

Transcript from Recording of Meeting on December 3, 2018
(HAM0054052_0001)¹

Gord McGuire 00:01

To go ahead and perform the testing, that's the recommendation.

Speaker 2 00:05

Yeah. So that

Gord McGuire 00:06

That's probably excluded. The timeline sucks here. This thing was done in 2015 and we already knew that. Anyways, CIMA went ahead and did a big study in absence of all of the information [indiscernible] you just worked with one arm tied behind your back ...

Speaker 2

Right

Gord McGuire

So, I'm not sure if that's responsive or not. So we've got a little bit of follow up to do on this one, which is who procured them, under what roster and what happened, right?

Speaker 2 01:09

So Roads, would they have responsive records?

Gord McGuire 01:15

On friction testing?

Speaker 2

Yeah

Gordon McGuire

Not really, I mean, I can almost guarantee that no, they wouldn't. What they have are accident statistics, and a lot of them. And when I did send a summary of information [indiscernible] ... I was away

Speaker 2 01:50

That's right, right....

Gordon McGuire

And I enjoyed it

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Speaker 2

The only thing wrong with vacation is that they end.

Diana Cameron 02:10

That's right.

Gord McGuire 02:33

My original draft of this thing was a bit of a CYA document of what I knew when and why.

Speaker 2 02:43

Yeah, that's what you need to do.

Gord McGuire 02:45

And what I've done about it. So, I think we're through the third major report that makes sense to figure out if it's responsive or not, and then the last report that I think we need to talk about is the 2017 assignment to Golder that we just sort of determined and we're sending this information about, which was a very small document, right?

Diana Cameron 03:22

It was just an email right?

Gord McGuire 03:24

It was an email, and that was the Golder's Study of 2017, this one, correct?

Speaker 2 03:40

Right, I ran that off because you sent it to me but I don't have it here.

Gord McGuire 03:43

Would you like a copy?

Speaker 2 03:44

Sure. I think we're going to . . . [indiscernible]

Gord McGuire 03:44

Diana could you grab a copy?

Speaker 3

Sorry about that

Diana Cameron 03:47

Nope, sure.

Gord McGuire

Appreciate it, appreciate it

Speaker 2 03:47

I mean, I ran it off but it's sitting on my desk.

Gord McGuire 04:10

OK, that's fine, yeah, [indiscernible]. Just want to [indiscernible]. Yeah, I want to know. . . . what are we doing?

Gord McGuire

I'm asking if there's a friction issue...

Speaker 2 04:14

To somebody

Gord McGuire 04:14

...who already told us there was a friction issue.

Speaker 2 04:18

Okay, I'm glad I wasn't so off on all this, okay. I don't understand that.

Gord McGuire 04:27

I mean, I'm not not an engineer by trade, I think actually to me that's giving me an advantage in the cycle and I'm here to manage the business and direct the teams to develop all of the things that need to happen. Gary was an engineer and spent a lot of time on asphalt.

Speaker 2

Mmmm OK.

Gord McGuire

Had, in his opinion his knowledge of asphalt was superior to everyone else's.

Speaker 2

OK

Gord McGuire

And that what he said went. And we need to talk about his role in this at some point. And we also need to talk about his current employment status with the City, which is. . .

Speaker 2 05:16

He's on a contract or something

Gord McGuire 05:17

He's on a contract to the LRT.

Speaker 2

Right

Gord McGuire

So I don't know how that works, in [indiscernible] that's an interesting wrinkle.

Speaker 2 05:33

And she's aware, she's aware of this. And she's aware he's on contract right now. The thinking is we need him on side because a lot of this information on who did what and why. Why were certain decisions made, may be all in his head. I don't know that he was taking copious notes, explaining everything that you can go and pull this is why this happened, but to the extent we need him for information, he's more likely to give it to us if we're on all good terms without going and accusing him of anything. [Indiscernible] don't say, I'm just saying.

Gord McGuire 06:13

If you position this, the actual sequence doesn't make a lot of sense, in my opinion, from what I've seen.

Speaker 2 06:23

Yeah and so you and Dan spoke to him, right?

Gord McGuire 06:26

We did. Did you ever see An Officer and a Gentleman? You can't handle the truth?

Speaker 2

Oh yeah

Gord McGuire

Was close.

Speaker 2 06:37

Oh yeah?

Gord McGuire

Yeah

Speaker 2

Really?

Gord McGuire 06:38

Yeah. So we have a conversation - his basic position is, there is no standard in Ontario, OK, or in Canada. But we did this test. Didn't tell me anything because there's no standard, and I have

[Indiscernible]. [Indiscernible] difference between the two facilities that are side-by-side. So that's what I know. Okay, so next responsive report to this, and I'm trying to understand what I need to supply, would be this 2017 Golder's proposal, right?

Speaker 2 07:27

Mhm

Gord McGuire 07:32

So we did assign the work to Golder's. Right, we opened the purchase order.

Speaker 2 07:38

Mhm

Gord McGuire 07:40

So there's a contract to perform this work.

Speaker 2 07:46

Mhm

Gord McGuire 07:51

I have some, I don't know what we need to release here. Like do we release the proposal? Because that... is it part of the discussion around memos, reports, correspondence about friction testing? Because the first paragraph says 'improve the skid resistance if required'

Speaker 2 08:23

Talked about, you know, is this pavement surface, pavement testing and assessment in 20-

Gord McGuire 08:29

Oh right, it's the two year window too

Speaker 2 08:31

The two year window, so I'm thinking it's probably caught by that. So, your, this is still work ongoing?

Gord McGuire 08:42

Well that's a good question.

Speaker 2 08:43

Oh OK, we don't know yet.

Gord McGuire 08:45

Yeah, so if you look, there were three things that were supposed to get back from this report, right? Surface frictional properties using this British pendulum tester. So that's the first thing.

Diana Cameron 09:08

Sorry, is that friction testing?

Gord McGuire 09:09

Yeah.

Diana Cameron 09:10

Okay.

Gord McGuire 09:11

So the section, the second thing is pavement texture analysis [indiscernible] techniques. The last thing is the coring. Right? So this British Pendulum Tester, is a mobile device, that you put on the asphalt and that's kind of like a shoe one that will tell you if, you know, if you put it on this surface, it would have a certain friction rating on a carpet or how much right - it would catch and it would tell you this resistance and things like that. So what we got back from an email, which I think is a part of our response, Diana?

Diana Cameron 10:02

Um -

Gord McGuire 10:06

Yes, yes those are the responses.

Diana Cameron 10:08

Yep.

Gord McGuire 10:09

Okay so his response was, if you go to the second page, number four, he says they tried to run this pendulum test but there was snow and negative temperatures and it was considered meaningless, so I guess this is correspondence around pavement testing and friction

Speaker 2 10:37

Wouldn't you be able to do it again? On another day?

Diana Cameron 10:42

(Laughter) Your common sense, my common sense, his common sense...

