

Page 570

1 abilities to do that work?

2 **A. Again, not knowing anything specific about how**

3 **that construction was done, I couldn't give you an**

4 **opinion about it.**

5 MR. THOMSON: No further questions.

6 MR. TRIMMER: I ask that Exhibit 23 be

7 admitted. It's the collection of articles by Lawrence

8 Fabian.

9 MR. KAHN: No objection.

10 COMMISSIONER TOWLER: All right. Bombardier

11 Exhibit 23 is entered into the record.

12 (Exhibit B 23 admitted)

13 COMMISSIONER TOWLER: Mr. Kahn, do you have --

14 MR. KAHN: Nothing, thank you, Doctor.

15 COMMISSIONER TOWLER: With that, you're free

16 to go. I'm sure Mr. Kahn has your contact information.

17 THE WITNESS: Sure.

18 COMMISSIONER TOWLER: Let's go off the record,

19 take a break.

20 (Recess.)

21 COMMISSIONER TOWLER: We're back on the

22 record. The Union will call their next witness.

23 MR. KAHN: Union calls Kenny Depiero.

24 ///

25 ///

Page 571

1 Whereupon,

2 KENNETH E. DEPIERO,

3 having been first duly sworn to testify to the truth,

4 the whole truth and nothing but the truth, was examined

5 and testified as follows:

6

7 COMMISSIONER TOWLER: Please state your name

8 and spell your last name for the record.

9 THE WITNESS: Kenneth E. Depiero, D as in

10 David, E, P as in papa, I-E-R-O.

11 COMMISSIONER TOWLER: Okay, go ahead.

12 DIRECT EXAMINATION

13 BY MR. KAHN:

14 Q. Ken, where do you work?

15 **A. At present at Clark County Airport, McCarran**

16 **Airport with the tram system.**

17 Q. And did you use you used to work for

18 Bombardier?

19 **A. Yes, I did.**

20 Q. When did you start with Bombardier?

21 **A. 2000.**

22 Q. And at the time you started, did you work

23 directly for them or for a temporary agency?

24 **A. I worked for a temporary agency.**

25 Q. Was that the common way that employees of

Page 572

1 Bombardier started, was working for temp agencies?

2 **A. Yes, it was.**

3 Q. Now, when you started, what related job

4 experience did you already have?

5 **A. I had experience dating back to 1975 when I**

6 **worked as a mechanic. All the way through, I tried to**

7 **keep my experiences up. One of the big reasons why I**

8 **got hired, not only based on my experience, was I would**

9 **be able to help with the safety. I have an associates**

10 **in applied science and environmental technology and**

11 **they wanted someone that was a technician that also**

12 **knew safety.**

13 Q. Do you have any understanding of how much

14 related experience Bombardier wanted when it was

15 hiring?

16 **A. It was extensive. During the later years, not**

17 **necessarily when I got hired on, it was, like I say, I**

18 **got hired on a lot for my safety, but also my**

19 **mechanical experience, but they -- Sushil, I'll use him**

20 **as the example, Sushil wanted associates of electrical**

21 **engineering. I don't remember if he actually**

22 **advertised it or not, but I was involved in that**

23 **advertising and it was pretty expensive. And --**

24 Q. Did Bombardier often find employees had more

25 than two years of related experience?

Page 573

1 **A. Yes. It was --**

2 Q. Can you give some examples?

3 **A. I don't think I heard of anybody with less**

4 **than two years.**

5 Q. Can you give any examples?

6 **A. Everybody that came from military was**

7 **primarily retired or had multiple years in the military**

8 **because they were the only ones that met the experience**

9 **requirements.**

10 Q. When you say in the military, what did they do

11 in the military?

12 **A. They were aircraft mechanics, they were**

13 **aviation techs. Tony was the onboard, I don't know**

14 **what they called it, but he did all the electronics on**

15 **board ships. So it was, it was a technical, mechanical**

16 **electrical background it came from. The actual job**

17 **titles, I'm from the Marine Corps. What can I say?**

18 Q. Now, have you helped management assess the

19 skills of workers who were hired after you?

20 **A. Yes, I did.**

21 Q. And your manager Joel, has he said anything to

22 you about how long he feels it takes a new hire to

23 become proficient enough to know whether they should be

24 retained as an ATS technician?

25 **A. Minimum of two years.**

<p style="text-align: right;">Page 574</p> <p>1 Q. Two years on the job; is that right?</p> <p>2 A. Correct.</p> <p>3 Q. And are the tasks now under County management</p> <p>4 basically the same tasks as were performed by</p> <p>5 Bombardier?</p> <p>6 A. Yes, they are.</p> <p>7 Q. Have you had a chance to observe any of the</p> <p>8 new hires since the County took over in terms of how</p> <p>9 they're progressing in their job skills?</p> <p>10 A. Yes, I have.</p> <p>11 Q. And were several of the new hires from the</p> <p>12 elevator trade?</p> <p>13 A. Yes, they were.</p> <p>14 Q. How have those new hires fared in the job</p> <p>15 compared to other new hires?</p> <p>16 A. They seem to pick up quicker when you have</p> <p>17 something that you're trying to explain to them. You</p> <p>18 just have to find the common terminology. Everything</p> <p>19 was in common, it's just we called it one thing, they</p> <p>20 called it something else. We call it the guide tire,</p> <p>21 they call it what, a drive tire? I don't know the</p> <p>22 elevator terminology, but they picked up quick what a</p> <p>23 guide tire was and translated to their equivalent.</p> <p>24 That's just one example. There's several.</p> <p>25 Q. And talking about prior experience, do you</p>	<p style="text-align: right;">Page 576</p> <p>1 BY MR. KAHN:</p> <p>2 Q. And then you would have had to re-input the</p> <p>3 data yourself in order to re-analyze?</p> <p>4 A. Correct. And there's no guarantee we would</p> <p>5 have lined everything up right.</p> <p>6 Q. Let's talk for a moment about SIMS data. Did</p> <p>7 you at some point have a role in submitting SIMS data</p> <p>8 to Pittsburgh?</p> <p>9 A. Yes, I did.</p> <p>10 Q. What was your role?</p> <p>11 A. I was technical administrator.</p> <p>12 Q. And what period of time were you that?</p> <p>13 A. Summer of 2005 to March 2009.</p> <p>14 Q. Did you have any understanding of whether it</p> <p>15 was important for technicians to accurately record the</p> <p>16 job category code when they submitted time on SIMS?</p> <p>17 A. They, myself included, tried to persuade them</p> <p>18 just to get the 40 hours in. We didn't care what it</p> <p>19 was, and when the KPI came along and they had the</p> <p>20 corrective maintenance versus preventative maintenance,</p> <p>21 they were further swayed to try to not put corrective</p> <p>22 maintenance unless it truly interfered with the revenue</p> <p>23 service of the tram.</p> <p>24 MR. TRIMMER: Move to strike as nonresponsive</p> <p>25 and hearsay.</p>
<p style="text-align: right;">Page 575</p> <p>1 know if there's anyone who's been hired at the airport</p> <p>2 whose sole prior experience was as a communications</p> <p>3 technician?</p> <p>4 A. No.</p> <p>5 Q. Now, under the confidentiality agreement that</p> <p>6 was reached about discovery in this case, you were one</p> <p>7 of the two techs who was allowed to look at the</p> <p>8 Bombardier work records; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. And did you review literally thousands of</p> <p>11 pages of documents?</p> <p>12 A. Yes, I did.</p> <p>13 Q. And in the documents you had been provided</p> <p>14 during that discovery period earlier this year, did you</p> <p>15 receive SIMS data in a form that you found usable?</p> <p>16 MR. TRIMMER: Vague.</p> <p>17 COMMISSIONER TOWLER: Well, did the witness</p> <p>18 understand the question?</p> <p>19 THE WITNESS: Yes.</p> <p>20 COMMISSIONER TOWLER: All right. You can</p> <p>21 answer.</p> <p>22 THE WITNESS: The SIMS data came in primarily</p> <p>23 PDF. PDF was not usable for us, especially when it was</p> <p>24 a split page and you had to literally print the entire</p> <p>25 thing up, cut the pages and try to line them up.</p>	<p style="text-align: right;">Page 577</p> <p>1 MR. KAHN: My comment is he's talking about</p> <p>2 what management told him.</p> <p>3 MR. TRIMMER: Okay. Well, it's hearsay.</p> <p>4 COMMISSIONER TOWLER: Well --</p> <p>5 MR. KAHN: I can clarify further with regard</p> <p>6 to --</p> <p>7 COMMISSIONER TOWLER: That's fine. Let's see</p> <p>8 if we can clarify further.</p> <p>9 I'm going to overrule the objection. You</p> <p>10 know, it will go to weight, but I do want to try to</p> <p>11 ascertain the facts as most efficiently as possible.</p> <p>12 MR. TRIMMER: I understand that, but it seems</p> <p>13 like one of their core theories is claiming that they</p> <p>14 weren't putting their time in correctly, so allowing</p> <p>15 him to testify to the truth of an instruction that</p> <p>16 people didn't care is highly prejudicial.</p> <p>17 COMMISSIONER TOWLER: Okay. I understand</p> <p>18 that. I'm not going to strike that testimony, as I</p> <p>19 stated, but it does go to weight. I understand that it</p> <p>20 is, it could be viewed as hearsay, but I do want to try</p> <p>21 to ascertain the facts, and that goes to weight. So go</p> <p>22 ahead.</p> <p>23 BY MR. KAHN:</p> <p>24 Q. What did you mean by "people didn't care"?</p> <p>25 A. Okay. We'll give a little history first so we</p>

Page 578

1 have a better understanding of SIMS times and regular
2 times.

3 We had three different means of tracking
4 times. We had a timecard which we punched in. We had
5 SIMS times, which all we did was put in our time for
6 accounting for the day. Then we had our timecards.
7 That's the one that actually counted as far as all the
8 techs were concerned. That was -- well, rephrase that.

9 Definitely in my own case, that count was the
10 only one that counted because it was the one that we
11 got paid off of. Nothing else went towards our pay.
12 That was the one that put the money in our pocket.

13 SIMS times were, in my own case again, I'll
14 speak firsthand here, a lot of times I would put a
15 general code in just to account for the 10 hours.

16 Q. Even though your tasks during the day, if
17 you'd broken them down, could be put into different
18 SIMS categories?

19 A. Correct.

20 Q. And was part of your job to review the SIMS
21 time submissions to Pittsburgh?

22 A. Yes, it was. I did a weekly report. Weekly
23 report was taking all the SIMS times, balancing against
24 the actual punched times and the account allowable
25 overtime to make sure everything matched.

Page 579

1 If it didn't match, then action was taken to
2 make it match. Sometimes that action was done by me
3 personally where I would either delete times or add
4 times. Sometimes the technician would be notified if
5 he was available and he would correct the error. And
6 of course, if the technician was available, this is
7 possibly at the beginning of his week, now it's the
8 beginning of his new week, so it was maybe seven days
9 ago. He doesn't know. He may have recalled it
10 accurately.

11 Q. Did you ever review any SIMS times from
12 certain employees who routinely put all their time into
13 one job category code?

14 A. Yes, I did.

15 Q. Who was that, for example?

16 A. The one I remember most clearly was Dave
17 Ayers.

18 Q. What did he do?

19 A. He, every day, with very few exceptions, put
20 in five hours of maintenance for two different codes.
21 And if he ever missed anything, I could go in and do
22 his hours because I knew what he used, and I'd just add
23 10 hours, 20 hours, 30 hours. That was his routine.

24 Q. What about Mr. Banas?

25 A. Mr. Banas, he had the favorite code of general

Page 580

1 recovery standby activities, and almost every day he
2 put in just 10 hours also.

3 Q. Did you have occasion to observe the work of
4 Mr. Banas and Mr. Ayers?

5 A. Yes, I did.

6 Q. Could they have coded the time differently?

7 A. Yes, they could have.

8 Q. Can you give me some examples?

9 A. Dave Ayers, he'd been on days and nights so
10 it's hard to give detailed examples about him. But
11 Dick Banas, he was on days because I was in the office
12 during that time frame. He was on days for part of
13 that time and he did rebuilds, repairs of failed
14 components.

15 Q. Have you gone through some of the SIMS time
16 entries and compared them to other records of work
17 performed on the site?

18 A. Yes.

19 Q. If you could open your book of Union exhibits
20 and look at Union Exhibit 24. And let the record
21 reflect I'm sharing with counsel the backup documents
22 that are used in the preparation of this exhibit. I
23 don't intend to make this an exhibit, but --

24 COMMISSIONER TOWLER: You say Union
25 Exhibit 24?

Page 581

1 MR. KAHN: Yes.

2 MR. STANLEY: It's in the back of the book.

3 MR. KAHN: Two colored sheets.

4 MR. TRIMMER: Is this the document you gave us
5 yesterday?

6 MR. KAHN: Yes, exactly.

7 MR. TRIMMER: Okay.

8 COMMISSIONER TOWLER: And I heard you say you
9 don't plan to have this entered into evidence?

10 MR. KAHN: No, no, no. I distributed the
11 backup that explains the right-hand columns on Union
12 Exhibit 24, for counsel's convenience.

13 COMMISSIONER TOWLER: Okay.

14 MR. KAHN: Everyone have copies of Union
15 Exhibit 24?

16 MR. THOMSON: If you have an extra one, I'd
17 like it. I must have left mine in my office. You did
18 give it to me yesterday.

19 THE WITNESS: I believe it's the same.
20 (Exhibit U 24 marked)

21 BY MR. KAHN:

22 Q. Turning your attention to Union Exhibit 24,
23 can you identify what this document is?

24 A. This document was a comparison of SIMS times
25 to pass-down entries. The pass-down, it's a daily log

1 that we maintain. Everything that we do is supposed to
2 go in there. We recover a train, we rebuild something,
3 we escort someone, we receive parts. Pretty much
4 anything that we do during the course of the day that
5 should be recorded or passed on to the next crew goes
6 into the pass-down log.

7 Q. And can you explain what the columns are?
8 Take us across Union Exhibit 24, what they reflect.

9 MR. TRIMMER: I have an objection. If he's
10 going to start testifying about it before he puts it
11 in. I have an objection to this document, primarily
12 because all of this data was available to them in
13 March, and he gave it to me yesterday. And it's an
14 entirely new theory that hadn't been advanced until one
15 of his witnesses, until he was asked the leading
16 questions on cross as to Mr. Smith.

17 COMMISSIONER TOWLER: Well, I think we had
18 gone over a similar issue yesterday.

19 MR. TRIMMER: We did. My point is that this
20 is a -- this purports to be an analysis of, and a
21 comparison of evidence that he didn't disclose until
22 yesterday morning. It's evidence that he's had since
23 March.

24 MR. KAHN: Well, and again, we've already
25 received testimony from this witness about the

1 objection -- I just ask for leave, if necessary, to
2 supplement the record to deal with this because we got
3 it yesterday.

4 COMMISSIONER TOWLER: Any objection to that?

5 MR. KAHN: No, because I think the odds of us
6 finishing this week are slim.

7 COMMISSIONER TOWLER: That could be. That
8 could be. So -- and even if we are able to finish this
9 week, I believe some leave to supplement the record for
10 both parties, if needed, I think would be available, so
11 as far as being able to finish testimony.

12 MR. KAHN: Yes.

13 COMMISSIONER TOWLER: All right. So with
14 that, please continue, Mr. Kahn.

15 BY MR. KAHN:

16 Q. Thank you. Ken, can you explain what the
17 columns in this document reflect?

18 A. Yes. The first column of course is "Date."
19 That was the date that the SIMS time was actually
20 entered, and it came straight out of the data provided.

21 Same with the next column, the initials, the
22 last name, the Z code, which is the code that's used
23 for that description of the work. The description and
24 the secondary description, all that and the hours came
25 straight out of the SIMS data provided. There was no

1 usability of what was provided in March.

2 MR. TRIMMER: And that's not true.

3 MR. KAHN: Well, that was the witness'
4 testimony. You can choose to impeach the witness,
5 but --

6 MR. TRIMMER: For the record, we produced a
7 complete Access database from SIMS, which had every
8 item of data in SIMS. We produced it to them in March.
9 Mr. Depiero, in the course of his work, would have been
10 able to utilize that Access database, so to say it
11 wasn't usable is just not true.

12 COMMISSIONER TOWLER: Well, and is this a
13 document you plan to introduce?

14 MR. KAHN: Yes, after he authenticates it.

15 COMMISSIONER TOWLER: It just seems to me like
16 there is no deadline in our specific regulations, as I
17 mentioned yesterday. We did have -- the parties had
18 agreements to exchange, but they weren't necessarily
19 followed by either party. I understand that. I prefer
20 things to be followed timely and to be provided, but at
21 the same time, I feel like I would be in the best
22 position to allow it because the Rules of Evidence are
23 relaxed in these hearings.

24 MR. TRIMMER: Then my only point then would be
25 that -- and this was the primary reason I made this

1 alteration to it at all. It was just straight out.

2 The very far right column is what was in the
3 pass-down on that date, and on that, on the very first
4 column, that date, those three individuals in the
5 pass-down, those three individuals did a brake job on
6 Car 8, No. 78. All I did was went to the pass-down,
7 found an entry that I thought might have been recorded
8 clear enough to show this example, and out of those
9 three, two took repair hours and two did not take
10 repair hours. One took the general recovery; the other
11 one just took maintenance hours.

12 Q. And in your experience, the tasks described in
13 the right column, the brake job, et cetera, would be
14 more appropriately categorized as repair?

15 A. One person actually got it right, and that was
16 Eric Dahlin, second line. He has a repair activities,
17 vehicle brake system. So even though another person
18 had at least a repair in there, they also got it wrong.

19 Q. Now, is it your understanding that every one
20 of these entries, one of the techs entering time into
21 the SIMS got it wrong?

22 A. No.

23 MR. TRIMMER: Objection.

24 THE WITNESS: One of the techs got it right.

25 COMMISSIONER TOWLER: There's an objection to

1 foundation. If you can just kind of go through that
2 line of questioning.

3 BY MR. KAHN:

4 Q. Yes. On the right-hand column, what's the
5 source of data that you used to prepare the right-hand
6 column?

7 **A. It was the pass-down. In this case it was a
8 brake job.**

9 Q. And you're familiar with the SIMS codes?

10 **A. Yes.**

11 Q. And you're familiar how if one took the time,
12 how one could properly categorize their work using the
13 SIMS codes?

14 **A. Most codes, most jobs were covered by codes.
15 There are always exceptions.**

16 Q. And is it your testimony that in the first
17 yellow block, only one of the four individuals
18 categorized their time correctly?

19 **A. Correct.**

20 MR. TRIMMER: Hearsay and personal knowledge.
21 He has no idea what Mr. Rasmussen does. He has no idea
22 why Mr. Rasmussen coded his time that way. The only
23 record of Mr. Rasmussen's time is the time that he
24 entered into SIMS. Allowing him to talk about what
25 Mr. Rasmussen intended to do or not do, what

1 Mr. Rasmussen intended to work on or not work on is,
2 it's just crazy.

3 COMMISSIONER TOWLER: Well --

4 MR. KAHN: Your Honor -- go ahead.

5 COMMISSIONER TOWLER: I do, I understand that
6 as a valid point. What I would advise counsel to do is
7 try to see if he does have reason to have personal
8 knowledge of that. Also, the witness is subject to
9 cross-examination. That's an appropriate line of
10 questioning, so we can keep going on that.

11 BY MR. KAHN:

12 Q. On the first column, Mr. Rasmussen's
13 activities, that they are recorded in the pass-down
14 log, are they not?

15 **A. Yes, they are.**

16 Q. And is the pass-down log a document that techs
17 regularly rely on for the truth of the matter stated in
18 it?

19 **A. Yes. You can be charged for falsifying the
20 pass-down.**

21 MR. TRIMMER: Objection. How could he
22 possibly rely on -- how can he testify as to whether
23 other technicians rely on this document?

24 COMMISSIONER TOWLER: Well, if he knows.
25 That's something that could be asked, of course, on

1 cross-examination, or now, if Mr. Kahn would like to.

2 But overruled.

3 BY MR. KAHN:

4 Q. Do you rely on entries made in the pass-down
5 logs to do your own work?

6 **A. Yes.**

7 Q. And do you observe other technicians relying
8 on the entries in the pass-down logs to observe, to do
9 that work?

10 **A. Yes.**

11 Q. Now, we've discussed this first brake job.
12 Can you take us through the second entry you have here,
13 explain --

14 **A. Second entry, again, data on the columns all
15 the same, straight out of SIMS. Recorded time as
16 provided. And the far right column, "Replace high and
17 low heads on Car 4 due to popping off and one copper
18 pipe." The heads on that air compressor were popping
19 off. The air compressor had failed, it had to be
20 repaired. And two techs were listed on that pass-down
21 as the ones that did the repair. Those two techs were
22 Rickey Valentine and Aaron Urbina. For that date, that
23 time, times here show that, one took repairs hours of
24 three on the air system, and the other that was in the
25 pass-down and as such involved in that, took general**

1 **recovery standby activities.**

2 Q. Would general recovery be the proper
3 classification for the work described in the right
4 column?

5 **A. In this case, possibly. Part of that time
6 could have been because it was during revenue service.**

7 Q. Because of the way in which you were
8 instructed to record general recovery time?

9 **A. Because it was a recovery during revenue
10 service, he could have recorded it that way, but only a
11 portion of that. Rickey took three hours, so that
12 would be 30 percent of that general recovery time would
13 have been repair time.**

14 Q. Do you consider the tasks described in the
15 right-hand column there to have been repair work?

16 **A. Yes, it was.**

17 Q. Now, just to summarize the rest of this
18 exhibit so we don't take all morning on it, what does
19 the data on the right tell you about the accuracy of
20 the techs recording of their time in the SIMS system?

21 **A. That it is not accurate.**

22 MR. KAHN: Move the admission of Union
23 Exhibit 24.

24 MR. TRIMMER: Objection, for all the reasons
25 I've said before. I'd also like to say that the

Page 590

1 foundational information that he's provided contains no
 2 listing of how many hours were performed on the task.
 3 And I'd also like to say that the foundational
 4 evidence -- and I can bring this out in
 5 cross-examination -- it's double hearsay, because the
 6 log is created by the tech who's identified in
 7 parentheses as being M1. So it's hearsay on hearsay.
 8 There's no hours in this document. I don't
 9 understand at this point how you can admit this summary
 10 when it's based on his personal speculation, more than
 11 four years after this event took place.
 12 COMMISSIONER TOWLER: Just before we go on,
 13 just to be clear, the exhibit you're moving to admit is
 14 the two-page?
 15 MR. KAHN: Yes.
 16 COMMISSIONER TOWLER: Not the supplemental
 17 information --
 18 MR. KAHN: Right.
 19 COMMISSIONER TOWLER: -- you provided to the
 20 parties.
 21 MR. KAHN: I have no problem admitting that to
 22 explain the exhibit if counsel would like.
 23 COMMISSIONER TOWLER: I just wanted to make
 24 sure we're talking about the same thing.
 25 MR. KAHN: Right, right.

Page 591

1 COMMISSIONER TOWLER: There is that argument,
 2 it's hearsay on hearsay. I think that admitting it
 3 will help to make a more complete record. It can be
 4 definitely subject to cross-examination. I understand
 5 that if all these people are not here, then there are
 6 issues that you could bring up with validity, but I
 7 think for a complete record, it would be better to
 8 admit it, and for that reason I'm going to admit Union
 9 Exhibit 24.
 10 (Exhibit U 24 admitted)
 11 BY MR. KAHN:
 12 Q. Could you refer in your book to Union
 13 Exhibit 1?
 14 A. Okay.
 15 Q. Do you recognize this document?
 16 A. Yes, I do.
 17 Q. Can you tell us what it is?
 18 A. It's a summary of the work that myself and
 19 Vernon McClain did on determining costs of parts and
 20 labor for repairs.
 21 Q. In preparing it, how did you define a repair?
 22 A. Repairs were corrective actions that would
 23 have prevented other -- well, how should I put it? It
 24 was a repair. You replace something. You took
 25 something off, you put a new one on. It was broke, it

Page 592

1 was damaged.
 2 Q. Did you include tasks that took you less than
 3 a quarter hour?
 4 A. Normally not, but there may have been a few
 5 that slipped in, but we tried not.
 6 Q. Did you include scheduled replacements as
 7 repairs?
 8 A. Not as repairs, but we did slate some of the
 9 hours -- rephrase that. We did slate some as repairs.
 10 Q. And why?
 11 A. Example, the spindle. The spindle, even
 12 though it's scheduled, when it comes off the train, a
 13 very large percentage of them have already failed.
 14 If I can make an analogy, if you go up to the
 15 repair shop and you want a front end alignment and they
 16 say they can't do it because your tie rod is wore out,
 17 do you wait for it to fall off and crash, or do you get
 18 it repaired then? That's the same analogy of a guide
 19 tire. It steers the vehicle.
 20 Q. All right.
 21 A. And if it has already failed, journals are
 22 undersized, grease is already liquefied, the grease is
 23 discolored, there's grooving in the journal, there's
 24 rust in the grease. The majority of them have failed.
 25 They just haven't crashed the vehicle.

Page 593

1 Q. But that item is the only scheduled
 2 replacement that you included in repairs?
 3 A. No. There were a couple of others, and they
 4 were pretty much the same thing. The FSE package, if
 5 it fails, you've lost your fail safe emergency brake,
 6 which again the train may not stop if it overshoots its
 7 mark.
 8 So for the most part, if anything was
 9 included, it was for a very specific reason. And also,
 10 for those items, we did not use the same hour numbers
 11 as we did for the ones that were removed out during
 12 normal service. We used a reduced hourly rate.
 13 Q. Now, so that's how you defined "repair" in
 14 preparing this document.
 15 Take us through the sources of data you used
 16 on the first page. You've got -- well, first explain
 17 the left-hand column.
 18 A. Okay. "Labor," pretty self-explanatory. It's
 19 hours divided by costs per hour.
 20 "Parts Costs," that was, we figured that for
 21 certain items to rebuild -- well, to repair it, and
 22 other items to replace it, there was a cost associated.
 23 The cost is a document, and we took the cost out of the
 24 document to use it for that.
 25 Q. What document you used for cost?

Page 594

1 **A. That would be the SIMS inventory. SIMS**
2 **inventory has price for -- a few items missing. There**
3 **may be a couple of estimates based on memory, but very,**
4 **very few.**
5 Q. The third item you have is "Special Purchase."
6 You have a note down there. Could you summarize what
7 the basis of your information was for special
8 purchases?
9 **A. Certainly. That was just one special**
10 **purchase. During the rehab of the C, it was deemed**
11 **that the door guides on all the C doors were bad. It**
12 **was not included in the project, so it was agreed that**
13 **the project, when they had the doors off, putting in**
14 **the Stanley mechanisms, would change the guides. But**
15 **they would not pay for the guides. So we had to buy**
16 **the guides for them to replace the guides.**
17 Q. Then you have "MRO/NPR." What does that
18 represent?
19 **A. Okay, nonprofit-related. I forget what MRO**
20 **stands for, but nonprofit -- they're purchase orders,**
21 **purchase orders I prepared in most cases during the**
22 **summer of 2008.**
23 **Summer 2008, Bombardier changed their process,**
24 **if I got the date exactly right. They changed their**
25 **process and they went from being able to use the credit**

Page 595

1 **card, to having to have a purchase order for basically**
2 **everything. Up to that time we never really had**
3 **purchase orders, so summer of 2008 I prepared all the**
4 **purchase orders for Big Town, Calderone, Tom Krob**
5 **engineering. I have more.**
6 Q. Tom Krob Engineering the TJK at the bottom?
7 **A. Correct. And I personally prepared those**
8 **purchase orders, submitted them, and for the remainder**
9 **of my time there in the office I used those purchase**
10 **orders and their appropriate codes and numbers for**
11 **processing the invoices.**
12 Q. And were those outside vendors providing
13 repair services?
14 **A. Yes, they were. Big Town was**
15 **air-conditioning.**
16 Q. Now, let's talk about the next column over,
17 entitled "Cost for Rebuilds and Special Purchases
18 Order." What does that represent?
19 **A. Okay, we have the rebuilt database. The**
20 **rebuilt database again was a document that was**
21 **provided. Using that rebuilt database, we did a,**
22 **nothing more than a sort by item and date, taking the**
23 **number of items that were turned in for rebuild,**
24 **looking at the description of what was done to them**
25 **while they were rebuilt, coming up with a reasonable**

Page 596

1 **cost factor for each one to be repaired.**
2 Q. When you say that, you mean estimate of number
3 of hours it would take?
4 **A. Estimate of the number of hours for the labor**
5 **and then the parts was based on usage. Some things**
6 **every time, example, a spindle, two seals, two**
7 **bearings, two races. Then there was the cotter pin,**
8 **every time. There was the grease every time, but there**
9 **was occasionally washers and other components.**
10 Q. This sorting of this rebuild database, that's
11 provided as part of Union Exhibit 1 in the back; is
12 that correct?
13 **A. I have not looked at this, but it should be.**
14 Q. It was part of the --
15 **A. Yes, it was part of the spreadsheet.**
16 COMMISSIONER TOWLER: I don't know if there's
17 an objection?
18 THE WITNESS: Yes, here it is.
19 MR. TRIMMER: I assume he's trying to lay a
20 foundation for this document, but saying that it's in
21 the back doesn't really lay a foundation for --
22 MR. KAHN: I apologize. There's no page
23 numbers, but I don't intend to question the witness
24 about it, other than to ask him whether he provided a
25 complete copy of the rebuild database that he relied

Page 597

1 on.
2 MR. TRIMMER: And I understand that --
3 THE WITNESS: Yes.
4 MR. TRIMMER: -- except I'd like to know what
5 he's talking about when he says "I gave a complete
6 copy."
7 COMMISSIONER TOWLER: We'll go through this
8 the best we can. It's a rather large or lengthy
9 document, and so I understand there's no page numbers
10 on it. So if we could try to make sure that we're all
11 on the same page, that would be helpful.
12 MR. TRIMMER: And I understand. I'm not
13 trying to be difficult, but we're trying to admit a
14 200-page hearsay document as evidence, and to not
15 establish what he's laying foundation for doesn't seem
16 fair.
17 COMMISSIONER TOWLER: All right. Let's see if
18 you, Mr. Kahn, if you're able to lay a foundation for
19 it.
20 MR. KAHN: All right.
21 BY MR. KAHN:
22 Q. The back half of the -- the back end of
23 Exhibit 1 starts with, starting with the page beginning
24 "Air Compressor" in the top left, ending with the
25 document labeled at the top, "Valve Relief 155," is

Page 598

1 that a sorted copy of the rebuild database?

2 MR. TRIMMER: Vague as to what the database

3 is.

4 COMMISSIONER TOWLER: I'm going to give leeway

5 to try to, you know --

6 MR. THOMSON: Hang on a second. I'm not able

7 to find --

8 COMMISSIONER TOWLER: Take your time. Let me

9 know at what point. It is about halfway through the

10 rather large document.

11 MR. THOMSON: I have a series of documents

12 that have the heading. This is a sorted copy of the

13 rebuild database. Is this what we're talking about?

14 COMMISSIONER TOWLER: I believe he was

15 mentioning the air compressor.

16 MR. KAHN: At the top, the first entry.

17 You're correct, that is the title of the document.

18 This is a sorted copy.

19 MR. THOMSON: Okay. Thank you.

20 MR. TRIMMER: My vagueness objection was does

21 this purport to be the complete database, or is it a

22 sorted copy of things that he selected? That's why I

23 objected to it being vague.

24 COMMISSIONER TOWLER: Well, I think that would

25 be appropriate for cross-examination, so I'm going to

Page 599

1 overrule that objection. Go ahead.

2 BY MR. KAHN:

3 Q. Can you describe what those pages are that

4 begin with "Air Compressor" and end with an entry for

5 "Valve Sentronics"?

6 **A. This is a sorted copy of the database of the**

7 **time frame in question, 5-'08 to 5-'12. And it's**

8 **everything within 5-'08 to 5-'12, nothing was excluded,**

9 **nothing was added. If it wasn't in the database in**

10 **that time frame, it's not in here.**

11 Q. And is that a database that Bombardier techs

12 and Bombardier regularly relied on in doing their work?

13 **A. Yes.**

14 Q. Now, let's go back to page 1, where you were

15 explaining each of the columns. I think we covered the

16 rebuilds and the special purchase orders. Can you

17 explain the next column over entitled "Costs From

18 Pass-down, Less Than One Year"?

19 **A. Okay, the sheet that we reviewed earlier was**

20 **just excerpts from the pass-down. The pass-down's in**

21 **here and what we took out of it. There are excerpts**

22 **from the pass-down where we went through, tried to**

23 **identify, to the best we could, what would be**

24 **considered a repair and then transferred it over to our**

25 **database, our spreadsheet, assigned hours based on what**

Page 600

1 **it was, assigned a price for parts if parts were**

2 **appropriate, and because the database -- well, yeah,**

3 **the database for the daily pass-down is so extensive**

4 **and so time-consuming to go through line by line, that**

5 **we were only able to make it through one year before we**

6 **ran out of time.**

7 Q. Before there was a deadline to generate

8 documents in this case?

9 **A. Right.**

10 Q. Got it. And this document was therefore

11 produced and supplied back before June the 1st, was

12 it not?

13 **A. Yes.**

14 Q. And the pass-down information, can you

15 identify in the subsequent pages where that begins?

16 COMMISSIONER TOWLER: I want to make sure

17 everybody has time to find the page we're all

18 referencing.

19 MR. KAHN: I apologize for the lack of

20 pagination.

21 THE WITNESS: It begins, looks like about four

22 pages back, three to four pages back.

23 BY MR. KAHN:

24 Q. And the title at the top?

25 **A. "Data From the Data Computer Log Used by**

Page 601

1 **Technicians Performing Work Under CBE-552."**

2 Q. Okay.

3 COMMISSIONER TOWLER: Does everybody have that

4 page? It's about four or five pages in from the

5 beginning. Go ahead.

6 BY MR. KAHN:

7 Q. Can you explain how you prepared the pages

8 beginning with, that begin with this one?

9 **A. We went through the pass-down line by line,**

10 **reading each and every item. If the item was**

11 **appropriate for this, we then had to manually time it**

12 **in, because it was a PDF, not a spreadsheet, anything**

13 **else. Very time-consuming.**

14 **We typed in the date, we typed in what shift,**

15 **we typed in whether it was AM/PM, what type of alarm, I**

16 **mean what type of repair or alarm. We typed in what it**

17 **was, and then we assigned it hours, either as wayside**

18 **or vehicles.**

19 Q. And the hours were based on your personal

20 experiences doing this work?

21 **A. My personal experiences and Mr. McClain's.**

22 Q. And when the coding under the Column "TY,"

23 that's type?

24 **A. Correct.**

25 Q. What do those entries reflect?

Page 602

1 **A. "A" was alarm, "R" was repair, "RPL" was**
2 **replace, "REC" was recover. I'm thinking that's pretty**
3 **much all of them.**
4 Q. And when you prepared these, did you believe
5 these to be accurate summaries of the business records
6 kept by Bombardier?
7 **A. Yes.**
8 Q. Now, did you discover in the last couple of
9 days that you included some items that you don't, that
10 you don't want included concerning security alarms?
11 **A. Yes.**
12 MR. KAHN: And the Union will propose to
13 supplement this exhibit with an exhibit after the
14 hearing that removes these entries for security alarms.
15 We're not contending those are repairs. So those were
16 inadvertently included, and we would offer to make
17 those available once we have the time to go through the
18 database and strike those out.
19 COMMISSIONER TOWLER: I don't think you have
20 moved to enter this exhibit.
21 MR. KAHN: Right.
22 COMMISSIONER TOWLER: So let's make sure when
23 we do, if and when you do move for the exhibit, to
24 mention that as part of your request.
25 MR. KAHN: I will, Your Honor. Thank you.

Page 603

1 BY MR. KAHN:
2 Q. All right, and then, so that's the data. If
3 you turn back to the first page of Exhibit 1, you used
4 in the column under "Costs From Pass-down," what did
5 you do to prepare the data on costs from logbooks?
6 **A. The -- a lot of the stuff, including some of**
7 **the rebuilds, there was a set cost. What I mean by**
8 **that is there was a work procedure that told you what**
9 **you had to use. It said you needed a seal, you needed**
10 **a bearing, you needed whatever, a parts of listings --**
11 **listing of parts that were required to be changed for**
12 **the job given.**
13 When that applied, we used that list of parts
14 to come up with the cost for parts. If it was
15 something as simple as we changed a door motor, well,
16 easy enough. We -- first we had -- well, door motor's
17 a bad example.
18 We changed the switch. Switch was broken. We
19 looked up the price of the switch in the SIMS inventory
20 and got the price of the switch from SIMS inventory and
21 incorporated it into our data so it was a matter of
22 record.
23 Q. So if you turn further on into this document
24 after the data from the daily computer log, you get to
25 a page entitled "Data From Logbooks Used by the

Page 604

1 Technicians" -- no, I'm sorry.
2 **A. Correct.**
3 Q. Which page shows what you're discussing in
4 terms of data from --
5 **A. That would be further back. It was one of the**
6 **last two tabs.**
7 COMMISSIONER TOWLER: I'm not exactly sure
8 which direction we're going as far as -- is this about
9 halfway through? Could we narrow it into quarters
10 maybe?
11 THE WITNESS: I believe it's going to be
12 between all the other data and the one we had to find
13 earlier. Right there on that edge I believe is where
14 we'll find it. But I'm not positive.
15 COMMISSIONER TOWLER: And we are doing the
16 best we can. It's not just one party wasn't able to
17 paginate their documents. It is what it is, so -- but
18 we'll make sure everybody has the time to find the
19 right --
20 BY MR. KAHN:
21 Q. Is it right before the sorted copy of the
22 rebuild database?
23 **A. I believe so.**
24 MR. TRIMMER: What's the title of it again?
25 MR. KAHN: Let the witness --

Page 605

1 THE WITNESS: It's a longer, narrower, longer
2 spreadsheet.
3 BY MR. KAHN:
4 Q. "The Cost of Rebuilding an Item Under
5 CBE-552"?
6 **A. That's it.**
7 Q. So this appears immediately before the sorted
8 copy of the rebuild database.
9 **A. That's what I was thinking. I got to find the**
10 **beginning.**
11 MR. TRIMMER: I see. Can you hold it up so I
12 make sure I know what you're talking about? Exactly,
13 okay.
14 MR. KAHN: Thank you.
15 THE WITNESS: That's it right there.
16 BY MR. KAHN:
17 Q. So this, these pages that are heading "The
18 Cost of Rebuilding an Item Under CBE-552," could you
19 just describe your source of data for those?
20 COMMISSIONER TOWLER: Just one second. I
21 think I'm on the wrong page.
22 MR. KAHN: Right before the sorted copy of
23 the --
24 THE WITNESS: It's less than halfway but it's
25 the last page before we get into the rebuild database.

Page 606

1 COMMISSIONER TOWLER: Okay. Go ahead. I
 2 found that. It's the first one we're talking about?
 3 MR. KAHN: Yes.
 4 THE WITNESS: First page looks like this.
 5 COMMISSIONER TOWLER: Go ahead.
 6 BY MR. KAHN:
 7 Q. Now, what do the column heads reflect here?
 8 A. Okay, the -- I broke it into groupings. Brake
 9 job was the first group. Under brake job, you have the
 10 parts that were required. These are parts both by --
 11 in not all cases are there procedures that tell you the
 12 parts, but these are the parts that are required for a
 13 brake job. Brakes, seals, adjusting bolts, spring,
 14 wedge, plunger.
 15 Second column is cost of each part.
 16 The third column was a factor or quantity.
 17 Not everything needed replaced every time. Example:
 18 The adjusting bolts. There's four of them, but we said
 19 we only have to replace two, even though there's four.
 20 Some jobs you do four, some jobs you do two.
 21 Q. The number replaced would be indicated in
 22 Bombardier's own records, correct?
 23 A. If those would have been provided.
 24 Q. If those were provided for that. And
 25 otherwise you based it on your personal experience?

Page 607

1 A. Personal experience.
 2 Q. And the frequency?
 3 A. Frequency, that was again brakes, if you're
 4 doing a brake job, 100 percent of the time you're going
 5 to use the brakes. That's what a brake job is. The
 6 seals, every time you did a brake job, you had to
 7 replace the seals. The adjusting bolts, you didn't
 8 have to replace them every time. So we said
 9 50 percent.
 10 Q. And that was based on your personal experience
 11 doing this?
 12 A. Especially while in the office ordering the
 13 parts. It gave me a very good feel for what the actual
 14 usage of parts was.
 15 Q. And how many times have you personally, you
 16 think, prepared brake jobs on these vehicles over the
 17 years?
 18 A. It was before I went in the office, so it was
 19 actually prior to the contract.
 20 Q. And how many times?
 21 A. It was several, but it was only -- it was
 22 several. It was --
 23 Q. All right.
 24 A. Years ago.
 25 Q. And you prepared the other entries such as hub

Page 608

1 and pinion seal and spring brake in a manner similar to
 2 what you just described?
 3 A. Right. A lot of the stuff I have a lot more
 4 experience with. The hub's done during the day time,
 5 that's where I was, so I could almost tell you the
 6 parts in my sleep on that one.
 7 Q. Okay. So have you explained the background of
 8 all the entries on page 1 under "Costs From Logbooks"?
 9 A. Okay, "Cost of Logbooks," if there was a brake
 10 job done, because a brake job is not a rebuild in the
 11 rebuild book, the costs for the brake job would have
 12 been there, whereas the cost to rebuild the hub would
 13 have been from the rebuild log. We did not try to
 14 double dip on this one, or any of them. Just making
 15 that clear.
 16 Q. And on the right side, the final column is
 17 "Costs From Supplied Documents, Work Orders." Have
 18 those been referred to previously in this -- well, are
 19 they referred to as PM work orders occasionally?
 20 A. Work orders, PM work orders.
 21 Q. And did you create an additional spreadsheet
 22 showing how you calculated the costs from the PM work
 23 orders?
 24 A. Yes, I did. This was a joint with Vernon
 25 McClain. He did -- he actually did the data input that

Page 609

1 it's right in front of the one we were looking at, I
 2 believe.
 3 Q. And the heading on this would be?
 4 A. The heading, there's several different
 5 headings but they're all basically the same, data from
 6 the daily -- sorry. "Data From Maintenance Records of
 7 Work Performed by Technicians on the D" -- well, "on"
 8 is where it's going to be different, but data from
 9 maintenance records. They'll all start with that
 10 because there's several different type records.
 11 There's records for the north train, records for the
 12 south train, there's records for the Ds, the Cs, so
 13 forth.
 14 Q. Just so it's clear, you went through the PM
 15 work orders and found on the back some information
 16 recorded about repair tasks undertaken?
 17 MR. TRIMMER: Objection. He just testified he
 18 didn't prepare the document. No personal knowledge.
 19 COMMISSIONER TOWLER: Well, if you could set
 20 some foundation to see if he does have some knowledge.
 21 BY MR. KAHN:
 22 Q. How was the data prepared concerning the PM
 23 work orders?
 24 A. I observed Vernon McClain on occasion going
 25 through the work orders. He would go through the work

Page 610

1 orders and he would gather data. He then supplied all
 2 that data to me, and I incorporated it into this.
 3 Q. And we'll have Mr. McClain testify later in
 4 this proceeding.
 5 MR. TRIMMER: Then let Mr. McClain testify
 6 about it. That doesn't satisfy the requirements.
 7 COMMISSIONER TOWLER: I understand that. I'm
 8 going to overrule that objection. It is going to aid
 9 me in ascertaining the facts to hear this witness. I
 10 will expect Mr. McClain to come and testify for his
 11 firsthand knowledge.
 12 MR. KAHN: Absolutely.
 13 BY MR. KAHN:
 14 Q. And the data from the PM work orders, you
 15 determined a number of hours of work performed?
 16 A. Yes. That one was done both by him and me.
 17 We sat down and actually collaborated on what we felt
 18 was a fair number.
 19 Q. A fair number based on your years of
 20 experience doing --
 21 A. His experience, my experience, yes.
 22 Q. And then you multiplied the labor hours by a
 23 figure for labor costs. You got that from Mr. Stanley?
 24 A. Correct.
 25 MR. KAHN: I'm going to move the admission of

Page 611

1 Union Exhibit 1. I understand that would be
 2 conditional upon further testimony from Mr. McClain as
 3 to the aspects he prepared and Mr. Stanley as to the
 4 labor costs data.
 5 COMMISSIONER TOWLER: Go ahead.
 6 MR. TRIMMER: We made objections throughout.
 7 Particularly with respect to the data he just testified
 8 he didn't collect. I don't see how he has personal,
 9 sufficient personal knowledge to admit this.
 10 I guess second of all, and this is in addition
 11 to all the objections that are already in the record,
 12 admitting a hearsay document like this which purports
 13 to be a summary, when he's admitted that he made up the
 14 numbers, that labor hours, that was based on his best
 15 estimate, when it's contrary to the documents that have
 16 already been produced, that he's made up the cost
 17 numbers, that he's made up the parts that would have
 18 been used, I mean, I guess I don't understand. I'm
 19 actually going to, and I have the documents if we have
 20 to cross-examine him, there's several entries in here
 21 that just aren't true. So I don't think this meets the
 22 necessary requirements for actual evidence, even with
 23 the understanding that the Commissioner's allowed to
 24 admit hearsay.
 25 COMMISSIONER TOWLER: One thing, Mr. Kahn,

Page 612

1 you'd mentioned that you proposed to submit a different
 2 version of this document?
 3 MR. KAHN: Well, we acknowledge that an error
 4 was made in some entries as to responding to security
 5 alarms. We are not claiming that as a repair, and
 6 therefore we would take that out of the database and
 7 present a reduced number of hours and reduced labor
 8 cost.
 9 COMMISSIONER TOWLER: My concern with that is
 10 that I'm inclined to admit this because I believe it
 11 will aid me in ascertaining the facts. I know there's
 12 contradictory --
 13 MR. THOMSON: May I ask --
 14 COMMISSIONER TOWLER: I won't rule on the
 15 evidence. I won't address the edited, or a different
 16 version of this. But I believe this will aid me
 17 ascertaining the facts. My concern is that with a
 18 document, because we are going to, this is subject to
 19 cross-examination now, the witness is here, there will
 20 be another witness to my understanding, but a different
 21 version of this, because there is testimony of what you
 22 believe is not accurate in this, from your --
 23 MR. KAHN: Right.
 24 COMMISSIONER TOWLER: -- from the Union's
 25 point of view. I believe if I admit this, it will be

Page 613

1 this version. Would there be an objection to that from
 2 you, Mr. Kahn?
 3 MR. KAHN: No, I was just offering, as I say,
 4 to reduce what our assessment is of the repair costs.
 5 COMMISSIONER TOWLER: And there is -- it goes
 6 to -- I'm still going to give Mr. Thomson a chance to,
 7 but this does go to, there are contradictory exhibits
 8 that we have, and that's my goal here is to have a
 9 complete record and to be able to have documentation
 10 that I can use to ascertain the facts, and as I go
 11 through the record, and listen to all the witnesses, to
 12 weigh credibility and to bringing as much information
 13 that is going to aid me in this case as possible. So,
 14 Mr. Thomson?
 15 MR. THOMSON: Was this witness listed as an
 16 expert?
 17 COMMISSIONER TOWLER: I do not believe he was.
 18 Mr. Kahn? I did hear testimony, we did go through his
 19 work experience and his experience of, knowledge of
 20 this material.
 21 MR. THOMSON: Indeed, but there was a deadline
 22 for submitting an expert's report.
 23 MR. KAHN: I don't believe he's testifying to
 24 anything that's outside his own personal knowledge as a
 25 mechanic. That's what I believe the record will

Page 614

1 reflect.

2 MR. THOMSON: I believe his testimony has been

3 that he's used his expertise to make estimates, which

4 he is now providing to you as the decider of fact to

5 take into account.

6 COMMISSIONER TOWLER: Right.

7 MR. THOMSON: That, to me, seems to be the

8 definition of an expert witness.

9 MR. KAHN: I think people estimate what time

10 of day something occurred all the time. Estimation is

11 not limited to experts.

12 COMMISSIONER TOWLER: And, you know, it's a

13 fine line. He was a listed witness, correct?

14 MR. KAHN: Yes.

15 COMMISSIONER TOWLER: And he is testifying

16 to -- I've heard all the witnesses so far. Those

17 arguments could be made.

18 With that, I'm going to enter Union Exhibit 1

19 into the record.

20 (Exhibit U 1 admitted)

21 COMMISSIONER TOWLER: All the objections have

22 been noted, but as I stated, it will aid me in the

23 ascertainment of facts in the case.

24 BY MR. KAHN:

25 Q. If you could turn to the back of your booklet,

Page 615

1 there's a proposed Union Exhibits 21 and 22.

2 MR. THOMSON: Are those ones that you handed

3 out?

4 MR. KAHN: Yes. You need another copy?

5 MR. THOMSON: I have 21. 21 I thought you

6 handed out a revised version.

7 MR. KAHN: Yes, 21 and 22. 21 is the revised

8 version that splits the time between wayside and

9 vehicle.

10 MR. TRIMMER: Do you have another copy of 21?

11 I have it. I don't have it in the front of me.

12 MR. KAHN: I apologize, I do not.

13 MR. TRIMMER: I understand. Can we take a

14 second so I can find the document?

15 COMMISSIONER TOWLER: Yes. Let's just go off

16 the record.

17 (Discussion off the record.)

18 COMMISSIONER TOWLER: So we're back on the

19 record. The witness is still on the stand and under

20 oath.

21 BY MR. KAHN:

22 Q. Ken, could you identify Union Exhibit 21?

23 A. Yes.

24 Q. What is it?

25 A. It's a summary of SIMS times from time

Page 616

1 reporting sorted.

2 Q. Did you prepare this document?

3 A. Yes, I did.

4 Q. And what information did you use to prepare

5 this document?

6 A. I used the information that Bombardier

7 provided.

8 Q. The information provided in June?

9 A. Yes.

10 Q. And what did you do to compile this from the

11 information that they provided?

12 A. I sorted it by code, did nothing more than

13 sort it by code and then identified the codes, which

14 the left-hand column shows the codes we used in the

15 figuring of this data.

16 Q. And do you contend those codes to be repairs?

17 A. Yes, we do.

18 Q. Okay.

19 A. Well, I do.

20 Q. And then you sorted it and you found a number

21 of hours reported by the facility under those job

22 category codes?

23 A. Correct.

24 Q. Now, on the right there's a column. What does

25 that reflect?

Page 617

1 A. That reflects how we, the technicians -- and I

2 say that because I used to train the technicians also.

3 All technicians train technicians in the use of SIMS.

4 So a new hire gets trained by the old guy. There is no

5 training program. So when I say "we," I trained the

6 technicians that these codes were for certain items.

7 Q. And so you offered your own explanation of the

8 code in the right-hand column?

9 A. Correct.

10 Q. Now, as we go down, we see a wider box for

11 "General Recovery Standby Activities."

12 A. Yes.

13 Q. Could you explain how you came up with the

14 number of hours that appears next to the "General

15 Recovery Standby Activities and General Recovery"?

16 A. "General Recovery Standby Activities" was used

17 by myself and other technicians for recordkeeping. It

18 covered general recovery and standby activities,

19 whether those standby activities were repairs,

20 recovery, because recovery's in the term, general

21 recovery, and anything else we did throughout the

22 course of the day.

23 MR. TRIMMER: Object to the extent he's

24 testifying about things outside his personal knowledge.

25 \\\

Page 618

1 BY MR. KAHN:
2 Q. Did you see any time --
3 COMMISSIONER TOWLER: Hold on just a second.
4 So there is a motion to strike because he was giving a
5 general statement. If you could just lay some
6 foundation and re-ask the question.
7 MR. KAHN: Right.
8 BY MR. KAHN:
9 Q. Did you observe some time that was recorded by
10 individuals as general recovery that encompassed those
11 individuals doing repairs that you witnessed?
12 A. Yes.
13 Q. Can you give us some examples?
14 A. Yes. William Smith and myself were doing hub
15 rebuilds. Actually, I'm sorry, he was newer, he didn't
16 use that code. He used the equivalent. So
17 Mark McGhee.
18 Q. There's an equivalent in the new system, and
19 what's that called?
20 A. Vehicle operations.
21 Q. Okay. So that started at some point in 2011?
22 A. It started December, January 2011. And it
23 changed over, and that new code, him and I were
24 rebuilding spindles. I put it down as repair. He
25 clearly put it down as the new code, which is the

Page 619

1 equivalent, which we did not include in this, by the
2 way.
3 Q. Would you call that a catch-all code?
4 A. Yes, it was.
5 Q. And so there's a note here, "30 percent
6 chargeable as corrective." What is that based on?
7 A. That was based on observation and my own
8 personal experience.
9 Q. So you're saying you believe, your
10 understanding from your observation is that of the time
11 recorded as recovery, general recovery, approximately
12 30 percent of it was actually spent doing rebuilds and
13 repairs?
14 A. That was modestly, that's a conservative
15 number.
16 Q. Now, then you totaled up the number of hours
17 for these various codes, and you multiplied that by a
18 labor cost figure?
19 A. Yes.
20 Q. Again, is that the same labor cost figure as
21 we referred to earlier in Exhibit 1?
22 A. Yes.
23 MR. KAHN: I would move the admission of Union
24 Exhibit 21.
25 MR. TRIMMER: We object to this document to

Page 620

1 the extent it includes a reference to the 30 percent.
2 That's speculative, but the data is from the SIMS
3 database.
4 COMMISSIONER TOWLER: And the Hearing Officer
5 does note your prior objections, too. It's from the
6 database, I heard the witness say it was his estimation
7 of the 30 percent. So with that, I am going to admit
8 Union Exhibit 21 into the record.
9 (Exhibit U 21 admitted)
10 (Exhibit U 22 marked)
11 BY MR. KAHN:
12 Q. Now, could you refer to Union Exhibit 22 and
13 explain to us what that is?
14 A. Okay. It's nothing more than Union Exhibit 21
15 divided, appropriately divided into its, whether it be
16 vehicle or wayside category.
17 Q. So the same number of hours is your
18 understanding was used. You just split them between
19 where the work occurred?
20 A. The total dollar figure comes out to be, looks
21 like identical, and, yes.
22 MR. KAHN: I move the admission of Exhibit 22.
23 MR. TRIMMER: All my previous objections, with
24 the addition of this is speculation on speculation and
25 it's hearsay. So I object.

Page 621

1 COMMISSIONER TOWLER: I do -- I note your
2 prior objections and your new objections: Speculation
3 on speculation and hearsay. As I've stated also, I'm
4 going to admit information that's going to aid me in
5 ascertainment of facts. I'm not saying that this is
6 necessarily after I review the case what will be relied
7 on in whole or in part, but it will, I believe,
8 complete the record and help me ascertain the facts of
9 the case, so with that, Union Exhibit 22 is entered
10 into the record.
11 (Exhibit U 22 admitted)
12 BY MR. KAHN:
13 Q. Could you describe first some of the repairs
14 that ATS technicians took which required the most
15 amount of time?
16 A. Leaf springs.
17 Q. What are those? Were those --
18 A. They're part of the bogie, part of the
19 assembly. They're the spring that keeps everything in
20 line and provides support for the body. Without the
21 spring, the bogie can twist, the axle can twist, and
22 that would not be good. You could be going down the
23 guideway at the wrong angles, and it's a, one of the
24 support systems for the weight.
25 Q. And what's involved in terms of man-hours for

Page 622

1 repairing one of those?

2 **A. The spring itself is, oh, maybe 150 pounds.**

3 **It's about seven feet long, we'll say. It's heavy.**

4 **You have to raise the vehicle, you have to jack it up,**

5 **you have to disconnect the L9 bolts. You have to**

6 **finagle it in, for lack of better terms. It's a very**

7 **tedious, very time-consuming thing.**

8 Q. How many techs are normally involved?

9 **A. Several.**

10 Q. And do you need more than one tech in order to

11 lift the thing?

12 **A. Yes. If you got a weightlifter, but he can't**

13 **lift it into place. So --**

14 Q. And what's your guesstimate, the number of

15 man-hours it would take to -- I won't say

16 "guesstimate." What's your personal knowledge of how

17 long that kind of task takes?

18 **A. The train usually is taken down at the very**

19 **beginning, if -- of the window, and it's always a race**

20 **to get it in before the window's over.**

21 Q. And how long is a window?

22 **A. And that window's seven hours, seven, eight**

23 **hours. Been a while since I've been on nights, but**

24 **it's several hours, and it's several techs involved.**

25 **If everything goes really smooth, they get it back in**

Page 623

1 **quicker, but if things aren't real smooth, it's more of**

2 **a complex, and it's really a race to get it in on time.**

3 Q. And roughly how many times have leaf springs

4 broken and needed to be repaired?

5 **A. On the brand new cars, two or three.**

6 Q. How about on the old?

7 **A. The old cars, as they were aging they were**

8 **breaking more frequently.**

9 Q. And there's been some discussion at this

10 hearing about bogies. Has there ever been any

11 discussion with you about bogies being covered by a

12 Bombardier warranty?

13 **A. When I was in the office ordering parts, no**

14 **discussion was ever implied, talked about, and there**

15 **was, to my knowledge, and I was ordering the parts,**

16 **never any credit given for bogie parts.**

17 Q. Now, the other discussion about warranties

18 concerning a one-year warranty on the general system

19 after the new installation as part of Contract 2305.

20 Was there ever any discussion with you about billing

21 time to Contract 2305 for repairs on the new cars?

22 **A. No. There was no reimbursement by Bombardier.**

23 **Again, to my knowledge, I actually brought the**

24 **discussion up myself and it was basically never acted**

25 **on.**

Page 624

1 Q. What was the response when you brought the

2 subject up?

3 **A. It was basically we're all part of the same**

4 **company.**

5 MR. TRIMMER: Move to strike as hearsay.

6 BY MR. KAHN:

7 Q. And who told you that?

8 COMMISSIONER TOWLER: Wait. Before we go on,

9 I just want to note there is a move to strike as

10 hearsay. I believe he said, the question was, or I

11 believe the answer was your understanding? Maybe we

12 should go back and read the question and answer:

13 "QUESTION: Now, the other discussion about

14 warranties concerning a one-year warranty on the

15 general system, after the new installation as part of

16 Contract 2305, was there ever any discussion with you

17 about billing time for Contract 2305 for repair on the

18 new cars?

19 "ANSWER: No, there's no reimbursement by

20 Bombardier, again, to my knowledge. I actually brought

21 the discussion up myself and it was basically never

22 acted on.

23 "QUESTION: What was the response when you

24 brought the subject up?

25 "ANSWER: It was basically we're all part of

Page 625

1 the same company."

2 So there's a motion to strike as hearsay.

3 That is his recollection, or it's his understanding

4 that they were all part of the same company. If we

5 could lay a better foundation for that, that would be

6 better. I just want to make sure it's clear on the

7 record.

8 BY MR. KAHN:

9 Q. Do you recall who the discussion was with?

10 **A. Sushil Jaitly.**

11 Q. Who was the manager at the time?

12 **A. Yes, he was.**

13 Q. And he used the phrase that you just earlier

14 testified to, "We're all part of the same family"?

15 **A. The interpretation of his phrase, sometimes --**

16 **he was from India, he had a strong accent. Sometimes**

17 **his words he used were not common to us because he**

18 **spoke proper English, whereas we here in America, we**

19 **don't speak proper English. And so sometimes the**

20 **interpretation, you can't remember the exact words so**

21 **you can only do the interpretation of the words.**

22 Q. That was the gist of his comments to you?

23 **A. Correct.**

24 COMMISSIONER TOWLER: Are you renewing your

25 objection?

Page 626

1 MR. TRIMMER: Yes. I think he's impeached
2 himself.
3 COMMISSIONER TOWLER: You know, what I did
4 here, just for the record, is not a lot of useful
5 information. For whatever reason, the witness did
6 state that he had an understanding that Bombardier,
7 they were all part of the same company. But I haven't
8 seen a very clear connection of how I would be able
9 to -- there isn't a lot of credibility to that, so
10 that's going to go to weight. I'm not going to give
11 that much weight, if any, so we'll just move on.
12 BY MR. KAHN:
13 Q. So after the cars went into service under,
14 after 2305 had put the new cars into service, are you
15 aware of any time that anyone, other than yourself,
16 contended that a warranty covered the repair work done
17 on those cars?
18 MR. TRIMMER: Foundation. The testimony --
19 the foundation he's given for his knowledge is related
20 to his work as a parts clerk. He's not working as a
21 parts clerk in 2009.
22 COMMISSIONER TOWLER: Well, I believe there's
23 enough foundation through this testimony today to be
24 able to answer that question if the witness is able to,
25 so overruled.

Page 627

1 THE WITNESS: When I left there, the office,
2 as tech site technical administrator, which included
3 parts and inventory, along with administration, SIMS
4 timekeeping and so forth, all aspects of
5 administration, up to that point I had not ordered
6 anything under warranty.
7 BY MR. KAHN:
8 Q. And you left then when, approximately?
9 A. I left there March 2009.
10 Q. And some of the new cars from 2305 were
11 already in service by then?
12 A. Cs were already in; the Ds were in the
13 process.
14 Q. Did ATS technicians play a part in determining
15 what third-party vendor work was needed?
16 A. Yes.
17 Q. And did ATS technicians assist in doing the
18 completion of the third-party vendor work?
19 A. Yes.
20 Q. How so?
21 A. The third-party work was done by non-badged
22 contractors. They always needed escort. They always
23 needed assistance. We were right there helping them.
24 We escorted them. We picked them up at the gate. We
25 escorted their vehicle in. We carried their tools in,

Page 628

1 whatever the case, whatever it took to get them on
2 site. Once they were on site, if the rail had to be
3 powered down, we were the only people authorized to
4 power the rail down and then lockout/tagout. They were
5 instructed to lockout/tagout, sign the book that they
6 were instructed to lockout/tagout, applied their locks,
7 and then they were escorted onto the guideway.
8 Q. And did you --
9 A. Or the platform or whatever.
10 Q. Did the ATS technician show them on occasion
11 what work needed to be done?
12 A. Yes.
13 Q. And did ATS technicians do anything to make
14 sure the work had been completed?
15 A. They were there to watch and to assist, but
16 mostly to ensure the job got done and to report it.
17 Q. Now, there's been a claim in this case that
18 technicians don't regularly carry heavy equipment.
19 Have you on occasion carried equipment or parts that
20 weigh over 50 pounds?
21 A. Yes.
22 Q. Could you give some examples?
23 A. Spindles. Tires. Hubs. Leaf springs.
24 Q. There's been testimony about cramped spaces.
25 Do ATS technicians sometimes work in cramped spaces?

Page 629

1 A. Most definitely.
2 Q. How so?
3 A. Just the normal work, you power down the tram,
4 you have to go underneath the beam, the running surface
5 beam, and then you have to stand up in between the
6 middle I-beam and power rails and the running surface,
7 and that's to do any undercar work.
8 Q. How many feet approximately are we talking?
9 A. From the center beam to the edge of the
10 running surface is 40 inches. The running surface is I
11 think about 20-some inches. The center beam's about
12 12 inches. So you're talking 16 inches, maybe. Some
13 places less, especially if you're standing beside a
14 guide tire, you can just barely get your chest in
15 between there. If you're standing beside an antenna,
16 it's again less than what it is if you're standing
17 beside the beam.
18 Q. Is there headgear available to ATS technicians
19 to protect them against bumping their heads?
20 A. Yes, bump caps were issued.
21 Q. Is there a risk of falling in your jobs?
22 A. Yes, there is.
23 Q. What is that?
24 A. You're on the guideway. The guideway's 40 to
25 60 feet high. You're on the emergency walkway. It's

1 another 42 inches higher than the guideway, so even if
2 you just fell from the emergency walkway to the
3 guideway, it's a 42-inch drop, plus the -- can't
4 remember what it's called, but the pit, the channel in
5 between the running surfaces, which is about 24 inches.
6 So if you hit the running surface, 42 inches, you fall
7 all the way, it's like 66 inches.

8 Q. Is the work underneath the ATS cars what you
9 describe as clean work?

10 A. No.

11 Q. Why not?

12 A. It's greasy, it's dirty and it's extremely
13 hot. Even during the winter, that's -- it can be
14 extremely hot if you're standing beside a resistor bank
15 or doing any traction motor work or brake work.

16 MR. KAHN: I have nothing further.

17 COMMISSIONER TOWLER: Mr. Trimmer?

18 MR. TRIMMER: We'd like to take a brief break
19 and then I guess, this is going to extend well past
20 11:00, so what do you want to do?

21 COMMISSIONER TOWLER: Let's go off the record.
22 (Discussion off the record.)

23 COMMISSIONER TOWLER: We're back on the
24 record. The witness is still on the stand and sworn,
25 and is now subject to cross-examination.

1 CROSS-EXAMINATION

2 BY MR. TRIMMER:

3 Q. Mr. Depiero, isn't it true that you worked as
4 an office administrator or office clerical type
5 position until 2009?

6 A. The title was Technical Administrator. It was
7 in the office and was from August or September of 2005
8 prior, to March 2009.

9 Q. And prior to 2005, those were different trains
10 than what exist now, correct?

11 A. They had different operating systems, but the
12 suspension and most of the other components are the
13 same. To say they were different, there were some
14 differences.

15 Q. And it's true that you didn't start working as
16 a technician actually doing hand work to the extent
17 that you did that until after March 2009, correct?

18 A. No. I was technician from October 2000 to the
19 time I went in the office, which was September of 2005.

20 So --

21 Q. For four years after that you were in the
22 office, correct?

23 A. Correct.

24 Q. And then after, you didn't start working as a
25 technician again until March 2009, correct?

1 A. Correct.

2 Q. Now, I want to show you a document -- well,
3 let's go to Exhibit 1. Or, no, I'm sorry, let's go to
4 Exhibit 18.

5 COMMISSIONER TOWLER: Is that Bombardier
6 Exhibit 18?

7 BY MR. TRIMMER:

8 Q. Yes. I want to go to the list of question and
9 answers that I showed the doctor. And the first page,
10 is that your name right there?

11 A. Yes, it is.

12 Q. Okay. And I want you to go to the second
13 page. It says, "What tools do you use regularly?"

14 A. All right.

15 Q. And when you say "hand tools," what do you
16 mean?

17 A. Open-end wrenches, sockets, screwdrivers,
18 impact wrenches, well, hand -- tough one. Impact
19 wrenches, I consider them hand tools. Breaker bars. I
20 mean, all the hand tools that basically are required in
21 any mechanical job.

22 Q. And then it says, "What equipment, machines do
23 you use regularly?" Do you see that?

24 A. Yes, I do.

25 Q. And how often do you use a forklift?

1 A. Often.

2 Q. What do you carry on it?

3 A. Especially work in the office more than
4 anyplace else, because the forklift was used for
5 lifting tires, the forklift was used for receiving
6 supplies. The forklift was used for a lot of stuff.

7 Q. So you don't actually carry tires then?

8 A. Tires are loaded and unloaded off the truck,
9 and they're put on the platform with the forklift, but
10 they are lifted.

11 Q. Now, I want to go to a document that was
12 previously marked as Union Exhibit 1. Different book.

13 A. Yes.

14 Q. And you said that you prepared this with
15 Vernon McClain?

16 A. Correct.

17 Q. And you got the data from information that was
18 provided to you or your lawyer by Bombardier? Is that
19 your contention?

20 A. There was example on the pass-down --

21 Q. No, no. That wasn't my question. Was all of
22 the data you used from Bombardier, or did you use other
23 sources that wasn't, of information that was not
24 produced to you during this litigation?

25 A. With the exception of a piece of the

1 pass-down, to the best of my knowledge, the answer is
 2 all of it was provided, between that and memory.
 3 Q. And what?
 4 A. And memory.
 5 Q. And memory?
 6 A. Example: The purchase orders and the NPRs and
 7 that was not provided. Bombardier, we asked, but was
 8 not provided, or we could not find it in the data.
 9 Q. Okay. So looking at the summary of cost of
 10 repairs, the first page.
 11 A. I'm sorry. You reminded me. And the prices
 12 for the parts.
 13 Q. The prices for the parts? Where did those
 14 come from?
 15 A. Those came from SIMS data, but we asked for
 16 them from Bombardier. The file they gave us was not
 17 usable or incomplete, we're not sure which, but we had
 18 access to that. We have access to that today, SIMS
 19 data.
 20 Q. Oh, you were using work information to
 21 complete this report, is that what you're saying?
 22 A. Yes.
 23 Q. And you were doing it on work time?
 24 A. No.
 25 Q. No? How did you access work information if

1 you weren't on work time?
 2 A. We have badges. We have access after hours.
 3 It was very minimal. It was primarily just looking up
 4 the parts we needed and leaving. And that's -- that
 5 was the prices.
 6 Q. That was the prices?
 7 A. Correct.
 8 Q. What other information did you use? Is that
 9 it? It seems like you're remembering more as we go
 10 along. Are you certain that it was only the prices?
 11 A. Prices, pass-down, memories. I can't think of
 12 anything else.
 13 Q. Okay. How much of this did you do on work
 14 time?
 15 A. None.
 16 Q. None?
 17 A. Correct.
 18 Q. Okay. I want you to go to the document, this
 19 isn't paginated, but if you go down, you were talking,
 20 we had a list of air compressors. It's the first page
 21 of the series of pages.
 22 A. Correct.
 23 Q. That says, "this is a copy imported into Excel
 24 from the rebuild database from Access."
 25 A. That's, in our data?

1 Q. Yes.
 2 A. Okay. Just making sure.
 3 Q. I don't know if -- it's this much from the
 4 front.
 5 A. This is the sorted copy of the rebuild
 6 database we used for quantity of items rebuilt.
 7 Q. Right. Do you see that?
 8 A. Yes.
 9 Q. Now Access, that's a database, correct?
 10 A. Yes, it is.
 11 Q. And it has all the SIMS information produced
 12 by the site, correct?
 13 A. This isn't SIMS information.
 14 Q. The Access -- I understand that, but Access
 15 contains both this information as well as SIMS
 16 information, doesn't it?
 17 A. I don't understand the question, because SIMS
 18 is a DOS-based program. Access is a Windows-based
 19 program.
 20 Q. Didn't you have an Access database filled with
 21 the information contained in SIMS?
 22 A. You can, with the newer versions, convert SIMS
 23 to an Access, but only with newer versions.
 24 Q. How do you know that?
 25 A. Because I'm still using SIMS on a daily basis,

1 and I'm still -- I was working with the inventory. I
 2 did T3 inventory for the site. I had to take an Access
 3 file, convert it to SIMS, then take a SIMS file and
 4 convert it to Access. The conversion by the way
 5 from -- well, Excel. I'm getting my files mixed up. I
 6 know you can convert from SIMS to Excel. Access, I
 7 don't know any way. Got my brands mixed up there.
 8 Q. So what is the Access database that you were
 9 using?
 10 A. The Access database the rebuilt database.
 11 Q. That's it?
 12 A. It is a database that was established several
 13 years ago, maintained, and mandatory to keep up to
 14 date. It is one of our tools at work, it is the
 15 equivalent of a tool. We use it, we enter stuff, we
 16 repair, rebuild the stuff. We track by serial number
 17 everything in that database.
 18 Q. Okay. Now, I want to go back to the first
 19 page and talk about the labor cost number.
 20 A. All right.
 21 Q. So your testimony is that you received this
 22 from Mr. Stanley, and that's the reason you used this
 23 number?
 24 A. The labor cost?
 25 Q. Yes, the hourly rate.

Page 638

1 **A. Yes.**
2 Q. You have no idea how that was computed?
3 **A. It was based off of data that was provided by**
4 **Bombardier, I believe --**
5 Q. How do you know that? Who told you that?
6 **A. I believe Andy told me that Bill would give me**
7 **the number.**
8 Q. Okay. So you didn't review the underlying
9 data, did you?
10 **A. "Underlying data"? I'm sorry, I don't**
11 **understand.**
12 Q. That makes up this labor hour number?
13 **A. I know that it's an hourly wage times a**
14 **percentage.**
15 Q. I'm saying do you have any personal knowledge
16 of how this 5783 number was created?
17 **A. That's -- it was an hourly wage that was**
18 **provided, plus a percentage.**
19 Q. Do you know how the 42 percent overhead was
20 calculated?
21 **A. I believe that was supposed to have been cost**
22 **margin.**
23 Q. But do you know how it was calculated?
24 **A. No.**
25 Q. And what other docket numbers on here are

Page 639

1 based on speculation?
2 **A. On this page we're looking at right now?**
3 Q. Yes. The MRO/NPR number, that's speculative,
4 right, the 5,000?
5 **A. Oh, you're back to --**
6 Q. I'm on page 1.
7 **A. Okay. I thought we were still back on the**
8 **rebuild.**
9 Q. I want to know what other numbers --
10 **A. MRO/NPR?**
11 Q. Yes.
12 **A. No, that's off -- let me look, please. That**
13 **\$5,000 was for T.J. Krob.**
14 Q. That's the only thing it is for?
15 **A. For wayside?**
16 Q. Yes.
17 **A. I can't think of anything else. T.J. Krob did**
18 **wayside.**
19 Q. Okay. And then the number next to it, "Tram,"
20 you have 36,000. Where's that from?
21 **A. 30,000 of that was from Big Town, which did**
22 **the air-conditioning repair.**
23 Q. Where's the other 6?
24 **A. Calderon Welding, right at the bottom.**
25 **Explains it right at the bottom. Calderon, Calderon**

Page 640

1 **welding.**
2 Q. Now, I want to look at the next entry down.
3 It says, "MRO/NPRs estimated, 2009 to 2012."
4 **A. Correct. We asked for anything from**
5 **Bombardier that would continue on those mandatory NPRs.**
6 **They provided none.**
7 Q. When you say they provided none, aren't you
8 really just saying you couldn't find it?
9 **A. I found, example: This one here, unless there**
10 **was something in there that I missed, which I'm not**
11 **saying there wasn't.**
12 COMMISSIONER TOWLER: Hold on. For the
13 record, the witness picked up a piece of paper, I'm not
14 sure what it is, so --
15 THE WITNESS: This was a Bombardier-supplied
16 document, and it was for Big Town, and the dates of it
17 are after the NPR I submitted were expired. I never
18 got an NPR that I submitted, or the NPR that was
19 covering this document here.
20 BY MR. TRIMMER:
21 Q. I don't know what you're talking about.
22 **A. This is a listing of invoices that were paid**
23 **by Bombardier to Big Town.**
24 Q. Right.
25 **A. And provided by Bombardier in the discovery**

Page 641

1 **documents.**
2 Q. Yes.
3 **A. And that's why I estimated is because there**
4 **was, Big Town still existed, Big Town still was being**
5 **paid, but we had no records provided by Bombardier that**
6 **we could find that showed any NPRs beyond the one I**
7 **personally submitted.**
8 Q. I understand that's what you're saying. How
9 did you compute this \$90,000 number?
10 **A. \$90,000? The cars were newer, but either way**
11 **it was basically the three contracts -- well, sorry,**
12 **not three contracts. It was solely for Big Town.**
13 **Again that's at the bottom. It was the estimation for**
14 **the following three years beyond the NPR that I**
15 **submitted, and that's where the 90,000 came from, and**
16 **it does say estimated, so I was not -- and it was also**
17 **vehicle, not wayside.**
18 Q. What other numbers on here are estimated or
19 speculative?
20 **A. Let's see. Throughout all the documents on**
21 **occasion there was a small estimation and I've openly**
22 **admitted this to counsel, the estimation on some parts**
23 **but it would be less than 1 percent. In my honest**
24 **opinion, it would be less. It might even be like only**
25 **.1 percent, a very small percentage overall, with the**

Page 642

1 exception of this 90,000. It's the only large item
 2 that was ever estimated.
 3 Q. You're saying that you estimated less than
 4 1 percent of the information on this list?
 5 A. When I say "estimated," I'm referring to
 6 parts. Of course, all the labor was estimated because
 7 we weren't out there, there's no flat rate parts and
 8 time management.
 9 Q. Well, you're talking about parts. Did you
 10 look at actual charges to the customer, or did you
 11 just --
 12 A. Those weren't provided.
 13 Q. Well, did you even know if they happened?
 14 A. The parts were replenished. As such, I
 15 ordered parts. I know that. In order to order parts,
 16 to replenish parts, you need to order parts. Somebody
 17 pays for those parts. That's why on the warranty, I
 18 also said best of my knowledge there was no warranty
 19 parts while I was in the office.
 20 Q. Well, and we've already confirmed that you
 21 were only in the office until March 2009?
 22 A. Correct. I totally agree. I don't know what
 23 happened after I left.
 24 Q. And how --
 25 A. Never claimed to.

Page 643

1 Q. How would you know whether parts were charged
 2 for or not? Did you pass bills to the County?
 3 A. The inventory had a price per part. We didn't
 4 charge for parts ordered. We charged for parts used.
 5 Each part had a price associated to it.
 6 Q. Let's break that down. "A price associated to
 7 it." Did Bombardier charge the County for those parts?
 8 A. The contract, when I was in the office, and
 9 the new contract was the same, Bombardier maintained
 10 the inventory, but the airport owned the inventory. So
 11 Bombardier replenished the inventory with their own
 12 cost.
 13 Q. Do you know if Bombardier charged the County
 14 for those parts?
 15 A. Parts I have listed? They did not charge
 16 County for those parts because they were included in
 17 the contract.
 18 Q. And where did the prices come from?
 19 A. From Bombardier.
 20 Q. What, where from Bombardier?
 21 A. The SIMS inventory information.
 22 Q. You just said that you accessed that
 23 information now while you were on your job. Now that
 24 you're with the County, that's where that information
 25 came from.

Page 644

1 A. Yes.
 2 Q. Isn't that correct?
 3 A. The SIMS information was put in there based on
 4 what -- T3, when they turned the inventory over to the
 5 airport, they gave Bombardier -- Bombardier gave the
 6 airport the price of every part in T3. T3 has almost
 7 identical inventory as the main warehouse. So unless
 8 there was two price indexes, which later we changed
 9 everything to just one price, but unless there's two
 10 price indexes.
 11 Q. Who changed everything to one price?
 12 A. The County did that. But that was later.
 13 Q. So you're using 2013 prices to compute the
 14 value of work performed in 2008?
 15 A. Openly admit that. We were not given the
 16 prices by Bombardier. That was the only data we had.
 17 Q. You say you weren't given the price list.
 18 A. Could not find it. Was not in usable form.
 19 Please, I mean --
 20 Q. Well, okay. And now, so the prices, we know
 21 where the prices came from, I guess.
 22 A. Yes.
 23 Q. And now, you said you estimated less than
 24 1 percent of the labor? Did you say that?
 25 A. No.

Page 645

1 Q. What did you say?
 2 A. I said that estimations, with the exception of
 3 labor, probably fairly confident that would be well
 4 under 1 percent of the total value of the parts.
 5 Q. Isn't every price on here an estimate?
 6 A. To my knowledge, they were fact.
 7 Q. They were fact in 2013. And you used those
 8 apparently because they were the easiest ones for you
 9 to get to.
 10 A. They were the only ones I could get to.
 11 Q. Well, so you say. And let's talk about these
 12 labor numbers then.
 13 A. All right.
 14 Q. You admit, do you not, that the daily computer
 15 log doesn't have a complete list of times by the
 16 technicians, correct?
 17 A. The daily SIMS times entry, different than the
 18 daily log --
 19 Q. I just used the names of the documents you
 20 have at the top. Please, just answer my questions.
 21 I'm looking at the --
 22 A. The daily log does not state times.
 23 Q. Pardon me?
 24 A. The daily log does not state times.
 25 Q. So every hour that you have on this list is

Page 646

1 made up? Isn't that true?

2 **A. Yes.**

3 Q. Okay. Let's go to the next spreadsheet.

4 Well, let me ask you something: Did you make up these

5 numbers all by yourself, or did Vern McClain help you?

6 **A. Vernon helped me.**

7 Q. Which ones did you make up and which ones did

8 Vernon make up?

9 **A. We collaborated on them all.**

10 Q. Together?

11 **A. Yes.**

12 Q. Do you work the same shift every day?

13 **A. We didn't do it at work, if that's what you're**

14 **referring to. We spent a lot of time on our own,**

15 **hundreds of hours doing this, off-site.**

16 Q. All together?

17 **A. Hundreds of hours.**

18 Q. Together, the entire time?

19 **A. Not the entire time, but together --**

20 Q. So which ones did you make up? Do you know?

21 **A. We established an hourly rate for say a brake**

22 **job. I applied that hourly rate to all brake jobs. We**

23 **didn't have to go through every brake job.**

24 Q. I'm not asking about prices, sir. I asked you

25 who made up the hours that are the labor hours that are

Page 647

1 listed in this document? And you said you and Vernon

2 did. And then I asked you, did you do it all together

3 at the same time, you said no. So which ones did you

4 make up and which ones did Vernon make up? Do you

5 know?

6 **A. We established the rate for each type job, an**

7 **hourly rate. I applied the hourly rate to all like**

8 **jobs.**

9 Q. The hourly rate. You mean like in dollars?

10 **A. Hourly, as in if a brake job took six hours, I**

11 **applied six hours to all brake jobs.**

12 Q. Okay. So all brake jobs are the same?

13 **A. No. Some take longer. We did not take that**

14 **into consideration. We went with what we felt was an**

15 **honest, fair, conservative number.**

16 Q. Okay. And then how about recoveries? How did

17 you figure out how long a recovery took?

18 **A. A recovery? If it was at satellite, it took**

19 **more than if it was at main. If it was a -- if it was**

20 **in the pass-down, it required physical action. It**

21 **required a logbook entry, and as such, a recovery**

22 **starts from the instance that the central -- actually,**

23 **from the instant it happened, and then central -- well,**

24 **the recordable time starts with the incident happened,**

25 **but we started our time basically the same. Reason is,**

Page 648

1 **central receives the alarm. Central calls us on the**

2 **radio. Yes, there's a few-second lag. So it's not the**

3 **exact same instant, but it's close as possible. They**

4 **tell us there's an alarm. We respond to it. We go**

5 **take care of the problem. We come back. We do all the**

6 **paperwork. We put the tools up, we put the ladder up,**

7 **we put up whatever we needed.**

8 **We established again for our basic door**

9 **problem, we established it took this long at satellite,**

10 **for the Cs, this long the satellite for Ds. We didn't**

11 **include number of employees. If there was three**

12 **employees that responded, we didn't times it by three.**

13 **Which --**

14 Q. So you used a standardized number for all

15 recoveries?

16 **A. Of a basic type. There was some that we had**

17 **to actually sit down and discuss because they were much**

18 **more complex.**

19 Q. When did you sit down and discuss them?

20 **A. On our own time.**

21 Q. Which ones?

22 **A. We would have to sit down and go through it,**

23 **but there was --**

24 Q. Show me one.

25 **A. I have an idea.**

Page 649

1 Q. Why don't we go to 625 -- 2-4-2012.

2 **A. 625?**

3 Q. No. I said 2-4-2012. Do you see that on your

4 data from the daily computer log used by the

5 technicians performing work under CBE-552?

6 **A. Right.**

7 Q. Okay. You have the first entry is, "Recovery.

8 East train delayed at station. Station door

9 malfunction"; do you see that?

10 **A. Right.**

11 Q. Do you have County Exhibit 43 in front of you?

12 **A. All right.**

13 Q. Now, you in your experience and expertise said

14 that there, this east train delay took .5 hours,

15 correct?

16 **A. Correct.**

17 Q. Looking at CX43, County Exhibit 43, I'm going

18 to go through the things I see from the daily log here.

19 **A. Correct.**

20 Q. Okay. No. 1 is "Dailies complete"; do you see

21 that?

22 **A. Correct.**

23 Q. The next entry is from 11:13 to 11:18 "East

24 sat." Is that the train?

25 **A. Vern actually -- Mr. McClain actually did**

Page 650

1 this, but based on what I'm looking at, I'd say yes.
 2 Q. So that's five minutes. Where's the half
 3 hour?
 4 A. As I was explaining, a recovery, this five
 5 minutes that they're putting to here in this document
 6 saying daily pass-down, those five minutes were entered
 7 into the alarm summary. The alarm summary is used only
 8 for calculating availability of the tram. It's not for
 9 the repair of the tram. If the tram -- it's from the
 10 time the tram stopped, to the time the tram started
 11 moving. That doesn't include you standing there with
 12 your finger holding the switch closed and waiting for
 13 someone to get a new switch so you can replace the
 14 switch. This is only the availability, the time
 15 required to actually get the tram moving again.
 16 Q. Okay.
 17 A. All the other time the paperwork, the
 18 replacing the parts, those are what we figured into
 19 that half hour.
 20 COMMISSIONER TOWLER: Just a moment, maybe
 21 this is a good time to break.
 22 MR. TRIMMER: Sure.
 23 COMMISSIONER TOWLER: So let's go off the
 24 record.
 25 (Recess.)

Page 651

1 COMMISSIONER TOWLER: We are back on the
 2 record. The witness is still -- we're in the middle of
 3 cross-examination. You're still under oath.
 4 THE WITNESS: Yes.
 5 BY MR. TRIMMER:
 6 Q. Did you talk to anyone about your testimony
 7 during lunch?
 8 A. Counselor.
 9 Q. Is that it?
 10 A. I haven't really talked about my testimony.
 11 Q. Have you talked about any of the exhibits we
 12 were going through?
 13 A. No.
 14 Q. Did you talk about the questions I asked you
 15 before?
 16 A. One.
 17 Q. You spoke only to Mr. Kahn?
 18 A. There were others at the table, but the one
 19 was, one about the finger in the switch.
 20 Q. Was everyone at the table a Claimant in this
 21 case?
 22 MR. KAHN: Everyone was a client, yes.
 23 MR. TRIMMER: Okay. Everyone was a client?
 24 MR. KAHN: Yes.
 25 \\\

Page 652

1 BY MR. TRIMMER:
 2 Q. Okay. There's been a suggestion that you're
 3 going to remove references to security alarms from
 4 Exhibit No. 1.
 5 A. Yes.
 6 Q. And why do they need to be removed?
 7 A. Some of them were inadvertently put in by
 8 Vernon McClain. Those are the ones in 2012. I haven't
 9 reviewed my own in great detail, but I put one in on
 10 mine I know of for a fact, and that one stays. Even
 11 though it was a security, it was a security alarm
 12 created the problem. The security alarm itself was not
 13 the problem.
 14 Q. What entry is that?
 15 A. It's the one that says we had to drive the
 16 train manually. It's like the --
 17 Q. It just sounded like you knew exactly what you
 18 were talking about, so I was hoping you could point me
 19 to the one.
 20 A. I don't have anything to point to.
 21 Q. Well, you have Union Exhibit 1 in front of
 22 you, don't you?
 23 A. No, I never.
 24 Q. Oh, you don't. My fault.
 25 A. It will take a while to find it, but it's in

Page 653

1 the pass-down. Breezing through pretty quick.
 2 Hopefully I find it the first time so I don't have to
 3 go back. I can tell you what it was.
 4 Q. I need to know which one it is.
 5 A. All right.
 6 Q. Especially since you're contending it stays.
 7 A. Correct.
 8 MR. KAHN: Just to speed things up,
 9 Commissioner, I see a reference to SD Mac in one of the
 10 logs. May I show it to the witness?
 11 COMMISSIONER TOWLER: You may, if for no other
 12 reason than to speed things up.
 13 THE WITNESS: That is the one.
 14 MR. TRIMMER: Where's that?
 15 MR. KAHN: I'll let you describe it. The date
 16 was 8-18-08.
 17 THE WITNESS: It's at the top of the page.
 18 MR. KAHN: The page begins with 8-19-08.
 19 THE WITNESS: Correct, very first line entry
 20 on page that is right after page labeled 8-18-08.
 21 BY MR. TRIMMER:
 22 Q. Yes.
 23 A. "SD Mac. Cool brakes needed to warm up."
 24 Q. What does that have to do with security?
 25 A. SD Mac is SD McDonald, which is the, it's a

Page 654

1 security breach.

2 Q. So there was a security breach, and that's

3 what stopped the train?

4 A. Control stopped the train.

5 Q. Okay. And then what does the rest of that

6 entry mean?

7 A. Because the train was stopped for a period of

8 time, I don't know how long, I didn't worry about how

9 long, that was not the issue, the point was it was long

10 enough for the brakes to cool down. Once the brakes

11 cool down -- these were the old cars. The brakes were

12 having extreme problems. Once the brakes cooled down,

13 you had to then drive it manually with no passengers to

14 get the brakes warmed up so it would operate again.

15 Q. So it's your contention that driving a train

16 is repair?

17 A. It would be the equivalent of recover, because

18 if it stopped, we did whatever we had to to make it go

19 right again.

20 Q. I understand that, but you've included it on

21 this list and you say it stays, but all you did was

22 drive.

23 A. Correct.

24 Q. Okay.

25 A. And warmed up the brakes.

Page 655

1 Q. Which you did by driving? Correct?

2 A. You'd drive it but --

3 Q. Do you use a hairdrier to warm up the brakes?

4 A. No.

5 Q. Then how did you warm up the brakes?

6 A. You speed it up. You then applied the brakes

7 to warm them up safely, applied the brakes to warm them

8 up. It wasn't just driving from Point A to Point B,

9 you actually had to speed up, slow down with the brakes

10 on hard, basically like taking it out for a test drive

11 after a repair.

12 Q. So you drove and slowed down?

13 A. Drove and slowed down hard.

14 Q. And that's repair?

15 A. That warmed them up.

16 Q. That's repair?

17 A. That would be equivalent to the test drive

18 after repair.

19 Q. Is that repair?

20 A. It's part of the repair process.

21 MR. TRIMMER: Okay. I want to go to Vernon

22 McClain's declaration. I don't know what this would

23 be. What's our next Bombardier exhibit number?

24 COMMISSIONER TOWLER: Just one second, we have

25 the official one. It will take a minute to find out.

Page 656

1 MR. TRIMMER: 30?

2 COMMISSIONER TOWLER: So we think it's 30?

3 Let's make sure we have 29. Okay, 30.

4 (Exhibit B 30 marked)

5 BY MR. TRIMMER:

6 Q. I guess I won't ask you questions about that,

7 I'll ask you some other questions while Charles is

8 going through that.

9 You said that you and Vernon used the same

10 process in creating this list, correct?

11 A. We used the same process. He did his

12 independently, and then I married it to mine and

13 summarized, did the totals.

14 Q. Okay. So you used the same process, but then

15 you say he made erroneous entries relating to alarms,

16 but yours is okay. How do you know that?

17 A. I may have made mistakes, but at this time I

18 know of none.

19 Q. No, that's not my question. My question is,

20 if you were using the same process, and his process led

21 to systematic errors regarding inclusion of security

22 alarm entries, why is yours okay if you were using the

23 same process?

24 A. We got together a lot. We weren't 100 percent

25 together. This is one of those cases where our data

Page 657

1 does not exactly match.

2 Q. Well, isn't it true then that you can't say

3 what on this report is admissible from Vernon's

4 perspective, isn't it?

5 A. That's correct.

6 Q. Okay. Which ones are yours then?

7 A. Everything except for the pass-down and the

8 logbooks.

9 Q. Everything except for the pass-down and the

10 logbooks?

11 A. Right. I put the sheet together, but I did

12 not do the logbooks. I did not do that half of the

13 pass-down.

14 Q. So let me understand this. If I look at page

15 1, did you do page 1?

16 A. Yes, I did.

17 Q. Okay. So that's yours. And it relied on data

18 that Vernon completed, correct?

19 A. Correct.

20 Q. Did you do page 2?

21 A. Yes, I did.

22 Q. But you used Vernon's data, correct?

23 A. No.

24 Q. No?

25 A. No. This is rebuild.

Page 658

1 Q. There's nothing on here from Vernon's?

2 **A. The only thing Vernon here was, we**

3 **collaborated on the hours, how many hours we thought**

4 **was realistic, but the data is my data.**

5 Q. Labor and parts costs to rebuild tram

6 components, is that yours or Vernon's?

7 **A. Same thing.**

8 Q. "Same thing"? What do you mean?

9 **A. Same thing. I did all the work. The only**

10 **thing we did was collaborate on the labor.**

11 Q. "On the labor"? What do you mean by that?

12 **A. How many hours we thought was realistic and**

13 **fair for that job, or those series of jobs.**

14 Q. And so then -- the data from the daily

15 computer logs used by the technicians performing work

16 under CBE-552, Vernon did this?

17 **A. He did the second half. There is a dividing.**

18 **If you'll notice the first dates go from, are through**

19 **'08, and then it jumps to 2012. Where it jumps you'll**

20 **see there's a format change. It's very much different.**

21 **That was what Vernon did.**

22 Q. I see that. Now, it's not, you're not

23 contending that the information in the middle column,

24 the sort of narrative entries, that doesn't match the

25 computer log, does it?

Page 659

1 **A. Word for word, no.**

2 Q. Well, does it come close to matching it?

3 **A. It summarizes it in aspects of door arm roller**

4 **bearing MCR, car is LS4, Car 9 Leaf 8. That's a**

5 **summary of what the pass-down said. "Door roller arm,**

6 **Car 9, Leaf 8, MBLS floor switch."**

7 Q. That's an entry from 9-22-2008 you just read,

8 correct?

9 **A. Right.**

10 Q. Now, that's your -- or actually that's

11 Vernon's summary, isn't it?

12 **A. That one I just read was mine.**

13 Q. That's yours?

14 **A. Yes. His starts right after that.**

15 Q. His starts after that?

16 **A. Yes. There's actually a blank line. 9-22-08.**

17 Q. He did everything from 2-4-2012 on?

18 **A. Back. Well, yes.**

19 Q. And you did everything prior to that?

20 **A. Correct.**

21 Q. Everything?

22 **A. Again, we collaborated on the times, but I did**

23 **the pass-down entries and I did all the computer work.**

24 Q. Okay. And then how about the one that says,

25 "Data From Logbooks Used by the Technicians Performing

Page 660

1 Work on the Wayside Doors"? Who did that?

2 **A. That one is mine.**

3 Q. All yours?

4 **A. Let me verify. No, I'm sorry. Excuse me.**

5 **Let me look at this. I haven't got out of the**

6 **pass-down yet, no wonder.**

7 Q. What?

8 **A. I just was accidentally looking at the wrong**

9 **page. Okay, now we're there. Those are Vernon's.**

10 Q. Those are Vernon's?

11 **A. Yes, the logbooks, it's the, not log -- no,**

12 **I'm sorry, those are mine. I did the logbooks; he did**

13 **the work orders. Logbooks and work orders are**

14 **different, and these are the logbooks. This is**

15 **straight out of the logbook that was provided by**

16 **Bombardier and even references the page that was given**

17 **by Bombardier when it was PDF'ed.**

18 Q. I know. I'm glad you did that because we're

19 going to talk about some of these entries, but my

20 question is, if you did this separately, and he did his

21 work separately, how do you know there's no double

22 counting here?

23 **A. Because he did not do -- he did not -- well,**

24 **rephrase that.**

25 **When he did his logbook, he was supposed to**

Page 661

1 **not do PMs, okay, and he was not supposed to do these**

2 **either.**

3 Q. What are "these"?

4 **A. "These" are repairs.**

5 Q. When you say "repairs," but what are "these"?

6 **A. These were out of the logbooks. These are --**

7 **you take a part off the train. You replace it with a**

8 **new part. You log it into that vehicle's logbook or**

9 **the wayside logbook or the door logbook and that's**

10 **where it goes. It may also go in the pass-down.**

11 Q. Right.

12 **A. And is there a possibility there may be some**

13 **duplicates? Not likely, because we did not have the**

14 **logbooks prior to the new trains. The part of the**

15 **pass-down I did was before the new trains. So if there**

16 **is any duplicates, it would most likely be in Vernon**

17 **McClain's portion because the logbooks did not go back**

18 **that far.**

19 Q. Well, after you did this, did you do a quality

20 control check? Did you and Vernon sit down with each

21 one of these entries and say, "Okay, we got this one

22 and it could show up in the pass-down." Oh, but it's

23 not. Did you do that?

24 **A. Did we take that much time? No. Did we talk**

25 **about it? Yes. There was only two of us processing**

1 thousands of pages of data because we could not show it
2 to anybody else. We were restricted to two people in
3 our off hours. So mistakes probably were made, but we
4 tried to keep them to the utmost minimal. And that
5 1 percent I was talking about or .1 percent, that is
6 where I'm coming from. This also includes that.

7 Q. Well, if you didn't do that check, how can you
8 say it's .1 percent with any confidence?

9 A. The logbooks were thrown away from the old
10 cars. We did not get the logbooks from the old cars.

11 Q. Strike as nonresponsive.

12 I want to know why you are saying that you
13 have 1 percent confidence in your numbers, or
14 99 percent confidence, I mean.

15 A. The data we were given would not have allowed
16 it, except for the pass-down, and the pass-down is the
17 only big issue there. There may have been some also
18 when we did a PM that inadvertently got in the logbook
19 and a PM, but Vernon was to try not to do that also.

20 Q. Well, the data is what the data is, but I
21 don't understand why the data would have anything to
22 say about your -- or let me rephrase that. I don't
23 understand why having accurate data means that your
24 method was correct.

25 A. If you only have half the data, you can't have

1 overlap.

2 Q. Well, I don't follow you, but okay. Do you
3 have B 30 in front of you now, Vernon McClain's
4 declaration? Oh, I guess it's being circulated. Do
5 you see that?

6 A. Yes, I do.

7 Q. Have you seen this before?

8 A. Not in this format, no.

9 Q. Well, it contains a description of the
10 methodology you used to create this report.

11 MR. KAHN: Objection, mischaracterizes the
12 document.

13 MR. TRIMMER: Okay.

14 MR. KAHN: Document's dated April, 2013.
15 Their report wasn't generated until the end of May,
16 2013.

17 COMMISSIONER TOWLER: Is that accurate, are
18 those the dates?

19 MR. TRIMMER: That's interesting.

20 COMMISSIONER TOWLER: Maybe we could just go
21 down a different line or just rephrase those questions.
22 Probably easier.

23 BY MR. TRIMMER:

24 Q. Well, let me ask the witness then. When did
25 you complete Exhibit 1?

1 A. It was on the deadline in May.

2 Q. And how long did you work on it?

3 A. We worked on it, different parts of it,
4 starting probably January, February.

5 Q. You've been collecting this data for years,
6 haven't you? Haven't you been collecting this
7 information for a long time?

8 A. The logbooks go back 2008, 2009, 2010. The
9 pass-down goes back all the way, but I just don't
10 understand your question.

11 Q. Well, so let me make sure I understand. So
12 you started this process in January.

13 A. Correct.

14 Q. And this, I'm assuming, Paragraph 3, and I
15 know this isn't your declaration, but it's talking
16 about you, and it says, "Ken Depiero and I have
17 reviewed Bombardier records as to the ATS technicians,
18 as to the work the ATS technicians did to come up with
19 a list of repair work as distinguished from normal
20 maintenance." And at the time it says you concluded
21 that there was more than \$225,000 in wayside repairs
22 and 500,000 in vehicle repairs. Is that accurate?

23 That's what the declaration says. Had you
24 reached that conclusion in April, on April 11th
25 before this report was complete?

1 A. We had some rough numbers. I honestly don't
2 recall what they were. Vernon put them in here. He
3 obviously recalls better than me. But we had gotten
4 data, we had been reviewing data. We have been putting
5 data together.

6 Q. Okay. Looking at Paragraph 3 again, there's a
7 couple of things in here that Vernon says you did. He
8 says you considered as repair only tasks which, A, took
9 more than 15 minutes. Do you see that?

10 A. Yes, I do.

11 Q. Okay. Now that's -- I want to get an
12 understanding of this 15-minute number. If you look at
13 Clark County Exhibit 43, and there's an entry here, and
14 we talked about this before, but there's an entry here,
15 No. 2, 11:13 to 11:18 the east train was down; do you
16 see that?

17 A. Yes, I do.

18 Q. Okay. And I understand what this means. It
19 says you keyed the door off, then on; is that correct?
20 It says east side --

21 A. Yes, Item No. 2, correct.

22 Q. And that means you recycled the door, right?

23 A. Yes.

24 Q. And that you recycled the door by turning a
25 key; is that right?

Page 666

1 **A. Correct.**
2 Q. Okay. So this work involved going to the
3 train and turning a key; is that correct?
4 **A. Yes.**
5 Q. And you contend this took half an hour?
6 **A. Yes.**
7 Q. Okay. Now, this obviously didn't take half an
8 hour. It took five minutes or less; isn't that true?
9 **A. Again, we're going back to the repair starts**
10 **from the time the alarm happens to the time that we**
11 **have finished everything. The time you're looking at**
12 **again is only the chargeable time as far as**
13 **availability of the system which Bombardier guarded**
14 **quite well because it was dollars, which I respected**
15 **that and I really tried my best to always keep the**
16 **alarms non-chargeable.**
17 Q. No, the --
18 **A. But the alarm is not the repair time.**
19 Q. Isn't the repair time the amount of time that
20 you spend performing work?
21 **A. Repair time, I've always been taught, includes**
22 **paperwork. The alarm, putting the alarm in, putting**
23 **the sign up, filling out this logbook all would be part**
24 **of that repair.**
25 Q. Oh. So are you saying that in your definition

Page 667

1 of repair throughout this document, you included things
2 like a bunch of non-work time, things like completing
3 paperwork and other miscellaneous tasks?
4 MR. KAHN: Objection, argumentative.
5 COMMISSIONER TOWLER: I think it's a fair
6 question. I'm going to allow it.
7 THE WITNESS: If I take my car to a repair
8 shop, they're going to charge me. In that flat rate
9 parts-and-time manual, all that's included. We
10 don't --
11 BY MR. TRIMMER:
12 Q. They don't start charging from the time you
13 call them and say, "I'm coming in," do they? If you
14 call --
15 **A. We are physically responding. As soon as we**
16 **get that call, we're up and moving.**
17 Q. Okay. This says the train was down for five
18 minutes; is that correct?
19 **A. Yes.**
20 Q. Exhibit 43, and it, presumably that means
21 there was an alarm that went out at 11:13.
22 **A. Correct.**
23 Q. It was moving at 11:18.
24 **A. Correct.**
25 Q. And you turned a key; is that correct?

Page 668

1 **A. According to the pass-down; that's correct.**
2 Q. Where was the half hour in this work?
3 **A. It was at satellite. You go upstairs, you get**
4 **on the tram. You ride down. If it was at main,**
5 **different. Satellite, that's why it was chargeable**
6 **because it was at satellite. We got to the satellite,**
7 **we reset the door, then we had to watch the door, make**
8 **sure everything was right. We don't know why it**
9 **malfunctioned. We were watching it for one or two**
10 **trips to make sure it was operating properly and**
11 **safely. Key word there, "safely." Our primary job at**
12 **the airport is safety of the passengers.**
13 Q. Sir, no one is contending that that's not part
14 of your job. The issue is whether this is prevailing
15 wage work. Right? And so the issue is, is this
16 repair, and you're counting time walking to the train
17 and standing and watching it. How many of these other
18 tasks include that time? It sounds like every single
19 one. Isn't that right?
20 **A. No.**
21 Q. No?
22 **A. No.**
23 Q. Well, which ones don't?
24 **A. The recoveries, that may be a true statement.**
25 **But the other entries, that is not necessarily true.**

Page 669

1 Q. No? You just said that your formulation of
2 repair includes paperwork. Is that right?
3 **A. If it was a scheduled replacement, we didn't**
4 **charge any additional time.**
5 Q. You didn't count scheduled replacements as
6 repairs?
7 **A. I said any additional time.**
8 Q. What is "additional time"?
9 **A. The time that you would normally charge if you**
10 **were a repair shop or you were on a service call, you**
11 **get the service call, you're called out, that service**
12 **call starts when you get called. That service call**
13 **ends when you're done.**
14 Q. Let's talk about this chargeable time, because
15 that's referenced in one of the Union documents,
16 Exhibit 21. Did Bombardier charge the County this
17 time?
18 **A. It's in our document?**
19 Q. Union Exhibit 21, you say 30 percent of --
20 COMMISSIONER TOWLER: Wait a second. I think
21 it's not in the binder so I want to give him a second
22 to find it.
23 MR. TRIMMER: Sure.
24 THE WITNESS: 21. It's here.
25 COMMISSIONER TOWLER: All right, go ahead.

<p style="text-align: right;">Page 670</p> <p>1 BY MR. TRIMMER:</p> <p>2 Q. You say 30 percent of this general recovery</p> <p>3 time is chargeable as corrective maintenance. Do you</p> <p>4 see that?</p> <p>5 A. Yes.</p> <p>6 Q. We now know that includes walking around time,</p> <p>7 watching time, riding the tram time. That's in your</p> <p>8 30 percent?</p> <p>9 A. That 30 percent was conservative to begin</p> <p>10 with.</p> <p>11 Q. That's not my question. And why is it</p> <p>12 conservative?</p> <p>13 A. Because if we were to sit down and actually go</p> <p>14 through the pass-down, digest everything in great</p> <p>15 detail, if we had the manpower and the time, I'm quite</p> <p>16 confident we'd come up with a much higher number than</p> <p>17 we've ever submitted.</p> <p>18 Q. Okay. Well, we've gone through some of these.</p> <p>19 I mean just -- I mean, we're still struggling to go</p> <p>20 through one of them. But this has five minutes worth</p> <p>21 of work, maybe, if you include the five minutes it's</p> <p>22 down when you turn the key. You're saying 30 percent</p> <p>23 of this time is chargeable, and I want to know where</p> <p>24 that's coming from. It sounds like it's attributable</p> <p>25 to walking time, right?</p>	<p style="text-align: right;">Page 672</p> <p>1 Q. You don't recall participating in a training</p> <p>2 session in January 2011?</p> <p>3 A. That's where we were told to use the vehicle</p> <p>4 operations.</p> <p>5 Q. To do rebuilds?</p> <p>6 A. Rebuilds fell no place else.</p> <p>7 Q. Well --</p> <p>8 A. I used -- personally I used heavy maintenance</p> <p>9 overhaul for rebuilds, personally.</p> <p>10 Q. And so did several other people, didn't they?</p> <p>11 A. Yes. But not everyone.</p> <p>12 Q. Why would you use heavy maintenance overhaul?</p> <p>13 A. Because by description, overhaul and rebuild</p> <p>14 are the two closest.</p> <p>15 Q. And it's your contention that people were</p> <p>16 instructed to use vehicle operations for rebuild time?</p> <p>17 A. Yes.</p> <p>18 Q. What is that based on? Who said that?</p> <p>19 A. Melvin Smith.</p> <p>20 Q. When?</p> <p>21 A. At -- we could strike this if you like because</p> <p>22 I can't remember the exact date, time or place.</p> <p>23 Q. No. You said that he took -- said it to you.</p> <p>24 When did it happen?</p> <p>25 A. I honestly can't remember when it happened,</p>
<p style="text-align: right;">Page 671</p> <p>1 A. The general recovery standby activities</p> <p>2 covered repairs, rebuilds, recoveries, and corrective</p> <p>3 maintenance. It wasn't just recoveries.</p> <p>4 Q. Well, there are rebuild codes, aren't there?</p> <p>5 A. Underneath the new system, definitely not.</p> <p>6 Under the old system there was repair codes, but no</p> <p>7 rebuild codes. Not that I can remember, anyway.</p> <p>8 Q. People didn't track time to those codes,</p> <p>9 didn't track rebuilds to those codes; is that your</p> <p>10 contention?</p> <p>11 A. We were instructed to use a general</p> <p>12 recovery --</p> <p>13 Q. Who instructed you to do that? Who?</p> <p>14 A. People that trained me and the people I</p> <p>15 trained. So everybody I trained --</p> <p>16 Q. What person trained you?</p> <p>17 A. It most likely was Brian Sustainiak (phonetic)</p> <p>18 back in 2000. It's hard to remember.</p> <p>19 Q. You're making a very specific allegation that</p> <p>20 someone instructed you to do things incorrectly, and</p> <p>21 now you can't remember who's told you that?</p> <p>22 A. I can tell you this: And that is, that under</p> <p>23 the new system, we were told to use vehicle op,</p> <p>24 operations. And that was very much pointed by Mel</p> <p>25 Smith.</p>	<p style="text-align: right;">Page 673</p> <p>1 but it wasn't in that meeting with me.</p> <p>2 Q. It didn't happen in a meeting with you?</p> <p>3 A. Not with -- because --</p> <p>4 COMMISSIONER TOWLER: I think he said it</p> <p>5 didn't happen in that meeting with me.</p> <p>6 THE WITNESS: Right. Correct.</p> <p>7 BY MR. TRIMMER:</p> <p>8 Q. Okay. What meeting?</p> <p>9 A. Meeting in question. As I say, I can't</p> <p>10 remember clearly because it's been too many years, but</p> <p>11 Melvin and I did not see eye to eye on some issues and</p> <p>12 we had private conversations on some issues, and I</p> <p>13 believe that's where it happened for me was in a</p> <p>14 private conversation.</p> <p>15 Q. A private conversation?</p> <p>16 A. Not meeting.</p> <p>17 Q. Okay. Going back to Clark County Exhibit 43,</p> <p>18 I want to walk through what this document is. At the</p> <p>19 top it says, "Duty techs MM, NB, (M1)"; do you see</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. And what, who is "MM," if you know?</p> <p>23 A. Mark McGhee.</p> <p>24 Q. And "NB" is who?</p> <p>25 A. Nicholas Banas.</p>

Page 674

1 Q. What does the "M1" mean?

2 **A. M1 was when I answered the radio.**

3 Q. Was that the person who completed this report?

4 **A. It did not have to be.**

5 Q. It did not have to be? Then who completed

6 these entries?

7 **A. Every tech put their own entries in for the**

8 **most part. M1 was to ensure that everything got in,**

9 **but it never meant he had to do it personally.**

10 Q. Right. That doesn't make any sense. The

11 first entry says, "Dailies complete," and it doesn't

12 say anyone put that in; is that right?

13 **A. Yes.**

14 Q. So who put that in; do you know?

15 **A. In this case, no, I do not.**

16 Q. The second entry, it's not attributed to

17 anyone in particular. Do you know who put that in?

18 **A. No, I do not.**

19 Q. And the third?

20 **A. No, I do not.**

21 Q. And then the fifth?

22 **A. "Crew." Don't know who put it in. That's --**

23 **but it's referring to the crew, so both of them were**

24 **involved in that event.**

25 Q. Both of them were involved in that event?

Page 675

1 **A. That's why it says "Crew." When it cities**

2 **crew, it means, doesn't say who put the event in. It**

3 **says who was involved in the event.**

4 Q. But we don't know who said they were both

5 involved; is that right?

6 **A. Pardon?**

7 Q. We don't know who was actually writing in this

8 entry?

9 **A. No, we do not.**

10 Q. Now, I also note that there's no hours listed

11 for the amount of time this work took to perform; is

12 that correct?

13 **A. That is correct.**

14 Q. So every entry in your Exhibit 1 which relies

15 on the pass-down is based on a guess in terms of labor

16 hours; isn't that true?

17 **A. It's based on an estimate, based on**

18 **experience.**

19 Q. Okay. Now I'd like to go to the fourth page

20 of Exhibit 1.

21 MR. TRIMMER: And then, Andy, you handed out

22 the foundation for Union Exhibit 21 earlier. I'd like

23 to enter that as an exhibit.

24 MR. KAHN: Do you need copies?

25 MR. TRIMMER: I have one. Do we have enough?

Page 676

1 I think everybody has one except for the Labor

2 Commissioner.

3 COMMISSIONER TOWLER: I have. Just make sure

4 this is the one dated 5-7-08 at the top left? What was

5 that exhibit, and we'll just call it A?

6 MR. THOMSON: Exhibit 24. 24A, is that what

7 we're calling it?

8 COMMISSIONER TOWLER: Looks like we do not

9 have an Exhibit 25 yet, so if there's no objection,

10 we'll mark it Union Exhibit 25. Even if there is an

11 objection, honestly. I did the same thing to the other

12 side, so --

13 (Exhibit U 25 marked)

14 MR. KAHN: May I hand this 25 to the witness?

15 COMMISSIONER TOWLER: Yes.

16 BY MR. TRIMMER:

17 Q. Now, looking at the entries for 5-7-2008; do

18 you see that?

19 **A. Yes, I do.**

20 Q. And if you go down looking at Union

21 Exhibit 25, No. 3. Central called at 22:41 stating

22 that the north was sitting in satellite. You see that?

23 **A. Yes, I do.**

24 Q. Okay, as I read this, it says that you got a

25 call at 2241 and the train was operational as of 2248;

Page 677

1 is that true?

2 **A. Please give me a moment to read it.**

3 Q. Sure.

4 **A. Please repeat your question.**

5 Q. It says that central called -- I assume the

6 technicians -- at 2241.

7 **A. Correct.**

8 Q. And the train was operational at 2248?

9 **A. Correct.**

10 Q. So it's 7 minutes.

11 **A. Correct.**

12 Q. And then looking at Exhibit 1, you have

13 another half hour here.

14 **A. Correct. Well, I don't see that, but I'll**

15 **take your word on that.**

16 Q. Okay.

17 **A. And I would say that's a correct time.**

18 Q. This says 7 minutes. Union Exhibit 25 says 7

19 minutes. Your log says half an hour.

20 **A. Correct.**

21 Q. And your contention is that's correct?

22 **A. There were four people involved, and that**

23 **should have really been about an hour and a half.**

24 Q. An hour and a half?

25 **A. Every tech responded. Every tech was involved**

1 for that time frame. When you respond, you assist, you
2 take one side of the vehicle and the other one takes
3 the other side of the vehicle. Techs were putting E
4 handles in because all E handles were pulled. If there
5 would have been one tech responding that by himself, it
6 would have taken much longer.

7 Q. What's an E handle?

8 A. E handle is a handle that you pull to open the
9 door from the inside of the car, and there's also an
10 E handle on the wayside door. It sounds simple, but
11 once those handles are pulled, you have to reset the
12 door, reset the handle. You just don't close the door.
13 You have to reset everything, and there's two E handles
14 on each door set, and for this train, there -- was
15 north, there was a potential of 12 E handles being
16 pulled. I doubt there was 12 pulled, but there was a
17 potential of 12 being pulled.

18 Q. Well, as complicated as you make that sound,
19 it took 7 minutes?

20 A. It took 7 minutes for a crew of four.

21 Q. So this says. Now, I'd like to go to, still
22 on Exhibit 1, 5-11-2008; do you see that? And I see an
23 entry for recovery. "Watched closed doors at WS due to
24 winds." And you have two hours of time there.

25 COMMISSIONER TOWLER: I think you're not

1 A. You time it to where if the door starts to
2 recycle because of the wind, after recycle so many
3 times, eventually it's just not going to close. You
4 time it to where when the doors are closing you have to
5 actually grab it and assist it closed.

6 Q. Okay.

7 A. That's assuming they're not malfunctioned.

8 Q. Now, one of the other definitions, going back
9 to Vernon McClain's declaration, one of the other
10 things is that he said, he says it's indicative of
11 repairs was a condition on which you included the work
12 in your report, is, "The required skill's generally not
13 attained in less than six months of training." Do you
14 see that, Paragraph 3B?

15 A. His statement disappeared.

16 MR. KAHN: It's Bombardier Exhibit 30.

17 COMMISSIONER TOWLER: Let's go off the record.
18 (Discussion off the record.)

19 COMMISSIONER TOWLER: We're back on the
20 record.

21 BY MR. TRIMMER:

22 Q. Okay. You see that 3B required skill
23 generally not obtained in less than six months
24 training?

25 A. Yeah. I didn't have it. Where was that

1 looking at -- it's Union Exhibit 1. About four pages
2 in, under the time 5-11-2008.

3 THE WITNESS: All right.

4 BY MR. TRIMMER:

5 Q. You see it says, "Watched closed doors at
6 wayside due to winds." Two hours.

7 A. Yes.

8 Q. That's just standing there and watching the
9 doors, right?

10 A. No.

11 Q. No?

12 A. It's -- the old doors especially, the new
13 doors some, but the old doors, when the wind blew, they
14 would not close. So you would have to stand there for
15 possibly hours. As long as the winds were blowing, you
16 would have to stand there and help these doors close.
17 There might be two, three of you down there. One of my
18 experiences down there was 90-mile-an-hour winds. The
19 entire crew was down there and we still couldn't keep
20 the trains running. So if you're watching the doors
21 for wind and the wind's bad, you're not just standing
22 there watching. You're helping the doors close.
23 Otherwise, the tram won't go.

24 Q. You mean you try to close the doors with your
25 hands?

1 located?

2 I just found it. Yes, I see it.

3 Q. Does that apply to turning the key to recycle
4 a door? Does that take six months or more of training?

5 A. No, that does not.

6 Q. Yet you included that as repair.

7 A. Yes, we did.

8 Q. What else in your report doesn't satisfy 3B?
9 A lot of entries, correct?

10 A. I would have to review them to give you an
11 honest answer. Off the top of my head, I cannot
12 honestly answer that.

13 Q. We've just done two. That's the only two I've
14 asked you about. Isn't that correct?

15 A. Correct.

16 Q. Now then, I see the third condition is C,
17 "Involved parts costing at least \$50." Do you see
18 that?

19 A. Yes, I do.

20 Q. Now, where did that cost come from? Is that
21 what we were talking about before, you pulled the costs
22 from the 2013 list?

23 A. The costs that I used in the spreadsheets came
24 from the SIMS parts inventory.

25 Q. From 2013? You testified to it.

1 **A. Yes.**
 2 Q. Are you changing your testimony?
 3 **A. No. I was just thinking. Yes. The data in**
 4 **the 2013, however, was same as the data in 2012. It**
 5 **had not changed, so that's why I was thinking.**
 6 Q. Now, I also see that you say, "Most repair
 7 work as we have defined it," or Vernon says this, "was
 8 not scheduled." Okay. Is that an important aspect in
 9 your opinion, that it has to be scheduled or
 10 nonscheduled?
 11 **A. We treated it differently.**
 12 Q. What does that mean?
 13 **A. If it was not scheduled, there was more time**
 14 **that was applied to it. The reason for that is because**
 15 **you have to do more preparation, and what I mean by**
 16 **that is, you just can't walk up to the train and change**
 17 **a spindle with 600 volts right there. You have to**
 18 **power it down, you have to lockout/tagout, you have to**
 19 **verifying everything is good. You have to get all the**
 20 **tools ready. All that's part of a repair. Where if it**
 21 **was scheduled, all that's already -- we didn't count**
 22 **that. None of that preparation, none of the**
 23 **lockout/tagout or any of that was counted. Only the**
 24 **repair portion of it.**
 25 Q. Okay. But, so in your opinion it doesn't

1 matter if it was scheduled or if it's scheduled -- let
 2 me rephrase that.
 3 You say "Repair work as we had defined it was
 4 not scheduled, but instead resulted from something
 5 breaking." That's what Vernon says. Is that what you
 6 agree to?
 7 **A. I was not involved in his paper, but no, I**
 8 **don't totally agree with that.**
 9 Q. Well, he's saying this is how he prepared this
 10 report. I believe that's what this says.
 11 **A. Correct.**
 12 Q. You didn't prepare the report the same way he
 13 did?
 14 **A. Let me rephrase that. I just spoke for him.**
 15 **I -- I was just agreeing with your statement, not the**
 16 **content of your statement. I'm sorry. I don't know**
 17 **what criteria exactly he used when I wasn't there.**
 18 **When I was there, I know that we discussed it.**
 19 Q. Well, looking at Paragraph 3, the third line,
 20 it says, "we." He sure seems to think you guys were
 21 doing it the same way.
 22 **A. I'm not disagreeing with his thoughts.**
 23 Q. Well, you just said that you wouldn't use that
 24 definition to do repair. Or --
 25 **A. I also said I can't speak for him. I'm sorry,**

1 **I can't speak for what he wrote.**
 2 Q. Okay.
 3 **A. Unless I was personally involved, I can't**
 4 **speak for what he wrote.**
 5 Q. Going through the next page of Mr. McClain's
 6 declaration, look at, for example, No. 8, "Replacing
 7 station door guides"; do you see that?
 8 **A. Yes.**
 9 Q. And 9, "Replacing station door rollers"; do
 10 you see that?
 11 **A. Yes.**
 12 Q. And 11, "Replacing station door motor gear box
 13 assembly"; do you see that?
 14 **A. Yes.**
 15 Q. Those are all part of PM1200, aren't they?
 16 **A. I'd have to look at the PM, but, no.**
 17 Q. No?
 18 **A. Replacing motor gear box is most definitely**
 19 **not part of that PM.**
 20 Q. Okay.
 21 **A. You may have an old -- well, examining it**
 22 **maybe, but there is no scheduled replacement for**
 23 **wayside parts, and that's -- there is no scheduled**
 24 **replacement for wayside parts, period.**
 25 Q. What's the point of the inspection then?

1 **A. It's an inspection. Thank you.**
 2 Q. I understand that. But doesn't it say if it's
 3 not in good condition, to replace it?
 4 **A. But that's not scheduled. If it's not in**
 5 **condition. If it's broke, if it's bad, you replace it.**
 6 **You don't replace it just because the PM says replace**
 7 **it.**
 8 Q. You don't have items like that?
 9 **A. Not for wayside.**
 10 Q. Okay. Now, I want to look at Union Exhibit 1
 11 again, and we're still on the page that has 5-13-2010
 12 is the first entry.
 13 **A. What's that one again?**
 14 Q. And --
 15 COMMISSIONER TOWLER: He was asking which one
 16 that is. That's the 5-13-2010, you said?
 17 MR. TRIMMER: It says -- you know what, it's
 18 2008, but it says 2010 in the spreadsheet.
 19 COMMISSIONER TOWLER: It's the page after we
 20 were just going over.
 21 THE WITNESS: Okay.
 22 BY MR. TRIMMER:
 23 Q. Now, the first entry is, "Replace resilient
 24 mounts of the C5 air compressor"; do you see that?
 25 **A. "Two resilient mounts, Car 9." I'm sorry.**

Page 686

1 **One above that?**
 2 Q. No, that's it. "C5 air compressor"; do you
 3 see that? Do you see that?
 4 **A. Please -- oh, okay, very first line, "Two**
 5 **resilient mounts, Car 5, air compressor." All right.**
 6 Q. And this doesn't have any hours listed at all,
 7 but you have parts. How can that be?
 8 **A. Because you're looking at it wrong.**
 9 Q. I am?
 10 **A. The far right column's parts, the next column**
 11 **over's hours for vehicles. The other two columns were**
 12 **hours and parts for wayside.**
 13 Q. Oh, I see. Thank you for clearing that up.
 14 **A. Certainly. Had me going there a minute.**
 15 Q. Okay. Now, I'd like to go to a page that
 16 says, "Data From Logbooks Used by Technicians
 17 Performing Work on the Wayside ATS and Guideway Under
 18 CBE-552." It's probably -- it's this much.
 19 MR. KAHN: That's the spreadsheet.
 20 BY MR. TRIMMER:
 21 Q. The title is, "Data From Logbooks Used by the
 22 Technicians Performing Work on the Wayside ATC and
 23 Guideway Under CBE-552," and the first entry, it says,
 24 "C Gate reboot," and it cites to a page Airport 325.
 25 Do you see that?

Page 687

1 **A. Yes.**
 2 Q. Okay. Now, when you do a reboot on the
 3 C Gate, do you use a tool? You just press buttons,
 4 don't you?
 5 **A. You use a computer.**
 6 Q. Okay.
 7 **A. A workstation would be more exact, linked**
 8 **through service.**
 9 Q. And you then claim that there's 45 hours
 10 associated with this reboot of work.
 11 **A. There was 15 reboots.**
 12 Q. And does that number come from the document
 13 Airport 325?
 14 **A. No. Those were the hours that Vernon and**
 15 **myself said for a reboot. This is approximately how**
 16 **many hours is required to do it.**
 17 Q. It takes three hours for the system to reboot?
 18 **A. There's many people involved. You have people**
 19 **at every station, PLUS the person doing the reboot.**
 20 Q. Okay. Now, this is part of a PM, isn't it?
 21 **A. It is now.**
 22 Q. It is now? Okay. Isn't it true that on page
 23 Airport 325, every technician that cited to this work
 24 called it maintenance?
 25 **A. Where we at?**

Page 688

1 Q. Airport 325. Now, you looked at this and this
 2 is your work, correct --
 3 COMMISSIONER TOWLER: He doesn't know that
 4 document, I think.
 5 MR. TRIMMER: I'll show it to him.
 6 COMMISSIONER TOWLER: I think that would be
 7 better.
 8 MR. TRIMMER: Okay.
 9 THE WITNESS: I'm not even sure where we're
 10 talking.
 11 MR. TRIMMER: I think what I'll do here is I
 12 have all of these documents and I'll move them in one
 13 at a time, as opposed to moving them in the book
 14 because they are highly confidential documents. So
 15 I'll move them in one at a time.
 16 COMMISSIONER TOWLER: That's fine.
 17 BY MR. TRIMMER:
 18 Q. Do you see, can you go to Airport 325?
 19 **A. Yes, I'm there.**
 20 Q. And this is done -- do you see that, it says
 21 "C Gate" at the top?
 22 **A. Yes.**
 23 Q. And in comments it says "Maintenance"?
 24 **A. Yes.**
 25 Q. No one ever called this repair, did they, on

Page 689

1 this sheet?
 2 **A. No, they never.**
 3 Q. And this is after this lawsuit has been
 4 pending for three years, correct?
 5 **A. Time frame sounds about right, yes.**
 6 Q. The first entry on here is January 2012?
 7 **A. Yes.**
 8 Q. And this doesn't have any labor hour
 9 information, does it?
 10 **A. No, it does not.**
 11 Q. Then I see Airport 326.
 12 **A. Yes.**
 13 Q. And this is again a reboot that's done on a
 14 weekly basis, isn't it?
 15 **A. The very first line, yes.**
 16 Q. All of them is; isn't that true?
 17 **A. No.**
 18 Q. No? Which ones aren't?
 19 **A. Start with the fifth one down.**
 20 Q. Okay.
 21 **A. That was not a normal reboot. That was done**
 22 **because it didn't make it for a week. It crashed**
 23 **within a week.**
 24 Q. So it crashed.
 25 **A. Within a week. That's why the weekly was done**

Page 690

1 was so that it would not crash and would not jeopardize
 2 safety.
 3 Q. Okay.
 4 A. So sometimes it didn't even make it a week.
 5 Q. And is there anything different about that
 6 reboot than the weekly maintenance reboot? It's the
 7 same work, isn't it?
 8 A. It's the same work. Only difference was it
 9 was not scheduled.
 10 Q. Now, you claim that there are 40 reboots on
 11 here?
 12 A. Yes.
 13 Q. I see at least two entries, if you go up to
 14 9-21-2011 and 9-29-2011 where it says, "No reboot per
 15 Pittsburgh engineering."
 16 A. Where are we?
 17 Q. I'm still on Airport 326.
 18 A. Okay.
 19 Q. And there's two entries here where it says no
 20 reboot was performed; do you see that?
 21 A. Same page?
 22 Q. Yes.
 23 A. Ah. Now I see it.
 24 Q. Would that have affected your count of how
 25 many reboots were performed?

Page 691

1 A. Possibly. I don't remember seeing them
 2 before.
 3 Q. It should have, shouldn't it?
 4 A. Yes, it should have.
 5 Q. Yes. How many other documents where you
 6 counted up the number of work tasks performed don't add
 7 up in this way?
 8 A. In the reboots? If there's more similar to
 9 that, it's possible in the reboots.
 10 Q. Now, every page that cites to airport in
 11 Exhibit 1 is a situation where you counted up the
 12 number of tasks performed, isn't it?
 13 A. Yes, it is.
 14 Q. And on Exhibit 1, if you go to the very next
 15 page, which starts with, "Data From Maintenance Records
 16 of Work Performed by the Technicians on the Wayside
 17 Under CBE-552." That's another series of documents
 18 where you counted up the work doing a hand count,
 19 correct?
 20 A. Please give me a page number.
 21 Q. I would if I could.
 22 A. I meant the --
 23 Q. It's Union Exhibit 1.
 24 A. Page number of the airport. The page --
 25 Q. No. My question is, Union Exhibit 1 --

Page 692

1 A. Right.
 2 Q. -- it has a page that we were talking about
 3 that at the top had "Airport 325."
 4 A. Right.
 5 Q. If you go to the next page.
 6 A. All right.
 7 Q. And it says at the top, "Data for Maintenance
 8 Records of Work Performed by the Technicians on the
 9 Wayside Under CBE-552." Do you see that?
 10 A. Yes.
 11 Q. And all the work tasks you have listed here,
 12 did you hand count those?
 13 A. These were done by Vernon McClain. These are
 14 portions that he did.
 15 Q. Is there any portion of the report that you
 16 prepared that was automated in any way?
 17 A. I used Excel to sort. I used Excel for sums.
 18 Q. Okay.
 19 A. Other than for sorting and sums, I can't
 20 really think of anything else that was automated.
 21 Q. Okay.
 22 A. I used Access also for sort.
 23 Q. I'd like you to go back to Union Exhibit 1.
 24 A. Certainly.
 25 Q. And at the page that starts with Airport 325.

Page 693

1 A. Correct.
 2 Q. And do you see the document Airport 330?
 3 A. Yes, I do.
 4 Q. And you said there were 12 reboots from that
 5 sheet; is that correct?
 6 A. That's what I said.
 7 Q. Okay.
 8 A. Is that correct? I'm sure we'll find out.
 9 Q. Well, it doesn't look like it, because one of
 10 it says, "Ryan Murray did this remotely from
 11 Pittsburgh," see that?
 12 A. Still required all the techs to be in
 13 position.
 14 Q. But did the techs do anything?
 15 A. The techs were still standing by to ensure
 16 passenger safety and that nothing broke, make sure that
 17 nothing stopped. While it's being rebooted you're
 18 blind, you have no central, you have no monitors, you
 19 have no controls. You don't know what's happening.
 20 You have to have techs there to physically monitor it.
 21 If the techs are not there physically monitoring it,
 22 you could have someone dead in the doorway and you
 23 wouldn't know it.
 24 Q. So you consider standby monitoring time to be
 25 repair work?

<p style="text-align: right;">Page 694</p> <p>1 A. For reboots, yes, because it is safety 2 crucial. 3 Q. Now, looking at Union Exhibit I, are any of 4 the reboots referenced on this page that starts with 5 Airport 325 different from the reboots we've been 6 discussing? 7 A. There was a -- as I've already discussed, 8 there's cases where the system has crashed early. 9 There's the ones you just pointed out that were done 10 remotely. 11 Q. Right. 12 A. Off the top of my memory, I would have to 13 review the data to give you an honest answer. It's 14 possible there may be something different again. 15 Q. And the work that technicians performed, to 16 the extent they were required, it would be the same? 17 A. We are talking page 325, correct? 18 Q. Talking about Union Exhibit I, and I'm 19 referencing the reboots that are listed on this chart. 20 All those reboots require the same work? 21 A. No. 22 Q. No? 23 A. They're all similar. But they're -- 24 Q. All similar? 25 A. They're all similar, but they're different</p>	<p style="text-align: right;">Page 696</p> <p>1 Q. What do you mean you talked about it? I 2 thought you guys agreed on a rigorous set of numbers. 3 A. This was talked about, I'm not quite sure 4 when, but we had talked about it, and at that time he 5 never brought up his deposition, so I don't know if it 6 was before or after. 7 Q. So in your view, the amount of time it takes 8 to change a traction motor brush should be the same 9 every time? 10 A. Depends on how many brushes. Depends on 11 whether it's on the same motor, different motors. It 12 can even depend on whether the motor's cooled down or 13 not. 14 It sounds strange, but them brushes, they are 15 so hot that if they are too hot, you have to either let 16 them cool down, but that was not part of repair, but 17 going to go get the gloves was considered because they 18 would get hot. They would literally almost take the 19 skin off your fingers, depending on -- and then how 20 many, whether they were same motor, different motor, 21 whether they were top brush or a bottom brush. A 22 bottom brush much easier to change than a top brush. 23 So, but we gave a standardized time for it 24 because we didn't go into the log and check every 25 detail. We did the best we could with the established</p>
<p style="text-align: right;">Page 695</p> <p>1 systems. 2 Q. Okay. But in terms of what button -- so you 3 may press different buttons on different computers, but 4 do you do anything other than press buttons on 5 computers? 6 A. I wish it was that easy. You have to go in, 7 you have use a VMC viewer to view the system that 8 you're rebooting. You have to -- basically you are 9 ghosting into that server, rebooting that server 10 remotely. So they were all done remotely. Like I 11 said, I wish it was as easy as pushing a button. It's 12 more complex than that. 13 Q. I'd like you to go -- 14 A. Then once they're all up, then you have to log 15 back into everything. 16 Q. Okay. Can you go three pages? Oh, this is 17 stuff that was prepared by Vernon. "Data From 18 Maintenance Records of Work Performed by the 19 Technicians." 20 A. Correct. 21 Q. Okay. But I do want to ask you one question. 22 A. Sure. 23 Q. Because did you come up with an amount of time 24 required to do a traction motor brush change? 25 A. We talked about it, myself and Vernon.</p>	<p style="text-align: right;">Page 697</p> <p>1 time and it was what we felt, again, a fair, honest 2 evaluation of time required. 3 Q. Thank you. Earlier you were talking about 4 your role in the way SIMS time labor hours were 5 reported, and I didn't quite understand what you were 6 talking about. 7 A. All right. 8 Q. Could you say what your role was in that? 9 A. When I was in the office? Or when I was on -- 10 Q. Yes. 11 A. Okay. When I was in the office, I was, as I 12 was explaining, technical administrator, which was not 13 a secretary, it wasn't even a site coordinator. It was 14 a position created specifically for Las Vegas APM. And 15 the only other one that I know that ever existed was 16 Vernon McClain when he went to the project. 17 Technical administrator was, I was a 18 technician that could do technical work and assist in 19 any way needed and do all the administration. So 20 you'll find times in SIMS for me doing technician work 21 and for doing other work during that time frame. But 22 one of my jobs as the technical administrator was to 23 submit the weekly SIMS times. The weekly SIMS times 24 was every technician had to account for every hour they 25 worked. Right or wrong, they just had to account for</p>

Page 698

1 the hours. A lot of them, well, they used standardized
 2 codes for their personal preferences.
 3 Q. How would you know that?
 4 A. The trend clearly showed it. Dave Ayers used
 5 five hours for one maintenance and five hours for
 6 another maintenance. He did that almost religiously
 7 every day unless he was on vacation, holiday, training,
 8 sick, or something very unique.
 9 Q. Why would you knowingly submit data that you
 10 believed to be false?
 11 A. Because there -- I was told to submit the
 12 data. I was not in a management position as far as
 13 leadership. I could not do anything about it, and it
 14 appeared that the only time anybody -- well, rephrase
 15 that.
 16 The only time I was ever told that the SIMS
 17 times were not good was when Pittsburgh would call me
 18 up and say, so-and-so used human resource time. He
 19 can't do that. So-and-so used public relations time.
 20 He can't use that, do that. So-and-so used management
 21 tasks. He can't do that. So-and-so used engineer
 22 task. He can't do that because they were technicians,
 23 they weren't HR or management. So Pittsburgh received
 24 our data. I do not know what was done with it, but we
 25 were never questioned on it, except for those very

Page 699

1 specific entities. Everything else was okay.
 2 Q. Did you ever tell Dave Ayers, "Hey, I think
 3 that your time isn't quite right"? Did you ever do
 4 that?
 5 A. Yes, I did, but as I said, I was not in an
 6 authority-type position. There was nothing I could do
 7 about it.
 8 Q. Why didn't he change it? He must have
 9 believed it was accurate if he kept submitting it.
 10 A. There was no recourse for not doing it
 11 correctly.
 12 Q. Well, how would you know if he wasn't
 13 submitting it accurately?
 14 A. Observation.
 15 Q. But you were in the office. How did you watch
 16 him work?
 17 A. As I said, I was a technical administrator. I
 18 also worked on the floor. I also have a window right
 19 in my office where I can look out. But I also know
 20 that he was on nights for the majority of that time,
 21 and nights doesn't do 10 hours of maintenance.
 22 Q. Now, you were on days, right?
 23 A. Correct.
 24 Q. So you didn't observe him work at all.
 25 A. In the mornings I would see him.

Page 700

1 Q. For how long?
 2 A. Depends on what time I came in, how much the
 3 overlap was, but it still came down to nights did not
 4 do 10 hours of maintenance work because the tram was
 5 not out of service for those 10 hours. The PMs were
 6 not there for 10 hours.
 7 Q. That was the basis of your belief?
 8 MR. KAHN: Objection, unclear as to "that."
 9 He just gave a narrative explanation of why he believed
 10 it.
 11 COMMISSIONER TOWLER: Well, this is a good
 12 opportunity to say let's -- during this exchange there
 13 has been a couple of times where there has been talking
 14 over each other. Let's just start that line again and
 15 go through it for a clear record. Go ahead.
 16 BY MR. TRIMMER:
 17 Q. The basis of your belief that his time was
 18 inaccurate is because he worked at night and there
 19 wasn't 10 hours of time to perform maintenance?
 20 A. That was only one of the reasons, which I also
 21 as I told you there was overlap, I would see him on
 22 occasion. When you're sitting at that computer doing
 23 nothing, that is not maintenance. So that should have
 24 been general recovery standby time.
 25 Q. Oh. So you're saying he should have coded

Page 701

1 more of his work as doing nothing time?
 2 A. I'm not saying more of his work. I was just
 3 using that as one example.
 4 Q. Okay. But with respect to Dave Ayers, you
 5 instructed him to turn his time in accurately?
 6 A. I could not instruct him. I was not
 7 management or in position of authority.
 8 Q. Did you submit accurate SIMS times?
 9 A. I tried to submit more accurate than others,
 10 but not my first few years there. My first few years
 11 there I was as guilty as everybody else. I tried to
 12 get more accurate as time went on.
 13 Q. Now, the first few years you were there, that
 14 was 2000 and 2001, correct?
 15 A. No.
 16 Q. No?
 17 A. That's when I started there. I said few
 18 years, 2000, 2001, 2003. I don't know exactly when I
 19 probably started getting more accurate. But it was
 20 probably when I was in the office, I was a little bit
 21 more accurate. When I went back on the floor, I was
 22 definitely more accurate because I seen what was
 23 happening as far as the abuse of the SIMS times.
 24 Q. Now, you claimed that you edited some of, some
 25 people's times?

Page 702

1 A. Yes.

2 Q. Did you do it with their permission?

3 A. Sometimes no.

4 Q. Why would you do that?

5 A. The report was to be submitted, and the only

6 thing that it was being used for was -- well, to be

7 honest, I don't know what it was being used for. But

8 when I had to submit it, as a general rule, I compared

9 their times to their timecards because the timecards

10 were processed weekly. The times were processed

11 weekly. If they didn't match, then I would try to

12 identify why they didn't match. If the technician was

13 available, I would tell them to make it correct. If

14 the technician was not available and I had to get the

15 times in, then I would make the change myself. As a

16 general rule I would also e-mail that technician. Even

17 the manager had given me permission to put in his times

18 if he never.

19 Q. I assume you edited it in an accurate way,

20 didn't you?

21 A. I tried to edit it accurate, but also

22 sometimes the easiest. If I needed to get rid of three

23 hours because they had three hours too many, it was

24 much easier to delete a three-hour entry than it was to

25 change a 10-hour entry.

Page 703

1 Q. So you intentionally submitted inaccurate

2 data?

3 A. Yes.

4 Q. You changed someone else's time?

5 A. I was instructed to get the SIMS times

6 submitted.

7 Q. Did anyone instruct you to do that, to delete

8 time?

9 A. The times were put in by multiple people. So

10 even though the technician looked like he was the

11 person putting them in, he only put in some of his

12 times. Other people put in the rest of his times.

13 Engineers could put in times based off of PMs. PMs, if

14 you look at the PMs, you'll see a block that says

15 "Hours." Sometimes you'll see "Time not taken."

16 Sometimes you won't see that time not taken. What that

17 means is when the engineer closed out, or the

18 supervisor or the A tech or whoever closed out that PM,

19 closed it out in SIMS, they looked at the hours that --

20 example: Dave Ayers put on there and say -- well, bad

21 example because he, I don't think he ever took time.

22 Eric Dahlin, perhaps. But one of these techs they put

23 over there, and like I said, the PMs will show it,

24 you'll see where they put hours. I'm just describing a

25 process, not evidence here. Process is --

Page 704

1 Q. So it's your understanding that time was put

2 in accurately through PMs?

3 A. Time was put in, a PM went in as preventative

4 maintenance no matter how much corrective work was

5 done.

6 Q. Well, and how would you know that? Were you

7 doing that work?

8 A. When you put in the times, all you did when

9 you closed the PM is you put the initials, you put the

10 hours. The computer did the rest. You put no record

11 of repairs or anything else in there. It just took

12 those hours you put in and those initials and it

13 processed it.

14 Q. Now you were trained -- oh, I want to look at

15 Union Exhibit 24. Do you see that?

16 A. Yes.

17 Q. And looking at the top entry for 5-7-2008.

18 A. Yes.

19 Q. Did you talk to Rob Tiernan or Keeran about

20 this time?

21 A. No, I would not have.

22 Q. And did you talk to Dahlin about this time?

23 A. No, I would not have.

24 Q. And Rowell? Did you talk to Rowell about his

25 time?

Page 705

1 A. That was Rowell, and no. I would not have

2 talked to them either.

3 Q. And did you talk to Rasmussen?

4 A. No.

5 Q. Okay. So you don't have any firsthand

6 knowledge or secondhand knowledge really of what work

7 they performed or why they coded it that way, do you?

8 A. The pass-down stated before we're in that

9 brake job and only two of them took repair hours.

10 Q. Right. But we've already said, we have

11 already determined that the person who performed the

12 work may or may not have been the person who put an

13 entry into the pass-down; isn't that true?

14 A. True.

15 Q. And we've already determined that there's no

16 labor hours reported in the pass-down; isn't that true?

17 A. True.

18 Q. Okay. So, if there's no labor hours in the

19 pass-down, and we don't know who actually input the

20 entries in the pass-down, why do you believe that you

21 can look at it and divine how much time should have

22 been spent by each one of these guys? There's no basis

23 for that, is there?

24 A. The pass-down is maintained by the techs most

25 accurately as we can. You don't put people down, as a

Page 706

1 general rule. I know I never, so I'm speaking for
 2 myself, I never put someone down that didn't help me do
 3 the job.
 4 Q. Now, don't you show the same amount of care
 5 when you put in your SIMS times entries?
 6 A. My SIMS times, as I said, I tried to get
 7 better. I'm not perfect and time sometimes was, you
 8 finished your job, you were greasy, you just wanted to
 9 get out of there.
 10 Q. So when it comes to being accurate on data,
 11 you're flexible?
 12 A. When it comes to data that no one apparently
 13 cares about, yes.
 14 Q. And why would you say that no one apparently
 15 cares about it? You don't know that, do you?
 16 A. I had to falsify other data at the direction
 17 of the manager.
 18 Q. Are you saying you -- at the direction of the
 19 manager?
 20 A. Yes.
 21 Q. Who?
 22 A. Sushil Jaitly.
 23 Q. When?
 24 A. When I was doing the KPI, I had to
 25 deliberately leave out corrective maintenance hours to

Page 707

1 keep the KPI within tolerance.
 2 Q. Now, I find it interesting you didn't say that
 3 on direct. Why are you saying that now?
 4 A. These are not SIMS times I'm referring to.
 5 I'm saying it's times that I had to take SIMS times and
 6 alter the finding. I did not alter SIMS times. I
 7 altered the findings at the direction of the manager.
 8 Q. Okay. When did that supposedly happen?
 9 A. That happened, as soon as they added KPI
 10 preventative maintenance versus corrective maintenance
 11 to the KPI. I don't have a date. I don't have KPIs to
 12 reference to. I just know it happened as soon as they
 13 added that to the KPI. It was to keep the preventative
 14 maintenance at a high enough ratio and the corrective
 15 maintenance ATS technicians low enough ratio to keep us
 16 from being looked at.
 17 Q. You're saying that the data you created is
 18 what was used to create that KPI report?
 19 A. I did not create the data. I took the SIMS
 20 times. I removed some corrective hours and counted
 21 them as maintenance hours at his direction.
 22 Q. And where did this conversation supposedly
 23 take place?
 24 A. This took place in his office.
 25 Q. KPI reports are generated out of Pittsburgh,

Page 708

1 aren't they?
 2 A. We submitted the data for the KPI.
 3 Q. So you were involved in hoodwinking the
 4 Pittsburgh office?
 5 A. At the direction of the manager, yes.
 6 Q. You didn't disclose -- you didn't tell anybody
 7 about that?
 8 A. To be blunt, I already had my hindquarters
 9 chewed out for a couple of other times where I said
 10 something that they didn't like, so I was a little
 11 gun-shy.
 12 Q. So it's your testimony that you were told to
 13 do something improper, and you were okay with that and
 14 tolerated that?
 15 A. I did it. I was not okay with it. I did it.
 16 Q. Well, let's look at the rest of Union
 17 Exhibit 24. You have an entry here on 5-12-2008 to a
 18 pinion sealed; do you see that?
 19 A. Yes.
 20 Q. Now, and I see on Union Exhibit 24, it's
 21 highlighted in yellow. Why is it highlighted in
 22 yellow?
 23 A. If you notice, every other entry has a
 24 highlight, except for the one in pink. It was just a
 25 way to easily read across the sheet. Nothing else.

