

**MINUTES OF THE 544<sup>th</sup> MEETING OF THE OHIO TURNPIKE COMMISSION**  
**September 15, 2008**

**Chairman:** Good morning it's 10 a.m. Will the meeting please come to order? Before we go ahead and call the roll I'd like to go ahead and introduce Ed Jerse. Ed is here on behalf of the Department of Development representing Lt. Governor Lee Fisher and he will be the representative on a regular basis. He's a former State Representative, served with Mr. Distel in the legislature and we're glad to have him on board. Will the Assistant Secretary-Treasurer please call the roll?

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Here

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Here

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Here

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Here

**Assistant Secretary-Treasurer:** Mr. Jerse

**Mr. Jerse:** Here

**Chairman:** Senator Buehrer, Representative Reinhard, Nikos Kaplanov and Mr. Dixon all called and said they would not be able to attend today, but we do have a quorum, so we will continue with the meeting. We have a number of guests here today and in keeping with past practices I'd like everyone to introduce themselves starting with Mr. Steiner.

**Those in attendance:** Jim Steiner, CFO/Comptroller Ohio Turnpike; Eric Erickson, Fifth Third Securities; Jennifer Diaz, Legal Department, Ohio Turnpike; Heidi Jedel, Executive Department, Ohio Turnpike; Rhonda Hall, Lynn Basconi, Ciuni & Panichi; Kathy Weiss, Director of Contracts Administration & Governmental Affairs, Ohio Turnpike; Mike Swan, Dick Corp.; Tony Yacobucci, HNTB; Mike Burgess, URS; Roger Hannay, Ohio State Highway Patrol; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Rob Fleischman, Assistant Chief Engineer, Ohio Turnpike; Dave Miller, Director of Audit and IC, Ohio Turnpike; Ashton Simmons, Lehigh Gas Corporations; John Friel, HNTB; Neil Greshin, URS; Lauren Hakos, Public Affairs Manager, Ohio Turnpike.

**Chairman:** Thank you. This is the 544<sup>th</sup> meeting of the Ohio Turnpike Commission. We are meeting here at the Commission headquarters as provided in the Commission's Code of Bylaws for a regularly scheduled meeting. Various reports will be received and we will act on several resolutions, draft copies have been previously sent to the Members. Updated drafts are in the Members' folders. The resolutions will be explained during the appropriate reports. Can I have a motion to adopt the minutes of the July 28, 2008 Commission meeting?

**Ms. Teeuwen:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

**Chairman:** We will now proceed with the report of the Secretary-Treasurer which will be Mr. Dixon and I believe you are going to provide that.

**Assistant Secretary-Treasurer:** Thank you Mr. Chairman. As the Assistant Secretary-Treasurer I'll provide the report. The following items have been sent to the Members since the last scheduled meeting of the Commission on July 28, 2008:

1. Minutes of the July 28, 2008 Commission Meeting
2. Traffic Crash Summary, July, 2008
3. Traffic & Revenue Report, July, August, 2008
4. Total Revenue by Month and Year, July, August, 2008
5. Investment Report, July, August, 2008
6. Financial Statement, July, August, 2008

Mr. Chairman that concludes the report of the Secretary-Treasurer.

**Chairman:** Thank you. Any questions? Move to the report of the Executive Director.

**Executive Director:** Thank you Mr. Chairman. I just want to inform the Commission Members and those present that we are proceeding with the conversion to the EZPass program. Staff has been working diligently to keep that project moving. I suspect between now and probably for the next eight or nine months you will be seeing resolutions for your approval authorizing us to continue to proceed in that direction and we are progressing. As I send out my report on a weekly basis to the Commission Members you will still notice that the traffic and revenues are flat, but our budget adjustment that we made at our last Commission Meeting seems to be holding and we are on track to meet those revenues.

I want to give you a short report about our Commission's Noise Mitigation Study. That mitigation is in review. The literature review and evaluation of innovative noise mitigation measures is continuing. The mitigation members and materials that are being evaluated include quiet pavement technology, noise absorbent materials and treatments, active noise control, noise cancellations, architectural acoustic treatments and innovative noise barrier designs. On the pilot program location, using the Ohio Turnpike GIS website, TranSystems has identified 67 noise sensitive areas along the length of the Turnpike. A noise sensitive area is a tight grouping of residential structures, schools, hospitals and other similar land use sensitive to increased noise levels. TranSystems has collected field measurements of noise levels at 12 of these areas, a table is being prepared which will catalog these areas according to distance fronting the Turnpike right-of-way, the sight specific setting of these areas to the Turnpike. The number of receptor sights within 400 feet of the right-of-way and potentially impacted receptors and the number of receptors that could be benefited by mitigation implementation. The table will be used to identify potential pilot program locations and identify locations where noise mitigation may prove to be feasible and reasonable for future abatement programs. Mr. Chairman that concludes my report.

