

RED HILL VALLEY PARKWAY INQUIRY

TRANSCRIPT OF PROCEEDINGS
HEARD BEFORE THE HONOURABLE J. WILTON-SIEGEL
held via Arbitration Place Virtual
on Friday, June 10th, 2022 at 10:00 a.m.

VOLUME 28

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1 Arbitration Place Virtual

2 --- Upon resuming on Friday, June 10th, 2022 at
3 10:00 a.m.

4 MS. BRUCKNER: Commissioner,
5 may I proceed?

6 JUSTICE WILTON-SIEGEL: Yes,
7 please proceed.

8 MS. BRUCKNER: Good morning,
9 Commissioner, Counsel, Mr. Worron.

10 Mr. Worron, thank you so much
11 for joining us today. Commissioner, I don't
12 believe that Mr. Worron has been sworn today yet.

13 JASON WORRON; AFFIRMED

14 EXAMINATION BY MS. BRUCKNER:

15 Q. Mr. Worron, my name is
16 Hailey Bruckner. I'm commission counsel. I'm
17 going to be asking you some questions today. Some
18 of those questions will be with reference to the
19 overview document that the inquiry has prepared.
20 Have you had a chance to review that document?

21 A. Yes.

22 Q. So I'm going to start
23 asking some questions about your background. I
24 understand you're a graduate of the Mohawk
25 College, transportation and highway engineering

1 program; is that right?

2 A. Yes.

3 Q. Do you have any other
4 professional qualifications?

5 A. I do now. I'm a CET with
6 OSET.

7 Q. When did you apply to
8 that qualification?

9 A. I should know this.
10 Within the last year, roughly the last year.

11 Q. And you worked for the
12 ministry of transportation prior to joining the
13 City in January 2015?

14 A. Yes.

15 Q. In what capacity did you
16 work with the MTO?

17 A. I had various roles at
18 various offices.

19 Q. What was the last one
20 that you were in before you joined the City?

21 A. I believe it was titled
22 senior project manager, signs and pavement
23 markings.

24 Q. And you were a senior
25 project manager in the traffic operations and

1 engineering department with the City from
2 January 2015 to August 2017?

3 A. Yes.

4 Q. Can you describe your
5 responsibilities in that role for me?

6 A. I was responsible for a
7 handful of staff that tackled community safety
8 items, such as all stop sign requests, speed
9 reduction requests, traffic calming requests.
10 Near the end, I got into some active
11 transportation, program of safe routes to school,
12 things like that.

13 Q. Did your group have any
14 responsibility for asphalt or pavement?

15 A. No.

16 Q. You reported to David
17 Ferguson, who was superintendent traffic
18 engineering?

19 A. That was my direct
20 report, yes.

21 Q. I believe Mr. Ferguson
22 would have reported up to Martin White?

23 A. Correct.

24 Q. Who then reported to, I
25 believe, Geoff Lupton?

1 A. Yeah, during my time,
2 yes.

3 Q. And Mr. Lupton, I
4 believe, reported then to John Mater?

5 A. Yes.

6 Q. Did anyone report to you
7 in your role as senior project manager?

8 A. Directly, I had two
9 project managers. When I first came on it was
10 Steve Cooper and Sue Russell, but then Sue left
11 shortly after that to a secondment, and I believe
12 it was Joanne Star that took over.

13 Q. Did Mr. Cooper report
14 exclusively to you?

15 A. No, I was directly
16 responsible for the administration of him dealing
17 with time off, hours of work, things like that,
18 but from a technical nature, we all reported
19 throughout the various layers.

20 Q. So there were instances
21 in which Mr. Cooper would have been reporting to
22 Mr. Ferguson directly on projects?

23 A. Yeah, and possibly even
24 Mr. White.

25 Q. Prior to your start at

1 the City in January 2015, CIMA prepared the 2013
2 CIMA report, which I will have the registrar bring
3 up for you.

4 Registrar, can you please call
5 up HAM41871, please.

6 Mr. Worrone, are you familiar
7 with that CIMA report?

8 A. Yes.

9 Q. Why did you review this
10 report?

11 A. Sorry?

12 Q. Why are you familiar with
13 this report?

14 A. I assisted with a staff
15 report early in the start of 2015 that provided a
16 synopsis of the recommendations laid out in this
17 report.

18 Q. Registrar, could you take
19 this down and bring up RHV668?

20 So this is the information
21 report that was prepared about that 2013 CIMA
22 report. Do you have any familiarity with this
23 information report from 2013?

24 A. So, sorry. The 2013
25 report was for an update report when -- sorry,

1 there's so many reports. My involvement was just
2 to know what historically had been done with the
3 2013 report.

4 Q. And that involved a
5 review of that report?

6 A. Yeah.

7 Q. Thank you.

8 Registrar, you can take this
9 down, please. And if you could take us to OD6,
10 image 135 at paragraphs 388 to 389.

11 Mr. Worrton, can you see that?

12 A. Yeah.

13 Q. Registrar, if you could
14 call out 388 and 389.

15 So, in January of 2015, which
16 I believe was quite early in your time at the
17 City, there's an e-mail exchange between you,
18 Mr. Merritt and Mr. Ferguson, and the first one is
19 the one set out at 388 about the installation of
20 pavement reflectors on the Red Hill, and
21 Mr. Ferguson writes to you January 20th, 2015:

22 "And the fun continues. Can
23 you guys do me a favour and
24 check the spec we're using for
25 the length of the cut. Gary

1 Moore is asking why it's so
2 long. I tried to explain
3 based on my understanding of
4 them but he thinks it's still
5 too long. Can it be shortened
6 for the northbound movement."

7 And Mr. Merritt replies the
8 same day to say that he's spoken to someone at the
9 MTO and they typically use a 5-foot slot length.

10 Do you remember this exchange
11 about the pavement reflectors?

12 A. Yes.

13 Q. Mr. Ferguson prefaces his
14 statement to you with "and the fun continues."
15 What did you understand that to mean?

16 A. Oh, I didn't have any
17 opinion. I was in -- wasn't even three weeks with
18 the ministry so -- with the City of Hamilton. So
19 I didn't -- didn't have any opinion.

20 Q. Mr. Moore thought the
21 length of the cut for the reflectors you were
22 looking to install was too long?

23 A. That's what I read there.

24 Q. You can close this,
25 Registrar, and if you can take us to 391 and 392.

1 On January 21st, 2015
2 Mr. Ferguson e-mails Mr. Moore and he copies
3 Mr. White, Mr. Mater, you and Mr. Merritt, and he
4 says:

5 "Further to our discussion
6 yesterday, the following is
7 provided. We discussed the
8 issue of marker lengths with
9 the manager of the MTO's
10 program. His comment was that
11 the length of the cut should
12 be 5 feet to allow for proper
13 reflection of the markers. He
14 advised us not go below a
15 length of four feet. Our
16 current contract is for 4 feet
17 cut."

18 Mr. Moore replies 45 minutes
19 later writing:

20 "Okay. But when the pavement
21 fails prematurely because of
22 these cuts, I'll be asking you
23 to provide an explanation
24 about the need for both the
25 reflectors and the cuts."

1 Do you remember this e-mail
2 exchange?

3 A. Yeah, vaguely.

4 Q. What did you think of
5 Mr. Moore's response here?

6 A. I thought it was typical
7 of a lot of road engineers. The more cuts you put
8 in a road, the more chance for water to get in and
9 the more chance for it to deteriorate. That's
10 just a high level understanding of road
11 construction.

12 So throughout my career,
13 that's always been a concern from a geotech
14 standpoint, of the specialists in geotech.

15 Q. So you didn't find it
16 surprising that someone with an engineering
17 background was taking this position?

18 A. No, no, I mean, it's --
19 it's true, it could deteriorate quicker.

20 Q. Registrar, you can close
21 this down. If you can take us to paragraph 396,
22 which is on image 137, and call out -- call out
23 the entire top half of the page. Down to 396.

24 So, Mr. Worrone, just for
25 context for you, you are removed from the rest of

1 this e-mail exchange, some back and forth about
2 this response from Mr. Moore between Mr. White,
3 Mr. Ferguson and Mr. Mater and Mr. Lupton, which
4 results in the e-mail at 396 from Mr. White where
5 he says to Mr. Mater:

6 "John, in confidence. Has
7 anybody told him we're doing
8 the LINC crossover study with
9 CIMA? He's going to react
10 when he finds out. Traffic
11 staff shouldn't have to put up
12 with this reaction when he
13 finds out. Malone even told
14 me he is charging us a bit
15 extra due to Gary. He wants
16 to be sure his recommendations
17 are totally defensible. He
18 asked me what he should say
19 when Gary calls him. I told
20 CIMA to do the best analysis
21 they can and give us the best
22 technical options and not
23 worry about what Gary says to
24 them. This is a consistent
25 problem we face routinely with

1 that section and related
2 works. I'm going to respond
3 but I just had to have my
4 bitch out to you." (As read)
5 At this point in time, and I
6 know you're only about three weeks into your time
7 with the City here, were you aware of a crossover
8 study that CIMA was doing on the LINC?

9 A. I might have been.
10 There's a lot going in the first three weeks so
11 there's a lot to catch up on.

12 Q. Did anyone tell you that
13 they anticipated that Mr. Moore would respond
14 negatively when he learned of the study?

15 A. No.

16 Q. Did you have any sense of
17 what reaction Martin White was expecting from
18 Mr. Moore?

19 A. No.

20 Q. Did anyone ever advise
21 you that there was reason to believe Mr. Moore
22 would react badly if your group retained CIMA on a
23 project?

24 A. No.

25 Q. So you do a bit of work

1 with CIMA as we move forward into your tenure at
2 the City. Did anyone at CIMA ever advise you that
3 they would charge additional fees to the City
4 because of Mr. Moore's involvement in a project?

5 A. No, that's the first time
6 I've heard of it reading -- with you reading that
7 e-mail to me.

8 Q. Did staff on your team in
9 traffic operations and engineering ever express
10 concerns to you about working with Mr. Moore on
11 projects connected to the Red Hill Valley Parkway?

12 A. Yes.

13 Q. Can you tell me about
14 those concerns?

15 A. Just difference of
16 opinion on what the vision or what the -- what the
17 issues were and how they should be resolved.

18 Q. What was your group's
19 view of what the issues were?

20 A. Well, they were laid out
21 in all the reports, and, you know --

22 Q. When you say they were
23 laid out in all the reports, is that a reference
24 to the CIMA reports, 2013 and 2015 CIMA reports?

25 A. Yeah, and the staff

1 reports to council and things like that.

2 Q. So your group's view is
3 the recommendations in the CIMA reports should be
4 implemented?

5 A. Yes.

6 Q. What was Mr. Moore's view
7 of the issues?

8 A. He had a difference of
9 opinion and had some reasons why they shouldn't be
10 implemented and it was -- yeah.

11 Q. Was that difference of
12 opinion with respect to specific recommendations?

13 A. Yeah, I mean, he didn't
14 really care about warning signs. That was more
15 our -- our specialty but any of the
16 recommendations that fell out of traffic's
17 immediate responsibility, that's where he started
18 having concerns.

19 Q. Do you recall which
20 recommendations those were specifically?

21 A. Off the top of my head --
22 not specifically but in and around illumination,
23 guide rail and the pavement surface.

24 Q. Friction testing?

25 A. Yeah.

1 Q. Do you recall what
2 exactly his position was on each of those items,
3 so illumination, guide rail, pavement surface,
4 friction testing?

5 A. Not specifically without
6 seeing an e-mail or something.

7 Q. I'm going take you
8 through some of the reports, so we can start there
9 now.

10 A. Sure.

11 Q. Registrar, could you
12 please take us to OD6, image 139 at paragraph 403?

13 I believe this is the
14 information update that you referenced earlier.
15 So on February 13, 2015 Mr. Ferguson e-mails
16 Mr. Cooper and he copies you about the Red Hill
17 Valley Parkway, and he says:

18 "Can you please prepare an
19 update report for the Red Hill
20 Valley Parkway based on the
21 action items we identified on
22 our previous report and
23 identify what has been
24 completed along with action
25 items that are still to be

1 completed. It should be a
2 short and sweet report and
3 include in the recommendation
4 that the item be removed from
5 the PW OBL."

6 And he says the report is due
7 March 2nd.

8 Just before I ask more
9 targeted questions about this. PW OBL.

10 , what is that a reference to.

11 A. Public Works outstanding
12 business lists.

13 Q. Fantastic. And what is
14 that?

15 A. It's been a long time
16 since I've heard that acronym. Bear with me.
17 It's an outstanding list of things -- it's a
18 things to-do list for public works based on
19 reports that went to council.

20 Q. So this e-mail is sent to
21 both you and Mr. Cooper. In terms of day-to-day
22 responsibilities for this information update, can
23 you tell me what your responsibilities were as
24 compared to Mr. Cooper's?

25 A. For this report? Is that

1 what you want, for this report?

2 Q. Yeah, for this report
3 specifically.

4 A. Sorry. This is just
5 early in my tenure, and correct me if I'm wrong,
6 this is an update report to the staff report that
7 was based on the 2013 CIMA report.

8 Q. Yes, that's right.

9 A. Okay. So with me not
10 having much historical background, being only a
11 month-and-a-half into the tenure there, Steve was
12 working directly with Dave for this. My role was
13 to ensure all the items were completed for the
14 report and that it was written in a manner that
15 was, as Dave alluded to, simple -- what was his --
16 short and sweet. So it wasn't a long report, that
17 it could be just direct, and that's what my role
18 was, and to ensure that Steve was on top of it and
19 had this as one of his top priorities in his work
20 plan.

21 Q. You said that one of your
22 roles was to ensure that the recommendations were
23 implemented. Can you tell me what steps you were
24 taking to make sure that that happened?

25 A. I had Steve complete a

1 field review and report back to me on what was
2 done and what wasn't directly using the previous
3 information report.

4 Q. Understood.

5 Registrar, you can close this
6 down and if you can take us to OD6, 140,
7 paragraph 407.

8 So Mr. Cooper -- actually, for
9 context, can we also call up image 139 just to
10 orient Mr. Worrton.

11 So there's a bit of exchange
12 about the information update and Mr. Cooper
13 replies to Mr. Ferguson in response to a request
14 for the update report and he attaches a draft.
15 That is at paragraph 407, you can see that.

16 Do you recall if you reviewed
17 the draft that Mr. Cooper sent to Mr. Ferguson?

18 A. The draft report to
19 council?

20 Q. Yes. So, this is 407,
21 it's the information update.

22 A. Yeah, I reviewed it.

23 Q. Registrar, can you take
24 us down to 408 and call that out.

25 So on March 5th, you e-mail

1 Mr. Ferguson copying Mr. Cooper and you attach a
2 revised draft of the information update. You say:

3 "Steve took great
4 responsibility to promptly
5 correct and update this
6 information report. I believe
7 he has drafted a report that
8 identifies what we have
9 completed to date and what is
10 still outstanding. He has
11 added for greater value the
12 reason why we installed, and
13 for the delays to implement,
14 he is currently updating
15 appendix A and will forward
16 that later today."

17 Do you remember sending this
18 e-mail to Mr. Ferguson?

19 A. Not directly but reading
20 it, that is mine so....

21 Q. You --

22 A. Which day was that on?

23 Q. This is March 5th, 2015.

24 A. So a few days after Dave
25 had originally requested?

1 Q. Yeah. And you say at the
2 top of this e-mail that Mr. Cooper took great
3 responsibility to promptly correct and update this
4 information report.

