

MINUTES OF THE 370TH MEETING OF THE OHIO TURNPIKE COMMISSION

June 21, 1991

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administrative Building at 682 Prospect Street, Berea, Ohio at 11:15 a.m., on June 21, 1991, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, Greiner Engineering, Inc.-Ohio; a representative, Richard Fetzner, of the trustee, Ameritrust Company National Association; Dean Berry of the fiscal and labor counsel, Squire, Sanders & Dempsey; one 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: Douglas E. Fairbanks, Edwin M. Bergsmark,
Charles R. Pinzone, Clarence D. Rogers, Jr.,
Mr. Ben Gaeth

Absent: Jerry Wray, Joseph Vukovich

A motion was made by Mr. Fairbanks, seconded by Mr. Bergsmark that the minutes of the meeting of December 20, 1990, which had been examined by the Members, be approved without reading.

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

Ayes: Mr. Fairbanks, Mr. Bergsmark, Mr. Pinzone,
Mr. Rogers

Nays: None

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

The Chairman said the meeting was the 370th of the Ohio Turnpike Commission and was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman reported further that there was one new Commission Member at the meeting, and he wanted to take the opportunity to welcome him to his first meeting. He said he was State Senator Ben Gaeth. He said Senator Gaeth and State Representative Joseph Vukovich, another new Member who had been delayed en route to the meeting, were named to the Commission following passage of Substitute Senate Bill 7, which became effective April 12. He said Senator Gaeth was the principal

sponsor of S.B. 7, legislation which was approved to continue the existence of the Commission, and the Members and staff present certainly thanked him for his efforts on the Commission's behalf. He said the other new Commission Member, ODOT Director Jerry Wray, was attending another meeting and sent as his representative, Bob Blair, although he was not authorized to vote in Mr. Wray's place.

The Chairman reported further that also present at the meeting were Dean Berry of the Commission's fiscal and labor counsel, Squire, Sanders & Dempsey, and a summer intern at the firm, Molly Hurth. He said he would ask the Executive Director, Allan V. Johnson, to introduce others in attendance.

The Executive Director said he wanted to introduce Gene Baxendale, who was a member of Operation Improvement Task Force. He said the task force had been created by statute and appointed by Governor George Voinovich to review all facets of state agencies. He said Mr. Baxendale had been assigned to the Commission and the staff had been cooperating with Mr. Baxendale and his colleagues and he hoped everything had been going well.

Mr. Baxendale said he had received outstanding cooperation from the staff. He said everyone had been very friendly and had gone out of their way to cooperate. He said he was very thankful for the staff's efforts. He said the Commission was a good organization.

The Executive Director said further that in attendance was Dick Fetzer of the Commission's trustee, Ameritrust Company National Association. He said he would ask General Counsel, James C. McGrath, to introduce some of the people on his staff at the meeting.

Mr. McGrath said Sharon Isaac joined the Commission's legal staff about six months prior to the meeting date, and she took the place of Patricia Blackmon, who had been elected Judge of the Eighth Circuit Court of Appeals. He said Miss Isaac was the Commission's new staff counsel. He said the department had two law clerks for the summer and they were Meegan Lally, a first-year law student at Cleveland State University, and Michael Anderton, a first-year law student at Case Western Reserve University.

The Chairman reported also that in compliance with the Turnpike Act, copies of the Commission's 1990 annual report had been mailed on March 31st to the Governor's office and to the offices of the legislative leaders. He said that distribution was required by April 1 and the report had been sent to the other members of the General Assembly, to elected state officials, to newspapers and selected radio and television stations, and to other interested parties.

The Chairman reported also that he would dispense with the customary statistical report of the Chairman. He said that instead, he would ask for a brief report by the Committee on Budget and Finance.

The chairman of the Committee on Budget and Finance, Mr. Pinzone, said it was hardly news that the economy had been in a recession. He said as the Commission had often said, the revenues of the Commission, particularly commercial toll revenues, had been a barometer of the economy of the nation. He said therefore, it was no surprise that revenues of the Commission were down when compared to last year.

