

MINUTES OF THE 355th MEETING OF THE OHIO TURNPIKE COMMISSION

June 11, 1987

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio, at 10:57 a.m. on June 11, 1987, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company - Ohio; representatives, Richard L. Fetzner and Lorraine Plummer, of the trustee, AmeriTrust Company National Association; a representative, Kathy Petrey, of the fiscal and labor counsel, Squire, Sanders & Dempsey; a member of the media, Pauline Thoma, The (Cleveland) Plain Dealer; 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: Bernard Hurst, William H. Schneider, Charles R. Pinzone, Clarence D. Rogers, Jr.

Absent: Sandra Dombey Cooke

Not Present: Warren J Smith

A motion was made by Mr. Schneider, seconded by Mr. Pinzone, that the minutes of the meeting of December 11, 1986, which had been examined by the Members, 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. Schneider, Mr. Pinzone, Mr. Hurst, 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 355th of the Ohio Turnpike Commission, and it was held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Bernard Hurst, Assistant Director of Transportation, was at the meeting in place of Warren Smith, the Director of Transportation, and was authorized to vote. He said Mrs. Cooke was on a trip to Europe and unable to attend, but the Commission did have a quorum.

The Chairman reported further that in compliance with a provision of the Turnpike Act, copies of the Commission's 1986 annual report were mailed on March 31st to the Governor's office, and to the offices of the legislative leaders. He said the report was then distributed to selected members of the General Assembly, to

elected state officials, to newspapers and radio and television stations throughout the state, and to other interested parties.

The Chairman reported further that although it was customary in the Chairman's report to give a brief summary of the Commission's financial experience, he would not do so in the interest of conserving time. He said the six-month figures would be available and compiled early in July.

The Chairman reported further that copies of four resolutions had been placed in the Members' folders, and they would be introduced and explained during the various committee and staff reports.

The Chairman said that he wanted to note the presence of several people at the meeting. He said the trustee was represented by Dick Fetzner and Lorraine Plummer. He said also present were Kathy Petrey of Squire, Sanders and Dempsey, Gary Cooke and Helen (Forbes) Fields of Forbes, Forbes and Teamor. He said he would be remiss if he missed the representative of the press, Pauline Thoma, The (Cleveland) Plain Dealer, and immediately next to her was her assistant and chief artist, Megan Rogers (his daughter).

The Chairman said that in the absence of any questions, the report of the Chairman was accepted as offered. He said the report of the Secretary-Treasurer, Mr. Pinzone, would be received.

Mr. Pinzone said that since the last Commission meeting, the following had been sent to the Members:

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during December 1986 and January, February, March, April and May 1987
3. Draft of the Commission Meeting Minutes of December 11, 1986
4. Traffic Accident Analysis through April 1987
5. Traffic and Revenue Report for December 1986 and January, February, March, April and May 1987
6. Revenue by month and year for December 1986 and January, February, March, April and May 1987
7. Financial statement for December 1986 and January, February, March, April and May 1987
8. Bid Tabulations for various bridge construction and resurfacing projects for 1987
9. Litigation Report - Fourth quarter of 1986, first quarter of 1987
10. Expense and Budget Report - 12 months ending 12/31/86 and 3 months ending 3/31/87
11. Comprehensive Annual financial Report - 1986
12. News Release #5 - "Free coffee on Turnpike New Year's Eve"
- News Release #1 - "Turnpike concluded year with new accident records"
- News Release #2 - "1987 Construction program in progress"
- News Release #3 - "U.S. Postal Service in service plazas"

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 vice chairman of the Committee on Service Plazas, Allan V. Johnson, said he would present the Committee's report in the absence of its chairman, Mrs. Cooke. He said the new Turnpike restaurants had completed their first full year of operations. He said he was pleased to report that income from the restaurants had exceeded the minimum payments required under the concessionaires' contracts by about \$500,000. He said he thought that was a sign or signal that the restaurants were doing very well.

The Chairman said the increased income figure was a clear indication that the Commission's choice of going with the new mode of restaurants on the Turnpike was probably what the traveling public had wanted.

