### MINUTES OF THE 407TH MEETING OF THE OHIO TURNPIKE COMMISSION

April 24, 1995

Pursuant to the bylaws, the Ohio Turnpike met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:12 a.m., on April 24, 1995, with members of the staff: Allan V. Johnson, Executive Director; Gino Zomparelli, General Counsel; Robert P. Barnett, Director of Information and Research; Craig Rudolphy, Comptroller; Donald M. Sharp, Director of Operations; David H. Ransbury, Chief Engineer; James H. Brennan, Development Coordinator; and others in attendance.

Present:

M. Ben Gaeth, Jerry Wray, Earl W. Williams,

Edwin M. Bergsmark, Ruth Ann Leever, Umberto P.

Fedeli

Absent:

None

A motion was made by Mrs. Leever, seconded by Mr. Williams, that the minutes of the meeting of March 13, 1995, which had been examined by the Members, be approved without reading.

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

Ayes:

Mrs. Leever, Mr. Williams, Mr. Wray, Mr. Bergsmark,

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: Gordon Reis, Seasongood and Mayer; Joel Heiser, Climaco; Tom Tarantino, Climaco; Kerry Ferrier, Engineering; Jim Conroy, Porter, Wright, Morris and Arthur; Dan Becker, OCDC; Bob Arlow, Construction Coordinator; Rob Fleischman, Greiner Engineering; Gillett Cobb, OCDC; Sharon Isaac, Assistant General Counsel; Eleonore Spencer, Legal; Dan Castrigano, Maintenance Engineer; Joe Rice, Rice Consultants; Mary Shirley, Toll Collection; Don DePaulo, Safety Engineer; Paul Sciria, Sciria and Associates; Paul Ash, O.S.H.P.; Jack Kohlstrand, Elyria Chronicle-Telegram; Mark Gerlico, WUAB/WOIO television stations; Mark Tylicki, taxpayer; Cleve Brooks, SBK; Ed Presley, Society Bank; Kathleen Collins, Society Bank; Carol Muller, Paine Webber; Tony Palombo, Legal Department; Joe

Disantis, Right of Way Coordinator; Heidi Jedel, Information and Research; Barbara Lesko, Executive Director's Secretary; Leah Fox, ODOT; Diane Pring, Legal Department; Craig Randolph, Lehman Brothers; Wendy Franklin, Lehman Brothers; Frank Lamb, Huntington Trust; Pieter Wykoff, ODOT; Gary Cawley, Superintendent of Toll Collections; Pat Norris, Star Bank; Pat Brogan, WWWE-Radio; Chris Giselman, WJW-TV; George Papras, WKYC-TV; and Roy Weisinger, WEWS-TV.

The Chairman said he wished a speedy recovery to Alan Plain, Deputy Executive Director, who had recent hip surgery. He said Mr. Plain was at home recovering and he hoped he would be back to work shortly.

The Chairman said the meeting was the 407th of the Ohio Turnpike Commission and it was being held at the Commission's headquarters as provided by the Commission's Code of Bylaws.

The Chairman said that, as required in the Turnpike Act, copies of the Commission's 1994 annual report, which contains the independent accountant's report approved by the Auditor of State, were mailed on March 31st to the Governor's office and to 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 Ohio General Assembly, who also had requested copies, to elected state officials, newspapers, selected radio and TV stations, and other interested parties.

The Chairman said further that various reports would now be received and the Commission would act on several resolutions, draft copies of which had been sent to the Members. He said the resolutions would be explained during the appropriate reports.

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

Mr. Bergsmark said the following listed items had been sent to the Members since the last regular meeting of the Commission, March 13, 1995:

- 1. Weekly Traffic Statistics
- 2. Investment Transactions which occurred during March 1995
- 3. Draft of the Commission Meeting Minutes of March 13, 1995
- 4. Financial Statement for March 1995
- 5. Traffic Accident Summary Report for February and March 1995
- 6. Traffic and Revenue Report for March 1995
- 7. Budget and Expense Report First 3 Months of 1995
- 8. Litigation Report First 3 Months of 1995
- 9. Insurance Schedule #3-31-95
- 10. Comprehensive Annual Financial Report 1994
- 11. News Releases #5 and #6 Commencement of Construction on Turnpike Possible Delays over Easter Holiday

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

Senator Gaeth said that he had heard and read with interest that bids to replace or renovate the service plazas had been advertised.

The Chairman said that the present restaurant contracts expire at the end of 1995. He said that there was a good possibility that bidders on the new restaurant contracts would agree to provide funding to completely replace the existing structures. He said that there was a very good chance the Commission would receive financial participation in the restaurant modifications from contract bidders.

The Chairman said further that the service plaza facilities were old. He said that renovating existing facilities often cost as much money and sometimes more to do than constructing new buildings.

The Chairman said further that there was a chance that the \$75 to \$100 million figure for constructing new restaurants might be picked up by the vendors. He said that extending the lengths of the contracts would encourage the vendors to make investments in new restaurants.

Mr. Johnson said he wanted to point out that the bids were for only the restaurants. He said the Commission had rebid and awarded a new contract for the service stations in 1994. He said that part of the other work that had to be done in the service plazas was to expand the parking areas. He said that was an obligation of the Commission and it was separate and apart from the bid that had been advertised for the restaurants. He said bids were being sought for renovating or replacing the restaurant buildings.

The Chairman said he thought the Sun Oil Company had picked up the costs for remodeling of the service stations.

Mr. Johnson said Sun Oil had paid for the remodeling.

Senator Gaeth asked the length of the contract for service station operation.

Mr. Johnson said the contract was for an initial five-year period with a five-year option to extend.

Mr. Johnson said the bids on the restaurant contracts were for an initial fifteenyear period with an option to extend. He said the restaurant contracts had to be longer so that the vendors could recoup their large expenditures for either the renovation or replacement work. Senator Gaeth said he wanted to note that the service station prices for fuel were very competitive in price. He said that he had some people tell him that gasoline prices at Turnpike service plazas were a couple of cents cheaper than at off-Turnpike stations. He said he noticed that morning that \$1.11 was being charged for unleaded regular gasoline at Turnpike service stations, while the price at stations around where he lived was priced several cents more per gallon.

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

Mr. Disantis said he and Mr. Zomparelli started the annual meetings with the representatives of the non-union employee groups, which represented about 275 Commission employees. He said that three meetings were held and they were very productive. He said they would continue meeting with those groups and with other members of employee relations group. He said that there could be a recommendation for the Commission at the next Commission meeting.

Mr. Disantis said also that Teresa Crumpton, a Commission employee, was in the meeting room. He said she was the coordinator for the March of Dimes Walk America for Commission employees. He said she was doing a wonderful job and she had 60 people who were going to walk for the Commission on May 7th. He said there was a bulletin board in the lobby with cardboard sneakers attached to it. He said everyone in the conference room could buy one for a dollar if they saw Teresa after the meeting. He said the money went to the March of Dimes.

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

Mr. Johnson said his report would consist of discussing and recommending the resolutions that were before the Commission for adoption.

Mr. Johnson said further that the first resolution was entitled "Resolution Adopting the Voluntary Incentive Retirement Plan for Employees of the Ohio Turnpike Commission."

Mr. Johnson said further that the matter was discussed at the last Commission meeting and the Commission adopted a preliminary resolution to adopt the voluntary incentive retirement plan. He said the Commission could not formally adopt the plan at that meeting because it had to be discussed with the employee unions and waivers had to be gotten from them. He said those waivers had since been obtained, so the plan was ready for action by the Commission.

