

MINUTES OF THE THIRD MEETING

DECEMBER 6, 1949

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in open session in Room 907, State Office Building, Columbus, at 1:30 o'clock P. M., on December 6, 1949, with members of the press, Mr. Kinneary, First Assistant to the Attorney General of Ohio, Mr. Wagner of the Ohio Turnpike Committee, and Mr. Schmidt, Chief Engineer of the Pennsylvania Department of Highways also in attendance.

The meeting was called to order by the Chairman and the roll was called and the attendance was reported to be as follows:

Present: Shocknessy, Seasongood, Teagarden, McKay
Absent: Kauer

Whereupon the Chairman announced that a quorum was present. Mr. Kauer was present after 2:20 o'clock P. M.

The minutes of the second meeting were read. There being no objections or corrections, the Chairman announced the minutes to be approved as read.

The Chairman thereupon announced that the report of the Secretary-Treasurer would be passed pending the arrival of Mr. Kauer, and proceeded to entertain other business.

At the request of the Chairman, Mr. Kinneary thereupon reported to the Commission with respect to legal action to determine the constitutionality of the Turnpike Act. Mr. Kinneary stated that the Director of Highways had requested consent and approval of the Controlling Board for the expenditure of \$600,000.00 for traffic, engineering and related studies; that the Controlling Board had approved the request with a single dissenting vote by the representative of the Auditor of State; that the Director of Highways had then requested the Director of Finance to certify an encumbrance estimate for the funds; that the Director of Finance had refused certification on the basis of doubt as to constitutionality of the enactment; that the Director of Highways had then requested the Attorney General to take the necessary action to determine the legal questions; and that a Petition in Mandamus by the Director of Highways was filed in the Ohio Supreme Court and signed by the Chief Justice on November 28, 1949. It was the opinion of Mr. Kinneary that full and final determination of the constitutionality of the Turnpike Act would be assured if the Auditor of State were brought into the action.

The Chairman thereupon stated that the Committee on By-laws had postponed definite conclusions thereon pending disposition of the aforementioned litigation, and suggested that the assistance of the Attorney General might

well be solicited in the preparation of By-laws.

A motion was made by Mr. Seasongood, seconded by Mr. McKay, that the prepared tentative draft of By-laws of the Ohio Turnpike Commission be submitted to the Attorney General and that he be requested to assist the Commission in the preparation of its By-laws. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Shocknessy, McKay, Teagarden, Seasongood
Nays, None

The Chairman announced the motion adopted.

The Chairman thereupon read a letter from the Governor of Ohio in which it was suggested that the provisions of Public Law 352 of the 81st Congress be explored, to determine whether this Federal field of financial aid might be applicable to the preliminary traffic, engineering and related studies for an Ohio turnpike project.

A motion was made by Mr. Seasongood, seconded by Mr. McKay, that the following resolution be adopted:

"Whereas, the Governor of Ohio has invited the attention of the Ohio Turnpike Commission to the possibility of financial assistance in the preparation of engineering studies under the provisions of Public Law 352 of the 81st Congress,
Now, therefore, be it resolved that the Secretary-Treasurer be directed to acknowledge the communication of the Governor of Ohio and to advise him that information concerning the public law to which he refers will be sought."

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

Ayes, Shocknessy, Kauer, Seasongood, McKay, Teagarden
Nays, None

The Chairman announced the motion adopted.

The Chairman thereupon solicited discussion as to policy of the Commission in the matter of conferring with such individuals or organizations as may seek business with the Commission.

A motion was made by Mr. McKay, seconded by Mr. Kauer, that the following resolution be adopted:

"Whereas, many persons and organizations will seek to discuss matters of business with the Ohio Turnpike Commission,
And, whereas, members of the Commission look with disfavor upon individual solicitations by persons or concerns seeking employment by the Commission,
Now, therefore, be it resolved that the members of this Commission, as individuals, will not entertain persons seeking to discuss the business of the Commission or seeking business from, or employment by, the Commission, except at a regular meeting of the Commission or in the presence of the body of the Commission,
And be it further resolved, that the policy herein announced is not to be restrictive upon the Director of Highways in matters of primary concern to the Department of Highways."

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

Ayes, Shocknessy, Kauer, Seasongood, McKay, Teagarden
Nays, None

The Chairman announced the motion adopted.

Thereupon there was discussion as to the release of information, and it was agreed informally that individual members of the Commission would avoid uncoordinated statements to the public press.

