

MINUTES OF THE 338th MEETING OF THE OHIO TURNPIKE COMMISSION

May 17, 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 3:00 p.m. on May 17, 1983, with key members of the staff, a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; representative, P. Joseph Sesler, and Dan Hearl, of the trustee, the BancOhio National Bank; a member of the press, 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: Robert C. Brown, William R. Schneider,
Saundra Dombey Cooke, Charles R. Pinzone,
Clarence D. Rogers, Jr.

Absent: None

The Chairman said that the meeting was the 338th of the Ohio Turnpike Commission. He said the Director of the Ohio Department of Transportation, Warren J Smith, was unable to attend the meeting because he was presenting his department's budget to the Ohio General Assembly. He said Robert C. Brown, Deputy Director of Public Transportation, had been sent to the meeting to represent ODOT and Mr. Brown was properly authorized to vote in Mr. Smith's place.

The Chairman said that for the record he would read Mr. Smith's notice of proxy letter to the Commission as follows:

"NOTICE OF PROXY

May 17, 1983

Ohio Turnpike Commission

Attention: Secretary

Re: Proxy

Gentlemen:

This is to officially advise the Ohio Turnpike Commission of the fact that I have appointed Robert C. Brown to represent me at the May 17, 1983, meeting of the Ohio Turnpike Commission. I have appointed Mr. Brown to act in my stead in any matter coming before the Commission at that meeting.

Very truly yours,

Warren J Smith
Director"

A motion was made by Mr. Pinzone, seconded by Mrs. Cooke, that the minutes of the meeting of March 14, 1983, 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. Brown,
Mr. Schneider, Mr. Rogers

Nays: None

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

The Chairman said that the primary reason for the meeting was to act on contract awards and most of the customary committee reports would not be presented but he would review briefly the Commission's financial experience for the first four months of 1983. He said that although the Commission posted increases in all revenue categories, which seemed to indicate a gradual and modest economic recovery, it should be noted that 1983 traffic levels still were below those recorded in 1981.

The Chairman reported further that passenger car toll revenues amounted to \$5,381,346, an 11.9% increase over 1982. He said toll income from commercial vehicles came to \$12,051,603, up 8.3%. He said total revenues were \$20,051,135, an increase of 5.1%.

The Chairman reported also that there had been a matter involving personnel that had come to his attention, and he would adjourn the meeting to go into executive session.

(The executive session, held in an adjoining room, was attended by the Commission Members, Mr. Brown, the Executive Director, Allan V. Johnson, and General Counsel, James C. McGrath. The session began at 3:19 p.m. and was concluded at 3:59 p.m.)

The Chairman said the Commission meeting would resume. He said Mr. Brown had been called to attend the previously mentioned budget hearings and he would not be present for the remaining portion of the Commission meeting. He said that, however, a quorum was present.

The Chairman reported also that there were three resolutions to be considered by the Commission. He said one of the resolutions concerned awarding of a contract for deck replacement and widening of the Turnpike bridges over the Maumee River. He said tabulations of the bids on that contract already had been forwarded to the Members. He said the other two resolutions authorized the award of contracts for additional bridge repairs

and truckers' shower projects on which bids have not yet been received. He said all three resolutions would be explained and introduced by the Executive Director in his report.

The Chairman reported further that, once again, the various committee and staff reports would be minimal at the meeting since the main purpose of the meeting was to award the contract for the work on the Maumee River bridges and authorize other awards.

The Chairman 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 March and April 1983
3. Status Report No. 4 dated 4/7/83 - Public Hearings
4. News Release No. 1 - Cuyahoga River Bridges widening and deck replacement and Roadway Resurfacing Program for 1983
5. Traffic and Revenue Report for March and April 1983
6. Traffic Accident Summary Report for March and April 1983
7. Litigation Report for Quarter Ending March 31, 1983
8. Financial Statements - March 31, and April 30, 1983
9. Expense & Budget Report - First Quarter 1983
10. Draft of Minutes of the Commission Meeting held March 14, 1983

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no reports from the Committee on Budget and Finance, the Committee on Service Plazas, the Committee on Employee Relations, and the Committee on Safety. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, said that, as he had reported at the last Commission meeting, the Commission's staff had been cooperating with ODOT on the update of a report on the fiscal impact to ODOT of operating the Turnpike as a toll-free facility. He said the report was done initially for ODOT, under a legislative requirements, and was submitted to the General Assembly early in 1981. He said he felt that it was appropriate and necessary to update the report based on significant changes since 1981, such

as the toll rate increase effective February 1, 1982, the fixing of the bond payoff date of December 1, 1984, and the near conclusion of the environmental and engineering studies.

