

MINUTES OF THE 318th MEETING OF THE OHIO TURNPIKE COMMISSION

July 10, 1979

Pursuant to bylaws the Ohio Turnpike Commission met in regular session at the BancOhio National Bank Building at 155 East Broad Street, Columbus, Ohio at 10:00 a.m. on July 10, 1979 with key members of the staff; a representative, William R. Fleischman, of the Consulting Engineers; a representative, P. Joseph Sesler, of the Trustee, BancOhio National Bank, and others in attendance.

The meeting was called to order by the Vice Chairman. He said the Commission had been advised that Ohio Department of Transportation Director David L. Weir, was on vacation and that the Assistant Director of O.D.O.T., Arthur Haddad, who ordinarily would fill in for Mr. Weir as the ex officio member with full voting rights, had another commitment. The Vice Chairman reported that the Commission had been further advised, however, that using his statutory authority to sign for Mr. Weir, Mr. Haddad had designated Russell E. Catlin, a Deputy Director of O.D.O.T., to serve in his place at the meeting. The Vice Chairman reported further that the necessary designation, in accordance with the Ohio Revised Code 121.05, had been filed with the Commission in writing and thus Mr. Catlin was fully authorized to serve as ex officio Member at the meeting and to vote on all matters which came before the Commission.

The Vice Chairman reported that, for the record, he would read Mr. Weir's letter to the Commission, as follows:

"July 9, 1979

"Mr. Ralph H. Anderson
Secretary-Treasurer
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio 44017

"Dear Mr. Anderson:

"This is to advise you that pursuant to the provisions of Section 121.05 of the Ohio Revised Code, I do hereby designate Deputy Director Russell E. Catlin to serve in my place as ex officio member of the Ohio Turnpike Commission for the meeting held July 10, 1979.

"Very truly yours,

"David L. Weir
Director"

The roll was called and the attendance was reported to be as follows:

Present: Russell E. Catlin, Jo Ann Davidson, Ralph H. Anderson, Clarence D. Rogers, Jr.

Absent: None

The Vice Chairman reported that the meeting was the 318th meeting of the Ohio Turnpike Commission and it was being held again at the Ohio National Bank Building at the invitation of the Commission's Trustee, The Ohio National Bank, for the convenience of the Columbus-area Members and participants.

The Vice Chairman said he would like to note that Governor James A. Rhodes had reappointed Ralph H. Anderson to a new eight-year term as a Member of the Commission. He said the term began on July 1 and he extended his congratulations and best wishes to Mr. Anderson on his continuing service to the Commission.

The Vice Chairman said he thought it appropriate at that time to have the Commission's General Counsel, Francis K. Cole, administer the oath to Mr. Anderson, since it had not been done prior to the meeting. (The oath as a Member was administered to Mr. Anderson by Mr. Cole.)

The Vice Chairman reported also that in accordance with the Turnpike Act and the Commission's Code of Bylaws, there would be election of officers, conducted by nominations and voting, and confirmed by resolutions so that the actions would appear in the journal. He said he would begin by accepting nominations for election to the office of Chairman.

A nomination of Clarence D. Rogers, Jr., for Chairman of the Commission was made by Mr. Catlin and seconded by Mrs. Davidson, who moved that nominations be closed.

The Vice Chairman said that inasmuch as he had been nominated as Chairman of the Ohio Turnpike Commission, he would turn the chair over to Mr. Anderson, for him to conduct the election of Chairman.

Mr. Anderson asked the Assistant Secretary-Treasurer to call the roll. All Members responded to roll call. The vote was as follows:

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

Nays: None

Mr. Anderson declared that Mr. Rogers was elected Chairman of the Ohio Turnpike Commission and would serve for the next two years. (A Chairman

having been elected, Mr. Anderson turned the meeting over to the Chairman to conduct the meeting.)

A resolution confirming election of Clarence D. Rogers, Jr. as Chairman was moved for adoption by Mr. Catlin, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 9-1979

"RESOLVED that the election of Clarence D. Rogers, Jr. as chairman of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1981 and until his successor is elected and qualified or until the aforesaid term is terminated by law, or until he shall cease to be a member of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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

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

Nays: None

The Chairman declared the resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 9-1979.

A nomination of Jo Ann Davidson for Vice Chairman of the Commission was made by Mr. Catlin, seconded by Mr. Anderson, who moved that nominations be closed.

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

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

Nays: None

The Chairman declared Mrs. Davidson was elected as Vice Chairman of the Ohio Turnpike Commission and would serve for the next two years.

