

Hearing Transcript

2017 Automobile Insurance Review

September 14, 2018

PRESENT:

The Board:

Darlene Whalen, Chair and CEO
Dwanda Newman, Vice-Chair
James Oxford, Commissioner

Board Counsel/ Staff:

Ryan Oake, Regulatory Analyst
Peter O'Flaherty, Q.C., Hearing Counsel

Parties (Alphabetical Order)

Atlantic Provinces Trial Lawyers Association
Ernest Gittens

Campaign to Protect Accident Victims

Colin Feltham
Jerome Kennedy, Q.C.

Consumer Advocate

Dennis Browne, Q.C.
Andrew Wadden

Insurance Bureau of Canada (IBC)

Amanda Dean
Kevin Stamp, Q.C.
Trevor Foster

Spinal Cord Injury NL

Lara Fraize-Burry
Michael Burry

Presenters:

Garrett Donaher
Presenting on behalf of the Consumer
Advocate

Professor Kelly Blidook
Presenting on behalf of the Campaign

Peter Gulliver
Private Citizen – Taxi Owner

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1 (9:02 a.m.)
 2 MR. WADDEN:
 3 Q. Good morning, Madam Chair.
 4 CHAIR:
 5 Q. Good morning.
 6 MR. WADDEN:
 7 Q. Madam Chair, we've over, I suppose, roughly
 8 two weeks perhaps or more of these hearings
 9 thus far. We've had a significant amount of
 10 discussion in terms of profitability of
 11 insurers. The cap obviously has taken a lot
 12 of our time in terms of discussion, and fair
 13 enough, those are key topics. We've touched
 14 on DCPD and accident benefits reforms
 15 possibly, but today I want us to turn, if we
 16 can briefly at least for this presentation,
 17 to another part of the terms of reference,
 18 and we don't need to bring them up on the
 19 screen, I can just read this small portion
 20 out, "To report on measures to improve
 21 highway safety and automotive accident
 22 prevention in Newfoundland and Labrador".
 23 We haven't spoken much, if at all thus far,
 24 I don't think, in these proceedings about
 25 that, and for the benefit of all the parties

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1 in the room, of course, most importantly the
 2 Board is going to have to make a submission
 3 to government. We'd better start talking
 4 about it because it's very important, and in
 5 our respectful view, if the issues that
 6 we're discussing surround claims and
 7 accidents, really what we should do is get
 8 down to the heart of the matter, which is
 9 having the accidents in the first place,
 10 and, therefore, hopefully reducing the
 11 claims, and it goes without stating,
 12 reducing the number of people in
 13 Newfoundland that get hurt. So how do we
 14 get there? Well, we can start talking about
 15 the roads, safety, and what if anything can
 16 we do to fix things up. We have here today
 17 Mr. Garrett Donaher, and Garrett is a
 18 transportation engineer with the city, and
 19 we've had a couple of conversations with Mr.
 20 Donaher leading up to today to try to get an
 21 idea of his knowledge base and how he can
 22 help inform us all. I also want to
 23 acknowledge Ms. Cheryl Mullett, who is here
 24 in the room. She's a city solicitor and
 25 she's accompanying Mr. Donaher here today.

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1 I want to let everybody know she's here.
 2 Mr. Donaher, of course, is here, we'll say,
 3 with the permission of his employer, at the
 4 pleasure of the city, if you will, and we're
 5 really appreciative that you've come, sir.
 6 Why don't we start by having you just tell
 7 everybody your educational background and
 8 some of your work experience leading up to
 9 working with the city, what it is you do.
 10 MR. DONAHER:
 11 A. Sure. I completed a Bachelors in Civil
 12 Engineering at Carlton University in Ottawa.
 13 At the end of that, I was working at a
 14 consulting firm doing transportation
 15 engineering work in town. I then moved down
 16 to Waterloo, where I completed a Masters in
 17 Applied Sciences in Transportation
 18 Engineering. While I was living in
 19 Waterloo, I started working with the Region
 20 of Waterloo, which is kind of a second tier
 21 municipality in their structure. So I was a
 22 transportation engineer there for about four
 23 years before I took the position here at the
 24 city. That was about three and a half years
 25 ago now.

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1 MR. WADDEN:
 2 Q. Okay, when did you – your engineering
 3 degree, when did you complete that?
 4 MR. DONAHER:
 5 A. I completed my Bachelors in 2008, and my
 6 Masters I completed in 2014.
 7 MR. WADDEN:
 8 Q. Okay, and can you tell me a little bit about
 9 the work you would have one at the City of
 10 Waterloo? I understand what your title was,
 11 but what would you have been doing there?
 12 MR. DONAHER:
 13 A. So for the Region of Waterloo, we had a
 14 group of transportation engineers, about
 15 half dozen of us, and we would look at
 16 region wide issues. We managed the traffic
 17 signals, we managed new road projects. They
 18 have a very robust environmental assessment
 19 system in Ontario, so we would work on the
 20 transportation aspect of those for various
 21 projects. We sat beside the transit group
 22 as well, so we worked closely with them to
 23 ensure that transit was working well on our
 24 roads, and as any municipal role, just
 25 general response to council's questions,

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1 other staff in other departments, that sort
 2 of thing.
 3 MR. WADDEN:
 4 Q. Okay. What is the department in particular
 5 that you work for within the City of St.
 6 John's?
 7 MR. DONAHER:
 8 A. So at the City of St. John's, I'm the
 9 Manager of the Transportation Engineering
 10 Division.
 11 MR. WADDEN:
 12 Q. Transportation Engineering Division, and
 13 what is your official title?
 14 MR. DONAHER:
 15 A. Manager of Transportation Engineering.
 16 MR. WADDEN:
 17 Q. Manager of Transportation Engineering, okay.
 18 So if you had your job spec in front of you,
 19 what would it say, what are the details of
 20 your job, what are you responsible for?
 21 MR. DONAHER:
 22 A. We're a pretty small group at the City of
 23 St. John's, so we cover the gambit of all
 24 aspects of what would be included in
 25 transportation engineering, so that starts

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1 off kind of at the very low level where
 2 we're issuing permits for folks to carry
 3 wide loads on our roads, or dumpsters on the
 4 street, that sort of thing. We progress up
 5 through managing the traffic signals,
 6 temporary message boards on the side of the
 7 road, we handle review and approval of
 8 traffic control plans for contractors who
 9 are doing work on our roads. We move up
 10 from there to go through traffic calming
 11 process, planning, policy, active
 12 transportation, long range forecasting for
 13 all transportation issues across the city.
 14 MR. WADDEN:
 15 Q. Thank you, Garrett. Could you do me a
 16 favour, just make sure that when you're
 17 speaking that you speak as loudly as
 18 possible so that the transcriber picks up
 19 everything, as well as everybody in the
 20 room.
 21 MR. DONAHER:
 22 A. Sure.
 23 MR. WADDEN:
 24 Q. Thank you. Okay, so what we really want to
 25 talk about is auto accident prevention and

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1 the city's role in it, and your knowledge
 2 around that area, and what the city is able
 3 to do and what they can do, and what are the
 4 things they are doing. So let's try and get
 5 into a general chat now about what the city
 6 can do to help with accident avoidance, and
 7 I'll tee it up by discussing one of the
 8 things that you and I discussed beforehand,
 9 which is traffic calming studies, okay.
 10 MR. DONAHER:
 11 A. Uh-hm.
 12 MR. WADDEN:
 13 Q. Talk to us about them. How do they come to
 14 be, how long do they take, why are they
 15 done? Tell me generally about these traffic
 16 calming studies in the city.
 17 MR. DONAHER:
 18 A. Sure. So a traffic calming study is
 19 initiated when a councillor or member of the
 20 public raises a concern about their
 21 residential street to the city. We then
 22 initiate a process where we go out and we
 23 collect data on the number of vehicles that
 24 are travelling on that street, the speeds at
 25 which they're travelling, and then we do a

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1 two step evaluation where we do a screening
 2 process to see if the street is eligible to
 3 have traffic calming. So in the screening
 4 process, we look at things like is it a
 5 transit route, is it an emergency response
 6 route, is it – like, how major is the road,
 7 for example, a large arterial road doesn't
 8 qualify for traffic calming because the
 9 primary purpose of that is to move vehicles
 10 and people along the road. Once we've
 11 completed that screening process, we go into
 12 a scoring process, and so scoring looks at
 13 some of the similar issues, how fast
 14 vehicles are travelling, how many vehicles
 15 there are, are there sidewalks, are there
 16 schools, are there parks, all that sort of
 17 thing, to develop a score for the street.
 18 Depending on the score, it will either be
 19 considered to be eligible for traffic
 20 calming or not eligible. Then the eligible
 21 projects are put in order of priority based
 22 on that score. So we start at the top of
 23 that score list and work our way down,
 24 selecting projects as we go. When we
 25 initiate a project, we'll first go out to

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1 the residents of that street with a survey.
 2 So we deliver survey door to door and ask
 3 them if they're interested in having traffic
 4 calming on the street, because we often
 5 receive a complaint from an individual to
 6 kick off the process, but the consensus of
 7 the street may not reflect that individual's
 8 opinion. So if the response from the
 9 residents of the street is positive, then
 10 we'll go back and we'll look at what type of
 11 measures we think might be appropriate to
 12 apply to that street in order to reduce
 13 volumes of traffic and/or reduce the speeds
 14 of traffic, depending on the particular
 15 issues of that street. Once we've developed
 16 a concept or a plan of what measures to
 17 implement, we'll go back to the residents
 18 again and propose that to them in a survey,
 19 again looking for a positive response from
 20 them before we continue. If we do receive
 21 that positive response, then we'll take a
 22 look at the type of measure that we want to
 23 implement, what time of year it is, what's
 24 involved in the job, and we'll either select
 25 a temporary installation that will go

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1 through the summer up until winter snow
 2 clearing season begins, or we'll select a
 3 permanent installation. In the case of a
 4 temporary installation, they come out
 5 usually about November and then the
 6 following year we go back to the residents
 7 and say, okay, now we're ready to do the
 8 permanent installation, are you still on
 9 board with this having had the experience of
 10 the temporary installation the year before.
 11 MR. WADDEN:
 12 Q. Okay, you gave me a lot there, and I
 13 appreciate that. Let's back up slightly.
 14 MR. DONAHER:
 15 A. Sure.
 16 MR. WADDEN:
 17 Q. So a traffic calming study in general is
 18 initiated because of - is it fair to say in
 19 most cases because of a concern from a
 20 citizen and/or a concern brought to you by a
 21 councillor?
 22 MR. DONAHER:
 23 A. That's correct.
 24 MR. WADDEN:
 25 Q. Okay, so that's, I guess, you would term

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1 that a reactive measure?
 2 MR. DONAHER:
 3 A. Program, yeah.
 4 MR. WADDEN:
 5 Q. Would any traffic calming studies be done on
 6 sort of a proactive basis without anybody
 7 coming to the department?
 8 MR. DONAHER:
 9 A. Yes. So we don't necessarily call them
 10 traffic calming studies at that point. We
 11 have a particular kind of policy that's in
 12 place called the traffic calming policy, and
 13 that's the process I just described. If
 14 staff have identified a particular issue in
 15 the city, then we'd look at mitigating
 16 measures for that directly. If it affects
 17 residential street, then we would do that
 18 surveying process similar to the traffic
 19 calming process, but usually things that are
 20 brought to our attention through experience
 21 in the field are not the same types of
 22 concerns that would be raised by residents
 23 on a street. So we'll look at those issues
 24 directly and try to develop a plan, and
 25 bring them to council to determine whether

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1 or not council would like to proceed with
 2 them.
 3 MR. WADDEN:
 4 Q. Okay, and the concerns that result in some
 5 sort of traffic calming study that come to
 6 you from citizens or councillors, these are
 7 almost always to do with either speed issues
 8 or volume of vehicles?
 9 MR. DONAHER:
 10 A. Yeah, I would say they're almost always to
 11 do with the perception of high speed or high
 12 volumes on a residential street.
 13 MR. WADDEN:
 14 Q. Okay, on a residential street?
 15 MR. DONAHER:
 16 A. For the most part, yeah. We usually don't
 17 get any concerns from businesses or
 18 institutions of that nature.
 19 MR. WADDEN:
 20 Q. Okay, and I'm sure it varies, but how long
 21 would one of these processes last?
 22 MR. DONAHER:
 23 A. It really does vary. It depends mostly on
 24 the participation of the community. So if
 25 we get our responses back quickly, if

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1 they're always positive, they're very
 2 interested in completing the project, then
 3 we could go from, you know, having our
 4 evaluation complete to something on the
 5 ground in the course of a few months. If it
 6 is more contentious or more difficult issue
 7 to tackle, then that process can extend well
 8 over a year.
 9 MR. WADDEN:
 10 Q. Okay. So depending on the complexity of the
 11 issues that need to be dealt with, that's
 12 what decides the length of the study and
 13 figure out what needs to be done?
 14 MR. DONAHER:
 15 A. Absolutely.
 16 MR. WADDEN:
 17 Q. Okay. Now when you and I spoke, we started
 18 talking about the things that sort of come
 19 out of these studies in terms of results and
 20 fixes.
 21 MR. DONAHER:
 22 A. Uh-hm.
 23 MR. WADDEN:
 24 Q. And I think you touched on one briefly, so
 25 let's talk about the first one. I think the

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1 term you used when we spoke was something
 2 called "vertical deflection"?
 3 MR. DONAHER:
 4 A. That's right.
 5 MR. WADDEN:
 6 Q. Put that in simple terms for me.
 7 (9:15 a.m.)
 8 MR. DONAHER:
 9 A. Yes, so vertical deflection is the first
 10 category of three main categories of
 11 measures that we might put in place on a
 12 street. Effectively, what it means is we're
 13 putting a barrier in the road that is going
 14 to cause a vehicle to move vertically. So
 15 those types of treatments are speed humps
 16 and speed cushions primarily. They create a
 17 barrier in the road that people want to slow
 18 down and proceed over it cautiously.
 19 MR. WADDEN:
 20 Q. Okay, and just so we're all clear, the speed
 21 cushions are these ones we see around town,
 22 they look like they're made of rubber,
 23 they're temporary, they've got some yellow
 24 on them, and the humps are the permanent
 25 ones made of, I guess, asphalt or concrete,

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1 is that right?
 2 MR. DONAHER:
 3 A. That's not quite correct. The difference
 4 between them is in the design. So if you
 5 imagine a speed bump that you might see in
 6 the parking lot of a grocery store, for
 7 example, that is a quite abrupt bump, it's
 8 very aggressive, it's short in terms of how
 9 far it is to get across it. So that's kind
 10 of the first step in the technology of
 11 vertical deflection. We usually don't use
 12 those on city streets because they are so
 13 aggressive.
 14 MR. WADDEN:
 15 Q. Uh-hm.
 16 MR. DONAHER:
 17 A. The next step is to take that bump and
 18 stretch it out so that you're still kind of
 19 going over, but you have a more gentle
 20 deflection as you go over. So it's still
 21 quite aggressive in order to ensure that
 22 you're responding do it.
 23 MR. WADDEN:
 24 Q. OKAY.
 25 MR. DONAHER:

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1 A. If it's too gentle, we're not going to get a
 2 response. It's basically a longer version
 3 of a bump, and when I say longer, I mean,
 4 longer along the length of the road that
 5 you're travelling. The third one, a speed
 6 cushion, is the same as a speed hump, but
 7 what we do is we create gaps in it along the
 8 road so that a large vehicle such as a
 9 transit bus or a fire apparatus can actually
 10 straddle the bump and pass through those
 11 gaps without hitting that vertical
 12 deflection. So we use those so that we are
 13 not negatively impacting things like
 14 emergency response or transit service, but
 15 still at the same time providing the
 16 vertical deflection for your regular
 17 passenger vehicles that are affected by it
 18 and can't straddle those speed cushions.
 19 MR. WADDEN:
 20 Q. Okay, and the rationale for any of these
 21 once you've completed some sort of traffic
 22 study and decided that one of these
 23 solutions needs to be implemented, I presume
 24 is to reduce speed in a given area?
 25 MR. DONAHER:

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1 A. So vertical deflection is one of the most
 2 effective tools that we have to affect
 3 speed, speed being one of the primary
 4 concerns that folks have in traffic calming
 5 studies. It does have in some cases a very
 6 small effect on the number of vehicles or
 7 the traffic volumes, but that's usually not
 8 the primary function of vertical deflection.
 9 MR. WADDEN:
 10 Q. Okay. How do we know it works?
 11 MR. DONAHER:
 12 A. Vertical deflections and, I guess, all
 13 traffic calming measures have been studied
 14 ad nauseam across North America and the
 15 world for decades now. So we have a number
 16 of very good references that will outline
 17 different measures that could be
 18 implemented, what they affect, how effective
 19 they are at affecting their target, and
 20 calming concerns or context that needs to be
 21 taken into consideration in implementing
 22 one. So an example of that would be a
 23 vertical deflection is not really an
 24 appropriate tool if the road is too steep
 25 because it affects the ability of a vehicle

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1 to travel up the hill or down the hill. So
 2 if the road becomes too steep, then we lose
 3 vertical deflections out of our toolbox, as
 4 an example. In these reference, we also
 5 have kind of descriptions of the original
 6 research. So it's most academic research
 7 into the different styles of design that
 8 could be implemented. So they vary across
 9 the board from how high a particular
 10 deflection might be, to the type of
 11 deflection, like a cushion versus a hump or
 12 a bump, the angle of attack onto the
 13 cushion, the angle of departure off the
 14 cushion. There's all sorts of various
 15 technical variations that have been studied
 16 in detail to understand how they affect
 17 traffic flow.
 18 MR. WADDEN:
 19 Q. Okay. One of the other things we discussed
 20 in terms of results that come from these
 21 studies is horizontal deflection. Talk to
 22 us about that.
 23 MR. DONAHER:
 24 A. So horizontal deflection is the next
 25 category. What it basically means is that

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1 we're looking for people to shift their path
 2 of travel as they go down a road. So when
 3 you're travelling down a nice straight
 4 stretch, it's very easy to get your speed
 5 up. So if we introduce changes in the
 6 roadway to have people kind of slightly
 7 adjusting to the left or right as they
 8 travel down the road, then they respond to
 9 that by lowering their speed so they can
 10 react to that horizontal deflection. So
 11 some of the primary tools we use for
 12 horizontal deflection are things like curb
 13 extensions. Curb extensions will take the
 14 existing curb where it is adjacent to the
 15 sidewalk and reconstruct that curb further
 16 out into the road, and what that does is it
 17 narrows the effective asphalt through an
 18 area, and so as a driver approaches that
 19 area, they need to kind of shift over closer
 20 to the centre line to pass through that area
 21 of the curb extension, and then they can
 22 shift back afterwards. Through that
 23 constriction point there is on the driver's
 24 behalf a perception of increased complexity.
 25 So the psychological response is again for

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1 them to slow down and be more careful as
 2 they travel through the area. Obviously,
 3 speaking in generalities, not everyone is
 4 affected in the same way, but overall in
 5 aggregate we see people respond to those
 6 types of facilities by slowing their travel.
 7 MR. WADDEN:
 8 Q. Okay, and these curbs that are an aspect of
 9 this horizontal deflection, is that
 10 something that – is that again something we
 11 see more in a residential area or would you
 12 see that on main streets as well?
 13 MR. DONAHER:
 14 A. Yeah, so it can be applied in a variety of
 15 different locations. We typically will
 16 combine them with crosswalk locations.
 17 That's a really advantageous place to locate
 18 them. What it does at a crosswalk location
 19 is it provides an additional kind of
 20 concrete curbed safe area for a pedestrian
 21 to stop while they're looking to cross the
 22 road. So, the space that's created for them
 23 on the curb extension is more visible to
 24 approaching vehicles, and they can see
 25 approaching vehicles more easily, and the

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1 distance that they need to cross to get to
 2 the other side of the road is smaller. So,
 3 there's less, the technical term we use is
 4 exposure to a vehicle. So, we often will
 5 implement a horizontal deflection at a
 6 crosswalk location and that could be in a
 7 residential area. It's quite affective in
 8 a, kind of a main-street context as well,
 9 but it is applicable in most areas except
 10 for kind of the highest order of roads, the
 11 busiest roads where it's not really
 12 affective any more or appropriate I should
 13 say.
 14 MR. WADDEN:
 15 Q. Okay. One of the other I understand, what
 16 came out of one of these studies is just
 17 general restrictions placed in an area. For
 18 example, you know, no turn, no left turn in
 19 this area or making a two-way street a one-
 20 way street. Talk to me about having
 21 studying and deciding that there are
 22 restrictions and the effectiveness of those.
 23 MR. DONAHER:
 24 A. Yeah, so the first two measures is the
 25 vertical deflection and the horizontal

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1 deflection. Their primary impact on vehicle
 2 speed. A restriction's primary impact is on
 3 the vehicle volume or the number of cars
 4 travelling down a street. So, a restriction
 5 could be exactly as you said, no left turns
 6 onto a street or a one-way onto the street.
 7 It could be enforced with signs for by
 8 creating new infrastructure in the road to
 9 physically block the path of vehicles from
 10 doing the manouvre that we're trying to
 11 restrict. And what they do is they
 12 effectively block people's travel path. So,
 13 if there's a small residential street that a
 14 lot of people are using to kind of cut
 15 through or shortcut through, and that street
 16 has scored on the traffic process, then we
 17 might look at a restriction in order to
 18 encourage drivers to select a different
 19 route to their destination rather than
 20 through that small residential street.
 21 MR. WADDEN:
 22 Q. Okay. And often times we see these, you
 23 know, streets turned into one-way streets
 24 and it's done on a temporary basis. Is that
 25 a common thing to do? Sort of you've had

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1 the study, you know, try this, see if it
 2 works. Then perhaps try something else. Is
 3 that a normal part of the process?
 4 MR. DONAHER:
 5 A. Yeah, so in our Traffic Calming Policy we
 6 don't do installations that are intended to
 7 be removed long term, except for those
 8 temporary installations that I mentioned
 9 when we're not quite ready to do the
 10 permanent installation.
 11 MR. WADDEN:
 12 Q. Right.
 13 MR. DONAHER:
 14 A. Typically, we go right from the agreement of
 15 the residents on a final plan to
 16 implementation of a permanent installation.
 17 Occasionally council is less confident in
 18 the solution that we are proposing, and so,
 19 they may ask us to complete a subsequent
 20 review of the change that's been made to see
 21 if it is effective as we had hoped or what
 22 the impacts are that might not have been
 23 anticipated.
 24 MR. WADDEN:
 25 Q. Okay. Is it ever the case that any of these

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1 things we're talking about, you know,
 2 deflections, restrictions would be
 3 implemented without having done a sort of
 4 study first, or is that always a first step
 5 to, you know, spend a fair amount of time
 6 surveying the area and things like that?
 7 MR. DONAHER:
 8 A. Yeah, the detail of the study varies,
 9 depending on the complexity of the
 10 situation, but there will always be data
 11 collected out in the field, a review of the
 12 situation out in the field that are
 13 absolutely vital in any situation, and an
 14 assessment of what type of measure would be
 15 appropriate. That's kind of the bare
 16 minimum of what would be done for any type
 17 of change in our streets. And at the end of
 18 the day most of these changes are at the
 19 pleasure of council. So, we'll write up a
 20 report to take to council to let them know
 21 what we found in our study and ask them
 22 whether or not they would like to implement.
 23 MR. WADDEN:
 24 Q. Okay. And one of the other things we're
 25 seeing done now in the city and in other

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1 areas of the province, too, are these, I'll
 2 call them roundabouts. I understand there
 3 to be a difference between things called
 4 roundabouts and traffic circles. They
 5 aren't necessarily the same thing. Can you
 6 explain what they are and what the
 7 difference is in each?
 8 MR. DONAHER:
 9 A. Yeah, so, from the public perception side of
 10 things there's no real difference. People
 11 use terms interchangeably, and it's kind of
 12 a fool's errand to try and convince people
 13 that the very engineering technical
 14 definitions that we like to use are what
 15 they should be using in the broader public.
 16 From a technical side what we call a
 17 roundabout has a very specific set of design
 18 features and criteria that has been
 19 developed over many decades of building
 20 intersections, evaluating them for safety,
 21 seeing how they affect traffic flow and so
 22 on. And so, that is what we term a
 23 roundabout and in technical literature other
 24 types of circular intersections exist. So,
 25 those types of circular intersections have

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1 all sorts of different technical names.
 2 Traffic circle is kind of the most generic
 3 of them. So, it's often what we will use in
 4 the public. If something isn't a
 5 roundabout, but it's still circular, we'll
 6 use the term traffic circle, just because
 7 it's easy and generic.
 8 MR. WADDEN:
 9 Q. Okay. And of course, you know, relating
 10 this back to our initial premise of
 11 preventing accidents, how is it that these
 12 things, roundabouts, traffic circles, how do
 13 they prevent accidents, why is it that they
 14 are effective in doing so?
 15 MR. DONAHER:
 16 A. Yeah. There two main avenues of impact that
 17 a circular intersection will have. The
 18 first is that there's generally lower speeds
 19 as you go through a circular intersection
 20 because your line of travel, similar to the
 21 horizontal deflection we talked about in
 22 traffic calming, your line of travel is
 23 obstructed by that central island in a
 24 circular intersection. So, as you proceed
 25 through, you need shift sideways and do your

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1 little turns through the intersection and
 2 that slows you down. So, that's one of the
 3 effects of a roundabout or a traffic circle
 4 that improves safety because the speed is
 5 critical in the reaction time that people
 6 have available to them to respond to a
 7 situation, and also the severity of any
 8 collision that does occur. The lower the
 9 speed, the lower the severity of a collision
 10 across the board regardless of circumstance.
 11 MR. WADDEN:
 12 Q. Okay.
 13 MR. DONAHER:
 14 A. The second way that they work is a little
 15 more technical. At a traditional four-way
 16 intersection for example, there are what we
 17 call conflict points. So, a conflict point
 18 is basically the intersection of two
 19 imaginary lines along a vehicle's path of
 20 travel. So, if I'm travelling east-west
 21 across an intersection, I'm tracing an
 22 imaginary line through that intersection.
 23 Someone else is travelling north to south
 24 through the same intersection. They're
 25 creating an imaginary line. At that point

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1 where the two lines cross, that's call a
 2 conflict point. So, a conflict point is
 3 where the majority of collisions occur
 4 because that's where two vehicles might
 5 interact. So, when you take a look at a
 6 traditional kind of four-way intersection,
 7 there's conflict points all over the place,
 8 and there is that--that risk of collision is
 9 higher because there are so many conflict
 10 points that people need to respond to as
 11 they're travelling through that
 12 intersection. At a roundabout, the number
 13 of conflict points is substantially reduced,
 14 so you basically have a conflict point as
 15 you merge into the circle and as you merge
 16 out of the circle. Whereas, at a
 17 traditional intersection, you have a
 18 conflict point as you make your right turn,
 19 as you go through, as you make your left
 20 turn, and each of those you're crossing
 21 several different paths of vehicles. So,
 22 the reduction in conflict points is really
 23 important and the nature of the conflict
 24 points as well. So, in the example I gave
 25 where I'm travelling east to west and

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1 someone else is travelling north to south,
 2 that is a right-angle conflict point. The
 3 potential there for a collision is for a
 4 right-angle collision which is a rather
 5 severe collision, and often times a right-
 6 angle collision will be more likely to
 7 result in an injury. So, at a roundabout,
 8 the conflict points are all shallow-angle
 9 conflict points. So, you're turning into a
 10 roundabout, making a right turn. Someone is
 11 coming around the roundabout from the other
 12 side. So, that's like a very shallow angle
 13 of attack if you will. And so, that
 14 configuration of collision, if it were to
 15 occur, is much less likely to result in a
 16 severe injury or injury at all. So, that
 17 reduction in conflict points and the change
 18 in the nature of conflict points leads us to
 19 see a reduction in collisions, and also, a
 20 reduction in the severity of collisions.
 21 And then, combined with the reduction in
 22 severity that we see from speed, we get
 23 really great results from changing a
 24 traditional intersection into a roundabout.
 25 (9:30 a.m.)

