

MINUTES OF TWENTY SIXTH MEETING
OCTOBER 2, 1951

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in open session in Hearing Room No. 4, State Office Building, Columbus, Ohio, at 10:30 a. m. on October 2, 1951 with representatives of the press, of the Consulting Engineers, of the Financial Advisor, of Bond Counsel, and of the 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: McKay, Shocknessy, Teagarden, Kauer
Absent: Seasongood

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 meeting of September 4, 1951 be dispensed with and that the minutes be adopted as submitted 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, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted.

The Chairman reported that subsequent to the last meeting the members of the Commission, together with Mr. Dennis Murphy of the Financial Advisor, had conferred in New York City with other representatives of the financing group and that all members of the Commission were familiar with the circumstances of that conference. He stated that since then no authoritative conclusion had been received from the Financial Advisor.

The Chairman reported his understanding that the Governor of Ohio had a public hearing on September 18 in his office with respect to the location adopted for the turnpike and that the Governor had granted two weeks to those persons who appeared before him to file briefs in support of their position. The Chairman observed that the Commission obviously must await the action of the Governor upon the line before proceeding further.

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

"Minutes of the joint meeting between Indiana, Pennsylvania, and Ohio Turnpike Commissions held in Columbus on September 4, 1951 have been prepared, approved by the Chairman, and distributed to all who were in attendance at that meeting.

On September 7, 1951 the Secretary-Treasurer submitted to Governor Lausche for his approval the location adopted by the Commission for Ohio Turnpike Project No. 1. At that time copies of the final draft of the engineering reports were presented to the Governor and at his request a copy of the resolution by which the Commission adopted the turnpike location was submitted to the Governor.

On September 13, 1951 the Secretary-Treasurer accompanied the Chairman to a meeting with the Financial Advisor to the Commission in New York City.

On September 18, 1951 letters were forwarded to the District Offices of the United States Army Corps of Engineers having jurisdiction over the navigable waters of the Maumee, Huron and Sandusky Rivers, requesting approval to construct turnpike bridges over those rivers. Advice has since been received that objections based upon reasons affecting navigation will be received by the Corps of Engineers with respect to the Maumee River crossing until October 26.

Letters have been received from the following agencies offering service to the Ohio Turnpike Commission. All such letters have been acknowledged.

Fire Extinguisher Sales and Service, Fremont, Ohio
Armstrong Associates, land appraisors, New York City
Cities Service Oil Company, Cleveland, Ohio
Kenneth P. Shaffer and Associates, Consulting
Engineers, Mansfield, Ohio
Phillip Freeman, Consulting Engineer, Norfolk, Va.

Volume II of the Minute Book of the Ohio Turnpike Commission has been purchased from F. J. Heer Printing Company."

In the absence of objection, the report of the Secretary-Treasurer was accepted.

The Director of Highways then presented the following letter to the Chairman:

"James W. Shocknessy, Chairman October 2, 1951
Ohio Turnpike Commission
Room 612 Huntington Bank Bldg.
Columbus, Ohio

Dear Mr. Shocknessy:

The Ohio Turnpike Commission, by its resolution of September 4, 1951, approved the reports of J. E. Greiner Company and Parsons, Brinckerhoff, Hall and Macdonald as previously presented to the Commission by the Director of Highways. In its action the Commission specifically approved the alternative conventional flow of traffic design and referred the reports to the Director of Highways for his further action.

I now advise the Ohio Turnpike Commission of my concurrence in its action and in its selection of the alternative conventional flow of traffic design; that I have approved the alignment and design standards proposed for Ohio Turnpike Project No. 1, and that I have instructed J. E. Greiner Company to proceed with the printing of the engineering report in accordance with such approvals.

The printing of the report on traffic and revenues by Parsons, Brinckerhoff, Hall and Macdonald will be deferred until financial negotiations develop certain information which is necessary to the completion of that report.