A resolution confirming election of Jo Ann Davidson as Vice Chairman was moved for adoption by Mr. Catlin, seconded by Mr. Anderson, as follows:

RESOLUTION NO. 10-1979

"RESOLVED that the election of Jo Ann Davidson as vice chairman of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1981 and until her successor is elected and qualified or until the aforesaid term is terminated by law, or until she shall cease to be a member of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 10-1979.

A nomination of Ralph H. Anderson for Secretary-Treasurer of the Commission was made by Mr. Catlin, seconded by Mrs. Davidson, who moved that nominations be closed.

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

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

Nays: None

The Chairman declared Mr. Anderson was elected as Secretary-Treasurer of the Ohio Turnpike Commission and would serve for the next two years.

A resolution confirming election of Ralph Anderson as Secretary-Treasurer was moved for adoption by Mr. Catlin, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 11-1979

"RESOLVED that the election of Ralph H. Anderson as secretary-treasurer of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1981 and until his successor is elected and qualified or until the aforesaid term is terminated by law, or until he shall cease to be a member or employee of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 11-1979.

The Secretary-Treasurer, Mr. Anderson, said that as the bylaws provided, he would appoint an Assistant Secretary-Treasurer with the assent of the Commission Members present. Mr. Anderson then reappointed Allan V. Johnson as Assistant Secretary-Treasurer and he moved for the approval of Mr. Johnson as Assistant Secretary-Treasurer, seconded by Mrs. Davidson.

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

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

Nays: None

The Chairman said he thought it then appropriate to redesignate the five active committees of the Commission, pursuant to Article I, Section 3.00 of the Code of Bylaws, as follows:

Committee on Budget and Finance

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

Committee on Service Plazas

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

Committee on Employee Relations

Clarence D. Rogers, Jr., Chairman
Jo Ann Davidson
G. Alan Plain, Vice Chairman
Louis J. Disantis, Secretary
Francis K. Cole
Robert P. Barnett
Craig Rudolphy
J. Budd Morrison
David H. Ransbury
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

Turnpike Transition Committee

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

A motion was made by Mrs. Davidson, seconded by Mr. Catlin, that the minutes of the meeting of May 15, 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. Catlin, Mr. Anderson, Mr. Rogers

Nays: None

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

The Chairman said that it was time for the Chairman's report and, as customary, he would give a brief summary of the Commission's financial experience for the first six months of 1979. He said that perhaps he should preface the presentation of the figures by saying that recent events, specifically the gasoline situation marked by shortages and high prices and the truckers' strike had a significant impact on Turnpike traffic and revenues. He said that because the full impact of the energy crisis was not known, it was impossible at that moment to project the economic outlook for the Turnpike for the remainder of 1979, let alone for the years ahead.

The Chairman reported further that, nevertheless, total revenues for the first six months of 1979 were \$25,335,670 compared to \$24,319,511 for the same six months in 1978, up 4.2%. He said several items were probably significant. He said first, increases in commercial tolls had accounted for all the increases in toll revenues. He said second, passenger car tolls were definitely down and had been down in significant amounts on weekends. He said third, total revenues in each of the first five months of the year were higher than for the corresponding months in 1978 but total revenues in June were down by almost a quarter of a million dollars. He said that was the reason why it seemed impossible to make any clear economic forecast.

The Chairman said the report of the 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. Traffic Accident Analysis Reports - April, May, 1979.
3. Draft of Minutes of the May 15, 1979 Meeting
4. Details of Investment Transactions which took place in May, June 1979.
5. Traffic and Revenue Report - May 1979
6. Financial Statement - May 31, 1979
7. Month End News Release - June 1979
8. Litigation Report for Quarter Ending June 30, 1979

The 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 the staff had begun work on the preparation of the budget for 1980. He said the preliminary budget would be reviewed by the Committee during the next few months with the expectation that the budget would be presented to the Commission for adoption prior to October 20, which was a covenant of the Trust Agreement. He said that for the first six months of 1979, operating expenses were 6.8% below the amount budgeted for the period.

The 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, said that since the Committee had a new chairman, Mrs. Davidson, he wished to defer to her although he might be catching her off guard.

Mrs. Davidson said that even though her appointment as chairman of the Committee was new she had had the opportunity to visit some of the service plazas to inspect the facilities offered to Turnpike patrons and transmitted her comments to the Executive Director. She said she deferred to Mr. Johnson to present the report of the Committee.

