

**MINUTES OF THE 450<sup>th</sup> MEETING OF  
THE OHIO TURNPIKE COMMISSION**

**March 29, 1999**

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:05 a.m. on March 29, 1999, with members of the staff: Gino Zomparelli, General Counsel and Deputy Executive Director-External Services; Dave Ransbury, Chief Engineer, Pat Patton, Government Liaison Officer, Thomas Amato, Assistant General Counsel, Dan Castrigano, Maintenance Engineer; Vince Chiarucci, business consultant.

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

Ayes:            Senator Armbruster, Dr. Ferris Anthony, Robert Blair, Marilyn Baker and  
                     Earl W. Williams.

Nays :            None.

Vice Chairman Earl W. Williams advised that the Commission's Chairman, Mrs. Ruth Ann Leever, was unable to attend today's meeting so he has the privilege of conducting the meeting. The Vice Chairman said that Mrs. Leever was very interested in the meeting and had called this morning to inquire if everything was set. She was getting a nervous but was assured that things would move forward according to her wishes. We look forward to her "walk on the beach."

The Vice Chairman welcomed Senator Jeffry Armbruster to his first meeting. He advised the members that the Senator was recently appointed to the Commission. He also mentioned that Representative Steven Buehrer was also recently appointed to the Commission, but was unable to attend today's meeting.

The Vice-Chairman welcomed ODOT representative, Robert Blair, who was authorized to vote at today's meeting.

We have a number of guests here today, and we will ask them to identify themselves: Tom Travis and Fred McFall, Host Marriott Services; Claire Moore and Elva Edger, League of Women Voters; Jim Schwartz, URS Greiner Woodward Kline; Howard O'Malley, B & T Express; Captain Ash, OSHP; Larry McQuillin, ARCI; Paul Scuria, Scuria & Associates; Stu Shear, Ohio Rehabilitation Services Commission; John Petty, Nat City Investments; Ken Marley, Hardee's Food Systems; Jim Conroy, Walter & Haverfield; Thomas Tarantino, Climaco & Lefkowitz; Eric Erickson, Fifth Third-Ohio Co., Jim Calpin, PaineWebber; Paul Russo and Tom Meagher, Everen Securities; Mike Schipper, HNTB; Frank Lamb, Huntington Bank; Bob Brown, Paul Komlosi, Key Corp. McDonald Investments, Bob Barnett, Barb Lesko, Heidi Jedel and Diane Pring.

The Chairman said the March 29, 1999 Meeting was the 450<sup>th</sup> meeting of the Commission, and we were meeting at the Commission's headquarters as provided for in the Commission's Code of Bylaws. The minutes of the last Commission Meeting of March 8, 1999, has been distributed to the members for their comments, and he would accept a motion for their adoption without reading.

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

Ayes: Dr. Anthony, Mrs. Baker, Mr. Blair and Mr. Williams

Nays: None.

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

The Chairman advised that various reports will be received and the Commission will act on a resolutions, draft copies of which has been previously sent to the members and updated drafts are also in the Members' folders. He said the resolutions would be explained during the appropriate reports.

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

Mrs. Baker said the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission on March 8, 1999:

1. Draft of Commission Meeting Minutes of March 8, 1999.
2. Traffic and Revenue Report, February 1999
3. Financial Statement, February 1999
4. Investment Report, February 1999
5. Traffic Accident Summary Report, February 1999
6. News Release #2-99

Williams: Thank you, Mrs. Baker. Any questions? Thank you, Mrs. Baker.

Do we have a report on Budget & Finance?

Plain: Mr. Chairman, I'd like to report on that. We're in print with the Annual Report for 1998. We expect to have that, as required, on April 1, 1999 to submit it to the Governor and also members of the Legislature and whatever is required in the Trust Agreement. We'll take that down so we can do that on April 1<sup>st</sup>. We expect to have the copies available within the next few days. We're doing the printing in the basement and we'll have the first 100 of them that will be assembled in-house and we'll send the rest of them out. We usually do about 1200 copies.

We'll have those assembled on the outside so we can do it quickly and get them distributed to the various lists that we have for those wishing copies. I did have a copy. (Barbara left the meeting and returned with a copy of the Annual Report cover.)

