

MINUTES OF TWENTY FIFTH MEETING
SEPTEMBER 4, 1951

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in open session in Hearing Room #2, State Office Building, Columbus, Ohio, at 9:00 a. m. on September 4, 1951 with representatives of the press, of the consulting engineers, of the Financial Advisor, of Bond Counsel, of the Department of Highways, and others 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, Teagarden, Seasongood, McKay, Kauer
Absent: None

Whereupon the Chairman announced that a quorum was present.

A motion was made by Mr. McKay, seconded by Mr. Teagarden, that the reading of the minutes for the meetings of August 7, August 20, and August 24, 1951 be dispensed with and that the minutes be adopted as submitted to the members of the Commission since the last meeting and as amended in accordance with the request and understanding of the members. 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, Seasongood, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted.

The Chairman reported that since the last regular meeting of the Commission he had made a trip to New Jersey in company with Colonel Smith to view the New Jersey Turnpike and to attend the dedication of the Delaware Memorial Bridge at Wilmington, and that two special meetings of the Commission had been held, in Columbus, on August 20 to hear the representatives of the asphaltic concrete and cement industries, and in Maumee on August 24 to hear the proponents and opponents of the crossing of the Maumee River. He stated that the Commission had had opportunity while in Maumee and since that meeting to deliberate about the arguments that were presented there.

The Chairman requested that the Commission take action at this meeting with respect to the reports of the consulting engineers including the adoption of a line for the turnpike project, the approval of a pavement type, the selection of a method of traffic flow, and he

also requested the employment of an Attorney for the Commission. The Chairman made no specific recommendation to the Commission with respect to the adoption of a line or of a type of pavement or with respect to the engineering reports as a whole. He recommended specifically that the conventional method of traffic flow as proposed alternatively by the consulting engineers be adopted and stated his belief, after having sought information and advice from every possible source, that the recommendation for transposed traffic flow encompasses an experimental innovation whose impact upon this project would be so great as to create a risk in the investment of \$300,000,000 that the Commission could not conscientiously take. He expressed his great respect for the recommendation which had been made for transposed flow but pointed out that there is no experience upon which to base the decision by the Commission in favor of the recommendation. He stated that the Ohio Turnpike can and will be the safest highway ever constructed whether or not this Commission accepts the recommendation of transposed flow.

The Chairman then read the following letter which had been received by him from Mr. Earl Boxell and the response which he made to it :

"Mr. James W. Shocknessy
Chairman, Ohio Turnpike Commission
17 S. High St.
Columbus, Ohio

August 28, 1951

Dear Mr. Shocknessy:

On behalf of the City of Maumee and the Maumee Valley Improvement Association, it is respectfully requested that time for the filing of a memorandum in the matter of the Maumee crossing of the proposed Ohio Turnpike be extended from August 31, 1951 for a further period of two weeks, and that the Commission defer final consideration and decision of the questions involved accordingly. It is also requested that, at the earliest convenient time, further opportunity be afforded for a meeting of the consulting engineers and representatives of Maumee and the M. V. I. A. and that access be given to the reports of the engineers to the Commission for the purpose of affording our representatives an opportunity to learn the data on the basis of which the engineers arrived at the opinion that the use of the northern route and the western interchange point thereon as recommended by them would produce \$237,100.00 more revenue annually than the use of the most favorable interchange point considered by them on the proposed southern alternate route. At the end of the two-week period, we further request a

meeting with the Commission of a small selected group of our representatives for a presentation of such additional features as may come out of the further conference with the consulting engineers.

Last Friday afternoon our representatives were to meet with the engineers for this purpose at the City Hall in Maumee at 3:00 o'clock. The engineers were delayed in arriving until about 4:00 o'clock. The next two hours were spent with the engineers and they then had to leave to catch transportation east. In this period of time, and taking into account the volume of the underlying material, it was impossible to procure the answers to the questions propounded by us during the hearing or to get any comprehensive summarization of facts upon which the engineers based their recommendations. By the same token, it would have been impossible to accomplish this in the space of the recess of the hearing as you originally had planned it.

As I understood your remarks near the close of the hearing, you gave us assurance that it is your purpose for us to have the same information which the engineers have given the Commission as the basis for the recommendations of the engineers. If this is to be accomplished, necessarily it will require much more time than was available last Friday. This was a situation I undertook to guard against when, following your meeting in Columbus on August 7th, I requested that we then be given the description of the proposed actual line through Maumee and access to the reports of the engineers which were received by you at that meeting. in order that we might have opportunity for preparation before August 24th.

