

ANNUAL COMPLIANCE REPORT FOR 2021

REGULATORY MONITOR AND COMPLIANCE OFFICER (RMCO)

**Transit Commission Meeting
March 30th, 2022**

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Regulatory Monitor and Compliance Officer**

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RMC0 Scope / Mandate

➤ RMC0 Mandate / Scope:

- Monitoring of regulatory compliance for Safety and Security;
- Confederation line only;
- Encompassing OC Transpo and Contractors;
- Monitoring started after revenue service;
- RMC0 does **not** assess:
 - Safety or risks;
 - Adequacy of Regulations, equipment or technology;
 - Contractor competence.

➤ RMC0 Monitoring represents one of several layers of oversight for the City

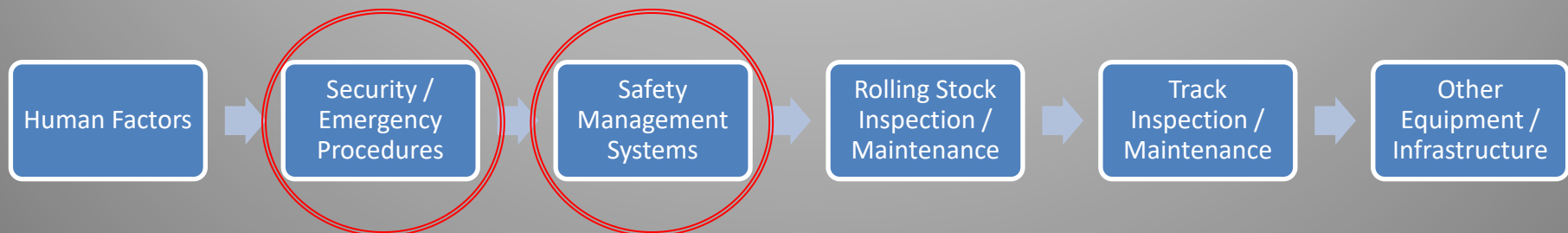
Regulatory Monitoring Approach

➤ Regulatory Monitoring Approach:

- Regulatory monitoring performed relative to City LRT Regulations
- Risk-based selection of areas to be monitored
- Monitoring is structured and transparent:
 - ✓ Advanced notification;
 - ✓ Monitoring procedures provided ahead of monitoring;
 - ✓ Fact and evidence-based assessment

➤ Areas Monitored in 2021:

AREAS MONITORED	Period
Safety Management System	Q2-Q3 2021
Emergency Management Processes	Q4 2021 - Q1 2022



RMCO Monitoring Performed - Recap

➤ Area monitored - fall 2019:

Training / Qualification of Employees Involved in Movement of LRV's / Trains



➤ Areas monitored in 2020:

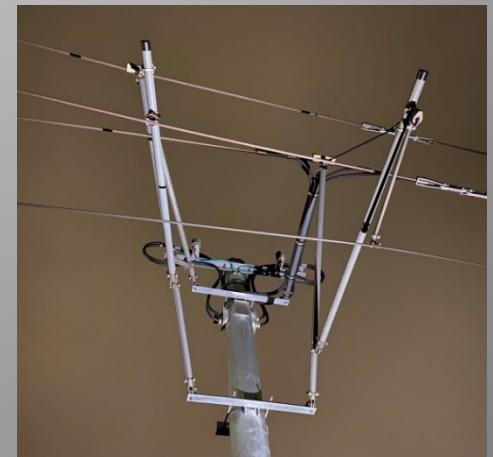
Track



Light Rail Vehicles



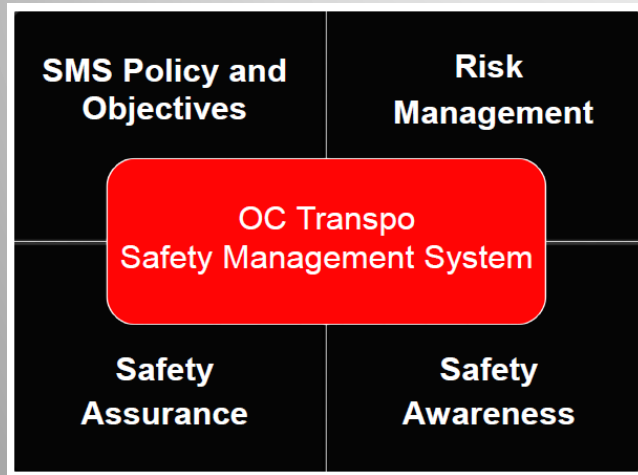
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RMCO Monitoring Performed - Recap

