

MINUTES OF THE 371ST MEETING OF THE OHIO TURNPIKE COMMISSION

November 7, 1991

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 11:15 a.m., on November 7, 1991, with key members of the staff; a representative, W. Robson Fleischman, of the consulting engineers, Greiner Engineering; two members of the media, Pauline Thoma, The (Cleveland) Plain Dealer, and Hank Harvey, The (Toledo) Blade; and others in attendance.

The meeting was called to order by the Vice Chairman. The roll was called and the attendance was reported to be as follows:

Present: James H. Brennan, Joseph J. Vukovich, M. Ben Gaeth, Jerry Wray, Umberto P. Fedeli, Edwin M. Bergsmark, Charles R. Pinzone

Absent: None

A motion was made by Mr. Pinzone, seconded by Mr. Brennan that the minutes of the meeting of June 21, 1991, 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: Mr. Pinzone, Mr. Brennan, Mr. Wray,
Mr. Fedeli, Mr. Bergsmark

Nays: None

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

The Vice Chairman said the meeting was the 371st 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 Vice Chairman said that at the meeting there were two new Commission Members, and he wanted to take the opportunity to welcome them to their first meeting. He said they were James Brennan from Toledo and Umberto Fedeli from the Cleveland area. He said they both had taken the oath of office, had obtained bonds required by the Turnpike Act which had been approved by the Governor and filed with the Secretary of State, and their appointments were confirmed by the Ohio Senate on October 30, so they were fully qualified Members. He said, also, Jerry Wray, who had been Director of the Ohio Department of Transportation since January, was attending his first meeting. He said he would ask the Executive Director to introduce others who were present.

The Executive Director, Allan V. Johnson, said he would begin by introducing the two members of the media present, Pauline Thoma of The Cleveland Plain Dealer and Hank Harvey from The Toledo Blade. He said that going around the room were Eleonore Spencer, Sharon Isaac and Irene Washington from the Commission's Legal Department; Laura Fitzgerald, the Commission's Personnel Manager; Joe Disantis, Legal Department; Les Gaines, the Commission's Minority Business Enterprise Coordinator, and Heidi Jedel, Information and Research Department Head Secretary. He said next to Mrs. Jedel was Myron Popish and Bob Blair from ODOT; Richard Yepko, a Commission Toll Collector; Don Sharp, Director of Operations; Louis Disantis, Director of Administrative Services; Captain Henry Williams, Commander of District 10, Ohio State Highway Patrol; Pat Patton, Government Liaison Officer; a guest, Jim Cooper, Donaldson, Lufkin and Jenrette; and Craig Rudolphy, the Commission's Comptroller.

The Executive Director said further that his secretary, Barbara Lesko, and Diane Pring, secretary to the Commission's General Counsel, were monitoring the tape recorders. He said at the main table in the room were Alan Plain, Deputy Executive Director-Chief Engineer; Jim McGrath, General Counsel; Rob Fleischman, Vice President of Greiner Engineering, the Commission's general consulting engineers; and Bob Barnett, Director of Information and Research.

The Vice Chairman reported further that in accordance with the Turnpike Act and the Commission's Code of Bylaws, the Commission would hold an election of officers, conducted by nomination and voting, and confirmed by a resolution so that action would appear in the Commission's Journal. He said he would begin by accepting nominations for the office of Chairman.

A nomination of James H. Brennan for Chairman of the Commission was made by Mr. Fedeli, seconded by Mr. Wray.

The Vice Chairman asked if there were any other nominations and, there being none, he declared the nominations closed. He asked the Assistant Secretary-Treasurer to call the roll.

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

Ayes: Mr. Fedeli, Mr. Wray, Mr. Pinzone,
Mr. Bergsmark

Nays: None

Abstain: Mr. Brennan

Mr. Bergsmark declared that Mr. Brennan was elected Chairman of the Commission. A Chairman having been elected, Mr. Bergsmark said he would turn the meeting over to the Chairman to conduct the rest of the meeting.

Mr. Brennan said he thanked the other Commission Members for the confidence they had displayed toward him, a stranger, and he would do his best, as he knew all the other Members would do, to see that the Turnpike operated in the same magnificent fashion it had for the previous 35 years. He said he and the other Members had the occasion before the meeting to look at a newspaper dated September 29, 1955, pertaining to the opening of the entire Turnpike and it was very interesting. He said to those in attendance, that if they would like to look at it, the newspaper could be obtained from the Executive Director's secretary.

The Chairman said he would accept nominations for the election to the office of Vice Chairman. A nomination of Umberto Fedeli for Vice Chairman of the Commission was made by Mr. Brennan, seconded by Mr. Wray. The Chairman asked if there were any other nominations and, there being none, he declared the nominations closed.

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

Ayes: Mr. Brennan, Mr. Wray, Mr. Bergsmark,
Mr. Pinzone, Mr. Fedeli

Nays: None

The Chairman declared Mr. Fedeli was elected Vice Chairman of the Commission.

The Chairman said he would accept nominations for the election to the office of Secretary-Treasurer. A nomination of Edwin M. Bergsmark for Secretary-Treasurer was made by Mr. Brennan, seconded by Mr. Wray. The Chairman asked if there were any other nominations and, there being none, he declared the nominations closed.

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

Ayes: Mr. Brennan, Mr. Wray, Mr. Fedeli, Mr. Pinzone

Nays: None

Abstain: Mr. Bergsmark

The Chairman declared Mr. Bergsmark was elected Secretary-Treasurer of the Commission.

The Chairman said further that pursuant to the Commission's Bylaws the Secretary-Treasurer would appoint the Assistant Secretary-Treasurer, with the assent of the other Members.

Mr. Bergsmark said he would appoint Allan Johnson to continue to serve as Assistant Secretary-Treasurer. In response to roll call, all Members assented to the appointment.

The Chairman said he would defer until the next Commission meeting the appointment of committee members until conferring with the other Members and the Executive Director. He said he also would dispense with his customary report.

A resolution confirming election of officers was moved for adoption by Mr. Brennan, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 6-1991

"RESOLVED that the election of James H. Brennan, as chairman of the Ohio Turnpike Commission; Umberto P. Fedeli, as vice chairman of the Ohio Turnpike Commission and Edwin M. Bergsmark, as secretary-treasurer of the Ohio Turnpike Commission, all, pursuant to Ohio Revised Code Section 5537.02 (C) and Article I of the Commission's Code of Bylaws, to serve until their respective successors are elected and qualified, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, hereby is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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

Ayes: Mr. Brennan, Mr. Pinzone, Mr. Wray,
Mr. Fedeli, Mr. Bergsmark

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 6-1991.

The Chairman said the Members would next act on two resolutions recognizing the service of two, former Commission Members.

The Executive Director said the first of those two resolutions commended the long and meritorious service of Clarence D. Rogers, Jr. He said he thought he could dispense with the reading of the resolution in that it was self-explanatory. He said the resolution would be presented to Mr. Rogers in recognition of his 15 years of service. He said he recommended the resolution be adopted.