The Executive Director said further that the report was in the process of being printed and would be available soon after the meeting. He said that copies of the report, which was being done for the Commission, would be distributed by the Commission's staff to every member of the General Assembly, as was done by ODOT two years ago. He said copies of the report also would be distributed to the Ohio representatives in the United States Congress, to the Governor and to other affected or appropriate officials.

The Executive Director said also that the environmental and engineering studies that had been under way for almost four years were on schedule and in their final phases. He said the engineering consultant on the project was preparing the final Environmental Impact Statement, and it would be submitted by September 30, 1983, as stipulated under the 1978 Surface Transportation Assistance Act, to the United States Department of Transportation and to the United States Environmental Protection Agency.

The Executive Director said further that, unfortunately, the federal law had changed since the studies were begun, and there were different, current definitions on what projects were eligible for regular interstate funding. He said it had been determined, based on the Surface Transportation Assistance Acts of 1981 and 1982, that the Turnpike was no longer eligible for regular interstate funding, but only for 4-R funding. He said that the ineligibility of the Turnpike for regular interstate funding would be a factor in the Commission's decision on the future of the road.

The Executive Director said also that the first resolution to come before the Commission had to do with an award of a contract for deck replacement and widening of the Maumee River bridges. He said the tabulations from eight bidders on the contract already had been sent to the Commission Members. He said the bids had been reviewed by the Commission's consulting engineers, by the Commission's engineering staff, by the Deputy Executive Director-Chief Engineer, by the Commission's General Counsel and by him. He said that everyone who had reviewed the bids recommended that the award go to the low bidder, the National Engineering and Contracting Company of Strongsville, Ohio in the amount of \$4,021,628.20 for the performance of Contract RMP 43-83-03.

The Executive Director said further that he recommended the resolution awarding the contract be adopted. He said he wanted to mention that the same contractor previously had been awarded a contract to perform the same type of work on the Cuyahoga River bridges. He said the firm had done other work in the past for the Commission, and he considered them to be excellent contractors.

A resolution awarding Contract RMP 43-83-03 was moved for adoption by Mrs. Cooke, seconded by Mr. Schneider as follows:

RESOLUTION NO. 8-1983

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for deck replacement and widening of the Maumee River Bridges, located at Milepost 63.0 in Lucas and Wood Counties, Ohio, which contract is designated Contract RMP 43-83-03, and proof of said advertising is before the Commission;

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

"WHEREAS, said bids have been analyzed by the Commission's consulting engineers 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 recommendation 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 the National Engineering and Contracting Company of Strongsville, Ohio in the amount of \$4,021,628.20 for the performance of Contract RMP 43-83-03 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 National Engineering and Contracting Company of Strongsville, Ohio in the amount of \$4,021,628.20 for the performance of Contract RMP 43-83-03 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: Mrs. Cooke, Mr. Schneider, 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. 8-1983.

The Executive Director said the second resolution authorized him to take immediate action concerning award of Contracts RMP 53-83-04 and RMP 53-83-06. He said the contracts were for installing fuel oil tanks and related work at certain service plazas, and for construction of new truckers' showers in six service plazas. He said that, as the Members probably recalled, contracts had already been awarded for renovating the truckers' showers in the ten other service plazas. He said the showers covered by Contract RMP 53-83-06 were to be installed at service plazas which did not previously have them. He said it took longer to prepare and complete these construction plans, but they had been delivered by the consultants the day before the meeting.

The Executive Director said further that he was asking for the authority to award the contracts because the advertising and bidding process hadn't begun. He said it was expected that advertisements would be placed and bids received soon so that work might start during the remaining construction season. He said that, of course, the Members would be advised after the bids had been received of the selection of the low bidders for award.

A resolution authorizing the Executive Director to take immediate action concerning award of Contracts RMP 53-83-04 and RMP 53-83-06 was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 9-1983

"WHEREAS, the Commission has advertised or is in the process of advertising for contracts requiring the installation of fuel oil tanks and related work, herein designated as Contract RMP 53-83-04; and for the construction of new truckers' showers and related service station renovations, herein designated as Contract RMP 53-83-06 at certain service plazas; and

"WHEREAS, it is imperative that the work to be performed under the above-mentioned 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 may 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 these projects so that such award may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of Contracts RMP 53-83-04 and RMP 53-83-06, if in the opinions of the executive director, the deputy executive director-chief engineer and the consulting engineers 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 engineers, 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 present responded to roll call. The vote was as follows:

Ayes: Mrs. Cooke, Mr. Pinzone, 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. 9-1983.