Mr. Johnson said further that he wouldn't go into any more explanation because he thought the Members were all familiar and aware of it. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby formally adopts the Plan in he same form as in Exhibit 'A', (the 'Plan') attached hereto and incorporated herein by reference, said plan to be effective April 25, 1995;"

Mr. Johnson said further that April 25th was the day after the Commission meeting. He said the plan would be in effect for a one-year period. He said he recommended that the resolution be adopted.

Mr. Wray asked if the Commission would buy up to three years of credit.

Mr. Johnson said Mr. Wray was correct.

Mr. Wray asked what percentage of the total employees did the three-year buyout cover.

Mr. Johnson said it covered all employees, including part-time employees.

Mr. Wray said the employees had to be eligible to participate. He said he was asking how many employees were eligible to participate.

Mr. Johnson said he didn't know for sure because some employees had past service credit with other agencies. He said they might have purchased military time. He said his best guess was about approximately 100 employees within the organization would be eligible.

The Chairman said they felt that about 10 percent of the employees were eligible. He said he anticipated that the Commission was going to save about \$2 million a year on its labor costs after the first year. He said the Commission was trying to cut its costs any way it could. He said profits would increase from the new service station contracts.

Mr. Johnson said he didn't think all of the about 100 employees eligible for the buyout would take it. He said the estimates on savings were based on those that he thought would take it and who did not need to be replaced. He said those numbers were smaller than the total number who were eligible. He said it was still the Commission's intention to shrink the organization as a result of the program.

The Chairman said the plan would result in cutting costs by not replacing a number of people who retired. He said that if there were people that needed to be replaced, it would open up some positions. He said the plan would save at least \$2 million a year.

A resolution adopting the voluntary incentive retirement plan for employees of the Ohio Turnpike Commission was moved for adoption by Mr. Wray, seconded by Mr. Williams as follows:

# **RESOLUTION NO. 12-1995**

"WHEREAS, the Commission, by Resolution No. 11-1995 dated March 13, 1995, proposed to adopt The Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission, in substantially the same form as in Exhibit "A", (the "Plan") which was attached thereto;

"WHEREAS, said resolution provided that changes, modifications and alterations may be recommended by the Executive Director and General Counsel and that the Plan must be resubmitted to the Commission for final adoption before it is to become effective;

"WHEREAS, the Commission's executive director, general counsel, and other members of the Commission's staff have completed a detailed review of the proposed Plan as is now before the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby formally adopts the Plan in the same form as in Exhibit "A" (the "Plan"), attached hereto and incorporated herein by reference, said plan to be effective April 25, 1995; and

"FURTHER RESOLVED that the Commission hereby duly authorizes the executive director to implement and administer the Plan and to take any and all action necessary to carry out the terms and provisions thereof."

The Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission

EXHIBIT "A"

### Preamble

Section 145.297, Ohio Revised Code, authorizes Ohio public employers to establish a voluntary retirement incentive plan. This Plan has been established by the Ohio Turnpike Commission for all eligible employees, whereby the Ohio Turnpike Commission purchases additional service credit for their employees. The purchase of additional service credit enables eligible employees to retire early.

- 1. Plan Name. The name of the Plan shall be the Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission, hereinafter referred to as "the Plan."
- 2. <u>Enabling Resolution and Governing Law</u>. The Plan was approved by the Ohio Turnpike Commission and is based on the provisions of Section 145.297, O.R.C., and Ohio Administrative Rule 145-15-04.
- Plan Period. The Plan shall begin on April 25, 1995, and terminate on April 24, 1996.

### 4. Terms.

- (A) The Plan shall be the only retirement incentive plan in effect for eligible employees of the Ohio Turnpike Commission.
- (B) Participation in the Plan shall be available to one hundred percent (100%) of the employees of the Ohio Turnpike Commission who meet the Eligibility Requirements as defined in Section 5 of the Plan and are members of the Public Employees Retirement System on April 25, 1995.
  - (C) Pursuant to the terms of the Plan, service credit for each participating

employee shall be purchased by the Ohio Turnpike Commission in an amount equal to the lesser of the following:

- 1) Three (3) years of service credit, or
- 2) An amount of service credit equal to 1/5 of the total service of record credited to a participating employee in the Public Employees Retirement System, exclusive of the service credit purchased under this Plan.
- 5. <u>Eligibility Requirements</u>. Any employee of the Ohio Tumpike Commission eligible to participate in the Plan, must meet the following criteria:
- (A) The employee is or will be eligible to retire under Section 145.32, 145.34, 145.37, or 145.33(A), O.R.C., on or before the date of termination of the Plan. Service credit to be purchased for the employee under the Plan shall be included in making this determination for eligibility.
- (B) The employee agrees to retire under Section 145.32, 145.34, 145.37, or 145.33(A), O.R.C., within 90 days after receiving notice from the Public Employees Retirement System that service credit has been purchased for the employee pursuant to the Plan.
- 6. Notice. The Plan shall be in effect for a period of one year and thereafter should

the Ohio Turnpike Commission opt to extend the Plan Period, after approval from the Public Employees Retirement System, all employees will receive written notice of the extension. Regardless of whether or not there is an extension of the Plan Period, all employees will receive 30 days advance notice of the termination of the Plan.

### 7. Grievance Procedures.

- (A) Any employee who is covered by a collective bargaining agreement is required to utilize the grievance procedures outlined in their respective collective bargaining agreement to resolve any disputes that may arise under this Plan.
- (B) Any employee who is not covered by a collective bargaining agreement is required to utilize the grievance procedures outlined in the employee manual to resolve any disputes that may arise under this Plan.

#### V. FORMS

# A. EMPLOYER NOTICE OF ADOPTION OF A VOLUNTARY RETIREMENT INCENTIVE PLAN

#### FORM F-111a

PERS cannot approve a voluntary plan unless an employer has filed this form. An employer should consult with its own legal counsel in drafting a plan (see Model Plan, page 46). The Form F-111a is required if the plan is voluntary and adopted per Section 145.297, Ohio Revised Code. A copy of the plan must accompany the form. A plan must have both a beginning and termination date. This form may be used by both state and non-state employers.

- 1. INSTRUCTIONS FOR COMPLETING FORM F-111a
- a. "EMPLOYING UNIT" Employer's name which is a unit described in Section 145.297(A), Ohio Revised Code.
- b. "MONTH, DAY, YEAR" State effective and termination dates of the plan. The plan must be in effect for a minimum of one year.
- c. State the maximum year(s) the employing unit will purchase per eligible employee.
- d. Check the appropriate box if the plan is being established due to a termination of operations.
- e. Is the employing unit fully supported by direct state or local tax levies or settlements? Does the employing unit have a tax base? If not, the amount of tax revenue per year must be given.
- f. SIGNATURE LINES -

The first required signature would be the following:

- \* State Departments The director or administrator of the employing unit.
- \* County Units The president of the county commissioners.
- City Units The president of city council.
- \* Township Units The chairman of the board of trustees.
- \* Village Units The president of village council.

The second required signature would be the following:

- \* State Departments The authorized fiscal officer.
- \* County Units The county auditor.
- \* City Units The city auditor.
- \* Township Units The township clerk.
- \* Village Units The village clerk.

The <u>third</u> required signature is necessary only if a specific department within an employing unit is designated as a subordinate employing unit. The third required signature would be the director, administrator or superintendent of the department which was designated as the subordinate employing unit.