**Chairman:** Thank you. Any questions? We will move now to the resolutions, Chief Engineer, Dan.

**Chief Engineer:** Thank you Mr. Chairman. I have five resolutions for your consideration this morning. The first resolution is awarding Contract 43-08-03 for deck repairs and rehabilitation of four bridge structures in Mahoning County, this project was on the '08 Capital Improvement Project budget. We received bids from three bidders on the contract; the apparent low bid was submitted by the Velotta Company of Sharon Center, Ohio in the total amount of \$304,730.00. Total amount is below the Engineer's estimate and this bidder has performed satisfactorily in the past for the Commission. The resolution also includes provisions to assign PSI, Inc., of Cleveland to the contract for the purposes of performing material testing and inspection. We are not assigning an outside

consulting firm for inspection of the project; we are going to do the inspection with our in-house construction forces. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bid of **The Velotta Company** of **Sharon Center, Ohio**, in the amount of **\$304,730.00**, for the performance of Contract No. 43-08-03 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 are 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 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 the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **PSI, Inc., of Cleveland, Ohio** to Contract No. 43-08-03 for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and PSI, Inc.; and

**[FURTHER RESOLVED that Project No. 43-08-03 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chairman:** Motion to adopt.

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Ms. Teeuwen:**Second

**Chairman:** Questions or discussions on the motion, the resolution before us? No comments. Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:Yes**

**RESOLUTION NO.**

**Resolution Awarding Contract No. 43-08-03**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for deck repairs and rehabilitation of the following bridges: Wesbound Turnpike over the Bike Path at Milepost 223.0, Gibson Road over the Turnpike at Milepost 223.9, Eastbound Turnpike over Western Reserve Road at Milepost 230.7, and the Turnpike Ramp over S.R. 7 at Milepost 232.6, all located in Mahoning County, Ohio, herein designated as **Contract No. 43-08-03**; and

WHEREAS, expenditures for the Contract to be awarded under Contract No. 43-08-03 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of said Contract; and

WHEREAS, on August 14, 2008, the Commission received bids from three (3) bidders for the performance of said Contract; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's Chief Engineer, and he has submitted a report concerning such analysis, which report is before the Commission; and

WHEREAS, the Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 43-08-03 was received from **The Velotta Company of Sharon Center, Ohio**, in the amount of **\$304,730.00**, which is below the Engineer's estimate and which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Contract No. 43-08-03 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of The Velotta Company for Contract No. 43-08-03 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by The Velotta Company; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission to award Contract No. 43-08-03 to The Velotta Company; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **The Velotta Company** of **Sharon Center, Ohio**, in the amount of **\$304,730.00**, for the performance of Contract No. 43-08-03 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 are 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 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 the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **PSI, Inc.** of **Cleveland, Ohio** to Contract No. 43-08-03 for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and PSI, Inc.; and

**[FURTHER RESOLVED that Project No. 43-08-03 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chief Engineer:** Thank you. The second resolution is a resolution ratifying the rejection of bids for Contract 58-08-01 and 58-08-02. This project was a contract for renovation work at toll plazas No. 64 located in Wood County and 52, located in Lucas County. We received bids from five bidders in response to the subject contracts. All bids were in excess of 10% above the engineer's estimate and therefore cannot be awarded. This project was critical to keep the timeline moving for the toll collection system. On August 11 all bids were rejected by the Executive Director and subsequently re-advertised on August 19 with revised specifications. The next resolution is re-awarding the contract. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the Commission hereby ratifies the Executive Director's rejection of all the above-mentioned bids heretofore received pursuant to the advertisement for bids for **Contract No. 58-08-01 / 58-08-02**.

**Chairman:** Motion to adopt?

**Ms. Teeuwen:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second

**Chairman:** Does anyone have questions or discussions on the motion before us? Dan, I have a question. I see that on this one you gave us, that when you gave us the information on the Engineer's estimate, you gave it to us in a lump sum for example.

When you redid it as 08-01 and 08-02, you gave it broke down. Normally don't we get a breakdown on the different areas for which you expect the bids...

**Chief Engineer:** Typically we do Mr. Chairman. The original estimate on the first project was done broken down in four individual trades, however when we transmitted to Purchasing we sent it as one. The back-up work was done separately.

**Chairman:** Thank you. Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

#### **RESOLUTION NO. 41-2008**

##### **Resolution Ratifying the Rejection of Bids for Contract No. 58-08-01 / 58-08-02**

WHEREAS, the Commission duly advertised according to law for bids upon a Contract for renovation work at the Toll Plazas, Utility Buildings, Toll Booths and Islands located at Milepost 52 in Lucas County, Ohio and the same work including Canopy work at Milepost No. 64 located in Wood County, Ohio, herein designated **Contract No. 58-08-01 / 58-08-02**; and

WHEREAS, on August 8, 2008, the Commission received bids from five (5) bidders for the performance of said Contract; and

WHEREAS, said bids were initially reviewed by the Commission's Director of Contracts Administration, and she has submitted a report concerning such review to the Executive Director, which report is also before the Commission; and

WHEREAS, the Commission's Director of Contracts Administration reports that all bids for Contract No. 58-08-01 / 58-08-02 were in excess of ten percent (10%) above the Engineer's estimate; and

WHEREAS, the Commission's Director of Contracts Administration further advises that, pursuant to the bidding documents for Contract No. 58-08-01 / 58-08-02 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids, and that pursuant to Ohio Revised Code Section 153.12, the Commission legally must reject all bids if they are greater than ten percent (10%) above the Engineer's estimate; and

WHEREAS, the Commission's Executive Director, upon advice of the General Counsel and pursuant to his authority as the "chief operating administrative officer" under Article V, Section 1.00 of the Commission's Bylaws, proceeded with the rejection of these bids and directed Commission staff to review the plans and specifications for said Contract, to make modifications where needed and to re-advertise for said Contract; and

WHEREAS, the Executive Director requests the Commission to ratify the rejection of all bids received for Contract No. 58-08-01 / 58-08-02 predicated upon the legal analysis submitted by both the Director of Contracts Administration and the General Counsel; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby ratifies the Executive Director's rejection of all the above-mentioned bids heretofore received pursuant to the advertisement for bids for **Contract No. 58-08-01 / 58-08-02**.

