

MINUTES OF TWENTY SEVENTH MEETING
NOVEMBER 6, 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 November 6, 1951 with its Attorney, representatives of the press, of the Consulting Engineers, of the Financial Advisor, 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 October 2, 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, Kauer, McKay, Shocknessy, Teagarden
Nays, None

The Chairman declared the motion adopted.

The Chairman reported that since the last meeting he had received advice that the Governor of Ohio had approved the location of the turnpike as adopted by the Commission, but that formal notification of such approval had not yet been received. He suggested that the Secretary seek confirmation of the approval from the Governor. The Chairman stated that the Commission was extremely gratified to learn that the Governor of Ohio had approved the line in a full and unqualified fashion; that the Director of Highways and the Commission have done all in their power to make certain that the line would be the best that could be developed from the standpoint of engineering and economics and public service. The Chairman stated his belief that the period of nearly eight weeks which had been consumed by the Governor in his studies before he announced his approval of the line had been well taken and that had the Governor not examined the line as fully, profoundly, and exhaustively as he did that it might not have the prestige as an engineering achievement which his wholehearted approval has given it. The Chairman made

reference to the concern of the Commission over the availability of steel for the turnpike project but stated his belief that the steel problem is not insurmountable.

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

"Minutes of the meeting of October 2, 1951 have been prepared and distributed to the several members of the Commission in advance of this meeting.

Correspondence of the Commission which has to do with legal and right-of-way matters has been placed in the hands of Mr. Frank Dunbar, Jr., Attorney for the Commission. Correspondence which has to do with engineering services has been placed in the hands of J. E. Greiner Company, the Consulting Engineer to the Commission. The Greiner Company has established its Ohio office at 33 North High Street in Columbus.

Under date of October 9, 1951 a letter has been received from J. E. Greiner Company which confirms the promise made by one of its partners to the Commission at the meeting of September 4, 1951 that the Greiner Company would perform from time to time, and without compensation additional to that specified in their contract with the Commission, such consulting engineering services, additional to those specified in the contract, as might reasonably be requested by the Commission.

Communications have been received from the Corps of Engineers of the United States Army advising the Commission of protests made by the City of Fremont and by a dredge operator that the clearances proposed for turnpike structures over the Sandusky River should be increased to 40 feet from the 30 feet as originally recommended in order to provide properly for navigation in the Sandusky River. J. E. Greiner Company is now engaged in a restudy of this matter.

A letter has been received from the Commerce National Bank of Toledo indicating the desire of that organization to be Trustee to the Commission. This letter is in the hands of the Financial Advisor and has been acknowledged.

Letters have been received from the Secretary-Treasurer of the Maumee Watershed Conservancy District stating the responsibility of that agency in connection with proposed turn-

pike crossings of streams in the Maumee Valley. These letters have been acknowledged and are now in the hands of the Attorney for the Commission and the Consulting Engineer for consideration."

In the absence of objection the report of the Secretary-Treasurer was received as submitted.

The Director of Highways then rendered the following report:

"In the interim since the last meeting of the Commission I have conferred numerous times with the Governor of Ohio concerning protests which have been lodged with him seeking to change the location adopted by the Commission for Turnpike Project No. 1.

During this period I have also given continuing study to the problem which faces the Commission of insuring the availability of steel for the construction of the Ohio Turnpike. While there is no final report which can be made to the Commission at this time, it is believed advisable to bring the Commission up to date in the matter.

Governor Lausche has forwarded to me a letter from Mr. Charles E. Wilson, Director of the Office of Defense Mobilization, dated October 18, 1951. The letter follows:

"The Honorable Frank J. Lausche October 18, 1951
Governor of Ohio
Columbus, Ohio

Dear Governor Lausche:

At the last Governors' Conference, which I had the honor of addressing, the question was raised as to the advisability and practicability of setting up a separate division to serve the needs and requirements of the various States.

I am happy to let you know that there is a division known as the Government and Public Service Division in the Office of the Civilian Requirements of the National Production Authority, which is serving the needs of States, counties and cities, limited only by the existing availability of the critical materials requested by the States for their various programs.