We're trying to feature travel and tourism on the Ohio Turnpike. As you know our road which handles I-80, I-90 and I-76 is through the heartland of Northern Ohio with its numerous attractions and a lot of them use our road to bring their customers into their facility – like Cedar Point, Geauga Lake, Sea World, and the Islands up in the Sandusky area and all the other attractions – the Indians, the Rock & Roll Hall of Fame; all points all across the State. We featured some of those pictures on the cover for this year to promote travel and tourism within the State and we get our new Travel Centers opened up, we intend to do more of that out there. That was about the only report I had.

I'll pass this around, (1998 annual report cover). We did this in color this year. It features a number of the spots along the Turnpike.

Williams: Some great pictures here. OK, any questions on that report? Do we have a financial report from Eric?

Erickson: No report, Mr. Chairman.

Williams: Any report on the service plazas today?

Plain: Mr. Chairman, again, we have a resolution that we are proposing later on the restaurant contracts. The facilities are moving along real well. Those of you who came in from the far west had the opportunity to come by the ones that are furthest along – Erie Islands and Commodore Perry. We expect to hopefully open those up – Erie Islands on June 1<sup>st</sup> and then Commodore Perry – a little bit later for the one of the other side. We are really excited about it. They are really an immense structure. You drive by now and you can see him. I know Mrs. Baker passed them this morning. I'll let her comment.

- Baker: There is an enormous amount of progress. They are visually very attractive. From seeing the model when we authorized it and seeing the actual building, it's very impressive. I'm looking forward to our grand opening.
- Plain: Me too. Dr. Anthony has volunteered to help with that opening to try and do some special things for the first opening of the plazas and the ones in the east (Great Lakes and Towpath) are also moving along rather quickly and we are hoping to get all of these opened later on this year. We are all excited about it and we think it will be a tremendous boost to the Commission and we will be very proud of the end results.
- Williams: It will be a credit to all persons having been involved in making this progress and making this process work successfully and we all are looking forward to the opening. Any questions? OK. May we have a report from Employee Relations, Mr. DiPietro?
- DiPietro: Thank you, Mr. Chairman, members of the Commission. I am pleased to report that after the Commission approved the full-time and part-time Collective Bargaining Agreements at the last meeting. Those agreements were signed by the Executive Director and members of the Union. Copies are being printed and the full-time copies of the agreement are available at this point so if anyone is interested in a copy, let me know. The part-time agreement is not completed at this time. We don't have the signature page back from the Union with the representatives' signatures. Once I get that back, with the other Union reps., I'll have copies run.

Also as a part of that approval, the Commission authorized a Voluntary Early Retirement Incentive Program. That document has been together and will be submitted to the Public Employees Retirement System (PERS) early this week. As a part of that I have scheduled informational sessions for the employees who are contemplating the retirement program that is being offered. We have set up three different sessions --one here in Berea on April 16<sup>th</sup>, one in Perrysburg on May 3 and one in Boardman Township on May 4<sup>th</sup>. What we will do is have PERS representatives and Deferred Compensation Program available to talk to

people who are contemplating the early retirement and tell them what their options are, give them information they would need to plan on that retirement if that is the course of action they choose.

Williams: Has there been any response at all?

DiPietro: Yes, we have had a lot of calls once the word got out after the meeting earlier this month. We cannot do anything with the employees at this time until PERS reviews our plan and formally approves the plan. The Commission members have approved the proposed plan but we need that confirmation from PERS before we can officially talk to our employees.

Williams: Any questions from the Commission Members?

Anthony: When does that plan start – what's the kick-in date?

DiPietro: June 1, 1999.

Anthony: Are we on target for that?

DiPietro: Yes.

Williams: OK, thank you, Mr. DiPietro. May we have a report from our Executive Director, Mr. Plain?

Plain: Mr. Chairman, the Ohio Department of Transportation's representative is here, I don't know if he has a report?

Blair: We have no formal report today unless you have any questions. At ODOT, we are on the final stages of finishing our budget. It's due to be passed by the Senate this week. If there are any questions you might have, I'll try to answer them.

Williams: Any questions of Mr. Blair.

