

MINUTES OF NINETEENTH MEETING

JUNE 5, 1951

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in regular open session in Room 1012 A, State Office Building, Columbus, Ohio, at 10:30 o'clock a.m. on June 5, 1951, with representatives of the Attorney General of Ohio and of the consulting engineers engaged in the turnpike studies, members of the press, 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. Teagarden, seconded by Mr. McKay, that the reading of the minutes for the meeting of May 1, 1951, be dispensed with and that the minutes be adopted as corrected and 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, Kauer
Nays, None

The Chairman declared the motion adopted.

Thereupon the Secretary-Treasurer reported that since the last meeting of the Commission the following had occurred:

- a. Offers of service to the Commission had been received from the Ohio National Bank of Columbus and the Central National Bank of Cleveland and have been acknowledged.
- b. On May 2, 1951 a certified copy of the resolution by the Commission employing the firm of Squire, Sanders and Dempsey as Bond Counsel was forwarded to that firm. By letter dated May 3, 1951, Squire, Sanders and Dempsey accepted such employment in accordance with the provisions set forth in the resolution.

- c. In a letter dated May 2, 1951, the Attorney General of Ohio advised the Commission upon the question of use of Tax Exemption Certificates by the members of the Commission. Copies of the letter were forwarded to the several members.
- d. In a series of conferences with Mr. Henry Crawford of Squire, Sanders and Dempsey, the records of the Commission and the reports and other documents pertaining to the engineering studies being made by the Director of Highways were made available to Bond Counsel.
- e. The By-Laws of the New Jersey Turnpike Authority have been received and copies have been forwarded to the several members of the Commission.
- f. The Senate of the 99th General Assembly confirmed the reappointment of Mr. Shocknessy as a member of the Ohio Turnpike Commission for a term expiring on July 1, 1959. This confirmation was recorded in the Journal of the Senate for Friday, May 25, 1951.

The Chairman thereupon supplemented the report of the Secretary-Treasurer by presenting letters which had been received from Mr. Paul W. Walter, Counsel for the Ohio Roadside Council, and Mr. Louis Bromfield, each of which indicated concern for the protection of the scenic beauty of Ohio along the route of the turnpike from defacement by commercial advertising. In the absence of objection the report of the Secretary-Treasurer was received and accepted. The Commission reaffirmed its purpose often expressed to provide safeguards against the defacement of Ohio's scenic beauty along the turnpike and asked the Secretary to acknowledge the letters and so advise the writers.

Thereupon the Chairman reported as to his activities since the meeting of May 1, 1951. He expressed his gratitude to the Governor of Ohio at his reappointment to succeed himself and his appreciation to the members of the Commission for the cooperation which he has received as Chairman. He said that, dependent on impending events, he would expect to take his oath of office for the succeeding term at the next regular meeting of the Commission on July 3. He then advised the Commission as to his appearance before the Judiciary Committee of the Ohio House of Representatives at the invitation of that Committee for interrogation in connection with Senate Bill 359 known as the Blackburn Bill. The Chairman reported that he had advised the Judiciary Committee, as Chairman of the Ohio Turnpike Commission and in behalf of the Commission, that it has in the past

and continues to recognize the right and duty of the General Assembly of Ohio to make the laws which govern the conduct of the affairs of the Commission; that he had had no prior knowledge of the intended introduction of the bill; that he was rather dismayed by the introduction of the bill since it would declare formally in law what the Attorney General already had declared formally, as Attorney General, in interpretation of the existing law, an interpretation which had not been contested by the Commission.

The Chairman further reported that he had advised the Judiciary Committee that neither he nor the Commission had any official position with respect to the proposed legislation and that the Commission would expect to fulfill any mandate of the General Assembly, but that he was profoundly and gravely concerned about the implications of such legislation; that he had hoped that the Turnpike Act would remain free from any amendments the effect of which might be crippling; that it had been considered by the General Assembly which enacted the Turnpike Act that it was necessary that there be continuity in management and counsel and that all partisan consideration be excluded, and that counsel for the Commission be appointed by the Commission; that division of command certainly would be a matter of concern to the financial community, and that the matter of payment of public officials from funds privately accumulated is subject to examination by the courts. The Chairman reminded the Judiciary Committee that as early as September, 1950, the Commission had considered the appointment of Bond Counsel, with the then Attorney General and later with the Attorney General Elect, but that there was protracted delay because of the change of Attorney Generals before Bond Counsel was finally designated.

The Chairman concluded his report with a statement of his concern that the Commission may be back in the courts because of the enactment of the Blackburn Bill by both houses of the General Assembly, and mentioned the spontaneous uprising throughout Ohio against the proposed legislation.

Mr. Seasongood registered objection to the statement of the Chairman stating his opinion that the General Assembly had acted neither in good faith nor within its constitutional obligations; that he considered the opinion of the Attorney General to be wrong; and the Attorney General himself to be hostile to the entire concept of an Ohio Turnpike. The Chairman accepted from Mr. Seasongood the exceptions to statements of the Chairman with respect to the effect of law on the operations of the Commission. Mr. McKay stated his opinion that the enactment of legislation is the functional right of the General Assembly and that he could not take a position as to whether or not the General Assembly should have enacted the Blackburn Bill. He was deeply and personally disturbed, however, that the marketability of turnpike bonds might be

jeopardized by that legislation. He believed that it would be a tragedy if the economic feasibility of the Ohio Turnpike or the marketability of the turnpike bonds were to be adversely affected.

