

MINUTES OF THE ONE HUNDRED THIRD MEETING
DECEMBER 22, 1955

Pursuant to bylaws, the Ohio Turnpike Commission met in regular session in its offices at 139 East Gay Street in Columbus, Ohio, at 11:15 A. M. on December 22, 1955, 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: Linzell, Teagarden, Beightler, Allen, Shocknessy.

Absent: None.

The Chairman declared that a quorum was present.

The Chairman said that with the agreement of the Commission he was going to change the order of business, so the Secretary-Treasurer would make his report first.

The Assistant Secretary-Treasurer, reporting for the Secretary-Treasurer, said that since the last previous meeting the following had been sent to all members:

1. Detail of investment transactions during November, 1955.
2. Monthly toll traffic and toll revenue report for November, 1955.
3. Unaudited financial report for period ending November 30, 1955.

The Assistant Secretary-Treasurer reported further that income from investments at the end of November, 1955 had been \$16,546,000 compared to the original estimate for the same period of \$6,675,000 or a gain of \$9,871,000. He said that investment income in the month of November, 1955 alone had been \$51,000. He said also that on December 15, 1955 most of the Commission's remaining securities had matured. He said that as part of the re-investment of that money, the Co-Trustee had subscribed for directly, and had been successful in obtaining, \$10,279,000 principal amount of treasury bills maturing March 15, 1956 at a yield of 2.595 percent.

He said that that was the highest interest rate for that type of short-term money since the "bank-holiday" days of 1933.

The Assistant Secretary-Treasurer reported further that concessionaire income had been lower in November, 1955 than in October, 1955, but that when related to traffic, it showed an increase. He said further that restaurant sales had decreased 4.6 percent, but that sales per vehicle on the turnpike had increased from 30 cents to slightly over 39 cents. He said also that gasoline sales had decreased 14 percent and that in November, 1955 one gallon of gasoline had been sold for every 28.1 miles traveled by passenger cars whereas in October, 1955 one gallon had been sold for every 32.6 miles. He said that the two stations that had pumped the most gasoline in October, 1955 had again been the highest volume station in November. He said that miscellaneous sales of tires, batteries, antifreeze, oil and other material at service stations had increased about \$9,500 or 33 percent during November, 1955. He said that no relationship was yet apparent between gasoline sales and restaurant sales.

The Assistant Secretary-Treasurer reported further that with respect to traffic and toll revenue, there had been slightly over 4 percent increase from tolls from trucks during November compared to October and that that upward trend was continuing and that the truck revenue for the first two weeks of December, 1955 was 11.6 percent ahead of the first two weeks of November. He said that it was interesting to note that the first 14 days in December 11 days had been the highest truck revenue days for the respective days of the weeks since the opening of the turnpike and that December 15 had been the highest day since the opening of the entire turnpike for the number of trucks and for truck revenue in one day. He said that, however, total revenue for the first two weeks in December was lower than for the comparable period of November due to the sharply reduced passenger-car traffic at that time of the year.

The Assistant Secretary-Treasurer reported further that there were 26 charge accounts compared to the 19 reported at the previous meeting and that the last seven accounts approved had included two automobile carriers, two tank-truck operators, one steel hauler, one bus line and one general merchandise hauler.

The Assistant Secretary-Treasurer quoted from a letter he had received on December 21, 1955 with respect to credit as follows:

"Gentlemen:

"We wrote you on October 17 inquiring about setting up a credit account for Turnpike tolls, and received a prompt and courteous answer on October 19.

"At that time, the number of trips we were making over the Turnpike did not warrant the setting up of a special account. However, we now find that we are using the Turnpike to a much greater extent and would like to take steps to set up such an account."

The Assistant Secretary-Treasurer reported further that he had at hand a letter which had been handed to the Secretary-Treasurer prior to the meeting and which bore upon the resignation of a principal officer of the Commission. He read the letter as follows:

"James W. Shocknessy, Chairman
Ohio Turnpike Commission
139 East Gay Street
Columbus, Ohio

Dear Jim:

The time has come when I must, and I hereby do, albeit it is with reluctance, resign from the position of executive director of the commission, effective one month hence.

