

## MINUTES OF THE 431ST MEETING OF THE OHIO TURNPIKE COMMISSION

June 23, 1997

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:15 a.m. on June 23, 1997, with members of the staff: Gino Zomparelli, General Counsel and Deputy Executive Director-External Services; Robert Arlow, Deputy Executive Director-Operations; Anthony DiPietro, Deputy Executive Director-Administration; Craig Rudolph, Comptroller; David H. Ransbury, Chief Engineer; Daniel F. Castrigano, Maintenance Engineer; Sharon Isaac, Director of Toll Operations; John Mitchell, Director of Management Information Systems; Robert P. Barnett, Director of Information and Research; and others in attendance.

Present: Umberto P. Fedeli, Ruth Ann Leever, Marilyn R. Baker,  
Earl W. Williams, Gary Joseph, Senator M. Ben Gaeth

Absent: Jerry Wray, Representative Richard A. Hodges

The Chairman said the minutes of the last Commission meeting of May 12, 1997, 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.

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

Nays: None

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

The Chairman said the meeting was the 431st of the Commission and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman said he wanted to note that Vice Chairperson Ruth Ann Leever had been reappointed to the Commission by Governor George Voinovich. He said her new eight-year term ends on June 30, 2005. He said Gary Joseph was at the meeting in place of Jerry Wray and he 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: Richard Stillman, Ohio Company; Fred McFall, Host Marriott; Captain Paul Ash, Ohio State Highway Patrol; Mark Gillispie, The (Cleveland) Plain Dealer; Frank Lamb, Huntington Trust; Bobby Everhart, URS Greiner, Inc.; Stephen Szanto, Huntington Capital; Erin Rainey, ODOT; Paul Sciria, Sciria & Associates; Joseph D. Rice, Joseph D. Rice Consulting; Debra Janik and Kathie Petrulis, Key Bank; Ken Narley, Hardee's Food Services; Charlie Visconsi, Key Capital; Cleve Brooks, SBK Brooks; Ryan Conners, Conners & Co.; Paul Stubbins, Seasongood & Mayer; Larry McQuillin, Advanced Restaurant Concepts, Inc.; Steve Wood, Paine Webber; Barbara Lesko, Executive Director's secretary and Diane Pring, General Counsel's secretary.

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

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

Mrs. Baker said that the following listed items had been sent to the Members since the last regular scheduled meeting of the Commission on May 12, 1997:

1. Weekly Traffic Statistics
2. Traffic Accident Summary for May 1997
3. Traffic and Revenue Report for May 1997
4. Financial Statement for May 1997
5. Draft of Commission Meeting Minutes for May 12, 1997
6. Investment Transactions, May 1997
7. Turnpike Notes, May 1997
8. Various news releases

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

The Chairman said the report on Employee Relations would be received.

Mr. DiPietro said that meetings were held recently with field supervisors from the Toll and Maintenance Departments, as well as representatives from various departments in the Administration Building. He said those meetings were similar to those held recently across the Turnpike. He said that one field meeting was canceled and had to be rescheduled.

Mr. DiPietro said further that union negotiations with part-time toll collectors were continuing. He said a meeting had been scheduled for June 25, and he felt it would be appropriate to discuss that matter in executive session.

A motion to adjourn the meeting to hold an executive session in order to discuss, prepare and review labor matters in connection with the current collective bargaining negotiations with part-time Toll Collectors scheduled to continue on June 25, 1997, and at the end of such executive session the Commission meeting would be reconvened was moved by Mrs. Leever, seconded by Mrs. Baker.

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

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

Nays: None

(Time of adjournment was 10:22 a.m. The meeting was reconvened at 10:45 a.m.)

The Chairman said he wanted to comment that he thought the Administration Building's receptionist, Sue Morgan, was just absolutely outstanding. He said she has been just phenomenal and she was the first person who talked to the Commission's customers,

suppliers and vendors. He said he wanted to make sure that the Commission publicly acknowledged Sue for the great job that she did.

The Chairman said the report on Employee Relations was accepted as offered. He said the report of Mr. Arlow on construction would be received.

Mr. Arlow said that, presently, there were three resurfacing projects and one bridge strengthening project. He said they had either single lane or single lane, bi-directional traffic zones. He said that by Friday, June 27, all single lane zones would be down. He said that at that time all the resurfacing and bridge strengthening projects would be completed. He said there would be two lanes in both directions across the entire Turnpike by Friday.

The Chairman asked if there would be no construction going on.

Mr. Arlow said there would still be third lane construction, but that was confined to the median. He said two lanes of traffic both ways would be maintained in the third lane zones.

The Chairman said there would probably be no backups during the period when the two lanes were opened.