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1 MR. WADDEN:
 2 Q. Okay. And you know, obviously, from a
 3 budgetary perspective, these are not cheap
 4 undertakings, right, from initiation to
 5 finish, implementing one of these
 6 roundabouts, traffic circles, what have you?
 7 MR. DONAHER:
 8 A. That's correct.
 9 MR. WADDEN:
 10 Q. So, you and I had discussed the issue of, I
 11 guess, what some might refer to as hot
 12 spots. I mean, there are—obviously, there
 13 are certain intersections here and
 14 throughout the province that have more
 15 accidents than others do, right? Is this
 16 something that the city sort of on a regular
 17 basis identifies themselves, and then says,
 18 "You know, this would be a good spot to put
 19 one of these"? Is that how that works?
 20 MR. DONAHER:
 21 A. Yes. So, we have two different avenues that
 22 we use to evaluation collisions. One is a
 23 more reactive program where somebody will
 24 highlight an intersection for us. A comment
 25 will come in from a councillor or the public

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1 and say, "This particular intersection is
 2 really dangerous. Can you have a look at
 3 it?" So, then we'll go in and we'll look at
 4 that intersection, see if there is a problem
 5 to begin with, what the nature of that
 6 problem is, what the potential solutions to
 7 that problem is. So, that's the--kind of
 8 the reactive side of looking at collisions
 9 for the city. The other side is more
 10 proactive where we're looking overall in the
 11 city. Where are collisions occurring? Are
 12 those collisions in proportion to the amount
 13 of traffic that's in those areas, or is it
 14 out of proportion to the amount of traffic?
 15 So, that boils down to what we call a
 16 collision rate, which is what we use to
 17 evaluate those hot spots, if you will. We
 18 might see a large number of collisions on a
 19 facility that has a large amount of traffic,
 20 and that might be considered more normal
 21 than a large amount of collision occurring
 22 in an area that has less traffic. So, that
 23 collision rate is how we use the various
 24 information to evaluation those hot spots.
 25 So, the city has a proactive program to try

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1 and identify these areas. That's been
 2 dormant for a little while due to a staff
 3 vacancy.
 4 MR. WADDEN:
 5 Q. Okay. Traffic signals I suspect also play a
 6 role in auto accidents sometimes at, you
 7 know, various intersections, whether or not
 8 there's an arrow, the timing of the signals.
 9 You told me some interesting things about
 10 how, you know, not all traffic signals are
 11 built alike, right?
 12 MR. DONAHER:
 13 A. That's right.
 14 MR. WADDEN:
 15 Q. I think we discussed it—discussed rather
 16 things like pre-time signals versus what you
 17 refer to as actuated signals. Can you talk
 18 to us a little bit about the difference and
 19 the value in each?
 20 MR. DONAHER:
 21 A. Sure. So, to get some terminology to make
 22 it a little bit easier, a traffic signal is
 23 programed on what we call a cycle. So, that
 24 is the point at which I'm travelling along,
 25 I see a green light start for me, all the

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1 way around for everybody getting their green
 2 light until it comes back and my green light
 3 starts again. So, that's a full cycle, and
 4 that usually takes on the order of a minute
 5 or two to kind of—everybody gets their turn
 6 as you pass through an intersection over the
 7 course of a minute or two. So, what happens
 8 with a pre-timed signal is that cycle is
 9 fixed, and it operates the same way all day
 10 long. So, pre-time signals will also have
 11 what we have a time-of-day plan. So, we
 12 might say, "Oh, this particular area is busy
 13 on the morning commute." So, we'll have a
 14 separate sequence of signals at that
 15 intersection for the morning commute. It's
 16 still fixed in terms of how it cycles
 17 around, but it's different for the morning
 18 commute that it might be for the middle of
 19 the afternoon, the middle of the night. So,
 20 that's a pre-time signal. An actuated
 21 signal involves a detector. Most of our
 22 detectors are placed under the asphalt.
 23 They're inductive loops that sense the
 24 presence of vehicles above them, and so
 25 those are placed kind of just in advance of

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1 a stop bar as you approach an intersection.
 2 And the most common place you would see them
 3 is on a left-turn lane. So, a vehicle will
 4 pull up to the stop bar on the left-turn
 5 lane, the signal controller would sense the
 6 presence of that vehicle, and know that as
 7 it cycles through, it needs to provide the
 8 left-turn arrow for that vehicle.
 9 MR. WADDEN:
 10 Q. Right.
 11 MR. DONAHER:
 12 A. Whereas if there was no vehicle there, then
 13 the controller could skip the left-turn
 14 arrow and give more time on the green light
 15 to everyone else that's travelling through
 16 the intersection.
 17 MR. WADDEN:
 18 Q. Just in terms of arrows, we'll say, you
 19 know, left-turning arrows, over the years
 20 we've all seen intersections around that at
 21 one point would not have had arrows, but
 22 ultimately did end up having arrows. Are
 23 these things in your view that can help
 24 reduce collisions, I guess specifically
 25 left-turning collisions?

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1 MR. DONAHER:
 2 A. Yeah, so it really depends on the situation.
 3 Yeah, introducing a left-turn arrow or what
 4 we would call a protected phase in that
 5 cycle, is a mitigation tool that is
 6 available, and it really depends on the
 7 particular configuration of the
 8 intersection, the number of vehicles that
 9 are going through that intersection and the
 10 pattern of any collisions that may have
 11 occurred at that intersection over time as
 12 to whether or not that left-turn phase or
 13 arrow would be affective. So, as an
 14 example, if there are a lot of left-turn
 15 collisions on a particular road from a left-
 16 turn lane that currently doesn't have an
 17 arrow, and all those collisions happen at
 18 the same pattern where the person turning
 19 left goes into the oncoming traffic and
 20 either hits or is hit. So, that would
 21 indicate that the drivers in that left-turn
 22 lane don't feel like they have the
 23 opportunity to make their left-turn and are
 24 taking larger risks than we would normally
 25 like to see them take. So, in that type of

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1 scenario, by introducing a left-turn arrow,
 2 we provide them with that dedication period
 3 where they can make their left turn that is
 4 protected from the oncoming vehicles because
 5 they are still showing the red light. So,
 6 we have that short period they're able to
 7 make the left turn more safely.
 8 MR. WADDEN:
 9 Q. Okay. And often times we've seen, and we
 10 see intersections that at one point would
 11 have had, you know, traffic signals,
 12 stoplights, but have been converted at some
 13 point either to a either a three-way stop or
 14 a four-way stop, right? Are those--
 15 generally speaking, are four-way stops more
 16 effective controlling traffic and avoiding
 17 collisions than lights in certain areas?
 18 Why does that get done?
 19 MR. DONAHER:
 20 A. Yes, so the main determining factor in
 21 deciding whether an intersection should be
 22 controlled with stop signs or with a traffic
 23 signal or a roundabout, is the number of
 24 vehicles that are travelling through that
 25 intersection and the directions at which

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1 they're coming from. So, a four-way stop
 2 for example, works really well when the two
 3 different roads have roughly similar levels
 4 of traffic volume or the number of vehicles
 5 that are on the road. And those volumes are
 6 relatively low, so that people are not, you
 7 know, in a long queue coming into an
 8 intersection waiting to make their movement
 9 through a stop sign. So, those kinds of a
 10 low-volume environment where it's relatively
 11 balanced work really well for a four-way
 12 stop. We also have what we call a two-way
 13 stop, and sometimes that's a one-way stop
 14 where only one road out of the two that are
 15 crossing has a stop sign. So, those are
 16 used in similar kind of low-volume
 17 situations, but where the—there's an
 18 imbalance. So, there's a heavy flow of
 19 traffic on one road, and a very light flow
 20 of traffic on the other. That light traffic
 21 would be given a stop sign. Whereas the
 22 other traffic would be allowed to proceed
 23 freely. A traffic signal comes into effect
 24 when the volume gets higher and there
 25 becomes a demand for more pedestrian

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1 crossings, a demand for more turns at an
 2 intersection. So, the left turn example we
 3 used. The left turns are often a
 4 constraining factor as to how well an
 5 intersection performs. And so, a traffic
 6 signal can control those left turns more
 7 systematically. So, there's a variety of
 8 different situations in which different
 9 configurations of an intersection would be
 10 appropriate.
 11 MR. WADDEN:
 12 Q. Okay. You and I talked about a bit—a bit
 13 more about, you know, the numbers of
 14 accidents, at least the one that we are
 15 aware of that are reported by the
 16 Constabulary. And we know that if we dig
 17 down into those numbers a little, we see a
 18 lot them are, you know, one of two types of
 19 accidents often times. One is rear-end
 20 collisions and the other is left turns.
 21 You've already spoken a bit today about left
 22 turns. I just want to get into left turns a
 23 bit more because they seem to be, and we all
 24 know as lawyers who are involved in this
 25 type of work, frequently the types of

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1 accidents that get up in ligation.
 2 MR. DONAHER:
 3 A. Um-hm.
 4 MR. WADDEN:
 5 Q. They cause severe injuries. How can we help
 6 prevent that? What can the city do? You
 7 and I discussed I think access management,
 8 things like that. Talk to me about that.
 9 MR. DONAHER:
 10 A. Yeah, so left turns, kind of has generically
 11 as you can, left turns are the most
 12 difficult movement to make through any given
 13 intersection. They involve looking at the
 14 most different things. At a regular
 15 intersection you have two different
 16 crosswalks, you have to pay attention to two
 17 different directions of traffic. If it's a
 18 busy road, then those two different
 19 directions of traffic that you're look at
 20 might have more than one lane in each
 21 direction. You've got the opposing traffic
 22 coming towards you as well. So, there's a
 23 lot that is going on when you're making a
 24 left turn, and that creates a riskier
 25 environment. There's more likelihood of

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1 something going wrong in a driver's response
 2 when they have so many things that they need
 3 to be paying attention to at once.
 4 So, the concept of access management is
 5 to reduce the number of intersections and
 6 the complexity of those intersections along
 7 a corridor. So, if we have, for example, a
 8 busy commercial corridor that has a large
 9 number of driveways all along the corridor
 10 separated by some major traffic signals, if
 11 we can reduce the number of driveways that
 12 are between those signals, maybe consolidate
 13 them or restrict those driveways to right
 14 turns only, so right turning into the
 15 driveway or right turning out but not being
 16 able to turn left across the road, then we
 17 can reduce those riskier left turns and
 18 improve the safety overall of that corridor
 19 by taking out a large amount of the risk
 20 involved.
 21 Doing that obviously has impacts on
 22 drivers and their ability to manoeuvre
 23 through an area and get to the other side of
 24 the road, for example. If we implement an
 25 access management project that puts a

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1 barrier down the middle of the road so no
 2 left turns are permitted, then you can't
 3 travel from your office on one side of the
 4 road to the restaurant on the other side of
 5 the road with your car. You have to make
 6 your right turn, go find another route and
 7 get back to the opposite side of the road.
 8 So, there's an impact on drivers and that
 9 impacts how adjacent intersections work as
 10 well.
 11 So, if we're now removing those left
 12 turns from the middle of the block, then
 13 we're pushing them to some other location in
 14 the network. So, we have to be obviously
 15 careful where we implement that type of
 16 program. But it can be very effective at
 17 improving the safety of a corridor,
 18 particularly a really busy commercial
 19 corridor.
 20 MR. WADDEN:
 21 Q. Okay. And you've used that term now a few
 22 times. I only learned it when we spoke
 23 recently, "commercial corridor".
 24 Essentially you're referring to a long
 25 street with a lot of businesses up and down

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1 each side?
 2 MR. DONAHER:
 3 A. That's correct.
 4 MR. WADDEN:
 5 Q. Okay. What, in your view, is the most
 6 effective way to reduce speeding? And I
 7 appreciate the answer may be different when
 8 we're talking about residential versus
 9 commercial corridors versus another type of
 10 street, but how do we get people to slow
 11 down, Garrett?
 12 MR. DONAHER:
 13 A. Yeah. So, there's kind of two major avenues
 14 that we can take as public employees. The
 15 third avenue of improving the culture or the
 16 desire of drivers to travel the appropriate
 17 speeds is much more difficult to affect
 18 because that's a psychological issue and a
 19 cultural issue. But from the public side of
 20 things, we can look at infrastructure and
 21 enforcement are our major two avenues to
 22 implement changes.
 23 So, on the infrastructure side, we can
 24 introduce things like a roundabout at an
 25

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1 intersection to slow traffic down because
 2 we're introducing that horizontal deflection
 3 as I mentioned. We can narrow a corridor.
 4 People respond to the perception of risk as
 5 they travel down a road. So, if a road is
 6 narrower, maybe there's trees on the side of
 7 the road and it feels like a small
 8 environment, then people will naturally
 9 slowdown in that environment and that's kind
 10 of a good trick to play. We're not changing
 11 how the road works at all, but we're
 12 changing the environment. So, that's
 13 something that is a lot easier to do in a
 14 residential area. That's something that's
 15 easier to do – all infrastructure changes
 16 are easier to do when you're building new
 17 rather than retrofitting an area. Those are
 18 the types of infrastructure changes you can
 19 use to affect vehicle speeds.
 20 (9:45 a.m.)
 21 On the enforcement side, you can
 22 obviously just increase traditional patrol
 23 car enforcement. But one of the really
 24 great tools that we have available kind of
 25 in the industry now is photo enforcement.

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1 So, by combining a photo enforcement system
 2 with your traditional enforcement, you can
 3 roll out a larger enforcement program with
 4 fewer resources. And so a photo enforcement
 5 program can be quite cost effective and you
 6 can combine a couple different aspects to
 7 it.
 8 So, you can have fixed locations where
 9 you've historically seen a speeding issue.
 10 You can create a photo enforcement location
 11 and then drivers will learn over time that
 12 that's a spot that there's a speed camera
 13 and so that area will slow down. You can
 14 combine that as well with mobile stations.
 15 So, you move them, rotate them around the
 16 network and maybe they're in place for a
 17 month or two in one location, a month or two
 18 in another location, and that kind of puts
 19 drivers on guard. They don't know whether
 20 there's going to be a photo enforcement
 21 station at any given place in the city. So,
 22 by combining the static locations and the
 23 mobile locations, we can start to chip away
 24 at the desire of drivers to be travelling at
 25 a high rate of speed all the time because

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1 they recognize that there is a higher
 2 likelihood of them receiving a ticket. So,
 3 that's kind of the approach of enforcement
 4 to kind of deter people from taking the
 5 inappropriate action and by increasing and
 6 automating it, we can do more of that
 7 deterrence over time.
 8 MR. WADDEN:
 9 Q. Okay. Now, we don't have anything like that
 10 in St. John's right now?
 11 MR. DONAHER:
 12 A. That's correct.
 13 MR. WADDEN:
 14 Q. Right. Are you familiar with other
 15 municipalities in the country who are using
 16 that?
 17 MR. DONAHER:
 18 A. Yeah. So, photo enforcement can be done for
 19 both speeds and red light running. It's
 20 much more common for red light running. Off
 21 the top of my head, I know that they have
 22 photo enforcement, a big program, in Alberta
 23 for their provincial highways. So, there
 24 are definitely programs around. It's quite
 25 a common technology. The major barrier that

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1 most jurisdictions have is that their
 2 legislation was created in an era where that
 3 didn't exist as an option. So, it's not
 4 written into the legislation, so it's not
 5 available as a tool until that changes.
 6 MR. WADDEN:
 7 Q. Right, okay. And is the photo enforcement
 8 in other parts of Canada, is that something
 9 that's been implemented by municipalities or
 10 is it implemented by the provincial
 11 government or is it done in tandem?
 12 MR. DONAHER:
 13 A. Yeah, so it's – it can be a variety of
 14 different approaches. Depending on how,
 15 again, that legislation is developed, it
 16 could be a task that falls to the local
 17 police force. It could be a task that falls
 18 to the local municipality. It could be a
 19 combination. And oftentimes, if it is the
 20 local police force or a different level of
 21 government that is handling the program,
 22 then they'll work closely with the
 23 municipality to determine where are best
 24 locations; how do we get these installed on
 25 poles or municipal infrastructure, how do we

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1 tie into things like power to get those
 2 stations in effectively. So, there's always
 3 a partnership of some form.
 4 MR. WADDEN:
 5 Q. Right.
 6 MR. DONAHER:
 7 A. Because if the law enforcement is
 8 implementing, they need the help of the
 9 municipality to get them on the ground and
 10 if the municipality is implementing them,
 11 then they need the help of the law
 12 enforcement agency on the other end of after
 13 a ticket has been issued to handle the
 14 tickets that come out of that process.
 15 MR. WADDEN:
 16 Q. Right. And to that end, like does the City
 17 do any work with the Constabulary or the
 18 RCMP rather in terms of, you know, trying to
 19 avoid traffic violations and accidents and
 20 things and such?
 21 MR. DONAHER:
 22 A. Yeah. So, the RNC in the Northeast Avalon
 23 has a traffic unit and we work really
 24 closely with the manager of that traffic
 25 unit on an ongoing basis. We kind of have

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1 an open line with them, if you will, and
 2 we're going back and forth all the time
 3 about collisions that have occurred or speed
 4 concerns in an area. We'll often receive,
 5 as the municipality, a request for increased
 6 patrols or increased enforcement in a
 7 particular area, so we'll pass those along.
 8 Special events are a really big one. Last
 9 year for Chase the Ace was a huge amount of
 10 coordination between the RNC and the City.
 11 So, there's a large variety of things that
 12 we interact on on kind of an ongoing basis.
 13 We have a really excellent relationship.
 14 They're really good.
 15 MR. WADDEN:
 16 Q. Okay. And what about the Registrar of Motor
 17 Vehicles, does the City work with them at
 18 all in terms of, you know, learning about
 19 statistics, things like that, trying to
 20 solve any issues?
 21 MR. DONAHER:
 22 A. Yeah. So, when the RNC or the RCMP attends
 23 a collision, they'll complete a collision
 24 report. That collision report makes its way
 25 to the provincial government and is coded

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1 into a database of collisions across the
 2 province at kind of the end of the day. The
 3 MRD is the owner of that collision database
 4 and we have an agreement with them to share
 5 that information for collisions that occur
 6 within the City of St. John's. So that we
 7 can reference that database when we're
 8 trying to evaluate the safety of a
 9 particular location, we can go back and look
 10 at the configuration of the intersection,
 11 the conditions that were in place; was it
 12 dark; was it wet? We can look at, you know,
 13 what the drivers were doing, what notes the
 14 officer took on their collision report to
 15 kind of describe the situation. So, we can
 16 look at that collision record from an area
 17 and kind of piece together, see if there's
 18 any patterns and what the appropriate
 19 mitigation measures might be in an area.
 20 MR. WADDEN:
 21 Q. Okay. Are there any things that the City
 22 has to do – we know what the weather is like
 23 here from, you know, from January to May and
 24 that causes obvious problems on the road as
 25 well. Are there any things that your

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1 department gets involved in with respect to
 2 the weather and management there, as it
 3 relates to automotive accident prevention?
 4 MR. DONAHER:
 5 A. Yeah. So, obviously the largest concern in
 6 poor weather is clearing the streets, making
 7 sure that there is asphalt that's not icy
 8 for folks to travel along. To that end,
 9 that's handled through our Public Works
 10 department, which is outside the Engineering
 11 group.
 12 MR. WADDEN:
 13 Q. Right.
 14 MR. DONAHER:
 15 A. But from the engineering side, when we're
 16 looking at the design of roads, we have to
 17 look at things like the drainage of that
 18 road. Is it going to shed water off of it
 19 quickly and efficiently? The areas on that
 20 road that might be used for the initial
 21 windrow as a snowplough goes by and piles up
 22 snow at the side of the road, where is that
 23 windrow going to land? Is it going to be on
 24 a sidewalk? Is it going to be in a parking
 25 lane? Is it going to restrict the ability

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1 of vehicles to travel along the road? If it
 2 does, is that inappropriate restriction for
 3 the area or not? So, there's a variety of
 4 design considerations that we have kind of
 5 at the very beginning of a new road or a
 6 retrofit that have Public Works implications
 7 at the end of the day in terms of their snow
 8 clearing efforts.
 9 MR. WADDEN:
 10 Q. Okay. So, Garrett, let's just say I have
 11 this magical ability to give you an
 12 unlimited amount of funds and you can use
 13 your knowledge base to decide what we can do
 14 here to best prevent accidents from
 15 happening. Now, I know we've gone over ten
 16 different solutions, from traffic surplus to
 17 speed humps, left turn accessibility, things
 18 like that. But, you get to do whatever you
 19 want. What are your top couple of things
 20 you want to do to stop the car accidents?
 21 MR. DONAHER:
 22 A. An unlimited amount of money changes the
 23 answer a bit. There's three main approaches
 24 to improve safety. In engineering, we call
 25 them the three E's. So, we have

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1 engineering, education and enforcement.
 2 Engineering is that infrastructure side, so
 3 things like converting busy intersections
 4 into roundabouts or implementing appropriate
 5 traffic calming projects. Those are huge
 6 booms for traffic safety.
 7 On the education side, that's
 8 provincially controlled right now through
 9 driver licensing and the driver's handbook
 10 and that sort of thing. There are lots of
 11 really fascinating programs from across
 12 North America that are used to try to get
 13 folks that are on the road to drive more
 14 safety.
 15 And on the enforcement side, something
 16 like the photo radar into legislation or
 17 increased resources for the traffic unit,
 18 that sort of thing, is where we would see
 19 the most bang for our buck.
 20 So, if I have unlimited resources, I'm
 21 going to do all of that.
 22 MR. WADDEN:
 23 Q. Okay. Mr. Browne might have one or two
 24 questions for you as well.
 25 MR. DONAHER:

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1 A. Sure.

2 BROWNE, Q.C.:

3 Q. I just have one question. Emergency

4 vehicles, we discussed that with you, and

5 the movement of emergency vehicles

6 throughout the City and the activation of

7 traffic lights. Can you speak to that?

8 MR. DONAHER:

9 A. Yeah. So, in the City we have what we call

10 a pre-emption program. So, most of the fire

11 stations that are around town will have a

12 button or an activator that could be

13 automatic that's on their vehicles that will

14 communicate with a nearby traffic signal to

15 alert the signal that the fire apparatus is

16 coming and it's responding to a call and it

17 needs to get through that intersection

18 quickly. So, emergency vehicles are like

19 any other vehicles. They need to stop at

20 red light, but through a pre-emption

21 program, the fire department could

22 communicate to lights as they exit their

23 station and as they continue along their

24 response route, they can communicate to

25 lights that are equipped with pre-emption

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1 systems to change the light so that by the

2 time the apparatus arrives at that light,

3 they have the green light now and they don't

4 have to do that stop. So, that can shave

5 many seconds off of every single

6 intersection. And in something like fire

7 responses, seconds are critical. The

8 difference between getting to a fire in

9 three and a half minutes and four and a half

10 minutes is huge in terms of how that fire

11 can be attacked. So, shaving those seconds

12 off kind of all the way along the corridor

13 is something that we can really do to

14 improve emergency response.

15 BROWNE, Q.C.:

16 Q. Does it only apply to fire vehicles? Are

17 ambulances equipped with the same?

18 MR. DONAHER:

19 A. Yeah. So, the system can be set up to

20 accommodate whichever vehicles you would

21 like. Our current system is set up to

22 accommodate the fire department only right

23 now. We're actually currently working on a

24 program to have a second tier priority call

25 for transit buses so that transit will be

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1 able to more easily move through

2 intersections. So, kind of if we take the

3 really large view, transit is a very safe

4 way for people to travel. So, if we can

5 improve the perception of transit as a

6 viable means of transportation, get more

7 people out of their cars onto transit, then

8 we can kind of overall in aggregate improve

9 the safety of our system. And so, this kind

10 of second tier call in the priority system

11 that we're implementing for some transit

12 routes called transit priority will enable

13 some routes at some locations to get through

14 a difficult intersection more easily.

15 BROWNE, Q.C.:

16 Q. Thank you, Garrett.

17 MR. WADDEN:

18 Q. So, let's get people out of cars period.

19 That should help the problem, right?

20 MR. DONAHER:

21 A. Absolutely.

22 MR. WADDEN:

23 Q. Garrett, some of my colleagues and as well

24 as the panel may have some questions for you

25 as well.

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1 CHAIR:

2 Q. Thank you very much. Campaign, do you have

3 any questions?

4 MR. FELTHAM:

5 Q. We do have just a couple of questions. Mr.

6 Donaher, my name is Colin Feltham. I'm here

7 on behalf of the Campaign to Protect

8 Accident Victims, and my law firm, Roebothan

9 McKay Marshall, is one member of that

10 Campaign, and something that we see quite a

11 bit in working on behalf of accident injury

12 victims are victims of distracted driving,

13 so texting and driving typically or use of

14 cellphones, something of that nature. And

15 one of the things that our firm has done is

16 we donated to the RNC Texting and Driving

17 Simulator that they now use to take to

18 schools and to the mall and wherever to try

19 and educate people on the hazards, dangers

20 associated with texting and driving. So,

21 I'm wondering if - I know that's not street

22 design and signs and those types of things,

23 but I'm wondering if you have any

24 information concerning, I guess, the degree

25 to which distracted driving is a problem in

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1 terms of collisions and whether, as a
 2 government looking at this issue, there is
 3 any indications of benefits flowing from
 4 that kind of education for young drivers.
 5 MR. DONAHER:
 6 A. Yeah. So, I don't have myself any
 7 particular statistics locally on distracted
 8 driving. I know throughout the industry
 9 it's kind of seen as one of the key new
 10 issues that's cropped over the past decade
 11 or so. From a driver side of things, that
 12 education and enforcement that I mentioned
 13 earlier is really key and things like the
 14 simulator are really great tools to educate
 15 folks.
 16 On the engineering side, what we do is
 17 we take a look at the design of a facility
 18 and try to design it in such a way that if
 19 somebody does get into a collision that the
 20 consequences of that collision are reduced.
 21 So, things like reducing speed, changing the
 22 angle of collisions. As people travel along
 23 a road, for higher speed roads, like rural
 24 highways that sort of thing, then we're
 25

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1 looking at things like removing obstacles
 2 off the side of the road. So, if somebody
 3 runs off the road, they're running into a
 4 ditch instead of into a pole, that sort of
 5 thing. So, there's a variety of design
 6 considerations that we make as we go along
 7 on the engineering side to try and reduce
 8 the impact of collisions.
 9 And then, as I mentioned, the education
 10 and enforcement on the driver's side is key
 11 as well.
 12 (10:00 a.m.)
 13 MR. FELTHAM:
 14 Q. And another aspect that we frequently see is
 15 collisions resulting from impaired driving.
 16 And in this regard, we're concerned about
 17 what may be an increase in impaired driving
 18 and now that we're going to have
 19 legalization of marijuana and we're going to
 20 see an increased number of traffic collision
 21 victims as a result of that. Are you aware
 22 of any work that's being done around that in
 23 the traffic world, as to whether there are
 24 concerns that that's going to happen?
 25 MR. DONAHER:

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1 A. Yes, so similar with distracted driving,
 2 drunk driving or impaired driving more
 3 generally, is a huge issue and has been for
 4 decades. It's the same types of solutions,
 5 so education enforcement is huge and making
 6 those engineering changes to reduce the
 7 severity of collisions is something that's
 8 vital as well. Throughout the world,
 9 really, and really heavily focussed in North
 10 America, is a campaign that's ongoing called
 11 Vision Zero and so it's a campaign targeted
 12 at municipalities or various jurisdictions
 13 to say, you know what, our vision for our
 14 road networks should be zero fatalities, so
 15 what changes can we make across the board in
 16 anything that we do with that as kind of
 17 our, maybe not achievable, but with that as
 18 our optimistic end goal. So that's
 19 something that has generated a lot of ideas
 20 and discussions and testing of various
 21 programs and treatments to improve safety on
 22 our roads.
 23 MR. WADDEN:
 24 Q. Those are our questions, Madam Chair.
 25 CHAIR:

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1 Q. Thank you, Mr. Wadden. Mr. Gittens?
 2 MR. GITTENS:
 3 Q. Yes, just a couple of questions, Madam
 4 Chair. Mr. Donaher, you mentioned and it
 5 appeared to me that the City is sort of
 6 reactive to when a citizen or a councillor
 7 brings an issue to your attention and then
 8 you also indicated that you had some ongoing
 9 interplay with the RNC or the RCMP where
 10 it's brought to the City on a daily basis,
 11 quite frankly, when an accident might occur
 12 or I presume where. Is there an automatic
 13 process by which you become aware that a
 14 particular intersection, a particular piece
 15 of highway is creating more than its fair
 16 share of accidents—or is resulting in more
 17 than its fair share of accidents and what's
 18 done at that point?
 19 MR. DONAHER:
 20 A. There's not an automatic process for that,
 21 we're obviously aware where the collisions
 22 occur and how they have happened, the
 23 consequences of them, and that may prompt us
 24 to do a review of a particular area, but in
 25 terms of kind of automatically knowing where

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1 those collision rates are highest, there's
 2 no system in place for that. It's quite a
 3 lot of very technical work in order to get
 4 to that answer on a network wide basis.
 5 MR. GITTENS:
 6 Q. Okay, well it seems to me that if you have a
 7 system where a particular intersection
 8 becomes highlighted that more than its fair
 9 share of accidents are occurring there, or a
 10 particular stretch of, well I guess it's the
 11 provincial highways, stretch of highway that
 12 the City is responsible for, if you become
 13 aware that something is happening there
 14 beyond the normal, that there should be
 15 implemented some sort of plan to follow up,
 16 do a study as you've done in relation to
 17 individual things that are brought to your
 18 attention.
 19 MR. DONAHER:
 20 A. Yes, so I guess when I answered before I was
 21 talking about identifying the areas, but if
 22 we are aware that an area is an issue, then
 23 we absolutely look into that area and try to
 24 develop a plan to address the situation and
 25 that plan could be something as simple as

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1 adding a left turn lane, like we talked
 2 about before, or it could be a much more
 3 complex, you know, reconfiguration of an
 4 area from the infrastructure side of things.
 5 So if we have been made aware of or we
 6 identify ourselves through various things
 7 that there's a problem location, we
 8 absolutely take a look at it and see if
 9 there's anything that can be done.
 10 MR. GITTENS:
 11 Q. Okay, do you have any standing committees or
 12 liaison committees with groups such as, I
 13 would say the IBC who claim they are very
 14 interested in reducing accident occurrences
 15 on an ongoing basis that provide you with
 16 input or their knowledge or their statistics
 17 on accidents and things of that sort?
 18 MR. DONAHER:
 19 A. With my group in particular, we don't have
 20 any formal arrangements with any
 21 associations of any kind, but we do often
 22 receive requests from groups identifying a
 23 particular issue and looking for a solution
 24 from across the board. We also have what we
 25 call our police and traffic committee, so

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1 that includes a bunch of representatives
 2 from Transit, the RNC, various departments
 3 within the City. (Unintelligible) folks and
 4 folks from Downtown Committee that get
 5 together on a semi-regular basis and talk
 6 through what's going on, just kind of
 7 coordinate, touch base and keep those
 8 relationships alive so that as things
 9 progress through time that everybody can
 10 keep on that same page and address issues as
 11 they arise.
 12 MR. GITTENS:
 13 Q. So you guys haven't been specifically
 14 lobbied by any particular group to take any
 15 particular type of preventative action or
 16 accident reduction action?
 17 MR. DONAHER:
 18 A. Not off the top of my head from any major
 19 industry group or association.
 20 MR. GITTENS:
 21 Q. Okay, thank you very much. No further
 22 questions, Madam Chair.
 23 CHAIR:
 24 Q. Thank you, Mr. Gittens. Spinal Cord Injury,
 25 good morning.

