

RED HILL VALLEY PARKWAY INQUIRY

TRANSCRIPT OF PROCEEDINGS
HEARD BEFORE THE HONOURABLE J. WILTON-SIEGEL
held via Arbitration Place Virtual
on Tuesday, June 14, 2022, at 9:30 a.m.

VOLUME 30

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1 Arbitration Place Virtual

2 --- Upon resuming on Tuesday, June 14, 2022

3 at 9:30 a.m.

4 MS. HENDRIE: Good morning,
5 Commissioner. The first witness today is Mike
6 Field. If the court reporter could affirm
7 Mr. Field.

8 MIKE FIELD; AFFIRMED

9 EXAMINATION BY MS. HENDRIE:

10 Q. Good morning, Mr. Field.

11 A. Good morning.

12 Q. I would like to start
13 today with some questions about your professional
14 and your educational background and your
15 employment history with the City of Hamilton.

16 I understand you've been
17 employed by the City since 2008. Is that right?

18 A. That's correct.

19 Q. And you've been employed
20 with the City straight through since 2008?

21 A. That's correct.

22 Q. And prior to working at
23 the City, I understand that you worked in the
24 private sector?

25 A. Yes. I spent just shy of

1 ten years in consulting engineering.

2 Q. From when to when?

3 A. 1998 until I joined the
4 City in 2008.

5 Q. And 1998, is that when
6 you finished your education?

7 A. Correct.

8 Q. And where was that?

9 A. Mohawk College and I took
10 industrial engineering.

11 Q. Can you just explain what
12 that is? That's a diploma?

13 A. Correct.

14 Q. And so, you started at
15 the City of Hamilton in 2008, and I understand the
16 first role that you had was as an electrical
17 street lighting specialist?

18 A. That's correct.

19 Q. And that was in the
20 traffic engineering division?

21 A. Correct.

22 Q. And from there in 2010,
23 did you move to the role of project manager within
24 street lighting and electrical engineering?

25 A. That's correct.

1 Q. And that was in the
2 engineering services division?

3 A. Yes.

4 Q. And then you became the
5 senior project manager in lighting and electrical?

6 A. That's right.

7 Q. And, as I understand it,
8 that role originally when you started would have
9 been in the engineering services division and
10 thereafter in transportation and operations and
11 maintenance division. Is that right?

12 A. It was initially that
13 role, I received in 2017 or got in 2017, and then
14 there was another reorg that happened in 2019, the
15 spring of 2019, which moved me from engineering
16 services into the transportation operations and
17 maintenance division.

18 Q. Okay. And as I
19 understand, you were the manager of transportation
20 operations within the transportation operations
21 and maintenance division?

22 A. Correct. Initially I was
23 in the acting manager role when I joined, after
24 Martin White's retirement, and then I, through the
25 competition, was the successful candidate in the

1 permanent manager role for transportation
2 operations, which is a section within that
3 division. That continues to be my home role
4 today; however, I'm the director of transportation
5 operations and maintenance in a temporary and
6 acting capacity.

7 Q. And when did you become
8 the acting director?

9 A. June of last year.

10 Q. And in that position,
11 this position, your current position, as acting
12 director, do you report to the general manager of
13 Public Works?

14 A. That's correct.

15 Q. Okay. So, my questions
16 today are mostly going to focus on the time that
17 you were the project manager and then the senior
18 project manager, so beginning in and around 2013
19 and then up to 2019.

20 So, going chronologically, can
21 you just describe your role generally as the
22 project manager?

23 A. The project manager of
24 street lighting, electrical engineering back in
25 2013?

1 Q. Yes.

2 A. Okay. So, my role, as
3 the title kind of explains, responsible for the
4 design, construction and implementation of street
5 lighting for the City of Hamilton in a technical
6 capacity. I like to describe it as the provision
7 for lighting. So, I looked after everything from,
8 you know, the initial planning of lighting, design
9 and standards for lighting, undertaking detailed
10 design and engineering practices, tendering and
11 construction and implementation of new street
12 lighting systems; however, not operations and
13 maintenance of those systems.

14 Q. Okay. And in that role,
15 who did you report to?

16 A. I reported to Gary
17 Kirchknopf in geomatics and corridor management in
18 the engineering services division.

19 Q. And I understand did
20 Mr. Kirchknopf report to Mr. McGuire?

21 A. That's right.

22 Q. And Gord McGuire would
23 have reported to Gary Moore. Is that right?

24 A. That's correct.

25 Q. And the geomatics and

1 corridor management section, can you explain what,
2 sort of, that division is responsible for or that
3 section?

4 A. Back in 2013, it had
5 really three responsibilities. One was of course
6 what I had was the street lighting piece. Another
7 one was utility coordination, so coordination of
8 external utility, such as, you know, Bell Canada,
9 electrical utilities, those sorts of things. And
10 then there was a surveying component of it as
11 well, so all surveying and base plan drafting,
12 engineering document preparation.

13 Q. And moving forward, when
14 you became a senior project manager, what were
15 your roles and responsibilities in that position
16 and how did that differ from what you were doing
17 before?

18 A. Yeah. Previously to that
19 role, there were two project managers in street
20 lighting. There was my own position and then
21 there was a dual position, the project manager of
22 street lighting, infrastructure management, and
23 that role looked after the operations and
24 maintenance of street lighting system. So, in
25 2017, the senior project manager of street

1 lighting was created to have purview over both the
2 design and engineering and the operations and
3 maintenance, so it looked after the full breadth
4 of street lighting.

5 Q. And did you still report
6 to Mr. Kirchknopf in that role or somebody else?

7 A. No. As a senior project
8 manager, I was equal to Gary at that point in time
9 and then I reported directly to Gord McGuire.

10 Q. And Mr. McGuire still
11 reported to Mr. Moore?

12 A. That's correct.

13 Q. So, you reported either
14 directly or indirectly to Mr. McGuire as of 2010?

15 A. Sometime around that time
16 frame, 2010, 2011, I believe.

17 Q. And would that have been
18 the same time frame that you reported indirectly
19 to Mr. Moore as well?

20 A. Yes.

21 Q. Okay. So, before we get
22 into some of the specific studies and projects
23 that you were involved in related to the Red Hill,
24 I would like to talk just more generally about
25 what the lighting is on the Red Hill.

1 And, as I understand it, the
2 Red Hill has what's described as non-continuous
3 decision point lighting. Is that correct?

4 A. That's correct.

5 Q. Decision point lighting,
6 can you explain what that is and what that
7 involves?

8 A. Decision point lighting
9 is non-continuous, so there's not continuous
10 lighting for the full length of the Red Hill
11 mainline. Lighting only exists at interchanges or
12 intersections, specifically at exit ramps.

13 And, to get very specific,
14 there's about three poles, three light poles, that
15 are on the exit ramp at each and every exit and
16 then there's one pole at the gore, which is the
17 separator between the ramp and the mainline facing
18 out towards the mainline, so every intersection at
19 the exit ramps has lighting and there's no
20 lighting anywhere else along the Red Hill.

21 Q. Okay. So, there's
22 lighting when you're coming off the Red Hill but
23 no lighting when you're coming on to the Red Hill?

24 A. That's correct.

25 Q. And no lighting once

1 you're on the mainline?

2 A. That's correct.

3 Q. And am I right that this
4 is the same lighting conditions that exist on the
5 Lincoln Alexander Parkway?

6 A. That's correct. It's
7 identical configuration to what's on the LINC.

8 Q. And to, sort of, pinpoint
9 in time, you started at the City in 2008. The Red
10 Hill was opened to the public in late 2007, so at
11 the time you started at the City, the Red Hill had
12 already been built and was open?

13 A. That's correct.

14 Q. So, now moving forward in
15 time, Registrar, if you could call up overview
16 document 6, pages 7 and 8.

17 So, Mr. Field, I'll be calling
18 up a number of documents today. Some are summary
19 version of the documents prepared by commission
20 counsel and some will take you to the documents
21 themselves. We can call out -- we can minimize
22 and bring up portions of the document, so if you
23 need us to do that, just let us know.

24 A. Very good.

25 Q. So, in January -- on

1 January 16, 2013, you'll see in paragraph 11 the
2 Public Works Committee passed a motion that had
3 been brought by Councillor Collins that directed
4 staff to investigate upgrading lighting on the Red
5 Hill Valley Parkway in the vicinity of Mud/Stone
6 Church interchanges and to investigate better
7 reflective signage and lane markings or other
8 initiatives to assist motorists in the same area
9 and to present a full costing of all options and
10 alternatives to committee for consideration.

11 And then if you look in
12 paragraph 10, Registrar, if you could call out
13 that paragraph, Councillor Collins sent an e-mail
14 to Councillors Clark and Jackson a few months
15 prior, in November 2012, and this is what led to
16 the motion that was eventually passed in
17 January 2013. And Councillor Collins wrote:

18 "Hi, guys. I've received
19 a number of complaints,
20 both past and present,
21 regarding the dark areas
22 of the Red Hill Parkway
23 where the road crosses
24 the edge of the
25 escarpment."

1 So, as of late 2012, early
2 2013, were you aware of complaints, either past or
3 present, related to lighting or dark conditions on
4 the RHVP?

5 A. The street lighting group
6 receives many, many complaints and enquiries from
7 the public. The mass majority of those are from
8 local residents on residential streets and on very
9 rare occasions we did receive some enquiries about
10 the lighting or lack of lighting on both the Red
11 Hill and the LINC, but nothing specifically of
12 note comes to mind for me in around this time
13 frame. But just generally that's kind of how we
14 were receiving input at that point in time, so
15 very occasionally or very rarely, but yes.

16 Q. And I think you said
17 enquiries. Did you also receive complaints?

18 A. Complaints and enquiries,
19 both essentially.

20 Q. And how did those
21 complaints and enquiries come in to your office?
22 Were those through phone calls, e-mails, passed on
23 through councillors?

24 A. A variety of different
25 ways. So, direct from -- just speaking in general

1 terms, they can come directly from councillors.
2 They can come from the City's customer contact
3 centre, which is, you know, the phone line that
4 residents are directed to. We also had a phone
5 line, or still have a phone line, specifically for
6 street lighting that residents can phone into, and
7 then of course there's the different conduits of
8 e-mails generally not to us but either through the
9 councillor's office or through the customer
10 contact centre or the general inbox for the City.

11 Q. Thank you, Registrar. We
12 can end that call out and if we could call up
13 HAM41413.

14 So, following the January 16
15 Public Works Committee, the motion, Councillor
16 Collins's motion, was sent by Mr. White, Martin
17 White, to Ron Gallo and Mr. McGuire and a number
18 of other staff are also copied. And Mr. White's
19 e-mail down at the bottom, you'll see, says:

20 "Gord, please report on
21 the lighting upgrades."

22 A. Mm-hmm.

23 Q. Thank you, Registrar.
24 And then shortly thereafter you'll see in the
25 middle e-mail on the left-hand side, Mr. McGuire

1 flipped it to you, so you received that motion
2 from Mr. McGuire on the 16th of January.

3 Do you recall receiving this
4 motion?

5 A. Not specifically, but
6 seeing it in front of me, obviously I know that it
7 occurred.

8 Q. Was Mr. McGuire's e-mail
9 the first time you became aware of a lighting
10 investigation that council had directed on the Red
11 Hill?

12 A. I believe so, yes.

13 Q. So, the first item in the
14 motion that you received directed staff to
15 investigate the lighting upgrades, and then item 2
16 was a direction for staff to investigate
17 reflective signage, lane markings and other
18 initiatives. The measures listed in both items 1
19 and 2 appear to be things that would assist
20 drivers in navigating dark conditions on the
21 roadway. Do you agree?

22 A. I viewed it as or I view
23 it as more of a safety related question, but
24 definitely within the realm of or within the
25 category of driver guidance and navigation.

1 Q. Okay. Can you explain
2 that? Why did you view it more as a safety
3 related question?

4 A. Just going back to the
5 way that the motion was written, that, kind of,
6 the idea or the concepts there was about roadway
7 safety in general, navigation of motorists and
8 that sort of thing is more a safety type of
9 question than necessarily a street lighting,
10 solely a street lighting question, so those two
11 things in combination more to me relate to a
12 roadway safety question more than anything else.

13 Q. And Councillor Collins's
14 e-mail or, sorry, the e-mail that you received
15 from Mr. McGuire attached that e-mail from
16 Councillor Collins that we had just been looking
17 at.

18 So, Registrar, if we could
19 call up as a side by side HAM41414 and if you
20 could go to, I think, image 2 of that e-mail.

21 So, this is Councillor
22 Collins's e-mail and he says he's cut and pasted
23 some of the complaints below that reflected the
24 types of complaints that he had received. To
25 summarize, the complaints are about people having

1 safety concerns regarding the lack of lighting and
2 the inability to see the lane markings and where
3 the lanes were on the roadway.

4 And so, as I read those
5 concerns that gave rise to the motion, they were
6 about safety but specifically about safety as it
7 relates to darkness and not being able to see on
8 the roadway. Is that fair?

9 A. That's fair, about driver
10 comfort and visibility for sure.

11 Q. And Councillor Collins's
12 motion and the motion that was brought approved by
13 the Public Works Committee was about what could be
14 done to improve driver comfort and visibility
15 within those dark areas of the Red Hill that he
16 had received complaints about?

17 A. Correct.

18 Q. Okay. Registrar, if we
19 could call out -- we can end the call out of
20 HAM41414 and if we could call out Mr. Field's
21 e-mail at the top.

22 So, the next day, on
23 January 17, you responded to Ron Gallo and you
24 copied Mr. McGuire and Mr. Kirchknopf and you
25 wrote:

1 "Ron, after discussing
2 this with Gord and Gary,
3 it is our opinion that
4 the safety issue should
5 be reviewed holistically.
6 Therefore, the
7 consultant's scope should
8 encompass street lighting
9 review and what
10 countermeasure benefits
11 would be attributed to
12 adding lighting. As you
13 can imagine, adding
14 lighting would be
15 supremely expensive and
16 before we consider it, we
17 need to determine what is
18 the best solution. As
19 you and I discussed, if
20 traffic is going to
21 proceed with contracting
22 a consultant, then please
23 include me in the contact
24 information to assist in
25 defining the project

1 scope."

2 The Gary you're referring to
3 here, I take it based on who is copied, is
4 Mr. Kirchknopf. Is that right?

5 A. That's correct.

6 Q. And why had you spoken
7 with Mr. Kirchknopf and Mr. McGuire?

8 A. Gary Kirchknopf was my
9 direct supervisor and Gord was my manager.
10 Mr. Kirchknopf has a traffic background as well
11 and previous to at that point in time looked
12 after, I believe, community traffic for the City.

13 Q. And you reference a
14 discussion that you had had with Mr. McGuire and
15 Mr. Kirchknopf. What did the three of you
16 discuss?

17 A. I do not recall
18 specifically what we discussed in that moment, but
19 it would have been revolving around our -- how we
20 would undertake or respond to the motion and what
21 that plan would look like, whether in this case,
22 you know, inadvertently it was from Martin White
23 that those two things would be separated, so the
24 review of lighting and the review of signage and
25 pavement markings were separate, so this

1 discussion that we had was the basis of this
2 e-mail here, that it was our opinion that those
3 two things should be grouped together within one
4 consultant assignment to be looked at
5 comprehensively or together.

6 Q. And the safety issue,
7 what did you mean by that? What was the safety
8 issue that you were referring to?

9 A. Again, driver navigation
10 and driver comfort is what I would view as a
11 safety discussion, so that's what that's making
12 reference to. Overall, it's still, you know, the
13 theme of the motion is still within the realms of
14 traffic safety.

15 Q. And reviewed
16 holistically, I think that's what you've told us.
17 It was about the traffic piece and the lighting
18 piece and looking at them together?

19 A. Correct.

20 Q. What other factors did
21 you think could or would be included in the
22 consultant review, the scope of the consultant
23 review?

24 A. In terms of the traffic
25 engineering side or the traffic safety side, my

1 focus was strictly on the lighting. However,
2 within the traffic safety realm, lighting is
3 considered a countermeasure, the same as signage
4 and pavement markings are, so the holistic
5 approach speaks to, you know, equal consideration
6 of lighting within the same ideals of pavement
7 markings and signage, all to do with roadway
8 safety, navigation and driver comfort.

9 Q. And when you talk about
10 in the last sentence of the first paragraph, "We
11 need to determine what is the best solution,"
12 lighting might be a solution, but there would be a
13 number of solutions considered. Is that a fair
14 summary of what you're saying there?

15 A. Yeah, that's correct.

16 Q. And you understood that
17 lighting might be a consideration, based on the
18 scope of the motion, that lighting would be
19 something that would be included?

20 A. Absolutely.

21 Q. And so, this is about
22 five years, just a little over five years, after
23 the Red Hill opened. Was this the first review of
24 Red Hill lighting since it had opened to the
25 public?

1 A. I believe so. Within my
2 timeframe at the City, from 2008 until this point,
3 there had not been any lighting studies conducted
4 on the Red Hill. I don't have any insight into
5 what was conducted previous to my time at the
6 City.

7 Q. But since you started in
8 2008, this was the first?

9 A. Yes.

10 Q. And you told us before
11 that your office received some but rare enquiries
12 and complaints about Red Hill lighting. Did you
13 have any concerns that an investigation into
14 lighting might reveal any concerns about the
15 lighting on the Red Hill?

16 A. Concerns, no. I didn't
17 have any predetermined concerns or opinion on the
18 what it would or wouldn't reveal.

19 Q. And, Registrar, if we can
20 close out this call out and call up overview
21 document 6, pages 9 and 10. If we could call out
22 paragraph 15 and 16.

23 So, on January 23, this is
24 about a week later, on January 23, 2013, you
25 attended a meeting about implementing the Public

1 Works motion and the other attendees listed, and
2 you'll see in the first call out, Martin White,
3 Mr. Gallo, Mike Cosentino, Stephen Cooper and
4 Stewart Lloyd.

5 And, as it describes in this
6 paragraph, Mr. Cooper was assigned to be the
7 project manager and as part of that he would
8 develop the RFP for the project, assign a
9 consultant from the City's roster and obtain a
10 purchase order.

11 So, you're listed as one of
12 the attendees. Do you recall attending this
13 meeting?

14 A. I don't have a specific
15 recollection of attending this meeting, but seeing
16 the meeting minutes in preparing for today, I
17 don't disagree that I was not at this meeting.

18 Q. And in, sort of, the
19 excerpts of the minutes that are in this
20 paragraph, there's a number of considerations that
21 are listed there for the RFP. And it says that
22 Mr. Cooper -- as it says, Mr. Cooper was the
23 project manager.

24 Your role on the project was
25 to oversee the lighting aspects of the review?

1 A. I wouldn't define it as
2 oversee. I viewed myself as a stakeholder and
3 providing information and representing street
4 lighting since they were in two different
5 divisions, traffic and engineering services were
6 two different divisions, so providing information
7 and aid in the undertaking of the assignment.

8 Q. Okay. So, that's your
9 understanding of your role. You were there to
10 provide information to the traffic staff, because
11 they didn't have the background in lighting. Is
12 that fair?

13 A. They don't have a
14 background in lighting, I agree, from an
15 engineering and construction and operations and
16 maintenance perspective. That's true. They do
17 have an understanding of lighting as it pertains
18 to roadway and traffic safety. That's part of
19 their course work that they take when they attend
20 college.

21 Q. And, as I understand it,
22 of the people that were at this meeting, you were
23 the only staff in the lighting group. Is that
24 right?

25 A. That's correct. There

1 were only two of us in the lighting group at that
2 time. Well, two full-time staff and two students.
3 I was the person looking after the engineering
4 design and then my counterpart, his name was
5 Mr. Peter Locs or that's still his name, sorry, he
6 looked after operations and maintenance. So,
7 since this is more related to, you know, the
8 provision of adding lighting, that is more within,
9 you know, the guise of engineering and
10 construction that is more so an operations and
11 maintenance.

12 Q. And in terms of who was
13 involved in the project and your role as compared
14 to the traffic staff, given that you had a
15 background in lighting, did you see yourself as
16 sort of the driver of discussions around providing
17 information or, sort of, the responsibility for
18 that piece?

19 A. Yes and no. My
20 responsibility or my role on the team was to
21 provide information as far as what the engineering
22 standards were for the City, how we design and
23 construct street lighting, but in terms of
24 selecting lighting as a possible inclusion
25 countermeasure amongst all of the other

1 countermeasures for consideration that would be
2 looked at part of the study, that was not my role.
3 That was the traffic engineering folks. That was
4 their responsibility.

5 Q. So, did traffic, to your
6 understanding, did traffic have the full authority
7 to make the ultimate staff recommendations and you
8 were not a decision maker? Is that how you would
9 characterize your role?

10 A. In terms of if the
11 outcome of the study recommended lighting, for
12 sure that is completely within their realm of
13 authority, and then my role at that point in time
14 would be to implement that recommendation.

15 Q. Thank you. Okay. And in
16 the second last note there, it says:

17 "Mike Field to provide
18 street lighting review
19 strategy to Steve."

20 What did that mean?

21 A. I wasn't the author of
22 these minutes and I don't recall the meeting
23 specifically, but I would take this as providing
24 from the engineering perspective of how lighting
25 standards are applied, how construction practices,

1 built environment things are applied, and that
2 would be as far as providing that information into
3 the project team to give them some insight into,
4 you know, the design and implementation of
5 lighting. That's the way that I view that
6 item there.

7 Q. And I've skipped a little
8 bit lower down in that call out, but where it
9 says, the fourth item down, "is lighting
10 suitable?"

11 A. Right, correct.

12 Q. What does that mean? Is
13 the existing lighting, so the non-continuous
14 decision point lighting on the Red Hill, was that
15 suitable?

16 A. Agreed. That's what I
17 view it as, is the question is: Is the existing
18 lighting configuration suitable? In the same
19 frame as the one above, is signage suitable, the
20 existing signage on the Red Hill as well.

21 Q. And of those other items
22 listed under RFP Considerations, based on your
23 role, did any of these apply to you?

24 A. No, they did not.

25 Q. And in paragraph 16, it

1 says:

2 "The minutes also record
3 that the final report was
4 to contain recommended
5 improvements/alternatives
6 to lighting, signing and
7 marking with associated
8 costs."

9 Does that refer -- where it
10 says the final report, is that the final
11 consultant report?

12 A. I believe so.

13 Q. And presumably also the
14 final staff report?

15 A. I believe this is in
16 reference to the consultant report. This was a
17 discussion about the terms of reference for the
18 RFP.

19 Q. And that was your
20 understanding, that the consultant's report would
21 provide the recommended improvements and
22 alternatives to what's listed there, and that
23 included lighting?

24 A. Correct.

25 Q. And, Registrar, if we

1 could close this out and call up the minutes.

2 There's one piece that's not excerpted in the

3 overview document. So, that's HAM427.

4 So, under item 1.3, which is
5 described as the study area, it says:

6 "Mainline limits of
7 Dartnall ramp to
8 Greenhill ramp in both
9 directions, as well as
10 Stone Church ramp."

11 A. Correct.

12 Q. So, the study area
13 included the ramps and the mainline?

14 A. Based on this, that's
15 correct, and I think that's in alignment with the
16 motion that was written and directed, direction
17 received from council.

18 Q. Right. The motion
19 directed staff to review the ramps and the
20 mainline?

21 A. It wasn't as specific as
22 ramps and mainline, but I believe it was talking
23 about this general area of this interchange.

24 Q. But as I read that note,
25 that's how staff that were at this meeting,

1 including you, interpreted that motion. Is that
2 fair?

3 A. I'm not too sure if this
4 would be my interpretation of it specifically. I
5 don't recall the meeting. But that is how it's
6 captured within these minutes here by the minute
7 taker.

8 Q. And I take it, based
9 on -- okay.

10 And then, Registrar, if we
11 could end this call out and call up overview
12 document 6, page 10, paragraph 17.

13 So, this is the day after that
14 meeting. This is January 24 and Ms. Cameron
15 advised you, Mr. McGuire and Mr. Moore that
16 John Mater and his group would be taking the lead
17 on the motion and they would report back to the
18 Public Works Committee.

19 So, Mr. Mater's group was the
20 traffic group and that was the group you had met
21 with the day before?

22 A. Part of that group,
23 correct.

24 Q. And Mr. Cooper,
25 Mr. White, Mr. Gallo, they were all in the traffic

1 group?

2 A. That's correct.

3 Q. And I probably should
4 have asked you this before, but do you know how or
5 why the motion was assigned to Mr. Mater's group
6 rather than to your group in lighting or jointly
7 between your groups? Can you just explain how
8 that decision happened, if you know?

9 A. OBL items typically don't
10 go to an individual. They're reviewed by -- at
11 the director level anyway. This is just speaking
12 in general terms. By the general manager and
13 directors and they choose who that OBL is assigned
14 to in the Public Works department.

15 Q. And they can go to
16 multiple groups shared amongst -- like, one
17 consultant report could be shared amongst multiple
18 groups. Is that right?

19 A. Sorry. Direction from
20 council can be assigned to multiple groups if that
21 is kind of the theme of the direction, but it
22 doesn't happen very often. It's usually directed
23 to the group which is best suited to respond to
24 the contents or the direction that's been received
25 from council.

1 Q. And do I understand right
2 that because Mr. Mater's group, the traffic group,
3 was responsible, the resulting staff report that
4 would come as a result of the motion and the
5 study, the output of that, would be submitted by
6 the traffic staff. Is that right?