➤ Areas monitored in 2021:

Safety Management System



Emergency Management Processes



- ✓ Safety Management System (SMS) refers to a systematic approach for managing safety through policies, objectives, initiatives, risk management and safety assurance
- ✓ Emergency Management Processes provide procedures and preparation for handling sudden or unexpected situations effectively

Monitoring Process

- The following Program requirements are monitored in accordance with City LRT Regulations (Annex B part 1):



- Monitoring consists of:

- ✓ Document review
- ✓ Interviews
- ✓ Analysis of Records / Data
- ✓ Field visits

<u>ELEMENT</u>	<u>TYPE OF DOCUMENT / RECORD REQUESTED</u>	<u>REQUESTED FROM</u>		
		OC TRANSP	RTM	ALSTOM
SAFETY MANAGEMENT PLAN	SMS DOCUMENT	X	X	X
PROGRAM IMPLEMENTATION	OBJECTIVE EVIDENCE OF PROGRAM IMPLEMENTATION (e.g. COMMUNICATIONS, TRAINING etc.)	X	X	X
PROGRAM DIRECTION	PROGRAM REQUIREMENTS CONVEYED INTERNALLY AND TO CONTRACTORS	X	X	X
PROGRAM OVERSIGHT / MONITORING	MONITORING RECORDS FOR INTERNAL OPERATIONS AND CONTRACTORS	X	X	X
SAFETY POLICY	2021 SAFETY POLICY	X	X	X
OBJECTIVES, INITIATIVES	2021 OBJECTIVES AND INITIATIVES	X	X	X
ACCIDENT / INCIDENT INVESTIGATION	ACCIDENT / INCIDENT INVESTIGATION REPORTS AS WELL AS THEIR RESPECTIVE REMEDIAL ACTIONS	X	X	X
RISK ASSESSMENT	RISK ASSESSMENTS PERFORMED	X	X	X

Monitoring Findings – OC Transpo SMS

➤ SMS Findings – OC Transpo:

- **Strong regulatory compliance results:**
 - ✓ **18 elements monitored: 17 compliant, 1 mostly compliant**
- The area of oversight is identified as ‘mostly compliant’:
 - ✓ OC Transpo enhanced their Oversight Plan in the first quarter of 2021 which includes detailed schedules of monitoring to be performed
 - ✓ Records were provided which confirm that OC Transpo is monitoring certain aspects of the contractor SMS, such as occurrence investigations
 - ✓ However, there were several shortfalls in the contractor SMS which indicate that OC Transpo can strengthen their Oversight Plan by monitoring key SMS Program requirements (e.g. Is the contractor SM Plan up to date? Is there evidence of implementation? Are key SMS processes such as risk assessment in place?)
- The above finding has been discussed with OC Transpo subsequent to the monitoring, and actions have already been taken to further enhance the 2022 Oversight Plan.

Monitoring Findings – OC Transpo SMS

Monitoring Findings – OC Transpo SMS:

- ❖ 18 elements monitored:
 - ✓ 17 compliant, 1 mostly compliant

ITEM	REGULATORY REFERENCE	ELEMENT	OC TRANSP	NOTES
1A	PROGRAM ADOPTION	SMS MANUAL DEVELOPED / ADOPTED	COMPLIANT	
1B		SMS MANUAL CONTENT COMPLETE (VS OC TRANSP), UPDATED AND CURRENT	COMPLIANT	
2A	PROGRAM IMPLEMENTATION (DOCUMENTS / PROCEDURES)	COMMUNICATION DOCUMENTS	COMPLIANT	
2B		TRAINING DOCUMENTATION	COMPLIANT	
2C		SAFETY POLICY AVAILABLE 2021	COMPLIANT	
2D		OBJECTIVES AVAILABLE FOR 2021	COMPLIANT	
2E		INITIATIVES DEVELOPED FOR 2021	COMPLIANT	
2F		INVESTIGATIONS PROCESS / DOCUMENTS	COMPLIANT	
2G		RISK ASSESSMENTS PROCESS / DOCUMENTS	COMPLIANT	
3A	PROGRAM DIRECTION	INTERNAL DIRECTION PROVIDED	COMPLIANT	
3B		DIRECTION TO CONTRACTORS PROVIDED	COMPLIANT	