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1 MS. FRAIZE-BURRY:
 2 Q. Yes, my name is Laura Fraize-Burry and I
 3 represent Spinal Cord Injury in Newfoundland
 4 and Labrador and in that regard, we were
 5 just wondering whether there were any
 6 specific measures that would be directed
 7 towards protecting persons with disabilities
 8 and, say, making travel safer for, whether
 9 the person has mobility impairment or a
 10 visual impairment or something along those
 11 lines?
 12 MR. DONAHER:
 13 A. So there are kind of two sides to that. One
 14 side is if the person with a mobility
 15 impairment has access to a vehicle, and
 16 that's primarily just addressed on the kind
 17 of the trip end side, can they park in an
 18 appropriate location, that sort of thing
 19 we're all familiar with. If the person with
 20 a mobility impairment doesn't have access to
 21 a vehicle and they are a pedestrian out on
 22 our streets, then there are a variety of
 23 things that we can do and we're doing more
 24 and more often to try and assist them. So
 25 an example is we now implement at every

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1 traffic signal that we retrofit or build an
 2 assessable pedestrian signal, so folks that
 3 can a visual impairment can make use of the
 4 auditory tones to get that signal. The
 5 ramps that get you from the sidewalk down
 6 onto the road surface are designed
 7 differently to improve how easy it is to do
 8 if you are in a wheelchair, for example, or
 9 unsteady on your feet, so there's a variety
 10 of changes that we make in our design along
 11 sidewalks and at intersections and
 12 crosswalks to try and make it easier for
 13 anyone with a mobility impairment. What we
 14 end up doing is a concept that's called
 15 universal design, and so we find that making
 16 changes that accommodate people with a
 17 mobility impairment or other disability end
 18 up being better for everyone, so a great
 19 example of that is those ramps to get you
 20 from the sidewalk down to the road. Yes,
 21 they are great for somebody who relies on a
 22 wheelchair, but they're also great for
 23 somebody that's out with a stroller or a
 24 grocery cart of whatever the case may be.
 25 So we try to ensure that we're looking

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1 across the board at the needs of all users
 2 that might be on our streets, and
 3 specifically those with particular
 4 impairments or needs.
 5 MS. FRAIZE-BURRY:
 6 Q. Thank you, that's all my questions.
 7 CHAIR:
 8 Q. Thank you very much. IBC?
 9 STAMP, Q.C.:
 10 Q. Yes, thank you, Madam Chair. Mr. Donaher, I
 11 just was, you had spoken about some of the
 12 activities of some of the groups, I guess,
 13 were you aware or are you aware of the IBC's
 14 efforts, for example to counteract
 15 distracted driving they've been making
 16 donations, for examples to groups like the
 17 Ice Caps who work on this issue. Have you
 18 been alerted to that kind of thing as well?
 19 MR. DONAHER:
 20 A. Not professionally through my role at the
 21 City, I've kind of come across them in
 22 research or just in media, but not as part
 23 of my formal role.
 24 STAMP, Q.C.:
 25 Q. And they also, I think, make donations and

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1 work towards support for driving programs
 2 for seniors who are, I guess—I guess the
 3 seniors at a certain age become more of a
 4 problem for them driving, I think maybe they
 5 don't have the same reaction speeds perhaps?
 6 MR. DONAHER:
 7 A. That's correct.
 8 STAMP, Q.C.:
 9 Q. Are you aware of their donations and work in
 10 that regard as well?
 11 MR. DONAHER:
 12 A. I am not aware of the IBC's role, but I have
 13 seen throughout an industry an increased
 14 focus on aged drivers and how they both
 15 respond to the driving environment and their
 16 capabilities behind the wheel.
 17 STAMP, Q.C.:
 18 Q. So the work that they're doing in whatever
 19 way they do, that does contribute to the
 20 safety, I guess, increasing possible safety?
 21 MR. DONAHER:
 22 A. Yeah, those types of programs say work on
 23 the education side primarily and there's a
 24 bit of lobbying that will effect engineering
 25 or enforcement, those types of programs are

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1 hugely beneficial to get people to driving
 2 more safely as they age. Some places have
 3 implemented programs like re-licensing when
 4 you reach a certain age and things like that
 5 that have come out of campaigns similar to
 6 what you've mentioned.
 7 STAMP, Q.C.:
 8 Q. So these are valuable tools, the
 9 contributions by people like IBC to these
 10 kinds of programs are helpful?
 11 MR. DONAHER:
 12 A. Yeah, from an education side of things,
 13 absolutely.
 14 STAMP, Q.C.:
 15 Q. Mr. Donaher, one of the, we were, I think,
 16 anticipating that we would have somebody
 17 come from the Motor Vehicle Registration
 18 Division, but apparently they are not going
 19 to be coming, but you didn't bring it up, so
 20 I'm going to just come back and clarify with
 21 you, you spoke about this motor vehicle
 22 accident database, could you just explain to
 23 me, is this a provincial-wide database?
 24 Does both the Constabulary and RNC plug into
 25 that?

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1 MR. DONAHER:
 2 A. That's my understanding, yeah.
 3 STAMP, Q.C.:
 4 Q. And your access, I guess, to information
 5 would come from the Constabulary side
 6 because that's who does, I guess, they have
 7 the jurisdiction in the City of St. John's?
 8 MR. DONAHER:
 9 A. Yes, so historically we had a direct
 10 exchange of information with the
 11 Constabulary up until about six or seven
 12 years ago. At that point the province took
 13 over the role of data entry and working with
 14 the physical police reports, and so now,
 15 everything runs through the province and the
 16 Motor Registration Division, so it's kind of
 17 a three-part loop there.
 18 STAMP, Q.C.:
 19 Q. So when you described getting these reports
 20 or information, does it come, like, accident
 21 by accident or is it some kind of a monthly
 22 or regular report?
 23 MR. DONAHER:
 24 A. Yeah, it comes in every few months or if we
 25 put in a particular request, then the folks

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1 that we work with at the Province will do
 2 basically an extract from the Provincial
 3 database for collisions that are occurring
 4 within the City and provide that to us so
 5 that we can update our database with the
 6 most recent information.
 7 STAMP, Q.C.:
 8 Q. So your understanding is that all accidents
 9 that occur, if a police officer attends,
 10 there is a downloading of information to the
 11 Motor Vehicle Registration people?
 12 MR. DONAHER:
 13 A. That's my understanding, yes.
 14 STAMP, Q.C.:
 15 Q. And they have a database and for the
 16 purposes of the City of St. John's, you
 17 access the piece that is relevant to the
 18 City?
 19 MR. DONAHER:
 20 A. That's correct.
 21 STAMP, Q.C.:
 22 Q. So I suppose others could access the piece
 23 that are relevant to outside the City?
 24 MR. DONAHER:
 25 A. Presumably.

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1 STAMP, Q.C.:
 2 Q. There was one other point I wanted to ask
 3 you about, just one, and that is these
 4 various measures you've described, you know,
 5 in any number of ways you make restrictions
 6 on how traffic flows. Does the City do any
 7 kind of either pre-measurement or post-
 8 measurement? Because you spoke about
 9 collision rates, is there any kind of pre-
 10 measurement collision rate study or post-
 11 measurement collision rate study that tells
 12 you, yeah, we've had a problem here and this
 13 program that we implemented has paid off and
 14 we've got lower collision rates at that
 15 intersection or that location?
 16 (10:15 a.m.)
 17 MR. DONAHER:
 18 A. Yeah, so that kind of before and after study
 19 is something that we implement on a large
 20 number of our projects. Collision statistic
 21 take time to develop because they are,
 22 thankfully, a relatively rare occurrence at
 23 any particular location. So we typically
 24 work in time scales of a few years at a
 25 minimum for a valuation of collision

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1 experience. So a before and after study for
 2 a project that's targeted at a collision
 3 issue, a particular intersection, for
 4 example, might look at five or six years of
 5 collision experience before the change was
 6 made and then two or three years afterwards
 7 in order to make that before and after
 8 comparison.
 9 STAMP, Q.C.:
 10 Q. And so how was that available, what way is
 11 that kept, what kind of a record is done on
 12 that kind of analysis measurement before the
 13 change and after the change? How can we see
 14 it or understand what the outcome has been?
 15 MR. DONAHER:
 16 A. In terms of reporting or documentation or -
 17 STAMP, Q.C.:
 18 Q. Well in terms of access to that information,
 19 I guess.
 20 MR. DONAHER:
 21 A. Access to the collision database itself is a
 22 little awkward through the City, just
 23 because we license it from the Motor
 24 Registration Division, so it's, in terms of
 25 access to that information we're somewhat

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1 limited, but the reports that we generate
 2 out of it or aggregates, anything that is on
 3 file is available to the public upon
 4 request.
 5 STAMP, Q.C.:
 6 Q. So I'm just trying to understand, if I can,
 7 do you have—all the information comes
 8 through this Motor Vehicle Registration
 9 Division, I guess, dataflow to the City, so
 10 do they tell you—are you looking at their
 11 data materials for the particular
 12 intersection, you can narrow it down in
 13 some, I don't know, computer way to look at
 14 that intersection for the three or four
 15 years before and the three or four years
 16 after, is that how you do it?
 17 MR. DONAHER:
 18 A. Yes, so in the database every intersection
 19 includes a location, so it's either coded
 20 against a particular intersection or a
 21 particular segment of the road, like a mid-
 22 block location, so it would be coded, you
 23 know, it's on this segment of road between
 24 intersection A and intersection B, that's
 25 where the collision occurred, or it occurred

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1 at intersection A. Every collision is coded
 2 in that way, along with a variety of other
 3 things so that we can pull up information
 4 depending on location, and that's really
 5 useful because sometimes the safety
 6 experience that we have on our network might
 7 not exist in isolation at a single point.
 8 If we have a busy intersection, it may be
 9 that there are concerns generated by that
 10 intersection that have impacts kind of
 11 upstream or on adjacent links in the network
 12 that we can pull together through that
 13 location type analysis.
 14 STAMP, Q.C.:
 15 Q. So when you look at the data, do you then
 16 take that data and compile it, sort of
 17 further compile it in some way so that you
 18 can isolate a particular intersection and
 19 sort of get a quick view of what's going on
 20 over time?
 21 MR. DONAHER:
 22 A. Yeah, so one of the first tools that we use
 23 is what we call a collision diagram. It's
 24 just a very visual way to record the
 25 collision, so the collision database has,

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1 you know, a number of collisions listed row
 2 by row and we'll pull up a particular
 3 intersection and then we'll say, okay, there
 4 was ten collisions here over the past five
 5 years and then we'll sit down with a diagram
 6 of that intersection and say, okay, well,
 7 the first collision, this is how it
 8 happened, this is the approaches that people
 9 were on, these were the conditions and we'll
 10 draw it onto the page and continue that for
 11 each of the ten intersections—or ten
 12 collisions, rather, and through that type of
 13 diagramming process we can see if there is
 14 any clear patterns, something will pop up
 15 right away, you will see all the arrows that
 16 I tried to draw on this collision were all
 17 clustered in the same area, so there's a
 18 problem there. For kind of more aggregate
 19 analysis, then we're getting into statistics
 20 and data processing with the database itself
 21 to try and identify broader trends.
 22 STAMP, Q.C.:
 23 Q. So it sounds like there's good data
 24 available; it takes time to get it all, I
 25 guess, received and somehow correlated?

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1 MR. DONAHER:
 2 A. Yeah, the data is decent. We do
 3 occasionally run into things that seem off
 4 in a particular, like individual record. It
 5 will say something in the officer's notes
 6 that doesn't correspond to the fields that
 7 have been entered or a couple of fields were
 8 kind of conflicted with each other or the
 9 configuration of the collision doesn't
 10 really make sense in the way it's recorded,
 11 so in those cases then we will go back to
 12 the RNC and ask them to clarify and see has
 13 this been an error in data entry as the
 14 officer's report got translated into the
 15 database, or was it something that the
 16 office recorded incorrectly, and we can
 17 often get back directly to the originating
 18 officer to clear things up if we really need
 19 to.
 20 STAMP, Q.C.:
 21 Q. Thanks for your help. Thank you. Those are
 22 my questions.
 23 CHAIR:
 24 Q. Thank you, Mr. Stamp. Any questions?
 25 COMMISSIONER OXFORD:

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1 Q. No questions.
 2 CHAIR:
 3 Q. I go back to, anything arising?
 4 MR. WADDEN:
 5 Q. We're fine.
 6 CHAIR:
 7 Q. Thank you so much, that was very
 8 interesting, takes me back to my roots.
 9 MR. WADDEN:
 10 Q. Thank you, Garrett.
 11 CHAIR:
 12 Q. Do you want a few minutes to get ready for
 13 your next presenter?
 14 KENNEDY, Q.C.:
 15 Q. No, the presenter is here, Madam Chair. I'm
 16 looking at the clock in terms of timing and
 17 I understand that Mr. Gulliver is going to
 18 be here at 11:30. How does the Board wish to
 19 proceed at that time? I don't expect that
 20 Professor Blidook will be –
 21 CHAIR:
 22 Q. I think the intent then was that he would
 23 just be able to be ready right after the
 24 break, he would do his presentation and we
 25 could resume the –

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1 KENNEDY, Q.C.:
 2 Q. Okay, so I suggest that we start now.
 3 CHAIR:
 4 Q. Okay.
 5 KENNEDY, Q.C.:
 6 Q. And just continue.
 7 CHAIR:
 8 Q. We won't adjourn then. Good morning,
 9 welcome. I'll turn it over to you, Mr.
 10 Kennedy.
 11 KENNEDY, Q.C.:
 12 Q. Thank you, Madam Chair. Could you state
 13 your name and address please, sir?
 14 PROFESSOR BLIDOOK:
 15 A. Kelly Blidook, I live at 39 Portugal Cove
 16 Road in St. John's.
 17 KENNEDY, Q.C.:
 18 Q. And could you outline your current
 19 employment situation?
 20 PROFESSOR BLIDOOK:
 21 A. I am associate professor in the Department
 22 of Political Science at Memorial University.
 23 KENNEDY, Q.C.:
 24 Q. And I understand that you have a Ph.D in
 25 Political Science, do you?

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1 PROFESSOR BLIDOOK:
 2 A. That's correct.
 3 KENNEDY, Q.C.:
 4 Q. So would you prefer to be referred to as
 5 Professor Blidook or Dr. Blidook?
 6 PROFESSOR BLIDOOK:
 7 A. I usually just go by Kelly, but if you'd
 8 like to use titles –
 9 KENNEDY, Q.C.:
 10 Q. Well titles are important, sir, which one
 11 would you—I'm going to call you one or the
 12 other, which one would you rather?
 13 PROFESSOR BLIDOOK:
 14 A. Professor.
 15 KENNEDY, Q.C.:
 16 Q. Professor, okay. Professor Blidook, could
 17 you outline your, you say that you're
 18 employed at the Memorial University, could
 19 you outline your educational background,
 20 please?
 21 PROFESSOR BLIDOOK:
 22 A. Sure, I mean, I guess the most relevant
 23 aspect of my educational background, I did
 24 my Ph.D at McGill University. Obviously my
 25 background is in political science, but a

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1 minor area of my training was in statistical
 2 analysis, essentially research methods.
 3 Beyond that, I did a Master's degree at
 4 Simon Frazer University, Undergraduate at
 5 Trinity Western University in B.C. and I
 6 also have a journalism background.
 7 KENNEDY, Q.C.:
 8 Q. Could you outline when you obtained those
 9 degrees, sir?
 10 PROFESSOR BLIDOOK:
 11 A. Yes, I completed my undergrad in '97 or '98,
 12 I completed my Master's in 2003 and I
 13 completed by Ph.D in, I guess I got my
 14 diploma in 2008, so 10 years ago.
 15 KENNEDY, Q.C.:
 16 Q. How long, sir, is the Ph.D program in
 17 Political Science?
 18 PROFESSOR BLIDOOK:
 19 A. It depends on how long people take. I was
 20 relatively, I moved relatively quickly to
 21 complete my Ph.D, I took four years.
 22 KENNEDY, Q.C.:
 23 Q. Okay, so were you teaching during that
 24 timeframe that you were working towards your
 25 Ph.D?

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1 PROFESSOR BLIDOOK:
 2 A. I was employed in two cases as a teaching
 3 assistant in my first year, I believe, but
 4 beyond that, I was just focussing on
 5 research.
 6 KENNEDY, Q.C.:
 7 Q. So when you say that you were focussing on
 8 research, what does that mean?
 9 PROFESSOR BLIDOOK:
 10 A. I wasn't spending my time teaching courses,
 11 I had enough funding and the ability to just
 12 focus on completing my Ph.D basically, which
 13 is part of the reason I probably completed
 14 it in four years. Some people take six,
 15 seven, eight years, but usually teaching
 16 courses is something that slows down
 17 completing.
 18 KENNEDY, Q.C.:
 19 Q. How long, sir, have you been employed at
 20 Memorial University?
 21 PROFESSOR BLIDOOK:
 22 A. I guess this is my 11th year, so 10 and
 23 change.
 24 KENNEDY, Q.C.:
 25 Q. What courses have you taught at MUN? In

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1 general, not each course.
 2 PROFESSOR BLIDOOK:
 3 A. Sure. So I was hired, the title of the
 4 position I was hired for, they actually list
 5 it as behaviour and methods, that was the
 6 position I was ultimately hired for, but I
 7 guess, yeah, since coming to Memorial my
 8 primary teaching responsibilities have
 9 probably been, the majority of my teaching
 10 responsibilities have probably been in
 11 research methods, undergraduate and graduate
 12 courses in research methods. I also teach
 13 intro to political science, intro to
 14 Canadian politics and government, I teach
 15 the graduate course now in Canadian politics
 16 and government. I've taught media in
 17 politics, I taught a course on comparative
 18 representation, it's kind of a range of
 19 specializations, but also sort of the survey
 20 courses.
 21 KENNEDY, Q.C.:
 22 Q. And have you always or are all your courses
 23 that you teach within the Department of
 24 Political Science?
 25 PROFESSOR BLIDOOK:

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1 A. I'm sorry?
 2 KENNEDY, Q.C.:
 3 Q. Are all the courses that you teach within
 4 the Department of Political Science?
 5 PROFESSOR BLIDOOK:
 6 A. Yes, that's correct.
 7 KENNEDY, Q.C.:
 8 Q. Okay. Now let's go back to your education
 9 for a second, sir. When you do a Master's
 10 degree, I'm assuming you would have done a
 11 MA or is it MSC, Political Sciences –
 12 PROFESSOR BLIDOOK:
 13 A. It's a MA.
 14 KENNEDY, Q.C.:
 15 Q. Is there a thesis or paper, a major paper
 16 that you have to write to obtain your
 17 Master's degree?
 18 PROFESSOR BLIDOOK:
 19 A. Yes, in that case I wrote what was
 20 considered an extended research essay.
 21 KENNEDY, Q.C.:
 22 Q. And what would the topic of your essay have
 23 been, sir?
 24 PROFESSOR BLIDOOK:
 25 A. I focussed on sort of the role of, what's

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1 known as easy and hard issues in policies,
 2 so the range of ideas that—the way that the
 3 media influences certain issues, the way the
 4 public opinion influences certain issues and
 5 looking at the range of cases in which those
 6 things have greater or lesser influence on
 7 policy outcomes.
 8 KENNEDY, Q.C.:
 9 Q. So then when you do your Ph.D I'm assuming
 10 there would have to be a dissertation, is
 11 that what it's called?
 12 PROFESSOR BLIDOOK:
 13 A. Yes.
 14 KENNEDY, Q.C.:
 15 Q. Okay, so you do your dissertation, you were
 16 doing research. Do you specialize in
 17 something when you're doing a Ph.D or is it
 18 a general type of –
 19 PROFESSOR BLIDOOK:
 20 A. Yeah, so typically you do course work, my
 21 course work extended about a year and a
 22 half. You also do comprehensive exams, so
 23 my comprehensive exams were in Canadian
 24 politics and comparative politics, and then
 25 my minor area was in, like I said, research

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1 methods. So I didn't actually write a
 2 comprehensive exam in that, but these are
 3 sort of your, the processes you go through.
 4 And then beyond that, typically you work on
 5 writing, you write a dissertation. Out of
 6 that you write sort of sections of it, you
 7 write papers, you present those papers at
 8 conferences and ultimately, hopefully you
 9 try to publish a little bit along the way
 10 and you complete a dissertation, which is in
 11 my case, was a document of probably 250
 12 pages, I ultimately turned it into a book
 13 afterwards. I guess, is that kind of what
 14 you were looking for, like the process of –
 15 KENNEDY, Q.C.:
 16 Q. Yeah, sure, what was the book?
 17 PROFESSOR BLIDOOK:
 18 A. It's titled "Constituency Influence in
 19 Parliament" and it focusses on MP, basically
 20 MP behaviour and the influences upon it,
 21 whether they come from constituencies or
 22 other areas.
 23 KENNEDY, Q.C.:
 24 Q. So Professor, you've outlined now some of
 25 your educational background and your current

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1 employment situation. A question that's
 2 been asked to pretty well every witness who
 3 has testified—or excuse me, I don't know if
 4 "testify" is the word, who has given
 5 evidence at this review hearing has been how
 6 did you get here or who hired you? Perhaps
 7 you can outline for the members of the Board
 8 how you got here, sir?
 9 PROFESSOR BLIDOOK:
 10 A. Sure. So it's the Campaign for the
 11 Protection of—now I'm drawing a blank of
 12 your organization.
 13 KENNEDY, Q.C.:
 14 Q. Campaign is fine.
 15 PROFESSOR BLIDOOK:
 16 A. Okay, so the Campaign contacted me. The
 17 purpose, as it was outlined to me, was that
 18 this review is going on, that there's
 19 certain data that's been collected and my
 20 understanding was there was interest in
 21 having somebody come at it from, sort of a
 22 social statistic's perspective, someone who
 23 understands the collection and data
 24 analysis, to look for potential weakness,
 25 which there always is in pretty much all

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1 data. But sort of to outline what I saw
 2 coming at it from that angle.
 3 KENNEDY, Q.C.:
 4 Q. Okay, and who particularly from the Campaign
 5 did you speak to, initially?
 6 PROFESSOR BLIDOOK:
 7 A. Bradford Wicks originally contacted me.
 8 KENNEDY, Q.C.:
 9 Q. Now, do you know Mr. Wicks?
 10 PROFESSOR BLIDOOK:
 11 A. I do not. There was a former student of
 12 mine who was aware of the Campaign and its
 13 needs and basically suggested he contact me.
 14 KENNEDY, Q.C.:
 15 Q. Now, I want to, you've prepared a short
 16 report or paper, call it what you will, for
 17 this review, is that correct, sir?
 18 PROFESSOR BLIDOOK:
 19 A. Yes.
 20 KENNEDY, Q.C.:
 21 Q. If we could have that brought up, and I'm
 22 just going to take you through this, now,
 23 Professor. If there's anything in the
 24 question I ask you that doesn't—if I don't
 25 get the right question, then perhaps you can

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1 elaborate and rephrase it.
 2 PROFESSOR BLIDOOK:
 3 A. Okay.
 4 KENNEDY, Q.C.:
 5 Q. So if we look at the purpose of your report,
 6 you've outlined, as you said, to provide an
 7 assessment of the data collected and
 8 analyzed for the Public Utilities Board
 9 study in the insurance rates in Newfoundland
 10 and Labrador.
 11 PROFESSOR BLIDOOK:
 12 A. Correct.
 13 KENNEDY, Q.C.:
 14 Q. Have you ever, sir, been involved in any way
 15 in terms of anything before the PUB in the
 16 past?
 17 PROFESSOR BLIDOOK:
 18 A. I have not done—so I have not done something
 19 like this, this is a bit of a new experience
 20 for me. I've certainly been involved in
 21 data collection, data analysis. I mean,
 22 I've been a reviewer for a range of top
 23 journals that have given me work with, where
 24 the data collection and the analysis is
 25 primarily what I'm reviewing, so, you know,

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1 in the academic world I've certainly engaged
 2 in the same kinds of things. They usually
 3 look a little bit different than this, but
 4 this is just a—yeah, it's taking a skill
 5 that is transferable across, you know the
 6 way that data works, and using it in a
 7 context that's a little bit new to me,
 8 that's all.
 9 KENNEDY, Q.C.:
 10 Q. Okay, so then in terms then the study into
 11 insurance rates, have you had any previous
 12 involvement in studying insurance rates or
 13 the automobile insurance industry in this
 14 Province?
 15 PROFESSOR BLIDOOK:
 16 A. No, I haven't.
 17 KENNEDY, Q.C.:
 18 Q. Or anywhere else in Canada, for that matter.
 19 PROFESSOR BLIDOOK:
 20 A. No.
 21 (10:30 a.m.)
 22 KENNEDY, Q.C.:
 23 Q. Okay, so now we've gone through your
 24 credentials somewhat, but there's a couple
 25 of things I want to touch on on your author

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1 credentials. You indicate, sir, that you
 2 have a Ph.D from McGill with an expertise in
 3 methodology?
 4 PROFESSOR BLIDOOK:
 5 A. Yes.
 6 KENNEDY, Q.C.:
 7 Q. Perhaps you could outline for the members of
 8 the Board what you're referring to when you
 9 say you have an expertise in methodology?
 10 PROFESSOR BLIDOOK:
 11 A. Sure, so—and I would, as I said, I actually
 12 have comprehensive exams in two fields that
 13 weren't methodology, so it was more of a
 14 secondary area, but the way the degree at
 15 McGill works, it was actually one of the few
 16 schools in Canada that requires that you
 17 either sort of gain a specialty in research
 18 methods or you gain a second language. I
 19 went that route. So basically as opposed to
 20 spending time learning a second language, I
 21 learned the language of research methods
 22 instead. So what that involved was course
 23 work in statistical analysis. It also
 24 involved sort of, you know, a means of
 25 expressing this expertise, so beyond simply

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1 having done the course work, it was
 2 necessary to produce research that also
 3 showed a solid understanding of what the
 4 research methods were and how to communicate
 5 them. So my dissertation involved a fair
 6 bit of research method's work that I would
 7 consider statistical. It also included
 8 qualitative work, so I did interviews with
 9 members and beyond that, I spent the past 10
 10 years teaching in the area. So a number of
 11 sort of gaps that I would say would still
 12 have existed from doing the Ph.D are things
 13 that I learned through the process of now
 14 having been a teacher in that area. I
 15 actually, you know, I still occasionally
 16 learn things from textbooks, but broadly I
 17 have a very solid background in it because
 18 of the training during my Ph.D, the actual
 19 research and peer review work that I had
 20 done that's been published and beyond that,
 21 and I teach as well in the area.
 22 KENNEDY, Q.C.:
 23 Q. Sir, the next sentence then says "I've
 24 taught courses in research methods at both
 25 the undergraduate and graduate level that

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1 include instruction on data collection,
 2 polling and questionnaire designed, bias and
 3 quantitative analysis". So, could you just
 4 outline what you're referring to in terms of
 5 data collection, not polling and
 6 questionnaire, I guess, but it's probably
 7 somewhat relevant, bias and quantitative
 8 analysis.
 9 PROFESSOR BLIDOOK:
 10 A. Sure, so generally, I mean, in any evidence
 11 based research there's the necessary aspect
 12 of collecting the evidence in the first
 13 place. That can involve all sorts of
 14 approaches, but so—I mean, polling would
 15 actually be one of those approaches, you
 16 know, finding data, determining its
 17 usefulness an finding the most effective way
 18 of gathering it and then communicating it.
 19 So, as I said, I also engage in interview
 20 research. I currently do—most of my
 21 research actually now is in ethnography
 22 which involves a lot of observation, but all
 23 of these are forms –
 24 KENNEDY, Q.C.:
 25 Q. Sorry, in what?

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1 PROFESSOR BLIDOOK:
 2 A. Ethnography. So, it's spending a lot of
 3 time and observing people. But so all of
 4 these for forms of data collection. Data
 5 collection can, you know, take different
 6 forms. So, I basically teach primarily in
 7 quantitative data collection which usually
 8 involves things like surveying, polling,
 9 finding the best way of establishing a
 10 measure, asking the right questions to get
 11 the information and then assessing that
 12 information, which is the actual analysis
 13 side. Bias, of course, deals with any forms
 14 of, well really starting from error, any
 15 form of mistake that can be made in the
 16 process of collecting and analyzing and then
 17 also cases in which bias occurs. So, where
 18 you actually have systematic error. I hope
 19 that's kind of –
 20 KENNEDY, Q.C.:
 21 Q. Sure, we'll continue. Now, you refer here
 22 to quantitative analysis and earlier you
 23 talked about qualitative analysis. So,
 24 perhaps you could explain what you mean by
 25 those two terms.

