

# Ottawa Light Rail Commission

Nancy Schepers  
on Tuesday, April 12, 2022



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OTTAWA LIGHT RAIL COMMISSION  
CITY OF OTTAWA - NANCY SCHEPERS  
APRIL 12, 2022

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--- Held via Zoom Videoconferencing, with all  
participants attending remotely, on the 12th day  
of April, 2022, 3:01 p.m. to 5:26 p.m.

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1 COMMISSION COUNSEL:

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3 Kate McGrann, Co-Lead Counsel Member

4 Daniella Muryнка, Litigation Counsel Member

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7 PARTICIPANTS:

8

9 CITY OF OTTAWA:

10 Nancy Schepers

11

12 Peter Wardle, Esq.,

13 Singleton, Urquhart, Reynolds, Vogel LLP

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15 Betsy Segal, Esq.,

16 Singleton, Urquhart, Reynolds, Vogel LLP

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19

20 ALSO PRESENT:

21

22 Judith Caputo, Stenographer/Transcriptionist

23 Chandani Joshi, Virtual Technician

24

25

INDEX OF EXHIBITS

NUMBER/DESCRIPTION	PAGE NO.
1: Curriculum Vitae of Nancy B. Schepers dated September 2012.	7

\* \* 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: 19:7, 53:5

1 -- Upon commencing at 3:00 p.m.

2

3 NANCY SCHEPERS: AFFIRMED.

4 KATE McGRANN: Good afternoon,

5 Ms. Schepers. My name is Kate McGrann, I'm co-lead

6 counsel of the Ottawa Light Rail Transit Public

7 Inquiry. I'm joined by my colleague, Daniella

8 Murynka.

9 Before we begin with the questions, I

10 just wanted to let you know that the purpose of

11 today's interview is to obtain your evidence and

12 your oath or solemn declaration for use at the

13 Commission's Public Hearings.

14 This will be a collaborative interview

15 such that my colleague may intervene to ask certain

16 questions. If time permits, your counsel may ask

17 follow-up questions at the end of this interview.

18 This interview is being transcribed and

19 the Commission intends to enter this transcript

20 into evidence at the Commission's Public Hearings,

21 either at the hearings or by way of procedural

22 order before the hearings commence.

23 The transcript will be posted to the

24 Commission's public website, along with any

25 corrections made to it after it is entered into

1 evidence.

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

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

13           Sorry, did someone say something?

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

1 giving such evidence.

2 As required by Section 33(7) of the  
3 Public Inquiries Act 2009, you are hereby advised  
4 that you have the right to object to answer any  
5 question under Section 5 of the Canada Evidence  
6 Act.

7 If at any point during this interview  
8 you need to take a break, just let us know and we  
9 will go off the record for the time needed.

10 Do you have any questions about any of  
11 that?

12 NANCY SCHEPERS: I do not.

13 KATE McGRANN: We asked your counsel to  
14 share a copy of the CV with us in advance of  
15 today's interview.

16 I'm sharing my screen with you, showing  
17 you the first page of a four-page document entitled  
18 "Nancy B. Schepers, P.Eng." The bottom indicates  
19 that this is dated September 2012. Do you  
20 recognize this document?

21 NANCY SCHEPERS: I do.

22 KATE McGRANN: And is this your resumé  
23 as at September 2012?

24 NANCY SCHEPERS: Yes.

25 KATE McGRANN: So we will introduce

1 that as Exhibit 1 to your examination.

2 EXHIBIT NO. 1: Curriculum Vitae of  
3 Nancy B. Schepers dated September 2012.

4 KATE McGRANN: Can you just bring us up  
5 to speed, following September 2012, what roles did  
6 you fill at the City?

7 NANCY SCHEPERS: So, the last role  
8 that's on that 2012 resumé was Deputy City Manager,  
9 and that role continued until 2014. And then, my  
10 last year at the City, I was an Executive Advisor  
11 to the City Manager.

12 KATE McGRANN: Okay. So is it the end  
13 of the calendar year, 2014, that you stopped being  
14 a Deputy City Manager?

15 NANCY SCHEPERS: Yes, although I don't  
16 have a precise date in my head.

17 KATE McGRANN: And then your role as  
18 Executive Advisor -- sorry, what are you referring  
19 to there?

20 NANCY SCHEPERS: Sorry, I have a short  
21 form resumé, and I just thought that I would see if  
22 it -- it's a two-page summary -- if it actually has  
23 a date on it.

24 -- Reporter's Note: (Experienced  
25 virtual connection difficulties).



1                   -- OFF THE RECORD DISCUSSION --

2                   KATE McGRANN: So I understand that you  
3 stayed in the role of Deputy City Manager up until  
4 in or around the end of 2014, and then you take on  
5 a role as Executive Advisor to the City.

6                   Are you an employee of the City when  
7 you're working as an Executive Advisor to the City?

8                   NANCY SCHEPERS: I am, and I was only  
9 working three days a week at that point for my last  
10 year.

11                  KATE McGRANN: And you remained in that  
12 role until the end of 2015?

13                  NANCY SCHEPERS: That is correct.

14                  KATE McGRANN: And did you continue  
15 working after you left the role of Executive  
16 Advisor to the City in 2015?

17                  NANCY SCHEPERS: I had a contract after  
18 I left, but I actually never did any work. And so,  
19 since then, I've done volunteer work, which I guess  
20 wouldn't be in that resumé either.

21                  KATE McGRANN: What was the nature of  
22 the contract that you had?

23                  NANCY SCHEPERS: So, it was with  
24 Boxfish, to work with them on different projects.  
25 And at the end of the day, it was -- it never

1     amounted to anything, so I didn't actually do any  
2     work at all. And within a short period of time, we  
3     just parted ways.

4             KATE McGRANN: Was it envisioned before  
5     or when you entered into the contract with Boxfish  
6     that you would do any work with respect to the  
7     Ottawa LRT?

8             NANCY SCHEPERS: No, no. Boxfish was  
9     looking at the Ottawa Hospital at the time. And so  
10    I had agreed to participate, but they were not  
11    successful with that project.

12            KATE McGRANN: Okay. Could you provide  
13    us with an overview of your role with respect to  
14    Stage 1 of Ottawa's LRT? Starting at the  
15    beginning, just walk us through generally what your  
16    involvement was.

17            NANCY SCHEPERS: So, I started with the  
18    City in November of 2006, and there was a change in  
19    the mayoral race at that point just after I  
20    started.

21            So there was a contract that was  
22    intended to be built. It ended up not going ahead;  
23    this was the North-South Light Rail. And so my  
24    role when I arrived was, within a week that  
25    happened, was really to pick up the pieces and

1 confirm and provide advice to council so that they  
2 could prepare a new vision for rapid transit.

3 And so that was my first role, you  
4 know, doing that planning work and bringing that to  
5 council, which included Stage 1, which is the  
6 Confederation Line construction.

7 And once that was approved, then  
8 certainly I was overseeing the environmental  
9 assessment. I mean, obviously, I was an executive  
10 level, it wasn't day-to-day, but responsible for  
11 that.

12 And then, clearly, as we moved into  
13 implementation, I was quite involved, and most of  
14 the reports will show that, reports that went to  
15 committee and council, so key decisions that were  
16 made with respect to the procurement model to  
17 follow, the role of IO, you know, changes that were  
18 made to the design, all of those decisions that  
19 were made and, of course, discussions with the  
20 Province and the Feds on contribution agreements,  
21 lots of discussions with the NCC to advance and  
22 make sure that their responsibilities were held up  
23 with respect to Federal lands that would be  
24 required for the project.

25 And, again, just continuing, in 2012,

1 the contract was awarded, and I was there until the  
2 end of 2015. So, again, still overseeing that  
3 implementation. You'll see that the Steering  
4 Committee, I was a member of that, like, through  
5 that whole process.

6 KATE McGRANN: Okay. Just for clarity  
7 in the transcript, you referenced the NCC. What is  
8 that?

9 NANCY SCHEPERS: The National Capital  
10 Commission.

11 KATE McGRANN: And you made reference  
12 to a Steering Committee. What committee were you  
13 referring to?

14 NANCY SCHEPERS: It was called the  
15 Ottawa Light Rail Transit Steering Committee. And  
16 that included the City Manager, myself -- I don't  
17 have all the names in front of me, but key  
18 individuals within the City and key decisions that  
19 would come out of the Rail Implementation Office,  
20 which I'll call RIO going forward, would come to  
21 the Steering Committee.

22 KATE McGRANN: Is the Ottawa Light Rail  
23 Transit Steering Committee a different committee  
24 than the Executive Steering Committee?

25 NANCY SCHEPERS: No, it's the same

1 thing.

2 KATE McGRANN: Okay. With respect to  
3 RIO, the Rail Implementation Office, when was that  
4 office established?

5 NANCY SCHEPERS: Oh, that was  
6 established -- so, 2011 is when -- let me see, do I  
7 have that listed here, in terms of the date? I  
8 mean, it was fairly early on as the EA was coming  
9 to an end and we were getting direction to begin  
10 the project itself, you know, so that was an early  
11 date.

12 Let me just see if I have it here.  
13 Because it was September 2010 that we started with  
14 the preliminary engineering and we brought in CTP,  
15 the transit partners to assist us. Contribution  
16 agreement... So it may have been as early as 2009,  
17 but I'm not going to -- I can't say specific dates.

18 KATE McGRANN: If you don't remember  
19 the dates, you can just let me know.

20 NANCY SCHEPERS: Okay.

21 KATE McGRANN: You appear to have a set  
22 of notes there. What are you making reference to  
23 when you're answering the questions?

24 NANCY SCHEPERS: I just have a summary  
25 sequence that I put together, based on reading some

1 of the -- re-reading some of the materials that --  
2 particular reports that I brought to council.

3 KATE McGRANN: Okay. Would you be able  
4 to provide us with a copy of that summary after the  
5 interview?

6 NANCY SCHEPERS: Yes. I will have to  
7 take a photocopy of it. I'll have to see what --  
8 because when I tried to pull it up today, it's not  
9 there anymore electronically. So I have a paper  
10 copy of it, it's kind of torn and ripped, but I can  
11 certainly scan that.

12 KATE McGRANN: You made reference to a  
13 project, it was North-South Light Rail Project, I  
14 believe. Have I got that description right?

15 NANCY SCHEPERS: Correct.

16 KATE McGRANN: And after that project  
17 was brought to an end, you said that you had to  
18 pick up the pieces and you were assisting council  
19 in repositioning and looking at a different  
20 approach to rapid transit. I gather that they  
21 ultimately settled on Stage 1 of the LRT?

22 NANCY SCHEPERS: Correct.

23 KATE McGRANN: Were you able to use any  
24 of the work that had been done on the North-South  
25 proposal in the work that was done in Stage 1 of

1 the LRT?

2 NANCY SCHEPERS: The experience gained  
3 by the City certainly was a great asset, in terms  
4 of moving forward. The first focus was looking at,  
5 okay, so where do we go from here?

6 It was -- the new council had to  
7 confirm that for the Federal funding to come in,  
8 and the new council that came in did not confirm  
9 that project. So that is how it met its end. And  
10 as I said, there were a number of the staff who had  
11 been engaged in that project, who certainly became  
12 active in Stage 1 of the LRT, the Confederation  
13 Line.

14 KATE McGRANN: What stage was the  
15 North-South Rail Line work at in terms of what was  
16 envisioned and planned for the project? So, for  
17 example, were there -- had the City determined what  
18 it wanted out of the vehicle, for example?

19 NANCY SCHEPERS: Yeah. The contract  
20 had actually been awarded, and it was to convert  
21 the current and what's now again the diesel train  
22 going north-south. It was to convert that to light  
23 rail. It would twin the tunnel under Dow's Lake,  
24 if you know Ottawa. It actually went into  
25 Barrhaven across a new bridge, which the bridge has

1 since been built, the Strandherd Bridge, into  
2 Barrhaven. And it actually included surface  
3 operation through the downtown, and then the line  
4 itself terminated in the University of Ottawa.

5 So I was not there for any of that  
6 project development, just to be clear. But I'm  
7 certainly quite aware of the project because we  
8 certainly started with that information as part of  
9 the revisiting of the transit master plan.

10 KATE McGRANN: What was the delivery  
11 model that was going to be used for the North-South  
12 Rail Project?

13 NANCY SCHEPERS: I don't recall.

14 KATE McGRANN: Had Infrastructure  
15 Ontario been involved in all of the North-South  
16 Rail Project?

17 NANCY SCHEPERS: Not to my knowledge,  
18 no.

19 KATE McGRANN: Do you know if there was  
20 any reason why Infrastructure Ontario had not been  
21 involved in that work?

22 NANCY SCHEPERS: I do not know.

23 KATE McGRANN: So I had asked you  
24 whether the City had already determined what it was  
25 looking for, for example in a vehicle, on the



1 North-South Rail Project. You said that a contract  
2 had already been awarded.

3 Were the decisions that had been made  
4 about the vehicle, for example, on the North-South  
5 Rail Project, picked up and brought along to the  
6 new project that ultimately became Stage 1 of the  
7 LRT?

8 NANCY SCHEPERS: So, the North-South  
9 Line included Siemens vehicles. And as the  
10 decision on the procurement advanced for  
11 Confederation Line, the decision was made that  
12 instead of specifying the vehicle, that there would  
13 be an opportunity through the process for  
14 proponents to bring forward their vehicle.

15 So it was considered. But in terms of  
16 making sure that we had the best competitive  
17 process possible, we didn't carry forward that  
18 vehicle. It could have come in, but it was not  
19 specified.

20 KATE McGRANN: Were there any  
21 particular features of that vehicle, or  
22 capabilities of that vehicle, that were taken and  
23 then used as part of the construction of the  
24 specifications for the vehicle on the Stage 1 LRT?

25 NANCY SCHEPERS: I don't know exactly.

1 I expect so. I mean, it's the same conditions, in  
2 terms of weather. And obviously the Confederation  
3 Line, in terms of volume of passengers, is  
4 significantly higher than that line was.

5 So that line on the surface through the  
6 downtown was going to be probably carrying about  
7 ten percent of the transit passengers through  
8 downtown.

9 KATE McGRANN: So walk me through the  
10 steps that the City took up to the point where  
11 preliminary engineering was commenced, to ascertain  
12 its needs for Stage 1 of the LRT.

13 NANCY SCHEPERS: Are you asking, like,  
14 for the planning work that was done?

15 KATE McGRANN: Yeah. I'd like to  
16 understand what the City did to prepare itself to  
17 give instructions to the people who would be  
18 working on the preliminary engineering.

19 NANCY SCHEPERS: I'm not sure I  
20 understand. I mean, the planning work, I will skip  
21 that because it sounds like you're wanting to get  
22 much more specific, in terms of the contract.

23 So, you know, obviously, the  
24 environmental assessment was done. And it was the  
25 environmental assessment that established the first

1 budget. So, again, looks at, you know, what is the  
2 system going to look like? How many passengers  
3 does it need to carry? Where are the stops going  
4 to be? You know, there was that kind of  
5 information which clearly then evolve and become --  
6 and be modified, obviously, in the process, but  
7 they are the starting point for the output specs.

8           For the environmental assessment, in  
9 terms of construction costing, I mean, you're at a  
10 fairly preliminary phase and so you're using a lot  
11 more matrix, in terms of how much per metre of  
12 tunneling; how much per metre of tracks, those  
13 kinds of things. And obviously using standards  
14 that would be used because, again, you have experts  
15 at the table, standards that would be used for a  
16 system operating in the kinds of weather conditions  
17 that the City of Ottawa sees.

18           KATE McGRANN: Who at the City was  
19 involved in preparing the environmental assessment?

20           NANCY SCHEPERS: So, again, Vivi Chi  
21 was the manager responsible for that, and I cannot  
22 remember which consultants were involved but  
23 clearly, you know, there's lots of light rail  
24 experience and expertise across North America.  
25 And, you know, these firms, big firms, are firms

1 that certainly would be -- would have been  
2 retained. I just can't remember who it was who was  
3 doing the environmental assessment, which firm.

4 KATE McGRANN: Peter, is that something  
5 that your office might be able to help us out with?

6 U/T PETER WARDLE: Yes, I'm just actually  
7 looking right now, Kate, to see if I can pull it up  
8 while we're talking. I certainly have seen the  
9 environmental assessment.

10 We can certainly identify it for you in  
11 the documents.

12 KATE McGRANN: Okay, thanks.

13 PETER WARDLE: I may be able even to do  
14 that during this interview, so just give us a  
15 minute.

16 KATE McGRANN: Sure thing.

17 Peter, I'm going to proceed with my  
18 questions.

19 PETER WARDLE: Yes, that's fine.

20 KATE McGRANN: And then make good use  
21 of Ms. Schepers' time.

22 PETER WARDLE: I'll look while you're  
23 asking questions, thanks.

24 KATE McGRANN: With respect to the  
25 budget, we've seen reference over time to a

1 \$2.1 billion number. Do you know, was that number  
2 originally set out in the environmental assessment?

3 NANCY SCHEPERS: That is where it first  
4 came from, yeah.

5 KATE McGRANN: Okay. And I understand  
6 that the City had to set a budget for the purposes  
7 of seeking contributions from the Provincial  
8 Government and the Federal Government quite early  
9 on in the planning of this whole project.

10 Was it the \$2.1 billion number that was  
11 used in conversations with the Provincial and  
12 Federal Government about contributions?

13 NANCY SCHEPERS: Yeah, those early  
14 discussions used those EA numbers. And so, again,  
15 you know, I'm sure Peter can get you the breakdown  
16 from the EA, but it would have included  
17 contingencies and other things. And both the  
18 Province and the Feds committed to the 600 million  
19 at that point. And I believe you've seen the  
20 Lessons Learned Report, it was something that was  
21 really flagged as, yes, we needed early commitment  
22 from the Federal and Provincial Governments to  
23 proceed, but asking them to make a firm commitment  
24 on early estimates is risky.

25 KATE McGRANN: And just so the

1 transcript is clear, you say that the Federal  
2 Government and the Provincial Government committed  
3 600 million; that was 600 million each, correct?

4 NANCY SCHEPERS: Correct, yes.

5 KATE McGRANN: And at some point along  
6 the process, did the \$2.1 billion number become a  
7 number that the City could not move from, in  
8 particular, could not increase or could not see  
9 increase?

10 NANCY SCHEPERS: I would never say that  
11 we couldn't increase it. It became a goal for us  
12 because already the City was on the hook for a  
13 hundred cent dollars. And so we needed to pay  
14 attention to that. If we had got to that point  
15 that it didn't work, we -- obviously, staff always  
16 has the opportunity to go back to council and  
17 revisit things. But it was -- you know, it became  
18 a number that, for us, was where we wanted to land.

19 KATE McGRANN: At what point in the  
20 process did it become the goal number for you?

21 NANCY SCHEPERS: I would say very  
22 early, right from the get-go. Because that was the  
23 number that the funding commitments were made on by  
24 the two other levels of government.

25 KATE McGRANN: Just so that I can place

1 it in time, when you say "right from the get-go,"  
2 would you say right from the issuance of the  
3 environmental assessment?

4 NANCY SCHEPERS: From the completion of  
5 the environmental assessment, yeah.

6 KATE McGRANN: And do you know, at any  
7 point up to the release of the RFP, did the City  
8 ever take a second look at that number and assess  
9 whether it was sufficient to meet the City's needs  
10 and achieve the LRT system that the City needed?

11 NANCY SCHEPERS: Yeah. I mean, there  
12 were -- I mean, there was constant value  
13 engineering going on. And so we were challenging  
14 that, and so looking at what kinds of things could  
15 be done to give us the same output or even a better  
16 output, but with less money.

17 And so some of those came up through  
18 the process and some were done very, very early.  
19 So, the example is reducing the depth of the  
20 tunnel.

21 And I recall, in the environmental  
22 assessment process, that there wasn't as much  
23 detail in terms of reviewing that, and, you know,  
24 the alignment was basically picked and the depth  
25 was picked to go under all of the foundations

1 downtown.

2           And I remember I thought it was a good  
3 choice at the time; the costing was based on that.  
4 But as the opportunities arise, we, as staff, it's  
5 our obligation to continue to challenge those, and  
6 we did that. We made sure that we challenged the  
7 assumptions that were made, and, you know, to look  
8 at how the project could be value engineering and  
9 be delivered for less money.

10           And I say, you know, even the tunnel  
11 which I mentioned, where we reduced the depth, not  
12 only did that contribute to reducing the cost, it  
13 contributed to our ability to actually transfer the  
14 geotechnical risk. It made the system much more  
15 accessible. And, you know, when it's that close to  
16 the surface, it made it much easier to talk to  
17 adjacent property owners in terms of seamless  
18 connections from the tunnel into their buildings.

19           So, it's a classic value engineering  
20 where it really is -- was a win-win-win.

21           KATE McGRANN: For people who aren't  
22 familiar with the term "value engineering," what  
23 does that mean?

24           NANCY SCHEPERS: Well, in my mind, it  
25 is challenging -- challenging the project



1 assumptions and seeing if you can get more value  
2 out of it. And always, always, always achieving  
3 your outcomes. So, what were the outcomes.

4 And, you know, you're never -- as an  
5 engineer, you're never compromising what you're  
6 delivering, in terms of public safety, and the  
7 whole nine yards. But what you're doing is you're  
8 challenging it and looking to improve the value.  
9 So, more often than not, it's about reducing the  
10 cost but getting the same outcomes or improved  
11 outcomes.

12 KATE McGRANN: So I had asked you about  
13 whether the City reconsidered the budget at any  
14 point up to the release of the RFP. You've  
15 described some value engineering work that the City  
16 did.

17 At any point up until the release of  
18 the RFP, did anyone at the City or the City's  
19 advisors raise any concerns that the \$2.1 billion  
20 budget was insufficient to achieve the LRT that the  
21 City wanted?

22 NANCY SCHEPERS: I do not recall that,  
23 no.

24 KATE McGRANN: Did anyone at the  
25 Provincial Government or Federal Government express

1 any concerns that the budget was insufficient for  
2 what the City wanted to do with the LRT?

3 NANCY SCHEPERS: No.

4 KATE McGRANN: Up until the beginning  
5 of preliminary engineering, what role did  
6 OC Transpo play in the work that the City was doing  
7 on Stage 1 of the LRT?

8 NANCY SCHEPERS: So, the operator,  
9 whenever you're delivering a project, is at the  
10 table and certainly defines the outcomes that are  
11 needed. I mean, there's so many things that you  
12 can get into, in terms of what was OC Transpo  
13 contributing to and obligated to provide for the  
14 project, you know, so they're at the table all  
15 through the planning work. They're certainly at  
16 the table through the environmental assessment.

17 And, obviously, a system like this, so  
18 we're converting the bus rapid transit, which is  
19 one of the highest, if not the highest, riderships  
20 in North America, it was very unique in terms of  
21 when it was envisioned and how it was built from  
22 the outside in. So, the City of Ottawa, single  
23 biggest, like, it's the biggest infrastructure  
24 project it's undertaken. But not only that, this  
25 was a conversion of bus rapid transit that Ottawa

1 has been admired for around the world, and a lot of  
2 people watching it.

3           So, again, OC Transpo, I mean, that's  
4 their bread and butter. You know, if you think  
5 about the number of passengers that they are  
6 carrying through the downtown per hour, per  
7 direction, like, 9,000 people in one direction  
8 coming through downtown -- in actually each  
9 direction in the morning. And if you look at a  
10 freeway, 2,000 vehicles per lane, that's almost the  
11 equivalent of a four- or five-lane freeway.

12           Well, you're converting that, you're  
13 going to be changing your entire system. So OC  
14 Transpo had to be at the table. How were they  
15 going to run the connector buses? Where were the  
16 best locations to make sure they had good  
17 connectivity with stations? The list just -- it's  
18 enormous. But, yes, OC Transpo is at the table the  
19 entire time.

20           KATE McGRANN: Okay. When you say that  
21 it was OC Transpo's bread and butter, are you  
22 referring to the bus service in Ottawa?

23           NANCY SCHEPERS: I'm referring to the  
24 bus rapid transit system and how, you know, that is  
25 their main line. Obviously, they're running a lot

1 of local service, but that local service, by and  
2 large, you know, would be accessing the bus rapid  
3 transit and following it into the downtown.

