

MINUTES OF THE 459th MEETING OF

THE OHIO TURNPIKE COMMISSION

April 10, 2000

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting at the Commission's renovated Administration Building at 10:00 a.m. on April 10, 2000, with members of the staff: Gino Zomparelli, Executive Director and Assistant-Secretary Treasurer, Deputy Executive Director; Robert Arlow; Deputy Executive Director; Dan Castrigano, Asst. Deputy Executive Director/Chief Engineer, James Steiner, CFO/Comptroller, Pat Patton, Government Liaison Officer, Thomas Amato, General Counsel, John Mitchell, Director of MIS; Tim Ujvari, Maintenance Engineer; and Karen Lenehan, Director of Public Affairs.

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

The vote was as follows:

Ayes: Mr. Blair, Representative Buehrer; Mr. Strnisha, Mr. Greenwood,
Mr. Williams and Mrs. Leever

Nays : None.

The Chairman advised that Senator Armbruster was out of town and could not attend today's meeting. The Chairman also said Robert Blair is here today representing the Ohio Department of Transportation Director, Gordon Proctor, and is authorized to vote for him.

The Chairman advised that a number of guests were in attendance, but first, on behalf of the Commission, wanted to welcome the Governor of Ohio, Bob Taft.

The Chairman then advised that before Governor Taft addressed the Commission, she would like everyone to introduce themselves.

The following representatives also attended the meeting:

Dennis Lamont, David Chrulski, Marc Chappo, Linda Kohl, Jack Siffert, Bruce Siffert, and Alan Shaffstall, Lake Shore Railway Association (LSRA); Howard O'Malley, B & T Express; Larry Davis, Executive Vice President, Ohio Trucking Association; Tom Sanders, Tom Travis, MHS Host, Larry McQuillin, Advanced Restaurant Concepts (ARCI); Betty Blair, Lorain County Commissioners; State Representative John Bender; Gil Brindley, Dick Corporation; Mike Burgess, URS; Steve Wood, Jim Caplin, PaineWebber; Joe Rice, Ohio Rail Development Commission; Steve Mayor, Pat Sink, Kenny Triplet and Floyd S. Jeffres, I.U.O.E. L.U. #18; ; Marty Vogtsberger, Fifth Third/The Ohio Co.; Matt Stuczynski, Nat City Investments; Frank Lamb, Huntington Bank; Mark Miller, Pryor, Counts & Co; Andrea Misko, (The Chronicle); Paul Stubbins, Seasongood & Mayer; Ryan Connors, Connors & Co.; Mike Schipper, HNTB ; Stefan Holmes, Bridget Harm, First Merit Bank; Morgan Lewis, Morning Journal; Ken Marley, Hardee's Food Services; Mary Ann Sharkey, Communications Director, Governor Taft's Office; Mike Wise, Ohio Dept. of Development; Capt. Farris, Lt. Derr, Ohio State Highway Patrol; John Peca, Climaco, Lefkowitz; Sharon Isaac; Gary Cawley; Kathy Dolbin; Bill Keaton, Dick Lash, Fred McFall, Heidi Jedel, Tracy Cowley and Diane Pring.

The Chairman said Good Morning to all and stated before we go any further she would like to say a very special thank you to Sue Morgan. You all know Sue, she greets you as come in and you can't get to anyone because she answers the phone. Be nice to Sue. We would like to thank you, Sue, so much for this wonderful sun catcher. How very appropriate. It is just perfect for us, and we appreciate your work, effort and talent. Thank you so much for sharing it with us. Sue responded with, "your welcome." (The attendees applauded in appreciation.)

The Chairman said we are honored to have our Governor in attendance at this Commission meeting. As Chief Executive Officer of the State, his time is extremely limited and for you to share your time with us Governor Taft, we are most appreciative and you have graciously agreed to address us this morning so without further ado – the Governor of the State of Ohio.

Taft: Thank you very much Madame Chairman and it's good to see you again. We were just reminiscing. Ruth Ann and I – we have been working together on projects in the State of Ohio for about 25 years, and I very much appreciate your service and your leadership of the Commission.

I am here today because the Ohio Turnpike is one of Ohio's most important assets. It has a vital role in the economy of northern Ohio and a vital role for the people of northern Ohio. I want to thank all the Commission Members in particular for your service and hard work on the Turnpike. I know you put a lot of time, energy and effort into making sure that the Turnpike runs efficiently and I salute you for that. I also want to thank Gino Zomparelli and your staff for all the work that you do – day in and day out – to make sure that the Turnpike is a valuable asset to the State of Ohio. I especially want to thank you for putting up the photos of the Governor – that's really nice. At least it's nice to have it up for a couple of days. You can take them down when you want to. (Gino: they are staying.)

Thank you for the warm welcome that you provided us this morning. We really do appreciate all the work that you and your staff do for the Turnpike. Under the leadership of the Commission and the staff the Ohio Turnpike enables 45 million vehicles a year now to move safely and efficiently across the State of Ohio. That really is a remarkable achievement. I would like to commend the foresight of this Commission and the staff as well in making the capital improvements that will assure that you will be able to serve your customers for many years to come – well down into this 21st century. The third lane, the upgrades to the service plazas, and to the toll plazas are very important to improvements to make sure that the Turnpike continues to be a first-class route for the people of Ohio and the people that come through our State as well. As you serve your motoring public, I want to ask you to continue to be a good partner to the State, to ODOT to neighboring communities and to the businesses of Ohio. As with any state department or agency, I want you to focus on being as responsive as you can to all of your

customers – to listen, to be attentive, to address their concerns and needs as you understand them

Especially, of course, it is the responsibility of the Members of the Turnpike Commission to ensure that the Turnpike operates in an open and responsive manner, that its business is conducted in the most efficient and economical manner and that you are fair, objective and impartial in all of your dealings with all of your business partners on the projects that you conduct.

I commend the Turnpike for opening up a number of new interchanges in recent years. This is a great example of how you can play a vital economic role and be a good partner to the local communities that you serve. I hope you will continue to work with your local communities all along the Turnpike route to help them meet their transportation goals. I understand that recently you concluded an agreement with ODOT to assist with the widening of US 250 in Erie County. I commend you and ODOT. I know Bob Blair, you were involved in that as well for working together on that project. That's the kind of cooperation that really benefits the citizens and the people of our state. I also want to congratulate you and say how much I appreciate your patience in working through and resolving the issues surrounding the S.R. 58 interchange – to make it possible for the interchange and the rail line to co-exist which, of course, has been an interest of mine. Because I think that agreement that you are working on really lays the foundation for the future growth and prosperity in Lorain County. I would like to thank Mike Wise of the Governor's Office who worked very hard on this project, Jim Betts and all the members of the Ohio Rail Development Commission and their staff. I know they worked hard on it – the Lake Shore Railway Commission (LSRA), I know State Representative John Bender also had a very strong interest in this project. It's been a while in coming, but I think that this agreement will really, as I said, lay the foundation for the future prosperity because it not only allows the Turnpike to proceed with the interchange but also preserves the potential for even better rail service in Lorain County which is, I think,

going to make Lorain County attractive for business development and expansion in the years to come.

