

Ottawa Light Rail Commission

John Manconi
on Monday, May 2, 2022



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6	OTTAWA LIGHT RAIL COMMISSION
7	CITY OF OTTAWA - JOHN MANCONI
8	MAY 2, 2022
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15	--- Held via Zoom Videoconferencing, with all
16	participants attending remotely, on the 2nd day of
17	May, 2022, 9:00 a.m. to 1:00 p.m.
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1 COMMISSION COUNSEL:

2 Kate McGrann, Co-Lead Counsel Member

3

4 PARTICIPANTS:

5 John Manconi: City of Ottawa

6 Peter Wardle, Catherine Gleason-Mercier: Singleton

7 Urquhart Reynolds Vogel LLP

8

9 Also Present:

10 Deana Santedicola, Stenographer/Transcriptionist

11 Alicia Sims, Virtual Technician

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

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

2

3 JOHN MANCONI; AFFIRMED.

4 KATE McGRANN: Good morning, Mr.

5 Manconi. My name is Kate McGrann. I am one of the

6 co-lead counsel of the Ottawa Light Rail Transit

7 Public Inquiry.

8 The purpose of today's interview is to

9 obtain your evidence under oath or solemn

10 declaration for use at the Commission's public

11 hearings.

12 This will be a collaborative hearing

13 such that my co-Counsel may intervene to ask

14 certain questions.

15 If time permits, your counsel may also

16 ask follow-up questions at the end of this

17 interview.

18 This is being transcribed and the

19 Commission intends to enter this transcript into

20 evidence at the Commission's public hearings,

21 either at the hearings or by way of procedural

22 order before the hearings commence.

23 The transcript will be posted to the

24 Commission's public website along with any

25 corrections made to it, after it is entered into

1 evidence.

2 The transcript, along with any
3 corrections later made to it, will be shared with
4 the Commission's participants and their Counsel on
5 a confidential basis before being entered into
6 evidence.

7 You will be given the opportunity to
8 review your transcript and correct any typos or
9 other errors before the transcript is shared with
10 the participants or entered into evidence. Any
11 non-typographical corrections made will be appended
12 to the transcript.

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

1 As required by section 33(7) of that
2 Act, you are hereby advised that you have the right
3 to object to answer any question under Section 5 of
4 the Canada Evidence Act.

5 At any point if anyone needs to take a
6 break, please just say so and we'll pause the
7 recording.

8 To start, we asked your Counsel to
9 provide a copy of your CV in advance of this
10 interview. I am showing you a copy of what we
11 received. It is a one-page document. Do you
12 recognize this document as your CV?

13 JOHN MANCONI: Yes, it is a summary.
14 It is a bio, yes.

15 KATE McGRANN: So we'll enter that as
16 Exhibit 1.

17 EXHIBIT NO. 1: Curriculum Vitae
18 of John Manconi.

19 KATE McGRANN: Mr. Manconi, would you
20 provide us with a description of your professional
21 experience as it related to the work that you did
22 on Stage 1 of Ottawa's Light Rail Transit System?

23 JOHN MANCONI: So I have a career that
24 spans 32 years in municipal government. Specific
25 to transit and transit operations, I was originally

1 appointed the General Manager of OC Transpo in 2012
2 where I ran the operation for buses and there was
3 the diesel rail line at time.

4 And then there was a re-org when
5 Mr. Kanellakos came back and became City Manager,
6 to which he appointed me to be General Manager of
7 Transportation Services.

8 And at that point he also asked me to
9 take on the management of the public/private
10 partnership construction of the LRT program.

11 And from that point on, I was
12 overseeing both the operation of OC Transpo and
13 also the construction of the light rail system.

14 KATE McGRANN: And I believe that you
15 retired from your role as General Manager of
16 Transportation Services at the end of September of
17 2021; is that right?

18 JOHN MANCONI: That is correct.

19 KATE McGRANN: The re-organization that
20 you mentioned when Mr. Kanellakos joined, was that
21 in or about 2015?

22 JOHN MANCONI: I believe so. It was
23 either May or June of that year, yes.

24 KATE McGRANN: Prior to the re-org, so
25 between 2012 and 2015, would you please describe

1 what OC Transpo's involvement in the Stage 1
2 project involved.

3 JOHN MANCONI: At my level and my role,
4 there was virtually none. Prior to me joining OC
5 Transpo, the planning group, people such as
6 Mr. Scrimgeour and others were involved in the
7 service aspect of what the program would look like
8 once it went into service.

9 So my role was limited in that regard,
10 while we did have technical staff predominantly in
11 the planning area providing input into, you know,
12 service levels and so forth.

13 KATE McGRANN: So during the period
14 between 2012 and 2015, others at OC Transpo were
15 involved in the project looking at service
16 components; is that right?

17 JOHN MANCONI: They were involved. I
18 was involved sitting at the corporate table with
19 then Mr. Kent Kirkpatrick, who was the City
20 Manager, so I was listening in at those meetings in
21 terms of once the contract was awarded, in terms of
22 how it would be handed over to OC Transpo later on.

23 KATE McGRANN: Can you speak to OC
24 Transpo's involvement in the preparation of the
25 work that would eventually inform the RFP that was

1 distributed in respect of this project?

2 JOHN MANCONI: Sorry, the work leading
3 up to the public/private partnership?

4 KATE McGRANN: Leading up to the RFP.

5 JOHN MANCONI: Of the P3?

6 KATE McGRANN: Yes.

7 JOHN MANCONI: Yeah, I wasn't involved
8 at all in that, so I can't speak it to.

9 KATE McGRANN: With respect to the work
10 that was being done during the period between 2012
11 and 2015 on the service aspects of the project, can
12 you describe to me what that would involve, what
13 that means?

14 JOHN MANCONI: The work on the service
15 aspect would have looked at passenger volume,
16 things such as space ratios in the trains, the new
17 bus network that would eventually need to be
18 constructed and implemented, those types of things.

19 So because the way the P3 was set up
20 was we were going to -- we owned the service level
21 aspect of that program in terms of scheduling,
22 frequency and so forth.

23 KATE McGRANN: Would that, the work
24 done during that period of time, have involved
25 forecasting anticipated ridership at the launch of

1 the system and the needs of the system following
2 the public launch?

3 JOHN MANCONI: Lots of work leading up
4 to that. I can't remember the exact date of when
5 it was awarded at Council, but absolutely. That is
6 the prep work that was even done before even my
7 time where forecast -- hence, you know, the
8 ridership forecast that was put forward out there
9 in terms of capacity that would need to be provided
10 by the rail system, absolutely, that work would
11 have been done well in advance of that.

12 KATE McGRANN: I understand that the
13 plan for the public launch contemplated a complete
14 conversion from bus rapid transit system to the LRT
15 system at one point, with no parallel bus service
16 or anything like that, just a complete transfer.
17 Was that the plan at some point in this project?

18 JOHN MANCONI: I have never heard that.
19 As long as I was involved, there was always a
20 parallel bus plan, and you saw that in the launch.
21 We ran parallel bus service for three weeks, and we
22 also injected all of the other changes of the bus
23 routes to feed the system and augment the system.

24 KATE McGRANN: Did you say defeat?

25 JOHN MANCONI: No, feed, feed the

1 system, bring ridership to those stations and
2 augment it.

3 KATE McGRANN: So when you joined in
4 2011, the plan for the launch included a parallel
5 bus service for some period of time?

6 JOHN MANCONI: No, it wouldn't have
7 been -- I don't believe there had been any design.
8 I mean, I didn't talk to my predecessor in that
9 regard. I don't know what the vision was back
10 then.

11 When I took over in 2015 in terms of
12 the accountability for the launch, that is when the
13 work on what the launch plan would look like was
14 began in earnest.

15 KATE McGRANN: And when you took over
16 in 2015, was there any sort of plan in place for
17 what the beginning of public service of the system
18 would look like?

19 JOHN MANCONI: There was certainly a
20 macro level in terms of what the bus system would
21 look like because you are removing the spine in the
22 downtown core. The brunt of the work was done once
23 we established the Ready for Rail Program and the
24 Rail Activation Management Program, those systems
25 that ran for many years leading up to the launch.

1 KATE McGRANN: So you described your
2 involvement and OC Transpo's involvement in the
3 project from 2012 to 2015. Would you now describe
4 what your work looked like from 2015 onwards?

5 JOHN MANCONI: Certainly. Immediately
6 when I was appointed, we saw the clear need to
7 establish operational readiness programs and
8 transitions, and those programs needed to cover not
9 just the launch but customer-facing interfaces in
10 terms of outreach, briefings to Council, what our
11 testing and commissioning protocols would be, how
12 would we bring in expertise to help us that have
13 done and conducted new rail launches, not
14 extensions but actual live rail system launches.

15 So we did two things. We did the Ready
16 for Rail campaign, which you may have seen some of
17 the documentation on, and that was a program that
18 looked at how do we run the business and transition
19 the business to multimodal, and multimodal being of
20 course bus and rail. We had rail before, but this
21 was extensive rail that was being added to the
22 system.

23 And that fed into a series of projects
24 that looked at how we became ready for the launch
25 and the transitioning through that period, which

1 led to the Rail Activation Management Program which
2 was a very robust program that had staff, technical
3 staff, external advisors, and was stood up on a
4 regular basis and, in fact, had been audited by the
5 Auditor General which you may have seen some
6 documentation on in terms of going into ready
7 state.

8 So really the way I would describe it
9 is Ready for Rail was projecting forward what
10 needed to be done. How do you run the business and
11 transition the business. RAMP or Rail Activation
12 Management Program was a robust oversight program
13 in terms of governance, decision-making framework,
14 projects, who did what, reporting and record taking
15 and so forth.

16 KATE McGRANN: The operational
17 readiness work that you mentioned, would that have
18 fallen under RAMP or under the Ready for Rail
19 Campaign?

20 JOHN MANCONI: A bit of both. A bit of
21 both, because you need to -- you think through it.
22 You think through how -- again, you run the
23 business and transition the business, how you
24 transition the community, your customers and so
25 forth, skill sets identification, and that led to

1 all of the projects that, you know, perhaps you
2 have seen in some of the documentation in terms of
3 key hiring, staffing, assembling of shifts, control
4 room management, training, the simulator that we
5 bought, all of those things.

6 KATE McGRANN: Over what time period
7 was the Ready for Rail Campaign active?

8 JOHN MANCONI: I don't know the exact
9 date, but I can tell you that work started
10 immediately when I was appointed in terms of the
11 thinking, the documentation, the bringing in
12 experts and then moving into the Rail Activation
13 Management Program.

14 KATE McGRANN: And did that campaign
15 wind down at any point?

16 JOHN MANCONI: So again, the Ready for
17 Rail was the first phase, and then RAMP was about
18 you are now set up to start the countdown to launch
19 in terms of activation, so it was two-prong.

20 KATE McGRANN: Was there a transition
21 from the Ready for Rail campaign to the RAMP
22 program?

23 JOHN MANCONI: Absolutely, and we did
24 documentation and closeout and governance on that
25 and so forth, project charters and so forth.

1 KATE McGRANN: Approximately when did
2 that transition take place?

3 JOHN MANCONI: I would be guessing, but
4 it was a multi-year program in terms of the Ready
5 for Rail, and then the RAMP program, I don't recall
6 the exact time frame on that, but it was multiyear
7 also.

8 KATE McGRANN: With respect to the
9 expertise that was brought in, what approach did
10 the City take to assess what expertise it required?

11 JOHN MANCONI: So even before the 2015
12 exercise, when I was appointed in 2012 as General
13 Manager, remembering that role was going to be just
14 to operate the system once it came on board, I
15 immediately asked Mr. John Jenkins for advice on
16 did he have anybody in the LRT joint venture team
17 that could guide me on external advisors from an
18 operational lens, not from a build lens.

19 So early in 2012 he provided me two
20 names who I immediately hired, and they began
21 immediately as my operational advisors. And that
22 scope grew significantly once I knew I was going to
23 be managing the launch and the transition into full
24 service.

25 So that team expanded - and I am just

1 thinking out loud - it could have been up to a
2 dozen external experts that, you know, spanned the
3 gamut of skill sets, operational, rail operations,
4 vehicle operations, track, launching, control room
5 advisors, training, shift composition, all those
6 skill sets, which eventually led to the Independent
7 Assessment Team.

8 KATE McGRANN: Who were the two
9 original operational advisors who were working with
10 you?

11 JOHN MANCONI: Mr. Joe North and Mr.
12 Brian Dwyer.

13 KATE McGRANN: Were they associated
14 with a company?

15 JOHN MANCONI: Joe North -- yes, they
16 were both with STV at the time. They no longer are
17 with STV.

18 PETER WARDLE: Just for the record, I
19 think the witness referred to John Jenkins. I
20 assume you meant John Jensen, Mr. Manconi?

21 JOHN MANCONI: You are right,
22 apologies.

23 KATE McGRANN: After the
24 re-organization in 2015 and the time that followed,
25 would you describe to me what kind of reporting was

1 being done to other aspects of the City on the work
2 that is being done, so for example, City Council,
3 FEDCO, the Executive Steering Committee.

4 JOHN MANCONI: Certainly. So in terms
5 of the Executive Steering Committee, which
6 Mr. Kanellakos was the Chair, we had regular
7 meetings there, and my team post-2015 was required
8 to provide updates, so people such as Mr. Cripps
9 would provide updates, and then subsequent to him
10 Mr. Morgan.

11 In terms of Council reporting, we were
12 doing exactly what we told Council we were going to
13 do in terms of reporting and we had the quarterly
14 memo to Council.

15 In terms of Transit Commission, because
16 there was a clear delineation as to what would go
17 to Transit Commission and what would go to FEDCO,
18 so any operational aspects went to Transit
19 Commission and there were numerous reports on how
20 we were going to reconstruct the bus routes. Even
21 prior to 2015, we brought major decisions such as
22 station naming and train decals and interior design
23 and layout of the stations and so forth.

24 And then we brought updates such as the
25 Ready for Rail Program, customer-facing updates to

1 Transit Commission.

2 And then certainly leading up to the
3 launch, there was FEDCO updates in terms of the
4 challenges we were having, in terms of the delays,
5 and our assessments in terms of what was going on
6 in terms of the delays and our best review in that
7 regard.

8 KATE McGRANN: With respect to the
9 reporting to City Council, you mentioned that there
10 were quarterly reports. Were there any additional
11 reports made, and if there were reports outside
12 that quarterly reporting, what would trigger those?

13 JOHN MANCONI: There was requests to go
14 to FEDCO with updates. There was also technical
15 briefings. I can't remember exactly how many
16 technical briefings we did. I do know the first
17 delay we had a technical briefing, which all of
18 Council, of course, is invited and the media.

19 So there was various triggers, and of
20 course, governance is managed by those that chair
21 those committees, so the Mayor would ask for
22 updates; Transit Commission Chair Hubley, he would
23 ask for those updates; and of course, Council
24 members could always ask the Chair for updates in
25 that regard.

1 So there was numerous updates stemming
2 from numerous activities.

3 KATE McGRANN: What would a technical
4 briefing involve on this particular project?

5 JOHN MANCONI: On this one? The first
6 delay, as an example, was where myself, Mr. Cripps
7 and others basically were explaining where we sat
8 with the Project Agreement vis-a-vis at the time
9 the consortium was not acknowledging that the
10 launch was going to be late. We felt they were
11 going to be late.

12 And so of course, there was a lot of
13 concern about implementing bus changes if they
14 didn't meet their prescribed date of the May launch
15 original date.

16 So with the technical briefing, the way
17 it works at the City is the technical briefing, all
18 of Council was invited; the media is invited.
19 Staff present. Council members can ask questions,
20 and then the media can ask questions. So that is
21 an example of that.

22 We also had technical briefings when
23 there was some challenges with the rail system.

24 KATE McGRANN: Can you speak a little
25 bit more of the technical briefings that were held

1 in respect of challenges to the rail system?

2 JOHN MANCONI: There was one, and I
3 can't remember if it was a formal technical
4 briefing. It was certainly a full media briefing.
5 For example, when the catenary came down, the
6 overhead wire in the St-Laurent tunnel that caused
7 major delays, so we held a media briefing on that.
8 And I was there, Mr. Charter was there, Mr. Lauch
9 was there, I know the Mayor and the Chair were
10 there also present in terms of speaking to those
11 things.

12 And then there was also proactive media
13 outreach, such as when we met with the CEO of
14 Alstom and so forth, and I know the Mayor held a
15 media availability there.

16 So it is a combination of technical
17 briefings and media availabilities.

18 KATE McGRANN: And the technical
19 briefings, who determines when one of those will
20 take place?

21 JOHN MANCONI: It is -- it depends on
22 who the Chair of the various committees is. So it
23 can be any City committee. The Chair can ask for
24 that. And then the Clerk obviously is involved
25 from governance. There is certain rules and

1 procedures that need to be prescribed in terms of
2 that. So the City Clerk whose office would manage
3 the technical briefing, along with corporate
4 communications.

5 KATE McGRANN: Would OC Transpo ever
6 seek on its own initiative to hold a technical
7 briefing?

8 JOHN MANCONI: We would suggest if we
9 wanted to. If you had a matter that you -- because
10 often the technical briefing is in advance of a
11 committee meeting, so that you can share that
12 information so that if all members of Council can't
13 attend the technical meeting -- the
14 governance -- or sorry, the specific standing
15 committee meeting, they can go to the technical
16 briefing.

17 So it is a combination that can be
18 recommended by staff, yes, absolutely.

19 KATE McGRANN: Were you or was OC
20 Transpo more generally involved in any reporting to
21 the City's funding partners at the Provincial and
22 Federal Government?

23 JOHN MANCONI: I was not involved in
24 that discussion, any of those discussions.

25 KATE McGRANN: Or reporting to them at

1 all, like formally in a written report or anything
2 like that?

3 JOHN MANCONI: Myself, no.

4 KATE McGRANN: Do you know if anybody
5 at OC Transpo was?

6 JOHN MANCONI: I believe Michael Morgan
7 would have had input into any reporting, but we
8 would have to validate that.

9 KATE McGRANN: Would you please
10 describe how the City was approaching oversight of
11 the construction of the system when it fell under
12 your supervision.

13 JOHN MANCONI: Certainly. We took an
14 innovative approach, and what I did is I
15 established an Independent Assessment Team, because
16 of course with P3s, it is different than just
17 traditional design and build where you have on-site
18 full-time supervision. That does not occur with
19 P3s.

20 And we wanted to know state of
21 readiness and we wanted to know if there was going
22 to be delays, how we would manage them, because the
23 switchover to an integrated multimodal system is
24 complicated.

25 So we put together an Independent

1 Assessment Team of experts. We wanted a fresh set
2 of eyes, particularly on some of the technical
3 issues, some of the more complicated aspects such
4 as the tunnel, tunnel ventilation systems, the
5 communication-based train control system, often
6 called the Thales system, control room,
7 construction status, elevators and escalators which
8 are very sophisticated, SCADA.

9 So we pulled together an integrated
10 team of experts that had not just constructed this
11 infrastructure but were involved in the readiness
12 and the launch of new subways, LRTs, elements that
13 had high volume rail service, tunnels and the level
14 of sophistication that we had in terms of our
15 system. We put that together early on, and that
16 oversight was not just a paper exercise. It was we
17 physically walked the entire system often end to
18 end or parts of the system, so we would walk the
19 tunnel, as an example. We would go see some of the
20 stations, the key larger stations, Rideau, Bayview,
21 the terminus stations.

22 We would also engage the consortium to
23 share with us their view of where they felt the
24 schedule was, and then we did an independent
25 assessment of where we believed the schedule was

1 both through data and through field reconnaissance.
2 And they were often done in one-week intervals, so
3 the team would be here for a week and we would
4 produce an assessment at the end of that, and that
5 was done many, many times throughout the project.

6 KATE McGRANN: Can you speak to how the
7 oversight of construction was being done by the
8 City when you stepped into the role in 2015, so
9 what was the state of play when you took over?

10 JOHN MANCONI: So the City had, through
11 the office of -- the Rail Office had oversight of
12 construction through normal public/private
13 partnership practices, construction management
14 practices. So they had inspectors. They had
15 reports that they had to review. They had key
16 documentation. And the Project Agreement is very
17 specific in terms of what needs to be produced and
18 in terms of documentation and tests and
19 verification and so forth.

20 So there was staff that were overseeing
21 those aspects of the build.

22 KATE McGRANN: And when you took over
23 in 2015, were there any specific areas of concern
24 or requiring attention brought to your attention?

25 JOHN MANCONI: Yeah, the macro theme

1 appeared to be, because they were tracking very
2 well leading up to the sinkhole on Rideau Street,
3 the one theme that came out from our perspective,
4 from our team, was that the consortium had to
5 mobilize a significant amount of the resources that
6 they had on the ground to deal with the sinkhole
7 and the downstream effects of the project schedule
8 on that.

9 Now, that was never agreed to by the
10 consortium. That was our view that the challenges
11 of the sinkhole caused disruption in the critical
12 path and also in terms of the resources. So they
13 had to redeploy resources to that area.

14 Again, that was our view. They never
15 agreed to that assessment of it. But that was our
16 concern in terms of the potential delays and the
17 potential downstream effects on achieving the
18 outcome of the Project Agreement.

19 KATE McGRANN: Prior to the
20 establishment of the Independent Assessment Team,
21 were there any external advisors to the City who
22 were assisting in the oversight of the construction
23 project?

24 JOHN MANCONI: I wasn't overseeing the
25 day-to-day build, so that would be something that

1 Mr. Cripps or others would have to answer.

2 KATE McGRANN: What oversight plans did
3 the City have in place in or about 2015 when you
4 started focussing on this project, so for example,
5 change management plans, project control plans,
6 audit plans?

7 JOHN MANCONI: So people such as
8 Mr. Cripps and others in that office were -- they
9 had done complicated projects, so they had a robust
10 system through their project management system on
11 change management. There was a prescribed process
12 in the Project Agreement and so forth, and they
13 brought their construction management oversight
14 into that. The specifics of it, again you would
15 have to ask them in terms of that regard.

16 And they had --

17 KATE McGRANN: And could you speak to
18 any -- sorry, I didn't mean to interrupt you.

19 JOHN MANCONI: They had full
20 documentation on change management and use of the
21 e-Builder and so forth, software technology and so
22 forth.

23 KATE McGRANN: Were there any material
24 changes made to that approach during your time on
25 the project?

1 JOHN MANCONI: No, our approach was to
2 add additional layers of independent expert
3 assessors that had launched and managed and
4 operated rail systems that had similar aspects.

5 KATE McGRANN: And with respect to the
6 RAMP - I want to call it the "RAMP program", but I
7 know that the "P" is for program.

8 So with respect to RAMP, how long did
9 RAMP remain active for? Was it still active
10 post-revenue service availability, for example?

11 JOHN MANCONI: Oh, absolutely. It went
12 through revenue service availability. It went
13 through the various -- remembering that even after
14 achieving revenue service availability and the
15 trial running, we ran a number of scenarios to
16 further test the system and it ran post-launch. It
17 ran post the three weeks of parallel service. And
18 then it wound down after the three weeks of
19 post-revenue service.

20 The exact date I don't have, of course,
21 but it went through all of those major milestones
22 and beyond.

23 KATE McGRANN: What involvement, if
24 any, did RTG and its subcontractors have in RAMP?

25 JOHN MANCONI: They had full

1 involvement. They were briefed in the construct of
2 the program. So we walked them through how the
3 program was going to be governed, what it looked
4 like, how often we were going to be reporting, how
5 we would increase that reporting in meeting.

6 Obviously when you go launch, it is very similar to
7 what NASA does in launching satellites and systems.
8 You do a countdown, and so that as you get closer
9 to launch date, you are meeting more often,
10 literally around the clock at the tail end of it.

11 And so RTG was -- OLRTC, RTG, RTM, all
12 of them were briefed on it. We asked them to
13 participate in key meetings, so they would be
14 brought into the RAMP room. That was our meeting
15 location. They saw the calendar. They understood
16 the countdown. They understood the number of
17 exercises. They understood the sequencing. And
18 there was extensive interaction between the various
19 teams, and it is all three of them, RTG, OLRTC and
20 RTM.