Monitoring Findings – OC Transpo SMS

4A	PROGRAM OVERSIGHT	MONITORING PLAN / PROCESS AVAILABLE	COMPLIANT	
4B		OVERSIGHT - SAFETY AND OPERATIONS	COMPLIANT	
4C		OVERSIGHT - ASSESS SMS PROGRAM COMPLIANCE	MOSTLY COMPLIANT	OCT OVERSIGHT PLAN IS SUBSTANTIVE. IT WAS ENHANCED EARLY 2021 AND ENCOMPASSES OC TRANSP AND CONTRACTORS. OCT OVERSIGHT PLAN CAN BE FURTHER STRENGTHENED BY FORMALIZING THE MONITORING OF SMS PROGRAM REQUIREMENTS FOR CONTRACTORS SUCH AS ANNUAL UPDATES, OBJECTIVES / INITIATIVES, COMMUNICATION / TRAINING, INVESTIGATIONS, RISK ASSESSMENTS, OVERSIGHT, RECORDS ETC.).
5A	PROGRAM RECORDS	TRAINING RECORDS	COMPLIANT	
5B		INVESTIGATION RECORDS	COMPLIANT	
5C		RISK ASSESSMENT RECORDS	COMPLIANT	
5D		OVERSIGHT RECORDS	COMPLIANT	

Monitoring Findings – RTM SMS

➤ SMS Findings – RTM:

- RTM SMS monitored relative to their contractual obligations (i.e. Project Agreement - Article 9 of Schedule 15-2 Part 1) and Direction provided by OC Transpo
- **18 elements monitored:**
 - ✓ **10 conformant, 6 mostly conformant, 2 partially conformant**
- Key areas of opportunity:
 - ✓ RTM Safety Management Plan was not updated since 2018 (annual updates required)
 - ✓ Alstom Safety Management Plan needs to be expanded and aligned with RTM SMS
 - ✓ Objectives and Initiatives need to be expanded to encompass rail safety / prevention
 - ✓ Risk assessments need to be expanded to cover rail safety / prevention
 - ✓ Oversight / Direction by RTM needs to be strengthened relative to RTM's operation and that of their subcontractors.

Monitoring Findings – RTM SMS

Monitoring Findings - RTM SMS:

ITEM	REFERENCE	ELEMENT	RTM	NOTES (Refer to P.A. Schedule 15-2 Part 1 Article 9)
1A	PROGRAM ADOPTION	SMS MANUAL DEVELOPED / ADOPTED	CONFORMANT	DOCUMENT PROVIDED.
1B		SMS MANUAL CONTENT COMPLETE (VS OC TRANSP), UPDATED AND CURRENT	PARTIALLY CONFORMANT	RTM SMS DATED 2018. ARTICLE 9.2 OF P.A. SCHED. 15-2 REQUIRES ANNUAL REVIEW. RTM ADVISED THAT SMS UPDATES ARE IN PROGRESS.
2A	PROGRAM IMPLEMENTATION (DOCUMENTS / PROCEDURES)	COMMUNICATION DOCUMENTS	CONFORMANT	DOCUMENTS PROVIDED
2B		TRAINING DOCUMENTATION	CONFORMANT	DOCUMENTS PROVIDED
2C		SAFETY POLICY AVAILABLE 2021	CONFORMANT	DOCUMENT PROVIDED
2D		OBJECTIVES AVAILABLE FOR 2021	MOSTLY CONFORMANT	OBJECTIVES AVAILABLE, BUT TO BE EXPANDED TO ENCOMPASS OPERATIONAL SAFETY (I.E. IN ADDITION TO OCCUPATIONAL HEALTH AND SAFETY).
2E		INITIATIVES DEVELOPED FOR 2021	MOSTLY CONFORMANT	INITIATIVES AVAILABLE, BUT NEED TO BE EXPANDED TO COVER OPERATIONAL SAFETY (IN ADDITION TO OCCUPATIONAL HEALTH AND SAFETY).
2F		INVESTIGATIONS PROCESS / DOCUMENTS	CONFORMANT	DOCUMENTS PROVIDED
2G		RISK ASSESSMENTS PROCESS / DOCUMENTS	CONFORMANT	DOCUMENTS PROVIDED
3A	PROGRAM DIRECTION	INTERNAL DIRECTION PROVIDED	CONFORMANT	OBJECTIVE EVIDENCE VALIDATED WITH SUBCONTRACTOR
3B		DIRECTION TO CONTRACTORS PROVIDED	CONFORMANT	OBJECTIVE EVIDENCE VALIDATED WITH SUBCONTRACTOR

