

MINUTES OF THE THREE HUNDRED AND THIRTEENTH MEETING

September 14, 1978

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the conference room of the Administration Building at 682 Prospect Street in Berea, Ohio at 11:15 a.m. on September 14, 1978 with key members of the staff; representatives, James T. Sawyer and William R. Fleischman, of the Consulting Engineers; a representative, P. Joseph Sesler, of the Trustee, The Ohio National Bank; John W. Clark, Special Assistant to the Director of Transportation; Capt. Ralph J. Rizzo, Commander, District 10, Ohio State Highway Patrol, a member of the press and others in attendance.

The meeting was called to order by the Vice Chairman. The roll was called and the attendance was reported to be as follows:

Present: Ralph H. Anderson, Clarence D. Rogers, Jr., Jo Ann Davidson, David L. Weir

Absent: None

The Vice Chairman, Mr. Rogers, announced that a quorum was present.

The Vice Chairman said that since the office of Chairman of the Ohio Turnpike Commission was vacant because of the resignation of O. L. Teagarden on September 1, the bylaws provided that he, as Vice Chairman, should perform the duties of Chairman and preside over the meeting. He said also, that inasmuch as the Governor had not yet appointed a person to fill the unexpired term of O. L. Teagarden as Member, and a vacancy existed on the Commission, it was prudent that the Commission not hold an election of officers because it was really unnecessary and the Commission could function normally under the present arrangement until such time as the Commission had a full complement of Members.

The Vice Chairman said that the meeting was the 313th of the Commission. He said it was being held at the Commission's headquarters building in Berea for three reasons. He said that first, the Ohio Department of Transportation building in Columbus, which had been owned by the Commission until 1956 and where most of the past meetings had been held, was closed effective August 31. He said that second, the Commission wanted to meet at a place convenient for the Members and staff and also accessible and familiar to Mr. Teagarden, in the hope he could attend. He said that unfortunately, Mr. Teagarden was still hospitalized in Toledo and could not attend the day's meeting. He said Mr. Teagarden had sent his regards and thanks to the Members and staff and expressed a desire to attend a future meeting as soon as his health permitted. He said that finally, the bylaws provided for meetings to be held in Berea unless otherwise designated by the Members and, under

the circumstances, it was most logical that the Commission meet in Berea. He said special efforts had been made to notify the media of the time and place of the meeting.

The Vice Chairman said that he wished to extend the Commission's welcome and best wishes to Jo Ann Davidson, who was attending her first meeting as a Member since being appointed in August by Governor James A. Rhodes to fill out the unexpired term of the late Daniel E. Bricker.

Mrs. Davidson thanked the Vice Chairman for his comments.

A motion was made by Mr. Weir, seconded by Mrs. Davidson, that the minutes for the meeting of May 9, 1978, which had been examined by the Members and on which the corrections suggested by the Members had been made, be approved without reading.

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Weir, Mrs. Davidson, Mr. Anderson, Mr. Rogers

Nays: None

The Vice Chairman declared the minutes stood adopted with all Members voting in the affirmative.

The Vice Chairman reported that as was customary he would give a report of the financial experience since the last meeting, which covered more than four months, including the busy summer travel period.

The Vice Chairman reported further that total revenue for May through August amounted to \$21,713,809 and for the first eight months of the year revenues were \$36,138,167. He said the totals he had mentioned were record amounts and would no doubt be even higher had it not been for the fuel truck accident and fire on the eastbound Cuyahoga River bridge, which had been closed and had restricted traffic since August 17.

The Vice Chairman reported also that using monies transferred from the Revenue Fund to the Redemption Account, the Trustee had purchased and retired bonds recently. He said the combined bond purchase total for 1978 was \$8,424,000 and the outstanding debt was only \$48,584,000. He said additional bond purchases would be made during the remainder of the year and he would ask the Executive Director and the representative of the Trustee to comment on the matter in their reports and he also requested that detailed financial statistics be included in a news release to be issued on behalf of the Commission after the meeting.

The Vice Chairman reported also that before receiving the rest of the reports provided under the agenda, he considered it appropriate to update and redesignate the standing and other active Committees of the Commission, as follows:

COMMITTEE ON BUDGET AND FINANCE

Ralph H. Anderson, Chairman
Allan V. Johnson, Vice Chairman
J. Budd Morrison, Secretary
Craig Rudolphy
G. Alan Plain
W. R. Fleischman, Adviser
John W. Clark, Observer

COMMITTEE ON SERVICE PLAZAS

Allan V. Johnson, Chairman
Jo Ann Davidson, Vice Chairman
Craig Rudolphy, Secretary
Francis K. Cole
G. Alan Plain
J. Budd Morrison
Robert L. Asman

COMMITTEE ON EMPLOYEE RELATIONS

Clarence D. Rogers, Jr., Chairman
G. Alan Plain, Vice Chairman
Louis J. Disantis, Secretary
Francis K. Cole
Robert P. Barnett
Craig Rudolphy
J. Budd Morrison
William C. Hartman, Adviser

COMMITTEE ON SAFETY

Allan V. Johnson, Chairman
Ralph H. Anderson, Vice Chairman
J. Budd Morrison, Secretary
G. Alan Plain
W. R. Fleischman, Adviser
Capt. Ralph J. Rizzo, Observer

COMMITTEE ON TURNPIKE TRANSITION

Clarence D. Rogers, Jr., Chairman
David L. Weir
Allan V. Johnson

The Vice Chairman said he wished to recognize the presence at the meeting of several staff members and employees and also acknowledge James T. Sawyer, partner of J. E. Greiner Co. - Ohio, the Commission's Consulting Engineers, and Captain Ralph J. Rizzo, Commander of the Turnpike District of the Ohio State Highway Patrol.

