

MINUTES OF THE 343rd MEETING OF THE OHIO TURNPIKE COMMISSION

June 29, 1984

Pursuant to the bylaws the Ohio Turnpike Commission met in regular session in the offices of Squire, Sanders & Dempsey, BancOhio National Plaza at 155 East Broad Street, Columbus, Ohio, at 10:04 a.m. on June 29, 1984, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; a representative, Kathy Petrey, of the Commission's fiscal and labor counsel, Squire, Sanders & Dempsey; three members of the press, Tom Diemer, The (Cleveland) Plain Dealer, and Duane St. Clair, The Columbus Dispatch, Lee Leonard, United Press International (in attendance for the latter portion of the meeting); 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: Warren J Smith, William H. Schneider,  
Saundra Dombey Cooke, Charles R. Pinzone,  
Clarence D. Rogers, Jr.

Absent: None

A motion was made by Mr. Schneider, seconded by Mrs. Cooke, that the minutes of the meeting of April 5, 1984, which had been examined by the Members and on which the minor suggestions made by Dean Berry of Squire, Sanders & Dempsey's Cleveland office 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, Mrs. Cooke, Mr. Smith, Mr. Pinzone,  
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 343rd of the Ohio Turnpike Commission. He said the Commission was meeting in the Columbus offices of its fiscal and labor counsel, Squire, Sanders & Dempsey. He said that on behalf of the Commission, he wanted to thank Don Wiper, Managing Partner in Columbus, for the use of the meeting room. He said he also wanted to acknowledge the presence of Kathy Petrey of Squire, Sanders & Dempsey's Cleveland office.

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NOTE: The representative of the trustee, BancOhio National Bank, P. Joseph Sesler, did not attend the Commission meeting on June 29, 1984, because he did not receive notice of it until late that day. The notice had been mailed to Mr. Sesler a week before the meeting and it obviously became delayed by the U. S. Postal Service.

The Chairman reported further that since the end of the first six months of 1984 was near, he would not report on the Turnpike's financial experience at that time. He said that rather, that information will be compiled and distributed in news release form as soon as audited statistics were available.

The Chairman reported further that he did want to mention, however, that the number of vehicles on the road and the resulting toll revenues so far in 1984 were ahead of last year's totals. He said that, however, he anticipated some unpredictable periods during the remaining summer months due to all the bridge repair projects on the Turnpike, which already had had a negative impact on the traffic flow during the heaviest traffic periods, especially on weekends. He said he would ask the Executive Director to comment further on the status of construction projects in his report.

The Chairman said further that there were four resolutions to be acted upon by the Commission at the meeting. He said two of the resolutions concerned the future of the Turnpike and were of considerable significance, while the other two resolutions dealt with construction contracts. He said drafts of all four resolutions had been placed in the Members' folders, and they would be explained, presented and discussed during the course of the meeting.

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.

The Secretary-Treasurer said that since the last Commission meeting the following had been sent to all the Members:

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during April and May, 1984
3. Draft of the Commission Meeting Minutes of May 5, 1984
4. Traffic Accident Analysis through March 31, April 30 and May 31, 1984
5. Traffic and Revenue Report for March, April and May, 1984
6. Financial Statements for March, April and May, 1984
7. Expense and Budget Report - First Quarter 1984
8. Litigation Report for First Quarter 1984
9. Release No. 1, 4/18/84 - Traffic Diversion for 1984 Bridge Improvement Program

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no report from the

Committee on Budget and Finance. 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 as the Members knew, the Commission agreed last year to participate with the Gladieux Corporation in converting two Turnpike service plazas, namely Erie Islands and Commodore Perry at Milepost 100 in Sandusky County, to RAX fast-food restaurants. She said Gladieux had a franchise relationship with RAX. She said earlier that year, the Commission awarded a contract for the building portion of the conversions which had been under way since and had been done in stages in order to continue a limited form of service during the conversion. She said the RAX service was put into operation late in May and the final work stages in the gift shop and lobby areas were then virtually complete.

Mrs. Cooke said further that the units appeared to be receiving enthusiastic acceptance and sales volumes were climbing steadily over last year's figures. She said that for example, the week before the meeting, sales increased more than 100% over a year ago so there was reason to be pleased. She said that although she had not yet seen the units herself, the Executive Director told her they were very attractive. She said the committee was working with officials from Gladieux and RAX to have a grand opening ceremony at 11:30 a.m. on July 18. She said invitations would be sent as soon as all the details were completed.

