

RED HILL VALLEY PARKWAY INQUIRY

TRANSCRIPT OF PROCEEDINGS
HEARD BEFORE THE HONOURABLE
HERMAN J. WILTON-SIEGEL
held via Arbitration Place Virtual
on Monday, September 12, 2022 at 9:32 a.m.

VOLUME 55

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1 Arbitration Place Virtual

2 --- Upon resuming on Monday, September 12, 2022

3 at 9:32 a.m.

4 MS. LAWRENCE: Good morning,
5 Commissioner.

6 JUSTICE WILTON-SIEGEL: Good
7 morning.

8 MS. LAWRENCE: I would like to
9 open the hearing today by acknowledging that the
10 City of Hamilton is situated on the traditional
11 territories of the Erie, Neutral, Huron-Wendat,
12 Haudenosaunee and Mississaugas. This land is
13 covered by the Dish With One Spoon Wampum Belt
14 Covenant, which is an agreement between the
15 Haudenosaunee and Anishinaabek to share and care
16 for the resources around the Great Lakes.

17 We further acknowledge that
18 the land on which Hamilton sits is covered by the
19 Between the Lakes Purchase, 1792, between the
20 Crown and the Mississaugas of the Credit First
21 Nation.

22 Many of the counsel appearing
23 in today's hearing are in Toronto, which is on the
24 traditional land of the Huron-Wendat, the Seneca
25 and most recently the Mississaugas of the Credit

1 River. Today this meeting place is still home to
2 many indigenous people from across Turtle Island,
3 and I'm grateful to have the opportunity to work
4 on this land.

5 Commissioner, today we have
6 our next witness, Edward Soldo, and Mr. Soldo has
7 not yet been sworn.

8 AFFIRMED: EDWARD SOLDO

9 EXAMINATION BY MS. LAWRENCE:

10 Q. Good morning, Mr. Soldo.

11 A. Good morning.

12 Q. I'm going to start with
13 some questions about your background. What is
14 your current title with the City of Hamilton?

15 A. My current title is the
16 chief road official.

17 Q. How long have you held
18 that position?

19 A. I believe I've held that
20 position since June of last year.

21 Q. And prior to that, were
22 you the acting director of engineering services?

23 A. No. The acting director,
24 I was concurrently acting director as well as the
25 chief road official for a timeframe in late last

1 fall, early this year.

2 Q. Okay. And as the acting
3 director concurrently with the chief road
4 official, before you took on the chief road
5 official, was your title director, transportation
6 operations and maintenance?

7 A. That's correct.

8 Q. And did you hold that
9 role between February of 2019 and June of 2021,
10 approximately?

11 A. That's correct.

12 Q. And you said that you
13 held the position of acting director of
14 engineering services from late last fall to early
15 this year, and does November 2021 to February 2022
16 sound about right in terms of the timeframe?

17 A. It does approximately,
18 yes.

19 Q. Prior to February 2019, I
20 understand that your role was director, roads and
21 traffic?

22 A. Yes. That was the
23 previous name of the position for director of
24 transportation, operations and maintenance.

25 Q. And you held that from

1 July 2018 to February 2019?

2 A. July 31, yes.

3 Q. And that was your first
4 day at the City?

5 A. That was.

6 Q. Okay. So, just to
7 understand the two director roles that you had,
8 first the roads and traffic and then second
9 transportation operations and maintenance, was
10 that simply a title change or did that change
11 responsibilities as well?

12 A. That was a title change
13 after the reorg of the division. There was some
14 minor movement of staff at that time.

15 Q. Okay. Mr. Soldo, we're
16 going to be going through some documents that the
17 Registrar will screen share for us, and I'm going
18 to start that now.

19 Registrar, could you pull up
20 OD 9A, page 339, please. Actually, 338 and 339,
21 please.

22 So, Mr. Soldo, just because
23 we're starting out with screen sharing, can you
24 see both pages and then also our video screens?

25 A. I can. You're a bit

1 small, but yes.

2 Q. But they're not
3 obstructed?

4 A. They're not.

5 Q. Okay. Great. So, this
6 is an e-mail, you'll see at page 338,
7 paragraph 798, where Mr. McKinnon, general manager
8 of public works, sent an e-mail around in January
9 of 2019 setting out an upcoming departmental
10 reorganization, and you'll see that at the bottom
11 of 338 and into 339, he notes -- and, Registrar,
12 perhaps you can bring this up, just the bullet
13 point. So, the division has a new name. Roads
14 and traffic is now transportation operations and
15 maintenance. This division will remain under your
16 leadership. And it has three sections: Roadway
17 maintenance, transportation operations and
18 business initiatives.

19 Is that the reorganization
20 that you were talking about?

21 A. That's correct.

22 Q. Registrar, if you can
23 take that down, please.

24 And in the following bullet
25 points, it indicates that Bob Paul would be the

1 manager of roadway maintenance -- thank you,
2 Registrar -- Martin White would be leading
3 transportation operations, and a new manager would
4 be put in place for business initiatives.

5 So, just so that I understand,
6 in terms of the difference between your role as
7 director of roads and traffic and this new role,
8 in terms of the transportation operations
9 division, was there any changes in terms of who
10 reported to you?

11 A. Previously there was four
12 managers that had reported to myself, and through
13 the reorganization we went down to three. Martin
14 and Bob Paul previously reported to me and they
15 did through the new reorganization as well.

16 Q. Okay. So, in terms of
17 traffic operations, formerly traffic operations
18 and engineering, there was no change in terms of
19 your subordinates?

20 A. No.

21 Q. Registrar, you can take
22 this down, the OD.

23 In this reorganization, was
24 there any change in whom you reported to?

25 A. There was not.

1 Q. And who was that?

2 A. Mr. McKinnon, the general
3 manager of public works.

4 Q. Thank you. So, just
5 going back to your start at the City, I think you
6 said your start date was July 31, 2018?

7 A. That's correct.

8 Q. And prior to joining the
9 City of Hamilton, what was your immediate
10 predecessor position?

11 A. I worked at the City of
12 London as the director of roads and
13 transportation.

14 Q. How long did you hold
15 that role?

16 A. Testing my memory here.
17 I believe about six years.

18 Q. Okay. And before that,
19 did you hold other roles in the City of London or
20 were you elsewhere?

21 A. I was elsewhere.

22 Q. Where were you?

23 A. Prior to that, I was with
24 the City of St. Thomas.

25 Q. And what was your role at

1 the City of St. Thomas?

2 A. The manager of
3 operations.

4 Q. And did you hold that
5 role for about three years?

6 A. That would be correct.

7 Q. Turning to your
8 educational background, can you describe for me
9 what degrees or diplomas you hold?

10 A. I have a Bachelor's of
11 engineering from McMaster, as well as a diploma of
12 public administration from Western.

13 Q. When did you receive your
14 Bachelor's in engineering?

15 A. 1995.

16 Q. And did you have a
17 specific specialty within engineering?

18 A. Civil engineering.

19 Q. And within civil, did you
20 have any particular specialty?

21 A. No. It was more general.

22 Q. Okay. Are you a member
23 of the Association of Professional Engineers of
24 Ontario?

25 A. I am.

1 Q. How long have you had
2 that professional designation?

3 A. Testing my memory here.
4 I believe it's 1997 or 1998.

5 Q. Okay, so for some time?

6 A. Yes.

7 Q. Do you have any
8 particular education in traffic safety?

9 A. Traffic safety?

10 Q. Mm-hmm.

11 A. I've taken various
12 courses over the years related to traffic safety.

13 Q. And what about pavement
14 structure?

15 A. I do not.

16 Q. Would that have been part
17 of your general education within your Bachelor's
18 program?

19 A. I believe there was a
20 geotechnical course we would have taken.

21 Q. Do you understand, as a
22 professional engineer, the concept of friction?

23 A. I wouldn't say that I'm
24 an expert in friction, but I do understand the
25 concept.

1 Q. Okay. Turning your mind
2 back to 2018 and 2019, did you have knowledge at
3 that time about methods of testing friction?

4 A. In 2018, 2019, I would
5 have very limited knowledge of testing friction,
6 for friction.

7 Q. Okay. And what would
8 that limited knowledge include?

9 A. Very limited. Just
10 understanding that, you know, some municipalities
11 or some other ministry might be undertaking
12 testing, but how it's undertaken, I wouldn't have
13 knowledge.

14 Q. So, going back to when
15 you started at the City in 2018, I understand that
16 you succeeded Betty Matthews-Malone in this role.
17 Is that right?

18 A. That's correct.

19 Q. And can you tell me about
20 the transition period between you and
21 Ms. Matthews-Malone?

22 A. Ms. Matthews-Malone was
23 there, I believe, for, I want to say, a one or
24 two-week timeframe. She did take some vacation
25 when I was there. The first day I got there, you

1 know, we would have sat down and there was an
2 onboarding process that the City has for
3 directors, sitting down with the predecessor,
4 going through various processes, talking about
5 things such as, you know, the capital budget,
6 starting off with going through the org chart, who
7 reports to you, what do those individuals do,
8 providing me with a greater understanding of the
9 overall org structure and who does what.

10 We would have gone through
11 things like the policies that are required as a
12 director coming in to have an understanding from a
13 human resources perspective. Would have gone
14 through things like capital budget, the operating
15 budgets. We would have gone through the staff
16 report process for staff reports going to council.

17 And then we would have got
18 into more specific division, sort of, the specific
19 issues, going through the OBL list, quite a bit of
20 outstanding business list items, so she would have
21 provided me with status update of where things
22 are, what is still outstanding, when is it coming
23 up.

24 And then Betty had a sheet
25 that she had given me of major issues and that had

1 everything on there from, you know, personnel HR
2 issues to issues related to, you know, running
3 certain -- particular issues in terms of
4 operations of the division itself to anything else
5 that might be of importance that she wanted me to
6 know.

7 So, that's probably a, you
8 know, high level summary of that, but we spent, I
9 would say, you know, a day or two of pretty much
10 trying to do an information exchange at that time,
11 and then, you know, getting into the work itself
12 for the first couple days and I sat in her old
13 office, having access to all the things that she
14 had, and then she sat in the office next to me
15 and, if I had any questions, I could go ask her.
16 That was, kind of, a high level overview of the
17 onboarding at that time.

18 Q. Thank you. So, at the
19 beginning of that answer you said that there was
20 an onboarding process that the City has for
21 directors. Did you understand there was some
22 formalized onboarding process?

23 A. Well, it was pretty
24 formal. They had a big binder of various tabs and
25 all sorts of things to go through.

1 Q. Okay. In terms of the
2 actual information that Ms. Matthews-Malone
3 provided and the way she provided information, did
4 you understand that there was some consistency in
5 how she did that as part of a broader City
6 process, or alternatively was that just how she
7 was providing information to you?

8 A. I believe it was part of
9 a larger process from the City. It was pretty
10 formal in terms of steps.

11 Q. Okay. You mentioned in
12 your answer that she went through the OBL list,
13 the outstanding business list, and that she had a
14 sheet of things that she wanted you to know.

15 Did you and
16 Ms. Matthews-Malone discuss anything to do with
17 the Red Hill or the LINC during that transition
18 period?

19 A. In going through the OBL,
20 there's a number of OBL items that are Red Hill
21 related. Actually, there's quite a few items that
22 are Red Hill related, so she would have provided
23 me with an overview of the various initiatives.

24 Q. Okay. And apart from
25 those on the OBL list or the OBL, did she provide

1 you with any other context or information having
2 to do with the Red Hill or the LINC?

3 A. I was in her office and
4 she had created a nice little pile for me on my
5 back desk of various initiatives and reports.
6 There was a multiple of file cabinets in her
7 office, but in that pile she had, kind of, put the
8 more pertinent and important things.

9 Q. Okay. And did those
10 pertinent and important things include anything to
11 do with the Red Hill or the LINC?

12 A. She had quite the file or
13 files of Red Hill related. Given all the work
14 that had occurred in the past on that, she had
15 kept staff reports, copies of reports, those sort
16 of things.

17 Q. Okay. When you say
18 copies of reports, you mean staff reports?

19 A. Both. Consultant
20 reports, staff reports.

21 Q. Okay. And in that early
22 transition period, did you review those staff
23 reports?

24 A. I started making my way
25 through the various piles, you know. And I can't

1 recall exactly what I went through, but I tried
2 to, you know, make my way and get an understanding
3 of what were in those piles.

4 Q. Okay. Did
5 Ms. Matthews-Malone convey to you that there was a
6 strategy to try to deal with the number of items
7 on the OBL that had to do with the LINC and the
8 Red Hill?

9 A. We did talk about the
10 various OBL items and who was doing what, mostly
11 being delivered through the traffic operations
12 group or traffic operations, sorry. In terms of a
13 strategy, a lot of those items were similar in
14 nature and being put together, but it was very,
15 like, a high level overview.

16 Q. Okay. Did you understand
17 that there had already been a decision made to put
18 those items together and provide them in a more
19 comprehensive way back to the public works
20 committee?

21 A. I'm not clear on what
22 items you would be referring to.

23 Q. Well, you had said there
24 was a number of items on the OBL list that dealt
25 with the LINC and the Red Hill, and then you said

1 a lot of them were similar in nature and being put
2 together. And perhaps I misunderstand what you
3 meant by put together, so my question was: Did
4 you understand that a decision had been made to
5 group similar items related to the Red Hill and
6 the LINC and put them to the public works
7 committee as a larger report involving many OBL
8 items?

9 A. So, maybe I can provide
10 some clarity. When I say group them together, I
11 was referring to things like the Vision Zero
12 safety action plan. That's it's own separate
13 initiative. There's the, you know, collision
14 report. Those two kind of go hand in hand. And
15 then there's things like speed limit review that
16 was being undertaken at the time, as well as, I
17 believe, a report on Bill 65. Those two kind of
18 go hand in hand. That's what I was referring to.
19 Those were separate reports, but you try to bring
20 them forward at that similar sort of timeframe.

21 Q. Okay. So, the piles that
22 Ms. Matthews-Malone had for you, I think you said
23 they included staff reports and consultant
24 reports. Is that right?

25 A. Yes.

1 Q. Did they include one or
2 more reports from the consultant CIMA?

3 A. I believe so.

4 Q. I think your evidence
5 just a few moments ago was that you made your way
6 through them, but you're not sure exactly when you
7 were able to get through them. Is that right?

8 A. I would have, in the
9 first two weeks, first week, I would have made my
10 way through the piles just to have an
11 understanding what's there.

12 Q. Okay. And did the staff
13 report summarize or report summarize the
14 underlying consultant reports? Did you actually
15 read the underlying consultant reports as well?

16 A. I can't recall what depth
17 of review I had undertaken at that time.

18 Q. Okay. Did
19 Ms. Matthews-Malone provide you with information
20 about the speed limit study that you were just
21 talking about and Vision Zero? Did that come from
22 her or from staff that were underneath you?

23 A. Both. Later on in my
24 onboarding or my first couple weeks, I also met
25 with the manager and various staff members and

1 went through the OBLs with them.

2 Q. Okay. As part of the
3 first couple of weeks of your onboarding, did you
4 review any past media or newspaper articles about
5 the Red Hill or the LINC?

6 A. I wasn't living in
7 Hamilton at the time and obviously living in
8 London previously, you know, I really didn't have
9 access to that media, so I can't recall if I
10 specifically went and did any searching. But at
11 the time it would have been only what was being
12 discussed, you know, as of when I started, sort
13 of.

14 Q. Okay. Did you receive
15 any updates on any litigation that those
16 underneath you were assisting in?

17 A. In what timeframe are you
18 referring to?

19 Q. In the first couple of
20 weeks of your tenure.

21 A. I believe I was aware of
22 the litigation because that was one of the items
23 on, you know, Betty's list of things, but I can't
24 recall if it was related to Red Hill, to be
25 honest.

1 Q. Okay. Do you recall ever
2 receiving a list of all of the litigation that
3 your team members were assisting with, either as
4 document collectors or deponents or affiants?

5 A. I do not recall getting a
6 list of all the items, no.

7 Q. Okay. You asked for some
8 clarity about the timeframe for my question about
9 updates on litigation. At some point after those
10 first few weeks, did you come to get an update
11 about litigation that traffic operations staff
12 were involved in?

13 A. I would say during the
14 meetings that I may have -- that I had with Martin
15 and others, they may have conveyed to me the
16 various litigation they were involved with, but I
17 don't have a specific recollection.

18 Q. Okay. You said you met
19 with all of the managers. So, for traffic
20 operations, at that time traffic operations and
21 engineering, that was Mr. White. Is that right?

22 A. Martin White, that's
23 correct.

24 Q. And David Ferguson was
25 the traffic -- the superintendant of traffic

1 safety, I believe was his title, and certainly he
2 had leadership for traffic safety after the reorg.

3 Did you meet directly with Mr. Ferguson?

4 A. Yes, I did.

5 Q. With Mr. White or
6 separately?

7 A. I can't recall.

8 Q. Okay. In your initial
9 discussions with Mr. White, did he update you on
10 the status of projects related to the Red Hill?

11 A. He would have provided me
12 an update on the status on all the projects they
13 were working on.

14 Q. Okay. Registrar, could
15 you pull up OD 9A, please, page 44 and 45.

16 So, again, Mr. Soldo, I'm just
17 seeing you squint a little bit. How is the font
18 on this? A little small?

19 A. Challenging.

20 Q. Okay. Registrar, could
21 you bring out paragraph 110, please.

22 So, this is before you even
23 started, July 20, about conversations that
24 happened even before that and the e-mail exchanges
25 are in relation to updating a memo that involved

1 CIMA studies and other City initiatives in respect
2 of the Red Hill and the LINC and, over time,
3 Mr. White asked for these updates and here is one
4 example:

5 "Please update the list
6 of completed items and
7 include a section on
8 upcoming completed
9 reports we owe to public
10 works, as we owe a few."

11 And he says:

12 "Please have the update
13 completed for August 24
14 or sooner."

15 So, if you can close that
16 down, Registrar, and if you can now bring up 111,
17 please.

18 And then this is also from
19 July 20. Mr. White wrote to Mr. Ferguson,
20 flipping that earlier e-mail, and said:

21 "Meeting with Dan on
22 September 4. We should
23 bring Edward up to speed
24 on this one. Let's keep
25 the due date to me at

1 August 24. Okay?"

2 You can close that down. Do
3 you recall Mr. White updating you in just the
4 first two or three weeks of your tenure about the
5 projects that the Red Hill had to do and the
6 intention to provide an update to public works?

7 A. Sorry, which timeframe
8 are you referring to?

9 Q. Just in the first two or
10 three weeks of your tenure. I'm trying to keep it
11 early, so if you can cast your mind back to those
12 early days at the City. Do you recall Mr. White
13 updating you about the projects related to the Red
14 Hill and, from that e-mail we just looked at, the
15 intention to provide an update to public works?

16 A. I don't recall that
17 specific conversation. I know that when I first
18 started, I believe I met with Mr. White in, I want
19 to say, the first week or so but then he was on
20 vacation for a couple weeks there, so I don't have
21 a recollection of a specific -- that specific
22 topic. We would have probably had a general
23 overview and I don't recall specifics though.

24 Q. Okay. Did you have a
25 general understanding with, let's say, within the

1 first month of your time at the City that
2 Mr. White intended to update public works about
3 ongoing Red Hill related projects?

4 A. I can't recall.

5 Q. Okay. Registrar, can you
6 go to page 48, please. And, Registrar, can you
7 just pull this out. You can pull out the entirety
8 of paragraph 119 just to make it a little bigger.

9 So, in August of 2018,
10 Mr. White and another traffic operations staff
11 member, Mr. Purins, prepared a staff report for
12 the public works committee for a meeting to be
13 held in September about the 2017 annual traffic
14 safety status report, which included a number of
15 statistics about the City as a whole and collision
16 rates and also some very specific collision data
17 for the LINC and the Red Hill.

18 Were you aware in August of
19 2018 that this report was going to be made public
20 and placed before public works?

21 A. Going through the OBLs
22 with Betty and, at that time, with Martin, we
23 would have discussed the annual collision report.

24 Q. Did Mr. White tell you
25 that this was an initiative that had been dormant

1 for some time and the 2017 report was going to be
2 a restart of collision reports?

3 A. I don't recall at the
4 time.

5 Q. Okay. Registrar, can you
6 go to the following page, 49, please.

7 And you'll see at
8 paragraph 121 Martin White had forwarded you an
9 attachment with a draft public works staff report
10 and a copy of the collision report and he notes
11 that this report and a Bill 65 report will be sent
12 to you this week. Pardon me, I think I misspoke.
13 He forwarded you an attachment that had the
14 collision report and referenced finalizing the
15 staff report.

16 Do you recall reviewing the
17 draft annual collision safety report when
18 Mr. White forwarded it to you?

19 A. I do.

20 Q. Did you sit down with any
21 staff member involved in its creation to discuss
22 its contents?

23 A. I recall sitting down
24 with, I believe, Dave Ferguson -- I'm not exactly
25 sure about the timeframe here -- to provide me

1 with an overview, but at the same time get my
2 feedback. It was a very draft report. It had
3 many improvements that needed to be made.

4 Q. When you say the draft
5 report, you mean the actual annual collision
6 report rather than the staff report?

7 A. Yes. The annual
8 collision report was in PowerPoint. The final
9 version, if you see, is not in PowerPoint. It's
10 actually made into a report. So, my recollection
11 was there was many things that needed to be
12 addressed within the report when I reviewed it.

13 Q. Okay. And in terms of
14 just sort of formatting or also in terms of
15 content?

16 A. Both. In terms of
17 formatting, content, layout, different metrics,
18 errors in terms of numbers.

19 Q. Okay. Registrar, can you
20 pull up page 50 along with 49, please. Thank you.

21 Mr. Soldo, I'm happy to go
22 into the actual document, but the OD does excerpt
23 some of the slides from that draft report. And,
24 in particular, the sections that are excerpted
25 here are those that relate to the LINC and the Red

1 Hill.

2 Do you recall having
3 discussions with Mr. White or Mr. Ferguson about
4 collisions on the LINC and the Red Hill, as
5 identified in the annual collision report?

6 A. We would have gone
7 through and done an overview of the report itself,
8 so that would have included this.

9 Q. Okay. Did they convey to
10 you anything about the history of assessing
11 collisions on the Red Hill?

12 A. I don't have a lot of
13 specific recollections, but I would assume, you
14 know, in terms of putting this in context, that
15 they would have identified, you know, the other
16 collision analysis that had been undertaken at the
17 time or previously.

18 Q. For example, the two CIMA
19 studies that had been done, did they raise those
20 with you?

21 A. I don't have a specific
22 recollection. That would be a natural assumption.

23 Q. Okay. I raise this.
24 This is, I think, around August 15. You've only
25 been at the City for a couple of weeks, so I think

1 this is likely your first in-depth review in any
2 way on issues with the Red Hill and the LINC. Is
3 that your recollection as well, that this would
4 have been the first time you really engaged with
5 issues around the Red Hill and the LINC?

6 A. You know, I may have -- I
7 may previously, going through the pile that Betty
8 gave me, have looked at some of the things, but
9 this is my first review of the annual collision
10 report.

11 Q. Okay. Did you have any
12 concerns when reading this report about the
13 proportion of wet weather collisions on the Red
14 Hill?

15 A. It would be something
16 that I would have noted in terms of the
17 proportions.

18 Q. When you say you would
19 have noted it, you noted it to what end?

20 A. Well, the graphic that
21 you have put up is, if you can blow it up a bit, a
22 collision by road surface. So, within the context
23 of the area of the report, that's one of many
24 characteristics that would have been looked at.

25 Q. Did you have any

1 discussions with Mr. White or Mr. Ferguson about
2 the proportion of wet weather collisions on the
3 Red Hill?

4 A. They would have
5 highlighted that. You know, although it is one
6 characteristic, you know, in terms of the
7 collisions, so what this report really is is, you
8 know, a presentation of the various
9 characteristics, you know. And maybe it might be
10 better if we actually open up the overall report
11 so I can provide some context to that.

12 Q. Sure. Is there something
13 specific that would help in terms of context? I
14 can provide it to you. It is HAM1402. And if you
15 want to go to image 45, that's just where we were.

16 A. Right. So, when I'm
17 looking at this and you asked the question related
18 to the proportion of wet weather collisions, so,
19 again, this is one characteristic. You know, we
20 would have had a discussion about, you know, there
21 is the high proportion, but we also would have had
22 a discussion about the other characteristics that
23 are identified in the report itself, because this
24 is just one and when you're looking at this, you
25 know, to a layperson it's very easy to jump to

1 conclusions in terms of what this means, but you
2 really have to look at this characteristic in the
3 overall scheme of all the data that you have.

4 Q. Okay. Registrar, could
5 you go to the next slide.

6 So, is this the kind of data
7 that you're talking about, the kinds of collision
8 issues?

9 A. Yeah. And maybe if I can
10 kind of provide you with a perspective of how I
11 would be looking at this data --

12 Q. Please do.

13 A. -- generally overall.
14 So, maybe if I could ask you to start at the very
15 beginning of this overall report to put it in the
16 context of how I would have considered this report
17 when I reviewed it in the overall context, so if
18 you can maybe start at the beginning of the report
19 and we'll come back to the Red Hill section.

20 Q. Sure.

21 A. So, there's a slide a
22 couple slides down, I don't know what number it
23 is, which provides overall numbers for the City
24 itself.

