

MINUTES OF THE 328th MEETING OF THE OHIO TURNPIKE COMMISSION

April 13, 1981

Pursuant to bylaws the Ohio Turnpike Commission met in regular session at the AmeriTrust Bank Building at 33 North Third Street, Columbus, Ohio at 11:00 a.m. on April 13, 1981, 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; John W. Clark, Special Assistant to the Director of Transportation; and others in attendance.

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

Present: Charles R. Pinzone, Sandra D. Cooke, Clarence D. Rogers Jr.

Absent: Ralph H. Anderson, David L. Weir

The Chairman reported that the meeting was the 328th of the Ohio Turnpike Commission and it was being held at the AmeriTrust Bank Building at the invitation of the depository bank, AmeriTrust Co., for the convenience of the Columbus-area Members and participants. He said Mr. Anderson was out of the state and, therefore, he was unable to attend the meeting. He said Mr. Weir was enroute. He said a quorum was present and the official business of the Commission could be conducted.

A motion was made by Mrs. Cooke, seconded by Mr. Pinzone that the minutes of the meeting of February 24, 1981, 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 present responded to roll call. The vote was as follows:

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Rogers

Nays: None

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

(At this point, Mr. Weir entered the room and joined the meeting.)

The Chairman said that before continuing with his report, he wanted to welcome Charles R. Pinzone to his first meeting as a Commission Member. He said that Mr. Pinzone was a resident of the Cleveland area and had been appointed to the Commission on January 28 by Governor Rhodes to complete the unexpired term of

O. L. Teagarden, former Vice Chairman and Chairman of the Commission. He said the naming of Mr. Pinzone and Mrs. Cooke, who also joined the Commission on January 28, to Commission committees would be done at the next meeting.

The Chairman reported further that as was customary, he would briefly review the Turnpike's financial experience since the last Commission meeting. He said that after an extended period of declining revenues, it was somewhat encouraging to note that figures for the month of March and for the first quarter of 1981 showed that toll income was on the upswing and total revenues were slightly higher or equal with statistics compiled for the same revenue categories and time periods in 1980.

The Chairman reported further that passenger car tolls were up .2% in March and 1.3% in the first quarter of 1981, while commercial vehicle tolls increased 9.5% in March and 2.4% in the first quarter. He said total revenues edged ahead 2.1% in a March comparison, and were equal with first quarter 1980 numbers. He said service station income declined, primarily because of the lower-per-gallon rental paid under the new contract.

The Chairman reported further that even though commercial vehicle traffic long considered a barometer of the nation's economy, increased in the first quarter of 1981 versus 1980, it should be noted that the totals are still below those posted in 1979, a record year. He said, therefore, it would be premature to say that an economic recovery was currently in progress. He said that, rather, the Commission would closely monitor commercial traffic flow in the months ahead before making a substantive statement on that subject.

The Chairman reported further that, returning to the first quarter of 1981, monies held in the Commission's Redemption Account at the conclusion of 1980 were carried over and had been expended by the Commission's Trustee, BancOhio National Bank, to purchase additional bonds in the open market. He said bonds in the face amount of \$3,299,000 were purchased and the outstanding debt had been reduced to \$17,209,000 or only 5.2% of the original Turnpike construction bond offering of \$326,000,000.

The Chairman reported also that there were four resolutions to be considered by the Commission at the meeting. He said drafts of the resolutions, as well as bid tabulations, had been placed in the Members' folders. He said that since all four resolutions concerned remodeling projects at the Turnpike service stations, they would be explained by the Executive Director in his report for the Committee on Service Plazas.

The Chairman said that in the absence of any questions the report of the Chairman was accepted as offered. He said the report of the Assistant Secretary-Treasurer, Allan V. Johnson would be received.

Mr. Johnson said that since the last Commission meeting the following had been sent to all Members.

