

**Subject: Light Rail Regulatory Monitor and Compliance Officer Annual Report
for 2023**

File Number: ACS2024-OCC-GEN-0006

**Report to Transit Commission on 11 April 2024
and Council on 17 April 2024**

**Submitted on April 2, 2024 by Sam Berrada, Light Rail Regulatory Monitor and
Compliance Officer and Wendy Stephanson, City Manager**

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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 2023**

Dossier : ACS2024-OCC-GEN-0006

Rapport au Commission du transport en commun

Le 11 avril 2024

et au Conseil le 17 avril 2024

**Soumis le 2 avril 2024 par Sam Berrada, Agent de vérification de la conformité
réglementaire du train léger, et Wendy Stephanson, Directrice municipale**

**Personne ressource : Sam Berrada, Agent de vérification de la conformité
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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 four annual reports from the Regulatory Monitor and Compliance Officer: on February 26, 2020 ([ACS2020-OCC-TRA-0002](#)), April 14, 2021 ([ACS2021-OCC-GEN-0009](#)), April 13, 2022 ([ACS2022-OCC-GEN-0008](#)) and April 26, 2023 ([ACS2023-OCC-GEN-0001](#)).

DISCUSSION

The Regulatory Monitor and Compliance Officer prepared the fifth annual compliance report, presented for the Transit Commission and Council's receipt, as set out in Document 1. This is consistent with the mandate approved by Council in 2018 and re-confirmed through the Light Rail Regulatory Monitor Compliance Officer Contract report in April 2023. 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 2023 by reviewing the following key areas:

- Inspections of tunnels
- Inspections of Communications-Based Train Control (CBTC) system

The inspections of tunnels, and inspections of communications-based train control system were selected for monitoring given the important role each play to support safe and reliable operations, and to meet specific inspection requirements in accordance with the Project Agreement. These two areas had not previously been monitored by the Regulatory Monitor and Compliance Officer following revenue service inception.

The Regulatory Monitor and Compliance Officer's fifth annual compliance report, 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 eight elements of inspection activities related to inspections of tunnels, and five elements related to inspections of the Communications-Based Train Control (CBTC) 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.

Inspections of tunnels

OC Transpo was evaluated on eight elements related to its regulatory responsibilities over tunnel inspections and was found to be compliant with all eight elements which cover program adoption, implementation, direction, oversight, and records.

Rideau Transit Maintenance (RTM) was evaluated on 10 elements related to its implementation of tunnel inspections and was found to be conformant with five elements, and mostly conformant with the remaining five.

Inspections of Communications-Based Train Control (CBTC) system

The Regulatory Monitor and Compliance Officer noted that not all commuter lines have Communications-Based Train Control (CBTC) systems and that the City's decision to invest in a CBTC system for the O-Train Confederation Line brings substantial value to support safe and reliable service.

OC Transpo was evaluated on five elements related to inspections of the communications-based train control system and was found to be compliant with all but one element, oversight activities, which was evaluated as mostly compliant. OC Transpo has already taken actions to enhance its 2024 oversight plan to include the monitoring of training for signals and communications employees performing CBTC inspections.

RTM was evaluated on five elements and was found to be conformant with three, mostly conformant with one, and partially conformant with one. The Regulatory Monitor and Compliance Officer noted that conformance gaps for inspections were generally small and involved either missing records or inspection dates that exceeded established time intervals and tolerances.

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 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 are no financial implications with receiving this report for information.

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

The 2023-2026 Term of Council Priorities include:

- A city that is more connected with reliable, safe, and accessible mobility options.
- A city that it is green and resilient.

SUPPORTING DOCUMENTATION

Document 1: Regulatory Monitor and Compliance Officer Annual Compliance Report for 2023

DISPOSITION

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