25 Q. That's right. I think it

1 starts on 4. I don't know if this is the one you
2 were thinking of. It may be 5.

3 A. It might be the next one.
4 Keep going. Past the traffic initiatives. It's
5 when they actually identify some of the numbers.
6 There. So, I'll start here in terms of trying to
7 give you an understanding of what I'm looking at
8 when I'm looking at this report itself.

9 First and foremost, you know,
10 the City has adopted a Vision Zero approach to
11 roadway safety and the real goal of Vision Zero is
12 to reduce the number of fatal and severe
13 fatalities that occur on the roadway. And if you
14 look at that graph on the bottom -- not the graph,
15 apologies, it's the chart. I'm looking at number
16 of total collisions in the City and then I'm
17 looking at the number of injury collisions. And
18 when I look at that, I'm looking at assessing how
19 is -- not only what is the, you know, level of
20 safety in the City in terms of collisions, but
21 also are we moving in the right direction in terms
22 of dealing with enhancing safety of the City.

23 So, the total number of
24 collisions there goes up, which is to be expected
25 given the fact that volumes go up and population

1 goes up. But when I'm looking at the, I guess, I
2 want to say, the effect of this on the program
3 that the City is undertaking, I'm looking at
4 primarily the injury collisions and the fatal
5 collisions and that chart, sort of, shows that
6 they're going down, at least in 2017, because
7 that's really the goal of Vision Zero. We
8 understand that there's going to be collisions,
9 but if you do have collision, you want to ensure
10 that we have less severe collisions.

11 So, we can go back now to the
12 Red Hill because that was the question, about how
13 I was assessing the Red Hill. You can go back
14 to --

15 Q. Image 45. Thank you.

16 A. Or the beginning of that
17 slide. It's really you need to look at this in
18 the overall context of all the characteristics
19 that you have there. I believe it's -- if you can
20 scroll back.

21 Q. 42.

22 A. At the very beginning of
23 that section. So, this is a statistical --

24 Q. Sorry, I think it's 41.

25 A. 41. So, this provides

1 you the raw numbers in terms of the number of
2 collisions and it provides you the numbers that
3 you might have, that you have, sorry, for injury
4 and fatal collisions. So, I'm looking at these
5 numbers in terms of, you know, how effective is
6 the work that we've been doing in the past, what
7 is the relative safety of the two facilities.

8 And it should be pointed out
9 that these two facilities are quite different.
10 You have different volumes, you have different
11 geometrics. One is straight, one is a
12 curvilinear. Red Hill is actually quite curvy.
13 It has curves in it. It has a significant grade
14 coming off the escarpment. So, they're not an
15 apples-to-apples comparison because of the fact
16 they have different geometrics and on the Red Hill
17 you have a different microclimate as you go from
18 the mountain down to the lake.

19 So, the point I'm trying to
20 make is there's many different characteristics
21 that you have to look at, but you also have to
22 recognize that these two facilities are not the
23 same, that they will operate and function at a
24 different level. So, these graphs are a good
25 summary of the total number of collisions and

1 particularly for me when I'm looking at it, going
2 back to our Vision Zero principles, I'm looking at
3 the injury and fatal collisions because those are
4 the indicator of are things getting better or are
5 things getting worse. And my takeaway from here
6 is both are getting better from an injury and
7 fatal perspective in terms of numbers.

8 If you want to flip to the
9 next slide --

10 Q. I'm going to stop you
11 there, recognizing that you do have more to say,
12 but I do want to ask you a question before we move
13 forward.

14 What you've just said is that
15 you're looking at the injuries and fatal
16 collisions and your takeaway is that these are
17 getting better. Did you have discussions with
18 Mr. White or Mr. Ferguson in which they
19 communicated that to you or is that based on just
20 your review of the report?

21 A. I'm just giving you my
22 perspective of when I first read the report.

23 Q. Okay. And so, you'll see
24 here on this page the total collisions on the LINC
25 have increased by 18 percent. As you say, as

1 volumes increase, total collisions may increase.

2 But the number of police-reported collisions
3 decreased by 16 percent and collisions resulting
4 in injuries decreased 28 percent.

5 Then if you go down to the
6 equivalent information in respect of the Red Hill,
7 police reported collisions had increased by
8 29 percent and injury collisions have increased by
9 17 percent, with overall total collisions at
10 51 percent. So, just so I understand your
11 evidence, your takeaway was that in respect of the
12 Red Hill, that things were looking good, that
13 trends were going in the right direction?

14 A. If I can maybe provide
15 some context to that. Again, I'll take you back
16 to the identified that these two are not
17 apples-to-apples comparisons, that they are
18 different facilities. One is straight and flat.
19 One has curves, grade, different microclimate,
20 different volumes, all of that. So, again, you
21 can't do a straight comparison between the two.
22 It's not applicable given the various
23 characteristics.

24 What I was referring to in
25 getting better is the last couple of years on Red

1 Hill. You have property damage at 80, 58 and 59,
2 so that's going down. And the injury collisions,
3 too. So, it is not a five-year trend. I was just
4 kind of commenting specifically on the last three
5 years. But over the five years, if you were to do
6 that comparison, you're correct that I was
7 referring to the last three years themselves.

8 Q. Thank you. Did
9 Mr. Ferguson or Mr. White convey to you the work
10 that traffic operations and engineering had done
11 coming out of the 2013 CIMA report and the 2015
12 CIMA report that were intended to be safety
13 countermeasures?

14 A. I was aware of the
15 various safety countermeasures, that, you know,
16 there were safety measures being implemented.
17 Those safety countermeasures do take time to show
18 up in terms of the overall statistics, you know.
19 So, depending on what it is, it's not -- you know,
20 it will show up in the future date.

21 So, then if we can get back to
22 my initial answer to you, if you can flip through
23 the various slides here, if you go to the next
24 one. Maybe go to the next one. And this is
25 actually a really important slide. You know, as I

1 said earlier, you don't necessarily want to do an
2 apples-to-apples comparison between the LINC,
3 because they are different characteristics, but,
4 you know, one of the things I'm looking at is the
5 severity of those collisions, because that's the
6 standard that we're looking at, you know, in terms
7 of is the system getting better or is it getting
8 worse.

9 And, you know, I don't want to
10 do the direct comparison here, but when I look at
11 that slide there, the number of fatal and
12 non-fatal injury collisions is about 42 percent on
13 the LINC -- sorry, on the Red Hill over the course
14 of those five years. And then when I look at the
15 LINC, you have about 60 percent being fatal and 9
16 injury. So, that is actually a metric that sort
17 of jumped out to me, is that the LINC could be
18 technically said to be performing, you know, at a
19 lower safety level because the amount of severe
20 collisions that we're experiencing there is higher
21 on the LINC than it is on the Red Hill. You can
22 take away from here that the Red Hill is actually
23 safer than the LINC.

24 So, again, this is just
25 another data point, another characteristic, but

1 it's an important one for me because that is our
2 goal, is to be reducing the overall number of
3 severe and fatal collisions, because that is
4 really our goal through Vision Zero.

5 And if you can go to the next
6 slide --

7 Q. I think I've lost track
8 of what my question was.

9 A. It was to -- well, I
10 believe the question was, you know, what did I
11 take away from that slide. And my initial
12 response to you was you can't just look at one
13 characteristic. You have to look at all of them.
14 And I won't go through all of them. I won't give
15 you my analysis on all the them, but I just do
16 want to flip down to a few more.

17 If you go down to the next
18 one, so this is the one I believe you referred to,
19 the 65 and 14 percent. You know, so there is, you
20 know, these vary in terms of the number of wet
21 weather collisions and this is related to road
22 surface.

23 If you go down to the next
24 slide, this is actually a really important slide
25 as well because this goes to driver action and

1 this speaks to, you know, one of the leading
2 causes of collisions on the facilities themselves.
3 And when you look at these numbers here, you know,
4 I'll start with driving properly. More people are
5 driving properly on the LINC than they are on the
6 Red Hill, so that's really important. What is the
7 driver action?

8 The other characteristics we
9 spoke about was surface condition, you know,
10 there's day lighting conditions in here, there's
11 all of those, but these are directly related to
12 the driver and what is the driver doing end of the
13 day as they're taking their vehicle down there.
14 So, driving properly is not at the same level on
15 the RHVP as it is on the LINC.

16 The prevailing theme at the
17 time of the previous report, staff reports, and
18 the analysis that was undertaken, it really speaks
19 a lot to the one in the middle there, which is
20 speeding too fast. And when you look at that
21 metric there, there's significantly higher amount
22 of people that are speeding on the Red Hill than
23 there is on the LINC. I don't have the numbers,
24 but if I was to guess there, you know, it's at
25 least three times more people speeding, the driver

1 action that causes collisions, on the Red Hill
2 than there is on the LINC.

3 Q. I'm going to stop you
4 there. I have some questions on that point.

5 Did Mr. White or Mr. Ferguson
6 convey to you any impression about whether
7 speeding was an issue on the Red Hill, the Red
8 Hill in particular?

9 A. Yeah. I would say that
10 was the prevailing theme at the time, that a major
11 focus for them in the past -- and when you look at
12 the OBL items, there's a lot of items that are
13 related to speeding, looking at the speed limit,
14 looking at the automated enforcement, looking at,
15 you know, enhancing enforcement from the police.
16 So, when I was looking at the OBL, that was
17 something that jumped out to me, like, there's a
18 lot of items here that are related to speed.
19 That's, kind of, the prevailing theme at the time,
20 is that there's a lot of speeding issues that are
21 causing accidents on the Red Hill.

22 So, you know, if we kept going
23 on to the various slides here --

24 Q. Thank you. Mr. Soldo, I
25 appreciate you trying to give your evidence and I

1 certainly want you to have the opportunity to do
2 so. I would like to move on to another topic.

3 A. If I could just maybe
4 wrap up for a second --

5 Q. Sure.

6 A. -- with just a few other
7 points. If you can flip through the slides here,
8 keep going, I won't get into the 2017 numbers,
9 but, you know, you see the same patterns there.
10 If you keep going, flip through the slides, keep
11 going, keep going, sorry, if you can go back to
12 that last slide.

13 And, you know, I spoke to you
14 about driver actions in the past and, you know, so
15 I want to kind of look at a different
16 characteristic here. And this is a really
17 important characteristic as well. When you see
18 the amount of young drivers, and I always say
19 inexperienced drivers that are involved in
20 collisions on the Red Hill, that is considerably
21 higher. It's almost, doing math here, you know,
22 5 percent there. And, you know, younger drivers,
23 I mean, tend to drive faster as well, so it's more
24 about inexperienced drivers, so that's a very
25 interesting metric. That's something that jumps

1 out to me given the vast disparity that is there.

2 And if you just quickly scroll
3 through sort of the rest and I will wrap up, I
4 promise. These numbers here speak to 2017 numbers
5 and they're pretty much in parallel with the other
6 ones previously over the five years. And, again,
7 you have higher amounts of fatal and non-injury
8 collisions in 2017, so, you know, that's
9 consistent over five years, but it's also
10 consistent with 2017.

11 If you can scroll to the next
12 slide. Keep going. If you can keep going. Yeah,
13 keep going. I won't get into all of these here.
14 If you can go down to network screening, and I'll
15 keep that as my last slide to, kind of, provide
16 you context of what I'm looking at here when I'm
17 review this report. So, all of those are various
18 characteristics. Really important to look at
19 driver actions, you know, as well and the type of
20 drivers that are getting involved in accidents.
21 And I had referred to earlier that you really
22 shouldn't do directly an apples-to-apples
23 comparison because those facilities are different,
24 given the curvilinear nature of the Red Hill, the
25 grades, the volumes are different and everything

1 else. Those are all things that -- you can't look
2 at one characteristic. You have to look at them
3 all holistically to consider, you know, the state
4 of road safety on that roadway.

5 But I wanted to bring you to
6 this because this is also really important in
7 terms of the network screening, because while we
8 have been talking about those two facilities in
9 comparison to themselves, you have to look at
10 those facilities in comparison to all of the roads
11 in the City of Hamilton. And these slides are
12 actually really important because through the
13 network screening process it really brings out
14 which facilities are overrepresented in terms of
15 collisions throughout the City as a whole. So,
16 that's how they've been broken down. The process
17 identifies them. And the purpose of doing this
18 really is so that you can prioritize your
19 countermeasures in the future.

20 If you can go to the next
21 slide, this speaks to the network screening
22 process. I won't go through that in detail. It's
23 really about identifying overrepresentation of
24 collisions throughout the City.

25 And if we can keep going from

1 there, this listing, the next few slides, and I
2 won't go through them all, kind of provides you
3 where does the LINC and Red Hill reside in terms
4 of areas of concern throughout the City in
5 comparison to all the other roads in the City
6 itself. And granted there is some ramps that are
7 on here, but the majority of the mainline, I would
8 say to you, is not and there's other roadways that
9 are higher.

10 So, the whole purpose of me
11 walking you through this presentation is giving
12 you a better understanding of what I'm looking at,
13 and basically I wanted to, you know, convey that
14 you can't look at one characteristic. You can't
15 look at, you know, wet versus dry and, you know,
16 make a determination based upon that graph. That
17 would be jumping to conclusions. That's not how
18 roadway safety is assessed and undertaken. You
19 have to look at all of those characteristics
20 holistically and also take into consideration the
21 various characteristics of the roadway that you're
22 doing. And then don't forget to compare it to all
23 the roads in the City. Thank you.

24 Q. Thank you, Mr. Soldo. On
25 this page, I note that the first, fourth and fifth

1 all are related to on or off-ramps related to the
2 Red Hill. Did you have discussions with Mr. White
3 or Mr. Ferguson about the collision history on the
4 ramps on or off the Red Hill in particular as you
5 were reviewing and discussing this draft report?

6 A. Yeah. I don't recall
7 having specific discussions about those ramps, but
8 we would have talked about, you know, the top 15.
9 The entire purpose of undertaking this annual
10 collision report is that we can identify locations
11 where we're going to prioritize, you know,
12 reviewing, assessing and potentially putting in
13 countermeasures.

14 So, network screening, the way
15 that we utilize this network screening, is then
16 once this is approved, that we would do further
17 assessment on, say, the top 10 or top 15
18 locations. So, going through that and knowing
19 that that's the concept and what we're going to be
20 actually doing once this thing is finalized, we
21 would have gone through the various locations and
22 had probably a general discussion, but I don't
23 recall any specifics related to, say, Mud Street
24 ramp.

25 Q. Okay. And in your review

1 of the CIMA consultant reports, do you recall
2 taking note of the particular countermeasures --
3 pardon me. Taking note of the collision history
4 as it related to the ramps in particular?

5 A. So, when you say to the
6 CIMA reports, which CIMA report are you referring
7 to?

8 Q. The 2013 or 2015 reports
9 that I think you identified were in that stack
10 that Ms. Matthews-Malone left you.

11 A. Yeah. If we're referring
12 to what my understanding was of those reports, in
13 the first couple weeks I can't say that I probably
14 would have reviewed them at a very, very high
15 level. I can't even say that for certain that,
16 you know, that I've gone and done in-depth review,
17 so I don't think I can draw any conclusion or I
18 don't recall drawing any conclusions at that time.

19 Q. Okay. And you don't
20 recall getting any updates from Mr. White or
21 Mr. Ferguson about the collision history or
22 attempts to rectify it of any of the ramps, as
23 you're discussing this?

24 A. I'm trying to stick to
25 that timeframe. Again, I can't really say that,

1 you know, when we would have had that discussion.
2 I don't believe it would have been right off the
3 bat.

4 Q. Okay. Do you recall
5 having that discussion about sort of the collision
6 history of the ramps over time at some later date
7 with Mr. White or Mr. Ferguson?

8 A. There would be, you know,
9 later on, and again I can't pinpoint that
10 timeframe for you, that we would have gotten more
11 depth about those reports, but I can't give you a
12 timeframe of what that was.

13 Q. Okay. What was the
14 context of those discussions where you went into
15 more depth?

16 A. We would have gone into
17 more depth about what was in those reports.

18 Q. When? In what context
19 were you having this discussion about more depth?

20 A. Sorry, I'm not
21 understanding your question.

22 Q. You said we would have
23 gone into more depth about what was in those
24 reports. Can you give me something to nail down
25 the timeframe in which you were having those more

1 in-depth discussions?

2 A. Okay. I'm jumping ahead
3 in your package, I'm sure.

4 Q. Yes.

5 A. But I do get an updated
6 memo from Mr. White in, I believe, August sometime
7 as well, and that includes a staff report that
8 summarized the previous work that was done and,
9 you know, some appendices in the back that related
10 to the various countermeasures.

11 Q. Okay. So, that first
12 memo, which we will go to, is August 21, and then
13 there's a revision on August 30. Is it in and
14 around that timeframe that you have more in-depth
15 discussions about the CIMA reports from 2013 and
16 2015?

17 A. The purpose of the
18 August 30 meeting is -- so, if I can put some dots
19 in line here. You know, we have this discussion
20 at the annual collision report, I'm reviewing the
21 collision report, I have some questions, and then,
22 you know, I ask for an updated memo. In that
23 timeframe, we start talking a little bit more
24 about what had transpired or what work the City
25 had undertaken in the past.

1 Q. Okay. And we will get
2 there of course. On August 30, you did meet with
3 some staff and certainly at least one of the
4 chronologies suggests that that was to discuss wet
5 weather collisions.

6 So, just taking a step back
7 from it, as you're reviewing this document, would
8 you agree with me that you did have some concerns
9 or at least some questions about the proportion of
10 wet weather conditions on the Red Hill?

11 A. I would say that that
12 statistic, you know, it was something that was of
13 interest to myself, similar to the one about the
14 LINC having a higher proportion of serious
15 collisions.

16 Q. Why was it of interest to
17 you?

18 A. Just because of the
19 proportions. It is one characteristic and you
20 have to consider that within the overall context,
21 but given the fact that you had that one having a
22 larger proportion, so there's a number of items I
23 pulled from this. Right? Having walked you
24 through my thought process there, you know, I pick
25 up on the speeding, I pick up on the improper

1 driving, you know, I pick up on the fact that we
2 have a lot more young drivers on Red Hill being
3 involved, I pick up -- it's obvious. You can't
4 jump to conclusions, but you have to, you know,
5 look at those statistics.

6 So, when I looked at all the
7 report, it was in totality, but then when I looked
8 at the Red Hill, there was some metrics that had
9 higher proportions than others, so that kind of,
10 you know, begged the question for me. Like, okay,
11 I need a better understanding of this.

12 Q. Okay. Just before we
13 move forward in time, as you're discussing this
14 annual report with Mr. White or Mr. Ferguson, was
15 there any discussion at all about traffic
16 operations, that group's, attempt to obtain
17 friction testing results from engineering
18 services?

19 A. There is a -- is that
20 appendix that is attached to, I believe it's the
21 one report, and it refers to friction testing, so,
22 you know, I would have gone through that appendix
23 and identified, you know, that there was friction
24 testing completed, as it said.

25 Q. Okay. Would that have

1 been noteworthy to you at you're going through
2 these documents?

3 A. No more noteworthy than,
4 I would say, any other documents. I was looking
5 at seeing what was completed, what wasn't
6 completed. Seeing it, actually, it really
7 doesn't, sort of, stick out to me.

8 Q. Fair enough. My question
9 was more about the discussions, if any, with
10 Mr. White and Mr. Ferguson about friction testing
11 in this early period of time as you're talking
12 about the annual collision report.

13 A. Yeah. I don't recall any
14 specific discussions.

15 Q. Okay. Did they make
16 specific note that CIMA had requested friction
17 testing in both the 2013 and 2015 report?

18 A. I believe that was one of
19 the recommendations. Right? So, I would have --
20 they would have made note of it, but, you know, it
21 was just my -- in looking back, it's natural to
22 assume if that was one of the recommendations,
23 they would have identified that.

24 Q. Okay. My question was
25 probably maybe not clear. When I said did they

1 make specific, I mean Mr. Ferguson or Mr. White.
2 Did they raise that specifically with you in this
3 discussion around the annual collision report?

4 A. Yeah. Again, I don't
5 have a specific recollection, but I'm going to
6 assume that going through all the recommendations,
7 they would have talked about it.

8 Q. Okay. Did they raise
9 with you any attempts to try to obtain results of
10 that friction test that was listed as complete?

11 A. I don't have any specific
12 recollection of that.

13 Q. Okay. And when you say
14 you don't have a specific recollection, do you
15 have a general recollection about that around this
16 period of time?

17 A. Well, the question you
18 posed to me, you know, if you go back to the
19 question you posed, did they speak to me about it,
20 I don't recall.

21 Q. Okay. I'm trying to take
22 you through just in timeframes. I know it was
23 some time ago. At any point before you had a copy
24 of the Tradewind report, did Mr. White or
25 Mr. Ferguson raise with you that they had

1 attempted to obtain friction test results that
2 were listed as complete in those staff reports?

3 A. I can't recall specific
4 conversations to that.

5 Q. Okay. And is that to say
6 that you're confident that you didn't have those
7 conversations or you just --

8 A. No.

9 Q. -- can't remember either
10 way?

11 A. No. It's four years ago.
12 I'm having a hard time remembering four years ago.

13 Q. Okay. So, let's go,
14 then, to the reports that you were referencing
15 just a moment ago. Registrar, can you close this
16 down and go back into OD 9A and go back to
17 page 53, please.

18 So, you'll see at the top of
19 the page, paragraph 126 -- Registrar, can you call
20 that out, please -- Mr. Ferguson prepared a
21 memorandum and it was updated from early
22 memorandums he had done before your tenure, before
23 you started at the City, and the purpose was to
24 provide an update on action items that were
25 identified in his previous memorandum from March

1 of 2018 and it had some additional information.

2 Registrar, could you close
3 down this call out, please, and if you can go into
4 the memo itself, just because it might be easier
5 to work with. It's HAM1388. And if you can pull
6 out the second page as well, please. Thank you.

7 So, Mr. Soldo, just so that
8 your evidence is clear, did you request this
9 update as a result of your review of the annual
10 collision report?

11 A. I believe so.

12 Q. Okay. And did you ask
13 specifically for a list of projects that were
14 ongoing in respect of the Red Hill?

15 A. I don't recall exactly
16 what I would have asked. It would be a -- I would
17 have asked for a status update, so...

18 Q. Okay. And was the
19 request for this memo directly related to your
20 pulling out all of those factors around the Red
21 Hill collision history from the 2013 annual
22 report, the ones that we just went through?

23 A. I wouldn't say it was
24 directly related. You know, going back to what I
25 had said earlier, the number of OBL items, having

1 gone through those discussions with staff, with
2 Betty, you know, there's a large body of work
3 that's been undertaken in the past related to the
4 Red Hill and LINC, you know, multiple reports that
5 had been done in the past and, you know, I asked
6 for a summary just so that I'd get a better
7 understanding of the latest status of these items.

8 Q. Okay. By 2018, there is
9 certainly a number of OBL items and a number of
10 work and significant funds that have been devoted
11 to the LINC and the Red Hill. Did you have the
12 impression that there had not been as much
13 progress as one would expect on reducing
14 collisions on the Red Hill?

15 A. Sorry, could you repeat
16 that?

17 Q. Sure. Did you have the
18 impression in August that there had not been as
19 much progress as one would expect in reducing
20 collisions on the Red Hill, given all the work
21 that had been done over the last five years?

22 A. I'm not sure what my
23 impression was. I don't believe I had that
24 impression. But going back to what I had talked
25 about earlier and when we looked at those numbers

1 in the report itself, yes, they went up over the
2 five years, but they were going down in the last
3 number of years. And, you know, the correlation
4 that I would make or I would start thinking about
5 is, okay, you start doing the work in 2013, 2015.
6 Now we're in 2017. How effective have those
7 measures been? So, when you look at this entire
8 list here and there's probably other work that's
9 been done already, you know, are some of these
10 countermeasures working?

11 When I'm looking at those
12 numbers that we previously had gone through, I'll
13 refer you back to that stat where, you know, there
14 was a reduction in terms of severe and fatal
15 collisions, but these sort of measures take time
16 to actually show up in the collision statistics.
17 So, it's not like you'll do it and something will
18 show up overnight, so it does take -- driver
19 awareness and enforcement, those sort of things
20 are behavioural changes and they take time to do.
21 There's the education components that the City was
22 doing. Again, that takes time. And then some of
23 these are the more direct countermeasures that
24 actually were being undertaken by the City.

25 Q. Okay. As you are

1 reviewing this document, you also have some list
2 of the countermeasures that were completed coming
3 out of the 2015 CIMA report, the referenced
4 appendix that I think you referenced earlier. Had
5 you already looked at the work that's not on this
6 memo but that had been completed?

7 A. This package came with a
8 number of attachments. It came with a previous
9 memo that spoke to the issue, so that was the
10 original memo. There's this memo here. It also
11 had public works report 18008, which was very
12 comprehensive in terms of detailing what's been
13 done, as well as that -- actually, that chart
14 actually was an appendix, I believe, to the public
15 works report. So, I would have reviewed that
16 entire package in its totality.

17 Q. Okay. And package also
18 included some correspondence between --

19 A. That's correct.

20 Q. -- the City and the
21 provincial government about possibly widening the
22 LINC or the Red Hill. Do you recall that?

23 A. Yes. When I read the
24 public works report, it spoke to issues related to
25 congestion and particularly that it's two pinch

1 points on either end and some of the highways
2 coming into that area.