Page 709

1 Q. The highlighting means nothing?
 2 A. The highlighting means nothing on the yellow.
 3 On the pink it was just to take special note.
 4 Q. So why is this entry here then?
 5 A. I don't understand the question.
 6 Q. Why do you have, "RDK repair activities,
 7 repair hours four"? You've listed this entry on this
 8 chart for some reason, and I'm looking at his SIMS time
 9 entries from that day.
 10 A. Yes.
 11 Q. And I see he had four hours of repair
 12 activities, "Vehicle drive train."
 13 A. Correct.
 14 Q. So what's the problem?
 15 A. There was no problem. It was done correctly.
 16 Q. Okay. So what does this chart show then?
 17 A. It just gave some examples of how SIMS times
 18 could be wrong or could be right.
 19 Q. Which ones are supposedly wrong?
 20 A. The ones where they -- well, if they took
 21 repair hours and they were involved in the repair, that
 22 was correct. If they didn't take repair hours and they
 23 were supposedly, according to the pass-down, involved
 24 in the repair, then that was incorrect.
 25 Q. Okay. But which ones?

<p style="text-align: right;">Page 710</p> <p>1 A. Which ones? Not which ones; which people. 2 The first entry would be Dana Rowell and Craig 3 Rasmussen. The second entry would be Aaron Urbina. I 4 am naming ones that do not match what they did that 5 night. Key word I'm using, according to pass-down, 6 they did not match what they did. 7 Q. Hold on. So your contention that what they 8 did doesn't match what they said they did themselves? 9 A. Correct. 10 Q. Based on the pass-down which was created by 11 someone else? 12 A. Or themselves. 13 Q. Or themselves? Which one? Which one was 14 created by them? 15 A. There's no way to tell. 16 Q. There's no way to tell? But based -- okay. 17 So which one of these entries is supposedly wrong? 18 A. As I was saying, it's not necessarily entries. 19 It's the individual. Their SIMS time does not reflect 20 the event that happened that night. There's the bottom 21 line. 22 Q. Which one? 23 A. Dana Rowell and Craig Rasmussen, their SIMS 24 times did not match the event that happened that night 25 they were working and was in the pass-down with their</p>	<p style="text-align: right;">Page 712</p> <p>1 down for drive train. Are they close? Sure. 2 Q. So as long as it says "repair," you're okay 3 with it? 4 A. Am I okay? I processed the information. For 5 the purpose -- never mind. 6 Q. So Thomas 5-13-2008, that's okay. 6-9-2008, 7 those entries are okay. Those are accurate. 8 Now, so the only entries on here that are 9 inaccurate are 5-7-2008 for Rowell and Rasmussen, and 10 5-7-2008 for Urbina? 11 A. Those were of the first entries I talked 12 about. The rest of the entries, there's more that are 13 not matching the SIMS pass-down. 14 Q. Which ones? 15 A. Dana Rowell again. She put 10 hours in for 16 general recovery and maintenance activities. That 17 accounted for her 10 hours. Peter Thomas put 9 hours, 18 I'm not sure what the 10th hour was, but it was 19 non-related to anything that had to do with repairs or 20 maintenance. Otherwise, I would have put it there. 21 And actually, sorry, Peter Thomas did 12 hours that 22 night. He must have did overtime. 23 COMMISSIONER TOWLER: Wait a second. 24 MR. KAHN: Let the record reflect what date 25 you're referring to.</p>
<p style="text-align: right;">Page 711</p> <p>1 initials. Is it possible that they weren't involved? 2 Possibly. But then that means the pass-down was 3 falsified. 4 Q. Why would it be falsified? 5 A. Because if the pass-downs said they were 6 involved in the event, they were supposed to be in the 7 event. 8 Q. Okay. Now look at -- you say Rowell and 9 Rasmussen, you think that's incorrect. What's the next 10 entry that you think is incorrect? 11 A. Okay. Aaron Urbina. He helped, assisted, did 12 whatever. I wasn't there. That's why we can't verify 13 this firsthand, but Aaron Urbina said he did 10 hours 14 of general recovery standby activities, and in the 15 pass-down said he was involved in the replacement of 16 high and low heads on Car 4. 17 Q. Okay. 18 A. The next one, I have no problem with that. I 19 was just giving examples. 20 Q. Okay. 21 A. Item 5, again, no problem. They both put down 22 repair hours. One put down brake system, the other put 23 down drive train, so technically one of them's wrong if 24 they both were in that same repair, which the pass-down 25 says they were. One put down for brake system, one put</p>	<p style="text-align: right;">Page 713</p> <p>1 THE WITNESS: 7-21-2008. 2 MR. KAHN: Thank you. 3 COMMISSIONER TOWLER: Go ahead. 4 THE WITNESS: So there's incorrect entries 5 there. 6 BY MR. TRIMMER: 7 Q. On who, Peter Thomas? 8 A. Peter Thomas. Dana Rowell. 9 Q. I guess I don't understand, because Peter 10 Thomas I'm looking at 7-21-2008. Is that what we're 11 looking at? 12 A. Correct. 13 Q. And I have him with three -- he has six hours 14 of maintenance time and six hours of general recovery 15 time. 16 A. Correct. 17 Q. And how do you know that those time entries 18 are inaccurate? Because I'm looking at the logsheets. 19 I don't see any times that say how long something took. 20 I just don't understand how you reach the conclusion 21 that his time was inaccurate? What's the basis -- 22 A. Based on the pass-down, Peter Thomas was 23 involved in that repair. He recorded no time for it 24 for that night. Something is incorrect. 25 Q. Okay. I'm looking at this entry for</p>

Page 714

1 7-21-2008. And it says that he was involved in putting
 2 tape on glass and cordoned off the immediate area until
 3 maintenance time. So that's your basis for saying the
 4 references are incorrect?
 5 **A. No. That is not my basis. If you go down two**
 6 **entries further, you will see, I believe it's two**
 7 **entries further where you see they replaced that**
 8 **windshield, and I don't have it in front of me, but I'm**
 9 **thinking it says "crew."**
 10 **Q. It says "all."**
 11 **A. That would be all, including Peter Thomas.**
 12 **Q. Okay. How about 7-25-2008? Why is this here?**
 13 **A. Nicholas Banas? He put down nine hours**
 14 **general recovery and one hour of vacation, and Mark**
 15 **McGhee put down 10 hours general recovery, but**
 16 **pass-down reflects him rebuilding a hub.**
 17 **Q. Okay.**
 18 **A. There is no time dedicated to that.**
 19 **Q. The next, what about 7-31?**
 20 **A. 7-31? They changed out Car 5 Tires 1, 2**
 21 **during revenue service. Everybody helped out because**
 22 **it was during revenue service. That's revenue time.**
 23 **That's chargeable. That goes against the availability**
 24 **report. Dave Ayers put down his normal --**
 25 **Q. Hold on. That's because it's your contention**

Page 715

1 that it's chargeable?
 2 **A. Normally there would only be two, maybe three**
 3 **people in a tire change. But because this was during**
 4 **revenue service, all of them helped out with the tire**
 5 **change.**
 6 **Q. 3-16 I see McCullough reported four hours,**
 7 **McGhee reported eight hours. And your entry on the**
 8 **chart of Union Exhibit 24 says, "Ground traction motor.**
 9 **Two took time. One did not."**
 10 **A. Correct. I was just looking at the data that**
 11 **they put. They ground the traction motor during the**
 12 **day, and two of them took time that were related to**
 13 **overhaul task. One of them did not take any time**
 14 **related to overhaul task.**
 15 **Q. And that's on the basis of --**
 16 **A. He put 10 hours, he worked 10 hours, and he**
 17 **recorded no time for overhaul task.**
 18 **Q. So it's your contention that he was not coding**
 19 **the time right?**
 20 **A. Correct.**
 21 **Q. Any other incorrect entries on this?**
 22 **A. Yes, one I can speak of very firsthandly.**
 23 **Next to the bottom you'll see my name. Depiero and**
 24 **Williams. Williams, by the way, is incorrect. It's a**
 25 **lie in itself. Williams is not WS. It's supposed to**

Page 716

1 **be William Smith. When his time was entered by the**
 2 **secretary back in 2011, she made -- I think it was her.**
 3 **I'm not quite sure if it was her or if it was the**
 4 **person -- when you -- little background: When SIMS,**
 5 **when you're granted access to SIMS, you're putting the**
 6 **SIMS with all your data --**
 7 **Q. Look, look, that's not what I asked. What's**
 8 **supposedly wrong with this?**
 9 **A. Well, William Smith, he put down 10 hours**
 10 **vehicle operations labor, and I took four hours of**
 11 **heavy overhaul maintenance, and he was right there with**
 12 **me doing it.**
 13 **Q. Okay. And that's it?**
 14 **A. So that one, firsthand experience. It's no**
 15 **hearsay on that one.**
 16 **Q. These are all incorrect entries you found?**
 17 **A. No. These are just a sampling. I started at**
 18 **the beginning, and then I jumped to 2012, just because**
 19 **we changed codes, so I just did a random sampling from**
 20 **the beginning. That's why it starts with May and**
 21 **that's why it jumps all the way back to 2012. Nothing**
 22 **in between. It was just a random sampling showing how**
 23 **the codes were misused.**
 24 **Q. Okay.**
 25 **A. To go through and identify everything would**

Page 717

1 **take, like I said, a whole crew of people.**
 2 **MR. TRIMMER: Take a break for a second?**
 3 **COMMISSIONER TOWLER: Yes, we are off the**
 4 **record.**
 5 **(Recess.)**
 6 **COMMISSIONER TOWLER: We are back on the**
 7 **record. The witness is still -- we're still in**
 8 **cross-examination of the witness. You are still under**
 9 **oath.**
 10 **THE WITNESS: Yes.**
 11 **COMMISSIONER TOWLER: Go ahead.**
 12 **BY MR. TRIMMER:**
 13 **Q. Mr. Depiero, you said that in signing the time**
 14 **spent on various tasks, you tried to be fair and**
 15 **realistic. Do you remember saying that?**
 16 **A. Yes, I do.**
 17 **Q. Those are subjective words, aren't they?**
 18 **A. Based on the situation, I'd say yes, they are.**
 19 **Q. And what's your definition of "fair"?**
 20 **A. Fair is honest. Honest evaluation is my**
 21 **definition of "fair."**
 22 **Q. Well, was it honest to say that recovery times**
 23 **that took 5 minutes or less should be recorded as half**
 24 **an hour?**
 25 **A. To be honest, in most cases I would have said**

Page 718

1 more based on the number of people involved. I realize
 2 you don't count a lot of things, but in the repair
 3 world that I came from, those were counted. They were
 4 all part of the flat rate parts-and-time manual which
 5 allowed for cleaning, allowed for tools, allowed for
 6 paperwork. It was the average or mean repair time for
 7 an item. We do not have that to go by. If we had
 8 that, I would gladly have used it.

9 Q. So you're not saying that you computed a mean
 10 or average time here, did you?

11 A. No.

12 MR. TRIMMER: Okay. No further questions.

13 COMMISSIONER TOWLER: All right. Mr. Thomson?

14 CROSS-EXAMINATION

15 BY MR. THOMSON:

16 Q. Thank you. Mr. Depiero, what's your
 17 definition of "maintenance"?

18 A. Lubricating, changing the oil, inspection.
 19 Even inspection's not really. It's just part of a
 20 maintenance program. It's not maintenance. Possibly
 21 some adjustments, depending on the adjustment and the
 22 extent of the adjustment.

23 Q. So is it safe to say then that your prepared
 24 spreadsheets here, Union Exhibit 1, reflect that
 25 definition; therefore, everything that is not what you

Page 719

1 see as maintenance is defined as repair here?

2 A. No.

3 Q. Then what is in Union Exhibit 1 if it's the
 4 non-maintenance parts of the job?

5 A. In Exhibit 1 is the corrective repairs,
 6 overhauls, and a percentage of, 30 percent of repair
 7 recovery. That I consider to be repair. That's why I
 8 answered no. It's not that anything else that doesn't
 9 apply to, just that specific item. And we only took
 10 30 percent of that line item, not an unreasonable
 11 number.

12 Q. What's "preventative maintenance," in your
 13 definition?

14 A. Preventative maintenance would be checking
 15 things, would be adjusting. Again, basically same
 16 thing as maintenance. Preventative maintenance just
 17 goes a little bit further. You get a little bit more
 18 detailed. You may take stuff apart and examine it.
 19 Our preventative maintenance program says you take
 20 contactors apart and clean them. You won't find us in
 21 there saying we took contactors apart and cleaned them.

22 Q. What about cleaning brakes?

23 A. Cleaning brakes? We don't clean brakes.

24 Q. Would you look at Exhibit 1 on the second
 25 page? There's a box towards the bottom that says

Page 720

1 "Labor and Parts, Cost to Rebuild Tram Components for
 2 CBE-552." The first entry, I don't know what this word
 3 is, but it says, "Brake parts," the next column is 9
 4 and the next one is "CLANED INSP." I think that is
 5 meaning it refers to cleaned.

6 A. Okay. I'm still trying to find exactly where
 7 you were.

8 Q. This is the second page --

9 A. Okay, brake -- go ahead. Sorry.

10 Q. Brake parts, and there's the entry "CLANED,
 11 INSP." What does that mean?

12 A. Those were parts that were removed in a brake
 13 job. Those parts would be cleaned, inspected,
 14 repaired, if needed, and then after they were found to
 15 be serviceable again, they'd go back on the shelf for
 16 reuse.

17 Q. And to you that's repair?

18 A. Because it was part of the repair of the
 19 train, yes. Some of them would be needing repair.
 20 Others would be, out of several pieces you might be
 21 able to part together half of them.

22 Q. Now, if you'll go over two other columns,
 23 there's a "Part" column, correct? The entry for this
 24 particular line item is "None."

25 A. Correct.

Page 721

1 Q. Now, I'm not a tech, but I'm just reading
 2 this, and it tells me that it was cleaned and inspected
 3 and no parts were done or used.

4 A. In the Exhibit 1, further back, you'll find
 5 the cost of a brake job. You will find those parts
 6 listed there with a usage rate.

7 Q. All right, thank you. But answer my question.
 8 I'm talking about what this entry says. The entry says
 9 no parts were used.

10 A. Correct.

11 Q. And does "CLANED" mean cleaned?

12 A. Yes, it does.

13 Q. So that's just a typo?

14 A. It is just a typo.

15 Q. And your definition set forth there, cleaning
 16 and inspecting brakes is repair?

17 A. It's part of the rebuild process of the
 18 brakes. It's just that it was done separately by a
 19 different technician.

20 Q. How do you define the replacement of a part
 21 that has not yet broken but has reached a cycle that
 22 Bombardier determines to be the time to put in a
 23 different part?

24 A. Please explain that one?

25 Q. Part of your work as a tech is to go out and

<p style="text-align: right;">Page 722</p> <p>1 replace certain components of the ATS system --</p> <p>2 A. Yes.</p> <p>3 Q. -- before they fail?</p> <p>4 A. Definition of "failed" in this case, do you</p> <p>5 mean stop a train outage? Because if they failed, the</p> <p>6 train has stopped, if they failed hard. If they have</p> <p>7 physically broken all the way, there's a train outage</p> <p>8 and interruption of service. We took parts off that</p> <p>9 were worn out but had not failed to cause a true</p> <p>10 outage, again keeping the revenue service up, keeping</p> <p>11 the passengers safe, and keeping Bombardier's contract,</p> <p>12 the availability for Bombardier's contract within the</p> <p>13 window.</p> <p>14 Q. Okay. It's going to be a long day. Please</p> <p>15 listen to my question and just answer my question.</p> <p>16 If a lightbulb has been in service for three</p> <p>17 months and Bombardier has a preventative maintenance</p> <p>18 program that says go change the lightbulb, even though</p> <p>19 it's still burning, is that repair?</p> <p>20 A. For a lightbulb, I would say preventative</p> <p>21 maintenance program of that type, it's not a repair.</p> <p>22 Q. Okay. If the preventative maintenance program</p> <p>23 of Bombardier says to replace the brakes at, after X</p> <p>24 number of hours of operation or X number of miles of</p> <p>25 operation, even though the brakes are still working, is</p>	<p style="text-align: right;">Page 724</p> <p>1 Q. What's your definition of "heavy maintenance"?</p> <p>2 A. Heavy maintenance. There's not a lot of it</p> <p>3 done at our site. The spindles are one of them.</p> <p>4 Differentials, leaf springs, hubs, traction motors.</p> <p>5 Those would be heavy maintenance.</p> <p>6 Q. I believe I heard you -- if I heard you</p> <p>7 incorrectly, please correct me -- you said that any</p> <p>8 time there was rebuilding going on, you deemed that to</p> <p>9 fall into the heavy maintenance category?</p> <p>10 A. Heavy maintenance/overhaul. That's why it</p> <p>11 went into that category is because the second half of</p> <p>12 that description, which is overhaul. It may not show</p> <p>13 on the printouts, but it will show on the codes.</p> <p>14 Q. If you'll look at the fourth page of Union</p> <p>15 Exhibit I.</p> <p>16 A. Yes.</p> <p>17 Q. This is entitled, "Data From the Daily</p> <p>18 Computer Log Used by the Technicians Performing Work</p> <p>19 Under CBE-552."</p> <p>20 A. Correct.</p> <p>21 Q. And the first entry is May 1st, 2008. The</p> <p>22 fourth column is headed "TY." What does that mean?</p> <p>23 A. Type.</p> <p>24 Q. And there's an "A" below that. What does that</p> <p>25 mean?</p>
<p style="text-align: right;">Page 723</p> <p>1 that repair?</p> <p>2 A. If they had that type of program, I could</p> <p>3 answer that question, but for the brakes, that is not</p> <p>4 the case. Brakes are after they're worn out.</p> <p>5 Q. Could you just answer my question?</p> <p>6 A. Yes.</p> <p>7 Q. It is repair?</p> <p>8 A. Yes.</p> <p>9 Q. Why?</p> <p>10 A. Because it impacts the safety of the train.</p> <p>11 It impacts the passenger safety. It's -- yes.</p> <p>12 Q. So your definition of repair is anything that</p> <p>13 impacts the safety of the passenger on the train?</p> <p>14 A. My analogy earlier was like if a tie rod end</p> <p>15 is wore out, loose, it's not fallen off yet but you</p> <p>16 replace it, it's a repair. You don't wait until it</p> <p>17 breaks because if you wait until it breaks, you got a</p> <p>18 crash and you don't want a crash.</p> <p>19 Q. What's your definition of "corrective</p> <p>20 maintenance"?</p> <p>21 A. Corrective maintenance? Replacing -- that</p> <p>22 would be the equivalent of a repair. We use that</p> <p>23 because it's used on some of the codes, but "corrective</p> <p>24 maintenance" and "repair" are pretty much synonymous</p> <p>25 with one another.</p>	<p style="text-align: right;">Page 725</p> <p>1 A. Alarm.</p> <p>2 Q. What does "R" mean?</p> <p>3 A. Recovery.</p> <p>4 Q. What does "A" mean?</p> <p>5 MR. KAHN: Just answered.</p> <p>6 BY MR. THOMSON:</p> <p>7 Q. I'm sorry, excuse me. So "R's" recover.</p> <p>8 What's "RPL"?</p> <p>9 A. I'm sorry, I'm really sorry. The shading has</p> <p>10 it blocked out, I couldn't read it. Repair. "R" is</p> <p>11 repair.</p> <p>12 Q. "R" is repair.</p> <p>13 A. "A" is alarm; "R" is repair.</p> <p>14 Q. What's "RPL"?</p> <p>15 A. Replace.</p> <p>16 Q. "REC"?</p> <p>17 A. Recover.</p> <p>18 Q. "RBLT"?</p> <p>19 A. Rebuilt.</p> <p>20 Q. What work on the fire alarm is repair?</p> <p>21 A. It's not that there's any, as you put it, work</p> <p>22 to repair the fire alarm. The alarm, when it happens,</p> <p>23 the tram stops. In order for the tram to go, you have</p> <p>24 to go, you have to find the problem, if a problem</p> <p>25 exists. Sometimes it's perfume, because it's really,</p>

Page 726

1 even though it's called fire alarm, it's the fire smoke
 2 detector alarm, and it trips all the safety relays, and
 3 that tram won't move until we get there, verify
 4 everything is safe for operational again, reset the
 5 situation, and get the train moving again.
 6 Q. And how do you reset the situation?
 7 A. On this one, you actually have to go into a
 8 panel and reset a breaker.
 9 Q. So it's your representation to the Labor
 10 Commissioner that where it says there's fire alarm
 11 issues and it entailed going to the site, resetting a
 12 breaker, that that's repair work?
 13 A. Yes. The tram will not move without it being
 14 reset.
 15 Q. So to you, resetting is equivalent to repair?
 16 A. This falls into the recover, which the
 17 recoveries, we did call them repairs.
 18 Q. All right. If you go to the fourth item down
 19 there, it has a classification of "R" for repair, and
 20 listing is, "Trash on guideway."
 21 A. Correct.
 22 Q. Is that repair?
 23 A. Yes.
 24 Q. Why?
 25 A. We have power down the rail. We have to

Page 727

1 lockout/tagout. We have to ensure that we're following
 2 all safety concerns, then we had to physically walk out
 3 there and remove the trash, which if it was tangled
 4 around a flag -- this is back in the days when we had
 5 flags for safety instead of remote control the cars,
 6 and sometimes flags would get broke from trash, so it
 7 was a repair. We had to go out there, the tram, we
 8 could not let the tram run with that trash out there.
 9 Otherwise, we'd be jeopardizing passenger safety,
 10 because if one of those flags broke, then passengers
 11 kissed the windshield.
 12 Q. You again seem to be equating repair with
 13 passenger safety. Is that what you're telling us?
 14 A. No. I am saying that the passenger safety is
 15 the primary concern. To keep them safe, we have to do
 16 repairs.
 17 Q. So wherever there's a line item on Exhibit 1,
 18 Union Exhibit 1, saying, "Trash on guideway," you are
 19 representing to the Labor Commissioner that this should
 20 be deemed to be repair?
 21 A. The qualified technician is the only one that
 22 can do it. No one else can do it except for a
 23 qualified technician. In 2008, '9 with the new cars,
 24 those flags went away, so there's probably very few of
 25 those entries.

Page 728

1 Q. Go down 14 lines, the date entry is May 6th,
 2 2008.
 3 A. All right.
 4 Q. There's an entry of RPL for replace.
 5 A. Correct.
 6 Q. Replace of two taillights?
 7 A. Correct.
 8 Q. An hour and a half of work?
 9 A. Correct.
 10 Q. Do you know the value of those lights?
 11 A. The value of those lights was -- I didn't list
 12 it. I think they were about 20-some dollars a piece.
 13 They were red lights.
 14 Q. Under Mr. McClain's declaration, you had a
 15 cutoff of \$50.
 16 A. Yes. By his declaration, which that will be
 17 discussed later.
 18 Q. You disagree with that? It can be far lower
 19 amounts and still qualify as repair?
 20 A. When it came to the parts, yes.
 21 Q. And --
 22 A. I do agree with that.
 23 Q. And so you want the Labor Commissioner,
 24 everywhere he sees something like taillights,
 25 replacement, to be deemed as repair?

Page 729

1 A. Yes.
 2 Q. Now, we've already talked quite a bit about
 3 recoveries, and you've indicated a willingness to
 4 withdraw the SD McDonald recoveries, with the exception
 5 of one.
 6 A. Correct.
 7 Q. But you're still sticking with the babysitting
 8 for wind?
 9 A. Yes, I am. If we are not there, them trams
 10 will stop. They will pull the handles. We will end up
 11 with a recovery time and an outage much greater to the
 12 effect of the airport than inconvenience.
 13 Q. And you're sticking with any time that you
 14 have to drive the train back into the station as being
 15 repair?
 16 A. "Any time" is too vague.
 17 Q. Well, can you give me an example of when you
 18 would drive the car back into the station under any of
 19 these line items you've listed as recover that would
 20 not be repair?
 21 A. That would not be repair?
 22 Q. Yes.
 23 A. General maintenance. We always drive the tram
 24 back in for general maintenance, and that's not listed.
 25 It's not listed because it's general maintenance. And

<p style="text-align: right;">Page 730</p> <p>1 for -- you always drive the train out for general 2 maintenance, but that's just until it finds its 3 location. Once it finds its location, it takes off on 4 its own, once we reset everything and let it go. 5 Q. If you look down to May 11th, 2008. 6 A. All right. 7 Q. There's a recovery again for remove trash. 8 A. Correct. 9 Q. Oh. Just above that, it's actually 10 May 10th, excuse me. There's an RPR, repair listing 11 for "Cleaned smoke detectors." It actually says 12 "DECTORS." I take that as detectors? 13 A. Correct. 14 Q. "C9 due to alarms." 15 A. Correct. The train kept stopping. In order 16 to keep the train going, we had to go up there, remove 17 panels, clean the smoke detectors to clear the alarm, 18 replace everything, and then put the train back in 19 again. 20 Q. So you actually did nothing with fixing a 21 component, other than cleaning the component? 22 A. The cleaning of the component involves tearing 23 the component apart. So when you say we did nothing 24 other than clean, we disassembled it, which would be 25 more appropriate possibly to rebuilding.</p>	<p style="text-align: right;">Page 732</p> <p>1 it be fair to say that the predominant entries in this 2 section are related to either recovery or replacement? 3 A. In this portion of the pass-down, that would 4 be appropriate because we did not have logbooks which 5 showed any of this. Our logbooks were thrown out. So 6 we had no logbooks. We had to go to pass-down entries 7 for any repairs or replacements during that time frame. 8 Q. Why did you choose to go back to May of 2008? 9 A. I was instructed by counsel that was the date. 10 Q. Oh. Before we leave this page, up towards, 11 about quarter of the way up, May 3rd, 2008. There's 12 an entry that in the PM shift, it's listed as an R for 13 repair. "PRC Loctited." 14 A. Okay. 15 Q. What's that? 16 A. Okay, the PRC is the propulsion rectifier 17 contactor. It's a large electrical contactor. It has 18 a coil, contacts and several other moving parts. They 19 were falling apart, so we were modifying them. 20 Q. And how were you modifying them? 21 A. Primarily by using Loctite and I was not 22 personally involved in it. I just know Loctite was 23 part of the process. There was other items that were 24 being used. I just was not personally part of that 25 process.</p>
<p style="text-align: right;">Page 731</p> <p>1 Q. Does rebuild just involve taking it apart and 2 putting it back together? 3 A. Normally, no. 4 Q. The bottom entry on that page has an entry, 5 "RPL. Change tire due to flat spots." 6 A. Correct. 7 Q. Was that tire operating at that time? 8 A. Yes, it was. 9 Q. So is it safe to assume that this work was 10 just done due to the normal PM time period on the night 11 shift? 12 A. As a replace and only two hours? Yes. 13 Q. And you're representing that replacing a tire 14 that may have come to the end of it's useful life but 15 was still operating as being a repair? 16 A. Yes. 17 Q. Now, my attempt to look through line items may 18 have a few errors, as you admit some of yours are, but 19 I believe there are approximately 38 line items on each 20 of these pages from this area. Does that sound about 21 right? 22 A. It sounds about right. I haven't counted them 23 either. 24 Q. And on this page, I counted I believe 14 25 replacement entries, and eight recovery entries. Would</p>	<p style="text-align: right;">Page 733</p> <p>1 Q. But the logbook entry that you've got just 2 says Loctited, correct? 3 A. Correct, but it was part of that process. 4 Q. But you don't know if any other part of the 5 process was used on this particular item, do you? 6 A. I'd have to go back and read the full 7 pass-down entry, then I might be able to answer that 8 correctly. 9 Q. So is it your representation -- I thought you 10 said pass-downs weren't available for this -- 11 A. No. Pass-downs are available; logbooks aren't 12 available. This all came from the pass-down. Logbooks 13 are not available. 14 Q. Okay. What's Loctite? 15 A. Loctite's, depending what type you use, it's 16 normally associated, though, with ensuring that items 17 don't back back out. It's a thread sealant, adhesive, 18 glue, depending on what grade. It can be permanent, 19 semi-permanent, and in order for him to -- I do know 20 that in order for that Loctite to be used on that, he 21 would have to disassemble the PRC, whether it was a 22 modification or not. You have to disassemble the PRC 23 and Loctite the pieces. It wasn't the pieces actually, 24 it was the screws. That's why he had to disassemble 25 it.</p>

Page 734

1 Q. Sounds to me like he unscrewed things, put
2 some Loctite around the threads of the screws and
3 screwed it back in?

4 **A. That is a very brief, yes. There's, like I**
5 **say, a lot more to it.**

6 Q. Why would you have to go further into the
7 component if the screws are tight, other than removing
8 the screws, putting Loctite on it, and screwing it back
9 together?

10 **A. It's a layered component. The screws he was**
11 **putting Loctite on weren't the outer layers. He took**
12 **the outer layer off, he took the next layer off. It**
13 **was a layered component. So --**

14 Q. How do you know that?

15 **A. PRCs. I'm not -- I haven't worked on many,**
16 **but I've worked on enough to know they're a layered**
17 **component.**

18 Q. But how do you know that this person doing
19 this work item on this day did what you're describing?

20 **A. That was the process for the problem that was**
21 **encountered, which was loose components in the PRC. Or**
22 **potential loose components in the PRC. That's why I**
23 **have to look at the full pass-down entry to see if I**
24 **could give you a better understanding of that.**

25 Q. On the following page, I count 15 entries of

Page 735

1 replacements and seven for recoveries. Is that about
2 right?

3 **A. 5-13-2010?**

4 Q. Yes. There's also another entry -- excuse me.
5 Are you done?

6 **A. Yes.**

7 Q. There's an entry, isn't a date for the top, I
8 believe six entries. And just above 5-13-2010, the
9 number 5 and it says "MOD." What's "MOD"?

10 **A. Modification.**

11 Q. And it says, "Installed," and it's spelled
12 "RUBER" "material on ACC5 No. 2." What does that mean?

13 **A. Installed rubber anti-chafing material on the**
14 **air compressor piping to Car 5, No. 2." No. 2N is, we**
15 **got two air-conditioners on each vehicle, Car 5, the**
16 **second air-conditioner, the piping was in danger of**
17 **being rubbed through. We had to go through the whole**
18 **lockout/tagout process, power down the train, get the**
19 **anti-shaking material and everything else, and then**
20 **climb up into there and basically insulate it from**
21 **damage.**

22 Q. So is it basically putting a sleeve on the
23 tube?

24 **A. Basically. That's a very brief description,**
25 **but, yes.**

Page 736

1 Q. Then in 5-16-2008, the last of the entries for
2 that date, there's no description of the type of work,
3 but it says, "Had to reboot CC C computer due to not
4 printing." What's that?

5 **A. Okay. This is back before the C mod, well,**
6 **the C rehab, I'm sorry and the old central is still**
7 **online. And for our availability and for reports and**
8 **for everything else, there was a printer. That printer**
9 **was critical to maintaining data, and sometimes the**
10 **computer would -- I don't know the exact cause, but**
11 **forget it was there, and we had to reboot the computer**
12 **so I could find it again, and in doing so, you usually**
13 **had to have a couple of techs standing by because the**
14 **whole system for the C trams would be offline or D if**
15 **it happened to be the D, would be offline and you**
16 **had -- you were working in the blind again, even worse**
17 **than we are now when we reboot.**

18 Q. Okay. So you're saying that the basis of
19 needing to have techs stand around to look out, that
20 constitutes repair?

21 **A. The rebooting constituted additional hours for**
22 **the technicians of safe passenger safety.**

23 Q. Again, you're equating repair to passenger
24 safety.

25 **A. Yes.**

Page 737

1 Q. What's "repair" again, in your mind?

2 **A. Replacing, rebuilding, corrective maintenance,**
3 **and there's a fourth one: Recovery of vehicles.**

4 Q. And what's the basis of you saying that those
5 all constitute repair?

6 **A. If you're not -- I -- only a qualified**
7 **technician can reboot the system. Only qualified**
8 **technicians can be standing by. Safety of passengers**
9 **is -- public safety's our job, as far as keeping them**
10 **trams running. It's just like, you know, if we don't**
11 **worry about the public and we just worry about**
12 **ourselves and repairs and recoveries and whatever, the**
13 **public's safety is in danger.**

14 Q. So are you saying that these activities are
15 necessary to keep the ATS up and running?

16 **A. Up -- safely up and running.**

17 Q. Safely up and running?

18 **A. Correct.**

19 Q. They could run without this, just not safely?

20 **A. Correct.**

21 Q. On the next page --

22 COMMISSIONER TOWLER: I'm going to pause you
23 right there still on the record.
24 I'm hoping you don't have to go through every
25 page. I do see the same lines of questioning regarding

Page 738

1 safety. I just want to make sure, because I do have
 2 the ability to exclude redundant questions for
 3 relevance, and I do see the points you've been making
 4 about the witness' position on this document, how he
 5 came to these terms, and I just want to make sure we're
 6 going in a useful direction with questioning.
 7 MR. THOMSON: Well, I understand the
 8 Commissioner's frustration, but when the Commissioner
 9 says that you look to this as something to be useful in
 10 your decision-making, I think it's very important to
 11 get down in the weeds. I'm sorry about that.
 12 COMMISSIONER TOWLER: I said that it may help
 13 me ascertain the facts of the case.
 14 MR. THOMSON: Okay.
 15 COMMISSIONER TOWLER: That's fine. You've
 16 been --
 17 MR. THOMSON: I'll see what I can do --
 18 COMMISSIONER TOWLER: You've been admonished
 19 that I may make sure that the questioning states
 20 relevant evidence.
 21 Okay, with that, what were you going to say?
 22 MR. THOMSON: If I can take a few moments.
 23 COMMISSIONER TOWLER: Okay.
 24 BY MR. THOMSON:
 25 Q. Are you familiar with the term "recycle door

Page 739

1 command?"
 2 A. Yes, I am.
 3 Q. What is that?
 4 A. Recycle door command, when the train has an
 5 outage or a train delayed at station, depending on what
 6 alarm -- well, if it's a train delayed at station,
 7 doors failed to close, those two, normally procedure
 8 would be give a door recycle command. The door recycle
 9 command then makes the vehicle and wayside doors
 10 simultaneously open up and then close.
 11 Q. What tool is used by the tech out there during
 12 the recycle command?
 13 A. Radio.
 14 Q. While we're looking for an item, did you ever
 15 read the CBE-552 contract?
 16 A. I may have several years ago, but I do not
 17 recall what's in it.
 18 Q. Do you know the time periods that was covered
 19 by CBE-552?
 20 A. If I'm correct, May of 2008 until the system
 21 was turned over, but again, as I said, you're asking me
 22 questions I'm not confident of.
 23 Q. During the time period after, I believe it
 24 was -- when did you just return to becoming a tech?
 25 A. March 2009.

Page 740

1 Q. March 2009. Is it true that -- I want to make
 2 sure I understood your testimony this morning. I
 3 believe you said that you were not aware of any actions
 4 done regarding any warranty matters.
 5 A. Not that I -- during the project time, most
 6 definitely, you know, when the project was physically
 7 there. They definitely handled their own stuff. After
 8 the project, I cannot recall being involved in any. If
 9 you're looking for like refunds of parts, I can't
 10 recall that.
 11 Q. So you don't recall any instructions to return
 12 the Stanley Door motors on the wayside doors?
 13 A. That's Stanley contract, not the other
 14 contract. The Stanley contract, yes, there was
 15 guidance on that.
 16 Q. Okay. I'm just about, asking about any
 17 warranties. I'm not asking about warranties on either
 18 552 or 2305 or 2273.
 19 A. Okay.
 20 Q. So you were aware of instructions to return
 21 defective motors that belonged to Stanley that had been
 22 supplied by Stanley Door; is that correct?
 23 A. Only if they were older than a certain date.
 24 If they were newer than that date, the extended
 25 warranty did not apply. Manufacture date, not install

Page 741

1 date.
 2 Q. In your entries in Exhibit 1 where you're
 3 assigning value to parts, did you take that into
 4 account?
 5 A. Yes, I did.
 6 Q. So there are no entries there regarding any
 7 Stanley Door motors that had the date or serial number
 8 that was related to the warranty of the motors?
 9 A. Based on the records that were provided to me,
 10 I honestly believe there were not. Is that a correct
 11 statement? I honestly believe it's a correct
 12 statement.
 13 Q. Did you participate in the examination of
 14 Bombardier's records as part of discovery in this case?
 15 A. Yes.
 16 Q. Who was present when you did that?
 17 A. Michael Shaman, Vernon McClain, the people
 18 from the, for lack of better terminology, the copy
 19 people. They took all the records, went out, made
 20 copies, and I'm not sure if there was anybody else or
 21 not.
 22 Q. You testified that the information that has
 23 been translated into your Exhibit 1 was based on
 24 information you got after hours of work; is that
 25 correct?

Page 742

1 A. That is not totally correct. That information
 2 only applied to the parts cost.
 3 Q. Only to parts costs?
 4 A. And one page of the pass-down. Well, seven
 5 days of the pass-down. 12 days.
 6 Q. What 12 days?
 7 A. May 1st to May 11th. Those were not
 8 supplied, and those I did copy by hand at work and take
 9 home and type, but that was again after hours.
 10 Q. Did you have permission to be there?
 11 A. We've never been told we couldn't.
 12 Q. On Exhibit B 30, Mr. McClain's declaration,
 13 just going back to the criteria of it had to just
 14 involve something that's 15 minutes.
 15 A. All right.
 16 Q. Now, you apparently don't agree with the
 17 \$50 threshold, but you did say you agreed with that
 18 15-minute criteria; is that right?
 19 A. I think there may be one exception, one or two
 20 exceptions to that. And the parts cost I think, like
 21 the collector shoe, I'm not sure how long we charge for
 22 it, but a collector shoe is almost \$50, just for one
 23 shoe. But again, like I said, it's really hard to
 24 speak for what he wrote when I wasn't involved in the
 25 actual writing of this.

Page 743

1 Q. So he had no right to say "we agreed upon
 2 these criteria"?
 3 A. The best of my memory, we didn't really talk
 4 in that deep detail until after he already submitted
 5 this. We had talked generalities and that. I'm just
 6 not sure if we spoke that detail.
 7 Q. All right. When you're describing the time
 8 that you feel is appropriately chargeable time here, it
 9 includes from being, for instance, on the day that you
 10 were in recovery, inactive time, if I've got the phrase
 11 wrong, please correct me. You get an alarm, you walk
 12 out, you see what's happening, you walk back and you do
 13 paperwork. And all of that time is included in your
 14 time assessment? Correct?
 15 A. Would you please repeat that?
 16 Q. I believe your testimony earlier was that you
 17 calculated time based on from walking from the shop --
 18 for instance, if it was in the C Gates, out to the
 19 C Gates, taking care of business, walking back to the
 20 shop, and doing paperwork, and all of that would be
 21 included in your time calculation?
 22 A. If we did something physical, yes. If we just
 23 did it over the radio, no.
 24 Q. Based on that, is there anything that doesn't
 25 meet that 15-minute criteria?

Page 744

1 A. Very little.
 2 Q. Can you give me an example of something that
 3 would not meet that criteria?
 4 A. I'm not sure but brushes during the
 5 maintenance hour might not meet that criteria, I'm not
 6 sure, because if it was just a single brush during a
 7 scheduled work order, it might not meet that criteria,
 8 but then I'm not sure if we included those or not.
 9 That would be his stuff from the log entries if they
 10 were. And again, it's top brush, bottom brush, how hot
 11 it is, how many. It all makes a little bit of
 12 difference, especially if you're doing all eight. Of
 13 course it takes a lot longer. If you're doing just
 14 one, you still got all the -- take the traction motor
 15 covers off, inspect them, but you're only changing one.
 16 But if you're changing several, of course, cumulatively
 17 they would meet the criteria.
 18 Q. All right. I'd like you to -- it's about 10
 19 pages into Union Exhibit I, the dates on the page, the
 20 first date is September 1st, 2008. Down in the dates
 21 of 9-4-2008 and 9-5-2008, 9-6-2008, there are entries
 22 regarding Truesdale repairing cracks in the concrete at
 23 C Satellite.
 24 A. Correct.
 25 Q. Are you aware that that work was not under

Page 745

1 552?
 2 A. No, I was not aware of that. And those -- I
 3 know at one point, I'm not sure when, there was
 4 discussion that guideway repair would fall to the
 5 airport. I don't know when that changed, but it used,
 6 to the best of my knowledge used to be Bombardier
 7 expense paid for by Bombardier. That's why those are
 8 there. If they don't belong there, then they should be
 9 struck.
 10 Q. What was the basis of you putting it in there?
 11 A. At one time Bombardier was responsible, or to
 12 the best of my knowledge they were the ones paying the
 13 bill.
 14 Q. Where did you find these entries of \$8,000,
 15 \$5,000, \$5,000?
 16 A. Those were estimated, and I don't remember. I
 17 thought someplace I said they were estimated.
 18 Q. You're charging five hours of repair time for
 19 each of these things involving Truesdale. Why is that?
 20 A. Truesdale sent out an entire team, all the way
 21 from Phoenix. That team consists of multi-members, all
 22 the equipment, all their tools, everything they needed
 23 to do heavy repairs to the guideway. I don't know
 24 their cost, but they were expensive.
 25 Q. But why did you see fit to put in hours of

Page 746

1 repair on this spreadsheet?

2 **A. Our technicians assisted, helped in the**

3 **repairs, not to mention all the prep time, meeting them**

4 **at the gate, powering down the rail, having them**

5 **lockout/tagout, walking them out there, helping them**

6 **carry their tools, helping them with whatever they**

7 **needed, but they were to assist also.**

8 Q. Do you have any personal knowledge of any of

9 those activities?

10 **A. In this case, I will have to confess it's**

11 **hearsay.**

12 MR. THOMSON: No further questions.

13 COMMISSIONER TOWLER: Mr. Kahn?

14 REDIRECT EXAMINATION

15 BY MR. KAHN:

16 Q. Did you ask, during the discovery period for

17 data, on which Stanley auto locks were covered by the

18 warranty?

19 **A. Auto locks? I thought they just fell under**

20 **the normal warranty.**

21 Q. The Stanley devices that you heard there was

22 warranty about, did you ask for data about that?

23 **A. That was the motors.**

24 Q. Thank you. And did you get data from the

25 County or Bombardier?

Page 747

1 **A. I asked for all their purchase orders and a**

2 **certain file which would have answered a lot of**

3 **questions. They gave me the file, but it was dated**

4 **from 2005 and older, so it was absolutely no use.**

5 Q. Did you, though, in making entries for Stanley

6 motors, take into account the possibility of some of it

7 being covered by warranty?

8 **A. Most definitely.**

9 Q. So you reduced the number from the maximum?

10 **A. Right. There was ones that were broke for**

11 **encoders, there were some broke for pulleys, there were**

12 **some that possibly weren't in that window, but without**

13 **all the records, I don't have a solid number, so I**

14 **reduced the number to what I felt was a realistic**

15 **number.**

16 Q. Are you ever asked in the course of your job

17 to estimate how much time certain work tasks will

18 likely take?

19 **A. I have been.**

20 Q. How has that occurred?

21 **A. It's -- start with every time the tram's down**

22 **for more than a few minutes, Central's calling us up**

23 **and saying, "How long is it going to be down?" They**

24 **want us to make an educated, knowledgeable time, give**

25 **that to them, and we have to look at what needs to be**

Page 748

1 **done and answer them the best we can, with a, "It's**

2 **going to be down an hour," "It's going to be down a**

3 **half hour," "We'll have it up in five minutes. We see**

4 **the problem." "It's going now." Whatever it is, we**

5 **have to give them that estimate of time.**

6 MR. KAHN: Nothing further.

7 COMMISSIONER TOWLER: Anything based on that?

8 All right. You are free to go. Thank you.

9 (Discussion off the record.)

10 COMMISSIONER TOWLER: We are back on the

11 record. Mr. Kahn, your next witness.

12 MR. KAHN: Call Nick Banas.

13 Whereupon,

14 NICHOLAS BANAS,

15 having been first duly sworn to testify to the truth,

16 the whole truth and nothing but the truth, was examined

17 and testified as follows:

18

19 COMMISSIONER TOWLER: Please state your name

20 and spell your last name for the record.

21 THE WITNESS: My name is Nicholas Banas, B as

22 in boy, A-N-A-S.

23 DIRECT EXAMINATION

24 BY MR. KAHN:

25 Q. Mr. Banas, do you work for the County as an

Page 749

1 ATS technician?

2 **A. I do.**

3 Q. And what shifts are you working currently?

4 **A. I'm working the midnight shift or the night**

5 **shift.**

6 Q. When's the last time you've gone to sleep?

7 **A. I woke up, I want to say about 24 hours now,**

8 **ago.**

9 Q. And did you previously work for Bombardier?

10 **A. I did.**

11 Q. And you were an ATS tech there for how long?

12 **A. I want to say it was about six years.**

13 Q. At the time you were hired, what related job

14 experience did you have?

15 **A. Before I got hired, I had actually worked for**

16 **the Air Force as, down in special operations wing as a**

17 **comm nav missions systems journeyman. It dealt with**

18 **radars, radios, all sorts of electrical and related**

19 **equipment.**

20 Q. How long did you work there?

21 **A. I worked there four years.**

22 Q. Did you have any mechanical experience in

23 addition?

24 **A. We did a lot of electrical, but we also had**

25 **mechanical. The radar specifically had hydraulic**

Page 750

1 equipment that dealt with it, as well as cooling
 2 systems and several mechanical interrelated systems
 3 that --
 4 Q. Did you have any related education when you
 5 started?
 6 A. I actually had done a year at Marquette
 7 University before I'd gone into the Air Force, and
 8 while I was in the Air Force I had gone to -- I had
 9 taken, continued my schooling, and I was working
 10 towards an electrical engineering degree.
 11 Q. While you were at Bombardier, did you also
 12 attain additional education in engineering?
 13 A. I did.
 14 Q. What was that?
 15 A. That was at TSN. I had gone for a semester
 16 before I was advised by my manager at the time to
 17 perhaps take a break and wait for better circumstances
 18 because the future was unknown.
 19 Q. And your technical skills, did you contribute
 20 those to Bombardier in any particular way?
 21 A. Yeah, I actually did quite a bit. As a
 22 technician we did quite a bit of work, both electrical
 23 and mechanical. The job is a lot of interrelated
 24 disciplines, and I can't say you particularly rely on
 25 one of the disciplines more than the others. You end

Page 751

1 up as sort of a melting pot.
 2 One of the things I did in particular was I
 3 designed a test stand for the doors, for the station
 4 doors that we use to replicate the wayside signals so
 5 that we could use parts and test them, while not
 6 actually having them on the system. I designed and
 7 built a relay control board, so it had relay logic, and
 8 did all electrical wiring and the signal paths so that
 9 it could have the same signals that we had on the
 10 wayside.
 11 Q. That was outside the normal scope of your
 12 regular duties doing maintenance and repair on the
 13 vehicles and the wayside; is that correct?
 14 A. Yes. Actually, it was something that had
 15 never been done before. My manager at the time, Melvin
 16 Smith, had, was apparently pleased with my work because
 17 he went and took pictures of it, and from my
 18 understanding he went and sent them to corporate
 19 headquarters so that they could use them for whatever
 20 they decided.
 21 Q. Did you get involved in repairs while working
 22 for Bombardier that took multiple man-hours to
 23 accomplish?
 24 A. Yes.
 25 Q. What kinds of things?

Page 752

1 A. Well, we did all sorts of repairs. Any part
 2 that was taken off during night shift was normally done
 3 during day shift. I worked every single shift at the
 4 site while I was there. I had been rotated. When I
 5 was new, I was low man on the totem pole so they put me
 6 to different slots and used me in different spots so I
 7 managed to get the entire rotation through. On night
 8 shift generally, the parts that break on the train are
 9 usually taken care of on nights, and during day
 10 shift --
 11 Q. What kinds of tasks, though, took multiple
 12 man-hours to accomplish?
 13 A. There's quite a few. Some of the big things
 14 that I can remember being involved in, excessively big
 15 things was there's a differential carrier that we
 16 pulled out that took an enormous amount of manpower,
 17 five people or so, multiple hours. We ran overtime on
 18 it, past the maintenance window. Any sort of, any sort
 19 of maintenance where it required a lot of effort, we --
 20 tires took a significant amount of time, any axles that
 21 you did.
 22 Q. Why did tires take a significant amount of
 23 time?
 24 A. They're big.
 25 Q. Explain "big" in terms of size.

Page 753

1 A. Generally speaking, they're a lot bigger than
 2 the standard tire that you would have, say on your car.
 3 They're semi tires, and they're an elevated surface.
 4 You have a whole bunch of nuts holding them on that you
 5 have to go through and, so you take time to jack the
 6 train up, which is, you got to power down first so
 7 you're not electrocuted, jack the train up, pull all
 8 the nuts off and then remove the tire, and the whole
 9 system takes multiple people because you can't jack up
 10 the train by yourself. You need one person on each
 11 end. Otherwise, you end up getting it sideways as you
 12 go up, and then you need two people to lift the tire
 13 because, I want to say they mentioned the tire's
 14 somewhere around 200 pounds, and although I'm sure
 15 there's a person that can lift 200 pounds by himself, I
 16 can't.
 17 Q. Now, the job included submission of time on
 18 the SIMS system; is that correct?
 19 A. Yes, sir.
 20 Q. How did you generally classify your time when
 21 you entered it into SIMS?
 22 A. Generally speaking, I entered it in as a
 23 general recovery manpower requirements. I was told
 24 that that was the default catch-all, and generally
 25 speaking, everything I did, at least while on day

1 shift, fell under those parameters for the most part.
 2 Q. During days that you listed as general
 3 recovery, did you on occasion do rebuilds?
 4 A. All the time.
 5 Q. What do you mean? What kind of rebuilds?
 6 A. Like I said, any parts that came off during
 7 night, day shift was responsible for repairing them.
 8 We took them -- they obviously weren't working. They
 9 were removed from the train because they weren't
 10 working, so we had to take them, refurbish them, turn
 11 them into working parts, and that often required
 12 disassembling them, replacing components internal to
 13 them, or generally disassembling them, cleaning them
 14 and putting them back together in working order.
 15 Q. And did you always enter your SIMS time daily?
 16 A. No. That was -- originally when I had gotten
 17 to the site I was told that the SIMS times did not
 18 affect my pay in any way, shape or form. We had
 19 several different timekeeping systems. One of them,
 20 only one of them I was told mattered to my pay and it's
 21 the only one I should worry about. The only thing I
 22 was told to worry about SIMS is, at a specific time and
 23 date, I had to have 40 hours in so that it would match
 24 the system.
 25 Q. You're talking at the end of the week?

1 A. Oh, absolutely. It was -- well, specifically
 2 while I was working the second half, the later half of
 3 the week, Wednesday through Saturday, the times were
 4 not turned in to Pittsburgh until earlier in the week,
 5 Monday, Tuesday, I'm not entirely sure, and as long as
 6 I had the times in, and even when I didn't have the
 7 times in, on multiple occasions I forgot, didn't put it
 8 in, whatever reason, sometimes I would wait until
 9 Saturday to just enter all the hours because I was
 10 told, frankly they weren't important.
 11 Q. Did anyone in the office, did you see anyone
 12 in the office ever enter time for you?
 13 A. Absolutely.
 14 Q. Do you recall how many occasions?
 15 A. It was multiple times. When I was working the
 16 front half of the week, I believe that Ken Depiero was
 17 still in the office or was the one taking care of the
 18 times, and he absolutely had to enter times in for me
 19 multiple occasions. As I said, I was told they were
 20 unimportant so I didn't particularly worry about having
 21 them entered.
 22 Q. Did anyone in the office ever say that they
 23 were going to enter time for you?
 24 A. Absolutely.
 25 Q. Who?

1 A. Both Ken Depiero first, and then later on
 2 after he left the office, Linda, I forgot how to
 3 pronounce her last name. Starts with a G.
 4 Q. What was her position?
 5 A. She was -- I do not know her technical name of
 6 her position, but she was the administrative assistant.
 7 She was in charge of generally all the paperwork and
 8 everything that was done as far as that side, ordering
 9 parts, making sure our SIMS times was correct. It
 10 was -- she -- she was responsible for those general
 11 things.
 12 Q. And did you have to tell her what to enter for
 13 you?
 14 A. At first, and I told her the same thing I was
 15 told, that as far as I was told, it was not very
 16 important. It didn't affect the site, and so she just
 17 started, when I didn't have them entered in, putting in
 18 general recovery standby for me or whatever she felt
 19 should go in.
 20 Q. Now, during some of that general recovery time
 21 as it was classed in SIMS, you did rebuilds. Did you
 22 also do any repair on the vehicles or wayside?
 23 A. Absolutely.
 24 Q. What kinds of things?
 25 A. Well, any time that a train was down was

1 considered a recovery incident. So if a part broke and
 2 the train was down, I'm recovering the train. There
 3 was no difference between that and any, than my normal
 4 time, so the train was down multiple times while I had
 5 just put general recovery standby.
 6 Q. If you had to estimate what percentage of your
 7 general recovery time was spent on rebuilds and
 8 actively doing repairs and the related paperwork, can
 9 you provide an estimate?
 10 A. Well, the problem with specifically day shift
 11 is your work is very, very variable. On night shift
 12 you have generally steady work. Day shift, you're
 13 relying on -- for work you're relying on either the
 14 train breaking, or the parts that night shift pulled
 15 off. Sometimes they would pull off lots of parts,
 16 sometimes they wouldn't.
 17 Generally speaking, though, if I had to
 18 average it out over the course of a year, I would say
 19 in between 25 and 35 percent of my time. It's, as I
 20 said, it's very hard to come up with any sort of number
 21 without seeing all the work and going back and
 22 calculating it.
 23 Q. Now, does your job involve any heavy lifting
 24 other than the tires?
 25 A. Oh, absolutely. Since I've been in the

1 County, the County actually commissioned a study done,
2 because as one of the work requirements, they
3 instituted a requirement, after I was hired, that you
4 be able to lift a hundred pounds. So they had their
5 safety coordinator come out and he had us lift
6 different various objects. There was the spindle,
7 there were the fires, there were doors because we lift
8 doors on and off the train, and on the wayside, and he
9 would measure the weight of whatever object we were
10 lifting and then he would, however many people would do
11 it, and he declared that it was absolutely a job
12 requirement to be able to lift a hundred pounds. In
13 fact, one -- as far as I know, one person was denied
14 employment at the County because they claimed they
15 could not lift a hundred pounds.

16 Q. Have you ever been exposed to hazards at your
17 work?

18 A. Absolutely.

19 Q. What kinds of things?

20 A. Well, we have to go through an electrical
21 safety program, and there is good reason for that. I
22 have been exposed to an arc flash, an arc blast. It's
23 where you have electricity actually arcing between two
24 different contact points. At this particular instance,
25 we actually had, we have power shoes that carry the

1 electricity from the rail over to the car, so it has,
2 the electricity -- and it's 575 AC volts -- and we had
3 had them physically touching, so it was a fireball, for
4 lack of better word, of molten copper that came out a
5 good 15 to 20 foot from underneath the train, and it
6 was during one of our incidents that we had that this
7 was absolutely coming out, and I was standing next to
8 it. In fact, my, my manager at the time, Melvin Smith,
9 actually told me to back further away because he was
10 concerned for my safety.

11 We go through a whole lockout/tagout procedure
12 which covers that sort of thing, arc blast, arc flash.
13 We had at a time arc flash clothing that was required
14 for us to wear during specific tasks that we did, due
15 to the nature of those hazards.

16 We also have pinch hazards. There's a falling
17 hazard, because I worked with multiple crews that would
18 come out and do contract work, and I don't know why
19 they were required to tie off while they were out on
20 the guideway, and I was not, but they would tie off,
21 and I would be standing next to them, not tied off,
22 while they did their work and I would help them with
23 their work sometimes. To be realistic, yeah, you're up
24 a pretty significant distance.

25 Q. Can you estimate how far down?

1 A. I believe it's somewhere in the neighborhood
2 of 40 foot. I haven't measured it.

3 Q. Now, do you recall in the pass-down log seeing
4 time entries for the beginning of alarms and the end of
5 alarms?

6 A. Yes.

7 Q. Does the work on occasion require to deal with
8 those alarms extend past the second alarm time?

9 A. Absolutely.

10 Q. How so?

11 A. The times that are entered in the SIMS or into
12 the incident log or they're entered multiple locations,
13 are exactly that. They're the times that the train was
14 not moving, generally speaking. And the direction I
15 was given, the general direction I was given from
16 management was to limit those as much as possible, in
17 any way that I could.

18 In fact, one of the interesting times is when
19 we have -- on the wayside, we have the wayside doors,
20 there's a lock, and it has interlocks and it's to
21 prevent their vital circuits so that the doors are not
22 open while the train's running because that present a
23 safety hazard to any passengers. All sorts of bad
24 things can happen. So one of those locks was having a
25 major issue. The interlock wasn't working correctly,

1 the door was closed, so I was able to change the lock
2 out while the train was running. Physically while the
3 train was running, there's a way to do it. It takes a
4 lot --

5 Q. At that point the alarm was over because the
6 train was back?

7 A. Oh, the train was running. Yeah, that doesn't
8 count. That does not count in the times at all because
9 the train's running, so it doesn't count as time, so I
10 was working on the lock. I'd gone up and gotten the
11 lock to a state where the interlock was satisfied and
12 the train would move and I was able to replace the lock
13 during specific parts of the, of when the train is --
14 generally speaking while the train is in the station
15 here or the train is at the station at the other side,
16 you're able to do things to lock and so you would do
17 small amount while it was there, small amount while it
18 was here, and you keep working through until you ended
19 up at a point that you could quickly swap the lock.

20 Keep in mind, for the D system, anything under
21 five minutes is not counted. Anything under three
22 minutes on the C system was not counted. So if you
23 could manage to do the work or a portion of the work
24 that would stop the train in under five minutes, well,
25 that doesn't count. That's not chargeable as far as

Page 762

1 the company's concerned.

2 Q. So this lock repair you're describing as the

3 trains are going back and forth, can you estimate how

4 long that total process took you, including reporting

5 it?

6 A. Yeah. Generally speaking, just to change out

7 a lock in and of itself, if you have the train down,

8 and you can do it as much as you want, takes about a

9 half hour or so. If you're doing it while the train's

10 going back and forth, you have very small windows to do

11 it, and you can get it done somewhere between hour and

12 15 minutes or so. About that amount of time is how

13 long it takes for you to actually do the physical work,

14 because like I said, you're very much slowed down by,

15 okay, do a little, wait for it, do a little more. And

16 it's what we did to keep the train running. Honestly,

17 it was one of the prime directives is we were told that

18 the contract was based off these availability figures.

19 Q. Do you remember having a meeting with the

20 manager Mel about time recording in SIMS?

21 A. It was, I'm trying to remember exactly when it

22 was, but at a certain point, general recovery standby

23 disappeared completely and all the codes changed. We

24 were given, I don't know if I'd call it a class, but we

25 were given a meeting. We had a meeting going over the

Page 763

1 times as far as, these are due times. These are the

2 ones you're allowed to use; you're not allowed to use

3 these ones.

4 Q. And during that meeting, was there any

5 discussion of what you should do if during a

6 preventative maintenance task on the night shift, you

7 look over somewhere else on the vehicle and you notice

8 an unrelated problem and you have to go and correct it?

9 How were you supposed to record that time?

10 A. Oh, that's, that's part of the preventative

11 maintenance.

12 Q. According to whom?

13 A. According to Melvin. In the preventative

14 maintenance procedures, there was -- there's a --

15 almost always there's a section that says to look in

16 the area around where you're working and make sure that

17 everything's secure and where it's supposed to be and

18 operating properly, because you could have damaged it.

19 Q. Do you recall that particular kind of

20 corrective maintenance being done when you were

21 working?

22 A. Yeah. Whenever you're underneath and you're

23 doing a PM and, or doing any PM, anywhere, and you

24 notice anything wrong, you're supposed to fix it. It's

25 part of the job. You're supposed to fix things you

Page 764

1 find wrong, and if it's during your PM time, then you

2 charge it into the PM time.

3 MR. KAHN: Nothing further.

4 COMMISSIONER TOWLER: Thank you, all right.

5 Mr. Trimmer?

6 MR. TRIMMER: Can we take a quick break?

7 COMMISSIONER TOWLER: Yes. We'll go off the

8 record.

9 (Recess.)

10 COMMISSIONER TOWLER: All right. Let's go

11 back on the record. The witness is ready for

12 cross-examination. And you are still sworn.

13 CROSS-EXAMINATION

14 BY MR. MOSS:

15 Q. Mr. Banas, you gave us a description of your

16 military service and what you did there. And I think

17 you said that, what was your job actually?

18 A. Comm nav mission systems. It was an extremely

19 long title, apparently they'd taken a whole bunch of

20 different fields and combined them together slowly over

21 the years. They started with radio was a separate one,

22 the radar was a separate one, the mission systems part

23 came from, we dealt with optics, radar, IR, all sorts

24 of different things.

25 Q. Well, did you do those things, or were you

Page 765

1 maintaining that system?

2 A. I maintained those systems.

3 Q. Okay. All right. And you said that you had

4 electronics deals --

5 A. Yes.

6 Q. -- associated with that. And then you said

7 some mechanical.

8 A. Yes, sir.

9 Q. And the mechanical was working on the physical

10 systems and stuff?

11 A. Well, the physical systems, as I said, we had

12 the TV, had all sorts of moving components inside that

13 we would have to deal with. There were motors and

14 actuators, servos. The radar system, for example, had

15 hydraulics because the antenna was run off a hydraulic

16 system to change where the actual radar was pointed at

17 and the sweep, and it also had a cooling system because

18 the oscillator in there actually ran very hot. So we

19 dealt with all sorts of things, and especially because

20 we are such a small unit, when we deployed, you didn't

21 have a job. You did everything because there wasn't

22 enough people.

23 Q. Okay. Then when you went to Bombardier, you

24 described it as somewhat of an interdisciplinary system

25 or some words to that effect. You said there were a

Page 766

1 lot of different disciplines that were intermixed with
 2 each other.
 3 A. Yes, sir.
 4 Q. What were the disciplines?
 5 A. Well, if I can put it in, or try to at least
 6 put it in my boss' words, he told me that he liked to
 7 hire certain individuals that had mechanical experience
 8 and certain individuals that had electrical experience,
 9 and certain individuals that he could find from
 10 different, as many different disciplines as he could,
 11 because he said that that way we would be able to teach
 12 each other and learn all the different parts of the
 13 components.
 14 Generally speaking, there is an awful lot of
 15 mechanical things on there, and there's an awful lot of
 16 electrical things on there and a lot of different
 17 fields that I've run into, generally speaking,
 18 electricians or carpenters or mechanics, they deal
 19 mechanical or electrical systems. And so they tend to
 20 be more disciplined towards one field in particular.
 21 Since I've been working and I've started
 22 working with some other individuals, I've found that
 23 some disciplines require a little bit more of a mix.
 24 And the newer automobiles, if you talk to some of the
 25 newer mechanics, they have to deal with more computers

Page 767

1 than they ever had to before and they've had to
 2 actually learn some of the electrical skills rather
 3 than they would before.
 4 The elevator technicians that I've talked to,
 5 they have plenty of different systems. They have both
 6 the control boards on the electrical side, and they
 7 have power to the electrical motors that they have, and
 8 then they have all sorts of mechanicals dealing with
 9 governors and the wheels and the doors and everything
 10 else.
 11 Q. Well, my question was what were the
 12 disciplines?
 13 A. I tried to, as I tried, I started to answer.
 14 I tried to answer with my boss' words, like I said.
 15 Q. Who's your boss?
 16 A. That was Joel Middleton.
 17 Q. So what were the disciplines?
 18 A. He said that he liked to hire from the
 19 electrical field and mechanical fields.
 20 Q. And when you -- okay. And that's what your
 21 job involved, mixture of those two things?
 22 A. Yes.
 23 Q. And you mentioned that you built this device
 24 that did some testing on the doors?
 25 A. Yes, sir.

Page 768

1 Q. Could you explain that for me again?
 2 A. Generally speaking, the reason why it was
 3 built is we have wayside doors that were built by
 4 Stanley Systems. In my opinion, they did a poor design
 5 job. When they gave us a test stand, they had a
 6 control unit that had internal circuitry which they
 7 would use to run it into a test mode.
 8 Q. Run it into what?
 9 A. Into a test mode so the door would open and
 10 close 500 times.
 11 Q. We're talking about the station doors?
 12 A. Station doors. They modified a station test
 13 door that we had from the original installation on the
 14 C doors and then modified it for their doors.
 15 The problem with their methodology was it used
 16 internal circuitry to that board and did not use the
 17 field wiring that came in and the field signals, so you
 18 never actually tested that unit the way it was actually
 19 run on the system. And although that doesn't sound
 20 like a big deal, we had many units on the controllers
 21 that would pass that test, but when you put it in, up
 22 into an actual installation, it would fail
 23 miraculously.
 24 So I took it upon myself and built a stand
 25 using parts from around the shop, old discarded parts,

Page 769

1 that -- well, and some parts that were currently in
 2 use, and put them to use to replicate, as well as I
 3 could, the field wiring, the signals that were coming
 4 in that you would normally see when you put it
 5 installed on a regular, on an actual system.
 6 Q. So you were testing the doors when they
 7 weren't in place?
 8 A. It was a specific -- the stand was a set of
 9 doors that were originally installed down in the
 10 maintenance shop.
 11 Q. Right, okay.
 12 A. And so you could put components that had been
 13 identified as having a fault, and if you'd repaired
 14 them, specifically auto locks, you could put them on
 15 this test stand and you could see if your repair would
 16 actually hold up over several hours' worth of use on
 17 test stand on constant cycle.
 18 Q. So the purpose of the testing ultimately was
 19 to see if, to make sure that the door would operate as
 20 it's supposed to operate?
 21 A. The component, the specific -- because you
 22 would use, you would put one specific component that
 23 was pulled off of a door onto that test stand at a
 24 time.
 25 Q. I'm saying though, you're testing a door, and

Page 770

1 you're saying, "Okay, I want to see if when we put this
 2 door up there or some other door up there it's going to
 3 work the way it's supposed to?"

4 **A. Generally speaking -- are you talking the**
 5 **physical door leaf? Because what it was designed for**
 6 **was the components. The motor, or the lock, or the**
 7 **controller. Because door leafs, you don't change**
 8 **those. The door leafs were there permanently as test**
 9 **door leafs to test those components.**

10 Q. Did you test them and then install them?

11 **A. Yes.**

12 Q. So the test was to make sure that when you
 13 installed it, it would work?

14 **A. Yes.**

15 Q. Okay. All right. Now, when you designed
 16 this, you said it was a test stand. I got an
 17 impression that that was kind of a small little thing.
 18 What did it look like?

19 **A. Well, Melvin would have the pictures, but it's**
 20 **still there. It's -- it was taken from an old control**
 21 **console that was out of the, that was out of the**
 22 **central that they had ripped out from the old C system,**
 23 **so the test stand unit was about -- the part that I**
 24 **built was about that tall, that wide, that deep. It**
 25 **interfaced with wiring into the actual doors, and it**

Page 771

1 **was a full mock-up of doors. So you can imagine, just**
 2 **looking at doors, they're 8 foot tall by 10 foot wide**
 3 **for the doors that are actually up there with the**
 4 **motor.**

5 Q. And what was your -- well, you said you built
 6 it.

7 **A. Yes.**

8 Q. Did you invent it and come up with the whole
 9 idea?

10 **A. Yes. I designed the circuit using components,**
 11 **both active and passive, designed the signal flow for**
 12 **that circuit, put it all together, made sure that it**
 13 **operated correctly and that it replicated the signals**
 14 **from the wayside, and then built it.**

15 Q. All right. How long did it take you to put it
 16 together, the whole thing?

17 **A. From start to finish?**

18 Q. I don't mean build it. Come up with the idea,
 19 the whole thing, how much time did you spend on it?

20 **A. A lot. Weeks. Weeks.**

21 Q. Weeks?

22 **A. Weeks.**

23 Q. Full-time?

24 **A. When -- well, nothing is full-time there.**
 25 **You're interrupted by alarms. You cannot -- whenever a**

Page 772

1 **train goes down, I can't say, "I'm not going to go**
 2 **recover the train because I'm working on a test stand."**
 3 **That's not an option.**

4 Q. I understand that. And you're saying nobody
 5 actually instructed you to do this? You just on your
 6 own did it?

7 **A. Honestly, I couldn't tell you if someone**
 8 **instructed me. I was encouraged after I started, to**
 9 **continue.**

10 Q. Okay. And were you on day shift at the time?

11 **A. Yes, sir.**

12 Q. And were you doing it while you were doing
 13 your other duties on day shift?

14 **A. In between them, yes, sir.**

15 Q. You talked about some of the work that you did
 16 and you characterized it as repair, et cetera. What is
 17 your definition of "repair"?

18 **A. If I have a broken component and I need to do**
 19 **something to it to fix it, I would consider that**
 20 **repair. If I have a stick that's broke in half and I**
 21 **take it and then I put two splints on either side and**
 22 **screw them together, I repaired that stick.**

23 Q. You fixed it. Right. Okay. All right. Now,
 24 what do you consider maintenance to be?

25 **A. That's an interesting question.**

Page 773

1 Q. Give me an interesting answer.

2 **A. I don't know if I can. I don't know if my**
 3 **answer is all that interesting. Maintenance, generally**
 4 **speaking, is something that you're doing on a part that**
 5 **has normal wear on it, as far as if a tire is going to**
 6 **be wearing over the course of a hundred thousand miles,**
 7 **it's not broken; it's worn. You have a general -- it**
 8 **would, it would be generally maintained. You're**
 9 **doing -- I'm sorry. As I said, I've been up for a long**
 10 **time.**

11 **If you have a tire, it's worn down, it's a**
 12 **wear part that is supposed to wear at a specific rate.**
 13 **If it fails before then, which has happened quite a few**
 14 **times, that's -- it will break. If it's worn down to**
 15 **the point where its usable life span and you're going**
 16 **to throw it away, there is no way that you can fix that**
 17 **tire, I would consider that maintenance.**

18 Q. Okay. That's a fairly clear distinction, I
 19 understand that. Now, have you ever -- you understand
 20 that Bombardier had a maintenance contract with the ATS
 21 system that was, the purpose of the contract was
 22 maintenance?

23 **A. Yes, sir.**

24 Q. You understood that, did you?

25 **A. That it was a maintenance contract?**

Page 774

1 Q. Yes.

2 A. I never went into the details of the contract,

3 frankly. It was --

4 Q. I mean the purpose of the contract.

5 A. To maintain the system?

6 Q. Yes. Okay. Have you ever heard the term

7 "preventative maintenance"?

8 A. Preventative maintenance?

9 Q. Um-hum.

10 A. Yeah, we had -- they used two terms:

11 Preventative maintenance and corrective maintenance,

12 from the manager's mouth.

13 Q. What did you understand preventative

14 maintenance to be?

15 A. Preventative maintenance was, a good example

16 of preventative maintenance is you have bearings that

17 need to be lubed. The grease inside the bearings

18 breaks down over time, wears away. You can't -- you're

19 not going to take the grease out, fix the grease and

20 put it back in, but you can replace the grease by

21 putting more grease in. That's what was -- that is

22 considered preventative maintenance.

23 Q. When you were working days, was one of your

24 jobs to, at the beginning of the shift, to go out and

25 just sort of inspect the system?

Page 775

1 A. Yes, sir.

2 Q. Did you consider that to be maintenance?

3 A. I was told that that fell under general

4 recovery and standby duties, that that was part of

5 those duties.

6 Q. No. Did you understand it was maintenance,

7 though?

8 A. To --

9 Q. That was a maintenance function?

10 A. A maintenance function to inspect the system.

11 Q. Yes.

12 A. I was told it was an inspection. I didn't

13 realize that inspection was necessarily preventative

14 maintenance.

15 Q. Okay. You said that we used maintenance and

16 corrective maintenance, or is that, were those the

17 terms?

18 A. Those were the terms.

19 Q. Preventative maintenance and corrective

20 maintenance?

21 A. Yes, sir.

22 Q. What was corrective maintenance?

23 A. As far as I was told, we didn't use corrective

24 maintenance all that much. Well, at least I didn't.

25 Night shift may have when I wasn't on there. But,

Page 776

1 generally speaking, I didn't use that term very often.

2 I do know some guys used it anytime they replaced a

3 part or repaired a part. I do know that I, at that

4 point I was on day shift and so I was generally -- I

5 rarely used the term, I should say.

6 Q. When you say some guys used it, others didn't,

7 what do you mean "used," in what context?

8 A. Well, during SIMS times. Like I said, I was

9 told not to worry about it. Some guys took it upon

10 themselves that they wanted to do their own thing.

11 Q. Some guys did worry about it, you mean?

12 A. Some might have.

13 Q. Okay. You know what codes are, don't you?

14 A. Which codes, sir? There's many different

15 codes.

16 Q. The codes -- well, in your working

17 environment, did codes have a, mean anything to you?

18 A. There were plenty of codes, sir. We had all

19 sorts of different codes. We had codes for the ATS, we

20 had codes for the control boards on the wayside doors,

21 we had codes for everything. There were maintenance

22 codes, there were codes for everything.

23 Q. In other words --

24 A. That's a very large term.

25 Q. There were codes that were used to describe

Page 777

1 work functions; isn't that correct?

2 A. Which codes, sir?

3 Q. Did you have codes that described work

4 functions?

5 A. I'm not understanding -- I'm sorry, I really

6 am trying to understand the question that --

7 Q. Well, you know what SIMS is?

8 A. Yes, sir.

9 Q. And you knew that you're supposed to put some

10 information into SIMS, did you not?

11 A. Yes, sir.

12 Q. And did you understand that the information

13 was to relate to the work functions that you had done

14 during the day?

15 A. Yes, sir. And once again, as I said --

16 Q. Yes, sir. You did. Okay.

17 A. I was told --

18 Q. You did understand that you were supposed to

19 put information in SIMS relating to your work

20 functions, and that the way you did that was to

21 attribute a code that encompassed that work and use

22 that code inputting it in SIMS?

23 A. Sir, I never heard that termed as a code.

24 Q. You never heard the term "codes"?

25 A. I never heard that particular thing termed as

1 a code.

2 Q. What did you hear it termed as?

3 A. SIMS times. That was the word that was used
4 to describe that entire functionality was SIMS times,
5 sir. Which is why I'm sorry I did not understand you.

6 Q. Okay. Now, you said a couple of times that
7 you were told that the SIMS time was not relevant or
8 not very important. Correct?

9 A. Sir, I was specifically told it did not relate
10 to my pay and that it wasn't important to me. And that
11 I should fill out general recovery standby for most
12 work, and then at one point I was informed during -- we
13 had a window of downtime and that I could put
14 preventative maintenance for that one, the entire
15 window.

16 Q. Okay. So you just listed a number of things
17 that you were told. Who told you those things?

18 A. Generally speaking, sir, from the office. It
19 was during my initial orientation. And the office
20 encompasses -- since I'm not sure if you're familiar
21 with our work, there's a square of four separate
22 offices with a small conference area between them, and
23 the people in there were, are engineers, supervisors --
24 engineers, our manager, and the office of the
25 administrator, whatever that position was, the person

1 who was, did administrative assistant duties.

2 Q. Okay. I understand that. Go ahead.

3 A. And so generally speaking, anything that came
4 out of there was from management and so --

5 Q. Came out of any of those areas?

6 A. Well, yes, sir. They're all my management.

7 Q. Okay. I want to be more specific, though.

8 Can you give me the name of an individual who told you
9 that, A, SIMS time doesn't affect your pay?

10 A. Honestly, I couldn't. When I was told that
11 is, I don't even know how many years ago now. It was
12 while I was still an employee of actually a different
13 company, I believe it was Cadre, it was a temporary
14 agency, so I was told how to fill out those forms. I
15 was told how to fill out my SIMS times. I was told how
16 to fill out any number of forms we had. We had a
17 separate form for our pay, which mine was different
18 than all the other employees because I was a temporary
19 employee at the time, and so I had to fill out a form
20 for them to get paid.

21 That was the form that I was told was
22 important. Those other forms, those aren't what you
23 need to worry about. In fact, as I said, there were
24 multiple times when I didn't fill them out correctly,
25 and I was told, "Don't worry about it. We'll take care

1 of it if you mess up."

2 Q. Okay, stop. When did you start working for
3 Bombardier, the company Bombardier.

4 A. As an official employee of Bombardier?

5 Q. Yes, yes.

6 A. Or --

7 Q. Yes, as an official employee of Bombardier.

8 A. I believe that it was August or October of
9 2007. Somewhere in that time frame.

10 Q. I'm sorry?

11 A. Somewhere between August and October of 2007.

12 Q. '7?

13 A. Yes, sir.

14 Q. And then how long did you work as a temp for
15 Bombardier?

16 A. I started -- I do remember my temp starting
17 date because I was told that was when I officially
18 started, and that was in February of 2007.

19 Q. Okay. So, all right. So February to what was
20 the date?

21 A. It was in the later half of the year. I want
22 to say it was between August and October.

23 Q. So for six or seven months, you were with the
24 temp company?

25 A. Yes, sir.

1 Q. You were filling out their forms. Then you
2 started with Bombardier. And then you said, "Somebody
3 told me that SIMS time was not important to my pay."
4 And you said, "It was right when I started." But you
5 can't tell me who the person was?

6 A. As I said, sir, it was a long time ago.

7 Q. I accept that. I'm just wanting to know what
8 you can. I'm not being critical of you.

9 A. If I had to take a -- if I had to take guesses
10 at who it was, it was not Sushil, because generally
11 speaking I tried not to talk to my manager at the time.
12 Because as I said, I tried not to talk to my manager at
13 the time, which means that it was either between Joel
14 or Ken, because those were the two other people in the
15 office.

16 Q. You're guessing, you're speculating?

17 A. I am speculating.

18 Q. Can you tell me for a certainty it wasn't
19 somebody with the temp company?

20 A. Yes, sir. I didn't talk to them.

21 Q. You didn't talk to anybody at the temp
22 company? Who did you fill out the forms for?

23 A. I filled out the forms and I turned those in
24 to Ken.

25 Q. Okay. You also said that you were told that

Page 782

1 the SIMS numbers were not important to you.

2 A. Yes, sir.

3 Q. Not your pay, nor to you; is that correct?

4 A. Yes, sir.

5 Q. Who told you that?

6 A. As I said, those were the same -- this is the

7 same general conversation on the filling out of the

8 forms. So if you would like me to speculate, I can.

9 Q. No. I just want to know, can you tell me, and

10 if you say no, then you can't.

11 A. Sir, I honestly couldn't tell you, as I said.

12 It was a long time ago.

13 Q. Now, again, I want to get a little more

14 specific. When you say "a long time ago," can you give

15 me a little better estimate of how far, how long the

16 time was?

17 A. Well, as I said, sir, I started in February of

18 2007, and I was a temporary employee up through

19 somewhere between August and October of 2007.

20 Q. So it's probably back in the 2007 years?

21 A. Yes, sir.

22 Q. Okay.

23 A. I was filling out -- just to be clear, I was

24 filling out SIMS times and all the other Bombardier

25 forms during that time. The only time difference was,

Page 783

1 or the only difference between the forms was the

2 timecard that I was told affected my pay.

3 Q. You said that you didn't fill out some of the

4 forms correctly.

5 A. No, sir.

6 Q. Right? And you did fill out others correctly?

7 A. Yes, sir.

8 Q. Okay. Do you recall which ones were, that you

9 did correctly?

10 A. Absolutely, sir. The ones that I filled out

11 correctly were the ones that there were, as I said, the

12 ones for the temporary agency that affect my pay and

13 the one for Bombardier that affected my pay, and the

14 reason why I can tell you I filled them out correctly

15 is because I came in on my days off on several

16 occasions to fill that form out correctly in order for

17 it to be turned in in time for me to get paid

18 correctly.

19 Q. Okay.

20 A. Because I had made a mistake.

21 Q. So you did your timecards, you filled out your

22 timecards?

23 A. Yes, sir.

24 Q. But the other stuff you were just sort of --

25 A. As I said, I had to come in on my days off to

Page 784

1 fill those out correctly because they were

2 double-checked and I was told it was wrong, and in

3 order for me to get paid -- they told me I could not

4 get paid if I didn't want to come in, or I could come

5 in and fill the form correctly and get paid. I chose

6 to come in.

7 Q. But you said that the other forms you were not

8 so careful about?

9 A. No, sir. I was told it wasn't important.

10 Q. Mr. Kahn asked you some questions about some

11 of the work that you did, and you mentioned

12 differential carrier or something like that.

13 A. Yes, sir.

14 Q. What's that?

15 A. Sir, differential carrier is the part -- do

16 you know what a differential drive is?

17 Q. Sort of.

18 A. The rear end on an old, on an old rear-wheel

19 drive car. The carrier is the part that actually holds

20 the ring gear and the pinion that's inside the

21 differential. It's the one that does all the work, I

22 should say. It's only much, much larger on the trains.

23 It's in a very awkward spot and requires an awful lot

24 removed to even get to it in the first place.

25 The problem with them is the amount of work

Page 785

1 you have to do, because there are two rods that come in

2 from the side. They're the actual rods that transfer

3 the motion from the differential carrier out to the

4 hubs, and in this system, the way that it works is you

5 have to remove those because they spear from either

6 side the differential carrier in order to get the

7 differential carrier out.

8 So the amount of work that you're doing is,

9 you're almost doing an entire brake job on either side

10 in order to pull those rods out, and then you're

11 disconnecting the motor because the motor attaches to

12 the drive shaft, to the differential carrier, and once

13 you've removed all that, you can start to get to the

14 differential carrier.

15 The differential carrier is a very heavy part.

16 If I had to guess, I would say it's between 150 and 200

17 pounds. It's solid metal, solid steel. And it's a

18 very awkward part because it does have a large ring

19 gear in it. If you hold it by the ring gear, it's

20 going to move, and that's going to tear your fingers

21 off.

22 Q. So this took a number of techs to do it?

23 A. Yes, sir.

24 Q. "Number" meaning three, four?

25 A. You try to get as many people on it as you

Page 786

1 can. Generally speaking, the most you could fit on it
 2 at any particular moment was four. And you would move
 3 the people -- because four people could move in there
 4 and you could lift it out, and you lifted it to a
 5 particular position that you could try and find.
 6 Q. This is something you did on the night shift?
 7 A. Actually, sir, I did it one time going into
 8 day shift because of the amount of trouble we were
 9 having. It ran -- one carrier, they started at the
 10 beginning of night shift, and the amount of trouble
 11 they had ran -- it would be hard for me to accurately
 12 recall, but my best guess, because I came in on day
 13 shift and they were still in the middle of it, my best
 14 guess is we went until about noon fixing it or getting
 15 it back in.
 16 Q. That was one, a particularly difficult one
 17 that you just described?
 18 A. Yes.
 19 Q. Were they all that difficult?
 20 A. No, sir.
 21 Q. And how frequently did you do them?
 22 A. It would be very hard for me to tell you, sir.
 23 It was not frequent enough that it was routine, but it
 24 happened on at least several occasions.
 25 Q. During the time that you worked there?

Page 787

1 A. Yes, sir.
 2 Q. And that was, I guess May of '12 is when it
 3 ended, so --
 4 A. Yes, sir.
 5 Q. Late '07 through May of '12, it happened
 6 several times? Was it scheduled work; do you know?
 7 A. Well, sir, it was not scheduled in the sense
 8 that it's been five years so we're going to change out
 9 a differential carrier. It was scheduled as in, this
 10 differential carrier is not right. It needs to be
 11 changed, but we can let the train go for another day or
 12 two because we just don't have the manpower to take
 13 care of this.
 14 Q. I understand. But do you understand there
 15 were some functions, maintenance functions that were
 16 performed on a regular schedule?
 17 A. Yes, sir. Actually I helped develop one of
 18 the schedules.
 19 Q. Which one?
 20 A. I believe it was for relay called the ZSR. It
 21 was for the new trains. It was a different type of
 22 relay. We'd had a ZSR before, but it was a different
 23 type of relay when we got the new trains. It was a
 24 Hengsler -- I don't know how to spell it, I'm sorry --
 25 it was a Hengsler relay that we'd never had before, so

Page 788

1 we didn't know how long it was going to be until that
 2 relay failed.
 3 So Joel instituted a program and he came to
 4 the other techs and he said, "I want to institute a
 5 program where we determine what we're going to put this
 6 time frame at." And so we ran the train without
 7 changing them, without touching the relays as much as
 8 we could, and so we waited until the first failure
 9 happened. Well, that could have been an outlier, so
 10 we're going to wait until several other ones happen.
 11 So once we had around three or four of these
 12 failures happen, we determined, I want to say it was
 13 around 20 months into the actual time since the trains
 14 had been instituted, and so he backed it off to 18
 15 months. At 18 months he was going to have, he asked us
 16 to have those scheduledly changed out so we wouldn't
 17 incur downtime.
 18 Q. Good. Now, you also mentioned tires, and I
 19 may have missed it. Are you talking about changing
 20 tires as being a difficult or time-consuming job?
 21 A. Yes, sir.
 22 Q. Okay. And is it changing a tire that's
 23 failed, or is it changing one that's come to
 24 50,000 miles and it's time to get rid of it and get a
 25 new one?

Page 789

1 A. We never changed them on -- we never changed
 2 tires based off of a time, sir.
 3 Q. So you were changing them because you thought
 4 there was some reason to? You needed a new tire?
 5 A. Yes, sir.
 6 Q. Okay. When you said you -- well, you said
 7 it's, it is like an 18-wheeler axle, is that what you
 8 said? I mean the tire?
 9 A. The tires are around the same size as a
 10 semi-trailer tire. However, they are a very specific
 11 tire that's developed by Michelin. It's actually not
 12 rated -- it's not approved by DOT to be used out on
 13 highways or on roads, so it's not allowed to be used.
 14 There was an entire -- Michelin came out to
 15 our site and they did an evaluation and they developed
 16 the tire just for APM systems. Now, there was -- this
 17 took, I want to say it was three, four years of back
 18 and forth between them going and there was an entire
 19 dealing with the cast in the tire and they wanted to --
 20 it was a long, involved process.
 21 And so as I said, these tires are actually not
 22 rated to be used on the roads, so Michelin, we have a
 23 special account apparently set up with Michelin so that
 24 we can order these tires where we agreed not to use
 25 them out on roads.

Page 790

1 Q. So when you're changing them, I know there's a
2 way to jack up the train.
3 A. Yes, sir.
4 Q. And are they attached to the train just like a
5 regular tire with bolts, you know, series of bolts
6 and --
7 A. The way they're attached, sir, there's cleats.
8 So you have a rim that goes over a hub and it slides
9 onto the hub, and then there's a ridge on the back of
10 the hub that the tire sits against. These are dual
11 sets of tires that have a safety disk in between so in
12 case of a dual blowout you'll have something it's
13 riding on. It's a large piece of metal, a large metal
14 wheel. Which, by the way, has a very interesting sound
15 when you are riding on them. It sounds, the best I
16 could described it is we had a roller coaster back in
17 Six Flags, I'm from Chicago, and it was called Rolling
18 Thunder, and they had these neoprene wheels and it
19 would go up and just (indicating). The first time I
20 heard it, I was with another guy who never heard the
21 sound before and he thought it was an earthquake.
22 So back to the topic at hand. Sorry to get
23 sidetracked. So it has a ridge in the back, which one
24 rib slides and butts up against, you have a safety
25 disk, another tire with the rim, and then you have

Page 791

1 cleats. These cleats go, are little triangles with a
2 hole. They go over a stud, and then the small point of
3 the cleat attaches into the tire and holds and
4 compresses the tire so it's compressed between two
5 points: The back ridge and the cleat.
6 Now, you have to be very careful with these.
7 They're torqued to very specific value. And we've
8 actually had a lot of trouble, because at certain
9 points people would hurry trying to get this job done
10 quicker, and they didn't follow the specified torque
11 value. It was found that that was a bad idea, because
12 two things would happen: One, the threads on the bolt
13 would pull out, and so that's never a good thing
14 because the nut doesn't fit correctly on the bolt
15 anymore, and then two, we started wallowing out the
16 inside of the cleats and actually led to tires spinning
17 on the wheel because they weren't compressed well
18 enough, and it led to an entire whole incident where we
19 started ordering all new cleats, and it was a rather
20 expensive mistake to find.
21 Q. What tools do you use?
22 A. A lot, sir. There's a half-inch to use for
23 the hose, a half-inch open-ended wrench. You use an
24 impact, and I want to say that's -- I'm sorry, sir, I'm
25 trying to remember. I want to say it's a 1 1/4-inch,

Page 792

1 and generally speaking we use an impact to take them
2 off because the cleats, the nuts are on there pretty
3 heavily. So that's a three-quarter inch impact gun
4 that we use. And then you use a lift table because the
5 maintenance, the running surface is so much higher than
6 the maintenance platform that to actually take those
7 tires off, as I said, someone could probably do it. I
8 couldn't.
9 So you get the lift table up, you take off all
10 the nuts, you take off all the cleats, you take off the
11 hoses to the tire, and then you take the tire, two
12 techs take the tire, one on each side, lift it off,
13 bring it down, and then you got to roll it out, bring
14 the new tire in.
15 Now here's where the problem comes: As I
16 said, there's two tires on each hub. There's an inside
17 and an outside tire. If you're doing the inside tire,
18 it's even more of a process because you have to take
19 the outside tire off, the safety disk off, and then you
20 can get to the inside tire.
21 Regardless of which one you end up doing, you
22 have to disconnect both hoses because of the way the
23 system's set up. They run out into a bracket that
24 holds these tire pressure monitoring system that are
25 sensors, pressure sensors that tell you exactly how

Page 793

1 much pressure is in those tires. And the bracket's too
2 large to fit the rim over, so you have to remove the
3 bracket. That's another, I want to say 5-inch bolt
4 that you have to remove from either end of the bracket
5 in order to pull the bracket off.
6 Also, in order to get the tires up to the
7 maintenance platform, which is I want to say 8 foot
8 above the ground, you're not going to lift the tires up
9 there. It doesn't happen. So you need a forklift to
10 even get the tires up there.
11 It's a process. We have had several tires
12 blow out for various reasons, side wall splits are the
13 most common, where a tire will blow out. You have to
14 change it. You don't want to be running on one tire.
15 The system isn't meant to be running on one tire. So
16 any time it occurs, it requires significant downtime,
17 and minimum of two people. It was actually the
18 justification used by my current manager at the County
19 to require that there be two technicians at all times
20 to be able to change those tires.
21 Q. You mentioned your County job. Are you
22 performing the same functions for the County as you did
23 for Bombardier?
24 A. Well, sir, I've been promoted since I've been
25 with the County.

1 Q. Did you ever act as a tech for the County?
 2 A. Yes, sir.
 3 Q. Okay. And during that period, how did what
 4 your job duties were during that period compare to what
 5 they were at Bombardier?
 6 A. Well, sir, they were very similar.
 7 Q. Okay.
 8 A. The largest difference was in the attitude
 9 taken towards I would say the availability, sir. As I
 10 said, while we were under Bombardier, the availability
 11 was stressed as the single most important thing at the
 12 site. While we have been under County, and this is
 13 perhaps the best improvement at the site, availability
 14 is not stressed anywhere near as much.
 15 Q. Do you record your time for the County?
 16 A. Yes, sir.
 17 COMMISSIONER TOWLER: Are you saying the
 18 availability of the functioning --
 19 THE WITNESS: Of the system, sir. The
 20 availability is incredibly complicated for, I don't
 21 know why.
 22 COMMISSIONER TOWLER: I understand. I just
 23 wanted to make sure you're talking about the same
 24 thing.
 25 THE WITNESS: Yes.

1 MR. MOSS: You want to get home and get some
 2 sleep.
 3 BY MR. MOSS:
 4 Q. Do you record your time?
 5 A. Yes, sir.
 6 Q. Okay. And how do you record it?
 7 A. I, sir -- I record it only --
 8 Q. How do you record it?
 9 A. I don't record all of my time, sir.
 10 Q. How do you record it?
 11 A. I know, and when I do a rebuild, sir, I record
 12 the rebuild that I take. It doesn't actually record
 13 any of the time that is taken on that rebuild. The
 14 time that I do record in SIMS is times that are taken
 15 for downtimes, availability, the same way that we did
 16 before, when a train is down to when the train starts
 17 moving. I do not record actual man-hours worked.
 18 Q. Is there a system similar to SIMS?
 19 A. Sir, we still use SIMS.
 20 Q. You're still using SIMS?
 21 A. Yes, sir.
 22 Q. Okay. So you basically -- well, have you
 23 changed -- you indicated that you, when you were at
 24 Bombardier, you weren't too careful about following the
 25 codes and things. Are you more careful now with the

1 County?
 2 A. Sir, we do not record the SIMS times, as I
 3 referred to them, or as the codes is referred to them.
 4 They're not used.
 5 Q. The codes are not used?
 6 A. No, sir.
 7 Q. All right. Now, you mentioned, Mr. Kahn asked
 8 you if -- he gave you some work duties and asked you if
 9 you could make an estimate of what percentage of time
 10 you did doing X and what percentage of time you did
 11 doing Y, and I thought he said general recovery and,
 12 what else; do you recall? What's, what do you spend
 13 most of your time doing, what categories of work? You
 14 said 25 to 30 percent of X, and, which would leave 75
 15 to 70 percent of Y. What's X and what's Y?
 16 A. Sir, he -- and I am not reading his statement,
 17 sir, but if I recall, he asked me how much time I
 18 estimated was done doing rebuilds or repair work, and
 19 that was the 25 to 35 percent --
 20 Q. Okay.
 21 A. -- of my day.
 22 Q. Okay. Because it was not clear to me which of
 23 those you had said was the bigger number. Okay. All
 24 right. Now, you said that -- how much of your time did
 25 you spend working on the day shift?

1 A. Sir, I want to say that I went to day shift
 2 towards the end of 2008, but I'm not entirely sure,
 3 sir.
 4 Q. And then were you there the rest of the time?
 5 A. Yes, sir.
 6 Q. Now, I think you said it was on day shift when
 7 the night shift guys would take some broken parts off
 8 the train and bring them in and you would fix them
 9 during days?
 10 A. Yes, sir.
 11 Q. Okay. All right. And how much time did you
 12 spend doing that, do you think?
 13 A. Sir, that is what I believe I was asked
 14 earlier, and that was my answer was, those repairs,
 15 those combined with repairs on the train when it broke,
 16 only during day shift. I was referring to my day shift
 17 time in the 25 to 35 percent of my time I spent. It
 18 would be hard for me to split up the difference between
 19 repairs or time that I spent on the train. Generally
 20 speaking, though, more of that percentage time was
 21 spent doing repairs on parts taken off.
 22 Q. So you said general recovery and the dealing
 23 with those parts that were taken off the train. Okay.
 24 And you mentioned in a couple of places the term
 25 "rebuild." What's that?

Page 798

1 A. Sir, a rebuild is a repair that we do on a
 2 part that comes off, or a part that's not attached to a
 3 train at the moment. It's a particular part.
 4 Rebuild's -- should I walk you through a rebuild or any
 5 particular --
 6 Q. Just tell me generally what the concept, what
 7 is it?
 8 A. You take a part that's broken and you make it
 9 work again.
 10 Q. Okay. That's it. I understand. Okay. You
 11 mentioned you had, I think you called it a meeting with
 12 Melvin?
 13 A. Yes, sir.
 14 Q. That related something, somehow to SIMS and
 15 recording your time on SIMS?
 16 A. Yes, sir.
 17 Q. And I think you said that you characterized
 18 what he said as he stood up and said these are the
 19 codes you can use, and these are the codes you can't
 20 use; is that right?
 21 A. Sir, that meeting was at a particular time,
 22 and once again I'm not sure exactly when this happened.
 23 All the SIMS times, those codes as you refer to them
 24 changed. And so no one had any idea what to use
 25 anymore, because we had been familiar with the old

Page 799

1 codes. The new codes were something else. They did
 2 not match one for one at all.
 3 And so Melvin had a sheet of all -- I don't
 4 know if they were all. He had a sheet of codes, and he
 5 said, "These are the ones you can use," and there were
 6 ones that I believe they were in red, "Don't use these
 7 codes." And so those were the codes that we were
 8 allowed to use. I believe they were actually, those
 9 sheets were even posted on the wall in certain parts of
 10 the shop for a period of time.
 11 Q. Are you sure that you didn't have two meetings
 12 with Melvin on that subject?
 13 A. Sir, I am not sure of that.
 14 Q. Beside you or near you is a binder that has
 15 our exhibits in it. Would you grab it? Take a moment
 16 to look at this, please.
 17 Have you had a chance to get through it?
 18 A. Yes.
 19 Q. Have you ever seen this document before?
 20 A. Looks vaguely familiar, sir. I'm sure I have.
 21 Well, not in its entirety. I should say I haven't seen
 22 the front section.
 23 Q. Well, do you recall now having a meeting with
 24 Melvin in which he distributed this document?
 25 A. As I said, not in its entirety. If you're

Page 800

1 referring to this half.
 2 Q. He only gave you the first?
 3 A. I did not, at ever time get the e-mail, sir.
 4 Apparently I have a different document than you, sir.
 5 I have e-mail chain on front?
 6 Q. Well, which part of it do you recall seeing?
 7 A. As I said, the presentation, sir.
 8 Q. And does this refresh your memory about what
 9 the presentation was about?
 10 A. A little bit more, sir.
 11 Q. "Yes"?
 12 A. Yes, sir.
 13 Q. And was it in the meeting when this was being
 14 discussed that Melvin said there are certain codes
 15 you're supposed to use and certain ones you're not
 16 supposed to use?
 17 A. Actually, sir, I believe he said that before
 18 this meeting and after this meeting.
 19 Q. All right. Let's take them one at a time.
 20 When did he say it before the meeting?
 21 A. Well, sir, as the e-mail apparently came,
 22 says, we had a meeting before this one where we were
 23 told not to use certain codes because they were -- and
 24 I'm not 100 percent sure on this terminology, sir, but
 25 I believe he said some were chargeable and some were

Page 801

1 non-chargeable, and as I said, sir, I'm not 100 percent
 2 sure on the terminology.
 3 Q. So then you're saying in this meeting he
 4 continued to say there are some to use and some not to
 5 use?
 6 A. I'm saying, sir, after this meeting we
 7 identified certain codes that were duplicate codes.
 8 There were two sets, and I believe it turned into a
 9 slate issue. I believe it has to do mostly with this
 10 last page, sir. Some of these codes were duplicated in
 11 there where they had two different codes that were for
 12 the same thing, and we were told we were absolutely not
 13 allowed to use certain ones of those codes and other
 14 ones we were.
 15 Q. So don't use the duplicate ones?
 16 A. Well, as I said, sir, one set was of a
 17 particular function, I am not sure what they were for,
 18 but the other ones I was told were the ones that
 19 applied to us and not to use the other ones.
 20 MR. MOSS: That's all I have.
 21 COMMISSIONER TOWLER: Mr. Thomson?
 22 CROSS-EXAMINATION
 23 BY MR. THOMSON:
 24 Q. Sometime back, let's see if we can remember
 25 earlier testimony, you were talking about being out on

Page 802

1 the guideway with Truesdale's personnel?
 2 **A. Not just Truesdale, sir.**
 3 **Q. Who else?**
 4 **A. There were multiple different contractors. I**
 5 **believe it was either Sun City -- actually, I believe**
 6 **it was Sun City and Morse Electric.**
 7 **Q. And Morse Electric?**
 8 **A. Yes, sir.**
 9 **Q. I believe you said you were helping. What**
 10 **were you doing?**
 11 **A. Sir, at least the most, the easiest one for me**
 12 **to recall, sir, we had an issue, and I believe it was**
 13 **Morse Electric, but it may have been Sun City, where**
 14 **during -- sometime after the C system was upgraded,**
 15 **they had pulled new wires for the power feeds, and one**
 16 **of those wires had actually, was later determined to**
 17 **have had a defect in it where it shorted out to the**
 18 **conduit that it was running through.**
 19 **During that, me and another technician were**
 20 **the ones, or another technician and I were the ones**
 21 **that had identified where the problem was and why we**
 22 **were getting faults with our breakers. And so I helped**
 23 **him tear apart different parts in order to get to see**
 24 **and inspect the cable.**
 25 **Q. I've gone back and forth with all sorts of**

Page 803

1 activities. I'm going to try and ask a very short
 2 question.
 3 The activities that you describe that you do
 4 at work, are they essential to keeping the ATS system
 5 up and running?
 6 **A. Sir, it's hard to say everything is, but a lot**
 7 **of the things are, sir.**
 8 **Q. Perhaps the test doors you do don't have a**
 9 **direct relationship, but in terms of the PM that you do**
 10 **and the CM, you're going out and doing recovery of the**
 11 **cars, would you say that they're all essential to keep**
 12 **the ATS system up and running?**
 13 **A. Yes, sir. A lot of the work, a lot of the**
 14 **work we do is extremely essential to keeping the system**
 15 **running. It's -- it becomes very evident when the**
 16 **system isn't running. The airport takes notice. In**
 17 **fact, the system wasn't running here a few weeks back**
 18 **and the entire nation took notice that this system**
 19 **wasn't running.**
 20 **MR. THOMSON: Yes. I was hiking with a guy**
 21 **who had to buy a whole new suit in Sweden, very**
 22 **important business deal. No further questions.**
 23 **MR. KAHN: Nothing further.**
 24 **///**
 25 **///**

Page 804

EXAMINATION

1
 2 BY COMMISSIONER TOWLER:
 3 **Q. I have a couple of quick questions. You**
 4 **testified that if your time clock was not correct, you**
 5 **were asked to come back in. Do you remember testifying**
 6 **to that?**
 7 **A. Yes.**
 8 **Q. To correct the time sheet? When you did come**
 9 **back in to work to correct the time sheet, were you**
 10 **paid?**
 11 **A. No, sir.**
 12 **Q. You testified also, I believe, that you were**
 13 **told that if you didn't want to get paid, then don't**
 14 **correct the time sheet; is that correct?**
 15 **A. Yes. Sir, can I clarify that?**
 16 **Q. Yes, please do. Just quickly.**
 17 **A. By that I mean, I would get paid on the next**
 18 **pay cycle because it wouldn't go through the system.**
 19 **So if I wanted to get paid on time I should have said.**
 20 **I'm sorry.**
 21 COMMISSIONER TOWLER: That's fine. I just
 22 want to clarify that for me. Thank you. You may go.
 23 THE WITNESS: Thank you, sir.
 24 COMMISSIONER TOWLER: Thank you. Let's go off
 25 the record.

Page 805

1 (Discussion off the record.)
 2 COMMISSIONER TOWLER: All right, we're back on
 3 the record. Union can call their next witness.
 4 MR. KAHN: Union calls Dan Safbom.
 5 Whereupon,
 6 DANIEL SAFBOM,
 7 having been first duly sworn to testify to the truth,
 8 the whole truth and nothing but the truth, was examined
 9 and testified as follows:
 10
 11 COMMISSIONER TOWLER: All right. Please state
 12 your name and spell your last name for the record.
 13 THE WITNESS: My name is Daniel Safbom. My
 14 last name is spelled S-A-F-B-O-M.
 15 DIRECT EXAMINATION
 16 BY MR. KAHN:
 17 **Q. Dan, are you employed as an ATS tech at the**
 18 **County airport?**
 19 **A. Yes.**
 20 **Q. And how long have you worked there?**
 21 **A. About 14 months.**
 22 **Q. And prior to that, how were you employed?**
 23 **A. I was, prior to that I was an elevator**
 24 **mechanic.**
 25 **Q. And in, say, that last five or six years of**

Page 806

1 your employment as an elevator mechanic, did you do any
 2 construction work?
 3 **A. No. I was in service department.**
 4 Q. And did you work on elevators, escalators and
 5 moving walkways during that time period?
 6 **A. Elevators and escalators.**
 7 Q. Did you provide a written statement in this
 8 matter?
 9 **A. Yes, I did.**
 10 Q. Could you turn to the book in front of you?
 11 Look at Tab 17. Is that a copy of your written
 12 statement?
 13 **A. Yes, it is.**
 14 Q. Are the contents of the statement true and
 15 correct?
 16 **A. Yes.**
 17 MR. KAHN: Your witness.
 18 MR. TRIMMER: Are you done?
 19 MR. KAHN: Yes. Trying to get everyone out of
 20 here at a reasonable hour.
 21 CROSS-EXAMINATION
 22 BY MR. TRIMMER:
 23 Q. Mr. Saffrom, looking at your declaration, it
 24 says you used mostly the same tools, mostly wrenches,
 25 ratchets and meters?

Page 807

1 **A. Yes.**
 2 Q. Do you see that?
 3 **A. Um-hum.**
 4 Q. And that's the basis for your conclusion that
 5 you use mostly the same tools?
 6 **A. Yes.**
 7 Q. And it's true that you never worked for
 8 Bombardier, isn't it?
 9 **A. Yes. That's true.**
 10 Q. And do you recall being interviewed by a
 11 person named Kevin Murphy?
 12 **A. No, I don't.**
 13 Q. You don't recall meeting with some kind of
 14 expert at the Union hall?
 15 **A. Oh, yes, I do. Yes, I do. Yeah.**
 16 Q. And do you recall where the meeting took
 17 place?
 18 **A. Yeah. It was at our Union hall over on Spring**
 19 **Mountain.**
 20 Q. Where in the Union hall?
 21 **A. It was, it was in an office. Me and two other**
 22 **gentlemen were in front of a desk.**
 23 Q. You and who?
 24 **A. Me and two other gentlemen.**
 25 Q. Do you remember who they were?

Page 808

1 **A. Yeah, Vern McClain and Ken -- Ken. I'm**
 2 **drawing a blank on his last name right now.**
 3 Q. Those were the only two people there?
 4 **A. Yes -- oh, let me see. Oh, and Matt**
 5 **McCullough, I think he was there also.**
 6 Q. And when Dr. Murphy interviewed you, were you
 7 all together?
 8 **A. Yes. He didn't -- yeah.**
 9 Q. Did he ask you individual questions or group
 10 questions?
 11 **A. He asked me individual questions that related**
 12 **to the elevator industry, I believe.**
 13 Q. I know, but did other people jump in and talk
 14 when there's a question asked?
 15 **A. There was -- there might have been. Yeah.**
 16 Q. Was a group dialogue; is that fair to say?
 17 **A. No. I wouldn't say it was group dialogue. I**
 18 **would -- I would say he said -- he kind of went through**
 19 **what we were doing there, then he handed out**
 20 **questionnaires to each of us, and then he kind of**
 21 **talked and let us fill out a document.**
 22 Q. What did he say was the purpose of the
 23 interview?
 24 **A. He really didn't.**
 25 Q. You said he told you what you were doing

Page 809

1 there.
 2 **A. Right.**
 3 Q. What did he say?
 4 **A. You know, I don't even really recall at this**
 5 **point. It was, it was -- I knew what it was related**
 6 **to, which was he was some sort of an occupational**
 7 **expert, and that's all I can tell you, really. It's**
 8 **been a while.**
 9 Q. How did you know what it was related to?
 10 **A. Do you mean -- I'm not sure I understand the**
 11 **question.**
 12 Q. Well, you said you knew what it was related
 13 to, what the purpose of the interview was. Did you
 14 know it was related to this litigation?
 15 **A. Yeah. I'm sure I did.**
 16 Q. Who told you that?
 17 **A. I have no idea. It was kind of common**
 18 **knowledge.**
 19 Q. Do you know how you came to be selected to
 20 participate?
 21 **A. Yeah. I think Bill asked me to come down to**
 22 **the Union hall.**
 23 Q. How did you come to be hired at the airport?
 24 **A. I filled out an application online.**
 25 Q. How did you become aware of the opening?

Page 810

1 **A. An e-mail from the Union hall.**
 2 Q. I want you to turn to the Bombardier folder in
 3 front of you or at your side, Bombardier Exhibit 18.
 4 **A. Okay.**
 5 Q. Okay. And I don't know how to say this any
 6 better: If you start at the back and work your way
 7 forward about 15 pages, it will be the beginning of the
 8 document that I believe is your interview
 9 questionnaire.
 10 MR. KAHN: Well said.
 11 BY MR. TRIMMER:
 12 Q. Do you see that?
 13 **A. Take out my glasses here.**
 14 Q. Oh, sure.
 15 MR. KAHN: Do you mind if I help the witness?
 16 COMMISSIONER TOWLER: That's fine, go ahead.
 17 He's just helping him, for the record, find the correct
 18 page. There you go.
 19 BY MR. TRIMMER:
 20 Q. Do you recognize this as your handwriting, I
 21 guess?
 22 **A. Oh, yeah.**
 23 Q. Now, the first thing I want you to look at is
 24 Question No. 5 and it says, "How does work differ from
 25 person to person? Are there different assignments?"

Page 811

1 Do you see that?
 2 **A. Yeah.**
 3 Q. And your answer was, "Days different from
 4 nights, and days is train monitoring and recovery?"
 5 **A. Correct. Yeah.**
 6 Q. Okay. And then I see your answer to No. 6,
 7 "How long does it take people to learn this job," you
 8 say "Years." Do you see that?
 9 **A. Yes.**
 10 Q. How long had you been employed at the airport
 11 at the time you completed this questionnaire?
 12 **A. I think probably two or three months.**
 13 Q. Did you feel like you were able to complete
 14 some of the work there already?
 15 **A. Yeah.**
 16 Q. Yeah?
 17 **A. Yeah.**
 18 Q. Now, No. 7, "What training is required to do
 19 this job?" I see, "Mechanical, automotive, electrical,
 20 industrial and low voltage, electronics, computer,
 21 communications." Do you see that?
 22 **A. Yes.**
 23 Q. Those are what you thought was relevant?
 24 **A. Yeah.**
 25 Q. And go to the next page.

Page 812

1 **A. Um-hum.**
 2 Q. And No. 8, "What tools do you use regularly";
 3 do you see that?
 4 **A. Yeah.**
 5 Q. Are those the tools you use most of the time?
 6 **A. Yeah.**
 7 Q. Okay. And No. 11A, it says, "What tasks would
 8 you perform at these locations?" Do you see that?
 9 **A. Yes.**
 10 Q. Did you fill this out yourself?
 11 **A. Yes.**
 12 Q. And this was your best description of what the
 13 duties were?
 14 **A. Yes.**
 15 Q. You filled this out in your own words?
 16 **A. Um-hum.**
 17 Q. How about 11B, you filled that out in your own
 18 words, too?
 19 **A. Yes.**
 20 Q. Did you do your best to be fully accurate when
 21 you completed this?
 22 **A. Yeah.**
 23 Q. So you think this is your best answer to these
 24 questions?
 25 **A. Yeah.**

Page 813

1 Q. Okay. I'd like you to turn -- there's a Union
 2 book in front of you -- Exhibit 13. Now, I believe
 3 that's supposed to consist of a five-page tool list.
 4 **A. Okay.**
 5 Q. Do you see that?
 6 **A. Um-hum.**
 7 Q. And have you seen this tool list before?
 8 **A. No.**
 9 Q. You haven't?
 10 **A. No.**
 11 Q. Would you take a few minutes to go through it
 12 and just tell me if you think this accurately describes
 13 the tools you use?
 14 **A. I think this is just a little bit more**
 15 **extensive than what we would normally use. But, yeah,**
 16 **it accurately describes it, I would say.**
 17 Q. In what way? What do you think is something
 18 you don't normally use?
 19 **A. For instance, in the electrical and electronic**
 20 **testing equipment, I haven't used an oscilloscope. I**
 21 **personally haven't used a graphical multi-meter, or a**
 22 **multi-wave form generator.**
 23 Q. Anything else?
 24 **A. As far as the measuring tools, I've used the**
 25 **calipers, micrometers, but as far as carpenter squares**

Page 814

1 and 48-inch levels and that sort of thing, as far as on
 2 the train, no.
 3 Q. Anything else you can think of that sticks
 4 out?
 5 A. No. Not really.
 6 Q. What's an oscilloscope?
 7 A. An oscilloscope? Well, an oscilloscope is for
 8 measuring voltage. Gives you graphical representation
 9 of what's going on in an electrical circuit.
 10 Q. And was that something that was important for
 11 your work as an elevator constructor?
 12 A. Actually, no. Not on the level I was at. As
 13 a serviceman I typically wouldn't get that involved.
 14 Normally a problem that I would work on could
 15 be fixed in two hours or less. If it was more
 16 extensive than that, it would be handed off to maybe an
 17 adjustor or somebody that did have tools like this.
 18 Q. What's an adjustor?
 19 A. An adjustor is -- he is a -- well, he is the
 20 man that goes on a construction site, gets the
 21 elevators ready for normal operation, so he goes
 22 through all the electronics, gets the elevator balanced
 23 properly, gets it running for automatic operation, and
 24 then he hands that elevator, and the construction
 25 department hands that elevator off to the service

Page 815

1 department, and then we go ahead and maintain them from
 2 that point.
 3 Q. I see. Now I want you to go back to your
 4 questionnaire.
 5 A. Okay.
 6 COMMISSIONER TOWLER: Exhibit 18.
 7 MR. TRIMMER: Yes.
 8 COMMISSIONER TOWLER: About 15 pages from the
 9 back.
 10 MR. TRIMMER: I guess I would ask that Union
 11 Exhibit 13 be admitted as a list.
 12 MR. KAHN: No objection.
 13 COMMISSIONER TOWLER: All right, Union
 14 Exhibit 13 is admitted.
 15 (Exhibit U 13 admitted)
 16 MR. TRIMMER: I'm not sure what weight you're
 17 going to give it, but I'd like it to be in the record
 18 because he was looking at it.
 19 MR. KAHN: And I admitted one of yours, so
 20 it's only fair.
 21 MR. TRIMMER: And I know that Bombardier 18 is
 22 already in.
 23 BY MR. TRIMMER:
 24 Q. On page 2 of your questionnaire, Mr. Safbom,
 25 at 11A, I notice that you don't mention doing any

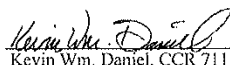
Page 816

1 repair work.
 2 A. Okay. I'm having trouble finding it. Here we
 3 go. 11A?
 4 Q. Yes. I notice that you didn't mention doing
 5 any repair work there. Is that not a primary focus of
 6 your job?
 7 A. Oh, as far as the job I'm in now?
 8 Q. Yes.
 9 A. Actually, I do believe it is. I'm not sure
 10 why I wouldn't have mentioned it, except I guess I just
 11 wouldn't specifically have mentioned it as repair. But
 12 I guess --
 13 Q. Tell me which one of those would be repair
 14 then.
 15 A. Yeah, I just, I just didn't mention it. It's
 16 something I overlooked.
 17 Q. It's what?
 18 A. It's -- I didn't mention repair, but in
 19 hindsight I guess I should have.
 20 Q. Well, why should you have? I mean, didn't you
 21 do your best to --
 22 A. Well, I wrote maintenance, but repairs can be
 23 like something's broke, has to be changed out. If they
 24 have to bring a train down and it has to sit down for a
 25 period, you have to change out, let's say a leveling

Page 817

1 valve or something of that nature, well, that would be
 2 a repair and I just -- I didn't -- I guess I just
 3 didn't think of it. For one thing -- well, that's it.
 4 I just didn't think of it.
 5 Q. In your declaration, you said that you --
 6 there's fellow elevator repairmen, and you've learned
 7 the ATS job faster than many of the other new hires.
 8 Do you recall saying that, in your declaration, I mean?
 9 A. Yeah. It's -- I -- that's not my style to
 10 even say something like that, so I mean, I take pride
 11 in my work so I try to accelerate any learning process
 12 I'm involved in. So -- but as far as me being better
 13 than anybody else, I can't imagine. If it came across
 14 like that, I didn't mean it, though.
 15 Q. Did you draft this?
 16 A. Where we at now?
 17 Q. This declaration that's attached as --
 18 A. Can you read the statement to what --
 19 Q. I don't know. I just -- this is the
 20 declaration that you looked at at the beginning of your
 21 testimony with Mr. Kahn, Union Exhibit 17.
 22 A. Well, I would say that's accurate. I mean, I
 23 mean --
 24 Q. You personally prepared this?
 25 A. Yes. Absolutely.

1 Q. You wrote this whole thing?
 2 A. Yes.
 3 Q. Who are the other fellow elevator repairmen
 4 you're referencing?
 5 A. There was a gentleman named Scott Hoffrichter.
 6 He no longer works with us. He's back working
 7 elevators, and Bill Maier.
 8 Q. And do you know how they learned of the job
 9 openings at McCarran Airport?
 10 A. I have no idea.
 11 Q. They weren't copied on the same e-mail that
 12 you received?
 13 A. No. It was -- no.
 14 Q. You don't know?
 15 A. As far as I know. I don't know.
 16 MR. TRIMMER: Okay. No further questions.
 17 COMMISSIONER TOWLER: Mr. Thomson?
 18 MR. THOMSON: No questions.
 19 MR. KAHN: None, thank you.
 20 COMMISSIONER TOWLER: All right. With that
 21 you're free to go. With that, let's go off the record.
 22 (Proceedings recessed at 5:37 p.m.)
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2 STATE OF NEVADA)
 3) ss
 4 COUNTY OF CLARK)
 5 I, Kevin Wm. Daniel, a duly certified court
 6 reporter licensed in and for the State of Nevada, do
 7 hereby certify:
 8 That I reported the proceedings at the time and
 9 place aforesaid;
 10 That prior to being examined, any witnesses were
 11 duly sworn or affirmed to testify to the truth, the
 12 whole truth, and nothing but the truth;
 13 That I thereafter transcribed my shorthand notes
 14 into typewriting and that the typewritten transcript of
 15 said proceedings is a complete, true and accurate
 16 record of testimony provided by any witnesses at said
 17 time to the best of my ability.
 18 I further certify that I am not a relative,
 19 employee or independent contractor of counsel of any of
 20 the parties; nor a relative, employee or independent
 21 contractor of the parties involved in said action; nor
 22 a person financially interested in the action; nor do I
 23 have any other relationship with any of the parties or
 24 with counsel of any of the parties involved in the
 25 action that may reasonably cause my impartiality to be
 questioned.
 IN WITNESS WHEREOF, I have hereunto set my hand
 in the County of Clark, State of Nevada, this 8th day
 of July, 2013.

 Kevin Wm. Daniel, CCR 711, RDR, CRR

A	701:19,21,22	administrator	571:11 577:22	583:22 667:6
Aaron 588:22 710:3	702:19,21 706:10	576:11 627:2	587:4 599:1 601:5	allowable 578:24
711:11,13	712:7 812:20	631:4,6 697:12,17	606:1,5 611:5	allowed 528:10
abilities 523:18	817:22 819:11	697:22 699:17	669:25 700:15	575:7 611:23
524:17 525:8,10	accurately 576:15	778:25	713:3 717:11	662:15 718:5,5,5
525:12,23 532:16	579:10 699:13	admissible 657:3	720:9 779:2	763:2,2 789:13
534:11,12 535:11	701:5 704:2	admission 589:22	810:16 815:1	799:8 801:13
562:7 563:21	705:25 786:11	610:25 619:23	aid 610:8 612:11,16	allowing 577:14
570:1	813:12,16	620:22	613:13 614:22	586:24
ability 567:14 738:2	ACC5 735:12	admit 590:9,13	621:4	allows 549:1
819:12	acknowledge 612:3	591:8,8 597:13	air 588:18,19,24	alter 707:6,6
able 546:24 551:11	act 794:1	611:9,24 612:10	597:24 598:15	alteration 585:1
554:8 572:9	acted 623:24 624:22	612:25 620:7	599:4 635:20	altered 707:7
583:10 584:8,11	action 579:1,2	621:4 644:15	685:24 686:2,5	alternative 536:4
594:25 597:18	647:20 819:14,15	645:14 731:18	735:14 749:16	alternatives 566:20
598:6 600:5	819:16	admitted 530:14	750:7,8	altogether 525:12
604:16 613:9	actions 591:22	553:19 555:7,10	aircraft 573:12	America 625:18
626:8,24,24	740:3	555:14 570:7,12	airport 536:18,21	American 523:7
720:21 733:7	active 771:11	591:10 611:13	537:7,14,16	526:7
758:4,12 761:1,12	actively 757:8	614:20 620:9	538:21 559:5	amount 621:15
761:16 766:11	activities 523:17	621:11 641:22	569:13 571:15,16	666:19 675:11
793:20 811:13	580:1 585:16	815:11,14,15,19	575:1 643:10	695:23 696:7
absolutely 546:19	587:13 589:1	admitting 590:21	644:5,6 668:12	706:4 752:16,20
548:13 565:14	617:11,15,16,18	591:2 611:12	686:24 687:13,23	752:22 761:17,17
610:12 747:4	617:19 671:1	admonished 738:18	688:1,18 689:11	762:12 784:25
755:1,13,18,24	709:6,12 711:14	advanced 582:14	690:17 691:10,24	785:8 786:8,10
756:23 757:25	712:16 737:14	advertised 572:22	692:3,25 693:2	amounts 728:19
758:11,18 759:7	746:9 803:1,3	advertising 572:23	694:5 729:12	AM/PM 601:15
760:9 783:10	actual 573:16	advise 587:6	745:5 803:16	analogy 592:14,18
801:12 817:25	578:24 607:13	advised 750:16	805:18 809:23	723:14
abuse 701:23	611:22 642:10	affect 754:18 756:16	811:10 818:9	analysis 521:14,19
AC 759:2	742:25 765:16	779:9 783:12	air-conditioner	522:4 526:1
accelerate 817:11	768:22 769:5	affiliate 521:10	735:16	542:13 547:8
accent 625:16	770:25 785:2	affirmed 819:8	air-conditioners	548:22 552:12,23
accept 781:7	788:13 795:17	aforsaid 819:7	735:15	562:19 563:8
accepted 563:9	actuators 765:14	agencies 572:1	air-conditioning	564:1,2 565:5,7,9
access 583:7,10	add 579:3,22 691:6	agency 571:23,24	595:15 639:22	565:15 582:20
634:18,18,25	added 599:9 707:9	779:14 783:12	ajk@dcbsf.com	analytic 523:15
635:2,24 636:9,14	707:13	aging 623:7	515:13	ANDREW 515:10
636:14,18,20,23	addition 611:10	ago 559:8 579:9	alarm 601:15,16	Andy 638:6 675:21
637:2,4,6,8,10	620:24 749:23	607:24 637:13	602:1 648:1,4	angles 621:23
692:22 716:5	additional 528:14	739:16 749:8	650:7,7 652:11,12	answer 554:16,23
accessed 643:22	608:21 669:4,7,8	779:11 781:6	656:22 666:10,18	564:19 565:9
accidentally 660:8	736:21 750:12	782:12,14	666:22,22 667:21	575:21 624:11,12
accomplish 751:23	address 612:15	agree 642:22 683:6	725:1,13,20,22,22	624:19,25 626:24
752:12	addressed 528:24	683:8 728:22	726:1,2,10 730:17	634:1 645:20
account 578:15,24	adhesive 733:17	742:16	739:6 743:11	681:11,12 694:13
614:5 697:24,25	adjusting 606:13,18	agreed 529:8 594:12	760:8 761:5	721:7 722:15
741:4 747:6	607:7 719:15	696:2 742:17	alarms 602:10,14	723:3,5 733:7
789:23	adjustment 718:21	743:1 789:24	612:5 652:3	748:1 767:13,14
accounted 712:17	718:22	agreeing 683:15	656:15 666:16	773:1,3 797:14
accounting 578:6	adjustments 718:21	agreement 527:3	730:14 760:4,5,8	811:3,6 812:23
accuracy 589:19	adjustor 814:17,18	529:5,9 569:16	771:25	answered 552:5
accurate 532:19	814:19	575:5	Albert 516:3	674:2 719:8 725:5
589:21 602:5	administration	agreements 569:22	alignment 592:15	747:2
612:22 662:23	627:3,5 697:19	583:18	allegation 671:19	answering 543:16
663:17 664:22	administrative	Ah 690:23	allow 528:18 529:15	answers 544:18
699:9 701:8,9,12	756:6 779:1	ahead 527:15	547:11 548:25	550:16 632:9

antenna 629:15 765:15	appropriately 585:14 620:15 743:8	aspect 682:8 aspects 523:21 611:3 627:4 659:3	798:2 817:17 attaches 785:11 791:3	785:18 axle 621:21 789:7 axles 752:20
anticipate 527:6	approved 789:12	assemble 546:1,12	attain 750:12	Ayers 579:17 580:4 580:9 698:4 699:2 701:4 703:20 714:24
anti-chafing 735:13	approximately 535:13,14 619:11	assembling 545:1,5	attained 680:13	A-N-A-S 748:22
anti-shaking 735:19	627:8 629:8	assembly 546:3 621:19 684:13	attempt 731:17	A-1 515:11
anybody 573:3	687:15 731:19	assess 573:18	attention 553:2 555:24 581:22	a.m 514:17
662:2 698:14	April 663:14 664:24 664:24	assessment 613:4 743:14	attitude 794:8	
708:6 741:20	arc 758:22,22	assigned 599:25 600:1 601:17	Attorney 515:16,22 515:22	B
781:21 817:13	759:12,12,13	assigning 741:3	attributable 670:24	B 519:3,4,5,6 555:7 555:14 570:12
anymore 791:15	arcing 758:23	assignments 810:25	attribute 777:21	655:8 656:4 663:3 742:12 748:21
798:25	area 521:17 536:21	assist 541:22,24	attributed 674:16	babysitting 729:7
anyplace 633:4	538:11 714:2	627:17 628:15	Audra 516:1	back 536:21 537:7 537:15 538:7,13 544:12 546:25 569:3 570:21 572:5 581:2 596:11,21 597:22 597:22 599:14 600:11,22,22 603:3 604:5 609:15 614:25 615:18 622:25 624:12 630:23 637:18 639:5,7 648:5 651:1 653:3 659:18 661:17 664:8,9 666:9 671:18 673:17 680:8,19 692:23 695:15 701:21 716:2,21 717:6 720:15 721:4 727:4 729:14,18 729:24 730:18 731:2 732:8 733:6 733:17,17 734:3,8 736:5 742:13 743:12,19 748:10 754:14 757:21 759:9 761:6 762:3 762:10 764:11 774:20 782:20 786:15 789:17 790:9,16,22,23 791:5 801:24 802:25 803:17 804:5,9 805:2 810:6 815:3,9 818:6
anytime 776:2	731:20 763:16 778:22	678:1 680:5 697:18 746:7	August 631:7 780:8 780:11,22 782:19	
anyway 671:7	areas 779:5	697:18 746:7	authenticates 583:14	
apart 547:10 719:18	argument 529:23 591:1	assistance 627:23	author 556:21	
719:20,21 730:23	argumentative 667:4	assistant 516:1 756:6 779:1	authority 553:8 701:7	
731:1 732:19	arguments 529:15 529:19,20 614:17	assisted 711:11 746:2	authority-type 699:6	
802:23	arm 659:3,5	assisting 542:2	authorized 628:3	
APM 557:6 560:13	articles 557:16,18 558:9,10 559:9,12 570:7	associated 593:22 643:5,6 687:10 733:16 765:6	auto 746:17,19 769:14	
697:14 789:16	ASCE 553:7,10,20 554:9,16 566:1,11	associates 572:9,20	automated 526:6 532:21 553:8 556:5 557:20 560:10 566:2 692:16,20	
APMs 553:9 566:7	ascertain 529:17 577:11,21 613:10 621:8 738:13	assume 543:6 557:24 559:21 596:19 677:5 702:19 731:9	automobile 526:6	
apologize 542:23	ascertaining 610:9 612:11,17	assuming 561:7 664:14 680:7	automobiles 766:24	
596:22 600:19	ascertainment 614:23 621:5	ATC 686:22	automotive 811:19	
615:12	asked 523:16 527:20 530:21 542:3 546:19,23,24 547:23 549:25 550:5 551:10 552:10 560:6 562:9 582:15 587:25 634:7,15 640:4 646:24 647:2 651:14 681:14 716:7 747:1,16 784:10 788:15 796:7,8,17 797:13 804:5 808:11,14 809:21	733:16 765:6	availability 650:8 650:14 666:13 714:23 722:12 736:7 762:18 794:9,10,13,18,20 795:15	
apparently 553:25	ask 546:25	associates 572:9,20	available 568:19 579:5,6 582:12 584:10 602:17 629:18 702:13,14 733:10,11,12,13	
645:8 706:12,14		assume 543:6	Avenue 515:23	
742:16 751:16		557:24 559:21	average 718:6,10 757:18	
764:19 789:23		596:19 677:5	aviation 573:13	
800:4,21		702:19 731:9	aware 564:6,11 566:23 569:12,15 569:17 626:15 740:3,20 744:25 745:2 809:25	
appear 526:19		assumed 561:7	awful 766:14,15 784:23	
APPEARANCES		664:14 680:7	awkward 784:23	
515:1		ATC 686:22		
appeared 698:14		atmospheric 562:12		
appears 541:7 605:7 617:14		atomic 562:13,18,24		
application 809:24		ATS 522:24 523:16 524:23 525:10,24 534:4,15,22 535:12,19,24 536:11 538:11 540:5,10 541:12 542:3,12 543:18 544:7 548:1 549:9 559:1 561:25 565:19 566:12 569:13,20 573:24 621:14 627:14,17 628:10,13,25 629:18 630:8 664:17,18 686:17 707:15 722:1 737:15 749:1,11 773:20 776:19 803:4,12 805:17 817:7		
applications 562:11 562:23		attached 790:4,7		
applied 572:10				
603:13 628:6				
646:22 647:7,11				
655:6,7 682:14				
742:2 801:19				
apply 681:3 719:9 740:25				
apprenticeship 564:21,23 568:3,7 568:8,16,19				
apprenticeships 568:11				
appropriate 522:24 524:22 528:12 533:14 540:15 548:22 556:3,13 563:6 587:9 595:10 598:25 600:2 601:11 730:25 732:4				

716:4	bearing 603:10	666:15 696:25	790:5	brake 585:5,13,17
backup 580:21	659:4	743:3 745:6,12	Bombardier 514:6	586:8 588:11
581:11	bearings 596:7	748:1 786:12,13	519:2 520:7 528:8	593:5 606:8,9,13
bad 594:11 603:17	774:16,17	790:15 794:13	541:1 553:3 555:5	607:4,5,6,16 608:1
679:21 685:5	becoming 739:24	812:12,20,23	555:12 558:7	608:9,10,11
703:20 760:23	beginning 579:7,8	816:21 819:12	564:12 566:9	630:15 646:21,22
791:11	597:23 601:5,8	better 542:14 548:5	570:10 571:18,20	646:23 647:10,11
badge 537:6,10,13	605:10 622:19	565:21 566:19	572:1,14,24 574:5	647:12 705:9
badged 536:22	716:18,20 760:4	578:1 591:7 622:6	575:8 594:23	711:22,25 720:3,9
badges 635:2	774:24 786:10	625:5,6 665:3	599:11,12 602:6	720:10,12 721:5
baggage 537:19	810:7 817:20	688:7 706:7	616:6 623:12,22	785:9
balanced 814:22	begins 600:15,21	734:24 741:18	624:20 626:6	brakes 606:13 607:3
balancing 578:23	653:18	750:17 759:4	632:5 633:18,22	607:5 653:23
Banas 517:15	behavior 545:17	782:15 810:6	634:7,16 638:4	654:10,10,11,12
579:24,25 580:4	549:10	817:12	640:5,23,25 641:5	654:14,25 655:3,5
580:11 673:25	belief 700:7,17	beyond 641:6,14	643:7,9,11,13,19	655:6,7,9 719:22
714:13 748:12,14	believe 523:3 533:10	bias 566:24 567:2	643:20 644:5,5,16	719:23,23 721:16
748:21,25 764:15	537:3,23 539:11	big 540:13,16	655:23 660:16,17	721:18 722:23,25
bank 630:14	542:7 545:12,15	561:18 572:7	664:17 666:13	723:3,4
barely 629:14	549:24 554:7,9,24	595:4,14 639:21	669:16 680:16	brand 623:5
bars 632:19	555:18 556:2	640:16,23 641:4,4	721:22 722:17,23	brands 637:7
based 524:4 531:13	557:10 558:16	641:12 662:17	745:6,7,11 746:25	breach 654:1,2
539:20 567:16	561:24 566:22	752:13,14,24,25	749:9 750:11,20	break 570:19
569:18 572:8	567:8 568:11	768:20	751:22 765:23	630:18 643:6
590:10 594:3	569:17 581:19	bigger 753:1 796:23	773:20 780:3,3,4,7	650:21 717:2
596:5 599:25	584:9 598:14	biggest 561:20	780:15 781:2	750:17 752:8
601:19 606:25	602:4 604:11,13	bill 638:6 745:13	782:24 783:13	764:6 773:14
607:10 610:19	604:23 609:2	809:21 818:7	793:23 794:5,10	breaker 632:19
611:14 619:6,7	612:10,16,22,25	billing 623:20	795:24 807:8	726:8,12
638:3 639:1 644:3	613:17,23,25	624:17	810:2,3 815:21	breakers 802:22
650:1 672:18	614:2 619:9 621:7	bills 643:2	Bombardier's	breaking 623:8
675:15,17,17	624:10,11 626:22	binder 669:21	531:23 606:22	683:5 757:14
703:13 710:10,16	638:4,6,21 673:13	799:14	722:11,12 741:14	breaks 723:17,17
713:22 717:18	683:10 705:20	bit 701:20 719:17,17	Bombardier-sup...	774:18
718:1 741:9,23	714:6 724:6	729:2 744:11	640:15	Breezing 653:1
743:17,24 748:7	731:19,24 735:8	750:21,22 766:23	Bombardier/IUEC	Brian 671:17
762:18 789:2	739:23 740:3	800:10 813:14	522:10	brief 529:8 551:5
basic 648:8,16	741:10,11 743:16	blank 659:16 808:2	book 526:16 531:22	630:18 734:4
basically 574:4	755:16 760:1	blanking 537:2	540:25 580:19	735:24
595:1 609:5	779:13 780:8	blast 758:22 759:12	581:2 591:12	briefly 524:8
623:24 624:3,21	787:20 797:13	blew 679:13	608:11 628:5	briefs 529:21
624:25 632:20	799:6,8 800:17,25	blind 693:18 736:16	633:12 688:13	bring 590:4 591:6
641:11 647:25	801:8,9 802:5,5,9	block 586:17 703:14	806:10 813:2	792:13,13 797:8
655:10 695:8	802:12 804:12	blocked 725:10	booklet 614:25	816:24
719:15 735:20,22	808:12 810:8	blow 793:12,13	boss 766:6 767:14	bringing 613:12
735:24 795:22	813:2 816:9	blowing 679:15	767:15	broader 521:21
basis 525:4 532:17	believed 698:10	blowout 790:12	bottom 557:13	526:6
533:22 551:17	699:9 700:9	blunt 708:8	595:6 639:24,25	broke 591:25 606:8
560:8 563:14	believes 545:20	board 573:15 751:7	641:13 696:21,22	685:5 693:16
566:17 594:7	556:22 562:21	768:16	710:20 715:23	727:6,10 747:10
636:25 689:14	belong 745:8	boards 767:6 776:20	719:25 731:4	747:11 757:1
700:7,17 705:22	belonged 740:21	body 621:20	744:10	772:20 797:15
713:21 714:3,5	best 534:17 538:10	bogie 621:18,21	box 515:17 617:10	816:23
715:15 736:18	539:17 563:10	623:16	684:12,18 719:25	broken 578:17
737:4 745:10	566:14 583:21	bogies 623:10,11	boy 748:22	603:18 623:4
807:4	597:8 599:23	bolt 791:12,14 793:3	bracket 792:23	721:21 722:7
beam 629:4,5,9,17	604:16 611:14	bolts 606:13,18	793:3,4,5	772:18 773:7
beam's 629:11	634:1 642:18	607:7 622:5 790:5	bracket's 793:1	797:7 798:8

brought 623:23 624:1,20,24 696:5 brush 695:24 696:8 696:21,21,22,22 744:6,10,10 brushes 696:10,14 744:4 build 771:18 built 751:7 767:23 768:3,3,24 770:24 771:5,14 bump 629:20 bumping 629:19 bunch 558:20 667:2 753:4 764:19 burning 722:19 business 602:5 743:19 803:22 button 695:2,11 buttons 687:3 695:3 695:4 butts 790:24 buy 594:15 803:21	687:24 688:25 726:1 787:20 790:17 798:11 calling 676:7 747:22 calls 520:10 570:23 648:1 805:4 caps 629:20 car 561:14 585:6 588:17 659:4,4,6 667:7 678:9 685:25 686:5 711:16 714:20 729:18 735:14,15 753:2 759:1 784:19 card 595:1 care 576:18 577:16 577:24 648:5 706:4 743:19 752:9 755:17 779:25 787:13 career 558:22 559:1 559:17 careful 784:8 791:6 795:24,25 cares 706:13,15 carpenter 813:25 carpenters 766:18 carried 627:25 628:19 carrier 752:15 784:12,15,19 785:3,6,7,12,14,15 786:9 787:9,10 carry 524:17 532:23 628:18 633:2,7 746:6 758:25 cars 561:13 623:5,7 623:21 624:18 626:13,14,17 627:10 630:8 641:10 654:11 662:10,10 727:5 727:23 803:11 case 520:5 522:14 522:16 524:21 527:10,24 528:2 540:4 559:4 575:6 578:9,13 586:7 589:5 600:8 613:13 614:23 621:6,9 628:1,17 651:21 674:15 722:4 723:4 738:13 741:14 746:10 790:12 cases 522:3 523:3,23 524:3 594:21	606:11 656:25 694:8 717:25 cast 789:19 catch-all 619:3 753:24 categories 539:13 578:18 796:13 categorize 586:12 categorized 585:14 586:18 category 576:16 579:13 616:22 620:16 724:9,11 cause 722:9 736:10 819:16 CBE-552 514:9 520:8 601:1 605:5 605:18 649:5 658:16 686:18,23 691:17 692:9 720:2 724:19 739:15,19 CC 736:3 CCR 514:24 819:22 center 514:18 629:9 629:11 central 514:19 515:17 647:22,23 648:1,1 676:21 677:5 693:18 736:6 770:22 Central's 747:22 CEO 521:4 certain 538:16 543:21 564:19 565:3,14,17,22 579:12 593:21 617:6 635:10 722:1 740:23 747:2,17 762:22 766:7,8,9 791:8 799:9 800:14,15 800:23 801:7,13 certainly 522:11 524:1 527:11 530:24 531:6 532:9 533:3,18,20 541:18 549:13 552:12 554:6 555:20 558:4,12 559:3,25 560:5 563:23 568:1 594:9 686:14 692:24 certainty 524:6 781:18 CERTIFICATE 819:1	certified 819:4 certify 819:5,13 cetera 585:13 772:16 chain 800:5 chance 574:7 613:6 799:17 change 594:14 658:20 682:16 695:24 696:8,22 699:8 702:15,25 715:3,5 722:18 731:5 761:1 762:6 765:16 770:7 787:8 793:14,20 816:25 changed 531:17 594:23,24 603:11 603:15,18 618:23 644:8,11 682:5 703:4 714:20 716:19 745:5 762:23 787:11 788:16 789:1,1 795:23 798:24 816:23 changes 560:17,20 changing 682:2 718:18 744:15,16 788:7,19,22,23 789:3 790:1 channel 630:4 chapters 552:22 characteristics 541:20 characterize 564:4 characterized 772:16 798:17 charge 643:4,7,15 667:8 669:4,9,16 742:21 756:7 764:2 chargeable 619:6 666:12 668:5 669:14 670:3,23 714:23 715:1 743:8 761:25 800:25 charged 587:19 643:1,4,13 charges 642:10 charging 667:12 745:18 Charles 516:4 656:7 chart 694:19 709:8 709:16 715:8 check 661:20 662:7 696:24	checking 719:14 chest 629:14 chewed 708:9 Chicago 790:17 Chief 516:1 choose 583:4 732:8 chose 784:5 circuit 771:10,12 814:9 circuitry 768:6,16 circuits 760:21 circulated 663:4 circumstances 750:17 citations 559:19,21 cited 687:23 cites 686:24 691:10 cities 675:1 City 802:5,6,13 Civil 523:7 526:7 claim 537:19 628:17 687:9 690:10 claimant 515:9 520:6 522:13 651:20 claimed 533:12 642:25 701:24 758:14 claiming 577:13 612:5 claims 532:12 CLANED 720:4,10 721:11 clarify 528:15 545:15 554:8 577:5,8 804:15,22 Clark 515:15 571:15 665:13 673:17 819:3,18 class 526:6 534:5 547:15 762:24 classed 756:21 classes 547:24 classification 521:13 521:14,19 522:24 530:3 531:9 533:20 539:1,9 540:16 545:25 548:22 551:14,18 560:4 563:6 566:19,20 568:18 589:3 726:19 classifications 522:19 527:21 530:9 532:2 533:15,17 536:5 539:14,23 540:2 540:14,20,23
--	--	---	---	---

classified 527:19	700:25 705:7	664:18 670:16	656:2 663:17,20	complete 526:19
classify 533:22	codes 579:20 586:9	681:20 687:12	667:5 669:20,25	551:3 568:7 583:7
753:20	586:13,14,14	695:23 731:14	673:4 676:2,3,8,15	591:3,7 596:25
classifying 524:14	595:10 616:13,14	757:20 758:5	678:25 680:17,19	597:5 598:21
clean 630:9 719:20	616:16,22 617:6	759:18 771:8,18	685:15,19 688:3,6	613:9 621:8
719:23 730:17,24	619:17 671:4,6,7,8	783:25 784:4,4,6	688:16 700:11	634:21 645:15
cleaned 719:21	671:9 698:2	785:1 788:23	712:23 713:3	649:20 663:25
720:5,13 721:2,11	716:19,23 723:23	804:5,8 809:21,23	717:3,6,11 718:13	664:25 674:11
730:11	724:13 762:23	comes 592:12	726:10 727:19	811:13 819:11
cleaning 718:5	776:13,14,15,16	620:20 706:10,12	728:23 737:22	completed 549:16
719:22,23 721:15	776:17,18,19,19	792:15 798:2	738:8,12,15,18,23	549:18 550:8,9,19
730:21,22 754:13	776:20,21,22,22	coming 555:2	746:13 748:7,10	564:20,23 628:14
clear 526:10 528:5	776:25 777:2,3,24	595:25 662:6	748:19 764:4,7,10	657:18 674:3,5
585:8 590:13	795:25 796:3,5	667:13 670:24	794:17,22 801:21	811:11 812:21
608:15 609:14	798:19,19,23	759:7 769:3	804:2,21,24 805:2	completely 762:23
625:6 626:8	799:1,1,4,7,7	comm 749:17	805:11 810:16	completing 549:21
700:15 730:17	800:14,23 801:7,7	764:18	815:6,8,13 818:17	667:2
773:18 782:23	801:10,11,13	command 739:1,4,8	818:20	completion 549:18
796:22	coding 601:22	739:9,12	Commissioner's	627:18
clearing 686:13	715:18	comment 577:1	522:18 531:8	complex 623:2
clearly 579:16	cognitive 562:7	comments 625:22	611:23 738:8	648:18 695:12
618:25 673:10	coil 732:18	688:23	common 523:25	complicated 678:18
698:4	collaborate 658:10	Commerce 515:11	524:2 558:1	794:20
cleat 791:3,5	collaborated 610:17	Commission 515:21	571:25 574:18,19	component 730:21
cleats 790:7 791:1,1	646:9 658:3	commissioned 758:1	625:17 793:13	730:21,22,23
791:16,19 792:2	659:22	Commissioner	809:17	734:7,10,13,17
792:10	collect 611:8	514:1,14 516:2	commonly 563:9	769:21,22 772:18
clerical 631:4	collecting 664:5,6	517:19 520:2,5,17	communication	components 580:14
clerk 626:20,21	collection 541:4	527:15 528:17,22	549:20	596:9 631:12
client 558:2 651:22	570:7	529:4,14 530:6,8	communications	658:6 720:1 722:1
651:23	collector 742:21,22	554:5,7,11,15	536:5 538:25	734:21,22 754:12
climb 735:20	Colorado 521:2,8	555:12 568:23	575:2 811:21	765:12 766:13
clock 804:4	521:11	569:2,5 570:10,13	company 624:4	769:12 770:6,9
close 534:24 648:3	colored 581:3	570:15,18,21	625:1,4 626:7	771:10
659:2 678:12	column 556:24	571:7,11 575:17	779:13 780:3,24	comprehensive
679:14,16,22,24	584:18,21 585:2,4	575:20 577:4,7,17	781:19,22	552:18
680:3 712:1 739:7	585:13 586:4,6	580:24 581:8,13	company's 531:20	compressed 791:4
739:10 768:10	587:12 588:16	582:17 583:12,15	762:1	791:17
closed 650:12	589:4,15 593:17	584:4,7,13 585:25	comparable 534:4	compresses 791:4
678:23 679:5	595:16 599:17	587:3,5,24 590:12	compare 534:7,10	compressor 588:18
680:5 703:17,18	601:22 603:4	590:16,19,23	546:25 548:25	588:19 597:24
703:19 704:9	606:7,15,16	591:1 596:16	794:4	598:15 599:4
761:1	608:16 616:14,24	597:7,17 598:4,8	compared 535:10	685:24 686:2,5
closest 672:14	617:8 658:23	598:14,24 600:16	574:15 580:16	735:14
closing 529:20,21	686:10 720:3,23	601:3 602:19,22	702:8	compressors 635:20
680:4	724:22	604:7,15 605:20	compares 566:11	compute 641:9
clothing 759:13	columns 581:11	606:1,5 609:19	comparing 559:1	644:13
CM 803:10	582:7 584:17	610:7 611:5,25	563:13 566:6	computed 638:2
coaster 790:16	588:14 599:15	612:9,14,24 613:5	comparison 524:9	718:9
code 537:20 556:9	686:11 720:22	613:17 614:6,12	524:19,24 525:7	computer 600:25
576:16 578:15	column's 686:10	614:15,21 615:15	531:16 535:1,21	603:24 645:14
579:13,25 584:22	combined 764:20	615:18 618:3	535:24 539:6	649:4 658:15,25
584:22 616:12,13	797:15	620:4 621:1 624:8	540:5 548:1	659:23 687:5
617:8 618:16,23	come 523:12 532:25	625:24 626:3,22	563:14 581:24	700:22 704:10
618:25 619:3	538:13 563:4	630:17,21,23	582:21	724:18 736:3,10
777:21,22,23	603:14 610:10	632:5 640:12	comparisons 547:24	736:11 811:20
778:1	634:14 643:18	650:20,23 651:1	compile 616:10	computers 695:3,5
coded 580:6 586:22	648:5 659:2	653:9,11 655:24	Complainant 514:4	766:25

conceivable 548:12	599:24 665:8	640:5 772:9	cordoned 714:2	782:3 804:4,8,9,14
concept 798:6	696:17 757:1	continued 750:9	core 525:1 577:13	804:14 806:15
concern 612:9,17	774:22	801:4	corporate 751:18	810:17 811:5
727:15	consist 813:3	contract 514:9	Corps 573:17	corrective 576:20
concerned 578:8	consistency 526:10	520:8 607:19	correct 528:20	576:21 591:22
759:10 762:1	565:5	623:19,21 624:16	536:24 537:25	619:6 670:3 671:2
concerning 602:10	consistent 526:3	624:17 643:8,9,17	539:12,23,24,25	704:4 706:25
609:22 623:18	530:24 540:10,11	722:11,12 739:15	540:24 541:7	707:10,14,20
624:14	540:14 547:3,20	740:13,14,14	545:3,4 546:12,13	719:5 723:19,21
concerns 528:9	548:1 565:10,11	759:18 762:18	546:15,16 549:16	723:23 737:2
532:6 727:2	consists 745:21	773:20,21,25	549:23 553:16	763:20 774:11
concluded 664:20	console 770:21	774:2,4	554:22 556:5,20	775:16,19,22,23
conclusion 525:20	constant 769:17	contractor 819:13	559:23 561:23,24	correctly 526:8
532:25 533:6	constitute 737:5	819:14	564:7 574:2 575:8	577:14 586:18
536:9 540:11	constituted 736:21	contractors 627:22	575:9 576:4	699:11 709:15
558:17 664:24	constitutes 736:20	802:4	578:19 579:5	733:8 760:25
713:20 807:4	constraints 542:9	contracts 641:11,12	586:19 595:7	771:13 779:24
conclusions 539:5	constructing 558:3	contradictory	596:12 598:17	783:4,6,9,11,14,16
551:25	construction 567:19	612:12 613:7	601:24 604:2	783:18 784:1,5
concrete 744:22	569:12,16 570:3	contrary 611:15	606:22 610:24	791:14
condition 680:11	806:2 814:20,24	contribute 750:19	614:13 616:23	cost 593:22,23,23,25
681:16 685:3,5	constructor 543:15	control 654:4	617:9 625:23	595:17 596:1
conditional 611:2	547:20 814:11	661:20 727:5	631:10,17,22,23	603:7,14 605:4,18
conditions 532:22	constructors 514:3	751:7 767:6 768:6	631:25 632:1	606:15 608:9,12
542:18	520:6 566:12	770:20 776:20	633:16 635:7,17	611:16 612:8
conduct 541:15	567:18 568:6,12	controller 770:7	635:22 636:9,12	619:18,20 634:9
550:21	569:19	controllers 768:20	640:4 642:22	637:19,24 638:21
conducted 523:9	consult 526:16	controls 693:19	644:2 645:16	643:12 681:20
549:22,25 550:11	consultant 521:4	convenience 581:12	649:15,16,19,22	720:1 721:5 742:2
550:15 562:6	consultation 550:9	conversation 673:14	653:7,19 654:23	742:20 745:24
563:18	consulting 521:6,7	673:15 707:22	655:1 656:10	costing 681:17
conduit 802:18	contact 570:16	782:7	657:5,18,19,22	costs 591:19 593:19
conference 778:22	758:24	conversations	659:8,20 662:24	593:20 599:17
confess 746:10	contactor 732:17,17	673:12	664:13 665:19,21	603:4,5 608:8,11
confidence 662:8,13	contactors 719:20	conversion 637:4	666:1,3 667:18,22	608:17,22 610:23
662:14	719:21	convert 636:22	667:24,25 668:1	611:4 613:4 658:5
confident 645:3	contacts 732:18	637:3,4,6	673:6 675:12,13	681:21,23 742:3
670:16 739:22	contained 529:2	conveyances 556:1	677:7,9,11,14,17	cotter 596:7
confidential 688:14	636:21	556:18	677:20,21 681:9	counsel 580:21
confidentiality	contains 590:1	cool 653:23 654:10	681:14,15 683:11	587:6 590:22
575:5	636:15 663:9	654:11 696:16	688:2 689:4	641:22 732:9
confirmed 642:20	contend 616:16	cooled 654:12	691:19 693:1,5,8	819:13,16
confusing 551:9	666:5	696:12	694:17 695:20	Counselor 651:8
connection 626:8	contended 626:16	cooling 750:1	699:23 701:14	counsel's 581:12
conservative 619:14	contending 602:15	765:17	702:13 709:13,22	count 538:8 561:5
647:15 670:9,12	653:6 658:23	coordinator 697:13	710:9 713:12,16	578:9 669:5
consider 529:22	668:13	758:5	715:10,20 720:23	682:21 690:24
539:9,15 540:2	content 683:16	copied 818:11	720:25 721:10	691:18 692:12
551:12 589:14	contention 563:22	copies 581:14	724:7,20 726:21	718:2 734:25
632:19 693:24	633:19 654:15	675:24 741:20	728:5,7,9 729:6	761:8,8,9,25
719:7 772:19,24	671:10 672:15	copper 588:17 759:4	730:8,13,15 731:6	counted 578:7,10
773:17 775:2	677:21 710:7	copy 526:19 596:25	733:2,3 737:18,20	682:23 691:6,11
considerably 526:24	714:25 715:18	597:6 598:1,12,18	739:20 740:22	691:18 707:20
548:5 557:4	contents 806:14	598:22 599:6	741:10,11,25	718:3 731:22,24
consideration	context 523:10	604:21 605:8,22	742:1 743:11,14	761:21,22
647:14	524:18 530:18	615:4,10 635:23	744:24 751:13	counting 660:22
considered 535:6,8	538:21 776:7	636:5 741:18	753:18 756:9	668:16
539:11,21,22	continue 584:14	742:8 806:11	763:8 777:1 778:8	County 515:15

