

## Application to participate and seek funding

The Terms of Reference for the Red Hill Valley Parkway Inquiry (RHVPI) are found [here](#)

All applications, including supporting materials, must be filed by text searchable and bookmarked .PDF files sent to [rcenta@rhvpi.ca](mailto:rcenta@rhvpi.ca) on or before November 29, 2019, at noon, or on any other date with leave of the Commissioner. An applicant may use this template or provide written submissions that address the topics set out below.

### THE APPLICANT:

I. Individual \*

Name:

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Email Address:

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Mailing Address:

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Telephone Number:

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II. Corporation or Organization \*

Name:

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Contact Person [name and position]

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Email Address:

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Mailing Address:

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Telephone Number:

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**\* IF REPRESENTED BY COUNSEL:**

Name:

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Firm:

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Email Address:

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Mailing Address:

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Telephone Number:

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**STANDING TO PARTICIPATE:**

1. What is the nature of your interest in the subject matter of the RHVPI?

In particular, please indicate a) whether you have a substantial and direct interest in the subject matter of the RHVPI; b) if you believe your involvement could result in you receiving a notice of alleged misconduct; c) your participation would further the conduct of the RHVPI; and/or d) your participation would contribute to the openness and fairness of the RHVPI

Golder Associates Ltd. ("Golder") is a Canadian employee-owned, global company providing engineering and environmental science consulting, design, and construction services in earth, environment, and a wide variety of related markets. Golder has a substantial and direct interest in the subject of this Inquiry, most obviously because in assessing the frictional characteristics of the Red Hill Valley Parkway ("RHVP") in 2013, it commissioned the Tradewind Report, the findings and treatment of which are at the core of this Inquiry. More generally, Golder's involvement in the RHVP goes back to 2005 and its knowledge and specialist expertise may assist in the conduct of this Inquiry and contribute to its openness and fairness.

Golder provided recommendations to the City of Hamilton in 2005 in relation to a proposed perpetual pavement design for the RHVP. Golder revised an existing initial pavement design to a perpetual pavement design using a surface course of stone mastic asphalt ("SMA") and provided specifications. During construction of the RHVP in 2007, Golder provided quality assurance, field testing and field review as well as materials laboratory testing.

In 2013 Golder was retained by Hamilton to evaluate the performance of the RHVP five years after construction. By separate emails of September 30, 2013, Golder was informed by Hamilton that police had commented that the ramps and road on the RHVP were slippery in wet conditions. Subsequently, Hamilton expanded the scope of the work to include an evaluation of the frictional characteristics of the RHVP. Golder retained Tradewind Scientific Ltd. ("Tradewind") to perform friction testing on the RHVP. Golder's report entitled "Red Hill Valley Parkway - Performance Review after Six Years in Service" ("RHVP Performance Review") enclosed the Tradewind Report.

A summary of the findings of the Tradewind testing along with 2007 friction testing results provided by the Ministry of Transportation ("MTO") were provided to Hamilton by email of January 24, 2014. The RHVP Performance Review along with the Tradewind Report was delivered to Hamilton by email on January 31, 2014 and hand delivered at a meeting on February 7, 2014. At the meeting of February 7, 2014 Golder discussed the findings and recommendations of the RHVP Performance Review. In relation to the issue of friction, Golder raised two alternative methods for improving the frictional characteristics: microsurfacing which would also have addressed the cracking and shot blasting (also called skidabrading), which is a technique used to improve frictional quality. Shot blasting would not have addressed the maintenance required for the observed cracking on the RHVP.

On December 17, 2015 in the context of discussion about the assessment of dips in the RHVP, Hamilton sent to Golder the 2007 MTO friction testing and Golder resent the Tradewind Report to Hamilton. Golder conducted testing of bumps and dips on the RHVP in early 2016. An excel spreadsheet recording the bumps and dips on the RHVP as well as site plans were provided to Hamilton on March 4, 2016. At a meeting on March 4, 2016 with Hamilton, Golder discussed the findings of the testing and raised recommended remedial measures, including microsurfacing and shot blasting.

Golder obtained quotes for shot blasting from two contractors. Golder provided two options for shot blasting to Hamilton by email of March 15, 2016. Hamilton declined this proposal by responding email on March 15, 2016.

In a meeting with Hamilton on August 31, 2017 in the context of a discussion about new asphalt paving specifications, the friction testing results on the RHVP were discussed again and Golder raised again the potential for microsurfacing or shot blasting.

In November of 2017 Golder was asked to investigate the condition of the existing pavement surface on the RHVP. The investigation included testing of polished stone value, evaluation of surface texture and testing of surface frictional characteristics using a British Pendulum Tester. Golder reported on the testing at a meeting with Hamilton on March 9, 2018. Golder again recommended microsurfacing or shot blasting to improve frictional quality. Further advice in relation to a number of issues and including alternative methods to improve frictional characteristics on the RHVP was provided to Hamilton on May 14, 2018 and December 18, 2018. The Golder report in relation to this testing was delivered on December 17, 2019 and subsequently finalized on February 28, 2019.

In March of 2018 Hamilton raised the possibility of resurfacing the RHVP using a technique of hot in place recycling ("HIR") of the top course SMA. Golder was subsequently retained to investigate the suitability of using a HIR treatment on the RHVP. Golder concluded that the technique was theoretically possible but did not recommend its application on the RHVP. Golder understands that a more common mill and overlay technique was chosen by Hamilton in late 2018.