1. Weekly Statistics
2. Traffic Accident Summary Reports for February and March 1981
3. Investment Transactions which occurred during February and March 1981
4. Draft of Minutes of the February 24, 1981 Commission Meeting
5. Traffic and Revenue Reports for February and March 1981
6. Financial Statements for February and March 1981
7. Litigation Report for Quarter ending March 31, 1981

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

The vice chairman of the Committee on Budget and Finance, Mr. Johnson, said that for the first quarter of 1981 the Commission's expenses amounted to \$7,582,000 compared to the budgeted amount for the period of \$7,717,600, which meant the Commission was under budget approximately \$135,000, or about 1.8%.

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 vice chairman of the Committee on Service Plazas, Mr. Johnson, said that, as the Members knew from the action taken by the Commission at the meeting on February 24, 1981, all bids that had been received at that time for certain work in the Turnpike service plazas had been rejected. He said he and the staff had been instructed by the Commission to revise the plans and specifications and seek new bids. He said they were revised in a fashion that would best help to avoid any further legal action on the contracts. He said the new bids were opened on April 8, and tabulations of the bids had been furnished to all the Members.

Mr. Johnson said further that he safely could say at that moment the bidding procedure precluded additional legal action by those parties who sought to prevent the award of the previous contracts. He said certain of the bids contained deficiencies which excluded them from being awarded legally. He said the deficient bids had been marked on the bid tabulations. He said all the bids, including those containing deficiencies and especially those which were determined to be awarded legally, had been thoroughly analyzed by him, the Commission's consulting engineers, the Deputy Executive Director-Chief Engineer and General Counsel. He said there were ten separate contracts in that they had been

split into groups of four, and further split to allow individual bids to be made on the electrical, plumbing and general work. He said that as it turned out, his recommendation was to make awards to ten different contractors within the four groups.

Mr. Johnson said further that the total amount of all the bids had been lower than the estimate. He said it was difficult to make a comparison of the prior bids with the new ones with respect to cost because of the variances in the requirements of the two contracts. He said the total amount of all ten contracts was \$5,288,934 versus a \$5.7 million total for the bids received in February.

A resolution awarding Contract RMP 53-81-03 (Group A) for renovation of the fuel storage and fuel distribution systems at the Commission's service plazas, namely, Indian Meadow, Tiffin River, Oak Openings and Fallen Timbers was moved for adoption by Mr. Weir, seconded by Mr. Pinzone, as follows:

RESOLUTION NO. 5 - 1981

"WHEREAS, pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Indian Meadow, Tiffin River, Oak Openings and Fallen Timbers, and proof of said advertisement is before the Commission;

"WHEREAS, there are before this meeting the plans and forms of other contract documents for said contract, to-wit; forms of notice to bidders, instructions to bidders, proposal, contract bond, and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS, the Commission advertised for bids separately for the electrical work, plumbing work and general work to be performed under this contract, as well as for combinations of said work; namely, electrical and plumbing, general and plumbing, general and electrical. In addition, the Commission advertised for the performance of the entire work;

"WHEREAS, bids for the performance of said contracts have been received, and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

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

"WHEREAS, all of the aforesaid 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 W. E. Olson Electric, Inc., of Defiance,

Ohio, in the amount of \$246,000 for the performance of Item 1, electrical work; the bid of W. F. Plumbing & Heating, Inc. of Swanton, Ohio, in the amount of \$245,000 for the performance of Item 2, plumbing work; and the bid of The Miller Construction Company of Columbus, Ohio, in the amount of \$748,359 for the performance of Item 3, general work; have been determined by the Commission to be the lowest and best of all bids, and the Commission has been advised by its general counsel that said bids conform to the requirements of Section 5537.04 of the Revised Code of Ohio and to the terms, conditions and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bids as the lowest and best bids for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Indian Meadow, Tiffin River, Oak Openings and Fallen Timbers; and

"WHEREAS, the Commission is satisfied with the capacity of said bidders to perform their obligations pursuant to their proposals;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby approves, adopts and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Indian Meadow, Tiffin River, Oak Openings and Fallen Timbers, and that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contract be, and the same hereby is, ratified, approved and confirmed; and