Very truly yours,

T. J. Kauer
Director of Highways"

Director Kauer continued by presenting the following report to the Commission:

"On September 18, 1951 I participated in a hearing which was held by the Governor of Ohio in his offices at which time objectors to the line adopted for Ohio Turnpike Project No. 1 were heard. Prior to that meeting and at the request of Mr. Earl Boxell and Mr. John Gillespie of the Maumee Valley Improvement Association,

all data available relating to the engineering reports had been made available to the representatives of that association.

There is a continuing and heavy demand from individuals in northern Ohio for information as to specific location of the turnpike and its relationship to certain properties. All such inquiries are being answered to the best of our ability but the response to such inquiries is definitely limited until final field surveys and property maps may have been prepared by the Commission.

I have authorized J. E. Greiner Company to proceed with the printing of the engineering report for ~~Ohio~~ Ohio Turnpike Project No. 1, pursuant to the resolution of approval which was adopted by the Commission on September 4, 1951.

The Department of Highways was advised by the Pennsylvania authorities on September 4, 1951 that an access road was being constructed by the Pennsylvania Turnpike Commission which would provide a connection to Pennsylvania Highway No. 351 and which would terminate on the state border at an existing township road in Columbiana County south of Petersburg. Upon the opening of the Western Extension to the Pennsylvania Turnpike it is estimated that this new access road will serve approximately 2000 vehicles per day. Obviously the existing township road in Ohio is not adequate to carry the interstate traffic which will be thrust upon it. I have, therefore, added this section of township road, approximately 0.8 miles in length, to the state highway system and I am proceeding immediately with the necessary reconstruction in order to accommodate traffic. It is planned that the improvement will be completed this year. "

The Chairman expressed the great satisfaction of the Commission over the acquiescence of the Director of Highways in its choice of the conventional flow of traffic design and also because the Director of Highways is preparing to accommodate traffic from the Pennsylvania Turnpike until such time as an Ohio Turnpike can be completed.

In the absence of objection, the report of the Director of Highways was accepted.

Thereupon Mr. Frank Dunbar, Jr., the Attorney for the Commission, reported that immediately after his appointment two matters

had engaged his attention. The first was the question whether the Commission should adopt By-laws and the second was a proposal of the J. E. Greiner Company which, upon acceptance by the Commission, would constitute a contract for its services as General Consultant to the Commission. He stated his opinion that there was no necessity for the immediate adoption of By-laws by the Commission and that he would make a more definite recommendation at a later date.

Mr. Dunbar stated that he had spent a great deal of time in study of the proposal for employment of the Greiner Company, that he had examined the proposal in detail and had consulted at length with the Director of Highways and others in Columbus, Cleveland and New York City. Mr. Dunbar then reviewed in detail the services which were proposed to be furnished by J. E. Greiner Company and offered his opinion that the proposal appeared to be a most fair one from the standpoint of the Commission and one which the Commission might lawfully enter into if its acceptance should be decided upon. Mr. Dunbar did not have an opinion as to the substantive provisions of the contract.

Mr. Dunbar reported an addition to the proposal suggested by Mr. Seasongood that "Greiner will from time to time perform such other services in connection with the foregoing, without additional compensation, as may be reasonably requested of them by the Commission." He stated that he was of the opinion that the contract is so broad in its coverage that the suggestion of Mr. Seasongood is already adequately covered, but that he had discussed the suggestion with Mr. Donnelly and that Mr. Donnelly was perfectly willing to address a letter to the Commission immediately stating specifically that J. E. Greiner Company will do what Mr. Seasongood had suggested.

The Chairman observed that it was his personal knowledge that Mr. Dunbar had dedicated himself to the work of the Ohio Turnpike Commission ever since he was appointed. There being no objection, the report of the Attorney was received.

Mr. Henry Crawford, representative of Bond Counsel, reported his discussion with the Secretary of the Eastern Committee of the Voluntary Credit Restraint Committee which confirmed his previous belief that it was not yet timely to make application to the Voluntary Credit Restraint Committee for approval of financing. In the absence of objection, the report of Bond Counsel was received.