The Vice Chairman reported also that he wanted to note that the Executive Director, the Deputy Executive Director-Chief Engineer G. Alan Plain, the Director of Administrative Services Louis J. Disantis and he would attend the annual meeting of the International Bridge, Tunnel and Turnpike Association in San Francisco September 17 through 20. He said the Commission was an active member of the Association and that he and those staff members he had mentioned would represent the Commission at the conference.

The Vice Chairman reported also that a resolution had been drafted commemorating the long and outstanding service of O. L. Teagarden.

A resolution commemorating the long and outstanding service of O. L. Teagarden was moved for adoption by Mr. Anderson, seconded by Mr. Weir, as follows:

RESOLUTION No. 7-1978

"WHEREAS the Commission notes with deep regret the resignation of its chairman O. L. Teagarden which was effective September 1, 1978;

"WHEREAS at all times since his appointment to the Ohio Turnpike Commission in 1949, when it was first formed, Mr. Teagarden has continuously made the Commission one of the primary interests of his life;

"WHEREAS Mr. Teagarden's service to the Commission has included five consecutive appointments as a member of the Commission, and has been marked by dedicated and exceptional service as a member, as Chairman of the Claims Committee, the Committee on Service Plazas, the Committee on Employee Relations, as vice chairman of the Commission, and since July 27, 1976 as its chairman;

"WHEREAS such dedicated and exceptional service has been representative of Mr. Teagarden's devotion to the public good and matters of civic import which has been evident in the leadership positions and honors which have been bestowed upon him in business, public office and fraternal and charitable organizations such as the Boy Scouts of America;

"WHEREAS a partial listing of such honors and achievements include the office of Mayor of Oak Harbor for a decade; owner and president of the J. Weller Canning Company; president and director of the National Cannery Association; founder and president of the National Bank of Oak Harbor; delegate to Democratic National Conventions; member of the Electoral College and

recipient of awards by diverse fraternal and civic organizations, in particular the Boy Scouts of America; and

"WHEREAS the members of the Commission wish to give formal and public recognition to the long, honorable and exceptionally dedicated and effective service of Mr. Teagarden while a member of this Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission hereby acknowledges its good fortune and gratitude in having the services of Mr. Teagarden for twenty-nine years and the Ohio Turnpike Commission also considers that the people of the State of Ohio and of the nation have been fortunate in receiving the unselfish services which he has rendered; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Teagarden, and the executive director is authorized and directed to arrange and carry forward any appropriate tribute in recognition of Mr. Teagarden's services in which his health will permit him to participate. "

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Anderson, Mr. Weir, Mrs. Davidson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 7-1978.

The Vice Chairman said he had been a Member of the Commission for almost two years and, in that time, he had come to know and respect Mr. Teagarden. He said that he would make every effort to see that the appropriate tribute to Mr. Teagarden, referred to in the resolution, would be effected.

The Vice Chairman said the report of the Vice Chairman was accepted as offered. He said the report of the Secretary-Treasurer would be received.

The Secretary-Treasurer, Mr. Anderson, reported that since the last meeting the following had been sent to all Members:

1. Weekly traffic statistics
2. Month End Statement for May 1978
3. Month End Statement for June 1978

4. Month End Statement for July 1978
5. Month End Statement for August 1978
6. Detail of Investment Transactions which took place in May 1978
7. Detail of Investment Transactions which took place in June 1978
8. Detail of Investment Transactions which took place in July 1978
9. Detail of Investment Transactions which took place in August 1978
10. Financial Statements - May 31, 1978
11. Financial Statements - June 30, 1978
12. Financial Statements - July 31, 1978
13. Financial Statements - August 31, 1978
14. Traffic and Revenue Report - May 1978
15. Traffic and Revenue Report - June 1978
16. Traffic and Revenue Report- July 1978
17. Traffic and Revenue Report - August 1978
18. Traffic Accident Analysis Report - May 1978
19. Traffic Accident Analysis Report - June 1978
20. Traffic Accident Analysis Report - July 1978
21. Traffic Accident Analysis Report - August 1978
22. Draft of Minutes of the May 9, 1978 meeting
23. Litigation Report - Quarter Ending June 30, 1978
24. Expense and Budget Report - First Half 1978
25. Accountants' Report, Financial Statements, June 30, 1978

The Vice Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Budget and Finance would be received.

The chairman of the Committee on Budget and Finance, Mr. Anderson, reported that for the current budget for 1978, expenses in the first eight months were \$51,586 over the budgeted amount of \$14,647,078. He said the expense figure was only a 0.35% overrun and the Comptroller advised that subsequent transfers of some charges to appropriate reserve maintenance accounts would result in an actual budget surplus. He said that it was obvious that expenses were extremely close to the budgeted amounts and it would probably be December before the Commission knew whether an amended or supplemental budget for 1978 was required.

Mr. Anderson reported further that the staff and members of the Committee were working on the preparation of a preliminary budget for 1979. He said the Trust Agreement required the adoption by the Commission of a preliminary budget on or before October 20. He said the Committee, therefore, would complete the preliminary budget for presentation to the Commission at the October meeting of the Commission.

The Vice Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Johnson, reported that the legislation, which had been added as an amendment to the Transportation Act of 1978 regarding retention of the Turnpike's 16 service plazas after the last revenue bonds have been retired and the road became free of tolls, had been passed in the United States Senate and was expected to be adopted soon in the United States House of Representatives. He said he expected that the amendment would remain in the House version of the bill, as it had in the Senate version.