Speaker 2

We tried it once and it didn't work. Let's just drop it -

Gord McGuire 10:52

It's closed

Diana Cameron 10:57

It's over, it's done with, I'm not going back. (Laughter)

Speaker 2 11:06

That didn't make a lot of sense, I did read that but then I thought okay, they'll go back again and do it

Diana Cameron 11:12

So I guess we need to find out if this assignment is still open then right? Which I'm thinking it is

Gord McGuire 11:16

So let's figure out where that assignment sits from a purchase order perspective. The other thing was, he provided, he did this thing a pavement texture measurement, which is his second or third bullet in the email. So this measured textured depth - they use a specific amount of glass beads at a certain size and then they put it on the asphalt and they spread it out. And if, let's say let's say it was this surface, the glass beads would spread out all over the desk, because there's nothing to catch them, if you put it on the carpet, and you wanted to spread them out, you would get a smaller radius, a smaller diameter which would tell you that there's deeper surface depth. So by putting a certain amount and then measuring the radius you can get a depth. So, what he says was they did this test, the measured texture depth is 1.25mm, and a regular or better, average one, good macrotexture is around 1. So, it doesn't surprise me because the SMA mix is supposed to be what they call gap graded. So it's supposed to have larger stones with more voids between it. And the voids are supposed to take some of the water down and reduce spray and reduce tire noise. So putting this macrosurface texture on top of what is a gap graded mix supposed to have bigger stone and less what they call fines in it - less sand and other filler - doesn't surprise me that it's got a slightly deeper surface texture than what else you would see. So that's not a surprise and probably meets the characteristics of what a gap graded mix or Stone mastic asphalt should be doing.

Speaker 2 13:37

Okay.

Gord McGuire 13:38

You get that?

Speaker 2 13:39

Yep.

Gord McGuire 13:39

Okay, so the asphalt structure is supposed to have like larger stone on top of other stone, one of the reasons why they picked that SMA mix is because the aggregate is supposed to be really just basically fall on itself and not so that's why it won't rut so much, you got more stone, you've still got some gaps in it but it's it's interwoven with each other and more of a honeycomb style, as opposed to be filled all together internally with fines and sands and other stuff like that. So that's why - it's not a surprise. So it's a reasonable response and reasonable results. [indiscernible]

Speaker 2 14:30

And a good result?

Gord McGuire 14:32

And a good result. So the other thing we did was the core stuff, which is in his item 2 in the email and his element C is his proposal. And element C is the bulk of last paragraph on page one of his proposal. It says he's going to bring the cores to Whitby, and then they're going to extract the aggregates. So they take the whole segment, take the whole circle of asphalt out. And then they bring it back to their facility and they break out the actual stone. The stone that is making up the asphalt. From there, they sent it to Ireland. And that's the response we got from Ireland, which is the James Fisher testing. Done in Ireland, which appears to tell us that our Polished Stone Value is 45. This guy is saying in his email response to us, the average or medium for trap rock aggregates, which is his second bullet in his email response. The Golder assignment proposal asks for, on the second page, second paragraph to be presented in the draft report - upon receiving a draft report, may be included in finalized. So we seem to have gotten a response from him up to that phase,

Diana Cameron 16:40

Minus the report

Gord McGuire 16:41

But you haven't seen a report. All I have is -

Diana Cameron 16:43

I knew

Gord McGuire 16:44

All I have is a preliminary, I have some documents around the findings, but I don't have a report. And he also tells me that he considered those other tests to be meaningless. And I guess my question here is, what were the results?

Speaker 2 17:06

It says a hard copy of the results were presented at the meeting with the City representative in March 2018, in his email. Is that, I'm assuming that was with Gary, right?

Gord McGuire 17:16

I don't know who was in that meeting.

Diana Cameron 17:21

[indiscernible] I can't even see it to go back.

Gord McGuire 17:25

So I have a call into this guy [indiscernible] on the third, he's supposed to be back today -

Diana Cameron 17:33

Are you talking about Ludomir?

Gord McGuire 17:34

Ludomir, yeah.

Speaker 2 17:41

So it says there is a report?

Gord McGuire 17:44

No, it says there is to be a report.

Diana Cameron 17:47

A hard copy of the result.

Gord McGuire 17:49

Not a report

Speaker 2 17:50

Okay, [indiscernible] report was presented at a meeting. Yeah. But I'm with you I mean to the extent that this be about the report, and I don't think trying one day on the night of December 6th and 7th of 2017 really satisfies 2.1 friction properties, [indiscernible] and we're not paying you for that.

Gord McGuire 18:25

Well, he says, if you look at the scope of work on his proposal, on the first page, below the third bullet, it says the friction testing and the texture measurements will be carried out during one night.
[indiscernible]

Diana Cameron 18:39

That must be the night.

Speaker 2 18:42

It has to be the night when it's effective testing.

Diana Cameron 18:45

Yeah. [indiscernible]

Speaker 2

It's [indiscernible]

Dana Cameron

That's the night, that's the only night-

Speaker 2 18:51

the only night you do it.

Gord McGuire 18:52

The store's closed. It's locked. I went to pick up the milk, it was closed.

Diana Cameron 18:58

No milk, ever ever again.

Gord McGuire 19:01

Or eggs [indiscernible] you're shit outta luck. So it's an interesting response, that a) the results are meaningless, and b), we're done.

Speaker 2 19:13

Yeah, unless Gary told him, okay we're done

Gord McGuire 19:21

And pay him out.

Speaker 2 19:23

Yeah and pay him out. [indiscernible] Maybe that's what happened.

Diana Cameron

Is this a conversation that you need to have with Gary?

Gord McGuire 19:28

I am -

Diana Cameron

Or do you want to talk with Ludomir first?

Gord McGuire

Where we are now is, so I'm following up on where's the report with with the consultant. I'm asking Diana to follow up with what happened with this purchase order. Did we close it? Okay, if so, what happened? So that gets us through the four reports. I think based on what my understanding is this report email proposal in its entirety, are responsive.

Speaker 2 20:15

Say that again?

Gord McGuire 20:15

This email proposal -

Diana Cameron 20:23

just talking about the first one?

Gord McGuire 20:24

I'm talking about the this Golders, is everything we have with respect to Golder's, the date on this November 2017 assignment, is responsive, that's my view.

Speaker 2 20:36

Then pavement testing, reports, memos, including draft reports, asphalt and/or pavement testing, assessments. I don't know what plans - I guess that would be more what the city plans to do once it's got the results from the testing. And it all within the two years,

Gord McGuire 21:02

Okay, so that gets us through the things that I had left my item three, which is what material is within the scope of the request, and we're working on that. Any elements redacted, removed or not shared. I think we have a pretty good understanding of that

Diana Cameron 21:15

Of what you would like

Speaker 2 21:16

What we're recommending, right? Yeah.

Gord McGuire 21:21

Providing direction on the reply. So this is a larger problem, that I'm trying find understanding of this. Is everything come through my office? I understand that Nicole's involved, I understand Mike Zegarac's aware, I know that Dan's aware. I think we're at the technical level, but there's probably communication strategy [indiscernible] Council. [indiscernible] Which is all important to the topic. Like we have to figure out what's going out the door and then

Diana Cameron 22:04

Do we need to do a confidential report?

Speaker 2

Yes

Gord McGuire 22:08

What's going on the door? When? And then, what I'm trying to sort out is, what did we say to the newspaper over time. So I'm making an assumption here, that this FOI is coming from the Spectator.

Speaker 2 22:32

I mean, it might be a law firm. I think Ron and John were, and John McLennan might have been thinking, I guess, is more long litigation right now.

Diana Cameron 22:42

But the two girls, they keep bringing up the two girls that were killed, right? The mothers are still for that. So I'm, I'm wondering if it's, if it has to do that.