7 A. Generally, that's the way
8 that it would work. However, if during the
9 undertaking of the work it was identified that
10 there are involvement between other divisions,
11 then at times reports back to committee and
12 council can be defined as joint reports where you
13 would have dual signature, at the director level
14 anyway, of submission to council from both
15 directors to acknowledge that it is a joint
16 report.

17 Q. Okay. So, at the time of
18 this motion -- Registrar, we can end that call
19 out.

20 At the time the motion was
21 passed, so in early 2013, what was your knowledge
22 about -- we talked before about what the lighting
23 configuration on the Red Hill was. What was your
24 knowledge of why the Red Hill lighting was
25 designed in the way that it was?

1 A. In the timeframe of in
2 around this meeting, you're referring to, or this
3 discussion?

4 Q. Yeah. At the time that
5 the motion was passed and CIMA's study was getting
6 underway, what was your knowledge?

7 A. Yeah. I didn't have any
8 perspective into how the configuration or design
9 was selected for either the LINC or the Red Hill.
10 That happened prior to my time at the City and I
11 didn't have any documents or references that
12 explained why one configuration was selected over
13 another at this time.

14 Q. And did you have any
15 understanding about an EA related to the Red Hill
16 at this time?

17 A. No. My experience with
18 EAs back at this time was very limited and, in my
19 role, it was very rare that I would have any
20 interaction or reference to an EA.

21 Q. So, you were aware that
22 there was the interchange lighting only, but you
23 didn't know the reasons why?

24 A. Correct.

25 Q. And so, at the time of

1 this study, what did you do to familiarize
2 yourself as this study, CIMA study, was getting
3 initiated and starting to get underway? What
4 steps did you take to familiarize yourself with
5 the history, the standards, related to the Red
6 Hill illumination?

7 A. I think for the most
8 part, from what I recall, it was more about
9 collecting the information related to the state of
10 the matter at that time. So, you know, the built
11 infrastructure details of how many poles there
12 were, what the wattage of the lights are and that
13 sort of thing was my focus for preparing for this,
14 and then also, of course, collecting, you know,
15 the industry standards that apply to the lighting
16 of roadways and highways.

17 Q. So, you weren't at this
18 time collecting any of the background information
19 related to the design of the Red Hill?

20 A. Not that I recall.

21 Q. Do you recall if around
22 this time you spoke with Mr. Moore about the Red
23 Hill illumination?

24 A. During the course of this
25 project, I did talk to Mr. Moore, Mr. McGuire and

1 Mr. Kirchknopf. Since we were not the lead on
2 this project and I was kind of attending these
3 meetings, not kind of but I was attending these
4 meetings, from a street lighting perspective, you
5 know, I would have one of these meetings or these
6 conversations and I would go and check in my
7 leadership team, more often Gary Kirchknopf and
8 Gord McGuire than Gary Moore.

9 Q. You said during the
10 course of the project. At this time, around the
11 time that the motion, you had had this January 23
12 meeting, did you speak with Mr. Moore or
13 Mr. McGuire or Mr. Kirchknopf?

14 A. I don't remember
15 specifically. I would have talked to
16 Mr. Kirchknopf and Mr. McGuire for sure, and I
17 think that one e-mail where I was responding to
18 Ron Gallo about the holistic undertaking of this
19 is, you know, representative of a type of
20 conversation that would have occurred behind the
21 scenes within engineering services between the
22 three of us.

23 Q. And do you recall what --
24 we'll go person by person. Do you recall what
25 Mr. Moore told you about the Red Hill

1 illumination?

2 A. At this point in time or
3 later in the project?

4 Q. We can start with this
5 point in time.

6 A. Yeah. I don't believe
7 that I had any conversations with Mr. Moore at
8 this point in time in the project. If you
9 reference the one e-mail to Ron Gallo, he's not on
10 the e-mail string, so he's not within the
11 conversation at that point in time. He was my
12 director, you know, so he was two levels above me
13 and it wasn't often that I would, as a project
14 manager, go and have conversations with the
15 director at the director level.

16 Q. It was more common to go
17 to either Mr. McGuire or Mr. Kirchknopf?

18 A. That's correct.

19 Q. And sort of early stages
20 of the project, do you recall either of them
21 giving you any of the information about the design
22 of the Red Hill illumination or the background of
23 this?

24 A. No, I don't recall. But
25 they wouldn't have access to that information

1 either, so I don't believe that that was provided
2 or included.

3 Q. Who would have had access
4 to that information?

5 A. I would suspect it would
6 be people who were involved in the construction,
7 design and construction of the Red Hill, the Red
8 Hill project office folks, so Gary Moore was one
9 of those folks, Marco Oddi was another one who was
10 working in engineering services, so those types of
11 people possibly would have had that type of
12 information.

13 Q. Okay. And we talked
14 about what information Mr. Moore provided you at
15 this early stage. Throughout the life of the
16 project, do you recall what Mr. Moore -- any
17 conversations you had with Mr. Moore in which he
18 conveyed information to you about the Red Hill
19 illumination?

20 A. I don't recall specific
21 conversations, but I do recall, you know, at some
22 point during the process that Mr. Moore identified
23 that there was an EA undertaken to construct, as
24 part of the design and construction of the Red
25 Hill, and that that EA had identified some design

1 constraints related to lighting and the
2 environment. And that was happening, I would say,
3 more towards the latter parts of CIMA's work that
4 they were doing, so not at this early stage here
5 but later on in the project.

6 Q. And do you remember
7 what -- and we can come back to it, but just to,
8 sort of, orient ourselves, do you recall what
9 Mr. Moore told you about the EA, any specific
10 information or details that he provided to you?

11 A. It was a while ago, in
12 2013, so the specifics or those details are a
13 little bit foggy in my head, but he most
14 definitely mentioned that through the EA or
15 through the design process that there were some
16 constraints or some design considerations related
17 to the lighting and impacts on the environment and
18 that lighting was kind of confined to the
19 interchanges and not to the mainline in a way to
20 deal with those design constraints.

21 Q. What were the design
22 constraints?

23 A. Environmental impacts of
24 lighting in the area of the Red Hill Valley.

25 Q. Did Mr. Moore tell you

1 that the Red Hill illumination was prohibited or
2 restricted by the EA?

3 A. I'm not too sure if he
4 used the language of prohibited, but restricted
5 would be a term that seems to recall to me that we
6 talked about or he identified at this point in
7 time that the EA had design constraints related to
8 lighting through the valley and that there were
9 some pseudo-restrictions to try to deal with those
10 environmental impacts from lighting.

11 Q. So, you understood, your
12 understanding from Mr. Moore, the information that
13 Mr. Moore conveyed to you was that there were
14 restrictions on Red Hill illumination related to
15 the environment?

16 A. That's correct.

17 Q. And did Mr. Moore tell
18 you that lighting or did you understand from your
19 conversations with Mr. Moore that lighting could
20 not be implemented on the mainline?

21 A. At this point in time, I
22 don't think that that was my understanding. I
23 think that there were -- it was more identified as
24 far as the restrictions or those design
25 constraints for the original construction of the

1 Red Hill and some indication as to why the
2 mainline wasn't lit.

3 With the EA process, of
4 course -- sorry, my lights just turned off in my
5 office -- the EA can always be revisited if it
6 does have something specific within it, like
7 design constraints or otherwise, that could be
8 re-examined and changed based on some formal
9 process to re-examine. So, that was kind of my
10 understanding of it.

11 Q. And revisiting the EA,
12 did you get the impression that Mr. Moore was open
13 to considering reopening the EA or revisiting the
14 EA if needed?

15 A. At this point in time,
16 back in 2013, I don't think I had any perspective
17 into the process of EAs at all and I don't believe
18 that we had any conversations about how the EA
19 worked and how those design considerations could
20 be reconsidered or otherwise.

21 Q. And around this time,
22 as -- sorry. Throughout the study, in
23 conversations with Mr. Moore, were you provided
24 with any documentation related to the EA?

25 A. I don't recall that I was

1 given any documentation related to the EA during
2 the 2013 review. And just of note, these
3 conversations were not just between Gary Moore and
4 myself. These were also including Gord McGuire
5 and Gary Kirchknopf.

6 Q. So, Mr. McGuire and
7 Mr. Kirchknopf were also part of these ongoing
8 conversations about the EA and --

9 A. Probably more often Gord
10 McGuire than Gary Kirchknopf, from what I recall.

11 Q. Okay. So, Registrar, if
12 we could call up HAM426.

13 So, this is CIMA's proposal.
14 It's dated March 12, 2013 and you'll see at the
15 top there it's addressed to Mr. Cooper and
16 Mr. Gallo.

17 Do you know why it was sent to
18 them?

19 A. They were the lead on
20 this project, so they would have sought out the
21 consultant, interactions with the consultant, and
22 having those -- that connection with them. I
23 think Steve was the project manager, so it would
24 be more than reasonable that he would be the one
25 asking CIMA to provide a proposal based on the

1 terms of reference.

2 Q. And under the heading
3 Understanding of Assignment, the second paragraph
4 in the bullet points below says that the key
5 aspects that will be examined include but are not
6 limited to, and then it lists lighting, signs and
7 markings and geometry, and that it was understood
8 that the City required detailed cost-benefit
9 assessments of each recommendation for
10 improvements that would result from the review.

11 And so, was this your
12 understanding of what CIMA would be examining in
13 their review?

14 A. My focus on this
15 assignment was strictly on lighting, so the other
16 two bullets were more associated with the traffic
17 area. But this is in general alignment with the
18 language within the motion, of what the motion
19 asked for.

20 Q. And, Registrar, if we
21 could call up images 2 and 3 of this document.

22 Under task 2, that's described
23 as data collection. And in the bullets, it lists
24 some of the expected data items that the City was
25 to provide. Looking at image 3 there, it says

1 initial design guidelines/standards and
2 assumptions, and below that lighting, illumination
3 standards.

4 The initial design guidelines
5 standards and assumptions, did that include the
6 initial design guideline standards assumptions for
7 the Red Hill, the Red Hill illumination, sorry?

8 A. I'm not too sure. I
9 wasn't involved in and didn't receive this
10 proposal, so I'm not too sure what specifically
11 that bullet is referring to.

12 Q. The lighting illumination
13 standards, that was something you were responsible
14 for?

15 A. Correct. Those are the
16 engineering standards for lighting. Yeah, that's
17 how I understand that.

18 Q. Okay. And, Registrar, if
19 we could move to image 4. Sorry, it must be
20 image 5, I think. Here we go. Task 8, if we
21 could call that out.

22 It says, "Identification of
23 safety issues," and it says:

24 "CIMA will combine the
25 results of the collision,

1 field and design reviews
2 into a determination of
3 potential safety issues
4 within the study area and
5 these safety issues will
6 form the basis of the
7 development and
8 evaluation of solutions
9 and will be carried
10 forward as such."

11 So, appreciating that you said
12 you didn't receive this proposal, were you aware
13 that CIMA would be doing a field and design
14 review?

15 A. No, I don't think I was
16 knowledgeable or understanding that they would do
17 both of those things, but it's not unusual in this
18 type of assignment for a consultant to undertake
19 definitely design review and field review as
20 needed, depending on the situation.

21 Q. So, you weren't aware of
22 how in depth CIMA's reviews would be?

23 A. No, I was not.

24 Q. Did you come, over the
25 course of the project, to appreciate the depth of

1 their reviews and the extent to which they
2 reviewed the design?

3 A. I don't believe so. I
4 don't think that it was an in-depth design review,
5 just based on preparing for this and reviewing the
6 documents. I don't see, from a lighting
7 perspective anyway, that there was a deep dive
8 into the design review of the lighting. For the
9 other components of it, I'm not really too sure.
10 I wasn't paying attention to the design and review
11 of anything, other than lighting.

12 Q. Okay. And I didn't take
13 you to it in this proposal, but task 1 was
14 described as a startup meeting, and that meeting
15 took place eventually on April 26, 2013.

16 And, Registrar, if we could
17 call up overview document 6, images 22 and 23.

18 So, you'll see here that in
19 paragraphs 47 and 48, there is a summary of the
20 minutes of that meeting. And then in
21 paragraph 49, a transcription of some notebook
22 entries that you have dated April 26, 2013, which
23 I understand is from that meeting. Is that right?

24 A. It appears so, yes.

25 Q. And do you recall

1 attending this meeting?

2 A. I vaguely recall
3 attending meetings at CIMA's office, but I don't
4 have, you know, a specific recollection of those
5 meetings. I think there were two or three of
6 them, so I recall going to their office and
7 meeting but not those meetings individually.

8 Q. I think you're right.
9 There were three, so this is the first of three.
10 And this is the project kickoff. So, before you
11 attended this meeting, had you spoken with any of
12 your superiors, Mr. Moore, Mr. McGuire or
13 Mr. Kirchknopf, about the meeting?

14 A. I don't recall
15 specifically. I do not believe that Gary
16 Kirchknopf attended this particular meeting, but
17 he attended a few of the other meetings. But, you
18 know, it would be reasonable for me to think that
19 I, or that Gary, Gary Kirchknopf and Gord, had an
20 awareness that I was going. Whether or not we had
21 a specific conversation about me going and what
22 the discussion was going to have, I'm not sure. I
23 don't think that would occur. I think they would
24 just have an awareness of me attending the
25 meeting. I'm not too sure if we have the calendar

1 invite, but Gary Kirchknopf, not being at this
2 meeting, maybe leads me to believe that he was
3 unavailable, on vacation or otherwise.

4 Q. And I think you said you
5 didn't think that it would have occurred that you
6 would have spoken with Mr. McGuire, Mr. Moore or
7 Mr. Kirchknopf before. Why? Why do you think
8 that?

9 A. I think it would be more
10 of -- so, I'm a project manager here and Gary
11 Kirchknopf is my direct supervisor, Gord McGuire
12 is my manager. They were -- they had knowledge
13 that I was part of the project team as a
14 stakeholder and I believe it would be more of a
15 check in. I'm not going to attend a consulting
16 meeting, and I believe this was at CIMA's offices,
17 without letting my direct supervisor or manager be
18 aware that I was attending the meeting.

19 Q. So, you do think you let
20 them know before that you were going to this
21 meeting?

22 A. I don't recall
23 specifically, but, you know, it would be
24 reasonable for me to say that I would probably
25 would have let them know that I was attending the

1 meeting, particularly it was an offsite meeting at
2 a consultant's office.

3 Q. And, in paragraph 48,
4 there were a number of safety concerns listed
5 under the heading called City of Hamilton Needs,
6 Expectations and Criteria for Success. And the
7 third bullet there says:

8 "Lack of lighting at most
9 locations."

10 A. Correct.

11 Q. That's the decision point
12 lighting that we were discussing?

13 A. Yeah, I believe so.
14 That's just recognition of the existing state, the
15 existing configuration, of the lighting.

16 Q. And the drivers's
17 inability to detect lanes under poor visibility
18 conditions. Is poor visibility a reference to
19 lighting or something else?

20 A. Poor visibility would
21 just be that, you know, the ability of drivers to
22 navigate the lanes, so it doesn't necessarily have
23 to do with lighting specifically. It could be
24 pavement markings or signage or otherwise, so it
25 would be a combination of many things, not just

1 specifically lighting. Of course lighting has a
2 lot to do with visibility at night, but it's not
3 the only factor.

4 Q. And, Registrar, if we
5 could call up CIM9115.1.

6 So, this is the meeting.
7 There's an entry in the meeting that isn't cited
8 in the overview document that I wanted to ask you
9 about. So, if we could go to image 2. So,
10 item number 4 is data requests and it says at the
11 top there that the data requests are to go through
12 Stephen Cooper.

13 Below that, item number 7
14 says:

15 "Mike reported that the
16 City does not have its
17 own lighting standards
18 and instead uses TAC and
19 IEC."

20 Mike is you?

21 A. Correct. There's a typo
22 on the last one there. It's the IES, the
23 Illuminating Engineering Society. But that is a
24 true statement. The City did not have its own
25 lighting standards and utilized Transportation

1 Association of Canada and in combination with the
2 Illuminating Engineering Society of North
3 America's recommended practice 8 for roadway
4 lighting.

5 Q. And was that -- when it
6 says that the City didn't have its own lighting
7 standards, is that for street lighting and roadway
8 lighting that the City used TAC and IES?

9 A. Yes. This is specific to
10 street lighting.

11 Q. And what was the
12 significance of this? Why were you telling CIMA
13 about this?

14 A. This is part of the
15 information that they require to look at what the
16 City standards may be for anything that they're
17 looking at, so this was kind of an identification,
18 you know, to deliver, does the City have lighting
19 standards? Can you provide them to us? No, we
20 don't have them. And in place of those standards,
21 we used TAC and IES, which is typical of most
22 municipalities. Most municipalities don't
23 generally have their own lighting standards. They
24 reference these two industry standards.

25 Q. Okay. Registrar, we can

1 end this call out or you can close out this
2 document.

3 And we looked at before in
4 overview document 6 on page 23, there was a
5 transcription from your notebook. Do you recall
6 if these notes were made at the meeting?

7 A. I believe they were,
8 yeah. I was a fairly diligent note taker and that
9 was from my notebook that I would bring with me to
10 meetings.

11 Q. And it was your practice
12 to take notes during the meeting, sort of as the
13 conversation was happening and things were being
14 communicated by CIMA or action items for you, that
15 sort of stuff?

16 A. Correct, yeah. I would
17 be focusing on information that is specific to me
18 and what I needed to do.

19 Q. Right. Okay. So, if
20 they were talking about sort of things that were
21 more in the traffic side, you might not take notes
22 of that, but, you know, when it came to the
23 illumination and the lighting, that was when you
24 would sort of start taking your notes. Is that
25 fair?

1 A. Correct. Yeah, correct.

2 Q. Okay. So, we talked
3 before, you said you remembered two or three
4 meetings. We just looked at meeting number 1.
5 I'll take you now to meeting number 2, which was
6 called progress meeting number 1.

7 Registrar, if we could call up
8 overview document 6, pages 27 and 28, and
9 paragraph 57.

10 So, progress meeting number 1
11 took place on June 6, 2013. Do you recall
12 attending this meeting?

13 A. I recall attending
14 meetings at CIMA's office; however, I don't recall
15 specifically each meeting individually.

16 Q. It's about a five or
17 six-week time period between the April 26 kickoff
18 meeting that we just looked at and this June 6
19 meeting. Do you recall what, if anything, you had
20 been doing on the project between April 26 and
21 June 6?

22 A. I don't recall if I was
23 doing anything at all on this project within that
24 five-week period.

25 Q. Do you recall any

1 discussion with CIMA staff between April 26 and
2 June 6?

3 A. It would be unusual. I
4 do not recall having specific conversations with
5 CIMA staff and, in my capacity not as the project
6 lead but as a stakeholder, it would be unusual for
7 me to speak directly to CIMA.

8 Q. And what about internally
9 within the City? Had you had any conversations
10 with the project staff checking in on how it was
11 going, what the status was, anything like that?

12 A. Yeah. I don't recall any
13 conversations that occurred with external or
14 internal parties.

15 Q. And sort of more
16 generally, not in the context of these meetings,
17 how would you describe the nature and level of
18 communication between yourself on this project and
19 the other traffic folks who were working on it,
20 so, sort of, what was -- how often were you in
21 communication about the project with them?

22 A. I don't recall how often
23 that frequency would have been, but as a
24 stakeholder and not a project lead, you know, my
25 expectation would be that they would be reaching

1 out to me whenever they needed information for my
2 piece of the project, and that would generally be
3 from Stephen Cooper as the project manager but I
4 don't recall having any level of frequency of
5 conversations. So, I'm not saying that they
6 didn't occur; I'm just saying I don't recall.

7 Q. Right. And I think we
8 looked at in one of the meetings we looked at
9 before it minutes said that all data requests were
10 to go through Stephen Cooper. Is that, sort of,
11 your understanding?

12 A. Correct. And that's good
13 practice, since he's a project manager, that he
14 should have the purview of all information that's
15 coming through -- to the consultants and he's the
16 main connector with the consultants, so it would
17 be inappropriate for me, say, to send
18 documentation or otherwise to the consultant
19 without having his awareness or, in fact, going
20 through him.

21 Q. Okay. So, you'll see in
22 paragraph 57 at the top of page 28 there it says:

23 "The minutes recorded
24 that Mr. Masliah, who is
25 a CIMA staff member,

1 introduced a PowerPoint
2 presentation and that the
3 floor was open for
4 comments at any time."

5 A. Sorry, I'm lost on the
6 screen. I'm not finding that reference. Thank
7 you.

8 Q. Perfect. Thank you,
9 Registrar.

10 So, I'm going to take you now
11 to that PowerPoint and see if that assists in
12 refreshing your memory about this meeting.

13 So, Registrar, if we could
14 call up CIM103.

15 It doesn't have the date
16 there, but we understand this is the PowerPoint
17 presentation that was given at the June 6 meeting.
18 Does this look familiar to you?

19 A. It looks familiar to me
20 since reviewing it as part of this inquiry, but I
21 don't have independent recollection of this being
22 shown at that meeting. Those three meetings are a
23 bit of a mush in my mind. I remember going to
24 CIMA's offices and attending those meetings, but I
25 don't recall specifically one meeting from the

1 next.

2 Q. Registrar, if we could
3 call up image 12. Thank you.

4 So, this is the illumination
5 section of the PowerPoint and here on this slide
6 it refers to three types of illumination being
7 considered by the warrant. The first there is
8 continuous illumination, the second is partial and
9 the third is full.

10 Could you just describe what,
11 starting, sort of, from continuous downwards, what
12 those types of illumination are?

13 A. Yeah. Continuous
14 illumination -- I'll use Red Hill as an example.
15 So, continuous illumination would be that there
16 would be lighting on the mainline and all ramps,
17 so you would not have a section or a segment of
18 roadway without lighting.

19 Partial illumination at
20 interchanges is what the current configuration is,
21 is that the interchanges are lit but only partial
22 of this interchange is lit, so in our case only
23 the exit ramp is lit, the on-ramp is not lit.

24 Then full illumination at the
25 interchange would be essentially how it's

1 describing, so all of both the exit and the
2 entrance ramps of the interchange would be fully
3 lit, so all of the roadways within the interchange
4 would be illuminated.

5 Q. Okay. And there, where
6 it refers to the warrant, is that -- it says above
7 the Ministry policy, so would that warrant being
8 referred to there be the MTO warrant?

9 A. I believe this is
10 reference to the MTO warrant, yes.

11 Q. And, as I understand it,
12 there is, in addition to the MTO warrant, there's
13 also the TAC warrant?

14 A. Correct. There's the two
15 warrants that are being referenced as part of this
16 project. One is the TAC warrant and the other is
17 the MTO warrant, which I believe this is making
18 reference to.

19 Q. I think at this point
20 this is just, and I think it's what you said, the
21 MTO warrant. We'll come to the TAC warrant a bit
22 later on.

23 So, Registrar, if we could go
24 to image 17.

25 So, here, this is CIMA's

1 Illumination Warrant Analysis and it says, "Based
2 on the MTO warrant," the areas in red there
3 highlighted are where full illumination was
4 suggested and in blue is where partial
5 illumination is suggested.

6 A. Okay.

7 Q. So, do you recall this
8 slide or discussion about CIMA's suggestions
9 related to the partial and full illumination?

10 A. I don't recall this slide
11 specifically, but I do recall a conversation
12 related to the undertaking of the warrants and the
13 results of the warrants, but just vaguely.

14 Q. Can you tell us what you
15 do recall about that conversation?

16 A. Yeah. I have trouble
17 differentiating from what I recall from those
18 meetings compared to what I've seen from reviewing
19 all of the documents for the inquiry. But I do
20 specifically recall that, you know, or knowing
21 that CIMA was going to undertake both a TAC
22 warrant and then an MTO warrant and then obviously
23 present the results of those warrants as part of
24 their project. So, that's kind of specifically
25 what I recall from back in 2013, but like I

1 mentioned, I don't have a great recollection of
2 this slide or specific results from the warrants
3 at that time.

4 Q. Sure. Okay. And I think
5 you've mentioned that CIMA was going to complete
6 the TAC warrant.

7 Registrar, if we could call up
8 CIM84750.1 on image 1 and, at the same time, also
9 call up one of the overview documents. Do you
10 need me to -- perfect. And then the second
11 document to call up, overview document 6, page 29.
12 Sorry, page 30, paragraph 62. And if we could --
13 sorry. It should be page 29.

14 So, this is, there,
15 paragraph 62, is that notebook transcription that
16 we just looked at and there's reference there
17 under street lighting. It says:

18 "How is it determined if
19 required?"

20 And it says:

21 "TAC warranting
22 (interchange and
23 mainline)."

24 Do you see that?

25 A. Yeah.

1 Q. Okay. And then,
2 Registrar, if we could also next go to image 30 of
3 overview document 6 and if we could call out those
4 last two bullet points.

5 So, at this time, as I
6 understand it, CIMA had not yet completed the TAC
7 warrants. They had just conducted the MTO
8 warrants?