5 Do you recall which aspects of
6 the information update Mr. Cooper had to correct
7 from his original draft?

8 A. No, not directly. It was
9 common to have many edits throughout that were
10 given in red pen by Dave and Martin, and then it
11 would be our responsibility to make those edits as
12 needed.

13 For this report, the focus was
14 on the tables, I remember that, and just cleaning
15 it up on how to simplify how it read.

16 Q. So to promptly correct
17 and update this information report, would the
18 revisions have come from you on this report?

19 A. Some of the revisions
20 based on the table and how it could be better laid
21 out. Not from an information standpoint.

22 Q. Not from an information
23 standpoint. Can you just expand on what that
24 means for me?

25 A. I wasn't providing

1 technical input; I was providing more formatting
2 so that the message could be clearer to the
3 reader.

4 Q. You were providing
5 typographical and formatting changes but not
6 substantive changes to the content; is that right?

7 A. Correct. Well put.

8 Q. Thank you.

9 Registrar, could you call out
10 HAM56632.

11 So, Mr. Worrton, for your
12 reference, this is the draft of the information
13 update that you sent to Mr. Ferguson.

14 Registrar, could you pull up
15 image 2. And you'll see that at the very bottom
16 of this page under the chart on image 2 --
17 Registrar, could you call out that paragraph
18 there?

19 There's a reference there that
20 says:

21 "Staff will also review
22 further countermeasures such
23 as friction testing with
24 construction engineering
25 section. Traffic engineering

1 will continue to monitor the
2 study area for enhancement and
3 improvement opportunities as
4 they become available."

5 Do you know why this was
6 included in the information update?

7 A. No.

8 Q. Is this something that
9 Mr. Cooper would have put in?

10 A. Possibly. More than
11 likely would have come from Dave or Martin, the
12 specific wording or maybe even higher.

13 Q. I may be able to assist
14 with that.

15 Registrar, can you move the
16 image where we have the call out over and call up
17 RHV668.

18 So just for your reference,
19 Mr. Worrton, this is the information report that
20 goes to council on November 18, 2013, so the one
21 you said this information update is based on.

22 Do you recall reviewing the
23 information report as part of your review of the
24 later information update?

25 A. Not specifically but I'm

1 sure I would have to familiarize myself.

2 Q. It would have been part
3 of your standard practice?

4 A. Yes.

5 Q. Registrar, can you take
6 us to image 2 of the information report and call
7 out -- so the second full paragraph down the page,
8 the very bottom so the last line.

9 So this is the 2013
10 information report, and you'll see the very last
11 line of this paragraph is:

12 "Staff will review further
13 countermeasures such as
14 friction testing with
15 construction engineering."

16 A. Okay.

17 Q. Would it surprise you if
18 this line that is then repeated in the information
19 update came directly from this 2013 report?

20 A. No.

21 Q. Would that have been a
22 fairly standard practice for drafting information
23 updates?

24 A. Yeah.

25 Q. Registrar, you can close

1 this out and take us back to just the information
2 update.

3 To your knowledge, had anyone
4 in traffic operations and engineering reviewed
5 friction testing with the construction engineering
6 section as of May 2015 when you were drafting the
7 information update?

8 A. What do you mean
9 "reviewed"?

10 Q. Taken any steps to talk
11 to them about the recommendation for friction
12 testing?

13 A. I don't recall.

14 Q. You don't recall one way
15 or the other?

16 A. I don't recall whether we
17 talked to them at that time.

18 Q. Sorry, Registrar, you can
19 take down information report.

20 I think that you had said
21 earlier that one of your responsibilities for this
22 information update was to ensure that the items
23 listed had been implemented. Did that include the
24 friction testing recommendation or references from
25 the 2013 report?

1 A. No. My responsibility
2 was to ensure that -- well, it was a check to see
3 what had been done and what hadn't listed out from
4 those tables, but then my direct responsibility
5 was to ensure all the traffic items were completed
6 and if they weren't, I wanted reasons from Steve
7 and thinking forward to find solutions to ensure
8 that they can get done in a timely manner.

9 Q. And did you check if that
10 reference that we were looking at before to
11 reviewing friction testing with construction
12 engineering had been completed?

13 A. If I was to do anything,
14 I would have assumed that we would have reached
15 out to the appropriate office that's responsible
16 for that type of work.

17 Q. But you don't have any
18 recollection of having done that?

19 A. Not specifically at that
20 time.

21 Q. To your knowledge, had
22 anyone been assigned to review the friction
23 testing with construction engineering section, or
24 that recommendation?

25 A. Not to my knowledge at

1 that time.

2 Q. Just stepping back
3 briefly in time. When you joined traffic
4 operations and engineering in 2015, so in January
5 of 2015, what, if anything, were you told about
6 the Red Hill Valley Parkway?

7 A. Nothing really; there was
8 no formal sit down to discuss the Red Hill Valley
9 Parkway.

10 Q. When you joined traffic
11 operations and engineering in 2015, what, if
12 anything, were you told about friction testing on
13 the Red Hill Valley Parkway?

14 A. Nothing.

15 Q. Registrar, you can close
16 this out and if you can take us to OD6, image 140,
17 at paragraph 409.

18 So on March 9th, you e-mail
19 Mr. Ferguson and you attach a document titled "Red
20 Hill Valley Parkway Tables, Jason version," which
21 I can take you into if you would like. The
22 attachments included two tables with
23 countermeasures, one for road segments and one for
24 ramps, and you wrote:

25 "Tided up. Please complete

1 the last column of the second
2 table. I don't want to bug SC
3 again. Our messaging should
4 be brief and consistent in a
5 table like this."

6 Is that a reference to the two
7 appendices you said you were working to update?

8 A. Can you share those?

9 Q. Absolutely.

10 Registrar, can you pull up
11 HAM56633, which actually may be the e-mail, and
12 then on the other image, HAM56634, which is the
13 attachment with the appendices. I think we can
14 take down the e-mail as we just looked at the OD,
15 sorry about that. So this is the appendix that
16 you send.

17 I believe, Registrar, there is
18 a second image. Pull that up.

19 Do you remember working on
20 these charts?

21 A. Vaguely.

22 Q. So I notice on the second
23 image, Registrar, you can pull out under Mud
24 Street interchange, there are a number of blank
25 spaces there in the status column.

1 Why are there blanks under the
2 status for some of the Mud Street interchange
3 recommendations?

4 A. Stephen had those, from
5 what I understand, to that e-mail so I was asking
6 Dave.

7 Q. You were asking Dave for
8 the status of those items?

9 A. Yeah.

10 Q. In terms of the
11 department you would go to, that could provide you
12 with a status on those items. Can you identify
13 for each of these blanks which public works
14 department you would think would be responsible
15 for the item?

16 A. So the first one,
17 friction pavement, that would be construction
18 engineering. The larger chevrons, that would be
19 traffic engineering and operations. Pavement
20 marking text would be traffic operations and
21 engineering. Dynamic variable speed warning
22 signs, traffic operations and engineering. The
23 last two, traffic operations and engineering.

24 Q. Registrar, you can take
25 this down.

1 A. They would more so be the
2 operations side of traffic. Those were unique and
3 wouldn't have been a standard -- for the most
4 part, most of them wouldn't be a standard
5 application.

6 Q. When you say wouldn't be
7 a standard application, can you expand on that for
8 me?

9 A. Like, a standard
10 application of putting an all-way stop in, so just
11 standard stop signs, maybe like a stop bar would
12 be a standard application. But adding text or
13 variable message signs, that wasn't something that
14 was a normal practice within the City at that
15 time, so it would have been a learning curve and
16 sourcing out equipment, determining best
17 locations, all the other ins and outs that would
18 have been required.

19 Q. Just while we're on that
20 point, you drew a distinction between traffic
21 engineering and traffic operations. Can you
22 expand on the responsibilities as between those
23 two groups?

24 A. So traffic operations
25 would be responsible for the installation and the

1 scheduling of when the works were to be done.
2 Traffic engineering would be completing the
3 investigations and making the technical
4 recommendation for what would be -- and requesting
5 the work to be completed.

6 Q. And what process is the
7 work requested through?

8 A. Carbon copy work orders.

9 Q. Registrar, you can take
10 this down and pull up OD6, image 140 at
11 paragraph 10, please. You may have to go onto the
12 next image as well.

13 So on March 9, 2015
14 Mr. Ferguson e-mails Mr. Moore and Mr. Field in
15 engineering services. And he attaches the draft
16 of the Red Hill Valley Parkway update. You're not
17 copied on this e-mail, for your reference. The
18 draft that he attaches is not identical to the one
19 that you had sent to him, and I'm going to take
20 you into that but were you involved in
21 Mr. Ferguson's revisions before he sent this
22 report to Mr. Moore and Mr. Field?

23 A. No.

24 Q. Did he have any decision
25 with you about those revisions?

1 A. Possibly, but there's
2 nothing formal. Dave and I talked a lot.

3 Q. Understood. I'll take
4 you into the report that he sends and see if that
5 helps to refresh your memory about whether you had
6 any discussions with him about it.

7 Registrar, could you please
8 pull up HAM24142. And you can take down the OD.
9 Thank you.

10 This is the copy of the
11 information update that Mr. Ferguson circulates to
12 Mr. Moore and Mr. Field.

13 A. This is the same one
14 that's been worked on and being is discussed for
15 the last minute.

16 Q. Yes. So it's -- you send
17 it to Mr. Ferguson and then he flips it to
18 Mr. Field and Mr. Moore but there are some
19 revisions between the version you sent to him and
20 the one he sends to them.

21 A. Okay.

22 Q. Registrar, can you call
23 up image 3.

24 So this is the appendix that
25 we were just looking at a minute ago, or a draft

1 of it, and you'll see that the blanks have been
2 filled in for a number of the Mud Street
3 interchange items.

4 A. Okay.

5 Q. So there's a reference to
6 install high friction pavement approaching and
7 through the curve, and the status of that
8 recommendation now says to be reviewed and
9 completed during future repaving.

10 Did you have any discussions
11 with Mr. Ferguson about why the status of that
12 recommendation was to be reviewed during future
13 repaving?

14 A. Not that I recall.

15 Q. Registrar, can you take
16 us back out of the -- back to the first page of
17 this report.

18 So I'm happy to allow you to
19 review this, Mr. Worrton, but from my review of
20 this report, it does not include the statement we
21 were looking at earlier from your draft which
22 said:

23 "Staff will also review
24 further countermeasures such
25 as friction testing with

1 construction engineering
2 section."

3 Do you have any knowledge
4 about why that line was removed from this
5 information update?

6 A. No.

7 Q. Registrar, you can take
8 this down.

9 Mr. Worrone, in May 2015, there
10 was a fatality crossover collision on the Red Hill
11 Valley Parkway. Do you recall that collision?

12 A. No.

13 Q. Registrar, can you call
14 up OD7, image 5 at paragraph 19. I think I gave
15 you the wrong image. Can you go over a couple to
16 paragraph 19. One more. There it is. Thank you.

17 On May 11th, 2015, Councillor
18 Connelly e-mails Mr. Ferguson and requests a
19 safety study on the Red Hill Valley Parkway. And
20 he asks specifically about having barriers that
21 would stop a vehicle from going across the
22 collision and landing in the opposite lane.

23 Do you recall discussions with
24 councillors in May 2015 about a safety study on
25 the Red Hill?

1 A. Not specifically but
2 there was a lot of discussion so....

3 Q. About the Red Hill or
4 just a lot of discussions in your department in
5 general?

6 A. Both. There was a lot of
7 discussions with councillors, there was a lot of
8 discussions about the Red Hill, and there was a
9 lot of discussions about safety enhancements and
10 reports for the Red Hill.

11 Q. Can you tell me
12 specifically about the discussions about the Red
13 Hill and what the content of them was?

14 A. Just in general due to
15 all of the different staff reports and the CIMA
16 report and collisions that were occurring, just
17 what can we do to make it better, or is there a
18 problem. Like, what is going on. It was a, you
19 know, an active concern within our group to find
20 out the cause and how we can improve it.

21 Q. So would it be fair to
22 say that in your group there was particular
23 concern about the Red Hill Valley Parkway and the
24 collisions occurring on it?

25 A. Yes.

1 Q. Did you understand what
2 the basis for that concern was?

3 A. I mean, it was in the
4 news, it was -- they were occurring so that was
5 the basis.

6 Q. When you say "they were
7 occurring," you mean collisions on the Red Hill?

8 A. Yes, sorry.

9 Q. In higher proportions or
10 with more media attention than collisions on other
11 roadways in Hamilton?

12 A. Freeways always get more
13 media attention. I mean, you hear about a
14 collision on the 401 more than you hear a
15 collision on Barton Street in Hamilton or in the
16 residential community. They can be more severe
17 due to the speed. But it wasn't any one specific
18 reason. We wanted to know more information.
19 That's what the crux was.

20 Q. If collisions occur with
21 higher frequency on any freeway, why were your
22 group particularly focused on the Red Hill?

23 A. I wouldn't say they occur
24 more frequent on freeways. They can be more
25 severe due to the speed of a collision. Two cars

1 hitting at 20 kilometres per hour in a residential
2 zone is going to cause less damage and injury than
3 two cars colliding at 100 kilometres per hour.

4 It's just sheer math, right.

5 It was in the media. It was
6 being brought to our attention as a concern by
7 councillors, so that is what attracted us to have
8 concern and to want to look more.

9 Q. Was the Red Hill being
10 brought to your attention by councillors and the
11 media more frequently than other freeways in
12 Hamilton, the LINC, for example?

13 A. I wouldn't say more so
14 than the LINC. It was equal.

15 Q. As of May 2015, were you
16 aware of any concerns about wet surface collisions
17 specifically on the Red Hill?

18 A. Yeah, there was concerns.

19 Q. What was the source of
20 those concerns?

21 A. Just anecdotal
22 observations, that's all.

23 Q. Anecdotal observations
24 from who?

25 A. From staff within. Our

1 observations started to see trends that that's
2 when the collisions were occurring. Just from
3 observations not looking at data.

4 Q. I'm going to step
5 backward in time to ask you about one item you may
6 or may not be aware of.

7 Registrar, could you take this
8 down and call out GOL2641.

9 So this is an e-mail that
10 pre-dates your time at the City, Mr. Worrone, and
11 you'll see -- Registrar, take us to image 3,
12 please.

13 At the very top of this e-mail
14 that Martin White sends to Mr. Moore, Mr. Mater,
15 Mr. Lupton and Brian Shynal, who was in
16 operations. You'll see that --

17 Registrar, you can call that
18 out.

19 You'll see that Mr. White, in
20 September of 2013, had advised that traffic
21 engineering staff would analyze the collision
22 history on the entire LINC and Red Hill system to
23 determine if there was a proven record recorded
24 collision history related to the impacts of the
25 weather and road surface on the collision rate to

1 determine the higher incident locations.

2 Were you advised of this
3 collision history review when you started at the
4 City in 2015?

5 A. No, not specifically.

6 Q. Do you have any knowledge
7 as to the status of that collision history as of
8 January 2015?

9 A. No.

10 Q. Do you know if it was in
11 progress or had been completed?

12 A. No.

13 Q. At any time, did
14 Mr. Lupton, Mr. Ferguson, Mr. White advise you of
15 the outcome of a review that they had conducted
16 with respect to surface -- with respect to
17 collision patterns on the Red Hill Valley Parkway?