We submit that Golder has a real and substantial interest in this Inquiry:

- a. in establishing what it did at the request of Hamilton to investigate and report on the frictional characteristics of the RHVP; and
- b. what advice it provided to Hamilton subsequently in relation to alternative remedial measures to improve frictional characteristics on the RHVP.

Golder is uniquely situated to offer information and assistance to the Inquiry:

- a. Its involvement with the design and construction of the RHVP asphalt pavement and subsequent evaluations make it uniquely positioned to assist the Commission in establishing a neutral history of these events;
- b. its role and expertise in pavement design and materials make it uniquely qualified to offer insight into the pavement design and use of SMA on the RHVP;
- c. Golder may be able to assist the Commission in exploring the standards of engineering practice in relation to friction testing, applicable friction standards, as well as the evaluation of friction testing findings.

The breadth of Golder's experience and its extended involvement in the design and testing of various aspects of the RHVP will assist in the conduct of the Inquiry and contribute to the openness and fairness of the Inquiry.

2. Why do you wish to participate in the Inquiry?

Golder has been asked to produce records in response to the questions asked in the Terms of Reference for the Inquiry and has been advised that it will be served with a summons. Golder anticipates that the Commission will likely want to interview one of its engineers as a key witness.

Golder's evidence will likely form an important component in a neutral chronology of events beginning with pavement design and approval of materials.

Full participation in the Inquiry by allowing access to the database of relevant documents, commentary on summary evidence compiled by the Commission Counsel, the identification of informed witnesses, the examination of witnesses at the Inquiry and the privilege of making oral and/or written submissions will facilitate Golder's effective engagement in establishing a factually accurate and complete account of the evidence and assist it in responding to particular questions raised in the Terms of Reference.

3. How do you propose to contribute to the Inquiry? In giving your answer, please refer to the [Terms of Reference](#)

There are a number of questions raised in the Terms of Reference which we believe Golder is uniquely positioned to assist in answering. These include:

related to i) and iv) at first instance to whom Golder provided a copy of the Tradewind Report as well as the RHVP Performance Review and when.

Not directly asked but potentially relevant: as a result of the findings in the Tradewind Report, what advice was provided to Hamilton in relation to improving the frictional characteristics of the RHVP?

vi) while Golder has no information as to how the Tradewind Report was distributed within Hamilton, it does have information as to meetings with Hamilton at which Golder's recommendations as a result of the Tradewind Report were discussed in 2018 but also in prior years.

xiii) what additional friction testing, asphalt assessment was requested on the RHVP?

xiv) what subsequent reports provided additional support to the conclusions contained in the Tradewind Report?

xvi) Golder was aware of limited friction testing performed by the MTO in 2007 before the RHVP opened (Golder became aware of additional friction testing undertaken by the MTO from 2008 to 2014 on or about November 12, 2019);

xxii) Golder is aware of published academic opinions in relation to standards for measuring friction on roadways;

xxiii) Golder is aware of published academic works addressing friction levels on roadways;

xxiv) Golder is aware of the existence of a monitoring station on the RHVP which measured data including numbers of vehicles, weight and speed beginning in 2007. This data should be in the possession of Hamilton. The extent to which these factors and others may be relevant to causation of motor vehicle accidents on the RHVP will be the subject of specialist expert testimony and is not within the knowledge, findings or conclusions rendered by Golder in its work.

**TYPES OF PARTICIPATION SOUGHT:**

The Commissioner may permit an applicant to participate in some or all parts of the RHVPI.

4. If allowed to participate in the Public Hearings, how do you wish to participate? Check all that apply.

- a) receive access to a database of relevant documents;
- b) to comment on background materials or written evidence prepared by Commission Counsel;
- c) to propose individuals to be interviewed or to appear as witnesses at the RHVPI public hearing;
- d) to examine witnesses at the RHVPI's public hearing;
- e) to make oral or written submissions to the Commissioner; and/or
- f) other: \_\_\_\_\_

5. The Commissioner will avoid duplication and encourage efficiency. Please indicate if you have a common interest with any other individual or company that may also be seeking to participate. If so, specify their name and indicate your position on whether the Commissioner should grant joint participation status to those with whom you have a common interest.



**FUNDING:**

Where the Commissioner concludes that a Participant would not be able to participate in the RHVPI without receiving funding, the Commissioner may recommend to the City of Hamilton that it provide the Participant with funding to the extent of that Participant's interest. The Commissioner does not have authority to direct the City to provide funding.

6. Will you be asking the Commissioner to recommend that you receive funding for legal counsel from the City of Hamilton in order to be able to participate in the RHVPI?

- a) Yes  
 b) No

If you answered yes, complete the questions 7 to 9. If you answered no, proceed to question 10.

7. Why do you require funding from the City of Hamilton to participate in the RHVPI?

8. Is there any documentation or other evidence that the Commissioner should consider in support of your application for funding?

- a) Yes  
 b) No

9. If you answered yes to question 8, please list the documentation or other evidence you would like the Commissioner to consider below and attach copies of all supporting materials to your application.



**CONFIDENTIALITY:**

All materials filed in support of an application to participate, and all updates regarding the applications, will be posted on the Inquiry's website at [www.rhvpi.ca](http://www.rhvpi.ca), subject to any confidentiality order made by the Commissioner.

10. Do you request that any portion of your application, including supporting materials, be kept confidential?

- a) Yes
- b) No

11. If you answered yes to question 10, please specify which portions of your application should be kept confidential and why.

**ORAL HEARINGS:**

The Commissioner will review your applications and determine whether or not he will permit oral submissions to be made in support of the applications.

12. Do you wish to make oral submissions in support of your application?

- a) Yes
- b) No

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Signature

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Date (month/day/year)