Gord McGuire 22:52

I think the moment it goes out, we can assume it's going to land with the Spectator -

Speaker 2 22:57

At some point thereafter -

Gord McGuire 22:58

at some point they're going to find it either through

Speaker 2 23:00

highly likely

Diana Cameron 23:03

That's definitely going to be, it's going to be out

Gord McGuire 23:05

A filings phase in a litigation or discovery process or directly, and/or all of the above. I think we'll be looking at this thing is going out the door [indiscernible]. My questions are more what are we doing? What do we got? I think we have a fairly good understanding of what's going on right now. We've got a bunch of other testing underway with Golders. But we're through the first part of what happened with friction testing over the five years. That's the Tradewind, Golders, CIMA - those are the three reports. The next part about the last two years, we've also done a bunch of material testing for this whole concept of Hot-in-place. We have another stream going on. It's fairly innocuous with respect to anything to do with friction testing.

Speaker 2 23:59

Okay, but it falls within [indiscernible] -

Gord McGuire 24:01

It falls within that. And we will get all that stuff ready, and that's Mike Becke and Susan.

Speaker 2 24:08

Okay.

Gord McGuire 24:12

The strange offering that happened here, is that we've known about this friction issue for a while. Our consultants recommended whether [indiscernible] or not. To microsurface this thing, basically, put a tack coat on and up the friction. CIMA went out and said, you guys should do friction testing. We hadn't had the Red Hill programmed for resurfacing in, through any of that cycle. Normally we program work like that, it's like 10 years ago. So we would say 'this street from A to B, we've got it in our ten year capital plan and it looks like it's going to be \$100,000.' We didn't have the Red Hill in our 10 year capital. In 2017, we dumped 15 million bucks into the Red Hill, unbeknownst to anybody. In 2018 -

Speaker 2 25:11

That's what Ron was asking, he said is there not in some sort of report because that's a pretty big chunk of change to go to the Council and get approval, is it not? Like how did somebody just get 15 million without a report to Committee or Council?

Gord McGuire 25:26

There was an action item is in 2017 are - somebody injected resurfacing capital for the RHVP and Linc. That's an action item for me - have to go back to Rick and Al and find out how that happened. Because normally, if we're going to program work, [indiscernible] at the end of the day, we need some time to react to it, we can't just turn our minds to hey, here's 15 million bucks, let's go pave those things. There's a lot of planning, normally we need a couple of years run into it -

Speaker 2 26:06

Right.

Gord McGuire 26:08

In a larger project, generally the larger the dollars the longer time, so that was an odd, that was an odd

-

Speaker 2 26:17

That is odd, yeah something.

Gord McGuire 26:18

That's an odd manoeuvre. If you're trying to pull the whole internal path together, it's not a - So we knew in 2014 from Golder's Report that the Red Hill was subject to higher than normal volumes, had some cracking issues based on a construction technique of that asset, it had a slightly different base construction and a very deep, what they call a rich bottom layer of asphalt which was supposed to protect it from cracking from the top all the way down. We have the base layer that was called the rich bottom layer, [indiscernible] more of a more plasticky kind of material - has a little bit more flexibility in it. Next layer which is called binder, which is kind of a rougher course asphalt and on top of that the riding surface, so it was a three layer cake as opposed to conventional asphalt which is generally base, binder, riding surface. So put this rich bottom layer, so what they did was analyze down into the top surface and said your top surface is cracking but your bottom surfaces are still fine. So get on your riding surface before you start getting top down cracking into the other layers, which means you'll have to do a full restoration and it'll be a lot more expensive. But we knew that in 2014. We didn't program any work until 2017. So there's some gap in there. So a 3 year gap, I don't know why that happens. Seems odd, to me. So that's, yeah, so here's your different material make up for, this is a conventional road. So this is this is what you call top course asphalt, you're 40 or 50 mils, around two inches. This is 120. So about four inches of what they call a binder, then granular, which is a granular A, which is a nicer material than granular B, which is kind of a coarser material. So 450 is like [indiscernible] so a foot and a half and then half a foot, so there's two feet, and then there's another six inches on top of it. That's your road construction. That's our base, that's our subgrade, about the same amount of granular A, 80mm of this rich bottom layer, which is this kind of plasticky, thicker asphalt mix 120 of binder and then the 40mm riding course, they've gone into the riding course and said, wearing course then getting some cracking, but nothing's happening down here. So get at this. That was 2014.

Speaker 2 26:18

So which report is that?

Gord McGuire 28:16

This is just me pulling - that was Golders' 2014 report-

Speaker 2 29:23

The draft report?

Gord McGuire 29:24

Draft report stating you've got some challenges, you've got some issues and you need to deal with it. And one of the things we recommend is that routing and sealing. And in order to address your friction issue, put that microsurfacing.

Speaker 2 29:41

Right.

Gord McGuire 29:42

So that was 2014, and in 2015 CIMA went out and did their study, apparently, with no knowledge of the friction tests.

Speaker 2 29:50

In 2015...

Gord McGuire 29:51

Right and then in 2017, we've retained the Golder again to say hey, is there a friction issue?

Speaker 2 29:58

Yeah

Gord McGuire 30:01

The store is closed so we're done.

Speaker 2 30:07

Yeah.

Gord McGuire 30:07

At least we're laughing about it. Yeah. And that gets us to what are we giving, to who, and why? Then in the two year window. So now that's gotten us to this concept of hot-in-place.

Speaker 2 30:11

Yes, when did this so start, that conversation been around for a couple years -

Gord McGuire 30:24

That, it's a bizarre conversation, given the knowledge of the performance of these materials.

Speaker 2 30:31

Right

Gord McGuire 30:33

It's like, it's like you've got a really crappy car. And you know, it's not running well, but you're gonna take it to the paint shop and get the paint redone. But you're still gonna have this crappy car. So like, we're basically reusing - with hot-in-place, the theory of hot-in-place is the wearing course of the asphalt it oxidizes, get a bunch of stuff happening to it, it starts breaking apart. You pull it through the milling process, where you grind it all out, and grind it out in layers with whatever you want, a lot of heat, and throw it into a mixing bin. You put what they call beneficiating mix, which is kind of new asphalt in it, which is really [indiscernible] a little bit into granular but not much, very little. And you relay it. So you're basically just picking up the material and reusing. It's totally, perfect for environmental [indiscernible], is great saving for the City, but it assumes that the material you've got down is sufficient for [indiscernible]. So we know we have a major friction issue with this thing, why would we, in any way, shape, or form, consider picking it up and reusing it? And it's an SMA, which is a stone mastic asphalt, and we want to turn it into the Superpave, which is a whole different mix category, it's a whole different process.

Speaker 2 31:57

Is that a term of art or that is -

Gord McGuire 32:00

Superpave is the new newer method of making asphalt, the old method of making asphalt was this thing called the Marshall mix, which was basically a cake mix. Two cups of flour, one egg, do this do that. Superpave is I want a chocolate cake, and it needs to taste good. I don't care how you get there. And it's performance based. So you move away from very tight specifications on what the mix has to be to performance based. The problem with that was Superpave, the contractors they're going to say, fine you're not going to measure my, my most expensive materials, so I'm going to put in half an egg, right, and I'm going to do this and it's going to taste okay. [indiscernible]. So we moved it over to Superpave. It goes through what we call our Form 800, which specifies a lot of stuff. Which basically brings you back to closer to a prescribed mix, but you still have some flexibility in your applications of it to provide the material we use.

