

MINUTES OF THE 337th MEETING OF THE OHIO TURNPIKE COMMISSION

March 14, 1983

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 10:15 a.m. on March 14, 1983, with key members of the staff, a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; representatives, P. Joseph Sesler and Dan Hearl, of the trustee, the BancOhio National Bank; members of the press, Lee Leonard, United Press International and Rick Kelly, Toledo Blade; 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: William H. Schneider, Warren J. Smith,
Saundra Dombey Cooke, Charles R. Pinzone,
Clarence D. Rogers, Jr.

Absent: None

A motion was made by Mr. Schneider, seconded by Mr. Pinzone, that the minutes of the meeting of December 20, 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. Schneider, Mr. Pinzone, Mr. Smith,
Mrs. Cooke, 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 337th of the Ohio Turnpike Commission. He said that, first, he wanted to welcome the new Director of the Ohio Department of Transportation, Warren Smith, who was attending his first meeting as ex officio Member of the Commission. He said Mr. Smith had to leave soon to make another appointment at 11 o'clock, which was the reason the meeting had started at 10:15 a.m. He said the Commission Members were glad to meet Mr. Smith and looked forward to working with him during this critical stage of the existence of the Turnpike.

The Chairman reported further that on February 1, the Executive Director delivered in person copies of the Commission's 1982 annual report to Governor Richard F. Celeste and also to the offices of the legislative leaders. He said the report was mailed to various members of the General Assembly, to elected state officials, to newspapers, to television and radio stations throughout the state

and to other interested persons.

The Chairman reported further that since there were a number of resolutions to be considered at the meeting, he would dispense with the customary report of the Chairman on the financial experience so far in 1983. He said some of those statistics would be covered in the various other reports and all of the information, of course, had been compiled and distributed in the regular reports issued by the Commission.

The Chairman reported further that bonds in the face amount of \$146,000 were purchased in January, leaving the outstanding debt at \$9,476,000. He said bond tenders were solicited by the trustee on March 10 and that matter would be discussed during the report of the committee on Budget and Finance.

The Chairman reported further that there were seven resolutions to be considered by the Commission at the day's meeting. He said six of those resolutions concerned the awarding of contracts for resurfacing and other construction work. He said tabulations of the bids on those contracts already had been forwarded to the Members. He said drafts of all seven resolutions had been placed in the Members' folders, and they would be explained and presented during the Executive Director's report.

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. Pinzone, would be received.

Mr. Pinzone 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 December 1982 and January and February, 1983
3. Release No. 2 - December 27, 1982 - Complimentary Coffee
4. Traffic and Safety Report - December and Summary for 1982
5. Traffic and Revenue Report for December, 1982 and January and February, 1983
6. Traffic Accident Summary Report for December, 1982 and January and February, 1983
7. Litigation Report for Quarter Ending December 31, 1982
8. Summary of Bonds Purchased - 1982
9. Financial Statements - December 31, 1982; January 31, 1983; and February 28, 1983

10. Accountants' Report and Financial Statements -
December 31, 1982
11. Expense and Budget Report - Fourth Quarter 1982
12. Report on Concessionaires - 1982
13. Draft of Minutes of the Commission Meeting held
December 20, 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, Allan V. Johnson, said that for 1982 the Commission concluded the year \$1,378,839, or 4.3 percent under the amount budgeted for the year. He said actual expenses for 1982 amounted to \$30,798,316. He said that for the first two months of 1983 expenses were \$5,879,343, which was \$728,788, or 11 percent under the budget of \$6,608,131. He said he considered the favorable experience so far in 1983 was mainly due to the relatively mild winter weather that had taken place. He said that well over \$400,000 of the amount under budget could be directly attributed to lower expenses for salt and labor for salt application.

Mr. Johnson said also that copies of the Commission's 1983 budget, which was adopted at the December 20, 1982, meeting, were furnished to the legislative officers and offices, principally of the Legislative Budget Commission, as required by law. He said copies of the budget also were distributed to the trustee and to principal underwriters, as required under the Trust Agreement. He said he wanted to note that no comments or questions were received as a result of those distributions.