"FURTHER RESOLVED that the bid of W. E. Olson Electric, Inc. in the amount of \$246,000 for the performance of Contract RMP 53-81-03, Group A, Item 1, and W. F. Plumbing & Heating, Inc. in the amount of \$245,000 for the performance of Contract RMP 53-81-03, Group A, Item 2, and The Miller Construction Company in the amount of \$748,359 for the performance of Contract RMP 53-81-03, Group A, Item 3, be and hereby they are, determined to be the lowest and best of all said bids for the aforesaid contract, and are accepted, and that the chairman and executive director, or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidders in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, (2) to return to the other bidders their bid security, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote of ayes and nays was taken and all Members present responded to roll call. The votes were as follows:

Ayes: Mr. Weir, Mr. Pinzone, Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with

all Members present voting in the affirmative. The resolution was identified as No. 5-1981.

The Chairman asked General Counsel whether he felt comfortable with the new bid procedure in light of the legal action taken against the Commission in February.

General Counsel, Francis K. Cole, said he felt comfortable with the new bids as far as their legality was concerned. He said that, in other words, he believed the Commission did not fight to retain the prior, simpler bidding procedure because of the impossibility of ascertaining what delays and problems might be encountered in the urgency of the work. He said he would recommend and suggest that the Commission proceed with other building work, such as was eliminated in the readvertising of bids, in such a manner to get the matter litigated and resolved. He said he would hope that the matter would be resolved in favor of the simpler bidding documents.

The Chairman said that at the same stage in the previous bidding process, the Commission was the defendant in a lawsuit, and the Commission had gotten past that legal hurdle.

General Counsel said that the Chairman was correct in his statement. He said the Commission had readvertised without including the specific building work, which gave the Commission an advantage if there were to have been a lawsuit. He said also that the Commission did comply, not with the statute under which the Commission was served in the first place, but with a similar statute which related to improvements other than to buildings. He said that he didn't believe either statute applied to the Commission. He said he would like to suggest that the Commission proceed with at least some of the building work eliminated from the second bidding, perhaps during the summer, so that any potential litigation would be out of the way.

A resolution awarding Contract RMP 53-81-03 (Group B) for renovation of the fuel storage and fuel distribution systems at the Commission's service plazas, namely, Blue Heron, Wyandot, Erie Islands and Commodore Perry was moved for adoption by Mr. Weir, seconded by Mrs. Cooke, as follows:

RESOLUTION NO. 6-1981

"WHEREAS, pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Blue Heron, Wyandot, Erie Islands and Commodore Perry, and proof of said advertisement is before the Commission;

"WHEREAS, there are before this meeting the plans and forms of other contract documents for said contract, to-wit: forms of notice to bidders, instructions to bidders, proposal,

contract bond, and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS, the Commission advertised for bids separately for the electrical work, plumbing work and general work to be performed under this contract, as well as for combinations of said work, namely, electrical and plumbing, general and plumbing, general and electrical. In addition, the Commission advertised for the performance of the entire work;

"WHEREAS, bids for the performance of said contracts have been received, and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

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

"WHEREAS, all of the aforesaid 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 Fought Electric Company of Lindsey, Ohio in the amount of \$224,998 for the performance of Item 1, electrical work; the bid of Busdiecker, Inc. of Woodville, Ohio in the amount of \$323,000 for the performance of Item 2, plumbing work; and the bid of The Miller Construction Company of Columbus, Ohio in the amount of \$783,539 for the performance of Item 3, general work; have been determined by the Commission to be the lowest and best of all bids, and the Commission has been advised by its general counsel that said bids conform to the requirements of Section 5537.04 of the Revised Code of Ohio and to the terms, conditions and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bids as the lowest and best bids for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Blue Heron, Wyandot, Erie Islands and Commodore Perry; and