Mr. Johnson reported further that, as he had previously informed the Commission Members, certain price increases in food items, requested by the restaurant concessionaires, had been approved. He said the latest such increase had been for carbonated beverages, from 35 cents to 40 cents. He said the Committee had approved the carbonated beverage price increase on a trial basis and a study of resulting sales and public reaction to the action would be reviewed at the conclusion of the year.

Mr. Johnson reported further that concrete ramps had been installed at each of the 16 service plazas to assist handicapped individuals in entering the restaurants. He said that an open, lower telephone outlet had been established in all the restaurant lobbies, an additional aid to the handicapped.

The Vice Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report from the Committee on Employee Relations. He said the report of the Director of Transportation would be received.

The Director of Transportation, Mr. Weir, said he could sympathize with the Commission staff with regard to closing the eastbound bridge over the Cuyahoga River valley in that he had recently authorized the closing of a bridge over the Ohio River in Portsmouth. He said that the department's repair bill on the bridge had approached \$6 million and the figure was expected to increase due to added deterioration of the structure. He said closing of the bridge had caused a 60-mile detour for motorists but that a ferry boat was being utilized to offset some of that problem.

Mr. Weir said further that, since the next report was from the Committee on Safety, he wished to report to the Commission on a safety program conducted by O.D.O.T. in rural Ohio for the past two years. He said O.D.O.T. had installed raised pavement markers on selected roads and that a 20 percent reduction in accidents over a comparable three-month period had been directly attributed to the pavement markers. He said that in the 32 sites sampled, the fatality rate decreased from three to zero. He said that nighttime, inclement weather accidents were reduced 31 percent.

Mr. Clark added that a 31% reduction in the number of injuries resulting from traffic accidents had also been noted.

The Vice Chairman said the report of the Director of Transportation was accepted as offered. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Johnson, reported that, unfortunately, the Turnpike's safety record had been marred in 1978 by two multiple-fatality accidents. He said one of the accidents involved four fatalities and the other five. He said that, even so, the Turnpike's total for the year was 15 and the accident ratio was still low in comparison with similar facilities around the country. He said that he did not have an explanation of either of the multiple-fatality accidents. He said, however, that most of all accidents on the Turnpike were the result of some form of driver inattention.

Mr. Johnson reported further that Turnpike traffic had been at record levels during the three summer months of June, July and August. He said that there were an average of over 93,000 vehicles on the road each day during those months.

The Vice Chairman said the report of the Committee on Safety was accepted as offered. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, reported that the first topic he wished to cover was the bond redemption account. He said that although money was currently available in that account the Trustee had encountered some difficulty in purchasing revenue bonds on the open market. He said

the Trustee had a tender offer the week before the meeting and only a little more than \$800,000 face value of bonds were offered for sale. He said the Trust Agreement stipulated that, if there was more than \$50,000 in the bond redemption account 45 days prior to an interest payment date, bonds would have to be called. He said that the next interest payment was to be made on December 1 and it appeared that the bond redemption account would exceed the \$50,000 limitation 45 days prior to that date, around October 15. He said that, therefore, the Trustee, for the first time, no doubt would be calling bonds on December 1.

Mr. Johnson reported also that he had previously informed the Commission in writing on two separate occasions about the then current status on damage to and repair of the eastbound bridge over the Cuyahoga River valley, closed following the crash of a fuel tank truck on August 17. Mr. Johnson's correspondence read, as follows:

"September 1, 1978

"TO: Commission Members

"FROM: Executive Director

"SUBJECT: Status Report on Damage to Eastbound Cuyahoga River Bridge

"As the members know from my telephone advice at various times and from copies of news stories about the accident, the eastbound bridge carrying the Turnpike over the Cuyahoga River valley was seriously damaged by a fuel truck accident and fire on August 17. The bridge has been closed since the accident and all traffic has been diverted to the twin westbound bridge through the use of crossovers with one-lane traffic in each direction. Because of the extremely heavy traffic at this time of year and the potential threat that the bridge might not be repaired before winter, I consider this situation to be an extreme emergency which warrants extraordinary efforts to reopen the road, including dispensing with formal competitive bidding in obtaining contractors to perform the necessary repairs. At my request, General Counsel issued an opinion to that effect dated August 24, 1978, a copy of which has already been furnished to each member.

"Since the bridge was designed by our consulting engineers, J. E. Greiner Company-Ohio, and they are most familiar with the situation, I have asked them to provide the required engineering advice and services which, of course, are outside the scope of our agreement with them as general consulting engineers. Further, we have retained Pittsburgh Testing Labs, Inc. to perform various tests to help assess the extent of the fire damage.

"Although it is expected that the ultimate liability for the damage will be the responsibility of the trucking company whose truck and driver were involved in the accident and caused the damage (Truck Stops of America, a subsidiary

of Ryder Systems, Inc.), it is pertinent that the Commission itself carries insurance which covers two aspects of this situation. First, the twin bridges are insured for approximately \$7 million each, a total of \$14 million, by the Continental National American Group Co. (CNA). Second, a portion of any revenue loss which we can establish is caused by this incident is insured by the Hartford Insurance Co. We have been in touch with representatives of both of our insurance companies since immediately after the accident in order to establish our claim and to develop the necessary cooperation in pursuing ultimate reimbursement.

"As a result of the initial, visual inspections of the bridge, it was determined about two weeks ago that at least 87.5 feet of the deck and parapets would have to be removed and so quotations to perform this work were solicited from several contractors who were either contacted by us or who let us know they might be interested in the work.

"The following contractors responded with the indicated lump sum amount to perform the removal (in the time shown).