For the remainder of our administration, we look forward to an even closer working relationship among the Turnpike, the Governor's Office, the General Assembly and the ODOT. Personally, I would be very supportive of some additional statutory authority to enable the Turnpike to assist with improvements to state and local routes that are immediately adjacent to the Turnpike and which are impacted by travel flows that are generated by the Turnpike. From that standpoint, I would encourage all the Commissioners and the staff as well to work very hard to build a stronger and closer relationship with State Legislators like Steve Buehrer, John Bender so that you can have the opportunity to realize the full potential of what the Turnpike can be. Of course, I know we all recognize in the executive branch of state government that the legislators are ultimate and most influential customers. I would encourage you to work hard from that standpoint and try – I know that you are working on good relationships but try to continue to build, develop and grow those relationships in the year ahead.

I just want to say in conclusion that I'd like to congratulate the Commission Members and the staff of the Turnpike on all the progress that you are making and I know that as we work together in the years to come we can do even more to move people and freight safely and efficiently across Ohio and ensure Ohio's prosperity and quality of life in this 21st century. Thank you all for your hard work. It's a real honor for me to be here at this Commission Meeting. I appreciate the opportunity especially Madame Chairman to address the members of the Commission in my role as Governor. Thank you.

Leever: Thank you, Governor Taft. (Applause.) I would like to say that the last time that we were honored to have a Governor here was 37 years ago in 1963 and Jim Rhodes was here. Do you know why he was here? He wanted us to finish and complete I-71.

Taft: That's ODOT's responsibility. They have to work on the I-71 widening.

Leever: Thank you Governor for your time; we appreciate it.

Taft: Thank you very much and if there are any questions or comments, I would be more than happy to receive them from the Members of the Commission or the folks in attendance.

Leever: Does anyone have any questions?

Zomparelli: Madame Chair, Governor Bob Taft – 37 years ago when Governor Rhodes was here I was 7 months old.

Leever: He's bragging.

Taft: Well, you're older than I thought.

Zomparelli: I definitely pledge the support of our staff. I mentioned 37 years, I see Alan Plain in the audience and a lot of workers that have worked at the Turnpike, believe it or not almost 40 years – we had an employee retire last month with 40 years of service. We were trying to recall the last time the Governor was here and we started asking all the employees. But it's a recognition that the employees asked me to share with you that you have to the Commission. We had a staff meeting here on Friday and all the employees were very proud to have the Governor attend our meeting. We believe strongly in our role as a state instrumentality and we want to feel part of the State of Ohio and the recognition that you gave us today, I thank you for on behalf of all our employees. We will work together with you on fulfilling the transportation needs of the State beyond the Ohio Turnpike.

Taft: Good, thank you.

Williams: Governor, speaking for myself and I am sure my colleagues here on the Commission, we are very pleased to have an opportunity to serve the State of Ohio in this capacity and we realize the important of close collaboration with your office as well as those down state which is important for the best interests of the State of Ohio. We are pleased to serve.

Taft: Thank you. I just want to say again that I really do consider this one of the most important boards and commissions in the entire State of Ohio in terms of the influence and significance to the future of our State. Again, I want to state how much I appreciate the service that the members of this

Commission are providing on that Board and also the good work that the staff is doing as well. Thank you very much.

Leever: We have a short video. I think you'll get a kick out of this video and you'll understand when you see it. (The 15-minute video entitled, "Ohio Turnpike Economic Development" *(revised 04/10/00)* was viewed by all in attendance including Governor Taft.) (The Governor left at 10:30 a.m.)

I hope you all noticed that I wore the same outfit in the video as I did today. I just want you to recognize me. I think as I said to Mr. Greenwood earlier this morning, spring is here in Cleveland – they are blossoms on the trees, green grass a little snow and orange barrels so we know spring has arrived so we are off and running.

This is the 459th meeting of the Commission and we are meeting here at the Commission's headquarters as provided for in the Commission's Code of Bylaws. The minutes of the last Commission Meeting of February 18, 2000, have been distributed to the members for their comments, and she 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: Mr. Williams, Mr. Greenwood, Mr. Blair, Mr. Strnisha, Mrs. Leever.

Nays: None.

The Chairman declared the minutes stood adopted with all Members present voting in the affirmative. The Chairman also said that this weather was a little more pleasant than the February 18th meeting.

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. She said the resolutions would be explained during the appropriate reports.

The Chairman stated if there were no further questions, we would proceed with the report of the Secretary-Treasurer, Mr. Greenwood. The following items have been sent to the members since the last regularly scheduled meeting of the Commission on February 18, 2000:

1. Draft of Commission Meeting Minutes of February 18, 2000
2. Traffic and Revenue Report, February 2000
3. Traffic and Revenue Report, March 2000 *
4. Financial Statement, January, February 2000
5. Investment Report, January, February 2000
6. Investment Report, March 2000 *
7. Traffic Accident Summary Report, February, March 2000
8. Revenue by Month & Year, February, March 2000
9. Investment Report, March 2000
10. Litigation Report for the period ending March 31, 2000 *
11. Ohio Turnpike Construction Projects 2000 booklet
12. Ohio Turnpike Commission Annual Financial Report for the Period ending 12/31/99
13. Various News Releases

Leever: Our report on financial and budgetary matters, Mr. Steiner.

Steiner: Madame Chair and Members of the Commission, as of March 31, 2000 we have now set new all-time traffic records for both passenger cars and commercial vehicles for each of the past 13 months. 7,415,000 passenger cars traveled the Turnpike during the first quarter of 2000 surpassing the previous records by 8.9% in January, 4.6% in February, 6.3% in March and 6.6% for the quarter. Commercial traffic for the quarter totaled 2,216,000 vehicles surpassing the prior records by 3.1% in January, 12.2% in February, 7.6% in March and 7.6% for the quarter. Total traffic for the first quarter of this year totaled 9,631,000 vehicles surpassing the prior records by 7.5% in January, 6.2% in February, 6.6% in March and 6.8% for the first quarter.

Our General Fund revenues for the first quarter of the year exceeded the amount budgeted by \$1.4 or 3.4%. Operating, maintenance and administrative expenses for the quarter were less than the amount budgeted by just over \$1 million or 4.9%. Most of these savings related to snow removal costs. Madame Chairman, that completes my report and I'd be happy to respond to any questions.

Leever: Are there any questions? Thank you Mr. Steiner. Our report on Employee Relations, Kathy Dolbin?

Dolbin: Madame Chairman, Commission Members, I'd just like to mention briefly that we will be having our annual Employee Relations meetings with representatives from our non-bargaining members of our staff on Wednesday, April 12th.

Leever: Thank you.

Blair: Gino, do you have any analysis to see if the gas prices have done anything at all – up or down?

Zomparelli: Madame Chair, Commission Member Blair – just by looking at our traffic volume report, we haven't done a specific study on the fuel prices. Our truck traffic has been increasing. Based on what has happened as fuel prices go up it seemed that our commercial traffic also increased. I did some follow-up when I was in Columbus. I had a chance to talk to a couple people in the trucking industry last March and I asked them how the fuel prices affected them. It was explained to me that if the prices were to go up any further, there would be an impact, but they had escalation clauses built into their contract so it protected them for a small portion of increases. But if they did reach the level of \$2.00 they wouldn't be able to absorb that or pass that along to their customers. Holding steady at the rates we are now doesn't seem to be a negative impact. We are at an acceptable level right now, but I was worried about the impact.

