

# Ottawa Light Rail Commission

Sam Berrada  
on Thursday, May 5, 2022



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6	OTTAWA LIGHT RAIL COMMISSION
7	CITY OF OTTAWA - SAM BERRADA
8	MAY 5, 2022
9	(Continued from April 25, 2022)
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14	--- Held via Zoom Videoconferencing, with all
15	participants attending remotely, on the 5th day
16	of May, 2022, 3:03 p.m. to 4:45 p.m.
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1 COMMISSION COUNSEL:

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3 Kate McGrann, Co-Lead Counsel Member

4 Anthony Imbesi, Litigation Counsel Member

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6

7 PARTICIPANT:

8

9 Sam Berrada, City of Ottawa

10

11 Peter Wardle and Betsy Segal,

12 Singleton, Urquhart, Reynolds, Vogel LLP

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14

15 ALSO PRESENT:

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17 Judith Caputo, Stenographer/Transcriptionist

18 Alicia Sims, Virtual Technician

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INDEX OF EXHIBITS

NUMBER/DESCRIPTION PAGE NO.

(None).

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

INDEX OF UNDERTAKINGS

The documents to be produced are noted by U/T and  
appear on the following pages: 153:1

1 -- Upon commencing at 3:03 p.m.

2

3 SAM BERRADA: AFFIRMED.

4 ANTHONY IMBESI: Good afternoon,  
5 Mr. Berrada.

6 This is a continuation from your  
7 interview on April 25th, 2022. I'm not going to go  
8 back in detail through what Ms. McGrann took you  
9 through, but I would like to take you to some of  
10 the reports you had authored that we briefly  
11 touched on last attendance.

12 I will pull those up on the screen and  
13 draw your attention to certain areas.

14 Are you able to see what's on my  
15 screen?

16 SAM BERRADA: Yes, I do.

17 ANTHONY IMBESI: If you need me to zoom  
18 in or out, by all means let me know. I want to  
19 make sure you can see what we're looking at.

20 Is this the report you authored dated  
21 February 24th, 2020, for the City of Ottawa.

22 SAM BERRADA: Yes, that is correct.

23 ANTHONY IMBESI: And this was the first  
24 report that you authored?

25 SAM BERRADA: Yes, it is.

1                   May I just qualify? There was a work  
2 plan that was approved by City Council in September  
3 of 2018 but this was the first Annual Compliance  
4 Report as such.

5                   ANTHONY IMBESI: In terms of the annual  
6 compliance plans then this was the first one you  
7 had authored and I believe you had indicated last  
8 attendance that the monitoring was in respect of  
9 the fourth quarter of 2019?

10                  SAM BERRADA: Correct. It was after  
11 revenue service started.

12                  ANTHONY IMBESI: And in respect of this  
13 first report, for the fourth quarter of 2019, was  
14 the focus on the training and certifications of  
15 employees involved in the movement of the LRVs?

16                  SAM BERRADA: That is correct.

17                  ANTHONY IMBESI: And that included OC  
18 Transpo, RTM, Rideau Transit maintenance and its  
19 contractors?

20                  SAM BERRADA: That is correct.

21                  ANTHONY IMBESI: When you make  
22 reference to "its contractors", I take it that's  
23 referring to Alstom?

24                  SAM BERRADA: That is correct.

25                  ANTHONY IMBESI: Are there any other

1 contractors that you'd be referring to under that  
2 title of "contractor"?

3 SAM BERRADA: No.

4 ANTHONY IMBESI: And when you're  
5 looking at the training component, what is it that  
6 you are looking at, at a high level?

7 SAM BERRADA: Certainly. So the key  
8 training requirement is the electric light rail  
9 operating rules. So I was looking for training  
10 relative to that, to the operators that operate  
11 trains and they belong, as you know, to OC Transpo.

12 I also looked at controllers that  
13 report to OC Transpo, so they control movements on  
14 the main line.

15 But because we wanted to have the scope  
16 to cover also movements in the maintenance  
17 facility, those are actually controlled by a  
18 controller that belongs to RTM, or RTG, while the  
19 movements of the vehicles and the trains in the  
20 maintenance facility are performed by hostlers that  
21 belong to Alstom.

22 ANTHONY IMBESI: And turning to, I'll  
23 take you to page 11 of your report.

24 At Figure 4 here, if you can see that,  
25 you identify what's described as the monitoring

1 breadth? Can you give us an example.

2 SAM BERRADA: I'm sorry, you cut out,  
3 Mr. Imbesi. Could you please repeat the question?

4 ANTHONY IMBESI: I apologize. I'm  
5 directing your attention to Figure number 4. The  
6 reference is "Monitoring Breadth" and there are six  
7 what I take it are monitoring categories.

8 If you can explain to us what they are  
9 and the purpose of setting them out here.

10 SAM BERRADA: Certainly, so one of the  
11 requirements that the City had for the RMCO was to  
12 develop a work plan. And part of that work plan  
13 needed to detail the methodology or the selection  
14 of regulatory programs to be monitored.

15 So on the basis of the research that  
16 was performed as identified in the work plan that  
17 was approved by City Council in September of 2018,  
18 there was some research relative to commuter lines,  
19 looking for typical risk areas or hazards that they  
20 encounter.

21 Looked also at some accident/incident  
22 data. And looked also the familiarization relative  
23 to the Confederation Line. And then put that all  
24 together and came up with these six risk elements  
25 with the notion that they would be monitored

1 progressively using a risk-based approach.

2           And these risk areas are very typical  
3 in the railway industry, including the commuter  
4 lines, where you have issues that can be  
5 categorized as human factors that could result in  
6 hazards.

7           You also have issues relating to the  
8 equipment or rolling stock. You have issues  
9 relating to track, safety management system issues,  
10 security, and then there's other infrastructure.

11           So those are the major categories of  
12 hazards and risks that would be typically found in  
13 commuter service. And the RMCO set out to monitor  
14 those on a progressive basis using a risk-based  
15 selection.

16           ANTHONY IMBESI: What you're focused on  
17 in this report then, does that fall under the human  
18 factors category?

19           SAM BERRADA: Indeed. Indeed.

20           ANTHONY IMBESI: If I take you up to  
21 page 10, you note in paragraph 3 that the training  
22 and certification is one subcategory within the  
23 broader human factors category.

24           And so within this report, you're  
25 focusing, as I understand it then, only on this one

1 subcategory of this overall larger category of  
2 human factors?

3 SAM BERRADA: That is correct.

4 ANTHONY IMBESI: Looking at these six  
5 categories here, do all of these categories have  
6 different subcategories?

7 SAM BERRADA: Typically, yes.

8 ANTHONY IMBESI: And you had mentioned  
9 that you monitor on a progressive basis through  
10 these lists of categories, and I'll take you  
11 through your other reports as we get through this  
12 today, but for the purposes of this report, you're  
13 looking at human factors.

14 I know in your second report you look  
15 at security and emergency procedures.

16 Is it your intention then over a period  
17 of time you will look at select subcategories from  
18 each one, move through progressively through all  
19 six, restart, if I can say that, focus on other  
20 subcategories and move on through these six  
21 categories again until you've covered off all  
22 subcategories?

23 SAM BERRADA: Yes, that is exactly the  
24 thinking, the notion behind the risk-based  
25 selection.

1                   So the first quarter monitoring, which  
2 was Q4 of 2019, was, as you said, the training and  
3 qualification of employees involved in the movement  
4 of LRVs and trains.

5                   Then we went on to review the  
6 inspection and maintenance of LRVs, which would  
7 fall under the rolling stock.

8                   We also reviewed the track, which was  
9 under the track inspection and maintenance, as well  
10 as the catenary, which would fall under the "other  
11 equipment".

12                   So that was report number two. And  
13 then finally report number three was a review of  
14 two significant areas. One is the safety  
15 management systems. And the other is emergency  
16 procedures.

17                   So the thinking is exactly as you  
18 describe, that the monitoring would progressively  
19 review these six areas and then go back, using a  
20 risk-based approach, to monitor those areas that  
21 haven't been monitored, those subcategories, as  
22 well as revisit the areas that have been found to  
23 be problematic.

24                   So case in point, this year's  
25 monitoring plan we'll revisit light rail vehicles,

1 track and catenary, specifically those areas that  
2 were found to be not fully compliant. So that's  
3 started already. And then we'll move on to more  
4 subcategories.

5 So it's a combination of revisiting  
6 areas that have been found to be problematic as  
7 well as systematically monitoring the areas and the  
8 subcategories.

9 ANTHONY IMBESI: Okay. So in  
10 revisiting a specific area, that's your decision  
11 based on your risk assessment as to the need to  
12 prioritize that over continuing through the other  
13 subsystems you have not yet looked at?

14 SAM BERRADA: That is correct. And, as  
15 I explained at the last interview, there is  
16 something called "a review of emergent  
17 information".

18 So there is data that I look at, for  
19 example, TSB accidents. There are discussions that  
20 take place relative to issues being found.

21 I look at the presentations given to  
22 City Council relative to the Confederation Line and  
23 the issues being faced. So the technical issues  
24 are reviewed.

25 And in essence, we review all that

1 emergent information and then look at the six risk  
2 areas, review also the findings of previous  
3 monitoring and audits, and then make a risk-based  
4 determination.

5 ANTHONY IMBESI: So in terms of the  
6 emergent information that you had mentioned, how  
7 does that typically find its way to you?

8 Are you monitoring certain things, are  
9 you expecting certain information to be provided to  
10 you as certain things happen?

11 How do you expect to receive that? Or  
12 how have you received it in practice to date?

13 SAM BERRADA: So there are  
14 TSB accidents that are available both in the City's  
15 website as well as the TSB website.

16 And I am informed of most of those  
17 through phone calls and discussions that I have  
18 with OC Transpo. So accidents and incidents are  
19 one emergent input.