Bates & Rogers Construction Inc. (9 days)	\$46,000
Ruhlin Construction (5 weeks)	82,855
Forest City Erectors, Inc. and (10 days)	72,423
E. S. Canfield Co. (Joint Venture) (5 days)	87,423

"On the basis of these quotations, Bates & Rogers was selected and a contract was executed by me on behalf of the Commission under the authority granted under the bylaws. Further inspections, however, have disclosed that 125 feet of deck must be removed and we have agreed to an added lump sum amount of \$15,000 for the added 37.5 feet of removal, setting the total cost of removal at \$61,000. The work is underway and should be completed during the week of September 4.

"It now also has been determined which steel members of the structure must be removed and replaced. Fortunately, no key members of the trusses will need to be replaced which will permit all work to be performed from the top of the structure without the need for expensive, temporary falsework piers to support the structure. Plans and specifications detailing the scope of the steel removal and replacement have been prepared and are being distributed today to several companies, requesting that cost quotations and time schedules for performing the work be submitted by September 8.

"It is possible that the cost of this phase of the repair work will exceed the \$250,000 limit for the Executive Director to award construction contracts. If so, we shall prepare the necessary resolution for the Commission to award a contract at the next meeting of the Commission.

"It is anticipated that additional separate contracts subsequently will be required to replace the portions of deck and parapets which are removed (and possibly to repair damaged concrete not completely removed) and to clean and paint any scorched steel and new steel.

"We are maintaining 24-hour, standby surveillance of the bidirectional traffic with both our own personnel and our outside disabled vehicle services so as to be able to handle any accidents promptly. Even without accidents, however, there have been intermittent backups because of the extremely heavy traffic which is customary at this time of year and which is at record high levels. Traffic will diminish after Labor Day weekend.

"We intend to make every effort to accomplish the necessary repairs and reopen the eastbound lanes before the onset of winter weather. Quite frankly, I cannot conceive a bidirectional traffic operation during winter in this area, which is known for heavy fog and snow, without severe safety risks. I shall keep the members informed of our progress.

"Allan V. Johnson"

"September 12, 1978

"TO: Commission Members

"FROM: Executive Director

"SUBJECT: Second Status Report on Damage to Eastbound Cuyahoga River Bridge

"On September 1, 1978 I submitted a written report to the members detailing the then current status of the situation resulting from the fuel truck accident which damaged the eastbound Cuyahoga River Bridge and our activities to inspect the damage and to accomplish the necessary repairs. I indicated that a contract had been awarded to Bates & Rogers Construction Inc. to remove 125 feet of damaged reinforced concrete deck. That phase of the work was completed last week at a total cost of \$60,000.00.

"I further indicated that plans and specifications, detailing the portions of damaged steel which had to be removed and replaced, had been prepared and furnished to several contractors who were invited to submit cost quotations. Lump sum quotations for this work were received on September 8 from the following:

1. Allied Bridge Division - Industrial First, Inc.

a) Remove and dispose damaged steel	\$ 32,980.00	
b) Furnish, fabricate and erect new steel	<u>113,500.00</u>	
Total		\$146,480.00
Time Schedule: 30 days for steel fabrication and		
10 days to erect new steel		

2. The Vogt & Conant Company

a) Remove and dispose existing steel	\$ 76,000.00	
b) Furnish, fabricate and erect new steel	<u>131,000.00</u>	
Total		\$207,000.00

Time Schedule: 9 weeks at straight time labor and
8 weeks with premium time labor
(at no additional cost)

3. American Bridge, Division of U.S. Steel

a) Remove and dispose damaged steel	\$ 49,000.00	
b) Furnish, fabricate and erect new steel	<u>181,900.00</u>	
Total		\$230,900.00

Time Schedule: 14 weeks at normal work hours.
One week less for fabricating at
premium time- add \$4,000. Also,
1 week less for erection at premium
time - add another \$4,000.

4. E. S. Canfield Co. - Forest City Erections, Inc. (Joint Venture)

<u>Straight Time</u>		
a) Remove and dispose damaged steel	\$ 99,851.00	
b) Furnish, fabricate and erect new steel	<u>166,498.00</u>	
Total		\$266,349.00

<u>Premium Time</u>		
a) Remove and dispose damaged steel	\$ 99,851.00	
b) Furnish, fabricate and erect new steel	<u>181,863.00</u>	
Total		\$281,714.00

Time Schedule: Completion in 6 weeks using premium time

"On the basis of these quotations, we and our consultants selected the Allied Bridge Division - Industrial First, Inc. proposal and an agreement for this company to do the work at the total lump sum price quoted was executed yesterday. It is anticipated that the removal work will start tomorrow.

"We are now in the process of developing plans and specifications on which to solicit proposals to clean and paint the portions of structural steel scorched by the fire (and some areas on which the fuel spilled but did not burn) and for painting the new steel. Also, we are preparing plans and specifications for the replacement of the concrete deck which was removed and which should be the final phase of the repair work.

"I shall keep the members informed as we progress further.

"Allan V. Johnson
Executive Director"

The Executive Director reported further that the accident occurred during the Turnpike's busiest traffic period and constituted an extreme emergency. He said General Counsel, Francis K. Cole, had issued an opinion to that effect whereby the Commission could dispense with formal bidding requirements in order to get the necessary contractors to repair the damage to the bridge.

The Executive Director reported further that, as he had stipulated in his previously mentioned correspondence to the Commission Members, engineering and testing service agreements had already been awarded. He said that he anticipated receiving proposals soon for the cleaning and painting of the scorched steel and the new steel before a contract was awarded for that work the week following the meeting. He said the awarding of the fourth contract, for the replacement of the bridge's concrete deck, would be forthcoming.