Speaker 2 32:27

Okay

Gord McGuire 32:34

So superpave, we're going to end up with this thing called the Superpave 12.5 with 12.5 millimeters which is half an inch, FC2 which is the friction course, high friction course specification. So the whole hot-in-place discussion was how do we take this muffin and make it into a chocolate cake. And the two of them don't really work. The amount of material that we had to put back in to the SMA to move it into

what we consider to be a high enough friction characteristic for us meant we had to add 50% of new mix. So hot-in-place [indiscernible]. So if you, around here there's like three or four hot mix producers, there's Coco, there's Associated, there's Dufferin, there's Lafarge, they all have their own product. So you come in with this idea that I'm just going to bring the material from your asphalt [indiscernible] so you're undermining asphalt business, so Coco, Associated, those other guys are not happy, that you're here then for us to issue a contract and say, okay, let the hot-in-place guy go and get him to buy 50% new material from one of these asphalt suppliers that you're currently undermining. We would have been a disaster. The asphalt suppliers may have declined supply or may have supplied him completely garbage and made us test like crazy. So, we quickly determined that with the amount of what we call the beneficiating mix, this made no sense. The next step I took when I when I determined that we had a friction issue was I said we're not reusing that material. So that material, so the City's continuing to pursue a review of Hot-in-Place Recycling, we will use it on Stone Church Road or Upper James or some other project, and if we can take our asphalt Dollar and extend it by 30% by using hot-in-place in specific areas it's a great idea. The technology doesn't exist in Ontario in any significant form. Ministry of Transportation is just testing it now in Northern Ontario, having some challenges deploying it, so we're not there yet. So this whole diversion of hot-in-place, to me, is bizarre. We knew the material wasn't sufficient but we wanted to repurpose it and I don't get it. I truly don't. Those are the questions that someone is going to have to ask Gary about why did we go down this path? So that's what Mike's report will tell us. Mike Becke.

Speaker 2 36:16

Oh, okay

Gord McGuire 36:17

He's going to respond to all of the stuff about the asphalt testing and everything else like that which is the second stage of this report, this request of two years. And I'm gonna take big panels out of the road and tested that to see whether or not we can do anything, but we did not in any way shape or form over the last two years ask the consultant to do anything about testing the friction of the existing surface when we did a sample. So we took a sample out of the Red Hill and sent them out for determination of whether or not we can use them for hot-in-place.

Speaker 2 36:56

Again.

Gord McGuire 36:57

We did not ask them to do a British Pendulum Test, another Griptest or anything else like that on the existing material. We didn't say come and check the smoothness of this stuff before running through the system to see whether or not you can get to where we want to be. So we already knew that we had to change the mix from SMA to Superpave and that's what the whole process was about. We did not ask the consultant to test the friction of the material that was coming off of it

Speaker 2 37:29

Right with the hot-in-place? That whole hot-in-place? ... Right, because we already knew

Gord McGuire 37:36

Well, I didn't know at the time that we were going through some of these things, at the beginning, I knew in September

Speaker 2 37:43

September 2018?

Gord McGuire 37:45

2018, that there was a friction test out there that was negative. At the same time I was trying to understand what Mike and Susan were doing with this whole hot-in-place thing [indiscernible] I went to Susan shortly after with the test and said, I don't know what we're doing here, but we're stopping any concept that we'll be using this Stone mastic asphalt back in the Red Hill. And her view was after she read the test, she agreed, I said we need to continue on with the hot-in-place investigation - it's a great parallel stream for us on other asphalt that we've laid down and can potentially expand and extend our program and our funding across more lane kilometres so that's a good news story for the City if we can get there but when we get there but not on this asphalt. I didn't put that in writing anywhere but at the same time we stopped the concept that we were ever using hot-in-place on the Red Hill.

Speaker 2 38:48

Okay. And that was September 2018?

Gord McGuire 38:49

Yep. [indiscernible]

Speaker 2 38:55

Yeah, well, [indiscernible] information and you're making a decision

Gord McGuire 39:04

So now you know way more about asphalt than you ever wanted, cracking and road failure and stuff. I mean please don't call us it's everywhere. So that gets us through all of the testing. We have to follow up with Mike. Do you have any questions of us?

Speaker 2 39:47

No, no, that's okay. So Mike, though is working on this?

Gord McGuire 39:49

Mike Becke

Speaker 2 39:50

Because I haven't seen any documents from his department then? Okay, so he knows that he needs to be working on this? And get it to us as soon as possible.

Gord McGuire 39:54

Nope Correct. Yeah, this is coming through, shockingly, enough Golder Associates and Ludomir.

Diana Cameron 40:09

Hopefully he found a good day, let's just keep our fingers crossed on the weather right

Speaker 2 40:15

Yeah

Gord McGuire 40:17

So Gary and the Principal at Golders worked parallel and did a lot of work with each other, consistently there, so.

Speaker 2 40:35

Okay

Gord McGuire 40:36

That gets us through the records

Diana Cameron 40:37

So Ludomir on our roster is scoped so he did a lot of scope in category one. So he did a lot of different work, I'm not sure what scope means in the roster though, Gord.

Gord McGuire 40:53

So if we retain, if we go off our roster for engineering or land surveying or something. So when we take a large firm, like WSP or whoever for full roster but we get another localized or a specialized application for a roster that we say hey this guy's really good at hydrogeological or [indiscernible] or asphalt structure or something like that, so we put them on as scope, which says we may or may not depending [indiscernible] any work in the in this category. So you hire a large general law firm, but then we go to a specialized local firm for [indiscernible] technology that's how that works.

Speaker 2 41:53

So he's, but he works - he's under Golder?

Gord McGuire 41:58

He's a principal

Speaker 2 41:58

...Doesn't have an email there. Okay, so who is providing direction on this reply -so what typically happens, unless it's strictly legal documents in which case then I send off the email with the reasons why it should or should not be disclosed to Anne or Debbie-Ann, and since it is not strictly like these are not legal documents right?

Gord McGuire 41:59

No, technical.

Speaker 2 42:33

Yeah, so what I've done in the past is worked with the client department and then you and I finalize between ourselves you know, which documents we think should be redacted or in what part, why I can draft the reasons and then it does typically come through you, if you're okay with that. If there's something that comes up and it's better through me, we can figure that out but right now let's just kind of go with [indiscernible]

Gord McGuire 43:08

Ok, lets identify my office as the lead but support from legal on what happened and I wanted everything perfect, everything checked and double checked before it goes out. Because I don't want to release anything we shouldn't. We don't want to not release stuff that we should.

Speaker 2 43:24

Yeah.

Gord McGuire 43:26

My goal here is to be 100% compliant [**Speaker 2**: Okay] with this thing, whatever - whatever that means going forward.

Speaker 2 43:38

So that's you and I, now we have no control over the Access and Privacy officers right. You and I can paper and put down the reason why we don't think, or just by the way -

Gord McGuire 43:48

Do they get full access to all this information?

Speaker 2 43:50

They do, yes.

Gord McGuire 43:53

Okay, when do we supply them that

Speaker 2 43:56

So, well as soon as possible. Because then she needs to go through everything and there's quite, if we send everything there's quite a bit for her to go through and then Anne needs to make a decision based on our comments and submissions of what needs to not be released and what shouldn't be released, but she needs [indiscernible] so once it's in their hands, [indiscernible] legal.