Mr. Dennis Murphy, representative of the Financial Advisor, then reported that following the conference in New York City the

structed through the use of the proceeds of the first issue of turnpike revenue bonds.

SCOPE OF SERVICES

2. The Consulting Engineers will furnish such engineering services as may be required, subsequent to the acceptance of this proposal and prior to the deposit of the proceeds of bonds sold to furnish funds to finance the Project, with a Trustee, in connection with the sale of such bonds, including but not limited to attendance at conferences in this connection, rendition of engineering advice and assistance in the preparation of a trust indenture and bond circular or prospectus, coordination of engineering features with legal and financial requirements, and advice to the Commission upon all technical phases of the Project.

3. The Consulting Engineers will draft general specifications including proposal forms, instructions to bidders, insurance requirements, specifications for construction materials, basis of payment and specifications for construction methods. The Consulting Engineers will furnish one hundred copies of said specifications.

4. The Consulting Engineers will plan, direct, coordinate, and approve all design and property surveys, all soil investigations, tests, and analyses, and the preparation of contract plans and specifications required for all phases of the Project construction, including (without limitation) grading, drainage, structures, pavement, roadway appurtenances, interchanges, toll plazas, toll collection equipment, toll booths, utility buildings, lighting, maintenance buildings, maintenance areas, service-site buildings, service-site areas, communication systems, and landscaping, and will negotiate for the employment of, for the direct account of the Commission, such survey, soils, and designing engineers and such architects as may be required adequately to perform the work and as may be acceptable to the Commission.

5. The Consulting Engineers will prepare general plans and outline specifications for toll plazas, toll collection equipment, and maintenance areas.

6. The Consulting Engineers will prepare general plans for service-site areas and will furnish any engineering advice and assistance which may be required by the Com-

mission in connection with negotiating of leases and other agreements between the Commission and lessees or concessionaires along the Project and which may be required by legal counsel for the Commission in connection with the drafting of such leases and other agreements.

7. The Consulting Engineers will confer with appropriate state, county, township, municipal and other authorities having jurisdiction thereover, regarding the crossing, closing, and relocation of highways, roads, and streets and will negotiate, on behalf of the Commission, agreements covering such crossings, closings, and relocations.

8. The Consulting Engineers will procure all necessary construction permits, material allocations, and other permits and authorizations required in connection with the construction of the Project.

9. The Consulting Engineers will arrange for the procurement of proposals from construction contractors, review the qualifications of construction contractors, review and tabulate all proposals received, and make recommendations to the Commission with respect to the award of construction contracts.

10. The Consulting Engineers will plan, direct and coordinate all construction layout surveys, detailed field inspection of workmanship and materials for conformance with the plans and specifications, and the preparation of a monthly and final estimates for payments to construction contractors, and will negotiate for the employment of, for the direct account of the Commission, such survey and inspecting engineers as may be acceptable to the Commission.

11. The Consulting Engineers will plan, direct, and coordinate all shop and mill inspection and testing of workmanship and material for conformance with the plans and specifications, and will negotiate for the employment of, for the direct account of the Commission, such inspection laboratory services as may be acceptable to the Commission.

12. The Consulting Engineers will, as directed by the Commission, confer with the representatives of turnpike authorities in other states for the purpose of coordinating the construction, maintenance, and operation procedures and schedules and other matters of common concern of the Ohio Turnpike with those in other states.

13. The Consulting Engineers will perform the services stipulated in such trust indenture as may be executed to secure any bonds issued in connection with the Project, to be performed by the Consulting Engineers during the active construction period and for three months following the opening of the entire Project to traffic.

14. The Consulting Engineers will furnish such periodic and special reports as they shall deem advisable or as may be required by the Commission to keep the Commission fully advised with respect to all engineering phases of the Project.

