

THE CITY OF EDMONTON
PROJECT AGREEMENT
VALLEY LINE LRT – STAGE 1

Schedule 29

Security Matters

*Edmonton Valley Line LRT – Stage 1
Project Agreement – Execution Version
Schedule 29 – Security Matters
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**SCHEDULE 29
SECURITY MATTERS**

1. CONSTRUCTION PERIOD SECURITY

1.1 Construction Period Security Obligations

Throughout the Construction Period, Project Co shall be responsible for and shall, using a balance of physical and operational means, ensure the security of:

- (a) each Site, including all Project Work and existing structures, equipment and materials located within the Sites;
- (b) all Early Handover Items, until such time as the Early Handover Completion Certificate has been issued in respect of the applicable Early Handover Item;
- (c) the System, including all Structures, facilities, equipment, components, systems and sub-systems forming part of the System; and
- (d) all other areas of the Lands that are under the care or control of Project Co.

Project Co's security responsibilities pursuant to this Section 1.1 [*Construction Period Security Obligations*] shall include protection from intrusion, trespass and other unauthorized access, theft, vandalism, mischief and other criminal conduct, 24 hours per day, seven days per week.

Project Co's Representative shall be the primary point of contact for the City and Emergency Services such as the Edmonton Police Service and ETS Transit Security for all security related matters occurring during the Construction Period.

1.2 Construction Period Security Program

Not less than 30 days before commencing any Construction activities within the Lands, Project Co shall prepare and submit a comprehensive physical and operational security program for the Construction Period (the "***Construction Period Security Program***").

The Construction Period Security Program shall:

- (a) be prepared in accordance with the requirements of Good Industry Practice;
- (b) comply with all Applicable Law, City Policies and City Regulatory Policies;
- (c) provide details of Project Co's plan for Construction Period security, including:
 - (i) use of real time monitoring and response to threats and potential threats to security;

- (ii) collaboration with, and real time reporting of Security Incidents, emergencies, crimes in progress, and Potential Incidents to the City and the applicable Emergency Services in accordance with Section 3.1 [*Security Reporting*] of this Schedule 29 [*Security Matters*];
 - (iii) establishment of physical separations between the Project Work and public spaces, including management and administration of access points and restricted access areas and identification of applicable Site boundaries;
 - (iv) implementation, management and administration of effective systems for authentication of individuals to be allowed access to the applicable Sites; and
 - (v) Security Incident, emergency, crimes in progress and Potential Incident identification, response and investigation procedures;
- (d) include a method statement and reporting hierarchy demonstrating Project Co's security organization, reporting relationships and responsibilities;
 - (e) be integrated and coordinated with the Emergency Response Plan;
 - (f) establish procedures and training programs to ensure compliance with Applicable Law, City Policies and City Regulatory Policies and the applicable requirements of Schedule 18 [*Freedom of Information and Protection of Privacy*]; and
 - (g) identify locations at which security personnel will be employed, if any, and establish procedures to ensure that all such security personnel are duly licensed.

1.3 Compliance with Security Program

Project Co shall implement, and ensure that all Project Co Persons comply with, the Construction Period Security Program, including any amendments or updates thereto, which have been accepted by the City.

1.4 Review and Amendment of Security Program

Project Co shall review and amend the Construction Period Security Program from time to time throughout the Construction Period, as necessary to ensure that the Construction Period Security Program at all times:

- (a) reflects the nature of the Project Work being performed and the applicable Sites, including any changes in the Sites, work methods or the security threats associated with the Project Work; and
- (b) complies with the requirements set out in Section 1.2 [*Construction Period Security Program*] of this Schedule 29 [*Security Matters*].

Any Construction Period Security Program amendments will be subject to review by the City in accordance with Schedule 2 [*Submittal Review Procedure*].