Leever: Mr. Blair, I asked the same question of Mr. Zomparelli a couple of weeks ago. Onto our staff reports, we'll ask Mr. Zomparelli to continue with his comments.

Zomparelli: Madame Chair, Commission Members, Mr. Steiner do you remember what the monthly percentage of increased average have been for commercial traffic for the months of January, February and March?

Steiner: Yes, commercial traffic for the quarter exceeded the prior records by 3.1% for January; 12.2% in February; 7.6% in March and 7.6% for the entire quarter.

Zomparelli: That makes it difficult for us to gauge what the impact of the fuel prices will do to us. Obviously, there are more factors that fuel which will affect our traffic. Thanks, Mr. Steiner. Those records were established only last year. We have a good gauge.

I have before the Members a number of draft resolutions. The first one is a resolution regarding Contract No. 43-00-01. I'd like to come back to that one at the end of my report, Madame Chair.

I'd like to start with the second resolution on the agenda that is Resolution awarding Contract No. 43-00-02. This is a contract for bridge rehabilitation of the Shiets Road Bridge at Milepost 96.1; Jacobs Road Bridge at MP 96.5; Vickery Road Bridge at MP 101.2; Dirt Access Road Bridge at MP 103.4 and S.R. 101 Bridge at MP 104.2, all in Sandusky County. The Commission received four bids for the performance of this contract. The bids were reviewed by our Asst. Deputy Executive Director/Chief Engineer and other members of the Commission's staff. It also was reviewed by General Counsel and is below our estimate. The low bid was submitted by Mosser Construction, Inc. of Fremont, Ohio in the amount of \$1,399,397.05.

I'll read the Resolved of the resolution and recommend that the Commission move to adopt this resolution:

RESOLVED that the bid of **Mosser Construction, Inc.** of Fremont, Ohio in the amount of **\$1,399,397.05**, for the performance of Contract No. 43-00-02 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. 43-00-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.

The bidder has done work for the Commission in the past and again I would recommend that the Commission move to adopt this resolution.

Greenwood: Move for adoption, Madame Chair.

Strnisha: Second.

Leever: Are there are any questions?

Roll: Mr. Greenwood-yes, Mr. Strnisha-yes; Mr. Blair-yes; Mr. Williams-yes; Mrs. Leever-yes.

Zomparelli: The resolution is adopted.

The next draft resolution the Commission Members will find is resolution awarding Contract 77-00-01. The Commission advertised for bids upon a contract for third lane construction (*Part A*) from Milepost 160.65 to 165.00; (*Part B*) from Milepost 165.00 to 168.68; (*Part C*) pier repair of Pearl Road Bridge over Ohio Turnpike at Milepost 161.1 and old interchange 161 Ramp bridge over Ohio Turnpike, Milepost 161.5; pier relocation of Interchange 161 Ramp Bridge over the Ohio Turnpike at Milepost 161.8 and (*Part D*) repairs and resurfacing from Milepost 161.59 to 168.68. This portion of the Turnpike is located in Cuyahoga County and is actually is part of the roadway you see out the window on the side and behind us and Exit 10 which is the nearest interchange to our headquarters.

The Commission received three bids. A bid tab is attached. All three bidders are familiar with the Turnpike and have worked for the Turnpike prior. The low bid was submitted by A. P. O'Horo Company of Youngstown, Ohio. The bids have been reviewed by the Asst. Deputy Executive Director/Chief Engineer and he also submitted a report concerning his analysis and

recommendation. I concur in his recommendation. The bids have been reviewed by General Counsel. The Resolved of the resolution reads:

RESOLVED that the bid of **A. P. O'Horo Company** of Youngstown, Ohio, in the amount of **\$35,960,000.00**, utilizing its base bid using crushed slag in the surface course for the performance of Contract No. 77-00-01, 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. 77-00-01 is designated a System Project under the Commission's 1994 Master Trust Agreement.

The bid is within 10% of our estimate. It is slightly higher than our estimate, however, I am comfortable with the dollar amount and pleased with the bid results. The second and third bidder were a little bit more than \$3-M higher than the lowest bid. I would recommend that the Commission move to adopt this resolution.

Leever: Do we have a motion?

Williams: I move for the adoption of the resolution.

Greenwood: Second.

Leever: Any discussion?

Blair: The other two bids - \$3-M higher, was there any particular thing that they looked at that made them so much higher? Was there any one area?

Zomparelli: Madame Chair, Commission Member Blair, with the third-lane construction this large in scope we didn't notice any particular item that would cause us concern. The second and third bidder were within \$28,000 of each other. S.E. Johnson and Great Lakes Const. are two very large companies and have done work with us in the past. A. P. O'Horo I think all that happened with this bid was they pursued it very aggressively and may have surprised the second and third bidder. The Chief Engineer – would you like to add anything with regards to the bid analysis?

Castrigano; Yes, I have spoken with the apparent low bidder and they feel very comfortable with the amount they bid.

Zomparelli: Was it just quantities or

Castrigano; A. P. O'Horo – they were very aggressive in the retaining wall. The aspect of the project - we had bifurcated sections just east of us here and that's where they picked up a lot of the costs.

Williams: Have they performed work for us before? And it has been satisfactory?

Castrigano; Yes it has.

Zomparelli: Madame Chairman, Commission Members, they actually won an award for one of the projects we had awarded. I don't know if they received anything else. We had awarded them – was it two years ago - for work performance on the Turnpike. They have done some toll plaza renovations.

Strnisha: A similar question in terms of it was pointed out in the letter where this is higher than our estimate. Can you explain that a little bit?

Castrigano: Again, there was no single item that really jumped out that the estimate was low on. It was just a general trend that was spread across the entire bid.

Strnisha; Since some of the estimates have been done, are material prices moving upwards. Are we likely to see more things like this in future bidding because material pricing or labor pricing or anything is moving upward?

Castrigano; I don't know if ODOT would concur with this or not, but the fuel prices, the increase in the fuel prices directly affect the price of asphalt also.

Strnisha; This was something that based on the schedule was intended to get started this year?

Castrigano; Yes that's correct.

Leever: Any further questions, please call roll.

Roll: Mr. Williams-yes; Mr. Greenwood-yes; Mr. Blair-yes; Mr. Strnisha-yes; Mrs. Leever-yes.

Zomparelli: The resolution awarding Contract No. 77-00-01 is one of our largest projects. You recall the Cuyahoga River Bridge is our largest at \$51-M. This is a third-lane project in a much needed traffic area in Cuyahoga County.

