

DISTRICT 11

PRE-BID MEETING

PROJECT NO. JEF 7-10.00

JANUARY 26, 2015, 10:00 A.M.

Ohio Department of Transportation
2201 Reiser Avenue, S.E.
New Philadelphia, Ohio 44663

P R O C E E D I N G S

1
2 MR. MacADAM: Good morning. Thank you for
3 taking time on this very inclement day to come to
4 District 11. This is an official prebid meeting;
5 and, therefore, we have a stenographer that's going
6 to do actual recording of the entire conference.
7 Her name is Jocelyn Harhay. And Jocelyn asked that
8 if you are going to speak you tell your name, who
9 you represent before you ask your question or share
10 your concern. So if you would, just follow those
11 little short rules.

12 First thing we will do is go around the
13 room and introduce ourselves so everybody knows
14 whose here. I'm Lloyd MacAdam, district deputy
15 director, District 11 here in New Philadelphia.

16 MR. GRAHAM: My name is Jim Graham. I am
17 the area engineer overseeing the project.

18 MR. LYTTON: My name is Adam Lytton. I'm
19 the project engineer for ODOT, District 11.

20 MR. SUSICH: I'm Nick Susich. I am the
21 district construction administrator, District 11.

22 MR. PIATT: Kyle Piatt, Mountaineer
23 Contractors.

24 MR. MARINCIC: Steve Marincic, Kokosing
25 Construction.

1 MR. BOWERS: Brad Bowers, Kokosing
2 Construction.

3 MR. LAKE: Ken Lake, Kokosing Construction.

4 MR. WILLIAMS. Rob Williams, Vecellio &
5 Grogan.

6 MR. SMITH: Dale Smith, Trumbull
7 Corporation.

8 MR. FORD: Jack Ford, Beaver Excavating.

9 MR. WELLMAN: Ted Wellman, Beaver
10 Excavating.

11 MR. JOHNSON: Jeremiah Johnson. Beaver
12 Excavating.

13 MR. POLEN: Bruce Polen, Beaver Excavating.

14 MR. VOLLNOGLE: Kim Vollnogle, Hilltop
15 Energy.

16 MR. KROCK: I'm Mike Krock. I'm District
17 11 environmental specialist.

18 MR. STRATTON: Tom Stratton. I'm the
19 District 11 environmental coordinator.

20 MR. BARTO: I'm Eric Barto, Murray Energy.

21 MR. PIASECKI: Stan Piasecki, Ohio American
22 Energy.

23 MR. BRAD JONES: Brad Jones, central
24 office, ODOT, construction management.

25 MR. BARNA: Jim Barna, central office,

1 policy.

2 MS. GIAUQUE: Becky Giauque, District 11,
3 communications for ODOT.

4 MR. BARNHOUSE: John Barnhouse, District
5 11, planning & engineering administrator.

6 MR. STILLION: Tim Stillion, District 11, P
7 & E consultant/contractor manager.

8 MR. MacADAM: Okay. Thank you very much
9 for that. I'm going to go through just a quick
10 introduction of how we got to where we are today.
11 This project is a very unique project in some of the
12 unique things we've had to do to get to this point.

13 I want everybody from the contracting
14 industry to understand what we've done to move
15 mountains to get to where we are today. And then we
16 are going to ask you guys to help us move the real
17 mountain with this project. So thank you for a few
18 moments just to kind of give you a background of the
19 project.

20 We've had a history at this location, at
21 the 10-mile marker Jefferson 7, of having
22 significant rock falls for some time.

23 This photo was taken September 24th, 2001.
24 And you can see it's a significant hillside dropoff
25 of the sandstone from those steep sandstones.

1 Believe it or not, nobody was killed when this
2 happened. We've been very fortunate at this point
3 that no one has been killed at this location. It's
4 amazing to think about this location. Obviously
5 this time Route 7 southbound was completely closed
6 -- and you can see that -- for some time. And that
7 was September of '01.

8 I became director in 2011. And on October
9 30th of 2011 there was another rock fall. It wasn't
10 quite as significant as that last one. But you can
11 see where the rock hit the pavement at the shoulder,
12 put quite an indentation in that shoulder. That was
13 kind of the first indication that that hillside is
14 unstable, at this point in October of 2011.

15 Just a few short months later, on January
16 30th, 2012, we had a significant rock fall. This
17 time rocks came from way on high. Came through and
18 actually bounced onto the roadway, went through the
19 median a little bit. And unfortunately a large
20 tractor-trailer ran into the debris after it had
21 fallen down; and the gentleman was seriously hurt,
22 as he was crushed up against the barrier. But he
23 did survive. So that was January 30th, 2012. We
24 knew at that point, okay, three months now we have
25 had two significant rock falls; we need to do

1 something here.

2 So what we did is we called Federal Highway
3 over and had a D.S.R. prepared. And Jim Graham met
4 with folks at Federal Highway and Andy Blalock. Got
5 significant moneys to do two things. First off,
6 stabilize this. That's what we did beginning in
7 February of 2012. We hired Jenod. We just recently
8 had experienced the previous year in Wellsville the
9 stabilization of the hillside, to get it to where we
10 could at least get it opened safely to traffic.

11 So Jenod came and actually used these
12 little balloons and stuff and moved these rocks and
13 got it to the point where they felt that the stuff
14 up there hanging was safe. And it happened in
15 February 2012.

16 Shortly thereafter in March after the
17 emergency declarations were signed -- the governor
18 signed an emergency declaration as well -- we hired
19 James White. And he began clearing the hillside and
20 doing a bench stabilization. There was an existing
21 bench up there that had basically built up over the
22 years. And the rocks were hitting that bench and
23 bouncing on the road. We needed to create that
24 bench back. So that's what James White began to do
25 in the beginning of March of 2012 through the summer

1 of 2012, stabilizing that bench. And you can see
2 that they're doing a lot of rock excavation, moving
3 that thing.

4 Basically what you see out there as far as
5 the bench right now, that was created and stabilized
6 by James White in the summer of 2012. And you can
7 see them working on that.

8 At that same time, March of 2012, you can
9 see the zone that was set up on what are typically
10 the northbound lanes. But we now have a southbound
11 lane and a northbound lane. So since March of 2012,
12 we've had that condition out there.

13 So nearly three years we have had that
14 condition out there where both lanes are in the
15 northbound lanes with that there. They continue to
16 work on that. And they created -- well, first off,
17 we noticed something while we were out there.

18 March 2012 we found a nesting pair of bald
19 eagles right above this project. Clearly it was in
20 a tree. The tree was overhanging right over top of
21 the site where we were working. And we actually had
22 to do some coordination even to allow James White to
23 get in to work on this project. There was I think a
24 600-foot buffer zone we had to keep around that
25 active nest. So we couldn't work anywhere between

1 600 feet of this active nest there.

2 Here's a photo. Actually I took this in
3 July of that summer as I was up there looking
4 around. And quite an impressive young male bald
5 eagle was on top of there. And part of what they
6 had to do, James White, they had to monitor that
7 bald eagle. And he did that by setting up a camera.
8 And look at what we got. Come later, we have
9 babies. You see the male feeding the young right in
10 that nest. So in the spring of 2012 we ended up
11 having a pair of young bald eagles, and obviously a
12 mom and pop who worked out of that nest overhanging
13 directly our project.

14 So we knew we even had a unique project:
15 Good grief, we're going to have to move that nest.
16 Because that nest clearly in a tree, to lay this
17 hillside down, needed to be moved. And that, as far
18 as we know, had never happened in the state of Ohio,
19 move a bald eagle nest.

20 So what we did is we started working on
21 setting this wall up. We knew that we were going to
22 have probably a significant amount of time where
23 this project is going to sit and wait for the
24 clearance of this bald eagle nest. So we said
25 "Let's stabilize this thing by building on the

1 southbound lanes a significant wall so that it will
2 protect the travelers going on existing 7 north and
3 south."

4 So in the summer of 2012, they constructed
5 this wonderful wall that you see out there today.
6 It's significant, roughly 10 by 12 by a mile long.
7 So they did that with the stuff -- most of that was
8 from the stuff that he excavated and crushed right
9 on site and built it with that. So it's a very
10 unique construction protecting obviously the
11 existing lanes of 7. That happened in the summer of
12 2012.

13 Here's a project timeline so that you can
14 have this. And this will be made part of the public
15 record if you don't want to write all this stuff
16 down. But, again, the Federal Highway signed the
17 emergency Disaster Survey Report February 15th of
18 '12. The governor declared an emergency March 12th
19 of '12. Temporary traffic control zone was set
20 March 18th of '12. Special consultant programmatic
21 was put out there. This thing fell in a time where
22 we just had a programmatic in January. And we
23 didn't want to wait until the May programmatic
24 because we would lose significant time on the
25 project.