4 KATE McGRANN: When you say that they  
5 were at the table for the environmental assessment,  
6 what role did they play in the environmental  
7 assessment, or roles, if they played more than one?

8 NANCY SCHEPERS: Yeah, and I'm sure you  
9 can ask them, but in terms of the, again, when  
10 you're making decisions on station location, you  
11 know, the system determinations and how they were  
12 going to be able to operate, what that looked like,  
13 the bus transfer points, detours during the  
14 construction, how many passengers needed to be  
15 accommodated per hour, you know, the platform  
16 length, the expansion requirements into the future,  
17 you name it, there's a lot. I'm giving you some  
18 examples.

19 KATE McGRANN: It sounds like they were  
20 focused on the interface between the planned LRT  
21 and the bus systems, providing information about  
22 passenger volume throughout the day and needs --  
23 projected passenger needs into the future.

24 Any other overarching areas like that  
25 that you can think of that they were involved in?

1                   NANCY SCHEPERS: Well, I know that the  
2 fare control, because, again, you're moving to,  
3 again, a very different system. Fare control prior  
4 to the LRT would have been all on bus, tapping.  
5 And this way you're -- you know, once you get into  
6 the station, like, that's where your fare control  
7 is, as it is on most rapid systems. They needed to  
8 make those decisions.

9                   And then the transfer points at the  
10 stations needed to be designed to -- do people have  
11 to tap again before they get on a bus? Can we  
12 create a fare-free zone where, if you get off the  
13 train, you can get on the bus and you don't need to  
14 tap again? Those kinds of things.

15                  KATE McGRANN: Okay. You referred to  
16 OC Transpo as the operator. At what point in time  
17 was the decision made that OC Transpo would operate  
18 Stage 1 LRT?

19                  NANCY SCHEPERS: When you say  
20 "operate," take over the day-to-day responsibility  
21 for it; is that your question? Because the  
22 operation, I mean, at some point it -- the project,  
23 once I left, it transitioned over to John Manconi,  
24 so it's much more embedded in OC Transpo. And  
25 then, of course, decisions made post that, I'm

1 certainly not aware of, and decisions to -- I think  
2 that's what you're asking, in terms of the  
3 commissioning and opening and operation of it,  
4 would have all happened post that late 2015.

5 KATE McGRANN: I would like to know  
6 specifically at what point in time it was decided  
7 that OC Transpo would be in charge of the operation  
8 of the system when it was open to public service,  
9 so it would supply and supervise the drivers and  
10 things like that.

11 NANCY SCHEPERS: Oh, I see. Okay,  
12 yeah, that was made fairly early on, again, with  
13 discussions with OC Transpo. But it would have  
14 been done prior to going to the market with the  
15 RFP. Like, that was an early decision, and one of  
16 the early reports speaks to that.

17 KATE McGRANN: Do you remember, sitting  
18 here today, whether that was a decision that was  
19 made before or after the environmental assessment  
20 was finalized?

21 NANCY SCHEPERS: It would have been  
22 made just after that, you know, as we got into  
23 that, the next stage.

24 KATE McGRANN: Who was involved in  
25 making that decision?

1                   NANCY SCHEPERS: Certainly, the  
2 leadership at -- and it was Alain Mercier at the  
3 time, and certainly myself. And, you know, those  
4 kinds of things ultimately went before council. So  
5 that was the ultimate decisionmaker.

6                   But in terms of the discussions and  
7 coming to a recommendation, that would have been,  
8 you know, certainly Alain and I and other members  
9 of his staff, and it would have been something that  
10 we, together, said, "Okay, this is what we need to  
11 recommend to council, and here's why."

12                  KATE McGRANN: Do you remember what  
13 other options were considered as an alternate to OC  
14 Transpo as the system operator?

15                  NANCY SCHEPERS: Yeah. I mean, you  
16 could -- and this is part of the procurement model,  
17 right? So, when you decide if it's going to be  
18 design-bid-build, is it going to be  
19 design-bid-operate, design-build-operate-maintain,  
20 design-build-finance-operate-maintain, you know,  
21 there's a whole list of options that would have  
22 been considered in that process.

23                  And the decisions on operations, this  
24 is the first phase of this system. I mean, on its  
25 own, it doesn't do enough for the City, so it

1 needed to be extended, and those extensions are  
2 going forward.

3 If you have an operator on those  
4 trains, you know, how do you facilitate the -- you  
5 know, at the end of the system and the train  
6 continues, do you have to change operators?

7 There's a whole lot of discussions and  
8 decisions made that the continuity made sense, also  
9 because of that linkage between the buses and the  
10 trains made sense. Like, there was a number of  
11 reasons why we said, no, we're going to retain  
12 operations with the OC Transpo. So, it could have  
13 gone to the private sector.

14 Also, some trains, you know, they don't  
15 actually have operators on them. That was also,  
16 you know, a decision -- a discussion that took  
17 place and a decision was made, and a recommendation  
18 went to council to continue with our operations.

19 KATE McGRANN: With respect to the  
20 delivery model, it's my understanding that the City  
21 ultimately chose to proceed with a  
22 design-build-finance-maintain model, right?

23 NANCY SCHEPERS: Yes.

24 KATE McGRANN: And I understand that  
25 that decision was made in and around the summer of



1 2011.

2 NANCY SCHEPERS: Correct. I would say  
3 that's around the right time. I mean, I think  
4 there was a report that went on that specific topic  
5 in the summer of 2011.

6 KATE McGRANN: Okay. I believe the  
7 RFQ in this project was released on June 30th,  
8 2011, and the decision with respect to the delivery  
9 model was made after the release of the RFQ; is  
10 that right?

11 NANCY SCHEPERS: You've got me there.  
12 I don't know.

13 KATE McGRANN: Was the decision to  
14 retain OC Transpo as the operator of the system  
15 revisited once the delivery model  
16 design-build-finance-maintain was being evaluated  
17 and selected?

18 NANCY SCHEPERS: I do not recall  
19 revisiting the question of whether OC Transpo would  
20 operate the trains.

21 And just to be clear, in terms of  
22 operate, you know, the line and the line  
23 maintenance, and sometimes people will call that  
24 day-to-day operations as well, that was part of the  
25 private sector responsibilities.

1                   So we were just retaining operation of  
2 the train, the vehicles themselves.

3                   KATE McGRANN: Can you help me  
4 understand what steps the City took to evaluate the  
5 available delivery models and ultimately select  
6 design-build-finance-maintain model?

7                   NANCY SCHEPERS: So, at that point we  
8 were working with IO. And we did have a  
9 requirement -- I can't remember if it was Federal  
10 or Provincial Government -- to actually put the  
11 project through a P3 screen, as they call it, a  
12 public-private partnership.

13                   And the size of the project, the  
14 complexity of the project, there was a lot of  
15 reasons why it was very easy to go to design-build --  
16 I'm just trying to remember the -- you know, so  
17 DBFM, design-build, the finance, I think we came  
18 back to council later with the amount. Like, we  
19 did some further analysis on the financing part of  
20 it, but the maintenance was there from the get-go.

21                   KATE McGRANN: I just want to  
22 understand "there from the get-go," what that means  
23 with respect to the consideration of the delivery  
24 model.

25                   So I think you said maintenance was

1 part of the model from the get-go. At what point  
2 did the City decide that maintenance would be part  
3 of its delivery model, private maintenance?

4 NANCY SCHEPERS: Yeah, so that is one  
5 of the key benefits of going with a P3 model is,  
6 you know, to realize the benefits, the benefits of  
7 innovation and the cost savings, and, you know,  
8 there's a number of them.

9 You really need to have maintenance  
10 included. And that then means that the design  
11 decisions that are made and the innovation that  
12 happens through that process is done in full  
13 consideration of what it's going to cost to  
14 maintain the system.

15 And so that is one of the most -- I  
16 would say one of the most significant benefits of  
17 actually going into a P3 model, is to bring that  
18 maintenance in, into the -- so it's not just  
19 design-build with, you know, a flat amount, but the  
20 maintenance as well and a maintenance term.  
21 Because that puts that onus on the designer to be  
22 giving full consideration of the maintenance  
23 requirements.

24 KATE McGRANN: Okay. At what point in  
25 the process did the City -- so, you mentioned that

1 IO was involved at this point. When did the City  
2 start speaking with IO about this project?

3 NANCY SCHEPERS: It would have been  
4 fairly early. So, you know, we may have even  
5 started those conversations -- because I think we  
6 recommended using IO in 2011. So it would have  
7 been in early 2011 for sure that we would have been  
8 having some preliminary discussions.

9 KATE McGRANN: And so sometime within,  
10 from the beginning of 2011 through to the summer,  
11 is it within that six or so months that all  
12 delivery models are considered and the City  
13 ultimately determines it's a  
14 design-build-finance-maintain model?

15 NANCY SCHEPERS: I would say yes. As I  
16 said, and Peter can correct me, but I mean, I know,  
17 in terms of the amount of financing, there was some  
18 refinement but the design-build-maintain would have  
19 been that period for sure. And finance as well,  
20 but it was the level.

21 KATE McGRANN: You referenced a P3  
22 screen. I've seen references to a Provincial P3  
23 screen. Do you remember whether it was the  
24 Provincial P3 screen that you were thinking of?

25 NANCY SCHEPERS: Yeah, I knew it was

1 one or the other that was requiring that when they  
2 were providing funding.

3 KATE McGRANN: And what is involved in  
4 that screen? What does it look like in practice?

5 NANCY SCHEPERS: Well, it means that  
6 you would need to look at the delivery option as a  
7 P3, and essentially, you know, depending on this --  
8 you'd have to rule it out and have pretty good  
9 reasons why you would not use a P3 model.

10 And truly, in the marketplace, I mean,  
11 it is very well-established and well-regarded. And  
12 so it was really -- like I say, you would need to  
13 be having -- I'm blabbing a little bit, but when  
14 you're doing a -- and I've done so many projects in  
15 my career, but a highway project that you can  
16 easily -- you've done them 100 times, you know  
17 exactly what it is, you've got contractors in the  
18 marketplace that are dealing with you all the time,  
19 you've got your standard contracts, standard  
20 conditions and so on; it's a fairly straightforward  
21 contract. So to go with a design-bid-build makes  
22 sense.

23 But when you want to really take  
24 advantage of innovation and get that, you know, and  
25 tighten schedules and transfer risk, then, you

1 know, it just makes perfect sense to go and utilize  
2 a P3 model.

3 Now, because you're putting a lot of  
4 onus on the private sector when you enter into  
5 those, you need a big enough contract, because you  
6 want the big private sector players to come, and  
7 they're going to invest a lot of money, all of them  
8 that are competing.

9 And so the project has to be big enough  
10 for that to make sense for them, and... Yeah. And  
11 IO, I mean, bundling and working with them also  
12 made sense because, in my career with MTO, you  
13 know, those standard contract terms and everything  
14 that we use, we used all the time, we certainly  
15 encouraged municipalities to as well because, that  
16 way, the contractors know those conditions and so  
17 it makes it much easier to bid them. You know what  
18 to expect, you know how that is worded and what  
19 does it mean.

20 And so the same thing with IO. Like,  
21 they have been in the market with P3s. They were  
22 an entity respected for the work they had done.  
23 So, again, that was a big part of where -- you  
24 know, in terms of my recommendations to work with  
25 them is based on my experience of what a difference

1 it makes when you've got the right player who is  
2 involved, that the private sector who you're asking  
3 to come to the table and invest a lot of money  
4 putting together proposals, they've dealt with  
5 them.

6 They know how they work; they know that  
7 they can trust them; they know that there's a sound  
8 process, and so on and so forth. So that was part  
9 of why I strongly recommended that we purchase a  
10 patent and bring IO to the table from the get-go.

11 KATE McGRANN: I may be revealing my  
12 ignorance here, but I think that there's a question  
13 of whether you're going to proceed by way of P3,  
14 and then there's a question of what is that P3  
15 going to look like.

16 The City decided it wanted to proceed  
17 via P3. That didn't necessarily mean that it was  
18 obviously going to be proceeding via design-build-  
19 finance-maintain; is that right?

20 NANCY SCHEPERS: No -- yes. I mean,  
21 design-build is the first, you know, where you're  
22 getting a fixed price. We didn't give that much  
23 consideration.

24 The one that we really spent a lot of  
25 time on was the finance. And the maintenance, we

1 did have good discussions about it, but, again, the  
2 value of it spoke for itself at the end of the day.

3 KATE McGRANN: Who was involved on the  
4 City side in considering, first of all, whether a  
5 P3 approach in general was the right approach to  
6 take for this project?

7 NANCY SCHEPERS: Well, the Executive  
8 Steering Committee was formally put in place a bit  
9 later, but it would certainly be similar -- similar  
10 folks. Like, you've got to have your Treasurer  
11 there. Certainly myself there. We had the Light  
12 Rail Office up and running. We had advisors who  
13 were supporting us. And so, if you put the rail  
14 office, the Treasurer, myself, the City Manager, I  
15 believe we would have had our legal team as well at  
16 the table, again, just, you know, making sure that  
17 we had done our homework. Yeah, that was -- that  
18 was it.

19 I know that Alain Mercier would have  
20 been part of the discussions for sure as well, but  
21 whether he was the final sign-off with the rest of  
22 us, I'm not sure.

23 KATE McGRANN: The Light Rail Office,  
24 is that the same as RIO? Or is that a different --

25 NANCY SCHEPERS: Yeah, sorry, that's



1 RIO, yeah.

2 KATE McGRANN: Just making sure that  
3 we're on the same page.

4 Only because you'd mentioned that the  
5 City's lawyers were involved, I will say now, and  
6 your counsel will jump in wherever necessary, at no  
7 point in my questions am I looking for you to share  
8 either advice the City sought from legal advisors  
9 or advice that it received. So I'm not looking for  
10 legal advice in any of my questions. Your counsel  
11 will jump in if there's any danger of me going in  
12 that direction.

13 Which City advisors were involved in  
14 the consideration of whether to proceed via P3 as a  
15 general concept?

16 NANCY SCHEPERS: In external advisors?

17 KATE McGRANN: Yes, let's start there.

18 NANCY SCHEPERS: I believe that  
19 Deloitte was heavily involved in that. But I don't  
20 know, Peter, if you've got some -- I don't have  
21 that in front of me. But I believe -- I remember  
22 lots of discussions, and I believe Deloitte was a  
23 big part of that.

24 KATE McGRANN: Any other external  
25 advisors?

1                   NANCY SCHEPERS: Well, to the extent  
2 that the team had been brought on at the rail  
3 office, which started in 2010, we would have  
4 brought expertise in as required. But I think at  
5 that point we were really looking at, you know, a  
6 contract model and, you know, in terms of the  
7 details about, you know, the output specs for the  
8 actual -- the trains and, you know, that part  
9 doesn't really factor in in those early discussions  
10 about the model that you're going to use.

11                   KATE McGRANN: Okay. And only because  
12 you clarified when I asked which advisors were  
13 involved, you clarified external, are there  
14 internal advisors that were also involved?

15                   NANCY SCHEPERS: Well, it would have  
16 been the folks that I had mentioned, in terms of,  
17 you know, the Treasurer and the City Manager and  
18 myself. Yeah, I mean it... None of these  
19 decisions were made in a vacuum.

20                   KATE McGRANN: With respect to the P3  
21 screen that we discussed a bit, what is the result  
22 or the output of that screen?

23                   NANCY SCHEPERS: Well, it's an  
24 interesting question. I mean, the decision was  
25 made that we were going to use a P3. So, once that

1 decision was made and we're working with IO, I  
2 mean, there wasn't, to my knowledge -- I don't  
3 remember having to submit anything in terms of a  
4 formal document to say we've fulfilled this  
5 screening and here's what we're going to go with.  
6 I don't recall that, and maybe that was required.  
7 But --

8 KATE McGRANN: I'm just trying to  
9 understand what purpose the P3 screen served in  
10 this particular circumstance.

11 NANCY SCHEPERS: Well, it's the P3  
12 screen in this circumstance, and in any other  
13 circumstance where the Province is contributing  
14 funds and is interested in making sure that the  
15 best practices in the industry are used.

16 And so, you know, that's -- from their  
17 perspective, using P3s was a best practice. And  
18 they didn't want to necessarily -- and I'm speaking  
19 for them -- but to necessarily say, "Thou shall use  
20 a P3." So, instead, they said, you know, "You  
21 shall explore about whether to use a P3." And so  
22 that then advanced the -- when you're talking about  
23 large-scale projects, making sure that the best  
24 practices were used in the delivery of those  
25 projects.

1 KATE McGRANN: Okay. And how did the  
2 screen assist in sharing that the best practices  
3 were used for Stage 1 of the LRT?

4 NANCY SCHEPERS: So, in terms of -- and  
5 the screen is whether you're using that model or  
6 not. And so the screen itself, by doing that, and  
7 the Province was wanting to make sure that that was  
8 done so that you were taking advantage of the  
9 opportunities a P3 would bring to the table. And I  
10 talked about a number of those, you know, taking  
11 advantage of innovation, quicker delivery times,  
12 maintainer at the table, you know, that innovation  
13 helps to reduce the cost. So there was a whole  
14 number of things.

15 And, you know, a lot of things can go  
16 sideways when you decide you're going to design it  
17 and then you're going to bid it, so the  
18 design-bid-build. And that's what they were, on  
19 these big projects, trying to encourage  
20 municipalities not to just go there.

21 KATE McGRANN: So if I understand you  
22 correctly, the P3 screen was -- there was a push  
23 towards not just a P3 but a design-build-maintain,  
24 at least for this project as a result of the  
25 screen?

1                   NANCY SCHEPERS: So, design-bid-build  
2 is not a P3. Okay? So then you get into, you  
3 know, as you go through there and you take out --  
4 so, design-build is the first one, the first model  
5 of P3, and there's some benefits for that. So,  
6 you're asking the proponent to do the design and  
7 build it at a fixed price.

8                   So then, yes, you go through and you  
9 look at the various -- I haven't been working for  
10 ten years so I'm trying to remember -- just in  
11 terms of the whole spectrum, different approaches  
12 you can take. And you just would go through them  
13 and say, okay, what are the benefits? Does it make  
14 sense for this project or not? And in some cases,  
15 it doesn't. You know, you've got different things  
16 at play. And, for us, it did make sense.

17                  KATE McGRANN: Sorry it's taking so  
18 long, but it's important to understand.

19                  Am I right, then, that the Provincial  
20 P3 screen requires you to assess different  
21 potential P3 models for your project? Does it  
22 assist you in assessing different P3 models?

23                  NANCY SCHEPERS: I would say yes. You  
24 know, to do a P3 screen and only look at  
25 design-build is, in my mind, it wouldn't be enough.

1 Yes, you may decide that's where you're going to  
2 go, but you would want to look at -- and want to  
3 look at design-build-finance-maintain, design-build-  
4 maintain, design-build-operate-finance-maintain.  
5 Like, you'd want to look at them all and rule out  
6 different things.

7 KATE McGRANN: And why did the City --  
8 starting with design-build, why did the City rule  
9 that delivery model out?

10 NANCY SCHEPERS: Because the benefits  
11 and the -- first of all, the complexity of the  
12 project, and it just made perfect sense that you  
13 would absolutely include the maintenance, so that's  
14 the design-build-maintain.

15 And, you know, just in terms of the  
16 operator. We talked about that, in terms of  
17 keeping the city operator for the vehicles. But  
18 then the operations for the stations and all the  
19 escalators and all of the elevators and all of that  
20 to include in there.

21 So we quickly came to that decision.  
22 But yes, we did, we certainly did look at that. It  
23 didn't -- in my mind, you know, based on the  
24 experience I have, it didn't get a lot of airtime  
25 because it really does not make sense for a project

1 like this.

2 KATE McGRANN: When you say it didn't  
3 get a lot of airtime, you mean design-build did not  
4 get a lot of airtime?

5 NANCY SCHEPERS: Design-build, no. I  
6 mean, obviously, it was considered, but it was  
7 ruled out very quickly because of all the benefits  
8 that accrued from going further than that.

9 KATE McGRANN: Speaking to IO's  
10 involvement for a second, I believe that this  
11 project represented a couple of firsts for IO.  
12 Potentially, first municipal project; have I got  
13 that right?

14 NANCY SCHEPERS: I think it was the  
15 first that was delivered in this way. I mean, I  
16 think they delivered projects -- they wouldn't be  
17 municipal if they're full -- not funded by the  
18 municipality, so I think so, yes.

19 KATE McGRANN: And when you say  
20 "delivered in this way," what are you referring to?

21 NANCY SCHEPERS: Well, I'm thinking  
22 about some of the projects that IO has done in  
23 Toronto, for instance. But I don't believe that  
24 the municipality is responsible for the one-third.  
25 So they have a very different role. And so, in

1 some cases, I believe the Province is paying the  
2 full freight and so IO would be just delivering it  
3 like they would other projects.

4 So, and I'm sorry, I shouldn't --  
5 shouldn't have got there. I would not consider it  
6 a municipal project. So, to your question, yes, I  
7 believe this is the first time IO was at the table  
8 for a municipal project.

9 KATE McGRANN: Do you know if this was  
10 the first light rail transit system project that  
11 IO had done?

12 NANCY SCHEPERS: I don't believe it  
13 was. But, Peter, maybe you have that information?

14 PETER WARDLE: Nancy, I can't give  
15 evidence during this process, as much as I would  
16 like to.

17 NANCY SCHEPERS: Okay.

18 PETER WARDLE: So the questions are for  
19 you.

20 NANCY SCHEPERS: Okay, thanks. Sorry.

21 PETER WARDLE: I can chip in  
22 occasionally to find a document; that's about all I  
23 can do.

24 NANCY SCHEPERS: Okay.

25 KATE McGRANN: The reason I'm asking,



1 Ms. Schepers, is I'm trying to understand, you  
2 referenced one of the benefits of working with IO,  
3 being that the marketplace is familiar with the  
4 contractual terms and so they're comfortable with  
5 what they mean, how they're interpreted, and things  
6 like that.

7 Was that the case with the LRT system  
8 that Ottawa was looking to build? Did you  
9 understand that part of the benefit of working with  
10 IO was that the market was familiar with IO's  
11 contractual terms as applied to an LRT system?

12 NANCY SCHEPERS: They were familiar  
13 with their contractual terms. And regardless of  
14 what kind of project it is, I know that IO has done  
15 rail projects. The question is, was it at the same  
16 time, was it after?

17 But just in terms of their process, the  
18 output specs, the project agreement, the  
19 standardized agreement that's issued right from the  
20 get-go, all of those kinds of things, which are  
21 really critical in terms of how the agreement is  
22 structured. And as with any project, you know,  
23 when you have -- you make sure you've got the  
24 experts at the table who are doing the output  
25 specs.

1 IO's role was in the contract structure  
2 and, you know, having a project agreement put  
3 together, and if you've read that project  
4 agreement, it doesn't get into a lot of detail  
5 about the actual contract itself. I mean, you've  
6 got the project-specific output specs that  
7 accompany it, and they evolve through the process,  
8 but they require experts at the table.

9 And IO has experience doing that; the  
10 market knows that. And, you know, so that's what  
11 they were bringing to the table, not necessarily  
12 that they are experts in light rail. They are  
13 experts in P3 contract models for delivery.

14 KATE McGRANN: Was it IO's advice to  
15 the City that, of the available P3 models, the  
16 DBFM was the optimal choice?

17 NANCY SCHEPERS: They were clearly  
18 involved in that, for sure. And we had Deloitte at  
19 the table recommending, IO would have been there as  
20 well.

21 At the end of the day, the way we  
22 worked with IO, the City did have final sign-off.  
23 And I'm pretty confident that IO would have been  
24 recommending design-build-finance-maintain, for  
25 sure, and I know we had discussions about the

1 operator component as well. But that was not --  
2 you know, it wasn't a long discussion, in my  
3 recollection.

4 KATE McGRANN: Okay. Your answer  
5 wasn't clear to me whether IO's advice to the City  
6 was design-build-finance-maintain as the optimal  
7 choice for this project.

8 NANCY SCHEPERS: So I will say yes.

9 KATE McGRANN: When you say that there  
10 were discussions about the operator, do you mean  
11 there were discussions with IO about the operator  
12 component?

