

# MINUTES OF THE 400th MEETING OF THE OHIO TURNPIKE COMMISSION

August 8, 1994

Pursuant to the bylaws, the Ohio Turnpike met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:14 a.m., on August 8, 1994, with members of the staff, Allan V. Johnson, Executive Director; G. Alan Plain, Deputy Executive Director; James C. McGrath, General Counsel; Robert P. Barnett, Director of Information and Research; Louis J. Disantis, Director of Administrative Services; Craig Rudolph, Comptroller; Donald M. Sharp, Director of Operations; David H. Ransbury, Chief Engineer; James H. Brennan, Development Coordinator; one member of the media, Rick Claar, The (Fremont) News Messenger; and others in attendance.

Present: Jerry Wray, Edwin M. Bergsmark, (who was not in the room when the meeting started, but entered a short time later), Earl W. Williams, Ruth Ann Leever, Umberto P. Fedeli

Absent: Ronald V. Gerberry, M. Ben Gaeth

A motion was made by Mr. Bergsmark, seconded by Mr. Williams, that the minutes of the meeting of July 11, 1994, 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. Bergsmark, Mr. Williams, Mr. Wray, Mrs. Leever,  
Mr. Fedeli  
Nays: None

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

The Chairman said there were a number of guests at the meeting and he would ask them to identify themselves as follows: Craig Rudolph, Comptroller; Heidi Jedel, Information and Research; Jim Pitz, OCDC; Dan Becker, OCDC; David Ransbury, Chief Engineer; Rob Fleischman, Greiner Engineering; Joe Rice, Rice Consultants; Douglas Fear, Kemper Securities; Pat Patton, Government Liaison Officer; Lou Disantis, Director of Administrative Services; Paul Sciria, Sciria Associates; Frank Lamb, Huntington Trust; Fred Newman, Society; Paul Ash, Ohio State Highway Patrol; Jim Graff, Star Bank; Alice Linn, Superintendent of Patron Services; Gary Cawley, Superintendent of Toll Collections; Mary Shirley, Assistant Superintendent of Toll Collections; Keith

Huizenga, Elmore Council; Rick Claar, The (Fremont) News Messenger; L. Scott, Donaldson, Lufkin and Jenrette; Gordon Reis, Seasongood and Mayer; Sharon Isaac, Staff Lawyer; Cleve Brooks, Brooks Securities; Don Sharp, Director of Operations; Leah Fox, ODOT; and Diane Pring, General Counsel's secretary.

The Chairman said the meeting was the 400th of the Ohio Turnpike Commission and was being held at the Commission's headquarters as provided for in the Commission's code of bylaws. He said Senator Gaeth and Representative Gerberry were unable to attend the day's meeting.

The Chairman said further that the various reports would be received and the Commission would act on several resolutions, draft copies of which had been previously sent to the Members and updated drafts were also in the Members' folders. He said the resolutions would be explained during the appropriate reports.

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

Mr. Bergsmark said that the following items had been sent to the Members since the last regular meeting of the Commission on July 11, 1994:

1. The Weekly Traffic Statistics.
2. The Investment Transactions that occurred in July.
3. Draft of the Commission Meeting Minutes.
4. The Financial Statement for June and July of 1994.
5. The Traffic Accident Summary Report.
6. Traffic and Revenue Report for June and July.
7. Budget and Expense Report for the first 6 months of 1994.

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no report on Budget and Finance. He said the report on Audit/Legal would be received.

Mr. Rudolphy said that the Commission's new auditing firm of Coopers and Lybrand was in the final stages of its audit (for the first six-month period of 1994). He said he expected the audit report would be issued and available by the end of August.

Mr. Rudolphy said also that he had a resolution to introduce. He said it was a resolution entitled a "Resolution Concerning the Financial Condition of the Commission." He said that under the terms of the Trust Agreement, section 4.04 (b), the Commission was required on or before July 31st of each year to complete a review of its financial condition for the purposes of estimating whether the gross revenues for each year would be sufficient to meet certain compliance tests.

Mr. Rudolphy said further that attached to the resolution in each of the Members'

folders was a computation of that calculation which gave an estimation of the gross revenue and then went into the requirements that had to be met.