The Chairman thereupon invited the representative of Bond Counsel to report to the Commission and Mr. Henry Crawford of Squire, Sanders and Dempsey reported that since the last meeting he had examined in detail the proceedings of the Commission from the time of its organization and that he concluded that the Minute Book and Resolutions Journal of the Commission are legal, proper and sufficient. Mr. Crawford stated that he is not ready to express an opinion at this time as to the necessity for By-Laws. He advised the Commission that since the last meeting he had done considerable investigating with respect to possible methods of financing Ohio Turnpike Project No. 1 but that his full investigation could not be completed prior to this meeting. He suggested that Bond Counsel and a representative of the Commission conduct certain further exploratory work and discussions in connection with financing prior to the regular meeting of July 3, 1951. He expected to have a report for the Commission concerning various methods of financing by the time of the July 3 meeting.

Mr. McKay, Mr. Teagarden and Mr. Seasongood participated in discussion of the report of Bond Counsel and it was the concensus that the Chairman should collaborate with Bond Counsel and should proceed with the collection of data on the subject of financing. In the absence of objection the report of Bond Counsel was accepted.

Thereupon the Director of Highways reported to the Commission as follows:

"The foundation explorations and geophysical investigations which were reported to you at the last meeting as being underway have now been satisfactorily completed. Members of my staff have reviewed proposed interchange locations and arrangements and are now in the process of reviewing proposed horizontal and vertical clearances for structures which will separate the turnpike from existing state highways.

A report of the J. E. Greiner Company dated May 31, 1951 indicates that the location and cost studies are progressing in an entirely satisfactorily manner, that the studies are on schedule, and that a complete final draft may be expected to be available by July 1. Colonel Smith visited the Baltimore office of the Greiner Company on May 25 where he reviewed all of the details of the work now in process.

A report has been received from Parsons, Brinckerhoff, Hall and Macdonald dated May 31, 1951 which states that the basic analysis of traffic potential for the Ohio Turnpike has been completed and that the amount and type of traffic which will use the proposed turnpike has been estimated. Turning movements of traffic at each of the interchanges have been calculated and have been forwarded to the J. E. Greiner Company. The traffic engineers have recommended the division of the turnpike into four sections for the purposes of the traffic and earnings report.

Parsons, Brinckerhoff, Hall and Macdonald are now developing estimates of the earnings which will be derived from tolls as well as revenues from other sources. Portions of the report pertaining to economic justification of the project and advantages of the turnpike are being developed. Submission of the traffic and earnings report in preliminary form may be expected by the first of July."

The report of the Director of Highways was confirmed as to progress of the engineering studies by Mr. Edward Donnelly of the J. E. Greiner Company and Mr. Jerry Fischer of Parsons, Brinckerhoff, Hall and Macdonald, whereupon the report was accepted in the absence of objection.

Thereupon the Chairman invited the representative of the Attorney General to report to the Commission and Mr. Houston, Chief Counsel of the Attorney General, stated that the matter of By-Laws for the Commission had been studied and that while By-Laws may not be necessary at this time, the Attorney General had concluded that they are desirable and should be submitted to the Commission for its consideration. A draft of proposed By-Laws had been prepared by Mr. Houston, he said, and would be submitted to Bond Counsel for review prior to their consideration by the Commission. In the absence of objection Mr. Houston's report was accepted as received.

A motion was made by Mr. Seasongood, seconded by Mr. McKay, that the Commission urge the Governor of Ohio to veto the legislation known as the Blackburn Bill. Discussion as to the motion was participated in by all members of the Commission. A vote by ayes and nays was taken and all members present responded to roll call and voted aye except Mr. Teagarden and Mr. Shocknessy who voted nay and Mr. Kauer who was not voting. The vote was as follows:

Ayes, McKay, Seasongood
Nays, Teagarden, Shocknessy
Not voting, Kauer

The Chairman declared the motion to have failed.

A motion was then made by Mr. Seasongood, also seconded by Mr. McKay, that the Commission express itself to the General Assembly in the event that the Governor vetoes the Blackburn Bill, that it is opposed to this legislation and considers it will hamper the successful fulfillment of the project. A vote by ayes and nays was taken and all members present responded to roll call and voted aye except Mr. Teagarden and Mr. Shocknessy who voted nay and Mr. Kauer who was not voting. The vote was as follows:

Ayes, McKay, Seasongood
Nays, Shocknessy, Teagarden
Not voting, Kauer


Asked by Mr. Seasongood to explain why he refrained from voting, Mr. Kauer said that he believed it unbecoming for him to vote on these particular motions and that he did not wish to be recorded as voting thereon. The Chairman declared the motion to have failed.

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

The Chairman declared the meeting adjourned. The time of adjournment was 12:15 o'clock p. m.

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



F. J. Kauer
Secretary-Treasurer

July 3, 1951