

MINUTES OF THE 334TH MEETING OF THE OHIO TURNPIKE COMMISSION

August 10, 1982

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 10:30 a.m. on August 10, 1982, with key members of the staff; a representative, William R. Fleischman of the consulting engineers, J. E. Greiner Company - Ohio; a representative, P. Joseph Sesler, of the trustee, the BancOhio National Bank; John W. Clark, Special Assistant to the Director of Transportation; a member of the press, Lee Leonard, United Press International; 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: David L. Weir, Charles R. Pinzone, Sandra D. Cooke, William H. Schneider, Clarence D. Rogers, Jr.

Absent: None

A motion was made by Mr. Pinzone, seconded by Mrs. Cooke, that the minutes of the meeting of April 30, 1982, which had been examined by the Members and on which the corrections suggested by the Members had been made, be approved without reading.

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

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

Nays: None

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

The Chairman reported that the meeting was the 334th of the Ohio Turnpike Commission. He said the Commission had quite a number of business matters before it, and Mr. Pinzone and he had to return to Cleveland so he would dispense with his normal review of the Commission's financial experience. He said aspects of that experience would be mentioned in the various committee reports and resolution presented during the meeting.

The Chairman reported further that before proceeding with his report, he wanted to note that Ralph Anderson, the Commission Secretary Treasurer, died on May 17th after a long illness. He said Mr. Anderson had been a Commission Member for over 10 years. He said a resolution had been prepared to offer the sympathy of the Commission to Mr. Anderson's widow and family.

A resolution expressing the Commission's sorrow and extending

sympathy to the widow and children on the death of Ralph H. Anderson was moved for adoption by Mr. Weir, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 6-1982

"WHEREAS, the Commission suffered a grievous loss in the death on May 17, 1982 of Ralph H. Anderson, member and secretary-treasurer of the Commission;

"WHEREAS, Mr. Anderson maintained a keen interest in the affairs of the Commission and was highly respected both by his fellow Commission members and by the employees of the Commission, as well as those who knew him in many other walks of life, for his sincerity and acumen in dealing with the broad range of concerns to which he addressed himself;

"WHEREAS, Mr. Anderson was a member of the Commission since 1972 and served as its secretary-treasurer and chairman of the Budget and Finance Committee since 1974; and

"WHEREAS, Mr. Anderson's achievements in the building industry, as chairman of the board of Anderson Concrete Company, were widely known and appreciated by diverse elements of that industry and his contributions of time, effort, and exceptional talent to varied governmental and civic projects were not only an indication of the scope of his interest and of his concern and zeal for the well-being of others, but also were highly effective in advancing the purposes to which they were directed;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Ohio Turnpike Commission, on behalf of said Commission, its members individually, its staff and employees, hereby expresses its sorrow upon the death of Ralph H. Anderson and tenders to Nancy Anderson, his widow, his four children, and the others in his family its deepest sympathy in their tragic loss; and

"FURTHER RESOLVED that the assistant secretary-treasurer be directed to send a copy of this resolution to the widow and family of Ralph H. Anderson."

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was No. 6-1982.

The Executive Director, Allan V. Johnson, said he talked to Mr. Anderson's sons and widow and had invited them to the Commission meeting. He said, unfortunately, they were unable to attend. He said copies of the resolution would be forwarded to them.

The Chairman reported further that he wanted to welcome William Schneider to his first meeting as a Commission Member. He said Mr. Schneider had been appointed to the Commission by Governor James A. Rhodes on May 20, 1982, to serve the remainder of the unexpired term of Mr. Anderson. He said Mr. Schneider had taken the required oath, arranged for the necessary bond and, therefore, was a qualified Member and could vote. He said Mr. Schneider's appointment had been submitted to the Ohio Senate for confirmation. He said that since the meeting was Mr. Schneider's first and Mr. Schneider would still be getting acquainted with the Commission, he would wait to assign Mr. Schneider to any committees. He said the other Members did look forward, however, to Mr. Schneider's participation in the activities of the Commission.