1.5 Site Specific Security Plans

Before commencing Construction activities within a Site, Project Co shall prepare and submit a Site specific security plan covering the applicable Site (each, a "**Site Specific Security Plan**"). Each Site Specific Security Plan shall:

- (a) be prepared in accordance with Good Industry Practice;
- (b) comply with all Applicable Law, City Policies and City Regulatory Policies;
- (c) address all Site specific security threats;
- (d) establish physical and operational security zones within the Site, including access/egress routes and signage;
- (e) provide for appropriate signage around each Site to inform the public:
 - (i) that trespass is forbidden;
 - (ii) of the security precautions in place at the applicable Site, including the use of CCTV, if applicable; and
 - (iii) of the contact details for Project Co's Representative; and
- (f) identify locations at which CCTV is to be employed, if any.

1.6 Compliance with Security Plans

Project Co shall implement, and ensure that all Project Co Persons comply with, the applicable Site Specific Security Plans, including any amendments or updates thereto, which have been accepted by the City.

1.7 Review and Amendment of Security Plans

Project Co shall review and amend the Site Specific Security Plans from time to time throughout the Construction Period, as necessary to ensure that each Site Specific Security Plan at all times:

- (a) reflects the requirements of the applicable Site; and
- (b) complies with the requirements set out in Section 1.5 [*Site Specific Security Plans*] of this Schedule 29 [*Security Matters*].

The Site Specific Security Plan and any amendments thereto will be subject to review by the City in accordance with Schedule 2 [*Submittal Review Procedure*].

2. OPERATING PERIOD SECURITY

2.1 Operating Period Security Obligations

Throughout the Operating Period, Project Co shall be responsible for the security of the System, including all Structures, facilities, equipment, components, systems and sub-systems forming part of the System, except to the extent specified to be the responsibility of the City pursuant to Section 2.2 [*City's Security Obligations*] of this Schedule 29 [*Security Matters*].

Without limiting the preceding paragraph, Project Co's security obligations during the Operating Period include:

- (a) protection of:
 - (i) the System, including all Structures, facilities, equipment, components, systems and sub-systems forming part of the System; and
 - (ii) all other areas of the Lands that are under the care or control of Project Co,

from intrusion, trespass and other unauthorized access, theft, vandalism, mischief and other criminal conduct, 24 hours per day, seven days per week;
- (b) securing of Davies Station and all Stop enclosures outside of Operating Hours; and
- (c) reporting all Security Incidents, emergencies, crimes in progress and Potential Incidents to the City and to the applicable Emergency Services.

Project Co's Representative shall be the primary point of contact for the City and Emergency Services, including the Edmonton Police Service and ETS Transit Security, for all security related matters occurring during the Operating Period.

2.2 City's Security Obligations

Throughout the Operating Period, the City shall be responsible for:

- (a) fare enforcement on the System;
- (b) enforcement of Municipal bylaws and designated Provincial statutes, including Bylaw 8353, Conduct of Transit Passengers; and
- (c) intelligence gathering

(the “**City Security Obligations**”)

in accordance with, and to the extent specified in Appendix 29A, [*Valley Line LRT Security Operations Plan*].

2.3 Operating Period Security Program

Not less than 180 days before the Target Service Commencement Date, Project Co shall prepare and submit a comprehensive physical and operational security program for the Operating Period (the “**Operating Period Security Program**”).

The Operating Period Security Program shall:

- (a) be prepared in accordance with the requirements of Good Industry Practice;
- (b) comply with all Applicable Law, City Policies and City Regulatory Policies;
- (c) be integrated and coordinated with, and consistent with Appendix 29A [*Valley Line LRT Security Operations Plan*];
- (d) be integrated and coordinated with:
 - (i) the System Safety Program; and
 - (ii) the Emergency Response Plan;
- (e) provide details of Project Co’s security plan for the Operating Period, including:
 - (i) use of real time monitoring and response to threats and potential threats to security that are not specified to be the responsibility of the City pursuant to Section 2.2 [*City’s Security Obligations*] of this Schedule 29 [*Security Matters*];
 - (ii) collaboration with, and real time reporting of Security Incidents, emergencies, crimes in progress, and Potential Incidents to the City and applicable Emergency Services in accordance with Section 3.1 [*Security Reporting*] of this Schedule 29 [*Security Matters*];
 - (iii) establishment of physical separations between Maintenance work and public spaces, including management and administration of access points and restricted access areas and identification of applicable site boundaries;
 - (iv) integration of Project Co’s Operating Period Security Program with Appendix 29A [*Valley Line LRT Security Operations Plan*];