A resolution commending the long and meritorious service of Clarence D. Rogers, Jr. was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 7-1991

"WHEREAS, Clarence D. Rogers, Jr. was appointed on December 17, 1976, by Governor James A. Rhodes to fill the unexpired term of James W. Shocknessy, and Mr. Rogers was re-appointed by Governor Richard F. Celeste on July 22, 1983, for a full, eight-year term;

"WHEREAS, in the almost fifteen years as a member of the Commission he served as its Vice Chairman for a one-year period and as Chairman for a twelve-year period;

"WHEREAS, during such period and under his guidance the Commission moved forward in many vital areas including, but not limited to: the preparation of comprehensive environmental and engineering studies to identify improvements desirable to keep the Turnpike a first-class facility; the development of Commission policies and positions concerning the future of the Turnpike as a continuing toll facility which led to extensive review by the Ohio General Assembly and adoption of legislation to modernize the Ohio Turnpike Act and provide for continuing toll operation under the jurisdiction of the Commission; the entering into of the first collective bargaining agreement between the Commission and its employees; the adoption and implementation of the Commission's Minority Business Enterprise Program; the entering into of new contracts for the operation of both the Commission's restaurants and service stations which included the total renovation and modernization of the service stations and restaurants; the total renovation and expansion of all the Turnpike bridges; the commitment by the Commission to design, construct and fund new interchanges with S.R. 2 and I-75 which are nearly completed and ready to open; and to proceed with the design of two other interchanges at S.R. 49 and the General Motors' Lordstown complex; and

"WHEREAS, the members of the Commission wish to give formal and public recognition for the long, honorable and exceptionally dedicated and effective service of Clarence D. Rogers, Jr. as a member of this Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission hereby acknowledges its gratitude in having the services of Clarence D. Rogers, Jr. for fifteen years and the Ohio Turnpike Commission also considers that the people of the State of Ohio and of the nation have been fortunate in receiving the unselfish services which he has rendered; and

"FURTHER RESOLVED that the Commission extends to Clarence D. Rogers, Jr., its best wishes for his success and well-being in all matters and activities which he shall undertake in the future; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Rogers."

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. Wray,
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 7-1991.

The Chairman said the other resolution recognized the service of Douglas E. Fairbanks on the Commission.

The Executive Director said that without reading the resolution he recommended it be adopted.

A resolution expressing appreciation to Douglas E. Fairbanks was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 8-1991

"WHEREAS, Douglas E. Fairbanks was appointed as a member of the Ohio Turnpike Commission by Governor Richard F. Celeste on August 10, 1989, and resigned as a member of the Commission on August 9, 1991;

"WHEREAS, during the period of time he was a member of the Commission, Douglas E. Fairbanks served as Chairman of the Commission's Committee on Service Plazas during the time when a new service station contract was prepared, bid, evaluated and awarded, and, he also served as Chairman of the Commission's Safety Committee;

"WHEREAS, he actively contributed to the Commission's purposes and objectives through his diligent application to the matters coming before the Commission and the astuteness and knowledge which he has employed in making and expressing judgments with respect to them;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby recognizes and expresses its appreciation of the diligent, active and valuable service rendered by Douglas E. Fairbanks as a member of the Ohio Turnpike Commission;

"RESOLVED that the Commission extends to Douglas E. Fairbanks its best wishes for his success and well-being in all matters and activities which he shall undertake in the future; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Fairbanks."

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Wray,
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 8-1991.

The Chairman asked the Executive Director to give a brief history of the Commission and the Turnpike for the new Commission Members.

The Executive Director said he would be happy to give such a report as requested by the Chairman. He said the formal history went back 42 years to September 1, 1949, the effective date of the Ohio Turnpike Act, which was passed by the 98th Ohio General Assembly and approved by Governor Frank J. Lausche, who then appointed the initial Commission Members. He said the first meeting was held on September 8, 1949, and the Members elected James W. Shocknessy, Chairman, and O. L. Teagarden, Vice Chairman. He said Shocknessy was Chairman almost twenty-seven years until his death in July 1976. He said Teagarden was Vice Chairman all that time and then Chairman until he resigned on September 1, 1978, for health reasons, after twenty-nine years of continuous service. He said these two men, especially Mr. Shocknessy, were the primary forces that got the Turnpike financed, designed, built, and operating on a solid footing. He said having been Executive Director since November 1970, he served under both of them during part of his tenure. He said he could verify that Mr. Shocknessy was a perfectionist who demanded performance or you didn't survive under him.

The Executive Director said further that the Turnpike Act and the Ohio Turnpike were created as a result of the economic realities of the times. He said the original 160-mile section of the Pennsylvania Turnpike, the grandfather of modern toll roads, had opened in 1940. He said World War II stalled further expansion, but the war's end brought renewed activity in Pennsylvania and other states and tolls were seen as the only available option for funding modern, expensive highway facilities. He said after

a failed attempt in the 97th General Assembly, Ohio finally acted in 1949 to create the Commission and authorize it to build and operate toll projects approved by the Governor.

The Executive Director said further that the beginnings were not easy. He said the Commission had no money or staff. He said there were serious challenges in many areas, such as the constitutionality of the Turnpike Act. There was an attempt to stop the highway department from paying fees to consultants to study the alignment of projects. There was a flaw in the original Turnpike Act over the Commission's eminent domain power that threatened the ability to sell the bonds. There were even suits over the selection of construction materials and concessionaires at the Service Plazas. He said one by one, all those obstacles were overcome in the courts and legislature, under the constant guidance of Chairman Shocknessy and the unswerving support of Governor Lausche.

The Executive Director said further that it was interesting to note that as early as October 1949, as shown on the accompanying diagram, five Turnpike projects were under consideration for Ohio (four of which were now part of the interstate system in the state, one of them, of course, being the Ohio Turnpike). He said because of the need to connect with Pennsylvania and Indiana, attention, however, was focused on project 1, the East-West link across Northern Ohio. He said by June 1952, the alignment and feasibility studies were completed and the Commission was able to issue \$326 million in 3-1/4%, 40-year revenue bonds to finance the design and construction of the 241-mile long road. He said that after that, in just 38 months, the entire road was designed, right-of-way acquired, it was constructed and opened, with the 22-mile eastern stretch connecting to the Pennsylvania Turnpike opened on December 1, 1954, and the remaining 219 miles to Indiana opened October 1, 1955. He said it was an incredible feat and effort achieved by a number of distinguished and dedicated people too numerous to name in this short report.

The Executive Director said further that serious study also was given to proceeding with Turnpike project 2. He said alignment and feasibility studies were done for the project which would have connected Cincinnati to Conneaut with a section from Columbus to Toledo as shown in the accompanying exhibit. He said the creation of the Interstate Highway System by Congress in 1956, effectively precluded this and other toll projects throughout the U.S. He said the studies for project 2, however, were utilized by the state for much of what became Interstate 71 from Cincinnati to Cleveland and I-271 and I-90 from Akron-Cleveland to Conneaut. He said he did not know why the Columbus to Toledo link was eliminated from Ohio's Interstate System planning and it is relevant that demand for such a road recently has revived.

