MINUTES OF THE 317th MEETING OF THE OHIO TURNPIKE COMMISSION

May 15, 1979

Pursuant to bylaws the Ohio Turnpike Commission met in regular session at the Ohio National Bank Building at 155 East Broad St., Columbus, Ohio at 11:00 A.M. on May 15, 1979 with key members of the staff; a representative, William R. Fleischman, of the Consulting Engineers; representatives, Robert H. Bartholomew and P. Joseph Sesler, of the Trustee. The Ohio National Bank; representatives, William C. Hartman and Dean Berry, of the law firm of Squire, Sanders & Dempsey; John W. Clark, Special Assistant to the Director of Transportation, a member of the press, Lee Leonard of United Press International, 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: Jo Ann Davidson, David L. Weir, Ralph H. Anderson, Clarence D. Rogers, Jr.

Absent: None

The Vice Chairman said that the meeting was the 317th of the Ohio Turnpike Commission and it was being held at the Ohio National Bank Building at the invitation of the Trustee, The Ohio National Bank, for the convenience of the Columbus-area Members and participants. He said that as far as he knew, it was the first time a Commission meeting was held at one of the bank's rooms and he hoped other meetings might be held there in the future.

In addition to the regular participants at the meeting, namely the Commission Members and staff members, the Vice Chairman recognized the presence of Mr. Hartman and Mr. Berry from the law firm of Squire, Sanders & Dempsey, who serve the Commission as labor counsel and fiscal counsel respectively, and Mr. Sesler and Mr. Bartholomew, representatives from the Ohio National Bank.

A motion was made by Mrs. Davidson, seconded by Mr. Weir, that the minutes of the meeting of February 13, 1979, 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: Mrs. Davidson, Mr. Weir, Mr. Anderson, Mr. Rogers

Nays: None

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

The Vice Chairman reported that there had been a great deal of activity concerning the Commission both in the General Assembly and in the news media. He said although the staff had endeavored to keep the Commission Members informed of all the activity, he was sure the Executive Director, Allan V. Johnson, would want to summarize for the record some of those activities and what he had been doing on behalf of the Commission. He said before that, he would give a brief summary of the Commission's financial experience for the first four months of 1979.

The Vice Chairman reported that Turnpike total revenues for the four-month period were $15,473,000, which was $1,049,000 or 7.3% over the same period in 1978. He said it should be noted, however, that most of the revenue increase resulted from an increase in commercial tolls, even though the period was affected by a 'truckers' strike. He said passenger car tolls were virtually the same as the year before and the effect of the truckers' strike was more than offset by sharply increased commercial tolls immediately preceding the strike. He said total revenues were increased by a partial payment of $250,000 from one of the insurance carriers for reimbursement on damages to the Cuyahoga River bridge. He said the Executive Director would report on the Cuyahoga River bridge matter.

The Vice Chairman reported also that there had been one resolution drafted since the agenda was distributed to the Members. He said the resolution concerned one of the projects for which a resolution was adopted at the last meeting but it would be necessary to adopt another resolution on that same project. He said the Executive Director would explain the subject and the draft resolution which was included in the Members' folders.

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 News Release - March 1979
3. Litigation Report for Quarter Ending March 31, 1979
4. Expense and Budget Report for First Quarter 1979

5. Detail of Investment Transactions which took place in February, March and April 1979

6. Draft of Ohio Turnpike Commission Minutes of Meeting February 13, 1979

7. Traffic Accident Analysis Report for January, February and March 1979


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 first four months of 1979, expenditures had been almost $576,000 or 6.5% under the budgeted amount of $8,866,466. He said much of the lower-than-anticipated expenditures were weather related. He said first, the mild winter enabled a savings in snow and ice control items. He said the relatively poor spring, however, had delayed many activities such as pavement striping and repairs. He said these items would be done as weather and scheduling permitted and thus the expense would be reflected in future financial reports.