20 The other one is relative to the  
21 presentations given to City Council that provide an  
22 update on the Confederation Line and the typical  
23 technical issues that are identified and being  
24 addressed.

25 And the third part is the ongoing

1 discussions, engagements with OC Transpo as well as  
2 the contractors in the course of monitoring.

3 ANTHONY IMBESI: And when you're  
4 speaking about being informed through phone calls  
5 with OC Transpo, are those calls with the chief  
6 safety officer?

7 SAM BERRADA: Typically, yes. Most of  
8 them would be, but I've had calls also from people  
9 within the chief safety officer's organization.

10 ANTHONY IMBESI: Since we're on this  
11 page -- I know you had touched on it at our last  
12 attendance -- but I'd like to take you through it  
13 here once today. I'd like you to take me through  
14 the bullet points you have here today, in terms of  
15 what you do and what you refer to as being audits,  
16 and just explain to me what it is you're  
17 communicating here in these bullet points.

18 SAM BERRADA: Certainly, part of it we  
19 discussed at the last discussion, and it's the fact  
20 that the regulatory monitor and compliance officer  
21 assesses compliance relative to City regulations,  
22 but does not assess the adequacy, completeness or  
23 effectiveness of programs. So that's part number  
24 1.

25 Part number 2, audits typically are

1 broader than just the monitoring because they would  
2 encompass the systematic review of risks and  
3 assessment of risks, and then a determination, with  
4 the engagement of the stakeholders, as to what the  
5 required controls may be, looking also at issues  
6 such as governance.

7           However, as I explained last time, the  
8 RMCO is focused on the assessment of compliance  
9 relative to City regulations. There is that  
10 secondary piece which is called the "observational  
11 role" of the RMCO, and that's in the interest of  
12 public safety.

13           And the thinking, as I explained, is  
14 that, without doing a systematic review of the  
15 program, if there is something that is evident to  
16 me, based on my experience, that can be improved, I  
17 will flag that to OC Transpo and the City. And  
18 they do want to know about that, again, in the  
19 interest of public safety.

20           So those are the key elements, the  
21 three bullets here.

22           ANTHONY IMBESI: Is it fair to say  
23 then, with respect to your observational role, I  
24 want to make sure I understand that entirely.

25           Is it fair to say then you're not

1 taking a proactive approach in trying to identify  
2 where there might be issues.

3 It's more in the sense of, if things  
4 come to your attention through the course of your  
5 duties as the RMCO that don't accord with your  
6 experience, industry practice, whatever it might  
7 be, that you are then passing those along to the  
8 City under your observational mandate?

9 SAM BERRADA: Yeah, perhaps "proactive"  
10 may not be descriptive. I think perhaps  
11 "systematic" would be more descriptive.

12 So you are correct, that the RMCO does  
13 not perform a systematic review of the programs for  
14 their adequacy, sufficiency or effectiveness. But  
15 I do review the programs, and I do review also what  
16 OC Transpo provides, versus what RTM and Alstom  
17 provide.

18 And when I see something that is  
19 evident that is either not aligned between the  
20 three, or that is inconsistent with good industry  
21 practice, I will flag that. So it's not  
22 systematic, but it is there.

23 ANTHONY IMBESI: If I take you here to  
24 page 13, I believe this describes your activities  
25 during the fourth quarter of 2019, it lists some

1 key activities.

2           You reference, it's the third to last  
3 bullet point: Meetings held with OC Transpo to  
4 review preliminary compliance results; who would  
5 you be typically meeting with in these  
6 circumstances?

7           SAM BERRADA: The third to last bullet.  
8 I'm just reading it.

9           So the principles of monitoring that  
10 are used by the RMC0 as I explained earlier, are  
11 engagement of the stakeholders; transparency, in  
12 terms of forward notification; structure, in that  
13 we have procedures that detailed how the monitoring  
14 will be done; as well as an approach of fact and  
15 evidence-based determination of the assessment of  
16 compliance.

17           So in order to achieve that, it's  
18 exceedingly important to have regular touch points  
19 as the monitoring is progressing to confirm that  
20 the facts and evidence that have been provided that  
21 I'm reviewing are in effect connected with the  
22 determination that the RMC0 was making.

23           So there are regular meetings that are  
24 held with OC Transpo, so that's one purpose.

25           And the other purpose is really in the

1 interest of public safety, so that if there is a  
2 finding, we want to communicate that as early as  
3 possible to the stakeholders whether it's OC  
4 Transpo, RTM, or Alstom, in order to enable them to  
5 take early action to protect public safety.

6 So those would be meetings as the  
7 monitoring is progressing, as well as the wrap up  
8 meeting, a close out meeting that would review the  
9 findings.

10 And that has, you know, many purposes,  
11 like I explained, but equally important is that,  
12 you know, we're making these determinations on the  
13 basis of facts and evidence.

14 So if there is additional facts or  
15 evidence that has either not been provided, or that  
16 has been provided, you know, incompletely, there is  
17 an opportunity to provide those facts and evidence  
18 so that the determination can be made on that  
19 basis.

20 ANTHONY IMBESI: And who is it  
21 specifically that you're typically meeting with at  
22 OC Transpo?

23 SAM BERRADA: So typically there is a  
24 safety point person that is designated by the chief  
25 safety officer, and I've had three different ones

1 throughout all the monitoring segments that have  
2 been performed. And they provide me with the  
3 information that is relative to OC Transpo.

4 So I request documents that had been  
5 adopted in accordance with the regulation; I  
6 request objective evidence of direction that's been  
7 provided both internally as well as the  
8 contractors; I request oversight procedures and  
9 plans, as well as records to confirm that the  
10 program has been adopted, implemented and the  
11 appropriate oversight has been done, both  
12 internally as well as for contractors, when it  
13 affects contractors.

14 So that's the person that is involved,  
15 you know, throughout the monitoring. I do make it  
16 a point to engage them as well, when I am  
17 monitoring the contractors, so that there is an  
18 immediate view or visibility or transparency of  
19 everything that is being found, so that OC Transpo  
20 is able to take their necessary actions as well,  
21 may be safety, contractual or other.

22 But there are also meetings along the  
23 course of the monitoring that involve the chief  
24 safety officer, they would involve the Troy  
25 Charters of this world, and so on.

1                   ANTHONY IMBESI: You had mentioned, I  
2 think, meetings with the other parties as well  
3 throughout your monitoring activities, correct?

4                   SAM BERRADA: That is correct.

5                   ANTHONY IMBESI: So is that a distinct  
6 function from the last bullet point here, which is  
7 the follow up meetings and discussions with these  
8 parties?

9                   SAM BERRADA: No, I think that the  
10 basic notion in terms of how monitoring is carried  
11 out is when I'm reviewing a program, typically I  
12 will start with OC Transpo to ensure that I have  
13 their current adoptive document, all their  
14 objective evidence of direction internally, as well  
15 as the contractors, their oversight plan as well as  
16 their records. And then I move on.

17                   Then I turn my attention to the  
18 contractors for purposes of confirming that they  
19 have done their part in terms of implementing those  
20 substantially similar programs that I referred to  
21 in the City Manager designation.

22                   And those would be typically with their  
23 head safety person, the Tammy Lévesque's of this  
24 world, as well as Alstom head safety person and  
25 there are other players that are involved as well.

1                   When we get to the wrap up meetings,  
2 typically you're going to have higher level  
3 officers of RTM as well as Alstom.

4                   ANTHONY IMBESI: And do you meet with  
5 these parties separately, together? How does that  
6 normally play out?

7                   SAM BERRADA: Together. So obviously  
8 when I'm monitoring OC Transpo in the first phase,  
9 which involves only them, as I mentioned, for  
10 purposes of getting their current documents and  
11 objective evidence of direction, oversight,  
12 etcetera, that is only OC Transpo.

13                   And that is typically the point person  
14 that is delegated, as well as other players within  
15 the operating world and the safety department.

16                   But when I turn my attention to  
17 monitoring the contractors, so typically RTM, and  
18 their biggest subcontractor, which is Alstom, at  
19 that point, OC Transpo would also be involved for  
20 the reasons I mentioned earlier.

21                   As well as those -- the head safety  
22 people of RTM and Alstom, including some higher  
23 level officers for the contractor, subcontractor as  
24 we head towards the close out meeting for each of  
25 those monitoring segments.

1                   ANTHONY IMBESI: Do you keep records of  
2 any of those meetings or your final close out  
3 meeting that you've just mentioned?

4                   SAM BERRADA: Yes, there are records,  
5 yes.

6                   ANTHONY IMBESI: And would those be  
7 contained in the documents that have been produced  
8 to date?

9                   SAM BERRADA: Yes, indeed. Yeah.

10                  PETER WARDLE: I'm not sure about that,  
11 in fact. I'll confirm this, but I don't believe --  
12 I don't believe we've received records from  
13 Mr. Berrada, aside from his reports, which the City  
14 would have in any event.

15                  SAM BERRADA: Well, maybe I'll just  
16 clarify. The way I understood that question is, as  
17 we have those meetings, we share results on a  
18 progressive basis that are concluded once all the  
19 objective evidence is provided by the stakeholders,  
20 may it be OC Transpo or RTM or Alstom. And then we  
21 have a final compliance assessment which finds its  
22 way into the Annual Compliance Report.

23                  ANTHONY IMBESI: Okay. Perhaps if you  
24 could just confirm for us whether those were in  
25 fact included? It sounds like they may not be.

1 U/T PETER WARDLE: Yeah, I'll have to  
2 review it, Mr. Imbesi, but my best recollection is  
3 we haven't produced documents on behalf of  
4 Mr. Berrada. But again, I'll have to go back and  
5 check.

6 ANTHONY IMBESI: Thank you.

7 SAM BERRADA: Maybe to bring some  
8 context, as I said, the nature of the monitoring is  
9 progressive.

10 The results are typically shared  
11 progressively, so that, you know, it gives all the  
12 stakeholders the opportunity to do two things. To  
13 bring further evidence and facts where appropriate;  
14 as well as to take the necessary safety action.