Mr. Pinzone said further that for the first five months of 1991, commercial toll revenue declined by 7.4 percent and total revenues were down by 4.1 percent, amounting to \$34,814,376 compared to \$36,312,110 in 1990. He said the primary impact of that decline in revenues was on the Commission's ability to proceed with additional capital improvement projects, a number of which had been put on hold and deferred.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the primary reason for the meeting was to act on a number of resolutions, copies of which had been placed in the Members' folders. He said the resolutions would be explained and introduced during the various committee and staff reports.

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 distributed to the Members:

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during December 1990; January, February, March, April and May 1991
- (3) Draft of the Commission Meeting minutes of December 20, 1990
- (4) Traffic Accident Analysis through May 1991
- (5) Traffic and Revenue Report for December 1990; January, February, March, April and May 1991
- (6) Financial Statement December 1990; January, February, March, April and May 1991
- (7) Ohio Turnpike Commission Comprehensive Annual Financial Report for the Year Ended December 31, 1990
- (8) Expense and Budget Report for twelve months ending December 31, 1990; for first three months of 1991
- (9) Litigation Reports for the last quarter of 1990 and the first quarter of 1991

- (10) Committee on Employee Relations subcommittee report and recommendations re: Wage or Salary Adjustments and Employee Benefits; Executive Director directives on same
- (11) Summary of Construction Contracts for 1991 with bid tabulations
- (12) Report of Concessionaires - 1990
- (13) News Release #1 - Construction projects for 1991 w/map

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Audit/Legal would be received.

The chairman of the Committee on Audit/Legal, Mr. Bergsmark, said that the committee had met several times during the year. He said, first, the committee participated in an exit conference with the Commission's independent accountants and representatives of the Auditor of State to review the audit of the Commission for 1990. He said he was pleased to report that the audit revealed no exceptions and did not result in any findings of non-compliance. He said that, in fact, just as the year before, all of the Commission's accounts were perfectly balanced and there was not a need to adjust any of them, which was extraordinary.

Mr. Bergsmark said further that there was a recommendation by the independent auditor concerning the authority granted by the Commission to the Executive Director in its bylaws to award certain contracts without further action by the Commission. He said, the bylaws, in effect since 1955, authorized the Executive Director to award construction contracts up to \$250,000 without further action by the Commission and all other contracts without limitation. He said the independent auditor's recommendation was that there be some limitation on all contracts, which the committee agreed was a prudent request. He said, therefore, a resolution had been prepared to amend the Commission bylaws to provide for Commission action on all contracts exceeding \$500,000. He said that, in addition, several changes in the Turnpike Act affected provisions of the bylaws and there were several other amendments to conform the bylaws to appropriate provisions in the Ohio Revised Code.

Mr. Bergsmark said further that a copy of the resolution, entitled resolution amending certain sections of the code of bylaws, was in the Members' folders. He said he would not read the "whereases." He said he would read the resolved as follows:

"RESOLVED that the Commission hereby rescinds subparagraphs 6, 13, 14, 15, 16, 18 and 20 of Section 2.10 of the Commission's Code of Bylaws and hereby enacts subparagraphs 6, 13, 14, 15, 16, 18 and 20 of Section 2.10 as set forth above."

Mr. Bergsmark said he moved that the resolution be adopted.

A resolution amending certain sections of the code of bylaws was moved for adoption by Mr. Bergsmark, seconded by Mr. Fairbanks as follows:

RESOLUTION NO. 1-1991

"WHEREAS, Section 2.10 of the Code of Bylaws is entitled, 'Authority of the Executive Director';

"WHEREAS, it is appropriate to amend various provisions of Section 2.10 of the Commission's Code of Bylaws, in order to conform these sections to certain new provisions of Chapter 5537 of the Revised Code and to further define the executive director's authority concerning the award of certain contracts, the amendments are as follows:

"(6) To enter into agreements with owners of land or interest therein which are to be acquired in connection with the construction of any turnpike project, or improvement thereof, and with persons entitled, by virtue of Chapter 5537 of the Revised Code of Ohio, to reimbursement by the commission for damages done as a result of the making, by or on behalf of the commission, of surveys, soundings, drillings, or examinations in connection with the construction of such project, or by the construction, operation, or maintenance of any such project, or improvement thereof, in any cases in which the making of such agreement is, in his judgment, in the best interest of the commission, for the construction, replacement, alteration, or repair by the commission of access roads, drainage facilities, wells, fences, and other improvements, facilities, and things, or for the payment by the commission of the cost thereof; provided, however, that no such agreement shall be made until it shall have first been approved by general counsel, and also by the consulting engineer to the commission.