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1 PROFESSOR BLIDOOK:
 2 A. It's in some ways a false dichotomy between
 3 the two, but typically quantitative analysis
 4 is where we look for information from a
 5 large number of cases and we actually use the
 6 numbers themselves to present evidence or
 7 interpretation. Whereas as with qualitative
 8 analysis, typically we would use the
 9 information itself as it is given, usually
 10 with a smaller number of cases.
 11 KENNEDY, Q.C.:
 12 Q. Okay. And the last point I want to talk to
 13 before we go to the preamble is the issue of
 14 "conducting peer review for top journals in
 15 your discipline and publishing multiple peer
 16 review articles and one peer review book
 17 manuscript employing extensive use of
 18 quantitative analysis". Again, how
 19 important is peer review in terms of your
 20 role as a professor at Memorial University
 21 and the types of activities you engaged in
 22 either publishing or peer-reviewing other
 23 articles, journals in –
 24 PROFESSOR BLIDOOK:
 25 A. How important is it? So, from a career

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1 perspective, if you're not able to produce
 2 peer-reviewed work, you won't, sort of,
 3 continue typically. So, it's, I mean, it's
 4 a necessary component of writing articles
 5 and ideally also writing books to have them
 6 go through a peer-reviewed process. So,
 7 essentially either a single blind or a
 8 double blind, in this case, the book would
 9 have been a single blind item. I don't know
 10 who reviewed my book, but they know who I
 11 am. And with the other it would have been
 12 double blind, so they wouldn't know who I
 13 was and I wouldn't know who they were. And
 14 the purpose is to have people in a sort of
 15 disinterested manner assess one's work, not
 16 knowing if it's their friend or knowing, you
 17 know, if it's their friend or knowing any of
 18 these kinds of things and to go through and
 19 simply say, does the evidence hold up or
 20 doesn't it? And ultimately journals also
 21 have a, sort of, a credibility issue
 22 regarding that in the rare occasions where
 23 poor work gets through or work that has not
 24 actually been properly conducted. It can be
 25 pretty devastating to those journals. So,

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1 there's sort of a large ranged interest in
 2 ensuring that there's a, sort of, neutrality
 3 and independence in the process of assessing
 4 work simply on its merit.
 5 KENNEDY, Q.C.:
 6 Q. What would be the top journals when you say
 7 the many top journals in your discipline? I
 8 obviously don't need a list of all of them,
 9 but give me an example.
 10 PROFESSOR BLIDOOK:
 11 A. American Journal of Political Science. I
 12 haven't published in the American Journal,
 13 but I've been asked to review for them.
 14 I've published in Legislative Studies
 15 Quarterly which would be sort of a top 10,
 16 top 15 in my field. Journal of Politics, I
 17 mean, Journal of Politics, American Journal
 18 of Political Science, I would say are sort
 19 of top 3, top 4. I've reviewed for them.
 20 So, I'd like to publish in them one day too,
 21 but not quite there.
 22 KENNEDY, Q.C.:
 23 Q. Okay. So, now let's go to your pre-amble
 24 here and I'm not going to be asking as many
 25 questions here, sir, as I'm going to ask you

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1 to go paragraph by paragraph and then always
 2 with a view to the purpose of what, which
 3 you engaged here. So, in your pre-amble you
 4 outline, I'll just talk about your opening
 5 sentence and ask you to go from there.
 6 "Three key elements of assessing data
 7 collection and analysis are bias,
 8 efficiency, and consistency". Perhaps you
 9 could outline, sir, what you're talking
 10 about in that first paragraph, the Board has
 11 your report, and point out to them anything
 12 that you think is important in terms of what
 13 we are doing here today.
 14 PROFESSOR BLIDOOK:
 15 A. Sure. I mean really what I'm doing is I'm
 16 setting up the key component that I'm
 17 actually spending time on in this particular
 18 review. So, I'm pointing out that—and this
 19 is kind of a set or a standard of things
 20 that need to be looked at. In this
 21 particular case, the main concern that was
 22 brought to me was potentially one of bias
 23 and so that's what I focus on here.
 24 Basically I outline here that the
 25 problem of any kind of systematic errors.

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1 So, we know that in any kind of data
 2 collection there's almost always some form
 3 of error. And what we like to do is
 4 especially minimize anything that is
 5 systematic or anything that, you know, would
 6 cause values to overwhelmingly to be, you
 7 know, higher or overwhelmingly be lower as
 8 opposed to be randomly error that is only in
 9 a random fashion. Ultimately these are the
 10 things where we can actually look at and
 11 understand or calculate error, if we know
 12 where it's coming from, sometimes we can
 13 correct for it. One of the biggest
 14 difficulties, of course, is if we don't
 15 know, then the problem is that we get to a
 16 point where we don't know how accurate the
 17 data is to the population that it's meant
 18 represent. And I also basically outlined
 19 and this can also happen in both an
 20 intentional and unintentional forms. So,
 21 the notion of bias is not something that we
 22 take as a charge or a negative phrase
 23 towards a person or any organization.
 24 Simply because bias exists doesn't mean that
 25 the person has done something wrong or that

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1 the organization has done something wrong.
 2 It can occur for multiple reasons.
 3 KENNEDY, Q.C.:
 4 Q. Now in terms of specifically what we're
 5 doing here, what materials did you review
 6 prior to forming any opinion or providing a
 7 report?
 8 PROFESSOR BLIDOOK:
 9 A. So, forgive me, it's been a little while
 10 since having gone through and thinking of
 11 the titles. I do actually list them further
 12 down. There was the—from the IBC there was
 13 an initial prior to collecting, there was
 14 sort of the protocols for collecting the
 15 data. And then there was also the study
 16 done by Oliver Wyman using that data and
 17 outlining both sort of the values, the
 18 actual sort of descriptive nature of the
 19 data as well as analysis upon that data.
 20 So, making certain judgments as to sort of
 21 how best to interpret that data. Forgive me
 22 if I'm forgetting exact. So, we had the
 23 Closed Claim Study instructions; we had the
 24 Oliver Wyman report. There was, I believe
 25 one other document, but in any case, in each

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1 point that I refer to them, I've noted them
 2 as well in the parenthesis. I know I also
 3 reviewed some of the transcripts from this
 4 body and I came in and watched briefly just
 5 to get a sense of what was going on to
 6 understand a bit better your guys' process,
 7 but I basically reviewed the documents that
 8 were available dealing directly with the
 9 Closed Claim Study data that was collected
 10 from the insurance companies.
 11 KENNEDY, Q.C.:
 12 Q. Sir, this Closed Claim Study, had you ever
 13 seen a closed claim study before?
 14 PROFESSOR BLIDOOK:
 15 A. No.
 16 KENNEDY, Q.C.:
 17 Q. How important is it to you, in giving your
 18 opinion, that you be familiar with the
 19 subject of the study that you're looking at,
 20 whether it be automobile insurance,
 21 electricity rates, whatever. How important
 22 is your familiarity with that particular
 23 topic?
 24 PROFESSOR BLIDOOK:
 25 A. I mean, you know if I felt that I couldn't

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1 provide meaningful expertise on what I was
 2 looking at, I wouldn't have taken on the
 3 task because you know, I wanted to maintain
 4 my own credibility in terms of what I do and
 5 the sorts of things that I spend my time at.
 6 So, you know, I'll preface my comments with
 7 that. I don't personally see the topic
 8 here at particularly relevant although I
 9 don't doubt that experience might be
 10 helpful. The flip side is that perhaps
 11 coming at it with fresh eyes, not knowing
 12 what the connections are, what the nature of
 13 the relationships are, what the nature of
 14 the actual industry is, that I sort of come
 15 at this with sort of a fresh set of eyes and
 16 just say would I consider this helpful or
 17 useful data; what are the potential problems
 18 with it and what aren't? That's how I came
 19 at it. So, I honestly think that my
 20 contributions on the data side are probably
 21 as good as they would be otherwise, but I'm
 22 sure there may be other aspects that might
 23 stand out to me if I were also an expert in
 24 insurance and insurance rates and the nature
 25 of that industry.

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1 KENNEDY, Q.C.:
 2 Q. Okay. In your second full paragraph, sir,
 3 on page 1 you talk about intentional versus
 4 unintentional bias, you've touched upon that
 5 briefly, sir. You've touched on that
 6 briefly in your evidence. Is there anything
 7 you want to add to what you've written there
 8 in your report?
 9 PROFESSOR BLIDOOK:
 10 A. No, I think what's there, stands reasonably
 11 well. I think I've outlined an example of
 12 how these things could take place and why
 13 they are reasonable concerns lacking
 14 evidence to the alternative.
 15 KENNEDY, Q.C.:
 16 Q. Sir, at the bottom of page one of your
 17 report, there's a number of footnotes.
 18 Those footnotes are referring to, I assume,
 19 these are books here as opposed to journals,
 20 are they?
 21 PROFESSOR BLIDOOK:
 22 A. These are books, yeah. Two of them are text
 23 books that I actually use for teaching.
 24 Now, in this case because we're doing
 25 methods work, to me, some of the best

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1 examples, I felt, came from teaching text
 2 as—we wouldn't necessarily always use
 3 teaching texts for peer-reviewed work. We'd
 4 want to go to sort of more primary forms of
 5 research, but I felt for the purposes here
 6 and the Kind Keohane and Verba, that is an
 7 actual book that is meant to, sort of,
 8 express a connection between both
 9 qualitative and quantitative work, which I
 10 felt sort of help illuminate some of the—but
 11 the basic ideas of bias which are true
 12 across all data collection forms.
 13 KENNEDY, Q.C.:
 14 Q. And these books are readily accessible, I
 15 would assume?
 16 PROFESSOR BLIDOOK:
 17 A. They are. The latter two are bit expensive,
 18 but if you take my course, you have to pick
 19 them up.
 20 KENNEDY, Q.C.:
 21 Q. So, sir, these books are available. Do you
 22 have them?
 23 PROFESSOR BLIDOOK:
 24 A. I don't have them with me currently, but
 25 they are in my office.

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1 KENNEDY, Q.C.:
 2 Q. Okay. What I'm saying is that if anything
 3 was required, if you could easily supply the
 4 references.
 5 PROFESSOR BLIDOOK:
 6 A. Yes.
 7 KENNEDY, Q.C.:
 8 Q. Okay. Let's go, sir, now to the next page,
 9 but I want to read to you—I want you to
 10 comment on this quote, beginning at the
 11 bottom of page one. "Bias may also result
 12 when a researcher requests information in a
 13 non-biased manner, but a respondent provides
 14 what they see as a desirable response, a one
 15 that reacts to the researcher" and then you
 16 go on in brackets. What do you mean by
 17 that, sir, perhaps you could explain?
 18 (10:45 a.m.)
 19 PROFESSOR BLIDOOK:
 20 A. It's different types of ways this could
 21 happen. Sometimes what we consider sort of
 22 the Hawthorne effect, there's a number of
 23 responses that people can give that are not
 24 intentionally biased. So, I could—and the
 25 example I give is actually more common in

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1 voting behaviour, studies where the purpose
 2 is not just the data collection, but to
 3 understand the nature of these types of
 4 effects. So, for example, if I'm asking you
 5 questions on gender, I'm asking you
 6 questions about your likelihood to vote for
 7 a female politician as opposed to a male
 8 politician. What we know is that your
 9 tendency to answer that question one way or
 10 the other may be effected on whether I
 11 myself am a male or female. If there's a
 12 tendency for the respondent to feel there's
 13 any form of social desirability in the
 14 response or something that might be expected
 15 of them, there's a tendency then to also
 16 shade in that direction.

17 KENNEDY, Q.C.:

18 Q. I want to touch on this term of "bias" for a
 19 second because as lawyers in the room when
 20 we use the term "bias" we use it sometimes
 21 interchangeably with a reasonable
 22 apprehension of bias, but it's a term that
 23 either—I'm not going to use the word attack,
 24 but impugns the credibility of an individual
 25 or person or the integrity of a process so

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1 that there's a tainting effect. When you
 2 use the word "bias"--it's a bad word when
 3 lawyers use it towards judges, boards, other
 4 people. How do you use that term? Is it as
 5 -

6 PROFESSOR BLIDOOK:

7 A. I wouldn't say there's no negative
 8 connotation. I think it's possible for
 9 intentional bias to exist and for it to be
 10 done in a negative manner. I think that can
 11 absolutely occur. But I don't mean to use
 12 it that way here. What I'm recognizing is
 13 that any form of systematic error is bias
 14 and that intention or non-intention can both
 15 go into that. It doesn't necessarily impugn
 16 an individual because there's so many aspect
 17 from which it can come. As I'm saying, you
 18 know, this idea that data would be provided
 19 by someone, not even the initial researcher
 20 or the data collector, but at a level below
 21 that, bias can still be introduced at that
 22 level. So, the notion of saying somebody is
 23 bad or is wrong because bias has been
 24 introduced, in my world, doesn't really make
 25 sense.

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1 KENNEDY, Q.C.:

2 Q. Okay, I just wanted to clarify that.

3 PROFESSOR BLIDOOK:

4 A. Okay.

5 KENNEDY, Q.C.:

6 Q. Now, in terms then of—if you go on to second
 7 paragraph in talking about ways of guarding
 8 against intentional bias, perhaps you could
 9 elaborate upon what you're talking about
 10 there for members of the Board.

11 PROFESSOR BLIDOOK:

12 A. Sure. So, I mean, this really just derives
 13 from the fact that if there is interest in
 14 the data that is being collected, there can
 15 also be a tendency for bias to be
 16 introduced. But also recognizing that
 17 beyond that there can be processes that are
 18 undertaken. I mean, we could talk about the
 19 data itself after being collected also being
 20 audited, but I also mention in there, for
 21 example, intercoder-reliability where if
 22 data is being collected, the same document
 23 or the same information is then being coded,
 24 processed. That would be relatively common
 25 would be to have more than one person code

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1 that into the categories that are being
 2 coded. And then to look at both of their
 3 work essentially. Does one person who codes
 4 that information, does the other person code
 5 it in the same manner? If there tends to be
 6 a fair bit of discrepancy, then there's a
 7 problem in the coding process and that needs
 8 to be corrected before the data is useful.

9 KENNEDY, Q.C.:

10 Q. Okay. So, then in your last paragraph there
 11 before your heading "Assessment of Data and
 12 Analysis", you talk about processes to
 13 minimize bias. Again, perhaps you could
 14 elaborate for the Board what you're
 15 outlining in that paragraph.

16 PROFESSOR BLIDOOK:

17 A. Sure. So, again sort of on a general level,
 18 if it's possible to use something along the
 19 lines of intercoder-reliability that
 20 increases the certainty that we have that
 21 the data is representative. In a
 22 circumstance where an audit of the data is
 23 possible, again I mean, audits aren't
 24 something I do. They are something I'm
 25 aware of and I know as a potential process.

<p style="text-align: right;">Page 109</p> <p>1 It's a means of having somebody take 2 information from a dis-interested point of 3 view and determine was that information or 4 what that data used properly? These would 5 be the kinds of processes that I'm getting 6 at there.</p> <p>7 KENNEDY, Q.C.:</p> <p>8 Q. When you use the word "audit" –</p> <p>9 PROFESSOR BLIDOOK:</p> <p>10 A. But it could be, and just to clarify, it 11 could be a number of things. It depends on 12 the data. It's still sort of a general 13 statement, but if those processes are 14 available, they should be used.</p> <p>15 KENNEDY, Q.C.:</p> <p>16 Q. When you refer to the term "audit", sir, 17 again I want to make sure that in your world 18 you use the word "audit" like we do. So, an 19 audit we have legal systems, there's 20 forensic audits; in the accounting world 21 there's audits that—I forget, I'm trying to 22 remember the term now. There's the 23 forensic audit and then there's a</p> <p>24 MR. GITTENS:</p> <p>25 Q. Review.</p>	<p style="text-align: right;">Page 111</p> <p>1 outline here the steps, I guess, or the 2 problems that can arise with collected data 3 and analysis. Could you outline for the 4 members of the Board please your 5 introductory paragraph there before you get 6 into your examination?</p> <p>7 PROFESSOR BLIDOOK:</p> <p>8 A. Sure, I'm just basically outlining that I 9 have reviewed the documents that were 10 available. I do outline as I go which ones 11 I'm referring to and that I noted basically 12 four potential problems with the data that 13 was collected. So, I refer to potential 14 bias introduced by the collectors; potential 15 error or bias as I kind of outline, in the 16 second example, based on the method of 17 collection and exclusion. I know there's 18 been some discussion. When I was here 19 previously, I know there was more discussion 20 of the data exclusion, so I think there's 21 been more clarity on that. Third is the 22 potential bias and the data and fourth is 23 the potential bias and the analysis. Sorry, 24 go ahead.</p> <p>25 KENNEDY, Q.C.:</p>
<p style="text-align: right;">Page 110</p> <p>1 KENNEDY, Q.C.:</p> <p>2 Q. Yes, myself and Mr. Gittens went through 3 this in detail. So, in your world when 4 you're talking about "audit", what are you 5 talking about?</p> <p>6 PROFESSOR BLIDOOK:</p> <p>7 A. I'm using the term very generally, so I'm 8 not sort of thinking of the specific 9 clarifications you've made on different 10 forms of audits. More so what I would 11 suggest would be that in any case where—I'm 12 using it generally to suggest that in any 13 case where the data is collected and there 14 is a potential interest in the process of 15 collecting it, that you have somebody who is 16 not interested, who is able to vouch for the 17 validity of the data, to claim that it is, 18 for all intents and purposes, accurate and 19 representative outside of the actual 20 organization or the initial data collectors 21 themselves.</p> <p>22 KENNEDY, Q.C.:</p> <p>23 Q. Okay. So, we're going to come to that 24 shortly. So, now when we get to the heading 25 "Assessment of Data and Analysis" you</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. I was going to ask you, Professor, we're 2 now--we break at 11:00. So, can you start 3 with heading number one and give us some 4 information and don't feel compelled to 5 finish it in 7 minutes, but why don't you 6 start the process in talking about issue 7 number one, "potential bias introduced by 8 collectors of the data".</p> <p>9 PROFESSOR BLIDOOK:</p> <p>10 A. Sure. So, in this paragraph, I'm basically 11 outlining that there is an interested party 12 that has been involved in the data 13 collection. And so this would, for me, flag 14 the possibility that this is the only source 15 of the data coming, this is the only means 16 by the data being collected and there also 17 being an interest in the outcome of how that 18 data is used that that would be a flag in 19 terms of potential bias that is introduced 20 by collectors of the data. The possibility 21 there is simply that in process of 22 collecting, there is certain decisions that 23 in the process of coding or anything along 24 sort of from the information itself to the 25 manner in which it is actually communicated</p>

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1 that any kind of process that might help aid
 2 the interests of the parties involved.
 3 KENNEDY, Q.C.:
 4 Q. Okay, let's be a bit more specific now, sir.
 5 When you're referring to the interested
 6 party, who are you talking about?
 7 PROFESSOR BLIDOOK:
 8 A. I speaking to the IBC. I guess more largely
 9 I would say that the IBC is going through
 10 this process, but they're also asking the
 11 insurance companies themselves to also
 12 provide the data. So, I guess in this
 13 sense, I could actually have been more
 14 complete in saying that either in the
 15 process of overseeing the data collection or
 16 in the process of insurance companies
 17 themselves coding data, you could have that
 18 interest in an outcome play into the manner
 19 in which data is coded.
 20 KENNEDY, Q.C.:
 21 Q. Sir, then you say the data themselves are
 22 not independently audited. What do you mean
 23 by that and how did you come to that
 24 conclusion?
 25 PROFESSOR BLIDOOK:

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1 A. I reached that because it's stated in the
 2 documents themselves that the data are not
 3 audited?
 4 KENNEDY, Q.C.:
 5 Q. Then you go on to say in the third
 6 sentence, I guess, "as the IBC is also
 7 actively lobbying the PUB in submission to
 8 adopt a particular outcome, this identifies
 9 then as an interested party".
 10 PROFESSOR BLIDOOK:
 11 A. Yes.
 12 KENNEDY, Q.C.:
 13 Q. So, when you talk about an interested party,
 14 how do you define that term?
 15 PROFESSOR BLIDOOK:
 16 A. If there is an actual interest or benefit to
 17 an outcome. For example, if—you know, this
 18 is the same reason why auditing works in
 19 firms that are also profit oriented, the
 20 purpose is to go in and say, okay, so since
 21 the people involved have a potential benefit
 22 to be derived from the manner in which this
 23 information is used, can we have someone who
 24 has no benefit to be derived from it, who
 25 simply comes in it as an outside party, who

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1 doesn't care if the answer is yes or no, who
 2 doesn't care if the value is higher or
 3 lower, but who can simply look at it from a
 4 neutral standpoint. Lacking that position
 5 on it, then that's the point I'm trying to
 6 make about this, is that this is not the
 7 manner in which the data was assessed.
 8 KENNEDY, Q.C.:
 9 Q. And then the last sentence in that paragraph
 10 says, "it seems inappropriate to use data
 11 supplied solely by IBC without independent
 12 verification". Can you elaborate on that
 13 statement, sir?
 14 PROFESSOR BLIDOOK:
 15 A. I think, well, I mean, I think it says what
 16 it says. I would suggest that unless you
 17 can assess your data, unless you can have a
 18 neutral party look at your data and
 19 determine that it is representative of the
 20 underlying information that it's meant to
 21 represent, you wouldn't typically take that
 22 information directly from an interested
 23 party.
 24 KENNEDY, Q.C.:
 25 Q. Now, the last two paragraphs –

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1 PROFESSOR BLIDOOK:
 2 A. You'd be accept the likelihood of bias
 3 without using evidence to suggest that it's
 4 not.
 5 KENNEDY, Q.C.:
 6 Q. The next two paragraphs there you refer to
 7 IBC's identification of the regular
 8 schedule. Perhaps you could comment on
 9 that?
 10 PROFESSOR BLIDOOK:
 11 A. Sure. There's just, you know, they
 12 themselves are recognizing that there is a
 13 bit of a weakness in the process and I think
 14 they're transparent about that. I'm not
 15 claiming that they aren't, but simply the
 16 fact that they were given a test to do in a
 17 short period of time, it seems to be the
 18 justification that they're giving for the
 19 targets being slightly lower and ultimately
 20 that's really what we're getting at here.
 21 They've identified that a less regular
 22 schedule suggests that they could have done
 23 more, they could have done a better job.
 24 KENNEDY, Q.C.:
 25 Q. Then you referred to the 2005 Closed Claim

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1 Study conducted for the PUB, what are you
 2 referring to there?
 3 PROFESSOR BLIDOOK:
 4 A. There was a 2005 study, I forget the title
 5 of it, but I know there was a reference in
 6 it in terms of validation of it. Now, I
 7 think that the actual, unless I'm mistaken
 8 between documents, I did actually see the
 9 document—I may have seen the document that
 10 this was, so it wasn't actually an audit
 11 otherwise. I may have been mistaken at the
 12 time simply from the explanation that was in
 13 that 2005 study which referred to having
 14 this independent firm that validated the—
 15 that collected data. But I didn't actually
 16 see that independent firm's assessment, I
 17 don't believe until more recently. That's
 18 the NK –
 19 KENNEDY, Q.C.:
 20 Q. NKHK.
 21 PROFESSOR BLIDOOK:
 22 A. That's right. So, I only just had that
 23 supplied to me very recently. I would
 24 actually at this point strike that sentence
 25 because that review is terrible. It's-I

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1 understand that point of this was to, kind
 2 of say this process was followed previously,
 3 an independent firm actually did come in to
 4 validate the data, but that validation is
 5 not an audit and there are significant
 6 problems with the manner in which that was
 7 also conducted. So, I used this explanation
 8 at the time to point out there was clearly a
 9 process that was followed previously. It was
 10 obviously followed because it was seen as
 11 valuable at the time. Now, I it has not
 12 been followed. So, it kind of stepped back
 13 from the validation process that was
 14 previously used. So, I felt that was an
 15 important point to make, but having reviewed
 16 that validation, I'm not sure that 2005,
 17 anything much better was happening.
 18 KENNEDY, Q.C.:
 19 Q. Other than there was an attempt.
 20 PROFESSOR BLIDOOK:
 21 A. There was an attempt. It's a very poor
 22 attempt.
 23 KENNEDY, Q.C.:
 24 Q. Okay. So, perhaps it would be a good time
 25 to break. We're going to move Point two, I

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1 guess, it's page three of the report, Madam
 2 Chair, so it might be an appropriate time.
 3 CHAIR:
 4 Q. Thank you. We'll see you at 11:30 a.m.
 5 (BREAK – 11:00 A.M.)
 6 (RESUME 11:32 A.M.)
 7 CHAIR:
 8 Q. Good morning, sir.
 9 MR. GULLIVER:
 10 A. Good morning, how are you, ladies and
 11 gentlemen.
 12 CHAIR:
 13 Q. Welcome. It's been a time getting here.
 14 MR. GULLIVER:
 15 A. I'm here today.
 16 CHAIR:
 17 Q. Welcome
 18 MR. GULLIVER:
 19 A. Thank you very much.
 20 CHAIR:
 21 Q. You can proceed whenever you are ready, Mr.
 22 Gulliver.
 23 MR. GULLIVER:
 24 A. Hi, my name is Peter Gulliver. I represent
 25 Bugden's Taxi, City Wide Taxi and Northwest

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1 Taxi. I own 182 license. For the City of
 2 St. John's it's 360, so I own half the taxi
 3 stream (phonetic) in St. John's,
 4 Newfoundland. I have 125 busses between
 5 vans, school busses and 15 passenger vans
 6 and 20 passenger vans and stuff like that.
 7 And I'm here today about insurance, as we
 8 all know. I have vehicles at Co-operators
 9 Insurance. I have 9 vehicles, company
 10 vehicles I drive, my wife drives, my
 11 daughter drives and I insure them, for 9
 12 vehicle, roughly \$13,500.00. I'm with Co-
 13 operators Insurance 41 years, never had a
 14 claim. I own roughly 100 taxi cars, the
 15 company owns roughly 100 taxi cars between
 16 the two companies and Northwest we just took
 17 over and we're paying roughly \$11,000.00 per
 18 car and that's no collision, no comp and no
 19 glass deduction or nothing like that. As of
 20 today, I phoned the insurance company this
 21 morning, a 2018 Toyota Camry to insure it,
 22 Peter Gulliver to drive it and another drive
 23 with clean abstracts would be \$10,714.00
 24 plus 15 percent taxes. So a total of
 25 \$12,321.00. I have taxi cars that are all

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1 in Facility and Facility to me is a company
 2 made of all the insurance brokers here in
 3 St. John's, Newfoundland if I pay a premium
 4 of say \$2,000,000.00 for all my
 5 transportation, all my vehicles, they get a
 6 percentage and put it in a pile. I don't
 7 know the percentage, it could be 3 percent
 8 or 5 percent, but I'm not 100 percent sure
 9 of that. So, every other taxi is the same
 10 way, it's Facility Insurance and Facility
 11 Insurance means high risk. And it's a
 12 conflict of interest and it's price fixing
 13 because of today, Peter Gulliver, I'm using
 14 my own name, I have a clean abstract for 41
 15 years, never had a claim. My own personal
 16 vehicles, I'm going to give—let the lady
 17 take a copy and pass this on at the end of
 18 the day, and to show you the difference. I
 19 can drive a 2017 truck out by the door for
 20 \$1,100.00. I get in a taxi car and it costs
 21 me \$11,000.00 dollars plus tax with no
 22 collision. If I put a second driver on my
 23 vehicle with one year, if he had four moving
 24 violations, so he could have a speeding—
 25 forget the impaireds, a speeding ticket, a

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1 stop sign ticket, red light or probably a
 2 cell phone, would cost an extra 25 percent
 3 of my premium. So, I with taxi cars myself
 4 in the company, so if I put two drivers on a
 5 taxi car with four moving violations in one
 6 year, it would be 50 percent of my premium.
 7 So, if it's \$11,000.00, I would pay
 8 \$17,000.00. So, I think that's outrageous.
 9 Facility Insurance, the reason why I think
 10 it's a fixed pricing, it's conflict of
 11 interest and it's under the (unintelligible)
 12 Act. And I'm--conclusion because it's all
 13 the insurance get together and you can phone
 14 Steer's Insurance, Anthony Insurance, Cal
 15 LeGrow's Insurance, Co-operators Insurance,
 16 they will give you the same price I got
 17 right here on this paper as of today. And
 18 it's no one here in Newfoundland in the
 19 industry of insurance to have just a
 20 commercial market. And if Peter Gulliver
 21 had a bad abstract, I could see myself
 22 paying extra money if I want to drive a
 23 taxi, if I got four moving violations, but
 24 people with clean abstracts, why should they
 25 pay 11 or \$12,000.00 for taxis? You know,

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1 the insurance companies are putting taxi
 2 industry out of business, the individual
 3 brokers and all that. And the cap, I'm not
 4 here for any lawyers talking about caps or
 5 insurance or anything like that. If I
 6 knocked someone down, if it's two years or
 7 three years or whatever the case may be,
 8 whatever it's worth, I'm paying high risk
 9 insurance. I'm high Facility and the next
 10 year my insurance goes up. If I got someone
 11 with four moving violations, that's on my
 12 drivers abstract for five years and the
 13 insurance rates me for five years for that
 14 insurance. That's 25 percent. So, if I get
 15 the 5th one, it probably goes to 35 percent.
 16 So, at the end of the day, I don't know
 17 where it leaves us for insurance. And like
 18 Doug McCarthy was saying, you know, about
 19 the insurance and the cap and he was talking
 20 for the taxi industry, he has nothing to do
 21 with Bugden's Taxi, City Wide. I'm
 22 affiliated with myself and my daughter. And
 23 we're just out there trying to make a living
 24 and hope the brokers make a living in
 25 between. And I just want to know how do I

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1 get out of Facility Insurance? You know,
 2 it's no market here for, like, commercial
 3 taxi business. You know, you got these
 4 hotels that got these vans going around with
 5 a B plate, using a busses and shuttling
 6 passengers the same as Peter Gulliver is
 7 doing with a taxi. And they are paying
 8 \$1,500.00, the same as—I got 102 busses and
 9 my insurance for one year driving 72 kids
 10 per average on a bus, twice a day, probably
 11 even taking them to school functions in
 12 between, \$105,000.00. So, \$1,100.00 for
 13 brand new busses for collision with
 14 everything. So, how do we rate a taxi for
 15 Peter Gulliver, 41 years driving, accident
 16 free? Thank you very much.
 17 CHAIR:
 18 Q. Thank you, Mr. Gulliver. Would you be open
 19 to taking any questions if anyone had any or
 20 —
 21 MR. GULLIVER:
 22 A. I'll take some questions. I'll try to
 23 answer to the best of my ability.
 24 CHAIR:
 25 Q. If anybody has any. Does anyone want to -

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1 KENNEDY, Q.C.:

2 Q. Yes, we have a couple of questions. So, Mr.

3 Gulliver, just so we can get an indication

4 of the size of the taxi industry. How many

5 taxis are in the City of St. John's

6 surrounding area, Conception Bay South –

7 MR. GULLIVER:

8 A. 360 in St. John's under the City Bylaw.

9 KENNEDY, Q.C.:

10 Q. And which companies do you own?

11 MR. GULLIVER:

12 A. City Wide Taxi, Bugden's Taxi and Northwest

13 Taxi.

14 KENNEDY, Q.C.:

15 Q. So, how many taxis do you own, sir?

16 MR. GULLIVER:

17 A. I have 182 licenses.

18 KENNEDY, Q.C.:

19 Q. So, then which would be the next, to the

20 best of your knowledge, the next size

21 company or –

22 MR. GULLIVER:

23 A. Jiffy is second.

24 KENNEDY, Q.C.:

25 Q. And how many cabs does –

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1 MR. GULLIVER:

2 A. They have about 85.

3 KENNEDY, Q.C.:

4 Q. So then which would be the third?

5 KENNEDY, Q.C.:

6 Q. NewFound Cabs.

7 KENNEDY, Q.C.:

8 Q. And is that the company that Mr. McCarthy is

9 associated with?