Gord McGuire 44:26

I get it we're not asking to influence her. [indiscernible]

Speaker 2 44:32

[indiscernible] letting you know that once, because even they override us.

Gord McGuire 44:35

That's their prerogative, they're like the auditor, they'll make a decision I mean, they're bound by legislation and regulations, we can't ask them to not comply with them so [indiscernible].

Speaker 2 44:49

Yeah, I just want you to yeah, we will do what we can so whatever doesn't get released, but at the end of the day, it's going to be their call. Again, that helps you and I because, right, they made the call if they felt it had to be released it had to be released it's not you and I voluntarily sending it out or not right?

Gord McGuire 45:09

So do we send a list of documents and the document and the sections that we feel should be included and what should be removed and/or redacted.

Speaker 2 45:23

Mhmm.

Gord McGuire 45:24

Okay so we need to provide them with full like 'this is document one, we feel paragraph 8, 12 and 22 can go, the rest of it can't.' Then the document 2, we feel that X, Y and Z can go, the rest of it can't. So we need to draft that up, I think, to get ready. We will start with that Tradewind thing and say this thing is responsive with the exception of page 13, which is the conclusion and recommendations which subject to [indiscernible] X MFIPPA, falls under this category.

Speaker 2 45:57

Right, so I mean, your office can do that, or my office can do that. So what I have done in the past is they're entitled to the unredacted documents so we send them that. If it's a very technical or very sensitive document and I didn't want any kind of miscommunication, cause if I'm just saying oh paragraph two on page seven, please don't, you know, so I end up doing a second copy and I either black is like you know, redacted it with black marker so there's absolutely no question of what we're asking not be released. Or other times colored marker. Yellow doesn't work so good sometimes because as someone photocopies it,

Diana Cameron 46:09

It doesn't show

Speaker 2 46:40

it doesn't show, so you use orange or green or some other you know, document that way - they cause if I do black, it's hard to read, right? And they got to keep going back to the original ones so that if it's green, or orange or blue, they can still read through it. And yeah, marked areas photocopied it's still,

Diana Cameron 47:00

You can actually do that in

Gord McGuire 47:02

Acrobat.

Diana Cameron 47:03

Acrobat, Adobe. Highlight it.

Speaker 2 47:06

Okay. Because that's right, because that's the blacking

Gord McGuire 47:09

We have the documents in Acrobat.

Speaker 2 47:12

Oh, okay. Yeah. [indiscernible] Yeah, yeah. So, I leave it to you whether [indiscernible]

Gord McGuire 47:24

We're gonna have a series of minutes coming out of this thing? It's gonna speak to the documents. And I'll go over it with Diana. And [indiscernible] to which ones we think are good or not? I will send you those minutes, and you can review what we think is, makes sense to release or not? And then we'll have to sit down with Anne and or Debbie. And eventually need to have a meeting with them and bring them the documents, that maybe -

Speaker 2 47:51

That's possible. Yeah.

Gord McGuire 47:53

I didn't want to occupy all of your time either. I'm assuming you have other files.

Diana Cameron 48:04

City of Hamilton in legal? No, no other files other than you Gord.

Gord McGuire 48:08

[indiscernible]

Speaker 2 48:14

Yeah, so so I'm just, and so I'm assisting with the FOI thing when you were talking about is there a need to inform Council. So just so you know, Nicole and Ron, and John, and Mike [indiscernible] are all on that too. And they've met with Dan and so. So I would be looking to Ron and Nicole - now Ron's away this week. But Nicole's around, and she's aware. So they're first waiting to hear from me on what it looks like is gonna end up needing to be released, knowing that there's this process, and we still have some time, because we need to finalize it, we need to get it to Anne. Anne is going to need some time

to go through it, right and get her decision out. So when is the actual letter going out? I think myself, probably unlikely to be before Christmas -

Gord McGuire 49:07

I think January

Speaker 2 49:08

That's what I was thinking. She's going to need some time with it. So probably mid-January. So that leads into here and then point number six, who needs to know and when do you have the opportunity?

Gord McGuire 49:20

Six and seven.

Speaker 2 49:23

Okay.

Gord McGuire 49:25

I've also got a, so there's a series of outstanding business.

Diana Cameron 49:32

January 14 has like three Red Hill Valley reports going that are OBL items.

Speaker 2 49:39

Oh, okay. For January 17?

Diana Cameron 49:42

14.

Gord McGuire 49:43

So why don't we follow up with the agenda for the 14th? Here's my concern, okay, we're going to have a collision of us coming back, let me just,

Diana Cameron 49:58

So we're doing the FOI at the same time all these OBL items are going about, about safety.

Speaker 2 50:05

Oh

Diana Cameron 50:06

On the Red Hill

Speaker 2 50:07

And how do you stay quiet? Is this where we're going with it? How do you stay quiet about this FOI thing without putting them on notice about all these

Gord McGuire 50:16

Well that's my message, here, there's a collision of a series of things coming into Council about the Red Hill. Okay, we've had nothing but conversation with them about the Red Hill over time. I have a draft report, shockingly by CIMA

Speaker 2 50:32

Okay.

Gord McGuire 50:33

On the Red Hill on illumination

Speaker 2 50:37

Right.

Gord McGuire 50:38

So we keep getting asked. There's there's a high level of accidents on the Red Hill. And look at those reports [indiscernible]. The question is, would it be beneficial to light the Red Hill? Is the relationship between accidents in the dark and accident propensity? And so the answer is no. The answer is, you have a high propensity for accidents in the wet, dark or light, there's no significant difference between the accident occurrences in daytime versus nighttime. That said, there's enough accidents to warrant lighting. So lighting is warranted. But it's not going, it's not the driver because CIMA knows that the major issue on the Red Hill is wet weather performance, which comes back to the [indiscernible] conversation. Gary's response has always been, has been an Environmental Assessment done in the original Red Hill, that barred lighting 100%, because of the influence on the natural environment. We retained CIMA, we went through every document out there, there is no there is no exclusion for lighting on those facilities. But there's no way we can retrofit this thing without going through a Schedule C EA, which is a significant event, because we'll spend more than \$2.4 million. So the lighting estimate to go on the Red Hill and Linc, which are all warranted based on the accident volumes and comparators to others, these are around 12 to \$20 million, just the lighting, that doesn't include the protection. So I can't just put a pole because then people coming off the road are going to hit a pole unprotected, so I need to put up guiderail, guiderail or walls and they're talking about redoing the storm drains because they're now influencing the drainage patterns of the road. So I really, quite frankly, in order to light it, need to do a functional assessment. So we're going to write a report that says you asked us about lighting but really what that means is if we go centre lighting on this thing, I need to put in a series of poles down the road, there's no way we can leave a series of poles unprotected so that means a centre median. So if we get centre median if it's drain, drain in the middle [indiscernible] storm drainage. Am I changing the storm drainage or am I doing something different? And while I'm doing all of that, looking at [indiscernible] the cost of, I mean, probably \$30-40 million by the time we're done from end to end, and then including electrical, electrical, poles and everything like that. So probably just lighting it for today. Are we just lighting two lanes or do you want us to look at expanding into 3 you want to look at something else. Just by asking, can I change the taps in the bathroom, all of a sudden you end up with a whole new bathroom because those taps won't match with you know your counters and things like

that. Here we are. So that whole discussion framed with our safety issues framed with the accident statistics, it's all coming together close in time to this and I can't bring them a report.

