

MINUTES OF THE NINETIETH MEETING
OCTOBER 22, 1954

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in regular open session in its offices at 139 East Gay Street in Columbus, Ohio, at 11:00 A. M. on October 22, 1954, with the key members of its staff, representatives of the Consulting Engineer, of the Trustee, members of the press, and others in attendance.

The meeting was called to order by the Chairman, the roll was called, and the attendance was reported to be as follows:

Present: Allen, McKay, Teagarden, Linzell, Shocknessy.

Absent: None.

The Chairman declared that a quorum was present.

The Chairman reported that since the last meeting the joint committee under the general chairmanship of the Director of Highways charged with re-examining the preliminary engineering and traffic reports upon a prospective project No. 2 had met in conference in the office of the Director of Highways on October 11, 1954. He reported further that Mr. McKay had sent in a clipping from the publication of the Cleveland Automobile Club commending the Commission for its plans for furnishing services to motorists on the Turnpike. He reported also that the Commission had a letter from the Corps of Engineers, addressed to the Commission, responding to advice communicated to the engineers by telephone on October 18, 1954, mentioning the completion of the twin bridges crossing the Huron River near Milan. He said that the officer replying had said that: "It is not the policy of the Department of the Army to issue letters of approval for work constructed under its authority; however, the above twin bridges and the site of the temporary trestle had been inspected and it is not likely that any further action will be taken in the matter." The Chairman declared that as a consequence he assumed that the Commission could consider the letter to be an implied approval.

The Chairman reported that there was an article in the October, 1954 issue of Better Roads calling the Pennsylvania Turnpike "billboard alley" and referring to an editorial in the Pennsylvania Farmer as authority. He said that he had mentioned the article because it pointed up a problem which, while not too immediately acute, might become so for the Commission.

The Chairman reported that on September 22, 1954, he had discussed in the Commission meeting room a document issued by the Auditor of State on September 22, 1954, which had been called a report of audit of the affairs of the Ohio Turnpike Commission. He said that because the Commission had not met in meeting since that day, which personally he thought of as a day of infamy, he would ordinarily have been inclined to discuss the document at some length but that it was his belief that it was unnecessary and probably inappropriate for him at that time to belabor that document in the meeting which had matters of greater consequence before it for consideration. He said the document had been eloquently characterized by the press of Ohio more effectively than he would be able to. He said that the report had been analyzed by many honorable people whose reputations for integrity had been questioned by the report and the analyses made by those people had been made public. The Chairman said that on September 22, 1954, he had spoken on behalf of the Commission to a press conference about the report and that no useful purpose would be served at the meeting, however rightfully indignant any members of the Commission might be, by taking time to address their criticism to it. He said that the Commission had been confronted with many problems and many obstacles in the past; most of them more formidable than the report. He said also that the Commission had emerged from all its contests in the past with a further recognition of its sincerity and integrity. He said further that the Commission had emerged from that occurrence stronger than before, so that he would conclude his statement about the report by saying again, as he had said once before after a long and bitter engagement in which the Commission emerged the victor, that he called upon all concerned to bind up the wounds, however deep, however painful, and to strive for the achievement of the common purpose of all concerned - to serve Ohio and the United States and to pursue their duty fearlessly, and without favor, and without rancor.

The Chairman said that the Commission had received that morning a letter enclosing a report to the Commission by Carpenter, Lehman, Dunlap and Free which was interesting. He said that the report began with a statement to the effect that it was "furnished partially by request of the Ohio Turnpike Commission and partially by our desire to refute completely the report of "the Auditor of State. He said that the report continued by saying: "It should be noted that mimeographed copies of the report were distributed *** to hundreds of newspapers throughout the State" , but that the firm understood that only one copy had been presented to the Commission. He said that the report said that although the firm and its alleged conduct constituted a large part of the Auditor of State's report, no copy had been furnished to the firm and that it had had no opportunity before publication of the latter report to deny or rebut any of the conclusions. He said that the firm's report stated that the day following the release one of the members of the firm had attempted to call the supervising auditor to ask that it be extended the courtesy of a full report but that after a day's frustration in reaching him they had given up and had been able to borrow a copy from a newspaper and had had it photographed. He said further that the firm had proceeded in its report to the Commission to analyze rather extensively that portion which applied to them. The Chairman quoted further from the report as follows: "In conclusion, we again desire to state that we have taken each parcel transaction contained in the report *** and answered each one where it concerned this firm. We believe that it can readily be seen from the facts presented here that the report is misleading, falsely designed, and an entirely unworthy document. It should be noted that petty errors and matters of no consequence are not replied to in this answer, for the sake of brevity and to relieve unnecessary confusion. We have attempted to refute as simply as possible, only the substantial errors and false charges***. Any omitted details may be supplied by this firm, or obtained from the Commission's files." The Chairman said that he had mentioned the matter because other things associated with the report of the Auditor of State had been handled by newspapers whereas so far the report by Carpenter, Lehman, Dunlap and Free had not. He said that an additional reason for mentioning the matter was that at the press conference on September 22, 1954, he had released correspondence of the Executive

Director with the members of the firm so that it had been a duty incumbent upon him to mention the letter publicly at the meeting.

Mr. McKay said that he approved the Chairman's statement, that it had been very well done.

The Chairman said he wanted to mention that things like the Ohio Company's advertisement and letters the Commission had received from friends and associates indicating their confidence in its works had been a great satisfaction in the trying days.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the last meeting the following had been sent to all members:

1. Detail of investment transactions during September, 1954, mailed October 7, 1954.
2. Unaudited financial reports for the period ending September 30, 1954, mailed October 8, 1954.
3. Letter of recommendation concerning the award of Contract TA-1, mailed October 15, 1954.

The Assistant Secretary-Treasurer reported that income from investments through September 30, 1954, had been \$13,719,000 compared to the original estimate for the same period of \$6,198,000, or a gain of \$7,521,000.

The Comptroller reported that interviews with applicants for the position of toll collector had been held in Youngstown, Ohio on October 1, 2, 3, 9, and 10, 1954, and that from applicants interviewed there had been selected 36 toll collectors, 3 senior collectors, 1 district toll supervisor, 1 accountant, and 2 teller-clerks. He said that the previous Sunday all selected employees had been given a physical examination and had been fingerprinted and that those who were to be uniformed had been measured.

He said that six applicants had been eliminated on the physical examination. He said also that the accountant would start work November 1, 1954, spending the first three weeks in Columbus, and that the supervisor and three senior toll collectors would start work November 15, 1954, and would have one week of training on the job in Pennsylvania. He said that classroom training for all collectors would begin on November 22, 1954. He reported further that toll tickets and money bags had been ordered.

The Comptroller reported that work was going forward on the budget and that it was expected that it would be in the hands of the members in about ten days. He said that there would be two budgets; one for the last month of 1954 and one for all of 1955. He said that they would be preliminary budgets as required by Paragraph 505 of the Trust Agreement and that a resolution adopting the preliminary budgets would be prepared for the consideration of the Commission at its regular November meeting.

The Comptroller reported that careful consideration had been given to the selection of a depositary for tolls and that it was expected that the depositary selected would be used only until the whole road should be opened, or for approximately ten months. He said that a resolution had been prepared for the consideration of the Commission.