10 MR. GULLIVER:

11 A. Yes, he's an individual broker.

12 KENNEDY, Q.C.:

13 Q. Okay. And so Mr. McCarthy, how many cabs

14 does NewFound Cabs have?

15 MR. GULLIVER:

16 A. They got 49 licenses and 10 handicaps owned

17 by the City. They don't own any handicap

18 vans, the City owns the license.

19 KENNEDY, Q.C.:

20 Q. Who owns NewFound Cabs, sir?

21 MR. GULLIVER:

22 A. Albert Newell.

23 KENNEDY, Q.C.:

24 Q. Now, we've heard Mr. McCarthy give evidence

25 before the Board, is there a committee, a

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1 taxi committee who speaks on behalf of the

2 industry in terms of this issue of the cap

3 and things like –

4 MR. GULLIVER:

5 A. No, definitely not.

6 KENNEDY, Q.C.:

7 Q. Has there ever been one, do you know?

8 MR. GULLIVER:

9 A. We all tried to work together there a while

10 ago and it just never worked; everyone had

11 different opinions.

12 KENNEDY, Q.C.:

13 Q. Sir, if a cap were imposed, do you see that

14 as improving your situation in any way?

15 MR. GULLIVER:

16 A. A cap would make no difference to Peter

17 Gulliver or Bugden's Taxi or City Wide Taxi;

18 it would not make no difference.

19 KENNEDY, Q.C.:

20 Q. And why do you say that, sir?

21 MR. GULLIVER:

22 A. If I have an accident, my insurance is still

23 going up according to the insurance company.

24 Facility Insurance, I'm high risk and I'm

25 out there, so if I have an accident, how

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1 much more can I pay? My insurance is not

2 going down.

3 KENNEDY, Q.C.:

4 Q. Sir, if there was any savings in a cap and

5 that is certainly up to debate, whether—does

6 that benefit you in any way in terms of a

7 cap being imposed and your -

8 MR. GULLIVER:

9 A. No, definitely not, sir.

10 KENNEDY, Q.C.:

11 Q. Do you have any opinion, sir, as to whether

12 or not a cap should be imposed?

13 MR. GULLIVER:

14 A. I think a person, if they're injured, they

15 should get what today's value is, you know,

16 I'm just going to use—for an example,

17 Rawlins's Cross here today, it's a

18 roundabout, it's just put in place 30 days

19 ago and it used to be lights there and you

20 know, if someone phones me on my cell phone

21 and I looks down and I hits someone on the

22 crosswalk, you know they could be in

23 hospital for six to eight months or whatever

24 and they're saying the cap is \$5,000.00, you

25 know, that wouldn't be fair to anybody.

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1 KENNEDY, Q.C.:

2 Q. Okay. You've indicated about driver

3 abstract, you have a clean driver's

4 abstract. There was an issue in the news

5 the other day of a taxi driver passing a bus

6 and getting, I think, a \$1,200.00 fine.

7 MR. GULLIVER:

8 A. Yes, it was.

9 KENNEDY, Q.C.:

10 Q. Do you feel that that's the kind of thing

11 that should be taken into account –

12 MR. GULLIVER:

13 A. That was one of my busses, City Wide busses

14 and a NewFound Cab passed the bus twice on

15 Ross Road here, he got 6 points and a

16 \$1,200.00.

17 KENNEDY, Q.C.:

18 Q. So, it was your bus?

19 MR. GULLIVER:

20 A. It was my bus, yes.

21 KENNEDY, Q.C.:

22 Q. And the taxi—was it one of your taxis?

23 MR. GULLIVER:

24 A. No, it was NewFound Cabs.

25 KENNEDY, Q.C.:

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1 Q. So, are those the kinds of things that

2 should be taken into account of whether or

3 not a taxi should be in Facility or not?

4 MR. GULLIVER:

5 A. That drive should be in Facility, he's high

6 risk.

7 KENNEDY, Q.C.:

8 Q. Now, I'm interested, sir, and I only have a

9 couple of more questions for you. There's

10 two other issues that I'm interested in

11 here. You say you have how many busses?

12 MR. GULLIVER:

13 A. 102.

14 KENNEDY, Q.C.:

15 Q. And you drive kids back and forth to school

16 all the time.

17 MR. GULLIVER:

18 A. I got 112 contract with Newfoundland English

19 District School Board.

20 KENNEDY, Q.C.:

21 Q. And you pay \$1,100.00 per bus?

22 MR. GULLIVER:

23 A. Per bus, yep.

24 KENNEDY, Q.C.:

25 Q. Has anyone ever given you any justification

Page 131

1 as to why you pay \$11,000.00 per taxi versus

2 \$1,100.00 per bus?

3 MR. GULLIVER:

4 A. Because it's a fixed price for taxis, it's

5 under the combines and (phonetic)

6 conclusions. It's a fixed rate and all the

7 insurance got together. It's a different

8 policy, it's a different rating for school

9 busses with the insurance company.

10 KENNEDY, Q.C.:

11 Q. So, are you in Facility with your school

12 busses?

13 MR. GULLIVER:

14 A. No, definitely—no.

15 KENNEDY, Q.C.:

16 Q. So, it's a commercial –

17 MR. GULLIVER:

18 A. Commercial market, yeah.

19 KENNEDY, Q.C.:

20 Q. So, do you go out and negotiate the contract

21 or how does it work?

22 MR. GULLIVER:

23 A. I was dealing with—I'm in the bus business

24 12 years, I was dealing with Cal LeGrow

25 Insurance and my insurance is after going

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1 down for school busses every year.

2 KENNEDY, Q.C.:

3 Q. Do any of your drivers who drive a taxi,

4 drive a school bus?

5 MR. GULLIVER:

6 A. Yes, they certainly do.

7 KENNEDY, Q.C.:

8 Q. How many of them?

9 MR. GULLIVER:

10 A. I'd say 20 percent.

11 KENNEDY, Q.C.:

12 Q. My last point for you, sir, is that you've

13 talked about the shuttles that go back and

14 forth between the airport and the hotels.

15 MR. GULLIVER:

16 A. Yes.

17 KENNEDY, Q.C.:

18 Q. Do you know if those—are they –

19 MR. GULLIVER:

20 A. They have a B plate, same as a bus plate and

21 insurance is a thousand or twelve hundred

22 bucks. And they're driving passengers, you

23 know, business men come into town, back and

24 forth, still I'm in transportation, they

25 call a shuttle service, I'm a taxi service.

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1 So, it's two different meetings. They phone
 2 looking for shuttle service, for a bus
 3 plate, they'll give you a bus plate, but for
 4 a taxi, you can't shuttle people.
 5 KENNEDY, Q.C.:
 6 Q. So, if I come in from the airport, I'm
 7 coming into St. John's and your taxis are
 8 lined up outside, if I take that taxi,
 9 that's in Facility?
 10 MR. GULLIVER:
 11 A. That's in Facility, yeah.
 12 KENNEDY, Q.C.:
 13 Q. If I'm a business man or woman going to a
 14 hotel downtown, there's a shuttle there -
 15 MR. GULLIVER:
 16 A. Shuttle there, yeah, that's under bus plate,
 17 that's in a commercial, just a commercial
 18 market, not in Facility.
 19 KENNEDY, Q.C.:
 20 Q. Can you explain to this Board, to the best
 21 of your understanding how or who makes these
 22 decisions?
 23 MR. GULLIVER:
 24 A. The insurance brokers or Bureau must make
 25 the decisions of who goes in for the taxi

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1 and busses. A bus plate or the government—
 2 it's a B plate. Like on all my busses it's
 3 a B plate and on the shuttle services, it's
 4 all a B plate. And my insurance for a bus,
 5 like I said, is 11 or \$1,200.00 per bus with
 6 collision and all that and replacement
 7 costs. For the shuttle service at the
 8 hotels, they're under B plate and they're
 9 driving passengers back and forth the same—
 10 they're 24 hours a days, the same as a taxi.
 11 Flights come in at 6:30 in the morning from
 12 Gander and the last flight, Air Canada comes
 13 in at 3:30 in the morning, so it's a 24-hour
 14 service, a shuttle service is the same as a
 15 taxi service to me.
 16 KENNEDY, Q.C.:
 17 Q. And, sir, how long have you been in the taxi
 18 business?
 19 MR. GULLIVER:
 20 A. Probably 45 years, from a little boy up, my
 21 grandfather, my father, me and my daughter,
 22 we're all just moving in the same package,
 23 trying to make a living.
 24 KENNEDY, Q.C.:
 25 Q. So, how long has your family been involved

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1 in the taxi business?
 2 MR. GULLIVER:
 3 A. 1935 my grandfather started.
 4 KENNEDY, Q.C.:
 5 Q. Okay. So, the last point, sir, I want to
 6 make sure I understand this, so Peter
 7 Gulliver the person has, how many did you
 8 say, I think 13, 11 or 13 vehicles yourself,
 9 your wife and your daughter.
 10 MR. GULLIVER:
 11 A. Nine with Co-operators Insurance, company
 12 vehicles, yeah.
 13 KENNEDY, Q.C.:
 14 Q. So, nine personal vehicles.
 15 MR. GULLIVER:
 16 A. Personal vehicles.
 17 KENNEDY, Q.C.:
 18 Q. How much insurance do you pay total for
 19 those?
 20 MR. GULLIVER:
 21 A. \$13,868.00.
 22 KENNEDY, Q.C.:
 23 Q. And then how many taxis do you have?
 24 MR. GULLIVER:
 25 A. I have between, I have about 102.

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1 KENNEDY, Q.C.:
 2 Q. And what's the average insurance for those
 3 taxis?
 4 MR. GULLIVER:
 5 A. I got double drivers on my cabs, anywhere
 6 from 11 to \$12,000.00 with no collision.
 7 KENNEDY, Q.C.:
 8 Q. So, 13 vehicles in your own name.
 9 MR. GULLIVER:
 10 A. Nine.
 11 KENNEDY, Q.C.:
 12 Q. Nine in your own name equals one taxi in
 13 terms of the cost of insurance.
 14 MR. GULLIVER:
 15 A. Like for one vehicle, a corvette, \$1,212.00.
 16 A taxi is ten thousand, so it's roughly a
 17 thousand dollars per what do you call it, so
 18 -
 19 KENNEDY, Q.C.:
 20 Q. You don't drive taxis today, Mr. Gulliver?
 21 MR. GULLIVER:
 22 A. B'y, well, if I got to some days, yes; New
 23 Year's Eve or Christmas Day probably, yes.
 24 KENNEDY, Q.C.:
 25 Q. Okay. So, if you're driving, I guess my

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1 point is you're driving your corvette in
 2 your individual capacity is \$1,200.00.
 3 MR. GULLIVER:
 4 A. Yes.
 5 KENNEDY, Q.C.:
 6 Q. You're driving a taxi as a taxi driver –
 7 MR. GULLIVER:
 8 A. I get out of the corvette and get in a taxi,
 9 I got to pay \$12,000.00. So, do you think
 10 that's fair to Peter Gulliver with 41 years-
 11 experience and no accidents and no tickets
 12 and a clean abstract?
 13 KENNEDY, Q.C.:
 14 Q. I'll keep my personal opinions to myself,
 15 but the Board will certainly consider that,
 16 sir. I don't have any further questions,
 17 thank you very much.
 18 MR. GULLIVER:
 19 A. Thank you very much.
 20 MR. GITTENS:
 21 Q. No questions for Mr. Gulliver.
 22 CHAIR:
 23 Q. No questions.
 24 STAMP, Q.C.:
 25 Q. I'm just going to ask if I can bring up Mr.

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1 Allen's report, please, Madam Chair? Mr.
 2 Gulliver, this is one of the reports that
 3 somebody did, came in here and filed it for
 4 us.
 5 MR. GULLIVER:
 6 A. Okay.
 7 STAMP, Q.C.:
 8 Q. Just while we're waiting for it come up, Mr.
 9 Gulliver, as you said you got 41 years
 10 yourself personally, never had an accident
 11 in 41 years?
 12 MR. GULLIVER:
 13 A. Nope.
 14 STAMP, Q.C.:
 15 Q. Not one. Your 180 licenses, does that mean—
 16 you said 102 cabs, I think you said.
 17 MR. GULLIVER:
 18 A. City Wide got 180, yeah, but I own taxis
 19 that Bugden's have, the company's own cabs,
 20 our own company cars.
 21 STAMP, Q.C.:
 22 Q. Okay, so does the license go to a cab, is
 23 that how that works?
 24 MR. GULLIVER:
 25 A. Yeah, every license—there's 360 licenses, I

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1 got 182, so I'm allowed to have 182 cabs on
 2 the road.
 3 STAMP, Q.C.:
 4 Q. Right, so each license allows one cab to
 5 drive?
 6 MR. GULLIVER:
 7 A. Yes.
 8 STAMP, Q.C.:
 9 Q. And each of those cabs that you have, you
 10 have two drivers driving it?
 11 MR. GULLIVER:
 12 A. Yes.
 13 STAMP, Q.C.:
 14 Q. And so I take it from what you've said, you
 15 have some drivers who have infractions?
 16 MR. GULLIVER:
 17 A. Yes.
 18 STAMP, Q.C.:
 19 Q. And that tends to drive the cost up quite a
 20 bit, I gather?
 21 MR. GULLIVER:
 22 A. I'm in fleet insurance, and if there's more
 23 than three moving violations, it don't drive
 24 them up over one year. If you have four
 25 moving violations, it drives them up 25

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1 percent.
 2 STAMP, Q.C.:
 3 Q. Okay, so just to compare your own personal
 4 situation with the cab operations, how many
 5 accidents in the last five years would any
 6 of your cabs have been in? 180 cabs – 180
 7 licenses, how many accidents?
 8 MR. GULLIVER:
 9 A. I probably have ten to twelve accidents per
 10 year. I have minor – like, I probably put
 11 twelve claims through the insurance per
 12 year, and if I have some minor accidents,
 13 like, if I can tell the people I'll put
 14 their cars in to get fixed and give them a
 15 rental car, and fix their vehicle, they're
 16 happy with that, and I don't put it through
 17 the insurance.
 18 STAMP, Q.C.:
 19 Q. Obviously, you understand I'm sure that cabs
 20 are sort of going –
 21 MR. GULLIVER:
 22 A. They're going 24 hours a day, seven days a
 23 week.
 24 STAMP, Q.C.:
 25 Q. But your corvette, for example, is not.

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1 It's in the garage a lot of time and you
 2 drive it around every once in a while and
 3 you don't put much mileage on it?
 4 MR. GULLIVER:
 5 A. Okay, I'll give you a prime example. I got
 6 a 2017 Ford F-350 down there and there's
 7 68,000 kilometres on her. She was bought
 8 last March. I drive bus, I drive cab, I'm
 9 in the office too. So take it from there.
 10 STAMP, Q.C.:
 11 Q. Okay, so you don't – obviously, the cabs go
 12 further than your typical private passenger
 13 vehicle?
 14 MR. GULLIVER:
 15 A. Oh, it's only commonsense.
 16 STAMP, Q.C.:
 17 Q. Sure.
 18 MR. GULLIVER:
 19 A. The vehicles got to go. If I want to make a
 20 living, I got to keep the cabs on the road.
 21 STAMP, Q.C.:
 22 Q. Of course, but, look, I want you to look at
 23 this chart that I just asked to be brought
 24 up at page two of this report that you see
 25 there, just to give you some sense of what

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1 information has been brought to the Board,
 2 okay. So this shows that in 2015, there
 3 were 795 vehicles. If yours haven't changed
 4 that much over a couple of years, you're –
 5 MR. GULLIVER:
 6 Q. 795 taxis?
 7 STAMP, Q.C.:
 8 Q. Apparently so.
 9 MR. GULLIVER:
 10 A. In St. John's?
 11 STAMP, Q.C.:
 12 Q. No, in the province.
 13 MR. GULLIVER:
 14 A. Oh, in Newfoundland and Labrador.
 15 STAMP, Q.C.:
 16 Q. In the province, yeah.
 17 MR. GULLIVER:
 18 A. Okay.
 19 STAMP, Q.C.:
 20 Q. So that means that you got – you know,
 21 you're 180 of them if that's what it was in
 22 '15 too. You know, it's a significant
 23 percentage of all of Newfoundland really,
 24 and you look at the frequency four columns
 25 over, do you see that, or five columns over?

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1 MR. GULLIVER:
 2 A. Uh-hm.
 3 STAMP, Q.C.:
 4 Q. See the frequency per 1,000 vehicles?
 5 MR. GULLIVER:
 6 A. Uh-hm.
 7 STAMP, Q.C.:
 8 Q. And the taxis have a frequency per 1,000
 9 vehicles of 228 accidents.
 10 MR. GULLIVER:
 11 A. Accidents?
 12 STAMP, Q.C.:
 13 Q. Claims or whatever.
 14 MR. GULLIVER:
 15 A. 228 claims?
 16 STAMP, Q.C.:
 17 Q. 228 accidents, anyway, I guess, is what it
 18 is, and private passenger has 29. So you
 19 can see it's ten times higher for taxis.
 20 Now this is not my information. This is
 21 information that was brought in and put
 22 before the Public Utilities Board, this
 23 panel who are looking at this issue, just to
 24 give some sense of – and what this gentleman
 25 described was the taxi business is a very,

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1 very dangerous business compared to private
 2 passenger?
 3 MR. GULLIVER:
 4 A. Okay, the taxi industry is – if we have a
 5 storm, a snow storm, for example, you're
 6 home, your wife is at the airport, it's too
 7 slippery for you to go out and get her, you
 8 phone a cab.
 9 STAMP, Q.C.:
 10 Q. Sure.
 11 MR. GULLIVER:
 12 A. So I take my risk and my drivers to have an
 13 accident in the slippery – you wouldn't go
 14 out and get your own wife because it's too
 15 slippery.
 16 STAMP, Q.C.:
 17 Q. I might go, I might go.
 18 MR. GULLIVER:
 19 A. No, but I'm just putting an example. So
 20 we're out in snow storms and all that where
 21 people don't drive. They expect for her to
 22 come home in a taxi.
 23 STAMP, Q.C.:
 24 Q. Well, for whatever reason, Mr. Gulliver, I
 25 understand that, but for whatever reason,

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1 this gives you some sense of the magnitude
 2 of –
 3 MR. GULLIVER:
 4 A. So if you got 795 taxis out in a snow storm,
 5 wouldn't it be more if – and 795 personal
 6 vehicles, people won't go out and drive
 7 people, don't you think they're going to
 8 have accidents. Wouldn't that be only
 9 logical?
 10 STAMP, Q.C.:
 11 Q. Well, turn to the last column, if you want
 12 to look at that, this is – I'm just telling
 13 you what's been filed.
 14 MR. GULLIVER:
 15 A. Okay, but I'm just giving you my opinion.
 16 STAMP, Q.C.:
 17 Q. So taxis, the loss cost per vehicle for the
 18 taxi claim is \$4,800.00. Do you see that?
 19 MR. GULLIVER:
 20 A. 48, yeah, loss – yeah, 48, yeah.
 21 STAMP, Q.C.:
 22 Q. And the comparable number for private
 23 passenger in the same circumstance is
 24 \$433.00?
 25 MR. GULLIVER:

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1 A. Yes.
 2 STAMP, Q.C.:
 3 Q. You see way more accidents, way more
 4 accidents and way more loss cost when it
 5 happens?
 6 MR. GULLIVER:
 7 A. Okay. Your personal vehicle, how many
 8 kilometres do you put on it in the run of a
 9 year?
 10 STAMP, Q.C.:
 11 Q. 15/20.
 12 MR. GULLIVER:
 13 A. A taxi on average, two drivers, 75 to
 14 100,000 kilometres, so don't you think he's
 15 capable of having an accident, and you're
 16 only putting 25,000 kilometres. So that's
 17 one fourth in the difference, so every
 18 fourth time you're out the car can have an
 19 accident.
 20 STAMP, Q.C.:
 21 Q. Isn't that the reason that there's so much
 22 risk associated with it?
 23 MR. GULLIVER:
 24 A. Because our weather is number one – you
 25 know, we're surrounded by water and we're

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1 surrounded by snow every year. This is the
 2 best year we ever had for driving.
 3 STAMP, Q.C.:
 4 Q. Well, this explains, I guess –
 5 MR. GULLIVER:
 6 A. I don't know where – I don't know where
 7 exactly this come from, but I'm in the taxi
 8 industry, I know what I'm doing at the end
 9 of the day, and the reason why I'm here is
 10 because of Facility. I can't get out of
 11 Facility Insurance. It don't matter what we
 12 do, we cannot get out of Facility Insurance.
 13 There's no one here makes the market, the
 14 commercial market, and that's – if you today
 15 phone Cal LeGrow's, and pick up the phone,
 16 you'll get the same price I got right here.
 17 Right here, so it don't matter if you drive
 18 one kilometre or 500 kilometres. You know,
 19 taxi cabs are going to work 75, you know, if
 20 they're busy at all, 75 to 100,000
 21 kilometres a year is not a problem. You get
 22 three years out of a vehicle.
 23 STAMP, Q.C.:
 24 Q. Yeah, well, that explains part of it, I
 25 guess.

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1 MR. GULLIVER:
 2 A. Boy, you know, I don't know – I don't know
 3 exactly where that come from, but I know
 4 what I pay for insurance and what the
 5 insurance – they send me at the end of the
 6 day, Impact, or what do you call it, send me
 7 a slip, we paid out for this vehicle – this
 8 accident, we paid out \$25,000.00 or
 9 \$30,000.00.
 10 STAMP, Q.C.:
 11 Q. But, obviously, when Facility Insurance,
 12 Facility Association, I'm sorry, looks at it
 13 – Facility Association looks at all this
 14 record and has to set rates and the Public
 15 Utilities Board –
 16 MR. GULLIVER:
 17 A. So ain't that – ain't that a fixed price,
 18 pricing?
 19 STAMP, Q.C.:
 20 Q. Well, the rates are set by –
 21 MR. GULLIVER:
 22 A. Okay, can you explain to me if you phone
 23 five different insurance companies right
 24 here today and they give you the same price
 25 I got right here, I'm going to give you all

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1 a copy, the lady is going to take copies,
 2 and so is that a fixed rate. So if you –
 3 STAMP, Q.C.:
 4 Q. But –
 5 MR. GULLIVER:
 6 A. Excuse me now.
 7 STAMP, Q.C.:
 8 Q. All right, go ahead.
 9 MR. GULLIVER:
 10 A. If you got your own personal vehicle and
 11 driving for 40 years accident free, and you
 12 can get a price of \$1,100.00, and you park
 13 your personal vehicle and jump in your taxi
 14 car for your livelihood, and you got to pay
 15 \$12,000.00. Is that right? You're driving
 16 -
 17 STAMP, Q.C.:
 18 Q. Well, I think, if you want me to speak –
 19 MR. GULLIVER:
 20 A. Okay, go ahead, I'm sorry.
 21 STAMP, Q.C.:
 22 Q. All I can suggest to you is that it's a
 23 reflection of the amount of cost to
 24 insurance companies that taxis are. The
 25 reason, I think, that the rates are the same

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1 when you call around is because none of
 2 those insurance companies that you're
 3 calling insure taxis.
 4 MR. GULLIVER:
 5 A. Okay.
 6 STAMP, Q.C.:
 7 Q. They only take that risk because Facility
 8 takes it and downloads it, as I think you
 9 may have indicated?
 10 MR. GULLIVER:
 11 A. Okay, if you go on the website, PEI or New
 12 Brunswick, and drive a taxi, it's anywhere
 13 from \$2,500.00 to \$4,500.00. Here in
 14 Newfoundland we're paying \$12,000.00. So
 15 there got to be a problem here. They're
 16 having accidents just as well as us.
 17 STAMP, Q.C.:
 18 Q. I don't know if the experience is the same.
 19 You see, that's what we need to know.
 20 MR. GULLIVER:
 21 A. I have no idea what their experience is.
 22 STAMP, Q.C.:
 23 Q. And I don't know either.
 24 MR. GULLIVER:
 25 A. I don't know, right, but – so my question to

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1 the Board is how do Peter – how do we get
 2 out from Facility Insurance if we got a
 3 clean driver's abstract, how do we get out?
 4 You know, it's no sweat to get in. If I got
 5 four moving violations, I deserves to be in
 6 Facility Insurance.
 7 STAMP, Q.C.:
 8 Q. How many of your drivers, Mr. Gulliver,
 9 would you say have a perfectly clean
 10 abstract like you do?
 11 MR. GULLIVER:
 12 A. I'd have to go back to the office. I'd say
 13 40 percent or 50 percent.
 14 STAMP, Q.C.:
 15 Q. So half of them don't.
 16 MR. GULLIVER:
 17 A. But people driving cabs, it's a different
 18 livelihood. You know, they're out speeding
 19 around trying to make a living. University
 20 students and all that trying to – you know,
 21 a ticket don't make no difference to them,
 22 they're going to go off to university and be
 23 a doctor tomorrow or the next day.
 24 STAMP, Q.C.:
 25 Q. Okay.

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1 MR. GULLIVER:
 2 A. But I'm at it all my life, so my abstract –
 3 so I got to watch when I'm driving. If I
 4 jump a stop sign, four stop signs, next May
 5 27th my price goes up – my premium goes up 25
 6 percent.
 7 STAMP, Q.C.:
 8 Q. And as you say, 50 percent of your 180 cars
 9 or 182 cars are being driven by people who
 10 have these kinds of traffic history?
 11 MR. GULLIVER:
 12 A. I just had 128 bus drivers for Newfoundland
 13 English District School for drivers and all
 14 that, and every one of them had less than
 15 three moving violations, every driver, and
 16 no impaireds.
 17 STAMP, Q.C.:
 18 Q. But the buses are covered under commercial,
 19 are they not, you said?
 20 MR. GULLIVER:
 21 A. Under commercial, yeah.
 22 STAMP, Q.C.:
 23 Q. They're not in the Facility arrangement, I
 24 presume? I don't know.
 25 MR. GULLIVER:

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1 A. No. So the buses are driving 72 passengers.
 2 I'm driving one passenger and gets hurt. If
 3 72 kids gets hurt, I'd like to know the
 4 payout at the end of the day.
 5 STAMP, Q.C.:
 6 Q. But how often do buses have accidents?
 7 MR. GULLIVER:
 8 A. Boy, they're on the roads – they're on the
 9 road in the morning in the peak volume of
 10 traffic. They're on the road at 7:30 in the
 11 morning until 9 o'clock, and 2 o'clock to 4
 12 o'clock on the peak of traffic.
 13 STAMP, Q.C.:
 14 Q. How many accidents have your buses had in
 15 the last five years?
 16 MR. GULLIVER:
 17 A. I'd say seven or eight.
 18 STAMP, Q.C.:
 19 Q. In five years?
 20 MR. GULLIVER:
 21 A. Probably average one or two a year.
 22 STAMP, Q.C.:
 23 A. And ten a year for the taxis?
 24 MR. GULLIVER:
 25 A. Yes, but the taxis – the buses are doing

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1 10,000 kilometres a year and the taxis are
 2 doing 100,000 kilometres a year.
 3 STAMP, Q.C.:
 4 Q. My point, I guess, yeah. Anyway, that may
 5 be of some interest to you, Mr. Gulliver.
 6 MR. GULLIVER:
 7 A. All right, thank you very much.
 8 BROWNE, Q.C.:
 9 Q. Just a question. How are your rates
 10 derived? Like, there's a flat component,
 11 and then there's a component for kilometres.
 12 Can you tell us about that, how your rates
 13 are set by the city?
 14 MR. GULLIVER:
 15 A. It's a set rate – it's a set rate – for the
 16 kilometres driven on the meter?
 17 BROWNE, Q.C.:
 18 Q. Yeah. You start off – when you call a cab,
 19 you get in, there's an initial charge.
 20 MR. GULLIVER:
 21 A. Yes, charge \$3.75 on the meter.
 22 BROWNE, Q.C.:
 23 Q. \$3.75, yeah.
 24 MR. GULLIVER:
 25 A. And then 1.6 kilometres, it's \$1.60, and

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1 waiting time is \$35.00 an hour, and the
 2 waiting time – like, if you're stopped on a
 3 red light for ten seconds, that accumulates
 4 ten cents.
 5 BROWNE, Q.C.:
 6 Q. How are these determinations made, the \$3.75
 7 or the \$1.60?
 8 MR. GULLIVER:
 9 A. City of St. John's. We're by-law'd by the
 10 City of St. John's.
 11 BROWNE, Q.C.:
 12 Q. But what are the components of them? Is it
 13 based on gas, is insurance tied into that
 14 rate, the rate per kilometre?
 15 MR. GULLIVER:
 16 A. We never had a rate this last – I think it's
 17 eight years since we had a taxi rate.
 18 BROWNE, Q.C.:
 19 Q. But is the cost of insurance tied into that
 20 rate so you're able to make a profit despite
 21 what you're paying on insurance?
 22 MR. GULLIVER:
 23 A. I don't think, no.
 24 BROWNE, Q.C.:
 25 Q. You don't think?