NOTE: This form may be duplicated.

#### PUBLIC EMPLOYEES RETIREMENT SYSTEM 277 East Town Street, Columbus, Ohio 43215-4642

# EMPLOYER NOTICE OF ADOPTION OF A VOLUNTARY RETIREMENT INCENTIVE PLAN

This is to certify that OHIO T	URNPIKE COMMISSION has established LOYING UNIT	
a voluntary retirement incentive p		
145.297, Ohio Revised Code. A cop		
The effective date of the plant terminates on $04/24/96$ , an		
MONTH, DAY, YEAR credit purchasable is 3 year(		
The plan is being established	due to a termination of	
operations. CHECK ONE: YES	NO xx	
	F NO, GIVE AMOUNT OF	
or settlements: xx YES NO TO THE Commission is supported by COMPLETE THESE SIGNATURES: COMPLETE	toll road revenues (tolls)	
1. OHIO TURNPIKE COMMISSION 3	•	
Employing Unit Employer Code	Subordinate Employing Unit/ Employer Code.	
Officer/Tible (SIGNATURE) Allan V. Johnson	Officer/Title (SIGNATURE)	
Executive Director Officer/Title (PLEASE PRINT)	Officer/Title (PLEASE PRINT)	
682 Prospect Street	Officer/ficte (FDEASE FRINT)	
Berea, OR 44017	Address	
April 25, 1995 Date		
2. (100) Fuctor May to PERS/Title (SIGNATURE)	Date	
Craig Rudolphy Comptroller Fiscal Officer Reporting to PERS/Title (PLEASE PRINT)	NOTE: DO NOT USE THIS FORM IF THE RETIREMENT INCENTIVE PLAN IS REQUIRED BY SECTION 145.298 OHIO REVISED CODE, USE FORM	
April 25, 1995 Date	F-111b.	
(18)		

#### Dear Employee;

Effective April 25, 1995 the Ohio Tumpike Commission (the "Commission") has established the Voluntary Retirement Incentive Plan for Employees of the Ohio Tumpike Commission. In general, this plan allows the Commission to purchase additional years of service credit for their employees which will enable some employees to retire early.

The Questions and Answers below are designed to explain the major provisions of the plan.

- Q1: How long does the Voluntary Retirement Incentive Plan last?
- A: One (1) year. The plan begins on April 25, 1995 and terminates on April 24, 1996.
- Q2: Who is eligible to participate in this plan?
- A: All employees of the Ohio Turnpike Commission who are members of PERS on April 25, 1995 and not excluded by statute.

#### Additional Eligibility Requirements:

- 1. To participate in the Plan you are or will be eligible to retire under PERS on or before the date the plan terminates.
- 2. You agree to retire within 90 days of receipt of notice from PERS of the purchase of the additional service credit.
- Q3: How many additional years will the Commission purchase for me?
- A: The <u>lesser</u> of: (1) three years of service credit, or (2) an amount of service credit equal to 1/5 of your total service credit with a PERS employer not including any service provided by this plan.

Example: An employee with 10 years of service would receive 1/5 of his total service credit or an additional 2 years so he would retire within a total of 12 years of service credit.

- Q4: How do I elect to participate in the early retirement incentive plan?
- A: Pick up an Application for Retirement (Form SR-1) from the Director of Administrative Services, and return it upon completion. After filing Form SR-1, you will be required to sign an Employee and Employer Agreement and submit an approved document that certifies your date of birth.

- Q5: How will I know that the additional service I am owed under the Voluntary Retirement Incentive Plan has been granted by PERS?
- A: You will receive notice from PERS.
- Q6: What if I die before the effective date of my benefit?
- A: Your participation in the Voluntary Retirement Incentive Plan terminates and your beneficiaries are not eligible for any benefits under this plan.

This letter is a summary description of the plan document and the relevant statutes and is not intended to replace it. In the event that any items have not been covered or there are conflicts between this summary or from plan representatives, the written terms of the official plan document and the governing statutes will always control.

If you have any questions, or if you would like to review or receive a copy of the plan document, contact the Director of Administrative Services at 234-2081, Ext. 250.

#### <u>AUTHORIZATION TO RELEASE INFORMATION</u>

I,, hereby authorements Employee	orize the release of the necessary account
information by the Public Employees Retir	rement System to the Ohio Turnpike Commission is
	Incentive Plan for Employees of the Ohio Turnpike
	ire twelve (12) months from the date of signature.
I am also a member of:	•
State Teachers Retirement System	
School Employees Retirement Syste	em 🔲
A copy of this completed form is sufficien	it to act as an original.
•	
	,
•	Signature
d.	
1	Social Security Number
	Date

# VOLUNTARY RETIREMENT INCENTIVE PLAN FOR EMPLOYEES OF THE OHIO TURNPIKE COMMISSION

# EMPLOYEE AND EMPLOYER'S AGREEMENT

The undersigned agree that	is eligible to retire under the		
ENT DO I DE O TAME	L		
Public Employees Retirement System on an age and servi	ce retirement benefit, or will qualify		
o retire with the purchase of service credit under the Vo	oluntary Retirement Incentive Plan for		
Employees of the Ohio Turnpike Commission authorized under Section 145.297, Ohio Revised			
Code and Ohio Administrative Code 145-15-04.			
Further, it is agreed that the Ohio Turnpike Com	mission will make payment, either in		
one payment or by a first installment payment onMONT	H, DAY, YEAR		
no later than the last day of the month before the employee's effective benefit date or the			
termination date of the plan whichever is earlier). The	he employee's effective benefit date is		
MONTH, DAY, YEAR (this date must be the first	st day of a month and the employee		
cannot receive compensation for service on or after the	his date).		
The employee agrees to retire no later than 90	days after receiving notice from the		

The employee agrees to retire no later than 90 days after receiving notice from the Voluntary Employees Retirement System PERS that the service credit being purchased by the Ohio Turnpike Commission has been granted. If the employee's effective benefit date is not within the 90 day period, the service credit will be forfeited and the retirement system will refund the amount paid for the service credit to the Ohio Turnpike Commission.

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The employee understands that if he/she dies prior to his/her effective benefit date, then this Agreement is cancelled and no benefits under this Plan will be paid to the employee's beneficiaries. The employee authorizes release of necessary account information by the Public Employees Retirement System to the Ohio Turnpike Commission in connection with the Voluntary Retirement Incentive Plan For the Employees of Ohio Turnpike Commission.

The Ohio Turnpike Commission requests certification of the total cost of purchasing service credit for the above-named employee under its Voluntary Retirement Incentive Plan which provides for the purchase of a maximum of 3 years. By signing this Agreement, the Ohio Turnpike Commission accepts liability for the service credit to be purchased.

The em	ployee is also a member of:	[mark applicable box(es)]	
	State Teachers Retirement System		
	School Employees Retirement System		
Fiscal Officers	s Signature/Title	Employee's Signature	
Countersignat	ure (if necessary)	Social Security Number	
<u>Ohio Tumpik</u> Employing U	e Commission nit.	Address	
Employer Co	de	<u> </u>	

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

Ayes:

Mr. Wray, Mr. Williams, Mrs. Leever, Mr. Bergsmark,

Mr. Fedeli

Nays:

None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 12-1995.