Plain: No, but I'd like to add Mr. Chairman that we have been working very closely with Mr. Blair and several of the issues we have with the interchange work up at Exit 11 with the connection with I-77 and the Ohio Turnpike. We worked out all of the agreements on that. We are also working on the project up at Exit 7 that we had discussed earlier and all of the other ones. We have been keeping in close contact with them and we appreciate his help in getting some issues resolved for us very quickly.

Blair: It's been good working with the Turnpike. They are very helpful and it's been a good marriage on those two interchanges.

Williams: That's good and I'm very happy to hear that coming from Mr. Blair as well as Mr. Plain because it's very important that we have very close collaboration with each other in terms of making absolutely sure that we move forward with the issues involving transportation in this State. Thank you.

Plain: Mr. Chairman, I have a couple of things. First of all, our traffic is continuing to increase. In comparison through March 19, 1999 vs. March 1998 there is about a 5.2% increase. From year to date, we have about 3.1% increase over 1998. It looks like traffic is continuing to increase out there. I think that's some very good news for everybody.

On March 19<sup>th</sup> here at the Commission headquarters, we had the Legislative Turnpike Oversight Committee Meeting in our conference room. We had a very good meeting. They had a couple new members – Representative James Hoops from Northwest Ohio and Representative Jeanine Perry from the Toledo area appointed to the committee this year and we had a couple of other members. We had a pretty in-depth discussion. I think it was one of the more interesting meetings that were held especially with the new members coming on. There were a lot of questions asked about our operation and everything. It went very well and one of the things that Senator Latell got up and said that one of the nice things to hear at these meetings was that he said he hadn't heard any complaints from anyone in his district and he was opposed to putting the Turnpike over to ODOT. So for somebody to do that at the Oversight Meeting, I thought was very good. Usually we are the ones that say that we are being picked on, but that was very nice of him to say. I think we answered all of the questions, and it went very, very well. I do have some resolutions to talk about.

The first resolution is for the award of Contract 58-99-01. There is some information in the members' folders attached to the draft resolution. This is for

renovations to our Westgate terminal located at Milepost 2.7 in Williams County, Ohio. Although that was one of the newer ones, it was one that was designed prior to the combination of air conditioning and the fresh air supply that we put out there for our collectors and so we are going to add the fresh air and air conditioning. We will do a lighting upgrade in that area. We are going to add one exit lane and one entrance lane because of the back-ups that we are experiencing particularly during the holiday periods. It will also provide for what we call “reversible” lanes. We will be able to add a couple of those with the new lanes – where in peak times if you are exiting we can open more exit lanes or if we have more entry lanes you can cut it off from an exit lane and turn it into an entry lane. We call them “reversible” because they can do each function from either direction. Also, we have to do some building expansion to accommodate personnel and the air conditioning equipment. We only had one bid in response to our advertisement for bids. That was submitted by Mosser Construction, Inc. of Fremont, Ohio. Their bid was in the amount of \$3,027,900.00 and that was below the engineer’s estimate to perform the work on this contract. I think that’s attached on the last sheet. We called this contractor in to talk to him and make sure that he could handle all the work. We are convinced that he can. He is also doing work out at the Travel Centers. We are satisfied after meeting and talking to the contractor that he is prepared to do the work necessary on this project and I will read the Resolved:

RESOLVED that the bid of **Mosser Construction, Inc.** of Fremont, Ohio, in the amount of \$3,027,900.00, for the performance of Contract No. 58-99-01 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; and (2) 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. 58-99-01 is designated a System Project under the Commission’s 1994 Master Trust Agreement.



I will need a motion and a second.

Baker: I will move approval.

Anthony: Second.

Blair: Alan, do you have any idea why you only had one bid?

Plain: There is a lot of construction going on in northwest Ohio in particularly on the trades because of the Jeep plant. I think they have a \$2-billion construction plan and a lot of the available construction firms are tied-up either working on that or some of the other projects that are happening in the northwest Ohio.

Williams: Any further questions?

Roll: Mrs. Baker-yes, Dr. Anthony-yes, Mr. Blair-yes; Mr. Williams-yes.

