

6/29/84

OHIO TURNPIKE COMMISSION

Resolution Authorizing the Executive Director
to enter into an Agreement on behalf of the
Commission with the State of Ohio
concerning Improvements, Maintenance,
Repairs and other Transitional Items
Affecting the Ohio Turnpike

WHEREAS, on December 1, 1984 the remaining 1952 bonds issued by the Ohio Turnpike will be called for redemption and paid from a combination of moneys available for such purpose pursuant to the 1952 Trust Agreement and from the proceeds of refunding obligations authorized by Chapter 5537 of the Revised Code;

WHEREAS, the Commission desires to reach an understanding with the Director, Ohio Department of Transportation, concerning the provision found in Section 5537.21 of the Revised Code dealing with the condition and repair of the turnpike;

WHEREAS, the executive director has transmitted a draft agreement to the Director, Ohio Department of Transportation, setting forth a plan and proposal concerning the improvements, maintenance and miscellaneous transitional items relative to the provisions of Section 5537.21 Revised Code, and such draft agreement is before the Commission;

NOW, THEREFORE, BE IT

RESOLVED that the executive director is authorized to enter into an agreement with the State of Ohio, by and through the Director, Ohio Department of Transportation concerning the condition and repair requirements set forth in Section 5537.21 of the Revised Code of Ohio, and said agreement is to be in substantially the same form as the draft thereof attached hereto as Exhibit "A."

(Resolution No. 6-1984 adopted June 29, 1984)

DRAFT

4/18/84

AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 1984, between the State of Ohio, acting by and through the Director of Transportation of the State of Ohio, hereinafter referred to as the STATE, and the Ohio Turnpike Commission, a body corporate and politic in Ohio having powers conferred upon it by sections 5537.01 to 5537.23 inclusive, of the Revised Code of Ohio, hereinafter referred to as the COMMISSION,

WITNESSETH:

WHEREAS, the COMMISSION will retire the remaining original revenue bonds, sold in 1952 to finance the design and construction of the Ohio Turnpike, Project No. 1, by December 1, 1984, some eight years ahead of their stated maturity, and

WHEREAS, Section 5537.21 of the Revised Code of Ohio provides that when all Turnpike bonds have been paid and the project is placed in good condition and repair to the satisfaction of the State Director of Transportation, it shall become part of the State Highway System and shall be maintained by the Department of Transportation and shall be free of tolls, and

WHEREAS, the STATE and the COMMISSION have entered into an Agreement, with the Federal Highway Administration, designated as State of Ohio, Department of Highways, Agreement No. 1264, executed July 14, 1964, which incorporates the requirements of Section 5537.21 of the Revised Code of Ohio, and

EXHIBIT "A"

WHEREAS, Section 5537.09 of the Revised Code of Ohio and Section 1. of Agreement No. 1264 permit the COMMISSION to refund its revenue bonds under certain conditions, and

WHEREAS, the STATE and COMMISSION desire to reach an understanding and define the good condition and repair requirements contained in the Revised Code of Ohio and Agreement No. 1264, and to set forth an orderly schedule and transition for accomplishing these requirements.

NOW THEREFORE, for and in consideration of the mutual covenants hereinafter stipulated to be kept and performed, the parties hereto agree as follows:

SECTION 1. Refunding Bonds

Before December 1, 1984, the COMMISSION will refund the outstanding existing bonds of the Commission by issuing new bonds which bear a maturity date of December 1, 1990, and with such other provisions so as to comply with the applicable State statutes and regulations, Agreement No. 1264 and any other applicable laws and regulations concerning the issuance of such bonds.

SECTION 2. Bridge Repairs

The COMMISSION will continue its program of bridge repair and rehabilitation to the extent that by December 31, 1990, the decks of all original mainline bridges will be replaced and widened and the decks of all other bridges under the jurisdiction and responsibility of the COMMISSION, carrying vehicular traffic, will be replaced or rehabilitated (using accepted repair and overlay methods) as appropriate. These and such other bridge repairs as are reasonable to give maintenance free service, other than routine annual maintenance, for eight years will be made by

SECTION 2. Bridge Repairs (cont.)

the COMMISSION. The extent of repairs to be made and the scheduling of specific projects will be determined by the COMMISSION based upon annual inspections of the bridges performed for the COMMISSION in accordance with the National Bridge Inspection Standards, which inspection reports will continue to be submitted to the STATE, and upon moneys available to the COMMISSION for such projects. The COMMISSION agrees to consult periodically with representatives of the STATE to inform them of the projects being undertaken.

SECTION 3. Pavement and other Repairs

The COMMISSION will continue its program of pavement resurfacing and repair, and maintenance of other structures, roadway and drainage facilities at such levels that, upon the eventual transfer of the project to the STATE, such facilities can reasonably be expected to give maintenance-free service, other than routine annual maintenance, for not less than four years from the date of such transfer. The precise items of work needed to meet this requirement will be reviewed periodically by the parties and a detailed list of work still necessary to meet this requirement for December 31, 1990, will be developed for mutual acceptance by the parties not later than December 31, 1988, so as to allow the COMMISSION to arrange and perform the necessary remaining work. In the event it is determined by the parties that the facility is not ready or it is not appropriate to transfer the project to the STATE on December 31, 1990, or within six months thereafter, the parties will determine each year by February 15 the items of work necessary to be performed by the COMMISSION until such time as the project is transferred.

SECTION 4. Service Plaza Operation Contracts and Renovation

It is understood that the COMMISSION will rebid the contracts for operating the restaurants and service stations at the service plazas currently set to expire September 30, 1985. In so rebidding, the COMMISSION will set the terms of the new contracts to expire not later than December 31, 1990, and will provide for renovation of the restaurant facilities similar to the renovations already done by the COMMISSION at the Erie Islands and Commodore Perry Plazas.

SECTION 5. Federal Funds

Although it is contemplated that the work described herein will be funded primarily from toll and other revenues currently available to the COMMISSION, the parties agree to cooperate with their best efforts in seeking legislative action to permit Federal funds to be used for improvements to the Turnpike, which have been identified in Environmental and Engineering studies performed for the COMMISSION in cooperation with the Ohio Department of Transportation and the Federal Highway Administration, to the extent that such funding would be in addition to other Federal funding available for use in the STATE. The parties recognize that under current Federal law, regulations and funding programs, adding the Turnpike would not generate additional moneys for the STATE.

The parties agree further to seek legislative action to have the entire Turnpike classified as an Interstate Highway for federal funding purposes, inasmuch as the 35-mile section between Exit 9A and Exit 13 was added to the Interstate System under the non-chargeable authority of the U. S. Secretary of Transportation to do so and, as such, it cannot now be used in the formulas for calculating the STATE's Interstate funding allocations and apportionments.

SECTION 6. Other Transition Items

In addition to the areas contained hereinabove, the parties agree that the disposition of the following matters must be addressed before the project is transferred to the STATE:

- 1) COMMISSION employees and severance program
- 2) Unobligated funds and other financial assets of the COMMISSION
- 3) Insurance coverages and claims
- 4) Workers' compensation coverage and claims
- 5) Outstanding litigation
- 6) Right-of-Way files and records
- 7) Other records and files
- 8) Outstanding contracts, agreements, permits, leases and other instruments to which the COMMISSION is a party
- 9) Equipment and supply inventories
- 10) Toll Plaza facilities and equipment
- 11) Tandem trailer program and facilities
- 12) Median crossovers
- 13) Accesses, other than interchanges and service plaza ramps, to the Turnpike.