Mr. Johnson said also that late in 1982 he had advised the Members that he would be working closely with the consulting engineers and the trustee to accomplish an orderly redemption of the remaining bonds of the Commission, the last of which are set to be retired by December 1, 1984. He said he also commented that, as stipulated in the toll study report presented to the Commission which led to the toll rates being changed in February 1982, an equal amount of bonds would be retired in 1982, 1983 and 1984 until all the bonds were retired. He said the bond retirements would necessitate transferring funds from the Reserve Maintenance Fund to the Bond Redemption Account at appropriate times.

Mr. Johnson said further that the transfer of funds would be done in accordance with a provision in the Trust Agreement and upon certification from the consulting engineers that those funds could be so transferred. He said the Commission then must direct the trustee to transfer the funds by adoption of a resolution approving the action.

Mr. Johnson said further that the consulting engineers had certified that \$1,070,000 could be transferred from the Reserve Maintenance Fund for bond redemption. He said copies of the consultant's letter of certification were in the Members' folders. He said that, accordingly, a resolution had been drafted directing the trustee to transfer sufficient funds to cover the cost of bonds that were tendered to the trustee on March 10.

Mr. Johnson said further that the amount of bonds tendered to the trustee on March 10 had been \$1,185,000. He said that he wanted to caution that the amount was subject to determination of whether any of the bonds tendered previously had been called. He said that if any of the bonds tendered already had been called then the total amount of tendered bonds would decrease.

Mr. Johnson said further that if the tendered bonds remained in the amount of \$1,185,000, that would reduce the outstanding debt to \$8,491,000. He said another \$3,480,000 in bonds would remain to be retired in 1983 to meet the specified amount of \$4,811,000. He said he did not anticipate that the remaining bonds for 1983 would be acquired until after June 1st. He said that, thus, the Commission would avoid a bond call, which would be required on June 1st if more than \$50,000 remained in the redemption account on April 15th.

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

RESOLUTION NO. 1-1983

"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 \$1,070,000 is not required for the purposes for which the Reserve Maintenance Fund has been created;

"WHEREAS, on March 10, 1983 the trustee solicited tenders for the purchase and retirement of turnpike bonds with the knowledge and approval of the Commission;

"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 sufficient funds, not exceeding \$1,070,000, from the Reserve Maintenance Fund to the credit of the Redemption Account to cover the cost of purchasing and retiring the bonds tendered on March 10, 1983, all in accordance with section 509 of the trust agreement."

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was No. 1-1983.

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 work was under way on remodeling the truckers' showers and service stations areas at 10 of the 16 service plazas. She said that, in fact, the work at the Wyandot service plaza should be completed the week after the Commission meeting.

Mrs. Cooke said further that plans were being prepared for adding or remodeling the truckers' showers at the remaining six plazas and contracts should be awarded later in the spring of 1983.

Mrs. Cooke said further that work should resume soon to complete enlarging and resurfacing the parking areas at Middle Ridge and Vermilion Valley service plazas. She said plans were being prepared to resurface the ramps and parking areas at the Great Lakes, Towpath, Portage and Brady's Leap service plazas. She said the work was scheduled for later in 1983.

Mrs. Cooke said also that she, Mr. Johnson and several other members of the Committee on Service Plazas recently had attended a luncheon sponsored by Gladieux Corporation at the Fallen Timbers service plaza. She said the occasion was the grand opening of a general store operated by Gladieux at the plaza. She said the store replaced a cafeteria and snack bar and included a sit-down dining room with waitresses. She said the store, dining room and a new lounge area at the plaza were primarily established to cater to commercial vehicle operators using the Turnpike.

Mrs. Cooke said also that perhaps a survey of truck drivers on the Turnpike might be conducted to determine what special facilities or services they might prefer at the service plazas. She said that she had read an article in the newsletter published by the International

Bridge, Tunnel and Turnpike Association about such a survey taken on the New Jersey Turnpike. She said that during a 24-hour period in October 1982 every tractor-trailer operator entering the New Jersey Turnpike was handed a questionnaire along with their toll ticket. She said the questionnaire was in the form of a postage-paid card which carried instructions to mail it to the New Jersey Turnpike Authority upon completion. She said the questionnaire included sections on points of origin and destination, usage of existing service plazas, types of service wanted, and facilities exclusively set aside for truck operators.

Mrs. Cooke said further that it was a comprehensive market survey done by Wilbur Smith and Associates. She said she would like to recommend that the Commission look into the possibility of conducting a similar survey. She said that should the Turnpike remain a toll road after the final bonds are paid off it would be advantageous for the Commission to promote commercial vehicle operator usage of the service plazas.