9 A. It appears that they did
10 the MTO warrant but hadn't undertaken the TAC
11 warrant yet.

12 Q. Do you recall why CIMA
13 was to undertake the TAC warrant in addition to
14 the MTO warrant?

15 A. The TAC warrant or the
16 TAC standards are what are used across Canada for
17 street lighting standards and those warrants are
18 used across Canada. Also, those warrants are
19 contained within the Federal Highway
20 Administration handbook for the U.S., too, so
21 that's what we're most used to using, are the TAC
22 warrants and TAC standards. And the TAC warrant
23 has warrants for all kinds of different road
24 types, including highways and interchanges, and it
25 was previously mentioned that we follow, from a

1 standards perspective, TAC and IES, so it's more
2 than reasonable that a discussion about the TAC
3 warrant appears. It's very unusual and not often,
4 not common, for us to utilize MTO warrants. In
5 fact, I had not ever used an MTO warrant. They
6 are constructed for provincial highways, Province
7 of Ontario highways, and the construction around
8 those highways, as opposed to TAC, which is more
9 in tune with municipal roadways.

10 Q. And just above it, it
11 says that the warrants were scored such as
12 continuous lighting score was met, so that's
13 CIMA's conclusion. I take it that relates to
14 CIMA's conclusion and analysis that continuous
15 illumination was warranted on the MTO warrant?

16 A. Correct. Based on their
17 undertaking of the warrant, it appears that it
18 achieved a score that indicates that -- as an
19 indicator of warranted.

20 Q. Thank you. And,
21 Registrar, if we could end the call out of
22 Mr. Field's note and in the CIMA meeting minutes,
23 it says underneath PowerPoint presentation, it's
24 the fourth entry down, it says -- Registrar, if we
25 could call that out:

1 "CIMA to use TAC
2 illumination warrant as
3 this is what the City
4 utilized."

5 And I think that's what you're
6 referring to, the City used the TAC guidelines?

7 A. Correct. Yeah. As I
8 mentioned, the TAC warrant is the common practice
9 for municipalities across Canada for street
10 lighting and MTO warrant is very specific and
11 constructed for Ministry of Transportation
12 highways.

13 Q. And CIMA would rely on
14 the outcome of that TAC warrant but recognize the
15 outcome of the MTO warrant in their report?

16 A. Correct. In terms of the
17 type of facility here, so it is similar to a
18 highway, so I appreciate that they're doing both
19 types of warrants to see how they compare to each
20 other. So, I would say that that's being done in
21 due diligence as far as undertaking both of those
22 warrants and making sure that, you know, all
23 things are being considered.

24 But in terms of order of
25 priority, I would put the TAC warrants first and

1 then the MTO warrants second as supplementary to
2 the TAC warrant.

3 Q. And was your direction,
4 for CIMA to use the TAC warrant?

5 A. I don't believe that I
6 provided direction to do it, but earlier when they
7 were doing that data collection thing we were
8 identifying that TAC was our standards that we
9 utilized for the City, so it would be more than
10 reasonable that they would undertake the TAC
11 illumination warrant, because they are part of
12 that standard document.

13 Q. Okay. Thank you.
14 Registrar, we can end that call out.

15 And two entries lower, it
16 says:

17 "CIMA to ensure that
18 description of the need
19 for transitional lighting
20 is included in the
21 report, especially in B/C
22 analysis for lighting."

23 B/C, that's benefit-cost?

24 A. That's correct.

25 Q. And what does this refer

1 to?

2 A. Transition lighting is
3 the best thing if you think of an unlit roadway
4 and then you're going to light a segment of it,
5 that as -- anyone can relate to this -- your eyes
6 take some time to transition from dark to light,
7 and in street lighting when you're going from a
8 dark environment to a lit environment, you need to
9 have transitional or you should have transitional
10 lighting to allow the eyes to slowly adapt between
11 the dark environment and the lit environment, so
12 the transition lighting occurs further before and
13 then after the fully lit piece.

14 So, if you are, you know,
15 doing a study of a very specific area and it's 200
16 metres long, just for example, you will have
17 transition lighting that will extend that scope of
18 area beyond the 200 metres so that you can have
19 that adaptation occurring prior to a driver
20 exiting the dark environment and going from unlit
21 to, you know, the maximum amount of light.

22 So, it basically -- maybe the
23 best way to put it, it's like somewhat of, you
24 know, the lighting gets brighter and brighter as
25 you travel through the section, so when you're in

1 the most brightest section, that your eyes have
2 had time to adapt, and then conversely when you're
3 exiting that fully lit area, that the lighting is
4 getting darker and darker before you're exiting
5 out into an unlit environment. So, that's what
6 transition lighting reference is being made here.

7 Q. Okay. And why was there
8 a need for that discussion specifically in this
9 study? Was that because it was looking only at a
10 segment of the Red Hill?

11 A. Correct, yeah. The study
12 area was only a segment of the Red Hill and if
13 there was any recommendation or consideration for
14 lighting a segment of it, then standards and
15 practices describe that transition lighting should
16 be included as part of that.

17 Q. Okay. Thank you. Okay.
18 Registrar, we can end this call out and we can
19 also end the call out of the overview document as
20 well and if we could call up image 2 of this
21 document.

22 I should say that this copy of
23 the minutes is an internal CIMA copy, so that's
24 why the red track changes there are internal
25 changes that were made at CIMA, but the changes

1 are consistent with what was sent to the City.

2 A. Okay.

3 Q. If you look in item 4
4 there, Open Discussion, the first paragraph there
5 says:

6 "CIMA needs to be
7 cautious with
8 illumination. B/C is
9 critical for this
10 assignment due to
11 political and other
12 design and cost
13 constraints. Site
14 specific locations are
15 probably better than full
16 illumination."

17 Do you recall any discussion
18 about CIMA needing to be cautious with
19 illumination?

20 A. Not (audio distortion),
21 as this is kind of making reference to benefit to
22 cost and, as was referenced previously, that
23 lighting is very expensive to implement and
24 obviously benefit to cost calculations are, you
25 know, the cost piece, is really critical to the

1 equation because it is so expensive to install it.

2 So, kind of going back to that
3 conversation about the holistic approach and
4 making sure that the best solution is being
5 selected, so having a benefit-cost analysis to
6 make sure before, with any traffic safety
7 countermeasure, that you have a benefit to cost
8 evaluation occur so that you're not incorrectly
9 selecting, you know, a countermeasure that's
10 either too expensive or doesn't have the high
11 enough aggregate benefit to it.

12 So, in this case, this is
13 making reference, I believe, to the cost of
14 lighting and, you know, that there should be some
15 caution to make sure that benefit to cost ratio is
16 correct because if there's other complicating
17 factors, cost, design, sometimes implementation of
18 street lighting is sometimes more challenging than
19 saying installing signage and pavement markings,
20 and that sort of thing, so I think that's what
21 this is a reference to.

22 Q. Okay. So, in terms of
23 some of those complications, specifically as it
24 relates to the Red Hill, the political
25 constraints, do you recall what those were?

1 A. I think that this is
2 reference to the motion itself, so obviously the
3 councillor specifically asked for lighting to be
4 reviewed, but cost is always a political
5 discussion. But other than that, I don't have
6 specific comment on what the term or the word
7 "political" means in this context.

8 Q. And the design
9 constraints?

10 A. Yeah. The design
11 constraints are for this specific area. This is
12 more about the physical design constraints that
13 exist within the study area.

14 And I'll use an example.
15 There is a Hydro One high-voltage transmission
16 line that partially cuts over top of one of the
17 ramps, the Mud/Stone Church ramp, and then travels
18 down northerly and then cuts diagonally across the
19 Red Hill, and that is significant because street
20 lighting poles and high-voltage hydro lines can't
21 exist together in some instances depending on the
22 voltage, the height of the lines and that sort of
23 thing. And there is, within the Electrical Safety
24 Code of Ontario, there are requirements for both
25 horizontal and vertical separation between street

1 lighting poles or poles in general and overhead
2 utility lines, so this is making reference to, I
3 believe, some of those design constraints.

4 So, because of those, you
5 know, kinds of constraints on the Red Hill
6 mainline and then the ramp as well, that there
7 might be locations where it would be very
8 challenging to install a street light pole because
9 it would be essentially prohibited by the
10 Electrical Safety Act to install those poles under
11 there and it might result in either challenges
12 that would have to be overcome from design or
13 challenges that could not be overcome by the
14 design, in which case the lighting levels might
15 not be able to be met in certain segments of a
16 ramp or a mainline. So, this is kind of making
17 reference to that.

18 And then also within the study
19 area, just between the Stone Church and Mud
20 interchange and the next interchange to the north,
21 which is Greenhill, there is a bridge and that
22 bridge was constructed without any provision for
23 street lighting. For example there's no pole
24 bases, there's no conduits and that sort of thing,
25 so to install pole bases and conduits on to that

1 bridge, it would require structural modification
2 to that bridge to allow for it, so those are the
3 kinds of -- again, that's not impossible to
4 implement. It's just a constraint that exists
5 and, you know, when you're talking about modifying
6 the structure of a bridge, that could also be
7 expensive and that relates back to the benefit to
8 cost ratio to make sure that benefit to cost ratio
9 is accounting for all of those different
10 constraints.

11 Q. In the context of the
12 design constraints, was there any discussion about
13 the original design, the choice to use lighting at
14 the interchange versus at the mainline? Any
15 discussion of the EA in that context?

16 A. I don't believe so, no.
17 I think this discussion is related to the
18 consideration for adding lighting.

19 Q. And who advised CIMA
20 about these constraints?

21 A. I would have expertise in
22 the subject matter. There's no doubt about that.
23 And if it was anyone, it would have been me to
24 outline some of the challenges, design challenges,
25 and constraints for sure.

1 Q. And where it says, "Site
2 specific locations are probably better than full
3 illumination," would that have been you as well?

4 A. I'm not completely clear
5 if that would have been me at all and I'm not too
6 sure in the context of how that's being introduced
7 here, because I'm not too sure I fully understand
8 what site specific locations versus full
9 illumination means.

10 Q. Okay. Do you recall
11 anyone else from the City saying something like
12 that at the meeting?

13 A. I don't really recall the
14 specifics of those meetings, so I guess my answer
15 is no.

16 Q. Okay. I asked you --
17 okay. So, the second bullet there where it says:

18 "CIMA to make sure that
19 illumination, if
20 recommended, would
21 actually assist in
22 reducing the types of
23 crashes on this facility
24 and/or improve
25 conditions, i.e.,

1 geometric. If other
2 treatments would
3 similarly result,
4 consider those before
5 illumination if
6 possible."

7 So, as I interpret this, CIMA
8 was advised or there was discussion that if other
9 treatments could reduce the types of crashes on
10 the Red Hill, those treatments should be
11 considered first before the illumination. Is that
12 right?

13 A. I agree with the
14 statement because of the -- what was being
15 considered minus geometric changes. We were
16 talking about lighting and signs and markings, so
17 it is far less expensive to implement signs and
18 pavement markings changes than it is to install
19 lighting.

20 And going back to the
21 original, kind of, theme of this about driver
22 guidance and visibility, I recall one of those
23 e-mails that you showed to the councillor office
24 about someone complaining they could not see the
25 lanes, so if that issue could be dealt with

1 through installing or refreshing the pavement
2 markings as supposed to installing lighting and
3 that resolves the issue, then obviously installing
4 pavement markings is less expensive and easier
5 than installing illumination and, kind of like
6 it's inferring here, as long as it improves or
7 deals with whatever conditions is trying to be
8 dealt with.

9 Q. Prior to this meeting,
10 and this is June 6, do you remember if you spoke
11 to Mr. Moore or Mr. Kirchknopf or Mr. McGuire
12 about any of the political or design or cost
13 constraints? Is that something that you had
14 spoken with them about prior to?

15 A. I don't recall
16 specifically.

17 Sorry, if I can ask a
18 question, this was the meeting -- did Gary
19 Kirchknopf attend this meeting? This wasn't the
20 kickoff meeting. Correct?

21 Q. You're right, Gary did
22 attend this meeting.

23 A. Yeah. So, it Gary was at
24 this meeting, he's either contributing or hearing
25 what I'm saying. So, kind of back to your

1 question, since he was at the meeting, then
2 obviously he's witness to it.

3 Q. Right. Okay. Registrar,
4 we can end this call out and we can close out this
5 document as well.

6 So, Brian Malone of CIMA, he
7 was at that meeting and he testified that he
8 recalled a direction at that meeting on June 6
9 about CIMA obtaining more information about the
10 lighting design constraints, and he recalled that
11 CIMA was directed to speak to the RHVP design
12 office, specifically Mr. Moore. And Mr. Malone's
13 recollection when he testified was that that
14 request or direction came from either you or
15 Mr. Cooper.

16 Do you recall providing a
17 direction like this to Mr. Malone or to CIMA more
18 generally at the June 6 meeting?

19 A. No, I don't recall
20 providing that direction. But also noting that
21 Gary Kirchknopf was at that meeting as well, so --
22 but I don't recall direction being given and I
23 didn't see that within the minutes that that
24 direction was captured in the minutes either, so
25 that would be unusual for a client to provide

1 direction to a consultant and they would not
2 record that within the minutes.

3 Q. So, it's possible, with
4 your reference to Mr. Kirchknopf, that he could
5 have also provided that direction Mr. Malone or to
6 CIMA?

7 A. Yeah. I'm not too sure
8 if I would, you know, on the basis of this not
9 showing up in the minutes, would frame it as
10 direction if that did occur. It could be a
11 suggestion and, kind of like we talked about
12 earlier, about who knew the design details and
13 construction details of the Red Hill. And my
14 answer was, you know, anyone who was in the
15 project team, specifically Gary Moore and Marco
16 Oddi, so if in the proceedings of that meeting,
17 had they have wanted to know some backup to how
18 was lighting selected or those design
19 considerations kind of figured out, I would say
20 that it would be -- you know, my answer, if I was
21 posed that question, well the best person to talk
22 to would be someone from the Red Hill project team
23 and provided Gary Moore's name or Marco Oddi's or
24 whoever else was on that project team.

25 Q. Okay. So, if you had

1 been asked a question like that, that's who you
2 would have suggested be contacted?

3 A. If they wanted more
4 information, they would be better positioned to
5 answer any of those questions than I would.
6 That's for sure.

7 Q. Okay. Registrar, if we
8 could call up overview document 6, page 29,
9 paragraph 61.

10 And this is a note also from
11 July 6 or, sorry, June 6, that Mr. Malone recorded
12 in his notebook. It's made after that meeting at
13 10:00 in the morning and it references a
14 conversation that Mr. Malone had with Mr. Moore.

15 Do you need me to give you the
16 call out again, Registrar?

17 THE REGISTRAR: Sorry,
18 counsel. Yes, if you mind just repeating that for
19 me.

20 MS. HENDRIE: No problem.
21 It's overview document 6, page 29, paragraph 61.

22 THE REGISTRAR: My apologies.
23 I thought I was sharing my screen.

24 MS. HENDRIE: It's okay.
25 Great. Thank you.

1 BY MS. HENDRIE:

2 Q. So, this is a transcript
3 of Mr. Malone and Mr. Moore's conversation. Do
4 you recall being aware that Mr. Malone and
5 Mr. Moore spoke on June 6?

6 A. No, I did not have
7 awareness that these discussions were occurring.

8 Q. It wasn't something that
9 Mr. Moore reported back to you on, that he had
10 spoken to Mr. Malone?

11 A. No, he did not.

12 Q. And so, jumping forward
13 now about a month in time, the second progress
14 meeting was held on July 3, 2013. Do you recall
15 if before that, between the second progress
16 meeting on -- sorry, the first progress meeting on
17 June 6 and this second progress meeting on July 3,
18 if you had had any conversations with Mr. Moore
19 about the study or the work being undertaken by
20 CIMA or your involvement on this project?

21 A. Not specifically, no.

22 Q. And what about
23 Mr. Kirchknopf or Mr. McGuire?

24 A. No.

25 Q. And you told us earlier

1 about the conversations, the ongoing
2 conversations, that you had with the three of
3 them. Do you think you would have had any
4 conversations between these meetings?

5 A. I don't recall
6 specifically having any conversations with them;
7 however, it's not unreasonable to think that we
8 could have had conversations, but I don't have any
9 recollection of a conversation specifically.

10 Q. Thank you. And,
11 Registrar, if we could go to overview document 6,
12 page 31, paragraph 65 and 66 as well. Okay.

13 So, paragraph 65 summarizes
14 that at the meeting, CIMA presented its updated
15 findings and that included a collision analysis
16 and a list of the countermeasures. Do you recall
17 attending this meeting?

18 A. No. I recall attending
19 the meetings, but not specific recollection of one
20 meeting versus the other.

21 Q. Do you have any
22 recollection of CIMA's findings -- so, CIMA found
23 that there was a high proportion of non-daylight
24 collisions. Do you recall that?

25 A. No. No, I do not recall

1 the specifics of this meeting.

2 Q. And I think, based on
3 what you told us before, you know, there were a
4 number of countermeasures that were discussed and
5 presented by CIMA at the meeting, some of which
6 were related to illumination and some that
7 weren't. So, I think, based on what you told us
8 before, you would have been focused really just on
9 those illumination countermeasures. Is that
10 right?

11 A. That's correct.

12 Q. Okay. And, Registrar, if
13 we could end this call out and call up HAM51990.
14 Perfect.

15 So, these are the slides from
16 that meeting. And I won't take you through all of
17 them, but I'll take you to image 29, if we could,
18 Registrar, which deals with the illumination
19 warrants.

20 And so, by this time, CIMA had
21 conducted the TAC warrant in addition to the MTO
22 warrant. As is set out on this slide, CIMA had,
23 in terms of the potential countermeasures for the
24 freeway and the ramps, CIMA had found that full
25 illumination on all ramps and freeway segments was

1 warranted based on both of those warrants.

2 Do you recall this finding by
3 CIMA?

4 A. No, not specifically.

5 Q. Okay. Registrar, if we
6 could close this document and call out -- this is
7 the meeting minutes now -- HAM51991, images 1 and
8 2.

9 So, looking under PowerPoint
10 Presentation, it's the third from the bottom where
11 it says:

12 "City will provide
13 available background
14 documentation from EAs,
15 et cetera, as input into
16 the report."

17 A. Okay. I see it.

18 Q. Perfect. So, where it
19 says EAs, was that related specifically to the EA
20 for illumination?

21 A. The EA isn't strictly for
22 illumination, but I think I understand your
23 question. It's related to the EA that was
24 undertaken for the Red Hill. That's way I would
25 understand that.

1 Q. And where it says City,
2 was that you?

3 A. I'm not the project
4 manager, so all documentation would come from the
5 project manager or from that division undertaking
6 it, so I don't think that this is strictly
7 assigned to me. It would be assigned to the
8 project team with the lead as traffic and Stephen
9 Cooper specifically.

10 Q. And so, as it relates to
11 sort of the flow of information and documents from
12 the City to CIMA, if it was related to lighting
13 and specifically data requests related to the
14 illumination, would that have been you responsible
15 for the collection of those documents and then you
16 would then provide that to Mr. Cooper, who would
17 then provide it to CIMA?

18 A. Well, Mr. Kirchknopf is
19 at this meeting as well, so he is my supervisor.
20 I think it would be reasonable to think that the
21 EAs would be produced by engineering services. I
22 did not have access to or had ever seen the EA, so
23 it would have been hard for me to produce it.
24 However, I can't speak on behalf of Gary
25 Kirchknopf or others in engineering services or

1 from traffic from that perspective if they had
2 access to the EAs either.

3 Q. Who had access to the
4 EAs?

5 A. I do not know who had
6 access to the EAs.

7 Q. Had you asked for access
8 to the EAs?

9 A. I don't recall
10 specifically asking to see the EAs. As part of
11 the CIMA assignment for the detailed lighting
12 analysis of Red Hill and LINC, which was
13 undertaken in 2018, I did go out, along with one
14 of my direct reports, and assembled the EA from a
15 variety of different areas as part of that process
16 and it did not come from one source at that time.
17 It came from multiple sources to chase it down in
18 its -- to get all the components of it and put it
19 together for CIMA. But, again, that was years
20 later as part of that other assignment.

21 Q. And so, now we're about
22 three months into the project. Do you know why,
23 at this stage, the EAs and the background
24 documentation were being provided?

25 A. Yes. I believe it's

1 related to the conversation that you showed me
2 between Brian Malone and Gary Moore where Gary is
3 or there's some environmental consideration bullet
4 in Brian's notes there, which has everything to do
5 with EA. So, I think that's making an appearance
6 now within there and that the EA considerations as
7 it pertains to lighting specifically is making a
8 justified appearance within the project now so
9 that CIMA has the full understanding of all of the
10 elements of the project so that they can formalize
11 any recommendations back to us.

12 Q. So, your understanding is
13 this was a request that came from CIMA as a result
14 of Mr. Moore and Mr. Malone's conversation?

15 A. I believe so. I think it
16 may have been around this time that I had or that,
17 you know, I had a conversation with Gary possibly
18 and Gord and, sorry, the two Garys, Gary
19 Kirchknopf, Gord McGuire and Gary Moore, about the
20 EAs and what it said or included or conversations
21 related to the undertaking of the EA or otherwise,
22 the design constraints related to the lighting,
23 and it may have made an appearance at this meeting
24 either by me or by Gary Kirchknopf as well in this
25 point in time, but I'm not fully -- like, I don't

1 have independent recollection of this meeting
2 specifically, so I can't say for certain.

3 Q. Okay. The conversation
4 between you and Mr. Moore and Mr. Kirchknopf and
5 Mr. McGuire, what do you remember about that
6 conversation?

7 A. I don't remember the
8 conversation specifically and who was involved in
9 the conversation, if it was all of us, all four of
10 us, or if it was a different contingent of people,
11 but I do recall back then, you know, of having a
12 discussion with Gary Moore in which he was talking
13 about or giving me some more information into some
14 of the design constraints for lighting from back
15 in the day, when that EA work was happening,
16 specifically related to the environmental impacts
17 of lighting.

18 Q. And do you think this
19 conversation happened before the meeting, before
20 this July 3 meeting?

21 A. Yeah. Sorry. I don't
22 know in what timeframe that conversation would
23 have occurred.

24 Q. And what information do
25 you remember Mr. Moore conveying to you or what

1 was the sense of the information that you had
2 after your conversation with Mr. Moore?

3 A. From what I recall, that
4 there were design constraints related to lighting
5 and the environment for the Red Hill, that the Red
6 Hill was an environmentally sensitive area and
7 that lighting obviously can have a detrimental
8 impact to the environment, to flora and fauna.
9 That's kind of what I recall, but it's not as --
10 you know, it's not as clear in my mind since it
11 happened such a number of years ago.

12 Q. Sure. Under
13 item number 4, Costs, it says:

14 "CIMA will include
15 illumination
16 recommendations in the
17 report. MF -- "

18 Who I take is you:

19 " -- indicated that CIMA
20 should use MTO costing
21 information rather than
22 Hamilton costs due to
23 type of lighting i.e.,
24 freeway."

25 The MTO costs, why those

1 costs?

2 A. Our costs -- so, we do
3 not construct highway or freeway lighting, so our
4 costs and our cost tables that we have are for
5 just regular municipal street lighting, road
6 lighting, and the material and costs are different
7 between standard street lighting and highway
8 lighting.

9 Since MTO more often undertook
10 highway lighting construction, that it would have
11 been more accurate, more reliable, for CIMA to use
12 MTO's costing tables than the City of Hamilton's
13 costing table as to ensure that the true costs are
14 representative of what the actuals would be and
15 that they wouldn't be inadvertently -- because if
16 they used our costs they would be lower because
17 it's cheaper to install standard street lighting
18 than it is to install highway lighting. And, if
19 that was used, then it would be
20 under-representatively low as far as what the cost
21 is and then that would have implications to the
22 outcomes of the benefit to cost ratio, which could
23 perhaps make it that lighting is -- has a higher
24 benefit to cost ratio than it actually does
25 because the costs aren't represented accurately

1 based upon too low of costing information.

2 Q. And CIMA will include
3 illumination recommendations, that was your
4 understanding, that the recommendations would be
5 included in CIMA's report?

6 A. Absolutely.

7 Q. And you understood, I
8 take it, that CIMA had concluded that full
9 illumination was warranted, so the recommendations
10 would be in relation to that warrant finding?

11 A. No. I think that it was
12 an indication that the warrants that were
13 completed, the warrants did pass. However, the
14 way that the warrants work, I'm not going to speak
15 specifically to MTO because I don't have any
16 personal experience using it, but the TAC warrant
17 always has the caveat that there's other factors
18 that need to be considered, that the outcome of a
19 warrant isn't the ultimate direction from that
20 warrant, that it's up to the judgment of the
21 person who is undertaking the warrant to determine
22 whether or not that warrant, the results of that
23 warrant, should be implemented or not.

24 So, just because you have a
25 successful warrant score doesn't mean that you go

1 straight to implementation from that. You need to
2 consider all factors and to justify whether or not
3 that is practical to implement solely based on a
4 warrant.

5 Q. And the other factors,
6 that would have included the environmental
7 constraints?

8 A. It can include
9 environmental constraints or human factors or all
10 kinds of different things. The constructed
11 environment is a big piece of them.

12 I'll use an example of just
13 based on my experience. If you're doing a warrant
14 of a highway or roadway adjacent to the landing
15 path of an airport, regardless of the warrant
16 score, you simply cannot install poles next to an
17 airport landing path, for example. So, even if it
18 was warranted, just because that warrant outcome
19 was positive, there's other factors involved that
20 you cannot install it. So, the outcome of that
21 review would be no, lighting is not going to be
22 installed. I'll just use that as a simple
23 example. It's just coming to my head.

24 Q. Okay. So, would it be
25 fair to say that if full illumination was

1 recommended by CIMA, the City would want those
2 other factors, the environmental constraints, the
3 costs, in order to be able to assess whether or
4 not to proceed with those recommendations?