Mr. Arlow said the Chairman was correct. He said there would be no stoppages unless accidents occurred. He said the two lanes would be opened until after the Labor Day holiday period.

The Chairman said he wanted to make sure that the information about the availability of the two lanes got out to the public. He said that last year there was a real surge in traffic in July and August because that was the Turnpike's peak travel time. He said a lot of people just don't like delays and he didn't blame them.

The Chairman asked Mr. Arlow about progress on new interchanges.

Mr. Arlow said further that there was only one interchange, Exit 12, under rehabilitation at that time. He said it would be completed in September, which was about six weeks ahead of schedule. He said there were five third lane projects under construction and they would be finished in November of this year. He said that total length of those projects was 30 miles. He said they were on schedule.

The Chairman asked if the new Archbold-Fayette interchange was under construction.

Mr. Arlow said construction was in progress on that interchange.

The Chairman asked if there were any other interchanges under construction.

Mr. Arlow said there were not, but they would be talking about County Road 18 later in the meeting.

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

Mr. Plain said he did have one resolution awarding Contract No. 55-97-01 for construction of the County Road 18 connection to the Ohio Turnpike at existing Exit 15. He

said that in the Members' folders there was a bid tabulation. He said the Members would see that there were six bidders that submitted bids on that particular invitation. He said the low bid was submitted by The Ruhlin Company of Sharon Center, Ohio. He said the total bid price amount was \$10,783,104.00 and it was below the engineer's estimate to do the work on the project.

Mr. Plain said further that good competitive bids were received on the project, as had been the case with most of the projects being done this year. He said he would give the Commission a chance to review those documents. He said also attached to the resolution was a letter from General Counsel and the Chief Engineer recommending that the Commission award a contract to Ruhlin. He said he would read the RESOLVED as follows:

"RESOLVED that the bid of The Ruhlin Company of Sharon Center, Ohio, in the amount of \$10,783,104.00 for the performance of Contract No. 55-97-01 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 chairperson 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. 55-97-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Contract No. 55-97-01 was moved for adoption by Mrs. Leever, seconded by Mrs. Baker as follows:

#### **RESOLUTION NO. 33-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for construction of County Road 18 Connection to the Ohio Turnpike in Mahoning County, which project has been designated Project No. 55-97-01;

"WHEREAS, six 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 Ruhlin Company of Sharon Center, Ohio, in the amount of \$10,783,104.00 for the performance of Contract No. 55-97-01 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 Ruhlin Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Ruhlin Company of Sharon Center, Ohio, in the amount of \$10,783,104.00 for the performance of Contract No. 55-97-01 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 chairperson 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. 55-97-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Leever, Mrs. Baker, Mr. Williams, Mr. Joseph, 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. 33-1997.

Mr. Plain said also that one of the other things he had to talk about was that he had received a fax, a copy of which was in the Members' folders, from Representative Rex Damschroder, who was introducing legislation to adopt a uniform speed limit. He said that in the legislation the Representative was asking to do a one-year study and he wanted to have that done on the Ohio Turnpike with a uniform speed limit of 65 miles per hour for cars and trucks.

Mr. Plain said further that he talked to Representative Damschroder and told him he certainly didn't want to be the "guinea pig" of the state for such a study. He said he told the Representative that the Commission had the authority to raise or lower speed limits without legislation and he was one who supported uniform speed. He said the only problem was that he didn't know what exactly that uniform speed should be. He said he didn't know if it should be 65, 60 or 55.

Mr. Plain said further that he pointed out that the Commission allowed the long doubles and triple trailer combinations on the Turnpike and it was the only place they could run in the state. He said he told the Representative that the Turnpike also had the higher weight limit of class 9, which was 90,000 lbs. gross weight. He said that with all the construction on the Turnpike he was concerned about their ability to stop or navigate those zones. He said he was concerned about adopting that speed limit on the Turnpike.

The Chairman asked Mr. Plain to let everyone know what the Turnpike's speed limits were now.

Mr. Plain said the Turnpike's speed limits were 65 miles per hour for automobiles and anything under 5,000 GVW. He said commercial busses also had the 65 mph limit. He said the limit on everything else was 55 miles per hour. He said the Turnpike had always had a lower speed for trucks.

Mr. Plain said that, with regard to Representative Damschroder's proposed legislation, he was concerned about safety on the Turnpike. He said the Representative contended that by increasing the speed limit for trucks on the Turnpike it would take some of the truck traffic off the parallel routes. He said he thought that was the basis for the legislation.

The Chairman asked if any studies were done about that.