The Comptroller said that a very extensive character and credit investigation had been made on all applicants selected for employment and that reports had been received on the previous Wednesday.

The Chairman thanked the Assistant Secretary-Treasurer and Comptroller and said that his report was received.

Mr. Linzell reported that the joint committee of engineers representing the Commission and the Department of Highways had met and discussed the re-analysis and study of the two preliminary reports on proposed Ohio Turnpike Project No. 2 and had found several areas in which further inquiry should be made as to whether the preliminary reports had been thorough enough or whether there might be a difference of opinion as to some of the assumptions or methods used. He

said that a date had been arranged when three members of the committee would meet with the traffic consultants and engineering consultants in New York.

Mr. Teagarden suggested that some consideration be given to a study of taking the spur to Toledo from the main line at about Marion. He said that to do so would mean about thirty miles less road and more than thirty million dollars less in construction costs. He said that he thought that not much traffic would be lost since such a location would mean picking up considerable traffic because of going by way of Marion instead of going west of that city.

The Chairman thanked Mr. Linzell and said that his report was accepted as received.

The Executive Director presented for the consideration of the Commission forms of contract documents for restaurant concessions, known as Contracts TR-1, TR-2, and TR-3, and discussed briefly the changes that had been made in those documents since they had been originally sent to the members of the Commission on August 13, 1954.

Resolution No. 152-1954, approving, adopting, and ratifying forms of contract documents for Contracts TR-1, TR-2, and TR-3, was moved for adoption by Mr. McKay, seconded by Mr. Teagarden, as follows:

Resolution No. 152-1954

"WHEREAS there are before this meeting the forms of contract documents, to wit: Forms of notice to bidders, proposal, terms and conditions of bidding, affidavit, and contract for Contracts TR-1, TR-2, and TR-3, which, in general terms, are contracts for the operation of the restaurants to be located at the eight dual service plazas of Ohio Turnpike Project No. 1;

WHEREAS Contract TR-1 covers the restaurants in the dual service plazas at turnpike station 1076 in Mahoning County, turnpike station 598 in Portage County, and turnpike station 888 in Cuyahoga County, Contract TR-2 covers the restaurants in the dual service plazas at turnpike station 366 in Lorain County and turnpike station 962 in Sandusky County,

and Contract TR-3 covers the restaurants in the dual service plazas at turnpike station 146 in Sandusky County, turnpike station 32 in Lucas County, and turnpike station 1110 in Williams County;

WHEREAS the Commission's consulting engineer, chief engineer, and executive director have recommended that the term of the contract appearing in said documents be revised and that no bond be required of the successful bidders for any of said contracts; and

WHEREAS the Commission has duly and fully considered said documents and said recommendations;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby approves, adopts, and ratifies the forms of contract documents before it at this meeting for each of the aforesaid contracts, being for and in connection with contracts for the operation of restaurants to be located at the eight dual service plazas of Ohio Turnpike Project No. 1; provided that general counsel shall revise §4 of the form of contract so that the term of each said contract shall be ten years with an option on the part of the operator to renew said contract for a further five-year period; provided further that in accomplishing said revision general counsel shall include such provision for one year's written notice to the Commission as a prerequisite to the exercise of said option and such other conditions for the exercise of said option as he shall consider to be in the best interest of the Commission; and, provided further that general counsel shall effect such other modifications in the contract documents as shall be required or in his opinion desirable to adapt other requirements of said contract documents to the aforesaid change in term or to remedy resulting inconsistencies in the form thereof;

FURTHER RESOLVED that general counsel shall amend said contract documents so as to delete §27 as it now appears and to eliminate any requirement that the successful bidder for any of said contracts shall furnish a bond; and that any other changes which are in the nature of adding or changing headings, captions, and style of writing, or in the nature of filling in blank spaces, or correcting typographical, clerical, or

arithmetical errors, may be made upon the authorization of either the executive director, chief engineer, or general counsel;

FURTHER RESOLVED that the executive director and general counsel shall cause to be published advertisements of notices for the taking of bids for each of the aforesaid contracts, and that the executive director shall take and open bids for same and report the results thereof to the Commission; and

FURTHER RESOLVED that any addendum or addenda to the aforesaid contract documents which are by them deemed to be necessary or desirable may be issued by the executive director and general counsel."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: McKay, Teagarden, Linzell, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director submitted for the consideration of the Commission a resolution having to do with an amendment to the code of By-Laws dealing with vacation leaves. He said that the amendment provided for taking vacation leaves at periods designated or approved by department heads and he explained that the effect would be to permit some such leaves to be taken during the wintertime which would be helpful with respect to certain employees, particularly toll collectors. He said that the amendment also provided for vacation leaves for hourly rated employees.

Resolution No. 153-1954, amending Article VI, Section 3, of the Commission's Code of By-Laws, was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 153-1954

"WHEREAS the Commission deems it in the interest of greater efficiency in the functioning of the work of its staff to amend the code of bylaws, adopted by resolution No. 301-1953 and amended by resolution No. 4-1954, with respect to vacations:

NOW, THEREFORE, BE IT

RESOLVED that section 3 of article VI be and the same hereby is rescinded and the following section 3 is hereby substituted therefor:

Sec. 3. Vacations. Vacation leaves, with full pay, will be granted as follows:

Sec. 3.1. In order to minimize interference with the normal functioning of all departments, each employee's annual vacation leave shall be taken at such time or times as shall be designated or approved by his department head.

Sec. 3.2. Salaried employees who have been continuously employed by the commission 12 full months or more shall qualify on January first of each succeeding year for two calendar weeks vacation with pay during the ensuing year.

Sec.3.3. A salaried employee shall qualify for his first annual vacation on May 15 of the calendar year immediately following the year of his employment by the commission or at the expiration of his first 12 full months of continuous employment, whichever is the earlier. In the case of each salaried employee whose current period of continuous employment shall have commenced after May 15 of the preceding year, the number of work days of paid vacation shall be as follows:

<u>Began After Preceding</u>	<u>And Before Preceding</u>	<u>Work Days of Paid Vacation</u>
May 18	June 24	9
June 23	July 30	8
July 29	September 3	7
September 2	October 9	6

<u>Began After Preceding</u>	<u>And Before Preceding</u>	<u>Work Days of Paid Vacation</u>
October 8	November 14	5
November 13	December 19	4
December 18	January 24	3
January 23	March 1	2
Last day of February	April 5	1
April 4		0

Sec. 3.4. Each employee working on an hourly basis (hereinafter designated "hourly rated employee") shall qualify on January first of each year for vacation with pay during the ensuing year. Such employee shall be entitled to one work day of leave for each two hundred and eight hours of actual work and of paid leave taken during the preceding calendar year. The payment for each such work day of leave shall be computed by multiplying by eight the straight-time hourly rate paid the employee for the pay period immediately preceding his vacation.

Sec. 3.5. Any employee, whether he be salaried or hourly rated, who is entitled to one, two, three, or four work days of paid-vacation leave in any year may be permitted, by his department head, to take enough additional work days of leave without pay to make a total of five. Any such employee who is entitled to six, seven, eight, or nine work days of paid-vacation leave in any year may be permitted, by his department head, to take enough additional work days of leave without pay to make a total of ten.