**Chief Engineer:** Thank you. The third resolution is awarding the re-bid of Contracts 58-08-01 and 58-08-02. As I said on the 19<sup>th</sup> of August we re-advertised the contract. The contract was broken down in to the four individual trades. Bid packages, bidders could submit in response to an individual trade, or they were given the option to submit a combined bid. We received seven bids, seven bidders total responded to the contracts. Low bids were received in response to individual trades packages as follows: Bid Package A, site work, low bidder was The Spieker Company from Perrysburg, Ohio in the total amount of \$2,024,425.00; Bid Packages B and C for the electrical and plumbing were both low bids received by Warner Mechanical Corporation of Fremont, Ohio in the total amount of \$514,500.00 and \$65,000.00 respectively; Bid Package D, HVAC/Mechanical, the apparent low bid was submitted by Laibe Electric Company, Toledo, Ohio in the total amount of \$419,780.00. Total amount bid of \$3,023,705.00. All bids received were below the revised Engineer's estimate and all have performed satisfactorily in the past. Just as a point of information; the total amount bid this time around was approximately \$140,000.00 below the original bid that was rejected. The resolution also contains the provisions to assign Arcadis US, Inc., of Cleveland, Ohio to the contract for performing construction administration and inspection services and TTL Associates, Inc., of Toledo, Ohio for performing material testing and inspection. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the above-mentioned bids in the total amount of **\$3,023,705.00**, for the performance of Packages A, B, C and D under Contract No. 58-08-01 / 58-08-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized: 1) to execute a contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) to direct the return to the 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 bids and of said contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Arcadis US, Inc.**, of **Cleveland, Ohio**, to Contract 58-08-01 / 58-08-02 for the purpose of performing construction administration and inspection, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Arcadis US; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **TTL Associates, Inc.**, of **Toledo, Ohio** to Contract No. 58-08-01 / 58-08-02 for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and TTL Associates, Inc.; and

**[FURTHER RESOLVED that Project No. 58-08-01 / 58-08-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chairman:** Is there a motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second

**Chairman:** Discussions or questions? Go ahead Bonnie.

**Ms. Teeuwen:** The only change from the previous contract to this one is you just broke it up or were there other changes?

**Chief Engineer:** Mr. Chairman, Commission Member Teeuwen, the original one was also broken up into the four individual trades. It just so happened last time around the apparent low bid was a combined bid. As far as changes to the specifications, we did make some changes to the specifications; we revised some traffic control requirements as far as having safety superintendents on the job, individual safety superintendents. We also on the '02 project we are doing some work in conjunction with

FedEx. They are putting a tandem trailer lot off Turnpike property and putting a connection into our toll plaza. Originally the work involved inside the right-of-way. We have an agreement with FedEx. We were going to construct that and they were going to reimburse us on that. We then pulled that out and amended our agreement with FedEx that they'll do that work via permit directly; therefore we won't do a pass through on the funds.

**Chairman:** Any further questions? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

### **RESOLUTION NO. 42-2008**

#### **Resolution Awarding Contract No. 58-08-01 / 58-08-02 (Re-Bid)**

WHEREAS, the Commission has duly re-advertised according to law for bids upon a Contract for renovation work at the Toll Plazas, Utility Buildings, Toll Booths and Islands located at Milepost 52 in Lucas County, Ohio and the same work including Canopy work at Milepost No. 64 located in Wood County, Ohio, herein designated **Contract No. 58-08-01 / 58-08-02**; and

WHEREAS, the subject renovation project was divided into bid packages representing the four (4) trades: Bid Package A (Site Work/General Trades), Bid Package B (HVAC/Mechanical), Bid Package C (Plumbing), Bid Package D (Electrical), and bidders were given the option to submit a "combined bid" for all of the aforementioned packages to perform the work at both Toll Plaza locations (Bid Package E - combination of Bid Packages A, B, C and D); and

WHEREAS, expenditures for the award(s) to be made under Contract No. 58-08-01 / 58-08-02 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for said Contract award(s); and

WHEREAS, on September 3, 2008, the Commission received bids from seven (7) bidders for the performance of Contract No. 58-08-01 / 58-08-02; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's Chief Engineer, and he has submitted a report concerning such analysis, which report is before the Commission; and

WHEREAS, the Chief Engineer advises that the following bids for the performance of Packages A, B, C and D under Contract No. 58-08-01 / 58-08-02 (Re-bid) are all below the Engineer's estimate and have been determined to be the lowest responsive and responsible bids received:

<u>Bid Package</u>	<u>Bidder</u>	<u>Amount</u>
A - Site Work / Gen. Trades	The Spieker Company, Perrysburg, Ohio	\$2,024,425.00
B - HVAC/Mechanical	Warner Mechanical Corporation, Fremont, Ohio	514,500.00
C - Plumbing	Warner Mechanical Corporation, Fremont, Ohio	65,000.00
D - Electrical	Laibe Electric Company, Toledo, Ohio	<u>419,780.00</u>
<i>Total Awards .....</i>		<b><i>\$3,023,705.00</i></b>