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, as the Commission Members were aware, contracts for remodeling and expanding the rest rooms at seven of the 16 service plazas had been let. He said those projects were well under way and were scheduled for completion during July. He said that although there had been some delay on one or two of them, the projects were expected to be completed on schedule.

Mr. Johnson reported further that the projects provided for keeping the
facilities operating throughout the construction period. He said much of the remodeling included provisions for facilities for handicapped persons. He said that before the end of the year plans for remodeling or expansion would be completed for the remaining plazas. He said some contracts might even be let and he would report on those activities at future Commission meetings.

Mr. Johnson said that slides of some service plazas would be shown later in the meeting and he would have another item on service plazas to present.

Mr. Johnson reported that the Committee on Service Plazas was considering a price adjustment request for coffee and carbonated beverages. He said the Committee expected to take some action on that request by the end of the week.

The Vice Chairman 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, reported that the Department of Transportation received some publicity in regard to its budget. He said members of O.D.O.T. appeared before the House Finance Subcommittee to discuss the budget. He said the hearings would resume on May 17.

Mr. Weir reported further that the Ohio Turnpike would be discussed during the budget hearings. He said he had not personally participated in the portion of the hearings that dealt with the Turnpike.

Mr. Weir reported also that about $70 million worth of construction had been postponed, some projects indefinitely, due to lack of appropriation by the State for that type of work. He said O.D.O.T. could have received $58 million more Federal aid if the State would have had $12 million to appropriate for highway construction.

Mr. Weir reported also that though the O.D.O.T. budget was very tight, the Department was not bankrupt like those of adjacent states. He said O.D.O.T. would continue to operate and have a maintenance program.

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 the Turnpike was not having an especially good year in the safety area. He said he could offer no explanation for the larger number of fatal accidents over last year. He said the volume of traffic was down slightly, especially passenger car traffic. Mr. Johnson said he wished he could explain the cause of
the increased fatalities and perhaps then they could be prevented or at least reduced.

The Vice Chairman asked what the percentage was. Mr. Johnson said there had been 13 fatal accidents so far in 1979 which was almost double over the same period a year ago.

Mr. Weir commented that O.D.O.T.'s speed surveys showed an increase of about 21 percent in the miles per hour and exactly 21 percent increase in fatalities. He said vehicle speed on highways was climbing.

Mr. Johnson said drivers on the Turnpike were also increasing their speed.

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 there had been a great deal of activity in the General Assembly concerning the Turnpike and corresponding activity in the news media. He said he had attempted to keep the Commission Members informed of what he had learned about all this activity by sending copies of the publicity to all the Members. He said he wanted to summarize that activity briefly. He said there had been four bills which would continue tolls on the Turnpike introduced in the General Assembly. He said there were two in the Senate, one of which was Senate Bill 104 on which some hearings had been held and at which he appeared and made a statement on behalf of the Commission. He said he had sent a copy of his statement to the Commission Members. He said there would be another hearing on that bill in the Highways and Transportation Committee on May 16 and the chairman of that Committee had indicated that they would do something with the bill then. Mr. Johnson said some of the members of the Committee indicated two weeks before, when the last hearing was held, that they would have some amendments to offer. He said SB 104 would continue tolls on the road and take so-called surplus revenue and use it on state, county, township and municipal highways throughout the state. He said he would report to the Commission Members after the hearing to let them know what happened.

The Executive Director reported further that the other bill in the Senate was Senate Bill 193, which had been introduced within the last week or so. He said he did not even know if it had been referred to a committee yet. He said SB 193 was a more comprehensive bill which would raise taxes and license fees throughout the state and also would continue tolls and utilize the revenues strictly for Turnpike purposes.
The Executive Director reported further that there were two bills in the House, one being House Bill 364, which would continue tolls and take the so-called surplus revenues and use them for state highways, for rail transportation, for energy research and for a civilian conservation corps. He said although that bill had been in the House for some time and had been referred to a committee, to his knowledge there had been no activity on it and staff members were trying to keep an eye on all these things so they would know when the bills were scheduled for hearings. He said when there were scheduling conflicts, other staff members and Mrs. Davidson had been attending those hearings.