The Executive Director reported further that a resolution had been prepared calling for the ratification of the declaration of an emergency with respect to the truck accident and bridge repair actions already taken by the staff. He said that he had just discovered the existence of Resolution No. 57-1955, which was adopted in 1955, authorizing the Executive Director to act under emergency situations. He said that, even without being aware of the 1955 resolution, he considered the Commission had complied with its provisions in handling the bridge repair contracts.

Resolution No. 57-1955 read, as follows:

RESOLUTION NO. 57-1955

"WHEREAS in connection with the construction and operation of turnpike projects, emergencies may arise which require immediate action;

"NOW, THEREFORE, BE IT

"RESOLVED that in event of any such emergency which, in the opinion of the executive director and of the consulting engineer of the project with respect to which such emergency has arisen, requires immediate action, the executive director be, and he hereby is, authorized to enter into any contract or contracts and to take whatever other action, on behalf of the Commission, the executive director, with the approval of said consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution heretofore adopted."

The Executive Director reported further that photographs of the damaged bridge were on display in the meeting room and he had with him several photographs of the fire, which resulted from the accident. (At this point, the fire photographs were examined by the Members.) He said that, fortunately,

none of the key members of the truss sections of the bridge had been damaged severely enough to warrant replacement. He said that, had that occurred, the truss would have had to be supported by a temporary falsework pier and the repair work would have taken a greater amount of time. He said he hoped the complete restoration of the bridge would be accomplished prior to the advent of winter.

The Vice Chairman asked General Counsel if the resolution then before the Members complied with Resolution No. 57-1955.

General Counsel replied that perhaps the current resolution was unnecessary in view of the existence of Resolution No. 57-1955. He said, however, that it was most desirable to have the new resolution in that it was directed solely to the bridge repair situation rather than the Commission relying entirely on a general resolution passed that many years ago.

A resolution recognizing the existence of an emergency was moved for adoption by Mr. Weir, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 8-1978

"WHEREAS the Commission has adopted Resolution No. 57 in 1955 authorizing the executive director, with the concurrence of the consulting engineer of the project, to enter into any contract or contracts, or to take whatever other action is necessary in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution theretofore adopted when an emergency exists, and the authority of the executive director to enter into contracts on behalf of the Commission in emergencies has been recognized throughout the Commission's operation;

"WHEREAS a tanker truck transporting almost 9,000 gallons of diesel fuel crashed and burned on the Cuyahoga River Bridge at approximately Milepost 176.9 on August 17, 1978, causing extensive damage to the reinforced concrete deck of the bridge and its supporting steel members, rendering the bridge unusable;

"WHEREAS at the request of the executive director, the general counsel of the Commission has analyzed the facts and circumstances, and has determined, in his opinion of August 24, 1978 that an emergency situation does in fact exist;

"WHEREAS the executive director, with the concurrence of the consulting engineer, has entered into various agreements for engineering and testing services, has invited proposals for the repair of the bridge, and after analysis has determined which contractors are best qualified to perform the necessary demolition and repair work, and additional contracts are contemplated; and

"WHEREAS the executive director has kept the Commission members informed of the actions being taken, both orally and in writing;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission recognizes an emergency does exist, that it ratifies and approves the actions of the executive director, consulting engineer and general counsel in effecting the necessary program of repair and reconstruction necessary to return the bridge and Turnpike to full operation at the earliest possible date, and directs that such action be continued and vigorously prosecuted."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Weir, Mrs. Davidson, Mr. Anderson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 8-1978.

The Executive Director reported further that he was sitting on pins and needles every minute of the day dreading the prospect of an accident taking place in the bidirectional zone established on the westbound bridge over the Cuyahoga River valley. He said such an accident would completely halt traffic in either direction. He said he had been working with John Clark on establishing detour routes on nearby roads and interstate routes, which could be used in the event of a major accident on the westbound bridge.

The Director of Transportation asked the Executive Director if any special provision had been taken to provide assistance at the bridge site should an accident take place.

The Executive Director responded that wreckers were on standby at the bridge 24 hours a day, as were maintenance crewmen in trucks. He said that several minor accidents had occurred in the zone but had been quickly cleared with a minimum amount of traffic backup and congestion. He said it should be noted that the Commission was fortunate with regard to the accident in that the bridge was covered by insurance and he expected the Commission to be reimbursed for all losses.

The Executive Director reported also that a resolution had been prepared awarding a contract for the removal and replacement of guardrail between Mileposts 80 and 120 on the Turnpike. He said bids had been opened the day before the meeting and they ranged in amounts from a low bid of \$283,357.60 to a high bid of \$385,229.51. He said the bidding documents had been reviewed

by the Commission's engineering staff, the Consulting Engineers, the General Counsel and by him. He said the engineering staff, the Consulting Engineers and General Counsel had recommended that an award be made to the low bidder, The Paul E. Bleile Company of Norwalk, and he concurred with their recommendation.

A resolution awarding Contract RMP 27-78-2 was moved for adoption by Mrs. Davidson, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 9-1978

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for removal and replacement of Type "A" and Type "5" Guardrail, from Milepost 80.0 to Milepost 120.0 in Ottawa, Sandusky and Erie Counties, Ohio, which contract is designated Contract RMP 24-78-2, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS four bids for the performance of said contract were received and were duly opened and read as provided in the published notice for said bids;

"WHEREAS said bids have been analyzed by the Commission's consulting engineer and by its deputy executive director-chief engineer and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of The Paul E. Bleile Company of Norwalk, Ohio, in the amount of \$283,357.60 for the performance of Contract RMP 24-78-2 has been determined by the Commission to be the lowest and best of all bids received, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Paul E. Bleile Company of Norwalk, Ohio, in the amount of \$283,357.60 for the performance of Contract RMP 24-78-2

is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman, vice chairman and executive director, or any one of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidders of their bid security, (3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mrs. Davidson, Mr. Anderson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 9-1978.