"WHEREAS, the Commission is satisfied with the capacity of said bidders to perform their obligations pursuant to their proposals;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby approves, adopts, and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas; namely, Blue Heron, Wyandot, Erie Islands and Commodore Perry, and that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contract be, and the same hereby

is, ratified, approved and confirmed; and

"FURTHER RESOLVED that the bid of Fought Electric Company in the amount of \$224,998 for the performance of Contract RMP 53-81-03, Group B, Item 1, and Busdiecker, Inc. in the amount of \$323,000 for the performance of Contract RMP 53-81-03, Group B, Item 2, and The Miller Construction Company in the amount of \$783,539 for the performance of Contract RMP 53-81-03, Group B, Item 3, be and hereby they are, determined to be the lowest and best of all said bids for the aforesaid contract, and are accepted, and that the chairman and executive director, or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidders in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, (2) to return to the other bidders their bid security, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mrs. Cooke, Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution adopted with all Members present voting in the affirmative. The resolution was identified as No. 6-1981.

A resolution awarding Contract RMP 53-81-03 (Group C) for renovation of the fuel storage and fuel distribution systems at the Commission's service plazas, namely, Middle Ridge, Vermilion Valley, Great Lakes and Towpath was moved for adoption by Mr. Pinzone, seconded by Mrs. Cooke, as follows:

RESOLUTION NO. 7-1981

"WHEREAS, pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Middle Ridge, Vermilion Valley, Great Lakes and Towpath, and proof of said advertisement is before the Commission;

"WHEREAS, there are before this meeting the plans and forms of other contract documents for said contract, to-wit: forms of notice to bidders, instructions to bidders, proposal, contract bond, and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS, the Commission advertised for bids separately for the electrical work, plumbing work and general work to be performed under this contract, as well as for combinations of said work, namely, electrical and plumbing, general and plumbing, general and electrical. In addition, the Commission advertised for the performance



of the entire work;

"WHEREAS, bids for the performance of said contracts have been received, and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

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

"WHEREAS, all of the aforesaid 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 Higgins Electric Company of Elyria, Ohio in the amount of \$201,288 for the performance of Item 1, electrical work; and the combination bid of National Engineering & Contracting Company of Strongsville, Ohio in the amount of \$1,104,000 for the performance of Item 5, general work and plumbing work; have been determined by the Commission to be the lowest and best of all bids, and the Commission has been advised by its general counsel that said bids conform to the requirements of Section 5537.04 of the Revised Code of Ohio and to the terms, conditions and specifications in the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bids as the lowest and best bids for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Middle Ridge, Vermilion Valley, Great Lakes and Towpath; and

"WHEREAS, the Commission is satisfied with the capacity of said bidders to perform their obligations pursuant to their proposals;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby approves, adopts and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Middle Ridge, Vermilion Valley, Great Lakes and Towpath, and that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contract be, and the same hereby is, ratified, approved and confirmed; and

"FURTHER RESOLVED that the bid of Higgins Electric Company in the amount of \$201,288 for the performance of Contract RMP 53-81-03, Group C, Item 1, and National Engineering & Contracting Company in the amount of \$1,104,000 for the performance of Contract RMP 53-81-03, Group C, Item 5, be and hereby they are, determined to be the lowest and best of all said bids for the aforesaid contract, and are accepted, and that the chairman and executive

director, or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidders in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, (2) to return to the other bidders their bid security, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Pinzone, Mrs. Cooke, Mr. Weir, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 7-1981.

A resolution awarding Contract RMP 53-81-03 (Group D) for renovation of the fuel storage and fuel distribution systems at the Commission's service plazas, namely, Portage, Brady's Leap, Mahoning Valley and Glacier Hills was moved for adoption by Mrs. Cooke, seconded by Mr. Weir as follows:

RESOLUTION NO. 8-1981

"WHEREAS, pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Portage, Brady's Leap, Mahoning Valley and Glacier Hills, and proof of said advertisement is before the Commission;

"WHEREAS, there are before this meeting the plans and forms of other contract documents for said contract, to-wit: forms of notice to bidders, instructions to bidders, proposal, contract bond, and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS, the Commission advertised for bids separately for the electrical work, plumbing work and general work to be performed under this contract, as well as for combinations of said work, namely, electrical and plumbing, general and plumbing, general and electrical. In addition, the Commission advertised for the performance of the entire work;