It is not our desire to delay progress on the Turnpike project. However, I respectfully suggest that the proposed period of two weeks is entirely appropriate for the Commission and all of us to make sure by a policy of deliberation that every feature has been fairly covered and thus avoid a determination upon an unsatisfactory record.

With assurance of our desire to be constructive, we shall appreciate your favorable consideration of the foregoing requests.

Very respectfully yours,

Earl F. Boxell "

"Mr. Earl F. Boxell
Zachman, Boxell, Bebout & Torbet
Attorneys at Law
902 Toledo Trust Building
Toledo 4, Ohio

August 29, 1951

Dear Mr. Boxell:

Receipt is acknowledged of the letter of August 28 addressed to me as Chairman of the Ohio Turnpike Commission by you as attorney on behalf of the City of Maumee and the Maumee Valley Improvement Association in which you request that time for filing a memorandum in the matter of the Maumee Crossing be extended from August 31 for a period of two weeks thereafter; and that the Commission defer final consideration and decision of the questions involved accordingly; and that further opportunity be afforded for a meeting with the consulting engineers and representatives of Maumee and the Maumee Valley Improvement Association; and that further access be given to the reports of the engineers; and that a further meeting be afforded a small selected group of your representatives with the Commission.

Receipt is acknowledged also of a copy of your letter, also under date of August 28, addressed to the Governor of Ohio, with which you enclosed a copy of your letter addressed to me. I am in receipt of no direction from the Governor of Ohio with respect to the matter and it is quite unthinkable that he would even consider bringing influence to bear upon the decision which is the official and conscientious responsibility of the Turnpike Commission whose autonomy he has faithfully respected. I have no doubt, however, that the Governor will be grateful to have your views before him when the route is ultimately presented to him for the approval required by law.

The opportunity afforded you to file a brief by August 31 was granted by the Commission and I am without authority as Chairman to disturb its action and no meeting is scheduled prior to August 31. In the event that you are not able to present your additional memorandum by the time specified I shall be glad to bring your request to the Commission at its meeting on September 4. Meanwhile I am sending copies to all members of the Commission of the letter you addressed to me under date of August 28. If the Commission at its meeting on September 4 chooses to grant an extension of time it can do so by an appropriate action at that time.

Kindest personal regards.

Very truly yours,

James W. Shocknessy
Chairman "

The Chairman inquired of Mr. Donnelly of the J. E. Greiner Company and Mr. Waterbury of Parsons, Brinckerhoff, Hall and MacDonald, as to whether it was their information and belief at Maumee at the conclusion of the conference that the questions which the Maumee group sought to have answered were answered. Each agreed that all questions had been answered and Colonel Smith confirmed their statements and stated that there had been no intimation by the Maumee group that it would not be possible to base a memorandum to the Commission upon the information obtained at that conference.

The Chairman referred to an additional letter from Mr. Boxell dated August 31, 1951 which had been received on September 4, 1951 which again requested extension of time in order that an additional memorandum might be prepared for submission to the Commission. The Chairman then read the following letter received from the J. E. Greiner Company:

"Mr. James W. Shocknessy, Chairman
The Ohio Turnpike Commission
State Office Building
Columbus 15, Ohio

September 1, 1951

Dear Mr. Shocknessy:

At the meeting of the Ohio Turnpike Commission at Maumee High School, Maumee, Ohio, on August 24, 1951, the Commission gave audience to the representatives of the City of Maumee so that they could present their reasons for urging the Commission to adopt a line south of Perrysburg rather than the recommended line passing to the north of Maumee. At the request of the Commission, J. E. Greiner Company was represented at the meeting by the writer.

The Maumee representatives offered four basic arguments against the recommended or north line, namely -

1. The south line would cost less to construct
2. The south line would produce as much revenue as the north line
3. The north line would have an adverse effect on residential property values in Maumee
4. The north line, if constructed, would create a "Chinese wall" between the cities of Maumee and Toledo and thereby stunt the growth of Maumee

Although substantiating data was not submitted, we agree that the south line will cost less to construct than the north line and

we so reported to the Highway Department and the Commission over a year ago.

On the matter of traffic serviceability, the Maumee representatives, while claiming no loss of revenue if the line be moved south, offered no substantiating data other than personal opinions based upon knowledge of local traffic conditions. In the conference following the meeting of the Commission, Messrs. Waterbury and Fischer of Parsons, Brinckerhoff, Hall and Macdonald explained in detail the manner in which the analyses of the relative traffic potentials of the alternative routes were developed and that the problem entailed the servicing of the entire Toledo and Michigan areas and is not confined to local conditions or present traffic on existing routes.