Mrs. Cooke said further that another item of interest she wanted to report was that in cooperation with the State Department of Development and the State's program to encourage tourism in Ohio, the Commission had opened and was staffing with temporary employees, tourist information centers in the lobbies of the Tiffin River and Portage Service Plazas. She said the centers were open daily from 8:00 a.m. to 6:00 p.m. and were started just before Memorial Day and would continue until Labor Day. She said that while it was difficult to assess the impact of those centers, she did know they were distributing considerable information supplied by the State Office of Travel and Tourism and the Commission's own pamphlets and maps, and the tourist counselors were answering many questions.

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 chairman of the Committee on Employee Relations, G. Alan Plain, said a formal request had been received for voluntary recognition of the Laborers' International Union of North America, Local 1283, as the exclusive representative of the regular, full-time, non-supervisory employees in the maintenance and toll departments. He said the request had been filed with the State Employee Relations Board pursuant to the pertinent sections of the Ohio Revised Code and the State Employee Relations Board regulations, as required. He said a copy of the request for recognition had been posted at each of the

Turnpike facilities, as also was required.

The Director of Transportation, Mr. Smith, asked if the Commission's staff had been coordinating its labor relations activities with the State Collective Bargaining division of the Department of Administrative Services. He said the individual in charge of the division was Ed Seidel, who was, in effect, the employer negotiator for the State of Ohio. He said that although the Commission would not be represented by the division, the basic policy decisions being made would affect anybody in an employer position.

The Executive Director, Allan V. Johnson, said he had not been aware of the division but he would make the proper contact with Mr. Seidel.

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

The Executive Director said that since last year when the Commission advocated a program to continue tolls after the original bonds of the Commission are liquidated on December 1, 1984, the Commission had sought ways to implement such a program.

The Executive Director said further that, as the Commission Members knew, the first approach last year was to seek release from the Tripartite Agreement among the Commission, the State of Ohio and the United States Government, Federal Highway Administration, and a bill was introduced into Congress last June by Congressman Delbert L. Latta to grant unconditional release from the agreement.

The Executive Director said further that eventually that release concept was added as an amendment to an Interstate Cost Estimate bill. He said that by the time it was added as an amendment, it had been modified to require a payback of Federal funds that the state had received as the result of entering into that agreement. He said that, unfortunately, that legislative effort died last fall when the whole Interstate Cost Estimate bill became embroiled in controversy and it stalled in Congress. He said he knew it did not appear to the Commission or to the Department of Transportation that the prospect of Congressional action would be possible in 1984, so another approach had been sought.

The Executive Director said further that in carefully examining the provisions of the Tripartite Agreement, and also the Turnpike Act, it became apparent that the same result could be virtually accomplished by refunding the outstanding bonds of the Commission, which were permitted both under the terms of the Tripartite Agreement and also the Turnpike Act, with certain conditions.

The Executive Director said further that under the circumstances, as the Members knew, he proposed to the Commission and ODOT that the Commission proceed with a plan to refund the remaining outstanding bonds. He said a resolution had been prepared which had

been drafted in cooperation with the Commission's fiscal counsel, Squire, Sanders & Dempsey, to proceed with such a refunding. He said the resolution read as follows:

"Resolution Authorizing the Executive Director  
to Proceed With the Development of Terms  
and Details for the Issuance of Turnpike  
Refunding Revenue Bonds

WHEREAS, the last of the Project No. 1 Bonds issued by the Commission in 1952 that remain outstanding, are scheduled to be called for redemption and paid on December 1, 1984; and

WHEREAS, based on scheduled and proposed necessary maintenance and operation of the Turnpike, and improvements necessary to that proper maintenance and operation, substantial expenditures are required to be made before and after that date; and

WHEREAS, the Commission, after consultation with the Ohio Department of Transportation, has determined to provide moneys to make that final payment of the 1952 Bonds on December 1, 1984 from a combination of moneys available for the purpose pursuant to the 1952 Trust Agreement and from the proceeds of refunding obligations authorized by Chapter 5537 of the Revised Code; and

