

MINUTES OF THE 341ST MEETING OF THE OHIO TURNPIKE COMMISSION

December 21, 1983

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 11:30 a.m. on December 21, 1983, with key members of the staff; representatives of the consulting engineers, J. E. Greiner Company-Ohio; a representative of the trustee, The BancOhio National Bank; representatives of the Commission's bond and fiscal counsel, Squire, Sanders & Dempsey; and others in attendance.

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

Present: Charles R. Pinzone, Robert C. Brown,
Clarence D. Rogers, Jr.

Absent: William H. Schneider, Sandra Dombey Cooke,
Warren J Smith

A motion was made by Mr. Pinzone, seconded by Mr. Brown, that the minutes of the meeting of October 13, 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 present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Brown, Mr. Rogers

Nays: None

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

The Chairman reported that the meeting was the 341st of the Ohio Turnpike Commission and the Commission was meeting at its headquarters in Berea as provided for in the Commission's Code of Bylaws. He said that neither William Schneider, Sandra Cooke, nor Warren Smith, the Director of Transportation, were able to attend the meeting. He said that, however, Robert Brown was at the meeting as a representative of ODOT, and he 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:

"December 20, 1983

NOTICE OF PROXY

Ohio Turnpike Commission

Attention: Secretary

Re: Designee of the Director of the Ohio
Department of Transportation Pursuant to
Ohio Revised Code Section 121.05

Gentlemen:

I, the undersigned, Director of the Ohio Department of Transportation, do hereby nominate, constitute and appoint Robert Clark Brown, Assistant Director of the Ohio Department of Transportation, the true and lawful designee, substitute and proxy of the undersigned, to vote with all the powers and authority of the undersigned, at the meeting of the Ohio Turnpike Commission December 21, 1983.

Warren J Smith
Director, Ohio Department
of Transportation"

The Chairman reported further that also at the meeting from ODOT was Bernie Hurst, also an Assistant Director.

The Chairman reported further that since the meeting would be followed by the annual Christmas luncheon, he was convinced that the business portion of the meeting would be conducted expeditiously and that the Commission Members, staff and others in attendance would be able to join the employees at the luncheon.

The Chairman reported further that there were a number of guests present whom he wanted to recognize. He said they were: William Hartman and Dean Berry of Squire, Sanders & Dempsey, the Commission's labor and fiscal counsel; James "Tom" Sawyer and William R. Fleischman of J. E. Greiner Company - Ohio, the Commission's consulting engineers; I. Joseph Sesler of BancOhio National Bank, the Commission's trustee; Captain Russell Miller, Commander of District 10, Ohio State Highway Patrol; Francis Cole, a former General Counsel of the Commission; Carla Cefaratti, a special assistant to Mr. Brown; and, of course, the other staff members and conferees who regularly attended the meeting.

The Chairman reported further that the Commission's traffic and revenue information for January through November had been compiled and distributed, and he saw no reason to comment on it at that time. He said that, further, the month-end, year-end financial experience, which was more important, would be reported early next year.

The Chairman reported further that, basically, the meeting was being held to act on a resolution to adopt a final budget for 1984, which was the same as the preliminary budget adopted in October. He said the Members also had before them one other resolution to be explained and presented during the report of the Executive Director.

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 would be received.

The Secretary-Treasurer, 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 October and November, 1983
3. Draft of Commission Meeting Minutes of October 13, 1983
4. Traffic Accident Analysis through November, 1983
5. Traffic and Revenue Report for October and November, 1983
6. Financial Statements for October and November, 1983
7. Expense and Budget Report - Third Quarter 1983
8. News Release #3 dated 10/27/83 - reopening westbound span of the Cuyahoga River bridges over the Cuyahoga River Valley
9. News Release #4 dated 11/18/83 - reopening eastbound span of the Maumee River bridges

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

The chairman of the Committee on Budget and Finance, Mr. Pinzone, said that at the meeting it was necessary for the Commission to adopt finally its budget for 1984.

Mr. Pinzone said further that, first, he wanted to report that actual expenses for the first eleven months of 1983 were some \$2,590,000 or 8.0 percent under the amount budgeted for the period, which was \$32,329,353. He said actual expenses were under budget in all three principal budget categories and it would not be necessary, therefore, to amend or supplement the 1983 budget.

Mr. Pinzone said further that at the October 13 meeting the Commission adopted a preliminary budget for 1984 and filed copies with the trustee, consulting engineers and principal underwriters as required by the Trust Agreement. He said the Trust Agreement

further provided that bondholders could then request a hearing on the budget. He said no request for a hearing had been made and it was appropriate that the preliminary budget be adopted as the budget for 1984.