The next resolution draft in the Commission Members' Folders is a resolution amending Res. 11-1993 regarding S.R. 58 interchange in Lorain County. The Commission Members have a little packet relating to the S.R. 58 interchange. The Commission back on March 8, 1993 – to give you an indication of what Governor Bob Taft was talking about – the long, sought-out project. Here we are over 7 years later, amending the resolution hoping we can move forward with the interchange. Back on March 8, 1993, the Commission adopted a resolution designating connection with S.R. 58 as a point of ingress to and egress from the Ohio Turnpike in the vicinity of MP 140 in Lorain County. Since that time – since three Executive Directors, several Commission Members – was it two or three Chairmen, I'm not sure Alan – three or maybe four Chairmen that we have been living with this project trying to make it a reality for Lorain County and at the same time preserve a transportation corridor that a number of local officials and members of the public in Lorain County seem to support.

Since our last Commission Meeting I had met with a representative from the Governor's Office, Mike Wise, and also Chairman Betts from the Ohio Rail Commission and Marc Chappo from LSRA discussing the status of the interchange and the progress that the parties have made in obtaining funding for construction of the interchange at the re-located area. In your folders you should see a little map or layout of the area – you should have that in front of you. The red area illustrates the original proposed location for S.R. 58 and the right of way that will be necessary for appropriation. In order to preserve the old transportation corridor referred to as the Lorain & West Va. Railroad right of way that the Turnpike first purchased from Rural Water Authority in Lorain County, it would be necessary to move our toll plaza building and our ingress and egress ramp south from the planned location. That additional right-of-way is represented in the orange dotted area. It would necessitate appropriating about eight additional acres approximately from one property owner and almost two additional acres from a second property owner. The rest of the right-of-way essentially remains the same. We also have a portion designated by the blue area about one acre – would be right-of-way not

required for our relocation and co-existence. To review this proposal and discussions with Ohio Rail Commission and Mike Wise from the Governor's Office, we entered into a little bit different set of negotiations which I had expressed to the Commission at one of our prior meetings.

In working with our General Counsel, Mr. Amato, we had proposed an option to purchase a permit to operate a railroad along the portion of our right-of-way. The idea and the goal behind the option would be to enter into an option agreement with Lake Shore Railway Association which they would pay us an option fee to have the right to negotiate for a permit for a portion of our right-of-way. The reason we took this approach was to have this interchange move forward. We were concerned that delaying the interchange another year or going through funding issues that may never prove viable or come to happen that the Turnpike would have this interchange delayed another year and another year means increase in construction costs and also means increase in right of way costs. We have already delayed this interchange several years and each year that we don't build it if we are going to build it costs us money. We have looked at a proposal that would enable us to start the interchange. Whether it would be at the original location or at the re-located area. That's why General Counsel drafted an Option with First Right of Refusal Agreement. That agreement is attached to the resolution. It's very short. It essentially provides that Lake Shore Railway Assoc. would pay the OTC \$5,000. General Counsel is holding a \$5,000 payment draft awaiting the outcome of Commission action today as payment of the option and first right of refusal to purchase a permit. The cost of the permit would be the \$1.6-M. The \$1.6-M is the amount that we had requested LSRA to pay for a permit for using our right of way. We were concerned that not obtaining funding from the Ohio Rail Commission may be delayed because of cash considerations and that also there may be funding issues beyond the control of the Turnpike relating to Key Bank. As you may recall from our prior meeting, LSRA was seeking a dual source of funding of the \$1.6-M cost (\$800,000 from Key Bank and \$800,000 from Ohio Rail Commission.) \$300,000 would have been in the form of a grant from Ohio Rail Commission

and a \$500,000 loan. It became apparent to me and I am sure General Counsel would reiterate that there always seemed to be an issue that would come up or a point of negotiation that we always seemed to be starting back to Square 1 or going in circles. The staff would like to move forward with the interchange, I am sure our chief financial officer would like to know what the budget is going to be and not change it every year and with us coming up to possibly our last bonding opportunity next year, we also would like to know how much money we need for our operations.

The Ohio Rail Commission Chairman Betts sent a letter to me and the Commission requesting that we preserve the transportation corridor. I had explained to him that the Commission was always concerned and would like to preserve a transportation corridor. When I had mentioned to him about the option and first right of refusal, he was very supportive of that and that seems to be the best mechanism for us to move forward. The option has already been signed by Marc Chappo, the Executive Vice President of LSRA as you can see it is attached to our resolution. The option gives LSRA up to ten years, including the first year, nine extension periods to exercise this option. The \$5,000 fee is a fee that would **not** be refunded. It would be a fee that the Turnpike would keep. The \$1.6-M is the figure that would be the cost of the permit for year #1 and each successive year that \$1.6-M will increase by at least 5% or higher if the U.S. 30-year annual treasury yield is higher than 5%. That would be the escalation fee.

I should also point out to the Commission that the OEPA has signed off on the re-located proposal. They prefer the re-location because it impacts the wetlands less and we received the water quality certification pertaining to this second preferred alternate for S.R. 58 interchange. It is my recommendation that the Commission move to adopt this amended resolution and permit the executive director and general counsel to execute a contract on behalf of the Commission with LSRA for an Option and First Right of Refusal. The agreement, I will make clear to the Commission, and to the public that the Commission is not limited to preserve that corridor for LSRA. We would be

permitted to negotiate with other railroads or other entities wishing to negotiate for that permit. What this does it gives us a chance to recoup that \$1.6-M if LSRA is not in a position to exercise their option and there is another railroad at some point in the future ready, willing and able to exercise and use that transportation corridor. There is sufficient time given to LSRA to exercise their option. They have 182 days – about 6 months – we think it's a very fair agreement. I'll read the Resolved of the resolution:

RESOLVED that, pursuant to Section 5537.04 (A)(9) of the Ohio Revised Code, this Commission does hereby reaffirm and formally re-designate a connection of S. R. 58 as a point of ingress to and egress from the Ohio Turnpike in Lorain County, Ohio;

FURTHER RESOLVED that the chairman and executive director are authorized and directed to engage the services of such consulting firm or firms as they deem capable and appropriate to accomplish the expeditious re-design of a toll interchange between S. R. 58 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

FURTHER RESOLVED that the Commission determines hereby that the costs and expenses for the study, re-design, right-of-way acquisition and construction of the toll-interchange project shall be paid by the Commission;

FURTHER RESOLVED that the executive director be, and hereby he is, authorized to take any and all necessary action to contract with Lake Shore Railway Association, or any other entity or person, to finalize an agreement to permit use of a portion of the Commission's right-of-way more fully described in Exhibit "A" and in the form attached hereto as Exhibit "A".

Exhibit "A" is the option and first right of refusal to purchase the permit. The permit terms will be essentially the same terms that we were seeking at a prior time. I'll point out that I believe the ODOT is supportive of this interchange. We are not changing out point of egress and ingress from S.R. 58 and HNTB is ready to commence with the re-design. They are always looking for more work, I'm sure. We have negotiated a fair price with them. I'm here to answer any questions the Commission Members might have and I recommend that we move to adopt this resolution.

Greenwood: Madame Chair, Mr. Zomparelli, I tried to read this very quickly to try to understand it. One minor point – I can't and maybe you can help me out, I'm trying to follow the disposition and any subsequent \$5,000 options. \$5,000 is put down expires on April 30, 2001. Optionor shall retain the consideration acceptance provided below.