Plain: The resolution is adopted. My next resolution is an important one. It's a resolution awarding Contract(s) and rejecting proposals for the operation of the food concessions and/or the retail/gift shops at the Commission's Erie Islands and Commodore Perry Travel Centers under Contract TR-8A.

The packages are in your folders. We had seven bidders that responded to our invitation to bid. We opened the bids on March 18, 1999 at 2:00 p.m. Prior to that we had a pre-bid meeting to go over all of the provisions in our RFP and I think we got some excellent bids. I will note that one of the bidders – Courtside Equities' bid could not be considered by the Commission because the proposal guaranty was deficient. A certified check was not included with two of their three bids. Gino do you want add anything else on that?

Zomparelli, Mr. Chairman, Commission Members – only that we did go through a pretty intense process to get to this point to make a recommendation to the Commission. We were happy with the proposals received although there were 7 companies, a number of companies bid with various alternatives. They listed their first, second and third choice plus alternatives which as you can see by the bid tabs that were attached to the proposals, the Executive Director had

assembled a Review Group made up of various staff members that included the Commission's Director of Public Safety, Maintenance Engineer, Deputy Executive Director-Operations, Assistant General Counsel, myself and the Executive Director. We spent a lot of time in a short time.

Plain: They are not an easy thing to go over when you have that many, but based on what was submitted, we were very pleased and I would like to read the Resolveds and then open it up for questions:

RESOVLED that the **Alternate #2** bid of **Host Marriott Services, d/b/a Host Marriott Tollroads, Inc.** of Bethesda, Maryland which utilizes the following concepts:

<b>Unit</b>	<b>Gross Receipts Bid %</b>	<b>Concept</b>
1	14.0% as package	Starbucks
2	14.0% as package	Sbarro
3	14.0% as package	Jody Maroni's & Cinnabon
4	14.0% as package	Burger King
5	<b>No Bid</b>	<b>No Bid</b>
6	14.0% as package	Travel Mart

is, and is by the Commission determined to be, the **best** of all bids and combinations of bids received for the performance of Contract TR-8A and is accepted;

FURTHER RESOLVED that the executive director and general counsel hereby are authorized to execute Contract TR-8A (Erie Islands and Commodore Perry) Travel Centers, which provides for an initial term of five (5) years and at the Commission's option to extend for three (3) year periods, with **Host Marriott Services, d/b/a Host Marriott Tollroads, Inc.** in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and to take any and all action necessary or proper to carry out the terms of said bid and said contract; and

FURTHER RESOLVED that the Commission concurs in the above-mentioned rejection recommendation that all other bids and alternates submitted for Units 1, 2, 3, 4, 5 and 6 be rejected and further direct that the Commission re-advertise forthwith for bids for Unit #5 (food concession/sit-down restaurant) under Contract TR-8A (Erie Islands and Commodore Perry) Travel Centers;

FURTHER RESOLVED that the executive director is instructed to return the bid security of all other bidders as soon as said contract is executed.

Plain: Here is an outline of the floor plan and the ones that are talking about awarding is Unit 1, 2, 3, 4 and 6 (gift-shop) and rejecting Unit #5 (sit-down restaurant) and we'll re-advertise for bids on Unit #5 – the sit-down concept.

I think we'll get some good bids for the operation of Unit #5, also.

Zomparelli: Referring to architectural drawing – the parking area is here in the front and this is the main entrance for the customers, the truckers who have a separate entrance from the rear. This might be the first time Senator Buehrer is looking at this. I don't know if you passed the building on your way here.

Plain: We can show you the models and things and any other information, you would like after the meeting.

Zomparelli: So the proposal would be – pointing to the drawing – Starbucks (Unit #1), Sbarro (Unit #2); Jody Maroni-Cinnabon (Unit #3); Burger King (Unit #4) and Travel Mart (Unit #6.) And we re-bid the sit-down area.

Williams: Re-bidding the sit-down area – just Unit #5, right?

Zomparelli: Yes.

Plain: I would ask for a motion and a second.

Anthony: So moved.

Baker: I'll second.

Williams: It has been moved and properly seconded, are there any questions?

Anthony: Mr. Plain, could you go into a little more detail on Bid #5? What are we looking for there?