5 A. Correct. We would want
6 to have to make sure whatever recommendations,
7 doesn't matter if it's lighting or otherwise from
8 a consultant, that all things are considered, that
9 they're recommendations that we can action,
10 reasonably action.

11 Q. Okay. Thank you. So,
12 Registrar, if we could end this call out and call
13 up overview document 6, page 35.

14 So, you'll see in
15 paragraph 75, Mr. Applebee circulated a copy of
16 that PowerPoint presentation and the meeting
17 minutes to a number of folks at the City,
18 including you. And down in paragraph 77, you then
19 forwarded Mr. Applebee's message and the
20 PowerPoint presentation and the meeting minutes to
21 Mr. Moore, Mr. McGuire and Mr. Kirchknopf.

22 Do you know why you sent this
23 information to them?

24 A. I think that it was
25 passed along to them. So, I'm a stakeholder in

1 the process. They are not directly involved.
2 They weren't -- except for Gary Kirchknopf, I'm
3 seeing, Gord McGuire and Gary Moore were not
4 copied on that, so I'm passing along the
5 information. They are my superiors, my manager
6 and my director, so to keep them informed in terms
7 of the progress of the meeting or the outcomes of
8 the meetings, so it's just a simple passalong.

9 Q. Okay. Were you expecting
10 any comments or any discussions to come from
11 sending this to them?

12 A. I don't recall
13 specifically, but I don't believe so. I'm not too
14 sure if in that e-mail there's any commentary from
15 me asking for any from them or not, so...

16 Q. We can call that document
17 up. It's HAM51989.

18 A. That would be great.

19 Q. I believe you write --
20 so, actually it's to Mr. Moore directly.

21 A. Okay.

22 Q. Copying Mr. McGuire and
23 Mr. Kirchknopf, and you wrote:

24 "Gary, please find the
25 CIMA presentation from

1 was given to him.

2 Q. Commissioner, I see it's
3 11:26 and I'm just about to move to another topic,
4 so perhaps this would be a good time for us to
5 take our morning recess.

6 JUSTICE WILTON-SIEGEL: Okay.
7 Let's standard adjourned, then, until quarter to
8 12:00.

9 --- Recess taken at 11:26 a.m.

10 --- Upon resuming at 11:45 a.m.

11 BY MS. HENDRIE:

12 Q. So, Mr. Field, before the
13 break we were talking about your understanding
14 coming out of the July 3 meeting regarding CIMA's
15 report. So, as I understand your evidence, you
16 understood that CIMA's report would include the
17 full illumination review. Is that right?

18 A. I think I would
19 characterize it as illumination review, whether it
20 was a full illumination review, but an
21 illumination review within the study area.

22 Q. Okay. And that would
23 include the mainline and the interchanges?

24 A. Correct.

25 Q. And you understood that

1 CIMA had concluded or had found, based on their
2 warrant analysis, that lighting on the mainline
3 segments and the ramps was warranted?

4 A. That the MTO and TAC
5 warrant scores were indicated that they were
6 warranted, yes.

7 Q. Right. And that CIMA's
8 report would include their recommendations related
9 to lighting and in relation to those warrants?

10 A. Whether those warrants,
11 like we talked about just before the break there,
12 were going to formalize part of the
13 recommendations, I wasn't sure at this point in
14 time, but generally yes.

15 Q. And was it also your
16 understanding that the MTO costing information
17 would be used in that report that CIMA sent, CIMA
18 prepared?

19 A. I had hoped it would be,
20 yes.

21 Q. Okay. So, the City
22 received a draft, the first draft, from CIMA on
23 July 29, 2013 and that was when -- it was sent to
24 you on that date, but prior to the draft being
25 sent to the City, there was internal discussion at

1 CIMA regarding a draft circulated internally. And
2 the draft that had been circulated internally at
3 CIMA included the review of mainline and
4 interchange lighting and CIMA had recommended or
5 suggested full lighting on Red Hill and found full
6 lighting to be warranted.

7 And Brian Malone at CIMA, this
8 was an internal e-mail exchange at CIMA, described
9 the report as a hand grenade that would go off in
10 the City's hands.

11 So, recognizing those aren't
12 your words and this wasn't an e-mail you were
13 copied on, I just want to talk through that with
14 you. You knew that lighting would be expensive.
15 Is that fair?

16 A. Lighting is expensive to
17 install, correct.

18 Q. So, if that had been
19 recommended and it was a recommendation that
20 council wanted to proceed with, that would be an
21 expensive endeavour?

22 A. Definitely.

23 Q. And you also knew that
24 there had been, correct me if I'm wrong, but at
25 that point you had had conversations with

1 Mr. Moore regarding design decisions related to
2 the EA and the decision to have illumination only
3 at the off-ramps. Is that right?

4 A. Correct.

5 Q. And there was the meeting
6 minutes that we looked at previously that
7 referenced political constraints. Lighting could
8 have also been a political issue. Is that right?

9 A. Lighting could be a
10 political issue, yes, since it was captured within
11 part of the motion and since it is expensive to
12 install as well.

13 Q. And if it had been
14 recommended, some councillors might have wanted to
15 proceed with installing illumination and some
16 might not have. It could have been a political
17 issue in that sense?

18 A. I'm not too sure I have
19 an opinion on that, but it's quite possible
20 depending on what that looked like. If some of
21 them would agree with installing lighting and some
22 would not, I'm not too sure if that would be the
23 case, but however it's feasible.

24 Q. So, fair to summarize
25 that if CIMA had recommended that lighting be

1 installed on the Red Hill, that could have some
2 significant implications cost wise or politically?

3 A. Politically, I'm not too
4 sure I agree with; however, cost wise, from a
5 street lighting perspective, it would be the most
6 expensive project that we would have undertaken,
7 from my perspective anyway.

8 Q. Okay. Registrar, if we
9 could call up CIM8118.1.

10 So, Mr. Field, this is the
11 draft report that you -- that was sent by CIMA to
12 Mr. Cooper on July 29 and that then Mr. Cooper
13 forwarded to you. Do you recall receiving this
14 report?

15 A. No, I don't have a
16 specific recollection of receiving it; however,
17 through the review of documents, I see that I did
18 and I commented on it.

19 Q. In the version that sent
20 to the City on July 29, CIMA -- sorry. So, let's
21 take you to a pinpoint in the document, in
22 image 25, Registrar.

23 So, this is where the
24 illumination review begins and it starts with a
25 discussion of CIMA's methodology. And in the last

1 sentence of that first paragraph underneath
2 Methodology, it says -- sorry. Wrong paragraph.
3 It's the third paragraph there. Thank you,
4 Registrar. It says:

5 "Finally, the
6 understanding that the
7 decision to not
8 illuminate the entire
9 RHVP section was
10 inextricably linked to
11 environmental concerns
12 and approvals. Review of
13 full illumination was not
14 undertaken but was
15 restricted to spot
16 locations."

17 So, in this report, CIMA's
18 analysis and methodology with respect to the
19 illumination was restricted just to the spot
20 locations. Do you see that?

21 A. Yes, I see that.

22 Q. Do you recall reading
23 that in the draft report?

24 A. I don't have a specific
25 recollection of reviewing this thing, only through

1 the review of the documents for preparing for the
2 inquiry.

3 Q. Okay. And, Registrar, if
4 we could go to image 27. And there at the top,
5 you'll see that this is the Illumination Results.
6 And there it says this is restricted just to
7 illumination at the interchanges. You'll see that
8 there's findings with respect to the Dartnall Road
9 interchange, the Mud Street interchange and the
10 Greenhill Avenue interchange. And CIMA's finding
11 here was that full interchange illumination was
12 warranted just for the Mud Street interchange, and
13 there's no consideration here of the findings or
14 the warrants with respect to the mainline?

15 A. Correct.

16 Q. And based on what you
17 told me before, this was inconsistent, is not
18 consistent, with what you had expected from CIMA.
19 You expected that their report would include the
20 entire study area. Is that right?

21 A. That is correct.

22 Q. And that included the
23 interchanges and the mainline?

24 A. Within the study area,
25 correct.

1 Q. And I see here that
2 there's only a reference to the TAC warrant, no
3 reference to the MTO warrant?

4 A. Correct.

5 Q. And that also, based on
6 what we talked about before and the minutes that
7 we had looked at before, there was also a
8 expectation that CIMA's report would reference the
9 findings of the MTO warrant?

10 A. My expectations, you
11 mean?

12 Q. Sure, or the City's.

13 A. In their report, I think
14 that there's an expectation that they summarize
15 the activities that they undertook as part of
16 their review, so they did undertake an MTO warrant
17 but it's not made reference here, only the TAC
18 warrant. But, again, the TAC warrant is kind of
19 the main warrant that we would utilize as a city
20 and the MTO warrant, you know, would have been
21 used as supplemental to this TAC warrant. That's
22 my understanding.

23 Q. Okay. So, a few days
24 later -- Registrar, if we could end this call out
25 and call up overview document 6, page 43.

1 So, Mr. Field, there, at
2 paragraph 98, on August 2, you provided comments
3 on the draft report that we just looked at to
4 Mr. Cooper?

5 A. Mm-hmm.

6 Q. And if you look in --
7 thank you, Registrar -- the third bullet, it says:
8 "The illumination of the
9 mainline has been
10 excluded (this is
11 decision is based upon
12 information that we
13 provided to CIMA). The
14 exclusion is not well
15 explained. Considering
16 that illumination of the
17 mainline is the first
18 request in the council
19 motion to review, I think
20 that there should be far
21 more explanation as to
22 why it was excluded."

23 I think, as you said, your
24 understanding or your expectation at the time that
25 you would have received the report is that

1 illumination of the mainline would have been
2 included?

3 A. I think illumination of
4 the mainline was considered. Whether or not it
5 was going to be recommended, that's the
6 determination of this final report to make, but
7 definitely illumination within the study area.

8 Q. And excluded, that's
9 discussion of the illumination, of mainline
10 illumination, was excluded from the discussion in
11 CIMA's report?

12 A. Correct, yeah.

13 Q. And from their
14 recommendations as well?

15 A. Sorry, within this report
16 it doesn't make an appearance. Right? This
17 statement I'm making here is that it's been
18 excluded and that because it has been excluded and
19 that it was a main feature of the council motion,
20 I am noting that I believe that there needs to be
21 far more discussion within the report to justify
22 why it had been excluded.

23 Q. What sort of discussion
24 would you have anticipated or did you want to see
25 in the report in relation to the exclusion?

1 A. So, since it was not --
2 you know, the draft report was very short on
3 describing why or what factors involved in
4 excluding it, which exclusion means to me is not
5 recommending that mainline illumination be
6 undertaken. And then that one sentence, which I
7 have to double check my e-mails all the time, but
8 "this decision is based upon information that we
9 provided to CIMA," that's kind of the way I see
10 that is along the design constraints and the
11 environmental issues. That's how I read that.

12 And then, like I mentioned,
13 the results of a warrant doesn't unilaterally make
14 a decision on whether something is going to happen
15 or not, that there's other factors, and definitely
16 the environmental factors and those design
17 constraints would be factors and my belief is that
18 those all together are what led CIMA possibly to
19 not recommend mainline lighting.

20 However, since, like I
21 mentioned and what I'm saying here, since the very
22 first request in that council motion was for
23 lighting or evaluation of lighting, that the
24 report should show to the reader or to the
25 councillor who is making that request so that when

1 they read it they could understand why it had been
2 recommended or not been recommended. So, these
3 are my comments from my review of that draft
4 report and asking for or considering or asking for
5 consideration of a far greater explanation so that
6 the reader or that person or those people who
7 asked for that motion can understand why something
8 was recommended or not recommended.

9 Q. And, as I read the CIMA
10 report, CIMA's -- and you can correct me if you
11 have a different recollection of it or if I can
12 take you to a part of the report if that would
13 assist. The way that CIMA characterized the
14 illumination was that it was not in scope of the
15 assignment and the review. Do you recall that?

16 MS. CONTRACTOR:
17 Mr. Commissioner, perhaps it would be helpful to
18 the witness to go to that section of the report
19 itself.

20 THE WITNESS: Please. I was
21 just going to ask for that. Thank you.

22 BY MS. HENDRIE:

23 Q. Sure. So, Registrar, if
24 we could call back up CIM8118.1 at image 9, I
25 believe. Image 10, let's try that.

1 It says:

2 "It was determined that a
3 review of the fundamental
4 road design geometry of
5 the roadway and
6 illumination throughout
7 the study area was beyond
8 the scope of this study."

9 And then down below, in the
10 study scope, about halfway down there's a bullet
11 point that says:

12 "Review of illumination
13 in specific areas only,
14 i.e. not throughout study
15 area."

16 A. Right.

17 Q. So, do you recall or have
18 any memory of CIMA characterizing illumination
19 throughout the study area as being out of the
20 scope of the assignment?

21 A. No.

22 Q. Okay. Thank you,
23 Registrar. We can close that out and if we could
24 go back to Mr. Field's e-mail that we were just
25 looking at, which is overview document 6, page 43.

1 that that's the information that you're referring
2 to there in that paragraph?

3 A. I believe it could be,
4 yes.

5 Q. Okay. Do you know if
6 anybody else at the City had provided any
7 information that related to the illumination of
8 the mainline and its exclusion?

9 A. No, apart from the,
10 sorry, the conversation that I wasn't involved in
11 between Gary Moore and Brian Malone, but I'm not
12 aware of anyone else.

13 Q. Had you had any
14 discussions with CIMA staff prior about the report
15 and what would be included or contained in it
16 prior to receiving this draft, the draft on
17 July 29?

18 A. No.

19 Q. The reference to the
20 council motion, which you were talking about a few
21 minutes ago, did you have concerns that mainline
22 illumination had been excluded, given what you
23 understood council's direction to be?

24 A. I think the purpose of
25 the assignment is to fulfil the general request

1 from the motion. Whether that resulted in
2 recommendations for mainline lighting or not or
3 ramp lighting or not, I don't think I had a
4 concern or opinion related to that, as long as the
5 motion, the base request of the motion, was being
6 fulfilled through this report.

7 Q. The motion directed the
8 investigation into upgrading lighting on the Red
9 Hill in the area set out and that a full costing
10 of options and alternatives be presented. Do you
11 think CIMA's, the report that you received, was
12 consistent with that direction?

13 A. So, not just viewing it
14 from the illumination perspective but from the
15 other recommendations involved, which has to do
16 with signage and pavement markings, I believe in
17 combination of all things that this report did
18 attend to the basis of the request and the motion
19 from council.

20 Q. But I think you told us
21 before that you were just focused on that
22 illumination piece, so as it pertains just to that
23 piece, the one, your involvement, did you think
24 that CIMA's report that you received was
25 responsive?

1 A. I view lighting, as I
2 mentioned earlier, as one of the -- a
3 countermeasure, a traffic safety countermeasure,
4 and it cannot be, in the context of this motion,
5 isolated like that. So, that's difficult for me
6 to make a comment on, whether or not this attended
7 to the motion.

8 I think my answer kind of
9 remains the same, that in combination of the
10 conclusions of this report are in alignment with
11 what was being requested by council, was related
12 to the visibility of road users and I think that
13 it's unfair to single out illumination without
14 considering the context of what was being
15 requested and that this report attends to the
16 complete context of the direction at hand.

17 Q. Okay. You just wanted
18 more explanation as it related to the exclusion.
19 Is that fair?

20 A. Sorry, was that a
21 question?

22 Q. Yes, it was a question.
23 That's okay.

24 A. Yeah, yeah.

25 Q. Did you require further

1 explanation?

2 A. Yes, for sure, and that's
3 clear in my bullet here, is that I'm asking for
4 expanded explanation, because I did not feel that
5 it was sufficient.

6 Q. Do you recall if you --
7 so, Registrar, we can close this out.

8 So, this was sent to
9 Mr. Cooper and I believe Mr. Gallo was also copied
10 on your comments. Do you recall if you discussed
11 the draft report or your views on CIMA's -- what
12 CIMA had included, or excluded, I should say, with
13 anybody in your division, with Mr. McGuire,
14 Mr. Kirchknopf or Mr. Moore?

15 A. I don't have a specific
16 recollection of having a conversation. When I
17 forwarded this e-mail on, I guess my wonder is who
18 did I copy on it. That might give me some
19 indication of who would have awareness of it.

20 Q. Sure. Registrar, we can
21 call out CIM8113. This is your e-mail.

22 You'll see down at the bottom
23 there it goes to Mr. Cooper, Mr. Gallo and
24 Mr. Kirchknopf, so you're right. Mr. Kirchknopf
25 was included.

1 Aside from him, do you recall
2 any discussion with Mr. Moore or Mr. McGuire?

3 A. No, and it doesn't
4 indicate that I had a discussion with them and it
5 appears within my last line there on the sentence
6 that Gary Kirchknopf was away from the office and
7 that I would bring him up to speed with my review
8 once he returned.

9 Q. Okay. We saw before with
10 the progress meeting, the second progress meeting,
11 that the minutes and the PowerPoint presentation
12 were forwarded on to Mr. Moore and Mr. McGuire.
13 Are you able to shed any light on why you sent
14 those documents but not the draft report?

15 A. No, I don't have any
16 context of why I did in that instance but not in
17 this instance. I think this is just a review of
18 the draft report and it was only sent to me
19 directly from Steve and I'm just bringing in my
20 direct supervisor, copying them into my comments.

21 Q. Do you recall whether or
22 what you and Mr. Kirchknopf spoke about in
23 relation to the draft report, if anything?

24 A. Upon his return from
25 whatever his leave was, no, I don't recall.

1 Q. So, you'll see there on
2 August 8, Mr. Cooper forwarded on your comments as
3 well as Mr. Gallo's to CIMA and asked them to
4 please address the suggestions and revise, and
5 that in Mr. Cooper's absence, CIMA could contact
6 you or Mr. Gallo.

7 Do you recall if you had any
8 discussion with CIMA around this time?

9 A. No, I don't believe that
10 I did.

11 Q. Do you recall if you
12 followed up with CIMA to ask what information the
13 exclusion was based on?

14 A. No, and it would be
15 unusual for me to go and contact CIMA directly
16 based on my role in this project. Any questions I
17 had from or to CIMA would go through the project
18 team.

19 Q. Okay. And, similarly,
20 you don't recall CIMA contacting you at all to
21 follow up about your comments regarding the
22 exclusion?

23 A. Correct. I don't believe
24 that I talked to CIMA at all or they reached out
25 to me at all.

1 Q. Registrar, if we could go
2 to overview document 6, pages 45 and 46.

3 So, you'll see here on
4 August 23, 2013 the City received a revised draft
5 of the CIMA report and the paragraphs here talk
6 about the report being sent to Mr. Cooper, but I
7 can advise that you did also receive the same
8 draft from Mr. Cooper later that day.

9 And if we look at
10 paragraphs 106 and 107, these discuss the changes
11 that were made in the revised draft relating to
12 the methodology of CIMA's illumination review and
13 the results of their review.

14 So, the underlying text there
15 shows the additional text that CIMA added. Is
16 that in keeping with what you had hoped for in
17 terms of more explanation regarding illumination?

18 A. I appreciate the context
19 of the warrant discussion here, that a warrant
20 does not automatically mean that illumination must
21 be installed and that that final sentence:

22 "The decision to provide
23 roadway lighting should
24 be looked at using sound
25 criteria, but done in

1 context with the
2 surrounding roadway
3 network."

4 I agree with that statement.

5 Q. Registrar, can you close
6 that call out, please. And, in paragraph 106, it
7 starts by saying:

8 "However, as noted,
9 illumination of the
10 mainline section of the
11 RHVP was not examined for
12 the study because the
13 illumination design
14 choices that were made
15 during the design phase
16 were intimately linked to
17 approvals."

18 Similarly, is that the sort of
19 additional explanation that you would have hoped
20 to see?

21 A. I don't see that first
22 sentence as being completely accurate, since the
23 mainline was examined as part of the project. It
24 may have been abandoned by CIMA at some point in
25 time; however, that first sentence is not fully

1 accurate as far as what they did.

2 Q. Do you take any steps to
3 correct that or recommend that CIMA correct that
4 in their report?

5 A. Did I recommend that they
6 put the statement in their report, you're asking
7 me?

8 Q. Yeah. You said that it's
9 not entirely accurate. Did you take any steps to
10 correct that inaccuracy in the report?

11 A. I don't recall and I'm
12 not sure if I've seen or had any -- if I responded
13 to the review of this draft.

14 Q. Did you appreciate
15 that -- sorry. I haven't seen any documents that
16 suggest that you took any steps to correct that
17 inaccuracy.

18 And, in overview document 6,
19 page 47, Mr. Cooper -- the next page there.
20 That's Mr. Cooper forwarding you the draft and he
21 asks for comments no later than August 28, 2013.
22 And I think you said you don't recall if you did
23 provide any comments?

24 A. Yeah, I don't remember if
25 I did.

1 Q. And you don't recall if
2 you took any steps to correct that inaccuracy that
3 you just noted?

4 A. I don't recall providing
5 any response.

6 Q. Do you recall if you
7 discussed the draft with any of your supervisors,
8 Mr. Moore, Mr. McGuire or Mr. Kirchknopf?

9 A. No, I don't recall.

10 Q. Okay. Registrar, if we
11 could go to page 51 and if we could call out
12 paragraph 126.

13 This is an e-mail that you
14 were not copied on, but it references you, and so
15 this is Mr. Cooper reporting to Mr. Ferguson and
16 Mr. White on September 19, 2013. He says:

17 "I was speaking to Mike
18 Field this morning and he
19 said that Gary Moore saw
20 the report and was not
21 pleased with the
22 recommendations provided
23 by CIMA. Have either of
24 you spoken to him about
25 the? Are you aware of

1 anything in particular
2 that he does not like or
3 agreed with?"

4 So, do you recall speaking
5 with Mr. Cooper on September 19?

6 A. I vaguely recall having a
7 phone conversation with Steve about this.

8 Q. What can you tell us
9 about that phone conversation?

10 A. I can't recall what the
11 purpose of the phone conversation was, but I do
12 recall passing along this comment about Gary Moore
13 and his displeasure with the report. I don't
14 believe that I had any context as far as what Gary
15 Moore was upset about and was just passing along
16 my observation that he was not pleased with it.

17 And then I believe, just based
18 on my review of some of the documents, that that
19 is kind of, you know, Steve is not able to produce
20 the same information. So, while I don't recall
21 exactly my conversation with Gary Moore, I don't
22 believe that he expressed what he was not pleased
23 with within the report and I was just giving the
24 heads-up to Steve that Gary was not pleased with
25 something within the report.

1 Q. Okay. So, you remember a
2 phone call with Mr. Cooper. Do you remember the
3 nature of your conversation with Mr. Moore? Was
4 it a phone call? Did he stop by your office?
5 Come by your desk? How did that conversation take
6 place?

7 A. No, I don't recall
8 specifically the conversation with Gary in the
9 context of this -- with this phone call with
10 Steve.

11 Q. What do you recall about
12 your conversation with Mr. Moore that left you
13 with the impression that he was not pleased?

14 A. I don't recall that
15 conversation specifically. I believe that it was
16 more of an in-passing comment about not being
17 pleased with it. And then later on the same day
18 or close to that conversation, I was just bringing
19 that to Steve's attention, since he's the project
20 manager.

21 Q. All right. So, you don't
22 recall what Mr. Moore said about the report or why
23 he was displeased?

24 A. No, no. And I don't
25 believe I knew and I didn't express that to Steve

1 in our conversation either. And then I know
2 there's another correspondence where he's bringing
3 this to the attention of his leadership and he's
4 not able to reproduce what Gary was upset about
5 either or not pleased with, so that's kind of
6 along the lines that I don't believe that I knew
7 from Gary and I was just passing along a base
8 comment about him not being pleased with
9 recommendations or something within the report.

10 Q. Would it have been
11 helpful for Mr. Cooper to have some more
12 information about what exactly Mr. Moore was not
13 pleased with?

14 A. Yeah, I can't disagree
15 with that statement. If I was able to articulate
16 that to Steve, then I would have for sure, because
17 that is important information, since he is the
18 project manager and he is ultimately responsible
19 for bringing this to a conclusion.

20 Q. And bringing this to a
21 conclusion, is that the report?

22 A. The CIMA report, yes.
23 Well, the project, the project. He was the
24 project manager.

25 Q. Right. Do you recall how

1 Mr. Moore had seen the report? Is that something
2 that you had provided to him?

3 A. I don't recall how he
4 obtained a copy of the report. I'm not too sure
5 if he got it by some other means or if I provided
6 it to him. I'm not too sure. I don't remember.

7 Q. Okay. Thank you.
8 Registrar, if we could go to overview document 6,
9 page 62, paragraph 159.

10 So, this is jumping forward
11 about a month in time. On October 7, there you'll
12 see in paragraph 157, Mr. Cooper sent a draft of
13 the staff report to you and he noted that the
14 report was due today. And you then forwarded that
15 report on to Mr. McGuire, Mr. Kirchknopf and
16 Mr. Locs?

17 A. Okay.

18 Q. Do you recall receiving a
19 draft report from Mr. Cooper?

20 A. No, I don't.

21 Q. Up to this time, you
22 hadn't had any involvement in drafting this
23 report. Is that right?

24 A. Correct.

25 Q. And why was that? I

1 think we talked about this earlier on this
2 morning. Why was it that you hadn't had any
3 involvement?