WHEREAS, the proposed restructuring of the bond financing of the Commission will continue to provide for the final payment of all bonds relating to the initial construction of the Turnpike, including the refunding bonds, before the June 1, 1992 final due date stated in those 1952 Bonds, while at the same time will permit moneys to be available from continuing tolls and otherwise for the purposes of that proper maintenance and operation and those improvements;

NOW, THEREFORE, BE IT

RESOLVED that the Executive Director is directed to proceed with the development of the terms and details for the authorization, issuance and sale of and security for an issue of not to exceed \$4,811,000 Turnpike Refunding Revenue Bonds, to mature no later than December 1, 1990, to provide the moneys sufficient, together with moneys to be available for the purpose under the 1952 Trust Agreement, to call for redemption and to provide for the payment on December 1, 1984 of the last remaining 1952 Bonds that are outstanding, and to make or provide for all other payments required under the 1952 Trust Agreement so as to release and discharge that Trust Agreement, all in a manner as authorized by Chapter 5537 of the Revised Code, consistent with the 1952 Trust Agreement and not inconsistent with the 1964 Tripartite Agreement among the Commission, the State of Ohio and the United States Department of Transportation, and to prepare the appropriate documentation for consideration by the Commission at an early date."

The Executive Director said further that he recommended that the Commission adopt the resolution and proceed with the plan.

A resolution authorizing the Executive Director to proceed with the development of terms and details for the issuance of Turnpike refunding revenue bonds was moved for adoption by Mr. Pinzone, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 5-1984

"WHEREAS, the last of the Project No. 1 Bonds issued by the Commission in 1952 that remain outstanding are scheduled to be called for redemption and paid on December 1, 1984; and

"WHEREAS, based on scheduled and proposed necessary maintenance and operation of the Turnpike, and improvements necessary to that proper maintenance and operation, substantial expenditures are required to be made before and after that date; and

"WHEREAS, the Commission, after consultation with the Ohio Department of Transportation, has determined to provide moneys to make that final payment of the 1952 Bonds on December 1, 1984 from a combination of moneys available for the purpose pursuant to the 1952 Trust Agreement and from the proceeds of refunding obligations authorized by Chapter 5537 of the Revised Code; and

"WHEREAS, the proposed restructuring of the bond financing of the Commission will continue to provide for the final payment of all bonds relating to the initial construction of the Turnpike, including the refunding bonds, before the June 1, 1992 final due date stated in those 1952 Bonds, while at the same time will permit moneys to be available from continuing tolls and otherwise for the purposes of that proper maintenance and operation and those improvements;

"NOW, THEREFORE, BE IT

"RESOLVED that the Executive Director is directed to proceed with the development of the terms and details for the authorization, issuance and sale of and security for an issue of not to exceed \$4,811,000 Turnpike Refunding Revenue Bonds, to mature no later than December 1, 1990, to provide the moneys sufficient, together with moneys to be available for the purpose under the 1952 Trust Agreement, to call for redemption and to provide for the payment on December 1, 1984 of the last remaining 1952 Bonds that are outstanding, and to make or provide for all other payments required under the 1952 Trust Agreement so as to release and discharge that Trust Agreement, all in a manner as authorized by Chapter 5537 of the Revised Code, consistent with the 1952 Trust Agreement and not inconsistent with the 1964 Tripartite Agreement among the Commission, the State of Ohio and the United States Department of Transportation, and to prepare the appropriate documentation for consideration by the Commission at an early date."

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

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

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 5-1984.

The Executive Director said also that he believed that an essential part of the refunding program was to spell out what was to be done to the road and other facilities between 1984 and 1990, when the refunded bonds are to be retired. He said he proposed that that be accomplished by executing an agreement between the Commission and the Ohio Department of Transportation, a draft of which had been distributed and which he believed would be appropriate to read, at least in part. He said it would be an agreement between the State of Ohio acting by and through the Director of Transportation and the Ohio Turnpike Commission. He said it read as follows:

"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

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 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."

The Executive Director said further that the agreement was still in draft form. He said that in order to proceed further, a draft resolution had been prepared authorizing the Commission to enter into such an agreement with the State of Ohio. He said the resolution read as follows:

"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."

The Executive Director said further that he recommended the Commission adopt the resolution.

