

**Subject: Light Rail Regulatory Monitor and Compliance Officer Annual Report
for 2022**

File Number: ACS2023-OCC-GEN-0001

**Report to Transit Commission on 13 April 2023
and Council on 26 April 2023**

**Submitted on March 31, 2023 by Sam Berrada, Light Rail Regulatory Monitor and
Compliance Officer and Wendy Stephanson, Interim City Manager**

**Contact Person: Sam Berrada, Light Rail Regulatory Monitor and Compliance
Officer**

514-928-9799, sabvanguard@gmail.com

Ward: City Wide / À l'échelle de la ville (0)

**Objet : Rapport annuel de l'agent de surveillance de la conformité
réglementaire du train léger pour 2022**

Dossier : ACS2023-OCC-GEN-0001

Rapport au Commission du transport en commun

Le 13 avril 2023

et au Conseil le 26 avril 2023

**Soumis le 31 mars 2023 par Sam Berrada, Agent de vérification de la conformité
réglementaire du train léger, et Wendy Stephanson, Directrice municipale par
intérim**

**Personne ressource : Sam Berrada, Agent de vérification de la conformité
réglementaire du train léger**

514-928-9799, sabvanguard@gmail.com

Quartier : City Wide / À l'échelle de la ville (0)

REPORT RECOMMENDATION

That the Transit Commission recommend Council receive the Light Rail Regulatory Monitor and Compliance Officer Annual Report, attached as Document 1.

RECOMMANDATION DU RAPPORT

Que la Commission du transport en commun recommande que le Conseil prenne connaissance du Rapport annuel de l'Agent de vérification de la conformité réglementaire du train léger, ci-joint comme le Document 1.

BACKGROUND

On July 14, 2011, Council approved the implementation plan for the Ottawa Light-Rail Transit project (ACS2011-ICS-RIO-0002). At that time, the City of Ottawa and Transport Canada had been working together on a unique arrangement to permit the City to regulate its light rail system. As a result of those discussions, Council also authorized the City to finalize a regulatory agreement with the federal government.

The Transport Canada Delegation Agreement, made effective on October 1, 2011, included provisions for the development, adoption, monitoring and enforcement of City rail transit regulations pursuant to a delegated regulation model that ensure compliance with the regulations is monitored and reported on by the Regulatory Monitor and Compliance Officer, whose duties include monitoring and reporting on compliance with the LRT regulations.

On September 23, 2015, Council approved the governance and reporting requirements for the Regulatory Monitor and Compliance Officer (ACS2015-CMR-OCM-0018). This report provided that the Regulatory Monitor and Compliance Officer would submit a multi-year initial work plan to Council for approval three months prior to revenue service.

At its meeting of February 28, 2018, Council approved Motion No. 65/6 appointing Sam Berrada (SAB Vanguard Consulting Inc.) as the Regulatory Monitor and Compliance Officer.

Council approved the Regulatory Monitor and Compliance Officer's initial work plan (ACS2018-CCS-OCC-0017) on September 12, 2018. Council has received three annual reports from the Regulatory Monitor and Compliance Officer: on February 26, 2020 (ACS2020-OCC-TRA-0002), April 14, 2021 (ACS2021-OCC-GEN-0009), and April 13, 2022 (ACS2022-OCC-GEN-0008).

DISCUSSION

The Regulatory Monitor and Compliance Officer prepared the fourth annual compliance report, presented for the Transit Commission and Council's receipt, as set out in Document 1. This is consistent with the multi-year work plan approved by Council in 2018. In accordance with the Regulatory Monitor and Compliance Officer's mandate, regulatory compliance monitoring activities started during the fourth quarter of 2019, shortly after revenue service inception.

In accordance with the mandate provided by the City, the Regulatory Monitor and Compliance Officer conducted monitoring activities throughout 2022 by reviewing the following key areas:

- Inspection activities related to light-rail vehicles (LRV), track, and overhead catenary system (OCS)
- Security management system (SeMS)

The first area was selected for follow-up monitoring given the importance of effective and complete inspections for safe and reliable operations. The focus was on inspection activities that did not achieve full conformance in 2020.

The second area, security management system, has not previously been monitored by the Regulatory Monitor and Compliance Officer because it was audited by an external firm in 2021 as part of OC Transpo's tri-annual audit requirements as required by the Delegation Agreement with Transport Canada.

This document constitutes the Regulatory Monitor and Compliance Officer's fourth annual compliance report, which describes the specific areas that were monitored, including the work undertaken to verify compliance with LRT regulations and related requirements, as well as the compliance assessment findings for each area monitored.

As indicated in the annual compliance report, the City's LRT Regulations are comprised of City plans, programs, standards, practices and other requirements ("City requirements") relating to O-Train Line 1, the Confederation Line that have been adopted and imposed by the City through various means.