15 So it is a progressive process that  
16 leads to the close out. Once that close out is  
17 achieved, that is what is used in the Annual  
18 Compliance Report.

19 ANTHONY IMBESI: Turning now to page 35  
20 of your first report. I should note for the record --  
21 I don't know that I did -- this report is  
22 identified as document COM0001832.

23 Just taking you to the last paragraph,  
24 it speaks about the compliance officer also being  
25 responsible for quarterly monitoring and reporting

1 of any potential regulatory compliance gaps to the  
2 City manager in order for these to be corrected.

3 If there were any gaps that you had  
4 noted, would these be reflected in your reports?

5 SAM BERRADA: Yes, they would be, yeah.  
6 So the quarterly meetings with the City manager are  
7 for purposes of providing them with updates as to  
8 how the monitoring is progressing, as well as the  
9 monitoring plans on a go-forward basis.

10 So what I present to the City manager,  
11 are really -- is the progression of the regulatory  
12 monitoring activities as well as the findings which  
13 are in the annual compliance reports.

14 ANTHONY IMBESI: And so just taking you  
15 to Annex 3 of the report. It talks about  
16 supplemental information relative to your scope as  
17 the RMCO.

18 Specifically, the second to last bullet  
19 point, obviously it speaks to performing monitoring  
20 rather than audits, which you had spoken to us a  
21 few moments ago. It says:

22 "This implies the assessment of  
23 controls, governance, etcetera  
24 relative to regulatory compliance  
25 will generally not be part of the

1 monitoring scope."

2 I'm wondering if you can explain to us  
3 what's being referred to in terms of "controls" and  
4 "governance".

5 SAM BERRADA: Certainly. As I  
6 explained earlier, an audit is broader than a  
7 monitoring activity, because it does -- it's more  
8 systematic in terms of identifying potential risks.

9 And then it ensures as part of the  
10 action plan that there are adequate controls to  
11 address those risks that have been identified,  
12 which is a little bit different than the monitoring  
13 and remedial action process that the RMCO performs.

14 Because again the RMCO was looking for,  
15 what does the regulatory program require? And what  
16 is the compliance assessment? And then, what is  
17 required to address the compliance assessment if  
18 it's not fully compliant?

19 Whereas an audit is going to be  
20 broader. It's going to look at that activity and  
21 it's going to look more systematically for  
22 potential risks along that activity or program, and  
23 then ensure that those risks are also addressed.

24 So the RMCO does some of that, but it's  
25 not systematic. So case in point. In this

1 particular report, one of the issues that was  
2 identified was that, you know, we looked not only  
3 at the instant compliance relative to the training  
4 and qualification of employees involved in the  
5 movement of LRVs and trains.

6 But we also asked whether there was a  
7 process to ensure, given the flux of employees and  
8 the dynamic nature of the operation, that there  
9 would be a process through which in the future as  
10 we move forward, employees, for example, that leave  
11 for medical reasons and come back, or other  
12 reasons, that there is a process, a checkpoint, a  
13 touch point to ensure that they continue to remain  
14 trained and qualified.

15 So we did look at that, just one  
16 example. But it's not a systematic review of all  
17 the potential risks and then addressing those risks  
18 systematically.

19 Governance, the RMCO does not review  
20 that. That is typically part of an audit. Yeah, I  
21 think it was already those two points in there.

22 ANTHONY IMBESI: Just taking you to  
23 page 39, I'll give you a second if you want to look  
24 at that last paragraph. Specifically, there's a  
25 note midway through that says that the high level

1 risk assessment coupled with the work plan is  
2 deemed adequate and appropriate. And I'm just  
3 wondering, deemed adequate by whom?

4 SAM BERRADA: That would be based on my  
5 review, my judgment, and I just want to qualify  
6 though by stating that I'm not making a statement  
7 on the level of risk and its acceptability.

8 I'm making the statement vis-à-vis the  
9 scope of the RMCO, which is to develop a  
10 methodology for selecting the regulatory programs  
11 to monitor and then carrying out those duties.

12 So for purposes of selecting which  
13 areas to monitor first and then progressing down,  
14 you know, to the next ones using a risk-based  
15 approach, that is deemed to be appropriate based on  
16 my experience, based on the work that I've done,  
17 you know, at CN, through the auditing team that I  
18 had.

19 However, again, it is not a statement  
20 on the actual intrinsic risk of the components, the  
21 programs, the operation. It's more for purposes of  
22 what do we monitor first and then second and then  
23 so on.

24 ANTHONY IMBESI: And you go on from  
25 there to say that a detailed risk assessment was

1 not carried out? That's outside the RMCO's  
2 mandate?

3 And you indicate that performing a  
4 detailed risk assessment would require substantial  
5 effort. What are you referring to? What would be  
6 the process to undertake a detailed risk assessment  
7 as you're describing it in this paragraph?

8 SAM BERRADA: Yeah, I mean the  
9 generalized approach to a risk assessment is a few  
10 things. You start off by trying to scope out the  
11 potential hazards. Then the intent is to quantify  
12 them by understanding how frequently they can  
13 happen, as well as their respective level of  
14 severity.

15 And then understanding what the risk  
16 level is for each of those potential hazards. And  
17 then making a determination as to the mitigation  
18 that is required, based on the risk level.

19 So that typically is what a risk  
20 assessment would consist of. And there is, I  
21 think, if we look back at what was done, again,  
22 without the -- just saying this in general terms,  
23 because it wasn't the RMCO mandate to review that  
24 or to assess that in any way.

25 But if you look at the testing period

1 of the trains, the independent safety  
2 certification, you know, those are the kind of  
3 issues that, you know, would be reviewed, you know,  
4 before going into revenue service.

5 So what kind of issues have been faced  
6 by the Confederation Line during the trial running?  
7 What is their typical or expected risk level and  
8 are they adequately mitigated?

9 ANTHONY IMBESI: I'm just processing  
10 what you had just indicated.

11 So in your view then, has the City  
12 carried out a detailed risk assessment as you  
13 describe it?

14 SAM BERRADA: Yeah, I cannot answer  
15 that question with certainty, because short answer  
16 is, I do not know.

17 But what I do know is there was some  
18 trial running, there were a number of experts that  
19 the City hired to make those determinations.

20 There were also some substantial  
21 reviews carried out in terms of developing those  
22 programs that were being developing by OLRT-C; the  
23 SMS program would be an example.

24 Then the City had a regulatory working  
25 group that would be reviewing those programs. So

1 there was a lot of that. But I cannot say with  
2 certainty whether it was carried out in a  
3 systematic manner. This is something that I think  
4 the City would have to answer.

5 ANTHONY IMBESI: And prior to your  
6 involvement as the RMC0, were these kind of  
7 detailed risk assessments done when you were with  
8 CN?

9 SAM BERRADA: Indeed, yeah. This is a  
10 requirement of the Federal Safety Management  
11 Systems Regulation that requires that risk  
12 assessments be carried out when there's a new  
13 operation; when there are changes to an operation;  
14 when there are changes in trends that would trigger  
15 the need for risk assessment.

16 In fact, if you go into OC Transpo's  
17 safety management system, it says exactly that.

18 ANTHONY IMBESI: It says what? Could  
19 you just explain that for me.

20 SAM BERRADA: Yeah, there is a section  
21 in the OC Transpo Safety Management System Program,  
22 which I just monitored, that identifies triggers  
23 that would require a risk assessment. And I gave  
24 you those examples. Things like operational  
25 changes, changes in trends, etcetera.

1                   ANTHONY IMBESI: I see, and those would  
2 trigger the need to conduct such a detailed risk  
3 assessment?

4                   SAM BERRADA: That is correct.

5                   ANTHONY IMBESI: Would the commencement  
6 of a new line such as the Confederation Line  
7 require or trigger that as well? Or are all the  
8 factors you're referring to, do those arise during  
9 the course of operation?

10                  SAM BERRADA: Typically you want to  
11 perform a systematic risk assessment when you start  
12 a new operation, because you want to understand  
13 what the potential hazards are; and you want to  
14 ensure that you understand the risks associated  
15 with those hazards; and you want to ensure that  
16 they're properly mitigated.

17                  ANTHONY IMBESI: Thank you. I'm going  
18 to take you to your second report now. I'll stop  
19 my share screen just for a moment while I locate  
20 the second document.

21                   Are you able to see what I have on the  
22 screen now?

23                  SAM BERRADA: Yes, I do.

24                  ANTHONY IMBESI: And is this your  
25 Annual Compliance Report for 2020 dated

1 February 26th, 2021?

2 SAM BERRADA: That is correct, yeah.  
3 I'm assuming that this is the final version that is  
4 indeed public domain that was approved by Transit  
5 Commission and City Council.

6 ANTHONY IMBESI: Is there a way for you  
7 to ascertain that from looking at it?

8 SAM BERRADA: Yeah, yeah, just give me  
9 a second.

10 ANTHONY IMBESI: I can take you to a  
11 specific page if that's of assistance.

12 SAM BERRADA: The date is correct.

13 ANTHONY IMBESI: For the record, this  
14 is identified by Doc ID COM0001855.

15 And I'd just like to talk to you about  
16 the focus of this report that you've alluded to  
17 earlier on today. I'll take you specifically to  
18 page 14.

19 So the focus of this report was on the  
20 track and LRV inspections; is that fair?

21 SAM BERRADA: That is correct. And we  
22 did include the catenary as well, because it is a  
23 significant component as well.

24 ANTHONY IMBESI: And so you have  
25 referenced here areas of the track, examples

1 switches, light rail vehicles, for example, wheels,  
2 pantographs, doors, and the catenary. Were there  
3 other items beyond what's set out as examples in  
4 brackets?