A motion was made by Mr. McKay, seconded by Mr. Kauer, that the Chairman and the Secretary-Treasurer be instructed to organize in order of propriety such important matters as may be required to be acted upon by the Commission, and that an agenda be prepared in connection therewith, and that short synopses of available data be prepared. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Shocknessy, Kauer, Seasongood, McKay, Teagarden
Nays, None

The Chairman announced the motion adopted.

The Chairman thereupon invited attention to a reference in minutes of the preceding meeting to "regular meetings hereafter to be determined", and suggested the desirability of establishing the frequency and date of regular meetings.

A motion was made by Mr. Shocknessy, seconded by Mr. Teagarden, that the following resolution be adopted:

"Be it resolved that the regular meeting of this Commission be held monthly on the first Tuesday at 1:00 o'clock P. M. "

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

Ayes, Shocknessy, Kauer, Seasongood, McKay, Teagarden
Nays, None

The Chairman announced the motion adopted and that the next regular meeting would be on January 3, 1950.

Upon invitation of the Chairman, Mr. Schmidt, Chief Engineer of the Pennsylvania Highway Department, discussed the common problems of the two Turnpike Commissions; stated that a location south of Youngstown, Ohio, would probably enjoy maximum revenues, and pointed out the necessity for early conclusions by the Ohio Commission as to the specific location for the turnpike in the area adjoining the eastern border of the State.

Thereupon, the Secretary-Treasurer reported as to activities of his office for the period since the preceding meeting summarized as follows:

- a. Request has been made to the Pennsylvania Turnpike Commission for an early joint meeting. Reply has been received indicating their desire for such a meeting but a definite date has not yet been set.
- b. The opinion of the Attorney General has been requested with respect to the validity of the seal of the Ohio Turnpike Commission as approved by the Commission at its last meeting.
- c. Potential traffic on five alternate routes in Ohio was discussed at the meeting of October 4th and a preliminary analysis of potential traffic usage for a route across the northern part of the state was presented.

In the interim the analysis of the remaining four routes has been completed and submitted to members of the Commission. Our initial judgment that the greatest potential usage of a turnpike would obtain on the East-West route across northern Ohio appears to have been confirmed.

- d. The Chairman of the Commission requested the Director of Highways on October 5, 1949, to seek the consent of the Board of Control for the expenditure of funds for engineering studies of the route selected for a toll turnpike across northern Ohio. On October 6, 1949, the Governor of Ohio approved the general route selected for study. Thereafter the events leading up to action before the Supreme Court are as reported to the Commission by Mr. Kinneary.
- e. The staff engineers of the Department of Highways on November 30th and December 1st conferred with officials of the Pennsylvania Turnpike Commission at Harrisburg with respect to contracts which the Pennsylvania Commission now has with consulting firms. Through the courtesy of the Pennsylvania Turnpike Commission, copies of such contracts have been made available to the Director of Highways for his assistance in initiating engineering studies for an Ohio toll turnpike. It is planned that preliminary negotiations will be had with selected consultants in order that there will be no delay once the legal question has been determined.

There being no objection, the report of the Secretary-Treasurer was accepted as read.

The Chairman thereupon received and read the following telegram:

" James White Shocknessy, Chairman Ohio Turnpike Commission
Huntington Bank Bldg. , Columbus, Ohio

As president of Ohio Turnpike Committee I want you and your Commission to know that our group appreciates the intelligence and celerity you have displayed in obtaining immediate supreme court action on constitutionality of turnpike legislation. This is the kind of

public service that gives people renewed faith in
the integrity and intelligence of their government.

Ernest M. Green

Dec. 6, 1949

12:25 P. M. "

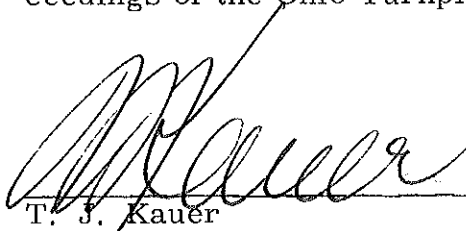
The Chairman requested that the Secretary-Treasurer acknowledge receipt of the telegram and express pleasure of the Commission thereat.

There being no further business to come before the meeting, the motion was made by Mr. Teagarden, seconded by Mr. McKay, that the meeting adjourn. A vote by ayes and nays was taken and all members present responded to roll call and voted aye. The vote was as follows:

Ayes, Kauer, Seasingood, McKay, Teagarden, Shocknessy
Nays, None

The Chairman declared the meeting adjourned. The time of adjournment was 3:35 o'clock P. M.

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



T. J. Kauer
Secretary-Treasurer

1-3-50