

## MINUTES OF THE 427TH MEETING OF THE OHIO TURNPIKE COMMISSION

February 3, 1997

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:00 a.m. on February 3, 1997, with members of the staff: Gino Zomparelli, General Counsel and Deputy Executive Director-External Services; Robert Arlow, Deputy Executive Director-Operations; Anthony A. DiPietro, Deputy Executive Director-Administration; Craig Rudolphy, Comptroller; David H. Ransbury, Chief Engineer; Daniel F. Castrigano, Maintenance Engineer; Sharon Isaac, Director of Toll Operations; John Mitchell, Director of Management Information Services; and others in attendance.

Present: Umberto P. Fedeli, Ruth Ann Leever, Earl W. Williams, Gary Joseph, Senator M. Ben Gaeth, Representative Richard A. Hodges

Absent: Marilyn R. Baker, Jerry Wray

The Chairman said the minutes of the last Commission meeting held on December 16, 1996, had been distributed to the Members for their comments and he would accept a motion to adopt them without reading.

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

Ayes: Ruth Ann Leever, Earl W. Williams, Gary Joseph, Umberto P. Fedeli

Nays: None

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

The Chairman said the meeting was the 427th of the Ohio Turnpike Commission. He said it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Mrs. Baker and Mr. Wray were unable to attend the day's meeting. He said Gary Joseph, Deputy Executive Director of Economic Development, was authorized to represent and vote for Mr. Wray.

The Chairman said there were a number of guests at the meeting and he would ask them to identify themselves as follows: Paul Sciria, Sciria Associates; Ed Presley, Key Bank; Richard Boylan, R. L. Boylan & Associates; Mike Kurey, Advanced Restaurant Concepts (ARCI); Herb Gill, Gladioux Enterprises; Kris Wuestefeld, TDC; Captain Paul Ash, OSHP; Jennifer Garver, McDonald & Co.; Chuck Cook, Morgan Stanley; Stratford Shields, Morgan Stanley; Steve Wood, Paine Webber, Inc.; Eric Erickson, The Ohio Company; Bobby Everhart, URS/Greiner; Cleve Brooks, SBK Brooks; David Patch, The (Toledo) Blade; Tony Palombo, Staff Counsel; Bob Barnett, Public Affairs; Barbara Lesko, Executive Director's Secretary; and Diane Pring, General Counsel's Secretary. (Bob Brown and Charlie Visconti, both from Key Capital Markets, arrived at the meeting at 10:30 a.m.)

Mr. Plain said that he wanted to introduce two new employees. He said Cassandra Thomas was the Commission's Minority Business Enterprise (MBE) Coordinator and Assistant to the Deputy Executive Director-External Services. He said the other was a familiar face, Rob Fleischman, who had been appointed the new Assistant Chief Engineer.

The Chairman said that various reports would then be received and the Commission would act on a number of 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. He said the report of the Assistant Secretary-Treasurer, Mr. Plain, would be received.

Mr. Plain said the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission on December 16, 1996:

1. Weekly Traffic Statistics
2. Traffic Accident Summary for December 1996
3. Traffic and Revenue Report for December 1996 and Year 1996
4. Financial Statement for December 1996
5. Draft of Commission Meeting Minutes, December 16, 1996
6. Investment Transactions December 1996
7. Budget and Expense Report for Year 1996
8. News Releases:   #39   Turnpike to Open Exit 3B  
                          #40   Turnpike moves to Renovate Service Plazas  
                          #41   Free New Year's Eve Coffee  
                          #42   20% Toll Increase Announcement

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

The Chairman asked Mr. DiPietro if there had been any meetings with employees.

Mr. DiPietro said there hadn't been any for some time. He said there had been some labor/management meetings with the union. He said that specific employee meetings had not resumed, but they would very shortly.

The Chairman said he thought that was a good idea. He said that if any of the Commission Members wanted to attend any of the meetings they were welcome to do so. He said he attended seven meetings in the past.

Mr. Plain said that the meetings would be set up and the staff would make sure the Members were aware of the dates in case they could work them into their schedules.

The Chairman said the meetings generated a lot of good ideas.

Mr. Williams said the meetings boosted employee morale and that was important.

Mr. Plain said that before getting into the resolutions he wanted to mention that in the latest Hanna Report it stated that Senator Gaeth was presented with a certificate of special recognition for his outstanding service as Chairman of the Senate Agricultural Committee. He said that each member of the committee commended the Senator for his more than 20 years of

service. He said the Senator was currently serving as Vice Chairman of the committee and he just wanted to make special note of the great job Senator Gaeth had done.

Mr. Plain said also that notices had been sent out to the Members, but he just wanted to re-affirm that Senator Oelslager, Chairman of the Turnpike Oversight Committee, had announced dates for the committee meetings. He said the first one would be held on February 21st at the Commission's headquarters in Berea at 1:30 p.m. He said he urged all the Members to attend.

Mr. Plain said that Mr. Arlow would talk about the construction projects later in the meeting and also mention the opening of the new interchange that week.

Mr. Plain said that the first resolution he had was the resolution awarding Contract 59-96-04 for the mainline repairs and resurfacing of original Construction section C-19 between Milepost 160 and 161.7, just east of the administration building, including guardrail improvements and the widening of the Eastland Road Bridge, all in Cuyahoga County. He said there were three bidders and he would like to read the Resolved as follows:

"RESOLVED that the bid of The Great Lakes Construction Company of Cleveland, Ohio, in the amount of \$3,422,640.91, using crushed, air-cooled blast furnace slag, for the performance of Contract No. 59-96-04, 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 59-96-04 is designated a System Project under the Commission's 1994 Master Trust Agreement.

The Chairman abstained from moving, deliberating and voting on the motion identified as Resolution No. 1-1997.

A Resolution Awarding Contract No. 59-96-04 was moved for adoption by Mr. Williams, seconded by Mr. Joseph as follows:

**RESOLUTION NO. 1-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for mainline repairs and resurfacing of original construction sections C-19, between Milepost 160.0 to Milepost 161.7, including guardrail improvements and Eastland Road Bridge widening, in Cuyahoga County, Ohio;

"WHEREAS, the Commission has received bids from three bidders and each bidder submitted alternate bids for the performance of said contract;

"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 Great Lakes Construction Company of Cleveland, Ohio, in the amount of \$3,422,640.91 using crushed, air-cooled blast furnace slag, for the performance of Contract No. 59-96-04 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 Great Lakes Construction Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Great Lakes Construction Company of Cleveland, Ohio, in the amount of \$3,422,640.91, using crushed, air-cooled blast furnace slag, for the performance of Contract No. 59-96-04, 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. 59-96-04 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mr. Williams, Mr. Joseph, Mrs. Leever

Nays: None

Abstain: Mr. Fedeli

The Chairman said that the resolution stood adopted with all Members present, except him, voting in the affirmative. The resolution was identified as No. 1-1997.

