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**LIGHT RAIL REGULATORY MONITOR AND COMPLIANCE OFFICER
ANNUAL REPORT FOR 2020**

**RAPPORT ANNUEL DE L'AGENT DE SURVEILLANCE DE LA
CONFORMITÉ RÉGLEMENTAIRE DU TRAIN LÉGER POUR 2020**

COMMITTEE RECOMMENDATION

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

RECOMMANDATION DU COMITÉ

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.

Documentation/Documentation

1. Light Rail Regulatory Monitor and Compliance Officer and City Manager's report, dated March 8, 2021 (ACS2021-OCC-GEN-0009)

Rapport de l'Agent de vérification de la conformité réglementaire du train léger et du Directeur Municipal, daté le 8 mars 2021 (ACS2021-OCC-GEN-0009)

2. Extract of draft Minutes, Transit Commission, 17 March 2021

Extrait de l'ébauche du procès-verbal, Commission du transport en commun, le 17 mars 2021

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**Report to
Rapport au:**

**Transit Commission
Commission du transport en commun
17 March 2021 / 17 mars 2021**

**and Council
et au Conseil
14 April 2021 / 14 avril 2021**

**Submitted on March 8, 2021
Soumis le 8 mars 2021**

**Submitted by
Soumis par:**

**Sam Berrada, Light Rail Regulatory Monitor and Compliance Officer /
Agent de vérification de la conformité réglementaire du train léger**

**and / et Steve Kanellakos, City Manager
Directeur Municipal**

**Contact Person
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2021-OCC-GEN-0009

**SUBJECT: Light Rail Regulatory Monitor and Compliance Officer Annual Report
for 2020**

**OBJET: Rapport annuel de l'agent de surveillance de la conformité
réglementaire du train léger pour 2020**

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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 (LRT) 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; and, 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 which includes the City's authority to develop, implement, monitor and enforce a comprehensive regulatory framework for the safety and security of the LRT, including the adoption of procedures that ensure that compliance with the regulations are monitored and reported on by an independent internal auditor or other responsible City official. The position of independent internal auditor was subsequently renamed the Regulatory Monitor and Compliance Officer (RMCO), whose duties include monitoring and reporting on compliance with the LRT regulations.

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

At its meeting of February 28, 2018, City Council approved Motion No. 65/6 appointing Sam Berrada (SAB Vanguard Consulting Inc.) as the RMCO.

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Further to the above, at its meeting of 12 September 2018, Council considered and approved report ACS2018-CCS-OCC-0017, outlining the RMCO's initial work plan. Further to this work plan, City Council approved the RMCO's first annual report on 26 February 2020 (ACS2020-OCC-TRA-0002).

The second Annual Compliance Report, attached as Document 1, is now being presented to the City of Ottawa's Transit Commission at its meeting of Wednesday, 17 March 2021, and Ottawa City Council, at its meeting of Wednesday, 14 April 2021 for consideration.

DISCUSSION

The RMCO prepared the Annual Compliance Report, being presented for the Transit Commission and Council's consideration, as set out in Document 1. This is consistent with the multiyear work plan. In accordance with the RMCO mandate, regulatory compliance monitoring activities were started during the fourth quarter of 2019, shortly after revenue service inception.

In accordance with the mandate provided by the City, the RMCO pursued monitoring activities throughout 2020 by reviewing the following key areas:

- Inspection and repair activities related to the LRT track;
- Inspection and repair activities related to light rail vehicles and the catenary.

This document constitutes the second RMCO Annual Compliance Report, which describes the specific areas that were monitored, including the work that was 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 Report, the City's LRT regulations are comprised of City plans, programs, standards, practices and other requirements (the "City Requirements") relating to the O-Train Line 1, the Confederation Line, system that have been adopted and imposed by the City through various means.

An assessment of compliance involves the RMCO review of: the City Requirements; related documentation from applicable City departments and contractors; and the practices and procedures being followed by those persons required to perform the services, tasks and activities related to these City Requirements.