The compliance assessment involves the Regulatory Monitor and Compliance Officer reviewing:

- City requirements

- Related documentation from applicable City departments and contractors
- Practices and procedures followed by the people required to perform the services, tasks and activities related to the City requirements

MANAGEMENT RESPONSE

The City received the compliance report submitted by the Regulatory Monitor and Compliance Officer. The Regulatory Monitor and Compliance Officer examined 12 elements of inspection activities related to light-rail vehicles, track, and overhead catenary system, and 17 elements related to security management system. Regulatory compliance monitoring activities and findings are summarized in Sections 5 and 6 of Document 1.

The Regulatory Monitor and Compliance Officer provides findings to OC Transpo according to the following criteria:

- Compliant: Monitoring activities identified compliant results in accordance with City requirements, as reflected in the related documents
- Mostly compliant: Monitoring activities identified predominantly compliant results, with some exceptions
- Partially compliant: Monitoring activities identified mixed results, with some compliant areas and some non-compliant areas
- Not compliant: Monitoring activities identified either fully non-compliant results or mostly non-compliant results
- Opportunity: Monitoring activities identified an opportunity for improvement relative to City requirements and Good Industry Practice

A similar scale is used for contractors with the term conformant rather than compliant since such findings relate to contractual requirements (i.e. Project Agreement) rather than City LRT Regulations.

Inspection activities related to light-rail vehicles, track, and overhead catenary system

In 2020, the Regulatory Monitor and Compliance Officer evaluated Alstom on nine track inspection types and found they were fully conformant on four, mostly conformant on three, and partially conformant on two. Alstom was also evaluated on light-rail vehicle

and catenary inspections, both of which were found to be mostly conformant. As such, Alstom was evaluated in 2022 on the inspection types that were not fully conformant in 2020.

OC Transpo was evaluated on 12 elements related to its regulatory responsibilities over track, light-rail vehicle and overhead catenary system inspections and was found to be compliant with all but the three elements that fall under program oversight, which were evaluated as mostly compliant. OC Transpo has already taken actions to enhance its 2023 oversight plan to monitor the training of contractor employees and its central data collection system used to record oversight findings.

RTM was evaluated on 10 elements related to its implementation of track, light-rail vehicle and overhead catenary system inspections and was found to be conformant with three elements, mostly conformant with one, and partially conformant with six. The Regulatory Monitor and Compliance Officer identified three key conformance gaps:

- Incomplete records with respect to execution of inspections
- Missing training for employees involved in inspections
- Oversight plan was formalized after the monitoring period

Security management system

OC Transpo was evaluated on 17 elements related to the security management system and was found to be compliant with all but two elements, threat and vulnerability risk analysis and contractor oversight, which were both evaluated as mostly compliant. OC Transpo has already taken actions to enhance its 2023 oversight plan for contractors and to update its 2023 security management system using the latest threat and vulnerability risk assessment. OC Transpo will ensure subsequent assessments are performed every three years.

RTM was evaluated on 12 elements and was found to be conformant with four elements, mostly conformant with five, partially conformant with two, and not conformant with one. The most significant conformance gap relates to verifying security clearances for contractor employees.

REMEDIAL ACTIONS

City staff will continue to ensure that, through the contract administration of the Project Agreement, RTM undertakes all appropriate steps to achieve full conformance. OC

Transpo has formally requested a corrective action plan and implementation plan for each of the findings. To ensure structured and timely follow-up, a list of remedial actions has been developed and will continue to be reviewed at regular meetings with the Regulatory Monitor and Compliance Officer, RTM, Alstom and City staff.

FINANCIAL IMPLICATIONS

There is no financial implication with the recommendation in this report.

LEGAL IMPLICATIONS

There are no legal impediments to receiving this report for information.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide report.

CONSULTATION

Consultation was not required for this report.

ACCESSIBILITY IMPACTS

No specific accessibility impacts have been identified in the preparation of this report.

DELEGATION OF AUTHORITY IMPLICATIONS

No additional delegated authority is being sought by staff as part of this report.

ASSET MANAGEMENT IMPLICATIONS

No specific asset management implications have been identified in the preparation of this report.

ECONOMIC IMPLICATIONS

No specific economic implications have been identified in the preparation of this report.

RISK MANAGEMENT IMPLICATIONS

Risk implications of the Light Rail Regulatory Framework have been identified and explained in previous reports and are being managed by appropriate staff.

RURAL IMPLICATIONS

No specific rural implications have been identified in the preparation of this report.

TECHNOLOGY IMPLICATIONS

No specific technology implications have been identified in the preparation of this report.

TERM OF COUNCIL PRIORITIES

No specific Term of Council priorities have been identified in the preparation of this report.

SUPPORTING DOCUMENTATION

Document 1: Regulatory Monitor and Compliance Officer Annual Compliance Report for 2022

DISPOSITION

The Light Rail Regulatory Monitor and Compliance Officer will proceed according to Council direction.