Mr. Johnson said he did want, for the record, to make a comment on the service station aspect of the service plazas. He said he thought the Commission Members were aware through the news releases that beginning on June 22 the sale of gasoline at the 16 service plazas along the Turnpike had been restricted to a limit of \$6.00 per customer. He said the action was done in accordance with the Commission's contract with the Standard Oil Company of Ohio (SOHIO) in order to comply with the mandatory Federal allocation regulations which stipulate that fuel sales at the service stations should be guided by the corresponding month of 1978. He said that, in other words, both the Commission's staff and SOHIO wanted to make sure that the allocations for the stations were not used up prior to the end of June, so as to avoid closing of the stations entirely.

Mr. Johnson reported further that, as the Commission Members were aware, on the basis of a review of the July allocation, which was substantially higher than it was for June, the restriction was lifted. He said that although there were presently no restrictions on gasoline purchases there might be a need in the future for some sort of restriction because the Turnpike stations were open 24 hours a day, seven days a week and there could be an unusually heavy demand on the stations on weekends when a number of off-turnpike stations were closed.

Mr. Johnson reported further that both the Pennsylvania Turnpike and the Indiana Toll Road have had gasoline and diesel fuel restrictions for more

than two months and, in fact, the Pennsylvania Turnpike had an odd-even rationing system which even affected out-of-state travelers. He said that as a result of those restrictions he would not be surprised if the Turnpike service stations at the eastern and western ends of the road experienced heavy demands for gasoline and diesel fuel.

Mr. Johnson reported further that the Commission's staff was keeping a daily tabulation of the fuel sales at service plazas so that they would be able to work with SOHIO in determining whether further restrictions would be needed toward the end of July in order to avoid running out of the allocations, an occurrence all parties involved were interested in avoiding.

Mr. Johnson reported further that he hoped the gasoline allocation for July, coupled with what seemed to be a public recognition of the problems of travelling and a lowered demand for gasoline would preclude imposition of restrictions through the month and perhaps through the remainder of the summer, although it was too early to make a definite prediction.

Mr. Johnson reported also that the remodeling and expansion work on the rest rooms at 7 of the 16 service plazas was near completion. He said that plans for similar work at the rest of the 9 plazas were in progress and he would review a resolution authorizing award of contracts for that work in his report as Executive Director.

The Chairman asked Mr. Johnson if the traffic on the Turnpike on the Fourth of July holiday affected the gasoline situation.

Mr. Johnson said the Fourth of July holiday fell on Wednesday and the standard traffic comparison was with the day of the week to the same day of the week a year ago. He said that, in other words, the comparison is Wednesday, July 4, 1979 with Wednesday, July 5, 1978. He said that comparison showed a 45% decrease for the day.

Mr. Johnson said further that the previous weekend traffic was down 25% for the whole weekend and traffic overall for June was down 10%. He said that, as the Chairman had earlier reported, the commercial tolls had held up enough to keep total revenues slightly ahead of a year ago, but passenger car tolls for example, were down 15% in June.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He said the report of the Committee on Employee Relations would be received.

The vice chairman of the Committee on Employee Relations, G. Alan Plain, reported that the Executive Director, the Director of Administrative Services, Louis J. Disantis, and he had completed informal talks with the Commission's maintenance employees at the field installations. He said formal discussions with employee representatives were expected to be scheduled for some time in the fall.

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

Mr. Catlin said that he did not have a formal report but did wish to mention the department was moving forward on its maintenance operations but other projects awaited approval by the Legislature of the biennium budget.

The 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 from January through June of 1979 there were 19 fatalities recorded on the Turnpike, which was exactly the number that were posted during the entire 12 months of 1978. He said he did not have an explanation for the high fatality rate, particularly since it had taken place during a period of overall traffic decline. He said that he could assure the Commission that the fatality rate had nothing to do with the safety aspects or features of the road. He said that most of the accidents could be attributed to some form of driver inattention.

The Chairman asked Mr. Johnson if there had been any increase in the average rate of speed on the Turnpike.

Mr. Johnson said he did not have any recent measure of traffic speed increases. He said that occasionally such radar speed checks were done and he assumed one would have to be done soon because it was a mandatory requirement for such information to be furnished periodically to the United States government through the Ohio Department of Transportation. He said he had no doubt that traffic was moving at a faster rate of speed since he had observed it when he had been on the road. He said that unless there was an Ohio State Highway Patrol trooper right with the traffic, it was going more than the posted speed limit, especially the commercial vehicles.

The Chairman said he wondered if the decline in the number of passenger cars on the road afforded increased speed opportunities for commercial vehicles.

Mr. Johnson said that that could be the case because in reviewing the statistics, he had found that a large number of the fatal accidents recorded during the first six months of 1979 have involved trucks.