Zomparelli: At the top of page two ? This Option may be renewed by Optionee by an additional option payment of \$5,000 which shall not apply to the permit purchase price. So they would not get an abatement on the \$5,000. The permit fee would remain at \$1.6-M. We did try to put in a mechanism here for whatever reason we couldn't start or build the interchange that in that case we would return the option fee of \$5,000 or whatever option fees had been paid. Because there is still the hurdle to go over regarding the right of way acquisition. Assuming that everything goes smooth, and they are not any other foreseen problems that prevents us from building the interchange, we would plan to start and hopefully go out to bid next late fall and be in a position to award a contract at that time or around this time next year. Construction would take about one year at S. R. 58.

Leever: Any further questions – Mr. Strnisha?

Strnisha: I noticed there was a change here from the original LSRA shorter period of time to about a half a year. Given that amount of time, does it limit the ability to negotiate with another entities because you will have to give them ½ year in essence.

Zomparelli: Madame Chair, Commission Members, Mr. Strnisha. That's a good point, I am not concerned because the right of way the transportation corridor is being preserved regardless and we had put in 30 days and in an effort to save time and get another signature, one reason for the 182 days was to allow sufficient time to obtain financing from a financial institution and give title company time to do the work they need to an their due diligence. We would be out maybe 90 days anyways and the point of contention with any future property owner, we would give them the same period that is exercised.

They would probably be in a position, ready, willing and able and since the right of way would be preserved, I am not concerned. But that was the point of contention.

Strnisha: Do you have I think this was a great way to resolve the issue that was in front of the Commission to move the interchange. At the same time and I'm not sure if LSRA would like to speak to this – what is the likelihood that the option gets exercised before April of next year. They obviously will renew it. I don't know if anyone wants to take a stab at that at this point or is it contingent on a lot of things going to happen?

Zomparelli: Well, Madame Chairman, Commission Member Strnisha, I am very sure that Marc Chappo would be willing and able to talk about it but I would prefer that we wouldn't. I'm sure they know what the fee and the cost is and what we were concerned was that we had heard representations that they had the funding prior and that's one reason the Commission prior to your term and the term of most of the members, I think, the Chairman and Vice Chairman are really the only members that were involved in the prior negotiations. It never really seemed to happen. I don't doubt their efforts; they are trying and they were very close to the \$1.6-M last month or a couple months ago. I think this helps them get at least a year or a couple years to actually help with the funding and a better opportunity to manage their finances and hopefully be less burdensome to them and they can borrow less money a year or two years from now because they have obtained revenue from their other revenue sources. The Turnpike in the past for the people who don't know any better accused us of maybe not taking into consideration our neighbors and other local entities along the Turnpike. We feel we always have and we have been always forthcoming and very responsible. I think this adds a second step or another measure that shows the State of Ohio and especially Lorain County our support for the transportation infrastructures in the State. This should help in their financial condition.

Leever: Are there any further questions? We need a motion.

Blair: I'll move

Strnisha: Second

Roll: Mr. Blair-yes; Mr. Strnisha-yes; Mr. Greenwood-yes; Mr. Williams-yes; Mrs. Leever-yes.

The resolution amending Resolution No. 11-1993 relating to approving the location, re-design and acquisition and Right-of-Way for an interchange with S. R. 58 at MP 140 in Lorain County is adopted. I think that one deserves an applause. (See you after the meeting, Mike and Marc.)

Zomparelli: I want to go back to the first item relating to the Resolution for Contract 43-00-01. This is a contract that the Commission had advertised for bids relating to bridge deck replacement at I-90 (eastbound) over west Ridge Rd. at MP 142.6 and I-90 eastbound over the Ohio Turnpike mainline at MP 142.8 located in Lorain County. More work in Lorain Cty – I think Lorain County holds the record for the largest number of interchanges.

The Turnpike received three bids and the bid tab is attached. These are all three bidder who have bid with the Turnpike in the past – S. E. Johnson, Becdir and Great Lakes Const. Co. All three bids were very close; two were at \$1.8 and the third was at \$1.9. However, all three bids came in over our estimate. I don't want to disclose our estimate because we would like to re-advertise for bids. But they came in over 10%. We are going to take a look with our consultant and our staff at our estimate and if necessary, revise the estimate and try to find out why our estimate varied with the bid amounts since all three bids came in at essentially the same range. We are working on that now.

This resolution is a resolution that we reject the bids, authorize us to re-advertise and also authorize the Executive Director with the concurrence of the Chief Engineer and General Counsel, to take further action concerning award of this contract. If we were to re-advertise and advertise for three weeks, we wouldn't be in a position to recommend an award of this contract prior to our next scheduled Commission Meeting which will take place the

second Monday of the month – tentatively May 9th, 2000. By allowing the Commission staff to re-advertise for bids and award the contract, we would be in a position to award this contract in the summer months and begin work expeditiously on the project and not have to wait until possibly mid-June which would be the next scheduled Commission Meeting. The project is relatively small. I'll read the Resolved of the resolution:

RESOLVED that the above-mentioned bids hereto received pursuant to the advertisement for bids upon Contract No. 43-00-01, for bridge deck replacement of I-90 (*eastbound*) over West Ridge Road at Milepost 142.6 and I-90 (*eastbound*) over Ohio Turnpike mainline at Milepost 142.8 located in Lorain County, Ohio; be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, and to return to the bidders the bid security furnished by it; and

FURTHER RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to re-advertise for bids for Contract No. 43-00-01 for bridge deck replacement of I-90 (*eastbound*) over West Ridge Road at Milepost 142.6 and I-90 (*eastbound*) over Ohio Turnpike mainline at Milepost 142.8 located in Lorain County, Ohio forthwith.

FURTHER RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to execute a contract with the lowest responsive and responsible bidder;

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

FURTHER RESOLVED that the executive director of the Ohio Turnpike Commission is hereby authorized to take any action necessary concerning award and execution of Contract No. 43-00-01 for bridge deck replacement of I-90 (*eastbound*) over West Ridge Road at Milepost 142.6 and I-90 (*eastbound*) over Ohio Turnpike mainline at Milepost 142.8 located in Lorain County, Ohio; prior to the next meeting of the Commission, including the award of contract for such invitation or the rejection of the bids received in response thereto.

I am confident Madame Chairman and Commission Members that the bids will probably come in the same price range submitted by the three bidders. I

don't expect very much deviation. The other reason I recommend that the Commission move to adopt this resolution is that I don't expect that there will be any other business at the May Commission Meeting. If we were to have the May meeting it would only be to award or reject this contract.

I would recommend that we move to adopt this resolution.

Leever: We need a motion.

Greenwood: I move for adoption.

Williams: Second.

Williams: Question – we need to re-evaluate our estimate in the first instance to determine if our estimate originally was not as high as it probably should have been. Is that correct?

Zomparelli: Madame Chairman, Commission Member Williams, yes that seems to be indication with the three experienced bidders that our estimate needs to be reviewed and revised.

Buehrer: A question for you or the Executive Director, is their precedent for this type of authority being given to grant contracts like this?