The Vice Chairman said the Commission Members had before them a resolution declaring the necessity of appropriating property adjacent to the Turnpike and directing that proceedings to affect such appropriations be begun and prosecuted. He called on General Counsel to comment on the resolution.

General Counsel said the resolution related to an improvement to strengthen and otherwise prevent erosion of slopes at approximately milepost 99 on the Turnpike. He said it was necessary to acquire certain land parcels in order to widen the existing slopes and that the parcels were about 50 feet wide along each side of the Turnpike in the areas involved.

General Counsel stated further that, on behalf of the Commission, he had endeavored to agree with the one major property owner. He said that since an agreement could not be reached, it was necessary to engage in an appropriation, to condemn the property.

General Counsel said further that a drawing showing the parcels had been prepared and provided to the property owners. He said plans of the work to be done have been prepared by the Consulting Engineers and the Chief Engineer and they would be filed in the office of the Sandusky County Engineer in order to satisfy the requirements of the statutes.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Weir, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 10-1978

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owners, and said property is necessary for the efficient operation of the Ohio Turnpike Project No. 1, and

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, the easement and rights hereinafter described, from the following-named owners and persons having interests therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Esther L. Meek	1318 N. St. Rt. 510 Vickery, Ohio 43464
Catherine E. Ohms	3044 Co. Rd. 265 Fremont, Ohio 43420
Ruth M. Bates	15291 Birch Street Renton, Washington 98055
Clifford T. Meek	1646 N. St. Rt. 510 Vickery, Ohio 43464
Gary G. Meek	1356 N. St. Rt. 510 Vickery, Ohio 43464
County Auditor of Sandusky County	Sandusky County Court House Fremont, Ohio 43420
County Treasurer of Sandusky County	Sandusky County Court House Fremont, Ohio 43420

"The aforementioned property to be appropriated is described as follows:

Parcel No. 81G-3A -- Fee Simple

Situated in the Township of Riley, County of Sandusky and State of Ohio and known as being part of Original Riley Township, Section No. 23 Township 5 North, Range 16 East, and bounded and described as follows:

Beginning at a point in the westerly line of the southeast quarter of said Section No. 23, at its intersection with the existing northerly right-of-way of the Ohio Turnpike Project No. 1,

as shown by "Plat of Highway Center Line Survey" recorded in Volume 9, Page 22 of Sandusky County Map Records and northwesterly corner of land conveyed to the Ohio Turnpike by Esther L. Meek on October 10, 1953 in Volume 209, Pages 325 and 326 of Sandusky County Deed Records, said point also being in the Grantor's westerly property line and 145.00 feet left of Station 886+41.5 in the center line of the Ohio Turnpike and the principal place of beginning of the land herein described:

Thence North, $01^{\circ} 12' 35''$ East, along the westerly line of the southeast quarter of said Section No. 23 and property line of the Grantor, a distance of 10.48 feet to a point 155.00 feet left of Station 886+38.4 in the center of the Ohio Turnpike;

Thence South $71^{\circ} 20' 25''$ East, parallel to the center line of the Ohio Turnpike, a distance of 361.6 feet to a point 155.00 feet left of Station 890+00 in the center line of the Ohio Turnpike;

Thence North $18^{\circ} 39' 35''$ East, perpendicular to the center line of the Ohio Turnpike, a distance of 20.00 feet to a point 175.00 feet left of Station 890+00 in the center line of the Ohio Turnpike;

Thence South $71^{\circ} 20' 25''$ East, parallel to the center line of the Ohio Turnpike, a distance of 1014.3 feet to a point in the easterly line of the west one-half of the southeast quarter of said Section No. 23, said point being 175.00 feet left of Station 900+14.3 in the center line of the Ohio Turnpike;

Thence South $01^{\circ} 45' 35''$ West, along the easterly line of the west one-half of the said Section No. 23, a distance of 31.35 feet to a point in the existing northerly right-of-way for the Ohio Turnpike, said point being 145.00 feet left of Station 900+23.4 in the center line of the Ohio Turnpike;

Thence North $71^{\circ} 20' 25''$ West, along the existing northerly right-of-way parallel to the center line of the Ohio Turnpike, a distance of 1381.9 feet to the true place of beginning containing 0.78 of an acre of land more or less.

Remaining lands are described in instrument of record in Volume 162 Page 166.

Parcel No. 81G1-3B -- Fee Simple

Situated in the Township of Riley, County of Sandusky and State of Ohio and known as being part of Original Riley Township, Section No. 23 Township 5 North, Range 16 East, and bounded and described as follows:

Beginning at a point in the westerly line of the southeast quarter of said Section No. 23 at its intersection with the existing northerly right-of-way of the Ohio Turnpike Project No. 1, as shown by "Plat of Highway Center Line Survey" recorded in Volume 9, Page 22 of Sandusky County Map Records and southwesterly corner of land conveyed to the Ohio Turnpike by Esther L. Meek on October 10, 1953 in Volume 209, Pages 325 and 326 of Sandusky County Deed Records, said point also being the Grantor's northwesterly property corner and 145.00 feet right of Station 887+32.7 in the center line of the Ohio Turnpike and the principal place of beginning of the land herein described:

Thence South $71^{\circ} 20' 35''$ East, along the existing southerly right-of-way for the Ohio Turnpike parallel to the center line of the Ohio Turnpike, a distance of 1006.1 feet to a point in the northerly right-of-way for the Norfolk and Western Railway Company (66 feet wide) and property line of the Grantor, said point being 145.00 feet right of Station 897+38.8 in the center line of the Ohio Turnpike;