571:15 574:3,8 643:2,7,13,16,24 644:12 649:11,17 665:13 669:16 673:17 746:25 748:25 758:1,1,14 793:18,21,22,25 794:1,12,15 796:1 805:18 819:3,18 couple 569:8 593:3 594:3 602:8 665:7 700:13 708:9 736:13 778:6 797:24 804:3 course 527:9 529:20 529:22,24 558:22 559:1,17 579:6 582:4 583:9 584:18 587:25 617:22 642:6 744:13,16 747:16 757:18 773:6 courses 521:17,18 521:20 court 819:4 covered 586:14 599:15 617:18 623:11 626:16 671:2 739:18 746:17 747:7 covering 640:19 covers 744:15 759:12 Coyote 514:18 co-workers 531:5 cracks 744:22 Craig 710:2,23 cramped 532:24 628:24,25 crash 592:17 690:1 723:18,18 crashed 592:25 689:22,24 694:8 crazy 587:2 create 541:16 608:21 663:10 707:18,19 created 548:21,23 548:24 590:6 638:16 652:12 697:14 707:17 710:10,14 creating 541:18 656:10 credibility 613:12 626:9 credit 594:25 623:16	crew 582:5 674:22 674:23 675:1,2 678:20 679:19 714:9 717:1 crews 759:17 criteria 683:17 742:13,18 743:2 743:25 744:3,5,7 744:17 critical 543:22 736:9 781:8 criticized 567:7,8 cross 528:24 582:16 cross-examination 517:6,7,11,12,17 517:18 518:5 528:11,23 529:24 536:15 569:6 587:9 588:1 590:5 591:4 598:25 612:19 630:25 631:1 651:3 717:8 718:14 764:12,13 801:22 806:21 cross-examine 611:20 CRR 514:24 819:22 crucial 694:2 Cs 609:12 627:12 648:10 cumulatively 744:16 curious 563:7 current 543:5 793:18 currently 521:6,8 749:3 769:1 curvature 560:22 561:2 customer 642:10 cut 575:25 cutoff 728:15 CX43 649:17 cycle 721:21 769:17 804:18 C5 685:24 686:2 C9 730:14 D D 560:17,25 571:9 609:7 736:14,15 761:20 Dahlin 585:16 703:22 704:22 Dailies 649:20 674:11 daily 581:25 600:3 603:24 609:6 636:25 645:14,17	645:18,22,24 649:4,18 650:6 658:14 724:17 754:15 damage 735:21 damaged 592:1 763:18 Dan 542:22 805:4 805:17 Dana 710:2,23 712:15 713:8 danger 735:16 737:13 Daniel 514:24 518:3 564:11 805:6,13 819:4,22 data 575:15,22 576:3,6,7 582:12 583:8 584:20,25 586:5 588:14 589:19 593:15 600:25,25 603:2,5 603:21,24,25 604:4,12 605:19 608:25 609:5,6,8 609:22 610:1,2,14 611:4,7 616:15 620:2 633:17,22 634:8,15,19 635:25 638:3,9,10 644:16 649:4 656:25 657:17,22 658:4,4,14 659:25 662:1,15,20,20,21 662:23,25 664:5 665:4,4,5 682:3,4 686:16,21 691:15 692:7 694:13 695:17 698:9,12 698:24 703:2 706:10,12,16 707:17,19 708:2 715:10 716:6 724:17 736:9 746:17,22,24 database 583:7,10 595:19,20,21 596:10,25 598:1,2 598:13,21 599:6,9 599:11,25 600:2,3 602:18 604:22 605:8,25 612:6 620:3,6 635:24 636:6,9,20 637:8 637:10,10,12,17 date 552:21 584:18 584:19 585:3,4 588:22 594:24	595:22 601:14 637:14 653:15 672:22 707:11 712:24 728:1 732:9 735:7 736:2 740:23,24,25 741:1,7 744:20 754:23 780:17,20 dated 663:14 676:4 747:3 dates 640:16 658:18 663:18 744:19,20 dating 572:5 Dave 579:16 580:9 698:4 699:2 701:4 703:20 714:24 David 571:10 Davis 515:22 day 519:18 520:5 578:6,16 579:19 580:1 582:4 608:4 614:10 617:22 646:12 698:7 709:9 715:12 722:14 734:19 743:9 752:3,9 753:25 754:7 757:10,12 772:10 772:13 776:4 777:14 786:8,12 787:11 796:21,25 797:1,6,16,16 819:18 days 579:8 580:9,11 580:12 602:9 699:22 727:4 742:5,5,6 754:2 774:23 783:15,25 797:9 811:3,4 dead 693:22 deadline 583:16 600:7 613:21 664:1 deal 584:2 760:7 765:13 766:18,25 768:20 803:22 dealing 767:8 789:19 797:22 deals 765:4 dealt 749:17 750:1 764:23 765:19 December 618:22 decided 751:20 decider 614:4 decision-making 738:10 declaration 519:6 655:22 663:4	664:15,23 680:9 684:6 728:14,16 742:12 806:23 817:5,8,17,20 declared 758:11 DECTORS 730:12 dedicated 714:18 deemed 594:10 724:8 727:20 728:25 deep 743:4 770:24 default 753:24 defect 802:17 defective 549:6,11 740:21 define 591:21 721:20 defined 593:13 682:7 683:3 719:1 definitely 578:9 591:4 629:1 671:5 684:18 701:22 740:6,7 747:8 definition 614:8 666:25 683:24 717:19,21 718:17 718:25 719:13 721:15 722:4 723:12,19 724:1 772:17 definitions 680:8 degree 524:5 750:10 delay 649:14 delayed 649:8 739:5 739:6 delete 579:3 702:24 703:7 deliberately 706:25 denied 758:13 Denver 522:10,13 540:4 559:4 department 521:11 524:13 531:16 545:18,20 548:17 548:20 562:21 567:16 806:3 814:25 815:1 depend 551:24 696:12 depending 561:15 696:19 718:21 733:15,18 739:5 depends 533:19 696:10,10 700:2 Depiero 517:9 544:15 570:23 571:2,9 583:9 631:3 664:16
--	---	---	--	--

715:23 717:13 718:16 755:16 756:1 deployed 765:20 depose 529:12 deposition 527:7,18 531:7 534:18 539:4 541:6 545:16 549:24 555:19 696:5 Deputy 515:22 describe 548:2 550:6 565:20 599:3 605:19 621:13 630:9 653:15 776:25 778:4 803:3 described 524:11 525:9,13,14 535:4 535:5,7,11,18 536:1 585:12 589:3,14 608:2 765:24 777:3 786:17 790:16 describes 524:15 526:12 552:25 813:12,16 describing 523:8 524:14 526:9 553:11 554:17 703:24 734:19 743:7 762:2 description 519:2,9 524:11,22,25 532:13,14,19 539:18 540:8 545:21,23 546:7 547:2 548:18,21 548:25 549:2 566:1 567:20,23 584:23,23,24 595:24 663:9 672:13 724:12 735:24 736:2 764:15 812:12 descriptions 523:6 534:9 547:13 549:3 563:20 564:7 566:11 design 768:4 designed 751:3,6 770:5,15 771:10 771:11 designing 563:5 desk 807:22 detail 524:16 527:8 652:9 670:15 696:25 743:4,6	detailed 524:9,24 531:16 532:14 580:10 719:18 details 774:2 detector 726:2 detectors 730:11,12 730:17 determine 551:14 552:11 563:5 788:5 determined 610:15 705:11,15 788:12 802:16 determines 721:22 determining 551:17 591:19 627:14 develop 543:20 558:13 787:17 developed 544:20 566:13 789:11,15 device 767:23 devices 746:21 devoted 521:19,21 dialogue 808:16,17 Dick 580:11 differ 810:24 difference 533:16 540:13,17 690:8 744:12 757:3 782:25 783:1 794:8 797:18 differences 532:1 631:14 different 523:19,20 526:11 545:25 555:25 556:3,4,14 556:18 557:5,19 578:3,17 579:20 609:4,8,10 612:1 612:15,20 631:9 631:11,13 633:12 645:17 658:20 660:14 663:21 664:3 668:5 690:5 694:5,14,25 695:3 695:3 696:11,20 721:19,23 752:6,6 754:19 758:6,24 764:20,24 766:1 766:10,10,12,16 767:5 776:14,19 779:12,17 787:21 787:22 800:4 801:11 802:4,23 810:25 811:3 differential 752:15 784:12,15,16,21 785:3,6,7,12,14,15	787:9,10 Differentials 724:4 differently 548:19 580:6 682:11 difficult 597:13 786:16,19 788:20 digest 670:14 dimensions 561:20 dip 608:14 direct 517:5,10,16 518:4 520:20 522:13 571:12 707:3 748:23 803:9 805:15 direction 533:8 604:8 706:16,18 707:7,21 708:5 738:6 760:14,15 directives 762:17 directly 563:4 571:23 dirty 630:12 disagree 728:18 disagreeing 683:22 disappeared 680:15 762:23 disassemble 549:6 733:21,22,24 disassembled 730:24 disassembling 754:13 discarded 768:25 disciplined 766:20 disciplines 750:24 750:25 766:1,4,10 766:23 767:12,17 disclose 582:21 708:6 discolored 592:23 disconnect 622:5 792:22 disconnecting 785:11 discover 602:8 discovery 575:6,14 640:25 741:14 746:16 discuss 531:3 648:17,19 discussed 588:11 683:18 694:7 728:17 800:14 discussing 604:3 694:6 discussion 551:5 568:25 615:17 623:9,11,14,17,20	623:24 624:13,16 624:21 625:9 630:22 680:18 745:4 748:9 763:5 805:1 discussions 560:5 disk 790:11,25 792:19 dissembling 549:10 754:12 distance 759:24 distinction 773:18 distinguished 664:19 distributed 581:10 799:24 DISTRICT 515:16 divided 593:19 620:15,15 dividing 658:17 divine 705:21 docket 638:25 doctor 570:14 632:9 document 519:16 529:19 531:17 553:18,22 555:20 557:11 560:2 581:4,23,24 582:11 583:13 584:17 587:16,23 590:8 591:15 593:14,23,24,25 595:20 596:20 597:9,14,25 598:10,17 600:10 603:23 609:18 611:12 612:2,18 615:14 616:2,5 619:25 632:2 633:11 635:18 640:16,19 647:1 650:5 663:12 667:1 669:18 673:18 687:12 688:4 693:2 738:4 799:19,24 800:4 808:21 810:8 documentation 613:9 documents 523:5,8 526:4 531:14 541:4,5 553:21 554:3,9 555:9 557:21 558:6,17 558:20,21 559:3 559:17 564:1 565:12 575:11,13 580:21 598:11	600:8 604:17 608:17 611:15,19 641:1,20 645:19 669:15 688:12,14 691:5,17 Document's 663:14 doing 523:22 524:2 563:1 599:12 601:20 604:15 607:4,11 610:20 618:11,14 619:12 627:17 630:15 631:16 634:23 646:15 683:21 687:19 691:18 697:20,21 699:10 700:22 701:1 704:7 706:24 716:12 734:18 736:12 743:20 744:12,13 751:12 757:8 762:9 763:23,23 772:12 772:12 773:4,9 785:8,9 792:17,21 796:10,11,13,18 797:12,21 802:10 803:10 808:19,25 815:25 816:4 dollar 620:20 dollars 647:9 666:14 728:12 door 537:18,20 594:11 603:15,16 648:8 649:8 659:3 659:5 661:9 665:19,22,24 668:7,7 678:9,10 678:12,12,14 680:1 681:4 684:7 684:9,12 738:25 739:4,8,8 740:12 740:22 741:7 761:1 768:9,13 769:19,23,25 770:2,2,5,7,8,9 doors 538:8,14,23 594:11,13 660:1 678:23 679:5,9,12 679:13,13,16,20 679:22,24 680:4 739:7,9 740:12 751:3,4 758:7,8 760:19,21 767:9 767:24 768:3,11 768:12,14,14 769:6,9 770:25 771:1,2,3 776:20
--	--	---	---	---

803:8	E	758:20 766:8,16	579:12 648:11,12	588:4,8 601:25
doorway 693:22	E 515:16 516:3	766:19 767:2,6,7	779:18	602:14 607:25
DOS-based 636:18	517:9 571:2,9,10	767:19 811:19	employers 522:6	608:8 611:20
DOT 789:12	678:3,4,7,8,10,13	813:19 814:9	employment 758:14	612:4 656:15,22
double 590:5 608:14	678:15	electricians 766:18	806:1	658:24 659:23
660:21	earlier 531:12	electricity 758:23	encoders 747:11	660:19 661:21
double-checked	547:23 553:7	759:1,2	encompassed	668:25 674:6,7
784:2	575:14 599:19	electrocuted 753:7	618:10 777:21	676:17 681:9
doubt 678:16	604:13 619:21	electronic 535:3,3,6	encompasses 778:20	690:13,19 705:20
downtime 778:13	625:13 675:22	535:16 813:19	encountered 734:21	706:5 709:9
788:17 793:16	697:3 723:14	electronics 573:14	encouraged 772:8	710:17,18 712:7,8
downtimes 795:15	743:16 755:4	765:4 811:20	ended 761:18 787:3	712:11,12 713:4
Dr 520:10,22 530:16	797:14 801:25	814:22	ends 669:13	713:17 714:6,7
531:20 532:1,12	early 694:8	electro-mechanical	engage 549:10	715:21 716:16
532:20 533:7,12	earthquake 790:21	535:4	engineer 698:21	727:25 731:25,25
533:24 534:7	easier 663:22	elevated 753:3	703:17	732:1,6 734:25
535:2,22 536:17	696:22 702:24	elevation 560:17,20	engineering 572:21	735:8 736:1 741:2
539:5,15 547:25	easiest 645:8 702:22	elevator 514:3 520:6	595:5,6 690:15	741:6 744:9,21
549:4 566:21	802:11	524:11,25 525:21	750:10,12	745:14 747:5
567:8 808:6	easily 708:25	526:12 532:13	engineers 523:7	760:4
draft 817:15	cast 515:23 649:8,14	533:3,5 534:4,8,20	526:7 703:13	entry 585:7 588:12
draw 536:8 567:10	649:23 665:15,20	536:1 539:21	778:23,24	588:14 598:16
drawing 808:2	easy 603:16 695:6	540:8 543:15	English 625:18,19	599:4 640:2
drive 574:21 652:15	695:11	545:21 546:8	enormous 752:16	645:17 647:21
654:13,22 655:2	economy 524:15	547:3,20 548:4,6	ensure 628:16 674:8	649:7,23 652:14
655:10,17 709:12	563:11	548:14 556:9	693:15 727:1	653:19 654:6
711:23 712:1	edge 604:13 629:9	557:1,4,17,18	ensuring 733:16	659:7 665:13,14
729:14,18,23	edit 702:21	561:17,19,22	entailed 539:8	674:11,16 675:8
730:1 784:16,19	edited 612:15	564:21 566:12,18	726:11	675:14 678:23
785:12	701:24 702:19	567:17,18,25	enter 602:20 614:18	685:12,23 686:23
driving 654:15	educated 747:24	568:6,12 569:19	637:15 675:23	689:6 702:24,25
655:1,8	education 750:4,12	574:12,22 767:4	754:15 755:9,12	704:17 705:13
drop 630:3	educational 520:23	805:23 806:1	755:18,23 756:12	708:17,23 709:4,7
drove 655:12,13	effect 729:12 765:25	808:12 814:11,22	entered 530:13	710:2,3 711:10
Ds 609:12 627:12	efficiency 553:13	814:24,25 817:6	555:6,13 570:11	713:25 715:7
648:10	554:19	818:3	581:9 584:20	720:2,10,23 721:8
dual 790:10,12	efficiently 577:11	elevators 556:4,10	586:24 621:9	721:8 724:21
due 588:17 678:23	effort 752:19	558:17 559:2	650:6 716:1	728:1,4 731:4,4
679:6 730:14	eight 525:3 622:22	564:17 566:6	753:21,22 755:21	732:12 733:1,7
731:5,10 736:3	715:7 731:25	806:4,6 814:21	756:17 760:11,12	734:23 735:4,7
759:14 763:1	744:12	818:7	entering 585:20	enumerate 552:15
duly 520:13 571:3	either 525:5,13	elevatorworld.com	entire 524:15 537:7	environment 776:17
748:15 805:7	534:21 539:16	557:14	537:14,25 540:15	environmental
819:4,8	562:16 579:3	else's 703:4	563:11 565:17	572:10
dumbwaiter 562:1	583:19 601:17	emergency 593:5	575:24 646:18,19	equating 727:12
dumbwaiters	641:10 661:2	629:25 630:2	679:19 745:20	736:23
561:23	696:15 705:2	emphatic 552:4	752:7 778:4,14	equipment 532:22
duplicate 801:7,15	731:23 732:2	empirical 539:6	785:9 789:14,18	532:23 535:8
duplicated 801:10	740:17 757:13	empirically 534:6	791:18 803:18	538:5 545:3,7
duplicates 661:13	772:21 781:13	547:12 563:10	entirely 582:14	628:18,19 632:22
661:16	785:5,9 793:4	employed 523:1	755:5 797:2	745:22 749:19
duties 751:12	802:5	805:17,22 811:10	entirety 799:21,25	750:1 813:20
772:13 775:4,5	Electric 802:6,7,13	employee 565:20	entities 699:1	equivalent 574:23
779:1 794:4 796:8	electrical 535:3,6,16	779:12,19 780:4,7	entitled 595:17	618:16,18 619:1
812:13	562:13 564:16	782:18 819:13,14	599:17 603:25	637:15 654:17
duty 548:12 673:19	572:20 573:16	employees 562:9	724:17	655:17 723:22
dynamics 562:12	732:17 749:18,24	564:15 565:1	entries 580:16	726:15
	750:10,22 751:8	571:25 572:24	581:25 585:20	Eric 585:16 703:22

1 check a bag or for any other reason, you have to be at
2 the terminal where the airlines has their operational
3 space.

4 Q. So the gates that you must walk to and can't
5 take a terminal, the tram are A and B Gates?

6 A. A, B and E.

7 Q. E.

8 A. Which are the gates that are at Terminal 3.

9 Q. If you're dropping off and ticketing and using
10 Terminal 3 as a --

11 A. If you're using the A,B or E Gates, you would
12 not use a train. In fact, there is no train service to
13 those gates.

14 Q. And any time you need to go to D Gates,
15 wherever you're coming from, you've got to take the
16 train?

17 A. That is correct.

18 Q. Now, with respect to the C Gates, is it
19 correct that you may walk or take the train to the
20 C Gates?

21 A. Correct. When C Gates were originally opened,
22 before my time in 1990, but they certainly were in that
23 configuration when I arrived in 1990, it was also a
24 satellite terminal similar to the D Gates. There was
25 no way to walk. You had to get to the C Gates via a

1 train.

2 Subsequent to that, when we added the, what we
3 called the four-gate expansion, which is now two gates,
4 but those gates on the northwest part of that terminal,
5 that, those gates, we added a bridge from those gates
6 to the, basically the C Gate checkpoint, which was the
7 only C Gate checkpoint at the time, and that gave
8 customers the opportunity to walk, as opposed to taking
9 the train.

10 We did that because the four gates, the main
11 purpose was the four gates that we added to use the
12 train would have been a long walk to the train station
13 and then back, and it was much more efficient to build
14 a bridge and have all the customers in that gate, those
15 four gates basically take a short walk to baggage
16 claim. Much more efficient, a higher level of customer
17 service than actually using the train for those four
18 gates.

19 The next two gates down the row there is
20 probably about 6s whether you take the train or walk,
21 but all the other 15 gates, clearly the train was a
22 much easier and higher level customer service than
23 walking. But a customer can choose to do whatever they
24 would want to do.

25 Q. And currently, do you know, do you have an

1 estimate as to how many of the passengers using C Gates
2 walk, versus taking the train to their flights?

3 A. The majority of the outbound customers will
4 walk. The reason for that is that the C Gate ticket
5 counter is on the very south side of the ticketing
6 building in Terminal 1. The vast majority of C Gate
7 customers are not local, so they're dropped off at that
8 curb by their taxi or bus or whatever, and once they --
9 and most of them check bags, and so once they conduct
10 their business or dropped off on the curb next to the
11 Southwest ticket counter, the closest checkpoint for
12 them is actually the new C Gate checkpoint that we
13 opened not too many years ago. And once you go through
14 that checkpoint, it's actually much easier just to walk
15 than it is to walk across the bridge I discussed to the
16 train station and then out.

17 We've actually modeled the total walking
18 distance, and to walk from the C Gate ticket counter to
19 the train station the way the customers used to do it
20 before we built the new checkpoint, the new checkpoint,
21 the walking distance is actually less for the customer.

22 So I would say probably on the outbound, about
23 80 percent of the customers walk because of the new
24 checkpoint configuration. The local people that park
25 in the garage clearly will come to the old C Gate

1 checkpoint, what we call Baby C now, and if they were
2 in the far gates, they would clearly ride the train.
3 And some customers choose to meander, go to the
4 Esplanade, shop, those kind of things, and then they
5 would use the C Gate, old C Gate checkpoint as well.
6 But I guess about 80 percent.

7 On the arrival, the vast majority of the
8 customers will use the train. Clearly the 15 gates
9 that are closest to the train will use the train. The
10 two gates that are closest to the bridge, clearly most
11 of those customers would walk, and the other two gates
12 where it's even-even, we sign it actually for the
13 customers to go to the train. Experienced customers
14 may choose to walk, but if you're an inexperienced
15 customer, the signage would take you to the train and
16 you would ride the train over to baggage claim.

17 Q. You're describing the way it is today?

18 A. Correct.

19 Q. Do you know when the first tram was introduced
20 at McCarran?

21 A. I was not there, but my understanding was it
22 was introduced with the, in 1985 when the central
23 terminal C Gate project was opened.

24 Q. So if this were a map of 1985, the only thing
25 on here would be the tram running from the terminal to

Page 362

1 C Gates?

2 A. If this was 1985, D Gates and Terminal 3 would

3 not be here. The C Gates would be here, but not all of

4 it. You wouldn't have the part, now two gates, that's

5 close to the checkpoint and you would not have the

6 bridge connecting the train station area to the gate

7 area.

8 Q. You started at the airport in 1990?

9 A. Correct, November of 1990.

10 Q. Okay. And at that time did the airport have

11 some relationship with Bombardier?

12 A. They did.

13 Q. Between '85 and '90, were there any changes in

14 the system that you're aware of?

15 A. I don't recall. My understanding -- the

16 initial trains to the C Gates were two two-car trains.

17 At some point that was expanded to two three-car

18 trains. I believe that was done in the early '90s, but

19 I'd have to go back and refresh my memory.

20 Q. You're not sure if you were here or not?

21 A. I think I was here, but, you know, you're

22 talking some 20-some years ago, so might, between what

23 I experienced and what I heard about, might get a

24 little fuzzy back in those days.

25 Q. Well, from 1990 on when you were here, were

Page 363

1 there changes to the system? We know that T3 is there,

2 but were there any other changes?

3 A. Well, in June of 1998 we added the D Gates,

4 the first, the two southern wings of the D Gates were

5 opened in June of 1998, and at the time those were

6 opened, the D Gate train was operational, and that was

7 the way that customers have to get from Terminal 1 to

8 the D Gate, so it was an essential part of the

9 operation of the D Gates.

10 We have no way for the customers to walk from

11 Terminal 1 to the D Gates. And so without the train,

12 you would not have -- I mean, there's emergency

13 procedure, but the normal high level of customer

14 service procedure is to use the train.

15 Q. Why was D opened or built?

16 A. D was opened because we were running out of

17 gate capacity and the community continued to grow.

18 There were large hotel casinos continuing to open at

19 the, on the Strip and we needed additional gate

20 capacity and this is where we built the additional

21 gates to provide more operations for the airline to

22 bring more passengers to Las Vegas.

23 Q. Why was that location selected?

24 A. It was the best location based on the land

25 that we have available for gates.

Page 364

1 Q. And, but you didn't connect it with a walkway?

2 A. No.

3 Q. Why not?

4 A. Well, first off, it's a long walk. It's about

5 a mile, and so, in airport analysis there is a maximum

6 walking distance you want to subject your customers to.

7 For example, when we built Terminal 3, the

8 planning rule of thumb that we used is we did not want

9 the customers to have a walking distance that was any

10 further than walking between the two United terminals

11 at Chicago. Most people have done that before, and

12 that's about 800 feet.

13 And so when we did the layout of Terminal 3 in

14 relation to the D Gates, that's about a thousand feet,

15 and so that's why we elected to put in a train, because

16 we believed that the thousand feet was not a level of

17 customer service that we wanted to subject our

18 customers to. So we installed the train.

19 We did put a -- there is an underground

20 tunnel. The entire T3 train is underground, and we did

21 put in between the two train sets a walking capability

22 between Terminal 3 and the D Gates, but it is only for

23 emergency purposes. So under the code, we did not

24 build that space for constant use by the public, so our

25 agreement with the Building Department is that is not

Page 365

1 open to the public, except for emergency situations,

2 and then we have very, an emergency procedure which we

3 have to comply with to make sure that we meet all the

4 fire life safety standards that the Building Department

5 requires of us.

6 Q. So is it correct that the planning for the

7 D Gates, what do we call it --

8 A. D Gate Satellite Facility.

9 Q. -- satellite facility was premised upon the

10 fact that there would need to be a tram system?

11 A. Absolutely. Yes, it was part of the plan and

12 part of the operational scheme of the airport to have

13 the train system, because it's a satellite terminal,

14 does not have its own baggage claim and ticketing,

15 there has to be a connection between what we call the

16 main terminal -- in this case Terminal 1 -- and the

17 gate, the gate area, and so since the distance was too

18 far, we elected to put in a train system, as opposed to

19 any kind of walking system which we felt would be

20 not -- a mile's just too long to make people walk.

21 Q. And who was selected to design, install and

22 manufacture the system?

23 A. Bombardier. I can't remember. I don't think

24 that was their name at the time. It was probably one

25 of their other names they've had, but a former name of

<p style="text-align: right;">Page 366</p> <p>1 the same company, Bombardier, that produces the trains</p> <p>2 in Pittsburgh.</p> <p>3 Q. Working with the same people?</p> <p>4 A. Working with the same people essentially, yes.</p> <p>5 At least the faces I dealt with were the same people.</p> <p>6 Q. And why did you select Bombardier?</p> <p>7 A. Well, we selected Bombardier because,</p> <p>8 obviously we'd had very good experience with them in</p> <p>9 the C Gate train in terms of liability, et cetera, and</p> <p>10 they were also the leader in the industry for airport</p> <p>11 shuttle systems, both in the United States and around</p> <p>12 the world, quite honestly. So most airports that you</p> <p>13 go to in the United States and you see a train or a</p> <p>14 shuttle or an ATA system, whatever you want to call it,</p> <p>15 it's a Bombardier system. There are others, but they</p> <p>16 clearly have the lion's share of the market.</p> <p>17 Q. Now, at the time you built the B Gates, did</p> <p>18 you have a maintenance contract with Bombardier?</p> <p>19 A. When we built the D Gates?</p> <p>20 Q. Yes.</p> <p>21 A. Yes, we'd had a maintenance contract for the</p> <p>22 C Gate train system.</p> <p>23 Q. And Bombardier was selected to provide the</p> <p>24 maintenance for the D Gates; is that correct?</p> <p>25 A. Yes. They were maintaining the C Gates, and</p>	<p style="text-align: right;">Page 368</p> <p>1 three, but I believe those were the three companies,</p> <p>2 and after an evaluation of the systems, we selected</p> <p>3 Bombardier to be the provider of the system as well.</p> <p>4 Q. You're talking about 3?</p> <p>5 A. I'm talking about Terminal 3 to the D Gates,</p> <p>6 correct.</p> <p>7 Q. And at one point were they going to be also</p> <p>8 providing the maintenance?</p> <p>9 A. Correct. The maintenance contract that we</p> <p>10 entered into, I believe in 2008, anticipated the</p> <p>11 operation of the Terminal 3 train, and there were, that</p> <p>12 scope basically included the maintenance of that train</p> <p>13 once it became operational, was turned over to the</p> <p>14 airport as a complete system, and the prices included</p> <p>15 in the contract reflected that.</p> <p>16 Q. Is it possible for the airport to expand any</p> <p>17 further than it is today?</p> <p>18 A. Oh, it's possible. It's very difficult.</p> <p>19 Where terminal 2 is today, which the airport -- I</p> <p>20 shouldn't say "we" anymore, I'm not there -- which the</p> <p>21 airport plans to demolish, the planning group is</p> <p>22 looking at that land mass, plus the economy lot which</p> <p>23 is currently operational for Terminal 1, as a potential</p> <p>24 future expansion for a small terminal, 10 to 12 gates,</p> <p>25 assuming that the capacity's necessary for any future</p>
<p style="text-align: right;">Page 367</p> <p>1 they were also, that, the D Gate train was added to</p> <p>2 their maintenance responsibility.</p> <p>3 Q. Did you do a new maintenance agreement at that</p> <p>4 point?</p> <p>5 A. I believe that we did. I believe that we did</p> <p>6 a new agreement, but I'd have to go back and research</p> <p>7 the files to see whether it was an amendment to the</p> <p>8 existing agreement or a new agreement in total. I</p> <p>9 don't recall specifically.</p> <p>10 Q. Now, in planning Terminal 3, was the</p> <p>11 availability or necessity for a tram system considered?</p> <p>12 A. Yes. I explained to you that in our planning</p> <p>13 process we set a maximum walking distance that we were</p> <p>14 going to, that we were going to have our customers</p> <p>15 walk.</p> <p>16 Once the layout of the facilities and the</p> <p>17 actual distances were known, and we determined that we</p> <p>18 exceeded that maximum distance, then it was time to --</p> <p>19 then it was decided that a train would be the</p> <p>20 conveyance system between Terminal 1 and the D Gates.</p> <p>21 We actually did a competitive process to</p> <p>22 select the train in this case. We had a request for</p> <p>23 proposals. We had, I believe three submittals:</p> <p>24 Bombardier, Doppelmayr, and Otis I believe all</p> <p>25 submitted. I may be incorrect, but I know there were</p>	<p style="text-align: right;">Page 369</p> <p>1 growth of the community.</p> <p>2 That would also be a satellite terminal.</p> <p>3 We've looked at the possibility of a unit terminal, but</p> <p>4 there's not enough land available to put in</p> <p>5 additional -- to put in a roadway system and ticket and</p> <p>6 baggage claim in that area, so that terminal, if it</p> <p>7 were to be built in the future, would be a satellite</p> <p>8 terminal, would have to be connected to Terminal 1 by</p> <p>9 some kind of train or similar conveyance system.</p> <p>10 Q. Okay. Now, after D Gate was constructed, were</p> <p>11 there further changes before T3?</p> <p>12 A. Yes. Initially the D Gate trains were two</p> <p>13 two-car sets, and I can't remember the exact time</p> <p>14 frame, but some years after it was operational, we</p> <p>15 expanded that to two three-car train sets, which means</p> <p>16 an additional car per set had to be brought in and</p> <p>17 integrated into the system, and the train station at</p> <p>18 the Terminal 1 had to be expanded in order to allow the</p> <p>19 longer train.</p> <p>20 Q. And it was just the station itself, not the</p> <p>21 system?</p> <p>22 A. Well, the guideway was there, and the guideway</p> <p>23 didn't need to be changed because it's a fixed guideway</p> <p>24 from one point to the other.</p> <p>25 The D Gate area was, train station was big</p>

Page 370

1 enough to accommodate a three-car set. The Terminal 1
 2 side was not, and so it needed to be, the train station
 3 needed to be elongated basically to allow for the
 4 additional train on each set.
 5 Q. Now, you may have hit on this. Was there a
 6 refurbishing process that took place?
 7 A. That was subsequent to the expansion of the
 8 train sets off the D Gates. Subsequent to that
 9 expansion of the size of the trains, or the length of
 10 the train at the D Gate shuttle system, there was also
 11 a contract entered into to refurbish both the C Gate
 12 and D Gate trains as part of one contract, really about
 13 \$26 million refurbishment, which completely replaced
 14 the C Gate system and the C Gate trains, and the D Gate
 15 trains, and upgraded the equipment on the guideway
 16 itself in terms of the rails and the flags and all the
 17 other things that are out there that make the system
 18 work.
 19 Q. Was that done pursuant to a maintenance
 20 contract?
 21 A. No. That was done as a -- actually, it's a
 22 construction project as a Public Works project.
 23 Q. So then as we look at this document today and
 24 trace it from '85, Bombardier has designed, built and
 25 installed all of the system?

Page 371

1 A. Correct.
 2 Q. Now, when you do the design, build and
 3 install, do you do a separate contract?
 4 A. The installation of the systems are separate
 5 and apart from the maintenance of the system. They're
 6 separate contracts.
 7 Q. But you've done more than one of those kind of
 8 contracts?
 9 A. Well, we've done multiple construction
 10 contracts. We've done C Gate train system, the D Gate
 11 train system, the expansion of the D Gate train system,
 12 at some point the expansion of the C Gate train system,
 13 and the addition of the Terminal 3 train system.
 14 Those were all separate construction contracts
 15 basically, handled by our construction engineering
 16 group at the airport.
 17 And then there has always -- since I've been
 18 at the airport and before my time there's always been a
 19 maintenance contract with Bombardier, and that
 20 maintenance contract has covered all of the train
 21 system that were operational at the time.
 22 Q. On the design and build contracts, were they
 23 prevailing wage contracts?
 24 A. Yes.
 25 Q. Were any of the maintenance contracts

Page 372

1 prevailing wage contracts?
 2 A. No.
 3 Q. Let me direct your attention --
 4 A. We're done with this exhibit?
 5 Q. Yes, you are.
 6 A. I don't know where it came from.
 7 Q. Let me direct your attention to Bombardier
 8 Exhibit 1 in the binder.
 9 A. This one. Okay. Exhibit 1. I have it.
 10 Q. And would you just quickly peruse that?
 11 A. How quickly? It's a pretty big --
 12 Q. That's enough.
 13 A. Okay, all right.
 14 Q. Do you recognize what this is?
 15 A. Well, it appears to be from the cover page
 16 CBE-552 contract, which is the contract with Bombardier
 17 for the maintenance of the train system that I think
 18 went into effect sometime in 2008.
 19 Q. Right. And you're familiar with that
 20 contract?
 21 A. I have read the contract before. I do not
 22 review it on a regular basis, but, yes, I'm familiar
 23 with that contract.
 24 Q. Did you participate in the negotiations of
 25 that contract?

Page 373

1 A. Not directly. I was not the face that talked
 2 to the Bombardier folks on a day-to-day basis. I did
 3 have meetings with the facilities staff which was
 4 responsible for the management of this contract.
 5 Mr. Bob Kingston was the assistant director at
 6 the time. He was assigned to do the actual
 7 negotiations. I met with him before, during and after
 8 the negotiations to review our positions, both before
 9 we started and during the process, and at the end of
 10 the day I did approve what he had negotiated with
 11 Bombardier before it went to the Board of County
 12 Commissioners for approval.
 13 Q. And I think you said that there was another
 14 maintenance contract in effect immediately prior to the
 15 beginning of the 2008 contract?
 16 A. Correct. I believe that one was expiring.
 17 Q. Okay. Now, you said this contract had to be
 18 approved. Had to be approved by whom?
 19 A. By the Board of County Commissioners. Dollar
 20 amounts exceeded my authority.
 21 Q. Would you take a look at Bombardier
 22 Exhibit No. 5?
 23 A. Okay.
 24 Q. Would you take a look at that?
 25 A. Yes, I read it.

<p style="text-align: right;">Page 374</p> <p>1 Q. Are you familiar with this?</p> <p>2 A. I am.</p> <p>3 Q. Can you tell us what it is?</p> <p>4 A. It's an agenda item that would have been on a</p> <p>5 regular meeting of the Clark County Commission. It</p> <p>6 would have been in the airport section of that agenda.</p> <p>7 It was an item to ask the Board to approve the</p> <p>8 maintenance agreement for the train system by</p> <p>9 Bombardier.</p> <p>10 Q. And is that your signature at the bottom?</p> <p>11 A. It is.</p> <p>12 Q. Now this document is submitted to the</p> <p>13 Commission?</p> <p>14 A. Yes. It's submitted to the County Manager's</p> <p>15 office who puts the agenda together from all the</p> <p>16 different departments, and then once it's, the agenda's</p> <p>17 completed and posted, then it's provided to the Board</p> <p>18 of County Commissioners in their agenda book.</p> <p>19 Q. And this was seeking approval of the 2008</p> <p>20 maintenance contract?</p> <p>21 A. Correct.</p> <p>22 Q. And was the approval granted by the City</p> <p>23 Council, I mean the County Council -- commission?</p> <p>24 A. Heaven forbid.</p> <p>25 Q. Commissioners?</p>	<p style="text-align: right;">Page 376</p> <p>1 "The agreement as best reviewed and approved -- has</p> <p>2 been reviewed and approved as to form by the District</p> <p>3 Attorney's office," the paragraph immediately before</p> <p>4 that indicates that this was, that you were suggesting</p> <p>5 that this not be a bid contract.</p> <p>6 A. Correct.</p> <p>7 Q. Are you aware of that? Okay. And was that</p> <p>8 something that you desired, that it not be a bid</p> <p>9 contract?</p> <p>10 A. We made a decision. I ultimately made the</p> <p>11 decision as the director, clearly with the</p> <p>12 recommendation of staff, that we renegotiate directly</p> <p>13 with Bombardier for the contract and not put it out to</p> <p>14 a competitive process, correct.</p> <p>15 Q. And why did you want to do that?</p> <p>16 A. Well, for a number of reasons. We felt that</p> <p>17 the contract was best maintained by Bombardier since</p> <p>18 they were the installer of the system. The software</p> <p>19 clearly is a critical component of the operation of the</p> <p>20 system, and they're the only ones that have access to</p> <p>21 that software.</p> <p>22 Secondly, we were not aware at the time that</p> <p>23 there were any other providers that, third-party</p> <p>24 providers that provided maintenance of Bombardier</p> <p>25 systems. We were certainly aware that Seattle did the</p>
<p style="text-align: right;">Page 375</p> <p>1 A. Yes. It was approved by the County</p> <p>2 Commission.</p> <p>3 MR. MOSS: Okay. We offer this into evidence.</p> <p>4 MR. KAHN: No objection.</p> <p>5 COMMISSIONER TOWLER: All right. With that,</p> <p>6 Bombardier Exhibit 5 is entered into the record.</p> <p>7 (Exhibit B 5 admitted)</p> <p>8 BY MR. MOSS:</p> <p>9 Q. Mr. Walker, who creates this document?</p> <p>10 A. This agenda item?</p> <p>11 Q. Yes.</p> <p>12 A. Well, it's created generally by the division</p> <p>13 within the airport who's responsible for the issue. In</p> <p>14 this case, my guess would be this was created by the</p> <p>15 Facilities Division and then forwarded to the</p> <p>16 director's office for review and signature.</p> <p>17 Q. And the information that's set forth, like in</p> <p>18 fiscal impact, background, et cetera, is supplied by</p> <p>19 them?</p> <p>20 A. Yes. And it should be the amounts that are</p> <p>21 enumerated in the contract, and hopefully everybody</p> <p>22 reviews that to make sure that those numbers match.</p> <p>23 We've had a problem with that once or twice, but</p> <p>24 generally that's the way it's supposed to work.</p> <p>25 Q. Well, if you look at the paragraph right above</p>	<p style="text-align: right;">Page 377</p> <p>1 maintenance in-house. They did so at the very</p> <p>2 beginning of their system.</p> <p>3 And so for those reasons, we believed it was</p> <p>4 best to renegotiate the contract with Bombardier.</p> <p>5 Q. And you're aware of the fact that the NRS has</p> <p>6 a provision that allows exceptions to the bidding</p> <p>7 process?</p> <p>8 A. Correct, for various reasons.</p> <p>9 Q. And I'll represent to you that that paragraph</p> <p>10 sets forth the ones that you were basically saying that</p> <p>11 you were moving under and gives the reasons. Who</p> <p>12 actually creates that?</p> <p>13 A. Creates what?</p> <p>14 Q. That language? Is that --</p> <p>15 A. The division who would write this up would,</p> <p>16 certainly the common practice is they would coordinate</p> <p>17 those types of paragraphs with our District Attorney</p> <p>18 representative.</p> <p>19 Q. And it says at the bottom that it's been</p> <p>20 cleared with the District Attorney's office.</p> <p>21 A. "Reviewed and approved as to form," which has</p> <p>22 a different meaning than cleared.</p> <p>23 Q. What's the difference?</p> <p>24 A. Well, they review it for form to make sure</p> <p>25 that they agree that -- obviously, we would expect them</p>

Page 378

1 to catch anything they might see that they might
 2 question, but clearly if we were going to do, request a
 3 competitive exemption, that would be cleared with the
 4 District Attorney's office before we put it on an
 5 agenda and get their concurrence -- I apologize, I
 6 thought that was on "off" -- and get their concurrence
 7 that it was appropriate to ask for that.
 8 Q. And I assume since your signature's on it -- I
 9 shouldn't assume. Your signature's on it. Did you
 10 read it?
 11 A. Yes. I read the agenda items very carefully.
 12 Q. Do you have to formally tell somebody, "Yeah,
 13 I'm okay with this"?
 14 A. I sign it.
 15 Q. That's --
 16 A. If I'm not okay with it, I don't sign it. I
 17 send it back with questions.
 18 Q. Okay. Prior to this contract, had you ever
 19 done any other no-bid contracts?
 20 A. Oh, certainly. You mean with other companies?
 21 Q. With anybody?
 22 A. Oh, yes, certainly.
 23 Q. So that wasn't unusual?
 24 A. No.
 25 Q. Was this one proposed and handled, both at the

Page 379

1 DOA and by the Commission, in any way that was
 2 different than the other contracts?
 3 A. No. We've done similar contracts with
 4 Honeywell for maintenance of the fire life safety
 5 system, with Johnson Controls for maintenance of the
 6 security system, which is all the card readers and
 7 cameras which comprise our security system. Mainly for
 8 them it's the card readers.
 9 We've done contracts for elevator/escalator
 10 maintenance without going out to competition in the
 11 past. So there's -- I mean, I'm sure there are others,
 12 but those three come to mind right off the top of my
 13 head.
 14 Q. I'm talking about the process for seeking the
 15 approval and obtaining the approval. Was this done
 16 pretty much the same way as the others?
 17 A. Well, all of these are large contracts, so
 18 they all require approval by the Board of County
 19 Commissioners by statute, and so therefore they're
 20 taken to the Board, and if you're asking for, not to go
 21 through a competitive process, there's a rationale and
 22 justification on the agenda item for why that should be
 23 so.
 24 Q. I think you said earlier that on the reference
 25 to the sole source, you explained that one. The other

Page 380

1 one is that it is more efficient to give the contract
 2 to Bombardier than to somebody else. You understand
 3 that?
 4 A. Yes.
 5 Q. Did you believe it was more efficient to do
 6 that?
 7 A. I did.
 8 Q. Why?
 9 A. Like I said before, they're the -- they were
 10 the installers of the system. They built -- designed,
 11 built and installed the system.
 12 The software which I indicated was a very key
 13 component of the operation of the system is
 14 proprietary, and we did not have access to that code,
 15 nor would we -- even if we did, we certainly wouldn't
 16 venture to try to change the code ourselves. And so we
 17 believe that they possessed the ability to more
 18 efficiently maintain the system.
 19 Q. And I believe you've already said that the
 20 airport has entered into construction contracts in the
 21 past?
 22 A. Correct.
 23 Q. And have you done that prior to 2008?
 24 A. Certainly.
 25 Q. Now currently -- I don't know if currently's

Page 381

1 the case, but at one point you had a company called
 2 Bechtel that was doing work for you?
 3 A. Bechtel was our construction management firm
 4 that we had retained to oversee and manage all of the
 5 large construction projects on the airport.
 6 Q. Did they have anything to do with obtaining
 7 the contract?
 8 A. No. Actually obtaining the contract for the
 9 installation was done by the airport staff. But once
 10 the process started to either build the guideway or
 11 install the train system, then those contracts would
 12 have been managed by Bechtel through the arrangement we
 13 had with them.
 14 Q. And would that be similar to you if you were
 15 going to construct a new terminal?
 16 A. Same as Terminal 3, same as a new runway. Any
 17 large construction project was managed through the
 18 construction process which had Bechtel act as the
 19 owner's representative for construction management.
 20 We also have our own internal construction
 21 management team. They manage Bechtel, and then they
 22 also manage the smaller airport projects and then
 23 oversee all of the tenant improvement projects.
 24 Q. And have you worked with a number of
 25 construction contracts in your --

Page 382

1 **A. Yes, many, many.**
2 **Q. Okay. In your experience, do the contracts**
3 **define what the work is to be done?**
4 **A. Yes.**
5 **Q. And in your experience, do they set any time**
6 **limits to complete the work?**
7 **A. Construction projects have a time limit.**
8 **Generally they're, in the scope they're listed as "N**
9 **plus," which notice to proceed, plus so many days.**
10 **There's milestones included in the contract for various**
11 **key points within the contract that need to be met**
12 **within those time frames. And then obviously there's**
13 **an end date which is N plus so many days.**
14 **Now, that can change for unforeseen**
15 **conditions, change orders, requests by the owner, or**
16 **change orders required by design errors or omissions,**
17 **but nevertheless if it is changed, it's a change order**
18 **that adds days to the contract.**
19 **And then at some point the contract ends and**
20 **whatever is being built by the contractor is turned**
21 **over to the owner for use, and then there's a closeout**
22 **procedure that our staff uses to actually close out and**
23 **terminate the contract.**
24 **Q. What is that?**
25 **A. Well, it's a process to verify -- well, final**

Page 383

1 **change order to either pay the contractor the final**
2 **amount that's due under the contract, or a deduct if**
3 **there's some credits coming back, like quantity**
4 **estimates and things like that might have been**
5 **different.**
6 **Then once all that's done, then the bonds can**
7 **be released and the retention can be released and all**
8 **those things, and so once it's totally closed out, all**
9 **those things are done, and we officially close out the**
10 **contract and consider it a complete contract.**
11 **Q. When you said officially closed out, you mean**
12 **completed that process that you just said?**
13 **A. Yes. And sometimes that happens rather**
14 **quickly after the contract is complete and the**
15 **property's turned over to the airport. Sometimes if we**
16 **have a dispute with the contractor about how much they**
17 **should be paid, it may not get closed out for,**
18 **sometimes two or three years in the worst case**
19 **scenario, until all of those disputes are resolved and**
20 **we can close the contract out.**
21 **Q. Now, are there sometimes penalties associated**
22 **with not meeting the time limits?**
23 **A. Yes. Generally every milestone has a penalty**
24 **associated with the milestone.**
25 **Q. "Milestone" being events during the course of**

Page 384

1 the construction?
2 **A. Yes. Certain things that must be completed by**
3 **certain dates, and there is a, generally liquidated**
4 **damage associated with not meeting those milestones.**
5 **Q. I see. And you've had some quote,**
6 **construction contracts with Bombardier?**
7 **A. Correct.**
8 **Q. Did they have those characteristics that we've**
9 **just discussed?**
10 **A. I'm sure that they did, but it's pretty**
11 **typical, but I'd have to review the specific contract**
12 **to verify that.**
13 **Q. Now, you've testified that the DOA had**
14 **maintenance contracts with Bombardier. Does -- well,**
15 **does -- presently, today, does the DOA have any other**
16 **maintenance contracts?**
17 **A. We have lots of maintenance contracts.**
18 **Q. Can you give me some examples?**
19 **A. I mentioned the Honeywell contract, the**
20 **Johnson Controls contract, contract with Koenig for**
21 **maintenance of the elevators, escalators and moving**
22 **walkways. We have a contract with Sedillo to do all**
23 **the landscape maintenance around the airport. We have**
24 **a contract with First Transit to maintain all of the**
25 **buses that are used to shuttle our customers between**

Page 385

1 **Terminal 1 and Terminal 3 and the rental car facility.**
2 **We have maintenance contract -- I don't**
3 **remember who it's with now -- for our chillers and**
4 **boilers in our central plants. We have maintenance**
5 **contracts for large HVAC equipment. We have**
6 **maintenance contracts for computer equipment, such as**
7 **routers and things like that. We've got a whole host**
8 **of maintenance contracts.**
9 **Q. You said the 2008 contract was a maintenance**
10 **contract with Bombardier, and you had one of those, at**
11 **least several of those before. Prior to 2008, had you**
12 **had other maintenance contracts, companies other than**
13 **Bombardier?**
14 **A. We've had maintenance contracts with lots of**
15 **companies since the day I walked through the door in**
16 **1990.**
17 **Q. Are you familiar with any maintenance contract**
18 **that has any of the characteristics of timetables and**
19 **completion dates and that kind of thing?**
20 **A. Well, the contract expires. You enter into a**
21 **maintenance contract for a period of time, a year, two**
22 **years, five years. Sometimes there's options for**
23 **renewals. Each contract might be a little bit**
24 **different.**
25 **But at some point the contract itself will**

<p style="text-align: right;">Page 386</p> <p>1 expire on the expiration date of the contract, but the 2 contract itself doesn't have milestones like a 3 construction contract, in other words, by notice to 4 proceed plus 110 days you must have accomplished this 5 or that.</p> <p>6 Q. So in the construction contracts, the 7 milestones mean that we're making progress and moving 8 toward the end of the project?</p> <p>9 A. That's the design. That's the plan.</p> <p>10 Q. And the maintenance contract, the same work 11 just continues on until the contract expired?</p> <p>12 A. Correct. It's usually repetitive, same types 13 of things over and over again, and in terms of 14 scheduled maintenance, you might have unscheduled 15 maintenance due to equipment shutting down 16 unexpectedly, those kind of things.</p> <p>17 Q. Are you familiar with any maintenance contract 18 that the DOA has had or has now which was a prevailing 19 wage contract in which they paid the prevailing wage to 20 the workers?</p> <p>21 A. Not maintenance contract, no.</p> <p>22 Q. There's a couple of maintenance contracts that 23 I want to discuss with you. The first is the rental 24 car shuttle contract. Can you tell us what -- there is 25 such a contract, is there not?</p>	<p style="text-align: right;">Page 388</p> <p>1 lifted up and worked on, so they do a fair amount of 2 maintenance or repair if something breaks on the buses 3 as well.</p> <p>4 Q. So we own the buses?</p> <p>5 A. We own the buses.</p> <p>6 Q. We built a facility in which they would be 7 maintained?</p> <p>8 A. Correct.</p> <p>9 Q. And then contracted with First Transit to 10 provide the people to actually do the maintenance?</p> <p>11 A. Do the -- to drive the buses and to maintain 12 the buses, correct.</p> <p>13 Q. And under the contract, was First Maintenance 14 (sic) responsible to do whatever it took to keep the 15 buses in operation?</p> <p>16 A. First Transit, yes. Well, we set with them a 17 budget every year for the number of hours that we want 18 the buses to be operational, and there's a price per 19 hour for operating.</p> <p>20 And then we also set a budget for the number 21 of people that they will have on staff to maintain the 22 buses and for parts and those kind of things. And as 23 long as they operate within that budget, we're fine. 24 If the budget's going to be exceeded for whatever 25 reason, then they would, the contract would require</p>
<p style="text-align: right;">Page 387</p> <p>1 A. There is.</p> <p>2 Q. A maintenance contract?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Can you tell us, describe what it is, 5 what it covered?</p> <p>6 A. We have a shuttle system with 40 -- well, it's 7 more than that now. It used to be 42. We expanded it 8 when Terminal 3 opened." We have X number of buses 9 which we own. As the airport, we procured and own the 10 buses. We also built a bus yard and bus maintenance 11 facility which we own, and then we went out for a 12 competitive process -- an RFP process, not a bid 13 process -- to enter into a contract with the company to 14 operate and maintain the buses.</p> <p>15 First Transit is that company. They supply 16 the drivers to drive all of the buses to take people 17 back and forth from the airport to the rental car 18 facility. They also maintain all of the buses, so 19 whether that's routine maintenance or, you know, 20 something -- I'm not an expert on buses but, you know, 21 if they have some kind of mechanical failure, something 22 like that, then they'd be responsible for getting that 23 maintained. I'm sure some of the things they might 24 send out to third parties, but we do have a maintenance 25 facility that has the lifts that allow the buses to be</p>	<p style="text-align: right;">Page 389</p> <p>1 them to notify us that they anticipate that and we'd 2 have to sit down and decide what to do about that.</p> <p>3 Q. But, for example, you don't have another 4 contract with somebody to do the body work on the 5 buses?</p> <p>6 A. No. We do not. No. Now, you know, they may 7 have other contracts with other folks to do certain 8 things to maintain the buses, but our contract with 9 them is to have the buses maintained.</p> <p>10 Now, if a bus was crashed, I would, you know, 11 somebody ran into the bus or our bus driver ran into a 12 wall or something, then I don't believe the maintenance 13 contract would cover the repair to, you know, a 14 substantive damage to the bus. That would be outside 15 the scope of that contract, I believe, but I'd have to 16 read it to assure myself of that.</p> <p>17 Q. Now, is the First Transit contract a 18 prevailing wage contract?</p> <p>19 A. It is not.</p> <p>20 Q. And does the DOA also -- do you know what the 21 term of the First Transit contract is?</p> <p>22 A. I don't remember. It's been renewed since it 23 was initially -- they were selected under a competitive 24 process. I believe it was for five years initially. 25 It's been renewed since then because I know the</p>

<p style="text-align: right;">Page 390</p> <p>1 facility's been open for seven years now, six, seven 2 years. 3 Q. The rental car facility? 4 A. Correct. 5 Q. Prior to that it was one of those deals where 6 you went to 15 different places to get your -- 7 A. Prior to that each rental car company provided 8 their own shuttle buses. 9 Q. Whatever, from that date on, some sort of 10 maintenance contract has been in effect? 11 A. Correct. 12 Q. Now, do you have a contract with respect to 13 the maintenance of elevators and escalators and moving 14 walkways? 15 A. We do. 16 Q. And who is that contract with? 17 A. Koenig. 18 Q. Koenig? 19 A. Yes. 20 Q. And what's the work that is covered by that 21 contract? 22 A. To maintain all the elevators, escalators and 23 moving walkways. There's also a requirement for them 24 to have minimum amount of staff on site for response to 25 events where the escalator -- particularly the</p>	<p style="text-align: right;">Page 392</p> <p>1 Q. And what is the first page? Do you recognize 2 that? 3 A. It's an agenda item that would have been on 4 agenda for the Board of County Commissioners for 5 approval of a contract. This is unsigned, however, so 6 it's not the final one. 7 Q. Was the contract submitted to the Commission 8 for approval? 9 A. It was. 10 Q. And was it approved? 11 A. It was. 12 Q. Let me ask you to turn the page. 13 A. Just turn the page? 14 Q. Yes. There's a multiple-page document 15 starting on the next page. Do you recognize that? 16 A. I do. 17 Q. What is it? 18 A. It's a cover sheet for Contract CBE 662, which 19 is the contract for maintenance of elevators, 20 escalators and moving walkways. 21 Q. And then if you go to the next page -- 22 A. Yes, I see the next page. 23 Q. That appears to be the beginning of the first 24 page of the contract itself, correct? 25 A. Correct. I was just checking to see if this</p>
<p style="text-align: right;">Page 391</p> <p>1 escalators, the moving walkways would stop 2 unexpectedly. 3 A number of years ago -- trying to remember, 4 it was the last contract we entered into with them, so 5 probably seven years ago, our maintenance contract was 6 much different than it is today, and one of the biggest 7 complaints that we had at the airport was the failure 8 of the moving walkways and escalators in particular, so 9 we increased the scope of that significantly, changed 10 their processes on how we'd respond to those. Now 11 requires a Koenig employee. 12 Cost of that maintenance went up 13 significantly, but they're responsible, so the scope is 14 not only to maintain it for whatever their routine 15 maintenance requirements are, I assume per 16 manufacturer's recommendation, they're also responding 17 in the event of an unscheduled stop which happens quite 18 often with escalators and moving walkways. They are to 19 restart the system to see if it simply requires a key 20 to restart it, or replace a tread if a tread's broken 21 or a gear box if it fails or anything like that. 22 Q. Would you look at Exhibit 7 in the book? 23 A. Do you want me to review this? 24 Q. Yes. Well, just the first page. 25 A. Yes.</p>	<p style="text-align: right;">Page 393</p> <p>1 was an executed copy. I don't believe that it is 2 because the dates aren't filled in, but yes, this 3 appears to be the contract that was submitted to the 4 Board for approval. 5 Q. And is it in effect now? 6 A. It is. 7 MR. MOSS: We offer this into evidence. 8 MR. KAHN: I have no objection, subject to the 9 County's representation that this draft version of the 10 blank page is the same one that was signed? 11 MR. THOMSON: I fully believe that it is, and 12 we can go one further and substitute in when we're 13 doing this printing off the others, get a signed copy, 14 if everybody will stipulate to that just so it's 15 cleaner for the record. 16 COMMISSIONER TOWLER: That's fine. With that, 17 Exhibit 7 is -- I'm sorry, Bombardier Exhibit 7 is 18 entered. 19 (Exhibit B 7 admitted) 20 BY MR. MOSS: 21 Q. Now, is this a prevailing wage contract? 22 A. It is not. 23 Q. Are the employees who do the maintenance work 24 represented by a Union? 25 A. They are.</p>

Page 394

1 Q. What Union is that?

2 **A. Elevator constructors Union. I always forget**

3 **the official name, but I just call it the elevator**

4 **constructors Union.**

5 Q. You've commented upon a number of maintenance

6 contracts. Do you do all maintenance for the airport

7 through a maintenance contract with a third party?

8 **A. No.**

9 Q. So the airport itself does some maintenance --

10 well, of course it does now. We know it does the

11 trains -- but other maintenance?

12 **A. Lots of maintenance is done in-house, yes.**

13 Q. Generally, what are the kind of things that

14 you do yourself?

15 **A. We have plumbers who maintain plumbing systems**

16 **at the airport, so, you know, restroom plumbing,**

17 **toilets, sinks, those kind of things. If they happen**

18 **to be clogged or malfunction, plumbers would respond to**

19 **that. If a drain is clogged, a plumber responds to**

20 **that.**

21 **We have electricians who maintain the basic**

22 **lighting system of the airport. Inside the building,**

23 **they generally do things like change lightbulbs or**

24 **troubleshoot if there, you know, is a problem with the**

25 **electrical service.**

Page 395

1 **We have some electricians on the airfield that**

2 **maintain some pretty robust electrical vaults that**

3 **operate the airport lighting system, airfield lighting**

4 **system.**

5 **We have airport equipment mechanics that**

6 **maintain a vast system of baggage handling. All of the**

7 **system that you see behind the ticket counter, the**

8 **in-line automated screening nodes, the baggage claim**

9 **devices, all of the jet bridges, maintenance is all**

10 **done in-house with County staff. So those are some**

11 **examples. There's other things that are done but**

12 **that's --**

13 Q. Are there any maintenance facilities on the

14 property other than the one that you mentioned for

15 First Transit? That may not be on the property, I

16 don't know.

17 **A. We don't have a consolidated maintenance**

18 **facility for our maintenance group. Each one of them**

19 **has space that's allocated to them for parts storage.**

20 **Some of them have some shops where they might**

21 **manufacture or repair things in the shops. It's kind**

22 **of scattered. We have a plan to build a consolidated**

23 **maintenance facility, but we have not yet found the**

24 **money to put it into our capital plan, so it's still a**

25 **plan.**

Page 396

1 Q. So the maintenance function is a mix between

2 in-house and maintenance contracts?

3 **A. Correct. We've -- I don't think we, in my**

4 **tenure, we've never taken something that was done**

5 **in-house and created an outside contract. We have had**

6 **occasion where we've taken things that were done by a**

7 **third party and brought it in-house. But they're -- I**

8 **mean, there's no legal requirement to do it with our**

9 **own forces or with a third party, either way.**

10 Q. And is the airport maintained every day?

11 **A. Oh, yes. Constantly.**

12 Q. I will represent to you that one of the issues

13 in this case is whether the 552 contract, which you've

14 entered into with Bombardier, was directly related to

15 the normal operations of the airport or to the

16 maintenance of the airport's property? Did you

17 understand that? Do you understand that?

18 **A. I think so. Clearly the --**

19 Q. I need you to understand that?

20 **A. I believe so. Do you want me to respond or**

21 **not?**

22 Q. Well, I'm going to ask you another question.

23 **A. Sure. I'll wait for your question.**

24 Q. Do you believe the 2008 contract was directly

25 related to normal operations of the airport?

Page 397

1 MR. KAHN: Objection. Calls for a legal

2 conclusion.

3 MR. MOSS: "Do you believe," that was the

4 question.

5 COMMISSIONER TOWLER: Well, you know, I'm

6 not -- I think it's fine for him to answer, if it's

7 just going to whether the witness believes it from his

8 opinion or not. It's not going to be -- I'm not going

9 to say whether it's for the truth of the matter

10 asserted that it was or was not, so if you have an

11 opinion on that.

12 BY MR. MOSS:

13 Q. Well, let me put it this way. Based upon your

14 experience with the tram system, was the tram

15 maintenance contract important to the operation of that

16 system?

17 **A. Without a very high efficiency rate for the**

18 **trains -- the contract requires 99-point some percent**

19 **reliability -- there would be significant operational**

20 **problems for the airport in terms of delivering our**

21 **customers either from ticketing and the checkpoint to**

22 **the gates, or getting people from the gates to their**

23 **baggage claim and transportation network.**

24 **There is no alternate system that I'm aware of**

25 **at any airport in the world that can move the volumes**

<p style="text-align: right;">Page 398</p> <p>1 of passengers, particularly that we have from 2 Terminal 1 and Terminal 3 to the D Gates, as 3 efficiently as a train system, so we -- I do not 4 believe we could handle 44 gates of capacity at 5 terminal -- at the D Gates, excuse me, satellite 6 facility, without a train system. It would be 7 impossible, in my opinion, to properly manage that part 8 of the airport without a train system.</p> <p>9 Q. Is moving passengers from the terminal to 10 gates and from the gates to the terminal an activity 11 that normally occurs at the airport?</p> <p>12 A. Well, it's why we're in existence. The 13 airports exist to facilitate transfer of, between two 14 modes of transportation, an airplane and a surface 15 vehicle. That's what we're about. That's our very 16 existence. If we can't do that, then we're failing in 17 our principal requirement.</p> <p>18 Q. And you understand -- well, you know that the 19 airport owns the system?</p> <p>20 A. Yes, we own the system. We procured the 21 system, we own the system.</p> <p>22 Q. And in your experience, was the maintenance 23 contract important to the maintenance of that property?</p> <p>24 A. Yes. If we didn't believe it was important, 25 we would not have had a maintenance contract.</p>	<p style="text-align: right;">Page 400</p> <p>1 Q. If you'll look at the second paragraph, and if 2 you haven't read it completely, would you read it now?</p> <p>3 A. I did before.</p> <p>4 Q. There's substantial factual information set 5 forth in that paragraph. Is that information correct?</p> <p>6 A. Yes.</p> <p>7 Q. And also in that paragraph, you say that, "The 8 system is vital and integral to the airport's 9 operation." What did you mean by that?</p> <p>10 Well, first of all, was that your thought, 11 that it was vital and integral to the operation of the 12 airport?</p> <p>13 A. Yes. Clearly that was my thought because it's 14 true.</p> <p>15 MR. MOSS: Okay. We offer it into evidence if 16 we haven't done so.</p> <p>17 MR. KAHN: No objection.</p> <p>18 COMMISSIONER TOWLER: All right. Bombardier 19 Exhibit 4 is entered into the record. 20 (Exhibit B 4 admitted)</p> <p>21 MR. MOSS: Mr. Hearing Officer, I'm a little 22 unclear as to whether the determination letters that 23 Bechtel, I mean, that were created, are they in the 24 record?</p> <p>25 COMMISSIONER TOWLER: They are part of our</p>
<p style="text-align: right;">Page 399</p> <p>1 Q. Let me direct your attention to Bombardier 2 Exhibit No. 4. I'm going to ask you to review that.</p> <p>3 A. Excuse me. I just dropped some stuff. I've 4 got to get organized here. Exhibit No. 4? I'm there.</p> <p>5 Q. Yes. Would you review it?</p> <p>6 A. Okay.</p> <p>7 Q. Do you recognize this document?</p> <p>8 A. I do.</p> <p>9 Q. What is it?</p> <p>10 A. It's a letter to -- I'll mess up the name, 11 Margi Grein who is executive officer of the Nevada 12 State Contractors Board.</p> <p>13 Q. And there's a signature at the bottom and the 14 name. Is that you?</p> <p>15 A. That is my signature.</p> <p>16 Q. And did you create this letter?</p> <p>17 A. I'm certain I did not.</p> <p>18 Q. Do you know who did create it?</p> <p>19 A. My guess, this would have been created by our 20 construction group, either by Bechtel or someone within 21 our airport construction and engineering division.</p> <p>22 Q. Was it presented to you for your signature?</p> <p>23 A. It was.</p> <p>24 Q. And did you review it before you signed it?</p> <p>25 A. I did.</p>	<p style="text-align: right;">Page 401</p> <p>1 file, part of the hearing file.</p> <p>2 MR. KAHN: I think they were tendered as 3 County exhibits before the hearing also.</p> <p>4 MR. THOMSON: They are.</p> <p>5 COMMISSIONER TOWLER: That would be easier 6 just to add them as exhibits, I believe. That way you 7 can reference them.</p> <p>8 MR. KAHN: I would stipulate to the admission 9 of the County exhibits that are the determination.</p> <p>10 MR. THOMSON: Those are County Exhibits 3, 4 11 and 5.</p> <p>12 COMMISSIONER TOWLER: I think that would be 13 easier to reference, especially since they were done 14 years ago and there were multiple determinations.</p> <p>15 MR. THOMSON: The earliest one in November 24, 16 2009, Determination Letter is Exhibit 3. 17 March 30th, 2010, Determination Letter is 18 Exhibit 4. 19 And July 25th, 2011, Determination Letter is 20 Exhibit 5.</p> <p>21 COMMISSIONER TOWLER: So everyone stipulated 22 that those are entered as part of the record as County 23 Exhibit 3, County Exhibit 4 and County Exhibit 5?</p> <p>24 MR. TRIMMER: And for the sake of 25 completeness, we should probably enter the stipulation</p>

Page 402

1 that we entered into as a result of the District Court
 2 action, because it goes to the -- it relates directly
 3 to the 7-25-2011 determination and whether that has any
 4 effect.

5 COMMISSIONER TOWLER: Is that in one of the
 6 exhibits now? If it's not, I can --

7 MR. TRIMMER: It's Bombardier 2.

8 MR. KAHN: I have no objection.

9 COMMISSIONER TOWLER: All right, Bombardier
 10 Exhibit No. 2 is also entered into the record.
 11 (Exhibit B 2 admitted)

12 BY MR. MOSS:

13 Q. Mr. Walker, rather than have you read each of
 14 these documents at this point, are you familiar with
 15 the process whereby if someone makes a complaint
 16 regarding certain subjects to the Labor Commissioner,
 17 that it's incumbent upon the owner or you to
 18 investigate and make an initial determination on that?

19 A. Yes.

20 Q. And are you aware of the fact that that was
 21 done in this case? Were you aware of these
 22 determination letters?

23 A. It was done multiple times. I'm aware of
 24 that.

25 Q. And how do you become aware of them?

Page 403

1 A. Well, first the complaint is filed, and then
 2 the staff would notify me that there was a complaint
 3 that was filed. People would be assigned to
 4 investigate the complaint. That is usually, for a
 5 construction project that is coordinated by, in the
 6 past was coordinated by Bechtel, who was our
 7 construction management firm at the time, and certainly
 8 airport employees would be involved.

9 In this case, Facilities Division which
 10 managed the Bombardier maintenance contracts and
 11 oversaw the installation, because they're responsible
 12 for the operation later, were involved in that review,
 13 and at some point in time, once the review was done, I
 14 was communicated of the findings, and then there was a
 15 letter signed by Mr. Kingston, I believe, Bob Kingston,
 16 who at the time was Assistant Director for Facilities
 17 and Operations of the airport, which was then forwarded
 18 to the Labor Commissioner with the findings. I believe
 19 that's how it happened.

20 Q. And did you review the letters that were
 21 created?

22 A. I did.

23 Q. And did you agree with the content of those
 24 letters?

25 A. If I hadn't, they would not have been sent.

Page 404

1 Q. All right. During the course of your
 2 testimony, you've referred to individuals as being
 3 passengers that utilized the airport. Have you ever
 4 used the term "customers" for those people?

5 A. Yes. We have various types of customers, but
 6 our passengers are one of our customers, correct.

7 Q. Is there anything about the passenger
 8 complement at McCarran that can best describe what, who
 9 the people are?

10 A. Well, yes.
 11 88 percent of them are not local. 12 percent
 12 are local.

13 8 percent of those are connecting. 80 percent
 14 are destination passengers, those passengers who are
 15 coming to Las Vegas, either as conventioners,
 16 principally as conventioners, or for leisure, tourists
 17 basically. Some business, but that's very small.

18 Most of our customers are very infrequent
 19 customers. They don't come often to Las Vegas. In
 20 fact, the average visit is once per year. Some come in
 21 more often; some come in less often.

22 Our customers are very unfamiliar with the
 23 airport, and in essence must learn it over again each
 24 time.

25 Since Las Vegas is highly dependent upon

Page 405

1 tourism and convention business, it's very important
 2 that our customers have a high level of customer
 3 service, both on the inbound and the outbound part of
 4 their experience, so customer service to us is a very,
 5 very important part of what we provide those customers
 6 who are going on and off an airplane.

7 Q. Now, when you say "customer service," is that
 8 just a term you're using, or is that something that's
 9 actually discussed at the airport?

10 A. No. It's discussed with employees from the
 11 day they walk through the door and every opportunity
 12 that we get.

13 Customer service is very important. We teach
 14 our employees that the first and last look that
 15 approximately half of the people who come to town to
 16 drive this economy get are at the airport, and it must
 17 be a positive experience so that they will come back
 18 again and they will tell all their friends and
 19 relatives that it's a good place to come as well.

20 There's nothing worse than having a terrible
 21 experience when you leave from your vacation, to take
 22 the whole experience. So we try our best not to allow
 23 that to happen.

24 Q. Do you believe that the ATS system contributes
 25 to customer service?

1 A. Absolutely.

2 Q. Why?

3 A. Because it provides a more efficient, more
4 friendly, and faster way for customers to get from
5 either the curb or the ticket counter to their gate for
6 those gates where we do have a train system providing
7 that service.

8 Q. You're aware, or are you aware that the 552
9 contract has system availability requirements in it?

10 A. Absolutely.

11 Q. And I'll represent that it's 99.65 percent.
12 You understand -- do you know that?

13 A. I thought it was 99.6 or 7, so 65 seems to be
14 between 6, 7, so yes, I was aware of that.

15 Q. And the contract is set up in a way that if
16 that number's not met, Bombardier suffers financially?

17 A. Correct. There were performance penalties for
18 falling under that performance, and I believe they
19 escalated to the extent that performance number
20 dropped.

21 Q. 99.65 sounds like a rather rigid requirement.
22 Why is it that high?

23 A. Because the process to get passengers,
24 particularly to the D Gates now, without a train
25 system, is expensive, cumbersome, a very low level of

1 customer service, and one that we would not want to
2 have to do, ever.

3 Q. You said to the D Gates. Is it different for
4 the other gates?

5 A. C Gates, it's a mixed bag. For the arriving
6 customer, the majority of them now walk, as I
7 explained, because of the new checkpoint.

8 For the arriving customer, it would be a
9 degradation of the level of customer service, no
10 question, but the walking alternative would certainly
11 be a reasonable short-term alternative, as long as the
12 customers knew we were working on a solution.

13 The D Gate experience, under no circumstances,
14 would be a reasonable short-term solution.

15 Q. Obviously you're aware of the fact that the
16 552 was terminated in 2-12?

17 A. Correct.

18 Q. After that termination, does Bombardier and
19 the DOA have any kind of contractual relationship?

20 A. No.

21 Q. Are you familiar with something called the
22 Technical Services Agreement?

23 A. Oh, excuse me. Yes, I misspoke. We do have
24 the Technical Services Agreement with Bombardier to
25 provide technical services and advice on the operation

1 of the system. We patterned that after the Seattle
2 model.

3 Q. And essentially -- well, provides technical
4 services. How does it do that?

5 A. There's a person assigned that our staff can
6 call and consult with on terms of operational issues
7 with the system.

8 Q. Okay. Was the Technical Services Agreement
9 something that you wanted?

10 A. I believed it was essential for us to be able
11 to successfully maintain the system on an ongoing
12 basis.

13 Q. And why was that?

14 A. Because, first off, we don't have the source
15 code, and we cannot modify that source code. It's
16 proprietary. And we learned very painfully on, I
17 believe it was May 25th, that when something goes
18 wrong with the software, you can have a serious
19 problem.

20 Q. And you said that earlier something about
21 Seattle having one?

22 A. Yes. When --

23 Q. Did you know that at the time that you were
24 considering it?

25 A. Yes. When the Board directed us to look into

1 bringing the maintenance in-house, we sent two
2 employees, Bob Kingston, and I forgot who the second
3 one was, to Seattle. I called the director, Mark
4 Reese, I know him very well, and asked him if we could
5 send two folks up to meet with their staff to review
6 their processes and their, the way they maintain, and
7 we did that. They spent a couple of days there. They
8 showed them their system, how they maintain it, and one
9 of the things that they have is a Technical Services
10 Agreement which they had from day one, and they very
11 much recommended that that was an important part of
12 their in-house maintenance process.

13 Q. Did they tell you that they wouldn't do it
14 in-house if they didn't have that agreement?

15 A. They did not tell me that personally, no, but
16 that's what Mr. Kingston reported back based on his
17 visit with Seattle maintenance staff.

18 Q. And you believe the Technical Services
19 Agreement is important today?

20 A. I do.

21 Q. Would you turn to page 8? Not page,
22 Exhibit 8.

23 A. Exhibit 8? Yes, I've reviewed it.

24 Q. Are you familiar with that first page?

25 A. Yes, I am.

Page 410

1 Q. Again it's an unsigned copy. Do you know what
2 it is?

3 **A. Correct. It's an agenda item.**

4 Q. For what?

5 **A. For entering into an agreement with Bombardier**
6 **for Technical Services Agreement.**

7 Q. And would you turn to the second page?

8 **A. Okay.**

9 Q. That's a multiple-page. Do you know what it
10 is?

11 **A. I have reviewed the document, yes.**

12 Q. What is it?

13 **A. It's the agreement that we have with**
14 **Bombardier for what we call the Technical Services**
15 **Agreement.**

16 Q. So the agenda item was approved?

17 **A. It was approved.**

18 Q. And the agreement is in effect?

19 **A. It is.**

20 MR. MOSS: We offer this into evidence.

21 MR. KAHN: No objection, subject to corrected
22 copy from counsel.

23 MR. THOMSON: We'll endeavor to supply the
24 Commission with a signed copy.

25 COMMISSIONER TOWLER: All right. So with

Page 411

1 that, Bombardier Exhibit 8 is entered into the record,
2 and if a signed copy is made available, we'll replace
3 the portion that is unsigned in this document with the
4 signed pages.

5 (Exhibit B 8 admitted)

6 BY MR. MOSS:

7 Q. Mr. Walker, we talked about the termination of
8 the contract. Isn't it correct that there was
9 discussion with the Commission by the DOA about the
10 possibility of terminating the contract and bringing it
11 in-house?

12 **A. Yes. There was discussions in the County**
13 **Commission meetings and privately with Commissioners on**
14 **that issue.**

15 Q. And was your opinion solicited on that
16 question?

17 **A. That's an interesting statement. Yes, and no.**
18 **Solicited by some; not by others.**

19 Q. Okay. Well, did you have an opinion as to
20 whether it should be, the contract should be terminated
21 and the work brought in house?

22 **A. My recommendation to the Board, both privately**
23 **and in public was that I did not believe it was in the**
24 **best interests of the airport to bring it in-house.**

25 Q. Why wasn't it in the best interests?

Page 412

1 **A. I believe the risk of maintaining it in-house**
2 **did not match any projected cost savings that would be**
3 **available.**

4 Q. What risks are you talking about?

5 **A. Risk of the system not being available at the**
6 **high level that we had experienced in the past.**

7 Q. And obviously that didn't carry the day.

8 **A. No. My arguments don't always win the day.**

9 Q. Would you turn to Bombardier Exhibit 22 and
10 review that.

11 **A. Okay.**

12 Q. It appears to be a job classification for the
13 airport position. Have you seen that before?

14 **A. I have.**

15 Q. In bringing -- in deciding to bring the work
16 in-house, the maintenance work in-house, you obviously
17 were going to have to have workers to do that work?

18 **A. We did.**

19 Q. At the time that this was taking place, did
20 the DOA have any in-house employees who you felt were
21 capable of doing that work?

22 **A. We did not.**

23 Q. And did you have a job classification that
24 some way would have encompassed this work?

25 **A. No.**

Page 413

1 Q. So was this created as a result of this
2 process of bringing the work in-house?

3 **A. Once the Board of County Commissioners**
4 **directed us to bring the work in-house, there was a**
5 **time frame that was agreed upon to, as a target to**
6 **bring the work in-house. We did not successfully meet**
7 **that target, it was later than that, I might add, but**
8 **part of the steps necessary to bring it in-house was to**
9 **hire the appropriate staff. In order to hire the**
10 **appropriate staff, we had to have job descriptions and**
11 **positions to hire them into, and so one of the first**
12 **steps of, for a new position is to create the job**
13 **description.**

14 Q. And was this job description adopted by the
15 DOA?

16 **A. It was.**

17 Q. Do you know who created it?

18 **A. The actual final copy would be created by our**
19 **human resource personnel, which is headed by Chris**
20 **Santiago. The actual final document would be approved**
21 **by the County human resources as the official human**
22 **resources group for the entire County. Certainly input**
23 **at this part of the process would have been provided by**
24 **Joel, who was our manager of in-house maintenance who**
25 **we hired from Bombardier.**

Page 414

1 Q. Joel who?

2 A. Joel --

3 Q. Middleton?

4 A. Middleton, yes. How quickly we forget.

5 We hired him early in the process from

6 Bombardier to help us establish all of the process,

7 procedures, job classifications and other things that

8 would be necessary to be able to bring the work

9 in-house. So I would, I would certainly believe that

10 Joel had a big hand in crafting a lot of the language

11 that's in this, but the final job description would

12 have been developed by Chris, somebody in Chris

13 Santiago's shop and submitted and approved by the

14 County, probably with some modifications back and forth

15 before final approval.

16 MR. MOSS: If I didn't offer it, I'm offering

17 it in evidence.

18 MR. KAHN: This document? Voir dire.

19 VOIR DIRE EXAMINATION

20 BY MR. KAHN:

21 Q. The pay rate set forth in this job

22 specification, those were set by County personnel, not

23 by the DOA; isn't that correct?

24 A. Correct.

25 Q. And DOA, you in particular, thought the pay

Page 415

1 rates were too low, didn't you?

2 A. I did.

3 MR. KAHN: Well, I'm not going to object to

4 this, now that we've clarified what it establishes.

5 COMMISSIONER TOWLER: All right. With that,

6 Bombardier Exhibit No. 22 is entered into the record.

7 (Exhibit B 22 admitted)

8 DIRECT EXAMINATION (Resumed)

9 BY MR. MOSS:

10 Q. Mr. Walker, were you in your job on

11 May 25th, in your position?

12 A. I was.

13 Q. Was there an incident on that day involving

14 the ATS system?

15 A. There was.

16 Q. And what happened?

17 A. We had a complete failure of the system.

18 Q. What's a "complete failure" mean?

19 A. All the trains stopped working.

20 Q. And what was the effect of that?

21 A. We had significant backups at train stations

22 and at the checkpoints. The staff for the first time

23 ever implemented the emergency procedures for busing

24 passengers from Terminal 1 to the D Gates. The

25 emergency procedures for the C Gates is to have people

Page 416

1 walk.

2 Those procedures were actually implemented

3 fairly quickly. The response time from our third-party

4 bus companies was quite good. We did get the busing on

5 the ramp side up and operational quicker than we

6 actually had thought we could, and then it grew as more

7 buses came.

8 But even with the full complement of buses on

9 the air side, basically on the secure side of the

10 terminal, from the main terminal busing across the ramp

11 over to the D Gates to the rotunda, and then having

12 people get off the bus and go down in the rotunda and

13 vice versa, there was no way that we could maintain the

14 volume of traffic flow that was necessary to get people

15 to their gate on time.

16 The staff, realizing this, actually set up a

17 second alternative, and we bussed people -- we started

18 to get people out of line before the checkpoint and bus

19 them landside over to Terminal 3, cleared them through

20 the checkpoint, and then have them walk through the

21 emergency tunnel, a tunnel that we have set up as an

22 emergency procedure for trains, and get them to the

23 D Gates that way as well, whether they were -- no

24 matter what airline that they were flying.

25 Even with those two processes, the emergency

Page 417

1 procedures in place, plus the add-on that the staff

2 thought up on the fly, we had significant delays. We

3 had lots of customers who missed their flights. We had

4 lots of complaints from our customers who wanted to

5 know who was going to pay for their, you know, all of

6 their damages. I received several myself through my

7 e-mail, and I know there were lots of others that were

8 received from other people within the airport. It was

9 a very difficult situation for the airport.

10 Q. How long was the system down?

11 A. Down through -- failed I believe on Sunday

12 afternoon, and it didn't come back up until again until

13 sometime Monday.

14 Q. And do you know what the problem was --

15 A. I do now.

16 Q. -- that caused it?

17 A. It was a computer, a software glitch.

18 Q. And was that resolved?

19 A. Yes.

20 Q. Were any Bombardier personnel involved in

21 resolving that?

22 A. We would not have been able to resolve it

23 without Bombardier.

24 Q. Was there a cost incurred by the airport as a

25 result of this incident?

1 A. On multiple levels.
 2 Q. Like what?
 3 A. Well, there's the cost of the bus system.
 4 There's the cost of employees held over or called in on
 5 overtime to provide the manpower necessary for the
 6 emergency plan. There was a cost in our customer
 7 satisfaction. So there are lots of costs.
 8 Q. The monetary costs, is it recoverable in some
 9 way?
 10 A. No.
 11 Q. You mentioned this emergency plan. What is
 12 that?
 13 A. The emergency, we have an emergency plan, in
 14 the event of a catastrophic failure of a train system,
 15 of how we would get passengers to -- from post-security
 16 behind the checkpoint to their gates.
 17 Q. How long has that been in existence?
 18 A. Since we've had -- we've always had an
 19 emergency system upon opening of any of the train
 20 systems.
 21 Q. And you use the word "catastrophic." Is that
 22 a term that you actually use in describing these
 23 events, or is that just your opinion as to what the
 24 effect is?
 25 A. Well, we don't call it the catastrophic

1 emergency procedure. We just call it the emergency
 2 procedure. If one train set goes down, it is the call
 3 of the on-site managers. You know, Murphy's Law, it
 4 always happens on a weekend or night when senior
 5 management's not there, which did happen on the 25th,
 6 which was a Sunday. And it's up to the on-site
 7 managers whether to implement the system with one train
 8 down. We have had a train go down in the past and
 9 typically -- well, we have never implemented the system
 10 because the staff always felt that the one train would,
 11 was providing a level of service that was --
 12 Q. The one operating train?
 13 A. -- adequate, and by the time we could get the
 14 alternate system in place, the situation was usually
 15 resolved.
 16 Q. So the whole emergency plan had never been
 17 utilized until the 25th?
 18 A. No. The only time we used a portion of the
 19 emergency plan, and it wasn't really an emergency, it
 20 was on a planned basis, when we took, when we
 21 refurbished the D Gate train set, we had to take one of
 22 the trains out at a time. You know, the new cars
 23 showed up, the old cars had to be taken off, the new
 24 cars had to be placed on the track, and then they had
 25 to be certified and get a ride certificate from the

1 County before we could let the public use them. And
 2 for that period of time, which happened twice, we
 3 implemented the busing system in a nonemergency fashion
 4 to provide additional capacity during the peak periods
 5 to transport people to the D Gates.
 6 MR. MOSS: That's all I have.
 7 COMMISSIONER TOWLER: About five minutes.
 8 Let's go off the record.
 9 (Recess.)
 10 COMMISSIONER TOWLER: Let's go back on the
 11 record and continue direct examination, I'm sorry,
 12 we're on cross.
 13 CROSS-EXAMINATION
 14 BY MR. KAHN:
 15 Q. Mr. Walker, the decrease in the use of the
 16 C Gate tram coincided with the openings of the new
 17 security lane to the C Gates from the end of the
 18 Southwest terminal; isn't that correct?
 19 A. Correct.
 20 Q. And that new security lane in the C Gates was
 21 opened in around September 2008?
 22 A. You know, I don't remember. I'd have to go
 23 back. That seems early, but you probably researched
 24 that. I won't dispute it without looking at it.
 25 Q. But that change that had been in the works,

1 that had been planned for many months before it
 2 actually opened up? It wasn't a last-second decision?
 3 A. No, no, no, no. It opened up, obviously had
 4 been in construction for a period of time and we had
 5 the design and we had the planning so, yeah.
 6 Q. At least a year prior?
 7 A. At least.
 8 Q. So before you entered into the Contract 552,
 9 you knew that there was going to be this new security
 10 lane?
 11 A. Correct.
 12 Q. Okay. Now, you mentioned that Bombardier had
 13 the software. Did you purchase rights to use the
 14 software as part of the installation contract?
 15 A. I'm sure that we did.
 16 Q. So your concern on the maintenance side was
 17 that they would not update it or service it afterwards;
 18 is that correct? If you didn't buy a maintenance
 19 contract from them, they wouldn't service --
 20 A. Or if there was a problem with the software,
 21 that it would be, that the response time to resolve
 22 that problem would be not quick.
 23 Q. Did they ever indicate to you that if you
 24 didn't buy their maintenance services that there would
 25 be reduced access to software service?

1 **A. Well, they didn't threaten. The conversation**
 2 **was in order for us to have someone standing by in the**
 3 **non-business hours, we would need to pay for that**
 4 **standby opportunity. Otherwise, our questions would**
 5 **have to be answered in normal business hours.**

6 Q. But today, did you -- "you" meaning the
 7 airport -- ever explore at that time simply buying
 8 access to software services?

9 **A. No.**

10 Q. And prior to making the decision to go with
 11 Bombardier without bidding that contract out, did
 12 anyone from McCarran communicate with other companies
 13 that service APMs at other airports?

14 **A. No. I was not aware at the time that any**
 15 **other companies serviced any of Bombardier systems at**
 16 **other airports.**

17 Q. But you were aware that other companies
 18 serviced APMs installed by other companies than
 19 Bombardier? For example, you know that Otis Elevator
 20 had provided a system and that some company was
 21 servicing that system?

22 **A. I knew there were other systems besides**
 23 **Bombardier systems.**

24 Q. Right.

25 **A. I was not necessarily aware of who was**

1 **maintaining those systems.**

2 Q. And did anyone from the airport contact these
 3 other companies that supply APM services prior to your
 4 entering into Contract 552 about the possibility of
 5 those companies providing service?

6 **A. I cannot -- when you say "anyone," I cannot**
 7 **answer that question. I did not.**

8 Q. Okay. And you didn't hear from other
 9 employees at the airport that they had done so?

10 **A. No.**

11 Q. And you didn't ask anyone about that either?

12 **A. No.**

13 Q. Now, during the process where the work was
 14 being decided to go in-house, did Mr. Stanley from the
 15 IUEC present you with some data about the margin being
 16 received by Bombardier on this maintenance contract?

17 **A. He presented a spreadsheet which estimated**
 18 **what the cost would be from his perspective to maintain**
 19 **the system in-house, and that there was a difference**
 20 **between that number and the number that we were**
 21 **contractually obligated to pay Bombardier.**

22 Q. Do you recall having any discussion with him
 23 about the margin being received by Bombardier on the
 24 maintenance contract?

25 **A. I don't recall specifically, but I can't say I**

1 **did not.**

2 Q. Okay. And the pay rates that the County paid
 3 initially that we touched on earlier, do you know if
 4 those were essentially the rates that Bombardier was
 5 paying right before the County in-housed the contract?

6 **A. I'm not exactly sure how the human resources**
 7 **folks in this building developed those numbers. My**
 8 **guess is that that was the basis of their decision,**
 9 **although that was not directly communicated to me. But**
 10 **they determined.**

11 Q. Right. And someone expressed to you that
 12 these rates are reflective of what Bombardier was
 13 paying immediately before; is that correct?

14 **A. It wasn't hard to figure out that they were**
 15 **very close.**

16 Q. All right. Now, the vehicles that were
 17 purchased as part of Contract 2305, did the airport
 18 ever intend to sell these vehicles someday to another
 19 owner who would move them and operate them elsewhere?

20 **A. We never contemplated that. It became a**
 21 **possibility when the C and D Gate trains were being**
 22 **refurbished. We had inquiries from Miami about the**
 23 **possibility of buying some, or some of the trains that**
 24 **we were not going to use anymore, to potentially solve**
 25 **a problem that they had at Miami.**

1 Q. But in the end, those trains were just
 2 stripped for parts and scrapped, weren't they?

3 **A. Correct.**

4 Q. So other than Miami, was there any other
 5 market out there for a used train?

6 **A. Not that I was aware of.**

7 Q. Did Miami ever make a bid or proposal?

8 **A. Not formally.**

9 Q. And you understood back when you were
 10 purchasing the new system that the vehicles you were
 11 purchasing and the station, the wayside arrangements
 12 were matched for each other? In other words, for
 13 example, the wayside doors were designed to fit
 14 Bombardier's particular cars?

15 **A. Which, for which system? All of them or --**

16 Q. The C and D?

17 **A. The C and D. That the system was designed to**
 18 **fit Bombardier's cars?**

19 Q. Right.

20 **A. Correct.**

21 Q. For example, the station, the vehicle door
 22 spacing and the vehicle door size was matched for what
 23 was on the wayside?

24 **A. And the guideway.**

25 Q. All right.

<p style="text-align: right;">Page 426</p> <p>1 A. As well.</p> <p>2 Q. The County owns various vehicles that run on</p> <p>3 roadways, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Does it ever sell any of these vehicles?</p> <p>6 A. Yes.</p> <p>7 Q. And do you have any sense of how frequently,</p> <p>8 how much it sells vehicles?</p> <p>9 A. Whenever we allow the staff to replace them,</p> <p>10 then they get put into the County's auction process.</p> <p>11 Q. And they're sold in usable condition? In</p> <p>12 other words, they're not sold for scrap?</p> <p>13 A. Generally.</p> <p>14 Q. All right.</p> <p>15 A. There are exceptions.</p> <p>16 MR. KAHN: That you may hear about later,</p> <p>17 right?</p> <p>18 That's all the questions I have. Thank you.</p> <p>19 COMMISSIONER TOWLER: Thank you. Mr. Thomson?</p> <p>20 CROSS-EXAMINATION</p> <p>21 BY MR. THOMSON:</p> <p>22 Q. I want to start off with, Mr. Kahn was</p> <p>23 referring to some discussions about bringing the</p> <p>24 maintenance work in-house.</p> <p>25 A. Yes, I recall.</p>	<p style="text-align: right;">Page 428</p> <p>1 please?</p> <p>2 A. To myself?</p> <p>3 Q. Out loud.</p> <p>4 A. Out loud. "The work to be provided under this</p> <p>5 contract is design, fabrication, installation and</p> <p>6 testing of a fully automated, driverless</p> <p>7 computer-monitored transit system, ATS, for the</p> <p>8 McCarran International Airport to provide</p> <p>9 transportation for airline passengers and other persons</p> <p>10 over an exclusive guideway between the new central</p> <p>11 terminal and the new satellite terminal, Satellite 1</p> <p>12 Terminal. It shall provide a high level of service to</p> <p>13 its riders and shall be reliable so that a backup</p> <p>14 transportation system is not necessary."</p> <p>15 Q. All right. Turn to the last page of that</p> <p>16 exhibit, Section 6.2 entitled "Minimum Wage Rates."</p> <p>17 It's also page SP6.</p> <p>18 A. Okay. You want me to read that out loud as</p> <p>19 well?</p> <p>20 Q. No. I just would ask you to confirm whether</p> <p>21 or not this contract required under Chapter 338,</p> <p>22 attainment of prevailing wage rates?</p> <p>23 A. Yes, it did.</p> <p>24 Q. Exhibit 10. Exhibit 10, Contract No. 2013ATS,</p> <p>25 Terminal D Expansion for design, manufacture,</p>
<p style="text-align: right;">Page 427</p> <p>1 Q. And that was at the urging of Mr. Stanley and</p> <p>2 the IUEC?</p> <p>3 A. That is correct.</p> <p>4 Q. And the Board decided to do that?</p> <p>5 A. They did.</p> <p>6 Q. And Bombardier's contract was canceled early</p> <p>7 to effectuate that?</p> <p>8 A. Yes. Notice was sent under the provision of</p> <p>9 the contract and it was canceled early.</p> <p>10 Q. After the Bombardier contract was canceled,</p> <p>11 was the maintenance contract put out to bid?</p> <p>12 A. No.</p> <p>13 Q. I'd like to do a little housekeeping with you</p> <p>14 if I might, Mr. Walker. Exhibit 6 is entitled</p> <p>15 "Contract Documents, Automated Transit System, McCarran</p> <p>16 International Airport, Clark County, Nevada,</p> <p>17 September 1982." That long predates your tenure at the</p> <p>18 airport?</p> <p>19 A. It does.</p> <p>20 Q. Now, this is with the contract for the</p> <p>21 automated transit system equipment at that time. I ask</p> <p>22 you to turn to Special Provision 6.1 which is the third</p> <p>23 page of the exhibit.</p> <p>24 A. "Statement of Work"?</p> <p>25 Q. Yes. Would you read the first two lines,</p>	<p style="text-align: right;">Page 429</p> <p>1 installation, testing and maintenance of ATS vehicles</p> <p>2 with appurtenances. Date is October 4th, 1994. This</p> <p>3 was during your tenure as Assistant Director?</p> <p>4 A. I was a Deputy Director of Aviation at the</p> <p>5 time, correct.</p> <p>6 Q. Do you recall this contract?</p> <p>7 A. I do.</p> <p>8 Q. I'd ask you to turn to the fifth page, sixth</p> <p>9 page, excuse me, of this exhibit, which at the top has</p> <p>10 the name Clark County, Nevada, Exhibit C, "Scope of</p> <p>11 Work."</p> <p>12 A. Yes, I'm there.</p> <p>13 Q. In 1.0, would you read the first two lines,</p> <p>14 please?</p> <p>15 A. "The work to be provided under this contract</p> <p>16 is design, fabrication, installation and testing of a</p> <p>17 fully automated, driverless computer-monitored</p> <p>18 pinched-loop transit system ATS to provide</p> <p>19 transportation for airline passengers and other persons</p> <p>20 over an exclusive guideway between the central terminal</p> <p>21 and the new Satellite D Terminal; shall provide a high</p> <p>22 level of service to its drivers, and would be reliable</p> <p>23 so that a backup transportation system is not, will not</p> <p>24 be required."</p> <p>25 Q. And now if you'll turn to the last page of</p>

Page 430

1 this exhibit.

2 **A. That is the last page.**

3 Q. It's out of order. Would you look for, it's

4 the page marked page 90 of 130 of the contract

5 conditions.

6 **A. The page previous. Yes, I have that.**

7 Q. Section 85.0, "Nevada Prevailing Wage Rates."

8 **A. Yes, I see it.**

9 Q. Would you read the first sentence?

10 **A. "All work performed in the state of Nevada**

11 **shall use the prevailing wage rates for Public Works**

12 **State of Nevada has approved by the State of Nevada**

13 **Labor Commissioner."**

14 MR. THOMSON: Exhibit 11.

15 (Exhibit C 11 marked)

16 MR. KAHN: You haven't moved these?

17 MR. THOMSON: That's correct, I haven't.

18 BY MR. THOMSON:

19 Q. Do you have it now?

20 **A. I do.**

21 Q. This is listed as Contract No. 2131, and the

22 date is December 9th, or December 7th, 1999, excuse

23 me. Are you familiar with this contract?

24 **A. I am.**

25 Q. You were then the Director of Aviation at the

Page 431

1 time that this contract was entered into?

2 **A. I was.**

3 Q. Would you turn, please, to the, should be the

4 sixth page of the exhibit. At the bottom of the page

5 it's entitled "Page 17 of 35 of general conditions."

6 On top is "17.0, Labor."

7 **A. Okay, yes, I see that.**

8 Q. Would you read the fourth paragraph down in

9 that section?

10 **A. "For work performed"?**

11 Q. Yes.

12 **A. "For work performed at McCarran International**

13 **Airport, a supplier and its subcontractor shall be**

14 **bound by and comply with all federal, state and local**

15 **laws with regard to minimum wages, overtime work,**

16 **hiring and discrimination, including Chapter 338 of the**

17 **Nevada Revised Statute which is entitled 'Public Works**

18 **and Planning.' All work necessary to be performed**

19 **after regular working hours on Sunday or legal holidays**

20 **shall be performed without additional expense to the**

21 **owner."**

22 Q. Would you turn to the next page in the

23 exhibit, please? Should read, "Exhibit D, Technical

24 Requirements."

25 **A. Yes.**

Page 432

1 Q. And in 1.0, "Scope of Work, Supplier," would

2 you read the small final paragraph of that section?

3 **A. "The work provided under this contract**

4 **includes the design, fabrication, installation and**

5 **testing of fully automated, driverless**

6 **computer-monitored transportation vehicles and**

7 **associated equipment for the Terminal D expansion."**

8 Q. Exhibit 12. Do you have Exhibit 12 now?

9 **A. I do.**

10 Q. Exhibit 12 is titled "The Conformed Document

11 for Terminal 3 Automated Transit System, Contract

12 No. 2273," and the date is May 2nd, 2006.

13 **A. I see that.**

14 Q. Would you turn to the next page, please?

15 Should be page 9 of general provisions.

16 **A. Yes.**

17 Q. Under Section 3, "Scope of Work,"

18 Subsection 3.1, "Intent of Contract," would you read

19 the first sentence, please?

20 **A. "The intent of the contract is to provide for**

21 **the design, facilities interface, coordination,**

22 **manufacture, fabrication, delivery, installation,**

23 **integration, testing, demonstration, operation, and**

24 **commissioning of the T3 automated transit system, T3**

25 **ATS system, within the McCarran Airport-provided**

Page 433

1 **facilities as described and designed in the contract**

2 **documents."**

3 Q. Turn to the last page of this exhibit, please,

4 and it should be page 32 of general provisions.

5 **A. It is.**

6 Q. Go to Section 4.6.3, Nevada Prevailing Wage

7 Rates."

8 **A. Read that?**

9 Q. Read the first paragraph, please.

10 **A. "Supplier shall ensure that all workmen doing**

11 **the installation portion of the airport work are paid**

12 **in accordance with the current prevailing wage rates as**

13 **approved by the State Labor Commission for Clark**

14 **County, Nevada, at the date of the contract award."**

15 Q. Now, Exhibit 13. Exhibit 13 is Contract

16 No. 2305. It's the automated transit system Leg C and

17 Leg D upgrade, dated November 8, 2006. Are you

18 familiar with this contract?

19 **A. I am.**

20 Q. Turn to the next page, please. Should be page

21 7, "General Provisions."

22 **A. Yes.**

23 Q. Section 3, "Scope of Work," Section 3.1,

24 "Intent of Contract." Would you read the first

25 sentence, please, in that first paragraph?

Page 434

1 **A. "The intent of the contract is to provide for**
2 **the design, facilities interface, coordination,**
3 **manufacture, fabrication, delivery, installation,**
4 **integration, testing, demonstration, operation, and**
5 **commissioning of Leg C and D of the ATS system within**
6 **the McCarran Airport-provided facilities described as**
7 **defined in the contract documents."**
8 Q. Turn to the next page, please, of this
9 exhibit, which should be page 26 of general provisions.
10 **A. Yes.**
11 Q. Referring to Section 4.6.3, "Nevada Prevailing
12 Wage Rates." Read that first paragraph, please.
13 **A. "Supplier shall ensure that all workmen**
14 **performing electrical work, painting work, or any other**
15 **work being performed by a Nevada licensed subcontractor**
16 **are paid in accordance with the current prevailing wage**
17 **rates as approved by the State Labor Commission for**
18 **Clark County, Nevada, at the date of contract award."**
19 Q. Are you aware of any contract with the scope
20 of work such as has been depicted in these exhibits
21 we've been talking about here, which did not require
22 the payment of prevailing wage for the installation,
23 integration, testing, demonstration, operation, and
24 commissioning of vehicles at McCarran Airport?
25 **A. No.**

Page 435

1 Q. Has there ever been any confusion about these
2 types of contracts being maintenance contracts?
3 **A. No.**
4 Q. I believe you already testified when Mr. Moss
5 was asking you about the maintenance contracts at the
6 airport for the ATS system, and as far as you know,
7 there's always been a maintenance contract for the ATS
8 system?
9 **A. As long as I have been associated with the**
10 **airport, which is about 22 1/2 years there has been a**
11 **contract.**
12 Q. And at any time has prevailing wage been
13 required to be paid on any of those maintenance
14 contracts?
15 **A. No.**
16 Q. Is it possible to have a maintenance contract
17 for a -- well, first of all, do you believe the ATS
18 automated transit system to be a complex piece of
19 equipment or conglomeration of equipment?
20 **A. Certainly.**
21 Q. And is it your understanding that it is
22 necessary to constantly have a maintenance program in
23 place and in force in order to have that complex system
24 stay up and be operational?
25 **A. It's standard for any complex system, yes.**

Page 436

1 Q. Can you contemplate any way that maintenance
2 would not include some element of repair in order to
3 keep it up and running?
4 **A. I'm not aware of any maintenance contract we**
5 **have at the airport which does not include some element**
6 **of repair.**
7 Q. Does that include the Johnson Controls
8 contract?
9 **A. Yes.**
10 Q. And the Johnson Controls does maintenance on
11 what system?
12 **A. On the badge control system at the airport,**
13 **which is all the card readers and associated with**
14 **computer equipment and networking required to secure**
15 **all of our doors for authorized bypass by someone who**
16 **has the appropriate badge.**
17 Q. What repair and replacement is necessary to
18 keep that system operational?
19 **A. Sometimes a card reader will fail. Sometimes**
20 **a piece of network hardware will fail. Sometimes a**
21 **computer software will not function properly.**
22 **Sometimes, particularly with the outdoor readers on the**
23 **outside of the building, dust will accumulate in the**
24 **reader and they must be either swapped out to be**
25 **cleaned and then put into the spare or cleaned in**

Page 437

1 **place. So there are a number of repair situations with**
2 **the Johnson Control maintenance system.**
3 Q. You mentioned Honeywell as well. What does
4 Honeywell do?
5 **A. They maintain all of the fire and life safety**
6 **systems at the airport, which they installed.**
7 Q. In order to maintain it, what parts of repair
8 are necessary to that maintenance to keep it up and
9 running?
10 **A. Sometimes a part, a piece or part will fail**
11 **and then they have to replace that piece or that part**
12 **in order for the system to function properly.**
13 Q. Does the airport have a landscape contract?
14 **A. We do.**
15 Q. With whom?
16 **A. Sedillo.**
17 Q. Does Sedillo perform repairs along with the
18 mowing of the lawn and raking up wind-blown garbage?
19 **A. Clipping Oleanders. Don't forget that.**
20 Q. Okay.
21 **A. They do. If a sprinkler were to break, they**
22 **would need to repair that. On occasion we have drivers**
23 **who are going too fast and exit the roadway system at**
24 **an improper exit point and take out some landscaping or**
25 **damage the sprinkler equipment, and they repair those.**

Page 438

1 Q. I believe you mentioned the chiller system
 2 also. Who maintains the chiller system?
 3 A. **I don't recall. It used to be York. I don't**
 4 **know if it still is York, but it's one of the household**
 5 **name chiller maintenance companies. I know it was York**
 6 **at one time.**
 7 Q. Does that maintenance contract include
 8 repairs?
 9 A. **It does.**
 10 Q. Who does the HVAC maintenance?
 11 A. **Mostly it's done in-house. There's some**
 12 **elements that are maintained by others and I can't**
 13 **recall specifically.**
 14 Q. Now, you talked somewhat about the shuttle
 15 systems at McCarran. Transportation of passengers is
 16 very important?
 17 A. **It's critical.**
 18 Q. And that includes transporting people to the
 19 rental car facility?
 20 A. **To there and to the economy lot and the**
 21 **inter-terminal shuttle. We have several systems.**
 22 Q. Exhibit 14. Exhibit 14, title page says,
 23 "Contract for RFP No. 06-001, Shuttle Bus Operations
 24 and Maintenance."
 25 A. **I see that.**

Page 439

1 Q. Are you familiar with this contract?
 2 A. **Yes.**
 3 Q. You were the Director of Aviation when this
 4 was entered into?
 5 A. **I was.**
 6 Q. And this provides what service?
 7 A. **This provides the operation of the bus system**
 8 **to and from the airport and the rental car facility and**
 9 **the maintenance of the buses as well.**
 10 Q. Now, the rental car facility can be reached by
 11 the streets the normal public can travel on; is that
 12 correct?
 13 A. **Correct.**
 14 Q. So it is not necessary to have a dedicated
 15 guideway to transport people to and from the airport to
 16 the rental car facility, correct?
 17 A. **No.**
 18 Q. And that's, as compared to the Satellite D and
 19 what was truly Satellite C where you had to go through
 20 the, what's called the AOA?
 21 A. **You have to transfer the secure ramp side of**
 22 **the airport to get from post-security checkpoint to the**
 23 **gates.**
 24 Q. The public can't get out there?
 25 A. **The general public does not have access to**

Page 440

1 **that area.**
 2 Q. But nonetheless, the airport has to provide
 3 service moving people?
 4 A. **Correct.**
 5 Q. To the rental car facility, or to Satellite D,
 6 or to the C Gates?
 7 A. **Correct.**
 8 Q. Would you turn to page 4 of the contract?
 9 A. **Okay.**
 10 Q. Halfway down is Article 3, "Contractor's Scope
 11 of Work."
 12 A. **Yes.**
 13 Q. 3.1, "General." Would you read that first
 14 sentence, please?
 15 A. **"The contractor shall be responsible for the**
 16 **day-to-day operation and management of the shuttle bus**
 17 **service that will transport customers between the**
 18 **airport terminals and the CCRF along the routes shown**
 19 **on Attachments 2.1 through 2.3."**
 20 Q. Would you turn to page 11, please? Page 11 on
 21 the top should say, "Article 5, Bus Maintenance and
 22 Repair."
 23 A. **Yes.**
 24 Q. 5.1, "General." Would you please read the
 25 second paragraph?

Page 441

1 A. **"The contractor shall perform or cause to be**
 2 **performed all manufacturer-recommended maintenance,**
 3 **non-warranty and warranty repairs. Owner has purchased**
 4 **maximum extent of warranties allowable for various**
 5 **manufacturers for each bus. Owner will provide a list**
 6 **of the contractor for local warranty repairs and**
 7 **contacts. Contractor may perform warranty repairs only**
 8 **if approved and certified by the manufacturer to**
 9 **perform such services. Owner shall not be charged for**
 10 **any warranty service work performed. The contractor**
 11 **will maintain records of all maintenance, warranty and**
 12 **non-warranty repairs performed on each bus at all times**
 13 **throughout the contract. The record shall detail all**
 14 **work performed on the bus and its cost and its**
 15 **frequency."**
 16 Q. Turn to the next page, 12. And this is
 17 actually the last paragraph of 5.1. Just above where
 18 it says 5.2, "Bus Fueling."
 19 A. **"The contractor shall"**
 20 Q. Yes.
 21 A. **Read that paragraph?**
 22 Q. If you would, please.
 23 A. **"The contractor shall provide or cause to be**
 24 **provided oils, lubricants, hand tools, diagnostic**
 25 **equipment, cleaning supplies for mechanics and**

<p style="text-align: right;">Page 442</p> <p>1 miscellaneous OEM parts necessary for bus maintenance 2 and repair, other than the initial parts inventory, and 3 obtain warranty parts provided by various 4 manufacturers. Owner shall not be charged for any type 5 of markup cost. Contractor shall be reimbursed for 6 replacement parts and consumable items such as coils, 7 filters, engine belts, operating liquids, lightbulbs, 8 brake pads, tires, fix flat, replace, mount, balance 9 rotate if required and other miscellaneous consumables 10 not mentioned. Contractor and Aviation Director's 11 designee shall work together to establish an inventory 12 of all parts required to keep the buses in service 13 prior to DBO. Contractor shall use only OEM parts or 14 parts that meet or exceed the original standards. 15 Owner shall be billed at cost for all inventory and 16 owns all inventory." 17 Q. Do you know if an inventory of parts was 18 established to keep the buses in service? 19 A. It was. 20 Q. Was that a small list of inventory, to your 21 knowledge? 22 A. Well, "small's" relative, but no, I don't 23 believe it was small. 24 Q. Okay. If you turn to page 54, and if you'll 25 just quickly reviewing pages 54 through 61.</p>	<p style="text-align: right;">Page 444</p> <p>1 the train and damaging the terminal building. The 2 train was taken out of service. The airport was 3 required to put in a busing system in lieu of the train 4 system, and my discussion with airport management at 5 Miami, specifically Anna Santorio who worked there at 6 the time and Miguel Southwick who also worked there at 7 the time, this created a significant operational 8 problem for the airport in terms of maximizing the 9 utility of the gates at that terminal. 10 Q. How about Houston? 11 A. Houston was also being maintained by Johnson 12 Control during a similar time period. I did talk to 13 Rick Vacar who was the Director of Aviation at the time 14 at Houston who has subsequently retired, and he did 15 indicate that they were having significant reliability 16 issues with the trains under Johnson Controls, and they 17 were considering rebidding the maintenance and moving 18 it back to Bombardier. I am not -- I have not followed 19 up with anybody since that conversation to see if that 20 actually happened, but that was Rick's indication when 21 I chatted with him. 22 Q. Based on your knowledge of the occurrences in 23 Houston and in Miami, would you ever recommend to the 24 Board that they allow Johnson Controls to maintain 25 Bombardier equipment?</p>
<p style="text-align: right;">Page 443</p> <p>1 A. Okay. 2 Q. This is Attachment 3.1, 3.2, 3.3, 3.4 and 3.5, 3 and they all have a heading of "Equipment Schedule." 4 A. Yes, I see that. 5 Q. This is part of the contract that you 6 approved? 7 A. Yes. 8 MR. THOMSON: I move for the admission of 9 Exhibit 14. 10 COMMISSIONER TOWLER: Any objection? 11 MR. KAHN: Exhibit 14, no. 12 COMMISSIONER TOWLER: All right. With that, 13 County Exhibit No. 14 is entered into the record. 14 (Exhibit C 14 admitted) 15 BY MR. THOMSON: 16 Q. Now, when Mr. Moss was asking you some 17 questions about the failure that occurred at McCarran 18 Airport, are you aware of failures that have occurred 19 at other airports involving Bombardier equipment that 20 was maintained by another company? 21 A. I am. 22 Q. And what do you know? 23 A. Well, specifically Miami, which was maintained 24 by Johnson Controls, had a crash. The train collided 25 with the terminal building on the gate side, destroying</p>	<p style="text-align: right;">Page 445</p> <p>1 A. Based on their experience at the two locations 2 where they have maintained Bombardier equipment in the 3 United States, I would definitely not recommend that 4 they be allowed to maintain the trains at this airport. 5 MR. THOMSON: Indulgence for a second. 6 THE WITNESS: Not that I have a problem with 7 Johnson Control. They do a very good job on the card 8 reader system. 9 MR. THOMSON: I have no further questions. 10 COMMISSIONER TOWLER: Go ahead, Mr. Kahn. 11 RECROSS-EXAMINATION 12 BY MR. KAHN: 13 Q. The Miami crash you referenced, that occurred 14 at the end of 2008 after you entered into CBE-552? 15 A. Correct. 16 Q. And the Houston complaints you heard were 17 after you entered into CBE-552? 18 A. That's correct. When we entered into the 19 contract, I was not aware they were being maintained by 20 Johnson Control. 21 Q. Can you look at County Exhibit 10, please? 22 A. Which one is that? Mine aren't numbered. 23 Q. Oh. Yours are not numbered. McCarran 2000, 24 Phase 4. 25 A. Right here, Contract 2131?</p>

<p style="text-align: right;">Page 446</p> <p>1 Q. Right. Look at the cover page. You'll notice 2 the description under Volume 1 of 2 is "Design, 3 manufacture, installation, testing and maintenance of 4 ATS vehicles with appurtenances." 5 A. Which page am I on? 6 Q. Cover page. 7 A. "Design, manufacture, and selection" -- 8 COMMISSIONER TOWLER: He didn't have the 9 correct one. It's this one. You can look at this one 10 for the record. 11 THE WITNESS: Oh, I'm looking at the wrong 12 one. I'm sorry. 13 "Design, manufacture, installation, testing 14 maintenance of the ATS vehicles." Yes, excuse me. I 15 had the wrong exhibit. 16 BY MR. KAHN: 17 Q. As you sit here today, you don't remember the 18 scope of work of this contract, do you? 19 A. ATS D expansion? I do remember what the 20 intent of this contract was, yes. It was to add 21 another train to each train set to provide three 22 trains, and in conjunction with that we had another 23 contract performed by Sletten to expand the train 24 station. 25 Q. The reference to maintenance in the title,</p>	<p style="text-align: right;">Page 448</p> <p>1 THE WITNESS: I'm done? 2 COMMISSIONER TOWLER: You are free. 3 THE WITNESS: Thank you. 4 COMMISSIONER TOWLER: Let's go off the record. 5 (Discussion off the record.) 6 COMMISSIONER TOWLER: We'll go back on the 7 record. 8 MR. THOMSON: I would call Mike Moran to the 9 stand. 10 Whereupon, 11 MIKE MORAN, 12 having been first duly sworn to testify to the truth, 13 the whole truth and nothing but the truth, was examined 14 and testified as follows: 15 16 COMMISSIONER TOWLER: Please state your name 17 and spell your last name for the record. 18 THE WITNESS: Mike Moran. M-O-R-A-N. 19 COMMISSIONER TOWLER: All right, Mr. Thomson, 20 go ahead, when you're ready. 21 DIRECT EXAMINATION 22 BY MR. THOMSON: 23 Q. Mike, what's your current position? 24 A. Currently I'm Labor Compliance Officer for 25 Richardson Construction.</p>
<p style="text-align: right;">Page 447</p> <p>1 what is that referring to? 2 A. I'd have to review the contract to be 3 specific, but we already had a maintenance contract. 4 Q. The contract copy we've been provided is not a 5 complete copy. 6 A. Correct. 7 MR. KAHN: I would request the County 8 produce -- 9 MR. THOMSON: Certainly. 10 MR. KAHN: -- complete copy of that document, 11 thank you. 12 COMMISSIONER TOWLER: Well, this document, if 13 I'm correct, has not been entered. 14 MR. KAHN: Right. 15 COMMISSIONER TOWLER: Okay. Just want to make 16 sure. 17 MR. THOMSON: And you do have a copy of it 18 electronically. 19 MR. KAHN: Oh, electronic. All right. 20 Nothing further. Thank you. 21 COMMISSIONER TOWLER: All right, Mr. Moss, do 22 you have anything further? 23 MR. MOSS: No. 24 COMMISSIONER TOWLER: So, unless there's 25 something from you.</p>	<p style="text-align: right;">Page 449</p> <p>1 Q. In your duties as an employee of Richard 2 Construction, do you have any particular tasks at this 3 time? 4 A. Currently I'm contracted or under contract to 5 the Department of Aviation to manage the labor 6 compliance program for Department of Aviation under 7 their mostly new construction contracts. 8 Q. How long have you had that assignment through 9 Richardson? 10 A. For Richardson, I've been working since 2009. 11 Originally with Richardson, I was ensconced or 12 contracted to Bechtel infrastructure, until the 13 beginning of this year, January 1st of this year, 14 Bechtel was no longer available, and Richardson 15 contracted me to the Department of Aviation. 16 Q. Just to get it clear then, you've been 17 involved with the airport since 2009? 18 A. Yes, sir. 19 Q. You've always been an employee of Richardson? 20 A. Correct. 21 Q. Originally your tasks were assigned through 22 Bechtel, the construction manager for the Department of 23 Aviation? 24 A. Yes, sir. 25 Q. And when Bechtel's contract terminated, you</p>

<p style="text-align: right;">Page 450</p> <p>1 were then assigned directly by Richardson to assist the 2 County Department of Aviation; is that correct? 3 A. Yes, sir. 4 Q. In that scope of work, in assisting the 5 airport, can you give us an example of what your duties 6 have been? 7 A. Initially my duties were to investigate any 8 and all complaints that came in regarding prevailing 9 wage issues. The original complaint that I was hired 10 for was 2305, the project that Bombardier did to expand 11 or to refurbish C and D Legs. 12 In addition to doing the investigations, I 13 also monitored, certified payroll, interviewed 14 employees to ensure compliance with Nevada Revised 15 Statutes regarding prevailing wage. 16 I also initiated reports on a monthly basis to 17 the contractor explaining any discrepancies that were 18 found, attempting to get those fixed without doing an 19 official complaint. If the discrepancies weren't 20 fixed, I would be the one to initiate the complaint and 21 then pass that off to the project coordinator or the 22 project manager for that project. 23 Q. In addition to investigating claims and 24 attempting to have an informal resolution, if you 25 couldn't do that, you would then do what?</p>	<p style="text-align: right;">Page 452</p> <p>1 investigations were prevailing wage complaints either 2 brought through the Labor Commissioner or found through 3 review of certified payroll or personal interviews with 4 the employees. And those complaints we would do the 5 investigation within the allotted time, submit a 6 determination through the project manager to the Labor 7 Commissioner, and resolve it in that manner. 8 Q. Do you have an estimation of how many of those 9 you've done for the airport? 10 A. Late filings, probably 40 to 50; wage 11 complaints, at least 10 to 12. 12 Q. Are you familiar with audit investigations? 13 A. Audit investigations? Yes, I am. 14 Q. What are those? 15 A. Those are the investigations that we do on a 16 monthly basis to ensure that certified payroll meets 17 the requirements of the project and are in compliance 18 with Nevada Revised Statute 338 and Nevada 19 Administrative Code 338. 20 Q. How many of those have you conducted, 21 approximately? 22 A. Quite a few. For every contractor, I review 23 every report that the contractors file. On T3 there 24 was upwards of 60 to 70 contractors, and each 25 contractor turns in four reports a month, and I review</p>
<p style="text-align: right;">Page 451</p> <p>1 A. There would be a formal complaint filed with 2 the Labor Commissioner, and it would be the 3 responsibility of the contractor, the prime contractor 4 to respond to that formal complaint and either resolve 5 it through fixing whatever we're complaining against, 6 whether it be nonpayment of prevailing wage, 7 underpayment of prevailing wage, or not even -- in some 8 cases they would not even report to the Labor 9 Commissioner. They had subcontractors on site. All 10 those are violations of NRS 338, and those were my 11 responsibilities to ensure that they were maintained 12 and kept up to 338 standards. 13 Q. How many of those investigations have you done 14 for the airport? 15 A. For -- there's two different types of 16 investigations I did. I did filing of late, late 17 filing of prevailing wage. The statute or late filing 18 of certain payroll, the statute mandates that the 19 certified payroll be filed on or before the 15th day 20 of the month, after the month of when the work was 21 performed. If they filed any -- on the 16th day, I 22 would file a determination showing that they were in 23 violation of 338, and assessing forfeitures against the 24 contractor for that. 25 The other types of determinations I did,</p>	<p style="text-align: right;">Page 453</p> <p>1 all four of those reports monthly, so it could be 2 upwards of many thousands. 3 Q. Have you ever been involved in training 4 contractors regarding prevailing wage issues? 5 A. Yes, sir. On my initial -- when I was 6 initially hired for the airport, I requested to go to 7 pre-construction conferences and also to meet with 8 prime contractors to provide them training on the 9 requirements that the airport would have regarding 10 prevailing wage and Nevada Revised Statutes, and the 11 reporting requirements that the airport has. The 12 airport contractually had a difference in when the 13 reports had to be submitted to the airport, than what 14 was listed. It was stricter than what the Nevada 15 Revised Statute had. The statute says the 15th day. 16 The contract stipulated the 10th day of the month 17 after the month in which the work was performed. 18 Q. Have you been involved in any training 19 sessions at the Labor Commission? 20 A. Yes. The Labor Commissioner, I've been 21 involved with Nevada prevailing wage since 2002, and in 22 that time the Labor Commissioner has put on one 23 training session, last year, that he invited all the 24 public awarding agencies to, and I was happy to be 25 involved in that, yes.</p>

<p style="text-align: right;">Page 454</p> <p>1 Q. In addition to that, did anything come of that 2 in terms of a multi-jurisdictional group or anything 3 like that?</p> <p>4 A. Out of that, there wasn't anything because of 5 that. There was -- when I was initially, when I 6 initially started in 2002 doing prevailing wage, I was 7 working for the Union, for National Brotherhood of 8 Electrical Workers, and at that time I was getting my 9 feet wet. I was learning 338 and learning prevailing 10 wage, and I had worked through my boss at International 11 Brotherhood of Electrical Workers, to establish a 12 working group at that level with all the Union people 13 that were monitoring prevailing wage, as well as 14 awarding agencies, and the Labor Commissioner. At that 15 time it was Deputy Commissioner Maxwell that got to sit 16 in the meeting. We had two meetings. We also included 17 the DOL. But it kind of died off after that.</p> <p>18 In my current position, I wanted to bring that 19 back to light, but only with the awarding agencies to 20 see if there was any other issues that awarding 21 agencies were dealing with that the airport could be 22 dealing with, or vice versa, or any 23 multi-jurisdictional complaints that were out there 24 that could be resolved in a group setting or could get 25 additional resources in that group setting.</p>	<p style="text-align: right;">Page 456</p> <p>1 reports. Again, I did a monthly report for the prime 2 contractor. In that instance, I would physically take 3 that report and debrief the prime contractor, certified 4 payroll personnel on what the findings were.</p> <p>5 Additionally, if there were any investigations 6 or complaints that arose from either the review of the 7 certified payroll reports or outside complaints, UNLV 8 gave me pretty much carte blanche to write the 9 determination as an awarding agency, brief them, sign 10 the awarding -- sign as the awarding agency, and file a 11 determination and follow through to completion.</p> <p>12 Q. So you prepared and signed the determination 13 letters for UNLV?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Was there's a person named Susan Hobbs who 16 worked at the university during this time period?</p> <p>17 A. Yes, sir, she was the Director of Construction 18 and Engineering at the time.</p> <p>19 Q. Subsequently did she go to work for the 20 Department of Aviation?</p> <p>21 A. Yes, sir, she did.</p> <p>22 Q. Did she contact you at any time?</p> <p>23 A. She did contact me summer of, I believe 2009. 24 The Bechtel had just recently taken over the project 25 labor agreement aspect of the contract for the airport</p>
<p style="text-align: right;">Page 455</p> <p>1 Q. You mentioned you started in this area, with 2 the electric, electrician's Union, IBEW?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And that was from September 2nd to 5 October 2006?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What exactly did you do for the Union?</p> <p>8 A. Initially I was hired as an administrative 9 assistant. But they allowed me to learn the prevailing 10 wage aspect of the job. Eventually, I started 11 reviewing certified payroll reports from various 12 awarding agencies for like, from mostly non-union 13 electrical contractors to ensure compliance with 338. 14 I would also write third-party complaints to the Labor 15 Commissioner if any of the issues that I found in 16 reviewing the certified payroll reports warranted a 17 complaint to be filed.</p> <p>18 Q. And upon your completion of service with the 19 IBEW, where did you go?</p> <p>20 A. I went to Harris & Associates and I was 21 subcontracted from Harris & Associates to the 22 University of Nevada Las Vegas to manage their 23 prevailing wage program.</p> <p>24 Q. And in managing the program, what did you do?</p> <p>25 A. I reviewed all of the certified payroll</p>	<p style="text-align: right;">Page 457</p> <p>1 in managing the construction projects. They were also 2 doing all the prevailing wage complaints, certified 3 payroll reviews, et cetera. But Bechtel at the time, 4 nor the airport had anyone that had any knowledge or 5 background in providing prevailing wage investigations 6 regarding the complaints that they were getting.</p> <p>7 So Susan asked me if I would be willing to 8 work for the airport to do those types of 9 investigations and to ensure that they were in 10 compliance with all of their other issues regarding 11 prevailing wage, based on my experience with her.</p> <p>12 Q. Okay. And when you came to the airport, you 13 encountered some complaints filed against Bombardier 14 almost immediately?</p> <p>15 A. Yes, sir. The initial reason I was hired was 16 because of the complaint filed on 2305, the prevailing 17 wage complaint filed by IUEC against Bombardier on 18 Project 2305, the upgrade on C and D Leg. And within 19 three or four days of my hiring on and clearing through 20 security, we were in the interview process of the 21 employees that had been associated with that complaint 22 and were reviewing all the documents and previously 23 filed determinations that were submitted.</p> <p>24 Q. Before we start getting into the details of 25 that, we have circulated, it's not marked but it would</p>

Page 458

1 be County's Exhibit 44. Did you prepare this document?
2 COMMISSIONER TOWLER: Could you describe it,
3 since we don't have it marked, just to make sure.
4 BY MR. THOMSON:
5 Q. Right. It is, what is it, Mike?
6 **A. It's my resume, it looks like. Without the**
7 **personal information that shows where I live, phone**
8 **numbers, et cetera.**
9 Q. Does this describe your professional
10 experience?
11 **A. Yes, sir. Professional experience and**
12 **educational experience.**
13 Q. Is it accurate?
14 **A. Yes, sir, it is accurate to date.**
15 MR. THOMSON: Move for its admission.
16 MR. KAHN: No objection.
17 COMMISSIONER TOWLER: All right, County
18 Exhibit 44 is entered into the record.
19 (Exhibit C 44 admitted)
20 BY MR. THOMSON:
21 Q. All right. You also were quickly put into an
22 investigation regarding maintenance Contract CBE-552?
23 **A. Yes, sir.**
24 Q. And you're still here on that today?
25 **A. Yes, sir.**

Page 459

1 Q. Have you ever gone to another hearing on any
2 of your determinations prior to this one?
3 **A. No, sir. Since 2002, 13 years, I've never**
4 **been to a hearing, nor have any of the people I've**
5 **worked with in other awarding agencies been to**
6 **hearings. They've been scheduled or they've been**
7 **briefed, there have been prehearing briefs, there have**
8 **been documents back and forth, but there really hasn't**
9 **been any formal hearings held, to my knowledge, for any**
10 **of the other awarding agencies that I have worked with**
11 **or myself.**
12 Q. All right. When this was brought to your
13 attention, what did you -- how did it come to you?
14 **A. My understanding was there was a return of the**
15 **initial determination that Mr. Kingston -- Bob Kingston**
16 **was facilities manager and drafted the initial**
17 **determination in response to the complaint filed by**
18 **IUEC. That determination was returned to the**
19 **Department of Aviation with some additional**
20 **instructions from Deputy Commissioner Sakelhide on how**
21 **to conduct the investigation. Deputy Commissioner**
22 **Sakelhide's response did not allude to the objection**
23 **filed by the Union. It just explained that, the detail**
24 **that needed to be involved in the investigation. At**
25 **that point, it was copied to Susan as well as**

Page 460

1 **Mr. Kingston, and Susan had requested my assistance in**
2 **answering those letters, both the objection and the**
3 **letter from the Labor Commissioner.**
4 Q. Okay. The initial Determination Letter
5 written by Mr. Kingston is already admitted as
6 Exhibit 3. Once it fell into your lap, what did you
7 do?
8 **A. Initially I reviewed his Determination Letter.**
9 **I scheduled a meeting with Deputy Commissioner**
10 **Sakelhide, sat down with him to try to understand the**
11 **reasoning behind me getting involved, what was Mr. --**
12 **Commissioner, Deputy Commissioner Sakelhide looking for**
13 **in the determination? What was lacking in the previous**
14 **determination?**
15 **And Deputy Commissioner Sakelhide basically**
16 **told me to look at the contract, dig deeper into the**
17 **contract, look at it not just on face value, but match**
18 **contract to actual work that was being done, ensure**
19 **that employees were interviewed, management was**
20 **interviewed, any other pertinent parties were**
21 **interviewed, and formulate a determination based on the**
22 **interviews, the review of the contract, and any other**
23 **pertinent information that I would come up with.**
24 **Then I met with Bombardier management team,**
25 **Sushil was the manager from Bombardier at the time for**

Page 461

1 **O&M and Steve Jay was the Assistant Director of**
2 **Facilities who accompanied me on the initial meeting**
3 **with Bombardier management team, on site.**
4 Q. Okay. Just before you go any further, we're
5 going to distribute some exhibits. Exhibits 1 and 2.
6 Exhibit 2 should already be up there.
7 **A. Yes, I believe it is.**
8 Q. Exhibit 1 is being distributed now.
9 Exhibit 1, the heading is "Meeting Minutes, Meeting
10 Date January 11, 2010, Meeting Time 8:45." Do you have
11 Exhibit 1?
12 **A. Yes, sir, I do.**
13 Q. Can you describe what Exhibit 1 is?
14 **A. This is my minutes, my typed minutes from that**
15 **meeting with Bombardier management team, Steve Jay and**
16 **myself regarding this determination and the complaint**
17 **itself, basically discussing what the purpose of the**
18 **meeting was, what I expected to accomplish, and**
19 **requesting to meet with all the employees of Bombardier**
20 **to interview them specific and discuss specific**
21 **questions that I wanted to ask Bombardier employees.**
22 Q. Now, this is a typed page. When was this
23 typed by you?
24 **A. This was typed within a day of the meeting.**
25 Q. Do you make handwritten notes during meetings?

Page 462

1 **A. I do make handwritten notes during meeting.**
 2 Q. Is it longhand or shorthand?
 3 **A. Shorthand. Extremely shorthand.**
 4 Q. Did you keep your shorthand?
 5 **A. No, sir, I did not. Once I type the minutes,**
 6 **I discard the shorthand notes.**
 7 Q. So this is, as far as you're concerned, the
 8 record of the meeting that you held with Bombardier?
 9 **A. Yes, sir.**
 10 Q. Is there anything in particular about these
 11 meeting minutes that you would like to call to the
 12 attention of the Commissioner?
 13 MR. KAHN: Calls for a narrative.
 14 MR. THOMSON: I'm sorry?
 15 COMMISSIONER TOWLER: Go ahead. There's an
 16 objection. Could you restate the objection, please?
 17 MR. KAHN: Calls for a narrative.
 18 COMMISSIONER TOWLER: It does. I think you
 19 need to be --
 20 MR. THOMSON: I was asking for a yes or no, if
 21 he believes there's something called to your attention?
 22 COMMISSIONER TOWLER: Well, if it's a yes or
 23 no, the witness can answer "yes" or "no."
 24 THE WITNESS: No.
 25 \

Page 463

1 BY MR. THOMSON:
 2 Q. Let's put it this way: The document explains
 3 what you learned --
 4 **A. Yes, sir.**
 5 Q. -- from Bombardier at that meeting?
 6 **A. Yes, sir. I recorded the notes that I took.**
 7 Q. Exhibit 2?
 8 **A. Yes, sir.**
 9 Q. On top it says, "1/13/10-1/14/10. Conducted
 10 interviews and observations of on-site Bombardier
 11 employees." What is this page?
 12 **A. This is my consolidated notes. Because**
 13 **Bombardier did work two shifts, I scheduled interviews**
 14 **for both the day shift and the night shift on separate**
 15 **times, and I wanted to interview as many of the**
 16 **Bombardier employees as I could. I believe this was on**
 17 **a Wednesday that I did the day shift, and I came back**
 18 **at night and did the night shift into the next day.**
 19 **And I also, during the interview process, I**
 20 **had some of the staff members walk me through**
 21 **Bombardier's work area, the shop area, show me some of**
 22 **the stuff. Because it was at night, I had one train**
 23 **down, they showed me some of the work spaces that they**
 24 **had to get into and tried to explain in detail what**
 25 **work they did and why they personally felt that they**

Page 464

1 **should be paid prevailing wage, versus getting paid**
 2 **what they were paid. I also -- they also discussed why**
 3 **the schedule was done the way it was done, trying to**
 4 **reinforce what the management team told me.**
 5 Q. So did you interview all of the employees?
 6 **A. I interviewed 90 percent of the employees. I**
 7 **think there was like three employees that I missed. On**
 8 **the day shift, it was pretty much one to four people at**
 9 **a time, and at the night shift it was the entire group**
 10 **at the beginning of the shift, and then I would walk**
 11 **with them while they were doing their work and talk**
 12 **with them.**
 13 Q. What did you observe during the work?
 14 **A. During the work, actually they shut down one**
 15 **of the trains, did a lockout/tagout and were working on**
 16 **a, one of the rear axles. They had explained to me**
 17 **that they had to take apart the axles. There was some**
 18 **metal shavings inside the differential areas that were**
 19 **coming out and they were trying to -- they were told to**
 20 **take all the axles apart and explore why these shavings**
 21 **were coming out and replace the parts as they were**
 22 **taking them off.**
 23 **They also showed me some of the rebuild areas.**
 24 **They explained to me the day shift was doing the**
 25 **rebuilt. They showed me the different rebuild areas,**

Page 465

1 **including the electrical rooms where they did the**
 2 **electrical rebuilds. They showed me some of the motors**
 3 **they were working on. Started up some of the stuff**
 4 **that was kind of cool to a non-mechanical guy like me**
 5 **to see how things worked.**
 6 Q. In addition to meeting with Bombardier and
 7 meeting with the workers, observing the work site, I
 8 believe you also said you examined the contract?
 9 **A. Yes, sir. I initially began with a thorough**
 10 **examination of the contract, from beginning to end, to**
 11 **try to understand what was in the contract and if any**
 12 **of the contract, in my opinion, could be considered**
 13 **prevailing wage based on the contract that they signed.**
 14 Q. Would you take Bombardier Exhibit 1, which is
 15 the Contract CBE-552?
 16 **A. Yes, sir.**
 17 Q. Can you turn to page 24 and look at
 18 Section 2.1.2.1, "Guideway and Facility Maintenance."
 19 **A. Yes, sir.**
 20 Q. Second paragraph on that page, that
 21 subsection.
 22 **A. Yes, sir.**
 23 Q. Would you read that, please?
 24 **A. "The owner will provide and maintain the**
 25 **guideway structure, including the running surfaces and**

Page 466

1 coordinate this with the contractor's operation of the
 2 ATS system."
 3 Q. Does that mean to you that, that any work on
 4 the guideway structures was in or out of the
 5 Contract 552?
 6 A. It was out of 552 and in the hands of the
 7 Department of Aviation personnel.
 8 Q. So turn to the next page.
 9 A. Okay.
 10 Q. Section 2.1.3, "Extent of the Work."
 11 A. Yes, sir.
 12 Q. Did you review that section as part of your
 13 investigation?
 14 A. Yes, sir, I did.
 15 Q. Would you read the first paragraph?
 16 A. "The work under this contract shall include
 17 furnishing all labor and material necessary to
 18 accomplish the inspection, cleaning, adjustment,
 19 preventative maintenance, lubrication, repair, testing,
 20 replacement of worn parts, replacement of spare
 21 equipment, and repair of spare equipment for the ATS as
 22 hereinafter defined."
 23 Q. And the next paragraph, would you read that
 24 first sentence, please?
 25 A. "The equipment to be maintained hereunder is

Page 467

1 defined as equipment, excluding power distribution
 2 equipment, but including the UPS supplied by the
 3 contractor or pursuant to the ATS contract, C Trams
 4 equal four vehicles, D Trams equal six vehicles. And
 5 T3 when the system is placed into service equals six
 6 vehicles, and associated components of all trams
 7 between the contractor and the owner, except as
 8 specifically identified hereinafter."
 9 Q. During your investigation, was T3 ever a
 10 factor?
 11 A. No, sir, T3 was not.
 12 Q. So it's just the C and D Gate trains?
 13 A. Just the C and D Gate legs.
 14 Q. If you'd go two paragraphs starting with, "As
 15 spare parts are used."
 16 A. Yes, sir.
 17 Q. Would you read that first sentence, please.
 18 A. "As spare parts are used by contractor from
 19 the owner's spare parts stock, contractor will replace
 20 such spares with new or rebuilt replacement spares at
 21 no additional costs to the owner."
 22 Q. Okay. If you'll turn to page 27.
 23 A. Yes, sir.
 24 Q. Just as a whole, would it be safe to say that
 25 this Section 2 regarding the scope of work for

Page 468

1 maintenance of the system was of particular importance
 2 for your review?
 3 A. Yes, sir, it was. It did explain what they
 4 were expected to do under the maintenance program and
 5 what was excluded from the maintenance program.
 6 Q. If you look at Section 2.2, "Subsystem
 7 Maintenance."
 8 A. Yes, sir.
 9 Q. There are categories of routine maintenance,
 10 scheduled maintenance and nonscheduled maintenance; is
 11 that correct?
 12 A. Yes, sir.
 13 Q. And would you read the last paragraph of that
 14 section?
 15 A. "The maintenance work performed by the
 16 contractor will be sufficient to maintain system
 17 performance characteristics at the level specified in
 18 the ATS contract. Contractor and owner will mutually
 19 develop and agree on a data form to permit contractor
 20 to input maintenance information into the owner's
 21 maintenance management program."
 22 Q. If you would just browse through the next
 23 couple of pages, just confirm that you're familiar with
 24 them. These include 2.2.1.1, "Routine Vehicle
 25 Maintenance," 2.2.1.2, "Scheduled Vehicle Maintenance,"

Page 469

1 2.2.1.3, "Nonscheduled vehicle maintenance," did you
 2 become familiar with those categories?
 3 A. Yes, sir, I did.
 4 Q. Did you become familiar with, this now it's
 5 page 29, Section 2.2.2, "Guideway Equipment
 6 Maintenance"?
 7 A. Yes, sir.
 8 Q. And the subsets of that, the routine guideway,
 9 equipment maintenance, scheduled guideway, equipment
 10 maintenance, nonscheduled guideway equipment
 11 maintenance, and station equipment maintenance.
 12 A. Yes, sir.
 13 Q. From there through 31, would you tell us
 14 whether or not you also became familiar with the
 15 descriptive activities that were required from all
 16 these different subsections?
 17 A. Yes, sir. These were -- as looking through
 18 those, I became -- I understood what was required of
 19 the employees of Bombardier and what the contract was
 20 asking them to do on various different systems,
 21 including the guideway, although the guideway
 22 maintenance itself was DOA responsibility. There was
 23 still some responsibilities of Bombardier to look at
 24 the guideway systems.
 25 Q. On page 32, 2.2.6.1, "Heavy Maintenance and

Page 470

1 Overhaul."
 2 A. Yes, sir.
 3 Q. Did you become familiar with what was
 4 described in this section?
 5 A. Yes, sir. This one, this was one that was of
 6 concern. On the outlook, on the appearance that it
 7 could be considered prevailing wage because of the
 8 requirement to do a lot of the work that was in here,
 9 and it was a systemic replacement or heavy maintenance
 10 or overhaul, rebuild, et cetera, were things that are
 11 required to be paid prevailing wage under 338. It
 12 would be the refurbishment of the overhaul or
 13 replacement.
 14 And basically 2.2.6.1 required Bombardier to
 15 get approval before any of this work was done, and this
 16 seemed to be outside of the contract specs themselves,
 17 so it wasn't part of the contract for them to do the
 18 heavy equipment overhaul, but it was required for them
 19 to request through the owner and submit a proposal to
 20 the owner to perform those work.
 21 Q. Was there anything else that you reviewed or
 22 any other interviews you conducted prior to working on
 23 your determination to send back to the Labor
 24 Commissioner?
 25 A. Yes, sir. I reviewed Service Contract Act

Page 471

1 that the United States Air Force put together in 2006
 2 or 2007. It's basically for federal services provided
 3 that could be or may be covered under Davis Bacon
 4 prevailing wage or may not be. It explains different
 5 services that could be provided, including maintenance
 6 services, and kind of gave me a definition of what to
 7 look for as far as maintenance. Although it was a
 8 federal document or produced for the federal service
 9 contract authority or, and for -- I also reviewed the
 10 Davis Bacon handbook that they put together. Both of
 11 those combined allowed me to kind of understand what at
 12 least the context of maintenance would be if the Labor
 13 Commissioner were to refer to those documents. And it
 14 also helped me understand more about what maintenance
 15 was, versus construction, repair, rebuild.
 16 And lastly, I interviewed, I met with
 17 Commissioner Sakelhide one last time to get, try to get
 18 an opinion on maintenance versus repair. That seemed
 19 to be a sticking point, was maintenance versus repair
 20 on the original determination.
 21 Q. Okay, Exhibit 4 has been admitted. March 30,
 22 2010, it's a letter addressed to Michael Tanchek,
 23 Nevada Labor Commissioner, signed by Bob Kingston.
 24 COMMISSIONER TOWLER: I'm not sure the
 25 witness -- okay, we do have that. We have a copy here.