Plain: We're looking for a sit-down, family-type concept with sit-down service separated from the food court area. We have a restaurant and a separate sit-down area. We'll have access through here but it will be adjunct to the main domed area that will be the common seating for this.

- Williams: So you could actually go from this point all the way over?
- Plain: Yes and here's the main entry way and you pass through all of these and come over here. A lot of people like to sit down for a while particularly the truckers and we think it's an important integral part of the concept for these buildings to feature that?
- Anthony: How much seating is provided for the food court?
- Zomparelli: Mr. Chairman, that's not on that drawing. I think it's about 180 in the food court, but we thought we really didn't get much in the way of proposals for Unit #5 – Marriott who we are awarding the units to did make a proposal for a sit-down restaurant (Max & Irma's) but we feel that by re-bidding Unit #5 now that knowing what are in Units 1, 2, 3, 4 and 6 – all food concepts and the retail/convenience shop (Unit #6)
- Plain: And to make the right mix, somebody is not going to come in and feature some of the other things. We thought that by knowing that that will provide more information to the prospective bidders.
- Zomparelli: Unit #5 is a more involved bid than the other units because that is some seating is going to be required, extra purchases so we are working on an RFP and will finish it today or first thing tomorrow with a couple minor changes of what we had originally bid out. We really didn't have what we felt were good choices to select from in Unit #5. Part of that was because of the tight time frame we did initially to go out. Now that we have enough – assuming we contract with Host Marriott, we will have enough to open up the plazas and all the other units will be operational and we can be a little more flexible in our demands for Unit #5 plus we can find something and whoever is bidding now can fit into what's there. Unit #6 is a retail gift shop area. That was our first bidding process so we learned a little bit. All in all it went off pretty well. Better than we thought, we only made one minor change in the RFP - that dealt with the Turnpike purchasing the truckers' lounge equipment. We are looking forward to re-bidding it and I think the Commission will have a better selection to make the next time around.
- Williams: So we will immediately go forward – re-advertise for Unit #5

Zomparelli: Right. If the Commission has any thoughts what kinds of parameters or what kind of specifications we might want to have, I would be happy to incorporate them. We are looking for a sit-down concept that would provide a significant breakfast menu at Unit #5 to deal with our commercial traffic as well as our passenger traffic in the summertime.

Plain: It's important because of the truckers who are repeat customers that they have flexible breakfast times – it may be at 2:00 a.m. for their breakfast or later on in the evening. We think it's important that we have those facilities available and that we will have 24 hour operation, it doesn't necessarily have to be on all of the concepts. There are some features in that to be flexible and we will require that.

Zomparelli: We will look at that at Unit #5 now that we know what we have. We were thinking about until 11:00 p.m. at night and starting as early as 5:00 or 6:00 a.m.

Anthony: You have a very nice balance actually.

Plain: I agree. I think they are very good bids, we are excited about them. We are looking forward to the grand opening.

Zomparelli: It gives the customer a lot of selection.

Plain: There's a good choice and there will be competition for the travelers so I think that's the important thing and we are trying to keep the pricing down to make it reasonable. We also have to go out to do some other bids – the machines, business equipment, vending machines, games. We are in the preparation of that too, so we can get it all wrapped up, too.

Zomparelli: We think that by re-bidding Unit #5 it will be fairer to prospective bidders to put together a proposal. They really didn't have much time last time and they really didn't have enough time to do the build-out. So we are going to expand the time frame and we should see better bids.

Williams: We have come a long way, haven't we? Call the roll.

Roll: Dr. Anthony-yes, Mrs. Baker-yes, Mr. Blair-yes; Mr. Williams-yes.  
(Applause.)

Plain: Our staff thanks you. It has taken us a long time, but I think the results will prove that it was worth it.

The next resolution I have is a resolution awarding a contract for consulting engineering services. The Master Trust Agreement which we did on February 15, 1994, between the Commission and the Huntington National Bank, trustee, covenants that it will employ an independent engineer for the purpose of performing and carrying out the duties imposed on the consulting engineer by the Master Trust Agreement. Such consulting engineer shall have a nationwide and favorable repute for skill and experience in such work.