The Executive Director said further that the Ohio Turnpike opened with many skeptics convinced it would never succeed financially, a forecast that seemed plausible when 1956 revenue was just over \$15 million and interest expense alone was more than \$10.5 million, leaving only \$4.5 million for all other expenses. He said that under such circumstances, it was understandable why Chairman Shocknessy was obsessed with paying off the \$326 million debt (which he regarded almost as his personal obligation) and with protecting the revenues from numerous diversion schemes. But he said the road caught on and, even with a small reduction of commercial toll rates in 1957, revenues began to climb, the debt began to fall, and projections were made that the road would be debt free and toll free by the late 70's or early 80's.

The Executive Director said further that along the way, several significant and still important events occurred. He said first, in 1961, 206 miles of the Turnpike were designated as part of the Interstate Highway System, with the 35-mile stretch between exits 9 and 13 excluded. He said, then, in July 1964, the Commission, State of Ohio and Federal Highway Administration entered into a three-party agreement, requiring tolls to end when the debt was retired and prohibiting additional debt financing. He said, in return, FHWA agreed to provide additional federal funding for interstate approaches and interchanges to the Turnpike which was done for Interstate 80/76 (Exit 15) in 1970; Interstate 680 (Exit 16A) in 1975; Interstate 90 (Exit 8A) in 1975; and Interstate 480 (Exit 9A) in 1981. He said that, consequently, approximately \$7 million of federal money was paid to the state, none of which was used on the Turnpike itself. He said the only other interchange built since 1955, the one with Interstate 71 (Exit 10), which opened in 1966, and was located just east of the administration building, was in the 35-mile section not considered on the I-system for funding purposes and so, it did not receive any federal funding.

The Executive Director said further that as the bond debt steadily declined and based on the Federal Interstate Act of 1978, which required final environmental impact statements to be filed by September 1983 for any facilities or improvements to be financed with federal interstate funds, the Commission in 1979 authorized funding and retained consultants to prepare comprehensive environmental and engineering studies to identify improvements desirable to convert the Turnpike to a toll-free interstate highway and qualify them for federal funding. He said the studies cost almost \$4.5 million, took more than 4 years to complete, and were done with full participation and cooperation of ODOT and FHWA. He said they identified more than \$430 million (in 1982 dollars) of improvements which were thought to be eligible for 90% I-funding. He said, incredibly, in 1981 an obscure change was made to federal law that effectively disqualified the Turnpike from 90% I-funding. He said it was not discovered until late 1982 near the end of the E & E studies.

The Executive Director said further that as a result of that drastic change in potential federal participation, the Commission accepted recommendations in a May 1983 report by the Executive Director and adopted resolution 17-1983 (both accompanying as exhibits) authorizing and directing the Executive Director to seek cancellation or amendment of the federal agreement so as to allow continuation of tolls to finance improvements and operations.

The Executive Director said further that effort had been underway ever since. He said it was complicated by an abortive attempt to cancel the agreement made in November 1983 by Governor Celeste's Washington-DC staff who asked Republican Senator Warner of Virginia to offer a late-night amendment to a Virginia sponsored legislative proposal. He said although the Commission supported the concept of cancellation, the attempt was done without Commission knowledge or participation. He said it backfired and was immediately quashed on the Senate floor by Senator Metzenbaum who also had not been told of the proposed amendment. He said, unfortunately, the persons who plotted the attempt were not aware that Senator Metzenbaum was in the Ohio Senate when the Turnpike Act passed and, therefore, did not know that he had a direct interest and strong feelings about the toll issue. He said that, to put it mildly, he was furious about the incident, and while he was told and acknowledged the Commission was not involved, his opposition was kindled which forced a different approach.

The Executive Director said further that at the time, less than \$5 million in bonds were outstanding and scheduled to be retired on December 1, 1984. He said while the original bonds were retired on that date, the Commission found a way within the framework of the Tripartite Agreement to finance the purchase by issuing refunding bonds with a maturity date of June 1, 1992. He said this was deliberately and openly done to keep the debt and allow tolls to continue to finance operations and a major renovation of the Turnpike, especially the bridges as recommended in the E & E Studies and the Executive Director's May 1983 report.

The Executive Director said further that in early 1987, under the directive of Resolution 17-1983 and other authority granted the Executive Director, political consultants were retained to assist in a renewed legislative effort to settle the Turnpike toll issue in both the Congress and Ohio General Assembly.

The Executive Director said further, that in a March 1987 meeting with Senator Metzenbaum, it was determined that he wanted an independent survey of Ohio citizens' attitudes before he would consider changing his opposition to keeping tolls. He said that, as a result, a comprehensive, independent scientific poll was done of two groups: Ohio-based Turnpike users and Ohio citizens statewide. He said the final results were that 77% of Turnpike

users and 83% of Ohio citizens favored keeping tolls and the Ohio Turnpike Commission. He said Senator Metzenbaum dropped his opposition and has supported the Commission's legislative efforts ever since.

The Executive Director said further that, meanwhile, also in 1987, several Turnpike bills were introduced in the Ohio General Assembly. He said Senate Bill 407 by Senator Gaeth who was in the meeting room, and House Bill 877 by Representative Sweeney were identical bills to modernize the Turnpike Act and continue tolls and the Commission. He said House Bill 911 by Representative Deering would abolish the Commission but continue tolls under the Director of Transportation. He said after initial hearings, all the bills expired at the close of the 117th General Assembly.

The Executive Director said further that the bills were immediately reintroduced in the 118th General Assembly as Senate Bill 7 by Senator Gaeth and House Bill 31 by Representative Deering. He said numerous hearings were held but, in the face of strong support of tolls and the Commission, the handful of Commission opponents became increasingly critical, especially on the issue of lobbyists, in an attempt to thwart the bill. He said the situation became deadlocked. He said in an effort to break the impasse, a joint select committee to study the Ohio Turnpike, consisting of five senators and five representatives (including Representative Deering) was appointed by the President of the Senate and the Speaker of the House. He said the committee spent eight months, conducted eight public hearings, heard testimony from numerous witnesses and received seven comprehensive reports from the Legislative Service Commission and Legislative Budget Office. The Joint Select Committee completed its work by recommending that Senate Bill 7 be adopted. He said the bill was returned to committee where several amendments were adopted and, despite a last ditch barrage of critical publicity spawned by opponents, Amended Senate Bill 7 passed in the House by a vote of 61 to 28. He said the amendments were concurred in by the Senate 31 to 2 and the bill became law without the Governor's signature. He said it became effective April 12, 1991, and provides for continuing tolls and the Ohio Turnpike Commission.

The Executive Director said further that the federal agreement problem remains. He said there were, however, appropriate provisions in Senate and House transportation bills which had been passed by those congressional bodies, and were now pending in conference committee. He said the provisions required the U. S. Department of Transportation to amend such agreements and allow tolls to continue without repayment of any federal funds. He said since a transportation bill must be passed to restart the federal transportation program which expired on September 30, 1991, pressure was building to complete the legislation as soon as possible.

The Executive Director said further that in addition to the toll agreement relief, the transportation legislation contained a number of other provisions favorable to toll financing and facilities and he was pleased and privileged to have had a primary role in supporting those provisions as spokesman on behalf of toll interests in the United States in his position as Past President and as Chairman of the Government Affairs Task Force of the International Bridge, Tunnel and Turnpike Association.