13 NANCY SCHEPERS: There would have been  
14 discussions writ large, and, generally, in terms of  
15 those early discussions about the model, you know,  
16 in terms of the operations of the system versus the  
17 operating of the vehicle. And they would have  
18 been, you know, part of those discussions and  
19 provided input, for sure.

20 KATE McGRANN: Do you remember what  
21 IO's advice was with respect to where the  
22 operations should lie in the P3 arrangement with  
23 the public partner or the private partner?

24 NANCY SCHEPERS: I do not recall.

25 KATE McGRANN: Do you remember whether

1 any of the City's advisors were -- suggested or  
2 advocated for the inclusion of operations in the  
3 model such that you're doing a  
4 design-build-finance-maintain-operate delivery  
5 model?

6 NANCY SCHEPERS: I know it was  
7 discussed. I don't recall any strong  
8 recommendations and discussion about that.

9 So, to your point, I wouldn't say that  
10 any of the advisors we had had a strong position on  
11 it. They were at the table, and we reached  
12 consensus on where we would go with it.

13 KATE McGRANN: With respect to the  
14 finance component of the  
15 design-build-finance-maintain, I think you said  
16 that the City first landed on design-build-maintain  
17 and that the finance component took some more  
18 discussion or took a bit longer. Am I portraying  
19 your answer accurately?

20 NANCY SCHEPERS: I believe finance was  
21 already identified early; the question was how  
22 much. And that makes a difference, in terms of how  
23 much financing you ask the private sector proponent  
24 to provide.

25 So that was discussions that evolved,

1 and, you know, came a little bit later, in terms of  
2 how much. So, yes, it was going to be financed but  
3 it was a question of how much.

4 KATE McGRANN: Okay. Help me  
5 understand what factors would have led the City to  
6 seek for a larger portion of financing in this  
7 versus a smaller portion of financing.

8 NANCY SCHEPERS: Well, so, for the  
9 City -- and you'll have to speak to the Treasurer,  
10 in terms of what the impacts are. So, you know,  
11 when you have a larger component of financing and  
12 you're paying it out over the maintenance term, you  
13 know, how does the Provincial and Federal funding  
14 work in those situations. And I know that that  
15 was -- there were interesting discussions about  
16 that, and I think that shows up in the Lessons  
17 Learned Report as well. You know, how does that  
18 money come to the table?

19 So, for the City, there was a question  
20 in terms of, well, how much? And when were we  
21 going to get Provincial and Federal money? And all  
22 of that factored into the financial model.

23 And so you're better to ask, you know,  
24 the Treasurer how that works specifically, but,  
25 yes, there were considerations to be made, in terms

1 of the City's bottom line.

2 KATE McGRANN: Okay. And I just want  
3 to understand what you -- sorry, go ahead, Peter.

4 U/T PETER WARDLE: So, I just -- Kate, I  
5 just wanted to indicate, there is at least one  
6 Deloitte presentation about the size of the "F" in  
7 the DBFM, and we can identify that for you if you  
8 like.

9 KATE McGRANN: Okay. That would be  
10 very helpful.

11 PETER WARDLE: Yeah.

12 KATE McGRANN: Ms. Schepers, your  
13 understanding of the factors that were really at  
14 play in this consideration were the impact on the  
15 Provincial and Federal funding?

16 NANCY SCHEPERS: The bottom line is the  
17 impact on the City, and our ability to pay and fit  
18 into our affordability model, so over the  
19 long-term.

20 So if you have a lot more financing,  
21 you know, it then -- when does the Province kick in  
22 their 600 million, when do the Feds kick in their  
23 600 million? And that matters, and could be  
24 impacted by, when you're making those financing  
25 payments, you know, to pick up over the maintenance

1 period.

2 That's my understanding, and that  
3 certainly was part of the looking at, well, what  
4 financing makes sense for the City of Ottawa.

5 KATE McGRANN: Okay. You've explained  
6 a number of the benefits that are promised by a P3  
7 model and a design-build-finance-maintain model.

8 When the City was considering what  
9 delivery model to use, what approach did it take to  
10 considering the risks associated with the P3 models  
11 that it was looking at?

12 NANCY SCHEPERS: Well, in project  
13 delivery, risks are one of the fundamental things  
14 that you look at, in terms of project management.

15 So, understanding, you know, what those  
16 risks are with going through with a P3 -- and  
17 you're wanting to know what specific risks?

18 KATE McGRANN: I'd like to understand  
19 what consideration of risks was had. So what  
20 specific risks were considered is a good way to  
21 start.

22 NANCY SCHEPERS: So, some of the things  
23 that, when you go to the market, and we looked at,  
24 okay, so, you know, when they are designing it, how  
25 do you make sure that they are looking at the

1 energy costs? You know, when you design the whole  
2 system yourself, you get into the minutiae of  
3 exactly what you want, when, where, how; whereas,  
4 when they are, you know, so you have to figure out,  
5 okay, so how are we going to structure this  
6 agreement? We can't get in -- we have to do output  
7 specs. So there's certain things that -- you know,  
8 you don't want to be prescriptive, so instead you  
9 go with incentives.

10 So, how do you incent the P3 consortium  
11 to make sure that, as they're designing it and  
12 finalizing their proposal, they're giving  
13 consideration to that? So we would have seen that  
14 in the agreement, in terms of how we try to incent  
15 the energy costs, because that was going to be a  
16 City responsibility post-construction.

17 Mobility, you know, how was the  
18 construction going to be managed to minimize the  
19 mobility impacts? And that was another one that,  
20 you know, we were -- I was very keen to make sure  
21 we weren't going to be having a contractor who gave  
22 no regard to mobility, just going to close down  
23 this road for the next year and a half and we'll  
24 see you later, you know. Like, that kind of thing.  
25 So how do you incent them to do that? And so we



1 came up with some lane rental agreements and things  
2 like that, again, to incent the private sector to  
3 give that consideration while they're in the build.

4           You know, when you're working with a P3  
5 model, then, you know, the risk of the consortium,  
6 you know, do they have the financial wherewithal to  
7 come to the table? IO's approach and the contract  
8 agreement and the screening and all of that was in  
9 no small part designed to make sure that you had  
10 partners at the table who weren't going to start  
11 the process and then default on it all.

12           You know, so there's things like that,  
13 that you make sure you build in to make sure that  
14 it's robust enough to cover those risks and  
15 minimize them and -- to the extent that you can. I  
16 mean, the very first thing you do is mitigate the  
17 risks, and then, you know, there's a sliding scale,  
18 and in terms of management and up to the top. But  
19 to the extent you can, you try and make sure you've  
20 done your homework to mitigate any potential risks.

21           KATE McGRANN: Just to clarify a couple  
22 of things on the record: With respect to mobility  
23 impacts, are you referring to the traffic flow  
24 through the City, and the potential impact on  
25 traffic, of the construction of the system?

1                   NANCY SCHEPERS: Yeah. And there was  
2 two sides to the mobility. There was certainly  
3 that, which resulted in the lane rentals. But then  
4 there was also, you know, the mobility, in terms of  
5 the numbers of trains and the vehicles and how they  
6 were going to put together the system, to operate  
7 it and provide for the mobility of the users.

8                   KATE McGRANN: And then when you spoke  
9 about the risk of the consortia not necessarily  
10 having the financial ability to follow through on  
11 its commitments, you referenced IO's approach, and  
12 you referenced the screening as being tools that  
13 are used to -- that you used to address that risk.

14                   How did the screening address that  
15 risk? For the City, I should say.

16                   NANCY SCHEPERS: Well, it would have  
17 been, you know, in terms of who's allowed to come  
18 to the table to put in a proposal.

19                   And you start with the  
20 prequalification, and, you know, right from the  
21 get-go, part of that has to -- you know, those  
22 consortium have to demonstrate that they have the  
23 financial wherewithal to tackle a project of the  
24 scope and the scale that we're talking about. And  
25 so you're screening them to make sure that they do.

1                   And, certainly, it's something, you  
2 know, the Province does, in terms of pre-approved  
3 contractors. You know, you get your name on that  
4 list because you're screened and financially able  
5 to do it. So the screening covers certainly the  
6 financial, but it also covers the -- you know,  
7 everything you're expecting of this consortium to  
8 deliver.

9                   KATE McGRANN: Okay. So the screen  
10 that you're speaking about, in terms of your  
11 consortia partner's financial abilities to meet its  
12 obligations, that's a screening conducted through  
13 request for qualification?

14                  NANCY SCHEPERS: Yeah.

15                  KATE McGRANN: You're not referring to  
16 the Provincial P3 screen that we've been talking  
17 about before?

18                  NANCY SCHEPERS: No, that's correct.

19                  KATE McGRANN: So, before we get to the  
20 steps taken to mitigate potential risks associated  
21 with a DBFM, if I can call it that, I just want to  
22 understand what the City did to assess the risk of  
23 choosing to proceed with a DBFM in the first place.  
24 And I'll give you an example of what I mean. Maybe  
25 it's oversimplified but let's just find out.

1                   Proceeding with a DBFM involves the  
2 City entering into a long-term contractual  
3 relationship with a company or series of companies  
4 that will be responsible for maintaining the  
5 system.

6                   What did the City do to understand the  
7 risks that are associated with that kind of  
8 long-term contractual relationship that comes with  
9 a DBFM?

10                   NANCY SCHEPERS: Well, so the first  
11 thing you would do is, again, that qualification  
12 process: Are they qualified to do that?

13                   And in terms of the consortium that  
14 came to the table, they certainly demonstrated that  
15 ability to maintain a rail system, to maintain a  
16 signalling system. They had been in the business  
17 of maintaining trains.

18                   And so those were things that you have  
19 to make sure that, you know, you're qualifying as  
20 you come into the process.

21                   I thought where you were going -- I  
22 mean, the other side of that is you go into a  
23 maintenance contract, and how do you make sure  
24 that, at the end of that maintenance contract  
25 period, that the infrastructure is in a good state

1 of repair when it's returned back to the City?

2 And that was -- within the process,  
3 good consideration to make sure we were very clear  
4 about how we were going to measure that at the end  
5 of the 30-year term so that, at the turn-back to  
6 the City, we were getting a piece of infrastructure  
7 that was in good shape.

8 KATE McGRANN: Your answers actually  
9 covered two steps beyond what I want to understand,  
10 which is the question of should we even enter into --  
11 should we even try to enter into a long-term  
12 maintenance contract period? Should the "M" be  
13 part of the delivery model, or are we just looking  
14 at a -- at one of -- a delivery model that doesn't  
15 include maintain, for example?

16 So, how did the City get comfortable  
17 with the risks associated with a  
18 design-build-finance-maintain contract that  
19 involves the kind of long-term contractual  
20 relationship that it has?

21 NANCY SCHEPERS: So I've mentioned some  
22 of that, in terms of that screening. But in terms  
23 of -- and I said that earlier. In terms of the  
24 maintenance, you know, making sure that you have  
25 the contractor considering the maintenance as they

1 do the design is a huge benefit. And I'll give you  
2 an example where -- and that was -- you know,  
3 certainly I was able to see the benefits before I  
4 left in 2015. And that was, there was basically an  
5 open trench leading to the tunnel going under the  
6 VIA tracks and coming back out, so that was from  
7 the maintenance yard and going -- the trains coming  
8 out and going on to the line.

9           And at some point, there was  
10 discussions within the consortium that, you know,  
11 the maintenance of that, in terms of snow removal,  
12 was going to be a problem. And so, on their side,  
13 they negotiated between the maintainer and the  
14 designer to include a roof over that piece of  
15 track.

16           And that's the benefit of having the  
17 maintenance included in the contract, is they're  
18 making sure they understand what the maintenance  
19 challenges are going to be, and they design the  
20 system from the get-go to minimize those costs and  
21 make sure that they're going to be able to maintain  
22 it at the price point.

23           KATE McGRANN: Okay. So, much like the  
24 City identified benefits associated with including  
25 the maintenance in the delivery model, did the City

1 identify any risks associated with including  
2 maintenance in the delivery model, in its  
3 consideration of how to proceed?

4 NANCY SCHEPERS: I would say that, no,  
5 we did not.

6 And when I say that, it's because  
7 within the process, you know, there wasn't any  
8 risks that we felt we could not design the  
9 agreement to address and do what we needed to  
10 within the P3 model to make sure that the City was  
11 protected for any of those risks.

12 So that's why I'm saying my answer is  
13 no, because, to the extent that we were considering  
14 and aware of risks, we were comfortable that the P3  
15 model could be structured accordingly.

16 KATE McGRANN: Do you know if the City  
17 engaged in any kind of modelling, forecasting,  
18 assessment of the implication, from a cost  
19 perspective, from a service perspective, if the  
20 relationship with its P3 partner in a DBFM model  
21 soured?

22 NANCY SCHEPERS: I'm not aware of any  
23 of that taking place.

24 KATE McGRANN: Was the interfacing that  
25 would be required between OC Transpo and the

1 maintainer in the DBFM examined in any way at the  
2 point -- at the time in which the City was  
3 considering the delivery model?

4 NANCY SCHEPERS: And what do you mean,  
5 the "interface"?

6 KATE McGRANN: The fact that the City  
7 would be operating vehicles in a system that is  
8 being maintained by a private third party, and the  
9 requirement that they both be working within that  
10 system together.

11 NANCY SCHEPERS: And so that certainly  
12 was the model that was understood from the get-go,  
13 and, you know, so in terms of the project  
14 agreement, and the kinds of things that were  
15 included in that agreement, for the availability  
16 payments and those kinds of things, those are all  
17 well laid out in the project agreement. And yes,  
18 OC Transpo, as the operator, would be responsible  
19 for overseeing that.

20 And so, you know, an elevator isn't  
21 available, I mean, there's penalties associated  
22 with that. You know, the availability doesn't  
23 happen, there's penalties associated with that.

24 You know, that agreement was structured  
25 for that model because that was the model we chose.



1                   So I'm not really understanding your  
2 question, and maybe you've got an example. I'm not  
3 sure...

4                   KATE McGRANN: I'm trying to understand  
5 how the City looked at -- or considered how the  
6 DBFM model would work for Stage 1 of the OLRT in  
7 real life.

8                   So, for example, were there reference  
9 projects already in operation where a DBFM had been  
10 used that the City looked to for examples of how  
11 this would work out?

12                  NANCY SCHEPERS: Certainly, there's --  
13 there's example -- and some of our team were  
14 responsible for big projects that were delivered  
15 under that model. And so those would have been the  
16 key members working with us who would have been  
17 developing the PSOS, you know, the Project Specific  
18 Output Specs.

19                  So, you know, that -- it's not -- this  
20 kind of model of project is widely used. Like,  
21 it's not a -- you know, it's not something new.  
22 They all come with their challenges; any project  
23 delivery does. But in terms of the agreement and  
24 how it was structured, though, I believed -- you  
25 know, I didn't see any evidence to the contrary,

1 before I left at the end of 2015, that the City had  
2 done its homework, had structured the  
3 PA accordingly, had engaged with the operator in  
4 finalizing the key output specs, and the penalties,  
5 and the structure of the agreement and how they  
6 would be well-positioned to monitor and enforce.

7 KATE McGRANN: Was the budget for the  
8 project revisited after the delivery model was  
9 selected?

10 NANCY SCHEPERS: Well, the budget for  
11 the project remained as it -- where it was. You  
12 know, I believe in terms of -- you know, we first  
13 did the alignment, then there was a station  
14 relocation. Those came up through the process  
15 working with the P3 partners. And so, you know, as  
16 they identified opportunities, innovations, you  
17 know, we had to make decisions on those. And so  
18 the relocation of the Rideau Station, and there  
19 were other things that -- the Bayview Station and  
20 as well as the VIA Station, you know, those kinds  
21 of things contributed to. So, once we had set and  
22 we're into the P3 and we're working with the  
23 private sector, that budget's there. And we had  
24 identified an affordability cap, and that was there  
25 as well. So everyone was incented to deliver, to

1 meet the output specs, and, you know, we had -- we  
2 were incenting them, in terms of the overall price  
3 as well.

4 KATE McGRANN: When you say you were  
5 incenting them with respect to the overall price,  
6 what do you mean by that?

7 NANCY SCHEPERS: So, for instance, that  
8 affordability cap and having that included in the  
9 project gave an incentive that, you know, this is  
10 our affordability cap and, yes, if no-one -- if  
11 none of the three teams came in under that, then,  
12 you know, we were going to be -- we would be very  
13 aware that, you know, we'd need more money and we'd  
14 be going back to committee and council. As it was,  
15 all three of them came in under that, which said to  
16 all of us that we had it right.

17 KATE McGRANN: I think I know the  
18 answer to this question, based on your answers, but  
19 I'll ask you explicitly.

20 Sitting here today, do you have a view  
21 on whether the DBFM model was the right delivery  
22 model for this project?

23 NANCY SCHEPERS: I can only speak to my  
24 experience up until the end of 2015, and my answer  
25 would be a resounding yes.

1 KATE McGRANN: Fine. I mean, you're  
2 aware of the issues that have been experienced  
3 since the system went into service?

4 NANCY SCHEPERS: I am aware of what I  
5 read in the paper, but I am not aware, in terms of  
6 contractual oversight and specifics, in terms of  
7 the challenges that have been faced. I saw the  
8 benefits of the model on several occasions and was  
9 quite satisfied that it was the right model for the  
10 City to use.

11 KATE McGRANN: And just to help to  
12 understand that answer, what stage was the project  
13 at when you left at the end of 2015?

14 NANCY SCHEPERS: So, construction was  
15 well underway. The vehicle assembly had begun.  
16 The tunneling was underway. And the -- 2015, I  
17 believe the highway had been completed, and we were  
18 already -- I'm not going to say, because I can't  
19 remember specific dates, but in terms of the detour  
20 routes and the highway work was well underway as  
21 well.

22 KATE McGRANN: Okay. And what would  
23 you say to someone who points to the issues that  
24 have been experienced since the system went into  
25 public service and asks, how could this approach

1 have been correct, given what the results are?

2 NANCY SCHEPERS: So, in response to  
3 that, I would pose the question about, okay, so --  
4 you know, I can point to many failures where a  
5 design-bid-build created problems.

6 So, my experience is, you know, in  
7 terms of challenges, there's often problems. And  
8 when you're working with them -- and I'll give you  
9 another example. So, there was a sinkhole that  
10 occurred early on, and I was very comfortable that  
11 the model was the right model because, immediately,  
12 RTG was on the ground, working on how to mitigate,  
13 how to solve it, how to get back to work.

14 I've been on other projects where  
15 there's a problem and everything stops, especially  
16 when it's been 100 percent designed by the City,  
17 it's being constructed, and all of a sudden  
18 everyone is pointing fingers. And so the work  
19 stops, you're into delays, you're into claims right  
20 off the get-go, you are just -- you know, it is  
21 very much that's what would have happened if we had  
22 gone with a different model for the delivery. The  
23 minute those things happened, we would have been,  
24 stop work, let's figure out who's to blame, and  
25 nothing would have happened. And then we'd have

1 delay claims, and it was the design, no, it was  
2 this, no, it was that.

3 And I've seen that happen a lot. So,  
4 it's always -- it's always easy, when a problem  
5 does occur on projects, to say, well, you know, it  
6 was the project delivery, that is the result, or is  
7 the cause of that. But that's a -- I don't buy it.

8 And I'm not in a position, and I don't  
9 know all the details, to say that you could even do  
10 that on this project. All I know is what I saw,  
11 and I was very confident that it was the right  
12 model.

13 KATE McGRANN: Turning to the PSOS, the  
14 Project Specific Output Specifications, which form  
15 part of the procurement process, I'd like to ask  
16 you some questions about the specifications with  
17 respect to the vehicle, and what the City wanted  
18 out of its vehicle.

19 Who was involved in developing the  
20 Project Specific Output Specifications for the  
21 light rail vehicle?

22 NANCY SCHEPERS: So, it would have been  
23 staff and consultants within the RIO office that  
24 were developing those output specs.

25 KATE McGRANN: And do you know which

1 consultants were involved?

2 NANCY SCHEPERS: I can't say off the  
3 top of my head. Probably STV and...

4 I'm not a hundred percent sure.

5 KATE McGRANN: Okay. Do you know if  
6 the selection of a DBFM model had any impact on the  
7 development of the Project Specific Output  
8 Specifications?

9 NANCY SCHEPERS: I really don't  
10 understand your question.

11 KATE McGRANN: Do you know if the  
12 City's needs, or the manner taken to describe them,  
13 if the approach taken to that was changed at all  
14 after a DBFM model was chosen as the delivery  
15 model?

16 NANCY SCHEPERS: So, once that model is  
17 chosen, then it determines that you have to go with  
18 output specs. So, at that point, you've got  
19 consortium who -- individual teams who are doing  
20 your detailed design for you, and so you are -- you  
21 have to go -- you can't be prescriptive.

22 So, if the City had decided not to use  
23 a design-build-finance-maintain, and would have  
24 gone with the design-bid-build, for instance, then  
25 you wouldn't do output specs, because output specs

1 are telling you what outputs you want, as opposed  
2 to being very, very detailed, in terms of, no, you  
3 shall do this, this, this, this, this.

4 KATE McGRANN: Okay. So you're talking  
5 about, we want a train that goes this fast, as  
6 opposed to, we want a train with these dimensions,  
7 made out of these materials, that is this colour;  
8 that kind of distinction?

9 NANCY SCHEPERS: Yes, kind of like  
10 that, yes.

11 KATE McGRANN: I've seen reference to a  
12 service-proven requirement with respect to the  
13 vehicles.

14 Does that ring a bell for you?

15 NANCY SCHEPERS: Yes.

16 KATE McGRANN: And what was the City's  
17 desire with respect to service-proven vehicles?  
18 What did it want on that front?

19 NANCY SCHEPERS: Well, it wanted  
20 vehicles that were proven to work in the kind of  
21 conditions they would have to operate in the City  
22 of Ottawa. So, numbers of passengers, weather  
23 conditions, you know, all of that.

24 KATE McGRANN: Okay. And what kind of  
25 proof was the City looking for on the ability to



1 perform in those conditions that you described?

2 NANCY SCHEPERS: I can't remember the  
3 specifics, but, again, you speak to the outputs,  
4 and this is what these vehicles need to -- they had  
5 to prove it, they had to demonstrate it, there was  
6 testing, there was testing on the line. All of  
7 that was spelled out, and part of the -- being able  
8 to achieve the proven status.

9 KATE McGRANN: Okay. Was the City  
10 looking to purchase a vehicle that was already in  
11 service elsewhere? So the proof of service came  
12 from the fact that it was actually in practice --  
13 in practical use in other places and you could see  
14 how it had performed?

15 NANCY SCHEPERS: Not necessarily. I  
16 mean, when it's proven, you know, if it -- you  
17 don't want to rule out a whole bunch of vehicles  
18 off the get-go either. You want to make sure that  
19 it's open for the competitors. And so, you know,  
20 you may have had a vehicle that they wanted to make  
21 some modifications that, based on their experience,  
22 made a lot of sense. You're not going to rule them  
23 out because that precise vehicle had not been  
24 operating anywhere else in the world.

25 So, you know, you have to structure

1 this in a way that you can test it, and that  
2 becomes the ability to prove that it will work.

3 KATE McGRANN: To your knowledge, were  
4 there options, vehicle options, for the City that  
5 were in use already in parts of the world that had  
6 some or all of similar weather and other conditions  
7 to Ottawa?

8 NANCY SCHEPERS: I mean, there is lots  
9 of systems around the world; specific vehicles, I  
10 can't speak to.

11 KATE McGRANN: Do you remember whether  
12 the City had the option of choosing to go with a  
13 vehicle that was in practical use already  
14 elsewhere?

15 NANCY SCHEPERS: So, the City could  
16 have, early on, specified a specific vehicle and  
17 made -- had the consortium work within that. That  
18 certainly could have been an option. The fact that  
19 this was the first conversion, and the City really  
20 didn't have light rail vehicles in its network, it  
21 made sense to include it within the overall P3.

22 And, in fact, you know, the  
23 pre-qualification, they weren't to come to the  
24 table with a vehicle necessarily. So that some --  
25 a number of vehicles could be approved and there

1 could be some subsequent negotiations with the  
2 consortium, as they moved beyond the RFQ to the  
3 next phase.