21 KATE McGRANN: And were they, RTG,
22 OLRTC and RTM, receptive to RAMP?

23 JOHN MANCONI: Absolutely.

24 KATE McGRANN: And how would you
25 describe the quality of their involvement in RAMP?

1 JOHN MANCONI: They were very
2 impressed. They had experts that had worked in
3 other projects around the world, and they were very
4 complimentary about the robustness, the structure,
5 the governance, the ability to make -- there was
6 strict decision-making framework and so forth. So
7 they were very, very -- they saw it as a true
8 partnership in terms of how we would achieve
9 revenue service.

10 They also understood and respected the
11 tight controls that we had in terms of things such
12 as Go/No-Go, Project Agreement, safety
13 certification, IC and so forth.

14 KATE McGRANN: You mentioned Go/No-Go.
15 My understanding is that is a reference to a list
16 with a certain number of components that were
17 necessary to be in place before the system could be
18 launched to public service; is that fair?

19 JOHN MANCONI: Correct.

20 KATE McGRANN: And I understand with
21 respect to that list, a colour-coded system was
22 used to indicate the status of each of the items on
23 the list. Could you describe that colour coding
24 system?

25 JOHN MANCONI: Correct. The colour

1 coding system on both Go/No-Go and all of the other
2 elements of the RAMP room, were green, yellow, red,
3 green of course meaning you have met all the
4 obligations of the Project Agreement, the IC,
5 safety certification, best management practices,
6 all those things.

7 And the Go/No-Go had to all be green
8 for us to move forward in full public launch, and
9 that was similar with all the other elements of the
10 system.

11 Yellow meant there was issues that
12 needed to be addressed.

13 Red, of course, was there was
14 significant challenges that needed to be corrected
15 and decisions made.

16 KATE McGRANN: Was it possible for an
17 item that had been coded green to revert back to
18 yellow or red?

19 JOHN MANCONI: I am trying to think if
20 that occurred on the subsets. I don't remember
21 specifically. I mean, it theoretically could have.
22 Certainly on the Go/No-Go, we wanted greens on the
23 "Go". There could have been, you know, fine-tuning
24 notes and so forth, like there is in any build,
25 whether it is your house or whether it is a kitchen

1 addition, there is always little things that you
2 are going to tag on to that. But there could have
3 been.

4 KATE McGRANN: Who determined what
5 items were placed on the Go/No-Go list?

6 JOHN MANCONI: So the Go/No-Go list
7 came together as part of our RAMP program
8 development. We looked at what was in the Project
9 Agreement, and we also implemented some best
10 practices. And again, it was the sum of the minds
11 of all those experts and our team, OC Transpo,
12 the -- so the composition of that room, people such
13 as Michael Morgan, Troy Charters, the people that I
14 mentioned earlier on, the Independent Assessment
15 Team -- sorry, the advisors that we brought on.

16 KATE McGRANN: And was that Go/No-Go
17 list used all the way up to the launch of public
18 service?

19 JOHN MANCONI: Absolutely.

20 KATE McGRANN: And so I take it at some
21 point all of the items on that list were colour
22 coded green?

23 JOHN MANCONI: Yes.

24 KATE McGRANN: Do you remember when
25 that was? And I don't expect you to know the date,

1 but with reference to trial running, the two week
2 period following revenue service achievement?

3 JOHN MANCONI: I do not remember the
4 exact date. I do remember standing at the easel
5 where the physical document was pinned, and we were
6 going through as a group. And again, it was a very
7 robust decision-making framework where everybody
8 had to agree that there was greens on that.

9 I don't remember the exact date.

10 KATE McGRANN: So the coding was done
11 on a consensus basis with everybody in RAMP?

12 JOHN MANCONI: And with evidence. If
13 you disagreed, you had to explain why you
14 disagreed, and if it was green, we had
15 documentation such as trial running that
16 substantiated the trial running.

17 KATE McGRANN: And with respect to the
18 decisions on the coding, were RTG, OLRTC or RTM
19 involved in those decisions as to what code should
20 apply to any item on the list?

21 JOHN MANCONI: They had -- I believe
22 they would have seen the list, because again it was
23 physically in the room, and perhaps we would have
24 walked them through when we briefed them on that.

25 But again, that was the City's

1 oversight to say that contractually, through
2 contract, best practices, IC, safety certification,
3 that we the City believed we had everything in
4 place to move to public launch.

5 KATE McGRANN: Okay, so I take it that
6 RTG and its subcontractors did not have any input
7 into the coding of the items on the Go/No-Go list?

8 JOHN MANCONI: I can't say yes, I can't
9 say no, because I don't recall. You know, in the
10 thousands of discussions there could have been
11 discussions by members of my team saying what do
12 you think of that element and so forth. I don't
13 know.

14 KATE McGRANN: What, if any, role did
15 Infrastructure Ontario have in the project as it
16 was going through the construction phase?

17 JOHN MANCONI: They were involved in
18 the Executive Steering Committee meetings and had a
19 lot of input early on in terms of milestone
20 payments and things like that, but as it got closer
21 to launch and some of the challenges with launch,
22 that is not their area of expertise.

23 Their expertise lies in funding -- not
24 funding, but contract writing and oversight in
25 terms of the contract and so forth. But they

1 don't -- at the time they had limited experience on
2 launching and running operational services.

3 So their input was focussed on what
4 does the Project Agreement say and does
5 Infrastructure Ontario have any advice vis-a-vis
6 the various clauses and so forth.

7 KATE McGRANN: With respect to their
8 early involvement looking at the milestones, what
9 are you referring to there?

10 JOHN MANCONI: So milestone payments in
11 terms of how -- I know there was some changes to
12 some of those early on. Again, that would have
13 been in the period where I was sitting as my OC
14 Transpo role in terms of I think it was early works
15 associated with the tunnel, so Infrastructure
16 Ontario would have provided input vis-a-vis what
17 their template says and interpretation and so
18 forth.

19 KATE McGRANN: Were you involved in
20 discussions about changes to any milestone
21 payments?

22 JOHN MANCONI: There was one that I
23 recall. I believe that is the one I am referring
24 to. I think it had to do with the tunnel, but my
25 input at the time was very, very limited. Again, I

1 was the operator at that time. I was not
2 overseeing construction.

3 KATE McGRANN: Okay, so this is prior
4 to the re-organization in 2015?

5 JOHN MANCONI: Yeah, there was -- yeah,
6 actually, there was two. There was the tunnel and
7 then there was the yard, milestone payment for the
8 yard work, the MSF.

9 KATE McGRANN: And what did that
10 involve?

11 JOHN MANCONI: They were substantially
12 completed under the definition of a "yard", the
13 maintenance facility, where all the trains were
14 stored and staff are housed and so forth, so that
15 was a payment under the Project Agreement that they
16 were entitled to.

17 KATE McGRANN: And was there any change
18 to that milestone or how it was approached?

19 JOHN MANCONI: For the yard, what I
20 recollect of it is there was work associated with
21 the CBTC, the communication train control system,
22 the room was physically constructed and all the
23 feeds and so forth, but it wasn't complete but it
24 met the definition of substantial completion, as I
25 recall.

1 KATE McGRANN: And why was that -- why
2 do you raise that as something to talk about, as we
3 are talking about the involvement of IO? Was there
4 a concern that at any point that the milestone had
5 not been met or that there was outstanding work
6 that may lead to a different interpretation of
7 whether the milestone had been met?

8 JOHN MANCONI: No, my input on that
9 was, you know, make sure that the oversight is done
10 to ensure that this doesn't compromise anything
11 downstream in terms of the system being fitted up,
12 to which those that were in charge at the time
13 said, No, we are good to go in terms of the
14 milestone payment and met the definition of
15 substantial completion.

16 KATE McGRANN: And what oversight were
17 you hoping would be conducted when you say make
18 sure the oversight is done?

19 JOHN MANCONI: Make sure -- my view was
20 always have a lens to revenue service. You know,
21 what is the path to getting to that service.

22 And again, I was just the operator at
23 the time so I didn't have any other inputs into
24 that, so just a comment in terms of making sure
25 that there is nothing in that yard that is not

1 completed that doesn't compromise that end goal of
2 revenue service.

3 KATE McGRANN: I believe that the CBTC
4 work in the maintenance and storage facility was
5 not completed; is that right?

6 JOHN MANCONI: I don't know the extent
7 of what the work was required to be done and what
8 state it was at the time. All I remember was that
9 people such as Mr. Cripps and his staff were saying
10 everything in the yard that needs to be done to
11 meet this milestone payment is completed.

12 KATE McGRANN: The maintenance and
13 service facility was to be fully automated; is that
14 right?

15 JOHN MANCONI: Correct.

16 KATE McGRANN: And was it fully
17 automated at the time that you left the City in
18 September of 20 -- I'm sorry --

19 JOHN MANCONI: 2021.

20 KATE McGRANN: 2021.

21 JOHN MANCONI: It was not.

22 KATE McGRANN: And do you know why that
23 is?

24 JOHN MANCONI: I don't know all the
25 technical reasons for it other than obviously there

1 is a lot going on in that yard. They were
2 deploying trains. They were at one point building
3 trains. They were expanding the system for Stage
4 2. So CBTC is not my area of expertise, but there
5 was challenges there.

6 KATE McGRANN: And do you know what the
7 implications of not fully automating the yard were
8 for the preparation for public launch?

9 JOHN MANCONI: I don't know what they
10 are specifically vis-a-vis a fully automated yard
11 because they are not used extensively around the
12 world, but it was not one of my concerns.

13 KATE McGRANN: And why is that?

14 JOHN MANCONI: A very small fleet. It
15 is not a large fleet. Automation of -- I didn't
16 see any great advantage to full automation at this
17 point in time. And it just simply wasn't a
18 constraint in terms of the challenges that they
19 were facing.

20 KATE McGRANN: Did you understand, for
21 example, that maintenance plans were built on the
22 presumption that the yard would be fully automated?

23 JOHN MANCONI: I wouldn't have that
24 level of detail from Alstom. I wouldn't be aware
25 of that, no.

1 KATE McGRANN: Did you have any
2 conversations with RTG, RTM, Alstom or Thales
3 that -- to inform your view that the fact that the
4 yard was not fully automated was not a cause for
5 concern?

6 JOHN MANCONI: They never raised it as
7 a concern to me. Quite frankly, when we pushed
8 them for it, again, there was no objections that it
9 would cause them any concern.

10 KATE McGRANN: And when you say you
11 pushed them, when you pushed them for it, what are
12 you referring to?

13 JOHN MANCONI: I was reminding them
14 that that was part of their innovation of their
15 proposal that they had put forward and that an
16 automated yard was one of their functionalities
17 that they wanted, but they never at any point said
18 that that automation would cause them any service
19 issues.

20 KATE McGRANN: The question of the lack
21 of automation in the maintenance and storage
22 facility, is that something that you took advice on
23 from the team of experts that you have described?

24 JOHN MANCONI: Absolutely, people such
25 as Tom Prendergast were encouraging, and you may

1 have seen some of that feedback, that they
2 instituted what is called the yardmaster, so you
3 are controlling all the train movements in the
4 yard. So again, automation is great, but it also
5 can present its challenges. You know, what happens
6 when it goes down, you then have to have what are
7 called hostlers, and those are the people that move
8 the trains. And our approach was if the train
9 automation wasn't in place or if it was in place,
10 you would still need to have the appropriate
11 resources to move those trains around, even of a
12 fleet of this size.

13 KATE McGRANN: And did anybody who was
14 advising the City on this project raise any
15 concerns about implications of the yard not being
16 fully automated for public service and reliability
17 of service following the launch?

18 JOHN MANCONI: Not that I am aware of,
19 no, not to me.

20 KATE McGRANN: Was a yard master
21 appointed to the yard?

22 JOHN MANCONI: RTM acknowledged that
23 they put in the equivalent of a yard master. A
24 "yard master" is a very old rail term. They did
25 heed our advice and put additional resources in

1 there.

2 I don't know at this point in time if
3 there is an actual title of a yard master, but
4 there are people over at RTM overseeing the yard
5 operation and train movements.

6 KATE McGRANN: And do you remember
7 approximately when RTM confirmed that they had put
8 somebody in that role or people in that role at the
9 maintenance and service facility?

10 JOHN MANCONI: I don't remember.

11 KATE McGRANN: Can you say whether it
12 was before or after the launch of public service?

13 JOHN MANCONI: Well, they had people in
14 there before the launch of public service,
15 obviously. They had people in charge of the yard
16 and so forth. And that was working with us hand in
17 hand in terms of hearing our advice in terms of how
18 to run operations in the yard.

19 And so they would have had people
20 overseeing the yard well before public launch.

21 KATE McGRANN: So was it your
22 understanding that whatever the modern version of
23 the yard master role is, RTM had to fill that prior
24 to public launch?

25 JOHN MANCONI: That was my

1 understanding, yes.

2 KATE McGRANN: Did Infrastructure
3 Ontario provide any advice about how to approach
4 the relationship the City had with its private
5 partner at any point through the construction
6 phase?

7 JOHN MANCONI: There was general
8 comments that perhaps they would have been made. I
9 mean, in what respect in terms of the relationship?

10 KATE McGRANN: How to approach disputes
11 that arose between the City and RTG, for example.

12 JOHN MANCONI: Well, leading up to the
13 first delay, there wasn't a lot of -- there wasn't
14 a lot of documented disputes. It was a very good
15 relationship. We met very, very frequently. You
16 know, the collective focus of Infrastructure
17 Ontario, myself, Mr. Kanellakos, Mr. Morgan was we
18 had a signed Project Agreement, legally binding the
19 consortium to give us a system that met all the
20 requirements of the Project Agreement.

21 And so the approach that we all took in
22 a very professional manner was when there were
23 issues, I wouldn't call them disputes, but
24 interpretations and discussions, we would -- you
25 know, we would all have our laptops and we would go

1 to that lengthy Project Agreement and say, you
2 know, what clause are you referring to? And we
3 would open it up, and we would get technical people
4 to look at it and work our way through it, and we
5 did that often in a positive, collaborative
6 environment.

7 KATE McGRANN: And was Infrastructure
8 Ontario directly involved in that exercise that you
9 just described where you go to the project clause
10 and you assess it and you discuss it and things
11 like that?

12 JOHN MANCONI: Well, they would have
13 been involved at the macro level. You know, we
14 would give them updates on where we were. But they
15 weren't involved in the technical areas because
16 they didn't have technical expertise or, you know,
17 when you drill down into the clauses and you are
18 doing specific things such as track and so forth,
19 that is not their area of expertise.

20 KATE McGRANN: And you mentioned that
21 there weren't many issues as between the City and
22 its private partner up until the first delay. What
23 are you referring to when you say "the first
24 delay"?

25 JOHN MANCONI: When they couldn't make

1 the May timeline.

2 KATE McGRANN: That is the May 2018
3 revenue service availability date?

4 JOHN MANCONI: I believe so, yes, yeah,
5 the first date that they were targeting, yes.

6 KATE McGRANN: And when did it become
7 apparent to the City that that date would not be
8 met?

9 JOHN MANCONI: Well, we were showing it
10 through our various exercises and observations for
11 months. I would have to go back and check the
12 records. But the position and the way the contract
13 works is RTG -- OLRTC, RTG, RTM were saying they
14 were going to achieve that date, so the technical
15 briefing that I mentioned, and I don't remember the
16 exact date, that is when we said, you know, there
17 is some challenges. They have acknowledged they
18 are not going to meet it. It was very late in the
19 process leading up to that date because there was
20 the notice period if they weren't going to make it
21 and so forth.

22 So we were concerned and we had
23 highlighted that through our various assessments.

24 KATE McGRANN: And following the
25 failure to meet the May 2018 RSA date, did IO's,

1 Infrastructure Ontario's, involvement in the
2 project change?

3 JOHN MANCONI: They were involved in
4 the meetings. They were part of our governance
5 meeting, and again, they couldn't offer much on the
6 technical perspective, but they were clear on what
7 the Project Agreement, what the signed legal
8 agreement said and the steps associated with it and
9 how to move through it, how to step through it.

10 KATE McGRANN: At any point during the
11 life of the project up until your departure, did
12 Infrastructure Ontario provide the City with any
13 advice that the City chose not to follow?

14 JOHN MANCONI: Not that I am aware of.

15 KATE McGRANN: Was Infrastructure
16 Ontario involved in advising the City on how to
17 apply the payment mechanism with respect to the
18 maintenance payments?

19 JOHN MANCONI: You would have to ask
20 Michael Morgan on that. He was involved, and Troy
21 Charter. They were involved in the detailed piece.
22 I was not involved in any discussions with
23 Infrastructure Ontario on the payment. This is
24 post-launch you are talking about?

25 KATE McGRANN: Correct.

1 JOHN MANCONI: Yeah, I was not involved
2 with any discussions with Infrastructure Ontario,
3 no.

4 KATE McGRANN: And to your knowledge,
5 was anybody else?

6 JOHN MANCONI: Not that I am aware of.

7 KATE McGRANN: So we have spoken about
8 Infrastructure Ontario. We have spoken a little
9 bit about the Independent Assessment Team, and I'll
10 come back to that with some questions.

11 Were there any other advisors to the
12 City who were involved in the work that you were
13 doing from 2015 onwards?

14 JOHN MANCONI: In terms of disputes and
15 challenges and options when the delays occurred in
16 performance, there was Deloitte, Remo Bucci, there
17 was Brian Guest, the Executive Steering Committee,
18 of which the composition I am sure you have. I am
19 trying to think. Sharon Vogel.

20 KATE McGRANN: And Ms. Vogel was legal
21 Counsel, I believe?

22 JOHN MANCONI: Correct.

23 KATE McGRANN: So I am not looking for
24 any legal advice that you or the City received or
25 that you sought. Mr. Bucci from Deloitte, what

1 work was being -- was Deloitte doing?

2 JOHN MANCONI: Deloitte was helping us
3 on calculating the points deductions,
4 interpretation of the Project Agreement on how the
5 payment mechanism worked, providing support to my
6 team in terms of analyzing all that and ensuring
7 that we are in compliance with the Project
8 Agreement.

9 KATE McGRANN: And over what period of
10 time was Deloitte doing that work?

11 JOHN MANCONI: Well, we engaged early
12 on Deloitte as part of our RAMP work because we
13 wanted to have a very robust auditable payment team
14 ready to make the payments. While everybody
15 focuses on the build, the 30-year concession is a
16 very complicated space also, so Mr. Bucci and his
17 team helped my team develop an organizational
18 structure and the skill sets and spreadsheets and
19 how to manage the payment mechanisms.

20 So that was involved for I will say
21 many, many months, if not a few years.

22 KATE McGRANN: And then did
23 Deloitte -- has Deloitte remained involved
24 following the public launch of the system?

25 JOHN MANCONI: Absolutely. I don't

1 know if they are still there. Right up until my
2 departure, Mr. Bucci and his team were involved.

3 KATE McGRANN: You mentioned Brian
4 Guest. I believe he is with a company called
5 Boxfish?

6 JOHN MANCONI: That's correct.

7 KATE McGRANN: What work was Mr. Guest
8 doing?

9 JOHN MANCONI: So he was advising the
10 Steering Committee and Mr. Kanellakos on what
11 options were before us once revenue service started
12 to degrade significantly.

13 KATE McGRANN: Could you explain what
14 you mean when you say "once revenue service started
15 to degrade significantly"?

16 JOHN MANCONI: Well, we had issues with
17 the switch heaters. We had some poor service
18 months. We had the catenary issue. And we had the
19 January 1st New Year's Eve episode, those things.
20 That is when they started to accumulate a lot of
21 points under the Project Agreement, and you know,
22 it eventually led up to -- I can't speak to it, or
23 Mr. Wardle will tell me if I can or can't, but our
24 legal action that we took vis-à-vis the service
25 points.

1 KATE McGRANN: And what kind of advice
2 is Mr. Guest providing? Is he providing strategic
3 advice? Is he providing technical advice,
4 financial advice?

5 JOHN MANCONI: So he is providing
6 strategic advice, but that is intertwined with what
7 the Project Agreement says, what the value of the
8 points deductions are, what options existed from a
9 procurement legal perspective, and so forth.

10 KATE McGRANN: What did Mr. Guest bring
11 to the team that wasn't brought by your legal
12 advisors and Deloitte?

13 PETER WARDLE: I guess I just -- you
14 know, I hesitate to become involved, but I know
15 that a number of these discussions would have taken
16 place involving any partner, Sharon Vogel, and so
17 those are privileged communications.

18 So I don't have a problem with you
19 asking questions about Mr. Guest's role in a
20 general way, but I am going to have to instruct the
21 witness not to provide any information that was --
22 any advice that was given by Mr. Guest at a meeting
23 where outside legal counsel was present.

24 KATE McGRANN: Did you have an issue
25 with the question I just -- I understand your

1 caution. Did you have an issue with the question
2 that I just asked as I just asked it?

3 PETER WARDLE: I don't. I just think
4 the witness is starting to get into the content of
5 some of those discussions, and so I don't want him
6 to do so, if that is okay. I am trying to be
7 careful here.

8 KATE McGRANN: So with your Counsel's
9 caution in mind, I am just trying to understand
10 what Mr. Guest brought to the table, so can you
11 help me understand that?

12 JOHN MANCONI: Yeah, no, thank you to
13 both, because Mr. Wardle is right. Mr. Guest was
14 often in the room when Ms. Vogel was there.

15 But what he brought at a 100,000 foot
16 elevation is he was involved in the original
17 Project Agreement and the program development,
18 working for the City, for Mr. Kirkpatrick and Nancy
19 Schepers and so forth, so he had all the history as
20 to how the Project Agreement came together, and he
21 has extensive experience in public/private
22 partnerships and the Infrastructure Ontario
23 template and the Infrastructure Ontario expertise.

24 KATE McGRANN: Is there any reason that
25 you wouldn't just go to Infrastructure Ontario for

1 expertise on their template and the areas that they
2 work in?

3 JOHN MANCONI: I would say at that
4 point in time - and this isn't a criticism; it is
5 just my own view - is that people such as Mr. Guest
6 and Mr. Bucci and Ms. Vogel and even certain
7 aspects of myself and others had more hands-on real
8 expertise because we didn't just do the think it.
9 We planned it. We thought it. We executed. We
10 were in the build. We were in the operational
11 aspects.

12 So the level of expertise that
13 Mr. Guest and Mr. Bucci brought, you know, was
14 significant, and in many cases would have
15 outstripped some of the folks at Infrastructure
16 Ontario at that point in time.

17 KATE McGRANN: And just specifically
18 with respect to the expertise of Infrastructure
19 Ontario's templates and agreements and things like
20 that, why wouldn't you go directly to them, why go
21 to Mr. Guest instead?

22 JOHN MANCONI: Well, we continued to go
23 to Infrastructure Ontario. They were part of our
24 Executive Steering Committee. They are not part of
25 Stage 2. That was a conscious decision. But in

1 terms of Stage 1, they were involved and they
2 listened in on every Executive Steering Committee
3 meeting and were asked by Mr. Kanellakos if they
4 had perspectives and views and there was dialogue
5 with them.

6 KATE McGRANN: Our focus is on Stage 1,
7 but because of that focus, we are interested in
8 changes made to Stage 2 as a result of the
9 experience on Stage 1. Was the decision not to
10 include Infrastructure Ontario in Stage 2 a result
11 of anything that was experienced during Stage 1?

12 JOHN MANCONI: No, it was not.

13 KATE McGRANN: You discussed
14 Mr. Guest's involvement post the launch of public
15 service, I believe; is that fair?

16 JOHN MANCONI: He was involved
17 throughout the journey of the project at different
18 degrees, but post-launch deep into when we had the
19 challenges, you know, further along down the road,
20 when we got into some significant challenges, he
21 was involved more than he was before.

22 So his involvement varied throughout
23 the life of the project.

24 KATE McGRANN: During the construction
25 phase, what was his involvement like?

1 JOHN MANCONI: Again, early on, I
2 wasn't there. When I took over in 2015, it was
3 sporadic. There wasn't a need for his expertise at
4 the time because we were moving forward towards
5 substantial completion, revenue service
6 availability, and so forth.