The Chairman said that Wilbur Smith and Associates had conducted a traffic forecast as part of the consulting engineers' toll study report.

Mr. Johnson said he would ask Wilbur Smith and Associates for an explanation of the survey they did for the New Jersey Turnpike. He said he thought such a survey would be beneficial to the Commission.

Mrs. Cooke said further that Oasis Petroleum officials had expressed an interest in a survey of truck drivers on the Turnpike.

Mr. Johnson said that, as Mrs. Cooke had said, the new general store operation at the Fallen Timbers service plaza was very nice. He said that, unfortunately, it opened right in the midst of the decline in truck traffic resulting from the recession and also from the independent truckers' strike. He said the strike had a serious impact on the Turnpike's commercial truck traffic for at least a two-week period. He said that since the economic situation had improved there had been a natural upswing in truck traffic on the road, which should provide a better test of how the general store at Fallen Timbers would be accepted.

Mrs. Cooke said also that there had been discussions with officials of Gladieux Corporation about a coupon-type promotion in cooperation with Howard Johnson Company to encourage more Turnpike patrons to stop at the service plazas. She said that the Howard Johnson Company had not been interested in the program.

Mr. Johnson said that the Howard Johnson Company might be willing to take another look at the promotion. He said company representatives had wanted to wait because they felt it wasn't the right time to do it during a period of low traffic volume. He said that they might be interested in the promotion since the traffic volume had increased.

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

The Executive Director, Mr. Johnson, said there were five resurfacing contracts to be awarded at the meeting, and the bid tabulations on all five had been forwarded to the Members. He said the bids on the five contracts had been reviewed by the consulting engineers, by the deputy executive director-chief engineer and his staff, by the general counsel and by him. He said that in each case it was recommended that the contracts be awarded to the low bidder.

The Executive Director said further that resolutions had been prepared for each contract. He said that at least three bids had been received for each contract, and all the bids were substantially under the staff's estimates. He said he did not know for how much longer the trend in low bids would continue. He said the situation could change if ODOT began letting a lot of contracts, as Mr. Smith had indicated to him the department hoped to do.

The Executive Director said further the first project, designated Contract RMP 59-83-01, was for repairing and resurfacing the Turnpike mainline between mileposts 5.7 and 14.8 in Williams County. He said there were three bids received on the project. He said the low bidder was the Miller Brothers Construction Company in the amount of \$2,191,715.25, using crushed slag in the surface course, which was preferred because of its skid resistance quality.

A resolution awarding Contract RMP 59-83-01 was moved for adoption by Mr. Schneider, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 2-1983

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for repairs, resurfacing and guardrail improvement of original construction, Sections C-59, C-60 and C-61, between Milepost 5.7 and Milepost 14.8 in Williams County, Ohio, which contract is designated Contract RMP 59-83-01, and proof of said advertising, together with the bids received, is before this meeting.

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

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

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of Miller Bros. Construction, Inc. of Archbold, Ohio, in the amount of \$2,191,715.25 using crushed slag in the surface course, and a recycled mix for the asphalt concrete base course, has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS, said bid was accompanied by a bid and performance bond with surety, as provided by law, and the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal.

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Miller Bros. Construction, Inc. of Archbold, Ohio in the amount of \$2,191,715.25 for the performance of Contract RMP 59-83-01, using crushed slag in the surface course, and a recycled mix for the asphalt concrete base course, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of 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 by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Schneider, Mrs. Cooke, Mr. Smith, 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. 2-1983.

The Executive Director said further that the next contract, RMP 59-83-02, was for mainline repairing and resurfacing between Mileposts 92.4 and 101.4 in Sandusky County. He said there had been five bids received for the project and the low bidder was the S. E. Johnson Company of Maumee in the amount of \$2,594,477.30.

A resolution awarding Contract RMP 59-83-02 was moved for adoption by Mr. Pinzone, seconded by Mr. Schneider as follows:

RESOLUTION NO. 3-1983

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for repairs, resurfacing and guardrail improvement of original construction, Section C-35, C-36 and C-37, between Milepost 92.4 and Milepost 101.4 in Sandusky County, Ohio, which contract is designated Contract RMP 59-83-02, and proof of said advertising together with the bids received is before this meeting;

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

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

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of S. E. Johnson Company of Maumee, Ohio in the amount of \$2,594,477.30 using crushed slag in the surface course, with permission to make use of temporary access to the turnpike, and to use a recycled mix for the asphalt concrete base course, has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS, said bid was accompanied by a bid and performance bond with surety, as provided by law, and the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$2,594,477.30 for the performance of Contract RMP 59-83-02, using crushed slag in the surface course, with permission to make use of temporary access to the turnpike and to use a recycled mix for the asphalt concrete base course, is, and is by the Commission,

determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of 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 by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 3-1983.

