments have been held back. Can you speak
23 generally about Council's involvement in making
24 decisions about what payments would be made and
25 what would be held back?

1 R/F PETER WARDLE: I think I'm going to
2 have to object to that question because it gets
3 directly into privileged communications at
4 in-camera Council meetings with legal advice
5 being provided.

6 Maybe there's a different way that you
7 can ask it that won't raise the same concerns.

8 KATE McGRANN: Let me ask you this,
9 Peter, does this question give you the same
10 concerns? Is it a decision ultimately taken by
11 Council whether to make a payment or not?

12 PETER WARDLE: So I know that -- I'm
13 not sure I can give you the answer to that off
14 the top. I know that Council has been provided
15 with legal advice on an ongoing basis with
16 respect to the whole issue of payments that have
17 been withheld, and that those have been
18 discussed at in-camera meetings.

19 KATE McGRANN: Okay.

20 PETER WARDLE: I see the witness is
21 nodding so I think she agrees with me. I want
22 to be a little careful around it.

23 KATE McGRANN: With respect to the
24 City stepping into the shoes of the lenders,
25 when I say that do you know what I'm talking

1 about?

2 CATHERINE MCKENNEY: No.

3 KATE McGRANN: So the City stepped
4 into the shoes of the lenders to the private
5 partner of the project, do you know -- does
6 that -- do you know what I'm referring to?

7 CATHERINE MCKENNEY: No.

8 KATE McGRANN: Sitting here with
9 everything you know about the project, and all
10 the involvement that you've had, and I will say
11 this before I ask you the question, the
12 Commission, this Commission, the public inquiry,
13 has a twofold mandate. Part of what the
14 Commissioner has been asked to do is look back
15 in time and answer the questions that are posed
16 in the terms of reference, but he's also asked
17 to look forward in time and make recommendations
18 in the hopes of avoiding issues like this coming
19 up again.

20 So with that backdrop, and the
21 recommendation side of the mandate in mind, what
22 is your view of the use of a P3 model for a
23 project like this of this level of complexity,
24 and things like that?

25 CATHERINE MCKENNEY: So I don't

1 believe that this P3 model has served the public
2 well in Stage 1 of this -- of the LRT.

3 Stage 2, I voted in favour of and it
4 was also a P3, although I'm opposed to P3s,
5 for two reasons; one is we need Stage 2 and it
6 was well along in terms of the governance and we
7 need Stage 2. Stage 1 is wasted dollars really
8 without Stage 2.

9 But in Stage 2, again, we ask pretty
10 pointed questions. You may recall at the
11 Council meeting when we were approving Stage 2
12 about technical requirements and whether they
13 had been met by the proponent, and this is the
14 same, for the most part, SNC-Lavalin, who is the
15 main partner in RTG, and we were not given that
16 information.

17 So I had to base my response -- I had
18 to base my vote on the information that I had.
19 As a City Councillor that's -- that is my role.
20 I have to look for the information, I have to
21 seek out information, I have to understand
22 information, ask questions if I don't, and then
23 make decision based on the best advice I'm being
24 given.

25 So at the time I asked, you know, do

1 you believe, to staff, that this is the best
2 system that -- with the best technical
3 requirements, et cetera, and I was told yes and
4 I voted in favour.

5 I believe that now we know that the
6 same -- SNC-Lavalin is a different kind of
7 consortium but did not meet technical
8 requirements.

9 So I go back to a public-private
10 partnership, the benefit is to transfer risk.
11 It's on time and on budget because it's up to --
12 it's in the proponents best interest that it be.

13 Well, we saw that certainly the last
14 one wasn't on time, it was on budget. But we
15 don't know why -- how they came in on budget.
16 Did they cut corners? Are the rail lines
17 inexpensive rail lines? We don't know. We
18 weren't given that information. We found out
19 late in the game that Alstom Citadis Spirit has
20 never operated in snow.

21 So looking forward I do not believe
22 that another P3 -- I mean we're saddled with it
23 at this point, but that it is in our best
24 interest because we did not transfer risk in
25 this one, none of the risk.

1 There's outstanding lawsuits, there's
2 a break in public trust. Here's a system that
3 hasn't worked for large days at a time, amounts
4 of time. So, you know, absolutely, going
5 forward I think that on a system like this that
6 it needed to have been -- obviously it's going
7 to be built by a private consortium, it's not
8 going to be built by City staff.

9 But we needed to have designed the
10 system and then gone out for an RFP to get
11 someone to build it. And what that would
12 provide us is the necessary oversight. So for
13 us to hire our own expertise and have that
14 oversight ongoing through the -- first off
15 through the contract, through the oversight of
16 the construction, and then as it comes into
17 revenue service.