"(13) From time to time to enter into any and all contracts for the furnishing of labor or materials, or both, including, but in no wise limited to, contracts for borings and other explorations, which are deemed by him to be necessary for the construction of any turnpike project, or improvement thereof; provided, however, that no such contract which involves an expenditure of more than \$10,000 shall be entered into except pursuant to competitive bidding as required by Sec. 5537.07 of the Revised Code of Ohio;

"(14) From time to time to enter into contracts with public bodies, agencies, and authorities, and with railroads, public utilities, and owners of property,

providing for the manner and conditions of performing any work involved in the construction of any turnpike project which will or might affect any of them, their properties, or their businesses, or might result in personal injuries or death, or providing for the payment or ascertainment of the amount of, and the payment of, any damages, costs, expenses, or compensation which the commission is required, by Chapter 5537 of the Revised Code of Ohio, to pay or make reimbursement of;

"(15) To buy, lease, or otherwise acquire the use of all equipment, supplies, and services needed for the operation of the commission's offices and the carrying out of its functions in connection with the construction, operation, or maintenance of any turnpike project, or improvement thereof; provided, however, that he shall not enter into any such contract, except contracts for personal services, or upon advice of general counsel that competitive bidding is not legally required, which involves an expenditure of more than \$10,000, except pursuant to competitive bidding as required by Section 5537.07 of the Revised Code of Ohio;

"(16) To enter into contracts on behalf of the Commission, whether through the competitive bidding process or otherwise, but no such contract which requires the expenditure of more than \$500,000 shall be entered into without further action of the Commission;

"(18) To issue, jointly with general counsel, addenda to any contract documents in connection with any contracts for which the commission shall seek competitive bids under Section 5537.07 and 5537.13 (B) of the Revised Code of Ohio;

"(20) To terminate or rescind any contract; provided, however, that the executive director shall not, without approval of the commission, terminate nor rescind any contract which he is not authorized under these bylaws to enter into, including within this exception contracts involving an expenditure or proposed expenditure of more than \$500,000 awarded pursuant to (16) of this section; and, provided further, that the executive director shall not terminate nor rescind any contract without receiving the advice of general counsel concerning the legal aspects of such action.

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby rescinds subparagraphs, 6, 13, 14, 15, 16, 18 and 20 of Section 2.10 of the Commission's Code of Bylaws and hereby enacts subparagraphs 6, 13, 14, 15, 16, 18 and 20 of Section 2.10 as set forth above."

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

Ayes: Mr. Bergsmark, Mr. Fairbanks, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all voting Members present voting in the affirmative. The resolution was identified as No. 1-1991.

Mr. Bergsmark said further that, finally, the committee had met to develop requests for proposal documents for banking services for the Commission and proposals had been received which were still being reviewed. He said the committee expected to be able to make some recommendation to the Commission in the near future.

The Chairman said the report of the Committee on Audit/Legal was accepted as offered.

Senator Gaeth asked if the Auditor of State had participated in auditing of the Commission's financial records in the past.

Mr. Bergsmark said the Auditor of State had participated, jointly, with the independent auditors for fiscal years 1989 and 1990.

Senator Gaeth said the Auditor of State had probably participated in the 1989 and 1990 audits as the result of recent legislation, and hadn't been as active in prior years.

The Executive Director said the Auditor of State always had the permissive authority to audit the Commission and, in fact, did do an audit in 1988. He said the Auditor of State's own personnel had conducted it. He said the Auditor of State had been furnished copies of the independent audits that had been prepared for the Commission over the years. He said that in the last two years representatives of the Auditor of State had participated more fully with the Commission's independent auditors. He said the representatives had attended the audit exit conferences and had approved the audits prepared by the independent auditors.

Senator Gaeth said it was his understanding that such participation by the Auditor of State had not been done prior to 1988.

The Chairman said that Senator Gaeth was correct.