Mr. Johnson said that the next resolution was to award a contract to renovate a bridge over the Turnpike. He said it was a resolution entitled "Resolution Awarding Contract No. 43-95-01." He said the contract was to renovate the River Road bridge over the Turnpike in Lucas County. He said four bids received on the project over excellent bids. He said the low bid was submitted by the S. E. Johnson Company of Maumee in the amount of \$537,936.67, which was well below the estimate. He said the contract had been evaluated by the staff, and the recommendation was made to award to that company. He said he recommended that the resolution be adopted.

A resolution awarding contract No. 43-95-01 was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

#### **RESOLUTION NO. 13-1995**

"WHEREAS, the Commission has duly advertised according to law for bids for a contract to renovate the River Road Bridge which crosses over the Ohio Turnpike at Milepost 62.8 in Lucas County, Ohio, which project has been designated Project No. 43-95-01;

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

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission, and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"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 The S. E.

Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$537,936.67 for the performance of Contract No. 43-95-01 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, 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 The S. E. Johnson Companies, Inc.

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$537,936.67 for the performance of Contract No. 43-95-01 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, and

"FURTHER RESOLVED that Project No. 43-95-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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. 13-1995.

Mr. Johnson said the next resolution was entitled "Resolution Authorizing the Executive Director to take Immediate Action Concerning Award of Contract No. 58-95-05." He said the contract was for the construction of the toll plaza portion of the interchange at Baumhart Road. He said that, as the Members were aware, a court restraining order had been issued to halt the construction contract on the project and to halt all other proceedings on it. He said the court action had held up advertising for the contract, which he had intended to do prior to the day's meeting. He said he had planned to have the award ready for the day's meeting.

Mr. Johnson said the final court hearing on the matter was scheduled for the day after the Commission meeting. He said he anticipated the matter would be resolved in the Commission's favor. He said that, in order for the Commission to be in position to proceed with the project and to have it opened on schedule by the end of 1995, it would be necessary to advertise and award the contract prior to the next Commission meeting.

Mr. Johnson said that the court also could rule against the Commission and the contract could not be advertised. He said that, however, he did want the authority to be in a position to advertise, evaluate bids and award a contract in order to open the interchange on time. He said that, of course, nothing could be done if the court ruled against the Commission. He said he recommended the resolution be adopted.

A resolution authorizing the Executive Director to take immediate action concerning award of Contract No. 58-95-05 was moved for adoption by Mr. Williams, seconded by Mrs. Leever as follows:

#### **RESOLUTION NO. 14-1995**

"WHEREAS, the Commission is currently preparing for the advertisement according to law for bids upon a contract for construction of a toll plaza, utility building, toll booths and canopies for Interchange 7A located at Milepost 136.0 in Lorain County, which project has been designated Project No. 58-95-05 and is commonly referred to as the Baumhart Road interchange;

"WHEREAS, the Board of Trustees of Brownhelm Township filed suit against the Commission and its prime contractor, E. S. Wagner Company, to enjoin the Commission and the E. S. Wagner Company, from building the Baumhart Road interchange under Contract No. 55-95-03;

"WHEREAS, the Commission's general counsel has advised the Commission that the Court shall hear the Commission's case and argument on April 25, 1995;

"WHEREAS, it is imperative that action be taken on Contract No. 58-95-05 as soon as the aforesaid litigation has been resolved and before the June 12, 1995, Commission Meeting;

"WHEREAS, the Commission desires to delegate to the executive director authority to take action on behalf of the Commission concerning the award of Contract No. 58-95-05, if such action is deemed necessary prior to the next Commission Meeting so that the work called for under said contract can go forward as promptly as possible;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director of the Ohio Turnpike Commission is hereby authorized to take any action necessary concerning award of Contract No. 58-95-05, prior to the next meeting of the Commission, including the award of contract for such invitation or the rejection of all bids received in response thereto; and

"FURTHER RESOLVED that the executive director may take such action aforesaid provided the deputy executive director and chief engineer recommend the award, and the general counsel issues an opinion that the successful bidder complies with all statutory requirements of the State of Ohio and complies with the policies of the Commission; and

"FURTHER RESOLVED that Contact No. 58-95-05 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes:

Mr. Williams, Mrs. Leever, Mr. Wray, Mr. Bergsmark,

Mr. Fedeli

Nays:

None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 14-1995.

Mr. Johnson said the next resolution was to ratify and approve task orders relative to the Great Lakes/Mid Atlantic Corridor project and work being done by the Ohio Corridor Development Consortium.

Mr. Johnson said further that the Commission had acted to implement the various tasks that were involved in that project. He said that in order to keep it moving, as he mentioned at the last Commission meeting, he had authorized task order No. 8. He said the resolution approves his actions to proceed with task order No. 8 and also approves task order No. 9.

Mr. Johnson said further that the Commission had just completed the public meeting phase of the project the week before the Commission meeting. He said there were 44 meetings in all. He said task 9 would get the Commission through the crucial stage of the studies. He said he would ask Mr. Cobb to comment.

Mr. Cobb said that task 9 essentially finalizes the feasibility report and also provides for modification of the preliminary screening report and purpose and need report.

- Mr. Johnson said that, as Mr. Cobb indicated, task 9 was a clarification that resulted from a fly-in meeting the Commission had with other outside agencies such as the U.S. Army Corps of Engineer, the EPA and the Federal Highway Administration.
  - Mr. Bergsmark asked how much task 9 cost the Commission.
  - Mr. Brennan said it cost \$121,000.
  - Mr. Bergsmark asked if the feasibility study was completed.
  - Mr. Johnson said task 9 should get the Commission through the feasibility study.

The Chairman asked if a final report on the feasibility study would be available for the June Commission meeting.

- Mr. Johnson said the report would be ready by the middle of June.
- Mr. Bergsmark said that since the completion of the feasibility study ended the first phase of the project it didn't make sense to continue to spend more money on it if the Commission decided not to proceed further.
- Mr. Johnson said that if the Commission decided to end its participation in the project at the completion of the feasibility study additional funds would not be spent.
  - Mr. Wray asked if OCDC would have recommendations in its June report.
- Mr. Cobb said the report will provide recommendations for implementations of elements of the overall program.

The Chairman said the Commission, obviously, would like to see it broken down into segments and into sections because the idea of potentially spending \$3 billion may be unlikely because of funding. He said, on the other hand, there may be parts of it that the Commission could be able to do and that were more of a priority. He said the Commission wanted it broken down into segments and areas so that it could decide what portions might be selected for improvement by the Commission.

Mr. Johnson said that the project was broken down into six sub-segments, but it will probably be broken down further for the purpose specified by the Chairman.

The Chairman said he thought OCDC had done a great job. He said the Commission got their monthly report and he thought they were very good.

A resolution ratifying each approving task orders relative to the agreement between the Commission and the Ohio Corridor Development Consortium was moved for adoption by Mrs. Leever, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 15-1995**

"WHEREAS, the Commission has authorized an Agreement for project management consulting services for the I-73/I-74 Corridor ("Agreement") with the Ohio Corridor Development Consortium (OCDC), said Agreement being approved by Commission Resolution No. 34-1994;

"WHEREAS, Task Orders No. 1, 2 and 3 have been approved by Commission Resolution No. 35-1994 to implement certain services called for in the Agreement;

"WHEREAS, Task Orders No. 4, 5, 6 and 7 have been ratified and approved by Commission Resolution No. 5-1995 to implement certain services called for in the Agreement;

"WHEREAS, Task Order 8 has been presented to and approved by the Executive Director in order to keep the critical project moving ahead on a timely basis, and Task Order 9 is presently before the Commission for its review and approval;

"WHEREAS, the scope and nature of these tasks have been presented to the Commission in the regular reports of the OCDC and the Commission's Development Coordinator;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby ratifies and approves the actions taken by the executive director to proceed with Task Order No. 8 and hereby approves the implementation of services identified in Task Order No. 9 for the I-73/I-74 Corridor and authorizes and directs the executive director to take any and all action necessary or proper to implement the execution of these orders."