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Contract No. 58-08-01 / 58-08-02 were solicited on the basis of the same terms and conditions and the same specifications, that the low bids of the above-identified contractors for each Package under Contract No. 58-08-01 / 58-08-02 conform to the requirements of Ohio Revised Code Sections 5537.07, 9.312, 153.50 and 153.54, and that a performance bond with good and sufficient surety has been submitted by each low bidder; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission to award Contract No. 58-08-01 / 58-08-02 Package A to The Spieker Company in the amount of \$2,024,425.00, Packages B and C to Warner Mechanical Corporation in the respective amounts of \$514,500.00 and \$65,000.00, and Package D to Laibe Electric Company in the amount of \$419,780.00; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the above-mentioned bids in the total amount of **\$3,023,705.00**, for the performance of Packages A, B, C and D under Contract No. 58-08-01 / 58-08-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized: 1) to execute a contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) to direct the return to the 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 bids and of said contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Arcadis US, Inc.** of **Cleveland, Ohio**, to Contract 58-08-01 / 58-08-02 for the purpose of performing construction administration and inspection, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Arcadis US; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **TTL Associates, Inc.** of **Toledo, Ohio** to Contract No. 58-08-01 / 58-08-02 for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and TTL Associates, Inc.; and

**[FURTHER RESOLVED that Project No. 58-08-01 / 58-08-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chief Engineer:** Thank you. Fourth resolution is a resolution awarding Contract 64-08-02A and rejecting Contract 64-08-02B and C. This contract was for construction of aluminum or steel overhead sign support structures and canopy modifications at all toll plazas required for implementation of our new toll collection system. The contract was broken into three groups based on geographical location of the toll plazas. On August 29, we received bids from two bidders for performance of the subject contract. The bid of M.P. Dory Company of Columbus, Ohio in the total amount of \$596,199.00 in response to Contract 64-08-02A was below the engineer's estimate. The lone bids received in response to the other two contracts 64-08-02B and C were in excess of 10% above the engineer's estimate and therefore cannot be considered for award. The resolution also includes provisions for TTL Associates, Inc., of Toledo, Ohio to be assigned to the project for the purposes of performing materials testing and inspection. Again, we are not assigning an independent inspection firm to this; we are doing the inspection of the construction with our own forces. The specifications for Contracts B and C are currently being revised. We are taking the work required for B and folding it into the toll collection system construction project, which will be coming out within the next couple weeks. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bid of **M.P. Dory Company of Columbus, Ohio**, in the amount of **\$596,199.00**, for the performance of Contract No. 64-08-02A 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 are 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 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 the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **TTL Associates, Inc.**, of **Toledo, Ohio** to Contract No. 64-08-02A for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and TTL Associates, Inc.; and

FURTHER RESOLVED that the lone bids heretofore received for the performance of Contract No. 64-08-02B and Contract No. 64-08-02C, be and the same hereby are rejected, and the Executive Director and the Director of Contracts Administration, or either of them, are authorized to: 1) notify the bidder in writing of said action, 2) to return to the bidder its bid security, and 3) take any and all action necessary, at the appropriate time, to re-advertise for bids for said Contracts; and

**[FURTHER RESOLVED that Project No. 64-08-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chairman:** Motion to adopt?

**Ms. Teeuwen:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second

**Chairman:** Questions or discussions on the resolution before the body?

**Mr. Kidston:** Any information why Dory did not bid B and C?

**Chief Engineer:** Mr. Chairman, Commission Member Kidston, we spoke to them after the bid opening and they felt that at the time they couldn't handle all three groups with the specified time of completion.

**Mr. Kidston:** Are they a smaller company, is that the reason? They're substantially lower than the other bidder and maybe we don't want to bid B and C out together then, maybe take them one at a time then.

**Chief Engineer:** Mr. Chairman, Commission Member Kidston, as far as B goes, as I said earlier, we have our initial contract for the toll collection system construction modifications required at the toll plazas, that's going out to bid very shortly. That is for the center section of the Turnpike, which is the area where B is. We're taking that work and folding it into the B of this one, so they are going to be bid now at a different time. Their going to be staggered now, we're just losing getting it done up front on this now.

**Mr. Kidston:** Thank you.

**Chairman:** Any other questions? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

**RESOLUTION NO. 43-2008**

**Resolution Awarding Contract No. 64-08-02A and  
Rejecting Contract No. 64-08-02B and Contract No. 64-08-02C**

WHEREAS, the Commission has duly advertised according to law for bids upon Contract No. 64-08-02A, Contract No. 64-08-02B and Contract No. 64-08-02C for construction of Aluminum and/or Steel Overhead Sign Support Structures to facilitate the placement of LED signage at all Toll Plazas for the implementation of electronic toll collection on the Turnpike (*E-ZPass*<sup>®</sup>); and

WHEREAS, the Contracts encompass three (3) Groups based on the geographical location of the Toll Plazas, with Group A in the west, Group B in the middle and Group C in the east; and

WHEREAS, expenditures for the Contracts to be awarded will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of said Contracts; and

WHEREAS, on August 29, 2008, the Commission received bids from two (2) bidders for the performance of Contract No. 64-08-02A and one (1) bidder for the performance of Contract No. 64-08-02B and Contract No. 64-08-02C; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's Chief Engineer, and he has submitted a report concerning such analysis, which report is before the Commission; and