In the selection of the recommended route of the Ohio Turnpike, right-of-way damage was a controlling factor throughout. The recommended route through the Maumee area was laid adjacent to the Terminal Railroad right-of-way because by so doing it was possible to pass through only a small segment of the corporate limits of Maumee and affect only those residential properties within the corporate limits that are adjacent to the railroad right-of-way. In this manner it was our opinion and the opinion of competent appraisers that the Turnpike would not detrimentally affect residential property values in the City of Maumee.

The proposed profile indicates that the Ohio Turnpike will be constructed on embankment through the Maumee area and that grade separation structures will be provided at all highway crossings, so that all of the existing traffic arteries serving the area will remain open for traffic. Furthermore, it is contemplated, and the estimate of costs so provide, that the embankments will be attractively landscaped and all structures will be of modern and pleasing designs, so that the Turnpike will be an attractive adjunct to the landscape rather than a blight as it has been described. In light of these facts, coupled with the fact that local traffic circulation will remain undisturbed, it is difficult to reconcile the statement that the Turnpike will in effect be a "Chinese wall".

Very truly yours,

J. E. GREINER COMPANY

by E. J. Donnelly"

The Chairman read the following letter from Mr. Robert Foeller, the Director of the Toledo-Lucas County Plan Commission, and reminded the Commission that Mr. Foeller had been invited to make any additional statement to the Commission that he wished:

"Mr. James W. Shocknessy, Chairman
Ohio Turnpike Commission
17 South High Street
Columbus, Ohio

August 31, 1951

Dear Mr. Shocknessy:

The Toledo-Lucas County Plan Commissions are submitting to the Ohio Turnpike Commission the enclosed report on the problems involved with the location of a proposed limited access turnpike facility through the Toledo Urban Area.

The Plan Commissions feel that the Turnpike Commission has a moral obligation and a public responsibility to the people of the Toledo Urban area to give the most careful consideration to these problems and to weigh carefully the advantages and disadvantages of all aspects of the proposed turnpike development before making its decision on the alignment.

The Plan Commissions have confidence that the Turnpike Commission will give detailed consideration, requesting additional studies by their engineers or further elaboration from our planning staff if necessary, to fully understand and appraise all factors involved.

It is earnestly requested that every consideration be given to the possibility of using a depressed section in all urban residential areas.

Under separate cover, the Plan Commissions are forwarding to the Ohio Turnpike Commission a series of diagrams which will help to illustrate the points raised in the attached report. The Plan Commissions sincerely hope this information will be helpful to you and thanks your Commission for its cooperation.

Sincerely yours,

Robert F. Foeller
Planning Director "

The following letter from the Mayor of the Village of Perrysburg was then read and placed in the record by the Chairman:

"Ohio Turnpike Commission,
Columbus, Ohio

August 31, 1951

Dear Sirs:

As Mayor of the Village of Perrysburg, Ohio, I wish to take this opportunity to state the official position of the Village Council in relation to the proposed turnpike location in the vicinity of our Village.

The Perrysburg Village Council adopted a motion which stated in effect, that since the proposed turnpike did not approach the Village limits of Perrysburg, Ohio, the Council would take no action - either approving or disapproving the exact location of the turnpike.

It has been intimated that the Perrysburg community was opposed to the northern route. So far as the writer can ascertain, this does not conform with existing sentiment. It is the opinion of the writer, judging from conversation with various citizens, that the turnpike should be located so that it will produce the greatest good for the greatest number.

However, basically, this community has taken no active part in any discussion relating to the turnpike location.

Respectfully yours,

Edward Meyer
Mayor "

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

"WHEREAS, the Director of Highways of the State of Ohio has caused to be made engineering studies with respect to the construction and operation of a toll turnpike project (known as Ohio Turnpike Project No. 1) commencing at the Eastern boundary of the State of Ohio at the Western terminus of the extension of the Pennsylvania Turnpike, and extending thence generally in a westerly direction across the State of Ohio, pursuant to a Resolution adopted by this Commission on October 4, 1949; and

WHEREAS, J. E. Greiner Company, which was employed by the Director of Highways to make a study to develop route location, estimates of project cost and estimates of maintenance and operating expenses together with studies incidental

thereto, has filed its engineering report dated August 7, 1951 with the said Director ; and

WHEREAS, the firm of Parsons, Brinckerhoff, Hall and Macdonald which was employed by said Director of Highways to make a study to determine the probable traffic and resulting earnings of said proposed Turnpike, filed its traffic and revenue report dated August 7, 1951 with said Director of Highways;

NOW, THEREFORE, BE IT RESOLVED by the Ohio Turnpike Commission that the said reports and recommendations of the Director of Highways and the reports of said engineering firms be and they hereby are approved by this Commission, provided, however, that the alternative conventional flow of traffic design is hereby approved, and provided further that said reports and recommendations herein approved are referred to the Director of Highways for his further action. "

A vote by ayes and nays was taken and all members present responded to roll call and voted aye, except Mr. Kauer who wished to refrain from voting on this resolution since he, as Director of Highways, is required by law to take certain action relative to the engineering reports as approved by the Commission. The vote was as follows:

Ayes, Seasingood, McKay, Shocknessy, Teagarden
Nays, None
Not voting, Kauer

The Chairman declared the motion adopted and announced that the reports will now be returned to the Director of Highways for his further action as provided by law.