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, Louis J. Disantis, said that as the Members knew the Commission had a collective bargaining agreement with the Laborers' International Union of North America, Local 1283 in Akron. He said Local 1283 recently had merged into Local 860 of Cleveland. He said that after several meetings among union officials, the Commission's Executive Director, some members of the Commission's staff in consultation with the Commission's labor counsel, an agreement was signed whereby Local 860 became the successor union to Local 1283. He said the Commission had submitted a joint request with the Local to the State Employment Relations Board for substitution of the new Local. He said he believed copies of both the memorandum of agreement and the letter of submission were in the Members' folders and they were self-explanatory.

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. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Schneider, said the Committee had met to consider the possible increase in the speed limit on the Turnpike in accordance with Federal laws. He said that at that time there was no action recommended since it would be premature in view of the fact that the Ohio General Assembly was considering the action on state highways and the interrelation of speeds on the Turnpike with those roads.

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 he first wanted to introduce some of the Commission's employees attending the meeting. He said in attendance were Andrea Plassard, the new Chief Accountant, who started working for the Commission several months ago, and he was pleased to have her join the Commission's administrative staff. He said that seated next to her was Mary Shirley, a long-time employee who recently moved into a new position in the toll collection department. He said the Members knew Jean Floasin, the Director of Operations and his Administrative Assistant. He said that seated next to her was Heidi Jedel, secretary for the Director of Information and Research. He said that on the other side of the table was Joseph Disantis, who was working in the Legal Department, Nancy Siler, the Commission's Senior Auditor, Lieutenant H. E. Williams, District 10 of the Ohio State Highway Patrol, Nancy Gold, secretary in the Legal Department, and Dave Ransbury, Assistant Chief Engineer.

The Executive Director said also that he had the sad duty of reporting an unfortunate accident that occurred the week before the meeting and resulted in the death of a Commission employee, John Todd, who was a mechanic at the Turnpike's Canfield maintenance building. He said that for some unexplained reason, Mr. Todd, during the course of his work, rolled a sealed barrel into the building while he was working on some other equipment, and attempted to cut into the barrel with a cutting torch. He said the barrel contained some fluid which obviously was flammable and it exploded. He said Mr. Todd was hit in the head by a portion of the barrel and died as the result of the explosion. He said he had no explanation of why Mr. Todd did what he did.

The Executive Director said also that the first resolution he wished to introduce and explain concerned a project to replace existing, temporary toll booths at eight interchanges. He said it was a project on which the staff had been working on plans for some time. He said the project had been bid once before, but all the bids had to be rejected. He said that the project had been rebid in March 1987. He said that because of the delays and the desire to get the contract under way so that the new booths would be in operation beginning the current travel season, he awarded the contract on the basis of the emergency authorization previously given to him by the Commission in Resolution No. 57-1955. He said the resolution before the Commission at the meeting was a resolution to ratify that contract. He said he would read the resolved as follows:

"RESOLVED that the action of the executive director in awarding Contract CIP 58-87-02 to the Joseph Lach Construction Company, Inc. in the amount of \$666,540.00 is hereby confirmed and ratified by the Commission, and the Commission further ratifies the acts of the executive director in executing the contracts, returning of the bid securities and other acts necessary or proper to carry out the terms of said bid and said contract."

The Executive Director said he recommended that the resolution be adopted.

A resolution ratifying award of contract CIP 58-87-02 was moved for adoption by Mr. Pinzone, seconded by Mr. Schneider as follows:

RESOLUTION NO. 1-1987

"WHEREAS, the Commission duly advertised, according to law, for bids upon a contract for construction of new toll booths to replace existing temporary booths at Exits 1, 4, 5, 7, 8, 12, 13 and 17, said project being designated and described as CIP 58-87-02;

"WHEREAS, bids were opened on March 23, 1987, and two bids were received;

"WHEREAS, the bids for the above-mentioned contract were analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, J. E. Greiner Company - Ohio;

"WHEREAS, the Commission's consulting engineer recommended that the contract be awarded on an emergency basis to assure that the work would be performed as soon as possible so as to minimize the inconvenience to Turnpike patrons during the summer months, and the deputy executive director-chief engineer and consulting engineer further recommended that the contract be awarded to the lowest responsive bidder, namely the Joseph Lach Construction Company, Inc. of Avon, Ohio, for its bid on CIP 58-87-02 in the amount of \$666,540.00;