The Executive Director said further that he learned the morning of the meeting that the House Conference Committee members were appointed the day before the meeting. He said he knew the Senate Committee members had been appointed the week before the meeting. He said he had a list which showed 25 Senators on the Senate committee and there were probably 25 members on the House committee. He said he spotted Congressman Douglas Applegate, who was the ranking member of the House Public Works Committee from Ohio. He said Congressman Applegate had been a strong supporter of the Commission's efforts and he was pleased to see that he was on the House Conference Committee. He said that even though the toll provisions were non-controversial, care had to be taken that they somehow didn't get dropped out during the conference process.

The Executive Director said further that as the interstate system program drew to a close, it was almost certain the new national transportation program would encourage and support existing and new toll projects.

The Executive Director said further that, recently, the Governor's Operations Improvement Task Force reviewed the Ohio Turnpike Commission and described it as a "very well-run business" that should expand its role in transportation planning and projects throughout the state. He said it seemed to him therefore, that once again economic realities point to a significant and important future for the Commission.

The Executive Director said further that that concluded his brief history of the Commission and the Turnpike. He said he had left out a lot of things that had occurred over the years, but he thought it was most important about where the Commission then stood and what the future from that point on boded.

The Chairman said he thought the history had been most helpful. He said he felt as though he had just had a crash course. He said he then knew a whole lot more about the Turnpike than he did when he left Toledo the morning of the meeting. He asked if any of the other Members wished to add to that report.

Senator Gaeth said he certainly encouraged getting a list of the conferees from the State of Ohio. He said he wondered if Ohio's two Senators were on the conference committee. He said he would like to receive a list of the conferees from Ohio. He said

he thought it urgent that the Commission Members and other interested parties write supportive letters to Ohio's Congressmen on the committee to explain the urgency of getting the act passed.

The Chairman said that, by all means, include a copy of any letters the Commission wrote to Senator Metzenbaum with those letters written to the Ohio Congressional delegation.

The Executive Director said Senator John Glenn was on the Senate Conference Committee. He said Senator Glenn was not on that portion of the committee which dealt with the transportation bill. He said that simply by being on the Committee Senator Glenn should have some influence on the bill's successful passage.

The Chairman asked the Executive Director if he could provide the Members with a copy of the list of conferees within several days after the meeting.

The Executive Director said he would provide the list to the Members before they left the administration building.

The Chairman said that would be fine. He said the staff had probably done its best to keep Senator Metzenbaum well informed of the Commission's interest in the transportation bill.

The Executive Director said that had been done and, if possible, he was planning to talk to Senator Metzenbaum or his aide later on the meeting day.

The Chairman said the report of the Secretary-Treasurer, Mr. Bergsmark, would be received.

Mr. Bergsmark 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 June, July, August, September and October 1991
- (3) Draft of the Commission meeting minutes of June 21, 1991
- (4) Traffic Accident Analysis through September 1991
- (5) Traffic and Revenue Report for June, July, August and September 1991
- (6) Financial Statements for June, July, August and September 1991
- (7) Expense and Budget Report for the first six months and first nine months of 1991
- (8) Litigation Reports for the second quarter and third quarter of 1991
- (9) Independent Auditor's Financial Statement for the first 6 months of 1991
- (10) News release #2 - 8/28/91 "Construction Program Resumes"

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 1992 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.

Mr. Pinzone said further that revenues for 1992 are projected at \$92,540,000, which was down \$4,510,000, or 4.6% from the 1991 estimate. He said that projection was consistent with the actual experience during the past year. He said for example, total revenues for January through December 1991 amounted to \$70,571,087, a 4.0% decrease over the same period in 1990. He said passenger car toll income came to \$25,062,263, up .7%, while toll revenue from commercial vehicles was \$35,592,407, a substantial 7.6% decrease from the same period in 1990. He said that was an obvious reflection of the depressed state of the economy which was even more ominous when you considered that the 1990 figures themselves were steadily dropping from 1989 levels. He said as reported at the last Commission meeting, the decline in revenues had affected the Commission's ability to proceed with a number of Capital Improvement Projects which would continue to be impacted.

Mr. Pinzone said the total proposed 1992 budget of Current Expenses and Bond Interest was \$61,571,878 compared to the budget of \$61,163,770 for 1991, which was \$408,108 or .7% higher. He said the increase reflected the impact of moderate inflation and projected increased employee expense. He said a list of items changing by more than \$100,000, was in each Member's folder. He said, again, a complete tabulation of all the proposed budget amounts by the accounts in the Commission's Chart of Accounts had been furnished to the Members.

Mr. Pinzone said further the Executive Director had one matter he was required to present concerning the budget which he would do now, and then he'll read the resolved of the resolution.

The Executive Director said that in March 1990, the Commission adopted resolution designated No. 2-1990 in which it amended the employee severance compensation plan and provided that the Executive Director report to the Commission at the time it acted on its preliminary budget as to whether there will be significant funds to meet the anticipated obligations under that plan, if it must be implemented. He said that, of course, the event that would trigger implementation of the plan would be the

transfer of the Turnpike to the state to satisfy the terms of the Tripartite Agreement, which, of course, the Commission was trying to have nullified. He said that, at any rate, the plan would become effective when the remaining bonds were retired on June 1, 1992, if the Tripartite Agreement remained in effect. He said the estimate of the plan liability, if it were to become effective in 1992, was \$15 million and he wanted to assure the Commission Members that there were sufficient funds in that account, if the Commission were required to meet that obligation.

Mr. Bergsmark asked the Executive Director when the plan would activate.

The Executive Director said the way the plan was designed was to provide severance compensation to Commission employees in the event the Commission ceased to be their employer; in other words, the compensation would be paid if the Turnpike was turned over by the Commission to ODOT, as either a toll road or free road. He said he didn't expect such an event would take place, but the plan remained in effect. He said, again, the estimate of the plan's liability was \$15 million.

Mr. Bergsmark asked whether Amended Senate Bill 7 allowed the Commission to continue in existence regardless of what happened on June 1, 1992.

General Counsel, James C. McGrath, said the problem was with the Tripartite Agreement. He said that if the agreement was not abolished then the Turnpike had to become toll free.

Mr. Bergsmark asked if the agreement, should it become effective, would dissolve the Commission.

Mr. McGrath said the agreement would not dissolve the Commission, but stipulates that the road becomes toll free (when the bonds are paid).

The Chairman asked whether the state had a right to re-establish the tolls in the event that the mandates of the Tripartite Agreement were carried out.

Mr. McGrath said he thought they probably could.

Mr. Bergsmark asked if the Turnpike were owned by the Commission, which was created by the state.

Mr. McGrath said the Turnpike was owned by the state and operated by the Commission.

Mr. Johnson said the right-of-way was owned in the name of the State of Ohio.

The Chairman said that practically all that would have to happen to transfer the Turnpike to ODOT would be to get rid of the Commission.

Mr. Bergsmark said the Turnpike wouldn't have to be transferred to ODOT.