7 He was aware of what was going on, but
8 wasn't actively involved in the construction
9 oversight piece.

10 KATE McGRANN: Speaking about the
11 City's oversight of the construction, you have
12 described the work of RAMP, and I understand that
13 RTG, OLRTC and RTM attended some of those meetings
14 and provided information that way.

15 How else did the City obtain
16 information from RTG about the progress of the
17 construction to inform its oversight?

18 JOHN MANCONI: We -- part of the
19 Independent Assessment Team work, they were
20 involved and not in a casual fashion. It was a
21 structured approach where we would assemble the
22 IAT, remembering these folks came from across North
23 America, so we would plan it well in advance.

24 And the front end of the week we would
25 sit with RTG, OLRTC, RTM, ask them to present where

1 they believed they were in the construction and in
2 the path to revenue service, and then we would go
3 out together with them to review. And they gave us
4 unfettered access to everything. We could -- we
5 would ask to go into control rooms, into escalator
6 service doors, wherever we wanted to go, they would
7 enable us to go and we could talk to anybody we
8 wanted to as part of our review.

9 KATE McGRANN: And other than those
10 meetings, was RTG providing regular schedule
11 updates? Were they providing any sort of
12 standardized or regular reporting to the City?

13 JOHN MANCONI: Well, absolutely. I
14 mean, Mr. Morgan and Mr. Cripps had their own
15 regular meetings. They had technical meetings. I
16 had phone calls, discussions at the executive
17 levels. They would reach out to me and I would
18 reach out to them.

19 So there was constant formal meetings.
20 There was dialogue non-stop.

21 KATE McGRANN: I understand that there
22 were a number of working groups implemented
23 throughout the construction period involving people
24 from the City and people from RTG and its
25 subcontractors; is that right?

1 JOHN MANCONI: Yes, and we would also
2 bring in -- I would pay for independent experts,
3 such as what we did with the tunnel ventilation
4 system, same with the track switch issues. We
5 formed workshops. Again, it was a collaborative
6 effort. Peter Lauch and his team were very open to
7 getting into a room and having good discussions on
8 resolving technical issues.

9 KATE McGRANN: Well, from the
10 time -- from 2015 to the launch of public service,
11 could you just describe the relationship that the
12 City had with RTG on a day-to-day basis and how
13 that worked?

14 JOHN MANCONI: In terms of the type of
15 relationship we had?

16 KATE McGRANN: Yes.

17 JOHN MANCONI: I would describe it as
18 collaborative. They were under immense pressure
19 because delays cost money, but they were very open
20 to hearing our views and sharing information and
21 spending time with us on either technical issues,
22 on strategies, on how to get to revenue service.

23 They had a lot of changeover at the
24 senior leadership team. The Project Director, I
25 believe that was the title, you know, I met many of

1 them, and each and every one of them approached me
2 in terms of wanting to work together in a
3 partnership fashion to get to revenue service.

4 So I would describe it as collaborative
5 and professional. Certainly they understood that I
6 was going to be unrelenting in ensuring that we met
7 all the requirements of the Project Agreement and
8 the safety certification and the Independent
9 Certifier. That was a non-negotiable and they
10 understood that.

11 KATE McGRANN: Were there any other
12 non-negotiable components of the relationship from
13 the City's perspective?

14 JOHN MANCONI: They understood that the
15 Project Agreement was a signed legal document and
16 that neither Steve nor I or anyone had Council's
17 authority to deviate from any of that, so if there
18 was any requests for deviations, we would always
19 consider them but we -- you know, depending on what
20 the Project Agreement says, there was always a path
21 to how those decisions needed to be made.

22 So there was no ability for Steve or
23 myself to arbitrarily make a decision that deviated
24 from the Project Agreement, and that was a
25 non-negotiable.

1 KATE McGRANN: So two things in there,
2 I think. One, I understand that neither you nor
3 Mr. Kanellakos had the authority to deviate from
4 the Project Agreement yourselves. Was it also the
5 case that there was no opportunity to deviate from
6 the Project Agreement at the City level if such a
7 deviation could potentially benefit the project?

8 JOHN MANCONI: I would have to ask our
9 clerk and our City solicitor. My understanding is,
10 being in municipal government for 32 years, is that
11 theoretically Council has authority to change
12 things, and there is a path to that.

13 But -- so that would be something that
14 if there was a request to deviate from the Project
15 Agreement, that would have to be a Council
16 decision, as far as I am concerned. That is more
17 appropriately put towards the Clerk and the City
18 Solicitor, though.

19 KATE McGRANN: To your recollection,
20 was that a path that was ever explored on this
21 project?

22 JOHN MANCONI: There was discussions
23 from OLRTC, RTG, RTM to look at different
24 scenarios, which we always listened to, and we said
25 if we needed to take something forward, we would,

1 but there was nothing of significance that had
2 technical merit or any advantage to anybody to take
3 forward.

4 KATE McGRANN: In the context of the
5 different scenarios that were raised by RTG and its
6 subcontractors, was there ever any discussion about
7 opening public service with less than what was
8 envisioned in the Project Agreement and then
9 ramping up to full public service?

10 JOHN MANCONI: Yes, there was a meeting
11 where that suggestion was put forward, and I did
12 see it in the media coverage, to which -- again,
13 describing the environment that I described since I
14 have been talking this morning is we said, Tell us
15 what you are thinking.

16 There was no formal plan from them.
17 There was no specifics. It was ideas such as,
18 could you close off the Rideau Street entrance and
19 not have that as part of the opening. We didn't
20 immediately say no. We said, Thanks for the idea.
21 Here is why you can't do it.

22 There was discussions of could we do a
23 segment opening. We said, Thanks for the idea.
24 That gets done on extensions. So often you'll see
25 across North America, particularly in the States,

1 where there is trams or very low volume LRTs. They
2 just did it in Boston. There is an extension and
3 you can open up that extension.

4 This was the core or the spine of the
5 system and we explained to them in great detail as
6 to why we couldn't do partial openings, above and
7 beyond that is not what we were paying for.

8 Remembering at the highest level, the
9 Project Agreement was very specific. We are paying
10 you 'x' amount of dollars. You shall give us a
11 fully tested and commissioned system.

12 So from a pure contractual perspective,
13 obviously our position is that is not what Council
14 and the taxpayer bought. However, even if it were
15 a good idea, we would take it forward, but we
16 explained to them why a partial opening wasn't
17 feasible. We explained why closing off the Rideau
18 Street entrance was not feasible and so forth. And
19 they understood it, and we didn't hear anything
20 back after that from them on that.

21 KATE McGRANN: The suggestion to keep
22 the Rideau Street entrance closed, the suggestion
23 to use a segment at opening, were both of those
24 brought up at the same meeting?

25 JOHN MANCONI: My recollection was it

1 was at the same meeting, yes.

2 KATE McGRANN: And everything that you
3 just described to your recollection, that was a
4 single discussion?

5 JOHN MANCONI: I don't know if there
6 was other discussions from my staff. I remember
7 that meeting where they brought that up and I
8 remember we reported back to FEDCO that those items
9 had been brought up, that they gave us ideas, to
10 which we explained they were not feasible and why.
11 And there was no questions after that.

12 But at that meeting, I asked
13 Mr. Scrimgeour, who was, you know, a very good
14 transit planner, why those things wouldn't work, to
15 which there was no follow-up questions or no
16 follow-up writing or anything like that saying to
17 me, that I am aware of, that they wanted to do
18 phased openings or partial openings and so forth.

19 KATE McGRANN: Did they explain to you
20 at this meeting or otherwise the reasons why they
21 were looking to proceed with less than a full
22 service offering at public launch?

23 JOHN MANCONI: I don't recall. They
24 could have.

25 KATE McGRANN: You mentioned that there

1 was a -- there were service reasons why these would
2 not be feasible. Could you just briefly explain
3 what those are?

4 JOHN MANCONI: Certainly. I'll take
5 the partial opening as an example. So if you pick
6 any segment of that line, the worst thing you can
7 do to a customer is introduce a transfer. If you
8 look at all of the documentation we brought to
9 Transit Commission, that is, again, the operating
10 arm of the governance body, I can't remember the
11 exact number but I believe 80 percent of our
12 customer base were going to have a change in their
13 commute as a result of this opening the spine of
14 the system.

15 Many of those customers were going to
16 have a transfer introduced to their commute for the
17 first time in their commute. So if you are coming
18 in from Kanata, Orleans, the outer suburbs, you
19 used to take an express bus and you would go all
20 the way into downtown Ottawa. With the opening of
21 the LRT system's first phase, you were going to get
22 on a bus, stop at those terminus stations, and
23 enter into a train and that train would take you
24 downtown very quickly and efficiently.

25 If you did a segment opening, you would

1 then introduce what could theoretically be a double
2 transfer where you would transfer from bus to train
3 and train back to bus.

4 So let's take you didn't want to open
5 up Lyon Station or you didn't want to open up
6 Rideau Station, remembering this train is going at
7 a high speed, those are long distances, and so our
8 job is to protect the customer, the taxpayer, the
9 value, the outcome, introducing a double transfer
10 to a customer, the pain threshold on that commute
11 in transit terms would have been extreme, as an
12 example.

13 The Rideau Street entrance as another
14 example, the volumes at Rideau Street pre-COVID,
15 you only had to go and sit there and watch that,
16 that would have caused major, major flow within the
17 station, remembering that every station, when you
18 are in the preliminary design phase and planning,
19 they are modelled for people movement through that
20 station, corridors, gates, entrance points, loading
21 zones, escalators, elevators.

22 And our system, we have double
23 redundancy. We have double escalators, double
24 elevators. Closing off a station could have had
25 impacts on someone in a wheelchair or flood the

1 gates and could have caused congestion, egress for
2 fire and so forth.

3 So those are all the things we took
4 them through, from a customer lens, a safety lens,
5 operational lens, and again, you know, to be blunt
6 also contractually we weren't paying for a partial
7 system. We were paying for an entire system. They
8 knew what they signed up for.

9 KATE McGRANN: With respect to the
10 payment aspect of this consideration, was it the
11 case that RTG was suggesting a partial opening
12 while simultaneously demanding payment for a full
13 system?

14 JOHN MANCONI: I don't recall if we
15 even got into that level of detail. Again, it was
16 a great discussion. They brought it up. They
17 said, Have you thought about, and I said, Well,
18 let's talk about it right now. And we walked them
19 through -- we would have had the similar discussion
20 that I just walked you through right now.

21 Payments, we didn't even get to that
22 point because, again, my recollection of it is
23 everybody left the room and said, Okay, we
24 understand. They may not have agreed with it
25 because obviously they wanted to get substantial

1 completion payment, which is a very large sum of
2 money, but there wasn't any post-objection or could
3 have, should have. None of that came back to me in
4 terms of that. And I don't even recall if we got
5 to the payment piece. I don't recall that.

6 KATE McGRANN: So when you saying that
7 they are paying for the full system, that is just a
8 general comment. It is not in response to any part
9 of any proposal that was made with respect to less
10 than a full opening?

11 JOHN MANCONI: Correct.

12 KATE McGRANN: At this meeting, do you
13 think you effectively sent the message that
14 anything less than a full opening is a non-starter
15 and not worth bringing it up again?

16 JOHN MANCONI: No, we did what every
17 rail system does, every large-scale capital
18 project. We said, there is a definition of
19 substantial completion. There is a definition of
20 revenue service availability. We need to meet
21 those.

22 And with all that comes what is often
23 the term in construction is a "punch list". No
24 different than when you buy a new house or your
25 kitchen renovation, you have the little deficiency

1 list that you have agreed to that those are
2 outstanding and you withhold payments on that. And
3 that was -- we were going to be fair and reasonable
4 in that regard and open to ideas and suggestions in
5 that regard.

6 KATE McGRANN: How likely did you think
7 it was following that meeting that RTG may suggest
8 anything less than a full opening to the City ever
9 again?

10 JOHN MANCONI: At that time, I think
11 the relationship was very healthy and I think they
12 would have come back and -- you know, they knew our
13 position, both myself and Steve were very
14 reasonable that there was opportunities that we
15 could work within the confines of the Project
16 Agreement such as landscaping and things like that
17 that could help them get to that opening.

18 So at that point in time, the dialogue
19 was very healthy.

20 KATE McGRANN: Did any of the experts
21 who were advising the City ever raise the concept
22 of opening with anything less than public service
23 in their discussions?

24 JOHN MANCONI: Anything less than,
25 sorry, public service, what do you mean?

1 KATE McGRANN: Full public service?

2 JOHN MANCONI: Oh, yeah, the same
3 things came up. I mean, this is a common thing
4 that is done in extensions, but this was not an
5 extension. And again, once everybody heard the
6 rationale that I just took you through, it was an
7 immediate -- if you are in this business and I walk
8 you through what I have just walked you through,
9 everybody absolutely understood.

10 And we looked at it. I mean, if we
11 could have opened up the east end versus just the
12 west end, but we didn't see a value proposition for
13 the customer, which this is a customer service. It
14 is -- we are there to move at the time, you know, I
15 think 350,000 passenger trips per day through the
16 core.

17 We couldn't see a space where we could
18 put our customers and our Council through so much
19 pain, remembering they had been through five years
20 of detours, bus detours. I think that is what is
21 lost on all this. The customers had gone through
22 major, major deviations, so we had closed the --
23 sequentially we had closed the bus rapid transit
24 system, so your stop may have changed one day, your
25 pickup point, your commute times were all extended

1 from the east and the west, all that -- all those
2 customers had gone through those pain points, and
3 to introduce something as a double transfer or, no,
4 you can't go in on the Rideau Street side, you need
5 to walk around, and you know, all those things,
6 that we couldn't see a space for that working
7 without compromising service.

8 KATE McGRANN: With respect to the
9 City's expert advisors raising the possibility of
10 something less than a full public service from the
11 outset, who was involved in discussions about that
12 issue?

13 JOHN MANCONI: I remember it coming up
14 once. I don't remember which expert, and I
15 remember, again, it was literally a five-minute
16 conversation where we talked about what I just
17 elaborated to you, and then that was, oh, yeah,
18 that makes total sense. So I --

19 KATE McGRANN: Do you --

20 JOHN MANCONI: There was no -- I don't
21 recollect any constant, you know, discussion of we
22 should do a partial opening.

23 KATE McGRANN: Do you recall when that
24 conversation took place?

25 JOHN MANCONI: I don't. I don't.

1 KATE McGRANN: Can you place it in time
2 in the life of the project with respect to sort of
3 the major -- I won't say milestones because that
4 has got a specific meaning here, but the major
5 check points?

6 JOHN MANCONI: All I can tell you is it
7 was after the first delay, and again, it was a
8 comment in passing about have you ever thought
9 about partial openings.

10 KATE McGRANN: So when you say it was
11 after the first delay, it was after May 2018?

12 JOHN MANCONI: Yes.

13 KATE McGRANN: And do you remember what
14 that comment was responding to or what may have
15 triggered it being made?

16 JOHN MANCONI: Well, it was all of us
17 looking at when could revenue service availability
18 be achieved.

19 KATE McGRANN: And so what sparked that
20 comment? You are looking at a schedule, is that
21 what it is?

22 JOHN MANCONI: I honestly don't
23 remember. It was a passing comment on would the
24 City -- it wasn't even have you thought. It is
25 would the City ever contemplate a partial opening,

1 to which my response has always been, What do you
2 mean by that?

3 Because a partial opening can mean
4 different things to different people. A partial
5 opening can mean that all your landscaping is not
6 done, all your paths aren't paved, you have got
7 temporary lighting versus permanent. Those are the
8 things that we were very, very open to, but double
9 transfers, people in wheelchairs not having access
10 to elevators and escalators and so forth, that we
11 were not open to.

12 KATE McGRANN: So maybe if I can just
13 rephrase this to make sure I understand. Anything
14 less than all the promised trains running through
15 all of the promised stations with the promised
16 headway and with the promised schedule, that was
17 required by the City?

18 JOHN MANCONI: The Project Agreement
19 specified the outcome, which was move a certain
20 volume of passengers every single day during the
21 various schedules of the week.

22 KATE McGRANN: And that was an absolute
23 requirement by the City for public launch?

24 JOHN MANCONI: Reflective of our
25 ridership, correct, yes.

1 KATE McGRANN: Did the City's approach
2 to monitoring RTG's compliance with the
3 construction schedule change at any point through
4 the construction phase?

5 JOHN MANCONI: You would have to ask
6 Mr. Morgan the specifics on that. As it pertained
7 to the IAT team, I could tell you that the
8 consortium was very open to sharing schedule
9 details once we started to do the independent
10 assessments.

11 KATE McGRANN: With respect to the IAT
12 team, the Independent Assessment Team, do you
13 recall when you first asked them to assess the
14 schedule?

15 JOHN MANCONI: I don't know the exact
16 date. I can't remember the circumstances of it.

17 KATE McGRANN: That would be helpful.

18 JOHN MANCONI: Sorry, and what
19 specifically would you --

20 KATE McGRANN: Please explain the
21 circumstances that led to asking them to adjust the
22 schedule.

23 JOHN MANCONI: So we landed the
24 delay -- or they landed the delay on us, and I at
25 the time reached out to Steve and explained that I

1 wanted to do a deeper dive into the schedule. So
2 we were requesting the - and, Peter, correct me if
3 I get the terminology incorrect - I think it is
4 called a P26 schedule, the technical term for the
5 detailed schedule, to which they were very, very
6 reluctant to share that with us because they have
7 no requirement to share that with us under a P3.
8 That is their schedule. It is proprietary. It has
9 got details with their subs and so forth that
10 theoretically we don't need to -- we should not
11 have.

12 And then there was a leadership change.
13 Peter Lauch took over, and while we didn't get all
14 the P26 details, there was more collaboration on
15 sharing the schedule challenges. So Mr. Lauch
16 would bring his Technical Directors in. I can't
17 remember, there was a gentleman that came in from
18 Australia. He was very good at saying, Here is
19 what we are tracking well on, and here are our
20 challenges within the schedule.

21 And that is above and beyond what they
22 were doing through the normal oversight with
23 Michael Morgan's team and so forth.

24 KATE McGRANN: You said when "they
25 landed the delay on us", I'm assuming that is RTG?

1 JOHN MANCONI: OLRTC, RTG, RTM, yeah, I
2 always put them all together.

3 KATE McGRANN: And that was the delay
4 to the Project Agreement revenue service
5 availability date?

6 JOHN MANCONI: Correct.

7 KATE McGRANN: And you have said that
8 you spoke to Steve. Is that Mr. Kanellakos?

9 JOHN MANCONI: Correct.

10 KATE McGRANN: Who was on the
11 Independent Assessment Team?

12 JOHN MANCONI: It changed regularly.
13 There was some core members. So Tom Prendergast,
14 who was the former Chairman of MTA in New York
15 City, was my advisor, and he was the person that I
16 would brainstorm with as to what expertise we
17 needed to bring in, Joe North, Brian Dwyer, Larry
18 Gaul, Anil, and I can't remember Anil's last name.
19 We had a scheduling expert that had worked at La
20 Guardia extensively.

21 We had -- we brought in on an as-needed
22 basis technical experts, such as track. We would
23 call people in via at the time conference calls and
24 so forth. So the composition of that team -- oh,
25 we had Jack D'Andrea, who was a construction

1 expert.

2 So it varied, myself, Jocelyne Begin,
3 Michael Morgan, those people, Steve Cripps.

4 KATE McGRANN: The core members who
5 remained throughout the project, that would be
6 Mr. Prendergast, Mr. North. Anybody else?

7 JOHN MANCONI: Larry Gaul stayed on.
8 Larry Gaul was a key advisor on the launch. He
9 stayed there had until the end. Mr. Dwyer ended
10 earlier. And then, again, there was people in
11 constant contact right to the end, and beyond, and
12 still are there, in my understanding.

13 KATE McGRANN: When you say "the end",
14 are you referring to the public launch of the
15 system?

16 JOHN MANCONI: They were -- the IAT
17 work wrapped up after we went to public launch, but
18 the advisory roles continued. So you would have to
19 check with Mr. Charter and Mr. Morgan, who is still
20 advising.

21 KATE McGRANN: In addition to looking
22 at the schedule, did the Independent Assessment
23 Team take a look at the readiness of the various
24 aspects of the system for public launch?

25 JOHN MANCONI: Absolutely. So we had

1 Scott Kreiger, who is a vehicle expert. We had
2 Anil, who had done subway extensions, 2nd Avenue
3 Subway, so he was familiar with stations. Again,
4 those are all public-facing.

5 So everybody on that team, again, had
6 not just constructed but they had been part of
7 operations. They had worked at agencies and had
8 that expertise in terms of being able to view it
9 through the public lens and service lens.

10 KATE McGRANN: With respect to the
11 schedule delays, do you have a view of what the
12 major factors were that contributed to the delays
13 in the schedule?

14 JOHN MANCONI: My view based on what we
15 saw was, again, the stress that the sinkhole caused
16 on the program.

17 Escalators, they had a major issue with
18 escalators that we could not deviate from, and they
19 had to rectify it. I can't remember, but it is
20 double digits. It is a lot of escalators in the
21 system, so they had a major, major design issue
22 that they had to rectify to get sign-off by the
23 regulatory body.

24 And leading up to substantial
25 completion, they had challenges on workmanship and

1 quality, and you know, things such as stairwell
2 types and code issues, so challenges on the code
3 piece.

4 CBTC was a challenge not from a
5 technology perspective, but CBTC requires
6 unfettered access to track, so the only way Thales
7 will sign off and certify is if they see obviously
8 their trains operating in a configuration that
9 enables them to sign off. So they were building
10 and couldn't give Thales unfettered access to the
11 track.

12 The tunnel ventilation system is very,
13 very complicated, so some challenges there.

14 And again, if you go to the IAT
15 reports, I think you start to see those buckets in
16 terms of the challenges.

17 KATE McGRANN: With respect to the
18 sinkhole, can you speak a little bit more to the
19 implications it had for the overall construction
20 schedule, from what you saw?

21 JOHN MANCONI: Again, it was our view.
22 It was a view and it can't be quantified because it
23 was a view that they didn't agree with. It
24 appeared that because of the scope and scale of
25 that sinkhole, resources both in the field and

1 professional advisors, you know, engineers had to
2 shift from the entire 12 and a half kilometre build
3 to a challenging point, obviously with the sinkhole
4 and they had to fill it and they had to re-mine it
5 and so forth.

6 So again, it is an observation. There
7 is no data to substantiate that. It is when I sit
8 in a room with people that have built very
9 complicated subway systems and tunnels, that was
10 the view.

11 KATE McGRANN: Did you have a view as
12 to whether the financial impact of the sinkhole on
13 RTG had any implications for the construction of
14 the system?

15 JOHN MANCONI: I wasn't privy to their
16 financial cash flow, so I don't have a view on
17 that.

18 KATE McGRANN: Is this a topic that
19 anybody from RTG ever spoke to you about?

20 JOHN MANCONI: In general terms, they
21 would -- you know, they were worried about cash
22 flow. They were late, and when you are late, you
23 have got a cash flow situation.

24 And so they were stressed in that
25 regard, yes.

1 KATE McGRANN: And in the general
2 conversations that you had with RTG about its
3 worries about cash flow, did anybody say anything
4 to you about the impact of those concerns or the
5 cash flow reality on the construction of the
6 system?

7 JOHN MANCONI: Not that I recall. It
8 was more sharing of, you know, this is difficult on
9 them, and then obviously you just know that when
10 you are delayed, again, it is no different than a
11 renovation of a house. The longer it takes,
12 somebody is carrying the cost of that. And the way
13 the P3 works is that that risk is not on us. It is
14 on them.

15 KATE McGRANN: With the benefit of
16 hindsight, in your view, was it in the best
17 interests of the project for the risk to be
18 transferred, the geo-technical risk, completely to
19 RTG?

20 JOHN MANCONI: Absolutely.

21 KATE McGRANN: And why do you say that?

22 JOHN MANCONI: A couple of things.
23 They were paid to take that risk on. The value of
24 that I will never know, but they were paid for
25 that.