Mr. Rudolphy said further that the calculations were done by him and his staff. He said the estimated gross revenues were sufficient to meet the requirements. He said he would read the Resolveds of the resolution as follows:

"RESOLVED that the Commission having reviewed the analysis prepared by the comptroller determines that there will be sufficient Gross Revenues for fiscal year 1994 together with Series Payments, Additional System Payments and Supplemental Payments to meet the requirements of §4.04(a) of the Trust Agreement and hereby authorizes and directs the comptroller to issue certificate required by §4.04(b) of the Trust Agreement; and

"FURTHER RESOLVED that copies of such certification and a certified copy of this resolution shall be transmitted to the trustee, the rating agencies and shall be available to any interested party."

Mr. Rudolphy said he recommended that the resolution be adopted.

The Chairman said he would open up the meeting for any questions or discussions. He said the Commission had taken the position of being ultra-conservative in its financial matters. He said that Turnpike revenues were up over the previous years.

A resolution concerning the financial condition of the Commission was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

#### RESOLUTION NO. 42-1994

"WHEREAS, §4.04(a) of the Master Trust Agreement ("Trust Agreement") between the Commission and The Huntington National Bank, as trustee, dated February 15, 1994, requires that on or before July 31 of each year the Commission shall complete a review of its financial condition for the purpose of estimating whether the Gross Revenues for such Fiscal Year will be sufficient to provide, together with Series Payments, Additional System Payments and Supplemental Payments the amounts specified in §4.04(a) of the Trust Agreement;

"WHEREAS, the Commission's comptroller has analyzed the Commission's financial condition and has advised the Commission that on the basis of his analysis the Commission's revenues for fiscal year 1994 will be sufficient to meet the requirements of §4.04(a) of the Trust Agreement and has set forth a detailed statement of the actual and estimated Gross Revenues, Series Payments, Additional System Payments and Supplemental Payments and a certification of

same is before the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission having reviewed the analysis prepared by the comptroller determines that there will be sufficient Gross Revenues for fiscal year 1994 together with Series Payments, Additional System Payments and Supplemental Payments to meet the requirements of §4.04(a) of the Trust Agreement and hereby authorizes and directs the comptroller to issue a certificate required by §4.04(b) of the Trust Agreement; and

"FURTHER RESOLVED that copies of such certification and a certified copy of this resolution shall be transmitted to the trustee, the rating agencies and shall be available to any interested party. "

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

Ayes: Mr. Bergsmark, Mrs. Leever, Mr. Wray, Mr. Williams,  
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 42-1994.

The Chairman said the report on Audit/Legal was accepted as offered. He said Mr. Johnson would give the report on Service Plazas.

Mr. Johnson said the Members and staff were in the process of reviewing the restaurant contracts. He said that, although the contracts did not expire until December of 1995, it was time to start putting together the bidding packages that would be necessary to rebid those contracts. He said a tour had been scheduled for August 16th to take a look at recently remodeled or rebuilt restaurant facilities on other toll roads. He said the restaurants to be viewed were on the Garden State Parkway in New Jersey, the New York Thruway and the Pennsylvania Turnpike. He said that those taking the tour would be seeking some ideas and guidance as the Commission proceeded in that area.

The Chairman said such a tour had been talked about for some time. He said that, unfortunately, not all the Members would be able to make the tour, but there would be several in the group.

Mr. Wray asked if the Chairman was talking about project management or design with respect to the restaurants.

Mr. Johnson said that in the past the Commission advertised for bids on the contract from concessionaires to basically do the entire project. He said the concessionaire would do what reconstruction work of the interiors that was required and also operated the restaurants. He said he thought that might be the way to go in the new contracts.

Mr. Johnson said further that it was his opinion that the service plaza buildings were reaching the ends of their lives. He said that many, if not all of them, should be torn down and replaced with new facilities. He said that was what happened on other toll roads whose service plaza facilities were similar in age to those on the Ohio Turnpike.

Mr. Johnson said further that the buildings were solidly built, but they were almost 40 years old and many more problems were being encountered at those facilities.