Mr. Plain said also that the next resolution he had was a resolution awarding Contract No. 43-97-11 for the reconstruction of Toll Gate 8 ramp bridge located at Milepost 145.5 in

Lorain County, Ohio. He said there were six bidders on that particular contract and he would read the Resolved as follows:

"RESOLVED that the bid of The S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$1,857,841.60 for the performance of Contract No. 43-97-11, 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. 43-97-11 is designated a System Project under the Commission's 1994 Master Trust Agreement."

The Chairman abstained from moving, deliberating and voting on the motion identified as Resolution No. 2-1997.

A Resolution Awarding Contract No. 43-97-11 was moved for adoption by Mrs. Leever, seconded by Mr. Williams as follows:

**RESOLUTION NO. 2-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the reconstruction of the Toll Gate 8 ramp bridge located at Milepost 145.5 in Lorain County, Ohio;

"WHEREAS, the Commission has received bids from six bidders for the performance of said contract;

"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 \$1,857,841.60 for the performance of Contract No. 43-97-11 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 \$1,857,841.60 for the performance of Contract No. 43-97-11, 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. 43-97-11 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Leever, Mr. Williams, Mr. Joseph

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members present, except him, voting in the affirmative. The resolution was identified as No. 2-1997.

Mr. Plain said the third resolution was for award of Contract No. 77-97-04 for third-lane construction between Mileposts 187.43 to 193.38 located in Portage County, Ohio. He said that there were five bidders and he would read the Resolved of the resolution as follows:

"RESOLVED that the bid of Northern Ohio Paving Company of Twinsburg, Ohio in the amount of \$15,013,756.38, using crushed slag surface course, for the performance of Contract No. 77-97-04, 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 the 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. 77-97-04 is designated a System Project under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Contract No. 77-97-04 was moved for adoption by Mr. Joseph, seconded by Mrs. Leever as follows:

**RESOLUTION NO. 3-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for 3rd lane construction between Milepost 187.43 to Milepost 193.38 located in Portage County, Ohio;

"WHEREAS, the Commission has received bids from five bidders and each bidder submitted alternate bids for the performance of said contract;

"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 Northern Ohio Paving Company of Twinsburg, Ohio in the amount of \$15,013,756.36, using crushed slag surface course, for the performance of Contract No. 77-97-04 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 Northern Ohio Paving Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Northern Ohio Paving Company of Twinsburg, Ohio, in the amount of \$15,013,756.36, using crushed slag surface course, for the performance of Contract No. 77-97-04, 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. 77-97-04 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mr. Joseph, Mrs. Leever, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 3-1997.

Mr. Plain said the fourth resolution was a resolution authorizing the Executive Director to take further action concerning the award of contract(s) for various insurance programs. He said that on December 5, 1996, the Commission issued an RFP for proposals to underwrite various insurable risks, namely: property, crime and liability insurance programs for a period commencing March 1, 1997. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby authorizes the Executive Director to consider the recommendations of the Commission's independent insurance consultant, Crain, Langner & Co., as well as the Commission's General Counsel and staff members, and hereby authorizes the Executive Director to select one or more of the insurance agencies to provide the Commission's property, crime and liability insurance program coverage, as more fully described above, and further authorizes and directs the Executive Director to enter into contract(s) with the insurance agency providing the most favorable insurance coverage in accordance with the terms and conditions of the Commission's Request for Proposals and the successful insurance agency's proposal and further directs the Executive Director to inform the Commission of his actions."

Mr. Williams asked if the Members or the Executive Director made the ultimate decision on insurance agency selections.

Mr. Plain said it would be a combination of the Commission's consultant, General Counsel and other staff members reviewing the proposals. He said he would then have authority to enter into a contract.

Mr. Zomparelli said Ken Butler of Crain was doing a good job going through each proposal and he said he thought it was important to point out that Mr. Butler's firm did not sell insurance. He said the firm's job was strictly risk management. He said the staff would be meeting with Mr. Butler sometime that week to go over what his recommendations would be after he had reviewed all the proposals and then that resolution gave the Executive Director authority to enter into a contract. He said that depending upon how it turned out, it might not even exceed the \$500,000 requirement for Commission action. He said the resolution was just a precaution in the event that it was going to exceed \$500,000.

The Chairman asked if the expiration date was before the next Commission Meeting.

Mr. Zomparelli said it would expire on March 1. He said the next Commission meeting would not be until sometime in mid-March and that was why the action was necessary.

The Chairman said he was going to abstain. He said he didn't have a conflict, but to avoid any appearance of conflict he would abstain. He said there may be an insurance company that might bid through one of the other agents that his company represented.



A Resolution Authorizing the Executive Director to Take Further Action Concerning the Award of Contract(s) for Various Insurance Programs was moved for adoption by Mr. Williams, seconded by Mrs. Leever as follows:

**RESOLUTION NO. 4-1997**

"WHEREAS, on December 5, 1996, the Commission issued a Request for Proposals (RFP) to underwrite various insurable risks, namely property, crime and liability insurance programs for a period commencing March 1, 1997;

"WHEREAS, insurance proposals were received on January 24, 1997, from five insurance agencies expressing an interest in providing the Commission's insurance coverage;

"WHEREAS, all proposals are in the process of being reviewed, analyzed and evaluated by the Commission's staff and Crain, Langner & Co., the Commission's independent insurance consultant,

"WHEREAS, it is expected that Crain, Langner & Co. will be forwarding its recommendation within the next two weeks and will advise the Commission as to whether it is in the Commission's best interests to accept proposals for a one-year, two-year or three-year prepaid premium;

"WHEREAS, the Commission's general counsel and members of the Commission's staff will review Crain, Langner & Co.'s recommendation and make their recommendation to the Executive Director;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby authorizes the Executive Director to consider the recommendations of the Commission's independent insurance consultant, Crain, Langner & Co., as well as the Commission's general counsel and staff members, and hereby authorizes the Executive Director to select one or more of the insurance agencies to provide the Commission's property, crime and liability insurance program coverage, as more fully described above, and further authorizes and directs its Executive Director to enter into contract(s) with the insurance agency providing the most favorable insurance coverage in accordance with the terms and conditions of the Commission's Request for Proposals and the successful insurance agency's proposal and further directs the Executive Director to inform the Commission of his actions."

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

Ayes: Mr. Williams, Mrs. Leever, Mr. Joseph  
Nays: None  
Abstain: Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members present, except him, voting in the affirmative. The resolution was identified as No. 4-1997.