3 Q. Okay. Under Additional
4 Information on the second page, Registrar, can you
5 pull out Additional Information and the bullet
6 point underneath it, Mr. Ferguson notes that:

7 "Traffic engineering is
8 beginning to receive
9 notices of impending
10 legal action as a result
11 of collisions on either
12 the LINC or the Red Hill.
13 It should be noted that
14 some of the claims are as
15 a result of poor design
16 and poor pavement
17 conditions. These items
18 will require response or
19 attending by engineering
20 staff at legal
21 discoveries."

22 Did you ask Mr. Ferguson for
23 any further information about the impending legal
24 actions that he was referencing here?

25 A. I did have a discussion

1 with Mr. Ferguson and maybe, again, if I could try
2 to provide some context related to this issue
3 here.

4 Q. Sure. Can you just
5 answer the question that I asked, though, before
6 we move on, just so that I don't lose it? It was:
7 Did you ask Mr. Ferguson for any additional
8 information about the impending legal actions that
9 he is referencing here?

10 A. We would have had a
11 discussion. I don't recall if I asked for a list
12 or not.

13 Q. Okay. Go ahead. I think
14 you wanted to provide some context.

15 A. No. Go ahead with your
16 questions.

17 Q. I just wanted to make
18 sure we didn't lose that question, but you did say
19 you could try to provide some context to the --

20 A. Sure. I can provide some
21 context. You know, when I was reviewing this
22 package, it's quite a bit of body of work that is
23 there and, you know, this sort of statement kind
24 of stuck out to me in terms of the poor design and
25 poor pavement conditions. And it stuck out

1 because this additional information really was
2 inconsistent with what the other measures are. It
3 was kind of an opinion, so that, kind of, prompted
4 me to seek some clarification from Mr. Ferguson
5 later.

6 Q. Okay. But as part of
7 that clarification, you're not sure if you asked
8 for further information about the actual legal
9 claims that he's referencing?

10 A. I don't recall if I asked
11 him for an actual copy or anything like that.

12 Q. Okay. For the number of
13 them or what the issues were particularly relating
14 to a result of poor design or poor pavement, did
15 you dig into the details of these claims, is my
16 question?

17 A. I would have had a
18 discussion with Mr. Ferguson, but he would have
19 provided me with an overview.

20 Q. Okay. When did that
21 happen? You're going to meet with him on
22 August 30. Was it sometime between August 21 and
23 August 30 or was it at the August 30 meeting?

24 A. I believe it was at the
25 August 30 meeting.

1 Q. Okay. Thank you.
2 Registrar, you can close this down and if you can
3 go back to OD 9A and paragraph 54, please.

4 So, you'll see at
5 paragraph 129 there's a meeting arranged between
6 Mr. McKinnon and Mr. McGuire and yourself,
7 arranged for August 31, 2018, the overview
8 document says, to discuss the August 21 memo.

9 Registrar, can you go into the
10 underlying document, please. It's HAM1383.

11 So, you'll see this is a
12 calendar appointment. It's from August 3, 2018,
13 so just a few days after you start, and the
14 attachments are an RHVP-LINC update memo and the
15 date is from 10:30 to 1:30 and the subject is
16 meeting and go out for lunch.

17 Do you remember having
18 discussions with Mr. McKinnon in advance of him
19 sending this calendar appointment about what this
20 was going to be -- what this discussion was going
21 to be about?

22 A. And when was that sent?

23 It's --

24 Q. August 3, so --

25 A. -- August 3.

1 Q. -- probably your first
2 week.

3 A. Yeah. If you go back to
4 the earlier, I believe the earlier e-mails, there
5 are some e-mails in there, so it speaks to
6 providing Dan with an update in August. So, I'm
7 assuming this update is for him to get an update
8 on RHVP.

9 Q. Okay. But this one
10 specifically is for you and Mr. McGuire and
11 Mr. McKinnon. That e-mail that we looked at
12 before, which I think you're referencing now, is
13 Mr. White saying he wanted to update Mr. McKinnon.
14 So, are you just trying to connect some dots given
15 what we've gone through today or do you actually
16 have a recollection that that's what the purpose
17 of this meeting was for?

18 A. I believe this was for
19 them to provide that update.

20 Q. Okay. But Mr. White is
21 not included on this. It's Mr. McGuire, who is
22 engineering services, and you.

23 A. So, I believe there's --
24 well, I believe that Mr. White and Mr. Ferguson
25 were also at this meeting.

1 Q. Okay. That was one of my
2 questions. So, it looks like there's this
3 meeting, 10:30 to 1:30, and it says meeting and go
4 out for lunch with Mr. McGuire and with you and
5 Mr. McKinnon, so three very senior people within
6 public works.

7 If you just want to close that
8 down, Registrar and if you can go into HAM55560,
9 image 5. You're going to have to -- yes, thank
10 you. And if you could call out the first half of
11 this page, please. Just until there is perfect.

12 So, Mr. Soldo, this is a
13 chronology that was put together in 2019. Before
14 we get into it, do you remember being involved in
15 the development of chronologies?

16 A. Yes.

17 Q. And that was with
18 Ms. Graham. Is that right?

19 A. Yes, that's correct.

20 Q. And Mr. McGuire as well?

21 A. That's correct.

22 Q. And I think Ms. Cameron,
23 Diana Cameron, had some administrative role in
24 putting together this spreadsheet. Is that also
25 your recollection?

1 A. Initially it was
2 primarily put together by Ms. Graham. I believe
3 that Ms. Cameron did some edits after the fact.

4 Q. Okay. Do you recall in
5 2019 sitting in a boardroom with a big, sort of,
6 flip chart and trying to sort out the timeline?

7 A. No, I don't recall that.

8 Q. You don't remember that?
9 Okay. Do you remember having discussions with
10 Ms. Graham directly about the timeline, trying to
11 sort out dates?

12 A. That's correct.

13 Q. Okay. So, this is in
14 this period. It's a little out of order, you'll
15 see. August 1, this is line 58,
16 Ms. Matthews-Malone retires. August 15, Martin
17 White e-mails you with a draft of the 2017 annual
18 collision report. It shows wet weather issues on
19 the Red Hill. Soldo requests meeting of key
20 players, held on August 30. Then if you go up to
21 line 55, August 30, key players meet with Dave
22 Ferguson, yourself, Mr. McGuire, Mr. McKinnon,
23 discussing wet weather issues on the Red Hill.

24 So, just stopping there, did
25 you request a meeting with, I'm just going to use

1 the words in here, key players?

2 A. Yeah. Those are not my
3 words. They're Ms. Graham's words.

4 Q. Fair enough. But you did
5 request a meeting with David Ferguson, Mr. McGuire
6 and Mr. McKinnon about wet weather issues on the
7 Red Hill?

8 A. I requested a meeting
9 about all things RHVP, as the memo there
10 indicates. And I would say to you that when she
11 wrote these notes, you know, she probably put
12 additional commentary as it relates to the issue
13 of friction, because if she was looking at that
14 through that lens.

15 Q. Right. So, these are
16 created throughout 2019, but a different period of
17 time in terms of the focus of what Ms. Graham
18 might be thinking about. Is that fair to say?

19 A. Sorry, I don't understand
20 your question.

21 Q. That she may have been
22 focused on issues of friction or wet weather in
23 2019 in a way that may not have been how you
24 recall it in 2018?

25 A. Wet weather issues, you

1 know, is very specific. That meeting was more
2 about all the various items that we were looking
3 at.

4 Q. Okay. Did Mr. White also
5 attend this meeting?

6 A. I'm having a hard time
7 recalling if he did or not. I would assume that
8 if Mr. Ferguson was there that Mr. White would be
9 there.

10 Q. But you just can't recall
11 either way?

12 A. No.

13 Q. Okay. So, Registrar you
14 can close this call out and you can go --
15 actually, you can leave this up for the moment.

16 So, it looks like
17 Mr. McKinnon, on August 3, sets a meeting for you
18 and Mr. McGuire to go out with him for lunch and
19 have a meeting about the Red Hill. And then
20 independently on August 15, you request a meeting
21 with key players, including Mr. McKinnon and
22 Mr. McGuire. Have I got that right?

23 A. Looking at what you
24 presented there, I'm drawing the connection that
25 Mr. McKinnon is asking for an update based on

1 those previous e-mails, because he sends it out on
2 August 3, which is very early in my tenure here,
3 so that I'm assuming that is, you know, a
4 previously, sort of, requested type of a meeting,
5 update meeting, at that point in time. And, you
6 know, I'm requesting an update, summary report.
7 Is that -- do I ask for that meeting myself or is
8 that to get prepared for the meeting with Dan?
9 You know, I'm going to have a hard time
10 remembering exactly what that genesis was, but
11 looking back at it now and looking at all these
12 e-mails, I could have been asking for the summary
13 report to also get prepared for that meeting. So,
14 I can't remember exactly.

15 Q. Do you recall having a
16 meeting just with Mr. McKinnon and Mr. McGuire
17 about Red Hill issues?

18 A. On the 30th?

19 Q. On the 30th.

20 A. I don't recall.

21 Q. Okay. You said you
22 didn't recall if Mr. White was at the meeting, but
23 do you have a general recollection of a meeting
24 with Mr. McGuire, Mr. McKinnon and Mr. Ferguson?

25 A. I do have a general

1 recollection of that meeting, yes.

2 Q. Okay. Can you say either
3 way whether the meeting that Mr. McKinnon had
4 proposed got merged with the meeting so that
5 Mr. Ferguson would also attend?

6 A. I don't recall that.

7 Q. Okay. Do you recall
8 going out for lunch with Mr. McKinnon and
9 Mr. Ferguson early in your tenure? Really, it was
10 just an introduction.

11 A. I don't recall going out.
12 I mean, we would go out for lunch, you know,
13 myself and Dan or myself and Dan and Gord, but I
14 don't recall Mr. Ferguson coming with us.

15 Q. No. I just meant
16 Mr. Ferguson and Mr. McGuire.

17 A. Sorry? Could you repeat
18 the question, maybe?

19 Q. My question was: Do you
20 recall going out with Mr. McKinnon -- pardon me.
21 I misspoke earlier. Apologies. I've confused
22 you. Do you recall going out for lunch with
23 Mr. McKinnon and Mr. McGuire early in your tenure?

24 A. I recall going out to
25 lunch with Mr. McKinnon a number of times early in

1 my tenure, so I can't really -- I don't have a
2 specific recollection of when, but I went out a
3 number of times with Dan and then one or two
4 times, I believe, with Gord, so...

5 Q. Okay. But what about
6 them together, is my question?

7 A. I don't have a specific
8 recollection.

9 Q. Okay. Commissioner, it
10 is a few minutes past 11:00 and we're starting to
11 take our morning break a little earlier than we
12 used to, so I would suggest that this would be an
13 appropriate time for the morning break.

14 JUSTICE WILTON-SIEGEL: Okay.
15 It's almost five past, so let's return at 11:20.

16 --- Recess taken at 11:03 a.m.

17 --- Upon resuming at 11:20 a.m.

18 MS. LAWRENCE: Thank you.
19 Commissioner, may I proceed?

20 JUSTICE WILTON-SIEGEL: Yes,
21 please proceed.

22 BY MS. LAWRENCE:

23 Q. Thank you. Mr. Soldo, we
24 were just about to move to the August 30 meeting
25 and before the break you said you couldn't recall

1 if Mr. White attended. Is that right?

2 A. Yeah. I believe he was
3 there, but I don't have a specific recollection.
4 If Dave was at the meeting, normally Martin would
5 be there as his manager as well.

6 Q. Okay. And what about
7 Mr. McGuire? Was he there?

8 A. He was.

9 Q. Okay. Apart from the
10 August 21 memo that we were just looking at, did
11 you ask for any other background information on
12 wet weather collisions before this meeting?

13 A. I believe the entire
14 intent of that memo was for them to provide me
15 with an overview of all issues there on the RHVP.
16 I didn't specifically ask related to wet weather
17 collisions.

18 Q. Okay. Coming out of this
19 meeting, did you ask for any other background
20 information about wet weather collisions?

21 A. I don't recall, but if
22 you recall my earlier testimony, I had access to a
23 lot of the other information already, so at that
24 point I don't recall if I asked for anything
25 additional.

1 Q. Okay. Did you ask for
2 Mr. Ferguson or Mr. White to summarize the past
3 CIMA projects that related to the list of current
4 projects?

5 A. That was included in the
6 memo already.

7 Q. Just to be more specific,
8 CIMA had done these two reports and I think you
9 said that you weren't sure if you reviewed them by
10 this point. Did you ask Mr. White or Mr. Ferguson
11 to summarize those reports that CIMA had done
12 previously at this meeting?

13 A. I'll refer you back to
14 the package that's associated with the memo. It
15 includes public works 18008, which is actually
16 quite the extensive summary of the previous work.

17 Q. So, you didn't ask them
18 to provide any additional context at the meeting?

19 A. There was quite a bit of
20 context there already, all the summaries.

21 Q. Did you have any
22 questions arising out of your review of 18008?

23 A. I did.

24 Q. What were those
25 questions?

1 A. If you want to bring that
2 up, I can, kind of, go through it with you.

3 Q. Sorry, bring up the --

4 A. The report.

5 Q. -- report? You can't
6 remember the questions that you had?

7 A. I would like to use that
8 as a point of reference, if you can bring that up.

9 Q. Sir, we went through
10 quite a lengthy presentation by you on the annual
11 collision report. We don't have a lot of time for
12 your evidence, so if you can remember what your
13 questions were, perhaps you can just say them in a
14 general way. If not, we can go into the report,
15 but I'm not seeing the benefit of doing that.

16 A. Yeah. I would prefer to
17 go through the report so I can just point out a
18 few sections to answer your question.

19 Q. Why don't you provide me
20 with a summary before we do that?

21 A. My summary is going to be
22 incomplete because I would like to refer to the
23 report.

24 JUSTICE WILTON-SIEGEL: I'm
25 going to intervene for a second, Mr. Soldo. We're

1 just asking what you or commission counsel is
2 asking what you remember. Okay? And I think it's
3 a fair question to ask what you remember.

4 THE WITNESS: Sure.

5 JUSTICE WILTON-SIEGEL: You
6 may or may not remember anything, but the question
7 is intended to be at a, sort of, general or
8 conceptual level, so I would ask that you consider
9 a response in that context.

10 THE WITNESS: Thank you for
11 the clarification, Your Honour. In terms of that
12 report, having reviewed it ahead of time, it's a
13 comprehensive review of various -- actually, could
14 you repeat your question before I start?

15 BY MS. LAWRENCE:

16 Q. Sure. My question was:
17 Did you have any questions for your staff arising
18 out of your review of that staff report, 18008?

19 A. In the meeting itself, we
20 would have gone over the various status of the
21 initiatives that had been previously undertaken.
22 And in that report it identifies a number of
23 different OBL items, a number of different
24 objectives.

25 There was actually still

1 outstanding. There was some of those items that I
2 was trying to ascertain in terms of, okay, when
3 are we coming back to council on some of those?
4 And, you know, the entire theme of that report,
5 there's a very large section in there related to
6 speeding, the aggressive driving, that's occurring
7 on the LINC and I was asking questions related to,
8 you know, what's the status of the speed limit
9 report? What's the status of potentially some of
10 the other outstanding business list items?

11 So, while the table that's
12 attached to it provides some of those what I would
13 call hard infrastructure improvements, you know,
14 some of them are also related to speeding, like
15 feedback signs and all that, I was actually more
16 interested in terms of the timelines that they had
17 to get back on some of those speed related
18 initiatives.

19 Q. Thank you. So, it sounds
20 like you had questions about timing. Apart from
21 questions about the timing of the status of
22 projects, did you have any other substantive
23 questions about the Red Hill arising from your
24 review of that report?

25 A. I would have asked

1 questions -- I had questions about what is the
2 status about kind of each of those implementation
3 issues. That's really the purpose of that
4 meeting, was to provide an update on the
5 implementation status of the various initiative
6 said, and you see that clearly outlined in the
7 memo. It's a little bit more defined in the staff
8 report.

9 Q. Okay. So, we went
10 through and I think you had a fairly clear
11 recollection that there was an appendix to that
12 report that had a number of items that had been
13 completed and items that were to be completed.

14 Registrar, can you go to
15 HAM1385, please.

16 This is that chart that you
17 were thinking of?

18 A. That's correct.

19 Q. And you already
20 referenced this earlier in your evidence. The
21 conduct pavement friction testing, which is five
22 lines up from the bottom, is listed as complete.

23 Registrar, would you mind just
24 calling out just the chart from the very top, just
25 so that it's slightly a bit bigger.

1 How is that, Mr. Soldo? Is
2 that a bit better?

3 A. I appreciate that. Thank
4 you.

5 Q. No problem. Any time you
6 need that, just let us know. You'll see it's five
7 lines up, conduct pavement friction testing,
8 medium, completed. Do you see that?

9 A. That's correct.

10 Q. Did you have any
11 discussion with the attendees at this meeting
12 about pavement friction testing?

13 A. I don't recall having
14 that discussion. We would have most likely have
15 focused on things that are outstanding. Right?
16 That's the purpose of the meeting, is to talk
17 about status, and we would have focused on things
18 that are still outstanding. And some of those are
19 actually quite lengthy, so we would have had quite
20 a long discussion on them.

21 Q. And did you go through
22 each of the ones that were not yet complete?

23 A. That would be the
24 intention. That was, kind of, the purpose of the
25 meeting.

1 Q. Okay. And I think you
2 said that you recalled that Mr. McGuire is there.
3 Is that right?

4 A. That's correct.

5 Q. What was his role at this
6 meeting, given that he's coming from engineering
7 services?

8 A. Good question. Just
9 think about the overall context of this meeting.
10 Mr. McGuire is pretty new, I'm new, in our both
11 positions. I can't recall when Mr. McGuire
12 started. So, it's really to provide sort of an
13 update to, you know, both of us. It's being used
14 as a method to update us both on the various
15 initiatives of the RHVP.

16 Q. Okay. Was it also to
17 ensure that it was very clear as between your
18 different groups who was responsible for the
19 outstanding items?

20 A. There is, you know,
21 different roles and responsibilities in terms of
22 who is going to be delivering what. Traffic
23 operations or, sorry, the traffic group at that
24 time, you know, some of this work is underneath
25 their purview and then it's more operations

1 related. And then some of this work is underneath
2 the purview of the engineering department.

3 Q. So, then helpful to have
4 a discussion with engineering to make sure that
5 you guys are all in agreement about the steps that
6 need to be taken and who is going to take them.
7 Is that fair?

8 A. Make sure that clear
9 roles and responsibilities, who is delivering it,
10 yeah.

11 Q. There's a couple of
12 references here to resurfacing, either works to be
13 completed during resurfacing, like installing
14 cat's eyes and shield rock cuts. That's the
15 reference to resurfacing in both of them here.

16 Did you have discussions with
17 Mr. McGuire and others at this meeting about the
18 upcoming resurfacing?

19 A. I believe we did. It
20 would be a natural assumption given that some of
21 these are part of that resurfacing. At that
22 timeframe, you know, end of August, the capital
23 project for resurfacing is already well underway
24 and, you know, the engineering department is
25 putting together what the scope of work would be,

1 so this is a good meeting to discuss what scope of
2 work would be coming from the traffic operations
3 group.

4 Q. So, at this point, you're
5 almost on your month -- you've been there for a
6 month. This is August 30. By this point, you
7 were aware that there was scheduled resurfacing on
8 the Red Hill?

9 A. Well, if I recall back to
10 my earlier testimony regarding the overview of the
11 capital budget that Betty would have done, that
12 would have most likely highlighted that given it's
13 a significant cost and there was a role for
14 traffic operations to play. So, you know, I can't
15 tell you for certain, but I'm pretty sure at this
16 point I'm aware there's a resurfacing underway for
17 the following year.

18 Q. Okay. The last of the
19 initiatives on here, the second to last is median
20 barrier system and then the last is install
21 end-to-end illumination. For the median barrier
22 system, did you have any discussions with the
23 attendees asset meeting about the timeline to
24 consider whether to install a median barrier?

25 A. I believe as part of

1 18008, the report I was referring to earlier,
2 that's a council recommendation that is being done
3 in the longer term with any future widening. I
4 believe that was the context.

5 Q. That's right. And you'll
6 see under status that's what it says?

7 A. Yeah.

8 Q. And Mr. Ferguson provided
9 you with that correspondence between the mayor and
10 the Ministry of Transport about potential
11 widening. Was there any discussion about that at
12 this meeting on August 30?

13 A. I apologize, I don't
14 recall any specific discussion.

15 Q. Okay. And what about
16 end-to-end illumination? Under status, it says:

17 "Reviewed and reported by
18 engineering services.

19 Not recommended."

20 Did you receive any summary of
21 issues or not even issues, anything in respect of
22 the end-to-end illumination and how it ended up on
23 this list?

24 A. Sorry, could you repeat
25 that for me?

1 Q. Sure. During the
2 August 30 meeting, did you receive any summary or
3 context for how that action item ended up on this
4 list?

5 A. The --

6 Q. The potential to install
7 end-to-end illumination.

8 A. Right. So, this list, to
9 my understanding, comes from the previous report.

10 Q. Yes.

11 A. Right? Which was -- I'm
12 trying to remember what the genesis of that. That
13 would have been one of the CIMA reports to
14 consider lighting and illumination?

15 Q. That's right, and my
16 question is: At this meeting, was there any
17 discussion about that genesis or any background
18 around issues on lighting the Red Hill?

19 A. You know, I recall a
20 conversation about lighting and what that means in
21 terms of, you know, you need to undertake it as
22 part of an overall EA, you have to think about,
23 you know, if you put lighting down the middle or
24 potentially over the median, you have to change
25 the stormwater system and all that. You know, I

1 have this recollection of having that kind of
2 discussion. I can't say for certain it was in
3 this meeting.

4 Q. Okay. And that
5 recollection that you have about that kind of
6 discussion, was it with Mr. McGuire, Mr. Ferguson,
7 Mr. White, Mr. McKinnon or somebody else?

8 A. I would say it was with a
9 broader group.

10 Q. Okay. A broader group --

11 A. It may have been at this
12 meeting, you know.

13 Q. Okay. Was there any
14 discussion about the value for money audit on
15 roads that the office of the auditor had
16 commenced?

17 A. I was unaware of that at
18 the time.

19 Q. Was there any discussion
20 about reaching out to CIMA to complete any further
21 assessment, safety audit, anything like that?

22 A. At this meeting?

23 Q. Yeah.

24 A. I would say this preceded
25 those initial discussions to have CIMA undertake

1 work.

2 Q. Okay. Registrar, can you
3 bring up HAM55560, image 4, please.

4 Four lines from the bottom,
5 August 21, 2018, the notation is:

6 "Draft memo for
7 August 30, key players
8 meeting, is distributed
9 by David Ferguson."

10 Just stopping there, that's
11 the August 21 memo we were looking at, I believe:

12 "Edward does not like
13 some of the language and
14 asked that it be
15 revised."

16 Do you recall asking for
17 certain language within the August 21 memo to be
18 revised?

19 A. I recall -- maybe if you
20 can put that memo back online. I recall when I
21 reviewed the initial package that I reviewed that,
22 I reviewed the memos behind it, I reviewed 18008.
23 And, you know, I reviewed it and, as I indicated
24 earlier, that was a bit of a surprise for me in
25 terms of that wording. All the discussions to

1 date have been about, you know, speeding on the
2 LINC as being the prevailing, sort of, cause of
3 that. So, I was kind of confused with the wording
4 there. I didn't understand was that
5 Mr. Ferguson's opinion? Was that wording that he
6 had taken from some of the potential claims that
7 had come in in that timeframe? So, I thought, you
8 know, it was pretty strong language and I was kind
9 of confused because everything that I've read to
10 this point really focused on the fact that
11 speeding and careless driving and all that was,
12 kind of, the primary driver behind that. So, I
13 needed some clarification from Mr. Ferguson.

14 Q. Thank you. So,
15 Registrar, if you could go to 9A, page 53,
16 paragraph 126, please, and if you could call out
17 126.

18 So, Mr. Soldo, I think this is
19 the language that you were referencing that you
20 were confused about. Is that right?

21 A. Yeah. It speaks to that
22 some of the claims are -- that:

23 "It should be noted some
24 of the claims are a
25 result of poor design and

1 pavement conditions."

2 When I read that, I'm like, is
3 that wording from a claim? Is that Mr. Ferguson's
4 opinion? He wrote that memo, the one provided
5 that this is in, but in the same context, when you
6 bring up 18008 -- and maybe if you can do that to
7 just give some context to what I was thinking when
8 I was reading that. I'll just go to specific
9 paragraphs there.

10 Q. Are they the paragraphs
11 referencing speed and speed being a contributing
12 factor?

13 A. Yeah. There's a section
14 that's pretty clear. Maybe just bring it up and
15 I'll just refer to the one paragraph.

