

MINUTES OF THE 385th MEETING OF THE OHIO TURNPIKE COMMISSION

April 12, 1993

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administrative Building at 682 Prospect Street, Berea, Ohio at 11:10 a.m., on April 12, 1993, with key members of the staff; a representative, W. Robson Fleischman, of the consulting engineers, Greiner Engineering, Inc. - Ohio; three members of the media, Bill Sammon, The (Cleveland) Plain Dealer, Hank Harvey, The (Toledo) Blade, and Steve Fogarty, The (Elyria) Chronicle-Telegram; 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: Robert F. Hagan, M. Ben Gaeth, Charles R. Pinzone, Ruth Ann Leever, Edwin M. Bergsmark, Umberto P. Fedeli

Absent: Jerry Wray

A motion was made by Mr. Bergsmark, seconded by Mr. Pinzone, that the minutes of the meeting of March 8, 1993, which had been examined by the Members, be approved without reading.

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mrs. Leever, Mr. Fedeli

Nays: None

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

The Chairman said he would like everyone in the meeting room to introduce themselves as follows: Craig Rudolphy, Comptroller; Andrea Plassard, Assistant Comptroller; Jim Conroy, Porter, Wright, Morris and Arthur; John Lavelle, Society Corporation; Ed Presley, Society Bank; Dick Fetzner, Society Bank; Joe Rice, Rice Consultants; Hank Harvey, The (Toledo) Blade; Leslie Gaines, Minority Business Enterprise Coordinator; Steve Fogarty, The (Elyria) Chronicle-Telegram; Heidi Jedel, Information and Research; Sharon Isaac, Staff Counsel; Tom Tarentino, Climaco, Seminatore, Lefkowitz and Garofoli Co., L.P.A.; Lou Disantis, Director of Administrative Services; Pat Patton, Government Liaison Officer; Captain Henry Williams, Commander, District 10, Ohio State Highway Patrol; Chris Riemenschneider, Kemper

Securities; Courtney Shea, Artemis Capitol; John Lee, Kemper Securities; Gordon Reis, Seasingood and Mayer; Justin Roberts, Seasingood and Mayer; Bill Sammon, The (Cleveland) Plain Dealer; Beth Sorg, concerned citizen; Lucille Sorg, concerned citizen; Marion Deibert, concerned citizen; Susannah Davis, United Electrical; Steve Wood, Paine Webber; Matt Hatchadorian, Vorys, Sater, Seymour & Pease; Keith Huizenga, Elmore Village Councilman; Charles Deibert, Elmore citizen; Don Sharp, Director of Operations; Barbara Lesko, Executive Director's Secretary; Leah Fox, ODOT; Diane Pring, Legal Department; Tom Boast, Bear, Stearns and Company; Kym Arnone, Bear, Stearns and Company; Bea Kossodo, Donaldson, Lufkin, Jenrette; Dean Conley, Bank One Capital Corporation; Mark Malloy, National City Bank; and Eric Carmichael, Pryor, McClendon, Counts & Co., Inc.

The Chairman said the meeting was the 385th meeting of the Ohio Turnpike Commission and it was being held at the Commission's headquarters as provided for in the Commission's code of bylaws. He said Mr. Wray was unable to attend the meeting.

The Chairman said further that, in compliance with the Turnpike Act, copies of the Commission's 1992 annual report were mailed on March 30 to the governor's office and to the offices of the legislative leaders. He said that distribution was required to be made by April 1st. He said the report also was being mailed to other members of the General Assembly who had requested copies, to elected state officials, to newspapers, selected radio and television stations, and to other interested parties.

The Chairman said further that there would be reports later on the status of additional interchange sites for the Turnpike, but he would like to especially note that the Commission was moving ahead with updated environmental assessments for sites at Interstate Route 77 in Summit County and County Road 18 and State Route 11 in Mahoning County. He said that later in the meeting there would be a presentation on the Mid-Atlantic Corridor.

The Chairman said further that the primary reason for the meeting was to act on a number of resolutions, draft copies which have been previously sent to the Members and also were in the Members' folders. He said the resolutions will be explained and introduced during the various committee and staff reports.

The Chairman said that if there were no questions, the report of the Secretary-Treasurer, Mr. Bergsmark, would be received.

Mr. Bergsmark said that the following listed items had been sent to the Members since the last regular meeting of the Commission, March 8, 1993:

- (1) Weekly traffic statistics
- (2) Investment Transactions which occurred during March 1993

- (3) Draft of the Commission Meeting minutes of March 8, 1993
- (4) Traffic and Revenue Report for February and March 1993
- (5) Traffic Accident Analysis for February and March 1993
- (6) Litigation Report - First Quarter 1993
- (7) Ohio Turnpike Commission Comprehensive Annual Financial Report for the year ended December 31, 1992
- (8) Ohio State Highway Patrol District 10 Annual Report for the year ended December 31, 1992
- (9) News Releases #6, #7, #8, #9, #10 - Proposed New Interchange Sites and Commencement of Turnpike Construction Season.