Page 472

1 THE WITNESS: Okay, sir.
 2 BY MR. THOMSON:
 3 Q. Are you familiar with this letter?
 4 A. Yes, I am.
 5 Q. Did you draft it?
 6 A. No, sir, I did not.
 7 Q. Who drafted it?
 8 A. I am unsure.
 9 Q. Did you provide input to it?
 10 A. No, sir, I did not.
 11 Q. This is the second Determination Letter after
 12 you did your investigation?
 13 A. No, sir. This was the initial investigation
 14 submitted by Mr. Kingston.
 15 COMMISSIONER TOWLER: Let me see this. He has
 16 the one marked November 24, 2009. I think we're
 17 looking for the March --
 18 MR. THOMSON: I'm looking for March 30th.
 19 MR. KAHN: Maybe the County could mark them
 20 before they get sent down.
 21 COMMISSIONER TOWLER: I think that would be
 22 preferable.
 23 MR. THOMSON: That's a good idea. Thanks for
 24 the suggestion.
 25 MR. KAHN: Thank you.

Page 473

1 COMMISSIONER TOWLER: But the official one is
 2 correctly marked, so there's not going to be confusion.
 3 BY MR. THOMSON:
 4 Q. Mike, if you've got it there, would you mind
 5 just putting C-1? It's already on?
 6 COMMISSIONER TOWLER: That would be 4.
 7 BY MR. THOMSON:
 8 Q. Have you reviewed this document?
 9 A. This document I am familiar with, and this
 10 document I did draft.
 11 Q. You did draft this one?
 12 A. Yes, sir, I did.
 13 Q. Now, it was signed by Mr. Kingston.
 14 A. That is correct.
 15 Q. At the university you were allowed to sign
 16 your own determination letters?
 17 A. That is correct. I did.
 18 Q. Did that occur at the Department of Aviation?
 19 A. Department of Aviation I have not been allowed
 20 to sign. All the determination letters that were
 21 drafted by me were signed either by the project manager
 22 at Bechtel or the project coordinator for DOA,
 23 depending where I was working at the time.
 24 Q. In this letter, did you relate the activities
 25 that you had done during your investigation?

<p style="text-align: right;">Page 474</p> <p>1 A. Yes, sir, I did. I explained -- I explained 2 that I did the interviews and reviewed contract, yes, 3 sir. I did explain what I did for my investigation. 4 Q. And what was your conclusion from your 5 investigation? 6 A. For this determination, my conclusion was 7 dismiss the complaint, that all the work appeared to be 8 maintenance and not a modernization upgrade of the 9 existing equipment, and therefore not subject to 10 provisions of 338. 11 Q. Now, you did make some determinations that 12 there were some repairs taking place under this 13 contract, correct? 14 A. Yes, sir, I did. I did identify that there 15 were repairs taking place under the contract, although 16 I did not find any systemic repairs. In other words, 17 they didn't -- they repaired a broken lock here, a 18 broken part there, but they didn't take that one broken 19 lock and replace them all because one was down broken. 20 Q. Was there a protest filed as a result of your 21 Determination Letter? 22 A. There was an objection filed to this 23 determination, yes, sir. 24 Q. And what happened after that? 25 A. My assumption would be to re-review the</p>	<p style="text-align: right;">Page 476</p> <p>1 to the building. For example, the guideways, anything 2 in the wayside of the station equipment, the computers 3 themselves, anything that was actually fixed to the 4 terminal is what the Commissioner asked us to look at 5 to see if any of that could be considered prevailing 6 wage work if there was any repair done to those 7 systems. 8 Q. And were you directed by the Department of 9 Aviation to follow up on the interim order from 10 Commissioner Tanchek? 11 A. Yes, sir. I was directed to redo my 12 investigation, review all available documents, review 13 all past documents that we submitted, and come up with 14 a new determination based on the interim order. 15 Q. And so what did you do specifically? 16 A. Basically reviewed everything that we had. At 17 this time Joel Middleton was assigned to Department of 18 Aviation, and I consulted with him regarding the fixed 19 assets of the tram system. During the time of my 20 initial investigations, there wasn't much focus on the 21 fixed assets because there was so much attention paid 22 to the cars themselves, that there wasn't much -- there 23 wasn't hardly anything geared towards the fixed assets 24 or the guideways and wayside doors and anything else 25 that was mentioned in the interim order.</p>
<p style="text-align: right;">Page 475</p> <p>1 complaint and either validate or invalidate the 2 objection. 3 Q. Through the course of things after your 4 Determination Letter, did there come to be an interim 5 order issued by then Commissioner Tanchek? 6 A. Yes, sir. There was some back and forth, I 7 believe between the Union and ourselves and Bombardier, 8 regarding the determination, and then the labor 9 order -- the Labor Commissioner was -- at the request 10 of the Union, the Labor Commissioner issued a, I 11 believe it was first preview and conference before the 12 interim order, and at the prehearing conference he 13 stipulated some things for people to look at, then the 14 Labor Commissioner issued, Labor Commissioner Tanchek 15 issued an interim order that answered some of the 16 questions filed by both the Union and Bombardier and 17 asked the Clark County Department of Aviation to review 18 and revise their determination based on that interim 19 order. 20 Q. Do you recall what former Commissioner 21 Tanchek's findings were in regards to the vehicles? 22 A. Yes, sir. Commissioner Tanchek felt that the 23 vehicles were not a fixed asset, therefore not subject 24 to prevailing wage, and he asked us to look at only the 25 fixed assets, the assets that were specifically fixed</p>	<p style="text-align: right;">Page 477</p> <p>1 So I asked Joel to research the wayside 2 information and the guideway information to find out 3 what work was done under CBE-552 and what work was done 4 from 2008 to current on those systems, both the 5 guideways and wayside systems. And Joel sent me over a 6 document that showed me how many hours were spent on 7 the wayside system, and he also informed me that any of 8 the work done to the guideways and associated 9 electrical components of the guideways were 10 subcontracted out under purchase orders. 11 Q. Did you learn anything about some defects with 12 the current wayside doors? 13 A. Yes, sir, I did. Joel mentioned, and even at 14 the time of, during the initial investigation the 15 employees mentioned that they were doing a lot more 16 work on the new equipment and the wayside doors. My 17 assumption was because it was new equipment and they 18 were trying to work out the bugs. But I was also told 19 that Stanley, that there were some issues because 20 Stanley created new components for their doors, wayside 21 and tram, that weren't working properly, and that 22 Stanley would warranty the work to repair those wayside 23 doors as well as the station doors. 24 Q. Turning to Exhibit 40. Do you have 25 Exhibit 40?</p>

<p style="text-align: right;">Page 478</p> <p>1 A. Yes, sir.</p> <p>2 Q. During your investigation, did you receive</p> <p>3 information from Steven Jay on a work breakdown during</p> <p>4 the period of 2008, 2009?</p> <p>5 A. Yes, sir, I did. I requested through Mr. Jay</p> <p>6 information from Bombardier for the initial, my</p> <p>7 initial, or the second determination, the determination</p> <p>8 that I initially was involved in. I wanted to know</p> <p>9 what hours were spent repair, maintenance, et cetera,</p> <p>10 and I had asked Mr. Jay to ask Bombardier to give me a</p> <p>11 breakdown, if there was such a thing, of the hours</p> <p>12 worked by Bombardier employees from 2008 to the date</p> <p>13 that I had requested the information and how that, the</p> <p>14 initial document that I got was the two spreadsheets</p> <p>15 behind this cover sheet on Clark County Exhibit 40.</p> <p>16 The spreadsheets behind it identify repair hours</p> <p>17 enhancements, general recovery, other nonproductive</p> <p>18 maintenance hours, manpower hours, meetings, general</p> <p>19 admin tasks, storeroom tasks, training, subcontracting</p> <p>20 and miscellaneous. And when I received this</p> <p>21 spreadsheet document, I was unclear of what the</p> <p>22 headings were relating to. So I'd asked Mr. Jay to ask</p> <p>23 Bombardier to kind of expand on those headings and tell</p> <p>24 me exactly what those headings meant for the hours that</p> <p>25 was worked on.</p>	<p style="text-align: right;">Page 480</p> <p>1 that was identified to me was done by Bombardier</p> <p>2 employees. It was all done by contract or by purchase</p> <p>3 order -- I'm sorry, by subcontractor.</p> <p>4 MR. THOMSON: I want you to look at -- we'll</p> <p>5 present Exhibits 32 through 38. Excuse me, 33. 33</p> <p>6 through 38. They're coming.</p> <p>7 COMMISSIONER TOWLER: Let's go off the record.</p> <p>8 (Discussion off the record.)</p> <p>9 COMMISSIONER TOWLER: All right, let's go back</p> <p>10 on the record. You may continue.</p> <p>11 MR. THOMSON: Thank you. Was 40 admitted?</p> <p>12 COMMISSIONER TOWLER: Let's check. 40, one</p> <p>13 moment.</p> <p>14 MR. KAHN: I'm going to object to that exhibit</p> <p>15 because that was not produced. Wasn't on the list of</p> <p>16 exhibits that I received. My list ended at 38, and</p> <p>17 we've been trying to be accommodating of late exhibits</p> <p>18 in this proceeding and I have been, and I appreciate</p> <p>19 the courtesy other counsel have extended me, but he</p> <p>20 handed this at the last second when the date's 2010. I</p> <p>21 have a problem with why it wasn't produced earlier.</p> <p>22 COMMISSIONER TOWLER: Is it true it wasn't</p> <p>23 produced until today?</p> <p>24 MR. THOMSON: It was -- I thought it was</p> <p>25 produced the other day. I can't --</p>
<p style="text-align: right;">Page 479</p> <p>1 Q. For my own clarification, did you have this</p> <p>2 information during your first investigation?</p> <p>3 A. Yes, sir.</p> <p>4 Q. So you utilized this in your first</p> <p>5 Determination Letter?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Did you use it in your second Determination</p> <p>8 Letter in any way?</p> <p>9 A. Not really. It had most of the -- most of it</p> <p>10 was -- it didn't really cover the wayside doors, other</p> <p>11 than manpower hours where they were trying to escort</p> <p>12 people back and forth, and not wayside doors, but the</p> <p>13 actual guideways is when they used the manpower hours.</p> <p>14 Q. So in the course of your second investigation</p> <p>15 which led to the third Determination Letter by the</p> <p>16 County, you were looking at the fixed works. That</p> <p>17 would be the wayside doors and any work on the guideway</p> <p>18 that happened to be within the scope of the maintenance</p> <p>19 contract?</p> <p>20 A. Or that was done, period, from the time the</p> <p>21 complaint was filed to date.</p> <p>22 Q. As to the guideway, did you determine that any</p> <p>23 work had been done by any party at all?</p> <p>24 A. Yes, sir. There was work done on the</p> <p>25 guideway. None of the work that I found to be done</p>	<p style="text-align: right;">Page 481</p> <p>1 COMMISSIONER TOWLER: Yesterday or today,</p> <p>2 that's fine, but I mean, it wasn't produced prior to</p> <p>3 the hearing?</p> <p>4 MR. THOMSON: It may not have been. But it</p> <p>5 was -- I will tell you this: It was part of a subpoena</p> <p>6 request from Mr. Kahn himself for Mr. Moran to bring</p> <p>7 with him everything that he had used involved in this</p> <p>8 investigation. So it's here.</p> <p>9 THE WITNESS: If I can jump in.</p> <p>10 MR. KAHN: There's no question pending.</p> <p>11 MR. THOMSON: Hang on.</p> <p>12 COMMISSIONER TOWLER: Just wait. Well, so for</p> <p>13 the record, the proposed exhibit is County Exhibit 40.</p> <p>14 That's an e-mail with an attachment, and we had gone</p> <p>15 through the record and the witness had described what</p> <p>16 it was. It was different work performed, or summary of</p> <p>17 work performed, and a description or basic description</p> <p>18 from a Steven Jay or Jay Steven, either way. I think</p> <p>19 he said Steven Jay.</p> <p>20 But the objection as it was not produced, it</p> <p>21 does say "attorney work product" also on it. One</p> <p>22 second.</p> <p>23 All right, well, this is a case where there's</p> <p>24 been plenty of time to produce the document, so I do</p> <p>25 understand Mr. Kahn's objection and frustration with</p>

Page 482

1 that. At the same time, we don't have any legal
 2 requirement in the Labor Commissioner procedures that
 3 the evidence doesn't get produced. I had said
 4 throughout this process that there were deadlines, and
 5 I feel to be fair, all the parties in one way or the
 6 other didn't quite meet those deadlines. So that won't
 7 be an overriding rule, but as needed I may allow
 8 documents in, even though they were not produced on
 9 time, if there's, you know, good reason.

10 I do understand Mr. Thomson's argument, too,
 11 that, you know, Mr. Moran was asked to bring all
 12 documents, and this does look like a document that
 13 could possibly aid in the ascertainment of facts. For
 14 that reason, Clark County Exhibit 40 is entered into
 15 the record, with the objection noted.

16 (Exhibit C 40 admitted)

17 BY MR. THOMSON:

18 Q. Okay, Mr. Moran, ask you to turn your
 19 attention to Exhibit 33.

20 A. Yes, sir.

21 Q. It's known as a blanket purchase order, and
 22 the vendor address includes the vendor number and then
 23 says Truesdale Corporation.

24 A. Yes, sir.

25 Q. Do you recognize this purchase order?

Page 483

1 A. Yes, sir, I do.

2 Q. And what was it for?

3 A. **This first order was for guideway repairs that**
 4 **were done during the period of the investigation, the**
 5 **period the investigation was to cover.**

6 Q. Does this purchase order indicate that
 7 Bombardier was paid for this work?

8 A. **No, it does not. It indicates that Truesdale**
 9 **did the work and was paid for it.**

10 MR. THOMSON: Move for the admission of 33.

11 COMMISSIONER TOWLER: Objection?

12 MR. KAHN: No objection.

13 COMMISSIONER TOWLER: All right. Clark County
 14 Exhibit 33 is so entered.

15 (Exhibit C 33 admitted)

16 BY MR. THOMSON:

17 Q. Exhibit 34, another purchase order, vendor
 18 again is named as Truesdale Corporation. Do you
 19 recognize this?

20 A. Yes, sir, I do.

21 Q. Did you identify this during your
 22 investigation?

23 A. Yes, sir, I did. Again, this was part of the
 24 work that Truesdale did on the guideways that was done
 25 during the period the investigation was to cover.

Page 484

1 MR. THOMSON: Move for the admission of 34.

2 COMMISSIONER TOWLER: Any objections to 34?

3 MR. KAHN: No objection.

4 COMMISSIONER TOWLER: Clark County Exhibit 34
 5 is entered into the record.

6 (Exhibit C 34 admitted)

7 BY MR. THOMSON:

8 Q. Turning to 35 --

9 MR. KAHN: Counsel, I would stipulate to the
 10 admission of 35 through 38.

11 MR. THOMSON: Okay.

12 COMMISSIONER TOWLER: So with that, Clark
 13 County Exhibit 35 is entered into the record, Clark
 14 County 36 is entered into the record, Clark County
 15 Exhibit 37 is entered into the record, and Clark County
 16 Exhibit 38 is entered into the record.

17 (Exhibits C 36 through C 38 admitted)

18 BY MR. THOMSON:

19 Q. Turning to Exhibit 39.

20 COMMISSIONER TOWLER: I don't believe -- was
 21 that one produced yesterday?

22 MR. THOMSON: I don't believe so. I believe
 23 39 was produced earlier.

24 MS. ALBERT: I handed out copies earlier.

25 MR. KAHN: Is this the C Station doors?

Page 485

1 COMMISSIONER TOWLER: Give us a moment. We'll
 2 find it.

3 MS. ALBERT: 39 the handwritten door logs.

4 MR. THOMSON: Is that already in evidence?

5 COMMISSIONER TOWLER: It is not. We just did
 6 not have a number, but it is numbered now.

7 BY MR. THOMSON:

8 Q. Do you have that now?

9 A. Yes, sir.

10 Q. Can you tell us what this is?

11 A. **This is the log that Joel Middleton used to**
 12 **create the spreadsheet for the third determination**
 13 **identifying the amount, the number of hours, or the**
 14 **number of times that the wayside doors failed, and this**
 15 **is the wayside door log from my understanding. These**
 16 **were given to me by Joel Middleton to verify his**
 17 **information on the spreadsheet that he submitted**
 18 **earlier with the third determination that I filed.**

19 MR. THOMSON: I move for the admission of 39.

20 MR. KAHN: Same objection as earlier, but I
 21 understand the Commissioner's position.

22 COMMISSIONER TOWLER: Yes. I will note for
 23 the record that I am going to let it in, but I do want
 24 to just mention for the record that it will be given
 25 less weight because this is, at least with the e-mail

<p style="text-align: right;">Page 486</p> <p>1 in Exhibit 38 for the County, it did have a name 2 attached to it. This is, I believe the witness is 3 saying who he received it from and who he believes 4 filled it out, but I will allow it into the record as 5 Clark County Exhibit 39. 6 (Exhibit C 39 admitted) 7 BY MR. THOMSON: 8 Q. Did you take into account the information 9 received then from Exhibit 33, 34, 35, 36, 37, 38 and 10 39 in coming to your determination, the third 11 Determination Letter that was sent? 12 A. Yes, sir, I did. It was pretty much the basis 13 of the third determination, identifying that most of 14 the work was, most of the guideway work was done by 15 outside contractors and that the number of times they 16 were working on the wayside doors was not significant 17 enough to warrant, or in my opinion didn't warrant 18 payment of prevailing wage. 19 Q. During the course of this second investigatory 20 period that you did, did your attention turn to 21 warranties? 22 A. Yes, sir, it did. Actually it was both 23 periods, but the second period did cover the warranty. 24 A lot of the -- during my first investigative process 25 when I was observing the employees performing the tasks</p>	<p style="text-align: right;">Page 488</p> <p>1 invalidating it, or it was before the warranty period, 2 thereby making it possible prevailing wage issue, 3 because I know that warranty work would not be covered 4 under prevailing wage, so anything prior to 2008-ish, 5 which is around when the Contract CBE-552 was signed, I 6 didn't look back that far. I just looked from 2008 7 forward, and then there were dates that the trams went 8 into, were substantially complete and the warranties 9 went into effect, and I did look into that quite 10 extensively to ensure that the work that was performed 11 on the spindles, et cetera, was under warranty, as well 12 as work on the stations and wayside doors. 13 Q. Would you take a look at Exhibit 16, which has 14 already been admitted into evidence I believe. 15 COMMISSIONER TOWLER: This is a County 16 exhibit? 17 MR. THOMSON: Yes. 18 COMMISSIONER TOWLER: We do have it, but we do 19 not have it marked as being entered. 20 MR. THOMSON: I believe in our discussion as 21 to the large contracts versus the small contracts, it 22 was my understanding that this was going to be entered 23 as an exhibit. 24 COMMISSIONER TOWLER: We did discuss that. I 25 do recall, off the record we were discussing that 16</p>
<p style="text-align: right;">Page 487</p> <p>1 they were performing, like I said, they were, there was 2 metal shavings in the differential and they were having 3 to replace some of the spindle equipment, repack 4 bearings, do seals, et cetera. It was extensive amount 5 of work. That was all initially -- 6 Q. I'm sorry, go ahead. 7 A. Initially that was, to me that could have been 8 prevailing wage because it was systemic. They were 9 told to do it on all the trams. But, in doing research 10 for that, all of those were on the new trams that were 11 under a warranty period from Contract 2305. Therefore, 12 that invalidated the prevailing wage requirement for 13 those trams. So I did look at that for both. 14 But the 2305, Project 2305 did not cover a lot 15 of guideway work that I could find, but did cover the 16 station doors and the trams themselves. 17 Q. Did that investigation lead you to reviewing 18 Contract 2305? 19 A. Extensively, to review the contract -- 20 actually, not necessarily the contract itself. The 21 warranty provisions in the contract, and when the 22 warranties took place to ensure that the work that the 23 employees was doing at the time that I was doing my 24 investigation and the work that I was being told was 25 being done either fell into that warranty period</p>	<p style="text-align: right;">Page 489</p> <p>1 would be the appropriate exhibit as an excerpt, but -- 2 MR. THOMSON: My misunderstanding. 3 COMMISSIONER TOWLER: That's fine. Is there 4 any objection for County Exhibit 16 to be entered? Do 5 we have a copy of that? 6 MR. KAHN: Again, I have no objection if we 7 substitute in the record the full contract. 8 COMMISSIONER TOWLER: Well, and if that's the 9 case, this is the one interesting scenario where this 10 No. 16 I believe is an excerpt in itself. If you do 11 request the entire one, then we would instead move -- I 12 think at this time maybe we should move for 16 and 13 County 13 to be entered. 14 MR. THOMSON: 13 would be the full contract. 15 MR. KAHN: That's fine, if that's the entire 16 contract. Oh, I see. This is, though, an excerpt. 17 COMMISSIONER TOWLER: That's how it's been 18 produced. It's my understanding Clark County 16 is 19 itself an excerpt. 20 MR. MOSS: 13 is not in the exhibits. 21 MR. KAHN: 13 is not the full contract either. 22 MR. THOMSON: 13 is not the full contract. 23 All the parties and the Commissioner have been provided 24 electronic copies of the full contracts. We are going 25 to be providing a printed copy as requested by the</p>

Page 490

1 Commissioner.

2 MR. KAHN: Right, and my suggestion would be

3 that we substitute that for parts of the contract.

4 COMMISSIONER TOWLER: All right. So let's

5 just -- I think the easiest thing to do on the record

6 is to say that we're going to enter County Exhibit 16,

7 which will be in the final version the entire contract.

8 Anybody have any objection to that?

9 MR. KAHN: No.

10 COMMISSIONER TOWLER: With that, Clark County

11 Exhibit 16, which will be the entire contract, is

12 entered into the record.

13 (Exhibit C 16 admitted)

14 BY MR. THOMSON:

15 Q. Mr. Moran, do you have County Exhibit 16 in

16 front of you?

17 A. Yes, sir, I do.

18 Q. Are these the warranty provisions of

19 Contract 2305 that you were testifying about?

20 A. Yes, sir, they are.

21 Q. In 10.2, Subparagraph A, there's the

22 description of the overall warranty period.

23 A. That's correct.

24 Q. And how long is that?

25 A. The overall warranty is for one year from

Page 491

1 substantial completion date.

2 Q. And is there a special warranty for the

3 vehicle body structure and bogie?

4 A. Yes, sir. There was an exception in there

5 that supplier's warranty on the vehicle body structure

6 and bogie shall remain in effect for five years

7 following the date of substantial completion for

8 Phases 1 and 2.

9 Q. Exhibit 17. Do you have Exhibit 17 now?

10 A. Yes, sir, I do.

11 Q. Are you familiar with this letter?

12 A. Yes, sir, I am.

13 Q. Did you receive it as part of your

14 investigation the second time around?

15 A. Yes, sir, I did. I didn't specifically

16 receive it from anybody. It is stored in the

17 Department of Aviation's computer under the project

18 file, and I did pull it from that file.

19 Q. Did you use any information from this letter

20 in preparing your subsequent Determination Letter?

21 A. Yes, sir. This gave us the substantial

22 completion date and the warranty start date for

23 Phase 1, Phase 2 and the final phase, Phase 1 being

24 Leg C of the C Trams, and Phase 2 being the D Trams,

25 and Phase 3 was the control, Control Room.

Page 492

1 MR. THOMSON: Exhibit 18. I'll move for the

2 admission of Exhibit 17.

3 MR. KAHN: No objection.

4 COMMISSIONER TOWLER: All right. Clark County

5 Exhibit 17 is entered in the record.

6 (Exhibit C 17 admitted)

7 BY MR. THOMSON:

8 Q. Do you have Exhibit 18?

9 A. Yes, sir, I do.

10 Q. What is Exhibit 18?

11 A. Exhibit 18 are the executed substantial

12 completion letter for, looks like Phase 1 of

13 Project 2305.

14 Q. Would that be Phase 3, co-located Central

15 Control?

16 A. Yes, sir, Phase 3.

17 MR. THOMSON: Move for the admission of 18.

18 MR. KAHN: No objection.

19 COMMISSIONER TOWLER: Clark County Exhibit 18

20 is entered.

21 (Exhibit C 18 admitted)

22 BY MR. THOMSON:

23 Q. On 18, did you use that in your investigation?

24 A. Yes, sir, I did. That was the final, pretty

25 much the substantial completion of the project.

Page 493

1 Q. 19. Do you have 19?

2 A. Yes, sir, I do.

3 Q. Can you identify it?

4 A. Yes, sir. I believe that this is the letter

5 from Bechtel to Department of Aviation identifying that

6 Project 2305 is complete and the final change order is

7 attached.

8 Q. Did you use that as part of your information

9 gathered for your subsequent investigation?

10 A. Yes, sir. It showed when 2305 was complete

11 for the C and D rehab, and therefore any work done

12 after this would have been subject to the maintenance

13 agreement, other than the warranty work.

14 MR. THOMSON: Move for the admission of 19.

15 MR. KAHN: No objection.

16 COMMISSIONER TOWLER: Clark County Exhibit 19

17 is entered.

18 (Exhibit C 19 admitted)

19 BY MR. THOMSON:

20 Q. Exhibit 20. Do you have Exhibit 20?

21 A. Yes, sir.

22 Q. What is it?

23 A. Looks like the same, substantial completion

24 for Phase 3, co-located Central Control.

25 Q. Did you use this in your investigation?

<p style="text-align: right;">Page 494</p> <p>1 A. Yes, sir. Again, this should be substantial 2 completion of the project itself, last phase of the 3 project. 4 MR. THOMSON: Move for the admission of 20. 5 MR. KAHN: No objection. 6 COMMISSIONER TOWLER: Clark County Exhibit 20 7 is entered. 8 (Exhibit C 20 admitted) 9 BY MR. THOMSON: 10 Q. Exhibit 20A. Do you have 20A? 11 A. Yes, sir. 12 Q. What is it? 13 A. This is the Certificate of Substantial 14 Completion for Phase 1 of Project 2305, C Leg trains. 15 Q. Did you use this in your investigation? 16 A. Yes, sir, I did. This is the start of the 17 warranty work, start of the warranty period for the 18 C Leg trams. 19 MR. THOMSON: Move for the admission of 20A. 20 COMMISSIONER TOWLER: Any objection? 21 MR. KAHN: No. 22 COMMISSIONER TOWLER: Clark County Exhibit 20A 23 is entered into the record. 24 (Exhibit C 20A admitted) 25 \\</p>	<p style="text-align: right;">Page 496</p> <p>1 purchase order from Truesdale, and Morse Electric. My 2 determination, my drafted determination suggested that 3 the complaint again be dismissed, and there was no 4 reason to pay prevailing wage on this maintenance 5 contract. 6 Q. Exhibit 5. Exhibit 5's already been admitted. 7 That's the third Determination Letter dated 8 July 25th, 2011. And as you -- 9 COMMISSIONER TOWLER: Hold on one second. 10 MR. KAHN: I believe we stipulated this in. 11 COMMISSIONER TOWLER: It is in the record. 12 THE WITNESS: Okay. 13 BY MR. THOMSON: 14 Q. I believe you testified already about the 15 determinations you made? 16 A. Yes, sir. 17 Q. Did you put down those determinations in this 18 letter to Mr. Tanchek? 19 A. I believe I mentioned it. I don't know if I 20 put down the exact, each Determination Letter, but I 21 did mention the fact that this Determination Letter, 22 different than the revised Determination Letter, did 23 not focus on the fixed assets, where this termination 24 does focus on fixed assets. It does mention on 25 Paragraph 3, "Previous determinations were focused</p>
<p style="text-align: right;">Page 495</p> <p>1 BY MR. THOMSON: 2 Q. 20B. Do you have 20B? 3 A. Yes, sir. 4 Q. And what is it? 5 A. This is Certificate of Substantial Completion 6 for Phase 2, the D Leg of the trains. 7 Q. Did you use it as part of your investigation? 8 A. Yes, sir, I did. This started the warranty 9 period for the D Leg trams. 10 MR. THOMSON: Move for the admission of 20B. 11 COMMISSIONER TOWLER: Any objection? 12 MR. KAHN: No. 13 COMMISSIONER TOWLER: Clark County Exhibit 20B 14 is entered into the record. 15 (Exhibit C 20B admitted) 16 BY MR. THOMSON: 17 Q. Can you think of any other documents that you 18 examined as part of your further investigation 19 subsequent to the interim order? 20 A. Other than the interim order itself, no, sir. 21 Q. Did you draft a Determination Letter per the 22 instructions of the interim order? 23 A. Yes, sir. I did draft a Determination Letter, 24 including all the, to include all the information that 25 were recently discussed regarding Contract 2305 and the</p>	<p style="text-align: right;">Page 497</p> <p>1 mainly on the maintenance of the trams or the non-fixed 2 assets of the contract." That's about where I 3 mentioned the previous determinations. 4 Q. In the course of both your investigations, did 5 you make any determination about the normalcy of moving 6 parts of the vehicle wearing out? 7 A. I did not make specific mention that -- some 8 repair is inherent to maintenance contracts. I don't 9 believe I spelled that out in any of the determinations 10 that I drafted. 11 Q. Did you make any determination about periodic 12 replacement of parts before they broke down? 13 A. No, sir, not written in the determination 14 itself. 15 Q. Now, after you issued this Determination 16 Letter, did the Union file another appeal? 17 A. They did object to this Determination Letter 18 and did file an appeal, yes, sir. 19 Q. And it's pretty obvious that we've continued 20 from that date on doing discovery and a number of other 21 activities, filing briefs, et cetera, right? 22 A. Yes, sir. From that appeal, I have not 23 drafted another Determination Letter. 24 Q. Have you been provided with documents since 25 issuing this Determination Letter?</p>

Page 498

1 A. Yes, sir. I've been provided documents from
 2 the discovery period all the way up through pretty much
 3 prehearing briefs.
 4 Q. Have you been provided with the pleadings, the
 5 briefs?
 6 A. Yes, sir, I believe I have.
 7 Q. Has anything that you have reviewed subsequent
 8 to this determination changed your opinion in this
 9 case?
 10 A. No, sir. My determination would still be to
 11 dismiss, based on the fact that this is a maintenance
 12 contract, not subject to prevailing wage.
 13 MR. THOMSON: No further questions.
 14 COMMISSIONER TOWLER: Mr. Kahn.
 15 CROSS-EXAMINATION
 16 BY MR. KAHN:
 17 Q. Did you have a meeting with Bill Stanley at
 18 the Labor Commissioner's office in early part of 2010?
 19 A. Yes, sir. I believe he was there. We
 20 discussed both projects 2305 and this contract.
 21 Q. Did you have a meeting where Keith Sakelhide
 22 brought the two of you together and left the room and
 23 you met, the two of you?
 24 A. I believe we did meet without Keith at one
 25 time at his office.

Page 499

1 Q. And did you have a discussion with Mr. Stanley
 2 about the percentage of work that you felt was repair
 3 versus maintenance?
 4 A. At that time, yes, sir, I did discuss, I
 5 explained to him from what I viewed and from what the
 6 employees told me there was a percentage of work that I
 7 thought could have been repair versus maintenance.
 8 Q. And the percentage you used was approximately
 9 70 percent; isn't that correct?
 10 A. Yes, sir.
 11 COMMISSIONER TOWLER: Sorry, 70 percent what?
 12 THE WITNESS: 70 percent of the employees'
 13 time could have been repair versus maintenance.
 14 BY MR. KAHN:
 15 Q. Okay. And then subsequent to that, you went
 16 back and other people at the County disabused you of
 17 that notion. They persuaded you --
 18 MR. THOMSON: Objection to the terminology
 19 here.
 20 BY MR. KAHN:
 21 Q. Did other people attempt to change your view
 22 of what was maintenance and repair after you had that
 23 discussion?
 24 A. No, sir, they did not. They -- I did review
 25 the documents longer after that discussion, but I was

Page 500

1 not given a direction to reduce the percentages of
 2 repair versus maintenance.
 3 Q. So you didn't have any discussions with anyone
 4 about --
 5 A. I discussed with them, I did explain what came
 6 out of the meetings with Deputy Commissioner Sakelhide
 7 and the percentages that were discussed at that meeting
 8 and what commissioners, Deputy Commissioner Sakelhide
 9 explained is maintenance versus repair. But I did
 10 not --
 11 Q. Did anything that Mr. Sakelhide advised you
 12 change your view of what was maintenance versus repair
 13 in this contract?
 14 A. No. What Commissioner Sakelhide discussed,
 15 and he specifically said maintenance was tuneup of your
 16 car, changing oil, but if you had to replace the entire
 17 engine, that would be repair. That was what I got
 18 from, as far as the definitions and an analogy that I
 19 could use.
 20 Q. Now, you've testified about warranty work. Do
 21 you know if the County received any financial credit
 22 against its financial duties under 2305 for work done
 23 by the ATS techs who were assigned Contract 552?
 24 A. No, sir, not to my knowledge. I don't have
 25 any knowledge of who got paid for the warranty work and

Page 501

1 how warranty work was submitted to Bombardier for
 2 payment.
 3 Q. Do you know if it was ever submitted for
 4 payment?
 5 A. To my knowledge, no, sir.
 6 MR. KAHN: Nothing further.
 7 REDIRECT EXAMINATION
 8 BY MR. THOMSON:
 9 Q. You've stated what Mr. Sakelhide's opinion was
 10 on maintenance versus repair. Did he ever give you any
 11 legal basis for his opinion?
 12 A. No, sir. There was no legal basis.
 13 MR. THOMSON: I have nothing further.
 14 COMMISSIONER TOWLER: Anything further?
 15 MR. KAHN: No.
 16 COMMISSIONER TOWLER: That is it. So that
 17 witness is free to go or free to return to the table.
 18 Let's go off the record.
 19 (Discussion off the record.)
 20 COMMISSIONER TOWLER: With that, let's bring
 21 in the next witness.
 22 Whereupon,
 23 ANTHONY SCHNEIDER,
 24 having been first duly sworn to testify to the truth,
 25 the whole truth and nothing but the truth, was examined

Page 502

1 and testified as follows:
2
3 COMMISSIONER TOWLER: Let's go back on the
4 record.
5 Please state your name and spell your last
6 name for the record.
7 THE WITNESS: My name is Anthony Schneider,
8 S-C-H-N-E-I-D-E-R.
9 DIRECT EXAMINATION
10 BY MR. KAHN:
11 Q. Mr. Schneider, you were subpoenaed to appear
12 here today?
13 A. Yes.
14 Q. Is that why you're appearing here?
15 A. Yes, I am.
16 Q. And do you and I know each other?
17 A. Only from phone conversations.
18 Q. And the phone conversation was to set up the
19 time?
20 A. Yes.
21 Q. Did we discuss the substance of this case at
22 all?
23 A. You did send me a piece of paper that I had
24 written before to refresh my memory.
25 Q. Okay. And have you reviewed the piece of

Page 503

1 paper you sent me before?
2 A. Yes.
3 Q. If you would turn to the exhibit book, there's
4 a Tab 5, Union Exhibit 5.
5 A. Okay.
6 Q. Is that a copy of the document that you sent
7 to William Stanley in June 2011?
8 A. I -- yes, it does look like it.
9 Q. And are the statements made in this memorandum
10 true and correct to the best of your belief?
11 A. To the best of my knowledge.
12 Q. And let's explain your knowledge. How long
13 have you worked for Bombardier?
14 A. Since October 2000.
15 Q. And what positions have you held for
16 Bombardier?
17 A. I've moved up through the ranks from a
18 C Technician to a B, to an A, to an FSE, which is a
19 field site engineer, and now I fulfill a position of
20 Technical Services Adviser.
21 Q. And you're still stationed at McCarran; is
22 that right?
23 A. Yep.
24 Q. And you're not a member of the IUEC, are you?
25 A. No, I am not.

Page 504

1 Q. Did you also have an opportunity to review
2 Exhibit 6, the declaration of David Ayers?
3 A. Yes, I did.
4 Q. Did you find that statement to be true and
5 correct?
6 A. It is a fairly accurate --
7 MR. TRIMMER: Object. Is he going to talk
8 about a declaration issued by somebody else?
9 BY MR. KAHN:
10 Q. Did you read it?
11 A. Yes.
12 Q. And did you find the statements made in this
13 were true and correct?
14 COMMISSIONER TOWLER: Hold on. There's still
15 an objection.
16 Are you asking -- that is what I'm asking.
17 The objection is, are you asking the witness to say
18 whether Exhibit 6, which is someone else's declaration,
19 whether it's true or correct? I guess I'm a little
20 concerned with that, too. How would he have -- how
21 would he know if it's true or correct?
22 MR. KAHN: Well, we can ask him on
23 foundational questions.
24 MR. TRIMMER: I'd also add, this is just an
25 attempt to circumvent the hearsay rule. They're trying

Page 505

1 to bring in Mr. Ayers' statement for the truth. If
2 they want Mr. Ayers to give a statement about whatever
3 his declaration pertains to, Mr. Ayers should be called
4 to testify as a witness. This is totally circumventing
5 the hearsay rule.
6 COMMISSIONER TOWLER: Was Mr. Ayers --
7 MR. KAHN: Mr. Ayers, unfortunately, has moved
8 to Iowa and is unavailable for testimony at trial.
9 MR. TRIMMER: The witness was predisposed to
10 the Union's position. He was identified as a witness
11 in their witness disclosures.
12 COMMISSIONER TOWLER: Okay, just give me a
13 minute.
14 Go ahead.
15 MR. TRIMMER: I have one more concern that I'd
16 like to add. This is not -- this was not notarized.
17 It's not an affidavit where a notary identified who
18 this person is. Although the person purporting to be
19 Mr. Ayers has signed this under penalty of perjury,
20 given the fact that he's out of court, he hasn't been
21 identified, no one has verified that it was actually
22 Mr. Ayers, that's another additional problem with this
23 document.
24 MR. KAHN: I'm not seeking move this as an
25 independent exhibit. I'm proposing that this be

<p style="text-align: right;">Page 506</p> <p>1 admitted as this witness' testimony because he's</p> <p>2 familiar with the same things as Mr. Ayers, namely</p> <p>3 configuration of the Bombardier cars. So it's not</p> <p>4 being used for hearsay purposes because it's this</p> <p>5 witness' own testimony now.</p> <p>6 COMMISSIONER TOWLER: Well, here's my ruling</p> <p>7 on that: The way I see this is, if the witness that is</p> <p>8 here is able to testify to any of these facts aside</p> <p>9 from reading it, if he knows, if he has personal</p> <p>10 knowledge. Our concern, my concern is NRS 233B.123</p> <p>11 Subsection 4 states that every party must be subject to</p> <p>12 cross-examination. And so for that reason, if that</p> <p>13 individual's not available, then going over his</p> <p>14 testimony or his declaration is not appropriate, so I</p> <p>15 must uphold the objection.</p> <p>16 MR. KAHN: All right. Then we'll do it the</p> <p>17 long way. That's fine. Well, let me first, I would</p> <p>18 move the admission of Union Exhibit 5.</p> <p>19 COMMISSIONER TOWLER: Is there an objection to</p> <p>20 Union Exhibit 5?</p> <p>21 MR. TRIMMER: Well, he's here to testify about</p> <p>22 it. I mean, for purposes of saving time, we don't have</p> <p>23 a problem with it.</p> <p>24 COMMISSIONER TOWLER: Yes, and that is</p> <p>25 important. So with that, Union Exhibit 5 is in the</p>	<p style="text-align: right;">Page 508</p> <p>1 the infrastructure type number.</p> <p>2 Q. Are the APM cars at McCarran adapted for use</p> <p>3 at McCarran?</p> <p>4 A. Yes.</p> <p>5 Q. How so?</p> <p>6 A. Well, the customer had worked out a deal with</p> <p>7 Bombardier to, with certain applications. Basically</p> <p>8 they were tailored to McCarran's environment and what</p> <p>9 McCarran wanted to use them for.</p> <p>10 Q. Are they adapted in train control?</p> <p>11 A. Absolutely.</p> <p>12 Q. How so?</p> <p>13 A. Well, we have guideways, we run a shuttle</p> <p>14 system. There's a map, if you will, that are on the</p> <p>15 circuit cards in order to allow them to transit back</p> <p>16 and forth between the stations. They're specific to</p> <p>17 that particular guideway.</p> <p>18 Q. And are there different kinds of train control</p> <p>19 systems at other airports?</p> <p>20 A. Yes.</p> <p>21 Q. And what are the main differences?</p> <p>22 A. Well, the one that we have at McCarran is a</p> <p>23 radio-based. In other words, the wayside is, talks to</p> <p>24 the cars and the cars talk to the wayside. There's --</p> <p>25 the system that we had prior, which is also in some of</p>
<p style="text-align: right;">Page 507</p> <p>1 record.</p> <p>2 (Exhibit U 5 admitted)</p> <p>3 BY MR. KAHN:</p> <p>4 Q. Mr. Schneider, would you have heard about it</p> <p>5 if one facility within the Bombardier system had</p> <p>6 relocated APM cars to another facility?</p> <p>7 A. Most likely I would have heard a rumor at one</p> <p>8 point or another, yes.</p> <p>9 Q. Would there be a significant amount of work to</p> <p>10 relocate an APM car from one facility to another?</p> <p>11 A. More than likely, yes.</p> <p>12 Q. And what's your understanding of the weight of</p> <p>13 these vehicles?</p> <p>14 A. The weight?</p> <p>15 Q. Yes.</p> <p>16 A. They're about 13 tons apiece.</p> <p>17 Q. And do you have any understanding that there</p> <p>18 would be expenses connected to such a move?</p> <p>19 A. Well, absolutely. I mean, you'd have to crane</p> <p>20 the vehicle off of the guideway. You'd have to park it</p> <p>21 on a flatbed truck and send it to wherever it's got to</p> <p>22 go, so there's costs for transporting it.</p> <p>23 In the case of some other places, if it's in a</p> <p>24 tunnel environment, they've got to remove overhead and</p> <p>25 wires and antennas and stuff like that, you know, all</p>	<p style="text-align: right;">Page 509</p> <p>1 the other airports, uses a signal system that runs down</p> <p>2 the rail and talks to the car. It basically tells the</p> <p>3 car when to start, when to stop, those sort of</p> <p>4 commands.</p> <p>5 Q. Are communication systems at McCarran</p> <p>6 compatible with the communication systems at other</p> <p>7 airports?</p> <p>8 A. If you're talking about the overall, basically</p> <p>9 overall, they could be, yes.</p> <p>10 Q. They could be adapted for that purpose?</p> <p>11 A. Yes.</p> <p>12 Q. But adapting them for a different environment</p> <p>13 would take significant number of man-hours?</p> <p>14 A. Absolutely.</p> <p>15 MR. KAHN: I have no further questions.</p> <p>16 CROSS-EXAMINATION</p> <p>17 BY MR. TRIMMER:</p> <p>18 Q. Have you personally been involved in changing</p> <p>19 a car from one airport to another?</p> <p>20 A. No.</p> <p>21 Q. And have you worked at any other airports?</p> <p>22 A. Yes.</p> <p>23 Q. For Bombardier?</p> <p>24 A. Yes. For about a week I went over to</p> <p>25 Sacramento and familiarized myself with their system.</p>

1 Q. When was that?
 2 A. **That was November 2011.**
 3 Q. Isn't it true that trains on the D Leg could
 4 be moved to the C Leg?
 5 A. **Yes.**
 6 Q. And isn't it true that trains from the D or
 7 the C Legs could be moved to T3?
 8 A. **Yes.**
 9 Q. Isn't it true that the Cityflo signaling
 10 systems are standardized across the company?
 11 A. **Yes, with the exception if you have, you have**
 12 **fixed block and you have moving block. So there's a**
 13 **slight difference.**
 14 Q. Now, you talked about an adaptation of the
 15 cars to McCarran. Do you remember testifying about
 16 that?
 17 A. **What, just recently here?**
 18 Q. Yes.
 19 A. **Okay. What was the question again?**
 20 Q. Does Bombardier have unique technology for
 21 these kinds of systems?
 22 A. **My understanding is yes.**
 23 Q. Well, you work with it, right?
 24 A. **Yes.**
 25 Q. Okay. And do you ever utilize a Mitsubishi

1 handbook in maintaining a Bombardier system?
 2 A. **Would you repeat the question, please?**
 3 Q. Have you ever used a Mitsubishi handbook to
 4 maintain a Bombardier system?
 5 A. **No. It's always been Bombardier proprietary**
 6 **manuals and the like.**
 7 Q. Does the Las Vegas ATS system have cables or
 8 pulleys?
 9 A. **No.**
 10 Q. And is there an elevation change on both the C
 11 and the D Legs?
 12 A. **Yes.**
 13 Q. Does the D Leg have curvature?
 14 A. **Oh, absolutely.**
 15 Q. What do you mean by that, "absolutely"?
 16 A. **Well, when you have passengers on there and**
 17 **you're riding the train, they -- you get a look of**
 18 **surprise on some of their faces when the guideway kind**
 19 **of disappears over the horizon and goes into the**
 20 **tunnel. There's also a curve that kind of combines**
 21 **with it as it goes down the, into the tunnel. So, yes,**
 22 **absolutely. It has a curve to it.**
 23 Q. Do you have experience changing traction motor
 24 brushes?
 25 A. **Yes.**

1 Q. Is it done the same way every time?
 2 A. **Yes.**
 3 Q. How about collector shoes?
 4 A. **Yes.**
 5 Q. Trees?
 6 A. **Yes.**
 7 Q. How about guide spindles, are they taken on
 8 and off the same way every time?
 9 A. **Yes.**
 10 MR. TRIMMER: That's it. No further
 11 questions.
 12 COMMISSIONER TOWLER: Mr. Thomson?
 13 MR. THOMSON: No questions.
 14 COMMISSIONER TOWLER: Mr. Kahn?
 15 MR. KAHN: Nothing further, thank you.
 16 COMMISSIONER TOWLER: Well, thank you,
 17 Mr. Witness. You are free to go.
 18 MR. KAHN: Schneider.
 19 COMMISSIONER TOWLER: I do appreciate,
 20 Mr. Schneider, your patience today.
 21 MR. KAHN: Yes, thank you.
 22 COMMISSIONER TOWLER: All right. With that,
 23 let's go off the record.
 24 (Proceedings recessed at 5:06 p.m.)
 25

REPORTER'S CERTIFICATE

1
 2 STATE OF NEVADA)
 3) ss
 4 COUNTY OF CLARK)

5 I, Kevin Wm. Daniel, a duly certified court
 6 reporter licensed in and for the State of Nevada, do
 7 hereby certify:

8 That I reported the proceedings at the time and
 9 place aforesaid;

10 That prior to being examined, any witnesses were
 11 duly sworn or affirmed to testify to the truth, the
 12 whole truth, and nothing but the truth;

13 That I thereafter transcribed my shorthand notes
 14 into typewriting and that the typewritten transcript of
 15 said proceedings is a complete, true and accurate
 16 record of testimony provided by any witnesses at said
 17 time to the best of my ability.

18 I further certify that I am not a relative,
 19 employee or independent contractor of counsel of any of
 20 the parties; nor a relative, employee or independent
 21 contractor of the parties involved in said action; nor
 22 a person financially interested in the action; nor do I
 23 have any other relationship with any of the parties or
 24 with counsel of any of the parties involved in the
 25 action that may reasonably cause my impartiality to be
 questioned.

IN WITNESS WHEREOF, I have hereunto set my hand
 in the County of Clark, State of Nevada, this 8th day
 of July, 2013.

Kevin Wm. Daniel
 Kevin Wm. Daniel, CCR 711, RIDR, CRR



A				
Aaron 343:12	addition 371:13	advance 251:23	airplane 398:14	485:3
ability 380:17	450:12,23 454:1	advertised 267:1	405:6	Allegiant 355:11
513:12	465:6	advice 407:25	airport 245:8	allocated 395:19
able 263:8 273:1	additional 297:4	advise 290:16	287:18 288:22,22	allotted 452:5
310:18 340:13	325:8 363:19,20	advised 500:11	288:25 292:7	allow 266:2 278:19
341:21 342:22	369:5,16 370:4	Adviser 503:20	299:1,11 301:4	297:24 318:11
355:7 408:10	420:4 431:20	aesthetic 302:8	350:13,17,19,22	369:18 370:3
414:8 417:22	454:25 459:19	AF 343:12	351:11,12,14	387:25 405:22
506:8	467:21 505:22	affidavit 505:17	352:2 356:23	426:9 444:24
absolutely 365:11	Additionally 456:5	affirmed 513:9	362:8,10 364:5	482:7 486:4
406:1,10 507:19	address 318:6	afforesaid 513:7	365:12 366:10	508:15
508:11 509:14	336:13 482:22	afternoon 417:12	368:14,16,19,21	allowable 441:4
511:14,15,22	addressed 471:22	agencies 261:22	371:16,18 374:6	allowed 256:10,12
AC 308:20,22	adds 382:18	453:24 454:14,19	375:13 380:20	445:4 455:9
accepted 276:8	add-on 417:1	454:21 455:12	381:5,9,22 383:15	471:11 473:15,19
access 356:19	adequate 419:13	459:5,10	384:23 387:9,17	allows 265:2 377:6
376:20 380:14	adjunct 262:5	agency 284:24	391:7 394:6,9,16	allude 459:22
421:25 422:8	adjust 291:2	285:20,25 290:18	394:22 395:3,5	all-employee 251:5
439:25	adjusted 329:16	456:9,10	396:10,15,25	alternate 397:24
accommodate 319:2	339:25 342:9	agenda 374:4,6,15	397:20,25 398:8	419:14
370:1	adjusting 265:20	374:18 375:10	398:11,19 399:21	alternative 407:10
accommodating	adjustment 290:25	378:5,11 379:22	400:12 403:8,17	407:11 416:17
480:17	466:18	392:3,4 410:3,16	404:3,23 405:9,16	Alvarez 245:12
accompanied 461:2	admin 478:19	agenda's 374:16	411:24 412:13	326:9,9
accomplish 461:18	administering	ago 281:18,20 286:6	417:8,9,24 422:7	amendment 367:7
466:18	311:16	351:8 360:13	423:2,9 424:17	America 260:25
accomplished 386:4	administration	362:22 391:3,5	427:16,18 428:8	356:11
account 486:8	261:9	401:14	431:13 433:11	American 264:25
accumulate 436:23	administrative	agree 294:17 377:25	434:24 435:6,10	355:11
accurate 458:13,14	452:19 455:8	403:23 468:19	436:5,12 437:6,13	Americas 253:9
504:6 513:11	administratively	agreed 324:1,23	439:8,15,22 440:2	amount 291:7 336:6
acronyms 331:3	310:25	413:5	440:18 443:18	383:2 388:1
act 261:10,10	admission 316:23	agreement 277:11	444:2,4,8 445:4	390:24 485:13
338:15 381:18	328:25 344:24	277:20 278:10,22	449:17 450:5	487:4 507:9
470:25	401:8 443:8	280:3 289:22	451:14 452:9	amounts 373:20
action 245:14	458:15 483:10	297:16,25 364:25	453:6,9,11,12,13	375:20
317:18 318:12	484:1,10 485:19	367:3,6,8,8 374:8	454:21 456:25	analogy 500:18
338:7 402:2	492:2,17 493:14	376:1 407:22,24	457:4,8,12 509:19	analysis 272:15
513:15,15,17	494:4,19 495:10	408:8 409:10,14	airports 292:10	274:17 282:18
activities 302:5	506:18	409:19 410:5,6,13	366:12 398:13	295:13 364:5
469:15 473:24	admit 262:24	410:15,18 456:25	422:13,16 443:19	analyze 264:7
497:21	admitted 251:21	493:13	508:19 509:1,7,21	282:21
activity 311:22	252:8 253:22	Agreements 279:9	airport's 249:21	analyzed 261:18
398:10	254:3,5,7 263:3,4	ahead 259:7 260:15	396:16 400:8	analyzing 282:24
actual 287:12	297:17 318:2	325:12 349:23	Airport-provided	ANDREW 239:10
367:17 373:6	329:5 345:5 375:7	445:10 448:20	432:25 434:6	Anna 444:5
413:18,20 460:18	393:19 400:20	462:15 487:6	ajk@dcbsf.com	answer 263:12,24
479:13	402:11 411:5	505:14	239:13	291:10 397:6
adaptation 510:14	415:7 443:14	aid 298:2 482:13	Alan 241:9 260:5,7	423:7 462:23
adapted 508:2,10	458:19 460:5	air 306:14,17,19,19	260:14	answered 282:2
509:10	471:21 480:11	306:24 308:6,7,7	alarm 332:20	422:5 475:15
adapting 509:12	482:16 483:15	308:10,11,12,21	337:12 344:7	answering 460:2
add 318:22 401:6	484:6,17 486:6	320:2 416:9 471:1	alarms 329:18	antennas 507:25
413:7 446:20	488:14 490:13	airfield 395:1,3	332:21,24 337:25	Anthony 242:10
504:24 505:16	492:6,21 493:18	airline 363:21	341:19 343:2,6	501:23 502:7
added 359:2,5,11	494:8,24 495:15	416:24 428:9	344:10	anticipate 389:1
363:3 367:1	496:6 506:1 507:2	429:19	Alaska 356:10	anticipated 368:10
	adopted 413:14	airlines 358:2	Albert 240:3 484:24	anybody 313:6

357:24 378:21 444:19 490:8 491:16 anymore 368:20 424:24 AOA 439:20 apart 325:24 371:5 464:17,20 apiece 507:16 APM 265:4,9 267:21 268:4 269:15 272:11 288:17 327:15 423:3 507:6,10 508:2 APMs 422:13,18 apologize 254:6 378:5 apologized 255:4 appeal 497:16,18,22 appear 336:2 502:11 appearance 470:6 APPEARANCES 239:1 appeared 474:7 appearing 502:14 appears 327:12 331:4 372:15 392:23 393:3 412:12 application 268:9 applications 508:7 apply 280:2 appreciate 338:19 480:18 512:19 apprenticeship 264:3 265:3 267:23 268:2 274:23 287:10 289:4,5,8 290:21 290:24 appropriate 263:22 269:3 272:10,21 273:10,17 277:21 317:18 378:7 413:9,10 436:16 489:1 506:14 approval 373:12 374:19,22 379:15 379:15,18 392:5,8 393:4 414:15 470:15 approve 373:10 374:7 approved 373:18,18 375:1 376:1,2 377:21 392:10	410:16,17 413:20 414:13 430:12 433:13 434:17 441:8 443:6 approximately 286:16 316:20 344:10 405:15 452:21 499:8 appurtenances 429:2 446:4 area 262:7 266:11 272:22 323:6,6 329:20,22,25 333:24,25 345:22 352:23 353:5,7 362:6,7 365:17 369:6,25 440:1 455:1 463:21,21 areas 266:16,19,19 464:18,23,25 argument 278:16 318:4 482:10 arguments 412:8 arose 456:6 arrangement 381:12 arrangements 425:11 arrival 361:7 arrive 355:9,16 arrived 354:23 358:23 arriving 355:10 407:5,8 arrow 339:10 Article 440:10,21 ascertaining 278:16 ascertainment 482:13 aside 506:8 asked 282:2 317:19 409:4 457:7 475:17,24 476:4 477:1 478:10,22 482:11 asking 379:20 435:5 443:16 462:20 469:20 504:16,16 504:17 asks 297:14 aspect 311:8 455:10 456:25 assemble 268:17 assemblies 320:3,16 assembly 307:21 308:2 310:3 320:22 asserted 397:10 assessing 451:23	asset 475:23 assets 475:25,25 476:19,21,23 496:23,24 497:2 assigned 291:14 357:4 373:6 403:3 408:5 449:21 450:1 476:17 500:23 assignment 449:8 assist 450:1 assistance 460:1 assistant 240:1 351:4 373:5 403:16 429:3 455:9 461:1 assisting 346:22 450:4 associated 383:21 383:24 384:4 432:7 435:9 436:13 457:21 467:6 477:8 Associates 455:20 455:21 associate's 271:21 assume 295:5 378:8 378:9 391:15 assuming 307:25 368:25 assumption 474:25 477:17 assurances 317:21 assure 288:7 389:16 ATA 366:14 ATC 343:4,6,9 ATO 343:16 ATS 263:10,19 264:1 265:13,15 265:24 268:22 269:4,7 272:11 274:10,12,12,22 274:23,25 279:6 280:11,18 282:18 283:12 286:11 287:16 288:9,14 288:17 289:13,19 289:22 290:17,21 292:1,14 293:9 294:12,21 298:23 299:2,3,12 301:11 312:20 323:1 330:5 333:24 347:19 405:24 415:14 428:7 429:1,18 432:25 434:5 435:6,7,17 446:4,14,19 466:2	466:21 467:3 468:18 500:23 511:7 ATSs 352:6 attached 276:15 320:5,17 486:2 493:7 attachment 252:24 253:17 255:11 443:2 481:14 attachments 243:5 440:19 attain 261:2 attainment 428:22 attempt 499:21 504:25 attempting 450:18 450:24 attention 315:3 372:3,7 399:1 459:13 462:12,21 476:21 482:19 486:20 attorney 239:16,22 239:22 377:17 481:21 Attorney's 376:3 377:20 378:4 auction 426:10 audit 452:12,13 Audra 240:1 August 244:10 authority 373:20 471:9 authorized 436:15 auto 304:7 310:3 323:22,23 341:19 341:20,21 343:16 347:14 automated 243:19 245:8 264:5 265:11 395:8 427:15,21 428:6 429:17 432:5,11 432:24 433:16 435:18 automatic 247:17 334:17 availability 294:21 302:2,9 344:23 367:11 406:9 available 351:20 363:25 369:4 411:2 412:3,5 449:14 476:12 506:13 Avenue 239:23 average 272:18	283:12 296:1 404:20 aviation 298:22 350:12,13 351:3,6 429:4 430:25 439:3 442:10 444:13 449:5,6,15 449:23 450:2 456:20 459:19 466:7 473:18,19 475:17 476:9,18 493:5 Aviation's 491:17 award 433:14 434:18 awarding 453:24 454:14,19,20 455:12 456:9,10 456:10 459:5,10 aware 275:11 283:1 287:1,4 288:14 289:4 293:5,8,15 293:19,22 294:11 294:15,20 311:17 312:5 362:14 376:7,22,25 377:5 397:24 402:20,21 402:23,25 406:8,8 406:14 407:15 422:14,17,25 425:6 434:19 436:4 443:18 445:19 axle 308:2,4 315:17 315:18 320:8,19 axles 306:6,9 320:1 321:6 464:16,17 464:20 Ayers 504:2 505:1,2 505:3,6,7,19,22 506:2 Ayman 244:7 A,B 358:11 A-1 239:11 a.m 238:17
---	---	--	--	--

400:20 402:11 411:5 415:7 503:18 Baby 361:1 back 252:19 255:20 256:18 274:7 277:1,2 281:17 297:11 302:3 303:21 304:13,19 304:20 305:16 309:6,6 310:2 313:23 314:7 316:16 324:14 325:14 327:2,9,10 327:25 328:5 332:7 333:18 335:2 337:20,23 339:3 342:5,6,8 345:7 349:12 353:11 354:21 355:25 359:13 362:19,24 367:6 378:17 383:3 387:17 405:17 409:16 414:14 417:12 420:10,23 425:9 444:18 448:6 454:19 459:8 463:17 470:23 475:6 479:12 480:9 488:6 499:16 502:3 508:15 background 266:21 375:18 457:5 backup 428:13 429:23 backups 415:21 Bacon 261:10 268:9 268:11 471:3,10 bad 324:2,5 badge 436:12,16 bag 357:21,24 358:1 407:5 baggage 352:23 353:10 354:4,5,25 355:3,6,14 356:25 357:14,23 359:15 361:16 365:14 369:6 395:6,8 397:23 bags 335:13 355:1,4 355:7 357:10 360:9 balance 282:19 442:8 balances 287:13 balancing 338:14	Bargaining 277:10 277:19 278:9,22 279:9 289:22 297:16,25 based 249:3 255:24 256:2 268:21 278:3 281:4,12 287:17 301:14 363:24 397:13 409:16 444:22 445:1 457:11 460:21 465:13 475:18 476:14 498:11 basic 301:21 305:5 394:21 481:17 basically 254:23 256:25 271:6,8 274:10 275:1 288:23 300:23 307:16 326:23 337:16 339:1 350:21 359:6,15 368:12 370:3 371:15 377:10 404:17 416:9 460:15 461:17 470:14 471:2 476:16 508:7 509:2,8 basis 372:22 373:2 408:12 419:20 424:8 450:16 452:16 486:12 501:11,12 bearing 320:18 bearings 306:8,10 306:11 320:2,21 487:4 Bechtel 381:2,3,12 381:18,21 399:20 400:23 403:6 449:12,14,22 456:24 457:3 473:22 493:5 Bechtel's 449:25 began 465:9 beginning 248:8 253:11 309:3 373:15 377:2 392:23 449:13 464:10 465:10 belief 503:10 believe 246:9 251:12 259:25 267:1 273:11 282:15 284:11 285:5,6 292:21 297:12,22	301:7 325:8 328:21 331:12 337:4 362:18 367:5,5,23,24 368:1,10 373:16 380:5,17,19 389:12,15,24 393:1,11 396:20 396:24 397:3 398:4,24 401:6 403:15,18 405:24 406:18 408:17 409:18 411:23 412:1 414:9 417:11 435:4,17 438:1 442:23 456:23 461:7 463:16 465:8 475:7,11 484:20 484:22,22 486:2 488:14,20 489:10 493:4 496:10,14 496:19 497:9 498:6,19,24 believed 364:16 377:3 408:10 believes 397:7 462:21 486:3 belong 287:16 belongs 288:5 belts 442:7 bend 310:16 beneficial 325:22 benefits 264:25 273:1 bent 310:21 342:22 Berth 338:25 339:7 339:12,18 340:6 341:18 342:22 best 263:10 319:8 329:12 336:14 363:24 376:1,17 377:4 404:8 405:22 411:24,25 503:10,11 513:12 better 290:9 beyond 327:22 bias 275:19 281:3 bid 376:5,8 387:12 425:7 427:11 bidding 377:6 422:11 big 369:25 372:11 414:10 biggest 391:6 bill 252:16 254:19 254:22,25 255:7 255:14 256:10,12	498:17 billed 442:15 binder 262:14 372:8 bit 322:2 323:8,12 338:14 352:14 385:23 blanche 456:8 blank 393:10 blanket 244:18 482:21 block 336:19 510:12 510:12 BLS 264:8 279:24 blue 249:23 356:10 board 294:12 310:4 310:14,17 373:11 373:19 374:7,17 379:18,20 392:4 393:4 399:12 408:25 411:22 413:3 427:4 444:24 boarding 357:11 boards 309:24,25 310:1 Bob 243:13,15,17 373:5 403:15 409:2 459:15 471:23 body 315:12 320:21 321:7 389:4 491:3 491:5 bogie 306:12 308:3 308:5 315:12,15 315:16 316:3 318:23,24 319:8 320:5,18 491:3,6 bogies 319:22 320:16 321:1 boilers 385:4 Bombardier 238:6 242:15 243:11 246:8,9 247:13 250:10,20 251:20 252:6,12,21 254:4 260:1,5 262:20 263:2 265:5 290:16 297:2,14 297:24 298:3,4 299:7,8,14,17,23 300:6,19,22 305:12 309:18 311:2,14,19 314:3 314:15 317:16 322:12 326:15 327:24 330:13 331:1 345:9 346:2 346:23 347:24	348:9,13 362:11 365:23 366:1,6,7 366:15,18,23 367:24 368:3 370:24 371:19 372:7,16 373:2,11 373:21 374:9 375:6 376:13,17 376:24 377:4 380:2 384:6,14 385:10,13 393:17 396:14 399:1 400:18 402:7,9 403:10 406:16 407:18,24 410:5 410:14 411:1 412:9 413:25 414:6 415:6 417:20,23 421:12 422:11,15,19,23 423:16,21,23 424:4,12 427:10 443:19 444:18,25 445:2 450:10 457:13,17 460:24 460:25 461:3,15 461:19,21 462:8 463:5,10,13,16 465:6,14 469:19 469:23 470:14 475:7,16 478:6,10 478:12,23 480:1 483:7 501:1 503:13,16 506:3 507:5 508:7 509:23 510:20 511:1,4,5 Bombardier's 305:7 310:24 425:14,18 427:6 463:21 bonds 383:6 book 247:6,7 261:25 262:1 276:9 328:15 374:18 391:22 503:3 boss 454:10 bottle 332:3 bottom 254:17 258:18 259:17,19 374:10 377:19 399:13 431:4 bound 431:14 box 239:17 258:17 318:18 320:1 336:19,22,22 391:21 boxes 318:18 brake 307:8,9,10
--	--	---	---	--

307:11,13,19 319:21,24 320:1 442:8 brakes 282:16 320:14 braking 266:4 307:13 321:6 brand 314:15 346:6 346:6 breach 333:2 break 284:20 297:7 310:5 335:18 342:19 343:21 437:21 breakdown 478:3 478:11 breaks 291:22 388:2 bridge 359:5,14 360:15 361:10 362:6 bridges 395:9 brief 277:24 297:7 297:19 456:9 briefed 459:7 briefly 256:19 314:13 briefs 459:7 497:21 498:3,5 bring 305:15 363:22 411:24 412:15 413:4,6,8 414:8 454:18 481:6 482:11 501:20 505:1 bringing 409:1 411:10 412:15 413:2 426:23 broke 304:9 497:12 broken 303:2,5 304:8,19 310:9,10 310:21 323:10,11 325:24 342:13 391:20 474:17,18 474:18,19 Brotherhood 454:7 454:11 brought 304:14 369:16 396:7 411:21 452:2 459:12 498:22 browse 468:22 brush 348:15 brushes 348:20 511:24 budget 351:8,9 388:17,20,23 budget's 388:24 buffer 327:5	bugs 477:18 build 359:13 364:24 371:2,22 381:10 395:22 building 267:13 360:6 364:25 365:4 394:22 424:7 436:23 443:25 444:1 476:1 buildings 352:3 built 360:20 363:15 363:20 364:7 366:17,19 369:7 370:24 380:10,11 382:20 387:10 388:6 bullet 306:2 bump 295:3 bumped 310:15 Bureau 280:24 bus 244:3 360:8 387:10,10 389:10 389:11,11,14 416:4,12,18 418:3 438:23 439:7 440:16,21 441:5 441:12,14,18 442:1 buses 384:25 387:8 387:10,14,16,18 387:20,25 388:2,4 388:5,11,12,15,18 388:22 389:5,8,9 390:8 416:7,8 439:9 442:12,18 business 356:23 360:10 404:17 405:1 422:5 busing 415:23 416:4 416:10 420:3 444:3 bussed 416:17 buttoned 343:13 buy 308:17 421:18 421:24 buying 422:7 424:23 bypass 436:15 B3 341:8,13	245:14,16 305:23 307:17,18 312:9 312:20 314:16 315:22 316:6 318:2 321:10 326:4 329:5 338:2 345:5,24 348:10 352:4,10 353:14 353:17 358:18,20 358:21,25 359:6,7 360:1,4,6,12,18,25 361:1,5,5,23 362:1 362:3,16 366:9,22 366:25 370:11,14 370:14 371:10,12 407:5 415:25 420:16,17,20 424:21 425:16,17 429:10 430:15 433:16 434:5 439:19 440:6 443:14 450:11 457:18 458:19 467:3,12,13 482:16 483:15 484:6,17,17,25 486:6 490:13 491:24,24 492:6 492:21 493:11,18 494:8,14,18,24 495:15 503:18 510:4,7 511:10 cables 268:17 286:22 511:7 call 260:1 279:3,5 285:6 337:13 346:18 352:6 356:4,22 361:1 365:7,15 366:14 394:3 408:6 410:14 418:25 419:1,2 448:8 462:11 called 282:19 304:23 311:22 333:3 342:15 359:3 381:1 407:21 409:3 418:4 439:20 462:21 505:3 calling 298:7 315:3 calls 260:5 332:22 397:1 462:13,17 cameras 379:7 cams 339:25 canceled 427:6,9,10 candy 332:2 cap 332:3	capability 364:21 capable 412:21 capacitors 310:6,20 capacity 315:10 350:11 363:17,20 398:4 420:4 capacity's 368:25 capital 395:24 caps 295:3 car 265:25 266:1 268:17 309:19 315:17 328:4 331:23 332:5 333:21,23 334:1,4 334:4,13,14,16 335:1,2,3,5 340:16 343:2,2,3,5,6,8,10 343:13,16,23 344:1 353:10 369:16 385:1 386:24 387:17 390:3,7 438:19 439:8,10,16 440:5 500:16 507:10 509:2,3,19 card 379:6,8 436:13 436:19 445:7 cards 508:15 care 341:1 carefully 378:11 Carousel 355:3 carrier 307:21 308:2 355:17 356:25 357:4 carriers 307:20,23 307:24,25 354:14 354:15 355:11 carry 412:7 cars 266:3,3,5 307:12,17,18 315:2,7 321:6,8,13 321:13,19,20,21 322:2,7,20 329:25 330:17 332:6 334:2,24 342:19 343:10 345:17 346:6 347:11 419:22,23,24 425:14,18 476:22 506:3 507:6 508:2 508:24,24 510:15 carte 456:8 car's 343:8 case 246:6 262:9,22 278:8 298:6 317:12 318:7,20 319:9 333:25 334:5 365:16	367:22 375:14 381:1 383:18 396:13 402:21 403:9 481:23 489:9 498:9 502:21 507:23 cases 279:21 451:8 casinos 288:10,15 288:18 363:18 catastrophic 418:14 418:21,25 catch 259:23 378:1 categories 468:9 469:2 categorized 278:9 category 332:12 Catholic 260:25 caught 335:13 cause 289:15 441:1 441:23 513:17 caused 417:16 CBA 277:10 279:1 CBE 392:18 CBE-552 238:9 246:9 330:10 336:21 372:16 445:14,17 458:22 465:15 477:3 488:5 CC 340:11 342:15 342:17 CCR 238:24 513:22 CCRF 440:18 CCTV 340:10,12 cc'd 253:1 cell 296:23 349:6 Center 238:18 262:6 332:22,23 333:13 337:13,13 central 238:19 239:17 361:22 385:4 428:10 429:20 492:14 493:24 certain 276:13,19 307:11 323:25 348:21 384:2,3 389:7 399:17 402:16 451:18 508:7 certainly 282:21 319:3 358:22 376:25 377:16 378:20,22 380:15 380:24 403:7 407:10 413:22 414:9 435:20 447:9
---	---	---	---	--

certificate 419:25 494:13 495:5 513:1	362:5 397:21 407:7 416:18,20 418:16 439:22	287:6,24 291:14 291:21 295:13,21 412:12,23	408:15 452:19 coded 338:25 252:18 254:10 256:8 257:13,15 324:10	433:13 434:17 453:19
certified 419:25 441:8 450:13 451:19 452:3,16 455:11,16,25 456:3,7 457:2 513:5	checkpoints 415:22 Chicago 364:11 chief 240:1 261:7,11 350:21 chiller 438:1,2,5 chillers 385:3 choose 359:23 361:3 361:14 Chris 413:19 414:12 414:12 circuit 309:24 508:15 circulated 259:16 457:25 circumstances 407:13 circumvent 504:25 circumventing 505:4 citing 278:6 City 374:22 Cityflo 314:17 510:9 civil 249:17,18,21 cladding 309:12 claim 287:16 352:23 353:9 354:4,5,25 355:1,3,6,7,14 356:25 357:23 359:16 361:16 365:14 369:6 395:8 397:23 Claimant 239:9 claiming 357:24 claims 347:13,18 450:23 clamshells 258:21 clarification 318:10 479:1 clarified 415:4 Clark 239:15 263:9 265:5,6 297:16 298:22 350:10,13 350:24 374:5 427:16 429:10 433:13 434:18 475:17 478:15 482:14 483:13 484:4,12,13,14,15 486:5 489:18 490:10 492:4,19 493:16 494:6,22 495:13 513:3,19 classification 264:12 264:19,25 273:18 277:21 278:7	classifications 261:13 272:9 274:17 279:1 283:3,6 414:7 classified 277:25 287:23 288:22 classify 288:8 295:19 classifying 288:5 clean 266:7,18 294:8 cleaned 436:25,25 cleaner 393:15 cleaning 441:25 466:18 cleanliness 293:23 293:25 clear 254:23 255:16 266:6 339:8 342:25 343:5 352:15 356:12 449:16 cleared 333:14 340:6,25 341:7,12 341:12 343:15,15 377:20,22 378:3 416:19 clearing 342:20 457:19 clearly 359:21 360:25 361:2,8,10 366:16 376:11,19 378:2 396:18 400:13 climbing 293:1,2 Clipping 437:19 clogged 394:18,19 close 248:7 269:17 273:7 337:17 341:24 342:13,21 343:11 362:5 382:22 383:9,20 424:15 closed 334:14 340:7 383:8,11,17 closeout 382:21 closest 360:11 361:9 361:10 CM 256:21 code 249:5 255:23 256:4,7 257:1,6,17 258:7,22 324:10 325:11 333:2 340:7 364:23 380:14,16 408:15	codes 248:11,23 252:18 254:10 256:8 257:13,15 324:10 codes,PPT 253:16 coding 247:14 248:13 250:9,14 coils 442:6 coincided 300:7 420:16 collar 250:4 collected 275:4 collection 249:13,16 Collective 277:10,19 278:9,22 279:9 289:22 297:16,25 collector 348:18 512:3 collided 443:24 column 330:20 337:3,3 combined 471:11 combines 511:20 come 281:6 284:10 303:24 304:1 308:23 309:17 310:17 322:17 324:17 326:12 354:22 360:25 379:12 404:19,20 404:21 405:15,17 405:19 417:12 454:1 459:13 460:23 475:4 476:13 comes 292:21 coming 353:8 355:24,24 358:15 383:3 404:15 464:19,21 480:6 486:10 command 332:5 337:7,16 commands 332:1,5 341:7,12 342:20 509:4 comment 285:8,12 commented 394:5 commenting 285:14 Commerce 239:11 commercial 269:20 271:3 commission 239:21 374:5,13,23 375:2 379:1 392:7 410:24 411:9,13	commissioned 301:8 345:25 Commissioner 238:1,14 240:2 246:4,5,19 247:9 252:6 254:2 258:10 259:7,19 259:25 260:12,15 263:2 269:12 276:23 277:2 278:14 284:17,19 291:9 295:7,9 296:8,16,19,22 297:2,6,8,11,20,21 298:15 311:1 312:10,13,17 313:1,8,11,15,22 316:13,16,24 317:5,25 318:3,14 319:6 328:11,18 328:22 329:3 344:14 345:3 346:13 348:5,24 349:2,5,10,12,20 349:23 375:5 393:16 397:5 400:18,25 401:5 401:12,21 402:5,9 402:16 403:18 410:25 415:5 420:7,10 426:19 430:13 443:10,12 445:10 446:8 447:12,15,21,24 448:2,4,6,16,19 451:2,9 452:2,7 453:20,22 454:14 454:15 455:15 458:2,17 459:20 459:21 460:3,9,12 460:12,15 462:12 462:15,18,22 470:24 471:13,17 471:23,24 472:15 472:21 473:1,6 475:5,9,10,14,14 475:20,22 476:4 476:10 480:7,9,12 480:22 481:1,12 482:2 483:11,13 484:2,4,12,20 485:1,5,22 488:15 488:18,24 489:3,8 489:17,23 490:1,4 490:10 492:4,19 493:16 494:6,20

494:22 495:11,13 496:9,11 498:14 499:11 500:6,8,14 501:14,16,20 502:3 504:14 505:6,12 506:6,19 506:24 512:12,14 512:16,19,22 commissioners 373:12,19 374:18 374:25 379:19 392:4 411:13 413:3 500:8 commissioner's 278:2 283:1 317:13 485:21 498:18 commissioning 345:16,19,21 347:3 432:24 434:5,24 common 335:8 377:16 communicate 422:12 communicated 280:18,21 281:24 403:14 424:9 communication 253:2 509:5,6 communications 250:13 255:14 273:9,10 282:6,9 282:10,13 community 288:18 363:17 369:1 comp 249:24 264:24 273:15 274:14 279:11,12 287:10 companies 289:5 368:1 378:20 385:12,15 416:4 422:12,15,17,18 423:3,5 438:5 company 247:21 248:16 366:1 381:1 387:13,15 390:7 422:20 443:20 510:10 comparability 268:22 comparable 269:7 269:14 290:6 compare 279:13,24 compared 439:18 comparing 257:15 293:15 compatible 509:6	compensation 264:10,24 273:2,3 273:14 289:12 290:13 competition 379:10 competitive 367:21 376:14 378:3 379:21 387:12 389:23 Complainant 238:4 246:8 complainants 275:19 complaining 451:5 complaint 402:15 403:1,2,4 450:9,19 450:20 451:1,4 455:17 457:16,17 457:21 459:17 461:16 474:7 475:1 479:21 496:3 complaints 258:6,8 391:7 417:4 445:16 450:8 452:1,4,11 454:23 455:14 456:6,7 457:2,6,13 complement 404:8 416:8 complete 312:14,15 313:23 319:10 368:14 382:6 383:10,14 415:17 415:18 447:5,10 488:8 493:6,10 513:11 completed 314:20 374:17 383:12 384:2 completely 304:12 304:22 334:25 370:13 400:2 completeness 401:25 completion 315:8 385:19 455:18 456:11 491:1,7,22 492:12,25 493:23 494:2,14 495:5 complex 356:5 435:18,23,25 compliance 448:24 449:6 450:14 452:17 455:13 457:10 comply 365:3 431:14	component 302:11 315:20 376:19 380:13 components 265:19 266:3 269:23 303:2 304:6 306:18 307:10 315:19 324:8 467:6 477:9,20 compressors 306:14 308:19,20,21,21 comprise 379:7 comprised 315:16 computer 330:9 331:18,22 336:20 385:6 417:17 436:14,21 491:17 computers 476:2 computer-monito... 428:7 429:17 432:6 concern 421:16 470:6 505:15 506:10,10 concerned 289:7 314:3 328:1,7 462:7 504:20 concerns 279:8,23 280:2 319:2 conclude 274:8 concludes 274:5,9 conclusion 265:15 268:22 272:8 273:16 276:5,7,7 397:2 474:4,6 conclusions 263:18 265:13 275:2 280:1 281:7 concrete 345:13 concurrence 378:5 378:6 condenser 308:13 condition 426:11 conditions 270:2,17 272:7 281:9 292:18 293:4 294:18 382:15 430:5 431:5 conduct 360:9 459:21 conducted 243:10 258:5 312:6 452:20 463:9 470:22 confer 317:3 conference 475:11 475:12 conferences 453:7	confidential 317:9 configuration 358:23 360:24 506:3 confirm 428:20 468:23 conformance 261:23 Conformed 432:10 confusing 354:6 confusion 435:1 473:2 conglomeration 435:19 conjunction 446:22 connect 364:1 connected 289:9 354:9,10,13 369:8 507:18 connecting 355:16 355:17,19 362:6 404:13 connection 365:15 consider 266:11 267:4,15 269:6 275:3 286:19 295:17 317:22 383:10 considerably 316:9 consideration 274:19 283:5 285:4 296:12 considered 278:1 295:12 296:11 367:11 465:12 470:7 476:5 considering 274:17 408:24 444:17 consist 329:12 344:18 consists 316:9 319:25 consolidated 395:17 395:22 463:12 constant 339:8 364:24 constantly 396:11 435:22 construct 381:15 constructed 369:10 construction 267:10 267:11,12,18 268:7,11 274:25 287:13 295:25 350:16 370:22 371:9,14,15 380:20 381:3,5,17 381:18,19,20,25	382:7 384:1,6 386:3,6 399:20,21 403:5,7 421:4 448:25 449:2,7,22 456:17 457:1 471:15 constructor 263:15 264:1 268:1 269:9 274:10,21,23,24 277:21 286:11 287:6 290:23 291:21 292:18 constructors 238:3 246:7 264:4 265:4 267:24 268:12,15 274:15 279:3 287:2 289:13,18 289:21 290:3 291:14 394:2,4 consult 408:6 consultancy 350:7 consultant 260:19 350:5 consulted 476:18 consulting 260:20 consumable 442:6 consumables 442:9 contact 252:15 423:2 456:22,23 contacted 252:1,12 252:16 254:10 contacts 343:21 441:7 contemplate 436:1 contemplated 424:20 content 403:23 contents 284:25 285:3 contested 278:8 context 266:13 267:15 268:7 270:15 272:5 471:12 continue 327:21 420:11 480:10 continued 242:1 243:1 244:1 245:1 363:17 497:19 continues 386:11 continuing 363:18 continuous 265:20 contract 238:9 243:18,21,22,23 243:25 244:3,5 246:9 261:10,15 262:19 265:5 278:11 298:1
--	---	--	--	---

300:7,9 305:9	470:25 471:9	445:7,20 491:25	373:16 374:21	297:17 298:5,22
310:23 311:9	474:2,13,15	491:25 492:15	376:6,14 377:8	305:18 313:13,17
312:12,19 313:18	479:19 480:2	493:24 508:10,18	380:22 384:7	313:19 314:8
314:4,9 346:4	487:11,18,19,20	controlled 271:20	386:12 387:3	315:9,21 316:24
347:2 366:18,21	487:21 488:5	controlling 332:6	388:8,12 390:4,11	318:1 325:19
368:9,15 370:11	489:7,14,16,21,22	342:23	392:24,25 396:3	326:20 328:6,19
370:12,20 371:3	490:3,7,11,19	Controls 379:5	400:5 404:6	328:20,22,23,23
371:19,20 372:16	495:25 496:5	384:20 436:7,10	406:17 407:17	329:3 345:3 346:3
372:16,20,21,23	497:2 498:12,20	443:24 444:16,24	410:3 411:8	347:12,17,22,23
372:25 373:4,14	500:13,23	convenient 354:11	414:23,24 420:18	348:2 350:10,13
373:15,17 374:20	contracted 388:9	convention 405:1	420:19 421:11,18	350:25 351:4,8
375:21 376:5,9,13	449:4,12,15	conventioners	424:13 425:3,20	373:11,19 374:5
376:17 377:4	contracting 261:22	404:15,16	426:3,4 427:3	374:14,18,23
378:18 380:1	contractor 262:1	conversation 422:1	429:5 430:17	375:1 379:18
381:7,8 382:10,11	278:4,18 284:3	444:19 502:18	439:12,13,16	392:4 395:10
382:18,19,23	286:4 307:4	conversations	440:4,7 445:15,18	401:3,9,10,22,23
383:2,10,10,14,20	308:16,23 345:15	502:17	446:9 447:6,13	401:23 411:12
384:11,19,20,20	382:20 383:1,16	converse 300:22	449:20 450:2	413:3,21,22
384:22,24 385:2,9	440:15 441:1,6,7	Conversely 357:20	468:11 473:14,17	414:14,22 420:1
385:10,17,20,21	441:10,19,23	conveyance 367:20	474:13 490:23	424:2,5 426:2
385:23,25 386:1,2	442:5,10,13	369:9	499:9 503:10	427:16 429:10
386:3,10,11,17,19	450:17 451:3,3,24	cool 465:4	504:5,13,19,21	433:14 434:18
386:21,24,25	452:22,25 456:2,3	coordinate 377:16	corrected 312:4	443:13 445:21
387:2,13 388:13	467:3,7,18,19	466:1	323:20 410:21	447:7 450:2
388:25 389:4,8,13	468:16,18,19	coordinated 403:5,6	correction 304:15	458:17 472:19
389:15,17,18,21	513:14,15	coordination 432:21	corrective 257:6,7	475:17 478:15
390:10,12,16,21	contractors 267:11	434:2	258:17,23,24,25	479:16 481:13
391:4,5 392:5,7,18	267:12 278:3	coordinator 450:21	259:18 311:23	482:14 483:13
392:19,24 393:3	399:12 452:23,24	473:22	312:4,6 342:7	484:4,13,14,14,15
393:21 394:7	453:4,8 455:13	copied 326:12	correctly 304:10	486:1,5 488:15
396:5,13,24	486:15	459:25	473:2	489:4,13,18 490:6
397:15,18 398:23	contractor's 440:10	copies 305:20	cost 391:12 412:2	490:10,15 492:4
398:25 406:9,15	466:1	484:24 489:24	417:24 418:3,4,6	492:19 493:16
411:8,10,20 421:8	contracts 300:11	copy 247:10 276:16	423:18 441:14	494:6,22 495:13
421:14,19 422:11	351:16 371:6,8,10	297:21 351:20	442:5,15	499:16 500:21
423:4,16,24 424:5	371:14,22,23,25	393:1,13 410:1,22	costs 264:24 418:7,8	513:3,19
424:17 427:6,9,10	372:1 378:19	410:24 411:2	467:21 507:22	County's 278:3
427:11,15,20	379:2,3,9,17	413:18 447:4,5,10	Council 374:23,23	393:9 426:10
428:5,21,24 429:6	380:20 381:11,25	447:17 471:25	counsel 251:22	458:1
429:15 430:4,21	382:2 384:6,14,16	489:5,25 503:6	296:23 305:20	couple 256:19
430:23 431:1	384:17 385:5,6,8	Corporation 260:20	317:3 410:22	300:14 337:24
432:3,11,18,20	385:12,14 386:6	262:19 482:23	480:19 484:9	348:8 386:22
433:1,14,15,18,24	386:22 389:7	483:18	513:14,16	409:7 468:23
434:1,7,18,19	394:6 396:2	correct 246:11	counter 354:25	course 268:8 301:10
435:7,11,16 436:4	403:10 435:2,2,5	248:13 256:16	357:15,16,18,23	311:7 314:2 353:8
436:8 437:13	435:14 449:7	260:3 261:5 262:9	357:25 360:5,11	383:25 394:10
438:7,23 439:1	488:21,21 489:24	280:12,13,20,22	360:18 395:7	404:1 475:3
440:8 441:13	497:8	281:1,10 283:22	406:5	479:14 486:19
443:5 445:19,25	contractual 407:19	283:23 284:7,12	counters 357:19	497:4
446:18,20,23	contractually	287:14,15 289:2	counterweight	court 402:1 505:20
447:2,3,4 449:4,25	423:21 453:12	291:18 293:10	268:18 286:24	513:5
453:16 456:25	contrast 268:4	312:21 313:20	291:3	courtesy 480:19
458:22 460:16,17	contributes 405:24	316:21 318:13	counterweights	cover 372:15 389:13
460:18,22 465:8	control 286:23	350:23 357:12	291:1	392:18 446:1,6
465:10,11,12,13	326:19 332:21,23	358:17,19,21	Country 356:10	478:15 479:10
465:15 466:5,16	333:13 337:13,13	361:18 362:9	County 239:15	483:5,25 486:23
467:3 468:18	337:22 436:12	365:6 366:24	243:6 263:9 265:5	487:14,15
469:19 470:16,17	437:2 444:12	368:6,9 371:1	265:6 278:18	covered 371:20

387:5 390:20 471:3 488:3 covering 292:14 Coyote 238:18 co-located 492:14 493:24 cradle 343:6 cradles 343:4,9 craft 270:10 crafting 414:10 cramped 267:20 294:17 crane 507:19 crash 443:24 445:13 crashed 389:10 create 251:18 303:14 399:16,18 413:12 485:12 created 250:8 253:19 375:12,14 396:5 399:19 400:23 403:21 413:1,17,18 444:7 477:20 creates 375:9 377:12,13 credentials 283:21 credit 500:21 credits 383:3 critical 376:19 438:17 cross 265:2 420:12 crosswalk 285:6,9 cross-examination 241:11,17,18,24 242:2,7,12 280:8 346:16 348:6 420:13 426:20 498:15 506:12 509:16 CRR 238:24 513:22 cumbersome 406:25 curb 360:8,10 406:5 curbside 356:21 current 277:10 285:17 298:21 317:12 350:3 433:12 434:16 448:23 454:18 477:4,12 currently 260:18 352:11 359:25 368:23 380:25 448:24 449:4 currently's 380:25 Curriculum 245:16 curvature 511:13 curve 511:20,22	customer 354:18,20 355:15 356:9 359:16,22,23 360:21 361:15 363:13 364:17 405:2,4,7,13,25 407:1,6,8,9 418:6 508:6 customers 353:5,8 353:22 359:8,14 360:3,7,19,23 361:3,8,11,13,13 363:7,10 364:6,9 364:18 367:14 384:25 397:21 404:4,5,6,18,19,22 405:2,5 406:4 407:12 417:3,4 440:17 C-Gates 245:8 C-1 473:5 C1 246:1 C10 246:1 C12-14 246:1 C17-20B 246:1 C3-C6 246:1 C33-40 246:1 C44 246:1 D D 301:4,7 312:20 314:16 316:6 321:11 340:13 345:10,17,24 348:10 352:4,8,9 352:24 353:1,3,9 353:22 354:7,8,12 354:14,15,24 355:9 356:19 357:3,13 358:14 358:24 362:2 363:3,4,6,8,9,11 363:15,16 364:14 364:22 365:7,8 366:19,24 367:1 367:20 368:5 369:10,12,25 370:8,10,12,14 371:10,11 398:2,5 406:24 407:3,13 415:24 416:11,23 419:21 420:5 424:21 425:16,17 428:25 429:21 431:23 432:7 433:17 434:5 439:18 440:5 446:19 450:11	457:18 467:4,12 467:13 491:24 493:11 495:6,9 510:3,6 511:11,13 daily 330:9 335:15 336:20 damage 384:4 389:14 437:25 damaged 303:2 damages 417:6 damaging 444:1 dangerous 267:20 Daniel 238:24 513:5 513:22 data 264:2,7,8,16 265:12 274:2,4 275:4 281:6 330:9 336:20 423:15 468:19 database 280:23 date 251:13 257:23 315:7 323:25 324:9,10 338:20 382:13 386:1 390:9 429:2 430:22 432:12 433:14 434:18 458:14 461:10 478:12 479:21 491:1,7,22,22 497:20 dated 243:3,7,12,14 243:16,20,22 244:6,8,10,12,14 244:16 245:5,11 245:15 433:17 496:7 dates 321:10 338:12 338:20 384:3 385:19 393:2 488:7 date's 480:20 David 504:2 Davis 239:22 261:10 268:9,11 471:3,10 day 246:6 252:14 294:4,5 301:19,24 302:21,23 303:23 304:3,23 305:2 338:10 373:10 385:15 396:10 405:11 409:10 412:7,8 415:13 451:19,21 453:15 453:16 461:24 463:14,17,18 464:8,24 480:25 513:19	days 301:15 362:24 382:9,13,18 386:4 409:7 457:19 daytime 303:15 day-to-day 373:2 440:16 DBO 442:13 deadlines 482:4,6 deal 284:20 508:6 dealing 271:15 280:4 314:21 345:15 347:14 454:21,22 deals 390:5 dealt 366:5 debrief 456:3 December 243:22 247:24 351:13 430:22,22 decide 353:6 389:2 decided 367:19 423:14 427:4 deciding 412:15 decision 305:7,11 376:10,11 421:2 422:10 424:8 declaration 504:2,8 504:18 505:3 506:14 Decostro 243:4 252:16 253:7 254:19 decrease 420:15 dedicated 439:14 deduct 383:2 deem 288:19 deeper 460:16 defective 347:14 defects 477:11 define 382:3 defined 279:18 434:7 466:22 467:1 defines 318:23 definitely 336:2 445:3 definition 285:17 319:8 471:6 definitions 255:17 500:18 degradation 407:9 degree 271:21 299:25 300:2 delay 341:6 delayed 335:20 338:22 340:4 341:4,11 delays 417:2	DeLeonardis 245:12 327:12 Deletes 258:16 delivering 397:20 delivery 432:22 434:3 Delta 355:10 357:20 357:22 Delta's 357:22 demanded 252:19 demolish 368:21 demonstration 432:23 434:4,23 Denver 281:17 departed 343:14 Department 261:4 262:4 268:8 295:17 298:22 364:25 365:4 449:5,6,15,22 450:2 456:20 459:19 466:7 473:18,19 475:17 476:8,17 491:17 493:5 departments 374:16 departure 356:19 dependent 404:25 depending 257:22 267:2 303:24 341:25 357:3 473:23 depends 304:16 334:24 depict 352:11 depicted 320:25 352:22 434:20 depicting 256:23 deposition 293:7 294:20 Deputy 239:22 351:6 429:4 454:15 459:20,21 460:9,12,15 500:6 500:8 describe 301:10 314:13 387:4 404:8 458:2,9 461:13 described 302:19 433:1 434:6 470:4 481:15 describing 361:17 418:22 description 242:15 243:2,6 244:2 245:2,18 264:1 285:10 320:4,7
---	---	--	---	---

413:13,14 414:11 446:2 481:17,17 490:22 descriptions 264:2 265:4 274:3 331:13 413:10 descriptive 469:15 design 323:18 346:8 365:21 371:2,22 382:16 386:9 421:5 428:5,25 429:16 432:4,21 434:2 446:2,7,13 designed 370:24 380:10 425:13,17 433:1 designee 442:11 desired 376:8 destination 404:14 destroying 443:25 detail 441:13 459:23 463:24 details 457:24 determination 268:13 278:2 296:13 322:25 400:22 401:9,16 401:17,19 402:3 402:18,22 451:22 452:6 456:9,11,12 459:15,17,18 460:4,8,13,14,21 461:16 470:23 471:20 472:11 473:16,20 474:6 474:21,23 475:4,8 475:18 476:14 478:7,7 479:5,7,15 485:12,18 486:10 486:11,13 491:20 495:21,23 496:2,2 496:7,20,21,22 497:5,11,13,15,17 497:23,25 498:8 498:10 determinations 261:8 401:14 451:25 457:23 459:2 474:11 496:15,17,25 497:3,9 determine 261:18 263:12 479:22 determined 367:17 424:10 determining 295:19 detrain 266:2 develop 468:19	developed 261:20 322:20,21 323:23 414:12 424:7 device 310:5 devices 270:9 395:9 devoted 291:7 diagnostic 441:24 diameter 320:18 diaper 322:2 Dictionary 284:4 died 454:17 difference 267:25 268:6 289:12,14 289:17 346:1 377:23 423:19 453:12 510:13 differences 508:21 different 248:20 257:17,18 267:6 267:21 268:24 271:14 274:20 279:14,17,25 284:5 295:16 304:1 306:18,23 315:16 319:7 322:2,16 352:6 374:16 377:22 379:2 383:5 385:24 390:6 391:6 407:3 451:15 464:25 469:16,20 471:4 481:16 496:22 508:18 509:12 differential 290:2 308:1 464:18 487:2 differentials 290:11 difficult 261:16 368:18 417:9 dig 460:16 diploma 266:24 268:5 dire 241:22 414:18 414:19 direct 241:10,16,21 241:23 242:6,11 260:16 298:19 350:1 372:3,7 399:1 415:8 420:11 448:21 502:9 directed 408:25 413:4 476:8,11 direction 334:18 500:1 directive 311:21 directly 294:1 373:1	376:12 396:14,24 402:2 424:9 450:1 director 252:17 253:8 261:8 350:12 351:3,5,6 373:5 376:11 403:16 409:3 429:3,4 430:25 439:3 444:13 456:17 461:1 directory 261:14 283:22 284:1,7,9 284:25 285:4 286:1 director's 375:16 442:10 dirty 294:9 disabused 499:16 disappears 511:19 discard 462:6 disclosures 505:11 discovery 252:3 497:20 498:2 discrepancies 450:17,19 discretion 304:25 discrimination 431:16 discuss 386:23 461:20 488:24 499:4 502:21 discussed 328:22 360:15 384:9 405:9,10 464:2 495:25 498:20 500:5,7,14 discussing 336:9 461:17 488:25 discussion 276:25 283:16 313:4 316:15 411:9 423:22 444:4 448:5 480:8 488:20 499:1,23 499:25 501:19 discussions 411:12 426:23 500:3 disk 309:21 313:6 dismiss 474:7 498:11 dismissed 496:3 dispute 275:16 281:5 383:16 420:24 disputes 383:19 disrupt 305:3 distance 353:2 360:18,21 364:6,9	365:17 367:13,18 distances 367:17 distinction 289:3 distinguishing 286:10 distribute 461:5 distributed 247:25 461:8 distributing 248:2 distribution 467:1 District 239:16 376:2 377:17,20 378:4 402:1 division 261:11 375:12,15 377:15 399:21 403:9 DOA 326:15 348:12 351:16 379:1 384:13,15 386:18 389:20 407:19 411:9 412:20 413:15 414:23,25 469:22 473:22 document 243:9 245:4,14 247:1,3 247:19 248:12,15 248:21 250:6,8,20 250:23,24 251:18 251:25 252:20 253:2,11 256:3,16 262:16 277:7 284:14,15 297:15 317:10,18,22,23 318:9,12,16 319:10,11 338:8 370:23 374:12 375:9 392:14 399:7 410:11 411:3 413:20 414:18 432:10 447:10,12 458:1 463:2 471:8 473:8 473:9,10 477:6 478:14,21 481:24 482:12 503:6 505:23 documents 243:18 281:12 317:20 318:19 326:15 402:14 427:15 433:2 434:7 457:22 459:8 471:13 476:12,13 482:8,12 495:17 497:24 498:1 499:25 doing 287:2,7 299:8 299:18 302:1	305:4,4 314:18 329:24 332:24 336:14 345:14,21 381:2 393:13 412:21 433:10 450:12,18 454:6 457:2 464:11,24 477:15 487:9,23 487:23 497:20 DOL 283:24 284:23 285:2,17 454:17 Dollar 373:19 domestic 356:7 Don 244:9,11,12,14 244:16 door 257:6 282:13 309:8,9,10,13 323:20,24 324:7 325:10,23 327:1 327:16 331:21 332:1,2,4,14,17 334:1 335:22 337:6,14,15 338:22 339:2,9,12 340:4 341:4,7,12 341:16,18,23,23 341:24 342:3,4,21 385:15 405:11 425:21,22 485:3 485:15 doors 245:4 321:16 321:16 323:13,14 323:15,18,24 324:22,22 332:13 334:14,25 335:6 337:10,11,17 338:25 341:8,12 341:13 343:11 425:13 436:15 476:24 477:12,16 477:20,23,23 479:10,12,17 484:25 485:14 486:16 487:16 488:12 door's 325:16,24 Doppelmayr 367:24 double 274:15 downtime 303:14 dozen 325:13 Dr 263:17 280:10 draft 393:9 472:5 473:10,11 495:21 495:23 drafted 459:16 472:7 473:21 496:2 497:10,23 drain 394:19
--	--	---	--	---

draw 275:1 280:1 289:3	easily 357:12	270:7,8,14,20,24	405:10,14 409:2	375:6 380:20
drive 319:21,24	east 239:23 334:4	270:25 271:18,25	412:20 418:4	391:4 393:18
320:14,15 387:16	338:22,25 339:18	282:22 447:19	423:9 450:14	396:14 400:19
388:11 405:16	352:24 356:6	489:24	452:4 457:21	401:22 402:1,10
driver 389:11	economic 260:22	electronically	460:19 461:19,21	411:1 415:6 421:8
driverless 428:6	Economist 261:11	447:18	463:11,16 464:5,6	431:1 439:4
429:17 432:5	economy 368:22	electronics 271:2	464:7 469:19	443:13 445:14,17
drivers 387:16	405:16 438:20	electro-mechanical	477:15 478:12	445:18 447:13
429:22 437:22	edition 284:7,10	269:21 271:12	480:2 486:25	458:18 482:14
driveshafts 320:1	285:9,23 286:7	element 436:2,5	487:23 499:6,12	483:14 484:5,13
driving 343:3	editions 284:2 286:5	elements 438:12	employee/employer	484:14,15,16
drop 293:19	educational 266:21	elevation 511:10	264:23	488:19,22 489:4
dropoff 356:21	271:10 458:12	elevator 238:3 246:7	employer 282:10	489:13 490:12
dropped 357:6,11	effect 259:10 261:21	263:15 264:1,4	employment 260:19	492:5,20 493:17
360:7,10 399:3	372:18 373:14	265:3 267:5,9,16	262:19 264:22	494:7,23 495:14
406:20	390:10 393:5	267:19,24 268:1	288:6 298:21	entering 410:5
dropping 358:9	402:4 410:18	268:12,15,17,23	311:7 350:3	423:4
dryer 308:6	415:20 418:24	269:3,9 274:9,14	en 342:18	entire 274:21 294:6
dryers 308:7,7	488:9 491:6	274:21,22,24	encompassed	313:16,17 317:2,6
due 278:5 342:19	effectuate 427:7	277:21 279:3	412:24	317:18,20 318:17
383:2 386:15	efficiency 397:17	281:24 285:18	encountered 332:12	350:17,18 364:20
duly 246:15 260:8	efficient 359:13,16	286:10,21 287:2,6	457:13	413:22 464:9
298:11 349:16	380:1,5 406:3	289:13,18,21	endeavor 410:23	489:11,15 490:7
448:12 501:24	efficiently 380:18	290:3,23 291:2,13	ended 357:21	490:11 500:16
513:5,9	398:3	291:18,21 292:3	480:16	entirely 267:21
duplicate 313:20	effort 303:13	292:15,18,24	endorsing 279:1	281:12
dust 436:23	eight 320:3	293:1,9 295:2	ends 353:3 382:19	entitled 256:20
duties 269:25	either 267:14	356:17 394:2,3	engine 442:7 500:17	257:13 336:20
270:11,12 271:6	275:23 294:23	422:19	engineer 299:9,19	338:7 427:14
273:7 350:14,15	306:2 308:16	elevators 267:8,14	299:21,21 300:18	428:16 431:5,17
449:1 450:5,7	309:18 355:8,24	288:25 291:22	301:1,6 312:24	entries 330:12,12
500:22	357:2 381:10	384:21 390:13,22	327:24 503:19	331:5 336:23,23
dying 279:19	383:1 396:9	392:19	engineering 300:1	344:5 353:24
dynamic 307:13	397:21 399:20	elevator/escalator	371:15 399:21	entry 266:23 317:22
D-Gates 245:8	404:15 406:5	379:9	456:18	330:13 331:8,10
D1 341:19	423:11 436:24	elongated 370:3	engineers 326:10	335:25 336:5
D34 354:23	451:4 452:1 456:6	else's 504:18	330:6	337:25
	473:21 475:1	emergency 334:8,10	enhancements	enumerated 375:21
	481:18 487:25	339:22 340:1	478:17	environment 266:20
	489:21	363:12 364:23	ensconced 449:11	267:21 269:1
E		365:1,2 415:23,25	ensure 254:25	270:18 293:24,25
E 239:16 240:3	elected 364:15	416:21,22,25	433:10 434:13	507:24 508:8
339:19,21 342:22	365:18	418:6,11,13,13,19	450:14 451:11	509:12
343:11 354:4	electric 267:7 455:2	419:1,1,16,19,19	452:16 455:13	environmentally
358:6,7,11	496:1	employed 260:18	457:9 460:18	271:20
earlier 296:11	electrical 265:19	286:4,5 299:6,14	487:22 488:10	EPROM 309:18,19
379:24 408:20	266:9 269:18,23	350:7	entail 335:1,3 345:9	309:22
424:3 480:21	270:6,13,20,24	employee 264:24	entailed 298:24	equal 286:16 467:4
484:23,24 485:18	271:2,18,25	265:16 314:2,8	enter 252:18 313:13	467:4
485:20	273:10 282:20,22	325:18 326:20	298:4 311:3	equals 467:5
earliest 401:15	394:25 395:2	328:6 391:11	313:20 317:12,19	equipment 243:19
early 286:7 362:18	434:14 454:8,11	449:1,19 513:14	317:20 329:4	245:9 265:21
414:5 420:23	455:13 465:1,2	513:14	331:6 345:4	266:10 269:21
427:6,9 498:18	477:9	employees 243:11	368:10 370:11	270:14 283:2
ease 278:16	electricians 394:21	248:1,3 259:16		292:18 314:22,23
easier 261:24 311:2	395:1	277:25 279:15		316:6,8,21 348:9
346:14 359:22	electrician's 455:2	348:2 353:16		370:15 385:5,6
360:14 401:5,13	electronic 265:19	393:23 403:8		386:15 395:5
easiest 490:5	266:9 269:18,20			

427:21 432:7 435:19,19 436:14 437:25 441:25 443:3,19 444:25 445:2 466:21,21 466:25 467:1,2 469:5,9,9,10,11 470:18 474:9 476:2 477:16,17 487:3 errors 382:16 escalated 406:19 escalator 291:22 353:6 356:17 390:25 escalators 291:15 384:21 390:13,22 391:1,8,18 392:20 escort 479:11 escorting 335:3 especially 295:24 302:11 401:13 Esplanade 361:4 ESQ 239:3,4,10,16 essence 404:23 essential 363:8 408:10 essentially 366:4 408:3 424:4 establish 414:6 442:11 454:11 established 348:13 442:18 establishes 415:4 establishment 278:7 estimate 360:1 estimated 423:17 estimates 383:4 estimation 452:8 et 366:9 375:18 457:3 458:8 470:10 478:9 487:4 488:11 497:21 evaluate 273:20 evaluation 368:2 event 333:12 335:8 391:17 418:14 events 337:21 383:25 390:25 418:23 Eventually 455:10 even-steven 361:12 everybody 258:4 330:6 332:25 375:21 393:14 everything's 301:20 304:11	evidence 264:20 375:3 393:7 400:15 410:20 414:17 482:3 485:4 488:14 exact 321:10 369:13 496:20 exactly 250:3 300:16 315:19 318:24 321:3 338:8 424:6 455:7 478:24 examination 241:5,7 241:10,12,16,21 241:22,23 242:6,8 242:11 246:23 259:8 260:16 295:10 298:19 350:1 414:19 415:8 420:11 448:21 465:10 501:7 502:9 Examinations 242:1 examined 246:16 260:9 298:12 349:17 448:13 465:8 495:18 501:25 513:8 example 257:2,5,7 265:25 346:24 354:21 364:7 389:3 422:19 425:13,21 450:5 476:1 examples 257:17,18 265:23 268:14,20 312:11 384:18 395:11 exceed 442:14 exceeded 367:18 373:20 388:24 exceeds 279:12 exception 491:4 510:11 exceptions 377:6 426:15 excerpt 242:23 244:5 489:1,10,16 489:19 exchange 324:25 excluded 468:5 excluding 467:1 exclusive 428:10 429:20 excuse 355:2 398:5 399:3 407:23 429:9 430:22 446:14 480:5	excused 296:20 executed 393:1 492:11 executive 350:21 399:11 exemption 378:3 exhibit 242:15 243:2 243:6 244:2 245:2 245:18 247:1,19 248:15 250:21 252:7,8,22 254:4,7 255:21,24 258:13 259:10,15 262:25 263:2,4 276:10,21 277:5 297:13,15 297:24,24 298:4 305:19,23,25 310:22,25 311:3 312:8,9,11 313:5 313:13 315:21,22 316:10,20,25 318:1,2 319:4 320:10,24 326:3,4 326:6 328:15,15 329:3,5,7 330:8 335:24 338:1,2,4 338:18,18 344:11 344:11,17,25 345:4,5 351:18,19 372:4,8,9 373:22 375:6,7 391:22 393:17,17,19 399:2,4 400:19,20 401:16,18,20,23 401:23,23 402:10 402:11 409:22,23 411:1,5 412:9 415:6,7 427:14,23 428:16,24,24 429:9,10 430:1,14 430:15 431:4,23 431:23 432:8,8,10 433:3,15,15 434:9 438:22,22 443:9 443:11,13,14 445:21 446:15 458:1,18,19 460:6 461:6,8,9,11,13 463:7 465:14 471:21 477:24,25 478:15 480:14 481:13,13 482:14 482:16,19 483:14 483:15,17 484:4,6 484:13,15,16,19 486:1,5,6,9 488:13 488:16,23 489:1,4 490:6,11,13,15	491:9,9 492:1,2,5 492:6,8,10,11,19 492:21 493:16,18 493:20,20 494:6,8 494:10,22,24 495:13,15 496:6,6 503:3,4 504:2,18 505:25 506:18,20 506:25 507:2 exhibits 242:14 243:1 244:1 245:1 246:1 401:3,6,9,10 402:6 434:20 461:5,5 480:5,16 480:17 484:17 489:20 exist 398:13 existence 289:3 398:12,16 418:17 existing 273:17 367:8 474:9 exists 352:12 exit 437:23,24 expand 368:16 446:23 450:10 478:23 expanded 362:17 369:15,18 387:7 expansion 359:3 368:24 370:7,9 371:11,12 428:25 432:7 446:19 expect 322:11 377:25 expected 461:18 468:4 expense 431:20 expenses 507:18 expensive 406:25 experience 262:3 283:11,17 290:20 321:12,15 366:8 382:2,5 397:14 398:22 405:4,17 405:21,22 407:13 445:1 457:11 458:10,11,12 511:23 experienced 275:7 361:13 362:23 412:6 expert 262:8,11,21 273:21 298:3 387:20 expiration 386:1 expire 386:1 expired 386:11 expires 385:20	expiring 373:16 explain 256:25 320:24 338:16 342:2 463:24 468:3 474:3 500:5 503:12 explained 367:12 379:25 407:7 459:23 464:16,24 474:1,1 499:5 500:9 explaining 450:17 explains 341:15 463:2 471:4 explore 422:7 464:20 exposure 292:17 expressed 424:11 extend 324:23 325:7 325:21 extended 315:13 325:1,8 480:19 extension 327:17 extensive 290:24 304:15 487:4 extensively 487:19 488:10 extent 259:15 281:9 406:19 441:4 466:10 extra 327:8 Extremely 462:3 eye 323:4 e-mail 243:3,3 245:5 245:11,11 254:17 254:18 255:6 326:8,23 417:7 481:14 485:25 e-mails 252:24 e.thomson@clark... 239:19 E5 338:25 340:7
--	---	--	---	---

F

fabrication 428:5
429:16 432:4,22
434:3
face 373:1 460:17
faces 366:5 511:18
facilitate 398:13
facilities 292:11
354:19 367:16
373:3 375:15
395:13 403:9,16
432:21 433:1
434:2,6 459:16
461:2
facility 281:14,15,17

294:6 365:8,9 385:1 387:11,18 387:25 388:6 390:3 395:18,23 398:6 438:19 439:8,10,16 440:5 465:18 507:5,6,10 facility's 390:1 fact 274:11 287:18 287:19 358:12 365:10 377:5 402:20 404:20 407:15 496:21 498:11 505:20 factor 295:18 467:10 factors 286:10,15,19 factory 271:5 facts 278:17 482:13 506:8 factual 400:4 fail 303:14 343:2,6 436:19,20 437:10 failed 342:14 417:11 485:14 failing 303:13 309:5 398:16 fails 391:21 failure 302:20 387:21 391:7 415:17,18 418:14 443:17 failures 302:16 443:18 fair 336:6 388:1 482:5 fairly 262:16 263:25 269:16 270:4 271:22 272:20 273:7 284:11 336:6 416:3 504:6 fall 261:19 293:9 falling 292:20 406:18 Fame 343:12 familiar 305:1 311:8 315:25 333:15,16 334:3,7 337:6 372:19,22 374:1 385:17 386:17 402:14 407:21 409:24 430:23 433:18 439:1 452:12 468:23 469:2,4,14 470:3 472:3 473:9 491:11 506:2 familiarized 509:25	fan 308:13 FAPR 238:24 far 328:19 361:2 365:18 435:6 462:7 471:7 488:6 500:18 fare 249:13,15 fashion 420:3 fast 437:23 faster 406:4 favorable 266:20 270:2,17 272:7 Fax 239:6,13,19 February 299:5 federal 431:14 471:2,8,8 feeds 340:14 feel 318:5 482:5 feet 293:19 356:4 364:12,14,16 454:9 fell 273:8,12 460:6 487:25 felt 248:24 272:10 286:24 365:19 376:16 412:20 419:10 463:25 475:22 499:2 field 287:13 299:9 299:20,21 503:19 fifth 284:6,10 285:9 285:23 337:3 429:8 figure 320:22,24 424:14 file 318:17 319:11 401:1,1 451:22 452:23 456:10 491:18,18 497:16 497:18 filed 403:1,3 451:1 451:19,21 455:17 457:13,16,17,23 459:17,23 474:20 474:22 475:16 479:21 485:18 files 367:7 filing 451:16,17,17 497:21 filings 452:10 fill 322:4 filled 393:2 486:4 filter 308:10 filters 442:7 final 256:7 382:25 383:1 392:6 413:18,20 414:11 414:15 432:2	490:7 491:23 492:24 493:6 finally 261:11 Finance 351:5 financial 500:21,22 financially 406:16 513:15 find 261:22 263:8 269:9,14 303:4 304:2,8 332:1 340:19 474:16 477:2 485:2 487:15 504:4,12 Finding 342:21 findings 403:14,18 456:4 475:21 fine 304:11 313:14 328:11 339:3,14 346:20 388:23 393:16 397:6 481:2 489:3,15 506:17 finished 267:13 fire 365:4 379:4 437:5 firm 260:20 381:3 403:7 first 246:15 248:9 248:12 249:7 251:10 253:17 254:17 259:20 260:8 263:15 264:13 273:23 284:2 298:11 317:9 319:23 325:9 337:24 338:21 339:12 349:16 361:19 363:4 364:4 384:24 386:23 387:15 388:9,13 388:16 389:17,21 391:24 392:1,23 395:15 400:10 403:1 405:14 408:14 409:24 413:11 415:22 427:25 429:13 430:9 432:19 433:9,24,25 434:12 435:17 440:13 448:12 466:15,24 467:17 475:11 479:2,4 483:3 486:24 501:24 506:17 fiscal 375:18 fit 269:10 270:4	332:11 425:13,18 fits 261:22,23 five 315:13 351:7 385:22 389:24 420:7 491:6 fix 309:6 332:15 442:8 fixed 369:23 450:18 450:20 475:23,25 475:25 476:3,18 476:21,23 479:16 496:23,24 510:12 fixing 451:5 flag 335:18 flags 335:12,12 370:16 flashing 340:17 flat 442:8 flatbed 507:21 flight 354:23 355:19 flights 355:21 360:2 417:3 flow 416:14 fly 417:2 flying 355:8 356:8 356:10 357:20 416:24 focus 476:20 496:23 496:24 focused 282:23 496:25 folder 262:13 277:5 folks 288:21 373:2 389:7 409:5 424:7 follow 251:8 301:16 339:10 348:12 456:11 476:9 followed 306:1 444:18 following 306:2 491:7 follows 246:17 260:10 298:13 349:18 448:14 502:1 follow-up 259:5 348:24 forbid 374:24 force 435:23 471:1 forces 396:9 forensics 260:21 forfeitures 451:23 forget 394:2 414:4 437:19 forgot 409:2 form 317:12 376:2 377:21,24 468:19 formal 250:9 451:1	451:4 459:9 formally 378:12 425:8 former 365:25 475:20 forms 345:13 formulate 460:21 forth 277:23 297:19 302:3 338:17 375:17 377:10 387:17 400:5 414:14,21 459:8 475:6 479:12 508:16 forward 488:7 forwarded 375:15 403:17 found 272:25 303:25 310:7 312:3 319:18 323:24 324:2,5 340:6 342:21 343:23 344:5 395:23 450:18 452:2 455:15 479:25 foundational 504:23 four 257:17 263:14 275:7 285:20 320:2,2 325:13 330:7 359:10,11 359:15,17 452:25 453:1 457:19 464:8 467:4 fourth 253:10 263:20 330:20 337:3 431:8 four-gate 359:3 four-year 268:1 274:23 287:10 frame 309:10,14 348:21 369:14 413:5 frames 268:17 286:22 309:8,9 351:10 382:12 free 342:19 448:2 501:17,17 512:17 freely 320:19 freight 267:8 frequency 291:2 292:14 441:15 frequently 289:8 426:7 friction 319:21,24 320:14 friendly 406:4 friends 405:18
---	--	---	---	--

front 247:3 286:13 316:4 329:7 338:15 490:16 frontal 356:4 Frontier 356:10 frustration 481:25 FSE 503:18 Fueling 441:18 fulfill 503:19 full 416:8 489:7,14 489:21,22,24 fully 248:10 393:11 428:6 429:17 432:5 full-time 288:12 function 290:21 396:1 436:21 437:12 functioning 266:8 furnishing 466:17 further 241:5,7 246:23 259:4,8,21 259:22 280:7 296:7,15 320:9 327:20 330:24,24 346:12 348:4,23 364:10 368:17 369:11 393:12 445:9 447:20,22 461:4 495:18 498:13 501:6,13 501:14 509:15 512:10,15 513:13 future 368:24,25 369:7 fuzzy 362:24	443:25 467:12,13 gates 302:3 352:4,4 352:4,8,9,10 353:1 353:9,17,22,24,24 353:25 354:1,2,4,5 354:7,8,12 355:9 356:1,2,4,4,6,7,9 356:12,13,19 357:3,3,13 358:4,5 358:8,11,13,14,18 358:20,21,24,25 359:3,4,5,5,10,11 359:15,18,19,21 360:1 361:2,8,10 361:11 362:1,2,3,4 362:16 363:3,4,9 363:11,21,25 364:14,22 365:7 366:17,19,24,25 367:20 368:5,24 370:8 397:22,22 398:2,4,5,10,10 406:6,24 407:3,4,5 415:24,25 416:11 416:23 418:16 420:5,17,20 439:23 440:6 444:9 gathered 493:9 gear 391:21 geared 476:23 gears 308:1 general 239:22,22 266:23 279:22 285:2 315:5,6 331:16 345:15 431:5 432:15 433:4,21 434:9 439:25 440:13,24 478:17,18 generalized 280:2 generally 251:6 266:18 331:25 333:19,20 375:12 375:24 382:8 383:23 384:3 394:13,23 426:13 getting 300:22 333:11 334:21 335:2 342:12 343:4 344:2,2 387:22 397:22 454:8 457:6,24 460:11 464:1 give 246:21 250:25 251:7 265:23 268:14 281:4 284:16 285:4	380:1 384:18 450:5 478:10 485:1 501:10 505:2,12 given 275:10 315:7 318:11 326:16 485:16,24 500:1 505:20 gives 264:13 285:7 377:11 giving 257:5 332:5 glitch 417:17 go 246:4 252:19 253:10 255:20,21 256:19,20 257:9 259:7,23 260:15 272:21,22 276:22 278:17 282:1 286:11 287:9 297:8 298:2 306:5 310:13 313:1,23 316:12 320:9 325:12,23 326:18 331:4 332:1,14 333:16 334:13 335:16,17 336:8 337:20 339:24 341:15 343:25 344:21 346:14 349:10,23 352:16 352:21 353:9,11 355:1,2 356:12 357:6,15,16,25 358:14 360:13 361:3,13 362:19 366:13 367:6 379:20 392:21 393:12 416:12 419:8 420:8,10,22 422:10 423:14 433:6 439:19 445:10 448:4,6,20 453:6 455:19 456:19 461:4 462:15 467:14 480:7,9 487:6 501:17,18 502:3 505:14 507:22 512:17,23 goes 303:16 329:14 330:2 335:5 352:16 353:2 402:2 408:17 419:2 511:19,21 going 246:10,11 250:19 251:24 252:20,21 254:17 256:18 257:21	259:23 275:24 297:23 298:6 303:10 305:18 311:15 317:25 324:21 325:24 326:18 343:24 345:7 352:7,8,9 354:1 355:14 367:14,14 368:7 378:2 379:10 381:15 388:24 396:22 397:7,8,8 399:2 405:6 412:17 415:3 417:5 421:9 424:24 437:23 461:5 473:2 480:14 485:23 488:22 489:24 490:6 504:7 506:13 good 270:4 272:13 273:19 278:15 366:8 405:19 416:4 445:7 472:23 482:9 government 238:18 279:11 governments 279:20 grabbed 310:14 graduate 300:4 Grand 238:19 239:17 granddad 284:5 granted 374:22 graphic 309:1,2,4 green 304:11 340:15 Grein 399:11 grew 416:6 ground 353:2 grounds 277:23 297:19 group 275:22 276:1 322:13 347:4 368:21 371:16 395:18 399:20 413:22 454:2,12 454:24,25 464:9 grow 363:17 growth 369:1 guess 255:11 275:6 279:6 286:24 304:25 305:10 361:6 375:14 399:19 424:8 504:19 guidance 319:21,25 320:15,20	guide 258:20,21 320:3 321:4,4 512:7 Guidebook 265:8 guideway 249:20 323:7 335:4,10,12 369:22,22,23 370:15 381:10 425:24 428:10 429:20 439:15 465:18,25 466:4 469:5,8,9,10,21,21 469:24 477:2 479:17,22,25 483:3 486:14 487:15 507:20 508:17 511:18 guideways 265:18 266:6 476:1,24 477:5,8,9 479:13 483:24 508:13 guy 327:12 335:17 465:4 guys 249:2 250:3,16 250:18 252:18 254:25 301:22,24 303:19 310:4,6,12 310:19 325:10 333:16 334:5 337:15
G				
gaming 288:19 garage 360:25 garbage 437:18 GARY 239:3 gate 352:24 353:3,7 353:14 354:14,15 354:23,24 356:19 357:2,7 359:6,7,14 360:4,6,12,18,25 361:5,5,23 362:6 363:6,8,17,19 365:8,17,17 366:9 366:22 367:1 369:10,12,25 370:10,11,12,14 370:14,14 371:10 371:10,11,12 406:5 407:13 416:15 419:21 420:16 424:21				
H				
half 334:19,20 353:2 405:15 Halfway 440:10 Hamed 244:7 hand 272:3 338:1 340:1 414:10 441:24 513:18 handbook 292:22 471:10 511:1,3 handed 480:20 484:24 handheld 337:19 handle 310:5 334:8 339:19,21,22 342:22 343:11 398:4 handled 371:15 378:25 handles 334:10 handling 395:6 handouts 251:8 hands 466:6 handwritten 461:25 462:1 485:3 Hang 481:11 happen 394:17				

405:23 419:5 happened 255:13 314:13,14 403:19 415:16 420:2 444:20 474:24 479:18 happens 293:3 301:10 333:22 344:6 383:13 391:17 419:4 happy 453:24 hard 336:9 424:14 hardware 314:24,25 436:20 Harris 455:20,21 Hawaii 354:22 Hawaiian 354:20 355:9 356:15,20 hazard 292:20 294:24 hazardous 292:17 293:4 hazards 292:23 head 272:2 327:15 341:2 379:13 headed 245:4 330:20 413:19 headgear 294:21 295:3 heading 330:8 443:3 461:9 headings 478:22,23 478:24 heads 306:16,16 hear 291:9 423:8 426:16 heard 347:17 362:23 445:16 507:4,7 hearing 238:13 251:23 297:20 400:21 401:1,3 459:1,4 481:3 hearings 459:6,9 hearsay 504:25 505:5 506:4 Heaven 374:24 heavy 249:8,11 255:23 256:4,13 283:2 469:25 470:9,18 held 310:14,23 418:4 459:9 462:8 503:15 help 284:14 321:4 414:6 helped 471:14 helps 343:23	hereinafter 466:22 467:8 hereunder 466:25 hereunto 513:18 high 266:23 268:5 270:1 283:9 306:16 344:23 363:13 397:17 405:2 406:22 412:6 428:12 429:21 higher 282:23,23 359:16,22 highlight 248:20 249:9,10 highlighted 248:4 248:18,23 249:7 249:13 352:5 highly 404:25 hire 413:9,9,11 hired 262:1 283:13 290:17,18 413:25 414:5 450:9 453:6 455:8 457:15 hiring 431:16 457:19 history 345:7 hit 310:15 370:5 Hobbis 456:15 hodgepodge 329:19 hold 299:16 332:22 335:15 496:9 504:14 Holdings 238:7 246:8 holidays 431:19 HOLSBERRY 239:10 honestly 366:12 Honeywell 379:4 384:19 437:3,4 honor 326:17 hopefully 375:21 horizon 511:19 hoses 266:7 host 385:7 hotel 363:18 hour 261:11 334:19 334:20 348:1 388:19 hourly 270:19 hours 268:2,3 290:24 388:17 422:3,5 431:19 477:6 478:9,11,16 478:18,18,24 479:11,13 485:13 house 411:21	household 438:4 housekeeping 427:13 houses 315:18 Houston 444:10,11 444:14,23 445:16 Howard 239:4 HR 252:17 253:8 hubs 306:10,11,25 307:1,1 321:19,24 Hughes 239:4 human 261:1 413:19,21,21 424:6 hung 337:12 343:22 HVAC 385:5 438:10 hydraulic 267:8 I IBEW 455:2,19 idea 319:7 472:23 identification 268:19 identified 297:15 467:8 480:1 505:10,17,21 identify 269:15 344:17 474:14 478:16 483:21 493:3 identifying 485:13 486:13 493:5 idle 342:13 II 238:15 imagine 330:22 331:14 immediate 318:20 immediately 278:11 318:14 373:14 376:3 424:13 457:14 impact 290:2 375:18 impartiality 513:17 implement 419:7 implemented 415:23 416:2 419:9 420:3 Implementing 265:9 importance 468:1 important 258:3 264:20 269:17 270:3 274:19 286:20,23,25 314:10 318:24 397:15 398:23,24 405:1,5,13 409:11 409:19 438:16 506:25 impossible 398:7	impressive 266:17 improper 437:24 improvement 381:23 inbound 405:3 incident 415:13 417:25 include 256:24 283:10 285:10 436:2,5,7 438:7 466:16 468:24 495:24 included 280:11 348:1 368:12,14 382:10 454:16 includes 432:4 438:18 482:22 including 261:8 268:2 431:16 465:1,25 467:2 469:21 471:5 495:24 incorrect 354:8 367:25 increased 391:9 incumbent 402:17 incurred 417:24 independent 505:25 513:14,14 INDEX 241:1 indicate 327:17 421:23 444:15 483:6 indicated 324:11 380:12 indicates 320:24 376:4 483:8 indicating 308:20 326:16 indication 444:20 indicator 340:15 individuals 271:16 291:17 404:2 individual's 506:13 Indulgence 328:9 344:13 445:5 industrial 266:15 269:20 287:24 Industries 265:1 industry 264:25 265:1,3 266:14 267:10,18,18 279:12 287:17 288:19,23 292:15 292:15 366:10 inexperienced 361:14 inflate 273:1	influenced 275:24 info 342:17 inform 277:20 279:9 informal 450:24 information 256:24 260:22 261:7 265:10,12 268:21 292:1,13 319:3,5 330:16 333:1 338:7,10,17 375:17 400:4,5 458:7 460:23 468:20 477:2,2 478:3,6,13 479:2 485:17 486:8 491:19 493:8 495:24 informed 477:7 informing 342:18 infrastructure 449:12 508:1 infrequent 404:18 inherent 303:9 323:19 344:20 497:8 initial 287:7 362:16 402:18 442:2 453:5 457:15 459:15,16 460:4 461:2 472:13 476:20 477:14 478:6,7,14 initially 369:12 389:23,24 424:3 450:7 453:6 454:5 454:6 455:8 460:8 465:9 478:8 487:5 487:7 initiate 450:20 initiated 261:16 450:16 injury 293:14 input 338:24 413:22 468:20 472:9 inquiries 424:22 inside 308:1 309:5 394:22 464:18 inspect 322:3 348:19,20 inspected 304:19 inspecting 345:13 inspection 302:24 303:6,16 466:18 inspections 301:19 302:17 303:3 305:5 335:14,15 install 267:14 268:16 271:25
--	---	---	---	--

339:12 365:21 371:3 381:11 installation 286:21 287:8 291:4 299:18,19 301:1 345:8,10,16 346:3 346:5,21 347:1 371:4 381:9 403:11 421:14 428:5 429:1,16 432:4,22 433:11 434:3,22 446:3,13 installed 322:13 364:18 370:25 380:11 422:18 437:6 installer 267:16 269:19 270:7,25 273:9 376:18 installers 267:5 270:20 380:10 installing 267:7 270:13 installs 274:21 instance 456:2 instructed 255:22 311:25 325:9 327:25 instructions 256:3,6 302:19 459:20 495:22 instructor 262:5 integral 400:8,11 integrated 369:17 integration 432:23 434:4,23 intend 424:18 intent 432:18,20 433:24 434:1 446:20 interested 285:7 513:15 interesting 411:17 489:9 interests 411:24,25 interface 432:21 434:2 interfere 337:11 interference 337:10 interfering 323:16 interim 475:4,12,15 475:18 476:9,14 476:25 495:19,20 495:22 internal 381:20 international 238:3 245:7 246:7 355:19,21 356:6,9	427:16 428:8 431:12 454:10 interposing 320:1 interpret 278:25 interview 275:8 457:20 461:20 463:15,19 464:5 interviewed 275:21 450:13 460:19,20 460:21 464:6 471:16 interviewing 275:18 interviews 243:10 275:5 276:2 452:3 460:22 463:10,13 470:22 474:2 inter-terminal 438:21 introduce 275:12 introduced 285:7 361:19,22 invalidate 475:1 invalidated 487:12 invalidating 488:1 inventory 442:2,11 442:15,16,17,20 investigate 402:18 403:4 450:7 investigating 450:23 investigation 452:5 458:22 459:21,24 466:13 467:9 472:12,13 473:25 474:3,5 476:12 477:14 478:2 479:2,14 481:8 483:4,5,22,25 487:17,24 491:14 492:23 493:9,25 494:15 495:7,18 investigations 450:12 451:13,16 452:1,12,13,15 456:5 457:5,9 476:20 497:4 investigative 486:24 investigatory 486:19 invited 453:23 involve 333:20 334:20 involved 266:10 280:25 284:2 312:19 314:12,17 333:11 335:8 345:18 347:13,19 403:8,12 417:20 449:17 453:3,18	453:21,25 459:24 460:11 478:8 481:7 509:18 513:15,16 involvement 351:16 involving 415:13 443:19 in-house 377:1 394:12 395:10 396:2,5,7 409:1,12 409:14 411:11,24 412:1,16,16,20 413:2,4,6,8,24 414:9 423:14,19 426:24 438:11 in-housed 424:5 in-line 395:8 Iowa 505:8 irrational 274:13 issue 268:13 275:10 275:14 284:15 285:6 307:22 322:14 333:14,14 337:12 343:1 375:13 411:14 488:2 issued 250:6,7 285:12,13 295:22 295:23 475:5,10 475:14,15 497:15 504:8 issues 260:22 300:23 303:14 346:8 396:12 408:6 444:16 450:9 453:4 454:20 455:15 457:10 477:19 issuing 497:25 item 304:12 312:4 335:25 338:23 339:6,25 340:11 342:11 374:4,7 375:10 379:22 392:3 410:3,16 items 245:14 249:16 256:7 301:23 303:23 304:14 336:1,5 338:8 342:7 378:11 442:6 IUEC 297:16 423:15 427:2 457:17 459:18 503:24 I-beam 345:11 I-beams 339:13	J J 239:10 JACKSON 239:3 January 243:3,8 244:14,16 245:5 247:15 248:8,8,9 250:15 251:16,17 252:11 255:9 256:16 257:20,22 258:6 449:13 461:10 Jay 245:6 461:1,15 478:3,5,10,22 481:18,18,19 jet 356:10 395:9 Jim 244:9,11,12,14 244:16 job 238:25 264:1,21 265:4 274:3,17 283:3,8 285:10 299:4 307:11 345:9 412:12,23 413:10,12,14 414:7,11,21 415:10 445:7 455:10 jobs 272:13,23 279:16 290:8 293:16 307:9,13 307:19 Joel 241:15 298:8 298:10,17,21 312:19 316:21 319:15 328:14 329:8 338:4 344:16 345:7 346:18,19 413:24 414:1,2,10 476:17 477:1,5,13 485:11 485:16 John 244:7 Johnson 379:5 384:20 436:7,10 437:2 443:24 444:11,16,24 445:7,20 July 243:16 245:11 401:19 496:8 513:19 jump 481:9 jumping 343:7,8,10 343:19,23 June 238:16 245:15 246:6 353:19 363:3,5 503:7 justification 379:22	Kahn 239:10 241:6 241:11,13,17,22 241:24 242:3,7,11 247:6 251:22 252:2,5 253:23 258:10,12 259:3 259:22 263:1 277:23 280:9 284:18,20,22 291:12 295:6 296:8,10,15,25 297:18 305:20 313:17 317:1,7 328:17 329:1 333:6 336:11,16 345:1 346:14,17 348:4,23 349:1 375:4 393:8 397:1 400:17 401:2,8 402:8 410:21 414:18,20 415:3 420:14 426:16,22 430:16 443:11 445:10,12 446:16 447:7,10,14,19 458:16 462:13,17 472:19,25 480:14 481:6,10 483:12 484:3,9,25 485:20 489:6,15,21 490:2 490:9 492:3,18 493:15 494:5,21 495:12 496:10 498:14,16 499:14 499:20 501:6,15 502:10 504:9,22 505:7,24 506:16 507:3 509:15 512:14,15,18,21 Kahn's 481:25 Kathryn 240:3 keep 265:21 266:5,8 300:24 302:2,2,8,9 302:9,10,23 303:12 323:4 330:2 338:10 344:22 388:14 436:3,18 437:8 442:12,18 462:4 keeping 266:6,7 keeps 265:17 Keith 498:21,24 kept 314:7 326:22 328:3 346:10 451:12 Kevin 238:24 273:20 276:6,15 513:5,22
K				

key 264:6 339:25 340:17 343:18 380:12 382:11 391:19 keyed 339:1 340:7 341:8,13,14 killed 313:21 Kimball 240:3 kind 264:13 267:4 267:21 270:8,11 270:12 271:4 282:23 284:5 288:20 295:3 303:9 309:16,17 329:19 354:22 361:4 365:19 369:9 371:7 385:19 386:16 387:21 388:22 394:13,17 395:21 407:19 454:17 465:4 471:6,11 478:23 511:18,20 kinds 269:6 271:17 273:23 281:10 508:18 510:21 Kingston 243:13,15 243:17 373:5 403:15,15 409:2 409:16 459:15,15 460:1,5 471:23 472:14 473:13 knew 310:20 312:2 315:6 323:8 326:25 407:12 421:9 422:22 know 249:1 250:7 250:16 259:2,3 261:17 270:8 271:1 275:10 276:18 278:14,17 283:11 285:2,16 287:9 288:9,20 289:16 290:23 295:2 300:14,14 300:16 309:9 310:25 318:24,25 321:10 323:11,16 325:12 326:9,17 330:21 332:24 333:13 334:2 336:11 337:14 338:14 347:5 349:8 359:25 361:19 362:21 363:1 367:25 372:6 380:25 387:19,20 389:6	389:10,13,20,25 394:10,16,24 395:16 397:5 398:18 399:18 406:12 408:23 409:4 410:1,9 413:17 417:5,5,7 417:14 419:3,22 420:22 422:19 424:3 435:6 438:4 438:5 442:17 443:22 478:8 482:9,11 488:3 496:19 500:21 501:3 502:16 504:21 507:25 knowing 248:22 knowledge 278:1 331:2 347:15,18 442:21 444:22 457:4 459:9 500:24,25 501:5 503:11,12 506:10 known 367:17 482:21 knows 506:9 Koenig 384:20 390:17,18 391:11 L L 240:1 260:14 labor 238:1,14 239:21 240:2 246:5 260:21 261:5,7 262:5 268:8 278:1 280:24 295:17 314:11 402:16 403:18 430:13 431:6 433:13 434:17 448:24 449:5 451:2,8 452:2,6 453:19,20 453:22 454:14 455:14 456:25 460:3 466:17 470:23 471:12,23 475:8,9,10,14,14 482:2 498:18 lacking 460:13 ladder 293:1 land 363:24 368:22 369:4 landscape 384:23 437:13 landscaping 437:24 landside 416:19 lane 420:17,20	421:10 language 377:14 414:10 lap 460:6 laptop 340:13 large 320:18 363:18 379:17 381:5,17 385:5 488:21 larger 316:9 largest 335:25 Las 238:20 239:5,12 239:18,24 249:16 250:1 272:22 363:22 404:15,19 404:25 455:22 511:7 lastly 471:16 last-second 421:2 late 451:16,16,17 452:10 480:17 Law 419:3 lawn 437:18 laws 431:15 lawyers 253:1 layout 352:2 364:13 367:16 lead 275:19 487:17 leader 366:10 leaf 320:2 341:21,22 341:23 342:5 343:12 leafs 341:20,23 leak 321:22 322:23 leakage 322:9 leaking 321:19,25 322:4,10,15,21,24 323:1,5,12 leaks 322:6 learn 404:23 455:9 477:11 learned 408:16 463:3 learning 454:9,9 leave 355:24 405:21 leaving 355:24 led 479:15 ledger 292:19 Lee 239:16 240:4 left 285:20 286:3 307:18 311:14 498:22 left-hand 341:25 leg 310:16 312:20 312:20 325:6 433:16,17 434:5 457:18 491:24 494:14,18 495:6,9 510:3,4 511:13	legal 396:8 397:1 431:19 482:1 501:11,12 legs 348:10 450:11 467:13 510:7 511:11 leisure 404:16 length 370:9 lengthy 262:16 263:25 letter 243:12,14,16 244:6,8,10,12,14 244:16 330:23,24 399:10,16 401:16 401:17,19 403:15 460:3,4,8 471:22 472:3,11 473:24 474:21 475:4 479:5,8,15 486:11 491:11,19,20 492:12 493:4 495:21,23 496:7 496:18,20,21,22 497:16,17,23,25 letters 330:21 400:22 402:22 403:20,24 456:13 460:2 473:16,20 let's 297:8 306:5 349:10 420:8,10 448:4 463:2 480:7 480:9,12 490:4 501:18,20 502:3 503:12 512:23 level 283:17 289:15 289:18 292:25 293:20,21 311:12 352:23 353:7 356:18 359:16,22 363:13 364:16 405:2 406:25 407:9 412:6 419:11 428:12 429:22 454:12 468:17 levels 267:3 418:1 LEWIS 239:3 liability 366:9 licensed 434:15 513:5 lieu 444:3 life 261:24 365:4 379:4 437:5 lifted 388:1 lifts 387:25 light 454:19 lightbulbs 394:23 442:7	lighting 394:22 395:3,3 limit 382:7 limits 382:6 383:22 line 243:9 253:4 335:25 342:24 343:22 416:18 lines 247:4 427:25 429:13 linkage 339:20 340:1 342:22 lion's 366:16 liquidated 384:3 liquids 442:7 list 265:6 272:25 273:6 276:10,15 286:9,12,15 306:3 306:5 441:5 442:20 480:15,16 listed 276:18 283:14 344:10 382:8 430:21 453:14 listing 263:10 334:19 lists 283:2 litter 266:7 little 261:6 271:14 305:2 310:5,16 322:2,22 323:7,12 336:9 351:7 352:14 354:6 362:24 385:23 400:21 427:13 504:19 live 458:7 lives 349:9 LLP 239:3 loaded 279:14 309:19 local 272:22 279:11 279:14,20 290:15 334:15 360:7,24 404:11,12 431:14 441:6 locate 340:17 location 271:20 292:4,5 363:23,24 locations 445:1 lock 304:7 310:3 339:18 341:19,20 341:21 342:13,21 474:17,19 locked 334:15 lockout/tagout 335:17 464:15 locks 323:22,23 347:14 lodged 297:19
---	--	--	---	--

log 336:20 337:25 338:9 485:11,15 logbooks 330:19 logs 330:9 485:3 long 259:10,11 286:6,8 299:14 325:4 351:8 359:12 364:4 365:20 388:23 407:11 417:10 418:17 427:17 435:9 449:8 490:24 503:12 506:17 longer 287:25 322:22 369:19 449:14 499:25 longhand 462:2 look 262:17 269:13 272:16 273:5,23 274:3 277:5 290:14 305:18 310:6,22 315:24 316:4 319:15 324:9 326:2 329:10 330:7 331:5 332:18 337:20 338:21,23 342:7,10 370:23 373:21,24 375:25 391:22 400:1 405:14 408:25 430:3 445:21 446:1,9 460:16,17 465:17 468:6 469:23 471:7 475:13,24 476:4 480:4 482:12 487:13 488:6,9,13 503:8 511:17 looked 263:25 264:8 264:16,18,22 265:10 274:2,2,4 283:7 290:14 304:22 306:3 324:8,9 337:23 338:18 341:18,19 369:3 488:6 looking 311:16 314:11 322:15 336:18 342:1 344:19 346:8 352:18 368:22 420:24 446:11 460:12 469:17 472:17,18 479:16 looks 336:22 458:6 492:12 493:23	loose 309:12 loosen 343:24 loss 342:12,15 343:15 lost 342:12 343:15 lot 261:24 265:10 269:17,22,25 274:25 279:15 280:23 302:17 303:16 306:18 308:8 315:16 322:11 329:14,23 330:2 337:10 368:22 414:10 438:20 470:8 477:15 486:24 487:14 lots 384:17 385:14 394:12 417:3,4,7 418:7 loud 428:3,4,18 low 288:6 306:16 406:25 415:1 lower 283:10 lubricants 441:24 lubrication 466:19 luggage 332:3 M main 308:2 341:6,12 341:18 342:16 354:10 359:10 365:16 416:10 508:21 maintain 329:20 380:18 384:24 387:14,18 388:11 388:21 389:8 390:22 391:14 394:15,21 395:2,6 408:11 409:6,8 416:13 423:18 437:5,7 441:11 444:24 445:4 465:24 468:16 511:4 maintained 346:10 346:11 376:17 387:23 388:7 389:9 396:10 438:12 443:20,23 444:11 445:2,19 451:11 466:25 maintaining 347:11 366:25 412:1 423:1 511:1 maintains 438:2 maintenance 244:4	249:8,11,14,17,18 255:23 256:5,13 257:2,3,6,8 258:17 258:23,24 259:1 259:18 269:24 291:25 293:20 299:20 300:20 301:5,11,12,16,18 302:12,15,22,25 303:7,10,12 306:1 309:17 311:17,23 311:24,24 312:1,2 312:5,6,7,24 314:18,19,21 323:6 329:20,22 329:25 342:10,18 344:18,20,21 345:22 346:2,9 348:12,16 350:16 366:18,21,24 367:2,3 368:8,9,12 370:19 371:5,19 371:20,25 372:17 373:14 374:8,20 376:24 377:1 379:4,5,10 384:14 384:16,17,21,23 385:2,4,6,8,9,12 385:14,17,21 386:10,14,15,17 386:21,22 387:2 387:10,19,24 388:2,10,13 389:12 390:10,13 391:5,12,15 392:19 393:23 394:5,6,7,9,11,12 395:9,13,17,18,23 396:1,2,16 397:15 398:22,23,25 403:10 409:1,12 409:17 412:16 413:24 421:16,18 421:24 423:16,24 426:24 427:11 429:1 435:2,5,7,13 435:16,22 436:1,4 436:10 437:2,8 438:5,7,10,24 439:9 440:21 441:2,11 442:1 444:17 446:3,14 446:25 447:3 458:22 465:18 466:19 468:1,4,5,7 468:9,10,10,15,20 468:21,25,25 469:1,6,9,10,11,11	469:22,25 470:9 471:5,7,12,14,18 471:19 474:8 478:9,18 479:18 493:12 496:4 497:1,8 498:11 499:3,7,13,22 500:2,9,12,15 501:10 Main-East 245:4 major 267:25 302:11 majority 288:17 295:23 336:2 344:19 360:3,6 361:7 407:6 making 278:15 290:5 296:12 301:20 314:6 317:3 328:3 346:7 386:7 422:10 488:2 malfunction 338:23 340:4 341:5 394:18 manage 381:4,21,22 398:7 449:5 455:22 managed 381:12,17 403:10 management 249:24 281:1 283:17 373:4 381:3,19,21 403:7 440:16 444:4 460:19,24 461:3,15 464:4 468:21 management's 419:5 manager 298:23 311:20 351:4 413:24 449:22 450:22 452:6 459:16 460:25 473:21 managers 280:21 419:3,7 Manager's 374:14 managing 455:24 457:1 mandates 451:18 manipulating 309:20 manner 275:3 452:7 manpower 418:5 478:18 479:11,13 manual 245:9 264:12,19 316:6,8	316:21 317:2,6 318:6 319:1 343:14 manually 343:3 manuals 511:6 manufacture 365:22 395:21 428:25 432:22 434:3 446:3,7,13 manufactured 323:25 manufacturer 348:10 441:8 manufacturers 441:5 442:4 manufacturer's 304:25 391:16 manufacturer-rec... 441:2 manufacturing 249:25 279:16 man-hours 509:13 map 351:19 361:24 508:14 March 243:14 401:17 471:21 472:17,18 Margi 399:11 margin 423:15,23 mark 409:3 472:19 marked 242:15 243:2,6 244:2 245:2,18 246:2 250:20,21 252:21 252:22 305:23 312:9 315:22 318:18 326:4 338:2 430:4,15 457:25 458:3 472:16 473:2 488:19 market 260:21 261:7 366:16 425:5 markup 442:5 mass 368:22 match 269:16 273:11,19 375:22 412:2 460:17 matched 425:12,22 matches 270:4 material 466:17 matrix 265:2 286:15 290:25 matter 297:12 397:9 416:24 maximizing 444:8 maximum 364:5
---	---	---	---	--