Mr. Bergsmark asked Mr. Johnson if he was suggesting that the concessionaire construct new service plaza buildings.

Mr. Johnson said he was making that suggestion. He said the concessionaire would build the new service plaza buildings, but the Commission would own them. He said the current concessionaires did all the remodeling when their contracts became effective nine years ago.

Mr. Wray asked if the restaurant sites to be visited were new or had been rehabilitated.

Mr. Johnson said the sites to be visited were basically new ones which replaced older structures. He said that some also were rehabilitated.

Mr. Wray asked if the concessionaires at the various sites had been responsible for the new construction.

Mr. Johnson said that, as an example, he thought the New York Thruway provided 50 percent of the cost on one unit with the concessionaires also providing 50 percent.

Mr. Wray asked who made the final decision as to the design and cost of any new service plaza buildings.

Mr. Johnson said the Commission would make the final decision on the design

and cost of those buildings. He said that had been done nine years ago when the current contracts were awarded. He said that the existing buildings had not been torn down, but they were extensively remodeled. He said it depended on what concept was selected. He said part of the bidding process required that the concessionaires supply the Commission with renderings of what concepts they proposed. He said it was up to the Commission to make a selection of what it wanted from all the different possible combinations that were received.

Mr. Johnson said further that it was a complicated process to go through. He said that nine years ago the Commission went through the bidding process twice before deciding on what it wanted to do. He said it was important to start reviewing the contracts as soon as possible.

Mrs. Leever asked what affected the length of the current contracts.

Mr. Johnson said that when the contracts were bid in 1985 the Commission could only guarantee an initial five-year term with a five-year option to extend. He said that at that time the Commission did not know whether it was going to be around for five more years.

Mr. Johnson said further that the length of the new contracts would determine whether the concessionaire would be willing to construct new service plaza buildings. He said a concessionaire would not be willing to provide a significant amount of funds for constructing those facilities if they were given only a ten-year contract. He said they would have to be able to amortize the expense over a longer period of time.

Mr. Johnson said further that the Commission will have to make the decision on the length of the contracts and, if they are to be for a short time, whether it will be willing to finance the cost of the remodeling or total rebuilds.

Mr. Williams asked how many of the service plaza buildings would be given consideration for remodeling or for completely new structures.

Mr. Johnson said all 16 would be considered. He said they were all the same age. He said that, due to traffic patterns, some were three times as busy as others. He said the new buildings did not have to all look alike and that was another reason why he thought the Commission was looking for total rebuild.

Mr. Bergsmark said he thought the Commission should start at the beginning and determine what the customer wanted. He said the restaurants would be successful if Turnpike patrons were encouraged to use them. He said the Commission should see if any kind of consulting firms were utilized by those toll roads whose plazas were redone.

The Chairman said that information was something he hoped to obtain from the management of the toll facilities to be visited. He said that by picking their brains the tour group would be able to gather names, ideas and so forth. He said the Commission was just in the beginning stages of the process.

Mr. Bergsmark said that, since the contracts expired in December 1995, it was important that the Commission proceed with the review at a steady pace.

The Chairman asked Mr. Reis if he had something to add.

Mr. Reis said that to aid Mr. Wray he wanted to say that reconstruction of service plaza buildings on toll roads were financed one of two ways. He said that, traditionally, they had been financed by leases. He said that there had been a proposal from the Commission's investment bankers, Paine Webber, whereby the Commission would own the facilities and they would be supported by bonds. He said those bonds were known as "burger bonds" because that was how they received their revenues. He said that the idea of concessionaires funding capital improvements was starting to shift more to a situation where the Commission and the concessionaires made a determination as to the percentage of funds each would be willing to contribute to such projects.

Mr. Johnson said it was fair to say that no matter how the process was done the Commission was going to own the facilities. He said that even if it was financed by the operators the Commission would not be giving up any kind of ownership by doing it that way.

Mr. McGrath said that the Commission could not give up ownership of the buildings.