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

"WHEREAS, the Director of Highways of the State of Ohio has caused to be made engineering studies with respect to the construction and operation of a toll Turnpike project (known as Ohio Turnpike Project No. 1) commencing at the Eastern boundary of the State of Ohio at the Western terminus of the extension of the Pennsylvania Turnpike, and extending thence generally in a westerly direction across the State of Ohio, pursuant to a Resolution adopted by this Commission on October 4, 1949; and

WHEREAS, J. E. Greiner Company, which was employed by the Director of Highways to make a study to develop route location, estimates of project cost and estimates of maintenance and operating expenses together with studies incidental thereto, has filed its engineering report dated August 7, 1951 with the said Director;

NOW, THEREFORE, BE IT RESOLVED by the Ohio Turnpike Commission that the location of said Turnpike Project, as shown in said Engineering reports, and on the plan and profile maps on which the details of grade and alignment are controlled, which maps were prepared by the J. E. Greiner Company^{and} are entitled "Plan and Profile" dated June 29, 1951, and were filed with the report of said Company and as generally shown in Location Map for Turnpike Project No. 1 on which the line is delineated at a scale of two miles equals one inch, which location map has been filed this day with the Commission, be and the same is hereby approved by this Commission;

BE IT FURTHER RESOLVED that said Project is hereby established and identified as Ohio Turnpike Project No. 1 ;

BE IT FURTHER RESOLVED that the Secretary-Treasurer of this Commission be and he hereby is authorized and directed to submit the said route of said Project to the Governor of the State of Ohio for his approval as required by law, and to furnish the Governor the engineering reports and such other data as may be required. "

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

The Chairman declared the motion adopted. The map on which the adopted route is delineated was then displayed before those in attendance.

Mr. Teagarden announced that he wished to submit the name of Mr. Frank C. Dunbar, Jr. for employment by the Commission as Attorney. He presented biographical information with respect to Mr. Dunbar. Mr. Teagarden thereupon moved that the following resolution be adopted and the motion was seconded by Mr. Kauer and Mr. Seasongood:

"BE IT RESOLVED by the Ohio Turnpike Commission that Frank C. Dunbar, Jr., Attorney at Law of Columbus, Ohio,

be and he is employed by the Commission as Attorney, effective upon his written acceptance hereof; that he shall devote such time to the performance of his duties as such Attorney as shall be required in order that he may adequately discharge said duties; that, subject to elaboration by subsequent action of the Commission, his duties shall include the rendition of all legal advice required of him by the Commission, and the general supervision of the legal work of the Commission; that his compensation, which shall commence to accrue as of the date of his acceptance hereof, shall be hereafter fixed by further action of the Commission; that said Attorney shall be paid and reimbursed for actual expenses necessarily incurred or paid by him for travel and subsistence and long-distance telephone, telegraph and other actual expenses necessarily incurred by said Attorney in the performance of his duties hereunder; and that said compensation and reimbursement of expenses shall be paid only from the proceeds of turnpike revenue bonds or from revenues. "

The Chairman requested that Mr. Dunbar present himself to the Commission and inquired whether Mr. Dunbar knew of any reason or representation of his in any other matter which might affect his service to the Commission. Mr. Seasongood participated in further questioning of Mr. Dunbar after which Mr. Dunbar stated that he knew of no reason or representation which might affect his rendering service to the Commission; that if such occasion should arise, he would notify the Commission, and that he was willing to be employed as Attorney for the Commission. 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, Seasongood, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted

Thereupon the following report of the Secretary-Treasurer was presented:

"In the interim since the meeting of the Turnpike Commission on August 7, 1951 many inquiries and offers of service have been received including the following:

Bankers Trust Company of New York City
Guaranty Trust Company of New York City
Judson Bond Engraving Company
H. P. Young Insurance Agency

Lawyers Title Insurance Corporation
Edwards, Kelcey and Beck, Consulting Engineers
Frederick R. Harris, Inc., Consulting Engineers
Vogt, Ivers, Seaman and Associates, Consulting Engineers
Harry A. Balke, Consulting Engineer
The Stouffer Corporation, restaurant operators
The Ohio State Restaurant Association

A letter has been received from the Seneca Hotel in Columbus offering the use of space for the offices of the Commission. All such letters have been acknowledged.