16 Q. Registrar, it is HAM1387.

17 A. Right. So, again, I
18 won't go through the detail in this report --

19 Q. And we're not going to go
20 through it in any detail.

21 A. Thank you. If you just
22 go to the section at the back after the collision
23 numbers.

24 Q. I think it might be
25 image 6. Is that what you were thinking?

1 A. Yeah, that one there.
2 So, I just say, you know, when I'm reviewing this
3 body of work, I have this one statement in here
4 which is confusing. I don't know where it's
5 coming from because -- and you review this entire
6 report. The main focus of this report, it doesn't
7 speak to poor design or it doesn't speak to poor
8 pavement condition. It speaks to all the other
9 issues that are driving factors on the Red Hill,
10 so that was a very confusing statement. And, you
11 know, the one that kind of sticks out to me when I
12 read that, Dave wrote both this report and Dave
13 wrote that memo. There's this line in the other
14 one, but when I read this one, it says:

15 "Both safety reports
16 identified that
17 collisions occurring as a
18 result of speeding,
19 aggressive driving,
20 following too close,
21 driving too fast for
22 weather conditions."

23 Okay? Recent enforcement, so
24 I won't go through all of that, but it talks about
25 90 percent of the violations. So, 90 percent of

1 the violations are related to speeding and you got
2 some quotes there from the police chief. So, the
3 prevailing theme of all the work that's been done,
4 all the body of work that was done by CIMA is
5 that's the primary driver behind the collisions.

6 And then you can take that
7 down and if you go back to that memo, that line
8 kind of sticks out as a bit of an oddity. I'm
9 like, why is this in here? I'm not exactly sure
10 is this Mr. Ferguson's opinion or someone else's
11 opinion, or is this coming from the allegations
12 through various claims? So, that's why I asked
13 him to -- that's why we had the discussion about
14 that. And then, you know, asked him to clarify
15 that, because it wasn't correct. It was incorrect
16 based on all the body of work that's been
17 completed as well.

18 Q. Why don't we go back into
19 OD 9A, page 67, please.

20 So, Mr. Soldo, as I understand
21 what you just said, you were left with the
22 impression, having read report 18008, that was
23 speeding was the primary contributor for
24 collisions on the Red Hill. Is that a fair
25 summary?

1 A. I would say all those
2 driver actions all contribute to, but that was one
3 of the prevailing themes. Nowhere in that report
4 does it speak to poor design.

5 Q. Okay. Registrar,
6 actually, can you bring up page 53 of this
7 document and 67. Thank you.

8 So, 153 is the original. So,
9 you said that you were confused. Were you
10 confused about whether there was legal actions
11 that alleged poor design and poor pavement
12 conditions?

13 A. No. I wasn't confused
14 that there are allegations of it, but when you
15 read this, the way that's worded, it doesn't tie
16 that sentence to the allegations. It says:

17 "I began to receive
18 notices of impending
19 legal actions as a result
20 of collisions on the LINC
21 and the RHVP."

22 Q. So, your confusion was
23 that that sentence didn't make clear that the
24 allegations were poor design and poor pavement
25 conditions?

1 A. That's correct. If the
2 allegations were poor design and poor pavement,
3 that's what the allegations state. The way I read
4 that, it was a bit confusing from that
5 perspective. And that's when I had that
6 discussion with Dave and, you know, with the
7 group. I mean, director of engineering is in that
8 meeting. You know, if it's poor design issues, he
9 would have, you know, said something. So, I asked
10 him to clarify it because it's incorrect the way
11 that was actually written.

12 Q. Okay. So, it would be
13 more correct to say it should be noted that some
14 of the claims include allegations of causation as
15 a result of poor design and poor pavement
16 conditions. That would be more accurate?

17 A. If you're referring to
18 the allegations, yeah.

19 Q. Okay. Was this an
20 internal memo? It looked to me like it was, but
21 I'm just trying to understand.

22 A. I assume so.

23 Q. Okay. Did you intend for
24 this memo to be distributed to anybody besides
25 those people who were at the August 30 meeting?

1 A. That wasn't my intention,
2 no.

3 Q. Okay. So, why did you
4 want the language to be changed in an internal
5 memo?

6 A. It's poor form and it's
7 actually very confusing, so it might lead to an
8 impression that, you know, they actually are when
9 you see that. So, you don't leave something
10 that's incorrect in a memo. It's actually -- the
11 thing about this as the first memo I get from my
12 staff and I'm having issues with it, so I want to
13 make sure that they understand that, you know,
14 when they're writing something, they have to make
15 sure that it's correct and it doesn't, you know,
16 put forward misinformation.

17 Q. Okay. So, you want
18 precision of language from your staff?

19 A. Yes. I'm very picky in
20 the wording.

21 Q. Okay. And you would
22 agree with me it would be more precise to say, and
23 I think you've already said this, that that phrase
24 would be accurate if it actually referenced that
25 these were the allegations rather than some

1 interpretation where one could conclude that that
2 was Mr. Ferguson's opinion that there was
3 actually -- the collisions were a result of poor
4 design and poor pavement. Is that what your
5 concern was in terms of precision? I'm sorry,
6 that was not a very good question. Why don't I
7 try that again?

8 A. Yeah.

9 Q. It was not good. Let me
10 try that again and be a bit clearer.

11 You said you want precision,
12 and would you agree with me that it would be more
13 precise to say some of the claims include
14 allegations of poor design and poor pavement
15 conditions?

16 A. If you wanted to clarify
17 it in that direction or you have to ask yourself
18 why -- you have to ask yourself a second question.
19 Why is this section even in here at all?

20 Q. Did you ask Mr. Ferguson
21 that?

22 A. I did, because it sort of
23 sticks out. All the items are a summary of
24 everything else, so why is that section in there
25 at all? So, you know, we had the discussion. I

1 asked him to provide further clarity in there.

2 Q. Why did he include this?

3 When you asked him why is that reference there,

4 what did he say?

5 A. Just putting in more

6 information because he felt it was, you know, a

7 greater summary.

8 Q. Mm-hmm. And wouldn't you

9 agree that given that there is no reference to

10 poor design or poor pavement conditions anywhere

11 in the 18008 report, that this actually did

12 provide you with some additional context?

13 A. I'm not sure I would

14 agree with that.

15 Q. You didn't think this was

16 relevant information for you to have?

17 A. The relevant information

18 is to understand that there is claims. If you're

19 going to put forward, you know, the specifics for

20 this one claim, you know, probably other claims

21 that are allegations on all sorts of other things.

22 Unless you can put forth an exhaustive list, why

23 put this forward?

24 Q. So, you didn't think this

25 was relevant information for you to have?

1 A. Well, I already have that
2 information based on that, but I don't believe we
3 need to be listing off every single allegation
4 related to any claim that we have here.

5 Q. Okay. Was this
6 information that's in the August 31 note about
7 poor design and poor pavement conditions, did you
8 discuss that with Mr. McGuire at the meeting on
9 August 30?

10 A. Mr. McGuire would have
11 been in the room and when we were discussing that
12 he would have provided his opinion.

13 Q. And what was his opinion?

14 A. I don't believe
15 Mr. Ferguson would agree that -- sorry, now you
16 got me confused.

17 Q. I'm sorry, I've done it
18 twice. I'm sorry about that. I've confused you.

19 A. I don't believe
20 Mr. McGuire would agree that the roadway was
21 designed improperly.

22 Q. Okay. So, when you said
23 he provided his opinion, that was in respect of
24 whether that phrase should be in this document or
25 not?

1 A. I don't have a complete
2 recollection of every word everyone said at that
3 meeting. So, you know, we had a discussion. Dave
4 was asked to clarify it and he undertook that.

5 Q. Okay. My question
6 respecting Mr. McGuire was whether there was any
7 discussion about the fact that the City had
8 received claims that included allegations of poor
9 design or poor pavement conditions. Was there any
10 discussion about those allegations?

11 A. I don't recall a
12 discussion about that.

13 Q. Okay. When you say you
14 don't recall a discussion about that, are you
15 confident there was no discussion about that or
16 you just can't recall either way?

17 A. No. I'm not confident
18 either way.

19 Q. Okay. And I'll ask just
20 for comprehensiveness. Do you recall any
21 discussions about Mr. McGuire undertaking to go
22 get more information about these allegations?

23 A. I remember spending a lot
24 of time on this and this wording here, but quite
25 frankly this was a non-contentious issue and we

1 didn't spend that much time on it, so I don't
2 really have a really vivid recollection because
3 there wasn't really much, you know, debate about
4 this at all.

5 Q. Fair enough. I'm
6 actually not asking and I should be more clear.
7 I'm not asking about the change in the language
8 between the memo and the next version of this
9 memo. I mean more generally the issue of
10 allegations of poor design or poor pavement
11 conditions, was that a topic of discussion at this
12 meeting?

13 A. It would have been
14 brought up in the context of this, but I don't
15 recall an extensive conversation about it.

16 Q. Okay. Thank you.
17 Registrar, can you go to page 62 and 63 of this
18 document, please. I'm sorry, 61 and 62 I think is
19 what I wanted. Thank you.

20 Mr. Soldo, the reason I'm
21 asking these questions is because that very
22 evening after that meeting, Mr. McGuire e-mailed
23 Mr. Malone under the subject line "Forward:
24 Friction numbers on the Red Hill Valley Parkway,"
25 and he forwarded an e-mail from Dr. Uzarowski at

1 Golders that was sent to Mr. Moore in 2014 that
2 included two MTO spreadsheets with friction data
3 from 2007 and a paper on early age low friction
4 problems.

5 So, just to provide that
6 context, was there any discussion in the August 30
7 meeting that might have triggered Mr. McGuire to
8 go look for friction numbers? Recognizing you
9 can't speak to what Mr. McGuire did or didn't do,
10 I'm just really trying to understand if there was
11 anything in that August 30 meeting that may be
12 related to friction?

13 A. I don't think I can
14 provide you an answer of what triggered
15 Mr. McGuire to do this area of research or
16 whatever he was doing here.

17 Q. And nothing from the
18 August 30 meeting, to your recollection, touched
19 on friction?

20 A. Well, the item that we
21 just talked about speaks to, you know, poor design
22 and poor pavement conditions. Maybe that is what
23 prompted.

24 Q. But you certainly didn't
25 have any discussions with Mr. McGuire about

1 friction at that meeting?

2 A. No, I don't recall any
3 discussion like that.

4 Q. Okay. So, Mr. McGuire
5 sends this document to Mr. Malone at 7:11 p.m. and
6 this includes a chart that summarizes the MTO
7 friction testing in 2007, and then underneath has
8 four rows of average FN numbers from the 2013
9 friction numbers that were measured on the RHVP in
10 both directions by Tradewind Scientific.

11 Did you have any discussion
12 with Mr. McGuire on the evening of August 30 about
13 this e-mail that he forwarded to Mr. Malone?

14 A. I did not.

15 Q. Registrar, can you bring
16 up 62 and 63 now, please.

17 The inquiry has a copy of a
18 different e-mail from Dr. Uzarowski. This one is
19 dated December 17, 2015 and it's an e-mail to
20 Mr. Moore attaching the Tradewind report, and the
21 inquiry has that document in native format. Above
22 the content, there is a banner that says:

23 "You forwarded this
24 message on August 30 at
25 7:13 p.m."

1 Registrar, could you enlarge
2 and call out the screenshot at the top of 63.
3 Thank you.

4 Mr. Soldo, can you see sort of
5 in between the attached document and Dr. Uzarowski
6 and Mr. Moore's names there's a little I and then
7 the reference to the forward there?

8 A. Yes, I can. Thank you.

9 Q. And this is the totality
10 of the e-mail. Did you send this e-mail -- did
11 you forward this e-mail to anyone on the evening
12 of August 30?

13 A. I did not. I did not
14 have access to ProjectWise until December of last
15 year when a user profile was set up. I did check
16 that actually last week and I don't have the
17 software on my computer, so no way for me to
18 physically do that, so I did not send this e-mail.

19 Q. Did you receive this
20 e-mail from anyone on the evening on August 30?

21 A. I did not.

22 Q. Did you have any
23 discussions in the following days, that is the two
24 or three days after August 30, about a report on
25 friction values on the Red Hill?

1 A. I did not.

2 Q. Registrar, you can close
3 this down. Can you go to page 67, please.

4 Sort of, back -- we were just
5 looking at this. This is, in 156, the change that
6 Mr. Ferguson made in the next version of the memo
7 following the August 30 meeting. Did you direct
8 Mr. McGuire to delete the reference to poor design
9 and poor pavement conditions?

10 A. I did not direct
11 Mr. McGuire. I asked Mr. Ferguson during that
12 meeting to provide clarity on this section.

13 Q. Let me try that again.
14 Did you direct Mr. Ferguson to delete the
15 reference to poor design and poor pavement
16 conditions?

17 A. I did not direct him. We
18 had a conversation and I asked him to provide
19 clarity to the wording.

20 Q. So, is it your evidence
21 that it was Mr. Ferguson who decided to delete the
22 reference to poor design and poor pavement
23 conditions?

24 A. That was the topic of our
25 conversation at the meeting.

1 Q. Well, clarity is
2 different than deletion. That's really my
3 question. Was it Mr. Ferguson who decided to
4 remove that phrase or was it you?

5 A. I can't recall. We had a
6 discussion, came to mutual understanding that that
7 doesn't need to be there.

8 Q. Okay. So, regardless of
9 who decided or if it was mutual, you received a
10 revised copy and you were content with the
11 language, the revised language. Is that right?

12 A. It provided clarity.

13 Q. Okay. Skipping down to
14 the next paragraph, 157, Mr. McGuire responded to
15 the e-mail where Mr. Ferguson re-sent the revised
16 version and he said:

17 "Do you have the 2015
18 CIMA report on the RHVP
19 available? I would like
20 to review it if
21 possible."

22 Registrar, can you go to the
23 next page, please.

24 And Mr. Ferguson said:

25 "Yes. I'm going to work

1 with my staff next week
2 to set up a common file
3 folder that everyone can
4 access."

5 So, just turning a moment to
6 access, and you were just, I think, speaking to
7 that, you didn't have access to ProjectWise in
8 August of 2018?

9 A. No, I did not.

10 Q. And to your knowledge,
11 Mr. Ferguson also did not have access?

12 A. ProjectWise is a system
13 that's used primarily by engineering. There may
14 be some others that have user profiles set up in
15 case they need to be providing input into, like,
16 capital budget process. I couldn't tell you more
17 than that about ProjectWise.

18 Q. Okay. And, prior to this
19 e-mail from Mr. Ferguson, was it your
20 understanding that there was no common file folder
21 that everyone could access that included Red Hill
22 or LINC related materials?

23 A. The way that the
24 directory systems were set up, they're set up by
25 division. Everything is underneath public works

1 and then you have by division. The problem is you
2 have accessed control even on to the normal
3 server, so sending files back and forth, there is
4 not one place that everyone has file access to.
5 So, that was kind of the goal here, was to create
6 that.

7 Q. Okay. Was that on
8 Mr. Ferguson's initiative, that he was going to
9 set up a common file folder, or was that at your
10 direction?

11 A. I think that was one of
12 the outcomes coming out of our meeting in terms of
13 sharing of information and everything else, having
14 a common folder where people can provide
15 information back and forth.

16 Q. Okay. But leading up to
17 the outcome of that discussion, had you heard from
18 your staff in project engineering and operations
19 that there was any -- that they had any concern
20 about the level of information they were able to
21 obtain from engineering services?

22 A. Sorry, could you repeat
23 that for me?

24 Q. Sure. Prior to the
25 outcome that led to the setting up of this common

1 filed folder, had you heard from your staff in
2 traffic engineering and operations that they had
3 any concern about the level of information they
4 were able to obtain from engineering services?

5 A. I don't recall having a
6 discussion on that. But just thinking about the
7 way the structure is set up, ProjectWise is very
8 specific to engineering and set up that way so
9 they can manage files going in and out. So, when
10 you say sharing, I just want to be clear on what
11 you're actually asking here. It's not possible to
12 go from one directory to another and say my staff
13 going into ProjectWise unless you have the profile
14 set up or the other way around. So, that's the
15 mechanism of actually sharing information. Is
16 that what you're referring to?

17 Q. No. My question wasn't
18 about sharing. My question was whether your staff
19 had conveyed to you any concern about the level of
20 information they were able to obtain from
21 engineering services?

22 A. Okay. So, I appreciate
23 that clarification. I don't recall anything like
24 that.

25 Q. I'm sorry, you were a

1 little quiet there.

2 A. Sorry. I appreciate the
3 clarification. I don't recall having that
4 conversation.

5 Q. Okay. Did your staff
6 give you any information about the level of
7 cooperation or collaboration between traffic and
8 engineering services?

9 A. There's a number of
10 mechanisms in terms of collaboration and, you
11 know, working together between the two divisions.
12 Maybe just really short context. You know,
13 engineering is responsible for delivering all the
14 capital projects and traffic operations and, well,
15 I guess my entire division provides input into
16 that. So, there's the capital -- CPMS, I always
17 forget the acronym, apologies, capital project
18 management system, there's a way of sharing
19 information through there about scope and there's
20 a number of already, I would call, mechanisms in
21 terms of staff meetings to talk about various
22 projects. Hopefully that's what you were
23 intending in terms of the conversation.

24 Q. Thank you. Did your
25 staff express any -- that they had had in the past

1 any frustration about the level of collaboration
2 with engineering services?

3 A. Nothing that's beyond
4 typical.

5 Q. What do you mean beyond
6 typical?

7 A. Just getting projects out
8 the door. Each one has their own sort of mandate,
9 you know, so there are some services that
10 engineering provides. Roads and traffic, I always
11 forget which named division at this point, so
12 roads and traffic, you know, they provide the
13 services from engineering at that point. So,
14 engineering services collaboration, each one has
15 their role and their mandate. You know, sometimes
16 I would say that one division might be the other
17 division's items as a second priority.

18 Q. That is engineering
19 services being the division that would put other
20 division's --

21 A. I'll be fair. It's
22 actually both.

23 Q. Okay. Did Mr. Paul or
24 Mr. White, two of the managers underneath you,
25 express to you the need for enhanced collaboration

1 with engineering services?

2 A. What's the timeframe
3 we're talking about here? So --

4 Q. Any time in 2018.

5 A. Right. So, that's
6 actually one of the hopeful outcomes of that reorg
7 that we had spoken about earlier, was to clarify
8 roles and responsibilities, make sure that
9 engineering work is being undertaken by
10 engineering, operations and maintenance work was
11 being undertaken by roads and traffic, and that's
12 what ultimately results in some of the staff
13 moving around, just so that we have clearly
14 defined roles and responsibilities and that will
15 help with the overall collaboration.

16 Q. Okay. My question was:
17 Did Mr. Paul or Mr. White express to you the need
18 for enhanced collaboration with engineering
19 services at any point in 2018?

20 A. Mr. Paul didn't have much
21 interactions with engineering services. Mr. White
22 would collaborate with them on capital projects as
23 he actually primarily delivered the traffic
24 signals. So, again, nothing beyond what I would
25 say the normal, you know, just ensuring that each

1 other is providing the information required in a
2 timely manner for implementation of capital
3 projects.

4 Q. Okay. So, from that
5 answer I'm taking it that Mr. White did express to
6 you the enhanced need for collaboration. Is that
7 correct?

8 A. I wouldn't characterize
9 it as a large problem. It's just sometimes, like
10 I said earlier, there might be some
11 miscommunications on particular scope of projects
12 and things like that.

13 Q. Did Mr. White provide any
14 examples of issues where there was a lack of
15 collaboration?

16 A. Again, I'm going to push
17 back on the word "collaboration." It's more about
18 project management, potentially getting projects
19 out the door.

20 Q. Would you like me to
21 repeat my question?

22 A. Sorry. I thought I
23 answered it.

24 Q. I said: Did Mr. White
25 provide you with any examples of issues where

1 there was a lack of collaboration?

2 A. Thank you for that.

3 Q. No problem.

4 A. Having put out

5 potentially some tenders related to traffic

6 signals, because there's civil works that are

7 involved and that civil works tends to be put out

8 by the engineering department, so traffic has to

9 wait for engineering to put out those civil works

10 and then traffic comes in and does the rest of the

11 work. So, timing and scheduling of resources

12 sometimes can be problematic.

13 Q. Okay. So, those were

14 examples that Mr. White gave you of times that

15 there was issues with cooperation, project

16 management, collaboration, I don't know which word

17 you would like to use, with engineering?

18 A. Yeah. They're fairly

19 minor. It's understood when you have multiple

20 workloads and projects, trying to get things out

21 the door. Their timelines for schedule may not

22 necessarily align 100 percent.

23 Q. From your start in July

24 of 2018 and thinking forward to, let's say, the

25 middle of 2019, did you feel that over time the

1 interaction and collaboration between your group
2 and engineering services improved?

3 A. I would say from -- it's
4 one of the main sort of initiatives that, you
5 know, request that Dan had asked of myself and
6 Gord, both being new. In particular, you know,
7 that was one of the rationales behind, as I said
8 earlier, about the reorg, making sure there's
9 clear roles and responsibilities. And we put in
10 place a number of enhancement mechanisms. I don't
11 want to say new mechanisms. I want to say they're
12 enhancements to that collaboration. I'm sure
13 you're going to get to it later on. There's the I
14 Tech committee, parkway management complete, just
15 having more regular dialogue on all things
16 transportation related.

17 Q. So, those are three
18 examples where there's been a movement over the
19 course your time at the City to have more
20 interaction between the various divisions?

21 A. Well, yes, and I'll even
22 use the example of my position that I have right
23 now. Right? The entire role of the chief road
24 official is to provide strategic leadership, to
25 help coordinate not just between engineering and

1 the TOM group now, but also any divisions that are
2 delivering transportation services, including
3 those that are in planning and economic
4 development. So, as the chief road official, my
5 job is to really ensure that all of our projects,
6 doesn't matter who is actually delivering them,
7 you know, meet council policies and procedures,
8 are in line with our transportation master plan,
9 complete street. So, this role is very much a
10 coordinating leadership role to ensure that, you
11 know, we're meeting all our strategic objectives.

12 Q. Thank you. I should have
13 asked you before about your current role and the
14 reporting structure. Do you continue to report to
15 Mr. McKinnon?

16 A. I report --

17 Q. Pardon me, to the general
18 manager.

19 A. I report to Mr. Khan, the
20 new general manager of public works.

21 Q. Okay. And what is the
22 organizational chart as it relates to the other
23 directors within the organization? In particular,
24 are you the person to whom other directors report?

25 A. The structure from an

1 operational perspective, they directly still
2 report to the general manager and there's the
3 concept that there's a dashed line over to my area
4 as the chief road official, as the road authority,
5 because I'm quite involved with a lot of work that
6 they do.

7 Q. Okay. And on assets like
8 the Red Hill, which involve both capital budget
9 projects, like resurfacing, and maintenance and
10 traffic safety, what is your role as chief road
11 official in ensuring that the various groups are
12 interacting and working and, sort of, growing in
13 the same direction?

14 A. Sure. Going back to
15 where I left off there previously, this role has
16 been identified as the road authority, so that
17 carries a number of different responsibilities:
18 Signing off on permits, ensuring that, you know,
19 staff in both areas are following departmental and
20 corporate policies as they relate to the
21 transportation. Their role is also identified as
22 the asset owner for all transportation-related
23 infrastructure.

24 So, in terms of my role, if
25 there's a major initiative that's being undertaken

1 in, say, engineering, I use an example of, say,
2 environmental assessments or some major roadway
3 works, I serve as a project sponsor. Right? I
4 don't lead the projects, but I'm there as the
5 project sponsor and my role is to ensure that all
6 the various departments, anyone who is involved in
7 that project, that they have the right resources,
8 that they have the right tools, and ensuring that
9 we're meeting the objectives of the specific
10 project. So, that's one example.

11 Q. Okay. And when you say
12 that this role is the asset owner, is that for the
13 LINC and the Red Hill or is that true for all of
14 the assets, the road assets, within the City?

15 A. Any transportation assets
16 within the right-of-way.

17 Q. Thank you. Registrar,
18 can you go to page 85 of OD 9A, please, and can
19 you bring up 86 as well. Thank you. And if you
20 can call out 214, 215 and 216.

21 Again, just to save our eyes,
22 Mr. Soldo, we'll pull these out. Thank you. Can
23 you pull down the left box so we can see a little
24 better. Thank you.

25 So, on September 17,

1 Mr. McGuire sent a calendar invitation to
2 Ms. Jacob, Mr. White and you for a meeting to
3 review the scope of the 2019 Red Hill resurfacing.
4 Can you help me understand what your role was in
5 respect of the resurfacing as distinct from the
6 others who are involved in that meeting?

7 A. Sure. So, I'm there as
8 the director of transportation, roads and traffic
9 still, sorry. Mr. White is there as the manager
10 of traffic operations. Ms. Jacob, the manager of
11 design within engineering. So, this is, I would
12 say, a higher level meeting to discuss the roles
13 and responsibilities in terms of how we're going
14 to deliver that capital project.

15 Q. The inquiry has looked at
16 a number of documents, as you can imagine, and I'm
17 going to suggest to you that having two directors
18 and two managers to talk about the scope of
19 resurfacing seems like it is a higher level than
20 the average and that it's not just manager to
21 manager or project manager. Was there a
22 particular reason why you and Mr. McGuire were
23 involved in the discussion about scope?

24 A. I would say that this is
25 not a normal typical project. It's not a minor

1 roadway resurfacing. That's something obviously
2 that staff can relate to. Given the focus of all
3 the work that's occurred in the past, all the
4 council's attention on this project, I don't
5 consider this to be abnormal in terms of myself
6 and Mr. McGuire being involved.