5 SAM BERRADA: Yes. If you go to I  
6 believe a little bit further. The light rail  
7 vehicles, the focus again was using a risk-based  
8 approach on the basis of experience and emergent  
9 information with the issues that were being faced  
10 with doors, and bogies and couplers.

11 My recollection is there were seven  
12 components that were reviewed specifically as part  
13 of this monitoring for light rail vehicles. The  
14 track, of course would include the rail, so  
15 switches would be part of the track that was  
16 reviewed in the monitoring.

17 And just to be clear, the monitoring  
18 consists of reviewing the requirements in the  
19 program for how frequently are those particular  
20 areas expected to be monitored. And then looking  
21 for the facts and the objective evidence that  
22 confirm that those inspections were performed.

23 ANTHONY IMBESI: Right. And was your  
24 selection of this area of focus for this report  
25 informed by anything?

1                   SAM BERRADA: Indeed, yeah. As I said,  
2 there's emergent information that was used, and one  
3 of the key inputs was operating experience. There  
4 were some issues operationally with doors; there  
5 were some issues with couplers; there were some  
6 issues with pantographs.

7                   Taking note of all that, I think it  
8 stands to reason that the City would want to ensure  
9 that those components that have been problematic  
10 through experience and service are inspected  
11 properly.

12                   So that's the thinking behind it.

13                   ANTHONY IMBESI: And that is what's  
14 referenced in the second bullet point here where it  
15 talks about a number of operational issues  
16 experienced by the line?

17                   SAM BERRADA: Exactly.

18                   ANTHONY IMBESI: How were those issues  
19 communicated to you? Is that in the same fashion  
20 as your explanation of the emergent information?

21                   SAM BERRADA: Yes, it is.

22                   ANTHONY IMBESI: And you note in the  
23 last sentence of that second bullet point that  
24 "Although they were primarily operational in nature  
25 it is valuable to take a proactive approach to

1 reduce risk".

2           What risk reduction is expected to flow  
3 from the work that you've put into this specific  
4 report? What is it that you're looking to see in  
5 terms of risk reduction from what you've done here?

6           SAM BERRADA: So excellent question.

7           So although the RMCO is tasked with  
8 monitoring compliance relative to what the programs  
9 require in City programs, let's take an example:  
10 Track requires twice a week inspections, monthly  
11 inspections, every 3-month inspections and so on.  
12 All of those activities are there for a reason.  
13 They're there to mitigate risk.

14           So as an example, you know, you bring  
15 in your vehicle into the garage at periodic times  
16 to change your oil and to do an inspection, they  
17 have a checklist of things to verify. And you want  
18 to make sure that they do this because that's part  
19 of your risk mitigation of your own vehicle.

20           So the same notion here, that those  
21 inspections are there for a reason. They're there  
22 to review the condition of those components, to  
23 identify potential issues and to fix them.

24           So what I look for was the execution of  
25 those inspections. And looking for objective

1 evidence, and records that confirm that those  
2 inspections were performed.

3 So, you know, clearly if those required  
4 inspections are not performed fully, then, you  
5 know, each of those inspections that is not  
6 performed means that there is potentially a  
7 residual risk that was not identified.

8 So the improved execution of those  
9 inspections is something that would flow out of the  
10 RMCO monitoring work.

11 ANTHONY IMBESI: And I'd like to take  
12 you through some of your findings in this report.

13 If we go to page 20, Section 5.2,  
14 "Track Inspections/Maintenance and Repairs", these  
15 are your findings?

16 SAM BERRADA: That is correct, yes.

17 ANTHONY IMBESI: There's one finding  
18 here flagged as "mostly compliant". And there's a  
19 note, if you can see my mouse here, that "these  
20 findings were subsequently addressed by Alstom".  
21 Do you see that?

22 SAM BERRADA: Yes, I do.

23 ANTHONY IMBESI: And so how would  
24 Alstom's response be evaluated by you?

25 SAM BERRADA: Typically, I mean two

1 ways. One of them is those progressive engagements  
2 that we have, where we flag the issue. We obtain  
3 confirmation and alignment that it is truly an  
4 issue; there is no facts or evidence that was  
5 missed by anybody.

6 And then, you know, we let the facts  
7 and evidence speak, and when that happens, of  
8 course, and we all conclude with those facts that  
9 there's a need to take action, then the expectation  
10 is that action is taken maybe by RTM, maybe by  
11 Alstom, or OC Transpo in cases where it applies to  
12 them.

13 This particular case, the execution is  
14 performed by Alstom in terms of the track  
15 inspections as well as the LRV inspections and the  
16 catenary inspections.

17 So the expectation would be for them to  
18 close the gap by updating, in this particular case  
19 we're talking about inspection procedures, and I'm  
20 reading in here, "high temperature inspections for  
21 main line missing".

22 That is one of these things that is  
23 identified in the RTM document, but somehow didn't  
24 find its way to the Alstom document. So that is  
25 one of those things of alignment of procedures and

1 documents, and programs. So the expectation was  
2 for Alstom to remedy that by updating their  
3 documents through the remedial actions process.

4 ANTHONY IMBESI: Right. And then that  
5 would come to your attention once they've done  
6 that?

7 SAM BERRADA: Yes, yeah, we do, I  
8 mentioned, I think, last meeting that although it  
9 is OC Transpo that is responsible to request the  
10 remedial actions, the RMCO remains engaged with OC  
11 Transpo in those meetings that involve RTM and  
12 Alstom to ensure that the findings of the RMCO were  
13 properly addressed.

14 So, yes, that's how I would find out,  
15 through these remedial actions and the meetings  
16 that go along with that.

17 ANTHONY IMBESI: And when you note in  
18 here that "these findings were subsequently  
19 addressed by Alstom", is that you saying that  
20 they've now complied with that specific finding?

21 SAM BERRADA: Correct. Yeah.

22 ANTHONY IMBESI: And would that be  
23 noted anywhere else that that's now compliant? Or  
24 do we just take that from the comments here?

25 SAM BERRADA: No, no. If you review

1 the -- it is, again, there is a progressive nature  
2 of this. We've got a table that identifies  
3 findings, that describes what those findings are,  
4 and then provides a status from RTM and Alstom in  
5 terms of whether they've addressed that issue  
6 identified, and when they've identified it.

7 So if you were to review the latest  
8 remedial actions table, you would see that  
9 particular finding as being closed.

10 ANTHONY IMBESI: And moving now to item  
11 B2, it references a finding of opportunity in  
12 respect of the system processes to provide when  
13 alerts -- alerts when inspections are not  
14 completed?

15 SAM BERRADA: Yes.

16 ANTHONY IMBESI: And it says that in  
17 your comments that Alstom committed to add this  
18 process. Do you know when that issue would have  
19 been first communicated to Alstom, or in what  
20 manner?

21 SAM BERRADA: Yeah, again, it's those,  
22 you know, this is a good example of the importance  
23 of having ongoing touch points and engagements with  
24 the stakeholders as the monitoring is progressing.

25 So that when this area was monitored,

1 there were some meetings that were held, as the  
2 monitoring was progressing.

3 And it would have been identified  
4 during those meetings and there would have been a  
5 recognition that that issue needed to be addressed,  
6 and it would have found its way into the table of  
7 findings and remedial actions that would describe  
8 what Alstom has done to address it.

9 This is one of these cases of good  
10 industry practice in the observational role of the  
11 RMCO. Because in the experience that I have in the  
12 railway industry, as you know, 40 years this year,  
13 there are systems, information systems that flag  
14 inspections that are not performed, the regulatory  
15 inspections in particular.

16 ANTHONY IMBESI: I'm taking you now to  
17 page 21. And it talks about, there's an  
18 opportunity here, it's not specifically labelled  
19 with an element monitored, but it's a monitoring  
20 process for guideway technicians as I understand  
21 it.

22 SAM BERRADA: Yeah, if I may, it does  
23 belong to C3, which is the oversight and monitoring  
24 of field employees. So this is something that you  
25 would want to see in any operation. It can be done

1 with a number of layers of monitoring and  
2 oversight, such as in OC Transpo's they have their  
3 own oversight plan, they're hiring experts such as  
4 TRA to do some of this.

5 But every stakeholder has to have their  
6 own process for oversight and monitoring of their  
7 own operations, so the vision is that with each of  
8 these stakeholders performing their own oversight  
9 and monitoring, you have a combined effort to  
10 confirm that the work being done meets the program  
11 requirements.

12 ANTHONY IMBESI: And again, how would  
13 you evaluate then their compliance with this  
14 specific point?

15 SAM BERRADA: They provided evidence  
16 that they've implemented something they call a 3P  
17 audit process which is a structured process where  
18 they have officers of their company, managers,  
19 supervisors, that perform inspections or monitoring  
20 of the employees performing work, and they record  
21 that.

22 And then they take action, if  
23 necessary, if there's a compliance issue that they  
24 see or conformance issue that they see they would  
25 take action. So they've provided objective

1 evidence of this.

2 ANTHONY IMBESI: So this is a situation  
3 then they provide you with objective evidence of  
4 their compliance, you would look at it, determine  
5 if it's satisfactory and if so, then note this item  
6 as closed off and completed?

7 SAM BERRADA: That is correct.

8 ANTHONY IMBESI: Similarly, with under  
9 C4 "Training and Records" there is a "partially  
10 compliant" finding in respect of Alstom. I'll give  
11 you a second to take a look to see what your  
12 comments were here particularly.

13 But again, I'd like to know how  
14 Alstom's compliance with this was evaluated.

15 SAM BERRADA: (Witness reviews  
16 document).

17 Right. So we wanted to ensure that not  
18 only do we look at the minutia of inspection  
19 records but that there are supporting processes  
20 that enable those inspections to get done properly.  
21 So you want to have clear direction through the  
22 documents that we saw earlier.

23 So the Alstom document has to clearly  
24 say, as an example, that there is a high  
25 temperature inspection that is required. That is

1 one example of clarity of direction.