Mr. Plain said also that resolution number five resulted from a meeting the staff had with officials of the FHWA (Federal Highway Administration) regarding the Commission's new Class 12 tolls for Michigan loads. He said the FHWA had some problems with the weights and was working with the Ohio Department of Transportation to try to resolve that situation. He said the Commission remained consistent with what ODOT was doing and what the FHWA required. He said he would read a portion of the resolution with the Resolveds as follows:

"Pursuant to Resolution No. 59-1996, the Commission established toll rates for Interchanges 3B and 4A and established a new Toll Class 12, and

"RESOLVED that the Commission hereby amends Resolution No. 59-1996 and Resolution No. 67-1996 which adopted the toll rates for new Interchanges 3B and 5A, and established a new toll class 12, between Exits 3B and 4A, and effective February 3, 1997, will apply to both single trailer vehicles and LCVs weighing between 127,400 and 154,000 pounds, under special provisions and permit requirements as are established by the Commission, from time to time, however, all long double-combination vehicles (LCVs) shall be limited to 127,400 pounds pursuant to the ISTEA weight freeze and any other federal laws limiting weight and length until such time as federal law permits LCVs to operate with weights up to 154,000 pounds; and

"FURTHER RESOLVED, the Commission adopts the toll rates identified in Resolution No. 59-1996 and 67-1996 for single trailer vehicles and LCVs and directs that a certified copy of this resolution be filed with the trustee pursuant to Section 4.04(f) of the Commission's Master Trust Agreement dated February 15, 1994."

Mr. Plain said ISTEA contained some language involving what the feds considered LCVs. He said the Commission considered the LCVs as the long doubles and the triple combinations that ran on the Turnpike. He said there were a number of others called short-double combination vehicles that were legal on ODOT's state routes and highways, but the federal government had a different interpretation under the ISTEA provision. He said the provision included any double trailer as part of an LCV when it applied to those regulations and weight restrictions.

Mr. Plain said further that the federal government grandfathered some of the agencies such as the Commission that had long doubles and 127,000 weight classification so those vehicles could continue to travel on the Turnpike. He said that the feds would not let any interchanges or any other state routes handle them. He said that, therefore, the Commission was going to limit what was being permitted on the Turnpike.

Mr. Plain said further that also there would be state limitations of vehicles exiting the Turnpike at Interchange 4A (I-75). He said that perhaps Mr. Joseph would know if ODOT was going to attempt to have the law changed, which had been done in several states to accommodate the Michigan-type loads on other roads in a specific system.

Mr. Joseph said he did know that ISTEA was going to be re-authorized in the next federal budget after the fiscal year ended on September 30, 1997. He said there was an

opportunity to have the law regarding double loads changed before the budget was approved, but he was not sure ODOT would be introducing legislation to have that done.

Mr. Plain said further that other states do permit the heavier loads. He said that Michigan was grandfathered in and there was another state or two out west that were operating the heavier loads on the interstate system. He said they could not operate any place else under the ISTEA legislation. He said that some of the states had asked for temporary permits to operate those loads because it took an act of Congress to change that regulation.

Mr. Plain said further that he was not sure Ohio would push to change the legislation so he wanted to make sure the Commission was consistent with what was happening every place else in Ohio. He said that the federal government had indicated they would take sanctions against ODOT for any violations. He said that, although the Commission did not receive any federal funding, ODOT did and was subject to federal sanctions. He said he didn't want anything to happen to ODOT due to a possible weight violation on the Turnpike.

A Resolution Amending Resolution No. 59-1996 and 67-1996 regarding New Toll Class 12 Weight Limitations was moved for adoption by Mrs. Leever, seconded by Mr. Joseph as follows:

**RESOLUTION NO. 5-1997**

"WHEREAS, pursuant to Resolution No. 59-1996, the Commission established toll rates for Interchanges 3B and 4A and established a new toll class 12;

"WHEREAS, pursuant to Resolution No. 67-1996, adopted November 12, 1996, the Commission amended Resolution No. 59-1996 regarding new toll class 12 which increased the weight limitation range of long double-combination vehicles (LCVs) weighing between 127,400 and 154,000 pounds;

"WHEREAS, toll class 12 applies to long double-combination vehicles (LCVs) weighing between 127,400 and 154,000 pounds and operating between Exits 3B to 4A under special provisions and permit requirements established by the Commission. The toll rate for class 12 is the sum of that charged for a class 7 vehicle and a class 9 vehicle;

"WHEREAS, the U. S. Department of Transportation has recently advised the Commission that the Commission's policy applying to long-double combination vehicles (LCVs) weighing over 127,400 pounds conflicts with the vehicle weight freeze imposed by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) [23 U.S.C. 127(d), 23 C.F.R. 658.23 and Appendix C];

"WHEREAS, the Commission's Executive Director recommends to amend Resolutions numbered 59-1996 and 67-1996 to comply with the above-mentioned ISTEA weight freeze limitations and its General Counsel and Traffic & Field Engineer concur in said recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby amends Resolution No. 59-1996 and Resolution No. 67-1996 which adopted the toll rates for new Interchanges 3B and 5A, and

established a new toll class 12, between Exits 3B to 4A, and effective February 3, 1997, will apply to both single trailer vehicles and LCVs weighing between 127,400 and 154,000 pounds, under special provisions and permit requirements as are established by the Commission, from time to time, however, all long double-combination vehicles (LCVs) shall be limited to 127,400 pounds pursuant to the ISTEA weight freeze and any other federal laws limiting weight and length until such time as federal law permits LCVs to operate with weights up to 154,000 pounds; and

"FURTHER RESOLVED, the Commission adopts the toll rates identified in Resolution No. 59-1996 and 67-1996 for single trailer vehicles and LCVs and directs that a certified copy of this resolution be filed with the trustee pursuant to Section 4.04(f) of the Commission's Master Trust Agreement dated February 15, 1994."

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

Ayes: Mrs. Leever, Mr. Joseph, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 5-1997

Mr. Plain said also that the sixth resolution was a resolution designating certain projects as "Systems Projects" under the Commission's Master Trust Agreement of 1994. He said he would read the Resolved and the attachment, Exhibit "A", was attached to the resolution listing those projects:

"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."

Mr. Plain said the projects were: 48-97-01; 71-96-52; 71-97-02 and 71-97-06.

A Resolution Designating Certain Projects as "System Projects" under the Commission's Master Trust Agreement of 1994 was moved for adoption by Mr. Joseph, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 6-1997**

"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;

"WHEREAS, the comptroller has reviewed proposed projects 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."

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 February 3, 1997, meeting:

The projects are as follows:

- 48-97-01** Administration Building - improvements, repairs and replacement (design and installation of security system)
  
- 71-96-52** Engineering-Consulting Service: Preliminary architectural-engineering services in connection with the replacement of sixteen service plaza buildings and related site renovation.
  