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

Ayes:

Mr. Leever, Mr. Williams, Mr. Wray, Mr. Bergsmark,

Mr. Fedeli

Nays:

None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 15-1995.

Mr. Johnson said the final matter he had was a study and green booklet that was called Traffic Capacity Study, Additional Lanes. He said the Members also had a memorandum from him which he would read, in part, as follows:

"In my memorandum to the Commission Members dated February 21, 1995, I provided portions of an interim report from URS Consultants, Inc. on the study being conducted for the Commission concerning the need for the immediate addition of a third lane in each direction on the Ohio Turnpike between Gate 4 and Gate 15. The study is now complete and a copy is enclosed herewith. The essential conclusion is that the project should be undertaken immediately and that the estimated cost (based on 1995 prices) is almost \$440 million, with the likelihood that the twin bridges over the Cuyahoga River Valley will need to be replaced at an additional cost of \$60 million.

"It is my opinion and recommendation that the project should be commenced immediately and we should start by retaining a project management firm to assist us in the complex program of acquiring engineering/design and implement the project. Furthermore, it is my recommendation that the project be completed in not less than five years in order to minimize the agonizing disruption to traffic that such construction on the Turnpike is certain to cause. Traffic disruption was often experienced during our bridge deck replacement and widening program which took more than ten years to complete between 1982 and 1993 at a time when traffic levels were lower.

"In addition to this massive project, we are engaged in programs to add new interchanges, to renovate and expand existing interchanges, to renovate the restaurants and related facilities at our service plazas, the on-going need to do roadway resurfacing and repair work each year and other capital improvement projects which could cost as much as \$300 million more in the five years ahead.

"Obviously, this program cannot be financed from existing revenue levels. Our toll rates have remained the same since February 1, 1982, when the only toll rate increase in the Turnpike's 40-year existence was implemented. Therefore, in order to provide and maintain first-class facilities and a high level of service to users of the Turnpike, I am recommending hereby that the Commission approve and authorize an implementation of an 80 percent general toll increase, effective June 1, 1995. Such an increase will generate sufficient revenues to carry out the initial stages of this ambitious program and give the Commission considerable financial flexibility to address its long-range mission and goals.

"We already allow a discount for high volume commercial users of the road which should be continued. In addition, I recommend that we institute a commuter discount for frequent non-commercial users of the road. Although such a program would be somewhat difficult to administer, it is technically feasible with our existing computerized toll system."

Mr. Johnson said that a resolution for the purposes of acting on these recommendations was in the Members' folders. He said it was entitled "Resolution Revising the Schedule of Tolls and Authorizing the Addition of Tolls and Authorizing the Addition of Third lanes on the Turnpike." He said he thought it appropriate to read the resolution since it was such an important matter. He said he would read it as follows:

"WHEREAS, by Resolution No. 16-1981, adopted December 17, 1981, the Commission adopted a revised schedule of tolls which became effective February 1, 1982, and which schedule has been supplemented from time to time to accommodate the addition and opening of new toll interchanges:

"WHEREAS, a study entitled, "TRAFFIC CAPACITY STUDY-ADDITIONAL LANES," has been prepared for the Commission by URS Consultants, Inc., which study analyzes traffic capacity and projected traffic on the Turnpike and the consultant concludes, on the basis of the analysis, that the addition of a third lane in each direction on the Turnpike between Gate 4 and Gate 15 (159.8 miles in length) is needed for stable operation of traffic on the Turnpike, at a current estimated cost of at least \$440 million;

"WHEREAS, the executive director has reviewed the study and recommended that the third-lane project be commenced immediately and be completed within the next five years;

"WHEREAS, the executive director advises that other capital projects envisioned by the Commission for the turnpike over the next five years, such as adding new interchanges, renovating and expanding existing interchanges, renovating service plaza restaurants and related facilities, on-going roadway resurfacing and repair and other projects could cost as much as \$300 million;

"WHEREAS, the executive director advises that this total program cannot be financed from existing revenue levels and, therefore, he recommends that the Commission authorize and approve an eighty percent (80%) general toll rate increase, effective June 1, 1995, to help meet the Commission's ongoing financial needs;

"WHEREAS, the executive director recommends that the Commission retain the services of a project management consulting firm to assist in the implementation of the third-lane project;

"WHEREAS, the Commission desires to proceed with the recommendations of the executive director;

"NOW, THEREFORE, BE IT

"RESOLVED that the "TRAFFIC CAPACITY STUDY - ADDITIONAL LANES", by URS Consultants, Inc. dated March 31, 1995, hereby is accepted by the Commission;

"FURTHER RESOLVED that the report and memorandum from the executive director, dated April 21, 1995, hereby is accepted by the Commission;

"FURTHER RESOLVED that the Commission does hereby adopt the revised schedule of tolls as set forth and attached hereto as "Exhibit A";

"FURTHER RESOLVED that said revised schedule of tolls shall be made effective as of 12:01 a.m., June 1, 1995;

"FURTHER RESOLVED that the discount provided for qualifying operator of commerce vehicles shall continue in effect as heretofore and special permit fees for over dimensional or overweight vehicles, long combination vehicles (LCVs) and any other special use permits granted under authority of the executive director shall remain as now in effect:

"FURTHER RESOLVED that the executive director is authorized and directed hereby to study and recommend to the Commission for adoption a discount program for regular non-commercial users of the turnpike;

"FURTHER RESOLVED that the executive director is authorized and directed to prepare and issue a Request for Proposals (RFP) for the services of a project management consulting firm to assist in implementing the third-lane project for the turnpike and to take such other actions as are necessary to proceed with the project, provided, however, that the executive director shall keep the Commission apprised of such actions and obtain the approval of the Commission for any actions not authorized to be performed by him under the Code of Bylaws."

Mr. Johnson said he recommended the resolution be adopted.

The Chairman said he would open the meeting for discussion.

Mr. Wray said he was staggered at the cost of \$2.7 million per mile.

The Chairman said it obviously was an estimate and the Commission had not put it out in the form of bids.

Mr. Bergsmark said that some of the bridges were included, but he wondered about the additional \$60 million would be required to rebuild the Cuyahoga River bridges.

Mr. Johnson said additional study would have to be done on those bridges. He said that the Cuyahoga River bridges were the longest pair of bridges on the Turnpike. He said each bridge had a width of 42 feet operating as two lanes with an eight foot inside shoulder and a ten foot right shoulder.

- Mr. Bergsmark said it was his understanding then that the \$440 million total did not include this work on the Cuyahoga River bridges.
  - Mr. Johnson said he was correct.
  - Mr. Bergsmark asked what brought the cost up to \$2.7 million per mile.
- Mr. Johnson said much of it was for all the bridge work that had to be done. He said there were 67 bridges over the Turnpike that had to be totally replaced because of the way the piers were spaced. He said there were probably another 200 bridges on the Turnpike mainline that had to be widened to accommodate the additional lane. He said that tabulations of the various estimated costs in the report showed that the bridge work itself was a staggering cost. He said it was more than the cost of the original construction of the Turnpike, which was done 40 years ago. He said he was convinced that the estimates were correct.
- Mr. Bergsmark said he didn't have the knowledge to know whether the estimates were or were not correct. He said he seemed that \$2.7 million for one mile of road seemed to be awfully excessive.