18 A. No, not outside the CIMA
19 report.

20 Q. Registrar, you can take
21 this down, thank you.

22 Did your group monitor
23 collisions on roadways across the City?

24 A. I wouldn't say monitor.
25 We weren't actively reviewing them on a monthly

1 basis.

2 Q. Were you doing something
3 else?

4 A. Due to the sheer volume
5 of request, it was more of a reactive assessment,
6 and any time something larger was brought to our
7 attention, we would have firms like CIMA complete
8 a formal review of a roadway section.

9 Q. When you say something
10 larger, what do you mean by that?

11 A. That it goes back to what
12 we were just discussing, something that through
13 our observations, through media requests and
14 through councillor input.

15 Q. So, for example, if you
16 notice a collision pattern in wet surface
17 collisions on the roadway?

18 A. Yeah, and so that is
19 where the Red Hill would take --

20 Q. And that leads to or has
21 a connection with the 2015 CIMA report?

22 A. Yeah.

23 Q. You said that otherwise
24 if it wasn't something larger your response was
25 more reactive. Can you tell me what that means?

1 A. We didn't have a --
2 during the time that I was there, there was no
3 staff or resources available to complete a network
4 screening that would identify specific hot spots
5 throughout the City, either being intersections or
6 roadway sections that would require further
7 analysis.

8 Q. So there was no
9 systematic way to identify roadways that might be
10 of concern?

11 A. Not in the time that I
12 was there.

13 Q. So when you said that
14 what you had observed on the Red Hill was the
15 result of anecdotal observations, that's because
16 there wasn't a larger program in place?

17 A. Correct.

18 Q. Thank you.

19 Registrar, can you please take
20 us into OD7, image 17, paragraph 43.

21 So this is May 22nd, 2015.
22 Mr. Ferguson e-mails Mr. Cooper and you, and he
23 copies Brian Malone from CIMA. Just stopping
24 there, did you have any familiarity with
25 Mr. Malone at this point in time?

1 A. I knew he worked for CIMA
2 and just through the industry, that's all.

3 Q. Through the industry had
4 you met him prior to your time at the City?

5 A. I believe I had met him.

6 Q. So in this e-mail
7 Mr. Ferguson outlines items that he thinks need to
8 be reviewed by CIMA in connection with the 2015
9 CIMA report. And so he says:

10 "The following items need to
11 be reviewed and
12 recommendations provided."

13 And he says:

14 "The need for some type of
15 barrier and recommendation on
16 type and expected cost. Two,
17 is there a need for lighting
18 and expected cost. Three, an
19 analysis of the types of
20 collisions that are occurring
21 and what is causing them,
22 i.e., weather conditions,
23 speeding, distracted driving.
24 Four, the report needs to be
25 completed for September."

1 Did you understand this was
2 the scope of the 2015 CIMA report?

3 A. No, this was the basis of
4 the scope.

5 Q. When you say the basis of
6 the scope, what does that mean?

7 A. This is usually what kick
8 starts a discussion when using a retainer
9 consultant. And then what would typically happen
10 is the consultant would put in a proposal of
11 everything that would need to be done, and then
12 from there, staff would look at whether they
13 wanted anything removed or added based on -- to
14 help with a complete report and also based on the
15 budgeted cost of the report.

16 Q. As between yourself
17 and -- actually, let me ask this a different way.
18 What was your role with respect to the 2015 CIMA
19 report?

20 A. I was providing contact
21 with Mr. Malone to help ensure that the report was
22 thorough and complete.

23 Q. When you say contact with
24 Mr. Malone to help ensure that the report was
25 thorough and complete, can you break that down?

1 What did that entail?

2 A. I reviewed his proposal
3 and had some suggestions on what it should entail.
4 I remember one aspect was extending the limits
5 slightly so that this report for the Red Hill
6 would come up and touch the LINC report. So there
7 was no gaps in that roadway network.

8 To a motorist, they don't know
9 the difference that it's the LINC or the Red Hill
10 or where one starts and where one begins. It
11 looks like one continuous roadway. So that was
12 one -- I remember that being one of the high level
13 things to help out Mr. Malone.

14 Q. What was Mr. Cooper's
15 role in the 2015 CIMA report?

16 A. He was responsible to
17 help collect data, provide background information
18 and background insight on what had been done in
19 the past.

20 Q. So collecting data from
21 the City to provide to CIMA?

22 A. Yeah.

23 Q. Was he doing that under
24 your supervision?

25 A. Yeah.

1 Q. What was Mr. Ferguson's
2 role in the 2015 CIMA report?

3 A. I guess, over --
4 overarching project manager for the City.

5 Q. Can you break that down
6 and tell me what exactly that means? What were
7 his responsibilities on the project?

8 A. Nothing was detailed. It
9 wasn't like a project charter created and everyone
10 knew their roles and responsibilities. It was
11 kind of -- you kind of figured it out as you went
12 and you helped out where you could, and Dave was
13 the ultimate or the highest contact for CIMA at
14 the City with the responsibility to ensure the
15 report was done. And then I would be his
16 assistant.

17 Q. You said you figured out
18 your roles and responsibilities. And correct me
19 if I'm wrong, you said that you figured out your
20 roles and responsibilities as you went. Were your
21 roles and responsibilities on this project not
22 clearly communicated to you?

23 A. I wouldn't say -- yeah, I
24 would say that's true.

25 Q. Did you find that your

1 roles and responsibilities as a senior project
2 manager were clearly communicated to you when you
3 started at the City?

4 A. No, no, there was no
5 onboarding meeting. It -- I mean, partially
6 because there's quite a bit of work to be done so
7 the time and effort, I guess, it wasn't there to
8 help. There would be direction given as
9 situations came up to help direct but there was no
10 sit down onboarding, here's what we want
11 delivered, here's the priorities, things like
12 that.

13 Q. So how did you know what
14 you were responsible for?

15 A. I took that from
16 understanding the job ad, and just as e-mails came
17 in and direction came in from Dave Ferguson or
18 Martin White or Geoff Lupton. If an e-mail came
19 in asking me to do something, then I did it.

20 Q. Did you think that others
21 in your group -- so Mr. Cooper, Mr. Ferguson,
22 Mr. Lupton, Mr. Mater -- had a clear sense of what
23 their roles and responsibilities were?

24 A. I think they knew more
25 just based on having a history at the City. So --

1 and being -- and having municipality experience.
2 With me coming from the provincial body, probably
3 worked a little bit different and to know those
4 clear lines, they weren't always there as what was
5 at the province.

6 Q. Do you recall occasions
7 in which projects or items slipped through the
8 gaps because it wasn't clear who was responsible
9 for them?

10 A. Yeah, that happened from
11 time to time and we quickly tried to correct them
12 and we had other measures put in place so that
13 wouldn't occur.

14 Q. How frequently would that
15 occur?

16 A. I don't know, from time
17 to time. Not weekly, not daily, not monthly. But
18 I don't know, couple times, two or three times a
19 year maybe. They could just be minor for that
20 matter. They could have been something a little
21 bit larger that -- that we had to make
22 improvements on.

23 Q. To your recollection, did
24 any of those items that slipped through relate to
25 the Red Hill Valley Parkway?

1 A. I remember one was the
2 purchase order for Brian starting up -- Brian
3 Malone and CIMA starting up for this assignment.

4 Q. And that was an item that
5 slipped through in terms of who was responsible
6 for it?

7 A. Yes, and what needed to
8 be done, yeah.

9 Q. Registrar, can you take
10 us to OD7, image 17, paragraph 44, which is just
11 the next paragraph down.

12 So Mr. Malone responds to this
13 e-mail from Mr. Ferguson with quite a lengthy
14 preliminary work plan and e-mail. Do you recall
15 receiving this preliminary work plan?

16 A. Yeah, as I just indicated
17 earlier, yes.

18 Q. Registrar, can you call
19 up image 2.

20 Mr. Worrone, I'm going to give
21 you a second to review this and refresh your
22 recollection.

23 Can you call up the next image
24 as well? It continues onto the next page. And
25 just let me know when you have had a chance to

1 look at that.

2 A. Okay.

3 Q. Registrar, you can close
4 that down.

5 Mr. Malone also attached a
6 document that included a list of data required to
7 complete this assignment and that is at
8 paragraph 45.

9 Registrar, if you could call
10 up the list, please.

11 So the items listed are a full
12 collision summary report in Excel format, a
13 collision diagram indicating locations of each
14 collision, if available, motor vehicle accident
15 reports, all current and historical traffic volume
16 data available for the study area including the
17 main line and ramp volumes, design drawings or at
18 minimum high resolution aerial photography and
19 information related to any planned work on the
20 study area.

21 Are these the items that
22 Mr. Cooper was responsible for getting to CIMA?

23 A. That was my
24 understanding.

25 Q. The last entry at the

1 bottom, information related to any planned work at
2 the study area. What does that mean?

3 A. Anything scheduled on the
4 yearly work plans.

5 Q. Why would CIMA need that
6 information?

7 A. To know -- to know what's
8 upcoming. Let's just say one of the interchanges
9 was being reconstructed, a bridge RIA. It can
10 help tailor recommendations as costs would
11 potentially change, be less throw away.

12 Q. So, generally speaking,
13 would it be fair to say that the more information
14 you can provide to a consultant about a facility
15 subject to a safety review, the more thorough
16 their analysis and recommendations will be?

17 A. Yeah.

18 Q. On receipt of this
19 e-mail, did you take any steps to confirm whether
20 recommendations from the 2013 CIMA report had been
21 done or would be done in the study area?

22 A. Sorry, say that one
23 again.

24 Q. So on receipt of this
25 e-mail, which references information related to

1 any planned work at the study area, did you take
2 steps to confirm whether or not recommendations
3 from the 2013 CIMA report were going to be
4 implemented on the Red Hill?

5 A. Implemented by us, by the
6 City?

7 Q. Yeah.

8 A. Implemented as part of a
9 new report by CIMA?

10 Q. Implemented by CIMA to
11 advise them that that was the case.

12 A. Sorry.

13 Q. I think I -- so it says
14 information related to any planned work at the
15 study area, right?

16 A. Correct.

17 Q. Did you take any steps to
18 see if the City was planning any work related to
19 the 2013 CIMA recommendations provided to CIMA?

20 A. Not that I recall.

21 Q. Did you direct Mr. Cooper
22 to do so?

23 A. Not that I recall. I
24 would assume that between the group, we would have
25 been providing that type of information.

1 Q. So the information update
2 that we were looking at earlier, the original
3 draft from Mr. Cooper and the one you sent to
4 Mr. Ferguson, included that line about reviewing
5 friction testing with construction engineering.
6 Do you remember that?

7 A. Yeah.

8 Q. And at the time that you
9 received this e-mail asking about planned work in
10 the study area, did you follow-up about whether or
11 not conversations had occurred between your group
12 and engineering services about that friction
13 testing recommendation?

14 A. No, not that I recall.

15 Q. To your knowledge, had
16 anyone else followed up about friction testing
17 with --

18 A. Not that I recall; not
19 specifically based on that bullet.

20 Q. As of May 2015, so that's
21 when this is occurring, had anyone in your group
22 advised you about whether or not friction testing
23 had ever been conducted on the Red Hill Valley
24 Parkway?

25 A. No.

1 Q. If there were friction
2 testing results for the Red Hill Valley Parkway
3 available in 2015, in your view should that
4 information have been provided to CIMA?

5 A. Yeah, if they were
6 requesting it and there was concerns of wet
7 pavement, that, to me, that says something about
8 friction. So, yeah, I would have tried to find
9 out that report and share it with CIMA.

10 Q. Understood. Thank you.
11 Registrar, could you close
12 this down and take us to OD7 at image 23,
13 paragraphs 59 to 61.

14 So I believe, Mr. Worrone, this
15 is the reference to the delay in the order for
16 CIMA that you mentioned earlier.

17 So on June 24th, 2015,
18 Mr. Ferguson and Mr. Malone have an exchange about
19 the 2015 CIMA review, and you'll see at the bottom
20 of Mr. Malone's e-mail he says to Mr. Ferguson:

21 "At the moment, we don't have
22 confirmation to proceed, at
23 least not formally. Is that
24 coming shortly? We're anxious
25 to be in, working on the

1 assignment."

2 Is that a reference to the
3 delay you had noted earlier, the item that slipped
4 through the cracks?

5 A. Yes.

6 Q. And you'll see
7 Mr. Ferguson forwards this e-mail to you and he
8 asks you to follow-up as he thought it had been
9 completed and CIMA was proceeding.

10 Mr. Worrton -- sorry. You
11 reply to Mr. Ferguson the same day and you say:

12 "Will do. I thought it was
13 all completed and Coop told us
14 that."

15 At this point in time, had
16 Mr. Cooper advised you that the project was
17 proceeding?

18 A. Yes.

19 Q. Registrar, can you take
20 us to OD7, image 23, paragraph 62.

21 So I believe that this is the
22 statement about what happened in terms of delay.
23 So on June 25th, 2015 Shelley Boylan, who is the
24 traffic operation's coordinator, e-mails you and
25 she advises that the requisition was held up in

1 procurement. It should be clear tomorrow and the
2 purchase order will be faxed to CIMA.

3 Can you explain to me what
4 that means, the letter was held up in procurement?

5 A. Procurement and
6 purchasing. There was, from my understanding,
7 signatures, and I'm not sure exactly what they
8 tackle on their end, but the clearance from
9 procurement to award to CIMA, it was in their
10 hands.

11 Q. And who in your group was
12 responsible for working with procurement to get
13 that purchase order out to CIMA?

14 A. From my understanding, it
15 was Shelley, and whomever from the technical group
16 would be working with Shelley to make sure
17 everything was moving along.

18 Q. In this case, was that
19 Mr. Cooper?

20 A. Yes.

21 Q. It was his understanding
22 prior to this e-mail exchange that this purchase
23 order had already gone out to CIMA?

24 A. Yeah, I don't recall the
25 exact reasons for the confusion between Steve and

1 procurement. Again, you know, I was there for six
2 months but it was still new. I think this might
3 have been my first consultant retainer assignment,
4 wasn't fully aware of all the ins and outs what
5 was required for the City, so relied on Steve and
6 Shelley to help -- so once it got escalated,
7 things moved really quickly.

8 Q. Did Mr. Ferguson think
9 you were the one responsible for getting this out
10 to CIMA?

11 A. I'm not sure. You would
12 have to ask Steve -- I mean, Dave.

13 Q. Fair enough.

14 Registrar, you can close this
15 down. Could you take us to OD7, image 2669.

16 So, Mr. Cooper (sic), you'll
17 see on July 8, 2015 you sent Mr. Malone the
18 purchase order for the 2015 CIMA report, and you
19 highlight a couple of items. So the second point
20 down in this e-mail:

21 "I would like to see this
22 review be an extension of the
23 LINC review study limits. The
24 two reviews should touch at
25 the top of the hill. This

1 will eliminate any gaps."

2 I think that was what you
3 referenced earlier today. Why did you want the
4 two reviews to touch?

5 A. To have a complete
6 analysis of the entire parkway limits that the
7 City of Hamilton owned. So touch from MTO QW to
8 MTO highway 403, and so when something is complete
9 like that, there's not another report that has to
10 come out to look at the small gap that was in
11 between.

12 Q. Did you make that request
13 of Mr. Malone at the direction of one of your
14 supervisors or on your own initiative?

15 A. No, on my own initiative.

16 Q. So little bit further
17 down, the fourth point down, you ask Mr. Malone if
18 there is merit to comparing the LINC/Red Hill
19 Valley Parkway safety performance against other
20 similar facilitates in the area. Do you recall
21 making that request?