Sec. 3.6. When a day observed as a holiday (as provided in this code of by-laws) falls on a work day during an employee's paid-vacation-leave period, he shall be entitled to an additional work day of such leave, either at the beginning or end of such period, as his department head shall prescribe, unless such employee would, under the terms of his contract of employment were he not then on vacation, have been required to work on said holiday in the regularly scheduled course of his employment, in which event he shall not be entitled to such additional leave.

Sec. 3.7. If at the date of termination of any period of continuous employment of any salaried employee he shall have had less than one work day of paid vacation during such period for each one and one-fifth month of such period, he shall be given terminal pay in lieu of vacation, at the rate of one work-day's pay for each one and one-fifth month for which he shall not have had a work day of vacation. If at the date of termination of any period of continuous employment of any hourly rated employee he shall have had less than one work day of paid vacation during such period for each two hundred and eight hours

of actual work and of paid leave taken during such period, he shall be given terminal pay in lieu of vacation, at the rate of one eight-hour work-day's pay for each two hundred and eight hours of such work and leave for which he shall not have had a work day of vacation. One work-day's pay, in the case of a salaried employee, shall be 4.61% of his monthly salary, and in the case of an hourly rated employee, shall be for an eight-hour day. For the purpose of determining the terminal pay of a salaried employee, a fractional day of one-half or greater shall be considered one full day and a fractional day of less than one-half shall be disregarded."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that only one bid had been received for furnishing central-office tabulating equipment for the Administration Building at Strongsville, Ohio. He said that that bid had been submitted by International Business Machines Corporation and was for rental of \$3,695.00 per month for some twenty-one pieces of equipment. He said that Peat, Marwick, Mitchell & Co., auditors for the Commission, had recommended the award and that he likewise recommended it.

Resolution No. 154-1954, awarding toll-audit Contract TA-1, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

Resolution No. 154-1954

"WHEREAS the Commission has duly advertised, according to law, for bids upon a contract for the furnishing, installation, and maintenance of toll-audit equipment comprising a toll-audit system, for a maximum period of ten years, for Ohio Turnpike Project No. 1, which contract is designated contract TA-1, and proof of said advertising is before the Commission;

WHEREAS the Commission has previously approved the contract documents for said contract by and in its resolution No. 141-1954;

WHEREAS one bid for the performance of said contract was received, and was duly opened and read, as provided in the published notice for bids, and said bid is before this meeting;

WHEREAS said bid has been analyzed by the Commission's executive director, comptroller, and Peat, Marwick, Mitchell & Co., accountants and auditors, the Commission's special consultants in this matter, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications with respect to the bidder and all potential bidders, and the bid of International Business Machines Corporation, a corporation formed under the laws of the state of New York, in the amount of \$3,695.00 per month for the rental of the toll-audit equipment, and, in the amount of \$1,208.00 for the sale of additional wiring panels required for the use of said equipment is, and is by the Commission determined to be, the lowest and best bid for the performance of the aforesaid contract; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the performance of said contract; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of International Business Machines Corporation, a corporation formed under the laws of the state of New York, in the amount of \$3,695.00 per month for the rental of the toll-audit equipment, and, in the amount of \$1,208.00 for the sale of additional wiring panels required for the use of said equipment be, and hereby it is, determined to be the lowest and best bid for the performance of contract TA-1, and is accepted; and that each of the chairman, the executive director, and the comptroller be, and each of them hereby is, authorized

(1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952 and meeting the requirements of said resolution, (2) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

Mr. McKay said that it was his understanding that although only one bid had been received, the specifications had been wide open to any company that provided auditing and mechanical equipment. The Chairman confirmed that understanding.

The General Counsel orally and by letter advised that in his opinion the bid of International Business Machines Corporation conformed to the requirements of the applicable statute, and to the terms, conditions, and specifications prescribed by the Commission; and that award might legally be made to it. Attached to his letter was proof of publication of notice of receipt of bids for Contract TA-1.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that bids had been received on October 21, 1954, from 17 different petroleum companies for contracts for the sale of petroleum products on Ohio Turnpike Project No. 1. He said that the bidding had been quite competitive but that it would take quite a bit of study and analysis before recommendations could be submitted to the Commission.

The Executive Director reported that construction of Project No. 1 was 55.67 per cent complete compared to 55.3

per cent scheduled. He reported that the Eastgate Section would be completed in time to be opened on December 1, 1954.

The Executive Director reported that additional construction costs showed an appreciable increase over that reported the previous month but that that was not surprising because it had been necessary to add several grade separations when certain county officials had refused to permit vacation of the roads involved. He said that the increase was still well within the amount of money which the Commission had in the way of a cushion to take care of any additional costs.

The Executive Director introduced to the Commission the new Personnel Administrator, Colonel Frank W. Forsythe. He said that the Personnel Administrator, the Comptroller, and the Insurance Administrator had done a splendid job in selecting personnel for toll collection operations on the Eastgate Section. He said that he had been connected with public bodies and quasi-public bodies such as the Commission for some years and that that was the first time he had known such an organization to select its employees with absolutely no consideration for politics or race. He said that of the 45 employees selected for the Eastgate Section, he had not the slightest idea as to whether they were Republicans or Democrats and that several colored persons had been employed as toll collectors. The Executive Director reported that a maintenance supervisor had been selected and that eventually he would have charge of approximately 60 miles of Turnpike. The Executive Director reported that six small trucks, snowplows, and cinder spreaders had been purchased for maintenance purposes.

The Executive Director said that although details concerning the policing of the Eastgate Section still remained to be worked out the Attorney General had advised the Director of Public Safety that it was the duty and responsibility of the State Highway Patrol to police the turnpike.

The Executive Director reported that the use and occupancy or loss-of-revenue policy as required by Paragraph 708 of the Trust Agreement had been awarded to the low bidder, the Henderson Insurance Agency, representing the Aetna Insurance Company of Hartford, at its low bid of five cents per hundred. He said that four quotations ranging from fifteen cents per hundred to five cents per hundred had been received.

He said that the policy would protect the Commission against any loss of revenue if the Eastgate Section should be suspended or the opening delayed due to the destruction of any already-constructed portion of the turnpike.

The Executive Director reported that there appeared to be very little support for the proposed speed limit of seventy miles per hour on Ohio Turnpike Project No. 1, particularly as it related to trucks. He said that a meeting had been held with representatives of the Ohio Trucking Association and of the Ohio State Automobile Association. He said that the Ohio Trucking Association had recommended a uniform rate of speed of fifty-five miles per hour for all vehicles and particularly for trucks for safety reasons and because of excessive maintenance costs involved in any higher speed for trucks. He said that the Ohio State Automobile Association had recommended the so-called "prima facie" regulation with regard to speed. The Executive Director said that the representatives of the Ohio Trucking Association had commented on the maximum load limit of twenty-one thousand pounds per axle proposed for the turnpike as compared with the maximum load limit of nine-thousand pounds per axle which the state permitted on state highways but that the representative did not and would not recommend that the Commission lower the twenty-one thousand pound limit. He said that the representatives thought that the remedy should be an increase in the load limits for public highways. The Executive Director said that the safety engineer for the National Safety Council had informally recommended a uniform speed rate of sixty-five miles per hour. He said that there was a uniform rate of speed of sixty miles per hour for both trucks and passenger cars on the New Jersey Turnpike and that on the Pennsylvania Turnpike there was a rate of seventy miles per hour for passenger vehicles and fifty miles per hour for trucks on the eastern half and a rate of sixty miles per hour for automobiles and forty-five miles per hour for trucks on the western half. He said that the speed limits on the New York Thruway were sixty miles per hour for automobiles and fifty miles per hour for trucks.