The Government and Public Service Division is headed by Mr. Thomas Burke, with Mr. William M. Underwood as Deputy, and is located in Room 5116 of the Department of Commerce Building. Either of the above officials is available to you at any time and can be reached at Sterling 5200, Extensions 4035 and 4036. This Division of the National Production Authority has been specifically organized to serve the needs of our States, counties and cities, in a pattern which generally follows the experiences of the industrial divisions of the National Production Authority which are designed to serve the various industries within their specialized fields.

Please feel free to contact this Division of the National Production Authority at any time on any of the requirement problems of your State, even though such problems may fall within the purview of other departments of the government to which either Mr. Burke or Mr. Underwood will be glad to direct your needs and follow through on any case that you might refer to them.

The purchasing officials of the States were recently addressed at their convention in Colorado Springs by Lewis Allen Weiss, Assistant Administrator of the National Production Authority, at which all of the questions involved in the procurement and satisfaction of the needs of the various States were thoroughly explored and discussed under very friendly and cooperative auspices.

It would obviously entail a needless duplication of manpower and expense to set up another agency in the government to serve the needs of the various States, because any such new agency would be limited in the procurement of critical materials to exactly the same extent as that which controls our existing agency described above.

Assuring you we will do all we can to serve the needs of our States to the greatest possible extent within the framework imposed upon us by the defense effort, and with best wishes, I am

Sincerely yours,

Charles E. Wilson

I am also in receipt of a letter from Mr. August Schofer, District Engineer for the Bureau of Public Roads, under date of October 25, 1951, with respect to the application of the Commission previously submitted through me for critical materials for the Ohio Turnpike. The letter follows:

Mr. T. J. Kauer, Director October 25, 1951
Department of Highways
State Office Building
Columbus 15, Ohio

Dear Mr. Kauer:

Reference is had to your letter of September 1, 1951 submitting CMP Form 4-C application for the approval of a construction schedule for the Ohio Turnpike.

It is noted that the construction schedule asks for 72,810 tons of structural shapes for the year 1952, including 13,650 tons in the first calendar quarter of 1952.

Our allotments of steel have been cut so severely by the Defense Production Administration that we could not allot this quantity of steel to the Ohio project. Our approval of the construction schedule must, therefore, be held in abeyance until a larger allotment of steel can be secured.

Because of the size of the project, we will be glad to guide the Ohio Turnpike Commission to conferences with the Defense Production Administration staff for a review of their problems. At such conferences the Ohio Turnpike Commission would have to submit facts which would convince the Requirements Committee of DPA that they should provide an additional allotment of steel for the Ohio Turnpike Project.

Very truly yours,

August Schofer
District Engineer'

These letters from two governmental agencies each offering cooperation and assistance at the highest levels, are planned to be used in my continuing effort to assure the allocation of necessary materials for the turnpike project. I plan to visit these agencies in Washington soon in order to explore every possibility

for obtaining the steel necessary to build the turnpike and to establish this project as one vital to the national defense transportation system of the United States.

Very great emphasis is being placed throughout the United States upon the need for adequate allocations of steel for highway purposes. The American Automobile Association and the American Association of State Highway Officials, in national meetings recently held, undertook serious and vigorous campaigns to free highway construction programs from material restrictions which may have a crippling effect. Major industrial firms in the United States are already engaged in a campaign of education as to the vital necessity of bringing the highway system up to adequate modern standards of efficiency. I believe quite sincerely that if the Commission perseveres in its effort to secure the materials necessary to make its project a reality, these materials will be forthcoming within a reasonable time.

The Commission will be interested in the following letter received from Kurt Orban Company, Inc. under date of October 31, 1951 on the subject of steel from sources outside the United States of America:

Mr. T. J. Kauer, Director October 31, 1951
State Highway Department
Columbus, Ohio

Dear Mr. Kauer:

I have noticed the press release of Oct. 26, in which it was disclosed that the State Highway Department was turned down by the Federal Government in their request for an allocation of 72,810 tons of steel needed for the starting of the Ohio Turnpike.

We are the largest importers of foreign steel from Germany in the United States. Our importations of steel consist of structurals, reinforcing rods, sheet piling, plates, sheets, and other allied steel products.

We are mill representatives and are not brokers.

Last year, for example, our company imported over 7% of the total tonnage imported reinforcing bars to this country, and we are ahead of that figure this year.