The Chairman reported further that in accordance with the Turnpike Act and the Commission's Code of Bylaws, the Commission would hold an election of a Secretary-Treasurer, conducted by nominations and voting, and confirmed by a resolution so that the action would appear in the Journal of the Commission. He said he would accept nominations for the office of Secretary-Treasurer.

A nomination of Charles R. Pinzone for Secretary-Treasurer was made by Mrs. Cooke, seconded by Mr. Weir. The Chairman asked if there were any other nominations, and, there being none, he declared the nominations closed.

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

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

Nays: None

The Chairman declared Mr. Pinzone was elected Secretary-Treasurer of the Commission.

A resolution confirming election of Charles R. Pinzone as Secretary-Treasurer was moved for adoption by Mrs. Cooke, seconded by Mr. Weir, as follows:

RESOLUTION NO. 7-1982

"RESOLVED that the election of Charles R. Pinzone 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 for the unexpired term of the late secretary-treasurer, Ralph H. Anderson, 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: Mrs. Cooke, Mr. Weir, Mr. Schneider, Mr. Pinzone,  
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 7-1982.

The Chairman said it was the duty of the Secretary-Treasurer to appoint an Assistant Secretary-Treasurer and ask for assent of the other Members to the appointment in accordance with the Bylaws. He said he, therefore, would ask Mr. Pinzone to appoint an Assistant Secretary-Treasurer.

Mr. Pinzone said he reappointed Mr. Johnson as Assistant Secretary-Treasurer.

The Chairman asked the Members if Mr. Johnson's reappointment had their assent. All Members responded in the affirmative. The Chairman declared that Mr. Johnson had been duly reappointed as Assistant Secretary-Treasurer.

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 Secretary-Treasurer, Mr. Johnson for Mr. Pinzone, would be received.

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

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during March, April, May, June and July 1982.
3. Financial Statements for March 31, April 30, May 31 and June 30, 1982.
4. Traffic and Revenue Report for March, April, May and June 1982
5. Traffic Accident Summary Report for March, April, May and June 1982.

6. Expense and Budget Report for First Quarter 1982 and First Half of 1982
7. Draft of Minutes of the regular Commission Meeting held March 11, 1982, and the Special Commission Meeting held April 30, 1982
8. Litigation Report for Quarter ending March 31 and June 30, 1982

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 vice chairman of the Committee on Budget and Finance, Mr. Johnson, said that for the first seven months of 1982, expenses were some \$40,000, or 2.1 percent under the operating budget of \$19 million for that period. He said he hoped that trend continued for the remainder of 1982.

Mr. Johnson said further that the Commission's department heads were preparing the preliminary budget for 1983. He said the preliminary budget would be completed and reviewed with the Committee on Budget and Finance in time for it to be presented to the Commission for adoption before October 20th, a requirement of a covenant in the Trust Agreement.

Mr. Johnson said also that when the Commission adopted the new toll rate schedule at its meeting on December 17, 1981, which went into effect on February 1, 1982, it also accepted a recommendation of the consulting engineers that the outstanding Turnpike bonds be paid off in equal annual amounts of \$4,811,000 in each year of 1982, 1983, and 1984. He said that during the first seven months of 1982, \$4,482,000 face amount of bonds had been retired, leaving \$329,000 yet to be retired in 1982 to meet that schedule.

Mr. Johnson said further that because of the rather rigid restrictions in the Trust Agreement concerning the deposit and transfer of funds in the Commission's various accounts, all revenues, beyond operating budget requirements, were being deposited into the Reserve Maintenance Fund. He said there was a provision in the Trust Agreement that permitted transfer of funds from the Reserve Maintenance Fund to the Redemption Account if the Commission received a certificate from the consulting engineers indicating such a transfer could be made. He said a resolution adopted by the Commission directing that the trustee make such a transfer also was required.