367:13,18 441:4 Maxwell 454:15 May-June 301:8 McCarran 245:7 249:21 263:11 265:16 283:12,18 293:18 299:1,11 301:4 316:10 350:12 361:20 404:8 422:12 427:15 428:8 431:12 432:25 434:6,24 438:15 443:17 445:23 503:21 508:2,3,9 508:22 509:5 510:15 McCarran's 508:8 McClain 346:24 MCCRACKEN 239:10 McDonald 333:3,12 333:22 340:24,24 McGinley 244:7 mean 272:23,24,24 273:13 274:20 288:11,21 292:4 303:10 309:9 315:8 322:5 329:23 354:18 363:12 374:23 378:20 379:11 383:11 386:7 396:8 400:9,23 415:18 466:3 481:2 506:22 507:19 511:15 meander 361:3 meaning 377:22 422:6 means 265:20 331:14 369:15 meant 248:23 478:24 mechanic 286:11 mechanical 282:20 282:24 310:5 387:21 mechanics 395:5 441:25 median 270:19 272:24 meet 365:3 409:5 413:6 442:14 453:7 461:19 482:6 498:24 meeting 243:7 251:5 374:5 383:22	384:4 454:16 460:9 461:2,9,9,10 461:15,18,24 462:1,8,11 463:5 465:6,7 498:17,21 500:7 meetings 373:3 411:13 454:16 461:25 478:18 500:6 meets 325:11 452:16 Melvin 241:4 243:4 246:12,14,25 252:10 melvin.smith 253:4 member 503:24 members 463:20 memorandum 503:9 memory 362:19 502:24 men 277:22 278:8 279:3 mention 291:25 292:17 485:24 496:21,24 497:7 mentioned 268:7 280:10 290:25 294:14 384:19 395:14 418:11 421:12 437:3 438:1 442:10 455:1 476:25 477:13,15 496:19 497:3 mess 307:23 399:10 met 324:10 373:7 382:11 406:16 460:24 471:16 498:23 metal 464:18 487:2 method 276:1 methodology 263:23 280:11 Metro 333:25 Miami 424:22,25 425:4,7 443:23 444:5,23 445:13 Michael 240:4 243:12,15,17 245:6,16 471:22 middle 305:25 351:14 Middleton 241:15 298:8,10,17 414:3 414:4 476:17 485:11,16 Miguel 444:6 Mike 242:5 448:8	448:11,18,23 458:5 473:4 mile 364:5 mileage 301:14 milestone 383:23,24 383:25 milestones 382:10 384:4 386:2,7 mile's 365:20 million 370:13 mind 346:18 379:12 473:4 mine 326:22 347:10 445:22 mini 310:4 minimize 249:1 minimum 283:14 390:24 428:16 431:15 minute 313:2 505:13 minutes 243:7 340:8 341:1 343:3,9 420:7 461:9,14,14 462:5,11 miscellaneous 442:1 442:9 478:20 miscommunication 255:4 missed 417:3 464:7 misspoke 407:23 mistake 357:9,12 misunderstanding 254:24 489:2 misunderstandings 255:17 Mitsubishi 510:25 511:3 mix 279:13,17,25 280:5 396:1 mixed 407:5 model 408:2 modeled 360:17 modernization 474:8 modes 398:14 modifications 414:14 modified-down 312:11 modify 408:15 moisture 308:8,11 moment 284:16 344:13 351:24 480:13 485:1 Monday 417:13 monetary 418:8 money 395:24	monitored 450:13 monitoring 454:13 month 451:20,20 452:25 453:16,17 monthly 450:16 452:16 453:1 456:1 months 301:14,15 351:4,5,8 421:1 Moran 240:4 242:5 245:6,16 448:8,11 448:18 481:6 482:11,18 490:15 Morse 496:1 Moss 239:3 241:9 241:21,23 260:5,7 260:14,18 280:10 349:24 350:2 375:3,8 393:7,20 397:3,12 400:15 400:21 402:12 410:20 411:6 414:16 415:9 420:6 435:4 443:16 447:21,23 489:20 mossg@jacksonle... 239:7 motor 307:7 308:14 308:16 315:17,18 321:5 324:5,8,12 324:22 325:11,16 325:23 348:15,20 511:23 motors 286:22 304:20 307:2,3,6 308:13 319:25 323:24 324:11,20 324:24 325:19 326:17 327:1,4,8 327:18,21 465:2 mount 442:8 move 288:25 289:2 302:3 316:23 328:24 333:5 344:24 397:25 424:19 443:8 458:15 483:10 484:1 485:19 489:11,12 492:1 492:17 493:14 494:4,19 495:10 505:24 506:18 507:18 moved 299:20 301:9 328:17 334:1 430:16 503:17 505:7 510:4,7	movement 320:20 moves 321:6 moving 288:23 291:15 302:10 335:3 342:25 377:11 384:21 386:7 390:13,23 391:1,8,18 392:20 398:9 440:3 444:17 497:5 510:12 mowing 437:18 multiple 292:14 371:9 401:14 402:23 418:1 multiple-page 392:14 410:9 multi-jurisdictional 454:2,23 Murphy's 263:17 273:21 276:6,15 419:3 mutually 468:18 M-I-D-D-L-E-T-... 298:18 M-O-R-A-N 448:18 M-O-S-S 260:14
--	--	---	--	--

N

N 382:8,13
NAICS 288:1,7
name 246:5 253:1
260:12,13 298:15
298:16 349:20,21
365:24,25 394:3
399:10,14 429:10
438:5 448:16,17
486:1 502:5,6,7
named 327:12
456:15 483:18
names 365:25
narrative 462:13,17
National 454:7
necessarily 422:25
487:20
necessary 302:6,7,8
368:25 413:8
414:8 416:14
418:5 428:14
431:18 435:22
436:17 437:8
439:14 442:1
466:17
necessity 367:11
need 310:7 318:5
334:5 355:12,20
356:14,16 357:14
357:16 358:14

365:10 369:23 382:11 396:19 422:3 437:22 462:19 needed 300:24 323:8 324:17 342:8,9 348:21 363:19 370:2,3 459:24 482:7 needs 255:18 260:1 331:18 342:6 357:25 neglected 327:11 negotiate 300:15 negotiated 278:10 373:10 negotiations 372:24 373:7,8 neither 340:16 network 340:16 397:23 436:20 networking 436:14 Nevada 238:1,20 246:5 278:1 399:11 427:16 429:10 430:7,10 430:12,12 431:17 433:6,14 434:11 434:15,18 450:14 452:18,18 453:10 453:14,21 455:22 471:23 513:2,5,19 never 277:25 278:1 309:10,16,20 347:17 355:23 396:4 419:9,16 424:20 459:3 nevertheless 382:17 new 255:1,18 257:1 257:6,14 261:18 278:7 307:12 308:18 310:13 314:15,21,22,22 314:23,23,25,25 321:8,12,16,18 322:7,20,21 323:14,17,18 325:19 332:6 335:19 345:23 346:6,6 347:1 360:12,20,20,23 367:3,6,8 381:15 381:16 407:7 413:12 419:22,23 420:16,20 421:9 425:10 428:10,11 429:21 449:7 467:20 476:14	477:16,17,20 487:10 newer 314:16 night 301:13,17 302:12 303:19,22 332:18 339:10,11 341:15,16 343:24 354:21 419:4 463:14,18,18,22 464:9 nights 301:24 nine 351:4,5 nodes 395:8 nods 272:2 341:2 nonemergency 420:3 nonmanufacturing 249:24 nonpayment 451:6 nonproductive 478:17 nonscheduled 468:10 469:1,10 non-business 422:3 non-fixed 497:1 non-mechanical 465:4 non-union 289:5,9 290:9 455:12 non-warranty 441:3 441:12 normal 324:8 334:18 335:14 363:13 396:15,25 422:5 439:11 normalcy 497:5 normally 267:9 291:18 305:5 398:11 north 264:25 334:4 340:14 342:12,15 342:17 343:17 Northern 262:6 northwest 359:4 notarized 505:16 notary 505:17 note 254:4 297:23 485:22 noted 482:15 notes 461:25 462:1 462:6 463:6,12 513:10 notice 302:17 307:22 331:8,10 332:15 382:9 386:3 427:8 446:1 noticed 258:16 260:23 322:10	327:7 342:4 notification 318:11 318:20 notified 317:17 319:12 322:12 notifies 332:23 notify 318:8,15 389:1 403:2 notion 499:17 November 243:12 244:6 351:12 362:9 401:15 433:17 472:16 510:2 no-bid 378:19 NRS 377:5 451:10 506:10 number 243:24 263:8 274:4 281:20 296:23 313:6 349:6 376:16 381:24 387:8 388:17,20 391:3 394:5 406:19 423:20,20 437:1 482:22 485:6,13,14 486:15 497:20 508:1 509:13 numbered 338:6 445:22,23 485:6 numbers 300:13,16 313:12 375:22 424:7 458:8 number's 406:16 NV 239:5,12,18,24	485:20 489:4,6 490:8 492:3,18 493:15 494:5,20 495:11 499:18 504:15,17 506:15 506:19 objections 284:24 285:1,4 297:23 316:24 484:2 objects 297:18 obligated 423:21 obligations 311:18 observation 335:24 observations 243:10 281:8 463:10 observe 282:21 293:25 464:13 observed 263:18 282:5 303:3 observing 264:19 345:14 465:7 486:25 obstruction 339:8 339:14 obtain 260:24 264:9 442:3 obtaining 379:15 381:6,8 obvious 497:19 obviously 357:24 366:8 377:25 382:12 407:15 412:7,16 421:3 occasion 396:6 437:22 occasional 322:5 occupation 261:17 261:18,19 263:9 263:15 267:6 273:6 274:12 280:5,6 295:19,20 295:22 occupational 261:13 264:11,19,22 265:1 279:13,16 279:25 280:5 284:4 292:21 295:13 occupations 261:14 261:21 263:20,22 264:2,14 265:2 268:25 269:7,10 269:14,22 270:4 272:17 273:4,12 274:5,8 282:25 283:22 286:10 289:9,10 290:8 294:25	occur 344:3,4 473:18 occurred 307:15 443:17,18 445:13 occurrences 444:22 occurs 303:17 398:11 October 244:8,12 429:2 455:5 503:14 OEM 442:1,13 offer 375:3 393:7 400:15 410:20 414:16 offering 414:16 office 239:16,22 278:2 283:1 351:9 374:15 375:16 376:3 377:20 378:4 498:18,25 officer 350:21 351:9 399:11 400:21 448:24 officers 318:15 official 394:3 413:21 450:19 473:1 officially 383:9,11 Oh 276:20 292:6 368:18 378:20,22 396:11 407:23 445:23 446:11 447:19 489:16 511:14 oil 271:17 322:5 323:8 500:16 oils 441:24 okay 247:11,19 248:25 249:7 250:19 251:2 253:13,21 255:3 256:2,18 257:19 259:3,14 262:24 264:18 268:16 273:23 276:9,17 276:20 277:1 282:4 296:22,24 297:6 301:21 306:21 311:5 312:13,17 315:11 316:4 319:17 320:11 325:1 330:11 333:10 344:24 347:9,12 347:17 348:23 350:6,20 351:23 352:17 353:23 354:3,23 362:10 369:10 372:9,13
---	---	--	--	---

O

oath 246:21 333:4
object 277:23
317:21 415:3
480:14 497:17
504:7
objected 285:3
objecting 252:17
objection 252:5
253:23 254:3
263:1 278:15
317:1 329:1,2
345:1,2 375:4
393:8 397:1
400:17 402:8
410:21 443:10
458:16 459:22
460:2 462:16,16
474:22 475:2
481:20,25 482:15
483:11,12 484:3

373:17,23 375:3 376:7 378:13,16 378:18 382:2 387:4 399:6 400:15 408:8 410:8 411:19 412:11 421:12 423:8 424:2 428:18 431:7 437:20 440:9 442:24 443:1 447:15 457:12 460:4 461:4 466:9 467:22 471:21,25 472:1 482:18 484:11 496:12 499:15 502:25 503:5 505:12 510:19,25 old 252:19 257:16 307:12,18 321:13 321:15,20,21 360:25 361:5 419:23 older 310:3 314:16 Oleanders 437:19 omissions 382:16 once 250:17 272:25 321:22 326:18 334:22,23 356:12 360:8,9,13 367:16 368:13 374:16 375:23 381:9 383:6,8 403:13 404:20 413:3 460:6 462:5 ones 247:7 248:23 256:8 290:9 307:18 308:22 323:15 324:2 337:24 340:21 376:20 377:10 one's 340:24 one-fifth 336:19 ongoing 408:11 online 250:11 on-site 243:10 419:3 419:6 463:10 on-the-job 268:3 290:20 open 334:1,25 341:8 341:14 363:18 365:1 390:1 opened 353:19,19 358:21 360:13 361:23 363:5,6,15 363:16 387:8 420:21 421:2,3	opening 418:19 openings 420:16 open/close 332:1,4 operate 354:14,15 355:21 387:14 388:23 395:3 424:19 operated 271:15 operates 355:17 357:1 operating 288:21 388:19 419:12 442:7 operation 334:17 350:16,17 363:9 368:11 376:19 380:13 388:15 397:15 400:9,11 403:12 407:25 432:23 434:4,23 439:7 440:16 466:1 operational 358:2 363:6 365:12 368:13,23 369:14 371:21 388:18 397:19 408:6 416:5 435:24 436:18 444:7 operations 244:4 298:25 299:20 301:5 312:24 345:22 363:21 396:15,25 403:17 438:23 operator 333:15 opinion 274:1 277:20 344:6 397:8,11 398:7 411:15,19 418:23 465:12 471:18 486:17 498:8 501:9,11 opportunity 285:8 285:12 359:8 405:11 422:4 504:1 opposed 287:7 291:22 292:15 359:8 365:18 opposing 317:3 opposition 285:17 options 385:22 order 244:18,19,21 244:22,24 260:4 264:9 265:21 317:11,24 355:4 356:19 369:18	382:17 383:1 413:9 422:2 430:3 435:23 436:2 437:7,12 475:5,9 475:12,15,19 476:9,14,25 480:3 482:21,25 483:3,6 483:17 493:6 495:19,20,22 496:1 508:15 orders 382:15,16 477:10 organized 399:4 original 255:15 348:9 442:14 450:9 471:20 originally 300:25 325:4 327:7,7 358:21 449:11,21 oscilloscopes 271:23 Otis 367:24 422:19 outbound 360:3,22 405:3 outdoor 436:22 outlook 292:22 470:6 outset 297:20 outside 284:24 307:4 308:23 327:25 329:15 389:14 396:5 436:23 456:7 470:16 486:15 outsourced 305:12 305:14 outtake 313:7 overall 271:22 293:14 350:16 490:22,25 509:8,9 overhaul 249:8,12 255:24 256:5,13 470:1,10,12,18 overhead 507:24 overlap 258:2 274:11 override 332:6 342:24 overriding 482:7 oversaw 403:11 oversee 300:20 381:4,23 overseeing 298:25 345:10,13 overshoot 335:11,12 overtime 418:5 431:15 owner 382:15,21 402:17 424:19	431:21 441:3,5,9 442:4,15 465:24 467:7,21 468:18 470:19,20 owner's 381:19 467:19 468:20 owns 398:19 426:2 442:16 ox 343:21 O&M 301:9 347:7 461:1 O*NET 274:2 P P 244:7 pads 307:11 442:8 PAed 342:17 page 241:2 253:10 253:17 254:18,18 255:21 256:2,7,20 257:4,9,14 286:9 316:4 319:16 320:23 336:8,18 338:17 340:11 372:15 391:24 392:1,12,13,15,21 392:22,24 393:10 409:21,21,24 410:7 427:23 428:15,17 429:8,9 429:25 430:2,4,4,6 431:4,4,5,22 432:14,15 433:3,4 433:20,20 434:8,9 438:22 440:8,20 440:20 441:16 442:24 446:1,5,6 461:22 463:11 465:17,20 466:8 467:22 469:5,25 pages 238:15 253:13 256:20 316:10,20 320:9 330:7 331:4 335:23 336:8,10 338:6 344:10 411:4 442:25 468:23 paginating 336:12 paid 268:3 282:23 383:17 386:19 424:2 433:11 434:16 435:13 464:1,1,2 470:11 476:21 483:7,9 500:25 painfully 408:16 painting 434:14 paper 502:23 503:1	papers 260:4 326:22 paragraph 319:23 375:25 376:3 377:9 400:1,5,7 431:8 432:2 433:9 433:25 434:12 440:25 441:17,21 465:20 466:15,23 468:13 496:25 paragraphs 377:17 467:14 park 360:24 507:20 parked 353:10 parking 356:24 Parkway 238:19 239:4,17 part 267:10 268:12 280:10 283:20 302:24 303:7,20 306:12 308:3,4,4 311:11 314:6 317:6 320:8 324:17 335:23 347:1,3 354:7,11 356:2,5 359:4 362:4 363:8 365:11,12 370:12 398:7 400:25 401:1,22 405:3,5 409:11 413:8,23 421:14 424:17 437:10,10,11 443:5 466:12 470:17 474:18 481:5 483:23 491:13 493:8 495:7,18 498:18 participate 372:24 particular 311:22 391:8 414:25 425:14 449:2 462:10 468:1 508:17 particularly 390:25 398:1 406:24 436:22 parties 280:25 285:8 317:16 318:8,20 319:9,12 387:24 460:20 482:5 489:23 513:14,15 513:16,16 Parton 240:1 parts 272:1 301:18 301:18 303:2,18 306:23,23 313:10 314:12 315:16 318:5 327:25
--	--	--	--	--

328:4 329:14,16 330:17 388:22 395:19 425:2 437:7 442:1,2,3,6 442:12,13,14,17 464:21 466:20 467:15,18,19 490:3 497:6,12 party 394:7 396:7,9 479:23 506:11 part-time 288:11 pass 357:11 450:21 passed 340:21 passenger 267:8 337:10 354:18 404:7 passengers 302:3,10 323:16 334:24,25 337:11 342:18 353:16 360:1 363:22 398:1,9 404:3,6,14,14 406:23 415:24 418:15 428:9 429:19 438:15 511:16 pass-down 330:16 332:18 337:23,25 338:9,23 patience 512:20 patterned 408:1 PAUL 239:4 pax 342:19,21 pay 272:23 290:8 383:1 414:21,25 417:5 422:3 423:21 424:2 496:4 paying 424:5,13 payment 434:22 486:18 501:2,4 payroll 450:13 451:18,19 452:3 452:16 455:11,16 455:25 456:4,7 457:3 PC 310:4,14,17 peak 420:4 penalties 383:21 406:17 penalty 383:23 505:19 pendency 281:5 pending 481:10 pension 279:19,20 people 266:2 279:8 285:11,24,25 288:23,25 296:5	360:24 364:11 365:20 366:3,4,5 387:16 388:10,21 397:22 403:3 404:4,9 405:15 415:25 416:12,14 416:17,18 417:8 420:5 438:18 439:15 440:3 454:12 459:4 464:8 475:13 479:12 499:16,21 people-mover 264:5 265:11 perceive 325:11 percent 290:12 360:23 361:6 397:18 404:11,11 404:13,13 406:11 464:6 499:9,11,12 percentage 499:2,6 499:8 percentages 500:1,7 perfect 269:16 perform 270:15 272:5 274:16 295:13 296:5 437:17 441:1,7,9 470:20 performance 406:17 406:18,19 468:17 performed 265:13 265:24 266:12 267:5,16 268:15 281:10 430:10 431:10,12,18,20 434:15 441:2,10 441:12,14 446:23 451:21 453:17 468:15 481:16,17 488:10 performing 330:10 336:21 434:14 486:25 487:1 period 262:7 303:17 315:5,6 327:22 347:20 385:21 420:2 421:4 444:12 456:16 478:4 479:20 483:4,5,25 486:20 486:23 487:11,25 488:1 490:22 494:17 495:9 498:2 periodic 497:11 periods 315:4 420:4 486:23	perjury 505:19 permit 468:19 person 318:19 327:15 357:9,9 408:5 456:15 505:18,18 513:15 personal 452:3 458:7 506:9 personally 409:15 463:25 509:18 personnel 280:23 289:6 413:19 414:22 417:20 456:4 466:7 persons 428:9 429:19 perspective 423:18 persuaded 499:17 pertains 505:3 pertinent 317:2 460:20,23 peruse 372:10 Peter 245:12 327:12 phase 445:24 491:23 491:23,23,23,24 491:25 492:12,14 492:16 493:24 494:2,14 495:6 phased 247:16 Phases 491:8 PhD 260:23,24 phone 296:23 349:6 458:7 502:17,18 phonetic 343:13 phrase 306:1 phrases 330:25 physical 339:13 physically 456:2 pick 341:21 355:4 piece 332:3 435:18 436:20 437:10,11 502:23,25 pieces 264:20 pinched-loop 429:18 pinion 320:6,8 321:24 322:1,8,21 323:1 pins 341:19 Pittsburgh 300:22 310:2 366:2 pivot 320:2,21 pivots 320:19 place 298:1 318:16 370:6 405:19 412:19 417:1 419:14 435:23 437:1 474:12,15	487:22 513:7 placed 419:24 467:5 places 390:6 507:23 plan 365:11 386:9 395:22,24,25 418:6,11,13 419:16,19 plane 259:23 planned 419:20 421:1 planning 265:8 364:8 365:6 367:10,12 368:21 421:5 431:18 plans 279:19,20 368:21 plant 249:25 plants 385:4 platform 257:6 pleadings 498:4 please 260:12 298:15 319:23 328:9 344:13 349:20 428:1 429:14 431:3,23 432:14,19 433:3,9 433:20,25 434:8 434:12 440:14,20 440:24 441:22 445:21 448:16 462:16 465:23 466:24 467:17 502:5 511:2 plenty 481:24 plug 340:16 plumber 394:19 plumbers 394:15,18 plumbing 394:15,16 plus 368:22 382:9,9 382:13 386:4 417:1 PM 256:21 300:21 301:12 304:18,20 348:17,19,20 PMs 302:16 303:24 303:25 304:1,17 305:2,4 306:19 pneumatic 308:11 320:16 point 250:11 259:25 294:3 302:18 307:11 318:10,22 323:8 324:21 343:15 362:17 367:4 368:7 369:24 371:12 381:1 382:19 385:25 402:14	403:13 437:24 459:25 471:19 507:8 points 382:11 portion 336:4 411:3 419:18 433:11 posed 263:14 position 311:15 314:5 339:19 350:14 412:13 413:12 415:11 448:23 454:18 485:21 503:19 505:10 positions 299:16 350:24 373:8 413:11 503:15 positive 405:17 possessed 380:17 possibility 305:14 369:3 411:10 423:4 424:21,23 possible 289:14 303:21 368:16,18 435:16 488:2 possibly 482:13 posted 283:3 341:8 341:14 374:17 post-security 418:15 439:22 potential 294:24 368:23 potentially 324:1 325:25 327:1 424:24 power 266:7 309:4 335:16 467:1 powering 335:1 PowerPoint 242:23 250:24 251:2,3,4,7 253:11,13,19 256:19 PowerPoints 259:14 practice 377:16 preceded 300:9 predates 427:17 predisposed 505:9 preferable 472:22 prehearing 459:7 475:12 498:3 prejudice 275:12 preliminary 297:12 premised 365:9 prepare 262:11 458:1 prepared 248:16,18 262:21 277:12 281:16,25 282:6
--	---	--	--	--

282:11 284:3	453:7	363:14 365:2	487:14 491:17	406:3 408:3 439:6
292:2 347:12	price 388:18	382:22 416:22	492:13,25 493:6	439:7
456:12	prices 368:14	419:1,2	494:2,3,14	providing 368:8
preparing 248:4	primarily 287:17,23	procedures 345:12	projected 251:7	406:6 419:11
261:12 280:14,19	288:3	348:13 414:7	412:2	423:5 457:5
491:20	primary 263:6	415:23,25 416:2	projects 381:5,22,23	489:25
present 240:1	289:15 292:19	417:1 482:2	382:7 457:1	provision 314:9
423:15 480:5	293:5	proceed 382:9 386:4	498:20	377:6 427:8,22
presentation 254:11	prime 451:3 453:8	proceeding 480:18	proper 274:16	provisions 261:9
presented 399:22	456:1,3	proceedings 512:24	275:17 276:1	312:12 314:4
423:17	principal 398:17	513:7,11	288:19 355:13	432:15 433:4,21
presently 384:15	principally 404:16	process 265:20	properly 255:1	434:9 474:10
pretty 271:7,22	principles 264:20	304:15 310:10	265:22 266:9	487:21 490:18
276:19 279:1,19	printed 489:25	367:13,21 370:6	278:9 398:7	proxies 272:11
289:24 290:24	printing 393:13	373:9 376:14	436:21 437:12	proxy 272:14
302:7 307:13	prior 294:20 299:6	377:7 379:14,21	477:21	public 277:25 279:8
344:6 372:11	299:23 307:15	381:10,18 382:25	property 395:14,15	317:17 318:8
379:16 384:10	321:18 350:6	383:12 387:12,12	396:16 398:23	364:24 365:1
395:2 456:8 464:8	351:3,4,5,7 373:14	387:13 389:24	property's 383:15	370:22 411:23
486:12 492:24	378:18 380:23	402:15 406:23	proportion 287:5	420:1 430:11
497:19 498:2	385:11 390:5,7	409:12 413:2,23	proposal 425:7	431:17 439:11,24
prevailing 261:9	421:6 422:10	414:5,6 423:13	470:19	439:25 453:24
263:9 265:6	423:3 442:13	426:10 457:20	proposals 367:23	pull 262:13 286:12
272:25 273:6,8	459:2 470:22	463:19 482:4	proposed 297:13,15	304:3 308:15
279:10 371:23	481:2 488:4	486:24	378:25 481:13	309:3 324:12,25
372:1 386:18,19	508:25 513:8	processes 391:10	proposing 505:25	328:15 341:20
389:18 393:21	private 279:9,12,15	409:6 416:25	proprietary 317:10	491:18
428:22 430:7,11	279:18 290:15	procured 387:9	319:3 380:14	pulled 304:16
433:6,12 434:11	privately 411:13,22	398:20	408:16 511:5	324:14 334:8,25
434:16,22 435:12	probably 248:9	produce 447:8	propulsion 266:4	343:12
450:8,15 451:6,7	258:23 318:17	481:24	343:4	pulleys 511:8
451:17 452:1	319:6,7 343:12	produced 251:22	protective 294:21	pumpkin 308:1
453:4,10,21 454:6	346:14 359:20	317:10 318:12	295:3 317:11,23	purchase 244:18,19
454:9,13 455:9,23	360:22 365:24	471:8 480:15,21	protest 474:20	244:21,22,24
457:2,5,11,16	391:5 401:25	480:23,25 481:2	provide 266:19	421:13 477:10
464:1 465:13	414:14 420:23	481:20 482:3,8	283:5 313:15	480:2 482:21,25
470:7,11 471:4	452:10	484:21,23 489:18	363:21 366:23	483:6,17 496:1
475:24 476:5	problem 274:4	produces 366:1	388:10 405:5	purchased 424:17
486:18 487:8,12	284:19 308:15,22	product 481:21	407:25 418:5	441:3
488:2,4 496:4	321:19 324:9,12	professional 279:15	420:4 428:8,12	purchasing 425:10
498:12	325:10 326:1	458:9,11	429:18,21 432:20	425:11
prevent 302:16	327:8 331:23	profile 339:13	434:1 440:2 441:5	purportedly 326:8
303:13	336:12 337:15	program 264:23	441:23 446:21	purporting 505:18
preventative 249:14	340:12 375:23	289:4,5,8 300:21	453:8 465:24	purpose 263:7,8
249:17,18 257:2,3	394:24 408:19	301:12,16 303:8	472:9	302:1,6,14 353:12
269:24 301:12,16	417:14 421:20,22	312:2,3,5,7 435:22	provided 251:25	359:11 461:17
301:17 302:12,14	424:25 444:8	449:6 455:23,24	357:2 374:17	509:10
302:24 306:1	445:6 480:21	468:4,5,21	376:24 390:7	purposes 364:23
311:24 312:1,2,5,7	505:22 506:23	programming	413:23 422:20	506:4,22
344:18,20,21	problems 268:19	309:15	428:4 429:15	pursuant 370:19
348:16 466:19	301:21 309:4	progress 386:7	432:3 441:24	467:3
preview 475:11	310:18 322:8	project 301:3 321:9	442:3 447:4 471:2	Pushed 341:20
previous 277:24	323:17,19,21	322:13 361:23	471:5 489:23	put 250:25 259:12
430:6 460:13	324:1,7,24 325:15	370:22,22 381:17	497:24 498:1,4	288:7 303:21
496:25 497:3	325:17 327:1	386:8 403:5	513:12	304:9 309:19
previously 346:23	339:2 346:8	450:10,21,22,22	provider 368:3	310:13 312:3
457:22	397:20	452:6,17 456:24	providers 376:23,24	314:15,15 322:21
pre-construction	procedure 363:13	457:18 473:21,22	provides 319:5	324:12 325:5

330:15,18 332:17 332:17 339:9 340:20 342:6,7 351:18 364:15,19 364:21 365:18 369:4,5 376:13 378:4 395:24 397:13 426:10 427:11 436:25 444:3 453:22 458:21 463:2 471:1,10 496:17 496:20 puts 374:15 putting 338:10 346:5 473:5 puzzled 275:1 puzzling 275:6 P-R-O-C-E-E-D-I... 246:3 p.m 512:24 P.O 239:17	452:22 482:6 488:9 quote 384:5 R R 239:22 330:24 337:4 races 306:8,10,11 radio 333:17 337:19 radio-based 508:23 rail 258:20,21 335:2 345:11 509:2 railcar 283:7 rails 370:16 raised 284:24 raking 437:18 Ralph 243:4 252:16 253:7 254:10,14 254:18,21,23 255:6 Ralph's 255:14 ramp 416:5,10 439:21 ran 346:10 389:11 389:11 Randall 241:20 349:15,22 randomness 275:8 range 267:1 271:16 272:17 273:2,3,8 273:12 ranges 266:25 ranks 503:17 rare 307:21 rarely 309:25 rate 269:4 273:11 274:14 275:17 295:22,23,23,24 397:17 414:21 rates 264:9 272:17 274:18 278:21 279:2,10 290:6 295:12,18 296:12 296:13 415:1 424:2,4,12 428:16 428:22 430:7,11 433:7,12 434:12 434:17 rationale 379:21 RDR 238:24 513:22 reach 265:12 268:21 reached 439:10 read 311:11,13 319:23 320:12,12 372:21 373:25 378:10,11 389:16 400:2,2 402:13 427:25 428:18	429:13 430:9 431:8,23 432:2,18 433:8,9,24 434:12 440:13,24 441:21 465:23 466:15,23 467:17 468:13 504:10 reader 436:19,24 445:8 readers 379:6,8 436:13,22 reading 331:13 506:9 ready 303:14 448:20 reaffixed 309:13 realize 291:13 297:25 realizing 416:16 really 247:23 248:12 261:16 265:16 266:4,14 279:12 280:1 285:11 290:14 314:17 322:3 328:1 344:1 354:9 370:12 419:19 459:8 479:9,10 rear 464:16 reason 283:20 357:16,25 358:1 360:4 388:25 457:15 482:9,14 496:4 506:12 reasonable 407:11 407:14 reasonably 513:17 reasoning 460:11 reasons 376:16 377:3,8,11 rebidding 444:17 Rebooted 343:6 rebooting 343:4,9 rebuild 301:23,25 303:19,20 304:2,4 305:1,10 306:2,23 307:1,7 308:7,14 308:16 309:2,16 310:2 464:23,25 470:10 471:15 rebuildable 303:20 308:17 rebuilding 303:17 304:5,24 306:21 307:5 309:13,23 rebuilt 305:15 329:24 464:25 465:2 rebuilt 304:13,19,19	305:11 306:6,14 308:25 309:10 467:20 REC 330:25 331:10 331:12 recall 246:10,12,25 247:20,22,25 248:2,4,7 251:13 270:19,22 285:1 321:8 362:15 367:9 423:22,25 426:25 429:6 438:3,13 475:20 488:25 Recalled 246:14 receive 247:21 250:7,9 258:6 343:1 478:2 491:13,16 received 242:15 243:2,6 244:2 245:2,18 247:20 250:8,15 251:1 281:13 297:22 344:7 417:6,8 423:16,23 478:20 480:16 486:3,9 500:21 receiving 321:18 Recess 297:10 349:11 420:9 recessed 512:24 recognize 250:23 253:2 336:23 372:14 392:1,15 399:7 482:25 483:19 recollection 284:15 recommend 444:23 445:3 recommendation 376:12 391:16 411:22 recommended 409:11 record 246:4 254:4 254:5 260:13 276:22,24,25 277:1,3 297:9,12 298:16 310:24 311:3 313:1,4,5,24 316:12,14,15,17 317:15,19,20 318:1,7 328:19 329:4 330:14 349:10,13,21 375:6 393:15 400:19,24 401:22	402:10 411:1 415:6 420:8,11 441:13 443:13 446:10 448:4,5,7 448:17 458:18 462:8 480:7,8,10 481:13,15 482:15 484:5,13,14,15,16 485:23,24 486:4 488:25 489:7 490:5,12 492:5 494:23 495:14 496:11 501:18,19 502:4,6 507:1 512:23 513:12 recorded 463:6 records 317:17 318:8 326:19 337:20,21 441:11 recount 326:23 recover 301:22 342:17 recoverable 418:8 recovered 331:19 334:11 recoveries 301:21 330:1 331:24 332:4,11,19 334:7 recovery 301:19 331:14,15,16 332:9 335:5,9,25 336:3,25 337:2,4 478:17 recovery's 333:11 Recross-Examina... 241:6,13 242:3 258:11 296:9 445:11 recycle 337:6,15 red 247:4 248:23 258:16 redacted 252:25 253:1 Redirect 241:5,7,12 242:8 246:23 259:8 295:10 501:7 redo 476:11 reduce 500:1 reduced 421:25 Reese 409:4 refer 285:11 311:2 336:9 352:7 354:11 471:13 reference 318:5 336:24 379:24 401:7,13 446:25 referenced 253:16
--	---	--	---	--

445:13	relevant 264:9	501:10	409:16 513:7	397:18
referred 354:7	278:12,12	repaired 309:10	reporter 513:5	research 260:20,21
404:2	reliability 397:19	474:17	REPORTER'S	262:18,19 367:6
referring 313:7	444:15	repairer 267:16	513:1	477:1 487:9
318:25 329:22	reliable 275:9	270:7,25 283:7	reporting 242:24	researched 420:23
426:23 434:11	428:13 429:22	repairers 267:5	252:19 255:2	reset 332:6 334:15
447:1	reliance 317:10	270:21 271:3	453:11	334:16 335:6
reflected 368:15	relied 281:8	281:24 285:18	reports 450:16	342:24,24
reflective 424:12	relief 317:24	repairing 258:21	452:25 453:1,13	resistor 310:16
refresh 284:14	reloaded 339:12	265:21 309:23	455:11,16 456:1,7	resistors 310:6,20
362:19 502:24	relocate 507:10	repairman 269:4	represent 252:25	resolder 310:19
refrigerant 308:24	relocated 507:6	291:2	263:21 377:9	resolution 340:18
refurbish 370:11	rely 277:17	repairmen 268:23	396:12 406:11	450:24
450:11	relying 287:23	283:2,2 292:3,25	representation	resolve 417:22
refurbished 419:21	288:2	293:10 295:2	296:2 393:9	421:21 451:4
424:22	remain 491:6	repairs 303:7	representative	452:7
refurbishing 370:6	remember 255:25	344:21 437:17	278:11 344:6,9	resolved 383:19
refurbishment	257:20 300:11,13	438:8 441:3,6,7,12	377:18 381:19	417:18 419:15
370:13 470:12	365:23 369:13	474:12,15,16	represented 249:5	454:24
regard 431:15	385:3 389:22	483:3	272:13,17 273:4	resolving 417:21
regarding 268:22	391:3 420:22	repair's 303:9	393:24	resource 413:19
276:5 402:16	446:17,19 510:15	repeat 511:2	represents 263:10	resources 261:1
450:8,15 453:4,9	remind 246:20	repetitive 386:12	request 317:2,4,17	413:21,22 424:6
457:6,10 458:22	remote 332:5 335:6	replace 302:20	318:9,19 319:11	454:25
461:16 467:25	342:24	303:6,11 304:8,18	367:22 378:2	respect 270:3,6
475:8 476:18	removal 310:10	307:9 319:4 324:2	447:7 470:19	272:8 273:16
495:25	remove 332:4	324:15 325:16,23	475:9 481:6	278:5 358:18
regards 475:21	335:17 339:19	325:25 327:3,10	489:11	390:12
regular 372:22	507:24	348:21,22 391:20	requested 453:6	respects 269:17
374:5 431:19	removed 329:16	411:2 426:9	460:1 478:5,13	respond 391:10
regularly 291:14	330:17	437:11 442:8	489:25	394:18 396:20
rehab 493:11	removing 335:8,9	464:21 467:19	requesting 461:19	451:4
rehabilitation	Renee 240:3	474:19 487:3	requests 382:15	responded 254:14
312:20 322:8	renegotiate 376:12	500:16	require 271:21	Respondent 238:8
reimbursed 442:5	377:4	replaced 323:9,10	304:15,17 356:3	239:2 246:9
reinforce 464:4	renewals 385:23	324:4 329:16	379:18 388:25	responding 329:18
reinstalled 340:1	renewed 389:22,25	342:6,8 370:13	434:21	391:16
relate 320:4,6	rental 385:1 386:23	replacement 314:7	required 311:8	responds 394:19
337:21 473:24	387:17 390:3,7	324:19 328:5	382:16 428:21	response 320:20
related 256:9	438:19 439:8,10	336:4 348:15,18	429:24 435:13	342:20,23 343:1
283:11,17 296:2	439:16 440:5	436:17 442:6	436:14 442:9,12	390:24 416:3
330:12 338:16	reopen 337:17	466:20,20 467:20	444:3 469:15,18	421:21 459:17,22
339:6 396:14,25	repack 487:3	470:9,13 497:12	470:11,14,18	responses 275:12
relates 326:24,25	repair 267:9,14	replacements	requirement 317:16	281:4
402:2	268:1,18 269:19	324:17 336:7	390:23 396:8	responsibilities
relating 478:22	269:24 287:3,7	replacing 265:21	398:17 406:21	451:11 469:23
relation 364:14	289:6 292:15	322:12 324:22	470:8 482:2	responsibility 267:7
relationship 362:11	301:18 303:10	329:24	487:12	367:2 451:3
407:19 513:16	346:23 388:2	report 262:11,21	requirements 264:3	469:22
relative 293:9	389:13 395:21	263:7,17 273:21	264:3,21 265:3	responsible 249:21
296:13 442:22	436:2,6,17 437:1,7	276:6,15 277:13	267:23 268:10	350:15 373:4
513:13,14	437:22,25 440:22	280:15,19 281:16	271:10 272:12	375:13 387:22
relatives 405:19	442:2 466:19,21	281:25 282:7,11	283:14 391:15	388:14 391:13
relay 320:1	471:15,18,19	283:6 286:9 292:2	406:9 431:24	403:11 440:15
release 333:14,16,17	476:6 477:22	451:8 452:23	452:17 453:9,11	rest 317:15
339:22	478:9,16 497:8	456:1,3	requires 266:23	restart 391:19,20
released 349:3	499:2,7,13,22	reported 238:24	268:1 269:25	restate 462:16
383:7,7	500:2,9,12,17	255:18 340:12	365:5 391:11,19	restricting 285:14

restroom 394:16	496:22	roadways 426:3	salary 266:25	scrap 426:12
result 255:13 262:18	revision 285:7	robust 395:2	sales 279:16	scrapped 425:2
332:19 334:8	revisions 323:23	role 261:12 298:24	sample 275:9	screen 251:7
402:1 413:1	re-review 474:25	room 238:18 332:25	Santiago 413:20	screening 395:8
417:25 474:20	RFP 244:3 387:12	491:25 498:22	Santiago's 414:13	SD 333:3,12,22
resume 458:6	438:23	rooms 465:1	Santorio 444:5	340:24,24
Resumed 415:8	Richard 449:1	rotate 442:9	SAP 247:13 248:13	seal 322:8,19,22
retained 262:8	Richardson 448:25	rotated 339:25	250:9,14 252:18	333:5
296:20 318:17	449:9,10,11,14,19	rotunda 353:4,5	255:1 257:15	sealed 317:13,22
381:4	450:1	356:18 416:11,12	sat 460:10	318:7
retention 383:7	Rick 444:13	roughly 285:21	satellite 338:25	seals 306:8,10,11
retired 285:5 444:14	Rick's 444:20	286:6	339:7,11 340:6	320:6,8 321:24
return 342:16	rid 308:11	route 342:18	342:16 354:9,12	322:1,15,16,18,21
459:14 501:17	ride 356:18 357:22	routers 385:7	358:24 365:8,9,13	323:2 487:4
returned 339:14	361:2,16 419:25	routes 440:18	369:2,7 398:5	seat 357:17
340:1 351:13	riders 428:13	routine 311:23	428:11,11 429:21	Seattle 376:25 408:1
459:18	riding 301:20 305:4	387:19 391:14	439:18,19 440:5	408:21 409:3,17
Rev 245:9	511:17	468:9,24 469:8	satisfaction 418:7	second 254:2 255:6
revenue 302:21	right 252:6 257:14	row 359:19	saving 506:22	255:20 258:17
333:18	259:17 275:22	rows 248:4,20	savings 412:2	263:17 274:7
reverse 343:5	276:11 289:24	Roy 240:5	saw 266:17 267:1	276:22 286:5,6
reverser 342:13	291:19 292:11	RPL 330:24 331:8	335:15	354:17 400:1
343:2	295:9 296:2,19	rule 364:8 482:7	saying 275:18 290:3	409:2 410:7
revert 343:7	297:3,5 301:7	504:25 505:5	310:9 336:15	416:17 440:25
review 264:11 265:8	313:23 314:20	ruled 269:8 318:7	377:10 486:3	445:5 465:20
268:9 273:20	317:7 319:13	ruling 317:14 506:6	says 243:9 258:16	472:11 478:7
277:12 278:21	324:16 328:21	rumor 507:7	259:18 274:11	479:7,14 480:20
285:8 298:2	331:13 336:11	run 258:21 323:4,24	278:2 337:4 354:3	481:22 486:19,23
351:24 372:22	343:18 346:13,24	327:9 338:12	377:19 438:22	491:14 496:9
373:8 375:16	348:5 349:2,23	339:20 426:2	441:18 453:15	secondary 252:1
377:24 384:11	353:21 372:13,19	508:13	463:9 482:23	Secondly 376:22
391:23 399:2,5,24	375:5,25 379:12	running 265:17,22	SCA 261:14 283:22	section 319:15,20
403:12,13,20	400:18 402:9	294:6 300:24	scattered 395:22	320:10,13 330:8
409:5 412:10	404:1 410:25	302:2,9,23 303:12	scenario 383:19	374:6 428:16
447:2 452:3,22,25	415:5 422:24	305:5 314:24	489:9	430:7 431:9 432:2
456:6 460:22	424:5,11,16	330:3 332:7	schedule 304:18	432:17 433:6,23
466:12 468:2	425:19,25 426:14	361:25 363:16	306:1 443:3 464:3	433:23 434:11
475:17 476:12,12	426:17 428:15	436:3 437:9	scheduled 386:14	465:18 466:10,12
487:19 499:24	443:12 445:25	465:25	459:6 460:9	467:25 468:6,14
504:1	446:1 447:14,19	runs 304:10 509:1	463:13 468:10,25	469:5 470:4
reviewed 277:19	447:21 448:19	runway 381:16	469:9	sections 248:18
376:1,2 377:21	458:5,17,21	Ryan 240:5 244:9	scheme 365:12	329:18
409:23 410:11	459:12 480:9	244:11,12,14,16	Schneider 242:10	sector 266:15
455:25 460:8	481:23 483:13		501:23 502:7,11	279:15,18 287:21
470:21,25 471:9	490:2,4 492:4		507:4 512:18,20	287:22 290:15
473:8 474:2	497:21 503:22		school 266:23 268:5	secure 320:21 416:9
476:16 498:7	506:16 510:23		270:1 283:9	436:14 439:21
502:25	512:22		299:25	secured 335:6
reviewing 442:25	rights 421:13		scientific 276:1	security 332:20
455:11,16 457:22	right-hand 341:25		scope 300:18 311:7	333:1,2 356:12,16
487:17	rigid 406:21		314:2 368:12	379:6,7 420:17,20
reviews 375:22	ring 322:2		382:8 389:15	421:9 457:20
457:3	risk 412:1,5		391:9,13 429:10	Sedillo 384:22
revise 255:15	risks 293:9 412:4		432:1,17 433:23	437:16,17
475:18	RMR 309:6		434:19 440:10	see 247:8,9 255:7
revised 284:9	roadway 352:4		446:18 450:4	256:21 272:23
431:17 450:14	356:24 369:5		467:25 479:18	273:6 276:20,20
452:18 453:10,15	437:23		Scott 239:22	293:25 303:5,11
		S		
		S 245:16		
		Sacramento 509:25		
		safe 296:25 467:24		
		safety 345:14,14		
		365:4 379:4 437:5		
		sagging 342:5,5		
		sake 401:24		
		Sakelhide 459:20		
		460:10,12,15		
		471:17 498:21		
		500:6,8,11,14		
		Sakelhide's 459:22		
		501:9		

310:18 318:15	371:14 463:14	391:5	301:9 314:18	475:6,22 476:11
319:8 320:22	September 243:20	shaft 292:25	345:8 346:5,9,23	477:13 478:1,5
323:7 324:21	420:21 427:17	shafts 267:19	347:5 352:24	479:3,6,24 482:20
325:10 326:13	455:4	291:18	353:14 356:6,7	482:24 483:1,20
328:9 330:13	serious 333:10	share 250:11 366:16	360:5 370:2 416:5	483:23 485:9
337:24 347:8	408:18	shavings 464:18,20	416:9,9 421:16	486:12,22 490:17
352:3,4,5 366:13	serve 290:20	487:2	439:21 443:25	490:20 491:4,10
367:7 378:1 384:5	service 261:10,15	sheet 392:18 478:15	sides 325:23	491:12,15,21
391:19 392:22,25	266:6,9 267:9	shelf 303:22	sign 332:17 339:9	492:9,16,24 493:2
395:7 430:8 431:7	271:17 287:2,7,14	shift 245:14 301:13	341:9,14 361:12	493:4,10,21 494:1
432:13 438:25	287:20 299:9	301:19,24 302:12	378:14,16 456:9	494:11,16 495:3,8
443:4 444:19	302:21,22 333:18	303:15,22,23	456:10 473:15,20	495:20,23 496:16
454:20 465:5	339:15 340:2	304:3,23 305:2	signage 361:15	497:13,18,22
472:15 476:5	353:25 358:12	332:18 338:7	signal 337:16 509:1	498:1,6,10,19
489:16 506:7	359:17,22 363:14	339:11,11 340:23	signaling 510:9	499:4,10,24
seeing 313:12 323:5	364:17 394:25	341:15 463:14,14	signature 374:10	500:24 501:5,12
325:14	405:3,4,7,13,25	463:17,18 464:8,9	375:16 399:13,15	sit 323:6 389:2
seek 317:24	406:7 407:1,9	464:10,24	399:22	446:17 454:15
seeking 374:19	419:11 421:17,19	shifts 258:2 292:3	signature's 378:8,9	site 248:24 249:16
379:14 505:24	421:25 422:13	292:14 463:13	signed 393:10,13	249:16 264:4
seen 276:12 277:7	423:5 428:12	shipped 325:14	399:24 403:15	267:12 280:11,15
290:11 326:6	429:22 439:6	shocking 354:23	410:24 411:2,4	281:23 290:18
412:13	440:3,17 441:10	shoes 307:10 348:18	456:12 465:13	299:20,21 311:20
select 366:6 367:22	442:12,18 444:2	512:3	471:23 473:13,21	326:11 390:24
selected 249:23	455:18 467:5	shop 266:19 293:20	488:5 505:19	451:9 461:3 465:7
275:7 363:23	470:25 471:8	306:2 361:4	significance 286:16	503:19
365:21 366:7,23	served 266:5	414:13 463:21	significant 336:4	sites 322:14
368:2 389:23	422:15,18	shops 395:20,21	397:19 415:21	situation 332:8
selection 446:7	services 357:1	short 359:15	417:2 444:7,15	357:5 417:9
self-contained	407:22,24,25	shorten 271:1	486:16 507:9	419:14
356:23	408:4,8 409:9,18	shorthand 462:2,3,3	509:13	situations 365:1
sell 424:18 426:5	410:6,14 421:24	462:4,6 513:10	significantly 391:9	437:1
sells 426:8	422:8 423:3 441:9	short-term 407:11	391:13	six 338:6 390:1
send 304:21 308:15	471:2,5,6 503:20	407:14	signs 309:1,2,4	467:4,5
308:24 309:5,6	servicing 265:18	show 250:19 251:25	similar 271:19,22	sixth 429:8 431:4
314:7 324:14	270:13 422:21	252:20 463:21	293:1 358:24	size 370:9 425:22
327:9,25 378:17	session 252:13	showed 409:8	369:9 379:3	skilled 274:12
387:24 409:5	453:23	419:23 463:23	381:14 444:12	282:23
470:23 502:23	sessions 275:22	464:23,25 465:2	similarities 269:2	skills 274:25 282:24
507:21	453:19	477:6 493:10	similarly 289:12	Sletten 446:23
sending 333:24	set 261:21 277:23	showing 451:22	simply 391:19 422:7	slides 257:9
sends 337:16	297:19 318:17	shown 276:14 294:6	SIMS 242:24 330:13	sliding 294:12
senior 260:19 419:4	338:17 341:24	440:18	330:16	slight 510:13
sense 287:5,14	352:25 367:13	shows 257:14 458:7	sinks 394:17	sling 268:18
426:7	369:16 370:1,4	shut 332:14,17	sir 449:18,24 450:3	small 368:24 404:17
sensitive 333:1	375:17 382:5	342:2,4 464:14	453:5 455:3,6	432:2 442:20,23
sent 307:3 310:1	388:16,20 400:4	shutting 386:15	456:14,17,21	488:21
322:19 327:2,10	406:15 414:21,22	shuttle 244:3 352:25	457:15 458:11,14	smaller 381:22
328:4 403:25	416:16,21 419:2	353:15,20,22,25	458:23,25 459:3	small's 442:22
409:1 427:8	419:21 446:21	366:11,14 370:10	461:12 462:5,9	smarts 315:1,2
472:20 477:5	502:18 513:18	384:25 386:24	463:4,6,8 465:9,16	Smith 241:4 243:4
486:11 503:1,6	sets 364:21 369:13	387:6 390:8	465:19,22 466:11	246:12,14
sentence 430:9	369:15 370:8	438:14,21,23	466:14 467:11,16	SOC 269:10,14
432:19 433:25	377:10	440:16 508:13	467:23 468:3,8,12	software 309:15,17
440:14 466:24	setting 271:5,8	shuttles 352:6	469:3,7,12,17	309:18,21 314:23
467:17	291:5 454:24,25	353:15	470:2,5,25 472:1,6	315:1 376:18,21
separate 271:19	seven 344:10 356:5	sic 287:25 388:14	472:10,13 473:12	380:12 408:18
313:13 371:3,4,6	356:6 390:1,1	side 281:1 292:19	474:1,3,14,23	417:17 421:13,14

421:20,25 422:8 436:21 sold 426:11,12 solder 310:7 soldered 310:8 soldering 309:23 sole 379:25 solicited 411:15,18 solution 407:12,14 solve 336:12 424:24 somebody 319:7 347:6 349:5 378:12 380:2 389:4,11 414:12 504:8 someday 424:18 somewhat 438:14 sooner 322:11 sophisticated 331:24,25 sorry 257:18 284:18 291:9 300:25 329:21 336:15 351:20 393:17 420:11 446:12 462:14 480:3 487:6 499:11 sort 285:3 390:9 509:3 sound 284:12 sounds 406:21 source 276:18 379:25 408:14,15 sources 264:16 265:7 273:24 274:4 south 238:19 239:17 334:4 339:5,7,11 340:10,14 341:4,6 341:11,12,18 342:16 352:23 360:5 southern 363:4 southwest 354:24 360:11 420:18 Southwick 444:6 space 358:3 364:24 395:19 spaces 463:23 spacing 425:22 spare 436:25 466:20 466:21 467:15,18 467:19 spares 467:20,20 speak 261:25 speaking 278:6 special 266:15 267:11 313:7	315:11 427:22 491:2 speciality 261:1 specialized 266:24 specific 265:23 268:14 280:3 285:1 330:18 384:11 447:3 461:20,20 497:7 508:16 specifically 270:6 275:4 321:8 333:25 334:6 367:9 423:25 438:13 443:23 444:5 467:8 475:25 476:15 491:15 500:15 specification 414:22 specified 468:17 specs 470:16 speed 328:10 342:13 342:15 spell 260:13 298:16 349:21 448:17 502:5 spelled 497:9 spent 348:1 409:7 477:6 478:9 spindle 487:3 spindles 304:17,18 315:18 320:4,5 488:11 512:7 spreadsheet 423:17 478:21 485:12,17 spreadsheets 478:14 478:16 spring 304:8 springs 304:9 320:2 320:2 sprinkler 437:21,25 SP6 428:17 ss 513:3 staff 283:24 285:2 288:4 305:11 330:5 373:3 376:12 381:9 382:22 388:21 390:24 395:10 403:2 408:5 409:5 409:17 413:9,10 415:22 416:16 417:1 419:10 426:9 463:20 stainless 309:12 stalled 265:25 stand 327:21 448:9 standard 261:13,21	263:20 264:11,18 287:24 344:23 435:25 standardized 510:10 standards 365:4 442:14 451:12 standby 422:4 standing 422:2 stands 331:12 Stanley 240:5 253:25 254:10,15 254:19 323:18,20 324:11,15 325:1 325:19 326:16 327:15 347:13 423:14 427:1 477:19,20,22 498:17 499:1 503:7 start 266:1 330:8 334:25 352:20 426:22 457:24 491:22 494:16,17 509:3 started 299:18 310:18 311:14 315:9 322:12,23 323:5 362:8 373:9 381:10 416:17 454:6 455:1,10 465:3 495:8 starting 302:18 350:6 392:15 467:14 startup 299:19 state 238:14 260:12 279:11,14,19 290:15 298:15 349:20 399:12 430:10,12,12 431:14 433:13 434:17 448:16 502:5 513:2,5,19 stated 501:9 statement 327:20 411:17 427:24 504:4 505:1,2 statements 503:9 504:12 states 366:11,13 445:3 471:1 506:11 station 245:4 266:2 266:19 293:20 323:7 326:25 335:16,22 338:22 338:22 340:4,4	341:4,4,6,11 342:21,25 343:14 344:2 353:4 359:12 360:16,19 362:6 369:17,20 369:25 370:2 425:11,21 446:24 469:11 476:2 477:23 484:25 487:16 stationed 503:21 stations 265:18 266:8 332:22 415:21 488:12 508:16 statistical 264:7,8 276:3 288:2 292:13 statistically 290:7 statistics 264:23 280:24 290:12 293:8,14,15 status 245:14 338:7 340:15 350:4 statute 278:2 379:19 431:17 451:17,18 452:18 453:15,15 statutes 278:6 450:15 453:10 stay 435:24 steel 268:16 286:22 309:12 steer 320:19 STEMERMAN 239:10 step 264:13 269:8 269:13 272:15,16 272:21 273:5 steps 264:6 271:4 272:22 413:8,12 Steve 461:1,15 Steven 245:6 478:3 481:18,18,19 sticking 471:19 stints 351:15 stipulate 393:14 401:8 484:9 stipulated 317:11 401:21 453:16 475:13 496:10 stipulation 401:25 stock 324:14 327:5 467:19 stop 354:17 391:1 391:17 509:3 stopped 415:19 storage 395:19 stored 491:16	storeroom 478:19 Street 239:11 streets 439:11 stricter 453:14 string 252:24 Strip 363:19 stripped 304:12 425:2 stripping 304:6 structure 293:2 315:12 320:20 465:25 491:3,5 structures 249:20 466:4 stuck 339:19 340:5 stuff 302:8 304:2 307:10 323:17 330:1,2 332:23 335:13 336:25 347:24,25 399:3 463:22 465:3 507:25 subcontracted 455:21 477:10 subcontracting 478:19 subcontractor 431:13 434:15 480:3 subcontractors 345:14 451:9 subject 277:24 279:22 317:15 332:25 364:6,17 393:8 410:21 474:9 475:23 493:12 498:12 506:11 subjects 402:16 submit 285:16 452:5 470:19 submittals 367:23 submitted 347:24 367:25 374:12,14 392:7 393:3 414:13 453:13 457:23 472:14 476:13 485:17 501:1,3 Subparagraph 315:4 490:21 subpoena 481:5 subpoenaed 502:11 subsection 432:18 465:21 506:11 subsections 469:16 subsequent 359:2 370:7,8 491:20
--	--	--	---	--

493:9 495:19	349:5 352:15	369:21 370:10,14	Tab 262:14 503:4	266:12 274:20
498:7 499:15	353:21 362:20	370:17,25 371:5	table 338:15 501:17	449:2,21 478:19
subsequently	365:3 375:22	371:10,11,11,12	tag 303:21 304:11	478:19 486:25
444:14 456:19	377:24 379:11	371:13,21 372:17	tailored 508:8	taught 262:6
subsets 469:8	384:10 387:23	374:8 376:18,20	take 266:1 284:17	taxi 360:8
substance 502:21	396:23 421:15	377:2 379:5,6,7	284:21 297:7	teach 405:13
substantial 315:8	424:6 447:16	380:10,11,13,18	301:18,23 303:18	teachers 279:14
400:4 491:1,7,21	458:3 471:24	381:11 387:6	304:20 307:3	team 381:21 460:24
492:11,25 493:23	surface 398:14	391:19 394:22	317:18 318:12	461:3,15 464:4
494:1,13 495:5	surfaces 465:25	395:3,4,6,7 397:14	328:11 331:5	tear 325:24
substantially 488:8	surprise 511:18	397:16,24 398:3,6	332:16 334:17	tech 333:20,24
substantive 389:14	surveillance 291:25	398:8,19,20,21,21	351:24 352:19	technical 268:2
substitute 393:12	survey 276:3 278:3	400:8 405:24	353:6,24 355:2,12	407:22,24,25
489:7 490:3	281:6	406:6,9,25 408:1,7	355:18,20 356:17	408:3,8 409:9,18
Subsystem 468:6	Susan 456:15 457:7	408:11 409:8	357:13 358:5,15	410:6,14 431:23
success 343:1,7	459:25 460:1	412:5 415:14,17	358:19 359:15,20	503:20
successfully 408:11	susceptible 310:15	417:10 418:3,14	361:15 373:21,24	technician 263:11
413:6	Sushil 460:25	418:19 419:7,9,14	387:16 405:21	263:19 265:4,16
suffers 406:16	suspect 337:5 342:8	420:3 422:20,21	419:21 437:24	267:22 268:5
sufficient 468:16	suspension 319:21	423:19 425:10,15	456:2 464:17,20	269:15,19,20,21
suggested 496:2	319:24 320:14,15	425:17 427:15,21	465:14 474:18	272:11 273:9,10
suggesting 376:4	320:22 321:7	428:7,14 429:18	486:8 488:13	274:10,13,22,24
suggestion 255:22	swapped 436:24	429:23 432:11,24	509:13	274:25 282:10,10
472:24 490:2	switch 247:13 259:1	432:25 433:16	taken 238:16 303:18	282:18 290:22
suitable 263:16	339:25 343:22	434:5 435:6,8,18	310:11 341:1	334:11,13,21
Suite 239:5,11,23	switched 343:16	435:23,25 436:11	355:5 379:20	335:4 337:18
summary 481:16	switchover 247:18	436:12,18 437:2	396:4,6 419:23	503:18
summer 456:23	sworn 246:15,19,21	437:12,23 438:1,2	444:2 456:24	technicians 250:14
Sun 356:10	260:8 298:11	439:7 444:3,4	512:7	250:25 251:6,8
Sunday 417:11	349:16 448:12	445:8 466:2 467:5	takes 335:7	255:16,23 256:4
419:6 431:19	501:24 513:9	468:1,16 476:19	talk 275:9 294:8	256:25 265:14,24
supervised 346:2	system 243:19 264:5	477:7 507:5	444:12 464:11	266:22 268:23
supervision 321:9	265:1,17,22 266:4	508:14,25 509:1	504:7 508:24	269:4,7 271:12
supervisor 299:22	266:4,16 274:22	509:25 511:1,4,7	talked 280:23 281:1	275:7 279:6
supplant 259:15	286:22 287:20,24	systemic 324:19	282:9 288:4 373:1	280:12,18 282:13
supplied 277:24	288:1,2,21 299:2,3	470:9 474:16	411:7 438:14	283:12 288:9,17
375:18 467:2	300:23 301:7,8,11	487:8	510:14	289:14,19,23
supplier 347:19	301:17,20 304:1,3	systems 245:8	talking 252:2	290:17 292:1
431:13 432:1	305:3,4 306:17,19	265:11 267:9	261:17 267:19,20	294:22 330:6,10
433:10 434:13	306:24 307:12	270:8 282:14	275:4,15,16 278:8	336:21 337:14
supplier's 491:5	308:6,11,12	286:23 288:14	283:13 291:4	338:9,24 346:22
supplies 309:4	312:20 314:14,15	298:25 306:20	295:14,25 304:5	technology 510:20
441:25	314:16,17 315:1	307:8,9 310:3	309:11 362:22	techs 258:20 282:6
supply 312:16	319:22,25 320:15	327:16 335:19	368:4,5 379:14	283:17 287:16
325:19 387:15	321:5,7,7,10 325:5	352:7,22 366:11	412:4 434:21	293:9 294:12
410:23 423:3	331:16 335:11,20	368:2 371:4	509:8	302:6 500:23
support 254:25	337:1 338:11	376:25 394:15	talks 508:23 509:2	teleconference
320:16	345:10 346:6,25	418:20 422:15,22	Tancheek 243:12,15	250:11
supposed 375:24	347:19 350:13,17	422:23 423:1	243:17 471:22	tell 262:17 274:6
sure 275:10 281:22	350:19 351:19	437:6 438:15,21	475:5,14,22	278:24 279:24
285:15 289:11	352:5,11,15,19,25	469:20,24 476:7	476:10 496:18	315:5,24 329:12
292:11 293:3	353:11,13,15,20	477:4,5 508:19	Tancheek's 475:21	333:17 352:1,18
294:16,19 295:1	356:14,24 362:14	509:5,6 510:10,21	target 413:5,7	374:3 378:12
296:14,23,23	363:1 365:10,13	system's 305:5	task 249:17 257:3,8	386:24 387:4
300:21 301:20	365:18,19,22	S-C-H-N-E-I-D-E...	291:7 348:16	405:18 409:13,15
304:10 313:3	366:14,15,22	502:8	tasks 249:14 257:7	469:13 478:23
314:6 315:19	367:11,20 368:3		258:17 259:18	481:5 485:10
323:4 328:3 346:7	368:14 369:5,9,17		264:21 265:23	telling 256:8
		T		

tells 509:2	287:12 290:24	303:11,25 304:3	401:15 410:23	ticketed 357:5
temporary 290:18	293:14 295:21,22	317:8 329:23	426:19,21 430:14	ticketing 354:4,5
tenant 381:23	330:25 366:9	361:4 370:17	430:17,18 443:8	356:25 358:9
tend 282:22 290:8	370:16 386:13	383:4,8,9 384:2	443:15 445:5,9	360:5 365:14
tendered 401:2	397:20 408:6	385:7 386:13,16	447:9,17 448:8,19	397:21
tenure 396:4 427:17	444:8 454:2	387:23 388:22	448:22 458:4,15	tight 341:20
429:3	terrible 405:20	389:8 394:13,17	458:20 462:14,20	time 242:24 247:13
term 337:6 389:21	test 269:23 303:20	394:23 395:11,21	463:1 472:2,18,23	250:2,9,14,15
404:4 405:8	304:4,7,10,10	396:6 409:9 414:7	473:3,7 480:4,11	252:17 253:8
418:22	310:2 345:12	465:5 470:10	480:24 481:4,11	255:1 256:10,12
terminal 245:9	tested 339:13,14	475:3,13 506:2	482:17 483:10,16	258:4,7,22 260:1
347:24 352:3,3,3,8	testified 246:17	think 269:16 272:18	484:1,7,11,18,22	271:5 275:22
352:9,10,21 353:1	260:10 293:7,23	273:3,9 274:16	485:4,7,19 486:7	284:17,21 286:8
353:9,12,16,19,22	296:11 298:13	276:16 278:15	488:17,20 489:2	291:7 292:2 299:6
353:23 354:8,9,10	349:18 384:13	285:10 292:22	489:14,22 490:14	300:6,7 301:6
354:11,12,12,13	435:4 448:14	293:22 294:3,23	492:1,7,17,22	302:22 303:12,17
354:13,15,16,25	496:14 500:20	299:5 303:9	493:14,19 494:4,9	305:8 310:11
355:2,3,5,10,12,13	502:1	308:20 309:3,10	494:19 495:1,10	312:23 318:5,6
355:18,18,20,22	testify 246:15 260:8	311:1 313:12,21	495:16 496:13	321:23 328:2,12
355:23 356:1,2,2,5	298:11 328:1	315:18 318:23	498:13 499:18	331:3 332:16
356:22,23 357:1,2	349:16 448:12	319:6 321:10	501:8,13 512:12	334:21 335:20
357:3,6,12,18,23	501:24 505:4	327:6 336:11	512:13	347:20 348:21
358:2,5,8,10,24	506:8,21 513:9	340:11 344:9	Thomson's 482:10	351:8,10 358:14
359:4 360:6	testifying 490:19	346:14 362:21	Thoran 238:13	358:22 359:7
361:23,25 362:2	510:15	365:23 372:17	246:5	362:10 363:5
363:7,11 364:7,13	testimony 246:20,21	373:13 379:24	thorough 465:9	365:24 366:17
364:22 365:13,16	246:25 251:24	396:3,18 397:6	thought 268:24	367:18 369:13
365:16 367:10,20	298:3 404:2 505:8	401:2,12 462:18	270:3 271:22	371:18,21 373:6
368:5,11,19,23,24	506:1,5,14 513:12	464:7 472:16,21	272:13,20 275:6	376:22 382:5,7,12
369:2,3,6,8,18	testing 265:20	481:18 489:12	276:14 278:25	383:22 385:21
370:1 371:13	270:13 322:16	490:5 495:17	283:8 284:13	403:7,13,16
381:15,16 385:1,1	345:11,16,18,21	third 253:10 256:20	286:21 294:23	404:24 408:23
387:8 398:2,2,5,9	346:7 347:3 428:6	257:21 263:19	378:6 400:10,13	412:19 413:5
398:10 415:24	429:1,16 432:5,23	271:13 387:24	406:13 414:25	415:22 416:3,15
416:10,10,19	434:4,23 446:3,13	394:7 396:7,9	416:6 417:2	419:13,18,22
420:18 428:11,11	466:19	427:22 479:15	480:24 499:7	420:2 421:4,21
428:12,25 429:20	text 320:13	485:12,18 486:10	thousand 364:14,16	422:7,14 427:21
429:21 432:7,11	thank 259:22,24	486:13 496:7	thousands 453:2	429:5 431:1
443:25 444:1,9	297:1 312:17	third-party 376:23	threaten 422:1	435:12 438:6
476:4	313:24 316:18	416:3 455:14	three 257:18 269:15	444:6,7,12,13
terminals 302:4	318:21 319:13	Thomson 239:16	270:22 272:9,19	449:3 452:5
364:10 440:18	346:13,18 349:4	241:16 242:2,6,8	273:4,12 352:5	453:22 454:8,15
terminate 382:23	426:18,19 447:11	247:10 295:7,8	367:23 368:1,1	456:16,18,22
terminated 278:12	447:20 448:3	298:5,7,20 305:22	379:12 383:18	457:3 460:25
407:16 411:20	472:25 480:11	305:24 311:5,6	446:21 457:19	461:10 464:9
449:25	512:15,16,21	312:8,10,15,18	464:7	471:17 473:23
terminating 411:10	Thanks 346:21	313:3,5,9,14,19	three-car 352:25	476:17,19 477:14
termination 407:18	348:4 472:23	314:1 315:21,23	353:20 362:17	479:20 481:24
411:7 496:23	they'd 323:7 387:22	316:12,18,19,23	369:15 370:1	482:1,9 487:23
terminologies	thing 257:5 282:22	318:22 319:13,14	three-ring 262:14	489:12 491:14
255:19	306:15,21 307:14	326:2,5 328:9,13	threshold 332:2	498:25 499:4,13
terminology 499:18	313:16 344:2	328:21,24 329:6	335:21	502:19 506:22
terms 260:21 268:25	348:19 361:24	333:5,7,9 336:14	thumb 364:8	512:1,8 513:7,12
270:13 272:11,23	385:19 478:11	336:17 338:1,3	ticket 354:25 357:15	times 338:21 339:6
273:7 274:13	490:5	344:13,15,24	357:16,17,19,23	340:5 402:23
275:12,16 276:3	things 255:23	345:6 346:12	357:25 360:4,11	441:12 463:15
280:25 281:3	264:15 269:23	348:25 349:8	360:18 369:5	485:14 486:15
282:19 286:22	302:1,21 303:4,11	393:11 401:4,10	395:7 406:5	timetables 385:18

time-consuming 261:20	296:19,22 297:2,6 297:8,11,21	342:20,23,24,25 343:14,14,15,16	424:21,23 425:1 444:16 445:4	242:12 246:11,24 247:12 250:19,22
Timothy 245:12 326:9,9	298:15 311:1 312:13,17 313:1,8	343:20 352:24,25 353:1,4,11,13,14	446:22 464:15 467:12 494:14	251:20,24 252:4,9 252:20,23 253:21
tires 282:16 320:17 442:8	313:11,15,22 316:13,16,24	353:18 354:14 355:2,5,9,10,12,18	495:6 510:3,6 tram 298:25 306:3	253:24 254:6,8 258:9 259:5,9,21
title 319:20 320:12 438:22 446:25	317:5,25 318:3,14 319:6 328:11,18	355:20 356:18 357:13,22 358:12	321:4,4 323:5 337:14 358:5	260:3,15,17 262:24 263:5
titled 242:24 245:14 432:10	328:22 329:3 344:14 345:3	358:12,16,19 359:1,9,12,12,17	361:19,25 365:10 367:11 397:14,14	270:5 277:1,4 278:5,20 280:7
Titles 284:4	346:13 348:5,24 349:2,5,10,12,20	359:20,21 360:2 360:16,19 361:2,8	420:16 476:19 477:21	295:9,11 296:7,18 296:21 297:4,7,14
today 283:20 284:6 361:17 368:17,19	349:23 375:5 393:16 397:5	361:9,9,13,15,16 362:6 363:6,11,14	trams 329:20,20 340:13 352:19	317:8 318:10,21 328:16 329:2
370:23 384:15 391:6 409:19	400:18,25 401:5 401:12,21 402:5,9	364:15,18,20,21 365:13,18 366:9	467:3,4,6 487:9,10 487:13,16 488:7	345:2 348:5,7 401:24 402:7
422:6 446:17 458:24 480:23	410:25 415:5 420:7,10 426:19	366:13,22 367:1 367:19,22 368:11	491:24,24 494:18 495:9 497:1	504:7,24 505:9,15 506:21 509:17
512:20	443:10,12 445:10 446:8 447:12,15	368:12 369:9,15 369:17,19,25	transcribed 513:10 transcript 513:11	512:10 trimmerp@jackso...
toilets 394:17	447:21,24 448:2,4 448:6,16,19 458:2	370:2,4,8,10 371:10,11,11,12	transfer 326:14 398:13 439:21	239:7 trip 341:8,13
told 254:22 261:21 288:5,6 325:15	458:17 462:15,18 462:22 471:24	371:13,20 372:17 374:8 381:11	transferring 309:21 transit 243:19 245:8	troubleshoot 394:24 truck 283:2 507:21
460:16 464:4,19 477:18 487:9,24	472:15,21 473:1,6 480:7,9,12,22	374:8 381:11 398:3,6,8 406:6,24	265:13 266:15 287:20 384:24	true 278:18 280:14 280:16,17 289:16
499:6	481:1,12 483:11 483:13 484:2,4,12	419:2,7,8,10,12,21 425:5 443:24	387:15 388:9,16 389:17,21 395:15	290:7 292:10 293:12 328:24
tolerance 302:18	484:20 485:1,5,22 488:15,18,24	444:1,2,3 446:21 446:21,23 463:22	427:15,21 428:7 429:18 432:11,24	400:14 480:22 503:10 504:4,13
tons 507:16	489:3,8,17 490:4 490:10 492:4,19	508:10,18 511:17 trained 249:2	433:16 435:18 508:15	504:19,21 510:3,6 510:9 513:11
tool 276:10,15 337:18 343:18	493:16 494:6,20 494:22 495:11,13	251:11 255:1 258:4 259:13	transport 420:5 439:15 440:17	Truesdale 482:23 483:8,18,24 496:1
tools 272:3 284:5 441:24	496:9,11 498:14 499:11 501:14,16	training 250:9,12,15 250:17,18,25	transportation 238:6 266:14	truly 439:19 truth 246:15,16,16
top 243:3,9 245:11 257:13 320:18	501:20 502:3 504:14 505:6,12	251:1,5,9 252:1,10 252:12 255:15	267:17 269:19 270:7,21,25	260:8,9,9 298:11 298:12,12 349:16
336:18,19 339:20 343:23 379:12	506:6,19,24 512:12,14,16,19	257:19,20 258:5 266:24 268:3,4,25	287:17,21 356:3 356:14 397:23	349:17,17 397:9 448:12,13,13
429:9 431:6 440:21 463:9	512:22 town 405:15	270:1 290:21 453:3,8,18,23	398:14 428:9,14 429:19,23 432:6	501:24,25,25 505:1 513:9,9,9
total 264:9,24 273:2 273:3,13,15	trace 370:24 track 258:16,24,25	478:19 trains 266:18	438:15 transporting 438:18	try 269:9 302:21 337:21 380:16
274:14 279:11,12 287:10 290:13	259:18 335:9 343:25 419:24	270:10 294:1,5,9 300:20,24 301:4	507:22 trash 335:8,9,20	405:22 460:10 465:11 471:17
360:17 367:8	traction 304:20 307:2,3,6,7 315:17	301:20,22,24 302:2,9,23 303:12	travel 250:2 266:1 267:12 439:11	trying 249:1 391:3 464:3,19 477:18
totally 383:8 505:4	315:18 319:25 321:5 348:15	314:22 322:20 330:3 332:22	traveling 357:9 travels 296:25	479:11 480:17 504:25
touched 352:14 424:3	511:23 traditionally 279:2	344:22 345:24,24 346:9 352:6,21	tread 391:20 tread's 391:20	TSA 333:1,6,25 tuneup 500:15
toured 280:15,16 281:23	traffic 416:14 train 314:6 332:16	353:15,20 362:16 362:16,18 366:1	trees 313:21 512:5 trial 505:8	tunnel 343:17 353:3 364:20 416:21,21
tourism 405:1 tourists 404:16	333:17 334:17 335:7,16 338:22	369:12 370:9,12 370:14,15 394:11	tried 342:24 343:3,4 343:11 463:24	507:24 511:20,21 turn 262:14 276:9
Towler 238:13 246:4,5,19 252:6	339:5,18 340:3,10 341:4,6 342:12,17	397:18 415:19 416:22 419:22	Trimmer 239:4 241:5,7,10,12,18	276:21 320:23 339:9 392:12,13

409:21 410:7 412:9 427:22 428:15 429:8,25 431:3,22 432:14 433:3,20 434:8 440:8,20 441:16 442:24 465:17 466:8 467:22 482:18 486:20 503:3 turned 301:14 323:13 339:2,3 368:13 382:20 383:15 Turning 477:24 484:8,19 turns 452:25 TVA 341:11 twice 313:20 375:23 420:2 two 258:2 266:24 267:2 268:5 269:25 272:22 274:11 279:25 282:21 284:2 286:10 293:15 317:8 319:25,25 320:1,2,9,15 321:1 322:18 327:18 341:23 352:21,24 353:15,20 359:3 359:19 361:10,11 362:4,16,17 363:4 364:10,21 369:12 369:15 383:18 385:21 398:13 409:1,5 416:25 427:25 429:13 445:1 451:15 454:16 463:13 467:14 478:14 498:22,23 two-car 353:15 362:16 369:13 two-year 271:21 TY 330:21 type 330:22 332:8 333:10 337:1 346:4 442:4 462:5 508:1 typed 461:14,22,23 461:24 types 322:16,18 330:25 331:5 377:17 386:12 404:5 435:2 451:15,25 457:8 typewriting 513:11	typewritten 513:11 typical 332:8 335:4 384:11 typically 306:6,15 306:22 419:9 T1 354:5 T3 316:7 354:3 356:21 357:6,21 363:1 364:20 369:11 432:24,24 452:23 467:5,9,11 510:7 <hr/> U U 245:20 507:2 Uh-huh 276:11 ultimately 376:10 Um-hum 258:15 331:11 unable 340:17 343:5 unavailable 505:8 unclear 400:22 478:21 underground 353:3 364:19,20 underneath 294:9 294:13 315:17 329:25 343:21,25 344:1 underpayment 451:7 undersea 271:16 underside 320:17 understand 246:22 248:10 250:17 252:15 263:6 275:23 278:14 288:13 289:17,21 290:1 291:17 292:7 317:13 318:3 324:16 380:2 396:17,17 396:19 398:18 406:12 460:10 465:11 471:11,14 481:25 482:10 485:21 understandable 255:16 understanding 248:22 249:3 252:11 254:1,9,13 254:14,21 255:1 256:15 277:9 279:7 291:1,6,20 292:19,24 361:21 362:15 435:21 459:14 485:15	488:22 489:18 507:12,17 510:22 understood 425:9 469:18 unexpectedly 386:16 391:2 unfamiliar 404:22 unforeseen 382:14 unfortunately 505:7 Union 238:3 245:18 246:7 247:1,19 248:15 251:25 252:12 254:24 255:24 256:15 258:13 259:10,15 275:7 278:15 290:4,5,10 295:24 296:2 297:18 329:7 335:24 338:17 344:11,16 393:24 394:1,2,4 454:7,12 455:2,7 459:23 475:7,10 475:16 497:16 503:4 506:18,20 506:25 unionization 289:15 289:18 290:1 295:12,18 unionized 289:9 290:8,8 Union's 278:10 318:4 328:14 505:10 unique 510:20 unit 304:10 310:13 356:23 369:3 United 355:8 356:15 356:20 357:10,18 364:10 366:11,13 445:3 471:1 United's 357:19 units 345:11 universe 264:14 275:9 universities 262:7 university 260:25 262:5 455:22 456:16 473:15 Unknown 245:3 UNLV 300:3 456:7 456:13 unoccupied 305:8 unreachable 340:15 unscheduled 386:14 391:17 unsigned 392:5 410:1 411:3	unsure 472:8 Untitled 243:9 unusual 378:23 update 421:17 updating 283:25 upgrade 357:16 433:17 457:18 474:8 upgraded 370:15 upgrades 300:21,23 uphold 506:15 UPS 345:11 467:2 upstairs 330:1 upwards 452:24 453:2 urban 266:15 287:20 urging 427:1 USA 238:7 246:8 usable 426:11 use 247:10 250:4 256:8 257:1 263:24 269:3 271:23 272:3 294:12 303:22 322:18 331:3 355:23 356:11 358:12 359:11 361:5,8,9 363:14 364:24 382:21 418:21,22 420:1 420:15 421:13 424:24 430:11 442:13 479:7 491:19 492:23 493:8,25 494:15 495:7 500:19 508:2,9 uses 382:22 509:1 USO3 249:24 250:2 usually 323:16 331:21 333:13,22 334:3 386:12 403:4 419:14 utility 444:9 utilize 305:8 354:19 510:25 utilized 404:3 419:17 479:4 <hr/> V Vacar 444:13 vacation 405:21 validate 475:1 value 460:17 varies 303:24 various 377:8 382:10 404:5	426:2 441:4 442:3 455:11 469:20 vary 304:1 varying 329:14 vast 360:6 361:7 395:6 vaults 395:2 Vegas 238:20 239:5 239:12,18,24 249:16 250:1 272:22 363:22 404:15,19,25 455:22 511:7 vehicle 245:9 256:12 257:1 294:13 309:11,25 315:12 316:6,8,21 319:1 320:16,17,19,21 321:2 331:19 333:11 334:9,10 334:11,22,23,23 335:9,21 343:11 398:15 425:21,22 468:24,25 469:1 491:3,5 497:6 507:20 vehicles 265:18 271:15,17,18 299:12 314:21 316:7 323:1 329:17 331:15,16 334:6 344:7 345:12,13,23 424:16,18 425:10 426:2,5,8 429:1 432:6 434:24 446:4,14 467:4,4,6 475:21,23 507:13 vehicle's 330:18 vendor 304:21 308:25 329:15 482:22,22 483:17 vendors 329:15 venture 380:16 verbal 291:10 verbally 340:21 verified 505:21 verifies 335:6 verify 334:14 382:25 384:12 485:16 Vern 346:24 versa 416:13 454:22 version 393:9 490:7 versus 246:8 256:21 282:20 289:9 290:15 346:3 360:2 464:1
--	--	---	---	---

471:15,18,19	488:2,4 496:4	warehousing 266:14	476:2,24 477:1,5,7	490:6
488:21 499:3,7,13	498:12	287:21	477:12,16,20,22	we've 309:10 328:22
500:2,9,12 501:10	wages 263:21	warrant 486:17,17	479:10,12,17	335:5 336:9
vice 416:13 454:22	264:23 272:24	warranted 455:16	485:14,15 486:16	360:17 369:3
video 340:14	273:1 283:9	warranties 328:2,7	488:12 508:23,24	371:9,10 375:23
view 286:17 340:14	287:10 289:24	441:4 486:21	wear 295:2 302:18	379:3,9 384:8
499:21 500:12	431:15	487:22 488:8	wearing 497:6	385:7,14 396:3,4,6
viewed 499:5	wait 324:13 342:16	warranty 312:12	wedges 307:10	415:4 418:18,18
violation 317:23	396:23 481:12	314:3,5,7,9 315:4	Wednesday 238:16	434:21 447:4
451:23	waiting 322:17	315:5,6,11 318:23	251:5,10 257:25	480:17 497:19
violations 451:10	walk 354:2 356:13	324:23 325:2,4	258:1 463:17	wheel 320:3
Virgin 356:11	358:4,19,25 359:8	326:17 327:18,22	week 247:24 248:9	wheels 266:3 342:6
Virginia 262:6	359:12,15,20	347:12,18,24	250:10 257:21	342:8
Virginia's 262:6	360:2,4,14,15,18	441:3,6,7,10,11	509:24	WHEREOF 513:18
visit 281:14,15	360:23 361:11,14	442:3 477:22	weekend 419:4	white 249:23 250:2
404:20 409:17	363:10 364:4	486:23 487:11,21	weeks 301:15	250:3
visited 264:4 281:17	365:20 367:15	487:25 488:1,3,11	weight 278:17 298:2	William 240:5 503:7
293:18,24 294:4	405:11 407:6	490:18,22,25	485:25 507:12,14	willing 319:3 325:19
294:11	416:1,20 463:20	491:2,5,22 493:13	weighted 296:1	325:21 457:7
visiting 280:11	464:10	494:17,17 495:8	wells 271:17	win 412:8
Vitae 245:16	walked 385:15	500:20,25 501:1	went 248:13 299:25	wind 335:13
vital 265:16 400:8	Walker 241:20	Washington 239:23	310:12 314:16	wind-blown 437:18
400:11	349:15,22 350:3	wasn't 285:15 313:8	315:1 323:22	wing 354:24
Voir 241:22 414:18	375:9 402:13	314:17 321:22	324:6 337:23	wings 363:4
414:19	411:7 415:10	324:7 326:18	338:20 339:1	wires 507:25
voltmeters 271:23	420:15 427:14	331:22 378:23	341:7,12 356:16	withdraw 319:4
volume 238:15	walking 359:23	411:25 419:19	372:18 373:11	witness 241:2
243:23 416:14	360:17,21 364:6,9	421:2 424:14	387:11 390:6	246:22 247:8,11
446:2	364:10,21 365:19	454:4 470:17	391:12 455:20	259:20,23 260:2
volumes 397:25	367:13 407:10	476:20,22,23	488:7,9 499:15	260:14 262:8,11
vs 238:5	walks 345:14	480:15,21,22	509:24	262:21 269:13
	walkway 291:23	481:2	weren't 294:15	272:2 273:21
	364:1	wasteful 261:20	325:14 328:1	291:11 294:7
	walkways 291:15	water 266:8 269:11	425:2 450:19	296:17,24 297:1,3
	384:22 390:14,23	270:10 308:12	477:21	297:13 298:17
	391:1,8,18 392:20	way 252:19 256:10	west 334:4 339:17	333:8 341:2 349:2
	wall 389:12	259:12 275:24	340:3,5 353:14	349:4,7,22 397:7
	want 255:20,21	277:17 294:23	356:7	445:6 446:11
	256:18 276:9	305:17 318:11,25	wet 454:9	448:1,3,18 462:23
	284:21 285:11	319:1,8 343:22	we'll 246:4 261:23	462:24 471:25
	296:20 305:3	344:1 358:25	284:20 298:7	472:1 481:9,15
	325:16 332:16	360:19 361:17	307:9 308:15,17	486:2 496:12
	336:12 352:7,15	363:7,10 375:24	311:5 313:23	499:12 501:17,21
	353:9,21 359:24	379:1,16 396:9	317:3 318:6	502:7 504:17
	364:6,8 366:14	397:13 401:6	333:10 410:23	505:4,9,10,11
	376:15 386:23	406:4,15 409:6	411:2 448:6 480:4	506:1,5,7 512:17
	388:17 391:23	412:24 416:13,23	485:1 506:16	513:18
	396:20 407:1	418:9 436:1 463:2	we're 246:11 249:25	witnesses 246:10
	426:22 428:18	464:3 479:8	257:21 273:1	297:5 513:8,12
	447:15 480:4	481:18 482:5	276:23 284:6	Wm 238:24 513:5
	485:23 505:2	498:2 506:7,17	314:11 316:13,16	513:22
	wanted 254:23,24	512:1,8	325:24 333:22,23	word 418:21
	272:21 364:17	wayside 249:8,11	334:2 352:15	words 386:3 425:12
	408:9 417:4	256:4 310:1	372:4 386:7	426:12 474:16
	454:18 461:21	314:22,23 315:2	388:23 393:12	508:23
	463:15 478:8	321:16,16 323:13	398:12,15,16	work 249:22 262:3
	508:9	323:14 331:21,23	420:12 451:5	263:10,19,21
	wants 333:25	425:11,13,23	461:4 472:16	265:13 266:2,11

266:13,18,20	285:24,25 287:7	written 311:21	yellow 340:15	10th 453:16
267:4,11,16,19	289:22 292:3	460:5 497:13	Yep 503:23	10.2 315:3 490:21
268:8,15,18 269:1	294:2 303:23	502:24	yesterday 246:25	11 243:8,22 253:13
270:9,10,16 271:8	329:17 346:21,23	wrong 313:12	255:21 481:1	430:14,15 440:20
271:18 272:6,12	347:5,22,23 351:7	332:15 355:6	484:21	440:20 461:10
278:13 280:12,15	381:24 388:1	408:18 446:11,15	York 438:3,4,5	11:13 338:24
280:19 281:9,10	444:5,6 454:10	wrote 261:25 262:1		11:18 338:24
281:10,23,25	456:16 459:5,10	W-A-L-K-E-R	Z	110 386:4
282:6,13,19	465:5 478:12,25	349:22	zero 342:13,15	112 339:18
283:18 287:2,12	503:13 508:6		356:17	11523.11/F-50-10
287:18,19 288:4	509:21	X		243:19
288:18 290:17	worker 264:3	X 387:8	\$	12 243:23 261:8
291:21,23 293:24	workers 261:19		\$25 270:22 272:18	368:24 404:11
293:24 294:1,7,9	267:10 271:21	Y	\$26 370:13	432:8,8,10 441:16
294:13 296:4	275:11 289:7	yard 387:10	\$28 267:2 273:3	452:11
300:18 301:3	290:5 291:13	yeah 259:17 266:23	\$39 273:11	12th 251:15 252:11
302:19 323:1,3,19	386:20 412:17	267:25 268:11,24	\$41 273:3	12:05 339:7
323:20 329:15	454:8,11 465:7	269:8 271:4,7,14		12:13 339:7
330:10,14 336:21	working 262:4	274:2 275:23	0	13 243:25 313:5,9
345:7 347:13	266:16 270:2,17	279:24 281:14	0 245:9	313:19 316:20
370:18 375:24	270:17 271:19	292:22 293:6	06-001 244:3 438:23	331:4 335:23
381:2 382:3,6	272:7 284:4	296:3 301:2		336:8 351:8
386:10 389:4	288:10 291:18	303:18 305:9	1	433:15,15 459:3
390:20 393:23	294:3,9,17 295:4	306:13 307:17	1 243:7 254:18	489:13,14,20,21
411:21 412:15,16	299:12,23 300:12	308:4 310:12	310:25 311:3	489:22 507:16
412:17,21,24	311:19 321:12,15	312:22 314:11	328:15 329:7	13:11 339:18
413:2,4,6 414:8	324:23 339:3	315:13 316:1	335:24 338:18	13:20 339:18
423:13 426:24	345:8 347:8 366:3	319:19 322:10	344:11,17 352:3,9	130 430:4
427:24 428:4	366:4 407:12	323:3 324:6,18	352:10,21 353:1,9	14 244:3 356:4,11
429:11,15 430:10	415:19 431:19	325:3 326:10,21	353:12,16,23	438:22,22 443:9
431:10,12,15,18	449:10 454:7,12	326:21 327:13,19	354:8,11,12,13,16	443:11,13,14
432:1,3,17 433:11	464:15 465:3	327:23 328:8	354:25 355:5,12	14:50 340:24
433:23 434:14,14	470:22 473:23	329:9,11 330:15	355:18,18 356:1	144 268:2
434:15,20 440:11	477:21 486:16	331:17,20 332:10	357:6,12,23 360:6	15 299:15 313:17
441:10,14 442:11	workmans 249:24	332:21 334:10	363:7,11 365:16	341:1 359:21
446:18 450:4	workmen 433:10	336:6,25 337:5,23	367:20 368:23	361:8 390:6
451:20 453:17	434:13	344:8,12 378:12	369:8,18 370:1	15th 451:19 453:15
456:19 457:8	works 267:22 346:7	421:5	372:8,9 385:1	15:05 340:25
460:18 463:13,21	349:8 370:22	year 268:3 300:4	398:2 415:24	15:20 340:5
463:23,25 464:11	420:25 430:11	315:7 325:5,8	428:11 446:2	16 244:5 312:8,9
464:13,14 465:7	431:17 479:16	353:20 385:21	461:5,8,9,11,13	313:8,9,11,13,22
466:3,10,16	world 366:12	388:17 404:20	465:14 491:8,23	328:23 488:13,25
467:25 468:15	397:25	421:6 449:13,13	491:23 492:12	489:4,10,12,18
470:8,15,20 474:7	worn 303:5 466:20	453:23 490:25	494:14	490:6,11,13,15
476:6 477:3,3,8,16	worry 333:6	years 261:7,8	1st 247:15 250:15	16th 451:21
477:18,22 478:3	worse 405:20	266:24 268:5	449:13	1630 239:11
479:17,23,24,25	worst 383:18	270:1 281:18,20	1-9 319:16	17 244:6 267:2
481:16,17,21	wouldn't 250:4	283:11 284:3	1.0 429:13 432:1	276:10 341:19
483:7,9,24 486:14	288:18 310:17	285:20 299:15	1.2.4.4 319:15	431:5 491:9,9
486:14 487:5,15	313:15 347:15	300:15 301:15	1/13/10 243:9	492:2,5,6
487:22,24 488:3	356:13 362:4	315:14 327:18	1/13/10-1/14/10	17.0 431:6
488:10,12 493:11	380:15 409:13	351:7 360:13	463:9	178 339:7,12
493:13 494:17	421:19	362:22 369:14	1/14/10 243:9	18 244:8 492:1,8,10
499:2,6 500:20,22	Wright 244:9,11,13	383:18 385:22,22	1/2 435:10	492:11,17,19,21
500:25 501:1	244:15,17	389:24 390:1,2	10 243:21 368:24	492:23
507:9 510:23	write 377:15 455:14	391:3,5 401:14	428:24,24 445:21	18th 257:23
worked 261:4,6	456:8	435:10 459:3	452:11	19 243:3 244:10
283:22,25 284:23	writing 345:12	491:6	10DVR 340:16	493:1,1,14,16,18

19th 255:9 257:22 257:23,24 258:6	455:5 471:1 2007 471:2	465:17 472:16 24/7 265:17 291:25	496:25 3-5-6 341:18	339:25 340:7
1981 261:3	2008 245:10 321:11	292:3,8	3.1 432:18 433:23	399:2,4 400:19,20
1982 243:20 427:17	368:10 372:18	246 241:5 243:7,12	440:13 443:2	401:10,18,23
1985 361:22,24 362:2	373:15 374:19	243:14,16,18,21	3.2 443:2	440:8 445:24
1990 351:12 358:22	380:23 385:9,11	243:23,25 244:3,6	3.3 443:2	471:21 473:6
358:23 362:8,9,25	396:24 420:21	244:8,10,12,14,16	3.4 443:2	506:11
385:16	445:14 477:4	244:18,19,21,22	3.5 443:2	4th 429:2
1994 429:2	478:4,12 488:6	244:24 245:3,4,5	30 243:14 244:14	4.6.3 433:6 434:11
1995 351:13	2008-ish 488:4	245:16	290:12 471:21	40 245:5 387:6
1997 351:14	2009 243:12 244:14	25 243:16 245:15	30th 401:17 472:18	452:10 477:24,25
1998 363:3,5	307:16 321:11	351:20,20	305 243:9	478:15 480:11,12
1999 243:22 430:22	401:16 449:10,17	25th 401:19 408:17	31 469:13	481:13 482:14,16
	456:23 472:16	415:11 419:5,17	312 244:5	400 242:17
	478:4	496:8	315 245:7	402 242:16
2	2010 243:8,14 244:7	250 242:23	317 245:7	41 245:7 315:21,22
2 242:16 243:9,24	244:9,12,16 245:6	252 242:23 243:3	32 433:4 469:25	316:10,20,25
246:6 305:19,23	401:17 461:10	254 243:3	480:5	318:1,2 328:20
305:25 328:23	471:22 480:20	258 241:6	326 245:11	411 242:20
338:23,25 340:6	498:18	259 241:7	329 245:11	414 241:22
342:22 352:23	2011 243:3,16	26 238:16 355:3	33 244:18 480:5,5	415 241:23 242:22
353:7 368:19	244:10 245:11	434:9	482:19 483:10,14	42 245:11 326:3,4
402:7,10,11 446:2	247:15 255:9	26th 246:6	483:15 486:9	328:16,23,25
461:5,6 463:7	256:16 267:2	260 241:10	337 245:14	329:3,5 387:7
467:25 491:8,23	401:19 496:8	263 242:21	338 428:21 431:16	420 241:24
491:24 495:6	503:7 510:2	27 245:5,11 343:2	451:10,12,23	426 242:2
2nd 432:12 455:4	2012 299:5 338:13	351:19 467:22	452:18,19 454:9	43 245:14 338:1,2,4
2,000 268:3	338:13	28 242:23 250:20,21	455:13 470:11	338:18 344:25
2-10 320:22,24	2013 238:16 243:21	251:20 252:7,8	474:10	345:4,5
2-12 407:16	245:15 246:6	255:20 256:7	34 244:19 483:17	430 243:22
2-4 338:13	513:19	259:14,20	484:1,2,4,6 486:9	4300011392-307
2-43 320:10	2013ATS 428:24	280 241:11	345 245:14	244:18
2-8 338:13	21 277:5 297:15,24	29 243:3 252:21,22	346 241:17	44 245:16 398:4
2.1 440:19	298:4	253:21 254:3,4,4,7	348 241:18	458:1,18,19
2.1.2.1 465:18	2131 243:22 430:21	254:18 256:18	349 241:21	443 244:3
2.1.3 466:10	445:25	259:15,20 469:5	35 244:21 261:6	445 242:3
2.2 468:6	22 242:22 412:9	295 241:12	431:5 484:8,10,13	448 242:6
2.2.1.1 468:24	415:6,7 435:10	296 241:13	486:9	4500104430-307
2.2.1.2 468:25	2273 243:23 432:12	298 241:16	36 244:22 484:14,17	244:20
2.2.1.3 469:1	23 247:1,19 248:15		486:9	4500115626-307
2.2.2 469:5	255:24 258:13	3	37 244:24 484:15	244:21
2.2.6.1 469:25	259:10,15	3 243:12 244:6,10	486:9	4500148830-310
470:14	2305 243:25 244:5	245:9 339:6 340:7	375 242:18	244:23
2.3 440:19	312:12,19 313:10	340:8 347:24	38 245:3 480:5,6,16	4500152904-310
2.5 320:10	313:19 314:4,9,14	352:3,8 353:19,22	484:10,16,17	244:24
20 244:12 493:20,20	314:18,20 321:9	354:13,15 355:2,3	486:1,9	455-4671 239:18
494:4,6,8	322:7 323:13	355:10,20,22,23	3800 239:4	458 245:16
20A 244:14 494:10	347:2,4,10 424:17	356:2,5,22 357:1,2	382-5178 239:19	482 245:5
494:10,19,22,24	433:16 450:10	357:3,18 358:8,10	386-5107 239:12	483 244:18
20B 244:16 495:2,2	457:16,18 487:11	362:2 364:7,13,22	386-9848 239:13	484 244:19,22,24
495:10,13,15	487:14,14,18	367:10 368:4,5,11	39 245:4 484:19,23	245:3
20-some 362:22	490:19 492:13	371:13 381:16	485:3,19 486:5,6	486 245:4
2000 281:21 445:23	493:6,10 494:14	385:1 387:8 398:2	486:10	486-3416 239:25
503:14	495:25 498:20	401:10,16,23	3900 239:23	486-3894 239:24
2002 285:22 453:21	500:22	416:19 432:11,17	393 242:19	490 244:5
454:6 459:3	233B.123 506:10	433:23 440:10		492 244:6,8
2006 284:12 285:23	238 238:15	460:6 491:25	4	493 244:10
432:12 433:17	24 243:12 401:15	492:14,16 493:24	4 242:17 243:14	494 244:12,14
				495 244:16

498 242:7	393:19 406:13,14 433:21			
5	7th 430:22			
5 242:18 243:16,24	7-25-2011 402:3			
244:8,12 245:20	70 452:24 499:9,11			
338:25 340:11	499:12			
341:15 342:5	702 239:6,6,12,13			
343:2,3,5,8,10,11	239:18,19,24,25			
343:13,16 373:22	7050 238:25			
375:6,7 401:11,20	711 238:24 513:22			
401:23 440:21	79 351:9			
496:6 503:4,4				
506:18,20,25	8			
507:2	8 242:20 244:16			
5's 496:6	257:9,10 404:13			
5-6 341:8,14 342:22	409:21,22,23			
5.1 440:24 441:17	411:1,5 433:17			
5.2 441:18	8th 513:19			
5:06 512:24	8:45 461:10			
50 452:10	80 351:9 360:23			
500 238:19 239:17	361:6 404:13			
501 242:8	800 364:12			
502 242:11	85 362:13 370:24			
507 245:20	85.0 430:7			
509 242:12	88 404:11			
513 238:15	89101-1068 239:24			
54 442:24,25	89102 239:12			
552 300:7,9 310:23	89155-2215 239:18			
330:6 396:13	89169 239:5			
406:8 407:16				
421:8 423:4 466:5	9			
466:6 500:23	9 242:21 262:14,25			
552215 239:17	263:2,4 286:9			
555 239:23	341:6 432:15			
6	9th 430:22			
6 243:18 338:25	9:04 238:17			
340:24 343:2,6,8	90 362:13 430:4			
406:14 427:14	464:6			
504:2,18	90s 286:7 362:18			
6s 359:20	921-2460 239:6			
6th 342:14	921-2461 239:6			
6.1 427:22	96 300:5			
6.2 428:16	97 300:17			
6:09 342:14	98 301:7,8			
6:36 343:3	99-point 397:18			
6:58 343:17	99.6 406:13			
60 452:24	99.65 406:11,21			
600 239:5				
61 442:25				
65 406:13				
650 314:17				
662 392:18				
7				
7 242:19 243:22				
310:22 343:5,12				
391:22 393:17,17				

Condensed Transcript of the
Testimony of

Hearing Proceedings

Volume III

Date: June 27, 2013

International Union of Elevator Constructors v. Bombardier
Transportation (Holdings) USA, Inc.
Case No. CBE-552

Oasis Reporting Services, LLC
Phone: 702-476-4500
E-mail: info@oasisreporting.com
Internet: www.oasisreporting.com

01661

ER1661

Page 514

1 BEFORE THE NEVADA LABOR COMMISSIONER
2
3 INTERNATIONAL UNION OF)
ELEVATOR CONSTRUCTORS,)
4 Complainant,)
5 vs.)
6 BOMBARDIER TRANSPORTATION)
7 (HOLDINGS) USA, INC.,)
8 Respondent.)
9 CONTRACT CBE-552)
10
11
12
13 HEARING BEFORE THORAN TOWLER
14 STATE LABOR COMMISSIONER
15 Volume III, Pages 514 - 819
16 Taken on Thursday, June 27, 2013
17 At 8:03 a.m.
18 At Government Center, Coyote Room
19 500 South Grand Central Parkway
20 Las Vegas, Nevada
21
22
23
24 REPORTED BY: KEVIN WM. DANIEL, FAPR, RDR, CRR, CCR 711
25 Job No. 7051

Page 516

1 Also Present: Audra L. Parton, Chief Assistant
2 to the Labor Commissioner
3 Renee Albert
4 Kathryn E. Kimball
5 Charles Lee
6 Michael Moran
7 Roy Ryan
8 William Stanley
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 515

1 APPEARANCES:
2 For Respondent:
3 JACKSON LEWIS, LLP
BY: GARY C. MOSS, ESQ.
4 BY: PAUL TRIMMER, ESQ.
3800 Howard Hughes Parkway
5 Suite 600
Las Vegas, NV 89169
6 (702) 921-2460
(702) 921-2461 Fax
7 trimmerp@jacksonlewis.com
moss@jacksonlewis.com
8
9 For Claimant:
10 MCCracken, Stemerma & Holsberry
BY: ANDREW J. KAHN, ESQ.
11 1630 Commerce Street
Suite A-1
12 Las Vegas, NV 89102
(702) 386-5107
(702) 386-9848 Fax
13 ajk@debsf.com
14
15 For Clark County:
16 OFFICE OF THE DISTRICT ATTORNEY
BY: E. LEE THOMSON, ESQ.
17 500 South Grand Central Parkway
P.O. Box 552215
18 Las Vegas, NV 89155-2215
(702) 455-4671
19 (702) 382-5178 Fax
e.thomson@clarkcountynyda.com
20
21 For the Labor Commission:
22 OFFICE OF THE ATTORNEY GENERAL
BY: Scott R. Davis, Deputy Attorney General
23 555 East Washington Avenue
Suite 3900
24 Las Vegas, NV 89101-1068
(702) 486-3894
25 (702) 486-3416

Page 517

1 INDEX
2
3 WITNESS PAGE
4
5 KEVIN MURPHY
6 Direct Examination By Mr. Kahn 520
7 Cross-Examination By Mr. Trimmer 536
8 Cross-Examination By Mr. Thomson 569
9
10 KENNETH E. DEPIERO
11 Direct Examination By Mr. Kahn 571
12 Cross-Examination By Mr. Trimmer 631
13 Cross-Examination By Mr. Thomson 718
14 Redirect Examination By Mr. Kahn 746
15
16 NICHOLAS BANAS
17 Direct Examination By Mr. Kahn 748
18 Cross-Examination By Mr. Moss 764
19 Cross-Examination By Mr. Thomson 801
20 Examination By Commissioner Towler 804
21
22
23
24
25

		Page 518
1	WITNESS	PAGE
2		
3	DANIEL SAFBOM	
4	Direct Examination By Mr. Kahn	805
5	Cross-Examination By Mr. Trimmer	806
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

		Page 519
1	EXHIBITS	
2	BOMBARDIER	
3	EXHIBIT DESCRIPTION MARKED RECEIVED	
4	B 18 555	
5	B 23 570	
6	B 24 555	
7	B 30 Declaration of Vernon McClain in Opposition to Motion for Summary Judgment 656	
8	UNION	
9	EXHIBIT DESCRIPTION MARKED RECEIVED	
10	U 1 614	
11	U 9 530	
12	U 13 815	
13	U 21 620	
14	U 22 Summary of the SIMS Times From "Time reporting sorted" 620 621	
15	U 24 Document headed "All the information below was matched from the pass down to SIMS time reporting for the same day" 581 591	
16		
17		
18		
19	U 25 Log 676	
20		
21		
22		
23		
24		
25		

		Page 520
1	P-R-O-C-E-E-D-I-N-G-S	
2	COMMISSIONER TOWLER: Looks like everybody's	
3	here. So with that we'll go on the record.	
4	My name is Thoran Towler, Nevada Labor	
5	Commissioner. This is Day No. 3 in the case of	
6	International Union of Elevator Constructors, Claimant,	
7	versus Bombardier Transportation Holding USA, Inc.,	
8	Respondent, Contract CBE-552, and today is June 27th,	
9	2013. The Union can call their next witness.	
10	MR. KAHN: Union calls Dr. Kevin Murphy.	
11	Whereupon,	
12	KEVIN MURPHY,	
13	having been first duly sworn to testify to the truth,	
14	the whole truth and nothing but the truth, was examined	
15	and testified as follows:	
16		
17	COMMISSIONER TOWLER: Please state your name	
18	and spell your last name for the record.	
19	THE WITNESS: Kevin Murphy, M-U-R-P-H-Y.	
20	DIRECT EXAMINATION	
21	BY MR. KAHN:	
22	Q. Dr. Murphy, could you summarize your	
23	educational background?	
24	A. Sure. I have a PhD in industrial and	
25	organizational psychology. I spent 30 years as a	

		Page 521
1	professor at Rice University, New York University,	
2	Colorado State University, and Penn State University.	
3	I've spent the last four years working primarily as a	
4	consultant in litigation, first as the CEO of the	
5	Landy, L-A-N-D-Y, Litigation Support Group, and	
6	currently as a consulting expert at Lamorinda	
7	L-A-M-O-R-I-N-D-A, Consulting in California.	
8	Q. Are you currently on the faculty of Colorado	
9	State?	
10	A. Yes. I'm an affiliate faculty member in the	
11	department of psychology at Colorado State University.	
12	Q. How long have you been professionally involved	
13	with the issue of proper classification of jobs?	
14	A. The analysis of jobs classification is a topic	
15	that I've been involved in over a period of at least 30	
16	years.	
17	Q. Have you taught graduate courses in this area?	
18	A. Yes, I have. I've taught graduate courses	
19	devoted to job analysis and classification, and it's	
20	also an important topic in a number of courses that	
21	I've taught that might be devoted to a broader set of	
22	issues.	
23	Q. Have you served as an expert witness on this	
24	topic before?	
25	A. Yes, I have.	

<p style="text-align: right;">Page 522</p> <p>1 Q. Roughly how many times?</p> <p>2 A. I've been involved in litigation in about 35</p> <p>3 cases, and I would say out of those, ones that would</p> <p>4 involve the analysis of jobs and work would probably be</p> <p>5 at least 20.</p> <p>6 Q. Have you served as an expert for employers on</p> <p>7 this topic?</p> <p>8 A. Yes, I have.</p> <p>9 Q. Have you ever worked for a Union before, other</p> <p>10 than the prior Bombardier/IUEC issue in Denver?</p> <p>11 A. I have certainly worked in litigation that's</p> <p>12 involved unions. I don't remember the Union being the</p> <p>13 direct claimant in other things other than the Denver</p> <p>14 case.</p> <p>15 Q. Have you ever worked with my firm before?</p> <p>16 A. No, not prior to this case.</p> <p>17 Q. Now have you seen the Nevada Labor</p> <p>18 Commissioner's list of prevailing wage job</p> <p>19 classifications?</p> <p>20 A. Yes, I have.</p> <p>21 Q. And have you reviewed that?</p> <p>22 A. Yes.</p> <p>23 Q. And have you done an investigation into the</p> <p>24 appropriate classification for the McCarran ATS techs?</p> <p>25 A. Yes, I did.</p>	<p style="text-align: right;">Page 524</p> <p>1 certainly I've seen that as the method that would be</p> <p>2 most common for doing this, and I've seen it in other</p> <p>3 cases, sure.</p> <p>4 Q. Based on your investigation, did you reach any</p> <p>5 opinions to a reasonable degree of professional</p> <p>6 certainty?</p> <p>7 A. Yes, I did.</p> <p>8 Q. And can you briefly summarize your opinions?</p> <p>9 A. Sure. I made a detailed comparison between</p> <p>10 the information that I had obtained through the methods</p> <p>11 I just described and the description of elevator</p> <p>12 installer/repairer job as it's laid out in the O*NET.</p> <p>13 The O*NET is the Department of Labor's system for</p> <p>14 describing and classifying work and jobs of all sorts</p> <p>15 across the entire economy, and it describes in some</p> <p>16 detail what people do, the knowledge, skills and</p> <p>17 abilities that are required to carry out that work, the</p> <p>18 context in which that work is done.</p> <p>19 So it gave me a particular point of comparison</p> <p>20 that was independent of this particular, the</p> <p>21 particulars of this case, to say whether that was an</p> <p>22 appropriate description of the work being performed by</p> <p>23 ATS technicians.</p> <p>24 I made a detailed comparison and found that</p> <p>25 the description of the elevator installer/repairer</p>
<p style="text-align: right;">Page 523</p> <p>1 Q. And what was the methodology you employed?</p> <p>2 A. I used the same method here that I've used in</p> <p>3 other cases that I believe would be standard in our</p> <p>4 field.</p> <p>5 I started with a review of relevant documents,</p> <p>6 including job descriptions and job postings. I also</p> <p>7 reviewed the American Society of Civil Engineers</p> <p>8 documents describing relevant jobs.</p> <p>9 I next conducted a site visit in which I spent</p> <p>10 several hours observing the context in which work is</p> <p>11 performed, observing the tools and technologies used,</p> <p>12 watching trains come in and out, watching the work</p> <p>13 being performed and the materials people would handle.</p> <p>14 I then followed up with a structured interview</p> <p>15 and a set of job analytic questions for a sample of</p> <p>16 experienced ATS technicians. The questions asked about</p> <p>17 the work activities that are part of the job, the</p> <p>18 knowledge, the skills, and the abilities that are part</p> <p>19 of the job, about the frequency with which different</p> <p>20 things are done, about the importance of different</p> <p>21 aspects of the job that they perform.</p> <p>22 Q. Now, this method of doing structured</p> <p>23 interviews, have experts on other sides of cases you've</p> <p>24 been involved used the same methodology?</p> <p>25 A. I think it's a very common method, and</p>	<p style="text-align: right;">Page 525</p> <p>1 starts with a list of nine core tasks, and what the</p> <p>2 respondents, the people that I talked to in their</p> <p>3 structured interview said was that eight of those nine</p> <p>4 tasks are things that they do on a frequent basis, and</p> <p>5 that all nine of those were things that are either</p> <p>6 important or very important to the job.</p> <p>7 I then moved on to a comparison between the</p> <p>8 knowledge, skills and abilities required by the job as</p> <p>9 described in O*NET, versus the knowledge, skills and</p> <p>10 abilities that the ATS technicians responded as being</p> <p>11 important to their job. There were 52 knowledge,</p> <p>12 skills and abilities altogether. 42 of those were</p> <p>13 described as being either important or very important</p> <p>14 in the job. None of them was described as being</p> <p>15 unimportant, and the ones that didn't quite meet the</p> <p>16 scale for importance, that's just usually unimportant,</p> <p>17 somewhat important, important, very important. Of the</p> <p>18 ones that did not meet that 3 on a 4-point scale, nine</p> <p>19 of those 10 were like 2.75.</p> <p>20 So that the conclusion that I reached is that</p> <p>21 if you lay out what the O*NET says the job of elevator</p> <p>22 installer/repairer is and what it requires, what people</p> <p>23 do, what knowledge, skills and abilities are required,</p> <p>24 those are very strongly related to what ATS technicians</p> <p>25 said are important in their job.</p>

Page 526

1 I also found that the job analysis ratings and
 2 the question, response to structured questions by the
 3 people I interviewed were consistent with what I had
 4 seen on my site visit and with the documents that I had
 5 read, both about this particular job and about the
 6 broader job class of automated people moving
 7 technologies. The American Society of Civil Engineers
 8 has got a, if I remember correctly, a four-volume
 9 manual describing that job, how it's done, how to do it
 10 safely, and so I saw clear consistency between the
 11 different sources, and when I matched them up to what
 12 the O*NET describes the job of elevator
 13 installer/repairer to be, I found a very good match.

14 Q. Did you prepare a written report?

15 A. Yes, I did.

16 Q. Could you consult that book next to you and
 17 find Exhibit 9, Union Exhibit 9.

18 A. Yes, I have it.

19 Q. Does that appear to be a complete copy of your
 20 report?

21 A. Yes, it does.

22 Q. And is this report longer or shorter than you
 23 would normally do?

24 A. It's considerably shorter than I would
 25 normally do.

Page 527

1 Q. Why was that?

2 A. I was informed at the outset that there was an
 3 agreement between the parties that expert reports would
 4 be limited to three pages, in text, and that's a limit
 5 that I stayed within.

6 Q. Did you anticipate at the outset that you
 7 would have a deposition and explain your reasoning in
 8 greater detail?

9 A. Oh, of course.

10 Q. And that occurred in this case?

11 A. Yes, it certainly did.

12 MR. KAHN: I would move Union Exhibit 9 into
 13 evidence.

14 MR. TRIMMER: Objection.

15 COMMISSIONER TOWLER: Go ahead.

16 MR. TRIMMER: Our primary objection is that
 17 it's irrelevant. Mr. Murphy testified during his
 18 deposition that he could express no opinion as to how
 19 these men should be classified under Nevada prevailing
 20 wage law. I asked him did you review the
 21 classifications before you prepared your report? He
 22 said no. I said did you offer an opinion on that? He
 23 said no.

24 That's the issue in this case. I don't know
 25 why we're going to listen to a hearsay witness talk

Page 528

1 about everything else if he's not expressing an opinion
 2 as to the issue in the case. That's the purpose of an
 3 expert.

4 My second objection goes to the methodology of
 5 the report. It wasn't clear from the testimony he just
 6 gave, but the three, the four men he interviewed were
 7 selected by the Union. They did a group interview.
 8 Only three of the men actually worked for Bombardier,
 9 and I have significant concerns about the list of
 10 questions that, if you allowed him to testify, I'll
 11 explore on cross-examination, but I don't think that's
 12 appropriate because he's not offering a relevant
 13 opinion.

14 MR. KAHN: I can do some additional questions
 15 to clarify with the witness that would be responsive to
 16 some of his objections, if you'd like.

17 COMMISSIONER TOWLER: If you would like. My
 18 inclination is to overrule the objection and allow this
 19 in, because the witness is here. He is your listed
 20 expert witness, correct?

21 MR. KAHN: Right.

22 COMMISSIONER TOWLER: And he is subject to
 23 cross-examination. I think those things can be
 24 addressed on cross.

25 MR. TRIMMER: Well, I'd just ask then that the

Page 529

1 subject of his, that his testimony be limited to the
 2 information that's contained in his report with respect
 3 to the opinions that he's offering.

4 COMMISSIONER TOWLER: Well, I did hear
 5 testimony that there was an agreement to keep his
 6 report limited to three pages. And is that true, there
 7 was a three-page limit?

8 MR. TRIMMER: We agreed to prepare brief
 9 reports, but I don't recall that agreement extending to
 10 what opinions had to be offered. Obviously, he has to
 11 offer the opinions that he intends to testify on,
 12 before we depose him so we have the opportunity to
 13 question him about that.

14 COMMISSIONER TOWLER: Okay. I have heard your
 15 arguments. I'm going to let it in and allow him to
 16 testify, mostly because the Rules of Evidence are
 17 relaxed in hearings when there's a need to ascertain
 18 the facts, and that's what I want to do here with this
 19 witness and with this document. Any arguments, you can
 20 reserve your arguments, of course, for your closing or
 21 closing briefs if we go down that route, and I will
 22 consider those, of course, too, whether -- you know, if
 23 you have an argument to some of his testimony, of
 24 course he is subject to cross-examination.

25 MR. TRIMMER: Thank you, and I'd like to make

Page 530

1 one more point for the record. To the extent he offers
2 any opinion or testimony relating to the proper
3 classification of these workers under Nevada prevailing
4 wage law, it's all hearsay, and it should go to the
5 weight.

6 COMMISSIONER TOWLER: Right. And I do
7 understand that. He's an expert witness, but I am, as
8 Labor Commissioner I'm very familiar with Nevada
9 prevailing wage and classifications, so if he gives his
10 opinion, he gives his opinion, and that's fine with me,
11 but I note that objection.

12 So with that, this is Union Exhibit 9, is
13 entered into the record.
14 (Exhibit U 9 admitted)

15 BY MR. KAHN:

16 Q. The sample size you used, Dr. Murphy, is that
17 unusual in your profession?

18 A. I would say no, especially given the context
19 here. As I understood it, the universe of people who
20 could possibly be interviewed is relatively small. I
21 asked to be given a sample of four to five people with
22 at least five years of relevant experience, and I was
23 given an opportunity to examine that, and that's
24 certainly been consistent with practice in our field
25 that a sample of that size, given the universe that

Page 531

1 we're trying to talk about, is generally held to be
2 quite fine.

3 Q. And did you discuss with any of these survey
4 participants how related their work was to the work of
5 their co-workers that you didn't interview?

6 A. Yes, I certainly did.

7 Q. And have you, subsequent to your deposition,
8 reviewed the Nevada Labor Commissioner's job
9 classification list?

10 A. Yes, I have.

11 Q. Does that give you any grounds for questioning
12 your earlier opinion?

13 A. No. It really does not. My opinion was based
14 on documents I read, things that I observed on the site
15 visit, responses to interview questionnaires and a
16 detailed comparison to the Department of Labor's O*NET,
17 and I don't find that being changed by that document
18 you referred to.

19 Q. Now, have you reviewed the report of the
20 company's expert, Dr. Moss, in this matter?

21 A. Yes, I have.

22 Q. If you could take a look at the other book,
23 Bombardier's exhibits, and refer to the Tab 9.

24 A. Yes, I have it.

25 Q. Now, on page 9 of that exhibit, there's a

Page 532

1 matrix of the key differences that Dr. Moss viewed
2 between two job classifications. Do you have that?

3 A. Yes, I see it.

4 Q. Have you reviewed this matrix?

5 A. Yes, I did.

6 Q. Do you have any concerns about this matrix?

7 A. Yeah, I have several.

8 Q. And what are they?

9 A. I think the first is certainly, it seems to be
10 highly selective. It omits lots of relevant
11 information.

12 For example, Dr. Moss claims to have read the
13 same O*NET description of the job of elevator
14 installer/repairer which has got detailed description
15 of what people do, their knowledge, skills and
16 abilities. I don't see any of that here.

17 The second is that I don't know the basis for
18 where he came up with these, but I don't regard these
19 as being accurate in their description of the job. For
20 example, as I read this table, Dr. Moss seems to think
21 that automated transit system technicians don't work in
22 hazardous conditions or with hazardous equipment. They
23 don't lift and carry heavy equipment or parts. They
24 don't work in high and cramped places. That, I don't
25 understand how you could come to that conclusion if

Page 533

1 you've ever seen this job being done.

2 Similarly, the, at least my understanding is
3 that elevator installers and repairers would certainly
4 be involved in maintaining the tracks, the vertical
5 guideways that are part of an elevator system, and the
6 only way that you could reach a conclusion that
7 Dr. Moss has here is if you restrict your thinking
8 about guideways to the particular direction in which
9 they were on.

10 So I believe that there are numerous
11 inaccuracies here and that this, and that it's omitted
12 most of the relevant information that Dr. Moss claimed
13 he reviewed.

14 Q. In your past studies of appropriate job
15 classifications, do you give significant weight to a
16 difference in the wages being received by the two
17 classifications?

18 A. Certainly in the studies that I've done and
19 seen, the question of wages is usually one that depends
20 on what the job classification is. I've certainly not
21 seen a scientifically-accepted study that would say
22 that we classify the job on the basis of the wage that
23 it gets, rather than the other way around.

24 Q. Now, in his report, Dr. Moss reviewed some
25 other standard occupations. Did you review those as

Page 534

1 well?

2 **A. Yes, I did.**

3 Q. In your opinion, are these occupations more

4 comparable to the ATS technician than the elevator

5 repair class?

6 **A. I would say no. When I -- to empirically**

7 **compare the occupations identified by Dr. Moss and how**

8 **well they fit, versus the elevator installer/repairer,**

9 **what I did was to look at the O*NET descriptions of**

10 **each and every one of these occupations, compare the**

11 **knowledge, skills, abilities and tasks -- I'm sorry,**

12 **knowledge, skills and abilities that are, were listed**

13 **in O*NET as being important to those jobs, and then ask**

14 **the question, how well does each one of these jobs fit**

15 **what the ATS technician said are frequent and important**

16 **parts of their job?**

17 **What I found is, the best way to summarize it**

18 **now, I noted this in my deposition as well, was that**

19 **about an 80 percent, 80 percent of what the O*NET said**

20 **is an important part of the job of elevator**

21 **installer/repairer was also rated as being either**

22 **important or very important by the ATS technicians**

23 **interviewed here. And the only ones that were not, did**

24 **not meet those were ones that came very close to that**

25 **threshold for importance.**

Page 535

1 **I did the same comparison for each of the jobs**

2 **that Dr. Moss had identified and suggested, and I found**

3 **that looking at electronic -- electrical and electronic**

4 **repairers, as described on page 11, electro-mechanical**

5 **technicians, as described on page 12, and I also**

6 **considered electrical, electronic installer/repairers**

7 **as described on page 10.**

8 **I then also considered heavy equipment repair**

9 **and maintenance jobs, and I found that when you took**

10 **each one of those jobs and compared them to the**

11 **knowledge, skills and abilities that were described as**

12 **important by the ATS technicians, you would find a**

13 **match ranging from approximately 30 percent to**

14 **approximately 45 percent. That is, if we looked at,**

15 **for example, the things that are identified as**

16 **important in the electrical and electronic installers**

17 **and repairer's job, transportation, listed on page 10,**

18 **less than half of the things that are described by the**

19 **ATS technicians as important in their jobs show up as**

20 **important in this job.**

21 **We do each -- do that same comparison to each**

22 **one of the jobs identified by Dr. Moss, and it ranges**

23 **from 30, about 30 to about 45 percent, whereas when we**

24 **make the same comparison between what the ATS**

25 **technicians say is important in their job and the job**

Page 536

1 **of elevator installer/repairer as described in the**

2 **O*NET, I have found a match of about 80 percent being**

3 **important or very important.**

4 Q. Is one of the other alternative job

5 classifications you looked at communications

6 technician?

7 **A. Yes, I did.**

8 Q. And do you draw --

9 **A. Same conclusion. Between 30 and 45 percent**

10 **similarity between what the O*NET says is important in**

11 **that job, and what the ATS technician says is important**

12 **in their job.**

13 MR. KAHN: I have nothing further. Your

14 witness.

15 **CROSS-EXAMINATION**

16 **BY MR. TRIMMER:**

17 Q. Dr. Murphy, you said that you toured the

18 facility at McCarran Airport for several hours?

19 **A. Yes, I did.**

20 Q. Okay. And it's true, isn't it, when you

21 signed in to go into the back area of the airport you

22 were badged?

23 **A. That's my recollection, sure.**

24 Q. And you were escorted, correct?

25 **A. Yes.**

Page 537

1 Q. Do you remember who escorted you?

2 **A. Mr. -- I'm blanking on the guy's name.**

3 **Steinmiller, I believe.**

4 Q. Was it Joel Middleton?

5 **A. Middleton, thank you.**

6 Q. And if Joe Middleton's badge swipe time said

7 the entire time you were in the back of the airport was

8 less than an hour, would that sound wrong to you?

9 **A. Yes, it would.**

10 Q. Knowing that we can prove that with badge

11 swipe times?

12 **A. Oh, no. I have no idea when Mr. Middleton**

13 **swiped his badge. I'm just, just thinking about the**

14 **entire time that we were in the airport.**

15 Q. Let's walk through how you walk into the back

16 of the airport.

17 **A. Um-hum.**

18 Q. To get into that door underneath the

19 escalators outside of the baggage claim, someone has to

20 swipe the pass code for the door to get in, right?

21 **A. That's right.**

22 Q. And that was Joel Middleton?

23 **A. I believe that was.**

24 Q. That's right. And then he escorted you

25 throughout the entire facility, correct?

1 A. He escorted us through, first through the
2 facility that we needed to go through security to get
3 into, and it's my recollection he also escorted us to a
4 facility that was outside of security that had tools
5 and equipment and repair stuff there as well.
6 Q. Outside of security?
7 A. That's my recollection, that to get back to
8 that, again, I didn't count which doors we went through
9 because that didn't seem important to understanding the
10 job, but my best recollection is that we needed to go
11 through some security to get to the ATS area.
12 Q. Right.
13 A. We needed to come back out to get to the other
14 set of tool rooms, but I couldn't swear to which doors
15 we swiped and what time.
16 Q. You sounded very certain when you said you
17 were there for several hours and you said it informed
18 your opinion. But that doesn't seem to be true, does
19 it?
20 A. That's my recollection of the time that I was
21 at the airport, observing the job and the context in
22 which it's done. I have no, I have no knowledge of
23 what Mr. Middleton's swipes at various doors might have
24 been.
25 Q. Now, you said you reviewed the communications

1 technicians installer classification?
2 A. Yes.
3 Q. When?
4 A. I reviewed that subsequent to my deposition.
5 In reviewing Dr. Moss' report and his conclusions, I
6 wanted to get an empirical comparison between what I
7 had observed and what I had learned from the job and
8 what the O*NET said that particular job entailed.
9 Q. So you didn't consider that classification
10 before you prepared your report, did you?
11 A. I don't believe I considered that particular
12 job before I prepared this report; that's correct.
13 Q. And the other three categories or
14 classifications from O*NET that were listed in
15 Dr. Moss' report, it's true that you didn't consider
16 those before you prepared your report either, isn't it?
17 A. My best recollection is that I would have
18 looked at the, particularly the O*NET description of
19 those subsequent to filing my report.
20 Q. Now, when you prepared your report, and based
21 on your report, it looks like you considered elevator
22 installer, and you considered railcar repairer as the
23 two possible classifications; is that correct?
24 A. That's not correct.
25 Q. That's not correct?

1 A. No.
2 Q. What classifications did you consider?
3 A. I reviewed railcar because that had been
4 suggested in a similar case in Denver, but I did not
5 make a specific comparison here between what the ATS
6 technicians at McCarran did and railcar people.
7 I -- in my report, what I did is to ask
8 whether the description of the elevator
9 installer/repairer as it's laid out in O*NET is
10 consistent with the work performed by ATS technicians,
11 and I reached the conclusion it was highly consistent.
12 Q. Okay. Well, let's talk about that then,
13 because there's a big difference between saying that
14 two job classifications are consistent, and going
15 through the entire O*NET and picking the appropriate
16 classification, isn't there? Isn't there a big
17 difference between that?
18 A. There could be, sure.
19 Q. And you don't do -- you didn't look at other
20 possible classifications. You only looked at one;
21 isn't that true?
22 A. At the time I did my report, I had not
23 surveyed other possible classifications in a systematic
24 way; that's correct.
25 Q. I want you to look at the exhibit book that's

1 next to you that says "Bombardier."
2 A. I have it.
3 Q. And look at Exhibit 18. And I'll represent to
4 you that that is the collection of the documents, the
5 survey documents you provided to Mr. Thomson and me
6 after your deposition.
7 A. That appears to be correct, yeah.
8 Q. Now, you keep referring to these four men as a
9 sample size. Who selected the four people you
10 interviewed?
11 A. I requested that I be given a sample of four
12 to five ATS technicians with five years of experience,
13 and they were provided to me, my understanding is,
14 through Mr. Kahn's office.
15 Q. Is that typically how you conduct a scientific
16 examination? You ask someone else to create your
17 sample?
18 A. The way we -- well, certainly in creating a
19 sample, we would always lay out what is it that we
20 need, how many people, and what characteristics must
21 they have, which is what I did here. It's not unusual
22 then to find that the participants will assist in
23 logistics, sure.
24 Q. Assist in logistics?
25 A. Sure.

<p style="text-align: right;">Page 542</p> <p>1 Q. He selected your sample. How is that</p> <p>2 assisting in logistics?</p> <p>3 A. I asked to talk to four to five ATS</p> <p>4 technicians who had at least five years experience.</p> <p>5 Q. Okay.</p> <p>6 A. Given the fact that the universe here is, I</p> <p>7 believe, between 15 and 20, if we had all the time and</p> <p>8 money in the world, I would have talked to all 20, but</p> <p>9 given the constraints, it was my understanding that</p> <p>10 that would be the sort of sample that I could get.</p> <p>11 Q. Now, why was it important to you for someone</p> <p>12 to have four to five years of ATS experience?</p> <p>13 A. My experience in job analysis and the usual</p> <p>14 professional standards say that it's better to</p> <p>15 interview people who have been on the job for a while</p> <p>16 so that they can be knowledgeable in talking about what</p> <p>17 they do and what other people in similar jobs do.</p> <p>18 Q. So that was one of the two conditions you gave</p> <p>19 to the Union in selecting your sample?</p> <p>20 A. I said what I needed was to talk to four to</p> <p>21 five people with this much experience. Sure.</p> <p>22 Q. I'd like you to turn to Dan Sabom's</p> <p>23 questionnaire, and I don't know the number, I apologize</p> <p>24 for that.</p> <p>25 A. No problem.</p>	<p style="text-align: right;">Page 544</p> <p>1 Q. This is one of the only requirements you gave</p> <p>2 to the Union. One of the -- 25 percent of your sample</p> <p>3 size doesn't satisfy it.</p> <p>4 A. Okay.</p> <p>5 Q. Is that proper scientific methodology?</p> <p>6 A. Again, I don't -- I don't recall whether this</p> <p>7 is the only ATS experience this gentleman had or not.</p> <p>8 Q. Did you ask him?</p> <p>9 A. I don't remember that offhand. It's been a</p> <p>10 while since we did these interviews.</p> <p>11 Q. Sure. Now, I want you to go to the first page</p> <p>12 of this same exhibit, and we can work back from there.</p> <p>13 Go to the fifth page, which is the second page of your</p> <p>14 numerical questionnaire. Do you have that in front of</p> <p>15 you? This would be the Ken Depiero questionnaire. At</p> <p>16 the top of the page it says, "2, importance." Then</p> <p>17 says, "Part 1," and there's a list of questions with</p> <p>18 the answers. Do you see that?</p> <p>19 A. Yes. I have it in front of me. Sure.</p> <p>20 Q. You developed the questions here?</p> <p>21 A. Yes, I did.</p> <p>22 Q. 1, 2, 3, and then there's several more as you</p> <p>23 go into the next page. Do you see that?</p> <p>24 A. Yes, I do.</p> <p>25 Q. Okay. Now, looking at the first question, you</p>
<p style="text-align: right;">Page 543</p> <p>1 Q. It's the last interview in the exhibit. I'll</p> <p>2 show it to you.</p> <p>3 A. I have it here.</p> <p>4 Q. Look at Question No. 2. Do you see that?</p> <p>5 A. Yes, in his current position four months.</p> <p>6 Q. So you got this response I assume, you</p> <p>7 reviewed this before you prepared your report?</p> <p>8 A. Yes, I did.</p> <p>9 Q. And you now know, after reviewing this, that</p> <p>10 one of the members of your four-person sample doesn't</p> <p>11 meet the qualifications that you said were necessary.</p> <p>12 Isn't that true?</p> <p>13 A. What I see here is that he had been in this</p> <p>14 particular position for four months. He had 21 years</p> <p>15 in elevator constructor experience, and I can't tell</p> <p>16 you whether he's -- I think I'm still answering a</p> <p>17 question. I don't know, as I sit here right now,</p> <p>18 whether he had other ATS experience because I don't see</p> <p>19 that on this particular form.</p> <p>20 Q. Well, why would you develop a questionnaire</p> <p>21 that doesn't make it certain how much experience they</p> <p>22 have if it was such a critical requirement?</p> <p>23 A. It's a useful requirement to ask people who</p> <p>24 have been on the job and know what they're talking</p> <p>25 about.</p>	<p style="text-align: right;">Page 545</p> <p>1 include in one question the tasks of assembling,</p> <p>2 installing, repairing and maintaining people-moving</p> <p>3 equipment; is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Other than assembling, installing, repairing</p> <p>6 and maintaining, can you think of anything else that</p> <p>7 could be done on people-moving equipment?</p> <p>8 A. Sure.</p> <p>9 Q. What?</p> <p>10 A. Testing.</p> <p>11 Q. Testing. Is that the next question?</p> <p>12 A. I believe it is.</p> <p>13 Q. I don't think it is, because it says --</p> <p>14 A. "Testing newly installed" -- yeah, and just to</p> <p>15 clarify, and I believe this was stated in my report and</p> <p>16 my deposition, but perhaps it wasn't understood. These</p> <p>17 are the work behavior tasks, word for word, as listed</p> <p>18 in O*NET. The Department of Labor --</p> <p>19 Q. Hold on for a second.</p> <p>20 A. No. The Department of Labor believes that</p> <p>21 this is a description of what elevator</p> <p>22 installer/repairers do on the job.</p> <p>23 Q. Right. And that's their description of what</p> <p>24 they do. And here's my question is, you're using this</p> <p>25 question to say what a different classification of</p>

Page 546

1 people do, and then instead of saying, "Do you assemble
2 work," you're saying, "Do you do everything -- do you
3 do assembly, installation, repair or maintain"; isn't
4 that true?
5 **A. I'm sorry, but what you're -- what you just
6 said is just factually wrong.**
7 **What I did was to take the exact description
8 that O*NET has of what elevator installers do and ask
9 these people, "How frequently do you do this, and how
10 important is this in your job?" That's all I did.**
11 **Q. I understand that, but you didn't ask, "How
12 frequently do you assemble?" Is that correct?**
13 **A. That's correct.**
14 **Q. You didn't ask, "How frequently do you
15 install?" Isn't that correct?**
16 **A. That's correct.**
17 **Q. You didn't ask, "How frequently do you
18 repair?" Isn't that true?**
19 **A. Absolutely, because if I had asked it that
20 way --**
21 **Q. Let me finish asking my questions.**
22 **A. I'm in the middle of a response.**
23 **Q. I asked a yes-or-no question.**
24 **A. If I had asked it that way, I wouldn't be able
25 to go back and compare to O*NET because O*NET asks the**

Page 547

1 **question, states it this way. And I wanted to find out
2 whether people's description of what they do at work is
3 consistent with what O*NET says about what elevator
4 installers and repairers do.**
5 **Q. So it wouldn't be relevant to you the
6 frequency of maintenance, as opposed to the frequency
7 of repair? You don't think that's important in
8 performing your analysis?**
9 **A. It could always be useful information. You
10 could take apart almost any question and say we could
11 have done more. But it wouldn't allow me to do the
12 thing that I was trying to do, ask empirically, do
13 people's descriptions of what they say is important and
14 frequent in their job, match up with what the O*NET
15 says is important and frequent in this job class?
16 That's the question I was asking is whether that's a
17 good match.**
18 **Q. So are you now saying that the only opinion
19 you can offer is that the work they perform is
20 consistent with elevator constructor? Because that's
21 what it sounds like you just said.**
22 **A. No, I don't think that's true. Because, you
23 know, if you remember, earlier questions were asked
24 about comparisons to several other job classes that
25 Dr. Moss seemed to think were right, so I tried to do a**

Page 548

1 **consistent comparison between what ATS technicians
2 describe is important and relevant in their job, and
3 what the O*NET says is important and relevant to
4 elevator installer/repairer and to a list of several
5 other possibilities. The match was considerably better
6 for elevator installer than anything else that's been
7 suggested here.**
8 **Q. We'll get to that in a second, but this
9 question just seems to ask: "Is working at your job
10 with hand and power tools important?" That's what this
11 question is really asking. You listed every
12 conceivable duty they had and said do they do this.**
13 **A. I'm sorry, but you're absolutely wrong. This
14 is what the O*NET says elevator installer/repairers do.
15 If you don't like the question, you're talking to the
16 wrong person about it being the way it's formed. I
17 tried to take exactly what the Department of Labor uses
18 as a description of the key tasks. Perhaps they should
19 have done it differently but they didn't.**
20 **Q. Well, was the Department of Labor O*NET job
21 description created so an expert witness could perform
22 an analysis of what classification is appropriate?**
23 **A. It was created for a pretty wide range of
24 purposes. It was created in order to give a
25 description of jobs to allow you to compare one job to**

Page 549

1 **another, and that allows you then to say, "Does what
2 these people do fit this description well?" It fits
3 very well. Does it fit other descriptions that
4 Dr. Moss had suggested? No, it doesn't.**
5 **Q. Now, I want to go to No. 9 on the next page,
6 and this question reads, "Disassemble defective units
7 and repair or replace parts." What does this question
8 mean?**
9 **A. How frequently does a person in the job of ATS
10 technician engage in the behavior of disassembling
11 defective units, repairing or replacing their parts?**
12 **Q. That's what it means?**
13 **A. That's certainly what I would take it to mean,
14 sure.**
15 **Q. Okay. Now, you had all four of these people
16 together when they completed these surveys, correct?**
17 **A. They were sitting in the same room when they
18 completed these surveys. The completion of these
19 surveys was done individually, and I did not observe
20 any communication between the people as they were
21 completing these.**
22 **Q. And then you conducted a group interview,
23 correct?**
24 **A. Actually, I believe I said in my deposition I
25 conducted a group interview, versus where I asked**

Page 550

1 people, "Tell me about what you do," and where I had a
 2 set of questions that's shown starting on the first
 3 page of the exhibit.
 4 Q. On the first page of this exhibit?
 5 A. Yeah. I mean, I asked them first to tell me
 6 what they did in their job, describe to me what they
 7 do, and then I had them -- and again, my recollection
 8 is that these were completed individually, the written
 9 parts here completed individually without consultation
 10 from one person to the next.
 11 Q. So after you conducted a group interview
 12 about, for example, "How long does it take for people
 13 to learn this job," that's Question No. 6. Question
 14 No. 7 is, "What training is required to do this job?"
 15 After you conducted a group interview about those
 16 questions, you then had them fill out the answers?
 17 A. I did not ask these specific questions in the
 18 oral group interview. These specific questions are
 19 completed in writing by each of the individuals.
 20 Q. You just said that you used this list of
 21 questions to ask them, to conduct your interview.
 22 Didn't you?
 23 A. Then I probably stated that in a way that was,
 24 that you might have misunderstood. I had an interview
 25 process where I talk to people, and the starting

Page 551

1 question is, "Tell me what you do. Tell me about the
 2 job. Tell me about what it takes to do this job. Now
 3 I want you to complete questionnaires that will ask
 4 specific questions about what you do."
 5 So our oral discussion was a relatively brief,
 6 and then we went into this structured set of questions.
 7 And I may have used the word "interview" to include
 8 that, and I could understand that, that could be
 9 confusing.
 10 Q. And you said -- Mr. Kahn asked you a question,
 11 I'm not going to be able to quote it, but it was
 12 something along the lines of did you, do you consider
 13 wage rates when you're performing studies like this to
 14 determine what the proper classification is? Do you
 15 recall that?
 16 A. I think, as I understood the question, would I
 17 use the wage rate as a basis for determining what the
 18 classification ought to be.
 19 Q. Right, and then you said something along the
 20 lines of you haven't seen that done in the studies
 21 you've performed. Do you remember that?
 22 A. I think what I, as I recall what I said is
 23 that my experience has been it's been exactly the
 24 opposite, that wage rates would depend on what you do,
 25 and that I wouldn't reach conclusions that what you do

Page 552

1 must be one way or the other because of the particular
 2 wage that you might receive for it.
 3 Q. Right. So I wanted to know, what studies on
 4 wages -- because you were very emphatic when you
 5 answered that question -- what studies are you
 6 recalling when you said, "I've never seen this, I've
 7 never seen this number before." What studies are you
 8 referring to?
 9 A. Again, as I recall the question that was
 10 asked, it was, you know, have you seen this being used
 11 as a way to determine what somebody does at work? And
 12 certainly the studies of the analysis of work that I'm
 13 familiar with over a period of 30 years, I just, you
 14 know, that's not something that I've seen. So I can't
 15 sit here and enumerate. It's a large literature.
 16 Q. You said in the ones you've seen, so can you
 17 give me some examples?
 18 A. I think the most comprehensive that I can
 19 think of as I sit here right now would probably be the
 20 most recent Handbook of Industrial and Organizational
 21 Psychology. I can't give you the publisher or date,
 22 unfortunately, but it would have -- it has chapters on
 23 job analysis, at least one, maybe more. That would be
 24 an example. It is a topic that is an important one in
 25 every textbook that I know of that describes the field

Page 553

1 of industrial organizational psychology.
 2 Q. I want you to turn your attention to
 3 Exhibit 24 in your handbook, the Bombardier handbook.
 4 A. Yes, I have it here.
 5 Q. Okay. You've seen this before, haven't you?
 6 A. Yes, I have seen this before.
 7 Q. And earlier you testified that the ASCE is an
 8 authority in regards to automated transit systems, or
 9 APMs. Is that true?
 10 A. What I said is that the ASCE has a fairly
 11 extensive volume describing both safety -- which as I
 12 understand this particular exhibit is about safety,
 13 per se -- and also technical efficiency in how the job
 14 is done.
 15 Q. And you reviewed that when you made your
 16 report; is that correct?
 17 A. I sure did.
 18 MR. TRIMMER: And I ask that this document be
 19 admitted.
 20 MR. KAHN: The fact that he's seen ASCE
 21 documents I don't think establishes anything. This is
 22 a document that's an opinion from someone outside the
 23 field. That would probably be -- that's being
 24 presented for the truth of the matter. It's pure
 25 hearsay. Whatever, it's apparently an opinion of

<p style="text-align: right;">Page 554</p> <p>1 Mr. Smith who's not here to testify. 2 MR. TRIMMER: Well, it's relevant because it's 3 responding to documents he says that informed his 4 opinion. 5 COMMISSIONER TOWLER: I heard the witness say 6 that he certainly did review it. Just one moment. 7 MR. KAHN: Mr. Commissioner, I believe the 8 witness might be able to clarify. He reviewed other 9 documents from ASCE, but I don't believe that he 10 reviewed this opinion letter. 11 COMMISSIONER TOWLER: Well, maybe we could ask 12 that. What I heard him say is that he did review -- 13 maybe we could review the testimony. 14 MR. KAHN: Yes. 15 COMMISSIONER TOWLER: 16 "ANSWER: What I said is that the ASCE has a 17 fairly extensive volume describing both safety -- which 18 I understand this particular exhibit is about safety, 19 per se -- and also technical efficiency in how the job 20 is done. 21 "QUESTION: And you reviewed that when you 22 made your report; is that correct? 23 "ANSWER: I sure did." 24 For that reason, I believe the witness did 25 review this report. There is a valid hearsay</p>	<p style="text-align: right;">Page 556</p> <p>1 conveyances, require technology-specific safety 2 standards." I believe this was about safety standards 3 that were appropriate for different technologies. 4 Q. And the different technologies are elevators 5 and automated transit systems, correct? 6 A. This particular letter is talking about that 7 the MEC, that the -- 8 Q. And what's the MEC? 9 A. I'm sorry, Model Elevator Code referred to 10 here, that was restricted to elevators, escalators and 11 moving sidewalks, or moving walkways is actually what 12 they say here, and as I understood the letter, the 13 safety standards that might be appropriate for 14 different technologies could not necessarily be, would 15 not necessarily be limited to those. That's what I saw 16 this letter to say. 17 Q. Well, this is saying -- you quoted the section 18 on page 2. "These are vastly different conveyances 19 require technology-specific safety standards." Is that 20 correct? 21 A. That's what the author of this letter 22 believes. Sure. 23 Q. Okay. And on the, on page 1, if you look at 24 that in the second, the column to the right, this is 25 also referencing the standard for the qualification of</p>
<p style="text-align: right;">Page 555</p> <p>1 objection, which, you know, I do note for the record, 2 but this isn't coming in for the truth of it, the 3 statements in it, but it is something the expert 4 reviewed and possibly relied on while making his expert 5 report. So this is Bombardier Exhibit 24. It's so 6 entered. 7 (Exhibit B 24 admitted) 8 MR. TRIMMER: Housekeeping-wise, I'd ask that 9 the previous set of documents that I referenced, 10 Exhibit No. 18, be admitted. 11 MR. KAHN: No objection. 12 COMMISSIONER TOWLER: All right. Bombardier 13 Exhibit 18 is also entered into the record. 14 (Exhibit B 18 admitted) 15 BY MR. TRIMMER: 16 Q. Now, you say that this letter here, 17 Exhibit 24, is limited to safety? 18 A. Well, this is a letter that I believe was 19 shown to me at my deposition. I've -- my quick reading 20 of this is, this is certainly not a document I relied 21 upon in my report, but I did see this letter, and it 22 is, to my understanding, about technical safety 23 standards. 24 I call your attention to the second page, the 25 last highlighted, "These related, but vastly different</p>	<p style="text-align: right;">Page 557</p> <p>1 elevator inspectors, isn't it? 2 A. Yes, it did. 3 Q. Right. So it's saying that the knowledge of 4 someone who's inspecting an elevator is considerably 5 different than the knowledge of a person inspecting an 6 APM; isn't that true? 7 A. Well, again, as you read the letter, this is 8 about the technical, technology-specific safety 9 standards. That's referred to throughout this letter, 10 and that's what I believe this is about. 11 Q. Well, I mean, the document speaks for itself I 12 guess. 13 So if you look at the bottom of the page, it 14 says "elevatorworld.com"; do you see that? 15 A. Yes, I do. 16 Q. And you relied on a series of articles from 17 Elevator World, didn't you? 18 A. I read a series of articles from Elevator 19 World that, to my remembrance, talked about different 20 sorts of automated people-moving technology, sure. 21 Q. And those are documents that were provided to 22 you by the Union; isn't that true? 23 A. I received those from Mr. Kahn, so I would 24 assume they've been provided by the Union, but I don't 25 know the source.</p>

Page 558

1 Q. Is it common for you to rely only on the
2 periodicals provided to you by your client when you're
3 performing, constructing your opinions?
4 A. No, it's not, and that's certainly not what I
5 did here.
6 Q. Well, let's look at the documents that are
7 included as Bombardier Exhibit 23.
8 A. Yes, I have it.
9 Q. Okay. And this is a series of three articles
10 written by Lawrence Fabian. These are the articles
11 referenced in your report, are they not?
12 A. Yes. I certainly read these, and I referenced
13 these in my report. They helped me to develop a
14 general understanding of some of these technologies,
15 sure.
16 Q. Okay. Now, I believe that you relied on these
17 documents in reaching your conclusion that elevators
18 are similar to the trains at McCarran; isn't that true?
19 A. I don't, I don't think I relied on these
20 particular documents. I mean, I read a bunch of stuff
21 I read these documents for this particular report.
22 I've read similar things over the course of my career,
23 and so I would not say that these are the only thing
24 that I rely on.
25 Q. Are you saying that you've read similar

Page 559

1 reports over the course of your career comparing ATS
2 trains to elevators?
3 A. I certainly read very similar documents when I
4 worked on a similar case involving Denver International
5 Airport and --
6 Q. What year was that?
7 A. I'm guessing that would have been like maybe
8 10 years ago. Been a while.
9 Q. Well, would it surprise you if these articles
10 were written in 1993?
11 A. No.
12 Q. So in fact, these could be the same articles
13 you relied on then, right?
14 A. They may -- I may have read some of these
15 before.
16 Q. Well, what other ones? You said you've read
17 lots of these documents in the course of your career.
18 What? Which ones?
19 A. You know, I can't give you citations. I can
20 tell you that --
21 Q. Well, I assume that any citations you relied
22 on in preparing your report were listed in your report,
23 correct?
24 A. Yeah. In -- anything I used in preparing my
25 report is certainly listed there. You know, I don't

Page 560

1 think it makes any sense to say can you list any
2 document over the last 30 years that you might have
3 read that would help you understand how job
4 classification is done or what technologies are like,
5 and I've certainly had discussions with --
6 Q. I don't think that was the question I asked,
7 sir.
8 A. Yeah. I did not rely upon these as a basis
9 for opinion, I relied upon these as a way of
10 understanding the automated people-moving technology,
11 and it helped me in that respect.
12 Q. Do you have an understanding of whether the
13 APM systems at McCarran are self-propelled or whether
14 they are powered by cables?
15 A. My understanding is they're self-propelled.
16 Q. And do you have an understanding of whether
17 there are changes in elevation between the C and D Legs
18 from start to finish?
19 A. You know, I didn't go through the whole thing,
20 and so I don't know if there are changes in elevation
21 or not.
22 Q. Do you know if there's a curvature to the
23 system?
24 A. That's my recollection.
25 Q. The D Leg specifically?