The Chairman said that in an ideal world the fact that the Commission's borrowing costs would be less than for the concessionaires would make it easier for the Commission to finance the tear down and construction of the new buildings. He said the Commission would be looking at all the alternatives and no decisions would be made until examining work completed on other toll roads. He said that, in addition to the tour on August 16, the Members and staff also would check out some other toll facilities in Kansas and maybe toward the south. He said the Members would be advised of the process.

The Chairman said the report on service plazas was accepted as offered. He said the report on employee relations would be received.

Mr. Disantis said he did not have a formal report, but wanted to mention that the Chairman had been at the administration building on August 4th to meet employees who worked in that building. He said that the employees felt the meetings were productive and they enjoyed them. He said the Chairman planned to do the same thing

Mr. Johnson said further that Dan Becker, who was sitting next to Mr. Pitz, was replacing Mr. Pitz as the program director for that project. He said Mr. Becker had been with HNTB for more than 35 years and was an experienced professional. He said Mr. Becker had been working for many years on toll projects in Texas and he was confident Mr. Becker had the qualifications and ability to fill in for that position. He said he had known Mr. Becker for many years and he was sure Mr. Becker was looking forward to joining the Commission on that project.

Mr. Johnson said further that a monthly status report prepared by OCDC had been placed in the Members' folders. He said the report happened to cover the period from June 10th, when the Commission executed the contract with the consortium to serve as project managers, through the end of July. He said that thereafter those reports would be issued monthly. He said the report gave, in good detail, what had happened on the project so far. He said that one of the big things that had happened within the last week was the selection of the traffic management consultant that would be doing the traffic studies and projections along the entire corridor.

Mr. Johnson said further that the contract had gone to Wilbur Smith Associates as a result of an RFP process. He said he didn't know if Mr. Pitz or Mr. Becker could report anything further on that award. He said OCDC was in the process of negotiating a contract with Wilbur Smith and it should be completed within the next week or so.

Mr. Pitz said Wilbur Smith had been notified the Thursday before the Commission meeting that they had been selected and OCDC would negotiate with them the day after the meeting. He said the goal was to have Wilbur Smith working on the traffic study by August 15. He said the study was very critical to the overall progress of the project. He said that, therefore, the selection of a traffic management consultant was put on a very expedited schedule.

Mr. Bergsmark said he was somewhat confused with regard to the selection of OCDC. He asked what was the responsibilities of the consortium.

Mr. Johnson said OCDC was the project manager and they would oversee all the various phases of the project. He said that other consulting firms would be hired to do specific aspects of the study, such as Wilbur Smith for the traffic study.

Mr. Bergsmark asked how much money would the traffic study cost the Commission.

Mr. Johnson said the study would cost about \$400,000.

The Chairman asked how OCDC was selected to be the project manager.

Mr. Johnson said it was done through the RFP process. He said the



with all the field supervisors, 130 to 150 of them, on August 22 at a breakfast meeting. He said that, of course, if any other of the Commission Members would be interested in attending that meeting they could do so and they should see him after the Commission meeting to get the particulars.

Mr. Williams asked if the August 4th meeting was attended by groups of the staff in order to have some open lines of communications.

Mr. Disantis said that the meeting was attended by all the employees in the administration building.

The Chairman said he met with all the administration building employees in three sessions. He said he basically shared with them the progress of the Commission's strategic plan as it related to the Commission's accomplishments over the last couple of years. He said he then opened up the meetings for any comments, recommendations or suggestions and there were a number of them. He said the employee newsletter would be reinstated and a suggestion box would be established. He said there were some other things that were going to be reviewed.

Mr. Disantis said the Chairman also said the Commission Members would circulate throughout the building to be personally introduced to everyone.

The Chairman said that he told the employees that a different Commission Member would meet the employees after the next several Commission meetings. He said it was his desire to meet all 1100 Commission employees. He said it might be a little difficult to do, but at least he hoped they would be given the opportunity to let them know what the Commission was doing. He said there were no secrets and no hidden agendas. The Chairman said further he thought that if the Commission followed the Total Quality Management philosophy of empowerment and getting people involved it would be beneficial. He said he also promised that he would have a dozen employees up to his office for lunch.

