

1. **Light Rail Regulatory Monitor and Compliance Officer Annual Report for 2021**
- Rapport annuel de l'agent de vérification de la conformité réglementaire du train léger pour 2021

COMMISSION RECOMMENDATION

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

RECOMMANDATION DE LA COMMISSION

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 21, 2022
(ACS2022-OCC-GEN-0008)

Rapport de l'Agent de vérification de la conformité réglementaire du train léger et du Directeur Municipal, daté le 21 mars 2022 (ACS2022-OCC-GEN-0008)
2. Extract of draft Minutes, Transit Commission, 30 March 2022

Extrait de l'ébauche du procès-verbal, Commission du transport en commun, le 30 mars 2022

Subject: Light Rail Regulatory Monitor and Compliance Officer Annual Report for 2021

File Number: ACS2022-OCC-GEN-0008

**Report to Transit Commission on 30 March 2022
and Council on 13 April 2022**

Submitted on March 21, 2022 by Sam Berrada, Light Rail Regulatory Monitor and Compliance Officer and Steve Kanellakos, City Manager

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Ward: Citywide

Objet : Rapport annuel de l'agent de vérification de la conformité réglementaire du train léger pour 2021

Dossier : ACS2022-OCC-GEN-0008

Rapport au Commission du transport en commun

Le 30 mars 2022

et au Conseil le 13 avril 2022

Soumis le 21 mars 2022 par Sam Berrada, Agent de vérification de la conformité réglementaire du train léger, et Steve Kanellakos, Directeur Municipal

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

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Quartier : À l'échelle de la ville

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; 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 that ensure that compliance with the regulations are 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 Compliance Officer's 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. On February 26, 2020, Council considered and received the Regulatory Monitor and Compliance Officer's first annual report (ACS2020-OCC-TRA-0002) on February 26, 2020. Council considered and received the second annual report on April 14, 2021 (ACS2021-OCC-GEN-0009).

DISCUSSION

The Regulatory Monitor and Compliance Officer prepared the third annual compliance report, being presented for the Transit Commission and Council's consideration, as set

out in Document 1. This is consistent with the multi-year work plan approved by Council in 2015. 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 pursued monitoring activities throughout 2021 by reviewing the following key areas:

- Safety management system
- Emergency management processes

This document constitutes the third Regulatory Monitor and Compliance Officer's 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 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 18 elements of inspection and repair activities related to the safety management system, and 10 elements related to emergency management processes. Regulatory compliance monitoring activities and findings are summarized in Sections 5 and 6 of Document 1.

The Regulatory Monitor and Compliance Officer provides findings 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

Safety management system

OC Transpo was evaluated on 18 elements related to the safety management system and was found to be compliant with all but one element, monitoring contractor program compliance, which was evaluated as mostly compliant. OC Transpo has already taken actions to enhance its 2022 oversight plan for contractors.

RTM and Alstom were evaluated on the same 18 elements and was found to be conformant with 10 elements, mostly conformant with six, and partially conformant with two. The Regulatory Monitor and Compliance Officer identified five opportunities for improvement:

- Update RTM's Safety Management Plan annually
- Update Alstom's Safety Management Plan so it aligns with RTM's plan and direction provided by OC Transpo and RTM
- Expand objectives and initiatives to encompass operational safety more broadly
- Strengthen oversight and direction to focus on key operational issues
- Expand risk assessments for both RTM and Alstom to cover operational safety and risk management

Emergency management processes

OC Transpo was evaluated on 10 elements related to emergency management processes and was found to be compliant with all but one element, contractor oversight, which was evaluated as mostly compliant. OC Transpo has already taken actions to enhance its 2022 oversight plan for contractors.

RTM was evaluated on the same 10 elements and was found to be conformant with four elements, mostly conformant with four others, and partially conformant with two. The Regulatory Monitor and Compliance Officer identified four opportunities for improvement:

- Develop a formal Emergency Response Plan
- Implement the recently developed YCC Emergency Response Plan
- Review orientation and training of contractors to ensure that applicable emergency management process requirements are conveyed to subcontractors
- Strengthen training material with key information such as evacuation routes and assembly points

Remedial actions

In respect to compliance with the City LRT Regulations, Management acknowledges that the findings with respect to OC Transpo have already been addressed and completed prior to writing of this report.

City staff will continue to ensure that through the contract administration of the Project Agreement that RTG, RTM and Alstom implement opportunities for improvement and undertake all appropriate steps to achieve full compliance. 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 associated with the recommendation of 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.

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 2021

DISPOSITION

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