Zomparelli: Madame Chairman, Representative Buehrer, yes, it is not frequent but it's not extraordinary or out of the ordinary. Again, this would require the concurrence of General Counsel, also our Chief Engineer, and I also would need to concur in the recommendation and compliance with the Ohio Revised Code statutory law of the "lowest responsible, responsive bid." This still needs to be complied with. It's really a formality on my part at that point.

Buehrer: Understanding what Mr. Zomparelli said I would only express my personal concern that this type be truly an exception to our operation. I think the ongoing viability of the Commission demands that those of you who are the elected members and those who come here because we enjoy driving to Cleveland once a month continue to have this outside input and review of these sorts of things. I certainly have all faith in the people – Mr. Zomparelli, legal counsel and others who had reviewed this sort of thing but I would

personally express some reservations based on the ongoing role that I believe the Commission has in this process.

Leever: Excuse me, Rep. Buehrer, are you speaking of this particular project or any project.

Buehrer: I am speaking of the context of this project. I don't know, but the Executive Director notes that this is a rare occurrence. I don't know how often rare is, but I would hope that the voting members of the Commission keep it very rare process or opposed to a medium-rare or well done process.

Zomparelli: Madame Chairman, Commission Members and Rep. Buehrer, if this were a large project and not within the capabilities of our staff and our consultant, I wouldn't be asking the Commission to authorize that kind of authority. Less than \$2-M is a large amount on a \$1.3 capital improvement program a weighing and balancing needs to be done. There is nothing about this project that it would be unusual, and I don't expect any problem where the bids came back at \$3-M, I would want to make it clear that I would not sign a contract or award it. I would expect that we come in and around the bids that we received. I won't take any unusual action because of the public trust issue. I think that's very important. If this were a larger project, we would wait. I would think that the Commission should decide. Considering this is only a \$1.8-M project and the estimate is off, it is unfortunate that we have to re-advertise for bids. The intention of the law with the 10% estimate is to protect the public, the public body and the funding issues and the issues that would arise that if your estimate were incorrect whether that public body, entity, state, local county would have the proper funding to fund the project. If you budget is \$5-M for projects and the projects are coming back at \$10-M, you shouldn't be awarding the project because you might be worrying about your fiscal and financial responsibility. This is a project that would not cause any financial burden to the Turnpike. Our estimate was low but not that low. The estimate wasn't \$700,000 and because I want to keep the negotiating in a competitive environment, I'd prefer not to disclose the estimate because

there is nothing to say that the bids might not come back lower the next time or even higher. But I don't expect the deviation more than 10% either way over the amounts that we received right now. We would be in a position to and as far as the public is concerned, I would have been in position and I was actually in discussion with General Counsel about awarding the contract and coming to the Commission to ask for permission to award the contract today because the public is not harmed by awarding the contract in any way, form, or manner. Because of the integrity of the bidding process that the Commission has had from Day 1 and when I look back at the minutes when Governor Rhodes was here back in 1963 – we were talking about public trust and doing things the right way, the proper way and expeditiously, that it would be easy for us to ask the Commission to award the contract today, because the low is 10%, 11% might be acceptable, 12% OK but now you have to weigh the cost of re-bidding vs. what you might ultimately gain from re-bidding the project. We will incur some costs, administrative costs for re-advertising for bids. It will cost us some money to re-print the bidding documents – not very much, but I want to assure you the integrity of our bidding process mandated us quickly to come to the decision to reject the bids and re-advertise. We will report to the Commission on the bid tab when it is received and the Commission will be apprised prior to the next meeting.

Arlow: Madame Chairman, Rep. Buehrer, we have done this on a rare occasions and this particular project we have time constraints on ordering steel. That's the reason that we are asking the Commission to authorize the Executive Director to award this contract prior to the next meeting. The project has to be done by the end of the year. These are bridge projects and if we can award it immediately after bid, then we can get the steel ordered and make sure that the project is done on a timely basis in this year before the winter comes in and it prevents us from finishing the project. These are a number of bridge projects that have to be completed. That's why we are asking for this authority. That's why the rarity of this kind of thing occurs but it is necessary in order to expedite the steel order.

Leever; Rep. Buehrer, I believe in the last eight years since I have been here this has happened once before. Again, it was a time factor and the Commission Members felt it was a matter of timing and, therefore, we gave the Executive Director the authority to do this. I am saying that this is not an occurrence that happens every other month or twice a year or anything like that in my memory.

Buehrer: Thank you Madame Chairman, I certainly am not questioning the integrity of this particular bid or the operation or necessity as Mr. Arlow laid out, I am only questioning the principle that underlies what we are doing.

Zomparelli: Madame Chairman, Rep. Buehrer, I want to make it clear that we are not compromising any principles and I as Executive Director would not jeopardize the principles of the Ohio Turnpike or the Commission's staff by requesting to take action to award this contract. I think this is just an expeditious way to do business. The certain degree of judgment that has to be exercised from time to time and if the bids came back higher, I would assure you that even though I would have the authority to award a contract and they came in significant higher, I wouldn't do it. I'd wait until the next Commission Meeting regardless of steel situation. We will cope, we will wait. I just want to make that clear.

It's a nice lead-in into what I want to talk about right afterwards, but that is one reason why we renovated and re-organized this Commission Meeting room. This is the room that we will hold all our public bid openings from now on. Because in this day and age of credibility with the public, it can't be underemphasized, we will utilize this room as a public meeting room, hold openings here and keeping with public access, public disclosure and it's a safeguard.

Leever: Have these answered your questions or reservations?

Buehrer: Yes, thank you.

Williams: I am just thinking and making absolutely sure that we are proper and above board which we will be and I am sure if there is a mechanism by which Commission Member could be aware of what the bidding process is, what has been possibly selected and the dollar amount and maybe sign the document giving our OK or nay and mail that back to the Commission. Might that help or something you might want to consider?

Zomparelli: Madame Chairman, Commission Member Williams, the Commission acts by resolution and we have to have a public meeting to do that and we might as well wait until the next Commission meeting.

My recommendation is and which is in the best interest of the traveling public, and we wouldn't be doing bridge repairs if we didn't think it was necessary and we always want to do these projects timely and to save a month can save us a construction season and that's what the Deputy Executive Director was referring to. Certainly he wouldn't jeopardize our operations, but it's always responsible to act when you can. Unfortunately, if the situation went differently we would have no other cause but to reject, but we did receive three good bids and that's a good indicator of where we should expect the bids to come. General Counsel who represents the Commission would have to make an independent assessment and recommendation to me and the Commission Members regarding award. So there are checks and balances.

Leever: Are there any further questions? Roll, please.

Roll: Mr. Greenwood-yes; Mr. Williams-yes; Mr. Blair-yes; Mr. Strnisha-yes; Mrs. Leever-yes.

The Resolution rejecting the bids and authorizing the Executive Director to take further action concerning award of Contract 43-00-01 is adopted. Thank you.

Zomparelli: Madame Chairman, Commission Members, I'd like to personally thank the staff with helping to get this room ready for our first meeting. We were putting the last final touches on Friday and Mr. Keaton, of our Telecommunications Dept., can relax because the video worked and the monitors worked as a trial run for the tap and also give an idea of what kind of economic development and work that has been done on the third-lane project.