1 And the City did some really good work
2 on the geo-technical piece where we provided
3 additional bore hole soil information to them, more
4 than what is typically done in a tunnel. And the
5 City didn't have that expertise. We were not in
6 the tunnel business. We did not know how to manage
7 tunnel construction, nor did they want to. And we
8 went into it eyes wide open, as did every bidder in
9 terms of that.

10 And had we not done that risk transfer,
11 the City would be in deep financial challenges when
12 that sinkhole occurred and the downstream effects
13 on that.

14 So you know, one of the core principles
15 of P3 is risk transfer and looking at those risks,
16 and it was absolutely the right decision to do at
17 that point in time.

18 KATE McGRANN: Do you feel that the
19 City was accurately advised of the impact of the
20 sinkhole on the project and the progress of
21 construction following the sinkhole?

22 JOHN MANCONI: From the consortium?

23 KATE McGRANN: Yes.

24 JOHN MANCONI: My view is everybody was
25 trying to do the best they could, but keep in mind

1 that that's a variable that they planned for it and
2 they responded very well it to.

3 But it was a very fluid situation. So
4 they were sharing information to the best of their
5 ability at that point in time.

6 KATE McGRANN: And do you feel that
7 following the sinkhole through to public service,
8 RTG continued to provide the information that it
9 had about the schedule accurately to the City?

10 JOHN MANCONI: The schedule was
11 stressed. I just don't know because I don't know
12 if they knew exactly why it was stressed or where
13 it was stressed and how to recover it. I just know
14 that there was good dialogue where we were very
15 receptive in sharing with them on ideas and how to
16 recover the schedule.

17 Hence bringing in experts to help them
18 think through things such as the tunnel ventilation
19 system, the escalator system, and so forth.

20 So again, at that point in time, there
21 was good dialogue. It is a big, complicated
22 project, that, you know, had a sinkhole occur to
23 it, and so there was adjustments. There was
24 leadership changes on their front. They were
25 heeding advice. There were some advice that they

1 were saying, No, thank you, we are not going to
2 listen to what the City has to offer.

3 KATE McGRANN: Do you remember any
4 particular instances of advice that the City
5 provided to RTG to help recover the schedule that
6 RTG did not follow?

7 JOHN MANCONI: We were encouraging them
8 to triple-shift and work weekends, and you know,
9 again, I don't know why it was no, whether it was
10 cash flow or whether it was resource availability,
11 but they said, We hear you, thanks very much. They
12 were doing some extra shift work, but in certain
13 areas, like I know in Rideau they were working
14 triple shifts and so forth.

15 Our thoughts and our view was triple
16 shift across the whole network or do it station by
17 station and start to increase productivity, because
18 it was the ease of construction work that was
19 lagging behind also.

20 KATE McGRANN: Did the Independent
21 Assessment Team ever agree with the schedule and
22 the projected revenue service availability dates
23 that were being provided by RTG?

24 JOHN MANCONI: No, our forecast was
25 always longer.

1 KATE McGRANN: And did that disconnect
2 between RTG's forecasted schedule and the
3 Independent Assessment Team's forecasted schedule
4 have any impact on the relationship between the
5 City and RTG?

6 JOHN MANCONI: I wouldn't know. I
7 mean, things -- again, there was collaboration
8 right until public launch, so I can't talk on their
9 behalf.

10 KATE McGRANN: Was there a loss of
11 trust on the part of the City and the information
12 that RTG was providing about the schedule?

13 JOHN MANCONI: Loss of trust?

14 KATE McGRANN: Yes, did the City stop
15 trusting RTG's projections when it came to the
16 construction schedule?

17 JOHN MANCONI: You know, those are
18 powerful words. I would describe it as -- I am
19 very conservative in projecting timelines. I think
20 if there was any frustration, it wasn't about
21 trust. It was about stop being overly optimistic
22 that you can recover the schedule to the degree
23 that you can without doing some significant things.

24 And to their credit, they did do some
25 significant things. There was a glass issue, and

1 they templated the glass and procured it locally.

2 So again, it is not lack of trust. It
3 was I think they were overly optimistic that they
4 could recover parts of the schedule that we
5 disagreed with.

6 KATE McGRANN: Did you ever have any
7 conversations with anyone at RTG about the source
8 of their optimism, why they believed that they
9 could meet the dates that they were sharing with
10 the City?

11 JOHN MANCONI: I had lots of
12 discussions with Peter Lauch about, you know,
13 cautioning him to not be overly optimistic and what
14 his thought was in terms of what led to that
15 optimism, and so forth, and I think some things
16 they were doing to feed that optimism, such as
17 additional resources or expertise. They were open
18 to suggestions.

19 KATE McGRANN: And did he share with
20 you why he believed that his schedule was correct,
21 despite what the work of the IAT team was showing?

22 JOHN MANCONI: No, I think him and his
23 advisors were -- they saw our work. They believed
24 where they were. And it was just a professional
25 difference of opinion in terms of what our

1 assessment was.

2 KATE McGRANN: Several completion dates
3 were announced by the City that were not achieved.
4 Was the IAT consulted about the likelihood of
5 meeting those dates before the City shared those
6 dates with the public?

7 JOHN MANCONI: Well, remember, the
8 dates come from RTG, and yes, we did our
9 assessments of those and, you know, Mr. Lauch,
10 including at public meetings, he committed to dates
11 that they didn't achieve. You would have to ask
12 them as to what led them believing they could
13 achieve those dates.

14 KATE McGRANN: So was it the case that
15 RTG was publicly announcing dates and the City had
16 no ability to have any effect on those
17 announcements, whether they should be made or not?

18 JOHN MANCONI: So if their position,
19 and just like the first one, they believe they can
20 achieve it, that they could, and so when Mr. Lauch
21 promised, and I can't remember which one it was,
22 but at one of the committees that we'll achieve the
23 next date, perhaps what he had in mind was
24 additional resources that we didn't have eyes on.
25 They don't have to share all that information with

1 us, so he could have done acceleration work. He
2 could have gone to triple shifts, or he could have
3 brought in additional resources, or he could have
4 seen something that we didn't see.

5 So it is -- again, it is their
6 construction schedule to manage, and if they
7 believe they can achieve it and they want to
8 publicly say that, they say that. Our job is to
9 oversee it and make sure they are in compliance
10 with the Project Agreement.

11 KATE McGRANN: Can you speak about the
12 repercussions for the City when completion dates
13 were announced for the project that were not met?

14 JOHN MANCONI: So as the build
15 progressed, we made those bus changes that I talked
16 to you about before that caused pain to our
17 customers.

18 The minute they announced launch dates,
19 we had to make certain changes to incrementally
20 change the bus system for the customers. And then
21 ultimately when we peel away the three weeks of
22 parallel service, the final changes are
23 implemented. It was a conscious incremental change
24 to commutes.

25 When you announce a date and then you

1 say, Oops, we didn't make it, which happened
2 multiple times with RTG, and you are a customer,
3 you ask yourself, Why did you put me through that
4 pain if I have to wait yet again 'x' number of
5 months? That is what led to a lot of the uproar.
6 You know, the Councillors felt the brunt of that
7 because they would call the Councillors and say,
8 You just changed my bus route, but now I hear that
9 is not going to take effect for another 'x' number
10 of months.

11 So that was the pain that our customers
12 would feel. And staff, they would be demoralized
13 in terms of nobody wants to take a customer through
14 pain.

15 KATE McGRANN: Would it be fair to say
16 that every time a publicly announced date is not
17 met, the pressure to meet the next date is
18 increased?

19 JOHN MANCONI: No, the empathy is
20 always there. The pressure to achieve a date is
21 not pressure. It is a very -- we engrained in our
22 culture that the path to public launch was revenue
23 service availability, compliance with the Project
24 Agreement, Independent Safety Certifier signing
25 off, Independent Certifier signing off on the trial

1 running, and then all our programs associated with
2 the RAMP program in terms of all those drills that
3 we did and the simulation with live loads and so
4 forth.

5 So it was a very structured process of
6 those are the boxes that we need to be in full
7 compliance with to get to where we need to get to.

8 The public pressure is not pressure to
9 deviate from those. It is about being empathetic
10 and understanding and knowing that those customers
11 are going through a change in their commute.

12 KATE McGRANN: Was there a way forward
13 at any point, in your view, in which the interim
14 dates that are missed are not announced and a more
15 realistic view of the schedule is taken and a more
16 realistic date is announced, avoiding the
17 disappointment to the public and all of the
18 implications that you have just described?

19 JOHN MANCONI: Hindsight being 20/20,
20 they couldn't do what you have just suggested
21 because of that initial delay, because that initial
22 delay, the May -- is it a 2018 date? Please
23 correct me if I am wrong. The first contractual
24 date that they had signed up for.

25 That was the beginning of the most

1 significant change for the bus route system, so
2 remembering we were being told we are going to make
3 it, we are going to make it, we know we are going
4 to make it, that set off that chain of events that
5 I just talked to you about. You were in that pain
6 threshold for the customer because leading up to
7 that was incremental changes of the bus rapid
8 transit system being closed down for conversion.
9 You couldn't reverse it back.

10 And trust me, we spent a lot of time
11 thinking what else can we do if there is another
12 delay. Is there a way to ratchet this back. And
13 again, bus computers, rail commuters, you don't
14 want your commute to change, right. We like
15 structure. We like routines. So throttling back
16 and reinstating, we didn't do that. We threw
17 extra buses at the service, as you know, the 40
18 buses that we were supposed to dispose of. We
19 brought those on board to create extra capacity and
20 so forth when we had problems.

21 So we were always thinking, to your
22 point, what could we do differently, and there
23 wasn't anything that stood out because going back
24 and re-engineering the bus route changes would
25 cause more pain and more disruption and confusion.

1 Remembering that doing bus changes, it
2 is an algorithm, right. It is a bus schedule.
3 This isn't a small bus system. It is a thousand
4 buses. You need to do scheduling. You need to do
5 decal changes. You need to do the app changes.
6 You need to push through the website, the portals,
7 all their Twitter feeds, all that. So that
8 takes -- a bus schedule change takes, I can't
9 remember exactly now, I think it is around six
10 months.

11 So A, you couldn't do it; B, you could
12 have been causing more change and more confusion
13 and more pain; and C, the logistics of doing that
14 was very, very complicated.

15 But we did always ask ourselves, What
16 could we do. And hence, you know, the Red Vest
17 Ambassadors, the extra buses and so forth. That
18 was all to take care of our customers.

19 KATE McGRANN: RTG made a claim for a
20 delay event and a relief event in connection with
21 the sinkhole, right?

22 JOHN MANCONI: I am going to ask Peter
23 if I should be commenting on that.

24 PETER WARDLE: Well, let's just take it
25 question by question, Mr. Manconi. I don't think

1 there is anything wrong with this question. This
2 is public information.

3 JOHN MANCONI: Okay. Well, they put in
4 claims, yes.

5 KATE McGRANN: Were you involved in the
6 City's decision to deny those claims?

7 JOHN MANCONI: Yes, I was.

8 KATE McGRANN: At any point, was there
9 any consideration of making any accommodation
10 beyond the terms of the Project Agreement in the
11 interest of the project overall?

12 R/F PETER WARDLE: I think I am going to
13 have to decline to have the witness answer that
14 question on the basis that it would get him into
15 privileged advice.

16 KATE McGRANN: And just for the record,
17 would you confirm that is a refusal?

18 PETER WARDLE: Yes.

19 KATE McGRANN: Did the outstanding
20 claims in respect of the sinkhole have any impact,
21 in your view, on the information that RTG provided
22 to you about its construction schedule following
23 the denial of --

24 JOHN MANCONI: No, again, the
25 relationship was collaborative and they were trying

1 to get to revenue service availability and
2 substantial completion.

3 KATE McGRANN: We'll take the morning
4 break now.

5 So we can go off the record.

6 -- RECESSED AT 10:48 A.M.

7 -- RESUMED AT 11:00 A.M.

8 KATE McGRANN: At any point during the
9 construction stage of Ottawa's Light Rail Transit
10 System, did the City have any concerns that OLRTC
11 was not sufficiently resourced to complete the
12 construction in compliance with the Project
13 Agreement?

14 JOHN MANCONI: The construction, no.

15 KATE McGRANN: Were you involved in or
16 aware of any discussions with anyone at RTG or its
17 contractors about the level of resourcing for OLRTC
18 with respect to the construction work that was
19 being done?

20 JOHN MANCONI: Again, back to the
21 observations we made with the IAT team about
22 capacity, about extra resources being brought on to
23 finish the job, those were our comments there.

24 KATE McGRANN: In what context did
25 those discussions take place?

1 JOHN MANCONI: When we are out
2 visiting, when we are doing our independent
3 assessment work on the -- how should I say it? The
4 straight civil work piece, stations, as an example,
5 it was our observation, our view, again, not
6 knowing their cash flow situation or their
7 constraints, that additional resources could gain
8 them traction on their critical path and on their
9 schedule overall.

10 KATE McGRANN: And what was the
11 response to those suggestions by the City and its
12 advisors?

13 JOHN MANCONI: I think they were
14 neutral on it. They weren't -- you know, they
15 would say thank you, we are doing what we need to
16 do. Again, they brought in a new Project Director,
17 and his name escapes me right now, but he knew that
18 Rideau Station was a very critical, complicated
19 build, with a lot of CBTC wiring and SCADA wiring
20 and so forth. So he brought extra resources to
21 that.

22 They were very appreciative to working
23 collaboratively on workshops in terms of the tunnel
24 ventilation system and what we could do to
25 accelerate that.

1 So again, it was a collaborative
2 effort. They were receptive. But also they had
3 the right to say, Thanks for your opinion, we are
4 doing what we have got to do.

5 KATE McGRANN: And other than the
6 suggestions made in the context that you just
7 described, did the City take any other steps to
8 question the resources that OLRTC was devoting to
9 the construction of the system, manufacturing the
10 vehicles, et cetera?

11 JOHN MANCONI: Well, we made comments
12 and we made suggestions in terms of ensuring they
13 had experienced people that had built and overseen
14 these construction projects.

15 We raised concerns about there was a
16 lot of changes at the Superintendent level, for
17 example, at stations. There was -- seemed to be a
18 bit of turnover there. But again, we don't know
19 the details associated with that. That could have
20 just been people moved on to other jobs.

21 And, you know, general observations on
22 making sure that critical infrastructure such as
23 the catenary is checked and triple-checked and that
24 you have the appropriate resources on that, and
25 then we did our own oversight. We provided them,

1 for example, a catenary assessment that we shared
2 with them that we paid for independently.

3 KATE McGRANN: Were there other
4 assessments that the City did independently that it
5 shared with RTG?

6 JOHN MANCONI: We brought in a track
7 switch expert -- not a track switch, sorry. The
8 terminology escapes me. It is an old technology
9 piece. Track circuit expert.

10 We brought in tunnel ventilation
11 experts, and we brought in track experts, and some
12 of it was workshop facilitation. Some of it was go
13 out and assess it and give them a view and so
14 forth, again, all of which they were very
15 receptive.

16 KATE McGRANN: And all of those experts
17 that you just described were brought in during the
18 construction phase?

19 JOHN MANCONI: Correct.

20 KATE McGRANN: What led the City to
21 decide to bring in these experts?

22 JOHN MANCONI: A strong belief in a
23 fresh set of eyes, more expertise that, again, has
24 built, managed and run these operations. It is
25 about just bringing in perspectives and making sure

1 that we are all coalescing around the right
2 challenges and the right solutions.

3 KATE McGRANN: Were these experts
4 brought in in response to any challenges that were
5 being seen in the progress of the construction or
6 manufacturing of the system?

7 JOHN MANCONI: An example is the tunnel
8 ventilation system, we were very concerned about
9 the lead time on those systems, the installation,
10 the completion of the Rideau tunnel, so we brought
11 in a tunnel ventilation expert on how to help them
12 along with that.

13 We brought in the fire department on
14 testing and commissioning the fire alarm, the
15 e-telephones, the emergency telephone phones that
16 you would have seen in many of the reports and we
17 just brought them in to do that partnership piece
18 that we talked about.

19 KATE McGRANN: Why bring the catenary
20 expert in?

21 JOHN MANCONI: Pardon me?

22 KATE McGRANN: Why did you bring the
23 catenary expert in?

24 JOHN MANCONI: Oh, there was concern
25 about the catenary in terms of the install quality,

1 not the material, and so part of our Independent
2 Assessment Team were out doing a field assessment.
3 We said, we'll bring in our own set of eyes, and
4 that individual did an assessment of the catenary
5 system and we shared that information with RTG and
6 it helped them in terms of addressing some of the
7 issues in terms of the catenary system.

8 KATE McGRANN: Did that expert provide
9 any recommendations about -- let me start with
10 this. Did the expert that you brought in identify
11 any concerns about the catenary system,
12 installation, quality of materials, anything?

13 JOHN MANCONI: There was a report done.
14 I don't remember the specifics of it. I believe we
15 either gave the report to RTG or we shared the
16 findings of the report.

17 KATE McGRANN: And was there any
18 follow-up done by the City to see if any findings
19 and recommendations were implemented by RTG?

20 JOHN MANCONI: Every subsequent IAT
21 review, we were looking at the catenary in terms of
22 quality. We were having discussions with RTG about
23 our observations on what had improved, what some of
24 the outstanding challenges were, such as the
25 additional carbon wear. We saw carbon wear on the

1 vehicles and so forth. So yes, there was ongoing
2 dialogue with those.

3 KATE McGRANN: And did you just
4 continue to see challenges with the catenary system
5 through to public launch?

6 JOHN MANCONI: We saw in the winter of
7 the first year there was concern of carbon buildup
8 on the top of the vehicles which can be attributed
9 to certain wear on the catenary and the pantograph.
10 The pantograph is the arm that connects the vehicle
11 to the wire.

12 And so when there is awkward wear
13 patterns on that, it can lead to carbon on the
14 roof, the black soot on the roof, so but that was
15 early in the first winter of the public launch.

16 KATE McGRANN: Let me put it this way.
17 So you said you continued to see challenges with
18 the catenary. At any point before the public
19 launch, did the City believe that all issues with
20 the catenary had been identified and resolved?

21 JOHN MANCONI: We continued to make
22 observations about the catenary/pantograph
23 interface, so where those two points touch, to
24 which Alstom and others explained and said they had
25 no concerns with those. They had looked at it.

1 There was no issues for us to be concerned about.

2 KATE McGRANN: And did those assurances
3 alleviate the City's concerns?

4 JOHN MANCONI: What they shared with us
5 made sense at the time, and again, I was depending
6 on catenary experts to look at those things. And
7 there was nothing, you know, during all those
8 thousands and thousands and thousands of miles of
9 trial running or kilometres of trial running and
10 post trial running, none of the issues that
11 occurred post launch were occurring during our
12 testing and trial and commissioning phase.

13 KATE McGRANN: Did any issues that you
14 recall appear for the first time during trial
15 running?

16 JOHN MANCONI: All the issues post
17 launch did not occur during trial running.

18 KATE McGRANN: My question is
19 different.

20 JOHN MANCONI: Okay.

21 KATE McGRANN: Did any issues
22 experienced during trial running appear for the
23 first time during trial running?

24 JOHN MANCONI: You would have to ask
25 the assessment team that, you know, signed off on

1 the scorecard. There was no significant issues
2 that was brought up to the RAMP, other than those
3 days when we stopped.

4 KATE McGRANN: When you refer to the
5 assessment team, are you talking about the Trial
6 Running Review Team?

7 JOHN MANCONI: Yes, the Trial Running
8 Review Team.

9 KATE McGRANN: At any point during
10 construction did the City ask RTG to provide more
11 information about its efforts to recover the
12 schedule? So beyond the regular schedule updates,
13 beyond the P26 information that you referenced, was
14 there a request for a recovery plan or anything
15 like that?

16 JOHN MANCONI: Absolutely, and they
17 were sharing and not waiting until formalization of
18 those things, but they were sharing through regular
19 updates, for example, what they were doing at
20 Rideau Station with the extra shifts, with the
21 extra -- they brought in new contractors to string
22 wire because there was literally hundreds of
23 kilometres of wires that had passed through the
24 Rideau Station, as an example, and they were
25 sharing that information with us.

1 KATE McGRANN: Did the Independent
2 Assessment Team assess the recovery?

3 JOHN MANCONI: Every time we did an
4 assessment, we assessed everything that they shared
5 with us, and we also asked for additional
6 information.

7 KATE McGRANN: And I think you said
8 earlier that the Independent Assessment Team never
9 agreed with RTG's projected dates. Was their view
10 of the recovery plan -- what was their view of the
11 recovery plan? Did they agree that that schedule
12 was feasible?

13 JOHN MANCONI: So there was certain
14 elements that we -- that the team appreciated and
15 agreed with, and there were certain elements that
16 we were less than optimistic on. But it was a
17 fluid process, right. I can't remember how many of
18 those we did, but we did a lot of assessments.

19 And as we progressed through, they
20 started to knock off those issues that were a big
21 concern, which is no different than any other rail
22 project. You come down. You start to knock off
23 those big items and you are always going to be left
24 with some things at the end.

25 And so they were progressing through.

1 So for example, the escalators, we were very, very
2 concerned about the escalators, and you know, they
3 had to do a major re-engineering and reconstruction
4 on those to get provincial approval for escalators
5 from the governing body.

6 And that was nothing -- none of us
7 could deviate from that. That is a
8 provincially-regulated function, that they regulate
9 elevators and escalators, and they had a major
10 challenge there, and to their credit, they sorted
11 their way through it. They brought in experts.
12 They listened to our panel. They put additional
13 resources and so forth.

14 KATE McGRANN: You mentioned that, you
15 know, there is disagreement between RTG and the
16 Independent Assessment Team about the schedule. It
17 is a fluid process.

18 At some point did you become frustrated
19 with the information that RTG was providing about
20 the schedule and how it was going to recover it
21 after dates had been missed and things like that?

22 JOHN MANCONI: No, my frustration came
23 from when they were made aware of challenges from
24 us, they were always very good at either explaining
25 why or why they were not addressing them or they

1 would go and address them but what would sometimes
2 happen is things that they had previously corrected
3 would then flare up and that raised concerns about
4 did they have enough resources.

5 And again, it is not necessarily trades
6 and frontline workers, but was there enough focus
7 on ensuring that once you resolve the problem - you
8 know, as I said, we knocked them off - did they
9 stay congruent and kept managing that while dealing
10 with the other challenges. That is where my
11 frustration came from, because they had the
12 expertise. They had access to some of the best
13 expertise in the industry.

14 And when we would tell them bring in
15 some experts, like they did with SNC-Lavalin from
16 the west coast, they brought in some experts on the
17 tunnel ventilation system and worked hand in hand
18 with us.

19 KATE McGRANN: You know the focus of
20 the Commission's work is looking at the breakdowns
21 and derailments that occurred on the system after
22 it launched public service. Can you give me an
23 example of an issue that was resolved that became
24 an issue again that was related to the reliability
25 or safety of the running of the trains?

1 JOHN MANCONI: On the safety piece,
2 they were very safety conscious. I'll give you a
3 very simple, straightforward example that made it
4 to the news. They forgot to turn off the outdoor
5 water fountains as part of their winter shutdown,
6 and we had spent countless hours with them on
7 winter readiness and, you know, checklists,
8 operational shutdowns, what are you doing. And lo
9 and behold, they forgot to shut the water valves
10 off on the outdoor water fountains and they froze
11 and, you know, water spillage and ice everywhere,
12 and it made the news, to which they went, Yeah, we
13 missed it. It should have been on the checklist.
14 It was on the checklist. We didn't do it.

15 And so those are the examples of the
16 things that, again, were organized, congruent,
17 documented, and then someone lost focus on those.

18 KATE McGRANN: Any examples of an issue
19 that you had been advised had been corrected but
20 then flared up again with respect to the
21 reliability of the vehicles and running the
22 vehicles?

23 JOHN MANCONI: Concern about yard
24 movements. As you know, we had some derailments in
25 the yard. There is a curve in particular, I don't

1 know exactly where, I don't have that level of
2 detail, but that is an example of there is an
3 issue. Our safety officer issued the notice. We
4 were looking into it. And then we had repetitive
5 yard derailments in the same location. It is
6 problematic. It is concerning.