Monitoring Findings – RTM SMS

4A	PROGRAM OVERSIGHT	MONITORING PLAN / PROCESS AVAILABLE	MOSTLY CONFORMANT	RTM 'QMS' AVAILABLE. 'SAFETY INTERACTION PROGRAM' RECENTLY IMPLEMENTED (2021) - NEEDS TO BE EXPANDED TO ENCOMPASS OPERATIONAL COMPLIANCE AND CRITICAL ACTIVITIES (CURRENTLY 'NO NAME NO BLAME' FOR BEHAVIORAL CHANGE).
		OVERSIGHT - SAFETY AND OPERATIONS	MOSTLY CONFORMANT	SEE ABOVE
		OVERSIGHT - MONITOR SMS PROGRAM COMPLIANCE	MOSTLY CONFORMANT	RTM PROVIDED REPORT CONFIRMING SMS AUDIT PERFORMED ON ALSTOM. HOWEVER ALSTOM SMS MISSING KEY ELEMENTS AND NEEDS TO BE ALIGNED WITH RTM REQUIREMENTS. NEED FOR STRUCTURED ONGOING MONITORING RELATIVE TO SMS (AS WELL AS SAFETY / OPERATIONS. SEE ABOVE).
5A	PROGRAM RECORDS	TRAINING RECORDS	CONFORMANT	RECORDS PROVIDED
5B		INVESTIGATION RECORDS	CONFORMANT	RECORDS PROVIDED
5C		RISK ASSESSMENT RECORDS	PARTIALLY CONFORMANT	RTM AND ALSTOM RISK ASSESSMENTS FOCUSED ALMOST EXCLUSIVELY ON OCCUPATIONAL HEALTH. UNTIL RECENTLY, MINIMAL EVIDENCE OF OPERATIONAL SAFETY RELATED RISK ASSESSMENT RECORDS IN ACCORDANCE WITH RTM RISK TRIGGERS. RTM PROVIDED DRAFT RISK REGISTER AND CONFIRMED THAT THIS IS AN AREA BEING DEVELOPED WHICH WILL COVER RAIL SAFETY / RISKS.
5D		OVERSIGHT RECORDS	MOSTLY CONFORMANT	ONE SMS AUDIT REPORT PROVIDED. SEE SECTION ON OVERSIGHT WHICH WILL GENERATE RELEVANT RECORDS.

Monitoring Findings - OC Transpo EMP

➤ EMP (Emergency Management Processes) Findings – OC Transpo:

- **Strong regulatory compliance results:**
 - ✓ **10 elements monitored: 9 compliant, 1 mostly compliant**
- The area of Oversight is identified as ‘mostly compliant’ for the following reasons:
 - ✓ Records were provided which confirm that OC Transpo is monitoring certain aspects of the contractor EMP, such as drills and evacuations
 - ✓ However, there were several shortfalls with RTM’s EMP which indicate that OC Tranpo can strengthen their Oversight Plan to cover key EMP requirements (e.g. does RTM have an EMP? Does it meet requirements identified in the P.A. (i.e. Article 11 of Schedule 15-2 Part 1)? Is there evidence of implementation? Has RTM provided adequate Direction to its subcontractors?)
- The above Finding has been discussed with OC Transpo subsequent to the monitoring, and actions have already been taken to enhance the 2022 Oversight Plan.

