

MINUTES OF THE 360th MEETING OF THE OHIO TURNPIKE COMMISSION

November 10, 1988

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 3:23 p.m., on November 10, 1988, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J.E. Greiner Company-Ohio; two members of the media, Hank Harvey, The (Toledo) Blade, and 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, Edwin M. Bergsmark, Sandra Dombey Cooke, Charles R. Pinzone, Clarence D. Rogers, Jr.

Absent: None

A motion was made by Mrs. Cooke, seconded by Mr. Bergsmark, that the minutes of the meeting of August 5, 1988, which had been examined by the Members, 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: Mrs. Cooke, Mr. Bergsmark, Mr. Pinzone, Mr. Hurst, Mr. Rogers

Nays: None

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

The Chairman said the meeting was the 360th of the Ohio Turnpike Commission, and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman reported further that since the Commission would be discussing the preliminary budget for next year at the meeting, it was appropriate to mention the Commission's financial experience for the first ten months of 1988, because that information supplied the basis for next year's projected income, which was part of the budget analysis.

The Chairman reported further that total revenues for January through October of 1988 amounted to \$78,976,266, an increase of 5.6% over the same period in 1987. He said passenger

car toll income came to \$24,503,211, up 5.7%, while toll revenue from commercial vehicles was \$42,986,334, an increase of 5.2%.

The Chairman reported further that copies of the resolution concerning the 1989 preliminary budget had been placed in the Member's folders, and it would be explained and introduced in the report of the Committee on Budget and Finance.

The Chairman reported also that there had been considerable publicity and comments about the legislative efforts both in Congress and the Ohio General Assembly concerning the future of the Turnpike.

The Chairman reported further that when the outstanding Turnpike bonds were paid, under the current law, the Turnpike's obligation was to be turned over to the Ohio Department of Transportation and become toll free. He said the Commission by resolution at a previous meeting took the position that it was opposed to that sequence of events and it had made an effort in both the Congress and the Ohio General Assembly to substantiate that position.

The Chairman reported further that there was a bill pending in the Ohio Senate and a bill in the Ohio House that would comport with what the Commission believed should be the future of the Turnpike. He said there also was a bill pending in the Ohio House that would do away with the Commission. He said it would be interesting to watch the progress of those bills over the next several months.

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 the following listed items had been sent to the Members since the last regular meeting of the Commission, August 5, 1988:

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during August, September and October 1988
- (3) Draft of the Commission meeting minutes of August 5, 1988, including corrected pages
- (4) Traffic Accident Analysis through October 1988
- (5) Traffic and Revenue Report for July, August, September and October 1988
- (6) Financial Statements for July, August, September and October 1988
- (7) Expense and Budget Report for the first 9 months of 1988
- (8) Litigation Report for the third quarter of 1988
- (9) News Release #4 re: Resumption of Turnpike construction

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

The chairman of the Committee on Budget and Finance, Mr. Pinzone, said that under the terms of the current trust agreement, the Commission must adopt a preliminary budget for 1989 by November 15. He said as in the past, the various department heads had developed the detailed budget items according to the many various accounts included in the Commission's Chart of Accounts and that tabulation had been furnished to the Members. He said those were too numerous to list individually in the budget resolution to be considered by the Commission. He said that, instead, the resolution consolidated the amounts into three major expense categories, namely, Administration and Insurance, Operations and Bond Interest.

Mr. Pinzone said further that the total proposed 1989 budget of current expenses was \$50,951,065 compared to the budget of \$48,911,000 for 1988, which was \$2,040,065 or 4.2 percent higher. He said the increase reflected the impact of moderate inflation, projected increased employee expense and sharper increases in certain other items. He said that, for example, one increase was \$400,000 for employee insurance, which was reflected in proposals for insurance, now under review by the staff. He said another example was a \$150,000 increase for Patrol services which contemplated a full complement of troopers under the Commission's contract with the Ohio State Highway Patrol for their services. He said that whether the additional troopers could be provided, approximately ten in number, remained to be seen. He said a list of those and other items amounting to more than \$100,000, which accounted for most of the total increase, was in each Member's folder.