The staff has reviewed the RFP which was issued on December 11, 1998, for consulting engineering services to 4 engineering firms. Having the qualifications called for in the Master Trust Agreement and we received responses from three of the firms – one did not submit a reply, and after reviewing it on the technical proposals which were very, very close, the staff recommended that the HNTB Corporation was the one was selected on its technical merit and qualified to perform services required by the Trust Agreement. I reviewed that along with General Counsel and I agree and I would like to read the Resolved:

RESOLVED that the Commission hereby selects **HNTB Corporation** of Cleveland, Ohio to serve as its consulting engineer and authorizes and directs the executive director and the general counsel to enter into negotiations with HNTB Corporation to formalize a five-year contract for services as a consulting engineer, all in accordance with the terms and conditions of the Commission's Request for Proposals and its response thereto.

Again, I will ask for a recommendation and a second.

Baker: I move approval.

Anthony: Second.

Roll: Mrs. Baker-yes, Dr. Anthony-yes, Mr. Blair-yes, Mr. Williams-yes.

Plain: The resolution is adopted. We have one other resolution for appropriation of property – a temporary easement - which I will defer that to General Counsel.

Zomparelli: Mr. Chairman, Commission Members, I might as well give my report now. I have drafted and presented before the Commission Members a resolution entitled, A Resolution declaring the necessity of appropriating property and directing that the proceedings to effect such appropriation be begun and prosecuted. This is a temporary easement request that the Turnpike is trying to obtain. It relates to the Abbey Road Bridge project which is located near Milepost 164.4 in Cuyahoga County. It is necessary because of the third-lane construction.

We are working with Engineering and we are hoping we can continue the project without having the temporary easement appropriation action. However, if it is not possible we will have to proceed forward with the temporary easement so we can continue our third-lane widening project in a timely and efficient manner. This resolution is just a request to the Commission that we are ready just in case we need it. I would report back to the Commission at the next meeting whether it was necessary. I'll read the Resolved:

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

The Owners were: Hampton Club Company, c/o Gross Builders. The Cuyahoga County Auditor and Treasurer were also named.

The aforementioned property to be appropriated is described as follows:

### **Parcel No. 2T – Temporary 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.

I would recommend that the Commission move to adopt this resolution.

Williams: Two of these properties are owned by the County?

Zomparelli: No, there are just named because it is necessary in appropriation proceedings to name the County Auditor and County Treasurer. The property is owned by Hampton Club Company.

Williams: Any questions? We'll need a motion and a second.

Anthony: I'll move.

Baker: Second.

Roll: Dr. Anthony-yes, Mrs. Baker-yes, Mr. Blair-yes, Mr. Williams-yes.

Plain; The resolution is adopted.

Williams: OK, anything further?

Zomparelli: Mr. Chairman. I have one last item that I wanted to report to the Commission on.

I have been contacted by an attorney who represents the Owner Operator Independent Drivers Association. They have sent me a copy of a complaint that was filed on February 19, 1999, OOIDA filed against Roger Tracey, Tax Commissioner, Ohio Dept of Taxation and International Fuel Tax Association, Inc. They want to come and look at some of our documents relating to the Turnpike operations, but it essentially a lawsuit filed by the OOIDA relating to the fuel tax. Their claim in summary deals with being charged tolls on the Turnpike and also having to pay the fuel tax – the truckers and their complaint is that since the Turnpike is self-funded and self-sufficient and self-supporting that the fuel tax that they are paying for the miles driven on the Ohio Turnpike is unconstitutional. I don't know if we will be joined into this somewhere down the line, but I wanted to make you aware of it. We will be working with Mr. Blair and the Ohio Dept. of Transportation and cooperate in this lawsuit, although the ODOT has not been named specifically, but I imagine they will be brought into this and as Senator Armbruster may want to be aware of what's happening. I don't think – this is not the only state that they filed this action. They filed it in Indiana, New York, and



Pennsylvania. Same litigation that has been filed in all these states. I think they have to learn a little more about the Ohio Turnpike and that we don't get the fuel tax except \$.05 out of the fuel actually purchased on the Turnpike and that is used for state routes connecting to the Turnpike. I don't think their case is that strong in Ohio as it is in the other states, but again, it is something that the Commission needs to be aware and we will probably get a public document request to have some of our records reviewed and our finances so that they can prepare for their lawsuit. At the same time, we will try to educate them and tell them where the money has worked and we will try to work with the State and hope to get the State dismissed as quickly as possible.