The Chairman said the report on employee relations was accepted as offered. He ascertained that there would be no report from the Director of Transportation. He said the report of the Executive Director would be received.

Mr. Johnson said that, although Jim Brennan would also be reporting on it, he wanted to give a brief report on the status of the Great Lakes/Mid-Atlantic Corridor project. He said that he wanted to reintroduce Jim Pitz, who was currently the program director for that project for the Ohio Corridor Development Consortium. He said that, as he advised the Members in a recent memo, Mr. Pitz was leaving the consortium and Howard Needles at the end of August. He said Mr. Pitz explained that he got an opportunity that he could not turn down and he was leaving.

Commission worked with ODOT and the Federal Highway Administration so that the scope of the project was defined to comply with state and federal guidelines. He said four national firms had responded to the RFP and OCDC had the best proposal.

Mr. Bergsmark said he didn't have any problem with the selection process. He said he was just trying to sort it out. He asked if a contract for a consultant or other service in excess of \$500,000 had to be approved by the Commission.

Mr. Johnson said the Commission had to approve such contracts.

Mr. Wray asked if the traffic study involved the Delaware bypass.

Mr. Johnson said the traffic study was for the entire corridor.

Mr. Wray asked if Wilbur Smith would be getting traffic counts from ODOT.

Mr. Johnson said Wilbur Smith would be doing origin and destination counts, but he was sure they would be working hand in hand with ODOT. He said there was a tremendous data gathering effort going on.

Mr. Pitz said OCDC had been getting all the available traffic counts and would hand them over to Wilbur Smith, but there would be significant supplemental traffic counts that would have to be taken.

Mr. Bergsmark said he thought there should be a brief summary at each Commission meeting of the exact commitment of funds the Commission had made on the corridor project.

The Chairman said he thought Mr. Brennan, as Development Coordinator, should give an oral monthly report of the project's status so that the Members could ask questions and keep abreast of it.

Mr. Johnson said that, as he mentioned earlier, he would have a short report on the project and Mr. Brennan would provide additional information. He said it was the first time OCDC had provided the Commission with a written monthly report and he wanted to point that out to the Members. He said that if there was anything in that report the Members wanted expanded upon, it could be done.

Mr. Bergsmark said he would like to see a running summary of the Commission's financial commitment to OCDC, Wilbur Smith and other contracts. He said that information would give the Commission some idea of the impact on its budget.

Mr. McGrath said that when the Commission passed the OCDC resolution it also passed three task orders at that time. He said those orders were the framework of the

project.

Mr. Johnson said a summary of project costs would be provided to the Members.

The Chairman said the other thing he had asked for was a meeting with representatives of ODOT, the Commission and someone from the Governor's office to make sure everyone agreed on what was being done on the corridor project.

Mr. Johnson said that on August 31st and September 1st there was going to be a partnering conference among the Commission, OCDC, ODOT and FHWA. He said it was a formal process involving various staff members. He said it was going to be held at Salt Fork State Park. He said it was something the Commission had never done before, but he knew ODOT had done it many times. He said it was a chance to get the four core organizations together to make sure everyone was operating on the same page. He said an outside facilitator would be brought in as part of the whole program.

Mr. Bergsmark said another thing to keep in mind was that the Commission was going to be reviewed on an annual basis by the rating agencies with regard to all financial information. He said one of the questions they would ask was how much the Commission had committed to the different projects. He said the Commission was legally obligated to provide that information.

Mr. Johnson said there was a resolution in the Members' folders that was entitled "Resolution Concerning Award of Contract Pursuant to Invitation No. 3355." He said the contracts were for the Commission's sodium chloride for the upcoming year. He said he proposed to award contracts to the low bidders in each case. He said the total salt amount that was estimated to be needed was just under 46,000 tons. He said the bids were by the maintenance facilities and then one small facility located midway along the Turnpike for salt shortage. He said there were nine total items. He said he would read the Resolved as follows:

"RESOLVED that the bid of North American Salt Company of Overland Park, Kansas, for Items 1, 2, 3 and 4 in the total estimated amount of \$729,645.00, and Morton International, Inc., Morton Salt Division, of Chicago, Illinois for Items 5, 6, 7, 8 and 9 in the total estimated amount of \$970,238.00 for Invitation No. 3355 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted and the chairman and executive director, or either of them, is hereby authorized (1) to execute a contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidder of its bid security, when appropriate; and (3) to take any and all action necessary to properly carry out the terms of said contract."