You will recall that prior to my appointment to the position of executive director last July, I told the members of the commission that personal considerations would require that my continued service in the employ of the commission be for a limited period only, and that I would expect to serve only until construction of the Ohio Turnpike should be substantially completed and it should be opened to traffic, and until an operating organization should be created and established.

My service with the commission over the past 4-1/3 years, fraught though they have been with difficulties of great magnitude and variety, has been an eminently challenging and interesting experience, and for the opportunity to have it I am personally indebted to you and the other members of the commission.

Never can there have been exhibited by the incumbent of a position of public trust a higher standard of integrity and a greater and more unswerving devotion to the highest possible concept of official duty than you have exhibited as chairman of the Ohio Turnpike Commission. Leadership and support on that plane have made our burdens tolerable, and caused me to feel the deepest personal regret that the close association with you in the development, construction and commencement of operations of the magnificent public facility which the Ohio Turnpike is must be severed.

What we have accomplished would not have been possible without the dedicated efforts and the high competence of the scores of members of the commission's headquarters staff, for whose aid, and loyal service to the commission, I shall be forever grateful.

Sincerely,

/s/ D
Frank C. Dunbar, Jr."

The Chairman said that the Secretary-Treasurer's report would be accepted by the Commission as read. He said that there was nothing he could say about Frank Dunbar's contribution to the Ohio Turnpike Commission which the record was not replete with in greater measure. He said that more than most people knew the success achieved by the Commission had been due to Mr. Dunbar. The Chairman said further that losing Mr. Dunbar as an associate was probably as severe a blow as he personally could receive at that time. He said that he had never received a blow from Mr. Dunbar, so that the usage was only intended to indicate how great was his own sense of loss. He said that regardless of how long he should remain, whether it was much longer or not, any day he should remain longer than Mr. Dunbar he would sorely miss him.

The Chairman said further that since the last previous meeting the Commission also had received the resignation of the Chief Engineer, T. J. Kauer, someone else for whom he said he had great affection, and that Kauer by his great soul and talent had much to do with the construction of the Ohio Turnpike. He said that he felt sorry for those who would have to address themselves to the second turnpike without Mr. Dunbar and without Mr. Kauer. The Chairman said that for the previous two or three weeks since the Commission had first received Mr. Kauer's letter of resignation, he had tried to become accustomed to it and had acknowledged receipt of the resignation in a letter to Mr. Kauer to which he was sure the Commission subscribed and which

had been released for publication and he said both letters are incorporated in the minutes of this meeting and will be so set forth.

"November 30, 1955

"Mr. James W. Shocknessy, Chairman
The Ohio Turnpike Commission
139 E. Gay Street
Columbus 15, Ohio

Dear Jim:

This is to advise you that I have tendered my resignation to the Executive Director, effective January 1, 1956.

It is my desire to enter private business and I am of the opinion that this is the time to do it, with the Ohio Turnpike completed and open to traffic. Though I have received several offers, none have been sufficiently considered by me to have arrived at a decision with respect to them.

Be assured that I have enjoyed my close association with you personally, the members of the Ohio Turnpike Commission and its staff, and in having a part in the development and construction of the Ohio Turnpike.

With best personal regards, I remain

Cordially,

/s/ Ted
Theodore J. Kauer
Chief Engineer"

"December 3, 1955

"Mr. T. J. Kauer, Chief Engineer
Ohio Turnpike Commission
139 East Gay Street
Columbus, Ohio

Dear Ted:

I have received your letter of November 30 enclosing a copy of your resignation as Chief Engineer of the Ohio Turnpike Commission as submitted to the Executive Director on November 30.

Needless to say I have always held you in the highest regard and over the years of our association have developed a true affection for you and your family. I have known you as a professional engineer, as a public official, as Chief Engineer of the Ohio Turnpike Commission and as a man of high honor. You have always husbanded your responsibilities with such great integrity that you have been an inspiration to those associated with you. I had opportunity to observe the fortitude which you exhibited under cruel, merciless and ruthless attack and I suffered the consequent anguish with you and your family. Your concept of your duty to your profession and to the State of Ohio and to the Ohio Turnpike Commission will remain a model for your successors.