Blair: We appreciate that.

Williams: We look forward to your continuing to update us as to the progress, Gino.

Zomparelli: That's all I have, Mr. Chairman.

Williams: OK, we have not had a report from Deputy Executive Director Arlow and he isn't here today –

Plain: Mr. Chairman, that's correct, but Dave Ransbury is here and prepared to give the report and what we are planning and also we have already initiated some of our construction projects. We furnished the members with copies of our Construction Program for this year in a booklet form. I have one here and we also mailed this out to all of the news media along the Turnpike and all the County Engineers where we have projects in their county and to the various townships that are involved around the projects. It has all of our nice map – shows where the construction projects are, gives a detail of what we are doing and also has the detour routes located within those communities where we are building project and we are working with the local officials to make that as painless as possible. We have distributed these books to everybody and I'll let Dave tell us what's in store for us this year.

Ransbury: Mr. Chairman, Commission Members –just a brief update from where we were at the last meeting. It's only been a few weeks, but we have gone ahead with the

award of two resurfacing projects which we have done preliminary work on and we will be setting the bi-directional zones beginning April 6 (from Milepost 38 to 48) ; and from Milepost 180 to 187. There will be two major areas of third-lane work beginning on April 6<sup>th</sup> with the shifted zones (Milepost 111-120) and from the 173-177 milepost. Major bridge work is continuing on the Maumee, the Sandusky and Vermilion River and we have other bridges under construction with work going on now with zoning on the Turnpike as needed at Camper Road, S.R. 150, S.R. 60, Abbey Road and S. R. 46. I might mention that at Camper Road we had a tragic accident Saturday morning (March 27) where one of the contractors' employees was killed on the road and you may see some information about that in the papers. We and OSHP are investigating it. We will uncover all the facts as they present themselves to see what went wrong and how it can be corrected. As Alan mentioned before, the Travel Center work is ongoing and we are doing finish work in the Erie Islands and Commodore Perry Travel Center for opening on June 1<sup>st</sup>. If there are any questions?

Plain: If any of the Commission Members would like to take a tour of the facilities, we will make arrangement for you to do that. We'll have you escorted there to do that, if anybody is interested.

Williams: I'd like to

Baker: Me, too. I also have a question. I know it's some time yet, but what is the timetable on the Maumee River Bridge? I get questions about that.

Ransbury: The Maumee will be all through this year and towards the end of next year. It's about a three year project.

Williams: Any further questions? It might be appropriate at this time for Capt. Ash to update us since we just mentioned the accident and the untimely death of an individual on the Turnpike.

Ash: Mr. Chairman, the truck driver says his brakes failed, yet he left skid marks. He was in the left lane going around the zone and the truck in front of him slowed down. He applied his brakes, said they didn't work properly so he took evasive action to the right and went into the zone. That's where he struck the Dick

Corporation employee and fortunately the bumper vehicle was there and kept him from running into the scaffolding which had about 8 other employees on there. If he hit that truck, and it overturned - We are looking at the brakes on the truck today. We think he was just driving too fast—that's what it looks like.

Williams: It's unfortunate. We understand that the supervisor – the father of the victim – were there at the site at the time. Extremely unfortunate.

Ash: Yes he was. He was 22 years.

Williams: Anything else, Captain?

Ash: No Sir, thank you.

Williams: Thank you very much. Mr. Lamb, any report from the Trustee?

Lamb: No report, Mr. Chairman.

Williams; Mr. Everhart?

Plain: He's not here, Mr. Chairman.

Schwartz: URS has no report today, Mr. Chairman.

Williams: Is there any further business that comes before the Commission today? Before we adjourn the meeting, our next meeting has been scheduled for April 26. I hope that will be convenient with the Commission Members. If there is no further business, I will accept a motion to adjourn until April 26, 1999.

Baker; I move that we adjourn until that date.

Anthony: Second.

Roll: Mrs. Baker-yes, Dr. Anthony-yes, Mr. Blair-yes, Mr. Williams-yes.

*(Meeting adjourned at 11:00 a.m.)*