18 That's where we're lacking. I just
19 don't see -- I just see such a failure here and
20 it really embarrasses me as a City Councillor
21 that I'm part of a decision making body that has
22 got us a train system for \$2.1 billion that
23 doesn't function a lot of the time and has also
24 proven itself to be unsafe.

25 So I guess that's my long answer

1 saying that I don't believe that a P3 is
2 necessary or even the right process for a system
3 like our light rail system.

4 KATE McGRANN: Are there any lessons
5 learned from Stage 1 that led to changes in the
6 approach to Stage 2? I know you're still
7 proceeding by way of P3, but getting a little
8 bit closer to the facts on the ground are there
9 any changes to the approach to Stage 2 that
10 you're aware of that are a result of lessons
11 learned in Stage 1?

12 CATHERINE MCKENNEY: We did get a
13 lessons learned report on Stage 1, but I don't
14 believe that the recommendations back and the
15 lessons learned really inform Stage 2.

16 But if there is anything that we've
17 learned is that we need oversight early. We
18 need our own oversight, similar to what TRA is
19 giving us today. Early in the process, we need
20 our own expertise early in the process so that
21 we can go to that person.

22 Right now we go to somebody who then
23 goes to TRA, asks a question and gets swatted
24 aside. They don't have to tell them anything
25 and, I believe, they treat them with kind of

1 disdain.

2 I think that it has to be built into
3 the contract, going forward, that we will have
4 the right to oversight, the right to ask
5 questions, to be in the room through
6 construction and through maintenance ongoing.

7 KATE McGRANN: When you said that
8 right now a question is asked, it goes to TRA
9 and the question is swatted aside. I just
10 wanted to make sure that you're referring to TRA
11 swatting questions aside as opposed to anyone
12 else?

13 CATHERINE McKENNEY: Yes. I believe,
14 given the outcomes of our questions, the
15 responses to our questions from staff, and the
16 ongoing issues, is that staff have gone in,
17 asked the questions and they've not been
18 provided with what they need to come back and
19 respond to Council.

20 PETER WARDLE: But I don't think,
21 Councillor -- you weren't referring to TRA
22 swatting questions aside, I think you were
23 referring to RTM and Alstom.

24 CATHERINE McKENNEY: Sorry, RTM. I'm
25 sorry. RTM.

1 KATE McGRANN: Yes, it seemed
2 inconsistent what you said before.

3 CATHERINE McKENNEY: I'm sorry, I
4 meant RTM. I apologize for that.

5 KATE McGRANN: No apology needed,
6 you've been talking to us for over two hours.

7 CATHERINE McKENNEY: I think we need
8 to understand what the contract looks like. I
9 think that contract needs to be opened up,
10 pulled apart, looked through with a fine tooth
11 comb.

12 We need to understand what decisions
13 were made by RTG in terms of their own
14 procurement processes? How did they end up
15 picking that Alstom train that's never worked in
16 winter? You know, what did the winter testing
17 look like? Who eventually provided the okay for
18 winter testing? Like, how did it pass winter
19 testing?

20 We have to understand how -- just the
21 system, the components of the system came to be
22 that we got such a dysfunctional system? I
23 just -- I just can't believe that it's the best
24 value for the money, given the issues.

25 -- OFF-THE-RECORD DISCUSSION --

1 KATE McGRANN: Was there anything else
2 you wanted to say further to what you were
3 saying before we went off the record there?

4 CATHERINE McKENNEY: No.

5 KATE McGRANN: Liz, were there any
6 follow-up questions you wanted to ask based on
7 what we've discussed so far?

8 LIZ McLELLAN: No.

9 KATE McGRANN: Now, my last question
10 for you is, are there any issues or topics that
11 we didn't cover if our interview today that you
12 were hoping we would speak about or that you
13 want to share with us?

14 CATHERINE McKENNEY: No, I think your
15 last question covered what I would have
16 responded to in terms of what I hoped that the
17 Commission looks into in terms of that entire
18 contract.

19 KATE McGRANN: Okay. Then thank you
20 very much for your time today. That brings our
21 interview to the end.

22 CATHERINE McKENNEY: That's it for me?

23 PETER WARDLE: That's it for you,
24 Councillor. Thank you very much.

25 --- Concluded at 4:43 p.m.

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1 REPORTER'S CERTIFICATE

2
3 I, HELEN MARTINEAU, CSR, Certified
4 Shorthand Reporter, certify;

5 That the foregoing proceedings were
6 taken before me at the time and date therein set
7 forth;

8 That the statements of the presenters
9 and all comments made at the time of the meeting
10 were recorded stenographically by me;

11 That the foregoing is a certified
12 transcript of my shorthand notes so taken.

13
14 Dated this 5th day of April, 2022.

15
16 

17
18 PER: HELEN MARTINEAU

19 CERTIFIED SHORTHAND REPORTER
20
21
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23
24
25

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