The Executive Director said further the next contract, RMP 59-83-03, was for repairing and resurfacing mainline between Mileposts 186.9 and 196.3 in Portage County. He said eight bids had been received on the project, and the low bidder was the McCourt Construction Company of Akron, Ohio in the amount of \$2,972,999.00.

A resolution awarding Contract RMP 59-83-03 was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 4-1983

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for repairs, resurfacing and guardrail improvement of original construction, Sections C-11, and C-12, between Milepost 186.9 and Milepost 196.3 in Portage County, Ohio, which contract is designated Contract RMP 59-83-03, and proof of said advertising, together with the bids received, is before this meeting;

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

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

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of McCourt Construction Company of Akron, Ohio in the amount of \$2,972,999.00 using crushed slag in the surface course, with permission to make use of temporary access to the turnpike, and to use a recycled mix

for the asphalt concrete base course, has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof, and

"WHEREAS, said bid was accompanied by a bid and performance bond with surety, as provided by law, and the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of McCourt Construction Company of Akron, Ohio in the amount of \$2,972,999.00 for the performance of Contract RMP 59-83-03, using crushed slag in the surface course, with permission to make use of temporary access to the turnpike, and to use a recycled mix for the asphalt concrete base course, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of 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 by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Schneider,
Mr. Smith, 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. 4-1983.

The Executive Director said that since it was about time for Mr. Smith to leave the meeting for another appointment, he wanted to mention something before Mr. Smith left. He said that the Members had been furnished correspondence between him and the consulting firm of Howard, Needles, Tammen and Bergendoff concerning an update of an earlier study that they did for ODOT. He said the study was on the fiscal impact of converting the Turnpike to a toll-free facility, if that indeed was going to happen. He said he hoped the updated information

would be useful to both the Commission and ODOT in determining just how or what was going to happen. He said Mr. Smith had indicated to him that he intends to take a personal role in the activities of the Commission, which he was doing by attending the Commission meeting. He said he was looking forward to working with Mr. Smith and his staff in the months ahead. He said he also wanted to say that a bill had been introduced in the Ohio Senate, Senate Bill 90, to continue tolls on the Turnpike after the final bonds had been retired. He said the bill had been referred to committee, and he didn't know whether or not the bill was going to be scheduled for hearing.

Mr. Smith said that Governor Celeste had yet to take a policy position on the future of the Turnpike. He said Robert Brown from his staff was doing a study on the Turnpike for the Governor's office, and it was to be presented by May 2nd.

The Executive Director said the Commission's staff would cooperate with Mr. Brown in furnishing information for his study.

(At 10:44 a.m., Mr. Smith left the meeting room.)

The Chairman said that, even though Mr. Smith left the meeting, a quorum still existed.

The Executive Director said further the next contract was the final one dealing with mainline repairing and resurfacing. He said the work was to be done between Mileposts 223.3 and 230.6 in Mahoning County, Ohio. He said the low bid was made by The Shelly Company of Thornville, Ohio in the amount of \$3,052,188.50.

A resolution awarding Contract RMP 59-83-04 was moved for adoption by Mr. Schneider, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 5-1983

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for repairs, resurfacing and guardrail improvement of original construction, Sections C-3 and C-4, between Milepost 223.3 and Milepost 230.6 in Mahoning County, Ohio, which contract is designated Contract RMP 59-83-04, and proof of said advertising, together with the bids received, is before this meeting;

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

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

"WHEREAS, all bids for said contract were solicited on the same basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of The Shelly Company of Thornville, Ohio in the amount of \$3,052,188.50 using

crushed slag in the surface course, and a recycled mix for the asphalt concrete base course, has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS, said bid was accompanied by a bid and performance bond with surety, as provided by law, and the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Shelly Company of Thornville, Ohio in the amount of \$3,052,188.50 for the performance of Contract RMP 59-83-04, using crushed slag in the surface course, and a recycled mix for the asphalt concrete base course, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of 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 by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Schneider, Mrs. Cooke, 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. 5-1983.