4 A. Yeah. It was a project
5 being undertaken by the traffic section, which was
6 not -- I was not within that section. My role on
7 the project was a stakeholder, so they had the
8 responsibility of completing the consultant report
9 and preparing the council report or the Public
10 Works Committee report. That was their role, so I
11 had no responsibility or expectation that I would
12 be involved in writing the permit report.

13 Q. Even as it pertained to
14 the content in the report about the illumination?

15 A. Correct.

16 Q. Did you have an
17 expectation that you would be -- you would have
18 discussions with either the project team or
19 Mr. Cooper about how and what aspects of the
20 lighting, of CIMA's lighting review, were included
21 in the report?

22 A. I think it's a courtesy
23 when another area is writing a report that
24 involves a cross-divisional or cross-sectional
25 content, that that is shared for an opportunity to

1 provide comment or at least a heads-up that that
2 is what is going forward.

3 My role in this, again, was
4 more on the engineering and implementation and
5 Peter Locs is my counterpart from the operations
6 and maintenance perspective, so depending on the
7 output of this report and those recommendations, I
8 would have a role to play in terms of possibly
9 implementing some of the recommendations, directly
10 pertaining to lighting only, though.

11 Q. And Mr. Cooper's e-mail
12 didn't include any requests for comments or
13 information, so did you interpret this as sort of
14 a courtesy, here is what the report says, and if
15 you had any comments you could have provided those
16 if you wanted to?

17 A. Very well could be just
18 for information, especially considering I believe
19 you mentioned it was being sent on the day that it
20 was due.

21 Q. Yes. As I understand the
22 day that it was due, it was the day that it was
23 due to Mr. Cooper's supervisor, not to council.

24 A. Okay.

25 Q. And, ultimately, that

1 draft, the staff report, was presented to council
2 on November 18, 2013. Did you have any
3 involvement between October 7 and November 18?

4 A. Pertaining to what
5 exactly?

6 Q. Sorry. So, between
7 October 7, this draft that Mr. Cooper sent to you,
8 and November 18, there were a number of revisions
9 made by staff within traffic to what ended up
10 being the final report.

11 So, my question is: Did you
12 have any involvement in the drafting of the
13 report, the revising, the updating of it, before
14 the final version that went to council?

15 A. No. I believe you're
16 talking about the point in time where a report is
17 going through the review cycle from the writer
18 through to the general manager, so I didn't have
19 any involvement in that phase of the report.

20 Q. And did you have any
21 discussions with anyone either in traffic or in
22 engineering services between October 7 and the
23 final report and when it was presented to council
24 on November 18?

25 A. Not that I recall.

1 Q. And I can tell you that
2 the 2013 CIMA report that we just looked at was
3 not appended to the final staff report that was
4 sent to council. Were you aware of this?

5 A. At the time, was I aware
6 of it?

7 Q. Yeah.

8 A. I'm not sure. I don't
9 know if I had awareness of it. I don't know at
10 what point I saw the final report. I believe
11 probably the time when I saw the final report was
12 possibly either at Public Works Committee, I can't
13 recall if I attended that Public Works Committee,
14 or post Public Works Committee through the minutes
15 or the agenda.

16 Q. But it wouldn't have come
17 back to you as sort of that courtesy before the
18 Public Works Committee meeting?

19 A. No.

20 Q. Okay. And so, I take it
21 you didn't have any involvement in the decision
22 not to append the 2013 CIMA report to the final
23 staff report?

24 A. No.

25 Q. Do you recall attending

1 the Public Works Committee meeting on November 18,
2 2013?

3 A. I don't. I don't recall
4 attending it. However, when lighting items came
5 up on the agenda, I tried to attend committee for
6 my own benefit to understand what the discussion
7 was or to be able to be available to answer any
8 questions related to it, but I don't recall if I
9 specifically went to this Public Works Committee.
10 That said, it's possible that I went.

11 Q. The inquiry has received
12 a recording, a video recording, of this meeting.
13 I won't play the recording for you, but I just
14 wanted to call it up.

15 Registrar, if we could call
16 out RHV961, around two hours, three minutes and
17 16 seconds. Registrar, do you need me to -- is it
18 just taking a while to call it up? Great, there
19 we go. Perfect.

20 So, Mr. Field, this is a video
21 of that meeting and there are a number of what we
22 understand to be City staff members seated in the
23 rows towards the back there.

24 When we spoke with Mr. Lupton,
25 he identified you as one of the staff members that

1 are present at the meeting. Are you able to
2 identify yourself in this video?

3 A. I believe that's me in
4 the second row to the far left.

5 Q. Okay. Is that the black
6 shirt, sort of head down, three rows up?

7 A. Yes. And then next to me
8 is Gary Kirchknopf and next to him is Stephen
9 Cooper.

10 Q. Okay. Great. So, based
11 on this video, you did attend the --

12 A. I did attend it, yeah.

13 Q. Great. Thank you.

14 Registrar, we can close out that recording.

15 And so, I take it, based on
16 what you told us, your practice was to attend if
17 there were lighting items?

18 A. Correct.

19 Q. Do you think you would
20 have attended this on your own initiative or do
21 you think you would have attended based on a
22 request or direction from one of your superiors to
23 attend?

24 A. I would not attend
25 committee without approval from my superiors and,

1 in that image there, you have both Gary Kirchknopf
2 in attendance, he's seated beside me, and then
3 where you have Gord McGuire, my manager, who is in
4 the front row.

5 Q. Okay. So, all three of
6 you were there on November 18?

7 A. Yeah. I would not attend
8 a committee meeting on my own accord at a project
9 manager level.

10 Q. Do you recall that
11 councillors at the meeting discussed the report
12 and the review and that some councillors made
13 comments that, you know, they recognized the
14 results of what the report was recommending, they
15 didn't want to lose sight of lighting as an
16 item for council to consider?

17 A. No, I don't recall those
18 details specifically.

19 Q. Do you recall that
20 councils passed a motion at the November 18, 2013
21 meeting that led lighting to remain on the
22 outstanding business list?

23 A. Not that I remember, no.

24 Q. Registrar, if we could go
25 to overview document 6, page 79, paragraph 201.

1 So, there, you'll see that
2 following that meeting, the City clerk's office
3 sent to council followup from that Public Works
4 report to Gerry Davis, who was the general manager
5 of Public Works, and one of the items was for
6 staff to -- staff were directed to report back
7 regarding the lighting aspects of the outstanding
8 business list C respecting the Red Hill Valley
9 Parkway improvements.

10 So, that was -- there was an
11 outstanding business list item related to lighting
12 following from the 2013 CIMA report and the staff
13 report?

14 A. Okay. Yeah, I don't
15 recall this.

16 Q. So, do you have any
17 recollection of what council's request was as it
18 related to the outstanding lighting, outstanding
19 business list lighting item?

20 A. No, I don't recall this
21 method of being added to the OBL list, so I don't
22 recall.

23 Q. Would this have been --
24 specifically related to the lighting aspects,
25 would this have been something that your group was

1 responsible for?

2 A. Not knowing the context
3 of how it's being asked and not recalling it, I'm
4 not sure if it would be something that we would
5 look after in engineering services or if this
6 would be back to traffic to look at.

7 If it was related to, say, the
8 implementation, the design and construction of
9 lighting, that's something that would come back to
10 me, but if it was something about selecting or
11 determining whether lighting was required from a
12 roadway safety perspective, then that would not be
13 me.

14 Q. So, our understanding is
15 that how this outstanding business list item comes
16 about is that as a result of what the
17 recommendations were in the staff report, which
18 recommended implementing certain countermeasures
19 initially and then reviewing sort of a staged
20 approach in terms of review of the
21 countermeasures, this item came -- was added to
22 the outstanding business list?

23 A. Right. And from what I
24 recall, we didn't go through them; however, that
25 there were recommendations within the CIMA report

1 related to lighting of, I believe, the Mud/Stone
2 Church interchange.

3 Q. Yeah.

4 A. So, perhaps this is
5 relating to that component of the staff report.
6 I'm not sure.

7 Q. Okay. If we could go,
8 Registrar, to HAM4336.

9 So, this is the, you'll see
10 down below, Ms. Cameron forwarded the outstanding
11 business list to you and Mr. Locs, copying
12 Mr. McGuire and Mr. Moore. Mr. Moore then
13 responds to the e-mail, but he cuts out the
14 original recipients and sends it to Mr. Lupton,
15 Mr. White and Mr. Mater. You weren't copied on
16 this, but, Registrar, if we could call that out
17 and, Mr. Field, I'll just give you an opportunity
18 to review what Mr. Moore's e-mail says.

19 A. Right, okay.

20 Q. So, appreciating that you
21 weren't copied on this e-mail, were you otherwise
22 aware of Mr. Moore having a negative reaction to
23 the outstanding business list item related to
24 lighting?

25 A. No, not that I recall.

1 Q. And Mr. Moore makes a
2 number of points here, five. They appear to be
3 related to the lighting and consideration of
4 lighting. You told us before that you had some
5 conversations with Mr. Moore throughout CIMA's
6 study in 2013?

7 A. Correct.

8 Q. Had any of the points in
9 items 1 through 5 been ideas that Mr. Moore
10 expressed to you in those conversations?

11 A. In a way, yes, but not
12 within the exact same method. So, he's making
13 reference to:

14 "1) the road was approved
15 environmentally not only
16 without lighting, but
17 specifically not to have
18 it."

19 That is familiar to me.

20 "2) the road geometrics
21 were done with no
22 lighting required."

23 I don't know what that means.

24 "3) there are constraints
25 that precluded the

1 erection of lighting on
2 several ramps."

3 I think that that is a
4 reference to comments that I had made before about
5 the Hydro One line and the bridge. And then:

6 "4) it is not recommended
7 in any way, shape or form
8 to erect lighting on a
9 partial basis."

10 I'm not sure what that means.

11 "5) we can't afford it."

12 I don't understand that
13 statement.

14 So, partially, it's in line
15 with my understanding, but definitely not
16 identical to that.

17 Q. Thank you, Registrar. We
18 can close that call out and we can close out that
19 document as well.

20 Were you aware that the 2013
21 CIMA report was revised after the November 18
22 Public Works Committee meeting?

23 A. The CIMA report was
24 revised after?

25 Q. Yes.

1 A. No, no.

2 Q. It's not something you
3 were involved in?

4 A. No.

5 Q. Now jumping forward a few
6 years in time, Registrar, if we could call out
7 overview document 6, page 139.

8 So, now we're into
9 February 2015 and you'll see in paragraph 403
10 there Mr. Ferguson e-mailed Mr. Cooper, copying
11 Jason Worrone, regarding the RHVP, and he asked
12 Mr. Cooper to prepare an update report for the
13 RHVP based on the action items identified in the
14 previous report and identify what had been
15 completed, along with action items still to be
16 completed.

17 And so, as I understand it,
18 the previous report being referred to here is the
19 staff report that was submitted to the Public
20 Works Committee in November 2013 related to the
21 2013 CIMA report.

22 A. Okay.

23 Q. Up to this point, as of
24 February 2015, what involvement had you had with
25 the action items that had been identified in the

1 report, if you had had any?

2 A. I don't think I had any
3 involvement in it. The lighting components were
4 longer-term action items from what I recall and
5 the majority of the action items were traffic
6 operations related, pavement markings and signage.

7 Q. So, it had been primarily
8 traffic that were implementing the countermeasures
9 that had been approved and this would be for them
10 to report back?

11 A. Correct. I don't recall
12 having any direction or undertaking any actions
13 within that timeframe from installing or modifying
14 lighting on the Red Hill.

15 Q. And there was that
16 outstanding business list item related to
17 lighting, so was there any action items for you in
18 relation to that outstanding business list item?

19 A. Yeah. I don't recall and
20 I'm not fully up to speed whether or not that
21 action item or that OBL item was recorded for
22 engineering services or for the traffic area.

23 Q. Okay. Registrar, if we
24 could call up the next page as well.

25 And, Mr. Field, you'll see in

1 paragraph 405, on February 27, Ms. Cameron
2 e-mailed you with the subject line "Report, Red
3 Hill Valley Parkway Improvements Lighting," which
4 is the name of that outstanding business list
5 item. It says "he wrote," but it's actually she
6 wrote. This is an e-mail from Ms. Cameron to you
7 and she writes:

8 "Did you e-mail Dave
9 Ferguson? If so, can you
10 send me a copy?"

11 A. Okay.

12 Q. The same day, you replied
13 writing:

14 "Not yet. I will send an
15 e-mail over the weekend
16 and copy you on it. I
17 briefly discussed it with
18 Gordo today."

19 Which I think should be "with
20 Gordo"?

21 A. With Gordo, yeah.

22 Q. And that's Mr. McGuire?

23 A. Yes.

24 Q. Do you know why

25 Ms. Cameron was asking if you had e-mailed

1 Mr. Ferguson?

2 A. No. I don't specifically
3 recall, but I think it does go back to what I was
4 just discussing about who was the owner of the OBL
5 item and this is kind of leading me to believe
6 that it was with the traffic section and perhaps
7 e-mailing David Ferguson about that or asking for
8 some clarification related to that OBL item.

9 Q. It appears to me that
10 it's connected to the updated report and I think
11 that's what you just said. It's connected to the
12 report back to Public Works Committee?

13 A. Yes. Yeah. Yeah, I
14 agree.

15 Q. Specifically the lighting
16 piece?

17 A. Yeah. Yeah, obviously
18 it's right there within the subject line.

19 Q. And do you recall what
20 you and Mr. McGuire had discussed earlier that
21 day?

22 A. No, I do not. No.

23 Q. Did you e-mail
24 Mr. Ferguson over the weekend?

25 A. I do not know.

1 Q. And then, Registrar, if
2 we could keep up page 140 and also pull up
3 page 141.

4 So, you'll see there at the
5 bottom of the page 140 on to page 141 it says that
6 Mr. Ferguson e-mailed Mr. Moore and you, attaching
7 a draft of the update report, and he wrote:

8 "As per our discussion
9 last week, please find
10 attached the info report
11 we have done on the RHVP.
12 Please feel free to
13 add/modify the
14 information with respect
15 to lighting. Report is
16 due to Geoff on Friday."

17 What was the discussion
18 Mr. Ferguson was referring to?

19 A. Is it possible to look at
20 that draft report, because this doesn't --

21 Q. Sure.

22 A. I need a bit more --

23 Q. Yeah, we can call that
24 up. That's HAM24142.

25 A. Okay. I think I recall

1 this one. Lighting shows up on the end of the
2 last table or the bottom of the table?

3 Q. Sure. Registrar, if we
4 could scroll through images 3 and 4.

5 And you'll see there in that
6 last paragraph that it talks about the lighting?

7 A. Right. Okay. And then
8 lighting does appear elsewhere, does it not, in
9 this? Maybe not.

10 Q. It's only four pages and
11 these are the four pages.

12 A. Okay. Okay. Yes, I do
13 recall vaguely the conversation with Dave related
14 to the installation of cat's eyes as a navigation
15 aid for drivers.

16 Q. And, Registrar, if we
17 could call out that last paragraph. Thank you.

18 And it talks about that the
19 cat's eyes had been installed in January 2015 and
20 there had been positive feedback since the
21 implementation and that as a result it was
22 recommended that Red Hill Valley Parkway
23 improvements on lighting be removed from the
24 Public Works outstanding business list.

25 Do you recall a discussion

1 with Mr. Ferguson about that?

2 A. Yes, I do. Yeah. Or not
3 a specific discussion, but I recall the subject.

4 Q. And was this report
5 drafted by traffic?

6 A. It was drafted by
7 traffic. I had no involvement in the drafting of
8 this report.

9 Q. Was the recommendation
10 that lighting be removed from the OBL, was that
11 traffic's recommendation or your group's
12 recommendation?

13 A. I wouldn't have made that
14 recommendation, nor engineering services wouldn't
15 have made that. From my perspective, that would
16 be a traffic recommendation.

17 And, you know, the context
18 here is that going back to the CIMA report and the
19 number of countermeasures and the subject at hand
20 about drivers's comfort and navigation, taking
21 back to that original motion back in 2013, that
22 cat's eyes are a countermeasure that can be used
23 to improve the visibility of the road. So, I
24 would view this as being a less expensive option
25 than installing lighting that is still attending

1 to the same objective here, which is to provide
2 positive guidance for motorists.

3 Q. So, you don't think or,
4 sorry, you think you wouldn't have made that
5 recommendation or engineering services wouldn't
6 have made that recommendation?

7 A. No.

8 Q. Notwithstanding the fact
9 that it says lighting?

10 A. My experience is not
11 safety related. My role and responsibility is not
12 safety related. Anything related to traffic
13 engineering and traffic safety is completely
14 within the purview of the traffic area. My
15 responsibility is to design and install lighting,
16 and I would look to traffic not only in this
17 scenario but in other scenarios where they,
18 through collision analysis or otherwise,
19 identified that lighting would be or could be a
20 countermeasure that could solve a problem that
21 they're identifying, in which case I would take
22 that and then I would be involved in the
23 implementation of that as a countermeasure.

24 So, as far as this
25 recommendation of one countermeasure replacing

1 another countermeasure, definitely I have no
2 involvement or, in many ways, authority to make
3 that determination.

4 Q. Okay. But if there were
5 discussion about whether to install lighting at
6 the decision making point and then the
7 implementation point, that's a conversation that
8 you would expect to be involved in?

9 A. Yeah. So, the decision
10 to install lighting, I would abdicate that from a
11 safety perspective, I would abdicate that to the
12 traffic area. And then where I would come in,
13 like you mentioned, I would be involved in the
14 engineering, construction, and my counterpart,
15 obviously Peter Locs, in the operations and
16 maintenance as a new asset. So, that's kind of
17 the separation between the traffic
18 responsibilities and my responsibilities in
19 engineering services.

20 Q. So, traffic was
21 responsible for the decision to install and then,
22 after that point, you would have been involved or
23 your group would have been involved in how that
24 decision about installation gets implemented?

25 A. Correct. And in context

1 of that work and in recognition that safety is not
2 within my job description or my realm or
3 responsibility here, I'm rather impartial to any
4 decisions related to one countermeasure or
5 another. And if they determine that lighting was
6 the best solution for a situation, then I would be
7 more than welcoming of that and action that
8 from -- in alignment with my role and
9 responsibility at the City.

10 Q. Registrar, if we could
11 call up RHV570. This is the final version of the
12 update report. And if we could go to the last
13 image. I don't remember how many pages there are.
14 Four as well. If we could go to image 4,
15 Registrar.

16 So, you'll see there, if we
17 could call out that last paragraph, Mr. Field, in
18 the final report that gets submitted to council,
19 that recommendation is not included to remove
20 lighting from the OBL.

21 A. Okay.

22 Q. Do you have any insight
23 or did you have any involvement in that?

24 A. No, no. No. Is this an
25 information update? Sorry, information report?

1 Q. I believe it is, yes.

2 A. Yeah. So, in order to
3 make a recommendation to remove it from OBL, it
4 would need to be a recommendation report, so
5 legislatively they're not able to make a
6 recommendation within this type of report anyway.

7 Q. And that would include
8 removing items from the OBL?

9 A. Correct. You can't
10 recommend in an information report.

11 Q. Okay. Okay. Thank you.
12 Registrar, if we could move to overview
13 document 7, pages 13 and 14.

14 So, Mr. Field, at that same
15 meeting that that report was presented at, which
16 was on May 21, 2015, the Public Works Committee
17 passed -- sorry, Registrar, it's just 13 and 14.

18 So, you'll see, Mr. Field,
19 that at the same meeting where the update or the
20 information report was provided to the Public
21 Works Committee, the Public Works Committee also
22 passed a motion recommending that staff be
23 directed to investigate upgrading the lighting --
24 sorry. That staff be directed to investigate
25 additional safety measures for the Red Hill Valley

1 Parkway and the Lincoln Alexander Parkway, such as
2 additional guide rails, lighting, lane markings or
3 other means to help prevent further fatalities and
4 serious injuries and report to the Public Works
5 Committee with recommendations by December 7,
6 2015.

7 Do you recall this motion by
8 the Public Works Committee?

9 A. No, I don't recall it
10 specifically. No.

11 Q. And this motion led to a
12 second safety review of the Red Hill in addition
13 to a review of the LINC that was going on -- that
14 was being conducted by CIMA at the same time. And
15 the Red Hill report is what we refer to in the
16 inquiry as the 2015 CIMA report, and that report
17 was eventually submitted to the Public Works
18 Committee meeting in 2015.

19 Were you aware that CIMA was
20 retained to conduct an RHVP safety review in 2015?

21 A. I don't specifically
22 recall that I was, but I do know that I was -- I
23 don't recall my involvement in this 2015 one, if I
24 had any involvement at all or knowledge of it.
25 I'm taking note that it's making reference to

1 lighting within that term there, but along the
2 same lines as other collision countermeasures,
3 like guide rails and markings and everything, so
4 it's a comprehensive review to look at all
5 factors.

6 But I don't recall
7 specifically what my level of knowledge was on
8 this request or this recommendation from council
9 and then retaining CIMA to do another study. And
10 I don't think that I was involved in that 2015
11 study in the same capacity that I was for the 2013
12 study in that being a stakeholder or being
13 involved as part of the project team.

14 Q. Our understanding is that
15 this was overseen by the traffic group, so the
16 same group that oversaw the 2013 CIMA report.

17 A. Okay.

18 Q. And, as you can see here
19 in paragraph 39, one of the items that was
20 specifically requested by council was lighting in
21 addition to additional guide rails, lane markings
22 or other means.

23 And I'll just take you to an
24 e-mail. If you look in -- sorry, Registrar, if we
25 could call up images 12 and 13.

1 You're not copied on this
2 e-mail, but it's an e-mail from Mr. Malone to
3 Mr. Applebee there in paragraph 35 and it's
4 referencing a conversation that Mr. Malone had
5 with Mr. Ferguson just prior, about a week prior,
6 to this motion being passed.

7 And you'll see there in the
8 bottom of the first call out that it says:

9 "The review would be for
10 the RHVP and would
11 include areas towards the
12 escarpment where lighting
13 is absent, essentially a
14 repeat of the previous
15 work with a recognition
16 that the answer with
17 respect to lighting is
18 not simply no as it was
19 previously."

20 Appreciating that you're not
21 copied on this but it appears from the documents
22 that traffic staff were aware that the answer
23 regarding lighting wouldn't simply be no, given
24 that, does it surprise you that you weren't looped
25 in or would you have expected to be included in a

1 review where the answer regarding lighting was not
2 simply no?

3 MS. CONTRACTOR: I'm sorry to
4 interrupt, Mr. Commissioner, but I don't think
5 it's a fair characterization of that e-mail to
6 suggest that traffic staff were aware that the
7 answer regarding lighting would simply be no.
8 This is an internal CIMA e-mail, so it's
9 Mr. Malone's understanding of what Mr. Ferguson
10 may have told him. I don't think it's fair to say
11 that traffic staff in general were aware that it
12 would simply be no, just to be fair to the witness
13 as we summarize that e-mail.

14 JUSTICE WILTON-SIEGEL: I
15 think we're getting into a fair subtlety here, but
16 I think the question can simply be put in the
17 context of this proposed review. Would he
18 expected to be looped back in or to have some
19 involvement given his prior involvement, I think
20 that's the question that's being asked, is it not?

21 MS. HENDRIE: Yes, it is.
22 Thank you, Commissioner.

23 JUSTICE WILTON-SIEGEL:
24 Perhaps we could put the question in those terms.

25 MS. HENDRIE: Sure.

1 MS. CONTRACTOR: Thank you.

2 BY MS. HENDRIE:

3 Q. Registrar, we can end
4 this call out.

5 Mr. Field, given your prior
6 involvement in the 2013 CIMA report, would you
7 have expected to be involved in a similar capacity
8 in the 2015 CIMA report and CIMA review?

9 A. Did this involve both the
10 LINC and the Red Hill together?

11 Q. So, there were two
12 separate reviews that was done by CIMA that
13 resulted in two different reports. At the time of
14 the 21st meeting, the LINC review was underway and
15 this motion was specifically directed towards the
16 Red Hill.

17 A. Okay. Thank you for
18 that. I don't think that I needed to be involved
19 in this. You know, I'm look back on this and I'm
20 not too sure what I could contribute to this
21 discussion because it is noting that it's a
22 follow-along to the 2013 work. So, as I
23 mentioned, my role is more along the engineering
24 and design of street lighting, not about the
25 determination of if it's required from a safety

1 lens.

2 So, based on the motion or,
3 sorry, not the motion but the direction from
4 council, it most definitely is talking about crash
5 mitigation or, you know, collision analysis. And
6 like I mentioned earlier, I'm kind of an impartial
7 observer of this. My interest comes in to when I
8 would be involved in implementing the design and
9 construction of lighting.

10 So, in terms of this
11 particular assignment, I'm not really sure what I
12 would have been able to offer beyond what I
13 already offered as far as the built-in structures
14 and standards, that sort of thing. They already
15 had that in hand. Related to this assignment, it
16 does look to me like it's purely a traffic safety
17 type assignment.

18 Q. And the staff report that
19 was submitted to council as a result of the 2015
20 CIMA review, did you have any involvement in the
21 preparation or review of the staff report?

22 A. Not that I recall.

23 Q. Did you have any
24 discussions with any of the staff in traffic
25 regarding CIMA's findings or conclusions?

1 A. Not that I recall, no.

2 Q. Registrar, if we could
3 call up HAM702. Thank you.

4 So, this is the final Red Hill
5 Valley Parkway Detailed Safety Analysis that CIMA
6 prepared. I just wanted to take you to one part
7 of the report.