A 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 was moved for adoption by Mr. Schneider, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 6-1984

"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."

"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

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 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 Renovations

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.

Mr. Smith said he would abstain from voting on the resolution because the agreement had yet to be worked out between ODOT and the Commission.

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

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

Nays: None

Abstain: Mr. Smith

The Chairman declared the resolution stood adopted with all Members except Mr. Smith, voting in the affirmative. The resolution was identified as No. 6-1984.

The Executive Director said further that a draft resolution had been prepared to award a contract for the deck replacement and widening of the Holland Road bridge over the Turnpike at milepost 59. He said it was a project which the Commission previously had authorized the Executive Director to make the award, but since it was timely in that bids had been opened the week of the meeting, he felt it appropriate to bring the contract to the Commission for award.

The Executive Director said further that the bid tabulations on the project had been furnished to the Members. He said the bids had been analyzed by the Commission's Deputy Executive Director-Chief Engineer, General Counsel and consulting engineers. He said the bids also had been reviewed by the contracting engineers who prepared the plans for the project, which was a joint venture between the Commission and the City of Maumee. He said the City of Maumee would be paying a substantial portion of the project's cost under



an agreement that the Commission had with the city. He said that portion was for the widened part of the bridge. He said the contracting firm was working for the City of Maumee under the agreement with the Commission and they recommended the award. He said he, too, had analyzed the bids and recommended the award to the low bidder which was the National Engineering & Contracting Company of Strongsville. He said he would read the resolved part of the resolution as follows:

"RESOLVED, that the bid of National Engineering & Contracting Company of Strongsville, Ohio in the amount of \$765,059.15 for the performance of Contract RMP 43-84-02 using the alternate SP 607 all aluminum chain link safety fence 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 the 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 said contract."

The Executive Director said further that the low bid was well under the staff's cost estimate. He said it was an excellent bid and he was completely familiar with the contractor, who had been doing a great number of projects on the Turnpike, and he recommended that the resolution of award be adopted.

A resolution awarding Contract RMP 43-84-02 was moved for adoption by Mr. Pinzone, seconded by Mr. Schneider as follows:

RESOLUTION NO. 7-1984

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for deck replacement and widening of the Holland Road Bridge at Milepost 59.0, located in Lucas County, Ohio, which contract is designated Contract RMP 43-84-02, and proof of said advertising is before the Commission;

"WHEREAS, the work to be performed under Contract RMP 43-84-02 is a joint project with the City of Maumee, with the Commission and the City of Maumee sharing the costs in accordance with the agreement between the parties;

"WHEREAS, four bids were received for the performance of Contract RMP 43-84-02, 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, in addition to the contracting engineers for the project, Mannik & Smith, Inc., who prepared the plans for the project under a contract with the City of Maumee in accordance with the agreement between the Commission and the City, 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 National Engineering & Contracting Company of Strongsville, Ohio, in the amount of \$765,059.15 for the performance of Contract RMP 43-84-02 using the alternate SP 607 all aluminum chain link safety fence 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 & Contracting Company of Strongsville, Ohio in the amount of \$765,059.15 for the performance of Contract RMP 43-84-02 using the alternate SP 607 all aluminum chain link safety fence 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 the 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 said contract."

A vote by ayes and nays was taken and all Members responded to roll call 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. 7-1984.

The Executive Director said also there was one final resolution before the Commission at the meeting. He said that resolution authorized the Executive Director to take immediate action concerning the award of modifications and resurfacing to four Turnpike service plazas--Indian Meadow, Tiffin River, Oak Openings and Fallen Timbers, all in the western end of the road. He said plans for the work had been prepared, and bids were in the process of being solicited. He said bids would be opened within two weeks after the meeting day, and he was sure another Commission meeting would not be held in time to make that award. He said the resolution was necessary because bids would exceed the \$250,000 limit of authorization that he had under the bylaws. He said he would read the resolved section of the resolution as follows:

"RESOLVED that with respect to Contract RMP 53-84-02, Group A, and RMP 53-84-02, Group B, the Commission hereby delegates to the executive director the authority to take action on behalf of the Commission in the award of contract for these projects, or the rejection of bids for these projects and such other action thereon as is within the authority of the Commission, provided that in the opinion of the executive director, deputy executive director-chief engineer and the consulting engineer, it is in the best interest of the Commission for such action to be taken in advance of any meeting of the Commission, and further provided that any action taken pursuant to authority granted herein shall be approved by the general counsel; and

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

The executive director said further that he recommended that the resolution be adopted.