WHEREAS, the Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 64-08-02A was received from **M.P. Dory Company of Columbus, Ohio**, in the amount of **\$596,199.00**, which is below the Engineer's estimate and which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Contract No. 64-08-02A were solicited on the basis of the same terms and conditions and the same specifications, that the bid of M.P. Dory Company for Contract No. 64-08-02A conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by M.P. Dory Company; and

WHEREAS, the Chief Engineer further reports that the lone bids received for the performance of both Contract No. 64-08-02B and Contract No. 64-08-02C exceed the Engineer's estimate by more than ten percent (10%) and, therefore, cannot be considered; and

WHEREAS, the Commission's Director of Contracts Administration further advises that, pursuant to the bidding documents for Contract No. 64-08-02B and Contract No. 64-08-02C and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids, and that pursuant to Ohio Revised Code Section 153.12, the Commission legally must reject all bids if they are greater than ten percent (10%) above the Engineer's estimate; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendations to the Commission to award Contract No. 64-08-02A to M.P. Dory Company and to reject the lone bids received for both Contract No. 64-08-02B and Contract No. 64-08-02C; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **M.P. Dory Company of Columbus, Ohio**, in the amount of **\$596,199.00**, for the performance of Contract No. 64-08-02A 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 are 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 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 the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **TTL Associates, Inc.** of **Toledo, Ohio** to Contract No. 64-08-02A for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and TTL Associates, Inc.; and

FURTHER RESOLVED that the lone bids heretofore received for the performance of Contract No. 64-08-02B and Contract No. 64-08-02C, be and the same hereby are rejected, and the Executive Director and the Director of Contracts Administration, or either of them, are authorized to: 1) notify the bidder in writing of said action, 2) to return to the bidder its bid security, and 3) take any and all action necessary, at the appropriate time, to re-advertise for bids for said Contracts; and

**[FURTHER RESOLVED that Project No. 64-08-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chief Engineer:** Thank you Mr. Chairman. My final resolution this morning is a resolution authorizing the Executive Director to award a contract for emergency bridge repairs. On August 9<sup>th</sup> of 2008 the Southwest Road Bridge structure over the Ohio Turnpike located at Milepost 106.2 in Erie County was severely damaged by an errant commercial vehicle that collided with the south end span of the structure. The Ohio State Highway Patrol, I believe, has a representative here and they will give you more details on the accident in their report. The week after the accident we had our general engineering consultant, HNTB perform a preliminary inspection report including the most economical methods to repair this structure. It was determined that the most economical repair is to replace the entire south span of the structure. Whereas the damages have created a potentially dangerous and unsafe condition, as well as the structure is currently closed and impeding emergency response vehicles in the area. We are recommending an emergency contract to complete the repairs. Again our general consultant is currently preparing plans to complete the repairs. Those are due here, I believe, later today. Our proposal is to solicit informal bids from several, at least four contractors in the area known to do the type of repairs. As I said this resolution is authorizing the Executive Director to award a contract for the emergency repairs at our next Commission Meeting in October. We will bring you another resolution with the results of that contract bidding procedure and ratify the contract award. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that, upon completion of the informal bid solicitation for Emergency Bridge Repairs, the Executive Director and the Director of Contracts Administration, or either of them, hereby are authorized: 1) to execute a Contract with the successful bidder; 2) to direct the return to the 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.

**[FURTHER RESOLVED that the Emergency Bridge Repair Project is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chairman:** Is there a motion to adopt?

**Ms. Teeuwen:** So moved.

**Chairman:** Second?

**Mr. Kidston:** Second

**Chairman:** Questions or discussion on the motion?

**Ms. Teeuwen:** Dan, I'm assuming that the decision to replace the span that you looked into the availability of steel and the timely fashion?

**Chief Engineer:** Yes, Mr. Chairman and Commission Member Teeuwen, it just so happens that these beams are currently available now. We can get them within the next couple of days. The span is so short, it's only 28 feet long that we won't require any cambering on the beam, so they are just about ready to go other than drilling the holes for the connections.

**Ms. Teeuwen:** Good job, thank you.

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

**RESOLUTION NO. 44-2008**

**Resolution Authorizing Award of a Contract for  
Emergency Bridge Repairs**

WHEREAS, the Southwest Road Bridge over the Turnpike located at Milepost 106.2 in Erie County was severely damaged on August 9, 2008, as a result of an errant commercial vehicle that collided with the south (rear) span of the bridge; and

WHEREAS, the preliminary inspection report submitted by the Commission's General Consulting Engineer, HNTB, indicates that the truck impact caused damage to the south span fascia beams, decks, barriers, bearings, expansion joints and beam seats to such an extent that has required closing of the bridge to prevent vehicle loads from passing over the damaged area; and

WHEREAS, the above-described damages have created a potentially dangerous and unsafe condition requiring repair as soon as possible; and

WHEREAS, the Commission's Director of Contracts Administration has advised that the competitive bidding requirements set forth in Ohio Revised Code Section 5537.07 do not apply in emergency situations in which it is essential to remedy hazardous situations or potentially unsafe conditions with as little delay as possible; and

WHEREAS, although formal advertising for the repairs will be dispensed with, informal bids to perform the work to effectuate the repairs will to be solicited from several contractors known to specialize in work of this nature, and care will be taken to preserve the record of such solicitations; and