The Chairman said he thought the estimate to build a new road was closer to \$7 or \$8 million per mile, but he would ask Mr. Wray to comment.

- Mr. Wray said it depended on where the road was located. He said the cost could be that high if the road was located in an urban area, but less in a rural area.
- Mr. Bergsmark asked if either the Pennsylvania Turnpike or the Indiana Toll Road had three lanes.
- Mr. Johnson said that they did not have them. He said that was why Ohio Turnpike three-lane connections to those toll roads was not being proposed. He said that was mentioned and discussed in the report. He said that until those toll roads did something to add to their capacity the Ohio Turnpike didn't need a third lane in each direction at its extreme ends.
- Mr. Johnson said further that from Gate 4 through Gate 15 was the area where the Turnpike had the busiest traffic. He said Gate 15 was the point where I-80 left the Turnpike. He said the Turnpike in the Toledo area, Gates 4 and 5, was picking up considerable traffic eastbound from Michigan via I-280 and I-75, both of which join and add to the Turnpike. He said the Turnpike traffic dropped off considerably west of that area.
- Mr. Johnson said further that the report spelled out that the levels of service, which was a measure of how much congestion already was on the Turnpike, during the

summertime peak periods is 1994, showed a level of service E, which was unstable operation. He said level service F was when traffic was stopped at times. He said that condition has occurred on the Turnpike. He said that when service was at level E a slight accident could bring traffic to a complete stop. He said level E service existed through the mid-section of the Turnpike.

Mr. Bergsmark asked Mr. Johnson if he was saying that intrastate traffic, which was good for the state, was causing the congestion.

Mr. Johnson said that added traffic was intrastate and also interstate from I-80 in the Youngstown area which could continue on to Pennsylvania.

The Chairman asked if URS addressed the other 80 miles of the Turnpike not slated to get a third lane. He said he wanted to know their feeling if and when the balance of the Turnpike would need a third lane.

Mr. Johnson said there was a chart in the report that pretty well spelled that out. He said it was a colored diagram that showed in different colors the years when a third lane should be added to the areas west of Exit 4.

Mr. Johnson said further that it did not start until the year 2001 between Exit 3A and 4. He said that it then continued up into the year 2009 when it would be required on the west end. He said that on the east the time frame would be the same. He said it would be early in the year 2000 before traffic in that area would require the third lane.

Mr. Wray asked if the Commission would be adding the third lane when the level of service got to E.

Mr. Johnson said the level of service already was at level E.

Mr. Wray said that, obviously, the chart in the report was based on future levels of service when traffic was even higher.

Mr. Johnson said that would be when traffic reached the E stage for the rest of the road.

Mr. Williams asked if Mr. Johnson was aware of any other toll roads that had added a third lane.

Mr. Johnson said there were other toll roads that had added lanes and they were in the eastern section of the United States. He said that on the New Jersey Turnpike there were stretches that had as many as twelve lanes. He said they started out with six lanes and doubled their capacity over the years.

- Mr. Johnson said further that traffic levels on the Turnpike, which had been a four-lane road since it opened 40 years ago, had more than quadrupled in that time period.
  - Mr. Bergsmark said that at night the truck traffic was really heavy.
- Mr. Johnson said the Turnpike's mixture of truck traffic was unusually high for such a facility. He said 20 percent of Turnpike traffic was from commercial vehicles. He said he thought it was higher than most other interstates and other toll roads.
- Mr. Bergsmark asked if the total amount of funds needed over the next five-year period to accomplish all the proposed modifications was \$740 million.
  - Mr. Johnson said Mr. Bergsmark was correct.
- Mr. Bergsmark said that the 80 percent increase in the tolls probably wouldn't provide all the needed funds.
  - Mr. Johnson said the toll increase wouldn't finance all the projects by itself.
- Mr. Bergsmark said that the Commission's prior bonding capacity based on \$100 million in revenues per year was about \$500 million. He said that the 80 percent toll increase would increase the bonding capacity to around the \$740 million level.
- Mr. Johnson said that in order to pull off the work within the five-year period the Commission would have to go back into the bond market sometime.
- Mr. Bergsmark said that in the Resolveds of the resolution there was mention of adopting a discount program for non-commercial users of the Turnpike.

The Chairman said that the discount was for the Turnpike users in the Toledo area. He said they were in the only metropolitan area of the entire state which required paying of tolls to travel on an east-west interstate road.

- Mr. Bergsmark asked if that recommendation could be before the Commission at its next meeting on June 12.
- Mr. Johnson said he would try to have that, but he wanted to recommend that the commuter discount be for the entire road. He said that some of the things the Commission might consider were things that might require some actual physical changes to the road itself.
- Mr. Johnson said further that the heaviest commuter area was from the Lorain area up through to the Akron area. He said he thought there might be some desire to add a commuter program in that area.

The Chairman said the idea should be studied to see if the Commission should have a commuter card or just totally eliminate tolls.

- Mr. Wray asked if there would be a recommendation in June with anticipated usage and how a commuter discount program would impact revenues.
  - Mr. Johnson said he would not be able to have all of the options in June.

The Chairman said that he thought the options for the Toledo area would be available.

- Mr. Wray asked if the Commission would be informed of how a commuter discount program would work on the Turnpike.
- Mr. Bergsmark said he was willing for Mr. Johnson to come back to the Commission and give it his recommendations.
- Mr. Wray said he would wait for the recommendation. He asked if the discount program would go into effect when the toll rates charged on June 1st.
  - Mr. Johnson said it was impossible for it to be done at the same time.
- Mr. Bergsmark said he wanted a recommendation at the June meeting so that the program could go into effect fairly quickly after the change in tolls.
- Mr. Johnson said he would try to have a recommendation exploring the various options in June.
- Mr. Bergsmark asked if the \$300 million figure included the Maumee River Crossing.
  - Mr. Johnson said that his figure didn't include anything off the Turnpike.

The Chairman said there were over a billion dollars in projects that were on the table and there was no way that the Commission could do them without a toll increase. He said it was not something the Commission enjoyed doing.

- Mr. Wray asked if Mr. Johnson could explain the discount provided for qualified operators of commercial vehicles.
- Mr. Johnson said there was a charge account program for high volume commercial vehicle operators in the Turnpike. He said the program, which probably dated back to the beginning of the Turnpike, provides a 10 percent discount to those

companies that pay more than \$2000 a month in tolls. He said he thought the program could be expanded to include a commuter discount.

The Chairman said that the thing he would very much like to stress, that had been talked about in the past, was that the Commission had taken a new direction as being a catalyst for economic development and accessibility. He said the Commission had already opened up eight new interchanges. He said another seven or eight were on the drawing board.

The Chairman said further that the Commission had helped one company stay in Ohio by adding 2,000 new jobs. He said North Star Steel was going to invest \$450 million in the State of Ohio. He said Ohio had been number one for two years in a row for brand new plant openings. He said the Commission had made the Chairman of the Board of General Motors very happy in making sure Lordstown kept 8,000 jobs.

The Chairman said that morning someone asked if the Commission was doing what it was doing in order to create jobs. He said they were right. He said the Commission was creating jobs and retaining jobs in the State of Ohio. He said the Commission was trying to make Ohio right in the heart of it all. He said that looking at the map, the 241 miles takes the Turnpike in the middle of New York and Chicago. He said Ohio was a very important state and, consequently, the state's economy right now was reflecting that. He said Ohio was doing phenomenally well relative to the rest of the country with regard to its employment rate.