"WHEREAS, the executive director, pursuant to his emergency powers as set forth in Resolution No. 57-1955 awarded Contract CIP 58-87-02 on March 25, 1987, to the lowest responsive bidder, the Joseph Lach Construction Company, Inc.; and

"NOW, THEREFORE, BE IT

"RESOLVED that the action of the executive director in awarding Contract CIP 58-87-02 to the Joseph Lach Construction Company, Inc. in the amount of \$666,540.00 is hereby confirmed and ratified by the Commission, and the Commission further ratifies the acts of the executive director in executing the contracts, returning of the bid securities and other acts 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 present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Schneider, Mr. Hurst, 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. 1-1987.

The Executive Director said the next resolution he would introduce and explain authorized him to take immediate action concerning the award of contracts for resurfacing of certain service plazas and a certain bridge renovation project. He said plans were being prepared for two resurfacing contracts, and one bridge deck replacement contract. He said the resurfacing would be done at the Blue Heron, Wyandott, Mahoning Valley and Glacier Hills Service Plazas. He said the other contract called for replacement of the decks of the ramp bridges over Ohio Route 250 and over the Turnpike at the Sandusky - Norwalk (#7) interchange. He said it appeared that the bid advertising of those contracts would be done before the next Commission meeting and he wanted to get them under way in a timely fashion. He said the contracts also would exceed the \$250,000 limit for which he was authorized to award. He said that, therefore, he was asking the Commission to adopt a resolution giving him the authority to solicit the bids, analyze them and award the contracts.

A resolution authorizing the Executive Director to take immediate action concerning the award of contracts for resurfacing of certain service plazas and a certain bridge renovation project was moved for adoption by Mr. Hurst, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 2-1987

"WHEREAS, the Commission is preparing to advertise for bids for two contracts for the resurfacing of certain service plazas and for a contract for the replacement of certain bridge decks, such contracts being designated and described as follows:

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| "CIP 53-87-03 | Resurfacing and improvements to parking areas at Blue Heron and Wyandot Service Plazas;                      |
| "CIP 53-87-04 | Resurfacing and improvements to parking areas at Mahoning Valley and Glacier Hills Service Plazas;           |
| "CIP 43-87-18 | Interchange No. 7 - bridge deck replacement for ramp bridge over S.R. 250 and ramp bridge over the Turnpike; |

"WHEREAS, it is imperative that the work to be performed under these contracts be commenced as soon as possible so as to take 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 the 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 any action on the projects set forth above, including the award of contract, the rejection of bids and the readvertisement for bids, if, in the opinion of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for such action to be taken by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to take such action, including entering into any contract or contracts on behalf 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. Hurst, 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. 2-1987.

The Executive Director said he would ask the Deputy Executive Director-Chief Engineer, G. Alan Plain, to give a status report at the conclusion of his report on some of the construction projects. He said he would comment on one, the renovation and expansion of the administration building. He said the conference room in which the meeting was being held was a little different than it used to be in that the south side had been moved in some and a sliding partition to divide the room had been installed. He said he invited the Members to take a look at the work being done after the meeting had concluded.

The Executive Director said further that the Members could see the addition to the existing building on the Turnpike side. He said the shell was up and work was being done on the interior. He

said the work was somewhat behind schedule because of last minute changes mandated by the Ohio Department of Industrial Relations to expand on the sprinkler system that had been planned for in the building. He said the contractor had the revised plans for that work, and were awaiting final approval from the Board of Building Appeals on that question, which he was confident had been resolved.

The Executive Director said further that he hoped the final work on the building would be finished by the end of summer, and a grand opening ceremony could be held sometime in September or shortly thereafter.

The Executive Director said also that the next item he had to report on concerned the Commission's current trust agreement and bonds. He said that since late in 1987 he had had discussions with representatives of the Commission's fiscal counsel and AmeriTrust, the Commission's trustee and sole bond holder, to determine whether the current trust agreement and bonds could be amended without resorting to what could be an expensive and possibly self-defeating call and reissuance of the bonds. He said it had taken until then for that question to be analyzed because it had been complicated by the Tax Reform Act of 1986 because the Internal Revenue Service delayed in issuing explanations and interpretations applying to tax exempt bonds. He said those finally were issued in May in what was described as the Blue Book. He said that while waiting for the Blue Book, the Federal Surface Transportation and Uniform Relocation Assistance Act of 1987 was monitored. He said that was the long description of the Federal transportation bill. He said there were efforts under way to include provisions in that bill affecting toll roads and toll road financing in several states. He said, as the Members probably knew, that bill passed in March, almost six months after it was due, and it survived a Presidential veto.