WHEREAS, said bids shall be reviewed and analyzed by the Commission's Chief Engineer, and he shall submit a report identifying the lowest responsive and responsible bidder to the Executive Director; and

WHEREAS, said bids shall also be reviewed and analyzed by the Director of Contracts Administration to ensure that all bids to perform the emergency repairs were solicited on the basis of the same terms and conditions and the same specifications, and that the low bidder has submitted a performance bond with good and sufficient surety and all other documentation required by the Commission in the award of construction contracts; and

WHEREAS, expenditures under the Emergency Bridge Repair Contract are anticipated to exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of said Contract; and

WHEREAS, the Executive Director is hereby recommending to the Commission that, with the adoption of this Resolution, he be authorized to award the Contract for

Emergency Bridge Repairs and that a report will subsequently be prepared and provided to the Commission concerning such Contract award; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that, upon completion of the informal bid solicitation for Emergency Bridge Repairs, the Executive Director and the Director of Contracts Administration, or either of them, hereby are authorized: 1) to execute a Contract with the successful bidder, 2) to direct the return to the 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.

**[FURTHER RESOLVED that the Emergency Bridge Repair Project is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chief Engineer:** That's all I have this morning Mr. Chairman.

**Chairman:** Thank you, next will be General Counsel, Noelle.

**General Counsel:** Thank you Mr. Chairman, Commission Members. I have drafted a proposed resolution for your consideration, which would authorize the Executive Director to execute the necessary documents to sell a portion of a Parcel No. 118M in the City of Elyria for the fair market value of the property to the abutting property owner. The parcel was required during the original construction of the Turnpike. The representatives of the abutting property owner has requested that the Commission sell a portion of Parcel No. 118M, which would be approximately .066 of an acre. As required by the Trust Agreement, HNTB is the consulting engineer for the Commission and has reviewed the proposed sale of this portion of Parcel No. 118M and concluded that this portion of the parcel is no longer needed for the construction, operation or maintenance of the Ohio Turnpike. The Parcel is located in the stretch of the Turnpike where the third lane has already been constructed. The Chief Engineer concurs in the opinion of the Consulting Engineers, both opinions are attached to the resolution. Ohio Revised Code Sections 5537.06C and 5501.34 do authorize the Commission to sell real property to an abutting property owner without advertising or soliciting competitive bids when the fair market value of the property in question is less than \$20,000.00. The Right-of-Way Coordinator, Joe Disantis, has conducted a value analysis of the parcel in question by reviewing the property records of the Lorain County Auditor and looking at the value of the surrounding property parcels estimated that the fair market value of the property in question is approximately \$4,800.00. With your permission I'll read the Resolved.

**General Counsel:** RESOLVED, that the Executive Director and General Counsel are authorized and directed to take any and all action necessary on behalf of the

Commission or by or through the appropriate officers of the State of Ohio to sell that portion of Parcel No. 118M to the abutting property owner that is no longer needed for the construction, operation or maintenance of the Turnpike; and

FURTHER RESOLVED, that the authority hereby granted to the Executive Director and General Counsel shall include authority, if deemed appropriate, to execute an interagency transfer of the Commission's jurisdiction to the Director of the Ohio Department of Transportation for subsequent transfer to the abutting property owner, as permitted by statute.

**Chairman:** Motion to adopt?

**Ms. Teeuwen:** So moved.

**Chairman:** Second?

**Mr. Regula:** Second

**Chairman:** Questions or discussion about it?

**Mr. Regula:** Just one Mr. Chairman. Was the building actually put on after we already owned the property or was this something that took place many moons ago, so to speak, or do you think they actually knew that when they were putting up the building and/or driveway that they were encroaching on it? Just out of curiosity.

**Chairman:** Noelle, do you know?

**General Counsel:** I have looked at the parcel file and they are encroaching, their driveway and part of their structure is encroaching on the Turnpike's property. We can't find any record that we ever gave permission to the property owner. Obviously, I think it occurred after we bought the parcel, but I suspect that if you are looking at the survey that's attached to the resolution it's primarily a drainage ravine, a ditch. We do have fencing that clearly identifies the right-of-way limits of the Turnpike. I think because it's wooded and it's a ravine perhaps the right-of-way fence was not actually located on the property line and there was confusion. So this is an estate and in order to be able to close their estate and sell the property they do need to have marketable title and they need to have this property and we don't need it, this small sliver of this parcel.

**Chairman:** I can understand where if the right-of-way fence was there people thought it was their property and they built their structure. The structure is four foot on one side and I think about nine foot on the other side so the structure is not much on it and a little bit of the driveway so it's not that much, just a small piece. Questions? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

**RESOLUTION NO. 45-2008**

**Resolution Authorizing Release of a Portion  
Interest in Parcel No. 118M**

WHEREAS, the Commission purchased in the name of the State of Ohio a fee simple interest for public highway purposes over a parcel of real estate designated as Parcel No. 118M located in the City of Elyria;

WHEREAS, the purchase of the aforesaid parcel was for the original construction of Turnpike Project No. 1;

WHEREAS, representatives of the property owners abutting Parcel No. 118M have requested that the Commission take any and all action necessary to sell and convey a portion of Parcel No. 118M for the fair market value of said property;

WHEREAS, the Consulting Engineers by letter dated June 26, 2008, have advised the Commission that a portion of the subject parcel is no longer needed for the construction and operation of the Turnpike and there appears to be no future need as the third lane has been constructed in this area;