The Executive Director reported further that the fourth bill was House Bill 603 which had been just introduced in the House. He said that bill would also continue tolls and use the revenues strictly for Turnpike purposes.

The Executive Director reported further that another bill that had been introduced which would directly affect the Turnpike was House Bill 245. He said that bill would allow toll-free use of the Turnpike by senior citizens. He said staff members had testified on the bill and pointed out that as it was first introduced, the bill would be in conflict with the Commission's Trust Agreement. He said he understood there already was one amendment adopted on the bill which raised the proposed age on the bill from 60 to 65 along with other minor adjustments. He said that was done at least four weeks before and there had been no further hearings scheduled on that bill.

The Executive Director said further that the sixth bill was House Bill 424. He said that bill would create a state public bank and would require the Turnpike Commission and several other state agencies, including the retirement systems, to deposit their funds in the state bank. He said a hearing was scheduled on the bill for May 15 and he expected to have a representative attend that hearing. He said there was one hearing held two weeks before which Philip A. Loftus, Assistant General Counsel, attended and apparently the bill's sponsor indicated that he would be offering an amendment to take out the various retirement systems that were written into the bill. He said the General Counsel, Francis K. Cole, had reviewed the bill legally from the Commission's standpoint and advised that any such bill to require the Commission to deposit funds, as long as it still had a Trust Agreement in effect with the bondholders, would be a conflict with that Trust Agreement. The Executive Director said he would expect that during the course of those hearings that the Commission representative would so advise the committee if it really was serious about proceeding with the bill.

The Executive Director reported further that an extensive article on the Turnpike appeared in the latest issue of the Ohio Motorist Magazine, a publication of the Cleveland AAA. He said the article was about the future of the road and the author asked for reader response about what should be done on the question of whether tolls should be kept or not. He said the article had been
furnished to the Members and the staff would try to get feedback from the AAA once the magazine completed its opinion poll.

In reference to Mr. Weir's comments about his budget hearings, the Executive Director said the Commission staff was working closely with O.D.O.T.'s staff and was trying to provide any information that the Commission had at its disposal that would help Mr. Weir in presenting his testimony to the House Committee.

In response to a question by Mr. Anderson, Mrs. Davidson said she had not spoken on behalf of the Commission although she had attended most of the hearings. She said Mr. Johnson had done an excellent job in presenting the information to the Committee. She said her observation was that there was a great deal of misunderstanding about the Ohio Turnpike Commission among the members of the Legislature, probably because the Turnpike was not a subject which they had dealt with recently. She said the Commission staff, and the Executive Director particularly, was providing them with background on some of the questions and concerns, such as the Trust Agreement and the Tripartite Agreement. Mrs. Davidson said she thought it was important to get good information into the hands of the people who were drafting the legislation so that they could better appreciate and understand some of the Commission's concerns.

The Executive Director said further that he had been surprised by the absence of witnesses for the hearings on Senate Bill 104. He said until the hearing two weeks before, he had been the only one to appear as a witness before the Committee. He said two weeks ago a representative of the AAA had appeared and indicated that from a national standpoint the AAA was repeating its longstanding opposition to the toll road concept. He said he felt the representative had left a door open by saying the AAA probably would be willing to examine the question again, especially if the funding levels for O.D.O.T. were not increased. He said it appeared by the AAA poll being conducted in their magazine, that they seemed to have their editorial position open for debate. He said no proponents had appeared before the Committee and the Committee members themselves had expressed some surprise at that fact.