Mr. McGrath said that to transfer the Turnpike to ODOT a bill similar to the bills that were before the General Assembly in the last couple of years would have to be passed. He said legislative action would be necessary.

Mr. Wray asked if the Commission could dissolve itself.

Mr. McGrath said that could not be done.

Mr. Johnson said the Commission would still be in existence, but if it didn't have a facility to operate, it wouldn't have any funds.

Mr. Wray asked if the tolls were to continue and the Commission got out of the Tripartite Agreement at some point could the Commission decide to suspend tolls.

Mr. Johnson said the legislation affecting Turnpike operations states that tolls continue indefinitely whether there are bonds outstanding or not.

Mr. Wray asked if the Commission decided the toll rates.

Mr. McGrath said that was correct.

Mr. Wray said that then the Commission could say the tolls were zero.

Mr. McGrath said that, conceivably, that could be done. He said the Commission had the authority to also raise or lower toll rates in order to achieve a certain goal.

The Chairman said it was his understanding that the Commission was created as a political subdivision of the state.

Mr. McGrath said the statement was correct.

Mr. Bergsmark said the facilities were owned by the Commission.

Mr. McGrath said the title to all real estate was taken in the name of the state. He said the personal property such as trucks was titled in the name of the Commission, but the actual land was titled in the name of the state.

Mr. Bergsmark asked if the state in turn leased the land to the Commission.

Mr. McGrath said that the only state tie to the Turnpike is that the real estate was titled to it. He said that, pursuant to legislative action, the Commission was an independent authority which operated the Turnpike.

Mr. Bergsmark asked if, should the Tripartite Agreement become effective and tolls were removed, the Commission then could put the tolls on the next day.

Mr. McGrath said that was a possibility. He said there were certain things in the Tripartite Agreement which did not necessarily mean that automatically the tolls would come off, if the agreement remained in effect, and the bonds were paid, which they would be in June 1992. He said there were certain contingencies in that agreement which really would have to be met and that basically concerned the condition of the road itself, which would be subject to the determination of the ODOT Director.

The Chairman asked if the Commission had the authority to not pay off all the bonds in June 1992.

Mr. McGrath said the bonds had to be paid off.

Mr. Bergsmark asked if the pay-off could be extended.

Mr. Johnson said that couldn't be done because it would be a violation of the Tripartite Agreement.

Mr. McGrath said the redemption period of the bonds could not extend beyond the 40 years of the original bonds.

The Chairman asked what would happen if the Commission were in default.

Mr. Johnson said the Commission's credit rating would be damaged.

Mr. McGrath said he didn't think anybody would really recommend that the bonds not be paid off.

The Chairman said that would be one method of continuing tolls, but not a good way of doing it.

Mr. Bergsmark said the Ohio General Assembly has said that the Commission can continue as operator of the Turnpike as a toll road so the conflict would be between the state and the federal government if the federal government tried to force the state to take the tolls off.

Mr. McGrath said there was definitely that conflict because Section 5537 of the Ohio Revised Code says that once the bonds are paid off, the tolls continue.

Mr. Johnson said that one of the realities of the situation was that virtually every other state that had a similar agreement had already been released from it by congressional action so the precedents were there to continue tolls on the Ohio Turnpike. He said he wondered what would happen if the agreement was not nullified by June 1, 1992, when the bonds are paid off and tolls were continued. He said the federal government's position on retaining tolls was in question.

Mr. Bergsmark said he didn't want the employees severance funds dispersed as long as the Commission maintained authority over the Turnpike.

The Chairman asked whether the employees had to receive a termination notice before they received any severance pay.

Mr. Johnson said that would have to be done.

Mr. McGrath said the Commission would have to go out of business and the employees would not be employees of the Commission.

The Chairman said the employees would receive a termination notice which would trigger the severance pay. He said the Commission would administer the payments from the severance fund.

Mr. Johnson said he thought the Commission would be in existence for many more years.

The Chairman said that if most other states which had similar agreements have gotten out of them then why hadn't Ohio.

Mr. Johnson said the Commission's agreement was under Section 129 of Title 23, U.S. Code, pertaining to transportation projects. He said that in his May 17, 1983, report to the Commission he stated that he thought the Commission got a raw deal out of the whole thing. He said a comparison could be made with West Virginia. He said the West Virginia Turnpike received almost \$700 million in federal interstate construction funds to expand and complete the West Virginia Turnpike from two lanes to four. He said those funds were obtained through an agreement similar to the one signed by the Ohio Turnpike Commission. He said the West Virginia agreement was canceled in the 1987 Transportation Act. He said the same thing happened in Maryland on the Fort McHenry Tunnel which received \$800 million in federal funds. He said those funds also were forgiven in the 1987 act.

Mr. Johnson said further that the Commission sought to have its agreement dissolved in 1987, but, as he previously mentioned,

ran into a problem, Senator Metzenbaum. He said Senator Metzenbaum would not go along with the Commission's efforts at that time. He said that by the time Senator Metzenbaum had been convinced otherwise the transportation bill had already passed by, so the Commission was renewing its efforts to get the agreement abolished.

Mr. Johnson said further that the other remaining federal agreement, a Section 105 agreement, involved the New York State Thruway. He said under that agreement the New York Thruway was receiving federal 4-R funds. He said that toll road authority had \$250 million in federal interstate funds and they were asking to be released from their agreement. He said language in the pending federal legislation called for such a release. He said the other states which had tripartite agreements received large amounts of money, while Ohio got somewhere around \$7 million. He said that none of that money was used on the Turnpike itself. He said Ohio was the only state left with a (129) Tripartite Agreement. He said the precedents had been established. He said he did not advocate that the Commission breach the federal agreement, but, if push came to shove on June 1, 1992, when the bonds were retired, he thought one of the options would be to continue tolls and then force the issue of implementing the agreement.

Mr. Wray said that when the term "forgiven" was used with regard to the Tripartite Agreements did it mean that there was no debt.

Mr. Johnson said the term "forgiven" meant the state did not have to repay the federal funds they had received. He said that going back to the 1970's, the Indiana Toll Road and the Maine Turnpike had agreements similar to the Commission's that provided interstate funds on approaches to those roads. He said they both were released from their agreements by amendments to the transportation legislation that was considered in the late 70's. He said that in order for the two states to be released from their agreements they had to repay the federal funds they had received. He said that in the Commission's case it could be the same situation. He said the Commission might have to pay back the \$7 million, but he didn't see it as being necessary.

The Chairman asked the Executive Director if he was suggesting that the \$7 million should be returned to the federal government in order to end the Tripartite Agreement.

The Executive Director said that could not be done unless it were written into the transportation legislation. He said that if the Commission had to pay back one cent, he thought it would be a double raw deal.

Mr. Bergsmark asked if the Commission could negotiate with Congress to amend the Tripartite Agreement.

Mr. Johnson said the Commission had not asked the Congress to amend the agreement. He said New York, back in the 80's, had it written into their agreement for federal 4R funds that if they decided not to go ahead with their projects they could be released from their agreement by paying back the funds. He said he had asked federal officials why the Commission's agreement couldn't be amended to have that same clause and he has been told that they needed direction from Congress in order to do anything with the Commission's agreement.