Mr. Pinzone said further that a resolution had been drafted to adopt the preliminary budget for 1989 and the resolves read as follows:

"NOW, THEREFORE, BE IT

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

1989

Preliminary Budget of Revenues, Current Expenses
(Expenditures) and Capital Improvement Fund Requirements

Revenues		\$95,350,000
Current Expenses (Expenditures)		
Administration & Insurance	\$12,999,104	
Operations	37,543,111	
Bond Interest	408,850	
Total Expenses (Expenditures)		\$50,951,065
Estimated Capital Improvement Fund Deposits		\$44,398,935"

Mr. Pinzone said further that he had reviewed the detailed budget items with the Executive Director and they both considered the proposed amounts to be reasonable and necessary. He said he also wanted to note that while those amounts were slightly different from those contained in the annual report of the consulting engineers for 1988, which they were required to prepare as one of their obligations under the trust agreement by October 1, the differences were refinements made in cooperation with the consulting engineers which were acceptable to them. He said that, furthermore, the budget as presented would enable the Commission to continue its program and statutory obligation of operating, maintaining and reconstructing the Turnpike. He said, therefore, he moved that the resolution for the Preliminary Budget for 1989 be adopted.

A resolution adopting the preliminary budget for the fiscal year 1989 and providing for capitol improvement fund requirements during said year was moved for adoption by Mr. Pinzone, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 7-1988

"WHEREAS, it is provided by Article V, Section 5.01 of the trust agreement dated as of September 1, 1984, between the Commission and AmeriTrust Company National Association, Cleveland, Ohio, as trustee, that on or before the 15th day of November in each fiscal year, the Commission will adopt a preliminary budget of revenue and current expenses (expenditures) for the ensuing fiscal year;

"WHEREAS, the Commission's executive director and comptroller have submitted a preliminary budget of revenues and current expenses (expenditures) for the fiscal year 1989 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission;

"WHEREAS, the Commission's consulting engineer, J. E. Greiner Company-Ohio, after consultation with the Commission's executive director and its deputy executive director-chief engineer, have estimated that the capital improvement fund

requirements relating to the improvement, maintenance, and repair of the turnpike for the fiscal year 1989 will be adequately covered by the estimated deposits to that fund.

"NOW, THEREFORE, BE IT

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

1989

Preliminary Budget of Revenues, Current Expenses
(Expenditures) and Capital Improvement Fund Requirements

Revenues		\$95,350,000
Current Expenses (Expenditures)		
Administration & Insurance	\$12,999,104	
Operations	37,543,111	
Bond Interest	<u>408,850</u>	
Total Expenses (Expenditures)		50,951,065
Estimated Capital Improvement Fund Deposits		\$44,398,935"

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

Ayes: Mr. Pinzone, Mrs. Cooke, Mr. Hurst,
 Mr. Bergsmark, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 7-1988.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He ascertained there would be no report from the Committee on Service Plazas. 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 the current collective bargaining agreement with the Laborers' International Union of North America

terminated at the end of the 1988 calendar year. He said the Union did file timely notice to negotiate. He said preliminary negotiations with Maintenance Department representatives and toll collection representatives were begun in October and final negotiations were scheduled to begin on November 22 with the central committees of both.

The Executive Director, Allan V. Johnson, said that he wanted to add that under the current agreement the Commission and the union each selected representatives who would be negotiating the collective bargaining agreement. He said the Commission's negotiating team would consist of Deputy Executive Director-Chief Engineer, G. Alan Plain, Administrative Assistant to the Executive Director-Staff Lawyer, Jean M. Floasin, and David Millstone of Squire, Sanders & Dempsey, the Commission's labor counsel. He said further that Mr. Disantis and Mr. McGrath would be acting as observers. He said he also wanted to note that since his appointment as Director of Operations, Donald M. Sharp, had been added to the Committee on Employee Relations and had been functioning on that Committee since that time.

The Chairman said he did want to confirm Mr. Sharp's addition to the Employee Relations Committee for the record and that there were several other Committees of the Commission that had not been rounded out by appointments. He said he could think of one other case where there had been an appointment which had not been made a part of the record. He said the Commission would make sure that the record reflected all the Committee appointments at the next meeting.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He said the report of the Director of Transportation would be received.