The Executive Director reported also that at the last meeting, the Commission adopted two resolutions granting the Executive Director authority to award two contracts on two projects. He said one of the contracts included the construction of the toll plaza portion of the interchange presently under construction as a part of the state project with I-480 at the Cuyahoga-Lorain County line. He said he asked for that authority at the time because it had seemed that the Commission was going to have to move rapidly on getting that contract under way in order to get the work completed to coincide with what was the State's schedule for completion of the interchange. He said the completion date was November of 1979.
The Executive Director reported further that he had intense consultations with O.D.O.T. and especially with John Clark, and had gone into the area to review the entire project under construction, so that the Commission could determine whether it wanted to press to have its portion of the project finished in November. He said there was some doubt whether the interchange project would be completed on schedule since the project did not constitute a reasonable, useable section of roadway. He said in view of all that, it had been decided that it was unreasonable for it to press for opening the bids on that project. He said the bid opening was cancelled and was being delayed until the Commission could get time to see how the other State projects were progressing and then the Commission would let its contract at some later date, once it was determined when a useable section of I-480 would be available. He said he did not anticipate that it would be before sometime late in 1980.

The Executive Director reported further that the State agreed with the Commission that it would be unnecessary to build the toll plaza project with less than half a mile stretch of I-480 open. He said it would be an unnecessary expense for the Commission to open a toll plaza and man it for what would be very little traffic.

The Executive Director reported further that the other resolution passed at the last Commission meeting granted authority to award a contract on a slope failure correction project. He said the Commission wanted to award the project so that the work would be completed prior to the summer season and heavy summer traffic. He said the Commission did not get any bids on the project when it was advertised for the first time. He said some adjustments were made in the completion dates and the project was readvertised. He said the Commission had not opened bids until May 14, and then got two bids. He said the bid tabulation was included in the Members' folders. He said staff reviews had not been completed as of yet. He said since the resolution adopted in February granting him the authority to make the award was tailored to the earlier advertisement and really did not apply to the adjusted bid, the staff had prepared another resolution to grant the Executive Director the authority to make the award after the necessary reviews were completed. He said it was similar to the last resolution and it was not necessary to read it all, but he asked and recommended that the resolution be adopted.

A resolution authorizing the Executive Director to award Contract RMP 70-78-1 was moved for adoption by Mr. Weir, seconded by Mr Anderson, as follows:

RESOLUTION NO. 8-1979

"WHEREAS, by Resolution No. 7-1979 adopted February 13, 1979, the Commission authorized the executive director to award Contract RMP 70-78-1
notwithstanding any limitation imposed upon the authority of the executive
director under any resolution or bylaw theretofore adopted;

WHEREAS bids for said contract, being a contract for the
reconstruction of the Turnpike slopes in the area of Milepost 99, were
solicited following the granting of such authority, and no bids were received
upon such first solicitation thereof;

WHEREAS bids were again solicited for the performance of the work
of said contract, such new solicitation providing for a different completion date,
and said bids were received on May 14, 1979;

WHEREAS such bids were solicited on the basis of a form of proposal
providing for the use of the Turnpike roadways for the delivery of materials
to the job site, and also upon an alternate basis permitting the bidder to propose
the opening of the right-of-way fence for the delivery of materials by way of haul
roads constructed from adjacent property to the job site, and two bids were
received, each of the bidders having bid upon the basis of the primary proposal
and the alternate; and

WHEREAS there has not been time for the usual review of such bids
by the consulting engineer and the deputy executive director-chief engineer nor
for the executive director to review any recommendations which they might make
with respect thereto, but it is imperative that an award be made with the least
possible delay;

NOW, THEREFORE, BE IT

RESOLVED that the executive director, acting upon the recommendation
of the consulting engineer and general counsel, if he shall deem it to be in the
best interest of the Commission for an award to be made in advance of any
further meeting of the Commission, is hereby authorized to award and enter
into a contract with such of the bidders for the aforesaid contract as he shall
determine to be the lowest and best bidder therefor, and to take such other
action as he shall deem to be necessary and appropriate with respect to said
bids and said contract, notwithstanding any limitation heretofore imposed by any
prior resolution or bylaw upon his authority with respect to the award of
contracts."