Page 561

1 A. I don't know about the specific legs, but
2 yeah, as I recall the system, there is curvature.
3 Q. And do you know how many people are
4 transported on one of these trains?
5 A. Couldn't give you an exact count. I would
6 guess it would be a hundred or more.
7 Q. I'm assuming you flew here, didn't you?
8 A. Yes.
9 Q. Okay, so did you ride one of the trains?
10 A. Yes, I did.
11 Q. Okay. How long was the train system that you
12 rode in?
13 A. I don't know how many cars was on the train at
14 that point in time. Each car, I would guess, would
15 hold 25 to 30 people, maybe more, depending how they
16 pack them in.
17 Q. Okay. Have you ever seen an elevator that
18 big?
19 A. I don't know that I've ever seen an elevator
20 quite with those dimensions. Probably the biggest I've
21 seen would not hold more than 18 to 20 people.
22 Q. And elevator installer and repairers, they
23 also work on dumbwaiters, correct?
24 A. I believe that's correct, yeah.
25 Q. How is the ATS system at McCarran like a

Page 562

1 dumbwaiter?

2 **A. I'm not sure that I would see similarities,**

3 **other than it's a, you know, moves along a track. It**

4 **has -- you know, it doesn't stop anywhere it wants to,**

5 **stuff like that.**

6 Q. Just a second. In the survey you conducted

7 under cognitive KSAs, knowledge, skills and abilities?

8 **A. Yes.**

9 Q. You asked the four employees, "How important

10 was knowledge and prediction of physical principles,

11 laws, their interrelationships, and applications to

12 understanding fluid material and atmospheric dynamics

13 in mechanical, electrical, atomic and subatomic

14 structures and processes." Do you recall that?

15 **A. Yes. Yes, I do.**

16 Q. Three of the four workers said this was either

17 important or very important. Just so I understand,

18 where does the knowledge of atomic and subatomic

19 structures fit into your analysis?

20 **A. Again, KSA list's taken word for word from the**

21 **O*NET. The Department of Labor believes that knowledge**

22 **and prediction of physical principles, laws and their**

23 **interrelationships, and applications to a variety of**

24 **fields, which include but are not limited to atomic and**

25 **subatomic structures as part of that. I don't -- I**

Page 563

1 **didn't see anyone doing anything at the subatomic level**

2 **at McCarran.**

3 Q. I understand that you say some of these things

4 come directly from O*NET. But you have a PhD and you

5 were designing a methodology to determine whether one

6 classification is appropriate for these men. So I'm

7 curious why you felt locked in to using O*NET to reach

8 that, to perform that analysis.

9 **A. The O*NET is pretty commonly accepted as the**

10 **best and most extensive and most empirically supported**

11 **taxonomy of jobs that will span the entire economy**

12 **right now. So that I think it's a good foundation, if**

13 **you want to start comparing, if you want to use that as**

14 **a basis of comparison. I think it's important not to**

15 **start fooling around with the questions and not knowing**

16 **whether you can map one to the other.**

17 Q. Now, it's my understanding that the survey you

18 conducted is representative of a segment of IO

19 psychology, industrial organizational psychology that

20 produces job descriptions and knowledge of what skills,

21 abilities and experience is required for a job; is that

22 true? That's your contention at least?

23 **A. Well, certainly the methods that I use here**

24 **would be things that I would regard, and I think the**

25 **profession would regard as standard methods of job**

Page 564

1 **analysis. Reviewing documents, observing the work**

2 **being performed, you know, getting job analysis**

3 **questionnaires from people pooling their responses to**

4 **characterize what the job is like. So yeah, that's**

5 **standard method.**

6 Q. And you're aware there were already job

7 descriptions for these men, correct?

8 **A. Yes, I am.**

9 Q. Did you review those?

10 **A. Yes, I did.**

11 Q. Are you aware that Daniel Safbom didn't work

12 for Bombardier?

13 **A. Yeah, I couldn't testify as to who he worked**

14 **for at this point.**

15 Q. Of the four employees interviewed, can you

16 tell me how many worked installing electrical and

17 hydraulic freight or passenger elevators?

18 **A. As I sit here right now, I couldn't give you a**

19 **certain answer to that.**

20 Q. How many completed the four-year

21 apprenticeship required to be an elevator installer?

22 **A. You know, I don't remember whether individuals**

23 **have completed that apprenticeship or not.**

24 Q. Given that the four workers interviewed were

25 not randomly selected, how do you know that the

Page 565

1 responses of the four employees are representative of

2 the universe of workers?

3 **A. I think you can't be certain of that, and so**

4 **one of the things that's an important part of job**

5 **analysis is to look for consistency, both across people**

6 **and across independent sources of information. So that**

7 **one of the ways that you evaluate whether job analysis**

8 **responses make any sense is to see whether what people**

9 **say when they answer job analysis questionnaires is**

10 **consistent with what you observe when you would watch**

11 **the work being done. You ask whether it's consistent**

12 **with documents you've looked at.**

13 Q. What independent --

14 **A. But there isn't a way to be absolutely certain**

15 **in job analysis.**

16 Q. What independent -- there's no way to be

17 certain in your entire field? Is that what you're

18 saying?

19 **A. You know, if you ask each and every ATS**

20 **employee to describe their job, you know, you get**

21 **better information than if you ask a sample of them,**

22 **but you will never get certain objective information.**

23 **I mean, that's the nature of work.**

24 Q. What independent sources of information did

25 you rely on here?

Page 566

1 **A. My own observations, the ASCE description of**
2 **automated people-mover jobs, the O*NET. Those are**
3 **things that are independent of the particular people**
4 **that I interviewed.**
5 Q. Now, the only thing that I've seen here
6 comparing anything about elevators to anything about
7 APMs that relates to the three independent sources of
8 information you just referenced is the letter I showed
9 you that was Bombardier 24. Of those independent
10 sources of information that you listed, O*NET, and the
11 ASCE job descriptions, which one of those compares
12 elevator constructors to ATS technicians?
13 **A. No. Those things were not developed for that**
14 **specific purpose. So I use those to get the best**
15 **understanding I could of what people do in this job. I**
16 **then used the information that I had obtained about**
17 **what people actually do in this job as a basis for**
18 **asking whether elevator installer/repairers is a good**
19 **classification, and whether it's a better**
20 **classification than the alternatives suggested by**
21 **Dr. Moss.**
22 Q. Do you believe that the fact that the men you
23 interviewed were aware of this litigation, could have
24 introduced bias into your survey results?
25 **A. You know, my experience is that when a**

Page 567

1 **litigation is there, everybody you talk to will have**
2 **their own bias, whether you talk to managers or whether**
3 **you talk to workers, and that's part of why you don't**
4 **rely on just one source of information.**
5 Q. But it sounds like the primary source of your
6 information was their responses. That was one of the
7 reasons you criticized Mr. Moss' report.
8 **A. Well, I believe I criticized Dr. Moss' report**
9 **because he didn't seem to have, or at least in his**
10 **report he didn't seem to draw on any specific knowledge**
11 **of what these people actually do. The profession that**
12 **I'm in says that if you want to understand what work is**
13 **or what it requires, then you ought to be investigating**
14 **what they do at work and what ability, skills and**
15 **knowledge are part of that.**
16 Q. Now, based on my reading of the Department of
17 Labor information on the responsibilities of elevator
18 constructors, they actually install elevator systems on
19 construction sites; isn't that true?
20 **A. The O*NET description, is that what you're**
21 **referring to?**
22 Q. Yes.
23 **A. The O*NET description includes installation.**
24 **It does not, as I understand it, say that each and**
25 **every elevator installer/repairer is involved in**

Page 568

1 **installation. It certainly includes installation and**
2 **repair work.**
3 Q. There's no exception for the apprenticeship
4 requirement, is there?
5 **A. I'm not sure I understand your question.**
6 Q. Aren't elevator constructors required to
7 complete an apprenticeship?
8 **A. My understanding is that an apprenticeship**
9 **is -- that if you're a member of a particular union,**
10 **that will be something that the union will offer. I**
11 **believe that apprenticeships have been offered, for**
12 **example, in this state for elevator constructors for at**
13 **least 10 years, and that there weren't any for the at**
14 **least hundred years preceding that.**
15 So you know, I don't know whether an
16 apprenticeship, per se, as opposed to other ways of
17 learning your job are an essential part of that
18 particular classification. As I understand it, at
19 least, if apprenticeship is not available for a
20 particular set of people, it's hard to fault them for
21 not having it.
22 MR. TRIMMER: Off the record for a second.
23 COMMISSIONER TOWLER: Okay, we're off the
24 record.
25 (Discussion off the record.)

Page 569

1 MR. TRIMMER: No further questions.
2 COMMISSIONER TOWLER: All right. Oh, I'm
3 sorry. We're back on the record.
4 MR. TRIMMER: No further questions.
5 COMMISSIONER TOWLER: All right, Mr. Thomson?
6 CROSS-EXAMINATION
7 BY MR. THOMSON:
8 Q. Probably just a couple.
9 You were saying outside information helps to
10 inform you, to form your opinion?
11 **A. Sure.**
12 Q. Were you made aware of the construction of the
13 T3 Leg of the ATS at McCarran International Airport?
14 **A. Yes.**
15 Q. Were you aware that at least a portion of that
16 construction was done under a project labor agreement?
17 **A. I believe I was aware of that, yeah.**
18 Q. Based on what you're saying, would it be your
19 opinion that elevator constructors should have had the
20 work on the ATS system?
21 **A. I have no knowledge of how these labor**
22 **agreements are negotiated, who does that, so I wouldn't**
23 **have an opinion on that.**
24 Q. Well, would it be your opinion that they would
25 be the ones that have the knowledge, skills and

IN THE SUPREME COURT OF THE STATE OF NEVADA

**BOMBARDIER TRANSPORTATION
(HOLDINGS) USA INC.,**

Appellant,

v.

**NEVADA LABOR COMMISSIONER;
THE INTERNATIONAL UNION OF
ELEVATOR CONSTRUCTORS; and
CLARK COUNTY,**

Respondents.

Case No. 71101

Electronically Filed
Nov 06 2017 03:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT BOMBARDIER TRANSPORTATION
(HOLDINGS) USA INC.'S APPENDIX**

VOLUME 7

ER1498-ER1747

JACKSON LEWIS P.C.

Paul T. Trimmer, Bar No. 9291
3800 Howard Hughes Parkway, #600
Las Vegas, Nevada 89169
(702) 921-2460

Attorneys for Appellant

DOCUMENT NAME	DATE	PAGE NO.
Amended Scheduling Order	January 14, 2013	0091–0093
Bombardier Transportation (Holdings) USA, Exhibit 1		1929–1974
Bombardier Transportation (Holdings) USA, Exhibit 2		1975–1981
Bombardier Transportation (Holdings) USA, Exhibit 3		1982–1988
Bombardier Transportation (Holdings) USA, Exhibit 4		1989–1990
Bombardier Transportation (Holdings) USA, Exhibit 5		1991–1992
Bombardier Transportation (Holdings) USA, Exhibit 7		1993–2055
Bombardier Transportation (Holdings) USA, Exhibit 8		2056–2109
Bombardier Transportation (Holdings) USA, Exhibit 9		2110–2166
Bombardier Transportation (Holdings) USA, Exhibit 10		2167–2226
Bombardier Transportation (Holdings) USA, Exhibit 11		2227–2230
Bombardier Transportation (Holdings) USA, Exhibit 12		2231–2240
Bombardier Transportation (Holdings) USA, Exhibit 13		2241–2246
Bombardier Transportation (Holdings) USA, Exhibit 14		2247–2249

Bombardier Transportation (Holdings) USA, Exhibit 15		2250–2253
Bombardier Transportation (Holdings) USA, Exhibit 16		2254–2461
Bombardier Transportation (Holdings) USA, Exhibit 17		2462–2467
Bombardier Transportation (Holdings) USA, Exhibit 18		2468–2516
Bombardier Transportation (Holdings) USA, Exhibit 21		2517–2561
Bombardier Transportation (Holdings) USA, Exhibit 22		2562–2570
Bombardier Transportation (Holdings) USA, Exhibit 23		2571–2580
Bombardier Transportation (Holdings) USA, Exhibit 24		2581–2583
Bombardier Transportation (Holdings) USA, Exhibit 25		2584
Bombardier Transportation (Holdings) USA, Exhibit 26		2585–2598
Bombardier Transportation (Holdings) USA, Exhibit 27		2599–2602
Bombardier Transportation (Holdings) USA, Exhibit 28		2603–2606
Bombardier Transportation (Holdings) USA, Exhibit 29		2607–2620
Bombardier Transportation (Holdings) USA, Exhibit 30		2621–2625

Bombardier Transportation (Holdings) USA, Exhibit 31		2626–2808
Bombardier Transportation (Holdings) USA, Exhibit 32		2809
Bombardier Transportation (Holdings) USA, Inc.’s Motion for Summary Judgment	April 8, 2013	0094–0418
Bombardier Transportation (Holdings) USA, Inc. Post-Hearing Brief	December 13, 2013	1406–1467
Bombardier Transportation (Holdings) USA, Inc. Pre-Hearing Brief, List of Witnesses and List of Exhibits	June 3, 2013	0841–1294
Bombardier Transportation (Holdings) USA, Inc. Reply in Support of Motion for Summary Judgment	April 24, 2013	0675–0765
Bombardier Transportation (Holdings) USA, Inc. Supplement to Unopposed Motion to Seal	June 17, 2013	1311–1319
Bombardier Transportation (Holdings) USA, Inc. Unopposed Motion to Seal	June 17, 2013	1295–1310
Clark County Department of Aviation Exhibit 1		2810
Clark County Department of Aviation Exhibit 2		2811
Clark County Department of Aviation Exhibit 3		2812–2814
Clark County Department of Aviation Exhibit 4		2815–2817
Clark County Department of Aviation Exhibit 5		2818–2822

Clark County Department of Aviation Exhibit 13		2823–299
Clark County Department of Aviation Exhibit 14		3000–3026
Clark County Department of Aviation Exhibit 16		3027–3030
Clark County Department of Aviation Exhibit 17		3031
Clark County Department of Aviation Exhibit 18		3032–3034
Clark County Department of Aviation Exhibit 19		3035–3041
Clark County Department of Aviation Exhibit 20		3042–3044
Clark County Department of Aviation Exhibit 20A		3045–3046
Clark County Department of Aviation Exhibit 20B		3047–3050
Clark County Department of Aviation Exhibit 22		3051–3115
Clark County Department of Aviation Exhibit 23		3116–3134
Clark County Department of Aviation Exhibit 25		3135–3208
Clark County Department of Aviation Exhibit 26		3209–3286
Clark County Department of Aviation Exhibit 27		3287–3343

Clark County Department of Aviation Exhibit 30		3344–3391
Clark County Department of Aviation Exhibit 32		3392–3453
Clark County Department of Aviation Exhibit 33		3454–3456
Clark County Department of Aviation Exhibit 34		3457–3459
Clark County Department of Aviation Exhibit 35		3460–3463
Clark County Department of Aviation Exhibit 36		3464–3466
Clark County Department of Aviation Exhibit 37		3467–3469
Clark County Department of Aviation Exhibit 38		3470–3472
Clark County Department of Aviation Exhibit 39		3473–3507
Clark County Department of Aviation Exhibit 40		3508–3511
Clark County Department of Aviation Exhibit 41		3512–3524
Clark County Department of Aviation Exhibit 42		3525–3526
Clark County Department of Aviation Exhibit 43		3527–3532
Clark County Department of Aviation Exhibit 44		3533–3534

Clark County Department of Aviation Exhibit 141		3535–3539
Clark County Department of Aviation List of Documents		0837–0840
Clark County Department of Aviation Pre-Hearing Brief		0800–0832
Clark County Department of Aviation Post-Hearing Brief		1320–1365
Clark County Department of Aviation Response to Motion for Summary Judgment		0419–0549
Clark County Department of Aviation Revised Determination		0018–0036
Clark County Department of Aviation Witness List		0833–0836
Determination of Clark County Department of Aviation		0003–0005
Final Order	March 6, 2014	3939–3952
Hearing Transcript (Volume 1)	June 25, 2013	1468–1555
Hearing Transcript (Volume 2)	June 26, 2013	1556–1660
Hearing Transcript (Volume 3)	June 27, 2013	1661–1774
Hearing Transcript (Volume 4)	June 28, 2013	1775–1810
Hearing Transcript (Volume 5)	September 9, 2013	1811–1884
Hearing Transcript (Volume 6)	September 10, 2013	1885–1928
Interim Order	June 7, 2011	0009–0017
International Union of Elevator Constructors Exhibit 1		3540–3722

International Union of Elevator Constructors Exhibit 2		3723–3725
International Union of Elevator Constructors Exhibit 3		3726–3727
International Union of Elevator Constructors Exhibit 4		3728–3751
International Union of Elevator Constructors Exhibit 5		3752–3753
International Union of Elevator Constructors Exhibit 7		3754–3760
International Union of Elevator Constructors Exhibit 8		3761–3770
International Union of Elevator Constructors Exhibit 9		3771–3802
International Union of Elevator Constructors Exhibit 10		3803–3810
International Union of Elevator Constructors Exhibit 13		3811–3823
International Union of Elevator Constructors Exhibit 17		3824
International Union of Elevator Constructors Exhibit 18		3825–3829
International Union of Elevator Constructors Exhibit 19		3830–3838
International Union of Elevator Constructors Exhibit 21		3839–3840
International Union of Elevator Constructors Exhibit 22		3841–3843

International Union of Elevator Constructors Exhibit 23		3844
International Union of Elevator Constructors Exhibit 24		3845–3846
International Union of Elevator Constructors Exhibit 25		3847–3860
International Union of Elevator Constructors Exhibit 27		3861–3870
International Union of Elevator Constructors Exhibit 28		3871–3938
International Union of Elevator Constructors Objection to Revised Determination		0040–0044
International Union of Elevator Constructors Opposition to Motion for Summary Judgment	April 16, 2013	0550–0674
International Union of Elevator Constructors Post-Hearing Brief	December 11, 2013	1366–1405
International Union of Elevator Constructors Pre-Hearing Conference Memorandum	June 18, 2012	0068–0075
International Union of Elevator Constructors Pre-Trial Brief	April 19, 2013	0766–0794
International Union of Elevator Constructors Prevailing Wage Complaint	October 9, 2009	0001–0002
Notice of Entry of Order	August 10, 2011	0045–0054
Notice of Pre-Hearing Conference	May 17, 2012	0037–0039
Order Denying Motion for Summary Judgment	June 3, 2013	0795–0799
Order on International Union of Elevator Constructors’ Petition for Reconsideration	May 18, 2012	0055–0067

Revised Determination of the Clark County Department of Aviation	March 30, 2010	0006–0008
Scheduling Order	June 27, 2012	0076–0080
Stipulated Protective Order, signed by the Labor Commissioner	November 7, 2012	0081–0090
Summary of Legislation History of 1981		3953–4005

1 there's a period -- there is a preventative maintenance
2 task for removing the guide spindles from the train and
3 replacing them with rebuilt units or new units.

4 Q. Now, do all of the work instructions also have
5 rebuild instructions with them?

6 A. No.

7 Q. Which ones do and which ones don't?

8 A. I don't know off the top. But there's about
9 36 planned rebuild.

10 Q. So 36 of those entries on the maintenance plan
11 would involve also doing a rebuild?

12 A. That's correct.

13 Q. And you would have one of these instructions?

14 A. Um-hum.

15 MR. MOSS: Okay. We offer this into evidence.

16 MR. KAHN: Voir dire.

17 COMMISSIONER TOWLER: Go ahead, Mr. Kahn.

18 VOIR DIRE EXAMINATION

19 BY MR. KAHN:

20 Q. Mr. Ryan, I see a reference at the top of
21 several of these pages to the T3 system. Does that
22 mean that these work instructions were prepared
23 sometime towards the end of your contract period with
24 552?

25 A. These would have been updated most likely to

1 include T3 because it was a requirement.

2 Q. So these aren't the work instructions that
3 would have been in effect through the whole contract
4 period? They change over time, correct?

5 A. This would have been in addition. They do get
6 revised periodically.

7 Q. Do you know the date that these were created?

8 A. I don't.

9 Q. Do you know whether these were in effect for
10 some period of time under the contract?

11 A. Yes, they were.

12 Q. And do you have any sense of how long?

13 A. I would say from the beginning of the
14 contract.

15 Q. Well, some -- there was some version of this
16 that was in effect since the beginning?

17 A. Yes.

18 Q. But the particular version we're looking at,
19 you don't know whether it was in effect --

20 A. This is the most current version. I couldn't
21 tell you now.

22 Q. Got it. And you don't know when that revision
23 was made to add in T3, for example? You don't know
24 when that --

25 A. It would be towards the end of the delivery of

1 the project.

2 MR. KAHN: Okay. I'm not going to object to
3 that document, but obviously goes to the weight rather
4 than --

5 COMMISSIONER TOWLER: It has been noted that
6 this has been probably revised throughout the contract
7 term, which is a five-year, approximately five-year
8 term, and that we don't have the exact dates, but as
9 the document as a whole, it started at the beginning of
10 the contract I believe you said, and the T3 I believe
11 was one of the most recent changes you mentioned?

12 THE WITNESS: These will be updated
13 periodically as better practice comes up or just a
14 change in the equipment.

15 COMMISSIONER TOWLER: All right. Well, I'm
16 satisfied with that. It does go to weight because
17 there is no date on this document and nobody can tell
18 us exact date of when any changes were made, but
19 Exhibit B 26 is entered.

20 (Exhibit B 26 admitted)

21 DIRECT EXAMINATION (Resumed)

22 BY MR. MOSS:

23 Q. Ready?

24 A. Sure.

25 Q. Okay. Do the techs receive training?

1 A. Yes, they do.

2 Q. And what type of training do they receive?

3 A. There was formal training conducted when the
4 rehab of the C and D contract was completed for the
5 C Gates, D Gates.

6 Q. What's that mean? What did you just say?

7 A. I'm sorry. When the project for the rehab of
8 the C Gates and D Gates systems were completed,
9 training was part of that program, part of that
10 deliverable, so the technicians were trained, as well
11 as the Central Control operators.

12 Q. On what?

13 A. On the new equipment.

14 Q. How to maintain --

15 A. How to maintain the new equipment, and the
16 Central Control operators on the operation.

17 Q. So there was some equipment that was installed
18 as part of that rehab that hadn't been used at the
19 facility before?

20 A. That's correct.

21 Q. Did they receive any other training?

22 A. They'll receive periodic training they'll
23 develop themselves. The lead technicians or the FSEs
24 will generally do that.

25 Also, if there were issues at other service

1 delivery centers that came up, there might be a need to
2 have, relay that information to the technicians and
3 that may involve additional training.

4 Q. Other than the maintenance plan, the manuals,
5 the work instructions, are there any other documents
6 available to the techs?

7 A. Yes, there is some vendor support
8 documentation.

9 Q. And what are you talking about?

10 A. This would be third-party manuals or
11 information. For example, on the communication system,
12 there will be some radio information that would be a
13 third party.

14 Q. Now, referring again to the maintenance plan
15 and the obligation, or the plan's direction that you
16 perform these functions on a periodic basis, does
17 anybody monitor compliance with that?

18 A. Yes, they do.

19 Q. Who is that?

20 A. Bombardier internally monitors compliance
21 through a group out of Pittsburgh, and Clark County
22 also monitors performance through their inspections
23 every, or audits every six months. They check the
24 paperwork, they check the system life safety
25 capabilities.

1 Q. How do they determine if you did, in fact, do
2 the 7-day vehicle inspection?

3 A. They check the paperwork. There will be a
4 preventative maintenance form filled out, documented
5 and filed at the facility. They'll go through the
6 paperwork.

7 Q. Paperwork is what? What are you talking
8 about?

9 A. They fill out a piece of paper saying they
10 actually did the inspection. That paperwork's reviewed
11 by the FSE, and then it's filed and we, Bombardier, had
12 a requirement to bring in a third-party engineer to
13 assess is the paperwork being done, is it being done
14 properly, are all the life safety features of the
15 system functioning? And then it's turned over to Clark
16 County and they come in and kind of do an audit just to
17 make sure that things are in order.

18 Q. Do you get the results of that?

19 A. Yes, we do.

20 Q. Is there any recourse? Can they do anything
21 if you haven't complied with it?

22 A. Yes. We get a ride certification. If we
23 don't get that, we can't operate the system.

24 Q. How often do you get the certification?

25 A. We go through this process every six months.

1 Q. Now, direct your attention back to that
2 awesome list of paragraphs, the 2.20, 2.2.5.3. One of
3 those paragraphs basically says that you will do
4 routine scheduled and unscheduled maintenance on these
5 various subsystems; is that correct?

6 A. That's correct.

7 Q. Is routine maintenance included within the
8 plan, the maintenance plan?

9 A. Yes.

10 Q. Is scheduled maintenance?

11 A. Yes.

12 Q. Is unscheduled maintenance?

13 A. No.

14 Q. What's unscheduled maintenance?

15 A. Unscheduled maintenance is basically when
16 something happens to the operation of the system, it
17 either stops or it's not operating the way it should,
18 and you have to take an action.

19 Q. And the contract says they need not be
20 included within the plan. Correct?

21 A. That's correct.

22 Q. And do you know why that is?

23 A. You can't plan the work. You don't know what
24 it could be.

25 Q. Is there some way of monitoring whether you've

1 done the unscheduled maintenance that's needed on the
2 trams?

3 A. Outside of the paperwork that you generate,
4 that's it.

5 Q. So that could be audited as well through the
6 same process?

7 A. Yes, and typically it creates a downtime event
8 that's captured on a log somewhere.

9 Q. Downtime event?

10 A. It will create --

11 Q. Even if it isn't one of those penalty --

12 A. That's correct. It will say something
13 happens, you'll have a way to see, and then you can
14 relate a corrective action to that.

15 MR. MOSS: We've got a little bit to go. Do
16 you want to break?

17 COMMISSIONER TOWLER: It would be my
18 preference to keep going because then we'll know if we
19 have two hours. Unless somebody has an objection to
20 that, we'll just keep going with this witness and still
21 get an hour break for lunch.

22 BY MR. MOSS:

23 Q. If I didn't ask it -- I'll ask again if I
24 have -- is there any routine or scheduled maintenance
25 that is not encompassed within the plan?

<p style="text-align: right;">Page 125</p> <p>1 A. No.</p> <p>2 Q. Now, the agreement says that for nonscheduled</p> <p>3 maintenance it references maintenance of a corrective</p> <p>4 measure or repair that must be taken. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know what a corrective measure is?</p> <p>7 A. Yes, I do.</p> <p>8 Q. What is it?</p> <p>9 A. It's basically if there's an issue with the</p> <p>10 system, you'd find a way to contain that issue so that</p> <p>11 the system could run in a safe manner, and then when</p> <p>12 you have a scheduled maintenance window, either at</p> <p>13 night or schedule one during the day, you could go in</p> <p>14 and address that issue, fix it.</p> <p>15 Q. Then it says "or repair." What's a repair?</p> <p>16 A. In my mind, a repair is when the system's</p> <p>17 running and something breaks, physically breaks and</p> <p>18 stops the system, you'd have to do a repair if you</p> <p>19 could not do a countermeasure.</p> <p>20 Q. Repair being fix it?</p> <p>21 A. Yes.</p> <p>22 Q. Now, Paragraph 2.2.6 on page 31 references</p> <p>23 upgrades and enhancements. You see that?</p> <p>24 A. Yes, I do.</p> <p>25 Q. What is an upgrade?</p>	<p style="text-align: right;">Page 127</p> <p>1 separate purchase order, or if they want to arrange it</p> <p>2 to be under this contract somehow.</p> <p>3 Q. Did you ever submit such a proposal during</p> <p>4 this agreement?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. Did you ever do any enhancement or upgrade</p> <p>7 work under the agreement --</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. -- upgrade or enhancement work that would be</p> <p>10 encompassed by that paragraph?</p> <p>11 A. No.</p> <p>12 Q. Now, if you go to the next paragraph, 2.2.5.1,</p> <p>13 on the next page, it's 32, it references heavy</p> <p>14 maintenance and overhaul.</p> <p>15 MR. THOMSON: Do you mean 2.2.6.1?</p> <p>16 MR. MOSS: I've got, my copy's -- oh, it is.</p> <p>17 My copy's a Xerox copy. It's 6.1. Have you read that?</p> <p>18 THE WITNESS: Yes, I have.</p> <p>19 BY MR. MOSS:</p> <p>20 Q. What is your understanding of what heavy</p> <p>21 maintenance is?</p> <p>22 A. Heavy maintenance would be a task where you're</p> <p>23 literally taking portion of the car off, like a whole</p> <p>24 axle or a bogie, the piece where -- I'm sorry, the</p> <p>25 bogie is a structure that holds the wheels and the</p>
<p style="text-align: right;">Page 126</p> <p>1 A. An upgrade would be something where there's a</p> <p>2 new or better piece of equipment out there that you</p> <p>3 could put on, usually a direct replacement, would be an</p> <p>4 upgrade to the system.</p> <p>5 Q. And what's an enhancement?</p> <p>6 A. An enhancement would be like maybe there's an</p> <p>7 additional feature that you could buy for an existing</p> <p>8 piece of equipment, usually like graphics or signage</p> <p>9 that would just give you more features or more</p> <p>10 capabilities.</p> <p>11 Q. Now, under the contract, do you do upgrades</p> <p>12 and/or enhancements?</p> <p>13 A. No.</p> <p>14 Q. But the contract references them. Is it</p> <p>15 possible that you could do an upgrade or enhancement?</p> <p>16 A. Yes.</p> <p>17 Q. Under what circumstances would that happen?</p> <p>18 A. We would have to provide you a cost proposal,</p> <p>19 literally a proposal for that work because it would be</p> <p>20 out of the scope of the contract.</p> <p>21 Q. So you would prepare it, and what would you do</p> <p>22 with your proposal?</p> <p>23 A. We would submit the proposal through the</p> <p>24 proper channels to the County. Once they would approve</p> <p>25 it, we could proceed on the work, either under a</p>	<p style="text-align: right;">Page 128</p> <p>1 traction motor, the item that gives the propulsion to</p> <p>2 the car.</p> <p>3 Q. And what would be overhaul?</p> <p>4 A. Actually, they do list some here, but overhaul</p> <p>5 would be taking a piece of equipment off and sending it</p> <p>6 out to be reconditioned or overhauled by a third party.</p> <p>7 Q. And do you do heavy maintenance or overhaul</p> <p>8 that's encompassed by this paragraph under the</p> <p>9 contract? Do you do the work?</p> <p>10 A. We don't, no.</p> <p>11 Q. And are there conditions for doing it similar</p> <p>12 to the enhancements and upgrades?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have to make a proposal?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever done that?</p> <p>17 A. Yes, we have.</p> <p>18 Q. What's an example of that?</p> <p>19 A. The propulsion motor overhaul, we've done</p> <p>20 those.</p> <p>21 Q. Explain that a little bit.</p> <p>22 A. They take the traction motor off the train, it</p> <p>23 may have flashed over or failed in some manner. It's</p> <p>24 taken off the train. It's crated and shipped to a</p> <p>25 third party to be overhauled for a procedure developed</p>

Page 129

1 in Pittsburgh by the Bombardier engineering group. The
 2 motor's then returned to the site and usually put on
 3 for a stock or spare or replaced on a train if there
 4 was a need.
 5 Q. And so that work wasn't done by the
 6 maintenance techs in Las Vegas?
 7 A. The overhaul work was not.
 8 Q. Under the agreement, do you have the right to
 9 subcontract work?
 10 A. I believe so. If we get the approval of the
 11 County.
 12 Q. Do you know if you've subcontracted any work?
 13 A. No maintenance work, other than this overhaul.
 14 Q. Who cleans the cars?
 15 A. We have a cleaning company that comes in and
 16 does it. We subcontract to a cleaning company.
 17 Q. So you contract for cleaning.
 18 A. Okay.
 19 Q. Picky picky, right?
 20 A. Yes. Technicians do not do the general
 21 cleaning of the cars.
 22 Q. Are you familiar with a program that was
 23 introduced to review the ratio of preventative versus
 24 corrective maintenance being done at various locations?
 25 A. Yes, I am.

Page 130

1 Q. What is your understanding what that program
 2 was?
 3 A. This was an initiative to improve the ratio
 4 between the number of PMs -- number of preventative
 5 maintenance tasks versus corrective maintenance tasks.
 6 The goal being to get to the point where you're at
 7 least performing 80 percent preventative maintenance to
 8 20 percent corrective as a goal. And this was across
 9 all the service delivery centers within Bombardier.
 10 Q. But what did the program consist of? What did
 11 you do?
 12 A. As part of the program, you had to go back and
 13 review your records, especially on corrective
 14 maintenance, and identify which items were giving you
 15 the most work, sit down as a team and come up with an
 16 action plan on how to address it.
 17 That knowledge would be shared with the other
 18 SDCs, and action plans would be put in place to try to
 19 remedy that so that that corrective maintenance task
 20 doesn't recur, and it was either through changing to
 21 different equipment, maybe a change of your maintenance
 22 practice. There's a whole host of things, but it's an
 23 ongoing project or initiative.
 24 Q. And do you know when it commenced about?
 25 A. I believe in 2006.

Page 131

1 Q. Was it applicable to Las Vegas?
 2 A. Yes.
 3 Q. Do you know what the results were for
 4 Las Vegas for any particular period of time?
 5 A. I know Las Vegas towards the end was probably
 6 one of the better performing sites. We were seeing
 7 ratios of 90 percent preventative maintenance to
 8 10 percent corrective.
 9 Q. Do you know approximately how long they were
 10 at that level?
 11 A. For numbers of months. You would see an
 12 occasional drop periodically, but for the most part
 13 they were pretty good.
 14 Q. Now, we know that the maintenance contract has
 15 been terminated. Is there any continuing relationship
 16 between Bombardier and Clark County with respect to
 17 maintenance?
 18 A. Yes, there is.
 19 Q. All right, and what, describe what form that
 20 is.
 21 A. We have a technical service agreement with the
 22 County.
 23 Q. What is a technical service agreement?
 24 A. It's to provide on-site technical support,
 25 day-to-day technical support at the facility to address

Page 132

1 any issues that come up during the day or any outages
 2 that occur, to be there to assist, and also that person
 3 is a link back to other technical support functions
 4 back in Pittsburgh.
 5 Q. And we have such a person that is assigned to
 6 Las Vegas?
 7 A. Yes, we do.
 8 Q. So with this TSA agreement in effect, what
 9 rights, or what can the county get out of it? How can
 10 they benefit themselves?
 11 A. You have access back to information that would
 12 be considered confidential or proprietary. We have
 13 access back to various engineers and engineering groups
 14 that you wouldn't have. For example, for the computer
 15 systems, you'll have access to the software engineers,
 16 if need be, for certain items.
 17 Q. Now, when the agreement was in effect, did you
 18 have access to all of those things?
 19 A. When the maintenance agreement was in effect?
 20 Q. Yes, right.
 21 A. Yes, we did.
 22 Q. So Clark County, through the agreement, has
 23 given itself the right to do the things that you used
 24 to do under the agreement in that area, in the areas of
 25 technology and that?

Page 133

1 **A. They've given us that option, yes.**
2 Q. But they have it?
3 **A. They have it, yes.**
4 Q. Under the agreement?
5 **A. Under the agreement.**
6 MR. MOSS: That's right. Okay. That's all I
7 have.
8 COMMISSIONER TOWLER: All right. Thank you.
9 Go ahead, Mr. Kahn.
10 CROSS-EXAMINATION
11 BY MR. KAHN:
12 Q. You mentioned Las Vegas is a better performing
13 site. What was the average of other sites?
14 **A. For the most part they were above the**
15 **80 percent, the 20 percent.**
16 Q. And what was the lowest site that you can
17 recall?
18 **A. Newark.**
19 Q. And what were their proportions?
20 **A. They were about 68 percent preventative**
21 **maintenance, at their worst. They have since improved,**
22 **but --**
23 Q. Now, you're familiar with the vehicles that
24 were delivered as part of the installation project
25 2305, right?

Page 134

1 **A. Yes.**
2 Q. Those vehicles were specially manufactured for
3 Clark County's requirements back at the Bombardier
4 factory in Pittsburgh; is that correct?
5 **A. Yes, they were.**
6 Q. And those vehicles are different than most of
7 the AP, Bombardier APMs that exist at other airports;
8 isn't that correct?
9 **A. No. Not totally.**
10 Q. Well, there are some similarities and some
11 differences, correct?
12 **A. Yeah. There's a lot of similar equipment.**
13 Q. Are you aware of any instance when one
14 customer of Bombardier has moved their APMs to the
15 facility of another customer?
16 **A. No.**
17 Q. That would involve a lot of time and expense
18 to achieve such a move and to adapt equipment to the
19 new location; isn't that correct?
20 **A. It depends on where you're moving it to and**
21 **from.**
22 Q. But the bottom line is to lift these cars off
23 of the current guideways they're on, you need to hire a
24 crane?
25 **A. Oh, yes, you'd have to have a crane, a flatbed**

Page 135

1 **truck.**
2 Q. And the cars weigh 20,000 pounds or more?
3 **A. They're more than 20.**
4 Q. What do you estimate they weigh each?
5 **A. I'm going to say between 40 to 60,000.**
6 Q. All right. And the old cars that were on,
7 running on the C Tram before the upgrade, did
8 Bombardier buy those back from the County?
9 **A. No.**
10 Q. Do you know if the County tried to sell them
11 back to Bombardier?
12 **A. I don't believe so.**
13 Q. What happened to those old cars? Were they
14 recycled for scrap?
15 **A. There was certain parts taken off the cars at**
16 **the County's request to be used for the delivery of the**
17 **new cars, because they're similar components, and I**
18 **guess they were scrapped.**
19 MR. KAHN: All right. Nothing further. Thank
20 you.
21 COMMISSIONER TOWLER: Mr. Thomson, anything?
22 MR. THOMSON: Yes, I do. Thank you.
23 CROSS-EXAMINATION
24 BY MR. THOMSON:
25 Q. Without the activities that are required under

Page 136

1 Contract 552, would the Bombardier trains be able to
2 function at the performance level that's required?
3 **A. No.**
4 Q. How essential is the functioning of the ATS to
5 the operations of the airport?
6 **A. In my view, it's an essential part of the**
7 **airport. I mean C Gates, maybe not as essential, but**
8 **definitely T3 to the D Gates and from T1 to the**
9 **D Gates, absolutely.**
10 Q. Now, for the purpose of this hearing, the T3
11 ATS was never incorporated into 552?
12 **A. That's correct.**
13 Q. So we're just talking about the C and D Legs;
14 do you agree?
15 **A. Yes.**
16 COMMISSIONER TOWLER: Just one second. Which
17 did you say was the least essential in your opinion?
18 THE WITNESS: C Gates.
19 COMMISSIONER TOWLER: Thank you.
20 BY MR. THOMSON:
21 Q. How long have you been associated with the ATS
22 out here at McCarran?
23 **A. Since October of 2008.**
24 Q. So it predated you when there was actually a
25 connecting building between T1 and C Satellite?

Page 137

1 **A. That's correct.**
 2 Q. Had anybody ever told you that at one time
 3 that was out on its own just like D Satellite?
 4 **A. No.**
 5 Q. Since you supervised 2305, you were also
 6 associated with the 2273 contract?
 7 **A. That's correct.**
 8 Q. Now, 2305 was for rehabilitation of the C and
 9 D Legs, correct?
 10 **A. Yes.**
 11 Q. And 2373 was for --
 12 **A. 2273 was for the design, manufacture, install,**
 13 **test commission of the T3 system.**
 14 Q. The bulk of that design and manufacture
 15 occurred off-site, correct?
 16 **A. Yes.**
 17 Q. But those contracts did require Bombardier to
 18 pay prevailing wage to anybody that was involved in the
 19 installation at the site here at McCarran, correct?
 20 **A. That's correct.**
 21 Q. Did you become familiar at all with any of the
 22 previous Bombardier contracts for design and install of
 23 these ATS systems or the expansion of the ATS systems?
 24 **A. Here specific in Las Vegas?**
 25 Q. Yes.

Page 138

1 **A. I had a little involvement on the original**
 2 **D Leg contract.**
 3 Q. Do you recall if there was a requirement in
 4 that contract as well for the payment of prevailing
 5 wage for the installation work?
 6 **A. Yes, there was.**
 7 Q. And you testified about previous maintenance
 8 contracts that go back to 1985. How familiar are you
 9 with any of those contracts prior to 552?
 10 **A. I am not familiar with any of them in any**
 11 **detail.**
 12 Q. To what extent are you familiar with them?
 13 **A. That I know they were in place, just through**
 14 **attending monthly project reviews and operation**
 15 **reviews.**
 16 Q. Were you familiar with any requirement in any
 17 of those prior maintenance contracts that prevailing
 18 wages be paid for the maintenance work?
 19 **A. No.**
 20 Q. In the construction contracts, or the
 21 installation contracts, you're aware that it was
 22 actually the County that constructed or had constructed
 23 the roadbeds that the guideway was on?
 24 **A. Yes.**
 25 Q. So that was built by others?

Page 139

1 **A. Yes.**
 2 Q. I just wanted to get something a little clear.
 3 I believe you said earlier that there were the, the
 4 activities in the maintenance plan were given to
 5 Bombardier by Clark County. Is that your recollection?
 6 **A. Yes. The way it worked, the project would**
 7 **deliver the project, and as part of that deliverable,**
 8 **there would be manuals and maintenance plans turned**
 9 **over to the customer, to Clark County. With this being**
 10 **a separate contract, that in turn would be handed back**
 11 **to Bombardier or whoever, Westinghouse at the time, as**
 12 **part of that new contract.**
 13 Q. It would be fair to say, though, that it was
 14 Bombardier or one of its predecessors, whether
 15 Westinghouse or Adtranz, that had the expertise as to
 16 what was needed to maintain and operate these vehicles
 17 and the system as a whole?
 18 **A. Yes.**
 19 Q. So the County would be relying on what
 20 Bombardier suggested was necessary for the maintenance
 21 and operations?
 22 **A. Yet, it would.**
 23 Q. Okay, thank you. Now, the way that you manned
 24 this Maintenance Contract 552 was with two shifts,
 25 correct?

Page 140

1 **A. Yes.**
 2 Q. And it was the night shift I believe you
 3 talked about, that was the shift that had the downtime
 4 where you would do the preventative maintenance?
 5 **A. Yes. There was a limited downtime on day**
 6 **shift as well, I think just for the D Gate system.**
 7 Q. So what tasks were assigned to the day shift
 8 people primarily?
 9 **A. From my recollection, it would be more tasks**
 10 **associated with more the routine maintenance. They**
 11 **would have to do the daily inspection of the system.**
 12 **They would also be there on standby for recovery of the**
 13 **system should something happen.**
 14 **During the daytime shift, I believe you would**
 15 **also be doing any planned or scheduled rebuilds of**
 16 **equipment based on what was done off the night shift.**
 17 Q. So the daytime shift had the available time to
 18 work on rebuilds or do other types of activities that
 19 were not directly related to keeping the vehicles up
 20 and running on that particular shift?
 21 **A. Yes. They would be limited by how much**
 22 **preventative maintenance they could do, because the**
 23 **system was running.**
 24 Q. Is the 99.65 percent availability percentage
 25 significantly different from any of Bombardier's other

Page 141

1 contracts with other airports?

2 **A. Well, I'll say yes.**

3 Q. What's the lowest available, or lowest

4 requirement --

5 **A. 99.02.**

6 Q. And to you that .65 is significant?

7 **A. Yes.**

8 Q. Okay. Now on the, if you go to Bombardier

9 Exhibit 1, I just want to go through a couple of things

10 with you at the end. Turning to page 18.

11 **A. Okay.**

12 Q. Referring you to 1.18, warranty, and in about

13 the middle of the third line, I'm going to read it so

14 it will speed things up. "The ATS will achieve a

15 monthly system availability," parens, "SA," end parens,

16 "as defined and calculated in accordance with provision

17 of Paragraph 1.3.4 of 99.65 percent." And that's the

18 number that we've been talking about this morning,

19 right?

20 **A. Yes.**

21 Q. And that's a warranty that Bombardier gave to

22 the County?

23 **A. Yes.**

24 Q. Page 24, 2.1.2.1, "Guideway and Facility

25 Maintenance." We covered this earlier that it is

Page 142

1 indeed the owner's obligation to provide and maintain

2 the guideway structures, including running surface, and

3 coordinate with the contractor's operations.

4 As a result of this, there were a number of

5 purchase orders that the County issued directly to the

6 other contractors to come out and do some repairs on

7 the guideway, weren't there?

8 **A. Yes.**

9 Q. Truesdale was one?

10 **A. Yes.**

11 Q. And Morse Electric was another?

12 **A. Yes, they were.**

13 Q. Now, the delivery of new vehicles under 2305

14 came during the maintenance contract period here in

15 552; is that right?

16 **A. Yes, they did.**

17 Q. And when those cars were delivered for the C

18 and D Legs, were there problems identified with the

19 vehicles?

20 **A. Yes, there were.**

21 Q. And were the problems identified with the

22 wayside doors?

23 **A. Yes, there were.**

24 Q. In particular, what was the problem with the

25 vehicles?

Page 143

1 **A. Early on with the vehicles, we had some**

2 **propulsion-related issues that were repaired. We also**

3 **had, the other ones that I remember were issues**

4 **interior finishes, and -- it's escaping me now.**

5 Q. Leaking seals on the hubs.

6 **A. That issue was, that was inherent in the**

7 **systems before the delivery here.**

8 Q. You had a subcontractor actually construct

9 that portion of the vehicles?

10 **A. Yes.**

11 Q. Okay. What was the name of that company?

12 **A. Axle Tech.**

13 Q. Wayside doors, was there a problem with the

14 motors provided by Stanley Door?

15 **A. Yes, there were.**

16 Q. Did Stanley Door step up and accept

17 responsibility for their problem?

18 **A. At the end of the day they did offer a**

19 **replacement of those motors and additional warranty.**

20 Q. And what was the additional warranty?

21 **A. I don't know all the details, but it was to**

22 **replace the motors over course of time.**

23 Q. What was the standard warranty prior to that

24 additional warranty?

25 **A. One year.**

Page 144

1 Q. One year? And was that the warranty period

2 for the rest of the system?

3 **A. Yes. The warranty period is one year from**

4 **substantial completion.**

5 Q. What about on the structure of the vehicles

6 and the bogie system?

7 **A. As far as the vehicles on the structure of the**

8 **bogies, I believe was five. The structure of the**

9 **vehicle, I can't remember off the top of my head, but**

10 **it was longer than one.**

11 Q. Now, you testified earlier about rebuilding

12 spindles and some other items which were then deemed to

13 be of a suitable quality to be reused on vehicles or on

14 the wayside doors or whatever?

15 **A. Yes.**

16 Q. Could you have outsourced that work?

17 **A. Yes.**

18 Q. What's your definition of "rebuild"?

19 **A. My definition, the item has not failed.**

20 **You're just taking -- you're actually rebuilding to**

21 **prevent it from failing. You've known -- you have**

22 **figured out how long that piece will last, and by**

23 **rebuilding it at planned intervals, you can prevent a**

24 **failure and keep that part in service longer.**

25 Q. Is "rebuild" a defined term in the Bombardier

<p style="text-align: right;">Page 145</p> <p>1 manual universe of terms?</p> <p>2 A. Outside of my definition, probably not in that</p> <p>3 regard.</p> <p>4 Q. Throughout the existence of Contract 552, I</p> <p>5 believe you said the ride certifications were in</p> <p>6 Bombardier's name?</p> <p>7 A. Yes.</p> <p>8 Q. You testified about doing a propulsion motor</p> <p>9 overhaul. When did that occur?</p> <p>10 A. I can't remember.</p> <p>11 Q. Was it during --</p> <p>12 A. It was during our, the 552 contract with</p> <p>13 Bombardier.</p> <p>14 Q. Was a proposal sent to the owner on that one?</p> <p>15 A. Yes.</p> <p>16 Q. Do you have access at all to any PO or copy of</p> <p>17 that proposal?</p> <p>18 A. We may have, yes.</p> <p>19 Q. Did you have -- I know that you've relocated</p> <p>20 to Pittsburgh, right?</p> <p>21 A. Yes.</p> <p>22 Q. Did you have any involvement or knowledge of</p> <p>23 the recent ATS failure that occurred on a Sunday at the</p> <p>24 airport?</p> <p>25 A. Yes, I did.</p>	<p style="text-align: right;">Page 147</p> <p>1 MR. KAHN: Thank you, yes.</p> <p>2 RECROSS-EXAMINATION</p> <p>3 BY MR. KAHN:</p> <p>4 Q. The origin of this recent failure that you</p> <p>5 just discussed, was it determined to be something</p> <p>6 software-related that had been supplied by Bombardier?</p> <p>7 A. What had happened, when the power went off,</p> <p>8 the UPS system did not come online to keep the</p> <p>9 equipment settings in place. And when the power was</p> <p>10 restored, I don't know if there was a hiccup in it, but</p> <p>11 all those equipment settings were reset, and when they</p> <p>12 came back online, some of the settings weren't correct</p> <p>13 what they should have been originally.</p> <p>14 Q. Right, because the settings weren't correct</p> <p>15 because there was software that had been supplied by</p> <p>16 Bombardier that was on one version of the system but</p> <p>17 not on the backup? Isn't that correct?</p> <p>18 A. I don't know if that's the case.</p> <p>19 Q. Have you seen an investigation report that's</p> <p>20 been done by the County into the origins of it?</p> <p>21 A. No.</p> <p>22 Q. Have you had discussions subsequent to the</p> <p>23 events about determining the origin of this failure?</p> <p>24 A. No.</p> <p>25 MR. KAHN: Nothing further.</p>
<p style="text-align: right;">Page 146</p> <p>1 Q. Can you describe what happened?</p> <p>2 A. To the best of my ability, yes. I received a</p> <p>3 phone call from Joel Middleton from County that the ATS</p> <p>4 system, the train control system was having problems</p> <p>5 and the system's down, all legs were down. He had</p> <p>6 mentioned just briefly it was possibly related to a</p> <p>7 power issue at one of the APM rooms and that they</p> <p>8 needed --</p> <p>9 Q. Excuse me, what does "APM" mean?</p> <p>10 A. I'm sorry. At one of the equipment rooms on</p> <p>11 the automated people-mover system. It's an equipment</p> <p>12 room, I believe he was referencing Station D. The</p> <p>13 components in that room lost power, and when it was</p> <p>14 brought back up, they didn't come back online properly</p> <p>15 so the system wouldn't run. So we organized a series</p> <p>16 of support calls with the engineers, and through remote</p> <p>17 access and working with the maintenance technicians,</p> <p>18 they were able to bring the system back online.</p> <p>19 Q. Could the airport have brought it back online</p> <p>20 without the assistance of people in Pittsburgh?</p> <p>21 A. No.</p> <p>22 MR. THOMSON: No further questions.</p> <p>23 COMMISSIONER TOWLER: Let me go back to</p> <p>24 Mr. Kahn, see if he has anything related to</p> <p>25 Mr. Thomson's questions.</p>	<p style="text-align: right;">Page 148</p> <p>1 COMMISSIONER TOWLER: Mr. Moss?</p> <p>2 MR. MOSS: No.</p> <p>3 COMMISSIONER TOWLER: All right. So with</p> <p>4 that, this witness is released.</p> <p>5 MR. KAHN: Yes.</p> <p>6 COMMISSIONER TOWLER: If we can go off record.</p> <p>7 (Recess.)</p> <p>8 COMMISSIONER TOWLER: We are back on the</p> <p>9 record.</p> <p>10 MR. MOSS: Bombardier calls Melvin Smith.</p> <p>11 Whereupon,</p> <p>12 MELVIN SMITH,</p> <p>13 having been first duly sworn to testify to the truth,</p> <p>14 the whole truth and nothing but the truth, was examined</p> <p>15 and testified as follows:</p> <p>16</p> <p>17 COMMISSIONER TOWLER: Please state your name</p> <p>18 and spell your last name for the record.</p> <p>19 THE WITNESS: Melvin Smith, S-M-I-T-H.</p> <p>20 DIRECT EXAMINATION</p> <p>21 BY MR. MOSS:</p> <p>22 Q. Melvin, are you currently employed?</p> <p>23 A. Yes, I am.</p> <p>24 Q. By whom?</p> <p>25 A. Bombardier Transportation (Holdings) USA, Inc.</p>

1 (Holdings).
 2 Q. And what position do you hold now?
 3 A. I'm the Service and Delivery Center Manager
 4 for the Houston SDC.
 5 Q. And what's a service and delivery manager?
 6 A. Basically I oversee the contract between
 7 Bombardier and the City of Houston, yes, between the
 8 City of Houston, ensuring that the maintenance is
 9 carried out and operations is carried out at that site.
 10 Q. And where did you work prior to that?
 11 A. At the Las Vegas SDC.
 12 Q. And what capacity?
 13 A. I was the Service and Delivery Manager there
 14 also.
 15 Q. Have you worked in any other Bombardier
 16 locations?
 17 A. Yes, I did. I also served as Engineering
 18 Manager and O&M Manager at the Newark SDC in New
 19 Jersey.
 20 Q. When you were at Las Vegas and you were the
 21 site service manager, did you supervise any employees?
 22 A. Yes, I did.
 23 Q. Did you have anyone here who you reported to?
 24 A. Roy Ryan.
 25 Q. Was he in Las Vegas?

1 A. Yes, he was.
 2 Q. And then you supervised who?
 3 A. Excuse me?
 4 Q. Who did you supervise?
 5 A. 14 technicians, two engineers, and one office
 6 staff.
 7 Q. So you were the top guy in Las Vegas, at the
 8 Las Vegas site?
 9 A. Yes, I was.
 10 Q. And who was second in command?
 11 A. Joel Middleton.
 12 Q. And what was his position?
 13 A. He was a Field Site Service Engineer
 14 Supervisor.
 15 Q. And were there any other employees besides the
 16 techs?
 17 A. I had another FSE, Tim Alvarez or Timothy
 18 Alvarez, and Linda Ghize was our site coordinator.
 19 Q. And then the technicians?
 20 A. Yes, and 14 technicians.
 21 Q. You mentioned Joel. He's an FSE. How did his
 22 duties differ from Tim?
 23 A. Joel overseen the availability, a lot of the
 24 training of the technicians, ensuring that all the work
 25 was done in a timely manner. Developing new processes

1 or procedures or working with the technicians on
 2 developing those. Joel took care of a lot of the real
 3 detailed site-specific duties.
 4 Q. And you said you had an administrator who was
 5 a collateral person?
 6 A. Yes.
 7 Q. Who did you replace?
 8 A. I replaced Sushil Jaitly.
 9 Q. When you took over, did you make any changes
 10 of any type?
 11 A. No, I did not.
 12 Q. No difference in job assignments or new
 13 policies or procedures?
 14 A. Nothing at all.
 15 Q. I want to talk to you a little bit about some
 16 details about the maintenance crew. First of all, did
 17 you observe the maintenance crews working?
 18 A. Yes, I did.
 19 Q. And what would occasion that?
 20 A. Just to get out of the office, go out there,
 21 see what the guys were doing, to be able to interact
 22 with them, give them a helping hand if they were in the
 23 middle of doing a preventative maintenance task. A lot
 24 of times I went on third shift to watch the guys do the
 25 work on third shift, not only to make sure they were

1 doing it safely, but to ensure that the work was being
 2 done.
 3 Q. Were there any occasions when you had to go
 4 out and watch over some person for some reason?
 5 A. Generally, no. Just more there just to give
 6 them support when needed.
 7 Q. Now, when you started, how many maintenance
 8 technicians were there?
 9 A. 14.
 10 Q. And did anyone while you were there, did
 11 anyone other than maintenance techs perform maintenance
 12 work?
 13 A. Maintenance work. The vehicles or --
 14 Q. Under the contract.
 15 A. Outside of the maintenance technicians, the
 16 FSEs would help on an as-needed basis.
 17 Q. How frequently did that happen?
 18 A. Very infrequently.
 19 Q. But other than those, no other individuals
 20 were doing maintenance work?
 21 A. No.
 22 Q. During the time that you were at Las Vegas,
 23 did you hire any new maintenance technicians?
 24 A. Yes, I did.
 25 Q. And how many did you hire?

Page 153

1 **A. Two.**
2 Q. And did you make the decision to hire them?
3 **A. Yes, I did.**
4 Q. What were the skills and qualifications that
5 you were looking for in a new employee?
6 **A. Someone with basic mechanical skills,**
7 **electrical skills. For me, a good attitude, being able**
8 **to fit in with the team here was a big driver for me.**
9 **But as long as they had some type of electrical or**
10 **mechanical background and had the ability to learn and**
11 **retain what they were doing, they were usually brought**
12 **on.**
13 Q. Did you require any previous experience in
14 maintaining APMs or --
15 **A. No.**
16 Q. Was one of the two that you hired, were either
17 one of them doing mechanical or electrical work?
18 **A. One guy I hired was a bricklayer. He was**
19 **recommended to us by one of the other technicians.**
20 **Because he worked on motorcycles and dirt bikes and**
21 **stuff like that and because he came recommended from**
22 **one of the other technicians, we gave him a chance,**
23 **because this is one of those individuals that had a**
24 **good attitude.**
25 **He did learn the system. He was willing to**

Page 154

1 learn, and we kept him on.
2 And then the other guy was ex-military, worked
3 on the Predator system, which he didn't stay. He went
4 back to the Predator.
5 Q. Back to the crews, you said there were 14.
6 Were they full-time employees?
7 **A. Yes, they were.**
8 Q. How many hours a week did they work?
9 **A. 40 hours a week.**
10 Q. How many days a week did they work?
11 **A. Four days.**
12 Q. Was the operation a 24/7 operation?
13 **A. Yes, it was.**
14 Q. Could you describe what the work schedules
15 were for the maintenance crew?
16 **A. Yeah. I called it an A and B side of the**
17 **week. We had six technicians working day shift,**
18 **working Sunday to Wednesday, and then the other side of**
19 **the week worked Wednesday to Saturday, and their hours**
20 **were from 7:00 to 8:00, then you had your night shift**
21 **with the other eight technicians where a group of four**
22 **worked from Sunday to Wednesday, Wednesday to Saturday,**
23 **and they worked from 7:00 p.m. to 10:00 a.m., broken up**
24 **in staggered shifts when they came in.**
25 Q. So you used day shift and night shift

Page 155

1 terminology?
2 **A. Yes.**
3 Q. Again, back to this A and B, you said you had
4 14 total maintenance guys --
5 **A. Yes.**
6 Q. -- six of whom were day shift?
7 **A. Yes.**
8 Q. Is that what you said, six?
9 **A. Yes, six.**
10 Q. And three were assigned the first half of the
11 week?
12 **A. First half of the week.**
13 Q. Three were assigned the second half?
14 **A. Yes.**
15 Q. And did they ever overlap?
16 **A. On Wednesday.**
17 Q. And how many were working on Wednesday?
18 **A. Six technicians on Wednesday.**
19 Q. And then the remaining eight, I guess, were
20 night shift?
21 **A. Night shift.**
22 Q. And were they assigned the same way?
23 **A. Yes.**
24 Q. A and B?
25 **A. Yes.**

Page 156

1 Q. Was it four and four?
2 **A. Yes, sir.**
3 Q. Now, did the day shifts occasionally switch to
4 night shift and vice versa?
5 **A. No.**
6 Q. And so everybody pretty much stayed where they
7 were --
8 **A. Yes.**
9 Q. -- the whole time. Now, do all the
10 technicians have the same job duties?
11 **A. They're capable of doing all the same job**
12 **duties, so yes.**
13 Q. But do they all necessarily perform all the
14 job duties?
15 **A. No.**
16 Q. And do the duties vary from the day shift to
17 the night shift?
18 **A. Yes.**
19 Q. Could you describe what the duties of the day
20 shift employees were?
21 **A. Primarily the day shift guys did recovery.**
22 **They did routine maintenance. They did some rebuilds**
23 **and some preventative maintenance.**
24 Q. You used the term "recovery." Could you
25 describe or could you tell us what that is?

<p style="text-align: right;">Page 157</p> <p>1 A. In the event that the system were to go down, 2 the technicians would have to go to the train or to a 3 wayside system and identify where the problem is, and 4 either get the system operating back to its normal 5 configuration or to its normal operation, or to turn it 6 off and then leave it for night shift to fix the 7 problem. 8 Q. And that whole process is called recovery? 9 A. Yes. That is a recovery there. 10 Q. And you said that they did routine 11 maintenance. 12 A. Yes. That's when they go out, basically 13 inspect the trains, they ride the trains from end to 14 end making sure everything is operational, the lights, 15 the air-conditioning. They may pick up any loose trash 16 on the train, observing the station doors, make sure 17 everything's just functioning properly. 18 Q. And then you said they may do some 19 preventative maintenance? 20 A. Yes. 21 Q. What kind? 22 A. Vehicle preventative maintenance. On Tuesday, 23 Wednesday and Saturday, we always brought down one 24 train on the D Leg and they would do a scheduled 25 maintenance at that point in time.</p>	<p style="text-align: right;">Page 159</p> <p>1 predetermined time, take it off the train, place it in 2 the area in the rebuild room, and then the day shift 3 technicians would come in, depending on their workload 4 for the day or what was planned out or the manpower, 5 they would rebuild the guide spindle at that point in 6 time. 7 Q. So these were parts that were being removed as 8 part of the scheduled maintenance? 9 A. Yes. 10 Q. Were there always rebuild parts to be, or 11 parts for rebuilt? 12 A. Not always. They would try to schedule them, 13 the preventative maintenance, over a long period of 14 time so there were periods where there was no rebuilds 15 to be done. 16 Q. What's involved in rebuilding? 17 A. Basically a rebuild would consist of the part 18 come off the train, the technicians would tear that 19 part down, clean it up. We would have new parts, say 20 new bearings, new races, new seals. They would 21 assemble those parts onto the new guide rail and 22 spindle, reassemble it, check the tolerances, make sure 23 everything is fine, and then put it back into service. 24 Q. Now, these are all parts that were operable at 25 the time they were taken off the train?</p>
<p style="text-align: right;">Page 158</p> <p>1 Q. And how many were involved in that? 2 A. How many technicians? 3 Q. How many technicians? 4 A. Three. Well, depending on the side of the 5 week, three technicians. If there were two guys there 6 at the time, it would be two technicians. 7 Q. And then the last of it, the last function you 8 mentioned was rebuild? 9 A. Yes. 10 Q. What is rebuild? 11 A. We rebuilt parts that came off of the train 12 that was still functioning. Basically took them off 13 before a failure would possibly occur. We would 14 rebuild the part to bring it back to new condition and 15 put it back into stock. And that was part of the 16 preventative maintenance. 17 Q. So the day shift techs did the actual rebuild? 18 A. Yes. 19 Q. Where did they obtain the parts that were 20 going to be rebuilt? 21 A. Generally the night shift crew on their 22 scheduled maintenance time, they would -- there's 23 certain things that had to be removed from the trains, 24 the guide spindle or a relay. I'll just use a guide 25 spindle for now. They would remove it on its</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Yes, they were. They were operable, but from 2 experience we've learned that you don't want to let 3 things run and then break because then you're going to 4 have to fix it. So to optimize our maintenance, we 5 decided to pull things off at a set time, rebuild it, 6 then put it back into service. 7 Q. And how many different parts were subject to 8 being rebuilt? 9 A. Around 36 items. 36 units, but there could be 10 multiple units of that particular part. 11 Q. And did the procedure that was involved in the 12 rebuild vary from whatever the part was? 13 A. No. The procedures are very detailed to what 14 the part was that they were going to rebuild. 15 Q. But I'm saying if you had Part 1, like it was 16 a spindle, you rebuilt that and you also had to 17 rebuild, what else, what's another one? 18 A. So many things. A relay. We would have a 19 separate procedure for rebuilding, for testing that 20 relay. 21 Q. Okay. All right. But the process, the 22 function is the same? You're replacing parts and doing 23 measurements and those kinds of things? 24 A. Yes. 25 Q. Now, how many of the -- when you were doing</p>

1 rebuilds, were all the people who were assigned to the
 2 shift doing rebuilds?
 3 **A. It really depended on the day and the manpower**
 4 **again. Generally the technicians would start their day**
 5 **where they would do their routine inspections, going**
 6 **up, checking everything, and then they would say okay,**
 7 **they're going to do four guide spindles today, and they**
 8 **would all three work together, or if two guys were**
 9 **there, two of them would do it together, so generally,**
 10 **yes.**
 11 **Q. You mentioned that there were times when there**
 12 **were not parts to be rebuilt.**
 13 **A. Um-hum.**
 14 **Q. What would the techs do during those times?**
 15 **A. If we didn't have training or something to**
 16 **that effect to do, they were basically on standby**
 17 **waiting for something to go wrong with the system.**
 18 **Q. What does "standby" mean?**
 19 **A. Standby, you're standing by waiting for**
 20 **something to go wrong with the system. Everything is**
 21 **functioning, parts are rebuilt, there's no training to**
 22 **be done. There was times where there was nothing for**
 23 **the technicians to do, so it was usually recovery**
 24 **standby. You're waiting for something to go wrong.**
 25 **Q. When you said that they were waiting to be**

1 notified that there was an issue, I mean, how did that
 2 happen? How did they determine that I better go out
 3 and get this train back running?
 4 **A. Central Control would notify them over the**
 5 **radio. They would let the technicians know that, say**
 6 **the east train is stopped or the doors are failing to**
 7 **close on the east train or, I forgot the station's**
 8 **names here. Central Control would notify the**
 9 **technician there was a problem in the system. The**
 10 **technicians would go to the computer, look to confirm**
 11 **the problem. They would -- technicians would talk to**
 12 **Central Control, give them instructions as to what to**
 13 **do to try to rectify the problem before they go to the**
 14 **train.**
 15 **If Central Control cannot rectify the problem**
 16 **through the instructions that the technicians gave**
 17 **them, then the technicians will go to that particular**
 18 **location to try to resolve the problem.**
 19 **Q. So in some cases it could be resolved right**
 20 **there? They didn't have to go to the train?**
 21 **A. Yes. They would just walk into the room that**
 22 **was right next door to the electronics lab, look at the**
 23 **computer and they would say, "All right, Central, try**
 24 **this." If Central wasn't able to do it, they would**
 25 **take command of it remotely and try to do it through**

1 **the computer. If that still didn't work, then they**
 2 **would go out to the train.**
 3 **Q. Let's assume that didn't work and they have to**
 4 **go out to the train. When they get to the train, what**
 5 **do they do?**
 6 **A. Depends on the fault. If it's a station door,**
 7 **it could have been a passenger-induced fault where the**
 8 **passenger slammed the door open or a bottle cap in the**
 9 **door track and it will be as simple as pulling the cap**
 10 **out of the door track.**
 11 **If the door fails to respond to any of the**
 12 **initial checks or resetting the door, a lot of times it**
 13 **was just as simple as resetting the door with the key**
 14 **switch. If that didn't work, they would turn the door**
 15 **off and allow the train to leave.**
 16 **Q. Let's assume it was none of that worked. Then**
 17 **what do they do?**
 18 **A. It would work. Because they --**
 19 **Q. It was not something that was immediately**
 20 **fixable by moving a bottle cap off --**
 21 **A. If it's a failure of a component, say in a**
 22 **door, door operator motor, the boards, or the**
 23 **auto lock, they would shut that door off, lock it**
 24 **closed, and then they would notate it for third shift**
 25 **or night shift to look at and address the problem.**

1 **Q. Would they do anything to determine if it was**
 2 **a failure of something on the vehicle?**
 3 **A. If it was on the vehicle, same process. They**
 4 **would issue a command, tell Central Control, you know,**
 5 **give the train an EB reset. Give it a controlling M**
 6 **override. There's different commands they can give on**
 7 **the vehicle. If that fails, then the technicians will**
 8 **follow the same process. They will try to resolve it**
 9 **through the computer. If that still didn't work, they**
 10 **would go up to the train, and a lot of times if it's on**
 11 **the vehicle, it could be a reset, a manual reset on the**
 12 **vehicle that they would have to do.**
 13 **What else could it be? Could be any number of**
 14 **things. We have basically two different types of**
 15 **failures. You have -- I always looked at them as a**
 16 **soft failure, where it gets a reset, and then you have**
 17 **a hard failure where, you know, now the train's not**
 18 **moving, there's nothing we can do. We have to shut the**
 19 **train down to get the train to move at this point.**
 20 **That would be considered a hard failure.**
 21 **A hard failure for me would be a reversal**
 22 **failure. A reversal failure is when the train fails,**
 23 **when it comes into the station it fails to reverse and**
 24 **go back into the other direction. There are steps that**
 25 **the technicians take to try to resolve that issue. It**

<p style="text-align: right;">Page 165</p> <p>1 might sound silly, but sometimes you would jump up and 2 down over the motor box to get the train to move, or 3 get a hammer and bang the side of the motor box. It 4 would jar this one part loose, and then the train would 5 take off. If that failed, then, of course we would 6 have to contact the customer, say we're bringing the 7 train down because we need to power down the track 8 area, and then go inside the motor box to rectify the 9 issue.</p> <p>10 Q. Now, if they got there and they looked, doing 11 an inspection and they saw something's broken, and this 12 isn't, the train's not going to move, do they fix it at 13 that point?</p> <p>14 A. Yes. That's an unscheduled maintenance. 15 That's when they would have to physically, again, power 16 down the train, get the tools out. And things to that 17 nature would be a flat tire. On occasion we got a flat 18 tire on the train so the guys would have to fix the 19 flat. They would pull the tire off, put a new tire 20 back on, and send the train on its way.</p> <p>21 Q. Are there any vehicle failure problems that 22 are recorded in a way that the night shift would 23 actually do the work on the vehicle?</p> <p>24 A. Yes. For an example, if we lost a traction 25 motor, if the traction motor flashed over during the</p>	<p style="text-align: right;">Page 167</p> <p>1 I just call it a daily log. Pretty much the same 2 thing.</p> <p>3 Q. I think you listed four different things that 4 the day shift tech typically does. The first was 5 recovery.</p> <p>6 A. Um-hum.</p> <p>7 Q. In your estimation, about how much of their 8 time is spent in recovery work?</p> <p>9 A. About 70 percent of their time.</p> <p>10 Q. How much?</p> <p>11 A. About 70.</p> <p>12 Q. Okay. How much is spent on routine 13 maintenance?</p> <p>14 A. Now, does this have to add up to 100 percent 15 equally?</p> <p>16 Q. No, just your best estimate.</p> <p>17 A. Routine maintenance was about 25 percent. It 18 was a very small window.</p> <p>19 Q. Rebuild?</p> <p>20 A. Rebuilds? I would say about 25 percent.</p> <p>21 Q. And then the preventative maintenance?</p> <p>22 A. It's about the same, around 30 percent, I 23 guess.</p> <p>24 Q. Now, you said that they had this standby time 25 and that they were on some occasions not occupied?</p>
<p style="text-align: right;">Page 166</p> <p>1 day, we would get a motor overload alarm, you would 2 smell the smoke because the motor failed. So we would 3 actually turn that car off and let the other two cars 4 on the D Leg continue to run for the day, and then 5 night shift will come in, remove the motor, and put a 6 new motor on the train.</p> <p>7 Q. Once they've gone out and they've done their 8 recovery, do they do any recordkeeping associated with 9 that?</p> <p>10 A. Yes. Anything that was done during the day 11 was put into their daily log, which is done through 12 SIMS, which was the Site Information Management System.</p> <p>13 Q. And what's the log used for?</p> <p>14 A. Just to track what was done, so when the night 15 shift comes in or the technicians that were coming in 16 to relieve them, they would see what was done during 17 the day. If there was anything that needed to be 18 addressed at night, basically just keeps a running 19 history of what was going on for the last 10 hours, 12 20 hours.</p> <p>21 Q. Do you know what, are you familiar with the 22 term pass-down?</p> <p>23 A. Yes, that's the pass-down.</p> <p>24 Q. What's that mean?</p> <p>25 A. Same thing. Your daily log is your pass-down.</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yes.</p> <p>2 Q. How much of their time would be time when they 3 were on standby and not doing any work at all, except 4 waiting to hear a problem?</p> <p>5 A. I kind of put recovery and standby into the 6 same thing for myself. I'm sorry. I should have 7 said -- well, both recovery and standby for me is 8 basically the same, so I'd say about 70 percent, 9 because you're not always doing recovery. There was 10 more standby time than anything else.</p> <p>11 Q. That's why I'm saying, how much standby time, 12 as compared to the rest of the time?</p> <p>13 A. I'll stick with 70, 75 percent of the time.</p> <p>14 Q. That they're not doing anything?</p> <p>15 A. Yeah. About that.</p> <p>16 Q. All right. Now what are the job duties of the 17 night shift?</p> <p>18 A. Night shift was primarily PMs, corrective 19 maintenance. They didn't do any rebuilds on nights. 20 They did do routine maintenance for very small window, 21 similar to day shift.</p> <p>22 What else do they do? And they also had some 23 recovery also, but nowhere near like, or standby time 24 like first or day shift. Night shift were the 25 workhorses. They did the work.</p>

1 Q. So you said they did do some recovery.

2 A. Yes.

3 Q. Did it differ in any respect as to the
4 recovery that the day shift guys did?

5 A. Generally at night, like when the night shift
6 crew comes in, when the bulk of them are there, the
7 system is already down and they're starting their
8 maintenance, so they have one track that's down. If
9 the other train were to have a failure, because there's
10 four people on, one guy or two guys could run to that
11 train and get it going again. If they can't get it
12 going again, then they'll put the other train back into
13 service. But generally nights were pretty quiet when
14 it came to recoveries.

15 Q. Did the system -- well, were there periods
16 when the system, some parts of the system were shut
17 down and others were still in effect in the evening?

18 A. Yes. We would shut down one leg on the C Leg
19 and one leg on the D Leg down. For a period of time, I
20 believe the D Leg was shut down at 10:30 and had to be
21 back in by 5:00, and the C Leg was shut down at
22 11:00 and had to be back on by 6:00.

23 Q. And was that regularly, every day?

24 A. Every day.

25 Q. So where were the techs working then?

1 A. The techs were working in -- the trains came
2 into the station and that's where they berth, and the
3 maintenance area is basically directly underneath the
4 train, so where the train sat where they shut it down,
5 that's where they did the maintenance, which is in
6 Terminal 1 or that's where we call maintenance.

7 Q. Now, you said that they did preventative
8 maintenance work. What do you mean by that?

9 A. Same thing on day or night shift, we have a
10 scheduled PM that has to be done at a set time
11 throughout the year. The schedule was put out there,
12 the technicians or the lead tech would forecast the PMs
13 for two months, so when night shift came in they knew
14 what PM they had to do that particular night, whether
15 it's a PM 60 or a station door PM, whatever it may be,
16 they know what has to be done on that particular leg
17 that is down.

18 Q. Did they do any what you would call routine
19 maintenance?

20 A. Yes. More in the morning they would do their
21 routine maintenance. Once they start the system back
22 up, they would go around and make sure everything is
23 operational before the day shift came in.

24 Q. And again, the routine maintenance consisted
25 of inspections basically?

1 A. Just visual inspections, making sure
2 everything is operational, functional, aesthetically
3 pleasing to the traveling public.

4 Q. And did they do any corrective maintenance?

5 A. Yes, they did. Generally corrective
6 maintenance was their priority because they would have
7 to fix whatever was broken on day shift. Like day
8 shift had a door failure, and they shut the door up on
9 nights. Night shift would come in, turn that door back
10 on, run it through a series of tests, identify the
11 problem, take that part off, put it off to the side for
12 first shift to rebuild it or fix it because we had test
13 stands for that, and then they would put on a new
14 component, test the part, arm the door, and release
15 that part back into service or that component, that
16 door. Then they would go on to do their preventative
17 maintenance that was scheduled for that night.

18 Q. And was there corrective work to do every
19 night?

20 A. No.

21 Q. Not frequently?

22 A. No. No. That's the whole point of the
23 preventative maintenance is to prevent failures from
24 happening between the cycles. If a failure occurred,
25 then that affects our mean time between our failures.

1 Q. Now, you touched on this a little bit, but I
2 want to get back to it. You said on this situation
3 when they have time with nothing to do, on the night
4 shift, how much of their time falls into that category?

5 A. 10 to 15 percent. These numbers are not
6 exact. Don't hold me to them.

7 Q. As between the day shift and the night shift,
8 which technicians do more recovery work?

9 A. Day shift. Day shift, because the full system
10 is operating during the day. There's a bigger impact
11 to the system and to the customer if the trains are not
12 running, especially on the D Leg. So primarily, if
13 something goes wrong, that's what the day shift was
14 there for. They were there to get that system back up
15 and going as quickly as possible.

16 At night, you only have one leg down, the
17 passenger flow was lighter. Basically, after the last
18 flight comes in, nobody is riding the trains anyway, so
19 the technicians can focus on doing their corrective and
20 preventative maintenance at night.

21 Q. And as for routine maintenance, how do they
22 compare the days and nights in terms of amount of time
23 they're spending?

24 A. About 50/50. Generally it's at the beginning
25 of their shifts, or night shift would be the end of

<p style="text-align: right;">Page 173</p> <p>1 their shift and first day shift would be at the 2 beginning of their shift. 3 Q. By 50/50, you mean they're both doing about 4 the same? 5 A. Yeah, more days than nights. 6 Q. And corrective? 7 A. Nights. Nights does more. 75 percent, to day 8 shift. 9 Q. 75 percent of that work, of the corrective 10 work is done at night? 11 A. Yes. It has to be done at night because 12 during the day they'll just turn that component off and 13 allow nights to come in and fix it. 14 Q. And I think on rebuilds, you said that 15 rebuilds, they don't do any rebuilding at night? 16 A. No. 17 Q. Do you have the ability to track the time that 18 mechanics are doing certain kinds of work? 19 A. Yes. 20 Q. How do you do that? 21 A. That's also done from SIMS. For the tasks 22 that they do, whether it's preventative maintenance, 23 corrective maintenance, rebuilds, there is time, 24 there's charge codes that they would assign their time 25 to for what they've done for that period of time.</p>	<p style="text-align: right;">Page 175</p> <p>1 recorded? 2 A. No, there is not. 3 Q. And was it mandatory that they use the codes? 4 A. Yes. It was expected for them to use the 5 correct codes against the work that they did for that 6 day. 7 Q. And how did you communicate that to them, or 8 did you? 9 A. When I got there, we did have -- we used -- we 10 had a training class, first of all. When a 11 technician's brought on, they're trained on SIMS, and 12 that's when they're initially taught on how to use, 13 what codes to use or enter into SIMS for their time. 14 During that time, Bombardier had gone global 15 and we changed our codes, which was shared with 16 everyone here, to bring us more in line with the global 17 Bombardier market in which the guys that were trained, 18 retained on that in January 2011, I believe it was. 19 Q. Okay. And is this information that they put 20 into SIMS recoverable? 21 A. Recoverable? Yes, it is. 22 Q. Can you get it back out? 23 A. Yes. 24 Q. So is it possible to determine how often and 25 for what period of time each technician performed a</p>
<p style="text-align: right;">Page 174</p> <p>1 Q. Can you tell us what a charge code is? 2 A. Charge code is -- how can I say it -- it's 3 what -- you have a charge code for preventative 4 maintenance on vehicles, or preventative maintenance on 5 wayside, or corrective maintenance on vehicles, or 6 corrective maintenance on wayside. That's what they 7 would charge their time against for their daily or 8 nightly tasks. Or if they're out sick or on jury duty 9 or a holiday, they would charge their time against a 10 specific charge code for that item. 11 Q. And do they have to assign a charge code for 12 all of their time? 13 A. Yes. 14 Q. And is there a code for every function that 15 they perform? 16 A. Yes. 17 Q. How specific are the codes? 18 A. Same as I just said. Preventative 19 maintenance, corrective maintenance. I think they're 20 heavy overhauls or rebuilds, I can't remember all the 21 codes now. But -- 22 Q. Was there any work for which there was not a 23 code? 24 A. No, there wasn't. 25 Q. And is there any work they do that is not</p>	<p style="text-align: right;">Page 176</p> <p>1 tech kind of function over a given period of time? 2 A. Yes, it is. 3 Q. How long has this system been in effect? 4 A. Long before I was there. Since the beginning 5 of time, Bombardier time. 6 (Exhibit U 21 marked) 7 BY MR. MOSS: 8 Q. Okay. Do you have -- Melvin, you've been 9 handed a document that I guess has been marked as Union 10 21. Would you take a moment to look at that? 11 A. Um-hum. Yes. 12 Q. Have you ever seen it before? 13 A. Not until I just came back here to Las Vegas. 14 Q. Do you know what it is? 15 A. I have no idea what it is. 16 Q. Is it a Bombardier document, to your 17 knowledge? 18 A. No, it is not. 19 Q. Okay. Now, I want to draw your attention to 20 an entry about, oh, I'd say about 20 percent down on 21 the left, and it's wider than the other ones. Do you 22 see it starts out Z5229? 23 A. Yes, I do. 24 Q. And then it says, "General recovery standby 25 activities"?</p>

Page 177

1 **A. Yes.**
 2 Q. If you look over to the right side --
 3 **A. Yes.**
 4 Q. -- it says, "Code utilized by technicians
 5 while performing rebuilds, recoveries and general shop
 6 activities," paren, "30 percent chargeable as
 7 corrective," paren. Is Z5229 the code that is to be
 8 utilized by technicians to record time spent performing
 9 rebuilds, recoveries and general shop activities?
 10 **A. No, it is not.**
 11 Q. And are there other codes that cover that
 12 work?
 13 **A. Yes, there is.**
 14 Q. And in the paren it says, "30 percent
 15 chargeable as corrective." To your knowledge, does
 16 Bombardier have any policy, practice or procedure that
 17 30 percent of work should be chargeable as corrective?
 18 **A. No. There's no, nothing like, anything of**
 19 **that, no.**
 20 Q. And you're saying that there are other codes
 21 listed that could have been used for those?
 22 **A. Yes.**
 23 Q. And should have been?
 24 **A. They should have been used, yes.**
 25 Q. Are you familiar with the concept known as the

Page 178

1 maintenance plan?
 2 **A. Yes, I am.**
 3 Q. And what do you understand the maintenance
 4 plan to be?
 5 **A. Maintenance plan is the contractual obligation**
 6 **that we have to the customer, which in this case would**
 7 **be McCarran International Airport; that we're supposed**
 8 **to complete specific tasks on a scheduled basis to**
 9 **ensure the reliability of the trains.**
 10 Q. And were you aware of the maintenance plan at
 11 the time that you were the director?
 12 **A. Yes, that was our bible.**
 13 Q. What?
 14 **A. That was our bible. We lived by that.**
 15 Q. And how did you use the maintenance plan in
 16 overseeing the operations?
 17 **A. Basically the maintenance plan was used to**
 18 **ensure that the PMs were done on the predetermined**
 19 **times and dates that we expected the parts to, all**
 20 **the -- expect the work to be done. So the technicians**
 21 **basically would -- the maintenance plan is put into**
 22 **SIMS and SIMS would automatically generate saying,**
 23 **okay, this month these are the PMs that have to be**
 24 **done. Those are the same PMs that are in the**
 25 **maintenance plan. The technicians would take their**

Page 179

1 time, put it on a calendar for everyone to see, and
 2 that work would be done.
 3 In addition, this -- let's see, Clark County
 4 also had inspectors that would come in every six months
 5 to ensure that we were doing the work prescribed in the
 6 maintenance plan by reviewing all documents on a
 7 semi-annual basis, for both the C and D Leg. If the
 8 work was not being performed, we would not get our ride
 9 certificate, which the ride certificate's basically
 10 saying all the work is being done that Bombardier and
 11 the County has agreed on, and they are doing the work
 12 at the times that have been set.
 13 Q. Did you do any audits internally?
 14 **A. Yes. Bombardier had its own internal audits**
 15 **just to make sure we were doing the things that we're**
 16 **supposed to be doing also.**
 17 Q. When the County did the audits, were you
 18 informed of the results?
 19 **A. Yes.**
 20 Q. Are you familiar with a term called "work
 21 instruction"?
 22 **A. Yes, I am.**
 23 MR. MOSS: Let me show you -- Mr. Hearing
 24 Officer, is B 26 in?
 25 COMMISSIONER TOWLER: I believe it is.

Page 180

1 MR. KAHN: Yes.
 2 BY MR. MOSS:
 3 Q. Melvin, you've been handed a document that's
 4 been marked as Bombardier Exhibit 26. Would you take a
 5 look at that and review it?
 6 **A. Yes.**
 7 Q. Do you know what it is?
 8 **A. Yes, very well. It's a work instruction.**
 9 Q. And it says, "Work instruction, PM305 guide
 10 spindle/tire inspection"?
 11 **A. Yes.**
 12 Q. What's that telling us?
 13 **A. Basically for every PM, we have our PMs**
 14 **numbered, range of numbers from 100, 200, 300, 400,**
 15 **500, and specific inspections that have to be**
 16 **completed. So in this particular case, the PM305 is a**
 17 **guide spindle and tire inspection. This instruction**
 18 **basically tells you what to do line by line how the**
 19 **inspection is carried out. So it gives you everything**
 20 **you need to know, tools that you'll need, the safety**
 21 **precautions that have to be done, and everything is**
 22 **spelled out under the work instruction. And we have**
 23 **these for every PM task that's called out in the**
 24 **maintenance plan for the technicians.**
 25 Q. Would you take a look at Exhibit 15 in the

Page 181

1 three-ring binder that you have?

2 A. Okay.

3 Q. Have you found it?

4 A. Yes, I did.

5 Q. And do you recognize that document?

6 A. This is our maintenance plan.

7 Q. And was it the maintenance plan that was in

8 effect when you were there?

9 A. Yes, it is.

10 Q. Now, you're saying that there is a work

11 instruction for every one of those entries on this

12 document?

13 A. Yes, there is.

14 Q. If you'll look at the back of the one that I

15 gave you, the B 26.

16 A. Yes.

17 Q. The last few pages are something called a

18 rebuild instruction.

19 A. Yes.

20 Q. Do you know what that is?

21 A. Yes. On many of the PMs -- for example, the

22 guide spindle -- because of the PM, certain times of

23 year on, say we'll use the guide spindles on the D Leg,

24 every 12 months we would have to remove the guide

25 spindles as part of our preventative maintenance and

Page 182

1 rebuild them. The rebuild instructions give details

2 how to rebuild the guide spindle. It tells you, you

3 know, breaking it down, checking the tolerance or the

4 diameter of the guide spindle itself. Cleaning it,

5 reassembling it, making sure that it's back to almost

6 new condition again.

7 Q. And do you know how many of rebuild work

8 instructions there are?

9 A. About 36 rebuild instructions.

10 Q. Now, if you look through this document, it

11 refers to T3 systems.

12 A. Yes.

13 Q. Are you aware of when we stopped performing

14 maintenance work at Las Vegas?

15 A. Stopped? I believe May 2012.

16 Q. Did we ever do any maintenance work on the T3

17 systems?

18 A. No.

19 Q. But there's reference to them on these, on

20 this work instructions?

21 A. Yes. It was in anticipation of doing the

22 work.

23 Q. Okay. Do you recall when we modified them for

24 the T3?

25 A. No, I don't.

Page 183

1 Q. Before we modified them, did you still have

2 work instructions?

3 A. Yes.

4 Q. Did you change any of them, other than to make

5 them adapt them to T3 in order to do that?

6 A. No, nothing was changed. These have been in

7 place since I've gotten there in December of 2009.

8 Q. Okay, but not the ones that necessarily say

9 T3?

10 A. Yeah, T3 was added on. Nothing changed

11 between the C and D Leg and T3. It's all the same

12 vehicles. Nothing changed.

13 Q. Okay. I understand what you're saying. Now,

14 the maintenance plan has, tells people that things are

15 supposed to be done at a certain time.

16 A. Um-hum.

17 Q. The techs are told that this is the day or the

18 week to do these particular things.

19 A. Yes.

20 Q. The work instructions have information in them

21 as to what they're to do and how they're supposed to do

22 it; is that correct?

23 A. Yes.

24 Q. Now, is there any -- are they required to

25 record that they have, make some record that they have

Page 184

1 completed all of those things?

2 A. Yes.

3 Q. And how did they do that?

4 A. That was done through SIMS also. Again, SIMS

5 tracks all the preventative maintenance as per the

6 maintenance plan, so SIMS, they would actually print

7 out an inspection sheet, say for a guide spindle, and

8 it just has checkoffs, you know, inspect -- it's a very

9 high-level inspection. Inspect guide tire, inspect

10 spindle, inspect heat strip, just inspecting certain

11 things.

12 This just provides more detail as to what to

13 look for. Gives them more instruction as to what to

14 do. And that information's recorded in SIMS and a

15 printout is completed, given to the FSE to review and

16 then is placed into a logbook in the maintenance

17 facility for the City inspectors to inspect to ensure

18 we did the work as per the maintenance plan.

19 Q. Are you familiar with manuals?

20 A. Yes.

21 Q. What are they?

22 A. Manuals are manuals. Bombardier provides

23 manuals on how to do the troubleshooting, corrective

24 maintenance, how the system works, any of the sub, or

25 the subsystems like the air-conditioner or the air

1 compressor, products that are provided by another
 2 vendor. We also have the OEM manuals for them also.
 3 Q. And are they available to the techs?
 4 A. Yes, they are.
 5 Q. And do the manuals contain information about
 6 how to do certain functions?
 7 A. Again, more on a high level. The manuals are
 8 there. They're there for reference. We did use the
 9 manuals to help create these work instructions, and
 10 again we use these work instructions because a lot of
 11 times the manual may say do A, B, C, D. Well, we found
 12 it easy to do B, A, D, E in a different step process
 13 because it flowed better for the technicians. Nothing
 14 was changed, but it was just the way we performed our
 15 maintenance. It worked better for the job.
 16 Q. So we have the maintenance plan, the work
 17 instructions. Do all techs perform at one time or
 18 another all of those things that are listed in the
 19 maintenance plan and the instructions?
 20 A. There are certain things that night shift can
 21 only perform.
 22 Q. Can or do?
 23 A. Can. Because of the way it would affect the
 24 system, there's certain inspections that you cannot do
 25 during the day.

1 Q. My point, does the maintenance plan and the
 2 instructions include all of the work that a maintenance
 3 tech does?
 4 A. Yes.
 5 Q. What about the corrective work?
 6 A. Failing to understand what you're looking for.
 7 Q. Well, does the maintenance plan -- it doesn't
 8 speak to corrective work?
 9 A. No, it does not.
 10 Q. Do the instructions?
 11 A. The Bombardier maintenance manual provides you
 12 instructions how to do corrective maintenance. If
 13 something were to break, it gives you instructions.
 14 Again, a guide to, this is what you need check if
 15 something is not working.
 16 Q. All right. So other than what's in the
 17 maintenance plan, the instructions and the manuals, is
 18 there any work that they do that is not recorded in
 19 some way?
 20 A. No.
 21 Q. Or performed? Did they perform any other
 22 work?
 23 A. Everything is recorded as to what they do
 24 throughout the day.
 25 Q. But do they perform any work that's not in the

1 plan, the instructions or the manual?
 2 A. Yes, corrective maintenance. Corrective
 3 maintenance. If something -- you want to know is there
 4 anything that, for corrective maintenance that's not on
 5 the plan?
 6 Q. Yes.
 7 A. There's no instructions for I guess that. I'm
 8 still not getting what you're --
 9 Q. Well, we're trying to figure out what these
 10 guys do. And --
 11 A. Well, there are things that they do that is
 12 not on the maintenance plan, that is not in the manual
 13 for corrective maintenance tasks. Everything is
 14 recorded as to what they do throughout the day. If
 15 it's corrective maintenance, there are instructions in
 16 the maintenance manual that will tell them what to do,
 17 but when it comes to preventative maintenance, it's on
 18 the plan. If it's corrective maintenance, it's
 19 unscheduled maintenance, or we don't have a plan for
 20 that.
 21 Q. But you're saying there's a record somewhere
 22 of what they do, everything?
 23 A. Oh, yes. There is a record for everything
 24 they do throughout the day.
 25 Q. You mentioned a minute ago there are some

1 things that can only be done on night shift. Are there
 2 some things that are only done on day shift?
 3 A. Yes. The day shift inspection is one of the
 4 items because it's just set for day shift. Again, this
 5 is part of your routine maintenance just to keep the
 6 guys engaged and going up and checking things out. We
 7 decided to have that as a day shift inspection, which
 8 is a PM100.
 9 Q. Are there some functions done both days and
 10 night?
 11 A. Yes.
 12 Q. And some functions only days?
 13 A. Yes. Very limited.
 14 Q. Some functions only nights?
 15 A. Yes.
 16 Q. Have you got Bombardier 27?
 17 MR. TRIMMER: There's three copies up there.
 18 MR. KAHN: Is this the colored version of 15?
 19 THE WITNESS: Of the maintenance plan, yeah.
 20 (Exhibit B 27 marked)
 21 BY MR. MOSS:
 22 Q. You've been handed a document marked
 23 Bombardier 27. Would you look at it, please?
 24 A. Yes.
 25 Q. Do you recognize this?

1 A. Yes, I do.
 2 Q. What is it?
 3 A. It's our maintenance plan, just color-coded.
 4 Q. Did you create this?
 5 A. I did not create the maintenance plan, but I
 6 did --
 7 Q. No, the color-coded copy?
 8 A. Yes, I did.
 9 Q. Okay. Would you explain to us what the
 10 various colors mean?
 11 A. The yellow I identified as tasks that only day
 12 shift would do. The ones in gray are things that only
 13 night shift would do. The ones that are generally in
 14 gray are the things that would affect the system, the
 15 system would have to be shut down in order to be able
 16 to perform that task. The ones in green, either day or
 17 night shift could complete.
 18 Q. And you didn't accord any percentage times or
 19 anything when you did this?
 20 A. No.
 21 Q. Did you do this based upon your personal
 22 knowledge?
 23 A. Yes.
 24 MR. MOSS: And we offer it in evidence.
 25 MR. KAHN: No objection.

1 COMMISSIONER TOWLER: That is B 27. Is that
 2 what we're calling that one?
 3 MR. TRIMMER: Bombardier 27. Yes.
 4 COMMISSIONER TOWLER: Bombardier 27 is entered
 5 in evidence.
 6 (Exhibit B 27 admitted)
 7 BY MR. MOSS:
 8 Q. What would you say is the most common
 9 unscheduled or corrective maintenance function?
 10 A. Doors.
 11 Q. And what do you mean by that?
 12 A. Vehicle and station doors. They're usually --
 13 because passengers are interfacing with the doors, they
 14 would be the ones that actually cause a problem or
 15 cause a failure to occur. Wheels break off their
 16 luggage, get stuck in the door tracks, or water bottle
 17 cap fall in there. Auto lock would fail on the station
 18 doors, or PCB board. But doors were probably the most
 19 problematic thing that we had to deal with.
 20 Q. What do you think is the most difficult
 21 maintenance function to execute?
 22 A. Removing a traction motor, or replacing a
 23 drive tire.
 24 Q. What do you think, what function takes the
 25 longest time?

1 A. Removal of the traction motor.
 2 Q. And how long are we talking?
 3 A. Oh, goodness, removal and installation, four
 4 hours. Four hours for the guys to do.
 5 Q. And how many were working on it?
 6 A. Can only get two guys in there at a time. So
 7 two guys would be underneath there, maybe a third
 8 person would actually operate the jack for them.
 9 Generally it's two guys that would do that work.
 10 Q. And is that work -- when is that work normally
 11 done?
 12 A. At night.
 13 Q. The doors can be at any time; is that correct?
 14 A. We try not to do the doors during the day
 15 because that affects passenger flow. So they would
 16 actually make the door -- they would just turn that
 17 door off, whether it's on a vehicle or the station, and
 18 then let nights address the problem at night.
 19 Q. In the manual if you'll look at Bombardier 17.
 20 A. I have it.
 21 Q. You don't have it?
 22 A. I have it.
 23 Q. Would you review that?
 24 A. Looks like standard hand tools.
 25 Q. Just look at it.

1 A. Okay.
 2 Q. Are you familiar with it?
 3 A. Yes.
 4 Q. Okay. What is it?
 5 A. It's standard hand tools.
 6 Q. The techs use tools in their work?
 7 A. Yes.
 8 Q. And are those the tools that they use?
 9 A. Yes.
 10 Q. To your knowledge, are there any tools on
 11 there that aren't -- do they use any tools that aren't
 12 on there?
 13 A. No. These are the standard tools that any one
 14 of our technicians would use on a regular basis.
 15 Q. To your knowledge, are any of these tools
 16 designed specifically for use on maintaining APM?
 17 A. No. Nope.
 18 MR. TRIMMER: We're on the wrong exhibit,
 19 guys.
 20 THE WITNESS: You said 17.
 21 MR. TRIMMER: I did, but I didn't mean it.
 22 MR. KAHN: I think the witness' testimony will
 23 have to stand as it was. You can try to coach your
 24 witness to change the list of tools, but he reviewed
 25 the list.

<p style="text-align: right;">Page 193</p> <p>1 MR. MOSS: Okay. We don't have the other one. 2 So -- it is what it is. 3 Can I have a minute just to go through my 4 notes? 5 COMMISSIONER TOWLER: Yes. Let's go off the 6 record a minute. 7 (Discussion off the record.) 8 COMMISSIONER TOWLER: I think everybody's 9 back. We ready? We are back on the record. 10 MR. MOSS: I've completed my examination. 11 COMMISSIONER TOWLER: All right. Mr. Kahn. 12 CROSS-EXAMINATION 13 BY MR. KAHN: 14 Q. Yes, thank you. Do you at any point audit how 15 employees were coding their time in the SIMS system? 16 A. I reviewed it, but I didn't go over it line by 17 line. I just ensured that they had their 40 hours in 18 for the week. 19 Q. Right. But you didn't go over and 20 double-check whether they were accurately coding the 21 tasks performed? 22 A. No, I did not. 23 Q. And normally the SIMS times would be handled 24 by your site coordinator? 25 A. Yes.</p>	<p style="text-align: right;">Page 195</p> <p>1 point did you instruct the technicians not to put down 2 any heavy maintenance or overhaul time? 3 A. No. 4 Q. Let me show you a document that might refresh 5 your recollection. Did you ever instruct them to get 6 permission from you before they ever put down heavy 7 maintenance or overhaul time? 8 A. I don't remember that. 9 Q. I'm wondering if you could identify the 10 M.E. Smith at the bottom of this page? 11 A. That's me. 12 Q. Does this refresh your recollection as a 13 document you'd distributed to the employees about how 14 to code their time? 15 A. Yes. I believe so, because that's what we 16 used for part of the training, but I don't remember 17 giving this to them. 18 Q. Did you give them an oral instruction or some 19 other kind of instruction to stop using these heavy 20 maintenance overhaul tasks that are marked in red on 21 this document? 22 A. Comms, fare collection, PS & D. Yes, because 23 they don't do any of that work. 24 Q. In your opinion they don't do any work, so you 25 instructed them to stop recording their time that way;</p>
<p style="text-align: right;">Page 194</p> <p>1 Q. And submitted by her directly to Pittsburgh? 2 A. Yes. 3 Q. That wasn't something you got involved with on 4 a regular basis? 5 A. No. 6 Q. And did you ever notice that there was a 7 pattern with some employees that they would routinely 8 pack all of their time into a single code? For 9 example, Nick Banas, did you ever notice that he was 10 routinely claiming 40 hours general recovery standby 11 and nothing else at all during the week? 12 A. To be honest, I really don't remember. 13 Q. But Nick Banas would occasionally do 14 corrective maintenance on the vehicles wayside; isn't 15 that correct? 16 A. Wasn't -- yes, corrective maintenance, you can 17 call that because he would do a lot of the auto locks 18 where he would replace a component, yes. 19 Q. But you didn't double-check whether he was 20 recording that into the SIMS time system as a 21 corrective maintenance item versus general recovery 22 standby? 23 A. No, I did not, because it was expected of him 24 to put down the proper code. 25 Q. Now, this expectation about codes, at some</p>	<p style="text-align: right;">Page 196</p> <p>1 is that correct? 2 A. On these -- these tasks are not done at the 3 Las Vegas airport. So these codes were not applicable 4 to them. 5 MR. KAHN: Okay. I would move this exhibit 6 into evidence as the next Union exhibit in order, which 7 is I believe -- 8 COMMISSIONER TOWLER: I believe Union 23 is 9 correct. 10 (Exhibit U 23 marked) 11 COMMISSIONER TOWLER: Is there any objection 12 to Union 23? 13 MR. MOSS: No. 14 COMMISSIONER TOWLER: All right, it's entered 15 into evidence. 16 (Exhibit U 23 admitted) 17 MR. KAHN: And I would propose a stipulation 18 to the admission of Bombardier Exhibit 17 which the 19 witness testified earlier about. 20 MR. TRIMMER: That was, that was a mistake 21 that I -- that list was created by the Union's expert 22 in the course of performing a, some kind of expert, 23 preparing an expert witness report. So while Mr. Smith 24 would be able to review that and look at it, the only 25 person that can authenticate, talk about the creation</p>

<p style="text-align: right;">Page 197</p> <p>1 of that list would be Kevin Murphy, so I don't think 2 it's proper to admit it through Mr. Smith. 3 MR. KAHN: Too, it's a party admission. 4 COMMISSIONER TOWLER: Do you have -- 5 MR. KAHN: I mean, we can make it a Union 6 exhibit rather than a Bombardier exhibit. It doesn't 7 matter to me. 8 MR. TRIMMER: We're not saying it doesn't say 9 what it says. I'm just saying to the extent you're 10 trying to introduce a list, the person who created the 11 list should be the person who provides the foundational 12 testimony for it. 13 COMMISSIONER TOWLER: I guess my feelings are 14 that it was brought to, brought up in this, with this 15 witness by you, you know, for whatever it is. I'm not 16 saying that it's being entered as -- I haven't heard 17 that it's being entered in as a, you know, a document. 18 I think it is being brought in for the purposes that I 19 will know what the witness was testifying in regards to 20 because he was asked to look at it and review it. 21 MR. TRIMMER: I'm just making a technical 22 objection. 23 MR. MOSS: Right, it's fine. 24 COMMISSIONER TOWLER: With that, do we call 25 it -- is there an objection? I think the motion was</p>	<p style="text-align: right;">Page 199</p> <p>1 that's about to blow out and it needs changing, did you 2 discuss with them, hey, you were doing a preventative 3 maintenance test, just code your time as preventative 4 maintenance, don't separately code the tire change? 5 A. I know we had that meeting in January of 2011 6 and February, because that's when they all got upset 7 about the new codes, but I cannot say I did or didn't. 8 I really don't remember. I mean, we had a lot of 9 conversations. 10 Q. And a lot of their specific work tasks would 11 be recorded in a pass-down log during their shift; 12 isn't that correct? 13 A. Yes, um-hum. 14 Q. And a pass-down log is kind of a narrative 15 description of we did this and that task, correct? 16 A. Um-hum. 17 Q. And that doesn't necessarily correlate with, 18 it doesn't automatically tell you how to code that time 19 to put in the SIMS system? It's not recorded in the 20 same language, correct? 21 A. No, it is not. No. It's categorized as a 22 preventive or corrective or general things that they 23 would do throughout the day. 24 Q. Got it. And then another way work was 25 recorded, isn't it, is that there would be a separate</p>
<p style="text-align: right;">Page 198</p> <p>1 for Bombardier Exhibit 17. I think that's -- 2 MR. MOSS: I'm not going to stipulate that 3 it's our exhibit, but I won't object to calling it a 4 Union exhibit. It was a mistake. 5 COMMISSIONER TOWLER: Yes, but just for the 6 ease of the hearing I'm going to call it Bombardier 7 Exhibit No. 17, and it is admitted. 8 (Exhibit B 17 admitted) 9 MR. MOSS: Okay. 10 BY MR. KAHN: 11 Q. Now, did you also instruct technicians that 12 when they were doing a preventative maintenance task 13 and they discovered some other unrelated problem with 14 the vehicle that needed correction, that they shouldn't 15 record the corrective item separately, they should just 16 code their time as preventative maintenance because it 17 came up while they were doing preventative maintenance 18 task? Do you recall giving that instruction? 19 A. You're talking about two years ago. I really 20 don't remember that. 21 Q. Do you recall discussing with them about -- 22 A. Yeah -- 23 Q. -- whether or not to record as corrective 24 maintenance, for example, when they're doing an 25 electrical inspection and they discover there's a tire</p>	<p style="text-align: right;">Page 200</p> <p>1 log kept of the rebuilds that were done? 2 A. Yes, I think. 3 Q. And someone was responsible for recording 4 every item that was rebuilt, correct? 5 A. Yes. 6 Q. And if an item was rebuilt, it's a pretty good 7 sign that somebody on the earlier shift removed that 8 item from the vehicle; isn't that correct? 9 A. No. 10 Q. It's not? 11 A. No, it's not. 12 Q. How would a rebuild be presented for a tech to 13 work on? 14 A. It would have been placed in the rebuild room 15 or the E-lab which is the electronics lab, so the parts 16 were generally already off the vehicle or the system, 17 and then the first shift guys will do the rebuild. 18 Q. What I'm saying is, if somebody recorded 19 rebuilding an item, there should also have been an 20 earlier task performed of removing that item off of the 21 vehicle? 22 A. Yes. 23 Q. Is that correct? 24 A. Yes. 25 Q. So the rebuild logs would have a more detailed</p>

<p style="text-align: right;">Page 201</p> <p>1 explanation of tasks done than perhaps the SIMS system 2 might have on time recording? 3 A. Yeah. 4 Q. Might contain more detail; is that correct? 5 A. Um-hum. 6 Q. And similarly, the site also recorded work 7 that was done on the back of PM work orders, isn't that 8 correct? 9 A. Um-hum. 10 Q. So if you're sent in to do Preventative 11 Maintenance Task No. 1, and you decide, you realize you 12 have to do Corrective Maintenance Item No. 7, you'll 13 write down on the back of the PM work order the 14 corrective maintenance you did? 15 A. Talking on the SIMS PM work order, the one 16 that was printed out by the guys? 17 Q. Right. 18 A. They would put down what they found wrong with 19 the vehicle or the wayside system on that PM work 20 order. 21 Q. And that would be stored on the site? 22 A. Yes. 23 Q. And these would be handwritten notes? 24 A. Yes. Now -- 25 MR. KAHN: Nothing further. Thank you.</p>	<p style="text-align: right;">Page 203</p> <p>1 COMMISSIONER TOWLER: For the record, the 2 document you were referring to is Union Exhibit 23, 3 with the red marking on it? 4 THE WITNESS: Okay, yes. 5 COMMISSIONER TOWLER: That's not a question. 6 That is the document, Union Exhibit 23. 7 MR. KAHN: One last question. 8 RECROSS-EXAMINATION 9 BY MR. KAHN: 10 Q. Isn't it true that on occasion some of the 11 rebuilt items were not working properly when they were 12 rebuilt? 13 A. If the item that was being rebuilt was removed 14 as a preventative maintenance task, then no, it was 15 working properly. If it was removed because of a 16 system failure and they used the rebuild process to do 17 that, that would have been considered to be 18 preventative maintenance. 19 Q. So sometimes items were presented for 20 rebuilt that had tags on them saying what some tech 21 thought was wrong with the part? 22 A. Yeah. 23 Q. And you've never done any kind of analysis of 24 the rebuild records to calculate what percentage of the 25 rebuilds were done for corrective?</p>
<p style="text-align: right;">Page 202</p> <p>1 COMMISSIONER TOWLER: Mr. Thomson? 2 MR. THOMSON: I don't have any questions. 3 COMMISSIONER TOWLER: Mr. Moss. 4 REDIRECT EXAMINATION 5 BY MR. MOSS: 6 Q. Mr. Smith, looking at this document that has 7 the red entries on it. 8 A. Yes. 9 Q. Are you saying that the ones that are marked 10 in red are functions that are not performed at 11 Las Vegas? 12 A. Yes. 13 Q. All of these? 14 A. Yes. 15 Q. And on the PM log, is that what we referred to 16 it, the PM order where there's some corrective 17 maintenance recorded, did they write on it what the 18 problem was, or was that a record that they fixed it? 19 A. Generally is what the problem was. Again, if 20 a part's not failed, if they found a worn collector 21 shoe during a preventative maintenance task, they're 22 preventing the failure from occurring so they would 23 have replaced that part, so that's they're preventing a 24 failure from happening. So -- 25 MR. MOSS: That's all.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. No, I did not. 2 MR. MOSS: Can I have another question? 3 COMMISSIONER TOWLER: All right. 4 FURTHER REDIRECT EXAMINATION 5 BY MR. MOSS: 6 Q. As I understood the question, he said isn't it 7 true that after some rebuilds were completed, then the 8 part wasn't working. 9 A. No. He said that when some of the parts that 10 were rebuilt were not working prior to the rebuild -- 11 MR. MOSS: That's not what he said, but that's 12 fine. 13 FURTHER RECROSS-EXAMINATION 14 BY MR. KAHN: 15 Q. That's how you understood my question? 16 A. Yes. 17 MR. KAHN: All right. Thank you. 18 THE WITNESS: I know you guys twist words 19 around. 20 MR. KAHN: No. I think you understood me 21 right. 22 COMMISSIONER TOWLER: All right. With that 23 then, this witness is free to go. 24 THE WITNESS: For how long? I can catch a 25 plane tomorrow.</p>

<p style="text-align: right;">Page 205</p> <p>1 COMMISSIONER TOWLER: That's up to -- you</p> <p>2 might want to talk with your counsel, Bombardier.</p> <p>3 Let's go off the record.</p> <p>4 (Discussion off the record.)</p> <p>5 COMMISSIONER TOWLER: All right, everybody's</p> <p>6 ready? We are back on the record.</p> <p>7 Bombardier will call their next witness.</p> <p>8 MR. TRIMMER: Bombardier calls Doug Nebeker.</p> <p>9 Whereupon,</p> <p>10 DOUGLAS NEBEKER,</p> <p>11 having been first duly sworn to testify to the truth,</p> <p>12 the whole truth and nothing but the truth, was examined</p> <p>13 and testified as follows:</p> <p>14</p> <p>15 COMMISSIONER TOWLER: Please state your name</p> <p>16 and spell your last name for the record.</p> <p>17 THE WITNESS: Doug Nebeker, Douglas Nebeker.</p> <p>18 N-E-B-E-K-E-R.</p> <p>19 COMMISSIONER TOWLER: Go ahead.</p> <p>20 DIRECT EXAMINATION</p> <p>21 BY MR. TRIMMER:</p> <p>22 Q. Mr. Nebeker, what's your current position?</p> <p>23 A. I'm a Senior O&M Analyst with Bombardier</p> <p>24 Transportation.</p> <p>25 Q. And how long have you held that job?</p>	<p style="text-align: right;">Page 207</p> <p>1 A. Yes.</p> <p>2 Q. And you said you used the database SIMS. And</p> <p>3 what is SIMS?</p> <p>4 A. SIMS stands for Site Information Management</p> <p>5 System. And it's the primary database we've got there.</p> <p>6 One of the main purposes of that database is to track</p> <p>7 labor hours.</p> <p>8 Q. So the database contains empirical data?</p> <p>9 A. Yes.</p> <p>10 Q. And with respect to labor hours, how does that</p> <p>11 data get into SIMS?</p> <p>12 A. The technicians entered their own time as far</p> <p>13 as the labor hours into that SIMS system.</p> <p>14 Q. And do you have an understanding of how that</p> <p>15 works, how they actually enter the time into SIMS?</p> <p>16 A. They enter it on the computer. Sorry, I'm not</p> <p>17 quite sure I understand.</p> <p>18 Q. That was a bad question. They enter it</p> <p>19 themselves?</p> <p>20 A. Yes.</p> <p>21 Q. And they enter it directly into the computer?</p> <p>22 A. Yes.</p> <p>23 Q. They don't hand write it and give it to</p> <p>24 somebody else?</p> <p>25 A. They get on the computer and they enter their</p>
<p style="text-align: right;">Page 206</p> <p>1 A. I've been in this position for about five</p> <p>2 years.</p> <p>3 Q. And how long have you been with Bombardier?</p> <p>4 A. I've been with Bombardier for about eight</p> <p>5 years total.</p> <p>6 Q. What position did you hold before this Senior</p> <p>7 O&M Analyst job?</p> <p>8 A. O&M Analyst for the other years.</p> <p>9 Q. What do you do in your job that you have right</p> <p>10 now as an analyst?</p> <p>11 A. I develop a lot of reports for different</p> <p>12 people within the company. I also work with a number</p> <p>13 of different databases, one of them being SIMS, another</p> <p>14 one being Maximo.</p> <p>15 Q. When you say you "build reports," what do you</p> <p>16 mean by that?</p> <p>17 A. Take the data out of the databases, manipulate</p> <p>18 that data, turn it into something that is useful to be</p> <p>19 able to make decisions off of that data.</p> <p>20 Q. And you mentioned different sites. What sites</p> <p>21 are you responsible for?</p> <p>22 A. I deal with sites all around the world within</p> <p>23 the Systems Division, but a number of different sites.</p> <p>24 Q. And your title has O&M in it. Do you deal</p> <p>25 with maintenance contracts at other sites?</p>	<p style="text-align: right;">Page 208</p> <p>1 own labor recording hours into that system themselves.</p> <p>2 Q. In that way, does SIMS capture all of the</p> <p>3 labor data generated by a site?</p> <p>4 A. Yes.</p> <p>5 Q. I want you to look at the three-ring binder</p> <p>6 that's sitting next to you, and turn to Tab 12, and</p> <p>7 that's a multi-page document. Can you look through it?</p> <p>8 A. Yes.</p> <p>9 Q. And do you recognize what this is?</p> <p>10 A. I do.</p> <p>11 Q. What is it?</p> <p>12 A. This is some of the data that I put together,</p> <p>13 one of the reports that we put together for this using</p> <p>14 the data out of the SIMS system.</p> <p>15 Q. So you created this report?</p> <p>16 A. Yes.</p> <p>17 Q. And it's like other reports you've created in</p> <p>18 the course of your ordinary job duties?</p> <p>19 A. Correct.</p> <p>20 Q. The first page appears to be a summary page</p> <p>21 for 2008 through 2010; do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. This reflects the time for technicians?</p> <p>24 A. Yes. This data that we pulled together, we</p> <p>25 went through and we pulled just the time for the</p>

1 technicians at the Las Vegas airport site.

2 Q. So it doesn't include the management time?

3 A. Correct.

4 Q. And the first column there that says "Hours,"
5 what do those hours represent?

6 A. Those hours are the sum of all the technician
7 hours that we pulled out of SIMS for that particular
8 year.

9 Q. And the next column over is "Repair Hours."
10 Do you see that?

11 A. Yes.

12 Q. And what does that reflect?

13 A. The repair hours was a summary of the repair
14 hours that was pulled out of SIMS, and what we did, or
15 what I did on that was SIMS has a number of different
16 repair codes inside of it and we just summed it all up
17 and put it under one category called repair hours.

18 Q. When you say "codes," is this a Z coding
19 system for this period of time?

20 A. Yes, for this period of time, it's a
21 five-digit Z number.

22 Q. And then you say "repair codes." Does that
23 mean it actually has the word "repair" in the name?

24 A. Correct. In the description that goes along
25 with that code, it had the word "repair" in that

1 recovery of the train. In that category as well, we
2 did throw in the recovery task time as well, so it had
3 recovery anywhere in that description, like I said.

4 Q. So if the Z code said "recovery," and a
5 maintenance technician coded his time as being recovery
6 time, you put it in this bucket?

7 A. You said the Z code. It would have been the
8 description said "recovery." But other than that, yes.

9 Q. Thank you. "Other Nonproductive Time."
10 What's that?

11 A. Other nonproductive time was their time off,
12 sick days, vacation days, holidays, jury duty, anything
13 like that, but the technicians needed to record that
14 kind of time as well into SIMS.

15 Q. And "Maintenance Hours"?

16 A. Maintenance hours was anything dealing with
17 maintenance in the description. That is our
18 preventative maintenance time right there.

19 Q. "Manpower Hours"?

20 A. Manpower hours was time spent basically
21 covering a shift where they might have been short
22 someone, that someone else had to fill in for that
23 particular shift.

24 Q. "Meetings"?

25 A. Pretty explanatory, I think. That's meetings

1 description.

2 Q. Okay. So if the description had the word
3 "repair" in it, you put it in this bucket?

4 A. Yes.

5 Q. The next category over is "Enhancements." Do
6 you see that?

7 A. Yes.

8 Q. And what does that refer to?

9 A. Enhancements was the same thing. Anything
10 with "enhancement" in the description we threw it into
11 that category. Primarily the enhancements on this
12 would have been the C and D upgrade there at the site
13 that was going on during that time period.

14 Q. And was that work included under 552?

15 A. No. It wasn't. But we -- but I included that
16 on the report to show that we weren't taking out any
17 hours or anything like that. We wanted to be
18 transparent on the data on this report.

19 Q. And the next column over is "General
20 Recovery."

21 A. Yes.

22 Q. And what does that column consist of?

23 A. General recovery had anything dealing with
24 recovery in the description. General recovery is
25 primarily time that they're waiting around for the

1 that were happening there at the site.

2 Q. "General Administrative Tasks"?

3 A. Office-type activities, filing, that kind of
4 activities.

5 Q. "Storeroom tasks"?

6 A. Dealing with storeroom materials.

7 Q. "Training"?

8 A. Training, same kind of thing, training hours
9 that they would have recorded there in SIMS.

10 Q. "Subcontracting"?

11 A. Subcontracting was a code in there that they
12 would have used for when they went out to help one of
13 the subcontractors, they have to escort this
14 subcontractor.

15 Q. And "Miscellaneous"?

16 A. Miscellaneous was kind of a catch-all.
17 Various type of things in there, things like safety
18 hours, some time dealing with Central Control in there.

19 Q. Did that reflect any maintenance or repair
20 time?

21 A. No, it didn't.

22 Q. Now, where did the data come from that you
23 used to generate this report?

24 A. The data came out of SIMS, and what we did to
25 get that, we contacted the vendor who created SIMS and

<p style="text-align: right;">Page 213</p> <p>1 had them do an export of us from SIMS and sent that</p> <p>2 data to us.</p> <p>3 Q. I want to go to the next page of the exhibit.</p> <p>4 And this appears to be a technician-by-technician</p> <p>5 breakdown; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And all the categories or columns are the same</p> <p>8 as the ones we just went through?</p> <p>9 A. Correct. And then this report just breaks it</p> <p>10 out by the technician, by the year there as well.</p> <p>11 Q. Okay. And I want to go, skip two pages, and</p> <p>12 then we start with what appears to be a week-by-week</p> <p>13 listing.</p> <p>14 A. Correct.</p> <p>15 Q. And the columns are the same?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Turn to the second page of the</p> <p>18 week-by-week listing for 2008.</p> <p>19 A. Okay.</p> <p>20 Q. And I want to go through the summaries here so</p> <p>21 we can get an understanding of what this says. The</p> <p>22 first column it says "Total Hours," so that reflects</p> <p>23 the total repair hours; is that correct?</p> <p>24 A. Yes. Total repair hours for the technicians</p> <p>25 for 2008.</p>	<p style="text-align: right;">Page 215</p> <p>1 rounded the numbers to a single digit so I didn't have</p> <p>2 the .5 to .25 kind of data, and it just rounded either</p> <p>3 up or down, so I had a little bit of a variance between</p> <p>4 the hard copy and the electronic version of the data.</p> <p>5 Q. Okay. And out of 2,032 hours or 2,016 hours,</p> <p>6 is a variance of 16 significant?</p> <p>7 A. No.</p> <p>8 Q. And I see that the percentage stayed roughly</p> <p>9 the same?</p> <p>10 A. Correct.</p> <p>11 Q. What were the percentages?</p> <p>12 A. Percentage for repair on the electronic is</p> <p>13 5.72, and the percentage on the hard copy was 5.70.</p> <p>14 Q. Okay. So following this across the page, the</p> <p>15 total hours reflects the total number of hours for each</p> <p>16 one of the columns?</p> <p>17 A. Yes.</p> <p>18 Q. So if you go five over, that reflects the</p> <p>19 maintenance time for 2000 --</p> <p>20 A. Correct, yes.</p> <p>21 Q. And that was 24.44 percent, or 22.88 percent?</p> <p>22 A. Yes, 22.88.</p> <p>23 Q. There's a row here for "Percent of Year."</p> <p>24 What does that reflect?</p> <p>25 A. That was an average that I threw in there just</p>
<p style="text-align: right;">Page 214</p> <p>1 Q. And that's 2,032.</p> <p>2 A. Correct.</p> <p>3 Q. And then I see a percentage there,</p> <p>4 5.72 percent. What does that reflect?</p> <p>5 A. That is total percentage of the hours that</p> <p>6 were recorded in SIMS during 2008.</p> <p>7 Q. As repair?</p> <p>8 A. As repair.</p> <p>9 Q. And I see going down, I also see the reference</p> <p>10 to "Hard Copy Totals." Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what does the hard copy total</p> <p>13 reflect?</p> <p>14 A. For certain weeks of data, we got printouts</p> <p>15 from SIMS as well, and so I took some of that data off</p> <p>16 that was hard copies and used that to kind of compare</p> <p>17 to make sure that the numbers were close from the</p> <p>18 electronic version of the data that we had received.</p> <p>19 Q. I see the last row it says "Difference" or</p> <p>20 there's a variance there of 16 hours.</p> <p>21 A. Yes.</p> <p>22 Q. And what is that variance? What generated</p> <p>23 that variance?</p> <p>24 A. That variance is due to, based upon when we</p> <p>25 got the data from this vendor that created SIMS, they</p>	<p style="text-align: right;">Page 216</p> <p>1 to kind of to see what happened to the percentages.</p> <p>2 It's the number of hours in each column divided by</p> <p>3 2080, which is kind of a standard use for number of</p> <p>4 hours per employee for the year.</p> <p>5 Q. And based on the sheet before, many of these</p> <p>6 gentlemen worked more than 2080, some worked less; is</p> <p>7 that correct?</p> <p>8 A. Yes.</p> <p>9 Q. So let's go to the next year. So flip over,</p> <p>10 and the next page is 2009?</p> <p>11 A. Yes.</p> <p>12 Q. And this is the same exact report?</p> <p>13 A. Correct. I mean, same columns and everything,</p> <p>14 just different year.</p> <p>15 Q. So looking at 2009, on the second page, what</p> <p>16 was the percentage of repair work?</p> <p>17 A. 2.84 percent.</p> <p>18 Q. And what were the total number of hours for</p> <p>19 repair work?</p> <p>20 A. 915.</p> <p>21 Q. Okay. And the third column over is "General</p> <p>22 Recovery." What was the percentage for that?</p> <p>23 A. 49.41 percent.</p> <p>24 Q. And the total number of hours?</p> <p>25 A. 15,946.</p>

<p style="text-align: right;">Page 217</p> <p>1 Q. Now, if you go down to that second set of</p> <p>2 rows, "Hard Copy Totals," it says, "Difference due to</p> <p>3 not complete year in hard copy data." Can you explain</p> <p>4 that?</p> <p>5 A. For 2009, I didn't have hard copy data for the</p> <p>6 full year. I was missing about two month's worth and</p> <p>7 so there's the bigger variance between those, between</p> <p>8 the hard copy data and the electronic version of the</p> <p>9 data.</p> <p>10 Q. From Bombardier's perspective, what's the</p> <p>11 official data that's used to generate these kinds of</p> <p>12 reports?</p> <p>13 A. We prefer using the electronic version that</p> <p>14 would have been in SIMS.</p> <p>15 Q. And I see that there's some differences there</p> <p>16 based on the hard copy data because you were missing</p> <p>17 it. Are the percentages approximately the same?</p> <p>18 A. The percentages on all those stayed pretty</p> <p>19 much the same.</p> <p>20 Q. So again, looking at repair, the percentage</p> <p>21 based on electronic data was 2.84 percent. What was it</p> <p>22 for hard copy?</p> <p>23 A. 2.45 percent.</p> <p>24 Q. And for general recovery, the percentage was</p> <p>25 49.41. What was it for hard copy?</p>	<p style="text-align: right;">Page 219</p> <p>1 A. 34.51 percent.</p> <p>2 Q. And I want to jump over, skip one column over</p> <p>3 to the fifth. That's "Maintenance," isn't it?</p> <p>4 A. Yes.</p> <p>5 Q. And how many total maintenance hours were</p> <p>6 there?</p> <p>7 A. 9,899.</p> <p>8 Q. And the percentage of work?</p> <p>9 A. 35.45 percent.</p> <p>10 Q. And going down to the hard copy, I see that</p> <p>11 there's some variances there. Are any of the variances</p> <p>12 in your opinion statistically significant?</p> <p>13 A. No.</p> <p>14 MR. TRIMMER: I ask that Exhibit 12 be</p> <p>15 admitted.</p> <p>16 MR. KAHN: Voir dire, please.</p> <p>17 COMMISSIONER TOWLER: Go ahead.</p> <p>18 VOIR DIRE EXAMINATION</p> <p>19 BY MR. KAHN:</p> <p>20 Q. Mr. Nebeker, the maintenance column includes</p> <p>21 both preventative and corrective maintenance codes, as</p> <p>22 long as they don't say the word "repair" in them,</p> <p>23 correct?</p> <p>24 A. I'm sorry?</p> <p>25 Q. The maintenance column includes codes that</p>
<p style="text-align: right;">Page 218</p> <p>1 A. 50.22.</p> <p>2 Q. And do you believe that difference is a</p> <p>3 statistically significant difference?</p> <p>4 A. No.</p> <p>5 Q. And so the rest of the columns worked the same</p> <p>6 way on this sheet, 2009?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Let's go to 2010. And the format of</p> <p>9 this report is the same as the 2008, 2009 reports?</p> <p>10 A. Correct.</p> <p>11 Q. And going to the second page, total hours, and</p> <p>12 that set of rows, same information?</p> <p>13 A. Yes.</p> <p>14 Q. And hard copy, that's the same?</p> <p>15 A. Correct.</p> <p>16 Q. What were the total number of repair hours in</p> <p>17 2010?</p> <p>18 A. 2,470.</p> <p>19 Q. And that was -- what was the percentage on</p> <p>20 that?</p> <p>21 A. 8.85 percent.</p> <p>22 Q. And going three over, what was the percentage</p> <p>23 of, or the total number of general recovery hours?</p> <p>24 A. 9,636.</p> <p>25 Q. And the percentage was?</p>	<p style="text-align: right;">Page 220</p> <p>1 cover both preventative and corrective maintenance;</p> <p>2 isn't that correct?</p> <p>3 A. Yes. If it had "maintenance" in there it</p> <p>4 could, but the maintenance hours would have been the</p> <p>5 preventative maintenance, and they would have recorded</p> <p>6 their corrective maintenance against the repair hour.</p> <p>7 Q. But you looked for the word "repair." If it</p> <p>8 didn't say the word "repair" but said "corrective</p> <p>9 maintenance" instead, you put it into the maintenance</p> <p>10 column; isn't that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And there were such codes that simply say</p> <p>13 "corrective maintenance" without saying the word</p> <p>14 "repair"?</p> <p>15 A. Well, the codes changed in 2011.</p> <p>16 Q. But in this time period?</p> <p>17 A. In this time period, we had codes that went</p> <p>18 against maintenance or repair.</p> <p>19 MR. KAHN: I have nothing further. I have no</p> <p>20 objection, but other than probative weight, but we'll</p> <p>21 argue that in the briefs.</p> <p>22 COMMISSIONER TOWLER: I just want to state for</p> <p>23 the record, Exhibit 12 is one I listed that you had</p> <p>24 concerns about with confidentiality.</p> <p>25 MR. TRIMMER: Right, and we ask that -- we</p>

<p style="text-align: right;">Page 221</p> <p>1 intend to submit it. We noted your ruling. We also 2 noted that you granted our motion to notify us before 3 it's disclosed in response to a public records request, 4 and we intend -- we'll either seek relief at that time 5 or we'll ask the District Court if that's appropriate. 6 COMMISSIONER TOWLER: All right. So with 7 that, Exhibit 12, or it's entered as Bombardier 8 Exhibit No. 12. 9 (Exhibit B 12 admitted) 10 DIRECT EXAMINATION (Resumed) 11 BY MR. TRIMMER: 12 Q. Now do you go -- I want to clarify something 13 off of voir dire. For the code system that was in 14 effect from 2008 to 2010, the charge code system? 15 A. Yes. 16 Q. There was no corrective maintenance entry, was 17 there? 18 A. No. 19 Q. But there was repair, and there was 20 maintenance? 21 A. Correct. 22 Q. I want to go to Exhibit 13. And this, the 23 format of this is generally the same but we have 24 different columns; do you see that? 25 A. Yes.</p>	<p style="text-align: right;">Page 223</p> <p>1 Q. You didn't move any heavy maintenance time to 2 operations or anything else? 3 A. No. 4 Q. You used the description that was given by the 5 technician? 6 A. Correct. 7 Q. Now, "Operations," that column, what does that 8 correspond to or what is that? 9 A. Operations with the new coding, it went to an 10 operations hour. More or less that does line up with 11 our general recovery column that we had in the previous 12 years. 13 Q. "Other Nonproductive Time"? 14 A. Same kind of thing. The codes changed on us 15 in 2011, but it's the same categories. It's the time 16 off, the vacations, holidays, sick time. 17 Q. "PM Hours"? 18 A. PM hours, we picked up another, or a different 19 code on that, and so I was able to create a column 20 called "PM Hours." Anything dealing with the 21 preventative maintenance tasks, and again there were 22 details on that, but I just grouped it, anything into a 23 category, or any code that had preventative maintenance 24 hours, I grouped into it a "PM Hours" column. 25 Q. And "CM Hours," what does that stand for?</p>
<p style="text-align: right;">Page 222</p> <p>1 Q. The first page is for what year? 2 A. 2011 and 2012. 3 Q. And I want to work through these columns 4 because they're different. The first column "Hours," 5 what does that reflect? 6 A. That was a summary of all the hours that had 7 been recorded in SIMS for the technician. 8 Q. The next column is "Heavy Maintenance 9 Overhaul." What does that mean? 10 A. Heavy maintenance was a code that was used 11 starting in 2011 for the rebuilds. 12 Q. And whatever else they coded as heavy 13 maintenance? 14 A. Yes. 15 Q. Were there multiple heavy maintenance codes? 16 A. There was. There's -- again, it was kind of 17 a -- there's detail on those, and I took just the 18 summary of anything that said "heavy maintenance" and 19 grouped it into that one category. 20 Q. Okay. So if it was coded as heavy maintenance 21 by the technician, you put it in this bucket? 22 A. Correct. 23 Q. You didn't move any, say, operations time to 24 heavy maintenance? 25 A. No.</p>	<p style="text-align: right;">Page 224</p> <p>1 A. CM would be the corrective maintenance hours. 2 Same kind of thing. There were details on that, and I 3 just grouped anything with CM hours into one category. 4 Q. "Storeroom Tasks"? 5 A. Similar to the previous data, it's storeroom 6 activities that would have gone under that category. 7 Q. "Training"? 8 A. Training, same kind of thing as the previous 9 codes that we had. Anything dealing with training 10 would have gone under that category. 11 Q. And "Miscellaneous"? 12 A. Miscellaneous hours would have been kind of a 13 catch-all as well, using these new codes. Same kind of 14 thing: Safety task, items, skills demo, those types of 15 activities. 16 Q. Is Las Vegas the only site that switched to 17 SAP coding? 18 A. No. 19 Q. To your knowledge, who else switched? 20 A. Throughout Bombardier, they're moving to an 21 SAP system, and back in the beginning of 2011, all of 22 the O&M sites that reported information back to the 23 Pittsburgh office, they all switched over to this new 24 coding system for labor hours. 25 Q. And is any O&M site that reports back to</p>

Page 225

1 Pittsburgh, is that a site that you have responsibility
2 for?

3 **A. I do develop a lot of reports for all those**
4 **sites.**

5 Q. So that would include most of the airports in
6 the United States that Bombardier performed services
7 at?

8 **A. Yes, it would be. I won't list them all, but**
9 **Denver would have done it, Dallas, Orlando, Tampa, even**
10 **some of the worldwide sites: Frankfurt and Rome. They**
11 **all switched over to this new coding as well.**

12 Q. Go to the next page. And what does this page
13 reflect?

14 **A. This page reflects the 2011, 2012 data that we**
15 **got from this data out of SIMS. Breaks that time out**
16 **by technician.**

17 Q. The columns are the same as we described
18 before?

19 **A. As what we just got done describing on the**
20 **previous page, yes.**

21 Q. And the next page is a yearly breakdown by
22 week?

23 **A. Yes. This one we just took it and broke it**
24 **out by week.**

25 Q. Going to the second page of 2011, it again has

Page 226

1 two sets of rows at the bottom that are summaries. Is
2 the second set -- so let's work through this. The
3 first column I see total hours, 2144. What does that
4 reflect?

5 **A. That is the total number of heavy maintenance**
6 **hours that was reported out of SIMS.**

7 Q. And the percentage is what?

8 **A. 7.01.**

9 Q. And I see a second set of rows where the total
10 hours was 2130. Is that the hard copy number?

11 **A. Yes.**

12 Q. And there is -- what's the variance between
13 hard and electronic copy?

14 **A. 14-hour difference.**

15 Q. And skipping to operations, what's the total
16 number of hours for operations?

17 **A. 12,916.**

18 Q. And that was -- what was the percentage of
19 work for operations?

20 **A. 42.22 percent.**

21 Q. And skipping over to the fourth column, PM
22 hours are preventative maintenance. What were the
23 total number of hours?

24 **A. 7,373.**

25 Q. And that was -- what was the percentage on

Page 227

1 that?

2 **A. 24.10.**

3 Q. And corrective maintenance, which is the next
4 column over.

5 **A. 2,453, with 8.02 percent.**

6 Q. Okay. I want to skip to the next page. This
7 appears to be weekly for 2012; is that correct?

8 **A. Correct.**

9 Q. And the columns are the same?

10 **A. Yes.**

11 Q. And I notice there's not a set of rows for
12 hard copies. Why is that?

13 **A. I did not have any hard copy data for 2012 to**
14 **be able to compare the numbers against.**

15 Q. Now, the total hours seem low. Do you know
16 why that is?

17 **A. The data that we got out of SIMS went through**
18 **the end of April is all, which is when the airport took**
19 **the contract back over.**

20 MR. TRIMMER: Okay. I ask that Exhibit 13 be
21 admitted.

22 MR. KAHN: Voir dire.

23 VOIR DIRE EXAMINATION

24 BY MR. KAHN:

25 Q. Can someone at the site, such as a manager,

Page 228

1 edit the data that has been submitted originally by the
2 technician before that data's sent on to Pittsburgh?

3 Physically, they can enter the system and alter what
4 has been recorded before it's sent on to Pittsburgh;
5 isn't that correct?

6 **A. There is a level in SIMS where the manager can**
7 **do things. I am not sure exactly what level the**
8 **manager can do, but I do know that once it has been**
9 **sent, that data is locked.**

10 Q. But before it's sent, the manager or a site
11 coordinator has access to that data; isn't that
12 correct?

13 **A. They've got access to that data to at least**
14 **see it.**

15 Q. Right. And moreover, aren't there times where
16 they're going to adjust that data because there's some
17 inconsistency, say, between the timecard number of
18 hours, and the SIMS number of hours? You've heard of
19 that happening, I take it?

20 **A. With differences between the entries and**
21 **stuff?**

22 Q. Right.

23 **A. Yes.**

24 Q. So at that point, the site coordinator can go
25 in and cut down the number of hours recorded against a

Page 229

1 certain task so that it balances out with the timecard,
 2 right?
 3 **A. I am not sure who would do that. I do not**
 4 **know the processes for the airport on whether or not**
 5 **they would have kicked that back to the employee or**
 6 **not.**
 7 MR. TRIMMER: This isn't really voir dire.
 8 COMMISSIONER TOWLER: I think he's --
 9 MR. KAHN: It's the quality of the data.
 10 MR. TRIMMER: I understand that.
 11 COMMISSIONER TOWLER: And, you know, I think I
 12 understand what both sides are saying. You're saying
 13 that there's -- it's not established how 100 percent
 14 accurate this is, because there's a possibility it was
 15 changed and that just goes to weight, but I think
 16 that's fine.
 17 With that, Bombardier Exhibit No. 13, that
 18 will be admitted into the record.
 19 (Exhibit B 13 admitted)
 20 DIRECT EXAMINATION (Resumed)
 21 BY MR. TRIMMER:
 22 Q. Doug, I'd like you to -- following up on some
 23 of the questions you were just asked, do you actually
 24 know, have personal knowledge that any site manager has
 25 modified time records?