The Chairman 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 co-chairman of the Committee on Employee Relations, Louis J. Disantis, said that at the December Commission meeting he reported to the Members that the committee had presented recommendations to the Executive Director which resulted from the annual meetings with various employee groups. He said those recommendations also had been presented to the Commission, which approved them, and they had been implemented effective January 1, 1991.

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 Executive Director, speaking on behalf of the committee's chairman, Mr. Fairbanks, said there had been some recent publicity in the news about raising the speed limit from 55 to 65 miles per hour on certain sections of the Interstate highway system in Ohio. He said a bill had been passed in the Ohio General Assembly and signed into law by the Governor which approved that action. He said there had been some questions about how the law would affect the Turnpike. He said the change in the speed limit was allowed because of a reinterpretation by the Federal Highway Administration of the 1987 federal act that allowed the speed limit to increase to 65 miles per hour on rural, Interstate highways. In 1989, the FHWA did reinterpret its definitions of what constituted rural and urban highways.

The Executive Director said further that, based on the 1987 law, five zones on the Turnpike were limited to 55 miles per hour. He said the reductions in speed limits were done under strong protest from the Commission. He said some of the areas were as short as two miles in the Youngstown area. He said the Commission had complied with the FHWA's requests to prevent the loss of federal funds for the Ohio Department of Transportation.

The Executive Director said further that in 1989 the FHWA advised the Commission, through ODOT, that four out of the five zones could be eliminated and the remaining zone could be shortened. He said the section of the Turnpike which remained at 55 miles per hour ran 16 miles between the Lorain-Elyria (#8) Interchange in Lorain County and the Strongsville-Cleveland (#10) Interchange in Cuyahoga County. He said those changes had taken place almost two years ago and the new state law had no effect on the Turnpike.

Senator Gaeth asked if the remaining section under the 55 miles per hour limit might be switched over to 65 miles per hour in the future.

The Executive Director said that based on the interpretation of federal regulations the 16-mile section of Turnpike would remain at 55 miles per hour. He said that was because the area was still considered an urban area of 50,000 or more population.

The Executive Director said further that the FWHA had advised the staff in 1989 that the 1990 census might affect the decision on Turnpike speed limits with regard to urban versus rural areas. He said the census could determine a shift in speed limit zones on the Turnpike, as well as other Interstate routes throughout the country. He said he thought reliance on the census to determine speed limits was faulty thinking on the part of the FWHA.

The Executive Director said further that the Turnpike was designed as a rural highway when it was built 35 years ago. He said it had been designed and constructed for a speed limit of 70 miles per hour or more.

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 said he would introduce some of the resolutions that were still remaining before the Commission. He said the first was a resolution entitled resolution authorizing the Executive Director to take immediate action concerning award of Contract 75-90-01. He said the resolution involved a contract to remove what had been described as hazardous material. He said the material was paint stripping compound found at the Amherst Maintenance Building.

(At this point, Representative Vukovich entered the meeting room.)

Representative Vukovich said he had been delayed in a construction zone on the Turnpike due to an accident.

The Executive Director said further that used, paint-stripping compounds had been stored at the Amherst Maintenance Building due to new regulations for disposal. He said, unfortunately, some of the compounds had leaked from the containers and had soaked into the ground. He said the staff had advertised for bids on removal and disposal of the so-called hazardous materials on several occasions. He said the bids ranged from around \$400,000 up to \$1.2 million. He said that if the contract was awarded it would be in the \$400,000 area. He said the staff had been working a long time with the Ohio Environmental Protection Agency and had told them the materials would be cleaned

up in a proper manner. He said the resolution authorized him to make the award without having to return to the Commission in the future for approval.

A resolution authorizing the Executive Director to take immediate action concerning award of contract CIP 75-90-01 was moved for adoption by Mr. Fairbanks, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 2-1991

"WHEREAS, the Commission has issued a Request for Proposals (RFP) for a contract to remove hazardous material from the Commission's Amherst Maintenance Building, said RFP being opened on May 7, 1991, and designated CIP 75-90-01;

"WHEREAS, seven responses were received pursuant to the RFP and such responses are in the process of being reviewed and analyzed by the Commission's consulting engineer, Webster Engineering Associates, Inc., and by the Commission's engineering department, but due to the extremely complicated nature of the proposals, such review and analyses have not been completed as of this date;