1 We knew there were special, unique
2 circumstances. We were for the first time ever
3 going to move a bald eagle's nest with one of our
4 construction projects. And we knew that was going
5 to take some special interest. Put it out there,
6 made sure the consultant industry knew that this
7 project had unique qualifications. In other words,
8 we need you to work with the environmental people,
9 the Fish & Wildlife people, the O.E.S. people, those
10 kind of people; we need you to work with those
11 consultants, work with those experts in those fields
12 and help us get this bald eagle's nest moved in a
13 timely fashion. We had no idea if it was going to
14 take one year, five years; we didn't know. We knew
15 it was going to take a long time. So we did that.

16 We selected a consultant on May 22nd of
17 '12. We had a special scope meeting. And it
18 happened to be Stantec who had experience in other
19 states moving bald eagle's nests. June 18th, 2012,
20 we scoped that and we authorized them a month later.

21 If you do anything with consultant
22 contracts, the time frames were not norms. We're
23 moving at the speed of light when it comes to
24 getting these things happening. From the decision
25 to hire a consultant in March, in July we had one on

1 board with the qualifications we needed. That's a
2 lot quicker than typical for moving consultants on
3 that.

4 We authorized the right-of-way for this
5 project, after they had done the plan to the point
6 where we could do that, on October 8th of '13.
7 There were four parcels that we needed to purchase.
8 We authorized that to happen on October the 8th of
9 2013. The final plans were complete in October of
10 last year, 2014. And we had the environmental
11 document completed, which was significant -- this
12 was obviously the critical path thing for the entire
13 project -- completed October 29th of '14.

14 I'm going to have Tom talk a little bit
15 about what they had to do as an environmental
16 consultant to get to that point. But this was the
17 first ever bald eagle's nest moved in the state of
18 Ohio.

19 Tom, help us out.

20 MR. STRATTON: It was a first time that
21 ODOT has ever applied for and got a permit to take a
22 bald eagle's nest. Actually the nest was part of
23 the complications with the trees in general. The
24 cutting restrictions for the Indiana bat and
25 northern long-eared bat played into it as well. So

1 we applied with the Fish & Wildlife Service and got
2 a permit to destroy the first nest in early March of
3 2013.

4 We couldn't cut the nest right away. We
5 had restrictions of cutting the tree with the nest
6 in it between September of '13 and February of '14,
7 with the idea to cut it when there's no young in the
8 nest and no eggs in the nest. But we also had to
9 wait until after October 15th to be in compliance
10 with cutting restrictions for the Indiana bat.

11 So we cut the tree down with the nest in it
12 for the first time in December of 2013. But
13 unfortunately, or fortunately depending how you look
14 at it, the eagle re-nested within a couple months in
15 a tree that was just a few hundred feet maybe, plus
16 or minus, away from the first nest. The good thing
17 about that is that it shows the Fish & Wildlife that
18 the eagle is strong and resilient to come back. And
19 they were more than willing to let us push the eagle
20 off the site. So on one end it's good they came
21 back. On the other hand, it's bad because now we
22 needed to take the tree down again with a new nest
23 in it.

24 So we immediately applied to the agency
25 again, and I got an amendment to take the nest a

1 second time. That permit was granted in March of
2 '14. And, again, we had cutting restrictions
3 between September and February. In the meantime,
4 the Fish & Wildlife Service proposed that the
5 northern long-eared bat be listed as an endangered
6 species. So while we had clearance to cut trees for
7 the Indiana bat, we did not have clearance for the
8 northern long-eared bat.

9 And this is where Stantec's experience
10 comes into play. They had done some biological
11 assessments for endangered species. We had them
12 start to prepare a study and a writeup just for the
13 northern long-eared bat. We initiated consultation
14 with the agencies on that particular species. And
15 then within a couple weeks of that they postponed
16 the listing and pretty much made the northern
17 long-eared bat a moot point. So if we could get all
18 the trees down in the site before April of '15, the
19 northern long-eared bat wouldn't be an issue any
20 more. We had clearance and approval for mitigation
21 for the Indiana bat. So we were good to go cutting
22 as soon as we got into October of 2014.

23 So we started cutting, removed the eagle
24 nest for the second time just a few weeks ago,
25 January 13th of 2015, and accelerated the cutting to

1 make sure that we could get all the trees down with
2 our cutting window for the bats and before the eagle
3 could re-nest, and then we have another issue.
4 Because we were afraid if it was able to re-nest on
5 the site again, we would have to delay the project
6 for a year. So we needed to get that tree down in
7 time to allow construction to start this year.

8 The Fish & Wildlife Service has been
9 cooperative regarding the eagle. The eagle is not a
10 listed endangered species anymore, but it is
11 protected under a couple other regulations. Golden
12 and Bald Eagle Protection Act is the exact name of
13 the law that protects it. They've not been so
14 cooperative dealing with the bat issues. That's
15 actually a different office and much more
16 problematic.

17 But the Migratory Bird office out of
18 Minnesota has been very good to work with. So
19 hopefully we've got the issue taken care of, and
20 they won't be able to re-nest, thinking it will
21 probably re-nest on the other side of the river or
22 maybe a little north of our site. As long as it's
23 600 feet away, we're good to go.

24 MR. MacADAM: We had a couple gentlemen
25 walk into the room as Tom was talking. Do you want

1 to introduce yourselves here.

2 MR. BAKER: Michael Baker with Cast & Baker
3 Corporation.

4 MR. LOMBARDO: D.J. Lombardo with Cast &
5 Baker Corporation.

6 MR. SINGHAL: Rajeev Singhal, Senex
7 Explosives.

8 MR. MCGIFFIN: Matt McGiffin with Vecellio
9 & Grogan.

10 MR. MacADAM: Continuing on with our
11 timeline, we are almost up to the current date. The
12 right-of-way was certified the next day after our
13 environmental document was completed. The plan was
14 filed then the next day, a 1.3 million dollar tree
15 cutting contract by Echo Tree was awarded November
16 the 10th. And they began mobilization at that
17 point. And they are currently up there right now
18 cutting trees. And on January 16th, the second nest
19 was cut down that Tom just described. And then they
20 even came back maybe a day or two later to try to
21 re-establish in an area where it was near this tree.
22 And we actually stopped and started a couple times
23 trying to figure out if we can still cut. And, yes,
24 we can still cut. So, again, we haven't seen any
25 since basically about the 20th of January, something

1 in that magnitude.

2 We actually expedited Echo to "Cut as fast
3 as you possibly can to get it down." Because as of
4 February 1st, we can no longer cut anywhere near a
5 nest that's established.

6 And our sale date is this Thursday, January
7 29th of '15. So that's our current schedule, and
8 that's where we are at at this point.

9 So just a couple things to talk about.
10 This is where Echo Tree has been doing their tree
11 cutting. They had to establish some roadways up
12 there to cut these trees and get those trees down.
13 And this is a picture that was taken, just after we
14 had cut the nest down, of the bald eagle coming back
15 and kind of looking around, trying to figure out
16 what happened and what's going on here.

17 So as you can see, we have moved at not the
18 speed of government but at the speed of light as far
19 as clearing projects and unique qualifications and
20 stuff like that.

21 I'm going to pass around a piece of rock
22 that I actually picked up from this site on January
23 31st when I was out there after that truck accident,
24 and that truck driver was hurt in that accident.
25 This is the kind of stone that comes down off that

1 hillside. It's a sandstone. Obviously you can see
2 this has weathered pretty good. But just pass that
3 around.

4 But that is where we're at. We have done
5 what we think is yoeman's work as far as getting
6 this project moving. We have had constant updates
7 with the media. I brought Becky Giauque in here for
8 that purpose. All along we've been telling the
9 media we want to get this project up and open up to
10 traffic in 2016.

11 Well, due to some of the concerns you folks
12 in the room shared with us, we have now moved the
13 completion date to June 30th, 2017. And we have
14 already begun to get the media to buy into that.
15 Because as I've told you, this zone's been up almost
16 three years now. And there's going to be at least
17 three more years of that. So that's a significant
18 zone up there. So we're trying to get this project
19 as quickly as possible done.

20 We feel that we have a good set of design
21 plans that we can get this thing constructed. And
22 we have enough history in this district to do this
23 in a timely fashion. We think that our schedule, in
24 our mind, is something that can be accomplished.

25 So we're going to open the floor at this

1 point for any concerns or questions the industry may
2 have with anything on the plan. So, again, if
3 you'll just state who you are, who you represent,
4 and then state your concern, we'll have discussion
5 about that.