"WHEREAS, bids for the performance of said contracts have been received, and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

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

"WHEREAS, all of the aforesaid 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 Conti Corporation of Lowellville, Ohio, in the amount of \$319,000 for the performance of Item 2, plumbing work; and the combination bid of Daniel A. Terreri & Sons, Inc. of Youngstown, Ohio in the amount of \$1,093,750 for the performance of Item 6, general work and electrical work, have been determined by the Commission to be the lowest and best of all bids, and the Commission has been advised by its general counsel that said bids conform to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bids as the lowest and best bids for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Portage, Brady's Leap, Mahoning Valley and Glacier Hills; and

"WHEREAS, the Commission is satisfied with the capacity of said bidders to perform their obligations pursuant to their proposals;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby approves, adopts and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for the renovation of the fuel storage and fuel distribution systems at four of the Commission's service plazas, namely, Portage, Brady's Leap, Mahoning Valley and Glacier Hills; and that all action heretofore taken by the executive director, chief engineer, and general counsel, and any of them, with reference to said contract be, and the same hereby is, ratified, approved and confirmed; and

"FURTHER RESOLVED that the bid of The Conti Corporation in the amount of \$319,000 for the performance of Contract RMP 53-81-03, Group D, Item 2; and the combination bid of Daniel A. Terreri & Sons, Inc. in the amount of \$1,093,750 for the performance of Contract RMP 53-81-03, Group D, Item 6, be and hereby they are, determined to be the lowest and best of all said bids for the aforesaid contract, and are accepted, and that the chairman and executive director, or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidders in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, (2) to return to the other bidders their bid security, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mrs. Cooke, Mr. Weir, Mr. Pinzone, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 8-1981.

Mr. Johnson said also that he had one additional item to report on with regard to the Committee on Service Plazas. He said that at the last meeting he informed the Commission that discussions were being held with the restaurant concessionaires about extending their contracts. He said the current contracts, had they not been extended, would expire on September 30, 1981. He said the contracts had been extended, and he had furnished copies of the correspondence, in which that was accomplished, to the Commission Members.

Mrs. Cooke asked Mr. Johnson what plans had been made concerning upkeep and redecorating work to the restaurants.

Mr. Johnson said that a decision on such work had not been decided. He said the extension times of the two contracts, which could be for one or more two-year periods, were not the same. He said Gladieux Corporation requested only one, two-year period of extension, so their contract will extend to September 30, 1983. He said Howard Johnson Company asked for two, two-year periods, so their contract will extend to September 30, 1985. He said both concessionaires had a clear understanding that the Commission might not have jurisdiction over the Turnpike for the extended period of the restaurant contracts. He said the contracts provided that if the Commission's jurisdiction ceased, the contracts could be cancelled.

Mr. Johnson said further that Howard Johnson's main concern involved some of the equipment in the kitchen areas, mainly the dishwashing equipment. He said the dishwashing equipment was one of the big energy users in the restaurants. He said there were new kinds of cold water dishwashers that were available, which conformed to health code requirements and also saved a tremendous amount of money on heating fuel. He said the kitchens would be one of the next areas to be examined for possible renovation. He said the Commission was entirely in favor of making energy saving changes to the restaurants because 15% of the concessionaires' monthly heating fuel oil and electricity costs would be paid by the Commission, as specified in the new restaurant contract extensions effective January 1, 1981. He said he would keep the Commission informed of any other areas of restaurant modifications when they become known.

Mrs. Cooke said that, with the date of final Turnpike bond payoff approaching, she doubted that the restaurant concessionaires would be interested in putting a great deal of money into visible redecorating. She asked Mr. Johnson if he thought the concessionaires would be willing to become more involved in remodeling the restaurants in the event tolls were continued on the Turnpike, after the bonds were retired and the Commission continued control over the road.