2 The second thing that we look at is,  
3 that the employees are trained. And the RMC0 does  
4 not assess the adequacy of the training program,  
5 but the RMC0 does ask for the training matrix that  
6 Alstom requires of those employees.

7 And then the RMC0 goes on to ask for  
8 records, objective evidence, to confirm that those  
9 employees have received the necessary training.

10 ANTHONY IMBESI: And so when you note  
11 here in the last sentence that: "Alstom committed  
12 to identify a minimum standard for courses required  
13 for new employees prior to starting work".

14 Would you have knowledge of what that  
15 standard is? Would that be communicated to you and  
16 you would ascertain whether you feel that's  
17 compliant or not? Or simply the commitment they're  
18 going to implement a process; is that what you're  
19 looking for here?

20 SAM BERRADA: This goes back a couple  
21 of years here, but my recollection is that they had  
22 a training matrix which was quite exhaustive and  
23 had some courses that may not be absolutely  
24 required in terms of performing track work, as an  
25 example, or catenary work technically.

1                   But there may be some training about, I  
2 don't know, company objectives or, you know,  
3 company policy relative to harassment, or something  
4 like that, that, although the company requires it,  
5 may not be critical for them to perform the job on  
6 the rail, as an example, properly.

7                   So then what Alstom did is, they took  
8 their very large training matrix, and identified  
9 which courses they felt were technically required  
10 to perform the job safely and properly.

11                   And then they streamlined their  
12 training matrix, and I'd have to look, I don't  
13 recall whether they provided it -- I believe they  
14 did provide me with an updated list.

15                   But that addressed that issue, because  
16 most of the conformance issue, employees that  
17 didn't get training were for those courses that we  
18 would call discretionary relative to performing the  
19 task safely and in a complete manner.

20                   ANTHONY IMBESI: Right. By that do I  
21 understand then, that the employees all or  
22 substantially all had what you would call the core  
23 training courses? It was more so there's nothing  
24 to identify what are the core training courses  
25 versus those that are discretionary?

1                   SAM BERRADA: Yeah, definitely there  
2 was a much greater focus and conformance relative  
3 to those technical courses.

4                   Most if not all of the issues  
5 identified -- I'd have to look back at my records,  
6 this is a couple of years ago -- but were those  
7 courses that one could consider to be discretionary  
8 relative to performing the tasks safely,  
9 technically. But the company does require them.

10                  ANTHONY IMBESI: I'll just take you  
11 through a few more.

12                  Specifically, I'm looking at the two  
13 "partially compliant" findings here. So start with  
14 D1, "Daily Track Inspections".

15                  What would be the next steps following  
16 your finding in this respect?

17                  SAM BERRADA: So this is about  
18 execution. And so all these items under part D, D1  
19 to D10 are items that relate to the actual records  
20 that confirm that the work was done.

21                  So as you could see, there were two  
22 items in there that were partially compliant, which  
23 means that there was a substantial amount of work  
24 that was not performed, executed.

25                  So specifically on the daily track

1 inspections, the records provided confirmed only  
2 that a little over half, 60 percent, were actually  
3 executed, performed.

4 And on the extreme weather inspections,  
5 without reading this all in detail, I believe it's  
6 two out of five that the records were provided.

7 So it's a combination of records, as  
8 well as potentially execution. And in the work  
9 that the RMCO does, the RMCO, difficult to  
10 ascertain whether it's an issue of records or  
11 execution. But likely it's a problem with both.  
12 So they committed to implement a process that will  
13 address this.

14 So they introduced checks and balances  
15 to confirm that those inspections were done and so  
16 this is Alstom doing them. And RTM also stepped up  
17 to the plate to put in processes to confirm that  
18 those inspections would be performed.

19 But this is precisely the reason why  
20 I'm going back to these particular elements right  
21 now. Because I think it's in the interest of the  
22 City and safety to confirm that these items that  
23 have been addressed have indeed been addressed.

24 ANTHONY IMBESI: Right. So you note  
25 these findings as being partially compliant, and

1 you have your explanations here as to what you  
2 observed.

3                   Would they then communicate to you what  
4 processes they propose to implement? Have they  
5 done that for these two findings?

6                   SAM BERRADA: Yes, they did.

7                   ANTHONY IMBESI: In your view, what  
8 they had proposed was compliant, was satisfactory?

9                   SAM BERRADA: Well, I mean, this is,  
10 again, an ongoing process where, you know, we  
11 present the finding, and then we ask for what  
12 action is going to be taken by Alstom.

13                   In this particular case, RTM is part of  
14 this obviously because they're responsible for  
15 Alstom. The City, OC Transpo is involved in these  
16 discussions as well.

17                   So it's an iterative process where, you  
18 know, from my recollection, they may present a  
19 remedial action which may not be fully satisfactory  
20 to OC Transpo or to the RMC0 and the RMC0 doesn't  
21 make that determination.

22                   It's the OC Transpo, but the RMC0  
23 provides the opinion, you know, the RMC0's opinion  
24 to OC Transpo as well that makes that call  
25 contractually as to whether it's, you know,

1     adequate or not.

2                     But in the end, after sometimes it took  
3     1 or 2 iterations, but what they provided is  
4     something that is considered to be satisfactory;  
5     and that is closed in the remedial actions table  
6     which you'll find in the latest report.

7                     However, I will say this, is that, you  
8     know, the concept of monitoring is that you start  
9     with a certain monitoring plan, and then you fine  
10    tune it using that emergent information, using  
11    risk-based information.

12                    What it means is that you're going to  
13    monitor certain areas you haven't before, but you  
14    also re-monitor certain areas.

15                    So short answer is that we accept their  
16    plan when we deem it to be satisfactory, but it is  
17    still subject to two layers of oversight. So OC  
18    Transpo's oversight, as well as the RMC's ongoing  
19    oversight that I just described earlier.

20                    ANTHONY IMBESI: Right. And that's,  
21    part of that is you circling back to refocus on  
22    these specific areas because you feel they're quite  
23    important.

24                    SAM BERRADA: Exactly.

25                    ANTHONY IMBESI: Before we move on from

1 this page, D10 talks about track repairs. It  
2 references it as being "mostly compliant". And in  
3 your comments you note that RTM is monitoring  
4 closely track repairs and has established KPMs, I  
5 take that to mean "key performance milestones".

6 SAM BERRADA: "Metrics".

7 ANTHONY IMBESI: Metrics, okay.

8 I'm just wondering, is that a  
9 requirement that they had? Because I don't see the  
10 reference to a lack of KPMs as being noted in your  
11 report as an issue?

12 SAM BERRADA: No, so again, I look at  
13 the regulatory programs and the associated  
14 procedures that ensure that those regulatory  
15 programs are executed properly.

16 So you do get into the nuance relative  
17 to the execution of repairs, which are prioritized  
18 by Alstom based on the type of issue they find.  
19 You know, certain issues like wear and tear, you  
20 can wait a month to repair it; it's like having a  
21 tire that's worn but not condemnable.

22 Whereas other issues will require  
23 repair much more rapidly. So they do have a  
24 flowchart; there is a flowchart that identifies for  
25 each type of finding, the inspection findings, how

1 quickly the repair needs to be done. And what this  
2 finding says, the RMC0 monitoring finding, is that  
3 there were about a quarter that were done beyond  
4 the established repair timelines. And it happened  
5 mostly in that first winter.

6 So what we asked for was a remedial  
7 action plan that would ensure that those findings  
8 from their own inspections are addressed within  
9 their own required timelines.

10 So they provided a process by which  
11 this would be reviewed on an ongoing basis. But  
12 RTM was also part of the solution by introducing  
13 their own key performance indicators that would  
14 track the execution of these repairs within the  
15 prescribed timelines.

16 ANTHONY IMBESI: Right. And so I  
17 suppose in receiving the KPMS that they're  
18 establishing then, you were of the view that those  
19 were sufficient to remedy the issue that you had  
20 noted?

21 SAM BERRADA: Yeah, it's definitely if  
22 we close it under remedial actions it's because  
23 it's deemed to be the sensible remedial action  
24 plan.

25 As I said, it doesn't mean that it

1 stops there. Because there is subsequent -- it is  
2 subject to subsequent monitoring by OC Transpo, by  
3 the RMCO and perhaps some of those as well, some  
4 consultants that are hired by the City.

5 TRA may not be doing track, but they're  
6 certainly doing vehicles.

7 ANTHONY IMBESI: Okay. And I'd just  
8 like to touch on the LRV and catenary inspections  
9 before we move on to touch on your third report  
10 before we run out of time here.

11 Specifically A3 and A4 are noted as  
12 having opportunities in addition to A2.

13 And specifically A3, it notes: "RMCO  
14 is provided with six RTM documents describing  
15 winter preparation, severe weather actions. These  
16 were reviewed and addressed by RTM and Alstom".

17 And so in your view then, were those  
18 compliant?

19 SAM BERRADA: Well, perhaps I'll talk  
20 about the process here. So what I found is that  
21 there were areas within their documents which  
22 didn't provide sufficient emphasis on the  
23 particular items that I identified.

24 So one of them, A2, is about the, you  
25 know, that Alstom has prescribed mileages for their

1 vehicles at which those inspections must be done,  
2 but there was no tolerance -- initially there  
3 wasn't, but then they provide it.

4 This is a good example where the  
5 ongoing engagement is important where they  
6 provided, you know, their own tolerance for what's  
7 acceptable. So it's like if you have an oil change  
8 that's due at 10,000 kilometers, what is your  
9 tolerance? Is it a thousand kilometers that you  
10 can go beyond? Is it 0, or is it double?

11 So they provided that. That was  
12 reviewed by -- with RTM as well as OC Transpo. And  
13 it's a similar situation where, with the vehicles  
14 relative to preparation for winter and extreme  
15 weather, where it is, this is one of these good  
16 industry practice things as part of the  
17 observational role of the RMC0, where everything  
18 I've seen demonstrates that there is special  
19 attention to vehicles, to track, you know, before  
20 winter and during winter to ensure that, you know,  
21 the extreme weather conditions and winter are  
22 mitigated properly.