4           So, again, you know, you don't want to  
5 have a vehicle manufacturer in a -- you know,  
6 married only to one of the proponents. You want to  
7 make sure that, you know, that ability is there for  
8 the teams to select a vehicle that is going to work  
9 and that meets the bar that the City set.

10           KATE McGRANN: And the intent to allow  
11 the consortia to move forward without being  
12 committed to a vehicle, did that play out in  
13 practice? Did you find other consortia didn't come  
14 with vehicles already chosen and were willing to  
15 consider working with different vehicles?

16           NANCY SCHEPERS: I cannot remember the  
17 specifics.

18           KATE McGRANN: It's my understanding  
19 that the vehicle that was ultimately included in  
20 the agreement is a vehicle that was subject to a  
21 number of modifications in response to Ottawa's  
22 weather conditions and otherwise; is that right?

23           NANCY SCHEPERS: That is my  
24 understanding.

25           KATE McGRANN: What steps did the City

1 take to ensure that that vehicle, with all of its  
2 modifications, would be tested to a point that the  
3 City could be confident to put it into service?

4 NANCY SCHEPERS: I can't speak to that  
5 specifically. That happened after I left.

6 KATE McGRANN: Do you know if the City  
7 took any steps to include provisions in the project  
8 agreement, for example, to ensure that the vehicle  
9 would be ready to be used in Ottawa, and everything  
10 that comes along with that?

11 NANCY SCHEPERS: It is my understanding  
12 that, through the project agreement and the PSOS,  
13 that it was very detailed, in terms of the  
14 expectation and the testing, and everything was  
15 there.

16 So short answer is yes. I don't know  
17 how that unfolded.

18 KATE McGRANN: Who from the City would  
19 be best positioned to speak to the steps the City  
20 took to ensure that the vehicle would be ready,  
21 able and proven to meet all of the City's  
22 requirements before going into service?

23 NANCY SCHEPERS: Well, at the end  
24 there, in terms of -- it would have been John  
25 Manconi who had taken over the responsibility for

1 the contract administration and oversight.

2 KATE McGRANN: From a contract  
3 negotiation perspective, though, who at the City  
4 would be best to speak to what steps were taken to  
5 ensure that those requirements were included in the  
6 contract and the PSOS?

7 NANCY SCHEPERS: Well, that would have  
8 been done through RIO, and so staff -- who would be  
9 the best person, in terms of the vehicle?

10 So Richard Holder probably would be a  
11 good one. And I say that because he was in the RIO  
12 office, and he had just -- I had worked very  
13 closely with him on some service changes on the  
14 north-south O-Train line, what used to be called  
15 the O-Train line.

16 So I think, in terms of within the RIO  
17 office -- and then, of course, there were expert  
18 consultants who were hired to supplement. But if  
19 you're looking for City Staff, I believe it would  
20 be Richard Holder.

21 KATE McGRANN: Okay. I want to ask you  
22 some questions about the treatment of the  
23 geotechnical risk through the procurement and then  
24 in the project agreement. But before I switch over  
25 to that topic, I just want to check with my

1 colleague, Ms. Murynka, do you have any follow-up  
2 questions based on anything that we've discussed so  
3 far?

4 DANIELLA MURYNKA: Sorry. This is a  
5 new camera.

6 Yes, I did have two questions, if  
7 that's all right.

8 The first question relates to the  
9 involvement of OC Transpo in the environmental  
10 assessment phase.

11 The witness stated that the decision to  
12 retain OC Transpo as the operator postdated the  
13 environmental assessment phase, but also that OC  
14 Transpo was involved and at the table during the  
15 environmental assessment phase.

16 And so I wondered if you could provide  
17 some clarification on that, why they were so  
18 heavily involved in the environmental assessment  
19 phase, if they weren't -- if the decision had not  
20 yet been made that they would be the operator?

21 NANCY SCHEPERS: Yeah. So, they will --  
22 they are the operator, regardless of who's actually  
23 sitting in the train. They are responsible for OC  
24 Transpo.

25 So, the system, in terms of carrying

1 passengers, you know, OC Transpo was always going  
2 to be the operator per se, in terms of oversight  
3 for the contract. So that's why they would have to  
4 be at the table, because any decisions made in the  
5 EA process had to be things that OC Transpo could  
6 operate, and that OC Transpo saw value. So, where  
7 are those stations; how are they going to connect  
8 with the local bus routes?

9 Well, those local bus routes, in the  
10 early -- they're under OC Transpo operation, and OC  
11 Transpo is responsible for delivering transit  
12 service to the City. So they had to be there at  
13 the table through the EA process.

14 So, there's a bit of a confusion, in  
15 terms of when we say that they aren't operating.  
16 They are the operator; they just have their  
17 operator sitting on the train doing that portion of  
18 the operation. Right? So they -- the City has  
19 their staff on the train, but they also are, you  
20 know, the ones who are doing the transfers at each  
21 of the stations, they are doing the oversight, in  
22 terms of, you know, are the elevators working, the  
23 escalators working? Do we need to -- you know, is  
24 there availability? Are they meeting their  
25 availability targets? You know, how many

1 passengers?

2 Like, so those day-to-day decisions are  
3 and continue to be with OC Transpo.

4 DANIELLA MURYNKA: I have just one more  
5 question.

6 You had mentioned that on the  
7 Provincial screen as related to the P3, you would  
8 have to have a pretty good reason to not go with  
9 the P3 model, I believe was the words you used.

10 Can you think of, like, for example,  
11 what a pretty good reason might have been? Or is  
12 there anything that is sort of floating out there  
13 as a counter-position?

14 NANCY SCHEPERS: If you're talking  
15 about this project specific, I cannot think of any  
16 good reason why you would not go with a P3.

17 DANIELLA MURYNKA: Thank you. Those  
18 are my two questions.

19 NANCY SCHEPERS: Thank you.

20 KATE McGRANN: With respect to the  
21 geotechnical risk, I understand that the approach  
22 taken to potentially transferring the risk in the  
23 RFP was an approach that IO had not taken before.  
24 Am I right about that?

25 NANCY SCHEPERS: Yes.



1                   KATE McGRANN: Who was the source of  
2 the concept for how the geotechnical risk was  
3 positioned in the RFP?

4                   NANCY SCHEPERS: So, with IO at the  
5 table, you know, we were certainly -- they had a  
6 very important role to play, in terms of providing  
7 advice, coming to the table with standard  
8 agreements, standard approaches, etcetera,  
9 etcetera, and also market sounding. So, will this  
10 make sense or not?

11                   And, you know, so that is an approach  
12 that they will use, in terms of, okay, will this --  
13 does this make sense or not.

14                   So the geotechnical risk, we felt very  
15 strongly that it would be ideal if the geotechnical  
16 risk would -- could be transferred. And once the  
17 tunnel depth had been reduced, the amount of  
18 geotechnical information available, it changed  
19 dramatically, in terms of how much information  
20 would be available to the proponents putting  
21 together their proposals.

22                   So that was -- and IO, I believe, if I  
23 recall, you know, they said, well, private sector  
24 won't take the geotechnical risk. And so that's  
25 why it was structured the way it was in the -- when

1 we went out to the marketplace.

2 KATE McGRANN: Okay. A couple of  
3 questions about that.

4 Earlier in our discussion you had  
5 mentioned that the change in the alignment impacted  
6 the geotechnical piece. Is that what you were --  
7 were you referring to the amount of information  
8 that became available once the tunnel became  
9 shallower, for a lack of a better way of describing  
10 it?

11 NANCY SCHEPERS: Yes.

12 KATE McGRANN: Okay. And you said that  
13 IO did not feel that the private sector would take  
14 on the geotechnical risk. Did their view on that  
15 change after the realignment of the tunnel to its  
16 new orientation and depth?

17 NANCY SCHEPERS: I believe that their  
18 opinion was the same. However, they supported the  
19 way we structured it within the agreement, in terms  
20 of that risk ladder.

21 KATE McGRANN: Okay. So they were both  
22 saying, we don't think the industry will take it  
23 on, and also, if you're going to do it, this is the  
24 way to do it, basically?

25 NANCY SCHEPERS: Yes, I would say

1 that's correct.

2 KATE McGRANN: Okay. Were there any  
3 other areas in the RFP, or the approach taken to  
4 procurement, where IO was a -- did not -- was not  
5 supportive or was not confident that the City's  
6 approach would work, but supported it nonetheless?

7 NANCY SCHEPERS: And so, you know, in  
8 terms of the way you've worded that, "supported it  
9 nonetheless," they supported the way we approached  
10 it because it did the both/and. You know, it  
11 allowed for the proponents not to take the  
12 geotechnical risk, but it also allowed them to take  
13 it.

14 So they helped us to make sure it was  
15 structured properly, and that was their role in  
16 that.

17 I am not aware of any other -- that  
18 seemed to be the big one, in terms of our  
19 discussions with IO. They also, maybe in terms of  
20 the amount of financing, I believe they also had --  
21 we had a discussion with them about that as well.

22 KATE McGRANN: And were they of the  
23 view that it was too high, too low? Was there  
24 another aspect of the financing that they were  
25 questioning?

1                   NANCY SCHEPERS: I think that they  
2 would have liked to see more financing. But,  
3 again, you know, based on the impact to the City's  
4 bottom line, we couldn't -- we couldn't support  
5 that. And, again, you know, IO in that position,  
6 you know, provided that expert advice to us, the  
7 rationale for it, and we were able to make a  
8 decision on that and go forward.

9                   KATE McGRANN: And what was IO's  
10 rationale for wanting the City to increase the  
11 financing component?

12                   NANCY SCHEPERS: I'm trying to  
13 remember.

14                   So, in terms of the size of the project  
15 and the players that come to the table to assist,  
16 in terms of making sure that the project is  
17 delivered on time and meets the output specs,  
18 having more money at risk for the private sector  
19 does buy you a bit more oversight, from the  
20 financial perspective.

21                   And so, from their previous projects, I  
22 believe that they felt a higher one was going to  
23 make sure that that assisted, in terms of that  
24 strength at the table. So that's my understanding,  
25 and I'm speaking in generalities.

1                   KATE McGRANN: Just while we're on that  
2 topic, did the City do anything to address or  
3 compensate that potential decrease in oversight  
4 from the private lenders that came with having less  
5 of private lending capital at play?

6                   NANCY SCHEPERS: Did we do anything  
7 specific? Not to my knowledge. I mean, we made  
8 sure that -- throughout the contract, that the  
9 PA and the penalties and everything was structured  
10 to make sure we got the project that we needed.

11                   KATE McGRANN: I mean, for example, if  
12 the idea is that the private lenders have more  
13 capital at play, they are more likely to keep a  
14 closer eye on the progress of the project and  
15 potentially keep an eye on the mechanisms that are  
16 available to them to ensure that the project is  
17 proceeding as planned; is that the idea that IO was  
18 suggesting?

19                   NANCY SCHEPERS: I believe that's  
20 accurate, yes.

21                   KATE McGRANN: And I realize that it  
22 probably wasn't a -- you know, a clear line, but  
23 did the City take any steps to then increase the  
24 oversight that it would be conducting on the  
25 construction, the progress of the project, to make

1 up for that potential lack of attention and  
2 leverage from the private lenders?

3 NANCY SCHEPERS: No, not that I'm aware  
4 of. As I said, I believe that we felt like the  
5 contract was well-structured and had the provisions  
6 that we needed to provide oversight.

7 KATE McGRANN: Okay. Coming back to  
8 the geotechnical risk for a second, were there any  
9 concerns, on the part of the City or its advisors,  
10 that you're aware of, that the approach to risk  
11 transfer may create an untenable situation if the  
12 risk actually came to fruition?

13 NANCY SCHEPERS: Well, in terms of --

14 PETER WARDLE: Yeah, can you be a bit  
15 more specific?

16 KATE McGRANN: I can try. I can try.

17 For example, did the City conduct any  
18 kind of hypotheticals, modelling, thought  
19 exercises, etcetera, to quantify or understand the  
20 ways in which the geotechnical risk could come  
21 true? And then understand how that would play out  
22 in the approach that was chosen, which is to  
23 transfer all the risk to the private partner?

24 NANCY SCHEPERS: So, these -- the  
25 transfer of risk, it's like buying insurance. And

1 so you're paying a premium for that risk transfer.  
2 If it doesn't manifest itself, well, you've paid  
3 good money out and that's the way it works.

4           So, really, in terms of, you know, when  
5 I go to buy insurance, you know, I expect that the --  
6 you know, it's going to be there and it's going to  
7 cover me when I need it. I don't do a whole lot of  
8 additional analysis. So that is what we were  
9 expecting. You know, this is an insurance policy  
10 and, you know, when it happens, then it's going to  
11 kick in, and we saw that.

12           I mentioned the first problem with the  
13 sinkhole on Nicholas, and they did treat it like an  
14 insurance claim. So, you know, the City then  
15 submitted its costs, as it would in an accident,  
16 its City costs, the City maintenance crews and  
17 those kinds of things that, you know, the City  
18 incurred, and we submitted it directly, as you  
19 would in an insurance claim.

20           KATE McGRANN: Did you happen to be  
21 involved in determining the approach taken in  
22 milestone payments in the project agreement?

23           NANCY SCHEPERS: I am aware of how it  
24 was structured, but I don't recall having any  
25 discussions about specifics. I was trusting the

1 team, and IO, and the recommendations, in terms of  
2 how best to do that.

3 KATE McGRANN: Well, who on the City  
4 team would have been involved in determining what  
5 milestone payments should be made, as connected to  
6 which milestones and things like that?

7 NANCY SCHEPERS: Well, I certainly  
8 remember discussions, and Mona Monkman was assigned  
9 from our internal finance group, so she would  
10 probably be in a better position to answer  
11 specifics on that.

12 You know, I know, in terms of the first  
13 payment, first milestone, in terms of mobility and  
14 those kinds of things; like, I was briefed on them,  
15 they made sense to me. There wasn't anything that  
16 popped out at me that made me question and wonder  
17 what it meant.

18 KATE McGRANN: Okay. I'm going to step  
19 away from the procurement phase of this project as  
20 an area of questioning. Before I do that,  
21 Ms. Murynka, was there anything else that you  
22 wanted to ask about the procurement phase of the  
23 OLRT Stage 1?

24 DANIELLA MURYNKA: Not from me, thank  
25 you.



1 KATE McGRANN: I'm also going to ask  
2 that we take a five-minute break.

3 So I can see three clocks from where  
4 I'm sitting, they all say 5:03. If we can come  
5 back at ten after 5:00.

6 I'll just remind you to turn off your  
7 microphone, and you can turn your camera off, if  
8 you want, but we'll be back in about seven minutes.

9 -- RECESS TAKEN AT 5:03 P.M. --

10 -- UPON RESUMING AT 5:10 P.M. --

11 KATE McGRANN: Quickly, before we leave  
12 the procurement piece, did you have any role in  
13 evaluating the responses that were provided to the  
14 RFP?

15 NANCY SCHEPERS: No.

16 KATE McGRANN: Okay. Turning to the  
17 Provincial funding for a moment, it's my  
18 understanding that the Province's funding was  
19 contingent upon the City providing the final  
20 business case with project designs and project  
21 budgets and things like that.

22 Were you at all involved in the City's  
23 work to fulfil that requirement?

24 NANCY SCHEPERS: Well, I believe that  
25 the report that goes forward with that, it needed

1 an updated business case, and I believe it probably  
2 would have come under my name. It wasn't dramatic  
3 or significant, in terms of the changes.

4 KATE McGRANN: And who at the City  
5 would have been involved in putting that together?  
6 I understand it went out under your name, but it  
7 sounds like maybe somebody else was charged with  
8 assembling it.

9 NANCY SCHEPERS: I'd have to check the  
10 report, whether it was still Vivi Chi and that  
11 team, or if it had transitioned to RIO and John  
12 Jensen at that point.

13 KATE McGRANN: I also understand that  
14 the Province required regular reporting on the  
15 progress of the project.

16 Do you know who was responsible for  
17 ensuring that reporting requirement was fulfilled?

18 NANCY SCHEPERS: It would have been --  
19 initially, it needed to be RIO, so John Jensen.  
20 And then, as it would transition to the next phase,  
21 I mean new staff would be appointed as it moved to  
22 the maintenance period.

23 KATE McGRANN: Was there a committee  
24 struck, formed, to oversee the administration of  
25 the Provincial Contribution Agreement or

1 obligations related to that agreement?

2 NANCY SCHEPERS: Not to my knowledge.

3 KATE McGRANN: And to your knowledge,  
4 were there any changes made during the project that  
5 required approval from the Province?

6 NANCY SCHEPERS: I don't recall any.

7 And just let me clarify that, you know,  
8 because we had bundled the 417 project with it.  
9 They were quite involved with that project and had  
10 assigned a member of their staff to work within  
11 RIO.

12 KATE McGRANN: Do you remember who that  
13 was?

14 NANCY SCHEPERS: Phil Pawliuk.

15 KATE McGRANN: And what was his role  
16 within RIO?

17 NANCY SCHEPERS: Well, he had been  
18 responsible for the design of the 417 widening, as  
19 I understand it, when he worked with MTO. And then  
20 he moved over, so had full knowledge of the  
21 contract, so as it was being built and the  
22 oversight that was being done.

23 KATE McGRANN: Okay. I understand that  
24 the City ultimately -- I'm not going to describe  
25 this properly -- but stepped in between RTG and the

1 private lenders, and I think guaranteed payment to  
2 the lenders.

3 Do you know what I'm referring to?

4 NANCY SCHEPERS: No.

5 KATE McGRANN: Okay.

6 PETER WARDLE: I believe that took  
7 place after Ms. Schepers had retired, Kate.

8 So, Marian Simulik is probably the best  
9 person to ask those questions to.

10 KATE McGRANN: Understood. What I was  
11 hoping to ask, Ms. Schepers, is: Were you involved  
12 in any discussions about that possibility during  
13 the time that you were working on the project?

14 And that could have been as early as  
15 when you first looked at bringing the financing in  
16 as part of the model, or conversations that took  
17 place on an ongoing basis about that possibility,  
18 what it would look like, and what would be done to  
19 effect it.

20 NANCY SCHEPERS: I don't recall any  
21 discussions on that.

22 KATE McGRANN: Did you have any  
23 interactions directly with RTG after RTG was  
24 selected as the preferred proponent onward -- from  
25 that time onwards?

1 NANCY SCHEPERS: Yes.

2 KATE McGRANN: Okay. Could you  
3 describe to me what those interactions were, what  
4 the nature of them was?

5 NANCY SCHEPERS: So, they were  
6 certainly -- you know, as a partner, you know, I  
7 would have had meetings with them. There were  
8 items that came up and -- nothing specific comes to  
9 mind, but, yes, there was a regular working  
10 relationship type of thing that occurred.

11 KATE McGRANN: Okay. Were there any  
12 kind of standard or regular meetings with RTG to  
13 check in on progress, to get updates, to ensure  
14 that each party was giving each other the  
15 information and responses needed?

16 NANCY SCHEPERS: Yes, there was.

17 KATE McGRANN: Can you describe to me  
18 what the structure of those meetings was like, how  
19 often they took place and who attended?

20 NANCY SCHEPERS: I don't have that off  
21 the top of my head.

22 KATE McGRANN: Okay. Do you recall,  
23 during the time that you were working on the  
24 project, any cause to resort to the dispute  
25 resolution mechanisms in the project agreement?

1 NANCY SCHEPERS: Not while I was there.

2 KATE McGRANN: Okay. And just so I'm  
3 clear, when I refer to the dispute resolution  
4 components of the project agreement, I mean  
5 everything from the first step requiring informal  
6 discussions, all the way through. Does that change  
7 your answer at all?

8 NANCY SCHEPERS: No, it does not.

9 KATE McGRANN: And based on what you  
10 saw during the time that you were there, what was  
11 your view of RTG as a partner for the City on this  
12 project?

13 NANCY SCHEPERS: I was satisfied with  
14 RTG as a partner.

15 KATE McGRANN: And just give us -- can  
16 you expand on that a little bit and explain why?

17 NANCY SCHEPERS: I thought that they  
18 understood their role, and, you know, there seemed  
19 to be a working relationship with them. I know  
20 that there were issues, and I would not have been --  
21 on the day-to-day, I would not have been involved.  
22 But my sense was that there were opportunities and  
23 ways to resolve those things within RIO.

24 And as I said, you know, the incidents  
25 that came up, you know, like that sinkhole, the way

1 they performed and took that on, again confirmed  
2 that they were ready for this. They were -- we had  
3 selected a good partner.

4 KATE McGRANN: With respect to the  
5 advisors that the City retained to assist it  
6 throughout the project while you were there, you've  
7 mentioned Boxfish, you've mentioned Deloitte,  
8 you've mentioned Capital Transit Partners. I'd  
9 like to understand how the City assessed what kind  
10 of external support, advice, guidance it needed  
11 with respect to this project. Can you help me  
12 understand how that was done?

13 NANCY SCHEPERS: Well, certainly the --  
14 you know, the City had just been through the  
15 north-south contract, which it had developed and  
16 taken to the market.

17 So, in terms of the expertise needed,  
18 from a rail perspective, from a systems  
19 perspective, and then, you know, in terms of the  
20 structural component and the tunneling, you know,  
21 you look at the complexity of the project and the  
22 key -- the big money items, and make sure that  
23 you've got the expertise you need at the table for  
24 those.

25 So, again, the vehicles, the system,

1 like, all of those things, were places where the  
2 City would supplement our own internal expertise.

3 KATE McGRANN: Okay. Who at the City  
4 was involved in making those assessments and then  
5 determining who and how to retain external service  
6 providers to supplement the City's expertise?

7 NANCY SCHEPERS: Well, it was from the  
8 minute the office was created with John Jensen  
9 heading that up, so he came over, we re-assigned  
10 him from OC Transpo. So that was the first step.

11 And then, you know, we were looking at  
12 and assessing what expertise we needed. We went  
13 out, we got Capital Transit Partners at the table.  
14 Boxfish was retained outside of that. And then  
15 there were other, I believe -- I'm not sure if  
16 Deloitte was part of that or was hired outside of  
17 that, but there would have been other expertise,  
18 and then we would have gone to the market and  
19 sought that expertise.

20 So the office started from a body of a  
21 few people, and then it built from there.

22 KATE McGRANN: And the office is a  
23 reference to RIO, the Rail Implementation Office?

24 NANCY SCHEPERS: To RIO, yeah.

25 KATE McGRANN: Capital Transit



1 Partners, I believe, was selected through a  
2 competitive procurement; is that right?

3 NANCY SCHEPERS: Yes, that's my  
4 recollection.

5 KATE McGRANN: Was Boxfish selected  
6 through a competitive procurement?

7 NANCY SCHEPERS: Not initially, I don't  
8 believe.

9 PETER WARDLE: Yeah. It's my  
10 understanding is they responded to a request for  
11 standing offer.

12 NANCY SCHEPERS: Yeah.

13 PETER WARDLE: So there's a procurement  
14 process around standing offers. The witness can  
15 probably explain that.

16 KATE McGRANN: And is that consistent  
17 with what you remember happening, Ms. Schepers?

18 NANCY SCHEPERS: Yes. And my response  
19 was I didn't think -- you know, it wasn't a  
20 project-specific journey into the marketplace to  
21 bring in Boxfish, but when a consultant is on a  
22 standing offer, then we can go -- as staff, we can  
23 go and utilize their services. And that is  
24 certainly how Boxfish was doing other work with the  
25 City and we brought them in to assist.

1 KATE McGRANN: Okay. During your time  
2 working on the project, is it your view that the  
3 City had access to the expertise it required,  
4 either in-house or through its consulting  
5 relationships, to get the project done?

6 NANCY SCHEPERS: For when I was there?  
7 I would say yes, for sure.

8 KATE McGRANN: And then, after you  
9 departed, does your view on that change?

10 NANCY SCHEPERS: I don't know, you  
11 know. So, what happens is, as these projects  
12 evolve, you move from the construction to the  
13 operation and commissioning. And in my experience,  
14 that's always the case. And so, you know,  
15 oftentimes that's when other expertise comes to the  
16 table. And I just -- I can't speak to that.