- 71-97-02** Engineering -Consulting Service: Engineering design services - mainline resurfacing, Milepost 177.4 to 180.1 and the resurfacing of Interchange #12.
  
- 71-97-06** Engineering-Consulting Service: Preliminary and final design work of the widening of S.R. 250 at Interchange #7; including the replacement of the Norfolk-Southern Railroad Bridge over S.R. 250 to accommodate the widened S.R. 250 located in Erie County, Ohio.

**Exhibit "A"**

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

Ayes: Mr. Joseph, Mr. Williams, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 6-1997.

The Chairman said the report of the Executive Director was accepted as offered. He said the report of the Deputy Executive Director-Operations would be received.

Mr. Arlow said the new Interchange 5A, which was a Turnpike connection with State Route 51 in Sandusky-Ottawa Counties was complete and would be opening on Thursday, February 6 at 10:00 a.m. He said the interchange was called the Elmore/Woodville-Gibsonburg interchange. He said he was happy to say it was complete with only the final touches being applied.

The Chairman asked what number the interchange was.

Mr. Arlow said it was the Turnpike's 29th interchange.

Mr. Plain said it was the 29th toll interchange and there were 30 overall.

The Chairman asked where it stood with regard to new interchanges.

Mr. Arlow said it was number 13.

Mr. Arlow said further that bids would be taken on February 11 for construction of a new interchange with County Road 24 (State Route 66). He said plans called for work to begin in the spring. He said RFPs were sent out for an engineering firm to plan for rehabilitation of the railroad bridge north of the Turnpike's Sandusky-Norwalk (No. 7) Interchange. He said the Commission was paying for the rehabilitation to hasten the widening of State Route 250. He said the RFPs were due back on February 18th.

Mr. Arlow said further that the staff was presently upgrading plans to accommodate the railroad in construction of the new interchange with State Route 58 in Lorain County.

Mr. Plain said he had been in contact with the Ohio Rail Authority. He said they were close to having an agreement worked out to sell bonds for the project. He said they would be making a proposal to the staff within several weeks. He said the staff would review the proposal and have a recommendation before the Commission probably at the next meeting.

The Chairman asked Mr. Arlow if he expected heavy construction this spring/summer.

Mr. Arlow said construction would be quite heavy. He said there would be four third-lane projects and numerous overhead bridges undergoing rehab to make way for the next wave of third-lane projects, which would begin in 1998. He said that specifications in the bidding process directed that construction be shutdown from noon to 10:00 p.m. on Friday afternoons

and Sunday evenings. He said that action should help eliminate the types of backups experienced last construction season.

Mr. Plain said that, as everybody knew, the first phase of third-lane construction meant that traffic was down to one lane so the outside shoulder could be built up to handle the heavy truck traffic and cars. He said that on Friday and Sunday afternoons and evenings, which were the Turnpike's peak travel periods during the week, two lanes would be open in both directions. He said that should eliminate the number of backups and he thought it would be successful. He said the staff had talked to the contractors and they knew that they had to schedule their work accordingly. He said this procedure would not eliminate backups totally, but should drastically reduce them.

The Chairman said that some of the recent newspaper articles stated that there had been a decrease in Turnpike traffic. He said the Commission had projected that with the toll increase there would be a slight decrease, but he still thought the biggest reason for the decrease had been the construction. He said that in July and August when mainline resurfacing was finished, traffic came right back up. He said that it was an indicator that construction had been a little bit of a deterrent. He said that there was no way road work could be done without doing it in the summer months.

Mr. Arlow said the Commission's consultant projected there would be about a 3.7% reduction in traffic the first year of third-lane construction. He said the actual figure was about 2.3%. He said it was not as bad as projected. He said the staff knew there would be some reduction in traffic because of construction.

The Chairman said the Commission was not shocked and had planned for it. He said his prediction was once construction of the third lane was done and all the new interchanges were built traffic would go up significantly. He said that in 10 or 15 years people would say that the Commission had some courageous Members making decisions that made sense.

Mr. Plain said that he had heard only good comments from those who had driven the Turnpike in the third-lane sections. He said he was sure the Members had been out there on the third-lane sections. He said it was quite a difference when you didn't have to worry about trucks in that lane and passing one another. He said you didn't have to spend 15 or 20 minutes following trucks until you could get around them and be on your way.

The Chairman said that he didn't know if a many people realized that trucks were not allowed in the third lane. He said the were assigned to the two right lanes. He said he didn't have anything against trucks, but when you were behind them it was hard to see and more difficult to drive in those conditions.

Mr. Plain said that he just came back on I-71 and it also was crowded. He said that if you got behind a truck it might take 20 minutes before you could get around. He said that he knew that ODOT was suffering the same problems and adding new lanes at I-271. He said they also were talking about adding lanes on I-71, I-77 and some of the other areas. He said it was something the Commission and ODOT were both facing and they had to deal with it.

Mr. Plain said further that he commended the Commission for having the foresight to do it before the Turnpike was up to its ears in vehicles and many longer traffic delays. He said the third lane was needed and warranted. He said the Turnpike could not be compared to other



roads on the interstate system because our customers were paying the gasoline tax and they also were paying a toll to use the road. He said drivers on the interstate system were just paying the gas tax, but our customers were paying a user tax and they didn't want to be delayed. He said they wanted a smooth pavement, a safe ride and it was important to make that distinction. He said most of the newspapers had not been able to figure that out with the exception of The (Toledo) Blade.

Representative Hodges said that a couple of weeks ago Mr. Rudolphy sent out the traffic numbers and it showed that during the second week in December traffic was down about 17%. He said he knew traffic was down a little bit during the construction season because of that work. He said that in December no construction was going on and in Wauseon there were not any snow storms, so he was wondering about the 17% traffic drop.

Representative Hodges said further that he wrote Mr. Plain about the situation and Mr. Plain and Mr. Patton, on one of their regular visits to talk to legislators, explained it to him. He said they stopped to see him and said that, although there had been no snow storms in Wauseon, there was a storm in the mid-western United States. He said there had been some very large snow storms during that week and they impressed upon him that the Turnpike was a major artery connecting coast-to-coast. He said that considering the lousy weather across the country and the construction that had been going on it was remarkable that traffic was down only 2.3% overall.

Mr. Plain said that the Commission always said the Turnpike was an economic barometer. He said the Commission usually knew about 6 months ahead of time what the economy was doing because of the amount of truck traffic.

The Chairman said the report of Mr. Arlow was accepted as offered. He said the report of Captain Ash would be received.

Captain Ash said that the Turnpike's fatal crash ratio remained at 0.5 percent in 1996 or 0.5 fatal crashes per 100,000,000 miles traveled. He said that was probably the lowest in the country. He said that Ohio had 1.4 crashes per 100,000,000 miles and nationally it was 1.7. He said Ohio, in general, was the lowest of the eight most populated states, so the Turnpike remained extremely safe.