Monitoring Findings - OC Transpo EMP

OC Transpo - strong regulatory compliance results:

✓ 10 elements monitored: 9 compliant, 1 mostly compliant

ITEM	REGULATORY REFERENCE	ELEMENT	OC TRANSP	NOTES
1A	PROGRAM DEVELOPMENT / ADOPTION	PROGRAM DEVELOPMENT / ADOPTION	COMPLIANT	SEVERAL DOCUMENTS ADOPTED: i) EMERGENCY MANAGEMENT PLAN; ii) TVA iii) SeMS; iv) SMS; v) WORK INSTRUCTIONS vi) FIRE SAFETY PLANS etc.
2A	PROGRAM IMPLEMENTATION	COMMUNICATION / TRAINING	COMPLIANT	SEVERAL SPECIFIC WORK INSTRUCTIONS DEVELOPED. TRAINING DELIVERED.
2C		DRILLS / READINESS PLAN	COMPLIANT	DRILLS PERFORMED INTERNALLY AND WITH CONTRACTORS.
3A	PROGRAM DIRECTION	INTERNAL DIRECTION PROVIDED	COMPLIANT	INTERNAL DIRECTION PROVIDED THROUGH COMMUNICATION, INSTRUCTIONS AND TRAINING.
3B		DIRECTION TO CONTRACTORS PROVIDED	COMPLIANT	PROJECT AGREEMENT SCHED. 15.2 PART 1 ARTICLE 11 INCLUDES SPECIFIC REQUIREMENTS FOR EMERGENCY RESPONSE PLAN. DRAFT EMP SUBMITTED BY RTG IN 2016.
4A	PROGRAM OVERSIGHT / MONITORING	INTERNAL OVERSIGHT	COMPLIANT	EVALUATIONS OF DRILLS, INCIDENT RESPONSE, DEBRIEFS etc. MONITORING OF OCT EMP TRAINING DELIVERY.
4B		OVERSIGHT - CONTRACTORS	MOSTLY COMPLIANT	1) OBJECTIVE EVIDENCE PROVIDED OF REVIEWS OF DRILLS, INCIDENTS, DEBRIEFS etc. 2) OC TRANSP OVERSIGHT PLAN CAN BE ENHANCED WITH SPECIFIC MONITORING OF CONTRACTOR EMP (I.E. DOES CONTRACTOR HAVE AN EMP? IS IT IMPLEMENTED ? ETC.)
5A	PROGRAM RECORDS	IMPLEMENTATION RECORDS (TRAINING)	COMPLIANT	TRAINING RECORDS PROVIDED.
5B		READINESS RECORDS (DRILLS)	COMPLIANT	RECORDS OF DRILLS AND READINESS ACTIVITIES PROVIDED
5C		MONITORING / OVERSIGHT RECORDS (INTERNAL AND CONTRACTORS MONITORING)	COMPLIANT	EVIDENCE OF REVIEWS OF DRILLS, INCIDENTS, DEBRIEFS. ENCOMPASSING INTERNAL OCT OPERATIONS AS WELL AS CONTRACTORS.

Monitoring Findings – RTM EMP

➤ EMP Findings – RTM:

- RTM Emergency Response Plan (ERP) monitored relative to their contractual obligations (i.e. P.A. - Article 11 of Schedule 15-2 Part 1) and Direction provided by OC Transpo
- **10 elements monitored:**
 - ✓ **4 conformant, 4 mostly conformant, 2 partially conformant**
- Certain ERP elements are in place (e.g. Fire Safety Plan for MSF)
- Formal Emergency Response Plan was not available when monitoring was started (although this is a specific requirement in Project Agreement)
- RTM recently developed “YCC Emergency Response Plan” (dated January 2022), but this does not meet all P.A. requirements and has not been implemented. RTM has submitted remedial actions to address.
- Training material needs to be strengthened with key ERP information such as evacuation routes, assembly points etc.
- Direction / Oversight to contractors is provided through orientation training of employees. RTM currently reviewing their processes to ensure that applicable ERP requirements are conveyed to their subcontractors.