17 KATE McGRANN: During the time that you  
18 were working on the project, were there any  
19 resources that would have assisted the City that  
20 the City did not have access to?

21 NANCY SCHEPERS: I am not aware of any.

22 KATE McGRANN: The decision to transfer  
23 from the BRT to the LRT in relatively short order,  
24 to move all the riders from the bus rapid transit  
25 route to the light rail rapid transit system, did

1 you have any involvement in that decision?

2 NANCY SCHEPERS: Are you talking about  
3 at opening day?

4 KATE McGRANN: Yes, I am. I'm sorry, I  
5 should have been clear.

6 The decision, once the service was  
7 available for public service, the very quick  
8 transfer from bus to the LRT, did you have any  
9 involvement in the decision to proceed like that?

10 NANCY SCHEPERS: No, I did not.

11 KATE McGRANN: Can you help me  
12 understand how your role changed, if at all, when  
13 you moved from Deputy City Manager to Executive  
14 Advisor?

15 I understand that the days that you  
16 worked decreased from whatever they were before  
17 down to three. But in terms of your role and  
18 responsibilities, were there any changes?

19 NANCY SCHEPERS: Yeah. I mean, I had  
20 been responsible for, you know, planning and -- a  
21 number of departments reported to me. When I was  
22 in the Executive Advisor role, it was purely  
23 related to the LRT project.

24 KATE McGRANN: And with respect to the  
25 LRT project, did your responsibilities change once

1 you became an Executive Advisor?

2 NANCY SCHEPERS: No. I did go and move  
3 in there, but I was really there to make sure that  
4 the process, in terms of my departure, and with the  
5 City Manager, that it continued to be a smooth  
6 transition. And that was really it.

7 KATE McGRANN: Okay.

8 NANCY SCHEPERS: There was also Stage 2  
9 work going on, and, you know, that was also a big  
10 part of some of the early meetings that I was  
11 involved in for Stage 2.

12 KATE McGRANN: The Commission has been  
13 asked to investigate the commercial and technical  
14 circumstances that led to the breakdowns and  
15 derailments that have occurred on Stage 1.

16 Other than the topics that we've  
17 discussed today, are there any topics that you're  
18 aware of, as a result of the work that you did on  
19 LRT, that you think the Commission should be  
20 looking at?

21 NANCY SCHEPERS: I'm not aware of  
22 anything.

23 KATE McGRANN: And one of the things  
24 that the Commissioner has been asked to do, in  
25 addition to answering the questions that are posed

1 in the terms of reference, is make recommendations  
2 to try to avoid these issues from happening again  
3 in the future.

4 Are there any specific recommendations  
5 or areas that you would suggest the Commissioner  
6 look at in the work he's doing on the  
7 recommendations?

8 NANCY SCHEPERS: I don't have anything  
9 that I can offer, nothing.

10 KATE McGRANN: Ms. Murynka, were there  
11 any follow-up questions that you wanted to ask on  
12 anything that we've discussed?

13 DANIELLA MURYNKA: Not for me, thank  
14 you.

15 KATE McGRANN: Mr. Wardle, did you want  
16 to ask any questions of the witness?

17 PETER WARDLE: No, I'm good, thank you.

18 KATE McGRANN: Okay. Well, then, thank  
19 you very much for your time this afternoon and  
20 evening.

21 NANCY SCHEPERS: Okay, thank you.

22

23 -- Concluded at 5:26 p.m.

24

25

1 REPORTER'S CERTIFICATE

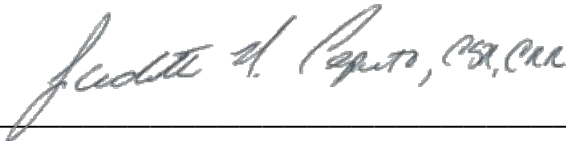
2  
3 I, JUDITH M. CAPUTO, RPR, CSR, CRR,  
4 Certified Shorthand Reporter, certify;

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;

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

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

16   
17 \_\_\_\_\_

18 NEESONS, A VERITEXT COMPANY

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

**WORD INDEX**

< \$ >

**\$2.1** 20:1, 10  
21:6 24:19

< 1 >

**1** 3:4 7:1, 2  
9:14 10:5  
13:21, 25 14:12  
16:6, 24 17:12  
25:7 28:18  
43:3 64:6  
87:23 99:15  
**100** 36:16 68:16  
**12** 1:8  
**12th** 1:15  
**13th** 101:15  
**19:7** 3:18

< 2 >

**2** 99:8, 11  
**2,000** 26:10  
**2006** 9:18  
**2009** 5:15 6:3  
12:16  
**2010** 12:13 41:3  
**2011** 12:6 32:1,  
5, 8 35:6, 7, 10  
**2012** 3:5 6:19,  
23 7:3, 5, 8  
10:25  
**2014** 7:9, 13 8:4  
**2015** 8:12, 16  
11:2 29:4 61:4  
65:1 66:24  
67:13, 16  
**2022** 1:8, 16  
101:15

< 3 >

**3:00** 4:1  
**3:01** 1:16  
**30th** 32:7  
**30-year** 60:5  
**33(6)** 5:14  
**33(7)** 6:2

< 4 >

**417** 90:8, 18

< 5 >

**5** 6:5  
**5:00** 88:5

**5:03** 88:4, 9

**5:10** 88:10

**5:26** 1:16

100:23

**53:5** 3:18

< 6 >

**600** 20:18 21:3  
53:22, 23

< 7 >

**7** 3:4

< 9 >

**9,000** 26:7

< A >

**abilities** 58:11  
**ability** 23:13  
53:17 57:10  
59:15 71:25  
73:2 74:7  
**absolutely** 45:13  
**access** 97:3, 20  
**accessible**  
23:15  
**accessing** 27:2  
**accident** 86:15  
**accommodated**  
27:15  
**accompany** 49:7  
**accrued** 46:8  
**accurate** 84:20  
**accurately** 51:19  
**achieve** 22:10  
24:20 72:8  
**achieving** 24:2  
**Act** 5:15 6:3, 6  
**active** 14:12  
**actual** 41:8  
49:5  
**addition** 99:25  
**additional** 86:8  
**address** 57:13,  
14 62:9 84:2  
**adjacent** 23:17  
**administration**  
76:1 89:24  
**admired** 26:1  
**advance** 6:14  
10:21  
**advanced** 16:10  
42:22  
**advantage**  
36:24 43:8, 11

**advice** 10:1

40:8, 9, 10  
49:14 50:5, 21  
80:7 83:6 94:10

**advised** 6:3

**Advisor** 7:10,  
18 8:5, 7, 16  
98:14, 22 99:1

**advisors** 24:19  
39:12 40:8, 13,  
16, 25 41:12, 14  
51:1, 10 85:9  
94:5

**advocated** 51:2

**AFFIRMED** 4:3

**affordability**

53:18 65:24  
66:8, 10  
**after** 4:25 8:15,  
17 9:19 13:4,  
16 29:19, 22  
32:9 48:16  
65:8 70:14  
75:5 81:15  
88:5 91:7, 23  
97:8

**afternoon** 4:4  
100:19

**agreed** 9:10

**agreement**  
12:16 48:18, 19,  
21 49:2, 4 55:6,  
14 56:8 62:9  
63:14, 15, 17, 24  
64:23 65:5  
74:20 75:8, 12  
76:24 81:19  
86:22 89:25  
90:1 92:25 93:4

**agreements**  
10:20 56:1 80:8

**ahead** 9:22

53:3  
**airtime** 45:24

46:3, 4

**Alain** 30:2, 8

39:19

**alignment** 22:24

65:13 81:5

**allow** 74:10

**allowed** 57:17

82:11, 12

**alternate** 30:13

**America** 18:24

25:20

**amount** 33:18

34:19 35:17  
80:17 81:7  
82:20

**amounted** 9:1

**analysis** 33:19  
86:8

**answering**

12:23 99:25

**answers** 60:8

66:18

**anymore** 13:9

**appear** 3:18

12:21

**appended** 5:11

**applied** 48:11

**appointed** 89:21

**approach** 13:20

39:5 54:9 56:7

57:11 67:25

70:13 79:21, 23

80:11 82:3, 6

85:10, 22 86:21

**approached**

82:9

**approaches**

44:11 80:8

**approval** 90:5

**approved** 10:7

73:25

**APRIL** 1:8, 16

101:15

**area** 87:20

**areas** 27:24

82:3 100:5

**arrangement**

50:22

**arrived** 9:24

**ascertain** 17:11

**asked** 5:17

6:13 15:23

24:12 41:12

99:13, 24

**asking** 17:13

19:23 20:23

29:2 38:2 44:6

47:25

**asks** 67:25

**aspect** 82:24

**assembling** 89:8

**assembly** 67:15

**assess** 22:8

44:20 58:22

**assessed** 94:9

**assessing**

44:22 95:12

**assessment**

10:9 17:24, 25

18:8, 19 19:3, 9

20:2 22:3, 5, 22

25:16 27:5, 7

29:19 62:18

77:10, 13, 15, 18

**assessments**

95:4

**asset** 14:3

**assigned** 87:8

90:10

**assist** 12:15

43:2 44:22

83:15 94:5

96:25

**assisted** 83:23

97:19

**assisting** 13:18

**associated**

54:10 58:20

59:7 60:17

61:24 62:1

63:21, 23

**assumptions**

23:7 24:1

**attended** 92:19

**attending** 1:15

**attention** 21:14

85:1

**availability**

63:15, 22 78:24,

25

**available** 33:5

49:15 63:21

80:18, 20 81:8

84:16 98:7

**avoid** 100:2

**awarded** 11:1

14:20 16:2

**aware** 15:7

29:1 62:14, 22

66:13 67:2, 4, 5

82:17 85:3, 10

86:23 97:21

99:18, 21

< B >

**back** 21:16

33:18 60:1

61:6 66:14

68:13 85:7

<p>88:5, 8 <b>bar</b> 74:9 <b>Barrhaven</b> 14:25 15:2 <b>based</b> 12:25 23:3 37:25 45:23 66:18 72:21 77:2 83:3 93:9 <b>basically</b> 22:24 61:4 81:24 <b>basis</b> 5:5 91:17 <b>Bayview</b> 65:19 <b>beginning</b> 9:15 25:4 35:10 <b>begun</b> 67:15 <b>believe</b> 13:14 20:19 32:6 39:15 40:18, 21, 22 46:10, 23 47:1, 7, 12 51:20 65:12 67:17 76:19 79:9 80:22 81:17 82:20 83:22 84:19 85:4 88:24 89:1 91:6 95:15 96:1, 8 <b>believed</b> 64:24 <b>bell</b> 71:14 <b>benefit</b> 48:9 61:1, 16 <b>benefits</b> 34:5, 6, 16 44:5, 13 45:10 46:7 48:2 54:6 61:3, 24 67:8 <b>best</b> 16:16 26:16 42:15, 17, 23 43:2 75:19 76:4, 9 87:2 91:8 <b>Betsy</b> 2:15 <b>better</b> 22:15 52:23 81:9 87:10 <b>bid</b> 37:17 43:17 <b>big</b> 18:25 37:5, 6, 9, 23 40:23 43:19 64:14 82:18 94:22 99:9 <b>biggest</b> 25:23</p>	<p><b>billion</b> 20:1, 10 21:6 24:19 <b>bit</b> 36:13 39:8 41:21 51:18 52:1 78:14 83:19 85:14 93:16 <b>blabbing</b> 36:13 <b>blame</b> 68:24 <b>body</b> 95:20 <b>both/and</b> 82:10 <b>bottom</b> 6:18 53:1, 16 83:4 <b>Boxfish</b> 8:24 9:5, 8 94:7 95:14 96:5, 21, 24 <b>bread</b> 26:4, 21 <b>break</b> 6:8 88:2 <b>breakdown</b> 20:15 <b>breakdowns</b> 99:14 <b>bridge</b> 14:25 15:1 <b>briefed</b> 87:14 <b>bring</b> 7:4 16:14 34:17 38:10 43:9 96:21 <b>bringing</b> 10:4 49:11 91:15 <b>brought</b> 12:14 13:2, 17 16:5 41:2, 4 96:25 <b>BRT</b> 97:23 <b>budget</b> 18:1 19:25 20:6 24:13, 20 25:1 65:7, 10 <b>budgets</b> 88:21 <b>budget's</b> 65:23 <b>build</b> 44:7 48:8 56:3, 13 <b>buildings</b> 23:18 <b>built</b> 9:22 15:1 25:21 90:21 95:21 <b>bunch</b> 72:17 <b>bundled</b> 90:8 <b>bundling</b> 37:11 <b>bus</b> 25:18, 25 26:22, 24 27:2, 13, 21 28:4, 11, 13 78:8, 9 97:24 98:8</p>	<p><b>buses</b> 26:15 31:9 <b>business</b> 59:16 88:20 89:1 <b>butter</b> 26:4, 21 <b>buy</b> 69:7 83:19 86:5 <b>buying</b> 85:25  &lt; C &gt; <b>calendar</b> 7:13 <b>call</b> 11:20 32:23 33:11 58:21 <b>called</b> 11:14 76:14 <b>camera</b> 77:5 88:7 <b>Canada</b> 6:5 <b>cap</b> 65:24 66:8, 10 <b>capabilities</b> 16:22 <b>Capital</b> 11:9 84:5, 13 94:8 95:13, 25 <b>Caputo</b> 2:22 101:3, 19 <b>career</b> 36:15 37:12 <b>carry</b> 16:17 18:3 <b>carrying</b> 17:6 26:6 77:25 <b>case</b> 48:7 88:20 89:1 97:14 <b>cases</b> 44:14 47:1 <b>cent</b> 21:13 <b>certain</b> 4:15 55:7 <b>certainly</b> 10:8 13:11 14:3, 11 15:7, 8 19:1, 8, 10 25:10, 15 29:1 30:1, 3, 8 37:14 39:9, 11 45:22 54:3 57:2 58:1, 5 59:14 61:3 63:11 64:12 73:18 80:5 87:7 92:6 94:13 96:24</p>	<p><b>CERTIFICATE</b> 101:1 <b>Certified</b> 101:4, 12 <b>certify</b> 101:4 <b>challenge</b> 23:5 <b>challenged</b> 23:6 <b>challenges</b> 61:19 64:22 67:7 68:7 <b>challenging</b> 22:13 23:25 24:8 <b>Chandani</b> 2:23 <b>change</b> 9:18 31:6 81:5, 15 93:6 97:9 98:25 <b>changed</b> 70:13 80:18 98:12 <b>changes</b> 10:17 76:13 89:3 90:4 98:18 <b>changing</b> 26:13 <b>charge</b> 29:7 <b>charged</b> 89:7 <b>check</b> 76:25 89:9 92:13 <b>Chi</b> 18:20 89:10 <b>chip</b> 47:21 <b>choice</b> 23:3 49:16 50:7 <b>choosing</b> 58:23 73:12 <b>chose</b> 31:21 63:25 <b>chosen</b> 70:14, 17 74:14 85:22 <b>circumstance</b> 42:10, 12, 13 <b>circumstances</b> 99:14 <b>CITY</b> 1:7 2:9 7:6, 8, 10, 11, 14 8:3, 5, 6, 7, 16 9:18 11:16, 18 14:3, 17 15:24 17:10, 16 18:17, 18 20:6 21:7, 12 22:7, 10 24:13, 15, 18, 21 25:2, 6, 22 30:25 31:20 33:4 34:2, 25 35:1, 12 38:16 39:4, 14 40:8,</p>	<p>13 41:17 45:7, 8, 17 49:15, 22 50:5 51:16 52:5, 9, 19 53:17 54:4, 8 55:16 56:24 57:15 58:22 59:2, 6 60:1, 6, 16 61:24, 25 62:10, 16 63:2, 6 64:5, 10 65:1 67:10 68:16 69:17 70:22 71:21, 25 72:9 73:4, 12, 15, 19 74:9, 25 75:3, 6, 18, 19 76:3, 19 78:12, 18 83:10 84:2, 23 85:9, 17 86:14, 16, 17 87:3 88:19 89:4 90:24 93:11 94:5, 9, 14 95:2, 3 96:25 97:3, 19, 20 98:13 99:5 <b>City's</b> 22:9 24:18 40:5 51:1 53:1 70:12 71:16 75:21 82:5 83:3 88:22 95:6 <b>civil</b> 5:19 <b>claim</b> 86:14, 19 <b>claims</b> 68:19 69:1 <b>clarification</b> 77:17 <b>clarified</b> 41:12, 13 <b>clarify</b> 56:21 90:7 <b>clarity</b> 11:6 <b>classic</b> 23:19 <b>clear</b> 15:6 21:1 32:21 50:5 60:3 84:22 93:3 98:5 <b>clearly</b> 10:12 18:5, 23 49:17 <b>clocks</b> 88:3 <b>close</b> 23:15 55:22 <b>closely</b> 76:13 <b>closer</b> 84:14</p>
---	---	---	---	--



<p><b>Co-Lead</b> 2:3 4:5 <b>collaborative</b> 4:14 <b>colleague</b> 4:7, 15 77:1 <b>colour</b> 71:7 <b>come</b> 11:19, 20 14:7 16:18 37:6 38:3 52:18 56:7 57:17 59:20 64:22 73:23 74:13 83:15 85:20 88:4 89:2 <b>comes</b> 59:8 75:10 92:8 97:15 <b>comfortable</b> 48:4 60:16 62:14 68:10 <b>coming</b> 12:8 26:8 30:7 61:6, 7 80:7 85:7 <b>commence</b> 4:22 <b>commenced</b> 17:11 <b>commencing</b> 4:1 <b>comments</b> 101:10 <b>commercial</b> 99:13 <b>COMMISSION</b> 1:6 2:1 4:19 11:10 99:12, 19 <b>Commissioner</b> 99:24 100:5 <b>commissioning</b> 29:3 97:13 <b>Commission's</b> 4:13, 20, 24 5:4 <b>commitment</b> 20:21, 23 <b>commitments</b> 21:23 57:11 <b>committed</b> 20:18 21:2 74:12 <b>committee</b> 10:15 11:4, 12, 15, 21, 23, 24 39:8 66:14 89:23 <b>companies</b> 59:3</p>	<p><b>company</b> 59:3 101:18 <b>compensate</b> 84:3 <b>competing</b> 37:8 <b>competitive</b> 16:16 96:2, 6 <b>competitors</b> 72:19 <b>completed</b> 67:17 <b>completion</b> 22:4 <b>complexity</b> 33:14 45:11 94:21 <b>component</b> 50:1, 12 51:14, 17 52:11 83:11 94:20 <b>components</b> 93:4 <b>compromising</b> 24:5 <b>concept</b> 40:15 80:2 <b>concerns</b> 24:19 25:1 85:9 <b>Concluded</b> 100:23 <b>conditions</b> 17:1 18:16 36:20 37:16 71:21, 23 72:1 73:6 74:22 <b>conduct</b> 85:17 <b>conducted</b> 58:12 <b>conducting</b> 84:24 <b>Confederation</b> 10:6 14:12 16:11 17:2 <b>confident</b> 49:23 69:11 75:3 82:5 <b>confidential</b> 5:5 <b>confirm</b> 10:1 14:7, 8 <b>confirmed</b> 94:1 <b>confusion</b> 78:14 <b>connect</b> 78:7 <b>connected</b> 87:5 <b>connection</b> 7:25 <b>connections</b> 23:18 <b>connectivity</b> 26:17 <b>connector</b> 26:15</p>	<p><b>consensus</b> 51:12 <b>consider</b> 47:5 74:15 <b>consideration</b> 33:23 34:13, 22 38:23 40:14 53:14 54:19 55:13 56:3 60:3 62:3 <b>considerations</b> 52:25 <b>considered</b> 16:15 30:13, 22 35:12 46:6 54:20 64:5 <b>considering</b> 39:4 54:8, 10 60:25 62:13 63:3 <b>consistent</b> 96:16 <b>consortia</b> 57:9 58:11 74:11, 13 <b>consortium</b> 55:10 56:5 57:22 58:7 59:13 61:10 70:19 73:17 74:2 <b>constant</b> 22:12 <b>constructed</b> 68:17 <b>construction</b> 10:6 16:23 18:9 27:14 55:18 56:25 67:14 84:25 97:12 <b>consultant</b> 96:21 <b>consultants</b> 18:22 69:23 70:1 76:18 <b>consulting</b> 97:4 <b>contingencies</b> 20:17 <b>contingent</b> 88:19 <b>continue</b> 8:14 23:5 31:18 79:3 <b>continued</b> 7:9 99:5 <b>continues</b> 31:6 <b>continuing</b></p>	<p>10:25 <b>continuity</b> 31:8 <b>contract</b> 8:17, 22 9:5, 21 11:1 14:19 16:1 17:22 36:21 37:5, 13 41:6 49:1, 5, 13 56:7 59:23, 24 60:12, 18 61:17 76:1, 2, 6 78:3 84:8 85:5 90:21 94:15 <b>contractor</b> 55:21 60:25 <b>contractors</b> 36:17 37:16 58:3 <b>contracts</b> 36:19 <b>contractual</b> 48:4, 11, 13 59:2, 8 60:19 67:6 <b>contrary</b> 64:25 <b>contribute</b> 23:12 <b>contributed</b> 23:13 65:21 <b>contributing</b> 25:13 42:13 <b>contribution</b> 10:20 12:15 89:25 <b>contributions</b> 20:7, 12 <b>control</b> 28:2, 3, 6 <b>conversations</b> 20:11 35:5 91:16 <b>conversion</b> 25:25 73:19 <b>convert</b> 14:20, 22 <b>converting</b> 25:18 26:12 <b>copy</b> 6:14 13:4, 10 <b>correct</b> 5:8 8:13 13:15, 22 21:3, 4 32:2 35:16 58:18 68:1 82:1 <b>corrections</b> 4:25 5:3, 11 <b>correctly</b> 43:22</p>	<p><b>cost</b> 23:12 24:10 34:7, 13 43:13 62:18 <b>costing</b> 18:9 23:3 <b>costs</b> 55:1, 15 61:20 86:15, 16 <b>council</b> 10:1, 5, 15 13:2, 18 14:6, 8 21:16 30:4, 11 31:18 33:18 66:14 <b>COUNSEL</b> 2:1, 3, 4 4:6, 16 5:4 6:13 40:6, 10 <b>counter-position</b> 79:13 <b>couple</b> 46:11 56:21 81:2 <b>course</b> 10:19 28:25 76:17 <b>cover</b> 56:14 86:7 <b>covered</b> 60:9 <b>covers</b> 58:5, 6 <b>create</b> 28:12 85:11 <b>created</b> 68:5 95:8 <b>crews</b> 86:16 <b>critical</b> 48:21 <b>Crown</b> 5:20 <b>CRR</b> 101:3, 19 <b>CSR</b> 101:3, 19 <b>CTP</b> 12:14 <b>current</b> 14:21 <b>Curriculum</b> 3:4 7:2 <b>CV</b> 6:14  &lt; D &gt; <b>danger</b> 40:11 <b>Daniella</b> 2:4 4:7 77:4 79:4, 17 87:24 100:13 <b>date</b> 7:16, 23 12:7, 11 <b>dated</b> 3:5 6:19 7:3 101:15 <b>dates</b> 12:17, 19 67:19 <b>day</b> 1:15 8:25 27:22 39:2 49:21 98:3</p>
---	---	---	---	---