The Chairman said further that it was very important to let people know that the bad news was that there was a toll increase. He said the good news was that the Commission had created a lot of jobs. He said there had been tremendous economic development. He said that in Lordstown there were new plants being opened around the GM plant. He said that the Commission had already been told by North Star Steel that there will be additional plants opened in the Delta area.

Mr. Bergsmark said that he thought he could safely say that the proceeds from the toll increase were going to be used on the Turnpike and not be dispersed in other type projects.

The Chairman said Mr. Bergsmark was correct.

Mr. Bergsmark said that he would recommend that the Commission increase tolls on a more active basis with the economy in the future. He said that should be done to avoid the "sticker shock" of greatly increasing tolls at once.

The Chairman said the other thing he wanted to say was that 50 percent of the Turnpike tolls were paid by out-of-state users. He said that residents of the State of Ohio were paying half of the tolls and its neighbors that came through Ohio were paying the other half.

The Chairman said further that he had a letter from the Governor which he would read as follows:

"I'm very proud of what the Commission, working with Governor Voinovich and ODOT, has been able to accomplish the past year. He said he was confident the Commission would accomplish even more in the future.

"The Turnpike Commission has done more to promote economic development in this state than any other time in the Turnpike's history. Through your leadership, we've turned the Turnpike into a retainer and generator of jobs. If you keep going at this rate, as you and the Members are, it will be the most productive period in the history of the Ohio Turnpike.

"The fact that you received the highest bond rating from Standard & Poors and Moody's is the fact that objective evaluators think that things are going well at the Turnpike."

The Chairman said he would say that he felt that the toll increase was justified.

Mr. Wray asked if the Commission would be retaining the services of a project management consulting firm on the third lane project.

Mr. Johnson said an RFP would be developed. He said that once responses were received they would be brought to the Commission for selection of a firm. He said the addition of a third lane would be a major project.

Mr. Wray said the selection of a project manager for the Great Lakes/Mid-Atlantic Corridor had been quite an extraordinary process.

Mr. Johnson said the selection of a project manager for the third lane construction won't be as complicated as that done for the Great Lakes/Mid-Atlantic Corridor. He said the scope would be easier to define.

Mr. Johnson said further that it was very difficult to write the scope for the Great Lakes/Mid-Atlantic Corridor project because it was so massive. He said that in the case of the third lane project the staff knew exactly what would be done. He said they knew how many lanes it was talking about. He said the project manager will help the Commission acquire the additional engineering services that will be needed for the actual design and for the actual construction.

Mr. Johnson said further that the construction would take four years. He said the construction would probably be done in 40-mile segments each year. He said the work would be done in such a way to minimize traffic disruption. He said the third lane would be in the median and it would be tough not to cause some traffic problems.

Mr. Bergsmark said he thought the Commission's financial advisor, Mr. Reis, should be fully advised of the Commission's project plans so that information was presented the right way to the rating agencies. He said his only concern was to make sure the Commission didn't go on a credit watch. He said that it was positive on one hand, the increase in tolls, but the rating agencies might object if the Commission was spending more than it could pay for in the future. He said the agencies might decide the Commission had to stop and take a second look. He said the Commission needed to coordinate that effort right away.

The Chairman said he thought that was a good idea. He said he had commented to the people at OCDC that, although the Commission would like to be able to do everything for the state, it was more realistic to pick and choose what the Commission was able to do. He said he didn't think it was feasible for the Commission to do everything.

Mr. Bergsmark said he thought the Commission should advise the rating services even after that day to make them aware of the Commission's plans.

Senator Gaeth asked if the Executive Director had said the third lanes would be located in the medial and did more right-of-way need to be acquired.

Mr. Johnson said the third lanes would be in the medial and additional right-ofway was not needed.

Mr. Johnson said further that there were diagrams in the URS report showing what had to be done. He said there was going to be a concrete barrier to separate the traffic lanes. He said that if the third lanes were on the outside the Commission would need additional right-of-way.

Senator Gaeth said ODOT had just finished barrier placement in a section of medial of I-270 around Columbus and it was a beautifully done job.

A resolution revising the schedule of tolls and authorizing the addition of third lanes on the Turnpike was moved for adoption by Mr. Bergsmark, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 16-1995**

"WHEREAS, by Resolution No. 16-1981, adopted December 17, 1981, the Commission adopted a revised schedule of tolls which became effective February 1, 1982, and which schedule has been supplemented from time to accommodate the addition and opening of new toll interchanges;

"WHEREAS, a study entitled, "TRAFFIC CAPACITY STUDY-ADDITIONAL LANES," has been prepared for the Commission by URS Consultants, Inc., which study analyzes traffic capacity and projected traffic on the Turnpike and the consultant concludes, on the basis of the analysis, that the addition of a third lane in each direction on the Turnpike between Gate 4 and Gate 15 (159.8 miles in length) is needed for stable operation of traffic on the Turnpike, at a current estimate cost of at least \$440 million;

"WHEREAS, the executive director has reviewed the study and recommended that the third-lane project be commenced immediately and be completed within the next five years;

"WHEREAS, the executive director advises that other capital projects envisioned by the Commission for the turnpike over the next five years, such as adding new interchanges, renovating and expanding existing interchanges, renovating service plaza restaurants and related facilities, on-going roadway resurfacing and repair and other projects could cost as much as \$300 million;

"WHEREAS, the executive director advises that this total program cannot be financed from existing revenue levels and, therefore, he recommends that the Commission authorize and approve an eighty percent (80%) general toll rate increase, effective June 1, 1995, to help meet the Commission's ongoing financial needs:

"WHEREAS, the executive director recommends that the Commission retain the services of a project management consulting firm to assist in the implementation of the third-lane project;

"WHEREAS, the Commission desires to proceed with the recommendations of the executive director;

"NOW, THEREFORE, BE IT

"RESOLVED that the "TRAFFIC CAPACITY STUDY - ADDITIONAL LANES," by URS Consultants, Inc. dated March 31, 1995, hereby is accepted by the Commission;

"FURTHER RESOLVED that the report and memorandum from the executive director, dated April 21, 1995, hereby is accepted by the Commission;

"FURTHER RESOLVED that the Commission does hereby adopt the revised schedule of tolls as set forth and attached hereto as "Exhibit A";

"FURTHER RESOLVED that said revised schedule of tolls shall be made effective as of 12:01 a.m., June 1, 1995;

"FURTHER RESOLVED that the discount provided for qualifying operators of commercial vehicles shall continue in effect as heretofore and special permit fees for overdimensional or overweight vehicles, long combination vehicles (LCVs) and any other special use permits granted under authority of the executive director shall remain as now in effect;

"FURTHER RESOLVED that the executive director is authorized and directed hereby to study and recommend to the Commission for adoption a discount program for regular, non-commercial users of the turnpike;

"FURTHER RESOLVED that the executive director is authorized and directed to prepare and issue a Request for Proposals (RFP) for the services of a project management consulting firm to assist in implementing the third-lane project for the turnpike and to take such other actions as are necessary to proceed with the project, provided, however, that the executive director shall keep the Commission apprised of such actions and obtain the approval of the Commission for any actions not authorized to be performed by him under the Code of Bylaws."

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EXHIBIT "A"

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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. 16-1995.