The Executive Director said that the Consulting Engineer and staff engineers of the Commission recommended to the Commission that it establish rates of speed of sixty-five miles

per hour for passenger vehicles and fifty-five miles per hour trucks. He said that it had not been thought advisable to impose a higher speed rate for trucks than the trucking industry representatives thought proper and also that it had been felt that fifty-five miles per hour was too low a maximum rate of speed for passenger vehicles. He pointed out that the Eastgate Section could be regarded as a sort of proving ground and that changes in the rules and regulations for the entire Turnpike could be made later. Mr. McKay said that he was in complete agreement with the speed recommendation.

Mr. Allen at that point remarked that in comparing the cents per gallon that the Commission possibly would collect on the sale of gasoline, that it should be borne in mind that it was on the advice of the petroleum industry and in the best judgment of the Commission that the principle of competition had been recognized on the Ohio Turnpike. He said that it had been recognized at the time that that principle had been adopted that if the bidding had been so established that some one oil company could obtain a fuel concession over the entire turnpike, such a company might bid higher with the idea that a certain amount might be charged to advertising. He said that the Commission had recognized that it might pay a small price for competition but that it had felt that it was worthwhile to give the public that travelled over the turnpike a chance to buy the kind of gasoline it liked or at least to have a choice of gasoline.

Mr. Teagarden said that he thought that lowering the speed limit for trucks to fifty-five miles per hour was a very wise move and that it should add to the life of the trucks.

Mr. McKay said that it had long been his opinion that the unit price bid per gallon for the gasoline service station concession contracts in either Indiana or New York was not typical of Ohio because of the sharper competitive market and the greater narrowness of spread that existed in Ohio.

Resolution No. 155-1954, adopting rules and regulations with respect to vehicles upon the Turnpike, was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

Resolution No. 155-1954

WHEREAS the Commission is authorized and empowered, by law, to adopt such rules and regulations as it may deem advisable for the control and regulation of traffic on the turnpike, for the protection and preservation of property under its jurisdiction and control, and for the maintenance and preservation of good order within the property under its control, and is further authorized and empowered to do all things necessary or proper to carry out the powers granted to it in the legislative act by which it was created; and

WHEREAS the Commission deems it advisable, necessary, and proper, and in its own and the public interest, to provide rules and regulations for the control and regulation of traffic, the protection and preservation of property, and the maintenance and preservation of good order on Ohio Turnpike Project No. 1;

NOW, THEREFORE, BE IT

RESOLVED that the following rules and regulations are hereby determined to be proper, necessary, advisable, and reasonable for the control and regulation of traffic on Ohio Turnpike Project No. 1, for the protection and preservation of property under the jurisdiction and control of the Commission, and for the maintenance and preservation of good order within the property under its control, and that the same be, and they hereby are, adopted to be effective on and after December 1, 1954;

OHIO TURNPIKE COMMISSION

Ohio Turnpike Project No. 1

RULES AND REGULATIONS
FOR THE
CONTROL AND REGULATION OF TRAFFIC

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OHIO TURNPIKE COMMISSION

Ohio Turnpike Project No. 1

RULES AND REGULATIONS FOR THE CONTROL AND REGULATION OF TRAFFIC

§1 - Definitions

§1.1. "Commission" means the Ohio Turnpike Commission.

§1.2 "Turnpike" means all traffic lanes, acceleration lanes, deceleration lanes, shoulders, medial strip, bridges, overpasses, underpasses, interchanges, approaches, entrance and exit ramps, toll plazas, service plazas, maintenance areas, and any and all other area or areas adjacent thereto under the control or jurisdiction of the commission and comprising a part of Ohio Turnpike Project No. 1.

§1.3. "Traffic lanes" are the four continuous cement-concrete traffic lanes (each for a single line of vehicles) extending between the eastern and western termini of the turnpike. These four traffic lanes are in two pairs, which pairs are separated by the medial strip. The pair which lies generally to the north of the medial strip is for westbound traffic, and the pair which lies generally to the south of the medial strip is for eastbound traffic. The lanes immediately adjacent to the medial strip are denominated "inner" lanes. The lanes immediately adjacent to and beyond the inner lane are denominated "outer" lanes.

§1.4. "Deceleration lanes" and "acceleration lanes" are speed-change lanes provided for vehicles entering and leaving service plazas or interchanges, respectively, and are adjacent to the outer traffic lanes.

§1.5. "Shoulders" are the bituminous-macadam paved strips adjoining the inner and outer traffic lanes, respectively, acceleration and deceleration lanes, and interchange ramps.

§1.6. "Medial strip" means the area, including paved shoulders and grassed strip, between the inner traffic lane for westbound traffic and the inner traffic lane for eastbound traffic.

§1.7. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a highway except devices other than bicycles moved by human power.

§1.8. "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power except equipment used in construction work or agricultural work and not designed for or employed in general highway transportation.

§1.9. "Motorcycle" means every motor vehicle other than a tractor, bicycle, or motor scooter which has a saddle for the use of the operator and is constructed to travel on not more than three wheels in contact with the ground.

§1.10. "Emergency vehicle" means ambulance, garage-service vehicle, garage towing and wrecking trucks, fire-department, and police vehicles, and other motor vehicles when used by volunteer firemen responding to emergency calls and when

identified as such as required by law.

§1.11. "Bicycle" means a two-wheeled vehicle other than a scooter or motorcycle which is propelled by human power or by motor.

§1.12. "Scooter" means a two-wheeled vehicle, propelled by human power or by motor, with a footboard or tread between the wheels.

§1.13. "Truck" means every motor vehicle, except trailers and semi-trailers, designed and used to carry property.

§1.14. "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle.

§1.15. "Semi-trailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

§1.16. "Commercial tractor" means every motor vehicle having motive power and designed or used for drawing other vehicles and not so constructed as to carry any load thereon except a part of the weight of a semi-trailer, or of its load, or both.

§1.17. "Bus" means every motor vehicle designed for carrying more than nine passengers and used for transportation of persons.

§1.18. "Pedestrian" means any natural person afoot.

§1.19. "Operator" means every person who drives, operates, or is in actual physical control of a motor vehicle.

§1.20. "Police officer" means every person authorized to direct, control, or regulate traffic, or to make arrests for violations of traffic regulations, on the turnpike.

§1.21 "Public police officer" means any one of those public police officers referred to in §5537.16 of the Revised Code of Ohio.

§1.22. "Person" means every natural person, firm, or corporation.

§2.1. Compliance with Orders.

No person shall fail to comply with any lawful order or direction of any police officer.