WHEREAS, the Chief Engineer by letter dated July 3, 2008, has advised the Commission that a portion of the subject parcel is no longer needed for the construction, operation and maintenance of the Turnpike;

WHEREAS, the Commission has determined, based on the recommendations of the Consulting Engineers and the Chief Engineer that a portion of Parcel No. 118M is no longer needed for the construction, operation and maintenance of the Turnpike;

WHEREAS, the General Counsel has advised the Commission that the provisions of Ohio Revised Code Sections 5537.06(C) and 5501.34(C) authorize the Commission to sell real property no longer needed for the operation of the Turnpike to the abutting

owner of the unneeded property without advertisement or competitive bidding when the fair market value of the property is less than twenty thousand dollars (\$20,000.00);

WHEREAS, the Right of Way Coordinator has determined that the fair market value of the unneeded property in question is estimated to be under twenty thousand dollars (\$20,000.00) based upon a review of the Lorain County Auditor's market values for properties in the immediate vicinity of Parcel No. 118M.

NOW, THEREFORE, BE IT

RESOLVED, that the Executive Director and General Counsel are authorized and directed to take any and all action necessary on behalf of the Commission or by or through the appropriate officers of the State of Ohio to sell that portion of Parcel No. 118M to the abutting property owner that is no longer needed for the construction, operation or maintenance of the Turnpike; and

FURTHER RESOLVED, that the authority hereby granted to the Executive Director and General Counsel shall include authority, if deemed appropriate, to execute an interagency transfer of the Commission's jurisdiction to the Director of the Ohio Department of Transportation for subsequent transfer to the abutting property owner, as permitted by statute.

**Chairman:** Anything further Noelle?

**General Counsel:** I do not, thank you.

**Chairman:** Staff reports, first will be Mr. Steiner, Jim.

**CFO/Comptroller:** Good morning Mr. Chairman, Commission Members. I do have an update on the traffic and revenue for the first eight months of the year.

This first chart shows the monthly passenger cars miles traveled on the Ohio Turnpike over the past two years. The miles traveled by passenger cars during the last 12 months have generally been below the levels reached the prior 12 months, however; with the drop in fuel prices that we saw during the month of August, there was some improvement. The miles traveled by passenger cars were down only 1.6% compared to last August.

Commercial traffic has also generally been down the last 12 months and that trend did continue in August. Vehicle miles traveled in the month of August fell 9.8% below last year's level.

This chart shows year-to-date vehicle miles traveled through August during each year this decade and both passenger car and commercial traffic have been declining the past two years. Passenger car miles traveled in the first eight months were 3.5% below last years total and 5.8% below the total from 2006. Likewise, commercial vehicle miles

traveled in the first eight months of this year were 4.7% below last year's total and 5.7% below the total from 2006.

This chart shows the year-to-date toll revenues through the month of August during each year this decade. The toll revenues for the first eight months of this year were \$5.4 million, or 4% below the amount from last year.

This final chart shows our total year-to date-revenues from all sources for each year, this decade. Total revenues as of the end of August were \$6.7 million, or 4.4% below those for the first eight months of 2007. In addition, the year-to-date revenues were only 1% higher than they were in the first eight months of calendar year 2000, while the Consumer Price Index has increased by almost 31% over this time period. This does complete my report Mr. Chairman, and if there are no questions and with your permission, I would like to introduce Rhonda Hall and Lynn Basconi of our independent auditors, Ciuni & Panichi to give a report on the audit of our 2007 financial statements.

**Chairman:** Thank you. Anybody have any questions for Jim?

**Auditor Rhonda Hall:** Chairman, Commission Members, first I'd like to thank the Commission Members, Jim Steiner and Dave Miller for selecting Ciuni & Panichi again to do another five-year contract for the audit. We submitted the CAFR and the Internal Control Report that you have received to the State Auditor's office on June 5<sup>th</sup> of 2008. The State Auditor's office then approved the Statements and the Internal Control Report on June 24, 2008. I wanted to point out that this was a late submission due to the fact that the State Auditors put your audit out for bid and it didn't start the process until January of 2008, which was late on their behalf actually. And by the time everything was said and done they actually approved the audit to Ciuni & Panichi mid to late March, so we were not able to start the audit until the end of March, early April, and thus was the reason for the delay in submitting it to the State Auditor's office. For 2008 fiscal year end the audit will be started much earlier.

On page 20 of the CAFR that you have received you will find our unqualified or clean opinion. This opinion is required for all CAFR's that are submitted to the Government Finance Officer's Association and that is in order to receive the certificate in Excellence of Financial Reporting, which the Commission has done for many years now.

The Report on Internal Controls that you have received, if you'll notice there were no control deficiencies, no significant deficiencies, no material weaknesses and no non-compliance with the Ohio Revised Code.

We have a letter that we have given to the Audit Committee Members, which we are required to do as Auditors, which basically states the same things that I have discussed. However, it goes into a little bit more detail. If we had had any issues with our audit, we would have to include that in our letter to you, however, I am happy to state that there were no such issues and we never encountered any difficulties in performing the audit.

Now, Lynn Basconi will discuss the Master Trust Agreement's reports that you received.