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MANAGEMENT RESPONSE

The City has received the report submitted by the Regulatory Monitor & Compliance Officer (RMCO). The RMCO has examined 17 elements of inspection and repair activities related to the track, and 14 elements of inspection and repair activities related to light rail vehicles and the catenary. In monitoring and evaluating compliance of each element, the RMCO provides findings according to the following criteria:

- Compliant: means that monitoring activities have identified compliant results in accordance with City Requirements, as reflected in the related documents being reviewed
- Mostly compliant: means that monitoring activities have identified predominantly compliant results, with some exceptions
- Partially compliant: means that monitoring activities have identified mixed compliance results, with some compliant areas as well as non-compliant areas
- Not compliant: means that monitoring activities have identified either fully non-compliant results or mostly non-compliant results
- Opportunity: means that monitoring activities have identified an opportunity for improvement relative to City Requirements, including Good Industry Practice (GIP)

With respect to inspection and repair activities related to the track, OC Transpo was evaluated on four elements and found to be compliant with all four. RTM and Alstom were evaluated jointly on three elements and were found to be compliant with one element, mostly compliant with another and one opportunity for improvement was identified regarding the process to provide alerts when inspections are not done. Alstom committed to add this process to support execution of inspections and confirmed in April that a script was developed to flag missing inspections. Finally, Alstom was evaluated on 14 elements and was found compliant with six elements, mostly compliant with four, partially compliant with three and one opportunity for improvement was identified in the oversight/monitoring of field employees.

Regarding inspection and repair activities related to light rail vehicles and the catenary, these elements and their findings all relate to Alstom. Across the 14 elements, Alstom

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was found to be compliant with four elements, mostly compliant with five, partially compliant with one and there were four opportunities identified for improvement:

- Inconsistency was identified between RTM and Alstom documents regarding mileage tolerance within which light rail vehicle inspections must be performed, as well as actions required / disposition in the event that mileage tolerance is exceeded. RTM and Alstom have agreed to review and align.
- Upon inception of monitoring, documents provided did not describe measures for light rail vehicles and the catenary for extreme weather. Subsequently, the RMCO was provided with documents describing winter preparation / severe weather actions and these are being reviewed with RTM / Alstom.
- A review of work orders (task lists used as checklists for inspections) shows that some are detailed checklists, whereas others show only one line which is insufficient to support completeness and execution. During the summer of 2020, Alstom made all work orders consistent and detailed.

Regulatory compliance monitoring activities and findings are summarized in Sections 5 and 6 of Document 1. In the report, the RMCO has noted that “Sections 5 and 6 provide tables which identify the areas which were monitored, as well as the corresponding findings. Although these tables identify areas of strength and opportunity, many of the issues identified occurred during the winter of 2019-2020, with improvements noted afterwards.”

City staff will ensure that RTM and Alstom implement opportunities for improvement and undertake all appropriate steps to achieve full compliance. To ensure a structured and timely follow-up, a list of remedial actions has been developed and is being reviewed on a quarterly basis with the RMCO, Alstom, RTM and City staff. Remedial actions will be monitored on a go forward basis.

RURAL IMPLICATIONS

No specific Rural Implications have been identified in the preparation of this report, which was drafted to transmit the accompanying RMCO Annual Compliance Report, identified as Document 1.

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CONSULTATION

Not applicable.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide matter.

LEGAL IMPLICATIONS

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

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.

FINANCIAL IMPLICATIONS

There are no financial implications to the City in this report.

ACCESSIBILITY IMPACTS

No specific Accessibility Impacts have been identified in the preparation of this report, which was drafted to transmit the accompanying RMCO Annual Compliance Report, identified as Document 1.

TERM OF COUNCIL PRIORITIES

No specific 2018-2022 Term of Council Priorities have been identified in the preparation of this report, which was drafted to transmit the accompanying RMCO Annual Compliance Report, identified as Document 1.

SUPPORTING DOCUMENTATION

Document 1: RMCO Annual Compliance Report

DISPOSITION

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