§2.2. Compliance with Signs and Signals.

No person shall fail to comply with any traffic-control sign or signal, unless otherwise directed by a police officer.

§2.3. Speed Regulations.

No person shall operate a motor vehicle upon the turnpike at a speed greater or less than is reasonable or proper, having due regard for the weather, traffic, surface, and any other conditions, and no person shall operate any motor vehicle upon the turnpike at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

No person shall operate a truck, trailer, semi-trailer, or commercial tractor upon the turnpike at a speed in excess of 55 miles per hour. No person shall operate any other motor vehicle upon the turnpike at a speed in excess of 65 miles per hour.

No person shall operate a motor vehicle at a speed in excess of 30 miles per hour on any interchange.

No person shall operate a motor vehicle at a speed in excess of 20 miles per hour within any service plaza.

Wherever a speed limit is posted, no person shall operate a motor vehicle within the posted area in excess of such posted speed limit.

No person shall operate a motor vehicle on the turnpike at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when such reduced speed is necessary for safe operation or when ordered to do so by a police officer.

§2.4. Vehicle Operation.

No person shall operate a motor vehicle on the turnpike unless such person is duly licensed in accordance with law.

No person shall operate a motor vehicle on the turnpike unless such vehicle is registered in accordance with law.

No person who is under the influence of intoxicating liquor, narcotic drugs, or opiates shall operate or be in actual physical control of a vehicle on the turnpike.

No person shall operate a motor vehicle on the turnpike without due regard for the safety and rights of others, so as to endanger the life, limb, or property of any person.

§2.5. One-way Traffic.

All traffic lanes, deceleration lanes, acceleration lanes, entrance and exit ramps, shoulders, and other travelways on the turnpike are hereby designated as one-way lanes.

No person shall operate any vehicle, or otherwise cause it to move, on any traffic lane in any direction other than forward and generally parallel to, and to the right of, the medial strip.

§2.6. Entering Traffic Lanes.

Upon entering a traffic lane from a service plaza, interchange, shoulder, or entrance ramp, the operator of a motor vehicle shall use the acceleration lane or shoulder and he shall enter the outer lane with caution so as not to interfere with or endanger traffic. The operator of a vehicle entering a traffic lane shall yield the right of way to vehicles already on the dual traffic lanes.

§2.7. Space Between Moving Vehicles.

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic upon and the condition of the surface of the turnpike, visibility, and all other conditions.

§2.8. Stopping or Suddenly Decreasing Speed.

No operator of a motor vehicle shall stop or suddenly decrease the speed of the vehicle without first giving a clearly visible and conventional signal to the traffic immediately to the rear.

§2.9. Keep Right -- Pass on Left.

The operator of a motor vehicle shall drive in the outer lane of the dual traffic lanes in the designated direction for traffic, except when lawfully crossing from one lane to another. The operator of a motor vehicle shall use the inner lane of the dual traffic lanes for passing only.

§2.10. Overtaking a Vehicle.

The operator of a motor vehicle overtaking another vehicle shall signal to the vehicle to be overtaken and shall also signal to any vehicles to the rear in sufficient time in advance of the movement indicated to give ample warning to other users of the turnpike who would or might be affected by such movement. Upon ascertaining that such movement can be made with safety, the operator may gradually cross over to the inner traffic lane, avoiding a sudden left turn, and pass the overtaken vehicle at a safe distance to the left thereof, whereupon he shall return to the outer traffic lane, but not until safely clear of the overtaken vehicle.

§2.11. Crossing Medial Strip Prohibited.

No operator of a motor vehicle shall drive his vehicle across or upon the medial strip, except as provided in §2.14 hereof. Notwithstanding the foregoing, the operator of an emergency vehicle may cross the medial strip at designated crossovers, but in so doing shall use caution so as not to interfere with or endanger traffic. The use of designated crossover areas is prohibited to all except emergency vehicles.

§2.12. No U-turns.

No person operating a motor vehicle shall make a U-turn at any point on the turnpike, except as directed to do so by a police officer or as emergency vehicles are permitted to do so by §2.11 hereof.

§2.13. No Passing on Deceleration Lanes, Acceleration Lanes, and Interchange Ramps.

No operator of a motor vehicle, while on a deceleration lane, ?

or interchange ramp, shall overtake and pass another vehicle which is in motion thereon, or attempt to do so.

§2.14. No Driving on Shoulders.

No person shall operate a motor vehicle on the shoulders except in the case of an emergency or when so directed by a police officer.

This section does not preclude the use of the outer shoulder for emergency stopping, parking, or standing as provided in §2.15 herein.

§2.15. Stopping, Parking, or Standing of Vehicles.

No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the traffic lanes, acceleration lanes, deceleration lanes, bridges, entrance or exit ramps, medial strip, or at any place where a "No Parking" sign is posted. In case of an emergency, but not otherwise, a motor vehicle may be stopped and parked on the shoulder⁴ adjacent to the outer traffic lane in the designated direction of traffic, provided that all wheels and projecting parts of the vehicle, or its load, shall be completely clear of the traffic lanes.

§2.16. Impounding of Vehicles.

Any vehicle which is illegally parked or abandoned on any portion of the turnpike shall be towed off the turnpike and impounded. Such vehicle may not be removed from the place where it is impounded until after payment for towing, storage, and other costs and charges has been made.

§2.17. Stops at Toll Booths.

The operator of a motor vehicle shall make a complete stop at toll plazas when entering or leaving the turnpike.

§2.18. Lights Required.

Each vehicle upon the turnpike during the time from one hour after sunset to one hour before sunrise and at any other time when there is not sufficient natural light to render discernible vehicles and substantial objects on the turnpike at a distance of 600 feet ahead shall display such lighted lights and illuminating devices as

are prescribed by the Revised Code of Ohio, the regulations of the Interstate Commerce Commission and of the Public Utilities Commission of Ohio for such class of vehicle.

§2.19. Traffic-control Signals.

All traffic approaching traffic-control signals exhibiting colored lights shall comply with the signals of the lights indicating the following:

- (a) Green light -- indicates that the traffic lane over which the light is displayed is open to traffic.
- (b) Red light -- indicates that the traffic lane over which the light is displayed is closed to traffic.
- (c) Flashing yellow light -- indicates that all traffic shall reduce speed and proceed with caution and in compliance with all supplemental and related traffic signs.
- (d) Flashing red light -- indicates a barrier beyond which no traffic is permitted.

§2.20. Accidents.

In addition to the requirements of the Ohio Financial Responsibility Law and of any other applicable law, in case of an accident to or collision with persons or property upon the turnpike, due to the operation thereon of any motor vehicle, the person operating such motor vehicle, having knowledge of such accident or collision, shall stop and, upon request of the person injured or any other person, shall give such person his name and address and, if he is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and shall also report such accident to a police officer or to commission personnel at the nearest toll plaza in the direction in which he is travelling.

§2.21. Public Police Officers.

