

MINUTES OF THIRTY FIRST MEETING  
JANUARY 9, 1952

Pursuant to call of the Chairman the Ohio Turnpike Commission met in special session in Hearing Room No. 4, State Office Building, Columbus, Ohio, at 10:30 a.m. on January 9, 1952 with its Attorney, Bond Counsel, representatives of the Financial Advisor, of the Consulting Engineers, of the Department of Highways, 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: Seasongood, Teagarden, Shocknessy, McKay, Kauer  
Absent: None

Whereupon the Chairman announced that a quorum was present.

The Chairman stated that the purpose of the special meeting was to give further consideration to the matter of methods to be followed with respect to the acquisition of rights-of-way for Ohio Turnpike Project No. 1.

In his report to the Commission the Chairman reviewed his previous conversations with the Governor of Ohio who had said that he would do everything in his power to assist the Commission in acquiring appropriate authorizations from agencies of the United States Government empowered to allocate steel for the turnpike project and that accordingly the Governor had arranged an appointment in Washington for January 8, 1952 with the Secretary of Commerce. The Chairman stated that he, in company with Governor Lausche, the Director of Highways, E. J. Donnelly of the Greiner Company, and Jerome Fischer of Parsons, Brinckerhoff, Hall and Macdonald had met with Secretary of Commerce Sawyer in his office and that Mr. Thomas McDonald, Commissioner of the Bureau of Public Roads, and Mr. Malcolm Hope of the Defense Production Authority had been present.

The Chairman reported that the Governor and he had presented to the conference the seriousness of the highway problem in Ohio with particular reference to the destruction occurring to highways on the state system since the Pennsylvania Turnpike has been discharging its traffic into Ohio. It was pointed out that traffic had previously moved into Ohio after having been discharged in Pennsylvania but that it now moves into Ohio for dispersal with serious resultant consequences. The critical and acute nature of the immediate problem was explained in detail and it was demonstrated to the Secretary of Commerce that the situation existed because of circumstances beyond

the control of the Ohio Turnpike Commission. The Secretary of Commerce was advised that the State of Ohio did not and could not contemplate the rebuilding of secondary roads of such durability as to accommodate such concentrations of traffic permanently.

The Chairman stated that the attention of the conferees had been directed as forcibly as was within the power of himself and the Governor to the vast expansion of industry in northern Ohio coincident with the development of motor transportation and due to the current mobilization of national defense industry. It was stated to Mr. Sawyer that the need was not merely that of a highway but rather that of an instrumentality in the defense of the United States and that the mobilization of the resources of the United States cannot be considered without at the same time considering the instrumentality required to accept the traffic which is coming into the industrial empire of northern Ohio from the eastern part of the United States to Detroit and Chicago and the western areas of the United States. The Chairman reported that Mr. Sawyer was visibly impressed and that he had requested that a memorandum be submitted to him which would include the arguments presented at the conference. The Secretary of Commerce would then undertake to coordinate with the other agencies of the government the importance of the requirements of the turnpike. The Chairman expressed his confidence as a result of the conference that the Commission would obtain the necessary steel within good time and that the Secretary of Commerce had been noticeably moved by the information that the Commission has been offered steel by several foreign countries. The Chairman advised the Commission that the preparation of a memorandum from Governor Lausche to the Secretary of Commerce was already under way.

The Director of Highways reported that it had been made clear to the Secretary of Commerce and to the Commissioner of Public Roads that the Ohio Turnpike Commission was not attempting to obtain steel from existing highway allocations. There being no further discussion the report of the Chairman was accepted as received.

The Secretary then reported to the Commission that all banking institutions which have indicated a desire to serve either as Trustee or Paying Agent have been invited to appear at a special meeting on January 25, 1952 and that a time schedule was being established which would permit the representatives of each bank to discuss its facilities and qualifications for fifteen minutes. The Chairman requested that Mr. Crawford of Bond Counsel cooperate with the Secretary in the scheduling of appearances of banking representatives and that he arrange for publication in the Wall Street Journal of an

announcement of the purpose of the meeting on January 25, 1952. In the absence of objection the report of the Secretary-Treasurer was accepted as received.

The Director of Highways then reported concerning the traffic situation in the vicinity of Petersburg and stated there had been material reduction in the volume of commercial traffic to and from the Pennsylvania Turnpike after the announcement of reduction in allowable truck loads on Ohio State Routes 170, 341 and 90. In the absence of objection the report of the Director of Highways was received.

The Chairman advised the Commission that he had not executed a contract with the Land Title Guarantee and Trust Company as authorized and directed by resolution of the Commission on January 2, 1952 because he had been called by a representative of another title company who wished to be heard by the Commission. He had, therefore, not executed the contract in order that the Commission might be given opportunity to rescind its previous action if it should wish so to do. The Chairman stated that everybody who may wish to be heard at this meeting with respect to the acquisition of land or the furnishing of title services would be heard.

Mr. Seasongood then submitted to the press and to the members of the Commission statements of dissent from the action of January 2, 1952 approving entry into contract with Land Title Guarantee and Trust Company and of objections to the proposed contract with Messrs. Rudolph, Carpenter, Dunlap and Free. The statements of Mr. Seasongood were received and filed.