23 So initially we didn't have those  
24 documents and that needed to be provided, and they  
25 did provide that. So this is, I think, a case

1 where the RMCO reviewed those briefly and it seemed  
2 to be reasonable, sound, sensible. But OC Transpo  
3 is the one that makes the determination, not the  
4 RMCO.

5 ANTHONY IMBESI: Right. Based on your  
6 advice to OC Transpo, or your opinion to OC  
7 Transpo?

8 SAM BERRADA: Well, in this particular  
9 case, the RMCO just flagged the fact that that was  
10 necessary. They needed special procedures to be  
11 ready for winter and then that provided ongoing  
12 focus during winter.

13 They provided those, but that's where  
14 the RMCO's engagement stopped. It didn't go into  
15 reviewing them and then telling OC Transpo,  
16 advising them that, yeah, it looks okay; or it  
17 looks sufficient. This is a determination that OC  
18 Transpo would make.

19 ANTHONY IMBESI: Okay. And those  
20 comments are the same in respect of both A3 and A4?

21 SAM BERRADA: Correct.

22 -- OFF THE RECORD DISCUSSION --

23 ANTHONY IMBESI: So I'll take you  
24 through a few things in your third report after  
25 this final question, and I know your counsel does

1 have a few questions as well before we wrap up.

2 Just before we move on, what is the  
3 difference between "not compliant" and  
4 "opportunity" in your findings matrix?

5 SAM BERRADA: So it's actually  
6 described in the footnote that the compliance  
7 levels are really relative to the program  
8 requirements.

9 Whereas the opportunity may not be a  
10 specific program requirement but it is something  
11 that, in my estimation, would be recommended, would  
12 be good to have using good industry practice.

13 So that's a good example there, where,  
14 you know, in my experience, the processes that are  
15 used in the railway world would flag inspections,  
16 regulatory inspections that are required but not  
17 done.

18 So this is not a -- this is not  
19 necessarily a program requirement. But it is  
20 something that is advisable.

21 ANTHONY IMBESI: Okay. Thank you. And  
22 I would like to take you quickly through your third  
23 report.

24 Can you see what's on my screen?

25 SAM BERRADA: Yes, sir.

1                   ANTHONY IMBESI: So this is identified  
2 as document I.D. COM0009624, and you recognize this  
3 as your Annual Compliance Report for 2021, dated  
4 March 1st, 2022?

5                   SAM BERRADA: Yes, sir.

6                   ANTHONY IMBESI: And in this report,  
7 you monitored the safety management systems and  
8 emergency management processes?

9                   SAM BERRADA: That is correct.

10                  ANTHONY IMBESI: How did the two  
11 derailments, the August and September of 2021,  
12 affect your work with respect to this monitoring  
13 period?

14                  SAM BERRADA: Well, the derailments  
15 were really not related specifically to the  
16 programs as such, because the first derailment --  
17 we don't know the cause, it's still under  
18 investigation -- but it was a bearing burn off.

19                  I talked about my technical mandate and  
20 I've got a few words to say about that before we  
21 wrap up.

22                  So the required mitigation would likely  
23 be through, you know, some technology or some other  
24 means that is going to be agreed upon between the  
25 City as well as RTG.

1                   And my recollection of the second  
2 derailment, which was in September of 2021, had to  
3 do with bolts that were loose on a gearbox, which  
4 appeared to be a quality and execution issue.

5                   So in these particular programs we're  
6 reviewing the safety management systems as well as  
7 the emergency response plans or management  
8 processes. We reviewed both OC Transpo as well as  
9 RTM and Alstom.

10                  So one of the things that we did look  
11 for in the safety management system, as explained  
12 in the report, is the fact that, you know, a safety  
13 management system requires objectives, initiatives,  
14 a risk assessment process, an investigation  
15 process.

16                  So I did get some risk assessments that  
17 were performed. And one of the findings that you  
18 will see in there is that the risk assessments that  
19 were provided from RTG as well as Alstom were  
20 predominantly around occupational health and  
21 safety. Meaning injury prevention.

22                  And there wasn't much, if any, on  
23 actual operations and rail safety. So that in  
24 itself may not be directly related to the  
25 derailments, but it may be indirectly related to

1 the derailments.

2 Because this is something that, you  
3 know, using the fact and evidence-based approach to  
4 reviewing the results with the stakeholders, that  
5 all these findings that you see here have been  
6 reviewed and agreed upon by all stakeholders.  
7 Difficult to argue with facts and evidence.

8 So there was an agreement from all the  
9 stakeholders, RTM and Alstom in this case, to  
10 broaden their risk assessment focus to cover  
11 operational safety.

12 ANTHONY IMBESI: And looking here at  
13 page 9, it seems to me that there were some  
14 refinements then to the city's LRT regulations that  
15 updated the RMCO monitoring approach.

16 I was hoping you could briefly explain  
17 to us what that was and the two points that you  
18 have referenced here and how these two segments  
19 work.

20 SAM BERRADA: Certainly. So I alluded  
21 to it earlier in that, you know, when the RMCO  
22 started his work with the work plan, there were  
23 regulatory programs available. So, you know,  
24 Maintenance and Rehabilitation Plan, safety  
25 management system. The RMCO did not monitor them

1 at the same time because there is this notion of  
2 progressive monitoring using risk-based approach.  
3 However, the programs were there.

4 So with this alignment with City  
5 regulation simply means that we took note, as an  
6 RMCO, of the City manager designation, which was  
7 very specific, relative to the obligations that are  
8 expected from OC Transpo.

9 And that is to adopt and implement  
10 designated program, as well as provide the  
11 necessary direction, perform monitoring and  
12 oversight, and maintain records.

13 So it was tweaked in order to align  
14 with the City Manager designation. So you will see  
15 that in this, that's what these bullets refer to,  
16 and I alluded earlier to the fact that the  
17 monitoring is typically done in two phases or two  
18 segments.

19 First, it involves only OC Transpo  
20 because the regulations impart specific obligations  
21 upon OC Transpo. So I start with OC Transpo to  
22 ensure that I have the current program, to get  
23 objective evidence relative to the implementation  
24 of the program, to get objective evidence relative  
25 to the direction both internally as well as to the

1 contractors. I ask for the oversight plan and  
2 processes, as well as the records that go along  
3 with that particular monitoring of the program.

4 So that's what I start with, and then  
5 following that, I turn my attention to the  
6 contractors, to confirm that they have implemented  
7 what is referred to in the City manager  
8 designation, as substantially similar program.

9 So, you know, in a nutshell, that  
10 refers to, you know, those requirements are  
11 provided through the Project Agreement, which is  
12 really the direction, the agreement that the City  
13 has with RTG relative to the execution of that  
14 contract.

15 So there are specific obligations in  
16 the Project Agreement, relative to safety  
17 management systems, relative to emergency response  
18 plan. So then when I turn my attention to the  
19 contractors, I will look to their implementing  
20 those particular programs.

21 ANTHONY IMBESI: Right. So in terms of  
22 segment one then, just so it's clear to me. Are  
23 you also evaluating OC Transpo's compliance with  
24 those relevant requirements?

25 SAM BERRADA: Indeed. Indeed.

1                   Now, maybe just to qualify again, the  
2 emphasis is, so I will review the OC Transpo safety  
3 management system. And I will review whether it's  
4 been adopted as well as implemented, whether  
5 there's been direction and oversight records. But  
6 the RMCO does not assess the adequacy of that  
7 program.

8                   ANTHONY IMBESI: Right. You're not  
9 looking at the sufficiency of the program, just  
10 whether OC Transpo has complied with what's in  
11 place?

12                  SAM BERRADA: Has fulfilled the  
13 regulatory obligations identified in the City  
14 Manager designation, adoption, implementation,  
15 direction, oversight and records.

16                  ANTHONY IMBESI: I have just a few  
17 additional questions with respect to this report.

18                  So specifically, page 28, I'm looking  
19 at 4A, in what I take to be your comments here,  
20 it's noted "Currently no name no blame for  
21 behavioural change". I was wondering if you could  
22 explain what you mean by that?

23                  SAM BERRADA: Yes, so certainly. An  
24 effective monitoring program requires absolute  
25 determination as to what the issue that was

1 identified, as well as the employee that was  
2 involved in that particular finding.

3 And the reason for that is you want to  
4 be able to manage employee knowledge, employee  
5 behaviour in order to take appropriate action. You  
6 know, if it's a training issue, you want to give  
7 training to the employee. If it's a repeat  
8 violation of a known rule, then there may need to  
9 be some coaching and discipline as required.

10 So you need to be, in order to take  
11 effective action, we need to be able to have that  
12 level of detail and it wasn't there. And this is  
13 something that RTM did commit to improving -- to  
14 addressing.

15 ANTHONY IMBESI: So this is page 29.  
16 In Item 5 you note that: "RTM has initiated the  
17 development of a risk register which is a positive  
18 step".

19 I'm just wondering is there anything  
20 further that would be expected from you, beyond the  
21 implementation of what you call a positive step in  
22 the implementation of a risk register?

23 SAM BERRADA: Yes, so this is something  
24 that the RMCO will take note of. I mean, there's  
25 two parts to addressing the finding. One of them

1 is to agree that the risk assessments need to be  
2 broadened to address both occupational health and  
3 safety, as well as operational or rail safety.

4 So the movement of LRVs in the  
5 maintenance facility would be a good example. So  
6 risk assessment would have to encompass both those  
7 areas.

8 And then the second point is more one  
9 of these good industry practice things that, you  
10 know, you want to have a risk register, which is a  
11 systematic approach to identifying potential  
12 hazards and quantifying the risks and maintaining  
13 that.

14 So this is something that the RMCO will  
15 take note of and would, when the revisiting of the  
16 safety management system monitoring would be done,  
17 this is something that would be reviewed as well.