To the extent that the proper discharge of official duties or the meeting of an emergency so requires, the provisions of §§2.2, 2.3, 2.7, 2.9, 2.10, 2.11, 2.12, 2.13, 2.15, 2.17, 2.19 hereof shall not apply to any public police officer (other than those authorized to regulate and control traffic on the turnpike) who, while in

the performance of his official duties, is in hot pursuit of any suspected offender under any criminal statute of the state of Ohio; to any public police officer authorized to control and regulate traffic on the turnpike while in the performance of his official duties; or to any emergency vehicle while under the escort of a public police officer authorized to control and regulate traffic on the turnpike and acting in compliance with the direction of said escort. The foregoing shall apply only when such public police officer or operator of a motor vehicle is sounding an audible signal by bell, siren, or exhaust whistle, and is showing a signal, by means of flashing lights, that is clearly visible within a distance of five hundred feet to the front and to the rear of his vehicle. Nothing herein contained shall relieve any public police officer operating a motor vehicle on the turnpike or the operator of any emergency vehicle thereon from the duty to drive with the highest degree of care for the safety of others which is compatible, under all attending circumstances, with the proper discharge of his duties.

§3 - Limitations on Use of the Turnpike

§3.1. Use of the Turnpike Prohibited.

The following shall not be permitted to travel on the turnpike:

- (a) Pedestrians.
- (b) Bicycles and scooters.
- (c) Vehicles drawn by animals.
- (d) Animals led, ridden, or driven on the hood.
- (e) Vehicles transportating animals or poultry not properly secured or confined.
- (f) Self-propelled or towed construction, agricultural, or other similar equipment not designed for or employed in general highway transportation.
- (g) Vehicles with improperly secured loads.

- (h) Vehicles with metal tires, solid tires, or deflated pneumatic tires and vehicles with caterpillar treads, except by special permit issued by the commission's executive director.
- (i) Such vehicles as, in the opinion of a commission toll collector or collectors or any police officer, are deemed to be unsafe or to be such as to create a hazard upon the turnpike.
- (j) Vehicles, including any loads thereon, which exceed the following maximum dimensions:

Width - 8' - 0",

Height - 13' - 6",

Length - 35' - 0" for single units except passenger bus with three or more axles,

Length - 45' - 0" for passenger bus with three or more axles, and commercial tractor and semi-trailer combinations,

Length - 60' - 0" for any other combination of vehicles coupled together,

provided, however, that the operator or operators of any such vehicle or vehicles may make written application to the commission's executive director for permission to enter and travel upon the turnpike and the commission's executive director may, in his discretion, grant such permission, in writing, upon such terms as he may prescribe.

- (k) Vehicles exceeding allowable axle load or gross weight as determined by automatic toll equipment as follows:

(1) Maximum axle load - 21,000 lbs.,

(2) Maximum gross weight - 90,000 lbs.,

provided, however, that the operator or operators of any such vehicle or vehicles may make written application to the commission's

executive director for permission to enter and travel upon the turnpike and the commission's executive director may, in his discretion, grant such permission, in writing, upon such terms as he may prescribe.

- (1) Vehicles transporting explosives of such kind or in the quantity for which the regulations of the Interstate Commerce Commission or the statutes of the state of Ohio prescribe that there be displayed by said vehicles or the operators thereof warning or identifying flags and signs, such as "Explosives," "Danger," or like sign, provided, however, that the operator or operators of any such vehicle or vehicles may make written application to the commission's executive director for permission to enter and travel upon the turnpike and the commission's executive director may, in his discretion, grant such permission, in writing, upon such terms as he may prescribe.

§3.2 Hitchhiking.

The solicitation of a ride, commonly known as "hitchhiking," is hereby prohibited on the turnpike. No person shall loiter in or about the toll plazas or any other portion of the turnpike for the purpose of "hitchhiking" or for any other purpose.

§3.3. Commercial Activity.

No person shall offer or display goods or services for sale or post, distribute, or display signs, advertisements, circulars, written or printed matter, or operate mobile or stationary public-address equipment unless the commission shall have granted permission therefor, provided, however, that this regulation shall not apply to the display of customary warning, identifying, advertising, or like signs on a vehicle ordinarily and customarily carrying such signs.

§4 - Tolls

§4.1. Payment of Toll.

Every operator of a vehicle using the turnpike shall, upon leaving the turnpike, pay the toll prescribed by the commission, except when such use shall have been exempted from such payment by the commission.

§4.2. Evasion of Toll.

No operator of a motor vehicle shall enter or leave the turnpike except through the toll-plaza lanes (except in case of an emergency, and in such case such entrance or exit may be made only under the control and supervision of a police officer) or commit any act with intent to defraud or evade payment of toll.

§4.3. Loss of Toll Ticket.

The operator of a motor vehicle who, for any reason, does not have a toll ticket upon reaching the exit toll plaza at which he seeks to leave the turnpike shall be charged a toll for the applicable motor-vehicle classification from the most distant toll plaza on the turnpike.

§4.4 Exit of Vehicle at Point of Entry.

The operator of a motor vehicle on the turnpike who presents a toll ticket for payment at the same toll plaza at which such toll ticket was issued shall be charged the toll for the appropriate vehicle classification from the most distant toll plaza on the turnpike.

§4.5. Public Police Officers.

Public police officers, while in the performance of their official duties, shall be afforded ready access to the turnpike without the payment of tolls.

§5 - Protection of Property

§5.1. Damage to Property.

No person shall cut, mutilate, or remove any trees, shrubs, or plants, or deface, damage, mutilate, remove, destroy, or otherwise damage any sign, delineator, structure, fence, or any other property or equipment owned by or under the jurisdiction or control of the commission.

§5.2. Injurious Material, Waste, and Rubbish.

No person shall place or knowingly drop upon the turnpike any article which may damage or injure any person

or property in or upon the turnpike, or dispose of bottles, cans, paper, garbage, rubbish, or other waste material of any kind or description at any place upon the turnpike except at places designated therefor within service plazas.

§6 - Penalties

§6.1 Penalties.

Whoever violates these rules and regulations is punishable, under §5537.99 (A) of the Revised Code of Ohio, by a fine of not more than \$50.00 for a first offense; and a fine of not more than \$500.00 for each subsequent offense.

AND, FURTHER RESOLVED, that general counsel shall cause the foregoing rules and regulations and a statement of their effective date to be published, not later than November 1, 1954, in a newspaper of general circulation in Franklin County, Ohio; that he shall, forthwith, file a certified copy of said rules and regulations in the office of the Secretary of State of the State of Ohio; that he shall mail a copy of said rules and regulations to the Department of Highway Safety of the State of Ohio; and that he may cause to be given such additional notice of them and in such manner as he may deem advisable.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, Teagarden, Linzell, McKay, Shocknessy.

Nays: None.

Mr. Linzell explained his vote before voting. He said that he intended to vote for the resolution but that his vote could not be construed as being an implied approval that a twenty-one thousand pound axle load would be suitable for the state highways of Ohio. He said further that by far the greatest percentage of Ohio highways had been designed many years previous and that

the design had not anticipated any axle loads comparable with what they were receiving in 1954 and that the design certainly did not anticipate twenty-one thousand pound axle loads. He said that, therefore, although he would vote yes on the resolution he was not bound by that vote ever to approve a twenty-one thousand pound axle load for state highways. The Chairman said that he was glad that Mr. Linzell had differentiated with respect to the load limits because it might have been misunderstood and that the turnpike had been constructed with loads and speeds in mind whereas the highways that Mr. Linzell had spoken about had not.