6 MR. WELLMAN: Ted Wellman with Beaver.
7 Want to explain? There's a note on the plans that
8 this requires us to remove that lower bench first.
9 That's obviously a concern. Will you explain what
10 the intent is there and how you were thinking we do
11 that?

12 MR. SUSICH: Nick Susich. The reason that
13 we are moving the bench is because -- two reasons --
14 one is to allow more catch area for rocks that come
15 down. That's mainly because that bench acts as a
16 launching ramp. We don't want anything coming from
17 the top to be launched over onto live traffic. So
18 that's why we're going to move that bench.

19 MR. WELLMAN: Ted with Beaver again. One
20 concern, there was a previous question. I actually
21 wrote it and asked if there was a -- I mean our
22 concern with that is that bench is as high as 60
23 feet. We can't take it with one shot if you choose
24 to shoot it. Whether you shoot or ram it, there is
25 obviously a risk, a significant risk of debris

1 falling on top of the workers as they're working
2 below it. Our experience is when you start working
3 on these slopes you take them from the top down.
4 And it's a significant risk if you put anybody
5 underneath that while vibrations and anything else
6 is going on. It's a significant risk to the
7 workers.

8 A thought was -- and I don't even know if
9 this can solve that -- but the possibility of
10 scaling. But the easiest answer is don't put
11 anybody down there. There may be some other
12 alternatives. And I don't know if they were
13 explored. But that's a serious concern. I'm sure
14 everybody else here would agree.

15 MR. FORD: Jack Ford, Beaver Excavating.
16 We had a similar situation on Route 7 just south of
17 Marietta, workers in that zone. Our superintendent
18 stopped work. We had a meeting with District 10.
19 They brought in a consultant. And the solution was
20 we built a -- we took material off of the ends of
21 the cut, off the face, and built a counter berm at
22 the bottom, up high enough to keep the rocks from
23 launching, in that case, and not having anybody
24 working at the very toe of the slope, and ramming or
25 shooting rock at that point.

1 So that was the safety solution on that
2 project. Because traffic was in a north/south
3 condition right on the other side of the median.
4 Same situation, different solution to the launching
5 of rock and having guys working below the slope. So
6 I don't know if that's something that you'd
7 entertain or not in this case.

8 MR. SUSICH: Yeah. I mean we had to
9 address the issue in the plans. That's how we
10 addressed it. As long as you understand, as long as
11 contractors understand they're responsible to clean
12 up the catchment area and responsible to prevent
13 rocks from launching from the bench, we will always
14 look at different alternatives, different ideas.

15 MR. FORD: Jack Ford. Can we have the
16 information on how high this berm would have to be?
17 Did you guys do some type of calculation on how far
18 the rocks will launch off of that?

19 MR. SUSICH: I don't believe we have
20 anything like that. We just know in other jobs
21 we've done this is the method we have used to
22 eliminate the -- cut the toe out, create more area
23 and prevent the rocks from launching. I don't think
24 we have any information on how high a barrier would
25 be on that bench to prevent that. We can probably

1 leave that up to the contractor.

2 We also have a scaling item in the plans
3 for contractors to work on loose rocks or anything
4 his blasting operations might create.

5 MR. WELLMAN: Ted Wellman from Beaver. We
6 were hoping that could be an hourly item like it's
7 normally bid. That's why I suggested scaling. We
8 don't have any idea how -- without getting up there
9 and inspecting it, the scalers are the ones that are
10 going to know if it needs -- you know, how solid it
11 is. We have no idea how to quantify that without --

12 MR. SUSICH: Nor do we.

13 MR. WELLMAN: -- touching --

14 MR. SUSICH: We don't know what your
15 blasting operations would loosen up. We don't know
16 how you plan to do that work.

17 MR. BOWERS: Brad Bowers with Kokosing.
18 That's kind of why it was suggested maybe that you
19 were to put a contingency in there so the work can
20 be done to protect the workers and also make for a
21 safer traveling environment. I understand you guys
22 don't know. But you guys don't have to bid it. We
23 can't bid what we don't know.

24 MR. SUSICH: But you have a better idea how
25 you're going to approach the project. You have a

1 better idea what your blasting operations are going
2 to consist of down there. You have an idea if
3 you're going to propose some sort of barrier on that
4 bench to prevent rocks from getting down. We have
5 no idea.

6 MR. BOWERS: Well, if we propose to bid
7 your plan, there still needs to be scaling. And
8 there will be blasting required to remove that
9 bench.

10 MR. SUSICH: We have a scaling item in the
11 plan. It's a lump-sum item. I understand your
12 concern. But we have no possible way of quantifying
13 that. We feel the contractor has a better way of
14 doing that than we do.

15 MR. FORD: Jack Ford, Beaver. We don't
16 have a better idea than you do, Nick; all due
17 respect. And to have a lump-sum item, we're taking
18 all the risk of guessing at what the geological
19 conditions are there that the rock will come down.
20 We don't have a better idea. It would be a wild
21 guess of what that would be.

22 MR. BOWER: Brad Bowers. Short of having a
23 lot of extra time to go out there and do some
24 investigation. And still I don't know that you can
25 come to a reasonable plan at that point.

1 MR. BARNA: Jim Barna, ODOT. What's the
2 solution -- I'm asking the contractors here --
3 between the lump sum and the scaling?

4 MR. FORD: Jack Ford with Beaver. To go
5 with an hourly basis on that. And as far as an
6 allowance would probably give you some little bit of
7 some money to work with to build the berm and not
8 put people in that situation.

9 MR. BOWERS: That would be my preference,
10 to put not people in that situation. That would be
11 the first preference for everybody.

12 You're nodding your head.

13 MR. FORD: Yeah. I agree. The berm is --
14 Jack Ford with Beaver -- the berm I believe is both
15 safer and more cost effective. It's just a question
16 does it work out engineeringwise with that structure
17 that's there right now. What kind of berm can we
18 build off of that. Maybe use that as one side of
19 the berm and then go up at a one-to-one off of
20 there. I'm not sure how high that we could get.

21 Looking at the cross sections, I thought we
22 could get a pretty substantial catchment area below
23 the slope with that berm. The engineering on the
24 one at Route 7, that was an HDR proposal from a
25 design standpoint to the district. And it worked.

1 And there was a lot of rocks that came down. And
2 they were stopped. So it's a good solution.

3 MR. WELLMAN: Ted Wellman with Beaver. We
4 would need a -- if the bench or the berm at the
5 bottom was, whether it be a choice or if the
6 district were to I guess come up with some criteria,
7 how high does it have to be? You mentioned, Nick,
8 that the rock, the rock study, there's no criteria
9 to say high how it has to be; it's just a judgment.

10 Well, we could design a catchment berm but
11 we wouldn't know what's acceptable from the
12 department on how high that needs to be until after
13 the job bids. So if you were to give us some
14 criteria, how big a catchment area do you think is
15 required and how high does the berm need to be would
16 be something we would need to know. Does the
17 district provide some kind of typical section on
18 what kind of berm would be satisfactory?

19 MR. FORD: Again, you still have guys
20 working, building this berm -- Jack Ford, Beaver --
21 you would have people working downslope that would
22 not be in the immediate catchment area below the
23 slope, and they would be working their way out of a
24 dangerous situation more so than working their way
25 into a dangerous situation. So that's -- I think

1 building the berm is just a proven solution to that
2 problem based on our experience down at Route 7 in
3 Marietta.

4 MR. GRAHAM: Jim Graham with ODOT. Jack,
5 I'm sorry. This is a different situation. All
6 right. Now, since -- only my opinion. Okay. And I
7 don't rule. Okay. That bench has to come out of
8 there. I'm going to draw you a picture if you don't
9 mind.

10 Everything that's been done on this project
11 so far with respect to the rock fall has been with a
12 computer program called the Colorado Rockfall
13 Simulation Program. It was developed, paid for by
14 the State of Colorado. The program was built by my
15 old alma mater, Colorado School of Mines. Okay.
16 And you can simulate rockfall on any type of slope,
17 any type of material, whatever you want to do.

18 And then here's our wall. Right here's the
19 traffic. Okay. No matter what you do with this
20 berm here, okay -- you say this is 60 feet; right,
21 at the highest? Then this (indicating) I'm guessing
22 has to be 120. The thing is, even if you build this
23 berm up, one thing that a rockfall computer
24 simulation cannot do is model what's called shatter.

25 It takes one piece of rock. And it rolls

1 down. And they bounce. And they do this
2 (indicating) and shatter. When a huge piece sits
3 here and it has a significant amount of energy in
4 it, as that piece breaks, it transmits that energy
5 in an unpredictable manner.