Minutes have been prepared for the special meetings held in Columbus on August 20, 1951 and in Maumee on August 24, 1951 and have been furnished to the members of the Commission.

A copy of the report of the J. E. Greiner Company was forwarded to the Commissioner of Public Roads in Washington through the District Office of the Bureau of Public Roads in Columbus.

At the request of the Maine Turnpike Authority, copies of the contracts which the Director of Highways has with the consulting engineers have been forwarded to the Executive Director of the Authority. The request was made in order that the Maine Turnpike Authority might have the advantage of Ohio's experience in connection with the proposed extensions to the Maine Turnpike.

An impression seal has been obtained at a cost of \$173.31. Payment for the seal will not be made until funds are available to the Commission.

A proposal for furnishing engineering services as General Consultant to the Commission has been received from J. E. Greiner Company and copies have been furnished to the several members of the Commission.

A registered letter has been received from Mr. Edward Meyer, Mayor of the Village of Perrysburg, stating that Perrysburg neither approved nor disapproved the location of the turnpike and that the turnpike should be located so that it will produce the greatest good for the greatest number.

The Chamber of Commerce of the City of Elyria

has invited the Commission to establish its administrative offices in that city."

At the request of the Chairman the letter from the Ohio State Restaurant Association and its acknowledgement were read. A motion was made by Mr. Teagarden, seconded by Mr. McKay, that the Chairman take advantage of the offer of the Ohio State Restaurant Association, confer with its representatives, and report thereon to the Commission at the appropriate time. 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, Seasongood, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. McKay, seconded by Mr. Kauer, that the Secretary be instructed on behalf of the Commission to express to the Board of Tax Appeals the sincere appreciation of the Commission for their courtesies in making available over a period of two years space in which to hold the meetings of the Ohio Turnpike Commission. 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, Seasongood, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted.

In the absence of any further discussion or objection, the report of the Secretary-Treasurer was accepted as offered.

The following report of the Director of Highways was presented to the Commission:

"A copy of the final draft of the traffic and revenue report prepared by Parsons, Brinckerhoff, Hall and Macdonald was submitted to the State Auditor of Ohio on August 27, 1951. The sum due the consulting engineers has since been paid.

I am now in the process of polling the fields of engineering and traffic safety on the subject of transposed flow for the Ohio Turnpike. This is a continuing study which need not delay the decision of the Commission with respect to the engineering report. If a heavy pre-

ponderance of qualified authority favorable to the principles of transposed flow of traffic should be developed as a result of this continuing study, I shall bring that fact to the attention of the Commission.

Commitments for furnishing Portland cement for the turnpike project have been received from nine producing firms. They have committed a total of 5,500,000 barrels of cement for use on the turnpike during the period of its construction.

In cooperation with the J. E. Greiner Company I have initiated the procedures under which the allocation of structural steel, reinforcing steel and other restricted materials may be secured for the turnpike project. A total of approximately 200,000 tons of steel will be required. On September 1, 1951 I submitted to the Bureau of Public Roads a formal application for an authorized construction schedule pursuant to CMP Regulation 6, and an application for allotment of controlled materials and a Rating for other materials. These applications cover the requirements for critical materials in the project for the years 1952 and 1953. The applications were presented on National Production Authority Form CMP-4C and were signed by the Chairman of the Commission.

A request has been made through military channels for the endorsement of this project as one essential to the national defense transportation system of the United States."

Upon inquiry from the Chairman, Colonel Smith reported that the Commanding Officer of Ohio Military District had forwarded the request for endorsement of the turnpike project to the Commanding General, Second Army, with his strong recommendation for approval. There being no further discussion, the report of the Director of Highways was accepted as offered.

Mr. Dennis E. Murphy then reported for the Financial Advisor that since the last meeting of the Commission his group had held two meetings in New York City with representatives of the two engineering consultants. He stated that a meeting of the financing group was scheduled for September 6 and 7, 1951 at which the feasibility of turnpike financing would be discussed and that he hoped to be able to report to the Commission as to feasibility by September 15, 1951. The Chairman stated that a special meeting of the Commission would be called to hear such report.

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

The Chairman declared the meeting adjourned. The time of adjournment was 10:40 o'clock a.m.

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



T. J. Kauer
Secretary-Treasurer

Oct. 2, 1951