18 Bearing in mind that, again, these  
19 findings don't stop there, because it's not only  
20 about what the RMCO does with this, it's also about  
21 the oversight plan that OC Transpo has, which, as  
22 you know, is quite substantive.

23 ANTHONY IMBESI: Page 35, the second  
24 paragraph, first bullet point, you note that: "A  
25 formal emergency response plan was not available at

1 the time the monitoring started, although this is a  
2 specific requirement in the Project Agreement".

3 I take it you would have expected the  
4 parties to have an emergency response plan in place  
5 prior to the commencement of revenue service?

6 SAM BERRADA: Yeah, so maybe just for  
7 the record, it's important to note that OC Transpo  
8 did provide me with the emergency response plan  
9 that was submitted by RTG and OLRT-C.

10 This is one of these deliverables that  
11 they had to give the City before embarking into  
12 revenue service. And the City gave them some  
13 comments and then directed them to put it in place  
14 as required in the Project Agreement at revenue  
15 service.

16 So that's one point.

17 The other point I want to mention is  
18 that when we monitored this area, you know, the  
19 benchmark as to what the expectations are on that  
20 emergency response plan is really the Project  
21 Agreement for the contractor.

22 Because that's what -- the contractors  
23 do not have regulatory obligations under the City's  
24 regulations. I'm talking about the City, they're  
25 probably subject to some provincial regulations

1 like fire safety codes and all that. But they're  
2 not subject, technically, to the City Manager  
3 designation. They don't have formal obligations  
4 under that.

5 What they do have is formal contractual  
6 obligations. So then that's why I would review  
7 what the Project Agreement would require for the  
8 emergency response plan, and there's quite  
9 substantive information.

10 There's five pages worth of details as  
11 to what this emergency response plan should  
12 contain. And what I found when I monitored is that  
13 all those areas that were identified in the Project  
14 Agreement had not been formally implemented.

15 So there were pieces of it like the  
16 fire safety plan, but they didn't have all those  
17 other potential circumstances where adequate  
18 procedures and preparations required.

19 So if you have dangerous goods, a leak  
20 of dangerous goods or, you know, there's a about  
21 ten different scenarios that would require specific  
22 procedures and preparation. So not all of those  
23 were there. You had some but not all of it.

24 ANTHONY IMBESI: Okay. And my final  
25 question, in the next bullet point you reference a

1 "YCC Emergency Response Plan". First of all, what  
2 is a YCC Emergency Response Plan, and would you  
3 have expected one to be in place prior to  
4 commencement of revenue service?

5 SAM BERRADA: Yeah, so these are the  
6 yard controllers, as I alluded to earlier, the  
7 movement of LRVs and consists of LRVs in the MSF is  
8 controlled by an RTG or RTM controller, which is  
9 physically located in the maintenance facility.  
10 But the movements are actually performed by  
11 hostlers, employees that actually report to Alstom.

12 So this particular document is, you  
13 know, provides instructions to the yard controllers  
14 that report to RTM, as to how to handle  
15 emergencies.

16 And there was a document that was  
17 provided that was being finalized in January of  
18 2022. And I think to answer your question about  
19 what would be required at revenue service, to put  
20 things simply the Project Agreement is very  
21 specific about those procedures that are required  
22 and what scenarios they need to protect against.

23 And I do not recall seeing a specific  
24 YCC Emergency Response Plan, but there's about ten  
25 different scenarios that are there, and when we did

1 the monitoring we did not find procedures and  
2 provisions and readiness activities, preparation  
3 activities for all those different scenarios.

4 So that, you know, the expectation is  
5 that should have been there. And again, the fact  
6 that the RMCO uses a fact and evidence-based  
7 approach means that we did not get pushback from  
8 RTM as to, you know, the fact that this should have  
9 been there.

10 ANTHONY IMBESI: Okay. Thank you.

11 KATE MCGRANN: One quick follow-up  
12 question, if you don't mind putting that doc back  
13 up?

14 ANTHONY IMBESI: Certainly.

15 KATE MCGRANN: With respect to the  
16 first bullet point in the emergency response plan,  
17 Mr. Berrada, you mentioned RTG provided one, I  
18 think you said in advance of revenue service and  
19 the City provided comments on it; is that right?

20 SAM BERRADA: That is correct.

21 KATE MCGRANN: The elements that you  
22 found were missing, was it the case that the City  
23 had identified those and they had not yet been  
24 addressed? Or were the missing pieces not  
25 identified at the time of revenue service?

1                   SAM BERRADA: My recollection is that  
2 those pieces were there in the document that was  
3 provided by OLRT-C and RTG for the City. But then  
4 in the follow up to that, the implementation after  
5 revenue service, that's where it appears that not  
6 all of it got done.

7                   KATE MCGRANN: Can you be a little bit  
8 more specific when you say "it appears that not all  
9 of it got done"; what was it that was not done?

10                  SAM BERRADA: Quite simply we did not  
11 find a document that fulfills, that addresses all  
12 those requirements that are in the Project  
13 Agreement. So what do you do if there's a  
14 dangerous goods leak, how do you evacuate people,  
15 how do you know which direction the wind is  
16 blowing?

17                   How do you deal with structural  
18 failure; how do you deal with earthquake, extreme  
19 weather, that kind of thing.

20                  I did not find those that had been  
21 specifically identified in a formal emergency  
22 response plan, neither did I find the preparatory  
23 activities that go along with that, the procedures  
24 and preparatory activities.

25                  KATE MCGRANN: So just to clarify. An

1 emergency response plan is provided by RTG, OLRT-C  
2 to the City in advance of revenue service  
3 availability?

4 SAM BERRADA: That's correct.

5 KATE MCGRANN: And that document is  
6 determined to be complete and have everything that  
7 it is supposed to have in it?

8 SAM BERRADA: Well, there's two parts.  
9 And this is just my understanding. The first part  
10 is that the City wants to ensure that those  
11 programs are developed and are available. And that  
12 appears to have been done with the document that I  
13 saw.

14 But then, the expectation would be for  
15 RTG through RTM to implement that. And that's the  
16 part that I could not find the facts and objective  
17 evidence to demonstrate that it was implemented.

18 KATE MCGRANN: So the document that's  
19 provided in advance of RSA is complete and has the  
20 parts that are supposed to be in it; is that right?

21 SAM BERRADA: That's my recollection,  
22 yes.

23 KATE MCGRANN: And then is there a next  
24 step that is supposed to take place that didn't  
25 take place?

1 SAM BERRADA: Well, that is where the  
2 oversight and monitoring comes in for the City as  
3 stipulated in the City Manager designation.

4 KATE MCGRANN: I'm not quite there yet.  
5 I don't quite get it.

6 So this first bullet point says that a  
7 formal emergency response plan was not available.

8 My understanding is that a formal  
9 emergency response plan was required to be provided  
10 in advance of RSA; is that right?

11 SAM BERRADA: Which it was.

12 KATE MCGRANN: Okay. Did that document  
13 then go missing?

14 SAM BERRADA: No. Again, the  
15 expectation is for RTG to pass that document on to  
16 RTM to have it implemented.

17 KATE MCGRANN: And was it the case that  
18 RTM was not able to provide a copy of that  
19 document?

20 SAM BERRADA: That is correct. And  
21 there was an agreement, again, using facts and  
22 evidence, that they were, I think quite  
23 straightforward, quite frank with me that, you  
24 know, not all those elements were implemented as  
25 should have been done through the Project

1 Agreement. And, they did provide a remedial action  
2 plan with specific resources and timelines that  
3 would take us, you know, right through summer to  
4 have that fully implemented.

5 KATE MCGRANN: And does the  
6 implementation involve, first of all, obtaining a  
7 copy of the emergency response plan and then second  
8 of all, creating programs that are provided for in  
9 the plan?

10 SAM BERRADA: It requires them to  
11 develop a program that is consistent with the  
12 requirements of the Project Agreement, which is  
13 something they are in the process of doing.

14 And then it requires them to implement  
15 it. So the implementation requires training,  
16 awareness, drills, preparatory activities and so  
17 on.

18 KATE MCGRANN: How does the program  
19 relate to the emergency response plan that RTM was  
20 not able to provide at the time that you did your  
21 monitoring?

22 SAM BERRADA: When I referred to the  
23 program, I referred to the five pages of detailed  
24 requirements in the Project Agreement that explain  
25 exactly what is required from RTM.

1 KATE MCGRANN: And how does that all  
2 relate to the missing emergency response plan  
3 that's identified in this bullet point here?

4 SAM BERRADA: So how that relates is if  
5 you review the Project Agreement, and you look at  
6 the section that explains what the expectations  
7 are, the five pages of expectations, it says that  
8 they have to have procedures relative to fire,  
9 which they have, but it also says that dangerous  
10 goods, structural failure, extreme weather, which I  
11 could not find.

12 So they need to expand their emergency  
13 response plan and to implement it to comply, to  
14 conform, I should say. Again, they are responsible  
15 to conform to their contract, the Project  
16 Agreement.

17 So they need to look at those five  
18 pages of requirements and ensure that their  
19 emergency response plan contains all of those  
20 requirements, addresses all of those requirements.

21 KATE MCGRANN: Okay. And I realize  
22 we're past time, but I really do want to make sure  
23 that I understand this.

24 Was it the case that the emergency  
25 response plan provided in advance of RSA was not

1 compliant with the five pages of requirements that  
2 you've just described from the Project Agreement?

3 SAM BERRADA: Again, I did not assess  
4 that in a great deal of detail. But from what it  
5 appeared to me, is that it did contain those  
6 requirements. It was close to conforming, and the  
7 City provided specific comments to bring it there.