The Executive Director said further the Members had before them a resolution for the awarding of a contract for repairing and resurfacing work at the Lorain-Elyria Interchange (#8). He said the contract had been advertised for bids in 1982 and no bids were received. He said that the reason no bids had been received was that there had been a scheduling problem and sufficient quantities of asphalt were not available. He said that, therefore, a portion of the project, mainly the addition of a toll exit lane, was constructed by the Commission's maintenance forces. He said the remaining work was readvertised in 1983 as Contract RMP 59-83-05 and five bids were

received. He said the low bidder was Griffith Blacktop, Incorporated, of Lorain, Ohio in the amount of \$575,632.75.

A resolution awarding Contract RMP 59-83-05 was moved for adoption by Mr. Pinzone, seconded by Mr. Schneider as follows:

RESOLUTION NO. 6-1983

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for repairs and resurfacing at the Lorain-Elyria Interchange No. 8, Milepost 145.5 in Lorain County, Ohio, which contract is designated Contract RMP 59-82-05 and proof of said advertising, together with the bids received, is before this meeting;

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

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

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of Griffith Blacktop, Inc. of Lorain, Ohio in the amount of \$575,632.75 using crushed slag in the surface course, recycled mix for the asphalt concrete base course and Geotextile fabric, has been determined by the Commission to be the lowest and best of all bids received, and it has been determined to be in the best interest of the Commission to accept the bid of said company on the aforesaid basis;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions, specifications and the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS, said bid was accompanied by a bid and performance bond with surety, as provided by law, and the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Griffith Blacktop, Inc. of Lorain, Ohio in the amount of \$575,632.75 for the performance of Contract RMP 59-82-05, using crushed slag in the surface course, recycled mix for the asphalt concrete base course and Geotextile fabric, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted,

and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of 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 by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Schneider, 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. 6-1983.

The Executive Director said further the final resolution was a resolution to authorize him, as Executive Director, to award a contract or contracts which had not yet been advertised and opened.

The Executive Director said further that the project in question called for furnishing and installing raised pavement markers along the Turnpike on the centerline and on some of the ramp areas. He said the project could result in more than one contract. He said the raised markers, which had been used more and more frequently throughout the state, had a cast iron base so that they could not be ripped out by snowplows. He said that each marker had a reflector in it which was protected by the cast iron housing. He said he thought the markers would be effective in delineating the road's centerline and the ramp areas.

The Executive Director said further he expected that the contract or contracts for the project would exceed the \$250,000 limit of authorization that he had to award such contracts. He said he wanted the authority to award the contract or contracts in order to get the work done prior to the buildup of the Turnpike's seasonal traffic.

A resolution authorizing the Executive Director to take immediate action concerning award of a certain contract for the furnishing and installing of raised pavement markers was moved for adoption by Mr. Schneider, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 7-1983

"WHEREAS, the Commission is preparing to advertise for bids on a contract for the furnishing and installing of raised pavement markers at specified areas on the Ohio Turnpike, designated Contract RMP 45-83-03;

"WHEREAS, it is imperative that the work to be performed

under this contract be commenced as soon as possible so as to take full advantage of the construction season and to minimize disruption of traffic;

"WHEREAS, it is estimated that the cost of the contract could 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 this contract so that such award may be made as soon as appropriate without waiting for a meeting of, and award by the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the soliciting of bids and award of Contract RMP 45-83-03, 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 and to take whatever other action, on behalf of the Commission, the executive director, with the recommendation 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 the bylaws or 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 present responded to roll call. The vote was as follows:

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

Nayes:None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 7-1983.

The Executive Director said also that the Commission's staff was in the process of developing plans for a major bridge deck replacement and repair program which was recommended, of course, in the consulting engineer's toll rate study adopted and placed in effect on February 1, 1982. He said that, as the Commission Members were aware, a contract had been awarded in December 1982 for deck replacement on the biggest pair of bridges on the Turnpike, the Cuyahoga River

bridges. He said the contract had been awarded in December 1982 in order to give enough lead time for the fabrication of the steel necessary for the work. He said the contractor had been furnished their notice to proceed and work was expected to soon begin.

The Executive Director said further that plans were being prepared for replacing and widening of the decks on the Maumee River bridges, which are the second longest pair of bridges on the Turnpike. He said those plans were being prepared by the consulting engineers and they would be ready for advertising and award sometime later in the spring. He said he expected the project to be available for awarding at the next Commission meeting.

