

## Message

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**From:** Mario Guerra [Mario.Guerra@rtmgrp.ca]  
**Sent:** 2/9/2022 12:46:27 PM  
**To:** Tania Seely [tania.seely@rtmgrp.ca]  
**Subject:** FW: Track work  
**Attachments:** JBA Confederation Line CWR Management report ver1.0 0240707 (1).pdf; Track Neutral Temperature.pdf; Track Maintenance Cost.pdf; Track OLRTC Letter.pdf

FYI

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**From:** Mario Guerra  
**Sent:** September 24, 2020 7:16 AM  
**To:** Tara Markell <tara.markell@rtmgrp.ca>  
**Cc:** Matt Slade (mslade@ellisdon.com) <mslade@ellisdon.com>  
**Subject:** RE: Track work

Hi Tara,

Please see the signed letter and attachments for distribution.

**Regards**

**Mario Guerra**

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**From:** Tara Markell <tara.markell@rtmgrp.ca>  
**Sent:** September 23, 2020 7:41 AM  
**To:** Mario Guerra <mario.guerra@rtmgrp.ca>  
**Cc:** James Messel <james.messel@rtmgrp.ca>  
**Subject:** RE: Track work

Hi Mario  
As requested, please see the attached correspondence.

Any changes, please let me know.

Thanks, Tara

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**From:** Mario Guerra <mario.guerra@rtmgrp.ca>  
**Sent:** Tuesday, September 22, 2020 5:17 PM  
**To:** Tara Markell <tara.markell@rtmgrp.ca>  
**Cc:** James Messel <james.messel@rtmgrp.ca>  
**Subject:** FW: Track work

Hi Tara,

Can you draft a letter with the content below to OLRTC?

**Regards**

**Mario Guerra**

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**From:** Matthew Slade <[msslade@ellisdon.com](mailto:msslade@ellisdon.com)>  
**Sent:** September 22, 2020 1:20 PM  
**To:** Mario Guerra <[mario.guerra@rtmgrp.ca](mailto:mario.guerra@rtmgrp.ca)>  
**Subject:** Re: Track work

Draft letter below. I can add more detail if required, I suggest we include the JBA report and the SNC Lavalin report as OLRTC will simply ask for those anyway:

To Gonzalo

Subject – Trackwork Warranty Claim

As you are aware, during the heat of the summer, the track moved significantly more than anyone had anticipated. The impact of this has resulted in numerous TSRs (Temporary Speed Restrictions) and extensive work to introduce stress relief cuts during maintenance hours. RTM has suffered service penalties and the cost of unplanned works as a direct result.

RTM has engaged JBA to advise on the issues that we have seen and potential mitigations. Furthermore, discussions and meetings have been held with Kevin Vokey the Engineer of Record for the track. RTM has also had reports from SNC Lavalin's Dion Church too.

The result of all of this is that we believe that the issues we are experiencing, both related to temperature movement and ride quality stem from the design and construction phase of the project and are therefore considered a construction defect.

There appears to have been no maintenance undertaken on the track since it was constructed, other than the grinding that was done just after RSA and the greasing of switch plates and machines. It is clear that the ballast was never tamped from when it was laid until revenue service. This is some 3 years (2016 to 2019) with little or no maintenance. As a result of this, the guideway now requires extensive additional ballast and tamping. At RSA the rolling stock fleet had up to 10,000km per car, and in all this distance, the track had not been maintained. Furthermore, we know that the vehicles did not start dispensing rail lubrication until just before RSA, this has also impacted the condition of the rail.

With regards to the neutral temperature and the thermal stress in the rail, it would appear that the design has been insufficient. There are currently discussions ongoing with the City and Kevin Vokey about changing the neutral temperature in order to reduce the thermal track movement. We are currently trying to obtain acceptance from the City for a change in the PA to allow for a bigger break under cold conditions. If the City agrees to this then OLRTC may have an opportunity to claim some of these costs back from the City.

Attached is a breakdown of the work that is required to be undertaken to the track and where RTM believes the responsibility for the costs lies between RTM and OLRTC.

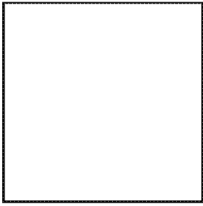
Under the warranty protocol OLRTC has the right to undertake these rectifications works directly if they wish, alternatively RTM can proceed on the agreement that OLRTC pays for its deficiencies. If OLRTC does not agree, we should raise this issue to RTG at the next Interface Committee Meeting for further discussion.