Mr. Catlin said that the O. D. O. T. had been monitoring traffic speeds on a continuing basis as required by the Federal Highway Administration and for the past several months there had been an increase in the average speed of all vehicles. He said that although he did not know the exact average speed last recorded, it had been increasing to the point where O. D. O. T. would soon have problems with sanctions from the Federal Highway Administration.

Mr. Johnson said that, as he had mentioned earlier in the meeting, the states furnish such information periodically to the Federal government to more or less certify that they had an enforcement program in order to qualify for Federal aid. He said that from time to time, the Federal government required speed checks on the Turnpike even though Federal aid was not involved on the Turnpike. He said that, as the Commission Members knew, the current truckers' protest was partly based on their contention that the speed limit was too low and perhaps the drivers were exceeding the speed limit as a form of protest.

The 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 said that, before he began his report, he wanted to note the presence at the meeting of Mr. Kim Rose, a summer intern with the C. D. O. T. who had been working in the office of Mrs. Leah Fox, who, of course, aided in taking the minutes of the meeting. He said Mr. Rose was attending the meeting as an observer.

The Executive Director said he would then defer to Mr. Plain, who would give the Commission Members a quick rundown on the status of the major construction projects on the Turnpike.

Mr. Plain reported that the replacement of the microwave communications equipment was slightly behind schedule due to some delivery problems that had been experienced, but he expected the equipment to be in service by September 7. He said the Group I service plaza rest room additions and remodeling were about 80% complete at Blue Heron and 20% at Wyandot. He said additional delays were anticipated at Wyandot due to a plumber and a pinfitter union strike which began on July 2.

Mr. Plain reported further that the Group II service plaza rest room additions at Towpath and Brady's Leap were 70% complete and the remodeling at Great Lakes and Portage were 30% complete. He said those projects were slightly behind schedule because of delivery problems. He said the Group III project at Mahoning Valley was 95 percent finished and it was on schedule and should be done on time. He said the plans and specifications for additional rest room additions and remodeling at other service plazas were being prepared for review by consulting architects.

The Executive Director said that, as Mr. Plain had just mentioned, the Commission's architects had been preparing plans for the remodeling and expansion of the remaining rest rooms at the other nine service plazas. He said he wanted to have the outside work on those facilities begun as soon as possible before the winter months, when the inside work could be accomplished, so that the entire project would be finished by the following spring. He said that the timetable was such that he expected to finish the plans for the project

during the month of July, start advertising in August and open bids toward the middle or end of August. He said that in the expectation that a formal or regular meeting of the Commission would not be held in August he was asking the Commission Members for the authority to award the contracts based on the solicitation of competitive bids in order to avoid any delays in construction.

The Executive Director said further that a similar procedure had been followed in awarding contracts for the other rest room remodeling and expansion projects due to a tight work schedule.

The Executive Director said further that a resolution, similar to that adopted prior to his awarding contracts for the other rest room remodeling and expansion projects, had been prepared. He said he would, of course, advise the Commission of the results of the bids and furnish bid tabulations before making the awards.

A resolution authorizing certain additions and rest room remodeling at service plazas was moved for adoption by Mrs. Davidson, seconded by Mr. Anderson as follows:

RESOLUTION NO. 12-1979

"WHEREAS, the Commission is already in the process of expanding and remodeling rest rooms at seven of the sixteen service plazas on the Ohio Turnpike and desires to continue this program with respect to the remaining plazas; and

"WHEREAS, the Commission has entered into an architectural agreement for the preparation of plans for the remodeling of rest rooms at Tiffin River, Erie Islands, Commodore Perry, Middle Ridge and Vermilion Valley Service Plazas and also for the making of improvements, renewals and replacements including additions and remodeling of rest rooms at Indian Meadow, Fallen Timbers, Oak Openings and Glacier Hills Service Plazas;

"WHEREAS, such plans and specifications may not be submitted to the Commission's staff until the end of the present month and a reasonable schedule for advertising for bidding and opening of bids for the work to be performed pursuant to such plans may require that contracts for such work be awarded between regularly scheduled meetings of the Commission; and

"WHEREAS, the estimate of cost for the associated Reserve Maintenance Fund Project is such as to suggest that one or more contracts will be for amounts in excess of \$250,000.00; and