Thence South $75^{\circ} 20' 05''$ West, along the northerly right-of-way for the Norfolk and Western Railway Company and southerly property line of the Grantor, a distance of 54.73 feet to a point 175.00 feet right of Station 896+93.0 in the center line of the Ohio Turnpike;

Thence North $71^{\circ} 20' 35''$ West, parallel to the center line of the Ohio Turnpike, a distance of 693.0 feet to a point 175.00 feet right of Station 890+00 in the center line of the Ohio Turnpike;

Thence North $18^{\circ} 39' 35''$ East, perpendicular to the center line of the Ohio Turnpike, a distance of 20.00 feet to a point 155.00 feet right of Station 890+00 in the center line of the Ohio Turnpike;

Thence North $71^{\circ} 20' 35''$ West, parallel to the centerline of the Ohio Turnpike, a distance of 264.2 feet to a point in the westerly line of the southeast quarter of said Section No. 23 and the Grantor's westerly property line, said point being 155.00 feet right of Station 887+35.8 in the center line of the Ohio Turnpike;

Thence North $01^{\circ} 12' 35''$ East, along the westerly line of the southeast quarter of said Section No. 23 and property line of the Grantor, a distance of 10.48 feet to the true place of beginning containing 0.55 of an acre of land more or less.

Remaining lands are described in instrument of record in Volume 162 Page 166.

Parcel No. 81G-4 -- Fee Simple

Situated in the Township of Riley, County of Sandusky and State of Ohio and known as being part of Original Riley Township, Section No. 23 Township 5 North, Range 16 East, and bounded and described as follows:

Beginning at the intersection of the existing northerly right-of-way line for the Ohio Turnpike Project No. 1 as shown by Plat Recorded in Volume 9, Page 22 of Sandusky County Map Records, and the northerly right-of-way line for the Norfolk and Western Railway Company, said intersection is also 145.00 feet left of Station 901+81.2 in the center line of the Ohio Turnpike and 33 feet northwesterly as measured perpendicular to the center line of the Norfolk and Western Railway Company and also the most easterly point of land conveyed to the Ohio Turnpike by Esther L. Meek on October 10, 1953 as recorded in Volume 209, Pages 325 and 326 of Sandusky County Deed Records and also the most southerly corner of land conveyed to the Grantor by Helen C. Rowe on October 18, 1976 as recorded in Volume 312, Page 457 of Sandusky County Deed Records and the true place of beginning of the land herein described:

Thence North $71^{\circ} 20' 25''$ West, along the existing right-of-way for the Ohio Turnpike parallel to the center line of the Ohio Turnpike, a distance of 157.8 feet to a point in the westerly line of the east one-half of the southeast quarter of the said Section No. 23 and 145.00 feet left of Station 900+23.4 in the center line of the Ohio Turnpike;

Thence North $01^{\circ} 45' 35''$ East, along the westerly line of the east one-half of the southeast quarter of the said Section No. 23, a distance of 31.35 feet to a point 175.00 feet left of Station 900+14.3 in the center line of the Ohio Turnpike;

Thence South $71^{\circ} 20' 25''$ East, parallel to the center line of the Ohio Turnpike, a distance 212.7 feet to a point in the northerly right-of-way line for the Norfolk and Western Railway Company and the Grantor's southerly property line as recorded in Volume 312, Page 457 of Sandusky County Deed Records, said point being

175.00 feet left of Station 902+27.0 in the center line of the Ohio Turnpike;

Thence South 75° 20' 05" West, along the northerly right-of-way line for the Norfolk and Western Railway and the Grantor's southerly property line, a distance of 54.73 feet to the true place of beginning containing 0.13 an acre of land more or less.

Remaining lands are described in instrument of record in Volume 312 Pages 457 and 458.

Parcel No. 81G1-3T -- Temporary Highway
Construction Easement

Situated in the Township of Riley, County of Sandusky and State of Ohio and known as being part of Original Riley Township, Section No. 23 Township 5 North, Range 16 East, and bounded and described as follows:

Being a strip of land along the southerly side of the Ohio Turnpike and bounded on the west by the westerly line of the southeast quarter of said Section No. 23 and property line of the Grantor, on the east by the northwesterly right-of-way for the Norfolk and Western Railway Company on the north by the proposed widening of the right-of-way for the Ohio Turnpike by Parcel No. 81G1-3B, and on the south by a line parallel to the centerline of the Ohio Turnpike and 225.00 feet as measured perpendicular to its center line as shown by "Plat of Highway Center Line Survey" recorded in Volume 9, Page 22 of Sandusky County Map Records, said strip of land being 70.00 feet wide between the Grantor's west property line to Station 890+00 of the Ohio Turnpike and 50.00 feet wide between Station 890+00 of the Ohio Turnpike to the Grantor's easterly property line containing 1.16 of an acre of land more or less.

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced in the Common Pleas Court of Sandusky County."

A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Weir, Mrs. Davidson, Mr. Anderson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 10-1978.

The Executive Director continued his report by stating that J. E. Greiner Company-Ohio had provided the Director of Transportation, at his request, updated information on a 1973 need study for the Turnpike, once the road is free of tolls. He said it was his understanding that the information, including revised cost estimates, was to be added to a state-wide study being prepared for submitting to the United States Department of Transportation, currently studying the cost of completing the interstate highway system. He asked Mr. Clark to comment.

Mr. Clark said the needs study basically called for construction of 12 new interchanges, adding lanes between present Turnpike toll plazas 5 and 12 and the widening of all existing bridges. He said the total cost estimate for all improvements was \$450 million.