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1 MR. GULLIVER:
 2 A. No, because the rates haven't changed, and
 3 insurance – the insurance is only gone up
 4 last five or seven years here, and we
 5 haven't had an increase in the taxi
 6 industry.
 7 BROWNE, Q.C.:
 8 Q. So you don't know what the components of the
 9 \$3.75 are or the \$1.60?
 10 MR. GULLIVER:
 11 A. \$3.75 is probably in the price of your car
 12 when you buy a new car to make a payment on
 13 your car, the insurance, your gas and all
 14 that, right.
 15 BROWNE, Q.C.:
 16 Q. But you just said that you just bought North
 17 West Taxi, and you bought Bugdens before
 18 that, so there must be money to be made
 19 still?
 20 MR. GULLIVER:
 21 A. There's money in the licenses. One of these
 22 days I'm going to sell the licenses.
 23 BROWNE, Q.C.:
 24 Q. There's money in the licenses.
 25 MR. GULLIVER:

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1 A. The licenses are the main attraction because
 2 there's no more licenses. The city won't
 3 allow no more licenses. So the licenses in
 4 the city now are probably worth \$50,000.00
 5 each if someone wanted to buy one to get
 6 into the taxi industry, so I got 182.
 7 BROWNE, Q.C.:
 8 Q. So that's how you make your money on the
 9 licenses, but not on the actual driving of
 10 the vehicles? You must make money on the
 11 that too?
 12 MR. GULLIVER:
 13 A. Like, you know, I just had my – I just did
 14 10 million dollars with City Wide and City
 15 Wide Bussing. I just did my books. I got
 16 no – you know, 10 million bucks, so I made
 17 money, yes.
 18 BROWNE, Q.C.:
 19 Q. But you don't know if the insurance you're
 20 paying is factored into the rates that the
 21 city sets? You don't know if there's an
 22 insurance component?
 23 MR. GULLIVER:
 24 A. Insurance got to be into it because a driver
 25 making a livelihood, he's got to pay for his

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1 insurance. If his premium is \$10,000.00 and
 2 he takes it out for 10 months, that's
 3 \$1,000.00 a month he got to pay for
 4 insurance, he got to pay for gas, he got to
 5 pay for repairs, right, plus he got to make
 6 a living.
 7 BROWNE, Q.C.:
 8 Q. Thank you, Mr. Gulliver.
 9 MR. GULLIVER:
 10 A. Thank you.
 11 CHAIR:
 12 Q. Thank you, Mr. Gulliver, and thank you for
 13 answering those questions.
 14 MR. GULLIVER:
 15 A. All right, thank you very much.
 16 CHAIR:
 17 Q. Thank you so much.
 18 KENNEDY, Q.C.:
 19 Q. Mr. Gulliver did have some papers, I think,
 20 he wanted to give to the –
 21 CHAIR:
 22 Q. Yes, Cheryl will take care of that. Thank
 23 you again, sir.
 24 CHAIR:
 25 Q. Thank you, sir. We apologize for the

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1 interruption.
 2 PROFESSOR BLIDOOK:
 3 A. No problem.
 4 CHAIR:
 5 Q. Back to you, Mr. Kennedy.
 6 KENNEDY, Q.C.:
 7 Q. Yes, thank you very much, Madam Chair.
 8 Professor Blidook, we're now going to come
 9 up to the second point, potential error or
 10 bias based on method of collection and data
 11 exclusion. Could you go through there, sir,
 12 what your comments or opinion is in relation
 13 to this point?
 14 (12:00 p.m.)
 15 PROFESSOR BLIDOOK:
 16 A. Sure. So the point is that there is now a
 17 set of information that each individual
 18 within the company has to actually place in
 19 the codes, so there's always a subjective
 20 component to this because we're categorizing
 21 things that may not be categorized in that
 22 manner in the first place, but then lacking
 23 the ability to go in and actually see that
 24 original information and connect it to the
 25 codes or to, as I mentioned earlier, some

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1 sort of form of inter-coder reliability
 2 where you might actually have more than one
 3 person code the same information, and you
 4 can determine are they consistent, you know,
 5 95 percent of the time or some other means
 6 of testing that. Lacking that, we don't
 7 actually know the reliability of the data.
 8 We don't know how often errors are being
 9 made, and beyond that, my point is also that
 10 – so if you have somebody who's doing this
 11 coding who knows the purpose of the data,
 12 who feels that there is a value in the data
 13 coming out a certain way as opposed to
 14 another, then they may also have a tendency
 15 with marginal cases where they have to make
 16 a subjective decision to choose one category
 17 over another because that category is
 18 somehow beneficial. So that's really
 19 getting at the – you would have a potential
 20 for error in the first place, but that
 21 potential for error could also result in
 22 some type of bias if, in fact, the manner of
 23 coding is being done in a bias manner. I
 24 also mentioned the 236 cases there. Again I
 25 think you guys have heard a lot more about

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1 that since, so you can determine how valid
 2 or helpful that is or not. It's simply for
 3 me the information that was provided
 4 regarding the 236 cases was not enough to
 5 determine the purpose for those exclusions,
 6 and to know what kind of impact they might
 7 have had on the data.
 8 KENNEDY, Q.C.:
 9 Q. Okay, so under heading 2, Professor, you
 10 used terms like "subjective categorization,
 11 retrospect judgment, random error, inter-
 12 coder reliability test". If you were
 13 consulted in terms of putting together or
 14 how to do data collection, how would these
 15 terms of what you've talked about here, how
 16 would it fit into it, what would you suggest
 17 to someone who is going to be doing a type
 18 of quantitative analysis like we have had
 19 done here?
 20 PROFESSOR BLIDOOK:
 21 A. Ideally, if you're going to go through a set
 22 of information that was documented earlier
 23 and you're going to have then people fit
 24 that into certain categories for the
 25 purposes of analyzing it, an inter-coder

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1 reliability process would include having
 2 more than one person actually go through and
 3 code at least a portion of that data. It
 4 wouldn't require necessarily all of the data
 5 be coded by two people, and, you know, I
 6 recognize it's the same thing in what I do,
 7 there are costs constraints, right, you
 8 can't just have two people spending all
 9 their time or whatever, but a reasonable
 10 sample of the data could be tested in that
 11 manner, so that some portion of coding is
 12 done by two people and you can look at a
 13 comparison between, at least with that
 14 portion. I guess, to me, that's actually
 15 one of the key components of the manner in
 16 which it's done, is that having no sort of
 17 view to the exact way in which information
 18 is transferred from, you know, documented
 19 information into categories, we're working
 20 with a little bit of a – we're a bit blind
 21 on whether or not the process clearly
 22 translates that information into the coded
 23 data, right. I guess, another approach
 24 would be something similar to – so thinking
 25 to that 2005 report where somebody

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1 independent of the process comes in and
 2 says, okay, we actually took a sample of the
 3 information and we looked at how it was
 4 coded, and we looked for how many errors we
 5 actually find, how often are things being
 6 coded differently than we would expect them
 7 to be, or clerical errors. I mean, this can
 8 include – when I'm talking about random
 9 error, this can include any type of mistake
 10 that is made, right. In some cases, let's
 11 imagine that somebody is punching in the
 12 number 3 because the number 3 exists in the
 13 original information, and they accidentally
 14 hit a 2 of, they accidentally hit a 4, we
 15 would consider that to be random error.
 16 Assuming over time that those types of
 17 mistakes balance out to a certain extent,
 18 you'll end up with an average at about the
 19 same point, so long as error is random.
 20 It's still a problem, but it's not a problem
 21 to the same extent as if the number is 3 and
 22 somebody consistently hits 4 as an accident
 23 and never hits the 2. That would be sort of
 24 a systematic bias. So that's just the kind
 25 of clarify the two different – the

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1 difference between random error and a
 2 systematic error. To me, those would be the
 3 two kind of processes you would use, and
 4 both of them, I guess, really come back to
 5 some version of inter-coder reliability,
 6 basically, is the means of taking the
 7 information into the coded data an accurate
 8 reflection of the actual information in the
 9 first place, and can somebody in some
 10 independent manner verify that that's
 11 happening inaccurately.
 12 KENNEDY, Q.C.:
 13 Q. Sir, we've heard in this particular case
 14 that there was a closed claims study going
 15 to be prepared, that the Insurance Bureau of
 16 Canada was involved. They would go to the
 17 insurance, the various insurance companies
 18 to collect the data. The Insurance Bureau
 19 of Canada is a proponent for a specific
 20 outcome in this hearing. What steps, in
 21 your view, in your professional opinion,
 22 could have been taken to ensure against
 23 bias, whether it be unintentional or
 24 intentional, or random error? What steps
 25 could have been taken in your view?

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1 PROFESSOR BLIDOOK:
 2 A. Ideally, someone or some organization that
 3 is not a proponent would take a look at the
 4 original information and also take a look at
 5 the data that was coded, and provide some
 6 kind of evidence to show that there is a
 7 clear translation from one to the other.
 8 That would be the ideal process. Talking
 9 about an audit, whether it's an audit, or
 10 whether it's simply an assessment, it's not
 11 deemed an audit, but at least gives us an
 12 actual rundown on the number of cases and
 13 the number of errors that were made or the
 14 number of misclassifications that were made,
 15 some type of organization that is
 16 disinterested in the outcome that can
 17 actually give us that evidence would be
 18 ideal.
 19 KENNEDY, Q.C.:
 20 Q. Okay, so now if we look at your heading
 21 number 3, potential bias in the data, could
 22 you outline for the Board your findings or
 23 opinion in relation to this issue?
 24 PROFESSOR BLIDOOK:
 25 A. So, this is simply taking the expected

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1 parameters of the data, what is expected
 2 presumably based on previous information or
 3 sort of a known understanding of how these
 4 things work prior to collecting the data and
 5 then what we actually observe with the data.
 6 And what I'm pointing out here is that
 7 according to the case study instructions
 8 that were provided by IBC, there's an
 9 expectation of closure dates having an
 10 average of approximately four to five years
 11 and also the majority of cases falling
 12 within a given year, and I'm simply pointing
 13 out the reality of the data that was
 14 collected. The coded data differs
 15 substantially from those expected
 16 parameters. That would typically be a
 17 warning flag.
 18 I haven't gotten into whether or not
 19 that ultimately means a particular outcome
 20 is being pursued or not. You'd be able to
 21 kind of – knowing the industry, knowing the
 22 nature of timeframes, and how that might
 23 affect the number of cases that fit into one
 24 category versus another would be something
 25

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1 that I couldn't speak as much to. But
 2 simply to point out that if this is
 3 meaningful, if these outcomes in the data,
 4 the coded data, are meaningful they don't
 5 fit what we would have expected in the first
 6 place.
 7 The results that we might conclude from
 8 this either is that this isn't a
 9 representative sample. It doesn't fit what
 10 we would have expected under other
 11 circumstances or – well, both conclusions
 12 would include not being a representative
 13 sample. But one could simply be that errors
 14 are being made to produce this, but because
 15 it does tend in one direction, we would
 16 typically then expect that that's actually a
 17 case of bias as opposed to simply – it's not
 18 random error. You're not just spreading the
 19 data out randomly. You're overwhelmingly
 20 skewed in one direction and it appears to be
 21 in the direction of shorter time periods
 22 than expected for the cases.
 23 KENNEDY, Q.C.:
 24 Q. Okay. If we go to number four, the
 25 potential bias in the analysis, could you

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1 outline for the members of the Board your
 2 findings and/or opinion in relation to this
 3 section?
 4 PROFESSOR BLIDOOK:
 5 A. Sure. This is just highlighting where the
 6 determined ranges now – you know, the
 7 specifics of what's going on here is to try
 8 to sort of calculate, you know, differences
 9 in costs that could be – that could come
 10 from, you know, changing the nature of or
 11 the claims that can be made on minor
 12 injuries. What's being done here simply is
 13 sort of an extrapolation of trying to
 14 understand from the unknown what we can
 15 determine from the known. And so, what
 16 concerned me here was the range or the
 17 percentage range of what was being sort of
 18 guessed or predicted for those unknown cases
 19 and I just don't see the basis for that
 20 prediction.
 21 So, basically here we've got a range
 22 that's determined of 66 to 76 percent as
 23 sort of the total range that these minor
 24 injuries would fall into, but that is again
 25

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1 taking what we have in terms of coded data
 2 and sort of known cases, the cases that
 3 certainly minor, cases that are certainly
 4 major, and then taking that unknown category
 5 and in my estimation, overestimating the
 6 number of minor injuries that are in that
 7 unknown category. At least potentially,
 8 that's what it looks like. There isn't a
 9 justification for the proportion that they
 10 allocate into that range.
 11 KENNEDY, Q.C.:
 12 Q. And the last sentence there in paragraph –
 13 heading paragraph four, the first paragraph,
 14 “while this determination is not conducted
 15 by an interested party, the lack of
 16 justification in the form of definition of
 17 injuries or expertise suggests the estimate
 18 may not be reliable.” What do you mean by
 19 that, sir?
 20 PROFESSOR BLIDOOK:
 21 A. What I mean is that I don't think that this
 22 is a case of somebody who is – there's not
 23 really evidence to me anyways that we're
 24 looking at this prediction being made based
 25 on bias or based on interest. It's simply

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1 not justified to us why that range is what
 2 it is and why it's not a smaller proportion.
 3 KENNEDY, Q.C.:
 4 Q. Okay. If we go, sir, to the next paragraph
 5 then, you talk about some other ranges that
 6 we've heard about or that have been put
 7 forward in reports. Could you outline for
 8 the Board, please, your comments in that
 9 section? The heading “this range can be
 10 compare -
 11 PROFESSOR BLIDOOK:
 12 A. Yes. So, sorry, I think to some extent I've
 13 already kind of covered this point, which is
 14 that we're using this sort of predicted or
 15 expected range of 66 to 76 percent basing
 16 this only on sort of the 54 percent that are
 17 known and then extrapolating that or taking
 18 out that unknown proportion and trying to
 19 determine what portion of that would likely
 20 also be minor. Yeah, so to an extent I've
 21 already kind of covered this in what I said
 22 previously.
 23 KENNEDY, Q.C.:
 24 Q. Okay, good. The last paragraph there in
 25 that section, you refer to a submission by

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1 Intact Insurance. What point are you making
 2 there?
 3 PROFESSOR BLIDOOK:
 4 A. Simply that another report that was done
 5 using data from accidents found a much lower
 6 range, only 55 percent of cases that were
 7 deemed minor compared to the sort of
 8 expectation of 66 to 76, which is done in
 9 the Oliver Wyman report. So, there's a
 10 pretty big gap between what's found in one
 11 case and what's found in another.
 12 KENNEDY, Q.C.:
 13 Q. Sir, if we then go to the Public Utilities
 14 Board Hearings, you indicate the hearings
 15 June 5th to June 8th. Do you review the
 16 transcripts of that testimony?
 17 PROFESSOR BLIDOOK:
 18 A. Yes.
 19 KENNEDY, Q.C.:
 20 Q. And then -
 21 PROFESSOR BLIDOOK:
 22 A. And I was here briefly. Like I observed
 23 some of it.
 24 KENNEDY, Q.C.:
 25 Q. Okay. What day were you here, sir? Do you

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1 remember?
 2 PROFESSOR BLIDOOK:
 3 A. It was a Friday in June. It was a morning.
 4 I don't recall the exact date. I'd have to
 5 go back and review that. I'm sorry.
 6 KENNEDY, Q.C.:
 7 Q. What was your purpose in attending here?
 8 PROFESSOR BLIDOOK:
 9 A. Oh, sorry, I – no, no, sorry, I mentioned
 10 June 5th to June 8th. I believe – so, it
 11 would have been – presuming that June 8th is
 12 the Friday, that probably would have been
 13 the day that I was actually physically in
 14 the room.
 15 KENNEDY, Q.C.:
 16 Q. And what was your purpose in attending here
 17 that day, sir?
 18 PROFESSOR BLIDOOK:
 19 A. I wanted to get a bit of a snapshot of what
 20 was going on and to kind of see, you know,
 21 from my perspective sort of what my
 22 expectations were of what was going on and
 23 how they differed from the reality. This is
 24 all very new to me, so I felt it was
 25 necessary to spend a bit of time and just

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1 see it.
 2 KENNEDY, Q.C.:
 3 Q. Okay.
 4 PROFESSOR BLIDOOK:
 5 A. And I had been asked by the Campaign to come
 6 in and do so, to kind of see what sorts of
 7 things stood out to me. Sorry, were you
 8 wanting me to go on with -
 9 KENNEDY, Q.C.:
 10 Q. No, I was just going to ask you then, you
 11 refer on June 12th to Amanda Dean and Ryan
 12 Stein, question on the data collection by
 13 the IBC. Did you read that transcript of
 14 their testimony?
 15 PROFESSOR BLIDOOK:
 16 A. Yes. If I'm referring to any dates, those
 17 would have been dates where I looked at the
 18 transcript or now I'm looking at that, I
 19 don't think that was the date that I was in.
 20 I believe it was Paula Elliott who was here
 21 the day that I attended. So, I would have
 22 looked at that transcript afterwards.
 23 KENNEDY, Q.C.:
 24 Q. Okay. So then you go on to your last couple
 25 of paragraphs, sir, and you talk about the

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1 issues being raised, independence had
 2 actually being raised and then you go on to
 3 state, "the Board is essentially being asked
 4 to determine the independence of the IBC,
 5 both the data collectors as well as an
 6 advocate, and Oliver Wyman in these
 7 exchanges." So, perhaps you could go on,
 8 take that statement and outline what you
 9 mean by that and your comments after that.
 10 PROFESSOR BLIDOOK:
 11 A. So, my concern is simply that you've -
 12 rather than having data where we could
 13 simply look at - and so this works in a
 14 number of different situations and I
 15 understand that any kind of claim I'm making
 16 here might come across as though I'm
 17 accusing somebody of bias or of pursuing
 18 their own interests. The truth is that
 19 effective processes take out those types of
 20 problems, right. It's not that - and this
 21 is true in politics. This is true in
 22 business and the purposes of audits. It's
 23 not that somebody is being accused of
 24 wrongdoing simply because a process to
 25 ensure that right doing was done is

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1 implemented. It's that ultimately if you
 2 don't follow those processes, then you end
 3 up stuck in the situation where you have to
 4 render judgments that are ultimately
 5 subjective and it increases the likelihood
 6 that mistakes will be made. And I just felt
 7 that this was something that should be
 8 highlighted; that this is an actual problem
 9 of the process as it is - as it has played
 10 out. That we shouldn't require sort of
 11 letters and explanations of, you know,
 12 independence or lack of independence or how
 13 a lack of independence can still translate
 14 into neutrally collected data. We can
 15 actually have evidence that those things
 16 were done and we're not being provided them.
 17 KENNEDY, Q.C.:
 18 Q. Sir, the last sentence in that paragraph,
 19 "the Board should not be called upon to
 20 render a judgment". Now, my understanding,
 21 Professor, I'll just outline this for you to
 22 see if you have a different understanding.
 23 My understanding from the comments of the
 24 Chairperson on the first day of the hearings
 25 is that the Board will not be making

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1 recommendations pursuant to the Terms of
 2 Reference. They will file a report. That
 3 report will be considered by government then
 4 in terms of making the decision. Do I have
 5 that right, Madam Chair?
 6 (12:15 p.m.)
 7 CHAIR:
 8 Q. Sounds good to me.
 9 KENNEDY, Q.C.:
 10 Q. Okay, good. So, they're not going to be
 11 rendering a judgment. So, did you have an
 12 understanding as to what the role of the
 13 Board was going to be in this hearing?
 14 PROFESSOR BLIDOOK:
 15 A. No, but more so, there's going to be - the
 16 necessity of writing such a report is going
 17 to depend, to a certain degree, on their
 18 belief that the data they have is accurate
 19 and that the results from it can be used for
 20 meaningful decisions. I do not - my
 21 language here, in case it's being
 22 misunderstood, is not that I ultimately
 23 expect that that report will have a line in
 24 it that says "we believe in the independence
 25 of this" or "we do not believe in the

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1 independence of this”. But it will
 2 necessarily require, at least implicitly, a
 3 judgment as to whether or not the data is
 4 effectively translating the information that
 5 is needed for that judgment or whether it is
 6 not. And to me that still places an onus on
 7 the Board to make a subjective judgment
 8 about the usefulness of the data.
 9 KENNEDY, Q.C.:
 10 Q. Yeah, and I’m sure you understand this or do
 11 you understand this, sir; that the Terms of
 12 Reference, Government outlines a Terms of
 13 Reference. The Board follows the Terms of
 14 Reference and then provides a report. Sir,
 15 that report will then be – well, it either
 16 will be used or it won’t be used, but it
 17 will be provided and the Government will
 18 then make a public policy decision on auto
 19 insurance. My understanding, Professor,
 20 from your earlier testimony and from what I
 21 know in the past, that you follow politics
 22 and political issues closely. Is that
 23 correct?
 24 PROFESSOR BLIDOOK:
 25 A. Yes, typically, yeah.

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1 KENNEDY, Q.C.:
 2 Q. So, you would be aware of the – or you would
 3 study or teach about the types of factors
 4 that are taken into account by politicians
 5 in making public policy decisions?
 6 PROFESSOR BLIDOOK:
 7 A. Yes, I am. I mean, in case you’re getting
 8 at areas of expertise, there’s a lot of –
 9 there’s a lot to what you’re talking about
 10 right now, some of it that I study, some of
 11 it that I’m simply more an observer of. So,
 12 I don’t want to claim full expertise over
 13 the entire policy process, but I’m familiar
 14 with that generally, yes.
 15 KENNEDY, Q.C.:
 16 Q. Because you go on to state, and this I think
 17 I’m going to ask you to comment on this,
 18 “the problem from a policy perspective, is
 19 that the Board, as a public body primarily
 20 accountable to citizens and ratepayers is
 21 placed in the position of making a decision
 22 based upon poor processes”.
 23 PROFESSOR BLIDOOK:
 24 A. Yes.
 25 KENNEDY, Q.C.:

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1 Q. So, perhaps you could outline when you talk
 2 about poor processes, are you talking about
 3 the way things are done with the Board, the
 4 Terms of Reference, the Government or just
 5 the whole situation that’s evolved in this
 6 present case?
 7 PROFESSOR BLIDOOK:
 8 A. In this particular case, I would sort of
 9 confine that. I’m not speaking to the
 10 remainder of the process, having people come
 11 up and speak and so on. I’m talking about
 12 the fact that the data collection process,
 13 as we have it, is not sort of engrained in
 14 the way the decision needs to be made and
 15 each of those four problems that I
 16 highlighted originally cast doubt on the
 17 effectiveness of the data. That would be
 18 primarily what I’m getting at in terms of
 19 poor process.
 20 KENNEDY, Q.C.:
 21 Q. Sir, do you have any comment on a situation
 22 where a government gives terms of reference
 23 to a board and potentially doesn’t allow
 24 enough time for the work to be done, from a
 25 public policy perspective?

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1 PROFESSOR BLIDOOK:
 2 A. Yes, that can certainly happen.
 3 KENNEDY, Q.C.:
 4 Q. Sir, your last comment, “the integrity of
 5 the Board for both the current and future
 6 matters should require a present of
 7 following accepted rules for data collection
 8 analysis”. What do you mean by that?
 9 PROFESSOR BLIDOOK:
 10 A. What I mean is that if you’re going to have
 11 to make a decision, a public decision based
 12 on data which ultimately will – this will
 13 affect, you know, determinations about rates
 14 and so on for the public. That rules that
 15 include aspects such as inter-coder
 16 reliability or some sort of transparent,
 17 independent process for assessing the data
 18 would be used and that lacking that, you’re
 19 – again, you’re dealing a little – you’re
 20 somewhat blind. You don’t know how
 21 effective the data is and you’re still
 22 having to make decisions based upon it.
 23 So, my impression here is that the
 24 integrity is actually diminished by the fact
 25

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1 that the data does have these problems with
 2 it.
 3 KENNEDY, Q.C.:
 4 Q. Sir, in 2005 we know that there was a –
 5 whatever your comments on the value of the
 6 work or the quality of the work, there was a
 7 medical consultant utilized in 2005. You’re
 8 aware of that, are you?
 9 PROFESSOR BLIDOOK:
 10 A. Yes.
 11 KENNEDY, Q.C.:
 12 Q. Well, there was a medical consultant.
 13 PROFESSOR BLIDOOK:
 14 A. Yes.
 15 KENNEDY, Q.C.:
 16 Q. There was an insurance adjuster, I think it
 17 was a retired insurance adjuster who liaised
 18 – was a liaison with the industry. Were you
 19 aware of that?
 20 PROFESSOR BLIDOOK:
 21 A. Yes.
 22 KENNEDY, Q.C.:
 23 Q. There was NKHK which did the so-called –
 24 which I refer to as an audit, but you have
 25 some difficulty with that term, do you, what

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1 they did?
 2 PROFESSOR BLIDOOK:
 3 A. In that report, they’ve clarified that it’s
 4 not an audit. And I’ll clarify as well.
 5 So, I did see that these processes were used
 6 and my comments earlier, I should actually
 7 clarify. I realize people know people. I
 8 don’t actually know anybody typically in the
 9 room or who did that report. I didn’t mean
 10 to use a term like “terrible”. Perhaps I
 11 should have simply said it’s unconvincing to
 12 me that it’s an effective way of assessing
 13 data. But that was – that report was
 14 something I didn’t see prior to – unless I’m
 15 mistaken, I did not see that report prior to
 16 writing this, but I do recall that there
 17 were these other processes, this medical
 18 professional. I remember reading through
 19 those prior to.
 20 So, my sense was that the 2005 data
 21 collection was done in a more rigorous
 22 manner with the intention of kind of looking
 23 into the data and looking into the meaning
 24 of it more effectively than it was in the
 25

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1 current situation.
 2 KENNEDY, Q.C.:
 3 Q. My last question for you, sir. When Ms.
 4 Elliott, the actuary from Oliver Wyman, was
 5 asked about the process utilized, she said
 6 “well, IBC now has” – and again, I’m
 7 paraphrasing and someone will correct me if
 8 I’m wrong, the IBC now has experience in
 9 doing this kind of work, having gone through
 10 it in a number of different provinces and
 11 essentially, I don’t know if this was her
 12 word, but that she could trust or she
 13 trusted the IBC to collect the data
 14 properly. Do you have any comment on that
 15 from an objective view in terms of assessing
 16 the collection of data and maintaining the
 17 quality of the data?
 18 PROFESSOR BLIDOOK:
 19 A. Sure. So, again, I mean I understand that
 20 my phrasing here may come across as though
 21 I’m saying, you know, imposing sort of
 22 distrust in a person or an organization, but
 23 more so, to me that’s not a convincing
 24 statement because the two things that we do
 25 know is that we’re dealing with an advocate

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1 or proponent for the industry and so there
 2 is an interest in the data that’s collected.
 3 The fact that something has happened
 4 multiple times does not make it an effective
 5 process. It doesn’t mean that it’s been
 6 done properly. Again, we would go to, in
 7 any situation where we could, actual
 8 evidence to see if this were true, rather
 9 than the way that it’s explained or simply
 10 saying because things were done in the past,
 11 clearly that they’re being done well, which
 12 is essentially what that argument is.
 13 KENNEDY, Q.C.:
 14 Q. Okay. Do you have anything else to add,
 15 Professor Blidook, in terms of the questions
 16 I’ve asked you or anything I’ve left out?
 17 PROFESSOR BLIDOOK:
 18 A. No, I think that’s fine.
 19 KENNEDY, Q.C.:
 20 Q. Okay. So, I’m finished. Thank you, Madam
 21 Chair. There are other counsel or the Board
 22 may have some questions for you, Professor.
 23 CHAIR:
 24 Q. Thank you, Mr. Kennedy.
 25 MR. GITTENS:

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1 Q. Atlantic Provinces have no questions for
 2 Professor Blidook.
 3 CHAIR:
 4 Q. Mr. Fraize?
 5 MS. FRAIZE-BURRY:
 6 Q. We have no questions.
 7 CHAIR:
 8 Q. Mr. Stamp.
 9 STAMP, Q.C.:
 10 Q. Thank you, Madam Chair. Professor Blidook,
 11 I just want to clarify, I guess, a bit about
 12 what you saw. I know you have references
 13 here to various bits and pieces of
 14 documentation. But tell me what you
 15 understand was the actual process that was
 16 employed in the, I guess – first of all, I
 17 guess, the design and the evaluation and the
 18 approval of the documents or the forms that
 19 were going to be used for this process.
 20 PROFESSOR BLIDOOK:
 21 A. Okay. So, my understanding is that, you
 22 know, the process actually began, you were –
 23 sorry, IBC was approached for the purposes
 24 of providing data for this study, set out
 25 the terms by which that would take place.