8 KATE MCGRANN: And then what RTM  
9 provided, was it simply a copy of what had been  
10 provided by RTG?

11 SAM BERRADA: No, no.

12 KATE MCGRANN: It was less than?

13 SAM BERRADA: Yes.

14 KATE MCGRANN: Thank you. I think that  
15 I am finally with you.

16 SAM BERRADA: Okay, no problem.

17 I do want to -- I do have one quick  
18 point. I realize we're running out of time and  
19 hopefully I can take this one minute.

20 There was one question that was asked  
21 about the technical mandate that was given to the  
22 RMCO by the City, specifically to give advice to  
23 the City on the derailments and the potential  
24 conflict of interest relative to the RMCO role.

25 I just want to make a few points. The

1 first one is that all that was scoped out and there  
2 was a specific contract that was provided for that  
3 role, where I would report directly to the City  
4 manager, who as you know is the City regulator.

5 The second point is that, and the  
6 question was, well what if something changes and  
7 then the RMC0 was in a position to make a  
8 determination in something they were involved in.

9 The answer to that is the RMC0 does not  
10 assess the adequacy or effectiveness of regulations  
11 or programs. Even if something changes as a result  
12 of those derailments, the RMC0 would not assess  
13 those procedures, but would simply determine  
14 whether there was conformance or compliance  
15 relative to those program requirements.

16 And the third point is that the RMC0  
17 does use emergent information to make those  
18 risk-based determinations that I talked about  
19 earlier.

20 So this is an ongoing process where  
21 getting more information is better than getting  
22 less information. So the involvement in this, you  
23 know, in these technical issues, does provide value  
24 added.

25 And then the final point is that in the

1 interest of public safety, the City was using every  
2 means available to them to get to the bottom of the  
3 issue to understand what the issue is, and, you  
4 know, they used experts, such as STV to do that,  
5 consultants.

6 And they also leveraged my experience  
7 in the railway to provide them with information.  
8 So I just wanted to make those points because there  
9 was a question about potential conflict of  
10 interest.

11 And I think it's the opposite. It's  
12 something that actually supports the RMC0 role,  
13 supports public safety, and does not put the RMC0  
14 in a position where an assessment of the adequacy  
15 of a procedure would have to be done because the  
16 RMC0 just doesn't do that.

17 Sorry for taking the time, I wanted to  
18 make those points.

19 PETER WARDLE: Thank you. I have a  
20 couple of questions for you, Mr. Berrada.

21 COURT TECHNICIAN: Sorry to cut in.

22 -- OFF THE RECORD DISCUSSION --

23 PETER WARDLE: So Mr. Berrada, you were  
24 asked some questions this afternoon about your  
25 first report and that particular diagram with the

1 four quadrants.

2 And do you recall the questions about  
3 whether you had carried out a detailed risk  
4 assessment?

5 SAM BERRADA: Yes.

6 PETER WARDLE: And you indicated -- you  
7 were asked some questions about whether the City  
8 had carried out the detailed risk assessment; do  
9 you recall that?

10 SAM BERRADA: Yes.

11 PETER WARDLE: And I think you  
12 indicated that you didn't know, but that there  
13 would be a number of components, including trial  
14 running, experts, substandard reviews, and you also  
15 referred to a regulatory working group, correct?

16 SAM BERRADA: Correct.

17 PETER WARDLE: And you referred briefly  
18 to the role of the independent safety auditor,  
19 correct?

20 SAM BERRADA: Correct.

21 PETER WARDLE: As part of your role as  
22 the RMCO, did you become familiar with the final  
23 report of the independent safety auditor?

24 SAM BERRADA: No, I did not.

25 PETER WARDLE: And do you know whether

1 the independent safety auditor had a role in  
2 connection with a detailed risk assessment in  
3 connection with the Confederation Line?

4 SAM BERRADA: I do not know the answer  
5 to that question.

6 PETER WARDLE: If I showed you that  
7 report -- and I'm just going to, if I can share  
8 screen. Let me just go back to the beginning of  
9 the report so we can identify it.

10 Are you able to see that, Mr. Berrada?

11 SAM BERRADA: No, I cannot see any  
12 report on the screen.

13 PETER WARDLE: Okay, sorry.

14 SAM BERRADA: TÜV Rheinland, yeah.

15 PETER WARDLE: Do you see it?

16 SAM BERRADA: Yes, I do.

17 PETER WARDLE: This, by the way for the  
18 record, is Ottawa Document 0902015, and it's dated  
19 September 13, 2019.

20 And you'll see as you go through it,  
21 Mr. Berrada, there's a reference in the table of  
22 contents to "Audit Results and Recommendations"; do  
23 you see that?

24 SAM BERRADA: Yes, I do.

25 PETER WARDLE: And if we go to task

1 three, you'll see, "Audit of Safety Management  
2 System and Security Management System" at page 10.  
3 I'm just going to take you to page 10 of the  
4 report.

5 And you'll see starting at -- I'm going  
6 to ask you just to ignore the highlighting at the  
7 top of the page, that's my highlighting, which I  
8 was unable to remove when I did it this afternoon.

9 But if you look at the middle of the  
10 page you'll see, "2.2 Task 3 - Audit of Safety  
11 Management System and Security Management System";  
12 do you see that?

13 SAM BERRADA: Yes, I do.

14 PETER WARDLE: There's a list of bullet  
15 points with respect to the documents that were  
16 reviewed. And I assume that these are documents,  
17 some of them at least that you may be familiar with  
18 through your work?

19 SAM BERRADA: I'm just reviewing them.

20 "Project System Safety Program", no.

21 "Project System Safety Certification  
22 Plan", no.

23 "Security Management System", I have  
24 not monitored that formally yet. It has been  
25 audited by an external expert about a year and a

1 half ago, and this is on my list of things to  
2 monitor this year.

3 "Authority Approval Process Plan", no.  
4 "AAPP Work Breakdown Structure", no.  
5 "System Engineering and Assurance  
6 Health Check Report", no.

7 So I was just looking briefly at them,  
8 the answer is, no.

9 PETER WARDLE: In looking down towards  
10 the bottom of the page, you'll see reference to  
11 various standards.

12 SAM BERRADA: Yeah.

13 PETER WARDLE: Including what's called,  
14 "Reliability, Availability and Maintainability" or  
15 RAM or RAMS program; are you familiar with these  
16 standards?

17 SAM BERRADA: No.

18 PETER WARDLE: Okay. If we go over to  
19 the next page, you'll see in the middle of the  
20 page, so this is page 11 of the report. And you'll  
21 see the large paragraph, I've highlighted part of  
22 it, and it starts off saying:

23 "Given the timelines associated  
24 with the execution of the Safety  
25 Programme, the Safety Plan was not

1 in line with either the MIL-STD-882E  
2 or IEC 61508 standards that are  
3 called out as reference in the  
4 Safety Plan. The approach has been  
5 tailored to use a Risk Based  
6 Assurance methodology. The  
7 methodology involves the review of  
8 the Hazard Log against a list of  
9 railroad hazards as tabulated by the  
10 Rail Safety and Standards Board to  
11 ensure that potential hazards have  
12 not been overlooked followed by an  
13 allocation of mitigation  
14 responsibilities to Primary Systems,  
15 and a further review of the  
16 interactions between the Primary  
17 Systems via an Interface Hazard  
18 Analysis to ensure that all  
19 interactions between Primary Systems  
20 that are related to safety-critical  
21 or safety-related functions have  
22 been assessed. The IHA has  
23 concluded that the interfaces  
24 between the Primary Systems are fit  
25 for purpose."

1                   Just looking at these, does this appear  
2 to indicate to you that the independent safety  
3 auditor had some role in connection with the  
4 assessment of systemic risk assessment in  
5 connection with the Confederation Line?

6                   SAM BERRADA: Yeah I mean, this is only  
7 an excerpt, and I have not seen this report. But  
8 certainly what you've read, appears to be a  
9 sensible sound approach to doing that.

10                  PETER WARDLE: Thank you. And if we go  
11 to the end of this report, and I know you haven't  
12 seen this, but you'll see at the end of the report,  
13 under "Conclusions", the author of the report goes  
14 through the various tasks that have been  
15 identified. And you'll see at the very bottom  
16 under 3.2, that the end of that section says:

17                                 "Given the scope and findings  
18 of this Safety Audit Report, as  
19 summarized in Section 3.1 above,  
20 this audit report supports the use  
21 of the OLRT for passenger-carry  
22 operations."

23                   Is that consistent with what you  
24 understood that the independent safety auditor had  
25 at some point before the launch of the service

1 provided some form of certification?

2 SAM BERRADA: Yeah, I don't know if I  
3 can comment on that because, you know, I have not  
4 been involved in this, I have not seen this report,  
5 I have not seen the full details. Certainly what  
6 you've showed me, the excerpts appear to make  
7 sense.

8 And I do know that, you know, the City  
9 has leveraged a number of experts to arrive at this  
10 conclusion of revenue readiness. But I did not, as  
11 an RMC0, get into that level of information.

12 PETER WARDLE: All right. Thank you  
13 very much, Mr. Berrada. Those are all my  
14 questions. Thanks, Judith, for your patience.

15 ANTHONY IMBESI: Thank you. We can go  
16 off record.

17

18 -- Concluded at 4:45 p.m.

19

20

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1 REPORTER'S CERTIFICATE

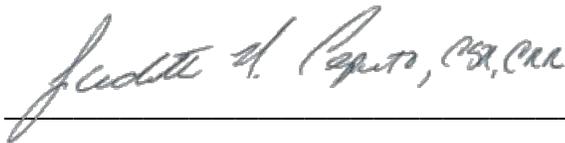
2  
3 I, JUDITH M. CAPUTO, RPR, CSR, CRR,  
4 Certified Shorthand Reporter, certify;

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

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

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

15  
16 Dated this 6th day of May, 2022.

17   
18 \_\_\_\_\_

19 NEESONS, A VERITEXT COMPANY

20 PER: JUDITH M. CAPUTO, RPR, CSR, CRR  
21  
22  
23  
24  
25

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