- (v) implementation, management and administration of access points and restricted access areas, including effective systems for authentication of individuals; and
- (vi) Security Incident, emergency, crimes in progress and Potential Incident identification, response and investigation procedures;
- (f) include a method statement and reporting hierarchy demonstrating Project Co's security organization, reporting relationships and responsibilities;
- (g) establish procedures and training programs to ensure compliance with Applicable Law and the applicable requirements of Schedule 18 [*Freedom of Information and Protection of Privacy*];
- (h) identify locations at which security personnel will be employed, if any, and establish procedures to ensure that all such security personnel are duly licensed.
- (i) provide for appropriate signage to inform the public of the security precautions in place at the applicable Site, including the use of CCTV, if applicable; and
- (j) identify locations at which CCTV is to be employed, if any.

2.4 Compliance with Security Program

Project Co shall implement, and ensure that all Project Co Persons comply with, the Operating Period Security Program, including any amendments or updates thereto, which have been accepted by the City.

2.5 Review and Amendment of Security Program

Project Co shall review and amend the Operating Period Security Program from time to time throughout the Operating Period, as necessary to ensure that the Operating Period Security Program at all times:

- (a) reflects the nature of the Operations and Maintenance activities being performed; and
- (b) complies with the requirements set out in Section 2.3 [*Operating Period Security Program*] of this Schedule 29 [*Security Matters*].

The Operating Period Security Program and any amendments thereto will be subject to review by the City in accordance with Schedule 2 [*Submittal Review Procedure*].

3. SECURITY INCIDENT REPORTING

3.1 Security Reporting

All Security Incidents, emergencies, crimes in progress, and Potential Incidents shall be reported to the City and the applicable Emergency Services:

- (a) in real time, or as soon as practicable after becoming aware of the Security Incident, emergency, crime in progress or Potential Incident; and
- (b) in accordance with the Construction Period Security Program or the Operating Period Security Program, as applicable.

All security reports shall be prepared and maintained in a format consistent with the City's then current security incident reporting systems.

3.2 Project Co Cooperation

Project Co shall cooperate with, and assist the City and the applicable Emergency Services in:

- (a) coordinating appropriate responses to Security Incidents, emergencies, crimes in progress and Potential Incidents;
- (b) providing appropriate responses to Security Incidents, emergencies, crimes in progress and Potential Incidents; and
- (c) investigating Security Incidents, emergencies, crimes in progress and Potential Incidents.

4. SECURITY SENSITIVE WORK

4.1 Security Sensitive Work

Project Co shall not permit any Project Co Person to perform any Security Sensitive Work, unless such individual has successfully completed a Background Check that was initiated not more than 6 months prior to first performing any Security Sensitive Work.

In a case of urgency, Project Co Persons shall be permitted to conditionally begin performing Security Sensitive Work pending the results of a Background Check.

For the purpose of Section 4 [*Security Sensitive Work*] of this Schedule 29 [*Security Matters*], successful completion of a Background Check for an individual means that the Canadian Police Information Centre criminal record database, including Vulnerable Sector Check, search returns no conviction for any offence that could be reasonably perceived to: (i) pose a material risk to the safety or well-being of the public; or (ii) affect Project Co's ability to ensure the safety or security of the public or the physical and operational security of the System.

Project Co shall not permit any Project Co Person who has previously failed a Background Check under this Agreement to perform Security Sensitive Work.

4.2 Periodic Background Checks

Throughout the Term, Project Co shall ensure that a Background Check is repeated for each Project Co Person engaged in the performance of Security Sensitive Work at least once every 5 years, and from time to time if Project Co determines, acting reasonably, that the risk in respect of such individual has materially changed. For clarity, a Background Check need not be repeated for an individual who is no longer performing Security Sensitive Work.

Project Co shall not permit any Project Co Person who has not successfully completed a periodic Background Check required pursuant to this Section 4.2 [*Periodic Background Checks*] to perform Security Sensitive Work.

4.3 Background Check Provider

Project Co shall obtain all Background Checks from Edmonton Police Services, the Royal Canadian Mounted Police, or any other Canadian municipal or provincial police force.

