

MINUTES OF SEVENTEENTH MEETING

APRIL 3, 1951

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 1:45 o'clock p.m. on April 3, 1951, with the Governor of Ohio, the Attorney General of Ohio and members of his staff, representatives of the Auditor of State, Senator Ralph Winter of the Ohio General Assembly, representatives of the consulting engineers engaged in the turnpike studies, members of the press and of the staff of the Director 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, 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. Seasongood, that the reading of the minutes for the meeting of November 21, 1950 be dispensed with and that the minutes stand adopted as presented to the members of the Commission since the last meeting. 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, Teagarden, Seasongood, McKay
Nays, None

The Chairman declared the motion adopted.

The Chairman took note of the presence in the meeting of the Governor of Ohio, the Attorney General of Ohio and the representative of the Auditor of State.

Thereupon the Secretary-Treasurer reported that in the interim since the meeting of November 21, 1950, the following had transpired:

- a. The Second Annual Report of the Ohio Turnpike Commission covering the calendar year 1950 had been submitted to the Governor of Ohio and to the House and Senate of the 99th General Assembly on January 31, 1951.
- b. A ledger had been prepared in which the accounts of the Commission would be posted pending the establishment of complete auditing and accounting operations by the Com-

mission itself.

- c. In December, upon request from the Chairman of the Oklahoma Turnpike Authority, a container of Ohio earth had been sent to him for use during ground-breaking ceremonies for the Oklahoma Turnpike.
- d. In the mandamus action before the Ohio Supreme Court brought by the consultants engaged to perform the engineering studies to determine the feasibility of an Ohio Turnpike project, which case had been entered by the Attorney General of Ohio in behalf of the Ohio Turnpike Commission, an affirmative decision was rendered by the Court on March 7, 1951. In addition to granting the writ which would require the Auditor of State to honor expenditures under the disputed contracts, the Supreme Court validated the Turnpike Act on a number of points of constitutionality which had been raised in the case.
- e. House Bill No. 567 had been introduced into the Ohio General Assembly seeking to amend the Ohio Turnpike Act, but had not yet been referred to a legislative committee.
- f. An increasing number of applications for employment by individuals and of inquiries from firms who wish to furnish engineering and other services to the Commission had been received and acknowledged.
- g. The Senate of the 99th General Assembly had confirmed the appointments of members of the Ohio Turnpike Commission which appointments had previously been made by the Governor of Ohio. This confirmation was recorded in the Journal of the Senate of the 99th General Assembly for Thursday, March 29, 1951.

In the absence of any objection, the report of the Secretary-Treasurer was received and accepted as read.

The Chairman thereupon reported briefly as to his activities since the last meeting of the Commission and expressed his great satisfaction that the Supreme Court of Ohio had declared the Commission to be a constitutional body and that the judgment of the Governor of Ohio in making appointments to the Commission had been upheld by the Senate through its confirmation of the several members. He said it would be his great pleasure to continue to serve with the other members during

the remaining few months of his term. The Chairman announced that he had attended conferences in Miami, Florida, and Pittsburgh, Pennsylvania, in company with the Director of Highways, and that the problems incident to the accommodation in Ohio of traffic from the Pennsylvania Turnpike were discussed with officials of the Pennsylvania Highway Department and the Pennsylvania Turnpike Commission.

At the request of the Chairman the following report from the Director of Highways was offered:

"The Commission was advised by me at the meeting of November 21, 1950, that consideration was being given to the traffic problem which will exist on Ohio state highways during that period of time between the completion of the Western Extension of the Pennsylvania Turnpike and the provision in Ohio for adequate connection to that turnpike. Our traffic consultants were authorized by the Pennsylvania Commission to furnish all necessary traffic information with respect to the Pennsylvania Turnpike. Studies were undertaken upon which might be based any necessary action by the Ohio Department of Highways to accommodate increased flows of traffic in Ohio resulting from the operation of the Western Extension of the Pennsylvania Turnpike.