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He said he would like to thank Mr. Bergsmark for the Toledo Mud Hens baseball caps he had given to the Members.

Mr. Bergsmark said the Mud Hens thanked the Chairman for the placement of the lead-in signs on the Turnpike directing motorists to the stadium where the Mud Hens played.

The Chairman asked Mr. Bergsmark to tell the Commission about some of the players and coaches who were with the Mud Hens in the past.

Mr. Bergsmark said the history of the Mud Hens dated back into the late 1890's. He said Casey Stengel was the Mud Hen's coach in 1927. He said Jim Thorpe, the former Olympian, also played for the Mud Hens. He said the Mud Hens originally were a major league team back in the early 1900's, so they probably enjoyed the longest history of all minor league teams.

The Chairman said the report of the Committee on Budget and Finance would be received.

The chairman of the Committee on Budget and Finance, Mr. Bergsmark, said the Commission had approved an interim budget for 1993 at a prior meeting. He said that since that time an additional \$1.7 million had been cut from that budget, which was the second year in a row where there had been some savings in the budget. He said the 1992 budget had been reduced by five percent. He said he recommended that the final budget for 1993 be adopted.

A resolution adopting the annual budget for 1993 and providing for capital improvement fund deposits during said year was moved for adoption by Mr. Pinzone, seconded by Mrs. Leever as follows:

RESOLUTION NO. 15-1993

"WHEREAS, the Commission by Resolution No. 38-1992 dated December 14, 1992, adopted its Proposed Interim Budget for the

year 1993 and the proposed interim budget was submitted to the Governor, the presiding officers of each house of the General Assembly, the Director of Budget and Management, and the Legislative Budget Office of the Legislative Service Commission in accordance with the provisions of Section 5537.17(F) of the Revised Code of Ohio;

"WHEREAS, the Commission's Committee on Budget and Finance has completed a detailed review of the proposed budget and has made certain adjustments thereto and the budget, including such adjustments, is now before the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby adopts the following as its annual budget for the year 1993:

1993

Budget of Revenues, Expenditures
and Capital Improvement Fund Deposits

Revenues		\$96,140,000
Expenditures		
Administration & Insurance	18,005,376	
Operations	<u>41,724,167</u>	
Total Expenditures		59,729,543
Estimated Capital Improvement Fund Deposits		\$36,410,457

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

Ayes: Mr. Pinzone, Mrs. Leever, Mr. Bergsmark,
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 15-1993.

Mr. Bergsmark said further that the committee had met regarding the RFP on cash management and investment management services. He said that based on the recommendations from the Comptroller's staff, the documentation received and the interviews conducted, the committee recommended the firm of Chase-Edwards/Ciuni & Panichi to assist the Commission in reviewing its cash management/investment management needs.

A motion to accept Chase-Edwards/Ciuni & Panichi to provide cash management and investment management services was made by Mrs. Leever and seconded by Mr. Bergsmark.

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

Ayes: Mrs. Leever, Mr. Bergsmark, Mr. Pinzone,
Mr. Fedeli

Nays: None

The Chairman declared the motion stood adopted with all Members present voting in the affirmative.

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

The chairman of the Committee on Service Plazas, Senator Gaeth, said he made his usual stop at one of the service plazas the morning of the meeting and he had been impressed by the cleanliness of the restaurant area and the business-like attitude at the Hardee's they stopped at between Toledo and Berea. He said he thought the employees did an outstanding job.

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

Lou Disantis, vice chairman of the Committee on Employee Relations, said he didn't have a formal report, but he wanted to keep the Members abreast of what was going on. He said the fact-finder in the negotiations with the radio room personnel had notified the committee the week before the Commission meeting that he would not be issuing his findings for about ten days to two weeks. He said that, as reported at the last Commission meeting, briefs were before SERB on the question of the appropriateness of the part-time employees as a bargaining unit and they had taken no action and had not given a date for their decision.

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.

Captain Williams said there had been a serious traffic accident that occurred on April 1st at milemarker 145, next to the Lorain-Elyria (No. 8) Interchange. He said it involved a tanker truck which collided with a passenger car resulting in a traffic fatality. He said the truck was hauling 3,000 gallons of a product called Oleum, which was a sulfuric acid substance. He said about 1,500 gallons poured into a nearby creek resulting in

a violent reaction and producing a large cloud of smoke in the immediate area of the Turnpike. He said traffic was tied up for about 17 hours on the Turnpike.

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, Allan V. Johnson, said that, as the Members knew, several new Turnpike interchanges had been designated and he was pleased to say that consultants had been retained for the design of the interchanges at both State Route 4 in Erie County and for State Route 44 in Portage County. He said the design work for both was in progress.

The Executive Director said further that requests for consultants' proposals would be issued the week of the Commission meeting for the interchange at State Route 58 in Lorain County. He said Jim Brennan, the Commission's Development Coordinator, would report on the status of the interchange site in Fulton County, which had already been approved.