The Chairman said that, in case anyone forgot, the Commission was concentrating on safety, accessibility and economic development, but safety was always number one.

Mr. Plain said the Commission was not happy with 0.5. He said SNAP alerts were being installed on the inside and outside shoulders along the entire Turnpike to jolt drivers veering off the roadway. He said that also 50-inch concrete barriers would separate opposing lanes of traffic in the third-lane sections. He said that both safety measures should help to improve the fatal crash ratio on the Turnpike. He said that the 0.5 equated to fatalities somewhere along the line and if those fatalities could be reduced by any amount it would be a job well done.

Mr. Williams asked if there were certain areas where more fatalities took place.

Captain Ash said there were not any particular places, but that sleepy drivers were the primary cause of fatal accidents.

Mr. Plain said that looking at statistics over the years it appeared that they were really random. He said that the minor accidents occurred where there were points of conflict at interchange and service plaza acceleration and deceleration ramps. He said those fender benders were due to the changing speed of the traffic. He said that, however, fatalities took place when drivers fell asleep or took their eyes off the road to look in the back seat. He said that once that happened they usually drove off the road and hit something.

Mr. Williams said that it appeared that location was not necessarily important in terms of where those accidents took place.

The Chairman asked the Captain if alcohol was a factor in the fatal crashes.

Captain Ash said no alcohol was involved in any fatal crashes in 1996. He said that only 3% of all other accidents resulted from alcohol consumption, which was extremely low.

Mr. Plain said that was one of the benefits of the Turnpike's closed system. He said the Toll Collectors watched out for any open alcohol containers and informed the Patrol to have them pulled over before accidents occurred.

Mr. Plain said further that another point was that the Turnpike was a primary route used by out-of-state drivers to reach major tourist attractions like Cedar Point. He said motorists in Pennsylvania or Michigan, who got up early in the morning to reach those attractions at opening times via the Turnpike, often become sleepy and accident prone. He said that was why drivers were encouraged to stop at the service plazas, get out of their cars, walk around and continue on with a safe drive.

Senator Gaeth asked what was the expectant time frame for the first opening of a renovated or new service plaza.

Mr. Plain said the staff was going to meet with the architect to try to put a schedule together and by the next Commission meeting on March 17 there would be a report. He said that at that time he could give the Members a better idea of how long it would take, which plazas would be affected and when they would be in operation. He said he knew that the staff had to move into that area quickly and it was a high priority. He said the staff had been working on it for a long time trying to get everything right.

The Chairman asked Mr. Everhart if he had a report.

Mr. Everhart said he did have a comment to make. He said that when talking about the influence of the weather outside Ohio on Turnpike traffic a statistic came to mind. He said he probably said it before, but he thought it was a good time to bring it up again. He said that 90% of Class 2 through Class 11 tolls were collected from commercial traffic that had origins and/or destinations outside Ohio. He said that was a rather mind-boggling statistic, but true. He said that what was happening outside Ohio had a tremendous influence on the Turnpike's traffic.

Senator Gaeth asked if there was a figure for passenger cars.

Mr. Everhart said he thought about 78% had origins and/or destinations outside Ohio.

Senator Gaeth said that 22% of drivers complaining about things were local drivers.

The Chairman said that for truckers the figure was even lower, 10%.

The Chairman said the report of the General Consultant was accepted as offered.

Mrs. Leever said that she moved the Commission adjourn the regular meeting to hold an executive session in order to confer and discuss with General Counsel certain court actions and disputes involving the Commission which are listed in General Counsel's Litigation Report for the period ending December 31, 1996. She said that at the end of the executive session the Commission meeting would reconvene.

A motion was made by Mr. Williams, seconded by Mr. Joseph that the meeting adjourn until after the executive session. The vote was as follows:

Ayes: Mr. Williams, Mr. Joseph, Mrs. Leever, Mr. Fedeli

Nays: None

(Time of adjournment was 10:55 a.m. The meeting reconvened at 11:35 a.m.)

Mrs. Leever said she moved that the meeting reconvene pursuant to her prior motion.

Mr. Zomparelli said he had some appropriation resolutions to present to the Commission. He said drafts of the resolutions were in the Members folders. He said the first was a resolution declaring the necessity of appropriating property and directing the proceedings to effect such appropriation be begun and prosecuted. He said the owners were listed as: Norma L. Pence, Trustee; William Farrell, Sandusky County Auditor; and Virgil Swartzlander, Sandusky County Treasurer. He said the legal description was attached to the resolution as Exhibits A and B. He said he would read the Resolved as follows:

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

Mr. Zomparelli said the appropriation was necessary for third lane construction in the vicinity of River Road and the Turnpike near Milepost 93. He said he recommended that the resolution be adopted.

A Resolution Declaring the Necessity of Appropriating Property and Directing that Proceedings to Effect Such Appropriation be Begun and Prosecuted was moved for adoption by Mr. Joseph, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 7-1997**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for third-lane construction in the vicinity of the River Road and the Ohio Turnpike near Milepost 93.0 in Sandusky County, Ohio;

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

<u>Owners</u>	<u>Place of Residence</u>
Norma L. Pence, Trustee	501 Cottage Street Fremont, Ohio 43420
William Farrell Sandusky County Auditor	100 N. Park Avenue Fremont, OH 43420
Virgil Swartzlander Sandusky County Treasurer	100 N. Park Avenue Fremont, Ohio 43420

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

**Parcel No. 1WL - Fee Simple**  
**Parcel No. 1WL-1 - Fee Simple**

Legal descriptions are attached as Exhibit "A" and "B".

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

Parcel No. 1WL

Situated in the Township of Sandusky, County of Sandusky and State of Ohio and known as being part of Section 13, T5N, R15E and being more fully described as follows:

Commencing for reference at the center of Section 13;

Thence, North 90° 00' 00" West on Grantor's property line a distance of 1331.88 feet to a point;

Thence, North 0° 10' 12" East on Grantor's property line a distance of 325.38 feet to a point;

Thence, North 90° 00' 00" West on Grantor's property line 1260.60 feet to a point on the centerline of River Road, T. R. 234 and the west line of Section 13;

Thence, North 0° 08' 20" West on the centerline of River Road, T. R. 234 and the west line of Section 13 a distance of 664.60 feet to a point 120.00 feet left of Station 591 + 39.55 on the centerline of a survey of the Ohio Turnpike and the true place of beginning of the parcel herein described;

Thence, North 0° 08' 20" West on the centerline of River Road, T. R. 234 and the west line of Section 13 a distance of 451.38 feet to a point;

Thence North 89° 51' 40" East on the proposed Limited Access Right of Way Line a distance of 145.42 feet to a point;

Thence, South 39° 29' 28" East on the proposed Limited Access Right of Way Line a distance of 622.28 feet to a point;

Thence, South 0° 08' 20" East on the proposed Limited Access Right of Way Line a distance of 103.86 feet to a point on the existing right of way line of the Ohio Turnpike;

Thence, North 76° 14' 10" West on the existing right of way line of the Ohio Turnpike a distance of 556.30 feet to the true place of beginning containing 4.245 acres including the present road which occupies 0.313 acres.