7 Q. Okay. You'll see at 215
8 that there is some back and forth about the
9 outline for the scope of various phases for the
10 resurfacing, and the excerpt of this e-mail says:

11 "As requested, please
12 find the attached for all
13 four projects. I spoke
14 to Mike Becke and they
15 still don't have the
16 testing results that
17 would dictate what
18 asphalt method of
19 placement they would
20 select. The years remain
21 currently up to date for
22 construction."

23 And then they have the LINC
24 and the Red Hill with dates to complete
25 resurfacing. And then at the top:

1 "A lot of duplication for
2 all projects as they are
3 closely related, but see
4 below."

5 Mr. White forwards this e-mail
6 to you and says:

7 "I see that Gord has
8 called a meeting
9 respecting the scope of
10 works for the LINC and
11 RHVP repaving project.
12 Below is traffic's input
13 for the scope."

14 So that you have it in advance
15 of the meeting, he says. I paraphrase.

16 So, just stopping there and
17 going back to 215 for a moment, there's a
18 reference to not having testing results that would
19 dictate which asphalt method to use. At this
20 time, did you have any knowledge or information
21 about the City's assessment of using hot in-place
22 recycling for the Red Hill?

23 A. It's not something --
24 those are the kind of discussions I wasn't
25 necessarily involved with. Mike Becke was a staff

1 member, kind of, in charge of determining what,
2 you know, pavement they're going to use. I
3 wouldn't have been speaking to him about this.

4 Q. Well, sure. I understand
5 that. I mean just at the most general level, did
6 you have an understanding that the City was
7 considering hot in-place recycling for potential
8 use on the Red Hill?

9 A. I would have had a
10 passing knowledge.

11 Q. Okay. And did you
12 understand at this point, that is when you're
13 going to this meeting to discuss the 2019
14 resurfacing, did you understand that the City was
15 still considering whether or not to use hot
16 in-place recycling?

17 A. Sorry, could you repeat
18 that for me?

19 Q. Sure. When you went to
20 the meeting with Mr. McGuire, did you understand
21 that the City was still in the process of
22 considering whether or not to use hot in-place
23 recycling?

24 A. I don't recall. I
25 probably wasn't paying much attention in terms of

1 what type of pavement they were going to be using
2 or what type of process they were going to be
3 using.

4 Q. Okay. I presume you
5 would only be interested in that to the extent it
6 might change the timeframes. Is that fair?

7 A. I'm not sure I could say
8 that. I don't believe I would have an opinion one
9 way or another. I'm assuming the project is
10 scheduled for 2019. We're going to this meeting
11 to provide input, as you had indicated there, from
12 Mr. White, you know, from a traffic perspective,
13 so --

14 Q. Okay. Registrar, you can
15 close these call outs. Thank you.

16 And just from your last point
17 just then, you're going to this meeting to provide
18 input from a traffic perspective, and so as part
19 of that, would you be interested in knowing, being
20 clear, about when the resurfacing was proceeding?

21 A. At this point, my
22 understanding is that it is proceeding in 2019.
23 They're moving towards resurfacing.

24 Q. Okay. Thank you.
25 Registrar, could you close this and bring up

1 HAM55560, please, and if you can go to image 5,
2 please. Thank you. Can you call out columns A,
3 B, C, D, E. Thank you. Registrar, can you close
4 that and do the same but just call out the top
5 half of the document. Thank you. I just want to
6 make this as big as possible.

7 You'll see three lines up from
8 the bottom of the call out September 26, 2018.
9 The reference here is to:

10 "File containing the
11 Tradewind Scientific
12 report is opened by Gord
13 McGuire from the public
14 works document management
15 system."

16 A. Okay.

17 Q. Do you have any
18 information that you would like to provide to the
19 inquiry as to when Mr. McGuire first reviewed the
20 Tradewind report? Any information that is
21 different or confirmatory of this chronology?

22 A. So, I can speak to when I
23 got the report and --

24 Q. We'll go there in a
25 moment.

1 A. Okay.

2 Q. My question was more did
3 you receive any information from Mr. McGuire or
4 otherwise to suggest that September 26 is the
5 first time that he opened the Tradewind report?

6 A. That's my understanding.

7 Q. Thank you. Registrar,
8 you can close this down. We'll have to come back
9 to it, but close it down for the moment. Thank
10 you.

11 Prior to September 26, had
12 Mr. McGuire discussed friction test results with
13 you at all?

14 A. Can you clarify what
15 friction tests you're talking about?

16 Q. I'm talking about any
17 friction testing results, any reference to
18 friction values, to friction testing, to results?

19 A. I don't recall any
20 discussion.

21 Q. Okay. When you say you
22 don't recall any discussion, are you confident
23 that that discussion did not happen before
24 September 26?

25 A. I'm pretty confident that

1 did not happen.

2 Q. Okay. Registrar, could
3 you bring up OD 9, page 89, please. Could you
4 bring up 90 as well.

5 In the bottom paragraph in 89,
6 226, there's a reference to a OneNote. This is
7 Mr. McGuire's and a guest user's note. At least
8 that's who modified it. And there's reference to
9 Gord McGuire agenda September 21 and the second
10 point is RHVP friction testing.

11 Recognizing this is not your
12 notes, does that provide you with any insight as
13 to whether you had any discussions with
14 Mr. McGuire in September, before September 26,
15 about friction testing?

16 A. I did not have
17 conversations with him.

18 Q. Okay. Did you have
19 conversations with anyone else at the City about
20 anything to do with friction before September 26,
21 2018?

22 A. That's kind of -- that is
23 actually kind of a wide-ranging question there.

24 Q. It is, yeah.

25 A. Could you be more

1 specific?

2 Q. Sure. We can break it
3 down. Did you have any conversations with any of
4 the staff in traffic engineering and operations
5 about anything to do about friction on the Red
6 Hill before September 26, 2018?

7 A. So, I'm going to push
8 back on that question because did I have a
9 conversation with someone related to, say, wet
10 weather collisions and did the topic of friction
11 come up? Maybe, so I'm not going to say that it's
12 an absolute no, but I don't recall having, you
13 know, any substantial conversation. I don't
14 recall any conversation, but I'm not going to say
15 that -- you know, that may have come up in some
16 nature, but, you know, that's quite the blanket
17 statement you're putting there.

18 Q. Well, I'm trying to
19 narrow down the timeframe, given that it was some
20 time ago and you may have difficulty recollecting
21 it. I'll be more specific.

22 Did you have any discussions
23 with Mr. Ferguson or Mr. White in particular about
24 their attempts to obtain friction testing results
25 from engineering services at any point before

1 September 26?

2 A. Again, just given that
3 timeframe, I don't recall.

4 Q. Okay. Did you have any
5 discussions with Mr. McGuire at any point before
6 September 26 in relation to anything to do with
7 friction on the Red Hill?

8 A. I'm pretty confident I
9 did not.

10 Q. Thank you. Had you heard
11 any rumours within engineering services that there
12 was friction testing that had been done?

13 A. I'm trying to understand
14 that question. I wouldn't necessarily hear
15 rumours from engineering services.

16 Q. Sure. Maybe I'll put it
17 this way. You have that appendix that we looked
18 at earlier that says friction testing completed,
19 and my question is: Apart from that reference in
20 that appendix, did you hear anything from anybody
21 within the City that friction testing had been
22 done and that there was results?

23 A. I don't believe so.

24 Q. Okay. Registrar, can you
25 go back into HAM55560, please, image 5, please.

1 Thank you. And if you can pull out, again,
2 columns A through E in the top half. Yes, that's
3 fine. Thank you. Actually, I want to be very
4 fair to Mr. Soldo. Can you close that down and do
5 all of the columns. Apologies. Thank you.

6 So, almost bottom from the
7 second -- second from the bottom:

8 "September 28, 2018,
9 Edward Soldo, Gord
10 McGuire, Susan Jacob,
11 Martin White, reviewing
12 the scope of the Red Hill
13 resurfacing decide to
14 hire CIMA for roadside
15 safety audit."

16 So, I think that that is a
17 reference to a calendar meeting, the calendar
18 meeting that we were just looking at. Do you
19 recall any other meetings with Mr. McGuire,
20 Ms. Jacob and Mr. White in which you were talking
21 about the scope of resurfacing?

22 A. In this timeframe? I
23 mean, talk about the scope? I don't recall having
24 another meeting.

25 Q. Okay. Do you recall that

1 at that meeting with Mr. McGuire, Ms. Jacob and
2 Mr. White, that it was at that meeting that there
3 was a decision to hire CIMA to do a roadside
4 safety audit?

5 A. I'm going to give a
6 longer answer. I'm just giving you a heads up.

7 Q. Let me just stop and
8 maybe I'll make my question more narrow. Was
9 there a discussion to hire CIMA to assess roadside
10 issues?

11 A. The purpose of hiring
12 CIMA was to ensure that we had the proper scope
13 into the construction project as we're moving
14 forward. So, it was determined to hire them to
15 undertake a review, utilizing the updated roadside
16 safety manual, to ensure that all of the roadside,
17 guide rails and other things, are actually meeting
18 up the code, because the existing facility was
19 actually undertaken through the 1993 MTO manual,
20 so there's been a change in some of the standards.
21 So, that was, kind of, the driving reason for it
22 and, if you want more background on why we came
23 there, I can provide that.

24 Q. I will but not yet. My
25 question was a timing question first. Was it at

1 this meeting with Mr. Soldo, Mr. McGuire,
2 Ms. Jacob and Mr. White that the decision to hire
3 CIMA was made?

4 A. Yes. I had some
5 pre-discussions with Dave Ferguson the day before
6 in that kind of timeframe, but this was where we
7 finalized that we were going to hire CIMA.

8 Q. Okay. Can you close that
9 down, Registrar, and can you go to HAM11253.

10 So, just for clarity, we were
11 looking at it in the OD, but it only referenced
12 the day that the calendar invitation was sent out,
13 not the day that the meeting actually occurred.
14 So, this is sent on September 17 and you'll see
15 that it is a meeting for September 27, 2018 from
16 3:00 to 4:30 p.m. in Gord's office.

17 I don't know if you have a
18 particular recollection of this meeting, but was
19 it in Gord's office? Does that accord with your
20 recollection?

21 A. That would be a pretty
22 tight space with all those people in there, so I
23 don't recall but that would be a pretty small room
24 for having that meeting.

25 Q. Okay. To your

1 recollection, the meeting in which the decision to
2 hire CIMA was taken, that was a meeting with the
3 four people who are listed here: You, Ms. Jacob,
4 Mr. White and Mr. McGuire. Nobody else?

5 A. I can't recall who else
6 was that the meeting. I thought it was maybe
7 bigger than that, but --

8 Q. Okay. I'm trying to
9 narrow down when this decision to retain CIMA took
10 place, so is there anything else you can provide,
11 any context you can provide, about that meeting
12 that might assist?

13 A. In terms of context?

14 Q. Yeah, and content of the
15 meeting.

16 A. Yeah. You know, I'm not
17 going to go back historically in terms of what
18 concerns I had related to the roadside safety
19 devices unless you want to ask, but I had some
20 concerns in the past about what we were doing. I
21 had some discussions in terms of making upgrades
22 with various staff. I had a discussion with Dave
23 Ferguson and I believe Martin White. You had
24 referred to an earlier e-mail about scope of work
25 coming from traffic operations into the scope of

1 the overall resurfacing project. I felt that
2 scope of work was deficient and that they hadn't
3 properly assessed what needed to get done in terms
4 of the roadside safety devices that were out
5 there. I won't go into why.

6 Q. You can. Go ahead.

7 A. It's when I first started
8 at the City, you know, I would drive along the Red
9 Hill and I noticed that we were missing
10 delineators in some places. I noticed that some
11 of the guide rails weren't potentially -- weren't
12 up to the current standard. But what I noticed
13 most was that they were missing hazard markers at
14 the end, the guide rails.

15 And so, through that, that
16 started getting me thinking about, okay, who is
17 looking after potentially some of these devices
18 and are they all up to scope? Because standards
19 change over time. I believe you have a whole
20 bunch of e-mails and work orders from Mr. Butrym
21 about, you know, putting some of those signage
22 back, but that kind of got me thinking about,
23 okay, what else are we missing? I know that the
24 CIMA reports had identified, you know, looking at
25 overall safety and identified some of those items,

1 but they had never really specifically looked at
2 the roadside through the lens of the roadside
3 safety manual, so that was kind of the genesis.
4 Had some discussions with Martin and Mr. Ferguson
5 talking about how I didn't feel that scope was
6 sufficient and they didn't really have the
7 resources to undertake that review through the
8 roadside safety manual, so we started talking
9 about who we can actually hire to do that. It
10 would be natural to go back to CIMA based upon the
11 work they had done, so that's where we ended up.

12 Q. Okay. And you conveyed
13 that to Mr. McGuire and Ms. Jacob, both from
14 engineering services, at this meeting?

15 A. Yeah. That would have
16 been discussed because we had to, kind of, justify
17 why we were hiring CIMA. The way that these
18 projects work, the caretaker is the engineering
19 department and others provide scope, but they also
20 have to provide funding and the bone of contention
21 was yes, you can change the scope, but that's
22 going to change potentially timing and somebody
23 needs to come up with the money to actually
24 undertake the work. So, we had quite the
25 discussion about enhancing the scope and who is

1 going to pay for it.

2 Q. Okay. And were you aware
3 going into this meeting that there had been a fair
4 bit of discussion about the scope of resurfacing
5 over actually like a number of years because this
6 resurfacing had been pushed and pushed? Did you
7 have the background to the back and forth?

8 A. I don't think I had an
9 understanding of the back and forth that occurred
10 in the past.

11 Q. Okay. And so, when you
12 say we had quite a discussion, that's this
13 discussion with Ms. Jacob and Mr. McGuire?

14 A. That's correct.

15 Q. Okay. And just so I
16 understand it, was it primarily an issue of who is
17 going to fund this?

18 A. All issues come down to
19 money.

20 Q. But it also comes down to
21 timing. Did you have the impression that there
22 was a relatively short timeframe to do this work
23 without affecting the timing of the resurfacing?

24 A. The engineering
25 department had a pretty locked in timeframe that

1 they were trying to get out early in the new year
2 so that if we were undertaking any of this review
3 or study or if we were providing a new scope, it
4 had to be done in a fairly expedited manner.

5 Q. Okay. During this
6 meeting with that discussion, did Mr. McGuire or
7 Ms. Jacob advise you that they had found a copy of
8 the Tradewind report?

9 A. They did not.

10 Q. If not by name, just the
11 fact of the friction report?

12 A. They did not.

13 Q. Registrar, you can close
14 this down.

15 Was there any discussion at
16 this meeting about anything to do with the
17 pavement surface that was currently on the Red
18 Hill?

19 A. I would say there was
20 discussion on timing, you know, how it was going
21 to be implemented, and I would believe that there
22 was -- you know, I don't have a specific
23 recollection, but I think there was a discussion
24 about what kind of asphalt was going to be used
25 and those sort of things.

1 Q. Okay. And by then, did
2 you understand that the City had decided not to
3 use hot in-place recycling on the Red Hill?

4 A. I would say I wasn't
5 necessarily just in tune into that conversation.

6 Q. Okay. Did Mr. McGuire
7 ask to speak to you either before or after this
8 meeting to have a discussion without the managers
9 there?

10 A. Not that I recall.

11 Q. Okay. Registrar, can you
12 go to page 91 of OD 9A, please. Actually,
13 apologies. Can you keep up 91 but on the
14 left-hand side if you can go to 79, same document.
15 So, 79 on one and 91 on the other. Perfect.
16 Thank you.

17 So, on September 11,
18 Mr. McKinnon forwarded an e-mail from Councillor
19 Merulla that was a forward of a public complaint
20 and he sent that to you and to Mr. McGuire. Do
21 you remember receiving this public complaint?

22 A. I do. Sorry, I do.

23 Q. Thank you. Mr. McGuire
24 responded -- actually, sorry. Can you move
25 page 79 to page 80 so you can see the rest of it.

1 The last line is:

2 "I will also be

3 contacting the local

4 media -- "

5 I'm sorry, I didn't summarize

6 it. It was someone saying they had a very scary

7 situation on the Red Hill:

8 "I will be contacting the

9 local media as I believe

10 action needs to be taken

11 ASAP. Despite

12 'inconclusive asphalt

13 testing,' the reality is

14 staring us in the face

15 this road is unsafe."

16 Did you have any discussions

17 with Mr. McGuire about the content of a response

18 back to Councillor Merulla and to this member of

19 the public?

20 A. So, when you look at this

21 e-mail, is there a way you can put it on the one

22 screen because --

23 Q. Yes, of course. Why

24 don't you bring up 80?

25 A. Can you pull the e-mail

1 right now?

2 Q. Yes. That's what you
3 wanted to see, right, was seeing the e-mail?

4 A. If there's an attachment
5 of the entire e-mail?

6 Q. Sure. We can go to the
7 actual document if you would like. Thank you. It
8 is 11239. It's also over two pages. Registrar,
9 could you pull it out. Is that better to read?

10 A. Not really, but let's go
11 with it.

12 Q. Okay. My question was:
13 Did you have any discussions with Mr. McGuire
14 about the content of a response back to Councillor
15 Merulla and this member of the public?

16 A. So, when I look -- I
17 reviewed this. Right? So, I'm looking at this
18 e-mail from the roads and traffic, sort of,
19 perspective. I'm reading it where, you know,
20 they're talking about sliding out of control.
21 Okay. That's, you know, information for myself,
22 so I'm taking that in. It talks about the tow
23 truck driver. I do read where they are talking
24 about where it's slippery when it's wet.

25 Q. Notoriously slippery when

1 wet?

2 A. Yes. And, you know,
3 speaking to other experiences there through the
4 tow truck driver, so I'm reading that and taking
5 that in and the questions, you know, that are
6 being posed by the local residents.

7 And then I'm reading the
8 e-mail from Councillor Merulla and, you know, he
9 responds and then he says:

10 "By copy of this e-mail,
11 I will have our staff,
12 professional staff,
13 provide input on asphalt
14 quality."

15 So, when I'm looking at that
16 in terms of do I need to respond to this asphalt
17 quality, you know, condition assessments of that
18 asphalt falls into roles and responsibilities of
19 engineering, so, you know, I think I say later on,
20 you know, I'm leaving it with Gord to deal with.
21 Right? So, I'm looking for him to provide that
22 response. I did not have a discussion with Gord
23 about how he was going to respond.

24 Q. Okay. Thank you.
25 Registrar, you can close this and go back into 9A,

1 please, and if you can now go to page 91.

2 So, you're not copied on this
3 reply that is a couple of weeks later. Did
4 Mr. McGuire discuss it with you before sending it?
5 I recognize you said you didn't talk about the
6 content, but now that he's actually done a draft,
7 did he show you the draft before he sent it?

8 A. I don't recall seeing
9 this.

10 Q. Okay. And is that to say
11 that you're confident that you did not?

12 A. It wasn't sent to me, so
13 I'm pretty sure it was not.

14 Q. We don't have an e-mail
15 to suggest. It would have been a hard copy. That
16 doesn't twig a memory for you?

17 A. No.

18 Q. Okay. Registrar, can you
19 go to HAM55560 again, please. Thank you. And if
20 you could call out the bottom half of this
21 document, all columns.

22 So, again, this is that same
23 chronology that was prepared in 2019. You'll see
24 three rows down, sorry, four rows down, October
25 10:

1 "McGuire tells Soldo
2 (McGuire - who need to be
3 in inner circle) Sticky
4 note: Does Dave Ferguson
5 have notes?"

6 I think a sticky note said
7 that, but maybe you can interpret that better than
8 I can. Let me just go through the rest of the
9 chronology before I ask you some questions.

10 October 15, Gord McGuire and
11 Dan McKinnon made the decision to stop persuing
12 hot in-place recycling technology to resurface the
13 RHVP. Adjust capital budget request to ensure now
14 high quality asphalt can be used for 2019
15 resurfacing project. Also on October 15:

16 "Gord McGuire shares the
17 2013/2014 friction
18 testing, including
19 consultant's concerns and
20 recommendations, for
21 action with Edward Soldo.
22 2015, October 2018, CIMA
23 is hired by roads and
24 traffic to complete full
25 roadside safety audit of

1 RHVP."

2 And also that same day, the
3 very last one:

4 "Mr. Moore wins an award
5 at the engineering week
6 luncheon."

7 Okay. So, starting with line
8 67, "McGuire tells Soldo," first, do you believe
9 the reference to October 10 to be accurate in
10 terms of when Mr. McGuire told you about the
11 Tradewind report?

12 A. So, this is the
13 timeframe, the general timeframe, that I get the
14 report, but I can't remember when he actually
15 sends me the report.

16 Q. Okay.

17 A. Right? So, we have it
18 there in this timeframe as the 15th. That doesn't
19 sound right being potentially in the 15th, just
20 given what's occurring, but it's in this timeframe
21 where I get the report.

22 Q. Do you --

23 A. This is where I'm
24 confusing by the two entries in here. One says he
25 tells me. The other says he sends me the report.

1 To me, they're the same.

2 Q. Well, what is your
3 recollection of that? Did Mr. McGuire tell you
4 about the report and then give you a copy of the
5 reports on different days?

6 A. No. My recollection is I
7 got the report.

8 Q. Okay. Why don't we go
9 through that. We'll leave aside the date that
10 that happens for a moment. Walk me through how
11 you got a copy of the report.

12 A. Again, I'm not exactly
13 sure what day it is. It's somewhere in here. I
14 can't recall where it was coming from, but I come
15 back to my office late in the day and there's a
16 manila folder -- not a manila folder, sorry, an
17 envelope with a sticky tab on it and the report is
18 inside.

19 Q. Okay. What does the
20 sticky note say on the outside?

21 A. I believe it says it's
22 from Gord.

23 Q. Okay. Had you had any
24 discussions with Mr. McGuire about the fact he was
25 going to drop something off in your office?

1 A. I do not. I don't recall
2 having a conversation about it. This kind of came
3 out of nowhere, it was on my desk.

4 Q. Okay. You said it was in
5 a folder. Can you describe --

6 A. Sorry, my apologies.
7 Envelope.

8 Q. Pardon me. You said
9 envelope. It was in an envelope. Was it
10 approximately ten pages long or was it a larger
11 document?

12 A. It was the full Golder
13 report.

14 Q. Okay. So, that's over
15 100 pages, so it was in quite a large envelope.
16 Is that fair?

17 A. No. Eight and a half by
18 11.

19 Q. Okay. Did you contact
20 Mr. McGuire to discuss the report before you read
21 it?

22 A. No. It was late in the
23 day.

24 Q. Okay. And did you review
25 it on that day?

1 A. I spent some time
2 reviewing that report in the night.

3 Q. Okay. Was there anything
4 else besides the sticky note from Mr. McGuire to
5 provide you any context about this report?

6 A. No. It was just the
7 sticky note.

8 Q. So, it came completely
9 out of the blue and you had no discussions that
10 would provide you with any background or context
11 before you received this?

12 A. I don't recall having a
13 conversation about it before that.

14 Q. Okay. And I think your
15 evidence has been that you don't recall any
16 conversations with Mr. McGuire about friction
17 testing before this point. Is that right?

18 A. I don't recall having any
19 specific -- I don't have any specific
20 recollections of that.

21 Q. Okay. Mr. McGuire was
22 also preparing a narrative summary of information
23 relating to the Golder report and the Tradewind
24 report. Did he provide you with a copy of that
25 draft summary at the same time that he provided

1 the Tradewind and the Golder report?

2 A. The only thing I got was
3 the report.

4 Q. Okay. What did you do
5 when you received a copy of the report?

6 A. I went through the -- I
7 took the report out, I started reading through it,
8 you know, starting reading through the various
9 sections trying to understand first of all what
10 was the scope of that work, you know, looking at
11 the various conclusions and recommendations.
12 Again, there's both reports combined, so I
13 probably spent, I don't want to give you a
14 timeline, but I spent quite a bit of time that
15 night just working my way through the various
16 points, but I didn't do a page-by-page read. It
17 was more of a high level read and focusing on, you
18 know, scope and what the conclusions and
19 recommendations were.

20 Q. Okay. Did you make any
21 notes or any notes or memos to file or any notes
22 to yourself as you were going through?

23 A. No.

24 Q. Did you contact
25 Mr. McGuire that evening after you had done a read

1 through of the report?

2 A. I don't think so.

3 Q. Registrar, you can close
4 this document down.

5 When was the first time after
6 receipt of this report that you spoke to
7 Mr. McGuire about it, just in terms of days from
8 when you received it? I'm just trying to
9 understand what happens right after you get it.

10 A. So, again, I'm not
11 exactly sure on the date that I received it.

12 Q. That's okay. Did you
13 speak to him first thing the next morning? Did
14 you speak to him at some point that next day? Was
15 it within a few days? Was it weeks later?

16 A. No. It would have been,
17 you know, within a few days.

18 Q. Okay. Did you contact --
19 pardon me. Did you have any discussions with
20 Mr. McKinnon that evening?

21 A. I don't believe so. It
22 was pretty late in the night.

23 Q. Okay. What did you take
24 away from your high level read of the Golder
25 report and the Tradewind report? What were your

1 takeaways from that after you first read?