Mr. Johnson said further that the depressed state of the nation's economy had resulted in a decline of commercial traffic on the Turnpike during the seven months of 1982. He said he asked the consulting engineers to review their revenue projections as included in their toll rate study. He said he asked them to give the Commission revised revenue projections on a monthly basis for

the remaining months of 1982, as well as for the twelve months of 1983.

Mr. Johnson said further that the consulting engineers had presented such a revised revenue projection to him in a letter dated August 5, 1982. He said a copy of that letter had been placed in each Member's folder. He said that included in the letter was the consultant's certification that the \$329,000 necessary to complete the bond retirements for 1982 could be transferred from the Reserve Maintenance Fund to the Redemption Account. He said a resolution summarizing what he had explained had been prepared directing the trustee to transfer the necessary funds from the Reserve Maintenance Fund into the Redemption Account.

Mr. Johnson said further that the action was being taken at that time so the Trustee would have an opportunity and chance to acquire the remaining bonds in the open market before it became necessary for another bond call. He said a bond call would be required if the \$329,000 remained in the Redemption Account on or around October 15. He said it had been very difficult for the trustee to acquire outstanding bonds, even in small amounts, in the open market.

Mr. Johnson said further that the purchase of \$329,000 face amount of bonds would reduce the remaining debt to \$9,622,000 at the end of 1982. He said he expected that in the future the same procedure would be used for transferring funds from the Reserve Maintenance Fund into the Redemption Account in order to acquire and retire outstanding bonds in 1983 and 1984.

The Chairman said that before the Members acted on a resolution authorizing the transfer of funds for bond redemptions he wanted General Counsel's opinion on the resolution.

General Counsel, James C. McGrath, said the resolution complied with section 509 of the Trust Agreement.

The Chairman asked the representative of the trustee, Mr. Sesler, if there were any problems concerning the resolution.

Mr. Sesler said there were no problems as far as the trustee was concerned.

A resolution authorizing the transfer of moneys from the Reserve Maintenance Fund to the Redemption Account was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION No. 8-1982

"WHEREAS, section 509 of the trust agreement of June 1, 1952 by and between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, (now BancOhio National Bank), as trustee, and The National City Bank of New York (now Citibank, N.A.), as

co-trustee, provides that the trustee shall from time to time transfer any moneys from the Reserve Maintenance Fund to the credit of the Redemption Account upon receipt of a certified copy of a resolution duly adopted by the Commission directing such transfer, and a certificate of the consulting engineers certifying that the amount so to be transferred is not required for the purposes for which the Reserve Maintenance Fund has been created; and

"WHEREAS, a certificate has been received by the Commission from the consulting engineers certifying that the amount of \$329,000 is not required for the purposes for which the Reserve Maintenance Fund has been created;

"NOW, THEREFORE, BE IT

"RESOLVED that the trustee, The Ohio National Bank of Columbus (now BancOhio National Bank), upon receipt of the certificate of the consulting engineers, and upon receipt of a certified copy of this resolution, be, and said trustee hereby is directed to transfer forthwith \$329,000 from the Reserve Maintenance Fund to the credit of the Redemption Account, all in accordance with section 509 of the trust agreement."

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. Pinzone, Mr. Weir, Mr. Schneider,  
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was No. 8-1982.

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, Mrs. Cooke, said that planning and work had progressed on a number of projects involving the continuing program of renovating and modernizing the sixteen service plazas.

Mrs. Cooke said further that first, work was almost complete on a project to renovate the service station work bay and office areas at four of the plazas. She said that was work that originally had been included in the larger service station fuel storage, distribution and dispensing system renovation and modernization program which had been bid last year. She said it had been eliminated from the large contracts to get around a lawsuit filed against the Commission which threatened to delay and disrupt the larger contracts. She said that although the thrust of the lawsuit had been that the law required separate general, electrical and plumbing contracts, it had been the Commission's contention that that law did not apply to the Commission, and the recently completed contract had been bid as a

single contract and no suit had been filed.