6 And if you look at the Colorado Rockfall,
7 they'll tell you, well, this will bounce so high and
8 then it will fall. In a shatter situation, you get
9 so much energy in that rock, stuff does this
10 (indicating). I have seen it happen. Okay. That's
11 why this has to come out.

12 Now, you're the contracting industry. We
13 got to figure out how to get that out of there.
14 Because I'm telling you there is nothing else that
15 we can do out here that's going to protect the
16 traveling public as well as taking that bench out.

17 MR. WELLMAN: Ted with Beaver. The cross
18 sections don't even show you taking the entire bench
19 out. In some cases we're just nipping the face and
20 leaving over half of the bench in there. That's why
21 we're confused what the reasoning was. In some
22 cases a considerable amount of bench is left. You
23 may want to look at the sections to make sure that's
24 what you want.

25 MR. GRAHAM: Jim Graham again. From what I

1 have seen, the big concern is we're taking this
2 bench out below a damn-near vertical face. I think
3 on the ends maybe where we're leaving the bench in,
4 you got a slope that looks more like this
5 (indicating). You're going to have roll. If you
6 got one-to-one, you got roll. Okay. If it comes
7 down here, rolls across, it will fall into that
8 (indicating). If you have three-quarter-to-one, you
9 get bounce. It will actually bounce off the face.
10 Okay. When you go steeper than quarter-to-one, you
11 got drop, strictly fall.

12 I don't know what the solution is. I know
13 all the contractors are concerned. When we had
14 James White Construction up there, we had Jenod
15 scale that entire face before their machines went up
16 there. Okay. So if the concern here is putting
17 people underneath, I guarantee you you can get
18 people up there. They can scale. They can rock
19 bolt. They can shock. They can do anything. But
20 I'm passionate that you can't fix that rockfall
21 without taking that out.

22 MR. WELLMAN: Ted with Beaver again. Jenod
23 did the scaling, so the district should have a good
24 idea what they spent on scaling the first time.
25 Maybe that's something they can use to quantify an

1 allowance. That's a question.

2 MR. GRAHAM: Here's the struggle that we
3 have. And not that we don't have the best
4 contractors in the country in here. Okay. Who's to
5 say that a contractor will go up there and say, "I
6 think that's unsafe; so, ODOT, you got to scale it."
7 Okay. All right. We go scale it. Okay. And then
8 you go in and start to drill and shoot this out.
9 And you shoot it heavy. Why wouldn't you shoot it
10 heavy? Because you want small pieces to handle.
11 The heavier you shoot them, the more vibration
12 you're going to put into this slope, okay, and maybe
13 require the need for more scaling.

14 I'm a contractor; I can't get my equipment
15 in: "Hey, ODOT, you need to scale this. My
16 equipment's a week away. Hey, we need another week
17 of scaling up here, ODOT."

18 Don't you see where we are? I mean it's a
19 difficult situation. We're trying to protect
20 ourselves and the contracting industry in trying to
21 come up with a way to quantify the work. I
22 understand. We wrestled with that, Nick and Adam.
23 We all wrestled with it. Give us an idea.

24 MR. BARNA: Jim Barna, ODOT. Are we
25 concerned about the bouncing during construction?

1 As our finished product?

2 MR. LYTTON: Yes.

3 MR. GRAHAM: Yes.

4 MR. BARNA: So the bouncing you're
5 concerned about is just during construction?

6 MR. GRAHAM: Yes.

7 MR. BARNA: So as our finished product,
8 we're not worried about the bouncing?

9 MR. GRAHAM: No, sir.

10 MR. BARNA: Not at all?

11 MR. GRAHAM: No.

12 MR. BARNA: Jim Barna again. How close is
13 traffic to that wall?

14 MR. GRAHAM: Traffic's right behind the
15 wall. Two foot on the other side of the wall.

16 MR. BARNA: Jim Barna. The Colorado rock
17 bounce simulations did not show it going bouncing
18 off, correct? You stated before, your concern's not
19 more so the simulation modeled; it's more so some
20 other?

21 MR. GRAHAM: What will happen, the
22 simulation model will show you without shatter.
23 We're going to eliminate the shatter. It will show
24 you that if rocks come down here they will bounce
25 over this and get into traffic. One unit. It will

1 happen. Okay.

2 Now you put the shatter into it. And
3 guarantee, it's going over. I've been doing this
4 for 29 years.

5 MR. BARNA: Jim Barna again. So if we
6 scale that, does that reduce our chances of that
7 rock bouncing or rock coming down and bouncing? Is
8 that what they're -- so if we go out and scale it or
9 required it to be scaled, does that reduce the
10 chances of that rock bouncing in the traffic?

11 MR. GRAHAM: During construction, yes.
12 Okay. And I think everybody in this room --

13 MR. BARNA: So the question again, if we
14 choose to scale it or propose a scaling operation in
15 construction, why wouldn't we not -- why wouldn't we
16 allow them to build the way they want to and not
17 take out that bench first?

18 MR. GRAHAM: I don't think it can be built.
19 I don't think you can put anything in here that will
20 keep the rock from going over. But I mean if the
21 contractor --

22 MR. BARNA: That's not my question. If we
23 scale it --

24 MR. GRAHAM: Yes.

25 MR. BARNA: -- propose a scaling --

1 MR. GRAHAM: Yes.

2 MR. BARNA: -- that is going to reduce the
3 chance we have of any rock coming down and hopping
4 that wall.

5 MR. MacADAM: Yes.

6 MR. SUSICH: Nick Susich, ODOT. We worry
7 about the rocks coming down through the entire
8 excavation process --

9 MR. BARNA: Okay.

10 MR. SUSICH: -- the entire drill and shoot
11 process. The drillers can't keep, the shooters
12 can't keep all the rocks up on top of the hill.

13 MR. BARNA: When we're shooting, are we
14 stopping traffic?

15 MR. SUSICH: Yes.

16 MR. WELLMAN: Ted with Beaver. It won't
17 take long for that bench to get full once rocks....
18 This is just a thought. If that bench was full and
19 -- or some material was partially filled in there,
20 it would keep the bounce. But then you'd have to
21 have your catchment area big enough. And maybe the
22 catchment area could be cleaned safer than blasting
23 that and removing that bench. Because if you were
24 to scale it before and basically scale and inspect
25 the work above you, shoot that bench, it'd probably

1 take at least three times to shoot it, three
2 different levels. You got to go back up and inspect
3 that each time. So it's more than just come in,
4 scale it, and then done. I think after each shot
5 you got to scale and inspect it.

6 Another idea is that these benches fill up
7 with debris relatively quickly. Once material
8 starts coming down, these benches will get filled up
9 and eliminate the bounce. So maybe is it possible
10 to fill the bench prior to construction instead of
11 removing it. I don't know.

12 MR. GRAHAM: How would you fill it? Just
13 shoot it full?

14 MR. MacADAM: It's nearly vertical above
15 it.

16 MR. LYTTON: Yes.

17 MR. WELLMAN: I'm just saying you have a
18 flat bench. What if you just either hoe ram the
19 front off instead of taking the entire thing out,
20 just nip the corner off. I don't know. Just trying
21 to think of ideas.

22 MR. GRAHAM: From the owner's protective,
23 see, what you have here -- and I know it's not to
24 scale -- but if you look at the catchment you have,
25 drive down behind that wall -- we don't have a

1 picture -- drive down behind that wall and you look
2 at the distance you have for catchment and then you
3 take this out and you drive back down that wall
4 then --

5 MR. MacADAM: There's a picture for you,
6 Jim.

7 MR. GRAHAM: -- you go up on top, if you
8 get that bench out of there and you got this huge
9 area in here, you've got an awful lot of containment
10 there. Because what happens, if you leave the bench
11 in --

12 And I'll go with you on that, Ted. Okay.

13 -- if you leave that bench in, what are you
14 going to do when this fills up? You're going to
15 have to go in there and clean it out.

16 Now, what's the concern about this? I
17 don't know. I don't think there's an easy solution
18 to it. I really, honest to God, I don't think
19 there's an easy solution to it. But we as a
20 department, okay, our number one focus has to be the
21 safety of the traveling public. Okay. Yeah, we
22 want contractors to be safe. We want to do what we
23 can to help them get this done safely.

24 But personally I have real bad heartburn
25 with leaving this smaller catchment in here instead

1 of having a big one to keep rock out of traffic.

2 And I still think, honest to God, Ted, I
3 think if you can get this much catchment you can
4 take a hell of a lot of material off that hill
5 before you even have to think about going in there
6 and cleaning that.