The Executive Director said further that the Chairman had indicated that there were three additional sites that had been added to the list for updating environmental assessments. He said they were Interstate 77 in Summit County, County Road 18 and State Route 11 in Mahoning County. He said the sites at other locations that had been reported on in the past would be covered by Mr. Brennan in his report.

The Executive Director said also that his report would consist of introducing two of the resolutions before the Commission. He said the first of those was a resolution to award a contract for the removal of existing paint and the repainting of the twin bridges carrying the Turnpike over the Huron River in Erie County. He said the resolution was called a resolution awarding contract CIP 40-93-01. He said the tabulation of the bids was previously submitted to the Members with the meeting agenda. He said there were six bids received on that project. He said he would read the resolved as follows:

"RESOLVED that the bid of R.J. Wildner Contracting Company, Inc. of Johnstown, Pennsylvania, in the amount of \$1,894,000.00, for the performance of Contract CIP 40-93-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said further that the contract had been thoroughly reviewed by the Commission's staff, the Deputy Executive Chief Engineer and the Commission's consulting engineers. He said the contractor had been thoroughly checked with other agencies including the Department of Transportation in Pennsylvania.

The Executive Director said further that it was a complicated project in that the removal of the existing paint which contained lead had to be captured during the removal process. He said there were elaborate controls on the project to insure that the paint was properly collected. He said there was an excellent range of bids and the lowest bid was well under the estimated cost.

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

A resolution awarding contract CIP 40-93-01 was moved for adoption by Mr. Pinzone, seconded by Mrs. Leever as follows:

RESOLUTION NO. 16-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the repainting of the Huron River Bridge located at Milepost 119.6 in Erie County, Ohio;

"WHEREAS, six bids for the performance of said contract were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of R. J. Wildner Contracting Company, Inc. of Johnstown, Pennsylvania in the amount of \$1,894,000.00 for the performance of Contract CIP 40-93-01 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section

5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by R. J. Wildner Contracting Company, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of R. J. Wildner Contracting Company, Inc. of Johnstown, Pennsylvania, in the amount of \$1,894,000.00, for the performance of Contract CIP 40-93-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Pinzone, Mrs. Leever, Mr. Bergsmark,
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 16-1993.

Mr. Bergsmark asked if the procedure was to catch the paint flakes when they are scraped off the bridges so they didn't go in the water.

The Executive Director said the paint was actually blasted off the bridges and the paint flakes were collected in a very elaborate process. He said it was the first major bridge on the Turnpike to undergo the process under the current strict EPA guidelines.

Mr. Pinzone asked if the Commission's staff would be observing the project to see that the safety features were carried out properly according to government regulations.

The Executive Director said the staff was very sensitive to the project and would be watching like a hawk.

Mr. Pinzone said he had seen contracts go out to low bidders who used college kids with no protective clothing to do that kind of work.

The Deputy Executive Director-Chief Engineer, G. Alan Plain, said the staff also had safety precautions for the workers removing the paint. He said the contractor had been certified by the Structural Steel Painters' Council.

The Executive Director said the next resolution was to establish toll rates for interchanges 14A and 14B and to establish new toll class 10 and class 11.

The Executive Director said further that the toll rates for 14A and 14B were extrapolated from the existing toll rates for the Warren (No. 14) and Niles-Youngstown (No. 15) Interchanges, between which they are located. He said the other two classifications, namely, class 10 and class 11, were to accommodate long combination vehicles. He said they were long doubles and triples. He said long doubles had been permitted on the Turnpike since 1960.

The Executive Director said further that the new classes would charge based on the vehicle weights, which were more than the weights for regular trucks. He said he recommended that the new rates be adopted so that the long vehicles were classified like all other vehicles, namely based on weights. He said the Ohio and Pennsylvania Turnpikes were the only toll roads in the country that classified vehicles by weight. He said the establishment of the new classes was a fairer method of classifying the long combination vehicles.

The Executive Director said he would dispense with reading the Whereases. He said the total rate schedules were incorporated by reference rather than included with the resolution. He said it was a rather lengthy schedule, but they were available to the Members. He said class 10 was really what used to be a class 9 plus a class 3. He said class 11 was a class 9 plus a class 5. He said he would read the Resolved as follows:

"RESOLVED that the Commission adopts the toll rates for new Interchanges 14A and 14B, which are incorporated herein, and establishes new toll class 10 and class 11 and adopts the toll rates for such classes which are incorporated herein."

The Executive Director said he would like to recommend that there be one amendment to the resolution and that was to establish an effective date for implementing class 10 and class 11. He said he would ask that May 1st be the effective date for implementing class 10 and class 11. He said the toll rate schedules for 14A and 14B would become effective when the Lordstown interchange opened, probably sometime around the first week of July. He said he recommended the resolution be adopted.