Mrs. Cooke said further that, in addition, a single general contract had recently been awarded for work at the Fallen Timbers plaza in cooperation with the restaurant operator, Gladieux Corp., to change from the then current cafeteria-snack bar method of operation to that of an old-fashioned general store, where patrons could buy a variety of food products from display cases. She said the new operation would feature a sit-down dining room with waitresses. She said there would also be a truckers' lounge. She said part of the project would be to relocate the main entrance directly into the large outer lobby and new, energy-efficient windows, as well as extensive insulation, would be installed.

Mrs. Cooke said further that it was her understanding that the modifications would be ready for use by the middle or end of October.

The Executive Director said they should be in use before Thanksgiving. He said it was a fairly extensive project and it had been bid about a month later than the Commission's staff had hoped.

Mrs. Cooke said further that, next, plans were expected to be completed by late August to provide for renovation, enlarging in some cases, and for building truckers' showers at plazas where they did not already exist.

Mrs. Cooke said further that plans were completed and bids would be solicited shortly on projects to resurface the parking areas at four of the plazas. She said that at two of the four, the truck parking areas would be enlarged to accommodate the overflow of trucks that had been using those plazas at night. She said the Executive Director would discuss those projects further when he presented a resolution authorizing the award of contracts for those, and other projects.

Mrs. Cooke said also that she had been at the Commission's administration building in Berea the week before the Commission meeting to meet with members of the Committee on Service Plazas, Parker Anderson of Oasis Petroleum Corporation and Thomas Fronizer of Gladieux Corporation. She said Mr. Anderson and Mr. Fronizer were both interested in a sales promotion at the Turnpike service plazas. She said they proposed handing out coupons to service plaza patrons for instant rewards such as a free gallon of gasoline or free cup of coffee. She said they were hoping to begin the promotion by October 1.

The Executive Director said the promotion would also include the Howard Johnson Company. He said all three concessionaires were striving to begin the promotion in October, although a lot of background work had yet to be done on such things as legal requirements. He said the concessionaires were handling all aspects of the promotion. He said similar sales promotions were



being done everywhere and he thought they might stimulate use of the service stations and restaurants on the Turnpike.

Mrs. Cooke said Oasis had used the promotions extensively at their outlets not on the Turnpike. She said the concessionaires had requested the Commission consider a \$.50 reduction in tolls. She said the Executive Director felt that that was something that would not be possible. She said the concessionaires were talking about spending \$80,000 to do the sales promotion.

Mr. Weir asked who would be handing out the coupons.

The Executive Director said that it had been suggested that the coupons be handed out at the toll booths. He said he might be agreeable to do it on a short-term basis. He said that distribution of the coupons over a long period of time could complicate the work of the toll collectors. He said collectors in entry lanes already handed out toll tickets and the coupons could be distributed at those points. He said the committee had been asked to consider handing out something on exit to try to get repeat business. He said the committee would probably not go along with that suggestion because collectors in exit lanes were busy collecting money and giving change. He said he didn't want to do something that might create delays in processing the traffic.

Mr. Weir said he was personally opposed to having Commission employees handing out such coupons. He said that if the concessionaires want to conduct a sales promotion he thought they should have total responsibility for its implementation.

The Executive Director said he had expressed that concern to the concessionaires. He said another area of concern was the fact that the automatic entry lanes for passenger cars issued toll tickets to about half the vehicles in that category and coupons could not be dispensed from those machines. He said the program would not be started without approval from the Commission Members.

The Chairman asked the Executive Director to inform the Commission of all details concerning the sales promotion.

The Executive Director said that that would be done.

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, said he did not have a formal report but expected to soon receive requests from the various employee groups to schedule their annual meetings with the committee.

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. Weir said he wanted to mention that contracts awarded by O.D.O.T. to private contractors for various projects in the seven months of 1982 exceeded those awarded in the same period of 1981 by \$102 million. He said increased state fuel taxes aided in financing the additional highway improvements.

