



**OVERVIEW DOCUMENT #10a:
DISCLOSURE OF TRADEWIND REPORT TO COUNCIL
AND PUBLIC**

REVISED SEPTEMBER 1, 2022

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A. Introduction

1. In February 2019, City Council received the Tradewind Report. Overview Document #10a will address the circumstances surrounding the public release of the Tradewind Report, and the events following its release. Overview Document #10a will largely be organized in chronological order, but some events will be grouped together, slightly out of chronological order, where doing so promotes clarity and ease of understanding. Overview Document #10a includes reference to documents released to the Inquiry pursuant to the decision of the Hon. Frank Marrocco, issued August 15, 2022, and documents received after the publication of Overview Document #10. Revisions are underlined.

2. Commission Counsel has endeavoured to confirm the names, organization, and position(s) held by the individuals referenced in this Overview Document. This information is provided in the body text where each individual is first referenced.¹ A complete list of the individuals and their respective information can be found at Appendix A of Overview Document #10a.

3. The facts contained in Overview Document #10a have not been tested for their truth. Commission Counsel and the participants may call evidence from witnesses at the Inquiry that casts doubt on the truthfulness or accuracy of the content of the documents underlying this Overview Document. The participants will also be able to make submissions regarding what, if any, weight should be given to any of these documents.

¹ Where more than one position is held by an individual within the time frame covered in this Overview Document, the information in the body text will reflect the position held at the time of first reference. For a complete list of all positions held by all individuals referenced in Overview Document #10a, see Appendix A.

B. February 6, 2019 – February 28, 2019

1. February 6, 2019 GIC Meeting

4. On February 6, 2019, just prior to the closed meeting of the General Issues Committee, David Ferguson (Superintendent, Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) emailed Rodney Aitchison (Project Manager, Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) and Bryan Purins (Project Manager, Traffic Safety, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) regarding inconsistencies among collision data reported by the City and the Hamilton Police Service:

Gents

I need you to review this asap. See pic below with numbers police are providing. 2018 is not matching what we have. It looks like we are off 100 collisions, even though the police are using our data base.

It appears prior years we are the same or within a couple of collisions. It appears our numbers are a combination of the MVC numbers.

Edward wants an answer asap, we have about 15 mins to figure it out.

There are legal issues occurring and will be going in camera. He needs the numbers confirmed.²

5. Mr. Purins replied, writing:³

Based on Intersection Magic for Linc & RHVP combined:

YEAR	Total Collisions	Self Reported (CRC)	Police Reported (MVC)	MVC Injury	MVC P.D.O	Fatal
2018	340	199	141	67	74	0

² [HAM0048731_0001](#) attaching [HAM0048732_0001](#)

³ [HAM0012779_0001](#)

Rodney, can you confirm?

6. Mr. Aitchison responded, writing “Your numbers add up to 141. Linda’s query is 140. The police are 216.”⁴

7. Mr. Ferguson replied: “Excellent work gents, I agree with you, they have something incorrect. Our numbers have always been accurate.”⁵

8. Mr. Aitchison replied:

The police got these numbers by querying their own database. They didn’t get 2018 stats by asking us to query Intersection Magic. Our numbers are reported collisions and mainline only. Maybe they include ramps ? I can’t justify their numbers but I can say that our queries are accurate. Bryan’s numbers were determined when our database was not fully up to date. The numbers I just gave you are based on the completed 2018 database. The police 2018 numbers are handwritten which suggests someone at their end did a quick tally. Linda was off at the end of 2018 and just finished completing 2018 inputs this week. If you look at our 2017 and earlier numbers compared to theirs then we are close. It’s 2018 that is off and probably for the reasons I described.⁶

9. Mr. Ferguson forwarded part of this email chain, up to and including, Mr. Aitchinson’s email of 11:46 a.m. on February 6, 2019, to Mr. White and Ms. Graham later that day.⁷

10. On February 6, 2019, at 11:20 a.m. Nicole Auty (City Solicitor, Legal & Risk Management Services, Corporate Services, Hamilton) emailed David Boghosian (Managing Partner, Boghosian & Allen LLP) and Ron Sabo (Deputy City Solicitor, Dispute Resolution, Legal & Risk Management Services, Corporate Services, Hamilton) under the

⁴ [HAM0012779_0001](#)

⁵ [HAM0012765_0001](#)

⁶ [HAM0048733_0001](#)

⁷ [HAM0012779_0001](#); and [HAM0012770_0001](#)

subject line “RHVE motions”, writing “Can you please advise if we have an changes to make to these, particularly the in camera/technical motion”.⁸

11. Four draft motions were attached to Ms. Auty’s email, the content of which has been excerpted below:

IN CAMERA

WHEREAS;

AND WHEREAS;

AND WHEREAS ;

NOW THEREFORE BE IT RESOLVED that:

1. That the City Solicitor be directed to engage an independent third party engineering consultant to review the safety measures taken and advise whether all reasonable steps have been taken and if not, what impact this has on the public safety and the City’s liability.⁹

...

WHEREAS

NOW THEREFORE BE IT RESOLVED that:

1. That the Director of Audit Services be directed to conduct an audit of the City’s internal processes, managerial systems and procedures regarding friction management in relation to the Red Hill Valley Parkway and report back with recommendations and a management response to the Audit, Finance and Administration Committee;

2. That the Director of Audit Services issue a “Special Report” pursuant to the Council-approved Roads Construction Audit for this audit of friction management.¹⁰

...

WHEREAS speed enforcement is a critical factor in ensuring road safety on the RHVE;

AND WHEREAS the City requires additional enforcement measures be taken;

NOW THEREFORE BE IT RESOLVED that:

⁸ [HAM0062585_0001](#) attaching [HAM0062586_0001](#), [HAM0062587_0001](#), [HAM0062588_0001](#) and [HAM0062589_0001](#)

⁹ [HAM0062586_0001](#)

¹⁰ [HAM0062587_0001](#)

That the [Mayor/City Manager] be directed to engage Hamilton Police Services to provide dedicated enforcement measures on the RHVE [for a period of 6 months/1 year]; and

That staff be directed to report back in [6 months/1 year] regarding the effectiveness of the enforcement and collision rates for that period;

The any additional cost for the dedicated speed enforcement be funded from [special levy, PW/TSR?].¹¹

...

WHEREAS;

AND WHEREAS;

AND WHEREAS ;

NOW THEREFORE BE IT RESOLVED that:

That the Staff be directed to further engage CIMA to provide a report outlining their review of the safety measures taken on the RHVE to date and their opinion that all reasonable steps have been taken to address road safety and to make recommendations for additional safety measures to be taken, if any.

The cost of the review report be funded from the [PW].¹²

12. Ms. Auty forwarded the draft motions to Mr. Zegarac approximately one minute later.¹³

13. Mr. Boghosian replied to Ms. Auty's email at 11:44 am, writing "I thought you had decided not to get an independent third party engineering review for the time being and leave it to individual litigation matters?"¹⁴

14. Ms. Auty replied at 4:25 pm, writing "Yes, that would be my recommendation, but this is just in case council wants to take a step."¹⁵

¹¹ [HAM0062588_0001](#)

¹² [HAM0062589_0001](#)

¹³ [HAM0062585_0001](#) attaching [HAM0062586_0001](#), [HAM0062587_0001](#), [HAM0062588_0001](#) and [HAM0062589_0001](#)

¹⁴ [HAM0064195_0001](#)

¹⁵ [HAM0064195_0001](#)

(a) Closed meeting of the GIC

15. The GIC met on February 6, 2019, at 9:30am. Mayor Fred Eisenberger (Mayor of Hamilton) and Councillors Chad Collins (Ward 5, Hamilton), Maureen Wilson (Ward 1, Hamilton), Jason Farr (Ward 2, Hamilton), Nrinder Nann (Ward 3, Hamilton), Sam Merulla (Ward 4, Hamilton), Tom Jackson (Ward 6, Hamilton), Esther Pauls (Ward 7, Hamilton), John-Paul Danko (Ward 8, Hamilton), Brad Clark (Ward 9, Hamilton), Maria Pearson (Ward 10, Hamilton), Brenda Johnson (Ward 11, Hamilton), Lloyd Ferguson (Ward 12, Hamilton), Arlene VanderBeek (Ward 13, Hamilton) and Terry Whitehead (Ward 14, Hamilton) were present. Councillor Collins was Deputy Mayor and Chair of the meeting.¹⁶

16. Two RHVP related reports were included on the agenda as items 10.5 and 10.6. A portion of the meeting was closed to the public.¹⁷

17. The agenda for the closed portion of the GIC meeting was divided into four parts.¹⁸ A different presenter was listed to speak to each part:

- Part 1: Timeline and Technical Concerns, presented by Dan McKinnon (General Manager, Public Works, Hamilton)
- Part 2: Value for Money & Audit, presented by Charles Brown (Director and Auditor General, Audit Services, Office of the City Auditor, City Manager's Office, Hamilton)
- Part 3: Legal Considerations, presented by Ms. Auty
- Part 4: Communications Strategy, presented by John Hertel (Director, Strategic Partnerships & Communications, City Manager's Office, Hamilton)

¹⁶ [HAM0058825_0001](#)

¹⁷ [HAM0012743_0001](#) at image 3

¹⁸ [HAM0054378_0001](#)


18. Mr. McKinnon's presentation slides provided an overview of relevant events, which were divided into the following parts:¹⁹

Presentation Outline

1. Reconstructed Timeline by Theme

- Staff Arrivals and Departures
- MTO and SMA
- Asphalt Testing
- Council Reports and Directions
- Safety Upgrades
- Media Coverage
- Recent Staff Actions

2. Assessment & Recommendations from CIMA 4

 Hamilton

General Issues Committee: CONFIDENTIAL IN-CAMERA PRESENTATION
February 6, 2019

19. Mr. McKinnon's presentation included the following slide:²⁰

¹⁹ [HAM0054400_0001](#) at image 4

²⁰ [HAM0054400_0001](#) at image 8

Tradewind Scientific: Friction Testing Summary

- Tradewind Scientific tested sections of the Linc and RHVP for frictional properties
- Testing approach and summary report uses a UK standard and measures results from testing as reaching “investigatory” or “intervention” levels
 - Friction averages measured on the Linc were “comparable to or above the relevant UK Investigatory Level”
 - Friction averages measured on the RHVP were “below or well below the same UK Investigatory Level.”
 - Recommend that a more detailed investigation be conducted and possible remedial action be considered to enhance the surface texture and friction characteristics
- Draft report was dated January 2014. It was received again in December 2015

8



General Issues Committee: CONFIDENTIAL IN-CAMERA PRESENTATION
February 6, 2019

20. Mr. McKinnon’s presentation includes a note to this slide which states: “I don’t know why this wasn’t released. It appears we’ve had this information since 2014.”²¹

21. Part 2 of the presentation provided an overview of Audit Services’ involvement and initial scope. It also provided a timeline of the changing investigation and a description of the Lines of Enquiry document.²²

22. Part 3 of the presentation addressed Legal Considerations, including a liability review. The City has redacted the portion of the slides addressing part 3, Legal Considerations, on the basis of solicitor-client privilege.²³

²¹ [HAM0054400_0001](#) at image 8

²² [HAM0054400_0001](#) at images 23-34

²³ [HAM0054400_0001](#) at images 35-39

23. Part 4, communications strategy, was subdivided into four parts: risk assessment, communications principles and strategy, key messages and proposed next steps.²⁴

24. The City has produced handwritten notes authored by Mr. Sabo, which it has identified as being taken during the in-camera portion of the GIC meeting on February 6, 2019.²⁵ The City has also produced a transcription of these notes.²⁶

(b) GIC Receives Report PW18-008a

25. Report PW18-008A was also presented to the GIC on February 6, 2019. The report, titled “Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Transportation and Safety Update (PW18008a) (City Wide) (Outstanding Business List Item)” was prepared and submitted by Gord McGuire (Director, Engineering Services, Public Works, Hamilton) and Edward Soldo (Director, Transportation Operations & Maintenance, Public Works, Hamilton).²⁷

26. The purpose of the report, as outlined in the executive summary, was “to provide a summary of works and actions that have occurred over the last several years relative to operational and safety enhancements on the RHVP and LINC as well as to seek approval for the development of a TOR and approval process for the issuance of an RFP.”²⁸

²⁴ [HAM0054400_0001](#) at images 40-49; [HAM0054399_0001](#) at images 40-49; [HAM0035988_0001](#); and [HAM0036027_0001](#)

²⁵ [HAM0064351_0001](#) at images 10-30

²⁶ [HAM0064370_0001](#) at images 10-24

²⁷ [HAM0029133_0001](#)

²⁸ [HAM0029133_0001](#) at image 2

27. The report included sections describing the RHVP Lighting Study, the 2017 Golder Pavement Evaluation, Expansion of the RHVP and LINC, RHVP Rehabilitation, and Further Safety Recommendations.²⁹

28. The report included sections describing the RHVP Lighting Study, the 2017 Friction Testing, Expansion of the RHVP and LINC, RHVP Rehabilitation, and Further Safety Recommendations.³⁰

29. The following was noted under the heading “Friction Testing”:³¹

As identified in Report PW18008, Appendix “A”, friction testing on the parkways was completed. Engineering Services retained a consultant in November of 2017 to review 3 elements of the RHVP materials.

The consultant (Golders and Associates) reviewed 30 locations and supplied this information on the study:

- British Pendulum Test (BPN) - This test method covers the procedure for measuring surface frictional properties using the British pendulum skid resistance tester. The British pendulum tester is a dynamic pendulum impact-type tester used to measure the energy loss when a rubber slider edge is propelled over a test surface. Unfortunately, the field conditions during the night of the test were poor with snow and below zero temperatures, rendering these results inconclusive and varied.
- Measured Texture Depth (MTD) – This test method describes a procedure for determining the average depth of pavement surface macrotexture by careful application of a known volume of material on the surface and subsequent measurement of the total area covered. The results of this testing ranged from 0.57mm to 1.98mm with an average of 1.25mm which is considered to be generally good as referenced by the consultant.
- Polished Stone Values (PSV) - The Polished Stone Value of an aggregate gives a measure of resistance to the polishing action of vehicle tires under conditions similar to those occurring on the surface of a road. In our results the value returned of the tested aggregate was 45. This number is considered average / medium by the consultant.³²

²⁹ [HAM0029133_0001](#) at images 3-8

³⁰ [HAM0029133_0001](#) at images 3-8

³¹ [HAM0029133_0001](#) at images 4-5

³² [HAM0029133_0001](#)

30. Report PW19-014, titled “Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways”, was also presented during the GIC meeting. Recommendations included:

(a) That the existing speed limit be reduced to 80 km/h on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way;

(b) That Hamilton Police Services be requested to continue to undertake regular speed and aggressive driving enforcement on both the Lincoln M. Alexander and the Red Hill Valley Parkways, and that the results be reported annually to the Public Works Committee as part of the Hamilton Strategic Road Safety Program Annual Report;

(c) That the Outstanding Business List Item, Speed Limit Reduction Feasibility Study on Lincoln M. Alexander Parkway and the Red Hill Valley Parkway be identified as completed and removed from the Public Works Outstanding Business List.³³

31. Staff also submitted a report related to collisions throughout the City, attaching the 2017 Annual Collision Report as an appendix. The following RHVP collisions statistics were included in the staff report:³⁴

RHVP Collisions – 2013 to 2017

	2013	2014	2015	2016	2017	Total
Total Collisions	128	117	238	186	193	862
Police Reported	79	71	138	102	102	492
Crossovers	1	4	10	4	7	26
Property Damage	44	45	80	58	59	286
Injury	35	26	56	44	41	202
Fatal	0	0	2	0	2	4

32. Jen Recine (Manager, Communications, Strategic Partnerships & Communications, City Manager's Office, Hamilton) prepared speaking points for Mayor

³³ [RHV0000576](#) at image 1

³⁴ [HAM0013586_0001](#) attaching [HAM0013587_0001](#) and [HAM0013588_0001](#) at image 5

Eisenberger and Council providing information relating to the closed session held on February 6, 2019:

Speaking Points for Mayor Eisenberger and Members of Council

- Earlier tonight, Hamilton's General Issues Committee went in-camera to receive a report related to matters on the Red Hill Valley Parkway (RHVP)
- Today, Committee received detailed information for the first time regarding a consultant's report related to friction on the Parkway, dated November 2013
- New leadership in Public Works became aware of this document in late 2018
- We are extremely disappointed to learn that this information was not shared with Council when it was received; we appreciate staff bringing it to light now so that we could take immediate action
- Committee provided direction to staff to share the information publicly
- As a result of this report, combined with information received through the annual collision statistics report received in public this evening, the City is taking precautionary action in the interest of public safety. We are:
 - reducing the speed limit on the RHVP between Greenhill and the QEW to 80km per hour in both directions
 - expediting the resurfacing of the Parkway in spring 2019 and other upgrades
 - requesting increased speed enforcement -- excessive speed continues to be a factor in collisions on the RHVP
 - directing that actions be taken to improve internal processes and procedures relative to information management the City's Auditor General will conduct an independent investigation of actions taken, internal processes, managerial systems and procedures regarding friction management in relation to the RHVP and report back with recommendations and management responses to GIC
- External traffic engineering experts have recommended the Parkway remain open for use, but that motorists be cautioned about speeding. Drivers should reduce speed appropriately, particularly for wet road conditions
- Since 2015, the City has made many improvements on the RHVP including, various types of signage, guiderail upgrades and reflective markers, recessed pavement markers (cat eyes). The City has additional ongoing and planned upgrades including digital feedback signs, flashing beacons on slippery when wet signs, Q-end warning system and advance diagrammatic and lane exit signs

- There are many things that contribute to road safety: design and geometry of the curves, grade of the road, signage, lighting and visibility, speed limits, how drivers interact with the roadway and the driving conditions at any given time³⁵

33. Minutes from the February 6, 2019, GIC meeting record that a series of motions related to the RHVP and traffic safety more generally were raised and carried:

4. City of Hamilton Annual Collision Report – 2017 (PW19012) (City Wide) (Item 10.4)

(Whitehead/VanderBeek)

That Report PW19012, respecting the City of Hamilton Annual Collision Report – 2017, be received.

CARRIED

5. Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Transportation and Safety Update (PW18008(a)) (City Wide) (Item 10.5) (Whitehead/Johnson)

(a) That staff be directed to develop a Terms of Reference (TOR) for a functional design of the Lincoln M. Alexander Parkway and Red Hill Valley Parkway, with the TOR to address the long-term needs of these facilities as per PW18008;

(b) That the Terms of Reference for the for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway generate a Request for Proposals (RFP) to include a review of overall operating conditions on the LINC and RHVP;

(c) That the Request for Proposals, for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway (RHVP), address the implementation of potential future widening and connections with Highways 403 and Queen Elizabeth Way, truck movements, transit opportunities and safety enhancements (lighting, medians, geometrics), to be funded through account #4031711015 RHVP Rehabilitation to an upset limit of \$150,000;

(d) That staff be directed to report to the Public Works Committee to present the results of the Request for Proposals, for a functional design of the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway, for consideration, prior to awarding the project; and,

(e) That the Outstanding Business List Item, Lighting on the Red Hill Valley Parkway (RHVP), be identified as complete and removed from the Public Works Outstanding Business List.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

³⁵ [HAM0048741_0001](#)

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Tom Jackson

NOT PRESENT - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger

NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

6. Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014) (City Wide) (Item 10.6) (Eisenberger/Ferguson)

(a) That the existing speed limit be reduced to 80 km/h on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way;

(b) That Hamilton Police Services be requested to continue to undertake regular speed and aggressive driving enforcement on both the Lincoln M. Alexander and the Red Hill Valley Parkways, and that the results be reported annually to the Public Works Committee as part of the Hamilton Strategic Road Safety Program Annual Report;

(c) That the Outstanding Business List Item, Speed Limit Reduction Feasibility Study on Lincoln M. Alexander Parkway and the Red Hill Valley Parkway be identified as completed and removed from the Public Works Outstanding Business List; and,

(d) That the by-law, attached as Appendix "A" to Report PW19014, being a by-law to Amend By-law No. 01-215 – a By-law to Regulate Traffic, by reducing the existing speed limit on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way to 80km per hour, be passed.

Result: Motion, AS AMENDED, CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Tom Jackson

NOT PRESENT - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger

NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

8. Request for Enhanced and Dedicated Speed Enforcement on the Red Hill Valley Parkway (Item 11.3)

(Eisenberger/Danko)

That staff be directed to request that Hamilton Police Service provide enhanced and dedicated speed enforcement on the Red Hill Valley Parkway.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Tom Jackson

NOT PRESENT - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger

NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

**9. Independent Special Investigation of the City's Internal Processes, Managerial Systems and Procedures Regarding Friction Management in Relation to the Red Hill Valley Parkway (Item 11.4)
(Clark/Whitehead)**

(a) That the Director of Audit Services be directed to conduct an independent special investigation of the City's internal processes, managerial systems and procedures regarding friction management in relation to the Red Hill Valley Parkway and report back with recommendations and a management response to the General Issues Committee; and,

(b) That the Director of Audit Services issue as "Special Report", pursuant to the Council-approved Roads Construction Audit for this audit of friction management.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Tom Jackson

NOT PRESENT - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Chad Collins

YES - Mayor Fred Eisenberger

NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark³⁶

34. The motions for two reports to remain confidential, which were authored by Audit Services (AUD19002) and Legal Services (LS19010) respectively, were also carried.³⁷ Council discussed these reports in a closed session from 4:18 p.m. to 10:03 p.m. on February 6, 2019.³⁸

35. Mr. McGuire took the following notes during the GIC meeting on February 6, 2019:³⁹

³⁶ [HAM0058825_0001](#) at images 4-8

³⁷ [HAM0058825_0001](#) at images 8-9

³⁸ [HAM0062635_0001](#)

³⁹ [HAM0062132_0001](#)

F03 EIC MEETING

11

Action Items / Éléments d'action

Notes / Notes

- 4:30 DAN: Mandy Trizolone
 Syndes Quirey.
- 4:40 LETS TO CIMA OCT 23 2019
- 4:45 QUESTIONS.
- Lutz Foster. Doesn't All Pumps
 Lose Friction over time.
- Knows About SMD's
 But / Beyond All Polymers
- Lutz Clark: Audit Services
 & Report Submission
 Acting Under Legal Advice
- Is this Pumps OK? Tidewater N.
 CIMA Says it's OK.
- JPDanko => Newest CIMA Report
 Field Friction Reduced
- 5:00 Lutz Jackson?
 UMORBI'S GARY.
- 5:05 Lutz Metcalfe: Wants to
 know why this was with Mads
 Trust Use.

Action Items / Éléments d'action	Notes / Notes
<input type="checkbox"/> WANTS TO HAVE ACCOUNTABILITY IN REPORT.	
<input type="checkbox"/> WANTS APOLOGY.	
<input type="checkbox"/> ^{CELLI} TRADING REPORT.	
<input type="checkbox"/> ^{WILLIAMS} ^{PLANS} 5:18 → NICKO IS MITIGATING ISSUES.	
<input type="checkbox"/> MIKE Z → NOT SATISFIED	
<input type="checkbox"/> COMPLETE	
<input type="checkbox"/> 6:00 - CELLI LEAVE <input type="checkbox"/> - WANTS GOVERNANCE POLICIES <input type="checkbox"/> - WANTS POLICY ON SPENDING REPORTS <input type="checkbox"/> - WANTS SURVIVAL INVESTIGATION	
<input type="checkbox"/> 6:30 * CELLI COLLINS LEAVE GEOM. DESIGN <input type="checkbox"/> Mayor	
<input type="checkbox"/> DRUM GEOMETRIC DEFICIENCY DESIGN COMPROMISE.	
<input type="checkbox"/> → KNOWS THIS BETTER THAN LIMA	
<input type="checkbox"/>	

Action Items / Éléments d'action	Notes / Notes
<input type="checkbox"/> <u>Mayor</u>	How do we communicate the message.
<input type="checkbox"/>	Tonight's Messages.
<input type="checkbox"/> <u>6:45</u> Call <u>UNITEDWAY</u>	who is Logan Hoping's onto Justice Inquiry.
<input type="checkbox"/> <u>Call Paul</u>	Insurance Company.
<input type="checkbox"/>	Question 2 Claims
<input type="checkbox"/> <u>1:02</u> <u>EGOR</u>	Recommendations. Say
<input type="checkbox"/> <u>Call Fabian</u>	UKIO ASPIRING City with CIMA good things with
<input type="checkbox"/> <u>Road</u>	Age → Slipperiness
<input type="checkbox"/> <u>7:15</u> <u>Call Jackson Gray Moore</u>	Dark Issues
<input type="checkbox"/>	Friction
<input type="checkbox"/>	NOT WANTING TO WORK THIS
<input type="checkbox"/>	WANTS GRAY DEMONS

36. On February 13, 2019, at 9:45 a.m., Mike Zegarac (Interim City Manager, City Manager's Office, Hamilton), Ms. Auty, Jasmine Graham (Partnerships &

Communications, City Manager's Office, Hamilton), Ms. Recine, Mr. Hertel, and Mr. McKinnon scheduled a meeting titled "RHVP Motion Status with Mike & Dan."⁴⁰

37. The motions carried at the GIC meeting were approved by Council on February 13, 2019.⁴¹

38. The City has produced an undated note, and has identified Jasmine Graham as the author. The notes have been reproduced below:⁴²

Action Items/Questions "Scandal"

1. Searching DLT minutes & SLT minutes for information about friction testing

2. Did other staff know/find out.

3. Implementing protocol requiring staff to share reports

re: health and safety

4. Auditor general – protocol when dealing w auditor general's

request – need a policy so staff can understand.

5. Consider judicial investigation - @Superior Court

into wrong doing in an organization – direct to council

and independent – judge to review → Council defense

6. How to make sure this doesn't happen again

[redacted for privilege]

9. Meeting current design standard – dualing opinions wrt

what we are testing – how a 3rd party can review this

& determine that road is functioning as designed

BUT we have serious wet weather issues

⁴⁰ [HAM0062263_0001](#)

⁴¹ [RHV0000634](#)

⁴² [HAM0062867_0001](#)

- people need to travel the speed limit
- limit → greatly enhanced police enforcement of the speed limit
- Safety →
Standards will be upgraded on geometry
Alongside in spring 2019
 - TOR – proposal geometry, capacity analysis, EAs, lighting
To develop a for review of RHVP
→ Proactive → does this contribute to liability
 - Constrained by what we have to work with →
→ Ongoing internal audit * Add to MR.
→ Perception that our own internal auditor.
→ Worthy consideration

→ How can we explain

Notes from David

- Friction levels
- Tradewind used standard that is significantly more stringent – led to well below/well below
- CIMA's opinions can mitigate
- Regardless of Tradewind, CIMA 2015 analyzed

Collisions

- Shocking –
 - Provincial 17% } wet weather
 - RHVP 50% } accidents
- = concentrated locations

→CIMA 2015 4/5

- January 2019 → 64% accidents in wet weather RHVP

73% RHVP ramp collisions wet

→ higher
 → already significantly
higher than provincial
averages

* 2015 – serious wet road history* - City has done many things
 → Actions City – did we act reasonably? - it may have been prudent to have been Downplayed.
 → implementation as of today almost all recommendations implemented.

- Issues about whether measures complete
and timely issues

- no consultants have recommended

Reducing

- Until 2018 no recommendations
- LOTS of investigation by 3rd party
- Up until Nov 2018 no
- Golder recommended

CIMA

- Concerns related to continued operation of the road
- We shared everything with them – they have the friction results
- Independent opinion re: road safety
- ↓
- This does not resolve the issue re: friction results
- Merulla – when we come out today – what action are we

taking →

- Comprehensive & factual as
As possible – balance [text to be
confirmed] this
info (interpreted as not being
conclusive)

- Council lied
- Public misled

Council apology?

- thoughtful objective so we do
the right thing
- caution: walk carefully through this

1. What prevents

- typical to lose skid resistance
→ appropriate to resurface
⇒

- fresh set of eyes

2. Will MTO have any
Culpability?
3. Did we have the right info
And make the right decisions

Policies /governance positions –
believed we were being
transparent + were doing what
we needed to be doing -

2. Follow-Ups to Closed Session

39. On February 6, 2019, Rosanna Melatti (Interim Executive Assistant to the City Manager, City Manager’s Office, Hamilton) circulated an agenda for the “Bi-Weekly Meeting with Mayor & City Manager” on February 7, 2019. This agenda listed “Nicole Auty Red Hill Valley Parkway” presented by Mr. McKinnon and Ms. Auty as item 3.⁴³

40. Following the closed session of the GIC, Mr. Zegarac emailed Gary Moore (Senior Technical Director, LRT Project, Hamilton) at 8:33 p.m. on February 6, 2019 under the subject line “further to my call – RHVP”:

Gary staff have provided Council a series of reports tonight pertaining to the RHVP. Should you be contacted from media (directly or indirectly) or any third party on any matter related to the RHVP, you should refrain from providing any comments or interaction. Similarly, you should refrain from offering any comments or opinions to anyone outside of the City. The City’s designated spokesperson will respond to all requested exclusively. Any breach of this directive would be considered a breach of the City’s Code Of Conduct, Communications Policy and breach of your employment contract that would result in immediate termination with cause. If you have any uncertainties related to this directive please speak to me

As mentioned, status quo prevails as it relates to you current employment.⁴⁴

⁴³ [HAM0048736_0001](#) attaching [HAM0048737_0001](#)

⁴⁴ [HAM0012783_0001](#)

41. The same day, at 10:03 p.m., Ms. Auty emailed Janet Pilon (Manager, Legislative Services/Deputy Clerk, Office of the City Clerk, Corporate Services, Hamilton), writing: “Janet, we are anticipating some delegation requests on the RHVE. Can we speak on this in the morning please.”⁴⁵

42. On February 6, 2019, at 10:09 p.m., Ms. Auty emailed Stephanie Paparella (Legislative Coordinator, Office of the City Clerk, Hamilton) under the subject line “motion”. She attached a document titled “RHVE Public Motion – Audit FINAL”.⁴⁶

43. On February 7, 2019, Ms. Auty emailed Ms. Paparella, writing: “In the haste last night the wrong version of the auditor motion was read out, can we talk about how best to amend and replace with the attached?”⁴⁷ She attached a revised version of the document titled “RHVE Public Motion – Audit FINAL” to her email.⁴⁸

44. On February 7, 2019, Ms. Recine emailed Drina Omazic (Chief of Staff to Mayor Eisenberger, Mayor’s Office, Hamilton). She wrote:

Hi Drina, sorry for the delay. I just wanted to ensure I was in keeping with the expectations of Clerks and Legal, as you know we collected the hard copies of the presentation from Council at the close of the in camera portion of the meeting, so just let me know what information you’d like from it and I will share it. Can you confirm what you need it for? Of course we’re just trying to keep media responses as tight as possible to the release and key speaking points.

45. Ms. Omazic replied later that same day:

If it’s shareable / there were two tables.

1) listed Councils actions/directions believe the other was

⁴⁵ [HAM0062597_0001](#)

⁴⁶ [HAM0062598_0001](#), attaching [HAM0062599_0001](#)

⁴⁷ [HAM0062601_0001](#)

⁴⁸ [HAM0062602_0001](#)

2) Staff reports (sorry don't recall the header)

Also, do you have the date when staff first came to Council in January with the initial heads up?⁴⁹

46. Ms. Recine responded, attaching a copy of PowerPoint slides saved as "Confidential in camera Feb 6 - PPT - Council Reports & Directions".⁵⁰ She wrote:

Hi Drina, apologies for the delay. Attached is what I think you're looking for. We also had timeline slides about asphalt testing, MTO, media coverage, staff actions, etc.

We are also just finalizing responses to some remaining media inquiries, we will be sure to share those with Michelle as well.

Staff came to Council January 23 with the initial heads up.⁵¹

47. On February 8, 2019, Soroush Salek (Associate Partner, Project Manager, Traffic Engineering, Transportation, CIMA) emailed Mr. Soldo under the subject line "B001014_Hamilton_RHVP & LINC Safety Reviews - Signed RHVP Report". He wrote: "Please find attached the signed version of the RHVP report."⁵²

48. Brian Malone (Partner, Vice-President, Transportation, CIMA) replied, leading to the following email chain with Mr. Salek and Alireza Hadayeghi (Partner, Vice-President, Transportation, CIMA):

[BM]: I've been reading the news reports. I can Skype a phone call if you think it's needed.

[AH]: No. Everything is good. We have not received anything concerning. Enjoy your vacation.

[BM]: Thanks. Sorry to have left you guys with it. I knew it might blow up, but it's more than I thought. I think CIMA comes off ok. Are Edward and Gord good?⁵³

⁴⁹ [HAM0048768_0001](#)

⁵⁰ [HAM0048768_0001](#) attaching [HAM0048769_0001](#)

⁵¹ [HAM0048768_0001](#)

⁵² [CIM0019269](#) attaching [CIM0019269.0001](#)

⁵³ [CIM0019265](#)

49. On February 8, 2019, Mr. Soldo emailed Ms. Auty, Mr. McKinnon and Mr. Zegarac, attaching a signed copy of the CIMA Roadside Safety Assessment and the January 18, 2019 collision rate comparison memorandum. He wrote: “Further to my discussion with Dan, the statistics and recommendations in these reports were referred to in our staff report to Council but not attached. Should we be providing them to Council next week?”⁵⁴ Mr. Zegarac responded later that same day, writing: “That may be how we proceed Edward.”⁵⁵

50. On May 15, 2019, Catherine Walker (Records and Information Management Clerk, Office of the City Clerk, Corporate Services, Hamilton) emailed Ms. Auty, attaching several “reports and presentations that pertain to the RHVP from 2019”. Ms. Walker’s email was sent in response to a request from Ms. Auty to send “the final copy of all RVHP reports and presentations In Camera and public” from January 2019 onwards.⁵⁶

3. Auditor General directed to investigate

51. On February 6, 2019, Council directed Mr. Brown, in his capacity as Auditor General, to begin an independent investigation of the City's previous actions taken, internal processes, managerial systems and procedures regarding friction management in relation to the Red Hill Valley Parkway.⁵⁷

⁵⁴ [HAM0054493_0001](#) attaching [HAM0054494_0001](#) and [HAM0054495_0001](#)

⁵⁵ [HAM0054496_0001](#)

⁵⁶ [HAM0061913_0001](#) attaching [HAM0061914_0001](#), [HAM0061915_0001](#), [HAM0061916_0001](#), [HAM0061917_0001](#), [HAM0061918_0001](#), [HAM0061919_0001](#), [HAM0061920_0001](#), [HAM0061921_0001](#), [HAM0061922_0001](#) and [HAM0061923_0001](#)

⁵⁷ [HAM0028504_0001](#); and [HAM0058825_0001](#) at image 7

52. On February 7, 2019, Brigitte Minard (Manager, Performance & Internal Control & Deputy City Auditor, Audit Services, Office of the City Auditor, City Manager's Office, Hamilton) emailed members of Council, copying Mr. Brown. She wrote:

This afternoon, the Director of Audit Services/Auditor General (Charles Brown) sent the attached letter to the City's Senior Leadership Team and requested that it be shared with Supervisors and above in the organization.

Charles requested that I also share his letter with Council.

Please get in touch with myself or Charles if you have any questions.⁵⁸

53. Ms. Minard attached a letter from Mr. Brown to her email. In the letter, Mr. Brown wrote:

Dear Senior Leadership Team:

As you may be aware, I am conducting an independent investigation of the City's previous actions taken, internal processes, managerial systems and procedures regarding friction management in relation to the Red Hill Valley Parkway. Resulting from this investigation will be a special report.

While completing this work, it is possible that my team may require assistance from staff in your department. I would kindly ask that you give such requests your most urgent attention.

Key themes that I would like to highlight for you, from the Municipal Act:

Independence

The Auditor General performs his or her responsibilities in an independent manner.

Duty to furnish information

Staff are to provide information (including attend meetings as requested) regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties.

Confidentiality

Per the Municipal Act, the Auditor General has a duty of confidentiality with respect to information collected, a duty which prevails over MFIPPA (re: FOI requests).

If you have any questions or concerns, please contact me. Should the need arise to have information from your team, I respectfully request that you direct your staff to fully

⁵⁸ [HAM0012887_0001](#)

cooperate with our work, including attending meetings and providing information in an expedited manner.⁵⁹

54. On February 8, 2019, Ms. Auty emailed Mr. Brown under the subject line “Clarity”. She wrote: “Charles, can I ask you to provide a summary to the Mayor outlining the independent (legal/statutory) of your role as Auditor and Auditor General.” Mr. Brown copied Ms. Minard in his response. He and Ms. Auty exchanged the following correspondence:

[CB]: I can summarize what the municipal act says and charter/by-Law says. Might need you to advise on the correct legal interpretation. Timeline?

Also wanted to meet to discuss how to invoke powers stated in sec 223 munic act regarding auditor general use of public inquiries act to get evidence from uncooperative witnesses. Eg the golder consultant

[NA]: Yes. As soon as you can, but it can wait to be finalized until we speak on Monday.⁶⁰

55. On February 10, 2019, Ms. Auty emailed Mr. Zegarac, writing: “I’d like to give you a summary of my research this week, and discuss what your approach is for Wednesday’s meeting on the RHVE issue.”⁶¹

(a) Discussions with City staff about the Audit

56. On February 7, 2019, at 4:53 p.m., Mr. Soldo emailed Jennifer DiDomenico (Senior Project Manager, Strategic Initiatives, Business Initiatives, Transportation Operations & Maintenance, Public Works, Hamilton), Martin White (Manager, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), and Mr. Ferguson, copying Rebeka Eisbrenner (Administrative Assistant to the Director of

⁵⁹ [HAM0012888_0001](#); See also [HAM0028516_0001](#) and [HAM0028517_0001](#)

⁶⁰ [HAM0062603_0001](#)

⁶¹ [HAM0062606_0001](#)

Transportation Operations & Maintenance, Transportation Operations & Maintenance, Public Works, Hamilton). He wrote:

Please be advised that Corporate Audit is undertaking a internal audit of processes related to the friction issue on the RHVP.

As such, I require all emails, documentation, memos and reports that are included on your drives and files. Any and all reports, either in draft or final version, that have anything to do with friction or pavement management or safety on the RHVP are to be forwarded to my attention. I would ask that you go through all your paper files and package up the documentation, forward it to Rebeka.

This is a priority. I would like a timelines estimate by the end of Friday on how long it will take to complete this.⁶²

57. Mr. White replied later that day, writing:

The documents are easy that's the binder I showed you yesterday. I probably have hundreds if not a thousand emails though over 5-6 years. I would guess a few days to a week at my computer to search 5 - 6 years worth of emails on the safety subjects...⁶³

58. Mr. Ferguson also replied to Mr. Soldo later that day, writing: "Can I confirm we are to print or forward documents or save documents to drive stick". Mr. Soldo responded:

If they are electronic, copy on a stick and forward. Paper, forward as is.

All documents must be secured right away, direction from Audit.

So that I am clear, unless your work deals with direction I have given related to Red Hill Improvement's, clear your calendars and undertake this. Dave/Martin, no need to forward items already shared. Although I do want your binder.

Jen, I need you to focus on this on Friday.⁶⁴

59. On February 7, 2019, at 5:33 p.m., Ms. Minard emailed Mr. McGuire, Mr. McKinnon and Mr. Soldo, copying Mr. Brown. She wrote:

I'm emailing on behalf of Charles and our team.

Audit Services is requesting that any and all physical documents related to the RHVP be preserved and prevented from potential removal and destruction. What this means, is that

⁶² [HAM0012895_0001](#)

⁶³ [HAM0012819_0001](#)

⁶⁴ [HAM0012895_0001](#)

documents are stored under lock and key and are not left unattended and accessible. Charles and Gord have previously discussed this matter.

For digital documents, this means that regular backups are made by IT and file locations are appropriately restricted via access permissions.

Please keep us informed as to the measures taken to preserve documents.⁶⁵

60. Mr. McGuire replied later that day, writing: "Diana has locked up all the paper files we have. Our digital data is well protected and backed up."⁶⁶

61. On February 7, 2019, at 6:17 p.m., Mr. Soldo replied, writing: "I have issued direction to Martin, Dave and Jen to forward and compile all information related to this matter. Will have it locked up. We have a lot of paper files to review."⁶⁷

62. On February 7, 2019, Ms. Minard emailed Peter MacNeil (Chief Technology Architect, Information Technology, Corporate Services, Hamilton), writing:

Charles Brown and I require your assistance for an item that we are currently working on.

Please provide Audit Services with all email correspondence by (both from and to):

Gary.Moore@hamilton.ca

Start Date: as far back as we can go

End Date: February 6, 2019 (we would like regular updates for the current emails)

Please get in touch with Charles or I if you have any questions or if you want to share with us the anticipated timeline for completion.

We will also be scheduling a call with you to discuss forensic email preservation in the near future.⁶⁸

63. Mr. MacNeil replied later that day, writing:

\\cohppsec01\2019-Jan-GM contains 4 email archive files (.pst files). The three of you have access to the share and the files. PST files are locked when opened in Outlook, so only

⁶⁵ [HAM0028529_0001](#)

⁶⁶ [HAM0028529_0001](#)

⁶⁷ [HAM0028529_0001](#)

⁶⁸ [HAM0062353_0001](#)

one person can look at them at a time. I recommend that you copy them to another location for your investigation work.

The files are:

Gary.pst – archived from his M: drive (part of our normal termination process). The file was created by Gary on May 25, 2018.

Gmoore-Feb032019.pst – archived from his live mailbox on Feb 3rd as requested by you.

Gmoore-Jun012018.pst – archived from his live mailbox on Jun 1, 2018 (part of our normal termination process)

Restored from deleted.pst – archived from his M: drive (part of our normal termination process). The file was created by Gary on May 23, 2018.

I will start another mailbox archive today to capture emails since Feb 3rd.

As far as ongoing email activity, I will investigate the cleanest way to do this and get back to you shortly.⁶⁹

64. On February 8, 2019, Mr. White forwarded Mr. Soldo a copy of one of the email chains discussing questions about RHVP friction testing results from Robert Ribaric (former Assistant to Councillor Doug Conley, Ward 9, Hamilton) and Councillor Doug Conley (Ward 9, Hamilton) in June 2017. He wrote: “Going into the file for Audit”.⁷⁰

65. Mr. Soldo forwarded this email to Mr. McGuire, copying Mr. McKinnon, later that day. The three engaged in the following email exchange:

[ES]: Interesting exchange.⁷¹

[GM]: Agreed.

[DM]: Brigitte will do a good job and leave no stone⁷²

66. On February 8, 2019, Mr. McKinnon emailed Ms. Minard in response to an email chain under the subject line “Lines of Inquiry”. He wrote: “Do you have a copy of the

⁶⁹ [HAM0062353_0001](#)

⁷⁰ [HAM0012920_0001](#)

⁷¹ [HAM0036107_0001](#)

⁷² [HAM0036120_0001](#)

original mto test from 2007 ? I've never seen it can I get it from you?" Later that day, Ms. Minard emailed the 2007 MTO RHVP friction testing results to Mr. McKinnon.⁷³

67. On February 11, 2019, Diana Cameron (Administrative Assistant to the Director of Engineering, Engineering Services, Public Works, Hamilton) forwarded Ms. Graham an email Mr. McGuire sent to Mr. McKinnon on December 12, 2018. She wrote:

It looks like Domenic approached staff in May without the Director's office being aware. See the initial e-mails attached

Let me know if this is good or do you need something more?⁷⁴

68. In the forwarded email, McGuire wrote:

As discussed and for your review:

In May of this year the auditor reached out to our staff about the number of lane km's we have repaired since 2013-2017. He asked for a 30 minute meeting at the same time. It was as simple request and was addressed via Asset Management through a spreadsheet.

Since May we have had numerous interactions with Domenic that precipitated establishment of an internal audit response team and a project charter. We have asked Domenic to define the areas of interest in the audit through the attached scope document so we can focus our efforts. Our Engineering Services team has been tasked to prepare responses to the works as outlined in the attached draft scope of work:

They are:

1. Performance – How are the roads we have rehabilitated performed, as expected, better or worse?
2. Technical – What mixes, methods, etc are we performing our asphalts
3. Project related queries – Specific to a number of projects, what were the tests, QA processes etc.

To date we have delivered numerous documents that include our roads reviews, Asset Management Plans, SOTI documents and performance data.

Today, we met with Domenic and had an overview with the technical team. The technical responses included all our proposal and documents that relate to the iterations of our Form 800, which is our asphalt spec. This is a detailed review of all our specs and standards

⁷³ [HAM0036113_0001](#); [HAM0036117_0001](#); [HAM0036118_0001](#); and [HAM0036119_0001](#)

⁷⁴ [HAM0036140_0001](#)

since 2009 and the development of today's current spec along with industry documentation and studies that review asphalt procedures.

Previously and as part of the Performance and Project elements we assemble a completely custom web site for Domenic. This site tracks the historic performance data of our asphalt surveys and when we intervened with a rehab. It shows the calculated and actual data points in a graph, and a chart per site and segment.

This has been underway over the summer and fall to address this audit scope (still in draft – awaiting Domenic's final wording).

Part of the audit expanded scope asked a series of questions around the Linc and RHVP asphalts. In parallel to that a MFIPPA request was underway surround the access to friction related data. Given the audit was not pursuing friction related elements and in discussion with Legal Services, Engineering Services provided a 2014 report from Golder and Associates the addresses the Red Hill's performance characteristics.

Audit received a redacted version sometime in mid-November. Both Domenic and myself had vacation in mid-November and early December. However, it was agreed between both parties that the auditor could come to my office and view the document until such time as MFIPPA data was released.

With the agreement in place between the auditor and director to only view the document the auditor arrived on December 4th and proceeded to take a copy of the redacted information, while I was in a PW Department Leadership meeting.

The auditor then proceeded to book a December 10th meeting with myself, although he was advised that I would be unable to provide information on such a short turnaround given capital budget presentations and my schedule. In advance of the meeting Domenic prepared a spreadsheet with 14 additional questions, and many sub components to these questions. Many of these questions were new lines of enquiry which had not been explored by myself or staff yet in this process.

The December 10 meeting proceeded and my words to Domenic were that "I was not refusing to answer, however I had no information at this time" given the schedule compressions and lack of time to react. I did not at any time suggest we couldn't, or wouldn't provide information, however I told Domenic that my priorities were aligned to delivering our capital budget and the MFIPPA request.

In summary we have been open, transparent and accommodating to this still undefined audit inquiry. Staff are diligent in their reviews and we have been balancing their workloads to make sure we are responsive. Any suggestions that I'm in any way hindering access to information are incorrect, given the span of time this process has been underway and the changes in direction I have managed work loads and priorities to ensure all our work program is correctly addressed.

I hope this provides clarity and insight on my role in this process.⁷⁵

69. On February 11, 2019, Domenic Pellegrini (Senior Internal Auditor, Audit Services, Office of the City Auditor, City Manager's Office, Hamilton) emailed Mr. McGuire and

⁷⁵ [HAM0036140_0001](#)

Dipankar Sharma (Senior Project Manager, Continuous Improvement, Engineering Services, Public Works, Hamilton) under the subject line “RHVP Friction testing”. He wrote:

Public Works’ report number PW18008a Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Transportation and Safety Update, refers to three friction tests that were completed recently. Namely, the British Pendulum Test (BPN) the Measured Texture Depth (MTD) and the Polished Stone Values (PSV) . Can you please provide me with documentation showing these tests and their results. I need this documentation to verify your statements in the report.⁷⁶

70. On February 13, 2019, Mr. McGuire replied, attaching a draft report. He wrote:

As you are aware, I’ve had some challenges connecting with Golders on this assignment.

Attached is the draft they submitted and my markups on the file. We have yet to finalize the report as I had questions about the frame of reference that was used in the development of the report. This was submitted in late December and we’ve been exchanging emails recently.

Hopefully the report is finalized in the near future. Ludomir reached out to connect recently and I will follow up shortly.⁷⁷

71. The City generated a log of Mr. Moore’s emails using OSForensics software in or around February 11, 2019.⁷⁸

72. On February 12, 2019, at 6:06 p.m., Councillor Clark emailed Mr. Zegarac. He wrote:

I would like to proffer a prudent suggestion regarding record retention and record audits on this RHVP mess.

1) I strongly encourage you to speak with Peter McNeil (if he is still our IT expert) and direct him to audit the emails of the people involved, Gary Moore, Dan McKinnon, Gord McGuire, Chris Murray, yourself, and even us elected officials.

2) I would also talk to Peter McNeil about technically preserving email records across all the departments and elected officials.

⁷⁶ [HAM0054554_0001](#)

⁷⁷ [HAM0054554_0001](#) attaching [HAM0054555_0001](#)

⁷⁸ [HAM0036214_0001](#)

You will want to be in a position to say under oath that you directed the audit of email accounts for pertinent records and preserved records.

Just a humble suggestion from a guy, who has had to issue such orders in the past at MTO.⁷⁹

73. Mr. Zegarac responded later that day, writing:

Thanks Councillor. I we (Charles and I) have directed IT (Peter to preserve e-mails) and make copies of network directories in an effort to preserve records. We will likely have to do some manual record reviews, as some early records were not electronic and therefore will require audit of archived material.

I appreciate the recommended scope you have referenced below, as it is likely broader than what we have actioned (i.e. elected officials). I'll action that tomorrow.

Appreciate all the support!⁸⁰

74. On or around May 21, 2019, Mr. MacNeil created a Red Hill Valley investigation timeline. This document contains the following entries (among others):

Jan 23, 2019 – email from Brigitte Minard & Charles Brown – requested emails between gary.moore@hamilton.ca and Ludomir_Uzarowski@golder.com Start Date: October 1, 2013, End Date: January 31, 2014

Jan 24, 2019 – response – no emails found

[...]

Feb 13, 2019 – reviewed Gary Moore's current network permissions. Found that permissions from his previous Public Works position had not been removed when he moved to the LRT office. I cleaned up most, but left access to unsecured portion of PW N: drive.

[...]

Feb 15, 2019 – alerted by Rachel Chinchilla, IT network analyst about a file restore request from Diana Cameron via a HEAT ticket. RHV/Linc "signed" reports missing from S: drive folder. Rachel started to restore them and noticed that Draft reports were also missing. She thought it sounded fishy, given the emails from the City Manager about the matter and alerted me. She showed me the folders and missing files. I asked her to save the Feb 4th backup of the folders on our archive server with access permissions for only me.

⁷⁹ [HAM0028698_0001](#)

⁸⁰ [HAM0028698_0001](#)

Feb 15, 2019 – called Charles Brown re: event and asked if it would be appropriate to send an email to all IT staff about preserving files. He agreed. I worked with Maria McChesney on the wording and sent email to all IT staff at 1:24 p.m. & copied Charles.⁸¹

75. The City has produced a copy of its “Control of Records Procedure”, issued October 2020.⁸² The City has also produced its “Consultant Reports Tracking and Retention - Divisional Procedure”, issued in March 2021.⁸³

(b) Discussions with Golder about Audit

76. On February 8, 2019, at 3:56 p.m., Mr. Pellegrini emailed Ludomir Uzarowski (Principal, Pavements and Materials Engineering, Golder), copying Mr. Brown and Ms. Minard. He wrote:

This is our second attempt to reach out to you for assistance on this matter.

Audit Services at the City of Hamilton has reviewed a copy of the report produced by your office entitled RHVP Performance Review after Six Years in Service - dated January 2014. My Director and my Manager (Charles Brown and Brigitte Minard) and I would like to meet with you by teleconference over the next few days to discuss this report. It should take about half an hour of your time. Please let me know what time works best for you.

The following are the three main areas we would like to explore:

1. The Grip Tester Friction testing conducted on the Linc and RHVP referred to in the report, is it used by any other jurisdiction in North America? If not, then why was this test selected rather than a different standard?
2. After the results were presented to the City in 2014, was any follow up requested? Was any alternate testing considered? If so, what other friction tests are available and used by other municipalities and/or the MTO?
3. The paragraph immediately below Table 6 on page 7 of the above report refers to friction numbers measured in 2007. Was this same test performed in 2007 by the same contractor?⁸⁴

⁸¹ [HAM0036946_0001](#)

⁸² [HAM0062355_0001](#)

⁸³ [HAM0062360_0001](#)

⁸⁴ [GOL0005857](#)

77. On February 8, 2019, at 4:39 p.m., Dr. Uzarowski emailed Mr. McGuire. He wrote: “Could you please call me on my cell 9054416044? Sorry I did not answer your call yesterday but I was in meetings all day.”⁸⁵

78. On February 11, 2019, Dr. Uzarowski responded to Mr. Pellegrini’s email, adding Mr. McGuire, Tony Linardi (Principal, General Counsel (Canada), Golder), and Graeme Skinner (Principal, Senior Geotechnical Engineer, Ground Engineer West Group Leader, Golder) to the email chain. He wrote:

I apologize for the delay in response, about the same time I received Mr. Charles Brown’s email, I received questions from Mr. Gord McGuire from the City regarding this project as well and have been communicating with him. Please see my answers to your questions below. I will be on vacation Friday and all of Family Day week, but can be available for a requested 30 minutes conference call on Tuesday, February 12th at 11:30 am.⁸⁶

79. Dr. Uzarowski included an annotated version of Mr. Pellegrini’s email in his reply. He highlighted his answers as follows:

1. The Grip Tester Friction testing conducted on the Linc and RHVP referred to in the report, is it used by any other jurisdiction in North America? If not, then why was this test selected rather than a different standard?

Answer: The GripTester is likely the most commonly utilized piece of equipment for skid resistance testing in Ontario; however, we have not reviewed the practice or use of Grip testing outside of Ontario. Golder hired Tradewind Scientific as a leading experts in pavement friction testing. It is our understanding that the GripTester was the equipment they commonly use in these applications.

2. After the results were presented to the City in 2014, was any follow up requested? Was any alternate testing considered? If so, what other friction tests are available and used by other municipalities and/or the MTO?

Answer: The City did not request any immediate follow up skid testing (alternative or otherwise) after the 2014 report. On various occasions, Golder did follow up with the City and recommended methods of addressing the issue of low friction characteristics on the RHVP (i.e. remedial measures), some of which included costing estimates. The City did request Golder to review the frictional characteristic again at the end of 2017, and the results were discussed in meetings with the City in March and May 2018, and in our report dated December 2018. Although the principal purpose of those meetings was to discuss

⁸⁵ [HAM0028574_0001](#)

⁸⁶ [GOL0006676](#)

whether hot-in-place recycling would be suitable, Golder did raise the issue of remedial measures regarding the frictional characteristics at both meetings.

3. The paragraph immediately below Table 6 on page 7 of the above report refers to friction numbers measured in 2007. Was this same test performed in 2007 by the same contractor?

Answer: The friction testing in 2007 was done by the MTO. The MTO was interested in Skid Numbers (SN) on the SMA surface just after construction. It is our understanding that the MTO undertook the testing themselves, but we do not know this for certain or what equipment was used.⁸⁷

80. Later that same day, Mr. Linardi emailed Mr. Pellegrini, writing:

I am General Counsel for Golder Associates Ltd., and together with Graeme Skinner, our Geotechnical Group Leader for Ontario, we would like to attend with Dr. Uzarowski on the conference call scheduled for tomorrow morning.

We have been informed that the City is currently involved with litigation regarding accidents that have occurred on the RHVP, and we believe that Golder's information may be relevant for the City's document production requirements. As you are aware, Golder has been cooperating with various City requests for information, but we would like to specifically ask (1) what the purpose is of this meeting (i.e., why are these questions being asked?); is this meeting being held under the direction of your counsel so that the information is privileged?; and (2) whether this is to be a without prejudice meeting (as some questions may require Dr. Uzarowski to further review his file in order to provide a full answer).