A resolution establishing toll rates for interchanges 14-A and 14-B and establishing new toll class 10 and class 11 was moved for adoption by Mrs. Leever, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 17-1993

"WHEREAS, the Commission has scheduled the opening of Interchanges 14-A and 14-B, commonly referred to as the Lordstown interchanges in June 1993, and it is necessary to establish toll schedules to accommodate those interchanges;

"WHEREAS, it is desirable to establish two new toll classifications, namely, class 10 and class 11;

"WHEREAS, the Commission's executive director and comptroller, in conjunction with the toll collection department, have developed toll rates for Interchanges 14-A and 14-B and such toll rates have been reviewed and approved by the Commission's consulting engineer, Greiner Engineering, Inc.-Ohio;

"WHEREAS, toll class 10 will apply to long combination vehicles (LCVs) weighing between 90,000 and 115,000 pounds and which operate under special provisions and permit requirements established by the Commission and include triple-trailer combinations and long-double combination vehicles (LCVs). The toll rate for class 10 will be the sum of that charged for a class 9 vehicle and class 3 vehicle;

"WHEREAS, toll class 11 will apply to long double-combination vehicles (LCVs) weighing between 115,000 and 127,400 pounds and which operate under special provisions and permit requirements established by the Commission. The toll rate for class 11 will be the sum of that charged for a class 9 vehicle and class 5 vehicle;

"WHEREAS, the Schedule of Tolls for Interchanges 14-A and 14-B, as well as the Schedule of Tolls for class 10 and class 11, have been prepared and has been submitted to the Commission and are identified as follows: Ohio Turnpike Commission Toll Rates, Interchanges 14-A and 14-B; Ohio Turnpike Commission Toll Rates for Class 10 and Class 11, and are incorporated into this resolution by reference, as if fully reproduced herein;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission adopts the toll rates for new Interchanges 14-A and 14-B, which are incorporated herein, and establishes new toll class 10 and class 11 and adopts the toll rates for such classes which are incorporated herein, effective May 1, 1993."

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

Ayes: Mrs. Leever, Mr. Pinzone, Mr. Bergsmark,
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 17-1993.

The Executive Director said he was catching everyone by surprise with a little added item on the agenda which was a little bit of history and nostalgia as the Commission begins talking about an expanded roll for itself.

The Executive Director said he wanted to note for the record that on Friday of that week, April 16th, would mark an anniversary of a rather significant date in the history of the Commission. He said that was the date when then Governor Jim Rhodes asked the Commission and especially through its then, and now late, Chairman, Jim Shocknessy, to establish a task force to complete Interstate 71 in Ohio. He said that task force was created almost 30 years ago on April 16, 1963, at a meeting in the older section of the Commission's administration building. He said it ranked as a very significant and cooperative effort between ODOT and the Commission, which led to the completion of Interstate 71 in Ohio.

The Executive Director said further that much of I-71, which had to be built, was in the Cleveland area. He said that, at that time, I-71 ended at State Route 18 in Medina County. He said that during the seven and a half years of its existence the task force took on responsibilities for all of the interstate routes in Cuyahoga County, as well as all the interstate routes in Hamilton County. He said the task force also was responsible for other special projects and did it all with great success. He said he thought the Commission might be looking at another era like that.

The Executive Director said further that he had a photograph at the meeting which he would pass around. He said it showed Chairman Shocknessy and Jim Rhodes shaking hands across the table. He said it was an autographed photograph that Governor Rhodes gave Jim Shocknessy. He said it would haunt him later on because there was a figure standing in the background between them who was there that day. He said Mr. Shocknessy always teased him afterward that he (Allan Johnson) wormed his way into the photograph.

The Chairman said the photo was a black and white picture, but the Executive Director's hair was definitely black and not gray.

The Executive Director said that was what the task force did to him. He said that, at any rate, he wanted to note that for the record this was an historic event.

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, Jim McGrath, said he first had a resolution dealing with the method by which bonds or bond anticipation notes would be sold at such time as they were sold. He said that, specifically, 5537.08(C) of the Ohio Revised Code provided that the Commission may sell bonds and may sell them at private sale through negotiation or competitively by public bid sale.

General Counsel said further that the method by which the Commission sold bonds, when bonds were to be sold, was subject to review by the Ohio Controlling Board. He said a resolution was before the Members which had the recommendation of the Executive Director, the Comptroller and the Commission's financial advisor, Seasongood and Mayer, that the Commission select a private sale method, as distinguished from a competitively bid method.

General Counsel said further he would urge the Commission to adopt the resolution so that it was ready at such time as the Commission determined to issue bonds and/or notes so that the matter could be cleared with the Controlling Board. He said he wanted to read the two Resolveds as follows:

"RESOLVED that at such time as there is a sale of bonds or bond anticipation notes that such sale shall be by private sale rather than by competitive bid; and

"FURTHER RESOLVED that the chairman and the executive director are hereby authorized and directed to obtain the approval of the Controlling Board as to the manner of the sale of bonds or bond anticipation notes."