The Executive Director said further that the bill contained both provisions beneficial to some states and to specific, existing toll facilities with tripartite agreements similar to the Commission's. He said that, unfortunately, there was nothing beneficial to the Ohio Turnpike in that bill. He said that, furthermore, the bill fixes the Federal program and funding for a five-year period, and in some cases at levels lower than in previous years.

The Executive Director said further that it also was clear that Congress intended to bring the construction of the Interstate Highway System to a conclusion during the life of the bill, and that the future Federal program to fund and maintain the Interstate System after 1992 would be deliberated in the next bill.

The Executive Director said further that under the circumstances it appeared that it would be extremely unfortunate and unwise for the Commission's debt to expire in December 1990, which was the current date. He said that date had been picked in 1984 to coincide with what was then expected to be the start of a new Federal funding period, and the Commission thought it would be able to address any legislative issues that might affect the Ohio



Turnpike at that time. He said that currently, however, the Commission had been leapfrogged by the unusually long and out-of-time-sync Federal bill.

The Executive Director said further that, as he had mentioned, it had traditionally been the case for the Federal government to act on four-year bills which went into effect in the month of October. He said that for example in October of 1978 there was a four-year bill that ran until 1982, and in 1982 there was a new bill that ran until October 1986, followed by a six-month gap where there was nothing. He said the new bill was enacted in March with a four-year term, so that it will carry the Federal program until March of 1992.

The Executive Director said further that fortunately, under the Commission's authority in the Turnpike Act, and also under provisions of the Commission's tripartite agreement, the current bond debt could be extended to June 1, 1992, the maturity date of the original bonds outstanding when the tripartite agreement was executed in 1964.

The Executive Director said further that as a result he proposed that the maturity date of the Commission's bonds be extended to June 1, 1992. He said a resolution to accomplish that extension had been prepared and he recommended that it be adopted. He said that before any action was taken he wanted to say that the Commission's bond Counsel had examined the long delayed Blue Book from IRS and it was their opinion that the amended and revised bond did qualify as a tax-exempt obligation under the new rules. He said that the real question was whether or not AmeriTrust had the right to consider the new bonds tax exempt and also to qualify for certain other benefits under the IRS rules. He said the Commission's fiscal counsel advises that what the Commission was proposing with respect to the bonds was correct.

The Executive Director said further that a resolution had been prepared and the Members had copies before them. He said it was identified as a resolution providing for the modification of terms of the Turnpike refunding revenue bonds of 1984 of the State of Ohio. He said he would read the resolveds as follows:

"NOW, THEREFORE, BE IT RESOLVED BY THE OHIO TURNPIKE COMMISSION, as follows:

Section 1. All capitalized terms used in this Resolution and not defined in this Resolution shall have the meanings assigned to them in the Trust Agreement.

Section 2. It is determined to be in the best interest of the Commission and the patrons of the Turnpike to extend the maturity of the Bonds to June 1, 1992.

Section 3. The Executive Director and other appropriate officers of the Commission shall cause to be prepared a

supplemental trust agreement and amended form of Bonds, in each case in form satisfactory to Counsel for the Commission, providing for the adjustment of the maturity date as described above. The Chairman, the Vice-Chairman and the Secretary-Treasurer are hereby authorized to execute and acknowledge and deliver to the Trustee that supplemental trust agreement, and to execute and acknowledge and affix the seal of the Commission to the amended Bonds, and to deliver the executed Bonds to the Trustee for authentication and delivery to the holder in exchange for the original Bonds.

Section 4. The appropriate officers of the Commission will do all things necessary and proper to implement the modification of the terms of the Bonds as provided in this Resolution."

The Executive Director said further that he again recommended that the resolution be adopted and representatives of the trustee and bond holder were present to answer any questions.