4.4 Documentation

On or before the last day of each month, Project Co shall submit to the City:

- (a) aggregated anonymous statistics setting out the number of Background Checks performed in the applicable month and the number of individuals:
 - (i) cleared to perform Security Sensitive Work; and
 - (ii) not cleared to perform Security Sensitive Work; and
- (b) an anonymous list of all positive Background Check search results, together with confirmation, for each positive result, of whether or not the applicable individual was cleared to perform Security Sensitive Work.

APPENDIX 29A

VALLEY LINE LRT SECURITY OPERATIONS PLAN

1. EXECUTIVE SUMMARY

Unless the context indicates a contrary intention, terms which are defined in the Project Agreement (and not otherwise defined in this Appendix 29A [*Valley Line LRT Security Operations Plan*]) will have the meaning given to them in the Project Agreement.

Pursuant to Section 2.2 [*City's Security Obligations*] of Schedule 29 [*Security Matters*], throughout the Operating Period the City shall be responsible for the City Security Obligations in accordance with, and to the extent specified in this Appendix 29A [*Valley Line LRT Security Operations Plan*].

The City currently provides, through ETS Transit Security, 24 hour a day, 7 day a week, 365 day a year mobile and foot deployed security services for the whole of the existing Edmonton Transit System (the "**Existing Lines**"). These security services are carried out by uniformed community peace officers as designated by Applicable Law (the "**Peace Officers**").

This Appendix 29A [*Valley Line LRT Security Operations Plan*] outlines the scope and extent of the City Security Obligations.

2. THE CITY'S SECURITY OBLIGATIONS

In undertaking the City Security Obligations, the City shall:

- (a) carry out and perform the City Security Obligations in a manner which is consistent with the standards, practices and level of security services maintained on the Existing Line, including utilization of the City's Daily Crime Forecast technology (the "**Daily Crime Forecast**"). The Daily Crime Forecast is an award winning intelligence-led software program which has received the Nova NAIT Challenge – Innovation Award (2008), the National Transit Corporate Recognition Awards (2008) and the CUTA Top Tech Innovations Award (2010). This City developed and trademarked technology analyses historical data to detect trends and predict when and where future crime patterns are most likely to occur based on time, day, day of week, day of month, and month.
- (b) work closely with Project Co to optimize the efficient and effective delivery of the City Security Obligations.
- (c) deploy Peace Officers during Operating Hours to monitor and patrol at System Stops, Stations, the Churchill Connector, the Davies Park 'n' Ride and within the Trains while in Passenger Service (the "**Monitored Sites**"). Such deployment shall:
 - (i) be undertaken in accordance with Applicable Law, City Policies and City Regulatory Policies.

- (ii) consist of both mobile and foot patrols.
 - (iii) be undertaken by utilizing the Daily Crime Forecast to schedule and structure Peace Officer deployment and integrate such deployment with the deployment found on the Existing Lines. Currently, the structure and schedule of Peace Officers deployment on the Existing Lines is based on information gathered and analyzed by the Daily Crime Forecast. Peace Officers cover three shifts with specific overlaps during the peak operational hours. The current shift design is as follows:

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 - (iv) be designed to provide Peace Officer coverage of the Monitored Sites on a 24 hour a day, 7 day a week, 365 day a year basis so as to maximize Peace Officer visibility and minimize the occurrence of time gaps where Peace Officers are unavailable at the Monitored Sites.
 - (v) include shift overlaps during Peak Periods.
 - (vi) be undertaken so as to optimize the timely response of Peace Officers to Municipal bylaw and designated Provincial statute infractions, and calls for assistance.
 - (vii) include proactive Peace Officer patrol of the Monitored Sites which have been identified as “Hot Spots” by ETS Transit Security utilizing the Daily Crime Forecast. Such proactive Peace Officer patrol shall be carried out in a manner which is substantially similar to the patrol of comparable “Hot Spots” on the Existing Lines.
 - (viii) include daily Peace Officer attendance at each Stop and Station prior to, and at the close of, Operating Hours to perform a visual and physical sweep, and carryout any unlock or lock procedures that may be required to permit or prevent Passenger access.
 - (ix) include the provision of direct security and monitoring during the maintenance or repair of Ticket Vending Machines.
- (d) control, coordinate and carry out CCTV monitoring associated with the City Security Obligations and the Surveillance System, including monitoring the CCTV on a 24 hour a day basis and in a manner which integrates such monitoring with CCTV monitoring undertaken with respect to the Existing Lines.