Mr. Weir said also that the 1978 Surface Transportation Act, the federal-aid highway program, would expire 51 days from the date of the Commission's meeting. He said he expected that a one-year extension of the Act would be approved by both the U. S. Senate and House of Representatives after the general elections in November. He said that in 1983 there would probably be a push for another surface transportation act of four years duration. He said the Commission and O.D.O.T. should be prepared to add amendments to the new act which would be beneficial to state highways and the Turnpike. He said also of interest would be any further definitions to the four R programs--resurfacing, restoration, rehabilitation and reconstruction.

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. Pinzone, said the safety record on the Turnpike had been excellent for the seven months of 1982. He said there had been only seven fatalities compared to sixteen in the same period in 1981, despite the fact that there had been almost three times as much mainline resurfacing performed in 1982, and such construction under traffic increased the potential risk of accidents. He said extra precautions were taken on 1982's work, which seemed to have paid off.

Mr. Pinzone said further that although traffic had been down in 1982 with 5.5% fewer miles of travel, the fatality ratio of 0.8 per hundred million miles of travel was extremely low compared with 1.7 for the same period in 1981. He said he hoped the safety trend would continue, especially, as we get into more and more construction on the road in the years ahead.

Mrs. Cooke asked the Executive Director if bi-directional work zones were being used on 1982 resurfacing projects.

The Executive Director said bi-directional zones were used on the three resurfacing projects done in 1982. He said that, as Mr. Pinzone pointed out, additional warning signs and other devices were successfully utilized to further insure patron safety. He said the Commission's staff monitored the effectiveness of the bi-directional zones because plans called for their extended use when major bridge deck replacements were undertaken in the future. He said bi-directional zones on resurfacing projects were constantly shifting. He said they usually weren't in any one place for more than a week at a time. He said that bi-directional zones would be in place for several months when bridge decks were replaced. He said that, therefore, the Commission's staff would be looking at everything they could to make those zones as safe as possible.

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 when the Turnpike had been constructed, right-of-way had been purchased in the name of both the Commission and the State of Ohio. He said that in a few instances, existing roads and streets were cut off by the Turnpike construction, and either dead-ended or reconstructed or connected on land jointly owned by the Commission and the state. He said that there had been several cases across the Turnpike where cities had petitioned the Commission to relinquish title to land on which their respective streets were situated. He said Strongsville had sought such action in the past, and Maumee had been the most recent city to request street-land title. He said that after it had been determined the Commission and state no longer needed the property in question for the construction, operation and maintenance of the Turnpike, the transfer process was begun. He said the interest in the land was transferred from the Commission to O.D.O.T. or to the Director of O.D.O.T. He said the Director of O.D.O.T. then had the statutory authority to transfer the state's interest to a lesser governmental agency. He said a resolution had been prepared to initiate the first step in the transferal process.

A resolution releasing parcel number 51-JJJJ and 51-U was moved for adoption by Mr. Pinzone, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 9 - 1982

"WHEREAS, the Commission purchased in the name of the State of Ohio a perpetual easement for public highway purposes on two parcels of real estate designated as Parcel No. 51-JJJJ, being Sublot 195 in Maumee Boulevard Terrace Subdivision in the City of Maumee, County of Lucas, purchased from John T. Huss and Maude B. Huss on July 8, 1953, as recorded in Volume 1504, Page 550 in Lucas County deed records and Parcel No. 51-U being Sublot 222 in Maumee Boulevard Terrace Subdivision in the City of Maumee, County of Lucas, purchased from Mary Reder and Frank Reder on July 8, 1953, as recorded in Volume 1504, Page 85 of Lucas County deed records;

"WHEREAS, the purchase of the aforesaid parcels was for the relocation of a Maumee city street, which road was being relocated as a result of the construction of the Ohio Turnpike;