Mr. Plain said there had not been any studies done. He said he thought some of the other states had adopted the uniform speed limit and he thought that was well and good. He said the problem was what should that speed be. He said all anyone had to do was go out and drive on any road or interstate in Ohio to find people that were driving passenger cars 55, 85 or 75. He said trucks were going anywhere from 55 to probably 75.

Mr. Plain said further that he thought it would be very difficult to enforce legislated speed limits. He said the Turnpike probably had the best speed limit enforcement of any interstate in the state based on the number of Ohio State Highway Patrol troopers assigned to it. He said that, with all the construction on the Turnpike during the spring, summer and fall, he thought the legislation would be a mistake.

The Chairman asked Captain Ash if he had an opinion to offer.

Captain Ash said he couldn't agree more with Mr. Plain. He said he didn't think the Commission should think about anything like that until the third lane was completed.

The Chairman asked Mr. Everhart for his opinion.

Mr. Everhart said he would agree. He said the uniform speed limit was potentially hazardous in the construction zones.

Mrs. Leever said it was an inappropriate time.

The Chairman said a letter should be drafted to tell Representative Damschroder that the Commission would be happy to look at his proposal, however, due to the construction on the Turnpike, maybe they might have to be a little more cautious.

The Chairman asked Senator Gaeth for his opinion.

Senator Gaeth said he thought it was a good decision. He said that, for example, raising the speed limit for the triple combinations would be a definite safety hazard.

The Chairman said that safety was one of the Commission's three major areas and it was the number 1 concern. He said that perhaps there was something else that could be

done by the Commission. He said the Representative was asking for some help with the truckers, but he didn't know about that.

Mr. Plain said he didn't think the independent truckers were the ones who were really asking for the increased speed limit on the Turnpike. He said he didn't know if the higher speed on the Turnpike would take traffic off parallel roads because they might be the shortest or most direct routes.

Mr. Plain said further that he thought the legislation was an off-handed way to try to get to some other safety problem. He said that, given the amount of construction on the Turnpike for the third lane project, new interchanges and upcoming service plaza reconstruction, it was not the time to consider a uniform speed limit.

The Chairman said a letter to Representative Damschroder should be drafted and gotten out that week. He said the opinions of Captain Ash, Bobby Everhart and anyone else Mr. Plain thought would be relevant should be included in the letter.

Mr. Plain said he told Representative Damschroder that he could not do anything regarding establishing a uniform speed limit, but that it had to be done by the Commission. He said he just wanted to make the Commission aware of the situation and to get the Members feelings on it. He said he appreciated their comments.

The Chairman said the Commission was very pro-business. He said that, obviously, the trucking companies moved a lot of goods on the Turnpike. He said that, however, the Commission had to make sure safety on the road was their primary concern.

The Chairman said the report of the Executive Director was accepted as offered.

The Chairman ascertained there would be no reports from the Trustee or Captain Ash. He said the report of the general consultant would be received.

Mr. Everhart said the Turnpike's culvert inspection had been completed and the inspection of the buildings and bridges was underway.

The Chairman said the report of the general consultant was accepted as offered.

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

Mr. Zomparelli said that he had two items which he would point out quickly. He said that, after having the executive session, the Commission would continue with its part-time Toll Collector negotiations on June 25 and 26, if necessary. He said their present contract term expired on June 30, 1997. He said he hoped the Commission could reach a conclusion with the union and have an agreement going into July.

Mr. Zomparelli said also that the second item he would like to bring to the attention of the Commission dealt with a former General Counsel of the Commission. He said the Commission had learned that Francis K. Cole passed away on June 2, 1997. He said a draft resolution had been prepared expressing the Commission's sorrow and extending sympathy to the Cole family upon the death of Francis K. Cole, who not only served the Commission but served the United States of America from 1941, when he was commissioned a second lieutenant with the U.S. Army.

Mr. Zomparelli said further that Mr. Cole also served as a counter-intelligence officer and paratrooper in the Army and separated from the service with a rank of major. He said Mr. Cole was a very interesting individual. He said he would read the resolution as follows:

"WHEREAS, the Commission has learned of the death of Francis K. Cole, retired General Counsel of the Ohio Turnpike Commission;

"WHEREAS, the death of Francis K. Cole on June 2, 1997, has saddened his many friends, co-workers, business associates and acquaintances at the Commission;

"WHEREAS, Francis K. Cole, obtained an undergraduate degree from Harvard College and received his Juris Doctor from Harvard Law School in 1938. He commenced service as an officer in the U.S. Army in August 1941, and was ultimately separated from the service with the rank of major;

"WHEREAS, Francis K. Cole commenced his association with the Ohio Turnpike Commission on January 1, 1953, as chief contract attorney in the Legal Department under the leadership of The Honorable Lockwood Thompson (deceased);