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1 So, we have the case study or the case –
 2 basically, the instructions or the protocols
 3 that would be followed in advance. The
 4 insurance companies themselves were
 5 initially tasked with providing this data
 6 and then the IBC was available for sort of
 7 clarification. And so, through the process
 8 of data collection, the IBC was making
 9 itself available to sort of make sure that
 10 the protocols that they had set out were
 11 actually being followed.
 12 Once that data was accumulated, then it
 13 went to Oliver Wyman for the analysis, which
 14 is where we see the actual sort of
 15 breakdown, once it's being used and what we
 16 can actually extrapolate from it in terms of
 17 effects on rates, were we to change policies
 18 to have different caps or whatever.
 19 Is this sort of broadly correct?
 20 STAMP, Q.C.:
 21 Q. I understand it, I think. I'm going to come
 22 back to you about that in a little bit.
 23 PROFESSOR BLIDOOK:
 24 A. Okay.
 25

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1 STAMP, Q.C.:
 2 Q. I have a bunch of things to clarify with
 3 you, I guess.
 4 PROFESSOR BLIDOOK:
 5 A. Okay.
 6 STAMP, Q.C.:
 7 Q. Do you have any understanding as to whether
 8 IBC, for example, has a – I don't know, a
 9 communications group versus a statistical
 10 group?
 11 PROFESSOR BLIDOOK:
 12 A. Do I know if they have distinct groups? I
 13 mean, I guess I would have assumed that that
 14 was the case, but to be honest, I don't know
 15 the full structure of the IBC.
 16 STAMP, Q.C.:
 17 Q. So, if they have a statistical group that
 18 sort of works on, I guess, interpreting data
 19 or I guess not so much interpreting, but
 20 collating it, I suppose, and shipping it on,
 21 that process sort of would not be
 22 necessarily anything to do with a policy
 23 side of things, if they have a policy side?
 24 PROFESSOR BLIDOOK:
 25 A. Yeah. So, I understand what you're getting

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1 at. So, you're basically saying it's an
 2 organization with different branches and
 3 those different branches have different
 4 purposes and one branch could be doing
 5 something that is quite different from the
 6 interest of another branch. I understand
 7 what you're getting at.
 8 STAMP, Q.C.:
 9 Q. Okay. So, anyway, just to come back again
 10 to the – so, did you see the – you reviewed,
 11 I take it, the actual questionnaire, did
 12 you?
 13 PROFESSOR BLIDOOK:
 14 A. Yes.
 15 STAMP, Q.C.:
 16 Q. That's -
 17 PROFESSOR BLIDOOK:
 18 A. It's been a while since I reviewed it. I
 19 can't – couldn't give you specific questions
 20 now, but I did look at it.
 21 STAMP, Q.C.:
 22 Q. But there's a long list of questions, I
 23 guess, and some of it's pretty easy to
 24 answer. I mean, you know, what was the age
 25 of the claimant? That's pretty easy. Was

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1 the claimant male or female? But there were
 2 some that required some level of judgment?
 3 PROFESSOR BLIDOOK:
 4 A. Um-hm.
 5 STAMP, Q.C.:
 6 Q. And that had to be – had to fill in, you
 7 know, a box here or there with certain
 8 information based on what you – how you
 9 interpreted the file you were looking at.
 10 So, back to the, I guess, information that
 11 was to be gathered. I mean, that
 12 questionnaire was designed by somebody, I
 13 guess, evaluated and approved. Do you know
 14 to what extent Oliver Wyman had any control
 15 over the evaluation and ultimately the
 16 approval or whether they directed changes to
 17 be made, for example, from a draft to the
 18 final document that was to be used?
 19 PROFESSOR BLIDOOK:
 20 A. Over the questionnaire itself?
 21 STAMP, Q.C.:
 22 Q. Over the questionnaire itself.
 23 PROFESSOR BLIDOOK:
 24 A. I don't recall from having read that
 25 document now what role Oliver Wyman played

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1 in the questionnaire itself.
 2 STAMP, Q.C.:
 3 Q. And doesn't – first of all, I think, just
 4 let me clarify this as well.
 5 PROFESSOR BLIDOOK:
 6 A. Sure.
 7 STAMP, Q.C.:
 8 Q. I think you had said, you know, the concern
 9 is people who have potentially an interest
 10 in the outcome are people who are collecting
 11 the data and that was the focus of – I mean,
 12 in broad strokes, that's the concern? Is
 13 that it?
 14 PROFESSOR BLIDOOK:
 15 A. Um-hm.
 16 STAMP, Q.C.:
 17 Q. But Oliver Wyman, of course, has not got an
 18 interest in any of these pieces. They're
 19 interested in providing data and, I guess,
 20 information to the Public Utilities Board to
 21 assist them in this process. So, Oliver
 22 Wyman, I take it you don't look at them as
 23 being – carrying a bias themselves?
 24 PROFESSOR BLIDOOK:
 25 A. So, other than I know that concerns about

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1 that have also come up in this Board, I was
 2 not aware certainly prior to writing this
 3 that there would have been any conflict on
 4 their part. I know that there were
 5 questions regarding that that have been
 6 brought up in this Board, but those were not
 7 – I was not aware of those.
 8 STAMP, Q.C.:
 9 Q. Just to make sure then. So, tell me where
 10 you believe, from what you've heard or read
 11 or whatever you got here, where you now have
 12 a sense that there was a conflict on the
 13 part of Oliver Wyman?
 14 PROFESSOR BLIDOOK:
 15 A. I don't have a strong sense of it. I'm
 16 simply pointing out that I was aware that
 17 these concerns came up. The day I was here,
 18 people were asking and I know that it has to
 19 do – I believe it has to do with the
 20 ownership groups of Oliver Wyman and also
 21 insurance companies. But again, I'm not –
 22 this isn't – other than kind of noting that
 23 day that I was here that that came up in
 24 this room, it was not something that I was
 25 aware of. I just don't – I don't feel

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1 comfortable explaining that in detail
 2 because I don't know in detail.
 3 STAMP, Q.C.:
 4 Q. Sure. So, other than that, I don't know,
 5 remote issue -
 6 PROFESSOR BLIDOOK:
 7 A. But you must know what I'm referring to
 8 then.
 9 STAMP, Q.C.:
 10 Q. - other than that remote issue, you're – you
 11 have no issue with Oliver Wyman's dispatch
 12 or disinterest in the process?
 13 PROFESSOR BLIDOOK:
 14 A. No. At the time of writing this, I didn't
 15 mean to imply that there was that. Although
 16 I did still point out that my sense from the
 17 analysis is that we could still get a biased
 18 result, it was never based on the idea that
 19 they have an interest in the result.
 20 STAMP, Q.C.:
 21 Q. Okay. All right. So come back to – so,
 22 they – I think Ms. Elliott actually
 23 confirmed here that she finally signed off
 24 on this questionnaire. She made some
 25 changes to the proposal and the

<p style="text-align: right;">Page 193</p> <p>1 questionnaire was finally, I guess, vetted 2 by her with the changes that she had asked 3 for to be made being made. That was the 4 document that was used then to go out to the 5 various locations for completion of the 6 study, completion of the data collection, I 7 guess. 8 PROFESSOR BLIDOOK: 9 A. Um-hm. 10 STAMP, Q.C.: 11 Q. So, and what do you understand IBC's role to 12 have been in that – I mean, in the putting 13 together of that data? 14 (12:30 p.m.) 15 PROFESSOR BLIDOOK: 16 A. So, my understanding was that the 17 questionnaire was primarily designed by IBC. 18 I don't know the additional roles that 19 Oliver Wyman would have played, but the 20 other thing is that I haven't made any 21 actual criticisms of the questionnaire 22 itself. From there, my understanding is 23 that IBC was the means for both distributing 24 the protocol, getting it to the companies 25 that would have to provide data, and then</p>	<p style="text-align: right;">Page 195</p> <p>1 STAMP, Q.C.: 2 Q. And do you recall the caution in the 3 documentation that if there was an 4 uncertainty, to mark it "unknown"? Do you 5 recall that direction being given? 6 PROFESSOR BLIDOOK: 7 A. Uh-hm. 8 STAMP, Q.C.: 9 Q. Okay, so how many, do you know what the 10 timeframe was that was originally planned 11 for and how the selection of the, I guess, 12 the study group, if you want, what group 13 would be looked at, how that was decided? 14 Who made that decision? 15 PROFESSOR BLIDOOK: 16 A. How the timeframe was? 17 STAMP, Q.C.: 18 Q. Well what were we looking for? This was is 19 a Closed Claims Study it's described as. 20 PROFESSOR BLIDOOK: 21 A. Yes. 22 STAMP, Q.C.: 23 Q. And so we're looking at "closed claims". 24 PROFESSOR BLIDOOK: 25 A. Right.</p>
<p style="text-align: right;">Page 194</p> <p>1 also collecting it back, bringing it back 2 essentially to Oliver Wyman. 3 STAMP, Q.C.: 4 Q. And did you look at the instructions and 5 stuff that went with that questionnaire 6 going out to the insurance companies? 7 PROFESSOR BLIDOOK: 8 A. Yes, yeah, I did, but again, I may not have 9 clarity on all the exact details. 10 STAMP, Q.C.: 11 Q. Do you recall, for example, one of the 12 questions that was in play, which has 13 become, I guess, somewhat of an issue 14 generally, is the request to individuals who 15 were filling in the data from the individual 16 claims case files to answer judgmentally a 17 question as to whether the circumstances 18 that they're looking at, the injuries that 19 they're looking at in particular, I suppose, 20 would fall within a particular definition in 21 the Nova Scotia legislation and a particular 22 definition in the New Brunswick legislation? 23 You were alert to that? 24 PROFESSOR BLIDOOK: 25 A. Yeah, I remember that.</p>	<p style="text-align: right;">Page 196</p> <p>1 STAMP, Q.C.: 2 Q. Did you have any sense of what timeframe 3 they were interested in in looking at closed 4 claims for? 5 PROFESSOR BLIDOOK: 6 A. Yes, so these came into claims that closed 7 between, it was a five-year period, correct? 8 It was up to 2017? 9 STAMP, Q.C.: 10 Q. Well I'm just looking at what period they 11 were looking at, I mean, claims closed in a 12 certain timeframe, but – 13 PROFESSOR BLIDOOK: 14 A. Yes, so yeah, I haven't looked at the 15 document again since writing this and as I 16 say, this was in June, as I recall, I think 17 it was about a five-year period they were 18 looking at. Claims that were closed between 19 '12 and '17 or – 20 STAMP, Q.C.: 21 Q. I apologize, Professor. I just want to 22 clarify again, so they were looking at a 23 Closed Claim Study, so they picked a period 24 of time and said, okay, every claim that's 25 closed in this period, we're going to look</p>

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1 at that claim.
 2 PROFESSOR BLIDOOK:
 3 A. Right.
 4 STAMP, Q.C.:
 5 Q. And so, we don't know when the incident
 6 occurred that gave rise to the claim, we're
 7 just going to look at this date and this
 8 date and every claim that closed between
 9 these two dates, we're going to take that
 10 claim and look at it and sort of come up
 11 with some information.
 12 PROFESSOR BLIDOOK:
 13 A. Right.
 14 STAMP, Q.C.:
 15 Q. Is that how you understood to be –
 16 PROFESSOR BLIDOOK:
 17 A. Yeah, yeah, and forgive me and I'm trying to
 18 think through, I'm probably imposing some of
 19 the things that I learned while I was here
 20 in the Board beyond what the report was, but
 21 as I recall them, we were looking at a
 22 single year in which these claims closed and
 23 that was where we got the sense of what the
 24 average should be in terms of time leading
 25 up to that, correct? Yeah.

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1 STAMP, Q.C.:
 2 Q. And so do you recall in what you read or
 3 heard or come across in some way, that that
 4 initial period, which was I think July 1 to
 5 June 30 I think was initially what—that was
 6 how it was designed. Oliver Wyman said,
 7 "we'll look at these claims from this period
 8 to this period", it was 12 months, "every
 9 claim that closed, we'll look at that."
 10 PROFESSOR BLIDOOK:
 11 A. Uh-hm.
 12 STAMP, Q.C.:
 13 Q. And then when that was looked at, it was
 14 felt that the sample was smaller than they
 15 wanted it to be, so they pushed back on both
 16 directions, do you recall that?
 17 PROFESSOR BLIDOOK:
 18 A. Yeah, that's correct, there was a time
 19 period, a goal of, I think somewhere in the
 20 ballpark of 2000 cases and then additions
 21 sort of from both sides to fill it in.
 22 STAMP, Q.C.:
 23 Q. To fill in the gap, yes.
 24 PROFESSOR BLIDOOK:
 25 A. Sorry about my misunderstanding.

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1 STAMP, Q.C.:
 2 Q. That's fine. So, and then if I could just
 3 bring up, please the Oliver Wyman April 19,
 4 2018 Report, please? And I'll go to
 5 appendix A-1. Thank you. So, Professor, we
 6 have this, I guess, looking for some 2000
 7 claims, we start on with the original plan
 8 July 1 of, I think—July 1, 2016, I think,
 9 through June 30, 2017, that was the twelve-
 10 month period.
 11 PROFESSOR BLIDOOK:
 12 A. Right, yes.
 13 STAMP, Q.C.:
 14 Q. When we got to the, we got all the closed
 15 claims pulled out, there wasn't enough, so
 16 we were still looking for, trying to reach
 17 out to that 2000 level. We went out in
 18 front of July 1st, 2016 and out behind June
 19 30, 2017 to get, to pull in more numbers.
 20 So that's what was done, they took all the
 21 claims that were closed, nobody made any
 22 selection process, well let's just take that
 23 claim out and this claim and don't use that
 24 one, they took all the claims.
 25 PROFESSOR BLIDOOK:

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1 A. Uh-hm.
 2 STAMP, Q.C.:
 3 Q. Is that a good approach to take, we just
 4 universally picked all the claims. Oliver
 5 Wyman said here's a period, go get all the
 6 claims.
 7 PROFESSOR BLIDOOK:
 8 A. Yes, I don't see a problem with that. I
 9 think that makes reasonable sense.
 10 STAMP, Q.C.:
 11 Q. Right.
 12 PROFESSOR BLIDOOK:
 13 A. The only reason why it would be a problem
 14 would be if somehow the time period were
 15 unrepresentative of other time periods, but
 16 we don't know if that's true or not, right?
 17 STAMP, Q.C.:
 18 Q. Well Oliver Wyman, of course, as you may
 19 know are the Board's actuarial experts.
 20 They are here all the time back and forth
 21 with the Public Utilities Board, they study
 22 this jurisdiction all the time, so they're
 23 alert to the kinds of things I think you're
 24 thinking about.
 25 PROFESSOR BLIDOOK:

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1 A. Uh-hm.
 2 STAMP, Q.C.:
 3 Q. And so if there was some kind of, you know,
 4 twist in this timeframe, I suspect they
 5 would have recognized it. Would you agree?
 6 PROFESSOR BLIDOOK:
 7 A. Perhaps. I would agree, I guess the only
 8 caveat I would have about that is the
 9 oddness of the data then not fitting
 10 expected parameters.
 11 STAMP, Q.C.:
 12 Q. Well, I'm going to come to that.
 13 PROFESSOR BLIDOOK:
 14 A. But that's fair, I mean, I'm not suggesting
 15 they don't know how to look and say this is
 16 a reasonable timeframe or a representative
 17 timeframe.
 18 STAMP, Q.C.:
 19 Q. So the concern you mention at some stage is
 20 that there was an expectation on the part of
 21 IBC that, you know, these claims would have,
 22 probably largely have been resolved in two,
 23 three, four years or one year, I don't know
 24 how many years, one—the big amount was going
 25 to be done in so many years and it actually

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1 took, I think the point was a bit longer
 2 than their expectation for the claims to
 3 close?
 4 PROFESSOR BLIDOOK:
 5 A. No, it was in the opposite direction. So
 6 the expected average was four to five years;
 7 where the calculated average for 3.1.
 8 Average isn't the best value to look at
 9 here, you might also look at the median just
 10 to get a better sense because this isn't a
 11 bell curve, but in any case, it was a
 12 shorter period, not a longer period.
 13 STAMP, Q.C.:
 14 Q. So the fact of the matter is, though, we
 15 took every claim that closed in the period
 16 that Oliver Wyman identified and when it was
 17 stretched out, they took all the claims in
 18 that period, and then they closed, these
 19 claims that had closed, they occurred when
 20 they occurred, right?
 21 PROFESSOR BLIDOOK:
 22 A. That's true.
 23 STAMP, Q.C.:
 24 Q. And that is all I mean, it's not like
 25 somebody had to get tricky with any of that

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1 stuff, you just went back to the file and
 2 said when did the motor vehicle accident
 3 take place?
 4 PROFESSOR BLIDOOK:
 5 A. No, absolutely, I mean, again, without any
 6 independent verification we may not know,
 7 but I'm not doubting that the 483 cases from
 8 2014 were actually from 2014. You know,
 9 that's –
 10 STAMP, Q.C.:
 11 Q. Yeah, it seems very straightforward.
 12 PROFESSOR BLIDOOK:
 13 A. That seems reasonable to accept, yes.
 14 STAMP, Q.C.:
 15 Q. Sure. So this data as to when they take
 16 this group of closed claims, all of them,
 17 with the exception you spoke about a minute
 18 ago, we'll come back to that, they take this
 19 group of, all these closed claims, all of
 20 them, then they study each one and look at,
 21 okay, when did that claim arise, when did
 22 this claim arise and so on. And I think
 23 there were some, is it 1740—yeah, 1741
 24 ultimately was a claim number. Now, you
 25 speak about the exclusion, I think there was

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1 some 230 or something, I can't remember the
 2 exact number that were excluded. Who
 3 excluded that data?
 4 PROFESSOR BLIDOOK:
 5 A. My sense of, thinking back now, I believe it
 6 was Oliver Wyman that actually excluded it,
 7 correct?
 8 STAMP, Q.C.:
 9 Q. Right, so this is the person who doesn't
 10 have that interest that you're talking about
 11 who made the decision for the reasons that
 12 Oliver Wyman explained why they did that,
 13 they decided the best outcome would be to
 14 exclude data that might be somehow
 15 questionable and so they did that. Did that
 16 make sense to you?
 17 PROFESSOR BLIDOOK:
 18 A. Yes, absolutely, data exclusion can be done
 19 for the best of reasons, absolutely. For
 20 me, my explanation of that in my report is
 21 simply that my sense of Oliver Wyman's
 22 explanation of it simply wasn't, didn't give
 23 us enough information about what the purpose
 24 was, what was the nature of that data and
 25 why was it excluded? That's simply it.

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1 STAMP, Q.C.:

2 Q. But, of course, the insurance people, the

3 insurance companies who provided the data,

4 they just gave the data because when you go

5 back this way and go back that way and throw

6 in more data and you get to whatever number

7 it was, they didn't suggest to anybody don't

8 include that file or don't include this

9 file. That decision was made by Oliver

10 Wyman independently of the insurers,

11 correct?

12 PROFESSOR BLIDOOK:

13 A. Yes.

14 STAMP, Q.C.:

15 Q. So now we have, I guess, we're looking at

16 1741 individual, I'll call them file

17 folders, but probably it's on computers or

18 something, but I think of a file folder.

19 PROFESSOR BLIDOOK:

20 A. Sure.

21 STAMP, Q.C.:

22 Q. So those file folders, there's 1741 of them

23 and they are spread across a variety of

24 companies, are they not?

25 PROFESSOR BLIDOOK:

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1 A. Uh-hm.

2 STAMP, Q.C.:

3 Q. And so one or more individuals in those

4 companies sit and go through the file and

5 fill in, after reviewing the file, fill in

6 the pieces of information, male, age,

7 location, you know, car age, you know, all

8 kinds of stuff, and then some information to

9 the extent it was available on the injury,

10 right?

11 PROFESSOR BLIDOOK:

12 A. Uh-hm.

13 STAMP, Q.C.:

14 Q. So and I guess it's the injury judgment that

15 you question that they might have done

16 something intentionally or unintentionally

17 to skew that data?

18 PROFESSOR BLIDOOK:

19 A. That would be possible, I guess based on the

20 2005, it could also be the values. There'd

21 be a few, I mean part of it could be just be

22 data entry, some of it could also be, like I

23 say, subjective choice, right. But yeah, I

24 would tend to think that where these

25 subjective choices are probably most

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1 relevant are in the nature of the injury and

2 then also the category that falls into when

3 you start to get into very small categories,

4 like is it minor or is it major, that's a

5 big distinction for stuff that is much more

6 complex underneath, right?

7 STAMP, Q.C.:

8 Q. Right. And so what happened then, this is

9 the individuals filled in this information,

10 completed it and so they sent in, I guess,

11 I'm going to say, in a particular insurance

12 company, sent in their particular data sheet

13 and the next insurance company sent in their

14 data sheet and then when it came into IBC,

15 they just took that and compiled it into one

16 data sheet and gave it to Oliver Wyman, is

17 that your understanding?

18 PROFESSOR BLIDOOK:

19 A. I would guess that that would be

20 approximately what would be done, year.

21 STAMP, Q.C.:

22 Q. So IBC's, if you want, handling of the data

23 is simply to take the data that came in, the

24 box is ticked and correlate that so that

25 we've got all the boxes from this insurer

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1 and the boxes for these questions from all

2 the insurers and tell you what the total

3 boxes that were ticked this way or that way

4 in the final data submission to Oliver

5 Wyman?

6 PROFESSOR BLIDOOK:

7 A. Sure, so, yeah, I mean that process does

8 sort of neutralize some things that I don't

9 know. I don't know the nature of, if IBC is

10 available to sort of answer questions, aid

11 in the process. I don't know what sorts of

12 communication actually gets communicated in

13 those processes, and I don't know the degree

14 to which those then impress upon the data

15 collector at the insurance company level.

16 STAMP, Q.C.:

17 Q. The adjuster, we'll call it the adjuster.

18 PROFESSOR BLIDOOK:

19 A. Yeah, whether there is some kind of value or

20 better or worse judgment to be made in that

21 process, but ultimately yes, I would guess

22 that IBC would, once that is complete, take

23 that data and pass it along for the purposes

24 of analysis.

25 STAMP, Q.C.:

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1 Q. Right, so all they did was, I don't know
 2 what the word is, collate or assemble it all
 3 and send it along to Oliver Wyman. That
 4 would be the role that they played, as I
 5 understand it.
 6 PROFESSOR BLIDOOK:
 7 A. Yeah, again they made themselves available
 8 for the purposes of clarifying their
 9 protocols or aiding, right.
 10 STAMP, Q.C.:
 11 Q. They did that as well.
 12 PROFESSOR BLIDOOK:
 13 A. So I mean, again you're asking me questions
 14 where I'm just saying if I were to be
 15 critical of this, where are the blind spots?
 16 What are things I don't know, that's one of
 17 the things I don't know. I don't know how
 18 significant that process of aiding in the
 19 data collection is.
 20 STAMP, Q.C.:
 21 Q. Well for sure, I think we can agree on this
 22 point, there's no, you're not saying the
 23 data is skewed, you're not saying there was
 24 intentional or unintentional bias, you can't
 25 say that. You're just saying there's a

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1 possibility it could have occurred?
 2 PROFESSOR BLIDOOK:
 3 A. I'm saying we don't know.
 4 STAMP, Q.C.:
 5 Q. Yes.
 6 PROFESSOR BLIDOOK:
 7 A. And not knowing is a problem though.
 8 STAMP, Q.C.:
 9 Q. Sure, okay. So, and then we had, I think—I
 10 don't know if it was Intact, but you speak
 11 about insurance companies, they came in with
 12 certain data that showed up, maybe their
 13 data was done and shipped off to IBC and
 14 shipped off to Oliver Wyman, but they
 15 presented their own individual data here, I
 16 think, and you saw some of that.
 17 PROFESSOR BLIDOOK:
 18 A. Uh-hm.
 19 STAMP, Q.C.:
 20 Q. And some of their numbers were different
 21 than, if you like, consolidated numbers, is
 22 that what happened? So they saw, I think
 23 you indicated, they saw a lower fit from
 24 their files in the minor injury definition.
 25 So that would suggest that if you were, I

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1 don't know, unintentionally, I guess leaning
 2 a certain way, you would expect that that
 3 unintentional lean would be sort of across
 4 the companies and you would expect that that
 5 decision and that percentage in Intact or
 6 whoever that insurance company was, from the
 7 general population that answered would be
 8 closer together?
 9 (12:45 p.m.)
 10 PROFESSOR BLIDOOK:
 11 A. Correct.
 12 STAMP, Q.C.:
 13 Q. So the fact that there's a gap suggests to
 14 me that that is some evidence that people
 15 took care answering the questions because
 16 not everybody came to the same conclusions
 17 on their data.
 18 PROFESSOR BLIDOOK:
 19 A. Sure, I mean so you're kind of pointing out
 20 what is always kind of a bit of a problem
 21 with statistics, right, that if we break it
 22 down to the smaller component parts, we may
 23 find that if we take a smaller sample out of
 24 these 1741, we take a few hundred of them,
 25 we may get a different average or mean or

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1 standard deviation or whatever in that
 2 smaller sample. That's entirely possible,
 3 right. And that could be what we're looking
 4 at, but the difference between the two is
 5 quite substantial. What I'm pointing out is
 6 that, I wouldn't know which companies might
 7 have had some type of interest, I wouldn't
 8 know exactly what the influences would be,
 9 but it is striking that you've got something
 10 that is actually that far apart. What
 11 you're getting at is maybe for that company
 12 and that company and one company would have
 13 a really high estimate and one company would
 14 have a really low estimate, and when we
 15 average them out, we get exactly what Oliver
 16 Wyman gives us. That's certainly possible,
 17 but it does seem well outside of the
 18 parameters of the data that we actually have
 19 overall then, so it's not the sort of thing
 20 that we would expect if these things were
 21 randomly distributed.
 22 STAMP, Q.C.:
 23 Q. But as you say, if it's Intact who supplied,
 24 and I don't know, I can't remember how many
 25 of the number, the 1741 they spoke to, I

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1 think it was 300 or something, 350 or
2 something like that, I can't remember.
3 PROFESSOR BLIDOOK:
4 A. Yeah, it was a few hundred.
5 STAMP, Q.C.:
6 Q. But if they were on the low side, that would
7 suggest somebody else was on a higher side
8 to get the balance that you're talking
9 about?
10 PROFESSOR BLIDOOK:
11 A. Absolutely somebody would have been much
12 higher.
13 STAMP, Q.C.:
14 Q. And is the balance you're talking about, the
15 66 to 70, is that where you are focussed on
16 when you say that balance or that –
17 PROFESSOR BLIDOOK:
18 A. Well yeah, so there's two elements to that.
19 One is both the assumption for trying to
20 make the calculation, the 66 to 76, but also
21 that that range, that number, if you were to
22 take it for the average of that which would
23 be the No. 71 and compare that to No. 55,
24 for the number of cases we're talking about,
25 it suggests there's a big difference between

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1 companies somewhere in there, right? If
2 that's true.
3 STAMP, Q.C.:
4 Q. Well some companies, because, of course, do
5 you also understand that this was attempting
6 to answer a question that was not a live
7 question when the files were being created
8 because no one concerned themselves with a
9 definition in some other jurisdiction when
10 the files were being, you know, created and
11 I guess handled.
12 PROFESSOR BLIDOOK:
13 A. Yes.
14 KENNEDY, Q.C.:
15 Q. Excuse me, Madam Chair, I hate to interrupt
16 and I am cognizant of Mr. O'Flaherty's
17 comments, but there seems to me there are
18 summaries of the evidence that are being put
19 to this witness that are just not accurate.
20 In fact, there's no evidence on things that
21 being put to him, so if it's a hypothetical
22 situation, it should be identified as that,
23 but a lot of this that's been referred to by
24 Mr. Stamp is not in evidence. No one has
25 given, either in submissions or from the

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1 bench up there this kind of evidence. So if
2 he were allowed to, my understanding he can
3 put a question to the witness, but it would
4 be hypothetical, unless I am wrong on this
5 and I don't think I am. I have been
6 listening closely for ten minutes and there
7 are a number of issues that have been put
8 out there, there's just no evidence.
9 CHAIR:
10 Q. Do you have something on the record you can
11 point to, Mr. Stamp?
12 STAMP, Q.C.:
13 Q. Thank you, Madam Chair. I'll just try and
14 make sure I'm staying within the bounds of
15 what we've heard.
16 CHAIR:
17 Q. I appreciate that, thank you.
18 STAMP, Q.C.:
19 Q. But the point is you know we have, what is
20 it, 66 and 76 percent that have been
21 calculated by Oliver Wyman. Am I
22 understanding that you know that there was a
23 54 percent calculated by, it was either
24 Intact or some insurance company? Are we
25 referring to that—have I got it right when I

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1 asked you about –
2 PROFESSOR BLIDOOK:
3 A. Yeah, my reference was to the gap between
4 the estimated proportion of minor injuries
5 from the single company that gave us a
6 report and also the full set. And
7 ultimately what I'm getting at in attempting
8 what I think you're kind of asking me, is
9 wouldn't this just be within the range of
10 normal variation, that some companies would
11 be higher, some companies would be lower?
12 Am I correct, is that what you're trying to
13 get at?
14 STAMP, Q.C.:
15 Q. Well it was part of it, of course, but I'm
16 going to come to it with something a bit
17 future, but the bottom of your page, your
18 third page, the 54 percent we're talking
19 about or I'm talking about, that's what I'm
20 thinking is the number that came from either
21 Intact or some other insurer that you were
22 focussed on?
23 PROFESSOR BLIDOOK:
24 A. Yes.
25 STAMP, Q.C.:

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1 Q. And it's the gap between that and 66 which
 2 you see as the point you're making the
 3 observation about?
 4 PROFESSOR BLIDOOK:
 5 A. 66, yes, well 66 is the low range of, the
 6 low end of the range that Oliver Wyman is
 7 using to just kind of predict the actual
 8 number of minor injuries.
 9 STAMP, Q.C.:
 10 Q. So do you know –
 11 PROFESSOR BLIDOOK:
 12 A. But 71, technically we should be making a
 13 comparison between the numbers, 54, 55,
 14 whatever it is there, and 71 which is really
 15 the median of what they are calling their
 16 range, right.
 17 STAMP, Q.C.:
 18 Q. The halfway number. Where did the 66 to 76
 19 come from?
 20 PROFESSOR BLIDOOK:
 21 A. This would be from page 14, Oliver Wyman
 22 Minor Injury Reform Cost Estimates. This is
 23 where they're trying to sort of determine
 24 from the data what a reasonable—this is for
 25 the purposes then of trying to calculate out

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1 as I recall the costs that would be involved
 2 in imposing a cap, versus what was done,
 3 right.
 4 STAMP, Q.C.:
 5 Q. Yeah, I know, I'm just trying to understand
 6 because we're looking at 54 and 71 –
 7 PROFESSOR BLIDOOK:
 8 A. Oh the 54, I believe, I certainly hope that
 9 I sourced that, that is from the—can we
 10 scroll that page down slightly?
 11 STAMP, Q.C.:
 12 Q. I think that's a different –
 13 PROFESSOR BLIDOOK:
 14 A. 55 percent, I have that on page 4 of the
 15 Intact Financial Corporation Report.
 16 STAMP, Q.C.:
 17 Q. Okay, that's fine, sure.
 18 PROFESSOR BLIDOOK:
 19 A. Which again would be a subsample from a
 20 single company, but a big enough number that
 21 we would expect, unless one company simply
 22 had certain types of cases and another
 23 company didn't, if somehow this were
 24 occurring, otherwise this would seem quite a
 25 big gap because statistically if cases are

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1 randomly distributed, there shouldn't be
 2 that large of a gap.
 3 STAMP, Q.C.:
 4 Q. I'm sorry, Professor. If we come back to
 5 the 66 to 76, did you just tell me the
 6 answer, where that came from?
 7 PROFESSOR BLIDOOK:
 8 A. I believe this is a reference, I think I
 9 said it there at page 14 on the Oliver
 10 Wyman, can we just scroll up slightly?
 11 Oliver Wyman Minor Injury Reform Cost
 12 Estimates.
 13 STAMP, Q.C.:
 14 Q. But there's a calculation page, is there
 15 not, I'm just trying to find it, maybe it's
 16 in a different report. Yeah, I'm actually
 17 thinking it would be helpful, Professor, if
 18 we look at Oliver Wyman's May 17th, 2018
 19 report. It's a different report which deals
 20 with this as well.
 21 MS. KEAN:
 22 Q. Name of the report?
 23 STAMP, Q.C.:
 24 Q. I'm sorry, name of the report is "Minor
 25 Injury Reform Cost Estimates, Private

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1 Passenger Automobile".
 2 PROFESSOR BLIDOOK:
 3 A. Uh-hm.
 4 STAMP, Q.C.:
 5 Q. On page—is there page numbers? 10, yes,
 6 thank you. Do you see that, Professor? I'm
 7 looking at the Newfoundland proposed minor
 8 Injury definition.
 9 PROFESSOR BLIDOOK:
 10 A. Okay.
 11 STAMP, Q.C.:
 12 Q. And it says at the top of that, under that
 13 heading, "Although the minor injury
 14 definitions in the other Atlantic Provinces
 15 are not identical, there are many
 16 similarities among the definitions." You
 17 read this before, I take it, did you?
 18 PROFESSOR BLIDOOK:
 19 A. Yes.
 20 STAMP, Q.C.:
 21 Q. And, "For the purpose of this analysis, we
 22 assumed that practical application of these
 23 definitions is the same, that is the
 24 determination of whether a claimant suffered
 25 a minor injury would be the same under any

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1 of the three definitions. We based this
 2 assumption on our findings stated in our
 3 report, April 19th, 2018, entitled "Closed
 4 Claims Study, Private Passenger Automobile."
 5 This picks up, so it's this, I presume is
 6 out of that other study, I didn't find it,
 7 where it was, but, so it talks about in
 8 quotation marks in the indented portion
 9 "insurers were asked to assess if the
 10 claimant's injuries would have been
 11 considered minor in New Brunswick or Nova
 12 Scotia and respond minor, unknown or not
 13 minor." So, then we come down to the next
 14 paragraph and it talks about the Nova—sorry,
 15 the New Brunswick, I guess, circumstances
 16 and situation, and it says that there are
 17 1741 claimants; and 940, 54 percent, had
 18 injuries that would be considered minor; 347
 19 claimants, 20 percent, had injuries that
 20 would not be considered minor. So, that's—
 21 you're up 74. And then 26 percent, roughly
 22 a quarter, we don't know the answer. Right?
 23 MR. BLIDOOK:
 24 A. Um-hm.
 25 STAMP, Q.C.:

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1 Q. So, obviously, if the circumstance is this,
 2 that these claims which, you know, closed in
 3 that period of time, and of course we never
 4 had a cap which is the—it under discussion
 5 there, Professor.
 6 MR. BLIDOOK:
 7 A. Um-hm.
 8 STAMP, Q.C.:
 9 Q. So, we didn't have to worry about the
 10 definition of minor in a New Brunswick
 11 setting or a Nova Scotia setting, but we
 12 handled the claim here. That would be—I'm
 13 suggesting to you that wouldn't be of
 14 interest because there's no reason to focus
 15 on a cap when we don't have one?
 16 MR. BLIDOOK:
 17 A. Correct.
 18 STAMP, Q.C.:
 19 Q. So, now somebody is looking at it after the
 20 fact, and we're going back. You know,
 21 claims that closed in this period of time
 22 and the accidents occurred some were back
 23 ten years ago or more, as you saw that.
 24 MR. BLIDOOK:
 25 A. Um-hm.

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1 STAMP, Q.C.:
 2 Q. Take the file out, look at it, and now try
 3 to pull out of that file, do you think this
 4 would fit into the New Brunswick/Nova
 5 Scotia, or you don't know, or it is it
 6 doesn't fit in?
 7 MR. BLIDOOK:
 8 A. Um-hm.
 9 STAMP, Q.C.:
 10 Q. And this is what we've got there. You know,
 11 a little shade over half fit, right?
 12 MR. BLIDOOK:
 13 A. Um-hm.
 14 STAMP, Q.C.:
 15 Q. Twenty percent didn't fit. One fifth didn't
 16 fit. And they were essentially the same for
 17 both provinces of course because as I
 18 pointed out, the definitions are quite
 19 similar, and a quarter or so, they couldn't
 20 tell the answer. So, wouldn't the fact that
 21 there was such a high number of unknowns
 22 give some credence to the fact that people
 23 were not leaning one way or the other? They
 24 were saying, "I have the information and I
 25 can guess this is what I would think

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1 applies," or "I don't have enough, and I
 2 don't know," or "Clearly one-fifth of the
 3 people I can say were outside that class"?
 4 MR. BLIDOOK:
 5 A. Sir, you're asking me if the large
 6 percentage of unknowns speaks to the
 7 independence of the process of doing it. I
 8 don't have any basis for making that
 9 assessment. I can understand why you might
 10 have unknowns. I understand this is a
 11 challenging thing to do and to extrapolate
 12 meaningful data from--like you say, where
 13 the definition was never clear in the first
 14 place. That's a challenge, but I don't feel
 15 that I could make some kind of projection
 16 about why somebody would choose an unknown
 17 or not as a category to fit something into.
 18 STAMP, Q.C.:
 19 Q. Okay. So, these efforts were made.
 20 MR. BLIDOOK:
 21 A. I don't really know the nature of the
 22 initial information, right?
 23 STAMP, Q.C.:
 24 Q. Well, it's doctors' report, you know, claims
 25 letters I presume, but I don't know. I'm

<p style="text-align: right;">Page 225</p> <p>1 just suggesting that might be what it would 2 be. 3 MR. BLIDOOK: 4 A. I'm guessing it's complex. 5 STAMP, Q.C.: 6 Q. I don't know. 7 MR. BLIDOOK: 8 A. Yeah. 9 (1:04 p.m.) 10 STAMP, Q.C.: 11 Q. I want you to just come back to the NKHK 12 letter that I think you've seen somewhere 13 along the way. It's the January 18, 2005 14 letter. 15 MR. BLIDOOK: 16 A. Okay. 17 STAMP, Q.C.: 18 Q. To the Board of Commissioners. 19 MR. BLIDOOK: 20 A. Um-hm. 21 STAMP, Q.C.: 22 Q. When did you first see this? 23 MR. BLIDOOK: 24 A. Unless I'm mistaken, I saw this for the 25 first time yesterday.</p>	<p style="text-align: right;">Page 227</p> <p>1 on. 2 MR. BLIDOOK: 3 A. Um-hm. 4 STAMP, Q.C.: 5 Q. And down in number 3 they said, "We attended 6 the offices of each of the insurance 7 companies and performed the following 8 procedures. We review each company's 9 procedures for completing the 10 questionnaires." So, that would be akin to 11 the instructions that were given in this 12 occasion, would it not? 13 MR. BLIDOOK: 14 A. By whom? 15 STAMP, Q.C.: 16 Q. Sorry? 17 MR. BLIDOOK: 18 A. By whom? Sir, what you're trying to clarify 19 it's the same now as opposed to then? 20 STAMP, Q.C.: 21 Q. They looked at the procedures that were 22 given for completing the questionnaire back 23 in 2005 or for the 2005 study. Similarly, 24 instructions were given on this—in this 25 occasion for how that should be completed.</p>
<p style="text-align: right;">Page 226</p> <p>1 STAMP, Q.C.: 2 Q. Okay, and--but this is in reference to the 3 2005 study. Now, my friends when they were 4 questioning Oliver Wyman, you know, they 5 pressed about why we didn't do in 2017 and 6 '18, what was done in 2005. Okay? Now, 7 what was done in 2005 I think my friend, Mr. 8 Kennedy, said that they had an insurance 9 person who went in, you know a retired 10 person who was I guess in a sense 11 independent to go into the insurance 12 companies and look at some of the material. 13 They had a doctor who looked at it, I guess 14 to try and look at it from the medical 15 perspective of what—how injuries were 16 described, and they come away with any sense 17 of was this—was what happened reliable? 18 MR. BLIDOOK: 19 A. Um-hm. 20 STAMP, Q.C.: 21 Q. And at page 2 of this letter, NKHK, note 22 what they did. Well, first of all, they 23 said in number 2, "We selected a random 24 sample of reported claims for review." And 25 they used a fixed-interval technique and so</p>	<p style="text-align: right;">Page 228</p> <p>1 MR. BLIDOOK: 2 A. Okay. 3 STAMP, Q.C.: 4 Q. An example was if you don't—if you're unsure 5 about that, you know, put in "I don't know." 6 MR. BLIDOOK: 7 A. Okay. They reviewed the - 8 STAMP, Q.C.: 9 Q. On the Nova Scotia/New Brunswick piece. 10 MR. BLIDOOK: 11 A. They reviewed the procedures in that case. 12 STAMP, Q.C.: 13 Q. Yes, yes. 14 MR. BLIDOOK: 15 A. In this case, there were procedures. 16 STAMP, Q.C.: 17 Q. They obtained copies of the completed 18 questionnaire used to complete the 19 submission. "We reviewed the company's 20 bodily"—so, they took the claim file then, 21 for each claim selected, to determine the 22 accuracy of the completed questionnaires. 23 "And then, we traced the questionnaire 24 responses to the bodily injury study data 25 submissions in order the review the accuracy</p>

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1 in the preparation of the submission.”

2 MR. BLIDOOK:

3 A. Um-hm.

4 STAMP, Q.C.:

5 Q. And then, at the bottom of that page, “In

6 assessing the results of our review, we

7 considered whether any discrepancies between

8 data submissions and information contained

9 in the insurance companies’ files,” that’s

10 the claims file, I guess, “were significant

11 based on tolerance guidelines provided by

12 the Board.” And the conclusion was at the—

13 in the next page, “Based on our review,” it

14 says, NKHK, “nothing has come to our

15 attention that causes us to believe that the

16 insurance companies did not comply with the

17 bodily injury claim data reporting

18 requirements for the questions identified in

19 Appendix A.” And of course, as you see

20 above that, “They were fully cooperative and

21 providing complete access,” and so on. No

22 limitations to access to information. So,

23 in 2005, this process was carried out by

24 insurance companies providing data, it was

25 tested, found it seems to be, you know,

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1 considered reliable. Similar sorts of work

2 were done for Nova Scotia and New Brunswick

3 we’re told by IBC being not the data

4 collector, but you know, the—having the same

5 role there was here I gather. And that gave

6 certain assurances or comfort to Oliver

7 Wyman who was the Board’s own actuarial

8 consultants, who is guiding the Board in

9 some respects in respect of all of this. Do

10 you agree with that, that that makes sense?

11 MR. BLIDOOK:

12 A. I understand this report is meant to

13 essentially explain that the process of the

14 data collection, that nothing was seen

15 within the data that they chose, the sample

16 of that data that they chose, to suggest

17 that there was actual problems or biases.

18 Really what they speak to in this report is

19 to personal biases, to say there weren’t

20 people who were actually—now, the difficulty

21 I have with that is being a means for

22 allaying fears about the data, I mean if we

23 go down to Appendix B –

24 STAMP, Q.C.:

25 Q. In the letter you mean?

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1 MR. BLIDOOK:

2 A. I guess probably actually worth looking at

3 Appendix A first, just so we can, you know,

4 also sort of critically assess how

5 effectively are we being convinced that the

6 data in 2005 was being done effectively.

7 And I’ll just, you know, draw attention to

8 the no tolerance for discrepancies for those

9 categories.

10 STAMP, Q.C.:

11 Q. Yes.

12 MR. BLIDOOK:

13 A. And also, the total settlement amount. The—

14 you know, if the tolerance guideline is

15 \$1,000.

16 STAMP, Q.C.:

17 Q. Yes.

18 MR. BLIDOOK:

19 A. Okay?

20 STAMP, Q.C.:

21 Q. Yes.

22 MR. BLIDOOK:

23 A. Let’s just take a quick look at Appendix B

24 and say, “Is there any reason to be

25 concerned about this data?” So, we’re only

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1 looking at 112 files. We’re looking at—

2 they’ve taken one out of every ten through

3 an incremental process to give what we would

4 typically accept as a randomized process.

5 The accepted –

6 STAMP, Q.C.:

7 Q. Does that mean the total files were 1120 or

8 something?

9 MR. BLIDOOK:

10 A. That would be my reading of this, the way

11 that they have done it.

12 STAMP, Q.C.:

13 Q. So, a much smaller group then, that now?

14 MR. BLIDOOK:

15 A. Well, they’re just taking a sub-sample of

16 the data available, but yes. If what we’re

17 talking about is the amount that was used in

18 2005, it was a smaller sample.

19 STAMP, Q.C.:

20 Q. So, the representative nature of the sample

21 at 1741 is better than 1120?

22 MR. BLIDOOK:

23 A. I’d have to go back to see. I mean, maybe

24 they’re aiming for—maybe they’ve got a six-

25 month timeframe. I’m not certain why that

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1 is, but to me, that's not particularly
 2 relevant because at that level your—I mean,
 3 your confidence intervals are pretty small.
 4 Your confidence intervals on 100 files
 5 though are quite big, so we're talking about
 6 plus or minus ten percent. This being a
 7 sample of the information, we're talking
 8 about a relatively weak sample if we're
 9 trying to make the claim that it's
 10 representative. But even within that, let's
 11 take a quick look here. So, we've got 112
 12 files reviewed and on question number 32,
 13 which is injury type, we have 16
 14 discrepancies. That would suggest to me
 15 that on 14 percent of those 112 files, there
 16 was a mistake made in terms of injury type.
 17 STAMP, Q.C.:
 18 Q. Yes.
 19 MR. BLIDOOK:
 20 A. That would be the equivalent of being
 21 comfortable with there being 250 cases in
 22 the current data that had a discrepancy on
 23 injury type. Would we be comfortable with
 24 the Board looking a data with that many
 25 discrepancies across the sample? To

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1 extrapolate just the information they've
 2 given you, which is—it's hard to argue is
 3 accurate, because the sample is still only
 4 just over a hundred cases. If you just take
 5 it straight up from what they're saying, I
 6 don't understand why they're arguing that
 7 this is acceptable. I don't see why anybody
 8 would view this as acceptable. Go down as
 9 well to the total settlement amount. You've
 10 got six cases there. So, you know, again
 11 assuming confidence intervals are huge here,
 12 this is five percent of cases as they've
 13 described it. And this is—they're arguing
 14 that there is no bias going on here. So,
 15 let's think through quickly, how do you end
 16 up with discrepancies of over \$1000 if
 17 you're not biasing the number yourself?
 18 Well, typically what you do is you press the
 19 wrong key. So, this means the wrong key is
 20 being pressed in the thousands digit or
 21 higher on these claims, or alternatively,
 22 the mistake you would be making would be a
 23 digit. You would actually add an extra
 24 digit or subtract it, which would increase
 25 or decrease the total settlement amount by

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1 ten percent in either direction. If that's
 2 happening with five percent of cases, then
 3 you'd be making the argument you're
 4 comfortable with that happening in about 80
 5 or 90 percent of the cases in the current
 6 data set. If these types of mistakes are
 7 happening currently, and we're comfortable
 8 with this, that's a problem. I don't get
 9 why we can read this and say, "This is
 10 fine," but to me, what they've done is
 11 they've kind of covered this problem by one,
 12 arguing it's not an audit, so they're not
 13 speaking to the actual verifying the data
 14 itself. They're saying, "From what we
 15 looked at, we're comfortable," but their
 16 statements, if you read through them, are
 17 all that they don't have evidence that this
 18 was being done in some kind of intentional
 19 manner. Well, that's fine if it's not being
 20 done intentionally, but the variation you
 21 would get in your data if these numbers are
 22 true, would be quite significant.
 23 STAMP, Q.C.:
 24 Q. So, can you just come over to the next page,
 25 page 8 of that same document?

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1 MR. BLIDOOK:
 2 A. Sure.
 3 STAMP, Q.C.:
 4 Q. We'll get it brought up. This is the
 5 discussion on some of these issues.
 6 MR. BLIDOOK:
 7 A. Um-hm.
 8 STAMP, Q.C.:
 9 Q. And injury type is discussed. It says, "The
 10 discrepancies were generally the result of
 11 the responses not being consistent with the
 12 indications of injury type on file. In
 13 several of these instances, multiple
 14 injuries were not reported. For example,
 15 indications of injuries documented
 16 immediately following an accident may
 17 indicate multiple injuries, however later
 18 documents on file and the basis of the
 19 settlement may have referred to only one
 20 injury." So, you see what they're saying
 21 there?
 22 MR. BLIDOOK:
 23 A. I do.
 24 STAMP, Q.C.:
 25 Q. It starts off with, "I've got a sore

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1 shoulder, I've got a sore neck. I hurt my
 2 back. My knee is bothering me," and down to
 3 the end of it all, it's, you know, "It's
 4 actually my knee," as an example.
 5 MR. BLIDOOK:
 6 A. Um-hm, I don't—to me, this example isn't
 7 clear enough for me to understand is this
 8 they're listing these as misreports on 14
 9 percent, 14-plus percent of the cases that
 10 they've reviewed. I don't know how to
 11 explain it that's not meaningful given the
 12 fact that there might be multiple injuries
 13 versus one injury. What I take from this is
 14 that their assessment of it is that it
 15 doesn't come across as deliberate where
 16 these mistakes are occurring.
 17 STAMP, Q.C.:
 18 Q. But do you accept, Professor, that the
 19 people, you know, who have injuries, that's
 20 not like a static piece. There's—you know,
 21 we start off something, and then I—something
 22 else acts up, and then the first piece that
 23 I had that was troubling me, seems to have
 24 softened up. And you get all of that kind
 25 of stuff. It's like anybody who gets hurt,

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1 you know, you notice one piece first and
 2 then you say, "Oh, I must have hurt my wrist
 3 as well, and that's bothering me now." That
 4 kind of thing happens, does it not, that
 5 there's an ebb and flow of what the claimant
 6 or the patient is talking about from time to
 7 time?
 8 MR. BLIDOOK:
 9 A. I guess you'd have to clarify for me where
 10 the ebb and flow exists between—because this
 11 is just looking at the nature of documenting
 12 the reports and going back and looking at
 13 those same reports. There isn't an ebb and
 14 flow between those things.
 15 STAMP, Q.C.:
 16 Q. But what happens though, I'm going to
 17 suggest to you or could happen I'm going to
 18 put it to you as a hypothetical, is that a
 19 claim is opened. And initially in the
 20 claim, three or four complaints of medical
 21 issues are raised. "I have a neck I can't
 22 turn, a limitation of movement. My shoulder
 23 is hurting, and my low back and my knee."
 24 So, it starts off with multiple injuries.
 25 MR. BLIDOOK:

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1 A. Um-hm.
 2 STAMP, Q.C.:
 3 Q. But six months, three months down the road,
 4 the knee has long since resolved itself,
 5 right? The shoulder is no longer a problem.
 6 It's just the neck for example. So, then
 7 the question becomes, well, okay, well
 8 what's the issue here? Have I've got one
 9 injury really that's in play to take us out
 10 to the end of this claim, or have I got
 11 three or four? So, somebody makes a
 12 decision that, well, I think the—I suggest
 13 maybe this could happen, that somebody says,
 14 "Well, you know, those other injuries were
 15 so minor and of such a duration, I can
 16 overlook them," for example. Could that not
 17 happen?
 18 MR. BLIDOOK:
 19 A. I'm having a hard time connecting what
 20 you're describing to the link between the
 21 actual data collection and the assessment of
 22 the data collection.
 23 STAMP, Q.C.:
 24 Q. Okay.
 25 MR. BLIDOOK:

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1 A. Because to me, there isn't a gap in time
 2 between those things or there happening with
 3 the same information at that point, right?
 4 STAMP, Q.C.:
 5 Q. But the file has a start date, and the file
 6 has an end date. So, some of these files
 7 for example, as we saw, and I could get it
 8 back up again, but the timeframe when the
 9 claims arose, some of these files go back to
 10 2002. So, you're looking at a file that
 11 closed in two thousand--say '17, and the
 12 accident arose 2002, so you've got like,
 13 what, 14, 15 years of activity in a file
 14 that, you know, you've got to try and digest
 15 all of that and get it and tick a box. It's
 16 not easy to do it I guess.
 17 MR. BLIDOOK:
 18 A. No, apparently there's a lot of errors when
 19 people do it.
 20 STAMP, Q.C.:
 21 Q. Well, it's not easy to do it.
 22 MR. BLIDOOK:
 23 A. No, I agree. I'm—I fully agree, it would
 24 not be easy to do. There's certainly
 25 challenges involved in getting all of this

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1 accurate, but I don't think there's anything
 2 there that's disagreeable that that process
 3 could occur.
 4 STAMP, Q.C.:
 5 Q. So, back to your report, Professor, you
 6 point out that there's a potential—and you
 7 outline the four potentials at page—the
 8 second page of your report. But these are,
 9 you'll agree, possibilities? You have no
 10 evidence that in this data collection and
 11 Oliver Wyman's handling of it, that there
 12 was actually a bias?
 13 MR. BLIDOOK:
 14 A. No, the only things that I would point to
 15 again would be potential concerns with the
 16 actual fit of the data to the expectations.
 17 That's the only real case here where we do
 18 have evidence.
 19 STAMP, Q.C.:
 20 Q. Okay.
 21 MR. BLIDOOK:
 22 A. Otherwise, what we're doing is we're looking
 23 this –
 24 STAMP, Q.C.:
 25 Q. Well, I want to come back—I want to come to

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1 that if I can with you.
 2 MR. BLIDOOK:
 3 A. - critically to determine what don't we
 4 know. What are the potential problems here,
 5 and what would we want some verification on
 6 to use this data and sort of validate this
 7 data? So, yes, I agree. I don't have
 8 evidence of whether there is intentional
 9 bias. I don't have evidence of a number of
 10 these things, and things we don't know.
 11 (1:15 p.m.)
 12 STAMP, Q.C.:
 13 Q. Do we still have the May 17 report up on the
 14 screen? Can you tell me? Minor Injury
 15 Reform Cost?
 16 MS. KEAN:
 17 Q. Yes.
 18 STAMP, Q.C.:
 19 Q. Can we go to page—maybe we have page 10
 20 still up, do we? So, at the bottom of that
 21 page, Professor, see that notation? “Based
 22 on this survey information, the percentage
 23 of claimants in the NL 2018 Closed Claim
 24 Study that could be defined as a claimant
 25 with a minor injury would fall between 54

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1 and 80 percent of all claimants. However,
 2 this assignment of claimants to the respect
 3 of Nova Scotia and New Brunswick minor
 4 injury definitions has not been validated by
 5 IBC and thus we do not rely upon these
 6 groupings in our analysis.” So, they,
 7 Oliver Wyman, intakes information and works
 8 their own analysis based on, you know, I
 9 mean I guess statistical type of information
 10 I suppose and comes to the—they don't rely
 11 on what IBC has reported which is what came
 12 to IBC from the various insurers. Do you
 13 see that?
 14 MR. BLIDOOK:
 15 A. Um-hm.
 16 STAMP, Q.C.:
 17 Q. So, this is not the insurance companies
 18 making the decision to do this. This is
 19 Oliver Wyman, right?
 20 MR. BLIDOOK:
 21 A. Yes.
 22 STAMP, Q.C.:
 23 Q. And so, when I come back to your report
 24 again, we did—we already did understand that
 25 the 236 cases that were not included that

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1 you had some concern with, they were not
 2 taken out by the insurance companies. Now I
 3 understand that they were taken out by
 4 Oliver Wyman, right?
 5 MR. BLIDOOK:
 6 A. Yes.
 7 STAMP, Q.C.:
 8 Q. Okay. And so that suggests that it's not—
 9 they're not removed by the person who might
 10 have an interest?
 11 MR. BLIDOOK:
 12 A. No, again, the reference to the 236 cases is
 13 simply a matter of a lack of information as
 14 to the nature of those cases.
 15 STAMP, Q.C.:
 16 Q. But the decision was taken? You would
 17 agree?
 18 MR. BLIDOOK:
 19 A. It could be a problem, but I'm not claiming
 20 that it was taken by the IBC. It's not -
 21 STAMP, Q.C.:
 22 Q. No. Nor the insurers?
 23 MR. BLIDOOK:
 24 A. Right.
 25 STAMP, Q.C.:

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1 Q. Thank you, Professor, for your time.
 2 MR. BLIDOOK:
 3 A. Okay.
 4 CHAIR:
 5 Q. Thank you. Consumer Advocate?
 6 MR. WADDEN:
 7 Q. Thank you, Madam Chair, we have no questions
 8 for Professor Blidook.
 9 MR. OXFORD:
 10 Q. No, no questions.
 11 CHAIR:
 12 Q. No questions, Dr. Blidook. That was very
 13 interesting. I'll go back to the Campaign
 14 to see if they have anything you wish to
 15 clarify?
 16 KENNEDY, Q.C.:
 17 Q. No. No thank you, Madam Chair.
 18 CHAIR:
 19 Q. Okay. Thank you.
 20 MR. BLIDOOK:
 21 A. Okay, thank you.
 22 CHAIR:
 23 Q. That's our business for the day and for the
 24 week, I assume. Is there anything that
 25 anyone wishes to –

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1 to contact the Board if you have any
 2 questions in any event. Thank you.
 3 Upon conclusion at 1:25 p.m.
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1 STAMP, Q.C.:
 2 Q. You can come back tomorrow, Madam Chair, if
 3 you want.
 4 CHAIR:
 5 Q. We could. I won't be here. You're welcome.
 6 I'd like to thank all of the parties though
 7 for your cooperation and for bringing
 8 forward the presentations and also for the
 9 questions. It's been—I think it's been a
 10 helpful week for all of us, and your
 11 cooperation helping us getting through this—
 12 well, at the beginning of the week, we
 13 really thought it was ambitious schedule.
 14 So, we're almost on time, finishing the
 15 week. I wish you all a good weekend. We
 16 are coming back on the 27th I understand to
 17 hear Mr. Justice Wells. Have we set a time
 18 for that?
 19 MR. FELTHAM:
 20 Q. Yes, I understand that it's going to be in
 21 the afternoon.
 22 CHAIR:
 23 Q. Okay. And if there's anything that comes up
 24 in the interim, Board counsel will be in
 25 contact with the parties, and you're welcome

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CERTIFICATE

I, Judy Moss, hereby certify that the foregoing is a true and correct transcript in the matter of the 2017 Automobile Insurance Review heard before the Board of Commissioners of Public Utilities, 120 Torbay Road, St. John's, Newfoundland and Labrador and was transcribed by me to the best of my ability by means of a sound apparatus.

Dated at St. John's, Newfoundland and Labrador this 14th day of September, 2018

Judy Moss

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