A resolution authorizing the private sale of bonds was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

RESOLUTION NO. 18-1993

"WHEREAS, Section 5537.08(C) of the Revised Code of Ohio provides, in part, that the Commission may sell bonds by competitive bid or by private sale and that its determination as to the manner of the sale shall be approved by the Controlling Board. The Commission's executive director, comptroller and financial advisor have recommended that the sale of bonds or notes when such sale shall take place shall be by private sale rather than by competitive bid;

"NOW, THEREFORE, BE IT

"RESOLVED that at such time as there is a sale of bonds or bond anticipation notes that such sale shall be by private sale rather than by competitive bid; and

"FURTHER RESOLVED that the chairman and the executive director are hereby authorized and directed to obtain the approval of the Controlling Board as to the manner of the sale of bonds or bond anticipation notes."

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

Ayes: Mr. Bergsmark, Mrs. Leever, Mr. Pinzone,
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 18-1993.

General Counsel said he requested that the Commission have a short executive session to discuss the acquisition of real estate.

A motion to hold an executive session was moved by Mrs. Leever, seconded by Mr. Pinzone.

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

Ayes: Mrs. Leever, Mr. Pinzone, Mr. Bergsmark,
Mr. Fedeli

Nays: None

The Chairman said the Members would go into executive session after several more reports.

The Chairman said that the report of the consulting engineers would be received.

Mr. Fleischman said he wanted to update the Commission on the status of the consulting engineers annual inspection of the Turnpike. He said all the inspections would be completed the week of the Commission meeting. He said he would be furnishing a report to Mr. Plain within the next two to three weeks on the results of that inspection. He said the consulting engineers would resume its bridge inspections the week after the Commission meeting and it probably would take four to five weeks to complete.

The Chairman said the report of the consulting engineers was accepted as offered. He said he had a few things to say before going to Mr. Brennan's report as Development Coordinator.

The Chairman said that a few weeks ago, Ruth Ann Leever, the Vice Chairman of the Commission, and he attended a meeting in Columbus on the Mid-Atlantic Corridor. He said Allan Johnson, Alan Plain, Jim Brennan, and Jim McGrath of the Ohio Turnpike Commission staff accompanied them. He said Paul Mifsud, Governor Voinovich's chief of staff, and Ron Zook, an assistant director of the Ohio Department of Transportation, were also in attendance.

The Chairman said further that he was going to review the project briefly for those in attendance. He said Jim Brennan would give a more detailed report later in the meeting. He said he left the meeting more determined than ever, and more confident, that the project was going to move quickly.

He said both Governor Voinovich and he believed the Mid-Atlantic Corridor was a worthwhile project that would help millions of Ohioans and the State's economy as a whole.

The Chairman said further that super highways linking Toledo to Columbus and Portsmouth to Cincinnati would benefit the people of northwest Ohio, the people of central, southern and southwest Ohio, and the people who live in the towns and villages along the route.

He said a good transportation network was vital to a state's economic well-being. He said the Mid-Atlantic Corridor would make Ohio's fine interstate highway system even finer.

The Chairman said further that the Ohio Turnpike Commission would work closely with Governor Voinovich and the Ohio Department of Transportation to make that project become a reality. He said it was a project of enormous magnitude -- over 200 miles of new or improved highways and probably the most ambitious Ohio highway project since the Ohio Turnpike was finished in 1955. He said that if we are to control our economic destiny in Ohio, we must be bold and have vision. He said the Mid-Atlantic Corridor was visionary. He said action would make it a reality.

The Chairman said further that he wanted to show those in attendance a couple of maps and then Jim Brennan would give his report. He said the first map was a macro plan of the Mid-Atlantic Corridor. He said it would link with the Maumee-Toledo (No. 4) Interchange of the Turnpike and continue south on U.S. 20 to Interstate Route 75. He said that from there the route continued onto State Route 15 into U.S. Route 23 south of Carey. He said three potential ways of hooking into Interstate 71 north of Columbus were being studied. He said the corridor would then link back with U.S. 23 down to Portsmouth.

The Chairman said further another phase of the project called for building a completely new highway from the Turnpike's Stony Ridge-Toledo (No. 5) Interchange for about 40 miles south via Fostoria and Carey.

The Chairman said the project had four phases. He said one phase ran from Toledo down to Columbus, which had the highest priority, and another segment was from Columbus to Portsmouth. He said there was a section running from Carey to Fostoria and ultimately to the Turnpike. He said the fourth phase was a continuation of Interstate 74 to Cincinnati. He said he would ask Mr. Brennan to give his more detailed report on the corridor.

Mr. Brennan said that, as the Chairman mentioned, the corridor began at Toledo and went south on I-75 to Findlay and then on State Route 15 from Findlay to Carey. He said State Route 15 ended at Carey, but the corridor continued south on U.S. 23 toward the Columbus area. He said there were three alternatives to get traffic onto I-71. He said the point being that the bottleneck for anybody coming from that direction was always around the Delaware area. He said it took roughly an hour and a half to go from Toledo from that point and another hour and a half to reach downtown Columbus.