Can you please advise regarding the above questions? Please note, Golder would have no objection if the City's counsel was also included on the conference call.⁸⁸

81. On February 11, 2019, at 5:46 p.m., Dr. Uzarowski emailed Mr. McGuire under the subject line "Hamilton RHVP". He wrote: "Could you please call me on my cell?"⁸⁹

82. Mr. McGuire responded later that day, writing: "I'm out of the office and returning Wednesday. We can connect on this file then, I'm looking forward to finalizing this project."⁹⁰

⁸⁷ [GOL0006676](#)

⁸⁸ [GOL0006720](#)

⁸⁹ [HAM0028640_0001](#)

⁹⁰ [HAM0028640_0001](#)

83. On February 12, 2019, Dr. Uzarowski replied, writing: “Where should I direct any request from the media? I received an email from them last evening.”⁹¹

84. Mr. McGuire forwarded this email to Ms. Auty, copying Ms. Cameron and Ms. Graham. He wrote: “Our consultant is asking about media inquires. Do you have any direction on this request.” Ms. Graham replied:

Nicole – typically we would advise consultants that they could speak to media generally about the work they do, but not specifically about City projects or assignments. I wasn’t sure if this would be the advice we want to give them in this circumstance – so hoping you might be able to make a suggestion?⁹²

85. Mr. McGuire replied to Dr. Uzarowski’s email and arranged a call with him that afternoon.⁹³

86. On February 12, 2019, at 11:49 a.m., Mr. Brown emailed Dr. Uzarowski and Mr. Pellegrini, copying Ms. Minard, Mr. McGuire, Mr. Linardi, and Dr. Skinner. He attached a list of questions to his email, writing:

I have prepared more questions for discussion at today’s meeting. To answer your Counsel’s questions regarding purpose and scope of the meeting: I am undertaking these enquiries in my role as Auditor General/City Auditor. I am not holding the meeting under any direction of counsel. I would ask for your cooperation and it may well be you would wish to give careful thought to the questions in which case we are happy to receive answers in writing at a later date⁹⁴

⁹¹ [HAM0028666_0001](#)

⁹² [HAM0062260_0001](#)

⁹³ [HAM0028666_0001](#)

⁹⁴ [HAM0054522_0001](#) attaching [HAM0054523_0001](#)

87. On February 12, 2019, at 11:55 a.m., Mr. McGuire forwarded this email to Ms. Auty, Mr. McKinnon, Mr. Soldo, Ms. Graham, and Mr. Sabo.⁹⁵ Mr. McGuire attached Dr. Uzarowski's email answering Mr. Pellegrini's initial questions to this email.⁹⁶

88. On February 12, 2019, at 12:15 p.m., Mr. McGuire emailed Ms. Cameron. He wrote: "Did you see that audit and ludomir had a call scheduled this morning?"⁹⁷

89. Ms. Cameron replied, writing: "I did – saw the questions to. Because it's independent do you need to know when they are meeting with Ludomir?"⁹⁸

90. Mr. McGuire replied, writing: "No. CAN you add all to projectwise please. Under the Red Hill file maybe under a new folder for audit".⁹⁹

91. Later that day, Ms. Cameron emailed Mr. McGuire a link to a folder titled "b) Independent Friction Audit – 2019".¹⁰⁰

92. On February 12, 2019, at 1:14 p.m., Mr. Brown emailed Dr. Uzarowski and Mr. Pellegrini, copying Ms. Minard, Mr. McGuire, Mr. Linardi, and Dr. Skinner. He attached the MTO fiction testing results from 2007 to his email, writing:

As discussed I am forwarding the documents related to the chart and MTO testing. The charts come from 2 sources but appear to be the same continuous friction monitoring regime. Thank you very much.¹⁰¹

⁹⁵ [HAM0054524_0001](#) attaching [HAM0054525_0001](#) and [HAM0054527_0001](#)

⁹⁶ [HAM0054525_0001](#)

⁹⁷ [HAM0001608_0001](#)

⁹⁸ [HAM0001608_0001](#)

⁹⁹ [HAM0001608_0001](#)

¹⁰⁰ [HAM0028665_0001](#)

¹⁰¹ [GOL0006716](#) attaching [GOL0006717](#), [GOL0006718](#), and [GOL0006719](#)

93. On February 12, 2019, at 5:40 p.m., Mr. McGuire forwarded Mr. Brown's 11:49 a.m. email exchange with Dr. Uzarowski to Ms. Auty, Mr. McKinnon, and Ms. Graham again, copying Mr. Soldo and Ms. Cameron. He wrote:

Golders discusses their dealing with the MTO and tests below.

It appears they only know about the 2007 test. And the trade wind result of course.¹⁰²

4. Press release disclosing Tradewind Report and CIMA Friction Memorandum

94. On February 6, 2019, the City of Hamilton issued the following press release:

Recommended lower speed limit on the Red Hill Valley Parkway: Resurfacing planned in spring 2019

HAMILTON, ON – On behalf of the City of Hamilton, staff apologize to Council and the general public for how this matter has come to their attention.

Earlier tonight, Hamilton's General Issues Committee went in-camera to receive a report related to matters on the Red Hill Valley Parkway (RHVP) and provided direction to staff to share the information that follows.

Today, Committee received detailed information for the first time regarding a consultant's report related to friction on the Parkway, dated November 2013. With the introduction of a new leadership team in Public Works, staff became aware of this document in late 2018, and through an audit process by the City's Auditor General.

As a result of this report, combined with information received through the annual collision statistics report received in public this evening, the City is taking precautionary action. This includes reducing the speed limit on the RHVP between Greenhill and the QEW to 80km per hour in both directions. We are also expediting the resurfacing of the Parkway in spring 2019. Both of these actions are in the interest of public safety.

Excessive speed continues to be a factor in collisions on the RHVP. Council has also directed staff to request additional support from Hamilton Police Services, particularly as it relates to a targeted enforcement campaign for speed, aggressive driving and distracted driving.

External traffic engineering experts have recommended the Parkway remain open for use, but that motorists be cautioned about speeding. The posted speeds are maximums. Drivers should reduce speed appropriately, particularly for wet road conditions.

Both the 2013 friction testing report and a third party review of that report in conjunction with current collision statistics and recent safety improvements on the Parkway are attached to this media release.

¹⁰² [HAM0054545_0001](#)

Quick Facts:

- Friction is one element of the design and operation of any roadway – road safety includes many aspects that are taken into consideration in tandem. These include things like design and geometry of the curves, grade of the road, signage, lighting and visibility, speed limits, how drivers interact with the roadway and the driving conditions at any given time.
- Typically, receiving low friction values would be an indication that a road operator should undertake a collision monitoring program and make adjustments to such things as pavement markings, signage, guiderails, end treatments, etc. Since 2015, the City has made the following improvements on the RHVP:
 - Oversized speed limit signs installed
 - Slippery when wet signs installed
 - Merge and bridge ices signs installed
 - Guiderail and end treatments upgraded
 - Guiderail treatments (reflective markers)
 - Recessed pavement markers (cat eyes) installed
 - Speed fine signs installed
 - Trimmed vegetation (various locations)
- The City also has additional ongoing and planned upgrades including digital feedback signs (returning February 2019), flashing beacons on slippery when wet signs, Q-end warning system and advance diagrammatic and lane exit signs (Hwy 403 Mohawk Road).
- Approximately 75,000 vehicles per day travel on the RHVP
- Earlier in 2018, the City was investigating the use of Hot-in-Place recycling technology for resurfacing of the RHVP. This technology will not be used during the resurfacing of the roadway in spring 2019 – new asphalt will be used, and the project will also include other safety upgrades

Finally, the City of Hamilton's Auditor General will conduct an independent investigation of the City's previous actions taken, internal processes, managerial systems and procedures regarding friction management in relation to the RHVP and report back with recommendations and management responses to the General Issues Committee. Resulting from this investigation will be a special report.

Council will direct staff as it relates to further information and decision making on next steps related to this matter.

Quote

"While we are extremely disappointed to learn that this information was not shared with Council when it was received, we appreciate staff bringing it to light now so that we could take immediate action. We are in the business of delivering high quality public services and

are committed to doing everything we can to ensure ongoing public safety. We will be reducing the speed limit to 80 km per hour, requesting increased speed enforcement, making improvements to the RHVP in spring 2019, and directing that actions be taken to improve internal processes and procedures relative to information management.”

Mayor Fred Eisenberger, City of Hamilton

Attachments

1. Tradewind Scientific report, November 2013
2. Memo: Red Hill Valley Parkway Pavement Friction Testing Results Review, CIMA, February 4, 2019¹⁰³

(a) Response of City staff and external counsel

95. On February 6, 2019, John McLennan (Manager, Risk Management, Legal & Risk Management Services, Corporate Services, Hamilton) forwarded this press release to his staff, writing: “If media should happen to call please no comments just refer to me so I can say no comment.”¹⁰⁴

96. On February 7, 2019, at 9:37 a.m., Diana Swaby (Supervisor, Claims Administration, Risk Management, Legal & Risk Management Services, Corporate Services, Hamilton) forwarded Mr. McLennan’s email to Mr. Shillington and Mr. Thompson. She wrote: “Fyi! Please do not speak to media, if they call. I have 2 bound briefs of FOI records that were released. I will have them sent to you this week via courier.”¹⁰⁵

97. Mr. Thompson replied later that day, writing: “Thanks Diana;: In the context of the Melo/Lee/Barlow litigation, the friction on the RHVP should be a red herring. Mr.

¹⁰³ [HAM0012841_0001](#) attaching [HAM0012842_0001](#) and [HAM0012843_0001](#)

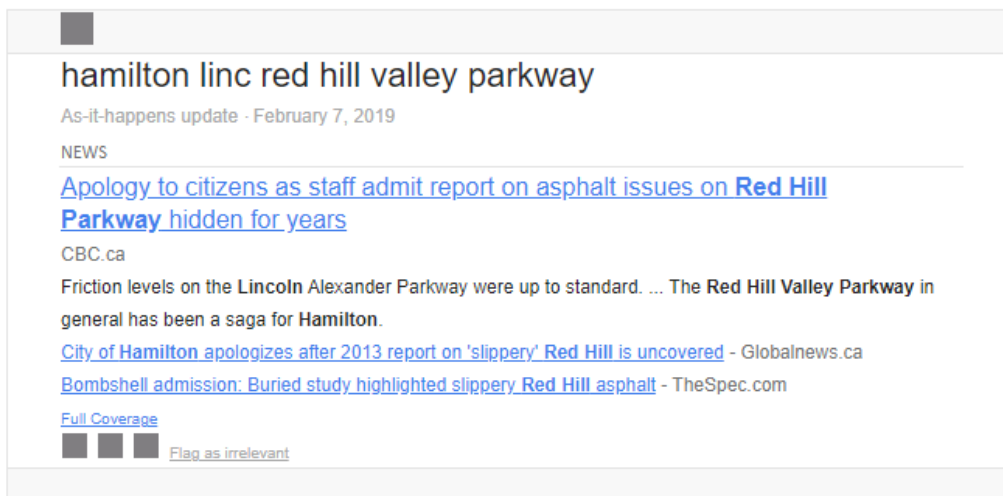
¹⁰⁴ [HAM0054451_0001](#)

¹⁰⁵ [HAM0054451_0001](#)

Vandeburgh was doing anywhere from 140-160 km/hr. He was convicted of dangerous driving causing bodily harm. The friction on the RHVP has nothing to do with it.”¹⁰⁶

98. Ms. Swaby replied, writing: “Yes agreed – [redacted for solicitor-client privilege] We have Gawrylash on the RHVP. If the road wasn’t wet, it shouldn’t be an issue in that case either. We thought your firm should have a copy of everything since you are handling all claims on the RHVP & the Linc, outside of what is being handled by in house counsel.”¹⁰⁷

99. On February 7, 2019, at 2:30 p.m., Colleen Crawford (Senior Law Clerk, Shillingtons LLP) forwarded an email with the subject line “Google Alert – hamilton linc red hill valley parkway” to David Thompson (Lawyer, Shillingtons LLP), copying Terry Shillington (Partner, Shillingtons LLP), writing “Well, that didn’t take long to get into the news.”¹⁰⁸ The alert included links to news articles:



¹⁰⁶ [HAM0054451_0001](#)

¹⁰⁷ [HAM0054451_0001](#); See also [HAM0062237_0001](#), [HAM0062224_0001](#), and [HAM0062230_0001](#)

¹⁰⁸ [HAM0064143_0001](#)

100. Mr. Shillington replied the same day, writing “Did they not explain the standards referenced in the report are not all that relevant here?”¹⁰⁹

101. Mr. Thompson replied to Mr. Shillington’s email, writing:

I think the press release is a fiasco and is in fact incorrect in some respects. They would have been better off to release the studies and provide an accurate explanation later. Lots of staff knew about the reports. The issue is whether they should have gone to council sooner. I know they can’t control the media, but the actual results of the testing are being grossly mischaracterised.¹¹⁰

102. On February 7, 2019, Mr. McLennan received a copy of Mr. Boghosian’s December 13, 2018, draft opinion (“Draft Boghosian Opinion”) from ricoh@coh.ca.¹¹¹

103. On February 12, 2019, Mr. McLennan emailed Meghan Callaghan (Vice President, Managing Director, Public Sector, Jardine Lloyd Thompson Canada Inc.) attaching the Draft Boghosian Opinion. He wrote: “As per our discussion attached is David’s opinion on the materials being produced as a result of the FOI request.”¹¹²

104. On February 7, 2019, Viano Ciaglia (Regional Manager, Frank Cowan Company) emailed Mr. McLennan. He wrote:

Can you please do us a favour and advise if you have any claims still open related to this stretch of road that occurred during our time on risk from 2007 – 2011. It would be greatly appreciated.

FCC Notes:

- The Red Hill opened in 2007 and we were on risk until Jan1/2011. We have gone through all of our claims during that time-frame and confirm that we have none that were ever reported to us with a loss location on the Red Hill

¹⁰⁹ [HAM0064143_0001](#)

¹¹⁰ [HAM0064143_0001](#)

¹¹¹ [HAM0054447_0001](#) attaching [HAM0054448_0001](#)

¹¹² [HAM0062261_0001](#) attaching [HAM0062262_0001](#)

- Have there been any losses reported within the City's deductible during FCC's time on risk (2007 – 2011). Our concern is that [redacted for litigation privilege] If they have any such claims; we would like the City to report them to us ASAP.

105. Mr. McLennan replied later that day, adding Ms. Swaby to the email chain. He wrote:

We can get all that stuff to you in due course. I have cc'd Diana Swaby, who will, work with you in this regard.

FYI – David Boghosian has been our legal consultant on this issue throughout. [redacted for litigation privilege] It is important to remember; however, that the Tradewind report is inconclusive, and it is countered by the later CIMA report. The wart in all of this is that the Tradewind report was not provided to Council in a timely manner. Media will not be kind at all, of course.¹¹³

106. On February 7, 2019, Patricia Leishman (Manager, Strategy, Continuous Improvement & Quality, Public Works, Hamilton) forwarded Mr. Moore an email from Nancy Wunderlich (Administrative Coordinator to the General Manager, Public Works, Hamilton) circulating the February 6, 2019 press release to City staff.¹¹⁴

107. Mr. White forwarded the media release to Ed Switenky (Superintendent, Traffic Operations, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), Mr. Ferguson, Shelley Boylan (Coordinator, Transportation Operations & Maintenance, Public Works, Hamilton), Kim Wyskiel (Superintendent, Business Services, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) and John Della Pietra (Supervisor, Signs and Markings, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), writing:

Goodmorning

The RHVP signing is our top priority! Please take every action to install the slippery when wet signs.

¹¹³ [HAM0062223_0001](#)

¹¹⁴ [HAM0036048_0001](#)

Please commence to plan the install of the 80 k speed reduction and included an advance advance warning sign something like Speed Reduction ahead. Please design sign and show it to me. Please update me on progress before the end of the week.

City press release below.¹¹⁵

108. On February 7, 2019, at 10:40 a.m., Mr. Zegarac emailed Mr. McGuire, copying Ms. Recine and Mr. McKinnon. He wrote:¹¹⁶

Was tradewind engaged by Golder?

Was Golder engaged through a roster?

What was the value of tradewind report? Was it \$8000?

109. Ms. Recine forwarded this email to Ms. Graham. Ms. Graham replied, writing:¹¹⁷

Golder hired Tradewind.

Yes – the PO says Roster Category #12

Value of Tradewind report – PO \$8,000

I have the PO if you need it.

110. Ms. Recine forwarded Ms. Graham's response to Mr. Zegarac later that day.¹¹⁸

111. On February 7, 2019, at 3:40 p.m., Mr. Zegarac emailed City staff under the subject line "Red Hill Valley Parkway Update". He wrote:

Good afternoon colleagues,

Yesterday, the City's General Issues Committee received an in camera report related to the Red Hill Valley Parkway (RHVP). Committee received detailed information for the first time regarding a consultant's report related to friction on the RHVP. Current Public Works leadership became aware of this document in late 2018.

As a result of this report, combined with information received through the annual collision statistics report received in public yesterday, the City is taking additional precautionary actions. It is reducing the speed limit on the RHVP between Greenhill and the QEW to 80km/hr in both directions, expediting the resurfacing of the Parkway in spring 2019,

¹¹⁵ [HAM0060657_0001](#)

¹¹⁶ [HAM0036066_0001](#)

¹¹⁷ [HAM0036066_0001](#)

¹¹⁸ [HAM0036066_0001](#)

requesting Hamilton Police Services to provide increased speed enforcement (excessive speed continues to be a factor in collisions on the RHVP) and will be taking actions to improve internal processes and procedures relative to information management.

In an effort to remain transparent and accountable, the City of Hamilton's Auditor General will be conducting an independent investigation of the City's previous actions taken, internal processes, managerial systems and procedures regarding friction management in relation to the RHVP, and bringing a special report back to GIC on the investigation that will outline recommendations and management responses to the investigation.

While this situation is extremely unfortunate, I can assure you that it is being taken very seriously by myself and senior management, and we appreciate staff bringing this information to light. I encourage all of you to continue to demonstrate courageous behaviour in the work you do every day on behalf of the City to ensure we provide our residents, Council and colleagues with the level of ongoing transparency and accountability they deserve. Let's keep top of mind our collective commitment to the corporate culture pillars and continue to use them as guiding principles in our work every day.¹¹⁹

112. At 9:07 p.m. that day, Mr. Moore drafted the following response to Mr. Zegarac's email:

Mike

I now have had two calls from the Media that are saying Sr. Staff are identifying me a sole individual that had control of this document. Firstly it concerns me that you went to Council with a report and gave me no heads up, other than your call after the fact which was basically a reminder of the Code of Conduct and not to talk to the media. Secondly I did read in a media report this morning that quoted Mr. McKinnon as saying I had retired but would be interviewed in the Audit process, (which has already been done). Not sure that this is consistent staff behavior with intent of your email.

I attended a meeting with you (Dan and Lora) in order to give you clarity on the FOI request and the background and gave you an open and honest full discussion. I then was interviewed by Charles (and Dominic) in a similar vein. No one indicated actions that were being contemplated, a strategy for disclosure to Council or a heads up this was coming. I would have been glad to discuss this with Council and explain my actions and intent.

Again , I wish to bring to your attention, The Tradewinds report only recommends that additional studies should be considered. There's no timeline, no other mitigation strategies or recommendations, and this confirmed by the CIMA report that the friction numbers still exceed the recommended design parameters. It was my assessment at the time that additional precautionary actions from an Engineering stand point were not required..¹²⁰

113. The City has advised the Inquiry that they have not identified a document establishing that this draft email was sent.

¹¹⁹ [HAM0012809_0001](#)

¹²⁰ [HAM0036084_0001](#)

114. On February 7, 2019, Mr. McGuire and Ms. Auty engaged in the following email exchange under the subject line “Sent you a VM”:

[GM]: On the RHVP, it’s a claim.

[NA]: I’m at City hall, can you call my cell?

[GM]: I will shortly. FYI Gary is in the office? I thought he was to stay home.

[NA]: Dan/Mike can best respond to that.¹²¹

115. On February 7, 2019, Mr. McLennan engaged in the following email exchange with Tony Tollis (former Treasurer, Hamilton):

[JM]: Bet you’re happy you’re retired.

[TT]: I don’t get the paper. Why what’s happening?

[JM]: Council is looking to tar and feather Gary.

<https://www.thespec.com/news-story/9164284-bombshell-admission-buried-study-highlighted-slippery-red-hill-asphalt/>

<https://www.stcatharinesstandard.ca/news-story/9165535-families-of-those-killed-on-slippery-red-hill-considering-class-action-lawsuit/#.XFx9O02hYfY.twitter>

[TT]: Kinda makes defending a claim a little more difficult.....my bad sorry...kinda makes an open and shut case. Roll out the cash□□□

[JM]: Well if nothing else it is very interesting. Yes you are right. Every lawyer worth his salt is going to waive the Tradewind report in the air and say “pay up!”

The interesting part will be trying to control council. It was fascinating to see how quickly they went into political CYA mode, without a care at all for the liability exposure. “Heads will roll” talk started about 2 minutes into closed session. I’ve asked the insurer for an advisory that I can give to Council about not putting our coverage in jeopardy. We also need to have Gary on our side. I’m sure he would be very convincing explaining why the report was bullshit but he is unlikely to do that if they throw him under the bus.

Things are going well. Reporting to Legal now which had a rocky start but as always smoothed out over time. I think I like the new City Solicitor Nicole Auty. She seems pretty thoughtful and willing to listen.¹²²

¹²¹ [HAM0062222_0001](#); See also [HAM0062221_0001](#)

¹²² [HAM0054459_0001](#)

116. On February 7, 2019, a City employee emailed Corinne Caldwell (Claims Representative, Risk Management, Legal & Risk Management Services, Corporate Services, Hamilton), writing:¹²³

I am guessing there may in an huge influx of questions with the information that came forward re: RHVP ...

May be way too early to ask this question, but maybe you have some insight ... my son has a court date for his accident back in August as he refused to take the plea and is fighting the charge for his August accident.

How will the recent information that has come out about the RHVP conditions impact his having to pay for damages... if at all?

117. Ms. Caldwell forwarded this email to Mr. McLennan that day, writing:¹²⁴

I have a pending Subrogation claim that has not yet been set up regarding the above. [name redacted] is a City employee and [name redacted] is her son. I corresponded with her previously and advised that I would send the invoice for repair to her son in the New Year.

Further to your email, do you want to respond to [name redacted]? I have the documents here.

118. Mr. McLennan replied, writing: "The report was inconclusive. The fact that it was not reported to Council is the main problem. The RHVP has been and still is a safe road for anyone going the speed limit and driving for conditions."¹²⁵

119. On February 7, 2019, Irena Szczepanik (Project Manager, Infrastructure Management Systems, Asset Management, Engineering Services, Public Works, Hamilton) and Jeff Sherriff (Applications Analyst, Business Systems, Business Initiatives, Transportation Operations & Maintenance, Public Works, Hamilton) engaged in the following email exchange:

¹²³ [HAM0036059_0001](#)

¹²⁴ [HAM0036059_0001](#)

¹²⁵ [HAM0036059_0001](#)

[JS]: Looks like your buddy is in hot water with the Red Hill mess eh?

[IS]: Another day, another audit 😊

[JM]: LOL, however, I think heads will roll on this one.

[IS]: You think?

[JM]: I think so. From the sounds of it, asphalt friction reports were intentionally kept from management/public and the fact that there have been tons of accidents and deaths on the RHVY could result in HUGE lawsuits. I think it will be a total disaster for the city. ☹

[IS]: Hello... No one is accountable for anything here.. ever.

The one who approved it all has already retired! Our taxes will go up to cover the lawsuits.

I don't understand why/how this was hidden though...¹²⁶

120. On February 7, 2019, at 8:50 p.m., Mr. McKinnon forwarded an email chain to an email account with the username "joannet.mckinnon". On January 26, 2019, Mr. McKinnon had received an email from this address:

Did MTO test the friction of the asphalt on the RHVP in 2007? If so why?

What were the results?

What actions did you take in response to the MTO results and conclusions?

What precipitated undertaking the 2013 Golders/Tradewind study?

How was the decision made to use the standard (the UK standard) that was used?

Are their north american standards available for such analysis?

What was it about the result that you felt made them inconclusive?

Was Golders paid in full for the 2013 assignment?

Why the was the report not finalized?

Who were the result share with within the City of Hamilton? If so who? If not why not?

What actions flowed out of the recommendations from Tradewind?

What precipitated the 2017 Golders assignment?

¹²⁶ [HAM0036085_0001](#)

What question were you endeavoring to answer with the polished stone value analysis? What was your conclusion?

It appears a UK standard was again used for the 2017 assignment, what was the rationale for using this standard again?

Was this assignment in collaboration with other city staff? If so who? If not why not?

Was the information gleaned for the 2013 and 2017 Golders reports ever used or shared to inform assignments undertaken by CIMA?

Why was the 2013 Golders report only placed on the City's network in the late spring of 2018?

Are you aware that the MTO issued a tech memo in 2015 discouraging the use of SMA recycling through Hot In-place Technology resurfacing? If so why was the plan to continue to do this?

What precipitated the insertion of the RHVP resurfacing into the capital budget in the fall of 2017? Considering the late addition of this project to the budget why was it scheduled in 2018 and not scheduled further out in the multi year forecast?¹²⁷

121. Later that day, Mr. McKinnon forwarded this email to Mr. McGuire under the subject line "Give me a shout when you h e time?". On January 27, 2019, Mr. McKinnon forwarded this email to Mr. Soldo. Mr. Soldo replied to Mr. McKinnon the next day, writing:

It might be prudent to gain an understanding of his mindset related to the safety issues.

When did you become aware of the higher than average collision rates on the RHVP?

Did you undertake an assessment of the design of the RHVP to determine if the collision rates were a result of design deficiencies?

Are you aware that the raised barrier curb and curve radii (CP rail bridge area) no longer meet TAC design standards for the posted speed limit?

Why was lighting not included in the original design?¹²⁸

122. On February 8, 2019, Lisa Zinkewich (Program Manager, Corporate Initiatives (Strategy & Performance), Strategic Partnerships & Communications, City Manager's Office, Hamilton) forwarded Mr. Hertel and Ms. Recine a draft email for members of

¹²⁷ [HAM0028531_0001](#); see also [HAM0036113_0001](#)

¹²⁸ [HAM0028531_0001](#)

Council, attaching an Information Update about the City's Trust and Confidence Report.¹²⁹ She wrote:

Was about to have Lisa B send this out, but then I read an article by Andrew Dreschel that, in terms of the RHVP issues, notes "There's no question revelations such as this can only shake the public's confidence and trust in city staff. The optics are brutal."

Wanted to make sure sending out an Info Report labelled T&C is a good move at this time.

Please confirm.

Please note that there is really nothing driving the need to issue this Info Report. We have met our internal commitments to update quarterly. This really is just general information.¹³⁰

123. On February 8, 2019, Jason Thorne (General Manager, Planning & Economic Development, Hamilton) emailed Mr. Zegarac an image of a social media posting from the Spectator. The text in the image said:

Raymond Rea writes: It's comforting to know that the city's former engineer, who oversaw the construction of the RHVP, and who allegedly buried the roadway pavement report while continuing to mislead The Spec and the public about the report's existence and conclusions, has joined Hamilton's light rail transit team.¹³¹

124. Mr. Zegarac replied, writing: "Is Metrolinx paying Gary's salary". Mr. Thorne replied later that day, copying Mr. McKinnon. He wrote: "Yes. His contract is with us and then it is charged back."¹³²

125. On February 8, 2019, Chris Olszewski (Project Manager, Capital Projects, Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) forwarded an email from Giovanni Bottesini (Project Manager,

¹²⁹ [HAM0028554_0001](#) attaching [HAM0028555_0001](#)

¹³⁰ [HAM0028554_0001](#)

¹³¹ [HAM0048785_0001](#) attaching [HAM0048786_0001](#)

¹³² [HAM0048785_0001](#)

Transportation, CIMA) relating to RHVP speed feedback signage to Mr. Ferguson and Mr. White, which included the following content with respect to slippery when wet signs:

Also, with respect to the Slippery When Wet Signs, please note OTM Book 6, pp. 120-121 wording (on which we based the recommendation in our report):

The SLIPPERY WHEN WET sign must not be considered as a permanent solution to the problem and roadway surface improvement should be undertaken as soon as possible.

[...]

Application of the SLIPPERY WHEN WET sign must be kept to an absolute minimum, with its use restricted to extraordinary situations only. The sign must be removed immediately upon correction of the skid resistance problem (e.g., through resurfacing). These guidelines preclude using the sign for normal wet surface conditions, so that driver expectations and responses to the signed hazards remained consistent.¹³³

126. On February 10, 2019, Mr. McKinnon emailed Ms. Auty and Mr. Zegarac under the subject line “Rhvp”. He wrote:

Good morning, on Thursday and Friday of last week I received a copy of the mto testing from 2007 as well as the stantec report commissioned around the same time. It seems to me these two pieces of information need to be shared with council as they suggest the timeline of this story goes back to the original opening of the highway. Nicole I'm not sure, have you had Dave review this information? I'm feeling a little out of sync as this information continues to flow in, should we be setting up a single source and gatekeeper of the evidence on this? Or is audit now performing this function? This is going to go on for a while and I'd feel better if I knew who will be steering going forward. Additionally, I think this new information makes me even more concerned about Gary continuing in his role.¹³⁴

127. Ms. Auty replied later that day, writing: “I think council will give us direction on this at Wednesday's council meeting.”¹³⁵

128. On February 11, 2019, Ms. Crawford emailed Mr. Thompson, copying Mr. Shillington under the subject line “Hamilton – Red Hill Friction Testing”. She wrote:

July 15, 2017 – The Spec runs this article, which talks about the City performing friction testing.

¹³³ [HAM0060688_0001](#) (highlighting in original)

¹³⁴ [HAM0062240_0001](#)

¹³⁵ [HAM0062240_0001](#)

July 20, 2017 – I write to David Ferguson asking him to arrange a conference call. David Ferguson responds July 25, 2017 and refers me to Gary Moore.

TRS and I speak with Gary Moore August 15, 2017 – right after the call, he sends us the friction testing report. Attached is my summary of our call. In May 2018, Gary Moore confirms that the report dis not go to Council.¹³⁶

129. Ms. Crawford's email included four attachments. The first attachment was an email, dated January 9, 2018, from Ms. Crawford to Keri Wilson (Lawyer, Shillingtons LLP), forwarding an email exchange between Ms. Crawford, Mr. Shillington and Mr. Moore from August 15, 2017. Ms. Crawford wrote:

TRS and I had a conference call with Gary Moore to review the circumstances surrounding the friction testing. Below is a summary of the brief discussion.

Moore confirmed that there was no friction testing performed on any of the on/off ramps. **Note: the report indicates there was some testing done on ramps.

They had friction testing completed of both the Linc and the RHVP. The pavement was slippery when wet.

The City's pavement was equal to the MTO's.

The MTO was having initial problems with the SMAs. Hamilton's were superior to the MTO's.

Golder was the consultant. Tradewind Scientific was the company that performed the testing. They used a grip tester British method.

Testing confirmed that the Linc was superior to the RHVP.

The Linc numbers were up in the high 50's — low 60's.

The RHVP numbers were down in the 40's.

Testing was done at 50 km/hr.

The MTO does their testing at operating speed.

Perpetual pavement — bottom up — deals with the whole road. Top down, shave and pave.

Resurfacing is a type of pavement.

The City was looking at repaving options.

¹³⁶ [HAM0064144_0001](#) attaching [HAM0064149_0001](#), [HAM0064150_0001](#), [HAM0064151_0001](#) and [HAM0064152_0001](#)

The report had not gone to council.¹³⁷

130. The second attachment was an email from Mr. Moore to Ms. Crawford, copying Ms. Swaby, dated May 4, 2018, in which he wrote that the Tradewind Report was “never reported to Council.”¹³⁸

131. The third attachment was a copy of Nicole O’Reilly’s (Reporter, Hamilton Spectator) July 17, 2017 article titled “Highway traffic tragedies: Why are there so many crashes on the Red Hill?”¹³⁹

132. The fourth attachment was a copy of the Tradewind Report.¹⁴⁰

133. On February 11, 2019, Ms. Crawford emailed Mr. Shillington and Mr. Thompson, writing:

FYI - This new article, includes the complete copy of the two reports/memos – the Tradewind report and the CIMA memo.

<https://www.thespec.com/news-story/9164284-bombshell-admission-buried-study-highlighted-slippery-red-hill-asphalt/>

I have also attached a couple of City of Hamilton news releases.

I found this link – I need to watch it and see where Gary Moore is speaking.

<https://pub-hamilton.escribemeetings.com/Players/ISIStandAlonePlayer.aspx?ClientId=hamilton&FileName=sire/PublicWorks/855/855.mp4>¹⁴¹

¹³⁷ [HAM0064149_0001](#)

¹³⁸ [HAM0064150_0001](#)

¹³⁹ [HAM0064151_0001](#)

¹⁴⁰ [HAM0064152_0001](#)

¹⁴¹ [HAM0064153_0001](#)

134. On February 11, 2019, Mr. Shillington emailed Ms. Swaby, attaching a copy of the “Highway traffic tragedies: Why are there so many crashes on the Red Hill?” Spectator article. The two engaged in the following email exchange:

[TS]: Diana , [redacted for solicitor-client privilege] ¹⁴²

[DS]: Yes but I'm not in today. How about tomorrow at 9?¹⁴³

[TS]: 9:00 it is - [redacted for solicitor-client privilege]

[DS]: Probably will be a good idea. I have a conference call with the city's insurer at 10. Talk to you tomorrow!

[TS]: Perfect timing then.

135. On February 11, 2019, at 2:46 p.m., Mr. McKinnon emailed Mr. McGuire under the subject line “Evidence Preservation”. He asked: “Are you going to propose a protocol that perhaps legal could review ?”¹⁴⁴

136. At 3:00 p.m., Mr. McKinnon replied to his own email, writing: “Would like to know if we are going to do friction testing once we pave so we know what we have”.

137. Mr. McGuire replied, writing: “Would like some advise on both thoughts. Through Nicole?”¹⁴⁵

138. Mr. McKinnon replied “Yes let’s chat”.¹⁴⁶

139. Mr. McGuire replied later the same day, writing: “What about ProjectWise?”¹⁴⁷

¹⁴² [HAM0054504_0001](#) attaching [HAM0054505_0001](#)

¹⁴³ [HAM0062241_0001](#)

¹⁴⁴ [HAM0054512_0001](#)

¹⁴⁵ [HAM0054512_0001](#)

¹⁴⁶ [HAM0054512_0001](#)

¹⁴⁷ [HAM0054512_0001](#)

140. On February 11, 2019, Mr. Soldo and Mr. McKinnon exchanged emails under the subject line "Friction Test", copying Mr. McGuire. They wrote:

[ES]: This is the test that is referred to in the 2007 Stantec report.

I will purchase the material for review.

<https://www.astm.org/Standards/E274.htm>

[DM]: Sounds good as the plan going forward will look very much like the stantec report

[ES]: I found the report that the Stantec report is an Appendix too.

[DM]: Please send it to me¹⁴⁸

141. On February 11, 2015, at 5:30 p.m., Mr. Soldo emailed Mr. McKinnon under the subject line "Background", copying Mr. McGuire. Mr. Soldo attached various friction related reference materials to his email, including the NCHRP Guide for Pavement Friction.¹⁴⁹ He wrote:

Some interesting material for your reading.

<http://www.trb.org/Publications/Blurbs/161756.aspx>

I am also getting the standard purchased.

Interesting thread on this link. <https://www.fhwa.dot.gov/pavement/t504038.cfm>

How are projects to improve pavement friction prioritized? Once network-level friction testing is completed, sites are evaluated for additional investigation or possible treatment. The approach recommend by the **AASHTO Guide for Pavement Friction** is to establish **Investigatory Level and Intervention Level** values for pavement friction and texture. These values are established based upon the specific needs of a facility (friction demand) and may be based in part on costs and benefits of providing specific friction levels on the network. Friction demand should be determined by the owner-agency for each road segment and be based upon factors such as traffic volume, geometrics (curves, grades, sight distance, etc.), potential for conflicting vehicle movements, and intersections. Research has shown that curves and intersections tend to lose friction at a faster rate than other roadway locations and thus justify a higher friction demand. Typically once a pavement section falls below the investigatory threshold value the specific pavement section is evaluated for friction-related crash potential.. Action, if justified, is performed. This Investigatory Level can also be considered a "desirable" level for pavement friction

¹⁴⁸ [HAM0028602_0001](#)

¹⁴⁹ [HAM0028605_0001](#) attaching [HAM0028606_0001](#), [HAM0028608_0001](#), [HAM0028609_0001](#), and [HAM0028610_0001](#)

based upon site requirements. Pavements that fall below the Intervention Level require the performance of some type of action. This intervention level can also be considered a "minimum" level for pavement friction based upon site requirements.

And this link <https://www.pavementinteractive.org/reference-desk/pavement-management/pavement-evaluation/skid-resistance/>

Table 1. Typical Skid Numbers (from Jayawickrama et al., 1996¹⁵⁰)

Skid Number	Comments
Less than 30	Take measures to correct
≥30	Acceptable for low volume roads
31 – 34	Monitor pavement frequently
≥35	Acceptable for heavily traveled roads

142. On February 11, 2019, Mr. Zegarac emailed City staff under the subject line “Red Hill Valley Parkway Update #2”. He wrote:

Good day colleagues,

Further to my email from last Thursday, the City continues to receive some negative press with respect to the sharing of the 2013 consultant’s report related to friction on the Red Hill Valley Parkway (RHVP). As I mentioned, we will be reinforcing safety on the RHVP over the coming weeks and months, and an internal investigation is underway to review actions taken and make recommendations for improving our internal information management systems, processes and procedures.

While we are taking the necessary steps to address the situation, we know that we have much work to do to rebuild our residents’ trust and confidence in us. When it comes to transparency and accountability, we take the expectations of residents and Council very seriously, and we will do everything we can to restore that.

With that said, it is also important to me that you continue to feel that, despite this extremely unfortunate situation, your efforts, dedication and commitment to your work continues to be recognized and appreciated. I encourage all of you to stay the course and to keep up the great work you do every day to serve the residents of Hamilton.¹⁵⁰

¹⁵⁰ [HAM0062259_0001](#)

143. On February 12, 2019, Mr. Soldo emailed Mr. McGuire a copy of the ASTM E274 (2015) and the black line to the 2011 version of the same specification.¹⁵¹ Mr. Soldo emailed these specifications to Mr. Brown the same day.¹⁵²

144. On February 12, 2019, Mr. Zegarac circulated a calendar invitation for a conference call titled “REDHILL DISCUSSION” to Mr. Hertel, Ms. Auty, Ms. Graham, Mr. McKinnon, Mr. Soldo and Ms. Recine.¹⁵³ He attached documents outlining various RHVP studies and reports Council had directed staff to complete.¹⁵⁴

145. On February 12, 2019, Mr. Zegarac emailed Ms. Graham, writing: “Jasmine, can you send me the chronology that you prepared last week.” Ms. Graham replied later that day, attaching a document titled “Confidential Preliminary Timeline”. She wrote: “Here is the preliminary timeline. I do believe there is one Council report missing from here that I will add in today.”¹⁵⁵

146. On February 13, 2019, Mr. McGuire emailed Marco Oddi (Manager, Construction, Engineering Services, Public Works, Hamilton), writing: “Do we have the testing results from the original installations of the SMA, and any aggregate testing?”¹⁵⁶

147. On February 13, 2019, Ms. Recine wrote the following note:

Everyone supports transparency and accountability

Need to review chronological information

¹⁵¹ [HAM0028691_0001](#) attaching [HAM0028692_0001](#) and [HAM0028693_0001](#)

¹⁵² [HAM0013318_0001](#) attaching [HAM0013320_0001](#) and [HAM0013319_0001](#)

¹⁵³ [HAM0054530_0001](#)

¹⁵⁴ [HAM0054531_0001](#) and [HAM0054532_0001](#); and [HAM0061529_0001](#) at image 20

¹⁵⁵ [HAM0058892_0001](#) attaching [HAM0058893_0001](#)

¹⁵⁶ [HAM0028715_0001](#)

We have put together a plan of action – internal AG, I don't ques CB's expertise

Public inquiry and police investigation

Let's look at this systemically and incremem and that we have the vidence as we move forward

We're not going to solve it overnight, need to do it incremently

The road is safe, people can drive on in if used as described – geometry speed, the road being wet; millions of cars that have not have accident; more than half of them were related to speed, intoxication, other traffic/driver error etc

Jan 16 2013 – Clr SM and Clr CC request for friction testing, signages, enforcemtn, markings etc

Friction testing needs to be repeated; the q ia why did Mr Moore

We want all of the info to be released, we want the investigations to take place

The prov is asking us to investigate

I would love to see the prov AG investigate – if the Council wants to pay for it

BK: City AG – he's a City employee, any concern there? If you appoint the proper people, their integrity should not be in question – to deal with the perception

We have a lot of arm chair engineers out there misinforming the public and we need to educate the public¹⁵⁷

148. On February 13, 2019, at 5:23 p.m., Mr. McLennan emailed Ms. Callaghan, LPapadopoulos@pearson-dunn.com, Dino Zenarosa (Vice President, Senior Claims Broker – Claims, Jardine Lloyd Thompson Canada Inc.), Gwen Tassone (Senior Vice President, Account Executive, Public Sector, Jardine Lloyd Thompson Canada Inc.), James Defty (Senior Partner, Jardine Lloyd Thompson Canada Inc.), and Ms. Swaby, copying Mr. Sabo. Under the subject line “Conference Call – Red Hill valley Parkway”, he wrote:

Good Afternoon Everyone,

In preparation for tomorrow's conference call, Meghan and I have had a discussion about a general agenda. It is as follows:

¹⁵⁷ [HAM0048821_0001](#)

1. Expectations of JLT with respect to conduct of City of Hamilton Council and staff moving forward
2. Handling plan for current and new claims
3. Claims

With respect to Item 3, attached please find a summary of claims we have here at RMS, both open and closed, which could potentially be affected by the recent media coverage of safety issues on the Red Hill Valley Parkway.

Please note that Deputy City Solicitor Ron Sabo will be participating in the call. He has been cc'd above.¹⁵⁸

149. On February 14, 2019, at 10:32 a.m., Andy Zimmerman (Senior Communications Officer, Social Media & Marketing, Strategic Partnerships & Communications, City Manager's Office, Hamilton) emailed Ms. Graham and Ms. Recine. He wrote:

This is the worst I have seen yet. In the clip starting at the 1:27:30 mark Clr Merulla specifically orders "Gary" (I think it's Engineering Svcs head Gary Moore) to say that the surface of the RHVP is high quality, and Moore specifically cites "2013 friction testing" to do so. <https://t.co/ASi9WO5JXq>

Original Tweet: https://twitter.com/craig_burley/status/1093801636059906048¹⁵⁹

150. On February 14, 2019, at 1:56 p.m., Ms. Swaby forwarded Mr. McLennan the email chain between herself, Mr. Moore, and Ms. Crawford by which Mr. Moore circulated a copy of the Tradewind Report to Ms. Crawford on August 15, 2017. Ms. Crawford had replied to Mr. Moore's original email, copying Ms. Swaby, on May 4, 2018. Ms. Swaby wrote:

Just as an fyi....As shown below, the public could have accessed this report long before the recent media attention it has received. That said, I'm not sure that we should be seeing an influx of claims coming in after the applicable prescription dates. Arguably, those claims should be dismissed.¹⁶⁰

151. Mr. McLennan drafted the following response to this email:

¹⁵⁸ [HAM0062272_0001](#)

¹⁵⁹ [HAM0013386_0001](#)

¹⁶⁰ [HAM0054606_0001](#) attaching [HAM0054607_0001](#)

I don't follow. I understand that anyone could have made an FOI request years ago, but how would they know that it even existed? The Spectator found out somehow and made their request once they did find out. Gary seemingly kept the report to himself once he received it.¹⁶¹

152. Ms. Swaby replied to her own email later that day, writing:

Further to our t/c with the insurer, I reiterate this example of what I see is very useful information, that is in the hands of Shillingtons.

Shillingtons is an acceptable firm used by the Frank Cowan Company. I am not sure if the FCC uses David's firm.

I'm not trying to advocate – just lessen the load of work for everyone involved. RMS/legal counsel/staff in PW.

Those are my comments.¹⁶²

153. On February 15, 2019, Mr. Ferguson forwarded Mr. Soldo an email exchange he had with Mr. Malone about the design speed of the RHVP on March 28, 2017.¹⁶³

154. On February 18, 2019, Mr. McGuire drafted an email to Ms. Auty, copying Mr. Sabo. He wrote:

In response to the 2017 friction testing update.

I asked Golders to provide some clarity on the framework for their characterization of the results produced. IE: the PSV value of 45 is average / medium, but in reference to what scale? That element is not included in the report.

Golders reply is that this is out of scope? The attached letter of proposal indicates they will provide data in accordance with specific standards, with the determination being "...whether the pavement surface of the RHVP has sufficient frictional resistance..."

We had a call this week and Ludomir advised me that he would provide these frameworks of reference, otherwise his work is meaningless, as are his recommendations.

I would like to talk this over, do you have my cell number?¹⁶⁴

¹⁶¹ [HAM0062311_0001](#)

¹⁶² [HAM0062271_0001](#)

¹⁶³ [HAM0013450_0001](#)

¹⁶⁴ [HAM0054676_0001](#) attaching [HAM0054677_0001](#) and [HAM0054678_0001](#)

155. On February 28, 2019, Mr. McKinnon emailed Ms. Auty, copying Mr. Zegarac. He wrote:

Nicole do you have advice for me and my team as it relates to communication with Gary? He continues to work out of our office and I'm concerned that we may inadvertently affect the investigation through conversation because of our close proximity to him. Is there something I can share with my team?¹⁶⁵

(b) Media Coverage and Inquiries

156. On February 7, 2019, Ms. Graham drafted a document titled "Coverage Summary RHVP – February 7, 2019", which summarized media coverage following the City's press release.¹⁶⁶

157. On February 7, 2019, Mr. McKinnon gave an interview to the Scott Thompson Show on CHML. Ms. Recine drafted a transcript of this interview, in which Mr. McKinnon answered questions about the Tradewind Report. For example:

ST: What happens now, how did this all come to light?

DM: We became aware of this document/study that had been done a number of years ago and as a course of action we brought it forward to Council, and once they were made aware of the information, you saw the media release last night, that was Council's reaction to it, they wanted the information brought into the public immediately, and they made some other recommendations around our audit services group conducting an investigation, and we had already been undertaking a number of safety audits and work on the Red Hill and LINC to a certain extent over the last number of years so that work continues and we have a capital project scheduled for June this year where we are going to undertake what we call a 'shave and pave' where we remove the top 2 inches of the asphalt and replace it with a new mix. One of the things as this story has kind of emerged is that it's interesting that over the last number of years there's been some anecdotal information about the Red Hill being slippery and certainly the collision data that we shared with Council yesterday in a public report indicates that the numbers were rising around collisions and there seems to be an emphasis on wet weather collisions. Council had been reacting to this information kind of on a different channel around collision data and they had been asking us to do things over the years to make the facility safer, so a lot of the things that you might have done in response to this low friction numbers were being done as a result of direction we were continuing to receive from Council so that's kind of the summary of how things have happened but it was really the information that was shared with the community last night was triggered by us sharing this report with Council last night.

¹⁶⁵ [HAM0062306_0001](#)

¹⁶⁶ [HAM0028532_0001](#). See also [HAM0036303_0001](#)

ST: So how did staff uncover this report? Were they backtracking and looking at past information and there it was? How did this fall into their lap?

DM: Yeah there's been a pretty significant change in the leadership in Public Works over the last number of years and that's really more related to the baby boom situation. I have 6 divisions under my leadership here in Public Works and over the last 2.5 years – the leaders of those divisions – I have 5 new leaders, so essentially my department management team is completely turned over over the last 2.5 years and so when Engineering Services – a new director started there in July – and as part of their work to become familiar with all of the issues and get involved in some of the projects they became aware of this report, and once they did that and shared it with me, and I shared it with the City Manager and then that started the whole process.¹⁶⁷

158. On February 7, 2019, Andrew Dreschel (Columnist, Hamilton Spectator) emailed Mr. McKinnon, writing:

Here are the questions we spoke about:

How many actual kms of the red hill have been reduced to 80 kph?

When was the mayor first notified about the buried report?

And, again, if you don't mind:

Why is the speed limit only being reduced between Greenhill and the QEW?

Is that a collision hot spot?¹⁶⁸

159. Mr. McKinnon forwarded this email to Ms. Auty, Ms. Graham, and Mr. Zegarac, copying Ms. Wunderlich, Mr. Soldo, and Mr. McGuire. He wrote: “Mike need to discuss on question. Other Peeps please assemble and Nicole please advise what I can provide ASAP”.¹⁶⁹

160. On February 7, 2019, at 2:24 p.m., Mr. Zegarac responded:

I would suggest be accurate. Members of senior leadership met with the Mayor December 17 to brief him on early staff discussions regarding friction on the RHVP, including reference to external consultants reports, but not in detail.

¹⁶⁷ [HAM0048770_0001](#) at image 1

¹⁶⁸ [HAM0054429_0001](#)

¹⁶⁹ [HAM0036079_0001](#)

Is the above appropriate?¹⁷⁰

161. On February 7, 2019, at 2:28 p.m., Mr. Soldo forwarded this email to Mr. White and Mr. Ferguson. He wrote:

Martin,

Give me a call at my desk.¹⁷¹

162. On February 7, 2019, at 2:29 p.m., Mr. Zegarac replied to his 2:24 p.m. email, writing: "My calendar shows December 18. We need to check this as Drina suggested December 17." Mr. McGuire replied, writing: "I have Dec 18, 9am-9:30am in my calendar".¹⁷²

163. On February 7, 2019, Ms. Graham solicited and received feedback from Ms. Auty, Mr. Zegarac, Mr. McKinnon, Ms. Recine, and Mr. Hertel in respect of a number of media inquires from Mr. Dreschel, Ms. O'Reilly, and Matthew Van Dongen (Reporter, Hamilton Spectator).¹⁷³

164. On February 7, 2019, at 2:16 p.m., Mr. Dreschel emailed Mr. McKinnon again, writing:

Another follow-up Dan:

When was CIMA officially asked to respond to the buried Golder report?¹⁷⁴

¹⁷⁰ [HAM0054429_0001](#); [HAM0036041_0001](#)

¹⁷¹ [HAM0054429_0001](#); [HAM0036041_0001](#)

¹⁷² [HAM0036078_0001](#)

¹⁷³ [HAM0062232_0001](#); [HAM0062228_0001](#); [HAM0062226_0001](#); and [HAM0062233_0001](#)

¹⁷⁴ [HAM0036082_0001](#)

165. Mr. McKinnon responded later that day, copying Ms. Graham. He wrote: “Andrew jasmine is confirming dates and following up on outstanding questions”.¹⁷⁵

166. On February 7, 2019, at 7:15 p.m., Ms. Graham emailed Mr. Dreschel, copying Mr. McKinnon. She wrote:

I know it's late in the day here, but I just wanted to touch base with you and make sure that all of your outstanding questions re: RHVP have been answered.

If you don't mind, just please copy me on any questions that are still remaining I will just keep track to make sure your answers come in good time!

I think these are your outstanding questions, if I'm missing anything please let me know.

1. How many actual kms of the Red Hill have been reduced to 80km/h?

Just under 5 km on each side of the parkway.

2. When was the Mayor first notified about the buried report?

The Mayor was advised of the preliminary issue on December 18 and received more details during GIC Agenda Review with staff approximately one week ago. He received the full and final report, along with Council, last night.

3. Why is the speed limit only being reduced between Greenhill and the QEW? Is that a collision hot spot?

We are recommending a speed limit change in this location because of the collision history and the geometry of the road north of Greenhill. There are collision statistics that show an increase in collisions near this area.¹⁷⁶

167. On February 7, 2019, at 7:53 p.m., Mr. Soldo replied to Mr. Zegarac's 2:24 p.m. email, writing: “Please see Transportation Operations and Maintenance related responses below.” He included the following answers in red in Mr. Dreschel's original email:

Hi Dan. Here are the questions we spoke about:

How many actual kms of the red hill have been reduced to 80 kph?

¹⁷⁵ [HAM0036082_0001](#)

¹⁷⁶ [HAM0006115_0001](#)

The measurements of the 80km/h zone will be 4.71 km for both the NB and SB direction. This is based on the MTO limits to the Greenhill limits which will be 370 m South of the Greenhill overpass.

When was the mayor first notified about the buried report?

And, again, if you don't mind:

Why is the speed limit only being reduced between Greenhill and the QEW?

The speed limit reduction was identified for this section after a review of collision rates, statistical data from the Annual Collision Report and identification of geometric constraints while taking into consideration enforcement and operational requirements.

Is that a collision hot spot?

The Annual Collision Report identified higher than anticipated collision rates along that RHVP in comparison to the LINC and comparable Ministry of Transportation roadways. The highest northbound and southbound rates are observed between Greenhill Avenue and King Street.¹⁷⁷

168. On February 7, 2019, at 10:06 a.m., Ms. O'Reilly emailed Mr. McKinnon under the subject line "Outstanding Spec Questions". She wrote:

Here are the questions you said you'd look in to.

1. Can I get the CIMA roadside safety audit
2. Can I talk to Brian Malone from CIMA
3. Can you release the analysis from the testing last year of whether to reuse the existing material when you resurface the RHVP

One other question I forgot to ask: Why was the friction testing from November 2013 done? Was there a specific reason the city requested it?¹⁷⁸

169. Mr. McKinnon forwarded this email to Ms. Auty, Mr. McGuire, and Mr. Soldo, writing: "Nicole I guessing I'm good to answer all of these questions but would like some guidance before proceeding?"¹⁷⁹

¹⁷⁷ [HAM0036079_0001](#)

¹⁷⁸ [HAM0036080_0001](#)

¹⁷⁹ [HAM0036067_0001](#)

170. Ms. Auty replied, writing: “Dan, I would like to review the reports with FOI to see what they were if any restrictions there were and what Gord/Edward think. As for Brian, he is out of the country until Feb. 22, not sure how we want to handle that.”¹⁸⁰

171. Mr. McKinnon replied, adding Ms. Recine, Ms. Graham, and Ms. Wunderlich to the email chain. He wrote: “Ok Gord and Edward can you forward the information to Nicole so I can back quickly?”¹⁸¹

172. Mr. Soldo replied at 3:02 p.m. that day, circulating a copy of CIMA’s 2019 Roadside Safety Assessment.¹⁸²

173. Ms. Auty replied only to Mr. Soldo: “Was this the report provided to committee yesterday?” Mr. Soldo replied: “It was not attached to the report. This report helps inform the report regarding the long term requirements. I am a bit sensitive to the fact that Council has not seen it in detail. Given the discussion from Councillor Clark, this is one of those reports we should share with them.”¹⁸³

174. The same day, Mr. McGuire replied to Mr. Soldo’s email circulating the 2019 CIMA Roadside Safety Assessment. He attached a draft of the Golder HIR Suitability Study, writing: “I have a draft (of course) of the RHVP HIR report...”¹⁸⁴

175. Later that day, Ms. Recine replied to Mr. Soldo’s email circulating the 2019 CIMA Roadside Safety Assessment. She wrote: “Apologies Edward, is this report already public

¹⁸⁰ [HAM0036067_0001](#)

¹⁸¹ [HAM0036067_0001](#)

¹⁸² [HAM0054434_0001](#) attaching [HAM0054435_0001](#); [HAM0036081_0001](#)

¹⁸³ [HAM0036081_0001](#)

¹⁸⁴ [HAM0036087_0001](#) attaching [HAM0036088_0001](#)

(I have lost track of what is and isn't) or are you just providing it to us so that we have it to reference? If it's not public, I think we're (Legal) saying that "additional report requests will be considered through the FOI process at this time. If we are able to provide information earlier we will advise."¹⁸⁵

176. Mr. Soldo replied, writing: "This report was referenced in the staff report last night but not attached to the staff report."¹⁸⁶

177. On February 7, 2019, at 10:44 a.m., Mr. Moore emailed Ms. Graham. He wrote:

Nicole O'Reilly from the Spec called and left a message she wanted to talk to me about the Red Hill report from last night. I won't be returning any calls in this regard on direction from Mike Zegarac. Just wanted to give you a heads up.¹⁸⁷

178. On February 7, 2019, at 7:04 p.m., Ms. Graham emailed Ms. O'Reilly, copying Mr. McKinnon. She wrote:

I know it's late in the day here, but I just wanted to touch base with you and make sure that all of your outstanding questions re: RHVP have been answered. I know you sent over a couple to Dan – we just want to make sure nothing falls through the cracks.