"WHEREAS, the Commission deems that it will be in the best interest of the Commission to have awards made with the least possible delay of such contracts as may be awarded in response to the bids to be received so as to afford the contractors sufficient time to perform the work prior to the onset of winter weather;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and he is hereby, authorized and instructed to cause plans and specifications to be completed, any necessary site inspection, borings and testing to be done, and contracts to be advertised and bids solicited for work as follows: Remodeling of rest rooms at Tiffin River, Erie Island, Commodore Perry, Middle Ridge and Vermilion Valley Service Plazas, and the making of improvements, renewals and replacements, including additions and remodeling of rest rooms at Indian Meadow, Fallen Timbers, Oak Openings and Glacier Hills Service Plazas; and

"FURTHER RESOLVED that the executive director shall cause said bids to be analyzed and the results thereof reported to the Commission, or, in the alternative, if it shall be apparent to him that the execution of contracts and entrance upon the work by the contractors would be delayed significantly by the making of such awards by the Commission, that he shall award such contracts on behalf of the Commission without further report to the Commission and notwithstanding any limitations otherwise placed by the bylaws upon the monetary amounts of contracts which he is authorized to award, any such limitation being expressly rescinded as to any and all contracts for the work herein referred to; provided, however, that in exercising the authority hereby granted to the executive director to award such contracts, he shall act upon the advice of the consulting engineer, the chief engineer and general counsel; and

"FURTHER RESOLVED that the executive director shall make a report of his actions to the Commission and shall carry out the terms of any contracts awarded in conformity with this resolution."

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. Catlin, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 12-1979.

Mrs. Davidson requested that if the contracts were awarded prior to a future Commission meeting, the Commission Members be supplied with the engineer's estimate and the bid tabulations.

The Executive Director said that that would be done.

The Executive Director reported also that, as he had mentioned at the last Commission meeting, there were four bills in the General Assembly which called for extension of toll collections on the Turnpike after the last

outstanding construction bonds had been retired. He said that of the four, hearings had been held on only one, Senate Bill 104. He said the final hearing on that bill had been held on the day after the last Commission meeting and the Senate committee hearing it, the Committee on Highways and Transportation, did adopt an amended version of it. He said the amendment deleted a provision which would divert some of the tolls to other highways throughout the state.

The Executive Director reported further the Senate Committee on Highways and Transportation did adopt the amended bill by a vote of 6 to 2 with the stipulation by the bill's sponsor and perhaps the Committee chairman that an additional amendment could be offered if the bill were ever presented for a floor vote. He said he had been keeping a close watch on the bill, but he did not think there would be any immediate action taken on it.

The Executive Director reported further that hearings have not been scheduled on the other three bills. He said that he was also closely monitoring them to see if anything developed.

The Executive Director reported further that another legislative bill affecting the Commission, at its own request, was one which would increase the minimum amount by which the Commission was required to solicit formal competitive bids. He said the minimum amount limit, anything over \$1,000.00, had been the same for the entire 30-year existence of the Commission. He said that \$1,000 amount was unusually low and, at its request, the Commission was added by amendment to a bill which was called for increasing the limit from \$2500.00 to \$5,000.00 for municipalities and townships throughout the state. He said that bill passed in the House of Representatives before the Commission was included as an amendment, but the Commission was included as an amendment in the Senate version. He said the Senate version had only cleared the committee and had not been presented to the full Senate for a vote. He said he hoped that the Senate bill would be approved and that it would go back to the House for concurrence on the amendment to include the Commission.

The Executive Director reported further that, as the Commission Members were aware, the Columbus Dispatch carried an editorial headed "At Least Informal Bids" on June 25, 1979, in which the Commission was mentioned and he wrote to the editor to try to clear up what might have been some understanding about the Commission's bidding procedure. He said the Commission had a quotation procedure for informal bids. He said that unless it were absolutely impossible, the staff attempted to get two or more quotations on all items to be purchased in order to have some sense of competition. He said the problem with the \$1,000 limit was that the staff had gone through the formal bidding procedure more and more frequently without receiving any bids on the low price contracts. He said that contractors, vendors and suppliers were just unwilling to provide a bid bond and then a performance bond, which are statutory requirements for the formal bid procedure, at their own expense and then risk not getting the contract. He said the result was that the staff must incur added expense from placing one, two

and sometimes three advertisements to secure bids, which were not always forthcoming even after that number of ads. He said the Commission got a sympathetic ear from the committee that added the Commission as an amendment to the bill and he hoped the bill would be adopted.

The Executive Director reported also that the Commission Members had before them a resolution authorizing further engineering studies relating to the transfer of the Ohio Turnpike after the remaining bond debt was liquidated. He said the latest discussion on the subject had occurred the week before the Commission meeting. He said he and Mr. Plain met with Mr. Catlin, Mr. Haddad and John W. Clark from the O. D. O. T., and John W. McBee, Division Administrator, Federal Highway Administration, and other representatives from that government agency. He said the purpose of that meeting was to define the scope of what was needed to gain Federal approval ultimately for improvements to qualify for 90 percent Federal aid.