The Chairman declared the resolution adopted.

The Comptroller presented to the Commission for its consideration a resolution having to do with the designation of a depository for the Eastgate Section. At the same time he submitted to the Commission his letter of recommendation. Mr. Keller, representing the Trustee, said that the Trustee consented and agreed to the resolution. At the suggestion of the Chairman, the Comptroller read his letter of recommendation as follows:

"October 22, 1954

TO:	James W. Shocknessy O. L. Teagarden A. J. Allen J. Gordon McKay S. O. Linzell
FROM	Comptroller
SUBJECT	Selection of Depository for the Eastgate Section.

Having in mind the desirability of a depository as close as practicable to Maintenance Building #1, I invited applications from the two closest banks. These were The Farmers National Bank of Canfield, Ohio and the Mahoning National Bank with a branch on Route 224 just off Route 7. An application was received from each such bank.

I have consulted with the Trustee with respect to these two applications and have been advised by the Trustee that they consider the application of The Farmers National Bank of Canfield, Ohio to be a good one for the Commission and completely satisfactory to the Trustee. This bank has a combined capital and surplus of more than double the amount of money which will be on deposit at any one time.

Based on my own analysis of these two applications, as well as my conversations with the Trustee, I recommend the acceptance of the application of The Farmers National Bank and that this bank be selected as a depository for all tolls and other revenue arising from the operation of the Eastgate Section for the time until the whole road is opened to traffic.

/s/ John Soller.

cc: The Ohio National Bank"

Mr. McKay said that he understood that a designation of a depository as provided by the resolution was not establishing precedent, that it constituted an emergency action with respect to the Eastgate Section and did not apply to revenue from the entire turnpike. The Assistant Secretary-Treasurer said that he believed that when the whole road should be opened it would not be economical to drop off at Canfield, Ohio, to make a deposit, that if a pick up should be started at the Pennsylvania line it should go further west before the collectors would leave the turnpike to make a deposit. He said that he had tried to make it specific to the two applicants for designation as depository that the designation would be for only ten months. Mr. McKay said that he could not understand why any business organization would be willing to wrap up all the coin and change and do everything else required for a minimum balance of \$25,000. The Assistant Secretary-Treasurer said that that was why it was considered a very good proposition.

Resolution No. 156-1954, designating a depository for tolls and other revenues derived from the operation of the Eastgate Section of Ohio Turnpike Project No. 1, was moved for adoption by Mr. McKay, seconded by Mr. Linzell, as follows:

Resolution No. 156-1954

"WHEREAS §503 of the trust agreement, dated June 1, 1952, between the Ohio Turnpike Commission and The Ohio National Bank of Columbus as trustee, and The National City Bank of New York as co-trustee, requires that the tolls and other revenues arising from the operation of the turnpike be "collected by the Commission and deposited daily, as far as practicable, in the name of the Trustee with the Depositary or Depositaries to the credit of the Revenue Fund;"

WHEREAS a "Depositary" is defined by §101 of the trust agreement as "any bank or trust company selected by the Commission as a depositary of moneys under the provisions of this Agreement, which may include the Trustee and the Co-Trustee;" and

WHEREAS the Commission, pursuant to said agreement, desires to select a depositary for the tolls and other revenues arising from the operation of the Eastgate Section of Ohio Turnpike Project No. 1;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, having duly and fully considered the matter, finds that The Farmers National Bank, of Canfield, Ohio, is, by reason of location and other relevant factors, best suited to serve the purposes of the Commission as depositary for the tolls and other revenues arising from the operation of the Eastgate Section of Ohio Turnpike Project No. 1;

FURTHER RESOLVED that said The Farmers National Bank be, and it hereby is, designated as such depositary, to serve from December 1, 1954, until further order of the Commission, provided it shall have satisfied all applicable provisions of §601 of the trust agreement aforesaid; and

FURTHER RESOLVED that the Commission's comptroller be, and he hereby is, instructed to deposit or cause to be deposited, daily as far as practicable, with said depositary, to the credit of The Ohio National Bank of Columbus as trustee, in accordance with the provisions of the trust agreement aforesaid, all tolls and other revenues arising from the operation of said Eastgate Section."

A vote by ayes and nays was taken and all members

responded to roll call. The vote was as follows:

Ayes: McKay, Linzell, Teagarden, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel presented to the Commission the written recommendations of the Chief Engineer and the General Counsel that resolution No. 52-1954 be rescinded.

Resolution No. 157-1954, rescinding condemnation Resolution No. 52-1954, was moved for adoption by Mr. Linzell, seconded by Mr. McKay, as follows:

"WHEREAS the Commission on March 9, 1954, adopted resolution No. 52-1954 which, among other things, directed the appropriation of certain property of Charles D. Roberts et al. known as parcel No. 161-D(1); and

WHEREAS the Commission is advised by its chief engineer that due to a further refinement of the construction plans for Ohio Turnpike Project No. 1, it is not necessary to acquire such property; and

NOW, THEREFORE, BE IT

RESOLVED that resolution No. 52-1954, adopted March 9, 1954; be, and the same hereby is, rescinded; and

FURTHER RESOLVED that General Counsel be, and he hereby is, instructed to do or cause to be done all things that may be necessary to dismiss the pending appropriation proceedings in the Common Pleas Court of Portage County in connection with said parcel No. 161-D(1)."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Linzell, McKay, Allen, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The General Counsel presented to the Commission the written statement of the Chief of the Right-of-Way Section with respect to the unsuccessful efforts of the Commission's negotiators to reach agreement with respect to the amounts to be paid by the Commission for certain parcels of land and his recommendation that such properties be appropriated; also, the written statement of the Chief Engineer that the acquisition of this property was necessary for the construction of Ohio Turnpike Project No. 1; a written statement of the concurrence of the Executive Director in the recommendations of the Chief Engineer and the Chief of the Right-of-Way Section; and the General Counsel's written recommendation that title be acquired as and to the extent set forth in the forms of resolutions presented to the Commission by the General Counsel.

Resolutions Nos. 158-1954 and 159-1954, declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted, were moved for adoption respectively by Mr. Linzell, seconded respectively by Mr. McKay, as follows:

Resolution No. 158-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, and the rights hereinafter described, from the following-named owner or owners and persons having interests therein, to wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
George E. Roberts	Beard Road New Springfield, Ohio
Ilo W. Roberts	Beard Road New Springfield, Ohio
The East Palestine Building and Loan Association	East Palestine, Ohio
The Natural Gas Company of West Virginia	Pittsburgh, Pennsylvania
Galen Seeger	R. D. #1 New Springfield, Ohio
County Auditor of Mahoning County	Mahoning County Court House, Youngstown, Ohio
County Treasurer of Mahoning County	Mahoning County Court House, Youngstown, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 195-A - 196-G(6) --
Fee Simple.