If you have anything further or you want to talk to Dan again just let me know – and if you can copy me on any questions that are still remaining I will just keep track to make sure your answers come in good time.

I think these are your outstanding questions, if I'm missing anything please let me know.

Can I get the CIMA roadside safety audit?

The CIMA roadside safety assessment is not currently public. Additional report requests will be considered through the FOI process at this time. If we are able to provide information earlier and/or outside of that process we will advise.

Can I talk to Brian Malone from CIMA?

Our understanding is that Brian is currently away from the office and returning in a few weeks.

¹⁸⁵ [HAM0036090_0001](#)

¹⁸⁶ [HAM0036091_0001](#)

¹⁸⁷ [HAM0036061_0001](#)

Can you release the analysis from the testing last year of whether to reuse the existing material when you resurface the RHVP?

This report is also not currently public. Similar to the CIMA audit, additional report requests will be considered through the FOI process at this time. If we are able to provide information earlier and/or outside of that process we will advise.

Why was the friction testing from November 2013 done? Was there a specific reason the city requested it?

This is one of the questions we are hoping the Auditor General will help to answer as part of his independent investigation.¹⁸⁸

179. On February 7, 2019, Mr. McLennan emailed Mr. McKinnon, Ms. Wunderlich, Ms. Auty, Mr. Hertel, Ms. Recine, and Ms. Graham. They engaged in the following email exchange:

[JM]: I had an e-mail from Matt VanDongen at The Spectator this morning about the City's claims experience with the RHVP. Normally I'll provide some stuff to Matt but in this instance I am referring him to Dan as the staff spokesperson on the issue. The following is the current basic information on RHVP claims.

1 Claim (closed) – Oil on Road

3 Claims (1 open) - Winter Maintenance

8 Claims (4 open) – Road Design

[DK]: Can we empower John to respond, I can't keep up and this would be better stickhandled thru John

[JM]: I'm happy to respond to Matt although I'm sure it will generate follow up. I will stick strictly to the theme that Tradewind is inconclusive and that the RHVP performs as designed for motorists obeying the speed limit and adjusting for conditions.

Also happy to let Jasmine simply provide the basic claims statistics.

[NA]: John, I'd like comms to coordinate to ensure everyone is on the same page.¹⁸⁹

180. On February 8, 2019, at 3:09 p.m., Ms. O'Reilly forwarded this email to Michelle Shantz (Communications and Media Relations Advisor, Mayor's Office, Hamilton), copying Mr. Van Dongen. She wrote:

¹⁸⁸ [HAM0012907_0001](#)

¹⁸⁹ [HAM0062225_0001](#)

Matt asked that I forward this to you. I understand there was some confusion over the request for the latest CIMA+ document.

If you look at the first response below, that is a reference to the report we were asking for.

Dan McKinnon said that after the Tradewind report was discovered by Gord McGuire, they notified Edward Soldo who recommended the city go back to CIMA+ for a road safety audit. A memo from CIMA+ was included in the released materials, but not the actual safety audit report which I understand recommended some quick remedial actions . . . that is what I was asking for and that is what I was told is not public.¹⁹⁰

181. Mr. Zegarac circulated a calendar appointment for a meeting on February 8, 2019, titled “RHVP Communication Strategy”. He included Mr. Hertel, Ms. Graham, Ms. Recine, Mr. McKinnon, Ms. Auty, and Ms. Shantz as required attendees.¹⁹¹

182. On February 8, 2019, Ms. O’Reilly emailed Mr. McKinnon. She wrote:

Here are the questions you asked I send in an email for follow up.

1. What happened with the 2017 Golder tests? You said there were three: friction not possible because of weather; Polished stone value analysis — samples sent to Ireland; measuring voids in the surface. What were the results? Can I get report(s).
2. When the road was originally constructed you said there would have been a sub contractor hired to collect samples and do testing of material as work was ongoing. Is there any data or reports from then that I can access?¹⁹²

183. Mr. McKinnon added Ms. Graham to this email chain that day. Ms. Graham then forwarded this email chain to Ms. Auty, copying Ms. Recine. She wrote:¹⁹³

Please see below for two questions from Spec reporter O’Reilly. Can you please have a peek? The first would be the Golder Report from 17, which I believe our answer would be the same as yesterday?

Additional report requests will be considered through the FOI process at this time. If we are able to provide information earlier and/or outside of that process we will advise.

The second, we don’t *think* would necessarily be a responsible document to the current FOI – however, it would also take some significant effort to pull it together. (For background - it’s not about friction – this would be our Inspectors and sub-consultant who monitor/test

¹⁹⁰ [HAM0028662_0001](#)

¹⁹¹ [HAM0054437_0001](#)

¹⁹² [HAM0036108_0001](#)

¹⁹³ [HAM0036108_0001](#)

the work of the contractor at the time of construction to make sure it's up to quality standards.)

Would you recommend asking for her to submit an FOI for this / could you comment on whether or not you think it would be responsive?

184. Ms. Auty replied, writing:¹⁹⁴

Yes, to both.

I would want to confirm the approach on the last issue with Mike, i.e. advising that an FOI is needed (or an expansion to the existing request would be needed before responding). I would not want council to be surprised by a statement in the media that staff are 'refusing to give out any further information'¹⁹⁵

185. Later that same day, Ms. Graham replied to this email, writing:

Answers below for you here:

What happened with the 2017 Golder tests? You said there were three: friction not possible because of weather; Polished stone value analysis – samples sent to Ireland; measuring voids in the surface. What were the results? Can I get report(s).

This report is also not currently public. Similar to the CIMA audit, additional report requests will be considered through the FOI process at this time. If we are able to provide information earlier and/or outside of that process we will advise.

When the road was originally constructed you said there would have been a sub-contractor hired to collect samples and do testing of material as work was ongoing. Is there any data or reports from then that I can access?

Similar to the CIMA audit, additional report requests would need to be considered through the FOI process at this time, particularly this request which may require resources to collect.. If we are able to provide information earlier and/or outside of that process we will advise.¹⁹⁶

186. On February 8, 2019, Mayor Eisenberger released the following public statement about the Tradewind Report:

STATEMENT BY MAYOR FRED EISENBERGER REGARDING RED HILL VALLEY PARKWAY REPORT INVESTIGATION

HAMILTON, ON – Following the release of the Red Hill Valley Parkway report by staff earlier this week, it is difficult for Council and I to understand why this report was not

¹⁹⁴ [HAM0036108_0001](#)

¹⁹⁵ [HAM0036108_0001](#)

¹⁹⁶ [HAM0001564_0001](#)

brought forward until recently. That is why I give full support to conducting an independent external investigation and I am confident my Council colleagues also support that direction.

Current staff recognized their responsibility to bring the report forward to the public and council, so that we can take appropriate action. Council has directed staff to immediately improve internal processes and procedures relative to information management.

We are in the business of delivering high quality public services, being open and transparent with our community and are committed to doing everything we can to ensure ongoing public safety.

My Council colleagues and I extend sincere sympathies to the families who have been affected and how the nature and timing of this information must be impacting them. We cannot imagine the profound loss they have experienced.

I want the community to know that we have implemented a number of additional safety measures on the Red Hill Valley Parkway and we will continue to study and implement safety enhancements, in addition to lowering the speed limit and resurfacing the road.¹⁹⁷

187. On February 8, 2019, at 9:40 p.m., Councillor Clark emailed Mr. Van Dongen a copy of a notice of motion moving that the City Manager in consultation with the City Solicitor be directed to seek outside legal counsel to brief City Council on the process to initiate a Judicial Investigation.¹⁹⁸

188. On February 11, 2019, Shiona Thompson (Senior News Anchor, AM 900, CHML) emailed Councillor Clark, writing:

Would you please sent me a copy of the motions coming forward this week regarding the judicial inquiry into the Red Hill Report or what your intent is on this issue. Are you putting forward the motion? Is it a notice of motion at this point?

I'm working on stories from your interview with Bill Kelly, so having this information ASAP would be a big help.¹⁹⁹

189. Councillor Clark replied later that same day, attaching motions titled 1) "Policy or Protocol to Guarantee the Sharing of Consultants' Reports with Council when there are Risks to Human Health and Safety" and 2) "Protocol or Policy Setting Out Clear

¹⁹⁷ [HAM0012981_0001](#)

¹⁹⁸ [HAM0048787_0001](#) attaching [HAM0048788_0001](#)

¹⁹⁹ [HAM0036133_0001](#)

Guidelines, Expectations, Responsibilities and Obligations for City Staff When Responding to the Inquiries from the City’s Auditor General”. He wrote:

Here are the two motions that will be on the agenda for Wednesday.

I have not submitted a motion or notice of motion regarding the Judicial Investigation or the process as I am waiting for some legal advice.²⁰⁰

190. On February 11, 2019, Mr. Van Dongen emailed Ms. Shantz to follow up on Ms. O’Reilly’s request for a copy of the CIMA Roadside Safety Audit. Ms. Shantz replied later that day, writing:

Thanks for following up.

At this time, the CIMA roadside safety assessment requested is not currently public.

After speaking with Public Works, we understand that additional report requests will be considered through the FOI process and if they are able to provide information earlier or outside of that process they will advise.²⁰¹

191. On February 11, 2019, Ms. Graham emailed Ms. Auty and Mr. McKinnon, copying Ms. Recine and Mr. Hertel. She wrote:

Matthew from the Spec has one outstanding question that I am hoping Nicole can maybe provide advice on?

- have we decided whether or not to test the actual composition/makeup of any Red Hill surface asphalt?

Any thoughts?²⁰²

192. Later that day, Ms. Auty forwarded this email to Mr. Boghosian, copying Mr. Sabo.

They exchanged the following correspondence:

[NA]: I am assuming we are not in a position to answer this, but am open to suggested responses

²⁰⁰ [HAM0036133_0001](#) attaching [HAM0036134_0001](#) and [HAM0036135_0001](#)

²⁰¹ [HAM0028662_0001](#)

²⁰² [HAM0062607_0001](#)

[DB]: I think this has already been done more than once by Golder in its various testing and as reflected in its previous reports. I'm sure Dan/Gord can confirm whether that is the case.

Is the issue whether the City got what it contracted for?

I can't see the point of doing more testing at this stage of a surface treatment that will be replaced in a few months.

[NA]: I was thinking they were going to see if we need to confirm the friction testing results that were done in 2013. There is the question Ron and I asked you to consider regarding the benefit of preserving some of the pavement or having a third party test done before it is repaved so we cannot be accused of not preserving evidence.

Can you comment?²⁰³

193. On February 12, 2019, Mr. Van Dongen replied to Ms. Shantz, adding Ms. Graham, Mayor Eisenberger, and Mr. McKinnon to the email chain. He wrote:

Hello all, the provincial transportation minister has said he will release the province's 2007 friction test results on the Red Hill.

Can you explain why the city cannot release its 2017 friction test results, or the followup safety audit by CIMA?

Telling us those reports are "not public at this time" is not an adequate explanation for 'why' they are not public. Is it a recommendation from the city's legal department?²⁰⁴

194. Mr. Van Dongen emailed members of Council the same day, writing:

Hi folks, seeking your thoughts for the record on why the city cannot release the remainder of its friction/asphalt testing reports (circa 2017), and safety audit (2018) on the Red Hill Valley Parkway.

So far, the official city response to our question has simply been those reports are "not currently public." We've been invited to file a formal Freedom of Information request.

The problem is The Spec filed a FOI with the city for friction test results in October. Still no luck. (We also did not receive formal written acknowledgement of that request, or an estimated timeline, or even a tracking number, within the legally required time frame.)

The mayor emphasized the importance of transparency last week when the "lost" friction report was released. But if a CIMA safety audit was conducted last fall, should people not be able to see that as well?

²⁰³ [HAM0062607_0001](#)

²⁰⁴ [HAM0028662_0001](#)

Please consider this a formal request for story comment.²⁰⁵

195. Councillor Ferguson forwarded this email to Mr. McKinnon, writing: “Dan what is the 2017 report Matt is referring to?”²⁰⁶

196. Mr. McKinnon replied to Councillor Ferguson again at 4:07 p.m. that day, writing: “Shall I invite Nicole and Charles to help answer this? Not sure I know the specifics”.²⁰⁷

197. Mr. McKinnon replied at 4:08 p.m. that day, writing: “These are not normal times now and I’m not getting embroiled In The requests from the spec or others as it will consume all my time. Im leaving that to those who are the experts to answer”.²⁰⁸

198. On February 12, 2019, Councillor Wilson forwarded Mr. Van Dongen’s email to Ms. Auty and Mr. Zegarac, copying Mr. McKinnon. She wrote: “I trust you have seen this media inquiry. Could you kindly advise on the status of these reports and the rationale for withholding any public release? Is this something that has to be determined by Council as a whole?”²⁰⁹

199. Mr. Zegarac replied later that day, writing: “Councillor, past practise is not to release staff reports or supporting documents prior to providing to Council. With respect to consultants reports pertaining to RHVP, I'm expecting further conversation at Council regarding public release. Finally, legal may have further comments regarding Council's

²⁰⁵ [HAM0028679_0001](#)

²⁰⁶ [HAM0028679_0001](#)

²⁰⁷ [HAM0036224_0001](#)

²⁰⁸ [HAM0028679_0001](#)

²⁰⁹ [HAM0036231_0001](#)

responsibility to manage information than in whole, or part, that represents risk to the Corporation.”²¹⁰

200. On February 12, 2019, Ms. Graham drafted a document titled “RHVP Questions & Answers”. This document contained a draft answer about the non-disclosure of the Tradewind Report:

Why was the 2013 friction test summary not shared earlier?

The short answer is, we did not do a good job of sharing the report internally, and it doesn't appear that staff knew about it. As the General Manager of Public Works, I want to be clear on how external studies and reports are initiated, stored and shared inside the department. As such, I have launched a process review within Public Works to determine how this happened and to ensure we have a clear documented process on how we engage consultants in the future.²¹¹

201. The City has produced a document titled “Media Overview – Feb 13 2019 – RHVP”, which includes the following:

There has also been consistent inclusion and reinforcement of many of our key messages including:

- City is being open, transparent and staff made an 'unprecedented' apology
- an investigation will be conducted and processes improved
- speed/driver behaviour is one of the most key factors in safe driving outcomes
- the City is making improvements to the parkway, reducing the speed limit (Greenhill to QEW), requesting enforcement, repavement in the spring, etc.

Social Media

There are a range of sentiments and opinions being expressed — shock about the City's admission, lots of dialogue about people always having perceived the road as unsafe and extra slippery in wet conditions, references to past accidents and fatalities, a call to action to share other reports²¹²

²¹⁰ [HAM0036231_0001](#)

²¹¹ [HAM0036232_0001](#)

²¹² [HAM0061525_0001](#)

202. On February 14, 2019, at 3:35 a.m., Ms. Graham emailed members of Council, writing: "Please be advised the following media release regarding an update on the Red Hill Valley Parkway will be sent to our media partners shortly."²¹³

203. Shortly thereafter, the City issued a media release.²¹⁴ It stated as follows:

Red Hill Valley Parkway Update: Investigation, new safety reports made public and speed limit change official

HAMILTON, ON – This evening, Hamilton City Council approved a motion that directs the City Manager and City Solicitor to bring Council back further information about the process to initiate an external investigation pursuant to the Ontario Municipal Act and Public Inquiries Act.

Also this evening, Hamilton City Council directed staff to release two additional reports.

The first report summarizes the roadside safety assessment completed on the RHVP in October 2018 by external traffic engineering experts, CIMA. The assessment included a review of the mainline and all on and off ramps on the RHVP. The study provided recommendations to reduce the frequency of collisions on the Parkway by correcting deficiencies and/or upgrading roadside safety devices to current standards. The City is sharing the roadside safety assessment recommendations, which will be incorporated as part of the upcoming resurfacing project or reviewed as part of a functional design study for the RHVP.

The second report, which was also made public in December 2015, summarizes a 2015 safety analysis of the Red Hill Valley Parkway by CIMA. The purpose of this study was to review the safety and operational performance along the entire length of the RHVP from the QEW interchange to the Dartnall Road interchange, and to identify measures that could potentially improve performance and reduce the number and/or the severity of collisions. The City has already implemented most of the recommendations outlined in the November 2015 road safety assessment. The remaining recommendations will be implemented with the resurfacing of the RHVP in spring 2019.

Already implemented traffic safety recommendations from CIMA include:

- Installation of oversized speed limit signs
- Installation of slippery when wet signs
- Installation of merge and bridge ices signs
- Upgrades to guiderail and end treatments
- Installation of reflective markers on guiderails

²¹³ [HAM0001640_0001](#)

²¹⁴ [HAM0001681_0001](#); and [HAM0001640_0001](#) attaching [HAM0001641_0001](#) and [HAM0001642_0001](#)

- Installation of recessed pavement markers (cat eyes)
- Installation of speed fine signs
- Trimming of vegetation to improve sight lines

Over the coming weeks, the following improvements will be made, including:

- Installation of flashing beacons on the slippery when wet signs (to be installed week of February 18)
- Re-installation of digital feedback signs (to be installed mid March),
- Installation of Q-end warning system (to be installed mid March),
- Installation of advance diagrammatic and lane exit signs (Hwy 403 Mohawk Road) subject to Ministry of Transportation approvals.

Finally, Council also approved the by-law that formally reduces the speed limit on the Red Hill Valley Parkway (RHVP) to 80 km per hour between Greenhill and the QEW in both directions. The City is reminding residents of the importance of driving according to the conditions and following the posted maximum speed limits on the RHVP. Drivers should reduce speed appropriately, particularly for wet road conditions. Signage reflecting the new speed limits will be installed early next week.

As a reminder, the City's external traffic engineering experts have recommended the Parkway remain open for use, but that motorists be cautioned about speeding. The posted speeds are maximums. Drivers should reduce speed appropriately, particularly for wet road conditions.

Attachments:

1. CIMA Roadside Safety Assessment, January 2019
2. Red Hill Valley Parkway Detailed Safety Analysis, November 2015

204. Mr. Zegarac sent an email the same day, writing:

Dear colleagues,

As you may know, last night Council approved a motion that directs myself and our City Solicitor to bring back to Council more information about how the City can go about starting an external investigation into the Red Hill Valley Parkway (RHVP) situation, and that will occur within the next few weeks.

In the interest of providing as much transparency as possible to our residents, the City also released two more reports last night about the RHVP.

One summarizes a roadside safety assessment completed in October 2018 that recommends the City correct make more safety upgrades to the parkway. These actions will be taken as part of the upcoming resurfacing project already planned for the parkway. The other report, which was also made public in December 2015, summarizes a 2015 safety analysis of the parkway. This study identified measures that could potentially improve performance of the roadway and reduce the number and/or the severity of

collisions. The City has already implemented most of the recommendations from that report including the installation of a variety of signs, upgrades to guiderails with reflective markers, installation of recessed pavement markers, and the trimming of vegetation to improve sight lines. The remaining recommendations from that report will be implemented with the resurfacing of the RHVP in spring 2019.

Over the coming weeks, we will also be installing flashing beacons on the slippery when wet signs (week of February 18), a Q-end warning system (mid-March), advanced diagrammatic and lane exit signs (Hwy 403 Mohawk Road) subject to Ministry of Transportation approvals, and re-installing digital feedback signs (mid-March).

As a reminder, the City's external traffic engineering experts have recommended the parkway remain open for use, but that motorists be cautioned about speeding. The posted speeds are maximums. Drivers should reduce speed appropriately, particularly for wet road conditions. To that end, Council also approved the by-law that formally reduces the speed limit on the RHVP to 80km/hr between Greenhill and the QEW in both directions. Residents are being reminded of the importance of driving according to conditions and following the posted maximum speed limits. Drivers should reduce speed appropriately, particularly for wet road conditions. Signage reflecting the new speed limits will be installed early next week.

As I conveyed in my emails last week, we know that we have much work to do to rebuild our residents' trust and confidence in us, and we will do everything we can to restore that. I continue to appreciate all of you, and your efforts, and I encourage you to stay the course and to keep providing the great service to residents that you do every day.²¹⁵

205. On February 14, 2019, Ms. O'Reilly emailed Mr. Hadayeghi about this press release. Mr. Hadayeghi forwarded Ms. O'Reilly's email to Mr. Soldo and Mr. Ferguson the same day. He wrote: "Please see the email below. I won't talk to them for sure. Should I direct her to you or your communication group?"²¹⁶

206. Mr. Ferguson forwarded this email to Ms. Graham. Ms. Graham replied to Mr. Ferguson later that day, writing:

Thanks – yes direct to us for now. Dan is our only spokesperson on this matter – I don't necessarily think that CIMA shouldn't speak to the Spectator, but it would be great if it was Brian and I know he's away right now.²¹⁷

²¹⁵ [HAM0060725_0001](#)

²¹⁶ [HAM0036254_0001](#)

²¹⁷ [HAM0036254_0001](#)

207. Mr. Ferguson forwarded Ms. Graham's response to Mr. Hadayeghi later that day.²¹⁸

208. On February 14, 2019, Ms. Graham emailed Ms. Auty, copying Mr. McKinnon, Ms. Recine, and Mr. Hertel. She wrote:

Can you please advise if the following responses are okay to these media questions? The MTO question is aligned with their response (attaching for ref).

Nicole O'Reilly/Matthew Van Dongen

1. I'm very happy to see the roadside safety audit here, but I do not see other documents that had been requested, including the 2017 Golder tests report. Should I take this email to mean these are the only documents being released? Or are there more coming?

At this time, the City has not received a final version of the report summarizing this work – current leadership in Public Works are working with the consultant to finalize the report now. This document will be considered as part of the current FOI request. If we are able to provide information earlier and/or outside of that process we will advise.

2. Did the city already have access to the friction testing from MTO, and if so, any concerns?

We have a record of receiving the testing results from MTO in 2007, but at this time we do not believe the subsequent years were shared with the City.

3. Have we decided whether or not to test the actual composition/makeup of any Red Hill surface asphalt?

This option is currently under consideration.²¹⁹

209. Mr. McKinnon replied to this email, writing: "I suspect we will continue to receive more and more requests for all documents". Mr. Hertel replied only to Mr. McKinnon, writing: "Dan where did you go Mike wants to chat with us."²²⁰

²¹⁸ [HAM0036254_0001](#)

²¹⁹ [HAM0054617_0001](#) attaching [HAM0054618_0001](#)

²²⁰ [HAM0054619_0001](#)

210. Mr. Zegarac replied to Mr. McKinnon's email, writing: "Number 2 I would suggest:.....MTO staff have advised that they have no record that the post 2007 testing results were shared with the City."²²¹

211. On February 14, 2019, at 3:42 p.m., Ms. Graham responded to additional questions from Ms. O'Reilly. She wrote:

I have a bunch of responses for you here (I have added some of your outstanding questions below). Aside from the collision stats that I am hoping to have for you today as well, can you let me know if there is anything you're still waiting on from me? I think this is everything so far, but (I am a bit sleep deprived, soooo) if I'm missing anything, please let me know and I will follow up as soon as possible.

Thank so much for your patience!

Jasmine

1. What specific actions has the city taken or committed to taking? Just expediting resurfacing and lowering speed limit to 80?

In addition to the safety improvements already implemented (oversized speed limit signs, slippery when wet signs, merge and bridge ices signs, upgrades to guiderail and end treatments, reflective markers on guiderails, cat eyes, speed fine signs and trimming vegetation to improve the sight lines), the resurfacing and the lower speed limit, the City will also be:

- Installing flashing beacons on the slippery when wet signs (week of February 18)
- Re-installing digital message board signs (mid March)
- Q-end warning system (mid March)
- Advance diagrammatic and lane exit signs (Hwy 403 Mohawk Road) subject to Ministry of Transportation approvals.

As part of the resurfacing, we will also be making upgrades to:

- Guiderail – replace and update to current standards.
- End treatments – replace and update to current standards.
- Marker replacements – replace and update to current standards.
- Higher quality durable pavement markings are proposed.

²²¹ [HAM0054620_0001](#)

- Shoulder rumble strips will be implemented for the entire length of the parkway.
- Shoulder and median structures were evaluated, and it is recommended to cover and protect various protruding objects if possible.
- Installation of reflective markers along centre medians and guide rails along with post mounted reflective markers will be installed in lieu of reflective recessed pavement markers to avoid unnecessary milling into the asphalt that reduces the life of the pavement.
- Overhead speed feedback signs are proposed to be installed for each lane at
 - Greenhill overpass NB
 - Mt Albion overpass NB
 - Queenston overpass NB and SB
 - King Street overpass SB

2. What other recommendations are being considered?

Staff are arranging to install additional warning flashing beacons on the Curve Warning signs at the Mud Street to westbound LINC on ramp.

3. The CIMA audit highlights particular issues in crash hotspots on the road, these are in curved areas (most notably at King Street). How will this be considered in the resurfacing design? Would the city consider using a fraction surface treatment in those areas?

The asphalt design specification is being created to ensure there is friction performance consistent with industry standards found on major highways. The material used will be at a highway standard that is based on provincial specifications and applied to the entire project, not just specific locations.

5. The report calls for the city to consider the history of wet surface collisions and investigate the need for higher friction surfaces. What would the city consider to be a higher friction surface? The Golder/Tradewind report flagged anything under 45 as needing further investigation . . . is there a particular measurement that the city would seek?

The City is specifying industry standard materials as discussed above. As noted in the Tradewind report there are no existing provincial reference standards, however the MTO noted they are using the North American standard for testing. The City will be following industry standards to develop a program that is part of an overall pavement management process. That process will evaluate a number for factors including friction for a comprehensive overview of highway performance.

8. Did the city already have access to the friction testing from MTO, and if so, any concerns?

MTO staff have advised that they have no record that the post 2007 testing results were shared with the City.²²²

212. On February 15, 2019, the City issued the following Public Service Announcement:

Rolling lane closures on Red Hill Valley Parkway this weekend to install new speed limit signage

HAMILTON, ON — Motorists traveling on the Red Hill Valley Parkway this weekend should expect rolling closures in both lanes as crews install new signs on the parkway.

On Saturday, Feb. 16, crews will be installing the new 80km/hr signs along both sides of the parkway between Greenhill Ave and the QEW. Motorists are advised to adhere to the posted speed limits at all times. The new 80 km/hr speed limit will be enforced as of Sunday, Feb. 17 at 9 a.m.

On Sunday, Feb. 17, crews will be installing information signage along the parkway.

To accommodate this work, the intermittent lane closures will take place both Saturday and Sunday between 8 a.m. and approximately 6 p.m. on both sides of the Red Hill Valley Parkway from the QEW to south of Greenhill Ave. Motorists should also expect temporary closures of the on and off ramps along the parkway during these time periods.

The City thanks motorists for their patience and cooperation as we complete these sign changes and reminds drivers that posted speeds are maximums. Drivers should reduce speed appropriately, particularly for wet road conditions.²²³

(c) *Members of the Public reach out to Council*

213. On February 7, 2019, a member of the public emailed Councillor Clark, writing:

I drive the Red Hill Creek Expressway every day morning and night ever since it was built. I have never had a problem with the Road Surface. I'm convinced it's drivers that do not follow the speed limit that is the greatest problem. It concerns me that we'll be spending Millions of tax payor dollars to address the "report" referred to in the media the last 24 hours.

I liked the idea of Red Light Camera's. This will make those that cause these accidents (based upon my experience driving this road everyday) accountable for their actions and further fund any maintenance/upgrades required.²²⁴

214. Councillor Clark responded later that day, writing:

It is my pleasure serving the community.

²²² [HAM0001681_0001](#)

²²³ [HAM0061537_0001](#)

²²⁴ [HAM0036089_0001](#)

The Tradewind Report data matches the traffic collision study. While you are right driver behaviour can play a huge role, the friction test results should have been received by council and addressed in a timely manner. The costs could have been mitigated and we could have saved lives.

Incidentally, I have received reports of cars wiping out on dry summer pavement where speed was not a factor.

I moved a motion to have an independent investigation by our Auditor General who is a direct report to council. Motion passed unanimously. We will find answers to all of our questions.²²⁵

215. On February 8, 2019, Mayor Eisenberger emailed members of Council, Mr. Zegarac, Ms. Auty, Mr. McKinnon, Ms. Pilon, and Mr. Hertel, writing:²²⁶

Dear colleagues, my initial instinct, as was discussed in Camera, was that this investigation to determine the who what where and why of this report will require an external independent investigation. I have no doubt that our Auditor General is more than capable to do this work comprehensively and without Bias but it will always be perceived as not fully independent which will taint whatever conclusion it comes to.

Given that I would ask staff to provide information on what an external investigation would look like and who might do it, what the costs would be and what timelines we might expect as compared to our own Auditor General investigation process.

I request that Clerk's in conjunction with legal prepare a motion to present to council for their consideration that would put that external investigation into effect that can be moved and seconded by Councillors directly adjoining the red hill expressway.

I want to say again that I appreciate that staff have been open and transparent by bringing this issue into the open knowing full well the angst and a consternation that council and Community would feel. I know the staff feel that anguish equally and I want to compliment the good work Dan McKinnon has done in dealing with the media in his genuine way.

I also intend to release a statement today confirming that this council is totally committed to a thorough investigation on this and my support for an external investigation and appreciation to staff for bringing this forward. I will also try to show compassion and respect for those that have family members that have been lost on this roadway and appreciate the conclusion they might draw from this which is totally understandable.

I would appreciate having this information shared with council well in advance of the Council meeting this coming Wednesday.

²²⁵ [HAM0036089_0001](#)

²²⁶ [HAM0054465_0001](#); and [HAM0054469_0001](#)

216. Councillor Clark replied later that day, writing: "I have concerns about competing interests. Our City Solicitor's stated that her client is the Corporation. I sincerely believe that City Council needs independent legal counsel to help us through this process."²²⁷

217. Mayor Eisenberger replied, writing: "I have no argument against that Cllr but I would like to hear from our staff on this sooner rather than later on their view on this. Council can certainly have an in Camera private discussion on that Wednesday with all the options and information before us."²²⁸

218. Councillor Jackson responded to Mayor Eisenberger's email, writing:

Dear Mr. Mayor....Everything you've stated and touched on is commendable!! I too am very supportive of your overall direction. Thanks for what you're doing and I might add, that Councillors Clark/Merulla/Collins, had also spoken of the "next external" step of some kind during our Wednesday marathon meeting. Councillor Jackson...P.S...GM McKinnon....On both radio and TV that I happened to hear you, your poignant comments/poise/sincerity/sympathies shone through!!²²⁹

219. On February 8, 2019, Mr. McKinnon replied to Councillor Jackson alone, writing: "Thanks Tom, a very sad time for all of us."²³⁰ Councillor Jackson replied later that day, writing:

Understood Dan. BTW...If you haven't already, you must listen to the PWS Committee meeting from 2015 where "GM", in answering a question from Councillor SM, says (I'm paraphrasing) that the RHVP asphalt meets or exceeds MTO standards!! This is approx. 2 years after the "hidden" report that he knew about which stated the exact opposite!! Wholly Smokes!! Just sharing. I actually listened to it again this morning.²³¹

²²⁷ [HAM0054465_0001](#)

²²⁸ [HAM0054465_0001](#)

²²⁹ [HAM0054487_0001](#)

²³⁰ [HAM0054487_0001](#)

²³¹ [HAM0054487_0001](#)

220. On February 8, 2019, Ms. Pilon exchanged emails with Ms. Auty, forwarding Mayor Eisenberger's email from earlier the same day:

[Ms. Pilon]: Will we be able to prepare this motion by noon today?"

[Ms. Auty]: No, I am speaking with council about the issue and will advise.

[Ms. Pilon]: So as per the direction from the Mayor:

I request that Clerk's in conjunction with legal prepare a motion to present to council for their consideration that would put that external investigation into effect that can be moved and seconded by Councillors directly adjoining the red hill expressway.

We will not be preparing the motion he has asked for?

[Ms. Auty]: Hi Janet, I have spoken with the Mayor and will be drafting a motion, but it will be a draft and only following a discussion in camera.

We will need to go in Camera on the RHVE again Wednesday would you recommend referring the In Camera item from GIC or adding another item to the Council In Camera list.

[Ms. Pilon]: Nicole,

It's easier for everyone, if it's a separate item, could we list it as an Update?

[Ms. Auty]: I would suggest 'follow up'.

[Ms. Pilon]: It's this one correct?

Roads Infrastructure Litigation and Review Assessment

[Ms. Auty]: Yes.²³²

221. On February 8, 2019, Mayor Eisenberger emailed Ms. Auty under the subject line "Reaching out". Ms. Auty forwarded this email to Mr. Boghosian, copying Mr. Sabo, later that day. The City has redacted this email exchange for solicitor-client privilege.²³³

222. On February 10, 2019, Mr. Boghosian replied to Ms. Auty, copying Mr. Sabo. He wrote:²³⁴

²³² [HAM0061825_0001](#)

²³³ [HAM0062604_0001](#)

²³⁴ [HAM0062605_0001](#)

Hi Nicole:

Solicitor-Client Privileged

You can pass on to the Mayor that politicians personally expressing sympathy to aggrieved family members has never prevented a single lawsuit in my experience, if that's what his aim is.

The other thing is that before the City starts accepting all the blame for these accidents is to remember that excessive speed was likely a factor in every one of the serious accidents on the Red Hill.

Have a nice weekend!
David

223. On February 10, 2019, a member of the public emailed Mayor Eisenberger and members of Council, writing:²³⁵

This is my formal request for a Judicial Investigation into the Redhill Valley Parkway missing friction report as well as a report into the actual approval process of the construction of the Parkway.

This investigation needs to be transparent and must answer amongst many items the following:

1. Why did the friction report completed by Tradewind Scientific go unreported to council for 5 years? (report requested in 2013 yet received in 2018/19).
2. Who besides then Director of Engineering Gary Moore knew about the report?
3. How often did council, who approved the \$30K report request the status of the report?
4. Are there checks in place for council to know when any report is due?
4. Who designed the RHVP?
5. What materials were approved for the asphalt?
6. What material was actually used?
7. How was the asphalt tested when it was installed?
8. How was the Contract monitored by city staff; as is a requirement when a contract is tendered? Was a city staff appointed to monitor and how frequently was that person there?

²³⁵ [HAM0036124_0001](#)

There should be interim Contract Monitoring reports submitted as well as a final Contract Monitor Report.

9. Who signed off /approved that it was built to the design standard?

10. Once the report was discovered by the new Director of Engineering Gord McGuire in September of 2018 how is that it took **6 months** for city staff to let council know of the report? This should've been expedited to report to council. Stating that staff were busy with the 2018 fall election or other projects is utter nonsense and indicates to me that getting their story right is more important than notifying Council of the safety concerns that the friction report outlines.

Without transparency and an external Judicial Investigation how can there be any credibility in city staff and in all of council?

224. Councillor Jackson forwarded this email to Mayor Eisenberger the same day, writing:²³⁶

Dear Mr. Mayor...I just didn't want this left with your staff without your immediate knowledge of what she's questioning. Just sharing.

225. Mayor Eisenberger responded later that day, writing:²³⁷

Thanks Tom. All legitimate questions that need to be answered. I know council will do the right thing to get to the bottom of this. I trust you got my earlier email to staff re: status of Mr. Moore?

226. Councillor Jackson replied, writing:

Yes I did!! Thankyou. Mayor FE respectfully...PLEASE...(Unless there is a darn, no-other-way-out compelling factor)...Do NOT attempt to buy-out GM's contract!! Was in the midst of over 1000 citizens at events the last 2 nights....No one is blaming City Council yet (hopefully never)!! Everyone is wondering why the report "suppressor" is still with us??!! Many people talked about careless "driver behaviour" regardless of the pavement issues....BUT the common theme message at the end of it all....Fix the problem and there MUST be consequences for the 6 year concealment!! Just sharing.

227. Mayor Eisenberger responded later that day, writing:²³⁸

²³⁶ [HAM0036124_0001](#)

²³⁷ [HAM0036124_0001](#)

²³⁸ [HAM0036124_0001](#)

Wasn't thinking of buyout, more suspension or something if that ilk. We cannot reward this and I am simply asking for staff HR, Legal, City manager to not just let it sit. It appears they are on it.²³⁹

228. On February 10, 2019, Mayor Eisenberger emailed Mr. Zegarac, Ms. Fontana, Mr. McKinnon and an email address listed as dlcouncilonly@hamilton.ca under the subject line "Gary Moore". He wrote:

Folks, I hope your weekend is restful.

I trust you will be making some decisions soon, given the knowledge we currently have, on the status of the continued working relationship we have with Mr. Moore who announced his retirement from his previous position and is currently engaged on behalf of the City in the Metrolinx office.

This issue will clearly need to be addressed going forward. As always we need to bear in mind the impact on our employees but equally we need to bear in mind the angst, anger and mistrust this issue has caused in our community and among members of council and possibly among our many other employees.

Please advise tomorrow where you are at on this issue.

Sorry to bother you over the weekend.²⁴⁰

229. Mr. Zegarac responded, adding Gord Muise (Director, Employee and Labour Relations, Human Resources, Hamilton) and Ms. Auty to the email chain, writing:

Mr. Mayor, leadership (PW, CMO, HR and Legal) discussed on Friday options regarding Mr. Moore's continued relationship with the City. HR will be consulting legal advise Monday regarding potential next steps. As you have outlined below, Mr Moore is in the relative early stages of a 2 year contract with the City, with associated costs currently recouped through claims to Metrolinx.²⁴¹

230. Councillor Ferguson responded only to Mr. Zegarac, writing "Have you checked to see if it is OK for me to call him?"²⁴²

231. Mr. Zegarac responded to Councillor Ferguson, writing:

²³⁹ [HAM0036124_0001](#)

²⁴⁰ [HAM0062644_0001](#)

²⁴¹ [HAM0062644_0001](#)

²⁴² [HAM0062644_0001](#)

Councillor, the opinion I received was consistent with the one I suggested on Friday. Given the direction Council is taking, including tasking the Auditor General and possibly an external investigation. Staff;s suggestion is that no Councillors should intervene personally at this stage.²⁴³

232. On February 12, 2019, Mr. Hertel emailed Mr. McKinnon and Ms. Auty, copying Mr. Zegarac and Ms. Melatti. He wrote:

Mike, Edward, Jen, Jas, and I met via conference call to discuss a motion to be presented tomorrow evening re RHVP by Clr. Merulla.

Jas will assemble the chronology of motions and directions to staff. These will form the basis for drafting of the Whereas.. We'll need your help Nicole and will send to you approx. 9AM. Mike will lead the drafting of the Therefore's.

Mike is at an appointment currently but is available for you to call him before or after dinner (which apparently is quite a marathon).²⁴⁴

233. Later that day, Ms. Graham emailed Mr. Zegarac, copying Mr. Hertel, Ms. Recine, Mr. McKinnon, Ms. Auty, Mr. Soldo, and Mr. McGuire.²⁴⁵ She attached a document containing draft "whereas" statements for Councillor Merulla's motion to her email.²⁴⁶ She wrote:

Attaching the draft of the Whereas statements for Cllr Merulla's motion tomorrow.

- In **green highlight** – these are the reports that are currently not public.
- In **yellow highlight** – just one date I have to check (Nov 2015) because I have info that did not line up with what we received from Clerks.

Please note that I have not included:

1. GIC public reports from Feb 6 (safety update, lighting, and annual collision report).
2. CIMA memo from Jan 2019 collision review (update to annual collision report) because I believe this is meant to feed into the next annual collision report back to Council?

If these assumptions are incorrect, please advise and we can add them into the list.

²⁴³ [HAM0062644_0001](#)

²⁴⁴ [HAM0062608_0001](#)

²⁴⁵ [HAM0062609_0001](#)

²⁴⁶ [HAM0062610_0001](#)

I will also prepare printed copies of the reports that are currently not public in case we need them for Council tomorrow night.²⁴⁷

234. On February 13, 2019, Ms. Auty forwarded Ms. Graham's email to Mr. Boghosian and Mr. Sabo, writing: "FYI This is a draft motion opening to ultimately release the CIMA and Golder reports."²⁴⁸

235. On February 13, 2019, at 11:23 a.m., Councillor Merulla circulated a motion on RHVP safety to members of Council. Mayor Eisenberger responded later that same day, writing:

Folks, as already mentioned in a previous email, I would hope that these motions can be set aside until after we have had the full legal advise. Equally the worst think that can happen after we make a decision is that we are divided on the direction. We are all I believe in favor of an external independent investigation on this Lets afford ourselves the opportunity tonight to look before we leap so that we can come out of camera with a clear unified message on the best way forward. Nicole Auty, our solicitor that works for this council and corporation, will have an in camera report identifying options and the legal ramifications of each. After that we should be ready to decide. I hope we all are all on the same page in terms of this process.²⁴⁹

236. Councillor Danko replied, writing:

I certainly support an external investigation into the RHVP safety issue – however, some caution is prudent here.

I am reminded of the Niagara Regional Council investigation into the Burgoyne Bridge project which started as a financial fraud investigation by Deloitte and at the insistence of Niagara Regional Council eventually led to the OPP Anti-Rackets Branch investigating criminal fraud.

After years of bad press and ongoing allegations of fraud and criminal activities, the OPP and Deloitte eventually determined that there was absolutely no evidence of wrongdoing.

Of course – nobody paid much attention to the conclusion (it was barely reported in the local paper <https://www.stcatharinesstandard.ca/news-story/8891420-breaking-no-charges-in-burgoyne-bridge-probe/>) – but the investigation tainted everyone involved with the project. The investigation itself resulted in internal staff churn, including several regional managers. A large portion of upper management and technical staff either quit or were let go as a result of the investigation (not the conclusion of the investigation), and ultimately the years of uncertainty and allegations of mismanagement and wrongdoing (completely

²⁴⁷ [HAM0062609_0001](#)

²⁴⁸ [HAM0062609_0001](#) attaching [HAM0062610_0001](#)

²⁴⁹ [HAM0054576_0001](#); and [RHV0000879](#)

unfounded in this case) resulted in many Niagara Regional Councillors losing their seats in the 2018 election (despite the conclusion and exoneration of the investigation a month before the election).

With respect to RHVP – I think we already have a good idea of the failures involved – severe mistakes were made and they will be revealed. The question is how do we make sure that the public is satisfied that any investigation undertaken is independent and thorough.

While I want to know and the public deserves to know exactly what happened – let's not lose sight of our duty to also find out what needs to be done so that something like this never happens again. I would suggest that the answers to those questions go far beyond finding out who is to blame for past failures.²⁵⁰

237. On February 13, 2019, Ms. Auty emailed Ms. Graham, writing: “Dan mentioned you had subsequently made some changes to the whereas clauses that did not make into the motion Clr Merulla send out, can you please send me your final version?”. Ms. Graham replied:

These are the things that we changed:

WHEREAS IN April 2013, Golders & Associates was hired to complete a six-year condition assessment on the RHVP, and in November 2013 a subsequent second phase of study was completed by Golders & Associated (Tradewind Scientific) which was primarily focused on friction testing and;

WHEREAS, only the report covering the second phase of study by Golders & Associates was shared with the public and Council recently and;

WHEREAS staff have reported to Council that all actions items arising from the 2018 CIMA Roadside Safety Assessment on the RHVP have been, or are in the process of being actioned.²⁵¹

238. On February 13, 2019, Ms. Auty emailed Ms. Pilon, writing: “Janet, my report is attached. I will have a slide presentation to you shortly.”²⁵² She attached a report for February 13, 2019, titled “Road Infrastructure Litigation Review and Assessment Follow

²⁵⁰ [HAM0054579_0001](#)

²⁵¹ [HAM0062611_0001](#)

²⁵² [HAM0062612_0001](#)

Up (LS19010a) (City Wide)".²⁵³ She also attached Appendix "A" to this report, which was titled "Appendix "A" LS19010a - External Investigation Options".²⁵⁴

239. Council met on February 13 and 14, 2019. Council passed a number of motions related to the RHVP at this meeting, including motions to reduce the speed limit on the RHVP, directing staff to request enhanced and dedicated speed enforcement on the RHVP from the HPS, and directing the Director of Audit Services to conduct an independent special investigation of the City's internal processes, managerial systems and procedures regarding friction management in relation to the RHVP.²⁵⁵

240. Council discussed the "Roads Infrastructure Litigation Review and Assessment Follow Up" in a closed session on February 13 and 14, 2019.²⁵⁶

(d) Golder Response

241. On February 12, 2019, Wendy Stoveland (Director, Global Communications, Golder) emailed Mr. McGuire. She wrote:

Ludomir gave me your contact information and I just wanted to introduce myself and share my own contact info (below). You can reach me best on my cell phone 24x7.

As the Director of Global Communications for Golder, I'm the first point of contact for any media engagement and happy to assist you and your PR/Media Relations team in any way I can. As your consultant, we at Golder align our media interests and comments to yours, and coordination is key. Most often, we work to understand your position and defer all commentary to you unless you prefer us to take a spokesperson role. Each situation is unique and we approach them all with a strategic view toward getting the facts of a situation out using a smart risk management approach. Sometimes, we know, it just isn't wise to enter the fray.

²⁵³ [HAM0062614_0001](#)

²⁵⁴ [HAM0062613_0001](#)

²⁵⁵ [RHSV0000634](#) at images 21 and 42-48

And <https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=184831>

²⁵⁶ [HAM0062642_0001](#)

Please feel free to contact me about the current media coverage or any other activities ongoing that you'd like to discuss.²⁵⁷

(e) Legal Services Receives Letter from Plaintiff's Counsel Regarding Tradewind Report

242. On February 26, 2019, counsel to the plaintiff in the *Hansen v Bernat* litigation, which arose from a motor vehicle collision on October 24, 2015,²⁵⁸ wrote a letter to Dana Lezau (Solicitor, Legal Services, Legal & Risk Management Services, Corporate Services, Hamilton). The letter is excerpted below:

There have been recent reports in the media regarding the City of Hamilton's knowledge regarding the dangerous condition of the Red Hill Parkway. In a February 7, 2019 article, the Hamilton Spectator has referred to a 2013 report wherein the dangerous condition of the Red Hill was outlined. The name of this report is Friction Testing Survey Summary Report by Tradewind Scientific.

Following the release of the Hamilton Spectator news article, we cross referenced your affidavit of documents and nowhere did we find any reference to this report. I would ask that you please provide us with an updated affidavit of documents including all reports that detail the condition of the Red Hill Parkway.

Clearly, the 2013 Tradewind Scientific is a relevant document and should have been included originally in your affidavit of documents. We ask for an explanation as to why it was not included in same.²⁵⁹

243. Ms. Lezau responded to the letter on February 28, 2019.²⁶⁰

5. Discussions about MTO friction testing on the RHVP in 2008-2014

244. On February 1, 2019, Mr. Soldo emailed Kevin Bentley (Executive Director & Chief Engineer, Highway Standards Branch, Provincial Highways Management Division, MTO) under the subject line "Pavement Friction", copying Mr. McGuire. He wrote:

Hope all is well. Interesting roadway safety article in PEO Dimensions, I had no idea they were writing it from that perspective.

²⁵⁷ [GOL0006709](#)

²⁵⁸ Commission Counsel refer to claims resulting from this motor vehicle accident collectively as "*Hansen v Bernat*".

²⁵⁹ [HAM0064165_0001](#)

²⁶⁰ [HAM0064166_0001](#)

Do you have a person the city can contact regarding pavement friction testing and anticipated values for SMA pavements?

Would like to see what data MTO has in this area.²⁶¹

245. On February 11, 2019, Mr. Soldo emailed Mr. Bentley under the subject line “Pavement Friction” again. He wrote: “Just following up on my earlier email, was wondering if you could give me a call.”²⁶²

246. On February 12, 2019, at 2:40 p.m., Heather Evoy (Executive Assistant to the Executive Director & Chief Engineer, Highway Standards Branch, Provincial Highways Management Division, MTO) emailed Becca Lane (Manager, Materials Engineering & Research Office, Highway Standards Branch, Provincial Highways Management Division, MTO) about questions from CHCH News Hamilton respecting the MTO’s RHVP friction testing results. She copied Claudette Miscione (Business Information Analyst, Executive Office, Highway Standards Branch, MTO) and Dan Remollino (Director, Highway Standards Branch, Provincial Highways Management Division, MTO), writing:

Kevin has edited the three questions. He took the last part off the answer to Q3.

Please review and advise if you have any concerns or further edits.

Thanks,

Heather

Responses to follow up questions:

1. 2014 was the last year that ministry testing was done, correct? If yes, why did we stop?

When evaluating aggregates for inclusion on the ministry’s list of approved materials, we typically only monitor a pavement **over a period necessary** to observe trends. ~~We do not usually monitor over the life of the pavement.~~

²⁶¹ [HAM0028338_0001](#)

²⁶² [HAM0028695_0001](#)

2. Mike in MO wants to know---are these numbers what you would consider normal/average for this type of highway?. If yes, can we say that in our response?

The numbers are typical as they started out higher but started to slowly decline over time.

(Suggest for internal info only: for a high speed provincial freeway, if the numbers were consistently below 30, we would monitor more closely and start to consider remedial measures)

3. And has this stone material been added to our approved list?

In May 2009, MTO approved the stone (aggregate) for DSM listing based on acceptable lab test results and satisfactory frictional properties including the initial data from the Parkway. [The aggregate was listed on the DSM from 2009 to 2016.]²⁶³

247. On February 12, 2019, at 4:15 p.m., Mr. Van Dongen emailed Ms. Graham and Mr. McKinnon under the subject line “FW: MTO--friction testing results”.²⁶⁴ He attached four graphs summarizing the MTO’s friction testing results on the RHVP from 2007 to 2014 to this email.²⁶⁵ He wrote: “Hi folks, just received these. Did the city already have access to this info, and if so, any concerns?”²⁶⁶

248. At 4:30 p.m., Ms. Graham forwarded this email to Mr. McGuire and Mr. Soldo, copying Mr. McKinnon. She wrote:

See below and please let us know if you have seen these before? I’m not in the office so can’t check the file, but this format doesn’t look familiar to me.

If no – suggesting wording such as “Current leadership has not seen this information in this format.”

If yes – can you just clarify when/how we do?²⁶⁷

249. Mr. McKinnon forwarded this email, with the attached graphs, to an email account with the username “joannet.mckinnon” later that day.²⁶⁸

²⁶³ [MTO0038359](#); see also [MTO0038360](#)

²⁶⁴ [HAM0028680_0001](#)

²⁶⁵ [HAM0028687_0001](#), [HAM0028688_0001](#), [HAM0028686_0001](#) and [HAM0028685_0001](#)

²⁶⁶ [HAM0028680_0001](#)

²⁶⁷ [HAM0028680_0001](#)

²⁶⁸ [HAM0028680_0001](#)

250. On February 12, 2019, at 4:33 p.m., Mr. Soldo replied to Ms. Graham's email, writing:

I literally was talking on the phone to MTO as this email came in and they informed me that they have been doing testing on RHVP from 2007 to 2014. I asked for that info and I have to assume this data from the Spec came from MTO today.²⁶⁹

251. On February 12, 2019, at 4:36 p.m., Mr. Bentley replied to Mr. Soldo's February 11, 2019 email, writing:

As discussed, here are the four files for each lane for the 4km section where friction testing was completed to evaluate the stone for inclusion on the DSM list.

I have cc'd Becca Lane if you have any questions about the testing.²⁷⁰

252. Mr. Soldo replied to Mr. Bentley, writing:

Thank you for providing the graphs. Can you provide the underlying data that developed them. Also, any other documentation related to this project such as scope, specifications etc. Also, any transmittal information or emails related to how this was shared with the City.²⁷¹

253. On February 12, 2019, Mr. Soldo forwarded Mr. Bentley's email to Ms. Auty, copying Mr. Zegarac, Mr. McKinnon, and Mr. Brown. Mr. Soldo forwarded this email to Mr. McGuire later that day.²⁷²

254. On February 12, 2019, at 5:52 p.m., Mr. McGuire replied to Ms. Graham's email, writing:

For the record, I've never seen these test results. Staff have not either or this would have been brought forward in our discussion on the RHVP.

²⁶⁹ [HAM0028689_0001](#)

²⁷⁰ [HAM0028695_0001](#)

²⁷¹ [HAM0028695_0001](#)

²⁷² [HAM0054540_0001](#) attaching [HAM0054541_0001](#), [HAM0054542_0001](#), [HAM0054543_0001](#) and [HAM0054544_0001](#)

I will review the results later.²⁷³

255. On February 12, 2019, at 6:13 p.m., Mr. Soldo forwarded his email exchange with Mr. Bentley to Mr. McKinnon. He wrote:

Discussion with Kevin Bentley by teleconference.

Friction testing was initiated as the MTO was requested to review the adequacy of a certain aggregate from a supplier pit in Quebec in order to allow them to be on the approved list for MTO contracts. The stone was used by Dufferin as part of the SMA pavement on the RHVP.

The test site was 4 km long, from Greenhill to CNR. Run for 7 year although some years the testing was not undertaken.

The data shows that the SMA did improve in friction after the initial thin layer of asphalt cement wore off.

I asked for the data to be sent over, received shortly after the call by email. Kevin Bentley identified that the same methodology may not have been used in assessing the end friction value in the City testing. For comparison, the specification for Highway 407 includes a value of 30 where more investigation is required. The key to monitoring is to assess the long term trends.

Asked for verbally and by email any other relevant documentation and in particular any correspondence of sharing the data and test results with the City. The MTO was going to review their files. The MTO indicated the Charles Brown has connected with them as well last Friday on this matter as well as several media outlets. The data was going to be released.

Offered assistance of the Manager of Materials and Research area in reviewing and interpreting the analysis.²⁷⁴

256. Mr. McKinnon replied, writing: "Thanks Edward, do you think we could have their assistance in reviewing the mix design for he resurfacing in the spring? Is that appropriate and something they are willing to do?"²⁷⁵

²⁷³ [HAM0028694_0001](#)

²⁷⁴ [HAM0028695_0001](#)

²⁷⁵ [HAM0028695_0001](#)

257. Mr. McGuire replied to Mr. McKinnon later that day. He wrote: “Let’s address the conversation with MTO shortly. In the meantime we have mix design review process underway.”²⁷⁶

258. On February 13, 2019, Mr. McKinnon forwarded Mr. Soldo’s email circuiting the MTO’s friction testing results from the RHVP to Mr. Zegarac, copying Ms. Auty. He wrote: “Sorry to pester Mike, hopefully we can let council know tomorrow night what the process is for releasing what appears to be a never ending stream of information.”²⁷⁷

259. On February 13, 2019, Lisa Heaton (Manager, Issues and Media Office, Communications Branch, Deputy Minister's Office, MTO) emailed Ms. Graham about media inquiries received by the MTO, copying Bob Nichols (Media Spokesperson, Communications Branch, Deputy Minister’s Office, MTO). She wrote:

Hi Jasmine – as promised, here are some media Qs we received today and our responses – there will be more coming your way later today.

Bob is our media spokesperson here at MTO should you have any questions.

Lisa

1. Is there a more robust/detailed report that goes beyond the graphs you provided? If so, please send it my way.

There was no formal report.

2. Did the ministry arrive at any conclusions based on their testing? If so, what were those conclusions.

3. Q) I've looked over the graphs you've provided and have read the portion of the email above that states the friction levels trended downwards/declined over the years, but can you tell me if they dipped below expected safety standards?

²⁷⁶ [HAM0028695_0001](#)

²⁷⁷ [HAM0054549_0001](#)

The results were within our acceptable range and the aggregate was placed on our list of approved sources. The data shows that the pavement friction trended slowly downwards over time, as might be expected as a pavement is exposed to traffic wear over the years.²⁷⁸

260. At 3:51 p.m., Ms. Heaton emailed Ms. Graham in respect of questions from the Spectator. She wrote:

Hi Jasmine – another set of approved responses FYI

1. the MTO does not use the "UK standard" referenced in the city consultant's friction test. What kind of testing/standard does the MTO use?

MTO uses the North American standard, an ASTM Brakeforce Trailer, to collect frictional properties of pavement surfaces. The ASTM E-274 locked-wheel friction tester with ASTM E-501 standard ribbed tire is used to measure the frictional characteristics of pavement surfaces at posted speeds.

Testing is carried out on a request basis to evaluate the frictional properties of new sources of aggregate or to evaluate sections of highway that have been identified as a potential concern (for example, a construction related issue or age related aggregate polishing issue).