8 Registrar, if we could go to
9 images 56 and 57.

10 So, here, section 9.1.10 is
11 included in the Options for Consideration section
12 of CIMA's report. Thank you. I'll just give you
13 a moment to review that. The first sentence there
14 says:

15 "The collision review
16 found that the proportion
17 of non-daylight
18 collisions is higher than
19 provincial and municipal
20 averages and a review of
21 MTO's policy and warrants
22 indicated that continuous
23 illumination is warranted
24 in the study area."

25 And then there's discussion of

1 the other factors related to lighting there.

2 A. I recall this for one
3 reason specifically, and it is a glaring mistake
4 as far as I'm concerned.

5 Q. Okay.

6 A. \$810,000 to install
7 lighting on Red Hill is substantially understated.
8 To install lighting on the Red Hill is into the
9 millions. And, like I mentioned before, having an
10 understated value of the implementation cost
11 really impacts the benefit to cost ratio output.

12 I recall this, seeing this
13 number, after the fact, after it was presented to
14 committee, and was surprised by how understated
15 the cost estimate for installing lighting was.

16 Q. You weren't aware of this
17 at the time but it was sometime after the 2015
18 report was submitted to council?

19 A. Correct.

20 Q. Thank you. Registrar, we
21 can end that call out.

22 And you'll see there in the
23 summary table on page 50 installing continuous
24 lighting is listed as a long-term solution there
25 with a cost of \$810,000?

1 A. Correct, and then a
2 reference being made to more evaluation with
3 reference to EA.

4 Q. And do you recall if you
5 had any discussion with Mr. Moore about the CIMA
6 2015 report?

7 A. No, I don't recall. I
8 don't believe I had any.

9 Q. Okay. Thank you. I note
10 that I've gone just slightly past our scheduled
11 lunchtime. It's 1:04 and I'm moving on to a
12 different topic now, so perhaps we should take our
13 lunch break.

14 JUSTICE WILTON-SIEGEL: Okay.
15 We'll return at 2:20.

16 --- Luncheon recess taken at 1:04 p.m.

17 --- Upon resuming at 2:21 p.m.

18 BY MS. HENDRIE:

19 Q. So, Mr. Field, before the
20 lunch break we left off talking about the 2015
21 CIMA report that was submitted to council or that
22 was submitted to council at the December 7, 2015
23 Public Works Committee meeting.

24 Registrar, if we could call up
25 CIM17450.1 and if you could call up images 1 and 3

1 of this document.

2 It's to two-page report,
3 Mr. Field, but it's scanned, so image 2 is just a
4 blank page. While we're waiting for --

5 THE REGISTRAR: Sorry, 14?

6 MS. HENDRIE: 17450.1.

7 THE REGISTRAR: Thank you.

8 BY MS. HENDRIE:

9 Q. Mr. Field, this is a
10 report that was submitted by Mr. Moore at the
11 September 19, 2016 Public Works Committee meeting.
12 It's an information report.

13 Registrar, if we could call up
14 images 1 and 3 of this document, that will give us
15 the full report.

16 You'll see there under Council
17 Direction on image 1, it references the
18 December 7, 2015 Public Works Committee meeting
19 and that staff were directed to report back to the
20 PWC with information about the costs and process
21 of investigating an improved lighting system on
22 the Red Hill Valley Parkway and the LINC. And
23 that came as a response to the Public Works
24 Committee's review and discussion on the LINC and
25 Red Hill Valley Parkway safety reviews that CIMA

1 did.

2 A. Okay.

3 Q. So, I take it, based upon
4 the fact that this report was submitted by
5 Mr. Moore, that this lighting item arising from
6 the December 7 meeting, that was something that
7 engineering services was responsible for?

8 A. Yeah. The process of
9 investigating an improved lighting system and then
10 we are reporting back, we being engineering
11 services, to close out that request with this
12 report, which details how that could be
13 undertaken.

14 Q. And specifically within
15 engineering services, it was your section, the
16 geomatics and corridor management section?

17 A. Correct. It's being
18 prepared by -- I was the primary author and
19 jointly with Gord McGuire as the secondary author
20 and we were in the geomatics corridor management
21 section in engineering services, correct.

22 Q. You just said you were
23 the primary drafter of the report?

24 A. Yes, yeah.

25 Q. And what was

1 Mr. McGuire's role in the preparation of the
2 report?

3 A. He was secondary, so he
4 was the manager of the section and so he would
5 have been a contributor to the report, but I was
6 the primary writer, from what I recall, and it
7 would have gone through him for additions or
8 revisions or subtractions before it was submitted
9 on to the director for his review and approval.

10 Q. So, you took a first cut
11 at writing the report and then you would have
12 presented that to Mr. McGuire and he would have
13 provided any comments if he had any?

14 A. Correct.

15 Q. And then from there, once
16 it was approved by Mr. McGuire, it would have gone
17 up the chain to Mr. Moore. Is that right?

18 A. Correct. There's a
19 formal process for preparing and submitting
20 reports from the initial report writer to the
21 manager to the director to the general manager.

22 Q. What was Mr. Moore's role
23 in preparing the report?

24 A. He was, as kind of
25 described on here, the submitter of the report to

1 Public Works Committee, but also as a signatory,
2 the approver of this report, so that's kind of --
3 you know, he has the responsibility to make sure
4 that the report is fulsome in attending to
5 whatever item, in this case, a requirement from
6 Public Works Committee to report back on
7 something, so he has overall responsibility of
8 kind of the closeout of this kind of report.

9 Q. On the first image, the
10 last paragraph, Registrar, if we could call that
11 out, where it starts with:

12 "The original
13 environmental
14 assessments, EA,
15 completed for the LINC
16 and RHVP included a
17 review of lighting. It
18 was identified that
19 through the Red Hill
20 Creek Valley that
21 lighting would have a
22 detrimental environmental
23 impact and lighting
24 restrictions were
25 imposed."

1 As I understand it, did you
2 write this content in the report?

3 A. I believe that I was the
4 author of this content in this report and most of
5 it.

6 Q. And what did you base the
7 statement that lighting restrictions were imposed?
8 What was that based on?

9 A. So, this was based on
10 conversations and information that had been
11 delivered to me directly from Gary Moore to Gord
12 McGuire and myself based on his knowledge and
13 experience of the preparation of the EA and the
14 design of the Red Hill.

15 Q. And what information did
16 Mr. Moore deliver to you and Mr. McGuire?

17 A. I don't recall
18 specifically. I believe he provided a -- he did
19 not provide the EA to us, but he did provide a
20 supplementary document that, I believe, it's the
21 Lura Consulting document that discusses the
22 environmental constraints or the environmental
23 components of that EA. I recall receiving that
24 from Mr. Moore.

25 Q. Did you ask Mr. Moore to

1 provide you with the original EA or the full EA?

2 A. No, I did not ask him for
3 the EA. You know, my understanding was that he
4 was the City's engineer. He was deeply involved
5 in the design of the Red Hill and he was, you
6 know, my, in this instance, still being a project
7 manager, my boss's boss's boss, so I took him on
8 that basis based on what he was telling me, that
9 that was accurate and was good enough to include
10 in this report.

11 In the Lura Consulting
12 content, despite not seeing the EA or asking for
13 it, was in alignment with what this discussion was
14 having here about what he had told me about it, as
15 that document identifies the environmental
16 concerns of lighting on the Red Hill, so those two
17 things kind of combined in my mind was
18 satisfactory.

19 Q. Okay. Thank you.
20 Registrar, if you could close out that call out
21 and -- sorry, if we could re-call up that. I was
22 off on my reference.

23 In the last sentence or the
24 last two sentences say:

25 "Decisions regarding

1 adding lighting on the
2 LINC and/or RHVP would
3 require renewing and
4 updating the original EAs
5 so that the impacts of
6 lighting could be
7 re-examined. It would be
8 prudent to delay any such
9 EA review so that it may
10 be coupled with other
11 proposed changes, such as
12 widening of the LINC/RHVP
13 to six lanes."

14 Did you also write that
15 content in the report?

16 A. Yeah. I would say that I
17 wrote that in the report, but I think I mentioned
18 earlier my experience and my input into EAs was
19 limited and this content, similar to the sentence
20 above it, was based on information that I was
21 given by Gord or a combination of -- sorry, Gary
22 Moore or a combination between Gord McGuire and
23 Gary Moore, so I wouldn't have any insight into,
24 say, the widening of the LINC or Red Hill or
25 anything like that. This would have been

1 information that was provided to me to aid in
2 writing this report.

3 Q. So, the information about
4 it being prudent to delay any such EA review, that
5 was information that was provided to you either by
6 Mr. Moore or Mr. McGuire?

7 A. Correct.

8 Q. And the timing here, what
9 was your understanding of what the timeline would
10 be for the other proposed changes, such as the
11 widening?

12 A. That's hard to answer.
13 I'm not too sure if I can recall what my
14 understanding of the timing would be at this
15 moment in 2016, but I believe there was revision
16 or a renewal of the transportation master plan
17 that had something to do with determination of the
18 expansion of the LINC and Red Hill, but I don't
19 recall specifically or can comment on what my
20 knowledge was at that very moment.

21 Q. And what was your
22 understanding of why looking into the EA should be
23 delayed?

24 A. The EA is a considerable
25 undertaking and an EA would be required to look at

1 the other work or look at widening or any other
2 changes to the LINC and Red Hill, so this is just
3 making reference to those two things should be
4 combined together. And then this discussion also
5 shows up with a bit more expanded explanation
6 within the CIMA report that I undertook, which did
7 a deeper dive into the implications of the EA or
8 undertaking another EA.

9 Q. We'll come to that.
10 Registrar, if we could end that call out now and
11 if we could call out the last paragraph on
12 image 2.

13 So, this paragraph references
14 that the study that CIMA or the work that CIMA had
15 done looking into lighting, there was a more
16 fulsome review and business analysis required in
17 order to understand the benefits, risks and
18 challenges of adding continuous lighting and that
19 the approximate cost of that study would be
20 \$100,000?

21 A. Correct.

22 Q. In drafting this
23 paragraph, what did you understand the more
24 fulsome review would include or would involve?

25 A. Yeah. An

1 all-encompassing review to understand what
2 implementation of lighting would take, so I made
3 reference to the EA, so what did that actually
4 mean? What were the parameters within the EA or
5 not? What were those design constraints? How can
6 we satisfy them?

7 We spoke earlier about some of
8 the physical design challenges of things like the
9 Hydro One line or otherwise, to deal with those
10 ones, and to have, you know, a succinct
11 understanding of what it would be and what would
12 be involved in undertaking a large project, like
13 installing lighting on the Red Hill.

14 So, the other two studies just
15 kind of touched on it on a higher level
16 perspective and then this study would dive really
17 deeply into understanding all of the
18 considerations and needs for doing this large of a
19 project.

20 Q. Registrar, if we could
21 close out this call out and go back to overview
22 document 7, page 109.

23 You'll see here, Mr. Field,
24 that as a result of the report that we just looked
25 at, there was a motion passed by the Public Works

1 Committee and in that item B was that staff be
2 directed to undertake a comprehensive study of
3 lighting opportunities on the RHVP at an estimated
4 cost of \$100,000 and that the matter be referred
5 to the 2017 capital budget process for
6 consideration.

7 So, am I correct that the
8 referral to the capital budget process, was that
9 the funding for the study?

10 A. Correct. So, the report
11 that we put forward was an information report. We
12 didn't make any recommendations or anything. It
13 was just kind of answering the question: What
14 would be required? And the conclusion of that was
15 another study needed to be done, so this is
16 council's reaction to that saying, okay, you have
17 our permission, our direction, to do that and
18 submit the funding for that project for
19 consideration as part of the 2017 capital budget
20 deliberation process.

21 Q. So, the green light for
22 the study, but you didn't have the money in order
23 to be able to action that study. Is that right?

24 A. That is correct. So, B
25 is direction to undertake the study, and C is a

1 request to or direction to make a request for
2 funding to undertake the study.

3 Q. So, once the money comes
4 in, you've already got the green light to initiate
5 the study. Right?

6 A. That's correct, yes.

7 Q. And I note that in this
8 direction there's no date that council asked staff
9 to report back by this time. What was your
10 understanding of what the timeline of the project
11 would be once funding was awarded?

12 A. Yes. There's no date to
13 report back on and council will sometimes add
14 dates into the motions if they can define a
15 timeline that they want to report back. This one
16 doesn't have it.

17 So, obviously motions with
18 deadlines baked into the motion obviously have
19 priority over ones that do not, so this one
20 doesn't include that kind of completion date on
21 it. So, in terms of the timelines for completion,
22 obviously it could not be undertaken pre-2017, so
23 go through the process to acquire the funding and
24 then undertake the project from there on off, but
25 I didn't have -- there was no indication as far as

1 what the timeline was to wrap this up, but all
2 things considered, though, you know, you want to
3 undertake or follow up with the direction of
4 council in a timely manner.

5 Q. Registrar, if we could
6 call up HAM44429.

7 So, this is a 2017 to 2041
8 capital budget project detail sheet and the
9 project name there is "Lincoln M. Alexander and
10 Red Hill Valley Parkway Lighting Study." Am I
11 right that this is the capital budget request that
12 would flow from that motion that we just looked
13 at?

14 A. That's correct, and this
15 sheet was prepared or would have been prepared
16 after that council meeting in 2016 and then
17 submitted as part of the 2017 capital budget
18 deliberation process for counsel.

19 Q. Was it you that would
20 have prepared this budget sheet or somebody else
21 in another division?

22 A. I would have aided in
23 preparing this, but I wouldn't directly prepare
24 this budget sheet. This would be other staff in
25 engineering services that are more on the

1 financial side.

2 Q. And in terms of when the
3 timing on when the capital budget would have been
4 approved, when in the year does that happen?

5 A. The capital budget
6 deliberations typically occur within the latter
7 part of the year, and I believe that in 2017 the
8 capital budget was approved by council in late
9 December 2016.

10 Q. Okay. So, it was
11 approved in late 2016 for the 2017 year. Is that
12 right?

13 A. Correct.

14 Q. So, engineering services
15 would have had and your group would have had the
16 green light in terms of the funding or in terms of
17 the council motion to conduct the study and now
18 you would have had the funding as of late 2016?

19 A. The funding wouldn't
20 become active until 2017, so it is to be spent
21 within the timeframe or within, sorry, beginning
22 in 2017. There's some other factors on the
23 backside or the back end of the process where
24 these budgets need to be loaded by the financial
25 section before they're available to us or anyone

1 who wants to spend a budget for that to be loaded.
2 So, I believe that the budget was loaded for 2017
3 in early to mid-January, and then after that would
4 have been loaded, then we would have had the
5 ability to spend against it.

6 Q. So, early 2017, what
7 steps at that point, once funding had been
8 approved, did staff take, did you take, to
9 initiate this, the consultant review?

10 A. We did not start this
11 consulting review for quite some time. During
12 this timeframe, we were undertaking -- the street
13 lighting section was undertaking a large project
14 where we were retrofitting 20,000 street lights
15 from old technology to LED technology, and that
16 was consuming the street lighting section beyond
17 100 percent capacity and it was understood within
18 the management team and with council as well that
19 that LED retrofit project was a priority for
20 Public Works. And in conversations of preparation
21 for the beginnings of that project, which the
22 planning started in 2015, that because of the
23 resourcing needs and the prioritization of that
24 project, that it was noted that other projects
25 that the street lighting team would undertake

1 would be or could be delayed because of the
2 prioritization and the needs of the larger LED
3 protect, so that caused delay to undertaking this
4 study until the point in time in which the large
5 LED retrofit project, I would define it kind of
6 towards the end of it where resources started
7 freeing up. So, that, like I mentioned, created a
8 delay for the ability for us to undertake a
9 consulting assignment while we were doing that
10 large project.

11 Q. Is that the LAMP project?

12 A. Correct. The acronym for
13 it was LAMP, that's right.

14 Q. And you said it was
15 noted. Is that something you noted as the project
16 manager?

17 A. In this point in time,
18 so -- yeah, I was making the transition from
19 project manager to senior project manager in 2017,
20 I believe, and through the -- so, we had
21 undertaken another previous retrofit in 2015 and
22 this was phase 2 of that, so that after this
23 project, all of the street lights across the City
24 would be upgraded to LED.

25 And through the development

1 and, I'll call it, the project design of these
2 projects, resourcing needs was discussed at the
3 manager and director level and it was identified
4 during those discussions about what projects took
5 priority over others and identifying that the LAMP
6 project took priority over all, unless directed
7 otherwise.

8 Q. Who identified that the
9 LAMP project had --

10 A. It would have been with
11 my manager, Gord McGuire, and the director, Gary
12 Moore. However, this project or the LAMP project
13 also had within Public Works identified as a
14 priority project and I believe Public Works
15 Committee and council had an understanding that it
16 was an important project as well.

17 The output of this project was
18 considerable. The street lighting system at that
19 moment in time was beyond its moment in life and
20 retrofitting the LED provided a lot of cost
21 savings from an energy perspective, but also a
22 maintenance perspective. And on top, we had
23 applied for a provincial incentive through the
24 IESO of, I believe it was around \$1.5 million,
25 which is a time-sensitive based energy incentive

1 as well.

2 Q. So, did Mr. McGuire
3 expressly direct you not to begin the consultant
4 review project pending the LED update project? Is
5 that right?

6 A. No, I wouldn't say -- I
7 wouldn't phrase it that way, expressedly gave me
8 direction not to do this, but it was just
9 understood that all -- you know, this was the
10 focus of the street lighting group and
11 acknowledged that other projects would be delayed
12 because of it, and this one would be included as
13 part of that.

14 Partway through undertaking
15 the LED project, we also did a business analysis
16 of accelerating the project to finish it earlier,
17 and that was a cost-based decision, and I prepared
18 a business case and submitted it for acceleration
19 to Gord McGuire and Gary Moore. As part of that
20 business case, it reaffirmed or reidentified that
21 other initiatives that street lighting would be
22 responsible for would be or could be impacted by
23 this even further, because, like I mentioned,
24 undertaking that retrofit project was consuming
25 over 100 percent of our ability within our group.

1 Q. And you talked about
2 council being aware that or council knowing that
3 this was a priority project. Was council aware
4 that other projects within lighting, the lighting
5 sphere, could or would be impacted by the order of
6 priority?

7 A. I would say not
8 explicitly that they had awareness of that, but I
9 think it is understood for priority projects that
10 they do sometimes consume more resources than
11 others.

12 Conversely, the original
13 motion to undertake the lighting study would be
14 recorded on the OBL. I don't know what the
15 original OBL report backdate was listed as, but
16 any changes to the report backdate would be
17 brought forward to council during Public Works
18 Committee to revise the OBL report backdate, so
19 they would have visibility of the OBL date for
20 this report changing.

21 Q. Did the Public Works
22 Committee that had directed this, did they know
23 that this specific project would be delayed?

24 A. Explicitly, I would say
25 that was not reported to them, no. But

1 inadvertently through the changes with the OBL
2 report backdate, they would have seen that because
3 in fact they have to approve the changes to the
4 OBL report back dates at committee and reaffirm it
5 at council.

6 Q. Thank you, Registrar. If
7 we can close out this document and if we can go to
8 overview document 8, pages 33 and 34.

9 So, Mr. Field, we will now be
10 in December 2017.

11 Registrar, if we can call up
12 paragraphs 86 and 87. Thank you. Just those two
13 paragraphs. Thank you. Yes.

14 So, you'll see here,
15 Mr. Field, that in paragraph 87 there was a
16 lighting item added as a result of the Public
17 Works Committee meeting held on December 4, 2017
18 and that item is identified as:

19 "Staff were directed to
20 report back to the Public
21 Works Committee on the
22 cost of installing
23 brighter lights on the
24 southern portion of the
25 Red Hill Valley Parkway."

1 And this is not included in
2 this call out. It's on page 34. And that the
3 report also addressed what, if any, impact the
4 brighter lighting may have had on the
5 environmental assessment currently in place for
6 the Red Hill Valley Parkway.

7 Thank you. Registrar, if we
8 could go a few pages backwards, page 31. Thank
9 you.

10 In paragraph 76, so this is
11 the same day, December 4, Ms. Cameron, that's
12 Diana Cameron, e-mailed Mr. McGuire and you
13 regarding the lighting on the Red Hill Valley
14 Parkway and she indicates that the motion was
15 coming from Councillor Connelly who was requesting
16 the information report, because he said he still
17 gets complaints.

18 Do you recall being aware of
19 ongoing complaints about the Red Hill Valley
20 Parkway lighting at this time?

21 A. No, I do not.

22 Q. Those weren't coming into
23 your office?

24 A. Not that I recall.

25 Q. Ms. Cameron's e-mail

1 says:

2 "I spoke to Mike and
3 since Martin is doing a
4 report for January 15
5 that is responding to
6 five previous motions
7 that includes barriers,
8 he feels a coordinated
9 effort is required. I
10 suggest, Gord, that you,
11 Mike and I sit down and
12 put something to Martin
13 copying in Gary and John
14 Mater. John was approved
15 by the committee to hire
16 the consultant, but he
17 thinks the EA might have
18 to be updated."

19 Then she asks if you have any
20 additional information. Do you recall a
21 discussion with Ms. Cameron around this time?

22 A. I vaguely recall a
23 conversation, yes.

24 Q. And what do you recall
25 about that discussion?

1 A. This is the motion from
2 Councillor Connelly. It's the second motion in
3 addition to the one that was already on the OBL.
4 I believe I was in committee that day when he made
5 this request. There was another report that was
6 in Public Works that day that was unrelated to
7 lighting but was related to traffic safety, I
8 believe, on the LINC or Red Hill and I think he
9 just asked this question and formed a motion based
10 on his question.

11 There was, back in that time,
12 from what I recall, a lot of questions and OBL
13 items and that sort of thing related to the Red
14 Hill. And you can see I'm making reference to
15 five previous motions, so I was just suggesting
16 that since there's so much activity occurring,
17 that to have a fulsome response to committee would
18 be of benefit; therefore, a coordinated effort to
19 kind of deal with all of Red Hill related
20 questions, because they're all really within the
21 same kind of theme.

22 Q. So, you understood what
23 Councillor Connelly was looking for to be on the
24 same theme as what Martin White was dealing with?

25 A. Not necessarily exactly,

1 but it's all within the theme of safety and safe
2 travel of the Red Hill. That's what I meant by
3 that. His motion was specific to lighting, but
4 was brought up at a Public Works Committee
5 meeting, from what I recall, that had a traffic
6 safety report on the Red Hill.

7 Q. But his motion was
8 specific just to the lighting piece?

9 A. Correct.

10 Q. And you were approved by
11 committee for the money. That's what we were just
12 talking about, the 2017 capital budget approval?

13 A. I believe that's what
14 that is a reference to, correct.

15 Q. Thank you. Registrar, if
16 we could close this call out and call out the next
17 paragraph, paragraph 77.

18 This is Mr. McGuire responding
19 and he says:

20 "Thanks, Diana. We're
21 looking at this right now
22 as Martin has a report
23 going forward in the next
24 cycle or so that I
25 believe addresses a

1 number of RHVP/LINC
2 outstanding issues.
3 Lighting needs to be
4 understood in the context
5 of the original EA and
6 restrictions placed in
7 that file. Mike is
8 looking into this
9 currently."

10 At this time, do you remember
11 what you were looking into?

12 A. What Gord is referring
13 to, no, not specifically.

14 Q. Around December 2017, had
15 you started to look into the EA, the original EA,
16 and the restrictions placed in that file?

17 A. I believe this is in
18 around the time that it wasn't long after that we
19 engaged CIMA to undertake that larger study and
20 this could be, I'm just theorizing, that I was
21 preparing or assembling the terms of reference for
22 a consulting assignment in around this time.
23 Perhaps that's what's being referred to, that I
24 was working on the structure or, like I mentioned,
25 in terms of reference of a consulting assignment.

1 Q. And you would have
2 discussions with -- as I interpret this, you had
3 had some discussions about that with Mr. McGuire?

4 A. It appears that way, yes.

5 Q. Thank you. Registrar, if
6 we could call up HAM52853. I think my reference
7 is wrong there, so if we can -- we'll close that
8 out.

9 Actually, before we go to the
10 next document, in December 2017, when these
11 e-mails were circulating, had you seen the EA?

12 A. No, I had not seen the
13 EA.

14 Q. Okay. Registrar, if we
15 could go to overview document 8, I believe it's
16 page 34. Actually, pages 33 and 34. Thank you.

17 So, this is back to the e-mail
18 that Ms. Cameron sent to you or as a follow up to
19 the December 4, 2017 meeting and in paragraph 86
20 she says:

21 "Mike, the lighting on
22 the Red Hill has been
23 added as an OBL item. I
24 will therefore need a
25 date. We can talk more

1 on Tuesday when I'm back
2 in the office."

3 And then paragraph 88, you
4 replied to Ms. Cameron with a picture that is
5 excerpted there. It says, "No."

6 A. Correct.

7 Q. Was your response to
8 Ms. Cameron no?

9 A. No. This is a joke to
10 Ms. Cameron. Her and I had that type of
11 relationship or still do and this is not me
12 responding to her saying no, I'm not going to do
13 that for you. This is strictly a joke --

14 Q. Okay. Can you explain
15 the joke?

16 A. Can I explain the joke?
17 Yeah. I don't want to talk too much about
18 Ms. Cameron, but she likes cats, so we had a
19 running joke with this grumpy cat meme and I was
20 just repurposing it as a joke. We have that kind
21 of relationship, so I surely did not mean this to
22 her saying, no, I'm not doing that for you.