A resolution adopting the annual budget for the fiscal year 1984 was moved for adoption by Mr. Pinzone, seconded by Mr. Brown as follows:

RESOLUTION NO. 21-1983

"WHEREAS, the Commission, by Resolution No. 18-1983, adopted a preliminary budget for the fiscal year 1984, and caused copies thereof to be filed with the trustee and mailed to the consulting engineers and the principal underwriters;

"WHEREAS, no request whatsoever for a public hearing thereon has been made to the Commission by any person or persons whomsoever;

"WHEREAS, pursuant to §505 of the trust agreement dated June 1, 1952, entered into between the 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, the Commission desires finally to adopt a budget of income and current expenses for the fiscal year 1984, to be designated the "Annual Budget"; and

"WHEREAS, §505 of the trust agreement provides that the total appropriations in any division of the annual budget will not exceed the total appropriations in the corresponding division of the preliminary budget;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following budget:

Annual Budget of Income and Current Expenses
For the Fiscal Year 1984

Income		\$75,000,000
Current Expenses		
Administration & Insurance	\$ 7,998,625	
Operations	29,202,887	
Trust Indenture	332,800	
Total Current Expenses	\$37,534,312	

Amount to be Deposited to the Credit of the
Reserve Maintenance Fund

Total Amount	\$37,465,688
--------------	--------------

FURTHER RESOLVED that the Commission hereby determines that the total appropriations in any division of the budget aforesaid do not exceed the total appropriations in the corresponding division of the preliminary budget heretofore adopted by Resolution No. 18-1983; and

FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said "Annual Budget" with the trustee and to mail copies thereof to the consulting engineers and to the principal underwriters forthwith.

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. Brown, 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. 21-1983.

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 vice chairman of the Committee on Service Plazas, Allan V. Johnson, said that work on adding truckers' showers at the six service plazas where they did not exist was proceeding on schedule and should be completed early in 1984. He said resurfacing and expanding of parking areas at Portage, Brady's Leap, Towpath and Great Lakes Service Plazas were essentially completed, although minor work on the projects still remained to be done in the spring. He said the same kind of work would be done at four other service plazas in 1984, with the list of those plazas yet to be selected.

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 that the Committee on Employee Relations had concluded its discussions with the various employee groups and had the following items;

1. A four percent general wage increase for all regular full-time employees.
2. Retain the current insurance benefits at no cost to the employees.
3. Work schedule of regular, full-time, hourly maintenance employees be changed to an eight-hour schedule with a paid 20 minute lunch period.

Mr. Plain said further that in addition, there were several minor adjustments to working conditions for individual categories. He said that those adjustments and recommendations had been presented to the Executive Director for implementation and he had indicated that he would implement them by appropriate directives and changes in the employee manual as soon as possible in 1984.

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

The vice chairman of the Committee on Safety, Mr. Johnson, said the Turnpike's safety experience thus far in 1983 had been excellent. He said there had only been 13 fatalities on the road and when combined with only 12 recorded in 1982, it meant that the two-year period had been the safest in Turnpike history. He said that all types of accidents were down from 1982.

The Chairman said that he wanted to recognize the efforts of the Ohio State Highway Patrol on the Turnpike. He said he thought the Patrol's presence on the road had gone a long way in keeping the accident record so low and, on behalf of the Commission, he wanted to express his thanks to the Patrol.

Mr. Johnson said further that the year's safety record had been achieved despite the fact that all traffic, particularly commercial vehicles, had been gradually increasing month by month over 1982, and there had been a great deal of construction work during the year.

The Chairman said the report of the Committee on Safety was accepted as offered. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, said that at the last Commission meeting the Commission granted him the authority to award a contract to remodel the restaurants at Commodore Perry and Erie Islands. He said the plans were completed, the project bid and seven bids were received. He said the bids were higher than expected for the project being done with Gladieux Corporation to turn the two restaurants into RAX fast food operations.

The Executive Director said further that the Ohio Department of Industrial Relations, in reviewing the final plans, said that sprinkler systems had to be installed in the entire building, the addition of which had not been anticipated. He said also there had been some problems in completing arrangements with Gladieux.

The Executive Director said further that, although he was not asking the Commission to act on bids at that time because he had the authority to do so, it was beginning to look like all the bids would have to be rejected and probably forget about the project for now. He said the problems that had developed seemed to him to be more than could be cleared up at that point, and he wanted to report the situation to the Commission Members.

The Executive Director said also that within the last few weeks he had transmitted to Governor Richard F. Celeste a copy of the Commission's proposed bridge repair program for 1984, which the Governor had requested in July at the time a section of bridge on Interstate Route 95 (on the Connecticut Turnpike) collapsed, claiming several lives. He said the Commission's engineering staff had engaged the necessary consultants to prepare plans for the 1984 program, which would consist of 68 more bridges with total deck replacements, 60 of those being on the mainline. He said that, in other words, 30 pairs of mainline bridges would undergo deck replacements and eight bridges either carrying crossroads over the Turnpike or ramp bridges in interchange areas.