Mr. Johnson said he recommended that the resolution be adopted.

A resolution concerning award of contract pursuant to invitation No. 3355 was moved for adoption by Mr. Bergsmark, seconded by Mr. Williams as follows:

RESOLUTION NO. 43-1994

"WHEREAS, the Commission has advertised for bids for Invitation No. 3355 for furnishing to the Commission its requirements for sodium chloride estimated at approximately 45,900 tons, and three bids were received in response to that invitation, such bids having been reviewed by the Commission's staff;

"WHEREAS, it is anticipated that the expenditures of the Commission for sodium chloride under Invitation No. 3355 shall exceed \$500,000 and in accordance with Article V, Section 2.10 (16) of the Commission's Code of Bylaws, Commission action is necessary for the award of such contract;

"WHEREAS, the bids were reviewed by the chief engineer who has stated that the lowest responsive and responsible bid for Items 1, 2, 3 and 4 was submitted by North American Salt Company of Overland Park, Kansas, in the total amount of approximately \$729,645.00, and for Items 5, 6, 7, 8 and 9 by Morton International, Inc., Morton Salt Division, of Chicago, Illinois, in the total amount of approximately \$970,238.00, and that both bidders propose to furnish materials and services in accordance with the Commission's specifications;

"WHEREAS, the Commission's general counsel has reviewed the bids received and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No 3355 is in accordance with Section 5537.07 of the Revised Code of Ohio, and that the bids of North American Salt Company and Morton International, Inc., Morton Salt Division, are the lowest responsive and responsible bids received and that the Commission may legally enter into contracts with North American Salt Company and Morton International, Inc., Morton Salt Division, to furnish sodium chloride in accordance with Invitation No. 3355;

"WHEREAS, the executive director has reviewed the bids received and has recommended to the Commission that contracts be awarded to the lowest responsive and responsible bidders, North American Salt Company and Morton International, Inc., Morton Salt Division;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of North American Salt Company of Overland Park, Kansas, for Items 1, 2, 3 and 4 in the total estimated amount of \$729,645.00 and

Morton International, Inc., Morton Salt Division, of Chicago, Illinois for Items 5, 6, 7, 8 and 9 in the total estimated amount of \$970,238.00 for Invitation No. 3355 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted and the chairman and executive director, or either of them, is hereby authorized (1) to execute a contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidder of its bid security, when appropriate; and (3) to take any and all action necessary to properly carry out the terms of said contract."

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

Ayes: Mr. Bergsmark, Mr. Williams, Mr. Wray, Mrs. Leever,  
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 43-1994.

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

Mr. Brennan said that, starting at the west, the State Route 66, County Road 24, interchange 2A in Fulton County involved the Tiffin River. He said that, therefore, the Commission had to coordinate its plans for the new interchange with the U.S. Army Corps of Engineers. He said the Commission's engineers met with Corps representatives on July 20. He said the Corps would then accept written comments from affected property owners, state agencies and others for a period of 30 days after notification. He said individuals would receive letters and notices would be posted at various public locations.

Mr. Brennan said further that the engineering was proceeding for the new interchange 5A at State Route 51 in Ottawa and Sandusky Counties.

Mr. Brennan said further that there had been a problem with steel delivery for the bridge construction at the new interchange 6A at State Route 4 in Erie County. He said that the steel had been promised for early July, but was now scheduled to be delivered to the job site the day after the Commission meeting. He said the problem was that the steel was ordered from a company that went out of business and it had to be reordered from a second supplier. He said the anticipated completion date of November 30th was in jeopardy due to the delay.

Mr. Brennan said further the engineering was proceeding on interchange 7A at Baumhart Road and also at the State Route 58 interchange, both of which are in Lorain County.