The Executive Director said the third resolution authorized him to take immediate action concerning the award of certain contracts pertaining to bridge renovation. He said that, as he reported at the last Commission meeting, consultants had been selected to do work on approximately 20 bridges as part of the massive bridge repair program in progress. He said plans for work on the 20 bridges, divided into six separate groupings, were starting to be submitted. He said the resolution covered all six projects - RMP 43-83-04, RMP 43-83-05, FTP 43-83-06, FTP 43-83-07, RMP 43-83-08 and RMP 43-83-09.

The Executive Director said further that advertising of some of the projects had already started, and bids would be accepted at varying times in the future. He said it was important and crucial that the work on those projects begin as soon as possible. He said that, pursuant to the Commission's normal, formal bidding process and opening of bids, he was requesting the authority to award the contracts before the next Commission meeting, if necessary;

The Executive Director said further that if bids on several of the contracts were not received before the next Commission meeting, the contracts would be presented at that meeting for award by the Commission, as normally was done.

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

RESOLUTION NO. 10-1983

"WHEREAS, the Commission has advertised or is preparing to advertise for bids on contracts for deck replacement and/or widening of certain Ohio Turnpike bridges, to wit;

RMP 43-83-04	Old State Route #10 (Lorain Rd.), Milepost 152.3; Penn Central Railroad, Milepost 152.6, Berea-Bagley Road Bridge, Milepost 152.9
RMP 43-83-05	Sprague Road Bridge, Milepost 159.0, City of Berea, Ohio
FTP 43-83-06	Pearl Road Bridge at Milepost 161.0, City of Strongsville, Ohio
FTP 43-83-07	State Route 91 Bridge at Milepost 183.2, Hudson Township, Ohio
RMP 43-83-08	Evans Lake-Yellow Creek Bridge, Milepost 234.4, Beaver Township; Poland-Unity Rd. Bridge, Milepost 237.8; Columbiana Rd. Bridge, Milepost 238.1 and Garfield Road Bridge, Milepost 240.8, all in Springfield Township, Ohio
RMP 43-83-09	Webster Road Bridge, Milepost 162.9, City of Strongsville, Ohio

"WHEREAS, it is imperative that the work to be performed under these contracts be commenced as soon as possible so as to take full advantage of the 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 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 43-83-04, 43-83-05, 43-83-08 and 43-83-09, and FTP 43-83-06 and 43-83-07, if in the opinions of the executive director, the deputy executive director-chief engineer and the consulting engineers 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 engineers, 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 present responded to roll call. The votes were 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. 10-1983.

The Executive Director said he would close his report by saying that the Commission's staff would be continuing on the bridge repair projects. He said that the consulting engineers were in the process of making their annual inspection, and once it had been completed a selection of the next round of bridges to be included in the program would be made. He said it was

possible that contracts on some of those projects might be advertised and bids received late in 1983 for immediate construction in 1984.

The Executive Director said the bridge repair program, which was started in 1982, had included the Cuyahoga River bridges, and then the Maumee River bridges. He said three other major river crossings, the bridges over the Huron, Sandusky and Vermilion rivers, were among those bridges targeted as needing deck replacements in the immediate future. He said that plans for those bridge repairs had yet to be started.

The Commission 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.

The representative of the consulting engineers, Mr. Fleischman, said that the portion of the annual inspection concerning bridges and roadway had been completed and he soon would be forwarding those notes to the Deputy Executive Director-Chief Engineer to assist in identifying bridges for the 1984 renovation program. He said the remaining portions of the annual inspection would be completed in June.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no report from the trustee. He said the report of the Director of Information and Research would be received.

The Director of Information and Research, Robert P. Barnett, said the Turnpike map, copies of which had been placed in the Members' folders, had been recently revised, and the Commission's camping brochures, motel listings and other informational material distributed to the public had been updated. He said that, also, members of the Commission's staff had been working with the Ohio Office of Travel and Tourism to open a tourist information center at the Tiffin River Service Plaza from Memorial Day through Labor Day. He said ways of assisting in the opening of the tourist information center at the Mahoning Valley service plaza, which had been closed for the past several years, were being examined.

The Chairman said the report of the Director of Information and Research was accepted as offered.

The Chairman said the Commission would hold its next meeting sometime in June or July, depending upon the necessity for such a meeting.

There being no further business to come before the Commission, a motion was made by Mr. Pinzone, 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: Mr. Pinzone, Mr. Schneider, Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 4:15 p.m.

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



Charles R. Pinzone, Secretary-Treasurer