101:15 <b>days</b> 8:9 98:15 <b>day-to-day</b> 10:10 28:20 32:24 79:2 93:21 <b>DBFM</b> 33:17 49:16 53:7 58:21, 23 59:1, 9 62:20 63:1 64:6, 9 66:21 70:6, 14 <b>dealing</b> 36:18 <b>dealt</b> 38:4 <b>decide</b> 30:17 34:2 43:16 45:1 <b>decided</b> 29:6 38:16 70:22 <b>decision</b> 16:10, 11 28:17 29:15, 18, 25 31:16, 17, 25 32:8, 13 41:24 42:1 45:21 77:11, 19 83:8 97:22 98:1, 6, 9 <b>decisionmaker</b> 30:5 <b>decisions</b> 10:15, 18 11:18 16:3 27:10 28:8, 25 29:1 30:23 31:8 34:11 41:19 65:17 78:4 79:2 <b>declaration</b> 4:12 <b>decrease</b> 84:3 <b>decreased</b> 98:16 <b>deemed</b> 5:16 <b>default</b> 56:11 <b>defines</b> 25:10 <b>delay</b> 69:1 <b>delays</b> 68:19 <b>deliver</b> 58:8 65:25 <b>delivered</b> 23:9 46:15, 16, 20 64:14 83:17 <b>delivering</b> 24:6 25:9 47:2 78:11 <b>delivery</b> 15:10 31:20 32:8, 15 33:5, 23 34:3 35:12 36:6 42:24 43:11	45:9 49:13 51:4 54:9, 13 60:13, 14 61:25 62:2 63:3 64:23 65:8 66:21 68:22 69:6 70:14 <b>Deloitte</b> 40:19, 22 49:18 53:6 94:7 95:16 <b>demonstrate</b> 57:22 72:5 <b>demonstrated</b> 59:14 <b>departed</b> 97:9 <b>departments</b> 98:21 <b>departure</b> 99:4 <b>depending</b> 36:7 <b>depth</b> 22:19, 24 23:11 80:17 81:16 <b>Deputy</b> 7:8, 14 8:3 98:13 <b>derailments</b> 99:15 <b>describe</b> 70:12 90:24 92:3, 17 <b>described</b> 24:15 72:1 <b>describing</b> 81:9 <b>description</b> 13:14 <b>design</b> 10:18 34:10 43:16 44:6 55:1 61:1, 19 62:8 69:1 70:20 90:18 <b>design-bid-build</b> 30:18 36:21 43:18 44:1 68:5 70:24 <b>design-bid- operate</b> 30:19 <b>design-build</b> 33:15, 17 34:19 38:18, 21 44:4, 25 45:3, 8 46:3, 5 <b>design-build- finance-maintain</b> 31:22 32:16 33:6 35:14 45:3 49:24 50:6 51:15	54:7 60:18 70:23 <b>design-build- finance-maintain- operate</b> 51:4 <b>design-build- finance-operate- maintain</b> 30:20 <b>design-build- maintain</b> 35:18 43:23 45:14 51:16 <b>design-build- operate-finance- maintain</b> 45:4 <b>design-build- operate-maintain</b> 30:19 <b>designed</b> 28:10 56:9 68:16 <b>designer</b> 34:21 61:14 <b>designing</b> 54:24 55:11 <b>designs</b> 88:20 <b>desire</b> 71:17 <b>detail</b> 22:23 49:4 <b>detailed</b> 70:20 71:2 75:13 <b>details</b> 41:7 69:9 <b>determinations</b> 27:11 <b>determined</b> 14:17 15:24 <b>determines</b> 35:13 70:17 <b>determining</b> 86:21 87:4 95:5 <b>detour</b> 67:19 <b>detours</b> 27:13 <b>developed</b> 94:15 <b>developing</b> 64:17 69:19, 24 <b>development</b> 15:6 70:7 <b>diesel</b> 14:21 <b>difference</b> 37:25 51:22 <b>different</b> 8:24 11:23 13:19 28:3 39:24 44:11, 15, 20, 22	45:6 46:25 68:22 74:15 <b>difficulties</b> 7:25 <b>dimensions</b> 71:6 <b>direction</b> 12:9 26:7, 9 40:12 <b>directly</b> 86:18 91:23 <b>discussed</b> 41:21 51:7 77:2 99:17 100:12 <b>DISCUSSION</b> 8:1 31:16 50:2 51:8, 18 81:4 82:21 <b>discussions</b> 10:19, 21 20:14 29:13 30:6 31:7 35:8 39:1, 20 40:22 41:9 49:25 50:10, 11, 14, 15, 18 51:25 52:15 61:10 82:19 86:25 87:8 91:12, 21 93:6 <b>dispute</b> 92:24 93:3 <b>distinction</b> 71:8 <b>document</b> 6:17, 20 42:4 47:22 <b>documents</b> 3:11, 17 19:11 <b>doing</b> 10:4 19:3 24:7 25:6 36:14 43:6 48:24 49:9 51:3 70:19 78:17, 20, 21 96:24 100:6 <b>dollars</b> 21:13 <b>downtown</b> 15:3 17:6, 8 23:1 26:6, 8 27:3 <b>Dow's</b> 14:23 <b>dramatic</b> 89:2 <b>dramatically</b> 80:19 <b>drivers</b> 29:9  < E > <b>EA</b> 12:8 20:14, 16 78:5, 13	<b>earlier</b> 60:23 81:4 <b>early</b> 12:8, 10, 16 20:8, 13, 21, 24 21:22 22:18 29:12, 15, 16 35:4, 7 41:9 50:15 51:21 68:10 73:16 78:10 91:14 99:10 <b>easier</b> 23:16 37:17 <b>easily</b> 36:16 <b>easy</b> 33:15 69:4 <b>effect</b> 91:19 <b>electronically</b> 13:9 <b>elevator</b> 63:20 <b>elevators</b> 45:19 78:22 <b>embedded</b> 28:24 <b>employee</b> 8:6 <b>encourage</b> 43:19 <b>encouraged</b> 37:15 <b>ended</b> 9:22 <b>energy</b> 55:1, 15 <b>enforce</b> 65:6 <b>engaged</b> 14:11 62:17 65:3 <b>engineer</b> 24:5 <b>engineering</b> 12:14 17:11, 18 22:13 23:8, 19, 22 24:15 25:5 <b>enormous</b> 26:18 <b>ensure</b> 75:1, 8, 20 76:5 84:16 92:13 <b>ensuring</b> 89:17 <b>enter</b> 4:19 37:4 60:10, 11 <b>entered</b> 4:25 5:6, 10 9:5 <b>entering</b> 59:2 <b>entire</b> 26:13, 19 <b>entitled</b> 6:17 <b>entity</b> 37:22 <b>environmental</b> 10:8 17:24, 25 18:8, 19 19:3, 9 20:2 22:3, 5, 21 25:16 27:5, 6
--	---	---	---	--

<p>29:19 77:9, 13, 15, 18 <b>envisioned</b> 9:4 14:16 25:21 <b>equivalent</b> 26:11 <b>errors</b> 5:9 <b>escalators</b> 45:19 78:23 <b>especially</b> 68:15 <b>Esq</b> 2:12, 15 <b>essentially</b> 36:7 <b>establish</b> 5:19 <b>established</b> 12:4, 6 17:25 <b>estimates</b> 20:24 <b>etcetera</b> 80:8, 9 85:19 <b>evaluate</b> 33:4 <b>evaluated</b> 32:16 <b>evaluating</b> 88:13 <b>evening</b> 100:20 <b>evidence</b> 4:11, 20 5:1, 6, 10, 22 6:1, 5 47:15 64:25 <b>evolve</b> 18:5 49:7 97:12 <b>evolved</b> 51:25 <b>exactly</b> 16:25 36:17 55:3 <b>examination</b> 7:1 <b>examined</b> 63:1 <b>example</b> 14:17, 18 15:25 16:4 22:19 58:24 60:15 61:2 64:2, 8, 13 68:9 75:8 79:10 84:11 85:17 <b>examples</b> 27:18 64:10 <b>Executive</b> 7:10, 18 8:5, 7, 15 10:9 11:24 39:7 98:13, 22 99:1 <b>exercises</b> 85:19 <b>Exhibit</b> 7:1, 2 <b>EXHIBITS</b> 3:1 <b>expand</b> 93:16 <b>expansion</b> 27:16 <b>expect</b> 17:1 37:18 86:5 <b>expectation</b> 75:14</p>	<p><b>expecting</b> 58:7 86:9 <b>experience</b> 14:2 18:24 37:25 45:24 49:9 66:24 68:6 72:21 97:13 <b>Experienced</b> 7:24 67:2, 24 <b>expert</b> 76:17 83:6 <b>expertise</b> 18:24 41:4 94:17, 23 95:2, 6, 12, 17, 19 97:3, 15 <b>experts</b> 18:14 48:24 49:8, 12, 13 <b>explain</b> 93:16 96:15 <b>explained</b> 54:5 <b>explicitly</b> 66:19 <b>explore</b> 42:21 <b>express</b> 24:25 <b>extended</b> 31:1 <b>extensions</b> 31:1 <b>extent</b> 41:1 56:15, 19 62:13 <b>external</b> 40:16, 24 41:13 94:10 95:5 <b>eye</b> 84:14, 15  &lt; F &gt; <b>faced</b> 67:7 <b>facilitate</b> 31:4 <b>fact</b> 63:6 72:12 73:18, 22 <b>factor</b> 41:9 <b>factored</b> 52:22 <b>factors</b> 52:5 53:13 <b>failures</b> 68:4 <b>fairly</b> 12:8 18:10 29:12 35:4 36:20 <b>familiar</b> 23:22 48:3, 10, 12 <b>fare</b> 28:2, 3, 6 <b>fare-free</b> 28:12 <b>fast</b> 71:5 <b>features</b> 16:21 <b>Federal</b> 10:23 14:7 20:8, 12, 22 21:1 24:25</p>	<p>33:9 52:13, 21 53:15 <b>Feds</b> 10:20 20:18 53:22 <b>feel</b> 81:13 <b>felt</b> 62:8 80:14 83:22 85:4 <b>figure</b> 55:4 68:24 <b>fill</b> 7:6 <b>final</b> 39:21 49:22 88:19 <b>finalized</b> 29:20 <b>finalizing</b> 55:12 65:4 <b>finance</b> 33:17 35:19 38:25 51:14, 17, 20 87:9 <b>financed</b> 52:2 <b>finance-maintain</b> 38:19 <b>financial</b> 52:22 56:6 57:10, 23 58:6, 11 83:20 <b>financially</b> 58:4 <b>financing</b> 33:19 35:17 51:23 52:6, 7, 11 53:20, 24 54:4 82:20, 24 83:2, 11 91:15 <b>find</b> 47:22 58:25 74:13 <b>fine</b> 19:19 67:1 <b>fingers</b> 68:18 <b>firm</b> 19:3 20:23 <b>firms</b> 18:25 <b>firsts</b> 46:11 <b>fit</b> 53:17 <b>five-lane</b> 26:11 <b>five-minute</b> 88:2 <b>fixed</b> 38:22 44:7 <b>flagged</b> 20:21 <b>flat</b> 34:19 <b>floating</b> 79:12 <b>flow</b> 56:23 <b>focus</b> 14:4 <b>focused</b> 27:20 <b>folks</b> 39:10 41:16 <b>follow</b> 10:17 57:10 <b>followed</b> 3:12</p>	<p><b>following</b> 3:11, 18 7:5 27:3 <b>follow-up</b> 4:17 77:1 100:11 <b>forecasting</b> 62:17 <b>foregoing</b> 101:5, 12 <b>form</b> 7:21 69:14 <b>formal</b> 42:4 <b>formally</b> 39:8 <b>formed</b> 89:24 <b>forth</b> 38:8 101:7 <b>forward</b> 11:20 14:4 16:14, 17 31:2 74:11 83:8 88:25 <b>foundations</b> 22:25 <b>four-page</b> 6:17 <b>freeway</b> 26:10, 11 <b>freight</b> 47:2 <b>front</b> 11:17 40:21 71:18 <b>fruition</b> 85:12 <b>fulfil</b> 88:23 <b>fulfilled</b> 42:4 89:17 <b>full</b> 34:12, 22 46:17 47:2 90:20 <b>fundamental</b> 54:13 <b>funded</b> 46:17 <b>funding</b> 14:7 21:23 36:2 52:13 53:15 88:17, 18 <b>funds</b> 42:14 <b>future</b> 27:16, 23 100:3  &lt; G &gt; <b>gained</b> 14:2 <b>gather</b> 13:20 <b>general</b> 39:5 40:15 <b>generalities</b> 83:25 <b>generally</b> 9:15 50:14 <b>geotechnical</b> 23:14 76:23</p>	<p>79:21 80:2, 14, 15, 18, 24 81:6, 14 82:12 85:8, 20 <b>get-go</b> 21:22 22:1 33:20, 22 34:1 38:10 48:20 57:21 61:20 63:12 68:20 72:18 <b>give</b> 17:17 19:14 22:15 38:22 47:14 56:3 58:24 61:1 68:8 93:15 <b>given</b> 5:7, 21 68:1 <b>giving</b> 6:1 27:17 34:22 55:12 92:14 <b>goal</b> 21:11, 20 <b>Good</b> 4:4 19:20 23:2 26:16 36:8 39:1 54:20 59:25 60:3, 7 76:11 79:8, 11, 16 86:3 94:3 100:17 <b>Government</b> 20:8, 12 21:2, 24 24:25 33:10 <b>Governments</b> 20:22 <b>great</b> 14:3 <b>ground</b> 5:17 68:12 <b>group</b> 87:9 <b>guaranteed</b> 91:1 <b>guess</b> 8:19 <b>guidance</b> 94:10  &lt; H &gt; <b>half</b> 55:23 <b>happen</b> 63:23 69:3 86:20 <b>happened</b> 9:25 29:4 68:21, 23, 25 75:5 <b>happening</b> 96:17 100:2 <b>happens</b> 34:12 86:10 97:11 <b>head</b> 7:16 70:3</p>
---	--	--	---	---

<p>92:21 <b>heading</b> 95:9 <b>Hearings</b> 4:13, 20, 21, 22 <b>heavily</b> 40:19 77:18 <b>Held</b> 1:14 10:22 <b>help</b> 19:5 33:3 52:4 67:11 94:11 98:11 <b>helped</b> 82:14 <b>helpful</b> 53:10 <b>helps</b> 43:13 <b>high</b> 82:23 <b>higher</b> 17:4 83:22 <b>highest</b> 25:19 <b>highway</b> 36:15 67:17, 20 <b>hired</b> 76:18 95:16 <b>Holder</b> 76:10, 20 <b>homework</b> 39:17 56:20 65:2 <b>hook</b> 21:12 <b>hoping</b> 91:11 <b>Hospital</b> 9:9 <b>hour</b> 26:6 27:15 <b>huge</b> 61:1 <b>hundred</b> 21:13 70:4 <b>hypotheticals</b> 85:18</p> <p>&lt; I &gt; <b>idea</b> 84:12, 17 <b>ideal</b> 80:15 <b>identified</b> 51:21 61:24 65:16, 24 <b>identify</b> 19:10 53:7 62:1 <b>ignorance</b> 38:12 <b>immediately</b> 68:11 <b>impact</b> 53:14, 17 56:24 70:6 83:3 <b>impacted</b> 53:24 81:5 <b>impacts</b> 52:10 55:19 56:23 <b>implementation</b> 10:13 11:3, 19 12:3 95:23</p>	<p><b>implication</b> 62:18 <b>important</b> 44:18 80:6 <b>improve</b> 24:8 <b>improved</b> 24:10 <b>incent</b> 55:10, 14, 25 56:2 <b>incented</b> 65:25 <b>incenting</b> 66:2, 5 <b>incentive</b> 66:9 <b>incentives</b> 55:9 <b>incidents</b> 93:24 <b>include</b> 45:13, 20 60:15 61:14 73:21 75:7 <b>included</b> 10:5 11:16 15:2 16:9 20:16 34:10 61:17 63:15 66:8 74:19 76:5 <b>including</b> 61:24 62:1 <b>inclusion</b> 51:2 <b>increase</b> 21:8, 9, 11 83:10 84:23 <b>incriminate</b> 5:18 <b>incurred</b> 86:18 <b>INDEX</b> 3:1, 15 <b>indicate</b> 53:5 <b>indicates</b> 6:18 <b>individual</b> 70:19 <b>individuals</b> 11:18 <b>industry</b> 42:15 81:22 <b>informal</b> 93:5 <b>information</b> 15:8 18:5 27:21 47:13 80:18, 19 81:7 92:15 <b>Infrastructure</b> 15:14, 20 25:23 59:25 60:6 <b>in-house</b> 97:4 <b>initially</b> 89:19 96:7 <b>innovation</b> 34:7, 11 36:24 43:11, 12 <b>innovations</b> 65:16 <b>input</b> 50:19</p>	<p><b>Inquiries</b> 5:15 6:3 <b>Inquiry</b> 4:7 5:15, 22 <b>instance</b> 5:20 46:23 66:7 70:24 <b>instructions</b> 17:17 <b>insufficient</b> 24:20 25:1 <b>insurance</b> 85:25 86:5, 9, 14, 19 <b>intended</b> 9:22 <b>intends</b> 4:19 <b>intent</b> 74:10 <b>interactions</b> 91:23 92:3 <b>interested</b> 42:14 <b>interesting</b> 41:24 52:15 <b>interface</b> 27:20 63:5 <b>interfacing</b> 62:24 <b>internal</b> 41:14 87:9 95:2 <b>interpreted</b> 48:5 <b>intervene</b> 4:15 <b>interview</b> 4:11, 14, 17, 18 6:7, 15 13:5 19:14 <b>interviewee</b> 101:7 <b>introduce</b> 6:25 <b>invest</b> 37:7 38:3 <b>investigate</b> 99:13 <b>involved</b> 10:13 15:15, 21 18:19, 22 27:25 29:24 35:1 36:3 38:2 39:3 40:5, 13, 19 41:13, 14 49:18 69:19 70:1 77:14, 18 86:21 87:4 88:22 89:5 90:9 91:11 93:21 95:4 99:11 <b>involvement</b> 9:16 46:10 77:9 98:1, 9</p>	<p><b>involves</b> 59:1 60:19 <b>IO</b> 10:17 33:8 35:1, 2, 6 37:11, 20 38:10 42:1 46:11, 22 47:2, 7, 11 48:2, 10, 14 49:9, 19, 22, 23 50:11 79:23 80:4, 22 81:13 82:4, 19 83:5 84:17 87:1 <b>IO's</b> 46:9 48:10 49:1, 14 50:5, 21 56:7 57:11 83:9 <b>issuance</b> 22:2 <b>issued</b> 48:19 <b>issues</b> 67:2, 23 93:20 100:2 <b>items</b> 3:12 92:8 94:22</p> <p>&lt; J &gt; <b>Jensen</b> 89:12, 19 95:8 <b>John</b> 28:23 75:24 89:11, 19 95:8 <b>joined</b> 4:7 <b>Joshi</b> 2:23 <b>journey</b> 96:20 <b>Judith</b> 2:22 101:3, 19 <b>jump</b> 40:6, 11 <b>June</b> 32:7</p> <p>&lt; K &gt; <b>Kate</b> 2:3 4:4, 5 6:13, 22, 25 7:4, 12, 17 8:2, 11, 14, 21 9:4, 12 11:6, 11, 22 12:2, 18, 21 13:3, 12, 16, 23 14:14 15:10, 14, 19, 23 16:20 17:9, 15 18:18 19:4, 7, 12, 16, 20, 24 20:5, 25 21:5, 19, 25 22:6 23:21 24:12, 24 25:4 26:20 27:4, 19 28:15 29:5, 17,</p>	<p>24 30:12 31:19, 24 32:6, 13 33:3, 21 34:24 35:9, 21 36:3 38:11 39:3, 23 40:2, 17, 24 41:11, 20 42:8 43:1, 21 44:17 45:7 46:2, 9, 19 47:9, 25 49:14 50:4, 9, 20, 25 51:13 52:4 53:2, 4, 9, 12 54:5, 18 56:21 57:8 58:9, 15, 19 60:8 61:23 62:16, 24 63:6 64:4 65:7 66:4, 17 67:1, 11, 22 69:13, 25 70:5, 11 71:4, 11, 16, 24 72:9 73:3, 11 74:10, 18, 25 75:6, 18 76:2, 21 79:20 80:1 81:2, 12, 21 82:2, 22 83:9 84:1, 11, 21 85:7, 16 86:20 87:3, 18 88:1, 11, 16 89:4, 13, 23 90:3, 12, 15, 23 91:5, 7, 10, 22 92:2, 11, 17, 22 93:2, 9, 15 94:4 95:3, 22, 25 96:5, 16 97:1, 8, 17, 22 98:4, 11, 24 99:7, 12, 23 100:10, 15, 18 <b>keen</b> 55:20 <b>keeping</b> 45:17 <b>key</b> 10:15 11:17, 18 34:5 64:16 65:4 94:22 <b>kick</b> 53:21, 22 86:11 <b>kind</b> 13:10 18:4 48:14 55:24 59:7 60:19 62:17 64:20 71:8, 9,</p>
--	---	--	---	--

20, 24 85:18  
92:12 94:9  
**kinds** 18:13, 16  
22:14 28:14  
30:4 48:20  
63:14, 16 65:20  
86:17 87:14  
**knew** 35:25  
**knowledge**  
15:17 42:2  
73:3 84:7 90:2,  
3, 20  
**knows** 49:10  
  
< L >  
**lack** 81:9 85:1  
**ladder** 81:20  
**laid** 63:17  
**Lake** 14:23  
**land** 21:18  
**landed** 51:16  
**lands** 10:23  
**lane** 26:10  
56:1 57:3  
**large** 27:2  
50:14  
**larger** 52:6, 11  
**large-scale**  
42:23  
**late** 29:4  
**lawyers** 40:5  
**leadership** 30:2  
**leading** 61:5  
**Learned** 20:20  
52:17  
**leave** 88:11  
**led** 52:5 99:14  
**left** 8:15, 18  
28:23 61:4  
65:1 67:13 75:5  
**legal** 39:15  
40:8, 10  
**lenders** 84:4, 12  
85:2 91:1, 2  
**lending** 84:5  
**length** 27:16  
**Lessons** 20:20  
52:16  
**level** 10:10  
35:20  
**levels** 21:24  
**leverage** 85:2  
**liability** 5:19  
**lie** 50:22  
**life** 64:7

**LIGHT** 1:6 4:6  
9:23 11:15, 22  
13:13 14:22  
18:23 39:11, 23  
47:10 49:12  
69:21 73:20  
97:25  
**liked** 83:2  
**linkage** 31:9  
**listed** 12:7  
**Litigation** 2:4  
**LLP** 2:13, 16  
**local** 27:1 78:8,  
9  
**location** 27:10  
**locations** 26:16  
**long** 44:18 50:2  
**longer** 51:18  
**long-term** 53:19  
59:2, 8 60:11, 19  
**looked** 27:12  
54:23 64:5, 10  
91:15  
**looking** 9:9  
13:19 14:4  
15:25 19:7  
22:14 24:8  
40:7, 9 41:5  
48:8 54:3, 11,  
25 60:13 71:25  
72:10 76:19  
95:11 99:20  
**looks** 18:1  
**lot** 18:10 26:1,  
25 27:17 31:7  
33:14 37:3, 7  
38:3, 24 43:15  
45:24 46:3, 4  
49:4 53:20  
69:3 72:22 86:7  
**lots** 10:21  
18:23 40:22  
73:8  
**low** 82:23  
**LRT** 9:7, 14  
13:21 14:1, 12  
16:7, 24 17:12  
22:10 24:20  
25:2, 7 27:20  
28:4, 18 43:3  
48:7, 11 97:23  
98:8, 23, 25  
99:19  
  
< M >

**made** 4:25 5:3,  
11 10:16, 18, 19  
11:11 13:12  
16:3, 11 21:23  
23:6, 7, 14, 16  
28:17, 25 29:12,  
19, 22 31:8, 10,  
17, 25 32:9  
34:11 37:12  
41:19, 25 42:1  
45:12 52:25  
71:7 72:22  
73:17, 21 77:20  
78:4 84:7 87:5,  
15, 16 90:4  
101:10  
**main** 26:25  
**maintain** 34:14  
45:4 59:15  
60:15 61:21  
**maintained** 63:8  
**maintainer**  
43:12 61:13  
63:1  
**maintaining**  
59:4, 17  
**maintenance**  
32:23 33:20, 25  
34:2, 3, 9, 18, 20,  
22 38:25 45:13  
52:12 53:25  
59:23, 24 60:12,  
24, 25 61:7, 11,  
17, 18, 25 62:2  
86:16 89:22  
**making** 12:22  
16:16 27:10  
29:25 39:16  
40:2 42:14, 23  
53:24 60:24  
61:18 83:16  
95:4  
**managed** 55:18  
**management**  
54:14 56:18  
**Manager** 7:8, 11,  
14 8:3 11:16  
18:21 39:14  
41:17 98:13  
99:5  
**Manconi** 28:23  
75:25  
**manifest** 86:2  
**manner** 70:12