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

RESOLUTION NO. 8-1984

"WHEREAS, the Commission is preparing to advertise for bids on contracts for the modification and resurfacing of two pairs of service plazas, to wit:

RMP 53-84-02  
Group A

Indian Meadow/Tiffin River  
Service Plazas, Milepost 20.8  
Williams County, Ohio

RMP 53-84-02  
Group B

Oak Openings/Fallen Timbers  
Service Plazas, Milepost 49.0  
Lucas 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 take action on behalf of the Commission concerning the award of contracts for each of these projects, or the rejection of bids for each of these projects and such other authority as the Commission has concerning such projects so that action can be taken on said projects immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to Contracts RMP 53-84-02, Group A, and RMP 53-84-02, Group B, the Commission hereby delegates to the executive director the authority to take action on behalf of the Commission in the award of contract for these projects, or the rejection of bids for these projects and such other action thereon as is within the authority of the Commission, provided that in the opinion of the executive director, deputy executive director-chief engineer and the consulting engineer, it is in the best interest of the Commission for such action to be taken in advance of any meeting of the Commission, and further provided that any action taken pursuant to authority granted herein shall be approved by the general counsel; and

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

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

Ayes: Mrs. Cooke, Mr. Schneider, 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. 8-1984;

The Executive Director said also that as the Chairman had requested he would report on the status of Turnpike construction contracts. He said that as the Members knew from earlier Commission meetings and authorizations given to him to make awards for construction contracts, there were a large number of contracts for construction of bridge projects during the 1984 work season. He said that before awarding the Holland Road bridge contract at the day's meeting, 21 separate contracts for bridge deck replacements had

been awarded.

The Executive Director said further that some 70 bridges were having their decks replaced and widened, 60 of those were mainline structures. He said there were 20 zones along the Turnpike which had two-way, one-lane traffic, separated by concrete barriers in order to accommodate those deck replacements. He said that as the Chairman had noted it was inevitable that during the heaviest travel periods the one-lane traffic would back up, and any accidents would compound the problems.

The Executive Director said further that as the Members knew there had been a very serious accident on one of those projects, the Vermilion River bridges, a few weeks before the meeting in which three people were killed. He said the accident was a six-vehicle, chain-reaction collision where a truck had become disabled in the eastbound lane. He said there had been a fire and some of the people were trapped in a car. He said two people died immediately and the third died in the hospital several weeks later.

The Executive Director said further that the eastbound lanes of the Turnpike between the Sandusky-Norwalk (#7) interchange and the Lorain-Elyria (#8) interchange were closed for 12 hours, and the westbound lanes were closed for eight hours while the bridge was inspected for fire damage. He said that, fortunately, it was determined that there wasn't any serious structural damage so the bridge was reopened after some minor repairs to sections of damaged asphalt deck.

The Executive Director said further that the Commission's staff was constantly looking at the bidirectional traffic zones, and he considered that they were set up as well as they could be. He said most problems were being experienced in the heavy traffic area of the Turnpike between interchanges 7 and 8. He said backups at times were experienced in that area due to the Cedar Point attraction. He said ODOT construction on State Route 2 had some lanes closed on that parallel, alternate route to Cedar Point. He said the resulting traffic congestion had caused problems for the City of Huron.

The Executive Director said further that he was sure the Director of Transportation would confirm that there was no other way to accomplish the construction without taking lanes out of service. He said that it was the first time so many projects had been undertaken on the Turnpike during a summer construction season, and the Commission's staff was learning some things about traffic control which would help in future years when additional bridge projects are done. He said work on the major river crossings were done during the early stages of the program. He said the second spans of the Cuyahoga River and Maumee River bridges would have deck replacement and widening in 1984, the first spans having had that work done to them in 1983. He said work was being done on the bridges over the Vermilion and Sandusky Rivers, two other major river crossings, and the long bridge over Tinker's Creek. He said there were

60 other bridges undergoing repairs, many of them out of the heavy traffic areas. He said the Ohio State Highway Patrol was taking extra efforts, but he was sure there would be some traffic problems.