A resolution providing for the modification of terms of the Turnpike refunding revenue bonds of 1984 of the State of Ohio was moved for adoption by Mr. Schneider, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 3-1987

"WHEREAS, the Commission has heretofore issued \$4,810,000 Turnpike Refunding Revenue Bonds of 1984 of the State of Ohio (Bonds), maturing on December 1, 1990, bearing interest at the rate of 8-1/2% per annum, and being subject to redemption at the option of the Commission at any time prior to maturity at a redemption price of 100% of the principal amount redeemed; and

"WHEREAS, the Commission desires to extend the maturity date of the Bonds from December 1, 1990, to June 1, 1992, which is the maturity date of the original Turnpike bonds.

"WHEREAS, the Commission desires to accomplish this result by amending the current Trust Agreement;

"NOW, THEREFORE, BE IT RESOLVED BY THE OHIO TURNPIKE COMMISSION, as follows:

"Section 1. All capitalized terms used in this Resolution and not defined in this Resolution shall have the meanings assigned to them in the Trust Agreement.

"Section 2. It is determined to be in the best interest of the Commission and the patrons of the Turnpike to extend the maturity of the Bonds to June 1, 1992.

"Section 3. The Executive Director and other appropriate officers of the Commission shall cause to be prepared a supplemental trust agreement and amended form of Bonds, in each case in form satisfactory to Counsel for the Commission,

providing for the adjustment of the maturity date as described above. The Chairman, the Vice-Chairman and the Secretary-Treasurer are hereby authorized to execute and acknowledge and deliver to the Trustee that supplemental trust agreement, and to execute and acknowledge and affix the seal of the Commission to the amended Bonds, and to deliver the executed Bonds to the Trustee for authentication and delivery to the holder in exchange for the original Bonds.

"Section 4. The appropriate officers of the Commission will do all things necessary and proper to implement the modification of the terms of the Bonds as provided in this Resolution."

The Chairman asked Mr. Fetzer if the terms as stated were clearly within the understanding and can be done by the Commission.

Mr. Fetzer said they were as far as the trustee was concerned.

The Chairman asked Ms. Petrey if it was the belief of fiscal counsel that what the Commission was doing was proper.

Ms. Petrey said that it was proper.

The Chairman said that without any questions he would ask the Assistant Secretary-Treasurer to call the roll.

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

Ayes: Mr. Schneider, Mr. Pinzone, Mr. Hurst, 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. 3-1987.

The Executive Director said also that he had reported in the past that he thought the Commission should take action to design and build a Turnpike interchange with Interstate Route 75 in Wood County, south of Toledo, without any further delay. He said that for background information an interchange between those two facilities had been contemplated since the alignment of I-75 was determined to cross the Turnpike, which went back probably into the late 1950's and especially into the 1960's when I-75 was designed and built. He said he had no doubt, even though he wasn't with the Commission at that time, that a toll-type interchange was not designed and built at that time because of the expectation that tolls would be removed from the Turnpike in the late 1970's. He said that, therefore, a freeway-to-freeway type design was developed with the plans for I-75, again in the 1960's. He said that, unfortunately, those plans had been dormant ever since.

The Executive Director said further that the Turnpike and I-75 were two major and important roadways. He said the Turnpike, of

course, was Interstate 80 and 90, one of the major east-west Interstate routes across the country. He said Interstate 75 was a major north-south road connecting points from Michigan bringing traffic from Detroit to Toledo and south to Dayton and Cincinnati in Ohio and beyond.

The Executive Director said further that the Commission itself had been instrumental in keeping tolls longer than it once advocated and, therefore, had contributed to delaying the construction of the interchange. He said he was recommending that the Commission exercise its authority under the Turnpike Act and assume the obligation for the study, design, construction, operation and funding for a toll-type interchange between the Turnpike and I-75. He said he didn't want to kid anybody, such an interchange no doubt would be expensive. He said it probably would cost in the tens of millions of dollars, but he could not give a more accurate estimate at that time without further study.

The Executive Director said further that he could say by comparison that a freeway-to-freeway type interchange was estimated to cost approximately \$31 million in the Commission's environmental and engineering study completed a few years ago. He said he did not believe a toll interchange would be quite that expensive. He said that even though he suggested that the Commission arrange to do the funding, he also believed the Commission should explore whether State or Federal funds might be available for such a project on a timely basis.