Diana Cameron 54:28

See I originally, I originally had when I requested the two OBL items to be matched. I had requested it for February 22. There was a there was a bit of a miscommunication and Traffic Ops had done their report for January 14th

Gord McGuire 54:48

Well we may need to move everything, moving, because like the message is gonna change rapidly. What may be coming. I mean this, I think I've sent you this, but this is this is the red. This is the Linc collisions in dry - 81%. And this is a Red Hill collisions in dry - 32%. So the wet weather performance on the Linc, there's 14% of the accidents take place there and 65% on the Red Hill. I think there's a and that's one of the things Traffic has spoken about, is there is a lot of single motor vehicle accidents in the wet on the Red Hill, that aren't in the dark.

Speaker 2 55:50

Hmm...So when you're saying the timing may have to change, are you thinking moving everything up to January 14, or moving everything

Diana Cameron 55:57

out?

Speaker 2 55:57

Out to February?

Gord McGuire 56:01

Well, here's my fear that we have like complete mixed messaging going forward here or we feel like we're uncoordinated, right.

Speaker 2 56:13

Right Mhmm.

Gord McGuire 56:17

So here's my view, and it may be subject to a lot of insight from you. Probably they're going to release a story around our friction testing that is inconsistent with our previous message and have been telling the public that there is no conclusive testing from [indiscernible]...You can call it inconclusive, you can call it informal, whatever you want to select [indiscernible] and we knew it was [indiscernible]. The story I want to tell is, we're new here, we have a different process. We understand that these reports exist, our number one project in 2019 is resurfacing this facility. It's a full new mix. And we're also working with Roads & Ops to review any and all safety guidelines out there, including are guiderails at the current standard, what can we do while the road is down to bring it up to the highest possible safety standards? That's the discussion I want to bring forward. And understand we were aware of it now, were aware of it in mid to late September. I put a couple of million extra dollars into that account to try

and make sure any safety elements that are required on the Red Hill, that we can bring through during a rehabilitation is not a reconstruction. So while we're rehabbing it if we need to change up some guiderail or put some end treatments or do whatever required for [indiscernible] and other elements on it [indiscernible]

Speaker 2 58:08

that's ongoing right now?

Gord McGuire 58:09

Ongoing right now.

Speaker 2 58:10

Okay.

Gord McGuire 58:12

So the message I would like to bring forward is, yes, we're aware of it. We know it's not a great response, but here's what we're doing right now. And then all the other stuff, about the OBL and the lighting and the functional study, once this thing, sort of, once we get it out, and we have a plan of action, then we can come back with okay, so we're going to talk to you about the lighting, we're talking about the functional study, we'll talk to you about the current safety status on it, framed by that conversation. That's my first feeling. Not sure how Dan or Mike or Nicole or Communications feels about it. Given the mid-January release, I'm hesitant to bring all this other stuff forward without informing Council that this is coming.

Speaker 2 59:06

Well, and yeah, my personal take on it is because you don't want to get criticized that you were sitting, like they're getting caught off guard, right? And this, this lighting is nothing compared to this and you were sitting, you came to us with lighting and all these other things to make it safer. But that's on the basis that it's already safe. Like these are extra.

Gord McGuire 59:34

We're talking about the paint color. We're not talking about the structure, right. So what are we doing here? Why are we, why are you bringing in -

Speaker 2 59:41

optics

Gord McGuire 59:43

We have a problem [indiscernible] . So that's what I'm doing. Because I think

Speaker 2 59:52

I don't know how you go with all the superficial stuff and then come back with the, three weeks four weeks later and say oh, and by the way

Diana Cameron 1:00:02

Well, you don't want Council or committee reading this in the paper without them getting a heads up first, right? You don't want to blindside them.

Gord McGuire 1:00:09

Oh god no.

Speaker 2 1:00:10

Oh, well that's yeah.

Diana Cameron 1:00:13

You blindside them and they'll kill us.

Speaker 2 1:00:16

Yeah. So I do know Nicole and Ron and Mike, I mean, they're all sensitive to all of that. So they're [indiscernible] Dan

Gord McGuire 1:00:38

Making a strategic decision of where to go.

Speaker 2 1:00:39

Yeah [indiscernible] involvement, unlikely to have my involvement [indiscernible], but

Gord McGuire 1:00:47

You can come to Committee with us.

Speaker 2 1:00:48

Yeah, right. I gotta yelled at last time I was there. It wasn't even me, wasn't even my report. I just happen to be the one standing there and [indiscernible] I had nothing to do with it, been there done that, I'll sit in the back. I'll be there if you need me.

Gord McGuire 1:01:10

I'm kind of laughing because [indiscernible] environmental services, then waterfront, now potentially this. I'm going to get a t-shirt with a target on it.

Diana Cameron 1:01:26

Passing the the target. Yeah, so yeah. So it went from Debbie to Craig. And it's like, yeah, not even a year on the job and the poor boys got the target on his back.

Speaker 2 1:01:41

And the worst thing is, well, I guess it's not the worst, but maybe you see it coming, right. So maybe that's a better thing that you see it coming, cause you at least have time to prepare the messaging. I mean, at the end of the day, you weren't privy to all of this. And be like me, wasn't even my report, I just

happened to be sitting, you know, standing right there in front of them at the time, they decided to go down this and I'm like, okay...

Gord McGuire 1:02:02

[Indiscernible] Do you want to know what's in front of me. This is where I know we're going. And I'm hesitant to undertake to friction test [indiscernible], the material put down or anything else like that. So I want to be cautious about sending the message to Council, about what, you know, what happens once we get through this next cycle? We need to have open conversations with what's going on. And you know, to be quite honest with you. It's been a difficult thing for me to get through and understand the messaging that's been given to the public and the documentation that we have internally. So we're going to get that kind of lined up. Someone needs to have more conversations with Gary, I don't know right now if that's that's the discussion that I need to be having with him. I need to be focused on what we're doing to fix these things. And I'll be really honest with you I think I know enough now that I don't want to know any more. I'm at a point where I'm comfortable with the knowledge I have that I'm making the decisions I'm making on the right information, and that there appears to be some stuff in the background that still maybe either unknown [indiscernible] because our opinion is all that stuff coming out.

Speaker 2 1:03:30

Right, it's not changing your opinion

Gord McGuire 1:03:33

[indiscernible] discussion going forward, right. And don't want to get dragged into the history of this file for the rest of my life, my career here can't be framed around the Red Hill. We've got escarpment walls that are falling and we've got Lake Ontario creeping up on other parts of our City, so we need to do some other work

Speaker 2 1:03:51

[indiscernible] Lake Ontario

Gord McGuire 1:03:58

It's chewing up large chunks of our Waterfront - you have climate, storm issues... They need to find a way to fix some of that.

Diana Cameron 1:04:05

Erosion.

Gord McGuire 1:04:06

Erosion, water, wind and wave action

Diana Cameron 1:04:11

[indiscernible]

Gord McGuire 1:04:13

Just money

Diana Cameron 1:04:14

Just money

Speaker 2 1:04:16

Yes, just money

Gord McGuire 1:04:18

Hundreds of millions of dollars in infrastructure investment. Yeah [indiscernible] sustaining the asset. So I mean it should be a good news story that we've turned the corner on this thing. We've eliminated a lot of the conversation around reusing that material -

Speaker 2 1:04:39

Well and that is helpful because that means you would be criticized if you jumped right to this \$15 million or whatever it's going to cost - 'what the heck, aren't there anything in between that we can, right.' Now we know

Gord McGuire 1:04:49

We do know.