**Auditor Lynn Basconi:** Good morning. In addition to the Audit Report and the Internal Control Report Rhonda spoke about there's two additional reports. They may be labeled supplemental. Both reports relate to the Master Trust Agreement for the Revenue Bonds Payable. The first one is a one page report, it basically is reporting that the Commission is in compliance with the terms, covenants and conditions of Article IV of the Master Trust Agreement. Then there's another report behind that labeled Schedule of Net System Pledged Revenues. This is a required calculation the Commission must do under the Master Trust Agreement. It's to comply with Section 4.04 of the Master Trust Agreement. On page two of the Supplemental Reports is the actual Schedule of the Pledged Revenues, the top portion shows the revenues that are pledged and these primarily line up with the Statement of Operations, however, the Commission only pledges up to what they need to have a 200% coverage ratio on the debt service, so it doesn't line up exactly with the Statement of Operations. Once you have the Gross Revenues, the Cost of Operations are deducted from that to come to your Net Systems Pledged Revenues. Below that is the Annual Debt Service Requirement and the Renewal and Replacement Requirement and then at the bottom there's two calculations. The first one is comparing the Net Pledged Revenues to your Net Debt Service and Replacement Requirement and that must be a positive number, which it is by \$47 million and then the actual calculation of the Pledged Revenue is a percentage of the Annual Debt Service Requirement. You guys have set that at a 200% level, which you meet. Then the rest of the report is just explaining a lot of the terms used in the calculation. Any questions?

**Chairman:** Any questions of the Commission? Thank you very much. Anything further Mr. Steiner?

**CFO/Comptroller:** That completes my report Mr. Chairman.

**Chairman:** Thank you. Financial Advisor, Eric Erickson?

**Financial Advisor:** Mr. Chairman, I just want to mention one thing. In early August the Executive Director, as well as, several staff members, and myself, had a brief conversation with Moody's Investors Service basically to update the rating agency as to the current status of the Ohio Turnpike. Moody's subsequently released a letter reaffirming the Commission's AA 3 rating as well as putting it on stable outlook. I was very encouraged by that statement they put out.

**Chairman:** Thank you. Trustee, Mr. Lamb is not here. General Consultant?

**General Consultant:** Mr. Chairman, Commission Members, we have completed all of our inspections with the exception of those in the construction zones, those inspections will be completed this fall and our annual inspection report is on schedule to be submitted at the end of the month.

**Chairman:** Thank you. Questions? Next will be the Ohio State Highway Patrol, Captain.

**Captain Hannay:** Thank you Mr. Chairman, Commission Members. Unfortunately, I have to report a couple of fatalities that have occurred since our last meeting. The first fatality was a delayed report by the Mahoning County Coroner's Office. The crash occurred in late spring, the death occurred two weeks later. A gentleman approximately age 70, trying to eat while driving in the rain lost control and struck the wall. His injuries resulted in his death some two weeks after the crash. We got that notification here just early September.

The second traffic crash resulted in three fatalities. That is the crash that Chief Engineer Castrigano eluded to back at Milepost 106, which resulted in a commercial vehicle driving off the right edge of the roadway down through the ditch line, traversing up the embankment, and striking the underside of the bridge located at Milepost 106.9. The driver was the owner of the vehicle, he had his three year old and his ten year old sons in the tractor with him and all three died as a result of that traffic crash. Witnesses that were in and around that commercial vehicle at the time it left the roadway indicated there was no braking, indicated there was no discernable physical object to result in the truck drifting off of the roadway. It did look like he just drove off the right edge of the roadway, right prior to entering the grass or the berm area outside the improved area the truck did make a radical right hand turn, but the elevation of the ditch line brought the truck back in line parallel to the interstate striking the bridge resulting in the traffic death. That concludes my report.

**Chairman:** Do you anticipate that he fell asleep? Is that what it appears to be?

**Captain Hannay:** Well sir we do have a statement from a family member, or a friend of the family that indicates that he was talking to him while he was driving, so no he was not asleep. His children were a sleep according to this gentleman. This gentleman did say they talked on the phone some two hours prior to the crash that he heard the phone go quiet and he heard a slap noise. That was the last thing he heard. We've asked the coroner's office to please check into medical conditions of the driver to see if there's any family history, or anything at all that would have indicated what may have occurred here. This gentleman indicated that his friend, the driver, was in good spirits, he was on time, witnesses around the truck indicate that he was traveling at or near the speed limit of 65 however, there was no discernable braking prior to the crash.

**Chairman:** Thank you very much.

**Captain Hannay:** Just one additional comment, you may have heard in the news about approximately two weeks ago we did have a pursuit that entered the State of Pennsylvania that resulted in a fatality in the State of Pennsylvania, some 34 miles from the Ohio state line. We do still have felony charges that we've asked the prosecutor to look at on this driver for his speed going through the Eastgate and then entering the

gateway going into Pennsylvania. It will be up our prosecutor's office as to whether or not they decide to pursue those charges since there are felony charges on the driver over in the state of Pennsylvania.

**Chairman:** Thank you. Any other questions or comments from the Commission Members? Thank you for attending the meeting, we appreciate it. If there is no further business we will accept a motion to adjourn until the next regularly scheduled meeting, which is set for October 20 at 10 a.m. I need a motion to adjourn?

**Mr. Kidston:** So moved.

**Chairman:** Second?

**Mr. Regula:** Second

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Ms. Teeuwen

**Ms. Teeuwen:** Yes

**Chairman:** Thank you.

Time of adjournment was 10:41 a.m.

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

---

George F. Dixon, Secretary-Treasurer