The Executive Director said further that he had indicated that there was a demonstration project that had been included in the 1987 Federal Transportation Act for a so-called east-west highway crossing I-75 in Wood County, Ohio. He said it just so happened that Ohio Route 795 was more directly an east-west highway. He said that, certainly, the Turnpike was east-west oriented, but at that particular crossing, where the two were very close together, the Turnpike was not in a straight east-west configuration. He said it was a little unclear in his mind just exactly which one of the roads was the demonstration project, but he thought it was Route 795. He said he thought Mr. Hurst would probably agree with that.

The Executive Director said further that, at any rate, the Turnpike and Route 795 were so close together that whatever the Commission might do needed to be coordinated with the State as they proceeded. He said he was sure Mr. Hurst was prepared to say that the State was studying the Route 795 area to determine the feasibility of an interchange there. He said he was recommending that the Commission and State do the two things together.

The Executive Director said further that a resolution concerning the matter had been drafted and he would propose to read the entire resolution. He said the resolution was entitled "Resolution Approving the Location, Design and Construction of an Interchange with Interstate Route 75 and the Ohio Turnpike in the Vicinity of Milepost 64.5 in Wood County, Ohio." He read the resolution as follows:

"WHEREAS, Revised Code of Ohio, Section 5537.04 (J) provides that this Commission may designate the locations, and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable in the judgment of the Commission and of the Director of Transportation to insure the proper operation and maintenance thereof;

WHEREAS, it has been expected since Interstate Route 75 was constructed across the Ohio Turnpike in the late 1960's that an interchange between the two facilities would eventually be constructed and some design and provisions for a freeway-to-freeway interchange facility were made at the time I-75 was constructed;

WHEREAS, the Turnpike has remained and will remain a toll road for longer than was then anticipated which has precluded the construction of a freeway-to-freeway interchange;

WHEREAS, the Commission recognizes the need and desirability to connect these two major and important Interstate roadways without further delay so as to promote the purposes of the Ohio Turnpike Act, particularly as set forth in the Ohio Revised Code, Section 5537.03, and also to relieve congestion on adjoining interchanges on the Turnpike and connecting roadways;

WHEREAS, the Commission desires to cooperate and coordinate with the State of Ohio and other agencies interested and involved in the highway network in the vicinity of the Ohio Turnpike at its intersection with Interstate Route 75;

WHEREAS, the Commission is willing to perform and fund the design, construction and operation of a toll-type interchange between the Turnpike and I-75 with its own financial resources, but also wishes to pursue the timely availability of other funds to help finance the project;

NOW, THEREFORE, BE IT

RESOLVED that, pursuant to Section 5537.04 (J) of the Ohio Revised Code, this Commission does hereby formally designate a connection of Interstate Route 75 with the Ohio Turnpike at the approximate crossing of I-75 at milepost 64.5 of the Turnpike in Wood County, Ohio, subject to the concurrence of the Director of the Ohio Department of Transportation; and

FURTHER RESOLVED that the Commission's Executive Director be, and hereby he is, authorized and directed to engage the services of such consulting firm or firms as he deems capable and appropriate to accomplish the expeditious study and design of a toll interchange between I-75 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

FURTHER RESOLVED that the Commission determines hereby that its costs and expenses for the study and design phase of the toll-interchange project shall be paid with monies from the Commission's Fuel Tax Fund, and;

FURTHER RESOLVED that the Executive Director be, and hereby he is, directed to pursue and ascertain whether other funds might be available on a timely basis to help finance the construction of the project, and to develop and present to the Commission a funding proposal for the construction of the project at such time as the design and related cost estimates have progressed sufficiently."