2 A. You know, in thinking
3 about what's in the scope of the Golder report,
4 theirs was more focused on friction testing,
5 speaking to the existing cracks, you know, the
6 issues related to the flooding, so, you know, when
7 I look at Golder's portion of it, their
8 conclusions, you know, are that there is a lower
9 friction level that's on the RHVP and then looking
10 at what they're speaking to in terms of the
11 remediation that they're proposing. So, they're
12 talking about or they're indicating -- their
13 recommendations are that there's some localized
14 shaving and paving, moving forward with route and
15 seal and then potentially microsurfacing to seal
16 it in.

17 So, my takeaway when I'm
18 reading that is, okay, they're proposing to do
19 work that we currently have necessarily ready on
20 their way. We have the pavement rehabilitation
21 that's undergoing. You know, it's going to be
22 going out to tender shortly. They were actually
23 recommending sections and we're doing the entire
24 thing. So, from that portion, I'm thinking this
25 aligns with work that we're doing. You know,

1 nothing that's in that report says that it's
2 immediate action. And, you know, when I'm looking
3 at this report, I'm looking at it more from also
4 the safety perspective and, you know, it's
5 indicated that there's lower friction values, but
6 there's nothing in terms of, you know, that
7 there's an immediate safety issue or anything like
8 that.

9 Going through the Tradewind
10 report, it's an interesting read, you know.
11 Reading the front end there, it talks about the
12 testing methodology used out in UK and places like
13 that. It indicates that there isn't any Canadian
14 equivalent standard to compare the friction values
15 to. You know, going through the report, some
16 interesting graphs are in there. Then I'm reading
17 the back end of the conclusions there or the
18 recommendations and they're speaking to that, you
19 know, there's lower friction values and, you know,
20 there should be some follow-up investigation, so
21 it falls within investigation level for further,
22 you know, assessment of those friction values.

23 The report also talks about,
24 you know, considering potential remediation in the
25 future, so --

1 Q. Yes.

2 A. My main takeaway there
3 again is, okay, we need to investigate these
4 friction values. It doesn't speak to anything
5 that says there's an immediate safety concern. It
6 doesn't say that the road is unsafe and, you know,
7 so I'm trying to take this work and say, okay, it
8 needs to be further investigated. How does that
9 fit within the resurfacing? You know, we have
10 that planned resurfacing underway fairly shortly
11 and, you know, would that remedy, the values that
12 they're proposing.

13 So, that's kind of my first
14 initial blush. Nothing here is -- there's no red
15 flags in that report for me when I'm looking at
16 it. I'm not specifically looking at it from the
17 pave and engineering perspective. You know,
18 that's what Gord is looking at in terms of what he
19 is going to be -- what kind of pavement he is
20 going to put down, what he should be doing
21 potentially in terms of following up with more
22 investigation and doing friction testing. I'm
23 looking at it very much is there something in here
24 that is of immediate nature? Is there something
25 that says the road is unsafe? And what do we need

1 to do to, sort of, follow up?

2 Q. Did you know that the
3 Golder report and the Tradewind report were from
4 late 2013 and early 2014?

5 A. Yes. I would have read
6 that in the report. It was a draft report because
7 my version has this big stamp --

8 Q. Yes.

9 A. Draft sign on it, it's in
10 colour. And, you know, so I'm looking at it and
11 thinking, okay, we need to follow up with Golder.
12 Why is this report not finalized? We should be
13 following up with them to get a final version.

14 Q. Did you have concerns
15 that you needed to enquire into what work had been
16 done between 2014 and you sitting in the fall of
17 2018 to meet what Golder and Tradewind had
18 suggested; that is, do further testing and
19 potential follow up, potential remedial action?

20 A. Yeah. So, those are some
21 of the questions that I start to think about and
22 have a discussion with -- you know, I need to talk
23 to Gord and see what has the engineering
24 department been doing with this in terms of
25 further investigation.

1 Q. Did you provide a copy of
2 the Golder report or the Tradewind report to your
3 staff members, Mr. Ferguson or Mr. White?

4 A. I did not.

5 Q. Why not?

6 A. The report is in draft.
7 You know, when you start thinking about it the
8 next few days where I'm having the discussions
9 with Mr. McGuire, they're following up. Now that,
10 you know, I know of the report, I learned that
11 they're following up with Golder to understand
12 what the report means, what next steps are
13 required. It's in draft, so it's a draft
14 consultant report. There's nothing inside that
15 report that I look at from a roadway safety
16 perspective that really involves us. It doesn't
17 speak to the roadway being unsafe, so I have a
18 discussion with those gentlemen somewhere along
19 the line. Again, I can't give you exactly sort of
20 the dates about that. But, you know, at this
21 point, we're in October. You know, early October,
22 we have a roadway assessment underway and, you
23 know, I'm thinking, okay, let's see what that work
24 comes out with, but nothing that comes out of this
25 report that kind of gives me any -- there's no red

1 flags and it doesn't give me a lot of concern
2 based on what I was seeing there.

3 Q. Thank you. Commissioner,
4 I see it's five after 1:00. I suggest that we
5 take our lunch break.

6 JUSTICE WILTON-SIEGEL: Okay.
7 Well, then we'll adjourn until 2:20 this
8 afternoon.

9 --- Luncheon recess taken at 1:05 p.m.

10 --- Upon resuming at 2:21 p.m.

11 MS. LAWRENCE:
12 Mr. Commissioner, may I proceed?

13 JUSTICE WILTON-SIEGEL: Yes,
14 please proceed.

15 MS. LAWRENCE: Thank you.

16 BY MS. LAWRENCE:

17 Q. Mr. Soldo, before our
18 lunch break we were talking about your review of
19 the Tradewind report and the Golder report. You
20 said earlier you don't have any expertise in
21 friction. When you received the Golder report and
22 the Tradewind report, did you do any research
23 about friction methodologies?

24 A. I did.

25 Q. Did you do that research

1 that night when you said you stayed late at the
2 office reviewing the reports?

3 A. I may have started that
4 night.

5 Q. Okay. And what were you
6 researching in particular?

7 A. I was trying to gain a
8 broader understanding of the subject.

9 Q. And what aspects of the
10 subject in particular?

11 A. Testing methodology, the
12 evaluation methodology that was being used in that
13 report.

14 Q. Okay. I think we touched
15 on this before our lunch break, but just so that
16 your evidence is clear, when did you next speak to
17 Mr. McGuire about the reports after he left them
18 for you?

19 A. Going back to -- I'm not
20 exactly sure what day it was, so I would say that
21 at the next opportunity that I had to speak with
22 him.

23 Q. Okay. And was that
24 within 24 hours? Within a week? Can you narrow
25 it down in terms of --

1 A. I would say the next day.

2 Q. Okay. What did

3 Mr. McGuire tell you, if anything, about how he
4 came to find the reports?

5 A. He indicated to me that
6 he had found them on ProjectWise, that they had
7 been updated at a certain timeframe and I recall,
8 though I don't remember the date, my colleague
9 previously, they updated it on to ProjectWise and
10 that he had found it recently.

11 Q. Okay. Was this a
12 conversation that you had in person?

13 A. I believe so.

14 Q. You said before the lunch
15 break that you had questions and you wanted to
16 talk to Gord about certain things. What questions
17 did you have of Mr. McGuire arising out of the
18 Tradewind report and the Golder report?

19 A. The report was draft, so
20 I did enquire in terms of what steps they were
21 undertaking to have the report finalized. I did
22 speak to him in terms of what further
23 investigations that they may have been
24 undertaking, how they were trying to address the
25 recommendations in that report.

1 Q. Okay. And what
2 information did he provide to you about those
3 enquiries that you were making?

4 A. I believe at the time he
5 indicated that he was reaching out to Golder,
6 trying to get a better understanding of the
7 report, what it meant and, sort of, next steps.

8 Q. Did you and Mr. McGuire
9 talk about the reports as they related to the
10 safety of the roadway?

11 A. I believe we would have
12 had a discussion in terms of what the friction
13 values meant and how that impacts potentially the
14 safety on the roadway.

15 Q. Okay. And you said
16 before the lunch break that you didn't see any red
17 flags. Did you convey that to him?

18 A. I did. It was my first
19 general impression.

20 Q. Okay. When you received
21 the report and had done that initial research and
22 spoken for the first time to Mr. McGuire, did you
23 consider providing the reports to CIMA as part of
24 their retainer in the roadside safety assessment?

25 A. Did I consider it? Yes.

1 And, you know, in terms of the report itself, it's
2 still a draft. It's not finalized. Gord is going
3 to be following up with his consultant to finalize
4 that. It is, as you indicated earlier, a bit of
5 an older report. I want to make sure that the
6 recommendations are, you know, still valid or have
7 they changed, so they're going through that
8 process.

9 In terms of value to provide
10 to CIMA, that report doesn't indicate any, you
11 know, immediate safety concerns, doesn't say if
12 the road is safe, so at this point, you know, I'm
13 trying to see what was going to come back from
14 Golder in terms of, you know, any potential
15 changes to the scope itself. They were
16 undertaking, CIMA was undertaking their own
17 independent review of the all the accident
18 collisions at this point, doing their analysis, so
19 from looking at all those conditions as well. And
20 I'm going to go back to what I spoke about
21 earlier. You know, friction is one element. You
22 know, friction itself on its doesn't have a direct
23 link, causal link, to collisions. It's just one
24 element, so I was waiting to get some feedback
25 from Golders, but at the same time we had -- I

1 was, you know, assured by the fact that we already
2 had CIMA under retainer undertaking their safety
3 assessment and they would be coming back to us
4 with recommendations.

5 Q. You just said friction is
6 one element and we spoke before the break where
7 you said your impression coming out of report
8 PW18008s was that collisions were primarily caused
9 by speed or driver behaviour.

10 Did the Tradewind report
11 friction values cause you to reassess whether that
12 impression was correct?

13 A. Given that we did have
14 the wet weather collisions being at the higher
15 percentage and then, you know, we had these values
16 here, the friction values are lower. But, again,
17 it's just one element. You can't look at friction
18 values on their own. You have to look at all the
19 other elements as well.

20 Q. So, is that a yes or a
21 no? Did the Tradewind report friction values
22 cause you to reassess whether that impression was
23 correct?

24 A. It did. I put that
25 linkage together that, you know, we need to

1 further review on how this is impacting
2 potentially longer term, you know, the collision
3 rates and everything else. But at that point as
4 well I know that we had CIMA undertaking that
5 work. We had put in place a number of measures
6 previously through the previous report from CIMA
7 related to speeding, related to slippery when wet,
8 so I considered, you know, at this point was there
9 any safety concern on the roadway and I didn't
10 believe there was.

11 Q. Did you understand that
12 Mr. McGuire would be retaining an expert to
13 provide an assessment of what these friction
14 values meant?

15 A. My understanding was they
16 were following up with Golder. I'm not sure if
17 not only -- I was under the impression they were
18 following up with Golder in terms of next steps.

19 Q. Okay. Did you consider
20 retaining a consultant to provide an opinion about
21 the potential correlation between the friction
22 values in the Tradewind report and the wet weather
23 collision rates that had been identified over
24 time?

25 A. I did not. We already

1 had CIMA under contract to do a safety assessment
2 and they were going to do that work independently.

3 Q. We didn't talk all that
4 much this morning about the roadside safety
5 assessment. I'm correct that the roadside safety
6 assessment doesn't deal with pavement surface.
7 Right?

8 A. It deals with undertaking
9 an assessment of the collisions, trying to
10 ascertain, you know, what are the root causes of
11 some of those collisions, but primarily the work
12 was actually focused on the roadside safety
13 assessment.

14 Q. Okay. So, CIMA was under
15 contract to do a roadside safety assessment that
16 did not include assessing the pavement surface.
17 Why didn't you consider retaining a consultant to
18 provide an opinion about the potential correlation
19 between the friction values in the Tradewind
20 report and the wet weather collisions that had
21 been found over time?

22 A. At that point, you know,
23 we had CIMA, I indicated earlier, already under
24 contract. There's nothing in that report that
25 came to us from Tradewind or from Golders that

1 identified an immediate need or any, you know,
2 immediate safety concerns, nothing that, sort of,
3 stuck out from something that we need to undertake
4 right away. We knew that we had the resurfacing
5 scheduled, you know, in a couple of months, so at
6 this point, you know, I felt we were operating
7 with a safe roadway and we were putting in steps
8 in terms of moving forward with the resurfacing of
9 that roadway.

10 Q. You said you felt "we
11 were operating with a safe roadway." What
12 assessment did you do to come to the conclusion
13 that the RHVP was safe in the fall of 2018?

14 A. Going back to the annual
15 collision report, it doesn't -- when you look at
16 those numbers in the annual collision report, it
17 doesn't identify that the Red Hill is operating at
18 unacceptable levels. It's operating pretty
19 comparable to, you know, in terms of -- going back
20 in my earlier discussions, when you look at those
21 metrics, there's nothing that stands out in there
22 that it was operating at an unsafe level. Those
23 are consistent -- those were very recent numbers
24 we're looking at, too. We're looking at the last
25 five years.

1 Q. Okay. Registrar, could
2 you bring up RHV403, please. We're going to have
3 to enlarge this the best we can. Registrar, could
4 you start by enlarging the top quarter of this
5 document. Thank you. That's a little bit better.

6 Mr. Soldo, how is that in
7 terms of font size?

8 A. Mm-hmm.

9 Q. So, I'm just taking this
10 first as the title. So, this is from February of
11 2019, so we're jumped a fair bit ahead in time,
12 and the title of this is "Families of those killed
13 on slippery when wet parkway considering
14 class-action lawsuit. A long-buried
15 friction-testing report - which mysteriously
16 emerged last fall - concluded poor results on the
17 Red Hill warranted 'further examination of the
18 pavement surface, composition and wear
19 performance.'"

20 Registrar, can you take that
21 down.

22 Do you remember reviewing this
23 article when it came out in February 2019?

24 A. I don't remember
25 reviewing this particular article, but if there

1 was something in the news, I would have most
2 likely read it.

3 Q. This was just a few days
4 after the Tradewind report was disclosed to
5 council and then made public. Were you paying
6 close attention to the media around this at that
7 time?

8 A. I was paying attention to
9 the media, but I don't believe -- you know, I
10 can't say that I read every news article that was
11 out there.

12 Q. Okay. This one
13 references you. I'm not going to go through the
14 first page in much detail, but it's a reference to
15 some of the background around resurfacing and the
16 public disclosure in February.

17 Registrar, could you go to the
18 next page. That's a little bit better. Thank
19 you.

20 So, from the top there's a
21 reference to comments from Mr. Moore in 2017 about
22 a chart and that Mr. Moore refused to share that
23 chart with the Spectator and said that no one
24 releases that type of information. Then the next
25 sentence:

1 "When McGuire found the
2 hidden report, he
3 notified McKinnon,
4 Zegarac and Edward Soldo,
5 director of
6 transportation operations
7 and maintenance, McKinnon
8 said. Soldo recommended
9 the City go back to
10 CIMA+, an engineering
11 company that studied the
12 RHVP in the past, to do a
13 road safety audit."

14 So, stopping there and not
15 paying as much attention to road safety audit
16 versus roadside safety assessment, but just
17 generally is the statement correct in terms of the
18 impression it leaves that it was only when you
19 found out about the Tradewind report that you
20 recommended that the City go back to CIMA?

21 A. No, it's not.

22 Q. In October of 2018, so
23 just sticking to that month, did you make any
24 recommendations that the City go back to CIMA
25 specifically to assess the Tradewind report?

1 A. Sorry, could you repeat
2 that for me?

3 Q. Sure. In October of
4 2018, did you make any recommendation that the
5 City should go back to CIMA specifically to assess
6 the Tradewind report?

7 A. No, I did not.

8 Q. Registrar, can we make
9 this the next exhibit. I don't believe it is yet
10 and I think it's Exhibit 150.

11 JUSTICE WILTON-SIEGEL: Okay.

12 THE REGISTRAR: Noted,
13 counsel. Thank you.

14 EXHIBIT NO. 149 (Number
15 confirmed by Registrar
16 off-record): February
17 2019 article, RHV403.

18 MS. LAWRENCE: Thank you. You
19 can take this down.

20 BY MS. LAWRENCE:

21 Q. On November 8, 2018, the
22 City received an FOI request specifically about
23 friction testing results and recommendations. I
24 have a series of questions for you that are
25 specifically about the timeframe from when you

1 learned about the Tradewind report until
2 November 8.

3 During that period of time,
4 did you meet with Mr. McKinnon to discuss the
5 Golder report or the Tradewind report?

6 A. Once I had a copy of the
7 report itself, Mr. McKinnon and Mr. McGuire and
8 myself, we did have discussions about it.

9 Q. Was that during one
10 meeting or two meetings or more than that?

11 A. I would say multiple
12 meetings.

13 Q. Okay. Multiple meetings
14 in that timeframe, between October 10 or so and
15 November 8?

16 A. After I found the --
17 after I was given the report to that timeframe.

18 Q. Okay. Can you describe
19 the discussions over time with Mr. McKinnon,
20 Mr. McGuire, about how to approach are next steps
21 in relation to the Tradewind report and the Golder
22 report?

23 A. I guess I would just
24 reiterate what I talked about earlier on where
25 Mr. McGuire was following up with his consultants

1 in terms of next steps and finalizing the report.

2 Q. Okay. And did you
3 receive any information back from Mr. McGuire
4 about his efforts in doing that?

5 A. He would update us on
6 status of what was going on every once in a while.

7 Q. Okay. And what were the
8 updates?

9 A. I believe he was just
10 trying to get a better understanding of next
11 steps, which, again, are taken. I believe
12 somewhere in there they would follow up with a
13 separate study looking at or follow up with a
14 separate study with Golders in terms of looking at
15 characteristics of the aggregate as well.

16 Q. We know that Mr. McGuire
17 and Dr. Uzarowski at Golder do eventually meet.
18 Do you have confidence that you were getting
19 updates about that in that period of time before
20 the FOI request or is it a little fuzzy in terms
21 of the timing?

22 A. If you're asking me to
23 nail down a timeline, you know, is it before
24 November 9, I don't have that in my timeline in
25 terms of trying to understand when that occurred.

1 It was after that I got involved. I can't tell
2 you for certain it was before November 9 or after.
3 That date doesn't mean anything to me in terms of
4 those discussions and being able to determine
5 which date that actually is.

6 Q. Okay. On that point, you
7 learned that there was an FOI request that sought
8 friction information. You learned about it soon
9 after it came in. Is that right?

10 A. Is there a particular
11 e-mail you're referring to?

12 Q. I can go to it, yes. I
13 was just trying to understand whether -- you said
14 that date doesn't mean anything to me, and my
15 question really is: Once you learned that the
16 Tradewind report -- pardon me, that the FOI had
17 come in, was it your perception that the City's
18 approach to dealing with the Tradewind report and
19 the Golder report changed in any way?

20 A. My perception of how we
21 treated the report, is that what you're asking?

22 Q. Mm-hmm.

23 A. I don't believe so.

24 Q. Okay. That's helpful to
25 understand the context. I have a few more

1 questions for this period of time, before
2 November 8, and then we'll get into the FOI.

3 In October of 2018, were you
4 and Mr. McGuire already planning to bring a joint
5 report to public works that dealt with lighting
6 and the roadside safety assessment and the number
7 of OBL items that were all sort of grouped
8 together? Was there already a plan to do that?

9 A. What date did you refer
10 to?

11 Q. In October of 2018.

12 A. I have a recollection
13 that we had a meeting maybe sometime October 10,
14 sometime like that, where we were discussing
15 the -- I think there's an e-mail in there or some
16 agenda or minutes that speaks to, maybe
17 October 10, having a combined report.

18 Q. There's various
19 references over time to a joint report. Maybe I
20 can ask the question this way: When you started
21 at the City, did you understand that -- and
22 receive that first update from Mr. White, did you
23 understand that there would be a joint report
24 going to public works at some point to attempt to
25 combine OBL items that related to the LINC and the

1 Red Hill?

2 A. I'm trying to understand
3 the context of those discussions. I think I had
4 spoke earlier how we're trying to combine certain
5 reports, say the Vision Zero action plan and the
6 collision report going forward. What you're
7 referring to is a report, a combined report, which
8 has street lighting, but at the same time this
9 also speaks to some of the outcomes of the CIMA
10 report.

11 Q. Mm-hmm.

12 A. So, those are really two
13 different concepts.

14 Q. Okay. I think they are
15 two different concepts. When you said earlier
16 trying to combine Vision Zero and the annual
17 collision report, those are similar in kind. My
18 question was, and maybe I'll put it differently:
19 Before you received a copy of the Tradewind report
20 and the Golder report, was there already a plan in
21 place to have a report put to public works that
22 dealt with both issues that were in engineering
23 services' scope, like lighting, and issues that
24 were in traffic, like an update on the work over
25 time arising out of the CIMA reports or the speed

1 limit study? Was that independently the plan that
2 you and Mr. McGuire had?

3 A. I don't recall when that
4 decision was made. I have recollection there were
5 some minutes in October 10 potentially that talks
6 about a combined report, but if you ask me where
7 in that timeframe that becomes how we're moving
8 forward, I can't right now. I'm kind of confusing
9 the dates and it's hard for me to pinpoint where
10 that occurs.

11 Q. I'll take you through a
12 number of dates over time. There certainly is a
13 later reference. Perhaps I'll ask the question
14 this way: Was the decision to provide a joint
15 report intertwined with the release of the
16 Tradewind report to public works? Were those two
17 things related in your mind?

18 A. I can't say what the
19 genesis of it was. I don't recall.

20 Q. All right. In the
21 immediate period of time after you received the
22 Tradewind report, so again October of 2018 before
23 receipt of the FOI report, did you have any
24 discussions with Mr. McKinnon or Mr. McGuire about
25 whether the Tradewind report and Golder report

1 would have to be disclosed to council?

2 A. I don't have a specific
3 recollection relating to that.

4 Q. Okay. Did receipt of the
5 FOI request from your perspective, did that
6 trigger discussions about disclosing the Tradewind
7 report and the Golder report to council?

8 A. I had very limited
9 involvement with the FOI, so using that as, I
10 would say, a timeline for me, it doesn't really --
11 I can't really attribute anything to it.

12 Q. Okay. Let's move forward
13 in time and maybe we'll come back to that.

14 Registrar, can you go to 9A,
15 page 106, please, and bring up 107 at the same
16 time, please.

17 In early October, Mr. Ferguson
18 reached out to CIMA with details about a collision
19 heat map and they provided collision history,
20 collision patterns and recommendations. Were you
21 involved in these reach outs to TES about the
22 collision data that the City was collecting and
23 providing to them?

24 A. Do you have the original
25 e-mails?

1 Q. Sure. Yes. I think that
2 might be useful. HAM47901. Thank you.

3 I think I misspoke at the
4 beginning of my question when I mentioned CIMA. I
5 meant to say TES, which is where Pedram Izadpanah
6 worked at the time. Do you remember a back and
7 forth? Do you remember being involved in
8 discussions or a decision to engage TES to perform
9 any analysis relating to safety on the Red Hill?

10 A. So, when I review this,
11 it looks like Dave, who is running the -- at this
12 point, we've already retained CIMA to undertake an
13 analysis and our data is inside the TES software
14 itself, so Pedram, you know, is the vice president
15 of TES. They have more capabilities internally in
16 terms of utilizing their software. So, when I
17 read through this e-mail chain, it looks like Dave
18 is utilizing TES to provide -- I'm not sure I
19 would call that analysis or providing data so that
20 then he can provide to CIMA, so he's managing that
21 consultant assignment.

22 Q. Thank you. And that's in
23 respect of the RSA assignment to CIMA?

24 A. Yeah.

25 Q. And that seems like

1 that's really, sort of, a project management
2 issue. Were you aware or involved at this level
3 of detail in the work that CIMA was doing?

4 A. No, I was not.

5 Q. Thank you. Registrar,
6 you can close this down. Registrar, can you go to
7 HAM55560, please, image 5, please. Thank you.

8 And we looked at this before
9 the break at the bottom half and a lot of things
10 are referenced as happening on October 15. One is
11 that Mr. McGuire and Mr. McKinnon make the
12 decision to stop pursuing hot in-place. That's
13 four lines up from the bottom. Do you recall if
14 they told you on that date of this decision?

15 A. I don't recall. They
16 wouldn't necessarily need to speak to me about it.

17 Q. When did you learn about
18 the decision to not pursue hot in-place, if at
19 all?

20 A. Again, this is not
21 something that I necessarily would have been
22 tracking. This is an internal process for
23 engineering. I can't recall because I wasn't
24 involved in this discussion.

25 Q. Did you have any

1 discussions with Mr. McGuire or Mr. McKinnon in
2 which they connected the decision to not use hot
3 in-place recycling of the pavement on the Red Hill
4 to concerns about the quality of the pavement on
5 the Red Hill; that is, you don't want to recycle
6 something if it's not high quality?

7 A. Yeah. I wasn't involved
8 in those discussions.

9 Q. That is, you don't recall
10 having any discussions like that with them?

11 A. I wasn't involved in any
12 of those pavement decision discussions that they
13 would have had in engineering.

14 Q. I'm not interested in --
15 I wasn't asking you about whether you were
16 involved in the decision making on that. I was
17 asking what they conveyed to you. Did they convey
18 anything to you that left you with the
19 understanding that they didn't want to use the
20 existing pavement as part of a recycle program
21 because they were concerned about the quality of
22 the pavement?