7 MR. WELLMAN: Might be safer to clean it
8 than it is to drill and blast. You have people on
9 the ground. It may be a little safer. I'm not
10 saying it's safe but might be a little safer to
11 clean that catchment than to drill, blast, load
12 holes, all the while looking over your shoulder.

13 MR. GRAHAM: I do know this, for what it's
14 worth. When we had Jenod there with James White
15 Construction, their people felt safe. I don't know
16 if that helps you or not. I can tell you on the
17 second time that we went to Powhatan Point, Alan
18 Stone/Heater did it. We had a plan that they would
19 go in there and slice the front of that hill off and
20 create a catchment. And they were successful.
21 Okay. That's all I'm saying. Successful.

22 MR. GENTILE: Mark Gentile, Trumbull. What
23 was the contract amount for the Jenod contract with
24 that scale?

25 MR. MacADAM: I can look it up for you.

1 John, come up here. Look that up, the
2 contract cost for Jenod the first time in 2012.

3 MR. GENTILE: How effective were they in
4 cleaning?

5 MR. GRAHAM: Extremely effective.

6 MR. SUSICH: We had them, similar to this
7 situation, we had them scale until the prime
8 contractor was comfortable to go down there and work
9 on this bench.

10 MR. GENTILE: Since we're worried about
11 cost, wouldn't that be a basis of a predetermined
12 amount, a budget amount?

13 MR. SUSICH: Nick Susich. We don't know
14 what you're going to do with that bench. We don't
15 know what your blasting plan is. We don't know.

16 MR. MacADAM: We may hoe ram it. Somebody
17 may blast it.

18 MR. SUSICH: We feel the contractor has a
19 better understanding of how he's going to do it.

20 MR. GENTILE: I think the contractor has an
21 understanding of removing the bench. But as far as
22 removal methods of taking that bench out, due to the
23 hillside up above it, that's sort of like a crap
24 shoot. Wouldn't it be?

25 MR. BOWERS: To remove that bench, we're

1 going to blast it.

2 MR. SUSICH. We don't know how you're going
3 to blast it.

4 MR. MacADAM: Let's try to help our
5 stenographer here and slow down.

6 MR. GENTILE: The methods of drilling and
7 shooting are pretty well understood, I mean the
8 energy we're going to put into it. It's going to go
9 into the hillside; that's pretty well understood.
10 Right? I mean it's not -- I'm sure someone's not
11 going to load up the entire area and shoot the
12 entire length of the job at the same time. Right?

13 MR. SUSICH: We don't know.

14 MR. JOHNSON: Jeremiah Johnson with Beaver.
15 I think this is a two-part solution here. One, the
16 bench needs to go. And, two, we're worried about
17 scaling it.

18 Are all the contractors confident that we
19 can probably get the bench out of there? If they
20 would make a bidable item scaling by the hour, I
21 think that that solves the problem. If everyone
22 concurs with that, yes, let's take this by the hour,
23 everyone will feel a lot safer. We think that's the
24 safest solution here. And the bench can go, which
25 is the big issue with the department. I think we're

1 down to talking about an item that is unbidable.

2 MR. GENTILE: Mark Gentile, Trumbull. If
3 we knew that that's what it's going to cost and they
4 did a very good job, like he said, doing it, it's a
5 reasonable idea of what it will take to get it
6 cleaned off so everybody can feel comfortable.
7 Correct?

8 MR. MacADAM: We will find that contract
9 amount. It will be down here in a few moments.

10 Let me hear from the other contractors in
11 the room -- I heard from basically two or three now
12 -- that this being an hourly rate for scaling, would
13 that solve their major concerns, the safety for the
14 project?

15 MR. MARINCIC: Yes.

16 MR. MacADAM: Kokosing says yes.

17 MR. BAKER: Cast & Baker, yes.

18 MR. MacADAM: Cast & Baker yes.

19 You guys, Trumbull, also said yes.

20 Beaver says yes obviously.

21 Gentlemen, if we get an hourly rate instead
22 of a lump item on scaling, you guys will feel much
23 more comfortable in bidding this project with that.

24 You guys hear that? Brad? Jim?

25 MR. BOWERS: Yeah.

1 MR. BARNA: Can you repeat that?

2 MR. GRAHAM: Jim Graham, one more time.
3 Okay. And you've heard me talk. You heard all the
4 lecture and all that. Okay. A good bid item for
5 scaling by the hour. So now you can quantify your
6 bid; right? Okay. You know what you're going to
7 bid. Is there anybody in here that thinks they
8 can't take that bench out? All right.

9 MR. FORD: Jack Ford with Beaver. Can I
10 draw?

11 MR. MacADAM: Sure.

12 MR. BARNA: Can I ask a question? Jim
13 Barna. Let me ask this question. Do you all feel
14 you can do it safely? I'm concerned about the
15 traveling public too. But what I've had to deal
16 with the last few weeks, I'm concerned about safety
17 of the entire project. I want to make sure you all
18 feel like you can do it safely as well in removing
19 that bench.

20 MR. WELLMAN: Ted with Beaver. I would
21 feel safer if it was scaled after every shot. The
22 safest solution is -- and when we did the 5.0, we
23 had a near miss. Guys were down underneath and
24 rocks came, a mud slide came down right.... Turned
25 around, a hundred feet behind us. It slammed into

1 the bench or the container. And after that, we
2 blocked both ends. And no one goes down there for
3 any reason whatsoever. Nothing. No reason to go
4 down there.

5 So the safest solution is no one's
6 underneath when you start construction. I would
7 feel safer. But I can't -- you can never rule it
8 out.

9 MR. MacADAM: Lloyd MacAdam. What happened
10 in 2012, exactly what we are talking about happened.
11 Jenod come up. We actually got some video of rocks
12 coming down, going through the barrier, all kinds of
13 fun stuff. They came down and removed as much as
14 they possibly could. Then James White did. And
15 they cleaned that bench off. It was full. It was
16 like you talked about, filled up. It was full.
17 They moved all that down and they blasted. They did
18 toe rams. They did all kinds of stuff to get that
19 down. So they were safe enough to do that. But
20 they did Jenod first.

21 MR. FORE: Jack Ford with Beaver. I don't
22 see us getting a hundred and 20 feet high in the air
23 with anything. But what we have is 45 feet to 50
24 feet from center line of the existing road to the
25 toe of the existing slope. So we have 45 feet.

1 What's our --

2 MR. WELLMAN: 12 feet high.

3 MR. FORD: It's 12 feet high, 10 feet wide.
4 You have 10 feet here. Just to visualize -- what we
5 had experienced with before -- I just had looked at
6 the plans, and we could stack up rock-type material
7 at a one-to-one and back over here to a one-to-one,
8 thus making this the catchment area.

9 No? Won't work?

10 MR. GRAHAM: I will never go along with
11 catchment that is vertically higher than the
12 traveling public, period.

13 MR. FORD: Okay.

14 MR. GRAHAM: Sorry, Jack. It's just me.

15 MR. FORD: I'm not an engineer. I'm just
16 trying to come up with a solution, a thought.

17 MR. MacADAM: Close the traffic? Yeah,
18 that's not happening.

19 Any other questions or concerns about the
20 project?

21 MR. JOHNSON: Jeremiah Johnson with Beaver
22 Excavating. There's a lot of talk about -- or, I
23 guess we don't agree with the completion date of the
24 schedule or the project. And maybe you guys can
25 help us understand what's driving the completion

1 date, making it so tight. And is there any talk
2 that it will be extended further? I guess we don't
3 know what's driving that completion date.

4 MR. MacADAM: I'll address that first, and
5 turn it over to Nick. I'm Lloyd from the district,
6 ODOT. Obviously all the stuff we have done, we have
7 moved mountains to get to this point. We had
8 constant communication with the media on the
9 closures, on obviously the lanes that are out there.
10 We're trying to get -- originally we were at '16.
11 We've already agreed to go to '17. We know that
12 probably means it's now going to be into the late
13 summer of '17 until this project gets opened. And
14 we're okay with that.

15 But that's really about as far as we really
16 want to move it. And I'll let Nick talk about how
17 they came the original completion date and the new
18 extended completion date, comparing this project
19 with other projects very similar to this right up
20 the road.

21 MR. SUSICH: What we've done, we have
22 compared this job with jobs we have done in the
23 past, excavation jobs that are very similar cuts.
24 We're assuming that you're going to be excavating
25 for around 16 months. And we assume -- we had

1 production rates of other projects that we've seen
2 move this amount of material in about half that
3 time, to be honest. And we don't think that we're
4 asking for that aggressive of a schedule. But we
5 think it is a very doable time frame.

6 MR. BOWERS: Brad Bowers. We see you guys
7 are living it right now. I'm guessing your best
8 month was probably, what, 85 or 90 thousand a month,
9 something that skinny?