Monitoring Findings – RTM EMP

- RTM: 10 elements monitored:
 ✓ 4 conformant, 4 mostly conformant, 2 partially conformant

ITEM		PROGRAM ELEMENT	RTM	NOTES
1A	PROGRAM DEVELOPMENT / ADOPTION	DEVELOPMENT / ADOPTION	PARTIALLY CONFORMANT	FIRE SAFETY PLAN IMPLEMENTED. YCC EMERGENCY RESPONSE PLAN DEVELOPED DEC. 2021 AND IS BEING IMPLEMENTED IN JAN. 2022.
2A	PROGRAM IMPLEMENTATION	IMPLEMENTATION - COMMUNICATION / TRAINING	MOSTLY CONFORMANT	EMP TRAINING MATERIAL AVAILABLE BUT NEEDS TO BE STRENGTHENED WITH KEY INFORMATION SUCH AS EVACUATION ROUTES, ASSEMBLY POINTS ETC.
2C		IMPLEMENTATION DRILLS / READINESS PLAN	CONFORMANT	READINESS ACTIVITIES IN PLACE
3A	PROGRAM DIRECTION	DIRECTION - INTERNAL	MOSTLY CONFORMANT	SOME EMP INTERNAL COMMUNICATION AVAILABLE BUT CAN BE STRENGTHENED.
3B		DIRECTION - SUBCONTRACTORS	PARTIALLY CONFORMANT	CONTRACTOR ORIENTATION TRAINING PROVIDES LIMITED DIRECTION TO SUCH EMPLOYEES. RTM FORMALIZING PROCESS TO PROVIDE DIRECTION TO THEIR CONTRACTORS
4A	PROGRAM OVERSIGHT / MONITORING	OVERSIGHT - INTERNAL	CONFORMANT	SEVERAL TYPES OF INSPECTIONS AND VERIFICATIONS PROVIDED FOR FIRE SAFETY PLAN
4B		OVERSIGHT - SUBCONTRACTORS	MOSTLY CONFORMANT	FIRE SAFETY PLAN INSPECTIONS / VERIFICATIONS ENCOMPASS CONTRACTORS. EMP OVERSIGHT CAN BE STRENGTHENED FOLLOWING FORMALIZATION OF DIRECTION (ABOVE).
5A	PROGRAM RECORDS	RECORDS - IMPLEMENTATION (TRAINING)	CONFORMANT	TRAINING RECORDS PROVIDED
5B		RECORDS - IMPLEMENTATION READINESS	CONFORMANT	RECORDS OF DRILLS PROVIDED.
5C		RECORDS - MONITORING / OVERSIGHT	MOSTLY CONFORMANT	EMP MONITORING / OVERSIGHT RECORDS TO FOLLOW FORMALIZATION OF DIRECTION (ABOVE).

Remedial Actions

- Remedial actions requested by OC Transpo for all RMCO findings;
- Findings and remedial actions reviewed quarterly with OCT/ RTM/ RMCO;
- Progress being made: 70% (18 of 25) of findings are closed:
 - ✓ Most open items correspond to findings for monitoring done in 2021
 - ✓ Some items taking longer to resolve due to development effort required (e.g. SMS manual updates / implementation) and interface RTM - Alstom

RMCO MONITORING FINDINGS AND REMEDIAL ACTIONS STATUS

March 2, 2022

MONITORING AREA	FINDINGS - TOTAL NUMBER	REMEDIAL ACTIONS PROVIDED	CLOSED *	OPEN
TRAINING	1	1	1	0
TRACK INSPECTIONS AND REPAIRS	8	8	8	0
LRV INSPECTIONS AND REPAIRS	5	5	4	1
CATENARY INSPECTIONS AND REPAIRS	5	5	4	1
SMS	6	6	1	5 **
TOTAL	25	25	18	7

* SUBJECT TO ONGOING OC TRANSPO OVERSIGHT

** 3 of 5 SMS FINDINGS PARTIALLY ADDRESSED

Summary

- RMCO monitoring activities completed in 2021:
 - Safety Management System;
 - Emergency Management Processes

- RMCO current / upcoming activities:
 - Following March 30 Transit Commission meeting, Annual Compliance Report to be reviewed with City Council April 13, 2022;
 - Regulatory compliance monitoring for 2022 to start Q2 - risk-based selection of areas to monitor;
 - Ongoing focus on remedial actions with OC Transpo / RTM / RMCO