23 A. That doesn't really stand
24 out to me. I don't recall.

25 Q. Okay. Did they,

1 Mr. McKinnon or Mr. McGuire, convey to you that
2 the decision not to use hot in-place recycling on
3 the Red Hill was to avoid further delay in the
4 resurfacing project?

5 A. Again, that's not
6 something that stands out in my mind. They may
7 have mentioned it, but I don't recall.

8 Q. Okay. Registrar, you can
9 close this down and can you go back into OD 9,
10 please, and page 115 and 116, please.

11 You'll see at the bottom of
12 115 at paragraph 288 that Mr. Field received a
13 copy of RHV lighting study on November 5 and this
14 is a study that CIMA was doing in respect of next
15 steps on lighting. Were you generally aware in
16 November of 2018 that CIMA was completing a study
17 on lighting on the Red Hill?

18 A. I would be aware that
19 they're doing it, but I had no involvement.

20 Q. Would you have expected
21 to receive a draft of the lighting study for any
22 reason?

23 A. Not necessarily. The
24 street lighting group was still in engineering at
25 that time.

1 Q. Mm-hmm. Did you receive
2 a draft of the lighting study report in or around
3 when the City received it on November 5?

4 A. Do you have any e-mails,
5 because I don't recall.

6 Q. I do not, no. I don't
7 have any suggestion that you did. I just wanted
8 to know if -- there's other ways you can receive
9 things by e-mail.

10 A. Yeah. I would say that
11 that report, being very specific to street
12 lighting, if they were having any interaction with
13 the roads and traffic group, it may have been at a
14 lower level, but I wasn't involved.

15 Q. Okay. The draft of the
16 lighting study includes a collision analysis and
17 summary, because CIMA did a collision analysis for
18 that lighting study as well. Did anyone provide
19 you with a summary of CIMA's findings in or around
20 November 5, 2018?

21 A. Coming from the street
22 lighting?

23 Q. Yeah.

24 A. No, I don't recall
25 getting that. They may have had discussions with

1 Dave, but not myself.

2 Q. Okay. Registrar, you can
3 go to the next page, please, 117. Sorry,
4 Registrar. To orient Mr. Soldo, can you also
5 bring up 116.

6 You'll see at the bottom of
7 116, 290, that the beginnings of discussions about
8 a kickoff meeting for the roadside safety
9 assessment and there's a list of the agenda and
10 then the minutes of that kickoff meeting. And
11 you're not listed as an attendee. Did you attend
12 the roadside safety assessment kickoff meeting?

13 A. No, I did not.

14 Q. Okay. And by the time of
15 the kickoff meeting, when CIMA's properly engaged
16 and is going to start working, did you convey to
17 Mr. Ferguson or Mr. White that the City had a
18 friction report?

19 A. Once I received that
20 report, I would have had a discussion with
21 Mr. Ferguson and Mr. White. Giving you a timeline
22 of when that discussion occurred, I don't recall.
23 It would have been in a fairly short timeline.

24 Q. Fairly short timeline
25 after you received the Tradewind report?

1 A. After I received it,
2 yeah. I would have informed them we had it and,
3 you know, potentially talked about, you know, the
4 findings in the report.

5 Q. Okay. As you may know,
6 Mr. Soldo, one of the primary questions that we
7 have to answer is who received a copy of the
8 Tradewind report and when, so I'm going to
9 continue to ask questions about your
10 communications with Mr. Ferguson and Mr. White
11 over time to see if we can nail down when you
12 first told them about the Tradewind report, but if
13 anything in my questions triggers you to think,
14 oh, that gives me some connection to the time that
15 I talked to Dave and Martin about this, just let
16 me know. Okay?

17 But just stopping here, on the
18 RSA kick off, did you think that it would be
19 useful for Mr. Ferguson or Mr. White, who had lead
20 on the RSA project, to have knowledge of the
21 Tradewind report and the Golder report?

22 A. So, going back to my
23 previous answer, you know, I had that discussion
24 with them. I'm not exactly sure on the timeline,
25 but informed them of it. I wouldn't link it to

1 the CIMA report. It was just information sharing.

2 Q. Okay. So, sitting here
3 today, do you recall that Mr. Ferguson and
4 Mr. White had knowledge of the Tradewind report
5 and its contents while they were working with CIMA
6 on the roadside safety assessment?

7 A. While they were working
8 on the roadside safety assessment?

9 Q. Yeah.

10 A. I would say they had
11 knowledge that the report exists, that there were,
12 you know, lower frictional values in there and
13 that there was a -- that the values on the LINC
14 were lower than the Red Hill. I did not give them
15 the report --

16 Q. Okay.

17 A. -- because it was being
18 still finalized and all that, but they would have
19 knowledge of, in general, the principles or the
20 findings that were part of that report.

21 Q. Okay. Did you provide
22 them with a copy of the report, either the Golder
23 report or the Tradewind report, at any time?

24 A. I did not.

25 Q. On page 117, Ms. Graham

1 e-mailed Mr. Ferguson and Mr. White about a
2 reporter from the Daily Commercial News who was
3 looking for collision stats and there's some back
4 and forth and she reaches out to Mr. McGuire as
5 well, you'll see in 293 and 294.

6 Did you leave it to
7 Mr. Ferguson and Mr. White to deal with media with
8 Ms. Graham's assistance in matters relating to the
9 Red Hill?

10 A. Normally, it doesn't
11 matter if it's RHVP or any other roadway, I
12 wouldn't necessarily be involved in collision
13 stats or providing them, so this is typical
14 practice.

15 Q. Was there anything after
16 you received a copy of the Tradewind report or the
17 Golder report that made you shift your practice in
18 terms of dealing with the media?

19 A. Not necessarily. It was
20 the practice that we had.

21 Q. Not necessarily or no?

22 A. I would say no.

23 Q. Okay. Registrar, can you
24 go to 124, please, and can you bring up 125 as
25 well, please.

1 So, these are some internal
2 e-mails that Mr. Malone drafts to his colleagues
3 about communications with Mr. McGuire.

4 And, Registrar, can you pull
5 out all of 310, please.

6 So, you'll see that Mr. Malone
7 summarizes for his colleagues a few different
8 things. One is the RHVP/LINC lighting report and
9 Gord, according to in these notes from Mr. Malone:

10 "Gord has concluded that
11 it makes no sense to
12 proceed with recommending
13 an EA for only lighting
14 because Hamilton is also
15 examining a number of
16 other major improvements
17 on the roads."

18 Were you aware at this time
19 that Mr. McGuire's view was that it would be --
20 would make no sense to proceed with next steps on
21 moving forward with lighting, given the other
22 major improvements that were being considered?

23 A. Could you repeat that for
24 me?

25 Q. Sure. Did you understand

1 that engineering services had decided not to move
2 forward with next steps towards illuminating the
3 Red Hill because they were also examining a number
4 of other major improvements on the roads?

5 A. Yes.

6 Q. You did understand that
7 at a high level?

8 A. At a high level, there's
9 a number of projects that are coming together.
10 There's the outstanding OBL from council to look
11 at widening of the Red Hill itself and the LINC.
12 There is the previous recommendation through 18008
13 which says the councillors considered meetings in
14 the future. There's this report which comes down
15 with street lighting. And when you start to put
16 all those together, you know, to do an EA for
17 street lighting would then also potentially impact
18 the median. You put a median and street lighting
19 down the middle, you need to do storm sewers.
20 Well, if you're doing all that, you might as well
21 look at what is the future state of this facility,
22 so even if you do implementation in interim
23 measure, if you have that infrastructure located
24 in the correct location.

25 And there's a complication

1 related to the LINC as well. If you're doing a
2 rehabilitation, you might as well look at what
3 does the future state look like when you're
4 actually doing the widening.

5 Q. Okay. In respect of
6 lighting, did you also understand at a general
7 level that the next step in the process would be
8 an environmental assessment?

9 A. When you package all
10 those things together, that would require
11 environmental assessment. There's also
12 environmental assessment that you would have to do
13 for lighting. So, instead of doing multiple
14 environmental assessments and given the
15 sensitivity related to stormwater management, you
16 would want to do all those together.

17 Q. Okay. At the bottom of
18 this page, so this is from November 5:

19 "Gord and Edward will
20 complete the report."

21 Sorry, just looking above,
22 there's the third paragraph from the bottom:

23 "The direction we will be
24 taking is for a joint
25 report to council that

1 will discuss the lighting
2 review, but will also be
3 coordinated with input
4 from Edward Soldo on
5 issues, including roadway
6 safety and talk about the
7 overall performance of
8 the roads."

9 And then jumping down to the
10 very last paragraph:

11 "Gord and I will complete
12 the report and the intent
13 is that they will
14 conclude the report with
15 their recommendation for
16 funding to undertake a
17 comprehensive review of
18 the Red Hill and the LINC
19 and complete a functional
20 evaluation for action
21 going forward."

22 Does that accord with your
23 recollection of discussions you had with
24 Mr. McGuire about next steps coming out of the
25 joint report, which would be for a functional

1 evaluation?

2 A. I'm not sure what he's
3 referring to in terms of functional evaluation.
4 There's a functional feasibility study that's
5 basically a preliminary design of all the those
6 following the environmental assessment process,
7 and that's what we have underway right now.
8 Functional evaluation, I think they may have, I
9 don't know, looked at it from a different --
10 that's a terminology I don't understand.

11 Q. Okay. Just to connect
12 some dots and because you mentioned it, Registrar,
13 can you leave up paragraph 310 in the way that it
14 is now but also bring up page 112.

15 So, Mr. Soldo, you said you
16 thought there was minutes from October 10 that
17 dealt with co-writing a safety audit report. I
18 think this is what you were referring to. Is that
19 right?

20 A. Yes, except the
21 terminology or whoever wrote --

22 Q. I understand. Not a
23 safety audit, but a roadside safety assessment?

24 A. Yeah.

25 Q. All right. I think you

1 and I have stumbled on those phrases or at least
2 references the distinction between those phrases a
3 few different times, but I'm not sure I've
4 actually asked you to explain the difference
5 between the two of them for the purposes of the
6 inquiry, so maybe we should do that, just stopping
7 there on that point.

8 What's your concern with the
9 use of safety audit report here?

10 A. That wasn't what we were
11 actually undertaking. We were undertaking a
12 roadside safety assessment, which is very specific
13 and I won't have you bring up the terms of
14 reference. It speaks to the use of a roadway
15 safety manual to undertake an assessment of the
16 existing infrastructure to ensure that it's
17 actually meeting current standards.

18 Q. How would you contrast
19 that with what you mean with the phrase safety
20 audit?

21 A. A safety audit is, in my
22 mind, a real in-depth review of the safety
23 conditions of a particular part of a facility or
24 we may go into, you know, we actually get into a
25 collision analysis, collision reconstruction

1 analysis. It's actually a lot more detailed.

2 That's not what we were doing.

3 Q. Okay. And just so that
4 I'm really clear, when we talk about a roadside
5 safety assessment, does that include an assessment
6 of the curvilinear characteristics or the geometry
7 of the roadway?

8 A. That was what was done as
9 part of this one. So, there's two parts to what
10 we're doing. There's the roadside safety
11 assessment and as part of that you're not only
12 looking at what's there, but also what are the
13 curvilinear issues that you might potentially
14 have, those sort of things.

15 Q. Okay. So, just when you
16 say that's what was done as part of this one, you
17 mean part of the roadside safety assessment.
18 Looking at curvilinear issues was part of, in your
19 view, the scope of CIMA's mandate?

20 A. Yeah. Maybe we should
21 bring up the scope.

22 Q. Sure. I know we've
23 actually moved a little far afield. And, in fact,
24 because we have these documents up, let's put a
25 pin in that and come back to it in a moment.

1 So, here, October 10, there is
2 minutes that reflect co-writing a report with
3 Mr. McGuire. And then by November 5, there is --
4 Mr. McGuire has conveyed to Mr. Malone that there
5 is an intention to complete a report. And so,
6 that accords with your memory during this period
7 of time?

8 A. So, I recall that meeting
9 that you have on the left side of the screen.
10 That is actually a meeting, probably one of the
11 first meetings, of the department management group
12 and that sticks out in my mind because of
13 item number 3. That wouldn't be in there
14 otherwise, so...

15 Q. Okay. By November, in
16 Mr. Malone's notes, he says this reference to this
17 functional evaluation, and I think you've said
18 that's not language you would use. What do you
19 recall about what the proposed recommendation from
20 you and Mr. McGuire jointly was going to be?

21 A. If you look at 18008(a),
22 that's my understanding. We were proposing a
23 feasibility study to be undertaken that looks at
24 all of those elements, including a review of the
25 long-term, sort of, widening.

1 Q. Okay. Mr. Malone goes on
2 to say:

3 "The recommendation will
4 recognize that they need
5 to do close monitoring of
6 changes being made so
7 that future actions are
8 adjusted to optimize the
9 original infrastructure.
10 The improvements that are
11 being completed and the
12 improvements already
13 planned."

14 Then he says, and this is
15 Mr. Malone's language:

16 "Bluntly, this is code
17 for seeing if the
18 collision issues on the
19 Red Hill are resolved
20 with a new pavement."

21 By November 5, was it your
22 understanding that the feasibility assessment
23 would include assessing collisions going forward
24 to determine if the new pavement assisted with
25 reducing the collision rates?

1 A. That's not what was
2 identified as scope of work.

3 Q. Okay. I'm asking about
4 this period of time and, sort of, looking forward,
5 and I think I'm hearing your answer is to be no,
6 that wasn't part of what you understood the
7 feasibility assessment would include?

8 A. That is not what I
9 understood to be the scope of work.

10 Q. Okay. Did you concur
11 that given the planned restructuring coming up,
12 that at this point the feasibility study would be
13 looking to be a comprehensive review based on the
14 new pavement?

15 A. The feasibility study is
16 basically a preliminary design of the future
17 potential RHVP and LINC incorporating widening and
18 all those capital improvements. That is what the
19 feasibility study scope is.

20 Q. Okay. Maybe I'll take
21 the question differently. Do you agree with
22 Mr. Malone's characterization that by November 5,
23 2018, the plan was to see if collision issues on
24 the Red Hill would be resolved once the new
25 pavement was put down?

1 A. I don't know how he got
2 this understanding, but that is not my
3 understanding.

4 Q. Okay. Registrar, you can
5 close these two down, please. Can you go to
6 OD 9A, page 130, please.

7 We had started to discuss the
8 FOI. So, you were -- this is the FOI. This is
9 the particular information sheet that contains the
10 request at 315. Did you actually see a copy of
11 the actual request or at least the phrasing in
12 this way?

13 A. Did I see it? I don't
14 recall what I would have seen related to that. I
15 don't necessarily deal with Freedom of Information
16 requests. Within the roads and traffic group,
17 they come in, we have a person who coordinates the
18 response in terms of gathering the data for a
19 Freedom of Information request.

20 Q. Had you had to deal with
21 any Freedom of Information requests during your
22 tenure at the City?

23 A. Again, going back, we
24 have a process within roads and traffic at the
25 time and now, which has an individual that's been

1 identified to take the lead on dealing with them
2 and pulling any data together. So, in terms of
3 your question, was I involved? Would I be aware?
4 Most likely. Am I aware of all of them? Not
5 necessarily.

6 Q. That was my question, not
7 about whether you were going and checking in file
8 cabinets, but whether any FOIs came in from your
9 start in July to this period of time, November of
10 2018, or if this was the first FOI that your team
11 was going to have to deal with under your
12 leadership?

13 A. Yeah. I can't tell you
14 if that's the first one or not. Again, I don't
15 have a lot of line of sight into FOIs within the
16 division.

17 Q. Okay. Did you have any
18 discussions in November of 2018 with Mr. McGuire
19 specifically about whether the Tradewind report
20 would have to be disclosed pursuant to this FOI?

21 A. Pursuant to this FOI?

22 Q. Yeah.

23 A. I don't necessarily
24 recall this particular FOI.

25 Q. Okay. Did Mr. McGuire

1 convey any anxiety or concern about having to
2 release the Tradewind report in response to this
3 FOI to you?

4 A. I'm just trying to think.
5 Unfortunately, I don't recall this specific one in
6 this, sort of, timeframe, so I don't have a memory
7 or I can't recall anything related to it.

8 Q. Okay. So, recognizing
9 that you might not have been directly involved in
10 the FOI, this is the FOI that deals with friction
11 testing over the last five years and pavement
12 testing assessments and plans in the last two
13 years. It's quite significant in terms of the
14 Tradewind report being responsive to it and you're
15 saying you don't really remember this FOI?

16 A. I believe there was a
17 number of FOIs asking for different information in
18 that timeframe, so to say, you know, this specific
19 one, I don't recall this specific one. It doesn't
20 stand out to me.

21 Q. Okay.

22 A. Again, I just don't have
23 a lot of involvement in FOIs within my division.

24 Q. Fair enough.

25 A. And this is asking for

1 reports, drafts, correspondence, all work that's
2 been undertaken by engineering, not work
3 undertaken by roads and traffic.

4 Q. So, in your view, did the
5 fact of an FOI to which the Tradewind report would
6 need to be provided play into discussions that you
7 had with Mr. McKinnon and Mr. McGuire about how to
8 deal with the Tradewind report?

9 A. Sorry, could you run that
10 by me again?

11 Q. Sure. Did the fact that
12 the City had received an FOI to which the
13 Tradewind report would need to be provided in
14 response, did that play into discussions that you
15 had with Mr. McKinnon or Mr. McGuire about how to
16 deal with the Tradewind report going forward?

17 A. I don't recall any
18 conversations like that.

19 Q. So, you don't remember
20 having conversations about this or are you
21 confident that you didn't have conversations?

22 A. I don't remember being
23 involved in those conversations.

24 Q. Okay.

25 A. I don't recall the

1 conversation and I can't tell you if I was
2 involved in those conversations. I don't believe
3 I would be.

4 Q. Okay. Do you recall
5 having an impression that the timing of release of
6 materials pursuant to FOI would impact in any way
7 how or when your team and Mr. McGuire's team would
8 proceed with disclosure of the Tradewind report?

9 A. Okay. So, let's break
10 that down because there was multiple, sort of,
11 questions in there.

12 Q. Okay.

13 A. The Tradewind report, the
14 Tradewind and the Golder reports, are under the
15 purview of the engineering department. They are
16 the clients, not my department. So, if it's
17 dealing with disclosing that through an FOI, any
18 kind of request, Gord would be dealing with that.

19 Q. You were in meetings in
20 which this was eventually brought to council in
21 February and it seems that, and we're going to go
22 through, many, many meetings in which the strategy
23 of how to do that and the timing of how to do that
24 were addressed in a group. And my question for
25 you is: Was the timing of the FOI part of the

1 content of those discussions, to your
2 recollection?

3 A. Between -- sorry, just so
4 I'm clear on the timeline, so November 15 moving
5 forward?

6 Q. Mm-hmm.

7 A. Sorry, repeat the
8 question for me?

9 Q. Was the timing of the FOI
10 part of the content of the discussions about how
11 to deal with the Tradewind report going forward,
12 to your recollection?

13 A. You're asking for a
14 specific and I can't -- in terms of moving -- when
15 you say moving forward with the Tradewind report,
16 are you talking about going to council?

17 Q. Yeah. I'm talking about
18 the many discussions that eventually lead to the
19 report being disclosed to council.

20 A. So, are you saying --
21 sorry, if I can just be clear on the question,
22 then, you're asking did the FOI impact the timing
23 going to council?

24 Q. Or any of the discussions
25 about going to council.

1 A. Honestly, I don't know.

2 Q. Okay. I'm going to take
3 you through a number of meetings in which these
4 discussions were raised and, of course, if you
5 have any recollection as we go through the
6 individual meetings, just let me know.

7 Registrar, can you go to
8 page 133, please.

9 The office of the auditor
10 conducted a value for money audit of roads in
11 which Mr. Sharma was a point person, along with
12 Mr. McGuire. The audit continued into November of
13 2018 and this is some of the back and forth about
14 the status. This is really just to give you a
15 timeframe that I'm talking about.

16 In November, were you involved
17 in any way in the value for money audit?

18 A. I was not.

19 Q. Were you generally aware
20 of the fact that the auditor was completing a
21 value for money audit?

22 A. I was aware there was an
23 audit underway, but I had no involvement.

24 Q. We're losing you a little
25 at the end of your sentence. I don't know if

1 you're close enough to the microphone. Thank you.

2 Commissioner, I'm moving on to
3 another topic and I see it's about time for our
4 afternoon break. Would this be a good time to
5 take it?

6 JUSTICE WILTON-SIEGEL: That
7 would be fine. It's just about 3:28. Is that
8 right?

9 MS. LAWRENCE: Yes.

10 JUSTICE WILTON-SIEGEL: So,
11 we'll stand adjourned until a quarter to 4:00.

12 --- Recess taken at 3:28 p.m.

13 --- Upon resuming at 3:46 p.m.

14 MS. LAWRENCE: Commissioner,
15 may I proceed?

16 JUSTICE WILTON-SIEGEL: Yes,
17 please proceed.

18 MS. LAWRENCE: Thank you.

19 BY MS. LAWRENCE:

20 Q. Registrar, could you call
21 up OD 9A, page 157, please, and could you call out
22 372 and 373. Thank you.

23 So, we're well into November
24 at this point, Mr. Soldo, and on November 20
25 Mr. Cooper e-mailed Mr. White with a copy to

1 Mr. Ferguson a draft report for the February 4,
2 2019 PWC meeting in respect particularly of the
3 speed limit reduction feasibility study
4 outstanding business list item and it summarized
5 the CIMA speed limit study report that recommended
6 the existing 90 kilometres an hour speed limit be
7 retained. On that same day, you sent Mr. Malone a
8 calendar invitation for a call to discuss RHVP
9 reports, and the call was scheduled for
10 November 30.

11 What was the purpose of the
12 call that you scheduled for November 30 with
13 Mr. Malone?

14 A. It was to speak about the
15 speed limit report that was referred to in 372
16 there.

17 Q. Okay. It says "RHVP
18 reports." Plural. Which reports, apart from the
19 speed limit study report, did you want to discuss
20 with Mr. Malone?

21 A. I believe at this point
22 as well we have the first draft, I want to say, if
23 you can confirm, of the CIMA roadside safety
24 assessment.

25 Q. That comes the following

1 week.

2 A. Is there an original
3 draft at this point? I can't remember.

4 Q. I know the first time
5 that you received a draft is November 28, but the
6 purpose may still be that you wanted to discuss
7 both of them. Was that the intention, that you
8 were going to discuss both the roadside safety
9 assessment and the speed limit study report?

10 A. That's my recollection.

11 Q. Okay. Were there any
12 other reports that you planned to raise with
13 Mr. Malone?

14 A. I don't believe they had
15 anything else that they were working on for us at
16 that point. I can't remember.

17 Q. Okay. Had you had any
18 direct conversations with Mr. Malone through the
19 preparation of the speed limit study or the
20 roadside safety assessment?

21 A. I don't believe I had any
22 contacts with him about either one.

23 Q. Okay. Did you,
24 independent of these projects, know Mr. Malone?
25 Did you know Mr. Malone personally?

1 A. I've known Mr. Malone for
2 about 20 years.

3 Q. Okay.

4 A. He's worked on various
5 projects for me.

6 Q. Okay. And so, just so
7 that the record or just so that your evidence is
8 clear, did you have any discussions with
9 Mr. Malone while you were an employee at the City
10 before this scheduled call on November 30?

11 A. That's a pretty broad
12 statement. I'm trying to think of what other
13 involvement I would have had with him. I can't
14 remember in that entire time span if I had any
15 discussions with him.

16 Q. Okay. Did you have any
17 discussions in advance of setting the appointment
18 on November 20 about whether to raise with
19 Mr. Malone the existence of the Tradewind report?

20 A. To discuss the Tradewind
21 report with Mr. Malone?

22 Q. Yeah. No discussions
23 with Mr. Malone in advance of that?

24 A. No, not that I'm aware
25 of.

1 Q. And what about
2 discussions internally with Mr. McKinnon and
3 Mr. McGuire or others at the City?

4 A. Sorry, I don't understand
5 your question. What are you referring to?

6 Q. Did you have any
7 discussions internally with anyone at the City
8 before you scheduled this call with Mr. Malone in
9 which you discussed whether or not to raise with
10 Mr. Malone the existence of the Tradewind report?

11 A. I don't recall.

12 Q. You don't think so? I'm
13 sorry, you're going quiet again.

14 A. I don't think so. I
15 don't recall.

16 Q. You don't recall either
17 way?

18 A. I don't recall.

19 Q. Okay. Registrar, can you
20 go to page 163 of OD 9A, please, and can you call
21 out 388.

22 On November 26, Mr. Paul
23 exchanged e-mails with roads and maintenance staff
24 regarding the occurrence of collisions on the Red
25 Hill on November 24. Do you recall on November 24

1 there had been an accident with a liquid asphalt
2 spill?

3 A. I do. I was onsite
4 during the day and it was a very cold day.

5 Q. You were onsite after the
6 collision occurred?

7 A. That's correct.

8 Q. Okay. Is that unusual,
9 for you to go onsite for collisions?

10 A. Very unusual, but we have
11 our biggest roadway being closed and I felt it
12 needed some senior level guidance because there's
13 a number of departments that were being involved
14 as part of that incident. So, as the operations,
15 you know, director, there's issues there related
16 to spills management, there's issues there related
17 to water and wastewater, there's issues there
18 related to traffic because traffic is going
19 everywhere in the City because we had the
20 northbound lanes closed and I think one of the
21 southbound lanes closed, and also a roadway
22 maintenance perspective, so it needed a senior
23 level person onsite to manage the issue.