2. similarly, what kind of equipment is used for ministry friction tests?

Data was collected using the ASTM E-274 locked-wheel friction tester with ASTM E-501 standard ribbed tire.

3. Is there someone I can talk to about the data and what the charts mean? (ie avg "FN", etc.)

FN means friction number. FN90 refers to the posted speed of 90 km/hr. "average" is the average value of the data and the value that is typically reported, "max" and "min" are the high and low values recorded.

4. was there anything about the friction results that prompted concern or dissatisfaction by the MTO? And was the aggregate deemed useable?

The results were within our acceptable range and the aggregate was placed on our list of approved sources. The data shows that the pavement friction trended slowly downwards over time, as might be expected as a pavement is exposed to traffic wear over the years.

5. I didn't realize testing continued into 2014. Was that all to evaluate the aggregate?

Correct.

6. wondering if you can say who did the testing? Was it MTO staff or a consultant/someone hired

MTO staff carried out the testing.

²⁷⁸ [HAM0013357_0001](#)

7. One more thing to clarify. These tests that you sent us, they would have gone to the City of Hamilton at the time they were done, correct?

In 2007 some concerns had been identified in the province with the initial friction qualities of an asphalt mix that was new to Ontario.

As a result, at the request of the city, the 2007 testing of a 4km section that was constructed with the new mix was completed by MTO and results shared with the city. No concerns were identified with the initial friction qualities.

The 2008 to 2014 testing for the same 4km section was completed to evaluate the acceptability of the stone used in the asphalt for provincial highways.

Based on a preliminary review of MTO's records, these results were not shared with the city as the testing of this 4km section was focused on the stone quality.²⁷⁹

261. Ms. Graham forwarded this email to Mr. McKinnon later that day, writing: "FYI these are the answers from MTO – worth reading."²⁸⁰

262. On February 13, 2019, at 3:48 p.m., Mr. Bentley emailed Mr. Soldo, attaching the data underlying the MTO's friction testing graphs and the SMA mix design for the RHVP.²⁸¹

263. On February 13, 2019, at 4:50 p.m., Mr. Bentley emailed Mr. Soldo again. He wrote:

From what we have been able to determine so far.....

In 2007 some concerns had been identified in the province with the initial friction qualities of the SMA mix given the higher levels of AC.

As a result, at the request of the city, the 2007 testing of a 4km section that was constructed SMA was completed by MTO and results shared with the city.

No concerns were identified with the initial friction qualities.

The 2008 to 2014 testing for the same 4km section was completed to evaluate the acceptability of the stone used in the asphalt for potential use on provincial highways.

²⁷⁹ [HAM0013371_0001](#)

²⁸⁰ [HAM0013371_0001](#)

²⁸¹ [HAM0054585_0001](#) attaching [HAM0054586_0001](#) and [HAM0054587_0001](#)

Based on a preliminary review of MTO's records, and based on the intended purpose of this testing, it would appear that these results were not shared with the city.²⁸²

264. On February 14, 2019, Joel Magnan (Head, Soils & Aggregates Section, Materials Engineering & Research Office, Highway Standards Branch, Provincial Highways Management Division, MTO) emailed Ms. Lane, writing:

Just received the response from Demix – Varennes, quarry Q03-003. They removed themselves from the DSM as a business decision, since they never sell aggregate originating from Montreal and surrounding area to Ontario.²⁸³

265. On February 14, 2019, Mr. Nichols emailed Ms. Graham, writing:

Just one follow up today from the Hamilton Spectator---Question and our response below.

B

Q) What I'm really looking for is a number . . . as in if a the friction tests showed an average FN90 of XXX then that would have triggered concerns/ recommendation for further testing/ made the MTO decide not to use the asphalt. What value would have been considered concerning on those tests? I'm trying to better understand what I see in the charts.

There are no particular values that we rely on. Friction demands differ depending on the characteristics of the roadway (for example, highway curves, steep sections, approaches to intersections, etc.).

Again--while a decline in friction values is expected as a pavement ages, MTO looks for changes in the rate of decline. Friction testing is one of many considerations when identifying a section of highway for additional monitoring or potential remedial measures. The ministry also looks at the layout of the highway, pavement age, traffic conditions and collision data.

MTO's approach is to achieve friction by selecting an appropriate pavement type for the surface layer and only allowing pre-approved high quality, durable aggregates to be used in that layer. This proactive approach provides consistent frictional properties of the pavements. In situations where there may be concerns about higher than average wet weather collisions, and a decline is noted in observed friction values, the ministry considers further investigation.

As we've stated, the Red Hill Valley Parkway friction testing results that we've released were within our acceptable range and the aggregate was placed on our list of approved sources. The data shows that the pavement friction trended slowly downwards over time, as might be expected as a pavement is exposed to traffic wear over the years.²⁸⁴

²⁸² [HAM0054591_0001](#)

²⁸³ [MTO0038646](#)

²⁸⁴ [HAM0054628_0001](#)

266. On February 14, 2019, Mr. Soldo emailed Ms. Auty, Mr. McKinnon, and Mr. McGuire, writing:

Nicole

The last memo from Brian was through your office and the external lawyer.

I would like to contact CIMA regarding the new friction data we have from MTO in order for them to review it in the same context and to extrapolate a degradation curve based on the data.

Do we go through the same process with the external lawyer?²⁸⁵

267. On February 15, 2019, Ms. Auty forwarded this email to Mr. Boghosian, and they exchanged the following correspondence:

[NA]: David, please see below, are you comfortable with staff dealing with CIMA directly, or should it be through us?²⁸⁶

[DB]: I think Edward should deal with CIMA directly.²⁸⁷

[DB]: Can we ask Edward to forward the new MTO friction data.²⁸⁸

268. On February 22, 2019, Mr. Soldo emailed Mr. Bentley. He wrote:

Can we arrange a call with your pavement specialists to talk about what type of pavement should be used on this facility. We are interested as well in any history MTO has with high friction pavement along curvilinear roadways.²⁸⁹

269. On February 25, 2019, Mr. Bentley emailed Mr. Soldo, copying Ms. Lane. He wrote: "I have cc'd Becca to allow you to arrange a meeting with her and her staff."²⁹⁰

²⁸⁵ [HAM0062615_0001](#)

²⁸⁶ [HAM0062615_0001](#)

²⁸⁷ [HAM0062616_0001](#)

²⁸⁸ [HAM0062617_0001](#)

²⁸⁹ [HAM0048996_0001](#)

²⁹⁰ [HAM0048996_0001](#)

270. On February 25, 2019, Mr. McKinnon emailed Mr. Soldo and Mr. McGuire. He wrote:

Gents can you confirm or otherwise if I have the below quote correct? Edward do you have the name of the guy from MTO I can quote? Sam is looking for me to confirm and I want to make sure I have this correct.

The MTO undertook friction testing on the RHVP in 2007 to inform themselves about the SMA that was used on the facility. Our understanding is that this was done to determine if the aggregate that was used, from out of province, was performing differently than those used by MTO themselves. It is also our understanding that this information was indeed shared with Hamilton Engineering Services Director.

Subsequent to this the MTO continued testing the RHVP for friction from 2008-2014 for the same reason, these test results however we never shared with the City, this was confirmed by MTO spokesperson ???

Generally speaking the test results observed by MTO are consistent with the results observed through the 2013 Tradewind tests.²⁹¹

271. Mr. McGuire replied the same day, writing:

The 2007 tests appear to have been done by the MTO on our request, as the email from Golders states as below

Gary and Marco,

Please find attached the results of the friction testing on the Red Hill Valley Parkway completed for us by MTO. I will call you to discuss the results.

Regards,

Ludomir

Ludomir Uzarowski, Ph.D., P.Eng.

The following years tests were done on behalf of Dufferin to my understanding, and were never shared with the City. That's all in an email and Edward got that confirmation.

The results show a steady decline in friction but do align with our numbers at the 2013-2014 timeframe.²⁹²

272. On February 25, 2019, Mr. McKinnon emailed Ms. Auty and Mr. Zegarac, writing:

²⁹¹ [HAM0028971_0001](#)

²⁹² [HAM0028971_0001](#) attaching [HAM0028972_0001](#)

Sam has asked me to clarify for him the below and I was looking for confirmation that I can send this to him? Let me know if the below is how you understand the facts and if we need to discuss?

The MTO undertook friction testing on the RHVP in 2007 to inform themselves about the SMA that was used on the facility. Our understanding is that this was done to determine if the aggregate that was used, from out of province, was performing differently than those used by MTO themselves. It is also our understanding that this information was indeed shared with Hamilton Engineering Services Director.

Subsequent to this the MTO continued testing the RHVP for friction from 2008-2014 for the same reason, these test results however we never shared with the City, this was confirmed by MTO spokesperson ???

Generally speaking the test results observed by MTO are consistent with the results observed through the 2013 Tradewind tests.²⁹³

273. On February 26, 2019, Councillor Merulla emailed Mr. McKinnon under the subject line "Mto emails". He wrote: "What's the status?"²⁹⁴

274. Mr. McKinnon replied later that day. He wrote:

The MTO undertook friction testing on the RHVP in 2007, it is still to be confirmed but I believe this was likely done for a couple of reasons the first being to determine the general performance of finished asphalt, being SMA (still trying to confirm if the city requested this) as well, if the aggregate that was used, from out of province, was performing differently than those used by MTO themselves. It is our understanding that this information was indeed shared with Hamilton Engineering Services Director.

Subsequent to this the MTO continued testing the RHVP for friction from 2008-2014 as follow up to their own interest about the aggregate used and performance, these test results however were never shared with the City, this was confirmed by MTO spokesperson.

Generally speaking the test results observed by MTO are consistent with the results observed through the 2013 Tradewind tests.²⁹⁵

275. On February 27, 2019, Mr. McKinnon forwarded this email chain to Ms. Auty, Mr. Zegarac, and Ms. Graham, which led to the following exchange:

²⁹³ [HAM0062305_0001](#)

²⁹⁴ [HAM0013756_0001](#)

²⁹⁵ [HAM0013756_0001](#)

[DM]: Mike/Nicole, Sam appears to want to use this as part of a comms strategy. Can you advise if you have any concerns with this? Not sure what his plan is.²⁹⁶

[MZ]: Dan, the last line may be appropriate to strike.

[JG]: Not sure if it helps but I also have some media responses from MTO directly that address some of this as well. Let me know if you want me to resend.

[MZ]: Jasmine, is the last comment staff's opinion or MTO's finding. If MTO's, we should reference that. If staff, I'm interested if we are competent to make this finding.

[JG]: MTO does not comment on the Tradewind results in any information they shared with me.

Three emails showing their media responses are attached, if helpful. I'm not sure who wrote the message below, but there may be a more fulsome answer to "why" in the email attached (the third attachment has the most info).

Let me know if you need anything else?²⁹⁷

[MZ]: Jasmine, Dan advises me that the Councillor has already used the references.²⁹⁸

276. On February 27, 2019, Mr. McKinnon forwarded this email chain (up to Ms. Graham's last email) to Mr. Soldo and Mr. McGuire, copying Ms. Graham. He wrote: "It doesn't matter now as Sam already used the email but do you two agree with my last statement that the mto results generally agree with tradewind?"²⁹⁹

277. Mr. McGuire replied later that day, writing: "Correct, the Tradewind results are quite close to the MTO results."³⁰⁰ On February 28, 2019, Mr. Soldo replied, writing: "I would concur."³⁰¹

278. On February 26, 2019, at 8:19 a.m., Mr. McGuire emailed Mr. Bentley about the MTO friction testing data. He wrote:

²⁹⁶ [HAM0054838_0001](#)

²⁹⁷ [HAM0054839_0001](#) attaching [HAM0054840_0001](#), [HAM0054841_0001](#) and [HAM0054842_0001](#)

²⁹⁸ [HAM0054843_0001](#)

²⁹⁹ [HAM0055170_0001](#)

³⁰⁰ [HAM0055170_0001](#)

³⁰¹ [HAM0054844_0001](#)

As a matter of understanding this process in more detail, are there maps that identify the limits of this testing.

I ask as I'm looking to overlay our independent results directly with the MTO results. So far the numbers appear to line up but some assumptions have been made about the start points.

If possible can you share that data.³⁰²

279. Ms. Lane replied to Mr. McGuire that morning, writing: "If you look at Tab 2 on the spreadsheet we sent, it is labelled "Test Data"."³⁰³

280. On March 1, 2019, Mr. McGuire replied to Ms. Lane, writing: "Can I call you on this matter for a bit of clarity?"³⁰⁴

281. Ms. Lane and Mr. McGuire arranged a call for 3:15 p.m. that day to "Review friction testing processes, results".³⁰⁵

282. On February 28, 2019, Ms. Auty forwarded Mr. Soldo's February 12, 2019 email circulating MTO's friction testing results from the RHVP to Mr. Sabo and Mr. McLennan. Mr. Sabo replied later that day, writing:

In this case more data seems to be better. There are what looks like 4 better years (2008-11) on most of these stretches where the results improved and in some parts above the 40 level. Who even knew MTO was there every year? And can we ask if they continued measurements beyond 2012, and if the City can make results public as I expect staff might feel they have to, and if they have specific dates for these tests? We should get MTO's answer before we collect more records related to this as Council might really want to release this info.

It might be really interesting or even useful to have two sets of numbers, depending on the result, if we had MTO measurements to compare to Tradewind's taken near the same time. Thats I think that's mid to late 2013 and the trending of data from MTO seems towards Tradewinds, but even a 2 to 4 point variance might give some flexibility in the City's legal position, as in how reliable is one test if the numbers vary 5 or 10%.³⁰⁶

³⁰² [HAM0029030_0001](#)

³⁰³ [HAM0029030_0001](#)

³⁰⁴ [HAM0029030_0001](#)

³⁰⁵ [HAM0029035_0001](#)

³⁰⁶ [HAM0062307_0001](#)

6. CIMA's Memorandum on the MTO Friction Testing Results

283. On February 14, 2019, Mr. Soldo emailed Ms. Auty, Mr. McKinnon, and Mr. McGuire under the subject line "Friction Numbers". He wrote:

Nicole

The last memo from Brian was through your office and the external lawyer.

I would like to contact CIMA regarding the new friction data we have from MTO in order for them to review it in the same context and to extrapolate a degradation curve based on the data.

Do we go through the same process with the external lawyer?³⁰⁷

284. On February 15, 2019, Ms. Auty replied, writing: "David confirmed you can deal with them directly." Mr. Soldo responded: "OK, I will send them an email."³⁰⁸

285. On February 17, 2019, Mr. Soldo emailed Mr. Hadayeghi and Mr. Malone, attaching the MTO friction testing results from 2007-2014. He wrote:

Please find attached friction information from the MTO. They undertook testing over a number of years for a portion of the RHVP.

The City would like you to review the data, undertake an analysis if possible to develop a degradation curve based on the data point for each lane, and based on that work develop a min/max range that can extrapolate a 2019 value.

This work can be added as an add on to the Roadside Safety Assessment. Would CIMA recommend that we undertake a friction test prior to the resurfacing to validate the MTO data? Would any of your recommendations be impacted by this data?³⁰⁹

286. On February 18, 2019, Mr. Hadayeghi responded, writing: "We will review the provided material and get back to you by Tuesday noon."³¹⁰

³⁰⁷ [HAM0062277_0001](#)

³⁰⁸ [HAM0062277_0001](#)

³⁰⁹ [HAM0036285_0001](#) attaching [HAM0036286_0001](#), [HAM0036287_0001](#), [HAM0036288_0001](#), [HAM0036289_0001](#) and [HAM0036290_0001](#)

³¹⁰ [HAM0036292_0001](#)

287. On February 19, 2019, Mr. Hadayeghi emailed Mr. Soldo and Mr. McGuire. He wrote:

Thank you for your e-mail. Brian is away on vacation, but we should be able to provide you with a quote and schedule for this analysis in the next few days.

What is the City's timeline for this analysis? If undertaking a friction test prior to the resurfacing is required, when is the latest time that the friction tests can be completed?

Finally, in our roadside safety review, we did not include any recommendation for the mainline pavement, so there would be no impact to our recommendations.³¹¹

288. Mr. Soldo replied: "The recommendations I am referring to as those in the followup memo that Brian did."³¹²

289. Between February 19, 2019 and February 21, 2019, Mr. Salek, Geoff Petzold (Project Manager, Transportation, CIMA), and Mr. Malone exchanged emails:

[SS]: We have been approached by the City of Hamilton to undertake an analysis estimating the 2019 friction values along an urban highway based on measurements which have been done between 2008 and 2014 (data attached).

We need to provide the City with a quick quote and timeline in the next couple of days, but Brian Malone who is the CIMA's point of contact is on vacation. I noticed that there were some back and forth correspondence between you and Brian earlier this month on the acceptable friction thresholds for the same corridor and therefore was wondering if this quick assignment is something that you can help us with.

Please let me know and I will be in touch to discuss further.³¹³

[GP]: Last I heard from Brian, he was going to be throwing some words together from our discussions ... not sure where that is at. I could possibly help out further. What is your timeline?³¹⁴

[SS]: We have to provide the City with a quote in the next couple of days. The project should be done quickly as the resurfacing tender (being prepared by CIMA) will be issued by the end of this month and the City wants to know the friction numbers before then.³¹⁵

³¹¹ [HAM0048880_0001](#)

³¹² [HAM0036308_0001](#)

³¹³ [CIM0017124](#), attaching [CIM0017124.0002](#), [CIM0017124.0006](#), [CIM0017124.0007](#), [CIM0017124.0008](#) and [CIM0017124.0010](#)

³¹⁴ [CIM0017111](#)

³¹⁵ [CIM0017111](#)

[GP]: I don't think we would have any different friction numbers to give them than what they already have. Not sure exactly what they are after. Can you clarify?³¹⁶

[SS]: They want to extrapolate the 2008-2014 frictions to estimate 2019 frictions. In case it is not possible we have to tell them to measure the friction on the field.³¹⁷

[GP]: I would suggest that a field measurement is needed. I wouldn't feel comfortable extrapolating the numbers.³¹⁸

[SS]: Thanks for the input, I will let the City knows about this.³¹⁹

[SS]: Please find attached the report that Brian shared with the City a couple of weeks ago regarding the friction numbers along the RHVP. I will call you momentarily to discuss more details.³²⁰

[GP]: I got your voicemail today, sorry, my day kind of ran away on me.

Unfortunately, I am not able, nor comfortable, performing extrapolation on the friction values. For two reasons:

- 1) The traffic volumes are much higher than design, so the pavement will wear/degrade/polish much faster than under "normal conditions".
- 2) The friction data is from 2014 (I believe?), so extrapolation out 5 years would not be prudent.

I still think that we should recommend the City undertake a new investigation to confirm what the friction values are in today's numbers.

Sorry, I wish I could be more help.³²¹

[BM]: Isn't the city just asking for an analysis of the MTO data for the 2007 to 2014 to see the data trend in those numbers? I suspect they are looking to see if there is a trend in that data and why the City was not told?³²²

[GP]: Not sure. Soroush's voicemail seemed to indicate otherwise.

I'm sure if all they are after is a trend analysis that should be something cima can do.³²³

290. Mr. Salek replied to Malone's email, writing:

I looked into the MTO friction data and can clearly see a degrading trend in frictions moving from 2008 to 2014. I can easily conduct a regression analysis and determine the

³¹⁶ [CIM0017111](#)

³¹⁷ [CIM0017111](#)

³¹⁸ [CIM0017111](#)

³¹⁹ [CIM0017119](#)

³²⁰ [CIM0017116](#) attaching [CIM0017116.0001](#)

³²¹ [CIM0017111](#)

³²² [CIM0017111](#)

³²³ [CIM0017113](#)

degradation rate and from there come up with an estimate for the 2019 friction values. This will be an overestimation since in 2019 the pavement is closer to the end of its life cycle and also there might be some growth in the AADT resulting in faster than normal degradation of the pavement.

However, this upper level estimate can still provide us with valuable information being compared with the friction thresholds that you referred to in your short tech memo submitted to the City.

We can discuss this in more details when you come back from the vacation, and hopefully provide the City with a proper response.³²⁴

291. On February 22, 2019, Mr. Hadayeghi responded to Mr. Soldo about the friction analysis of the MTO data. He wrote:

Sorry for delaying in response. We looked into the MTO friction data and clearly identified a degrading trend in frictions moving from 2008 to 2014. Considering this trend, we can conduct a simple regression analysis and determine the degradation rate and from there come up with an estimate for the 2019 friction values. This will be an overestimation since in 2019 the pavement is closer to the end of its life cycle and also there might be some growth in the AADT resulting in faster than normal degradation of the pavement.

However, this upper level estimate can still provide us with valuable information being compared with the friction thresholds that Brian referred to in his short tech memo submitted to the City a couple of weeks ago.

Considering the above explanations, we can conduct the mentioned regression analysis Monday and provide you with a short letter format memo explaining if the new friction estimates can potentially impact any of the findings of the previous memo that Brian prepared you a couple of weeks ago. Please let me know if this is an acceptable approach.³²⁵

292. Mr. Soldo replied later that day, writing: "Please proceed."³²⁶

293. On February 25, 2019, Mr. Malone emailed Mr. Soldo. He wrote:³²⁷

We are completing the analysis of the data and are aiming to have a letter provided to you later today.

Are you in sometime after noon today to discuss, briefly?

³²⁴ [CIM0017111](#)

³²⁵ [HAM0036323_0001](#)

³²⁶ [HAM0036324_0001](#)

³²⁷ [CIM0017104](#)

294. Mr. Malone and Mr. Soldo arranged a call for 12:30 p.m. that day.³²⁸

295. On February 26, 2019, Mr. Malone emailed Mr. Soldo, writing: “Edward, we have completed our analysis of the 2008-14 MTO Friction Testing data. Attached is a memo with our findings.”³²⁹ Mr. Malone’s email attached a copy of a memorandum titled “Red Hill Valley Parkway - Review of MTO Pavement Friction Data 2008-2014”.³³⁰ This memorandum included the following content:

Based on the extrapolation of data collected from 2008 to 2014, the average pavement friction values in 2019 are estimated to be dropping, to approximately 29 (f=0.29). That value corresponds to the same stopping distance design value used in a 100 km/h design speed, which is f=0.29. The value is above the lateral friction value used in the road design for 100 km/h horizontal curves of f=0.12.

The extrapolated 2019 average friction value is lower than the results reported in the Golder report of January 2014, which reported the Tradewind testing results. Those results indicated measured average friction levels on the RHVP ranging from FN values of 34 to 39, corresponding to (f) values of 0.34 to 0.39. Again, we note that the testing protocols from Tradewinds and from the MTO testing have not been compared, so the comparison of the friction values should also be viewed with caution.³³¹

7. Discussions about RHVP Collision Statistics

296. On February 13, 2019, Ms. O’Reilly emailed Ms. Graham in response to an email chain under the subject line “Collision Stats”. She copied Mr. Van Dongen on this email, writing:³³²

I’m sorry to make things more complicated . . . but something isn’t adding up with these crash numbers.

This is what David Ferguson sent me in 2017 (see chart and attached map)

This is like double the amount of crashes reflected in the new crash stats you sent?

Nicole

³²⁸ [CIM0017104](#)

³²⁹ [HAM0036335_0001](#)

³³⁰ [HAM0036336_0001](#)

³³¹ [HAM0036336_0001](#) at images 3-4

³³² [HAM0013352_0001](#)

LINC & RHVP 5 Year Collisions	
LINC Collisions	LINC Total Collisions
403 to Golf Links Rd	46
Golf Links Rd to Upper Paradise Rd	28
Upper Paradise Rd to Garth St	35
Garth St to West 5th St	48
West 5th St to Upper James St	4
Upper James St to Upper Wellington St	35
Upper Wellington St to Upper Wentworth St	37
Upper Wentworth St to Upper Sherman Ave	40
Upper Sherman Ave to Upper Gage Ave	21
Upper Gage Ave to Upper Ottawa St	32
RHVP Collisions	RHVP Total Collisions
Upper Ottawa St to Dartnall Rd (Including Ramps)	51
Dartnall Rd (Excluding Ramps) to Mud St Ramps	209
Mud St to Greenhill Ave	38
Greenhill Ave to King St E	197
King St E to Queenston Rd	89
Queenston Rd to Barton St E	70
Barton St E to QEW	14
LINC & RHVP Total Collisions	994

297. Ms. Graham forwarded this email to Mr. Soldo later that day, writing: “See below???”³³³

298. On February 14, 2019, Mr. Soldo emailed Mr. Ferguson, who had been added to the email chain with Ms. Graham, writing : “Why are we not summarizing the data for all collisions and not just the police reported? It gets confusing when we start using two different totals.”³³⁴

³³³ [HAM0013352_0001](#) attaching [HAM0013353_0001](#)

³³⁴ [HAM0013409_0001](#)

299. Mr. Ferguson responded later that day, writing:

The old Hart way, the approval of VZ and the Collision Report changed that, with that approval, we are now going to report on all collisions. Took me 5 frign years, drove me nuts.

We use to report there were only 3500 collisions in Hamilton, meanwhile there were over 7500!

As you say, can't change the past, but we can focus on going forward. The Chart of page 44 is a good start. Also going forward, we are going to track all collisions each month on the Parkways, we started that 6 months ago but again it is just Police Reported, I want all collisions.

I am scheduling a full day Staff meeting to review VZ, Collision Report, projects, TES, etc. and expectations going forward. I'm just waiting to fill Coopers position, which will hopefully be done in the next week.³³⁵

300. On February 26, 2019, Mr. Purins emailed Mr. Ferguson. He wrote:

This doesn't look good right now.

Red Hill Valley Parkway Collisions						
Collision Type	2014	2015	2016	2017	2018	TOTAL
Total Collisions	117	238	186	193	235	969
Police Reported	71	137	102	102	93	505
Crossover	1	6	0	3	3	13
Property Damage Only	45	79	58	59	54	295
Injury	26	56	44	41	39	206
Fatal	0	2	0	2	0	4

Total collisions on the RHVP have increased 100% in the past 5 years. Police reported collisions have increased 31% and injury collisions have increased 50%. There have been **13 crossover collisions** and 4 fatal collisions.³³⁶

301. Mr. Ferguson replied, writing:³³⁷

Its all in how you tell the story, I look at those numbers and I see the lowest numbers in 4 years under a VZ lens, decline in injuries, no fatals, decline in police reported.

³³⁵ [HAM0013409_0001](#)

³³⁶ [HAM0013778_0001](#)

³³⁷ [HAM0013778_0001](#)

302. Mr. Purins responded, writing: “Yeah once 2014 is out of there the trend lines will look much better.”³³⁸

303. Mr. Ferguson replied later that day: “Its all about where it is headed and it has been declining, just need to make sure it keeps heading that way.”³³⁹

8. Plans for resurfacing and City discussions with AME

304. On February 8, 2019, Michael Becke (Senior Project Manager, Design, Engineering Services, Public Works, Hamilton) made the following entry in his notebook:³⁴⁰

³³⁸ [HAM0013778_0001](#)

³³⁹ [HAM0013778_0001](#)

³⁴⁰ [HAM0061789_0001](#) at image 42

RHVP FAST TRACK

- REMOVE OURSELVES FROM THE CETA 30 DAY REQUIREMENT

→ L → COULD BE CHARGED FOR CIRCUMVENTING THE PROCESS
 I MUNICIPALITY HAS ALREADY BEEN CHARGED
 (FROM TIME NOT IF ONE PRE-QUAL IS OUT FOR 30 DAYS.)

WILL THIS CREATE
A PROBLEM?

- PRE QUALIFY 4 CONTRACTORS DUFFIN, COCO, RANKIN & CAPITAL
 THEY HAVE A GOOD CHANCE OF BEING LOW B.D. TO RUN THEIR MIX DESIGN NOW
 WHICH WOULD SPEED UP THE PROCESS

→ CALL REZA

- SHORT TEAM FIX.

- SIGNAGE, MARKINGS, SHOULD BE WIDENING FOR POLICE.
- ASPHALT IN CB LEAD.
- CB LEADS
- (ANADIAN OPEN Thu 3rd weekend)
- PLAN.

305. On February 13, 2019, Mr. Becke emailed Reza Namjouy (Assistant General Manager, Aecon Group Inc., AME, Aecon Materials Engineering Corp.). He wrote:

It was good to talk to you this afternoon.

Further to our conversation, the City of Hamilton is looking for AME to provide us with a proposal and pricing to complete a letter report to aid in the selection process of the Superpave asphalt that will be specified for use on our Red Hill Valley Parkway (RHVP) resurfacing. The Resurfacing will consist of mainline paving as well as all on and off ramps. Please assume that the same asphalt will be used in all locations.

The resurfacing will take place this summer (June and July) via a full road closure, and will consist of milling 50mm of surface asphalt and replacing it with 50mm of new asphalt. The mix is to be a virgin mix. The City of Hamilton has adopted MSCR Performance Graded Asphalt as its AC in our pavement design. To help aid in the selection process I was able to obtain some traffic data from our Traffic Dept. Please see the attached email.

A few things I would like you to take into consideration:

- The RHVP was constructed in 2007 as a Perpetual Pavement and the existing surface asphalt is 40-45mm of SMA, we can provide more information on this if you feel it would be helpful in the mix selection.
- This is a mountain access that winds its way down the escarpment, so the appropriate friction characteristics is of extremely high importance.
- Rutting is a concern, however, so is cracking of the mat, which we would like to minimize. Current cracking of the mat was found to be “top-down” that has been limited to the surface course and has not propagated into the binder layer.
- The posted Speed Limit is currently 90km/hr... however, due to recent concerns, parts of the road are being reduced to 80km/hr... Upon completion of the resurfacing, it may be probable that the speed will be reinstated to 90km/hr, but that is not yet clear.³⁴¹

306. On February 21, 2019, Susan Jacob (Manager, Design, Engineering Services, Public Works, Hamilton) emailed Mr. McGuire, attaching a summary of CIMA recommendations. She wrote:

Per CIMA memo dated Feb 4, 2019 for Council, it is quite clear that LINC mix had sufficient Friction and they would recommend that RHVP follow the similar mix. At this time for fast track project, it is hard to procure the HFST mix from US. Will need further investigation on this.³⁴²

307. On February 25, 2019, Christopher Norris (Manager, Pavement Services, Aecon Group Inc., AME, Aecon Materials Engineering Corp.) emailed Mr. Becke, attaching a draft letter on the selection of HMA for the RHVP resurfacing.³⁴³ This letter included the following content:

The MTO Surface Directive PHM-C-001 is a ministry directive designed to establish a policy to ensure consistent application of standards for selecting surface course types for all highway improvement projects in Ontario. Information from Table 1 in the PHM-C-001 directive is summarized in Table No. 3.

[chart omitted]

As per the MTO Surface Directive PHM-C-001, stone mastic asphalt (SMA) should be considered for the surface course to withstand loading due to heavy trucks. SMA is a heavy-duty gap graded asphaltic concrete with a relatively large proportion of crushed stone and an additional amount of mastic-stabilized asphalt cement. The SMA mixture has an aggregate skeleton with coarse aggregate stone-on-stone contact to withstand loading

³⁴¹ [HAM0054593_0001](#)

³⁴² [HAM0028917_0001](#) attaching [HAM0028918_0001](#)

³⁴³ [HAM0013715_0001](#) attaching [HAM0013716_0001](#)

due to heavy truck loads. Based on the placement depth of 50mm, AME recommends placing SMA 12.5.

According to OPSS.MUNI 1003 November 2013, both the coarse and fine aggregates for SMA must be obtained from crushed bedrock from pre-qualified sources listed in Table 1. This specification does not include testing for frictional properties. The RHVP has high traffic volumes and high frictional demand. It is recommended that Table 1 in OPSS.MUNI 1003 November 2013 is replaced with the Ontario Ministry of Transportation (MTO) pre-qualified products list: Designated Sources for Materials (DSM) #3.05.25 Asphalt - Aggregates, Coarse for Superpave 12.5 FC1, Superpave 12.5 FC2, SMA, HL1, DFC, and OFC; and Aggregates, Fine for Superpave 12.5 FC2, SMA, DFC, and OFC.³⁴⁴

308. Mr. Becke forwarded this draft letter to Tyler Renaud (Project Manager, Construction Quality Assurance, Construction, Engineering Services, Public Works, Hamilton) later that day. Mr. Renaud replied, writing:

I just went through the report and had a few thoughts:

-a 15 year EASL design was used instead of 20, I am just curious about the justification

-It is interesting, but not unexpected that the recommended design is an SMA. I think we may want to ask for an acceptable alternative as well as a pros and cons between the two

-I was pleased to see the comments on page 6 about the source of the aggregate and agree with their statements.³⁴⁵

309. On February 26, 2019, Mr. McGuire emailed Mr. Soldo, attaching a PowerPoint from a presentation Mr. Moore, Dr. Uzarowski and Vimy Henderson (Pavement and Materials Engineer, Golder) gave in 2011. The title of the presentation was “Using Instrumentation Data on an Active Highway for Pavement Management”. Under the subject line “See this slide”, he wrote: “Slide 5”.³⁴⁶

310. Slide 4 of this presentation presents the RHVP, which the speaker’s notes describe as “perpetual pavement”. Slide 5 of the PowerPoint included the following content:

- Conventional pavement
 - Major rehabilitation every 30 years

³⁴⁴ [HAM0013716_0001](#) at image 6

³⁴⁵ [HAM0013723_0001](#)

³⁴⁶ [HAM0028975_0001](#) attaching [HAM0028976_0001](#)

- Resurface every 15 years to 18 years
- Perpetual flexible pavement
 - Resurface every 20 years to 23 years
 - Major not required in 50 years³⁴⁷

311. On February 28, 2019, Sarath Vala (Project Manager, Design, Engineering Services, Public Works, Hamilton) emailed Claudio Leon (Project Manager, Contracts and Standards, Design, Engineering Services, Public Works, Hamilton) and Tashfeen Butt (Design Technologist, Design, Engineering Services, Public Works, Hamilton), copying Mr. Renaud.³⁴⁸ Mr. Vala attached a marked up version of the HMA specifications/Form 800 to his email. The comments included a highlighted legend titled “RHVP Form 800 modifications” identifying what to keep and what to remove from the specification. On page 5 under .02.02.02 Aggregate, Mr. Vala wrote: “source materials should be from MTO’s DSM see AME recommendation”.³⁴⁹

9. HIR Suitability Study

312. On February 11, 2019, Mr. Becke emailed Dr. Uzarowski under the subject line “RHVP SMA HIR”. He wrote: “I was wondering if you had a time frame for the final report? When you have a chance please let me have an update.”³⁵⁰

313. On February 13, 2019, Mr. Becke replied to his own email. He wrote: “Sorry to bother you, but I need an update. Please give me a call when you have a chance.”³⁵¹

³⁴⁷ [HAM0028976_0001](#) at images 4 and 5

³⁴⁸ [HAM0049082_0001](#) attaching [HAM0049083_0001](#)

³⁴⁹ [HAM0049083_0001](#) at image 5

³⁵⁰ [GOL0002819](#)

³⁵¹ [GOL0002817](#)

314. On February 20, 2019, Mr. McGuire emailed Ms. Stoveland and Dr. Skinner, copying Ms. Graham. He wrote:

We have a request for all reports on the RHVP and we still await the HIP report and Friction Test report from Golder.

I have asked on a number of occasions for these and time is now of the essence.

Can someone please advise of timing?³⁵²

315. Dr. Skinner replied later the same day, writing:

Thank you for your email.

I do not think we've had an opportunity to meet. My name is Graeme Skinner and I am the group manager for Golder's Geotechnical Engineering Group in the GTA; the group that Ludomir is part of.

I spoke with Ludomir about finalizing the HIP report last week before he went on schedule vacation. He understands finalizing the report is urgent and will prioritize it as such when he returns to the office next week.

My understanding is that you have all other reports. Please let me know otherwise.

As well, please feel free to contact me should you have any other questions or need any further assistance.

Golder is here to support the City.³⁵³

316. On February 21, 2019, Mr. McGuire replied. He wrote:

I don't believe that we have met and I appreciate your comment that Golder is supporting the City.

To date I have not received the 2017 friction testing report digitally, I only have a draft that is now 2 months old. The HIP / HIR report remains in draft at this stage as well.

We've been exchanging communication on getting them finalized and that is now on our critical path.

The City through Ludomir also asked for back up, working papers, communications on a series of other files to help develop a fulsome understanding of the work performed on the Linc and RHVP. We offered to pay an administrative fees required to assemble and transmit that data but have had no feedback on that request to date.

³⁵² [HAM0028895_0001](#)

³⁵³ [HAM0028895_0001](#)

Can you provide some feedback on our requests?³⁵⁴

317. Dr. Skinner replied later that morning, writing:

I'll speak to Ludomir about getting the friction testing report to you digitally, in addition to finalizing the HIP / HIR report.

Regarding the request for additional project documentation – we had a discussion with Charles Brown from the City on February 12 (2019), who was asking for similar information as you have requested, as well as some additional questions. It was discussed at that time that Charles would follow up with you and that we were looking to combine these requests together to respond to the City to one point of contact. Have you had a chance to speak with Charles? In order to keep this moving, we'll prepare a scope of work and estimate to respond to all of the City's inquiries (yours and Charles). However, should this go to Charles and / or yourself, and should your in-house legal council also be copied? In order to assist us in preparing the proposal, as there have been a few emails in this regard, could you summarize the requested information / tasks you are looking for our assistance with (bullet points may be suitable)?³⁵⁵

318. Mr. McGuire replied later that day:

At this time I'm looking to complete the existing reports and close off the files.

Charles May come back to you later but my desire is final reports.

Can you advise as to timing.³⁵⁶

10. FOI Requests and Document Collection

319. On February 14, 2019, Anne Watson (Access & Privacy Officer, Office of the City Clerk, Corporate Services, Hamilton) emailed Ms. Wunderlich. She wrote:

Our office is in receipt of an application to access records pursuant to the provisions of MFIPPA; the details of the request are contained in the attached Information Sheet.

Nancy, please review the request details and forward to the appropriate dept. contact(s), confirming same with our office. Also Nancy, would you pls. ensure that page 2 of the Information Sheet is completed and returned to our office with the department's complete response by the due date **February 21, 2019**?³⁵⁷

³⁵⁴ [HAM0028895_0001](#)

³⁵⁵ [HAM0028903_0001](#)

³⁵⁶ [HAM0028904_0001](#)

³⁵⁷ [HAM0001664_0001](#)

320. This request, FOI 19-040, was for:

1. All reports related to friction testing dated 2014 and after for the Red Hill Valley Parkway and accesses.
2. Reports related to countermeasures against surface friction issued for the RHVP 2014 and subsequent.³⁵⁸

321. On February 20, 2019, Ms. Graham emailed Ms. Cameron, Ms. Eisbrenner, Mr. McGuire, and Mr. Soldo under the subject line “FOI Update – Friction”. She wrote:

We have been granted a one-week extension to meet this FOI deadline (now Thursday, Feb 28).

I have also confirmed that all DRAFT reports will be responsive to this request.

Just as a reminder, the FOI covers:

1. All **reports** related to **friction testing** dated 2014 and after for the Red Hill Valley Parkway and accesses.
2. Reports related to **countermeasures against surface friction** issued for the RHVP 2014 and subsequent.

I believe I am looking for the following documents (red ones are already public). Yellow are what I need from you (if not yellow, I have them already). If there is anything on here I haven't listed but you think is responsive, please send to me. Reminder this is for **REPORTS 2014 and after**.

1. CIMA+, RHVP Detailed Safety Analysis, October 2015
 - Draft(s)
 - Final (already public)
2. CIMA+, Roadside Safety Assessment, January 2019
 - Draft(s)
 - Advanced Draft
 - Final
3. Golders & Associates friction testing report (work from December 2017)
 - Draft(s)

³⁵⁸ [HAM0001665_0001](#)

- Final (does not exist yet?)

4. Golders & Associates hot in place recycling suitability assessment (not 100% sure this will be responsive?)

- Draft(s) (I have one marked Dec 21 18)

- Final

5. CIMA+, Memo re: RHVP Pavement Friction Testing Results Review (B. Malone), February 4, 2019 (already public)

Anything else?³⁵⁹

322. Mr. Soldo forwarded this email to Mr. White and Mr. Ferguson later that day. On February 26, 2019, Mr. White replied, attaching drafts of the 2015 CIMA Report and an email chain from November 2013 about the Tradewind testing.³⁶⁰

323. On February 26, 2019, Ms. Eisbrenner emailed Mr. Ferguson and Mr. White under the subject line "FOI's". She wrote:

I gone through and reviewed all e-mails, etc....

Were there any internal memo's, information updates or reports (council or otherwise) that speaks to friction testing, asphalt/pavement assessments/plans/testing?³⁶¹

324. Mr. Ferguson replied later that day, writing:

Not that we would have done, that is all Engineering type work related to the infrastructure. All the reports we have done have been submitted, Traffic didn't arrange for any testing or assessment of the pavement.³⁶²

³⁵⁹ [HAM0054830_0001](#)

³⁶⁰ [HAM0054856_0001](#) attaching [HAM0054857_0001](#), [HAM0054858_0001](#) attaching [HAM0054859_0001](#), and [HAM0054860_0001](#) attaching [HAM0054861_0001](#)

³⁶¹ [HAM0013779_0001](#)

³⁶² [HAM0013779_0001](#)

325. The same day, Mr. White forwarded Ms. Eisbrenner an email chain with the subject line “FOI #18-189”. He attached an information sheet for FOI #18-189 and an email chain from November 2013 about the Tradewind testing.³⁶³ He wrote:

Friction testing is not a Function of the Traffic 's section mandate. We have submitted all CIMA reports related to roadway safety under separate correspondence. Traffic did not conduct any friction test or asphalt tests whatsoever. I attach one email stream from 2013 that references friction testing being conducted by Engineering Services. Traffic was asked and complied to do the Traffic control for the testing. Thanks³⁶⁴

326. On February 26, 2019, at 3:06 p.m., Ms. Eisbrenner emailed Ms. Graham in response to her February 20th email, copying Mr. Soldo. She wrote:

I did a search in Dave Ferguson's and Martin White's e-mails (using the key words friction, pavement, asphalt).

There are about 90 pages of e-mails.....most often though when there is the mention of the work pavement it relates to pavement markings.

I have confirmed that neither Dave nor Martin are in possession of the Golder & Associates reports (draft or otherwise).

Jasmine, can I confirm you received all of the items listed below in yellow – or should I hunt those down.³⁶⁵

327. On February 28, 2019, Debbie-Ann Rashford (Access & Privacy Officer, Office of the City Clerk, Corporate Services, Hamilton) circulated another RHVP-related FOI request (FOI 19-055) to Public Works staff.³⁶⁶ The information sheet said that the request was for the following:

A copy of “all digital correspondence sent or received by Fred Eisenberger; Dan McKinnon; Gord McGuire; Gary Moore; Drina Omazic; John Hertel or Jen Recine between August 1, 2018 and February 6, 2019 related to the Redhill Valley Parkway or the Tradewind Friction Testing summary report, including messages copying any of the above parties and any documents, reports or records/files included in that correspondence.³⁶⁷

³⁶³ [HAM0013782_0001](#) attaching and [HAM0013783_0001](#) and [HAM0013784_0001](#)

³⁶⁴ [HAM0013782_0001](#)

³⁶⁵ [HAM0054830_0001](#)

³⁶⁶ [HAM0054845_0001](#)

³⁶⁷ [HAM0054846_0001](#)

328. On February 28, 2019, Ms. Graham emailed Ms. Eisbrenner under the subject line “Files I am still looking for FOI”. She wrote:

1. Draft(s) of the 2018 CIMA - Hamilton Linc and RHVP Speed Study (not sure if this exists)
2. Draft(s) of the 2015 CIMA – Red hill Valley Parkway Detailed Safety Analysis (I know this exists but I don’t have an electronic file)³⁶⁸

329. Ms. Eisbrenner replied, writing: “See attached e-mailsdoes this help?”³⁶⁹ Ms. Graham replied, writing: “Halfway....The 2018 file SAYS draft but it’s the final. Can you try again on that one please?” Ms. Eisbrenner forwarded this email to Mr. Ferguson, writing “Help....” She added: “Jasmine needs this before 2:30.....” Mr. Ferguson replied, writing: “Working on it. Have to get it from the consultant.”³⁷⁰

330. Mr. Salek provided the draft report for the RHVP Speed Limit Reduction Study to Mr. Ferguson later that day.³⁷¹ On February 28, 2019, at 3:01 p.m., Mr. Ferguson emailed this draft report to Ms. Eisbrenner, copying Mr. White.³⁷²

11. Council Approval of Policy or Protocol to Guarantee the Sharing of Consultants' Reports with Council when there are Risks to Human Health and Safety

331. On February 27, 2019, at 9:06 a.m., Ms. Wunderlich forwarded an email under the subject line “Council Follow up - Item 7.5” to City staff. This email attached a Council follow-up notice from February 12, 2019, which said:

Please be advised that, at its meeting of February 13 to 14, 2019, Council approved Item 7.9, which reads as follows:

³⁶⁸ [HAM0013874_0001](#)

³⁶⁹ [HAM0013874_0001](#)

³⁷⁰ [HAM0013874_0001](#)

³⁷¹ [HAM0013876_0001](#)

³⁷² [HAM0013877_0001](#) attaching [HAM0013878_0001](#)

7.9 Policy or Protocol to Guarantee the Sharing of Consultants' Reports with Council when there are Risks to Human Health and Safety

- (a) That City Staff, be directed to prepare a policy or protocol that directs City staff to share any consultants' reports, documents, memorandums or correspondence that raises any questions, concerns about any current or future risk to human health and safety;
- (b) That the Council approved policy be appended to the City Staff Code of Conduct and to all employment contracts for the City Manager, Directors, and General Managers; and
- (c) That the City Manager shall make all consultant reports, documents, memorandums, correspondence or background studies available for review upon request in writing by the Mayor or City Councillors

Please take the necessary steps to carry out the direction of Council, with respect to the resolution above.³⁷³

332. Approximately 20 minutes later, Ms. Wunderlich forwarded another email to Mr. McGuire and Mr. Soldo (copying Ms. Cameron and Ms. Eisbrenner), under the subject line "Council Follow-up - Item 10.5 Road Infrastructure Litigation Review – RHVP".³⁷⁴ This email attached a Council follow-up notice from February 13-14, 2019, which said:

Please be advised that, at its meeting of February 13 to 14, 2019, Council approved Item 10.5, which reads as follows:

10.3 Road Infrastructure Litigation Review and Assessment Follow Up (LS19010(a)) (City Wide)

- (a) That Report LS19010(a), respecting the Road Infrastructure Litigation Review and Assessment Follow Up, be received.
- (b) The Report HUR18010(b) / LS19008(a), respecting the Road Infrastructure Litigation Review and Assessment Follow Up, remain confidential.

(ii) Public Education Campaign that Addresses the Recommendations from the External Expert Engineers (CIMA) as it Relates to the Risks of Speeding in Excess of Posted Limits and Distracted Driving on the RHVP and Linc

WHEREAS, in January 2013, Council directed staff to investigate lighting and improved signs/lane markings for the Red Hill Valley Parkway (RHVP) near Mud/Stone Church, and costing/alternatives for consideration;

³⁷³ [HAM0001715_0001](#) attaching [HAM0001716_0001](#)

³⁷⁴ [HAM0054832_0001](#)

WHEREAS, in April 2013, Golders & Associates was hired to complete a six-year condition assessment on the RHVP, a subsequent second phase of study was completed by Golder & Associates (Tradewind Scientific) which was primarily focused on friction testing;

WHEREAS, the report covering the first phase of work by Golders & Associates in April 2013 was not shared publicly or with Council at the time;

WHEREAS, in November 2013 Council received information from staff regarding the 2013 safety audit from CIMA which made recommendations on changes to signage, pavement markings, installation of cat eyes and friction testing;

WHEREAS, in May 2015, Council received information from staff regarding the 2013 safety audit from CIMA and progress made on safety improvements, and directed staff to investigate additional safety measures for the RHVP and the Lincoln Alexander Parkway, (Linc), such as additional guardrails, lighting, lane markings or other means to help prevent further fatalities and serious injuries;

WHEREAS, in November 2015, Council directed staff to report on total costs and feasibility of expanding the Linc and RHVP to six lanes;

WHEREAS, in December 2015, Council received information from staff regarding the 2015 safety audit from CIMA which made recommendations on short, medium and long-term safety improvements for the Linc and RHVP, and Council directed staff to seek out provincial approval from the Ministry of Transportation to allow the City of Hamilton to implement photo radar on the Linc and RHVP, and to report back on the costs and processes of investigating an improved lighting system on the RHVP and Linc;

WHEREAS, in September 2016, Council received information related to lighting which recommended further investigation, and directed staff to undertake a lighting study on the RHVP;

WHEREAS, in October 2016, Council received information regarding the need to study options before expanding the RHVP and Linc, and the need for an environmental assessment and connection issues with the 403 and Queen Elizabeth way (QEW);

WHEREAS, in February 2017, Council directed staff to consult with Hamilton Police Services to bring forward an annual collision report summarizing collisions on Linc and RHVP, and requested an update on costs and implications of installing barriers;

WHEREAS, in August 2017, Council directed staff to undertake speed limit reduction feasibility study for both Linc and RHVP;

WHEREAS, in December 2017 Golders & Associates was hired to evaluate the surface skid resistance of the Red Hill Valley Parkway and the report was not shared publicly or with Council at the time;

WHEREAS, in January 2018, Council received an update on the 2015 safety audit from CIMA and directed staff to implement short and medium term collision counter measures, undertake a detailed annual collision analysis on both the Linc and RHVP, to request Hamilton Police Services to undertake regular speed and aggressive driving enforcement on the Linc and RHVP, to undertake an annual traffic count, to install median barriers as part of any future widening, and to report back with an update on overall operating conditions on the Linc and RHVP with a focus on Ministry of Transportation (MTO) activities for widening, truck activity, safety and information needed for widening;

WHEREAS, in July 2018, Golders & Associates was hired to complete an assessment of whether or not hot in place recycling can be used on the Red Hill Valley Parkway and the report was not shared publicly or with Council at the time;

WHEREAS, in October 2018, CIMA was hired to complete a roadside safety assessment on the RHVP to assess roadside safety infrastructure such as guiderails, shoulders, and speed enforcement areas and the report was not shared publicly or with Council at the time;

WHEREAS, in February 2019, CIMA was hired to complete a review of safety on the RHVP alongside the pavement friction testing results from the 2013 Tradewind Scientific Report, and this report was shared publicly; and,

WHEREAS, staff have reported to Council that all actions items arising from the CIMA review of safety on the RHVP have been or are in the process of being actioned.

THEREFORE, BE IT RESOLVED:

- (a) That the 2015 and subsequent 2018 safety analysis of the RHVP and Linc, by the external engineering firm CIMA, be made public; and,
- (b) That the City, in coordination with Hamilton Police Services, prepare a public education campaign that addresses the recommendations from the external expert engineers (CIMA) as it relates to the risks of speeding in excess of posted limits and distracted driving on the RHVP and Linc;
 - (i) That the City Manager in consultation with the City Solicitor be directed to seek outside legal counsel to brief City Council on the process to initiate an investigation pursuant to Ontario *Municipal Act* Section 274.1.a & b, Investigation by a Judge and the *Public Inquiries Act* Section 33, Inquiries or an Independent External Investigation; and
 - (ii) That this Independent Legal Counsel will be directed to provide the following information to City Council within 30 days:
 - (1) Provide clarification on the powers of a Investigation under the *Municipal Act* and the *Public Inquiries Act*;
 - (2) What is the process for council to request a Judge in the Ontario Superior Court to undertake such an investigation;
 - (3) Who sets the parameters or scope of the investigation;
 - (4) Could evidence uncovered in the inquiry be used by third parties in criminal or civil litigation;
 - (5) What would the projected time frames and costs be?
 - (6) Could the final report address i.e. who knew, when did they know, why didn't they share the report, etc;
 - (7) Could the investigation final report assign blame or responsibility to any person, persons or corporations; and

- (8) Could the investigation provide recommendations to the City Council on policy changes, protocols, changes in governance process or practices.

Please take the necessary steps to carry out the direction of Council, with respect to the resolution above.³⁷⁵

333. On March 2, 2019, Mr. Thorne forwarded Ms. Wunderlich's 9:06 a.m. email circulating this notice to "DL - SLT & ACs <SMTACs@hamilton.ca>". He wrote: "Can we put this on an slt agenda for discussion? We should have a consistent approach to how we respond and what we direct our staff to do."³⁷⁶

334. On March 3, 2019, Mr. McKinnon forwarded this email to Mr. McGuire, Mr. Soldo, Andrew Grice (Director, Hamilton Water, Public Works, Hamilton) and Rom D'Angelo (Director; Energy, Fleet & Facilities Management, Public Works, Hamilton). He wrote:

I wonder if we could in any way estimate how many reports this would represent annually? From traffic to condition assessments to water quality and life safety in public buildings. I can dream up a scenario where we would be sending dozens of reports a month, Am I overreacting? I understand this reaction to what happened on red hill, trying to understand what the practical reality of this would be³⁷⁷

335. Mr. McGuire responded, writing: "I wonder if it would be possible to summarize assignments and their potential impacts on an annual or semi annual basis similar to the roster reporting?"³⁷⁸

336. The City has produced a copy of its "Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Procedure", approved in January 2020.³⁷⁹

³⁷⁵ [HAM0054833_0001](#)

³⁷⁶ [HAM0029062_0001](#)

³⁷⁷ [HAM0029062_0001](#)

³⁷⁸ [HAM0029062_0001](#)

³⁷⁹ [HAM0062356_0001](#); See also [HAM0062358_0001](#)

C. March 2019

1. Collection and storage of paper and electronic data related to RHVP

337. On March 1, 2019, at 8:47 a.m., Ms. Eisbrenner emailed Ms. DiDomenico. She wrote: “So, in speaking with Edward he would like all RHVP related files to be boxed and placed in the spare office by end of day today.” Ms. DiDomenico responded, writing: “What other files do you mean?” Ms. Eisbrenner replied, writing: “The ones that are locked in the cabinets?”³⁸⁰

338. On March 1, 2019, at 2:09 p.m., Mr. Zegarac emailed a recipient group called “DL – SLT & ACs”, copying Ms. Auty. He wrote:

As you know, Council approved a motion on February 13, 2019 that directs myself and our City Solicitor to bring back to Council more information about how the City can go about starting an external investigation into the Red Hill Valley Parkway (RHVP) situation, and that will occur within the next few weeks.

It is therefore important that all documents related to the Red Hill Valley Parkway be preserved. As Interim City Manager, I am requesting that any and all physical documents (and other relevant items like test samples) related to the RHVP be preserved and prevented from potential removal, destruction or alteration. What this means, is that physical documents and other items are stored under lock and key and are not left unattended and accessible. Please ensure you track all locations of secure storage of physical documents immediately.

For digital documents and online storage mechanisms (e.g. SharePoint), this means that regular backups are made by IT and file locations are appropriately restricted via access permissions. Please keep track of all relevant online storage locations.