- (e) control and coordinate the deployment of additional Peace Officers upon becoming aware of a Municipal bylaw or designated Provincial statute infraction, or upon receipt of a call for assistance, in a manner which is substantially similar to the deployment of additional Peace Officers in comparable situations on the Existing Lines.
- (f) work closely with, and promptly and diligently report emergencies and Criminal Code of Canada violations to, the applicable Emergency Services in accordance with Applicable Law and any memorandum of understanding which may be in place from time to time between the City and such Emergency Service.
- (g) collect, retain and access all personal information and images captured by the CCTV, in accordance with Applicable Law.
- (h) monitor, answer, and where necessary, respond or dispatch the appropriate resources in response to telephone calls received from the emergency phones identified in Sections 6-1.14 E, 6-1.14 F, 6-1.14 G, 6-1.14 H, and 6-1.14 I [Telephones] of Schedule 5 [D&C Performance Requirements] (collectively, the “**Emergency Phones**”). Such monitoring, answering and dispatching shall:
 - (i) be provided 24 hours a day.
 - (ii) include test activation of each Emergency Phone on a schedule which is substantially similar to the schedule for emergency phone activation on the Existing Lines. Upon becoming aware that an Emergency Phone is not functioning properly, the City shall notify Project Co’s Helpdesk as soon as reasonably possible. Currently, emergency phones on the Existing Lines undergo weekly activation testing.
- (i) monitor motion detectors installed pursuant to Section 6-1.16 F [Security and Alarm] of Schedule 5 [D&C Performance Requirements], and dispatch the appropriate resources, as deemed necessary by the City, in response to any associated alarms.
- (j) administer the access card readers installed pursuant to Section 6-6.16 D [Security and Alarm] of Schedule 5 [D&C Performance Requirements].
- (k) physically or remotely check each washroom door lock controlled from the ETS Transit Security Control Centre pursuant to Section 6-1.16 C. [Security and Alarm] of Schedule 5 [D&C Performance Requirements] on a schedule which is substantially similar to the schedule for such checks on the Existing Lines. Upon becoming aware that an aforementioned remotely activated washroom door lock, or associated CCTV, is not functioning properly, the City shall notify Project Co’s Helpdesk as soon as reasonably possible. Currently, remotely activated washroom door locks undergo daily remote activation testing as a result of patron usage.

- (l) conduct regular fare enforcement checks on a schedule and in a manner that is substantially similar to the schedule and manner in which such checks are undertaken on the Existing Lines.
- (m) investigate and, at the City's sole discretion, undertake any action it deems necessary or prudent to enforce fare, Municipal bylaw and designated Provincial statute (including Bylaw 8353, Conduct of Transit Passengers) violations.
- (n) provide crowd management and fare enforcement functions at identified locations within the Monitored Sites for Special Events in a manner which is substantially similar to crowd management functions provided for Special Events along the Existing Lines. Such Special Event crowd management shall be in accordance with applicable City standard operating procedures in place from time to time with respect to Special Events. The City will provide Project Co with copies of any applicable City standard operating procedures as same are developed for Special Events affecting the System.
- (o) be solely responsible for:
 - (i) Peace Officer recruitment, hiring, equipping, discipline and supervision in accordance with Applicable Law, City Policies, City Regulatory Policies, and the terms of the applicable collective agreement between the City and the Amalgamated Transit Union Local 569.
 - (ii) subject to Project Co's obligations in the Project Agreement including those found in Section 11 [*Training*] of Schedule 4 [*Design and Construction Protocols*] and Section 6.4.3 [*Emergency Preparedness Plan*] of Schedule 7 [*O&M Performance Requirements*], Peace Officer training, including participation in drills on the System. Such training shall be coordinated with Project Co pursuant to the terms of the Project Agreement.
 - (iii) all City budget requirements associated with providing the City Security Obligations.