"WHEREAS, it is anticipated that the review and analyses of the proposals will be completed within the near future and that it may be necessary to award this contract prior to the next meeting of the Commission;

"WHEREAS, the Commission desires to delegate to the executive director authority to take action on behalf of the Commission concerning Contract CIP 75-90-01 if such action is deemed necessary prior to the next Commission meeting;

"NOW, THEREFORE, BE IT

"RESOLVED, that with respect to action to be taken on Contract CIP 75-90-01, if, in the opinions of the executive director, deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission to take action on said contract by the executive director in advance of any meeting of the Commission, the executive director is hereby authorized to take action, including, but not limited to, the award of and entering into a contract 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 the authority granted herein shall be approved by the general counsel; and

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

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

Ayes: Mr. Fairbanks, Mr. Pinzone, Mr. Bergsmark,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all voting Members present voting in the affirmative. The resolution was identified as No. 2-1991.

The Executive Director said also that, as the Members were aware, two, new Turnpike interchanges were under construction in the Toledo area. He said he would ask the Deputy Executive Director-Chief Engineer, G. Alan Plain, to give a status report on the progress of those interchanges and other construction projects later in the meeting. He said that the Commission needed to approve formally the numerical designations and names of both interchanges. He said that information would appear on traffic signs, toll tickets, maps and other items produced by the Commission.

The Executive Director said further that it was traditional for the Commission to designate numbers and names for new interchanges. He said he would begin with the resolution concerning the interchange with State Route 2. He said he would read the resolution's resolved.

"NOW, THEREFORE, BE IT

"Resolved that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 2 (Airport Highway) as Interchange No. 3A and adopts 'Toledo Airport-Swanton' as the name of said interchange."

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

A resolution adopting numerical designation and name for interchange with State Route 2 (Airport Highway) was moved for adoption by Mr. Bergsmark, seconded by Mr. Fairbanks as follows:

RESOLUTION NO. 3-1991

"WHEREAS, the Commission and Director of the Ohio Department of Transportation heretofore, in accordance with law, have designated State Route 2 (Airport Highway) as a point of ingress to and egress from the Ohio Turnpike;

"WHEREAS, said new interchange has been designed and is under construction at approximately Milepost 52.5 of the Ohio

Turnpike near the Toledo Express Airport and Village of Swanton, in Lucas County, Ohio and is scheduled for completion in November 1991;

"WHEREAS, the Commission has previously named all other existing interchanges on the Ohio Turnpike; and

"WHEREAS, the executive director has recommended that said interchange be numbered Interchange No. 3A and named 'Toledo Airport-Swanton' and the Commission concurs in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and State Route 2 (Airport Highway) as Interchange No. 3A and adopts 'Toledo Airport-Swanton' as the name for said interchange."

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

Ayes: Mr. Bergsmark, Mr. Fairbanks, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all voting Members present voting in the affirmative. The resolution was identified as No. 3-1991.

The Executive Director said the next resolution dealt with the interchange with Interstate Route 75. He said the resolution's resolved read:

"Resolved that the Commission hereby designates the new interchange between the Ohio Turnpike and Interstate Route 75 as Interchange No. 4A and adopts 'Perrysburg-Toledo' as the name of said interchange."

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

A resolution adopting numerical designation and name for interchange with Interstate Route 75 was moved for adoption by Mr. Bergsmark, seconded by Mr. Fairbanks as follows:

RESOLUTION NO. 4-1991

"WHEREAS, the Commission and Director of the Ohio Department of Transportation heretofore, in accordance with

law, have designated Interstate Route 75 as a point of ingress to and egress from the Ohio Turnpike;

"WHEREAS, said new interchange has been designed and is under construction at approximately Milepost 64.9 of the Ohio Turnpike in Wood County near the cities of Perrysburg and Toledo Ohio, and is scheduled for completion in November 1991;

"WHEREAS, the Commission has previously named all other existing interchanges on the Ohio Turnpike; and

"WHEREAS, the executive director has recommended that said interchange be numbered Interchange No. 4A and named "Perrysburg-Toledo" and the Commission concurs in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the new interchange between the Ohio Turnpike and Interstate Route 75 as Interchange No. 4A and adopts 'Perrysburg-Toledo' as the name for said interchange."