10 MR. WELLMAN: Ted at Beaver. The
11 difference between the 5.0 and the 10.0 is these are
12 much narrower benches. We did work a night shift on
13 the 5.0 for a little while.

14 And I don't see a night shift. These
15 benches are way too skinny.

16 We started a night shift on the 5.0. Had
17 to stop because of safety concerns, the narrowness
18 of the benches and slopes.

19 So night shift's probably out of the
20 question here. And the other concern is these
21 benches are much narrower than we had at the 5.0.
22 Production is going to be a lot less, just because
23 of the width of the bench that we're working on.

24 If you look at the last four months of the
25 5.0, that's the scale or the benchmark you should be

1 using for any kind of schedule analysis, not first
2 year or so.

3 MR. SUSICH: We're actually comparing with
4 our projects that we've done that had similar narrow
5 benches, not as wide as the 5.0.

6 MR. FORD: I'd give you one -- Jack Ford
7 with Beaver. If I may, the project that's most
8 similar that I've seen to this was Powhatan Point.

9 MR. GRAHAM: Which one, Jack?

10 MR. FORD: Let's see.

11 MR. GRAHAM: There were two of them, Jack.
12 Holloway did the first one and then --

13 MR. MacADAM: Alan Stone.

14 MR. FORD: Alan Stone.

15 MR. GRAHAM: -- Alan Stone.

16 MR. FORD: The Alan Stone project is the
17 one that resembles this job to me the most.

18 Do you agree with that, Jim?

19 MR. MacADAM: East Liverpool.

20 MR. SUSICH: East Liverpool.

21 MR. FORD: I'm looking at cross sections.
22 I'm looking at cuts, slopes. Right now on these
23 plans, you have a 5-foot cut that's 60 feet
24 vertical.

25 Anybody in the room able to do that?

1 MR. GRAHAM: I don't want to debate it with
2 you, Jack. But I also see a hundred-foot-wide
3 working bench right there.

4 MR. WELLMAN: Go 200 feet north or south of
5 that. There's pinch points.

6 MR. GRAHAM: I understand that. And we've
7 had them before, and we've dealt with them before.
8 But because you have two pinch points doesn't mean
9 the whole job's going to have to be built with
10 artics and 400s.

11 MR. BOWERS: You can't go multiple crews
12 because there's no way in or out.

13 MR. GRAHAM: We don't know that, sir.

14 MR. FORD: And you have to pull off to
15 shoot.

16 MR. BOWERS: That's why we're here.

17 MR. FORD: I think that it's very similar,
18 Alan Stone, very similar. It had such narrow cut
19 benches with slopes on there, cuts on the cross
20 section. Really really had a difficult time even
21 thinking how we're going to build the job or bid it
22 even. And the proof was in the pudding. It started
23 out with 2.6 million cubic yards bid, finished up
24 with 6.6 million dollars cubic yards on the final,
25 so a 4 million cubic yard add to that project

1 because the benches were too narrow to start with.

2 And I don't know what the delay was. But
3 if you are talking about the press..., delays, I've
4 lived that too. It's not good to have those big of
5 delays. So that's my thoughts on the cut slopes.

6 MR. SUSICH: The reason that that
7 particular project had such an increase in
8 quantities is because the cuts didn't daylight out
9 on top of the hill. They tried to daylight down the
10 cuts in the middle of the hill. And at the
11 beginning of the job, we thought that we needed to
12 stop and start the job where it should start. That
13 is the most reason for the increase in quantity.

14 MR. MacADAM: You're talking about East
15 Liverpool and what kind of production rates Trumbull
16 had back in the '90s.

17 MR. SUSICH: Well, East Liverpool was
18 similar cuts, but it was --

19 (The reporter asked Mr. Susich to clarify.)

20 MR. SUSICH: These projects have actually
21 evolved over the years since I've been doing this
22 work. Back when Jimmy did his original Powhatan
23 job, even through the East Liverpool project, we did
24 not consider contractor's work benches at all. We
25 just cut. We took the slope back to where we

1 thought there was stable rock, so the rock face
2 would weather, completely weather and do what we
3 wanted it to do.

4 Over the years, we have moved that face
5 back, thinking about constructibility. I can't
6 argue. And in East Liverpool, we did it -- we
7 didn't really think about it that way. That is
8 where our planned template actually came out of the
9 existing ground. We allowed that to happen.

10 So in East Liverpool, the project engineer
11 and contractor's superintendent would go out in the
12 field. And cross sections are our best guess,
13 what's out there. We know that that's not exactly
14 what's out there. We also know in between those
15 50-foot cross sections that slope either goes out or
16 it goes in, and there's going to be pinch points no
17 matter what we show in the plans.

18 We sent the project engineer out with the
19 contractor's superintendent. And they tried -- if
20 we have to lose benches, push it back to establish
21 benches that actually will work,
22 constructibilitywise we will do that.

23 This project, there was more consideration
24 in the design about constructibility. So the
25 benches are typically, they go from 20 to 40 feet.

1 There might be a hundred, 200 foot of a 5-foot
2 bench. And that is more -- that is not the norm.
3 And we do not expect a contractor to -- you know,
4 you can't run a truck on a 5-foot bench.

5 MR. MacADAM: How many yards did we move
6 with Trumbull in how many months?

7 MR. SUSICH: We moved about two and a half
8 million in about seven and a half months. We worked
9 a very aggressive schedule. We are not asking for
10 that sort of schedule here. We think it's somewhere
11 in the middle.

12 And you say it's only one way in, one way
13 out. We don't know that. We just really don't.
14 It's up to you guys. You say you can't work a night
15 shift. We don't really know that either. You might
16 think you can work a night shift. We think two
17 crews, normal work week can get the job done in the
18 time that we allow.

19 MR. GENTILE: Mark Gentile, Trumbull.
20 There's also concern about when you can actually get
21 started. I mean there's a big unknown in the waste
22 areas behind the job.

23 MR. SUSICH: Again, we don't know. We
24 anticipate that we're going to be able to start
25 sometime in the summer. Because waste area issues,

1 we don't know what hurdles you are going to
2 encounter. We don't know where your waste areas
3 are.

4 MR. GENTILE: I mean it's pretty logical.
5 I mean it's right behind the job in an area that's
6 under an actual mine permit.

7 MR. SUSICH: You say that. But we don't
8 know that that's where you're at.

9 MR. GENTILE: Unless you want the job to
10 cost a hundred million dollars, I mean it's going to
11 go right behind there in the waste areas, in the
12 available land right behind the job. I mean you can
13 say you don't know that. But everybody here in this
14 room knows that's the area.

15 MR. SUSICH: We have been a hundred percent
16 sure where waste areas were on other jobs, and it
17 didn't turn out that way.

18 MR. JOHNSON: Back to the bench widths. I
19 think everyone in here could agree on what is a
20 workable bench. You know, we have the drillers
21 here. We got all the contractors here. If we know
22 that it's not going to work through Station 580 to
23 582 -- you said you'd make changes -- why don't we
24 make those changes now instead of leaving...? Or is
25 ODOT going to work with us and make a workable

1 bench? Or they're going to say no? If everyone can
2 agree that those benches don't work, what does work
3 then?

4 MR. WELLMAN: Ted with Beaver. We asked a
5 prebid question specifically referencing the
6 stations around 581. And our answer was given that
7 the cross sections would not be changed. So we have
8 to -- I mean -- and then you said "If we would make
9 those changes --

10 MR. SUSICH: We would have to.

11 MR. WELLMAN: -- "I'm sure we would."

12 But we have to know that. It has to be
13 part of the contract, that we know that we're going
14 to have reasonable.... Otherwise, we have to bid
15 the plans. I mean you told us that we have to bid
16 the plans.

17 MR. FORD: Jack Ford with Beaver. I want
18 to add too that we'd have been better off not to ask
19 the question, is what I'm hearing.

20 MR. GRAHAM: Jim Graham, ODOT. One more
21 time. See that pile of plans over there, Jack?
22 Okay. I've got stuff over that where the finished
23 ground line was outside the original ground line.
24 Okay. Couple things that you have to understand
25 that we to have look at.

1 No. 1, the reason we're not changing cross
2 section is because we've never had to do it. Do you
3 know what it would take to go through all those
4 cross sections, redesign them, how long it would
5 take to get the plans back, get it bid? Then we
6 lose the cutting season for the waste area. And
7 we're out another year which Mr. MacAdam doesn't
8 want.

9 No. 1, we understand that when this project
10 is complete we want a stable backslope. A stable
11 backslope is going to require the back end of the
12 cut to be in competent rock. Okay.