24 Q. Okay. There had
25 previously been accidents that closed the roadway

1 and quite significantly before your time. Was it
2 your view at this period of time, in November,
3 that if there was a significant accident on the
4 Red Hill, you would want to be there or was there
5 something special about this accident?

6 A. No. I think this is just
7 my nature and when I was working in London and we
8 had road closures and being the director
9 responsible for that area, you know, and the
10 emergency plan response, that's normal to have an
11 incident commander who is looking after everything
12 there. There's no fire or police there, so then
13 at that point the response to that incident really
14 comes down to public works. And as the director
15 of operations or, you know, roads and traffic, you
16 know, you become the incident commander onsite.

17 Q. Okay. And Mr. Paul
18 relays to his staff:

19 "Going forward, please
20 let Edward know when
21 there is an
22 accident/incident on any
23 escarpment crossings,
24 RHVP or LINC for any lane
25 or road closures, no

1 matter what the duration.
2 A policy/procedure will
3 be following shortly. We
4 will discuss this as the
5 next superintendant's
6 meeting."

7 What policy or procedure did
8 you convey to Mr. Paul that was going to be put in
9 place? What was the content of that policy and
10 procedure as you envisioned it?

11 A. Well, this was a great
12 example of multiple departments having to respond
13 or multiple divisions as well having to respond to
14 an incident. And from an emergency management
15 perspective, there really wasn't a clear procedure
16 in terms of who is taking charge, who needs to be
17 notified and when, how do you actually or who is
18 responsible for notifying the spills management
19 centre, so this was the coming together of a
20 number of things.

21 And then on the particulars of
22 like escarpment crossings, having detours in
23 place, this was a major traffic burden on the City
24 in the downtown in that area, in the east end, and
25 we didn't necessarily have clear procedures on how

1 to detour people, where to ensure that they
2 weren't going on some of the local roads as well.

3 And I'll go back that up a
4 little bit even more. Also about communications
5 and two aspects. A, that senior management is
6 notified in a timely manner. I actually found out
7 about this unfortunately through the media, and
8 then I'm having a number of councillors call me
9 asking me what is going on and how we're
10 addressing it, which is a bit unfortunate I can't
11 provide them that information in a timely manner,
12 and then making sure that we have procedures in
13 place that communicate these kind of closures out
14 to local media to, you know, give the opportunity
15 to commuters to find alternate routes instead of
16 being stuck in traffic. So, this was the genesis
17 of what we have now. It's called the escarpment
18 closure policy, which basically addresses all
19 those things I just talked about.

20 Q. Thank you. Did you seek
21 approval from council to adopt the escarpment
22 closure policy?

23 A. It's a standard operating
24 procedure. It's not a corporate policy. It's a
25 standard operating procedure underneath our

1 transportation quality management system.

2 Q. Okay. Did you have any
3 discussions with City legal counsel before giving
4 this direction to Mr. Paul about this policy?

5 A. It's an operational
6 matter. I didn't have any discussion with them at
7 all on this one.

8 Q. Okay. Unrelated to this
9 input -- and, Registrar, you can take down the
10 call out -- did you have any discussions with
11 internal legal at the City, the legal department,
12 about the Red Hill at all in November of 2018?

13 A. In what aspect of the Red
14 Hill?

15 Q. Any aspect of the Red
16 Hill.

17 A. Any aspect of the Red
18 Hill. Well, coming out of this incident, we would
19 have had discussion with legal/risk management
20 about how we're dealing with the clean up costs,
21 those sort of things. That's one that, kind of,
22 sticks in my mind because you put it up there up
23 the RHVP. That's -- I don't recall anything else.

24 Q. Okay. Were you aware as
25 to whether Mr. McGuire or Mr. McKinnon were

1 seeking legal advice in respect of any issue on
2 the Red Hill during this period of time,
3 November 2018?

4 A. I wasn't, you know,
5 reviewing the documentation. I was unaware of
6 those interactions.

7 Q. You're aware because
8 you've reviewed documentation now or you were
9 aware at the time?

10 A. Based upon reviewing the
11 documentation now, I'm aware of it, but I was
12 unaware of it at the time.

13 Q. Thank you for the
14 clarification. So, Mr. McKinnon and Mr. McGuire
15 did not update you that they had sought legal
16 advice on any aspect of the Red Hill in this time,
17 in November of 2018?

18 A. So, are you referring to
19 specific e-mails back and forth with legal or are
20 you referring to --

21 Q. No --

22 A. -- people who may have
23 attended --

24 Q. I'm referring -- sorry to
25 interrupt. I'm referring more generally to

1 whether Mr. McKinnon or Mr. McGuire advised you
2 that they were seeking legal advice from City
3 lawyers about any aspect relating to the Red Hill
4 in November of 2018?

5 A. That's a very broad
6 question. Is there a way you can narrow that down
7 in terms of what you're looking for?

8 Q. Sure. I can start
9 narrow. Did Mr. McGuire or Mr. McKinnon advise
10 you that they were seeking legal advice in respect
11 of the FOI that we just looked at a few minutes
12 ago?

13 A. I was unaware related to
14 that.

15 Q. Okay. Did Mr. McKinnon
16 or Mr. McGuire advise you that they were seeking
17 legal advice in respect to how to respond to the
18 value for money audit that the office of the
19 auditor was conducting?

20 A. I had no involvement in
21 the audit, so I was unaware of that.

22 Q. Okay. Does that assist
23 you in answering the broader question? Was there
24 any other issue involving the Red Hill that
25 Mr. McGuire and Mr. McKinnon advised you that they

1 were seeking legal advice?

2 A. No.

3 Q. Okay. Registrar, can you
4 go to the next page, 164, and also bring up 165,
5 please.

6 At the bottom of 164 you'll
7 see Ms. Cameron, who is Mr. McGuire's assistant,
8 exchange e-mails with you and Mr. McGuire, copying
9 Ms. Eisbrenner, Mr. Field, Mr. White and
10 Ms. Wunderlich on November 27, and she says:

11 "I'm looking to make sure
12 that this OBL item will
13 be addressed."

14 And then she references
15 lighting on RHVP in this report, question mark,
16 and then she has a reference to February 14,
17 strategic roads safety program update:

18 "If so, I will move this
19 item to the February 4
20 report."

21 And then there's some back and
22 forth and Mr. White says:

23 "Lighting on the Red Hill
24 should be going forward
25 as a standalone report on

1 January 14 and roads and
2 traffic is also
3 submitting the Bill 65
4 report (photo radar) on
5 January 14, as well as
6 the RHVP and LINC reduced
7 speed limit report on
8 January 14 and the annual
9 collision report on
10 January 14. The
11 strategic roads safety
12 program, including
13 Vision Zero report, is
14 going on February 4."

15 And you chime in:

16 "That's not correct.
17 We're just going to do
18 one report that deals
19 with the speeding issues
20 on the LINC combined with
21 the lighting and the next
22 steps on the LINC and the
23 Red Hill. I will come
24 see you, Diane."

25 So, I'm trying to understand

1 in terms of the timing. It's clear that Mr. White
2 thinks that there are two separate dates of public
3 works committee meetings in which information is
4 going to be provided, it looks like, in one or
5 more standalone reports, and you say that is not
6 correct. So, we talked a little bit about a joint
7 report before. Why did Mr. White not know that
8 there was a plan to combine the reports?

9 A. So, could you maybe blow
10 that up? That's a little bit small. But when I'm
11 looking at this here --

12 Q. We can blow it up. Let
13 me do that first. Registrar, can you pull out
14 everything from the top of 165 to the next header.
15 Yes, right there. That's perfect.

16 That might be bit better for
17 you, Mr. Soldo.

18 A. Thank you. So, my
19 understanding was that we were doing a combined
20 report that takes the work that CIMA is doing, the
21 lighting that's going forward, the next steps on
22 the RHVP. That is what I considered one report.
23 Okay?

24 The report that's related
25 to -- sorry, what are some of the other ones here?

1 The ASE, sorry, Bill 65, that's a separate report.
2 The collision report and the strategic road
3 safety, those are separate reports. That was my
4 understanding. And at this point, you know,
5 looking at David's e-mail, those are still going
6 forward as separate reports. We've been working
7 on them in the background. You may recall the
8 first versions were back in August and we had
9 discussed earlier about how there was a number of
10 significant changes to be had in both the
11 collision report and the Vision Zero report
12 itself. So, those are proceeding. There have
13 been updates being updated along the process, and
14 at this point we're still aiming for January 14.

15 I will point out that this is
16 November 27 and if you backdate the council
17 submission policy, submission process, in terms of
18 when things need to go where, if you're meeting a
19 report that's going to go to public works on
20 January 14, it has to actually be submitted into
21 clerks by December 21. If you backdate that, one
22 week before that, it has to be into the general
23 manager of public works on the 14th. If you
24 backdate that, it has to be into myself by
25 December 7, which is about ten days from here. If

1 for the 14th and then the speed limit reduction
2 feasibility study is on February 14.

3 A. Yeah. So, I don't say
4 that it's incorrect from a date perspective, so I
5 believe at this point we're still aiming for the
6 14th, depending on obviously, you know, having all
7 that information done and having that report
8 completed.

9 Q. Okay. And, at this
10 point, in November, as you are still edging close
11 to the deadline when it would have to be ready for
12 February 4, who did you understand was going to be
13 the primary drafter of the first big draft of this
14 one report?

15 A. Who I understood it was
16 to be was Gord. He was going to take the first
17 crack. I remember having that discussion with
18 him. At the same time, I'm not sure, you know, at
19 this date what the status of that report was, but
20 I was trying to pull together the other
21 information that we may have needed.

22 Q. Okay. Registrar, you can
23 close the call out and if you can go to 171,
24 please. Thank you.

25 So, you'll see at the top of

1 this page on November 28th Mr. Ferguson forwarded
2 an e-mail that he had received from CIMA enclosing
3 a draft roadside -- the roadside safety assessment
4 to you. Mr. Ferguson had received that just a few
5 days before. Do you recall reviewing the roadside
6 safety assessment draft when you received it?

7 A. I remember going through
8 the report itself, and I believe on the 29th David
9 and I have a meeting to go over the reports.

10 Q. So, you did it quite
11 quickly, your review?

12 A. Well, I'm trying to get
13 this completed so that we can provide the input
14 into the scope of work, because we had given CIMA
15 a deadline for that. And then also ensuring that,
16 you know, we have our reports done as well.

17 Q. Okay. Registrar, can you
18 pull out this draft that Mr. Ferguson sends to
19 Mr. Soldo. It's HAM35629.

20 So, I'm going to take you
21 through a few sections, but just as a general
22 comment, did you find the content of this draft to
23 be what you were looking for? You said earlier
24 that there were some deficiencies in the scope.
25 Were you pleased with the content in this report?

1 A. I don't recall my first
2 impressions of it. I would have quickly looked
3 through it. You know, Dave is managing the
4 project and I'm assuming he's taking it more in
5 detail. But my first impressions, I don't recall
6 my first impression.

7 Q. Okay. Registrar, can you
8 go to image 15, please.

9 The report contains a number
10 of different metrics of collision review,
11 including this one, collisions by road surface at
12 the top of the page.

13 Registrar, can you pull out
14 the paragraph out of the 545. Yes, exactly.
15 Thank you.

16 The proportion of wet surface
17 conditions, CIMA writes, is noticeably higher than
18 what was found in the 2015 review, 50 percent,
19 which, on that study, had already been found to be
20 significantly higher than the provincial and City
21 averages of 17.6 and 22 respectively. Do you
22 remember reading that when you were reviewing this
23 report?

24 A. I do, yeah.

25 Q. Did the increase in wet

1 weather collisions from the 2015 report surprise
2 you?

3 A. Remember we had the
4 annual collision report already in early August,
5 so that number was already high in that annual
6 collision report and this is -- what is the data
7 in here based on again? Is it the same timeline,
8 2017? I can't recall. Does it identify what it
9 is?

10 Q. I can go to it.
11 Registrar, if you can go to image number -- page
12 number 6, image number 12.

13 So, you'll see the first line:
14 "Collision records were
15 provided to the City for
16 the five year period
17 between 2013 and 2017 and
18 then they removed some
19 collisions out of scope."

20 A. Right. So, that's
21 utilizing the same timeframe as the annual
22 collision report.

23 Q. So, is that to say these
24 proportions did not surprise you when you received
25 them in November of 2018?

1 A. Well, we had already seen
2 those proportions early on in the collision
3 report.

4 Q. Registrar, can you go to
5 page 23. Pardon me, image 23.

6 So, this is just a summary
7 which takes various pieces, but you'll see the
8 overall findings -- Registrar, can you pull those
9 out -- wet surface collisions were found to
10 represent 64 percent of mainline collisions,
11 73 percent of ramp collisions and presented an
12 increase compared to the 2015 study. Lost control
13 and speed too fast for conditions, apparent driver
14 actions, were reported in 33 percent of the
15 mainline collisions, 44 percent for wet surface,
16 56 for ramp collisions, 68 for wet surface
17 collisions, and CIMA's overall finding was that
18 these findings suggest that inadequate skid
19 resistance, surface polishing, bleeding,
20 contamination and excessive speeds may be
21 contributing factors to collisions.

22 Given the friction values that
23 were set out in the Tradewind report, did you have
24 any view about CIMA's findings that inadequate
25 skid resistance and excessive speeds may be

1 contributing factors to collisions?

2 A. So, I'll put this in
3 context of the report and the other report that we
4 have. So, these numbers are not anything new.
5 While they may be comparing them to 2015, we have
6 already seen these numbers through the annual
7 collision report itself. And in terms of the last
8 finding there, inadequate skid resistance, surface
9 polishing and bleeding, contamination and
10 excessive speeds, we're already well aware of the
11 excessive speeding issue. That's been identified
12 through the other analysis that we have undertaken
13 and the, kind of, highlight of the work that we've
14 been working on. So, this finding identifying
15 inadequate skid resistance, that is, you know,
16 newer, you know, in terms of the finding itself,
17 so I'm looking at that, okay, it's a little bit
18 new, it's a little different.

19 Q. Did you understand when
20 you were reviewing these overall findings whether
21 Mr. Malone had knowledge of the existence of the
22 friction values in the Tradewind report?

23 A. When I was reviewing the
24 drafts, I did not, but when we have our call on
25 November 30, there we discussed the Tradewind

1 report, we talk about the data. It doesn't
2 identify any concerns, and so at that point, you
3 know, I'm -- I don't necessarily know at that
4 point. He's very familiar with the data, the way
5 he speaks to the data, but looking, you know, and
6 seeing your records now, he already has the data
7 from the Tradewind report.

8 Q. I don't know what your
9 last comment is in reference to.

10 A. I believe when I first
11 started today, you showed me some e-mails on
12 August 30 someone forwarded friction data to
13 Mr. Malone.

14 Q. Right. So, that's what
15 you mean, is that chart and then the four rows of
16 friction data?

17 A. Yeah.

18 Q. Okay. You don't have any
19 evidence to suggest that Mr. Malone had a copy of
20 the actual Tradewind report when CIMA was
21 preparing this draft --

22 A. No.

23 Q. -- in November --

24 A. I did not provide it to
25 him, no.

1 Q. Okay. And you didn't
2 instruct any of your staff to provide it to him
3 either, did you?

4 A. I did not.

5 Q. Now, at this time, and I
6 know we've talked a few times about Mr. White and
7 Mr. Soldo --

8 A. Mr. Ferguson.

9 Q. I'm sorry. It's the end
10 of the day. Mr. White and Mr. Ferguson and when
11 you provided them with information about the
12 existence of the Tradewind report. Not a copy,
13 but information.

14 I'm trying to pin it to this
15 period of time when you have the draft of the
16 roadside safety assessment. I think you told me
17 you met with Mr. Ferguson to review it the
18 following day, so that would be November 29. Can
19 you pin down whether at that point you had told
20 Mr. Ferguson and Mr. White about the fact that the
21 City had a report about friction values that
22 suggests that they were lower than an
23 investigatory level?

24 A. Definitely by this point
25 in time we've had that discussion. This is about

1 six weeks after I was given the report, so, you
2 know, I appreciate you're trying to find that
3 timeline. It's definitely not this far into
4 November. It's sometime between when I find it to
5 maybe, say, first week or so or even just, say,
6 the beginning of November, somewhere there, but it
7 is not something that I was trying to not share.

8 Q. Okay. As a matter of
9 fairness to you, I think Mr. Ferguson and
10 Mr. White, that their evidence was quite different
11 on that, that they didn't have knowledge.

12 A. I did not provide them
13 with the report, but we definitely had
14 discussions.

15 Q. Okay. Do you recall was
16 it one discussion or many discussions?

17 A. I don't recall.

18 Q. Okay. And do you recall
19 whether it was a discussion with both of them
20 together, Mr. Ferguson and Mr. White?

21 A. No, I don't.

22 Q. You don't remember
23 whether it was together or separate?

24 A. No.

25 Q. Okay. And did you give

1 any direction about whether to share the
2 information about the existence of the Tradewind
3 report with CIMA?

4 A. We were just having
5 discussions in the normal course of business, so I
6 can't recall.

7 Q. Okay. Did you
8 specifically direct them not to share a copy of
9 the -- pardon me. To not to share their knowledge
10 about the existence of the Tradewind report with
11 CIMA?

12 A. No.

13 Q. But you can't remember
14 either way whether you directed them to share the
15 information --

16 A. I wouldn't have told them
17 not to.

18 Q. Okay. The meeting that
19 you had with Mr. Ferguson on November 29, in that,
20 did you discuss the findings set out in the draft
21 CIMA report?

22 A. I went over about the
23 speed limit and the draft CIMA report and there
24 was -- this is where I was starting to formulate
25 an opinion on the -- well, I've formulated an

1 opinion on the speed limit study report and how I
2 felt there was some inconsistencies between the
3 work that was undertaken or the speed limit report
4 and the CIMA roadside safety assessment.

5 Q. What were these
6 inconsistencies?

7 A. In fairness to CIMA, the
8 speed limit report was done further ahead of this
9 information and I believe, you know, we had a
10 draft and they had come up with their
11 recommendations. In looking at the various speed
12 methodologies that they had undertaken, there was
13 one that actually had identified lowering the
14 speed limit on the RHVP and particularly -- I
15 don't know if it would be a benefit if you brought
16 that report up. It related to the northwestern
17 technique.

18 Q. Yes. Why don't you just
19 continue with what your general summary is?

20 A. Thank you. So, I was
21 looking at that report previously because we've
22 had it, you know, for some time at this point and
23 I was kind of uncomfortable with the fact that one
24 of the methodologies was actually recommending to
25 lower the speed limit, you know, putting it in the

1 context of from my perspective we have all this
2 information that keeps talking about the fact that
3 we have so much speeding, it's the cause of the
4 collisions on the -- you know, it's a major cause
5 of the collisions on the RHVP, and then this
6 report identifies through one of the methodologies
7 that you should lower the speed limit. And, if
8 you read that component there about the
9 northwestern methodology, it identifies the speed
10 limit, the speeds that are currently out there.
11 It also identifies that, you know, through this
12 methodology, if you have areas where you know you
13 have higher collisions occurring, that's what's,
14 sort of, triggering the lowering of the speed
15 limit.

16 So, it was a very
17 comprehensive report, went through different
18 methodologies, but that one there, when I read it,
19 I was like, why would you not recommend it? And
20 if you read through why they're not recommending
21 it, it's because, well, that section, well, that
22 meets the target for using these methodologies.
23 The two beside it don't and they didn't want to
24 implement it. Their recommendation was you
25 wouldn't implement it because then you would have

1 different variable speed limits. Well, they have
2 broken the RHVP down into I think it was like
3 three chunks plus the LINC and, you know, what
4 comes to mind is why would you not go to the speed
5 limit that's identified at the lowest level and
6 just make all of it that speed limit?

7 So, I had formulated that
8 opinion just reading the speed limit report. And
9 then we get this report here that's related to the
10 geometrics. It goes through some geometrics and
11 all that. I don't know if you can bring up --
12 it's not important, it's just a photo, so.
13 There's a section which goes through -- I'm not
14 sure if you can bring that up in the assessment.
15 It goes through what is the design speed based on
16 previous standards, whether it is on current
17 standards, and the curvilinear nature, which we
18 know is causing potentially more driver, you know,
19 effort that it has to go through as you come down
20 the mountain and between Greenhill and I would
21 say, you know, King or Queenston. It identifies
22 that one of the curves, while it met the geometric
23 standard when it was built, it no longer meets the
24 geometric standard in terms of curvature. It only
25 meets a design speed of 90.

1 So, I have the previous
2 report. I already have concerns that they haven't
3 gone and looked at reducing the speed limit
4 because, you know, it speaks to about increased
5 collisions. It speaks to, you know, the high
6 operating speeds that are there. Then I get this
7 second report here that, you know, it's kind of
8 new. It's like, hold on a second, now the design
9 speed is no longer 100; it's 90. And when you're
10 at 90 kilometres an hour as your design speed and
11 your posted speed is 90, while that is acceptable,
12 that is not the standard. You want to have some
13 separation between what is your posted and what is
14 your design speed. You want to have a design
15 speed to be higher so that gives a level of factor
16 or safety factor in terms of what the people --
17 what your suggestion that people drive, not
18 necessarily what they're going to drive. But if
19 you lower the speed limit in that location, then
20 we would have that buffer.

21 So, between that report and
22 the philosophy I just explained to you through the
23 geometrics, I was pretty concerned that the report
24 didn't speak to the speed limit about being
25 dropped. Again, I don't know if they did not

1 consider those geometrics in their speed limit
2 study. In fairness, it was submitted earlier and
3 I start drawing these conclusions pulling out of
4 here. In my mind, all I was focused on, we need
5 to reduce the speeding here, we need to have
6 better enforcement and if lowering the speed limit
7 to 80 will help, if we can reduce the overall, you
8 know, speed at which people are driving, that
9 would be a benefit or an enhancement to the safety
10 of the RHVP.

11 Q. Thank you. I think that
12 you referenced the design speed and the curve
13 radii that are set out in this document?

14 A. That's correct.

15 Q. The RSA. Registrar, can
16 you close this call out down and go to image 10,
17 please.

18 So, this is the beginning of
19 the design speed and curve radii discussion and I
20 think what you were referencing starts at least
21 the discussion in the second full paragraph about
22 the posted speed and then there are operating
23 speeds based upon a speed study and they say:

24 "Based on this, the curve
25 radii were reviewed for

1 compatibility with a
2 design speed of 110
3 kilometres an hour."

4 A. That's correct.

5 Q. And then at the bottom of
6 this page and on to the next page, there's a
7 reference -- Registrar, can you bring up the next
8 image as well -- to the curves and the particular
9 radii for curves and the compatible design speed
10 lower than 110 kilometres an hour, and they have
11 100 and 100 and then 90 at three different places,
12 and then they go into the ramps. Is that what you
13 were referencing in your answer just a moment ago?

14 A. I would have to look
15 through the report. I'm not sure if -- you don't
16 have it as a PDF that we can flip through?

17 Q. We can get it to you if
18 you would like to review it in advance of
19 Wednesday's testimony. Is that what you mean?

20 A. Can you go back or
21 forward a page or look at the conclusion?

22 Q. Yes. Sure. We only have
23 about two minutes left before we wrap up for the
24 day, so I'm happy to start with this when we come
25 back on Wednesday. I just wanted to ensure that I

1 understood that what you were discussing before is
2 really in relation to the design and curve radii
3 that are set out here?

4 A. Yeah. Maybe I'll go back
5 and look at the entire document just to ensure for
6 next time.

7 Q. Thank you. So, my last
8 question in the time that we have remaining: The
9 reference to the inadequate skid resistance and
10 excessive speed being contributing factors, the
11 call out that we've just had up, did that play
12 into the consideration of whether to follow CIMA's
13 recommendation in the speed limit study?

14 A. I've already had -- you
15 know, my thought process related to speed limit
16 study really was based upon the report that came
17 in before.

18 Q. Okay. So, you had
19 already formulated --

20 A. This reinforced that
21 decision.

22 Q. Okay. And, in
23 particular, the inadequate skid resistance along
24 with excessive speeds, did that reinforce the
25 prudence of lowering the speed?

1 A. I would say that all the
2 information in this report had an impact on that
3 decision in terms of reinforcing what I originally
4 thought.

5 Q. Okay. And the Tradewind
6 report friction values, did that also reinforce
7 your original formulation?

8 A. Did they play a part?

9 Q. Yes.

10 A. It's hard to not say they
11 didn't.

12 Q. Okay. That hits us right
13 to 4:30 today. Thank you very much for your time
14 and attention. We're not sitting tomorrow, so we
15 have a bit of a pause and then we'll be back on
16 Wednesday morning.

17 JUSTICE WILTON-SIEGEL: Okay.
18 I just want to make sure that I'm not muted.

19 MS. LAWRENCE: You're not.

20 JUSTICE WILTON-SIEGEL: Okay,
21 so then we will stand adjourned, as Ms. Lawrence
22 says, until 9:30 on Wednesday morning. Thank you.
23 --- Whereupon the proceedings adjourned at
24 4:30 p.m. until Wednesday, September 14, 2022
25 at 9:30 a.m.