Please keep me informed as to the measures taken to preserve documents on a regular basis as new details become available.³⁸¹

³⁸⁰ [HAM0036376_0001](#)

³⁸¹ [HAM0054878_0001](#)

339. Ms. Wunderlich forwarded this email to Ms. Graham, Mr. Soldo and Mr. McGuire later that day. Mr. McGuire responded, writing: "All our data is backed on a document management server, and hard copies locked away....."³⁸²

340. The same day, Ms. Cameron forwarded Ms. Graham an email from Ms. Wunderlich. In this email, Ms. Wunderlich wrote:

Surplus items folder

LINC/Red Hill Reports – Temp folder

Both moved to Temporary folder.³⁸³

341. On March 6, 2019, Ms. DiDomenico left Ms. Cameron a voicemail asking about the location of and access to certain RHVP files.³⁸⁴

342. On March 7, 2019, Mr. McKinnon emailed Ms. Wunderlich, copying Ms. Graham. He wrote:

Nancy can you do a double check of my emails to confirm Jas found all the to and from emails with the mayor ? Back to aug 1 of last year? Need to make sure nothing gets missed. I'm extra careful with this request .³⁸⁵

343. Ms. Graham replied, writing:

Hi :) I printed out all of the emails that said either "red hill valley parkway" "red hill" "red hill valley expressway" "RHVP" or "RHVE". If your emails with the Mayor didn't say any of those terms we may not have caught them yet.³⁸⁶

³⁸² [HAM0054879_0001](#)

³⁸³ [HAM0029043_0001](#)

³⁸⁴ [HAM0049185_0001](#); see also [HAM0014004_0001](#)

³⁸⁵ [HAM0014077_0001](#)

³⁸⁶ [HAM0014077_0001](#)

344. On March 8, 2019, Ms. Wunderlich replied, writing: “You asked me before to look for any emails to and from the Mayor and I didn’t find any.”³⁸⁷

345. On March 15, 2019, Ms. Domenico forwarded Ms. Eisbrenner a copy of Mr. Moore’s September 23, 2015 email to Mr. Ferguson, copying John Mater (then Director, Corporate Assets & Strategic Planning, Public Works, Hamilton) and Ms. Domenico, rejecting recommendations for Engineering Services in the 2015 CIMA Report. She wrote: “Another one – please check that it is on that stick with other digital files I gave you.”³⁸⁸

346. Ms. Eisbrenner forwarded this email to Mr. Soldo that day, writing: “Jenn has forwarded some last-minute e-mails which I have copied over to the USB she provided. This particular one is interesting.....(should we have searched John Mater’s e-mails? – not sure if that’s still possible)”.³⁸⁹

2. City receives final report on 2017 Golder Pavement Evaluation and 2019 HIR Suitability Study

347. On March 1, 2019, Dr. Uzarowski emailed Mr. McGuire, copying Mr. Linardi and Dr. Skinner.³⁹⁰ Dr. Uzarowski attached the final version of a report titled “Evaluation of Pavement Surface and Aggregates Red Hill Valley Parkway, City of Hamilton” to his email.³⁹¹ This report included the following content:

The average BPN value was 39 and the results ranged from 21 to 62. While the average can be considered as good, the test results were variable. The values below 30 would be considered as low. Six of the readings were below 30, i.e. 20% of the locations tested.

³⁸⁷ [HAM0014077_0001](#)

³⁸⁸ [HAM0036493_0001](#)

³⁸⁹ [HAM0036493_0001](#)

³⁹⁰ [GOL0006610](#)

³⁹¹ [GOL0006610](#) attaching [GOL0006612](#)

However, as stated during the meeting with the City, the BPN testing was carried out while the temperature was below 0°C and there was a light snow fall; therefore, the BPN numbers would not be considered to be reliable. A detailed, reliable friction testing survey was carried out on the RHVP by Tradewind Scientific using a GripTester on November 20, 2013 [3]. The Grip Number (GN) values were variable and ranged from 27 to 54, and the average GN value in the eastbound direction was 34.5 and in the westbound direction 37.5. To our knowledge, the actual designation of pavement surface friction standards (such as minimum Skid Number, SN) is not commonly practiced by any provincial/states or local agencies in Canada and the United States [4]. An example of criteria for identifying low friction pavement surfaces given by the Transportation Association of Canada [4] is shown in Table 1 below. The same criteria are also included in [2]. In Table 1, Skid Number SN40 is used as the basis for establishing surface friction condition. SN40 means that the testing was carried out at a speed of 40 miles/hour. We are not aware of any established correlation between SN, GN and BPN values.

Table 1: Criteria for Identifying Low Friction Pavement Surface [4]

Category	Skid Number (SN ₄₀)	Accident Problem	Action by Engineering District
A	< 31	Yes	Improvements or general maintenance programs considered for betterment
B	31 – 34	Yes	Maintain surveillance and take corrective action as required
C	34 or less	No	Maintain surveillance and take corrective action as required
D	35 – 40	-	Maintain surveillance and take corrective action as required
E	> 40		No further action is required

As was brought to the City's attention a number of times previously, an immediate, effective treatment to address a concern with frictional characteristics of the SMA surface course on the RHVP would be to carry out shotblasting/skidabrading of areas of concern on the existing pavement surface. This treatment is quick and relatively low cost. It improves the skid resistance immediately. However, it does not address pavement cracking or bumps and dips in the pavement and is not a structural rehabilitation treatment. We are not aware of any Ontario or other Canadian standards for shot blasting of pavement surfaces and do not have immediate references available for using shot blasting to improve pavement frictional characteristics on highways in Ontario. However, we have included two brochures with this report: one on using a Skidabrader [5]; and another one on using Blastrac [6]. Shot blasting is considered technically feasible to efficiently improve skid resistance of a pavement surface [7 and 8]. Other treatments could be the application of microsurfacing; however, although this improves frictional characteristics, seals cracks and can correct minor dips in a pavement, it is significantly more expensive than shotblasting. It also requires good weather conditions for successful application.³⁹²

³⁹² [GOL0006612](#) at images 2-3

348. On March 5, 2019, Dr. Uzarowski emailed himself under the subject line “Trevor Moore”. He attached six email chains from 2017 about fibre reinforced micro surfacing in Hamilton to this email.³⁹³

349. On March 7, 2019, Mr. Becke emailed Dr. Uzarowski, writing: “Its been a bit since our last discussion and I was hoping that I could get an update on the report for the HIP works on the RHVP. Please provide me an update when you can.”³⁹⁴

350. On March 11, 2019, Dr. Uzarowski emailed Mr. Becke, attaching a copy of the final HIR Suitability Study report for the RHVP.³⁹⁵

3. Continued Discussions about RHVP Collision Statistics

351. On March 3, 2019, at 9:31 a.m., Mr. McKinnon emailed Mr. Soldo, copying Ms. Graham. He wrote:

Good morning Edward, I don't know if Jas asked you yet but can you confirm the date staff received the latest collision report from CIMA, while I saw the results for the first time in the actual council report I suspect we received the cima report last fall sometime and just need to confirm the date we first saw the new numbers? Additionally, can you also confirm for me that the previous council report (2017) did indeed use data only current to 2014?³⁹⁶

352. On March 4, 2019, Mr. Soldo forwarded this email to Mr. Ferguson. He wrote:

I need some specific info. When did we get the latest CIMA report. Both draft and final. What years were used in the evaluation for the latest report and what years were used for evaluation for the previous CIMA report.³⁹⁷

353. Mr. Ferguson replied, writing:

³⁹³ [GOL0002924](#) attaching [GOL0002925](#), [GOL0002926](#), [GOL0002927](#), [GOL0002928](#), [GOL0002929](#), [GOL0002930](#), and [GOL0002931](#)

³⁹⁴ [GOL0002815](#)

³⁹⁵ [GOL0006581](#) attaching [GOL0006583](#)

³⁹⁶ [HAM0054884_0001](#)

³⁹⁷ [HAM0054884_0001](#)

Nov 23/18 1st Draft

Dec 14/18 2nd Draft

Jan 17/18 Final

Stats are 2013 to 2017

Previous report was from Jan 1/08 to July 23/15³⁹⁸

354. Mr. Soldo forwarded this email to Mr. McKinnon and Ms. Graham later that day.³⁹⁹

355. On March 4, 2019, the Spectator published an article titled “Crash hot spots on the Red Hill Valley Parkway: More than 40 per cent of crashes occurred in the northbound lanes between Mud and King Safety assessment identified northbound lanes near King as most problematic area”. This article included the following content:

More than 40 per cent of crashes on the Red Hill Valley Parkway in recent years happened in a less than four-kilometre stretch in the northbound lanes, as the road slopes down toward the QEW.

According to City of Hamilton crash statistics, there were nearly 400 reported collisions between Mud Street West and King Street East in the northbound lanes of the parkway, from 2013 to 2018.

During that time, there were 982 crashes on the mainline of the parkway and 249 crashes on ramps.

These crash statistics provided to the Spectator include all crashes investigated by police and those that are self-reported, except for 2018, where only the police-reported statistics were available.

The figures show clear crash hot spots that echo a 2017 award-winning investigation by the Spectator that showed a disproportionately high number of crashes on the hilly, winding road.⁴⁰⁰

356. On March 4, 2019, at 10:25 a.m., Ms. Graham emailed Mr. Ferguson, Mr. White, and Mr. Soldo under the subject line “Urgent: Collision Stats”. She wrote:

³⁹⁸ [HAM0054884_0001](#)

³⁹⁹ [HAM0054884_0001](#)

⁴⁰⁰ [RHV0000425](#)

I am sure you have seen the article from Spectator this morning: <https://www.thespec.com/news-story/9203083-crash-hot-spots-on-the-red-hill-valley-parkway/>

As you can expect, we are now getting requests from other media outlets to provide the data that we sent to the Spectator.

However, given we sent them several different documents and then ended up having to verbally explain what we shared with them, could I ask someone to please put a quick summary of RHVP 2018 police reported mainline and ramp collisions together – with the same labels that are used in CIMA 2019 Roadside Safety Assessment so that a lay person could look at them beside each other and understand.

Will need this quite quickly, please. Before noon if it's possible. I think the numbers are all there, we just need to line it all up in the same chart.⁴⁰¹

357. Mr. Ferguson emailed Ms. Graham the information she had requested later that day, writing:

The mainline information is pretty straight forward.

RHVP Mainline	RHVP Mainline Collisions * (2018)	WB/SB	EB/NB
Dartnall Overpass to Mud Overpass	7	5	2
Mud Overpass to Greenhill Overpass	20	8	12
Greenhill Overpass to King Overpass	35	7	28
King Overpasses to Queenston Overpass	16	15	1
Queenston Overpass to Barton Overpass	11	7	4
Barton Overpass to QEW	4	3	1
Total	93	45	48

RHVP Ramps	RHVP Ramp Collisions * (2018)
Dartnall Interchange - all ramps	0
Mud Interchange - all ramps	16
Greenhill Interchange - all ramps	0
King Interchange - all ramps	1
Queenston Interchange - all ramps	0
Barton Interchange - all ramps	1
Total	18

* All collisions are police-reported

There are two specific ramps identified in the CIMA report of concern (CIMA wording)

(Mud E-W On ramp) = 3 collisions (2018)

(Upper RHVP W-S Off Ramp) = 1 collision (2018)

⁴⁰¹ [HAM0013938_0001](#)

In looking at the breakdown of the numbers, I would also flag the RHVP S-E/S off ramp to Mud and Upper RHVP = 5 collisions (2018).⁴⁰²

4. Speed limit reduction and enforcement

358. On March 4, 2019, Mr. Ferguson emailed Mr. Soldo, copying Ms. Graham. He wrote:

Further to our discussion today with HPS, I have put the following together for you to review and discuss with Jasmine.

In partnership with the City of Hamilton and Hamilton Police Services, monitoring of conditions along the Red Hill Valley Parkway have been taking place. Since the reduction of the speed limit to 80 Km/h on February 16, 2019, Hamilton Police Services have been undertaking enforcement as well as city staff have been monitoring vehicle speeds. It has been identified that the 85th percentile speed, the speed at which 85 percent of motorists are travelling at or below, has reduced to an average of 85km/h. This is a reduction of approximately 7-10km/h since pre-speed limit reduction from **statistics in January 2019**(can't remember the date of the stats we were discussing at your desk) and a further reduction of approximately 20-25km/h since 2015.

The City of Hamilton and Hamilton Police Services are collaborating to develop and implement short and long term enforcement and operations action plans for both Expressways that will meet the principles of Vision Zero. Staff will be working on the plans over the next year and long term strategies brought forward with future Vision Zero reporting.⁴⁰³

359. On March 7, 2019, Martin Schulenberg (Superintendent, Support Services Division, HPS) emailed Mr. Soldo, attaching a memorandum titled "LINC & RHVP Enhanced Enforcement Initiative 2019".⁴⁰⁴ This memorandum, prepared by Paul Evans (Staff Sergeant, Support Services Division, HPS), included the following proposal:

Traffic Safety Enforcement Proposal:

The Hamilton Police Service currently patrols the LINC & RHVP as a component of its annual Traffic Safety Strategy. This deployment utilizes officers from the Central Breathalyzer & Drug Recognition Evaluator Unit, when not engaged in impaired driving related investigations. In addition, Divisional Patrol Officers and Divisional Safety Officers may conduct enforcement when not engaged in priority calls for service, or other community related traffic complaints. The following proposed Voluntary Paid Duty (VPD) initiative is an interim enhancement option to the current deployment model. This would reflect a starting date of Sunday March 10th, 2019 and would last until June 1st, 2019 (12

⁴⁰² [HAM0013938_0001](#)

⁴⁰³ [HAM0013953_0001](#)

⁴⁰⁴ [HAM0054902_0001](#) attaching [HAM0049244_0001](#)

weeks). The costing associated below reflects this time frame only. Any continuation of this enhanced enforcement initiative is subject to additional costs.

Notwithstanding the above VPD proposal, it should be understood that this model is an interim measure that is subject to potential staffing complications based on the voluntary nature of the assignment. The HPS recommends a longer-term solution that features a robust and sustainable model of enhanced enforcement on these two roadways. This may include the deployment of a dedicated traffic enforcement unit. At this time the HPS does not currently have the capacity to staff a dedicated enforcement unit without additional funding.

Voluntary Paid Duty Officer Enforcement detail

Given current operational demands on staffing, the Hamilton Police Service recommends that the most efficient response to the urgent CoH request for enhanced enforcement on the RHVP & LINC would be through a Voluntary Paid Duty option. The City of Hamilton would contract (2) officers per day working two subsequent shifts a day, seven days per week until road resurfacing could take place. These officers will be strictly dedicated to the RHVP and the LINC, resulting in a marked uniformed presence from 9:00 AM– 9:00 PM.⁴⁰⁵

360. Mr. Soldo forwarded this email and the attached memorandum to Mr. McKinnon, Mr. Zegarac, and Ms. Auty that day. He wrote: “Please find attached the response from HPS regarding the request for enhanced enforcement. Can we arrange a meeting to discuss potential implementation and financial resourcing?”⁴⁰⁶

361. Mr. Zegarac replied, writing: “Edward, are you supportive of their approach and the proposed time period? Are we recommending this, and if so, can PW prepare a recommendation report for March 20 GIC.”⁴⁰⁷

362. The same day, Mr. McKinnon emailed Mr. Zegarac, copying Mr. Soldo and Ms. Auty. He wrote:

I just spoke with Edward and he is indeed preparing a recommendation report for the 20th hope to have it done by over the weekend. As an aside, while I've confirmed with peter MacNeil that all of Gary's emails are backed up Edward and I have had ongoing conversations that someone should be checking Gary's emails. Not sure if it somehow

⁴⁰⁵ [HAM0049244_0001](#) at image 1

⁴⁰⁶ [HAM0054914_0001](#)

⁴⁰⁷ [HAM0054913_0001](#)

would jeopardize the investigation but can't help but wonder if there is other information in there that maybe we need to know about now. What's your opinion?⁴⁰⁸

363. Mr. Zegarac responded, writing: "my only hesitation is jeopardizing the investigation."⁴⁰⁹

364. Mr. Soldo forwarded Mr. McKinnon's email to Ms. Wyskiel, copying Ashley Bono (Manager, Finance & Administration; Financial Planning, Administration & Policy, Corporate Services, Hamilton). He wrote:

I need to write a walk on report for this item on Friday as per Dan/Mike direction for March 20.

In terms of financing, I would like to fund from the RLC reserve as a one time transfer to a operating account. Which can then be accessed by HPS? Not sure if that works.

Can we do that? If so, can someone write me the finance section and recommendation for that so I can place inside a recommendation report.

If not, how else do we fund it. Need your collective wisdom.⁴¹⁰

365. On March 10, 2019, Ms. Eisbrenner emailed Mr. Ferguson, Ms. Graham, Ms. Bono, Ms. Wyskiel, and Justyna Hidalgo (Solicitor, Legal Services, Legal & Risk Management Services, Corporate Services, Hamilton), copying Mr. Soldo. She attached a report titled "Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative", and wrote:⁴¹¹

****From Edward****

Everyone

On Friday I was asked to write a report on the HPS enforcement costs related to the enhanced initiative Council requested. It is going to GIC on March 20.

⁴⁰⁸ [HAM0054913_0001](#)

⁴⁰⁹ [HAM0054914_0001](#)

⁴¹⁰ [HAM0054913_0001](#)

⁴¹¹ [HAM0062618_0001](#), attaching [HAM0062619_0001](#)

Please review and send me tracked comments/changes asap.

Ashley/Kim, how do we transfer funds to HPS? Need to flush out that recommendation. Do we refer it to budget process? They simply bill us?

Justina, please review legal section as we are asking the province to change their requirements for ASE to allow us to use it on a RHVP potentially as part of a long term solution.

Dave, can you confirm/enhance monitoring paragraph. Any other comments.

Jasmine, please review education section in background and look at it from comms lens.

Can you get me comments by end of day Monday or sooner. Please copy Rebeka so she can track and make changes.

366. On March 13, 2019, Ms. Eisbrenner emailed Staff Sergeant Evans under the subject line “FOR YOUR REVIEW: PW Report going to GIC on March 22nd”.⁴¹² She attached a staff report titled “Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative” for review by the HPS.⁴¹³

367. Staff Sergeant Evans replied later that day, writing: “The report has been reviewed and approved by D/C Bergen for use at the March 22 GIC.”⁴¹⁴

368. On March 15, 2019, Ms. Crawford forwarded Stephen Cooper (Project Manager, Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), an email Mr. Cooper had written to her on September 28, 2018, under the subject line “Hamilton ats Melo / Lee / Barlow - Linc Crossover”. She copied Ms. Wyskiel, and wrote:

The December 7, 2015 PW Committee Minutes indicate that a request will be made to the police to undertake regular speed and aggressive driving enforcement of the LINC and the RHVP and that they will be requested to report back to council annually (section 10 (c)).

⁴¹² [HAM0014191_0001](#)

⁴¹³ [HAM0014192_0001](#)

⁴¹⁴ [HAM0014194_0001](#)

Can you advise if this request was made, and if so, provide us with the documentation, and any reports from the police.⁴¹⁵

369. Ms. Crawford attached five documents to her email, including the agenda and minutes for the December 7, 2015 PWC meeting⁴¹⁶, the 2015 CIMA LINC Report⁴¹⁷, the 2015 CIMA Report⁴¹⁸ and Report PW15091⁴¹⁹ (the staff report summarizing the 2015 CIMA Report and the 2015 CIMA LINC Report).

370. On April 11, 2019, Mr. Cooper provided Ms. Crawford with copies of the May 19, 2017 and May 11, 2016 Information Updates on LINC/RHVP Safety Improvements.⁴²⁰ On May 9, 2019, Mr. Cooper, Ms. Graham, and Mr. Ferguson exchanged emails about efforts to confirm these reports went to Council. Mr. Ferguson directed Mr. Cooper to "...run up to TOC and go into Martin's office, there is a binder with every report on the parkways that has been submitted."⁴²¹

371. On March 18, 2019, at 12:51 p.m., Mr. Ferguson emailed Mr. Soldo and Mr. White, attaching RHVP speeding data to his email. He wrote: "Somewhat disappointing numbers with these reports, mind you still probably lower than they were before."⁴²²

⁴¹⁵ [HAM0055160_0001](#); See also [HAM0064200_0001](#) attaching [HAM0064201_0001](#), [HAM0064202_0001](#), [HAM0064203_0001](#), [HAM0064204_0001](#) and [HAM0064205_0001](#)

⁴¹⁶ [HAM0064201_0001](#) and [HAM0064202_0001](#)

⁴¹⁷ [HAM0064203_0001](#)

⁴¹⁸ [HAM0064204_0001](#)

⁴¹⁹ [HAM0064205_0001](#)

⁴²⁰ [HAM0055160_0001](#) attaching [HAM0055161_0001](#) and [HAM0055162_0001](#)

⁴²¹ [HAM0062313_0001](#)

⁴²² [HAM0014257_0001](#) attaching [HAM0014258_0001](#), [HAM0014259_0001](#), [HAM0014260_0001](#), [HAM0014261_0001](#), [HAM0014262_0001](#), [HAM0014263_0001](#) and [HAM0014264_0001](#)

372. Mr. Soldo replied, writing: “So how are these numbers so different than the radar numbers? Can you confirm what the 85 th was??”⁴²³

373. On March 18, 2019, at 3:50 p.m., Mr. Ferguson emailed Mr. White under the subject line “Suggested response – RHVP Speeds”. He wrote:

This is my suggested response

After further review and analysis of the Pyramid Counts and the comparable data from the Speed System. It is recommended that the data collected by Pyramid be considered the most accurate data available.

It is my opinion that the speed system has difficulty deciphering speeds of numerous vehicles within the detection zone, therefore the system accounts for lower speeds. The Radar system, appears to be 10-12 km lower then the detection disk system used by Pyramid. I think the Radar system operated by Nelson still has merit, however it needs to be calibrated with an minimum additional 10km/h on top of what it is reporting.

In addition, in reviewing the speed information that is captured with the Q-end warning system, the speed numbers being outputted aligned more with that of the Pyramid disk system.

There are other potential systems on the market and it is recommended that the Roadway Safety group explore if a more suitable system is available that can provide more accurate data.⁴²⁴

374. Mr. White replied, writing: “ok”.⁴²⁵

375. On March 18, 2019, at 4:37 p.m., Mr. Ferguson replied to Mr. Soldo, copying Mr. White. He wrote:

After further review and analysis of the Pyramid Counts and the comparable data from the Speed System. It is recommended that the data collected by Pyramid be considered the most accurate data available.

It is my opinion that the speed system has difficulty deciphering speeds of numerous vehicles within the detection zone, therefore the system accounts for lower speeds. The Radar system, appears to be 10-12 km lower then the detection disk system used by Pyramid. I think the Radar system operated by Nelson still has merit, however it needs to be calibrated with a minimum additional 10km/h on top of what it is reporting.

⁴²³ [HAM0014267_0001](#)

⁴²⁴ [HAM0014271_0001](#)

⁴²⁵ [HAM0014271_0001](#)

In addition, in reviewing the speed information that is captured with the Q-end warning system, the speed numbers being outputted aligned more with that of the Pyramid disk system.

There are other potential systems on the market and it is recommended that the Roadway Safety group explore if a more suitable system is available that can provide more accurate data on a regular basis.

I have provided the following summary taken from the reports.

NB - At least half the vehicles were traveling in the 90 - 100 KM/H range or lower. The average speed for all classified vehicles was 94 KM/H with 90.96% vehicles exceeding the posted speed of 80 KM/H. 90.96% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 90KM/H and the 85th percentile was 106.31 KM/H.

SB - At least half the vehicles were traveling in the 90 - 100 KM/H range or lower. The average speed for all classified vehicles was 80 KM/H with 64.49% vehicles exceeding the posted speed of 80 KM/H. 64.49% percent of the total vehicles were traveling in excess of 89 KM/H. The mode speed for this traffic study was 90KM/H and the 85th percentile was 99.16 KM/H.⁴²⁶

376. On March 20, 2019, Mr. Ferguson emailed Mike Dworzak (Principal Associate, Pyramid), Mr. Malone, Mr. Hadayeghi, and Mr. Aitchison. He wrote:

Can CIMA and Pyramid send me any speed studies that have been completed over the years on the RHVP.

We were looking for data yesterday but Rodney doesn't have any previous data in the system, but I do believe we have completed some through the various CIMA reports.

Council meeting is tonight and we want to look at the speed data comparisons from over the years to the most recent study.

I would need the information today.⁴²⁷

377. On March 20, 2019, Mr. Dworzak circulated data from Pyramid. Mr. Malone replied that day, writing:

Just confirming what Mike contributed.

- CIMA used speed data in the 2015 (B558) RHVP Study which was from 2013 and listed as 'Mainline between Mud and Greenhill: May 2013' My understanding is that data came from the City. We should have a copy of the raw data if you need it.

⁴²⁶ [HAM0014272_0001](#)

⁴²⁷ [HAM0049449_0001](#)

- The 2018 CIMA Speed Study Report has speed data too. That is the ATR s were placed at 14 locations (LINC + RHVP) collected May 24-31 2018 that Mike has provided.
- CIMA never did any spot (hand held) speed studies⁴²⁸

5. Council requests an apology from the Province for the MTO friction testing of the RHVP

378. On March 7, 2019, Councillor Merulla emailed Devon Sissons (Office of Andrea Horwath (Ontario NDP Leader)) in response to a letter from Ms. Horwath to members of Council requesting a judicial inquiry into the RHVP. Councillor Merulla wrote:

Excellent, many thanks for the support.

Considering, Hamilton City Council has been apologized to for not having been informed of the friction testing results by City of Hamilton staff, we've not however, received an apology from the Province of Ontario, for having kept the public in the dark over the MTO's friction testing results, which concurred with the hidden Hamilton staff report during the same period of time compounding the betrayal to City Council and the residents of Hamilton.

When can Hamilton City Council and the residents of Hamilton, expect an apology from the Province of Ontario, for keeping, City Council and by extension the residents of Hamilton, in the dark, regarding this very serious public safety issue?

I thank you in advance for following up accordingly and for your support!⁴²⁹

379. Councillor Merulla later replied to his own email, writing: "Furthermore, just to be clear, I'm demanding an apology from the Province of Ontario, on behalf of all residents of the City of Hamilton and please consider this a notice of motion accordingly."⁴³⁰

380. On March 20, 2019, Council passed a motion brought by Councillors Merulla and Collins. The motion was as follows:

4.1 Requesting an Apology from the Province of Ontario Respecting the Ministry of Transportation's Friction Testing Results

(Merulla/Collins)

⁴²⁸ [CIM0017218](#)

⁴²⁹ [HAM0006205_0001](#)

⁴³⁰ [HAM0006205_0001](#)

WHEREAS, City Council and by extension the residents of the City of Hamilton have received an apology from City of Hamilton staff for the manner and the timing to which Council was informed of the friction testing results on the Red Hill Valley Expressway; and,

WHEREAS, City Council and by extension the residents of the City of Hamilton have not received an apology from the Province of Ontario, respecting the Ministry of Transportation's friction testing results, which concurred with the results within the City of Hamilton report during the same period of time and in doing so, compounded the betrayal to City Council and the residents of City of Hamilton.

THEREFORE, BE IT RESOLVED:

That City Council demand an apology from the Province of Ontario respecting the Ministry of Transportation's Friction Testing Results, on behalf of all residents of the City of Hamilton.⁴³¹

6. Continued efforts to respond to FOI requests

381. On March 4, 2019, at 1:08 p.m., Ms. Graham emailed Ms. Cameron a copy of Golder's 2017 Golder Pavement Evaluation. She wrote: "Could you please print this and put it in interoffice mail to Anne Watson with a post it note that says "Add to 19-040".⁴³²

382. On March 7, 2019, Ms. Wunderlich emailed Ms. Cameron, Ms. Eisbrenner and Mr. Moore about an FOI request received by the City ("FOI 19-061"). This request was for: "Any reports, information about tests, or test results about asphalt or road design on the Red Hill Valley Parkway conducted by or for the City of Hamilton in 2007."⁴³³

383. Mr. Moore responded, writing: "I have nothing in this regard as everything was turned over when I left the position."⁴³⁴

384. Mr. McGuire responded, writing: "All we have is a spreadsheet. MTO has the data I understand."⁴³⁵

⁴³¹ [RHV0000578](#) at image 3

⁴³² [HAM0036389_0001](#)

⁴³³ [HAM0014045_0001](#) attaching [HAM0014044_0001](#)

⁴³⁴ [HAM0014045_0001](#)

⁴³⁵ [HAM0029169_0001](#)

385. On March 11, 2019, Ms. Graham emailed Mr. McGuire, Mr. Soldo, and Mr. McKinnon under the subject line “FOI #19-061 (RHVP)”, copying Ms. Wunderlich, Ms. Cameron and Ms. Eisbrenner. She wrote:

So far I have 7 responsive records. If anyone has anything else outside of this, please send to me this week and I will submit to FOI.

I wonder if there may be any Engineering Services staff in Design with responsive records to this – given it is a bit broader with “road design”. Gord/Diana – could you please look into that?

1. Friction testing results (sent to me by Spec) includes numbers from 2007
2. Media response from MTO #1 (includes info on 2007 tests)
3. Media response from MTO #2 (includes info on 2007 tests – similar to above)
4. Email from Ludomir from October 18, 2007 with friction testing results attached below.
5. Email from Gary from January 24, 2014 to Thomas Dzieziejko with table summarizing 2007 results
6. Email from Ludomir from December 17, 2015 summarizing 2007 skid resistance results
7. Email from Matthew Van Dongen re: MTO results (and graphs)⁴³⁶

386. On March 12, 2019, Mr. Oddi emailed Ms. Graham, attaching a copy of the October 18, 2007 email (Item 4 on her list).⁴³⁷

387. Approximately five minutes later, Mr. Oddi replied to his email to Ms. Graham. He reattached a copy of the October 18, 2007 email, as well as a document titled “Special Provisions for Contract PW-06-243(RHV)”. In his covering email, he wrote:

Sorry, the attached PDF contains a copy of the asphalt specifications for the RHVP that I have submitted for discoveries in the past.⁴³⁸

388. On March 13, 2019, Ms. Graham emailed Mr. McKinnon under the subject line “FOI - Your help please?”. She wrote:

⁴³⁶ [HAM0036432_0001](#)

⁴³⁷ [HAM0036450_0001](#) attaching [HAM0036451_0001](#) attaching [HAM0036452_0001](#) and [HAM0036453_0001](#)

⁴³⁸ [HAM0036458_0001](#) attaching [HAM0036459_0001](#) attaching [HAM0036460_0001](#) and [HAM0036461_0001](#), and [HAM0036462_0001](#)

I just wanted to touch base about the FOIs related to the RHVP and just ask for your advice/help to confirm a few things, please.

For context, here is a summary to date:

A couple quick notes/questions:

Date Received	FOI Number	Request	Status
Nov. 8, 2018	FOI #18-189	Access to any reports, memos, drafts, correspondence about friction testing on the Red Hill Valley Parkway in the last five years AND any reports, memos (including drafts), or correspondence about asphalt and/or pavement testing, assessments, plans on the Red Hill Valley Parkway in the last two years	Submitted to FOI office.
Feb. 14, 2019	FOI #19-040	All reports related to friction testing dated 2014 and after for the Red Hill Valley Parkway and accesses. Reports related to countermeasures against surface friction issued for the RHVP 2014 and subsequent.	Submitted to FOI office.
Feb. 28, 2019	FOI #19-055	A copy of "all digital correspondence sent or received by Fred Eisenberger; Dan McKinnon; Gord McGuire; Gary Moore; Drina Omazic; John Hertel or Jen Recine between August 1, 2018 and February 6, 2019 related to the Redhill Valley Parkway or the Tradewind Friction Testing summary report, including messages copying any of the above parties and any documents, reports or records/files included in that correspondence.	Outstanding (missed deadline – was due March 12)
March 7, 2019	FOI #19-061	Any reports, information about tests, or test results about asphalt or road design on the Red Hill Valley Parkway conducted by or for the City of Hamilton in 2007.	Due to FOI office on March 14

[Redacted for Solicitor-Client Privilege]

FOI 19-040 — I asked the FOI office whether draft reports should be included in the responsive records. They let me know that, yes, we should provide all copies of the reports, including drafts, advanced drafts and finals. For clarity, our responsive records did include one particular report with staff comments embedded (CIMA 2015).

These records have been provided to the FOI office but have not yet been released to the requestor, to my knowledge.

I can absolutely be the window of information into the FOI office and can collect the records from Public Works staff as needed, but I'm not an expert here so just don't want to slip up and leave something out/include something that shouldn't be, and also want to make sure we're being consistent because this is obviously extremely important. ⁴³⁹

389. Later that day, Ms. Graham emailed Mr. McKinnon, writing:

Hi there just want to confirm that I did connect with the FOI office on this and have their guidance on how to complete the 19-055 (digital correspondence) response. I will go ahead

⁴³⁹ [HAM0036470_0001](#)

and complete the package and will hand it over to the FOI Office on Friday (we have an extension until then).⁴⁴⁰

390. On March 13, 2019, Mr. Sabo emailed Ms. Auty, attaching a document titled “FOI #18-189 INDEX IDENTIFYING POSSIBLE MFIPPA EXEMPTIONS”.⁴⁴¹ He wrote:

Nicole, this is Byrdena’s final chart covering 71 documents, and the issue Anne Watson asked me about (to confirm if there are any changes to the identified exemptions or comments on each document). Anne sent me a copy of the chart, but excluding Byrdena’s notes at the end which may have some general comments and indicate more records were being looked for. Further there were a couple of emails Byrdena sent that attached or referred to other documents (some mentioned in the chart notes), but which documents are not listed in the chart itself, and one of which is a CIMA report from 2013. I want to be careful to point out that the chart doesn’t include all the documents located or searched for, and maybe also that others were located after the chart was done. If you are ok I will call Anne to discuss these points as Byrdena was particular on her chart notes and emails that further records should be looked for and some already ID’d records should be given to Anne.

Except for what I have already put in an email to Anne (that council released records can be provide without redaction) I’m not sure I can comment on exemptions that might apply to any documents I haven’t see or reviewed in detail (e.g. the 2013 CIMA report)⁴⁴²

391. On March 14, 2019, at 8:39 a.m., Mr. Sabo emailed Ms. Watson a document titled “FOI #18-189 INDEX IDENTIFYING POSSIBLE MFIPPA EXEMPTIONS”.⁴⁴³

392. On March 14, 2019, Mr. Sabo emailed Ms. Watson, attaching Lincoln Alexander Parkway and Red Hill Valley Parkway Transportation and Safety Update (PW18008) and The Lincoln M. Alexander Parkway (LINC) & Red Hill Valley Parkway (RHVP) Safety Review (PW15091).⁴⁴⁴ He wrote:

Anne, in addition to Byrdena’s complete chart I just sent, here are two committee reports that may not have been part of the brief (I’m not sure).

As mentioned, I wanted to make clear that Byrdena had been discussing records with Gord and I couldn’t be certain in her absence what was reviewed by her or perhaps located by Gord during or after discussions with Byrdena. So my suggestion is to discuss the search

⁴⁴⁰ [HAM0036474_0001](#)

⁴⁴¹ [HAM0062621_0001](#)

⁴⁴² [HAM0062620_0001](#)

⁴⁴³ [HAM0062622_0001](#) attaching [HAM0062623_0001](#)

⁴⁴⁴ [HAM0061902_0001](#) attaching [HAM0061903_0001](#) and [HAM0061904_0001](#)

for records and completeness of records with Gord instead of just relying on the 2 bound brief's Byrdena had commented on.

393. Mr. Sabo emailed Ms. Watson again later that day, attaching the 2013 CIMA Report, and excerpts from the 2013 CIMA Report.⁴⁴⁵ He wrote:

Anne, further to my other emails and our discussion this morning, here is a CIMA report I wasn't sure was part of the briefs Byrdena had given comments on. Again I suggest you speak to Gord about searches and records, including the items referred to in Byrdena's notes at the end of the chart she prepared (sent in my first email today) as it referred to looking for reports to records that Michael Becke may have had.

I will ask someone to return the briefs you sent me, and I confirm I would change Byrdena's comments except where council had already released documents publicly (which could go with the FOI request without redaction). And lastly noting that its clear from Byrdena's notes and my own view that your office is considering exemptions and requirements for release and making the ultimate decision on the handling of any record.⁴⁴⁶

394. On March 14, 2019, Ms. Graham emailed Ms. DiDomenico. She wrote:

Nice to see you today! Just trying to finalize this FOI and Marco suggested you may have some records or might know where we may find them. Any thoughts?

Any reports, information about tests, or test results about asphalt or road design on the Red Hill Valley Parkway conducted by or for the City of Hamilton in 2007.

Let me know when you can!⁴⁴⁷

395. Ms. DiDomenico replied later that day, writing:

Nothing specific comes to mind (Marco and Gary would have taken care of that kind of work), but I can't say for sure. I may have been brought in to set up a PO (if it was funded through the RHVP capital at the time) however I don't think that is what is being asked for in the request. Pretty sure I wouldn't have been privy to the deliverable (i.e. report, results, etc.) as I didn't have need for it relative to our government agency approvals or the post-construction monitoring, that I would have looked after.

Let me know if you think otherwise and I will undertake a search (heads up: any of the RHVP files that we have in suite 400 are now under lock & key until the audit work is confirmed – it's pretty extensive and unfortunately, not catalogued – it would take a lot of time to sift through). What is your timeline on this? Likely couldn't get to it before early next week.⁴⁴⁸

⁴⁴⁵ [HAM0061905_0001](#) attaching [HAM0061906_0001](#), [HAM0061907_0001](#), [HAM0061908_0001](#), and [HAM0061909_0001](#)

⁴⁴⁶ [HAM0061905_0001](#)

⁴⁴⁷ [HAM0014221_0001](#)

⁴⁴⁸ [HAM0014221_0001](#)

396. On March 14, 2019, Ms. Cameron emailed Ms. Graham, attaching various emails relating to Audit Services.⁴⁴⁹

397. On March 18, 2019, Mr. McKinnon emailed Ms. Graham in response to an email about the 2017 Golder Pavement Evaluation and the RHVP CIMA Lighting Study, writing: “Jas, trying to stay out of your way Bu Matt was asking Gord and I this morning. Can these two reports be released or do they have to go thru foi?”⁴⁵⁰

398. Ms. Graham replied, writing: “[Redacted for Solicitor-Client Privilege] No concerns on my end.”⁴⁵¹

399. On March 20, 2019, Ms. Watson emailed Mr. White under the subject line “FOI #18-189 (RHVP)”. In her email, copied to Ms. Graham, Ms. Wunderlich, Ms. Rashford, and Ms. Eisbrenner, she wrote:

Thank you for the records.

Please send me pages 1 up to and including page 35 of the attached email trail. The request (received in late 2018) asked for any reports, memos, drafts and correspondence about friction testing records for the past five years, i.e. back to Jan 1, 2013.

Also, you did not state on the information sheet whether or not you have any concerns about the disclosure of the records, (email contents and or the CIMA report “Hamilton LINC and RHVEP Speed Study, FINAL report October 2018”)? So, I would assume from this that you do not have any concerns about their disclosure. However, if you do have concerns, please identify what those concerns are, eg what if any harm would arise if the record contents are disclosed?

Perhaps the CIMA report is available directly through your department or on the City’s website? If so, please let me know and provide me a web link.

⁴⁴⁹ [HAM0036475_0001](#) attaching [HAM0036476_0001](#), [HAM0036477_0001](#), [HAM0036478_0001](#), [HAM0036479_0001](#), [HAM0036480_0001](#), [HAM0036481_0001](#), [HAM0036482_0001](#), [HAM0036483_0001](#), [HAM0036484_0001](#), [HAM0036485_0001](#), [HAM0036486_0001](#), [HAM0036487_0001](#) and [HAM0036488_0001](#)

⁴⁵⁰ [HAM0036516_0001](#)

⁴⁵¹ [HAM0036516_0001](#)

400. On March 21, 2019, Mr. White replied, attaching a number of emails from 2013 under the subject line “RE: Friction Testing in Hamilton”.⁴⁵² He wrote:

Morning Anne, per your request I have attached all the emails I have with this title and in the same email stream. These emails were not originally submitted as they occurred in 2013 and were thought to be outside the 5 year request period being 2014, 2015, 2016, 2017, and 2018. I did not get the original foi request so I didn't sign off on anything. Release of any of this information is sensitive to the council directed Judicial Enquiry on the RHVP ordered by city council yesterday. If you require further information please advise.⁴⁵³

401. On March 28, 2019, Ms. Watson emailed Lisa Barroso (Manager, Corporate Records and Freedom of Information, Office of the City Clerk, Corporate Services, Hamilton) under the subject line “FOI #18-189 (RHVP) Record Index”, copying Ms. Auty and Ms. Graham. She wrote: “Records will be released to the requester in accordance with the attached record index this afternoon.”⁴⁵⁴

402. Ms. Auty replied to Ms. Watson alone, writing: “Anne, can I please arrange for a full copy? Did Mike Kyne or anyone from my office give any further advice on the exemptions?”⁴⁵⁵

403. On March 29, 2019, Ms. Watson replied, copying Mr. Zegarac, Ms. Pilon, Mr. Sabo and other City staff. She wrote:

The disclosed records will be placed on the “S” drive later today. I will send you the folder link when the records are available.

I spoke to Ron Sabo on March 14th; no additional advice or direction was provided. Those records that were disclosed under Council's direction were not part of the record disclosure to the FOI requester.

⁴⁵² [HAM0036532_0001](#) attaching [HAM0036533_0001](#), [HAM0036534_0001](#), [HAM0036535_0001](#), [HAM0036536_0001](#), [HAM0036537_0001](#), [HAM0036538_0001](#), [HAM0036539_0001](#), [HAM0036540_0001](#), [HAM0036541_0001](#), [HAM0036542_0001](#), [HAM0036543_0001](#) and [HAM0036544_0001](#)

⁴⁵³ [HAM0036532_0001](#)

⁴⁵⁴ [HAM0055073_0001](#) attaching [HAM0055074_0001](#)

⁴⁵⁵ [HAM0062626_0001](#)

Without having background information related to the exemptions suggested by Byrdena MacNeil, our office relied upon same in issuing the City's decision.⁴⁵⁶

404. On April 1, 2019, Mr. Sabo forwarded this email to Ms. MacNeil, writing: "Just fyi as I think this email is saying the records were released last week. I will be sending emails on 2 or 3 other things though that you might be able to assist with."⁴⁵⁷ Mr. Sabo forwarded Ms. MacNeil the Record Index for Freedom of Information Request #18-189 the same day.⁴⁵⁸

405. On March 28, 2019, Ms. Pilon emailed Mayor Eisenberger and members of Council. She wrote: "This is to inform you that the information respecting the Freedom of Information request re: the Red Hill Valley Parkway has been released to the requestor today."⁴⁵⁹

406. The City has produced an index and document set titled, "FOI #18-189 INDEX IDENTIFYING POSSIBLE MFIPPA EXEMPTIONS".⁴⁶⁰

7. Continued discussions and plans for RHVP resurfacing

407. On March 5, 2019, Mr. Norris emailed Mr. Becke a revised letter on the selection of HMA for the RHVP resurfacing.⁴⁶¹ This revised letter included content on SP 12.5 FC2

Category D:

SP 12.5 FC2 Category D may also be considered as an alternative high friction wearing course that is commonly used in high volume applications. AME understands that this section of the RHVP was designed using perpetual pavement concepts. Both SMA 12.5 or SP12.5 FC2 surface courses will inevitably wear down from exposure to traffic and fluctuating environmental conditions. In terms of life cycle costing, the SP12.5 FC2 is

⁴⁵⁶ [HAM0062627_0001](#)

⁴⁵⁷ [HAM0062627_0001](#)

⁴⁵⁸ [HAM0062628_0001](#) attaching [HAM0062629_0001](#)

⁴⁵⁹ [HAM0029651_0001](#)

⁴⁶⁰ [HAM0061519_0001](#)

⁴⁶¹ [HAM0013998_0001](#)

expected to have a lower initial cost and reduced life expectancy in comparison to the SMA 12.5.⁴⁶²

408. Ms. Jacob forwarded this letter to Mr. McGuire that day, writing:

FYI. AME has recommended SMA and as an alternate recommended 12.5FC2 with reduced life. Would like your direction with the tender.⁴⁶³

409. Mr. McGuire responded, writing:

AME notes a lower initial cost with the SP mix.

Given the challenges we've had with the SMA on the RHVP I cant consider going back with that mix. As well Golders ruled out HIP on the SMA's so we cant potentially re-use this material in the next cycle.

I'm supportive of the SP FC2 mix as spec'ed.⁴⁶⁴

410. Ms. Jacob forwarded this email to Mr. Becke, Mr. Vala, Mr. Renaud and Dennis Perusin (Senior Project Manager, Construction, Engineering Services, Public Works, Hamilton) that day.⁴⁶⁵

411. On March 8, 2019, Mr. Norris emailed Mr. Becke, attaching the final version of this letter.⁴⁶⁶

412. On March 8, 2019, Nick Piedigrossi (Technologist, Infrastructure Programming, Asset Management, Engineering Services, Public Works, Hamilton) emailed Alan Jazvac (Project Manager (Surface Infrastructure), Infrastructure Programming, Asset Management, Engineering Services, Public Works, Hamilton) and Richard Andoga (Senior Project Manager, Infrastructure Programming, Asset Management, Engineering

⁴⁶² [HAM0013999_0001](#) at image 5

⁴⁶³ [HAM0029084_0001](#)

⁴⁶⁴ [HAM0036392_0001](#)

⁴⁶⁵ [HAM0036394_0001](#)

⁴⁶⁶ [HAM0014097_0001](#) attaching [HAM0014098_0001](#)

Services, Public Works, Hamilton), attaching submissions to perform a Pavement Inspection Survey for the RHVP resurfacing from IMS, Stantec, Englobe and SNC-Lavalin.⁴⁶⁷

413. On March 12, 2019, Ms. Jacob emailed Mr. McGuire and Mr. McKinnon, advising that the RHVP resurfacing was “expected to be out for tender by March 15, 2019.”⁴⁶⁸

(a) Questions regarding testing prior to resurfacing

414. On March 4, 2019, Ryland Potter (Director of Business Development, WDM USA) emailed Ms. Graham. She wrote:

I represent WDM, a UK company that specializes in continuous friction testing equipment and services. We've been part of the road safety community for over 50 years and work in over 20 countries. We recently opened a US office to provide friction testing services to the US Government and various states. We've been following some of the recent reports on RHVP and would like to offer our services to the City of Hamilton.

You mentioned that the City may be ordering some additional testing on upcoming RHVP projects. If you can share our interest with the folks who may be responsible for working with industry or vendors to deliver that work, I'd be grateful. I've included a short overview of WDM here (pitched to a US audience as that's where I'm based), but I'd be glad to provide additional information/detail to interested parties.⁴⁶⁹

415. On March 4, 2019, at 10:33 a.m., Ms. Graham forwarded this email to Mr. McGuire and Mr. Soldo, writing:

Gord, Edward, please see the email below. This person called me this morning (I didn't say we would be ordering additional testing, but...anyway). I'd like to connect her with one of your staff for follow up. Any preference?⁴⁷⁰

⁴⁶⁷ [HAM0014086_0001](#) attaching [HAM0014087_0001](#), [HAM0014088_0001](#), [HAM0014089_0001](#), [HAM0014090_0001](#), [HAM0014091_0001](#) and [HAM0014092_0001](#)

⁴⁶⁸ [HAM0029310_0001](#)

⁴⁶⁹ [HAM0029068_0001](#)

⁴⁷⁰ [HAM0029068_0001](#)

416. On March 15, 2019, Mr. Van Dongen emailed Ms. Graham, writing: “Hi Jasmine, did the city ever decide whether or not it would test the composition of the existing Red Hill asphalt prior to the pending repaving effort?”⁴⁷¹

417. Ms. Graham forwarded this email to Mr. McGuire and Ms. Auty later that day, copying Mr. McKinnon.⁴⁷²

418. On March 22, 2019, Robert Hooper (Managing Partner, Grosso Hooper Law) wrote to Mr. McLennan.⁴⁷³ The content of this letter was as follows:

On behalf of my clients, I am writing to inquire as to whether or not the City will allow me a time in the spring before the Red Hill Valley Parkway is resurfaced to close the roadway and do our own independent testing? Further, could you please advise whether the City plans to do so in order that we do testing at the same time?

Also, we would like to be involved when the Red Hill Valley Parkway is excavated in order that we have pieces of the roadway in different sections taken away for testing in a laboratory.⁴⁷⁴

8. Discussions about Auditor General Investigation

(a) Anonymous letter to Audit Services

419. On March 22, 2019, Ms. Minard emailed Mr. Zegarac and Lora Fontana (Executive Director, Human Resources and Organizational Development, Human Resources, Hamilton) under the subject line “RHVP”. She wrote:

I wanted to make you aware that this morning an anonymous and confidential letter addressed to the City Auditor was received (hard copy) regarding the RHVP issue.

The letter listed as being cc'd to the following individuals

- Mayor's Office-Mayor Fred Eisenberger

⁴⁷¹ [HAM0036510_0001](#)

⁴⁷² [HAM0036510_0001](#)

⁴⁷³ [HAM0009530_0001](#)

⁴⁷⁴ [HAM0009531_0001](#)

- CHML-Bill Kelly
- CHML-Scott Thompson
- The Hamilton Spectator-Andrew Dreschel

Charles is currently away on vacation, that is why I am handling this matter on his behalf.

I have discussed the matter with the Mayor's Office (Michelle Shantz) and wanted to make you aware of the letter as it is highly likely that there will be media inquiries on this matter and they may be directed to the CMO or HR. The letter shares details about who the key personnel involved in the RHVP issue are and various conduct issues regarding the former Director of Engineering Services.

Please let me know if you would like to discuss further. Audit Services will be preserving and sharing the letter with the Commissioner once the judicial inquiry commences.⁴⁷⁵

420. The anonymous letter to the City Auditor included the following content, in addition to a number of allegations about the culture of the Public Works department and behaviour of Mr. Moore:

Public Works staff is watching this matter interested in your investigation and final report and the conclusion that the former Director, Gary Moore, purposely withheld any further action (further study and capital funds) regarding the consultant's report as Mr. Moore claims to know more about asphalt quality than consultants who specializes in this topic. Mr. Moore decided not to do anything further on this matter, because he claimed the report was "inconclusive" and didn't give him the answer he wanted. Rather, Mr. Moore, who was in charge of the Capital budget process, decided to spend capital funds on projects he endorsed and decided what was more important than the asphalt quality and reducing the collision rate as a result of poor asphalt conditions on the Red Hill Valley Parkway.

The staff you should have on your interview list should include:

- **Chris Murray**, former City Manager, in charge of constructing the LINC/Red Hill Valley Parkway, and who has a personal interest in the Parkway. He and Mr. Moore worked on the parkway construction and do not want to expose flaws in the parkway. Note: The Red Hill Valley was labelled a "Parkway" and not a highway so they could get away with providing lower engineering standards than a "highway".
- **Gary Moore**, former PW Director of Engineering, and responsible for capital budget preparation for matters of this nature and who has a personal interest in the Red Hill Valley Parkway as the person responsible for the construction of the parkway (see above) and implementation of the minimum engineering/construction requirements to save costs resulting in the problems being experienced today, i.e. short merging distances, inadequate curve radius,

⁴⁷⁵ [HAM0014442_0001](#)

curve super elevation, no streetlighting, asphalt quality, no centre barrier- all which can be attributed to the variety of collisions on the parkway

- **John Murray**, former Manager of Asset Management, absolutely knew that Mr. Moore had hired a consultant to do investigation on asphalt quality and Mr. Moore told him not to pursue the matter any further as there was other (more important) projects to spend capital funds on.
- **Rick Andoga**, current Senior Project Manager in the Asset Management Section, absolutely knew that Mr. Moore had hired a consultant to do investigation on asphalt quality and Mr. Moore told him not to pursue the matter any further as there was other (more important) projects to spend capital funds on.
- **Gerry Davis**, former PW General Manager, was the PW General Manager at the time and absolutely knew that Mr. Moore had hired a consultant to do investigation on asphalt quality and left the matter to Mr. Moore to pursue and resolve. The item was on the PW Department Management Team (DMT) agendas.
- **John Mater**, former PW Director of Transportation, was the Director of Transportation at the time and absolutely knew that Mr. Moore had hired a consultant to do investigation on asphalt quality and left the matter to Mr. Moore to pursue and resolve so that the Transportation staff could do their work related to this matter.
- **Betty Matthews-Malone**, former PW Director of Roads, absolutely knew that Mr. Moore had hired a consultant to do investigation on asphalt quality and left the matter to Mr. Moore to pursue and resolve. Betty Matthews Malone's husband, Brian Malone, is a VP with CIMA+ Canada consultants involved in this matter. A conflict of interest should be reviewed during the time when Betty was the PW Director of Roads.
- **Dan McKinnon**, former PW Director of Hamilton Water and current PW General Manager, is part of the PW Department Management Team, and the topic was discussed a DMT meetings
- **Craig Murdoch**, current PW Director of Environmental Service, is part of the PW Department Management Team, and the topic was discussed a DMT meetings
- **Martin White**, current Manager of Traffic, absolutely knew Mr. Moore hired a consultant to do investigation because he was held off implementing improvements on the Red Hill Valley Parkway until a decision was made to repave and implement cats-eyes, repaint the lane lines, etc.⁴⁷⁶

421. Mr. Zegarac replied, writing: "Brigitte, is the author a citizen or a staff member? Is this a whistleblower?"⁴⁷⁷

⁴⁷⁶ [RHV0000890](#) at images 1-2

⁴⁷⁷ [HAM0014442_0001](#)

422. Ms. Minard replied, writing: “We are unsure of who the author is, it was sent anonymously via hard copy letter (sent through Canada Post). Anonymous items do not qualify as whistleblower items, per the by-law (09-227).”⁴⁷⁸

423. Mr. Zegarac replied to Ms. Minard, Ms. Fontana, Ms. Auty, and Ms. Melatti later that day, writing: “We need to discuss this, this afternoon.”⁴⁷⁹ On March 24, 2019, Ms. Auty replied to Mr. Zegarac alone, and she and Mr. Zegarac exchanged the following correspondence:

[NA]: Mike, my apologies, just seeing this now. Do you have time to speak or should I come early for our other discussion tomorrow?

[MZ]: We can discuss after our 11am meeting.

[NA]: Mike, I forgot to follow up with this, do you have time to speak today?⁴⁸⁰

(b) Staff discussions with Audit Services

424. On March 28, 2019, Mr. McGuire sent Mr. Brown a letter. This letter included the following content:

Please find attached a purchase order, prerequisite, proposal and correspondence related to the Value for Money Audit currently underway on asphalt. Please see the scope of work statement on Golders proposal P1779250. In particular, paragraph 2 on page 1. Golder notes that testing indicated substandard materials were placed on city roadways without rejection or pay reductions.

The scope of the Value for Money process had been determined previously to address materials placed between 2010 and 2013. This assignment is more recent, but I expect its informative in your process. To my understanding there has only been \$6,000 against work and I will follow-up to determine if this assignment is considered complete.⁴⁸¹

⁴⁷⁸ [HAM0014442_0001](#)

⁴⁷⁹ [HAM0062624_0001](#)

⁴⁸⁰ [HAM0062624_0001](#)

⁴⁸¹ [HAM0029642_0001](#)

425. On March 28, 2019, Mr. Pellegrini emailed Mr. Sharma and Mr. McGuire under the subject line “Request for Additional Information”. He wrote:

I was able to review a little more of the documents provided for me on the S:\drive, specifically those on S:\Public Works\Engineering Services\...\2.Technical Group\b) PMTR Report – Golder. I noticed that the PDF Golder PO69795 includes: Golder’s proposal for project PMTR Phase III, the Purchase Order (PO), and the completed PO Requisition Form. In addition this file also includes Golder’s report for PMTR Phase III, and the Golder’s PMTR Phase II report. Is it possible to have Golder’s proposal for PMTR phase II and for Phase I, as well as the corresponding PO and PO Requisition forms?

In addition, I also noticed that on the same S:\drive (S:\...\Golder Requisitions) you provided access to Golder PO84798.pdf which includes Golder’s proposal, the PO and the PO Requisition form, but not Golder’s report. Is it possible to get Golder’s report for this project?

These questions are directed more towards Gord:

- Why was the Pavement and Materials Technology Review (PMTR) project broken down into smaller roster assignments (phases I, II, III and what looks like a follow up/revision in 2017)?
- These projects were assigned via the Consultant Roster, and collectively, the POs surpassed the \$150,000 roster limit.
 - Was the project broken up to be able to procure services under the roster?
 - Was the procurement of this vendor made under Policy 11, or was a roster request for quotation process undertaken?

Overall questions related to the 2017-18 Roster:

- Which of the 2017-2018 roster categories were used for roads construction / maintenance / special projects?
 - For each of these roster categories, please provide a description of the types of services that are obtained and the related vendors (if possible).
 - Please identify the current roster captain or individual who has retained record, documents or project lists related to the 2017-2018 roster cycle (in case we require to look at additional information).⁴⁸²

426. Mr. McGuire forwarded this email to Ms. Minard, writing:

Can we meet to discuss this Brigitte:

⁴⁸² [HAM0055075_0001](#)

The VFM on asphalts has been underway for close to a year now. We have put enormous efforts into the technical and performance phases.