Mr. Brennan said further the corridor would use I-71 and swing around on the Columbus belt to I-70 east. He said traffic would then go south onto new U.S. 23, which would become I-73. He said the federal government might stop using the Interstate numbers and they had suggested that the road be called the Great Lakes/Mid-Atlantic Corridor.

Mr. Brennan said I-74 would be coming across from Cincinnati to connect with I-73. He said the corridor would continue on to Huntington, West Virginia. He said funds were already available to build the road in West Virginia. He said the corridor would connect Detroit and the whole Michigan area into Myrtle Beach, South Carolina.

Mr. Brennan said further that there was some discussion about building another ring around Columbus. He said that if it was built, the corridor would tie in with it.

Mr. Bergsmark asked if the idea was to take U.S. 23 and turn it into a limited access highway.

Mr. Brennan said that was the plan. He said that from Findlay down to just north of Delaware it was a divided highway with a large median section. He said the only thing that prevented it from being an interstate type of highway was the access.

Hank Harvey asked Mr. Brennan if the I-74 segment of the corridor was part of existing State Route 32, which was the Appalachian Highway.

Mr. Brennan said Mr. Harvey was correct. He said State Route 32 was also a dual, divided highway. He said the problem was the same as with U.S. 23, namely, the access. He said that with turnpikes and interstates there had to be limited access.

The Chairman said that the reception and working conditions with ODOT had been tremendous. He said they had been very responsive and he couldn't say enough good things about them. He said the Commission's staff also was very excited about taking on this major project. He asked Mr. Brennan if the federal government had to become involved with regard to the corridor being connected to I-71.

Mr. Brennan said it was his understanding that in order to put any more traffic onto an existing interstate highway the federal government had to approve it.

The Chairman said that on the way back from the Columbus meeting he had previously mentioned he talked with Alan Plain and Allan Johnson about the different set of circumstances which prevailed forty years ago when the Turnpike was built. He said that at that time there were not all those environmental impacts. He said those studies were then being done for the Maumee River crossing. He said all the Commission could do was to make sure the studies were done quickly and they were going to do that. He said that when the Commission put out the various projects for bid and RFP's, quality and quickness were essential. He said the Commission had to understand that it was a different ball game today with the environmental concerns and all the federal regulations. He said there was a lot of red tape which, quite frankly, he didn't quite understand.

Mr. Brennan said the good news was that the Commission had people who did understand it.

The Chairman said Mr. Brennan was correct. He asked Mr. Brennan to finish the rest of his report.

Mr. Brennan said he had continued to attend the meetings of the committee on the Mid-Atlantic corridor. He said that Mr. Patton was seemingly back in business so maybe they both would be going to those meetings.

Mr. Brennan said further that he went to Washington, D.C., to testify before the U.S. House Subcommittee on Transportation Related Agency Appropriations, which was chaired by Representative Bob Carr of Michigan. He said Ray Cadwallader, who was the Executive Director of the I-73/I-74 program, went to the hearing. He said the purpose of their testimony was to explain their request for \$40 million for the U.S. 32 Fostoria bypass. He said the thought was to get a part of the extra money that the federal government was talking about to accelerate the construction of the bypass from 1999 and, therefore, assist in the development of the corridor.

Mr. Brennan said the committee would need strong support from the Ohio Congressional delegation in order to have any chance of success for that endeavor.

Mr. Brennan said further that he had meetings with District One of the I-73/I-74 group in Batavia on March 31 and District Two in Portsmouth on April 1. He said both meetings were well attended and a great deal of enthusiasm was displayed toward the Commission's involvement and the governor's interest.

Mr. Brennan said there were a total of seven states involved in the corridor. He said a multi-state meeting was scheduled for Bluefield, West Virginia, on the Tuesday and Wednesday before the Commission meeting. He said the multi-state meeting was canceled due to the death of Congressman Nick J. Rahall's father. He said Congressman Rahall was the chairman of the Surface Transportation Subcommittee of the House Public Works Committee. He said the meeting would undoubtedly be rescheduled.

Mr. Brennan said the Commission had a meeting scheduled on April 14 with the high-level ODOT people and he also had a meeting scheduled on April 14 in Delaware with District Three and Four of the I-73/I-74 group.

Mr. Brennan said further that he wanted to give an update on the interchange that was approved by the Commission on March 8 at County Road 24 in Fulton County near Archbold. He said that since March 8, a local group had decided to pay for an engineering firm to study a location for a Lima, Ohio to Lansing, Michigan corridor, which, of course, would intersect with the Turnpike. He said it would be to the best interest of all concerned to be sure that the Turnpike interchange was located at a point compatible to where the Lima to Lansing route crossed the Turnpike. He said, therefore, that he recommended that the Commission temporarily hold up the process at County Road 24. He said the study that was being funded by the private group was supposed to report by August 15. He said that at that time the Commission could review the study and possibly reassess its position. He said he didn't think it would be a good idea for the Commission to go ahead and do the environmental and engineering studies for an interchange at County Road 24 should the location not correspond with the Lima to Lansing route.