13 The other thing, we understand that you're
14 not going to get this job done with 400s and artics.
15 Okay. We understand that it's going to take 25 to
16 30 feet to run a 773 over, okay, just through the
17 narrow points and you can pass when you're in the
18 hundred-foot section. We understand that. I don't
19 know that that helps you contractors. But it is in
20 our best interest to make sure that a contractor has
21 enough room to run a 773 across that hillside.

22 I can take you down to the construction
23 office and show you all roads that Holloway
24 Construction shoved into ravines and ran 769s across
25 them for one shift. And the next shift they came

1 back. That haul road was over the hill. We don't
2 allow contractors to run haul roads on dirt shoved
3 into ravines. We just don't do it. Can we
4 guarantee you a certain working width in rock right
5 now? I know I don't have that authority. But
6 historically since 1986 --

7 MR. FORD: I agree.

8 MR. GRAHAM: -- we have always given a
9 contractor adequate room to work.

10 MR. FORD: I agree with you.

11 MR. BOWERS: So the question remains. Will
12 we be compensated for extra excavation to get a
13 bench? Or is that on us? And if it's on us, hey,
14 we can all figure that out. But we just need to
15 know that now.

16 MR. SUSICH: We'll allow for 25-, 30-foot
17 work benches. If you want to widen that bench out
18 to pass two trucks or do some other things, that's
19 on you.

20 MR. BOWERS: Sure. But the question is
21 really in reference to 581. There's some stuff in
22 there that's 5 to 10 foot. I mean you can't build
23 that. So if we have to move something that's
24 depicted as 5 back to 20 --

25 MR. SUSICH: 20, 25.

1 MR. BOWERS: -- are we going to be paid
2 that 15 feet? Or is that on us?

3 MR. MacADAM: Yes.

4 MR. SUSICH: We'll remove benches above it.
5 Again, it goes back to the project manager and our
6 project manager working constantly together,
7 watching where we're at.

8 MR. GRAHAM: Jim Graham again. Part of
9 this project is some fancy damn name. I don't even
10 know what you call it. Adam Lytton, our project
11 engineer, is going to have a rover. Contractor's
12 going to have to supply him and train him on using a
13 rover. Okay. Now, on the project that he's
14 finishing up right now, 75.0, Beaver Excavating,
15 their grade man had a rover. And they would look at
16 bench widths. We had two of them that were very
17 very tight.

18 So Adam and contractor's superintendent go
19 up. They look at it. "Hey, what do you think? We
20 got this much soil. Here's how much rock we have.
21 How much rock do we need to run on?" And it's
22 simple.

23 If you look at all these drawings, there's
24 a whole lot of benches in there. And we tend to put
25 them in to give us flexibility. So if you get into

1 a pinch point, it's easy enough to drop a bench out
2 and pick up another 10 feet.

3 And to get back to your question, Jack,
4 it's so difficult -- and I have done it -- it is so
5 difficult to redo a mile of cross section because
6 you got a hundred feet that are too narrow.

7 MR. GENTILE: Mark Gentile, Trumbull. Has
8 ODOT had discussions with Ohio American Energy?

9 MR. SUSICH: I'm sure we have.

10 MR. GENTILE: Is there any information on
11 those discussions? Are there dates? Are those
12 discussions going to be made available to the
13 contractors? Because you have a letter right now
14 that says that it will be reduced in time to start
15 the project. I don't know what date that is.

16 MR. GRAHAM: Jim Graham again. I was
17 invited to a meeting with Ohio American Energy's
18 people. But it wasn't a meeting between ODOT and
19 Ohio American Energy.

20 MR. GENTILE: Do we have notes from that
21 meeting that we can see the dates that have been
22 agreed to or talked about?

23 MR. GRAHAM: I don't have.... I didn't
24 even take notes.

25 MR. GENTILE: I have a letter here that

1 says that there's been discussions with ODOT. Has
2 there been any other -- is there any information
3 from any discussions that ODOT's had with American
4 Energy or Ohio American Energy, Incorporated, the
5 contractor, to see what sort of dates we are dealing
6 with?

7 MR. PIASECKI: My name is Stan Piasecki.
8 I'm with Ohio American Energy. And we are the
9 mining company. We do hold the permit on that site.
10 And we sent out a letter to all of the contractors
11 that we know are involved in the project. Even
12 though we are not required on a project, we have
13 what we consider to be a very important role. And
14 that's helping to prepare to be able to use that
15 area that we just talked about, that waste disposal
16 area that is closest to the site over there up the
17 hill from it.

18 And that's under our Star Lake permit right
19 now. And I'm not sure what meeting you were
20 speaking about. But a number of you have spoken
21 directly with some of the gentlemen from our firms,
22 Eric Barto, who is with me here today, an
23 environmental coordinator, and Paul Moore, our chief
24 engineer, regarding trying to identify the area for
25 the waste disposal, trying to identify the most

1 effective options for the project.

2 And the reason that we're here today,
3 though we are not bidders, is to be able to answer
4 and to clarify any questions for any of the bidders
5 that are here. Because you've asked a number of
6 questions at this point. And I'm willing to answer
7 whatever you need, whatever I can answer right now.

8 We do believe, as was mentioned earlier,
9 that this area is, that we have identified jointly
10 with a number of bidders, is the most cost effective
11 option for the project for ODOT, for the general
12 public, rather than hauling it over the road and a
13 longer distance. This area would allow us to haul
14 that waste material just directly up a hill in a
15 shorter distance.

16 So we do think that our role is very
17 important over here. And one of the things that we
18 have to do in order to make this area available is
19 to get bond release of that permit area. And our
20 people have been working very aggressively in
21 talking with the state and actually doing some of
22 the things on the ground, preliminary things on the
23 ground to prepare for the bond release that is
24 required for this project to be done in a timely
25 fashion.

1 Now, the question came up, are we going to
2 be able to have it done by the project startup date.
3 Until this meeting here today, I wasn't aware that
4 the project startup date being looked at is in the
5 summertime. We had told in the letters that I sent
6 and in further conversations and e-mails with a
7 couple of bidders that are here today that we really
8 couldn't guarantee a time. But basically what we've
9 been working closely with with the ODNR on the
10 things that have to come into place right now are
11 putting in -- I mean removing some ponds, and tree
12 plantings, a number of tree plantings that have to
13 take place within the permit area, and we can get
14 bond release. This is pretty major. This bond
15 release wasn't really supposed to happen this
16 quickly.

17 But our accelerated efforts are paying off.
18 We feel that we have got a good relationship with
19 people in the ODNR, and they too, just as much as
20 us, want to see a permitted property come off a
21 bond, have everything taken care of, meet the
22 requirements of the state. But this does require us
23 some cost. And that's why we sent out letters to
24 everyone. We didn't want anyone to be blindsided by
25 these costs. We wanted to make sure every

1 contractor, every bidder in this project was on a
2 level playing field, knew what our expectations
3 were, what our costs would be in order to have this
4 area ready in time. Because we are having to bypass
5 some more less expensive type of options in order to
6 get this ready.

7 So the letter that I sent out was pretty
8 comprehensive and described most of these factors.
9 And at this point, I wanted to clarify and answer
10 any questions that anybody had. I believe that that
11 time frame of mid summer is doable because our tree
12 planting can't really start until March 15th. And
13 depending upon the elements that we encounter,
14 whether it's a really wet spring or not, some of the
15 tree planting could be delayed. But we believe that
16 we can get that done fairly quickly.

17 The state ODNR representatives have agreed
18 they would come out and view and inspect the areas
19 to make sure that we have complied with the law as
20 quickly as we can in order to make this a very
21 viable site. With that being said, are there any
22 questions?

23 MR. MacADAM: Thank you for sharing that.
24 That's very pertinent information.

25 MR. PIASECKI: It is critical. And it is a

1 cost to us. And we would like to make sure that
2 everybody's on the same sheet of music with it.

3 MR. MacADAM: I'll clarify. Most of the
4 discussions about that specific area are going with
5 the Department of Natural Resources, not the
6 Department of Transportation.

7 MR. PIASECKI: Exactly. And whenever we
8 approached ODOT with regard to this, our first
9 thought was ODOT needs to put that in as a line item
10 in the process. Well, the response that came back
11 is it's our responsibility to get with all the
12 contractors and make sure that whoever is bidding on
13 this project understands what this cost will be and
14 incorporates it into their bid so that they're not
15 caught short; nobody is blindsided.

16 MR. MacADAM: Any questions for this
17 gentleman before I move on to give you some more
18 information?

19 Hearing none, in February of 2012, the
20 Department of Transportation through James White,
21 Jenod was paid \$100,000 for their scaling in
22 February of 2012, \$100,000 for their scaling to get
23 that stabilized for James White to do the bench
24 stabilization.