Mr. Brennan said further that the access justification study for an interchange at Interstate Route 77 in Cuyahoga and Summit Counties had been completed. He said the Commission would submit it to ODOT, which would process it through the other necessary state agencies and the FHWA.

Mr. Brennan said further that work on interchange 13A at State Route 44 in Portage County continued to move along toward a November 30th completion date.

Mr. Brennan said further that the FHWA had agreed with the Commission that an interchange with County Road 18 in Mahoning County would be a minor modification to the existing Niles-Youngstown (No. 15) Interchange and the staff was proceeding with its study.

Mr. Brennan said further that an RFP for an access point study of a proposed interchange with State Route 11 in Mahoning County was being prepared. He said the study would be submitted to ODOT when it was completed.

Mr. Brennan said further that the status of the Maumee River crossing in Toledo was the same as he reported at the last Commission meeting in that there had not been a meeting of the task force since April. He said ODOT had been working on the project and sometime this fall, probably in September or October, decisions regarding the type of crossing and what will happen to the existing I-280 bridge would be made.

Mr. Brennan said further that the Executive Director had reported in detail on the Great Lakes/Mid-Atlantic Corridor. He said the Commission had received the first report covering a period from June 10th through July 31 and similar monthly reports would be received in the future. He said the cooperation of all involved agencies continued.

Mr. Wray asked if the Commission had to show the Corps of Engineers the purpose and need of the new interchange with County Road 24 and then apply for a permit.

Mr. Plain said the Corps was responsible for wetlands. He said there was a lot of flooding on County Road 24 and State Route 66. He said the project would include widening the roadway through that area in anticipation of flooding.

Mr. Plain said further that the Corps wanted to make sure that the Commission had studied other sites in the area and that the one selected was the best one

available. He said the permit had been applied for and the Corps had to put out their notifications and address any concerns that were raised.

Mr. Wray asked if there were major wetlands impacts and, if so, were there any mitigation plans.

Mr. Plain said there were major wetland impacts, but he didn't expect a problem with them. He said the wetlands would have to be replaced. He said most of the improvements that involved wetlands were along what was going to become State Route 66. He said that if there was something in the area, such as a wetlands, that the Commission and ODOT could work together on it. He said it would be helpful in replacement of wetlands taken for the project.

Mr. Plain said further that the roadway was going to be raised to alleviate flooding problems. He said the Corps didn't anticipate a problem as long as the purpose and need were established. He said they knew there was going to be some objections by a couple of property owners, but they were looking at the big picture.

Mr. Wray said that he was sure ODOT would be receptive to being a partner in the project. He said ODOT had hoped to be doing wetlands banking by now, but that had not occurred.

Mr. Johnson said it would help to get a wetlands bank in that area. He said the whole northwest part of the state could probably be classified as wetlands.

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

Mr. McGrath said that the Members had before them a resolution concerning revision of the bylaws. He said that, as the result of the comments from the Members at the last meeting, the bylaws had been cut back to where they referred only to the Commission meetings and things of that nature. He said the only reference to staff dealt with the Executive Director, Deputy Executive Director and General Counsel. He said that those three individuals were mentioned because the Executive Director was hired by the Commission, while the Deputy Executive Director and General Counsel were hired by the Executive Director with the assent of the Commission.

Mr. McGrath said further that the bylaws had been cut down and somewhat simplified. He said he thought it was a document which met the suggestions of the Commission as set forth at the last meeting.

Mr. McGrath said he would read the Resolveds as follows:

"RESOLVED that the Commission hereby adopts the code of bylaws entitled,

Ohio Turnpike Commission, Code of Bylaws, " which is hereto attached and made a part hereof, the same to be effective August 8, 1994; and

"FURTHER RESOLVED that the code of bylaws, originally adopted September 15, 1955, by Resolution No. 56-1955, and as revised by Resolution No. 10-1973, and subsequently amended by the Resolutions No. 27-1975, No. 13-1977 and No. 1-1991, be, and the same hereby is, rescinded, effective August 8, 1994; and

"FURTHER RESOLVED that Resolution No. 27-1975, No. 13-1977 and No. 1-1991, be, and hereby the same are, rescinded, effective August 8, 1994."