Mr. Johnson said that he did not have any doubt the concessionaires would be willing to spend some money on restaurant renovation if tolls were continued. He said that, of course, the major reason the Commission had authorized the contracts for remodeling of the service stations was the fact that the plazas would remain in operation regardless of whether or not the Turnpike will be turned over to the state. He said that, besides the installation of all new underground fuel storage, distribution and fuel dispensing systems, canopies will be put over all service station fuel dispensing islands. He said the

canopies would be placed both in front of the service stations and beside the plaza buildings for commercial vehicles to protect patrons using the self-service pumps.

Mr. Johnson said further that he did not believe the Commission just could make improvements in the service stations and neglect the restaurants. He said the Commission would do additional renovation work to the restaurants to make sure the entire service plazas stayed in first class condition. He said the Commission had been making improvements one step at a time. He said the Commission had completed extensive expansion and remodeling of all rest room facilities late in 1980. He said the cost of that two-year project had been over \$4 million. He said the cost of the service station renovation amounted to around \$9 million. He said the Commission will have spent approximately \$13 million for revamping the service plazas in just over two years, thus stretching the limit of the Commission's budget ability at the present time. He said future projects at the service plazas would, of course, depend upon the availability of Turnpike revenue funds.

The Chairman asked Mr. Johnson whether or not some provision had been made to supply fuel for passenger cars powered by diesel engines without operators of those vehicles having to use pumps designated for trucks.

Mr. Johnson said diesel fuel pumps would be installed at the islands in front of the service stations, which were reserved for passenger cars.

Mr. Johnson said further that all the service station remodeling would be completed in October. He said that meant the work would be done during the summer months, but every effort would be made to keep patron inconvenience to a minimum.

The 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, said that he wanted to comment on the litigation which he had mentioned at the last Commission meeting when the bids on contracts for renovation work at the Turnpike's service stations had been rejected. He said O.D.O.T had been in the process of going to the Ohio Supreme Court to challenge a previous court order which required O.D.O.T to separate all construction contracts into individual trade groupings, electrical work, plumbing, etc., and advertise for bids accordingly. He said bids were opened the Tuesday prior to the Commission meeting on a project which had been broken down by trades and O.D.O.T. had failed to receive bids in one of the groupings. He said other bids were accepted for part of the work, but not enough to get the project going. He said O.D.O.T. was in the process of looking at remedies for that kind of problem.

Mr. Weir said also that the U.S. Department of Transportation had sent to Congress a federal highway legislative proposal as part

of the 1982 budget process which included modifications to the existing Surface Transportation Assistance Act of 1978.

Mr. Weir said further that the legislation would allow funding for construction of Interstate gap sections at only a minimum level of acceptable service. He said part of the minimum would require that Interstate gaps be designed to provide not less or more than four lanes in rural areas and all urban areas under 400,000 population, and up to six lanes in urbanized areas of more than 400,000 population. He said the legislation had passed out of the Senate and was in the House. He said a deadline on the legislation had been set for some time in May in order that it might be ready for the fiscal year beginning October 1.

Mr. Weir said further that the Ohio Department of Transportation had provided the U. S. Department of Transportation with an analysis of state highway needs which listed requirements for completion of Interstate gap sections, road maintenance and safety projects. He said the draft legislation would expand the current 3-R program, resurfacing, restoration, and rehabilitation, by adding reconstruction, and effective October 1, 1981, the federal share for Interstate 4-R projects would rise from 75 to 90 percent.

Mr. Weir said further that early drafts of the legislation contained language that tripartite agreements among the federal government, states and toll road authorities concerning requirements that the roads become free of tolls, once the bonds sold to construct them had been retired, would no longer be valid. He said that there was even mention that federal money allotted to the states to build approaches to toll road connections with Interstate routes, which became available as a result of the tripartite agreements, would not have to be repaid should the roads continue indefinitely as toll facilities. He said the language pertaining to the voiding of tripartite agreements had been dropped in the final draft of the legislation.