7 KATE McGRANN: And with respect to the
8 running of the vehicles on the system itself, like
9 the actual passenger line?

10 JOHN MANCONI: Some frustration on the
11 whistleblowers, you are aware of that situation,
12 where the cameras still are not resolved in terms
13 of the platform door cameras. That is something
14 that has been lingering, well, since the launch.

15 In terms of vehicles in the morning,
16 there is a checklist that you have to -- before the
17 handover occurs to us, has everything been done on
18 the vehicles. There is a data logger, for example,
19 in the yard that needs to be reset on a certain
20 frequency, because we had an interruption on
21 service one time. Somebody forgot to reset that
22 data logger.

23 Again, an issue that caused service
24 interruption, not a safety infraction, but service
25 interruption, it gets identified. They jump all

1 over it immediately. Like there is never
2 hesitation. They resolve it, root cause analysis,
3 all those good things you do in engineering. And
4 then fast forward four, five, six months later,
5 whatever that frequency is, somebody forgot to
6 reset the data logger, as an example.

7 KATE McGRANN: Are all of the issues
8 that you are describing related to human error,
9 failure to follow an operating procedure, take a
10 step?

11 JOHN MANCONI: We don't have that line
12 of sight, right, because I don't have that level of
13 detail. Is it checklists not being followed? Is
14 it automated work orders not being generated? I
15 don't know. Human error? I don't know.

16 KATE McGRANN: A couple of questions
17 about testing and commissioning.

18 JOHN MANCONI: Uhm-hmm.

19 KATE McGRANN: Did the City have the
20 opportunity to review RTG's testing and
21 commissioning plans when they were first put
22 together?

23 JOHN MANCONI: There is a working group
24 that developed that testing and commissioning plan
25 that was because of our -- the PA barely spoke to

1 it. It just talked about 12 days, and we were
2 proactive and we wanted to have a clearly
3 documented process that both parties agreed to well
4 in advance. There was a working group that was
5 assembled.

6 KATE McGRANN: So I think you are
7 referring to the trial running; is that right?

8 JOHN MANCONI: Correct.

9 KATE McGRANN: I am speaking about the
10 testing and commissioning of the various components
11 of the system, and then the integration testing
12 that took place in advance of substantial
13 completion, I believe.

14 JOHN MANCONI: Okay.

15 KATE McGRANN: Do you know what I am
16 speaking of?

17 JOHN MANCONI: Okay, yes.

18 KATE McGRANN: Did the City have the
19 opportunity to review the testing and commissioning
20 plans that RTG prepared when they were first put
21 together?

22 JOHN MANCONI: I would -- I don't have
23 that level of detail. You would have to ask
24 Michael Morgan and his staff.

25 KATE McGRANN: What was your

1 involvement in the testing and commissioning that
2 took place prior to substantial completion?

3 JOHN MANCONI: The RAMP room was very
4 specific that everything in the PA that required
5 testing and commissioning, sign-off or
6 certification needed to be done, so it was an
7 outcome reporting through to the RAMP room, and
8 again, that level of detail I don't have. That
9 would be a Michael Morgan or his staff.

10 KATE McGRANN: Did you attend as a
11 general rule all of the RAMP meetings?

12 JOHN MANCONI: Yes.

13 KATE McGRANN: Did you understand that
14 there was any compression of the integration
15 testing in particular as a result of delays in the
16 construction schedule?

17 JOHN MANCONI: Which integration
18 testing, sorry?

19 KATE McGRANN: Integration of the
20 systems on the line, like the entire subway
21 system -- or LRT system?

22 JOHN MANCONI: Well, there was always
23 talk about what would happen if there was delays to
24 construction and what would be compressed.

25 With all these delays, I don't know

1 what level of compression occurred. There was
2 nothing that got escalated to me that said we are
3 compromising anything in terms of testing and
4 commissioning that is not in compliance with the
5 PA.

6 KATE McGRANN: And would you expect
7 anything along those lines to be escalated to you?

8 JOHN MANCONI: Oh, absolutely.
9 Anything that was not in compliance with the
10 Project Agreement, there was a requirement to
11 escalate to the RAMP room.

12 KATE McGRANN: Did you understand more
13 generally that there was compression of the testing
14 and commissioning schedule that originally had been
15 put in place?

16 JOHN MANCONI: So compression of any
17 schedule is not uncommon. The issue is what is the
18 level of complexity. What do you do to manage that
19 compression? Do you do testing at night? Do you
20 do additional testing? Do you do testing on the
21 weekends?

22 And again, I was dependent on my
23 experts and my technical staff to ensure that all
24 testing was done in accordance with best practices
25 and the Project Agreement.

1 KATE McGRANN: Did you understand that
2 there was compression of the testing and
3 commissioning schedule on this project?

4 JOHN MANCONI: I knew there was
5 compression. I don't know the exact elements of
6 what was compressed and how that compression was
7 managed.

8 KATE McGRANN: I understand that there
9 were monthly testing and commissioning meetings
10 that took place up until June 2018; are you
11 familiar with what I am talking about?

12 JOHN MANCONI: I believe so, yes.

13 KATE McGRANN: And then I understand
14 that those meetings stopped in June of 2018. Are
15 you aware of that?

16 JOHN MANCONI: I am not aware of that.

17 KATE McGRANN: Are you aware of those
18 meetings stopping at any point in time?

19 JOHN MANCONI: I am not aware of that.

20 KATE McGRANN: Were there any
21 particular complications experienced in the testing
22 and commissioning of this project that were brought
23 to your attention as areas of potential concern?

24 JOHN MANCONI: No, other than the
25 overall schedule in terms of how do we ensure we do

1 all the testing. For example, on the vehicles,
2 there was a formal handover process for the
3 vehicles, and how we kept track of that through the
4 RAMP room and so forth.

5 There was general concern about the
6 schedule overall, obviously, because there needed
7 to be a lot of work done in the time frames that
8 were set forth.

9 KATE McGRANN: Was the City -- let's
10 say from the beginning of 2019 onwards, was the
11 City ever advised of any issues with respect to the
12 capacity of the maintenance and service facility to
13 do everything that was being done in there,
14 assembly of vehicles, maintenance of vehicles, et
15 cetera?

16 JOHN MANCONI: I don't remember the
17 exact date. I don't think it was 2019. I think it
18 was more like 2020. Again, I don't know the exact
19 date. But out of the blue Alstom reached out to me
20 to say that they were going to speak to OLRTC, RTG
21 or whoever they had the contract with to move the
22 manufacturing out of the MSF.

23 I immediately escalated that to Peter
24 Lauch, and he said, Yes, we are under discussions
25 with them to move the manufacturing of the trains

1 out of the maintenance storage facility to their
2 new location in Toronto. I don't know exactly
3 where. I think it is Brampton or somewhere there.

4 KATE McGRANN: Prior to that
5 out-of-the-blue conversation in 2020, was the City
6 ever advised of any pressure or demand on the
7 manufacturing and storage facility as a result of
8 the various activities that were taking place in
9 that facility?

10 JOHN MANCONI: Quite the opposite.
11 Alstom was touting it as their model. They wanted
12 to expand it worldwide where they would assemble
13 vehicles and maintain them.

14 And again, I don't know the exact date,
15 whether it was late 2019 or 2020, that I believe
16 there was a phone call from Alstom on that. They
17 said, We need to move out of there because there is
18 too much going on.

19 But leading up to that, I was not aware
20 of any concerns, but it was a unique model, there
21 is no doubt about that, where vehicles were being
22 assembled locally, and then put into service.

23 KATE McGRANN: Did any of the City's
24 advisors ever raise any concerns about the ability
25 of the MSF to support all of the activities and

1 demands that were being made on it?

2 JOHN MANCONI: Not that I recollect.

3 KATE McGRANN: Now, I understand that
4 RTG first applied for substantial completion in May
5 of 2019; is that what you recall?

6 JOHN MANCONI: You have to forgive me,
7 there was a lot of dates and a lot of moving -- so
8 if that is what the documentation shows.

9 KATE McGRANN: Heading into -- let's do
10 it this way. In the spring of 2019, so April, May,
11 can you speak to whether any issues were being
12 observed with the vehicles at that point in time?

13 JOHN MANCONI: Not on my level, other
14 than there was a lot of vehicles that needed to get
15 to that green status, because we have the
16 scorecard, about how many vehicles were completed,
17 and to get to green, you know, you had to be
18 literally defect-free other than minor pieces.

19 So what the RAMP room was talking about
20 was issues that were coming up, mostly minor, such
21 as door handles on the cab door, heat on either the
22 westerly or the easterly direction cab because you
23 are facing the sun, sun visors, things like that,
24 oh, windows in the cab, the operator cab, whether
25 we could customize it so that they could have fresh

1 air.

2 There was certainly a heating and
3 cooling issue in the operator cab in terms of which
4 direction the train was heading, if it was getting
5 sun all afternoon and so forth.

6 Other than that, there was nothing
7 major on the vehicles that were on the tracks that
8 was being brought to my attention. A lot of work
9 to get all the vehicles done leading up to
10 substantial completion and revenue service
11 availability.

12 KATE McGRANN: And in terms of the work
13 needed to get the vehicles done, there were
14 vehicles that were still being built?

15 JOHN MANCONI: Well, "built" is a loose
16 term. I mean, they were -- at the tail end they
17 were all built. There was things that needed to be
18 finalized in the vehicles.

19 KATE McGRANN: And when you say "at the
20 tail end they were all built", when, to your
21 understanding, were all of the vehicles built,
22 leaving aside retrofits and things like that?

23 JOHN MANCONI: We would have to check
24 the records. There is records on -- there
25 is -- Richard Holder had this specific process for

1 when he accepted vehicles and under what
2 conditions. You would have to ask him.

3 KATE McGRANN: Was it your
4 understanding that retrofits were required for the
5 vehicles all the way through trial running and into
6 revenue service availability?

7 JOHN MANCONI: There was things that we
8 agreed to that could come after the fact, and in
9 fact, there was new things that occurred after
10 revenue service such as strap hangers and things
11 like that.

12 KATE McGRANN: When you say there were
13 things that we agreed to after the fact, after what
14 fact?

15 JOHN MANCONI: So an example was I
16 believe operators were asking for a fresh air
17 window adjustment. I think that is something that
18 we all realized we could not do for the launch and
19 we said we would do that afterwards.

20 KATE McGRANN: Are you aware of any
21 other retrofits that were agreed to to the vehicles
22 before public launch to be completed after?

23 JOHN MANCONI: There is a list of those
24 that Michael Morgan would have documented. I
25 believe another example was the cab door

1 reinforcement, because the glass was -- under
2 certain conditions wasn't holding up and so there
3 was a reinforcement process. I believe there was a
4 hinge issue that was causing the glass to come
5 loose or crack.

6 KATE McGRANN: If I refer to the Minor
7 Deficiencies List, do you know what I am referring
8 to?

9 JOHN MANCONI: Yes.

10 KATE McGRANN: And it is my
11 understanding that that was a list of outstanding
12 issues that would not impact the safety, use or
13 enjoyment of the system but needed to be addressed;
14 is that a fair summary of --

15 JOHN MANCONI: I believe so, yes.

16 KATE McGRANN: Who was in charge of
17 reviewing that list on the City's side?

18 JOHN MANCONI: Michael Morgan and his
19 team.

20 KATE McGRANN: Was the IAT involved in
21 advising on the contents of that list?

22 JOHN MANCONI: They could have been
23 indirectly. Michael would have provided us a
24 summary of what would have been on that list.

25 KATE McGRANN: Can you explain what the

1 Independent Certifier's role was with respect to
2 the Minor Deficiencies List?

3 JOHN MANCONI: I don't have the exact
4 wording on what the IC would have done on that. I
5 know that they have to sign off on substantial
6 completion. I would have to refer back to -- if
7 Peter knows or back to the Project Agreement. I
8 don't have the specifics in front of me.

9 KATE McGRANN: That is okay. I am just
10 trying to understand what your understanding was.
11 We can't ask you recite the Project Agreement,
12 that's not fair. What did you understand the
13 Independent Certifier's role was with respect to
14 the Minor Deficiencies List.

15 JOHN MANCONI: I viewed it more on the
16 substantial completion on the Project Agreement. I
17 knew that we could not move forward if we didn't
18 have the Independent Certifier and the Safety
19 Certifier signatures moving forward to get to
20 eventually public revenue service.

21 KATE McGRANN: In your view, or do you
22 know, if the City and RTG agreed to place an issue
23 on the Minor Deficiencies List, could the
24 Independent Certifier reject it from that list
25 because it was more serious than the list was

1 intended to hold?

2 JOHN MANCONI: As you can appreciate,
3 it is years ago. I honestly don't remember right
4 now what the role specific to that list of the IC
5 is. I would be speculating.

6 KATE McGRANN: With respect to the
7 first failed application that RTG made for
8 substantial completion, what in your view were the
9 most -- were the main indicators that substantial
10 completion had not been achieved?

11 JOHN MANCONI: I don't recall. I would
12 have to see the documentation.

13 KATE McGRANN: Do you recall having any
14 concerns about the safety or reliability of the
15 system at the time that the first application for
16 substantial completion was made?

17 JOHN MANCONI: When was the first
18 application made?

19 KATE McGRANN: I believe it was made in
20 May of 2019.

21 JOHN MANCONI: Yeah, again, I don't
22 remember the circumstances around that. I mean, it
23 was rejected. Again, I don't recall why it was
24 rejected. Obviously, there was major things that
25 we disagreed with.

1 I can remember we would have had
2 discussions on that, but obviously there was
3 concerns. Whether they were safety concerns,
4 whether they were completion concerns, I don't
5 know. I don't recollect.

6 KATE McGRANN: Do you know -- so
7 substantial completion is achieved, I believe, on
8 July 26th of 2019. There is still matters on the
9 Minor Deficiencies List at that point in time; is
10 that right?

11 JOHN MANCONI: Yes.

12 KATE McGRANN: Were there any other
13 outstanding matters to be addressed with respect to
14 compliance with the Project Agreement other than
15 those listed on the Minor Deficiencies List?

16 JOHN MANCONI: Michael's job was to
17 grab everything that we needed to, because you have
18 one shot to do that, and I believe it grabbed
19 everything that we were aware of at the time,
20 without the ability to forecast anything that was
21 going to occur post revenue service launch.

22 KATE McGRANN: Any known issues that
23 were not captured by the Minor Deficiencies List?

24 JOHN MANCONI: Not that I am aware of.

25 KATE McGRANN: Am I right that there

1 was a period of pre-trial running in between the
2 achievement of substantial completion and the
3 commencement of trial running?

4 JOHN MANCONI: I believe there was.

5 KATE McGRANN: What was the purpose of
6 the pre-trial running?

7 JOHN MANCONI: It is part of the
8 process, and it is practising. It is to test the
9 system, test the entire regime.

10 KATE McGRANN: And how did that differ
11 from trial running or testing and commissioning?

12 JOHN MANCONI: Well, trial running you
13 are into the prescribed -- you have seen the
14 scorecards and the process on that, and it has to
15 be certified by the Independent Certifier, and
16 there was the agreement that we had reached in
17 terms of how we would measure things, what we would
18 measure and so forth.

19 I don't recollect if during pre-trial
20 Troy and the team were doing any mock scoring or
21 not.

22 But again, it is not -- you know,
23 launching a rail system is keep running your
24 systems. You want to shake out all the issues,
25 whether it is public-facing systems, whether it is

1 your SCADA, whether it is your vehicles. I know
2 the focus is always on vehicles, but it is an
3 integrated system. So you want the system to --
4 you want to exercise the lungs of the system and
5 put it through its paces.

6 So the more you run vehicles and
7 systems and so forth, the more you get to see what
8 could possibly pop up because you can't anticipate
9 this stuff. And until you get to full, live loads,
10 you'll never know what is going to come.

11 KATE McGRANN: What is a full, live
12 load?

13 JOHN MANCONI: When you go into full
14 revenue service.

15 KATE McGRANN: So --

16 JOHN MANCONI: So in our case, AM and
17 PM peak where you have got the maximum number of
18 customers on your system.

19 KATE McGRANN: When you refer to there
20 are things that you won't find out until you have
21 got the full live load, are you referring only to
22 running the system according to schedule, or are
23 you referring to running the system according to
24 schedule with the volume of passengers that
25 were --

1 JOHN MANCONI: All of it.

2 KATE McGRANN: All of it.

3 JOHN MANCONI: All of it. All the
4 touch points are touched. Because we did lots of
5 mock simulation, including our buses, through the
6 transfer stations.

7 KATE McGRANN: Were there concerns
8 about the safety or reliability of the system
9 heading into the trial running period?

10 JOHN MANCONI: Nobody raised any safety
11 issues that -- to me or to the RAMP room that I am
12 aware of. And what was the second part,
13 reliability?

14 KATE McGRANN: Reliability.

15 JOHN MANCONI: Yeah, no, the one area
16 that we had concern was were they going to when the
17 live loads came have enough technicians available
18 when there was an issue, that they would be able to
19 respond quickly.

20 KATE McGRANN: So there were concerns
21 about whether RTM was sufficiently resourced to
22 respond to issues that arose during revenue
23 service?

24 JOHN MANCONI: Not sufficiently
25 resourced. Our position was you over-resource.

1 With a system as busy as this one, our view was
2 over-resource at the front end with technicians
3 because there will be problems that nobody can
4 anticipate, and that way you can have an on-board
5 technician on the vehicle, as an example, or switch
6 technicians that can address those issues
7 immediately.

8 They did not agree with that view.

9 KATE McGRANN: And when was that view
10 first shared by the City with RTM?

11 JOHN MANCONI: Constantly. It was
12 shared many, many times in the RAMP room leading up
13 to launch. It was an advice that was given from
14 people that ran rail systems and people like myself
15 that had done openings of buildings and so forth
16 where you over-resource it. That way you can
17 address problems as they occur, because we knew,
18 anybody that has opened up a rail system, you will
19 have issues that you can never, ever, ever simulate
20 through trial running, testing, pre-trial running,
21 commission.

22 There will always be things that come
23 up post launch that you are not aware of.

24 KATE McGRANN: We are speaking in very
25 general terms right now. Did the City provide any

1 specific information or advice to RTM in terms of
2 what it would like to see by way of RTM's resources
3 on the ground to address issues that came up during
4 service?

5 JOHN MANCONI: Yes, we did. We
6 recommended to have a technician on every vehicle
7 and a technician at every switch.

8 KATE McGRANN: And the response that
9 was received to those suggestions?

10 JOHN MANCONI: No, they were not going
11 to do that. They did eventually increase a few
12 technicians for vehicles, and they at one point,
13 and I can't remember when but it was significantly
14 post launch, they added some switch technicians. I
15 believe during the opening, they may have had some
16 extra technicians floating, but we were looking for
17 assigned technicians on the vehicles and assigned
18 technicians at the switches, to which --

19 KATE McGRANN: And then -- sorry, go
20 ahead.

21 JOHN MANCONI: To which they could
22 listen to our advice, but again, this is a
23 public/private partnership and we cannot impose
24 that on them.

25 KATE McGRANN: And that advice was

1 provided in advance of the launch of public revenue
2 service?

3 JOHN MANCONI: Yes.

4 KATE McGRANN: Was it provided in
5 advance of the trial running phase?

6 JOHN MANCONI: I don't remember exactly
7 when, but it was suggested regularly and they did
8 provide some resources but not one on every
9 vehicle.

10 KATE McGRANN: You are speaking to the
11 need to over-resource so that you are prepared to
12 respond to unforeseen issues on the system.

13 JOHN MANCONI: Uhm-hmm.

14 KATE McGRANN: I would like to know
15 whether there were any known reliability issues
16 with the system heading into trial running?

17 JOHN MANCONI: There was vehicle
18 availability launching in the morning that appeared
19 to be about organization in the yard. So in other
20 words, the trains come back. You have to clean
21 them, inspect them, and then re-launch.

22 That was our -- you know, it is that
23 cadence that we were reminding them of in terms of,
24 you know, in the morning the term in rail is you
25 "make score". It means you produce the number of

1 trains, whether it is New York City or the City of
2 Ottawa, if you need 'x' number of trains, they are
3 ready to go. It was that cadence that we were
4 saying, you know, you don't seem to have that
5 cadence. Make sure that you meet those objectives.

6 So we were reminding them of the
7 importance of doing that in the morning.

8 KATE McGRANN: And so there is vehicle
9 availability issues when it comes to launching in
10 the morning, and you said that appeared to be about
11 organization in the yard.

12 JOHN MANCONI: Yes.

13 KATE McGRANN: Was it your
14 understanding that RTM was just simply not able to
15 get through the regular maintenance activities
16 required every evening in time to launch the trains
17 the next morning?

18 JOHN MANCONI: Well, that was earlier
19 on, and then during -- as you can tell by the
20 scores, they turned that around and focussed and
21 were able to do that very, very well.

22 And so they made score every day in
23 terms of the vehicle requirements. So they had the
24 skill sets. They had the resources. So they
25 obviously heeded our advice.

1 They did bring in extra resources to
2 get to the launch, and so that led to them --
3 again, it is back to they were listening to our
4 advice and that perspective paid off because they
5 were able to achieve the requirements of the trial
6 running.

7 KATE McGRANN: Other than the vehicle
8 availability and the ability to meet score, as you
9 put it, in the morning, were there any other known
10 reliability issues with the system heading into
11 trial running?

12 JOHN MANCONI: Nothing major that I can
13 recall, no.

14 KATE McGRANN: Anything about running
15 the trains through the day, anything like that?

16 JOHN MANCONI: Nothing that I can
17 recall.

18 KATE McGRANN: Vehicle failures or
19 faults on the system during the day?

20 JOHN MANCONI: Nothing that I can
21 recall leading up to that, no.

22 KATE McGRANN: Do you recall any of the
23 City's expert advisors raising any concerns about
24 the readiness of the system heading into trial
25 running?

1 JOHN MANCONI: We were all concerned
2 about what I talked about before, make sure that
3 every issue, that you have pat down, that you have
4 got it under control, doesn't re-creep into the
5 space, because that was a theme that we had seen in
6 the past.

7 They responded on the resourcing,
8 over-resourcing for the launch, so they did step up
9 technicians. They did bring in resources to make
10 sure they could get and make score every day.

11 The consistency of that was that we
12 were concerned about in terms of will they sustain
13 it, and so it was good, good dialogue, you listened
14 to our advice, you have listened to the experts.
15 Now, don't drop it down. Don't -- you know, keep
16 going with that cadence that you did during trial
17 running.

18 KATE McGRANN: As you are heading into
19 trial running, were all of the items on the
20 Go/No-Go list coded green?

21 JOHN MANCONI: No, there was a process
22 for Go/No-Go, and I don't remember exactly when,
23 but leading up to a certain period, there
24 was -- that Go/No-Go was linked to a timeline, and
25 I'm sorry, I don't remember whether it was public

1 launch or whether it was trial running. But
2 obviously leading up to that, there was -- they
3 weren't all green. There were some things that
4 were green very early on, there were some things
5 that were yellow and some things that were red.

6 KATE McGRANN: Do you recall if
7 anything was red heading into trial running?

8 JOHN MANCONI: It was green when it
9 needed to be green, whether -- I can't remember if
10 it was trial running or public launch. So whenever
11 it needed to and our process associated with that
12 Go/No-Go list, it was green when it needed to be
13 green, all of it.

14 KATE McGRANN: With respect to trial
15 running, I would like to understand how the
16 criteria that was applied at the beginning of trial
17 running and then throughout was determined.

18 So I think you mentioned earlier that
19 there was a working group, but can you just explain
20 to me how was the criteria determined for trial
21 running? And I will let you know before we get
22 into these questions, I have a copy of a 2017
23 criteria and a copy of July 2019 criteria that I
24 will show to you. I just don't want to interfere
25 with your answer.