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

Ayes: Mr. Bergsmark, Mr. Fairbanks, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all voting Members present voting in the affirmative. The resolution was identified as No. 4-1991.

The Executive Director said he would now ask Mr. Plain to comment on the status of construction projects.

Mr. Plain said the Turnpike mainline resurfacing and bridge projects were near completion or at the project suspension point for the end of June. He said all bi-directional zones would be off the mainline for the months of July and August except for a zone where a pair of bridges were being constructed for the Turnpike/State Route 2 interchange. He said that zone would be up during the entire summer. He said it was an area of low traffic volume and it should not cause any major problems. He said both the 3A and 4A interchange projects were proceeding on schedule and were expected to be open by November 19.

Mr. Bergsmark asked whether there was any progress on the State Route 795 interchange with I-75.

The Executive Director said it was his understanding that the plans for that interchange were under final review. He said he thought advertisements for bids would be placed very soon and construction awards would be forthcoming. He said he would check further into the progress on that project.

The Executive Director said also that he wanted to report on federal legislation affecting the Commission. He said that, as the Members knew, the staff had been working for some time to accomplish either a cancellation or gain some form of relief from a three-way agreement that the Commission, the State of Ohio, and the Federal Highway Administration entered into in 1964. He said that agreement provided what the Turnpike Act used to provide before the General Assembly changed the state law to allow tolls to continue on the Turnpike. He said he was pleased to say that the major transportation legislation currently before Congress contained a number of provisions that affected toll agencies. He said a bill had passed through the United States Senate by a vote of 91 to 7 (which contains a provision), to allow tolls to continue on the Turnpike upon request of the Commission. He said it remained to be seen what would happen with similar legislation in the United States House of Representatives.

The Executive Director said further that he, General Counsel, James C. McGrath, and Mr. Disantis were in Washington, D.C., the week before the meeting to participate in a legislative program sponsored by The International Bridge, Tunnel, and Turnpike Association. He said he was chairman of a task force for IBTTA which monitored and participated in the legislative process in Congress. He said he met with Congressman Robert A. Roe (D-NJ), who was chairman of the House Committee on Public Works and Transportation. He said that committee was responsible for putting together the House version of the transportation legislation. He said that both the Senate and House transportation proposals were favorable to providing relief from three-party agreements such as the one entered into by the Commission. He said he hoped that the major transportation legislation would pass by the end of September, when the current transportation bill expired, and that it contained provisions to grant the relief from the tripartite agreement the Commission had sought for all those years.

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 said the Members had before them a resolution dealing with the easement which the Commission had for a water line servicing the Vermilion Valley and Middle Ridge Service Plazas. He said the Commission had been approached by the underlying fee owner, R.L.R. Construction, Inc., with a proposal that they would construct a new water line, grant a new

easement and construct a new meter vault in return for the Commission extinguishing the existing easement and giving them the opportunity to make full use of their property.

General Counsel said further that the matter had been reviewed by the Deputy Executive Director, Chief Engineer, and the Executive Director, and they had recommended that the project be undertaken provided a contract was obtained guaranteeing the results promised and that the work be performed in accordance with the Commission's specifications and with the approval of the Chief Engineer. He said he would read the resolved as follows:

"RESOLVED that at such time as the contract between the Commission and R.L.R. Construction, Inc. is finalized and the new, eight-inch water main and meter vault is constructed and in operation that the present easement for water line purposes serving the Middle Ridge and Vermilion Valley Service Plazas will no longer be needed for the construction, maintenance and operation of the Ohio Turnpike; and it is

"FURTHER RESOLVED that the General Counsel is directed at such time as the aforesaid contingencies have been satisfied to prepare the necessary documents extinguishing the present easement and to deliver said documents, properly executed, to the underlying fee owner, namely, R.L.R. Construction, Inc., and it is

"FURTHER RESOLVED that the Executive Director and General Counsel are hereby authorized and directed to take any and all action necessary to finalize the extinguishment of the present easement."

General Counsel said further that prior to enactment of the current legislation, the Commission could have accomplished that type of procedure only through an interagency transfer. He said the staff was now in a position to prepare a document in the form of a first claim deed to extinguish this particular easement, provided the Commission approved that action.