22 A. Yeah.

23 Q. And then you list a
24 number of highways as potential comparisons. Why
25 did you view these roadways as similar to the Red

1 Hill Valley Parkway and/or LINC?

2 A. They have similar speed,
3 and mostly for the reasons I attached in there.
4 The 403 is a hill within the City limits so it's
5 curvy linear. 406, the same speed with reduced
6 posted speed and also in an urban setting through
7 St. Catharines. The Don Valley Parkway, City of
8 Toronto Parkway with the tightly-spaced
9 interchanges. And highway 785 through Conestoga;
10 it's an urban high speed facility but it's also
11 curvy linear.

12 So they are very like
13 facilities that may help provide insight into what
14 is expected or what others are operating like.

15 Q. And you list these as
16 comparators for the LINC or Red Hill. Are there
17 certain of these roads that you consider more
18 similar to the LINC versus more similar to the Red
19 Hill?

20 A. I think the curvy linear
21 would be more situated for the Red Hill. The LINC
22 is just a straight shot.

23 Q. Understood.

24 Registrar, you can close this
25 down and if you could take us to the next

1 paragraph, so image 26 at paragraph 71, and you'll
2 have to go over onto the next image.

3 So this is Mr. Malone's
4 response to your e-mail. And you'll see the
5 second paragraph from the end of his e-mail, he
6 circles back to your question about the comparison
7 of other facilities. Sorry, give the Registrar a
8 moment. Thank you.

9 The comparison to performance
10 of other facilities is more challenging. He says:

11 "We attempted this in the LINC
12 study but were not able to
13 source adequate comparison
14 readily. We tried but could
15 not find publicly available
16 data on the comparators you
17 suggested. We could dig
18 deeper but it would mean
19 communicating with other
20 jurisdictions and possibly
21 getting data from them so we
22 can use -- so we can use to
23 build statistics ourselves.
24 That can be a significant
25 exercise. We did not account

1 for that in our scope or
2 costs. Do you want me to work
3 on costing for that effort?"

4 Do you recall what the outcome
5 of that was? Did you ask Mr. Malone to work on
6 costing for that effort?

7 A. No. Did I not respond to
8 this e-mail?

9 Q. I do not have the
10 response readily available. There is a later
11 response but it doesn't cover off the comparison
12 or the comparators question?

13 A. No, I don't recall
14 specifics. In looking at this, budget would have
15 been a concern just -- and then the delays to get
16 an answer. So more than likely would have had a
17 discussion with Mr. Malone to determine if he felt
18 that the review could still continue without this
19 type of information.

20 Q. Would you have escalated
21 this question about whether to cost the work to
22 Mr. Ferguson or Mr. White?

23 A. More than likely, I would
24 have had discussions with one of the two.
25 However, if the cost of this being a roster

1 assignment, there is a max limit that you could go
2 through roster without doing a competitive bid.
3 So if that potentially would have went over, then
4 we wouldn't have been able to directly award CIMA.
5 There would have been a competitive bid that would
6 have delayed the project even further.

7 Q. Was there concern about
8 delaying this project?

9 A. Yes.

10 Q. What was the basis of
11 that concern?

12 A. Just the council request
13 to have responses by a certain timeframe and also
14 with all the media attention, there would have
15 been a review to determine does this information
16 provide that much more value to potentially
17 delaying the review.

18 Q. Registrar, could you take
19 us to OD7, image 24, paragraph 63 and 64.

20 June 28, 2015, Mr. Ferguson
21 e-mails Mr. White, Mr. Mater and Mr. Malone -- and
22 you're not copied on this e-mail -- and he writes:

23 "Gents, FYI, looks like
24 another -- crossover collision
25 on the Red Hill Valley Parkway

1 south of King." (As read)

2 On July 7th, Mr. Ferguson
3 sends another e-mail to that group and he advises
4 that there has been another collision, same
5 location as last week.

6 Registrar, you can close this
7 down. If you can take us to Mr. White's response
8 at paragraph 65.

9 So Mr. White responds, and
10 there's a reference to you in this e-mail, he
11 says:

12 "Dave, as soon as I get back,
13 let's meet, me, you and J --"
14 which I think is a reference
15 to you, Mr. Worrone; is that fair?

16 A. Yeah, I would assume.

17 Q. "-- "J and Cooper to go
18 over reports and pick a path.
19 Okay. We will have to decide
20 what we need to do and how.
21 Then we will advise Geoff and
22 John and we will go from
23 there. If the press asks
24 anything, go through Kelly and
25 just say we are working on

1 analysis now and don't have
2 the final report, which we
3 don't. Let me know if further
4 incidents occur. We need to
5 action this as quickly as we
6 can. Please have your review
7 of report and recommendations
8 ready for me next week."

9 If you could close this,
10 Registrar.

11 Then the next paragraph down,
12 66, you'll see that Ms. Aquila sends a calendar
13 invitation to Mr. White, Mr. Ferguson, you and
14 Mr. Cooper for a meeting titled "Red Hill Valley
15 Parkway Collisions" scheduled for July 13th, 2015.

16 Do you remember attending a
17 meeting on July 13th, 2015 about the Red Hill
18 Valley Parkway collisions?

19 A. No, I don't recall.

20 Q. Do you recall if
21 Mr. White expressed any urgency for the completion
22 of the 2015 CIMA report in and around July 2015?

23 A. Vaguely.

24 Q. What do you recall about
25 it?

1 A. I just -- the buzz of --
2 the report needed to be completed.

3 Q. The buzz, what is that?

4 A. I mean, nothing specific.
5 It wasn't standing there outside the bathroom on
6 this day that he said this. No, it was just a
7 communicated insight that we need to get this
8 report done.

9 Q. Communicated insight.
10 Who was that communication coming from?

11 A. Again, it was just --
12 just out there. It was known; it was coming from
13 all directions.

14 Q. Something that was known
15 in traffic operations and engineering?

16 A. I -- I would say that
17 that is a fair answer.

18 Q. So this may assist you a
19 bit.

20 Registrar, can you take us to
21 OD7, image 29 at paragraph 79 to 80.

22 So on July 14, 2015,
23 Mr. Malone writes to you regarding the anticipated
24 timeline for the completion of the 2015 CIMA
25 report. And he says that CIMA is reallocating

1 resources to expedite the review, and later on he
2 goes on to say we will, of course, accelerate
3 things as quickly as we can recognizing the
4 urgency of the request.

5 Had you communicated with CIMA
6 that the request and the completion of the 2015
7 CIMA report was urgent?

8 A. Yeah.

9 Q. Had you done that on your
10 own initiative or on the direction from one of
11 your supervisors?

12 A. I don't recall.

13 Q. So you'll see, at
14 paragraph 80 there, that you respond and thank
15 Mr. Malone for making the report a priority. He
16 goes on to say:

17 "I fully understand the
18 importance of this issue for
19 the City and are working as
20 quickly as we can to provide
21 input."

22 Does that help to assist you
23 with your recollection about why the completion of
24 this report was urgent?

25 A. No.

1 Q. Do you know what you had
2 communicated to Mr. Malone about the urgency of
3 the report?

4 A. No.

5 Q. Registrar, can you take
6 us to OD7, image 30, paragraph 81.

7 So you'll see Mr. White also
8 sends an e-mail to Mr. Malone about the 2015
9 report and he says:

10 "Thanks, Brian, appreciate it.
11 After two separate additional
12 serious collisions today, one
13 at King ramp and one at
14 Barton, see attached reports
15 and links to photos, I
16 anticipate some greater
17 pressure for us to respond to
18 the need to do something, in
19 quotes. The draft report for
20 the LINC and the soon to be
21 completed Red Hill Valley
22 Parkway safety review will be
23 essential to this process.
24 Thanks again for recognizing
25 the urgency."

1 Does that assist you at all
2 with your recollection about why there was such
3 urgency around this report?

4 A. No.

5 Q. When Mr. White says "I
6 anticipate some greater pressure for us to respond
7 to the need to do something," do you have any
8 sense of who that greater pressure was coming
9 from?

10 A. Residents, council,
11 media.

12 Q. Registrar, you can close
13 this out. Thank you. If you can take us to OD7,
14 image 40 at paragraph 122.

15 So on September 6, 2015, Mr.
16 Bottesini of CIMA sends a draft of the 2015 CIMA
17 report to Mr. Ferguson, Mr. Cooper and you. Do
18 you recall receiving this report on September 6th?

19 A. Yeah, not on
20 September 6th, 2015 I don't recall, but I recall
21 receiving the report.

22 Q. Did you review the draft
23 of the 2015 CIMA report?

24 A. Yes.

25 Q. Thank you, Registrar, you

1 can close this down. If you could take us to OD7
2 image 42, paragraph 129, and call out
3 Mr. Ferguson's e-mail there.

4 So on September 9, 2015
5 Mr. Ferguson sends Mr. White a copy and you and
6 Mr. Cooper and Ms. Aquila, a draft report for the
7 public works committee summarizing the 2015 CIMA
8 report and the 2015 CIMA LINC report. Do you
9 recall being copied on this e-mail?

10 A. I don't recall, no.

11 Q. Do you recall this e-mail
12 exchange?

13 A. No.

14 Q. What was your role in
15 preparing the draft report on the 2015 CIMA and
16 CIMA LINC report?

17 A. To have -- to develop a
18 first draft with Steve that Dave and Martin could
19 review and provide revisions to.

20 Q. So would you have
21 reviewed it before it went to Mr. White?

22 A. Steve and I would have
23 more than likely worked on it together.

24 Q. And you would have
25 provided feedback to Mr. Cooper on the draft?

1 A. Yeah, it would have been
2 a collaborative approach to what is needed.

3 Q. When you were drafting
4 the staff report, was it your expectation that the
5 2015 CIMA report would be appended to it when it
6 went to council -- or the public works committee?
7 Apologies.

8 A. No, not that I recall.

9 Q. Why not?

10 A. Sorry? Why don't I
11 recall?

12 Q. No, why did you not think
13 it would be appended?

14 A. I didn't know when or
15 when not the consultant reports got attached.

16 Q. Was it a practice in the
17 public works department or in your group to attach
18 staff reports to consultant -- to staff reports?

19 A. I had only been there
20 nine months. It's not a practice at that point
21 for me. I would have been following the guidance
22 of staff that had been there for several years,
23 like Cooper or Dave or Martin.

24 Q. And did anyone advise you
25 of a practice as to whether or not consultant

1 reports were generally appended?

2 A. No. I would have just
3 asked or just assumed that if it was needed to be
4 attached, it would have gotten attached.

5 Q. Who would you assume
6 would make the determination as to whether or not
7 it needed to be attached?

8 A. Martin.

9 Q. So Mr. Ferguson says in
10 his e-mail here at point 2:

11 "I've identified in the
12 recommendations that specific
13 departments that would be
14 responsible for action;
15 however, I've not yet
16 circulated to the various
17 departments as I wanted you to
18 review first in case you felt
19 this would cause some issue."

20 Do you have any sense as to
21 why assigning recommendations to specific
22 departments would have caused an issue?

23 A. Just -- they -- how do I
24 say this? It was more from a relationship
25 building perspective and to ensure that because it

1 wasn't normal, it wasn't -- it hadn't been done in
2 the past reports that had been submitted so this
3 would be something different, and by assigning
4 names, you're assigning responsibility. So
5 assigning responsibility could be perceived by
6 some as confrontational and we didn't want that --
7 we weren't -- the angle wasn't to go at it from
8 that standpoint. The angle was to share with
9 council that these -- all of these items, even
10 though the report is coming from traffic
11 engineering, is not the responsibility of traffic
12 engineering.

13 We were trying to share to
14 council that other sections within the City have a
15 responsibility to help improve the operations of
16 the Red Hill Valley Parkway and the LINC. That
17 was it. So we didn't want those two concepts to
18 be misconstrued by others.

19 Q. I understand from that
20 answer that this was a departure from the regular
21 practice that you were following because you
22 wanted to be clear which public works department
23 was responsible for each of these recommendations;
24 is that fair?

25 A. Yes.

1 Q. Registrar, can you take
2 this down and take us to OD7, image 42 at
3 paragraph 130.

4 These are the recommendations
5 from the draft staff report. Could you take a
6 look at these and let me know if you have any
7 concerns about the assignment of these specific
8 recommendations to the public works department
9 that they have been given to?

10 A. No.

11 Q. No, you don't have any
12 concerns because --

13 A. Sorry. I don't have any
14 concerns. I'm not saying no, I won't review them.

15 Q. Thank you.

16 Registrar, you can close this
17 out. And if you can take us to OD7, image 45 at
18 paragraph 132. Yes, that's the one. Thank you.
19 If you could call out the September 2, 2015,
20 e-mail from Mr. Ferguson to Mr. Moore.

21 So, Mr. Worrton, you're not
22 copied on this e-mail exchange, just for your
23 reference. September 22nd, 2015, Mr. Ferguson
24 e-mails Mr. Malone under the subject line "Red
25 Hill Valley Parkway/LINC report." And he sends

1 him the recommendations from the report that we
2 were just looking at that have been directed to
3 engineering services.

4 Did you have any discussions
5 with Mr. Ferguson about his plan to do that?

6 A. Not that I recall.

7 Q. Registrar, can you move
8 this callout over so that it's directly in front
9 of the report and call out Mr. Moore's response on
10 the next page side-by-side. Yes, 134. Thank you.

11 So Mr. Moore responds to
12 Mr. Ferguson.

13 A. Am I copied on this?

14 Q. You're not copied on it.
15 He says, "Dave, sorry, wasn't aware."

16 And he goes on to say:

17 "You can take engineering
18 services off every line. We
19 don't do investigations. We
20 do programming, design and
21 tender and construction
22 supervision."

23 And so the recognizing you're
24 not copied on this e-mail exchange, what was your
25 understanding of engineering services'

1 responsibilities as of September 2015?

2 A. To complete programming,
3 design, tender and construction supervision.

4 Q. Was engineering services
5 responsible for investigations?

6 A. I would include
7 investigations as part of programming. To develop
8 a robust program, one would need to know and
9 investigate which areas of whatever is more
10 critical than another to provide the best value to
11 taxpayers.

12 Q. In and around
13 September 2015, were you aware that there were
14 discussions about who would be tasked with
15 implementing the recommendations from the 2015
16 CIMA report?

17 A. Yes.

18 Q. Did Mr. Ferguson or
19 Mr. White, who is also on this e-mail exchange or
20 it's forwarded to him, advise you that Mr. Moore
21 disagreed with the assignment of the
22 recommendations that are listed in Mr. Ferguson's
23 e-mail to engineering services?

24 A. Not specifically.

25 Q. Were you aware that

1 engineering services or Mr. Moore had concerns
2 about the recommendations that had been assigned
3 to them?

4 A. I believe I was aware.

5 Q. Do you recall how you
6 became aware?

7 A. No, no, I don't. I'm
8 sorry.

9 Q. What were you told about
10 engineering services's position on these
11 recommendations?

12 A. Just that they disagreed
13 with having their names associated with it.

14 Q. So you'll see in
15 Mr. Moore's e-mail at point number 2, he says:
16 "What is friction testing
17 going to tell you if you don't
18 have anything to compare it
19 to? There's no provincial
20 database or guideline. The
21 MTO will never discuss this
22 with you because it opens up
23 an entire line of liability on
24 every road."
25 Were you ever advised about

1 Mr. Moore's comment on friction testing?

2 A. No, not specifically.

3 Q. Did you ever hear

4 Mr. Moore make similar comments about friction
5 testing, outside of this e-mail but in other
6 meetings or discussions?