**manufacturer**  
74:5  
**Marian** 91:8  
**market** 29:14  
37:21 48:10  
49:10 54:23  
80:9 94:16  
95:18  
**marketplace**  
36:10, 18 48:3  
81:1 96:20  
**married** 74:6  
**master** 15:9  
**materials** 13:1  
71:7  
**matrix** 18:11  
**matters** 53:23  
**mayoral** 9:19  
**McGrann** 2:3  
4:4, 5 6:13, 22,  
25 7:4, 12, 17  
8:2, 11, 14, 21  
9:4, 12 11:6, 11,  
22 12:2, 18, 21  
13:3, 12, 16, 23  
14:14 15:10, 14,  
19, 23 16:20  
17:9, 15 18:18  
19:4, 12, 16, 20,  
24 20:5, 25  
21:5, 19, 25  
22:6 23:21  
24:12, 24 25:4  
26:20 27:4, 19  
28:15 29:5, 17,  
24 30:12 31:19,  
24 32:6, 13  
33:3, 21 34:24  
35:9, 21 36:3  
38:11 39:3, 23  
40:2, 17, 24  
41:11, 20 42:8  
43:1, 21 44:17  
45:7 46:2, 9, 19  
47:9, 25 49:14  
50:4, 9, 20, 25  
51:13 52:4  
53:2, 9, 12 54:5,  
18 56:21 57:8  
58:9, 15, 19  
60:8 61:23  
62:16, 24 63:6  
64:4 65:7 66:4,  
17 67:1, 11, 22  
69:13, 25 70:5,

11 71:4, 11, 16,  
24 72:9 73:3,  
11 74:10, 18, 25  
75:6, 18 76:2,  
21 79:20 80:1  
81:2, 12, 21  
82:2, 22 83:9  
84:1, 11, 21  
85:7, 16 86:20  
87:3, 18 88:1,  
11, 16 89:4, 13,  
23 90:3, 12, 15,  
23 91:5, 10, 22  
92:2, 11, 17, 22  
93:2, 9, 15 94:4  
95:3, 22, 25  
96:5, 16 97:1, 8,  
17, 22 98:4, 11,  
24 99:7, 12, 23  
100:10, 15, 18  
**means** 33:22  
34:10 36:5  
**meant** 87:17  
**measure** 60:4  
**mechanisms**  
84:15 92:25  
**meet** 22:9  
58:11 66:1  
75:21  
**meeting** 78:24  
101:10  
**meetings** 92:7,  
12, 18 99:10  
**meets** 74:9  
83:17  
**Member** 2:3, 4  
11:4 90:10  
**members** 30:8  
64:16  
**mentioned**  
23:11 34:25  
40:4 41:16  
60:21 79:6  
81:5 86:12  
94:7, 8  
**Mercier** 30:2  
39:19  
**met** 14:9  
**metre** 18:11, 12  
**microphone**  
88:7  
**milestone** 86:22  
87:5, 13  
**milestones** 87:6

**million** 20:18  
21:3 53:22, 23  
**mind** 23:24  
44:25 45:23  
92:9  
**minimize** 55:18  
56:15 61:20  
**minute** 19:15  
68:23 95:8  
**minutes** 88:8  
**minutiae** 55:2  
**mitigate** 56:16,  
20 58:20 68:12  
**Mobility** 55:17,  
19, 22 56:22  
57:2, 4, 7 87:13  
**model** 10:16  
15:11 30:16  
31:20, 22 32:9,  
15 33:6, 24  
34:1, 3, 5, 17  
35:14 36:9  
37:2 41:6, 10  
43:5 44:4 45:9  
50:15 51:3, 5  
52:22 53:18  
54:7, 9 56:5  
60:13, 14 61:25  
62:2, 10, 15, 20  
63:3, 12, 25  
64:6, 15, 20  
65:8 66:21, 22  
67:8, 9 68:11,  
22 69:12 70:6,  
14, 15, 16 79:9  
91:16  
**modelling** 62:17  
85:18  
**models** 33:5  
35:12 44:21, 22  
49:13, 15 54:10  
**modifications**  
72:21 74:21  
75:2  
**modified** 18:6  
**moment** 88:17  
**Mona** 87:8  
**money** 22:16  
23:9 37:7 38:3  
52:18, 21 66:13  
83:18 86:3  
94:22  
**monitor** 65:6  
**Monkman** 87:8

**months** 35:11  
**morning** 26:9  
**move** 21:7  
74:11 97:12, 24  
99:2  
**moved** 10:12  
74:2 89:21  
90:20 98:13  
**moving** 14:4  
28:2  
**MTO** 37:12  
90:19  
**municipal** 46:12,  
17 47:6, 8  
**municipalities**  
37:15 43:20  
**municipality**  
46:18, 24  
**Muryka** 2:4  
4:8 77:1, 4  
79:4, 17 87:21,  
24 100:10, 13  
  
< N >  
**names** 11:17  
**NANCY** 1:7  
2:10 3:4 4:3  
6:12, 18, 21, 24  
7:3, 7, 15, 20  
8:8, 13, 17, 23  
9:8, 17 11:9, 14,  
25 12:5, 20, 24  
13:6, 15, 22  
14:2, 19 15:13,  
17, 22 16:8, 25  
17:13, 19 18:20  
20:3, 13 21:4,  
10, 21 22:4, 11  
23:24 24:22  
25:3, 8 26:23  
27:8 28:1, 19  
29:11, 21 30:1,  
15 31:23 32:2,  
11, 18 33:7  
34:4 35:3, 15,  
25 36:5 38:20  
39:7, 25 40:16,  
18 41:1, 15, 23  
42:11 43:4  
44:1, 23 45:10  
46:5, 14, 21  
47:12, 14, 17, 20,  
24 48:12 49:17  
50:8, 13, 24  
51:6, 20 52:8

53:16 54:12, 22  
57:1, 16 58:14,  
18 59:10 60:21  
62:4, 22 63:4,  
11 64:12 65:10  
66:7, 23 67:4,  
14 68:2 69:22  
70:2, 9, 16 71:9,  
15, 19 72:2, 15  
73:8, 15 74:16,  
23 75:4, 11, 23  
76:7 77:21  
79:14, 19, 25  
80:4 81:11, 17,  
25 82:7 83:1,  
12 84:6, 19  
85:3, 13, 24  
86:23 87:7  
88:15, 24 89:9,  
18 90:2, 6, 14,  
17 91:4, 20  
92:1, 5, 16, 20  
93:1, 8, 13, 17  
94:13 95:7, 24  
96:3, 7, 12, 18  
97:6, 10, 21  
98:2, 10, 19  
99:2, 8, 21  
100:8, 21  
**National** 11:9  
**nature** 8:21  
92:4  
**NCC** 10:21 11:7  
**necessarily**  
38:17 42:18, 19  
49:11 57:9  
72:15 73:24  
**necessary** 40:6  
**needed** 6:9  
20:21 21:13  
22:10 25:11  
27:14 28:7, 10  
31:1 62:9  
84:10 85:6  
88:25 89:19  
92:15 94:10, 17  
95:12  
**needs** 17:12  
22:9 27:22, 23  
70:12  
**NEESONS**  
101:18  
**negotiated**  
61:13  
**negotiation** 76:3

**negotiations**  
74:1  
**network** 73:20  
**new** 10:2 14:6,  
8, 25 16:6  
64:21 77:5  
81:16 89:21  
**Nicholas** 86:13  
**non-**  
**typographical**  
5:11  
**no-one** 66:10  
**North** 18:24  
25:20  
**North-South**  
9:23 13:13, 24  
14:15, 22 15:11,  
15 16:1, 4, 8  
76:14 94:15  
**Note** 7:24  
**noted** 3:17  
**notes** 12:22  
101:13  
**November** 9:18  
**number** 14:10  
20:1, 10 21:6, 7,  
18, 20, 23 22:8  
26:5 31:10  
34:8 43:10, 14  
54:6 73:25  
74:21 98:21  
**NUMBER/DESCR**  
**IPTION** 3:3  
**numbers** 20:14  
57:5 71:22  
  
< O >  
**object** 6:4  
**objected** 5:16  
**obligated** 25:13  
**obligation** 23:5  
**obligations**  
58:12 90:1  
**obtain** 4:11  
**OC** 25:6, 12  
26:3, 13, 18, 21  
28:16, 17, 24  
29:7, 13 30:13  
31:12 32:14, 19  
62:25 63:18  
77:9, 12, 13, 23  
78:1, 5, 6, 10  
79:3 95:10  
**occasionally**

47:22  
**occasions** 67:8  
**occur** 69:5  
**occurred** 68:10  
92:10 99:15  
**offer** 96:11, 22  
100:9  
**offers** 96:14  
**Office** 11:19  
12:3, 4 19:5  
39:12, 14, 23  
41:3 69:23  
76:12, 17 95:8,  
20, 22, 23  
**oftentimes**  
97:15  
**OLRT** 64:6  
87:23  
**ones** 78:20  
**one-third** 46:24  
**ongoing** 91:17  
**Ontario** 15:15,  
20  
**onus** 34:21  
37:4  
**onward** 91:24  
**onwards** 91:25  
**open** 29:8 61:5  
72:19  
**opening** 29:3  
98:3  
**operate** 27:12  
28:17, 20 32:20,  
22 57:6 71:21  
78:6  
**operating** 18:16  
50:17 63:7  
72:24 78:15  
**operation** 15:3  
28:22 29:3, 7  
33:1 64:9  
78:10, 18 97:13  
**operations**  
30:23 31:12, 18  
32:24 45:18  
50:16, 22 51:2  
**operator** 25:8  
28:16 30:14  
31:3 32:14  
45:16, 17 50:1,  
10, 11 63:18  
65:3 77:12, 20,  
22 78:2, 16, 17  
**operators** 31:6,

<p>15 <b>opinion</b> 81:18 <b>opportunities</b> 23:4 43:9 65:16 93:22 <b>opportunity</b> 5:7 16:13 21:16 <b>opposed</b> 71:1, 6 <b>optimal</b> 49:16 50:6 <b>option</b> 36:6 73:12, 18 <b>options</b> 30:13, 21 73:4 <b>order</b> 4:22 97:23 <b>orientation</b> 81:16 <b>originally</b> 20:2 <b>O-Train</b> 76:14, 15 <b>OTTAWA</b> 1:6, 7 2:9 4:6 9:7, 9 11:15, 22 14:24 15:4 18:17 25:22, 25 26:22 48:8 54:4 71:22 73:7 75:9 <b>Ottawa's</b> 9:14 74:21 <b>outcomes</b> 24:3, 10, 11 25:10 <b>output</b> 18:7 22:15, 16 41:7, 22 48:18, 24 49:6 55:6 64:18 65:4 66:1 69:14, 20, 24 70:7, 18, 25 83:17 <b>outputs</b> 71:1 72:3 <b>outside</b> 25:22 95:14, 16 <b>overall</b> 66:2, 5 73:21 <b>overarching</b> 27:24 <b>oversee</b> 89:24 <b>overseeing</b> 10:8 11:2 63:19 <b>oversight</b> 67:6 76:1 78:2, 21 83:19 84:3, 24 85:6 90:22</p>	<p><b>oversimplified</b> 58:25 <b>overview</b> 9:13 <b>owners</b> 23:17  &lt; P &gt; <b>P.Eng</b> 6:18 <b>p.m</b> 1:16 4:1 88:9, 10 100:23 <b>P3</b> 33:11 34:5, 17 35:21, 22, 24 36:7, 9 37:2 38:13, 14, 17 39:5 40:14 41:20, 25 42:9, 11, 20, 21 43:9, 22, 23 44:2, 5, 20, 21, 22, 24 49:13, 15 50:22 54:6, 10, 16 55:10 56:4 58:16 62:10, 14, 20 65:15, 22 73:21 79:7, 9, 16 <b>P3s</b> 37:21 42:17 <b>PA</b> 65:3 84:9 <b>pages</b> 3:18 <b>paid</b> 86:2 <b>paper</b> 13:9 67:5 <b>part</b> 15:8 16:23 30:16 32:24 33:19 34:1, 2 37:23 38:8 39:20 40:23 41:8 48:9 50:18 54:3 56:9 57:21 60:13 69:15 72:7 85:9 91:16 95:16 99:10 <b>parted</b> 9:3 <b>participants</b> 1:15 2:7 5:4, 10 <b>participate</b> 9:10 <b>particular</b> 13:2 16:21 21:8 42:10 <b>partner</b> 50:23 62:20 85:23 92:6 93:11, 14 94:3</p>	<p><b>partners</b> 12:15 56:10 65:15 94:8 95:13 96:1 <b>partner's</b> 58:11 <b>partnership</b> 33:12 <b>parts</b> 73:5 <b>party</b> 63:8 92:14 <b>passenger</b> 27:22, 23 <b>passengers</b> 17:3, 7 18:2 26:5 27:14 71:22 78:1 79:1 <b>patent</b> 38:10 <b>Pawliuk</b> 90:14 <b>pay</b> 21:13 53:17 <b>paying</b> 47:1 52:12 86:1 <b>payment</b> 87:13 91:1 <b>payments</b> 53:25 63:16 86:22 87:5 <b>penalties</b> 63:21, 23 65:4 84:9 <b>people</b> 17:17 23:21 26:2, 7 28:10 32:23 95:21 <b>percent</b> 17:7 68:16 70:4 <b>perfect</b> 37:1 45:12 <b>perform</b> 72:1 <b>performed</b> 72:14 94:1 <b>period</b> 9:2 35:19 54:1 59:25 60:12 89:22 <b>perjury</b> 5:25 <b>permits</b> 4:16 <b>person</b> 5:21 76:9 91:9 <b>perspective</b> 42:17 62:19 76:3 83:20 94:18, 19 <b>Peter</b> 2:12 19:4, 6, 13, 17, 19, 22 20:15 35:16 40:20 47:13, 14,</p>	<p>18, 21 53:3, 4, 11 85:14 91:6 96:9, 13 100:17 <b>phase</b> 18:10 30:24 74:3 77:10, 13, 15, 19 87:19, 22 89:20 <b>Phil</b> 90:14 <b>photocopy</b> 13:7 <b>pick</b> 9:25 13:18 53:25 <b>picked</b> 16:5 22:24, 25 <b>piece</b> 60:6 61:14 81:6 88:12 <b>pieces</b> 9:25 13:18 <b>place</b> 5:25 21:25 31:17 39:8 58:23 62:23 91:7, 17 92:19 101:6 <b>places</b> 72:13 95:1 <b>plan</b> 15:9 <b>planned</b> 14:16 27:20 84:17 <b>planning</b> 10:4 17:14, 20 20:9 25:15 98:20 <b>platform</b> 27:15 <b>play</b> 25:6 27:6 44:16 53:14 74:12 80:6 84:5, 13 85:21 <b>played</b> 27:7 <b>player</b> 38:1 <b>players</b> 37:6 83:15 <b>point</b> 6:7 8:9 9:19 17:10 18:7 20:19 21:5, 14, 19 22:7 24:14, 17 28:16, 22 29:6 33:7 34:1, 24 35:1 40:7 41:5 51:9 61:9, 22 63:2 68:4 70:18 75:2 89:12 <b>pointing</b> 68:18 <b>points</b> 27:13</p>	<p>28:9 67:23 <b>policy</b> 86:9 <b>popped</b> 87:16 <b>portion</b> 52:6, 7 78:17 <b>portraying</b> 51:18 <b>pose</b> 68:3 <b>posed</b> 99:25 <b>position</b> 51:10 69:8 83:5 87:10 <b>positioned</b> 75:19 80:3 <b>possibility</b> 91:12, 17 <b>possible</b> 16:17 <b>post</b> 28:25 29:4 <b>post- construction</b> 55:16 <b>postdated</b> 77:12 <b>posted</b> 4:23 <b>potential</b> 44:21 56:20, 24 58:20 84:3 85:1 <b>Potentially</b> 46:12 79:22 84:15 <b>practical</b> 72:13 73:13 <b>practice</b> 36:4 42:17 72:12 74:13 <b>practices</b> 42:15, 24 43:2 <b>pre-approved</b> 58:2 <b>precise</b> 7:16 72:23 <b>preferred</b> 91:24 <b>preliminary</b> 12:14 17:11, 18 18:10 25:5 35:8 <b>premium</b> 86:1 <b>prepare</b> 10:2 17:16 <b>preparing</b> 18:19 <b>prequalification</b> 57:20 <b>pre-qualification</b> 73:23 <b>prescriptive</b> 55:8 70:21 <b>PRESENT</b> 2:20 <b>presentation</b> 53:6</p>
--	--	---	---	---

<p><b>presenters</b> 101:9 <b>pretty</b> 36:8 49:23 79:8, 11 <b>previous</b> 83:21 <b>price</b> 38:22 44:7 61:22 66:2, 5 <b>prior</b> 28:3 29:14 <b>private</b> 31:13 32:25 34:3 37:4, 6 38:2 50:23 51:23 56:2 63:8 65:23 80:23 81:13 83:18 84:4, 5, 12 85:2, 23 91:1 <b>problem</b> 61:12 68:15 69:4 86:12 <b>problems</b> 68:5, 7 <b>procedural</b> 4:21 <b>proceed</b> 19:17 20:23 31:21 38:13, 16 40:14 58:23 62:3 98:9 <b>proceeding</b> 38:18 59:1 84:17 <b>proceedings</b> 5:20, 24 101:5 <b>process</b> 11:5 16:13, 17 18:6 21:6, 20 22:18, 22 30:22 34:12, 25 38:8 47:15 48:17 49:7 56:11 59:12, 20 60:2 62:7 65:14 69:15 78:5, 13 96:14 99:4 <b>procurement</b> 10:16 16:10 30:16 69:15 76:23 82:4 87:19, 22 88:12 96:2, 6, 13 <b>produced</b> 3:12, 17 <b>progress</b> 84:14, 25 89:15 92:13</p>	<p><b>project</b> 9:11 10:24 12:10 13:13, 16 14:9, 11, 16 15:6, 7, 12, 16 16:1, 5, 6 20:9 23:8, 25 25:9, 14, 24 28:22 32:7 33:11, 13, 14 35:2 36:15 37:9 39:6 43:24 44:14, 21 45:12, 25 46:11, 12 47:6, 8, 10 48:14, 18, 22 49:2, 3 50:7 54:12, 14 57:23 63:13, 17 64:17, 20, 22 65:8, 11 66:9, 22 67:12 69:6, 10, 14, 20 70:7 75:7, 12 76:24 79:15 83:14, 16 84:10, 14, 16, 25 86:22 87:19 88:20 89:15 90:4, 8, 9 91:13 92:24, 25 93:4, 12 94:6, 11, 21 97:2, 5, 18 98:23, 25 <b>projected</b> 27:23 <b>projects</b> 8:24 36:14 42:23, 25 43:19 46:16, 22 47:3 48:15 64:9, 14 68:14 69:5 83:21 97:11 <b>project-specific</b> 49:6 96:20 <b>promised</b> 54:6 <b>proof</b> 71:25 72:11 <b>properly</b> 82:15 90:25 <b>property</b> 23:17 <b>proponent</b> 44:6 51:23 91:24 <b>proponents</b> 16:14 74:6 80:20 82:11 <b>proposal</b> 13:25 55:12 57:18</p>	<p><b>proposals</b> 38:4 80:21 <b>prosecution</b> 5:25 <b>protected</b> 62:11 <b>prove</b> 72:5 73:2 <b>proven</b> 71:20 72:8, 16 75:21 <b>provide</b> 9:12 10:1 13:4 25:13 51:24 57:7 77:16 85:6 <b>provided</b> 50:19 83:6 88:13 <b>providers</b> 95:6 <b>providing</b> 27:21 36:2 80:6 88:19 <b>Province</b> 10:20 20:18 42:13 43:7 47:1 53:21 58:2 89:14 90:5 <b>Province's</b> 88:18 <b>Provincial</b> 20:7, 11, 22 21:2 24:25 33:10 35:22, 24 44:19 52:13, 21 53:15 58:16 79:7 88:17 89:25 <b>provisions</b> 75:7 85:5 <b>PSOS</b> 64:17 69:13 75:12 76:6 <b>Public</b> 4:6, 13, 20, 24 5:14 6:3 24:6 29:8 50:23 67:25 98:7 <b>public-private</b> 33:12 <b>pull</b> 13:8 19:7 <b>purchase</b> 38:9 72:10 <b>purely</b> 98:22 <b>purpose</b> 4:10 42:9 <b>purposes</b> 20:6 <b>Pursuant</b> 5:12, 14 <b>push</b> 43:22 <b>put</b> 12:25 33:10 39:8, 13</p>	<p>49:2 57:6, 18 75:3 101:7 <b>puts</b> 34:21 <b>putting</b> 37:3 38:4 80:20 89:5  &lt; Q &gt; <b>qualification</b> 58:13 59:11 <b>qualified</b> 59:12 <b>qualifying</b> 59:19 <b>quantify</b> 85:19 <b>question</b> 5:16 6:5 28:21 32:19 38:12, 14 41:24 47:6 48:15 51:21 52:3, 19 60:10 64:2 66:18 68:3 70:10 77:8 79:5 87:16 <b>questioning</b> 82:25 87:20 <b>questions</b> 4:9, 16, 17 6:10 12:23 19:18, 23 40:7, 10 47:18 69:16 76:22 77:2, 6 79:18 81:3 91:9 99:25 100:11, 16 <b>quick</b> 98:7 <b>quicker</b> 43:11 <b>quickly</b> 45:21 46:7 88:11 <b>quite</b> 10:13 15:7 20:8 67:9 90:9  &lt; R &gt; <b>race</b> 9:19 <b>RAIL</b> 1:6 4:6 9:23 11:15, 19, 22 12:3 13:13 14:15, 23 15:12, 16 16:1, 5 18:23 39:12, 13, 23 41:2 47:10 48:15 49:12 59:15 69:21 73:20 94:18 95:23 97:25 <b>raise</b> 24:19 <b>rapid</b> 10:2 13:20 25:18, 25</p>	<p>26:24 27:2 28:7 97:24, 25 <b>rationale</b> 83:7, 10 <b>reached</b> 51:11 <b>read</b> 49:3 67:5 <b>reading</b> 12:25 <b>ready</b> 75:9, 20 94:2 <b>real</b> 64:7 <b>realignment</b> 81:15 <b>realize</b> 34:6 84:21 <b>really</b> 9:25 20:21 23:20 34:9 36:12, 23 38:24 41:5, 9 45:25 48:21 53:13 64:1 70:9 73:19 86:4 99:3, 6 <b>reason</b> 15:20 47:25 79:8, 11, 16 <b>reasons</b> 31:11 33:15 36:9 <b>re-assigned</b> 95:9 <b>recall</b> 15:13 22:21 24:22 32:18 42:6 50:24 51:7 80:23 86:24 90:6 91:20 92:22 <b>receivable</b> 5:22 <b>received</b> 40:9 <b>RECESS</b> 88:9 <b>recognize</b> 6:20 <b>recollection</b> 50:3 96:4 <b>recommend</b> 30:11 <b>recommendation</b> 30:7 31:17 <b>recommendation</b> <b>s</b> 37:24 51:8 87:1 100:1, 4, 7 <b>recommended</b> 35:6 38:9 <b>recommending</b> 49:19, 24 <b>reconsidered</b> 24:13</p>
---	---	---	--	---