Mr. Plain said that the existing water line at the service plazas had been in service for quite some time and it frequently broke down. He said that the construction of a new water line by R.L.R. Construction, Inc. would enable the staff to get away from maintenance on the present long line and also provide more pressure at the service plazas, which was needed during the summer periods.

A resolution authorizing the extinguishment of easement was moved for adoption by Mr. Pinzone, seconded by Mr. Fairbanks as follows:

RESOLUTION NO. 5-1991

"WHEREAS, the Commission in 1955 purchased, in the name of the State of Ohio, a perpetual easement for water line purposes to serve the Middle Ridge and Vermilion Valley Service Plazas, Lorain County, Ohio;

"WHEREAS, R.L.R. Construction, Inc. has agreed to construct a new, eight-inch water main for the sole benefit and use of the Commission's Middle Ridge and Vermilion Valley Service Plazas and to further construct a meter vault to the specifications of the City of Amherst to house a master meter for the aforesaid water line, both at no cost to the Commission;

"WHEREAS, at such time as a contractual relationship is entered into between the Commission and R.L.R. Construction, Inc. and the construction of the new, eight-inch distribution main and meter vault is completed and in operation, the present easement for water line purposes shall no longer be needed for the construction, maintenance and operation of the Ohio Turnpike;

"WHEREAS, the deputy executive director-chief engineer by letter dated June 4, 1991, has stated that in his opinion it is in the best interests of the Commission to abandon the existing water line serving the Middle Ridge and Vermilion Valley Service Plazas and to vacate the easement at such time as the new water main and meter vault is in operation, and the executive director has concurred in such recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that at such time as the contract between the Commission and R.L.R. Construction, Inc. is finalized and the new, eight-inch water main and meter vault is constructed and in operation that the present easement for water line purposes serving the Middle Ridge and Vermilion Valley Service Plazas will no longer be needed for the construction, maintenance and operation of the Ohio Turnpike; and it is

"FURTHER RESOLVED that the general counsel is directed at such time as the aforesaid contingencies have been satisfied to prepare the necessary documents extinguishing the present easement and to deliver said documents, properly executed, to the underlying fee owner, namely, R.L.R. Construction, Inc., and it is

"FURTHER RESOLVED that the executive director and the general counsel are hereby authorized and directed to take any and all action necessary to finalize the extinguishment of the present easement."

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

Ayes: Mr. Pinzone, Mr. Fairbanks, Mr. Bergsmark,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all voting Members present voting in the affirmative. The resolution was identified as No. 5-1991.

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 during the past two months the consulting engineers had completed their inspection of all Turnpike bridges, roadway, drainage structures and buildings and were then preparing the detailed inspection report to be submitted to Mr. Plain. He said the consulting engineers also had completed filling out approximately 650 bridge inventory forms, which were new forms developed by the Ohio Department of Transportation. He said the forms had been completed for the Turnpike and submitted to ODOT for processing.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no report of the trustee or the Director of Information and Research.

The Executive Director said he wanted to mention something not covered in the status report on construction. He said three pairs of maintenance bridges located between the Administration building and Strongsville-Cleveland (#10) interchange were the last such mainline bridges to undergo deck replacements and widenings in a program started by the Commission some eight years ago. He said the eastbound bridges had been completed and decks of the westbound bridges would be replaced and widened when work resumed after the Labor Day holiday period. He said that when that work was finished in November it meant 290 mainline bridges will have had deck replacements and widenings. He said he thought the staff had accomplished one tremendous program in rebuilding the Turnpike, now almost 36 years old, and making it an excellent facility.

The Chairman said that before accepting a motion to adjourn, he would like to state that on June 30th his term of office expired. He said he had been a Commission Member since December of 1976 and that was long enough. He said he fully expected by the next Commission meeting, there would be a new Member. He said he would like to take the opportunity to express his gratitude for the leadership of the Commission. He said the

staff had been great and he was proud of the progress the Commission had made in the 15 years he had been a Member. He said he would miss everyone.

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

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

Ayes: Mr. Pinzone, Mr. Fairbanks, Mr. Bergsmark,
Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 11:48 a.m.

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


Charles R. Pinzone, Secretary-Treasurer