If the Chairman and Vice Chairman recall, you can see the importance that we did complete the projects that we were projecting back then – we completed the third-lane projects that were outlined, S.R. 58 wasn't, but I-77 has been started, I-71, Exit 10 has been started, Saunder Woodworking interchange – that has been completed. The steel interchange, it was completed at the time, I believe that it is completed and both interchanges have proven to be very successful for economic development. I talked to Jim Seeney and Nate Green from the Governor's Office out of the Toledo area and we had talked about the impact the Ohio Turnpike has made on northwest Ohio. I will be in future conversations with them to try and track what the impact has been on economic development in jobs not to mention accessibility in that northwest Ohio area extending all the way from Toledo and you might as well go to Lorain County but all the way to an area that Rep. Buehrer represents towards Archbold and Defiance, Ohio and the Indiana border. It's hard to come by jobs in those areas. It's predominantly an agricultural area that has seen consolidation of farms and loss of agricultural land. We also saw how important we were to the trucking industry, the trucking companies have reported and the tourism industry – the impact that we have had. Geauga Lake has been bought by Six Flags in Geauga County so we have a new relationship to start with that other tourist attraction near Sea World. We will be meeting with Worthington Steel sometime in the future to discuss possibly having some type of meeting there – perhaps an Oversight Meeting or something along those lines. That way we can show the Oversight Committee first-hand the economic development the impact that the Ohio Turnpike Commission has had.

When I looked at the minutes from 1963 it was interesting to see that that wasn't a regular meeting, but a special meeting called for the purpose of expediting I-71. Our former Executive Director, Allan V. Johnson, was involved in expediting the I-71 project. He is not here today, but I also wanted to mention how far back the role of the Turnpike has gone in assisting the State and federal government. At that point the real problem I-71 was having was right-of-way acquisitions in the Cincinnati and Cleveland area. They had related that it was easy to go through the patches in between. It wasn't too hard to get the land, but when you talk about going through cities and displacement of a lot of property owners, that was difficult. Coordination with the various entities – a concerted effort from ODOT (Department of Highways back then or Public Roads) (Department of Highways – from AI Plain) The U.S. Federal Highway employees were represented at that meeting. Chairman Shocknessy was the Chairman of the Turnpike at that time and he had talked about the integrity of the Turnpike back then and interesting enough he was thanking the members of the media (I hadn't known that) but he was giving members of the media responsibility and recognition for construction of the Ohio Turnpike. It was the media and communications that was given throughout the State and aided the Ohio Turnpike when it had to build the Turnpike back in 1952-1955. It was first opened in October 1955 that the media as well as lawyers were instrumental in building the Ohio Turnpike and the Ohio Turnpike was built on law books and the newspapers. Any media people here – I'll re-thank them. We kind of find ourselves in that same situation today. We are expanding to three lanes. Again the media has been supportive of the third lane construction. It's funny how history is repeating itself. Also in those minutes, they had talked about the importance of connecting I-71 to the Ohio Turnpike and that the other interstates should have been connected to the Ohio Turnpike. (77 for example) and that Shocknessy had said we would be cursed one day if those interchanges were not connected to the Ohio Turnpike. What happened this year in the year 2000 – we are renovating interchanges at I-71 and I-77 to connect. Thirty-seven years ago he thought it was a good thing to do. Here

we are in the year 2000 doing it. Also, they were talking about our service plazas and that Great Lakes and Towpath needed to have a cafeteria. The restrooms were not servicing our patrons properly. I wish I would have taken a look at those meeting minutes a long time ago because I could report to the Commission how we are taking care of business that was talked about 37 years ago. They were talking about renovating and expanding the plazas back then and they actually did it for the restrooms and introduced a cafeteria or modernized the cafeteria at several plazas – I think Erie Islands was one, and Towpath and Great Lakes were the other areas including Wyandot they talked about cafeterias. Now we have food courts and family-style sit down restaurants and we expanded the restrooms. Our prices don't seem to be that far off from the prices they were charging for food 37 years ago. They were talking about \$1.30 to \$1.70 for certain sandwiches --chicken, ham sandwiches. If you look at the prices today, it's really not that different. It's a little bit higher but I think that's a testament to the Ohio Turnpike controlling back then and today the prices that were charged for food at the service plazas.

We saw in the tape the traffic. We saw on the chart how it was growing. I'll pass this around. What's been happening in the year 2000, we really can't seem to explain except that the traffic must be up everywhere in the State in other corridors not only along the Ohio Turnpike. For the month of January, February and March, each month we were over 3-M vehicles per month. In prior years we were about 2.75 and 2.6. Back in 1992 we were at 2.3 to 2.4-M vehicles. I'll pass this to the Commission Members. We started at this point for the last five years. In our first quarter of 2000 we are starting really above that point. It's a significant increase. Us acting expeditiously with the third lane construction and projects that we awarded today and put us in a position to manage our traffic flow. If we would have waited a year or two for the third lane we would have had serious problems in the summer months especially dealing with the commercial volume and I also want to express my thanks and support to the Commission Members with the third lane projects

acting expeditiously; your vision has proved to be correct – quicker than you probably anticipated.

The last item I wish to report is we did have an Oversight Meeting on March 21, 2000. We reported to the Oversight Committee in Columbus on the status of all our projects. We also had reported to the Oversight Committee our opposition to SB-246 relating to placing the Ohio Turnpike appropriations under the authority of the General Assembly. A hearing was conducted by the Finance Committee of the Senate where the bill sits presently. I spoke as an opponent to that bill. The bill will place the budget and appropriations of all future bond issues under the control of the General Assembly. It seems that the momentum of the bill has stopped. I have met with various members of the legislature explaining my concern that the bill would impact our bond rating if it were passed and jeopardize the way the Turnpike has done business for the last 45 years. I will keep the Commission apprised of any future developments on the bill if that should occur. I am fairly confident that the bill won't move forward. I think after some review, consideration given by members of the legislature and our Oversight Committee and Finance Committee to which we reported to that certain questions regarding our operations have arisen. That's a good thing because that gives us another opportunity to explain the operations of the Ohio Turnpike. That's all I have Madame Chairman.

Leever: Thank you, Mr. Zomparelli. We will move forward, Mr. Arlow.

Arlow: Thank you Madame Chairman, Commission Members, spring is here so all of our construction projects are underway presently. We have four third-lane projects under construction for a total of 18 miles. At the end of this year it will bring us to 107 miles of third lane that was completed.

We have three major mainline bridges under construction – Maumee, Sandusky and Cuyahoga River Bridges. The Maumee and Sandusky projects will be completed in November of this year. The Cuyahoga will take

another 3 years to complete. We have two overhead bridges under construction – Luckey Road. at MP 69.7 and Bagley Rd. at MP 152.9. The will be completed by the end of June, 2000. We have two resurfacing projects under construction right now – a total of 17 miles which will be completed by June 2000.

We have three toll plaza renovations under construction – Eastgate to be completed November 2000; and as the Executive Director pointed out we have Exit 10 which ties into 71 and Exit 11 which ties into I-77. These projects will be completed by the summer of 2001. We also have one pair of service plazas at MP 197, Portage and Brady's Leap. They are under construction presently and they will be completed April 1, 2001. That's our construction for this year.