25 MR. BOWERS: Brad Bowers with Kokosing.

1 Just as a follow-up to that bench width issue, do I
2 need to ask a formal prebid question on that to get
3 an answer? Or are these minutes going to be
4 provided in the addendum?

5 MR. MacADAM: These minutes will be
6 provided in the addendum.

7 MR. BARNA: Question.

8 MR. MacADAM: Yes.

9 MR. BARNA: Jim Barna with ODOT. We have
10 the completion date set forth out there. What would
11 be -- I hear these issues with the completion date.
12 What would be a desired extension? I'm not talking
13 about a lot here. I'm just saying, based upon the
14 information I'm hearing, what would be optimal, an
15 optimal completion date for the department as well
16 as you guys? Obviously I don't think you all agree
17 that -- I'm hearing that in this room. Is it an
18 additional month, another construction season, what?

19 MR. BOWERS: Jim, from what we're seeing,
20 based on jobs going on out there, I think 80,000 a
21 month is pretty optimistic. If you do the math,
22 that's 34 months of excavation time. That doesn't
23 even count what you got to do at the bottom. And
24 any time, starting this job, you got rows, off of
25 the end to get this material, we need to get. So in

1 my mind -- it's just my opinion; I don't know if
2 everybody agrees with this -- two crews really isn't
3 an option for very long you can do it. In that
4 section where you said it was a hundred and 50 feet
5 wide, that doesn't last very long. And it sure is
6 not going to be conducive to night work either. So
7 if you do the math, you're talking at least 36
8 months.

9 MR. JOHNSON: Jeremiah Johnson with Beaver
10 Excavating. We also agree with Kokosing. You may
11 be able to get all the mass-exc. moved in 2017, but
12 then you run into all the worst weather
13 contingencies. We're talking about asphalt,
14 D-walls. That puts you in finishing all the finish
15 work in the fall of 2017 which doesn't seem to work
16 out very well. So that's why we are thinking a July
17 or a June of '18 date would be realistic.

18 Does everyone agree?

19 MR. GENTILE: Trumbull agrees with that.

20 MR. MacADAM: No way.

21 MR. BARNA: I want to hear from everyone.

22 MR. BOWERS: You can't work in the winter.

23 MR. MacADAM: We did the entire East
24 Liverpool job in the winter.

25 MR. SUSICH: We worked, except for the last

1 winter, we worked five or six winters.

2 MR. BOWERS: These haulers are going to be
3 pulling 15 and 20 percent grades. So if there's any
4 ice....

5 MR. BARNA: I want to hear from Vecellio &
6 Grogan.

7 MR. WILLIAMS: Rob Williams. I don't think
8 we have much different opinion. As he pointed out,
9 Beaver's probably the expert with the most recent
10 experience on it.

11 MR. SMITH: Dale Smith with Trumbull. You
12 guys, five miles down the road, it's very similar to
13 this one.

14 MR. MacADAM: No. It's a lot different
15 strata, rock strata.

16 MR. SMITH: The original completion date
17 was October 2013. They're at least 18 months
18 behind. So if this one is even trickier, harder,
19 with different strata, different things to happen, I
20 think your '17 date is unrealistic.

21 MR. LYTTON: Adam Lytton, ODOT. On that
22 particular job, I won't go into specifics, but there
23 was a considerable obstacle we ran into early on in
24 the job that pushed the job out.

25 MR. SMITH: Dale Smith, Trumbull. The same

1 thing could happen here easily with having the third
2 party involved to get the area --

3 MR. LYTTON: This wasn't a third party.

4 MR. SMITH: I understand. But it's still
5 an issue. Still an issue that could push this thing
6 out. I'm just saying your June '17 date is
7 unrealistic based on what everybody in here said.
8 People have to build the job.

9 MR. BARNA: Jim Barna again. What about
10 Mountaineer in here? I want to hear from you as
11 well.

12 MR. PIATT: We are pretty much in the same
13 boat with Kokosing and Beaver. We've done jobs not
14 as -- well, similar to this but not quite; quite
15 smaller. We still believe that the 2017 date is
16 unrealistic as well from what we have done in the
17 past.

18 MR. BARNA: Lloyd, is this a mandatory
19 prebid?

20 MR. MacADAM: Anybody else want to chime
21 in?

22 MR. McGIFFIN: Matt McGiffin with Vecellio.
23 Our production analysis would concur with Kokosing.

24 I think you mentioned four months with one
25 crew. And we're in a very similar analysis with

1 that time frame.

2 MR. MacADAM: Thank you. Any other
3 questions or concerns before we talk about a new
4 sale date?

5 When Brad asked me to have this prebid
6 meeting, the one thing I asked him, I said I'll have
7 this prebid meeting only if we can assure a very
8 close to sale date as is. And Brad has assured me
9 that we could probably have a sale date probably
10 somewhere in the February 2nd, 3rd time frame.

11 MR. JONES: Brad Jones with ODOT. We're
12 willing to put this project into a special sale, so
13 it just kind of depends upon what the outcome is in
14 here, how many changes you guys need to make to what
15 you have.

16 MR. MacADAM: We understand that there's a
17 very limited tree cutting window for your waste area
18 as is, about four and a half weeks sitting there
19 right now. So every day we move that, we cut into
20 that. And we don't want to do that, so we're going
21 to keep that, the sale date, as close as possible to
22 the original which is this Thursday. Okay.

23 Here's what we're going to take back and
24 consider. We're going to take back and strongly
25 consider the date, take a look at the completion

1 date and give potentially a revised completion date.
2 We'll also take a look at the scaling and look at
3 the very real possibility of making an hourly item
4 that you could bid and bid it hourly. And those are
5 the two main things that I think that we'll take a
6 look at.

7 You guys understand the constraint. We
8 don't have time to change the plan. But we're going
9 to work with you the way the gentlemen have said to
10 make it so that you can produce this thing. We want
11 this thing to get done as quickly as possible.

12 Are there any other questions or concerns
13 that have not been addressed?

14 MR. JOHNSON: I have one question. Do you
15 guys have a location on where the eagle is now? Has
16 he moved north? Has he moved east?

17 MR. LYTTON: Adam Lytton. He is off ODOT
18 project limits.

19 MR. BARNA: Has he been tagged?

20 MR. MacADAM: I don't believe he has.

21 MR. LYTTON: Not to my knowledge now.

22 MR. MacADAM: It's a pair of them. We'd
23 have to do two. I don't believe we have at this
24 point. I'm not getting anywhere near that thing.

25 MR. JONES: Brad Jones with ODOT. Maybe

1 there was resolution of this and I missed it. But
2 there was discussion about the overexcavation for
3 the narrow bench areas as you move from end to end
4 on this project and who would be responsible for any
5 required overexcavation. Did we settle that issue
6 on where that risk lies? Because it sounds like
7 that also could be kind of a substantial risk
8 element to the bid on this project. It was brought
9 up. I just didn't know whether we answered the
10 question.

11 MR. SUSICH: What we said was that
12 historically on these projects sometimes you don't
13 have the bench width plans where you can show
14 there's unstable material. So we commit to a 25- to
15 30-foot bench width for construction. If they want
16 to go wider to enhance their production or whatever
17 they want to do, then that, I hate to say
18 "incidental" because I've had bad experience with
19 that, but that would be then their excavation.

20 MR. JONES: Okay. So our position is,
21 whenever you come into a bench that's less than 25
22 or 30 feet wide, we as an owner cover the cost of
23 the overexcavation?

24 MR. SUSICH: We will lay the slope back to
25 allow them that.

1 MR. JONES: Right. And if they want
2 two-way traffic in a 70-foot bench for whatever
3 reason, that cost they would have to build into
4 their bid.

5 MR. SUSICH: Yes.

6 MR. MacADAM: Correct.

7 Any other questions or concerns?

8 Thank you for much for your attendance on
9 this snowy day.

10
11 (The meeting concluded at 11:36 a.m.)
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C E R T I F I C A T E

STATE OF OHIO

COUNTY OF STARK

I, Jocelyn S. Harhay, RPR, Notary Public in and for the State of Ohio, do hereby certify that the prebid meeting for Project JEF 7-10.00 was to the best of my ability reduced to machine shorthand, afterwards transcribed under my direction by means of computer, and that to the best of my ability the foregoing is a true and correct transcript of the meeting.

I further certify that this meeting was taken at the time and place in the foregoing caption specified.

IN WITNESS WHEREOF, I have hereunto set my hand at Hartville, Ohio, on January 27, 2015.

Jocelyn S. Harhay, RPR,
Notary Public

My Commission expires: June 15, 2018.