The Executive Director reported further that in conversations he had had with the Commission Members it had been determined that the efforts to qualify for 90 percent Federal aid for road improvements were a part Commission's role and obligation to transfer the Turnpike to the state in compliance with both the Turnpike Act and the Tripartite Agreement, executed in 1964, which the Commission was a party.

The Executive Director said that before the resolution was introduced he wished to read aloud the resolved portion of it, as follows:

"Now therefore, be it resolved that the Commission with the concurrence of the consulting engineers hereby authorizes and establishes an account to be funded from moneys already available in the Reserve Maintenance Fund to finance the necessary studies, as engineering and related expenses relating to the functions of the Commission, to accomplish an orderly transfer of the turnpike and to permit the timely availability of Federal funding for improvements thereafter and that the amount committed initially for these studies will be \$2,000,000.00; and resolved further that the Commission authorizes the executive director to cooperate with the Ohio Department of Transportation and the Federal Highway Administration to define the scope of any necessary studies and to retain such engineering consultants and other consultants and advisors, as are necessary, to accomplish these studies; and further resolved that the executive director shall make a report of his actions to the Commission from time to time and shall carry out the terms of any agreements executed in conformity with this resolution."

The Executive Director reported further that he and the Commission had already agreed that an updated definition of the improvements needed to qualify for Federal aid was of utmost importance. He said all the Commission Members were aware that the Commission's consultant, J. E. Greiner Company-Ohio, had prepared an earlier study, which included traffic forecasts, in the early 1970s. He said the J. E. Greiner Company-Ohio would be

bringing those statistics up to date before any other consultants or any other agreements were entered into. He said he and the staff would have to get a little further along in defining what the rest of the scope of the studies would be and he would be keeping the Commission Members informed of every step along the way before any other agreements with consultants were finalized.

A resolution authorizing further engineering studies relating to the transfer of the Ohio Turnpike after remaining bonded debt was liquidated was moved for adoption by Mr. Anderson, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 13-1979

"WHEREAS, the Commission is steadily liquidating the remaining debt incurred to finance the cost of Ohio Turnpike Project No. 1 and the Commission predicts that the transfer of the facility to the State Highway System as provided in Ohio Revised Code 5537.21 will be possible in two to three years;

"WHEREAS, the Commission is a party to a tripartite agreement executed July 14, 1964, among the Commission, State of Ohio (by the Director of Highways) and the Federal Highway Administration, which agreement recognizes that portions of the Ohio Turnpike are and will be included as a part of the Interstate Highway System and which agreement provides that the turnpike will become toll free when the bonds of the Commission are liquidated and which agreement also makes the State of Ohio eligible for certain Federal aid interstate funding; and

"WHEREAS, the Commission previously has had prepared for it by its consulting engineers a study (paid for from moneys in the Reserve Maintenance Fund) of improvements and modifications desirable on the turnpike to incorporate fully the road into the free Interstate Highway System and the Commission has advocated that, if the toll-free provisions of the tripartite agreement and Ohio Revised Code 5537.21 are implemented, the cost of such improvements and modifications should be financed with Ninety Percent (90%) federal interstate funds available under current federal laws on the free Interstate Highway System; and

"WHEREAS, the Commission deems it necessary and as part of the function of the Commission to provide for a smooth and orderly transition of the Turnpike pursuant to the existing state and federal laws, the tripartite agreement and requirements currently in effect; and

"WHEREAS, in the judgment of the Commission and its consulting engineers the transfer of the road to the jurisdiction of the Ohio Department of Transportation and incorporation of it into the free Interstate Highway System, making the timely improvements and modifications to the road desirable for it to be conformed to current free interstate standards eligible for 90% federal aid funding, will require updating of the existing engineering study previously

performed for the Commission and will also require additional engineering studies (including traffic, preliminary engineering and environmental impact studies) to be made; and

"WHEREAS, the Commission desires to provide for the making of necessary engineering studies and to authorize the making of appropriate agreements to accomplish the same, to provide the funding therefor as engineering expenses relating to the functions of the Commission and to cooperate with the State of Ohio through the Department of Transportation and the United States through the Federal Highway Administration in developing such information and advice;

"NOW THEREFORE, BE IT

"RESOLVED that the Commission with the concurrence of the consulting engineers hereby authorizes and establishes an account to be funded from moneys already available in the Reserve Maintenance Fund to finance the necessary studies as engineering and related expenses relating to the functions of the Commission, to accomplish an orderly transfer of the turnpike and to permit the timely availability of Federal funding for improvements thereafter and that the amount committed initially for these studies will be \$2,000,000.00; and

"RESOLVED FURTHER that the Commission authorizes the executive director to cooperate with the Ohio Department of Transportation and the Federal Highway Administration to define the scope of any necessary studies and to retain such engineering consultants and other consultants and advisors, as are necessary, to accomplish these studies; and

"FURTHER RESOLVED that the executive director shall make a report of his actions to the Commission from time to time and shall carry out the terms of any agreements executed in conformity with this resolution."