23 Q. Okay. In paragraph 89,
24 Ms. Cameron's response also included a picture and
25 she wrote:

1 "Don't make me go all
2 Gary on you."

3 A. Correct.

4 Q. Gary is Mr. Moore?

5 A. Yes. I believe I
6 interpret that as Gary Moore, yes.

7 Q. And what did you
8 understand Ms. Cameron to mean when she said,
9 "Don't make me go all Gary on you"?

10 A. Again, this was her
11 response as a joke as well. That goes back to our
12 relationship that we have. But in this context,
13 asserting herself as the director of the division.

14 Q. Okay. Can you explain
15 this joke to me? How did you interpret this joke?

16 A. This is the supervisor
17 and subordinate relationship, an extreme one in
18 this picture, but that's how I see that: Don't
19 make me flex my authority over you.

20 Q. Looking at the picture,
21 the person flexing their authority would be the
22 person on the left with their mouth open?

23 A. Correct.

24 Q. Okay. Based on your
25 observations and experiences, what did you

1 understand it to mean to go all Gary on someone?

2 MS. CONTRACTOR:

3 Mr. Commissioner, I'm going to object to that
4 question. I think the witness has stated a few
5 times that it was a joke and, if it's a joke, it
6 was a general reflection of the
7 subordinate/superior relationship.

8 JUSTICE WILTON-SIEGEL: I'm
9 going to allow the question as put once, but I
10 won't allow any more questions along the same
11 line.

12 MS. CONTRACTOR: Thank you.

13 BY MS. HENDRIE:

14 Q. So --

15 A. Can you ask your question
16 again?

17 Q. Sure. Mr. Field, based
18 on your observations and experiences, what did you
19 understand it to mean to go all Gary on someone?

20 A. I've never experienced
21 it. I've never been in a situation such as this
22 picture is depicting between my interactions
23 between me and Gary by any means. Gary could be
24 loud and abrupt at times, but not in the same
25 level that this picture is depicting, ever.

1 Q. Okay. Thank you. By
2 this time, December 2017, by my count, Councillor
3 Connelly's motion was the fourth time that council
4 or the Public Works Committee had asked staff
5 within the Public Works department, either the
6 traffic or engineering staff, to look into
7 questions related to lighting on the Red Hill in
8 some capacity?

9 A. Correct.

10 Q. So, fair to say that by
11 this time, questions about lighting had been
12 fairly recurrent in the preceding three years?

13 A. Yes. They showed up
14 infrequently at committee as part of the overall
15 questions relating to the operation of the Red
16 Hill.

17 Q. Did you say infrequently?

18 A. Well, yeah. Not every
19 committee meeting, but, you know, as you
20 mentioned, four times over -- since 2013 to, when
21 is this, 2017.

22 Q. By my count, four times
23 in three years?

24 A. Yeah. Correct.

25 Q. So, did you understand

1 that lighting was an issue that councillors had a
2 persistent interest in?

3 A. I think they viewed it as
4 one of the factors on the Red Hill, since it
5 wasn't lit, and possible solutions to help deal
6 with or manage some of the concerns that were put
7 forward, for sure, and then that shows up with the
8 that activity in Public Works Committee.

9 Q. So, we talked before
10 about the timing between the September 16 approval
11 and the report or the study by the consultant
12 getting undertaken.

13 After Councillor Connelly's
14 motion just about a year later on a similar
15 subject, did you feel pressure to start the study
16 at that time, now that you had had the funding and
17 the approval for over a year?

18 A. I think there's -- I'll
19 provide two answers to that. Is that in this
20 timeframe, this is when the LAMP project was
21 winding down. It was coming and the field piece
22 was coming to a conclusion, so resourcing was more
23 available. And then when this motion came along,
24 which was kind of almost a duplication to the
25 previous one in many ways, that I would say that

1 it would have some influence over initiating or
2 undertaking, beginning the undertaking, of the
3 study.

4 Q. And we know that CIMA was
5 eventually retained in April 2018 and that their
6 lighting study was ultimately completed in January
7 2019?

8 A. Correct.

9 Q. Registrar, if we could go
10 to overview document 8, page 93.

11 This is CIMA's proposal.
12 These excerpts are CIMA's proposal that you
13 received on April 11, 2018, and that proposal
14 included reviewing the previous EAs for both the
15 LINC and the Red Hill, revisiting findings from
16 previous collision analyses using the more recent
17 data and conducting an illumination review to
18 determine whether or not illumination should be
19 installed within the study area?

20 A. Correct.

21 Q. And, as I understand it,
22 you were the project manager on this assignment?

23 A. Correct.

24 Q. So, the role that
25 Mr. Cooper had on that 2013 CIMA assignment that

1 we talked about, that was the role that you were
2 playing in the study?

3 A. That's correct.

4 Q. You'll see down in
5 paragraph 257, it references a meeting between
6 CIMA and the City on April 24, 2018. I understand
7 you attended that meeting. Is that right?

8 A. Correct. I attended all
9 project meetings with CIMA on this project.

10 Q. Registrar, if we could
11 call up CIM17047, images 1 and 2.

12 This is an e-mail from
13 Mr. Malone circulated to Reza Omrani at CIMA and
14 these are what Mr. Malone describes as his very
15 rough notes from this April 24 meeting.

16 I'm going to take you to some
17 of these and talk about that meeting.

18 A. Sure.

19 Q. Under EA Review, it is on
20 the first page of the e-mail about a third of the
21 way down -- thank you -- it says:

22 "Confirm what the
23 original and subsequent
24 EA documents required
25 with respect to

1 lighting."

2 By this time, April 2018, had
3 you seen the original and subsequent EA documents?

4 A. I don't believe so. I
5 think that this is making reference to collecting
6 those documents, and that was part of my activity
7 with one of my co-workers, was to go and track
8 down the EA to supply it to CIMA so that they
9 could do what this first sentence says, confirm
10 what the original EA required.

11 Q. Who was that co-worker?

12 A. His name was or is
13 Dipankar Sharma. He was the project manager of
14 electrical engineering.

15 Q. Thank you. Registrar, we
16 can close that call out and just a bit below it
17 there's a section that says Inputs Review, and
18 below that a subpoint that says Document List
19 Provided and it lists a number of documents and it
20 says:

21 "Doc list is
22 comprehensive and any
23 docs requested can be
24 provided."

25 Then below that lists a number

1 of reports, including the full original EA
2 exception order and the summary report?

3 A. Mm-hmm.

4 Q. Did you put together that
5 document list?

6 A. I can't recall
7 specifically. I do remember there being some type
8 of document list, whether it's one I produced or
9 by the contact there, Jennifer DiDomenico, who was
10 part of the Red Hill project team. She was one of
11 the internal staff who helped me locate and get
12 the EA for CIMA. And I do recall having some list
13 of documents and providing that to CIMA to
14 basically ask, which of these documents are
15 valuable to you and which ones aren't valuable to
16 you?

17 Q. But had you reviewed the
18 documents that were on that list?

19 A. Did I review the
20 documents? I was responsible to produce them if
21 CIMA wanted them.

22 Q. And then on the next
23 page, it says, the third line down:

24 "MF -- "

25 Who I believe is you?

1 A. Yes.

2 Q.

3 "MF commented that he
4 believes the decision for
5 lighting (continuous vs
6 interchange) was a -- "

7 Just below that call out:

8 " -- cost-based decision
9 likely carried forward
10 for the RHVP to do the
11 very same as LINC.
12 Expect that there will
13 not be a prohibitive
14 statement about lighting
15 in the documents
16 reviewed."

17 A. Correct.

18 Q. Okay. So, taking that
19 first entry that I read out, the notes reflect
20 that you commented that you believe the decision
21 for lighting, continuous vs interchange, was a
22 cost-based decision?

23 A. Yes. From what I recall,
24 this is what I was theorizing of trying to explain
25 the design decisions and this was my theory that

1 it was more of a cost-based decision than anything
2 else. And then I don't think that we ever
3 identified that there was necessarily a -- it
4 wasn't prohibited to install lighting, but there
5 were design constraints within the EA and that the
6 prohibition of lighting would be possibly unlikely
7 to be found within the EA. I think that that's
8 what it is in reference to.

9 Q. So, this is the initial
10 meeting with CIMA. Is that what your
11 understanding was going into that meeting, that
12 there wouldn't be a prohibitive statement about
13 lighting.

14 A. I think I was theorizing
15 on that based on some of the other information,
16 and that's reflective in some of the other
17 commentary about I don't think prohibit is used
18 but more restricted and design considerations.

19 Q. It says "expect." Did
20 you expect that there wouldn't be a prohibitive
21 statement?

22 MS. CONTRACTOR: Sorry to
23 interrupt, but I wonder if we could just call out
24 the relevant passage, because it's a bit small?

25 JUSTICE WILTON-SIEGEL: Sure.

1 MS. CONTRACTOR: Thank you.

2 JUSTICE WILTON-SIEGEL: Have
3 the registrar call out that discussion.

4 MS. HENDRIE: Thank you,
5 Registrar. Perfect.

6 THE WITNESS: Sorry what was
7 your question?

8 BY MS. HENDRIE:

9 Q. My question was in that
10 fifth line down, it says:

11 "Expect that there will
12 not be a prohibitive
13 statement about lighting
14 in the documents
15 reviewed."

16 A. Right.

17 Q. Did you expect that there
18 wouldn't be a prohibitive statement?

19 A. I believe that's
20 attributed to me, yes. It's more along the lines
21 of restrictions or design considerations and not
22 prohibitive restrictions, and that is in line with
23 the EAs in general, that you can always revisit
24 any EA and reasonably change something if you have
25 justification or otherwise to do that.

1 Q. I think you told us
2 before that you didn't have a lot of experience or
3 knowledge about the EA process, so how and when
4 did you come to appreciate that the EAs could be
5 revisited?

6 A. Correct. Well, in
7 between 2013 and at this time, you know, just from
8 basic experience in dealing with this and talking
9 about EAs so often that I became more accustomed
10 to the EA process over time. But I definitely
11 didn't have that same level of knowledge and
12 experience back in 2013.

13 Q. Thank you. Towards the
14 end there at the bottom of that call out, it says:
15 "Progress meeting end of
16 May 2018. Even if it
17 says 'can't' then
18 continue so that the
19 decision can be made."

20 Can't, does that --

21 A. Correct.

22 Q. Does that refer to what
23 we were talking about, a prohibitive statement?

24 A. Correct, yes. And that's
25 in line with what we outline within our report

1 back to council, was coming back to them with a
2 comprehensive review and indication of how can we
3 do this. So, this is making reference to even if
4 there is that prohibitive statement in there, how
5 do we carry forward with that? How can we remove
6 that or otherwise?

7 Q. So, even if there was a
8 prohibitive statement council was still -- you
9 expected that council would still receive
10 recommendations regarding lighting?

11 A. Well, maybe better to
12 phrase it is if there was a prohibitive statement
13 within the EA, what are our options as a
14 municipality to remove those types of things or
15 restrictions and have this assignment, CIMA's
16 undertaking, answer it, basically provide that
17 information to us so we can move on. Because that
18 is, you know, a theme across all of these reports,
19 that, you know, those design restrictions are part
20 of the factor of answering this question, so this
21 is bringing it to a full conclusion to say, you
22 know, even if it says you can't, is that truly
23 can't or is there something else that can be done
24 to remove that can't?

25 Q. Thank you. Registrar, if

1 we could go to overview document 9, page 55.

2 This is referencing the second
3 progress meeting that CIMA and the City had, and
4 CIMA had done some work internally between the
5 meeting that we just looked at and this meeting on
6 August 27. The minutes of that meeting are
7 excerpted here in paragraph 131.

8 Registrar, if you could call
9 out the content under number 2, review of
10 completed tasks.

11 So, it says here in the first
12 bullet:

13 "The original IEA and
14 subsequent environment
15 impact studies were
16 reviewed and there was no
17 documentation that
18 continuous illumination
19 would be precluded."

20 Do you recall CIMA presenting
21 that finding from their review?

22 A. Absolutely, yes.

23 Q. And I might not get the
24 word that you used right when we were looking at
25 the meeting minutes or Mr. Malone's minutes from

1 the meeting before, but is that finding consistent
2 with what I think you said you surmised or you
3 hypothesized as reflected in the comment that we
4 had just looked at?

5 A. It is, yes.

6 Q. And CIMA's finding was
7 that the EA essentially didn't prohibit continuous
8 illumination on the Red Hill Valley Parkway?

9 A. Yes, from what I recall
10 is that the EA didn't consider full mainline
11 illumination. It only considered illumination of
12 interchanges.

13 Q. And we spent a
14 significant amount of time today talking about
15 what information about lighting had been presented
16 to counsel through the various reports we looked
17 at. Did you have any concerns that there had been
18 previous reports to council that lighting was
19 prohibited or that lighting had or that the EA had
20 contained restrictions on lighting?

21 MS. CONTRACTOR: I'm sorry,
22 Mr. Commissioner. Perhaps commission counsel
23 could take the witness to the specific reference,
24 because I think the wording here of what's in the
25 report is going to be important.

1 JUSTICE WILTON-SIEGEL: I'm
2 not sure that I understand what wording you were
3 thinking about. There's several different
4 documents we have addressed that have this
5 language in it.

6 MS. CONTRACTOR: So, as I
7 understood the question, Mr. Commissioner, it
8 was -- let me just roll it up.

9 MS. HENDRIE: I'm happy to
10 rephrase.

11 BY MS. HENDRIE:

12 Q. Perhaps, Mr. Field, I'll
13 put my question to you this way: Were you
14 concerned about the past representations about
15 lighting that had been made to the Public Works
16 Committee being inconsistent with what CIMA found
17 through their EA review?

18 MS. CONTRACTOR: Thank you.

19 THE WITNESS: No. I don't
20 have any concerns, because it's still within
21 alignment with what said before. I don't think
22 that we ever said that lighting was prohibited
23 from it, that there were other design
24 considerations, which is true. The EA did not
25 consider mainline lighting, only interchange

1 lighting, so that EA, regardless of if we wanted
2 to undertaking mainline lighting, the EA should be
3 or needed to be revisited.

4 So, those past discussions and
5 those other reports and the one that I wrote is
6 consistent still, despite this finding.

7 BY MS. HENDRIE:

8 Q. Okay. Thank you.
9 Registrar, we can close that call out.

10 There's reference there to the
11 next step of the EA study being to confirm the
12 scope of work and costs and that that would be
13 discussed at the next meeting, but I'm going to
14 bring you forward a little bit in time to
15 October 2018, at which point you received -- you
16 and Mr. Omrani at CIMA were discussing the timing
17 of the report.

18 Registrar, if we could go to
19 overview document 9, page 103.

20 Here, Mr. Field, you'll see in
21 paragraph 255 that on October 25, you e-mailed
22 Mr. Omrani regarding the schedule, a change in the
23 schedule. You said:

24 "We've pushed our report
25 date from December 10 to

1 So, we do have a long period
2 between when we write draft reports and go to
3 committee. It could be up to two months
4 sometimes, so previously the pressure would be to
5 conclude the study in time for me to write the
6 report and submit it for the December 10 cycle.
7 And then if it was obviously pushed out to
8 February, that same pressure to complete the
9 report within that timeframe had changed and,
10 therefore, the pressure is off statement that I
11 made there.

12 Q. By this time, you were
13 still reporting to Mr. McGuire, but as I
14 understand it Mr. McGuire was the director of
15 engineering services, December 2018?

16 A. I don't recall
17 specifically, but it could be in that instance I
18 would be reporting to Dave Lamont as the manager
19 and then Dave to Gord McGuire.

20 Q. Commissioner, it's 3:20
21 right now, so it's just past our scheduled break
22 time. I think perhaps I might suggest our break
23 now. I note on our end, it appears that the
24 transcript is down. I'm not sure if others are
25 experiencing the same issue.

1 MS. CONTRACTOR: I was
2 experiencing the same issue.

3 JUSTICE WILTON-SIEGEL: Let's
4 take a slightly shorter break and return at 3:30,
5 because we're pressing it with Mr. Field's
6 testimony, so we'll stand adjourned until 3:30.

7 --- Recess taken at 3:22 p.m.

8 --- Upon resuming at 3:32 p.m.

9 BY MS. HENDRIE:

10 Q. So, Mr. Field, before our
11 break we were talking about the CIMA report, the
12 2018 CIMA report, and the staff report related to
13 that and I believe you told me that your
14 understanding about why that report deadline was
15 pushed was because that direction came to you from
16 the director level. Is that right?

17 A. That's correct.

18 Q. Okay. And when did you
19 learn that, that the report had been pushed? Was
20 it around the time that you e-mailed Mr. Omrani?

21 A. I don't know the specific
22 date, but it would have been just prior to
23 e-mailing CIMA.

24 Q. Registrar, if we could go
25 to HAM64285. This document here, there's an

1 e-mail that you sent to Ms. Cameron on
2 November 21, 2018. It talks about the item,
3 that's the outstanding business list item that's
4 under your name, in discussion with Gord being
5 merged with the traffic safety report, and that
6 was your understanding based on what Mr. McGuire
7 had said?

8 A. Correct. And then this
9 confirmation of that.

10 Q. So, the staff report that
11 would have been something you were responsible
12 for, Mr. McGuire took that on?

13 A. Mr. McGuire and
14 Mr. Soldo, I believe.

15 Q. And Mr. Soldo was the
16 director of the traffic group?

17 A. Director of
18 transportation operations and maintenance that has
19 traffic within it, yes.

20 Q. And so, the lighting
21 aspect would be one piece of that report?

22 A. Correct.

23 Q. So, Mr. McGuire was
24 preparing that report with Mr. Soldo and he was
25 responsible for overseeing what information from

1 the CIMA report was included in the staff report?

2 A. Correct. I had no
3 involvement in drafting that committee report.

4 Q. So, at this time, was the
5 discussion with Gord, are you able to pinpoint it
6 in time in reference to the November 21 e-mail?

7 A. It was in around that
8 time. I don't think that there was, you know, a
9 lot of discussion about it. I think it was just
10 more about, at the director level, this is what
11 we're going to do and how to proceed forward with
12 the report and that, you know, that's going to be
13 done at the director level.

14 Q. Okay. So, as a result of
15 that, you didn't have any responsibility for
16 developing the recommendations for council arising
17 from CIMA's lighting study. Is that fair?

18 A. That's correct.

19 Q. That was something that
20 Mr. McGuire and Mr. Soldo, as the authors of that
21 report, that fell within their domain at that
22 point?

23 A. That's correct.

24 Q. Registrar, this document
25 is not in the overview document, so it will need

1 to be marked as an exhibit. I believe that's
2 Exhibit 73.

3 THE REGISTRAR: Noted,
4 counsel. Yes, it's 73.

5 EXHIBIT NO. 73: E-mail
6 from Mr. Field to
7 Ms. Cameron on
8 November 21, 2018,
9 HAM64285.

10 MS. HENDRIE: I'm also
11 reminded that I forgot to mark another document
12 not in the overview document as an exhibit, and
13 that was the capital budget sheet that we looked
14 at before and that was HAM44429, so if that could
15 be marked as Exhibit 74.

16 THE REGISTRAR: Thank you,
17 counsel. Noted.

18 EXHIBIT NO. 74: Capital
19 budget sheet, HAM44429.

20 BY MS. HENDRIE:

21 Q. Registrar, if we could
22 call out overview document 9, page 253. Sorry,
23 253. Thank you.

24 So, just to get a sense of
25 what your involvement was once the writing of the

1 staff report shifted to Mr. McGuire, to the extent
2 that this is a January 15, 2019 e-mail where you
3 provided an outline of the committee interactions
4 related to the Red Hill lighting and some
5 background information, so to the extent that you
6 were involved in the preparation of the staff
7 report or the lighting report this time, was it
8 really just pertaining to sort of providing
9 Mr. McGuire with information that he might need?

10 A. I'm not too sure that I
11 was provided context that this was to aid him in
12 the preparation of the report, but a request to
13 kind of give some background. It's more than
14 likely that that was the reason and that is
15 reasonable that you would want to kind of have the
16 history there if you're writing a report that's
17 trying to close the loop on something, like the
18 motion that we had.

19 Q. And I take it that, given
20 that you weren't involved in the drafting of the
21 joint traffic and engineering services report,
22 which eventually became report PW18008A, that you
23 also weren't involved in the presentation of that
24 report to council?

25 A. Correct.

1 Q. Okay. Thank you.

2 Registrar, we can end that call out.

3 And my last set of questions
4 for you, Mr. Field. In March of 2019, you were
5 still in the role of senior project manager,
6 lighting and electrical. Is that right?

7 A. That's correct.

8 Q. Registrar, if we could
9 call up RHV890.

10 So, in March 2019, there was
11 an anonymous letter that was sent to the City
12 auditor and the mayor. The subject line is
13 "Internal Investigation Into the Asphalt Quality
14 on the Red Hill Valley Parkway."

15 Are you the author of this
16 letter?

17 A. No.

18 Q. Do you know who wrote
19 this letter?

20 A. I do not.

21 Q. Have you seen this letter
22 before?

23 A. No, I have not. I've
24 seen a segment of it as part of my preparation for
25 this, but I have not seen this document.

1 Q. Okay. Thank you very
2 much. Registrar, you can end that call out.

3 Those are my questions,
4 Commissioner.

5 JUSTICE WILTON-SIEGEL: Thank
6 you.

7 MS. HENDRIE: I understand
8 that counsel for Dufferin and counsel for Golder
9 don't have any questions for Mr. Field. Is that
10 correct.

11 MS. JENNIFER ROBERTS: That's
12 correct, counsel. Thank you.

13 MS. HENDRIE: I'm not sure
14 about counsel for the MTO.

15 MR. BOURRIER: I don't have
16 any questions either.

17 JUSTICE WILTON-SIEGEL: Is
18 counsel for Dufferin on the line?

19 MR. BUCK: Yes, Commissioner.
20 I confirm we have no questions.

21 JUSTICE WILTON-SIEGEL: Thank
22 you, Mr. Buck. So, I think it's Ms. Contractor's
23 turn.

24 MS. CONTRACTOR: Thank you,
25 Mr. Commissioner. May I proceed?

1 JUSTICE WILTON-SIEGEL: Yes,
2 please proceed.

3 EXAMINATION BY MS. CONTRACTOR:

4 Q. Good afternoon,
5 Mr. Field. A few questions for you on some of the
6 issues that commission counsel took you through.
7 I wanted to start off by discussing with you your
8 expectations regarding consultants and the use of
9 their reports.

10 In your experience, is it
11 common for the City to provide consultants with
12 feedback as they are developing their report and
13 their views?

14 A. Yes.

15 Q. And do you have any
16 concerns with staff providing feedback?

17 A. No, I do not.

18 Q. Why not?

19 A. The consultant has the
20 ultimate responsibility to make sure whatever
21 recommendations and content within the reports is
22 in alignment with their ethics and
23 responsibilities, so if we suggested something
24 that was out of alignment with that, that they
25 would not accept those comments.

1 Personally, when I provide
2 comments to consultants, I like using the
3 terminology "for your consideration," and I do not
4 provide direction to consultants related to their
5 recommendations. I, however, may make comments
6 related to their recommendations for, like I said,
7 in the terms of for consideration.

8 Q. And is the feedback from
9 the City or the client important for the
10 consultant to provide information about the
11 feasibility and the cost, the prioritization of
12 the potential countermeasures or recommendations?

13 A. Absolutely. We're the
14 end users, we're the owners, the operators, the
15 asset -- we have the asset responsibility. We
16 have a lot of information and knowledge that they
17 do not have, so it's more than reasonable that we
18 supplement their projects and processes with
19 information that we think that we own in expertise
20 that they don't have.

21 Q. Mr. Registrar, could we
22 please go to HAM0051990 and to image 29
23 specifically. Let me know if you want me to read
24 that back. And could we also please pull up
25 HAM0051991. Great, thank you.

1 So, Mr. Field, commission
2 counsel took you to both of these documents, which
3 relate to the July 3 meeting with CIMA in the
4 context of the 2013 report. The slide show on the
5 left-hand side, that is from the July 3 progress
6 meeting. Correct?

7 A. Yes, I believe so.

8 Q. And the purpose of
9 progress meetings is for CIMA to provide an update
10 on their work?

11 A. Correct.

12 Q. It's not intended to be a
13 presentation of their final recommendations?

14 A. No, not unless they
15 explicitly outline within the purpose of that
16 meeting, but this is an update progress meeting.

17 Q. And if we could please,
18 Mr. Registrar, call out the last sentence. Yes,
19 that one, "CIMA will include," and also the
20 continuation of that sentence on the following
21 page, if you could, please.

22 THE REGISTRAR: Sorry, I have
23 to go to the next image. I can't -- unless you
24 want me to remove the slide show.

25 MS. CONTRACTOR: Sure, we'll

1 remove the slide show and bring that back up if we
2 need to.

3 BY MS. CONTRACTOR:

4 Q. While Mr. Registrar is
5 getting it up, I can read it out. This states
6 that CIMA will include illumination
7 recommendations in the report and it's indicated
8 that CIMA should use MTO costing information
9 rather than Hamilton cost due to type of lighting.
10 And those were your comments?

11 A. I believe those were my
12 comments, yes.

13 Q. And I believe your
14 evidence was that it was important for CIMA to use
15 the MTO costing because the City costing would not
16 adequately or accurately reflect the costs for the
17 type of lighting that would be installed on the
18 Red Hill. It would, rather, reflect street
19 lighting for regular roadways?