Diana Cameron 1:04:50

We did.

Gord McGuire 1:04:51

We did a lot of detailed work.

Diana Cameron 1:04:52

Look at that.

Gord McGuire 1:04:54

And Hamilton is advanced in its asphalt and it's a lot of it's due to Gary. He is well known in the industry for those reasons, and we do have a strong mix and quality control process and things like that. That said there's a friction issue with that facility that we haven't dealt with. And I don't know why.

Speaker 2 1:05:15

How quickly could it have been dealt with? So let's say -

Gord McGuire 1:05:19

Microsurface it

Speaker 2 1:05:20

Within two years?

Gord McGuire 1:05:21

No, probably a year

Speaker 2 1:05:22

January 2014, they knew

Gord McGuire 1:05:24

They could have gone to Council and said we have an issue here. And we need to put some emergency funding on it to address this thing, and I apologize, but I don't know what happened.

Speaker 2 1:05:37

That could have happened relatively -

Gord McGuire 1:05:39

[indiscernible] Microsurfacing, it is a protective coat, it's an emulsion bonding crushed stone for traction. So it's like a slurry seal, it's like a driveway sealer, you put it on and wait 10 hours, like a tack coat with a different granular and the high friction characteristic in it, and then just basically pour it on the existing so that -

Speaker 2 1:06:10

That would have bought us time?

Gord McGuire 1:06:12

Yeah, absolutely. Golders' recommendation is to seal the cracks crack, [indiscernible] cracking -

Speaker 2 1:06:18

Was that done? Were any cracks sealed?

Gord McGuire 1:06:20

I don't know. [indiscernible] That's an Operations issue. So that's one of the challenges we have and we need to go back to that it's it's our, that's not really relevant. For friction studies.

Speaker 2 1:06:28

No, I'm just getting at, oh, you decided to do some of what they said,

Gord McGuire 1:06:33

[indiscernible] I don't know if we did that or not.

Speaker 2 1:06:36

And if it's all draft, why did you do anything?

Gord McGuire 1:06:39

That's a good point.

Speaker 2 1:06:40

If they didn't do anything, then at least that's consistent.

Gord McGuire 1:06:42

Didn't act on any of it

Speaker 2 1:06:44

Yeah, we didn't act on anything. And we decided to -

Gord McGuire 1:06:47

[indiscernible]

Diana Cameron 1:06:50

Are you saying we didn't react on anything in the original Golder Report?

Speaker 2 1:06:53

That's what I'm wondering. But the microsurfacing anyway, that would have been a temporary fix? Maybe, such that in a couple of years, we would have had to rip it all up and redo what we're doing proposing see now anyway?

Gord McGuire 1:07:08

It'd be arguably throwing away money, but it would increase the frictional characteristics of that asset. Correct

Speaker 2 1:07:21

And then I'm, again from the litigation side, how many and I asked Ron this, and he said well it depends on how accidents they had from January 2014 to current, right? Maybe they were none.... No, okay?

Gord McGuire 1:07:37

Hundreds.

Speaker 2 1:07:37

I didn't see anything showing - well, there's 474 accidents, which is a lot, but I didn't see anything breaking down and I might have missed it, the year like when?

Gord McGuire 1:07:48

Traffic's going to have that stat

Speaker 2 1:07:49

Yeah

Gord McGuire 1:07:50

2013-2017 [indiscernible]

Speaker 2 1:07:57

Yeah, yeah [indiscernible]

Gord McGuire 1:07:59

[indiscernible] That supporting material and behind it. Yeah, I know. I know that data is out there. It's not really responsive to friction.

Speaker 2 1:08:09

No, no, it just in terms of messaging is if it's zero, then it doesn't matter. Right.

Diana Cameron 1:08:16

So are you talking wet and dry? Or just wet?

Speaker 2 1:08:21

Well, it'd be just worried about wet, right. Because it's just that's when the performance drops. And granted, I am also aware that there's other reasons - speeding, impairment. I mean, there's other reasons for these accidents it's not -

Diana Cameron 1:08:40

Distraction.

Speaker 2 1:08:41

Distraction, not strictly wet but The Spectator's not going to see it that way, nor are the families right?

Diana Cameron 1:08:46

Yeah, look at that.

Gord McGuire 1:08:48

In 2012-16, there was 209 accidents at the top [indiscernible]. So if you went 2014 to 2018 -

Diana Cameron 1:08:59

What's the significance of the blue and the red dots?

Gord McGuire 1:09:02

The red dots are deaths. That's two deaths, three deaths, one death, one, one, two, one. So there's more fatal collisions on the Red Hill and there's a significantly higher volume of collisions on the Red Hill. And that's 2012-2015, and nothing's fundamentally changed.

Diana Cameron 1:09:22

What are they comparing that to? Are they saying

Gord McGuire 1:09:24

That's just pure numbers, that's, that's what happened. So that 209 is the largest blob, because it represents so that's 21 times 10% decided 209 so 21 accidents happened between Upper Sherman and Upper Gage in that three year window.

Speaker 2 1:09:39

Sorry, so this street is that that's the Lincoln, the Linc and then it turns

Gord McGuire 1:09:44

This is the Red Hill

Speaker 2 1:09:46

Right, right OK, and then 209 is where it seems to be where the

Diana Cameron 1:09:49

curve is

Gord McGuire 1:09:50

[indiscernible] sort of chicane at the bottom, three deaths in this area, two deaths there, one death there, one death there. 1, 2, 1, so four across there, one, 5, 7 [indiscernible]

Diana Cameron 1:10:03

So this this information being released, if it gets released, depending on what the FOI is and it goes public - are we up for litigation? From the families that have had deaths?

Speaker 2 1:10:17

All right, well, yeah I mean yeah

Diana Cameron 1:10:21

Almost, pretty sure

Speaker 2 1:10:21

Well, what happens. I mean, some of them may have already sued, right. So 2012, you only have two years to sue so you have to sue relatively short

Diana Cameron 1:10:31

Will there because this information was known and not released, will they be able to open up -

Speaker 2 1:10:37

Well that's the issue. Yeah, so some of those earlier ones would have settled and this is not anything that you guys need to fret about, right. I mean, this just is what it is. And John and Ron already know, right, so John McLennan, that's why we brought him in. And he's a part of this discussion, too. So certainly, any earlier litigation that settled, depending on what if this came out, remember, there was just one comment that Oh, Ron, thinks maybe one of these reports came out in the course of litigation, we weren't sure. Okay. So it may be that the Tradewind or the Golder Report was known to Risk and

Ron. Because, as part of litigation, it kind of came out - because you have to produce everything that's relevant, right, all relevant documents. So they weren't, they knew of this, but it was a draft report. So I'm thinking it might have been the Golder Report that they were aware of. So if there was a settlement and the City, now maybe because it was draft, maybe they didn't produce to the other side, who knows there's all these unknowns, but if you come to any kind of settlement, and it's based on certain information, you find out fundamentally -

Diana Cameron 1:11:53

That there was additional information yeah -

Speaker 2 1:11:55

[indiscernible]

Gord McGuire 1:11:56

Or misrepresenting [indiscernible] and any settlement would be based on their [indiscernible] representation [indiscernible].

Speaker 2 1:12:04

Right. So they would [indiscernible]

Gord McGuire 1:12:10

[indiscernible] allow,

Speaker 2 1:12:13

Did you really have a settlement, right?