Mr. Brennan said further, the study was already in progress and the group had its first meeting on April 5.

Mr. Brennan said further that, regarding the proposed interchange at State Route 51 in Ottawa County, he had several more meetings and conversations with interested citizens in the Elmore area regarding the latest design, which was on S.R. 51 south of the Turnpike at the Sandusky County line. He said he was not ready to recommend approval of the interchange at that time.

Mr. Brennan said further that since his last report on the Maumee River crossing on March 9 there had not been much for the Commission to do. He said that, until the environmental import

study was completed, the Commission could not be of any help. He said the crossing was part of the I-73/I-74 corridor.

Mr. Brennan said further that public meetings on the crossing were set for March 30, but had been rescheduled to April 22. He said he would attend that meeting, as well as the regular task force meeting on April 8. He said the project was moving forward. He said the environmental impact study still had another 18 months or so to run. He said that, until it was completed, there was nothing the Commission could do.

The Chairman said there was federal legislation called the ISTEA which basically gave the Commission matching dollars. He said that, in fact, from the way he read it at that point, for every dollar that was spent, if a road became a non-toll road, the Commission actually could get as much as \$5.00 matching from the federal government. He said that if it was a toll road, there would be a one to one matching. He said it was something that the Commission would be looking at down the road. He said it would make the Commission's capacity much larger in getting the federal government involved in what the Commission was doing here with infrastructure in the state. He said that at a later Commission meeting there would be an update presented. He asked the Executive Director what the acronym ISTEA stood for.

The Executive Director said the acronym stood for the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. Brennan said he should point out that the Director of the Ohio Department of Transportation recently sent out a memorandum to all of his district offices advising them of the fact that because of the Turnpike's involvement, there had been something like \$80 million that had been produced for soft match funding with the federal government. He said the credit was for projects done by the Commission in 1992 and 1993. He said the Commission was helping ODOT insofar as their transportation needs were concerned.

The Chairman said the Commission would do its best to see if the federal legislation was in line and how it would pertain to the Commission regarding funding for future projects.

The Executive Director said that, as he reported in the past, he was actively involved as a past president of the International Bridge, Tunnel and Turnpike Association and as current chairman of the Government Affairs Task Force of that organization in getting the provisions in the ISTEA legislation that affects toll facilities and toll financing. He said I.B.T.T.A. was still actively involved because the whole program still was unfolding. He said that, even though the legislation was a 1991 Act, the federal government was still adopting rules, regulations, procedures and guidelines on how to implement that legislation. He said he was keeping a very close watch on that

activity and he thought I.B.T.T.A. had the means to have a say in how that unfolded.

The Chairman said that the other thing the Commission would be doing was to continue to write its business plan for the I-73/I-74 corridor project. He said that the plan was partly what the meeting was about the week after the Commission meeting. He said the Commission would be looking at the plan a little further and then get on with the plan and begin the environmental impact studies. He said the Commission would be working on the project with ODOT and the Commission and ODOT had yet to define their individual roles.

Mr. Brennan said he thought it should be pointed out that the impetus for all the Commission new activities was really coming from Governor Voinovich.

The Chairman said the Governor wanted the Commission to be a catalyst for economic development and accessibility. He said the Commission was carrying on the mission of doing that and using the Turnpike as a conduit.

The Chairman said a representative from BP Oil was in attendance to present an award to Trooper Don Lewis of the Ohio State Highway Patrol's District 10 on the Turnpike.

The Executive Director said Captain Williams had cooperated as the law enforcement agency for the Turnpike. He said the Patrol had some success in solving a case on the Turnpike recently involving one of the BP Oil stations on the Turnpike.

Captain Williams said he would provide some background on the case. He said that at the meeting was Tom Scranton from BP Oil, who would be presenting an award to Trooper Lewis. He said Trooper Lewis was the investigator for the district.

Captain Williams said the incident occurred in October of 1991 about 2:44 a.m. He said troopers were dispatched to the Portage Service Plaza to investigate a report of an armed robbery at the BP Oil service station.

Captain Williams said further that the service station attendant was confronted by an armed suspect who ordered him to lay on the floor. He said the suspect and an accomplice took a small safe containing over \$3800 of the service station's receipts.

Captain Williams said further that Trooper Lewis was assigned to a follow-up investigation. He said Trooper Lewis determined that the station attendant had fabricated the armed robbery story and, in fact, had stolen the safe. He said the safe and the proceeds from the theft were recovered and two suspects were charged in the Portage County Common Pleas Court.

Captain Williams said Tom Scranton would make the presentation to Trooper Lewis.