**Matthew Slade**  
Director, Rail & Rail Systems

**EllisDon Corporation**  
1004 Middlegate Rd, Suite 1000  
Mississauga, ON L4Y 1M4

905-896-8900 Ext: 36449

Mobile: 416-902-6362



On Tue, Sep 22, 2020 at 10:35 AM Mario Guerra <[mario.guerra@rtmcp.ca](mailto:mario.guerra@rtmcp.ca)> wrote:

If you could draft the letter that would be appreciated.

**Regards**

**Mario Guerra**

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**From:** Matthew Slade <[msslade@ellisdon.com](mailto:msslade@ellisdon.com)>

**Sent:** September 22, 2020 10:31 AM

**To:** Mario Guerra <[mario.guerra@rtmcp.ca](mailto:mario.guerra@rtmcp.ca)>

**Subject:** Fwd: Track work

Hi Mario

Based on the attached spreadsheet for the cost of the track remedial works, the costs we believe that are attributable to OLRTC are in the order of \$493,000.

The letter to OLRTC for the warranty claim needs to include the fact that OLRTC undertook no track maintenance or tamping during the construction and testing phase of the project. The majority of the track was installed in 2016 with the last section in the tunnel (direct fix) in summer 2017.

Admittedly OLRTC did grind the rails after RSA, but they already need doing again. This is a result of the wheel rail interface and the fact that the track was run on for so long without any lubrication. We also believe that the lubrication is insufficient for the geometry we have.

Let me know if you want me to draft the letter or to assist with the drafting.

This should result in a dispute through the interface committee and RTG ultimately agreeing to pay in the interim.

Regards

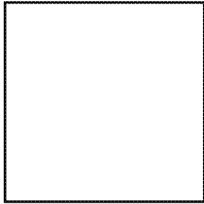
**Matthew Slade**

Director, Rail & Rail Systems

**EllisDon Corporation**

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----- Forwarded message -----

**From:** Marie-Eve Belzile <[Marie-Eve.Belzile@rtmgrp.ca](mailto:Marie-Eve.Belzile@rtmgrp.ca)>**Date:** Tue, Sep 22, 2020 at 10:09 AM**Subject:** RE: Track work**To:** Matthew Slade <[msslade@ellisdon.com](mailto:msslade@ellisdon.com)>

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**From:** Marie-Eve Belzile**Sent:** September 22, 2020 9:09 AM**To:** 'Matthew Slade' <[msslade@ellisdon.com](mailto:msslade@ellisdon.com)>**Subject:** RE: Track work

yesssssss

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**From:** Matthew Slade <[msslade@ellisdon.com](mailto:msslade@ellisdon.com)>**Sent:** September 22, 2020 9:02 AM**To:** Marie-Eve Belzile <[Marie-Eve.Belzile@rtmgrp.ca](mailto:Marie-Eve.Belzile@rtmgrp.ca)>**Subject:** Re: Track work

Can we talk through this please, just want to understand what we consider may be recoverable from warranty.

Thanks

**Matthew Slade**

Director, Rail &amp; Rail Systems

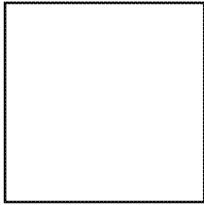
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On Tue, Sep 22, 2020 at 8:49 AM Marie-Eve Belzile <[Marie-Eve.Belzile@rtmcp.ca](mailto:Marie-Eve.Belzile@rtmcp.ca)> wrote:

Where do you want more details?

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**From:** Matthew Slade <[msslade@ellisdon.com](mailto:msslade@ellisdon.com)>  
**Sent:** September 22, 2020 8:37 AM  
**To:** Marie-Eve Belzile <[Marie-Eve.Belzile@rtmcp.ca](mailto:Marie-Eve.Belzile@rtmcp.ca)>  
**Subject:** Track work

Morning Marie-Eve

Can we look at the scope and estimate for the trackwork please. Can you prepare a small spreadsheet with each work item broken out and a budget cost against each item please.

You can do it area by area or as a whole, I don't mind.

Thanks

**Matthew Slade**

Director, Rail & Rail Systems

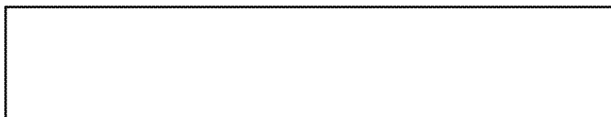
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