Page 230

1 **A. No.**
 2 Q. Has -- in any way?
 3 **A. No.**
 4 Q. And any of the ways that Mr. Kahn just
 5 suggested, do you have any personal knowledge that
 6 that's happened?
 7 **A. No.**
 8 Q. Turning to Exhibit 14, this appears to be a
 9 summary of the previous two reports broken out by
 10 individuals; is that correct?
 11 **A. Yes.**
 12 Q. Prepared the same way?
 13 **A. Yes.**
 14 MR. TRIMMER: I ask that 14 be admitted.
 15 MR. KAHN: No objection.
 16 COMMISSIONER TOWLER: All right. Bombardier
 17 Exhibit No. 14 is admitted in the record.
 18 (Exhibit B 14 admitted)
 19 BY MR. TRIMMER:
 20 Q. And I ask you to go to Exhibit 16. And this
 21 is a lengthy document. Do you know what this is?
 22 **A. This is a printout of the extract of the**
 23 **electronic data that we got out of SIMS.**
 24 Q. And you say "a printout of the extract." Just
 25 looking at the first page, the first line I see an

Page 231

1 entry for Ayers, 12-31-07, Code 523C. "Other
 2 Nonproductive, 10 hours."
 3 **A. Yes.**
 4 Q. I want to walk through that. The last name,
 5 that's the name of the tech?
 6 **A. Yes.**
 7 Q. The code, what does the code stand for?
 8 **A. The code is this Z code or task code that**
 9 **would have been used for the recording of the time**
 10 **entry.**
 11 Q. And is the label for this particular code
 12 "Other Nonproductive"?
 13 **A. Yes.**
 14 Q. And it may have more specific information
 15 saying if it's time off or vacation or whatever?
 16 **A. Yes.**
 17 Q. Okay. And then 10 hours, that's the amount of
 18 time?
 19 **A. That's the amount of time that this technician**
 20 **recorded against that particular code.**
 21 Q. And the rest of this lengthy document works
 22 the same way?
 23 **A. Other than in 2011, the data did change, but**
 24 **the columns are the same throughout this document.**
 25 Q. I want to go to a couple of entries down,

Page 232

1 still on the first page, I see Banas, and it's the
 2 first Banas maintenance hour entry; do you see that?
 3 **A. Yes.**
 4 Q. The code there is Z5311; do you see that?
 5 **A. Yes.**
 6 Q. And the very next entry is another maintenance
 7 hours entry for Banas, but the code is Z5325; do you
 8 see that?
 9 **A. Yes.**
 10 Q. Tell me what's going on there.
 11 **A. The task grouping that we're seeing groups it**
 12 **into the maintenance hours, where the code actually**
 13 **divides it up into another level of detail and will**
 14 **give us a little bit more information on exactly what**
 15 **kind of maintenance hours that was, whether or not it**
 16 **was an annual task or a weekly task.**
 17 Q. So that could be, for example, annual
 18 maintenance, vehicle?
 19 **A. Correct.**
 20 Q. Or it could be weekly maintenance, vehicle?
 21 **A. Correct.**
 22 MR. TRIMMER: Okay. I ask that Exhibit 16 be
 23 admitted.
 24 MR. KAHN: No objection.
 25 COMMISSIONER TOWLER: All right, Exhibit,

<p style="text-align: right;">Page 233</p> <p>1 Bombardier Exhibit 16 is admitted. 2 (Exhibit B 16 admitted) 3 BY MR. TRIMMER: 4 Q. One more question to ask you. This is a 5 document that's been marked as Union Exhibit 21. Have 6 you seen that before? 7 A. Yes, I have. 8 Q. And when was the first time you saw it? 9 A. When you showed it to me on Friday. 10 Q. Okay. And I see about six lines down this 11 first big thick row that says, "General Recovery, 12 Standby Activities," do you see that? 13 A. Yes. 14 Q. And going over to the next column over, it 15 says "General Recovery." 16 A. Yes. 17 Q. And then I see, there's an hours entry, 18 11,955. 19 A. Correct. 20 Q. And then there's some text there. Can you 21 read the text? 22 A. It says, "Code utilized by technicians while 23 performing rebuilds, recoveries and general shop 24 activities, 30 percent chargeable as corrective." 25 Q. Are you aware of any policy maintained by</p>	<p style="text-align: right;">Page 235</p> <p>1 A. Yes. 2 MR. TRIMMER: And that's it, no further 3 questions. 4 CROSS-EXAMINATION 5 BY MR. KAHN: 6 Q. While you're looking at Union Exhibit 21, are 7 the codes and the descriptions and the major 8 descriptions accurate? In other words, do those codes 9 correspond to the description that's in the Bombardier 10 system? 11 A. Yes. 12 Q. And the major description also matches what's 13 in Bombardier's system? 14 A. Yes. 15 Q. And have you checked the math to see whether 16 Exhibit 21's report of the total number of hours is 17 correct, putting aside this 30 percent issue? 18 A. The differences on this particular report and 19 the reports that I created were the 30 percent for the 20 general recovery, so if you take out the 11,955 hours 21 and the 428 hours under the "Recovery Technician Tasks" 22 category, we get the same total down at the bottom. 23 MR. KAHN: Okay. I have nothing further. 24 Thank you. 25 COMMISSIONER TOWLER: Mr. Thomson?</p>
<p style="text-align: right;">Page 234</p> <p>1 Bombardier to charge 30 percent of general recovery 2 time as corrective maintenance? 3 A. No. 4 Q. Any practice? 5 A. No. 6 Q. Do you do that? 7 A. No. 8 Q. Are you the primary person that does labor 9 reporting for Bombardier? 10 A. Well, I do my own labor reporting, but I also 11 do a lot of reports dealing with labor hours. 12 Q. And are you aware of any practice like this? 13 A. No. 14 Q. Have you ever been instructed to do that? 15 A. No. 16 Q. Have you ever been told that was reasonable to 17 do? 18 A. No. 19 Q. And to your knowledge, are there codes that 20 cover rebuilds? 21 A. Yes. 22 Q. That aren't recovery codes? 23 A. Correct. 24 Q. And there's codes that cover those other tasks 25 as well?</p>	<p style="text-align: right;">Page 236</p> <p>1 MR. THOMSON: Nothing of this witness. 2 COMMISSIONER TOWLER: So with that, you are 3 dismissed. So I think we should go off the record for 4 a minute. 5 (Proceedings recessed at 3:51 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Kevin Wm. Daniel, a duly certified court reporter licensed in and for the State of Nevada, do hereby certify:

That I reported the proceedings at the time and place aforesaid;

That prior to being examined, any witnesses were duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth;

That I thereafter transcribed my shorthand notes into typewriting and that the typewritten transcript of said proceedings is a complete, true and accurate record of testimony provided by any witnesses at said time to the best of my ability.

I further certify that I am not a relative, employee or independent contractor of counsel of any of the parties; nor a relative, employee or independent contractor of the parties involved in said action; nor a person financially interested in the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned.

IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 8th day of July, 2013.



Kevin Wm. Daniel
Kevin Wm. Daniel, CCR 711, RDR, CRR

A				
ability 146:2 153:10 173:17 237:12	126:7 143:19,20 143:24	91:20 96:5,6,16 98:19 99:13 100:4	analyze 54:19	approved 52:23 103:25 104:17,18
able 11:22 16:23,24 20:1 42:9 80:3 81:20 136:1 146:18 151:21 153:7 162:24 189:15 196:24 206:19 223:19 227:14	address 26:5 112:16 125:14 130:16 131:25 163:25 191:18	100:4 106:25 125:2 127:4,7 129:8 131:21,23 132:8,17,19,22,24 133:4,5	ancillary 41:24	approximate 60:25 61:17
absent 22:25	addressed 166:18	agreements 35:20 35:21,22	Andrew 2:10 10:15	approximately 35:18 37:8 47:23 119:7 131:9 217:17
absolutely 136:9	adjust 228:16	ahead 60:11 64:2 69:1 117:17 133:9 205:19 219:17	Andy 85:16	April 36:10 227:18
accept 143:16	administrative 16:17 22:22 91:5 212:2	aid 18:25 20:2	and/or 40:18 56:23 126:12	architecture 41:5
access 116:8 132:11 132:13,15,18 145:16 146:17 228:11,13	administrator 151:4	air 184:25	announce 95:11	area 49:7 58:11 65:3 132:24 159:2 165:8 170:3
accompanied 57:17	admission 51:10 196:18 197:3	airport 6:8 8:10 9:21 28:23 33:9 40:7 44:20 47:17 48:1,8 53:21 62:20 74:11,18 92:16 136:5,7 145:24 146:19 178:7 196:3 209:1 227:18 229:4	annual 37:9 48:14 232:16,17	argue 17:16 27:23 30:12 220:21
accomplish 28:15	admit 197:2	airports 56:1 134:7 141:1 225:5	answer 32:18 42:20 57:15,16 58:3 64:12,20 65:13,22	argued 15:10,17 17:3
accord 189:18	admitted 50:19 51:3 51:12 84:7,8 113:15,18,20 114:3,4 119:20 190:6 196:16 198:7,8 219:15 221:9 227:21 229:18,19 230:14 230:17,18 232:23 233:1,2	airside 74:21 93:12	answer's 52:2	arguments 12:1,3 12:23 15:12 20:14 21:3 22:17,17,19 25:15,17 30:5,13
accountability 39:15 50:8	admitting 18:16	air-conditioner 184:25	anticipation 182:21	argument 15:23 17:10,13,15,16 20:11,13 29:3,6 30:14
accountable 39:20	adopt 60:19	air-conditioning 157:15	anybody 12:23 20:8 22:16 33:10 68:2 98:2 109:11 121:17 137:2,18	arguments 12:1,3 12:23 15:12 20:14 21:3 22:17,17,19 25:15,17 30:5,13
accurate 229:14 235:8 237:11	Adtranz 35:9,11 139:15	alarm 103:9 166:1	AP 134:7	argument's 15:21
accurately 193:20	advanced 53:25	Albert 3:3	apart 84:23	arm 171:14
achieve 134:18 141:14	advantage 55:16	alignments 71:9	APM 9:5,9 44:11,17 44:19,20 45:2,3 53:20 66:7 67:9 67:16 70:11 146:7 146:9 192:16	arrange 127:1
achieving 61:16,19	adviser 69:21	allow 63:7 79:19 100:5 163:15 173:13	APMs 134:7,14 153:14	arrive 47:18
acquired 35:11 78:7	advisory 35:20	alphabet 83:8	APM-related 45:1	ASCE 9:3
acquisition 35:8	aerospace 37:7	alter 228:3	apologize 14:1	Asia 35:2
acronym 44:20 46:24	aesthetically 171:2	alternate 47:21	appeal 85:6	Asian 35:3
Act 16:18 22:23	affect 62:11 81:7 185:23 189:14	alternator 49:4	appearance 10:10	aside 235:17
action 18:3 123:18 124:14 130:16,18 237:15,15,17	affirmed 237:9	Alvarez 150:17,18	APPEARANCES 2:1 3:1	asked 17:14 35:13 197:20 229:23
activities 52:4 57:25 135:25 139:4 140:18 176:25 177:6,9 212:3,4 224:6,15 233:12 233:24	afforded 63:11	Americas 44:12 amount 21:15 28:11 46:9 49:12 60:16 97:24 99:11,14,21 172:22 231:17,19	appears 37:25 99:6 208:20 213:4,12 227:7 230:8	asking 14:6 23:14 32:23 66:25
activity 63:20	aforsaid 237:7	allowance 62:15	appendix 95:22,22	aspect 28:12 31:22 116:20
actual 17:6 19:1 66:16 158:17	Africa 33:2	allowing 19:1,12	applicable 15:18 16:1 131:1 196:3	aspects 28:15 73:15
adapt 134:18 183:5	agencies 16:12,12 25:1 30:22 65:2	allows 80:1,2,4	application 6:10 54:4 100:10	aspired 60:13
adapted 30:18	agency 16:25 17:14 65:5	Alpha 48:21 50:13	applications 39:11 53:15	assemble 159:21
add 14:1 18:17 32:11 118:23 167:14	Agenda 6:13,16,18 6:21	alphabet 83:8	apply 13:2,4,7 16:21 28:1 29:4 31:2	assemblies 116:16
added 183:10	ago 106:13 187:25 198:19	alter 228:3	applying 16:10	assembly 114:22
addition 78:2 118:5 179:3	agree 12:4 100:14 136:14	alternator 49:4	approach 13:13 19:8 55:20 101:24 101:25	assess 122:13
additional 69:24 105:6 113:9 114:19 121:3	agreeable 68:4	analysis 60:3 203:23 analyst 205:23 206:7,8,10	approval 6:14,19,21 104:19 129:10	assessments 54:12
	agreed 19:17,21 24:22 25:19 179:11		approvals 104:20	asset 55:8,9
	agreeing 19:20		approve 126:24	assign 173:24 174:11
	agreement 6:14 8:3 24:18 86:8 88:19			assigned 72:21 89:1 90:11 132:5 140:7 155:10,13,22 161:1

assistance 146:20	62:25 63:8 88:14	138:8 139:10	36:9 44:17,17	bible 178:12,14
Assistant 3:2 10:12	93:14 97:3 98:10	146:14,14,18,19	57:5,6,6 99:17	bid 6:17 87:25
associated 136:21	98:14,18 99:16	146:23 147:12	101:14 105:22	big 17:9 48:5 153:8
137:6 140:10	101:24 140:24	148:8 154:4,5	116:14 121:16	233:11
166:8	141:15 150:23	155:3 157:4	152:16 178:8	bigger 172:10 217:7
assume 25:14 99:10	available 13:15	158:14,15 159:23	179:7 192:14	bikes 153:20
163:3,16	21:18 60:4 63:10	160:6 162:3	194:4	Bill 8:22
assuming 14:14	96:7 109:14 116:3	164:24 165:20	Bates 37:23 38:5	billion 37:8,10
assurance 59:17	121:6 140:17	169:12,21,22	battery 63:21	binder 37:12,16
assure 24:4	141:3 185:3	170:21 171:9,15	Bay 47:1 65:3	181:1 208:5
assures 56:13	Avenue 2:22	172:2,14 175:22	beam 77:10,13	bit 30:2 46:20 47:13
as-needed 152:16	average 133:13	176:13 181:14	81:13,15 114:23	66:23 73:18 95:16
ATA 73:18	215:25	182:5 193:9,9	115:10	124:15 128:21
ATS 31:19 44:22	Aviation 8:6 10:19	201:7,13 205:6	beams 81:12	151:15 172:1
65:20 72:13,16	Award 6:17	224:21,22,25	bearings 159:20	215:3 232:14
87:17 88:20 94:6	awarded 27:9 70:18	227:19 229:5	began 60:22	bi-level 49:6
94:10 103:24	78:11 87:21,25	background 25:11	beginning 26:23	blanket 32:6
136:4,11,21	Awarding 12:1 30:5	153:10	71:7 118:13,16	blow 199:1
137:23,23 141:14	33:6	backlog 37:9	119:9 172:24	board 6:13,16,18,20
145:23 146:3	aware 65:1 67:14	backup 147:17	173:2 176:4	190:18
attach 77:12	87:1,2 95:14	bad 207:18	224:21	boards 163:22
attached 80:17	101:18 134:13	badly 28:22	behalf 10:17 12:21	Body 12:1 30:5 33:7
attend 60:5	138:21 178:10	bags 74:19	27:15 29:2	bogie 127:24,25
attending 138:14	182:13 233:25	balances 229:1	belabor 13:20	144:6
attention 46:19 87:3	234:12	balancing 17:2,4,15	believe 11:11 12:21	bogies 42:10,11
93:4 105:25	awesome 123:2	Banas 194:9,13	13:5 14:13,16	43:17,17 144:8
106:17 123:1	axle 42:11 127:24	232:1,2,7	15:22 16:6 18:5	Bombardier 1:6 6:2
176:19	143:12	bang 165:3	19:4 20:24 21:13	6:11 7:8,15 9:15
attitude 153:7,24	Ayers 8:23 231:1	bar 62:14	21:14,20 22:24	10:8 11:6,8,21,25
Attorney 2:16,21,22	A-1 2:11	bargaining 8:3	23:25 24:2 26:5	12:22 13:3,13
10:11 16:10	a.m 1:17 81:17	24:17 25:4	29:14 30:16 31:2	14:13 15:1 18:2
Attorney's 10:18	154:23	barring 63:5	31:10,15,23 53:4,6	23:11 24:16,19
33:7		BART 65:3	53:8 73:22 75:4	25:14 26:22 32:8
attributed 108:11	B	based 15:12 39:19	86:11 101:5,8	32:14,15,18,25
audit 122:16 193:14	B 6:3,5,8,9,13,16,18	40:24 45:6,6 53:3	115:8 119:10,10	33:6,24 34:22
audited 124:5	6:20 7:3,7,8,10,12	56:24 57:2,12	129:10 130:25	35:1,9,11 36:14,15
audits 121:23	7:13,15,17,18,20	66:10 97:1,5 98:4	135:12 139:3	36:25 37:1,13,23
179:13,14,17	7:21,23 8:3,5,7,8	98:14 110:9	140:2,14 144:8	37:24 38:1,7,11,16
Audra 3:2 10:12	8:10,11,13 10:1,1	140:16 189:21	145:5 146:12	39:1 42:18,24
August 6:6	76:13 83:16 84:8	214:24 216:5	169:20 175:18	43:5 45:10 48:9
authenticate 196:25	113:20 114:4	217:16,21	179:25 182:15	51:6,6,12,18,18
authorities 16:8	119:19,20 154:16	basic 19:21 41:13	195:15 196:7,8	52:5,12 59:21,23
authority 13:17	155:3,24 179:24	153:6	218:2	63:15 64:5 67:1
14:16 16:5,9,12,13	181:15 185:11,12	basically 35:17 38:1	benefit 132:10	67:16 68:15 69:7
17:8 21:23 22:3	188:20 190:1,6	38:15 42:12 43:14	Berhad 35:2	70:1,11,18 73:16
22:25 23:1 46:8	198:8 221:9	50:2 69:11,21	Berlin 39:19	78:4,7 82:7 83:12
auto 163:23 190:17	229:19 230:18	76:14,16,21 77:11	berth 170:2	83:15 84:2,11
194:17	233:2	79:17 90:8 97:3	berths 80:14	87:20 88:7 94:11
automated 6:4 7:5	back 11:14 14:17,18	98:13 107:2 123:3	best 14:15 31:16	94:14,20,24
41:15 76:15	29:10 31:12 58:2	123:15 125:9	54:13,20 55:16	104:14 113:19
146:11	58:9,12,13,17	149:6 157:12	146:2 167:16	114:2 121:20
automatic 76:17,20	59:18,19 61:13,22	158:12 159:17	237:12	122:11 129:1
automatically 103:1	68:14 77:8,15	161:16 164:14	better 20:25 110:5	130:9 131:16
109:25 178:22	79:18 95:16,17	166:18 168:8	111:11 119:13	134:3,7,14 135:8
199:18	111:1 116:10	170:3,25 172:17	126:2 131:6	135:11 136:1
automation 41:18	123:1 130:12	178:17,21 179:9	133:12 162:2	137:17,22 139:5
availability 56:3	132:3,4,11,13	180:13,18 211:20	185:13,15	139:11,14,20
61:22,23,25 62:5,9	134:3 135:8,11	basis 22:13 28:25,25	beyond 57:25	141:8,21 144:25

145:13 147:6,16 148:10,25 149:7 149:15 175:14,17 176:5,16 177:16 179:10,14 180:4 184:22 186:11 188:16,23 190:3,4 191:19 196:18 197:6 198:1,6 205:2,7,8,23 206:3 206:4 221:7 224:20 225:6 229:17 230:16 233:1 234:1,9 235:9 Bombardier's 13:16 13:18 14:3 29:6 53:20 67:9 104:15 140:25 145:6 217:10 235:13 bonus 100:7 booklet 84:17 bordering 61:4 born 60:1 bottle 163:8,20 190:16 bottom 44:4 48:19 50:12 115:9 134:22 195:10 226:1 235:22 box 2:17 165:2,3,8 boxes 23:20 24:9 brake 57:18,18 brand 46:25 break 28:9 68:11 81:19 105:20 107:7 124:16,21 160:3 186:13 190:15 breakdown 107:7 213:5 225:21 breaking 107:5 182:3 breaks 31:9 125:17 125:17 213:9 225:15 bricklayer 153:18 brief 26:21 30:14 briefly 146:6 briefs 15:17 220:21 bring 10:20 25:7 26:15 122:12 146:18 158:14 175:16 bringing 165:6 broadest 38:16 53:7 broke 225:23 broken 154:23	165:11 171:7 230:9 brought 146:14,19 153:11 157:23 175:11 197:14,14 197:18 brush 59:8,9,11,11 59:12 BTHUSA 43:8 52:25 53:4 BTUS 43:4 44:13 64:20,22 BTUSA 64:10,11 bucket 210:3 211:6 222:21 build 39:15 52:19 71:1 82:8,15,16 84:11 206:15 building 32:8 60:5 136:25 built 56:6 77:23 138:25 bulk 137:14 169:6 bunch 110:14 business 35:14 42:19,25 43:2 55:10 78:7,8 buy 126:7 135:8 C C 2:3 8:11 11:7 72:22 74:16,21,22 74:23 77:18 85:24 87:18 103:7 120:4 120:5,8 135:7 136:7,13,18,25 137:8 142:17 169:18,21 179:7 183:11 185:11 210:12 cabing 91:25 cadre 88:23 calculate 55:5 98:3 203:24 calculated 99:17 141:16 calculation 62:17 98:4,14 calculations 100:12 calendar 179:1 calibration 57:23 California 52:21 call 33:17,24 35:14 46:25 49:3 55:2 59:5 83:17 89:12 146:3 167:1 170:6 170:18 194:17 197:24 198:6	205:7 called 33:5 40:23 45:23 47:25 51:5 57:12 60:13 74:21 87:11 89:22 92:12 95:21 112:25 116:10,11 154:16 157:8 179:20 180:23 181:17 209:17 223:20 calling 190:2 198:3 calls 68:15 146:16 148:10 205:8 Canada 36:23 37:3 46:23 canceled 86:8,10 cap 163:8,9,20 190:17 capabilities 54:2 121:25 126:10 capable 156:11 capacity 32:22 53:1 60:1 149:12 capture 38:14 208:2 captured 124:8 car 31:8,9 127:23 128:2 166:3 carbon 57:19 care 91:25 92:6 151:2 carried 102:13 149:9,9 180:19 Carries 42:14 carry 64:6 cars 65:20 129:14 129:21 134:22 135:2,6,13,15,17 142:17 166:3 cascading 62:20 case 10:6 11:20,22 11:25 12:1,3,5 15:10 17:5,5 19:8 19:24 20:2 21:14 22:1,4,8 26:15,19 26:23 30:3,7,12 32:12 75:3,18 80:22 109:4 147:18 178:6 180:16 cases 17:7 43:19 162:19 catch 204:24 catch-all 212:16 224:13 categories 213:7 223:15 categorized 199:21 category 172:4	209:17 210:5,11 211:1 222:19 223:23 224:3,6,10 235:22 catenary 52:16 caught 85:6 cause 102:1,5 103:11,18,21 190:14,15 237:17 CBA 8:18 CBE-552 1:9 6:4 10:9 33:17 CCR 1:24 237:22 CD 14:5,12,15 cell 68:3,7 center 1:18 64:16,17 89:9,13,14 90:21 92:11 93:8,10,11 94:8,20,23 149:3 centers 41:16 69:15 70:6,13 73:3 121:1 130:9 central 1:19 2:17 76:9,15 94:2 95:7 95:9 120:11,16 162:4,8,12,15,23 162:24 164:4 212:18 certain 71:11 82:24 82:25 105:18 132:16 135:15 158:23 173:18 181:22 183:15 184:10 185:6,20 185:24 214:14 229:1 certainly 62:13 certificate 179:9 237:1 certificate's 179:9 certification 122:22 122:24 certifications 145:5 certified 237:5 certify 237:6,13 cetera 54:16 87:9,9 chance 26:6 153:22 change 24:7 80:1 106:12 118:4 119:14 130:21 183:4 192:24 199:4 231:23 changed 175:15 183:6,10,12 185:14 220:15 223:14 229:15 changes 119:11,18 151:9	changing 31:8 130:20 199:1 channels 126:24 charge 35:12 70:17 90:20 91:1 173:24 174:1,2,3,7,9,10 174:11 221:14 234:1 chargeable 177:6,15 177:17 233:24 charger 63:21 Charles 3:4 11:15 chart 7:8,15 44:5 51:22 52:6 charts 19:19,21,24 check 74:19 99:21 109:5 121:23,24 122:3 159:22 186:14 checked 109:1,3 235:15 checking 161:6 182:3 188:6 checkoffs 184:8 checks 59:8 163:12 Chief 3:2 10:12 35:3 chose 60:19 circulate 18:24 circumstances 126:17 citation 22:1 cite 17:4 City 149:7,8 184:17 civil 16:7 40:9 Claimant 2:9 10:15 claiming 194:10 clarification 84:5 clarify 221:12 Clark 2:15 6:13,16 6:18,20 8:4,5 9:10 10:18 24:18 78:15 87:10,13 88:4 121:21 122:15 131:16 132:22 134:3 139:5,9 179:3 237:3,19 class 175:10 classification 29:12 31:16 Classifications 7:4 clean 159:19 cleaning 129:15,16 129:17,21 182:4 cleans 129:14 clear 139:2 clearly 54:10 clerical 91:7 clerk 11:16
---	--	---	---	--

close 162:7 214:17 closed 163:24 closer 24:21 CM 223:25 224:1,3 coach 192:23 code 174:1,2,3,10,11 174:14,23 177:4,7 194:8,24 195:14 198:16 199:3,4,18 209:25 211:4,7 212:11 221:13,14 222:10 223:19,23 231:1,7,8,8,8,11 231:20 232:4,7,12 233:22 coded 211:5 222:12 222:20 codes 173:24 174:17 174:21 175:3,5,13 175:15 177:11,20 194:25 196:3 199:7 209:16,18 209:22 219:21,25 220:12,15,17 222:15 223:14 224:9,13 234:19 234:22,24 235:7,8 coding 193:15,20 209:18 223:9 224:17,24 225:11 cohesion 42:16 collateral 151:5 collection 40:12,17 195:22 Collective 8:3 24:17 collector 57:19 202:20 Color 9:21 colored 188:18 colors 189:10 color-coded 189:3,7 column 45:21 209:4 209:9 210:19,22 213:22 216:2,21 219:2,20,25 220:10 222:4,8 223:7,11,19,24 226:3,21 227:4 233:14 columns 45:21 213:7,15 215:16 216:13 218:5 221:24 222:3 225:17 227:9 231:24 combined 37:11 come 13:8 17:20 22:12 30:25 65:23	81:16 92:16,20 110:11 113:5 122:16 130:15 132:1 142:6 146:14 147:8 159:3,18 166:5 171:9 173:13 179:4 212:22 comes 25:2 64:22 76:22 92:18 119:13 129:15 164:23 166:15 169:6 172:18 187:17 comfortable 18:4,4 coming 34:23 41:22 84:23 166:15 command 18:13 150:10 162:25 164:4 commands 164:6 commenced 130:24 commencing 35:1 commensurate 35:8 Commerce 2:11 commercial 69:19 commission 2:20 39:15 46:24 137:13 Commissioner 1:1 1:14 3:2 10:4,5,25 11:5,11,17 12:9,17 13:17,22 14:9,12 14:21 15:6 16:15 18:7,13 19:10,14 19:25 22:4,7,9,11 22:16 23:10,18 24:11,12,15 25:14 26:1,4,9,17 27:3 29:5,10,25 30:4,10 33:4,16,23 34:8 50:20,23 51:4,9,14 61:9,13 64:2 67:22,25 68:6,10 68:13,22 69:1 83:7,13,19 84:7,15 84:24 85:1,4,12 111:1 113:12,14 113:18,22 114:2 117:17 119:5,15 124:17 133:8 135:21 136:16,19 146:23 148:1,3,6,8 148:17 179:25 190:1,4 193:5,8,11 196:8,11,14 197:4 197:13,24 198:5 202:1,3 203:1,5	204:3,22 205:1,5 205:15,19 219:17 220:22 221:6 229:8,11 230:16 232:25 235:25 236:2 Commissioners 6:13 6:16,18,21 Commissioner's 22:2 23:15 30:8 committed 45:4 common 31:6 190:8 commonly 41:11 63:23 Comms 195:22 communicate 175:7 communicating 112:6 communication 76:5 121:11 communications 27:20 31:21 76:7 commuter 39:13 50:2 companies 27:16 36:22,22 company 11:10 29:2 29:3 31:25 32:15 36:8 37:3 38:3 53:5,17 67:11 79:2 100:23 129:15,16 143:11 206:12 compare 172:22 214:16 227:14 compared 28:13 79:24 168:12 compensation 25:5 competencies 65:25 competitive 13:16 13:18 21:19 54:22 55:16 competitor 13:15 competitors 67:15 Complainant 1:4 10:8 complete 55:8 65:9 65:19 178:8 189:17 217:3 237:11 completed 120:4,8 180:16 184:1,15 193:10 204:7 completely 18:19 112:19 completing 70:22 completion 71:1 82:18,21 144:4	complex 31:18 compliance 27:10 121:17,20 complied 122:21 comply 112:10 complying 101:11 component 42:12 58:9 163:21 171:14,15 173:12 194:18 components 31:18 41:24 52:15 75:11 110:3 135:17 146:13 compressor 185:1 compromise 13:16 computer 93:18 109:24 116:8 132:14 162:10,23 163:1 164:9 207:16,21,25 computers 93:13 94:5 103:11 concede 14:23 concept 59:2 96:22 177:25 concern 15:4,6,24 85:5 concerns 13:10 17:25 26:14 220:24 concluded 36:9 concourses 6:8 concrete 75:18 condition 58:7,11 158:14 182:6 conditions 27:11 128:11 conducted 120:3 confidential 13:19 13:25 14:8 15:15 15:16,20,21,22 17:1 18:6,16,22 19:4 20:12,20 21:2,17 23:5 44:2 132:12 confidentiality 15:12 220:24 configuration 74:2 77:14,16 157:5 confirm 43:17 162:10 confusion 32:21 conglomerates 32:3 connect 48:6,7 connected 74:23 connecting 47:19 52:21 136:25	connects 75:7 92:1 conscious 56:2 considerations 81:10 considered 96:4 132:12 164:20 203:17 consist 130:10 159:17 210:22 consisted 170:24 consists 75:12 constitute 30:18 constitutes 21:20 construct 143:8 constructed 138:22 138:22 construction 77:22 77:24 78:13 138:20 constructor 7:18 9:7 31:16 constructors 1:3 10:7 24:23 29:14 consultants 56:23 contact 23:22,22 24:7 165:6 contacted 212:25 contain 16:9 105:7 111:16 125:10 185:5 201:4 contained 14:6 104:8 containers 23:21 contains 14:7 19:2 207:8 contempt 16:22 contending 28:22 29:20 contention 28:25,25 29:20 contentions 19:5 contents 86:1 context 27:21 contingent 65:25 continually 60:2 continuation 50:14 continue 55:9 166:4 Continued 5:1 7:1 8:1 9:1 continuing 131:15 continuous 34:23 continuously 55:22 contract 1:9 6:3,19 6:21 8:24 10:9 13:14 25:19 28:3 29:21,22 31:14 32:25 33:17 35:6 44:9,10 45:1,2,3
---	---	---	--	---

46:7 48:14 54:19 55:3,4 62:1,24 70:18 71:8,15 72:10,17,23,24 73:14,16,23,24 79:2 83:3 85:24 86:13,16,18 87:1,8 87:20,22,24 88:1 88:13,15 89:17 91:15 96:13,23 97:19,20 98:6 100:14 106:8 111:18,24 112:6 112:11,24 117:23 118:3,10,14 119:6 119:10 120:4 123:19 126:11,14 126:20 127:2 128:9 129:17 131:14 136:1 137:6 138:2,4 139:10,12,24 142:14 145:4,12 149:6 152:14 227:19 contracted 53:20 contractor 88:7,9 237:14,15 contractors 25:1 54:8 142:6 contractor's 142:3 contracts 21:16 30:22 35:18,19 48:11 53:9 71:22 78:9 82:9,12,14,14 86:23 94:19 106:9 137:17,22 138:8,9 138:17,20,21 141:1 206:25 contractual 53:11 178:5 contractually 44:22 contract's 107:25 contributing 66:23 contributor 48:5 control 41:3,4,16 46:12,14 63:7 64:16,17 76:9,16 76:16 93:8,10,11 93:24 94:20,23 95:7,9 103:20 120:11,16 146:4 162:4,8,12,15 164:4 212:18 controller 44:12 controlling 164:5 controls 41:19,20 76:7	convenience 11:21 conversations 199:9 converters 42:2 coordinate 142:3 coordinated 95:8,10 coordination 95:15 coordinator 91:5,7 150:18 193:24 228:11,24 copies 188:17 214:16 227:12 copy 14:19 18:18,21 18:24 24:16 45:20 51:2 74:5 84:20 84:21 85:1,9,10,14 116:7 127:17 145:16 189:7 214:10,12 215:4 215:13 217:2,3,5,8 217:16,22,25 218:14 219:10 226:10,13 227:13 copy's 127:16,17 core 47:15 corner 87:4 correct 29:25 36:4 43:10,13 47:9 50:17 65:4,6,10,16 65:17 66:13,21 67:6,19 71:1 72:17 78:18,21 80:20 84:1,3,4 88:5 91:17,18 93:19 96:5,15 99:9,23 100:11 108:12,22 109:22 111:19 115:17 116:22 117:12 118:4 120:20 123:5,6,20,21 124:12 134:4,8,11 134:19 136:12 137:1,7,9,15,19,20 139:25 147:12,14 147:17 175:5 183:22 191:13 194:15 196:1,9 199:12,15,20 200:4,8,23 201:4,8 208:19 209:3,24 213:5,9,14,23 214:2 215:10,20 216:7,13 218:10 218:15 219:23 220:2,10 221:21 222:22 223:6 227:7,8 228:5,12 230:10 232:19,21	233:19 234:23 235:17 correction 198:14 corrective 58:1 59:22 60:9,17 66:18 105:4 124:14 125:3,6 129:24 130:5,8,13 130:19 131:8 168:18 171:4,5,18 172:19 173:6,9,23 174:5,6,19 177:7 177:15,17 184:23 186:5,8,12 187:2,2 187:4,13,15,18 190:9 194:14,16 194:21 198:15,23 199:22 201:12,14 202:16 203:25 219:21 220:1,6,8 220:13 221:16 224:1 227:3 233:24 234:2 correlate 199:17 correspond 223:8 235:9 corresponding 44:15 cost 20:16 21:15 31:5 48:8 126:18 counsel 68:8 205:2 237:14,16 counted 65:10,14 countermeasure 125:19 country 32:5 64:19 county 2:15 6:13,16 6:18,20 8:4,5,24 9:10 10:18 24:18 24:21 25:5,12,18 30:5 73:23 78:15 83:24,25 87:10,13 88:4 91:16,19,21 92:22 93:20,21 94:17,22 97:20 100:3 101:6,11,13 101:17 111:25 112:1,6 121:21 122:16 126:24 129:11 131:16,22 132:9,22 135:8,10 138:22 139:5,9,19 141:22 142:5 146:3 147:20 179:3,11,17 237:3 237:19 County's 25:13 134:3 135:16	County-approved 88:11 couple 27:21 29:15 45:19,20 61:11 141:9 231:25 course 17:13 24:7 143:22 165:5 196:22 208:18 court 15:11,14 16:9 16:20 17:19 18:3 20:15 22:8 23:12 221:5 237:5 courts 15:8 16:2 Court's 16:5 cover 59:8 86:5,6 177:11 220:1 234:20,24 covered 141:25 covering 211:21 covers 29:24 105:23 Coyote 1:18 Craig 4:4 34:3,11 crane 134:24,25 crated 128:24 create 102:20 124:10 185:9 189:4,5 223:19 created 104:14 118:7 196:21 197:10 208:15,17 212:25 214:25 235:19 creates 102:18 104:13 124:7 creation 196:25 creative 20:19 credibility 101:2 Credits 98:9 crew 89:6,7 91:2,3 151:16 154:15 158:21 169:6 crews 151:17 154:5 cross 79:15,20 Cross-Examination 4:6,14,15,20 5:9 64:3 133:10 135:23 193:12 235:4 CRR 1:24 237:22 current 34:17,18,25 36:11,13 69:8,9 118:20 134:23 205:22 currently 69:4 148:22 customer 38:18 54:11,21 56:23 72:12 104:16,17	104:20 134:14,15 139:9 165:6 172:11 178:6 customers 19:2 20:17 53:10 56:2 67:12,17 customer's 55:9,23 cut 228:25 cycle 55:9 cycles 56:9 57:4 58:20,21 171:24 C65 45:23 46:6,7,15 D D 8:11 72:22 75:7,8 75:9 76:10 77:23 83:24 85:25 87:18 93:12 101:16 120:4,5,8 136:8,9 136:13 137:3,9 138:2 140:6 142:18 146:12 157:24 166:4 169:19,20 172:12 179:7 181:23 183:11 185:11,12 195:22 210:12 daily 57:5 65:13 90:1 105:22 107:15 110:14 140:11 166:11,25 167:1 174:7 Dallas 225:9 Dan 9:13 Daniel 1:24 237:5 237:22 data 53:3 101:13 206:17,18,19 207:8,11 208:3,12 208:14,24 210:18 212:22,24 213:2 214:14,15,18,25 215:2,4 217:3,5,8 217:9,11,16,21 224:5 225:14,15 227:13,17 228:1,9 228:11,13,16 229:9 230:23 231:23 database 19:22 207:2,5,6,8 databases 206:13,17 data's 228:2 date 82:21 86:10,12 118:7 119:17,18 dated 6:10 14:14 dates 24:4 82:18 100:13 119:8
---	--	--	---	---

178:19	defend 18:2 19:5,8	154:14 156:19,25	225:3	170:3 194:1
Dave 8:23	21:14	described 43:15	developed 60:12	207:21
Davis 2:22 10:11	defer 30:12	82:2 115:25	128:25	director 69:9,11
23:14 113:15	define 82:14	225:17	developer 52:18	70:4 178:11
day 17:18 50:7	defined 96:16	describing 38:7	developers 52:13	Directory 8:19
62:17 76:22 87:8	141:16 144:25	107:1 108:17,18	developing 150:25	dirt 153:20
90:10 125:13	defining 28:1	225:19	151:2	disagree 22:18
132:1 140:5,7	definitely 23:5,7	description 6:2 7:2	diameter 182:4	30:10
143:18 154:17,25	136:8	8:2,15 9:2 38:1,10	dictate 71:9	disclose 21:22
155:6 156:3,16,19	definition 27:6	47:15 105:2,2	dictated 71:15	disclosed 221:3
156:21 158:17	144:18,19 145:2	199:15 209:24	diesel 35:7 49:2	Disclosing 21:17
159:2,4 161:3,4	delegated 110:8	210:1,2,10,24	differ 150:22 169:3	disclosure 13:10
166:1,4,10,17	deliver 42:3 43:1	211:3,8,17 223:4	difference 82:4	discover 198:25
167:4 168:21,24	53:17 139:7	235:9,12	90:18 151:12	discovered 198:13
169:4,23,24 170:9	deliverable 71:21	descriptions 8:6	214:19 217:2	discuss 12:11 25:25
170:23 171:7,7	120:10 139:7	9:10 109:8 111:22	218:2,3 226:14	68:1 199:2
172:7,9,9,10,13	delivered 40:9 41:6	235:7,8	differences 25:5	discussed 19:17
173:1,7,12 175:6	133:24 142:17	Desert 52:8,10,11	134:11 217:15	147:5
183:17 185:25	delivering 39:22	design 38:20 39:15	228:20 235:18	discussing 198:21
186:24 187:14,24	delivery 52:15 69:14	55:11,15 70:19	different 25:22	discussion 12:10
188:2,3,4,7 189:11	70:5,13 72:9 73:3	71:1,10 78:16	31:20,20 32:6	44:1 61:10 193:7
189:16 191:14	89:8,13,14 90:21	82:15 84:11 88:2	33:13 45:21 66:11	205:4
199:23 237:19	90:24 118:25	88:16 94:11	66:20 67:11 81:1	discussions 147:22
days 81:19 107:15	121:1 130:9	137:12,14,22	81:3,10,24 93:15	Dismiss 6:6
107:22,24 108:14	135:16 142:13	designated 87:4	103:15 130:21	dismissed 236:3
108:20 109:1	143:7 149:3,5,13	90:22	134:6 140:25	display 41:12
110:4,4 154:10,11	demand 18:14 21:8	designed 54:17	160:7 164:6,14	distinction 31:6,7
172:22 173:5	21:9	192:16	167:3 185:12	distributed 195:13
188:9,12 211:12	demands 55:23	designing 55:17,17	206:11,13,20,23	distribution 40:12
211:12	62:18,23	71:12	209:15 216:14	52:17 54:15 63:23
daytime 140:14,17	demo 224:14	design-and-build	221:24 222:4	91:24 92:11
day-to-day 69:14,17	demonstrated 60:3	53:15 54:23	223:18	District 2:16 10:18
93:25 95:2 131:25	demonstrative	design/build 55:4	differentiate 44:16	15:11 16:1,4,20
DC 59:6	18:25	82:7	difficult 190:20	18:3 22:7 23:12
de 28:13	denominated 90:19	design/built 55:7	difficulties 82:3	33:7 221:5
deal 81:11 85:2	Denver 225:9	destroy 14:16	digit 215:1	diversified 37:2,4
190:19 206:22,24	deny 23:2	destroyed 14:11	dinged 99:4	divided 99:15 216:2
dealing 69:17	depart 47:19	23:25	dire 4:10,12 5:5,7	divides 232:13
210:23 211:16	Department 8:5	detail 19:17 47:14	83:20,21 117:16	division 34:19 35:15
212:6,18 223:20	10:19	138:11 184:12	117:18 219:16,18	38:2 39:14,18,20
224:9 234:11	depended 161:3	201:4 222:17	221:13 227:22,23	40:2,20,22,23
December 183:7	dependent 57:6	232:13	229:7	41:20 44:12 52:12
decide 201:11	depending 54:6	detailed 113:4	direct 4:5,9,11,13	206:23
decided 36:7 160:5	158:4 159:3	116:18 151:3	4:19 5:4,6,8 23:1	divisions 38:11 39:1
188:7	depends 80:5	160:13 200:25	34:13 69:2 84:9	39:3,24 42:19
decides 102:25	134:20 163:6	details 143:21	87:3 90:1,4 93:4	43:1,15 60:21
decision 153:2	Depicting 7:8,15	151:16 182:1	105:25 106:17	document 9:21
decisions 206:19	depiction 39:5 44:8	223:22 224:2	119:21 123:1	18:21 19:2,13
Declaration 8:23	depicts 51:22 54:3	determinations	126:3 148:20	37:22 43:22,24
9:6,11,12,13,18	Deposition 8:7,8	10:22	205:20 221:10	44:2,4 74:3 84:19
dedicated 50:3	depth 66:15	determine 97:6	229:20	85:21 86:2,4,6
75:12,15 77:2	Deputy 2:22 10:11	122:1 162:2 164:1	direction 77:8 79:17	87:5 93:5 106:5
79:11 89:6	describe 36:18	175:24	79:18 121:15	112:25 114:6,10
deem 15:25 31:13	38:15 39:3 47:13	determined 24:25	164:24	119:3,9,17 176:9
deemed 13:25 17:1	52:10 57:10 63:24	110:19 147:5	directions 75:24	176:16 180:3
29:11 144:12	74:2,12 77:20	determining 147:23	directly 43:17 44:3	181:5,12 182:10
deeming 15:15	79:6,9 89:7	develop 53:20 55:11	72:8 74:23 107:13	188:22 195:4,13
default 82:24	131:19 146:1	120:23 206:11	140:19 142:5	195:21 197:17

202:6 203:2,6 208:7 230:21 231:21,24 233:5 documentation 21:4 121:8 documented 122:4 documents 9:16 13:12,24 15:19 19:16 20:11 21:12 21:24 23:7,20,21 23:24 24:6 112:25 121:5 179:6 doing 21:16 67:5 71:3 74:4 81:11 82:3 83:1 84:25 115:13 117:11 128:11 140:15 145:8 151:21,23 152:1,20 153:11 153:17 156:11 160:22,25 161:2 165:10 168:3,9,14 172:19 173:3,18 179:5,11,15,16 182:21 198:12,17 198:24 199:2 dollar 44:17 dollars 37:8,10 49:15 51:24 65:16 DOL's 8:19 door 103:1,4,9 143:14,16 162:22 163:6,8,9,10,11,12 163:13,14,22,22 163:23 170:15 171:8,8,9,14,16 190:16 191:16,17 doors 76:2,19 103:7 142:22 143:13 144:14 157:16 162:6 190:10,12 190:13,18,18 191:13,14 double-check 193:20 194:19 Doug 205:8,17 229:22 Douglas 5:3 205:10 205:17 downtime 95:21,23 95:24,25 96:4,9,22 97:2 124:7,9 140:3,5 Dr 7:20,21,23 8:7,9 9:4 draw 176:19 drive 116:8 190:23 driven 38:20 80:25	driver 41:15 76:15 153:8 drives 42:2 driveshafts 42:3 drop 131:12 dryness 42:21 dual 32:22 due 214:24 217:2 duly 34:4 68:18 148:13 205:11 237:5,9 duties 69:11 71:3 150:22 151:3 156:10,12,14,16 156:19 168:16 208:18 duty 174:8 211:12 dynamic 56:24 E E 2:16 3:4 185:12 earlier 39:8 44:1 47:10 57:13 68:1 114:24 139:3 141:25 144:11 196:19 200:7,20 early 86:11 143:1 earn 100:5 ease 33:8 198:6 easier 32:14 51:4 easily 53:2 east 2:22 162:6,7 easy 12:15,18 33:14 185:12 EB 164:5 edit 228:1 effect 86:16,23 106:7 118:3,9,16 118:19 132:8,17 132:19 161:16 169:17 176:3 181:8 221:14 effects 62:20 effort 41:24 eight 154:21 155:19 206:4 either 47:19 54:7 66:17 81:12 83:11 99:20 123:17 125:12 126:25 130:20 153:16 157:4 189:16 215:2 221:4 elect 57:4 elected 67:14 electric 35:7 49:2 142:11 electrical 29:13	31:18 52:16 57:24 76:14,21 92:19 153:7,9,17 198:25 electrical-type 95:4 electronic 14:6 19:22 27:19 31:21 214:18 215:4,12 217:8,13,21 226:13 230:23 electronics 162:22 200:15 electro-mechanical 52:14 elevated 40:10 elevator 1:3 7:18 8:20 9:7 10:7 24:23 29:14 31:15 31:19 emergency 103:1,8 emphasis 62:13 empirical 207:8 employ 64:5,18 88:19 employed 32:22 34:21 69:4 148:22 employee 66:5 101:22 153:5 216:4 229:5 237:14,14 employees 25:20 37:11 65:23 83:25 88:20,23 89:18 91:2,16,19 92:22 93:21 94:15,17,22 94:23,24 149:21 150:15 154:6 156:20 193:15 194:7 195:13 employing 64:9 employment 65:21 encompassed 124:25 127:10 128:8 endorsed 56:23 ends 76:3 energy 41:23 engaged 52:12 65:2 188:6 engine 31:9 engineer 41:10 89:19 122:12 150:13 engineering 54:12 129:1 132:13 149:17 engineers 72:10 89:10,20 104:15 132:13,15 146:16	150:5 enhance 46:10 enhancement 126:5 126:6,15 127:6,9 210:10 enhancements 125:23 126:12 128:12 210:5,9,11 enormous 30:19 ensure 54:21 55:6 58:7 62:15 71:16 152:1 178:9,18 179:5 184:17 ensured 193:17 ensuring 149:8 150:24 entail 35:16 49:24 enter 17:25 20:20 23:4,7,10 175:13 207:15,16,18,21 207:25 228:3 entered 20:4 21:8 30:22 51:17,17 73:22 82:10 87:8 119:19 190:4 196:14 197:16,17 207:12 221:7 entering 19:14 entire 31:14 40:9 78:23 entity 43:3,18 44:13 44:15 48:13 entries 49:20 97:10 109:7 117:10 181:11 202:7 228:20 231:25 entry 48:20,20 116:11 176:20 221:16 231:1,10 232:2,6,7 233:17 environment 34:20 55:8 57:7 envision 62:17 equally 167:15 equate 42:11 equates 56:3 62:16 equipment 6:4 63:10 67:16 71:12 71:20 74:13 75:25 76:2,6,9 91:25 92:23 94:12 102:2 102:3,4,6 104:25 105:3,24 107:10 113:8 119:14 120:13,15,17 126:2,8 128:5 130:21 134:12,18 140:16 146:10,11	147:9,11 equipment's 58:13 107:8 equivalent 92:18 erection 40:10 escaping 143:4 escort 212:13 especially 101:15 130:13 172:12 ESQ 2:3,4,10,16 essential 136:4,6,7 136:17 essentially 27:5 82:1 92:15 95:25 99:1 106:15 established 81:2 112:5 229:13 establishes 104:11 105:17 estimate 135:4 167:16 estimation 167:7 et 54:16 87:9,9 Europe 40:24 evaluated 67:5 evening 169:17 event 23:15 63:24 124:7,9 157:1 events 97:2 147:23 eventuality 52:19 everybody 10:13 11:12 12:4 26:20 27:2,4,13 33:13 68:4,13 91:10 156:6 everybody's 193:8 205:5 everyone's 95:14 everything's 157:17 evidence 18:12,14 19:18 21:1,2,8 24:20 25:2,3,7,11 25:22 26:2 28:8 31:10 83:18 113:13 117:15 189:24 190:5 196:6,15 evidentiary 24:14 26:12 evolution 78:5 evolve 77:19 evolved 56:9 evolves 55:22,22 56:24 exact 51:21 61:2 64:25 119:8,18 172:6 216:12 exactly 113:7 228:7
--	---	---	---	--

232:14	14:2 18:18 19:9	explanation 201:1	falls 172:4	73:23 97:10 104:3
exam 59:5,19	24:16 25:24 37:15	explanatory 114:14	false 17:23	107:15 108:2
examination 4:5,9	43:23 45:8 50:18	211:25	familiar 37:25 40:6	114:13 148:13
4:10,11,12,13,19	51:3,5,5,6,6,13,18	export 213:1	66:7 72:13 82:12	151:16 155:10,12
4:21,23 5:4,5,6,7,8	51:18 53:3 83:6	Express 52:8,10,11	86:1 98:10 111:13	167:4 168:24
34:13 57:12 58:20	83:16 84:6,8,19	expressed 57:13	112:25 129:22	171:12 173:1
59:6 66:15 69:2	105:25 111:2,4	extend 32:5	133:23 137:21	175:10 200:17
83:21 84:9 117:18	113:12,19,20	extent 138:12 197:9	138:8,10,12,16	205:11 208:20
119:21 148:20	114:2,4 115:24	extra 85:1	166:21 177:25	209:4 213:22
193:10 202:4	119:19,20 141:9	extract 44:13	179:20 184:19	222:1,4 226:3
204:4 205:20	176:6 180:4,25	230:22,24	192:2	230:25,25 232:1,2
219:18 221:10	188:20 190:6	extracted 45:3	familiarity 72:19	233:8,11
227:23 229:20	192:18 196:5,6,10	extremely 62:24	family 35:19	fit 153:8
examinations 5:1	196:16,18 197:6,6	ex-military 154:2	FAPR 1:24	fits 31:16
56:12 58:16	198:1,3,4,7,8	E-lab 200:15	far 16:24 64:8 65:12	five 46:20 97:12
examine 34:1	203:2,6 213:3	e.thomson@clark...	144:7 207:12	144:8 206:1
examined 34:5	219:14 220:23	2:19	fare 40:11,17	215:18
68:19 148:14	221:7,8,9,22	F	195:22	five-digit 209:21
205:12 237:8	227:20 229:17,19	facilities 40:11 52:4	fast 11:19	five-year 119:7,7
examining 32:12	230:8,17,18,20	71:16 82:8 94:9	fault 163:6,7	fix 28:5 125:14,20
example 38:20,21	232:22,25 233:1,2	facility 27:12 80:24	Fax 2:6,13,19	157:6 160:4
39:8 40:4,6,7,15	233:5 235:6,16	80:24 89:8,17	feature 126:7	165:12,18 171:7
41:8 42:4 43:8	exhibits 6:1 7:1 8:1	120:19 122:5	features 122:14	171:12 173:13
53:21 57:18,22,23	9:1 10:1,2 13:4,5	131:25 134:15	126:9	fixable 163:20
58:19,22 59:5	14:4,14 18:5	141:24 184:17	February 199:6	fixed 202:18
64:7 65:11 67:13	22:15 26:15 33:20	fact 81:5 101:19	feeds 92:20	fixing 28:1
80:21 81:13 97:13	37:13 51:10,12	122:1	feel 17:11	fixture 30:18
100:6 110:2	85:2	factor 62:10 99:7	feelings 197:13	flashed 128:23
118:23 121:11	exist 134:7	101:24	field 89:9,20 150:13	165:25
128:18 132:14	existence 73:19	factors 102:1	fields 92:15	flat 165:17,17,19
165:24 181:21	145:4	factory 134:4	fifth 219:3	flatbed 134:25
194:9 198:24	existing 59:11 126:7	facts 18:15 21:5	fight 14:25 20:14	fleet 77:22,24
232:17	exists 30:23	fail 59:18 190:17	figure 51:21 65:7	flesh 30:2
examples 45:19	expansion 77:25	failed 59:13 60:2	66:19 187:9	flexibility 80:5 81:4
46:18	137:23	128:23 144:19	figured 144:22	flexible 20:18 85:13
exceed 51:23	expansions 77:21	165:5 166:2	figures 44:4 66:25	flight 172:18
exceeded 50:15	expect 25:9 178:20	202:20	filed 6:6 16:9 122:5	flip 216:9
exceeding 61:6	expectation 194:25	failing 144:21 162:6	122:11	flow 71:9 172:17
exception 43:24	expected 58:8,12	186:6	filing 212:3	191:15
44:2	175:4 178:19	164:22,23	fill 122:9 211:22	flowed 185:13
excluded 27:9	194:23	fails 163:11 164:7	filled 122:4	focus 53:16 172:19
excluding 26:3	expecting 62:6	164:22,23	final 57:15 75:8	folder 43:23 85:4,5
exclusions 99:1	expense 134:17	failure 62:7,19	finally 27:17 31:15	folks 72:10 94:1
Excuse 146:9 150:3	experience 15:7	82:20 102:2	31:25	95:9
excused 68:1	17:5,6,7 22:20	103:19 144:24	financial 52:19	follow 22:20,20
execute 190:21	36:16 53:4 65:24	145:23 147:4,23	financially 237:15	164:8
executed 78:11	65:25 66:2 153:13	158:13 163:21	find 125:10	followed 12:2
executing 70:17	160:2	164:2,16,17,20,21	fine 13:22 21:6	following 35:5
execution 89:16	expert 10:21 25:23	164:22,22 165:21	33:16,17 68:5	215:14 229:22
exempt 32:9	25:25 40:2 196:21	169:9 171:8,24	159:23 197:23	follows 34:6 68:20
exempted 27:9,14	196:22,23	190:15 202:22,24	204:12 229:16	148:15 205:13
exemption 27:15	expertise 40:23	203:16	finished 88:2	follow-on 78:9
32:1,3,6	139:15	failures 56:15 60:4	finishes 143:4	follow-up 67:22
exemptions 31:1	explain 23:19 38:12	60:5 62:16 103:11	first 10:11 11:22	forecast 170:12
exercise 61:3	59:4,24 76:12	164:15 171:23,25	12:16 25:19 27:5	forever 107:24
exhausted 60:4	128:21 189:9	fair 139:13	29:8 30:16 33:24	forgot 162:7
exhibit 6:2 7:2 8:2,7	217:3	fall 190:17	33:25 34:4 43:22	form 73:19 122:4
8:8,15 9:2 13:1,3	explaining 25:4	falling 96:18	45:20 65:20 68:18	131:19

formal 120:3	188:12,14 202:10	93:13 126:9	23:2 25:24 27:1	181:23,24 182:2,4
formally 14:3	fundamental 41:13	151:22 152:5	27:22 29:8 30:25	184:7,9 186:14
format 218:8 221:23	further 4:23,24	162:12 164:5,5,6	33:1,2 34:1 43:22	guides 105:5
former 60:1	63:25 67:20 107:7	182:1 195:18	45:18 70:9 75:5	guideway 75:13,14
formula 97:2,3 98:3	135:19 146:22	207:23 232:14	75:21 84:20,21	76:1 79:12,14
99:16	147:25 201:25	given 100:13 132:23	93:16 102:7,24	80:16 81:1 91:21
formula's 98:6	204:4,13 220:19	133:1 139:4 176:1	104:18 110:15	92:3,7 103:15
forth 13:9,20 27:6	235:2,23 237:13	184:15 223:4	119:2 124:18,20	138:23 141:24
77:9 98:12,13		gives 16:19 105:1	135:5 141:13	142:2,7
forward 55:16	G	114:18 128:1	158:20 160:3,14	guideways 40:11
found 42:12 106:2	Gary 2:3 11:7 111:7	180:19 184:13	161:5,7 165:12	134:23
181:3 185:11	gate 83:24 103:6	186:13	166:19 169:11,12	guy 90:20 150:7
201:18 202:20	140:6	giving 93:14 130:14	172:15 188:6	153:18 154:2
foundation 112:3	gates 74:16,20,21,22	195:17 198:18	198:2,6 210:13	169:10
foundational 19:18	74:23 75:7,8,9	glass 42:20	214:9 218:11,22	guys 85:12 94:1
197:11	76:10 77:18,23	global 36:25 37:2	219:10 225:25	110:15 151:21,24
four 46:20 97:11,11	87:18,18 93:12	38:14 53:7 175:14	228:16 232:10	155:4 156:21
154:11,21 156:1,1	101:16 103:7	175:16	233:14	158:5 161:8
161:7 167:3	120:5,5,8,8 136:7	go 12:12 18:8 25:17	good 12:18 20:13,14	165:18 169:4,10
169:10 191:3,4	136:8,9,18	29:10 36:7 43:22	20:14 26:8 34:15	175:17 187:10
fourth 226:21	gear 92:19,19	45:18 48:19 58:2	131:13 153:7,24	188:6 191:4,6,7,9
Frankfurt 225:10	general 2:21,22 16:5	60:11 61:7,9 64:2	200:6	192:19 200:17
free 204:23	16:10 35:5 69:13	67:1 69:1 74:13	goodness 191:3	201:16 204:18
freely 25:20	129:20 176:24	75:7,24 76:17,22	gotten 183:7	
freight 36:21 41:9	177:5,9 194:10,21	81:18 83:8 85:20	Government 1:18	H
50:7 64:6	199:22 210:19,23	90:11 95:16 97:7	8:21	H 6:9
frequency 57:3	210:24 212:2	98:8 103:8 106:20	Grand 1:19 2:17	half 155:10,12,13
58:16,19 72:4	216:21 217:24	110:5 115:24	grant 15:24 23:19	hammer 165:3
107:19,21	218:23 223:11	116:9 117:17	24:5 32:3	hand 151:22 191:24
frequently 152:17	233:11,15,23	119:16 122:5,25	granted 221:2	192:5 207:23
171:21	234:1 235:20	124:15 125:13	granting 6:5 16:11	237:18
Friday 233:9	generally 16:17	127:12 130:12	graphics 126:8	handed 110:8,18
front 14:13 64:25	101:3 107:10	133:9 138:8 141:8	gray 189:12,14	114:6 139:10
95:18	120:24 152:5	141:9 146:23	great 20:16	176:9 180:3
FSE 90:10 110:6	158:21 161:4,9	148:6 151:20	green 189:16	188:22
122:11 150:17,21	169:5,13 171:5	152:3 157:1,2,12	greenfield 55:2	handle 18:20 43:19
184:15	172:24 189:13	161:17,20,24	group 121:21 129:1	91:5
FSEs 89:22,25	191:9 200:16	162:2,10,13,17,20	154:21	handled 83:24
90:15 110:8,16,23	202:19 221:23	163:2,4 164:10,24	grouped 222:19	193:23
120:23 152:16	General's 10:12	165:8 170:22	223:22,24 224:3	handles 43:8,11
full 35:21,23 39:21	generate 124:3	171:16 193:3,5,16	grouping 232:11	103:5
41:17 44:9,9	178:22 212:23	193:19 204:23	groups 132:13	handwritten 201:23
172:9 217:6	217:11	205:3,19 213:3,11	232:11	happen 17:21 28:10
fully 76:14	generated 90:7	213:20 215:18	guarantee 17:11	32:4 74:20 101:21
full-time 154:6	110:7 208:3	216:9 217:1 218:8	guess 10:20 17:10	126:17 140:13
function 59:18	214:22	219:17 221:12,22	21:11 30:2 33:22	152:17 162:2
88:24 110:20	generates 109:25	225:12 228:24	135:18 155:19	happened 32:13
136:2 158:7	gentlemen 25:19	230:20 231:25	167:23 176:9	135:13 146:1
160:22 174:14	216:6	236:3	187:7 197:13	147:7 216:1 230:6
176:1 190:9,21,24	Germany 39:19	goal 28:18 61:6	guidance 75:25	happening 171:24
functional 171:2	getting 13:14 14:25	130:6,8	guide 8:12 9:5 77:10	202:24 212:1
functioning 122:15	42:21 95:19 187:8	goes 26:16,21 58:16	77:12 81:13,15	228:19
136:4 157:17	Ghize 150:18	59:18 103:6,9	114:16,21,22,23	happens 54:10
158:12 161:21	Gibbons 17:5	105:21 119:3	114:25 115:2,9,10	116:25 123:16
functions 66:4 81:23	give 14:17 17:6	172:13 209:24	115:14 116:15	124:13
91:5 104:15 105:9	20:16 26:1,18	229:15	117:2 158:24,24	hard 109:5 116:7
105:15 121:16	30:11 38:10 40:15	going 15:2 18:24	159:5,21 161:7	164:17,20,21
132:3 185:6 188:9	59:17 84:20,21	20:15 21:13,24	180:9,17 181:22	214:10,12,16

215:4,13 217:2,3,5 217:8,16,22,25 218:14 219:10 226:10,13 227:12 227:13 hardware 41:6 hate 12:18 head 25:10 144:9 headed 9:21 headquartered 37:3 headquarters 39:20 67:1 headways 54:16 head-in 49:3 health 34:19 hear 12:18,23 102:7 168:4 heard 52:8 197:16 228:18 hearing 1:13 10:6 10:24 11:1 13:8 14:13 19:1 23:25 24:1 30:9 33:8 83:12 136:10 179:23 198:6 hearings 16:6 heart 56:6 heat 184:10 heavy 81:2 127:13 127:20,22 128:7 174:20 195:2,6,19 222:8,10,12,15,18 222:20,24 223:1 226:5 held 34:24 69:25 205:25 help 22:12 66:25 69:23 152:16 185:9 212:12 helping 151:22 hereinafter 87:10 hereunto 237:18 hey 199:2 He'll 59:11 hiccup 147:10 high 31:11 38:23 55:23 62:24 63:1 72:3 185:7 higher-capacity 39:12 highly 19:4,6 25:18 high-level 184:9 high-speed 38:24 hire 65:23 134:23 152:23,25 153:2 hired 65:19 153:16 153:18 history 166:19	hit 99:10 100:6 101:6 Hoffrichter 9:17 hold 16:22 26:9 35:25 36:5 115:10 149:2 172:6 206:6 Holdings 1:7 6:11 7:9,15 10:9 32:15 43:4,5 44:13 45:11 48:10 64:20 64:22 148:25 149:1 holds 114:23 127:25 hole 85:15 holes 50:25 85:6,8 holiday 63:5 174:9 holidays 211:12 223:16 HOLSBERRY 2:10 honest 194:12 hoped 30:23 Horizontal 8:20 host 57:9 130:22 hotel 49:4 hour 29:21 124:21 220:6 223:10 232:2 hours 7:10,12,13,17 29:18,22 31:13,13 50:3 62:6,7 65:9 97:4 98:1 124:19 154:8,9,19 166:19 166:20 191:4,4 193:17 194:10 207:7,10,13 208:1 209:4,5,6,7,9,13 209:14,17 210:17 211:15,16,19,20 212:8,18 213:22 213:23,24 214:5 214:20 215:5,5,15 215:15 216:2,4,18 216:24 218:11,16 218:23 219:5 220:4 222:4,6 223:17,18,20,24 223:24,25 224:1,3 224:12,24 226:3,6 226:10,16,22,23 227:15 228:18,18 228:25 231:2,17 232:7,12,15 233:17 234:11 235:16,20,21 Houston 149:4,7,8 Howard 2:4 how-to 57:10 HR-related 69:19	HSE 34:19 hubs 47:19 143:5 Hughes 2:4 hundred 49:15 51:23 62:5 hundreds 65:15 <hr/> I <hr/> idea 176:15 identified 22:15 54:11 55:3 142:18 142:21 189:11 identify 58:10 85:21 130:14 157:3 171:10 195:9 immediately 163:19 impact 101:9 172:10 impacts 101:1,2 impartiality 237:17 implementation 35:7 import 56:10,12 important 96:22 100:22 101:5 importantly 54:5 55:13 101:2 imposed 100:2 improve 130:3 improved 133:21 inability 25:6 inches 106:21 incident 95:6 include 118:1 186:2 209:2 225:5 included 111:21 123:7,20 210:14 210:15 includes 40:14 97:2 219:20,25 including 38:17 91:22 142:2 inclusive 39:6 40:10 40:13 41:1,6 42:1 inconsistency 228:17 incorporated 136:11 increased 77:25 increments 56:9 independent 237:14 237:14 INDEX 4:1 indicate 107:18 indicator 67:3 individual 66:1 individuals 152:19 153:23 230:10 induction 47:25	industry 62:3,4 63:24 inevitably 28:10 inform 55:11 information 13:19 14:6,8,24 15:16 17:7 18:16 19:6 19:21,22 20:7,20 21:17 23:5 24:8 29:9 40:12 72:11 90:8 101:16 104:8 104:25 105:8,11 105:12 109:18,20 111:17,20 121:2 121:11,12 132:11 166:12 175:19 183:20 185:5 207:4 218:12 224:22 231:14 232:14 information's 184:14 informed 179:18 infrastructure 50:4 infrequently 152:18 inherent 143:6 initial 163:12 initially 104:14 175:12 initiative 130:3,23 injure 21:18 inside 40:18 115:10 165:8 209:16 inspect 114:25 115:2 157:13 184:8,9,10,17 inspected 109:4 116:23,25 inspecting 184:10 inspection 8:12 15:10 56:18 57:9 57:22 59:8 65:11 65:12 108:15,21 108:23 109:6 110:12 114:17 115:8,14 122:2,10 140:11 165:11 180:10,17,19 184:7,9 188:3,7 198:25 inspections 115:4 121:22 161:5 170:25 171:1 180:15 185:24 inspection/mainte... 106:18,22 108:14 inspectors 179:4 184:17	install 71:1 82:16 88:16 94:11 137:12,22 installation 70:20 78:17 84:12 88:3 133:24 137:19 138:5,21 191:3 installed 67:10 120:17 installers-technici... 27:20 instance 60:12 134:13 instruct 195:1,5 198:11 instructed 195:25 234:14 instruction 8:11 16:19 113:4,6 114:13,15,16,19 115:17 116:1,11 116:13,16 179:21 180:8,9,17,22 181:11,18 184:13 195:18,19 198:18 instructions 113:1,3 113:4 115:19,20 116:18 117:4,5,13 117:22 118:2 121:5 162:12,16 182:1,8,9,20 183:2 183:20 185:9,10 185:17,19 186:2 186:10,12,13,17 187:1,7,15 instrumentation 57:20,24 integrate 40:2 intelligence 53:25 intend 19:9 221:1,4 intended 18:20 28:16 32:3,10 86:5,6 interact 151:21 interaction 95:2 intercity 39:13,14 interconnection 47:16 interested 14:25 237:15 interface 93:25 94:23 interfacing 190:13 interior 75:4 143:4 internal 179:14 internally 40:1 121:20 179:13 international 1:3
--	--	--	--	--

10:7 43:20 178:7 internationally 45:6 interval 57:11 intervals 144:23 intimate 44:13 intolerable 62:21 introduce 21:2 25:24 197:10 introduced 129:23 introduction 18:12 21:1 introductory 26:11 inverters 42:1 invest 60:8 62:25 invested 60:17 investigation 147:19 invoice 101:14 invoices 91:6 involve 48:25 52:6 53:14,14,15 56:20 65:15 117:11 121:3 134:17 involved 21:16 31:5 52:5 70:19 72:6 92:25 115:13 137:18 158:1 159:16 160:11 194:3 237:15,16 involvement 78:4 138:1 145:22 involves 57:2 involving 69:18 in-depth 65:11 in-progress 82:23 Island 47:20 48:7 isolated 13:11 issue 6:14,17 11:19 20:10 30:23 33:10 33:11,11 95:3,4,6 103:2 125:9,10,14 143:6 146:7 162:1 164:4,25 165:9 235:17 issued 142:5 issues 11:13 17:18 26:13 69:17,19 92:7 103:6 120:25 132:1 143:2,3 item 6:13,16,18,21 105:21 114:13 128:1 144:19 174:10 194:21 198:15 200:4,6,8 200:19,20 201:12 203:13 items 57:14 69:20 71:7,10 76:18 102:23 107:8	109:1 110:7 116:14 130:14 132:16 144:12 160:9 188:4 203:11,19 224:14 IUEC 8:4,18 10:15 24:18,21 25:12 31:23 I-beam 77:11 i.e 52:15 <hr/> J <hr/> J 2:10 jack 9:6 191:8 Jackson 2:3 11:8,16 Jaitly 151:8 Jamaica 47:20 January 175:18 199:5 jar 165:4 Jeffrey 9:6 Jersey 49:21,25 50:1 64:13,15 149:19 Jetway 8:24 JFK 40:7 47:10,14 48:8,11 job 1:25 8:6 9:10 151:12 156:10,11 156:14 168:16 185:15 205:25 206:7,9 208:18 Joel 146:3 150:11 150:21,23 151:2 joined 10:16 joint 33:20 July 70:8 86:7 87:9 237:19 jump 26:22 165:1 219:2 June 1:16 6:15 10:6 70:8 86:7 jury 174:8 211:12 <hr/> K <hr/> Kahn 2:10 4:6,10,12 4:14,16,20,22,24 5:5,7,9 10:15,15 11:2 12:7,15 14:23 18:21 19:16 22:10 24:14,16 25:23 26:1,8 30:14 32:20 33:2 33:19 51:8,11 64:4 67:20 68:5 83:14,20,22 84:5 84:25 85:9,17 111:6 112:3,5	113:17,24 117:16 117:17,19 119:2 133:9,11 135:19 146:24 147:1,3,25 148:5 180:1 188:18 189:25 192:22 193:11,13 196:5,17 197:3,5 198:10 201:25 203:7,9 204:14,17 204:20 219:16,19 220:19 227:22,24 229:9 230:4,15 232:24 235:5,23 Kahn's 25:17 Kathryn 3:4 Kathy 11:9 keep 10:23 32:13 70:9 73:8 75:5,21 104:6 115:11 124:18,20 144:24 147:8 188:5 keeping 140:19 keeps 77:7 114:24 166:18 kept 154:1 200:1 Kevin 1:24 7:20,21 7:23 8:7,9 9:4 197:1 237:5,22 key 67:3 163:13 kicked 229:5 Kimball 3:4 11:9 kind 19:19 28:19,20 29:23 31:7 32:16 49:24 52:25 74:14 79:6 90:14 91:7 102:3,17,20 106:21 122:16 157:21 168:5 176:1 195:19 196:22 199:14 203:23 211:14 212:3,8,16 214:16 215:2 216:1,3 222:16 223:14 224:2,8,12,13 232:15 kinds 160:23 173:18 217:11 knew 170:13 know 12:25 14:15 15:3,13,17 17:10 17:17 20:2,13 27:2 28:20 29:19 29:20 33:10 54:9 57:19 58:5 60:24 60:24 61:2,17 62:2,8 73:9,18	77:15 81:16 85:13 86:12,20,22 94:14 95:11 98:2 100:17 101:11 110:2,4,19 110:22 111:20 115:13 117:8 118:7,9,19,22,23 123:22,23 124:18 125:6 129:12 130:24 131:3,5,9 131:14 135:10 138:13 143:21 145:19 147:10,18 162:5 164:4,17 166:21 170:16 176:14 180:7,20 181:20 182:3,7 184:8 187:3 197:15,17,19 199:5 204:18 227:15 228:8 229:4,11,24 230:21 knowledge 79:1 92:10 127:5,8 130:17 145:22 176:17 177:15 189:22 192:10,15 224:19 229:24 230:5 234:19 known 88:7 110:18 144:21 177:25 knows 101:15 Krcmaric 9:11 KTMB 35:2 <hr/> L <hr/> L 3:2 7:5 lab 162:22 200:15 label 231:11 labeled 87:4 labor 1:1,14 2:20 3:2 10:5 13:17 14:9 21:15,15 22:2,9 23:9,14 25:25 207:7,10,13 208:1,3 224:24 234:8,10,11 lacks 112:3 lane 79:14,15,20,20 80:1,1 lanes 75:23 language 100:10 199:20 largest 48:13 Las 1:20 2:5,12,18 2:23 7:10,12,13 9:21 42:21 44:10	44:10 52:22 72:13 129:6 131:1,4,5 132:6 133:12 137:24 149:11,20 149:25 150:7,8 152:22 176:13 182:14 196:3 202:11 209:1 224:16 latest 47:24 launch 60:18 launched 52:20 law 11:16 15:25 16:1 21:21 22:21 22:21 lead 91:11 110:17 120:23 170:12 leader 38:14 53:7 leaders 61:3 leadership 60:19 Leaking 143:5 learn 153:10,25 154:1 learned 160:2 learning 56:10 learnings 56:25 leave 68:3 80:16 157:6 163:15 leaves 68:7 Lee 2:16 3:4 10:17 11:15,15 left 57:21 176:21 left-hand 39:4 leg 47:21 75:8 77:22 78:6 138:2 157:24 166:4 169:18,18 169:19,19,20,21 170:16 172:12,16 179:7 181:23 183:11 legal 43:3,18 44:13 44:14 48:13 legally-required 24:25 legislature 32:2,9 legs 72:22 76:11 78:9 85:24 136:13 137:9 142:18 146:5 length 47:24 59:9,10 77:10 lengthy 230:21 231:21 Letter 6:9 let's 12:20 83:5,17 163:3,16 179:3 193:5 205:3 216:9 218:8 226:2
---	---	---	---	--

level 61:19 63:1 71:11 72:3 101:4 101:9 131:10 136:2 185:7 228:6 228:7 232:13 Lewis 2:3 11:8,16 liability 17:23 License 6:11 licensed 237:5 life 55:9 121:24 122:14 lift 134:22 light 30:23 39:8 50:1 65:3 81:2 lighter 172:17 lights 30:24 41:11 157:14 limine 12:11,19 24:14 25:8 limited 31:22 48:1 56:17 140:5,21 188:13 limits 58:8 59:10 Linda 150:18 line 47:22 49:25 78:2 134:22 141:13 175:16 180:18,18 193:16 193:17 223:10 230:25 linear 47:25 lines 233:10 lining 57:18 link 132:3 list 7:19 9:8,9 13:1 14:2 16:10 18:5 19:2 38:25 45:19 123:2 128:4 192:24,25 196:21 197:1,10,11 225:8 listed 10:21 45:23 115:21 167:3 177:21 185:18 220:23 listing 8:17 9:14 213:13,18 literally 126:19 127:23 litigation 15:3 little 30:2 46:20 47:13 73:18 81:3 95:16 114:20 124:15 128:21 138:1 139:2 151:15 172:1 215:3 232:14 lived 178:14 LLP 2:3 11:8	loaded 109:24 local 116:7 located 75:25 76:10 93:11 location 60:14 65:24 80:19 95:13 134:19 162:18 locations 54:25 60:21 65:23 67:9 94:19 129:24 149:16 lock 163:23,23 190:17 locked 228:9 locks 103:1 194:17 locomotive 39:16 41:10,15 42:4,6 49:4 locomotives 39:7 43:9 49:2 50:13 log 110:14 124:8 166:11,13,25 167:1 199:11,14 200:1 202:15 logbook 184:16 logistics 41:2 logs 200:25 long 20:2,4,5 34:21 35:25 47:20 48:6 61:18 66:21 73:18 107:25 118:12 131:9 136:21 144:22 153:9 159:13 176:3,4 191:2 204:24 205:25 206:3 219:22 longer 81:18 144:10 144:24 longest 190:25 long-term 30:21 look 20:23 28:2 55:14 97:12 99:6 103:22 106:4 110:3 114:7 162:10,22 163:25 176:10 177:2 180:5,25 181:14 182:10 184:13 188:23 191:19,25 196:24 197:20 208:5,7 looked 61:4 104:21 109:4 164:15 165:10 220:7 looking 48:19 74:7 80:6 118:18 153:5 186:6 202:6	216:15 217:20 230:25 235:6 looks 100:13 191:24 loop 79:22 80:21,23 80:23 81:24 loose 84:21 157:15 165:4 Loss 103:19 lost 20:12 22:5 100:9 146:13 165:24 lot 15:12 20:13 25:11 71:7,15 102:7 134:12,17 150:23 151:2,23 163:12 164:10 185:10 194:17 199:8,10 206:11 225:3 234:11 loves 27:14 low 227:15 lower 60:16 99:10 99:11 lowest 133:16 141:3 141:3 LRT 39:9 50:2 LRT650 46:3 Lubricate 110:3 luggage 190:16 lunch 124:21	56:20,21,22 57:1,3 58:1,3,6,17,24 59:20,22 60:6,7 61:5 62:12 63:9 63:14,20,24 66:17 66:18 67:15 69:18 70:23 71:4,16,19 71:25 72:2,3 73:5 73:7,9,10,23,24 78:9,14,22 79:2 80:8,9,15,18,19,24 80:24 81:2,3,4,7 81:18,23 83:1,23 85:24 86:13,16,23 88:10,12,13,20 90:3,6,7 91:16,19 92:8 94:1,7 95:5 97:19 99:3 101:18 101:23 103:18,23 103:24,25 104:3,4 104:5,11 105:4,5,8 106:6,7,9 108:8,10 108:18,25 109:8 109:19 110:20 111:17 112:2,13 112:16,19,23 115:3,21,23 116:3 117:1,10 121:4,14 122:4 123:4,7,8,10 123:12,14,15 124:1,24 125:3,3 125:12 127:14,21 127:22 128:7 129:6,13,24 130:5 130:5,7,14,19,21 131:7,14,17 132:19 133:21 138:7,17,18 139:4 139:8,20,24 140:4 140:10,22 141:25 142:14 146:17 149:8 151:16,17 151:23 152:7,11 152:11,13,15,20 152:23 154:15 155:4 156:22,23 157:11,19,22,25 158:16,22 159:8 159:13 160:4 165:14 167:13,17 167:21 168:19,20 169:8 170:3,5,6,8 170:19,21,24 171:4,6,17,23 172:20,21 173:22 173:23 174:4,4,5,6 174:19,19 178:1,3 178:5,10,15,17,21	178:25 179:6 180:24 181:6,7,25 182:14,16 183:14 184:5,6,16,18,24 185:15,16,19 186:1,2,7,11,12,17 187:2,3,4,12,13,15 187:16,17,18,19 188:5,19 189:3,5 190:9,21 194:14 194:16,21 195:2,7 195:20 198:12,16 198:17,24 199:3,4 201:11,12,14 202:17,21 203:14 203:18 206:25 211:5,15,16,17,18 212:19 215:19 219:3,5,20,21,25 220:1,3,4,5,6,9,9 220:13,18 221:16 221:20 222:8,10 222:13,15,18,20 222:24 223:1,21 223:23 224:1 226:5,22 227:3 232:2,6,12,15,18 232:20 234:2 major 37:4 40:9,22 40:25 41:1 42:12 47:19 48:5,5 49:6 49:8 235:7,12 making 13:14 21:18 76:17 157:14 171:1 182:5 197:21 man 41:16 manage 64:14 management 35:17 55:8 66:22,23 67:2 70:10 72:22 89:7,11 90:8 109:18,20 166:12 207:4 209:2 manager 35:6 69:13 70:14,16,17,25 72:25 89:9,13,14 90:24 110:7,23 149:3,5,13,18,18 149:21 227:25 228:6,8,10 229:24 managers 66:11 67:4 69:16 manager's 73:4 mandate 47:16 mandatory 175:3 manipulate 206:17 manned 139:23
--	---	---	---	--

manner 13:10 71:14 125:11 128:23 150:25	53:24 55:21 58:15 75:14 78:10 87:16 87:23 92:5 95:10 102:8 109:23 112:18 113:14 117:22 120:6 127:15 136:7 146:9 161:18 162:1 166:24 170:8 171:25 173:3 189:10 190:11 192:21 197:5 199:8 206:16 209:23 216:13 222:9	46:25 Michael 3:5 4:4 33:25 34:3,11,15 middle 35:3 81:13 141:13 151:23 Middleton 146:3 150:11 Mike 10:19 mileage 56:9 57:4 mileage-based 58:18 miles 47:23 million 49:15 50:16 51:23 mind 125:16 minimal 28:13 minimis 28:13 minimum 62:6 79:10 minute 40:16 51:14 106:4 187:25 193:3,6 236:4 minutes 62:16,19 mirroring 44:10 Miscellaneous 212:15,16 224:11 224:12 misinterpreted 28:22 missing 217:6,16 Mississippi 70:6 mistake 196:20 198:4 model 52:19 modeling 54:3 modes 93:15 modified 182:23 183:1 229:25 moment 65:1 176:10 money 97:21 99:11 99:13 100:6,9 monitor 59:21 93:17 121:17 monitoring 123:25 monitors 76:10 121:20,22 month 98:1 99:19 101:17 178:23 monthly 57:6 65:12 67:2 99:14,17 101:14 105:23 138:14 141:15 months 65:20 66:2 100:14,17 121:23 122:25 131:11 170:13 179:4 181:24 month's 217:6	Montreal 37:3 Moran 3:5 10:19,21 11:1 morning 25:10 34:15,16 81:16 141:18 170:20 Morse 142:11 Moss 2:3 4:9,11,13 4:19,21,23 7:5 11:4,7,7 12:6 26:25 27:4 29:15 30:1,15 32:11,23 33:3,20,22,25 67:23 68:15 69:3 83:5,10,17 84:10 84:14,16 85:16,19 111:3,8,12 112:8 113:11,16,25 114:5 117:15 119:22 124:15,22 127:16,19 133:6 148:1,2,10,21 176:7 179:23 180:2 188:21 189:24 190:7 193:1,10 196:13 197:23 198:2,9 202:3,5,25 204:2,5 204:11 mossg@jacksonle... 2:7 motion 12:10,13,18 13:1,2,20,23 15:5 15:25 16:1,4 17:2 17:12 21:1 22:14 23:3,19 24:5,14 25:8,9,16 51:16 197:25 221:2 motions 24:13 26:12 26:12,12 motor 42:7 47:25 50:14 59:6,9,13,17 128:1,19,22 145:8 163:22 165:2,3,8 165:25,25 166:1,2 166:5,6 190:22 191:1 motorcycles 153:20 motors 42:2 143:14 143:19,22 motor's 129:2 move 30:4 60:16 62:22 76:13 77:8 83:5 113:11 134:18 164:19 165:2,12 196:5 222:23 223:1 moved 30:19 35:9	36:23 45:15 134:14 movements 58:20 58:21 Mover 7:5 moves 74:16 moving 39:10 102:5 134:20 163:20 164:18 224:20 multiple 16:10 35:7 160:10 222:15 multiplication 98:5 multiplied 99:17 multi-page 37:22 84:19 208:7 Murphy 8:7,9 9:4 197:1 Murphy's 7:20,21 7:23 M.E 195:10
<hr/>				
N				
<hr/>				
NAC 15:19 16:18 18:10,10 NAC607 22:24 name 8:14 10:4,13 11:14 32:14 34:9 34:9,11 46:25 68:22,23,24,24 143:11 145:6 148:17,18 205:15 205:16 209:23 231:4,5 names 162:8 name's 11:15 narrative 199:14 national 35:3 nationally 29:7 naturally 54:1 93:25 101:1 nature 56:24 165:17 near 168:23 Nebeker 5:3 205:8 205:10,17,17,22 219:20 necessarily 19:20 156:13 183:8 199:17 necessary 18:3 19:22 139:20 necessitates 25:3 necessity 15:13 21:4 need 13:20 14:9 17:9 20:24 22:11 24:8 30:1 66:2 69:23 80:18 85:5 85:14 90:9 104:5 105:22 107:20				

108:21 109:1 110:1,16 113:7,9 113:10 121:1 123:19 129:4 132:16 134:23 165:7 180:20,20 186:14 needed 60:16 62:15 124:1 139:16 146:8 152:6 166:17 198:14 211:13 needs 116:23 199:1 negotiable 99:25 negotiated 24:17 25:21 negotiations 25:12 112:7 Nevada 1:1,20 10:5 15:7 16:2,7,12,18 16:20 21:21 22:9 22:23 237:2,5,19 never 16:19 30:19 32:2,9 84:2 136:11 203:23 new 24:17 39:12 47:20,22 48:7 49:8,21,25 50:1 55:2 59:12 64:13 64:14 65:23 66:5 77:22,24 78:14 117:3 120:13,15 126:2 134:19 135:17 139:12 142:13 149:18 150:25 151:12 152:23 153:5 158:14 159:19,20 159:20,20,21 165:19 166:6 171:13 182:6 199:7 223:9 224:13,23 225:11 Newark 133:18 149:18 newly 65:18 Nick 194:9,13 night 76:22 125:13 140:2,16 154:20 154:25 155:20,21 156:4,17 157:6 158:21 163:25 165:22 166:5,14 166:18 168:17,18 168:24 169:5,5 170:9,13,14 171:9 171:17,19 172:3,7 172:16,20,25	173:10,11,15 185:20 188:1,10 189:13,17 191:12 191:18 nightly 174:8 nights 168:19 169:13 171:9 172:22 173:5,7,7 173:13 188:14 191:18 Nine 100:21 NJT 48:21 50:13 nominal 59:10 nonproductive 211:9,11 223:13 231:2,12 nonscheduled 125:2 non-APM 44:18,23 44:25 45:4,10,13 51:25 52:6 non-redacted 45:20 non-revenue 63:11 Nope 192:17 normal 27:11,12 31:1,6 157:4,5 normally 42:13 56:22 191:10 193:23 notate 163:24 note 87:7 noted 119:5 221:1,2 notes 114:19 193:4 201:23 237:10 notice 194:6,9 227:11 notification 23:10 24:6 notified 162:1 notify 23:15 24:6,8 95:4 162:4,8 221:2 November 6:19 NRS 16:17 22:24 24:24 number 8:13 55:24 64:25 67:17 68:3 68:7 78:1 89:10 97:16 98:1,21 99:7,25 100:2,22 101:6,12,19 108:4 108:9,13 130:4,4 141:18 142:4 164:13 206:12,23 209:15,21 215:15 216:2,3,18,24 218:16,23 226:5 226:10,16,23 228:17,18,25	235:16 numbered 37:23 180:14 numbers 60:25 97:13 99:11 107:14,18 108:5,7 108:11 131:11 172:5 180:14 214:17 215:1 227:14 numerous 109:7 NV 2:5,12,18,23 N-E-B-E-K-E-R 205:18 O O 73:10,11 object 11:4 32:23 119:2 198:3 objection 10:25 51:7 51:9,16 83:19 84:6 112:3 113:17 113:24 124:19 189:25 196:11 197:22,25 220:20 230:15 232:24 obligated 97:20 obligation 53:11 62:24 121:15 142:1 178:5 obligations 88:9 112:20,21 observe 32:20 41:11 151:17 observing 157:16 obstructions 81:12 obtain 87:19 158:19 obvious 88:8 obviously 25:17 27:10 33:7,11 119:3 occasion 151:19 165:17 203:10 occasional 131:12 occasionally 156:3 194:13 occasions 55:2,21 152:3 167:25 Occupations 8:19 occupied 167:25 occur 132:2 145:9 158:13 190:15 occurred 137:15 145:23 171:24 occurring 60:4 202:22 October 6:10 136:23	OEM 185:2 offer 39:21 40:25 83:17 113:12,16 113:25 117:15 143:18 189:24 offered 113:23,25 office 2:16,21 10:18 20:12,17 23:15 33:8 90:25 150:5 151:20 224:23 officer 10:6 35:4 179:24 Office-type 212:3 official 20:21 21:10 217:11 offline 80:24 81:20 103:21 off-site 137:15 oh 22:4 58:25 59:3 67:2 96:8 116:9 127:16 134:25 176:20 187:23 191:3 oil 31:8 okay 11:5 24:15 32:19,24 33:18 37:17,21 45:7 49:17 53:3 67:20 73:14,17 74:15 75:5,21,21 82:6 84:14 85:18,20 87:7 88:6 89:6 92:5 93:6 95:17 95:19 96:9 97:9 98:15,23 99:3,24 100:12,16 102:14 103:17 104:9,22 106:1 108:4 109:5 109:7 110:2 112:22 113:11,22 114:6,9,14 115:16 116:20 117:15 119:2,25 129:18 133:6 139:23 141:8,11 143:11 160:21 161:6 167:12 175:19 176:8,19 178:23 181:2 182:23 183:8,13 189:9 192:1,4 193:1 196:5 198:9 203:4 210:2 213:11,17 213:19 214:12 215:5,14 216:21 218:8 222:20 227:6,20 231:17 232:22 233:10	235:23 old 59:11 135:6,13 onboard 64:18 once 24:9 35:11 53:20 55:6,15 126:24 166:7 170:21 228:8 ones 50:25 85:8 117:7,7 143:3 176:21 183:8 189:12,13,16 190:14 202:9 213:8 ongoing 130:23 online 80:15 146:14 146:18,19 147:8 147:12 Ontario 46:23 47:2 on-site 131:24 oops 110:4 open 15:9 17:22 102:25 103:8 163:8 opened 75:10 opening 26:18,19,21 26:23 open-line 41:9 operability 46:11 operable 159:24 160:1 operate 40:18 50:7 50:8 53:11 56:15 64:14 93:8,20 94:15,22,23 97:4 122:23 139:16 191:8 operated 86:25 97:5 100:13 operates 49:7 50:3 57:7 94:20 operating 35:4 71:19 96:2 123:17 157:4 172:10 operation 27:11 31:2 32:4 40:13 41:12,15,16,17 43:11 48:12 56:16 60:2 73:7,13 76:11 93:15 120:16 123:16 138:14 154:12,12 157:5 operational 73:15 157:14 170:23 171:2 operations 35:14,18 35:21,23 48:10 55:7,14 64:15,17
--	---	---	--	--

67:16 69:14,18 71:17 73:6,8,11 136:5 139:21 142:3 149:9 178:16 222:23 223:2,7,9,10 226:15,16,19 operator 53:10 163:22 operators 41:1 64:6 64:9,23 95:7 120:11,16 opinion 136:17 195:24 219:12 opinions 16:10 opportunity 23:7 47:18 53:25 opportunity's 55:3 oppose 12:16 15:5 opposed 29:13 81:20 optimize 160:4 option 21:5 26:20 30:11 133:1 oral 195:18 order 6:5 18:1,23 19:8 23:10 66:3,3 87:25 104:6 122:17 127:1 183:5 189:15 196:6 201:13,15 201:20 202:16 orders 142:5 201:7 ordinary 208:18 organization 69:10 69:12 70:5 organized 146:15 origin 147:4,23 original 16:4 78:6 138:1 originally 147:13 228:1 origins 147:20 Orlando 225:9 ourself 38:14 outages 132:1 outline 71:8 108:25 110:15 outlined 90:9 outlines 72:2 104:4 105:3 114:17 outlining 116:17 outside 94:10 124:3 145:2 152:15 outsourced 144:16 overall 31:22 105:3 overhaul 41:2 127:14 128:3,4,7	128:19 129:7,13 145:9 195:2,7,20 222:9 overhauled 128:6 128:25 overhauls 70:12 174:20 overhead 52:16 overlap 155:15 overload 166:1 override 164:6 oversaw 70:25 oversee 149:6 overseeing 178:16 overseen 150:23 oversight 35:17 69:13 73:3 89:17 93:13 owned 87:14,15 owner 87:11 93:7 145:14 ownership 87:19 88:3 owner's 142:1 O&M 9:21 35:25 36:1,1 49:21 55:3 70:5 73:9 149:18 205:23 206:7,8,24 224:22,25 P Pacific 64:8,8,23,24 pack 194:8 page 4:2 38:4,6,25 43:23 45:7,8 87:4 88:6 93:5 95:17 95:18 97:7 98:8 103:22 111:10 125:22 127:13 141:10,24 195:10 208:20,20 213:3 213:17 215:14 216:10,15 218:11 222:1 225:12,12 225:14,20,21,25 227:6 230:25 232:1 pages 1:15 99:15 106:20 116:9 117:21 181:17 213:11 paid 9:14 27:19 29:22 97:18 99:13 99:14 138:18 paper 122:9 papers 13:9 paperwork 121:24 122:3,6,7,13 124:3	paperwork's 122:10 paragraph 93:5 95:17,21 98:9 103:22 125:22 127:10,12 128:8 141:17 paragraphs 97:12 110:24 123:2,3 parallel 36:23 44:9 55:4 Pardon 50:22 paren 177:6,7,14 parens 141:15,15 parentheses 107:13 Parkway 1:19 2:4 2:17 parlance 63:15 part 14:7 20:5 21:10 41:7 55:13 56:11 58:5 59:1 63:6 67:2,4 71:21 72:9 88:1 89:11 101:14 105:24 112:10 114:22 120:9,9,18 130:12 131:12 133:14,24 136:6 139:7,12 144:24 158:14,15 159:8 159:17,19 160:10 160:12,14,15 165:4 171:11,14 171:15 181:25 188:5 195:16 202:23 203:21 204:8 participate 66:3 particular 14:5 54:18 56:1 60:2 95:20 107:10 118:18 131:4 140:20 142:24 160:10 162:17 170:14,16 180:16 183:18 209:7 211:23 231:11,20 235:18 particularly 98:9 parties 10:10 11:20 17:23 18:11 20:18 20:23 21:3,18 23:4,22 24:7 26:18 237:14,15 237:16,16 partner 40:9 54:8 partnered 40:8 partners 54:8 partnership 36:19 Parton 3:2	parts 31:5 58:23 65:15 71:18 135:15 158:11,19 159:7,10,11,19,21 159:24 160:7,22 161:12,21 169:16 178:19 200:15 204:9 party 10:16 121:13 128:6,25 197:3 part's 202:20 passed 88:4 passenger 39:16 40:12,14,15 50:5 62:19 71:8 163:8 172:17 191:15 passengers 47:18 52:21 62:22 74:16 101:10 103:4 190:13 passenger-induced 102:23 163:7 passenger-related 95:6 pass-down 166:22 166:23,25 199:11 199:14 Path 75:19 pattern 194:7 Paul 2:4 11:6,7 34:16 42:22 57:15 pay 25:2,5 97:21,23 137:18 paying 27:18 29:18 29:19 91:6 payment 62:10 97:1 97:6 98:5,13,18 99:7,18,20 101:1 101:24 138:4 payroll 25:13 PCB 190:18 peaks 63:5 penalties 82:20 penalty 124:11 penchant 36:22 pending 12:13 Pennsylvania 35:10 46:8 people 7:5 16:22 18:25 39:9 48:6 66:20 76:3 80:15 94:8 95:13 140:8 146:20 161:1 169:10 183:14 206:12 people-mover 44:21 146:11 percent 29:6 45:12	45:15,17 60:15,16 61:5,17 62:4,8,15 65:7,10 66:10 67:1 98:17,18,25 101:4 130:7,8 131:7,8 133:15,15 133:20 140:24 141:17 167:9,14 167:17,20,22 168:8,13 172:5 173:7,9 176:20 177:6,14,17 214:4 215:21,21,23 216:17,23 217:21 217:23 218:21 219:1,9 226:20 227:5 229:13 233:24 234:1 235:17,19 percentage 31:11 44:17 45:9,16 60:25 64:21 97:5 140:24 189:18 203:24 214:3,5 215:8,12,13 216:16,22 217:20 217:24 218:19,22 218:25 219:8 226:7,18,25 percentages 18:20 43:25 45:9,13 215:11 216:1 217:17,18 perform 28:14 56:13 57:21 80:19 87:21 88:20 90:11 96:3 97:25 105:9 105:10,11,13 109:9,11 111:18 112:13 113:5 116:18,20 121:16 152:11 156:13 174:15 185:17,21 186:21,25 189:16 performance 55:24 62:14,23 63:1 67:3 71:11 121:22 136:2 performance-based 88:12 performed 13:11 28:4 29:2 31:11 58:10 59:22 63:16 72:4,5 80:8,10 81:24 103:25 104:6 107:20 175:25 179:8 185:14 186:21
--	---	---	--	--

193:21 200:20 202:10 225:6 performing 66:17 67:15 130:7 131:6 133:12 177:5,8 182:13 196:22 233:23 period 50:4 61:18 70:7 78:23 86:4 86:20,25 96:9,18 100:17 117:1,23 118:4,10 131:4 142:14 144:1,3 159:13 169:19 173:25 175:25 176:1 209:19,20 210:13 220:16,17 periodic 115:4 120:22 121:16 periodically 118:6 119:13 131:12 periodicities 58:14 periodicity 57:3 59:2 periods 90:12 96:12 159:14 169:15 permanent 36:14 permanently 80:17 permission 195:6 person 90:25 132:2 132:5 151:5 152:4 191:8 196:25 197:10,11 234:8 237:15 personal 189:21 229:24 230:5 personally 22:19 24:3 44:11 115:15 personnel 25:13 64:18 65:9 perspective 217:10 persuaded 36:8 Philadelphia 49:7 philosophy 55:18,19 55:21 56:5,16 58:5 phone 68:3,7 146:3 phrase 32:14 72:16 73:8 79:5 106:18 physically 73:13 80:25 125:17 165:15 228:3 Ph.D 7:6 pick 32:4 157:15 picked 223:18 picky 129:19,19 piece 102:4 105:2 122:9 126:2,8	127:24 128:5 144:22 pinch 80:23 pinched 79:22 pits 81:2 Pittsburgh 35:10 69:24 104:16 121:21 129:1 132:4 134:4 145:20 146:20 194:1 224:23 225:1 228:2,4 place 63:3 107:25 130:18 138:13 147:9 159:1 183:7 237:7 placed 184:16 200:14 places 15:18 91:16 plan 11:2 56:22 71:25 72:2,7 88:12 90:6 103:23 104:1,3,4,9,11,13 104:14,21 105:17 105:19 106:6,7 109:14 112:15,16 112:19,23 113:21 113:22 115:3,21 116:14 117:10 121:4,14 123:8,8 123:20,23 124:25 130:16 139:4 178:1,4,5,10,15,17 178:21,25 179:6 180:24 181:6,7 183:14 184:6,18 185:16,19 186:1,7 186:17 187:1,5,12 187:18,19 188:19 189:3,5 plane 204:25 planned 97:4,25 117:9 140:15 144:23 159:4 plans 71:19,19 106:10,12 130:18 139:8 plan's 104:16 121:15 platform 103:3 playing 111:6 plays 105:3 please 34:8 42:23 68:22 70:24 114:7 148:17 188:23 205:15 219:16 pleasing 171:3 PM 8:13,13 56:12	60:8 62:25 63:12 63:12,16,17,19 65:7,8,14,19 113:5 113:5 115:22 170:10,14,15,15 180:13,23 181:22 201:7,13,15,19 202:15,16 223:17 223:18,20,24 226:21 PMs 63:2 115:21 130:4 168:18 170:12 178:18,23 178:24 180:13 181:21 PM/CM 60:13 61:17 PM100 188:8 PM305 114:13 180:9,16 PO 145:16 point 13:2,7,8 27:17 29:16 32:1,11 40:17 46:18 55:23 59:13 130:6 157:25 159:5 164:19 165:13 171:22 186:1 193:14 195:1 228:24 points 16:8 27:21 29:15 30:15 policies 151:13 policy 177:16 233:25 political 87:10 pooh 28:21 poohs 28:21 portfolio 35:9 37:9 38:16 53:7 portion 81:14 127:23 143:9 position 13:16 16:20 17:21,22 21:11,19 28:21 34:17,18 35:25 36:1,5,12,13 36:20 52:13 54:1 69:8,9 71:3 73:4,5 73:6 91:8 149:2 150:12 205:22 206:1,6 positions 27:5 34:24 69:25 positive 20:9 possibility 229:14 possible 12:10 33:18 126:15 172:15 175:24	possibly 146:6 158:13 posted 24:22 pounds 135:2 power 40:12 41:22 49:3,5,5 52:16,17 54:15 63:22 76:14 76:21 91:24 92:1 92:11,15,16,17,23 103:19 146:7,13 147:7,9 165:7,15 power's 76:24 practice 119:13 130:22 177:16 234:4,12 precautions 113:8 180:21 precise 60:24 predated 136:24 Predator 154:3,4 predecessors 139:14 predetermined 159:1 178:18 predictability 63:4 predominantly 37:6 40:24 45:4 prefer 26:18 217:13 preference 10:23 12:12 46:7 124:18 Prejudice 6:6 prejudicial 19:7 preliminary 11:13 11:19 24:13 26:12 premarked 83:9 preparation 72:6 prepare 126:21 prepared 10:22 25:8 26:25 74:4 117:22 230:12 preparing 66:12 196:23 preponderance 36:20 prescribed 179:5 present 3:2 11:22 12:1 25:11 26:19 36:6 presentation 25:7 presented 101:13,16 104:16 200:12 203:19 presenting 13:12 25:3 presents 11:25 President 34:18 36:1 Press 8:20 Presumptively	73:10 pretty 131:13 156:6 167:1 169:13 200:6 211:25 217:18 prevailing 24:22 27:18 137:18 138:4,17 prevent 144:21,23 171:23 preventative 56:6,7 56:11,14,17,20,21 58:2,6,24 59:19,21 60:6,6,9,15 61:5 62:11 63:14 66:17 72:2 90:7 104:5 105:4 108:8,10,18 108:25 109:19 115:23 117:1 122:4 129:23 130:4,7 131:7 133:20 140:4,22 151:23 156:23 157:19,22 158:16 159:13 167:21 170:7 171:16,23 172:20 173:22 174:3,4,18 181:25 184:5 187:17 198:12,16,17 199:2,3 201:10 202:21 203:14,18 211:18 219:21 220:1,5 223:21,23 226:22 preventing 202:22 202:23 preventive 199:22 previous 99:15 137:22 138:7 153:13 223:11 224:5,8 225:20 230:9 price 19:3 primarily 13:7 16:1 16:4 28:5,6 140:8 156:21 168:18 172:12 210:11,25 primary 41:22 207:5 234:8 prime 54:7 principle 60:20 print 184:6 printed 201:16 printout 184:15 230:22,24 printouts 214:14 prior 14:3 70:10
--	--	---	--	--

86:16 110:17 138:9,17 143:23 149:10 204:10 237:8 priority 171:6 privilege 21:21 probably 28:24 40:6 49:13 83:13 119:6 131:5 145:2 190:18 probative 220:20 problem 95:5 102:14,17 142:24 143:13,17 157:3,7 162:9,11,13,15,18 163:25 168:4 171:11 190:14 191:18 198:13 202:18,19 problematic 190:19 problems 103:17,18 142:18,21 146:4 165:21 procedure 12:4 16:7 16:18 22:23 23:19 57:14 128:25 160:11,19 177:16 procedures 16:16 18:9 103:24 151:1 151:13 160:13 proceed 18:6 126:25 proceedings 21:23 236:5 237:7,11 process 40:8 53:22 54:6,10,23 55:1,11 55:12 58:24 71:12 122:25 124:6 157:8 160:21 164:3,8 185:12 203:16 processes 150:25 229:4 procurement 40:8 54:5,10 55:1 70:19 product 46:3,13,14 52:20 70:21 products 37:6 38:2 38:16 40:1,3 43:1 44:18,18,19,20 51:25 53:7,14 185:1 program 46:15 56:6 56:11,14 58:3,6 59:24 60:18 104:12 109:24 120:9 129:22 130:1,10,12	programs 93:18 project 27:6,24,24 28:17 30:20,21 33:9,12 36:9 41:7 52:23,25 54:18 70:10,14,16,17,22 70:25 71:21 72:22 78:13 87:20,22,25 119:1 120:7 130:23 133:24 138:14 139:6,7 projects 45:23 52:4 70:11 72:21 prolongs 25:6 promises 17:23 proof 18:13,14 38:13 propel 42:9 proper 24:20 71:13 126:24 194:24 197:2 properly 122:14 146:14 157:17 203:11,15 property 88:4 proportions 133:19 proposal 126:18,19 126:22,23 127:3 128:14 145:14,17 propose 196:17 proposed 13:3,3,5 proposition 54:20 55:6 proprietary 13:19 14:8,24 21:17 132:12 propulsion 39:25 41:19,20,25 42:1,4 42:5,7,8 45:1 47:7 128:1,19 145:8 propulsion-related 143:2 protect 13:18 protective 18:23 provide 39:21 47:16 54:13 64:7 71:18 71:18,18,20 76:7 79:2 88:1,10 92:16 94:14 101:10 105:1 126:18 131:24 142:1 provided 85:10 98:19 105:24 143:14 185:1 237:12 provides 47:18 48:4 49:4 92:17 184:12	184:22 186:11 197:11 providing 42:16 72:23 74:22 provision 62:9 98:10,12 141:16 provisioning 41:21 provisions 100:5 111:14,16 112:10 PS 195:22 public 15:4,8,9 20:6 23:23 24:10 25:1 25:20 29:12 30:16 33:12 48:4 171:3 221:3 pull 103:4 160:5 165:19 pulled 108:24 208:24,25 209:7 209:14 pulling 163:9 punch 85:15 punched 50:25 85:8 punctuality 55:25 56:3 62:14 purchase 40:1,16 127:1 142:5 purpose 15:2 24:19 28:2,3 59:15,16 136:10 purposely 58:6 purposes 28:23 33:8 68:2 197:18 207:6 purpose-built 38:18 49:1 56:22 pursuant 83:2 put 19:7 24:8 26:1 27:22 44:3 53:10 54:20 72:10 80:6 81:20 126:3 129:2 130:18 158:15 159:23 160:6 165:19 166:5,11 168:5 169:12 170:11 171:11,13 175:19 178:21 179:1 194:24 195:1,6 199:19 201:18 208:12,13 209:17 210:3 211:6 220:9 222:21 puts 55:15 62:13 putting 54:9 235:17 P-R-O-C-E-E-D-I... 10:3 p.m 8:11 154:23 236:5	P.O 2:17 <hr/> Q qualifications 153:4 qualified 65:22 qualify 29:23 64:12 quality 42:16 114:20 144:13 229:9 quantity 57:21 quarterly 105:23 question 27:22 29:17 42:22 57:16 58:4 61:21 62:1 70:24 203:5,7 204:2,6,15 207:18 233:4 questioned 237:17 Questionnaire 7:20 7:22 questions 32:17 61:12 63:25 106:16 146:22,25 202:2 229:23 235:3 quickly 172:15 quiet 169:13 quite 28:15 37:25 53:2 54:25 207:17 <hr/> R R 2:22 racers 159:20 radio 121:12 162:5 rail 36:16,21,22,23 37:6 38:15 39:8 39:16 40:25 41:3 41:4,9 42:17 45:5 46:12,14 47:24 50:10 53:8 64:18 64:22 65:3 92:1 159:21 railroad 27:16 28:20,24 29:2,3,7 31:25 32:2,4 46:16 53:5,17 railroads 53:14 64:6 railway 35:3 36:19 47:20 48:7 53:10 railways 53:12 raises 62:14 ran 62:5 77:17 91:23 Randall 6:9 range 39:5,6 180:14 ranging 41:13 rapid 50:1 rate 24:21,22 27:19	29:17,22 31:23 rates 9:14 71:9 ratio 60:13 61:17 129:23 130:3 ratios 131:7 RCS 46:14 RDR 1:24 237:22 read 25:16 29:5 111:16 127:17 141:13 233:21 reading 17:7 21:7 ready 68:13 81:18 85:20 119:23 193:9 205:6 real 109:5 151:2 realities 25:4 realize 201:11 really 13:15 36:7 42:14 62:21 161:3 194:12 198:19 199:8 229:7 reason 23:2 26:2 80:17 152:4 reasonable 234:16 reasonably 237:17 reassemble 159:22 reassembling 182:5 rebuild 116:11,13 116:14,20 117:5,9 117:11 144:18,25 158:8,10,14,17 159:2,5,10,17 160:5,12,14,17 167:19 171:12 181:18 182:1,1,2,7 182:9 200:12,14 200:17,25 203:16 203:24 204:10 rebuilt 203:20 rebuilding 31:8 144:11,20,23 159:16 160:19 173:15 200:19 rebuilt 140:15,18 156:22 159:14 161:1,2 167:20 168:19 173:14,15 173:23 174:20 177:5,9 200:1 203:25 204:7 222:11 233:23 234:20 rebuilt 116:23 117:3 158:11,20 159:11 160:8,16 161:12 161:21 200:4,6 203:11,12,13 204:10
---	---	---	---	---

rebuttal 68:2	175:21	reflected 52:5	144:9 145:10	237:1
recall 22:8 133:17	recoveries 169:14	reflects 208:23	174:20 194:12	reporting 9:19
138:3 182:23	177:5,9 233:23	213:22 215:15,18	195:8,16 198:20	66:20 234:9,10
198:18,21	recovery 140:12	225:14	199:8	reports 8:21 66:12
recalled 36:14	156:21,24 157:8,9	refresh 195:4,12	remote 146:16	66:15 206:11,15
receive 97:1 98:18	161:23 166:8	regard 105:19 145:3	remotely 162:25	208:13,17 217:12
119:25 120:2,21	167:5,8 168:5,7,9	regarding 6:10 21:3	removal 191:1,3	218:9 224:25
120:22	168:23 169:1,4	22:2 25:15	remove 59:11 81:14	225:3 230:9
received 6:2 7:2 8:2	172:8 176:24	regards 197:19	158:25 166:5	234:11 235:19
8:15 9:2 146:2	194:10,21 210:20	regime 58:17,18,18	181:24	represent 10:14
214:18	210:23,24,24	62:12,25 63:10	removed 58:23	11:8 43:25 91:15
Recess 68:12 148:7	211:1,2,3,4,5,8	101:23	158:23 159:7	95:23 209:5
recessed 236:5	216:22 217:24	regimes 56:11	200:7 203:13,15	representation
recognize 37:22	218:23 223:11	region 70:4	removing 117:2	20:15
44:5 114:10 181:5	233:11,15 234:1	regional 39:13	190:22 200:20	representative
188:25 208:9	234:22 235:20,21	72:25 73:4	Renee 3:3	10:16 11:10
recollection 139:5	Recross-Examina...	regular 192:14	renew 59:12	represented 33:7
140:9 195:5,12	4:16,22,24 147:2	194:4	repair 27:23,24,25	request 23:11,23
recommended	203:8 204:13	regularly 115:1	28:12 29:21,23	135:16 221:3
153:19,21	rectify 162:13,15	169:23	30:23,25 31:7,13	requested 11:20
reconditioned 128:6	165:8	regulation 15:15	125:4,15,15,16,18	18:1
record 12:14,16,20	recur 130:20	regulations 15:18	125:20 209:9,13	requests 23:16
13:14,18,21 14:7	recycled 135:14	regulatory 23:1	209:13,16,17,22	24:10
15:2,4,9,25 16:24	red 195:20 202:7,10	rehab 72:22 120:4,7	209:23,25 210:3	require 19:7 137:17
17:1 18:1,9 19:7	203:3	120:18	212:19 213:23,24	153:13
19:12,23 20:4,6,21	redacted 18:19	rehabilitation 137:8	214:7,8 215:12	required 41:25
21:10 22:25 23:11	19:10 20:21 23:7	relate 94:5 124:14	216:16,19 217:20	57:20 59:10 88:15
23:16 26:3 34:10	43:25 50:19	related 27:11 41:22	218:16 219:22	135:25 136:2
44:3 49:12 51:17	Redirect 4:21,23	71:4 90:2 99:3	220:6,7,8,14,18	183:24
61:7,9,10,14 68:11	202:4 204:4	107:10 140:19	221:19	requirement 62:8
68:14,23 148:6,9	redundant 27:1	146:6,24	repaired 143:2	72:9 118:1 122:12
148:18 177:8	refer 33:9 38:14	relation 72:16	repairmen 31:19	138:3,16 141:4
183:25,25 187:21	39:9 44:21 57:12	relationship 70:23	repairs 8:17 31:11	requirements 38:18
187:23 193:6,7,9	79:22 210:8	93:23 131:15	142:6	38:20 54:20 62:9
198:15,23 202:18	reference 15:19	237:16	repeat 42:23 55:10	71:8 72:8 114:18
203:1 205:3,4,6,16	33:15 48:20 49:21	relative 237:13,14	70:24	116:17 134:3
211:13 220:23	95:20 105:6 113:9	relay 121:2 158:24	replace 143:22	requirements-type
229:18 230:17	117:20 182:19	160:18,20	151:7 194:18	30:21
236:3 237:12	185:8 214:9	relays 92:20	replaced 58:23	requiring 18:13
recorded 165:22	referenced 17:2	release 171:14	129:3 151:8	23:10 38:19
175:1 184:14	61:22 115:8	released 58:9 68:7	202:23	reserve 30:7
186:18,23 187:14	references 95:23	83:25 148:4	replacement 59:15	reset 147:11 164:5
199:11,19,25	113:9 114:19	relevant 21:4 25:18	59:16 81:21 126:3	164:11,11,16
200:18 201:6	125:3,22 126:14	reliability 56:1,10	143:19	resetting 163:12,13
202:17 212:9	127:13	56:12 178:9	replacing 65:15	reside 93:13
214:6 220:5 222:7	referencing 22:2	reliability-based	117:3 160:22	resolve 162:18
228:4,25 231:20	146:12	56:25	190:22	164:8,25
recording 194:20	referred 41:11 79:7	relied 25:23	report 7:3,17 9:4	resolved 162:19
195:25 200:3	109:21 112:24	relief 23:12 221:4	39:19 147:19	resolving 95:7
201:2 208:1 231:9	202:15	relieve 166:16	196:23 208:15	respect 19:9,16
recordkeeping	referring 121:14	relocated 145:19	210:16,18 212:23	93:23 96:25
166:8	141:12 203:2	rely 14:9 15:2 24:19	213:9 216:12	131:16 169:3
records 16:13 17:14	refers 50:12 59:7	relying 139:19	218:9 235:16,18	207:10
23:23 24:10	73:12 182:11	remain 44:2	reported 1:24	respond 30:15
130:13 203:24	reflect 209:12	remaining 155:19	149:23 224:22	163:11
221:3 229:25	212:19 214:4,13	remedy 58:11	226:6 237:7	Respondent 1:8 2:2
recourse 122:20	215:24 222:5	130:19	reporter 237:5	10:9
recoverable 175:20	225:13 226:4	remember 143:3	REPORTER'S	response 221:3

Responses 7:20 responsibility 35:12 64:14,15 73:1 89:15 143:17 225:1 responsible 39:18 42:3 89:16 91:21 91:24 92:2,5 200:3 206:21 rest 107:14 144:2 168:12 218:5 231:21 restored 147:10 result 87:23 100:9 142:4 resulted 63:1 results 66:19 122:18 131:3 179:18 Resumed 84:9 119:21 221:10 229:20 retain 153:11 retained 68:2 175:18 retention 14:17 23:24 24:2 retire 36:7 returned 14:10 129:2 reused 144:13 reveal 21:14 revenue 37:4 44:14 45:10,14 revenues 37:7 38:13 48:14 51:23,23 64:21 reversal 164:21,22 reverse 164:23 reverses 79:18 review 24:1 26:6 72:11 84:20 129:23 130:13 180:5 184:15 191:23 196:24 197:20 reviewable 18:2 reviewed 101:16 122:10 192:24 193:16 reviewing 179:6 reviews 138:14,15 revised 13:1 14:2 18:5,19 118:6 119:6 revision 118:22 revisions 106:14 ride 42:16 122:22 145:5 157:13	179:8,9 rides 115:10 riding 172:18 right 10:20 11:17 14:21 18:7 22:8 25:6 26:4,17 27:3 33:3,21 35:20 37:12 38:23 41:13 43:2 54:3,13,14,14 60:23 64:1,21 66:6,8,19 68:14 71:25 73:17 77:8 82:6 83:1 84:14 84:17 85:11 95:13 96:14 108:1,4,13 111:18 112:15,22 119:15 129:8,19 131:19 132:20,23 133:6,8,25 135:6 135:19 141:19 142:15 145:20 147:14 148:3 160:21 162:19,22 162:23 168:16 177:2 186:16 193:11,19 196:14 197:23 201:17 204:3,17,21,22 205:5 206:9 211:18 220:25 221:6 228:15,22 229:2 230:16 232:25 rights 132:9 right-hand 87:4 rippling 62:20 roadbeds 138:23 roadway 75:12,15 75:17,23 76:1,17 77:2,11 114:24 roadways 75:23 Rocket 46:19,22,44 role 40:2 70:11 89:25 110:6 roll 55:7 Rome 225:10 Ron 9:11 room 1:18 10:23 11:1 92:18 93:12 146:12,13 159:2 162:21 200:14 rooms 76:6 146:7,10 rotate 89:3 roughly 215:8 rounded 215:1,2 route 47:22 54:16 routine 112:2 123:4 123:7 124:24	140:10 156:22 157:10 161:5 167:12,17 168:20 170:18,21,24 172:21 188:5 routinely 194:7,10 row 214:19 215:23 233:11 rows 217:2 218:12 226:1,9 227:11 Roy 3:5 4:8 68:15 68:17,24 69:4 149:24 rubber 77:6 rudimentary 41:4 rule 60:15 rules 16:7,20,22 66:16 ruling 22:14 25:9 26:10 221:1 run 16:6 28:6,7,7 62:6 77:1 79:13 79:16 80:2 81:16 96:2,3 125:11 146:15 160:3 166:4 169:10 171:10 running 76:8 77:8 91:22 94:1 96:1,1 96:3,7,10,20 98:24 98:25 101:3 104:6 125:17 135:7 140:20,23 142:2 162:3 166:18 172:12 runout 77:23 runs 76:21,22 77:10 Ryan 3:5 4:8 68:15 68:17,24 114:6 117:20 149:24 R-Y-A-N 68:25	SAP 224:17,21 sat 170:4 Satellite 136:25 137:3 satisfied 119:16 satisfies 38:22 satisfy 112:20,21 Saturday 154:19,22 157:23 saw 15:25 165:11 233:8 saying 16:11,25 32:24 49:12 51:21 115:22 122:9 160:15 168:11 177:20 178:22 179:10 181:10 183:13 187:21 197:8,9,16 200:18 202:9 203:20 220:13 229:12,12 231:15 says 17:19 18:11 24:2 29:1,1,4 37:13 47:7 87:7,9 88:6,19 91:15 93:7,20 96:6 97:3 97:13 104:18 106:17 107:15 123:3,19 125:2,15 176:24 177:4,14 180:9 197:9 209:4 213:21,22 214:19 217:2 233:11,15 233:22 SCA 8:19 scale 67:5 98:13 99:6 scan 85:7 schedule 23:24 24:3 50:6 57:2,5 63:2 96:2 115:3 125:13 159:12 170:11 scheduled 11:20 12:2 50:3 56:14 57:22 63:19 101:23 123:4,10 124:24 125:12 140:15 157:24 158:22 159:8 170:10 171:17 178:8 schedules 14:17 56:8 60:7 63:4 109:19 154:14 schematic 74:11 Schneider 8:22 school 32:8	scope 126:20 Scoring 7:23 Scott 2:22 9:17 10:11 scrap 135:14 scrapped 135:18 screens 94:4 sdavis@ag.nv.gov 2:25 SDC 149:4,11,18 SDCs 130:18 seal 12:13 13:2,2,17 16:13,24 17:12 21:25 22:25 sealed 15:25 sealing 12:16,20,23 15:1 16:25 18:1,9 22:14 seals 143:5 159:20 seamless 55:1 seamlessly 55:5 Seattle 67:13 second 47:21 55:25 61:8 136:16 150:10 155:13 213:17 216:15 217:1 218:11 225:25 226:2,9 Secondary 47:17 seconded 35:2 Secondly 27:8 second-to-last 48:20 secret 17:18 21:20 21:22 section 50:7 63:22 80:16 93:7 95:17 111:5 114:20 sector 38:15 see 17:12 18:25 19:13 20:22 21:8 21:9 22:12 37:13 38:8 39:11,17 40:20 43:24 45:8 45:21 46:1,3,19,21 47:8 48:23 49:22 66:23 84:18 87:11 93:8,15 97:10,14 104:1 106:18,22 107:16 108:5,15 117:20 124:13 125:4,23 131:11 146:24 151:21 166:16 176:22 179:1,3 208:21 209:10 210:6 214:3,9,10,19 215:8 216:1 217:15 219:10
---	---	--	---	--

221:24 226:3,9 228:14 230:25 232:1,2,4,8 233:10 233:12,17 235:15 seeing 131:6 232:11 seek 23:12 221:4 seeking 31:12 seen 13:23 147:19 176:12 233:6 sees 59:9 select 93:14 self-perform 54:7 67:12,14,18 sell 42:25 135:10 selling 53:14 semi-annual 179:7 send 165:20 sending 128:5 senior 44:12 205:23 206:6 sense 28:1 30:20 31:6 36:25 37:2,4 62:23 118:12 sensors 76:18 sent 30:9 145:14 201:10 213:1 228:2,4,9,10 separate 40:22 41:20 127:1 139:10 160:19 199:25 separately 198:15 199:4 SEPTA 45:23 46:6,7 46:15 series 54:12 77:21 81:19 108:24 146:15 171:10 served 149:17 service 50:6 56:15 58:9,13 59:18 60:3 63:11 64:7 69:14 70:5,12 73:2 74:22 89:8 89:13,14 90:20,24 101:9 120:25 130:9 131:21,23 144:24 149:3,5,13 149:21 150:13 159:23 160:6 169:13 171:15 services 34:20 37:6 38:2,17 40:2,20,21 40:23,25 53:18 69:10,12 88:11,14 225:6 servicing 62:7 set 13:9,19 27:6	35:13 60:13,14 82:23 88:14 98:12 160:5 170:10 179:12 188:4 217:1 218:12 226:2,9 227:11 237:18 sets 42:14 98:13 226:1 settings 147:9,11,12 147:14 seven 107:22,24 108:20 109:1 Shaman 4:4 34:1,3 34:11 shaped 54:6 shared 50:3 130:17 175:15 sheet 184:7 216:5 218:6 sheets 109:25 shift 53:16 54:24 110:9,17 140:2,3,6 140:7,14,16,17,20 151:24,25 154:17 154:20,25,25 155:6,20,21 156:4 156:16,17,20,21 157:6 158:17,21 159:2 161:2 163:24,25 165:22 166:5,15 167:4 168:17,18,21,24 168:24 169:4,5 170:9,13,23 171:7 171:8,9,12 172:4,7 172:7,9,9,13,25 173:1,1,2,8 185:20 188:1,2,3,4,7 189:12,13,17 199:11 200:7,17 211:21,23 shifts 139:24 154:24 156:3 172:25 shipped 128:24 shoe 57:18,19,19 202:21 shoes 53:9 shop 177:5,9 233:23 short 211:21 shorthand 237:10 shortly 77:25 show 20:23 31:10 43:22 179:23 195:4 210:16 showed 233:9 shown 45:3 shows 104:10	shred 24:3 shredded 24:9 shut 95:12 96:13 102:18,21 103:11 163:23 164:18 169:16,18,20,21 170:4 171:8 189:15 shutdown 95:8 shuttle 79:7,9,10 80:3,7 81:6 sic 73:18 sick 174:8 211:12 223:16 side 25:4 33:5,6 37:5 37:7,12 39:4 60:17 79:14,16 80:2 81:4 154:16 154:18 158:4 165:3 171:11 177:2 sides 229:12 sign 200:7 signage 76:5 126:8 signal 41:9 signaling 40:1,13 41:5 45:2 46:11 46:12 52:16 54:14 54:15 63:21 signals 41:12 significance 31:3 significant 49:9,13 141:6 215:6 218:3 219:12 significantly 140:25 silly 165:1 similar 17:3 86:18 106:21 128:11 134:12 135:17 168:21 224:5 similarities 134:10 similarly 201:6 simple 41:8 46:10 62:5 163:9,13 simply 14:24 28:14 29:22 220:12 SIMS 9:19 109:21 166:12 173:21 175:11,13,20 178:22,22 184:4,4 184:6,14 193:15 193:23 194:20 199:19 201:1,15 206:13 207:2,3,4 207:11,13,15 208:2,14 209:7,14 209:15 211:14 212:9,24,25 213:1	214:6,15,25 217:14 222:7 225:15 226:6 227:17 228:6,18 230:23 single 194:8 215:1 sir 156:2 sister 39:24 sit 25:9 54:19 130:15 site 55:2 69:16 89:9 89:20 90:8 91:4,7 109:18,20 110:7 110:23 129:2 133:13,16 137:19 149:9,21 150:8,13 150:18 166:12 193:24 201:6,21 207:4 208:3 209:1 210:12 212:1 224:16,25 225:1 227:25 228:10,24 229:24 sites 131:6 133:13 206:20,20,22,23 206:25 224:22 225:4,10 site-specific 151:3 sitting 208:6 situation 58:12 102:18,20 172:2 situations 16:14,21 17:9 six 39:3 42:19 43:1 121:23 122:25 154:17 155:6,8,9 155:18 179:4 233:10 size 40:25 48:9 54:14 skill 31:4 skilled 31:17 skills 153:4,6,7 224:14 skip 213:11 219:2 227:6 skipping 226:15,21 slammed 163:8 slash-supervisor 89:21 slash-tire 115:7 small 31:22 38:22 46:9 57:18 167:18 168:20 small-capacity 38:22 smell 166:2 Smith 4:18 148:10	148:12,19 195:10 196:23 197:2 202:6 smoke 166:2 soft 164:16 software 41:6 42:1 46:10 63:22 132:15 147:15 software-related 76:18 147:6 sold 19:3,4 43:17 45:2,2 46:10 67:13 sole 52:14 solution 20:9,25 46:10,14 54:4 55:14 solutions 38:17 39:21,22 41:3,4 53:8 54:13 somebody 17:14 51:7 124:19 200:7 200:18 207:24 something's 165:11 somewhat 36:23 soon 30:9 sophisticated 41:14 sorry 35:24 37:20 51:14 57:15 66:22 111:4 120:7 127:24 146:10 168:6 207:16 219:24 sort 42:7 64:17,23 65:5 89:4 sorted 9:20 sound 165:1 source 39:23 41:22 52:14 South 1:19 2:17 33:2 Southeast 46:8 Southern 49:21,25 50:1 64:8,13,14,23 spacing 54:15 spare 71:18 81:21 129:3 speak 16:3,4 54:2 186:8 speaking 88:8 special 36:9 specially 134:2 specialty 41:21 specific 15:14 16:19 45:18,19 52:15 57:9,17 62:1 105:18 137:24 174:10,17 178:8
--	--	---	---	---

180:15 199:10 231:14 specifically 13:3 15:20,20 16:18 22:23 192:16 specification 54:11 speed 141:14 spell 34:9 68:23 148:18 205:16 spelled 180:22 spelling 22:12 spend 25:3 spending 172:23 spent 66:16 167:8 167:12 177:8 211:20 spindle 114:21,22 115:9,14 116:15 158:24,25 159:5 159:22 160:16 180:17 181:22 182:2,4 184:7,10 spindles 114:25 115:2 117:2 144:12 161:7 181:23,25 spindle/tire 8:12 114:17 180:10 split 37:8 Spreadsheet 8:17 ss 237:3 staff 24:4 150:6 staggered 154:24 stakeholders 54:2 stamped 51:15 stand 48:11 63:13 192:23 223:25 231:7 standard 16:11 62:3 62:4 98:16 143:23 191:24 192:5,13 216:3 standards 58:8 standby 140:12 161:16,18,19,24 167:24 168:3,5,7 168:10,11,23 176:24 194:10,22 233:12 standing 161:19 stands 171:13 207:4 Stanley 3:6 8:22 10:16 11:3 143:14 143:16 start 30:12 32:12 53:22 58:3 81:17 161:4 170:21 213:12	started 12:10 36:19 119:9 152:7 starting 39:4,9 169:7 222:11 starts 176:22 startup 95:8 state 1:14 10:13 15:8 16:25 17:22 34:9 68:22 148:17 205:15 220:22 237:2,5,19 stated 53:6 statement 26:21,24 106:21 statements 26:18,19 States 42:19,25 43:3 69:15 225:6 State's 17:21 station 47:20 54:15 76:2 80:10,11,12 80:13,14 146:12 157:16 163:6 164:23 170:2,15 190:12,17 191:17 stations 40:11 79:11 79:12,13 80:4 92:17 102:24 103:4,7 station's 162:7 statistic 66:10 statistically 218:3 219:12 statute 15:15 27:23 27:25 29:1,4,24 statutes 15:19 statutory 21:21 23:1 stay 36:8 154:3 stayed 156:6 215:8 217:18 steel 45:5 47:24 48:17 50:10 77:11 steel-wheel 45:5 46:16 47:5 49:17 50:10 steel-wheeled 47:24 48:15 steer 115:11 STEMERMAN 2:10 step 53:9 143:16 185:12 steps 164:24 stick 168:13 stipulate 18:12 21:7 23:4 198:2 stipulated 18:15,22 stipulation 6:5 18:11 196:17	stipulations 18:10 21:6 stock 129:3 158:15 stop 76:19 102:5 103:3,21 108:2 195:19,25 stopped 103:10 162:6 182:13,15 stops 76:3 103:2 123:17 125:18 stored 201:21 storeroom 212:5,6 224:4,5 straight 98:4 streams 37:5 street 2:11 30:23,24 39:10 65:19 streetcar 38:22 strike 25:6 strip 184:10 structure 63:9 75:20 89:7 91:22 92:7 127:25 144:5,7,8 structures 142:2 stuck 190:16 stuff 12:15 20:11 153:21 228:21 sub 184:24 subcontract 129:9 129:16 subcontracted 129:12 Subcontracting 212:10,11 subcontractor 143:8 212:14 subcontractors 212:13 subdivision 87:10 subject 18:22 20:6 24:10 160:7 submit 19:19 21:13 21:24 22:14 66:25 72:12 126:23 127:3 221:1 submitted 10:22 12:21 13:1 14:2,4 18:19 21:12 194:1 228:1 subsequent 147:22 subset 104:7 substandard 58:11 substantial 144:4 substation 92:19 substitute 41:14 subsystem 105:20 107:2,4,11 subsystems 58:7	107:9,9 123:5 184:25 subway 39:12 47:3 47:21,23 48:7 65:3 success 48:6 61:19 successful 15:23 60:19 suggest 24:20 suggested 139:20 230:5 suitable 144:13 Suite 2:5,11,23 sum 209:6 summaries 213:20 226:1 summary 7:10,12 7:24 9:19 49:20 208:20 209:13 222:6,18 230:9 summed 209:16 summer 11:16 Sunday 145:23 154:18,22 supervise 149:21 150:4 supervised 137:5 150:2 supervisor 89:24 90:19,23 150:14 supervisory 89:25 supplemental 16:8 supplied 147:6,15 supplier 52:14 supply 38:21 39:6 49:1,3 65:2 supplying 64:22 support 23:6,8 69:13,23,24 104:15 121:7 131:24,25 132:3 146:16 152:6 supported 89:9 supposed 28:7 96:4 96:19 98:1,16,24 105:18 111:18 178:7 179:16 183:15,21 Supreme 16:9 sure 12:25 20:22 24:6 27:1 28:6,9 50:25 55:15 57:20 61:20 71:13 95:12 98:24 119:24 122:17 151:25 157:14,16 159:22 170:22 171:1 179:15 182:5	207:17 214:17 228:7 229:3 surface 91:22,22 142:2 surrounds 56:5 survey 24:25 25:1 Sushil 151:8 suspension 42:15 sustain 19:19 21:23 switch 58:18,19,20 58:21 92:19 156:3 163:14 switched 224:16,19 224:23 225:11 switches 79:18,25 sworn 34:4 68:18 148:13 205:11 237:9 system 6:4 7:5 25:13 28:23 31:19 35:3 38:21 40:3,4,10,16 40:17,18 41:5,9,10 41:13 42:15 44:22 45:2 46:11 47:16 48:1 49:6,17,25 50:2,2,9,10 52:20 53:21,22 54:14,15 55:6,24 56:4,13 57:7 61:22,25 62:18 63:22,23 67:10 69:18 70:20 71:10,17,17 72:14 72:17,20 73:13,19 73:20 74:3,11,13 74:15,15 75:6,11 75:12 76:8,10,11 76:15 78:1,22,23 79:3,6,9,10,17,23 79:25 80:3,5,7,15 80:21 81:6,13,15 81:24,25 83:23,25 87:14,15,18 88:1 90:8 91:17,24 92:13,14,17,21 93:14,16,17 94:6,8 94:10 95:3,8,11,14 96:1,3 97:2,4,25 98:9,14,17 99:16 101:24 102:1,11 102:21 103:21 104:6,12 105:1,3 105:24 107:5 109:18,20 117:21 121:11,24 122:15 122:23 123:16 125:10,11,18 126:4 137:13 139:17 140:6,11
---	---	--	---	--

140:13,23 141:15 144:2,6 146:4,4,11 146:15,18 147:8 147:16 153:25 154:3 157:1,3,4 161:17,20 162:9 166:12 169:7,15 169:16,16 170:21 172:9,11,14 176:3 184:24 185:24 189:14,15 193:15 194:20 199:19 200:16 201:1,19 203:16 207:5,13 208:1,14 209:19 221:13,14 224:21 224:24 228:3 235:10,13 systems 7:7 8:11 25:5 31:20 34:19 35:15 38:23 39:17 39:22 40:13 41:14 42:1,5 43:12 44:21 45:5 52:12 53:12 60:21 67:13 70:12 73:18 75:25 78:14,14 79:8,21 80:9,23,23 101:3 120:8 132:15 137:23,23 143:7 182:11,17 206:23 system's 76:24 103:9 125:16 146:5 S-H-A-M-A-N 34:12 S-M-I-T-H 148:19	135:15 159:25 takes 13:13 47:22 59:8 190:24 talk 12:20 39:25 49:19 73:17 151:15 162:11 196:25 205:2 talked 47:10 52:3 53:13 65:7 112:23 114:23 140:3 talking 32:18 51:13 78:16 121:9 122:7 136:13 141:18 191:2 198:19 201:15 Tampa 225:9 target 60:13,14 61:25 task 8:13,13 57:14 59:7 65:19 81:11 107:23 108:8,19 108:25 113:5 115:23 116:19 117:2 127:22 130:19 151:23 180:23 189:16 198:12,18 199:15 200:20 201:11 202:21 203:14 211:2 224:14 229:1 231:8 232:11,16,16 tasked 44:11,11 tasks 31:3 57:2,9 58:10 65:8,14 66:12 72:3 81:18 81:22 82:25 90:2 90:7,9,11 104:5,7 105:4,22 107:20 108:10 109:19,25 110:16 113:5 130:5,5 140:7,9 173:21 174:8 178:8 187:13 189:11 193:21 195:20 196:2 199:10 201:1 212:2,5 223:21 224:4 234:24 235:21 taught 175:12 team 60:19 130:15 153:8 tear 159:18 tech 105:8 110:2,4 110:20 143:12 167:4 170:12 176:1 186:3	200:12 203:20 231:5 technical 28:1 35:20 69:19 131:21,23 131:24,25 132:3 197:21 technician 7:14,17 29:13 91:10 162:9 175:25 209:6 211:5 213:10 222:7,21 223:5 225:16 228:2 231:19 235:21 technicians 31:21 57:11 60:4 66:11 80:18 89:10 90:1 90:10 91:4,11 92:8 95:5 101:18 109:15 110:1,9,11 110:17 120:10,23 121:2 129:20 146:17 150:5,19 150:20,24 151:1 152:8,15,23 153:19,22 154:17 154:21 155:18 156:10 157:2 158:2,3,5,6 159:3 159:18 161:4,23 162:5,10,11,16,17 164:7,25 166:15 170:12 172:8,19 177:4,8 178:20,25 180:24 185:13 192:14 195:1 198:11 207:12 208:23 209:1 211:13 213:24 233:22 technician's 175:11 technician-by-tec... 213:4 technology 39:23,23 47:25,25 54:14 79:19 132:25 techs 109:9 116:4 119:25 121:6 129:6 150:16 152:11 158:17 161:14 169:25 170:1 183:17 185:3,17 192:6 tell 56:1 76:19 95:23 105:10 113:6 118:21 119:17 156:25 164:4 174:1 187:16 199:18 232:10	telling 27:2 107:2,19 180:12 tells 59:7 105:8,21 108:20 110:12 113:6 116:24 180:18 182:2 183:14 tenure 35:5 term 95:21 102:7 119:7,8 144:25 156:24 166:22 179:20 terminal 6:8 49:8 74:16,17,18,22,24 75:7,8,9 76:23,24 77:18,23 80:10,11 83:24 170:6 terminals 47:17 terminated 73:25 131:15 terminates 50:6 terminology 155:1 terms 13:11,12 18:18 19:1,23 31:3 37:9 48:9,12 48:13,14 49:9 55:1,16,23 62:9,18 67:3 82:2 105:19 145:1 172:22 test 17:2,4,15 137:13 171:12,14 199:3 testified 34:6 68:20 138:7 144:11 145:8 148:15 196:19 205:13 testify 11:3 29:9 34:4 68:18 148:13 205:11 237:9 testifying 197:19 testimony 192:22 197:12 237:12 testing 70:20 160:19 tests 171:10 text 233:20,21 thank 14:20 24:11 32:10 33:19 42:21 51:19 63:25 64:5 68:9,10 133:8 135:19,22 136:19 139:23 147:1 193:14 201:25 204:17 211:9 235:24 themselves 52:13 theory 86:15 they'd 26:24 95:11 thick 233:11	Thierman 22:8 thing 14:15 18:18 28:20 74:14,20 90:14 116:10 166:25 167:2 168:6 170:9 190:19 210:9 212:8 223:14 224:2,8,14 things 13:8 15:22 16:15 17:16 19:3 22:19 28:19 43:14 44:3 53:13 54:17 67:7 93:18 102:20 105:18 109:9,12 110:15 112:2,16 115:25 122:17 130:22 132:18,23 141:9,14 158:23 160:3,5,18,23 164:14 165:16 167:3 179:15 183:14,18 184:1 184:11 185:18,20 187:11 188:1,2,6 189:12,14 199:22 212:17,17 228:7 think 11:14,19,23 12:2,9,17 13:16 14:10,15 20:9,25 26:2 27:4,14,18,25 28:21 29:5,16 30:2 33:8 38:13 44:21 61:4,8 65:22 83:7 84:17 113:14 140:6 167:3 173:14 174:19 190:20,24 192:22 193:8 197:1,18,25 198:1 200:2 204:20 211:25 229:8,11 229:15 236:3 third 21:18 45:7,7 121:13 128:6,25 141:13 151:24,25 163:24 191:7 216:21 Thirdly 27:13 third-party 121:10 122:12 Thomson 2:16 4:15 10:17,17 12:8 30:8 33:14 67:21 113:21 127:15 135:21,22,24 136:20 146:22 202:1,2 235:25
--	--	---	---	--

236:1	210:25 211:2,5,6,9	Toronto 46:19,22	traction 42:2,2 59:6	transcript 23:11
Thomson's 146:25	211:11,11,14,18	46:23,23,24	59:6,9,17 128:1,22	237:11
Thoran 1:13 10:4	211:20 212:18,20	total 21:15 29:6	165:24,25 190:22	transfers 42:14
22:9	215:19 220:16,17	50:15 155:4 206:5	191:1	transforming 41:23
thought 203:21	221:4 222:23	213:22,23,24	tractive 41:23	transit 6:4 36:22
thousands 65:16	223:1,13,15,16	214:5,12 215:15	trade 17:18 21:20	39:13,14,22 40:18
three 23:25 24:1	225:15 229:25	215:15 216:18,24	21:22	46:24 49:6 50:1
44:8,15 76:11	231:9,15,18,19	218:11,16,23	traditional 64:6,22	53:8,12,21 64:15
97:11 155:10,13	233:8 234:2 237:7	219:5 226:3,5,9,15	traffic 41:11 50:5	66:7
158:4,5 161:8	237:12	226:23 227:15	62:19 63:5	transparent 210:18
188:17 218:22	timecard 228:17	235:16,22	trailing 49:5	transportation 1:6
three-part 16:11	229:1	totally 43:25 134:9	train 41:12,15,16,17	6:11 7:7,9,15 10:8
three-ring 181:1	timely 150:25	Totals 214:10 217:2	62:19 71:23 79:12	11:9 32:15 36:16
208:5	times 9:19 57:17	touched 172:1	79:16 80:4,14	37:5 38:2,8,11
threw 66:22 210:10	82:24 96:6 151:24	Towler 1:13 10:4,5	81:17,20,21,21,22	39:17 40:22 42:18
215:25	161:11,14,22	10:25 11:5,11,17	95:25 102:4,14	42:24 43:5 45:10
throw 211:2	163:12 164:10	12:9,17 13:22	103:2,3,20,21	46:8 48:2,4,10
Thunder 47:1	178:19 179:12	14:12,21 15:6	114:23,24 115:11	60:20 69:7 78:7
Thursday 12:3	181:22 185:11	16:15 18:7 19:10	117:2 128:22,24	148:25 205:24
ticket 40:16	189:18 193:23	19:14,25 22:4,7,9	129:3 146:4 157:2	Transportation's
Tim 150:17,22	228:15	22:11,16 23:18	157:16,24 158:11	39:1
time 9:19 12:11	timetables 28:18	24:12,15 25:14	159:1,18,25 162:3	trash 157:15
14:18 25:3 26:10	82:23	26:4,9,17 27:3	162:6,7,14,20	travel 75:16
28:7 31:4 35:13	time-based 58:17	29:5,10,25 30:4,10	163:2,4,4,15 164:5	traveled 40:7
36:21 48:8 50:4	time-scheduled	33:4,16,23 34:8	164:10,19,19,22	traveling 171:3
54:16 56:9 57:4	104:7	50:20,23 51:4,9,14	165:2,4,7,16,18,20	travels 75:16 79:17
57:13 60:5,8,9,17	timing 53:24	61:9,13 64:2	166:6 169:9,11,12	tried 135:10
61:18 63:5,10	Timothy 150:17	67:22,25 68:6,10	170:4,4 211:1	Trimmer 2:4 4:5 5:4
65:9,12 66:12,16	tire 115:8,9 165:17	68:13,22 69:1	trained 120:10	5:6,8 11:6,6 12:21
66:23 70:7 78:24	165:18,19,19	83:7,13,19 84:7,15	175:11,17	12:25 14:1,20
81:17,22 84:24	180:17 184:9	84:24 85:4,12	training 71:20,23,24	16:3 17:24 18:17
86:4,20 90:12	190:23 198:25	111:1 113:14,18	94:14 119:25	19:12,15 21:11
96:10,19 98:23,25	199:4	113:22 114:2	120:2,3,9,21,22	22:6,13 23:9,17
118:4,10 131:4	tires 77:6,12 91:23	117:17 119:5,15	121:3 150:24	24:11 25:16 26:14
134:17 137:2	title 206:24	124:17 133:8	161:15,21 175:10	33:21 34:14 50:18
139:11 140:17	today 10:5 11:24	135:21 136:16,19	195:16 212:7,8,8	50:22 51:2,13,19
143:22 152:22	67:14,16 161:7	146:23 148:1,3,6,8	224:7,8,9	51:20 61:7,11,15
156:9 157:25	today's 110:12	148:17 179:25	trains 28:6 38:24	63:25 67:24 69:1
158:6,22 159:1,6	told 15:1,7,13 17:19	190:1,4 193:5,8,11	39:13 50:7 60:2	83:11,15 84:21
159:14,25 160:5	17:20 103:23	196:8,11,14 197:4	74:13 78:1 79:15	111:10 188:17
167:8,9,24 168:2,2	112:1 137:2	197:13,24 198:5	80:2,16,25 96:6,13	190:3 192:18,21
168:10,11,12,13	183:17 234:16	202:1,3 203:1,5	136:1 157:13,13	196:20 197:8,21
168:23 169:19	tolerance 182:3	204:3,22 205:1,5	158:23 170:1	205:8,21 219:14
170:10 171:25	tolerances 159:22	205:15,19 219:17	172:11,18 178:9	220:25 221:11
172:3,4,22 173:17	tomorrow 11:24	220:22 221:6	train's 95:13 164:17	227:20 229:7,10
173:23,24,25	204:25	229:8,11 230:16	165:12	229:21 230:14,19
174:7,9,12 175:13	tongue 32:16	232:25 235:25	tram 28:23 39:10	232:22 233:3
175:14,25 176:1,5	Tony 8:22	236:2	72:23 74:15,21	235:2
176:5 177:8	Tool 7:18 9:7,9	track 47:23 50:8	75:2,15 76:3,12	trimmerp@jackso...
178:11 179:1	tools 71:18 113:7	52:16 77:1,13	77:7,17 81:6 96:2	2:7
183:15 185:17	114:18 116:17	81:6,14 82:3	101:16 102:5,25	Trimmer's 34:1
190:25 191:6,13	165:16 180:20	115:11 163:9,10	135:7	troubleshooting
193:15 194:8,20	191:24 192:5,6,8	165:7 166:14	trams 75:22,24 78:1	105:5 184:23
195:2,7,14,25	192:10,11,13,15	169:8 173:17	79:19 80:1 124:2	truck 42:11 135:1
198:16 199:3,18	192:24	207:6	tram's 81:16 101:15	true 63:2 203:10
201:2 207:12,15	top 49:20 106:17	tracks 48:17 184:5	102:24	204:7 237:11
208:23,25 209:2	117:8,20 144:9	190:16	transaction 48:25	Truesdale 142:9
209:19,20 210:13	150:7	trackwork 40:11	transcribed 237:10	trust 53:10 65:18

truth 34:4,5,5 68:18 68:19,19 148:13 148:14,14 205:11 205:12,12 237:9,9 237:9 try 23:3 33:18 54:1 103:4 130:18 159:12 162:13,18 162:23,25 164:8 164:25 191:14 192:23 trying 17:6 20:19 52:13 187:9 197:10 TSA 132:8 TTC 46:19,22,23 Tuesday 1:16 157:22 turn 37:15 38:4,25 43:23 60:7 84:18 90:13 97:7 139:10 157:5 163:14 166:3 171:9 173:12 191:16 206:18 208:6 213:17 turned 76:24 95:14 122:15 139:8 Turning 141:10 230:8 turnkey 7:7 39:21 39:22 40:3,4 twist 204:18 twister 32:16 two 11:23 16:15 26:20 36:9 37:4 49:19 65:20 75:23 79:11,12,13 89:9 89:19,20 97:11 102:24 124:19 139:24 150:5 153:1,16 158:5,6 161:8,9 164:14 166:3 169:10 170:13 191:6,7,9 198:19 213:11 217:6 226:1 230:9 type 28:11 74:19 77:5 79:19 88:14 102:23 120:2 151:10 153:9 212:17 types 19:18 32:6 57:24 79:21 81:2 89:19 93:18 140:18 164:14 224:14 typewriting 237:11	typewritten 237:11 typical 19:18 typically 70:18 79:7 80:1 90:17 107:6 124:7 167:4 T1 74:18 80:10 103:7 136:8,25 T3 8:11 72:23,23 78:2 80:11 87:18 117:21 118:1,23 119:10 136:8,10 137:13 182:11,16 182:24 183:5,9,10 183:11 <hr/> U U 8:17,18,19,20,22 8:23,24 9:3,4,5,6,7 9:9,10,11,12,13,14 9:16,17,19,21 10:2 10:2 176:6 196:10 196:16 UK 35:5 ultimately 54:9 um-hum 48:22 53:19 87:6 92:4 93:9 96:17 112:4 112:14 115:18 117:14 161:13 167:6 176:11 183:16 199:13,16 201:5,9 unavailability 102:1 undercar 110:3 underground 46:25 underneath 42:13 170:3 191:7 understand 15:3 17:24 31:17 33:4 54:10 74:7 112:9 178:3 183:13 186:6 207:17 229:10,12 understanding 16:16 19:25 22:21 22:22 24:19,24 66:14 127:20 130:1 207:14 213:21 understands 27:4 understood 204:6 204:15,20 undertake 41:25 undertaken 41:17 undertaking 41:1 Union 1:3 8:15 10:7 13:5,23,24 14:22 30:11 33:6 64:8	64:23 176:9 196:6 196:8,12 197:5 198:4 203:2,6 233:5 235:6 Union's 12:3 25:23 29:19 196:21 unit 78:8,8 United 42:19,25 43:3 69:15 225:6 units 35:7 117:3,3 160:9,10 universe 145:1 unopposed 12:13,22 unredacted 18:22 18:24 20:1,22,23 unrelated 198:13 unscheduled 123:4 123:12,14,15 124:1 165:14 187:19 190:9 unsealing 15:1 updated 117:25 119:12 updates 106:14 upgrade 45:24 46:6 125:25 126:1,4,15 127:6,9 135:7 210:12 upgrades 125:23 126:11 128:12 UPS 147:8 upset 199:6 uptime 56:4 USA 1:7 6:12 7:9,16 10:9 32:16 36:24 43:6 45:11 48:10 148:25 use 20:1,19,21 32:13 33:13 110:14,14 158:24 175:3,4,12 175:13 178:15 181:23 185:8,10 192:6,8,11,14,16 216:3 useful 206:18 usually 76:23 81:1 126:3,8 129:2 153:11 161:23 190:12 utilized 177:4,8 233:22 U.S 37:8,10 45:6 64:7,9 <hr/> V vacation 211:12 231:15 vacations 223:16	validating 58:7 value 50:15 54:20 55:5 97:17,18 values 58:12 variable 116:7 variance 214:20,22 214:23,24 215:3,6 217:7 226:12 variances 219:11,11 varies 99:7,8 variety 31:20 43:12 54:8 66:11,19 69:20 various 70:12 75:23 93:18 123:5 129:24 132:13 189:10 212:17 vary 156:16 160:12 veer 77:13 Vegas 1:20 2:5,12 2:18,23 7:10,12,13 9:21 42:21 44:10 44:10 52:22 72:13 129:6 131:1,4,5 132:6 133:12 137:24 149:11,20 149:25 150:7,8 152:22 176:13 182:14 196:3 202:11 209:1 224:16 vehicle 39:12,16,24 41:23 42:9,13,15 47:1 56:13 57:7 58:8 63:20 75:16 77:12 102:10,12 102:13,15,22 105:21 106:17,22 107:6 108:15,21 108:23 109:2 122:2 144:9 157:22 164:2,3,7 164:11,12 165:21 165:23 190:12 191:17 198:14 200:8,16,21 201:19 232:18,20 vehicles 30:17 39:5 39:6,9,13 40:13 49:5,6 52:17 75:22 76:8,16 91:23 133:23 134:2,6 139:16 140:19 142:13,19 142:25 143:1,9 144:5,7,13 152:13 174:4,5 183:12 194:14	vehicle/wayside 108:14 vendor 121:7 185:2 212:25 214:25 versa 156:4 version 19:11 20:2 20:21 50:19 118:15,18,20 147:16 188:18 214:18 215:4 217:8,13 versus 10:8 22:8 61:5 129:23 130:5 194:21 vice 34:18 36:1 156:4 Victorville 52:21 view 20:3,5 136:6 Virgin 35:6 visual 56:17 57:16 57:25 109:6 171:1 voir 4:10,12 5:5,7 83:20,21 117:16 117:18 219:16,18 221:13 227:22,23 229:7 volume 1:15 44:14 44:16 48:13 vote 83:14 vs 1:5 <hr/> W wage 9:14 24:20,22 27:18 137:18 138:5 wages 7:4 24:25 27:18 31:12 138:18 waiting 51:15 161:17,19,24,25 168:4 210:25 walk 162:21 231:4 Walker 6:10 walking 40:15 walkway 75:2,4 103:8 walkways 81:12 want 12:15 14:18 21:8 26:22 28:12 30:6,13 46:18 49:19 50:24 53:16 61:21 64:12 68:2 71:12 73:17 95:12 102:25 112:1 124:16 127:1 141:9 151:15 160:2 172:2 176:19 187:3
--	--	--	---	--

205:2 208:5 213:3 213:11,20 219:2 220:22 221:12,22 222:3 227:6 231:4 231:25 wanted 36:7 44:16 82:15 139:2 210:17 wants 33:13 warnings 114:19 warranty 141:12,21 143:19,20,23,24 144:1,3 Washington 2:22 Washington/Bech... 9:16 wasn't 129:5 162:24 174:24 194:3,16 204:8 210:15 watch 151:24 152:4 water 42:20 190:16 way 15:13 18:8,15 19:20,24 28:7 53:17 62:21 81:7 94:24 115:12 123:17,25 124:13 125:10 139:6,23 155:22 165:20,22 185:14,23 186:19 195:25 199:24 208:2 218:6 230:2 230:12 231:22 ways 18:20 26:20 97:23 230:4 wayside 30:17 58:9 76:2,6 102:6,8,9 103:14,17 105:21 107:6 142:22 143:13 144:14 157:3 174:5,6 194:14 201:19 Wayside's 102:7 103:14 Wednesday 154:18 154:19,22,22 155:16,17,18 157:23 week 62:6 90:10 154:8,9,10,17,19 155:11,12 158:5 183:18 193:18 194:11 225:22,24 weekday 108:15,21 weekly 7:17 57:6 105:22 227:7 232:16,20 weeks 214:14 week-by-week	213:12,18 weigh 135:2,4 weight 25:17,25 30:19 42:15 119:3 119:16 220:20 229:15 welcome 11:18 went 25:20 77:15 147:7 151:24 154:3 208:25 212:12 213:8 220:17 223:9 227:17 weren't 142:7 147:12,14 210:16 west 70:6 western 70:4 72:25 73:4 Westinghouse 78:6 87:21 139:11,15 we'll 19:19 23:22 26:6,15 28:8 30:2 33:18 39:25 41:16 61:9 81:14 85:8 85:14 97:6 124:18 124:20 181:23 220:20 221:4,5 we're 14:5,6,24 15:1 18:3,4,6 20:15 21:13,24 22:22 26:25 27:2,22 28:22 32:12,25 61:13 68:11,14 70:17 83:1 85:13 102:7 104:21 115:22 118:18 136:13 165:6 178:7 179:15 187:9 190:2 192:18 197:8 232:11 we've 14:25 15:10 15:11,11 17:3 18:1,18 19:17,20 19:21 20:12 21:12 26:6 45:3 52:3,11 53:13 74:4 83:10 112:23 124:15 128:19 141:18 160:2 207:5 what-to 57:10 wheel 42:14 wheels 77:3,5,6 127:25 190:15 WHEREOF 237:18 wider 176:21 William 3:6 9:12 10:16	willing 18:6 153:25 window 125:12 167:18 168:20 withdrawing 14:3,5 witness 4:2 10:21 29:8,8 33:24,25 34:11 68:6,9,24 84:23 85:10,18 111:6,11 112:4,5 119:12 124:20 127:18 136:18 148:4,19 188:19 192:20,22,24 196:19,23 197:15 197:19 203:4 204:18,23,24 205:7,17 236:1 237:18 witnesses 11:21,23 20:24 32:12,17,21 67:25 237:8,12 Wm 1:24 237:5,22 wonder 22:10 wondering 18:8 195:9 word 33:13 58:14 63:12,23 79:5 209:23,25 210:2 219:22 220:7,8,13 words 98:15 106:12 107:14 108:17 204:18 235:8 work 8:11 13:11 27:15 28:3,8,11,11 28:13,15 29:1,6,12 29:12 30:16,24 31:11,20,22 32:7 44:23 45:4,4 46:9 47:10 52:6 53:23 54:7 59:1,22 60:8 60:9,10 63:15 67:13,14 78:11,12 78:13,17 80:8,9 81:5 82:8,9 83:2 85:8 88:20 91:19 93:21 95:6 96:13 103:24 111:17 113:1,3,4,6 114:13 114:15,16 115:17 115:19,20 116:1 116:16 117:4,22 118:2 121:5 123:23 126:19,25 127:7,9 128:9 129:5,7,9,12,13 130:15 138:5,18 140:18 144:16 149:10 150:24	151:25 152:1,12 152:13,20 153:17 154:8,10,14 161:8 163:1,3,14,18 164:9 165:23 167:8 168:3,25 170:8 171:18 172:8 173:9,10,18 174:22,25 175:5 177:12,17 178:20 179:2,5,8,10,11,20 180:8,9,22 181:10 182:7,14,16,20,22 183:2,20 184:18 185:9,10,16 186:2 186:5,8,18,22,25 191:9,10,10 192:6 195:23,24 199:10 199:24 200:13 201:6,7,13,15,19 206:12 210:14 216:16,19 219:8 222:3 226:2,19 worked 139:6 149:15 153:20 154:2,19,22,23 163:16 185:15 216:6,6 218:5 workers 7:4 31:4,16 workhorses 168:25 working 36:15 52:18 70:11 102:22 110:10 146:17 151:1,17 154:17,18 155:17 169:25 170:1 186:15 191:5 203:11,15 204:8 204:10 workload 159:3 works 33:12 52:14 76:12 110:9 184:24 207:15 231:21 world 206:22 worldwide 35:15 225:10 worn 202:20 worst 133:21 worth 65:15 217:6 wouldn't 20:6 132:14 146:15 wrench 66:16 wrenches 90:13 write 201:13 202:17 207:23 written 25:8 83:3 115:15	wrong 161:17,20,24 172:13 192:18 201:18 203:21 <hr/> X Xerox 127:17 <hr/> Y yeah 60:23 61:2 102:13 104:21 110:14 134:12 154:16 168:15 173:5 183:10 188:19 198:22 201:3 203:22 year 36:10 37:8 51:21,24 97:11,11 97:11,11,12,13,18 99:15 143:25 144:1,3 170:11 181:23 209:8 213:10 215:23 216:4,9,14 217:3,6 222:1 yearly 49:20 97:17 97:18 105:23 225:21 years 23:25 24:1 34:23 36:2,9,20 44:9,9,10,15 106:13 198:19 206:2,5,8 223:12 yellow 189:11 York 39:12 47:20 47:22 48:7 49:8 <hr/> Z Z 83:8 209:18,21 211:4,7 231:8 Z5229 176:22 177:7 Z5311 232:4 Z5325 232:7 <hr/> \$ \$200 50:16 \$29,000 46:9 \$3,079,037 97:14 <hr/> I I 1:15 6:3,22 8:17 10:1,2 62:10 74:16,17,22,24 75:7,8 76:23 77:18,23 83:6 84:19 86:7 95:17 111:2,4 113:14,16 113:17,18,19,20 141:9 160:15
---	--	---	---	--

170:6 201:11	147 4:16	2008 6:15 7:11 86:7	24.10 227:2	42.22 226:20
1st 86:14	148 4:19	86:15,16 136:23	24.44 215:21	42.3 45:17
1,000 58:21,21	15 6:19 7:15 9:11	208:21 213:18,25	24/7 154:12	428 235:21
1.18 141:12	34:23 105:25	214:6 218:9	25 1:16 8:10 10:6	455-4671 2:18
1.3 95:17	113:21,22,25	221:14	35:18 83:12,14,15	46 100:14
1.3.4 141:17	114:2,4 115:24,24	2009 6:10 45:9,21	83:16 84:6,8	46A 48:21
1.3.5 98:9	172:5 180:25	51:22 183:7	167:17,20 215:2	486-3416 2:24
1/12th 99:20	188:18	216:10,15 217:5	26 8:11 103:23	486-3894 2:24
10 6:3,5,8,9,13,16	15,946 216:25	218:6,9	119:19,20 179:24	49.41 216:23 217:25
6:18,20 7:3,7,7,8	16 6:10 7:17 9:12	201 108:14	180:4 181:15	5
7:10,12,13,15,17	13:4 21:13 37:8	2010 7:11 45:13	27 8:13 111:10	5 6:13 8:22 47:23
7:18,20,21,23 8:3	214:20 215:6	48:19 49:14 51:22	188:16,20,23	60:22 87:4 215:2
8:5,7,8,17,18,19	230:20 232:22	70:8 208:21 218:8	190:1,3,4,6	5-31-13 14:14
8:20,22,23,24 9:3	233:1,2	218:17 221:14	28th 14:4	5.70 215:13
9:4,5,5,6,7,9,10,11	1630 2:11	2011 6:7,19 7:12	29 36:20	5.72 214:4 215:13
9:12,13,14,16,17	17 7:18 9:13 191:19	36:3,5 45:16	3	5:00 81:17 169:21
36:2 37:15,19,20	192:20 196:18	49:19 50:12 51:22	3 6:8,15 8:8,19 75:9	50 37:23
51:3,5,6,12,18	198:1,7,8	175:18 199:5	76:24 83:24	50.22 218:1
83:10 98:8 106:13	176 9:19	220:15 222:2,11	3rd 87:9	50/50 37:7 172:24
111:4 113:12	18 7:20 9:14 141:10	223:15 224:21	3,000,097 99:20	173:3
116:9 131:8	180 107:16	225:14,25 231:23	3:51 236:5	500 1:19 2:17
166:19 172:5	188 8:13	2012 6:22 7:12 70:8	30 107:15 110:3,4	180:15
231:2,17	19 7:21 9:16	74:1,3 77:14	167:22 177:6,14	51 7:7,8 45:15
10's 113:15	190 8:13	182:15 222:2	177:17 233:24	523C 231:1
10:00 154:23	193 4:20	225:14 227:7,13	234:1 235:17,19	552 27:10 33:14,17
10:30 169:20	196 9:21,21	2013 1:16 8:3 10:6	30-day 110:12	106:8 117:24
100 98:18 108:5	1969 36:20	86:7,15 237:19	30-plus 49:1	136:1,11 138:9
167:14 180:14	198 7:18	2014 8:3	300 180:14	139:24 142:15
229:13	1985 73:22 77:15,16	202 4:21	305 8:11	145:4,12 210:14
11 7:8 9:6 13:4	86:23 138:8	203 4:22	309 110:3	552215 2:17
18:18 19:9 21:12	2	204 4:23,24	31 125:22	555 2:22
43:23 50:18 51:5	2 6:5 8:7,18 90:20	205 5:4	31st 14:4	6
51:6,12,13,18 53:3	2,016 215:5	2080 216:3,6	31.3 45:12	6 6:16 8:23 62:16,19
83:10	2,032 214:1 215:5	21 8:3 9:3,19 13:5	32 127:13	95:17,18
11,955 233:18	2,453 227:5	24:16 176:6,10	338 22:24	6.1 127:17
235:20	2,470 218:18	233:5 235:6	338.016 27:7	6:00 169:22
11:00 169:22	2.1.1 93:5	21's 235:16	34 4:5	60 107:16 110:3
113 6:3 37:24	2.1.2.1 141:24	2130 226:10	34.51 219:1	170:15
114 7:15	2.1.5 103:22,23	2144 226:3	35 62:15	60,000 135:5
117 4:12	2.2.5.1 127:12	219 5:5	35.45 219:9	60-plus 37:10
119 4:13 8:11,11	2.2.5.3 110:25	22 8:5 13:5	352 35:7	600 2:5
12 7:10 9:7 13:4	111:13 123:2	22.88 215:21,22	36 117:9,10 160:9,9	607 15:19 16:18
21:12 99:16	2.2.6 125:22	221 5:6 7:10	182:9	18:10 22:24
166:19 181:24	2.2.6.1 127:15	2273 137:6,12	3800 2:4	607.420 18:10 21:7
208:6 219:14	2.20 110:24 111:9	228 5:7	382-5178 2:19	608 22:24,24
220:23 221:7,8,9	123:2	229 5:8 7:12	386-5107 2:12	64 4:6
12,916 226:17	2.45 217:23	23 8:7 9:21 93:5	386-9848 2:13	65 141:6
12-31-07 231:1	2.84 216:17 217:21	196:8,10,12,16	388.011 27:9	68 133:20
13 7:12 9:9 13:4	20 7:23 9:17 10:2	203:2,6	388.080 27:15	69 4:9 38:5,6
21:12 221:22	13:5 130:8 133:15	230 7:13	3900 2:23	7
227:20 229:17,19	135:3 176:20	2305 133:25 137:5,8	4	7 6:18 8:24 47:23
133 4:14	20,000 135:2	142:13	4 6:9 8:20	97:8,10 107:15
136 4:15	200 108:5 180:14	233 7:17	40 29:6 60:15 135:5	108:14 201:12
14 7:13 9:10 13:4	2000 215:19	233(b) 16:17	154:9 193:17	7,373 226:24
21:12 150:5,20	2001 35:10 36:3	235 5:9	194:10	7-day 108:15,21
152:9 154:5 155:4	2004 60:22	237 1:15	400 180:14	
230:8,14,17,18	2006 130:25	2373 137:11		
14-hour 226:14		24 8:8 10:1 141:24		

122:2				
7.01 226:8				
7:00 154:20,23				
70 167:9,11 168:8				
168:13				
70,000 37:10				
702 2:6,6,12,13,18				
2:19,24,24				
7049 1:25				
711 1:24 237:22				
75 168:13 173:7,9				
8				
8 6:20 9:3 116:9				
8th 237:19				
8.02 227:5				
8.85 218:21				
8:00 154:20				
80 60:16 130:7				
133:15				
80-20 60:14 61:6				
67:5				
83 4:10 8:10 38:25				
84 4:11 8:10				
89101-1068 2:23				
89102 2:12				
89155-2215 2:18				
89169 2:5				
9				
9 6:6 7:3 9:4				
9,636 218:24				
9,899 219:7				
9:18 1:17				
90 61:5,17 65:7,10				
66:10 67:1 107:16				
108:2 131:7				
90-10 61:6 66:24				
915 216:20				
921-2460 2:6				
921-2461 2:6				
99.02 141:5				
99.5 62:4,7				
99.65 62:8 98:17,21				
98:25 99:22,24				
100:18,22 101:4				
101:19 140:24				
141:17				
99.99 100:6				

Condensed Transcript of the
Testimony of

Hearing Proceedings
Volume II

Date: June 26, 2013

International Union of Elevator Constructors v. Bombardier
Transportation (Holdings) USA, Inc.
Case No. CBE-552

Oasis Reporting Services, LLC
Phone: 702-476-4500
E-mail: info@oasisreporting.com
Internet: www.oasisreporting.com

01556

ER1556

Page 238

1 BEFORE THE NEVADA LABOR COMMISSIONER

2

3 INTERNATIONAL UNION OF)
ELEVATOR CONSTRUCTORS,)

4 Complainant,)

5 vs.)