Mr. Scranton said that on behalf of BP Oil and prior to that, Standard Oil, there had been a long-time association with the Highway Patrol. He said it gave him great delight to present a plaque of recognition to Trooper Lewis for an excellent job. He said Trooper Lewis also had done excellent work in helping BP Oil on other occasions. He said he also wanted to present Trooper Lewis with a check for \$1,000.00.

Mr. Scranton said BP's Shield Award programs recognizes law enforcement agencies, not only the Highway Patrol, but other local municipalities for a good job.

The Chairman said the Members would meet in executive session and, after it was over, they would return to the regular meeting. (The session began at 11:58 a.m. and concluded at 12:14 p.m.)

The Chairman said the executive session had been concluded and would be noted in the minutes of the meeting. He said that during the executive session, General Counsel recommended a course of action on a particular parcel which he would then discuss.

General Counsel said the Members had before them a resolution relative to the appropriation of a parcel of real estate needed for the Turnpike interchange with State Route 58. He said that particular parcel was owned by the Rural Lorain County Water Authority. He said he didn't think the Commission was going to have to go to formal appropriation to secure the property. He said that, however, he did need the authority to do so in order to keep the project moving. He said he would read the RESOLVED as follows:

"RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

General Counsel said he recommended that the resolution be adopted.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 19-1993

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described

herein with the owners, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with S.R. 58 and the Ohio Turnpike in the vicinity of Milepost 140.2 in Lorain County, Ohio;

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owners and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Rural Lorain County Water Authority, a political subdivision under Ch. 6119 R.C.	42401 Route 303 P. O. Box 567 Lagrange, OH 44050
Julian Pijor Auditor, Lorain County	226 Middle Avenue Elyria, OH 44035
Daniel J. Talarek Treasurer, Lorain County	226 Middle Avenue Elyria, OH 44035

"The aforementioned property to be appropriated is described as follows:

Parcel No. (to be determined) - Fee Simple

"A legal description is attached as Exhibit "A";

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

Situated in the Township of Amherst, County of Lorain and State of Ohio, and being part of original Lots 46, 47 and 55, Township 6 North, Range 18 West and being more fully described as follows:

Beginning at a point in the centerline of S.R. 58 at the common westerly corner of original Lots 46 and 47;

Thence South $0^{\circ} 06' 36''$ West on the centerline of S.R. 58 and the westerly line of original Lot 47 a distance of 939.37 feet to a point, said point being the true place of beginning of the parcel herein described;

Thence North $43^{\circ} 37' 16''$ East a distance of 4,034.19 feet to a point on the easterly line of original Lot 46;

Thence North $2^{\circ} 21' 16''$ East on the easterly line of original Lot 46 a distance of 370.08 feet to the common northerly corner of original Lots 46 and 55;

Thence South $89^{\circ} 37' 44''$ East on the northerly line of original Lot 55 a distance of 609.71 feet to a point;

Thence South $43^{\circ} 37' 16''$ West a distance of 932.86 feet to a point on the westerly line of original Lot 55;

Thence South $2^{\circ} 21' 16''$ West on the westerly line of original Lot 55 a distance of 89.30 feet to a point on the northerly line of Lands of the Ohio Turnpike Commission;

Thence South $77^{\circ} 41' 56''$ West on the northerly line of Lands of the Ohio Turnpike Commission a distance of 105.12 feet to a point;

Thence South $43^{\circ} 37' 16''$ West a distance of 2,178.89 feet to a point on the southerly line of original Lot 46;

Thence North $89^{\circ} 27' 44''$ West on the southerly line of original Lot 46 a distance of 34.23 feet to a point;

Thence South $43^{\circ} 37' 16''$ West a distance of 1,634.15 feet to a point on the centerline of S.R. 58 and the westerly line of original Lot 47;

Thence North $0^{\circ} 06' 36''$ East on the centerline of S.R. 58 and the westerly line of original Lot 47 a distance of 254.18 feet to the true place of beginning, containing 22.345 acres more or less.

The above described parcel is subject to a 30 foot wide gas line easement granted to USS/Kobe Steel Company as recorded in O.R. Volume 436, Page 892 of the Lorain County Records.

Exhibit "A"

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mrs. Leever,
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 19-1993.

There being no further business to come before the Commission, a motion was made by Mrs. Leever, seconded by Mr. Bergsmark that the meeting adjourn until the next meeting on May 10.

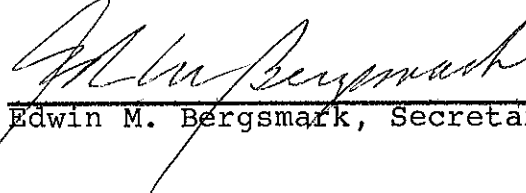
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mrs. Leever, Mr. Bergsmark, Mr. Pinzone,
Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:15 p.m.

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



Edwin M. Bergsmark, Secretary-Treasurer