Situated in the Township of Springfield, County of Mahoning and State of Ohio and known as being part of Original Springfield Township Section No. 21 and bounded as follows:

Southerly and Easterly by the Southerly and Easterly lines of land conveyed to George E. Roberts and Ilo W. Roberts, by deed dated June 9, 1950, and recorded in Volume 642, Page 187 of Mahoning County Deed Records, Westerly by the Easterly line of Beard Road, 60 feet wide, and Northerly by the following described line, beginning on the Easterly line of Beard Road, 60 feet wide, at a point distant 45 feet Northerly of, measured at right angles to, the hereinafter described Line "A"; thence Easterly in a direct line to a point distant 40 feet Northerly of, measured on a line normal to, said Line "A" from a point therein distant 700 feet Easterly from the center line of Beard Road; thence Easterly to a point distant 35 feet Northerly of, measured at right angles to, said Line "A" from a point therein distant 900 feet Easterly

from the center line of Beard Road; thence Easterly to a point distant 30 feet Northerly of, measured at right angles to, said Line "A" from a point therein distant 1000 feet Easterly from the center line of Beard Road; thence Easterly and parallel with said Line "A" to the Easterly line of land conveyed to George E. Roberts and Ilo W. Roberts as aforesaid.

Line "A" above referred to is described as follows:

Beginning on the center line of Beard Road at a point therein distant South 1° 35' 59" East, 1756.04 feet measured along said center line from its intersection with the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 33, Page 24 of Mahoning County Map Records; thence North 89° 51' 34" East 569.38 feet to a point of curve; thence Easterly on a curved line deflecting to the left an arc distance of 261.86 feet to a point of tangency, said curve having a radius of 5729.58 feet and a chord bearing North 88° 33' 00" East 261.81 feet; thence North 87° 14' 27" East to the Westerly line of land conveyed to Rok Safarek by deed dated March 24, 1925, and recorded in Volume 329, Page 286 of Mahoning County Deed Records.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcel described above."

Resolution No. 159-1954

"RESOLVED that the Commission has endeavored for a reasonable time to agree with the owner or owners of the property described herein as to the compensation to be paid therefor, but has been unable to agree with said owner or owners, and said property is needed for the construction and

efficient operation of the Ohio Turnpike Project No. 1, and

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the following-described property, and the rights hereinafter described, from the following-named owner or owners and persons having interests therein, to wit:

<u>Owner(s)</u>	<u>Place of Residence</u>
Homer Matzinger	R. F. D. #3 Swanton, Ohio
Lottie E. Matzinger	R. F. D. #3 Swanton, Ohio
Ferne Eckley Knierim, Formerly Ferne Eckley	R. F. D. #3 Swanton, Ohio
Frank Knierim	R. F. D. #3 Swanton, Ohio
Verna Matzinger	R. F. D. #3 Swanton, Ohio
County Auditor of Lucas County	Lucas County Court House Toledo, Ohio
County Treasurer of Lucas County	Lucas County Court House Toledo, Ohio

The aforementioned property to be appropriated is described as follows:

Parcel No. 40-B-41-G(3)--Fee Simple

Situated in the Township of Swanton, County of Lucas and State of Ohio, and known as being part of Original Swanton Township Section No. 6, Town 7 North, Range 9 East and bounded and described as follows:

Beginning on the center line of Shaffer Road at the Northwestern corner of the Northeasterly Quarter of said Section No. 6; thence Easterly along the center line of Shaffer Road 100 feet; thence Southerly parallel with the Westerly line of the Northeasterly quarter of said Section No. 6 to the intersection with a line drawn parallel to and distant 710 feet Northerly of, measured at right angles to, the center line of Ohio Turnpike Project No. 1, as shown by plats recorded in Volume 48, Pages 102 and 103 of Lucas County Map Records; thence Easterly along said parallel line to the intersection with a line drawn Northerly at right angles to said Turnpike center line from Station 35+75; thence Southerly along said right angle line 490 feet; thence Southeasterly to a point distant 150 feet Northerly of and opposite Station 36+48 on said Turnpike center line; thence Easterly and parallel with said Turnpike center line to the Easterly line of the Westerly 40 acres of the North Half of the Northeast Quarter of said Section No. 6; thence Southerly along the Easterly line of said 40 acre parcel to its intersection with a line drawn parallel to and distant 125 feet Northerly of, measured at right angles to, said Turnpike center line; thence Westerly along said parallel line to the Westerly line of the Northeast Quarter of said Section No. 6; thence Northerly along said Quarter Section line to the place of beginning.

Parcel No. 40-B-41-(G)(4) -- Permanent Easement for
Drainage Purposes.

Situated in the Township of Swanton, County of Lucas and State of Ohio, and known as being part of Original Swanton Township Section No. 6, Town 7 North, Range 9 East and bounded and described as follows:

Beginning on a line drawn parallel to and distant 150 feet Northerly of, measured at right angles to, the center line of Ohio Turnpike Project No. 1, as shown by plat recorded in Volume 48, Page 103 of Lucas County Map Records at its intersection with a "straight line" drawn from a point distant 125 feet Northerly of and opposite Station 38+32 on said Turnpike center line to a point distant 340 feet Northerly of and opposite Station 37+30; thence Northwesterly along said "straight line" to its intersection with a line drawn parallel to and distant 270 feet Northerly of, measured at right angles to, said Turnpike center line; thence Westerly along said

parallel line to a point opposite Station 36+40 on said Turnpike center line; thence Southwesterly to a point distant 220 feet Northerly of and opposite Station 35+75 on said Turnpike center line; thence Southeasterly to a point distant 150 feet Northerly of and opposite Station 36+48 on said Turnpike center line; thence Easterly parallel with said Turnpike center line to the place of beginning.

The aforementioned rights to be appropriated are as follows:

Any and all abutters' rights, including access rights, appurtenant to any remaining portion of the lands of said owner or owners of which the above-described real estate shall have formed a part prior hereto, in, over, or to the parcel No. 40-B-41-G(3) described above."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Linzell, McKay, Allen, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolutions adopted.

Mr. McKay inquired of the Chief Engineer whether the Jennings Road matter in Cuyahoga County was getting cleaned up. The Chief Engineer said that there had been a redesign and that the matter was being cleaned up. Mr. McKay said that that was good.

Resolution No. 160-1954, ratifying actions of administrative officers, was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

Resolution No. 160-1954

"WHEREAS the executive director, deputy executive director, executive assistant, chief engineer, general counsel, assistant secretary-treasurer, comptroller, chief of the right-of-way section, and director of information and research of the Commission have, by various written and oral communications,

fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting and the Commission has duly reviewed and considered the same;

NOW, THEREFORE, BE IT

RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on September 17, 1954 are hereby ratified, approved, and confirmed."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chairman said to Mr. Herschel C. Atkinson, Jr., of the Ohio Trucking Association, who was in the audience, that the Commission was grateful for all of the assistance that it had had from his organization and that the Commission hoped that the resolution it had adopted embodying the rules and regulations would be adequate. He assured Mr. Atkinson and all others similarly interested that if the regulations should need any adjustment later, it would be done.

There being no further business to come before the Commission, a motion was made by Mr. Teagarden, seconded by Mr. Allen, that the meeting adjourn subject to call of the Chairman.


A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 1:05 o'clock P. M.

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



A. J. Allen, Secretary-Treasurer