This request is now asking if we have circumvented the Roster process, and will require a detailed search of Gary Moore's former emails and a review of the assignments. Also a discussion with procurement and potentially legal.

This request now asks for all construction related roster assignments, maintenance and special projects (undefined)? It appears to be a different line of inquiry than the VFM on asphalt.

I need to fully understand what level of resources will be needed for this VFM review while the RHVP JI process starts up.⁴⁸³

427. Ms. Minard replied later that day, writing:

Thanks for the email and for outlining your concerns. Charles has requested that Audit Services complete this additional work. For that reason, both Charles and I would be happy to discuss this matter with you.

I will request that Charles' admin assistant set up a meeting for the three of us as soon as possible.⁴⁸⁴

428. This meeting was scheduled in early April 2019.⁴⁸⁵

9. Mr. McGuire and Mr. Norman Exchange Emails Regarding RHVP Reports

429. On March 5 and 6, 2019, Mr. McGuire emailed Gavin Norman (Manager, Waterfront Development, Engineering Services, Public Works, Hamilton) copies of the 2019 CIMA Roadside Safety Assessment and the RHVP Lighting Study report.⁴⁸⁶

430. On March 28, 2019, Mr. Norman emailed Mr. McGuire under the subject line "friction testing by Golder". He wrote "Can you forward me the 2017 /18 Golder friction testing report."⁴⁸⁷

⁴⁸³ [HAM0055075_0001](#)

⁴⁸⁴ [HAM0055075_0001](#)

⁴⁸⁵ [HAM0036593_0001](#)

⁴⁸⁶ [HAM0029082_0001](#) attaching [HAM0029083_0001](#); and [HAM0029111_0001](#) attaching [HAM0029112_0001](#)

⁴⁸⁷ [HAM0029624_0001](#)

431. Approximately 10 minutes later, Mr. McGuire sent Mr. Norman an email attaching the final 2017 Golder Pavement Evaluation letter report.⁴⁸⁸

432. Mr. Norman replied to Mr. McGuire, writing:

Was it not finished until you asked for it? Or was it normal course of business in getting the work completed; ie finished after Gary retired.⁴⁸⁹

10. Mr. Sabo Prepares Note Related to March 20, 2019 General Issues Committee Meeting

433. Mr. Sabo prepared handwritten notes, dated March 7, 2019, which refer to the March 20, 2019 GIC meeting.⁴⁹⁰ A transcription of the notes, prepared by the City, is excerpted below:⁴⁹¹

Mar 7, 2019

GIC – Agenda done for March 20th GIC

not sure if want to get into Sarcoa

- not sure if agenda review for spe[text could not be confirmed]il.

GIC # of r/e – not legal (Ray)

Sarcoa

Planning H?A settlement (Mike z, Grant)

- letter re settle issues (1.5 yr)

= report/letter

SLT – RHVE – retained Alan Leinzer + Eli

Letterman – 20th, will prepare

materials + report

⁴⁸⁸ [HAM0029627_0001](#) attaching [HAM0029628_0001](#)

⁴⁸⁹ [HAM0029631_0001](#)

⁴⁹⁰ [HAM0064303_0001](#)

⁴⁹¹ [HAM0064374_0001](#)

1140

Call at 1030

= aning G Q's posed (info vs opinion) on what City should do

= in camera report 9but will be drafted in such a way that some

or all will be released

Staff not [text could not be confirmed] to steer or rec'

= Mayor's direction was not to include op'n report

but could answer in terms of scope + timing (just 2014 or back/forward)

+ policy re consultant reports w H&S implic's

incl what will be released in open session as its

expected

→ John Hertel – (Mike has asked) that he's

Developing a comm's plan _____ whatever can be done in advance

= many thoughts of scope of work + MZ hopes council will steer on likely scope"

[text could not be confirmed] Coming out re policy

ee any info on H&S

JT – needs a scope as well

MZ – need a lead on dev a policy

+ has reached out to Legal + Audit if either

a fit? + will revisit

DMcK- do hundreds of 'condition assessments'

→ Overload staff + committee

- Clark won't be satis'd

PJ [text could not be confirmed]

MZ will do some homework

= next step to det. Who will lead

JT – needs top up + bottom down disc's

LF- sees diff's w (triangle symbol = "change") change to code of conduct

- re empl agts + enf. + affecting peoples

willingness for employment/(triangle symbol = "change") change in contracts

= MZ came back on who is lead

- Email – asked each dept to secure docu's related

to this incl emails

+ advise how they are being secured.

DMcK Audit has what they have + will (need to)

speak to Charles to come up w a list

ready [text could not be confirmed] + completion of docu's

DMcK- in middle of second FOI

MZ- pot consp theory that staff suppressed this

leading up to election + when did Mngr

+ CM know

MZ met with Gary + Chris Jacobsen [text could not be confirmed]'n, prep'd to provide letter

re (triangle symbol = "change") of leadership, GM confirmed he reported to CJ

so more +ve in a way, even if actions didn't

follow, letter from LF that he will (continue) or begin to

report to CJ"

LF – empl agr't doesn't refer to a reporting

relationship

PJ orig GM wanted to report to Chris Murray as cond'n

of job

Letter going out today

+ Move as of Mar 11th

- Settling issues of access/support needed by GM

LRT role Metrolinx may want City to sign off on
anything done/decided by GM that the
City will indemnify

JT – can't operate that way

PJ => will need to have discussion with 'Andrew'

MZ no appetite to fire

PJ/MZ – no auth to fund this from levy

(position or indemnity?)

Andrew is key + may know provinces direction on LRT

MZ – dep on province – may be whole LRT office or GM's position

JT ('approximately-equal' symbol means "approximately") approximately 16 positions

MZ – staff should look at plan if employees done

at LRT + have conversation if needed w HR

LF – case by case basis (empl terms)

Q's when ???

DMcK – have to post CJ's position by end of May/June

11. Press Release about a Public Inquiry

434. On March 20, 2019, the City issued the following press release:

Red Hill Valley Parkway Update: Hamilton City Council decides to pursue judicial inquiry

HAMILTON, ON – Today, Hamilton City Council directed outside legal counsel and the Interim City Manager to prepare the necessary documents to initiate a judicial investigation into the Red Hill Valley Parkway (RHVP) report matter pursuant to the Municipal Act and Public Inquiries Act.

On February 13, 2019, Council approved a motion that directed the Interim City Manager and City Solicitor to bring back to Council further information about the process to initiate an external investigation pursuant to the Ontario Municipal Act and Public Inquiries Act.

Council received and considered a report provided by external legal counsel who provided three available options for external investigations.

In consultation with external legal counsel, the City will take the necessary next steps to request the Chief Justice of the Superior Court to appoint a justice to act as commissioner and investigate the issues raised by Council. The terms of reference for such a hearing will be brought back to council as soon as possible.

Background

In February, the City released three reports about the RHVP including a 2013 friction testing report by Tradewind Scientific, a December 2015 report completed by external traffic engineering experts CIMA (which was also made public at that time) that summarizes a 2015 safety analysis of the RHVP, and a roadside safety assessment completed on the RHVP in October 2018, also completed by CIMA.

Already implemented traffic safety recommendations from the safety reviews include the installation of oversized speed limit (80 km per hour between Greenhill and the QEW in both directions), slippery when wet (including flashing beacons), merge, bridge ices, digital feedback and speed fine signs, Q-end warning system, reflective markers on guiderails, recessed pavement markers (cat eyes), upgraded guiderail and end treatments, and the trimming of vegetation to improve sight lines. The remaining recommendations will be implemented with the resurfacing of the RHVP this spring.

The City and Hamilton Police Service (HPS) also launched a new education campaign targeting speeding drivers as part of the Vision Zero Action Plan. Over the month of March, the education campaign focuses on promoting safe speeds, reminding motorists that “There is no such thing as speeding a little – speeding is speeding.” Additional traffic safety campaigns under the Vision Zero umbrella will begin later in 2019, and will include a focus on distracted driving, back to school safety, pedestrian crossovers and roundabouts, seatbelt safety and more.

The City’s external traffic engineering experts recommended the Parkway remain open for use, but that motorists be cautioned about speeding. The posted speeds are maximums. Drivers should reduce speed appropriately, particularly for wet road conditions.⁴⁹²

435. On March 21, 2019, Mr. McLennan forwarded this press release to City staff, attaching a copy of this report. He wrote:

I haven’t wrapped my head around what this might mean for our office. There is a possibility, I suppose, that some of us might be called as witnesses with respect to information we have gathered for claims.

For sure it will mean more claims. We are just in the midst of discussions with JLT/QBE to select one law firm to handle every claim. It looks like it will either be Shillingtons, Gowlings, or Lerner.⁴⁹³

⁴⁹² [HAM0055038_0001](#)

⁴⁹³ [HAM0055038_0001](#)

D. April 2019 – December 31, 2019

1. Parkway Management Committee

436. On February 11, 2019, the Parkway Coordination Committee changed its name and became the Parkway Management Committee (“PMC”). The minutes of the PMC meeting on February 11, 2019 include the following content under “Resurfacing / Paving”:

- It was reported that the resurfacing will be completed according to the highest OPS standards.
- Staff discussed if there are Ontario standards for friction analysis. There needs to be a joint review of the road friction after a two-year period.
- Staff will review the CIMA study to determine if the pavement lane markings need to be revised for the LINC/RHVP shoulders.
- **ACTION:** Staff will set up a pavement management program. This needs to be deemed as a critical management system which clearly defines responsibilities and when activities/maintenance should occur. There needs to be clear direction on who is responsible for monitoring every two years. The program ownership needs to be determined. (Edward & Gord to discuss ownership). The program must tie into the City’s Asset Management system.⁴⁹⁴

437. On March 6, 2019, Ms. Cameron created an email attaching draft terms of reference and meeting minutes for the PMC.⁴⁹⁵ The terms of reference identified the mandate of the PMC as:

The Parkway Management Committee (PMC) shall provide leadership on the safe and efficient operation of the Lincoln M. Alexander (LINC) and the Red Hill Valley Parkways (RHVP). PMC shall provide input and guidance to staff and Council on the policies, projects, and programs related to the operation and maintenance of the LINC and RHVP, identifying opportunities for improvements, as well as providing support on matters related to the LINC and RHVP.⁴⁹⁶

438. The PMC met on March 12, 2019.⁴⁹⁷

⁴⁹⁴ [HAM0061455_0001](#) at image 3

⁴⁹⁵ [HAM0029122_0001](#) attaching [HAM0029123_0001](#) and [HAM0029124_0001](#)

⁴⁹⁶ [HAM0029123_0001](#) at image 1

⁴⁹⁷ [HAM0061456_0001](#)

439. On April 4, 2019, Mr. Norman confirmed receipt of a document titled “LINC/RHVP Reports Summary”, which summarized and asked follow-up questions about various safety reports on the LINC and RHVP from 2013 to 2019.⁴⁹⁸ This document included the following content on the Tradewind Report:

Tradewind Report (Jan 2014)

- Based on low friction performance of RHVP, recommended more detailed investigation be undertaken and possible remediation action to improve friction characteristics.
- What did senior staff do with this report; what judgements were made with the info presented?⁴⁹⁹

440. On April 8, 2019, Raffaella Morello (Senior Project Manager, General Manager’s Office, Public Works, Hamilton) emailed Mr. McKinnon, Ms. Leishman, Mr. Soldo, Mr. McGuire, Mr. White, Mr. Ferguson, and Ms. Jacob. She attached a document titled “Draft Terms of Reference - Parkway Management Committee (v2)” to her email.⁵⁰⁰ This document described the mandate of the PMC as follows:

The Parkway Management Committee (PMC) shall provide leadership on the safe and efficient operation and maintenance of the Lincoln M. Alexander (LINC) and the Red Hill Valley Parkways (RHVP). PMC shall provide input and guidance to staff and Council on the policies, projects, and programs related to the operation and maintenance of the LINC and RHVP, identifying opportunities for improvements, as well as providing support on matters related to the LINC and RHVP.⁵⁰¹

441. The PMC met on April 8, 2019. The minutes from this meeting included the following under “PMC Draft Terms of Reference (TOR)”:

- The Terms of Reference was updated to include additional items noted at the PMC’s meeting held on March 12, 2019.

⁴⁹⁸ [CIM0016701](#)

⁴⁹⁹ [CIM0016701](#) at image 1

⁵⁰⁰ [HAM0029834_0001](#) attaching [HAM0029835_0001](#)

⁵⁰¹ [HAM0029835_0001](#) at image 1

- The final version of the TOR was approved.⁵⁰²

442. On May 2, 2019, Ms. Cameron emailed a document titled “RHVP LINC TOR Framework – May 2019 Draft” to Mr. McKinnon, Mr. Ferguson, Mr. McGuire, Ms. Morello, Mr. Soldo, Ms. Jacob, Mike Field (Acting Manager, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), and Ms. Leishman. She wrote: “Gord asked that I send the attached for your review to be discussed at the upcoming Parkway (Red Hill/LINC) Management Committee meeting on May 8th.”⁵⁰³

443. The attached document, prepared by Mr. Norman, included the following Road Safety section:

Concern for road safety is primarily focused on the RHVP as it relates to speeding and a high proportion of accidents with direct and indirect links to pavement friction. Several studies have been conducted since 2013 to address the concerns of the public and Council. Studies include:

- RHVP Pavement Friction Testing Results Review - CIMA (Jan 2019)
- CIMA Detailed LINC / RHVP Illumination Review - (Jan 2019)
- CIMA Roadside Safety Assessment - (Nov 2018; updates to 2013 and 2015 reports)
- CIMA Hamilton LINC and RHVP Speed Study - (Oct 2018)
- Golder Evaluation of Pavement Surface and Aggregates RHVP - (Jan 2019)
- Tradewind Scientific Friction Testing Survey Summary Report LINC / RHVP - (Jan 2014)

Studies conclude that, notwithstanding speeding, the LINC is generally safe while the RHVP given its curvilinear alignment and noted issues with pavement friction is more prone to accidents, and thus is presumed ‘less safe’. Pavement friction on the LINC is satisfactory whereas, results on the RHVP lean toward being unsatisfactory or at least at the low-end threshold of satisfactory. This combined with the curvilinear design of the road, speeding, and lack of a median barrier has contributed to the need to install collision counter measures and address the pavement friction in the short term. Collision counter measures have also been installed on the LINC to address speeding. To date all the short-term safety

⁵⁰² [HAM0061454_0001](#) at image 1

⁵⁰³ [HAM0030573_0001](#)

measures, have or are being implemented on the LINC and RHVP, and the latter is scheduled for re-paving in 2019.

As such, as it relates to road safety, the most immediate concerns will have been addressed in 2019 and going forward only two outstanding major safety considerations identified in the previous studies still need to be addressed:

- Centre Median Barriers
- Full Length Lighting⁵⁰⁴

2. Finalizing Plans for RHVP Resurfacing

444. On March 28, 2019, Mr. Olszewski emailed Jeff Cornwell (Project Manager, Traffic Signal System, Transportation Operations, Transportation Operations and Maintenance, Public Works, Hamilton), Daniel Lawlor (Project Manager, Electrical and Communication Systems, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), Nelson Melendez (Project Manager, Advanced Traffic Management System, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), Bob Butrym (Construction Coordination, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), and Rob Galloway (Traffic Technologist (Traffic Signals), Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) about the schedule for the RHVP resurfacing:

As a follow-up to my previous email from February 21st, please be advised the timing of the RHVP resurfacing below:

Tender Close Date – April 9, 2019

Tentative Start Date – May 27, 2019

Contract Completion Date - July 22, 2019

⁵⁰⁴ [HAM0030574_0001](#) at images 1-2

Please plan any coordination, detour, signal timing works with the May 27th date in mind; to facilitate the added volumes on the EDR.⁵⁰⁵

445. On April 9, 2019, Caroline Martin (Financial Assistant, Engineering Services, Public Works, Hamilton) emailed the results of the RHVP Resurfacing tender to Ms. Jacob, Mr. Becke, and Mr. Perusin (along with other City staff).⁵⁰⁶ Coco Paving Inc. won the contract on April 10, 2019.⁵⁰⁷

446. On April 12, 2019, Mr. Olszewski emailed Mr. White, Mr. Ferguson, Ed Switenky, Robert Declair (Robert Declair (Senior Project Manager, Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton) and Chris King (Senior Project Manager, Transportation Systems, Transportation Operations, Transportation Operations & Maintenance Division, Public Works, Hamilton) under the subject line “FW: RHVP update”. He wrote:

The Construction group met with Coco Paving this morning and the following date has been determined as the start-date for the RHVP - May 21st 2019. There is a meeting at Coco's office scheduled for April 17th to discuss site review, conformance and quality control in more detail.

Regarding the construction administration of this RHVP project, has that been discussed internally as to the expectations of guide-rail review, pavement marking review and detection loop review? Speaking to Dennis Perusin, they typically don't review the pavement markings, our internal forces do, regarding the guiderails, Coco's Engineer would provide a letter of conformance for the install, and regarding the detection loops, that would also have to be internal TOM forces.

Are we devoting any staff to part-time/full-time review of the works related to TOM, and how are we reviewing the components that we specified as part of this resurfacing project.

Let me know your decision, thanks.⁵⁰⁸

⁵⁰⁵ [HAM0029740_0001](#)

⁵⁰⁶ [HAM0049689_0001](#) attaching [HAM0049690_0001](#), [HAM0049691_0001](#), [HAM0049692_0001](#), [HAM0049693_0001](#), [HAM0049694_0001](#), [HAM0049695_0001](#), [HAM0049696_0001](#) and [HAM0049697_0001](#)

⁵⁰⁷ [HAM0030080_0001](#) attaching [HAM0030081_0001](#)

⁵⁰⁸ [HAM0014850_0001](#)

447. Mr. Ferguson responded later the same day, writing: “Can I ask you to set up a meeting with all those on this email, would be easier for us to all sit in the same room to review and discuss.”⁵⁰⁹

448. On April 12, 2019, Mr. Vala forwarded Mr. McGuire an email chain under the subject line “FW: Media Release - Red Hill Valley Parkway Update: Investigation, new safety reports made public and speed limit change official”. The first email in this chain was the media release from Ms. Graham dated February 14, 2019.⁵¹⁰

449. Mr. Vala attached a copy of the 2019 CIMA Roadside Safety Assessment to his email. He wrote: “Please find the report attached.”⁵¹¹

450. On April 15, 2019, Peto MacCallum Ltd. submitted a proposal to Mr. Renaud for inspection and testing services during the RHVP resurfacing.⁵¹²

451. On April 17, 2019, Ms. Graham emailed Mr. McKinnon, Mr. McGuire, and Mr. Soldo a PowerPoint presentation titled “RHVP Resurfacing – Project Update”.⁵¹³ The presentation was prepared for a meeting with Councillors Clark, Collins, Jackson, and Merulla on April 18, 2019.⁵¹⁴ The PowerPoint presentation contained a slide on the asphalt testing protocol for the RHVP resurfacing, which stated:

Rigorous asphalt testing protocol will ensure quality of the asphalt mix:

⁵⁰⁹ [HAM0014850_0001](#)

⁵¹⁰ [HAM0030074_0001](#)

⁵¹¹ [HAM0030074_0001](#) attaching [HAM0030075_0001](#)

⁵¹² [HAM0049789_0001](#)

⁵¹³ [HAM0030170_0001](#) attaching [HAM0030171_0001](#)

⁵¹⁴ [HAM0058832_0001](#); and [HAM0058833_0001](#)

1. Sampling source aggregates, physical characteristics and gradation for compliance
2. Conducting a trial batch of the asphalt mixture to test for compliance, with third party verification
3. Sampling of asphalt during the paving operations
4. Testing for compliance to the mix design (gradation, asphalt cement content and voids).⁵¹⁵

452. The PowerPoint presentation also contained a slide titled “Additional safety improvements”, which listed:

- Rumble strips
- Spray-on durable paint and directional arrows
- Post mounted reflective delineators on straightaways
- Guiderail mounted reflective delineators on curves
- Concrete barrier mounted reflective delineators on curves
- Steel beam guide rail replacement (10 km)
- Object and oversize plow marker signage replacement
- Resetting catch basins
- Clearing/removing obstructions⁵¹⁶

453. On April 18, 2019, the City retained Peto MacCallum to perform the quality control testing for the RHVPI resurfacing.⁵¹⁷

454. On April 23, 2019, Ms. Cameron emailed an Information Update on the RHVP Resurfacing Project to the Mayor and members of Council.⁵¹⁸

⁵¹⁵ [HAM0030171_0001](#) at image 5

⁵¹⁶ [HAM0030171_0001](#) at image 6

⁵¹⁷ [HAM0014935_0001](#); see also [HAM0049896_0001](#)

⁵¹⁸ [HAM0030257_0001](#) attaching [HAM0030258_0001](#)

455. On April 26, 2019, Ms. Cameron emailed Ms. Wunderlich under the subject line “Engineering Services Briefing Notes - New City Manager”, copying Mr. McGuire.⁵¹⁹ Ms. Cameron attached a number of briefing notes to her email, including one on the RHVP Resurfacing. The RHVP Resurfacing Briefing Note included a section titled “Relevant Background Information”, which stated:

The RHVP was designed as a perpetual pavement which requires the surface asphalt to be replaced periodically to prevent the top down cracking from penetrating into the base asphalt. The resurfacing project will also address the recent concerns regarding the RHVP friction.⁵²⁰

456. On April 26, 2019, the City retained CIMA to “provide consulting services for developing Pavement Marking & Signing drawings, guiderail improvement drawings and obtain MTO encroachment permit” for the RHVP resurfacing.⁵²¹

457. On April 30, 2019, Mr. Becke emailed Ms. Graham a copy of a document titled “RHVP Story web site.”⁵²²

458. On May 1, 2019, Ms. Graham emailed Mr. Soldo and Mr. McGuire, attaching a revised copy of this document.⁵²³ She wrote:

Can you both please have a quick read through the proposed web content and let me know if you have any concerns? Magda is going to put this into our web story tomorrow/Friday with some nice photos and graphics. It will launch Monday along with the rest of our RHVP communications at www.hamilton.ca/redhill

Some of this came from Mike Becke but I got cold feet about some of what he provided – will connect with him also to explain. I just didn’t want to talk SMA/Perpetual Pavement/Original construction too much.

⁵¹⁹ [HAM0036730_0001](#)

⁵²⁰ [HAM0036732_0001](#)

⁵²¹ [HAM0030393_0001](#)

⁵²² [HAM0015096_0001](#) attaching [HAM0015097_0001](#)

⁵²³ [HAM0030539_0001](#) attaching [HAM0030540_0001](#)

Not any new ideas/content here – just a new package. Please track anything you'd like me to change.⁵²⁴

459. On May 2, 2019, Mr. Soldo replied to Ms. Graham:

We should not be talking about the original construction or asphalt whatsoever. Not only is it irrelevant it is inflammatory to the public.

Stick to the facts and keep it basic and understandable.⁵²⁵

460. Mr. McGuire proposed some edits by email that same day.⁵²⁶

461. On May 3, 2019, Ms. Graham emailed Mr. McKinnon, Mr. Soldo, and Mr. McGuire a draft email announcing the start of the RHVP resurfacing to members of Council. On May 4, 2019, Mr. Oddi (copied) replied, writing:

Great work - I have the following comments for your consideration:

- Our standards and the provincial standards do not use the term 'guardrail'. It is used in building codes as the technical term for a fall protection barrier. Please consider changing 'guardrail' to "guide rail" in the media release, draft newsletter, post card and website;
- The heading 'Mud Street/Stone Church On Ramp' should be changed to 'Mud Street/Stone Church Ramps' on the website;
- The website is the only location that mentions the closure of the Mud Street/Stone Church ramps. Please consider adding it to the media release and draft newsletter;
- In the FAQ, the question 'Will this asphalt be a higher quality than what was on the RHVP before resurfacing?' implies that that the previous asphalt was not high quality. In my opinion, the question and answer could be manipulated and used as an admission of guilt in any future lawsuits. Please consider deleting the question and answer.

The following is some background information on the existing RHVP asphalt mixtures. Given the volumes and percentage of trucks that use the RHVP, there are only two types of surface asphalt that should be used - Superpave FC2 (SP FC2) and Stone Mastic Asphalt (SMA). SMA was used on the mainline RHVP because of its superior rut resistance characteristics and SP FC2 was used on all the ramps. The previous asphalt mixtures used the same grade of asphalt cement and types of aggregate that are permitted

⁵²⁴ [HAM0030539_0001](#)

⁵²⁵ [HAM0030542_0001](#)

⁵²⁶ [HAM0030545_0001](#)

in the current specification. The resurfacing contract specifies SP FC2 on the mainline and ramps.⁵²⁷

462. On May 5, 2019, Mr. McGuire emailed Ms. Graham in response to Mr. Oddi's email. His email included the following comments:

I don't see the FAQ on the site? Is it removed now....

No comment on the mixes, other than I will talk with Marco about messaging. Maybe we all sit down and re-enforce the need for one message on this file.

He has made statements about this being a programmed resurface, and we need to direct that message.⁵²⁸

463. On May 6, 2019, Ms. Graham replied to Mr. Oddi, writing:

Thanks for this, Marco.

For #1 – unfortunately, the postcard and radio ad were both previously approved with “guardrail” and they can not be changed at this point. The good news is, 95% of people will not know the difference. You can blame your dumb comm person if you like

I have made adjustments #2, #3. (Web is in progress because I don't have access to edit that myself.)

For #4 – We've removed this question from the FAQ for this morning with Council in the interest of getting it out on time. I have made a note that we will circulate an updated version as we go through the construction period, and I do expect we will need an answer to that question.⁵²⁹

464. Mr. Perusin scheduled a meeting with Nick Giacalone (General Manager, Coco Paving), Michael Luongo (Estimator/Project Manager, Coco Paving), Mr. Renaud, Jim Salt (Structures Inspector, Construction, Engineering Services, Public Works, Hamilton), Dave Husack (Contract Inspector, Contract Inspection, Construction, Engineering Services, Public Works, Hamilton), and Paul McShane (Project Manager, Construction,

⁵²⁷ [HAM0036789_0001](#)

⁵²⁸ [HAM0036790_0001](#)

⁵²⁹ [HAM0036791_0001](#)

Engineering Services, Public Works, Hamilton) on May 6, 2019. The calendar invitation for this meeting stated as follows:

Gentlemen,

This meeting is to discuss the placement/frequency of testing/ and record keeping for the RHVP project.

I am just slotting this in with the hopes the verification will be complete prior to this meeting, and that this time will work for all.

Nick, my apologies for having the meeting at your office, just thought it would be easier for you guys.

Tyler, please invite the geo-tech rep.

Nick/Mike, please have Mark and whomever else present as well⁵³⁰

465. On May 6, 2019, Ms. Graham issued the following media release on behalf of the City:

Red Hill Valley Parkway construction update: Resurfacing in northbound (downbound) lanes to begin on May 21

HAMILTON, ON – Today, the City of Hamilton is sharing details about the resurfacing on the Red Hill Valley Parkway (RHVP) beginning this spring.

The RHVP is being resurfaced on both sides between the Queen Elizabeth Way and the Lincoln M. Alexander Parkway. In addition to new high quality asphalt, the RHVP resurfacing project will bring additional safety enhancements to the parkway, including 10 km of new steel guiderails with reflectors, bright durable lane markings, rumble strips, and more.

Construction will begin on the northbound (downbound) lanes on May 21, at approximately 9 p.m. All northbound (downbound) lanes will be completely closed between the Lincoln M. Alexander Parkway at Mud St/Stone Church Road and the Queen Elizabeth Way (QEW) for approximately three weeks.

Construction in the southbound lanes will begin in mid-June. The exact start-date for the complete closure in the southbound lanes will be announced 5-7 days before it begins. It will also take approximately three weeks. After the southbound lanes are complete, crews will resurface the ramps at Mud Street/Stone Church Road.

Approximately 70,000 cars use the RHVP each day. Given the parkway will be completely closed in one direction at a time throughout construction, 35,000 cars will be re-routed onto the emergency detour route or other streets in Hamilton. The City will be monitoring traffic in real time and will make changes to signal timings to avoid serious traffic gridlock around

⁵³⁰ [HAM0030370_0001](#)

the City during construction, wherever possible. Specifically, traffic signal timing will be adjusted along the main detour route, near ramp locations and in key corridors based on construction staging. The City is also making changes to the lane markings and signal timings at the Mud St and Upper Centennial intersection to accommodate additional traffic.

Additional safety enhancements as part of the resurfacing project include:

- 10km of new steel beam guide rails
- Rumble strips
- Bright, durable lane markings
- Post mounted reflective delineators on straightaways
- Guiderail mounted reflective delineators on curves
- Concrete barrier mounted reflective delineators on curves
- Object and oversize plow marker signage replacement
- Resetting catch basins
- Clearing/removing obstructions

HSR anticipates delays for customers throughout construction. As always, detours and impacts for HSR customers will be posted at: www.hamilton.ca/hsrdetours

The City has launched a dedicated project website to share project timelines and details, detour routes, traffic mitigation measures, and more: www.hamilton.ca/redhill. This website will be updated throughout construction. Details will also be shared daily on the City's social media accounts.

The City of Hamilton thanks residents for their patience and cooperation as we complete these important infrastructure repairs to the Red Hill Valley Parkway.⁵³¹

3. Discussions with Shillingtons LLP related to the RHVP

466. On March 12, 2019 Ms. Crawford and Ms. Swaby engaged in the following email exchange:

[CC]: I have been monitoring the media with respect to the Red Hill Valley Parkway and came across this interesting website. <https://www.redhilltruth.com/>

It's really too bad that the truth has not come out yet!

[DS]: Unfortunately, IT has blocked this site as it is considered questionable. Would it be possible to print and scan it?

⁵³¹ [HAM0061330_0001](#)

I note the link says “redhill truth”. Reminds me of the famous line of Jack Nicholson in the movie A Few Good Men, “you can’t handle the truth”..... Can’t wait to read what it says.

[CC]: I have uploaded a PDF of the website into OneDrive, which can be accessed by clicking on the following link:

https://shillingtons-my.sharepoint.com/:f:/g/personal/colleen_shillingtons_ca/Ek36cYVBWkZlqBDDeV0c59PcBGjIL-SeYXVqy3Qn6p-eVkg?e=bRTZ5N

Can you confirm that you have been able to access and download the document? The link is only good for 24 hours (our IT department requires this).⁵³²

467. On May 10, 2019, at 2:34 p.m. Ms. Crawford emailed Mr. Cooper writing “[c]an you please send me a list of the reports that you indicated were in the binder, that went to council?”⁵³³

468. Ms. Crawford also emailed Mr. Cooper at 2:53 p.m. under the subject line “Hamilton ats Melo / Lee / Barlow”, writing:

Can we get the draft report that these comments were based on?

We have the October 2015 draft report and the final report of November 2015.

Also, can we have a list of the reports that went to council (dates and subject) re the Linc.⁵³⁴

469. Ms. Crawford attached a document titled “Tab 202 – CIMA Memo re City’s Comments and CIMA’s responses re Linc Safety Review draft report dated September 11, 2015.pdf”.⁵³⁵

470. On May 13, 2019, Mr. Shillington emailed Mr. McLennan, copying Ms. Swaby and Ms. Crawford. He wrote:⁵³⁶

⁵³² [HAM0062308_0001](#)

⁵³³ [HAM0064212_0001](#)

⁵³⁴ [HAM0064206_0001](#)

⁵³⁵ [HAM0064207_0001](#)

⁵³⁶ [HAM0062316_0001](#)

John, although I am sure Gowlings will have access to the Hamilton accident data base (which is very good) and you may already have this information,

below is our summary of accidents to mid-2015 based on information we have from Hamilton for past claims .

Good luck with the claim.

Subject: RHVP Accidents - 2007 to June 30, 2015

TRS: a quick summary of the number of accidents on the RHVP.

Year	Number of Accidents
2007	1
2008	17
2009	23
2010	32
2011	45
2012	44 * 1 fatal
2013	58
2014	53
2015 * to June 30, 2015	29 * 1 fatal

471. Later that day, Ms. Crawford replied, attaching a spreadsheet titled “RHVP Accidents 2007-2015”. She wrote: “For your ease of reference, attached is a spreadsheet with the RHVP accidents.”⁵³⁷

472. On May 14, 2019, Mr. Cooper replied to Ms. Crawford’s 2:53 p.m. email from May 10, 2019, attaching a copy of the 2015 CIMA Report, dated November 2015.⁵³⁸

473. Ms. Crawford responded to Mr. Cooper on May 14, 2019. She wrote:

We have this report, we are looking for a draft report on the Linc that is dated September 2015. It appears that there was a draft report circulated by email and then CIMA created a chart of comments and then revised the report in October before finalizing the report in November 2015.⁵³⁹

⁵³⁷ [HAM0062316_0001](#) attaching [HAM0062317_0001](#)

⁵³⁸ [HAM0064208_0001](#) attaching [HAM0064209_0001](#)

⁵³⁹ [HAM0064210_0001](#)

474. Mr. Cooper replied the same day, writing “[t]ry this”. The City has not been able to locate and retrieve a copy of the document attached by Mr. Cooper.⁵⁴⁰

475. Ms. Crawford replied, asking Mr. Cooper if he “had other draft versions of the report”.⁵⁴¹

476. On May 14, 2019, Mr. Cooper also replied to the email Ms. Crawford sent on May 10, 2019 at 2:34 p.m., attaching a document titled “B000522 Hamilton CMC Linc ReviewComments Log_e01.pdf”.⁵⁴²

477. On May 22, 2019, Mr. Cooper sent Ms. Crawford several additional emails attaching various staff reports, consultant reports, Public Works Committee meetings and Public Works Committee agendas related to the RHVP and LINC dated between November 18, 2013, and February 6, 2019.⁵⁴³

4. 2019 Insurance Renewal Report

478. On May 2, 2019, Mr. McLennan emailed Ms. Auty and Mr. Sabo, attaching a report titled “2019 Property and Liability Insurance Renewal Report (FCS19032) (City Wide)”. He wrote: “Attached is our draft report in preparation for today’s meeting.”⁵⁴⁴

⁵⁴⁰ [HAM0064211_0001](#)

⁵⁴¹ [HAM0064211_0001](#)

⁵⁴² [HAM0064212_0001](#) attaching [HAM0064213_0001](#)

⁵⁴³ [HAM0064217_0001](#) attaching [HAM0064218_0001](#), [HAM0064219_0001](#), [HAM0064220_0001](#), [HAM0064221_0001](#), [HAM0064222_0001](#), [HAM0064223_0001](#) and [HAM0064224_0001](#); [HAM0064225_0001](#) attaching [HAM0064226_0001](#), [HAM0064227_0001](#), [HAM0064228_0001](#), [HAM0064229_0001](#), [HAM0064230_0001](#) and [HAM0064231_0001](#); [HAM0064232_0001](#) attaching [HAM0064233_0001](#) and [HAM0064234_0001](#); [HAM0064235_0001](#) attaching [HAM0064236_0001](#), [HAM0064237_0001](#), [HAM0064238_0001](#) and [HAM0064239_0001](#)

⁵⁴⁴ [HAM0062630_0001](#) attaching [HAM0062633_0001](#), [HAM0062632_0001](#) and [HAM0062631_0001](#)

479. The draft 2019 Property and Liability Insurance Renewal Report (FCS19032) included the following content:

The City's General Managing Agent, Jardine Lloyd Thompson, (JLT) has provided a renewal premium quotation for the Liability and Property Insurance coverage for the City of Hamilton for the term January 1, 2019, to January 1, 2020, of \$6,627,835 (net of taxes). The prior year's premium for the term January 1, 2018 to January 1, 2019 was \$4,665,402. This is an increase of \$1,962,433 (42%) increase over 2018.

The premium increase is largely based within liability coverage and can be attributed to four primary factors:

1. The global insurance market hardened significantly over the last 6 months of 2018, primarily due to the combination of catastrophic losses related to extreme weather events paired with lower returns on the investment market
2. The recent development of liability exposure related to motor vehicle accidents on the Red Hill Valley Parkway.
3. The recent development of liability exposure related to the "Good Samaritan" claim against Hamilton Paramedic Services.
4. The continuing presence of the principle of joint and several liability (1% rule) in the consideration of exposures and claims resolution.⁵⁴⁵

480. The report also included the following content:

The most challenging aspect of the 2019 renewal was the recent development of potentially damaging information relative to the performance of the Red Hill Valley Parkway. At present there are 6 active lawsuits against the City. Previously it was thought that these claims along with any others that might arise did not represent a particularly significant exposure for the City. With recent events however, there is a very real potential for sizeable exposure, both in terms of new claim volume and in liability for existing and new claims. It is entirely possible the City will be facing a class action lawsuit encompassing multiple RHVP accidents.⁵⁴⁶

5. Friction testing prior to RHVP resurfacing

(a) Discussions about pre-resurfacing friction testing

481. On March 20, 2019, Mr. McGuire emailed Ms. Lane under the subject line "Follow up with the City of Hamilton". He wrote:

⁵⁴⁵ [HAM0062633_0001](#) at image 2

⁵⁴⁶ [HAM0062633_0001](#) at image 7

We talked last month on the RHVP issue and I wanted to say thanks.

I wondered if we could have a conversation about the potential to test our facility again prior to our resurfacing works.

As well if you had any details on the setting of LD's for paving contracts, methods for establishing the costs, and if there is something you could share. We're setting the LD at \$5K per day and have some interest in potentially increasing them if we can support the increase.

If possible we can arrange a call in the next week if your available .⁵⁴⁷

482. Ms. Lane replied later that same day:

I will connect you with Doug Pateman, the manager in our Contract Management Office – he can assist with your questions on LDs.

His contact information is Douglas.Pateman@ontario.ca.

With respect to friction testing, I will check with staff to see if the friction trailer is ready to hit the road. We will need some warm weather. Stay tuned.⁵⁴⁸

483. On March 29, 2019, Felicia Horinga (Administrative Assistant, Executive Director's Office, Highway Standards Branch, Provincial Highways Management Division, MTO) emailed Mr. Soldo. She wrote:

Kevin Bentley and Becca Lane from the Ministry of Transportation have asked that I schedule a 30 minute meeting with you about MTO undertaking Friction Testing.

Please advise on your availability to meet early next week. You are welcome to provide the name and contact information of anyone else you would like to participate in this meeting, and I can ensure that I send them the meeting invite.⁵⁴⁹

484. Mr. Bentley circulated a calendar invitation for April 2, 2019 with the title "MTO undertaking Friction Testing". Ms. Lane, Mr. Soldo, and Mr. McGuire were listed as required attendees at this meeting.⁵⁵⁰

⁵⁴⁷ [HAM0036528_0001](#)

⁵⁴⁸ [HAM0036528_0001](#)

⁵⁴⁹ [HAM0036611_0001](#)

⁵⁵⁰ [HAM0029688_0001](#)

(b) Englobe and ARA Conduct Friction Testing

485. On May 10, 2019, Mr. Van Dongen emailed Mr. McGuire, copying Ms. Graham and Mr. McKinnon. He wrote:

Hi Gord, Dan told me earlier this week that the city would not do any additional friction/performance related testing prior to the resurfacing.

But someone had mentioned to me they thought they saw "closed for testing" signs on the Red Hill a couple of weeks ago. Dan suggested I check with you, just to make sure.

Have we done any other friction or quality-related testing recently?⁵⁵¹

486. Mr. McGuire responded later that same day, writing:

There was recent testing on the RHVP and Dartnal ramps that was not related to the upcoming resurfacing. In March Public Works performed the following works to prepare for a potential water main project. The tests were for soil types, rock depths, granular depths etc. Our work is laid out as below.

In order facilitate a geotechnical review (borehole sampling) for design of a future trunk water main installation in the corridor, the following two expressway access ramps for the Red Hill Valley Parkway will need to be CLOSED for a 6 hour weekday period:

1. Dartnall Road entrance ramp to the northbound Red Hill Valley Pkwy. – Tues. March 12 & Wed. March 13 : (9 am – 3 pm)
2. Red Hill Valley Pkwy. exit ramp to the Upper RHVP (Stone Church Rd. intersection) - Thurs. March 14 : (9 am – 3 pm)

There will also be a right side lane closure on the eastbound Linc / RHVP in the area of the Pritchard Rd. overpass - scheduled between 9 am and 3 pm for each of Fri. March 15 and Mon. March 18. However, this lane restriction commences where a 3rd lane is introduced (for a right hand exit to the Upper RHVP), so expressway traffic capacity is essentially not affected by this work zone's lane closure.

I hope this clarifies your request.⁵⁵²

487. On May 15, 2019, Mr. McKinnon emailed Mr. Zegarac and Janette Smith (City Manager, City Manager's Office, Hamilton) under the subject line "RHVP friction testing".

He wrote.⁵⁵³

⁵⁵¹ [HAM0030962_0001](#)

⁵⁵² [HAM0030962_0001](#)

⁵⁵³ [HAM0055451_0001](#)

Hi folks, at some point I'm going to have to give instructions to Gord about whether or not we direct Coco to delay the commencement of the project. I'm not sure how or when we will make that decision, however the sooner the better.

Can we convene tomorrow afternoon to discuss? See below

488. Ms. Smith replied later that day: "I am free tomorrow afternoon after meeting with the Mayor."⁵⁵⁴

489. Mr. McKinnon invited Ms. Smith to a meeting titled "RHVP Friction Testing" on May 16, 2019.⁵⁵⁵

490. Ms. Melatti invited Ms. Wunderlich to a meeting by the same name on May 17, 2019. The message in the calendar invitation was as follows: "Mike will call into: 905-546-2424 x5032".⁵⁵⁶

491. On May 17, 2019, Tammy Blackburn (Superintendent, Programs and Contracts, Roadway Maintenance, Transportation Operations & Maintenance, Public Works, Hamilton) took handwritten notes under the heading "RHVP Testing."⁵⁵⁷

492. On May 16, 2019, Mr. Hertel emailed Mr. Van Dongen, copying Ms. Smith. He wrote.⁵⁵⁸

We are working with Gowling WLG who are representing the City on the litigation matters. They are quickly assessing all related details regarding further testing and the repaving schedule. At such time as next steps are clear, we will be able to inform the public of any impacts.

⁵⁵⁴ [HAM0055451_0001](#)

⁵⁵⁵ [HAM0015305_0001](#)

⁵⁵⁶ [HAM0015309_0001](#)

⁵⁵⁷ [HAM0058837_0001](#)

⁵⁵⁸ [HAM0031109_0001](#)

493. On May 17, 2019, Mr. Van Dongen replied:⁵⁵⁹

Hi John, lawsuit aside, has there been any request from the inquiry Commissioner for further tests on the current Red Hill asphalt?

That was one of my questions to the city manager.

494. Mr. Hertel replied later that same day.⁵⁶⁰

I wanted to provide you with an update regarding friction testing on the Red Hill Valley Parkway prior to the repaving that is scheduled to start Tuesday night.

In order to preserve data in advance of the repaving, our (the City's) external counsel Gowling WLG is arranging for testing and data collection to be undertaken before the road repaving work is done next week.

495. Mr. Hertel forwarded his email to Ms. Recine the same day.⁵⁶¹

496. On May 17, 2019, at 2:53 p.m., Mr. Hertel emailed Ms. Recine and Aisling Higgins (Communications Officer, Strategic Partnerships & Communications, City Manager's Office, Hamilton), copying Mr. McGuire. He wrote:

Just off the phone with Dan. He is coming in to see Janette shortly to discuss some items re upcoming testing and schedules. I'll likely need to have you work up a Comms piece with Gord that would include an update to the Mayor and Councillors as well as potentially the general public.

Jen if you are going to be around it might be good for you to join me hear so that you can hear it directly from Dan and Janette.⁵⁶²

497. On May 17, 2019, at 3:30 p.m., Mr. McGuire emailed David Hein (Principal Engineer and Vice-President of Transportation, Applied Research Associates Inc.), Ms. Blackburn, Bob Paul (Manager, Roadway Maintenance, Transportation Operations &

⁵⁵⁹ [HAM0031109_0001](#)

⁵⁶⁰ [HAM0031109_0001](#)

⁵⁶¹ [HAM0031109_0001](#)

⁵⁶² [HAM0055478_0001](#)

Maintenance, Public Works, Hamilton), and Mr. Field, copying Mr. Soldo, Mr. McKinnon, and Ms. Auty. He wrote:

As discussed and thanks for the call today. I'm connecting you with the roads and operations staff that will be developing the Tuesday rolling shutdowns.

As promised I have attached an overall map of the site, we can resupply without the air photo if you prefer. If you could mark this with the potential locations that would be useful for our interaction with the contractor.

Tammy Blackburn is the roads lead and will assigning this to her staff for Tuesday am. They will reach out and give you more specifics very shortly.

Bob Paul and Mike Field are in the operations team as well, and are copied to make sure they are connected to this work.

We are aiming at a 9:30 am start to my knowledge right now. Again to be confirmed.

498. Dr. Hein responded later that day:

Drawing is fine. I will be heading down Sunday morning to both drop off a shadow vehicle at one of our technician's houses (he returns Monday evening) and works that night and to drive the road to identify coring locations. I have also made some staffing modifications to make this work Tuesday for coring.

1 request.... Any chance that the City Operations folks can supply and bring cold patch to fill the core holes? We will install.⁵⁶³

499. On May 17, 2019, at 3:45 p.m., Ms. Blackburn emailed John Searles (Superintendent - Roads, District East, Roadway Maintenance, Transportation Operations & Maintenance, Public Works, Hamilton), copying Mr. Paul, Mr. McGuire, Mr. Butrym, Mr. Soldo, Mr. Field, Mr. McKinnon, and Ms. Auty. Ms. Blackburn attached Mr. McGuire's emails with Dr. Hein to her email, writing:

As per our conversation here is the details:

- Tuesday May 21st, 2019
- Contractor ARA taking bore hole samples on the RHVP – Northbound only

⁵⁶³ [HAM0055462_0001](#)

- 5 locations in total with 5 holes per location
- Time at each location 1.5-2 hours each
- Roadway Maintenance will be doing the traffic control for the contractor - ARA
- Have road crew on site at first location for 09:30am
- ARA to provide a map identifying each location and sequence (to be provided this weekend)
- Traffic control plan TL-29
- Closure will be in lane 1 (left lane/fast lane)
- If traffic congestion gets heavy during 15:00-16:00 pull off the road and re-convene after 18:00-19:00
- Overtime likely and approved as per Category 5
- Make sure to bring cold patch (KP), contractor will be responsible for filling the holes we need to have material on site.

John: Could you please let us know who is going to be your lead for on-site. They will also have to connect with ARA in regards to contact information, meeting locations, site specific needs etc.

Please let me know if you have any questions or concerns.⁵⁶⁴

500. On May 17, 2019, at 4:49 p.m., Mr. Hertel emailed members of Council under the subject line “Red Hill Valley Parkway”. He wrote:

Dear Mayor Eisenberger and Members of Council,

We wanted to provide you with an update regarding friction testing on the Red Hill Valley Parkway prior to the repaving that is scheduled to start Tuesday night.

[Redacted for Solicitor-Client Privilege]

The City has advised the Commissioner of its intention to conduct friction testing prior to the repaving and offered to share those results with the Commission in the event that the current friction data may be relevant to the work of the Inquiry. The Commissioner has indicated its support for the friction testing and acknowledged that, although the inquiry is still at an early stage, it is quite possible that current friction data may be useful to the Inquiry.

⁵⁶⁴ [HAM0055461_0001](#)

If you have any questions regarding the above, please contact Nicole Auty or Dan McKinnon.⁵⁶⁵

501. On May 20, 2019, the City issued the following media release:

Update: City of Hamilton to implement rolling lane closures in northbound left lane of Red Hill Valley Parkway (RHVP) starting 9:30 a.m. Tuesday

HAMILTON, ON – The City of Hamilton will implement rolling lane closures starting at 9:30 a.m. Tuesday May 21, 2019 in the left lane of the northbound (downbound) Red Hill Valley Parkway (RHVP) to have sample collection and testing of the asphalt conducted. The closures will be for a period of 1.5 - 2 hours each and crews will be moving to five different locations throughout the day in that lane. **These will only be short area closures and not the entire left lane.**

To ensure timely completion of the testing and in an effort to allow Coco Paving to maintain its repaving schedule, the City decided to have the testing conducted in advance of Coco taking control of the site Tuesday night. The asphalt sampling and testing will be conducted by third party contractors. The data compiled may inform ongoing litigation matters. The Commissioner overseeing the judicial inquiry into the Red Hill Valley Parkway matter has indicated its support of the testing as it may assist the work of the judicial inquiry. The City and contractors will ensure there is as minimal an impact to motorists as possible throughout the day Tuesday while the testing is being carried out.

The resurfacing of the RHVP will begin, as scheduled, Tuesday night. **All northbound (downbound) lanes of the Parkway will be fully closed starting Tuesday night at 9 p.m. for approximately three weeks** between the Lincoln M. Alexander Parkway at Mud St/Stone Church Road and the Queen Elizabeth Way (QEW).

The RHVP is being resurfaced on both sides between the Queen Elizabeth Way and the Lincoln M. Alexander Parkway. In addition to new high quality asphalt, the RHVP resurfacing project will bring additional safety enhancements to the parkway, including 10 km of new steel guiderails with reflectors, bright durable lane markings, rumble strips, and more.

Construction in the southbound lanes will begin in mid-June. The exact start-date for the complete closure in the southbound lanes will be announced 5-7 days before it begins.

HSR anticipates delays for customers throughout construction. As always, detours and impacts for HSR customers will be posted at: www.hamilton.ca/hsrdetours.

The City has launched a dedicated project website to share project timelines and details, detour routes, traffic mitigation measures, and more: www.hamilton.ca/redhill. This website will updated throughout construction. Details will also be shared daily on the City's social media accounts.

The City of Hamilton thanks residents for their patience and cooperation as we complete these important infrastructure improvements to the Red Hill Valley Parkway.⁵⁶⁶

⁵⁶⁵ [HAM0055510_0001](#)

⁵⁶⁶ [HAM0055533_0001](#)

502. On May 20, 2019, Mr. Butrym forwarded an email from Ms. Recine advising of this media release to Joe Guerretta (Traffic Operations, Transportation Operations, Transportation Operations & Maintenance, Public Works, Hamilton), Mr. Andoga, and the “roadwaypermits” email list. He wrote: “Babble....babble”. Mr. Andoga replied to Mr. Butrym alone: “Cover thy arse”.⁵⁶⁷

503. Between May 19 and 20, 2019, ARA performed skid resistance testing on the RHVP in accordance with ASTM Standard E-274, using a tow vehicle, skid trailer, and locked test wheel. ARA also performed surface coring and sand patch tests on the RHVP. ARA finalized its report, titled “Surface Pavement Investigation”, on September 11, 2019, attaching its test results as appendices.⁵⁶⁸

504. On May 21, 2019, Englobe conducted friction testing on the RHVP using Findlay Irvine Grip Tester. Englobe’s report, titled “Red Hill Valley Parkway Friction Testing”, summarized the friction testing results on the RHVP as follows:⁵⁶⁹

⁵⁶⁷ [HAM0031137_0001](#)

⁵⁶⁸ [HAM0009630_0001](#); [HAM0009628_0001](#); [HAM0009629_0001](#); and [HAM0009627_0001](#)

⁵⁶⁹ [HAM0009626_0001](#) at image 6

Table 2 Friction Number Summary – Red Hill Valley Parkway – Northbound Lanes

Station		Section	INSIDE LANE (NB1)	OUTSIDE LANE (NB2)	
			RIGHT-WHEEL PATH	RIGHT-WHEEL PATH	MID-LANE*
Start	End		FN	FN	FN
0+000	2+550	Mud St to Greenhill Ave	34	32	41
2+550	3+850	Greenhill Ave to King St E	36	34	45
3+850	4+650	King St E to Queenston Rd	33	34	42
4+650	5+700	Queenston Rd to Barton St E	35	40	46
Average Friction Number (RHVP), FN			34	35	43
Overall Section (RHVP), FN			34		

Notes: *Mid-lane Friction Numbers not included in calculation of Overall Section average Friction Number.

Table 3 Friction Number Summary – Red Hill Valley Parkway – Southbound Lanes

Station		Section	INSIDE LANE (SB1)	OUTSIDE LANE (SB2)
			RIGHT-WHEEL PATH	RIGHT-WHEEL PATH
Start	End		FN	FN
0+000	2+550	Mud St to Greenhill Ave	39	37
2+550	3+850	Greenhill Ave to King St E	36	34
3+850	4+650	King St E to Queenston Rd	36	34
4+650	5+700	Queenston Rd to Barton St E	37	38
Average Friction Number (RHVP), FN			37	36
Overall Section (RHVP), FN			37	

505. On May 21, 2019, the Spectator published an article by Mr. Van Dongen titled “Red Hill friction to be tested ahead of repaving: City preserving data before inquiry into report suggesting road more slippery than expected”. The article contained the following content:

The city has switched gears and will now do updated friction testing after all on the crash-prone Red Hill Valley Parkway ahead of repaving that is slated to start Tuesday.

Until recently, the city has said further study of the original parkway asphalt was not needed, despite questions raised by a buried 2013 report that showed poor friction on a roadway long rumoured to be slippery.

That mysteriously hidden report - made public only in February - prompted both a class-action lawsuit from crash victims and a judicial inquiry headed by Superior Court Justice Herman Wilton-Siegel.

Late Friday, city spokesperson John Hertel confirmed in an email that law firm, Gowling WLG will now arrange testing "to preserve data" before the original asphalt disappears.⁵⁷⁰

506. On May 21, 2019, Mr. McKinnon, on behalf of the City, indemnified Coco Paving for all losses, damages, costs, demands, claims, expenses and other consequences incurred, sustained or suffered by reason of or in direct consequence of any negligence of ARA in collecting samples or performing testing on the RHVP.⁵⁷¹

507. On May 21, 2019, a member of the public emailed Councillor Farr under the subject line "Redhill overhaul". He wrote: "I was wondering if city doing asphalt all over redhill would consider doing study too see if there flaw in design as I recall my clients did work on that redhill and disagreed with builder but just want some clarification on that matter cause if were repaving just want make sure design of road is altered if needed."⁵⁷²

508. Mr. Farr forwarded this email to City staff, including Mr. McGuire. Mr. McGuire replied later that day, writing: "The current work is a resurfacing project, this inquiry appears to be asking about the actual geometric design. The design elements will be reviewed in greater detail in the coming years we explore potential enhancements to the RHVP and Linc facilities."⁵⁷³

6. Completion of RHVP Resurfacing

509. On May 28, 2019, Mr. King emailed Mr. Olszewski under the subject line "RHVP SB changeover." He wrote:

⁵⁷⁰ [RHV0000457](#)

⁵⁷¹ [HAM0015346_0001](#); See also [HAM0031199_0001](#)

⁵⁷² [HAM0058842_0001](#)

⁵⁷³ [HAM0058842_0001](#)

I spoke to Mike about having a meeting set up to start discussing the SB closure and what works need to be identified/completed/discussed.

Do you want me to set something up or do you want to.

We were thinking a short meeting this week to get everyone thinking about it, followed by additional longer meetings as required as we approach the flip.⁵⁷⁴

510. On May 31, 2019, Mr. Olszewski emailed Mr. King, Mr. Field, Mr. Declair, Mr. Switenky, and Mr. Ferguson. He wrote:

Quick update regarding RHVP Northbound meeting held this afternoon with Construction, Coco Paving and TOM.

As of end of day May 31st, the mainline will be fully paved, this doesn't include guiderails/markings or the ramps. Strictly asphalt for the mainline.

Work on the Northbound ramps will commence on June 1st, and through the week of June 3rd, the guiderails/pavement markings/safety features will be conducted at that time. **Saturday June 8th or Monday June 10th Northbound is planned to be reopened. This is all weather dependant, but tentative June 14th or June 17th for the start of Southbound closure.** This provides Coco Paving the required days to conduct their remobilization, notices, signage changes and traffic control.

Traffic Operations will be on-site Monday June 3rd to conduct a visual inspection to make sure all signage and existing assets have not be damaged or removed, outside of the Coco Paving contract, prior to the reopening of Northbound to live-traffic.

June 11th to 13th is when Traffic Operations will be verifying PVMS signage changes, and Coco Paving will be contacting MTO to advise of the tentative schedule before the Southbound change-over.