A resolution adopting revised code of bylaws was moved for adoption by Mr. Bergsmark, seconded by Mr. Wray as follows:

RESOLUTION NO. 44-1994

"WHEREAS, the Commission has heretofore by Resolution No. 56-1955 adopted a code of bylaws and has on numerous occasions since that time amended and revised said code of bylaws;

"WHEREAS, the Commission has determined that said code of bylaws, as revised and amended, does not conform to current statutory and trust agreement provisions and further does not adequately express the allocation of authority and responsibility that the Commission presently considers to be most desirable for its operations; and

"WHEREAS, there is before this meeting a draft of the code of bylaws which for the aforesaid reasons the Commission desires to adopt in lieu of and in substitution for the code of bylaws originally adopted by said Resolution No. 56-1955;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby adopts the code of bylaws entitled, **Ohio Turnpike Commission, Code of Bylaws**, which is hereto attached and made a part hereof, the same to be effective August 8, 1994; and

"FURTHER RESOLVED that the code of bylaws, originally adopted September 15, 1955, by Resolution No. 56-1955, and as revised by Resolution No. 10-1973, and subsequently amended by the Resolutions No. 27-1975, No. 13-1977 and No. 1-1991, be, and the same hereby is, rescinded, effective August 8, 1994; and



"FURTHER RESOLVED that Resolution No. 27-1975, No. 13-1977 and No. 1-1991, be, and hereby the same are, rescinded, effective August 8, 1994."

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

Ayes: Mr. Bergsmark, Mr. Wray, Mr. Williams, Mrs. Leever,  
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 44-1994.

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 he would give a brief summary of the status of the Turnpike bridge inspections. He said that he did want to take a moment to express his thanks to the Commission for reselecting Greiner as its general engineering consultant. He said he really didn't have any opportunity to do that at the last Commission meeting.

Mr. Fleischman said the bridge inspection was still continuing. He said that on the portions that had been completed, Greiner would be submitting bridge inspection reports to the Commission's staff starting that day or the next day. He said those reports would then be forwarded to ODOT.

Mr. Fleischman said the roadway inspection was approximately 50 percent complete. He said Greiner would be starting the building and culvert inspections the Monday after the meeting.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no report from the trustee. He said the report of the financial advisor would be received.

Mr. Reis said the financial advisors were fine-tuning the Commission's investments so they conformed with its draw schedule. He said he would like to look into some other opportunities that the Members had received memorandums on. He said he wanted to thank the DLJ people for bringing a component of a proposal to the Commission's attention that might be useful in earning the Commission additional money. He said the Commission was starting to anticipate the dissipation of its construction bond proceeds, which may be utilized as soon as the end of the year.

The Chairman said the report of the financial advisor was accepted as offered.

The Chairman said that an Ohio State Highway Patrol trooper was injured in a recent accident on the Turnpike and he wanted to present something to him at the next Commission meeting. He asked Captain Ash to relate the story of the incident.

Captain Ash said that in June Trooper Fisher of the Hiram Post was struck by a car while helping a maintenance worker remove a deer carcass from the roadway. He said Trooper Fisher had compound fractures on both legs, a broken wrist and fractures to his jaw. He said Trooper Fisher was mending well and would be back to work, he thought, in October.

Captain Ash said further that the Patrol presented the maintenance worker with a certificate of recognition on July 26. He said the maintenance worker radioed for help after Fisher was injured and protected him from traffic until other officers arrived.

Mr. Johnson asked if Fisher also prevented the maintenance worker from being struck by the vehicle.

Captain Ash said Trooper Fisher pushed the maintenance worker out of the way. He said the Patrol gave Fisher its second highest award, a certificate of merit.

The Chairman asked Captain Ash where the accident occurred.

Captain Ash said it occurred around milepost 220.

The Chairman said the Commission would make the next presentation to Trooper Fisher.

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 September 12.

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

Ayes: Mrs. Leever, Mr. Bergsmark, Mr. Wray, Mr. Williams,  
Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:06  
a.m.

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



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Allan V. Johnson  
Assistant Secretary-Treasurer