"WHEREAS, Francis K. Cole, was promoted to Assistant General Counsel on July 10, 1956, and to General Counsel on July 1, 1973, and served with distinction until his retirement in March 1982, and thereafter served in a part-time capacity in the Legal Department through January 1992;

"WHEREAS, during his thirty-nine years of service with the Commission, Francis K. Cole provided legal service and counsel to the Commission and its staff during the design and construction of the Turnpike, and in all areas of its extensive operations and continued a keen interest in the affairs of the Commission until his death;

"WHEREAS, the late Francis K. Cole was highly respected by the Commission's members, its staff, his colleagues and all those with whom he was associated during his tenure with the Commission;

"WHEREAS, the members of the Commission and the Commission's staff wish to give formal and public recognition for the long, honorable and exceptionally dedicated and effective service of the late Francis K. Cole, as a respected member of the legal profession and member of its staff;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission expresses its sorrow on the passing of one who contributed much to his family, and to his employer; and

"RESOLVED that the Commission, by the adoption of this resolution, extends its sympathy to The Cole Family, and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and he hereby is, instructed to transmit a certified copy of this resolution to The Cole Family."

Mr. Zomparelli said he recommended that the Commission adopt the resolution.



A Resolution Expressing Commission's Sorrow and Extending Sympathy to the Cole Family upon the death of Francis K. Cole was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

**RESOLUTION NO. 34-1997**

"WHEREAS, the Commission has learned of the death of Francis K. Cole, retired General Counsel of the Ohio Turnpike Commission;

"WHEREAS, the death of Francis K. Cole on June 2, 1997, has saddened his many friends, co-workers, business associates and acquaintances at the Commission;

"WHEREAS, Francis K. Cole, obtained an undergraduate degree from Harvard College and received his Juris Doctor from Harvard Law School in 1938. He commenced service as an officer in the U. S. Army in August 1941, and was ultimately separated from the service with the rank of major;

"WHEREAS, Francis K. Cole commenced his association with the Ohio Turnpike Commission on January 1, 1953, as chief contract attorney in the Legal Department under the leadership of The Honorable Lockwood Thompson (deceased);

"WHEREAS, Francis K. Cole, was promoted to Assistant General Counsel on July 10, 1956, and to General Counsel on July 1, 1973, and served with distinction until his retirement in March, 1982, and thereafter served in a part-time capacity in the Legal Department through January 1992;

"WHEREAS, during his thirty-nine years of service with the Commission, Francis K. Cole provided legal service and counsel to the Commission and its staff during the design and construction of the Turnpike, and in all areas of its extensive operations and continued a keen interest in the affairs of the Commission until his death;

"WHEREAS, the late Francis K. Cole was highly respected by the Commission's members, its staff, his colleagues and all those with whom he was associated during his tenure with the Commission;

"WHEREAS, the members of the Commission and the Commission's staff wish to give formal and public recognition for the long, honorable and exceptionally dedicated and effective service of the late Francis K. Cole, as a respected member of the legal profession and member of its staff;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission expresses its sorrow on the passing of one who contributed much to his family, and to his employer; and

"RESOLVED that the Commission, by the adoption of this resolution, extends its sympathy to The Cole Family, and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and he hereby is, instructed to transmit a certified copy of this resolution to The Cole Family."

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

Ayes: Mrs. Baker, 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. 34-1997.

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

Mrs. Leever asked if there was going to be a July meeting.

The Chairman said he didn't think the Commission was going to need one.

Mr. Plain said there were not any construction contracts that the Commission had to act on in July. He said he didn't think there needed to be a meeting.

Mr. Plain said that looking ahead to August he suggested the Commission hold a meeting on Monday, August 18. He said it was the third Monday of the month and bids on a major contract would be opened on the 16th.

Mrs. Baker said she would be on vacation at that time.

The Chairman asked what contract that would be.

Mr. Arlow said it was the one for the Vermilion River bridges. He said it was a major contract.

Senator Gaeth said that in talking with Senator Oelslager it appeared like the Turnpike Legislative Oversight Committee was going to hold its next meeting in Montpelier on September 4th.

Mr. Plain said he had first been told the 8th.

Senator Gaeth said they were still negotiating, but the 4th was the next tentative date.

Mr. Plain said Senator Oelslager had later told him the 12th, but then there was a conference of some kind at Salt Fork on that date.

Senator Gaeth said the 4th was the last date for the meeting that Senator Oelslager had indicated to him.

There being no further business before the Commission, a motion was made by Mr. Williams, seconded by Mr. Joseph that the meeting adjourn until the next meeting on August 18.

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. Baker, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 11:05 a.m.

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

  
Marilyn R. Baker, Secretary-Treasurer