Mr. Wray said he wondered if the federal government came after the \$7 million whether the tolls continued or not. He said he thought it would be an issue either way.

Mr. Johnson said he couldn't imagine how that would be an issue.

Mr. McGrath said he thought if the tolls were gone then the agreement had been complied with and the \$7 million would not be an issue.

Mr. Wray said it still took an act of Congress to say the debt was forgiven.

Mr. McGrath said that was correct and the present legislation, in effect, said that the Commission's agreement will be amended without repayment of the amount due. He said that both the Senate and House bills had that language.

The Chairman said it would be to the Commission's best interest to get it cleaned up neatly. He asked the Executive Director when he expected some action on the transportation legislation.

The Executive Director said he was in Washington the week before the meeting and met with Congressman Roe, who was chairman of the House of Public Works Committee. He said Congressman Roe told him that there were so many things to be resolved that it would be a miracle if the transportation legislation was passed by Thanksgiving. He said the next pressure point would be Christmas, but, since that time, he had been told that there would be attempts to try to get the legislation passed by Thanksgiving. He said he was sure everybody from around the country was waiting for its passage.

The Chairman asked the Executive Director if somebody, other than him, was carrying the torch for the Commission.

The Executive Director said Congressman Applegate had been very supportive and helpful and he thought the Congressman was in a position to continue that help.

Mr. Wray said that in terms of the transportation bill the Governor had been very active with the entire delegation and had sent representatives to Washington and AASHTO meetings. He said Ohio had probably taken a more aggressive role in terms of trying to get a good transportation bill than they've ever taken before.

Mr. Johnson said the Commission had, to his knowledge, unanimous support within the Ohio Congressional delegation for that effort. He said all 21 representatives and the two senators have indicated support for the issue and he thought everything was in place. He said he hoped that after eight years the situation would be resolved.

The Chairman asked the Executive Director what was the next item before the Commission.

The Executive Director said the next item was the resolution on the preliminary budget.

The Chairman said the resolution had to be passed by November 15.

The Executive Director said he would do as Mr. Pinzone had asked and read the resolved in the resolution before it was acted upon. He read the resolved as follows:

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

1992

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

Revenues		\$92,540,000
Current Expenses (Expenditures)		
Administration & Insurance	17,120,087	
Operations	42,678,103	
Bond Interest	170,354	
Principal	<u>1,603,334</u>	
Total Expenses (Expenditures)		61,571,878
Estimated Capital Improvement Fund Deposits		\$30,968,122"

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

The Chairman said that considering the timeline there really was no choice to it and it was something the Commission had to do.

Mr. Bergsmark said the final budget for 1992 would be acted on by the Commission at the December meeting.

The Executive Director said that after approval of the preliminary budget it was distributed to the Commission's trustee. He said the trustee, which also was the bondholder, had the right to request a hearing to review the budget with the Commission. He said such a request had never been made, so he expected that the budget, as presented, would be accepted without a request for a hearing and the Commission would come back in December and adopt the final budget. He said the Commission had the authority to amend or revise the budget items during the course of the year.

The Chairman asked the Executive Director if the Members had received a detailed breakdown of the various budget categories.

The Executive Director said that breakdown had been mailed to the Members before the meeting.

A resolution adopting the preliminary budget for the fiscal year 1992 and providing for capital improvement fund requirements during said year was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 9-1991

"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 1992 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission;

"WHEREAS, the Commission's consulting engineer, Greiner Engineering, Inc.-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 1992 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:

1992

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

Revenues \$92,540,000

Current Expenses (Expenditures)
Administration & Insurance 17,120,087
Operations 42,678,103

Bond Interest 170,354
Principal 1,603,334

Total Expenses (Expenditures) 61,571,878

Estimated Capital Improvement Fund Deposits \$30,968,122"

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. Wray,
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 9-1991.

Mr. Fedeli said he never spent \$61 million without looking at it.

The Chairman said he never took in \$92.5 million either.

Mr. Bergsmark said that, again, the budget before the Members was the preliminary budget and they would have time to look at it before the final budget was placed before the Members in December.

The Chairman said the only thing he had to say about the preliminary budget was that it showed a profit of \$31 million which was a whole lot better than what was usually seen.

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 co-chairman of the Committee on Employee Relations, Louis J. Disantis, said the current collective bargaining agreement with Local 860 of Laborers International Union terminated on January 1, 1992. He said that agreement covered approximately 600 regular, full-time, non-supervisory field employees in the Toll and Maintenance Departments of the Commission. He said there had been no notice of termination or request for negotiations received as provided in said agreement because in September an independent union, the United Turnpike Workers Local 791, filed a petition for a representation election with the State Employment Relations Board. He said that, subsequently on October 22, representatives of the Commission, Local 860, and the new union met with SERB and reached agreement to hold an election on December 10, 11 and 12 to determine who, if anyone, will be the exclusive bargaining representative. He said the result of that election would determine if, when and with whom negotiations would proceed.

Mr. Disantis said further that, in addition, a subcommittee of the Committee on Employee Relations had begun its annual meetings with representatives of the various groups of employees who were not covered by the agreement for the purpose of receiving input and discussing proposals relevant to changes in wages, benefits and working conditions for the coming year.

The Chairman asked Mr. Disantis how many employees were in the second, non-union group.

Mr. Disantis said there were about 225 in the non-union group, which was the balance of all the full-time employees.

The Chairman asked Mr. Disantis what would be determined by the elections on December 10, 11 and 12.

Mr. Disantis said the elections would determine what action would proceed from there. He said if no unit got more than 50% of the vote there would be a run-off election scheduled subsequent to the first election.

The Chairman asked Mr. Disantis what were the choices in the election.

Mr. Disantis said the employees would be voting on being members of the current union, the new independent union or belonging to no union whatsoever. He said over 50% of the total must be voted in one category. He said if, for instance, there was a split of 240 and 240 and the remaining 120 vote for no union then there would be a run-off election.

The Chairman said the election process was then an elimination procedure. He asked if the winner had to receive 50% of the votes from those voting or those employees eligible to vote.

Mr. Disantis said it was 50% of those employees voting in the election. He said there would be 28 polling places up and down the Turnpike and the election results would be known immediately.

The Chairman asked Mr. Disantis if the National Labor Relations Board was conducting the election.

Mr. Disantis said the State Employee Relations Board conducts the election and certifies the winner of the election. He said SERB would then establish the time frame for negotiations. He said that before the latter was established there would be a waiting period for any objections to be filed regarding the vote tally. He said he did not have an exact date on when SERB established the negotiation process, but he anticipated it would be by the middle of January.

The Chairman said that, in effect, the Commission didn't have a labor contract as of December 31, 1991.

Mr. Disantis said the Chairman was correct.