Mr. Johnson said that he had no doubts that the four and six lane restrictions on Interstate gaps in relation to passage through rural and urban areas would have some bearing on the Turnpike and the environmental and engineering studies pertaining to the future of the road. He said he would like to examine in detail the proposed legislation as it defined a population area. He said that earlier estimates included in the needs study to complete the Interstate system did call for adding additional lanes on the Turnpike all the way from Exit 5 (Stony Ridge-Toledo) to Exit 12 (Akron), approximately one hundred miles of road. He said all of that one hundred miles certainly could not be considered as passing through urban areas of more than 400,000 population. He said that if the proposed legislation received approval it would affect the outcome of the environmental and engineering studies.

Mr. Weir said he would furnish Mr. Johnson with a copy of the early drafts of the legislation having to do with voiding the tripartite agreements. He said the deadline for starting construction on the Interstate gaps continued to be 1986. He said a

good point was that the federal Highway Trust Fund would be extended for six years, to September 30, 1990. He said that, as it now stood, federal money would not be enough to fill the 14 gaps in Ohio's portion of the Interstate Highway System.

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, said that the Turnpike's safety record, which was usually reported in the form of accidents and particularly in fatal accidents, had been outstanding of late. He said that, in fact, only two fatalities on the road had been recorded for the last six months. He said one of the fatalities had occurred in January, and it was a freak accident which occurred in a fog when a chain reaction set of accidents took place and two people were accidentally killed by stepping over a bridge railing. He said they apparently didn't know they were on a bridge. He said the deaths of those persons, who had stepped off the bridge, were not counted as Turnpike fatalities. He said the other listed fatality had been recorded the week before the meeting. He said that, therefore, there had been but one fatality in over six months. He said he believed the Turnpike's safety record had been excellent and hoped that it continued.

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, Mr. Johnson, said that the new toll interchange with Interstate Route 480 at the Lorain-Cuyahoga County lines was ready to be opened on Thursday, April 16 at 11:00 a.m. He said there had been some delay in the opening because of problems encountered in installing the computerized toll equipment. He said there would be some modest opening ceremonies and the Members were invited to attend.

The Executive Director said also that a separate traffic engineering consultant had been approved to participate in the consulting engineers' study of the Turnpike's toll rates. He said the firm was Wilbur Smith and Associates, one of the premier traffic consultants in the country. He said he expected some of the traffic portion of the study to get under way within a month. He said that, however, he didn't foresee the study to be finished for at least six months, probably in October.

The Executive Director said further that he believed the study would cover more than just toll rates. He said that since the Commission was so close to paying off the last bonds, with only a little more than \$17 million left, the study should also examine how the operation would be phased out, what revenues were going to be needed to cover expenses to accomplish the job, and what time period would be involved. He said the study was more complicated than it would be if the Commission only had to look at one year to find out how revenues would be increased to the level to comply with bond purchase requirements of the Trust Agreement. He said

the Commission would be kept informed of the study's progress.

The Executive Director said the Commission had an interest in Senate Bill 100, a bill to increase the state fuel tax. He said that, ordinarily, the Commission would not be concerned with such a bill because fuel tax money did not go to the Turnpike. He said that, as the Members were aware, he did suggest to the Senate committee hearing the bill that consideration might be given, if they were going to increase the state fuel tax, to either exempting the Turnpike users from the additional tax or to giving the additional tax to the Commission, since the state and federal fuel taxes paid by Turnpike patrons have, in his estimation, amounted to over \$335 million since the road opened. He said that the week before the Commission meeting a subcommittee did pass the bill and, rather than act on his proposals, amended it to allow the additional tax, if it is charged, generated by the fuel sold at Turnpike service plazas to be credited to the Commission's expenses incurred as the result of its contract with the Ohio State Highway Patrol.