Mr. Crawford then reported that in accordance with the request to Bond Counsel by the Commission he had prepared an outline of the procedures to be followed by the Commission in the exercise of its power of eminent domain and the procedures to be followed in condemnation cases and that copies of the memorandum had been supplied to the Chairman and to representatives of the Financial Advisor, Bond Counsel to the Financial Advisor, and the Consulting Engineers. He reported that he planned to meet with Bond Counsel to the Financial Advisor to discuss in considerable detail the documents that will be required to be included in the bond transcript. In the absence of objection the report of Bond Counsel was received.

Mr. Dennis Murphy then reported for the Financial Advisor that the financing group would meet in New York on January 10 to give consideration to the memorandum which had been prepared by Mr. Crawford. In the absence of objection the report of Mr. Murphy was received.

Mr. Lawrence Waterbury of Parsons, Brinckerhoff, Hall and Macdonald then discussed and explained their reports of A Recommended Schedule of Tolls and a Suggested Method of Vehicle Identification and Toll Collection Procedures.

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

"RESOLVED that the Ohio Turnpike Commission take under consideration and refer to the Financial Advisor for its consideration and report, the "Recommended Schedule of Tolls" dated December, 1951, and the "Report on a Suggested Method of Vehicle Identification and Toll Collection Procedures for the Ohio Turnpike Project NO. 1" which were prepared by Parsons, Brinckerhoff, Hall and Macdonald, addressed to T. J. Kauer, Director of Highways, and presented to this Commission at its meeting of January 2, 1952. "

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, Seasingood, Shocknessy, McKay, Teagarden, Kauer  
Nays, None

The Chairman declared the motion adopted.

Thereupon Mr. W. T. Newton and Mr. Marion S. Hewgley of the Louisville Title Insurance Company and Mr. Frank Riley, a Registered Surveyor, were presented to the Commission and opportunity was given them to discuss a proposal which Mr. Hewgley had submitted to the Commission as agent for Louisville Title Insurance Company to perform title work on behalf of the Ohio Turnpike Commission in connection with the acquisition of land. The proposal and the qualifications of the agents of Louisville Title Insurance Company to perform the proposed services to the Commission were given extended consideration and discussion participated in by the several members of the Commission, Mr. Dunbar, Mr. Newton, Mr. Hewgley and Mr. Riley. The procedures by which Mr. Newton and Mr. Hewgley would conduct the work were thoroughly examined.

Thereupon Mr. Harold S. Goodrich, President of the Ohio Association of Real Estate Boards, presented his views relative to the acquisition of rights-of-way. He stated that Messrs. Rudolph, Carpenter, Dunlap and Free are recognized both statewide and nationally as very competent appraisers and that he could recommend them most highly. He stated his belief that four professional appraisers

with greater competency and better background could not be assembled. Pursuant to a discussion with Mr. McKay, Mr. Goodrich suggested that the Commission might well retain an individual having a proper background of engineering and appraisal work to supervise for the Commission the work of appraisal and negotiation which may be performed by others under contract with the Commission. The Chairman asked Mr. Goodrich would he be willing to submit the names of properly qualified individuals for such assignment at the request of the Commission or of its chief counsel.

Mr. Dunbar then read to the Commission the following letters: Letter dated December 28, 1951 from the Cuyahoga Abstract Title and Trust Company; letter dated January 8, 1952 from the Cincinnati Real Estate Board; letters dated January 7, 1952 from the Campbell Realty Company and Earl G. Smith, Inc., Realtor; letter dated January 8, 1952 from the Ohio Chapter of American Institute of Real Estate Appraisers of the National Association of Real Estate Boards, and letter dated January 9, 1952 from the Ohio Board of Real Estate Examiners. The letters were received and filed.

Mr. T. Arnold Rosenfeld of A. Rosenfeld and Company of Akron was presented to the Commission and explained the qualifications of his firm to perform appraisal and negotiation work for the Commission. Mr. Rosenfeld stated that he would submit a proposal for such services to the Commission.

Mr. McKay suggested that an outline of procedure and a specification for the work should be prepared based upon the proposals then before the Commission. Discussion of the matter developed the fact that the proposals had evolved from a series of conferences between Mr. Dunbar and Mr. Donnelly with the individuals in Cleveland and others, but that ultimately the proposals had been reduced to their present form by those who had submitted the proposals and the Commission did not have a valid right to make such use of them. Mr. McKay stated his understanding that the Commission had not instructed its chief counsel to bring in a negotiated contract but that his instructions were to report upon recommended procedure.

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

"RESOLVED that the proposal of Messrs. Rudolph, Carpenter, Dunlap and Free as submitted to the Commission on January 2, 1952 be accepted subject to technical

corrections which counsel for the Commission may wish to make and that the Chairman be authorized and directed to enter into contract with Messrs. Rudolph, Dunlap, Carpenter, and Free in accordance with the terms of said proposal."

The Chairman announced that if the motion should pass he did not expect to sign the contract before January 25. After further discussion 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. Seasongood and Mr. McKay who voted nay. The vote was as follows:

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

The Chairman declared the motion adopted.

A motion was made by Mr. Seasongood, 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 except Mr. Shocknessy and Mr. McKay who voted nay. The vote was as follows:

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

The Chairman declared the meeting adjourned and then called a special meeting to convene immediately for the purpose of considering the remaining items on the agenda from the preceding meeting. The meeting was adjourned and the time of adjournment was 6:15 o'clock p. m.

Approved as a correct transcript of  
the proceedings of the Ohio Turn-  
pike Commission.



T. J. Kauer  
Secretary-Treasurer

Mar. 4, 1952