1 JOHN MANCONI: Sure.

2 KATE McGRANN: So maybe you can start
3 generally and then we can go to the documents as
4 needed.

5 JOHN MANCONI: Sure. So when it was
6 raised to me that there was no specific criteria to
7 this trial running, my direction was very simple.
8 Get the experts in the room. Partner up with
9 OLRTC, RTG, RTM, and come up with measurable
10 criteria.

11 I was not involved in the development
12 of that document. The expertise came from those
13 that knew how to build, operate and maintain, and
14 it was done with our partner at the table. And
15 that is how that document came into being.

16 KATE McGRANN: And just so that we
17 ensure that we are speaking about the same
18 document, if you bear with me for a second. Let me
19 know if you need me to zoom in on this at all, but
20 I am showing you a document COW442401 titled -- the
21 subject of which is: "Trial Running Evaluation
22 Process" and, in quotes, "'Scorecard' Approach".

23 And the date attached at least is May
24 11, 2017.

25 JOHN MANCONI: Uhm-hmm.

1 KATE McGRANN: I am happy to scroll
2 through this so you can review it, but are you
3 familiar with this document?

4 JOHN MANCONI: In general terms, yes.

5 KATE McGRANN: And is this the document
6 that you were referring to when you said that
7 people got together in a room from the City, RTG
8 and its subcontractors and agreed to criteria?

9 JOHN MANCONI: Yeah, again, as you can
10 appreciate, at the General Manager level I wasn't
11 involved in documents. I set the direction to say
12 I want measurable criteria so that we -- both
13 parties come out and we can demonstrate that we
14 have achieved the trial running period.

15 KATE McGRANN: Do you know how long it
16 took the parties to come up with this criteria?

17 JOHN MANCONI: I don't. There was a
18 lot of work that was done with it because most --
19 one of the things I learned was that most people
20 don't have any criteria.

21 KATE McGRANN: Could you tell me what
22 you mean by that?

23 JOHN MANCONI: Some agencies just run
24 the trains, and then when they say we think we are
25 good to go, they are good to go. We wanted

1 measurable criteria to it, and that was an
2 eye-opener for me. So we put criteria to it.

3 But I don't know how long this took to
4 get to where -- it took -- they had a lot of
5 dialogue on it and a lot of perspectives.

6 KATE McGRANN: When you say that others
7 do not have criteria, are you aware of any projects
8 in which the responsibility is divided in the way
9 it is on this one, being a DVFM, in which there is
10 no trial running criteria?

11 JOHN MANCONI: I am not aware. I don't
12 know. I am not an expert in that area.

13 KATE McGRANN: Did any of the City's
14 expert advisors review and approve this criteria on
15 behalf of the City?

16 JOHN MANCONI: Well, I know, for
17 example, Joe North was involved in that. I know
18 the RAMP room folks, we talked about it often in
19 terms of the scores. We saw -- our job was to
20 receive the scorecard on a daily basis when we were
21 doing this, so there was lots -- I can't -- I don't
22 know who was involved in it, but I know that people
23 like Joe North were involved, and I see names on
24 here that I am familiar with.

25 KATE McGRANN: You have jumped ahead of

1 me a little bit to the scoring. I am still in 2017
2 when the criteria is being decided upon.

3 JOHN MANCONI: Sure.

4 KATE McGRANN: Did you take a look at
5 this criteria when it was finalized and agreed to
6 by the parties?

7 JOHN MANCONI: No, I was told there was
8 a fully documented program in place, and I asked if
9 everybody was satisfied with it.

10 KATE McGRANN: Was it your
11 understanding when this criteria was -- first of
12 all, it looks like this criteria is finalized in
13 2017. Is that accurate?

14 JOHN MANCONI: I heard of two
15 situations which came up. One was Mr. Scrimgeour
16 wanted some changes done to it which I immediately
17 said, Go and speak, and if it is material, I want
18 to hear it back. If it is not material, it is not
19 something that needs to be escalated.

20 And then there was some dialogue about
21 who had signed off which version at what time.

22 KATE McGRANN: And is this all in 2017?

23 JOHN MANCONI: No, I believe the
24 version was very late in the process, as was
25 Mr. Scrimgeour's comments.

1 KATE McGRANN: So just sticking for the
2 moment with this 2017 criteria, was it your
3 understanding that this criteria was finalized in
4 2017?

5 JOHN MANCONI: We set up the RAMP room.
6 We did up the calendar. And the dialogue was
7 always we have a process to measure trial running.

8 KATE McGRANN: And was it your
9 understanding that the document that we are looking
10 at here was the process?

11 JOHN MANCONI: I can't confirm that
12 that is the document. Obviously at the General
13 Manager level I'm asking is everything in place to
14 proceed to where we need to get to. And I
15 don't -- I depend on my experts and my technical
16 leaders to provide us what we need to ensure at the
17 program level we have everything in place.

18 KATE McGRANN: At any point prior to
19 the commencement of trial running, did anybody
20 raise with you that there wasn't a finalized trial
21 running process and so that needed to be addressed?

22 JOHN MANCONI: No, it came up. I don't
23 remember exactly when and it could have even been
24 during trial running that the final version had not
25 been signed off, to which I said immediately get it

1 signed off because we are using the trial running
2 process.

3 KATE McGRANN: Did you have a general
4 understanding heading into trial running as to what
5 the requirements were with respect to, for example,
6 the number of days that needed to be pass days in
7 order to achieve trial running?

8 JOHN MANCONI: 96 percent 9 days out of
9 the 12.

10 KATE McGRANN: Did you say 6 percent?

11 JOHN MANCONI: 96.

12 KATE McGRANN: 96 percent --

13 JOHN MANCONI: 9 out of 12 days.

14 KATE McGRANN: 96 percent of what?

15 JOHN MANCONI: Of the score for I
16 believe it is the peak volume periods. There is a
17 definition of all those terms.

18 Remembering that the score is across a
19 bunch of lenses, there is station availability,
20 there is customer-facing elements. I can't
21 remember all of them. You would have to scroll
22 down, but I believe there is five or six buckets.

23 And then there is certain criteria that
24 you can fail a day on automatically. And then
25 there is a minimum threshold. I believe it was 94

1 percent, no lower than 94 percent, something like
2 that.

3 Again, it is many years ago. I would
4 have to go back and refresh my memory.

5 KATE McGRANN: So trial running is run
6 in July of -- well, July and August of 2019, right.
7 Your understanding from the very first day of trial
8 running is that it is 96 percent on 9 out of 12
9 days?

10 JOHN MANCONI: That is what the
11 documentation had, and that is what the experts
12 were supposed to be measuring against, yes.

13 KATE McGRANN: And I just want to make
14 sure that your answer is clear. Did you understand
15 from day one of trial running that the objective
16 was 96 percent 9 out of 12 days?

17 JOHN MANCONI: I believe I do. That
18 was way back then, yes.

19 KATE McGRANN: And at any point prior
20 to trial running, did you ever sit down with the
21 written criteria and take a look at it to
22 familiarize yourself with the criteria as you head
23 into this critical time for the system?

24 JOHN MANCONI: I was depending on all
25 the people around me to bring forward what was

1 documented and signed off on in terms of the
2 testing regime.

3 KATE McGRANN: Did you review the
4 criteria before trial running started?

5 JOHN MANCONI: No, I was explained how
6 the trial running would run, and that there was a
7 group that had been assembled in accordance with
8 this document and that there was a scorecard that
9 would be produced daily to the RAMP room in terms
10 of pass or fail and the scores.

11 KATE McGRANN: But at no point before
12 the start of trial running did you review the
13 criteria as it was written?

14 JOHN MANCONI: I may have. I reviewed
15 thousands of documents, hundreds of documents. I
16 may have read this. I don't recollect. It was not
17 my job to review or to sign off on that. The
18 signing authority was others. But I may have read
19 it. I don't recall if I did or did not.

20 KATE McGRANN: Who briefed you on the
21 trial running criteria before the start of trial
22 running?

23 JOHN MANCONI: I believe we had a
24 briefing in the RAMP room, so we all knew. Again,
25 many, many months in advance, there was a -- what I

1 was constantly told was there was a structured
2 process for the measurement. There would be a
3 scorecard. There would be a team, and there was a
4 documented process as to what that criteria was and
5 how to score it.

6 KATE McGRANN: And I am going to show
7 you a different document, if my computer will let
8 me. So this is a document titled "Trial Running
9 Test Procedure". It is -- it has got a document
10 number that I won't read out because it is long,
11 "Rev[ision]: Final Rev02", dated July 31st, 2019,
12 and for the record, this is OTT377178.

13 This is a 19-page document. I am happy
14 to scroll through it to give you an opportunity to
15 review it. I am just going to move through it
16 briefly now.

17 My question for you is have you seen
18 this document before?

19 JOHN MANCONI: I have glanced at it,
20 yes.

21 KATE McGRANN: Did you see this
22 document at any point prior to or during trial
23 running of the system?

24 JOHN MANCONI: I may have. Again,
25 there was a lot of documentation on a multi-billion

1 dollar system. I may have. I don't know.

2 KATE McGRANN: You mentioned that
3 Mr. Scrimgeour said to you at some point that he
4 wanted to make some changes to the trial running
5 criteria; have I got that right?

6 JOHN MANCONI: No, he said it to the
7 RAMP room.

8 KATE McGRANN: Oh, he said it to the
9 RAMP room?

10 JOHN MANCONI: Yes.

11 KATE McGRANN: And do you remember
12 approximately when he raised this desire?

13 JOHN MANCONI: It was during -- I
14 believe it was during trial running, and when he
15 started to explain it, it seemed very minor. It
16 wasn't about -- I don't even remember what it was
17 about, to which I quickly said, Take the discussion
18 offline. If it is material and significant,
19 obviously we need to hear about it.

20 KATE McGRANN: Do you remember what the
21 reaction to the others in the RAMP room was to
22 Mr. Scrimgeour suggesting that changes be made to
23 the trial running criteria during the trial running
24 period?

25 JOHN MANCONI: I think we were all what

1 exactly is it that you need, and that is, you know,
2 how the discussion started. It didn't sound
3 significant in nature. That is why I said, Take it
4 offline and come back if it is significant.

5 KATE McGRANN: And did he come back to
6 you?

7 JOHN MANCONI: I can't remember exactly
8 when, but I asked if the issue was resolved and the
9 issue was resolved.

10 KATE McGRANN: And did you ask for any
11 details about it?

12 JOHN MANCONI: I don't recall. I am
13 sure I would have.

14 KATE McGRANN: During the time that
15 trial running was taking place, did you ever learn
16 that changes had been made to the criteria that
17 were being applied?

18 JOHN MANCONI: I had learned that the
19 final documentation which reflected the 96, 9 out
20 of 12, had not been signed off and, you know, I put
21 that in parentheses, and that I immediately
22 instructed the team to document it and so forth,
23 which -- you know, because there was some
24 confusion.

25 RTG at one point, some members of their

1 team were tracking to 98 percent, and that led to
2 dialogue to which I immediately said, Well, what
3 does the document say, and that is when I learned
4 it wasn't signed off and I immediately instructed
5 them to sign it off.

6 KATE McGRANN: Who did you understand
7 had not signed off on the criteria?

8 JOHN MANCONI: My understanding of it
9 was Richard Holder said, No, there was some
10 discussion that we had done and we didn't sign off
11 the final revisions, to which I said, What are
12 those final revisions? Again, if they are
13 substantial, I want to know about it.

14 But that is when the topic of is it 96
15 or 98 percent started to occur. And as we all
16 know, it was always set at 96 percent from dating
17 back to 2017. And that is when I instructed them
18 to sign off on it and finalize it.

19 Whoever was working on this, I
20 immediately instructed at the time, I believe
21 Michael Morgan -- well, Michael Morgan was in
22 charge. I said, Get the people in the room
23 together immediately to sign off on this.

24 KATE McGRANN: Was the issue raised by
25 Mr. Scrimgeour related to the issue raised by

1 Mr. Holder? Was this all part of the same
2 conversation?

3 JOHN MANCONI: I don't recall. To be
4 frank, Mr. Scrimgeour's issue seemed very minor and
5 trivial. It had something -- I believe it had
6 something to do with stations, and to the point
7 where I said, That sounds very immaterial, but go
8 and sort it out and get back to me.

9 And that is how I work in terms of the
10 governance of that group, was if there was
11 substantial changes, they needed to come back to
12 that group, so I don't believe -- Mr. Holder's
13 comments was about, you know, we had the criteria,
14 but we didn't sign all this off in terms of
15 everybody's signature on it, so they were
16 instructed to fix that immediately.

17 KATE McGRANN: Walk me through how the
18 concern identified by Mr. Holder was first brought
19 to your attention.

20 JOHN MANCONI: I don't -- all I
21 remember was we were in a meeting and the words
22 came out that we hadn't -- and this is someone
23 speaking said, We didn't sign off on the final
24 document, to which I said, What do you mean you
25 didn't sign off on it? Well, the signatures aren't

1 on it. It was described as we didn't sign off on
2 it. I said go and sign off on it, because as you
3 can tell, we have a very rigorous documentation
4 management process.

5 KATE McGRANN: So the concern was that
6 the City hadn't signed off on it? RTG had, but the
7 City had not?

8 JOHN MANCONI: I don't know who had
9 signed off and who hadn't. At that point, I didn't
10 care. I said, I want a fully executed signed-off
11 document on file that is crystal clear that both
12 parties agreed to in terms of the criteria.

13 KATE McGRANN: And what documenting of
14 that process was done?

15 JOHN MANCONI: The documents that you
16 are presenting here.

17 KATE McGRANN: This document here, the
18 2019 document?

19 JOHN MANCONI: So that and whatever
20 else needed to come out of it in terms of the score
21 sheets and all of it. I don't know the scope of
22 work that they did. All I know -- or our
23 requirement was that when we were in this space, we
24 needed to have a clear path on what both parties
25 agreed to.

1 And when I heard that the final
2 signatures had not been on, I said, Go and execute
3 and make sure they are all signed off. So I don't
4 know if that is the final, final one that they said
5 wasn't signed and then went back and signed and so
6 forth. But it is full documentation was the
7 requirement.

8 KATE McGRANN: Explain to me, were you
9 involved in the evaluation of trial running at all?

10 JOHN MANCONI: No.

11 KATE McGRANN: Were you tracking the
12 progress of the trial running procedures and things
13 like that?

14 JOHN MANCONI: There was a huge
15 calendar in the RAMP room on the right-hand side,
16 and every single day we would put the score and
17 whether it was a pass or a fail.

18 KATE McGRANN: Had you seen a copy of
19 the scorecard?

20 JOHN MANCONI: They would show -- they
21 would flash the scorecard to us in the RAMP room,
22 yeah.

23 KATE McGRANN: And --

24 JOHN MANCONI: Because they were
25 meeting -- the procedures were, they were --

1 remember, I believe there is a protocol on the
2 team, a 30-minute meeting, scoring and so forth,
3 and they would then come to the RAMP meeting. We
4 laid all that out in terms of when they would be
5 doing the scoring. Their job was to come into the
6 RAMP room to say pass or fail and the score.

7 KATE McGRANN: You said they would
8 flash the scorecard. Did they show it to you for
9 long enough that you could review the results?

10 JOHN MANCONI: Sure, I looked at it and
11 asked -- particularly on the fail, I wanted to know
12 where did they fail and what were the challenges.

13 And it was a -- it was a verbal walk-on
14 presentation from Troy and the team saying, here is
15 the score; here is what went well; here are the
16 challenges; here is what didn't go well. And
17 obviously on the fail days we wanted to know
18 exactly what occurred.

19 KATE McGRANN: Did you have the
20 opportunity to affect the scoring of each day's
21 results?

22 JOHN MANCONI: Absolutely not.

23 KATE McGRANN: Was there ever any
24 discussion about, for example, whether a day would
25 be counted as a pause or a restart that you were

1 involved in?

2 JOHN MANCONI: I recollect on the pause
3 they came in and said we might move to a pause day.
4 There was some discussion on that. And other than
5 that, that is -- their job was to report to us was
6 it a pass or a fail and, again, debrief on what
7 went well and what didn't go well.

8 KATE McGRANN: So you are reviewing the
9 scorecard every day. Did you have sufficient time
10 to ask any questions you had about the scores and
11 have them answered?

12 JOHN MANCONI: Absolutely. Everybody
13 in the RAMP room could ask any question.

14 KATE McGRANN: Were you reporting on
15 the daily results to anybody else such as
16 Mr. Kanellakos or the Mayor?

17 JOHN MANCONI: I remember I was
18 reporting to Mr. Kanellakos. I think it was a
19 phone call. I don't recollect exactly. And I
20 think I was just saying whether it was a pass or a
21 fail.

22 KATE McGRANN: Were you providing him
23 with any details in addition to whether it was a
24 pass or a fail?

25 JOHN MANCONI: I don't recall. I know

1 when we wanted to pause, we had a discussion about
2 that.

3 KATE McGRANN: I am going to show you
4 the package put together by the Independent
5 Certifier at the end of trial running. So bear
6 with me.

7 So this is a 31-page document, the
8 cover letter dated August 23, 2019, from Altus
9 Group to Michael Morgan, the City Representative,
10 regarding "Validation of Trial Running Acceptance".
11 Have you seen this letter before?

12 JOHN MANCONI: Yes.

13 KATE McGRANN: And then on the third
14 page in titled "TRRT Conclusion of Trial Running
15 Statement"; have you seen this page before?

16 JOHN MANCONI: Yes.

17 KATE McGRANN: The second paragraph,
18 which reads:

19 "As peak service performance
20 was achieved over several days, the
21 TRRT agreed to reduce the peak
22 service fleet size to 13 from 15
23 trains to accommodate a revised
24 Service Plan as agreed to by the
25 Parties."

1 What can you tell me about how that
2 agreement was reached?

3 JOHN MANCONI: So during the trial
4 running, Mr. Scrimgeour brought up the fact that we
5 did not need 15 trains, to which I said, We don't,
6 why not? And he said, Because that was based on
7 way back during the planning of this whole program
8 we were at 100 million -- 101 million passengers
9 and they were projecting the same rate of growth
10 five, six years later after construction, which
11 would have put us well over the 100 million mark.

12 Our ridership at the time I believe was
13 around 96 million because we had dipped, and to
14 which he said, We do not need all those trains out
15 there. And so we agreed that we could go to 13
16 trains for peak service based on his expertise and
17 his input.

18 KATE McGRANN: And even if you could go
19 there for peak service, why not continue to require
20 15 to see if the system can do it?

21 JOHN MANCONI: Well, we did during
22 trial running. They did do 15 trains. There was
23 days they scored very, very well with 15 trains, so
24 as I shared at my briefing to Council that we did
25 see them exercise the 15 trains so we knew we could

1 do it. And we also know that we only needed 13
2 trains, so we did do both.

3 KATE McGRANN: And then I guess my
4 question to you is why not just continue to require
5 during trial running 15 trains all the way through?

6 JOHN MANCONI: We had seen the 15
7 trains. They did well. They even did well on the
8 back end where, you know, they achieved the 9 out
9 of the 12 then they kept going.

10 And in terms of moving into the revenue
11 service, we didn't need the 15 trains. Remembering
12 there was a Minor Deficiency List including
13 vehicles, this would give them extra trains to
14 address those deficiencies in a timely manner. It
15 was our expectation and our hope that they would do
16 that, so it would give us extra spares.

17 And when you are in the train business,
18 the more spares, the better, so that if you do have
19 someone that gets sick on a vehicle and you need to
20 pull the train out, you have got an extra spare
21 vehicle. The spare ratio on this system was very,
22 very light. We had one hot spare and one
23 maintenance vehicle spare.

24 So this was about doing the right thing
25 from a capacity-wise and also providing you

1 additional buffer for spare and for deficiency
2 catch-up.

3 KATE McGRANN: Now, as I understand
4 your evidence, part of the way through trial
5 running, Mr. Scrimgeour pops up and says, We don't
6 need 15 trains, and that is the first time that you
7 have heard that; is that right?

8 JOHN MANCONI: Absolutely.

9 KATE McGRANN: And so the idea is just,
10 okay, we'll drop it down to 13. Was that decision
11 triggered in any way by any -- like by any
12 conversations with RTG?

13 JOHN MANCONI: No. So what followed
14 was, Tell me more. Tell the RAMP room more. Tell
15 the experts more. Tell everybody more,
16 Mr. Scrimgeour. Why would we do this?

17 And then, experts being experts, led to
18 exactly what I just shared with you, that this will
19 enable us to have additional spares. It will
20 enable Alstom, we had hoped at the time, to get
21 through those remaining vehicle deficiencies in a
22 timely manner, and provide the City with an extra
23 layer of buffer for incidents on trains,
24 remembering you can never anticipate things going
25 wrong until you get into full loads and we would

1 have had and we did have the additional vehicles to
2 address issues during full revenue service
3 post-launch.

4 KATE McGRANN: Were there concerns
5 about Alstom's ability to deal with the outstanding
6 issues on the trains if the number of trains in
7 peak period was not dropped from 15 to 13?

8 JOHN MANCONI: In hindsight? Probably.
9 Again, this was us just forecasting on -- we knew
10 we had a vehicle deficiency list, and we wanted to
11 knock those off very quickly. We knew, and this
12 came from the experts, that the spare ratio for a
13 small fleet like ours that was going to be busy was
14 very, very light.

15 So it was -- again, I heard from the
16 experts and my technical staff that this -- A, we
17 didn't need the capacity; B, this would help knock
18 off the deficiency list; and C, it would give the
19 City more flexibility to address train issues post
20 launch.

21 KATE McGRANN: You mentioned a vehicle
22 deficiency list. Were you referring to the Minor
23 Deficiencies List, or was there something else?

24 JOHN MANCONI: Yeah, yeah, no the
25 things on the list that went to them in terms of

1 deficiencies.

2 KATE McGRANN: I asked you if there
3 were concerns about whether Alstom would be able to
4 resolve the vehicle issues and the Minor
5 Deficiencies List if the number of trains was not
6 dropped from 15 to 13, and you answered with the
7 benefit of hindsight.

8 At the time, during trial running, were
9 there concerns that Alstom was going to have
10 difficulty addressing the vehicle-related issues on
11 a Minor Deficiencies List if the number of trains
12 was not reduced?

13 JOHN MANCONI: At that time, no,
14 because they had stepped up their cadence. They
15 had put extra resources. They had brought those
16 techs that we talked about, and they had done --
17 you know, through that sense of urgency, they
18 really brought things together. You know, the
19 analogy I often bring, it is like a restaurant
20 opening, at the last minute everything comes
21 together if you have got the right team.

22 And they had brought the right team,
23 and at that point in time we believed that had if
24 we didn't need the capacity, this would help them
25 deal with those deficiencies and get the

1 reliability consistent to address issues when they
2 occurred and so forth.

3 Again, that is that point in time, not
4 anticipating, not knowing the ability to see what
5 was going to happen post launch of things that
6 never came up during the trial running.

7 KATE McGRANN: I am going to scroll
8 down and just show you the scorecard from the first
9 day of trial running, so it is Monday, July 29th.

10 JOHN MANCONI: Okay.

11 KATE McGRANN: And if you look
12 at -- you had told me that your understanding of
13 trial running was that it was 96 percent, 9 out of
14 12 days?

15 JOHN MANCONI: Correct.

16 KATE McGRANN: Is the percentage that
17 you are referring to the "AVKR (average over 12
18 days)" number that we see on the scorecard?

19 JOHN MANCONI: I believe so, yeah.

20 KATE McGRANN: So the scorecard is 98
21 percent average over 12 days.

22 JOHN MANCONI: Uhm-hmm.

23 KATE McGRANN: So can you help me how
24 that -- help me understand how that aligns with
25 what you understood the criteria was throughout

1 trial running?

2 JOHN MANCONI: Somewhere during the
3 process somebody had come up with 98 percent. That
4 was not the original criteria. And I mentioned
5 earlier on that, you know, people on the RTG folks
6 side of things were striving for 98 percent, to
7 which when I heard about this confusion was it 98
8 or 96, I said, The number is? And everybody said,
9 It is 96. Well, address it and it has to be 96.
10 We are not -- you know, Alstom -- RTG would have
11 loved to go to 98. They were trying to get to 98.
12 And then I speak about that in my notes to Council.