The Director of Transportation, Bernard Hurst, said he could update the Commission on the interchange projects. He said a public hearing was held on June 29 for the Interstate Route 75-Turnpike interchange. He said the comments at the hearing had been processed and addressed, and a request had been submitted to the Federal Highway Administration for a finding of no significant impact. He said it meant that it would be the final clearance.

Mr. Hurst said further that ODOT had to complete the archaeological survey for the interchange of State Route 795 and I-75. He said the survey would require about four months for completion. He said that when it was done ODOT would request a finding of no significant impact from the Federal Highway Administration.

Mr. Bergsmark asked if ODOT had selected an engineering company to conduct the survey.

Mr. Hurst said ODOT had made the selection.

Mr. Hurst said further that ODOT had basically approved the layout of an at-grade intersection of the Turnpike and State Route 2 in Lucas County. He said there had been some earlier concerns on the part of ODOT with regard to its traffic projections, but there now was agreement that an at-grade interchange would be acceptable. He said he thought that pretty much removed any problems that might have existed in terms of making decisions on the engineering. He asked the Executive Director if he agreed.

The Executive Director said he agreed with Mr. Hurst's statements and he would have something further to say on the interchanges in his report.

Mr. Bergsmark said he wanted to mention that John McWilliam, Director of the Toledo Port Authority, was at the meeting and he asked Mr. McWilliam if he had any questions for either Mr. Hurst or the Executive Director.

Mr. McWilliam said he would refrain from asking any questions until after the Executive Director gave his report.

The Chairman said that Mr. Hurst had indicated that it took about four months before application could be made for a finding of no significant impact regarding the survey.

Mr. Johnson said that pertained to the interchange of State Route 795 and I-75 and it had no bearing on the Turnpike interchange with I-75.

Mr. Bergsmark asked why it took four months to do the archaeological survey.

Mr. Hurst said the survey took that long because it had to be done after the crops had been removed and the ground was bare. He said the survey could not be done while the crops were in the ground.

The Chairman asked Mr. Hurst how long it usually took to receive a finding of no significant impact.

Mr. Bergsmark said Mr. Hurst had said it took four months.

Mr. Hurst said it would not take that much time. He said the request had to be reviewed in Chicago at the regional office of the Federal Highway Administration and then it was forwarded to Washington D.C. for final review and approval. He said that he estimated it would take two months for approval unless the Federal Highway Administration had some concerns about it.

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

The Executive Director said the Commission's staff and consultant were moving ahead on the Turnpike interchange with I-75 project. He said the Turnpike interchange and ODOT's I-75 and State Route 795 projects had been joined together for access approval purposes, but they were separated with regard to design and construction schedules. He said the engineering staff had been working with ODOT on defining the geometry and layouts. He said actual detailed plans for the Turnpike I-75 project were being prepared.

The Executive Director said further that the environmental and engineering studies on the Turnpike/I-75 interchange had been done long ago. He said the staff already knew there were no ancient Indian burial grounds or other archaeological impediments to construction in the area. He said he knew it would take longer for ODOT to receive FWA approval for the I-75/State Route 795 project. He said that ultimately overall approval would be received for both projects. He said that, meanwhile, the staff was moving ahead on all the design elements of the Turnpike project.

The Executive Director said part of the project called for the addition of traffic lanes at least one mile north of the Turnpike on I-75. He said that work involved several bridges on I-75, over I-75, including Bates Road and Lime City Road where major structural changes would have to be made. He said the staff was still working with ODOT on the Lime City bridge concerning whether it would have to be totally replaced or simply reworked. He said he did know that some of the bridge piers would have to be removed to make way for the added lanes. He said he was confident that construction would begin on the project in the spring of 1989.

Mr. Bergsmark asked the Executive Director if the project would be completed in 1990.

The Executive Director said the target date for opening the interchange would be 1990.