In December, 1950, I conferred at Miami, Florida, during meetings of the American Association of State Highway Officials, with Mr. Samuel Hadden, Commissioner of Highways for the State of Indiana, and Mr. E. L. Schmidt, Chief Engineer of the Pennsylvania State Highway Department, as well as with representatives of the consulting firms engaged in the Ohio Turnpike studies. Indiana highway authorities were at that time advised in a preliminary way as to traffic flows at the Indiana border in the event that an Ohio Turnpike is constructed to that point.

The studies relating to traffic flows created in Ohio by the opening of the Western Extension of the Pennsylvania Turnpike culminated in a series of meetings between the staffs of the Pennsylvania Department of Highways and the Ohio Department of Highways at Harrisburg on March 20, 1951, and at Pittsburgh on March 22, 1951. The Pittsburgh meeting was attended by the Chairman of the Ohio Turnpike Commission, the Acting Chairman of the Pennsylvania Turnpike Commission, the Chief Engineer of the Pennsylvania Highway Department, and representatives of the consultants engaged in the Ohio Turnpike studies. A complete review was made of the traffic analysis and of the effect of traffic from the Pennsylvania Turnpike on both Pennsylvania and Ohio highways during the

period when an adequate direct connection to the Western Extension would not be in existence. At the present time the Pennsylvania authorities are studying the feasibility of a temporary connection from the Pennsylvania Turnpike to existing highways in the vicinity of the Ohio border. At the same time the Ohio Department of Highways is proceeding aggressively in the programming and preparation of plans for improvements which will be urgently necessary because of the opening to traffic of the Pennsylvania Turnpike. It must be pointed out, however, that these improvements which are now being programmed are permanent improvements to the Ohio state system of highways and are a part of the long range program of highway improvement which would be necessary whether or not an Ohio Turnpike were to be built. The necessity for other temporary improvements, not a part of the long range program in Ohio, remains to be developed after the method by which Pennsylvania will make its temporary connections becomes known.

I have received today a report from the Chief Engineer of the Pennsylvania Department of Highways advising me that his office and the Pennsylvania Turnpike Commission agree that the best solution to the accommodation of turnpike traffic in Pennsylvania will be the paving of township road #341 in Lawrence County, Pennsylvania, which will connect with Pennsylvania Route 351 near the State line. Pennsylvania Route 351 connects to Ohio State Route 90 south of Petersburg.

The Supreme Court of Ohio validated my contracts with the consulting engineers on March 7, 1951, Immediately, the engineering studies which had been proceeding at a retarded rate were resumed at full scale by both the J. E. Greiner Company and Parsons, Brinckerhoff, Hall and Macdonald. Status reports have been received from each consultant.

The Greiner Company reports that aerial photography has been completed and that photogrammetric maps for approximately 100 miles have been completed. All available geological and soils data have been collected and preparation has commenced for field geological reconnaissance and foundation borings. Roadway design features and geometric structure design bases and other criteria for the design of the turnpike have been substantially completed and have been submitted this week for the approval of the

Director of Highways. Data have been compiled with respect to availability and sources of construction materials. Typical interchange layouts have been developed. All utility crossings have been located and initial contacts have been made with utility companies. The Greiner Company is proceeding at an accelerated rate with the completion of the location and cost report.

Parsons, Brinckerhoff, Hall and Macdonald report that line and grade studies on all major highways which will parallel the proposed turnpike have been completed and that time and delay studies are now in progress. The balance of required field surveys of traffic have been initiated. Tentative interchange locations have been selected and traffic flows through these interchanges are being analyzed. In this analysis the records of 36 origin and destination surveys on roads across the northern portion of the State will be used to determine the interchange to interchange flow of traffic on the turnpike by vehicle classification and to ascertain the turning movements at each interchange along the route. Work is now underway on a proposed schedule of toll charges in order that the amount of revenue which may be expected from the operation of the turnpike may be estimated. Parsons, Brinckerhoff, Hall and Macdonald expect in about 45 days to reach a point in the studies at which the economic justification may be actively considered. This firm also is expending maximum effort to complete its traffic and estimated earnings report for the Ohio Turnpike.