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

The vice chairman of the Committee on Safety, G. Alan Plain, said the Turnpike's safety record for 1991 had been very good. He said the accident rates through September, which were based on the number of accidents per 100 million vehicle miles, were as follows:

	<u>1991</u>	<u>1990</u>
Fatal Accidents	0.6	0.7
Personal Injury Accidents	16.1	18
Property Damage Accidents	60.9	66

Mr. Plain said further that staff members would be meeting the day after the Commission meeting with representatives from ODOT District 3 and public officials from the City of North Ridgeville to discuss safety concerns of nearby residents and toll collectors at the North Ridgeville-Cleveland (#9A) Interchange with Interstate Route 480. He said the Commission had, in cooperation with ODOT, installed pavement grooves and attached flashing lights to lead-in signing. He said the Commission's maintenance forces also were installing a crash attenuating device at the interchange's entrance lane.

Mr. Plain said also that he would like to introduce Captain Hank Williams, Commander of District 10 of the Ohio State Highway Patrol and an advisor to the Committee on Safety, who would like to make a special presentation.

Captain Williams said that on behalf of the Ohio State Highway Patrol he would like to recognize an employee of the Commission which he believed exemplified the high standards of the Commission. He said that employee was Richard Yepko, a toll collector at the Lorain-Elyria (#8) Interchange. He said Mr. Yepko was working on August 23 when a young woman was abducted in the Elyria area and forced to drive to Interchange #8 to enter the Turnpike. He said that the woman was fortunate enough to engage Mr. Yepko's attention and whispered that she needed assistance. He said Mr. Yepko immediately called the highway patrol and two officers encountered the car. He said the abductor was armed with a .32 caliber revolver, which he discarded when the troopers approached the vehicle. He said the abductor was taken into custody without incident.

Captain Williams said further that the Ohio State Highway Patrol had a certificate of recognition for Richard J. Yepko, Sr. for his alert and immediate action to thwart an abduction and arrange for the apprehension of an armed abductor on August 23, 1991, while on duty on the Ohio Turnpike as a toll collector at the Elyria entrance gate. He said Mr. Yepko handed a toll card to a driver who appeared very frightened. He said that as she took the ticket she mouthed the words "Help me." He said Mr. Yepko realized something was very wrong, motioned with his head he understood and took note of the color of the car and the license plate number as she pulled through the gate. He said Mr. Yepko notified the Ohio State Highway Patrol, whereupon two officers located and stopped the vehicle. He said the suspect, who had abducted the woman, was armed with a .32 caliber revolver. He said the suspect was apprehended without incident.

Captain Williams said further that Mr. Yepko's calm response and quick action to notify the patrol certainly brought to a successful conclusion a life-threatening situation without any injury to anybody. He said that on behalf of the Ohio State Highway Patrol he congratulated Mr. Yepko.

The Chairman asked Mr. Plain if there was something unique about Interchange 9A which necessitated a safety concern.

Mr. Plain said that there was a high speed approach to that interchange for traffic coming off Interstate Route 480 in the North Ridgeville area. He said there had been an increase in traffic at that interchange and there had been instances of drivers falling asleep prior to and upon entering the entrance lanes. He said there had been a number of vehicle crashes at the interchange. He said that on one occasion a truck damaged a toll booth with one collector being injured and another collector pulled her out when a fire started in the booth.

The Chairman asked if the collector who rescued the injured collector was given a certificate of recognition from the Ohio State Highway Patrol.

Mr. Johnson and Mr. Plain both said that he had been presented with such a certificate.

Mr. Plain said further that the interchange was built on a high land fill and there were residences right at the bottom of that fill. He said truck chains and other items had flown off trucks and ended up down in residents' yards. He said staff members were to meet with the Mayor of North Ridgeville and a Councilwoman who lived in that area to attempt to resolve that situation. He said the meeting also would involve ODOT, which had most of the responsibility and jurisdiction over the roadway from the toll booth all the way up to Interstate Route 480. He said the staff would keep the Commission informed as discussions proceeded.

Mr. Johnson said that two other interchanges were similar in design and safety examinations also were being done on those. He said also that the Eastgate and Westgate plazas were straight shots into the toll areas.

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

The Executive Director said the new Turnpike interchanges with State Route 2 in Lucas County and Interstate Route 75 in Wood County at Perrysburg were both near completion. He said a resolution was before the Commission to establish toll rates at those interchanges. He said the tolls were pro-rated. He said the rates were not being increased, but the amounts that will be charged for traffic exiting at those two plazas will be based on the mileage traveled from wherever the vehicle got on the Turnpike based on vehicle class.

The Executive Director said further that there were nine different classes of vehicles, all of which, other than passenger cars, were based on weight upon entry. He said the passenger car rate was about 2 cents per mile and the minimum charge for travel between interchanges was 35 cents. He said the toll rates for the new interchanges, Toledo Airport-Swanton (#3A) and Perrysburg-Toledo (#4A), already had been printed on the toll tickets, but the Commission had to formally approve them through adoption of a resolution.

A resolution establishing toll rates for interchange 3A and 4A was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 10-1991

"WHEREAS, the construction of the new Toll Plazas 3A and 4A are near completion, and it is contemplated that they will open in late November, 1991;

"WHEREAS, the Commission's executive director and comptroller, in conjunction with the toll collection department, have studied the method by which the original tolls were established and the history of the revisions to existing toll schedules including the last revision effective February 1, 1982, and determined that it would be in the best interest of the Commission and the traveling public to establish toll rates for Interchange 3A and 4A on a mileage basis proportional to their location in relation to present Interchanges 3, 4 and 5;

"WHEREAS, the proposed toll rates for Interchanges 3A and 4A have been submitted to and reviewed by the Commission's consulting engineer, Greiner Engineering, Inc.-Ohio, and have been approved by them;

"WHEREAS, these rates have been presented to the Commission and are incorporated by reference into this resolution;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission adopts the toll rates for new Toll Plazas 3A and 4A as determined aforesaid and designates the toll rates incorporated by reference herein as the toll rates for Toll Plazas 3A and 4A."

CINCINNATI SCHEDULE OF VOTES - CLASS 1

[illegible]

OHIO TURNPIKE SCHEDULE OF TOLLS - CLASS 2

[illegible]

OHIO TURNPIKE SCHEDULE OF TOLLS - CLASS 3

[illegible]

OHIO TURNPIKE SCHEDULE OF TOLLS - CLASS 4

[illegible]

OHIO TURNPIKE SCHEDULE OF TOLLS - CLASS 5

INTERCHANGE NAME	No.	Toledo Airport-Swanton			Perrysburg-Toledo			17
		1	2	3	3A	4	4A	
	1				2.65		3.35	
	2				1.90		2.60	
	3				.85		1.55	
Toledo Airport-Swanton	3A	2.65	1.90	.85		.55	.70	N/A
	4				.55		.55	11.70
Perrysburg-Toledo	4A	3.35	2.60	1.55	.70	.55		N/A
	5				1.20	.55	.55	11.00
	6				2.40		1.70	
	7				3.95		3.25	
	8A				5.55		4.85	
	8				5.55		4.85	
	9A				5.85		5.15	
	9				5.85		5.15	
	10				6.60		5.90	
	11				7.35		6.65	
	12				7.85		7.10	
	13				8.15		7.45	
	14				9.65		8.95	
	15				10.35		9.65	
	16				11.15		10.45	
	16A				N/A		N/A	
	17				11.70		11.00	

OHIO TURNPIKE SCHEDULE OF TOLLS - CLASS 6

[illegible]

OTIO TWENTY SCHEDULE OF FOIS - CLASS 7

[illegible]

Perrysburg-Toledo

[illegible]

OHIO TURNPIKE SCHEDULE OF TOLLS - CLASS 9

[illegible]

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Wray,
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 10-1991.