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

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

Nays: None

The Chairman said the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 13-1979.

The Executive Director reported also that he had asked the consulting engineers, who were in the process of conducting their annual inspections of the Turnpike mainline and associated facilities, to take an extensive look at the service plazas since they would be remaining in operation after the last construction bonds had been retired and would, therefore, have a much longer

life expectancy than anticipated. He said he had a couple of aerial photographic slides to show at the meeting to illustrate better the areas of the service plazas to receive particular attention.

(At this point, several slides were shown. Pointed out to the Members were a sewage treatment plant, water tower, areas of expanded rest room facilities, modifications to parking lots to accommodate more commercial vehicles, locations of underground fuel storage tanks and travel trailer lots.)

The Executive Director said that one major concern was the condition of the underground fuel storage tanks and lines at the service plazas, which were more than 20 years old, and he had asked SOHIO to prepare for the Commission a detailed analysis of the serviceability of the system. He said he had been aware of some fuel leakage which had taken place at various spots on the lines leading from the fuel storage tanks to the pump areas out in front of the plazas.

Mrs. Davidson asked the Executive Director if there was a charge for use of the travel trailer facilities on the Turnpike.

The Executive Director said that Turnpike patrons who stayed at the two travel trailer lots having electrical hookups and sanitary outlets were charged \$2.00 per night. He said those who stayed overnight at the other four travel trailer lots where there were no electrical facilities or waste-water drains were not charged a fee.

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

General Counsel, Francis K. Cole, reported that there had been some recent legislative changes which affected the Commission's "Rules and Regulations for the Control and Regulation of Traffic." He said that, first, there was a requirement that the rules be filed with the Secretary of State and the Legislative Reference Bureau, which he had done even though there was some question as to the requirements application to the Commission. He said he had later found a change in the law as to the penalties for violation of the Commission's traffic regulations. He said that in accordance with the normal penalty description then in the criminal part of the Ohio Revised Code a first offense was a minor misdemeanor and a second offense and thereafter was a misdemeanor of the fourth degree.

General Counsel reported further that he thought a revision to the penalty section of the Commission's traffic regulations was in order. He said that to accomplish that task, according to law, the rule change had to be filed with the Clerk of the Senate for consideration by a House Joint Committee on Agency Rule Revision. He said that after submitting the rule change a period of 60 days had to elapse before the rule could go into effect, provided the

reviewing committee voiced no objections to it. He said the filing also had to be made with the Secretary of State and the Legislative Reference Bureau. He said the appropriate rule change had been prepared and, at the direction of the Commission, he would submit it to the appropriate agencies. He said that, incidentally, the penalty for a minor misdemeanor was up to \$100.00 and up to \$250.00 and/or a jail term of 30 days for a misdemeanor of the fourth degree.

The Chairman said that absent to any comment to the contrary, General Counsel was directed to submit a rule change to bring the Commission's regulations in conformity with the state code.

The rule was, as follows:

"5537-6-01 Penalties.

"Whoever violates these rules is guilty, under section 5537.99 of the Revised Code, of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree."

The Executive Director said that several years ago the staff began reviewing the Commission's entire set of traffic rules and regulations to decide whether there might be some amendments desirable or necessary. He said that since a modification to the regulations had been called for by recent legislation, perhaps it were time to study all the rules for possible changes. He said the Ohio State Highway Patrol, which operated on the Turnpike under contract with the Commission to enforce the Commission's traffic rules and regulations, had some option in charging violators. He said the option was that troopers could charge violators either under the Commission's traffic rules and regulations or under the state code. He said that, for example, under the Commission's traffic rules and regulations, the penalty provision, before its revision as mentioned by General Counsel, the maximum sentence for a first offense was a \$50.00 fine, regardless of the nature of the offense. He said that, furthermore, points could not be charged against a driver's license for any traffic violation on the Turnpike under the Commission's traffic rules and regulations because the Attorney General had made a determination that the state law that created the point system did not apply to the Turnpike or that it was not a public highway under the definition of the point system law.