Because of the great shortages of this type of material from the domestic mills, I am wondering if you would not like to consider supplementing your domestic supply with imported material from our mills.

We feel quite certain that we could supply you with considerable tonnages of reinforcing rods, certain structurals and reinforcing wire mesh, and sheet piling, to enable your Turnpike program to start as scheduled.

I am wondering, Mr. Kauer, if it would be possible for us to discuss this matter thoroughly with you or your people in a personal interview. We feel that through such an interview we might be able to make some very valuable contributions to your program, because of our past activity in dealing with structurals steels of the type you are concerned with.

We look forward to hearing from you and hope to be able to discuss this matter in further detail with you in a personal interview in the near future.

Very truly yours,

KURT ORBAN COMPANY, INC.

R. D. McClure
Manager'

I have received a letter from Mr. Arnold Finch, City Manager of Toledo, in which he relayed informal advice from a local representative of the Corps of Engineers that clearances as low as 35 feet for the turnpike structures over the Maumee River would be approved by the Corps of Engineers of the United States Army. Mr. Finch suggested that such lower clearances might make a depressed grade line in the vicinity of Maumee possible of accomplishment. I have requested that the J. E. Greiner Company explore this claim in order that advantage may be taken by the Commission of the lower clearances if found to be proper and practicable.

Approval has been given to J. E. Greiner Company to proceed with final printing of its engineering report. It is expected that delivery of the 500 copies which are provided for in my contract with the Greiner Company will be made very shortly. It was originally contemplated that 500 copies would be sufficient for distribution to be made by the Department of Highways and for the purposes of the Commission in connection with financing of the turnpike project.

The Commission has retained a Financial Advisor in which approximately 170 investment firms are represented. It would appear, therefore, that an insufficient number of copies of the report of the Greiner Company will be available for financing purposes. It is recommended that the Commission advise its Financial Advisor of the situation and authorize the Financial Advisor to arrange for the printing of additional copies of the report."

There was extended discussion of procedures by which the allocation of necessary steel may be secured. It was agreed that the letter from Kurt Orban Company, Inc. would be referred to J. E. Greiner Company for necessary investigation.

Upon inquiry by the Chairman, Mr. Kauer stated that as many as 300 additional copies of the Greiner Company report may be necessary for the purposes of the banking group. It was the consensus that such additional copies should be made available at the expense of the banking group.

There being no further questions or exceptions, the report of the Director of Highways was received as submitted and the Chairman expressed the gratitude of the Commission to the Director of Highways for his efforts in its behalf.

Mr. Seasingood was present for the remainder of the meeting.

Mr. Dunbar, the Attorney for the Commission, then presented the following report:

"Since last month's meeting of the Commission, quite a variety of matters have engaged my attention. I shall outline them briefly.

Some research and other work has been done on legal problems in connection with proposed bridges which come within the sphere of authority or responsibility of other public authorities because they cross navigable streams or because the streams are involved in conservancy programs.

I have conferred and otherwise worked with bond counsel for the Commission and bond counsel for the Commission's financial advisors on matters of mutual concern and responsibility.

On numerous occasions, principally in Columbus, but also in Cleveland, in Harrisburg, Pennsylvania, and in Baltimore, I have conferred with the Commission's consulting

engineers with regard to such things as contractual arrangements to be made with operators of service facilities along the turnpike, surveys and preparation of legal descriptions of lands to be acquired for right-of-way, integrating the engineering and construction work in their various phases with the work of right-of-way acquisition, and so on.

I have had numerous conferences with such persons as Mr. Kauer and representatives of the J. E. Greiner Company regarding the organization of the legal work and staff of the general counsel's office in their relation to the work of the Commission's engineering staff, of the consulting engineers, and others.

About three weeks ago, I made a trip to Harrisburg, Pennsylvania, and there consulted with various officials of the Pennsylvania Turnpike Commission and especially with their legal counsel in charge of right-of-way acquisition. My purpose in so doing was to take advantage of the knowledge which they have gained through their actual experience of several years with respect to many of the kinds of legal problems and work which we now have before us.