7 A. I'm not sure if it was
8 Mr. Moore but I do remember hearing these -- that
9 general context of point 2.

10 Q. Do you recall who you
11 heard it from?

12 A. No, I'm sorry.

13 Q. Do you recall anything
14 about the context in which you heard it?

15 A. No, I'm sorry.

16 Q. So this is
17 September 2015, and just referring you back to the
18 information update that you had completed that
19 referenced your group speaking to construction
20 engineering about friction testing on the Red Hill
21 Valley Parkway.

22 At this point in time, did you
23 have any knowledge as to whether or not friction
24 testing had ever been conducted on the Red Hill
25 Valley Parkway?

1 A. No, I didn't.

2 Q. Mr. Moore says at point

3 4:

4 "We have said over and over,
5 illumination on the Red Hill
6 or LINC is never going to
7 happen so stop asking. The
8 approval was based on no
9 illumination for environmental
10 reasons. It is unaffordable,
11 unsustainable and unnecessary.
12 It would be an 8 to
13 \$12 million project plus
14 protection barriers, guide
15 rail, and then the maintenance
16 costs."

17 Were you advised of
18 Mr. Moore's comment or position on lighting the
19 Red Hill Valley Parkway?

20 A. No, not specifically.

21 Q. Had you heard Mr. Moore
22 make comments of this nature about lighting on the
23 Red Hill Valley Parkway?

24 A. Same response as number
25 2.

1 Q. Same response as number
2 2, you'll have to refresh my memory.

3 A. Sorry. I don't recall
4 whether it was him that said that, but over time
5 it became understood that point 4 was a position
6 of traffic -- or of construction engineering, or
7 engineering services.

8 Q. Did you have any
9 knowledge about the environmental approval for the
10 Red Hill Valley Parkway and whether or not it
11 addressed lighting?

12 A. Did I have any knowledge?

13 Q. Yes.

14 A. No, I didn't have any
15 knowledge at this time.

16 Q. Did you later acquire
17 knowledge?

18 A. Yeah, over time it became
19 known.

20 Q. What became known?

21 A. Point 4.

22 Q. Became known that the --
23 (Speaker overlap)

24 Q. Sorry, when you say it
25 became known, are you referring to Mr. Moore's

1 position here? Are you referring to the details
2 of the environmental assessment?

3 A. The details of the
4 environmental assessment.

5 Q. So you came to learn that
6 the environmental approval for the Red Hill Valley
7 Parkway restricted lighting?

8 A. Yes, anecdotally. I
9 didn't research that on my own. It was shared
10 with me.

11 Q. So you never saw the
12 actual environmental assessment?

13 A. Correct.

14 Q. Anecdotally, do you
15 recall who those anecdotes came from?

16 A. No.

17 Q. Would it have been
18 someone within your group?

19 A. I don't recall, I'm
20 sorry.

21 Q. Registrar, you can close
22 this down. If you could take us into OD7, image
23 46, paragraph 136, please. So you'll see -- thank
24 you, Registrar. The Registrar has called out the
25 e-mail for us.

1 Mr. Moore -- actually, I'll
2 wait until we have this up before I take you
3 through it so you can read it. On October 20th,
4 2015, Mr. Malone, Mr. Bottesini, Mr. Hawash from
5 CIMA met with Mr. Moore, Mr. Ferguson and
6 Mr. White to discuss the 2015 CIMA report and the
7 2015 CIMA LINC report.

8 Were you aware of this
9 meeting?

10 A. Not that I recall.

11 Q. Do you know why you
12 wouldn't have been invited to attend?

13 A. I would have assumed
14 because my level of involvement in decision-making
15 wasn't important and I didn't have the
16 responsibility to complete the report.

17 Q. After this meeting, did
18 Mr. White, Mr. Ferguson or Mr. Lupton update you
19 about discussions at the meeting?

20 A. Not that I recall.

21 Q. Did you ever receive any
22 information about what was discussed at the
23 October 20th meeting?

24 A. Not that I recall.

25 Q. So there's a reference in

1 the notes of that meeting, which is point 2 on the
2 screen, that says:

3 "Mr. Moore stated that
4 friction testing was conducted
5 recently following standards
6 and resulted satisfactory."

7 Were you ever advised or did
8 you ever come to learn that Mr. Moore had advised
9 CIMA or members of your group that friction
10 testing results had been conducted on the Red Hill
11 Valley Parkway and the standard resulted
12 satisfactory?

13 A. I became aware.

14 Q. How did you become aware
15 of that?

16 A. I don't recall.

17 Q. Would it have been
18 through a member of your group?

19 A. Potentially. Potentially
20 from Mr. Moore.

21 Q. Did you have discussions
22 with Mr. Moore about friction testing on the Red
23 Hill?

24 A. Not -- not that I recall.

25 Q. Do you recall context in

1 which you became aware that friction testing had
2 been conducted on the Red Hill Valley Parkway and
3 the results were satisfactory?

4 A. No, sorry.

5 Q. On learning that friction
6 testing had been conducted and the results were
7 satisfactory, did you ever reach out to Mr. Moore
8 engineering services to see if you could acquire
9 the friction testing results?

10 A. Yeah. It was brought to
11 my attention that we should have that report or
12 that study and so I reached out to someone within
13 engineering services -- I'm sorry, I don't recall
14 who -- and it was advised to me that I didn't need
15 it and they weren't going to share.

16 Q. That you didn't need it.
17 Was there any further information provided to you
18 about why you didn't need it?

19 A. Not that I recall. I did
20 from there, I advised Dave Ferguson and Martin
21 White and asked them to see if they could obtain
22 the -- a copy of the report.

23 Q. What was the outcome of
24 that?

25 A. From what I recall, we

1 never did receive a copy of the report.

2 Q. So I'm going to circle
3 back a little bit on your answer there. So I
4 think that you said that you became aware that the
5 friction testing results were something that your
6 group would want. How did that happen?

7 A. Sorry, how? What do you
8 mean how did it happen?

9 Q. You were directed -- I
10 think you said you were directed to reach out for
11 the friction testing results; is that right?

12 A. Yes.

13 Q. Who directed you to do
14 that?

15 A. It would have been Dave
16 or Martin.

17 Q. Do you recall when?

18 A. No. See, I mean, I'm
19 trying to follow the dates that your showing there
20 and, like, this is moving quick. I'm still not
21 there a year. Everything is moving quick.
22 There's the LINC report, the 2015 CIMA, the 2013
23 CIMA, information updates, now this report update.
24 They are all overlapping as well. So it's
25 creating confusion on where everything was so now

1 to look back on it seven years later, you know,
2 over this time, you know, this work was being
3 done, we were trying to find out this information.

4 I can't pinpoint if it was
5 before or after this date or this date. I'm
6 sorry.

7 Q. No, that's fair enough.
8 Let's try it with some bigger markers. So you're
9 working on the completion of the 2015 CIMA report.
10 Do you recall if, when you made the request, the
11 2015 CIMA report had been finalized?

12 A. I don't recall, I'm
13 sorry.

14 Q. So you were directed by
15 possibly Martin or Mr. Ferguson to reach out for
16 these friction testing results. Were you told why
17 your group was interested in the results?

18 A. No, I assumed because of
19 the wet weather collisions.

20 Q. If your group had been
21 able to acquire the friction testing results, what
22 did you expect you could have done with them?

23 A. We would have provided
24 them to CIMA to analyze.

25 Q. In connection with the

1 2015 report or as a separate request?

2 A. I assume during the 2015
3 report.

4 Q. You said that you reached
5 out to someone in engineering services and were
6 told that you didn't need the results. That
7 person, do you recall if it was Mr. Moore?

8 A. No, sorry, I don't
9 recall. I don't believe I would have reached out
10 directly to a director. So that's why I don't
11 recall who I would have reached out to.

12 Q. Do you recall if there
13 were people within engineering services that you
14 interacted with on a regular basis?

15 A. Yeah. Unfortunately, I
16 don't remember all their names and I'm not sure I
17 knew all their names at the time as well. Faces,
18 yes, but...

19 Q. Can you tell me any of
20 the names that you do remember?

21 A. I remember dealing with
22 Rick Andoga a lot. I don't know. Rick is the
23 only one that stands out.

24 Q. Did you make the request
25 to Mr. Andoga?

1 A. I don't recall whether I
2 did or not, I'm sorry.

3 Q. And you said you were
4 told you didn't need the friction testing results.
5 Was that you specifically or traffic engineering
6 and operations didn't need them?

7 A. Oh, traffic operations
8 and engineering, not me. No.

9 Are we going to break shortly?

10 Q. I believe we're taking
11 the lunch today at 12 p.m.; is that correct? Is
12 that the City's request?

13 JUSTICE WILTON-SIEGEL: That's
14 our intention. But I want to ask, could the
15 Registrar please put down these -- take down
16 what's on the screen.

17 So, Mr. Worrton, if your
18 requesting a break, we can certainly accommodate
19 that for five minutes.

20 THE WITNESS: I need a
21 five-minute break to go to the washroom.

22 JUSTICE WILTON-SIEGEL: I
23 think you're entitled to it. Let's take a
24 five-minute break and come back just a little
25 after quarter to 12.

1 --- Recess taken at 11:42 a.m.

2 --- Upon resuming at 11:48 a.m.

3 MS. BRUCKNER: Commissioner,
4 may I proceed?

5 JUSTICE WILTON-SIEGEL: Please
6 proceed.

7 BY MS. BRUCKNER:

8 Q. So, Mr. Worrton, just
9 before we took our break we were talking about the
10 request you had made to engineering services for
11 friction testing results. I believe you had said
12 that after you received a response indicating that
13 your group didn't need the results, you escalated
14 it to Mr. Ferguson and Mr. White; is that right?

15 A. Correct.

16 Q. To your knowledge, did
17 Mr. White or Mr. Ferguson ever reach out to
18 engineering services to request the friction
19 testing results?

20 A. I recall that they did.

21 Q. Do you recall what the
22 response -- what response they received?

23 A. Not specifically.

24 Q. Did your group ever
25 receive the friction testing results?

1 A. I don't recall that we
2 ever did.

3 Q. Did you ever see friction
4 testing results for the Red Hill Valley Parkway?

5 A. No.

6 Q. To your knowledge, did
7 Mr. White or Mr. Ferguson ever escalate the
8 request for friction testing results and
9 engineering's response to it to Mr. Lupton or
10 Mr. Mater?

11 A. Not to my knowledge.

12 Q. Registrar, could you
13 please take us to OD7, image 50 at paragraph 153,
14 please.

15 Mr. Worrton, this is another
16 exchange you weren't copied on, and I just want to
17 get a sense on whether or not you had any
18 involvement with it.

19 Registrar -- thank you.

20 On October 29th, Mr. Moore
21 sent his comments to Mr. Ferguson on the 2015 CIMA
22 report. Were you ever advised that Mr. Moore had
23 made comments on the 2015 CIMA report?

24 A. I believe so.

25 Q. Did you see a copy of

1 those comments? It's a PDF with stickie notes on
2 it.

3 A. I don't recall.

4 Q. What were you told about
5 the nature of the comments that Mr. Moore had made
6 on the 2015 CIMA report?

7 A. I don't recall, I'm
8 sorry.

9 Q. Just before we close this
10 off, Registrar, can you pull up HAM690 in the
11 native version.

12 Mr. Worrton, I want to show you
13 a copy of the comments to see if it refreshes your
14 memory as to whether or not you ever saw them.

15 Thank you, Registrar, and,
16 Mr. Worrton, I'll take us to a page where there are
17 comments. Registrar, could you take us to image
18 41, please.

19 A. I'm sorry, these are
20 Mr. Moore's comments?

21 Q. These are Mr. Moore's
22 comments on the 2015 CIMA report. So this is a
23 comment that he makes on the section under perform
24 friction testing where he struck out the section
25 and left a comment there.

1 Can you just take a look at
2 that and let me know if you ever saw this copy of
3 the report or Mr. Moore's comments?

4 A. I'm sorry, I don't
5 recall.

6 Q. Mr. Moore states in his
7 comment the reason for the strike out:

8 "There's no basis, nothing to
9 compare and no other agency in
10 Ontario including the MTO
11 doing this. It means
12 absolutely nothing except
13 proving potential exposure to
14 legal actions and confusion."

15 Did you ever hear Mr. Moore
16 make comments about friction testing along those
17 lines?

18 A. Over time, yes.

19 Q. In what context?

20 A. I'm sorry, I don't
21 remember the context. Maybe it was in a meeting.
22 It -- yeah.

23 Q. Did it occur on more than
24 one occasion?

25 A. I'm sorry, I can't

1 pinpoint, you know, how many; was more than once.

2 Q. Did you hear him make
3 these comments after you were aware friction
4 testing had been conducted and engineering
5 services had declined to provide you with the
6 results?

7 A. I'm sorry, I don't know
8 exact timeframe.

9 Q. Registrar, you can take
10 down these documents, thank you. If you could
11 pull up HAM24700 and split screen it with
12 HAM24702, please.

13 This is the final version of
14 the December 7, 2015 recommendation report that
15 covers the 2015 CIMA LINC and CIMA Red Hill Valley
16 Parkway report. Were you involved in drafting
17 this report?

18 A. I was involved in
19 drafting.

20 Q. Do you recall if you
21 reviewed a final version of the report?

22 A. I did not review a final
23 version.

24 Q. You'll see, Registrar, if
25 you can highlight B on image 1 there that the

1 design with request to the medium and long-term
2 items in the report. So you'll see that the
3 recommendation states the design with request to
4 medium and long-term items in the report as
5 appendix B -- so appendix B is what I have up on
6 the other screen there for you -- be deferred
7 pending the outcome of the transportation master
8 plan, TMP, update.

9 Registrar, you can close this
10 out. Thank you.

11 And then you'll see on
12 appendix B it lists a number of medium-term and
13 short-term and long-term options, including
14 conducting friction pavement -- conducting
15 friction testing on the Red Hill Valley Parkway.

16 Do you recall any discussions
17 about the decision to defer the medium- and
18 long-term options pending the outcome of the
19 transportation master plan?

20 A. No, I don't recall.

21 Q. Do you recall any
22 discussions about why friction testing
23 specifically was listed as medium-term option?

24 A. No, I don't recall.

25 Q. Do you recall any

1 discussions about deferring friction testing on
2 the Red Hill Valley Parkway pending the outcome of
3 the transportation master plan?

4 A. No, sorry, I don't
5 recall.

6 Q. You can close this down,
7 Registrar, thank you. Registrar, if you can
8 please take us to OD7, image 74, paragraph 233.
9 Can you close the callout for a moment and open up
10 image 73 as well, just to orient Mr. Worrton.

11 So, Mr. Worrton, on December 7,
12 2015 there's a public works committee meeting at
13 which that staff report that we were just looking
14 at was presented. Do you recall if you attended
15 that public works committee meeting?

16 A. No, I don't recall. I
17 assume I would have. If I was working that day,
18 there's a good chance I would have.

19 Q. So there's a chance you
20 were in attendance.

21 Registrar, could you please
22 call out paragraphs 233 and 234 on image 74.

23 So, Mr. Worrton, at this
24 meeting, Councillor Merulla asks Mr. Moore, who
25 was present, to elaborate on the quality of the

1 asphalt used, asking whether the City used
2 low-grade asphalt in comparison to that used by
3 the MTO in constructing the Red Hill Valley
4 Parkway.