20 A. That's correct.

21 Q. And that the cost was
22 important, particularly for the benefit-cost
23 analysis, because it could materially impact the
24 conclusion as to whether the benefit is higher
25 than the cost. Correct?

1 A. That's correct. The
2 benefit to cost ratio is sensitive to cost and if
3 you do not have accurate costs, it can give you
4 inaccurate outcomes.

5 Q. Right. And do I
6 understand correctly that the MTO warrant
7 incorporates the BC analysis in its warrant
8 analysis?

9 A. I've never undertaken an
10 MTO warrant, but just based on, you know, seeing
11 them, not firsthand using them, that it does have
12 a benefit to cost ratio component of it, which I
13 think the output of that is further helping MTO
14 make a decision whether or not lighting would be
15 installed on a roadway or not.

16 Q. Okay. And,
17 Mr. Registrar, can you please pull back that
18 PowerPoint slide up and it's HAM51990, image 29.
19 Thank you.

20 Given that you made this
21 comment on July 3 after the PowerPoint
22 presentation, am I correct that in expressing
23 their view here, full illumination on all ramps
24 and freeway segments warranted based on TAC and
25 MTO, that CIMA had not used the accurate MTO

1 costing in forming their view here?

2 A. It appears that way based
3 on the comment as is captured in the minutes there
4 that by the comment CIMA should use MTO costing
5 rather than City costing.

6 Q. Right. And so, you're
7 asking them to update their assessment here to
8 include more accurate costing information so they
9 can complete their warrant assessment. Is that
10 fair?

11 A. I believe that to be
12 true, yes.

13 Q. And so, in light of that,
14 did you understand this slide and CIMA's
15 presentation on this particular issue to be CIMA's
16 final view on whether mainline illumination met
17 the MTO warrant?

18 A. In the context of the
19 conversation that was occurring, no, it wouldn't
20 be the final one.

21 Q. You understood what
22 you're requesting here is for them to update the
23 costs and do an additional analysis, if necessary?

24 A. Correct. In the slide,
25 you can note that the cost says high. It doesn't

1 actually have a dollar figure, so at this point in
2 time they would not be capable of producing the
3 benefit to cost ratio, so definitely not a final
4 kind of wrap-up of this piece.

5 Q. And so, if we could leave
6 that slide up, Mr. Registrar, and bring up
7 CIM8098.0001, image 25 and 26 or perhaps just
8 image 25 if we can't do both pages.

9 This is the version of the
10 draft 2013 CIMA report that was provided to the
11 City after you gave your comments to Mr. Cooper on
12 the August draft. And commission counsel took you
13 to the sentence in red at the bottom of the page:

14 "However, as noted,
15 illumination of the
16 mainline section of the
17 Red Hill was not examined
18 for the study."

19 Did you understand this to
20 mean that CIMA had not completed its examination
21 on whether mainline illumination met the warrant?

22 JUSTICE WILTON-SIEGEL: Wait a
23 second. I think that's a leading question, given
24 the language.

25 MS. CONTRACTOR: I can

1 rephrase, Mr. Commissioner.

2 JUSTICE WILTON-SIEGEL: Thank
3 you.

4 BY MS. CONTRACTOR:

5 Q. Based on the preliminary
6 views of the PowerPoint presentation that CIMA
7 presented on July 3, how did you understand the
8 sentence in red, which states:

9 "However, as noted,
10 illumination on the
11 mainline section of the
12 Red Hill was not examined
13 for the study"?

14 A. I would say that that is
15 not a very clear sentence, because illumination of
16 the mainline was examined as part of the study.
17 Perhaps not fulsome and to conclusion because at
18 some point in time it was abandoned, but I would
19 say that saying that it was not examined is not as
20 clear as what it could have been, if that's the
21 intent, it being that this is not a full
22 conclusive examination.

23 Q. And I believe, Mr. Field,
24 your evidence was that you understood that, as
25 part of the 2013 CIMA report, CIMA would consider

1 and review continuous illumination on the mainline
2 of the study area?

3 A. Correct, within the scope
4 of the study area, the ramps and the mainline.

5 Q. Right. And if we could
6 go, please, Mr. Registrar, to OD 6, image 37,
7 paragraph 82.

8 Commission counsel referenced
9 this e-mail at paragraph 82. It's an e-mail
10 exchange between Brian Malone -- if you could also
11 do 83. Thank you, Mr. Registrar. It's an e-mail
12 exchange between Mr. Malone and Mr. Applebee with
13 respect to CIMA's internal review of the draft of
14 the CIMA report before it's sent to the City.

15 You'll see here at the end of
16 paragraph 82, Mr. Malone states:

17 "We need to discuss
18 lighting. Is it in scope
19 or not?"

20 And Mr. Applebee responds and
21 says:

22 "I believe that it was in
23 scope. I don't recall
24 receiving anything from
25 Mike that would act as an

1 'out.' Apparently there
2 was a report. Maurice,
3 did you receive this?"

4 Just stopping there for a
5 moment, Mr. Applebee's comments, are they
6 consistent with your understanding of mainline
7 illumination being in scope?

8 A. Yes.

9 Q. And do you recall any
10 discussions with Mr. Malone or Mr. Applebee in
11 July of 2013 where they were seeking clarification
12 on this issue?

13 A. No, I do not.

14 Q. Did you at any point
15 direct Mr. Malone, Mr. Applebee or anyone at CIMA
16 to exclude an examination of illumination of the
17 mainline from the 2013 --

18 A. Absolutely not.

19 Q. And would you have the
20 authority to do that, Mr. Field?

21 A. No, I wouldn't. I'm not
22 the project owner. The project isn't being
23 undertaken by the division that I work in, so I
24 cannot instruct a consultant who does not work for
25 me, report to me, to change the scope of their

1 assignment.

2 Q. And if the City did wish
3 to exclude the review of illumination, how would
4 you expect that it would give CIMA that direction?

5 A. Hypothetically, if I were
6 to change the scope of an assignment for a
7 consultant that was working for me, I would
8 deliver that request in a formal manner by e-mail
9 or otherwise so that that's recorded, because
10 often changes with scope comes changes in costing
11 or changes in work hours, which has consulting
12 fees implications as well.

13 Q. And if we go to your
14 e-mail where you provide your feedback -- just a
15 moment. I seem to have lost that. OD 6,
16 image 43, paragraph 98. These are your comments
17 that you provided Mr. Cooper after reviewing the
18 first draft of the CIMA report which the City
19 receives, which, as you discussed with counsel,
20 did not include an analysis of the warrant review
21 of the mainline of the Red Hill.

22 Reviewing your e-mail here,
23 did you intend for this to be a direction to CIMA
24 to exclude continuous illumination from the 2013
25 report?

1 A. No. In fact, it had
2 already been excluded within the version of the
3 report that was I was reviewing, and this is my
4 response to it being excluded and asking for a
5 fulsome explanation as to why it was excluded.

6 Q. And at this point, what
7 was your understanding of why CIMA excluded
8 consideration of continuous illumination?

9 A. I'm not really clear on
10 and I can't recall why they chose to exclude it in
11 the way that they did from the report, but either
12 way that would have been a decision that they
13 would have made along the line based on their
14 expertise and undertaking of the project. And I
15 just wanted to make sure in this instance that
16 this is well explained so that, I think I
17 mentioned earlier, so that a reader, whether
18 that's council or the public or otherwise or even
19 me for that matter, has that fulsome explanation
20 included that it doesn't elicit any other
21 questions.

22 Q. At any point during the
23 2013 report or review process, did CIMA advise you
24 that, given the proportion of non-daylight
25 conditions, the City should really consider

1 continuous illumination on the mainline?

2 A. Not that I recall. And
3 the basis of the way that they would have been
4 conducting their work, I would have expected if
5 lighting was a main feature to helping solve the
6 issues that they identified or meeting the
7 objectives, that that would have been up and, you
8 know, at the forefront of the report and in their
9 recommendations, which it wasn't.

10 Q. If we could, please,
11 Mr. Registrar, go to CIM8118.0001.

12 Mr. Field, this is the draft
13 of the CIMA report that you would have reviewed
14 and then provided the comments that we were just
15 looking at.

16 And if we could please go to
17 image 8, Mr. Registrar.

18 I believe your evidence,
19 Mr. Field, was that you would have reviewed this
20 report but only with respect to the illumination
21 sections?

22 A. Correct.

23 Q. So, if we could pull
24 section 1, call that out, please.

25 Mr. Field, this section

1 provides a background on the environmental
2 assessment process on the Red Hill. Would you
3 have reviewed this section?

4 A. I'm not sure that I would
5 have. It's likely I read through it, but I wasn't
6 focusing on reviewing this kind of content but
7 more strictly just the lighting piece.

8 Q. Understood. If we could
9 go to image 9, please, and if we could pull out
10 2.2 of that section.

11 We've talked a lot about the
12 design refinements or the restrictions in the EA
13 with respect to illumination, and I think it would
14 be useful to look at the 2013 report to see what
15 it actually says about those design refinements.

16 Is this a section that you
17 would have reviewed, Mr. Field?

18 A. This section and the
19 section that's specific to lighting.

20 Q. Understood. And if we
21 see the second paragraph of this, it states:

22 "Design choices on the
23 facility were intimately
24 linked to approvals."

25 And then provides a bit of a

1 background to the various species that reside in
2 the escarpment and just a bit of background on the
3 environment.

4 And the following paragraph
5 states:

6 "Because of this unique
7 area and because of the
8 costs associated with
9 building a roadway on the
10 escarpment, the City
11 identified several design
12 refinements to the
13 alignment of the roadway
14 within the valley. These
15 refinements consider
16 environmental benefits,
17 driver safety and
18 construction cost."

19 So, just pausing there --
20 sorry, and it specifically lists some of the
21 refinements and the last plus sign states:

22 "Restricting illumination
23 to intersections and on
24 and off-ramps as one of
25 these design refinements

1 in consideration of the
2 environmental benefits,
3 driver safety and
4 construction costs."

5 Do you see that?

6 A. Yes.

7 Q. This section does not say
8 that the EA prohibited or restricted illumination?

9 A. Correct.

10 Q. And it does not state
11 that any consideration of continuous illumination
12 in the future was impossible because of the EA
13 prohibitions or restrictions. Is that correct?

14 A. Correct.

15 Q. And is that consistent
16 with what your understanding was in 2013 of the
17 illumination limitations?

18 A. It is, yeah. And then
19 this was further, through the actual detailed
20 review of the EA, in alignment with that as well.

21 Q. And I think it would also
22 be useful to look at the specific footnote,
23 footnote 4. So, restricting illumination to
24 intersections on the on and off-ramp, that
25 footnotes to the Lura report, which is at HAM2638.

1 And if we could, please, go to image 80 and call
2 out the first row. Apologies, I think my image 80
3 appears to be different from your image 80. It's
4 page 79 of the report and if we could pull out the
5 first row, if you could, please.

6 So, this report is a public
7 consultation report which includes a few comments
8 regarding continuous illumination on the Red Hill.
9 And you'll see this comment on the left-hand side
10 column says:

11 "Serious potential
12 impacts are not addressed
13 in either report."

14 So, that's the issue that's
15 raised by the stakeholders and then on the
16 right-hand side is the response. And you'll see
17 here it states that:

18 "Michael Measure of the
19 Toronto-based Fatal Light
20 Awareness Program was
21 contacted regarding the
22 possible effects of
23 expressway light on
24 wildlife behaviour. He
25 stated that artificial

1 lighting can affect the
2 breeding habits of birds;
3 however, these effects
4 are difficult to quantify
5 and studies are limited.
6 Mitigation measures
7 should aim to limit usage
8 of light standards to
9 intersections and
10 on/off-ramps."

11 And if we go to image 87,
12 page 132 of the report. I'm sorry, 136. The
13 third row from the -- you're in 130. 136, please.
14 The third row from the top. Thank you very much.

15 So, another comment here from
16 stakeholders, table 1 suggests that:

17 "The proponent intends to
18 install lighting along
19 the proposed expressway,
20 including along the
21 viaduct, however, the
22 impact of this lighting
23 on nocturnal wildlife is
24 not considered in the
25 report."

1 And the response is:

2 "Lighting will only be
3 located at the ramps and
4 at the interchange
5 intersections."

6 There are a few more
7 references in here, but just in the interest of
8 time, I'm not going to take you through it. Are
9 the comments that I have taken you through
10 consistent with what we saw in the CIMA report in
11 your view that continuous illumination was a
12 design refinement that was made as a result of
13 environmental benefits or construction costs?

14 A. Correct.

15 Q. Do you recall whether --
16 I believe your evidence was that Mr. Moore would
17 have provided you with a copy of this report?

18 A. He did, yes.

19 Q. Do you recall when he
20 would have provided you with a copy?

21 A. I believe it was towards
22 the point in time when I was drafting the
23 information report to Public Works Committee, not
24 in 2013.

25 Q. So, the 2013 CIMA report

1 does reference the Lura report. Are you aware of
2 whether it's available online or publicly?

3 A. I've never searched for
4 it. I don't know how those documents are
5 available.

6 Q. Okay. Thank you,
7 Mr. Registrar. If we could go to CIM17450.0001
8 and if we could show image 1 and image 3.

9 This is the report that you
10 were just referencing during which you would have
11 received the Lura report?

12 A. Mm-hmm.

13 Q. I would like to look at
14 the information that's provided in this report
15 with respect to the illumination limitations.

16 So, if we could look at the
17 last paragraph of the first page, here it states
18 that the original environmental assessments
19 completed for the LINC and the Red Hill included a
20 review of the lighting. Then it states:

21 "It was identified
22 through the Red Hill
23 Creek Valley that
24 lighting would have a
25 detrimental environmental

1 impact and lighting
2 restrictions were
3 imposed."

4 In your view, is that
5 consistent with what we just saw in the 2013 CIMA
6 report about the limitations around illumination
7 and the Lura report?

8 A. It is.

9 Q. And it goes on to say
10 that the decisions regarding adding lighting on
11 the LINC and/or the Red Hill would require
12 renewing and updating the original EAs so that the
13 impact of lighting could be re-examined.

14 And we know that in the 2019
15 CIMA illumination report that you weren't taken
16 to, it confirms that environmental assessment
17 would be -- I'm sorry. That an environmental
18 assessment did not preclude continuous lighting on
19 the Red Hill, so the original environmental
20 assessment did not preclude continuous lighting,
21 and you were taken to that?

22 A. Correct.

23 Q. Nonetheless, in the
24 report CIMA concluded that a new EA would be
25 required before the City could consider continuous

1 illumination?

2 A. That's correct.

3 Q. And so, regardless of
4 what was included in the environmental assessment,
5 whether there was a prohibition or not, a new EA
6 would have been required in order for the City to
7 pursue continuous illumination of the mainline of
8 the Red Hill?

9 A. That's correct. I
10 believe that it's due to a cost threshold of
11 installing lighting that exceeds, I believe it's
12 two and a half million dollars, and a Schedule B
13 EA would be need to be undertaken before that
14 happened.

15 Q. You're referencing the
16 estimated capital costs in the 2019 illumination
17 report, which are expected to exceed \$2.4 million?

18 A. Correct.

19 Q. If we could please,
20 Mr. Registrar, pull up the first two paragraphs.
21 Actually, the first three paragraphs on the third
22 page.

23 Here, you describe some of the
24 physical limitations other than any limitations
25 through the EA process or the environment

1 generally with respect to installing continuous
2 lighting. Can you describe for us what those
3 physical limitations are?

4 A. Yeah. Adding on to what
5 I discussed earlier, there's a Hydro One
6 high-power transmission line that cuts across some
7 parts of the ramps on the Red Hill, which makes it
8 challenging to install lights under that corridor.
9 There's the bridge that does not have any
10 accommodations as it stands today for lighting
11 conduits, which are required obviously for power,
12 and mounting light poles to the bridge.

13 There is also, I'm just
14 reminded now, that the Niagara Escarpment
15 Commission, whenever lighting is being considered,
16 will at times ask for lighting impact studies to
17 be conducted, but there's a bunch of physical
18 restrictions or physical challenges on the Red
19 Hill and the LINC for that matter that makes it
20 difficult to place light poles in ideal locations
21 that are required to meet the lighting levels that
22 have to be met.

23 So, for instance, not being
24 able to have consistent spacing of light poles
25 because of that high-power transmission line could

1 create a situation where a piece of a ramp or a
2 piece of the mainline was not able to be lit
3 appropriately. That doesn't mean that it couldn't
4 be lit to lighting standards, but definitely a
5 design challenge and possibly an installation
6 challenge that would have to be dealt with through
7 a detailed design analysis.

8 Q. And specific the Hydro
9 One distribution overhead that you reference here
10 at the Mud/Stone Church interchange, I can take
11 you to the report, but I wonder if you recall
12 offhand whether that is ramp 6 that's identified
13 in the CIMA report?

14 A. It is. It partially cuts
15 overtop of ramp 6, so impacts or would impact the
16 ability to install lighting over ramp 6. And then
17 it continues down to the north and then cuts over
18 diagonally of the Red Hill to the north of the
19 interchange, of the mainline.

20 Q. And how do these
21 physician limitations or challenges affect the
22 benefit-cost analysis?

23 A. Well, depending on how we
24 would deal with that, it could create additional
25 expenses. It's obviously more expensive than

1 traditional just routinely spaced, if there were
2 no obstructions or any impacts like that where you
3 could have regular spacing from pole to pole. In
4 those instances, it would introduce some
5 complications and complications from an
6 engineering perspective always means cost.

7 So, definitely -- and then
8 within the benefit-cost analysis, any additional
9 costs, like I mentioned, that benefit to cost
10 ratio is sensitive to costs, so you would want to
11 make sure you're taking into account all of those
12 things so that the benefit cost output is
13 accurate.

14 Q. Thank you.

15 Mr. Registrar, could we please go to HAM64283.

16 You were asked, Mr. Field,
17 about the impact of the LAMP project on engaging
18 CIMA for the illumination review and you indicated
19 that there was this large project to replace the
20 City's lights with LED lights and that that
21 project was accelerated at one point in order to
22 capitalize on savings for the City.

23 I'm showing you a report from
24 November 13, 2017 that was prepared by yourself
25 and Mr. McGuire, which I believe talks about or

1 speaks to the acceleration that you were
2 describing earlier. I wonder if you could confirm
3 that and tell us a little bit about the benefit to
4 the City through the acceleration proposal?

5 A. Correct. This is the
6 report that we used to seek permission to -- it's
7 a recommendation report, so we had to ask council
8 to do certain things in order to enable
9 acceleration of the project, acceleration meaning
10 to shorting the completion timelines of the
11 project. And this report kind of outlines the
12 benefits and makes that request to council.

13 As it relates to this, LED
14 street lights do save a considerable amount of
15 energy, so the more that you can retrofit faster,
16 the more energy that you can save, and this is
17 pointing out that accelerating the project under
18 this proposal would save the City approximately
19 half a million dollars.

20 Q. Thank you. And while you
21 were working on the LAMP project, did any of your
22 superiors at the City follow up with you about the
23 status of the illumination project on the Red
24 Hill?

25 A. Not that I recall. I

1 wasn't directed or asked to undertake that study
2 during LAMP.

3 Q. Did anyone suggest to you
4 that the LAMP project should not be prioritized
5 over the illumination project?

6 A. No.

7 Q. Thank you. I believe you
8 stated that the illumination review was one of the
9 OBL items after the 2016 -- after you received the
10 direction from committee following your 2016 staff
11 report. Is that correct?

12 A. Correct.

13 Q. Is there a process in
14 place to review pending OBL items?

15 A. There is. OBL items are
16 recorded by clerks formally and within Public
17 Works those OBL items or the OBL list is reviewed
18 on a relatively regular basis to keep an eye on
19 those OBL items at the director, general manager
20 and director level. And then also an OBL
21 item that requires a report, there's also, within
22 the divisions, I'll call them sublists where the
23 reports that are due to respond to OBL items or
24 not OBL items are also maintained at the
25 divisional level.

1 And for some perspective in
2 transportation operations and maintenance, I meet
3 with my senior staff monthly and I review the
4 report listing and I review the outstanding
5 business list regularly with the general manager
6 at the director leadership team meetings.

7 Q. And would that have
8 included the pending item regarding the
9 illumination review?

10 A. I was not in that
11 position in that point in time, but just based on
12 my experience as a director and a manager, I would
13 not -- I would think that it would follow that
14 exact same process. I wouldn't think that it
15 wouldn't.

16 Q. I believe this was your
17 evidence, but please correct me if I'm wrong. Did
18 you state that in order to move the OBL item out
19 with respect to the illumination project, that the
20 PWC would have had to vote on that or that would
21 have been presented to them and they would have
22 directed that the OBL return date be moved?

23 A. That's correct. Any
24 changes to the report backdate of OBL items has to
25 be approved by Public Works Committee and then

1 ratified by council.

2 Q. Thank you.

3 Mr. Commissioner, I think those are my questions.

4 Thanks for your time, Mr. Field.

5 JUSTICE WILTON-SIEGEL: Thank
6 you.

7 MS. HENDRIE: Commissioner, I
8 have very brief follow-up questions.

9 JUSTICE WILTON-SIEGEL:
10 FURTHER EXAMINATION BY MS. HENDRIE:

11 Q. You were just speaking
12 with Ms. Contractor about the OBL review process.
13 As I understand it, your practice currently as
14 director is to review that list on a monthly basis
15 with your staff members. Is that right?

16 A. With my report listing
17 for my division, yes.

18 Q. And the staff members
19 that are involved in that, those are the staff
20 members who are responsible for the various OBL
21 items?

22 A. The report items,
23 correct. My senior leadership team within my
24 division.

25 Q. And as I understood your

1 evidence, you said that you expect that a similar
2 process would have been followed with respect to
3 the OBL as it pertained to the lighting item and
4 the LAMP project?

5 A. The OBL list certainly,
6 yes. I'm not too sure the reference to the LAMP
7 project, but the OBL list would be and I would be
8 shocked if it was not reviewed at the GM level
9 before I joined the director leadership team.

10 Q. So, is your evidence that
11 the OBL would have been reviewed at the director
12 and general manager level?

13 A. Correct.

14 Q. And not at the staff
15 level?

16 A. OBL list reviews would
17 possibly come down to lower level staff just to
18 provide comment, but not at the senior project
19 manager or project manager level.

20 Q. Okay. So, in the context
21 of the OBL item related to the lighting, the
22 consultant report, did that come down to your
23 level?

24 A. I think there is some
25 indication that there was the one e-mail from

1 Diana Cameron looking to schedule the OBL report
2 backdate, and that was probably -- I could make
3 the assumption that that was an output of perhaps
4 a DLT meeting and asking questions about the
5 scheduling of it.

6 Q. I believe those are my
7 questions, Commissioner. I do note that last
8 document that was pulled up, HAM64283, that, I
9 believe, should be marked as an exhibit as well.

10 JUSTICE WILTON-SIEGEL: Okay.

11 MS. CONTRACTOR: Thank you.

12 MS. HENDRIE: I think we're
13 at --

14 JUSTICE WILTON-SIEGEL: What
15 number is that, Mr. Registrar?

16 THE REGISTRAR: HAM64283 and
17 it's Exhibit 75.

18 JUSTICE WILTON-SIEGEL: Thank
19 you.

20 EXHIBIT NO. 75: Report
21 from November 13, 2017
22 prepared by Mr. Field and
23 Mr. McGuire, HAM64283.

24 MS. HENDRIE: And one other
25 exhibit cleanup matter. I called up today the

1 video of the November 18, 2013 Public Works
2 Committee, that recording, and that was marked as
3 an exhibit, but I don't believe that the
4 transcript that I didn't take Mr. Field to but has
5 been called up for other witnesses previously, I
6 don't believe that transcript has been marked as
7 an exhibit yet. I'm wondering if Mr. Registrar
8 could confirm that.

9 THE REGISTRAR: Sorry, which
10 transcript?

11 MS. HENDRIE: The doc ID is
12 RHV986.

13 JUSTICE WILTON-SIEGEL: While
14 the registrar is looking for that, Mr. Field, I
15 don't think you need to be engaged in this part of
16 the discussion, so thank you very much for
17 attending and you're excused.

18 THE WITNESS: Thank you very
19 much.

20 JUSTICE WILTON-SIEGEL: Thank
21 you.

22 Now back to the Registrar.

23 THE REGISTRAR: No, sorry,
24 counsel, it hasn't been marked as an exhibit yet.

25 MS. HENDRIE: So, if we could

1 make that document, RHV986, which is the
2 November 18, 2013 Public Works Committee meeting
3 transcript, if we could mark that as Exhibit 76.

4 THE REGISTRAR: Noted,
5 Exhibit 76.

6 EXHIBIT NO. 76:
7 November 18, 2013 Public
8 Works Committee meeting
9 transcript, RHV986.

10 JUSTICE WILTON-SIEGEL: What's
11 the date of that meeting?

12 MS. HENDRIE: That's the
13 November 18, 2013.

14 THE REGISTRAR: I can put it
15 on screen if that's helpful.

16 JUSTICE WILTON-SIEGEL: No,
17 that's fine. Okay. If there's nothing further
18 that we have to address this afternoon, then we'll
19 stand adjourned until 9:30 tomorrow morning.
20 Thank you.

21 --- Whereupon the proceedings adjourned at
22 4:24 p.m. until Wednesday, June 14, 2022 at
23 9:30 a.m.

24

25