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

Ayes: Mr. Weir, Mr. Anderson, 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. 8-1979.

The Executive Director asked the Deputy Executive Director-Chief Engineer, G. Alan Plain, to give a brief status report on the three resurfacing projects on the road.

Mr. Plain reported that all work was proceeding on schedule on the three major resurfacing projects. He said completion of two of them was expected ahead of schedule.

The Executive Director said the three projects were part of the second resurfacing and for the first time provided for grinding the existing surface instead of putting it on top of the existing asphaltic surface. He said he thought O.D.O.T. was using the same type of procedure. He said the new procedure was going to save some money because the Commission would save on some of the quantities of materials used in the project.

The Executive Director reported also that publicity had recently developed involving the transportation of radioactive materials alleged to have been "secretly" carried across the Ohio Turnpike from the Three Mile Island nuclear power plant site. He said after investigating the news stories, he considered the whole thing a false alarm. He said no materials had been transported across the Ohio Turnpike that had developed out of the accident at Three Mile Island. He said the implication that the Commission would not know when such cargoes were on the Turnpike was inaccurate. He said the Commission had a procedure for monitoring the transport of such hazardous cargoes on the Turnpike. He said due to the publicity following the Three Mile Island accident, the Commission staff would be extremely careful and conscious of what might come across the Turnpike resulting from the accident. He said nothing had come out of the plant yet that was developed from that accident and it would be some time before any of the waste did leave the plant. He said there was a procedure by which the Nuclear Regulatory Commission would notify the Ohio Environmental Protection Agency in advance of any such shipments being made, and in turn, the Ohio Environmental Protection Agency would notify the appropriate officials in the State. He said if it were transported on the Turnpike the OEP would be notifying the Commission. He said he wanted to assure the Commission Members and the public that there was a procedure for monitoring those kinds of cargoes on the Turnpike. He said troopers assigned to District 10 of the Ohio State Highway Patrol had received training courses on identifying the markings on hazardous loads and they also had lists of agencies and people who would be notified in case there were an accident involving one of these cargoes. He said fortunately there had never been an accident on the Turnpike involving radioactive shipments, although there had been accidents involving other types of hazardous cargoes. He said he considered the accident at the Cuyahoga River Bridge last fall to be a result of an accident with a hazardous-type cargo. He said the Commission was concerned about all

6783.
types of hazardous cargoes and especially those radioactive shipments. He said the Commission was in a better position to do something about monitoring hazardous cargoes than anyone else in the State since they must pass through a toll booth. He said he was relying on the fact that the Federal government required such shipments to be marked, although there was always a possibility that some shipments did not display the proper markings. He said the officials at the Three Mile island facility assured him that nothing had been shipped out of that plant even before the accident happened that did not have all the appropriate Federal markings. The Executive Director said when hazardous cargoes travel the Turnpike their trips would be logged and monitored until they were safely off the road. He said there was a release to that effect in the Members' folders.

The Executive Director reported also that he recently made a presentation at a meeting of the International Bridge, Tunnel and Turnpike Association on the topic of Disaster Planning. He said in making that appearance he showed slides of some past Turnpike catastrophes and he brought some of the slides for the Members to see.

(At this time the Executive Director showed slides of the Cuyahoga River bridge fire, the blizzard of January, 1978 and then showed some aerial shots of service plazas.)

The Executive Director said the purpose of showing the slides of the service plazas was to illustrate a problem which was developing in the parking areas. He said both the car and truck parking areas were being inundated with trucks. He said he was convinced that the truck parking facilities would need to be expanded. He said the trucks were backing up onto the entry and exit ramps and sometimes even on the berms on the mainline of the Turnpike, which caused a hazardous and dangerous situation. He said the staff was taking some steps to control the truck parking in auto lots so that at least some space would be available for the autos. He said the project would begin at the two busiest plazas, Vermilion Valley and Middle Ridge.