The staff of the Ohio Department of Highways is extending every possible cooperation to the engineers engaged in the turnpike studies in order that no unnecessary delay may occur in the determination of the economic feasibility of the proposal. "

There was extended discussion with respect to the report of the Director of Highways, participated in by the Governor of Ohio, whose questions indicated his view that six to seven millions of dollars of expenditures for temporary improvements of state highways to accommodate traffic from the Pennsylvania Turnpike could not be economically justified since such expenditures are not contemplated for permanent improvement to the state highways involved. It was the opinion of the Director of Highways that existing Ohio highways are capable of accommodating turnpike traffic which can be carried over existing Pennsylvania highways to reach the Ohio border.

The Director of Highways went on to explain that certain permanent improvements which would be necessary whether or not an Ohio Turnpike is constructed, would be carried out on U. S. 224 and Ohio Route 46, which improvements would assist materially in the handling of temporary turnpike traffic.

There being no objection, the report of the Director of Highways was accepted by the Commission.

Thereupon the Chairman invited the representatives of the engineering consulting firms to report as to progress which is being made on the turnpike studies. Mr. Waterbury of Parsons, Brinckerhoff, Hall and Macdonald stated that their work was proceeding at a rapid pace and that the traffic and earnings report would be complete to the point of determination of economic feasibility early in June and that the completion of the report would depend upon the development of estimated costs and operating expenses by the J. E. Greiner Company. He explained how the work of the two consultants would be coordinated and estimated that bonds might be sold in July or August of this year. He stated that a report of feasibility would necessarily indicate the feasibility or non-feasibility of the entire project whether or not the entire project might be considered for construction initially.

Mr. H. H. Allen of the J. E. Greiner Company thereupon reported as to the progress of the location and cost reports and stated that all phases of the work required for the report, except that pertaining to property evaluation, are underway at the present time and that the report of this firm will surely be complete by July 1, 1951. It was his opinion that bonds might be offered for sale by the Commission by September, 1951, without question. Mr. Waterbury thereupon confirmed that the determination of feasibility would be made in a matter of days after the completion of the Greiner report.

Thereupon Mr. Drury, representing the Auditor of State, expressed the best wishes of the Auditor of State to the Turnpike Commission for the rapid progress of its work.

The Chairman thereupon requested the report of the Attorney General of Ohio and stressed the fact that for the first time the Attorney General of Ohio was personally present at a meeting of the Commission, whereupon the Attorney General delivered to the Commission his Opinion No. 219 having to do with a resolution under consideration by the Commission for the employment of bond counsel. The syllabus of Opinion No. 219 was as follows:

"The Ohio Turnpike Commission has authority to employ attorneys, other than those in the classified service, only

in the technical sense that assistants designated by the Attorney General may be placed on the commission's payroll and paid for services rendered to the commission only from funds received by the commission as proceeds of turnpike revenue bonds or as tolls; and that special counsel including bond counsel, whose services are required for special purposes in connection with proceedings to issue turnpike revenue bonds, or in litigation in connection therewith, may be employed by the commission only in the technical sense that such special counsel designated by the Attorney General for that purpose may be paid for their services only from funds received by the commission as proceeds of turnpike revenue bonds or as tolls."

The Attorney General added that his office wished to be cooperative and of service to the Commission at all times. He advised the Commission that if his impression that the Commission desired to select the firm of Squire, Sanders and Dempsey of Cleveland as its bond counsel was correct, he was then prepared to designate that firm as special counsel to the Attorney General and bond counsel to the Ohio Turnpike Commission.