6 BOMBARDIER TRANSPORTATION)
(HOLDINGS) USA, INC.,)

8 Respondent.)

9 CONTRACT CBE-552)

10

11

12

13 HEARING BEFORE THORAN TOWLER
STATE LABOR COMMISSIONER
Volume II, Pages 238 - 513
Taken on Wednesday, June 26, 2013
At 9:04 a.m.
At Government Center, Coyote Room
500 South Grand Central Parkway
Las Vegas, Nevada

21

22

23

24 REPORTED BY: KEVIN WM. DANIEL, FAPR, RDR, CRR, CCR 711
25 Job No. 7050

Page 239

1 APPEARANCES:

2 For Respondent:

3 JACKSON LEWIS, LLP
BY: GARY C. MOSS, ESQ.
4 BY: PAUL TRIMMER, ESQ.
3800 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169
(702) 921-2460
(702) 921-2461 Fax
7 trimmerp@jacksonlewis.com
mossg@jacksonlewis.com

8

9 For Claimant:

10 MCCracken, Stemerma & Holsberry
BY: ANDREW J. KAHN, ESQ.
11 1630 Commerce Street
Suite A-1
Las Vegas, NV 89102
(702) 386-5107
13 (702) 386-9848 Fax
ajk@dcbsf.com

14

15 For Clark County:

16 OFFICE OF THE DISTRICT ATTORNEY
BY: E. LEE THOMSON, ESQ.
17 500 South Grand Central Parkway
P.O. Box 552215
Las Vegas, NV 89155-2215
(702) 455-4671
19 (702) 382-5178 Fax
e.thomson@clarkcountynvda.com

20

21 For the Labor Commission:

22 OFFICE OF THE ATTORNEY GENERAL
BY: Scott R. Davis, Deputy Attorney General
23 555 East Washington Avenue
Suite 3900
Las Vegas, NV 89101-1068
(702) 486-3894
25 (702) 486-3416

Page 240

1 Also Present: Audra L. Parton, Chief Assistant
2 to the Labor Commissioner
3 Renee Albert
Kathryn E. Kimball
4 Charles Lee
Michael Moran
5 Roy Ryan
William Stanley

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 241

1 INDEX

2

3 WITNESS PAGE

4

5 MELVIN SMITH

6 Further Redirect Examination By Mr. Trimmer . . .246

7 Recross-Examination By Mr. Kahn258

8 Further Redirect Examination By Mr. Trimmer . . .259

9

10 ALAN MOSS

11 Direct Examination By Mr. Trimmer260

12 Cross-Examination By Mr. Kahn280

13 Redirect Examination By Mr. Trimmer295

14 Recross-Examination By Mr. Kahn296

15

16 JOEL MIDDLETON

17 Direct Examination By Mr. Thomson298

18 Cross-Examination By Mr. Kahn346

19 Cross-Examination By Mr. Trimmer348

20

21 RANDALL WALKER

22 Direct Examination By Mr. Moss349

23 Voir Dire Examination By Mr. Kahn414

24 Direct Examination By Mr. Moss415

25 Cross-Examination By Mr. Kahn420

Page 242			
1	(Examinations Continued)		
2	Cross-Examination By Mr. Thomson	426	
3	Recross-Examination By Mr. Kahn	445	
4			
5	MIKE MORAN		
6	Direct Examination By Mr. Thomson	448	
7	Cross-Examination By Mr. Kahn	498	
8	Redirect Examination By Mr. Thomson	501	
9			
10	ANTHONY SCHNEIDER		
11	Direct Examination By Mr. Kahn	502	
12	Cross-Examination By Mr. Trimmer	509	
13			
14	EXHIBITS		
15	BOMBARDIER		
16	EXHIBIT DESCRIPTION MARKED RECEIVED		
17	B 2	402	
18	B 4	400	
19	B 5	375	
20	B 7	393	
21	B 8	411	
22	B 9	263	
23	B 22	415	
24	B 28 Excerpt from PowerPoint	250	252
25	titled "SIMS Time Reporting"		

Page 243			
1	(Exhibits Continued)		
2	EXHIBIT DESCRIPTION MARKED RECEIVED		
3	B 29 E-mail chain, top e-mail	252	254
4	dated January 19, 2011 to		
5	Melvin Smith and others		
6	from Ralph Decastro, with		
7	attachments		
8	COUNTY		
9	EXHIBIT DESCRIPTION MARKED RECEIVED		
10	C 1 Meeting Minutes dated	246	
11	January 11, 2010		
12	C 2 Untitled document, top line	305	
13	says, "1/13/10 - 1/14/10 -		
14	Conducted interviews and		
15	observations of on-site		
16	Bombardier Employees"		
17	C 3 Letter dated November 24,	246	
18	2009 to Michael Tanchek		
19	from Bob Kingston		
20	C 4 Letter dated March 30, 2010	246	
21	to Michael Tanchek from Bob		
22	Kingston		
23	C 5 Letter dated July 25, 2011	246	
24	to Michael Tanchek from Bob		
25	Kingston		
	C 6 Contract Documents,	246	
	11523.11/F-50-10 Automated		
	Transit System Equipment		
	dated September 1982		
	C 10 Contract No. 2013	246	
	C 11 Contract No. 2131 dated	430	
	December 7, 1999		
	C 12 Contract No. 2273, Volume	246	
	Number 2 of 5		
	C 13 Contract No. 2305	246	

Page 244			
1	(Exhibits Continued)		
2	EXHIBIT DESCRIPTION MARKED RECEIVED		
3	C 14 Contract for RFP NO.	246	443
4	06-001, Shuttle Bus		
5	Operations and Maintenance		
6	C 16 Excerpt from Contract No.	312	490
7	2305		
8	C 17 Letter dated November 3,	246	492
9	2010 to Ayman Hamed from		
10	John P. McGinley		
11	C 18 Letter dated October 5,	246	492
12	2010 to Jim Ryan from Don		
13	Wright		
14	C 19 Letter dated August 3, 2011	246	493
15	to Jim Ryan from Don Wright		
16	C 20 Letter dated October 5,	246	494
17	2010 to Jim Ryan from Don		
18	Wright		
19	C 20A Letter dated January 30,	246	494
20	2009 to Jim Ryan from Don		
21	Wright		
22	C 20B Letter dated January 8,	246	495
23	2010 to Jim Ryan from Don		
24	Wright		
25	C 33 Blanket Purchase Order	246	483
	4300011392-307		
	C 34 Purchase Order	246	484
	4500104430-307		
	C 35 Purchase Order	246	
	4500115626-307		
	C 36 Purchase Order	246	484
	4500148830-310		
	C 37 Purchase order	246	484
	4500152904-310		

Page 245			
1	(Exhibits Continued)		
2	EXHIBIT DESCRIPTION MARKED RECEIVED		
3	C 38 Unknown	246	484
4	C 39 Document headed "C Station	246	486
5	Doors (Main-East)"		
6	C 40 E-mail dated January 27,	246	482
7	2010 to Michael Moran from		
8	Steven Jay		
9	C 41 McCarran International	315	317
10	Airport Automated Transit		
11	Systems C-Gates, D-Gates,		
12	Terminal 3, Vehicle		
13	Equipment Manual, Rev. 0,		
14	May 2008		
15	C 42 E-mail chain, top e-mail	326	329
16	dated July 27, 2011 to		
17	Timothy Alvarez and others		
18	from Peter DeLeonardis		
19	C 43 Document titled "Shift	337	345
20	Status & Action Items,"		
21	dated June 25, 2013		
22	C 44 Curriculum Vitae for	246	458
23	Michael S. Moran		
24	UNION		
25	EXHIBIT DESCRIPTION MARKED RECEIVED		
	U 5	507	

Page 246

1 (Exhibits C1, C3-C6, C10, C12-14, C17-20B, C33-40, C44
 2 marked)
 3 P-R-O-C-E-E-D-I-N-G-S
 4 COMMISSIONER TOWLER: We'll go on the record.
 5 My name is Thoran Towler, Nevada Labor Commissioner.
 6 This is June 26th, 2013, Day No. 2 in the case of
 7 International Union of Elevator Constructors,
 8 Complainant, versus Bombardier (Holdings) USA, Inc.,
 9 Respondent, Contract CBE-552. I believe Bombardier is
 10 going to recall one of their witnesses.
 11 MR. TRIMMER: That's correct, we're going to
 12 recall Melvin Smith.
 13 Whereupon,
 14 MELVIN SMITH, (Recalled)
 15 having been first duly sworn to testify to the truth,
 16 the whole truth and nothing but the truth, was examined
 17 and testified as follows:
 18
 19 COMMISSIONER TOWLER: You have been sworn.
 20 I'll just remind you that you still -- any testimony
 21 you give under oath is sworn testimony.
 22 THE WITNESS: I understand.
 23 FURTHER REDIRECT EXAMINATION
 24 BY MR. TRIMMER:
 25 Q. Melvin, do you recall some testimony yesterday

Page 247

1 about a document, Union Exhibit 23?
 2 **A. Yes, I do.**
 3 Q. Do you have that document in front of you?
 4 It's the chart with red lines.
 5 **A. It's not in here.**
 6 MR. KAHN: It would be in my book. That was
 7 one of the ones that didn't get into the book.
 8 THE WITNESS: I can see it from here. I can
 9 see the Commissioner has also.
 10 MR. THOMSON: You can use my copy.
 11 THE WITNESS: Okay. I have it.
 12 BY MR. TRIMMER:
 13 Q. And when did Bombardier switch to SAP time
 14 coding?
 15 **A. January 1st, 2011.**
 16 Q. And was that phased in?
 17 **A. No, it was not. It was just an automatic**
 18 **switchover.**
 19 Q. Okay. And this document, Union Exhibit 23, do
 20 you recall how you received it?
 21 **A. Yes, I did receive this from my company.**
 22 Q. And do you recall when?
 23 **A. No. I really don't. Could have been the last**
 24 **week of December.**
 25 Q. Do you recall whether you distributed this to

Page 248

1 employees?
 2 **A. I don't recall distributing it to the**
 3 **employees.**
 4 Q. Do you recall preparing the highlighted rows
 5 though?
 6 **A. Yes, I do.**
 7 Q. And do you recall, was that close to the
 8 beginning of January, was it the end of January?
 9 **A. That was probably the first week of January**
 10 **when I did this, because I didn't fully understand all**
 11 **the codes myself.**
 12 Q. So this is the first document really where you
 13 went through SAP coding; is that correct?
 14 **A. Yes.**
 15 Q. And on this document, Union Exhibit 23, the
 16 chart was prepared by the company?
 17 **A. Yes.**
 18 Q. And you prepared the highlighted sections?
 19 **A. Yes.**
 20 Q. And why did you highlight the different rows
 21 on this document?
 22 **A. Well, from my understanding, not knowing what**
 23 **all those codes meant, I highlighted the ones in red**
 24 **that I felt that we didn't do at that site.**
 25 Q. Okay.

Page 249

1 **A. So I was just trying to minimize, you know,**
 2 **what the guys was using until I got trained.**
 3 Q. And that was based on your understanding --
 4 **A. Yes.**
 5 Q. -- of what the code represented?
 6 **A. Yes.**
 7 Q. Okay. So the first one that's highlighted was
 8 wayside heavy maintenance overhaul?
 9 **A. Yes. I did highlight that.**
 10 Q. And why did you highlight it?
 11 **A. Because we don't do wayside heavy maintenance**
 12 **overhaul.**
 13 Q. You also highlighted "Fare collection
 14 preventative maintenance tasks."
 15 **A. Yes, I did, because we don't have fare**
 16 **collection items at that site, at the Las Vegas site.**
 17 Q. Civil preventative maintenance task?
 18 **A. We do not do civil preventative maintenance.**
 19 Q. What is that?
 20 **A. That's like guideway structures, and the**
 21 **McCarran Airport's responsible for that, all civil**
 22 **work.**
 23 Q. But you also selected white, blue,
 24 nonmanufacturing management workmans' comp USO3?
 25 **A. Yes. We're not a manufacturing plant here in**

1 Las Vegas. So, yes.

2 Q. And white and travel time USO3?

3 A. Exactly. None of the guys there are white
4 collar. I was the only one, so they wouldn't use that
5 one.

6 Q. Now, after this document was issued, did you
7 receive, or I don't know about, you didn't say issued.
8 After this document you received it and created it, did
9 you receive formal training on SAP time coding?

10 A. Yes. I did later that week from Bombardier.
11 We had a teleconference and a Share Point or online
12 training.

13 Q. Did you have any communications with the
14 technicians about SAP time coding in between
15 January 1st and the time you received training?

16 A. Yes. I did let the guys know, I don't
17 understand this yet, so once I get the training, you
18 guys will get the training.

19 MR. TRIMMER: Okay. I'm going to show you a
20 document that will be marked as Bombardier 28.

21 (Exhibit B 28 marked)

22 BY MR. TRIMMER:

23 Q. And do you recognize what this document is?

24 A. Yes, I do. It's a PowerPoint document that I
25 put together to give the technicians training after I

1 received my training.

2 Q. Okay. And it's a PowerPoint. Why is it in a
3 PowerPoint?

4 A. It's in a PowerPoint because I gave the
5 training during the all-employee meeting on Wednesday.
6 That's when all the technicians are generally there.
7 The PowerPoint was projected on the screen, and I give
8 the handouts to the technicians so they could follow
9 along with the training.

10 Q. And you did this the first Wednesday after you
11 were trained?

12 A. Yes. I believe so, yes.

13 Q. Do you recall when that was, what date that
14 was?

15 A. The 12th.

16 Q. Of January?

17 A. Yes, of January.

18 Q. Did you create this document?

19 A. Yes, I did.

20 MR. TRIMMER: I ask that Bombardier 28 be
21 admitted.

22 MR. KAHN: Counsel, was this produced to us in
23 advance of this hearing?

24 MR. TRIMMER: Yes. The testimony is going to
25 show that the Union was provided with this document.

1 You contacted me about it. We did secondary training.

2 MR. KAHN: No. I'm talking about in
3 discovery.

4 MR. TRIMMER: Yes. You have it.

5 MR. KAHN: I have no objection.

6 COMMISSIONER TOWLER: All right. Bombardier
7 Exhibit 28 is entered.

8 (Exhibit B 28 admitted)

9 BY MR. TRIMMER:

10 Q. And Melvin, after you did that training on
11 January 12th, do you have an understanding of whether
12 the Union contacted Bombardier about this training
13 session?

14 A. Yes, the very next day.

15 Q. And what did you understand the contact to be?

16 A. Bill contacted Ralph DeCostro, which was our
17 HR director at the time, objecting to us changing the
18 codes and how the guys would enter it into SAP and
19 demanded that we go back to the old way of reporting.

20 MR. TRIMMER: I'm going to show you a document
21 that's going to be marked as Bombardier 29.

22 (Exhibit B 29 marked)

23 BY MR. TRIMMER:

24 Q. It's a string of e-mails with an attachment.

25 And I'll represent to you that it's been redacted, and

1 it's redacted the name of lawyers who were cc'd in this
2 communication. Do you recognize this document?

3 A. Yes, I do.

4 Q. And are you the melvin.smith in the "to" line
5 up there?

6 A. Yes, I am.

7 Q. Who's Ralph DeCostro?

8 A. He was at the time our HR director for the
9 Americas.

10 Q. And if you go to the third, the fourth page of
11 the document, it's the beginning of a PowerPoint.

12 A. Yes.

13 Q. Okay. And then the PowerPoint is 11 pages
14 along?

15 A. Yes, it is.

16 Q. Is that the charge codes.PPT that's referenced
17 as an attachment on the first page?

18 A. Yes, it is.

19 Q. And you created that PowerPoint?

20 A. Yes, I did.

21 MR. TRIMMER: Okay. I ask that B 29 be
22 admitted.

23 MR. KAHN: No objection.

24 BY MR. TRIMMER:

25 Q. You said that Mr. Stanley, it's your

Page 254

1 understanding at least --

2 COMMISSIONER TOWLER: Just a second. There

3 was no objection to B 29 being admitted? I'll just

4 note for the record that B 29, Bombardier Exhibit 29 is

5 admitted into the record.

6 MR. TRIMMER: I apologize.

7 (Exhibit B 29 admitted)

8 BY MR. TRIMMER:

9 Q. So you said it was your understanding that

10 Mr. Stanley contacted Ralph about the charge codes, the

11 presentation you gave?

12 A. Yes.

13 Q. And it's your understanding that -- do you

14 have an understanding of whether Ralph responded to

15 Mr. Stanley?

16 A. Yes, he did.

17 Q. And going to the first e-mail at the bottom of

18 the page on page 1 of B 29, that's an e-mail from Ralph

19 DeCostro to Bill Stanley?

20 A. Yes, it is.

21 Q. And what's your understanding of what Ralph

22 told Bill?

23 A. Basically that Ralph wanted to clear up any

24 misunderstanding between us and the Union and wanted

25 the support from Bill to ensure that the guys were

Page 255

1 properly trained on understanding the new SAP time

2 reporting.

3 Q. Okay. That's on --

4 A. And he apologized for any miscommunication

5 that there may have been.

6 Q. And then there's a second e-mail from Ralph to

7 Bill; do you see that?

8 A. Yes, I do.

9 Q. On January 19th, 2011?

10 A. Yes.

11 Q. And it has an attachment, I guess?

12 A. Yes.

13 Q. What did you -- what happened as a result of

14 Ralph's communications with Bill?

15 A. I had to revise my original training to make

16 it more clear and understandable for the technicians,

17 with definitions so there will be no misunderstandings

18 as to what needs to be reported and how the new

19 terminologies will be used.

20 Q. I want to go back to B 28 for a second. And I

21 want to go to the last page of the exhibit. Yesterday

22 there was a suggestion that you had instructed

23 technicians not to code things as heavy maintenance

24 overhaul, and it was based on Union Exhibit 23. Do you

25 remember that questioning?

Page 256

1 A. Yes.

2 Q. Okay. Based on this last page of the

3 document, what would you say about your instructions to

4 technicians about whether they could code wayside heavy

5 maintenance overhaul?

6 A. That I gave them instructions as to how to

7 code these items that are on the final page of B 28,

8 telling them use these codes, and these are the ones --

9 this is what they're related to.

10 Q. So they were allowed to bill time that way?

11 A. Yes.

12 Q. And they were allowed to bill time as vehicle

13 heavy maintenance overhaul?

14 A. Yes.

15 Q. And it's your understanding that the Union had

16 this document in January 2011, correct?

17 A. Yes.

18 Q. Okay. Now, going back to B 29, I want to just

19 briefly go through that PowerPoint, a couple of the

20 pages. If you go to the third page, which is entitled

21 "PM versus CM"; do you see that?

22 A. Yes, I do.

23 Q. And what is this depicting? Why did you

24 include this information?

25 A. Basically to explain to the technicians how

Page 257

1 they would use the new charge code, vehicle

2 preventative maintenance, so I gave them an example of

3 what a preventative maintenance task would be.

4 Q. Then the next page, what's that about?

5 A. Same thing. Giving them an example of what a,

6 with the new code, platform door corrective maintenance

7 tasks. I gave them an example of what a corrective

8 maintenance task would be.

9 Q. And then if you go to page 8 of the slides.

10 A. 8?

11 Q. Yes.

12 A. Yes.

13 Q. It's entitled "Charge Codes" at the top?

14 A. Yes. That page right there shows the new

15 codes that we were using in SAP and comparing it

16 against what they would have used in the past as an old

17 code. So, I just gave, what, four different examples,

18 I'm sorry, three different examples.

19 Q. Okay. After you gave this training on

20 January, do you remember when you gave this training?

21 A. Now, we're going into the third week of

22 January. Had to have been around the 19th, depending

23 on whatever that date was, 18th, 19th.

24 Q. When you say it had to be the 19th, is that

25 because it's a Wednesday?

<p style="text-align: right;">Page 258</p> <p>1 A. Yes. It would have been on a Wednesday 2 because that's when we had the overlap of two shifts. 3 Q. And why would that be important? 4 A. You could get everybody trained at one time. 5 Q. After you conducted this training on 6 January 19th, did you receive any complaints or 7 questions about how to code time? 8 A. No. No complaints. 9 MR. TRIMMER: That's it. 10 COMMISSIONER TOWLER: Mr. Kahn? 11 RE CROSS-EXAMINATION 12 BY MR. KAHN: 13 Q. Yes. There is a question. Union Exhibit 23. 14 Do you have that? 15 A. Um-hum. 16 Q. I noticed in red it says "Deletes track 17 corrective maintenance tasks," the second box at the 18 bottom. 19 A. Yes. 20 Q. If the techs were out on the guide rail and 21 repairing the clamshells that run along the guide rail, 22 how would they code their time for that? 23 A. That would probably be corrective maintenance, 24 the track corrective maintenance. 25 Q. That would have been track corrective</p>	<p style="text-align: right;">Page 260</p> <p>1 unless Bombardier needs more time, they'll call their 2 next witness. 3 MR. TRIMMER: That's correct. Let me get my 4 papers in order here. 5 Bombardier calls Alan Moss. 6 Whereupon, 7 ALAN MOSS, 8 having been first duly sworn to testify to the truth, 9 the whole truth and nothing but the truth, was examined 10 and testified as follows: 11 12 COMMISSIONER TOWLER: Please state your name 13 and spell your last name for the record. 14 THE WITNESS: Alan L. Moss, M-O-S-S. 15 COMMISSIONER TOWLER: Go ahead, Mr. Trimmer. 16 DIRECT EXAMINATION 17 BY MR. TRIMMER: 18 Q. Mr. Moss, are you currently employed? 19 A. I am. I'm Senior Consultant with Employment 20 Research Corporation. This is a consulting firm that 21 does research in terms of forensics, labor market 22 information, and economic issues. 23 Q. And I noticed that you have a PhD. Where did 24 you obtain your PhD? 25 A. Catholic University of America with a</p>
<p style="text-align: right;">Page 259</p> <p>1 maintenance before this change. What did it switch to? 2 A. I don't know. 3 MR. KAHN: You don't know. Okay. Nothing 4 further. 5 MR. TRIMMER: I just have one follow-up 6 question. 7 COMMISSIONER TOWLER: Go ahead. 8 FURTHER REDIRECT EXAMINATION 9 BY MR. TRIMMER: 10 Q. How long was Union Exhibit 23 in effect? 11 A. How long? 12 Q. Well, let me put it this way -- 13 A. Until I got trained. 14 Q. Okay. And then do the PowerPoints in B 28 and 15 B 29, did they supplant Union Exhibit 23 to the extent 16 it was even circulated among the employees? 17 A. Yeah. It's right down at the bottom of this 18 where it says "Track corrective maintenance tasks." 19 COMMISSIONER TOWLER: Bottom of which? 20 THE WITNESS: The first one, B 28 and B 29. 21 MR. TRIMMER: No further questions. 22 MR. KAHN: Nothing further. Thank you. 23 THE WITNESS: I'm going to go catch a plane. 24 Thank you. 25 COMMISSIONER TOWLER: I believe at this point,</p>	<p style="text-align: right;">Page 261</p> <p>1 speciality in human resources. 2 Q. When did you attain that? 3 A. 1981. 4 Q. And you also have worked at the Department of 5 Labor, correct? 6 A. Yes. I worked there for a little over 35 7 years. I was a Chief of Labor Market Information, 8 Director of Wage Determinations for 12 years, including 9 administration of the prevailing wage provisions of the 10 Davis Bacon Act and the Service Contract Act, and then 11 finally Chief Economist of the Wage and Hour Division. 12 Q. And did you have any role in preparing these 13 standard occupational classifications? 14 A. The SCA Directory of Occupations which is used 15 under the service contract was something that I 16 initiated. It's very difficult if you don't really 17 know what occupation you're talking about, and if you 18 have to get each new occupation analyzed and determine 19 which occupation, which workers fall where, it becomes 20 very time-consuming and wasteful. So we developed a 21 standard set of occupations and in effect told the 22 contracting agencies, find the one that fits. And if 23 there isn't one that fits, then we'll do conformance. 24 Made our life a lot easier. 25 Q. So you wrote the book, so to speak?</p>

Page 262

1 A. Well, I hired a contractor who wrote the book,
 2 yes.
 3 Q. Do you have any other work experience?
 4 A. Yes. While I was working at the Department of
 5 Labor, I was adjunct instructor at the University of
 6 Virginia's Northern Virginia Center. I also taught at
 7 other area universities during that period.
 8 Q. And you've been retained as an expert witness
 9 in this case, correct?
 10 A. I have.
 11 Q. And did you prepare an expert witness report?
 12 A. I did.
 13 Q. I'd like you to pull the folder next to you,
 14 the three-ring binder, and turn to Tab 9.
 15 A. Yes.
 16 Q. And that's a fairly lengthy document. Can you
 17 look through it and tell me what it is?
 18 A. It's the result of my research under
 19 Employment Research Corporation, under their contract
 20 with Bombardier.
 21 Q. Is this the expert witness report you prepared
 22 in this case?
 23 A. It is.
 24 MR. TRIMMER: Okay. I'd like to admit it,
 25 Exhibit 9.

Page 263

1 MR. KAHN: No objection.
 2 COMMISSIONER TOWLER: Bombardier Exhibit 9 is
 3 admitted.
 4 (Exhibit B 9 admitted)
 5 BY MR. TRIMMER:
 6 Q. What did you understand to be the primary
 7 purpose of the report?
 8 A. The number one purpose was to be able to find
 9 the occupation on the Clark County prevailing wage
 10 listing that best represents the work of the ATS
 11 technician at McCarran.
 12 Q. And how did you determine an answer to that
 13 question?
 14 A. We posed actually four other questions.
 15 First, is the elevator constructor occupation
 16 suitable?
 17 Second, should Dr. Murphy's report, should
 18 those conclusions be observed?
 19 Third, what is the work of the ATS technician?
 20 And fourth, what standard occupations might
 21 represent that work, and what wages would be
 22 appropriate for those occupations?
 23 Q. So those were the questions. What methodology
 24 did you use to answer those questions?
 25 A. It was fairly lengthy. We looked at the

Page 264

1 elevator constructor job description, the ATS
 2 descriptions, the wage data for those occupations, the
 3 worker requirements, apprenticeship requirements for
 4 elevator constructors. We also visited the site of the
 5 automated people-mover system. Those were some of the
 6 key steps.
 7 Q. Did you analyze statistical data?
 8 A. We did. We looked at BLS statistical data in
 9 order to obtain relevant wage rates and total
 10 compensation.
 11 Q. And did you review the Standard Occupational
 12 Classification Manual?
 13 A. Yes. That was kind of the first step. Gives
 14 you the universe of occupations.
 15 Q. And so that's some of the things that you
 16 looked at. What were the sources of data that you
 17 used?
 18 A. Okay. Well, again we looked at the Standard
 19 Occupational Classification Manual, observing their
 20 principles, which are, the important pieces of evidence
 21 are the tasks and the requirements of the job.
 22 We looked at the occupational employment
 23 statistics program for wages, the employee/employer
 24 costs of employee compensation for total comp and
 25 benefits, the North American Industry Classification

Page 265

1 System for Industries, the Industry Occupational
 2 Matrix, which allows you to cross occupations within
 3 industry, the apprenticeship requirements for elevator
 4 constructors, the job descriptions for APM technician,
 5 the contract between Bombardier and Clark County, the
 6 Clark County Prevailing Wage List. Those were some of
 7 the sources.
 8 Q. Did you review A Guidebook for Planning and
 9 Implementing APM --
 10 A. Yes. We looked at a lot of information about
 11 automated people-mover systems.
 12 Q. Using that data and information, did you reach
 13 conclusions about what work is performed by ATS transit
 14 technicians?
 15 A. Yes. Our conclusion was that the ATS
 16 technician at McCarran really is a vital employee who
 17 keeps the system running 24/7. He does that by
 18 servicing vehicles, the guideways, the stations and all
 19 the electrical and electronic components. And that
 20 means a continuous process of testing, adjusting,
 21 repairing, replacing equipment in order to keep the
 22 system running properly.
 23 Q. Can you give some specific examples of tasks
 24 that ATS technicians performed?
 25 A. Yes. For example, if you have a stalled car,

1 they can travel to the car, start it, take it to the
2 next station and allow people to detrain. They work on
3 all the components of the cars, the wheels, the cars,
4 the propulsion system, the braking system. They really
5 keep the cars serviced.

6 They service the guideways, keeping them clear
7 of litter and keeping them clean with power hoses, with
8 water. They also keep the stations functioning
9 properly and service all the electrical and electronic
10 equipment that's involved.

11 Q. Did you consider the work area in which these
12 tasks are performed?

13 A. We did. Well, the context of this work is
14 really the transportation and warehousing industry,
15 industrial sector, and this is a special urban transit
16 system that they're working on, and the areas that I
17 saw when I was there were very impressive. They're
18 very clean. They work generally below the trains in
19 shop areas and also in station areas. Seem to provide
20 a very favorable environment for work.

21 Q. How about the educational background of the
22 technicians?

23 A. Yeah. In general, entry requires high school
24 diploma, two years of specialized training.

25 Q. And how about their salary ranges?

1 A. The range that I saw advertised I believe in
2 2011 was somewhere like 17 to \$28, depending on the two
3 levels.

4 Q. And did you also consider the kind of work
5 performed by elevator installers and repairers?

6 A. We did. This is a very different occupation.
7 It has responsibility for actually installing electric
8 and hydraulic freight and passenger elevators and also
9 service and repair of elevator systems. Normally these
10 workers, they're part of the construction industry.
11 They work for construction contractors, special
12 contractors, and they travel from one construction site
13 to another or one finished building to another to
14 either install or repair elevators.

15 Q. And did you consider the context in which
16 elevator installer and repairer work is performed?

17 A. Again, this is not the transportation
18 industry, it's the construction industry. And you're
19 talking about work in elevator shafts that can be
20 cramped and dangerous. You're just talking about an
21 entirely different kind of environment than the APM
22 technician works in.

23 Q. Are there apprenticeship requirements for
24 elevator constructors?

25 A. Yeah. This is another major difference. The

1 elevator constructor repair requires a four-year
2 apprenticeship, including 144 hours of technical
3 training each year, and 2,000 hours of paid on-the-job
4 training. So when you contrast that with the APM
5 technician high school diploma and two years, it's
6 quite a difference.

7 Q. Now, you mentioned construction context. In
8 the course of your work at the Department of Labor, did
9 you often review the application of Davis Bacon and its
10 requirements?

11 A. Yeah. Davis Bacon is construction, and very
12 often elevator constructors are part of the wage
13 determination that we would issue.

14 Q. Can you give me some more specific examples of
15 the work performed by elevator constructors?

16 A. Okay. Well, they actually install steel
17 frames and cables. They assemble the elevator car and
18 counterweight sling. They do repair work. They do
19 identification of the problems. Those are some
20 examples.

21 Q. Based on this information, did you reach a
22 conclusion regarding the comparability of ATS
23 technicians and elevator repairmen?

24 A. Yeah, I just thought they were very different
25 occupations in terms of what they do, their training,

1 the work environment. There just were very few
2 similarities.

3 Q. Would it be appropriate to use a elevator
4 repairman wage rate for ATS technicians?

5 A. No.

6 Q. Now, did you also consider what kinds of
7 occupations are comparable to ATS technicians?

8 A. Yeah. So the next step -- we ruled out
9 elevator constructor -- was to try and find through the
10 SOC occupations that do fit. And -- could I get some
11 water?

12 COMMISSIONER TOWLER: Yes.

13 THE WITNESS: So the next step was to look at
14 the SOC and find occupations that were comparable to
15 the APM technician. And we did identify three. None
16 of them are perfect match, but we think they're fairly
17 close in a lot of important respects.

18 They're the electrical and electronic
19 technician repair and installer, transportation,
20 electronic technician commercial and industrial
21 equipment, and electro-mechanical technician.

22 Each of these occupations does a lot of the
23 same things. They test electrical components, they
24 repair, they do preventative maintenance. It's all a
25 lot of the same duties. Each of them also requires two

Page 270

1 years of training over and above high school. Their
 2 working conditions are favorable. So in just about
 3 every important respect, we thought that these
 4 occupations fit as fairly good matches.
 5 BY MR. TRIMMER:
 6 Q. Specifically with respect to the electrical
 7 and electronic installer and repairer, transportation,
 8 what kind of systems are, I don't know, electronic
 9 devices do they work on?
 10 A. They work on trains and water craft, mainly.
 11 Q. And what kind of duties do they have?
 12 A. Again, they have the same kind of duties in
 13 terms of testing, installing, servicing electrical,
 14 electronic equipment.
 15 Q. And what is the context in which they perform
 16 their work?
 17 A. Favorable working conditions and working
 18 environment.
 19 Q. And do you recall what the median hourly wage
 20 was for electrical and electronic installers and
 21 repairers, transportation?
 22 A. All three are about \$25. I don't recall each
 23 one.
 24 Q. So that was electronic, electrical and
 25 electronic installer and repairer, transportation. I

Page 271

1 don't know how to shorten that.
 2 The next one was electrical and electronics
 3 repairers, commercial. What's that?
 4 A. Yeah, they're the same kind of steps, but this
 5 time in a factory setting.
 6 Q. So basically the same duties?
 7 A. Pretty much, yeah.
 8 Q. And basically the same work setting?
 9 A. Yes.
 10 Q. Same educational requirements?
 11 A. Yes.
 12 Q. And electro-mechanical technicians, that's the
 13 third?
 14 A. Yeah. This one is a little different.
 15 They're dealing with vehicles that aren't operated by
 16 individuals in them, and they range from undersea
 17 vehicles that service oil wells and other kinds of
 18 electronic, electrical vehicles, but again, their work
 19 is very similar. They're working in a separate
 20 location, environmentally controlled. Many of these
 21 workers require a two-year associate's degree, but
 22 overall we thought it was pretty -- fairly similar.
 23 Q. Do they use oscilloscopes and voltmeters?
 24 A. Yes.
 25 Q. And they install electrical or electronic

Page 272

1 parts?
 2 A. (Witness nods head up and down.)
 3 Q. And they use hand tools?
 4 A. They do.
 5 Q. And what's the context in which they perform
 6 their work?
 7 A. Again, the working conditions are favorable.
 8 Q. What was your conclusion with respect to these
 9 three classifications?
 10 A. Well, we felt they all were appropriate
 11 proxies for the APM, ATS technician, in terms of what
 12 they do, where they work, what their requirements were
 13 to get their jobs. We thought they represented a good
 14 proxy.
 15 Q. And what was the next step in your analysis?
 16 A. Well, the next step then was to look at the
 17 range of wage rates that these occupations represented.
 18 Again, the average wage I think was around \$25 for the
 19 three of them.
 20 So again, we thought that this was fairly
 21 appropriate, but then we wanted to go the next step --
 22 actually two steps: One, to go to Las Vegas local area
 23 to see what these jobs pay here in terms of mean
 24 wages -- not median, but mean, since you're using mean
 25 in your Prevailing Wage List -- and then once we found

Page 273

1 those wages, we're able to inflate them with benefits
 2 to total compensation. And so that gave us a range. I
 3 think it's \$28 to \$41 was the total compensation range
 4 represented by the three occupations.
 5 So then the next step was to look at the
 6 Prevailing Wage List to see, is there an occupation
 7 that's fairly close in terms of duties and one whose
 8 prevailing wage fell within that range. And we did
 9 think that the communications technician installer,
 10 electrical communications technician was an appropriate
 11 match, and I believe their wage rate is \$39, so that
 12 fell within the range of the three occupations.
 13 Q. When you say "wage," do you mean total
 14 compensation?
 15 A. Total comp, yes.
 16 Q. And so that was your conclusion with respect
 17 to what was the most appropriate existing
 18 classification?
 19 A. It seemed to us that was a good match, yes.
 20 Q. Did you also review and evaluate Kevin
 21 Murphy's expert witness report?
 22 A. I did.
 23 Q. Okay. And first, did you look at the kinds of
 24 sources he used?
 25 A. Yes.

Page 274

1 Q. And what was your opinion of that?

2 A. Yeah, he looked at O*NET data. He looked at

3 the job descriptions. He didn't look at all at wage

4 data. He looked at a number of sources. The problem

5 was he concludes that the occupations are the same, but

6 he doesn't tell you why or how.

7 Q. Which -- back up for a second. Which

8 occupations did he conclude were the same?

9 A. Well, he concludes that the elevator

10 constructor and the ATS technician are basically the

11 same, that the two overlap. In fact, he says that the

12 ATS occupation could be more skilled than the ATS

13 technician. Which is irrational in terms of the wage

14 rate, because the total comp for the elevator

15 constructors double.

16 Q. Do you think you could perform a proper

17 analysis of the job classifications without considering

18 wage rates?

19 A. It's an important consideration. Also, the,

20 not just the tasks which are so different. I mean,

21 elevator constructor actually installs an entire

22 system; the ATS technician doesn't. The elevator

23 constructor has that four-year apprenticeship; the ATS

24 technician doesn't. The elevator constructor has to

25 have a lot of construction skills; the ATS technician

Page 275

1 doesn't. So I was basically puzzled how he could draw

2 the conclusions that he did.

3 Q. Did you consider the manner in which he

4 collected his data? Specifically, I'm talking about

5 the interviews and questionnaires?

6 A. Again, I thought that was puzzling. I guess

7 the Union selected four experienced technicians for him

8 to interview, so there's no randomness. There's no

9 talk of the universe or how reliable a sample could be.

10 And given that, you know, this issue that I'm sure the

11 workers are aware of, it seems to me that would

12 introduce some prejudice in terms of what the responses

13 would be.

14 Q. When you say "this issue," what are you

15 talking about?

16 A. I'm talking about the dispute in terms of what

17 the proper wage rate should be.

18 Q. So you're saying that interviewing

19 complainants could lead to bias?

20 A. Yes.

21 Q. And he also interviewed all of them at the

22 same time in group sessions; isn't that right?

23 A. Yeah. I didn't understand that either,

24 because that way they're going to be influenced by what

25 the others had to say, so --

Page 276

1 Q. Is it proper scientific method to do group

2 interviews like that?

3 A. Not in terms of a statistical survey like

4 that.

5 Q. And so what was your conclusion regarding

6 Kevin Murphy's report?

7 A. My conclusion was that his conclusion should

8 not be accepted.

9 Q. Okay. I want you to turn in your book to

10 Exhibit 17. That's a tool list.

11 A. Uh-huh. Right.

12 Q. Have you seen that before?

13 A. I'm not certain that I have.

14 Q. I thought I'd shown that to you. Is this the

15 tool list that was attached to Kevin Murphy's report?

16 A. Actually, I don't think my copy had it.

17 Q. Okay.

18 A. I know he listed it as a source, but I'm

19 pretty certain that I don't have it.

20 Q. Oh, okay. I see. I see. Well, let me ask

21 you one more question. If you could turn to Exhibit --

22 can we go off the record for a second?

23 COMMISSIONER TOWLER: Yes. We're off the

24 record.

25 (Discussion off the record.)

Page 277

1 MR. TRIMMER: Okay, back on the record.

2 COMMISSIONER TOWLER: We are back on the

3 record.

4 BY MR. TRIMMER:

5 Q. Can you look at Exhibit 21 in your folder?

6 A. Yes.

7 Q. Have you seen this document before?

8 A. Yes.

9 Q. And what's your understanding of what it is?

10 A. It's the current CBA, Collective Bargaining

11 Agreement.

12 Q. Did you review this before you prepared your

13 report?

14 A. No.

15 Q. After?

16 A. Yes.

17 Q. So you didn't rely on it in any way?

18 A. No.

19 Q. But having reviewed this Collective Bargaining

20 Agreement, does it inform your opinion of whether

21 elevator constructor is the appropriate classification

22 for these men?

23 MR. KAHN: I object on the grounds set forth

24 in the previous brief supplied on the subject. How

25 public employees are classified has never before, to my

Page 278

1 knowledge never been considered by the Nevada Labor
 2 Commissioner's office. The statute says determination
 3 is based on a survey of contractors, and the County's
 4 not a contractor.

5 MR. TRIMMER: With all due respect, the
 6 statutes that you're citing are speaking to the
 7 establishment of a new classification. This is a
 8 contested case, talking about how these men should be
 9 properly categorized. This is a Collective Bargaining
 10 Agreement that was negotiated by the Union's
 11 representative immediately after the contract was
 12 terminated. It's relevant to that. It's relevant to
 13 the work that they do.

14 COMMISSIONER TOWLER: You know, I understand
 15 the objection. I think that the Union is making a good
 16 argument, but just for the ease of ascertaining the
 17 facts, it will go to weight, you know, because this
 18 is -- it is true that the County is not a contractor,
 19 but I'll allow it.

20 BY MR. TRIMMER:
 21 Q. Did you review the wage rates in the
 22 Collective Bargaining Agreement?

23 A. I did.

24 Q. And what was -- what did that tell you?

25 A. Well, I just thought one could interpret the

Page 279

1 CBA as pretty much endorsing the classifications and
 2 rates that traditionally have been used.

3 Q. Did it call these men elevator constructors?

4 A. It did not.

5 Q. What did it call them?

6 A. I guess ATS technicians.

7 Q. And do you have an understanding of whether --
 8 of why people have concerns about using public
 9 Collective Bargaining Agreements to inform private
 10 prevailing wage rates?

11 A. Well, state and local government total comp
 12 exceeds private industry total comp, and you really
 13 can't compare them because the occupational mix is so
 14 different. State and local is loaded with teachers and
 15 professional employees. The private sector has a lot
 16 of sales and manufacturing jobs. So the occupational
 17 mix is very different.

18 Also, in the private sector, the defined
 19 pension plans are pretty much dying away. State and
 20 local governments still have those pension plans, in
 21 many cases.

22 Q. Now, subject to those, those are general
 23 concerns?

24 A. Yeah, and BLS will tell you not to compare the
 25 two, that the occupational mix is so different. You

Page 280

1 really can't draw any conclusions.

2 Q. But do those generalized concerns apply to
 3 this specific agreement?

4 A. No. Well, here you're dealing with the same
 5 occupation. There is no occupational mix. It's just
 6 one occupation.

7 MR. TRIMMER: No further questions.

8 CROSS-EXAMINATION

9 BY MR. KAHN:
 10 Q. Dr. Moss, you mentioned that part of your
 11 methodology included visiting the site where ATS
 12 technicians work. Isn't that correct?

13 A. That's correct.

14 Q. But isn't it true that before preparing your
 15 report, you had not toured the work site?

16 A. That's true. I had toured --

17 Q. And isn't it true that you had not
 18 communicated with any of the ATS technicians about
 19 their work before preparing this report?

20 A. That's correct.

21 Q. You only communicated with their managers?
 22 Isn't that correct?

23 A. Well, I talked to a lot of database personnel,
 24 Bureau of Labor Statistics.

25 Q. But in terms of the parties involved, you

Page 281

1 talked to the management side only; isn't that correct?

2 A. Yes.

3 Q. And did they not have a bias in terms of the
 4 responses they would give to your questions based on
 5 the pendency of this dispute?

6 A. I didn't survey them to come up with data that
 7 would be used in my conclusions.

8 Q. But you relied on their observations to some
 9 extent about the conditions of the work and how the
 10 work, what kinds of work was performed, correct?

11 A. No.

12 Q. You did that entirely based on documents you
 13 received?

14 A. Yeah, and my visit to the facility.

15 Q. And that visit to the facility came after you
 16 prepared your report?

17 A. I visited the Denver facility back several
 18 years ago.

19 Q. When was that?

20 A. It was a number of years ago, yes.

21 Q. 2000 --

22 A. I'm not sure. It was --

23 Q. Now, had you toured the work site of any
 24 elevator repairers or communicated with any of them
 25 about their work before you prepared your report?

Page 282

1 **A. No. I did go through the --**
2 Q. You've answered the question. So I just asked
3 you --
4 **A. Okay.**
5 Q. -- yes or no, so. And had you observed the
6 work of communications techs before you prepared your
7 report?
8 **A. No.**
9 Q. Had you talked with any communications
10 technician or employer of communications technician
11 before you prepared your report?
12 **A. No.**
13 Q. Do communications technicians work on door
14 systems?
15 **A. I don't believe they do.**
16 Q. How about brakes and tires?
17 **A. No.**
18 Q. Did you do an analysis of the ATS technician
19 in terms of the balance of work that could be called
20 electrical versus mechanical?
21 **A. I did certainly observe and analyze the two.**
22 **The thing is the electrical and electronic tend to be**
23 **higher skilled and higher paid, so I kind of focused on**
24 **those skills more than the mechanical in analyzing**
25 **other occupations.**

Page 283

1 Q. Were you aware that the commissioner's office
2 lists truck repairmen and heavy equipment repairmen as
3 posted job classifications?
4 **A. Yes.**
5 Q. And did you provide any consideration in your
6 report to using those classifications?
7 **A. No. I looked at the railcar repairer. I**
8 **thought that could be used, but again, the job**
9 **qualifications were just high school, and the wages**
10 **were lower, so I didn't include that.**
11 Q. Do you know how many years related experience
12 on average the McCarran ATS technicians have when they
13 were hired? I'm talking about they actually had, not
14 what's listed on the minimum requirements?
15 **A. No.**
16 Q. Did you have any discussion with anyone in
17 management about the level of related experience techs
18 had before they came to work at McCarran?
19 **A. No.**
20 Q. Now, part of the reason you're here today,
21 isn't it, is because you have the credentials of having
22 worked on the SCA Directory of Occupations, correct?
23 **A. Correct.**
24 Q. When you were at the DOL, were there staff
25 other than yourself who worked on updating the

Page 284

1 directory?
2 **A. I was involved in the first two editions.**
3 **Both of them were prepared by contractor many years**
4 **working on the Dictionary of Occupational Titles, which**
5 **is kind of the granddad of these different tools.**
6 Q. So we're now, as of today, on the fifth
7 edition of that directory; isn't that correct?
8 **A. We are.**
9 Q. And when was the directory last revised? When
10 did that fifth edition come out?
11 **A. It's fairly recent, I believe.**
12 Q. Does 2006 sound correct?
13 **A. It could be. Not as recent as I thought.**
14 Q. I've got a document that may help refresh your
15 recollection on that issue. I had had a document.
16 Give me a moment here.
17 COMMISSIONER TOWLER: Take your time.
18 MR. KAHN: Sorry.
19 COMMISSIONER TOWLER: It's no problem.
20 MR. KAHN: We'll deal with that at a break. I
21 don't want to take up more time.
22 BY MR. KAHN:
23 Q. When you worked for the DOL, were there ever
24 objections raised by someone outside the agency to some
25 contents in the directory?

Page 285

1 **A. I can't recall any specific objections.**
2 Q. Do you know if in general DOL staff, if
3 someone objected to the contents of that sort of
4 directory, would give consideration to objections?
5 **A. I believe -- now this was after I retired. I**
6 **believe they issue what they call a crosswalk before a**
7 **revision is introduced, and that gives the interested**
8 **parties an opportunity to review and comment. But when**
9 **they did it with this fifth edition, the crosswalk did**
10 **not include the job description changes that I think**
11 **you want to refer to, so people didn't really have an**
12 **opportunity before it was issued to comment.**
13 Q. And after it was issued, was there anything
14 restricting them from commenting?
15 **A. No. I'm sure there wasn't.**
16 Q. And did you or anyone you know submit anything
17 to the DOL in opposition to their current definition of
18 "elevator repairers"?
19 **A. I didn't, no.**
20 Q. And you left the agency about four years
21 before, roughly before --
22 **A. 2002.**
23 Q. And so if the fifth edition came out in 2006,
24 were there still some people you worked with at the
25 agency who were still there, the people that worked on

1 the directory?

2 **A. No.**

3 Q. Everyone had left?

4 **A. No. Because the contractor that I employed to**
5 **do it was not employed for editions after the second.**

6 Q. And roughly how long ago was the second
7 edition? Early '90s?

8 **A. Long time.**

9 Q. Now, you list in your report on page 9 some
10 factors distinguishing the two occupations of elevator
11 constructor and ATS mechanic. I'd like to go through
12 that list with you if you could pull that out. Do you
13 have that in front of you?

14 **A. I've got it.**

15 Q. Are the factors you list on this matrix, this
16 chart, approximately of equal significance in your
17 view?

18 **A. No.**

19 Q. Which of the factors do you consider to be the
20 most important?

21 **A. I thought the installation of the elevator**
22 **system in terms of the steel frames, cables, motors,**
23 **control systems is very important and the**
24 **counterweight. And then the -- I guess I felt that was**
25 **the most important.**

1 Q. Now, are you aware that there are some
2 elevator constructors who only work doing service and
3 repair?

4 **A. I am aware of that.**

5 Q. And do you have any sense of what proportion
6 of those in the elevator constructor classification
7 worked doing service and repair, as opposed to initial
8 installation?

9 **A. No. But I know they both go through that**
10 **four-year apprenticeship, and the wages, the total comp**
11 **is the same.**

12 Q. But in terms of the actual work done in the
13 field, how it balances between construction and
14 service, you don't have any sense; is that correct?

15 **A. That's correct.**

16 Q. Now, you claim that ATS techs belong to the
17 transportation industry. Is that based primarily on
18 the fact their work is at an airport?

19 **A. No. The fact that they're -- that they work,**
20 **that they service an urban transit system which is**
21 **within the transportation and warehousing sector.**

22 Q. And when you say it's in that sector, you're
23 relying primarily on how it's classified under the
24 Standard Industrial Classification system?

25 **A. Actually, the SIC is no longer. It's now the**

1 **NAICS system.**

2 Q. But you're relying on that statistical system
3 primarily?

4 **A. Well, I talked to the staff that does the work**
5 **classifying. They told me that's where it belongs, but**
6 **they also told me that because of the low employment,**
7 **they didn't put it in the NAICS. But they did assure**
8 **me that that's where they would classify it.**

9 Q. Do you know if there are ATS technicians
10 working at casinos?

11 **A. You mean part-time or --**

12 Q. Or full-time?

13 **A. I don't understand.**

14 Q. Are you aware that there are ATS systems at
15 casinos?

16 **A. No.**

17 Q. And if a majority of APM or ATS technicians in
18 this community work at the casinos, wouldn't it be
19 proper to deem them within the gaming industry?

20 **A. I'd have to know more about what kind of**
21 **system they were operating. I mean, the folks at the**
22 **airport aren't classified as, under, as the airport**
23 **industry. They're basically moving people within,**
24 **so --**

25 Q. And elevators move people within the airport

1 as well, don't they?

2 **A. They move them, correct.**

3 Q. Now, a distinction you draw is the existence
4 of an apprenticeship program. Are you aware of any
5 non-union companies that have an apprenticeship program
6 for repair personnel?

7 **A. I was just concerned with the workers here.**

8 Q. Isn't an apprenticeship program frequently
9 connected to unionized occupations, versus non-union
10 occupations?

11 **A. Sure.**

12 Q. And similarly, the difference in compensation
13 here between the elevator constructors and the ATS
14 technicians -- isn't it possible that the difference in
15 unionization level is a primary cause of that?

16 **A. I don't know that to be true.**

17 Q. You understand there was a difference in
18 unionization level between elevator constructors and
19 ATS technicians?

20 **A. Say that again?**

21 Q. You understand that elevator constructors
22 worked under Collective Bargaining Agreement and ATS
23 technicians did not, until this recent one?

24 **A. Right, and the wages are pretty much what they**
25 **were.**

Page 290

1 Q. But you understand that unionization might
 2 have had an impact on that wage differential?
 3 **A. Are you saying the elevator constructors make
 4 more because they're under the Union, but now the other
 5 workers are under the Union and they're making
 6 comparable rates, so --**
 7 Q. But statistically, isn't it true that
 8 unionized occupations, unionized jobs tend to pay
 9 better than non-union ones?
 10 **A. That's why you have the Union.**
 11 Q. And the differentials you've seen in the
 12 statistics are often 30 or more percent, aren't they,
 13 in total compensation?
 14 **A. I didn't really look at that. I looked at
 15 state and local versus private sector.**
 16 Q. Did anyone advise you that before Bombardier
 17 hired ATS technicians, that they had to work on the
 18 site for a temporary agency before even being hired?
 19 **A. No.**
 20 Q. Could on-the-job experience serve the same
 21 training function as apprenticeship for an ATS
 22 technician?
 23 **A. I don't know. The elevator constructor
 24 apprenticeship is pretty extensive in terms of hours.**
 25 Q. You mentioned in your matrix adjustment of

Page 291

1 counterweights. Do you have any understanding as to
 2 the frequency that an elevator repairman would adjust a
 3 counterweight?
 4 **A. No. I was talking about during installation
 5 setting them up.**
 6 Q. And do you have any understanding about the
 7 amount of time that might be devoted to that task?
 8 **A. No.**
 9 COMMISSIONER TOWLER: I'm sorry, I didn't hear
 10 a verbal answer.
 11 THE WITNESS: No.
 12 BY MR. KAHN:
 13 Q. You realize there are workers in the elevator
 14 constructors classification who are assigned regularly
 15 to moving walkways and escalators?
 16 **A. Yes.**
 17 Q. And you would understand those individuals to
 18 not be working normally in elevator shafts, correct?
 19 **A. Right.**
 20 Q. And do you have any understanding out of how
 21 the work in the elevator constructor classification
 22 breaks down between elevators, as opposed to escalator
 23 and walkway work?
 24 **A. No.**
 25 Q. You mention here 24/7 surveillance maintenance

Page 292

1 for ATS technicians. Did you have any information at
 2 the time you prepared your report about whether there
 3 were elevator repairmen who worked 24/7 shifts?
 4 **A. You mean in the same location?**
 5 Q. Or any location?
 6 **A. Oh, no.**
 7 Q. Do you now understand that at this airport
 8 they're 24/7?
 9 **A. Yes.**
 10 Q. And that's true at other airports as well?
 11 **A. Right. I'm sure there are many facilities
 12 like that.**
 13 Q. Do you have any statistical information about
 14 the frequency of covering multiple shifts in the ATS
 15 industry, as opposed to the elevator repair industry?
 16 **A. No.**
 17 Q. Now, you mention in here exposure to hazardous
 18 conditions and equipment on the elevator constructor
 19 side of the ledger. Is your understanding the primary
 20 hazard being one of falling?
 21 **A. I believe that comes from the occupational
 22 outlook handbook, and yeah, I think that's one of the
 23 hazards is --**
 24 Q. Is it your understanding that elevator
 25 repairmen have to get up into the shaft above the level

Page 293

1 of the elevator, say climbing a ladder or similar
 2 climbing structure?
 3 **A. I'm sure that happens.**
 4 Q. And that's, of the hazardous conditions, the
 5 primary one that you're aware of?
 6 **A. That's one of them, yeah.**
 7 Q. You testified at your deposition, didn't you,
 8 that you were not aware of any statistics about the
 9 relative fall risks between ATS techs and elevator
 10 repairmen; is that correct?
 11 **A. Yes.**
 12 Q. And is that still true?
 13 **A. Yes.**
 14 Q. And in terms of overall injury statistics,
 15 you're not aware of any statistics comparing the two
 16 jobs?
 17 **A. No.**
 18 Q. And before you visited McCarran, were you
 19 aware that there was a drop of at least several feet
 20 from the station level down to the maintenance shop
 21 level?
 22 **A. I don't think I was aware of that.**
 23 Q. Now, you testified about the cleanliness of
 24 the work environment. When you visited the work
 25 environment, did you see, observe the cleanliness of

Page 294

1 the work directly below the trains as they were being
 2 worked on?
 3 **A. I don't think they were working at that point.**
 4 Q. You visited during a day or --
 5 **A. It was during the day and the trains were**
 6 **running, but I was shown around the entire facility,**
 7 **but I didn't witness any work.**
 8 Q. And did you talk to anyone about how clean or
 9 dirty that work is working underneath the trains?
 10 **A. No.**
 11 Q. You became aware when you visited that
 12 sometimes the ATS techs have to use a sliding board to
 13 get underneath the vehicle to work on it?
 14 **A. That may have been mentioned, yes.**
 15 Q. And before that, you weren't aware of it?
 16 **A. I'm not sure if I was or not.**
 17 Q. You would agree that that's cramped working
 18 conditions?
 19 **A. Sure.**
 20 Q. Prior to your deposition, were you aware of
 21 the availability of protective headgear for ATS
 22 technicians?
 23 **A. I don't think I thought about it either way.**
 24 Q. That's a potential hazard for many
 25 occupations, isn't it?

Page 295

1 **A. Sure.**
 2 Q. Do you know whether elevator repairmen wear
 3 bump caps or any other kind of protective headgear
 4 while they're working?
 5 **A. I would assume they do.**
 6 MR. KAHN: That's all the questions I have.
 7 COMMISSIONER TOWLER: Mr. Thomson?
 8 MR. THOMSON: No questions.
 9 COMMISSIONER TOWLER: All right, Mr. Trimmer?
 10 REDIRECT EXAMINATION
 11 BY MR. TRIMMER:
 12 Q. Are unionization rates considered when you
 13 perform an analysis of an occupational classification?
 14 **A. You're talking about when I --**
 15 Q. Well, did you -- is that -- let me ask a
 16 different question.
 17 Does the Department of Labor consider
 18 unionization rates in and of itself a factor in
 19 determining whether an occupation -- how to classify an
 20 occupation?
 21 **A. Not in terms of classification of an**
 22 **occupation. In terms of what rate is issued, if there**
 23 **is a majority rate, then that's the rate that's issued**
 24 **and often that's a Union rate, especially in**
 25 **construction. Other than that, you're talking about a**

Page 296

1 **weighted average.**
 2 Q. That's related to Union representation, right?
 3 **A. Yeah.**
 4 Q. Has nothing to do with the work that the
 5 people actually perform?
 6 **A. No.**
 7 MR. TRIMMER: No further questions.
 8 COMMISSIONER TOWLER: Mr. Kahn?
 9 RECROSS-EXAMINATION
 10 BY MR. KAHN:
 11 Q. But you testified earlier that you considered
 12 wage rates as one consideration in making your
 13 determination, relative wage rates?
 14 **A. Sure.**
 15 MR. KAHN: Nothing further.
 16 COMMISSIONER TOWLER: Is that all for this
 17 witness?
 18 MR. TRIMMER: Yes.
 19 COMMISSIONER TOWLER: All right. You are
 20 excused. Do you want him retained here?
 21 MR. TRIMMER: No.
 22 COMMISSIONER TOWLER: Okay. So just make
 23 sure -- I'm sure counsel has your cell phone number.
 24 THE WITNESS: Okay.
 25 MR. KAHN: Safe travels.

Page 297

1 THE WITNESS: Thank you.
 2 COMMISSIONER TOWLER: So does Bombardier have
 3 any other witness right now?
 4 MR. TRIMMER: We don't have any additional
 5 witnesses right now.
 6 COMMISSIONER TOWLER: Okay.
 7 MR. TRIMMER: Can we take a brief break?
 8 COMMISSIONER TOWLER: Yes, let's go off the
 9 record.
 10 (Recess.)
 11 COMMISSIONER TOWLER: We are back on the
 12 record. I believe we have a preliminary matter before
 13 the next witness, of a proposed exhibit.
 14 MR. TRIMMER: Yes. Bombardier asks that the
 15 document already identified as proposed Exhibit 21, the
 16 Collective Bargaining Agreement between IUEC and Clark
 17 County be admitted.
 18 MR. KAHN: And Union objects on the same
 19 grounds set forth in the brief we lodged with the
 20 Commissioner at the outset of hearing.
 21 COMMISSIONER TOWLER: Do you have a copy? I
 22 don't believe I've received that.
 23 We did note those objections. I'm going to
 24 allow this exhibit in as Bombardier Exhibit 21. I do
 25 realize this was a Collective Bargaining Agreement

Page 298

1 entered after the contract took place, but it will
 2 still go to weight and it will aid in the review of the
 3 testimony by the expert from Bombardier.
 4 So, Exhibit Bombardier No. 21 is entered.
 5 So with that, the County, through Mr. Thomson,
 6 is going to begin their case?
 7 MR. THOMSON: Yes. We'll begin by calling
 8 Joel Middleton.
 9 Whereupon,
 10 JOEL MIDDLETON,
 11 having been first duly sworn to testify to the truth,
 12 the whole truth and nothing but the truth, was examined
 13 and testified as follows:
 14
 15 COMMISSIONER TOWLER: Please state your name
 16 and spell your last name for the record.
 17 THE WITNESS: Joel Middleton,
 18 M-I-D-D-L-E-T-O-N.
 19 DIRECT EXAMINATION
 20 BY MR. THOMSON:
 21 Q. Joel, what's your current employment?
 22 A. With Clark County Department of Aviation as
 23 the ATS manager.
 24 Q. And what is entailed in that role?
 25 A. Overseeing the operations of the tram systems

Page 299

1 at McCarran Airport.
 2 Q. That's the ATS system?
 3 A. ATS system.
 4 Q. When did you begin that job?
 5 A. I think it was like February 2012.
 6 Q. Prior to that time, where were you employed?
 7 A. With Bombardier.
 8 Q. And what were you doing for Bombardier?
 9 A. I was a field service engineer for them.
 10 Q. Where?
 11 A. At McCarran Airport.
 12 Q. Working on the same ATS vehicles?
 13 A. Yes.
 14 Q. How long were you employed by Bombardier?
 15 A. Over 15 years.
 16 Q. What positions did you hold while you were
 17 there with Bombardier?
 18 A. Started with them in doing the installation,
 19 so I was a startup and installation engineer, and then
 20 moved into operations and maintenance as a field site
 21 engineer, and then was later a field site engineer
 22 supervisor.
 23 Q. Prior to working for Bombardier, what did you
 24 do?
 25 A. Went to school to get my degree in

Page 300

1 engineering.
 2 Q. Where did you get your degree?
 3 A. UNLV.
 4 Q. What year did you graduate?
 5 A. '96.
 6 Q. So the time that you were with Bombardier
 7 coincided with the time of the 552 contract?
 8 A. Yes.
 9 Q. And it preceded the 552 contract?
 10 A. Yes.
 11 Q. Do you remember the other contracts that you
 12 were working under?
 13 A. I don't remember the numbers of them, but I
 14 know that they had, you know, had had them for a couple
 15 of years and then they came up to negotiate them, so I
 16 don't know exactly what the numbers were, but I was
 17 there since '97.
 18 Q. What was your scope of work as an engineer for
 19 Bombardier?
 20 A. Oversee the maintenance of the trains, any
 21 upgrades, any changes, and make sure the PM program was
 22 getting done and converse with Pittsburgh Bombardier on
 23 upgrades or any issues with the system. Basically
 24 whatever was needed to keep the trains up and running.
 25 Q. I'm sorry, you said originally you were an

Page 301

1 installation engineer?
 2 A. Yeah.
 3 Q. Which project did you work on with that?
 4 A. The D Trains at McCarran Airport.
 5 Q. And then as an operations and maintenance
 6 engineer, when did you begin that time?
 7 A. Right after '98, I believe the system, the D
 8 system was commissioned May-June of '98, and then I
 9 moved to the O&M side.
 10 Q. Could you describe what happens in the course
 11 of maintenance on the ATS system?
 12 A. There's a PM, preventative maintenance program
 13 we have that's mostly done all at night shift, so
 14 there's -- based on mileage that was turned into months
 15 for us, months, weeks, years, days, so we have a
 16 preventative maintenance program that we follow each
 17 night of taking each system out to do preventative
 18 maintenance on them, repair parts, take parts off, and
 19 then on day shift is recovery, inspections of the
 20 system, riding the trains, making sure everything's
 21 okay, and then basic recoveries. If we have problems
 22 on the trains, the guys are out there to recover them,
 23 and then if they have rebuild items that they take off
 24 the trains at nights that the day shift guys can
 25 rebuild.

Page 302

1 Q. What's the purpose of doing all these things?

2 A. **Keep the trains running. Keep availability up**

3 **and move passengers back and forth between the gates**

4 **and the terminals.**

5 Q. Are any of the activities that are done by the

6 techs not necessary for that purpose?

7 A. **No. They're all pretty much necessary. Some**

8 **maybe aesthetic stuff, but it's all necessary to keep**

9 **the trains, keep them running, keep the availability up**

10 **and keep the passengers moving.**

11 Q. Now, you said a major component especially of

12 the night shift was preventative maintenance?

13 A. **Yes.**

14 Q. What's the purpose of preventative

15 maintenance?

16 A. **Prevent failures during the PMs. They do a**

17 **lot of inspections. If they notice something is**

18 **starting to wear or is at tolerance point that they**

19 **have described in our work instructions that they'll**

20 **replace it so that we don't have a failure later during**

21 **the day, during revenue service. Try to do things**

22 **every time during maintenance service so that we can**

23 **keep the trains running during the day.**

24 Q. Is inspection a part of preventative

25 maintenance?

Page 303

1 A. **Yes.**

2 Q. Are broken or damaged parts or components

3 observed during those inspections?

4 A. **Sometimes they'll find some things that are**

5 **worn, or if they see something that's broken during**

6 **inspection, they'll replace it.**

7 Q. Are those repairs part of the maintenance

8 program?

9 A. **I think any kind of repair's inherent to**

10 **maintenance. I mean, you're going to have to repair**

11 **things and replace things when you see them during**

12 **maintenance time to keep the trains running. It's all**

13 **in an effort to prevent it from failing when you're not**

14 **ready for it to fail and create downtime and issues.**

15 Q. During the daytime shift, you said there's a

16 lot of inspection that goes on. Is there also some

17 rebuilding that occurs during that time period?

18 A. **Yeah. They'll take the parts that are taken**

19 **off at night, the guys will rebuild. If it's a**

20 **rebuildable part, they'll rebuild them, test them, if**

21 **possible, and then tag them and put them back on the**

22 **shelf for night shift to use them.**

23 Q. How many items are worked on by the day shift?

24 A. **It varies, depending on what PMs come up and**

25 **what PMs are done and what things are found on the**

Page 304

1 **system. So it can vary. Different PMs come up, then**

2 **there's more rebuild stuff to do, and then if they find**

3 **things on the system that they pull off, then day shift**

4 **will test them, rebuild them.**

5 Q. When you say rebuilding, are you talking about

6 stripping every one of those components down and --

7 A. **No. They'll test it. Like on an auto lock,**

8 **if they find there's a spring broken, they'll replace**

9 **one of the springs that's broke, they'll put it on a**

10 **test unit, test it, make sure it runs correctly,**

11 **everything's fine, then they'll green tag it so it's**

12 **not -- not every item gets completely stripped down and**

13 **then rebuilt back up.**

14 Q. Of the items that are brought in for this

15 process, how many of them require extensive correction?

16 A. **Depends on what it's pulled for. Most of**

17 **them, some of the PMs require us to, like the spindles,**

18 **replace the spindles on a PM schedule, and they'll get**

19 **broken down and rebuilt back up, inspected and rebuilt**

20 **back up. Traction motors are on a PM that we take them**

21 **off and we send them out to a vendor and they get**

22 **completely looked over.**

23 Q. Why does day shift do this what's called

24 rebuilding?

25 A. **I guess it's manufacturer's discretion, since**

Page 305

1 **they're there, and they're familiar with it, to rebuild**

2 **them if -- during day shift they do very little PMs**

3 **because we don't want to disrupt the system, so other**

4 **than doing PMs and riding the system and doing just**

5 **basic inspections of how the system's running normally,**

6 **there would not be much for them to do, so --**

7 Q. So that's Bombardier's decision of how to

8 utilize their otherwise unoccupied time?

9 A. **Yeah. Otherwise contract it out and have**

10 **someone else rebuild them, but I guess it was their**

11 **decision to have them rebuilt by the staff.**

12 Q. Did you say Bombardier could have outsourced

13 it?

14 A. **It's a possibility to have someone outsourced,**

15 **to have someone else do the rebuilds and bring them**

16 **back in, but it was, ever since I was there, that was**

17 **just the way it was done.**

18 Q. I'm going to have you look at County

19 Exhibit No. 2.

20 MR. KAHN: Counsel, have you got copies for

21 everyone else?

22 MR. THOMSON: Yes.

23 (Exhibit C 2 marked)

24 BY MR. THOMSON:

25 Q. Now, in the middle of Exhibit 2, there is a

Page 306

1 phrase "preventative maintenance schedule" followed by
 2 a bullet with "Rebuild the following either in shop or
 3 on tram." Have you looked at this list before?
 4 **A. No.**
 5 Q. Well, let's go down through the list. Are
 6 axles typically rebuilt?
 7 **A. No.**
 8 Q. What about the races, bearings and seals on
 9 axles?
 10 **A. Races, bearings and seals on the hubs. If**
 11 **they do hubs, bearings, races and seals are done.**
 12 Q. Is this part of the bogie?
 13 **A. Yeah.**
 14 Q. Are air compressors rebuilt?
 15 **A. Not typically the whole thing. They'll do**
 16 **heads, high and low heads on them.**
 17 Q. How about the air system?
 18 **A. There's a lot of different components on the**
 19 **air system, so there are PMs that we have for the air**
 20 **systems.**
 21 Q. Okay. But in a rebuilding thing, are they
 22 typically --
 23 **A. Parts of them, they'll rebuild different parts**
 24 **of the air system.**
 25 Q. What about hubs?

Page 307

1 **A. Hubs, they'll rebuild hubs.**
 2 Q. Traction motors?
 3 **A. Traction motors we take off and are sent out**
 4 **to an outside contractor.**
 5 Q. There is no rebuilding that is done on
 6 traction motors?
 7 **A. No. We don't rebuild the traction motor.**
 8 Q. What about brake systems?
 9 **A. Brake systems, we'll do brake jobs, replace**
 10 **the brake shoes and components, wedges and stuff with**
 11 **the brake job if the pads get down to a certain point.**
 12 **That was mostly on the old system. All the new cars**
 13 **with dynamic braking, brake jobs are pretty much a**
 14 **thing of the past.**
 15 Q. So that was something that occurred prior to
 16 2009, basically?
 17 **A. Yeah, around there, whenever the C Cars, the**
 18 **old C Cars had left, those were the ones that were**
 19 **mostly brake jobs were done on.**
 20 Q. What about carriers?
 21 **A. Carrier assembly very rare. They don't ever,**
 22 **unless they notice an issue with them, do they ever**
 23 **mess with the carriers.**
 24 Q. What are the carriers?
 25 **A. I'm assuming those are the carriers, there's**

Page 308

1 **the differential, the pumpkin, the gears inside the**
 2 **axle, the main carrier assembly.**
 3 Q. It's also part of the bogie?
 4 **A. Yeah. It would be part of the axle, part of**
 5 **the bogie.**
 6 Q. Air system dryer?
 7 **A. The air dryers, they'll rebuild air dryers as**
 8 **they get a lot of moisture in them.**
 9 Q. What are they?
 10 **A. They're used to filter the air out so you get**
 11 **rid of the moisture in the air, in the pneumatic system**
 12 **so you don't end up with water in the air system.**
 13 Q. How about condenser fan motors?
 14 **A. We don't rebuild them. If a motor has a**
 15 **problem, we pull it and we'll send it out to a**
 16 **contractor to have them either rebuild the motor if**
 17 **it's something that's rebuildable, or we'll just buy a**
 18 **new one.**
 19 Q. And compressors?
 20 **A. I think in compressors they're indicating AC**
 21 **compressors, because they already said air compressors,**
 22 **and the AC ones, if they have a problem, we have an**
 23 **outside contractor that would come out because of the**
 24 **refrigerant in them, and then we would send them to a**
 25 **vendor to have them rebuilt.**

Page 309

1 Q. What about graphic signs?
 2 **A. Graphic signs, we don't rebuild them. They'll**
 3 **pull them off, and I think in the beginning we had**
 4 **problems with the graphic signs. Power supplies that**
 5 **were inside of them were failing, so we would send them**
 6 **back RMR and they would fix them and send them back to**
 7 **us.**
 8 Q. Door frames?
 9 **A. I don't know what they mean by "door frames."**
 10 **We've never rebuilt or repaired a door frame. I think**
 11 **if they're talking about the vehicle, they had some**
 12 **stainless steel cladding that may have came loose and**
 13 **they may have reaffixed it, but not rebuilding a door**
 14 **frame.**
 15 Q. And programming software?
 16 **A. We would never do any kind of rebuild or**
 17 **maintenance on any kind of software. That would come**
 18 **from Bombardier either in an EPROM or a software that**
 19 **would be loaded to an EPROM and then be put on a car,**
 20 **but we would never do anything with manipulating**
 21 **software other than transferring it from a disk to an**
 22 **EPROM or something.**
 23 Q. What about repairing, rebuilding and soldering
 24 circuit boards?
 25 **A. Very rarely if at all. All the vehicle boards**

<p style="text-align: right;">Page 310</p> <p>1 and other boards that we have wayside would be sent 2 back to Pittsburgh for them to rebuild and test. On 3 the older systems, we had an auto lock assembly that 4 had a mini PC board on it; that because the guys would 5 handle it like mechanical device would break little 6 resistors and capacitors, so the guys would look at 7 those and they would solder those if they found a need 8 for them to be soldered.</p> <p>9 Q. So you're saying they were broken in actually 10 the removal process rather than them being broken at 11 the time that they were being taken out?</p> <p>12 A. Yeah. They could have been when the guys went 13 up to go put a new unit up there, they could have 14 grabbed it and held it by the PC board and just -- it 15 was very susceptible to being bumped and you could hit 16 the resistor, bend it, and it would just, little leg 17 would come off on the PC board that you wouldn't be 18 able to see, and when we started having problems with 19 them, the guys would actually resolder some of the 20 resistors on there, capacitors if they knew that they 21 were bent or they were broken.</p> <p>22 Q. I'd like you to look at Exhibit 7. I'll ask 23 you why its being held out. This is the contract 552. 24 And it's already in the record as Bombardier's 25 Exhibit 1. So administratively, I don't know --</p>	<p style="text-align: right;">Page 312</p> <p>1 A. Well, we had a preventative maintenance 2 program so I knew what the preventative maintenance 3 program was, and anything that was found would be put 4 under a corrective item so it could be corrected. So I 5 was aware of the preventative maintenance program and 6 how we conducted the corrective maintenance and 7 preventative maintenance program.</p> <p>8 MR. THOMSON: Exhibit 16. 9 (Exhibit C 16 marked)</p> <p>10 MR. THOMSON: Mr. Commissioner, this is one of 11 the examples of a modified-down exhibit, because these 12 are the warranty provisions out of Contract 2305.</p> <p>13 COMMISSIONER TOWLER: Okay. Do you have the 14 complete one?</p> <p>15 MR. THOMSON: We do have the complete one. We 16 will supply it to you.</p> <p>17 COMMISSIONER TOWLER: Okay, thank you.</p> <p>18 BY MR. THOMSON:</p> <p>19 Q. Joel, Contract 2305 involved the 20 rehabilitation of the Leg C and Leg D ATS system, 21 correct?</p> <p>22 A. Yeah.</p> <p>23 Q. And by this time you were already an 24 operations and maintenance engineer?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 311</p> <p>1 COMMISSIONER TOWLER: I would have -- I think 2 it might be easier just to refer to it as Bombardier 3 Exhibit 1, because that's been entered in the record 4 already.</p> <p>5 MR. THOMSON: Okay. That's how we'll do it.</p> <p>6 BY MR. THOMSON:</p> <p>7 Q. In the course and scope of your employment, 8 were you required to be familiar with any aspect of 9 this contract?</p> <p>10 A. No.</p> <p>11 Q. Did you read any part of it?</p> <p>12 A. Not at my level. I have, yes.</p> <p>13 Q. When did you read it?</p> <p>14 A. Mostly after I left Bombardier when I started 15 going through it, because I was in the position of 16 administering and looking over it.</p> <p>17 Q. How were you made aware of the maintenance 18 obligations that you were in charge of as you were 19 working for Bombardier?</p> <p>20 A. By site manager.</p> <p>21 Q. Did you get any written directive as to what 22 would be, what any particular activity would be called, 23 whether it was routine maintenance, corrective 24 maintenance, preventative maintenance? How were you 25 instructed as to that?</p>	<p style="text-align: right;">Page 313</p> <p>1 COMMISSIONER TOWLER: Can we go off the record 2 just for a minute?</p> <p>3 MR. THOMSON: Sure. 4 (Discussion off the record.)</p> <p>5 MR. THOMSON: For the record, Exhibit 13 is 6 the number on the disk, for anybody who will be 7 referring to. This was just a special outtake of it.</p> <p>8 COMMISSIONER TOWLER: This wasn't 16?</p> <p>9 MR. THOMSON: This is 16. 13 has some other 10 parts of 2305 that is not in there.</p> <p>11 COMMISSIONER TOWLER: Well, if this is 16, I 12 think, numbers, unless I'm seeing this wrong, you would 13 enter this as just County 16, as a separate exhibit.</p> <p>14 MR. THOMSON: That's fine.</p> <p>15 COMMISSIONER TOWLER: You wouldn't provide the 16 entire thing.</p> <p>17 MR. KAHN: That's County 15, the entire 18 contract?</p> <p>19 MR. THOMSON: County 13 is the 2305. You are 20 correct, that was a duplicate, it was entered twice. 21 Just think of how many trees we would have killed then.</p> <p>22 COMMISSIONER TOWLER: So this is 16, and it is 23 a complete -- all right. With that we'll go back on 24 the record, thank you.</p> <p>25 \\\</p>

Page 314

1 BY MR. THOMSON:
2 Q. In the course and scope of being an employee
3 of Bombardier, were you concerned about any warranty
4 provisions under 2305 contract?
5 **A. The only warranty in the position I was in was**
6 **making sure that any part that came off the train that**
7 **we kept to send back for warranty replacement.**
8 Q. Since you have become a County employee, has
9 the warranty provision of Contract 2305 become more
10 important to you?
11 **A. Yeah. Because now we're looking at labor**
12 **involved with it and the parts as well.**
13 Q. Can you just briefly describe what happened
14 under 2305? What happened to the system?
15 **A. We put -- Bombardier put a brand new system in**
16 **for C and D, went from an older system to a newer**
17 **Cityflo 650 system. And I wasn't really involved in**
18 **the 2305. I was still on the maintenance side doing**
19 **the maintenance.**
20 Q. Right. But when 2305 was completed, you were
21 now dealing with the maintenance of new vehicles?
22 **A. Yes, new trains and new wayside equipment.**
23 Q. New wayside equipment? Any new software or
24 hardware running?
25 **A. All, mostly all new hardware, all new**

Page 315

1 **software. Went from smarts of the system being on the**
2 **wayside to the smarts being on the cars.**
3 Q. Calling your attention to 10.2,
4 Subparagraph A. There are warranty periods in there.
5 Can you tell us what the general warranty period was?
6 **A. Well, we knew general warranty period is one**
7 **year from the date that we were given the cars.**
8 Q. "Substantial completion" mean anything to you?
9 **A. It did after I started with the County, not**
10 **when I was in that capacity.**
11 Q. Okay. Is there a special warranty as well for
12 vehicle body structure and bogie?
13 **A. Yeah. They have here an extended of five**
14 **years.**
15 Q. What's the bogie?
16 **A. Bogie is comprised of a lot of different parts**
17 **underneath the car. Has the traction motor, the axle,**
18 **houses the traction motor, axle, spindles, and I think**
19 **some other components. I'm not exactly sure every**
20 **component that's on there.**
21 MR. THOMSON: County Exhibit 41.
22 (Exhibit C 41 marked)
23 BY MR. THOMSON:
24 Q. Ask you to look at it, tell me if you're
25 familiar with it.

Page 316

1 **A. Yeah.**
2 Q. What is it?
3 **A. That's the bogie.**
4 Q. Okay. But look at the front page, what is
5 this?
6 **A. It's the vehicle equipment manual for the C, D**
7 **and T3 vehicles.**
8 Q. Now, the vehicle equipment manual is
9 considerably larger than what consists of these just
10 few pages that are McCarran Exhibit 41?
11 **A. Yes.**
12 MR. THOMSON: Can we go off the record?
13 COMMISSIONER TOWLER: Yes. We're off the
14 record.
15 (Discussion off the record.)
16 COMMISSIONER TOWLER: We're back on the
17 record.
18 MR. THOMSON: Thank you.
19 BY MR. THOMSON:
20 Q. Exhibit 41 is approximately 13 pages out of
21 the vehicle equipment manual; is that correct, Joel?
22 **A. Yes.**
23 MR. THOMSON: I would move for its admission.
24 COMMISSIONER TOWLER: Any objections to County
25 Exhibit 41?

Page 317

1 MR. KAHN: No objection, other than unless it
2 becomes pertinent to request the entire manual, but
3 we'll confer with opposing counsel before making such a
4 request.
5 COMMISSIONER TOWLER: Because this is only
6 part of the entire manual.
7 MR. KAHN: Right.
8 MR. TRIMMER: And we have two things to say:
9 First is this is a confidential and
10 proprietary document that was produced in reliance on,
11 and only because there is a stipulated protective order
12 entered in the case. In its current form, we would ask
13 that it be sealed. We understand the Commissioner's
14 already made a ruling on that so we would ask that it,
15 like the rest of the record, be subject to the
16 requirement that Bombardier and all the other parties
17 be notified if there's a public records request so we
18 could take appropriate action. If the entire document
19 were to be entered into the record or someone asked for
20 the entire documents to be entered into the record, we
21 would object to that without the assurances that the
22 document was being sealed. We would consider the entry
23 of the document to be a violation of the protective
24 order and we would seek relief.
25 COMMISSIONER TOWLER: What I'm going to do is

Page 318

1 enter County Exhibit 41 into the record.
 2 (Exhibit C 41 admitted)
 3 COMMISSIONER TOWLER: I do understand the
 4 Union's argument that they might, at another, later
 5 time feel the need to reference other parts of the
 6 manual and we'll address that at the time. As I have
 7 ruled, the record is not sealed in this case, but we
 8 are to notify the parties if there is a public records
 9 request for the document.
 10 MR. TRIMMER: One point of clarification:
 11 That notification will be given in a way to allow us to
 12 take action before the document is actually produced;
 13 is that correct?
 14 COMMISSIONER TOWLER: We would immediately
 15 notify when we see the -- because what the officers
 16 will do is place on the, in the document however it's
 17 retained, the entire file will probably be in a set of
 18 boxes, and each box will be marked if there's any
 19 request for these documents, by any person, there will
 20 be immediate notification to all parties in the case.
 21 MR. TRIMMER: Thank you.
 22 MR. THOMSON: And I would add that the point
 23 is the warranty defines "bogie" and I think it's
 24 important that you know exactly what a bogie is. I
 25 don't know any other way to do it besides referring to

Page 319

1 the vehicle manual. If there is another way to
 2 accommodate it without having these concerns about
 3 proprietary information, we would certainly be willing
 4 to withdraw this exhibit and replace it with something
 5 that provides the same information.
 6 COMMISSIONER TOWLER: I think it probably is,
 7 unless somebody has a different idea, probably is the
 8 best way to see the definition of "bogie" for this
 9 case. And like as the parties said, this isn't a
 10 complete document and it will be -- if there's a
 11 request for this document, as with the whole file, the
 12 parties will be notified.
 13 MR. THOMSON: All right, thank you.
 14 BY MR. THOMSON:
 15 Q. Joel, I'd ask you to look at Section 1.2.4.4.
 16 It's on page I-9.
 17 A. Okay.
 18 Q. Have you found it?
 19 A. Yeah.
 20 Q. What's the title of that section?
 21 A. "Drive friction, brake suspension and guidance
 22 system, bogies."
 23 Q. Would you read the first paragraph, please?
 24 A. "The drive friction, brake suspension and
 25 guidance system consists of two traction motors, two

Page 320

1 axles, two driveshafts, brake, interposing relay box,
 2 two pivot bearings, four leaf springs, four air springs
 3 and eight guide wheel assemblies."
 4 Q. How do spindles relate to this description?
 5 A. Spindles are attached to the bogie.
 6 Q. And how do pinion seals relate to the
 7 description here?
 8 A. Pinion seals are part of the axle.
 9 Q. I'd ask you to go two pages further into the
 10 exhibit at 2-43, Section 2.5.
 11 A. Okay.
 12 Q. Would you read the title and then also read
 13 the text that's in that section?
 14 A. "Drive suspension, friction brakes and
 15 guidance system." "Two drive and suspension
 16 assemblies, bogies, support the vehicle on pneumatic
 17 tires attached to the underside of the vehicle, and on
 18 top of each bogie is a large diameter bearing that
 19 pivots freely to steer the axle of the vehicle in
 20 response to the movement of the guidance structure.
 21 Pivot bearings secure the vehicle body to the
 22 suspension assembly. See Figure 2-10."
 23 Q. Like you to turn to the next page of the
 24 exhibit which indicates Figure 2-10. Would you explain
 25 to us what is depicted here?

Page 321

1 A. That is one of the bogies. There's two of
 2 them per vehicle.
 3 Q. And what exactly do they do again?
 4 A. They guide the tram, help guide the tram down
 5 the system. They have the traction motor that actually
 6 moves the cars. They have the axles, the braking
 7 system, the suspension system for the body.
 8 Q. Do you recall specifically when new cars came
 9 into your supervision after the 2305 project?
 10 A. I don't know exact dates, but I think C system
 11 was in 2008, D was 2009.
 12 Q. So you had experience working with the new
 13 cars as well as the old cars?
 14 A. Yes.
 15 Q. You had experience working with the old
 16 wayside doors as well as the new wayside doors?
 17 A. Yes.
 18 Q. What's -- well, prior to receiving the new
 19 cars, was there a problem with the leaking hubs?
 20 A. On the old cars?
 21 Q. Yes, on the old cars.
 22 A. They would leak once in a while. Wasn't like
 23 all the time.
 24 Q. Now, I said hubs. It's actually pinion seals
 25 that were leaking?

1 A. The pinion seals, they had -- they were a
 2 little bit different. The other cars had a diaper ring
 3 around them so you'd have to really get in and inspect
 4 them, and that would fill up, if it was leaking would
 5 get oil in there. So I mean, there were occasional
 6 leaks.
 7 Q. When you got the new cars after the 2305
 8 rehabilitation, did you have problems with pinion seal
 9 leakage?
 10 A. Yeah. We noticed several of them leaking a
 11 lot sooner than we would ever expect, and then we
 12 started replacing them and then notified the Bombardier
 13 project group that installed them, and they had said
 14 there was an issue at some of the other sites as well
 15 with these seals leaking, that they were looking into
 16 testing of different types of seals. So we were
 17 waiting for them to come through with that, and then
 18 they came up with two types of seals to use and they
 19 sent us the seal that we didn't have, and so some of
 20 the trains that, when they developed, the new cars
 21 developed leaking pinion seals, we would put the new
 22 seal in them and they seemed to last a little longer.
 23 Some of them didn't leak, and then some of them started
 24 leaking again.
 25 Q. Did you make any determination whether or not

1 the ATS vehicles could work with the leaking pinion
 2 seals?
 3 A. Well, they can work with them, yeah. They can
 4 run. You just got to keep an eye on them to make sure
 5 they're not -- we started seeing leaking in the tram
 6 area, the maintenance area where they sit in the
 7 station, and out on the guideway they'd see a little
 8 bit of oil, so at that point we knew we needed to get
 9 them replaced.
 10 Q. So were they broken when you replaced them?
 11 A. I don't know if you could say broken. They
 12 were leaking a little bit.
 13 Q. What about wayside doors before 2305 turned
 14 over new wayside doors?
 15 A. Doors are the ones that are used most often,
 16 so we -- you know, usually passengers interfering with
 17 them and stuff, you have problems with them. The new
 18 doors, since they were a new design by Stanley, just
 19 had some inherent problems. We had to work through and
 20 work through with Stanley Door to get corrected.
 21 Q. What were those problems?
 22 A. Auto locks. They went through several
 23 revisions of the auto locks and later developed and
 24 found that their door motors that run the doors, if
 25 they were manufactured on a certain date or before,

1 that they potentially had problems, so they agreed to
 2 replace those as we found ones that were bad and just
 3 change one for one.
 4 Q. So is that what you did, you replaced them
 5 when you found a motor to be bad?
 6 A. Well, yeah. We went through, and if we were
 7 having problems with the door and it wasn't one of the
 8 normal components we looked at, and if it was a motor
 9 problem that we looked for, we would look at the date
 10 code, and if it met their date codes that they would,
 11 that Stanley indicated these motors could have a
 12 problem, we would pull that motor, put another one on
 13 it, and then we would wait until we got several of them
 14 in stock that we pulled and we'd send them back to
 15 Stanley and they would replace them.
 16 Q. So if I understand this right then, this was
 17 just part of your replacements would come up as needed?
 18 A. Yeah.
 19 Q. Did you do a systemic replacement of all these
 20 motors?
 21 A. No. We didn't see a point in going and
 22 replacing every motor on the doors when the doors were
 23 working. So they had agreed to extend our warranty on
 24 those motors that if we had problems with one, then we
 25 would pull it and they would exchange one for one.

1 Q. Okay. And you just said Stanley extended
 2 their warranty?
 3 A. Yeah.
 4 Q. How long was the warranty originally?
 5 A. The year after they had put the system in for
 6 each leg.
 7 Q. And what did they extend it to?
 8 A. They extended it I believe an additional year,
 9 and when we first got it, we would -- we had instructed
 10 the guys if they see a problem with the door and they
 11 even perceive it to be a motor and it meets the code,
 12 just go ahead and change it. And so we got, you know,
 13 maybe four -- we got maybe a dozen or so changed out
 14 and shipped back, and then we weren't seeing any
 15 problems, so that's when we told them it's not -- we
 16 just don't want to replace the motor if the door's not
 17 having problems.
 18 Q. When you took over as an employee of the
 19 County, was Stanley still willing to supply new motors
 20 at no charge?
 21 A. Yes, yes. They were still willing to extend
 22 them because we hadn't -- it was beneficial to both
 23 sides not to just go and replace every door motor. If
 24 the door's not broken, we're not going to tear it apart
 25 and replace something that could potentially have a

Page 326

1 **problem.**
 2 MR. THOMSON: I'd like you to look at
 3 Exhibit 42.
 4 (Exhibit C 42 marked)
 5 BY MR. THOMSON:
 6 Q. Have you seen this exhibit before?
 7 **A. Yes.**
 8 Q. Now, this is purportedly an e-mail from, or to
 9 Timothy Alvarez? Do you know who Timothy Alvarez is?
 10 **A. Yeah. He was one of the other engineers at**
 11 **the site.**
 12 Q. You're not copied on it. How did you come to
 13 see this?
 14 **A. This was -- when we did the transfer from**
 15 **Bombardier to DOA, this was one of the documents that**
 16 **was given to me indicating that Stanley would still**
 17 **honor the warranty of the motors, to let us know that**
 18 **it wasn't going to go away once we took over.**
 19 Q. So this is one of the records in your control
 20 as an employee of the County now?
 21 **A. I had -- yeah, yeah. This one would have been**
 22 **one of mine I kept in with our papers.**
 23 Q. Can you basically recount what this e-mail
 24 relates?
 25 **A. It relates -- we had -- he knew we had station**

Page 327

1 **door motors that were, potentially could have problems**
 2 **so that he said that as we sent some back, he would**
 3 **replace them one for one without charging us for the**
 4 **motors.**
 5 Q. Is there something in here about buffer stock?
 6 **A. I think there was. We already -- he had**
 7 **originally gave us -- when they originally noticed the**
 8 **problem, they gave us extra motors so that we didn't**
 9 **run out, and then we would just send him back and he**
 10 **would replace as we sent them back.**
 11 Q. I neglected to say who this was from. It
 12 appears to be from a guy named Peter DeLeonardis?
 13 **A. Yeah.**
 14 Q. Who's he?
 15 **A. He's the head person for Stanley for the APM**
 16 **door systems.**
 17 Q. Does this indicate there's an extension of the
 18 warranty of the motors for two years?
 19 **A. Yeah.**
 20 Q. And then there's a further statement in here
 21 that they will continue to stand behind their motors
 22 beyond the warranty period?
 23 **A. Yeah.**
 24 Q. Now again, as an engineer for Bombardier,
 25 outside of being instructed to send parts back, did you

Page 328

1 testify that you weren't really concerned about
 2 warranties at that time?
 3 **A. No, other than just making sure we kept the**
 4 **parts we took off the car so we could get them sent**
 5 **back for replacement.**
 6 Q. But now as a County employee, you are
 7 concerned about warranties?
 8 **A. Yeah.**
 9 MR. THOMSON: Indulgence, please. See if I
 10 can speed this up.
 11 COMMISSIONER TOWLER: That's fine, take your
 12 time.
 13 BY MR. THOMSON:
 14 Q. Joel, down beside you should be the Union's
 15 exhibit book. Would you pull out Exhibit 1?
 16 MR. TRIMMER: Is 42 in?
 17 MR. KAHN: Hasn't been moved.
 18 COMMISSIONER TOWLER: The only one from the
 19 County so far that I have a record of being in is
 20 County 41.
 21 MR. THOMSON: I believe you're right.
 22 COMMISSIONER TOWLER: We've discussed County
 23 2, County 16, also County 42.
 24 MR. THOMSON: That's true. I'll move for the
 25 admission of 42 as well.

Page 329

1 MR. KAHN: No objection.
 2 MR. TRIMMER: No objection.
 3 COMMISSIONER TOWLER: County Exhibit 42 is so
 4 entered in the record.
 5 (Exhibit C 42 admitted)
 6 BY MR. THOMSON:
 7 Q. Do you have Union Exhibit 1 in front of you
 8 now, Joel?
 9 **A. Yeah.**
 10 Q. Have you had a chance to look at that?
 11 **A. Yeah.**
 12 Q. As best as you can tell, what does it consist
 13 of?
 14 **A. Has a lot of varying parts in here. Goes over**
 15 **vendor work that outside vendors have done, and then**
 16 **just parts that have been removed, replaced, adjusted**
 17 **or worked on on the vehicles, and then there's other**
 18 **sections about responding to alarms and it just -- a**
 19 **hodgepodge of everything that is kind of done down in**
 20 **the maintenance area for the trams, maintain the trams.**
 21 Q. I'm sorry, when you say it was done down in
 22 the maintenance area, what are you referring to?
 23 **A. Well, I mean, a lot of these things that are**
 24 **in here that they have of doing rebuilds or replacing**
 25 **is done in the maintenance area underneath the cars.**

Page 330

1 Some of the stuff is recoveries that are done upstairs.
 2 It just goes over a lot of stuff that's done to keep
 3 the trains running.
 4 Q. Who's it done by?
 5 A. It's done by the ATS staff. So it would be --
 6 during 552 it was everybody, engineers, technicians.
 7 Q. I'd ask you to look four pages into the
 8 exhibit. The start of a section that has a heading of,
 9 "Data From the Daily Computer Logs Used by the
 10 Technicians Performing Work Under CBE-552."
 11 A. Okay.
 12 Q. Are the entries here related to entries that
 13 you would see on a Bombardier SIMS entry or some other
 14 work record?
 15 A. Yeah, they would. They would sometimes put
 16 the information into the SIMS pass-down, and then all
 17 parts that are removed and that they do on the cars
 18 should be put into the, that specific vehicle's
 19 logbooks.
 20 Q. In the fourth column, it is headed with the
 21 letters "TY." Do you know what that would be?
 22 A. No. I would imagine "type."
 23 Q. Then there seemed to be the letter "A," the
 24 letter "R," further down it's "RPL," further down
 25 "REC." Are those phrases or terms or types used by

Page 331

1 Bombardier?
 2 A. Not to my knowledge, not on a -- those aren't
 3 acronyms we use all the time.
 4 Q. Now, this appears to go on for some 13 pages,
 5 these types of entries. Could you take a look at what
 6 was entered here?
 7 A. Yes.
 8 Q. Do you notice the entry "RPL"?
 9 A. Yes.
 10 Q. Do you notice the entry "REC"?
 11 A. Um-hum.
 12 Q. What do you believe "REC" stands for?
 13 A. After reading the descriptions to the right of
 14 it, I would imagine it means recovery.
 15 Q. That would be recovery of vehicles?
 16 A. Vehicles, system. It's general recovery,
 17 yeah.
 18 Q. So it could just be a computer that needs to
 19 be recovered rather than the vehicle itself?
 20 A. Yeah. It could be something, something -- it
 21 could be a wayside door. It could be -- usually it
 22 wasn't anything with computer. It could be something
 23 on the car. It could be a wayside problem.
 24 Q. How sophisticated are most recoveries?
 25 A. Not too sophisticated. Generally it's

Page 332

1 open/close door commands, or they go up and find
 2 something in the threshold of the door, candy or a
 3 bottle cap or something from a piece of luggage and
 4 they remove, so most recoveries is open/close door
 5 commands or giving a command to the car for a remote
 6 reset, controlling into override for the new cars and
 7 they're back up and running.
 8 Q. Is that the more typical type of situation for
 9 a recovery?
 10 A. Yeah.
 11 Q. How often are recoveries that don't fit in
 12 that category encountered?
 13 A. Not often. I said mostly it's doors, so they
 14 may have to go up and shut a door off because they
 15 notice something wrong with it they can't fix during
 16 the time so we don't want to take the train down, so
 17 they'll shut the door off, put a sign on it, and put it
 18 in the pass-down for night shift to look into.
 19 Q. Are the recoveries sometimes as a result of a
 20 security alarm?
 21 A. Yeah. They have alarms that the Control
 22 Center calls down that they hold trains in the stations
 23 for stuff, and Control Center notifies us of these
 24 alarms and lets us know what they're doing.
 25 Q. Now, everybody in this room may become subject

Page 333

1 to the TSA and sensitive security information, but what
 2 is that code for a security breach?
 3 A. It's called an SD McDonald, since I'm under
 4 oath.
 5 MR. THOMSON: I move to seal.
 6 MR. KAHN: TSA isn't here, don't worry.
 7 MR. THOMSON: They're everywhere.
 8 THE WITNESS: They're everywhere.
 9 BY MR. THOMSON:
 10 Q. Okay. We'll get serious again. What type of
 11 recovery's involved in getting a vehicle after an
 12 SD McDonald event?
 13 A. Usually the Control Center lets us know that
 14 the issue is cleared, and then they issue the release.
 15 If they're not familiar, they have an operator that's
 16 not familiar on how to release it, our guys will go on
 17 the radio and tell them how to release the train for,
 18 back to revenue service.
 19 Q. Is that something that generally -- what does
 20 it generally involve from the tech who's out on the
 21 car?
 22 A. Usually if an SD McDonald happens, if we're
 23 not up on the car, we're not up there, we end up
 24 sending an ATS tech up in the area just to be in the
 25 area in case TSA or Metro wants something specifically

Page 334

1 done to the car, moved, or a door open or anything like
 2 that, so we're there to let them know what cars are
 3 what, because they're not usually familiar with what's
 4 the east car, the west car, the north or the south, so
 5 our guys will be up there in case they need us to
 6 specifically do anything for the vehicles.
 7 Q. Are you familiar with recoveries that are the
 8 result of an emergency handle being pulled on a
 9 vehicle?
 10 A. Yeah. Emergency handles on the vehicle have
 11 to be recovered by the technician on the vehicle.
 12 Q. And what has to be done?
 13 A. Technician has to go out to the car, get on
 14 the car, verify that all the doors are closed and
 15 locked, and then they have to do a local reset on the
 16 car, and then they'll ask for a -- they'll reset it,
 17 and then the train will take off in automatic operation
 18 in its normal direction.
 19 Q. If there's a listing of half an hour to do
 20 that, what would that half an hour involve?
 21 A. Most of the time is the technician getting
 22 from where they're at to the vehicle. Once they're on
 23 the vehicle, once they get to the vehicle, again it
 24 depends on the passengers on the cars. If the
 25 passengers pulled the doors completely open and start

Page 335

1 to get off the car, then it could entail powering down
 2 the rail and getting them all back on the car and then
 3 moving the car, or it could entail escorting them off
 4 the guideway. But the technician is mostly, typical
 5 recovery we've had is he goes out, gets on the car,
 6 verifies the doors are secured, does the remote reset,
 7 and then the train takes off.
 8 Q. Is removing trash a common event involved in
 9 recovery of a vehicle, removing trash from the track or
 10 guideway?
 11 A. When we had the overshoot system, we used to
 12 get flags. The overshoot flags on the guideway would
 13 get bags caught on them from the wind and stuff so that
 14 they would -- and during their normal inspections or
 15 daily inspections, if they saw that, then we would hold
 16 the train in the station, power it down, go through
 17 lockout/tagout, have the guy go out and remove it so it
 18 doesn't break the flag.
 19 But with the new systems, we don't have that,
 20 so the only time the system is delayed because of trash
 21 is if there's something in the threshold of a vehicle
 22 or station door.
 23 Q. In these 13 or so pages of this part of the
 24 Union Exhibit I, have you made observation whether or
 25 not recovery is the largest entry item of these line

Page 336

1 items?
 2 A. Definitely appear to be the majority of it is
 3 recovery.
 4 Q. Is replacement also a significant portion of
 5 the entry items?
 6 A. Yeah, there's fairly, fair amount of
 7 replacements.
 8 Q. Ask you to go 13 pages past that page that
 9 we've been discussing. It's a little hard to refer
 10 because I don't have any pages --
 11 MR. KAHN: You know, I think you're right, and
 12 you may want to solve that problem by paginating it for
 13 everyone. I'll address that.
 14 MR. THOMSON: Well, I'm doing the best I can
 15 here is all I'm saying. Sorry.
 16 MR. KAHN: Yes.
 17 BY MR. THOMSON:
 18 Q. What I'm looking at is a page, the top has,
 19 the top, like one-fifth has a block box around it.
 20 It's entitled "Data From the Daily Computer Log Used by
 21 Technicians Performing Work Under CBE-552." Below that
 22 box -- looks like this. Below the box, there are some
 23 other entries. Do you recognize what those entries are
 24 in reference to?
 25 A. Yeah. Those are recovery stuff that they did

Page 337

1 for the system that had, they had to do some type of
 2 recovery for it.
 3 Q. Now, in that fourth column or fifth column, it
 4 says, "R." Do you believe that's still to be recovery?
 5 A. Yeah. I would suspect it is.
 6 Q. Are you familiar with the term "recycle door
 7 command"?
 8 A. Yes.
 9 Q. What is it, and what's it used for?
 10 A. Lot of passenger interference with the doors,
 11 so passengers interfere with the doors. So if they get
 12 hung up or an issue, they will get an alarm up at the
 13 Control Center, and the Control Center will call down
 14 to the tram technicians and let them know what the door
 15 problem is, and the guys will ask for a recycle door
 16 command, which basically just sends a signal to the
 17 doors for them to reopen and then close.
 18 Q. What tool is used by the technician for that?
 19 A. Their handheld radio.
 20 Q. Did you go back and look in any of the records
 21 to try and relate any of these events to the records in
 22 your control?
 23 A. Yeah. I went back and looked at the pass-down
 24 for the first couple of ones to see what was in the
 25 pass-down log entry for what was done for those alarms.

Page 338

1 MR. THOMSON: I hand out Exhibit 43.
2 (Exhibit C 43 marked)
3 BY MR. THOMSON:
4 Q. Do you have Exhibit 43 now, Joel?
5 A. Yes.
6 Q. This is numbered with six pages of
7 information. It's entitled, "Shift Status and Action
8 Items." What exactly is this document then?
9 A. This is the pass-down log that the technicians
10 keep every day for putting information on what they do
11 on the system.
12 Q. And what dates did you run it for?
13 A. 2-4 of 2012, until 2-8 of 2012.
14 Q. Now, I know you've got a bit of a balancing
15 act there without a table in front of you. If you can,
16 now explain to us here how you've related the
17 information that's set forth on this page in Union
18 Exhibit 1 to what you have looked up in Exhibit 43. I
19 would appreciate it.
20 A. With just the dates, I went off of date, there
21 were no times, so if you look at the first one, they
22 have an east train delayed at station, station door
23 malfunction, and if you look at the pass-down Item 2,
24 the technicians input that 11:13 to 11:18 the
25 East Satellite E5 coded at Berth 2, Doors 5, 6, and

Page 339

1 they keyed it off and then on. So basically they went
2 down to the door, was having problems, they turned it
3 off, turned it back on, and then it was working fine.
4 Q. What about the next one?
5 A. The next one the south train, again without
6 having times, I related it to Item No. 3, which said
7 12:05 to 12:13, South Satellite Berth 178 had a
8 constant obstruction. They could not get it to clear.
9 So they had to turn the door off and put a sign on it.
10 And then if you follow the arrow down to night
11 shift, that's what night shift did at South Satellite
12 Berth 178. They did a first install, reloaded the door
13 profile, tested the I-beams and the physical
14 obstruction, all tested fine, and they returned it to
15 service.
16 Q. And the next one?
17 A. And then the next one was the west, so again,
18 13:11 to 13:20, east train had no lock on Berth 112.
19 E handle was stuck in the up position. Had to remove
20 the top of the linkage to get to run.
21 Q. What's E handle again?
22 A. Emergency release handle.
23 Q. The next one?
24 A. And then on that one, if you go down to
25 Item 4, they had adjusted the key switch rotated cams,

Page 340

1 reinstalled emergency hand linkage, and returned it to
2 service for that one.
3 And then the next one down, the west train
4 delayed at station, station door malfunction. Again
5 without times, this one is to be 15:20, west stuck at
6 satellite. Cleared on its own. Later found Berth 2,
7 3, 4 closed with an E5 code. Keyed off, then on.
8 Under 3 minutes.
9 Q. Next?
10 A. Is the south train, CCTV, which I have on
11 there, I think it's on the next page. Item 5, "CC
12 reported that they were having a problem with the CCTV
13 on the D Trams." Using the laptop, we were able to
14 view all the video feeds from the north, but the south
15 was unreachable. The yellow and green status indicator
16 for the network plug on Car 10DVR were on but neither
17 was flashing. Also we were unable to locate a key.
18 Q. Does that one have a resolution?
19 A. No. They didn't -- I didn't find anything
20 else that they put on there. That may have been the
21 ones that they verbally passed down.
22 Q. The next one?
23 A. To the other shift. The other one is the
24 SD McDonald, and that one's 6. SD McDonald at 14:50,
25 cleared at 15:05.

Page 341

1 Q. So it was taken care of in 15 minutes?
2 A. (Witness nods head up and down.)
3 Q. The next one?
4 A. South train delayed at station. Station door
5 malfunction.
6 9. "Had train delay at station, South Main
7 door, commands cleared. Went to check out on next
8 trip. B3 doors 5-6 did not open, keyed off and posted
9 sign."
10 Q. The next one?
11 A. "South delayed at station again. Had TVA.
12 South Main doors cleared. Door commands cleared. Went
13 to check out. Keyed checkout and on next trip B3 Doors
14 5-6 did not open. Keyed off and posted sign." And
15 then if you go down to 5 for night shift, it explains
16 what they did to that door that night.
17 Q. What did they do?
18 A. "Looked at South Main Berth 3-5-6. Door had
19 17 D1 alarms. Looked at auto lock, and pins are so
20 tight that the auto lock cannot pull up. Pushed leafs
21 together and auto lock was able to pick up leaf."
22 Q. What's a leaf?
23 A. It's the door leaf. You have two door leafs
24 that close to make up the door set, so you have a
25 right-hand and left-hand, depending on how you're

Page 342

1 looking at it.

2 Q. Can you explain? What they did was they shut

3 the door?

4 A. They shut the door and they noticed that

5 Leaf 5 was sagging on the back and it, sagging and

6 needs its back wheels replaced. So they put they'll

7 look into, so they put that into the corrective items.

8 They suspect the back wheels needed replaced, but they

9 may just needed to be adjusted. It's something they

10 would have to look at during maintenance.

11 Q. Next item?

12 A. I'm getting a lost here. "North train. Loss

13 of idle zero speed. Close and lock broken. Reverser

14 failed." And this was on on the 6th at 6:09, and

15 they have, "CC called with loss of zero speed North

16 Satellite. Had to wait for the south to return to main

17 to recover the north. CC PAed the train info and

18 informing passengers that maintenance was en route.

19 Had to break into all cars to free pax due to no

20 response to commands from the train. After clearing

21 pax we found no station door close and lock. Finding

22 Berth 2, 5-6 with a bent E handle linkage. Were able

23 to get any response from the train to controlling end

24 override. Remote reset. Train line reset. Tried

25 moving the train into the station to clear. The no

Page 343

1 response issue with no success, but did receive

2 reverser fail alarms on Car 5 and Car 6 after 27

3 minutes. At 6:36 tried manually driving from Car 5.

4 Getting no propulsion. Tried rebooting ATC cradles on

5 Car 5 and 7 but were unable to clear the reverse or

6 fail alarms. Rebooted the ATC cradle on Car 6 with no

7 success. Had to revert to jumping up and down on the

8 car's -- jumping up and down on Car 5, 6 for several

9 minutes, as well as rebooting the ATC cradles again on

10 these cars. After jumping up and down on Car 5,

11 Vehicle 5 doors tried to close, but the E handle was

12 pulled on Leaf 7." "AF" is probably Aaron Fame

13 (phonetic) -- "got on to Car 5 and buttoned up the

14 train and departed the station in manual until train

15 lost cleared -- train loss cleared, at which point

16 Car 5 was switched to auto. The train took off on ATO

17 from north tunnel at 6:58."

18 Q. Do I get it right, the key tool here was

19 jumping up and down?

20 A. Well, when you get the train and you can't get

21 up underneath it, there's ox contacts on the break and

22 line switch that get hung up, so the only other way,

23 they found jumping on the top of the car and that helps

24 loosen them up. Then at night they're going to have to

25 go up underneath, and when it's out on the track, you

Page 344

1 really can't get underneath the car. So that's a way

2 of getting it to the thing, getting it to the station.

3 Q. How often does that occur?

4 A. Doesn't occur that often.

5 Q. Are the entries that you found here, in your

6 opinion, pretty representative of what happens when an

7 alarm is received about the vehicles?

8 A. Yeah.

9 Q. And you think it's representative of the

10 alarms that are listed for approximately seven pages in

11 Exhibit, Union Exhibit 1?

12 A. Yeah.

13 MR. THOMSON: Indulgence for a moment, please.

14 COMMISSIONER TOWLER: Yes.

15 BY MR. THOMSON:

16 Q. Joel, one other question about Union

17 Exhibit 1. Did you identify how much of this would

18 consist of preventative maintenance?

19 A. Well, looking through it, the majority of it

20 to me is preventative maintenance. There's inherent

21 repairs that go on with preventative maintenance, so

22 it's everything that we did to keep the trains up to a

23 high standard of availability.

24 MR. THOMSON: Okay. Move for the admission of

25 Exhibit 43.

Page 345

1 MR. KAHN: No objection.

2 MR. TRIMMER: No objection.

3 COMMISSIONER TOWLER: With that, County

4 Exhibit 43 is entered.

5 (Exhibit C 43 admitted)

6 BY MR. THOMSON:

7 Q. Also, Joel, going back to your work history,

8 when you were working on the installation side of

9 Bombardier, what did your job entail?

10 A. Overseeing the installation of the D system

11 from UPS units to the rail to the I-beam, to testing

12 the vehicles, to writing the test procedures for the

13 vehicles, to inspecting concrete forms, overseeing

14 subcontractors, observing safety, doing safety walks

15 with the general contractor. Everything dealing with

16 the installation and testing and commissioning of the

17 D Cars.

18 Q. So you were involved in testing and

19 commissioning?

20 A. Yes.

21 Q. Were you doing testing and commissioning when

22 you were in the operations and maintenance area?

23 A. Not, not for the new vehicles, no. They were

24 already, D Trains and C Trains were already

25 commissioned, so didn't do any of that.

Page 346

1 Q. So what's the difference between the
2 maintenance that you supervised before Bombardier and
3 now are over with the County, versus the installation
4 type of contract?

5 A. Well, the installation side we were putting in
6 the brand new cars, brand new system, so we were
7 testing it, making sure it works with its, according to
8 its design, looking for any problems or issues. And
9 then on the maintenance side, we were, the trains were
10 in -- we just -- we kept, we maintained them, ran them
11 and maintained them.

12 MR. THOMSON: No further questions.

13 COMMISSIONER TOWLER: All right, thank you. I
14 think it would probably be easier to have Mr. Kahn go
15 next.

16 CROSS-EXAMINATION

17 BY MR. KAHN:

18 Q. Thank you. Joel -- do you mind if I call you
19 Joel?

20 A. No. That's fine.

21 Q. Thanks. When you worked on the installation,
22 you had technicians assisting you, some of whom had
23 previously worked on the repair side for Bombardier,
24 right? For example, Vern McClain?

25 A. On what system?

Page 347

1 Q. On the new installation as part of
2 Contract 2305?

3 A. I was not part of the testing commissioning
4 group on 2305.

5 Q. You don't know who worked over on that side?

6 A. That was under somebody else. I was under
7 O&M.

8 Q. You didn't see who was working over there?
9 Okay.

10 A. No, I didn't, I didn't -- 2305 was not mine.
11 I was maintaining the cars.

12 Q. Okay. Has the County prepared any warranty
13 claims against Stanley for the work involved with
14 dealing with the defective auto locks?

15 A. I wouldn't be -- I would have no knowledge of
16 that.

17 Q. Never heard of that? Okay. Has the County
18 ever made any warranty claims to your knowledge against
19 any supplier involved in the ATS system?

20 A. For what period? At any time? Now that
21 I've --

22 Q. Yes, since you've worked for the County.

23 A. Since I worked for the County? Yes, we have
24 submitted warranty stuff to Bombardier for Terminal 3
25 stuff.

Page 348

1 Q. And have you included in that hour spent by
2 County employees?

3 A. Yes, we have.

4 MR. KAHN: Nothing further. Thanks.

5 COMMISSIONER TOWLER: All right. Mr. Trimmer?

6 CROSS-EXAMINATION

7 BY MR. TRIMMER:

8 Q. Just a couple of questions.

9 Is Bombardier the original equipment
10 manufacturer for the C and D legs?

11 A. Yes.

12 Q. And does the DOA follow the maintenance
13 procedures established by Bombardier?

14 A. Yes.

15 Q. Is the replacement of a traction motor brush a
16 preventative maintenance task?

17 A. Yes. It's on a PM.

18 Q. How about replacement of collector shoes?

19 A. It's on a PM to inspect them. Same thing with
20 motor brushes. It's on a PM to inspect and then
21 replace as needed. There's not a certain time frame to
22 replace them.

23 MR. KAHN: Okay. No further questions.

24 COMMISSIONER TOWLER: Any follow-up?

25 MR. THOMSON: None.

Page 349

1 MR. KAHN: None.

2 COMMISSIONER TOWLER: All right. This witness
3 is released.

4 THE WITNESS: Thank you.

5 COMMISSIONER TOWLER: Just make sure somebody
6 has your cell phone number.

7 THE WITNESS: Yes, he has it.

8 MR. THOMSON: We know where he works and
9 lives.

10 COMMISSIONER TOWLER: Let's go off the record.
11 (Recess.)

12 COMMISSIONER TOWLER: We are back on the
13 record.

14 Whereupon,
15 RANDALL WALKER,
16 having been first duly sworn to testify to the truth,
17 the whole truth and nothing but the truth, was examined
18 and testified as follows:

19

20 COMMISSIONER TOWLER: Please state your name
21 and spell your last name for the record.

22 THE WITNESS: Randall Walker, W-A-L-K-E-R.

23 COMMISSIONER TOWLER: All right. Go ahead,
24 Mr. Moss.

25 \\\

Page 350

1 DIRECT EXAMINATION
2 BY MR. MOSS:
3 Q. Mr. Walker, what's your current employment
4 status?
5 A. I'm a consultant.
6 Q. Okay. Prior to your starting your
7 consultancy, were you employed?
8 A. I was.
9 Q. By whom?
10 A. Clark County.
11 Q. In what capacity?
12 A. As the Director of Aviation for McCarran
13 Airport and the Clark County aviation system.
14 Q. And in that position, what were your duties?
15 A. All my duties were to be responsible for the
16 overall operation -- construction, maintenance and
17 operation of the entire airport system.
18 Q. Of the entire --
19 A. Airport system.
20 Q. Okay. So you were the --
21 A. I was the chief executive officer, basically.
22 Q. For the airport?
23 A. Correct.
24 Q. Have you had any other positions with Clark
25 County?

Page 351

1 A. I have.
2 Q. What were those?
3 A. Prior to being the Director of Aviation, I was
4 the Assistant County Manager for nine months. Prior to
5 that I was the Finance Director for nine months. Prior
6 to that I was the Deputy Director of Aviation for a
7 little over five years. And prior to that I worked for
8 the County for 13 months a long time ago as a budget
9 officer in the budget office from '79 to '80.
10 Q. What are the time frames that you were at the
11 airport?
12 A. I was at the airport from November of 1990
13 through December of 1995, then I returned to the
14 airport again in the middle of May, 1997.
15 Q. And in both of those stints, did you have some
16 involvement with the DOA contracts?
17 A. I did.
18 Q. There's an exhibit that's been put in that's a
19 map of the system. It's Exhibit 27. And there should
20 be a copy available for you. 25, I'm sorry. 25.
21 A. This one?
22 Q. Yes.
23 A. Okay.
24 Q. Would you take a moment to review that?
25 A. I have.

Page 352

1 Q. Can you tell me what this is?
2 A. Well, this is a layout of the airport. You
3 see the terminal buildings, Terminal 1, Terminal 3, the
4 D Gates, C Gates, A and B Gates. You see the roadway
5 system, and highlighted here you see the three
6 different, we call them trains or shuttles or ATSS,
7 whatever you want to refer to them, systems, one going
8 from Terminal 3 to the D Gates, one going from
9 Terminal 1 to the D Gates, and one going from
10 Terminal 1 to the C Gates.
11 Q. Does this depict the system as it currently
12 exists?
13 A. Yes.
14 Q. Now, you just touched on it a little bit, but
15 I want to make sure that we're clear on the system and
16 where it goes and where it doesn't go.
17 A. Okay.
18 Q. So would you just tell us, looking at this,
19 where the system is and where the trams take you and --
20 well, start with that.
21 A. If you go to Terminal 1, there are two trains
22 depicted there. Both of these systems begin on, at the
23 south end of Level 2, over the baggage claim area. The
24 D Gate train, which is on the east side, is a two
25 three-car train set, which is a shuttle system between

Page 353

1 Terminal 1 and the D Gates. The train at the -- it's
2 above ground for about half the distance, then it goes
3 into an underground tunnel and it ends at the D Gate
4 train station, which is just before the rotunda, and
5 the rotunda is the area where the customers get into
6 and then decide which escalator to take them up to
7 Level 2, which is the gate area.
8 And then, of course, the customers coming from
9 the D Gates who want to go to Terminal 1 to claim their
10 baggage or because that's where they parked their car,
11 whatever, would get on that same train system, go back
12 to Terminal 1 for that purpose.
13 There's also another train system there on the
14 west side, which is the C Gate train, and it's also a
15 shuttle system two two-car trains, and it shuttles
16 passengers and employees between Terminal 1 and the
17 C Gates.
18 And then the most recent train which was
19 opened up when we opened up the Terminal 3 in June of
20 last year is a shuttle system, two three-car trains --
21 yes. I want to make sure I said that right -- would
22 shuttle customers between the D Gates and Terminal 3.
23 Q. Okay. Now, on the Terminal 1, there are some
24 entries here, A Gates and B Gates. And I take it there
25 is no shuttle service to those gates?

1 A. No. If you're going to the A Gates or the
2 B Gates, you walk.

3 Q. Okay. And then over on T3, it says,
4 "Ticketing, baggage claim and E Gates." Is there
5 ticketing, baggage claim and gates in T1?

6 A. Yes. It becomes a little confusing. The
7 D Gates in the past has always been referred to as part
8 of Terminal 1, and that is incorrect. The D Gates is a
9 satellite terminal which is not really connected to any
10 main terminal. When it was only connected to
11 Terminal 1, it was convenient to refer to them as part
12 of Terminal 1. But the D Gates is a satellite terminal
13 and is connected to both Terminal 1 and Terminal 3 by a
14 train, because some of the D Gate carriers operate out
15 of Terminal 3, and some of the D Gate carriers operate
16 out of Terminal 1.

17 Q. May I stop you there for a second? Now, does
18 that mean that the customer or the passenger has to
19 utilize both of those facilities?

20 A. No. If you're a Hawaiian customer, for
21 example, which I was last night when I got back from
22 Hawaii, and then had to come here, was kind of a
23 shocking change, my flight arrived at Gate D34, okay,
24 which is the southwest wing of the D Gate. Their
25 ticket counter baggage claim is in Terminal 1, so for

1 me to claim my bags, which I checked, I had to go to --
2 excuse me, Terminal 3. I had to go take the train to
3 Terminal 3 to get to Baggage Claim Carousel No. 26 in
4 order to pick up my bags.

5 If I'd have taken the Terminal 1 train, I
6 would have been in the wrong baggage claim and I would
7 have not been able to claim my bags there.

8 So, if you're flying on either United or
9 Hawaiian, and you arrive in the D Gates, your train is
10 the Terminal 3 train. If you're arriving on Delta,
11 Allegiant, American or the other carriers that are over
12 there, then you need to take the Terminal 1 train to
13 get over to the proper terminal because that's where
14 your baggage claim is going to be.

15 And so, or if you're a customer that's
16 connecting and you arrive on any one of those and
17 you're connecting to a carrier that operates out of
18 Terminal 1, you should take the Terminal 1 train. If
19 you're connecting say to an international flight, then
20 you would need to take the Terminal 3 train, because
21 all the international flights operate out of
22 Terminal 3.

23 Q. Well, can you use Terminal 3 and never have to
24 leave there, either as you're coming, leaving or coming
25 back?

1 A. As in Terminal 1, there are gates at
2 Terminal 3 that are gates that are part of the terminal
3 that don't require any transportation other than your
4 own feet. We have 14 gates which we call frontal gates
5 which are part of the Terminal 3 complex. The seven on
6 the east side are the international gates, the seven on
7 the west side are domestic gates.

8 So if you were flying out of one of those
9 gates, if you were an international customer, or if you
10 were flying Alaska, Jet Blue, Frontier, Sun Country, or
11 Virgin America, then you would use one of those 14
12 gates. And so once you clear security, you would go
13 to, just walk to one of those gates and you wouldn't
14 need a transportation system.

15 If you were using Hawaiian or United after you
16 checked in, went through security, then you would need
17 to take the elevator or the escalator down to the zero
18 Level, get on the train and ride over to the rotunda,
19 the D Gates, in order to access your departure gate for
20 Hawaiian or United.

21 Q. Now, so do you have curbside dropoff for T3?

22 A. Yes. Terminal 3 is what we call in the
23 airport business a unit terminal. It's self-contained.
24 It has its own parking, its own roadway system, its own
25 baggage claim, it's own ticketing. So if your carrier

1 operates out of Terminal 3, all of those services are
2 provided out of Terminal 3. Your gate will either be
3 in Terminal 3 or the D Gates, depending on what gates
4 that carrier has been assigned.

5 Q. Is there any situation where you are ticketed
6 and dropped off at Terminal 1 and have to go to T3 for
7 a gate?

8 A. No. Because if -- well, I should say, a
9 person could make a mistake. If a person is traveling
10 on United and they are not checking any bags, and they
11 have their boarding pass, they could get dropped off at
12 Terminal 1, and they could easily correct their mistake
13 and take the train over to the D Gates.

14 But if they need to check their baggage and
15 have to go to the ticket counter to do that, or any
16 other reason need to go to the ticket counter, upgrade
17 their seat or do anything like that at the ticket
18 counter, they have to be at Terminal 3 for United
19 because that's where United's ticket counters are.

20 Conversely, if you're flying Delta and you're
21 not checking a bag, and you ended up at T3, you could
22 ride the train over to Delta, even though Delta's
23 ticket counter baggage claim is in Terminal 1.

24 Obviously for anybody that's claiming a bag or
25 needs to go to the ticket counter for any reason, to