"WHEREAS, the consulting engineer by letter dated June 8, 1982, has advised that Parcels Nos. 51-JJJJ and 51-U are no longer needed for the construction and operation of the Turnpike;

"WHEREAS, the deputy executive director-chief engineer by letter dated June 8, 1982, has stated that Parcels Nos. 51-JJJJ and 51-U are not required for the maintenance and operation of the Ohio Turnpike;

"WHEREAS, the City of Maumee, by Resolution No. 87-1982 has requested the Department of Transportation to release its interest in Parcels Nos. 51-JJJJ and 51-U to said city; and

"WHEREAS, the Commission has determined, based on the recommendations of the consulting engineer and the deputy executive director-chief engineer, that Parcels Nos. 51-JJJJ and 51-U are no longer needed for the construction, operation and maintenance of the Ohio Turnpike;

"NOW, THEREFORE, BE IT

"RESOLVED, that the executive director shall take any and all action necessary on behalf of the Commission or by or through the appropriate officers of the State of Ohio to convey Turnpike Parcels Nos. 51-JJJJ and 51-U to the City of Maumee; and

"FURTHER RESOLVED that the authority hereby granted to the executive director shall include authority, if deemed appropriate by him, to execute an interagency transfer of jurisdiction over said easements to the Director of the Ohio Department of Transportation."

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. Schneider,  
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. 9-1982.

The Executive Director said also the Commission's staff had been in the process of advertising a number of projects on which bids would be opened before the Commission met again. He said the projects included repair and resurfacing at Interchanges 8 (Lorain-Elyria) and 14 (Warren), and at four service plazas (Erie Islands, Commodore Perry, Middle Ridge and Vermilion Valley). He said the Middle Ridge and Vermilion Valley plazas would have their truck parking areas expanded as part of the projects. He said Middle Ridge and Vermilion Valley ranked one and two as the busiest service plazas and the parking lots were loaded with trucks at night. He said it had gotten to the point where trucks were parked on the acceleration and deceleration ramps of the plazas, which had become a safety concern of the Commission's staff.

The Executive Director said further that the costs of the projects exceeded the \$250,000 limit the Commission had given him for award of construction contracts. He said he was requesting the authority, pursuant to the bidding process and discussing all aspects of the contracts with the Members before they were awarded,

to make those awards prior to another Commission meeting in order to get the work under way in the fall.

A resolution authorizing the Executive Director to take immediate action concerning award of certain construction contracts was moved for adoption by Mr. Weir, seconded by Mrs. Cooke as follows:

RESOLUTION No. 10-1982

"WHEREAS, the Commission has advertised or is in the process of advertising for construction contracts requiring the repair and resurfacing of certain interchanges, to wit: Interchange No. 8, designated as Contract RMP 59-82-05 and Interchange No. 14, designated as Contract RMP 59-82-06;

"WHEREAS, the Commission has also advertised or is in the process of advertising for contracts requiring the repair and resurfacing of parking area, drives, and acceleration and deceleration lanes at certain service plazas, to wit: Erie Islands and Commodore Perry Service Plazas, designated as Contract RMP 53-82-06 and Middle Ridge and Vermilion Valley Service Plazas, designated as Contract RMP 53-82-07;

"WHEREAS, it is imperative that the work to be performed under these contracts be commenced as soon as possible so as to take advantage of the remaining construction season;

"WHEREAS, it is estimated that the cost of each of the aforesaid contracts will exceed the \$250,000 limit of authorization heretofore granted by the Commission to the executive director with respect to the awarding of such contracts;

"WHEREAS, the Commission desires to delegate to the executive director authority to make award of these contracts for the performance of the work of each of these projects so that such awards may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of Contracts RMP 59-82-05, RMP 59-82-06, RMP 53-82-06 and RMP 53-82-07, if in the opinions of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for an award to be made by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to award and enter into any contract or contracts and to take whatever other action, on behalf of the Commission, the executive director, with the approval of the deputy executive director-chief engineer and the consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution heretofore adopted, provided that any award made and contract entered into pursuant to authority granted herein shall be approved by general counsel; and

"FURTHER RESOLVED that the executive director shall inform the Commission of the actions taken hereunder."