The Executive Director said he recommended that the resolution be adopted:

A resolution approving the location, design and construction of an interchange with Interstate Route 75 and the Ohio Turnpike in the vicinity of milepost 64.5 in Wood County, Ohio, was moved for adoption by Mr. Hurst, seconded by Mr. Schneider as follows:

RESOLUTION NO. 4-1987

"WHEREAS, Revised Code of Ohio, Section 5537.04 (J) provides that this Commission may designate the locations, and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable in the judgment of the Commission and of the Director of Transportation to insure the proper operation and maintenance thereof;

"WHEREAS, it has been expected since Interstate Route 75 was constructed across the Ohio Turnpike in the late 1960's that an interchange between the two facilities would eventually be constructed and some design and provisions for a freeway-to-freeway interchange facility were made at the time I-75 was constructed;

"WHEREAS, the Turnpike has remained and will remain a toll road for longer than was then anticipated which has precluded the construction of a freeway-to-freeway interchange;

"WHEREAS, the Commission recognizes the need and desirability to connect these two major and important Interstate roadways without further delay so as to promote the purposes of the Ohio Turnpike Act, particularly as set forth in the Ohio Revised Code, Section 5537.03, and also to relieve congestion on adjoining interchanges on the Turnpike and connecting roadways;

"WHEREAS, the Commission desires to cooperate and coordinate with the State of Ohio and other agencies interested and involved in the highway network in the vicinity of the Ohio Turnpike at its intersection with Interstate Route 75;

"WHEREAS, the Commission is willing to perform and fund the design, construction and operation of a toll-type interchange between the Turnpike and I-75 with its own financial resources,

but also wishes to pursue the timely availability of other funds to help finance the project;

"NOW, THEREFORE, BE IT

"RESOLVED that, pursuant to Section 5537.04 (J) of the Ohio Revised Code, this Commission does hereby formally designate a connection of Interstate Route 75 with the Ohio Turnpike at the approximate crossing of I-75 at milepost 64.5 of the Turnpike in Wood County, Ohio, subject to the concurrence of the Director of the Ohio Department of Transportation; and

"FURTHER RESOLVED that the Commission's Executive Director be, and hereby he is, authorized and directed to engage the services of such consulting firm or firms as he deems capable and appropriate to accomplish the expeditious study and design of a toll interchange between I-75 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

"FURTHER RESOLVED that the Commission determines hereby that its costs and expenses for the study and design phase of the toll-interchange project shall be paid with monies from the Commission's Fuel Tax Fund, and;

"FURTHER RESOLVED that the Executive Director be, and hereby he is, directed to pursue and ascertain whether other funds might be available on a timely basis to help finance the construction of the project, and to develop and present to the Commission a funding proposal for the construction of the project at such time as the design and related cost estimates have progressed sufficiently."

Mr. Hurst said that speaking for the Department of Transportation, not as a Member of the Commission, ODOT certainly agreed that there was a need for a Turnpike interchange with I-75 and the department wanted to cooperate to the fullest extent with the Commission to try to get an interchange constructed there. He said he wanted to emphasize some of the language in the resolution, the need to cooperate and coordinate with the State of Ohio, Department of Transportation, because as the law now stood it will be a toll-free interchange in either December 1990 or June 1992, if the Commission converted the bonds. He said that from ODOT's standpoint they sought more emphasis on the need for a toll-free type interchange that gave more freedom of movement, larger radius turns, so that there was a more efficient traffic flow. He said that the point he was trying to make was that a lot of discussions would have to be held among ODOT, the Commission's staff and the Commission's consulting engineers before the design of the interchange proceeded very far.

The Chairman said he appreciated Mr. Hurst's comments because he thought it was inherent in the resolution that the cooperation was necessary between the Commission and the State to make the

project what it ought to be. He said that full well knowing the potential of the road becoming toll free and the need for constructing the interchange in such a way without wasting funds, the cooperation was necessary.

The Executive Director said he previously had mentioned the environmental and engineering studies that the Commission began in 1979 and concluded five years later in 1984. He said one of the purposes of the study was to determine what had to be done to the Turnpike for it to operate as a toll-free facility. He said all the existing interchanges were examined, as well as a toll-free interchange with a different configuration at I-75. He said the study of the eighteen existing interchanges with regard to what changes might be necessary to convert them to freeway-to-freeway operation resulted in the selection of the no-build alternative. He said that, in other words, a minimal amount of work, removal of toll booths or relocating a ramp, would allow the existing style interchanges to be converted to toll-free operation.

The Executive Director said further that he was convinced that an interchange with I-75 could be designed that could operate both ways and he thought that was the way to proceed. He said he certainly was aware of the proposed project the State had been studying at Route 795. He said maybe they could be connected some way so that two interchanges didn't need to be built, yet accomplish the same purpose.