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 U.S. Army Corps of Engineers was expected to rule soon on the Commission's wetlands mitigation plan for the new interchange at State Route 66, County Road 24 in Fulton County.

Mr. Brennan said further that aerial photographs had been taken of the site and they were being studied for the interchange at State Route 109 in Fulton County. He said the Chairman had mentioned earlier in the meeting that North Star Steel would be building a new plant in that area and that construction of a Turnpike interchange had been instrumental in their decision to build there. He said the possibility of local opposition to the construction of the steel plant had diminished.

- Mr. Brennan said further that design engineering continued for the new interchange at State Route 51, 5A, in Ottawa/Sandusky Counties.
- Mr. Brennan said further that the Executive Director had already brought the Members up-to-date regarding the legal problems regarding the Baumhart Road interchange in Lorain County.
- Mr. Brennan said further that the Commission was waiting for the Ohio Historical Society to decide if a detailed review of a railroad's historical significance at the planned State Route 58 interchange in Lorain County would be required. He said that, if a study of that situation was deemed necessary, it would be a financial responsibility of the Commission.
- Mr. Brennan said further that work continued on the access justification study for the Interstate Route 77 interchange in Summit/Cuyahoga Counties.
- Mr. Brennan said further that design engineering continued at the interchange with County Road 18 in Mahoning County.

- Mr. Brennan said further that the access justification study continued for the proposed interchange at State Route 11 in Mahoning County.
- Mr. Brennan said further that the 44 public meetings for the Great Lakes/Mid-Atlantic Corridor conducted in March and April had been concluded. He said the status of the eight tasks assigned prior to OCDC, prior to assigning the ninth task that morning, were as follows:
  - 1. Consultant Selection complete.
  - 2. Preliminary Corridor Selection complete.
  - 3. Preparation of Study Manual complete.
  - 4. Traffic and Economic Data 95 percent.
  - 5. Communication and Plan Assistance 60 percent.
  - 6. Consultant Management 65 percent.
  - 7. Public Input 65 percent.
  - 8. Determination of Project Feasibility 5 percent.
- Mr. Brennan said that, again, both sets of public input meetings had been completed. He said each set consisted of 11 meetings with elected and appointed officials and 11 with the general public for a total of 44.
- Mr. Brennan said further that the first set were held March 6th through March 22 and the second from April 3 through April 19. He said a total of 1,274 people attended the first set of public meetings and 2,375 attended the second group. He said that, obviously, the first set elicited interest and brought twice as many people for the second set.
- Mr. Brennan said further that there were 206 attendees at the first set of elected or appointed officials meetings and 238 for the second set. He said there was not a dramatic increase at those meetings.
- Mr. Brennan said further that there was a tremendous amount of interest on the part of landowners. He said there were several alternatives in the major metropolitan areas, including Columbus. He said they were confronted with a significant amount of the NIMBY (not in my backyard) syndrome. He said most people thought the bypass was a great idea as long as it didn't affect their property. He said that those on the east side were perfectly happy to have any bypass go on the west. He said that those on the west were happy to have it going east.
- Mr. Brennan said further that the financial situation with OCDC at that point, adding task No. 9, which he mentioned earlier was \$121,000, was almost \$4,400,000. He said that the \$121,000, which was a wrap-up, was really kind of an insignificant percentage of the total.

Senator Gaeth asked if there was a completion date for the State Route 109 interchange.

Mr. Brennan said it would probably be opened in 1996. He said that contrary to some rumors it would be an interchange that served the general public.

Mr. Johnson said further that the staff would work closely with officials of North Star Steel to have the interchange open the same time as their plant opened. He said it would be tough because the staff would be starting from scratch. He said there were no preliminary plans for the interchange. He said preliminary environmental work was being done.

Mr. Johnson said further that a design consultant had yet to be hired, but one would soon be selected. He said he thought the interchange would be opened on the same day as the steel plant.

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

Mr. Arlow said there were presently four construction projects on the Turnpike. He said there were three resurfacing projects and one bridge rehabilitation. He said all the mainline projects had to be completed or suspended by the end of June. He said that they were all on schedule.

The Chairman said the report of the Construction Coordinator was accepted as offered.

Mr. Johnson said the staff had been conscious and alert to the traffic problems that had occurred in those zones because of heavy traffic. He said he did think that a better job was being done that year in alerting the public to traffic problems.

Mr. Johnson said further that there were times over the Easter holiday weekend when there were significant backups in those resurfacing zones. He said traffic was taken off the Turnpike at times and diverted over other roads. He said changeable message signs were used to inform patrons of potential problems. He said the system appeared to be working better and complaints were way down.

The Chairman said the report of General Counsel would be received.

Mr. Zomparelli said he wanted to update the Commission since the March 31st report. He said that the Commission had been dismissed as a defendant in a case brought by the Board of Park Commissioners of the Erie Metroparks. He said the only remaining defendant in that case was the Wheeling Lake Erie Railroad Company.

Mr. Zomparelli said further that the other big matter was the Brownhelm Township litigation. He said that case was continued until the day after the Commission

meeting. He said Brownhelm Township had rested its case and the Commission's attorney would present its case the next day.

The Chairman said the report of General Counsel was accepted as offered. He ascertained there would be no reports from either the trustee or Captain Ash.

Mr. Johnson said he missed one resolution and he would like to present it to the Commission at that time. He said it was a housekeeping matter. He said it was a resolution designating certain projects as "Systems Projects" under the Commission's master trust agreement of 1994. He said it was a routine thing as required under the trust agreement.

A resolution designating certain projects as "System Projects" under the Commission's Master Trust Agreement of 1994 was moved for adoption by Mr. Bergsmark, seconded by Mr. Wray as follows:

## **RESOLUTION NO. 17-1995**

"WHEREAS, on February 15, 1994, the Ohio Turnpike Commission adopted the Master Trust Agreement with Huntington National Bank, as trustee, ("Trust Agreement") securing State of Ohio, Turnpike Revenue Bonds;

"WHEREAS, the Trust Agreement of 1994 established certain Projects and certain Project Funds, including System Projects and System Project Funds;

"WHEREAS, the comptroller has reviewed proposed projects and recommends that certain projects shall be paid from the System Project Fund and in order to make such payment, these projects must be officially designated by the Commission as "System Projects";

"WHEREAS, there is attached hereto "Exhibit A" which lists a number of the ongoing projects, and the Commission, pursuant to the request of its comptroller, desires to designate these projects as "System Projects"

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby designates the projects set forth in "Exhibit A" as System Projects under the terms and provisions of the Commission's Master Trust Agreement of 1994 and payable from the System Project Fund."

The following projects have been authorized and established as "System Projects" but have not been officially designated as "System Projects" prior to the Commission's April 24, 1995, meeting:

## The projects are as follows:

39-95-02	Microwave Equipment Toll Plazas 14, 14A and 15
38-95-04	Installation of Vaisala Weather Station
56-95-01	Equipment Storage Buildings for MB-1, 2, 5 and 8
71-95-02	Analysis of Structure Capacity - Cuyahoga River Bridge
71-95-03	Update inventory of Bridge Rating
71-95-04	Redesign of I-480 Bridge
71-95-05	Elimination of Glacier Hills Service Plaza Sewage Plant
71-95-06	Study, State Route 109 interchange, Fulton County

## "Exhibit A"

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. 17-1995.

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 June 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 11:12 a.m.

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

Allan V. Johns

Assistant Secretary-Treasurer