The Executive Director said further that planning would soon begin on deck replacements on 19 other Turnpike bridges. He said some of the bridges were on the mainline, while others were over the Turnpike.

The Executive Director said further that something different was being done in selecting the consultants for the designs of those plans. He said the 19 bridges had been split up into six groups and a total of 20 consultants were invited to submit proposals for the work. He said six of the 20 consultants had been selected, based on their proposals and expected fees, and agreements were in the process of being signed. He said completion of some plans would take more time than others. He said several sets of plans should be received by the Commission's staff within five to six weeks after the consultants had received formal notices to proceed with the work. He said all the repairs to the bridges would not be finished in 1983. He said that one bridge over the Maumee River would be repaired in 1983, and the other bridge the following year, similar to what was being done to bridges over the Cuyahoga River Valley.

The Executive Director said further that the bridge repairs would result in bidirectional traffic zones being established in construction areas. He said a concrete barrier would be placed on the centerline of the eastbound Cuyahoga River bridge for two-way traffic before work can start on the westbound bridge. He said he anticipated minimal traffic disruption in the bidirectional arrangement on the Cuyahoga River bridges and at other sites of future bridge repair projects.

The Executive Director said further that, as the Commission Members remembered, the eastbound bridge over the Cuyahoga River had been damaged by fire in August 1978 when a fuel tank truck overturned and its load ignited. He said the eastbound bridge had been closed down for 90 days and the westbound bridge had been used for two-way traffic. He said there had been minimal inconvenience to Turnpike patrons at that time, and he expected the same to hold true for the bridge repair projects.

The Executive Director said also that should there be hearings on Senate Bill 90 or any other bills pertaining to tolls retention he would expect to testify on behalf of the Commission. He

said he also would furnish any requested information concerning operation of the Turnpike to the Ohio General Assembly or the U. S. Congress.

Mrs. Cooke asked the Executive Director if the concrete barriers to be used at bridge repair sites differed from dividers set up for resurfacing projects.

The Executive Director said the concrete barriers could be used at bridge repair sites because the work would take months to complete and the barriers didn't need to be moved. He said the two-way traffic was set up at resurfacing locations, but the actual work sites were constantly moving. He said it would be impractical to use the heavy, concrete barriers for those projects. He said other, more mobile devices were used for traffic control on the resurfacing projects.

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

Mr. Sesler said that, with regard to the bond tender offer of March 10, Dan Hearl of BancOhio National Bank and his staff had made an extensive effort to contact as many bondholders, specifically individuals, as possible. He said over 500 letters were mailed and, as a result, bonds in the face amount of \$1,185,000 were tendered. He said that was approximately a 35 percent response from the bondholders notified of the tender offer.

Mr. Sesler said further that no other tenders would be made until the fall, possibly early September. He said brokers would be contacted at that time in the hope of acquiring more bonds. He said he believed the trustee had done all it could do to pick up bonds from individual bondholders.

The Executive Director said he expected that there would have to be a bond call on December 1 to complete the requirement that a total of \$4,811,000 in bonds be retired in 1983. He asked Mr. Sesler if he had the current figures on the outstanding bonds from previous calls.

Mr. Sesler said that since his last report to the Commission in October 1982 an additional \$649,000 of the bonds had been received by the trustee. He said that all but \$1,606,000 in bonds of the total \$13,270,000 called had been turned into the trustee. He said that meant only about 12 percent of the called bonds still remained to be received.

The Executive Director said he thought that some of the called bonds would never be acquired by the trustee. He said that it was inevitable that some of the bonds tendered on March 10 were called bonds. He said that the total amount of bonds tendered would possibly be decreased to reflect the return of a number of called bonds.

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. He asked if there was any new business.

Mrs. Cooke asked the Executive Director if additional information on fatal accidents might be included with the traffic accident summary reports the Members received each month.

The Executive Director said the Commission's staff had extensive, detailed information on fatal accidents, as well as on all other vehicle accidents on the Turnpike. He said that he would see that Mrs. Cooke received the information she had requested.

The Chairman said the next Commission meeting would be held in early May. He said an exact date and place would 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. Schneider 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. Schneider, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:05 a.m.

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



Charles R. Pinzone, Secretary-Treasurer