Once more information is known, Construction or TOM will provide an update.⁵⁷⁵

511. On May 31, 2019, Mr. McKinnon emailed members of Council an Information Update on the RHVP.⁵⁷⁶ This Information Update advised that the RHVP resurfacing project was "well underway".⁵⁷⁷

512. On June 6, 2019, Mr. Malone emailed Mr. Bottesini and Scott Roberts (Partner, Director, Transportation, CIMA). He wrote: "I would recommend that Ballbank studies be

⁵⁷⁴ [HAM0061448_0001](#)

⁵⁷⁵ [HAM0061494_0001](#)

⁵⁷⁶ [HAM0031441_0001](#)

⁵⁷⁷ [HAM0031442_0001](#) at image 1

completed prior to opening. Has the City requested that?” Mr. Roberts replied later that day: “The City hasn’t asked.” Mr. Malone replied: “If we can we should do it. Can we propose an addendum to the City?”⁵⁷⁸

513. Mr. Bottesini replied to Mr. Malone, writing: “Would the new pavement have an effect on the results though? I assume if the super elevation doesn’t change the ball bank results from 2015 would still apply”.⁵⁷⁹ On June 6, 2019, at 9:55 p.m., Mr. Roberts emailed Mr. Vala. He wrote: “We had some internal discussion and was also wondering if a new ball bank test will be required. FYI, there was one done in 2015.”⁵⁸⁰ On June 7, 2019, Mr. Vala responded, writing:

Thanks for identifying and bringing this up. Yes, our Transportation Operations & Maintenance (TOM) agrees that the test needs to be conducted again.

I’m assuming this can be done in an expedited fashion to take advantage of the current road closure for NB direction. The RHVP NB is set to be open for traffic on Wednesday June 12th. Please coordinate with construction to perform the test.

Also, please submit the revised estimate ASAP. I’d like to ensure that the necessary administrative procedures are completed to ensure payment for the work performed is possible/feasible.⁵⁸¹

514. Later that same day, Mr. Roberts emailed Mr. Bottesini and Mr. Malone. He wrote: “FYI, I received a call from Marco Oddi and he would like the ball bank test done if we can fit it in. Marco indicated that we have until Wednesday morning (we even have Wednesday morning before they open it).”⁵⁸²

⁵⁷⁸ [CIM0021867](#)

⁵⁷⁹ [CIM0021867](#)

⁵⁸⁰ [CIM0021864](#)

⁵⁸¹ [CIM0021857](#)

⁵⁸² [CIM0021855](#)

515. On June 11, 2019, Mr. Bottesini emailed Mr. Malone and Mr. Roberts. Mr. Bottesini attached the results of a ball bank study on the northbound lanes of the RHVP to his email.⁵⁸³ He wrote:

Attached are the results of the ball bank study.

Based on ITE 6th Edition, everything passes for the original curve advisory speeds.

A few remarks:

- The 40 km/h advisory speed sign for the King Street NB off-ramp was removed and needs to be reinstalled before reopening the ramp.
- The guide rails on the Queenston Road NB off-ramp have not yet been completed (same situation as yesterday).

I'll stay until it's dark to check the delineation and reflectors.

Below are some height measurements for the old guide rails. I only took 1 measurement per guide rail at what seemed to be the lowest point:

- Under Mud Street: 66 cm
- South of Greenhill Avenue: 70 cm
- Under Mount Albion Road: 68 cm
- Under Barton Street: 69 cm
- Between Barton Street and the railway bridge: 70 cm
- Structure connection sent by Dennis (right shoulder): 67 cm (need to compare with Acceptable height for SBGR with channel)
- Structure connection sent by Dennis (median side): 64 cm (need to compare with Acceptable height for SBGR with channel)⁵⁸⁴

516. On June 12, 2019, Mr. Roberts emailed Mr. Oddi, copying Mr. Perusin, Mr. McShane, Mr. Bottesini, and Mr. Malone. He wrote:

Comments from Giovanni after performing the ball bank tests:

Based on ITE 6th Edition, everything passes for the original curve advisory speeds.

⁵⁸³ [CIM0021694](#) attaching [CIM0021694.0001](#)

⁵⁸⁴ [CIM0021694](#)

A few remarks:

- *The 40 km/h advisory speed sign for the King Street NB off-ramp was removed and needs to be reinstalled before reopening the ramp.*
- *The guide rails on the Queenston Road NB off-ramp have not yet been completed (same situation as yesterday).⁵⁸⁵*

517. On July 8, 2019, Mr. Oddi emailed Mr. Roberts and confirmed that the City wanted a ball bank test completed for the southbound lanes of the RHVP.⁵⁸⁶

518. On July 9, 2019, Mr. Bottesini emailed the results of a ball bank study on the southbound lanes of the RHVP to Mr. Malone and Mr. Roberts.⁵⁸⁷

519. On August 20, 2019, Mr. Becke emailed guop@mcmaster.ca and taitm@mcmaster.ca. He wrote:

Hello Dr. Tait and Dr. Guo,

My name is Mike Becke and I am the Senior Project Manager for the Design Section of Engineering Services in Public Works. The Design Section, along with our Construction and Asset Management sections are interested in partnering and developing a relationship with McMaster University to build home-grown research on pavements, both flexible and rigid.

To give a history of our innovation in the Province, The City of Hamilton is the first Municipality to adopt MSCR Graded Asphalt Cement as our standard in our SuperPave Pavements and we were one of the first municipalities to adopt SuperPave in 2006. The Red Hill Valley Parkway was constructed as Perpetual-Pavement using a Rich Bottom Mix to increase the life expectancy of the Parkway. The City has also implemented various technologies such as Cold In Place Asphalt recycling, Hot in Place Asphalt Recycling, asphalt with aramid fibers and other materials and additives for implementation in the asphalt mix. In the past, we have done projects with CPATT (Centre for Pavement and Transportation Technology) at the University of Waterloo, but would like to work with our hometown university in developing a programme that benefits both parties.

The City would like to meet with the Faculty of Engineering, Specifically Civil, to discuss opportunities in research and development in our back yard. The City has a Neighbourhood resurfacing project occurring next year 2020 in the Westdale Neighbourhood, which is literally steps away from the McMaster Campus and may have the opportunity in completing some research at the same time.

⁵⁸⁵ [CIM0021801](#)

⁵⁸⁶ [CIM0021763](#)

⁵⁸⁷ [CIM0021696](#) attaching [CIM0021696.0001](#)

Please let me know if you are interested in discussing our proposal further. We would be very interested in coming and talking with you in person if you would like.⁵⁸⁸

520. In September 2019, Gowlings WLG retained ARA on behalf of the City to complete testing of the pavement surface frictional properties on the newly resurfaced main lanes of the RHVP. ARA finalized its report on November 15, 2019.⁵⁸⁹

7. Revised Scope for Auditor General investigation

521. On April 2, 2019, Ms. Minard emailed Mr. McGuire under the subject line “Current audit scope and objectives (roads).”⁵⁹⁰ Ms. Minard attached a copy of a document titled “Statement of Objectives, Scope & Methodology” to her email, which was copied to Ms. Cameron, Mr. Brown, Allison Hornby (Administrative Assistant to the Director and Auditor General, Audit Services, Office of the City Auditor, City Manager's Office, Hamilton), Mr. Pellegrini, Mr. McKinnon, and Ms. Wunderlich. This document included an objective specific to the RHVP and LINC:

* Specific to the Red Hill Valley Parkway and the Lincoln Alexander Parkway,

- a) Compare the actual expenditure and treatment cycle to date on these roads to the budgeted assumptions made in the life cycle cost analysis;
- b) Asses the performance of the type of pavement used on these roads;
- c) Verify whether an evaluative study has been performed validating that the 50-year life of these assets is still attainable at the cost initially budgeted.⁵⁹¹

522. On April 4, 2019, Ms. Minard forwarded her email to Mr. Zegarac, copying Ms. Melatti, Mr. Brown, and Ms. Hornby. She wrote:

Charles and I have share a revised audit scope for the Roads Audit with Gord McGuire and Dan McKinnon in Public Works. We wanted to also share the document with you.

⁵⁸⁸ [HAM0006494_0001](#)

⁵⁸⁹ [HAM0009637_0001](#); [HAM0009633_0001](#); and [HAM0009634_0001](#)

⁵⁹⁰ [HAM0029830_0001](#)

⁵⁹¹ [HAM0029832_0001](#) at image 2

You had mentioned a procurement-related concern to us during one of those late night GIC/Council meetings for RHVP. The revised audit scope includes work in procurement, specifically on roster compliance.

Let us know if you have any further suggestions/comments on this.⁵⁹²

523. Mr. Zegarac replied later that day:

Thanks Brigitte. Under Objectives, RHVP (b) – would this potentially replicate the work of the external investigation?

Also, the cope might reference this, but I might have missed it. Will audit be reviewing the completion rate and quality of vendor performances for road construction contracts?⁵⁹³

524. On April 5, 2019, Mr. Brown replied to Mr. Zegarac's email:

I wasn't planning on reporting on the need for friction standards, improved practices or monitoring – though it would have been an obvious thing to do and could easily have been done with the information we already have (ie the city doesn't have rigorous practices). That would be an overlap. I would prefer to leave it to the inquiry

We are looking at premature pavement deterioration, the monitoring of contractor and supplier quality, including testing, and the measurement of life cycle performance of the road system – all value for money issues, not safety issues, where the risk is paying for poorly performing assets and not holding contractors to account.

There are a couple of financial and compliance aspects - one being the procurement/roster administration – the other is the extra .5% for capital rehab. I'd like to know more about how that amount was derived and whether it is being followed through on – am getting different answers to that question – thought we could chat about it ⁵⁹⁴

525. On April 24, 2019, members of Council voted to call the RHVPI.⁵⁹⁵

526. On May 7, 2019, Mr. Pellegrini emailed Mr. Sharma, writing:⁵⁹⁶

One of the links that you provided on the S drive shows a proposal by Golder to use instrumentation imbedded in the RHVP to monitor traffic and the pavement response. See S:\Public Works\Engineering Services Division\Engineering Services General Info\Internal Audit\Golder Requisitions\Golder PO69811.pdf. It appears the proposal was agreed to Gary Moore in March 2013 to cover a three year period (2013, 2014 and 2015), and it involved only data collection, downloading and storage.

⁵⁹² [HAM0029830_0001](#)

⁵⁹³ [HAM0029830_0001](#)

⁵⁹⁴ [HAM0029830_0001](#)

⁵⁹⁵ [RHV0000577](#) at image 14

⁵⁹⁶ [HAM0036862_0001](#)

I have the following questions about the study:

- Can you provide the results of the study performed by Golder? (I would imagine that a hard copy or electronic copy of the results would have been provided to the Director at the time.)
- Did Engineering Services analyse the study results and use them in some way? If so, can you show me how they were used?
- Was a follow up study performed more recently either by Golder or a different consultant? If so, could we also see the results of that study?

Thanks again.

P.S. Please remind Tyler Renaud that I would like to do a walk through with him when he is testing hot mix asphalt.

527. Mr. Sharma forwarded this email to Mr. McGuire later the same day.⁵⁹⁷

528. On May 13, 2019, Rich Shebib (Project Manager, Corridor Management, Geomatics & Corridor Management, Engineering Services, Public Works, Hamilton) emailed Mr. Sharma, copying Gary Kirchknopf (Senior Project Manager, Corridor Management, Geomatics & Corridor Management, Engineering Services, Public Works, Hamilton). He wrote:⁵⁹⁸

Let me know if it will suffice.

The RHVP station (basically a laptop connected to loops in the base of the roadway) is located in a small hut near Barton.

- Station consists of a computer in a small building that was previously able to communicate wirelessly to the office.
- Golder Associates were contracted to maintain the station. Initially Traffic Planning staff were able to remotely connect and download traffic count/speed/class data.
- The remote connection became non-functional, so Golder would send raw data to us to process studies and add to our online map tool (MS2) approximately every month (sample volume study attached)
- They started having issues downloading data and were sending small chunks of raw data that then require more time our end to process.

⁵⁹⁷ [HAM0036862_0001](#)

⁵⁹⁸ [HAM0001832_0001](#)

- The data eventually became unreadable, and to fix it they asked for \$3,000 just to assess the station. We did not agree to this, or renew their contract (2016)
- Since then it came to my attention that during general roads maintenance that the loops were most likely destroyed.
- The plan was to have these loops installed in the base during the RVHP resurfacing and seek out a new wireless data retrieval solution. The same should be used on the LINC/Upper Wellington location.
- The responsibility and count budget was handed over to Traffic Engineering (Rodney Aitchison).

529. Mr. Sharma forwarded this email to Mr. McGuire later that same day.⁵⁹⁹

530. On June 13, 2019, Mr. Pellegrini emailed Mr. Sharma under the subject line “Projected vs Actual Expenditures on RHVP and the LINC”. He wrote:

As discussed yesterday, attached is my attempt to compare the actual expenditures on the RHVP and the LINC with the expenditures projected by Stantec in their 2007 report. The Stantec report is the only projected expenditures that I could find that relates specifically to the life cycle costs for these roads.

Could you please discuss these with Gord and other staff in Engineering Services to see if other funds were spent on the upkeep of these two roads.⁶⁰⁰

531. Mr. Pellegrini attached an excel spreadsheet to his email. The second sheet in this spreadsheet was titled “Test 11a - Comparison of Actual to Projected Pavement Treatment Costs on the RHVP”.⁶⁰¹

532. Mr. Sharma forwarded this email to Mr. Andoga later that day.⁶⁰²

⁵⁹⁹ [HAM0001832_0001](#)

⁶⁰⁰ [HAM0058032_0001](#)

⁶⁰¹ [HAM0058033_0001](#)

⁶⁰² [HAM0058034_0001](#)

533. On June 14, 2019, Mr. Andoga replied to Mr. Sharma, copying Erika Waite (Senior Project Manager, Infrastructure Programming, Asset Management, Engineering Services, Public Works, Hamilton).⁶⁰³ He wrote:

The report was presented to council and subsequently received. The requesting funding amount was to be brought forward through the budget process but not supported by Council therefore the maintenance plan was not implemented.

Fyi attached⁶⁰⁴

534. On June 14, 2019, Mr. Sharma replied to Mr. Pellegrini, copying Mr. McGuire. He wrote:

Please see the attached email for the below noted inquiry. The 2007 report in question was presented to council where the requested funding amount was not approved and hence the maintenance plan was not implemented. Please see that attached email. In addition, we have also tried tracking this back to 2007 and found the below noted summary for you.

[chart omitted]⁶⁰⁵

535. On November 5, 2019, Mr. Brown emailed Ms. Jacob, copying Mr. Pellegrini. He wrote:

I was hoping to set up a meeting with you to discuss pavement design as it is currently practiced at Hamilton – part of the audit enquiries that are included in our value for money audit. I was hoping you could spare 45 minutes. I have some questions prepared which could guide the discussion. I have read recommendations made by Golder over the years and we've looked at other jurisdictions. Hope they give you a sense of what we would like to talk about.

Questions:

What involvement do you have in pavement distress prediction or alternatively in using the results?

I'm trying to understand how pavement life, rates of deterioration and predicted treatment needs are incorporated into design decisions.

Do we have an up to date pavement design guide/manual? (see attached from Toronto based on AASHTO 1993 MTO MI-183)

⁶⁰³ [HAM0058041_0001](#) attaching [HAM0058042_0001](#) and [HAM0058043_0001](#)

⁶⁰⁴ [HAM0058041_0001](#)

⁶⁰⁵ [HAM0058044_0001](#)

Are pavement designs evaluated from an economic standpoint with full life cycle costs?

What kind of site evaluation goes into design? Is there a design matrix you use and what elements are in it?

How do you take into consideration the challenges of budget into design? What effect is this having on the overall network and future costs? Other challenges?

In what ways do you integrate your knowledge and activities with asset management? I'm looking for clarity in the roles that each section plays.

What are the issues and opportunities for the future from a design perspective – Traffic? Climate? New technologies? Budget constraints? Etc.

Are there standard assumptions/guidelines for estimated service life that depend on the design and on treatment? (example pg 42 Toronto Guide)

Are value engineering assessments or constructability reviews carried out on projects? What are your thoughts about mechanistic-empirical design?

How are the costs of different designs estimated for decision and budget purposes? Where does the data come from? Do you use a formal LCCA method?

Do you have the benefit of load/traffic surveys in completing your designs? How reliable and recent is the data (where from, how collected, etc.)?⁶⁰⁶

536. On November 6, 2019, Mr. McGuire emailed Ms. Jacob and Ms. Waite in response to this email. He wrote:

Charles is asking some very complex questions. Most of them are related to our pavement data scan. Some reside with design but a lot at AM.

We will need a consultant to review and respond to his report. Let's consider an assignment to a qualified materials expert once we receive the audit.

This will be a lengthy process is suspect.⁶⁰⁷

537. On November 7, 2019, Mr. McGuire emailed Mr. Sharma in response to this email:

Have we not answered these questions, specifically about the asphalt formulas.

As well, since when did the Toronto guide become the industry standard⁶⁰⁸

⁶⁰⁶ [HAM0058514_0001](#)

⁶⁰⁷ [HAM0058514_0001](#)

⁶⁰⁸ [HAM0058514_0001](#)

538. On November 8, 2019, Mr. Sharma responded. He wrote:⁶⁰⁹

We did answer most of questions below. They most of the questions below are related to programming of roads. We have provided them most of the answers. We sat through a meeting which included all managers and audit services.

539. Mr. McGuire responded later the same day, writing:

Let's get those dates and minutes ready. As well we need to log this request now in our overall spreadsheet ⁶¹⁰

8. Follow up questions following FOI Responses

540. On April 3, 2019, at 8:40 a.m., Ms. O'Reilly emailed Mr. Becke under the subject line "Red Hill Valley Parkway". She wrote:

My name is Nicole O'Reilly. I'm a reporter for the Hamilton Spectator who has been writing about the Red Hill Valley Parkway.

I recently received an FOI package that contains a bunch of correspondence about the parkway, including several emails to/from you. I was hoping to talk to you about the testing done to see whether hot in place resurfacing was possible. I also want to talk to you about a particular email Aug. 28, 2018 where you were sent the Tradewind Scientific friction report.⁶¹¹

541. Mr. Becke forwarded this email to Ms. Graham a few minutes later. He wrote:

"FYI. Should I reply that all questions need to go through Gord? You?"⁶¹²

542. Ms. Graham responded, writing "No action on your part now - I will respond to her thanks!"⁶¹³

543. On April 3, 2019, at 10:40 a.m., Ms. Cameron emailed Mr. Andoga, Mr. Perusin, Mr. Becke, Mr. Kirchknopf, Mr. Oddi, and Ms. Jacob (among other City staff) on behalf of

⁶⁰⁹ [HAM0058514_0001](#)

⁶¹⁰ [HAM0058514_0001](#)

⁶¹¹ [HAM0036620_0001](#)

⁶¹² [HAM0036620_0001](#)

⁶¹³ [HAM0036620_0001](#)

Mr. McGuire (with Ms. Graham copied). The text of this email, under the subject line “**URGENT REMINDER** - RHVP FOI enquiries”, was as follows:

Just a gentle reminder that any enquiries around any RHVP FOI are to be forwarded to Jasmine for her review and advice on the response. No one is to respond directly without following this process.⁶¹⁴

544. Ms. Graham responded within a few minutes:⁶¹⁵

Thanks Diana! Just to be clear everyone, this is the same process we follow on all media inquiries and is not a special treatment for RHVP.

As always, all media inquiries should be sent to me BEFORE anyone responds.

545. Ms. Jacob responded to Ms. Graham and Mr. McGuire later that day:⁶¹⁶

When we met with Mountain News and StoneyCreek News there were questions on the limits of construction, timing etc. It was also asked if this was being done in relation to the current friction problem. Our response was that it is a planned activity to resurface the RHVP due to condition.

The timing was quoted as probably from mid June to July.

546. Ms. Graham responded: “Yes that’s fine, thanks Susan.”⁶¹⁷

547. On April 3, 2019, at 8:45 a.m., Ms. O’Reilly emailed Mr. McKinnon and Ms. Graham under the subject line “Red Hill”. She wrote:⁶¹⁸

Dan I was wondering if you would be free for a quick call sometime today about Red Hill stuff. I recently received FOI request results that include a bunch of correspondence about work done on the parkway. Since there is a lot of stuff redacted, I’m a little confused about what happened when. I’m hoping you can help clarify a timeline for me of when studies happened, when results came back and when decisions were made.

⁶¹⁴ [HAM0029796_0001](#)

⁶¹⁵ [HAM0029797_0001](#)

⁶¹⁶ [HAM0029797_0001](#)

⁶¹⁷ [HAM0029797_0001](#)

⁶¹⁸ [HAM0036627_0001](#)

548. On April 3, 2019, at 10:36 a.m., Ms. O'Reilly responded to her own email. She wrote:

As requested. My questions:

Can I get an itemized list with dates of all the remedial work that has happened on the RHVP in the last few years. E.g. signage, trimming vegetation, rumble strips etc.

Can I get details on the three Golder tests done in 2017 – what the three tests were, when they happened, when results came back, what the results said?

Can you clarify the timeline for the tests done to see whether hot in place was possible. What exactly were the tests? When did the results come back? When was it decided that hot in place was not possible?

RE: the email Aug 27, 2017 from Ludomir Uzarowski from Golder to Michael Becke where Ludomir sends the Tradewind Scientific report "as requested." Can you clarify why Michael Becke was asking for the friction report? What did he do after receiving it?⁶¹⁹

549. Mr. McKinnon forwarded Ms. O'Reilly's email to Ms. Graham later that day: "Can you connect with Gord and Edward and then circle back with me, I want to support Nicole as much as is practical".⁶²⁰

550. On April 3, 2019, at 11:13 a.m., Mr. Becke forwarded Ms. Graham the email by which he received the HIR Feasibility Study for the Red Hill Valley Parkway from Dr. Uzarowski on March 11, 2019.⁶²¹

551. Later that same day, Ms. Graham emailed Mr. Soldo, Mr. White, and Mr. Ferguson, copying Ms. Eisbrenner: "The Hamilton Spectator is looking for an itemized list of all remedial work that has happened on the RHVP since 2015 and when that work happened, exactly."⁶²²

⁶¹⁹ [HAM0036627_0001](#)

⁶²⁰ [HAM0036628_0001](#)

⁶²¹ [HAM0036625_0001](#) attaching [HAM0036626_0001](#)

⁶²² [HAM0014703_0001](#)

552. On April 4, 2019, Ms. O'Reilly further clarified her email to Mr. McKinnon and Ms. Graham:

Sorry I have one other thing to clarify.

In the FOI documents there is an April 15, 2016 email from Richard Andoga to a guy at Walker Industries about planned rehabilitation work to the Linc and Red Hill the following year. The email invites Walker Industries to submit a proposal for work that would include testing a 500 m stretch of the road that year. What was this testing? Did it happen?

Also in the email Richard lists the reasons for the rehabilitation. One is "the objective is to improve skid resistance" on the RHVP. How was that an objective if no one was aware of the Tradewind report?⁶²³

553. On April 4, 2019, at 6:19 p.m., Ms. Graham emailed Ms. O'Reilly's question to Mr. McGuire, under the subject line "Andoga question".⁶²⁴

554. On April 4, 2019, Mr. Olszewski emailed a combined list of remedial work on the RHVP to Mr. White. Mr. White forwarded this email to Ms. Graham that same day.⁶²⁵

555. On April 4, 2019, Ms. Cameron emailed Ms. Graham a copy of the "Pavement Sustainability Plan for Lincoln Alexander & Red Hill Valley Parkways" prepared by Stantec in June 2007. She wrote: "As requested"⁶²⁶ The 2007 Sustainability Plan included the following recommendation for skid resistance testing:

2.2.1 Skid Resistance

The main purpose of the skid resistance testing is to identify the areas with low skid resistance that may affect public safety. It is recommended to perform skid resistance testing every 1-2 years.

ASTM E274 is the most widely used method for measuring the skid resistance, using a calibrated locked-wheel skid trailer. Based on the current market prices, the estimate for

⁶²³ [HAM0036651_0001](#)

⁶²⁴ [HAM0036653_0001](#)

⁶²⁵ [HAM0014728_0001](#)

⁶²⁶ [HAM0014721_0001](#)

the probable cost for performing a skid resistance testing along the LINC and the RHVP is approximately \$5,000⁶²⁷

556. On April 4, 2019, at 4:07 p.m., Ms. Graham emailed a draft response to Ms. O'Reilly's questions to Ms. Auty, Mr. Zegarac, and Mr. McKinnon. She wrote:

As you may know, the original RHVP FOI (18-189) was released last week on Thursday, March 28. The requestor for this information was Hamilton Spectator reporter Nicole O'Reilly.

This week, we are beginning to get questions from Nicole O'Reilly related to the contents in the FOI and we want to be sure that we are being both transparent and helpful to her in her reporting, but that we are also not jeopardizing the investigation(s) going forward.

Can I please ask for your advice on how detailed we can be in answering these questions? I'm copying them below for your reference, but if you have any suggestions generally that would also be helpful.

I have made notes in red regarding potential answers for some, but am looking for your direction on how detailed we can be, please.

[questions and draft answers omitted]⁶²⁸

557. On April 10, 2019, Ms. Graham emailed Mr. McKinnon and Mr. McGuire under the subject line "Proposed Answers for Spec". She wrote:

Dan, Gord,

Proposed answers for questions from Nicole O'Reilly – can you please let me know if these are okay to send or if you'd like to change anything? I let Nicole know we'd get back to her early tomorrow morning and she's good with that.

Thanks,

Jas

Can I get an itemized list with dates of all the remedial work that has happened on the RHVP in the last few years. E.g. signage, trimming vegetation, rumble strips etc.

- Installation of the oversized 90km/h signage on the LINC and RHVP in August 2016, speed reduction 80km/h and oversize signage installed February 2019.

- Installation of Speed Fine signs on the LINC and RHVP May 2016, signage updated February 2019 as part of the speed change.

⁶²⁷ [HAM0014722_0001](#) at image 7

⁶²⁸ [HAM0055140_0001](#)

- Installation of the initial Slippery When Wet signage July 2014, upgraded with solar powered flashing beacons and upsized in February, 2019
- Placement of the PVMS boards on the LINC and RHVP was December 2017 to November 2018, reinstated with a new Contract February 2019.
- Installation of merge and bridge ices signs installed June, 2014.
- Installation of a Queue Advisory Warning system March 2019
- Catch Basin cleaning completed in June 2018
- Guide-rail end treatment updates completed in November 2016-2017
- Upgrades to RHVP guiderail new posts, new hazard and plow markers only installed in December, 2018. Complete replacement and upgrades scheduled for July 2019 as part of the RHVP resurfacing.
- Installation of reflective markers on guiderails completed February, 2019
- Installation of off-ramp post mounted reflectors completed February, 2019
- Installation of Q-end warning system completed and implemented March, 2019
- Installation of advance diagrammatic and lane exit signs (Hwy 403 Mohawk Road) remains pending the Ministry of Transportation approval.
- Trimming of vegetation to improve sight lines, conducted weather permitting 2014-2015, further trimming to be conducted as part of the RHVP resurfacing project in July 2019
- Installation of recessed reflective pavement markers (“cat eyes”) completed and installed February 2015, and replaced in July, 2018.

Can I get details on the three Golder tests done in 2017 – what the three tests were, when they happened, when results came back, what the results said?

The information on these tests results was covered in report PW18008A: <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=178862>

These tests were completed in November 2017.

1. **British Pendulum Test (BPN)** - This test method covers the procedure for measuring surface frictional properties using the British pendulum skid resistance tester. The British pendulum tester is a dynamic pendulum impact-type tester used to measure the energy loss when a rubber slider edge is propelled over a test surface. Unfortunately, the field conditions during the night of the test were poor with snow and below zero temperatures, rendering these results inconclusive and varied.
2. **Measured Texture Depth (MTD)** – This test method describes a procedure for determining the average depth of pavement surface macrotexture by careful application of a known volume of material on the surface and subsequent measurement of the total area covered. The results of this testing ranged from 0.57mm to 1.98mm with an average of 1.25mm which is considered to be generally good as referenced by the consultant.

3. **Polished Stone Values (PSV)** - The Polished Stone Value of an aggregate gives a measure of resistance to the polishing action of vehicle tires under conditions similar to those occurring on the surface of a road. In our results the value returned of the tested aggregate was 45. This number is considered average / medium by the consultant.

Can you clarify the timeline for the tests done to see whether hot in place was possible. What exactly were the tests? When did the results come back? When was it decided that hot in place was not possible?

The testing for hot in place was completed in July 2018 and research into the viability of hot in place continued into August/September 2018. The decision to not use hot in place on the RHVP was made in October 2018.

The samples collected for this testing were brought to Golder and Associates' Whitby laboratory for testing, and were analyzed for gradation, asphalt cement content, and volumetrics – these were compared to the original mix design. The results of the tests showed average gradation with no significant aggregate degradation during the lifespan.

While we had communications and drafts with this consultant prior to finalizing the report, the final version of the consultant's report was submitted to the City in December 2018.

RE: the email Aug 27, 2018 from Ludomir Uzarowski from Golder to Michael Becke where Ludomir sends the Tradewind Scientific report "as requested." Can you clarify why Michael Becke was asking for the friction report? What did he do after receiving it?

While we anticipate that the investigation will help to shed more light on this matter, Mike has shared with us that he discovered this report during the course of his work to determine if using hot-in-place was viable on the RHVP. Mike reports that he was speaking with a staff member from Golder & Associates who mentioned the Tradewind Scientific report. Mike said he hadn't seen it/heard of it. That staff member asked for Mr. Uzarowski to forward the report to Mike the next day. That said, Mike shared that the report was not directly relevant to his work and that he didn't know its significance. As such, he filed it for future reference.

In the FOI documents there is an April 15, 2016 email from Richard Andoga to a guy at Walker Industries about planned rehabilitation work to the Linc and Red Hill the following year. The email invites Walker Industries to submit a proposal for work that would include testing a 500 m stretch of the road that year. What was this testing? Did it happen? Also in the email Richard lists the reasons for the rehabilitation. One is "the objective is to improve skid resistance" on the RHVP. How was that an objective if no one was aware of the Tradewind report?

Again, while we anticipate that the investigation will help to shed more light on this matter, Rick has shared with us that during this time, staff were reviewing surface treatment methods to prolong lifespans of various roads in Hamilton, including the RHVP. At this time we, suspect this objective came as a result of anecdotal evidence related to skid resistance on the parkway.⁶²⁹

⁶²⁹ [HAM0036663_0001](#)

558. On April 14, 2019, Ms. O'Reilly published an article in the Spectator titled "City of Hamilton staff email chain sheds some light on 'buried' Red Hill Valley Parkway friction report". This article contained the following content:

In early October, the Spectator also filed a freedom of information request asking for friction and other testing results on the Red Hill Valley Parkway. In those files, which were recently released, the Tradewind report appears twice and its numbers are quoted a third time.

On Jan. 2014 Gary Moore sent an email to a construction contractor about stone mastic asphalt — the supposed-to-be premium asphalt mix used on the Red Hill. It quoted the grip tester average numbers from the Tradewind report and compared them to the average friction numbers from testing done by the Ministry of Transportation.

The numbers appear similar, but they use different techniques and metrics. The email makes no mention of Tradewind's finding that the road had overall low friction or the recommendation for further study.

On Dec. 17, 2015 another email chain involving Moore, this time with Ludomir Uzarowski — a principal at Golder where he is an engineer specializing in pavement.

Moore includes the same summary comparing the MTO and Tradewind numbers. In response Uzarowski sends Moore the full Tradewind report. Why he sent Moore the document again, is not clear.

Then, on Aug. 27, 2018 — about a month before McGuire apparently discovered the document, Uzarowski sent the document to someone new: Mike Becke, senior project manager for the City of Hamilton's engineering services design section.

In this email Uzarowski says: "As requested, please find attached the 2014 report on friction on RHVP and the (Linc) prepared by Tradewind Scientific."

Becke was not made available to speak about this, but McKinnon — the city's designated Red Hill spokesperson — said Becke was doing work on the resurfacing design of the RHVP. Specifically, the city was trying to find out whether the top layer of asphalt on the road could be recycled using a technology called hot-in-place.

There were tests done by Golder on the road last July, with samples analyzed for gradation, asphalt cement content and volumetrics done at their Whitby lab. McKinnon said those tests showed "average gradation" but the city ultimately decided not to recycle the asphalt in December.

"Mike reports that he was speaking with a staff member from Golders & Associates who mentioned the Tradewind Scientific report. Mike said he hadn't seen it/heard of it. That staff member asked for Mr. Uzarowski to forward the report to Mike the next day," McKinnon said.

"That said, Mike shared that the report was not directly relevant to his work and that he didn't know its significance. As such, he filed it for future reference."⁶³⁰

⁶³⁰ [RHV0000443](#)

559. On May 28, 2019, Ms. Auty emailed Ms. Watson and requested the “original for FOI #18-189 (RHVP).” On May 29, 2019, Ms. Watson replied by email, attaching two FOI requests from the Spectator. She wrote:

Further to the email I sent earlier today, I am sending you the scanned copies of the original request (received by our office on November 5, 9018). In one letter the requester sought access to records concerning friction testing; the other letter contained a request for records related to asphalt/pavement testing/assessments.

At our suggestion, the requester agreed to have to two requests combined into one FOI.⁶³¹

9. Continued preparation of RHVP chronology

560. On May 1, 2019, Mr. Soldo emailed Mr. Ferguson under the subject line “RHVP Listing.” He wrote:

I am trying to put together a timeline of work. As you dealt with CIMA on these issues to implement, can you get me the following dates.

When did we first contact CIMA for the Roadway Safety Assessments in 2018. Give me a list of all the dates we received drafts/final or met with CIMA to discuss.

When did we first contact CIMA to undertake the collision assessment in comparison to other facilities in 2018 (update to original assessment). When did we get the final memo?

The start of many emails.....⁶³²

561. Mr. Ferguson replied later that day, writing: “I will start digging.”⁶³³

562. On May 2, 2019, Mr. Ferguson replied to Mr. Soldo, inserting his response directly in Mr. Soldo’s original email. He wrote:

When did we first contact CIMA for the Roadway Safety Assessments in 2018. Give me a list of all the dates we received drafts/final or met with CIMA to discuss.

- Roadside Safety Assessment assignment sent to CIMA Oct 2/19
- CIMA proposal received Oct 16/18

⁶³¹ [HAM0061925_0001](#) attaching [HAM0061926_0001](#) and [HAM0061927_0001](#)

⁶³² [HAM0015126_0001](#)

⁶³³ [HAM0015126_0001](#)

- Nov 1/18 Startup Meeting
 - Nov 25/18 Draft report submitted
- Dec 7/18, Progress meeting held to review and discuss draft report
- Dec 14/18 updated Draft report submitted
 - Final report submission Jan 17/19

When did we first contact CIMA to undertake the collision assessment in comparison to other facilities in 2018 (update to original assessment). When did we get the final memo?

- Original assessment was requested Jan 9/18, assignment completed Jan 12/18
- Update assessment was requested to include Hwy 403 Jan 11/19, assignment completed Jan 18/19⁶³⁴

563. Mr. Soldo forwarded this email to Ms. Graham later that same day.⁶³⁵

564. Ms. Wunderlich created a document titled “Contents of Box – RVHP & LINC – Locked in Closet as of May 1, 2019.” The list was as follows:

Department Leadership Team Agenda & Minutes – 2013, 2014, 2015, 2016, 2017, 2018, 2019

RHVP – Meetings – 2017 – 2019

RHVP Detailed Safety Analysis – Final - November 2015

RHVP Roadside Safety Assessment Final Report January 2019

LINC/RHVP Sustainability Plan June 5, 2007

Confidential Committee Report – Road Infrastructure Litigation Review and Assessment Follow-up (LS19010(b))

March 29, 2018 Memo from Dave Ferguson & Martin White – RHVP/LINC Summary from January 15, 2018 PW Report 18008

Information Report – City of Hamilton Annual Collision Report – 2017 (GIC – February 6, 2019)

FOI 18-189 and the response to Audit Services December 12, 2018 request

⁶³⁴ [HAM0015145_0001](#)

⁶³⁵ [HAM0015147_0001](#)

Confidential Draft Only – Preliminary Reconstructed Timeline & RHCP Review – January 2019⁶³⁶

565. On May 13, 2019, Mr. McLennan received a series of emails from Ricoh@coh.ca, attaching (among other things) safety reports on the RHVP, contracts from the original construction of the RHVP, and legal claims alleging injury caused in accidents on the RHVP.⁶³⁷

566. On May 17, 2019, Mr. McGuire emailed Ms. Cameron and Mr. Perusin, writing: “Let’s connect on the RHVP ASAP.” Ms. Cameron replied: “I’m there”. Mr. McGuire replied: “Do you have an update on that chronological review.”⁶³⁸ Ms. Cameron replied: “If that’s the one Jasmine and I were working on – I still need to finish adding content for her to review.”⁶³⁹

567. On May 17, 2019, Ms. Recine wrote an email titled “rhvp notes”. In this email, which does not contain recipient information, Ms. Recine wrote:

Articulation to Council Wed night – update

Chronology – work with Diana C to put together

When did we start communicating about the resurfacing?

Key committee and Council dates and decisions

Assignment of judge

When did we engage Gowlings?

⁶³⁶ [HAM0055273_0001](#)

⁶³⁷ [HAM0015264_0001](#) attaching [HAM0015265_0001](#); [HAM0015267_0001](#) attaching [HAM0015268_0001](#); [HAM0015269_0001](#) attaching [HAM0015270_0001](#); [HAM0015271_0001](#), [HAM0030977_0001](#), [HAM0030979_0001](#), [HAM0036885_0001](#), [HAM0036887_0001](#), [HAM0036889_0001](#), [HAM0036891_0001](#), [HAM0036893_0001](#)

⁶³⁸ [HAM0031080_0001](#)

⁶³⁹ [HAM0031081_0001](#)

Plaintiffs coming forward to request testing⁶⁴⁰

568. On May 22, 2019, Ms. Cameron emailed Ms. Recine, copying Ms. Graham. Ms. Cameron attached a copy of a document titled “Preliminary Reconstructed Timeline”, writing: “As requested, here is the draft timeline for your 11am meeting.”⁶⁴¹

569. On May 22, 2019, at 12:30 p.m., Ms. Recine forwarded this email to Mr. Hertel.⁶⁴²

570. On May 22, 2019, at 2:52 p.m., Mr. Hertel emailed Ms. Auty, Mr. McGuire, and Mr. Soldo, copying Mr. McKinnon, Ms. Smith, and Ms. Recine. Mr. Hertel attached a document titled “Recent Chronology of Key Activities – Red Hill Valley Parkway” to his email.⁶⁴³ He wrote:

As discussed at our meeting earlier, Jen and I pulled the more recent activities from the details Chronology report that Gord shared. We started with the Jan. 23rd in camera and have kept it fairly high level in the attached. Please note I have colour coded the in-camera items in orange.

Please add rows as required to include key legal and PW items into the document. Depending on your location and timing, feel free to send things to me independently and I’ll bring it together into one document. Highlight any in-camera or confidential items in orange.⁶⁴⁴

571. On or around August 19, 2019, Mr. McGuire drafted a revised “RHVP Timeline”.⁶⁴⁵ Ms. Graham revised the “Preliminary Reconstructed Timeline” on or around August 28, 2019.⁶⁴⁶ The City has produced a number of versions of the Preliminary Reconstructed Timeline.⁶⁴⁷

⁶⁴⁰ [HAM0055455_0001](#)

⁶⁴¹ [HAM0036954_0001](#) attaching [HAM0036955_0001](#)

⁶⁴² [HAM0036954_0001](#)

⁶⁴³ [HAM0055565_0001](#)

⁶⁴⁴ [HAM0055564_0001](#)

⁶⁴⁵ [HAM0058851_0001](#)

⁶⁴⁶ [HAM0058854_0001](#)

⁶⁴⁷ For example: [HAM0036779_0001](#); [HAM0036879_0001](#); [HAM0058854_0001](#); and [HAM0061524_0001](#)

10. The MTO responds to Council's request for an apology

572. On or around March 29, 2019, the Mayor sent a letter to Caroline Mulroney (Attorney General for Ontario, Ministry of the Attorney General) and Jeff Yurek (Minister of Transportation, MTO) requesting legislative and regulatory amendments that would allow the City to implement Automated Speed Enforcement on the LINC and RHVP.⁶⁴⁸

573. On April 26, 2019, Ms. Miscione emailed Ms. Lane. She wrote:

We received the attached incoming yesterday. Dan and Kevin discussed at their 1:1 this morning. I starting drafting the response letter accordingly.

Kevin also suggests that Legal review our letter. Can you please call me to discuss some further details sometime today?

It's for the Minister's signature, so this needs to be turned around quickly.⁶⁴⁹

574. Ms. Miscione's email attached a letter from Mayor Eisenberger to John Yakabuski (Minister of Transportation, MTO) with the subject line "Friction Testing on the Red Hill Valley Expressway". The content of this letter was as follows:

At its special meeting of Council on March 20, 2019, Hamilton City Council passed the following resolution:

4.2 Requesting an Apology from the Province of Ontario Respecting the Ministry of Transportation's Friction Testing Results

WHEREAS, City Council and by extension the residents of the City of Hamilton have received an apology from City of Hamilton staff for the manner and the timing to which Council was informed of the friction testing results on the Red Hill Valley Expressway; and

WHEREAS, City Council and by extension the residents of the City of Hamilton have not received an apology from the Province of Ontario, respecting the Ministry of Transportation's friction testing results, which concurred with the results within the City of Hamilton report during the same period of time and in doing so, compounded the betrayal to City Council and the residents of City of Hamilton.

THEREFORE, BE IT RESOLVED:

⁶⁴⁸ [HAM0014727_0001](#)

⁶⁴⁹ [MTO0038332](#)

That City Council demand an apology from the Province of Ontario respecting the Ministry of Transportation 's Friction Testing Results, on behalf of all residents of the City of Hamilton.

The City of Hamilton looks forward to your response.⁶⁵⁰

575. On April 27, 2019, Ms. Lane replied, attaching a draft response to the City's letter.⁶⁵¹ The content of Ms. Lane's draft response to the City was as follows:

Thank you for your letter about City Council's request for an apology from the Province of Ontario respecting the Ministry of Transportation's friction testing results.

The safety of the travelling public is a top priority for the ministry and I am saddened and concerned to hear of traffic safety issues on the City of Hamilton's Red Hill Valley Parkway.

Starting in 2007, the ministry conducted friction testing for a small 4 km section of the pavement surface. Initial tests were requested by Hamilton to evaluate the performance of the Stone Mastic Asphalt (SMA) pavement surface. At that time, Hamilton staff were aware that the Ministry of Transportation had concerns about the early life surface characteristics of that particular asphalt mix type. Test results far exceeded expectations for a new SMA surface that had not yet been opened to traffic.

Subsequent testing was carried out by the ministry over several years to evaluate the stone material used in the Red Hill Valley Parkway project for use in future provincial projects. MTO staff evaluated the source, carried out testing, and found the material to be of suitable quality. Friction testing was carried out using MTO standard practice.

The province was not aware of any concerns with performance of the Red Hill Valley Parkway and had no role in the City's 2013 study. That study was carried out with a different measuring device and the ministry has no experience or knowledge about that device or how to relate its measurements to MTO's device.

In order to be transparent, I released the ministry's test results and offered the ministry's technical assistance to the City of Hamilton.

Once again, thank you for bringing the Hamilton City Council's request to my attention.⁶⁵²

576. On August 8, 2019, the MTO emailed Mayor Eisenberger the final version of the letter from Mr. Remollino responding to the City's request for an apology.⁶⁵³ The content of this letter was as follows:

⁶⁵⁰ [MTO0038333](#)

⁶⁵¹ [MTO0038332](#) attaching [MTO0038334](#)

⁶⁵² [MTO0038334](#)

⁶⁵³ [MTO0038313](#) attaching [MTO0038314](#)

Thank you for your letter regarding the request by the City of Hamilton's Council for an apology from the Province of Ontario respecting the Ministry of Transportation's (MTO) friction testing results. I have been asked to respond on behalf of the ministry.

The safety of the travelling public is a top priority for the ministry and our government. I am pleased to respond and clarify an apparent misunderstanding about the friction testing undertaken by MTO on the City of Hamilton's Red Hill Valley Parkway.

The initial friction tests in 2007 for a small 4 km section of the parkway were requested by city staff to evaluate the performance of the new Stone Mastic Asphalt (SMA) pavement surface. At that time, there were concerns about the early life surface characteristics of the SMA. Test results were acceptable for a new SMA surface that had not yet been opened to traffic.

Subsequent testing to solely evaluate the stone material used in this asphalt was carried out by the ministry over several years using MTO standard practice. MTO staff also evaluated the stone source, carried out laboratory testing of the stone, and found the stone material to be of suitable quality. All of these tests indicated the stone material was satisfactory for use on provincial projects.

The province was not aware of any concerns with road performance of the Red Hill Valley Parkway and had no role in the city's 2013 friction testing for road surface performance study. That study was carried out with a different measuring device and the ministry has no experience or knowledge about that device or how to relate its measurements to MTO's device and testing procedure.

Although specific to MTO's device and testing procedure, in order to be transparent, the ministry released its test results for the 4km section and offered technical assistance to the City of Hamilton.

Thank you again for your letter, and I trust that I have clarified this matter.⁶⁵⁴

11. Speed Enforcement on the RHVP

(a) Speed Enforcement Sites

577. On April 1, 2019, Dave LeClair (Sergeant, Support Services Division, HPS) emailed Mr. Ferguson under the subject line "Upgrading spots on the RHVP / LINC". He wrote:⁶⁵⁵

I am wondering if I can have one of my people meet up with one of your people, to discuss specific locations along the two Parkways ?? We are actively enforcing the speeds and educating the motoring public, however, some of the pull-out locations are getting worse by the day.... Can we get a Road Supervisor to have a look and perhaps get some gravel compacted ?? or KP... or somethng ??

⁶⁵⁴ [MTO0038314](#)

⁶⁵⁵ [HAM0014520_0001](#)

578. Mr. Ferguson replied to this email, adding Mr. Paul and Mr. Olszewski as recipients. He wrote:⁶⁵⁶

Hi Bob

Can you please see below. Edward has asked that you or staff work alongside HPS to assist in upgrading some locations that they identify. Can you please touch base with Dave.

Dave,

I am hoping to schedule the meeting in the next week or two. I think it will be scheduled for late April or early May.

579. Mr. Paul replied:

Can you please send me the locations on both Parkways where the HPS have concerns with the road shoulders. I will have staff assess those locations for possible repairs or surface improvements.⁶⁵⁷

580. On April 10, 2019, Mr. McGuire emailed Mr. Soldo in response to an email chain under the subject line "RHVP - HPS - Enforcement Sites." He wrote:

As you know the contract is now closed and we're looking to get the award and pre-con sorted out asap.

A quick review indicates these sites may have safety issues re: sightlines, minimum widths and potential conflicts with the enhanced safety measures like SBGR.....

We can accommodate these in the contract but would need Cima to review and approve the locations as per above. Cima in section 7 of the safety audit notes they did only a cursory review of some of the locations and that the sight distances need to be reviewed in detail through site measurements.

Do they need their contract drawing set re-issued for review along with the HPS request. Can they get this done with these locations ASAP, is your assignment still open?.

As well, has your team finalized the loop detection locations and catch basin replacement locations as they appear to be outstanding.

We're developing the comms plan on this with Jasmine and will connect with TOM on the proposed start dates, locations, closure lengths and re-opening schedule once the

⁶⁵⁶ [HAM0014520_0001](#)

⁶⁵⁷ [HAM0014520_0001](#)

contractor lays all that out for us next week. Should we work through Martin, or Dave or yourself on that.⁶⁵⁸

581. On April 11, 2019, Mr. Paul emailed Mr. Ferguson and Mr. Soldo, copying Ms. Blackburn and Mr. White. He attached a PowerPoint presentation, titled "RHVP - HPS - Enforcement Sites."⁶⁵⁹ He wrote:

The information that was collected by our Investigator in coordination with HPS is presented in the enclosed PowerPoint.

If you prefer I can send the information in the original email format. The information is the same, I found the PowerPoint a little easier to follow.⁶⁶⁰

582. On April 11, 2019, Mr. Ferguson forwarded this email to Mr. Salek. He wrote:

Wondering if you could comment on this. Hamilton Police Services has been requested to undertake regular enforcement on the Parkways which they have obliged to and are now running 2 officers per shift.

However in a recent meeting with them, they identified the need for crossing points and side areas to properly do enforcement and to provide improved safety for them. Roads staff reviewed the area with HPS staff and the attached document was provided.

In the original Roadside Safety report for the RHVP, CIMA reviewed the original request and the comment/recommendation was not to install for a number of reasons. As the City has requested enforcement and HPS has obliged, we wish to support their needs to be able to continue enforcement.

Based on what HPS has requested as per the attached, does CIMA see any issues with the various locations that would be a serious concern? If I recall correctly, the report identified concerns with deceleration and acceleration, however I suggested through an internal discussion that since we are dealing with Police Vehicles, awareness and varying speeds are easier to achieve as they have lights and sirens. Also, HPS is currently using a number of these locations as it is now.⁶⁶¹

583. Mr. Salek replied later that day. He wrote:

In our original review, CIMA+ identified the locations in the table below as potential candidates for crossover locations.

⁶⁵⁸ [HAM0061055_0001](#)

⁶⁵⁹ [HAM0049725_0001](#)

⁶⁶⁰ [HAM0049724_0001](#)

⁶⁶¹ [HAM0030109_0001](#)

Approximate Location	Potential Concerns
230 m north of Barton Street	<ul style="list-style-type: none"> • 50 m from end of speed change lane • 220 m from structure • Median < 15 m (unless shoulder is included)
540 m south of Barton Street	<ul style="list-style-type: none"> • 160 m from end of speed change lane • Median < 15 m (unless shoulder is included)
430 m south of Queenston Road	<ul style="list-style-type: none"> • 380 m from structure • Median < 15 m (unless shoulder is included)
480 m north of Greenhill Avenue	<ul style="list-style-type: none"> • 330 m from structure • Median < 15 m (unless shoulder is included)
660 m south of Greenhill Avenue	<ul style="list-style-type: none"> • Median < 15 m (unless shoulder is included)
220 m east of Pritchard Road	<ul style="list-style-type: none"> • 110 m from structure • At end of speed change lane • Visibility may be restricted by horizontal curves + tall vegetation on median
420 m west of Dartnall Road	<ul style="list-style-type: none"> • 420 m from structure • 180 m from end of speed change lane

These locations were identified based on the absence of drainage elements (such as catch basins) and maximum possible visibility to traffic approaching from both directions. The potential concerns identified are based on the MTO Roadside Design Guide and applicable to Provincial highway projects (freeways).

The City may, at their discretion, consider adopting different criteria, provided that the crossover manoeuvres can be performed safely. In order to determine this, field assessments should be completed to determine whether appropriate sight distances are available (stopping sight distance and departure sight triangle using standard driver eye and object heights per TAC Geometric Design Guide). Completing these assessments may require the full closure, for short periods of time, of some sections of the RHVP since workers would need to walk on the roadway.

Additionally, although it is expected that these crossover points, if built, should only be used by trained emergency vehicle drivers, who are expected to appropriately judge the frequency of gaps and visibility to oncoming traffic, the City should be aware of the potential for violations (i.e. non-emergency vehicles/untrained drivers performing U-turns) that could result in serious collisions.

With respect to Site #3 (110 Pond Entrance), as indicated in our report, there are no safety concerns since this is an existing access and we understand that the potential for its use by non-emergency or non-maintenance vehicles is negligible.⁶⁶²

584. On April 30, 2019, Mr. Searles emailed Mr. Paul and Mr. King. He attached the “RHVP - HPS - Enforcement Sites” PowerPoint presentation.⁶⁶³ He wrote:

Bob, we are planning to install the two enforcement pads the police are requesting this Friday May 3 starting at 9:30 am

Can you please try to have a police officer on site at this time for when we are commencing set up of the traffic control plan or while we are commencing the work just as an added

⁶⁶² [HAM0030109_0001](#)

⁶⁶³ [HAM0015087_0001](#) attaching [HAM0015088_0001](#)

safety feature for our crews working along this section of the RHVP or give me the contact and I will try set up

Chris is it possible to have the messaging boards switched for that day to let motorists know that we will be commencing work at the following two locations numbered site #2 and # 3 listed on the attachment

We will be performing maintenance for approximately two hours for areas for the police to conduct radar enforcement

If this could be done north and southbound for motorists on the Linc and RHVP that would be appreciate to also alert motorists that we will be conducting construction/maintenance activities

I have briefed Bob b but if you have any further questions or concerns do not hesitate to contact myself⁶⁶⁴

585. Mr. Paul forwarded this email to Mr. Soldo later the same day.⁶⁶⁵

(b) RHVP LINC Enforcement Program

586. On April 17, 2019, Staff Sergeant Evans emailed Mr. Ferguson. He wrote:

As requested here is the break down of **Speeding Offences** only for **Week 1** of the RHVP LINC Enforcement Program. **Monday March 25 - Saturday March 25, 2019 (Six Days only)**

All 12 Special Duty assignments were filled for a total of **115 Speeding Violations**. Additional Provincial Offences were written unrelated to speeding, but are not included in the counts below.

[Chart omitted]⁶⁶⁶

587. On May 1, 2019, Mr. Ferguson emailed Staff Sergeant Evans about the speeding enforcement results from April 21 to 27, 2019. He wrote:

Out of curiosity, what are the thoughts of HPS with respect to are things improving related to speeds? Looking at the enforcement numbers, the numbers are going down from week to week, but I also notice that weekly there are still days where the violations are exceeding 20 violations. When we met the other week, I know Brad mentioned there are times when vehicles are speeding, but for safety reasons the officers are not able to pursue the vehicle.

I just want to be careful of what we are reporting from a matrix stand point is truly the what is being experienced on the roadway. Coincidentally at our Public Works Management Team

⁶⁶⁴ [HAM0015087_0001](#)

⁶⁶⁵ [HAM0015087_0001](#)

⁶⁶⁶ [HAM0014899_0001](#). See also: [HAM0014936_0001](#) attaching [HAM0014937_0001](#); [HAM0014983_0001](#) attaching [HAM0014984_0001](#); [HAM0014981_0001](#); and [HAM0015186_0001](#)

meeting yesterday, there was a presentation on the importance of matrix tools and correct data and the example that was used was the NYCPD⁶⁶⁷

588. On May 13, 2019, Staff Sergeant Evans replied:

Sorry Dave I've been away on courses and have not had access to email. The numbers seem to be based on volume/time of day and weather. Lately the weather has consistently been poor which slows the road a bit thus decreasing the numbers on those days. We're you able to have your folks provide the average speed numbers from the sensors comparing the first 5 weeks of the program, to the five weeks prior to the program starting.

I know the first few weeks the speeds were quite high, but since then the officers say they have come down a little as the Media campaign and the high visibility seems to be making a difference with regular travellers. The anecdotal information from the officers is the majority of the higher speeds continue to be demonstrated by out of town or infrequent travels unaware of the Enforcement program and occur at not rush hour times.⁶⁶⁸

589. On June 6, 2019, Mr. Ferguson emailed Mr. Soldo under the subject line "Breakdown of RHVP Statistics". He wrote:

Prior to the beginning of the RHVP Enforcement project on March 25, the Percentage of vehicles exceeding the speed limit was on average 85% for both SB and NB directions.

Upon the launch of Enforcement and up to April 22nd, the percentage of vehicles exceeding the speed limit dropped to an average of 70% for NB and 67% for SB. It should also be noted that between March 25th and April 20th, Hamilton Police Services issued 539 violations for speeding. This also included a project peak of 163 violations issued during the week of March 31st.

Since April 22nd, statistics overall have begun to stabilize at around 65% of motorists exceeding the speed limit in both the NB and SB directions. Between April 28 and May 25, a total of 458 violations for speed were issued, which also included a project low of 103 violation during the week of May 5th.