The Executive Director said further that he had been told the wording regarding the fuel tax arrangement with the Commission had yet to be drafted. He said he had no idea whether the amendment would survive the full committee or the full Senate or the General Assembly. He said he had made the point as a matter of principle. He said he thought the subcommittee agreed that it was a matter of principle and some adjustments should be made because the Turnpike users hadn't gotten the advantage of any of the taxes they paid. He said if the fuel tax increase was 3 cents a gallon and the Turnpike's fuel sales were 50 million gallons, which it could be, the resulting tax total would be \$1.5 million. He said he was sure Mr. Weir would like to have the money for the state. He said, however, that the \$1.5 million would be only a small percentage of a 3 cent added tax collected throughout the state.

Mr. Weir said he had not opposed either Mr. Johnson's initial proposal or the amendment to the bill, but he did want to point out that O.D.O.T. received just 45% of state fuel tax proceeds.

Mrs. Cooke asked Mr. Johnson what was the annual expense to the Commission for the Ohio State Highway Patrol.

Mr. Johnson said that the Commission budgeted \$3.1 million for Patrol expense in 1981. He said the budgeted figure did not cover the office space provided to the Patrol for a district headquarters, located in the Commission's Berea administration building, or for posts at three maintenance buildings. He said also that the Patrol's secretarial personnel were employees of the Commission. He said that if the Commission did receive approximately \$1.5 million annually in exempted fuel tax funds it would not cover the total Patrol expense.

The Chairman said that, in the event the amendment to the fuel tax increase bill was passed, the Commission would probably be questioned about the legality of accepting state tax revenues, something that had never been done before. He said he could envision the Auditor of State setting up an office at the Commission's administration building.

Mr. Johnson said the Auditor of State already had that right,



but had not done so.

Mrs. Cooke asked Mr. Johnson if there might be another way to credit the \$1.5 million to avoid possible tax acceptance problems.

Mr. Johnson said that, although the amendment language had yet to be written, he thought a method of having the money earmarked for the State's general fund to offset the Commission's Patrol expense, instead of it being paid directly to the Commission, would lessen the chances of any problems. He said he was certain the Commission would want to look at the final draft of the amendment to avoid complications.

Mr. Weir said another difficulty was that the Department of Highway Safety, the state agency of which the Ohio State Highway Patrol is a part, has traditionally been separated from the general revenue budget and placed in O.D.O.T.'s budget. He said the operating expenses of the Highway Safety Department not covered by fees, fines, and vehicle registrations were paid for from gasoline tax revenues.

The Executive Director said the environmental and engineering studies were continuing. He said the consultant, Dalton-Dalton-Newport, had been refining some of the earlier potential interchange layouts and completing traffic forecasts. He said the next series of public meetings were scheduled to be held early in June.

The Executive Director said the Deputy Executive Director-Chief Engineer, G. Alan Plain, would present a brief report on Turnpike construction projects.

Mr. Plain said a salt storage dome was being built at each of the four maintenance buildings in the western division. He said an added exit lane constructed by Turnpike maintenance employees at Exit 5 (Stony Ridge-Toledo) opened on Wednesday, April 8. He said repairs to the Vermilion River bridges should be finished by the end of April. He said resurfacing of 11.7 miles of Turnpike mainline using recycled asphalt in the base course was on schedule. He said there would be no work on the Vermilion River bridge project or the resurfacing from Thursday night, April 16 until Tuesday morning, April 21 because of the Easter holiday weekend.

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

Mr. Cole said he had read in a newsletter to which he subscribed that the federal government had discontinued the practice of hiring construction managers to deal separately with various trade groups. He said the government had apparently reverted to the general contracting approach, something the Commission had done up to the time of the recent court action. He said he hoped the Commission could again utilize the general contracting method.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained there would be no reports from the consulting engineers, Trustee or Director of Information and Research.

The Chairman said the Commission would hold its next meeting in June, a date and time to be determined after consultation with the Members.

There being no further business to come before the Commission, a motion was made by Mrs. Cooke, seconded by Mr. Pinzone that the meeting adjourn, subject to call of the Chairman.


A vote by ayes and nays was taken and all Members present responded to roll call.

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Weir, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:11 p.m.

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



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Allan V. Johnson  
Assistant Secretary Treasurer