13 But the pass/fail criteria was the 96
14 that was originally envisioned.

15 KATE McGRANN: I don't think you have
16 mentioned any confusion yet over what the
17 requirement was. You have mentioned Mr. Holder
18 raising concerns that a document was not properly
19 signed off on, and you instructed that it be signed
20 off on.

21 Tell me about the confusion that you
22 identified about the scoring and what the threshold
23 was.

24 JOHN MANCONI: Yeah, no, I was
25 mentioning earlier on that I believe it was Mr.

1 Lauch at one of the meetings talked about is
2 it -- sorry, I thought I turned these messages off.

3 I said, What do you mean 98 percent?
4 And then that led to the discussion of is it 98 or
5 96? It was always 96 and we were going to measure
6 to 96.

7 So that came up at one of the meetings.
8 I don't remember exactly when. Again, in terms of
9 our governance, I said, What does the agreement
10 say? That is when it led to, Oh, we didn't sign
11 off on all that final stuff. Okay, but it was
12 always 96, 9 days out of 12. Everybody agreed to
13 that. I said I want it fully document so that we
14 can demonstrate that we have done what we always
15 intended to do.

16 KATE McGRANN: I am finding it a little
17 bit difficult to follow how this all unrolled. So
18 I don't believe that you mentioned Mr. Lauch's
19 involvement in this before. Could you just walk me
20 through as best you recall how the discrepancy
21 between the 98 and the 96 percent first came to
22 your attention and everything that followed.

23 JOHN MANCONI: Certainly. The scoring
24 team would do their scoring, of which Mr. Lauch and
25 I believe -- sorry, I don't remember his director's

1 name right now. They were on the scoring team.
2 They would come to the RAMP room, present the
3 scoring.

4 And at one of those meetings the 98/96
5 percent discussion bubbled up. I don't remember
6 how it bubbled up. I don't remember why it bubbled
7 up. But I said, What does the agreement speak to?
8 What was our original agreement? And it was 96
9 percent. We were -- and I wanted it addressed and
10 I wanted it addressed the minute I found out about
11 it.

12 KATE McGRANN: And what do you recall
13 Mr. Lauch contributing to this conversation?

14 JOHN MANCONI: Just that when someone
15 is -- I believe it was Richard Holder said, Yeah,
16 we didn't sign off on the finer final little
17 pieces, and Mr. Lauch said, Yeah, I think we were
18 measuring to 98 and we should have been measuring
19 to 96.

20 And at that point in time, I didn't see
21 it as a problem. You are going to a higher score.
22 It wasn't like we were going to a lower score.

23 KATE McGRANN: Sorry, you understood
24 that going from 98 to 96 was going to a higher
25 score?

1 JOHN MANCONI: They were trying to
2 achieve a higher score than what we had originally
3 agreed to.

4 KATE McGRANN: And why would you
5 not -- why would the City not want to see its
6 private partner achieve the higher score, if that
7 is what they wanted to do?

8 JOHN MANCONI: Well, in fact, they did
9 on certain days, but the agreement we had in place
10 that was developed by those experts that were
11 tasked with developing that sheet, that score,
12 recommended and everybody agreed to 96 percent 9
13 days out of 12, with the lower threshold of 94.

14 KATE McGRANN: At any point during the
15 conversation or otherwise, did anybody say that
16 they didn't want to try for the 98 percent?

17 JOHN MANCONI: Nobody, and in fact, if
18 you look at -- I believe there was numerous days
19 that they exceeded 98 percent. I think one day
20 they may have hit 99.

21 KATE McGRANN: So help me understand if
22 that is the case why the City would agree to drop
23 it to 96?

24 JOHN MANCONI: We did not drop it to
25 96. We stayed with what we agreed to from the

1 professionals and the technical people that worked
2 for me recommended was the appropriate score for
3 our system for them to be measured upon.

4 KATE McGRANN: And other than --

5 JOHN MANCONI: We did not drop it.

6 KATE McGRANN: And you are looking at
7 the scorecard every day?

8 JOHN MANCONI: I am hearing the results
9 every day. I am not looking through every line. I
10 am not analyzing it. I have experts to pay -- that
11 were paid to do that. I was hearing pass/fail, and
12 as I said before, if it was a fail, I really wanted
13 to know where they failed.

14 KATE McGRANN: Were you provided with a
15 copy of the scorecard every day outside of the RAMP
16 meeting?

17 JOHN MANCONI: Outside of the meeting?

18 KATE McGRANN: Yes.

19 JOHN MANCONI: Not that I recollect,
20 no.

21 KATE McGRANN: And during the meeting,
22 you are telling me that you did not review the
23 scorecard top to bottom to see what the results
24 were?

25 JOHN MANCONI: There was days that we

1 looked at it, they spoke to me about it. They may
2 have even been passing out copies. I don't recall.
3 It was a long time ago, but I wanted to know
4 pass/fail, what was the score, and what were the
5 issues.

6 KATE McGRANN: Did you understand that
7 any other -- that there was confusion about any
8 other aspect of the criteria for trial running at
9 any point during the trial running period?

10 JOHN MANCONI: Nobody brought any other
11 matter to my attention.

12 KATE McGRANN: Number of days that
13 criteria needed to be achieved, did you understand
14 there was any confusion about that or any change to
15 that?

16 JOHN MANCONI: The only two confusion
17 points that I recollect was Mr. Scrimgeour raising
18 the issue about stations and this discussion about
19 we are measuring to a higher level than what we had
20 agreed to.

21 KATE McGRANN: Anybody ever mention to
22 you that you were shooting for 12 consecutive days
23 as opposed to 9 out of 12 days?

24 JOHN MANCONI: There were people, and I
25 am speculating, I think people thought 12 out of 12

1 had to be the goal, and it could have been, I don't
2 know.

3 KATE McGRANN: What is the basis for
4 that speculation?

5 JOHN MANCONI: Oh, because of the
6 constant use of 12 days of running. I know there
7 was people that thought we had to run 12 days with
8 full fleet when really, if you look at the detail,
9 as you know, there is -- it is a schedule and there
10 is days we run -- there is off peak, we run 11, we
11 run 7, we run 3. It was to exercise the entire
12 schedule, and it was more than just vehicles.

13 KATE McGRANN: I'm sorry, when you say
14 that there are days that you run 11, you run 7, you
15 run 3, are you referring to days within the trial
16 running?

17 JOHN MANCONI: Parts of the day, yes,
18 because you scale up and you scale down, right.
19 You go for morning peak, and then you drop down
20 midway, and then you ramp back up and you are
21 exercising the system.

22 Sunday service I believe is 10 trains.
23 Off peak service during the day is 11. And at
24 nighttime we go down to 11, 7 and I believe at one
25 point 3, so you had to exercise all that.

1 KATE McGRANN: When it was clarified
2 that the criteria that would be applied is the 2017
3 criteria that we looked at earlier in COW442401, do
4 you recall if any steps were taken to document that
5 decision on the criteria?

6 JOHN MANCONI: Probably. We had people
7 doing recordkeeping in the RAMP room. I don't
8 know. Again, I had people managing all that for
9 me.

10 KATE McGRANN: You are not aware of
11 whether any steps were taken to document that
12 criteria being agreed to by everybody?

13 JOHN MANCONI: Well, they were directed
14 to sign whatever needed to be signed and make sure
15 it was documented was the direction I gave.

16 KATE McGRANN: I am going to show you a
17 different document. So this is document COW158931.
18 It is an August 16th, 2019, letter from RTG to
19 Michael Morgan. Have you seen this document
20 before?

21 JOHN MANCONI: I may have.

22 KATE McGRANN: Do you want to take a
23 second to read it and see if you remember it? Let
24 me know when you are done.

25 JOHN MANCONI: [Witness reviews

1 document.]

2 Okay, that page is done.

3 KATE McGRANN: Okay.

4 JOHN MANCONI: Okay.

5 KATE McGRANN: Do you remember seeing
6 this document on or about August 16th of 2019?

7 JOHN MANCONI: No.

8 KATE McGRANN: Do you remember seeing
9 this document any time before today?

10 JOHN MANCONI: I may have.

11 KATE McGRANN: So it sounds to me like
12 the answer is no, you don't remember seeing it?

13 JOHN MANCONI: I have seen so many
14 documents. I may have seen this. I believe I have
15 seen this recently, but I don't recall.

16 KATE McGRANN: Do you recall ever
17 learning that the trial running criteria was
18 memorialized in a letter from RTG to the City as
19 part of the process?

20 JOHN MANCONI: Well, I believe this was
21 part of my direction. It appears to be the
22 direction that I set in terms of get it finalized
23 and documented. I don't remember the -- what is
24 the date on this one? Does this fit in in terms of
25 during the trial period?

1 KATE McGRANN: So this document is
2 dated August 16th, 2019. The letter from the
3 Independent Certifier that we were looking at a
4 second ago stated that trial running was conducted
5 from July 29th to August 22nd of 2019.

6 JOHN MANCONI: Yeah, so that fits in.

7 KATE McGRANN: It is a date within the
8 trial running period for sure.

9 JOHN MANCONI: Correct, so it fits in
10 with what I was just talking about where I gave
11 direction to make sure that everything is
12 documented in accordance with the decisions.

13 KATE McGRANN: Are you aware of any
14 other documentation of the decisions with respect
15 to the trial running criteria?

16 JOHN MANCONI: As I said before, there
17 was minute-takers. There was lots of documentation
18 on this program that could have been. But in terms
19 of this decision, this lines up with what I was
20 just explaining in terms of ensuring we are
21 documenting.

22 KATE McGRANN: Were there minute-takers
23 in the RAMP room when you were receiving updates on
24 the scoring of the previous day every day?

25 JOHN MANCONI: There probably were,

1 yes. We had resource-loading for minute-takers.

2 KATE McGRANN: I would like to ask you
3 some questions about the decision to pause trial
4 running, so I'll stop sharing the screen for the
5 moment.

6 I understand that you prepared a draft
7 memo to Council that reported on performance over
8 the first three days of trial running and the
9 decision to pause thereafter; is that right?

10 JOHN MANCONI: Correct.

11 KATE McGRANN: I don't know that we
12 have received a copy of that memo. Mr. Wardle,
13 could you provide us with a copy, or if it has
14 already been provided, would you please let us know
15 under what doc ID?

16 U/T PETER WARDLE: Yeah, it has been
17 provided to you. It may -- it just may have been
18 difficult to find. But my understanding is we have
19 provided it. We'll get you the document number.

20 KATE McGRANN: Okay, thank you. What I
21 have got right now is a quote from a media article
22 from that memo that says that part of the memo
23 stated that:

24 "Performance over the first
25 three days of trial running has

1 resulted in the joint decision to
2 pause the ongoing system
3 assessment." [As read.]

4 Can you speak to me about what it was
5 about the performance over the first three days
6 that led to discussions about pausing?

7 JOHN MANCONI: We would have to go back
8 to the scorecards for those, but obviously things
9 that probably weren't passing is my recollection of
10 it right now. We would have to go back and look.

11 And the agreement, as you probably
12 know, provides an opportunity to pause. Both
13 parties discuss it. And we had discussed it. The
14 request had come to us. We had discussed it in the
15 RAMP room, and we made a decision to pause.

16 KATE McGRANN: So a couple of things in
17 there. How did -- the notion of a potential pause,
18 who first raised that?

19 JOHN MANCONI: It was the OLRTC, RTM,
20 RTG team.

21 KATE McGRANN: And how was it raised?

22 JOHN MANCONI: They raised it and I
23 believe it was at a RAMP meeting. They said
24 obviously if things were not passing, there is a
25 provision for pause. We would like to pause. I

1 looked at my team and I said, Is that congruent
2 with the terms? And they said, Yes, there is a
3 pause clause in there and they asked to exercise
4 that, and we agreed, and we granted the pause.

5 KATE McGRANN: I am going to give you
6 the opportunity to review the scorecards for the
7 first few days right now to help refresh your
8 memory.

9 JOHN MANCONI: Okay.

10 KATE McGRANN: So just let me know when
11 you need me to scroll down?

12 JOHN MANCONI: Okay, you can scroll
13 down there. So that is day one, right? Day one
14 was a fail, right?

15 KATE McGRANN: Yes.

16 JOHN MANCONI: This is -- it says
17 Tuesday, but it says "Trial Running Day #: 1", so
18 is that day two?

19 KATE McGRANN: I would assume that
20 because it is a fail on day one, they are starting
21 again on day one --

22 JOHN MANCONI: Oh, yes, got it.

23 KATE McGRANN: Is that fair? Is that
24 right?

25 JOHN MANCONI: Yeah, I believe that is

1 what they did, yes. So was that a pass? Yeah,
2 that was a pass? And can we get to the bottom
3 there?

4 KATE McGRANN: This is coded as a
5 "Repeat", as far as I can tell.

6 JOHN MANCONI: A repeat, yes.

7 KATE McGRANN: Just tell me when you
8 want me to scroll up, I want to make sure you have
9 time to read all this.

10 JOHN MANCONI: [Witness reviews
11 document.]

12 That is good.

13 That is a restart. Okay.

14 KATE McGRANN: So those are the
15 scorecards for the first three days.

16 JOHN MANCONI: Yes.

17 KATE McGRANN: The RAMP meeting that
18 you described, is that one of the -- is this a
19 meeting in which you are briefed on the results of
20 the previous day or is it a different RAMP meeting?

21 JOHN MANCONI: I would assume so. I
22 mean, it was a meeting where the request to pause
23 came up.

24 KATE McGRANN: And when you say it is a
25 RAMP meeting, is it that it is a meeting in the

1 RAMP room, or is it a meeting of everybody in the
2 RAMP program?

3 JOHN MANCONI: Well, remembering at
4 this point in time we are literally living in the
5 RAMP room. We are there all day.

6 And so whether it was a point where the
7 restart came or whether it was, Hey, we want to
8 meet, anything associated with the launch of the
9 system, we were meeting in the RAMP room and we
10 were actually resourced, if we needed to, to go
11 24/7. So they were very long days.

12 So we were in the RAMP room when the
13 request to pause came up.

14 KATE McGRANN: Do you remember who
15 specifically raised the request to pause?

16 JOHN MANCONI: I don't. I believe it
17 may have been Peter, but I don't recall
18 specifically.

19 KATE McGRANN: And when you say
20 "Peter", you mean Peter Lauch?

21 JOHN MANCONI: Peter Lauch it could
22 have been, yeah.

23 KATE McGRANN: And what was the
24 response to that request?

25 JOHN MANCONI: Well, I immediately

1 asked, Is there a provision for a pause? Again, I
2 don't know all this stuff in finite details, and I
3 was explained there is a provision for a pause and
4 what that would look like and what needed to occur.

5 KATE McGRANN: Did you make any
6 inquiries into whether the provisions for the pause
7 had been satisfied?

8 JOHN MANCONI: Yes.

9 KATE McGRANN: So describe that to me.
10 Explain to me how the conversation followed once it
11 was raised that a pause may be possible.

12 JOHN MANCONI: So step one, picture the
13 room is full of the technical expertise, my staff,
14 the score people and so forth, to which I said,
15 Okay, there is a pause provision? Yes.

16 And what is the basis of that pause
17 provision? And my recollection of it, it was I was
18 explained why they wanted to pause, what they were
19 going to do, and that they were entitled to request
20 that. And there was language that both parties
21 agreed to to do that pause.

22 KATE McGRANN: Why did they want to
23 pause?

24 JOHN MANCONI: Things were not
25 going -- well, my recollection was things were not

1 going well and they needed to regroup.

2 KATE McGRANN: And do you remember
3 specifically what wasn't going well?

4 JOHN MANCONI: No. Obviously, they
5 weren't passing. They had the fail. They had the
6 reset and the restart, and --

7 KATE McGRANN: And what did they want
8 to do if a pause was granted?

9 JOHN MANCONI: I don't recall.

10 KATE McGRANN: Do you recall being
11 assured that pausing would somehow improve the
12 results of trial running?

13 JOHN MANCONI: I don't recall, but
14 obviously that was their objective.

15 KATE McGRANN: Whose decision was it on
16 behalf of the City to agree to the pause?

17 JOHN MANCONI: As I did with all the
18 decisions, I looked to my experts and my technical
19 people to ensure, A, they could request that; and
20 B, had they satisfied the requirements of that. So
21 it was a group decision with obviously the
22 governance of the agreement.

23 KATE McGRANN: Did you understand that
24 anybody working on behalf of the City had had any
25 discussions about a potential pause before it was

1 raised in this meeting you are describing?

2 JOHN MANCONI: Sorry, did I know that
3 people --

4 KATE McGRANN: Were you aware of any
5 other discussions that had happened about this
6 prior to the meeting that you are describing?

7 JOHN MANCONI: Not that I recollect.

8 KATE McGRANN: How long did the
9 conversation take from when this was raised to the
10 agreement to pause?

11 JOHN MANCONI: I don't honestly
12 remember.

13 KATE McGRANN: Could you say whether it
14 was five minutes or three hours?

15 JOHN MANCONI: It took the time it
16 needed to for me to, as I do with every decision,
17 to understand what my professionals and what my
18 technical staff were recommending, why they were
19 recommending, were they entitled to that.

20 So we took the time necessary to
21 analyze it and make a recommendation to support the
22 pause.

23 KATE McGRANN: And what information, if
24 any, can you give me about how long that
25 conversation took?

1 JOHN MANCONI: I don't recall. Again,
2 we were in the RAMP room steady.

3 KATE McGRANN: Sorry, I missed the last
4 part.

5 JOHN MANCONI: We were in the RAMP room
6 for extended periods of time, so I don't recall how
7 long we spent on this specific issue, but we took
8 the time needed to understand it thoroughly.

9 KATE McGRANN: Were there any
10 conditions imposed on the City's agreement to
11 pause?

12 JOHN MANCONI: Sorry, what do you mean
13 by conditions?

14 KATE McGRANN: For example, we, the
15 City, will agree to pause this if you report back
16 in four hours on the progress that you are making;
17 we, the City, will agree to pause this if you, RTG,
18 do 'x', 'y' and 'z'?

19 JOHN MANCONI: I am not sure what --
20 where the basis for that would have been. I mean,
21 we wanted good, reliable service, and so I am sure
22 the discussion was about they are going to regroup
23 and they are going to reset. They are going to do
24 well. They are focussed. They have identified
25 like a soft opening in a restaurant, right, you

1 have a soft opening. Things don't go well. You
2 regroup, you look at what you did well. You look
3 at the things you didn't do well. Then you go to
4 full opening and things improve, or you do your
5 second soft opening.

6 So I am sure that is what they were
7 doing, and as usual, we said, If there is anything
8 you need from us, we are happy to share ideas and
9 perspectives.

10 KATE McGRANN: Were any conditions
11 imposed on the City's agreement to pause?

12 JOHN MANCONI: Not that I recollect.

13 KATE McGRANN: Did RTG ask anything of
14 the City as part of the pause? You said that you
15 offered to come back to us. Did they come back to
16 you with any requests?

17 JOHN MANCONI: Not that I recollect.

18 KATE McGRANN: The news article that I
19 have to work from, which I am happy to show you,
20 reports that your memo was not sent to Council
21 ultimately and that Mr. Kanellakos said that he
22 stopped the memo from going out because it was
23 inconsistent with the commitment we made to Council
24 to notify them once RTG met the testing requirement
25 and not to tell them about any delays during

1 testing.

2 Was there a commitment made to Council
3 that they wouldn't be advised of any delays in
4 testing?

5 JOHN MANCONI: Well, Mr. Kanellakos is
6 right. I mean, when that article came out, I don't
7 even remember the discussion. There was so much
8 that went on. I remember the memo not going out,
9 but as you probably know, Mr. Kanellakos
10 articulated to Council a couple of months ago that
11 he did in fact stop the memo and the rationale with
12 that was that we had told Council, I believe it was
13 in a FEDCO deck, that we would let them know when
14 the trial running had completed and they had
15 satisfied the requirement of that, including the IC
16 sign-off and so forth.

17 And when I look back at that
18 conversation, he was consistent in that we weren't
19 going to advise our governing body of every little
20 operational issue that was occurring on the trial
21 running period. And --

22 KATE McGRANN: Was there -- sorry, go
23 ahead.

24 JOHN MANCONI: Sorry, and as the memo
25 explains, as I recollect, the pausing of the trial

1 period is included in the trial running program.

2 KATE McGRANN: The commitment that is
3 made to Council about what would and would not be
4 reported on, you said it is in a report to FEDCO;
5 have I got that right?

6 JOHN MANCONI: Well, those are your
7 words. We didn't say what would and what would not
8 be reported on. We said we would advise Council
9 when they had satisfied the conditions of trial
10 running.

11 KATE McGRANN: Okay, and that
12 commitment is made in a presentation to FEDCO?

13 JOHN MANCONI: I believe so. I can't
14 remember if it is a presentation or a memo, but
15 yeah, we would report when we reached the end of
16 trial running and moved to revenue service,
17 something to that effect.

18 KATE McGRANN: I just want to make sure
19 that I know where to go look when I understand the
20 basis for the statements and what was to be
21 reported to Council. Anything else that you are
22 aware of that I should be looking at to understand
23 the promises and commitments made to report to
24 Council on trial running?

25 JOHN MANCONI: Again, there is so many

1 documents. I don't remember if it was a memo or a
2 presentation or a technical briefing. I just know
3 that we told Council we will let you know when
4 trial running has been satisfied and signed off.

5 KATE McGRANN: The decision to pause,
6 did this all -- I understand that you don't
7 remember how long the conversation took, but from
8 the time that the notion is introduced to the
9 City's agreement to pause, did that all take place
10 in one meeting, like all the same meeting?

11 JOHN MANCONI: I believe so, yes. That
12 is my recollection of it.

13 KATE McGRANN: Any breakouts from that
14 meeting to have independent discussions only with
15 the City's advisors or anything like that?

16 JOHN MANCONI: So there could have
17 been, and I say that because if you look at our
18 governance and our layout of our RAMP room, there
19 was breakout rooms when we wanted to have
20 confidential discussions. We may have done that.
21 I don't recollect. It is a long time ago. It is
22 all about the input decision-making process.

23 We could have excused them and said,
24 We'll get right back to you, or we could
25 have -- there was a discussion. There was input.

1 My advisors and my technical staff explained to me
2 the pause requirements and what we could and
3 couldn't do, and it was granted. I believe it was
4 all in the same meeting. Did we excuse them and
5 have a deep think on it? Perhaps. I don't
6 recollect.

7 KATE McGRANN: Who do you recall taking
8 advice from on this particular topic?

9 JOHN MANCONI: Well, I had a tradition
10 of going around the table and asking everybody for
11 their input, and then I would always close off
12 with, let's -- are we unanimous in our decisions?
13 And I would go around the room.

14 That was my traditional decision-making
15 framework on significant decisions, so I probably
16 would have done the same thing then.

17 KATE McGRANN: Who do you recall being
18 part of the table discussion?

19 JOHN MANCONI: If you look at the
20 composition of the RAMP room, it is all those
21 people that are there, so Michael Morgan, Troy,
22 Larry. I don't know if Tom would have been there
23 or calling in virtually, Jocelyne, other people
24 that were involved in the operational matters. So
25 there would have been a group of people in there.

1 KATE McGRANN: Do you recall anybody
2 raising any concerns about agreeing to the pause?

3 JOHN MANCONI: I don't recall the
4 conversation. I recall we had the conversation to
5 ensure they were entitled to that, and we granted
6 it. And we would have had discussion again from
7 input from everybody that was part of that
8 committee.

9 KATE McGRANN: With respect to the
10 results from the trial running, there is a partial
11 summary on the last page of this document.

12 JOHN MANCONI: Uhm-hmm.

13 KATE McGRANN: I think you mentioned
14 earlier that it ran from July 29th to August 22nd.
15 There is a chart on the last page that starts on
16 August 3rd, so I believe that is following we
17 agreed to -- that is the restart day.

18 JOHN MANCONI: Uhm-hmm.

19 KATE McGRANN: And this shows the AVKR.
20 I am testing myself here, but I believe that is the
21 aggregate vehicle kilometre ratio; does that ring a
22 bell for you?