Gord McGuire 1:12:16

Or a reopening of it with fresh evidence?

Speaker 2 1:12:19

Yeah, well, with the settlement, it's a little different. But any ongoing litigation. Yeah, yeah. And if you went to trial, then you can re appeal, or you -

Gord McGuire 1:12:30

These people, have lost family members, and will come to our Council and try and make a representation or something like that, and it will be difficult, it will be difficult and challenging, and to refuse to deal with these people. So that's down the line, and I try not to turn my head to it too much. Because this is a real human impact to the performance of this asset. And we can do all the studies and technical stuff that we want but people have had personal you know, and family challenges because of it. So hundreds of accidents a year, and some fatals, not all subject to surface conditions.

Speaker 2 1:13:25

And yeah [indiscernible]

Gord McGuire 1:13:27

Potentially, some due to ineffective driving, some due to just bad driving, some due to whatever. But we have a facility that had a crazy [indiscernible].

Speaker 2 1:13:46

So and there could be new claims, people who never sued, because it was just a minor injury.

Gord McGuire 1:13:51

We now know that the City could potentially [indiscernible] -

Speaker 2 1:13:54

And so they are within their within the two year window, they could easily just drop the suit where they weren't going to sue before. But that is what it is. People sue all the time, that's what Risk is there for and that's what and you know, and there's a couple I think there's three bigger files that are ongoing right now. So if this comes out in the course of this, it can be dealt with in the course of that litigation. So that's a good thing, in the sense that, [indiscernible] three bigger ones are still ongoing. Okay, so. Yeah. And the families - yeah, that's tough. That's very emotional. But you're making the best decisions you can right now, and the City has to account for what it did or didn't do before, right?

Gord McGuire 1:14:47

Okay, so we'll get these minutes out shortly. I'll go over it with Diana.

Diana Cameron 1:14:53

Yeah.

Gord McGuire 1:14:56

The whole concept of the OBL and everything else like that. I mean, I need to sit down with Dan and Edward and talk about this. I would like to sit with, I would like to sit with Nicole, and Dan, potentially yourself. Maybe sometime next week about like what's the plan here? Right? I mean if we arrive at different timelines on this stuff. If we arrive at, between ourselves, what we think is responsive, and what our message is to the FOI, by the end of the week, we should be able to put all that together, we should be able to have the documents ready? Right, they already are ready?

Speaker 2 1:15:57

Well, I don't have Mike Becke's documents but the documents I do have

Gord McGuire 1:16:01

Correct

Speaker 2 1:16:01

Yes.

Gord McGuire 1:16:07

Then that will fundamentally release friction testing, and will undermine a lot of stuff we've had to say over the last several years because [indiscernible] that is what it is. Then we need a strategy around, what's our approach to Council? If I'm going to report to them, you know, the lighting report is -

Speaker 2 1:16:48

The lighting report?

Gord McGuire 1:16:51

Not a really compelling story.

Speaker 2 1:16:56

Is there any other OBL that could be brought -

Gord McGuire 1:16:59

There's an OBL on -

Speaker 2 1:17:01

Like a more generic one

Gord McGuire 1:17:03

On accident stats, the speeding, and some other stuff like that.

Diana Cameron 1:17:06

They've combined two of them

Gord McGuire 1:17:09

Yeah. So people have a tendency to speed, like we know up the average traveling speed on the Linc in the off peak times, like 140 kilometers an hour and it's supposed to be 90. I mean some crazy numbers up there but, [indiscernible] accidents. All of those variables coming together. People seem to be travelling at a very high rate of speed and posted is 90, and it was designed at 90. You know, so what's going on? Right?

Speaker 2 1:17:42

On that note, just for my own information. Does the testing for the friction was done at 50, does that

Diana Cameron 1:17:49

the friction testing?

Speaker 2 1:17:53

Does that make a difference when it was out for 50 kilometers when people are actually traveling 90 kilometers?

Gord McGuire 1:18:03

No, it's just based on the the friction tester. It also sprays a film of water in front of the tire.

Speaker 2 1:18:16

Okay.

Gord McGuire 1:18:17

And in order to get this. So what they're trying to do is determine what's, where the wheel will lock up.

Speaker 2 1:18:30

Oh, okay. I was just curious because if it was that poor at 50, could it be poorer for at 90?

Gord McGuire 1:18:35

So standard test conditions of 50 kilometers an hour, 25 millimeters of applied water film in a tire pressure depth of 20 psi, tire pressure a 20 psi. So it's a low tire pressure, lower speeds and a little bit of water on it. And then they grab the tire until such time as it locks off, and then they determine what that means. So on the Red Hill, it locks up a lot quicker than it does on the Linc.

Speaker 2 1:19:03

Right.

Gord McGuire 1:19:03

So this is a standard test that they say if you're in the UK and you want to run it at level two it's a 48. So they were getting somewhere between 52 and 60, or a higher level than the the investigatory number that's fine. The Red Hill ran in the 30-40s - in some sections it ran above but was in 35 to 36 range. So what they're telling you is that it doesn't meet that basic number, and it certainly doesn't meet what the Linc performed.

Speaker 2

OK

Gord McGuire

So,

Speaker 2

But does the speed, I mean like I –

Gord McGuire

Speed doesn't mean anything. You know what, we'd have to retain an expert on that or something we don't own a Griptester we rarely if ever do that, in fact, I don't know if we've done it anywhere else, so it's fairly unique for us. [indiscernible] So there's that PO, we can take down all the invoices and see what happened. It was only \$8000, just for the friction testing. Hm, good deal. Golders may not be that happy about it, getting sucked into this sideways. Okay, so I think we're good. Diana?

Diana Cameron

I think we're good.

Speaker 2 1:21:17

Okay, so you'll go through that, I'll be the one then going through the documents with the highlights - that's what we're proposing, right?

Gord McGuire

Sure

Speaker 2

Unless you guys want to do it, but I can do it. So based on the documents I have right now which - I have everything you have right?

Gord McGuire 1:21:36

We'll send you the minutes, probably later some time today, and then go from there

Speaker 2 1:21:43

Then so, and Mike is really only dealing with the second part of it anyway and -

Gord McGuire 1:21:51

Yup, [Indiscernible] We'll give you a head's up when that's coming.

Speaker 2 1:22:02

When that's coming. Okay. Alright. [indiscernible] my accordion file folder doesn't fit [indiscernible]. Okay, I'll touch base with Nicole when I go back because she

Gord McGuire 1:22:03

[indiscernible] Was interested in this?

Speaker 2 1:22:34

Yeah, she was also going to fill me in I guess on the meeting with Dan from last week. And then I guess I will figure it out. Said to her as well, that you know, once we finish with the FOI part, I'm interested in finding out strategy and communication and all of that as soon as possible, so. And okay with Anne then, is Diana going to [indiscernible] email Anne Watson and just ask about the timing of the FOI-

Diana Cameron 1:23:15

Between the two of us, yeah

Speaker 2 1:23:27

[indiscernible]

Gord McGuire

[indiscernible]

Speaker 2 1:23:27

But we can only act as fast as we can right, so after our decision the letter has to go out

Gord McGuire 1:23:36

Yeah. Before you go I wanted to ask you another couple of quick questions. Oh, yeah, Diana want to just give me a second?

Diana Cameron 1:23:42

Yeah.