The Executive Director said further that the Commission's engineering staff was almost certain to have the plans finished on some of those projects before the next Commission meeting, probably in February. He said a resolution had been prepared authorizing the Executive Director to take immediate action concerning award of certain contracts pertaining to bridge renovation. He said contracts had to be awarded early on those five contracts because fabrication and delivery of steel needed for the bridge deck widenings had to get under way as soon as possible so that work might begin in the springtime.

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. Pinzone, seconded by Mr. Brown as follows:

RESOLUTION NO. 22-1983

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

RMP-43-84-03	State Route 53, Milepost 92.0 and Sandusky River Bridge, Milepost 92.3, Sandusky County, Ohio
RMP 43-84-10	Chestnut Ridge Road, Milepost 152.0; Turnpike Ramp Bridges over Chestnut Ridge Road, Milepost 152.0; Ramp Bridge at Exit 9, Milepost 152.1; State Route 10 (Lorain Road) Milepost 152.3 and Bridge over Conrail tracks, Milepost 152.6, all in Lorain County, Ohio
RMP 43-84-13	State Route 82, Milepost 165.4; York Road, Milepost 165.5 and Bennett Road, Milepost 166.2, all in Cuyahoga County, Ohio
RMP 43-84-15	Tinker's Creek Bridge, Milepost 165.6, Summit and Portage Counties, Ohio
MP 43-84-20	Evan's Lake-Yellow Creek Road, Milepost 234.4; Poland-Unity Road, Milepost 237.8; Columbiana Road, Milepost 238.1 and Garfield Road, Milepost 240.8, Mahoning County, 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 43-84-03, RMP 43-84-10, RMP 43-84-13, RMP 43-84-15 and RMP 43-84-20, 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: Mr. Pinzone, Mr. Brown, 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. 22-1983.

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

General Counsel, James C. McGrath, said that the case of Susan Bell versus the Ohio Turnpike Commission was settled on November 28, 1983, by payment made by the Commission's insurance carrier at no cost to the Commission. He said the nuclear waste transportation case was still pending in the U. S. District Court (Cleveland). He said the question before the court was still the jurisdictional one and it hadn't reached the merit stage at that time.

The Chairman asked General Counsel what date had been set for some action by the court.

General Counsel said the date had been set for approximately December 21, but plaintiffs filed an amended complaint about two days before the briefs were due. He said application was made thereafter for an extension of the briefing period and it now looked like about January 25 would be the date on which Judge Alvin Krenzler should rule.

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

the consulting engineers. He said the report of the trustee would be received.

The representative of the trustee, Mr. Sesler, said he had a preliminary report on the December 1 call of bonds in the principal amount of \$2,748,000. He said the trustee had not heard from the various paying agents at that point, but what had been redeemed so far in December were bonds with the face amount of \$345,000, so the trustee still had a long way to go in redeeming the bonds. He said that of the bonds called between 1978 and 1982, bonds in the principal amount of \$932,000 were outstanding.

The Executive Director said that with the bond call the Commission was down to the \$4,811,000 in outstanding bonds according to the plan adopted by the Commission more than two years ago. He said there were no real guidelines in the Trust Agreement or in the Ohio Turnpike Act for accomplishing the final bond redemptions. He said the trustee would probably hold off until December 1, 1984, to call all the remaining, outstanding bonds. He said the Commission had the flexibility during the year to purchase bonds offered by bondholders. He said monies could be transferred at Commission meetings by direction of the Commission as appropriate. He said the experience of the last bond call in which only \$345,000 of the \$2,748,000 bonds called had been redeemed was indicative of the fact that either the whereabouts of the bonds are not known or the bondholders don't seem to know they have them.

The Chairman said the report of the trustee was accepted as offered. He said the report of the Director of Information and Research would be received.

The Director of Information and Research, Robert P. Barnett, said that work had begun on the Commission's 1983 annual report and it would be completed on or before February 1, 1984.

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

The Executive Director said that he wanted to add some information concerning the report on the 1984 bridge repair program. He said he thought it was important to note that in presenting the report to the Governor he also indicated that it would be appropriate for the Commission to try to look beyond 1984 as the Commission got into the last year of bond payoffs. He said he had discussed with the general consultants about extending their regular inspection and report past the usual one-year analysis. He said the Commission had a rather comprehensive toll structure analysis report in 1981 at the time toll rates were increased that carried the bridge program through 1985.

The Executive Director said further that he had been talking to the consultants about looking at the bridges from 1985 to 1990 to see what's needed, even if it were not the Commission that would need that information. He said it would be useful information to the Commission and ODOT even if the road were to be turned over

to ODOT. He said that he had asked the consultants to begin a more in-depth inspection early in 1984 so that the information would be in the Commission's hands as soon as possible to aid the Commission in looking past 1984.

The Chairman said the Commission would hold its next meeting sometime in February. He said an exact time 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 Mr. Pinzone, seconded by Mr. Brown 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. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Brown, Mr. Rogers

Nays: None

The Chairman wished everyone a very happy holiday and declared the meeting adjourned. Time of adjournment was noon.

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


Charles R. Pinzone, Secretary-Treasurer