The Chairman said he was not aware that the State Highway Patrol had the option of utilizing two separate sets of traffic laws on Turnpike. He said that in a municipality, a city police officer had the option of charging either under the municipal code or the state code, the only distinction being that the proceeds of the fine went either to the state or the city. He asked the Executive Director whether or not proceeds from fines went to the Commission or the nearest municipality depending on which traffic violation laws were enforced.

The Executive Director said he did not know, offhand, how the proceeds from fines levied on the Turnpike were distributed but he did know that the Commission did not receive any funds from that source.

The Chairman said that since traffic violators were charged under the Commission's rules the Commission might be entitled to receive proceeds from traffic fines.

The Executive Director said he would look into that situation.

Mrs. Davidson said that the issuance of points for traffic violations on the Turnpike might dissuade patrons from exceeding the posted speed limits and, thus, reduce the number of fatalities on the road. She asked that the Executive Director review the Attorney General's ruling regarding charging of points on the Turnpike.

The Executive Director said he would examine the ruling and make a report at a future Commission meeting.

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

Mr. Fleischman said that, as the Executive Director had indicated, the annual inspection of Turnpike main line, bridge and buildings was in progress. He said there were some areas where it was felt immediate repair were necessary, which were reported to the Chief Engineer, and taken care of by Turnpike maintenance personnel. He said the inspection of buildings began the morning of the Commission meeting and, as the Executive Director had stated, special emphasis was to be given to the service plazas, particularly the fuel system, the service station areas, areas of possible energy conservation, such as insulation or improvements to the heating or air conditioning systems. He said a detailed inspection report was being prepared and would be forwarded to the Chief Engineer prior to the submission of the annual report.

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

Mr. Sesler said a tender offer for outstanding Turnpike bonds had just been completed. He said the settlement date would be July 19 and the Trustee had purchased \$173,000 face amount of bonds at an average price of 100.38. He said the high price was 101 and the low price was 99.75. He said that, as he had earlier indicated to the Executive Director, he had been under the impression that the bank had purchased a large block of bonds at around 98. He said, however, that when final negotiations were in progress the bondholder backed out, probably because he had been informed that he could get a better price on his bonds, which he could.

Mr. Sesler said further that, with regard to the bonds called on December 1, 1978, the amount of bonds still to be turned in for redemption was \$2,181,000, a little over 40 percent of the amount called.

The 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.

Mrs. Davidson said she was not comfortable with the statistics that have been in use regarding usage of the Turnpike by in-state and out-of-state drivers. She asked if traffic surveys might be conducted which would give a better indication how much traffic were generated by Ohio residents.

The Executive Director said the figures on Ohio and out-of-state vehicles on the Turnpike then in use were those which he had developed from available statistics. He said the only way of knowing the exact makeup of the traffic, short of asking every driver where he came from and where he was going, was to go through an origin and destination study. He said that he was in favor of conducting some thorough origin and destination studies involving stopping a sampling of drivers and asking them where they're coming from and where they're going and interpolating and extrapolating the information to the whole as a sample of traffic on the road. He said such an origin and destination report could be included in the consulting engineers' updated traffic forecast.

The Chairman asked if the computers could be utilized in the traffic study.

The Executive Director said certainly the computers would be used to compile the data, but it would actually be a ground work survey.

The Chairman asked if the survey would be conducted by the toll collectors.

The Executive Director said the survey would most likely be conducted at the toll plazas, but not by the toll collectors. He said he thought the last survey of that type was done in advance of the lanes as traffic was stopped in line.

Mrs. Davidson asked whether or not consideration had been given to distributing a response card indicating origin and destination along with the toll ticket.

The Executive Director said that he could see no reason why such a questionnaire could not be developed and possibly it could also contain questions about preferences for the future of the road.

Mr. Catlin said O. D. O. T had conducted surveys similar to that described quite often. He said motorists were asked two or three basic questions and then given a card with more detailed questions on it. He said that, of course, the response was not one hundred percent.

The Executive Director said the staff had an ideal opportunity to carry out a traffic survey in that all vehicles on the Turnpike had to exit at a toll plaza where questionnaires could be returned or they could be mailed in.

The Chairman said it did not appear to be necessary for the Commission to meet in August so, with the approval of the Members, the Commission would adjourn until September 11, 1979 subject to call.

Mr. Anderson indicated that he could have a conflict with that date.

The Chairman said the date of the next meeting would remain open until all the Members had been consulted.

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, 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. Catlin, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:25 a. m.

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



Ralph H. Anderson, Secretary-Treasurer