5 Mr. Moore replied that the
6 City had used SMA in the construction of the Red
7 Hill Valley Parkway, which was the MTO's top mix
8 for high speed freeway-type roadways.

9 Mr. Moore informed the public
10 works committee that the MTO had performed initial
11 friction testing and received results at or above
12 what the MTO typically expected from high grade
13 friction mixes. He also informed the public works
14 committee that they had performed subsequent
15 testing five years after, in approximately 2012 to
16 2013, finding that the road was holding up
17 exceptionally well. He stated, "We have no
18 concerns about the surface mix."

19 Do you remember Mr. Moore
20 making those comments at the public works
21 committee meeting?

22 A. No, I don't, I'm sorry.

23 Q. Do you recall discussions
24 within your group, so between yourself,
25 Mr. Cooper, Mr. White, Mr. Ferguson, Mr. Lupton,

1 Mr. Mater, about Mr. Moore's response to these
2 questions from Councillor Merulla?

3 A. No, no, I don't recall
4 anything.

5 Q. Do you recall anyone
6 asking you to follow-up on Mr. Moore's statements
7 about friction testing on the Red Hill Valley
8 Parkway following this meeting?

9 A. No.

10 Q. The request that we're
11 talking about that you made to engineering
12 services for friction testing results, do you have
13 any sense as to whether or not it occurred before
14 or after this meeting on December 7, 2015?

15 A. Before.

16 Q. It occurred before. So
17 it was before the report on the 2015 CIMA report
18 went to council -- went to the public works
19 committee?

20 A. Yes, with understanding
21 this now.

22 Q. Does this help you give
23 you any more context or refresh your memory about
24 that request that you made to engineering services
25 for the friction testing results?

1 A. No, no more specifics,
2 just that it happened before this.

3 Q. At the time of this
4 meeting, you were already aware that there had
5 been friction testing conducted to Red Hill Valley
6 Parkway?

7 A. Sorry.

8 Q. Because you had
9 previously made a request for the friction testing
10 results, would it be fair to assume that when
11 Mr. Moore made these comments, you were aware
12 there had already been friction testing done on
13 the Red Hill as of December 7th, 2015?

14 A. No, because they didn't
15 share it.

16 Q. They didn't share it so
17 you hadn't seen results but were you aware that
18 engineering services had results?

19 A. Correct, sorry. Yes.

20 Q. After this meeting, do
21 you recall reaching out to engineering services to
22 ask them for friction testing results?

23 A. No.

24 Q. Do you have any knowledge
25 as to whether or not Mr. Ferguson, Mr. Cooper,

1 Mr. Lupton, Mr. Moore -- Mr. Mater, not Mr. Moore,
2 or anyone else in your group reached out to
3 engineering services to request the friction
4 testing results after Mr. Moore made these
5 comments?

6 A. Not to my knowledge.

7 MS. BRUCKNER: Registrar, you
8 can close which out, thank you.

9 I see that it is noon and I
10 understand we do have a hard stop today. I think
11 I have maybe 10 more minutes of questioning.

12 JUSTICE WILTON-SIEGEL: Okay.

13 Again, Registrar, you can put
14 that down.

15 Is Ms. Contractor on the line?

16 MS. BRUCKNER: I think

17 Mr. Mishra is here for the City today.

18 JUSTICE WILTON-SIEGEL:

19 Mr. Mishra, do you have any issue with continuing
20 for minutes? If you do -- and let me say there's
21 no pressure. If you do, then we can take our
22 lunch break at the present time.

23 MR. MISHRA: I think it would
24 be of assistance if we could take our lunch break
25 now and I can continue afterwards.

1 JUSTICE WILTON-SIEGEL: That's
2 fine. Then let's take a break and we'll return at
3 1:15.

4 Before we do take our break,
5 should counsel caucus for a few minutes?

6 MS. BRUCKNER: That would be
7 perfect.

8 JUSTICE WILTON-SIEGEL: I'll
9 ask the Registrar to put counsel in a breakout
10 room for two minutes.

11 --- Recess taken at 12:01 p.m.

12 --- Upon resuming at 1:17 p.m.

13 MS. BRUCKNER: Commissioner,
14 may I proceed?

15 JUSTICE WILTON-SIEGEL: Yes,
16 please do.

17 MS. BRUCKNER: Thank you.

18 BY MS. BRUCKNER:

19 Q. Mr. Worrton, before we
20 went for our lunch break, we were talking about
21 the request that you had made to someone in
22 engineering services for friction testing results,
23 which was denied. I would like to try and refresh
24 your memory a little bit about who was in
25 engineering services at the time that you think

1 you would have made that request.

2 Registrar, could you take us
3 to RHV679 and pull up image 133, please.

4 So for your reference,
5 Mr. Worrton, this is a public works structure chart
6 for March 2015 for the engineering service
7 division, and this is the -- I believe the highest
8 level. So it lists Mr. Moore as the director,
9 Diana Cameron, who is his administrative
10 assistant, Mr. Andoga who I believe you referenced
11 that you had worked with on occasion when you were
12 with the City; is that right?

13 A. Yes.

14 Q. Okay. An individual name
15 Jerry Parisotto who is manager of construction,
16 Susan Jacob who is manager of design, and Gord
17 McGuire who is manager of geomatics and corridor
18 management.

19 Did you speak to any of these
20 individuals listed here about friction testing
21 results for the Red Hill Valley Parkway?

22 A. Not that I can pinpoint.

23 Q. Okay. Are any of these
24 individuals the person that you made the request
25 to?

1 A. Not that I can pinpoint.

2 Q. Okay.

3 Registrar, could you please
4 take use to image 134.

5 So this is -- I'm just going
6 to go through each of the engineering services
7 departments for you as it lists additional
8 individuals on these separate sections. So this
9 is asset management, which was under Rick Andoga,
10 and you'll see his administrative secretary is
11 Lisa Castronovo. Did you request the friction
12 testing results from Lisa?

13 A. No, definitely not.

14 Q. Okay. The project
15 manager infrastructure management systems is
16 Irena, and I'm not going to pronounce this
17 correctly, Szczepanik. Did you request the
18 friction testing results from her?

19 A. The name is not sounding
20 familiar.

21 Q. Okay. So unlikely that
22 you requested the friction testing results from
23 her?

24 A. Unlikely.

25 Q. Okay. The senior project

1 manager infrastructure surface programming is also
2 listed as Mr. Andoga, so he must have been acting
3 manager and also in his role as senior project
4 manager, but we have covered him off.

5 The acting senior project
6 manager infrastructure program underground is
7 Harry Krinas. Did you request the friction
8 testing results from Mr. Krinas.

9 A. No.

10 Q. Okay. Of the individuals
11 you see here listed under asset management, did
12 you work with any of them on a regular basis aside
13 from Mr. Andoga?

14 A. Not that I'm aware of,
15 no.

16 Q. Okay.

17 Registrar, could you please
18 take us to image 135, please. So this is the
19 breakdown for construction which is also an
20 engineering services department. And so we have
21 spoken already about Mr. Parisotto. His
22 administrative secretary was Amy Groleau. Did you
23 request the friction testing results from
24 Ms. Groleau?

25 A. No.

1 Q. Okay. The senior project
2 manager construction management is Mr. Marco Oddi.
3 I believe it might be -- sorry, did you request
4 the friction testing results from Mr. Oddi?

5 A. No.

6 Q. Okay. You specifically
7 recall that it wasn't Mr. Oddi?

8 A. I recall, it wasn't
9 anyone from construction.

10 Q. Okay. So it wouldn't
11 have been Mr. Erick Merlos, though, there either?

12 A. No.

13 Q. Okay. So we looked at
14 asset management. Would it -- do you have a
15 recollection as to whether or not it was someone
16 from asset management?

17 A. Potentially. I didn't --
18 org charts weren't available, so to actually know
19 where everyone sat wasn't always good or easy to
20 find out and self learn. But it potentially could
21 have or it could have been in -- someone in Susan
22 Jacob's --

23 Q. Okay. But you're fairly
24 confident we can rule out construction?

25 A. Yes.

1 Q. Okay.

2 Registrar, could you please

3 take us to image 136. Okay.

4 So you said it could be
5 someone in Ms. Jacob's group. So Ms. Jacob is in
6 charge of design at this point, and her
7 administrative secretary is listed as Cathy
8 Bojeski. Did you request the results from
9 Ms. Bojeski.

10 A. No.

11 Q. Okay. And the senior
12 project manager of design services is Chris
13 McCafferty. Did you request the friction testing
14 results from Mr. McCafferty?

15 A. Potentially.

16 Q. Okay. So you don't have
17 a recollection whether or not you questioned them
18 from him?

19 A. No.

20 Q. Okay. Did you work with
21 Mr. McCafferty --

22 A. Yep, from time to time,
23 yeah.

24 Q. Okay.

25 Registrar, could you please

1 take us to 136.

2 So this is manager geomatics
3 corridor management under Gord McGuire. The
4 property administration clerk in this group is
5 Lana Burley. Did you request the friction testing
6 results from her?

7 A. No. It wasn't anyone
8 from Gord's group.

9 Q. Okay. So we can rule out
10 Stella Jordan or Iordan; I'm not sure which is
11 correct there?

12 A. Correct.

13 Q. Al Little?

14 A. Correct.

15 Q. And we can rule out Dave
16 Lamont?

17 A. Correct.

18 Q. Gary Kirchknopf?

19 A. Correct.

20 Q. And Charlie Lauricella.

21 A. Correct.

22 Q. Okay. I know that there
23 were a couple of other individuals that worked
24 with or were in engineering services around this
25 time. One was Mike Field. Do you if know you

1 worked with Mr. Field or requested the friction
2 testing results from him?

3 A. No, I didn't request from
4 him.

5 Q. Okay. And you
6 specifically recall that it wouldn't have been
7 Mr. Field?

8 A. Yeah, yeah.

9 Q. Okay. Another individual
10 that's involved in engineering services is Mike
11 Beck. Do you recall if you requested the friction
12 testing results from Mike Beck?

13 A. Potentially.

14 Q. Okay. Did you work with
15 Mr. Beck on a fairly regular basis?

16 A. Yeah.

17 Q. Okay. Okay. Thank you
18 very much. Those are my questions around the
19 structure chart.

20 So, Registrar, you can take a
21 that down for us.

22 Registrar, could you take us
23 to HAM888, please.

24 So this is a calendar
25 invitation that is circulated from Mr. Mater on --

1 for a meeting that occurs on May 1st, 2017.

2 You're copied, as are a number of other

3 individuals.

4 Registrar, could you call out
5 the two there just so that is a little bit easier
6 to read.

7 Mr. Worrone, can you just
8 review the attendees there. Let me know when
9 you're done.

10 A. Yep.

11 Q. Do you recall this
12 May 1st meeting?

13 A. Yep.

14 Q. Okay. What was the
15 purpose of the meeting?

16 A. To go over all the
17 historical reports, studies, motions and bring
18 everyone up to speed.

19 Q. Could you describe the
20 meeting generally for me?

21 A. What do you mean by that?

22 Q. What happened at the
23 meeting?

24 A. I reviewed -- I led
25 everyone through a historical process of all the

1 different motions and reports and studies, gave a
2 brief synopsis of each one, really high level, and
3 there was some discussions about next steps or how
4 to move forward collectively as PW.

5 Q. Okay. What was the tone
6 of the meeting?

7 A. Open collaboration.

8 Q. Open collaboration. What
9 does that mean in terms of the tone or demeanour
10 of the individuals at the meeting?

11 A. The demeanour? I think a
12 bit stressful.

13 Q. Stressful in terms of
14 people at the meeting were showing signs of
15 stress, or there were --

16 A. Yeah, like if you were --
17 they weren't happy. They weren't mean. But, you
18 know, somewhere in the middle, but more so towards
19 the, you know, stressful side, just because
20 everyone is trying to figure out what's all been
21 going on, and, you know, how do put their best
22 step forward.

23 Q. Okay. Were some
24 individuals -- well, you said some individuals
25 were not happy. Are those particular individuals,

1 or is that a general commentary on all of the
2 attendees?

3 A. I think it was more so
4 Gary and John; they're both the figureheads that
5 needed to collaborate to get everything done.

6 Q. Okay. Do you recall
7 discussions that occurred between Mr. Moore and
8 Mr. Mater or what they were unhappy about or not
9 happy about, to use your exact terminology?

10 A. I think it was just in
11 general the -- trying to figure out how both
12 groups could collaborate together and have the
13 same vision.

14 Q. And I know you had said
15 there were -- the visions of your group and
16 Mr. Moore's group were in conflict at times. Was
17 this one of those instances?

18 A. Yeah.

19 Q. Okay. Do you recall what
20 the specific areas of conflict were at this
21 meeting?

22 A. More so in theories or
23 philosophies. We had just implemented a Vision
24 Zero platform, so, you know, striving for zero
25 deaths and zero serious injuries, and that is a

1 collective effort between engineering, police,
2 education, enforcement, a bunch of things. But
3 it's not putting -- it's saying that road
4 engineering has some responsibility in addressing
5 how to make the roads safer.

6 Q. Okay. And did
7 engineering services disagree with the Vision Zero
8 approach that your group was providing?

9 A. I wouldn't say they
10 disagreed. It was new to them, so they were
11 learning. It's new to -- it's a newer concept to
12 Ontario, so it's everyone learning together and
13 trying to find that happy balance to take that
14 next step.

15 Q. Practically, did looking
16 at things through a Vision Zero scope change the
17 way that your group looked at recommendations and
18 steps to be taken on the Red Hill Valley Parkway?

19 A. Yeah.

20 Q. In what ways?

21 A. We looked at -- I mean,
22 looking at not necessarily reducing all collisions
23 but looking at the focus on how to eliminate
24 fatalities and serious injuries.

25 Q. Okay. And then at this

1 time, so that's May 1st, 2017, were there specific
2 items that you had in mind that you thought would
3 achieve that end on the Red Hill?

4 A. I was more administrative
5 through this process at that meeting. I was just
6 asked to collect some information, put some slides
7 together and then walk people through the slides.
8 I wasn't there as a technical person or to seek a
9 resolution. That wasn't my role at this meeting.

10 Q. Understood. But did your
11 group, so not just you, Mr. Ferguson, Mr. White,
12 Mr. Mater, Mr. Lupton, have particular
13 countermeasures or items that they thought if
14 implemented on the Red Hill Valley Parkway would
15 meet the goals of the Vision Zero program in
16 May 2017?

17 A. I'm not sure that this
18 meeting was specifically for that. I'm sure there
19 were some.

20 Q. Do you remember what they
21 were. I know there was --

22 A. Not specifically.

23 Q. Do you recall discussions
24 around median barriers or guide rails on the Red
25 Hill Valley Parkway?

1 A. Not specifically for this
2 meeting. We were discussing it at length at this
3 time, you know, in early 2017.

4 Q. And that was in
5 connection with the planned repave of the Red Hill
6 Valley Parkway?

7 A. Yeah.

8 Q. It was something that
9 your group thought should be included in the scope
10 of the bench repaving?

11 A. It wasn't from our group.
12 It was through the recommendations of the CIMA
13 reports.

14 Q. And I believe that I've
15 seen some e-mail exchange where your group was
16 putting that scope to engineering services; is
17 that right?

18 A. Yeah, yeah.

19 Q. Do recall what
20 engineering services did in response to the
21 suggestion that median barriers or guide rails
22 should be included in the scope of the repave?

23 A. They held some meetings,
24 you know, to collectively understand and to look
25 at where the priority areas were. Barriers would

1 be a costly item, and from what I can recall the
2 budget that was planned for this work, that would
3 create significant impacts to it. So trying to,
4 you know, work together to resolve how best to
5 move forward.