By far the greatest portion of my time during the past five weeks has been spent in work on various phases of the over-all problem of right-of-way acquisition. I have given much attention to the form and content of title evidences. I have done a considerable amount of work in planning, and in many conferences with respect to, the organization and scheduling of surveys, the preparation of legal descriptions, the making of appraisals of land to be acquired, the handling of negotiations with property owners, title examinations and reports, and closings of real-estate acquisitions. I have given some consideration to the types and forms of deeds, releases, and many other instruments that will be required in connection with right-of-way acquisitions.

At the last meeting of the Commission the chairman asked that if possible I should report at this meeting my recommendations with respect to the handling of the work of right-of-way acquisition. I regret to report that it has proved impossible for me to complete that work within the past month. Various persons and firms have sought and been granted the opportunity to submit proposals and recommendations with respect to performing various portions of the required work. Not all of them have been able to submit their proposals thus far. For that reason I have been unable to make final and

sufficiently careful evaluation of the various possible methods and procedures to be followed, in order to formulate definitive recommendations to the Commission. The matter is of such large importance that I would not be warranted in submitting recommendations without the most thorough possible investigation and study. I shall, of course, press this work to a conclusion as promptly as possible."

The Chairman commented upon the monumental amount of work which had been accomplished by Mr. Dunbar over the preceding month. In the absence of any objection, the report of the Attorney was received.

Mr. Dennis E. Murphy, representative of the Financial Advisor, stated that he had nothing definite to report; that he has had further conferences with the Consulting Engineers since the last meeting; and that the approval of the route by the Governor of Ohio makes it now possible for the Financial Advisor to study the engineering reports on the basis of a definite and fixed route. He reminded the Commission that its project is the largest ever attempted and that it requires much work and study before a final conclusion may be reached. He stated that additional meetings of the Financial Advisor with the engineering staff of the Department of Highways and with the Commission will be held in the near future. In the absence of objection the report of the Financial Advisor was received.

Mr. Donnelly of J. E. Greiner Company presented advance copies of the final printed report of his firm to the members of the Commission. He reported that the Consulting Engineers are proceeding with detailed construction specifications, manuals for design and other engineering matters preliminary to the initiation of detail design of the project.

The Chairman stated for the record that the location of Turnpike Project No. 1 is established and is not subject to change, but that questions of depressed highway as opposed to elevated highway in certain locations involved details of the design of the turnpike on which the Commission is not as yet committed.

Mr. Kauer presented his report as a committee on organization for the Ohio Turnpike Commission pursuant to the action taken by the Commission at its meeting on October 2, 1951. He presented a proposed functional organization chart for the construction period and stated that the chart was intended to include the principle basic operating functions of the Commission during the construction phase. He stated his belief that the transition of this functional chart into the final form of organization under which the Commission will operate and maintain the turnpike is practicable.

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

BE IT RESOLVED that the report of the Committee on Organization be accepted and that the chart attached thereto be approved as the functional organization chart of the Ohio Turnpike Commission during the construction period; and

BE IT FURTHER RESOLVED that subsequently and by appropriate resolution at the proper time, the Commission will establish its departmental organization, retain the personnel of its staff and determine their duties and rates of compensation.

Mr. Seasongood objected to the chart. He said that he understood that the significance of any connecting line on such a chart is that the personnel indicated in any block are to be employed or appointed by the person or official shown in the next higher block, when those two blocks are connected by a line of the chart. Mr. Kauer stated that the chart was intended to indicate only the functional organization of the Commission's staff and consultants, and not any delegation of authority or responsibility for employment or appointment of any persons. There ensued a full discussion, participated in by all the other members of the Commission, in which each indicated that his understanding was the same as Mr. Kauer's. The Chairman said that he wished to state for the record that it would be the understanding of the Commission that if the resolution be adopted, it and the chart incorporated in the report of the Committee on Organization would do nothing but prescribe a functional organization and would not confer any authority on anyone shown thereon to make any employments or appointments without further action of the Commission. A vote by ayes and nays was taken and all members present responded to roll call and voted aye except Mr. Seasongood who voted nay. The vote was as follows:

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


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, Kauer, Shocknessy, Teagarden, Seasongood
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.

A handwritten signature in cursive script, appearing to read "G. J. Kauer", written over a horizontal line.

G. J. Kauer
Secretary-Treasurer

Dec. 4, 1951