Leever: It doesn't take long to list them all, but there is a lot of work going on out there.

Arlow: May I also point out that traffic is not being impeded in any form, We have two lanes in all directions going at one time. With the resurfacing that we are doing in our third lane sections, we have devised a method so we could continue to have two lanes of traffic moving our resurfacing programs. Traffic is moving as usual.

Leever: Thank you very much. Do we have a report from Marty Vogtsberger of Fifth Third?

Vogtsberger: Madame Chairman, Commission Members, an RFP is being prepared by staff that would ask the proposers to submit a bid to provide an insurance policy or surety bond that would replace the cash in the Debt Service Reserve Fund held by the trustee with an insurance policy. That RFP should be completed shortly within the next month or so and get it out to bid and we will evaluate the responses.

Leever: When will you go out to bid?

Vogtsberger: Probably sometime in June.

Leever: Thank you. Frank Lamb?

Lamb: No report, Madame Chairman.

Leever: Capt. Farris, you have been standing patiently for the entire meeting. We just want to keep you on your toes.

Farris: The only reason I stood during the entire meeting, I thought I might grow taller.

Leever; If you stay around here long enough, Capt. Farris, you'll find you will be reduced in height. It wears you down.

Farris: Madame Chair, Commission Members, Director Zomparelli, as you are all aware one of the major objectives of the Highway Patrol is to provide safety and service to patrons traveling the Turnpike. Included in that objective is to provide prompt response to and professional investigation of traffic crashes.

During the first quarter of year 2000 (Jan. 1 through March 31) we investigated 486 crashes on the Ohio Turnpike. That's compared with 605 crashes in 1999. Of that 486 crashes, 374 were Property Damage crashes and 111 were injury crashes for a total of 178 injuries. Of that 486 crashes, 289 were one vehicle crashes. I think that's very significant because many of the one-vehicle crashes on the Turnpike because of some of the improvements made on the Turnpike specifically the addition of the third-lane and the installation of the concrete median divider. That median divider has been significant because it has kept vehicles from crossing the median and striking other vehicles head-on. Those of you who are not aware, if a vehicle is traveling westbound on the Turnpike at 65 mph and another vehicle is traveling westbound at 65 mph, enters the median and comes out of the median at 55 and strikes another vehicle head-on, that is, in effect, a 130 mph impact- an impact with potentially a devastating crash. I think it is significant that the number of one-vehicle crashes to the best of our ability remain one vehicle crashes.

At the last Commission Meeting I reported that we had one fatality during 2000. I am pleased to announce that we have maintained that and have not experienced any fatalities since the February Commission Meeting. Someway, somehow, we maintained the limited number of fatalities, we have experienced two serious crashes on the Turnpike. The first one occurred on

March 26, 2000 at MP 112 (eastbound). If you recall that was the day we had a late afternoon snowstorm. The roads were quite slippery. A car was traveling on the Turnpike and had just passed a semi and was traveling too fast for conditions. Following the passing of the semi, the vehicle lost control, spun out in front of the semi. The semi crashed into a car. The passenger in the vehicle was seriously injured. She was air lifted to St. Vincent in Toledo. I was informed today that she has been released and was transferred to a short-term care facility for re-hab in London, Ontario where she is from.

The second crash occurred on March 19th at MP 155. This crash was the result of an aggressive driver. Our investigation revealed that the driver of a Volvo intentionally crashed into a Mercury Villager mini-van causing both vehicles to lose control, spin out and drive into the median. Fortunately, the mini-van stopped at the median, but the Volvo continued across the median and struck a Chevy Lumina head-on. As a result of that crash, many people were injured including the driver of the Volvo who perpetrated the accident. He was air lifted to Cleveland Metro Hospital where he remains hospitalized. As a result of this crash, the driver of the Volvo has been charged with four counts felonious assault and nine counts of vehicular assault.. I think one of the things that is important in this crash is that it appeared to be intentional and it was determined that the driver of the Volvo was over the statutory limit as far as blood alcohol content. He is still hospitalized and will be arraigned in Cuyahoga County Common Pleas Court on Wednesday, April 12, 2000.

The last thing I have is to state that I regret to inform you and the Commission Members that Angela Francway who was the 18 year sister of Trooper David Francway who was assigned to the Milan Post on the Turnpike was killed in a traffic crash in North Ridgeville, Ohio on March 26.

Leever: We extend our sympathies to that family, Captain Farris. They are part of our family and that is a tragedy. Going back to the previous accident, it was nothing more than road rage? Do we know what set this driver off?

Farris: We don't know. We have not interviewed him. He is still hospitalized and we will not attempt to talk to him until after the arraignment. We have been in contact with his attorney and he still remains in very serious condition. We have not as yet had an opportunity to interview the driver. Thank you.

Leever: Thank you very much – our general consultant, Mike Schipper?

Schipper: Madame Chair, as with the construction season, we will be beginning our annual inspections at the end of the month.

Leever: Thank you, it's that time of the year again. Before we go any further I want you all to know that our Annual Financial Report as according to law, is due in the Governor's Office and the General Assembly by April 1st has, in deed, been delivered and copies are available. IT is most comprehensive and it tells you everything you want to know about the Ohio Turnpike Commission and probably more. You are certainly welcome to look at that. General Counsel?

Amato: Thank you Madame Chairman, Commission Members. I have one resolution for consideration for an appropriation of property at the I-77 interchange. This is approximately 1.1 acre total parcel. We are continuing our negotiations, however, the construction manager has advised that they need to get onto the property. So we'd like to pass this resolution in case we need it to enter the property. I will read the resolution:

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 construction of an interchange with I-77 and the Ohio Turnpike in the vicinity of Milepost 172.5 in Cuyahoga County, Ohio;

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

Luigi Salvatore
Lidia Salvatore
Adriana Salvatore

Madeline Potylicki
c/o Luigi Salvatore

all who reside at 666 Starlight Drive, Seven Hills, OH 44131

Frank Russo
Auditor, Cuyahoga County

James Rokakis
Treasurer, Cuyahoga County

The aforementioned property to be appropriated is described as follows:

Parcel 11-02 WL and Parcel 11-03 WL- 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.

I recommend that the Commission move to adopt this resolution. We need a motion.

Greenwood: I'll move that this resolution be adopted.

Williams: Second.

Roll: Mr. Greenwood-yes; Mr. Williams-yes; Mr. Blair-yes; Mr. Strnisha-yes; Mrs. Leever-yes.

The appropriation resolution is adopted.

Amato; Madame Chairman, Commission Members, lastly the Litigation Report is contained in your folders. If you have any questions about any of the cases, I'd be glad to answer them after the meeting or thereafter as you are able to review it. Thank you, Mr. Amato.

Leever: If there is no further business, I will accept a motion to adjourn until June 12, 2000.

Greenwood: Madame Chairman, I move to adjourn until June 12, 2000.

Strnisha: Second.

Roll: Mr. Greenwood-yes; Mr. Strnisha-yes; Mr. Blair-yes; Mr. Williams-yes; Mrs. Leever-yes. (We are adjourned at 11:52 a.m.)

Leever: Thank you, have a safe drive home.