The Executive Director said further that as Mr. Hurst had indicated the staff and ODOT had a basic agreement on the layout of the Turnpike/State Route 2 interchange. He said that two days before the Commission meeting the staff submitted refined plans of the alignment, profiles, and typical sections for all the work needed to be done, including on State Route 2 to accommodate the at-grade intersection, to the District 2 office of ODOT. He said he had asked for a quick review of the plans because there were

some critical timing problems on the project. He said he thought quick approval could be received since the staff and ODOT had a basic understanding on the geometric layout of the project.

The Executive Director said further that two bridges would have to be built on the mainline of the Turnpike in order to take the ramps under the Turnpike that are part of the interchange. He said that work would have to be done in two stages. He said one bridge would be built in one construction season and the other the next season. He said he hoped work on the first bridge would begin in the spring of 1989.

The Executive Director said further that a separate contract probably would be awarded for whatever work had to be done on State Route 2. He said the project was further complicated by the fact that the deck of the bridge carrying State Route 2 over the Turnpike had to be replaced. He said there could be three or four separate projects in the immediate area. He said the staff also wanted to begin grading in the area where the toll plaza would be constructed in order to get that work out of the way so that a contract could be awarded for building the plaza.

The Executive Director said further that the submission of the Turnpike/S.R.2 plans had been done on November 7th. He said they went to Randolph German, Deputy Director of District 2 in Bowling Green. He said the project had been discussed at a recent meeting with ODOT in Columbus when he, Mr. Plain and the staff design engineer met with Wayne Kauble, ODOT Assistant Director, and others on November 3 to discuss the Commission's bridge program, especially the bridges carrying state roads over the Turnpike. He said the staff already had completed plans for some of those bridges, and they met with the ODOT representatives to make sure everyone was in agreement on the dimensions to be used on those deck replacements. He said the staff also was interested in whether there was a need to bring the bridges up to any current loading criteria. He said the meeting was very productive, and the staff was going to submit to ODOT a list of all the bridges that were going to be in the program for the next four years in order to get an early approval on the typical sections. He said the staff was well along on that program and had been working out all those areas with ODOT.

Mr. Bergsmark asked the Executive Director when the Turnpike/State Route 2 interchange would be open.

The Executive Director said it also should be open in 1990.

Mr. Bergsmark asked Mr. Hurst if there would be any delays from ODOT on approving the Turnpike/State Route 2 interchange plans.

Mr. Hurst said there would be no delays. He said his department's only involvement was reviewing the plans, and he made a note to get some quick reviews on what had been submitted through District 2.

Mr. Bergsmark asked Mr. McWilliam if he had any questions.

Mr. McWilliam said another agency had an interest in the interchange and that was the Federal Aviation Administration because the interchange was near the Toledo Express Airport.

Mr. Hurst said he was aware that plans for the interchange had to be reviewed by the FAA.

Mr. McWilliam said the Toledo Port Authority already instituted a review process with the FAA with regard to such actions, and he didn't anticipate any problems. He said the FAA's concerns about the location of the toll plaza with respect to the clear zones of the runways had been resolved. He said he wanted to commend the Commission and its staff for doing such a great job on the Turnpike/S.R. 2 project.

Mr. Bergsmark said the addition of the Turnpike/I-75 and Turnpike/S.R. 2 interchanges was extremely important to the Toledo area.

The Executive Director said also that he wanted to mention for the record that one of the toll booths at the North Ridgeville-Cleveland (#9A) interchange was flattened by a tractor-trailer on October 5. He said that as stated in The (Cleveland) Plain Dealer article of October 6, which he had in his hands, it was a miracle that the toll collector in the booth, Barbara Galvin, got out of it with only minor injuries. He said the collector's survival was partially attributable to the fact that one of her fellow toll collectors, Jim Gates, pulled her out of the mangled mess and also got the truck driver out of his smashed cab just minutes before the whole thing caught fire and burned up. He said that, with the Commission's concurrence, he wanted to give some sort of recognition to both Mrs. Galvin and especially to Mr. Gates for his quick thinking. He said that without Mr. Gates efforts there could have been a real tragedy.

The Chairman said he asked that a resolution commending Mrs. Galvin and Mr. Gates be prepared for presentation at the next Commission meeting.

The Executive Director said that would be done.