<p><b>record</b> 6:9 8:1 56:22 <b>recorded</b> 101:11 <b>reduce</b> 43:13 <b>reduced</b> 23:11 80:17 <b>reducing</b> 22:19 23:12 24:9 <b>refer</b> 93:3 <b>reference</b> 11:11 12:22 13:12 19:25 64:8 71:11 95:23 100:1 <b>referenced</b> 11:7 35:21 48:2 57:11, 12 <b>references</b> 35:22 <b>referred</b> 28:15 <b>referring</b> 7:18 11:13 26:22, 23 46:20 56:23 58:15 81:7 91:3 <b>refinement</b> 35:18 <b>regard</b> 55:22 <b>regardless</b> 48:13 77:22 <b>regular</b> 89:14 92:9, 12 <b>related</b> 79:7 90:1 98:23 <b>relates</b> 77:8 <b>relationship</b> 59:3, 8 60:20 62:20 92:10 93:19 <b>relationships</b> 97:5 <b>relatively</b> 97:23 <b>release</b> 22:7 24:14, 17 32:9 <b>released</b> 32:7 <b>relocation</b> 65:14, 18 <b>remained</b> 8:11 65:11 <b>remember</b> 12:18 18:22 19:2 23:2 29:17 30:12 33:9, 16 35:23 40:21 42:3 44:10 50:20, 25</p>	<p>67:19 72:2 73:11 74:16 83:13 87:8 90:12 96:17 <b>remind</b> 88:6 <b>remotely</b> 1:15 <b>removal</b> 61:11 <b>rental</b> 56:1 <b>rentals</b> 57:3 <b>repair</b> 60:1 <b>Report</b> 20:20 32:4 52:17 88:25 89:10 <b>reported</b> 98:21 <b>Reporter</b> 101:4 <b>Reporter's</b> 7:24 101:1 <b>reporting</b> 89:14, 17 <b>reports</b> 10:14 13:2 29:16 <b>repositioning</b> 13:19 <b>represented</b> 46:11 <b>request</b> 58:13 96:10 <b>require</b> 49:8 <b>required</b> 6:2 10:24 41:4 42:6 62:25 89:14 90:5 97:3 <b>requirement</b> 33:9 63:9 71:12 88:23 89:17 <b>requirements</b> 27:16 34:23 75:22 76:5 <b>requires</b> 44:20 <b>requiring</b> 36:1 93:5 <b>re-reading</b> 13:1 <b>resolution</b> 92:25 93:3 <b>resolve</b> 93:23 <b>resort</b> 92:24 <b>resounding</b> 66:25 <b>resources</b> 97:19 <b>respect</b> 9:6, 13 10:16, 23 12:2 19:24 31:19 32:8 33:23 41:20 50:21</p>	<p>51:13 56:22 66:5 69:17 71:12, 17 79:20 94:4, 11 98:24 <b>respected</b> 37:22 <b>responded</b> 96:10 <b>response</b> 68:2 74:21 96:18 <b>responses</b> 88:13 92:15 <b>responsibilities</b> 10:22 32:25 98:18, 25 <b>responsibility</b> 28:20 55:16 75:25 <b>responsible</b> 10:10 18:21 46:24 59:4 63:18 64:14 77:23 78:11 89:16 90:18 98:20 <b>rest</b> 39:21 <b>result</b> 41:21 43:24 69:6 99:18 <b>resulted</b> 57:3 <b>results</b> 68:1 <b>resumé</b> 6:22 7:8, 21 8:20 <b>RESUMING</b> 88:10 <b>retain</b> 31:11 32:14 77:12 95:5 <b>retained</b> 19:2 94:5 95:14 <b>retaining</b> 33:1 <b>retired</b> 91:7 <b>returned</b> 60:1 <b>revealing</b> 38:11 <b>review</b> 5:8 <b>reviewing</b> 22:23 <b>revisit</b> 21:17 <b>revisited</b> 32:15 65:8 <b>revisiting</b> 15:9 32:19 <b>Reynolds</b> 2:13, 16 <b>RFP</b> 22:7 24:14, 18 29:15</p>	<p>79:23 80:3 82:3 88:14 <b>RFQ</b> 32:7, 9 74:2 <b>Richard</b> 76:10, 20 <b>Rideau</b> 65:18 <b>riders</b> 97:24 <b>riderships</b> 25:19 <b>ring</b> 71:14 <b>RIO</b> 11:20 12:3 39:24 40:1 69:23 76:8, 11, 16 89:11, 19 90:11, 16 93:23 95:23, 24 <b>ripped</b> 13:10 <b>risk</b> 23:14 36:25 56:5 57:9, 13, 15 58:22 76:23 79:21, 22 80:2, 14, 16, 24 81:14, 20 82:12 83:18 85:8, 10, 12, 20, 23, 25 86:1 <b>risks</b> 54:10, 13, 16, 17, 19, 20 56:14, 17, 20 58:20 59:7 60:17 62:1, 8, 11, 14 <b>risky</b> 20:24 <b>road</b> 55:23 <b>robust</b> 56:14 <b>role</b> 7:7, 9, 17 8:3, 5, 12, 15 9:13, 24 10:3, 17 25:5 27:6 46:25 49:1 80:6 82:15 88:12 90:15 93:18 98:12, 17, 22 <b>roles</b> 7:5 27:7 <b>roof</b> 61:14 <b>route</b> 97:25 <b>routes</b> 67:20 78:8, 9 <b>RPR</b> 101:3, 19 <b>RTG</b> 68:12 90:25 91:23 92:12 93:11, 14 <b>rule</b> 36:8 45:5,</p>	<p>8 72:17, 22 <b>ruled</b> 46:7 <b>run</b> 26:15 <b>running</b> 26:25 39:12  &lt; S &gt; <b>safety</b> 24:6 <b>satisfied</b> 67:9 93:13 <b>savings</b> 34:7 <b>scale</b> 56:17 57:24 <b>scan</b> 13:11 <b>schedules</b> 36:25 <b>SCHEPERS</b> 1:7 2:10 3:4 4:3, 5 6:12, 18, 21, 24 7:3, 7, 15, 20 8:8, 13, 17, 23 9:8, 17 11:9, 14, 25 12:5, 20, 24 13:6, 15, 22 14:2, 19 15:13, 17, 22 16:8, 25 17:13, 19 18:20 19:21 20:3, 13 21:4, 10, 21 22:4, 11 23:24 24:22 25:3, 8 26:23 27:8 28:1, 19 29:11, 21 30:1, 15 31:23 32:2, 11, 18 33:7 34:4 35:3, 15, 25 36:5 38:20 39:7, 25 40:16, 18 41:1, 15, 23 42:11 43:4 44:1, 23 45:10 46:5, 14, 21 47:12, 17, 20, 24 48:1, 12 49:17 50:8, 13, 24 51:6, 20 52:8 53:12, 16 54:12, 22 57:1, 16 58:14, 18 59:10 60:21 62:4, 22 63:4, 11 64:12 65:10 66:7, 23 67:4, 14 68:2 69:22 70:2, 9, 16 71:9, 15, 19</p>
---	---	---	---	--

72:2, 15 73:8, 15 74:16, 23 75:4, 11, 23 76:7 77:21 79:14, 19, 25 80:4 81:11, 17, 25 82:7 83:1, 12 84:6, 19 85:3, 13, 24 86:23 87:7 88:15, 24 89:9, 18 90:2, 6, 14, 17 91:4, 7, 11, 20 92:1, 5, 16, 20 93:1, 8, 13, 17 94:13 95:7, 24 96:3, 7, 12, 17, 18 97:6, 10, 21 98:2, 10, 19 99:2, 8, 21 100:8, 21 <b>scope</b> 57:24 <b>screen</b> 6:16 33:11 35:22, 23, 24 36:4 41:21, 22 42:9, 12 43:2, 5, 6, 22, 25 44:20, 24 58:9, 16 79:7 <b>screened</b> 58:4 <b>screening</b> 42:5 56:8 57:12, 14, 25 58:5, 12 60:22 <b>se</b> 78:2 <b>seamless</b> 23:17 <b>Section</b> 5:14 6:2, 5 <b>sector</b> 31:13 32:25 37:4, 6 38:2 51:23 56:2 65:23 80:23 81:13 83:18 <b>seek</b> 52:6 <b>seeking</b> 20:7 <b>Segal</b> 2:15 <b>select</b> 33:5 74:8 <b>selected</b> 32:17 65:9 91:24 94:3 96:1, 5 <b>selection</b> 70:6 <b>sense</b> 31:8, 10 36:22 37:1, 10,	12 44:14, 16 45:12, 25 54:4 72:22 73:21 80:10, 13 87:15 93:22 <b>September</b> 3:5 6:19, 23 7:3, 5 12:13 <b>sequence</b> 12:25 <b>series</b> 59:3 <b>served</b> 42:9 <b>service</b> 26:22 27:1 29:8 62:19 67:3, 25 72:11 75:3, 22 76:13 78:12 95:5 98:6, 7 <b>service-proven</b> 71:12, 17 <b>services</b> 96:23 <b>set</b> 12:21 20:2, 6 65:21 74:9 101:6 <b>settled</b> 13:21 <b>shallower</b> 81:9 <b>shape</b> 60:7 <b>share</b> 6:14 40:7 <b>shared</b> 5:3, 9 <b>sharing</b> 6:16 43:2 <b>short</b> 7:20 9:2 75:16 97:23 <b>Shorthand</b> 101:4, 13 <b>show</b> 10:14 <b>showing</b> 6:16 <b>shows</b> 52:16 <b>side</b> 39:4 59:22 61:12 <b>sides</b> 57:2 <b>sideways</b> 43:16 <b>Siemens</b> 16:9 <b>signalling</b> 59:16 <b>significant</b> 34:16 89:3 <b>significantly</b> 17:4 <b>sign-off</b> 39:21 49:22 <b>similar</b> 39:9 73:6 <b>Simulik</b> 91:8 <b>single</b> 25:22 <b>Singleton</b> 2:13, 16	<b>sinkhole</b> 68:9 86:13 93:25 <b>sitting</b> 29:17 66:20 77:23 78:17 88:4 <b>situation</b> 85:11 <b>situations</b> 52:14 <b>size</b> 33:13 53:6 83:14 <b>skip</b> 17:20 <b>sliding</b> 56:17 <b>small</b> 56:9 <b>smaller</b> 52:7 <b>smooth</b> 99:5 <b>snow</b> 61:11 <b>solemn</b> 4:12 <b>solve</b> 68:13 <b>somebody</b> 89:7 <b>Sorry</b> 5:13 7:18, 20 39:25 44:17 47:4, 20 53:3 77:4 98:4 <b>sort</b> 79:12 <b>sought</b> 40:8 95:19 <b>sound</b> 38:7 <b>sounding</b> 80:9 <b>sounds</b> 17:21 27:19 89:7 <b>source</b> 80:1 <b>soured</b> 62:21 <b>speak</b> 52:9 66:23 72:3 73:10 75:4, 19 76:4 97:16 <b>speaking</b> 35:2 42:18 46:9 58:10 83:25 <b>speaks</b> 29:16 <b>specific</b> 12:17 17:22 32:4 54:17, 20 64:17 67:19 69:14, 20 70:7 73:9, 16 79:15 84:7 85:15 92:8 100:4 <b>specifically</b> 29:6 52:24 75:5 <b>specifications</b> 16:24 69:14, 16, 20 70:8 <b>specifics</b> 67:6 72:3 74:17 86:25 87:11	<b>specified</b> 16:19 73:16 <b>specifying</b> 16:12 <b>specs</b> 18:7 41:7 48:18, 25 49:6 55:7 64:18 65:4 66:1 69:24 70:18, 25 83:17 <b>spectrum</b> 44:11 <b>speed</b> 7:5 <b>spelled</b> 72:7 <b>spent</b> 38:24 <b>spoke</b> 39:2 57:8 <b>staff</b> 14:10 21:15 23:4 30:9 69:23 76:8, 19 78:19 89:21 90:10 96:22 <b>Stage</b> 9:14 10:5 13:21, 25 14:12, 14 16:6, 24 17:12 25:7 28:18 29:23 43:3 64:6 67:12 87:23 99:8, 11, 15 <b>standard</b> 36:19 37:13 80:7, 8 92:12 <b>standardized</b> 48:19 <b>standards</b> 18:13, 15 <b>standing</b> 96:11, 14, 22 <b>start</b> 35:2 40:17 54:21 56:10 57:19 <b>started</b> 9:17, 20 12:13 15:8 35:5 41:3 95:20 <b>Starting</b> 9:14 18:7 45:8 <b>state</b> 59:25 <b>stated</b> 77:11 <b>statements</b> 101:9 <b>station</b> 27:10 28:6 65:13, 18, 19, 20	<b>stations</b> 26:17 28:10 45:18 78:7, 21 <b>status</b> 72:8 <b>stayed</b> 8:3 <b>Steering</b> 11:3, 12, 15, 21, 23, 24 39:8 <b>Stenographer/Tra nscriptionist</b> 2:22 <b>stenographically</b> 101:11 <b>step</b> 87:18 93:5 95:10 <b>stepped</b> 90:25 <b>steps</b> 17:10 33:4 58:20 60:9 74:25 75:7, 19 76:4 84:23 <b>stop</b> 68:24 <b>stopped</b> 7:13 <b>stops</b> 18:3 68:15, 19 <b>straightforward</b> 36:20 <b>Strandherd</b> 15:1 <b>strength</b> 83:24 <b>strong</b> 51:7, 10 <b>strongly</b> 38:9 80:15 <b>struck</b> 89:24 <b>structural</b> 94:20 <b>structure</b> 49:1 55:5 65:5 72:25 92:18 <b>structured</b> 48:22 62:15 63:24 64:24 65:2 80:25 81:19 82:15 84:9 86:24 <b>STV</b> 70:3 <b>subject</b> 74:20 <b>submit</b> 42:3 <b>submitted</b> 86:15, 18 <b>subsequent</b> 74:1 <b>successful</b> 9:11 <b>sudden</b> 68:17 <b>sufficient</b> 22:9 <b>suggest</b> 100:5 <b>suggested</b> 51:1
--	--	--	--	--

<p><b>suggesting</b> 84:18 <b>summary</b> 7:22 12:24 13:4 <b>summer</b> 31:25 32:5 35:10 <b>supervise</b> 29:9 <b>supplement</b> 76:18 95:2, 6 <b>supply</b> 29:9 <b>support</b> 83:4 94:10 <b>supported</b> 81:18 82:6, 8, 9 <b>supporting</b> 39:13 <b>supportive</b> 82:5 <b>surface</b> 15:2 17:5 23:16 <b>switch</b> 76:24 <b>system</b> 18:2, 16 22:10 23:14 25:17 26:13, 24 27:11 28:3 29:8 30:14, 24 31:5 32:14 34:14 47:10 48:7, 11 50:16 55:2 56:25 57:6 59:5, 15, 16 61:20 63:7, 10 67:3, 24 77:25 94:25 97:25 <b>systems</b> 27:21 28:7 73:9 94:18</p> <p>&lt; T &gt; <b>table</b> 18:15 25:10, 14, 16 26:14, 18 27:5 38:3, 10 39:16 43:9, 12 47:7 48:24 49:8, 11, 19 51:11 52:18 56:7, 10 57:18 59:14 73:24 77:14 78:4, 13 80:5, 7 83:15, 24 94:23 95:13 97:16 <b>tackle</b> 57:23 <b>talk</b> 23:16 <b>talked</b> 43:10 45:16</p>	<p><b>talking</b> 19:8 42:22 57:24 58:16 71:4 79:14 98:2 <b>tap</b> 28:11, 14 <b>tapping</b> 28:4 <b>targets</b> 78:25 <b>team</b> 39:15 41:2 64:13 87:1, 4 89:11 <b>teams</b> 66:11 70:19 74:8 <b>technical</b> 99:13 <b>Technician</b> 2:23 <b>tend</b> 5:18, 19 <b>term</b> 23:22 34:20 52:12 60:5 <b>terminated</b> 15:4 <b>terms</b> 12:7 14:3, 15 16:15 17:2, 3, 22 18:9, 11 22:23 23:17 24:6 25:12, 20 27:9 29:2 30:6 32:21 35:17 37:13, 24 41:6, 16 42:3 43:4 44:11 45:15, 16 48:4, 11, 13, 17, 21 50:14, 16 51:22 52:1, 10, 20, 25 54:14 55:14 56:18 57:4, 17 58:2, 10 59:13 60:22, 23 61:11 63:13 64:23 65:12 66:2 67:5, 6, 19 68:7 71:2 75:13, 24 76:9, 16 77:25 78:2, 15, 22 80:6, 12, 19 81:19 82:8, 18, 19 83:14, 16, 23 85:13 86:4 87:1, 12, 13 89:3 94:17, 19 98:17 99:4 100:1 <b>test</b> 73:1 <b>tested</b> 75:2 <b>testing</b> 72:6 75:14</p>	<p><b>thanks</b> 19:12, 23 47:20 <b>thing</b> 12:1 19:16 37:20 55:24 56:16 59:11 92:10 <b>things</b> 18:13 20:17 21:17 22:14 25:11 28:14 29:10 30:4 43:14, 15 44:15 45:6 48:5, 20 54:13, 22 55:7 56:1, 12, 22 59:18 63:14, 16 65:19, 21 68:23 78:5 86:17 87:6, 14 88:21 93:23 95:1 99:23 <b>thinking</b> 35:24 46:21 <b>third</b> 63:8 <b>Thou</b> 42:19 <b>thought</b> 7:21 23:2 59:21 85:18 93:17 <b>tighten</b> 36:25 <b>time</b> 4:16 6:9 9:2, 9 19:21, 25 22:1 23:3 26:19 28:16 29:6 30:3 32:3 36:18 37:14 38:25 47:7 48:16 63:2 83:17 91:13, 25 92:23 93:10 97:1, 17 100:19 101:6, 7, 10 <b>times</b> 36:16 43:11 <b>today</b> 13:8 29:18 66:20 99:17 <b>today's</b> 4:11 6:15 <b>tools</b> 57:12 <b>top</b> 56:18 70:3 92:21 <b>topic</b> 32:4 76:25 84:2 <b>topics</b> 99:16, 17 <b>torn</b> 13:10</p>	<p><b>Toronto</b> 46:23 <b>track</b> 61:15 <b>tracks</b> 18:12 61:6 <b>traffic</b> 56:23, 25 <b>train</b> 14:21 28:13 31:5 33:2 71:5, 6 77:23 78:17, 19 <b>trains</b> 31:4, 10, 14 32:20 41:8 57:5 59:17 61:7 <b>transcribed</b> 4:18 <b>transcript</b> 4:19, 23 5:2, 5, 8, 9, 12 11:7 21:1 101:13 <b>transfer</b> 23:13 27:13 28:9 36:25 85:11, 23, 25 86:1 97:22 98:8 <b>transferred</b> 80:16 <b>transferring</b> 79:22 <b>transfers</b> 78:20 <b>Transit</b> 4:6 10:2 11:15, 23 12:15 13:20 15:9 17:7 25:18, 25 26:24 27:3 47:10 78:11 94:8 95:13, 25 97:24, 25 <b>transition</b> 89:20 99:6 <b>transitioned</b> 28:23 89:11 <b>Transpo</b> 25:6, 12 26:3, 14, 18 28:16, 17, 24 29:7, 13 30:14 31:12 32:14, 19 62:25 63:18 77:9, 12, 14, 24 78:1, 5, 6, 10, 11 79:3 95:10 <b>Transpo's</b> 26:21 <b>Treasurer</b> 39:10, 14 41:17 52:9, 24 <b>treat</b> 86:13</p>	<p><b>treatment</b> 76:22 <b>trench</b> 61:5 <b>trial</b> 5:23 <b>true</b> 85:21 <b>truly</b> 36:10 <b>trust</b> 38:7 <b>trusting</b> 86:25 <b>trying</b> 33:16 42:8 43:19 44:10 48:1 64:4 83:12 <b>tunnel</b> 14:23 22:20 23:10, 18 61:5 80:17 81:8, 15 <b>tunneling</b> 18:12 67:16 94:20 <b>turn</b> 88:6, 7 <b>turn-back</b> 60:5 <b>Turning</b> 69:13 88:16 <b>twin</b> 14:23 <b>two-page</b> 7:22 <b>type</b> 92:10 <b>typos</b> 5:8</p> <p>&lt; U &gt; <b>U/T</b> 3:17 19:6 53:4 <b>ultimate</b> 30:5 <b>ultimately</b> 13:21 16:6 30:4 31:21 33:5 35:13 74:19 90:24 <b>understand</b> 8:2 17:16, 20 20:5 31:24 33:4, 22 42:9 43:21 44:18 48:1, 9 52:5 53:3 54:18 58:22 59:6 60:9 61:18 64:4 67:12 70:10 79:21 85:19, 21 89:6, 13 90:19, 23 94:9, 12 98:12, 15 <b>understanding</b> 31:20 53:13 54:2, 15 64:1 74:18, 24 75:11 83:24 88:18 96:10</p>
---	--	--	---	--

**understood**  
63:12 91:10  
93:18  
**undertaken**  
3:11 25:24  
**UNDERTAKINGS**  
3:15  
**underway** 67:15,  
16, 20  
**unfolded** 75:17  
**unique** 25:20  
**University** 15:4  
**untenable** 85:11  
**updated** 89:1  
**updates** 92:13  
**Urquhart** 2:13,  
16  
**users** 57:7  
**utilize** 37:1  
96:23  
  
**< V >**  
**vacuum** 41:19  
**value** 22:12  
23:8, 19, 22  
24:1, 8, 15 39:2  
78:6  
**various** 44:9  
**vehicle** 14:18  
15:25 16:4, 12,  
14, 18, 21, 22, 24  
50:17 67:15  
69:17, 18, 21  
72:10, 20, 23  
73:4, 13, 16, 24  
74:5, 8, 12, 19,  
20 75:1, 8, 20  
76:9  
**vehicles** 16:9  
26:10 33:2  
45:17 57:5  
63:7 71:13, 17,  
20 72:4, 17  
73:9, 20, 25  
74:14, 15 94:25  
**VERITEXT**  
101:18  
**versus** 50:16  
52:7  
**Videoconferenci  
ng** 1:14  
**view** 66:20  
81:14 82:23  
93:11 97:2, 9

**Virtual** 2:23  
7:25  
**vision** 10:2  
**Vitae** 3:4 7:2  
**Vivi** 18:20  
89:10  
**Vogel** 2:13, 16  
**volume** 17:3  
27:22  
**volunteer** 8:19  
  
**< W >**  
**walk** 9:15 17:9  
**wanted** 4:10  
14:18 21:18  
24:21 25:2  
38:16 53:5  
69:17 71:19  
72:20 87:22  
100:11  
**wanting** 17:21  
43:7 54:17  
83:10  
**Wardle** 2:12  
19:6, 13, 19, 22  
47:14, 18, 21  
53:4, 11 85:14  
91:6 96:9, 13  
100:15, 17  
**watching** 26:2  
**ways** 9:3 85:20  
93:23  
**weather** 17:2  
18:16 71:22  
73:6 74:22  
**website** 4:24  
**week** 8:9 9:24  
**well-established**  
36:11  
**well-positioned**  
65:6  
**well-regarded**  
36:11  
**well-structured**  
85:5  
**wherewithal**  
56:6 57:23  
**widely** 64:20  
**widening** 90:18  
**willing** 74:14  
**win-win-win**  
23:20  
**witness** 5:15,  
18, 21 77:11

96:14 100:16  
**wonder** 87:16  
**wondered** 77:16  
**won't** 80:24  
**worded** 37:18  
82:8  
**words** 79:9  
**work** 8:18, 19,  
24 9:2, 6 10:4  
13:24, 25 14:15  
15:21 17:14, 20  
21:15 24:15  
25:6, 15 37:22,  
24 38:6 52:14  
64:6, 11 67:20  
68:13, 18, 24  
71:20 73:2, 17  
74:8 82:6  
88:23 90:10  
96:24 99:9, 18  
100:6  
**worked** 49:22  
76:12 90:19  
98:16  
**working** 8:7, 9,  
15 17:18 33:8  
37:11 42:1  
44:9 48:2, 9  
56:4 63:9  
64:16 65:15, 22  
68:8, 12 74:15  
78:22, 23 91:13  
92:9, 23 93:19  
97:2, 18  
**works** 52:24  
86:3  
**world** 26:1  
72:24 73:5, 9  
**writ** 50:14  
  
**< Y >**  
**yard** 61:7  
**yards** 24:7  
**Yeah** 14:19  
17:15 20:4, 13  
22:5, 11 27:8  
29:12 30:15  
34:4 35:25  
37:10 39:17, 25  
40:1 41:18  
53:11 57:1  
58:14 77:21  
85:14 95:24  
96:9, 12 98:19

**year** 7:10, 13  
8:10 55:23  
**years** 44:10  
  
**< Z >**  
**zone** 28:12  
**Zoom** 1:14