You will have the satisfaction wherever you are and in whatever work you do not only of the knowledge of recognition by your associates of your personal exemplification of the noble intangible qualities which are components of your character but also you will always in yourself and in your posterity have the satisfaction of knowing the tangible contribution you have made to your state in serving as Chief Engineer of the Ohio Turnpike Commission during the construction of the Ohio Turnpike.

I note that your letter does not state specifically what you expect to do, but wherever you go, Ted, and whatever you do you will have my personal good wishes for your success and both you and your family will always have my deep affection.

Sincerely,

James W. Shocknessy
Chairman"

The Chairman said that Mr. Kauer would not be present for another meeting of the Commission as Chief Engineer, that Mr. Kauer had hardly missed a meeting, either as Director of Highways, in which capacity he had been an ex-officio member of the Commission, or since he had been Chief Engineer. He said also that certainly the Commission approached the next year without two people who had always been of great value to the Commission.

The Executive Director said that the Chief Engineer and he thanked the Chairman for his kind words.

The Chairman reported that since the last previous meeting the committee which the Commission had chosen to call the "Joint-Effort Committee" composed of a representative of the Commission and of the Director of Highways and of the Consulting Engineer had met a number of times with respect to prospective Project No. 2. He said further that in a letter to the Governor under date of December 8, 1955, of which all members had received a copy, he had related the accomplishments of the committee at that time. He said also that the letter had been released to the press, and that the public was quite well advised with respect to it.

The Chairman reported further that the Director of Highways was prepared to advise the Commission on construction costs and prospective traffic and revenue upon three prospective projects. He said further that the first would be the whole system as understood in the preliminary report of the engineers, modified by design changes related to use and by the construction by the Highway Department of the Lakeland Freeway extension and the Mill Creek Expressway extension. He said that the second prospective project would be the same as the first, less the cost of construction by the use of approximately 45 miles of state-highway system and a consequent reduction in the mileage in a prospective toll road. He said that the third prospective project would be the whole system as modified in the second prospective project, less the mileage from Delaware to the Ohio Turnpike at Woodville. He said that the three prospective projects were all modifications of the project which had been the subject of the preliminary reports which had been delivered to the Commission just before the last previous meeting.

The Chairman reported further that he had a letter from the Governor, in reply to the letter of December 8, in which

the Governor said:

"I received your letter of December 8, 1955, in which you discuss plans being made in the coordinated efforts of the consulting engineers and the state highway engineers on the one side and those of the turnpike on the other, in working out a plan for Turnpike No. 2, that through reduced cost of construction without affecting adversely the serviceability of the Turnpike and its safety to motorists will strengthen its financial feasibility.

"It is my sincere hope that a satisfactory program will be worked out and that Turnpike No. 2 will become a reality as a toll road within our state.

"Manifestly, as a last resort, if the entire project cannot be built out of bond money issued by the Turnpike Commission of Ohio, then that part of it which can be financed on a toll road basis should be so constructed and the balance of it undertaken by the State of Ohio through its highway funds."

The Chairman reported further that since the last previous meeting conferences had been had in the Commission's headquarters with representatives of the trucking industry, and with representatives of labor. He said further that his personal position remained the same as it was in his letter of November 10, 1955 that was addressed to the Governor with respect to changes in toll rates. He said that at that time he had said that the Commission was not going to be stampeded into any precipitate action. He said that on November 10 he had said:

"***With respect to the use of the Ohio Turnpike by commercial vehicles, the latest records at the Commission indicate a very satisfactory growth in the number of commercial vehicles.***"

He said also that that satisfactory growth was continuing, and he continued to quote from his letter of November 10 as follows:

"***The use of the Ohio Turnpike by commercial vehicles in the last thirteen days of the month of October shows an increase every day over the corresponding day of the preceding week. It is being said by some operators of commercial vehicles that the tolls charged by the Ohio Turnpike

Commission are excessively high, that the weighing devices used by the Commission work hardships upon the operator and that the failure of the Commission to grant discounts is a deterrent to the use of the highway by the commercial hauler. The Commission, however, while having careful analyses made***".