The Executive Director said also the I-75 and S.R. 2 interchanges with the Turnpike probably should have been built long ago. He said it was the issue of whether or not tolls were going to be continued on the Turnpike that prolonged a decision

to construct those two interchanges. He said he was convinced there were other sites along the Turnpike where consideration should be given for additional interchanges. He said environmental and engineering studies were undertaken in the early 1980s to identify desirable new interchanges along the Turnpike. He said those studies were conducted at that time as if the Turnpike was going to become a toll-free road.

The Executive Director said further that those studies, which took four years to complete at a cost to the Commission of over \$4 million, ought to be examined in order to determine the location of other new interchanges. He said the studies called for adding thirteen new interchanges. He said one of those proposed interchanges, the one with Interstate Route 475, had been eliminated subsequent to the conclusion of those studies when the Commission, ODOT and the FHWA agreed that construction of it was not feasible. He said that as a result of that decision an interchange between I-475 and Salisbury Road was now being built.

The Executive Director said further that included in the twelve other proposed interchanges were the ones with I-75 and S.R. 2. He said he thought that of the ten remaining interchanges in the studies, probably not more than five would be warranted with the Turnpike remaining a toll road. He said it seemed clear that the Turnpike was going to stay a toll road, and a decision on adding new interchanges would be helpful in determining what will happen to the Turnpike when the Commission's outstanding bonds were retired in 1992. He said it was his opinion that a plan for the future of the Turnpike should be formulated covering the next ten to twenty years. He said he proposed to have a report on which to elaborate on the subject at the next Commission meeting.

The Chairman said it was important that the Commission look ahead so as to know where it will be in the year 2000, which was not all that far away. He said he would ask the staff to utilize the benefit of the environmental and engineering studies to more clearly identify the interchanges that deserved priority. He said he knew that there was a desperate need for more Turnpike interchanges.

The Executive Director said he would confer with the Director of Transportation on interchange selections before presenting his recommendations to the Commission.

The Executive Director said he wanted to note that two other ODOT officials came to the meeting with Mr. Hurst. He said they were Martin Gallito, ODOT Deputy Director for District 12, which covered the Greater Cleveland area, and Bob Kovac, District 12 Operations Engineer.

The Chairman said he welcomed both men to the meeting.

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

The Executive Director said he would like to have Mr. Plain give the Commission a status report on the current construction projects.

Mr. Plain said the 1988 bridge deck widening/replacement/rehabilitation program was nearly completed. He said the 1988 program consisted of 14 separate contracts involving the widening and replacement of decks and parapets on 26 pairs of mainline bridges, totaling 52 bridges. He said that three ramp bridges were replaced and four side road bridges over the Turnpike received deck replacements and another had a latex overlay deck application. He said that in all, 60 bridges received deck repairs or replacements. He said there currently were five bidirectional zones on the Turnpike and four of those zones should be removed by November 18. He said it was hoped that the remaining zone, which included a complex project near the Sandusky-Norwalk (#7) interchange and the Huron River Bridge would be removed by November 22, prior to the Thanksgiving holiday period.

The Chairman said the report of the consulting engineers would be received. The representative of the consulting engineers, William R. Fleischman, said the annual report of the consulting engineers was submitted on October 1st as required by the trust agreement.

The Chairman said the report of the consulting engineers was accepted as offered. He asked if a representative of the trustee was in attendance.

The Executive Director said Richard L. Fetzer had called to say he would be unable to attend, but that he had reviewed the preliminary budget information. He said Mr. Fetzer had expressed his satisfaction with that proposal, and the staff would transmit the budget resolution to the trustee as required by the trust agreement.

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

The Chairman said the next Commission meeting would be held on December 21, which coincided with the annual Christmas luncheon.

There being no further business to come before the Commission, a motion was made by Mr. Pinzone, seconded by Mr. Bergsmark that the meeting adjourn, subject to call of the Chairman.

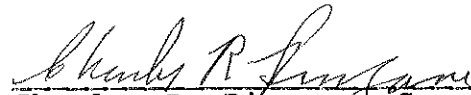
A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Hurst,
Mrs. Cooke, Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 3:57 p.m.

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



Charles R. Pinzone, Secretary-Treasurer