The Executive Director said that it was his understanding that the Greiner study, as originally completed, had six different cases of a wide variety of improvements that could be made and, for the purpose of the O.D.O.T. report, one of the cases was selected and the costs figures updated to 1978 standards.

Mr. Clark said the Greiner Report recommended an additional 22 interchanges of which they described 12 in their terms as being absolutely necessary and 10 other new interchanges as being highly desirable. He said O.D.O.T. selected the 12 needed interchanges and associated costs for their report.

The Director of Transportation said it was a continuing obligation of the Department to assess and provide to the Federal Highway Administration updated cost estimates and needs of the Interstate System in the state, not only to complete the mileage which remains to be built in Ohio, being close to 4 per cent of the Interstate with 96% built or under contract, but also the needs as far as the safety upgrading the Commission talked about in relation to the Turnpike and some other types of commitments that, since the state did not have construction dollars, have necessarily been deferred such as the improvement of roadside rest areas, landscaping and noise attenuators or sound barriers. He said these items would be included in the report to the FHWA and since there was the background of the Greiner study an update would be appropriate to put into that report to get on record with the Federal Highway Administration so they would see that coming along in relation to the agreement between the Ohio Turnpike Commission, the Ohio Department of Transportation and the Federal Highway Administration. He said doing so would not be a change in the procedures or nothing new and different but better figures were now available to incorporate which had been done at that point.

The Executive Director reported also that since the last Commission meeting he had fulfilled several speaking engagements. He said he spoke to the Toledo Area Chamber of Commerce on April 28, the annual meeting of the Ohio AAA on June 22, and on September 10, he was a guest on the Civic Forum program broadcast on television station WAKR in Akron. He said he was also honored to speak to the most recent graduation class of the Ohio State Highway Patrol.

The Executive Director said also that he wanted to add his very sincere thanks to Mr. Teagarden. He said he had already expressed his regards to Mr. Teagarden personally but wished to repeat them for the record.

The Executive Director concluded his report by saying that during his absence from September 17th through the 24th, when he would be attending the previously mentioned annual meeting of the International Bridge, Tunnel and Turnpike Association and taking some vacation time, and before the Deputy Executive Director-Chief Engineer returned from his vacation on September 22nd, the Director of Operations, J. Budd Morrison, would be in charge of the day-to-day functions of the Commission's staff.

The Vice Chairman said the report of the Executive Director was accepted as offered. He said the report of the General Counsel would be received.

General Counsel reported that the Commission's Legal Department had been involved in the various activities which were reviewed for the Members in the quarterly litigation report.

The Vice Chairman asked General Counsel about the latest developments in the Stacey case.

The General Counsel said the case had been set for trial in Williams County Common Pleas Court on October 10.

The Vice Chairman said the report of the General Counsel was accepted as offered. He said the report of the Consulting Engineers would be received.

The representative of the Consulting Engineers, Mr. Fleischman, reported that the Consulting Engineers' annual inspection of the Turnpike roadway, bridges, toll facilities, service plazas and all other buildings had been conducted during the months of May through July. He said a draft of the report on the inspection had been completed and he anticipated the finished report would be submitted to the Commission before the October 1st deadline.

The Vice Chairman said the report of the Consulting Engineers would be accepted as offered. He said the report of the Trustee would be received.

The representative of the Trustee, Mr. Sesler, reported that, as the Executive Director had already stated, some difficulty had been encountered with respect to bond redemptions in September. He said that it was very possible that a call of bonds would take place on December 1, since only about 23 per cent of the money in the redemption fund had been utilized for bond purchases in September.

Mr. Sesler reported further that, in the event of a bond call, the bond numbers would be selected on a random basis, pro-rated between the full registered bondholders and the coupon bondholders. He said the majority of the outstanding bonds are in coupon form, which presented some problems in that the holders of coupon bonds would not be aware of the call unless they happened to see a publication notice. He said the Trustee intended to advertise the bond call in all five regional editions of the Wall Street Journal. He said the notice would list the call date, the locations where the bonds may be presented for payment and the bond numbers being called. He said he was of the opinion that the projected bond call on December 1 would not be the last and similar action would be taken on future interest payment dates until all the bonds were retired.

The Vice Chairman said the report of the Trustee was accepted as offered. He ascertained there would be no report from the Director of Information and Research.

The Vice Chairman asked Mrs. Davidson if she had any comments to make as the meeting, her first, neared its end.

Mrs. Davidson responded by saying that she was very pleased to be a Member of the Commission and she thanked the Executive Director for supplying her with background information about the Commission.

The Vice Chairman asked if there was any new business to be brought before the Commission.

The Director of Transportation inquired as to whether or not a date had been selected for the next Commission meeting.

The Vice Chairman said the next Commission meeting would be held on October 11 in Berea unless another location were selected.

The Director of Transportation said that perhaps the Commission Members might consider holding their meetings in the conference room of the Department of Transportation building at 25 South Front Street in Columbus.

The Vice Chairman said Mr. Weir's offer would be considered and that he or the Executive Director would speak with all the Commission Members about the next meeting site within the following several weeks.

There being no further business to come before the Commission, a motion was made by Mrs. Davidson, seconded by Mr. Anderson, that the meeting adjourn until October 11, 1978, subject to call of the Chairman.

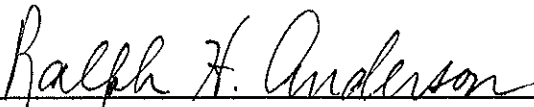
A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mrs. Davidson, Mr. Anderson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the meeting adjourned. The time of adjournment was 12:19 p.m.

Approved as a correct transcript of the
proceedings of the Ohio Turnpike Commission.



Ralph H. Anderson, Secretary-Treasurer