The above described area is a part of Auditors Parcel No. 13-13-00-0018-00 which contains 75.20 acres.

The bearings used in the above description are to an assumed meridian and are used to delineate angles only.

This description is based on a survey made by URS Consultants in November, 1995, under the direction and supervision of Richard E. Rockich Registered Surveyor No. 5680.

Grantor claims title by instrument recorded in Volume 391, Page 52 of the Sandusky County Records.

Exhibit "A"

**Parcel No. 1WL-1**

Situated in the Township of Sandusky, County of Sandusky and State of Ohio and known as being part of Section 13, T5N, R15E and being more fully described as follows:

Commencing for reference at the center of Section 13;

Thence, North 90° 00' 00" West on Grantor's property line a distance of 1331.88 feet to a point;

Thence, North 0° 01' 12" East on Grantor's property line a distance of 325.38 feet to a point;

Thence, North 90° 00' 00" West on Grantor's property line 1260.60 feet to a point on the centerline of River Road, T. R. 234 and the west line of Section 13, said point being 525.13 feet right of Station 592 + 99.23 on the centerline of survey of the Ohio Turnpike and the true place of beginning of the parcel herein described;

Thence, North 0° 08' 20" West on the centerline of River Road, T. R. 234 and the west line of section 13 a distance of 417.35 feet to a point;

Thence South 76° 14' 10" East on the existing right of way line of the Ohio Turnpike a distance of 1298.95 feet to a point;

Thence, South 0° 01' 12" West on the proposed Limited Access Right of Way Line a distance of 108.30 feet to a point;

Thence, North 90° 00' 00" West on the proposed Limited Access Right of Way Line and Grantor's property line a distance of 1260.60 feet to the true place of beginning containing 7.608 acres including the present which occupies 0.285 acres.

The above described area is a part of Auditors Parcel No. 13-13-00-0018-00 which contains 75.20 acres.

The bearings used in the above description are to an assumed meridian and are used to delineate angles only.

This description is based on a survey made by URS Consultants in November, 1995, under the direction and supervision of Richard E. Rockich Registered Surveyor No. 5680.

Grantor claims title by instrument recorded in Volume 391, Page 52 of the Sandusky County Records.

**Exhibit "B"**

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

Ayes: Mr. Joseph, Mr. Williams, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 7-1997.

Mr. Zomparelli said the next resolution was for the appropriation of property for the reconstruction of ramps connecting County Road 18 and the Turnpike's Interchange 15 in the vicinity of Milepost 219.8 in Mahoning County. He said the owners were listed as Robert J. Smith and Betty V. Smith, the auditor is George J. Tablack and the treasurer is George McKelvey. He said the legal description also was attached. He said he would read the Resolved as follows:

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

He said he recommended the resolution be adopted.

A Resolution Declaring the Necessity of Appropriating Property and Directing that Proceedings to Effect Such Appropriation be Begun and Prosecuted was moved for adoption by Mrs. Leever, seconded by Mr. Joseph as follows:

#### **RESOLUTION NO. 8-1997**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the re-construction of the ramps connecting County Road 18 and Ohio Turnpike Interchange 15 in the vicinity of Milepost 219.8 in Mahoning County, Ohio;

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

<u>Owners</u>	<u>Place of Residence</u>
Robert J. Smith	1224 North Lipkey Road North Jackson, OH 44451
Betty V. Smith	1224 North Lipkey Road North Jackson, OH 44451
George J. Tablack Auditor, Mahoning County	120 Market Street Youngstown, OH 43567

George McKelvey  
Treasurer, Mahoning County

120 Market Street  
Youngstown, OH 43567

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

**Parcel No. 15-2WL - Fee Simple**

A legal description is attached as Exhibit "A";

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



**Parcel No. 15- 2WL**

Situated in the Township of Jackson, County of Mahoning, State of Ohio and known as being a part of Tract 13, Township 2 North, Range 4 West, also known as being a portion of a parcel of land conveyed to Robert J. Smith as recorded in Deed Book 598, Page 464 of said County's records, and being further bounded and described as follows:

Commencing at 5/8" rebar found, said rebar being on the centerline of Lipkey Road and also being the southeast corner of said Tract 13, thence along said centerline, N 0° 07' 10" E for a distance of 678.65 feet to a point, said point being a southeast corner of said Smith, thence along the south line of said Smith, S 89° 48' 17" W for a distance of 2211.99 feet to a 5/8" rebar with cap GPD set, said rebar being 1162.10 feet left of station 134+66.13 of the centerline of the Ohio Turnpike, said rebar also being the True Place of Beginning of the parcel of land hereinafter described, thence clockwise along the following nine (9) courses and distances:

- 1) Thence continuing along said south line, S 89° 48' 17" W for a distance of 309.94 feet to a southwest corner of said Smith;
- 2) Thence along a west line of said Smith, N 0° 10' 25" E for a distance of 636.70 feet to a 5/8" rebar found on a south limited access line of Interstate 80, said point being 298.91 feet right of station 470+13.47 on the centerline of said Interstate 80, and 1230.34 feet left of station 127+63.10 on the centerline of the Ohio Turnpike;
- 3) Thence along said limited access line, S 44° 22' 23" E for a distance of 154.98 feet to a point;
- 4) Thence continuing along said limited access line, S 54° 10' 42" E for a distance of 159.44 feet to a point;
- 5) Thence continuing along said limited access line, S 59° 39' 58" E for a distance of 157.00 feet to a point;
- 6) Thence continuing along said limited access line, S 75° 05' 58" E for a distance of 269.26 feet to a point;
- 7) Thence continuing along said limited access line, N 89° 26' 21" E for a distance of 226.38 feet to a 5/8" rebar with cap GPD set;
- 8) Thence S 81° 51' 45" W for a distance of 569.54 feet to a 5/8" rebar with cap GPD set;
- 9) Thence S 3° 20' 50" E for a distance of 205.06 feet to the True Place of Beginning and containing 4.3337 acres of land, more or less, and subject to all easements, restrictions and covenants of record and subject to a channel easement granted to the State of Ohio, as surveyed under the supervision of James E. Karing, P.S. Number 7539, for Glaus, Pyle, Schomer, Burns, and DeHaven Inc., in October of 1995.

**Exhibit "A"**

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

Ayes: Mrs. Leever, Mr. Joseph, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 8-1997.