[graphs omitted]⁶⁶⁹

590. On June 12, 2019, Mr. Soldo forwarded this email to Councillor Collins. He wrote:

Further to your question, there is a bit of a summary below my signature from David.

Speed was reduced by about 5 to 10 k depending on the location. The measure that is more relevant is the percentage of people over the speed limit.

While it is still high, it has dropped. The outliers, those excessively speeding, are those being caught. The HPS is busy and have no shortage of violators. These graphs are only

⁶⁶⁷ [HAM0015103_0001](#)

⁶⁶⁸ [HAM0015280_0001](#)

⁶⁶⁹ [HAM0031450_0001](#)

some of the data we have and we will provide Council a full report once the construction is done.

In terms of value, this enforcement has shown a return in investment. We need to do more analysis but at a high level, the average Speeding Offence being issued was 115km/h in an 80 zone, which is approx a \$265 fine.

The HPS was not pulling vehicles until 25 to 30 over.

If you multiply that by the 1495 Provincial Offences written you total approx \$396,175 in fines, which means after subtracting the initial \$149,652 the Program saw a \$246,522 return on investment. Very preliminary analysis but something to consider when contemplating a future safety program, it can clearly sustain itself.

We are tracking speeds and will be interesting to see if it goes up with the new pavement and safety enhancements. We are running the enforcement until the end of next week but may extend it depending on the results.⁶⁷⁰

591. On June 13, 2019, Councillor Collins replied to Mr. Soldo, copying Mr. Ferguson and Lucy Finelli (Assistant to Councillor Chad Collins, Ward 5, Hamilton). He wrote:

Hi Ed and Dave, we just wrapped up our discussions on police enforcement on RHVP. Based on our discussions we'll need a motion to committee to extend the enhanced enforcement and resources to keep the higher level of service in place.

Can you please assist with the wording that mirrors the original ask at committee? Some of the stats re: revenues and speeds would help as part of the Whereas section. I'd like to present to GIC for next week.⁶⁷¹

592. On June 17, 2019, Councillor Collins emailed Mr. Van Dongen, attaching a copy of a document titled "12.2 Notice of Motion - RHVP Speed Enforcement (Collins)."⁶⁷² The content of the motion was as follows:

Extension of the Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative

WHEREAS, the enhanced enforcement initiative undertaken by the Hamilton Police Service and outlined in Report PW19014a, has shown a positive impact on managing compliance to the posted speed limit along the Lincoln M. Alexander Parkway and Red Hill Valley Parkway; and,

⁶⁷⁰ [HAM0031452_0001](#)

⁶⁷¹ [HAM0031456_0001](#)

⁶⁷² [HAM0031459_0001](#)

WHEREAS, Transportation Operations and Maintenance, in consultation with the Hamilton Police Service, recommends the extension of the initiative as a proactive measure to improve roadway safety along the parkways;

THEREFORE, BE IT RESOLVED:

That the Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative be extended for a period of 28 weeks; effective immediately until the December 31, 2019, to be funded in the amount of \$285,000 from the Red Light Camera Reserve #112203, with a zero net levy impact.⁶⁷³

12. Debbie Edwards Emails Ms. Auty about Files Related to RHVP

593. On April 12, 2019, Debbie Edwards (Deputy City Solicitor; Commercial, Development and Policy (CDP); Legal & Risk Management Services, Corporate Services, Hamilton) emailed Ms. Auty under the subject line “Confidential: Red Hill Valley Parkway Surface Quality Issues”. She wrote:

Nicole, I found my miscellaneous physical file for this matter. There isn't a lot but I was first contacted by Gord McGuire on October 4, 2018. Ron and I first spoke with Gord together by phone on October 5th. I do have a handwritten note of a call with Gord McGuire on November 12th in which he told me what Gary Moore had said to him about the report (i.e. that the report had been sent to Diana in Risk about 2 years previously; the report looked at a UK standard; there is no standard in Ontario; report is a bit misleading since not binding. Gary doesn't recall receiving any response. John McLennan is aware.)

I will have Anita flag in my file system that this miscellaneous file is going to you for future reference.

My electronic file can be found at:

N:\Staff\Edwards\Client Department Files\PW - Engineering Services\Red Hill Valley Parkway Issues\Road Surface Quality

Please let me know if you need anything further. Debbie⁶⁷⁴

594. The City produced a scanned copy of Ms. Edwards' email, which appended several emails and documents dated between October 4, 2018, and November 12, 2018.

This document includes a scanned cover page with a note stating:

DE- MISC 2018 – PW –

⁶⁷³ [HAM0031460_0001](#)

⁶⁷⁴ [HAM0064308_0001](#) at image 2

Engineering Services –

Red Hill Valley

Parkway Surface

Quality Issues.

- BF to end of

October to see if have

heard anything more

from Gord McGuire.⁶⁷⁵

E. *January 2020 onwards*

1. Communications Regarding RHVP-Related Claims

595. The City has produced various letters to and from counsel to the City and counsel to others parties related to the *Hansen v Bernat* litigation, including:

- a) Letters dated in May 2019 from counsel to the City to other parties advising that the City was “considering carrying out testing on the RHVP before repaving commence[d]”⁶⁷⁶
- b) A letter dated September 19, 2019, addressed to counsel to the City requesting answers to “outstanding undertakings and under advisements”⁶⁷⁷.
- c) A letter dated in November 2020 addressed to counsel to the City requesting delivery of “a further Supplementary Affidavit of Documents”⁶⁷⁸.

⁶⁷⁵ [HAM0064308_0001](#) at image 1

⁶⁷⁶ [HAM0064214_0001](#), [HAM0064241_0001](#). See also pleadings related to the litigation arising from the collision, produced by the City, including statements of claim: [HAM0064215_0001](#), [HAM0064216_0001](#), [HAM0064244_0001](#); statements of defence and/or statements of defence and crossclaim: [HAM0064240_0001](#), [HAM0064242_0001](#), [HAM0064243_0001](#), [HAM0064245_0001](#), [HAM0064254_0001](#), [HAM0064255_0001](#), [HAM0064256_0001](#); third party claims: [HAM0064246_0001](#), [HAM0064247_0001](#), [HAM0064248_0001](#), [HAM0064249_0001](#), [HAM0064250_0001](#), [HAM0064251_0001](#), [HAM0064252_0001](#); and third party defences: [HAM0064257_0001](#), [HAM0064258_0001](#), [HAM0064259_0001](#)

⁶⁷⁷ [HAM0064268_0001](#)

⁶⁷⁸ [HAM0064260_0001](#)

- d) A letter dated June 26, 2021, from counsel to the City to other parties identifying “engineering, consultant and/or City reports within the City’s Schedule “A” documents relating to the RHVP roadway surface and/or the consideration of the installation of a median barrier”⁶⁷⁹
- e) Letters dated between November 18, 2021 and February 17, 2022, addressed to counsel to the City relating an examination for discovery held on October 26, 2021⁶⁸⁰
- f) A letter dated March 3, 2020, from counsel to the City providing answers to undertakings further to Mr. Oddi’s examination on December 7, 2018.⁶⁸¹

596. The City also produced sworn and unsworn supplementary affidavits of documents related to the same litigation.⁶⁸² Mr. Oddi was the affiant of these affidavits, some of which were sworn on December 8, 2020. The affidavits sworn on December 8, 2020 refer to an Excel spreadsheet to identify the documents “in the City’s possession, control or power that it does not object to producing for inspection”. The City has produced a spreadsheet, titled “CITY OF HAMILTON - Hansen Schedule A Documents (Prod001 - Inquiry Productions) - #42214407v1.xlsx”, which includes the Tradewind Report.⁶⁸³

⁶⁷⁹ [HAM0064262_0001](#)

⁶⁸⁰ [HAM0064263_0001](#), [HAM0064264_0001](#), [HAM0064265_0001](#), [HAM0064266_0001](#)

⁶⁸¹ [HAM0064269_0001](#)

⁶⁸² [HAM0064154_0001](#), [HAM0064155_0001](#), [HAM0064156_0001](#), [HAM0064162_0001](#), [HAM0064164_0001](#), [HAM0064167_0001](#)

⁶⁸³ [HAM0064164_0001](#)

597. On April 8, 2021, Ms. Crawford exchanged emails with Mr. Cooper and Mr. Ferguson under the subject line "Hamilton ats Melo, Lee and Barlow, DOL: May 7, 2014, LINC near Upper Paradise Road":

[Ms. Crawford]: I am writing to remind you about the upcoming discoveries which are scheduled for June 2021, with Hamilton's being scheduled for June 23 or 24.

We had previously identified that Steve Cooper would be our witness for this action and have drafted and circulated an affidavit of documents prepared on behalf of the City in his name. I understand that Steve is no longer with Traffic, and now in Roads.

I have reviewed this issue with David Thompson, and it is his preference that Steve continue to be the witness as he has direct knowledge about the history of the road and issues involved in this matter. Can you please confirm if this is agreeable to you both?

I look forward to hearing from you in this matter.

[Mr. Cooper]: I'm ok with it.

Dave gets off lucky

[Mr. Ferguson]: Thank YOU!!! I say Stephen still does all litigation since he likes it so much, lol

[Ms. Crawford]: Ok, thanks!

Steve, I will be in touch with you shortly to review this matter.⁶⁸⁴

598. On April 14, 2021, Ms. Crawford emailed Mr. Cooper, enclosing three unsworn affidavits of documents, writing:

Further to our recent emails, I confirm that you will be produced on behalf of the City with respect to these matters. The discovery of Hamilton will proceed by Zoom June 23 or 24.

The affidavit of documents on behalf of Hamilton are the same for the three actions. I enclose the updated affidavit of documents.

I would be happy to send you a link of the documents, which you will need to download the documents. If you prefer, we can send you a paper copy, although it will take some time to get the productions printed, tabbed and sent to you.

Please let me know your preference.⁶⁸⁵

⁶⁸⁴ [HAM0064157_0001](#)

⁶⁸⁵ [HAM0064158_0001](#) attaching [HAM0064159_0001](#), [HAM0064160_0001](#) and [HAM0064161_0001](#)

2. CIMA retained to review the September 2019 friction testing and analyze the RHVP

599. On February 11, 2020, Mr. Salek submitted a proposal to Mr. McGuire in respect of a review of the September 2019 friction testing on the RHVP. This proposal set out the City's questions for CIMA as follows:

The City is requesting CIMA+ to conduct a review of the new friction test results in order to understand the performance of the new material installed. Specifically, the City is looking for answers to the following questions:

1. In light of the September 2019 RHVP friction data collected by ARA, are any changes needed to the recommendations in the previous CIMA reports to the City regarding safety on the RHVP?
2. In light of the September 2019 RHVP friction data collected by ARA, and the speed limit and enforcement measures recently taken, are any safety measures or monitoring steps on the RHVP recommended to the City?⁶⁸⁶

600. On February 27, 2020, Mr. Malone, Mr. Bottesini, Khaled Hawash (Traffic Safety Database Technologist, Transportation Operations & Maintenance, Public Works, Hamilton), and Mr. Ferguson attended a meeting.⁶⁸⁷ The stated purpose of this meeting was "to review the collision numbers for the RHVP mainline between the years 2013 and 2018."⁶⁸⁸ The total RHVP collisions by year and quarter were reported as follows:⁶⁸⁹

⁶⁸⁶ [CIM0022289](#) at image 1

⁶⁸⁷ [CIM0022118](#) attaching [CIM0022118.0001](#) and [CIM0022118.0002](#)

⁶⁸⁸ [CIM0022121](#)

⁶⁸⁹ [CIM0022121](#) at image 3

Year	Qtr1	Qtr2	Qtr3	Qtr4	Full Year
2013	17	17	18	30	82
2014	16	8	17	33	74
2015	22	34	32	57	145
2016	25	18	30	34	107
2017	22	29	26	32	109
2018	16	19	28	33	96
Total	118	125	151	219	613

(a) April 2020 CIMA Report

601. CIMA finalized its report, titled “Red Hill Valley Parkway Analysis”, on April 28, 2020. This report included the following content in subsection “4.3 Collision Analysis”:

4.3. Collision Analysis

This section summarizes the results of our review of collision data before and after speed limit reduction with increased police enforcement and resurfacing of the Red Hill Valley Parkway were undertaken.

DISCLAIMER: The collision analysis results presented in this report are based on a very short “after” period of time, representing only part of one year (2019). Because collisions have an element of randomness to their occurrence and present a natural variation in frequency from one year to another, these results may not be fully representative of the future long-term trends. The conclusions presented herein should not be considered definitive. Additional analysis will be necessary as new information becomes available in the future.

From the analysis of traffic collisions, the following observations were made:

- ❖ An increase in the number of total collisions and a reduction in the number of injury collisions along the section of RHVP between Barton Street East and Greenhill Avenue can be observed after the speed limit reduction and increased speed enforcement (with educational campaigns), however, these changes were not statistically significant;
- ❖ A reduction in both total and injury collisions can be observed on the RHVP after all the enhancements (educational, enforcement and engineering) were implemented, and these reductions were statistically significant;

- ❖ Assessment of the speed limit reduction (during the educational campaigns) data shows an increase in the mean total collisions and a reduction in injury collisions after its implementation. However, these changes were not found to be statistically significant; and
- ❖ Assessment of enhancement data does show a reduction in both total and injury collisions after implementation of the treatments, and these reductions were found to be statistically significant. However, it is not possible to state with certainty if the result of the change has come from the repaving, the speed limit reduction (including enforcement), safety enhancements or some combination of these factors. Collisions occurring during the non-daylight period did not present a clear trend (neither increasing nor decreasing).

Once again, we emphasize that these results should not be considered definitive since the amount of data available for the “after” period is very small and may not represent a permanent trend. The City is encouraged to undertake additional analysis as more collision data becomes available in the future. ⁶⁹⁰

602. This report contains the following section on wet weather collisions on the RHVP:

Wet Surface Collisions

Table 7 summarizes collisions involving wet surface conditions on the RHVP mainline by year and quarter.

For the full year 2019, while previous years (2013-2018) presented an average of 63% wet surface collisions, this proportion was reduced to 33% in 2019. A similar caution regarding the interpretation of the full-year results, as noted in previous sections, is required.

When considering only the fourth quarter (Q4) this trend is similar, with previous years (2013-2018) averaging 66% and 2019 having 29% wet surface collisions, a substantial reduction. It is noted that this proportion of wet road crashes is still higher than Provincial and City-wide averages (18% and 22%, respectively).

The first quarter (Q1) proportion of collisions on wet roads was lower for Q1 of 2019, being 35% as compared to the 2013-2018 average of 50%. The number of Q1 2019 wet surface collisions is at similar levels, being 8, as compared to the Q1 2013-2018 average of 10.

Overall, based on 2013 to 2018 data, the average number of wet road collisions in Q1 is lower than in Q4.

The Q4 proportion of collisions on wet roads was lower for Q4 of 2019, being 29% as compared to the 2013-2018 average of 67%. For Q4 of 2019, there were substantially lower numbers of wet road collisions compared to the Q4 average of previous years (2013-2018) being 5 versus an average of 25.

The ‘after’ data from Q4 of 2019 corresponds to a very short period of time. Because of the known aspect of the randomness of collision occurrence, a definitive conclusion cannot be drawn based on this data. The data does suggest the potential of the beginning of a reduction trend for collisions occurring on a wet surface. The Q4 data is taken following

⁶⁹⁰ [CIM0022143](#) at image 55

the resurfacing of the RHVP combined with the speed limit reduction and increased speed enforcement.

It must be emphasized, however, that collisions have an element of random occurrence to them and this very short-term reduction measurement could also be the result of normal variation in collision frequencies. Confirmation of the possible trend can only be determined through ongoing evaluation as additional data becomes available.⁶⁹¹

(b) May 2020 CIMA Report

603. CIMA finalized its report, titled “Review of Red Hill Valley Parkway Friction Testing Results”, in May 2020.⁶⁹² CIMA’s scope of review for this report was described as follows:

In the Summer of 2019, the City completed pavement resurfacing and rehabilitation of all the northbound and southbound lanes of the RHVP. In association with the repaving, the City had friction testing completed on the new pavement by September of 2019.

Upon completion of this friction testing, the City requested CIMA+ to conduct a review of the new friction test results. Specifically, CIMA has been requested to provide responses to the following questions:

- In light of the September 2019 RHVP friction data collected by ARA, are any changes needed to the recommendations in the previous CIMA reports to the City regarding safety on the RHVP?
- In light of the September 2019 RHVP friction data collected by ARA, and the speed limit and enforcement measures recently taken, are any safety measures or monitoring steps on the RHVP recommended to the City?⁶⁹³

604. CIMA answered these two questions in its report as follows:

Question 1)

In light of the September 2019 RHVP friction data collected by ARA, and the speed limit and enforcement measures recently taken, are any safety measures or monitoring steps on the RHVP recommended to the City?

Answer 1)

CIMA had made several recommendations regarding the roadway safety on the RHVP. Having reviewed the 2019 friction data collected by ARA, we have not identified any information that would change our recommendations in our previous reports completed in 2015 and 2018.

The CIMA reports were prepared prior to the roadway 2019 resurfacing. They noted that there was a high proportion of collisions on the RHVP occurring in wet road conditions. We

⁶⁹¹ [CIM0022143](#) at images 45-46

⁶⁹² [CIM0022320](#)

⁶⁹³ [CIM0022320](#) at image 5

indicated that the issue may be related to the pavement surface skid resistance (surface friction) and high vehicle operating speeds. Our recommendations included multiple actions directed to these two elements, including increased speed enforcement, installation of larger speed signs, undertaking a review of pavement friction testing, and installation of 'slippery when wet' signs.

As expected, the ARA data confirmed that the friction number was increased after roadway resurfacing. Our findings suggest that the 2019 are in a range consistent with the friction values gathered in 2008. These values are above the GDGCR thresholds for stopping distance ($f=0.29$).

Having said that, a detailed review of the historical friction values on the 'old' pavement indicate an approximate 20% reduction in friction values from 2008 to 2014, which was prior to the road resurfacing. Some individual measured values in 2010, 2011, 2012, and 2014 had friction values that were lower than the stopping distance design numbers.

In addition to the MTO and ARA report, the friction values measured by the Tradewind using a different methodology in 2013 were lower than the investigatory levels set by UKPMS and would suggest a further investigation.

Assuming other relevant factors remain unchanged, lower friction levels result in longer stopping distances. Multiple countermeasures were previously recommended by CIMA and have been implemented to mitigate for the conditions identified considering the 'old' pavement on the RHVP. The recent lowering of the speed limit for portions of the RHVP adds to those countermeasures.

We have reviewed the recommendations in our 2015 and 2018 reports in light of the testing data. Our reports had recommended pavement friction testing. We had also identified countermeasures that targeted elements that interact with pavement friction, specifically speed.

Given that resurfacing was completed in 2019 and the pavement friction values exceed the GDGCR, we have no changes to our recommendations. Having said that, our review identified that friction on the RHVP changed over time from 2008 to 2014.

While those findings were in conditions that included the 'old' pavement, other elements remain essentially unchanged such as traffic volumes and, possibly, speeds. Our conclusion is that the ongoing monitoring of friction values during the operating life of a roadway should be considered to assess potential degradation of the roadway infrastructure and friction values over time. While our previous reports recommended friction testing in the context of the 'old' pavement, we would continue to recommend monitoring of friction values on 'new' pavement going forward to assist in the overall determination of when the infrastructure may approach the end of its life cycle or require rehabilitation.

Question 2)

In light of the September 2019 RHVP friction data collected by ARA, are any changes needed to the recommendations in the previous CIMA reports to the City regarding safety on the RHVP?

Answer 2)

The new surface exceeds the friction parameters used in the geometric design of the road. Our previous reports recommended friction testing in the context of the 'old' pavement and we would continue to recommend monitoring of friction values on 'new' pavement going forward to assist in the overall determination of when the infrastructure may approach the end of its lifecycle or require rehabilitation.

The CIMA reports included several options that were recommended for consideration to improve safety on the RHVP. A number of those recommendations have been implemented and others are in progress or being further evaluated.

We see no need for changes to the recommendations provided in the earlier reports other than to continue to suggest that ongoing performance monitoring relating to vehicle speeds and collisions be carried out going forward.⁶⁹⁴

605. In CIMA's report, subsection "5.1 Locked Wheel Tester Data", included the following content:

Based on the above figures, the average friction numbers were indicated to range from 38 to 41 along the RHVP in 2008. These values, Friction Numbers (FN), are assumed to be able to be compared directly to frictions values (f) used in design. FN numbers which use a scale of 0 to 100, can be correlated to friction values (f) of 0.38 to 0.41 as defined in the Transportation Association of Canada Geometric Design Guide for Canadian Roads (TAC-GDGCR), which uses a scale of 0 to 1.0.

These numbers were above the design parameters used in the road design for stopping distance, which are $f=0.29$, corresponding to a roadway with a design speed of 100 km/h, such as RHVP.

It is clear from the data that friction values changed over time. A review of the temporal changes in values indicate an approximate 20% reduction from 2008 to 2014, with the reported average friction numbers ranging from 30 to 33 in 2014. While it is known that the deterioration of pavement friction is inevitable as infrastructure ages, the change in the data also highlights the importance of ongoing evaluation of pavement friction levels over time.

In 2019, after pavement resurfacing was completed the friction values increased. The data shows average friction numbers ranging from 40 to 44 in 2019. We note that the 2019 values for the 'new' pavement are in a similar average range to the values from 2008, with the average friction numbers ranging from 38 to 41 noted above. Both sets of data are using the locked wheel method of testing.⁶⁹⁵

3. Audit Report - Roads Value for Money and Roads Quality Assurance Supplementary Audit Report

606. On June 16, 2021, Mr. Brown submitted the Roads Value for Money Audit (AUD21006) to the Audit, Finance and Administration Committee through a

⁶⁹⁴ [CIM0022320](#) at images 16-17

⁶⁹⁵ [CIM0022320](#) at image 11

Recommendation Report.⁶⁹⁶ The Recommendation Report summarized the most significant themes of the Audit as follows:

- Bringing a more robust and mature approach to road or “right of way” asset management and pavement analysis.
- The need for a strategic plan that can act as the blueprint for improvement goals and strategies for sustainability.
- Developing more complete and effective systems of quality assurance and contractor management.
- Putting greater emphasis on preservation management as an asset management strategy.⁶⁹⁷

607. The Office of the City Auditor attached the formal Roads Value for Money Audit Report as Appendix A to the Recommendation Report. The Audit’s findings on asset management were summarized in Appendix A as follows:

Asset management is a function meant to ensure value for money in the City’s infrastructure investments, and secure long-term service and financial sustainability. However, asset management insofar as pavement or road “right of way” assets is concerned has fallen short of those goals in some respects.

- The City currently lacks a mature process for identifying, tracking and reporting the infrastructure deficit or gap for roads, and needs to recalibrate its process to deliver effective decision support.
- SOTI (State of the Infrastructure) reports have not been a reliable tool for reporting the state of road infrastructure and tracking the City’s path toward sustainability, and could be more effective as communications and decision-making tools if delivered more often, with a more streamlined, consistent process and with clearer, evidence-based metrics.
- Future asset plans will need a more robust approach for levels of service and risk management.
- The Roads Program should have a strategic plan to address its improvement opportunities, map out strategies for achieving long term sustainability, and implement key performance measures.
- The City’s asset management approach relies heavily on resurfacing and reconstruction strategies with little emphasis on proactive preservation.

⁶⁹⁶ [RHV0000682](#) attaching [RHV0000683](#), [RHV0000684](#) and [RHV0000685](#)

⁶⁹⁷ [RHV0000682](#) at image 3

- There should be a mechanism/process for tracking the accuracy of predicted life cycle costs and deterioration curves.⁶⁹⁸

608. The Audit's findings on pavement condition surveys were also summarized in

Appendix A:

Pavement condition surveys, which are conducted about every 5 years, are not reported in a consistent manner across different reporting mechanisms and time periods. Condition data is not collected frequently enough to present timely information on condition status and deterioration. Also, the index for pavement condition could be enhanced with the addition of a measure related to structural adequacy as some other municipalities have done.⁶⁹⁹

609. The Audit's findings on quality assurance included the following:

For many years, roads management has had a problem managing contractor performance and achieving the quality expected. Quality assurance test results over the years show acceptance of pavements with high percentages of rejectable and borderline quality. Contractors have not been held appropriately accountable for poor performance, and to the extent they have been used in recent years, financial penalties and fines have been relatively insignificant and do not act as a deterrent against low quality.⁷⁰⁰

610. Appendix A also included the following content on Life Cycle Costing ("LCC") on the RHVP:

Options can be generated for particular road segments and then used to select the treatment strategies that will minimize LCC. However, we observed little evidence it was routinely being used for this type of purpose. For example, LCC analysis was prepared for the Red Hill Valley Parkway when being costed for planning and decision-making purposes (see Table 3 below).

A lowest LCC option was presented however the actual treatments, costs and timing ended up being significantly different. Rather than intermediate treatments at years 2012 and 2017 for \$513K and a minor rehabilitation in year 2024 for \$2.5M the actual spending was one major treatment in 2019 for \$10M. This pattern of spending is closer to another LCC option presented in 2007 which was not optimal in value for money and contemplated the first treatment being a major rehabilitation of \$10.3M in year 2024.⁷⁰¹

⁶⁹⁸ [RHV0000683](#) at image 4

⁶⁹⁹ [RHV0000683](#) at image 4

⁷⁰⁰ [RHV0000683](#) at image 4

⁷⁰¹ [RHV0000683](#) at image 25

611. The Office of the City Auditor made 25 recommendations related to its report. The Office of the City Auditor attached these recommendations, along with City Management's Response to the same, to the Recommendation Report as Appendix B.⁷⁰²

612. On August 11, 2022, Mr. Brown submitted a Recommendation Report, titled "Roads Value for Money Audit - Roads Quality Assurance Supplementary Audit Report (AUD21006(a)) (City Wide)" to the Audit, Finance and Administration Committee. A formal audit report was appended as Appendix A.⁷⁰³

4. Annual Collision Report 2019, 2020 and 2021

613. On June 17, 2020, Mr. Soldo submitted a report, titled "The City of Hamilton Annual Collision Report – 2019 Statistics and Trends (PW20035) (City Wide)", to the Public Works Committee.⁷⁰⁴ The 2019 Annual Collision Report was appended to this Information Report as Appendix A.

614. In section 2, "Lincoln M. Alexander Parkway and Red Hill Valley Parkway Five Year Collision Trends (2015 to 2019)" under the subheading "Collisions by Road Surface Condition" the 2019 Annual Collision Report included the following content:⁷⁰⁵

⁷⁰² [RHV0000684](#)

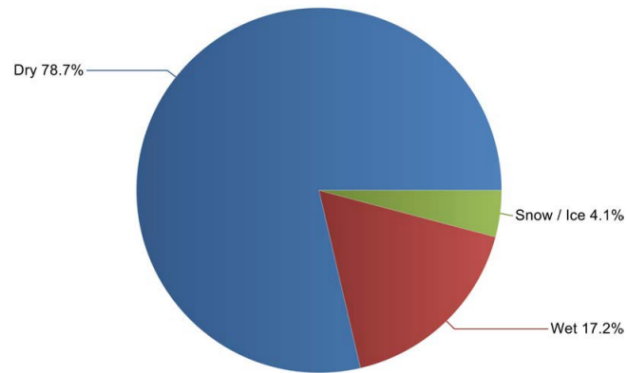
⁷⁰³ [RHV0001008](#) and [RHV0001009](#)

⁷⁰⁴ [RHV0001007](#)

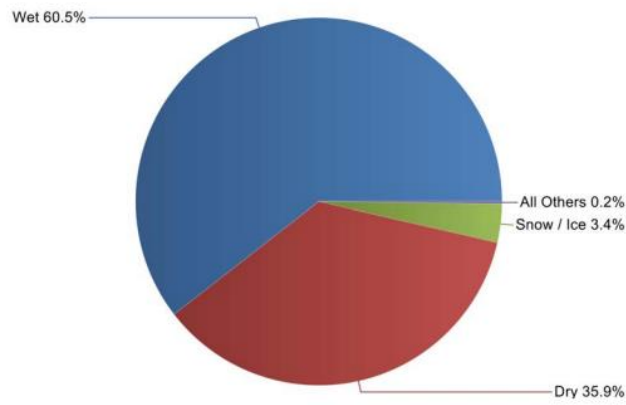
⁷⁰⁵ [RHV0000609](#) at image 43-46

Collisions by Road Surface Condition

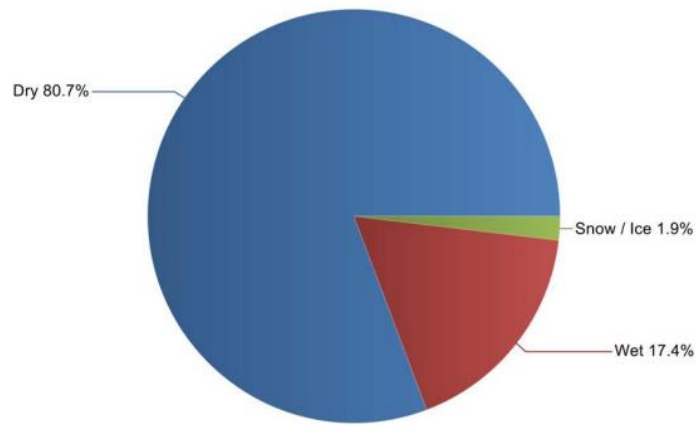
A review of collisions based on their road surface conditions clearly show an unusually high number of collisions during wet and snow/ice conditions on the RHVP. In fact the majority of collisions on the RHVP occurred on non-dry road surface condition. The City has recently resurfaced the RHVP and this trend should be monitored in the next few years. The number of collisions during non-dry conditions on the LINC are consistent with provincial averages and did not reveal any unusual trends.



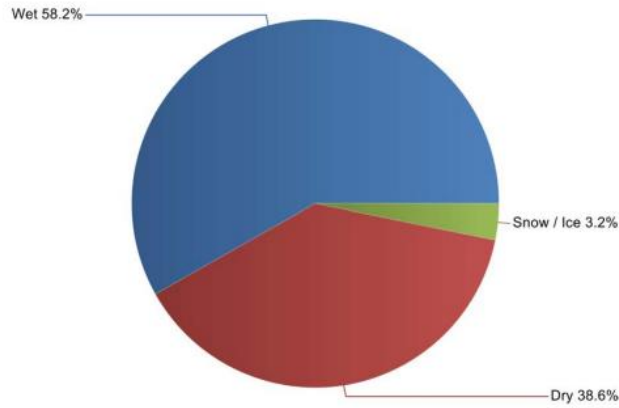
Collisions by Road Surface Condition, 5 Years - LINC (2015-2019)



Collisions by Road Surface Condition, 5 Years - RHVP (2015-2019)

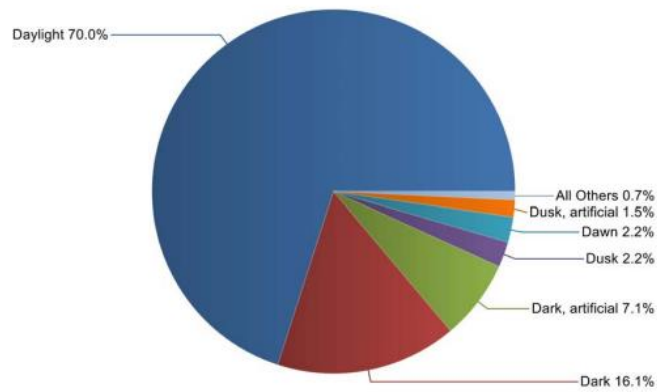


Fatal and Injury Collisions by Road Surface Condition, 5 Year Average - LINC (2015-2019)

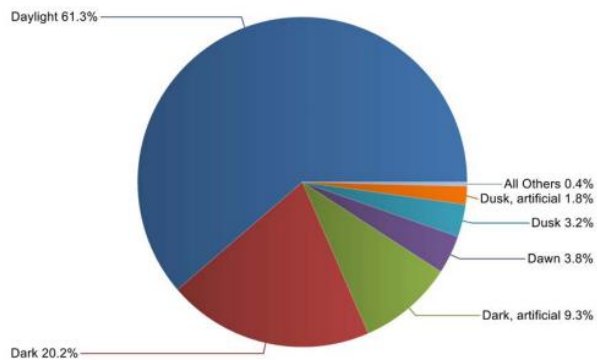


Fatal and Injury Collisions by Road Surface Condition, 5 Year Average - RHVP (2015-2019)

The number of collision occurred on the RHVP during the dark conditions is more than the City of Hamilton and provincial averages. However, the number of collisions occurred on the LINC were consistent with the City of Hamilton statistics.



Collisions by Lighting Condition, 5 Years - LINC (2015-2019)



Collisions by Lighting Condition, 5 Years - RHVP (2015-2019)

615. On August 11, 2021, Mr. Field submitted an Information Report, titled “City of Hamilton Annual Collision Report — 2020 Statistics and Trends (PW21047) (City Wide)”, to the Public Works Committee.⁷⁰⁶ The 2020 Annual Collision Report was appended to this Information Report as Appendix A.

616. The information Report included the following information about collisions the LINC and RHVP:

Collisions on the LINC and RHVP involving injuries have significantly declined over the past several years. The following is a list of relevant statistical information:

- Fatal and injury collisions on the LINC/RHVP declined by 83.3%/60.0% in 2020, compared to a decline of 33.3%/34.2% in 2019 from 2018;
- Total collisions occurring on the RHVP on non-dry road surface conditions declined to 57.3% (2016-2020) vs 63.9% (2015-2019) and it is expected these numbers will continue to decline and align with provincial averages; and
- Collisions on the LINC continue to align with the provincial averages.⁷⁰⁷

617. In section 2, “Lincoln M. Alexander Parkway and Red Hill Valley Parkway Five Year Collision Trends (2016 to 2020)” under the subheading “Collisions by Road Surface Condition” the 2020 Annual Collision Report included the following content:⁷⁰⁸

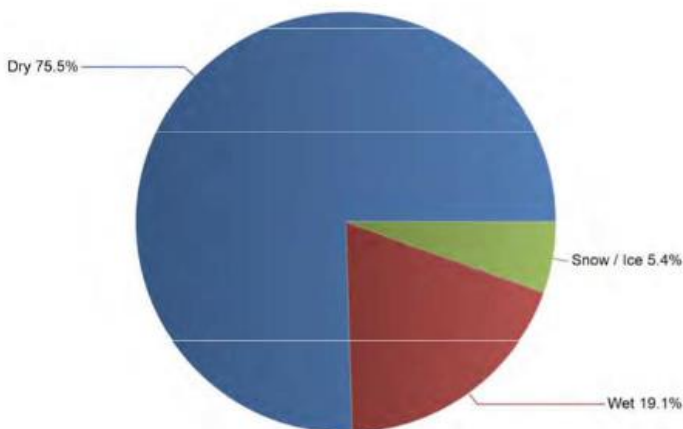
⁷⁰⁶ [RHV0000907](#)

⁷⁰⁷ [RHV0000907](#) at image 3

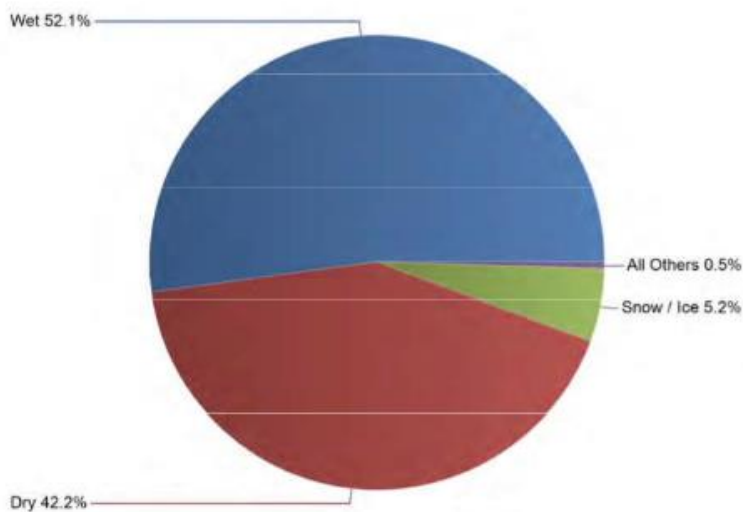
⁷⁰⁸ [RHV0000908](#) at image 35-36

Collisions by Road Surface Condition

A review of collisions based on their road surface conditions clearly show an unusually high number of collisions during wet and snow/ice (non-dry) conditions on the RHVP. In fact the majority of collisions on the RHVP occurred on non-dry road surface condition. The City resurfaced the RHVP in the summer of 2019. The number of collisions during the non-dry conditions has significantly dropped in 2019 and 2020 following the resurfacing of the parkway. The number of collisions during non-dry conditions on the LINC are consistent with Provincial averages and did not reveal any unusual trends.



Collisions by Road Surface Condition, 5 Years - LINC (2016-2020)



Collisions by Road Surface Condition, 5 Years - Red Hill Valley Parkway (2016-2020)

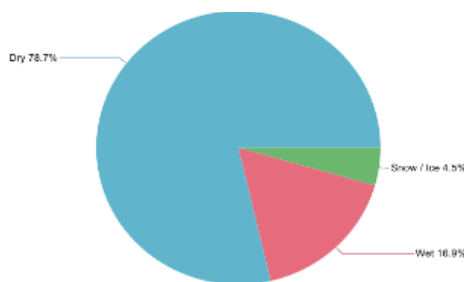
618. On July 6, 2022, Mr. Field submitted an Information Report, titled “City of Hamilton Annual Collision Report – 2021 Statistics and Trends (PW22061) (City Wide)”, to the

Public Works Committee.⁷⁰⁹ The 2021 Annual Collision Report was appended to this Information Report as Appendix A.

619. In section 2, “Lincoln M. Alexander Parkway and Red Hill Valley Parkway Collision Trends (2017 to 2021)” under the subheading “Collisions by Road Surface and Lighting Conditions” the 2021 Annual Collision Report included the following content:⁷¹⁰

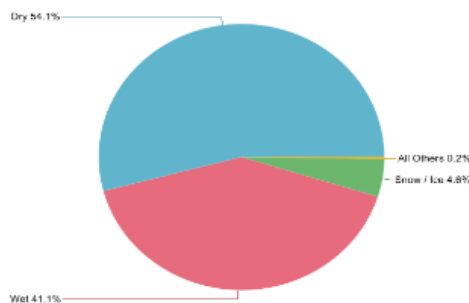
Collisions by Road Surface and Lighting Conditions

The number of collisions during non-dry conditions on the LINC is 21.4% of all collisions for 2017–2021, which is consistent with Provincial averages. The number of collisions during non-dry conditions has been steady in 2017–2021 compared to 2016–2020.



Collisions by Road Surface Condition, 5 Years - LINC (2017–2021)

The number of collisions during non-dry conditions on the RHVP for 2017–2021 is 45.7% of all collisions. This is higher than Provincial averages, but lower than in 2016–2020 (57.8%) and significantly reduced from 2015–2019 (64.1%).



Collisions by Road Surface Conditions - Red Hill Valley Parkway (2017–2021)

⁷⁰⁹ [RHV0001006](#)

⁷¹⁰ [RHV0001001](#) at image 36

F. Appendix A: Individuals Referenced in Overview Document #10a

Last Name	First Name	Organization	Position(s)⁷¹¹
Aitchison	Rodney	City of Hamilton	Project Manager , Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works
Andoga	Richard	City of Hamilton	Senior Project Manager , Infrastructure Programming, Asset Management, Engineering Services, Public Works
Auty	Nicole	City of Hamilton	City Solicitor , Legal & Risk Management Services, Corporate Services
Barroso	Lisa	City of Hamilton	Manager , Corporate Records and Freedom of Information, Office of the City Clerk, Corporate Services
Becke	Michael	City of Hamilton	Senior Project Manager , Design, Engineering Services, Public Works
Bentley	Kevin	MTO	Executive Director & Chief Engineer , Highway Standards Branch, Provincial Highways Management Division
Blackburn	Tammy	City of Hamilton	Superintendent , Programs and Contracts, Roadway Maintenance, Transportation Operations & Maintenance, Public Works
Boghosian	David	Boghosian & Allen LLP	Managing Partner
Bono	Ashley	City of Hamilton	Manager , Finance & Administration; Financial Planning, Administration & Policy, Corporate Services
Bottesini	Giovani	CIMA	Project Manager, Transportation
Boylan	Shelley	City of Hamilton	Coordinator , Transportation Operations & Maintenance, Public Works
Brown	Charles	City of Hamilton	Director and Auditor General , Audit Services, Office of the City Auditor, City Manager's Office
Butrym	Bob	City of Hamilton	Construction Coordination , Transportation Operations, Transportation Operations & Maintenance, Public Works
Butt	Tashfeen	City of Hamilton	Design Technologist , Design, Engineering Services, Public Works

⁷¹¹ Only positions held during the time covered by Overview Document #10a are included in Appendix A. Commission Counsel has created a separate document that includes the complete list of all positions held by all individuals referenced in Overview Documents #2 - #10, which is included in Overview Document #1 at Appendix A.

Caldwell	Corinne	City of Hamilton	Claims Representative , Risk Management, Legal & Risk Management Services, Corporate Services
Callaghan	Meghan	Jardine Lloyd Thompson Canada Inc.	Vice President, Managing Director, Public Sector
Cameron	Diana	City of Hamilton	Administrative Assistant to the Director of Engineering Services , Engineering Services, Public Works
Ciaglia	Viano	Frank Cowan Company	Regional Manager
Clark	Brad	City of Hamilton	Councillor, Ward 9
Collins	Chad	City of Hamilton	Councillor, Ward 5
Conley	Doug	City of Hamilton	Councillor, Ward 9
Cooper	Stephen	City of Hamilton	Project Manager , Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works
Cornwell	Jeff	City of Hamilton	Project Manager , Traffic Signal System, Transportation Operations, Transportation Operations and Maintenance, Public Works
Crawford	Colleen	Shillingtons LLP	Senior Law Clerk
D'Angelo	Rom	City of Hamilton	Director ; Energy, Fleet & Facilities Management, Public Works
Danko	John-Paul	City of Hamilton	Councillor, Ward 8
Decleir	Robert	City of Hamilton	Senior Project Manager , Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works
Defty	James	Jardine Lloyd Thompson Canada Inc.	Senior Partner
Della Pietra	John	City of Hamilton	Supervisor , Signs and Markings, Transportation Operations, Transportation Operations & Maintenance, Public Works
DiDomenico	Jennifer	City of Hamilton	Senior Project Manager , Strategic Initiatives, Business Initiatives, Transportation Operations & Maintenance, Public Works
Dreschel	Andrew	Hamilton Spectator	Columnist
Dworczak	Mike	Pyramid Traffic	Principal Associate
Edwards	<u>Debbie</u>	<u>City of Hamilton</u>	<u>Deputy City Solicitor</u> ; Commercial, Development and Policy (CDP); Legal & Risk Management Services, Corporate Services

Eisbrenner	Rebeka	City of Hamilton	Administrative Assistant to the Director of Transportation Operations & Maintenance , Transportation Operations & Maintenance, Public Works
Eisenberger	Fred	City of Hamilton	Mayor of Hamilton
Evans	Paul	HPS	Staff Sergeant, Support Services Division
Evoy	Heather	MTO	Executive Assistant to the Executive Director & Chief Engineer , Highway Standards Branch, Provincial Highways Management Division
Farr	Jason	City of Hamilton	Councillor, Ward 2
Ferguson	Lloyd	City of Hamilton	Councillor, Ward 12
Ferguson	David	City of Hamilton	Superintendent , Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works
Field	Mike	City of Hamilton	Senior Project Manager , Street Lighting, Transportation Operations, Transportation Operations & Maintenance Division
Finelli	Lucy	City of Hamilton	Assistant to Councillor Chad Collins , Ward 5
Fontana	Lora	City of Hamilton	Executive Director , Human Resources and Organizational Development, Human Resources
Galloway	Rob	City of Hamilton	Traffic Technologist (Traffic Signals), Transportation Operations, Transportation Operations & Maintenance, Public Works
Giacalone	Nick	Coco Paving	General Manager
Graham	Jasmine	City of Hamilton	Communications Officer , Strategic Partnerships & Communications, City Manager's Office
Grice	Andrew	City of Hamilton	Director , Hamilton Water, Public Works
Guerretta	Joe	City of Hamilton	Traffic Operations , Transportation Operations, Transportation Operations & Maintenance, Public Works
Hadayeghi	Alireza	CIMA	Partner, Vice-President, Transportation
Hawash	Khaled	City of Hamilton	Traffic Safety Database Technologist , <u>Transportation Operations & Maintenance, Public Works</u>
Heaton	Lisa	MTO	Manager , Issues and Media Office, Communications Branch, Deputy Minister's Office
Hein	Dr. David	Applied Research Associates, Inc.	Principal Engineer and Vice-President of Transportation
Henderson	Dr. Vimy	Golder	Pavement and Materials Engineer
Hertel	John	City of Hamilton	Director , Strategic Partnerships & Communications, City Manager's Office

Hidalgo	Justyna	City of Hamilton	Solicitor , Legal Services, Legal & Risk Management Services, Corporate Services
Higgins	Aisling	City of Hamilton	Communications Officer , Strategic Partnerships & Communications, City Manager's Office
Hooper	Robert	Grosso Hooper Law	Managing Partner
Horinga	Felicia	MTO	Administrative Assistant , Executive Director's Office, Highway Standards Branch, Provincial Highways Management Division
Hornby	Allison	City of Hamilton	Administrative Assistant to the Director and Auditor General , Audit Services, Office of the City Auditor, City Manager's Office
Husack	Dave	City of Hamilton	Contract Inspector , Contract Inspection, Construction, Engineering Services, Public Works
Jackson	Tom	City of Hamilton	Councillor, Ward 6
Jacob	Susan	City of Hamilton	Manager , Design, Engineering Services, Public Works
Jazvac	Alan	City of Hamilton	Project Manager (Surface Infrastructure) , Infrastructure Programming, Asset Management, Engineering Services, Public Works
Johnson	Brenda	City of Hamilton	Councillor, Ward 11
King	Chris	City of Hamilton	Senior Project Manager , Transportation Systems, Transportation Operations, Transportation Operations & Maintenance Division, Public Works
Kirchknopf	Gary	City of Hamilton	Senior Project Manager , Corridor Management, Geomatics & Corridor Management, Engineering Services, Public Works
Lane	Becca	MTO	Manager , Materials Engineering & Research Office, Highway Standards Branch, Provincial Highways Management Division
Lawlor	Daniel	City of Hamilton	Project Manager , Electrical and Communication Systems, Transportation Operations, Transportation Operations & Maintenance, Public Works
LeClair	Dave	HPS	Sergeant, Support Services Division
Leishman	Patricia	City of Hamilton	Manager , Strategy, Continuous Improvement & Quality, Public Works
Leon	Claudio	City of Hamilton	Project Manager , Contracts and Standards, Design, Engineering Services, Public Works
Lezau	<u>Dana</u>	<u>City of Hamilton</u>	<u>Solicitor</u> , Legal Services, Legal & Risk Management Services, Corporate Services
Linardi	Tony	Golder	Principal, General Counsel (Canada)

Luongo	Michael	Coco Paving	Estimator/Project Manager
MacNeil	Peter	City of Hamilton	Chief Technology Architect , Information Technology, Corporate Services
Magnan	Joel	MTO	Head , Soils & Aggregates Section, Materials Engineering & Research Office, Highway Standards Branch, Provincial Highways Management Division
Malone	Brian	CIMA	Partner, Vice-President, Transportation
Martin	Caroline	City of Hamilton	Financial Assistant , Engineering Services, Public Works
Mater	John	City of Hamilton	Director , Corporate Assets & Strategic Planning, Public Works
McGuire	Gord	City of Hamilton	Director , Engineering Services, Public Works
McKinnon	Dan	City of Hamilton	General Manager , Public Works
McLennan	John	City of Hamilton	Manager , Risk Management, Legal & Risk Management Services, Corporate Services
McShane	Paul	City of Hamilton	Project Manager , Construction, Engineering Services, Public Works
Melatti	Rosanna	City of Hamilton	Interim Executive Assistant to the City Manager , City Manager's Office
Melendez	Nelson	City of Hamilton	Project Manager , Advanced Traffic Management System, Transportation Operations, Transportation Operations & Maintenance, Public Works
Merulla	Sam	City of Hamilton	Councillor, Ward 4
Minard	Brigitte	City of Hamilton	Manager , Performance & Internal Control & Deputy City Auditor , Audit Services, Office of the City Auditor, City Manager's Office
Miscione	Claudette	MTO	Business Information Analyst , Executive Office, Highway Standards Branch
Moore	Gary	City of Hamilton	Director , Engineering Services, Public Works (until May 31, 2018) Senior Technical Director , LRT Project (June 2018 onwards)
Morello	Raffaella	City of Hamilton	Senior Project Manager , General Manager's Office, Public Works
Muise	<u>Gord</u>	<u>City of Hamilton</u>	<u>Director, Employee and Labour Relations, Human Resources</u>
Mulrone	Caroline	Province of Ontario	Attorney General, Ministry of the Attorney General
Namjoug	Reza	Aecon Materials Engineering Corp.	Assistant General Manager, Aecon Group Inc., AME
Nann	Nrinder	City of Hamilton	Councillor, Ward 3

Nichols	Bob	MTO	Media Spokesperson , Communications Branch, Deputy Minister's Office
Norman	Gavin	City of Hamilton	Manager , Waterfront Development, Engineering Services, Public Works
Norris	Christopher	Aecon Materials Engineering Corp.	Manager, Pavement Services, Aecon Group Inc., AME
O'Reilly	Nicole	Hamilton Spectator	Reporter
Oddi	Marco	City of Hamilton	Manager , Construction, Engineering Services, Public Works
Olszewski	Chris	City of Hamilton	Project Manager , Capital Projects, Traffic Engineering, Transportation Operations, Transportation Operations & Maintenance, Public Works
Omazic	Drina	City of Hamilton	Chief of Staff to Mayor Eisenberger , Mayor's Office
Paparella	Stephanie	City of Hamilton	Legislative Coordinator , Office of the City Clerk
Paul	Bob	City of Hamilton	Manager , Roadway Maintenance, Transportation Operations & Maintenance, Public Works
Pauls	Esther	City of Hamilton	Councillor, Ward 7
Pearson	Maria	City of Hamilton	Councillor, Ward 10
Pellegrini	Domenic	City of Hamilton	Senior Internal Auditor , Audit Services, Office of the City Auditor, City Manager's Office
Perusin	Dennis	City of Hamilton	Senior Project Manager , Construction, Engineering Services, Public Works
Petzold	Geoff	CIMA	Project Manager, Transportation
Piedigrossi	Nick	City of Hamilton	Technologist , Infrastructure Programming, Asset Management, Engineering Services, Public Works
Pilon	Janet	City of Hamilton	Manager Legislative Services/Deputy Clerk , Office of the City Clerk, Corporate Services
Potter	Ryland	WDM USA	Director of Business Development
Purins	Bryan	City of Hamilton	Project Manager , Traffic Safety, Transportation Operations, Transportation Operations & Maintenance, Public Works
Rashford	Debbie-Ann	City of Hamilton	Access & Privacy Officer , Office of the City Clerk, Corporate Services
Recine	Jen	City of Hamilton	Manager , Communications, Strategic Partnerships & Communications, City Manager's Office

Remollino	Dan	MTO	Director , Highway Standards Branch, Provincial Highways Management Division
Renaud	Tyler	City of Hamilton	Project Manager , Construction Quality Assurance, Construction, Engineering Services, Public Works
Ribaric	Robert	City of Hamilton	Assistant to Councillor Doug Conley , Ward 9 (2014-2018) Assistant to Councillor Brad Clark , Ward 9 (2006-2010, 2010-2014, 2018-2022)
Roberts	Scott	CIMA	Partner, Director, Transportation
Sabo	Ron	City of Hamilton	Deputy City Solicitor , Dispute Resolution, Legal & Risk Management Services, Corporate Services
Salek	Soroush	CIMA	Associate Partner, Project Manager, Traffic Engineering, Transportation (until September 2019) Partner, Senior Project Manager, Traffic Engineering, Transportation (September 2019 onwards)
Salt	Jim	City of Hamilton	Structures Inspector , Construction, Engineering Services, Public Works
Schulenberg	Martin	HPS	Superintendent, Support Services Division
Searles	John	City of Hamilton	District Superintendent , Roads East, Roadway Maintenance, Transportation Operations & Maintenance, Public Works
Shantz	Michelle	City of Hamilton	Communications and Media Relations Advisor , Mayor's Office
Sharma	Dipankar	City of Hamilton	Senior Project Manager , Continuous Improvement, Engineering Services, Public Works
Shebib	Rich	City of Hamilton	Project Manager , Corridor Management, Geomatics & Corridor Management, Engineering Services, Public Works
Sherriff	Jeff	City of Hamilton	Applications Analyst , Business Systems, Business Initiatives, Transportation Operations & Maintenance, Public Works
Shillington	Terry	Shillingtons LLP	Partner
Sissons	Devon	Province of Ontario	Office of Andrea Horwath (NDP Leader)
Skinner	Dr. Graeme	Golder	Principal, Senior Geotechnical Engineer, Ground Engineer West Group Leader
Smith	Janette	City of Hamilton	City Manager , City Manager's Office
Soldo	Edward	City of Hamilton	Director , Transportation Operations & Maintenance

Stoveland	Wendy	Golder	Director, Global Communications
Swaby	Diana	City of Hamilton	Supervisor , Claims Administration, Risk Management, Legal & Risk Management Services, Corporate Services
Switenky	Ed	City of Hamilton	Superintendent , Traffic Operations, Transportation Operations, Transportation Operations & Maintenance, Public Works
Szczepanik	Irena	City of Hamilton	Project Manager , Infrastructure Management Systems, Asset Management, Engineering Services, Public Works
Tassone	Gwen	Jardine Lloyd Thompson Canada Inc.	Senior Vice President, Account Executive, Public Sector
Thompson	David	Shillingtons LLP	Lawyer
Thompson	Shiona	CHML	Senior News Anchor, AM 900
Thorne	Jason	City of Hamilton	General Manager , Planning & Economic Development
Tollis	Tony	City of Hamilton	Former Treasurer of the City of Hamilton
Uzarowski	Ludomir	Golder	Principal, Pavements and Materials Engineering
Vala	Sarath	City of Hamilton	Project Manager , Design, Engineering Services, Public Works
Van Dongen	Matthew	Hamilton Spectator	Reporter
VanderBeek	Arlene	City of Hamilton	Councillor, Ward 13
Waite	Erika	City of Hamilton	Senior Project Manager , Infrastructure Programming, Asset Management, Engineering Services, Public Works
<u>Walker</u>	<u>Catherine</u>	<u>City of Hamilton</u>	<u>Records and Information Management Clerk</u> , Office of the City Clerk, Corporate Services
Watson	Anne	City of Hamilton	Access & Privacy Officer , Office of the City Clerk, Corporate Services
White	Martin	City of Hamilton	Manager , Transportation Operations, Transportation Operations & Maintenance, Public Works
Whitehead	Terry	City of Hamilton	Councillor, Ward 14
<u>Wilson</u>	<u>Keri</u>	<u>Shillingtons LLP</u>	<u>Lawyer</u>
Wilson	Maureen	City of Hamilton	Councillor, Ward 1
Wunderlich	Nancy	City of Hamilton	Administrative Coordinator to the General Manager , Public Works
Wyskiel	Kim	City of Hamilton	Superintendent , Business Services, Transportation Operations, Transportation Operations & Maintenance, Public Works

Yakabuski	John	Province of Ontario	Minister of Transportation, Ministry of Transportation of Ontario
Yurek	Jeff	Province of Ontario	Minister of Transportation, Ministry of Transportation of Ontario
Zegarac	Mike	City of Hamilton	Interim City Manager , City Manager's Office
Zenarosa	Dino	Jardine Lloyd Thompson Canada Inc.	Vice President, Senior Claims Broker - Claims
Zimmerman	Andy	City of Hamilton	Senior Communications Officer , Social Media & Marketing, Strategic Partnerships & Communications, City Manager's Office
Zinkewich	Lisa	City of Hamilton	Program Manager , Corporate Initiatives (Strategy & Performance), Strategic Partnerships & Communications, City Manager's Office