In regard to the Cuyahoga River bridge slides, Mr. Anderson asked if there were any accidents because of the traffic crossovers at the bridge. The Executive Director said there were a few minor accidents, but there was 24-hour standby wrecker service to cope with that kind of thing. He said there also was a contingency detour route set up off the Turnpike in case traffic was blocked in the bilateral traffic zone. The Executive Director said the Cuyahoga River bridge fire was the subject of intense discussion with the insurance companies as to the various aspects of the claims. He said a partial payment of $250,000 for repair costs had been received but more than $100,000 of maintenance department expenses for traffic control had not yet been resolved with the insurance companies.
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.

The General Counsel, Mr. Cole, said he would like for the Commission to recognize and welcome Mrs. Dorothy Gillio who was retiring from the Commission with which she had been employed since July 23, 1956, in the legal department, essentially as secretary to General Counsel. He said the prior General Counsel, Lockwood Thompson, thought very highly of her personally and her technical services and Mr. Cole had the same view entirely. He said the Commission was fortunate to have had Mrs. Gillio for so many years as an employee. He said this would be the last Commission meeting she could attend and inasmuch as she used to take the Commission's minutes, he felt it appropriate for her to be present. The Vice Chairman said on behalf of the Commission he wished Mrs. Gillio a happy retirement.

The General Counsel reported that he had given the Members the Litigation Report for the quarter ending March 31. He said there had been an occurrence in the Stacey case. He said Judge J. Gareth Hitchcock had determined that in order to render the precise decision which he believed the case merited, he should have a transcript of the evidence of the last hearing. Mr. Cole said the Judge had issued an order for such a transcript to be provided by the court reporter. Mr. Cole said since the Commission had such a transcript, it was furnished to the Judge. The General Counsel said he knew there would be some liability for the Commission in regard to the case, but the question was how much was the damage. He said he felt the Judge would not be entirely kind to the Commission in that respect.

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 resident engineer, Mr. Fleischman, reported that Greiner's annual inspection of the roadway and bridges was scheduled to begin on May 29 and would extend through the end of July.

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

Mr. Sesler reported that in regard to the Ohio Turnpike bonds that were called on December 1, 1978, the Trustee had received from all of the paying agents a total of $3,170,000 of the bonds which represented 58.2% of the total call of $5,447,000. He said a breakdown on the payment of the bonds was as follows: The Ohio National Bank of Columbus paid 41%; Citibank, N. A. of New York 16.2%; The Central Trust Co., N. A. of Cincinnati 13.3%; The Bank of New York 16.2%; Union Commerce Bank of Cleveland 26.5%; The Northern Trust Co. of Chicago 1.7%; and the Bank of America NT & SA of San Francisco .8%. Mr. Sesler said 41.8% of the bonds had not been
redeemed which was considerably more than the Trustee was hoping for.

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 & Research.

The Executive Director said he had talked to O. L. Teagarden, former Chairman of the Commission, on May 14. He said Mr. Teagarden was still in California and experiencing health problems, but seemed to be better than the last time the Executive Director had spoken to him. The Executive Director said Mr. Teagarden asked to be remembered to the Commission.

The Vice Chairman said the Commission extended best wishes to Mr. Teagarden.

The Vice Chairman said it appeared there would be no need for a meeting in June and the Commission should plan to meet on July 10, 1979. He said the meeting place would be determined after further consultation with the Members.

There being no further business to come before the Commission, a motion was made by Mr. Weir, seconded by Mrs. Davidson, that the meeting adjourn until July 10, 1979, subject to call of the Vice Chairman. 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 meeting adjourned. The time of adjournment was 11:58 a.m.

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

Ralph H. Anderson, Secretary-Treasurer

6786.