6 Q. And just to circle back
7 on that quickly, and you may have already answered
8 this, but the idea of guide rails or median
9 barriers on the Red Hill Valley Parkway, is that
10 something that you or members of your group
11 considered in line with the Vision Zero
12 philosophy?

13 A. Yeah.

14 Q. Why?

15 A. The serious injuries and
16 fatalities occurred more often when vehicles
17 crossed the median. So in crossing the median if
18 you can prevent that, then essentially you've
19 eliminated that from occurring.

20 Now, there are disadvantages
21 to that where there could be more injuries or
22 property damage from a barrier wall of vehicles
23 just going off and hitting it because it's in the
24 clear zone or, you know, within the right-of-way
25 that a vehicle could travel. But you would

1 ultimately prevent a vehicle from crossing the
2 median.

3 Q. Okay. Understood. And
4 are there certain types of barriers or guide rails
5 that are designed to minimize the property damage
6 or the potential that a car could go backwards
7 into the lane that it was in the process of
8 leaving when it hit the barrier?

9 A. Yeah, I'm not an expert
10 in that. But I do understand that yes, there is
11 various applications depending on the road
12 geometrics that certain barriers work better in
13 certain situations.

14 Q. And I know I've taken us
15 a bit off track, so returning to the May 1st, 2017
16 meeting.

17 Registrar, could you take this
18 down and bring up HAM889.

19 So just to assist you,
20 Mr. Worrton, there's also an agenda for this
21 meeting that's circulated with the calendar
22 invitation, and there are a number of items listed
23 there, and number 4 is friction testing results.
24 Do you recall if there were discussions about
25 friction testing results at the May 1st meeting?

1 A. I don't recall
2 specifically.

3 Q. Okay. Do you recall if
4 anyone asked Mr. Moore for friction testing
5 results from the Red Hill Valley Parkway at this
6 meeting?

7 A. I don't recall.

8 Q. Okay.

9 Registrar, you can take this
10 down, and if you can bring up HAM25976 for us,
11 please.

12 Mr. Worrton, I believe this is
13 the PowerPoint presentation that you indicated you
14 prepared; is that correct?

15 A. Yep.

16 Q. Okay. And you took the
17 other attendees at the meeting through this
18 PowerPoint presentation?

19 A. Yep.

20 Q. What process did you
21 follow in collecting and putting together this --
22 collecting the information for and putting
23 together this PowerPoint presentation?

24 A. Scavenger hunt really.
25 It was, you know, researching back on-line through

1 the clerk's office what's been done. It was
2 asking colleagues for information and just trying
3 to grab, you know, really just a snippet of what's
4 been done.

5 Q. And when you say "going
6 to the clerk's office," is that in reference to
7 acquiring staff reports?

8 A. Yeah. They are on-line.
9 I'm not sure if it's an internal link or an
10 external link.

11 Q. Okay. Was there any
12 other information other than staff reports that
13 you would have been speaking to the clerks about?

14 A. I don't believe so. This
15 was put together pretty quickly.

16 Q. How much time did you
17 have to put it together?

18 A. I believe -- I recall I
19 did it over a weekend.

20 Q. Oh. Okay. And why? How
21 did that come about?

22 A. I don't recall whether it
23 was given to me last minute or whether I didn't
24 have -- you know, whether I had conflicting
25 deadlines or what have you. I just remember doing

1 it over the weekend.

2 Q. Fair enough. Did you
3 work with Mr. Ferguson or Mr. Cooper in putting
4 together this presentation?

5 A. I'm sure I reached out to
6 them to find some information.

7 Q. Okay. But the primary
8 responsibility for actually compiling it was with
9 you?

10 A. Yeah, yeah.

11 Q. Registrar, could you
12 please take us to image 9. And if you could call
13 that out so it's a little more legible, please.
14 Thank you.

15 So you'll see, Mr. Worrone,
16 this is a PowerPoint slide about the improvements
17 further to the 2013 CIMA report and the staff
18 report on that CIMA report, and you'll see the
19 list of the countermeasures here.

20 A. Yep.

21 Q. And the top line there
22 says, "friction testing," and it's marked as
23 completed. Why is friction testing marked as
24 completed here?

25 A. I believe that that

1 status was based on 2017, you know, at the time of
2 the meeting. So we would have heard from Gary at
3 that council presentation that friction testing
4 was done.

5 Q. So this would have been
6 based on Mr. Moore's statements at the
7 December 2015 public works committee meeting?

8 A. Yeah, or any other
9 discussions that they would have had through the
10 various, you know, meetings that Gary had with
11 Martin White and John and Dave.

12 Q. Okay. So it was based on
13 a representation from Mr. Moore that the friction
14 testing had been completed?

15 A. Yeah.

16 Q. And at this point in
17 time, May 1st, 2017, had you ever seen the results
18 of any friction testing for the Red Hill Valley
19 Parkway?

20 A. No.

21 Q. To your knowledge had
22 anyone in your group received the results of any
23 friction testing from the Red Hill Valley Parkway?

24 A. Not that I can recall.

25 Q. Okay.

1 Registrar, could you please
2 take us to image 18, please, and call that out as
3 well. Thank you.

4 So this is a similar slide
5 that covers off the countermeasures from the CIMA
6 report. And you'll see again at the top there
7 friction testing is listed as completed further to
8 the 2015 CIMA report as well. What was the basis
9 for the inclusion of that information?

10 A. Same, that Gary had
11 indicated to council that friction testing had
12 been done.

13 Q. I know that in his
14 statements to council that we looked at earlier
15 today, he had indicated there was testing in 2007
16 and that there was testing 2012 to 2013 I believe
17 is what he says to council.

18 A. Yeah.

19 Q. The 2015 CIMA report
20 postdates that friction testing. Was it your
21 understanding at this time that there had been
22 subsequent friction testing conducted on the Red
23 Hill aside from the 2007 or the 2012 to 2013
24 testing?

25 A. No, no. It -- this was

1 just, you know, like I said, quickly done. It
2 might be misleading looking back at it now, but it
3 was just to say that friction testing was done.

4 Q. Okay. When you say "it
5 might be misleading," what do you mean by that?

6 A. Well, when you compare
7 that first slide that you said where it said it
8 was done for 10,000, that was, you know, based
9 from a 2013-ish, and this is at the end of 2015,
10 it appears that a second one was done. But that
11 wasn't the indication. It was just to say that
12 friction testing was done.

13 Q. Right. So it was to say
14 that friction testing was done, but to your
15 knowledge it was not completed at any point after
16 2015 or after the 2015 CIMA report was presented
17 to the public works committee?

18 A. Correct.

19 Q. Okay. In your view would
20 friction testing from 2012 or 2013, if it existed,
21 have fulfilled the recommendation for friction
22 testing in the 2015 CIMA report?

23 A. I'm not experienced or
24 educated enough to be able to answer whether that
25 timeframe of a study on friction would be

1 relevant.

2 Q. Okay. But this
3 presentation suggests that there were two sets of
4 testing done; so one further to the 2013 report
5 and then another further to the 2015 report.

6 A. Yeah. But that's not how
7 it was communicated. It was communicated that
8 friction testing as a check box in general with
9 the long list outstanding business items, it was
10 completed.

11 Q. Okay. So when you say --
12 so this is part of your presentation, then, when
13 you're talking about this slide?

14 A. Yes.

15 Q. Perfect. Did you speak
16 to these slides, or did someone else at the
17 meeting speak to them?

18 A. I spoke to them.

19 Q. Okay. Can you tell me
20 what you said, then, about friction testing when
21 you were giving this presentation? I know you --

22 A. I just said friction
23 testing was done.

24 Q. And did you make it clear
25 that it was one instance or two instances, 2007,

1 2012 and 2013?

2 A. No, no, but I -- my
3 assumption, I only knew it was being done once.

4 Q. Okay. And you expect
5 that you would have communicated that in your
6 presentation?

7 A. Potentially. I only knew
8 it was being done once. I didn't know that there
9 was maybe two or three times or twice with a
10 request, and so my mindset would have just been
11 yeah, that's normal, it's been done.

12 Q. Okay. And when you were
13 talking about the friction testing during this
14 presentation, did you advise the group of
15 attendees at this meeting that it was your
16 understanding that Mr. Moore had the friction
17 testing results?

18 A. No. I wasn't diving into
19 these items to that degree. It was a high level
20 to illustrate the progression of motion reports,
21 technical studies done by consultants that were
22 done over time, who the staff reports were the
23 authors because there were some authors by other
24 sections as well, and just giving a high level
25 snippet of the outstanding business list that

1 still needed to be done. It wasn't diving into
2 the details of this.

3 Q. And when you -- as you
4 went through each of these slides, did other
5 attendees at the meeting ask you questions about
6 them?

7 A. They didn't ask me
8 questions. They asked themselves questions, and
9 there was open discussion.

10 Q. Okay. And so on the two
11 slides that we just looked at was there -- or do
12 you recall if there was any open discussion about
13 the conduct pavement friction testing
14 recommendation there?

15 A. I don't recall. There
16 was discussions ongoing, but I don't recall what
17 specifically was being spoken to. I was just
18 going through the slides and letting the senior
19 management discuss amongst themselves as needed.

20 Q. Okay.

21 Registrar, could you please
22 take us to image 31.

23 So I believe you had
24 referenced that there were a number of items on
25 the outstanding business list. So this is the

1 PowerPoint presentation slide that I believe
2 covers those off. Was there a discussion about
3 how to address each of these items efficiently at
4 the meeting?

5 A. Yeah, there was
6 discussions.

7 Q. Okay. And was there a
8 plan coming out of those discussions?

9 A. I don't -- there was
10 discussions. I don't think a plan was documented.

11 Q. Okay. Do you recall
12 anything else about the nature of the discussions
13 around the OBL items?

14 A. No.

15 Q. Okay.

16 A. Just that the goal of it
17 was to come up with one front from public works
18 and not worry about whether something was from
19 traffic, forestry, construction, engineering
20 services. It was, this should be coming from
21 public works and moving forward, and that was the
22 common theme through the discussions.

23 Q. So was there an
24 identified need to act more collaboratively going
25 forward?

1 A. Yes, that was in the
2 discussions.

3 Q. Okay. Were there
4 examples or did anyone raise issues at the meeting
5 about circumstances prior to this meeting when
6 there was a lack of collaboration between public
7 works departments?

8 A. No. I think this was
9 just the first step in that process, though --

10 Q. Okay.

11 A. -- to figure out how
12 better to move ahead.

13 Q. Okay. And just to cover
14 this off, Mr. Worrton, in your time at the City did
15 you ever receive a copy of the Tradewind report?

16 A. The what report?

17 Q. Do you know what the
18 Tradewind report is?

19 A. Sorry, are you saying
20 trade win or true win?

21 Q. Tradewind.

22 A. No.

23 Q. Okay. And you never saw
24 any friction testing results for the Red Hill
25 Valley Parkway?

1 A. No.

2 Q. Okay.

3 Registrar, could you take this
4 down and take us to RHV890.

5 Mr. Worrton, for your reference
6 this is an anonymous letter that is sent to the
7 City's auditor in 2019 -- so you are gone from the
8 City as of 2017, several years after your time --
9 with a series of allegations in it, including some
10 content or statements that are attributed to Gary
11 Moore.

12 Registrar, could you please
13 take us to image 2 and call out the italicized
14 text. So I'm not going to read them out, but
15 there are a number of statements that are
16 attributed to Mr. Moore, and I'll give you a
17 chance to review them and let me know when you've
18 done that.

19 A. Sorry?

20 Q. Let me know when you've
21 had a chance to just read through those
22 statements.

23 A. (Witness reviews
24 document). Okay.

25 Q. Mr. Worrton, at the

1 May 1st, 2017 meeting that we were just talking
2 about --

3 A. Yes.

4 Q. -- did Mr. Moore make
5 comments of this nature?

6 A. I don't recall.

7 Q. Okay.

8 Registrar, you can close that
9 out.

10 Those are all my questions for
11 Mr. Worrton today. I understand that Mr. Mishra,
12 counsel for the City, has approximately 30 minutes
13 of examination for Mr. Worrton and that the other
14 participants will not have any questions for him.

15 JUSTICE WILTON-SIEGEL: Okay.
16 Thank you, Ms. Bruckner. So, Mr. Mishra, it's
17 over to you.

18 MR. MISHRA: All right. Thank
19 you, Mr. Commissioner. May I proceed?

20 JUSTICE WILTON-SIEGEL: Yes,
21 please proceed, Mr. Mishra.

22 EXAMINATION BY MR. MISHRA:

23 Q. Thank you, Mr. Worrton.

24 So I just have a couple of questions for you. I
25 hope not to take the full 30 minutes that I

1 advised.

2 First, I would like to ask you
3 some questions about the division of labour
4 between some of the departments in public works.

5 Now, commission counsel has
6 asked you various questions about traffic
7 engineering, which you were a member of in the
8 2015 time period, and asset management and
9 engineering services. I just want to understand
10 the difference between traffic engineering which
11 was in the energy, fleet and traffic group and
12 asset management which was in the engineering
13 services section.

14 Generally speaking, is it fair
15 to say that traffic engineering and operations
16 looked after the safety of the roadway and asset
17 management looked at the durability of the
18 roadway?

19 A. Yes.

20 Q. Okay. Now, you've
21 discussed at length with commission counsel the
22 2015 CIMA report. I want to ask you a few
23 questions about the City's use of consultants and
24 consultant's reports.

25 Now, in 2015 was there a

1 policy that were you aware of about City staff
2 being required to provide a copy of a consultant's
3 report to City council along with the staff
4 report?

5 A. Not to my knowledge.

6 Q. Okay. In the absence of
7 any such policy how would staff determine whether
8 a copy of a given report needed to be provided to
9 council?

10 A. Based on what the
11 superior is saying.

12 Q. Okay. If a public works
13 committee member requests a copy of the underlying
14 report, would staff be required to provide it?

15 A. I'm not sure if required,
16 but chances are we would provide it.

17 Q. Okay. So I want to take
18 you to the council motion for the 2015 CIMA
19 report.

20 Now, Mr. Registrar, can you
21 put up OD7, image 10, paragraph 29. Perfect.
22 Thank you.

23 Now, if you look at the text
24 starting with "whereas," if you want to just read
25 that and let me know when you've taken a look at

1 that text.

2 A. "Whereas"?

3 Q. Starting with "whereas"

4 there. The council motion. That's right.

5 A. (Witness reviews
6 document). Okay.

7 Q. We see here the wording
8 directed staff:

9 "To investigate additional
10 safety measures for the Red
11 Hill and the LINC." (As read)
12 Commission counsel has asked
13 you a number of questions regarding the urgency of
14 the 2015 CIMA review. Was this urgency related to
15 the December 7th, 2015 date requested by council?

16 A. Yes.

17 Q. Okay. Thank you.

18 And am I correct if we look at
19 the bottom where it says "therefore it be
20 resolved" (as read), and that section of the
21 motion, am I correct that in response to this 2015
22 motion the councillors were looking for staff's
23 recommendation?

24 A. Yes.

25 Q. Perfect.

1 A. Yep.

2 Q. And any or all of these
3 may change a consultant's recommendation or may
4 have an impact on a consultant's recommendation;
5 is that fair?

6 A. Yeah, that's fair enough.

7 Q. Okay. And would you
8 expect that City staff, and particularly staff in
9 leadership positions, would use their judgment in
10 applying the advice that's contained in a
11 consultant's report?