During the discussion of the Opinion rendered by the Attorney General the Governor of Ohio stated that he will not in any manner interfere with the Commission in the selection of counsel or in the selection of the personnel which will be employed by the Commission. The Attorney General announced that Mr. Joseph Gill, First Assistant Attorney General, and Mr. Hugh Scherer, Assistant Attorney General, have been assigned to the work of the Turnpike Commission.

A motion was made by Mr. McKay, seconded by Mr. Seasongood, that the resolution pertaining to the employment of bond counsel by the Commission which had been introduced at the meeting of November 21, 1950, be tabled. 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, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted.

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

"That the Attorney General of Ohio be requested and is hereby requested to designate bond counsel for the Ohio Turnpike Commission."

A motion was made by Mr. Seasongood, seconded by Mr. Kauer, that the words "and report to the Commission thereon" be added to the resolution. A vote by ayes and nays was taken and all members present responded to roll call and voted aye, except Mr. McKay, Mr. Shocknessy and Mr. Teagarden. The vote was as follows:

Ayes, Seasongood, Kauer
Nays, McKay, Shocknessy, Teagarden

The Chairman declared that the motion to amend had failed.

A vote by ayes and nays was taken on the original motion and all members present responded to roll call and voted aye except Mr. Seasongood. The vote was as follows:

Ayes, Shocknessy, Teagarden, McKay, Kauer
Nays, Seasongood

The Chairman declared the motion adopted.

The Attorney General stated that he was under the opinion that the firm of Squire, Sanders and Dempsey is willing to be designated as bond counsel to the Ohio Turnpike Commission but that he would determine the facts and report to the Commission thereon. He further reported to the Commission that other pending requests upon the Attorney General for opinion will be answered within the near future.

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

"That the Ohio Turnpike Commission resume regular monthly meetings to be held in Columbus at 10:30 o'clock a. m. on the first Tuesday of each month and that special meetings of the Commission may be held any time upon 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, Teagarden, McKay, Seasongood, Kauer
Nays, None

The Chairman declared the motion adopted.

A motion was made by Mr. Kauer, seconded by Mr. McKay, that the Second Annual Report of the Ohio Turnpike Commission, as submitted to the Governor of Ohio and to the House and Senate of the 99th General

General Assembly on January 31, 1951, be approved and ratified by 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, Shocknessy, Teagarden, McKay, Seasongood, Kauer
Nays, None

The Chairman declared the motion adopted.

The following items of business were then considered by the Commission:

- a. A suggestion that the turnpike be named for the Governor of Ohio was tabled for later consideration.
- b. A study of right-of-way acquisition problems in connection with the Ohio Turnpike by Mr. Wendell D. Allen was referred to the Secretary.
- c. The Commission took cognizance of a resolution introduced by Representative Kilpatrick of the 99th General Assembly having to do with one-way traffic on routes 18 and 224.
- d. The Commission was advised of a report which the Secretary-Treasurer made on January 22, 1951, to the Chairman of the Rules Committee of the Ohio Senate with respect to attendance of the several members at meetings of the Commission.
- e. It was the sense of the Commission that correspondence with citizens in the vicinity of Youngstown, Ohio, concerning the problem of turnpike traffic is being handled satisfactorily by the Director of Highways.
- f. Mr. McKay was appointed as a committee of one to consider the matter of selection of a staff for the Ohio Turnpike Commission and to report suggestions thereon at the next meeting, this consideration to be particularly in connection with the problems of acquisition of right-of-way.

Thereupon the Director of Highways inquired as to the desire of the Commission to participate in the establishment of design criteria upon which engineering studies for location and cost will be based. It was the concensus that the judgment of the Director of Highways

must be relied upon in this matter.

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

The Chairman declared the meeting adjourned. The time of adjournment was 4:45 o'clock p. m.

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



W. J. Kauer
Secretary-Treasurer

May 1, 1951