The Deputy Executive Director-Chief Engineer said he would like to add that maintenance personnel had been assigned to work during the weekends to assist with flagging traffic through the bidirectional zones, and have water on the scene for motorists whose vehicles overheated while in traffic jams.

Mr. Pinzone said he had been on the Turnpike between interchanges 7 and 8 on Sunday, June 24. He said there had been problems with traffic moving back and forth prior to the bidirectional zones. He said he thought there should be signs put up at least a mile before the projects informing motorists to stay in their lanes and not cross the yellow lines. He said he thought such signs would result in traffic moving at a faster rate.

The Executive Director said that the jockeying of vehicles by motorists as they came into bidirectional zones had been a problem. He said that truckers were contributing to that bad situation by sometimes taking up two lanes and the berms in attempts to prevent cars from jockeying for positions. He said the Commission's staff and the Patrol were working to improve the traffic flow.

The Chairman asked the Executive Director if there were any allegations that the work on the Turnpike in any way contributed to the fatalities.

The Executive Director said that there had not been any such allegations, but he would not be surprised if the Commission became involved in a lawsuit or lawsuits concerning the accident.

The Executive Director said also that some project delays had been encountered because steel supplies started to become critical. He said he did not think those delays would affect the ultimate completion of all the projects, but in some cases contractors have had as long as a one-month delay on steel deliveries. He said contractors were able to work around the delays by doing other things. He said he thought the delays in steel deliveries were ironic at a time when the steel industry was depressed, and then those companies were unable to furnish the necessary materials in a timely way.

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 since the last Commission meeting the Chambers case, which was being tried at that time, had been completed, and the jury returned a verdict in the amount of \$250,000 against the Commission. He said motions for judgment, notwithstanding the verdict, had been filed and they were still pending in Cuyahoga County Common Pleas Court, so there's

no final decision in that case as yet.

General Counsel said also that U. S. District Court Judge Alvin I. Krenzler had dismissed the action against the Commission and multiple other defendants dealing with the transportation of nuclear waste on the Turnpike. He said that case was thus complete. He said the second quarterly litigation report would be in the mail to the Members the week after the meeting giving more information in detail on those matters, as well as the Commission's other cases.

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

Mr. Fleischman said that the consulting engineers had recently completed their annual inspection of the Turnpike roadways, buildings and, in particular, all bridges. He said inspection notes would be furnished to the Deputy Executive Director-Chief Engineer within a short amount of time. He said that as a result of the inspection and findings, he had sat down with the Deputy Executive Director-Chief Engineer and his staff to prepare a recommended bridge deck replacement program for 1985.

The Executive Director said he wanted to add that the consulting engineers had been requested to perform their inspection earlier in 1984 than might otherwise have been done so that the Commission's staff would have that information to begin planning for the 1985 program as soon as possible. He said the staff intended to proceed with the selection of sites and begin plan preparations in order for bids on some contracts to possibly be taken late in 1984. He said he hoped to arrange the 1985 construction schedule a little differently and handle the traffic better.

The Chairman said the report of the consulting engineers was accepted as offered. He noted that a representative of the trustee was not in attendance.

The Executive Director said he didn't know why a representative of the trustee was not at the meeting since they had been sent a notice. He said he did not speak to P. Joseph Sesler, the usual representative, before the meeting. He said the offices of the trustee were in the same building in which the Commission meeting was being held. He said he would have called Mr. Sesler if he had known there might be a problem with Mr. Sesler attending the meeting.

The Chairman ascertained there would be no report from the Director of Information and Research.

The Chairman said the next Commission meeting would be sometime in August or September.

The Executive Director said he thought the next meeting date would depend upon progress on the bond refunding proposal because the Commission would have to act on the specific details of that

bond refunding. He said the staff was working with bond counsel on how that would be accomplished, and they would be moving as swiftly as possible on the bond refunding. He said he could not forecast at that time when the proposal might be ready for Commission action, but it might be late July or early August. He said he just wanted to leave those possible meeting times in the Members' minds as the present meeting adjourned.

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. The vote was as follows:

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

Nays: None

The time of adjournment was 10:51 a.m.

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

  
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Charles R. Pinzone, Secretary-Treasurer