15. The Consulting Engineers will establish and maintain, at a location mutually acceptable to the Commission and the Consulting Engineers, an office fully staffed as may be required to effectively discharge the obligations of the Consulting Engineers under this proposal to the entire satisfaction of the Commission

16. The Consulting Engineers will, to the extent desired by the Commission, plan, direct and coordinate procedure for the maintenance and operation of the Project and generally supervise such maintenance and operation for a period of three months following the opening of the entire Project to traffic.

17. The Consulting Engineers will furnish such engineering advice and assistance as may be required by the Commission in connection with its acquisition of land and interests therein for the purposes of constructing the Project, and will furnish such supervisory services as may be required to coordinate such acquisition with designing and constructing the Project.

18. The Consulting Engineers, without limiting any generalities of the foregoing, will plan, direct, and coordinate all phases of design and construction of the Project from the date of acceptance of the proposal until a date three months subsequent to the date of the opening of the entire Project to traffic.

19. The Consulting Engineers will confer with the Commission and its representatives and all utility corporations and bodies, such as railroads, street railways, power companies, telephone and telegraph companies, gas line corporations, municipal, township, and county water supply and

sewerage system bodies, irrigation and drainage districts, and the like, regarding the crossing, closing, or relocation of their "public utility facilities" (as defined in Section 1206 of Ohio General Code), and will negotiate, on behalf of the Commission and in accord with directives of the Commission and controlling statutes, agreements covering such crossings, closings, and relocations.

RESPONSIBILITIES OF THE COMMISSION

20. The Commission shall undertake to give the Consulting Engineers timely directives and approvals upon all matters requiring the administrative action of the Commission.

21. The Commission shall employ such engineers and architects as are provided for in paragraphs 4 and 10 hereof, and such inspection laboratory services as are mentioned in paragraph 11 hereof.

DURATION OF SERVICES

22. Immediately upon acceptance of this proposal, the Consulting Engineers will commence engineering services in connection with the Project.

23. The Consulting Engineers will continue to perform diligently all services stipulated in this proposal under such schedule of design and construction procedure as may be required to meet the schedule hereto attached, consisting of six pages and marked "Exhibit A", or any reasonable modification of that schedule.

24. The services of the Consulting Engineers under this proposal will be concluded upon a date three months subsequent to the opening of the entire Project to traffic.

COMPENSATION

25. The compensation to the Consulting Engineers will be paid solely from the proceeds of turnpike revenue bonds hereafter to be sold by the Commission for the purpose of providing funds for the construction of the Project, and the liability of the Commission is limited thereto.

26. For the services stipulated in paragraphs 2 to 18, inclusive, the Commission will pay to the Consulting Engineers a sum equal to one and one-half percentum of

the final construction costs of the Project. For the purposes of this proposal final construction costs shall include all payments by the Commission to construction contractors for all phases of construction work on the Project, exclusive, however, of the cost of adjustments of public utility facilities. Specifically included in construction costs, however, are the costs of grade separation structures for and relocations of railroad facilities and the costs of restaurants, service stations and the preparation of the sites thereof whether such costs are paid by the Commission to the contractors or by lessees, concessionaires and the like to contractors.

27. For the services stipulated in paragraph 19 hereof, the Commission will pay to the Consulting Engineers a sum equal to five percentum of the cost of adjustments of public utility facilities on the Project, exclusive, however, of the cost of adjustments of railroad facilities. For the purposes of this proposal the cost of adjustments of public utilities will include all payments to utility companies, contractors, municipalities, sanitary districts and the like for the cost of reconstructing or changing overhead and underground power and transmission lines, communication lines, and pipe lines, exclusive, however, of the cost of real estate and interests therein and damages thereto, and the cost of acquisition thereof.

28. The compensation stipulated above will be paid in monthly installments based upon a schedule of payments mutually agreeable to the Commission and the Consulting Engineers.