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 10-1982.

Mr. Weir asked the Executive Director if the Commission contracts with private contractors had price adjustment clauses.

The Executive Director said that the Commission's contracts didn't have price adjustment clauses, but were firm bid prices. He said that, for example, on mainline resurfacing projects bids were taken at the beginning of the year and completion dates were set several months after the contract had been awarded. He said that contractors had not been nervous about giving the Commission fixed prices due to the relatively short duration of the projects. He said that he thought if the projects lasted from one construction season to the next there might need to be price adjustment clauses in Commission contracts.

Mr. Weir said that the recent state of the economy meant that many escalating price adjustment clauses had become de-escalating clauses.

The Executive Director said further the bids the Commission had been receiving had been well below estimates. He said as long as funds were available, which they were, it was to the Commission's advantage to have the projects under contract before the economy changed and costs increased.

The Executive Director said also that, as the Members were aware, the toll rates were increased primarily to finance a major bridge deck rehabilitation, and in some cases, replacement program. He said the Commission's staff had been studying the Turnpike's largest bridges for that program because it was known that they were recommended for replacement. He said he had received a report from the Commission's consulting engineers recommending deck replacements and widening of the twin bridges over the Cuyahoga River.

The Executive Director said further that he expected to have bids on the bridge work available to present to the Commission at the December meeting. He said the project would call for replacing the westbound deck in 1983 and the eastbound deck in 1984. He said it was a large and complicated project. He said the project had been identified and evolved not only out of the Commission's toll rate studies, but out of the environmental and engineering studies the Commission had been doing for more than two-and-one-

half years. He said he had sent Mr. Weir a copy of the consulting engineers' report recommending the bridge deck replacements.

The Executive Director said further that the money to be spent on the Cuyahoga River bridges, approximately \$12 million, might be counted as part of the state's participation or matching shares for the upgrading to interstate standards program should the Turnpike be turned over to the state as a free road. He said he thought that might be done since the work evolved out of the environmental and engineering studies done in cooperation with O.D.O.T. and the Federal Highway Administration, and it is to be financed by the Commission. He said the bridges were in an area which would not qualify for 90% interstate aid, but would qualify for primary aid at 75%. He said the bridge work could generate at least three times as much in matching federal funds. He said the Commission would be working with O.D.O.T. to see if the bridge projects cost might be credited to the state.

The Executive Director said further that the Commission's general consultant had been working on design standards for the other types of bridges on the Turnpike, and would expect to get into other programs involving bridge deck replacements next spring.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained there would be no report from General Counsel. He said the report of the consulting engineers would be received.

Mr. Fleischman said that subsequent to the last Commission meeting the consulting engineers performed their annual inspection of Turnpike facilities. He said detailed inspection notes of the findings were furnished to the Chief Engineer's office in July. He said the consulting engineers were working on preparation of their annual report for submission to the Commission in September.

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 that with the authorization and the resolution to transfer the \$329,000 from the Reserve Maintenance Fund to the Redemption Account the trustee would be accepting tenders on September 2 for settlement on September 10. He said he anticipated that enough bonds could be bought in September to avoid a bond call in December.

The Executive Director said that of the \$2,100,000 face value of bonds called on June 1, 1982, bonds in the face amount of \$1,100,000 had yet to be redeemed. He said that it never ceased to astound him that 3-1/4 percent bonds had been called and over half of them still had not been turned in for payment. He said there were still outstanding bonds from all the calls which began in 1978.

Mr. Sesler said outstanding bonds from the call in 1978 amounted to a little over \$100,000.

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.

The Chairman said the next meeting of the Commission would be on October 19, 1982, subject to confirmation 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 responded to roll call.

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

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:28 a.m.

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

  
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Charles R. Pinzone, Secretary-Treasurer