The Executive Director said also that the construction activities on the Turnpike for the year were winding down. He said he was pleased to say that the last three bridges in the mainline renovation program were finished. He said they were located between the administration building and the Strongsville-Cleveland (#10) Interchange westbound on the Turnpike. He said replacement of the decks on the westbound structures began after the Labor Day holiday period and were completed in just a two-month period. He said they were opened up the week before the meeting.

The Executive Director said further that the last resurfacing project for 1991, a five-mile stretch between the Sandusky-Norwalk (#7) and Lorain-Elyria (#8) Interchanges, was also started after Labor Day and it had been completed. He said the project included grinding down all of the existing pavement, repairing all of the damaged original pavement, sub-base and replacement of joints, and was done in a six-week period. He said a bi-directional traffic zone at the 3A interchange where two new bridges to carry the ramps under the Turnpike was starting to be removed the week of the meeting because the work was finished. He said all mainline lanes on the Turnpike would be opened by the Tuesday after the meeting.

The Executive Director said further that the construction work at the 3A and 4A interchanges was very near completion. He said a date had been picked to open the interchange at the Toledo Express Airport, but he would leave it to the Chairman to make that announcement. He said construction of the 4A interchange was nearly finished, but the weather the week of the meeting was delaying the final concrete paving, which required a few more days.

The Chairman said the date for opening the Toledo Airport-Swanton (#3A) Interchange was Wednesday, November 20, at 11:00 a.m.

The Executive Director said there would be a ribbon-cutting ceremony and the staff had to work out all the final details for the occasion. He said a little more time was needed before a date could be set for opening the 4A interchange.

The Chairman said he hoped it could be opened in early December, barring bad weather.

Mr. Wray asked if Turnpike traffic was directed to use crossovers at the mainline resurfacing sites while all the work was done on one side of the road.

Mr. Plain said concrete barriers were used in bi-directional traffic zones during resurfacing work.

Mr. Wray asked if joints were repaired.

Mr. Plain said pavement repairs were done, as well as work on the shoulder, paint stripping and guardrail replacements were all done in those projects.

Mr. Wray asked about the thickness of the resurfacing.

The Executive Director said the existing surface was milled down and recycled into the base course for a thickness of 2-1/2 inches and an inch of new asphalt was applied on top of that.

Mr. Wray asked if full-depth repair was done where it needed to be.

Mr. Plain said that was the case.

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

General Counsel said the Members had before them a resolution designating administrative or legislative agents for the Commission. He said the resolution was the result of the legislative changes to Section 5537.25 of the Ohio Revised Code which permitted the Commission to designate officers of the Commission, or Members of the Commission, to act as administrative or legislative agents on behalf of the Commission.

General Counsel said further that the resolution itself designated all officers and Members of the Commission to act in the capacity of administrative or legislative agents, and, further, provided that the following full-time, permanent employees of the Commission, namely the Executive Director, Deputy Executive Director-Chief Engineer, General Counsel, Comptroller, Director of Operations, Director of Administrative Services, Director of Information and Research, and Government Liaison Officer were empowered to act as administrative or legislative agents on behalf of the Commission, pursuant to Section 5537.25. He said he recommended that the resolution be adopted.

The Chairman said that, in effect, the resolution made everyone listed a lobbyist.

General Counsel said those listed were to be legislative agents. He said he had encountered instances such as going before county commissioners to request that they adopt legislation to vacate a road. He said that in order for him to request that action he had to be a legislative agent so designated by the Commission or there could be a violation of the statute governing such application. He said the designation was important.

Mr. Bergsmark asked if the legislative agents had to be registered lobbyists.

General Counsel said they were not required to be registered.

The Chairman asked if there was additional compensation involved.

General Counsel said that it was just an added responsibility of the individual's job and no additional compensation was involved. He said the resolution covered all those listed including Commission Members who might have the occasion to appear before a legislative committee.

A resolution designating administrative or legislative agents for the Commission was moved for adoption by Mr. Wray, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 11-1991

"WHEREAS, Section 5537.25 of the Revised Code was enacted by the 119th General Assembly as part of Amended Substitute House Bill 201;

"WHEREAS, Section (B) of 5537.25 provides that the Commission may designate officers or members of the Commission, or full-time, permanent employees of the Commission to act as administrative or legislative agents for the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates all officers and members of the Commission to act as administrative or legislative agents for the Commission; and

"FURTHER RESOLVED that the Commission hereby designates the following full-time, permanent employees of the Commission, namely, Executive Director, Deputy Executive Director-Chief Engineer, General Counsel, Comptroller, Director of Operations, Director of Administrative Services, Director of Information and Research, and Government Liaison Officer to

act as administrative or legislative agents for the Commission pursuant to Section 5537.25 of the Revised Code."

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

Ayes: Mr. Wray, Mr. Bergsmark, Mr. Fedeli,
Mr. Pinzone, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 11-1991.

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 in accordance with the requirements of the Turnpike's trust agreement, the consulting engineers had prepared and submitted to the Commission their annual report on October 1. He said copies were supplied for distribution to the Members and staff.

The Executive Director said the annual report referred to by Mr. Fleischman was actually a summary. He said more detailed inspection logs of all the bridges and facilities including pictures was quite thick. He said those were not furnished to the Members. He said those logs were used by the staff to keep the facilities properly maintained. He said the consulting engineers prepared the necessary bridge inspection forms to comply with the National Bridge Inspection Statutory Requirements, which were then furnished to ODOT.

The Chairman asked if maintenance of the bridges and facilities was an ongoing, year-round process.

The Executive Director said the Maintenance Department followed up on all the consulting engineer's reports. He said the bridges were in excellent condition and all the decks had been replaced and widened.

Mr. Wray said state law required annual inspections of roadway bridges throughout Ohio.

Mr. Plain said ODOT supplied the inspection forms and the consulting engineers filled them out and returned them to the Commission, who in turn submitted them to ODOT.

The Executive Director said the Commission was in full compliance with regard to the bridge inspection requirements.

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

The Chairman said that the next Commission meeting would be held on December 18 at 11:00 a.m. to coincide with the annual Christmas luncheon and a dedication of the administration building in the memory of the late O. L. Teagarden, former Vice Chairman and Chairman of the Commission, and a Commission Member for twenty-nine years.

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.

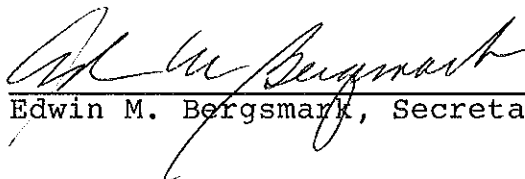
A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Wray,
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:55 p.m.

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


Edwin M. Bergsmark, Secretary-Treasurer