GOVERNING LAW

29. The contract resulting from the acceptance hereof shall be governed by the laws of Ohio.

ACCEPTANCE

30. Acceptance of this proposal by the Commission will constitute a contract between the Commission and the Consulting Engineers for the services and compensation specified herein.

Very truly yours,

J. E. GREINER COMPANY

H. H. Allen

I. L. Knighton

H. M. Brown .

C. B. Allen

E. J. Donnelly

J. J. Jenkins, Jr. "

Mr. Teagarden inquired of Mr. Kauer as to whether the proposal was satisfactory from an engineering standpoint. Mr. Kauer reviewed the engineering services proposed to be performed under the contract and stated his opinion that a minimum organization for the Turnpike Commission would be required under the terms of the proposal since the Greiner Company was taking the responsibility for supervision and coordination of all engineering work. Mr. Kauer stated his opinion that the fee for services to be performed under the contract was reasonable and proper. After general discussion participated in by all members present, a motion was made by Mr. McKay, seconded by Mr. Teagarden, that the following resolution be adopted:

"WHEREAS, in connection with the forthcoming construction of the turnpike which the Commission has heretofore denominated "Ohio Turnpike Project No. 1," it has become necessary that the Ohio Turnpike Commission employ consulting engineers to advise and assist the Commission and to generally supervise, for the Commission, the construction and the beginning phases of the operation of that turnpike;

WHEREAS, J. E. Greiner Company, a partnership of consulting engineers, is deemed by the Commission, after investigation, to be well qualified to render the professional services so required by the Commission;

WHEREAS, said J. E. Greiner Company has already acquired a detailed knowledge of the construction and other problems involved in the Project, through its work in planning the route and preparing the broad, general specifications for the proposed turnpike, pursuant to its employ-

ment for that purpose by the Director of Highways;

WHEREAS, the Commission is of the opinion that those preliminary services were eminently satisfactory and adequately demonstrated the competence of J. E. Greiner Company in the field of toll-road engineering; and

WHEREAS, the Commission, after thorough examination and consideration of the proposal hereinafter described, and upon advice of counsel, is of the opinion that said proposal should be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Ohio Turnpike Commission that the written proposal of the J. E. Greiner Company, signed by all the partners thereof under date of September 27, 1951, and this day delivered to the Commission, to furnish consulting engineering services as and pursuant to the terms, and for the compensation therein specified, be and is hereby accepted; and the chairman of the Commission is authorized and directed to sign and deliver, in the name of the Commission, its written acceptance thereof. "

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, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted. Whereupon he and the several members of the Commission present affixed their signatures to the proposal.

The motion was made by Mr. Teagarden, seconded by Mr. McKay, that Mr. Kauer be authorized and directed to devise a plan of organization for the Commission and to make a recommendation thereon to the Commission as soon as practicable. 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, McKay, Shocknessy, Teagarden, Kauer
Nays, None

The Chairman declared the motion adopted.

The Chairman advised the Commission that Mr. Dunbar will proceed with the study of procedures and organization for acquisition of right-of-way. He observed that, with the exception of money and the approval of the turnpike line by the Governor of Ohio, the Commission is ready to go forward.

A motion was made by Mr. Teagarden, seconded by Mr. McKay, that Mr. Kauer be appointed as the representative of the Ohio Turnpike Commission to the joint committee of the Turnpike Commissions of Indiana, Pennsylvania, New Jersey and Ohio. 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, McKay, Shocknessy, Teagarden, Kauer
Nays, None

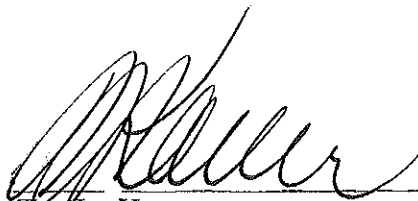
The Chairman declared the motion adopted.

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

The Chairman declared the meeting adjourned. The time of adjournment was 12:00 o'clock noon.

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



T. J. Kauer
Secretary-Treasurer

Nov. 6, 1951