

## OHIO TURNPIKE COMMISSION

### **Resolution Authorizing the Executive Director To Implement Temporary Flat Toll Rate in the Event of a Work Stoppage**

WHEREAS, the Commission, by Resolution 38-1955, established a schedule of tolls and classifications of weight which was effective October 1, 1955, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Commission by Resolutions 40-1956, 16-1981, 16-1995, 18-1995, 56-1995, 59-1995, and 40-2003 has adopted several different revisions in the schedules of toll rates which imposed changes in the schedules of toll rates then in effect; and

WHEREAS, the 1994 Master Trust Agreement allows the Commission to make a temporary change to the schedule of tolls that it deems to be necessary and proper, so long as the Comptroller/Chief Financial Officer certifies that the Commission will not fail to comply with the debt service requirements; and

WHEREAS, the Commission's agreement with the Teamsters Local Union 436 is set to expire on January 17, 2005, and the general counsel has reported that a successor agreement with the union has not been reached as a result of the Commission's good faith negotiations; and

WHEREAS, the Commission has received reports indicating that the membership of the Teamsters Local Union 436 has voted to engage in a work stoppage in the event a new agreement has not been reached by the expiration date of the current contract; and

WHEREAS, the Commission is committed to keeping the Turnpike open and operational in the event of a work stoppage in order to serve the needs of the traveling public; and

WHEREAS, the Ohio General Assembly has adopted an amendment to the provisions of Ohio Revised Code Section 5537.26, through the passage of Am. Sub. H.B. 406 of the 125<sup>th</sup> General Assembly, which will be effective immediately upon the signature of Governor Bob Taft, which statute requires the Commission to issue notice and hold a public meeting not less than five (5) days after advertisement in newspapers of general circulation in Cuyahoga, Lucas, Mahoning, Summit, Trumbull and Williams Counties, prior to taking any action to temporarily decrease the current toll rate structure; and

WHEREAS, the executive director has recommended to the Commission that it implement a flat toll rate in the event of a work stoppage in order to facilitate the movement of traffic on the Turnpike for the traveling public as outlined in the attached proposal; and

WHEREAS, the chief financial officer/comptroller has reported that the proposed flat toll rates set forth in the attached proposal represent an overall aggregate decrease in the current toll rates for all classes of vehicles traveling on the Turnpike; and

WHEREAS, the executive director has reported that a public meeting was held on December 17, 2004, regarding the Commission's intention to implement a temporary flat toll rate in the event of an emergency, and recommends that the Commission Members adopt the resolution authorizing implementation of the flat toll rate contingent upon the Governor's signature of Am. Sub. H.B. 406.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the executive director, contingent upon the Governor's signature of Am. Sub. H.B. 406, to implement the attached temporary flat toll rates in the event of a work stoppage by the members of the Teamsters Local Union 436 for such period of time as he deems necessary, but in no event, longer than a sixty (60) day period, and to take such other measures as he deems necessary to keep the Turnpike open and operational.

**(Resolution No. 63-2004 adopted December 20, 2004)**