23 JOHN MANCONI: I think so, yeah.

24 KATE McGRANN: But it doesn't track the
25 performance of the other components that were being

1 tested. I went through the scorecards and I took a
2 look for the entire 23 days for the category of
3 maintenance practices, there are 12 failure days
4 for that particular category.

5 And of the 12 days that are used from
6 the evaluation, so that is Friday, August 9th to
7 Thursday, August 22nd, 5 of those days were a fail
8 for maintenance practices.

9 Were you aware that -- of these failure
10 rates for the maintenance practices component of
11 trial running at the time?

12 JOHN MANCONI: I could have been, but I
13 don't know the scope of them. It could have been
14 issues that -- on work orders or it could have been
15 one response that could have thrown -- I don't know
16 the scope and scale of them. I would have to go
17 back and look at it.

18 KATE McGRANN: And what would you look
19 at if you were going to go back and look at it?

20 JOHN MANCONI: Well, I would do two
21 things. I would look at the scorecard, then I
22 would go and drill down to those that were involved
23 to ask the specifics and documentation and so
24 forth.

25 KATE McGRANN: So I can show you an

1 example of a scorecard where there was a failure of
2 maintenance practices. This one for Monday, August
3 19th, it is scored as a "Pass" day. Under
4 "Maintenance Delivery" heading, the "Maintenance
5 practices", it is a "Fail". So does this help you
6 at all?

7 JOHN MANCONI: It says on the bottom:

8 "Due to an occurrence,
9 processes and procedures are being
10 adjusted."

11 So I would need more details.

12 KATE McGRANN: And again -- so we have
13 looked at a scorecard, and the other thing you
14 mentioned you would do is you would go and speak to
15 the people who were involved to try to understand
16 this?

17 JOHN MANCONI: No, that is not what I
18 did. I thought you were asking me right now if I
19 wanted to drill down what I would do.

20 KATE McGRANN: Yeah.

21 JOHN MANCONI: My job at this point was
22 to depend on my experts and my technical staff. So
23 I wasn't drilling down. If they told me it was a
24 pass, it is a pass.

25 I thought you were asking me if I

1 wanted to know what occurred on that day, what
2 would I do. I would do exactly what you just said,
3 and then I would drill down and ask people detail
4 into what that note number 1 is. I don't know what
5 that note number 1 caused that failure. It could
6 have been minor, major, I don't know.

7 KATE McGRANN: Who would you go speak
8 to to understand.

9 JOHN MANCONI: I would have started
10 with Troy and Larry Gaul.

11 KATE McGRANN: Was anybody raising
12 concerns in the RAMP room or otherwise throughout
13 the trial running period about the performance of
14 RTM on the maintenance side of trial running?

15 JOHN MANCONI: As I said earlier, we
16 were always wondering if they were going to take
17 our advice and over-resource consistently. They
18 did a good job at the tail end leading into trial
19 running and during trial running. There was always
20 a concern about sustainment of that.

21 Whether they were going to -- the key
22 word, the key concern if I had to describe one, was
23 consistency. Were they going to be consistent in
24 the handing of the baton from testing and
25 commissioning to live operations, and live

1 operations is very different.

2 And so they stepped up the resources.
3 Their scores reflected that. The forward looking,
4 because we were trying to be proactive, was were
5 they going to be consistent in that.

6 KATE McGRANN: Their scores reflect
7 that they failed on maintenance practices more
8 than -- like more than half of the days of trial
9 running.

10 JOHN MANCONI: Okay.

11 KATE McGRANN: So where in the scores
12 is it reflecting that their performance has
13 improved?

14 JOHN MANCONI: So on the days that were
15 counted, they passed maintenance 7 out of the 12 I
16 believe you were saying?

17 KATE McGRANN: They did pass 7 out of
18 12.

19 JOHN MANCONI: Yes, so they passed on
20 that. My staff were not flagging any significant
21 maintenance issues, even on those fails. So I have
22 to go with what my staff and what my technical
23 expertise share with me.

24 The observation that was general in
25 nature from all of us was, were they going to be

1 consistent and ensure that the maintenance regime
2 either stayed at that 7 out of 12 or improved on
3 that 7 out of 12.

4 KATE McGRANN: Did you have any
5 concerns about the reliability of service based on
6 the maintenance performance during trial running?

7 JOHN MANCONI: The concern that you
8 always need to have, irrespective of what it is, is
9 what occurs once you get into full revenue service
10 under different circumstances, full loads and
11 things like that, degraded service and things like
12 that.

13 KATE McGRANN: And given the
14 performance of RTM during trial running on the
15 maintenance components, the items on the Minor
16 Deficiencies List, and the no need for retrofits
17 and things like that on the vehicles, was there any
18 consideration given to focussing demands on the
19 maintenance program heading into revenue service on
20 system-critical events only or to otherwise shift
21 the focus of the maintenance demands to help RTM in
22 the various tasks it was going to need to
23 accomplish?

24 JOHN MANCONI: Yeah, we made it clear
25 to them that we were going to continue our

1 monitoring program of vehicles in particular, as an
2 example, and we had carried on and they were paying
3 for that. I believe that was part of the term
4 sheet, that we were going to ensure that they were
5 staying focussed and consistent and on top of the
6 maintenance issues and deal with the minor
7 deficiency pieces.

8 So that was our proactive approach to
9 saying they won't agree -- they can't agree to
10 everything we are asking for, but we can do
11 oversight on that. We have the ability to provide
12 oversight, and they agreed to that, as you probably
13 see in some of the documentations, that we would
14 continue to monitor them in terms of vehicles and
15 critical systems and so forth.

16 KATE McGRANN: Other than the
17 additional oversight that the City implemented, any
18 consideration to taking a soft approach to work
19 orders, for example, to try to create some space
20 for RTM to deal with the variety of known issues
21 plus the unknown issues that you have identified
22 that are likely to come up with a launch of a new
23 system like this?

24 JOHN MANCONI: Yeah, we did. You know,
25 there was concerns over the number of open work

1 orders, as you probably know, which led to some
2 challenges on monthly maintenance payments. And
3 Steve and myself agreed to put together a working
4 group to look at all those work orders, and you may
5 have seen some of that documentation. We spent
6 many, many, many months looking at how we could
7 help them close work orders, because quite frankly
8 what they were -- it is their work order system to
9 manage the system, and they were not managing the
10 work orders appropriately, which can be very
11 significant if you don't close off certain work
12 orders for both -- not just for deduction of
13 points, but also for system reliability and us
14 having the oversight that we need to as the
15 governing body in terms of the system.

16 So we put together a work group headed
17 by Troy and Michael and others, and they looked at
18 the thousands of work orders and I know they closed
19 off a bunch of them. And we were trying to help
20 them out in that regard.

21 KATE McGRANN: And it sounds like that
22 took place after the launch of revenue service,
23 after a couple of months; is that right?

24 JOHN MANCONI: Correct, yeah. They
25 were struggling closing off work orders and dealing

1 with their work order management system that they
2 implemented as part of their proposal.

3 KATE McGRANN: Was there any
4 consideration heading into the public launch of the
5 system of taking a softer approach to work orders,
6 non-essential work orders, to allow RTM to focus
7 its attention on known issues and issues that were
8 unexpected but you expected to come up in some form
9 as a result of the system being new?

10 JOHN MANCONI: That request was never
11 raised to me. I don't even know if it was an issue
12 leading up to launch, and so I wasn't aware of that
13 being a concern of theirs or that it was drawing up
14 resources or anything like that. I became aware of
15 it after launch.

16 KATE McGRANN: Heading into revenue
17 service, were you aware that there was warranty
18 work that needed to be done on the vehicles and the
19 system more generally?

20 JOHN MANCONI: That is common, yes.

21 KATE McGRANN: And you were aware that
22 there was planned normal course maintenance work
23 that was required to be done on the vehicles and
24 the system?

25 JOHN MANCONI: Of course, yeah, all

1 normal, because the vehicles had run for thousands
2 of kilometres, right.

3 KATE McGRANN: You anticipated that
4 there would be reactive maintenance to new issues
5 that present themselves once the system begins to
6 run?

7 JOHN MANCONI: Absolutely.

8 KATE McGRANN: And was there
9 manufacturing work taking place out of the
10 maintenance and storage facility as you are heading
11 into the public launch of revenue service?

12 JOHN MANCONI: I believe so, yes.

13 KATE McGRANN: Is it fair to say that
14 you were aware that the maintenance and storage
15 facility and the staff working on maintenance would
16 be subject to significant pressure given all of the
17 topics that we just outlined?

18 JOHN MANCONI: That was never raised to
19 me that that was a challenge that they wanted to
20 overcome at that point in time.

21 KATE McGRANN: Regardless of whether it
22 was raised to you by RTM, you were aware of all of
23 these components. Did you ever turn your mind to
24 the question of whether they were under pressure?

25 JOHN MANCONI: I visited the site

1 numerous times, announced and unannounced. Again,
2 you can only go with what you are dealing with.
3 They were responsible for managing both the
4 manufacturing and the maintenance of that system.
5 There were -- there is always competing demands in
6 any operational system. It is how you manage it
7 and how you plan it and how you organize it.

8 KATE McGRANN: Did any of your expert
9 advisors raise any concerns with you heading into
10 revenue service about the number of demands on the
11 maintenance team and their ability to manage those
12 demands?

13 JOHN MANCONI: Again, there was a
14 general concern about consistency and the ability
15 to manage the system and run it and maintain it,
16 but in terms of the competing demands about they
17 are building trains and maintaining trains, none
18 that I recollect in terms of it being a major
19 barrier to success.

20 KATE McGRANN: We talked before about
21 the concept of a less than full launch to public
22 service.

23 JOHN MANCONI: Uhm-hmm.

24 KATE McGRANN: Did anybody ever raise
25 the notion of holding off on public launch for a

1 period of time longer than the City did to allow
2 for more running, debugging, catching up on
3 outstanding issues, anything like that?

4 JOHN MANCONI: Did anybody request that
5 of us?

6 KATE McGRANN: Did anybody raise it as
7 an idea?

8 JOHN MANCONI: No. The vehicles had
9 run an extended period of time. There had been
10 multiple delays. The positive of the delays was
11 there was extra track time. Everything is being
12 exercised, not just the trains. Again, I know
13 everybody focussed on the train, but the catenary,
14 the switch gear system, the wayside system, the
15 switches, so everything was being exercised.

16 The issue is that once you decide to go
17 into trial running and substantial completion, you
18 have to forecast that cutover, the parallel
19 service, the bus changes and so forth.

20 So if you were successful in trial
21 running, there was no need to extend that because
22 we had the proper checks and balances in place, and
23 we had the parallel bus service.

24 KATE McGRANN: Did any of the City's
25 advisors raise any concerns about the readiness of

1 the system for public service after revenue service
2 availability was achieved before opening to the
3 public?

4 JOHN MANCONI: No, not that I am aware
5 of, other than the consistency on the maintenance
6 and the ability to stay focussed. There was
7 constant discussion about that, because when they
8 performed well, they performed really well. When
9 they had issues, like I described before, it would
10 flare up, they would deal with it and then it could
11 re-flare up. So it was an issue of consistency,
12 cadence, sense of urgency, maintaining that energy,
13 which is important to operational aspects.

14 KATE McGRANN: With respect to the
15 deductions made to the maintenance payments that
16 the City made to RTM - I think I looked at this
17 already, but I just want to make sure - at any
18 point in looking at that did the City consider the
19 implications of those discussions on the overall
20 service that the system would provide to its
21 passengers?

22 R/F PETER WARDLE: And I guess I have the
23 same concern that there -- you know, any
24 discussions that this witness was present for
25 involving that issue likely involved outside

1 counsel, so I think I am going to ask that he
2 refuse it.

3 KATE McGRANN: With respect to the
4 derailments, can you walk me through your view of
5 those incidents and how they were responded to.

6 JOHN MANCONI: In terms of the City
7 response or RTM?

8 KATE McGRANN: Both, how the
9 partnership responded to the derailments.

10 JOHN MANCONI: The derailments or the
11 cause of the derailments, or all of it?

12 KATE McGRANN: All of it, if you can.

13 JOHN MANCONI: Well, it is certain --
14 you know, once we see the final results, but based
15 on what I heard when I was there and what I heard
16 and I have heard subsequently through media, it
17 certainly appears to be lack of maintenance, lack
18 of that focus that I talked about.

19 And so, again, when it occurred, all
20 hands on deck, professional, caring,
21 safety-oriented. We grounded the fleet. We did
22 all the right things. The issue is, you know, is
23 this -- you know, the City has a right to expect
24 that its partner has the expertise and the
25 capabilities to do what it is contractually

1 obligated to do, and in many of these maintenance
2 regimes, when things, you know, went sideways, you
3 know, it was getting frustrated that -- you know,
4 it is like the wheel flats, oops, we didn't have
5 the technician, or oops, we didn't have the backup
6 wheel truing machine ready.

7 Those are disappointing things that, no
8 different than you hiring a contractor for your
9 house, you pay a fee, you expect that expert to
10 have the expertise to plan it, execute it, manage
11 it and oversee it.

12 And so I would describe it as
13 disappointing if it is that it is lack of
14 maintenance and lack of routines and structures, so
15 when I hear about bolts coming off of key
16 components, those are fundamental things that
17 should not be occurring from world class
18 organizations such as Alstom and others. And I am
19 not pointing fingers or accusing them. You have
20 asked me for my opinion, it is disappointing. The
21 response, the professionalism, the ability to work
22 collaboratively is there. It is just back to what
23 I have been saying through these four hours is the
24 issue would get resolved, tamp it down, new issue,
25 and then this issue would pop up. It seemed to be

1 inconsistent.

2 Has that improved? I don't know. I am
3 not there. There was many, many months of great
4 service. And so on the derailments, you know,
5 those are serious issues.

6 KATE McGRANN: Coming back to the item
7 you mentioned about working with RTM to help them
8 close out work orders, and you said that that was a
9 conversation that went on for many months, I think?

10 JOHN MANCONI: Yes.

11 KATE McGRANN: Was any resolution of
12 that issue achieved?

13 PETER WARDLE: So, yeah, my
14 understanding is that is a matter that is still in
15 dispute between the parties, and there have been a
16 number of without prejudice discussions that I
17 believe are continuing.

18 KATE McGRANN: Did RTM make any
19 requests of the City to change its approach to
20 anything after revenue service to assist in meeting
21 the maintenance demands of the system that the City
22 did not agree to?

23 JOHN MANCONI: Did not agree to?

24 PETER WARDLE: So, again, I just -- I
25 know you are trying to find a way to tackle the

1 subject, Ms. McGrann, and I am being careful
2 because I don't have direct knowledge of this. But
3 my understanding is, as Mr. Manconi indicated,
4 there was a working group formed and it has had a
5 number of discussions. There has been no
6 resolution of the issue.

7 And I believe the discussions that have
8 taken place within that working group have been on
9 a without prejudice basis.

10 So if there is anything outside of that
11 in terms of formal project correspondence either
12 from the RTG side or from the City side, obviously
13 we have produced it.

14 KATE McGRANN: Let's try this. Could
15 you describe the working relationship between the
16 City and RTM following the launch of public
17 service?

18 JOHN MANCONI: Very collaborative. I
19 personally had weekly meetings with the CEO -- the
20 two CEOs, Mario and -- again, there is so many
21 names and it has been such a long time, but the
22 financial CEO who had been brought in after another
23 org change to resolve cash flow and things like
24 that.

25 We were very supportive. As you know,

1 we granted them extended shutdowns, and that is for
2 them to catch up on their work orders, to improve
3 service reliability, to address unknowns. I think
4 we did two shutdowns that we supported them on.

5 The working group was very
6 collaborative. Again, I can't get into the
7 specifics of it, but there was consensus by certain
8 parties and unfortunately on their side they can't
9 get everybody on the same page was the feedback I
10 received on that.

11 So the City was absolutely trying to
12 help them out on cash flow, on being reasonable, on
13 being fair, and on ensuring that we maintained our
14 oversight role and our accountability to Council
15 and the taxpayer.

16 We -- I was thanked literally every
17 week about being open to ideas and suggestions, the
18 shutdowns, unheard of that we proactively helped
19 them on shutdowns and very, very collaborative on
20 all aspects.

21 KATE McGRANN: So were the shutdowns
22 provided for in the Project Agreement, or were
23 those outside of the Project Agreement?

24 JOHN MANCONI: There is an ability to
25 do an extended shutdown window, but this exceeded

1 that. Both occurrences exceeded that, and the
2 first one I believe we tabled it with them with a
3 slight payment reduction; the second one they came
4 back and said, Would you ever consider another
5 reduction -- shut down, and we, again, had full
6 support to help them be successful.

7 KATE McGRANN: Can you help me, when
8 you say that the first one took place with a slight
9 payment deduction, was RTM receiving any payments
10 at that point in time?

11 JOHN MANCONI: There was a
12 reduction -- yeah, they received some payments. I
13 can't get into the specifics based on what Peter is
14 saying, but yeah, there are -- again, there were
15 months that they performed and they have received
16 some payments. I don't know where it stands right
17 now, but I had to, again, with good governance and
18 good oversight because I was asked by Council when
19 we brought this forward, was we are agreeing to a
20 shutdown and we have negotiated a reduction in
21 payment if they are entitled to it.

22 So the rest are all details on that.
23 And I think there was a memo issued on that.

24 KATE McGRANN: With respect to the work
25 that was done on Stage 2, as I said before, our

1 focus is on Stage 1, but can you speak to whether
2 any lessons learned that would be relevant to the
3 Commission's area of focus were taken from Stage 1
4 and applied to Stage 2?

5 JOHN MANCONI: Absolutely. We had the
6 reports that were done from a procurement. We had
7 the KPMG study that was done and so forth on
8 stage -- not KPMG, sorry. I think it was Deloitte.
9 It was a review of Stage 1 that was asked for and
10 it was completed.

11 But more importantly, what Michael,
12 myself and others did is we kept a running list of
13 lessons learned and we met with both constructors,
14 SNC-Lavalin and Kiewit, for the two different
15 aspects of Stage 2.

16 And not only did we give them the list,
17 and the examples are use gas heaters versus
18 electric, watch your ambient temperature for
19 welding, there is certain temperatures that you
20 should watch for, and so forth, we brought in the
21 experts, so the Tom Prendergasts and those folks,
22 and we met with the head of those consortiums and
23 we did a technical debrief so that one-on-one --
24 and I can tell you that the head of Kiewit here in
25 Ottawa was very appreciative of the track welding

1 issue because we have a limited temperature range
2 that you can weld a track in Ottawa, as an example,
3 the gas switch heaters, all sorts of things were
4 brought into Stage 2. So not just from
5 procurement, but also from a technical aspect on
6 those pieces.

7 Bringing in the best of the best, so
8 Kiewit has hired one of the best CBTC experts in
9 the world on their team to help them, start early
10 on all sorts of things related to testing and
11 commissioning on the constructor side of things, so
12 lots of lessons learned were brought forward into
13 Stage 2.

14 KATE McGRANN: The running list that
15 you and Mr. Morgan prepared, if I wanted to go
16 searching for that list, where would I look to find
17 it? What is it called?

18 JOHN MANCONI: Michael could give that
19 to Peter.

20 KATE McGRANN: Mr. Wardle, can you take
21 a look and if that list has been provided to us,
22 would you identify it by doc ID, and if not, would
23 you send us a copy?

24 U/T PETER WARDLE: Yes, I can ask. I
25 believe Mr. Morgan was asked questions about some

1 of these issues when he was examined. If there is
2 a list somewhere, I'll -- well, why don't I make
3 that inquiry of him and we'll see if there is a
4 list.

5 KATE McGRANN: Thanks. And Mr. Manconi
6 says there is, so hopefully there is because it
7 would be interesting to look at.

8 Did the composition of the City team
9 for Stage 2, is it bigger than the team used for
10 Stage 1?

11 JOHN MANCONI: It fluctuates. I mean,
12 Stage 2 is broken into different technologies and
13 so forth, so you have got a diesel line, you have
14 got an electric line, and also the City has created
15 it own internal capacity as we grew through the
16 five, six years of construction, so it varies.

17 KATE McGRANN: Changes to the trial
18 running criteria included in the Project Agreement
19 for Stage 2?

20 JOHN MANCONI: I would have to check.
21 It has been awhile since I have looked at the Stage
22 2 documents. I believe it has changed, but I don't
23 remember what it is.

24 KATE McGRANN: Do you have any view in
25 general other than what you have already described

1 as to what contributed to the breakdowns and
2 derailments that were experienced on Stage 1 after
3 it went into revenue service?

4 JOHN MANCONI: My own personal views?

5 KATE McGRANN: Yes.

6 JOHN MANCONI: It is what I have talked
7 about through this interview about staying on top
8 of things, staying focussed. Modern railroads need
9 extensive oversight and regular consistent
10 application of maintenance regimes to it, and
11 outside looking in, I can't -- you know, because
12 I'm not in those shops. I don't run it. I know
13 that, you know, people such as firms that they have
14 hired, that we have hired, that my experts and so
15 forth have all said it is about the maintenance
16 regimes and making sure you make score every day
17 and that you look ahead to the warranty issues, to
18 the life cycle issues, and you stay on top of
19 things.

20 So make score every day. You do that
21 by very, very, very robust maintenance regimes.

22 KATE McGRANN: With the benefit of
23 hindsight, anything that the City could have done
24 differently that you think may have lessened the
25 likelihood of the breakdowns or derailments?

1 JOHN MANCONI: No, I don't think so. I
2 think we exceeded what most large scale --
3 certainly the experts have told me they haven't
4 seen the level of oversight and the robustness and,
5 you know, the millions of dollars that we have
6 invested in bringing experts in.

7 Remembering at one point, you know, I
8 had a panel of 40 experts. This is back to -- you
9 know, if you go back to your opening question, what
10 did I do on day one? Well, I brought in a bunch of
11 experts and said, Give me the top ten risks that we
12 should govern, and we governed them all, and that
13 is some of the stuff that get to the Go/No-Go and
14 the culture and the oversight.

15 So in hindsight, the City did --
16 exceeded what it theoretically and technically and
17 contractually could have and should have done. My
18 view is we have a maintainer that either grossly
19 underestimated or for whatever reason fell short of
20 staying on top of maintaining the integrated system
21 of a complicated railroad.

22 KATE McGRANN: Any view on whether any
23 aspect of the physical system, so the trains, the
24 infrastructure, the line, et cetera, contributed to
25 the breakdowns and derailments?

1 JOHN MANCONI: Every single expert I
2 have had in here has said that with the proper
3 maintenance, the vehicles, the catenary, the
4 stations, the elevators, escalators, there is no
5 need to be concerned about those. There is nobody
6 that has told me otherwise.

7 KATE McGRANN: The Commission has been
8 asked to look into the commercial and technical
9 circumstances that led to the breakdowns and
10 derailments. Are there any topics or areas that we
11 didn't discuss this morning that you think the
12 Commission should be looking at in its work?

13 JOHN MANCONI: None that comes to mind.

14 KATE McGRANN: And the Commissioner has
15 been asked to make recommendations to try to
16 prevent similar issues from occurring in the
17 future. Any specific recommendations or general
18 areas of recommendations that you would recommend
19 for that work?

20 JOHN MANCONI: Again, none that we
21 haven't covered today.

22 KATE McGRANN: Mr. Wardle, do you want
23 to ask any follow-up questions of the witness?

24 PETER WARDLE: No, thank you.

25 KATE McGRANN: That brings my questions

1 for today to a close. Thank you very much for your
2 time.

3 JOHN MANCONI: Okay, you are welcome.

4
5 -- Adjourned at 1:08 p.m.
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1 REPORTER'S CERTIFICATE

2
3 I, DEANA SANTEDICOLA, RPR, CRR,
4 CSR, Certified Shorthand Reporter, certify:

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

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

12 That the foregoing is a true and
13 certified transcript of my shorthand notes so
14 taken.

15
16
17
18 Dated this 3rd day of May, 2022.

19
20
21 

22 NEESONS, A VERITEXT COMPANY,

23 PER: DEANA SANTEDICOLA, RPR, CRR, CSR

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