

## MINUTES OF EIGHTH MEETING

MARCH 28, 1950

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in special open session in Room 1012 A, State Office Building, Columbus, Ohio, at 2:20 P. M. on March 28, 1950, with members of the press; Senators Winter and Ford of the Ohio General Assembly; and Mr. Bryant of the Attorney General's office 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: Seasongood, Shocknessy, McKay, Kauer  
Absent: Teagarden

Whereupon the Chairman announced that a quorum was present.

The Chairman thereupon reviewed the events leading up to the decision by the Supreme Court of Ohio in the test case to determine questions with respect to the status and procedures of the Ohio Turnpike Commission. He announced that the purpose of this special meeting was to receive from the Director of Highways the names of the firm or firms of engineers whom the Director of Highways had determined to appoint in accordance with the provisions of Resolution No. 3 - 1949 of this Commission.

The Chairman referred particularly to his letter of October 5, 1949 addressed to the Director of Highways requesting that he proceed to seek the funds necessary to make the study for the proposed Ohio turnpike project, and suggesting that the Director of Highways seek the opinion of the Attorney General of Ohio as to the constitutionality of the Ohio Turnpike Act. He referred also to a letter of February 8, 1950 in which the Director of Highways requested that a special meeting of this Commission be called after the announcement of the decision by the Supreme Court, and to a letter from the Attorney General to the Director of Highways dated March 22, 1950, which reported affirmative decision by the Supreme Court of Ohio in the action brought against the Director of Finance and the Auditor of State. The Chairman thereupon called upon the Director of Highways to announce to the Commission the name of the firms he expected to employ as engineers for the survey.

The Director of Highways reported that he is not ready to proceed immediately with the studies since there is still a determination to be made as to whether he will proceed at once or whether further court

action will be undertaken.

After full discussion of the matter participated in by all members of the Commission present, a motion was made by Mr. Seasongood, seconded by Mr. McKay, that the following resolution be adopted:

WHEREAS, the Ohio Turnpike Commission has previously recommended to the Director of Highways by its Resolution No. 3 -1949, that he proceed to make the necessary traffic, engineering and related studies for a toll turnpike project in Ohio;

AND WHEREAS, the Supreme Court of Ohio has announced an affirmative decision in the action brought by the Director of Highways against the Director of Finance and the Auditor of State, which decision has been interpreted by the Attorney General of Ohio as authorizing the Director of Highways to proceed at once to make the studies contemplated under Section 1220, General Code;

NOW THEREFORE, BE IT RESOLVED, that this Commission re-affirms its previous position and urges that the Director of Highways proceed forthwith to make the engineering and other studies necessary to determine the feasibility of an Ohio turnpike.

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

Ayes, Shocknessy, McKay, Seasongood  
Nays, Kauer

The Chairman announced the motion adopted.

The Chairman thereupon entertained discussion as to action to be taken by the Ohio Turnpike Commission in the event of a final decision by the Director of Highways not to proceed with engineering studies for a turnpike project. It was the concensus that, in the event of such action by the Director of Highways, the Commission should explore all other avenues for the financing of such studies.

In view of the fact that the agenda for the regular meeting of the Commission in April would be largely dependent upon the decision of the Director of Highways to proceed with his studies, the Chairman entertained discussion as to the date of the next regular meeting.

A motion was made by Mr. McKay, seconded by Mr. Seasongood, that the regular meeting of the Commission for the month of April be subject to call of the Chairman. 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, Seasongood, Kauer  
Nays, None

The Chairman announced the motion adopted.

The Chairman thereupon requested that Mr. Bryant of the Attorney General's office report with respect to previous requests for assistance to the Commission in the matter of by-laws and opinion in the matter of transportation tax exemption certificates. Mr. Bryant reported that answers on these subjects would be forthcoming shortly.

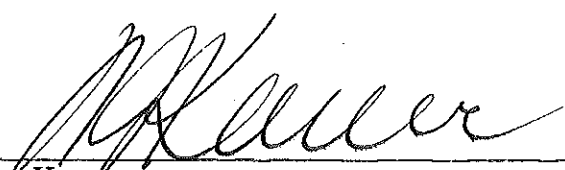
The Chairman entertained comments or questions from visitors and members of the press in attendance at the meeting.

There being no further business to come before the meeting, the motion was made by Mr. McKay, seconded by Mr. Seasongood, that the meeting adjourn until further call by the Chairman. 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, Seasongood, Kauer  
Nays, None

The Chairman declared the meeting adjourned. The time of adjournment was 3:20 P. M.

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

  
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T. J. Kauer  
Secretary-Treasurer

5-26-50