Mr. Zomparelli said further that the third appropriation resolution was for obtaining a perpetual easement necessary for the construction of a sanitary sewer line at Interchange 4 located at Milepost 59.8 in Lucas County. He said the owners were listed as Donald R. Kenny, the Auditor is Larry Kaczala and the Treasurer is Ray Kest. He said the legal description for the perpetual easement also was attached. He said he would read the Resolved as follows:

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

Mr. Zomparelli said he also recommended that the resolution be adopted.

A Resolution Declaring the Necessity of Appropriating Property and Directing that Proceedings to Effect Such Appropriations be Begun and Prosecuted was moved for adoption by Mr. Williams, seconded by Mr. Joseph as follows:

#### **RESOLUTION NO. 9-1997**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said perpetual easement is necessary for the construction of a sanitary sewer line at Interchange 4 located at Milepost 59.8 in Lucas County, Ohio;

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

<u>Owners</u>	<u>Place of Residence</u>
Donald R. Kenney Triangle Real Estate	6099 Frantz Road Dublin, OH 43017
Larry Kaczala Auditor, Lucas County	One Government Center Toledo, OH 43603
Ray Kest Treasurer, Lucas County	One Government Center Toledo, OH 43603

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

**Parcel No. 1-U - Perpetual Easement**

A legal description is attached as Exhibit "A";

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

Parcel No. 1-U

A parcel and land being part of the Northeast quarter (1/4) of Section twenty-six (26), Town two (2), United States Reserve of 12 miles square at the foot of the Rapids of the Miami of Lake Erie, in the City of Maumee, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the southeast corner of said Northeast quarter (1/4) of Section twenty-six (26), thence in a westerly direction along the south line of said Northeast quarter (1/4) of Section twenty-six (26), having an assumed bearing of South eighty-seven (87) degrees, fifteen (15) minutes, twenty-one (21) seconds West a distance of one hundred ten and zero hundredths (110.00) feet to the intersection of a line drawn one hundred ten and zero hundredths (110.00) feet westerly of and parallel with the east line of said Northeast quarter (1/4) of Section twenty-six (26) as described in Volume 1535, Page 246, Lucas County Deed Records, said intersection being the TRUE POINT OF BEGINNING; thence South eighty-seven (87) degrees, fifteen (15) minutes, twenty-one (21) seconds West along said south line of the Northeast quarter (1/4) of Section twenty-six (26) a distance of one thousand two hundred fifty-one and ninety-five hundredths (1251.95) feet to the intersection of the centerline of Graham Ditch Relocation as described in Volume 1532, page 62, Lucas County Deed Records; thence North forty-one (41) degrees, fifty-one (51) minutes, thirty-one (31) seconds East along said centerline of Graham Ditch Relocation, a distance of six hundred seventy-four and forty-one hundredths (674.41) feet to a point of curve in said centerline of Graham Ditch Relocation; thence along an arc of curve to the left, along said centerline of Graham Ditch Relocation; an arc length of four hundred seventy-two and fourteen hundredths (472.14) feet to a point of tangency, said arc of curve to the left a radius of eight hundred eighteen and fifty-one hundredths (818.51) feet, a central angle of thirty-three (33) degrees, three (03) minutes, zero (00) seconds, a tangent length of two hundred forty-two and eighty-four hundredths (242.84) feet, a chord length of four hundred sixty-five and sixty-two hundredths (465.62) feet and a chord bearing of North twenty-five (25) degrees, twenty (20) minutes one (01) second East; thence North eight (08) degrees, forty-eight (48) minutes, thirty-one (31) seconds East along said centerline of Graham Ditch Relocation, a distance of fifty-six and seventy-five hundredths (56.75) feet to the intersection of the southwesterly right of way line of the Ohio Turnpike as described in Volume 1532, Page 59, Lucas County Deed Records; thence South eighty (80) degrees, fifty-eight (58) minutes, forty-four (44) seconds East along said southwesterly right of way line of the Ohio Turnpike, a distance of ninety-five and seventy-three hundredths (95.73) feet to an angle point in said southwesterly right of way line of the Ohio Turnpike; thence South fifty-eight (58) degrees, forty-one (41) minutes, twenty-nine (29) seconds East along said southwesterly right of way line of the Ohio Turnpike, a distance of two hundred eighty-eight and forty-four hundredths (288.44) feet to an angle point in said southwesterly right of way line of the Ohio Turnpike; thence South forty-four (44) degrees, fifty-three (53) minutes, thirty-one (31) seconds East along said

**Parcel 1-U** (Continued)

southwesterly Right-of-way line of the Ohio Turnpike, a distance of sixty-two and forty-seven hundredths (62.47) feet to the TRUE POINT OF BEGINNING; thence continuing South forty-four (44) degrees, fifty-three (53) minutes, thirty-one (31) seconds East along said southwesterly Right-of-way line of the Ohio Turnpike, a distance of twenty and thirty-eight hundredths (20.38) feet to a point; thence South thirty-four (34) degrees, two (02) minutes, thirty-eight (38) seconds west a distance of three hundred twenty (320) feet to the intersection of the right of way line of Tollgate Drive thence northwesterly along said right of way line along the arc of a curve to the left a distance of twenty and thirty-three hundredths (20.33) feet to a point said arc to the left having a radius of sixty-five (65) feet, a central angle of seventeen (17) degrees, fifty-five (55) minutes, thirteen (13) seconds, a tangent length of ten and twenty-five hundredths (10.25) feet, a chord length of twenty and twenty-five hundredths (20.25) feet and a chord bearing of north sixty-four (64) degrees, fifty-four (54) minutes, fifty-eight (58) seconds west; thence north thirty-four (34) degrees, two (02) minutes, thirty-eight (38) seconds east a distance of three hundred twenty-seven and six hundredths (327.06) feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains an area of 6,459.92 square feet or 0.15 acres of land, more or less.

This description is based on a General Warranty Deed description recorded at Vol. 86, page 565, Lucas County Deed Records.

**Exhibit "A"**

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

Ayes: Mr. Williams, Mr. Joseph, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 9-1997.

Mr. Zomparelli said the last thing he had to present before the Commission was a draft resolution titled, Resolution Awarding Contract for Toll Information System Upgrade. He said the resolution was drafted in response to an RFP issued on or about October 5, 1996, by the Commission for the furnishing of a toll information system upgrade. He said the Commission received responses from two firms expressing an interest in furnishing 250 new lane controller/weight classification units at all Commission toll plaza locations, including embedded software, special tools, documentation, spares, test equipment, training and all necessary incidentals in compliance with the Commission's specifications.