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

Ayes: Mr. Hurst, 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. 4-1987.

The Executive Director said as he had mentioned he would ask the Deputy Executive Director-Chief Engineer, Mr. Plain, to report on the status of the Turnpike's existing construction projects.

Mr. Plain said bridge construction projects carrying roadways over the Turnpike were nearing completion. He said they all were scheduled to be finished prior to July 1st. He said two mainline bridge deck replacement projects might be extended into the July period. He said one of those projects, CIP 43-87-02, situated on the west end of the Turnpike, had a revised Phase I completion date of July 15th. He said another project that was considerably beyond the scheduled Phase I completion date was CIP 43-87-16 between the Niles-Youngstown (#15) and Youngstown (#16) interchanges, which was set to be done on June 26th. He said the Phase I finish date had been revised because of problems with steel delivery and a late award of contract in March. He said the new completion date was



August 1st. He said there had not been any major traffic problems with either project because both were away from heavy travel areas. He said a few other projects had extended their Phase I completion dates, but they should be done before July 4th.

Mr. Plain said further that with regard to the resurfacing work, CIP 59-87-01 was on schedule and should be done June 26th. He said CIP 59-87-02, between the Fremont-Port Clinton (#6) and Sandusky-Norwalk (#7) interchanges, set for completion on June 26th, had encountered some problems and the contractor had been asked to work seven days a week to insure that it would be finished before the July 4th weekend.

Mr. Plain said further that the third resurfacing project involved the addition of a third, climbing lane eastbound from the Cuyahoga River Valley, which originally had been scheduled to be completed August 7th. He said the staff knew that the project probably would have to continue into the heavy traffic periods of July and part of August. He said the contractor had been making exceptional progress and had hoped to have everything opened by June 30th. He said that, unfortunately, there was a problem in the construction of the third lane. About a 3000 foot section of it developed a subbase failure which caused the asphalt surface to break apart. He said the constructed third lane had been used for westbound traffic while the two westbound lanes were being resurfaced, and still provide two lanes for eastbound traffic. He said that after the subbase failure, only one lane of traffic in each direction was being maintained so that the resurfacing of the westbound lanes could be finished as soon as possible. He said all aspects of that project, with the exception of the repairs to the third lane, would be done by June 30th.

Mr. Plain said further that the general consultant on that project, URS Dalton, and their subconsultant, R&R International, had been taking additional soil borings. He said a presentation on the results of those borings would be made to the staff on the Monday after the meeting. He said they also would make recommendations of what should be done to get rid of the water under the subbase in that particular area. He said that at that time the staff would have an estimate of how long it would take to complete that project. He said some things probably could be done so as not to extend that project far into July or August.

The Executive Director said that for historical background the area in question was just east of the Cuyahoga River Valley bridges, and was in the area of the highest fill on the Turnpike. He said there had been underground water problems in the area going back to the original construction. He said the staff had been monitoring and studying corrective work in that area for about the whole length of time that the Turnpike had been open. He said a major interceptor ditch had been set in place on the south side of the Turnpike late last fall in an attempt to intercept some of the underground water which had been creeping into the fill area. He said additional measures were being contemplated to intercept the

underground water the staff was convinced had caused this further problem. He said the staff was far from finished in that area of trying to correct and cure what had been a long-standing subgrade infiltration of water and its effect on the Turnpike's fill slopes and the subbase under the roadways.

The Chairman 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 the annual inspection by the consulting engineers of the Turnpike bridges and roadways, as required by the trust agreement, had been completed. He said a list of bridges to be considered for rehabilitation in 1988 had been submitted and discussed with the Deputy Executive Director-Chief Engineer.

The Chairman ascertained there would be no report from the trustee.

The Chairman said that on behalf of the Commission he expressed his wishes for a speedy recovery to the Executive Director's father, who was recovering from recent surgery.

The Executive Director thanked the Chairman for his comments.

The Chairman said a date for the next Commission meeting had not been set. He said the exact time and location of the meeting 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. 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. Hurst, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:44 a.m.

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

  
Charles R. Pinzone, Secretary-Treasurer