12 A. Yeah.

13 Q. Okay. So changing gears
14 a little bit, I want to talk about the 2013 CIMA
15 report and some of the recommendations.

16 You may recall that commission
17 counsel asked you about the reference to friction
18 testing and other countermeasures in the 2013 CIMA
19 report and the associated staff report. I believe
20 commission counsel took you to a table that
21 showed, among other things, for ramp 6 that there
22 would be, "install high friction pavement
23 approaching and through the curve in relation to
24 the Mud Street interchange." (As read)

25 And that's on (indiscernible).

1 Do you remember that?

2 A. Yeah.

3 Q. Okay. I would like to
4 take you back to the 2013 CIMA report.

5 Mr. Registrar, do you mind
6 calling up HAM41871, please. And if we could jump
7 to image 4, that would be great. So this is the
8 2013 CIMA report, and this is image 4.

9 And if you can call out just
10 that -- in the middle of the document where it
11 says "each of the tables," all the way down to
12 "the City has indicated." So just that -- those
13 three bullets. Perfect.

14 So here it says that a short
15 term was zero to five years. Do you see that?

16 A. Hm-hmm.

17 Q. What did you understand
18 CIMA to be recommending with respect to timing
19 when it said "ST"?

20 A. Short term.

21 Q. And that would be between
22 zero to five years; is that right?

23 A. Yeah.

24 Q. Okay.

25 Can we go to now image 50 of

1 this document, and if we can call out section
2 6.1.1.

3 So if you want to just take a
4 second to just review this passage and let me know
5 when you have.

6 A. (Witness reviews
7 document). Okay.

8 Q. Okay. Now, if you look
9 at the last sentence it says:

10 "The City could consider
11 undertaking pavement friction
12 testing on the asphalt to get
13 a baseline friction
14 coefficient for which to
15 compare to design
16 specifications."

17 What did you understand CIMA
18 to be recommending with respect to friction
19 testing in the 2013 CIMA report when it said that
20 the City could consider it?

21 A. That it was something for
22 the City to consider, just as it says. It wasn't,
23 they had to do it. It wasn't that they don't have
24 to do it. It's something to consider at their --
25 you know, under their discretion.

1 Q. If CIMA had viewed
2 friction testing as something that was necessary
3 or critical, would you have expected CIMA to use
4 stronger language in the text of its report?

5 A. Yes.

6 Q. Okay.

7 If we can go now to image 58
8 of this report. And, again, if we can call out
9 the section that's titled "Install High Friction
10 Pavement" all the way down to the cost benefit
11 ratio portion. Thank you.

12 And if you want to just take a
13 second to review this, and let me know when you
14 have.

15 A. (Witness reviews
16 document). All right.

17 Q. Now, if you look at the
18 last sentence of the first section, it says:

19 "The City could consider
20 installing HFS treatment on
21 approach to and through the
22 curve at the end of the ramp."

23 (As read)

24 Do you see that?

25 A. Yeah.

1 Q. What did you understand
2 CIMA to be recommending with respect to high
3 friction pavement in the 2013 CIMA report, again,
4 when it said that the City could consider it?

5 A. To consider this as a
6 potential measure.

7 Q. Okay.

8 Thank you, Mr. Registrar. Can
9 you now move to -- back to image 5 at the top half
10 of the page. And just call up -- yes, perfect.
11 Thank you, Mr. Registrar.

12 Now, do you see the reference
13 to friction testing in this chart?

14 A. Yep.

15 Q. The last column says
16 "ST." What does that mean?

17 A. Short term.

18 Q. And what did this tell
19 you about the timeline for CIMA's recommendation
20 regarding friction testing?

21 A. It's zero to five years.

22 Q. Okay.

23 And then if we can jump to
24 image 7 and the bottom half of the page. And if
25 you can just call out from "ramp 6" downwards,

1 that would be perfect. Thank you, Mr. Registrar.

2 So you'll see here that

3 there's a number of recommendations --

4 A. Yeah.

5 Q. -- that are listed, and
6 there are associated time periods in the far right
7 column. These actually -- we've looked at these
8 specific potential countermeasures for ramp 6 in a
9 document that commission counsel brought to you,
10 and many of the status was blank in the version of
11 the document that you had prepared. Do you
12 remember that?

13 A. Yep.

14 Q. Now, looking at the far
15 right column for the high friction pavement
16 recommended countermeasure, what's the time period
17 that is recommended?

18 A. Short term.

19 Q. And what about for the
20 installing progressive chevrons?

21 A. Short term.

22 Q. The pavement marking
23 text?

24 A. Short term.

25 Q. And the dynamic variable

1 speed warning signs?

2 A. Short term.

3 Q. So is it fair to say that
4 all of these were then meant to be done or
5 recommended by CIMA to be done within zero to five
6 years?

7 A. Yes.

8 Q. Okay.

9 Now, I want to take you to
10 HAM56634. And if we could have both image 1 and
11 image 2 on the screen, that would be great.

12 So I believe commission
13 counsel had taken you to this draft of the
14 information update. This is the appendix to that,
15 that you had prepared and worked on with
16 Mr. Cooper.

17 A. Right.

18 Q. You'll see that there's
19 various countermeasures that have been marked as
20 complete with respect to the countermeasures noted
21 in the 2013 CIMA report. Can you summarize just
22 briefly the steps that public works had taken with
23 respect to the completed short-term safety options
24 identified in this document?

25 A. This is the 2015 report

1 that was done in February and March?

2 Q. That's correct.

3 A. And what did public works
4 do to determine if they were completed or not?

5 Q. No, sorry. Mr. Worrton,
6 I'm just asking what steps did they do? Can you
7 summarize the -- what steps were completed by
8 public works to address the countermeasures that
9 were noted in the 2013 CIMA report?

10 A. I'm sorry, I'm not -- I'm
11 not understanding what you're asking.

12 Q. That's fine.

13 We can move on to HAM42562,
14 please.

15 THE REGISTRAR: Sorry,
16 Counsel, do you mind just repeating that doc ID
17 for me.

18 MR. MISHRA: Sure. It's
19 42562.

20 THE REGISTRAR: Thank you.

21 MR. MISHRA: Perfect. And if
22 we can just put the first two images up, that
23 would be great.

24 And I don't believe that this
25 document has been marked as an exhibit yet, so if

1 we could mark it as the next exhibit, that would
2 be much appreciated.

3 BY MR. MISHRA:

4 Q. Now, turning your
5 attention to an e-mail from Mr. Ferguson to
6 yourself --

7 JUSTICE WILTON-SIEGEL: Well,
8 why don't we just make sure -- we're noting this
9 as an exhibit. What's the right number for this,
10 Mr. Registrar?

11 THE REGISTRAR: Noted,
12 Counsel. It will be Exhibit 67, Commissioner.

13 JUSTICE WILTON-SIEGEL: Thank
14 you.

15 MR. MISHRA: Thank you.

16 EXHIBIT NO. 67: E-mail chain
17 from David Ferguson to Stephen Cooper and Jason
18 Worrone dated February 13, 2015; HAM42562.

19 BY MR. MISHRA:

20 Q. Mr. Worrone, if I can turn
21 your attention to the second page where there is
22 an e-mail from Mr. Ferguson to yourself -- oh,
23 sorry, actually -- yes, at the top of the page.
24 You'll see that it says:

25 "Can you please provide me

1 with an update of the works
2 outlined in this report that
3 were able to be completed in
4 2015? What was done and what
5 is still outstanding?" (As
6 read)

7 Do you see that?

8 A. November 4th, '15. Is
9 that what you're saying?

10 Q. At the top of the second
11 page.

12 A. Yep, okay.

13 Q. Perfect.

14 And then if you can call out
15 the reply from Mr. Cooper on the first page.

16 So as you can see,
17 Mr. Ferguson requested an update on the work that
18 was completed since that 2015 staff report that we
19 were talking about. Do you recall if you were
20 involved in the completion of these works?

21 A. No, I wasn't -- well, I
22 was involved to liaise with Steve for him to
23 confirm whether -- what was done and what wasn't.

24 Q. Okay. So is it right
25 that the dynamic speed signs, as you'll see in the

1 third paragraph in this e-mail, were being used
2 and that we would need a -- and that we would need
3 a -- and that they used I believe additional
4 signage, or there was discussion of additional --
5 apologies.

6 In terms of looking at
7 paragraph that starts with 2, you'll see that it
8 notes that chevrons are oversized and additional
9 curve warning signs were added to the left and
10 right-hand side. To your knowledge was this work
11 completed on the vicinity of ramp 6?

12 A. To my knowledge it was.

13 Q. Okay. And then it also
14 says:

15 "A curve warning sign that
16 better reflects the curve
17 condition, and a slippery when
18 wet sign is noted at being
19 completed." (As read)

20 To your knowledge was that
21 also completed in and around the vicinity of ramp
22 6?

23 A. Yes.

24 Q. Okay. And it also says:

25 "All signs have been upgraded

1 to high intensity sheeting."

2 (As read)

3 To your knowledge was that
4 completed on these signs in the vicinity of
5 ramp 6?

6 A. Yes.

7 Q. And can you explain what
8 high intensity sheeting is?

9 A. It's a retro reflectivity
10 level in -- it's one of the higher sheeting
11 levels.

12 Q. So is it fair to say that
13 it makes the signs brighter especially at --
14 brighter just generally; is that right?

15 A. Yes, yes.

16 Q. And that's helpful for
17 visibility in nighttime; is that right?

18 A. Yes, the headlights hit
19 it and bounce back and illuminate the sign more.

20 Q. Okay. Now, when
21 implementing countermeasures, is it common for
22 countermeasures to be implemented in a phased
23 approach, so not all at once?

24 A. Yes.

25 Q. Okay. And why is that?

1 A. Well, most times there
2 is -- well, for instance in this one there are a
3 handful of countermeasures proposed. Some of them
4 are simpler to address than others. Some require
5 purchasing new equipment, maybe a design will be
6 required, locates, and then a construction company
7 to actually install them. On other items we have
8 that material on hand, that equipment on hand;
9 staff are trained on the installation and have the
10 equipment to install.

11 So, you know, just from a
12 sheer process standpoint you would install what
13 you can at the -- you know, your earliest possible
14 time and then still in the background be looking
15 to process any additional purchase for material,
16 but also looking at how -- in assessing how that
17 facility is operating.

18 Q. Okay. Is there a benefit
19 for waiting between installation of
20 countermeasures to assess the effectiveness of the
21 former countermeasure before implementing others?

22 A. It's a case by case, but,
23 yes, there is merit for that in cases.

24 Q. Okay. Thank you,
25 Mr. Worrone. Those are all my questions.

1 JUSTICE WILTON-SIEGEL:

2 Ms. Bruckner?

3 MS. BRUCKNER: Thank you,
4 Commissioner. I just have I think two minutes to
5 clarify one point.

6 JUSTICE WILTON-SIEGEL: Okay.

7 MS. BRUCKNER: May I proceed?

8 JUSTICE WILTON-SIEGEL: Please
9 do.

10 EXAMINATION BY MS. BRUCKNER (CONT'D):

11 Q. Registrar, could you
12 please call out the documents that we were just
13 looking at, HAM425621 (sic). Thank you. And just
14 pull out Mr. Cooper's response on the image 1.

15 And this may just be a
16 clarifying point for me. I noticed that at the
17 top of this e-mail, Mr. Cooper says:

18 "Dave: All the outstanding
19 work has been completed except
20 the following:"

21 And then he lists the items
22 that you were just discussing; is that right?

23 A. Yes, that is the way that
24 it's worded.

25 Q. Okay. So I take from

1 that that these items had not been completed as of
2 the date of this e-mail November 10th, 2015?

3 A. Yes, that would be
4 correct then.

5 Q. Okay. Are you able to
6 give me a timeline for when each of these items
7 would have been completed? So item 1 is the solid
8 lane markings, cat's eyes?

9 A. Sorry, say that again. I
10 was reading as you were talking. I shouldn't have
11 been doing that.

12 Q. I'm sorry. Actually go
13 ahead and re-read the e-mail now that we've seen
14 that point from Mr. Cooper.

15 A. (Witness reviews
16 document). It's a -- it's not worded well the way
17 that Steve worded that, so on bullet 2 or point 2
18 the first half is what's not done, the second half
19 starting with chevrons is what's done.

20 Q. Okay.

21 A. Yeah, that's not worded
22 well, but that's how -- yeah, that's how I read
23 it.

24 Q. Okay. With that in mind
25 is there any aspect of the evidence that you just

1 gave to Mr. Mishra about the timing for the
2 implementation of these items that you would want
3 to clarify?

4 A. The way you ask that,
5 there must be.

6 Q. I'm asking you. I just
7 want to give you an opportunity now that we've
8 taken another look at --

9 A. There could be. Sorry,
10 I'm confused. If you have a question to ask, then
11 please do.

12 Q. Well, I think you said
13 the first part of point 2 had not been
14 implemented. So that's the Mud Street interchange
15 re-stripping to a one-lane off ramp requires a
16 change to the overhead sign --

17 A. Correct.

18 Q. -- (indiscernible)
19 marking drawing?

20 A. That hasn't been done.
21 That wasn't done at that time of this e-mail.

22 Q. Okay. And it looks like
23 Mr. Cooper is saying that that will be done in the
24 summer of 2016?

25 A. Yes. Correct.

1 Q. Do you recall if that was
2 done in the summer of 2016?

3 A. I drive that all the time
4 now, and I couldn't tell you whether it was done.
5 So I'm sorry, no, I don't know whether it was -- I
6 can't confirm that.

7 Q. Okay. And I see that
8 there's a reference there at the bottom that says:
9 "The remaining items will be
10 addressed once the URHVP --
11 which I think is the upper Red
12 Hill Valley Parkway -- is
13 completed in the summer of
14 2016." (As read).

15 A. Yeah. That's the
16 extension that went from Stone Church to Rymal?

17 Q. Okay. Do you know which
18 items were being held in relation to the Upper Red
19 Hill Valley Parkway?

20 A. That overhead sign and
21 the single laning. That's what was being held
22 back.

23 Q. Okay. Thank you very
24 much.

25 MS. BRUCKNER: Those my

1 questions, Mr. Commissioner.

2 JUSTICE WILTON-SIEGEL: And
3 none of the other participants have any questions?

4 MS. BRUCKNER: I believe
5 that's the case. Although I would ask each of
6 counsel for the MTO, Dufferin and Golder to
7 confirm. Can we hear from Dufferin first, please.

8 MR. BUCK: Yes, good
9 afternoon. I confirm that I have no questions.

10 MS. BRUCKNER: Thank you,
11 Mr. Buck. Can we hear from counsel for the MTO
12 next.

13 MR. BOURRIER: No questions
14 for me, Commissioner.

15 MS. BRUCKNER: And counsel for
16 Golder, please.

17 MS. BASSONG: No questions.

18 MS. BRUCKNER: Thank you very
19 much.

20 JUSTICE WILTON-SIEGEL: Okay.
21 Thank you.

22 Well, with that then I think,
23 first of all, Mr. Worrton, thank you very much for
24 attending today. You're excused.

25 And with respect to the

1 remaining counsel, if there is nothing further for
2 us this afternoon, then we'll stand adjourned
3 until 9:30 on Monday morning. Thank you very much
4 and have a good weekend all.

5 --- Whereupon at 2:15 p.m. the proceedings were
6 adjourned until Monday, June 13, 2022 at
7 9:30 a.m.

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