Mr. Zomparelli said further that when the bids were received the Executive Director instructed John Mitchell, the Commission's Director of Management & Information Systems, to set up a project review team consisting of Commission staff. He said five members were selected and the five came up with an ultimate recommendation to award this toll information system upgrade to TDC.

Mr. Zomparelli said he drafted a resolution, but Mr. Mitchell was at the meeting to answer any questions that the Members might have in response to the proposals received by the Commission.

Mr. Zomparelli asked Mr. Mitchell if he wanted to make some quick, brief comments to the Commission.

Mr. Mitchell said that a copy of a written report on that particular project was in the Members' folders. He said that, as General Counsel stated, the Commission received two proposals. He said the selection committee consisted of the Deputy Executive Director-Operations, Chief Auditor, Staff Counsel, the Telecommunications Manager and himself. He said the proposals received were both very good and costs were very close.

Mr. Mitchell said further that references provided by the companies were contacted and they were very good in both cases. He said TDC received a higher technical score, provided a lower cost solution and therefore, based on that, it was his recommendation to award the contract to TDC.

Mr. Zomparelli said that Mr. Mitchell also did a site visit in New York, met with TDC's staff and actually had a visual presentation as to how their system would operate. He said he could explain that a little bit more.

Mr. Mitchell said TDC's staff demonstrated their system to him including the software which they already developed. He said their solution was in line with the Commission's intention to purchase off-the-shelf equipment where available. He said TDC had that software

available at the present time. He said the other company did not have it. He said TDC's schedule for implementing the system was 12 months, while the other company's was 18 months. He said that he was sure everyone had read about the year 2000 and the issues that would be affecting business around the world. He said the system upgrade was the Commission's solution to the year 2000.

The Chairman asked how many other Turnpike facilities in the world did TDC consult with or do work for.

Mr. Mitchell said that most of their business was in Europe. He said they were developing a presence in the U.S., particularly parking garages.

The Chairman asked if TDC did any work for toll facilities in Europe.

Mr. Arlow said the company did work for toll operations in Germany, France and China. He said Mr. Mitchell looked at their latest system, which was bound for China.

The Chairman asked if the staff had a chance to check any references.

Mr. Mitchell said the staff checked not only references for the company, but also for their ticket transport which was what the Commission would be using to read its tickets.

The Chairman asked how were the references.

Mr. Mitchell said they were very good.

The Chairman asked if a number of references were checked.

Mr. Mitchell said it was a joint effort between the Commission's outside consultant and its Chief Auditor. He said the two in concert contacted the references and asked questions.

The Chairman asked if the references of the other company were checked.

Mr. Mitchell said they were checked.

The Chairman asked if that company got better references.

Mr. Mitchell said the two bidders earned about the same amount of points. He said that perhaps there was a five point difference. He said they were very close.

Mr. Zomparelli said they were both qualified firms. He said the Commission's outside consultant reviewed both proposals and stated that both firms were responsive to the RFP to begin with and both would be qualified to achieve the Commission's goals. He said the compelling factor the Commission should consider was TDC's time frame versus Syntonic's time frame from implementation of the toll information system.

Mr. Plain said another important point was that the new system would not only address the year 2000, but also it could be used for the creation of a commuter discount program. He said the current system could not be used for that purpose.

The Chairman asked if TDC was a big company.

Mr. Mitchell said their parent company was C. S. Route Company, which was a very large firm in Europe. He said he didn't recall their sales revenues.

Mr. Zomparelli said TDC did meet the bonding requirements in the RFP. He said they also were the lowest responsive bidder.

Mr. Williams asked if the reference checking for both companies was done verbally by phone or in writing.

Mr. Mitchell said it was done verbally by telephone. Her said questions were asked and responses were collected. He said that was why there were two people as a check and balance to make sure they heard the same things. He said inquiries were made as to whether or not those spoken to would buy more equipment or utilize the services of the two companies. He said the answers were that they would absolutely go to them again.

Mr. Zomparelli said both firms did come to the Commission and make a formal presentation to the Commission's staff members. He said the staff also had an opportunity to ask each company questions. He said he had a resolution drafted which he recommended the Commission go forward with and pursuant to the Executive Director's recommendation and pursuant to John Mitchell's and his review team's recommendation to award to TDC. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby selects TDC, Inc., of Roslyn Heights, New York, for furnishing a toll information system upgrade to the Commission, and authorizes and directs the executive director and general counsel to enter into negotiations with TDC, Inc. to formalize a contract for furnishing a toll information system upgrade to the Commission, all in accordance with the terms and conditions of the Commission's Request for Proposals and TDC, Inc.'s proposal."

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

A Resolution Awarding Contract for Toll Information Systems Upgrade was moved for adoption by Mrs. Leever, seconded by Mr. Joseph as follows:

#### **RESOLUTION NO. 10-1997**

"WHEREAS, on or about October 4, 1996, the Commission issued a Request for Proposals (RFP) for furnishing a toll information system upgrade;

"WHEREAS, responses were received on November 21, 1996, from two firms expressing an interest in furnishing and installing (250) approved new Lane Controllers/Weight Classification Units (LCWCUs) at all Commission toll plaza locations, all embedded software, special tools, documentation, spares, test equipment, training and all necessary incidentals, in strict compliance with the Commission's specifications and contract documents, and such responses were studied by the Commission's staff and the Commission's project team;



"WHEREAS, the Commission's director of management information systems is of the opinion, advise and judgment that it is in the best interests of the Commission to upgrade and replace its current toll information system as described above and stated in the October 15, 1996, RFP;

"WHEREAS, the project team and representatives from the Commission's staff, as well as prospective proposers, attended a pre-proposal meeting on October 15, 1996,

"WHEREAS, the project team, after analyzing the proposals received and completing the evaluations aforesaid, made recommendations to the Commission, and the Commission has duly considered such recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby selects **TDC, Inc.**, of Roslyn Heights, New York, for furnishing a toll information system upgrade to the Commission, and authorizes and directs the executive director and general counsel to enter into negotiations with **TDC, Inc.** to formalize a contract for furnishing a toll information system upgrade to the Commission, all in accordance with the terms and conditions of the Commission's Request for Proposals and TDC, Inc.'s proposal."

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

Ayes: Mrs. Leever, Mr. Joseph, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 10-1997.

Mr. Zomparelli said he had nothing further to report except that he provided all Commission Members with an updated litigation report for the period ending December 31, 1997.

The Chairman said the report of General Counsel was accepted as offered.

Mr. Plain said the next Commission meeting would be held on Monday, March 17 (St. Patrick's Day) at 10:00 a.m.

There being no further business before the Commission, a motion was made by Mr. Joseph, seconded by Mr. Williams that the meeting adjourn. The vote was as follows:

Ayes: Mr. Joseph, Mr. Williams, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 11:50 a.m.

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

  
Marilyn R. Baker Secretary-Treasurer