The Chairman said that he was restating the view because he had seen some indications resultant from conclusions drawn from a recent conference with representatives of the trucking industry that, because of some pressure upon the Commission it was changing its mind. The Chairman continued quoting from his letter of November 10 as follows:

"***The Commission, however, while having careful analyses made of every one of the factors offered as unfavorably affecting the use of the Ohio Turnpike by the commercial hauler, is no more likely to allow itself to be stampeded into taking any precipitate action which ultimately would redound to its own detriment than it allowed itself to be stampeded into detrimental action by those who attempted to assert improper pressures upon it while it was constructing the Ohio Turnpike. The Ohio Turnpike is unquestionably one of the most valuable devices which has been provided the economy of our nation in recent years and its limited use by those who would deny themselves its benefit temporarily while they seek 'to take the measure of the Commission' will have no long-term effect upon the usefulness and success of the highway nor upon its success as a factor in our national economy."

The Chairman said that the Executive Director had advised the representatives of the trucking industry who had met with him a few days previous that the Commission would continue to analyze those factors, including the toll factors as affecting business. He said that the Commission was doing exactly what any other competent business would do; that competent business did not freeze itself into a position; that competent business adjusted itself to conditions. He said also that the toll schedule might be too high or it might be too low, he did not know which, and it might be right exactly as it was; but that the engineers who had developed it were not infallible, the Commission was not infallible, business was not infallible. He said that, therefore, what the Commission

expected to do was what intelligent business would be expected to do -- to continue to analyze all the factors which affected its revenues and conduct its business within the limits of its best judgment.

The Chairman reported further that there had been sent out the customary Christmas memorandum with respect to gratuities. He said that the Commission had a lot more people working for it than it had had the previous year and, accordingly, some of them might not be aware of the unalterable position of the Commission with respect to the acceptance of gratuities in any form by any of its staff, and a fortiori, by itself, during the Christmas season or at any other time.

The Chairman then called for the report of the Director of Highways. Mr. Linzell reported that during meetings with the J. E. Greiner Company and Coverdale & Colpitts in the previous two days there were discussed the various modifications of the scope of a turnpike project as the Chairman had outlined. He said further that he could give the Commission some estimated figures on which the various modifications would amount to in construction costs and also some figures on traffic and revenues on the three alternatives.

Mr. Linzell reported further that the first prospective project was the whole system, beginning at Cincinnati with terminals at Toledo and Conneaut. He said that the construction-cost estimate was modified by the design changes considered and by the construction by the Highway Department of the Lakeland Freeway stub and the four-or-five-mile extension of the Mill Creek Expressway in the Cincinnati area. He said that those modified design changes and construction of the two extensions could result in a construction-cost saving of \$36,000,000, which would reduce the estimate of \$516,000,000 first disclosed for Project No. 2 to a net of \$480,000,000. He said that all the proposed construction and design changes had been gone over jointly by the Department of Highways, the J. E. Greiner Company, and the Commission's staff and that they were the type of changes that would in no way reduce the safety and usability of the turnpike and that they would result in a considerable saving in cost. He cited as examples of the proposed design changes the reduction of the shoulder beside the median to a width of five feet which, the conferees had thought, could be done without any sacrifice of safety and with the provision of ample safe-passing room in the areas where traffic would be least dense. He cited as another instance that the climbing grades

in those areas where traffic would be least dense and where presumably there would be the least amount of truck traffic could be increased from a two-percent grade to a three-percent grade. He said also that there had been included in the lighter traffic areas a pavement designed for a lighter frequency of heavy loads; that two bridges were considered to be single bridges instead of twin bridges and that at some interchanges where the traffic would be rather light the second trumpet would be eliminated to make T-interchanges. He said also that where the traffic would be light the service plaza areas could be reduced so as not to have so elaborate a restaurant facility.

The Chairman said that what the conferees had been doing was trying to custom tailor the project to the traffic present and prospective. Mr. Linzell said that some twenty changes in design had been considered of which thirteen might be utilized.

In answer to an inquiry by Mr. Teagarden as to whether consideration had been given to the elimination of both the inner and outer shoulders, Mr. Linzell said that consideration had been given but that it had been the judgment of the conferees that to do so would be a false economy because quite a bit more would be spent on maintenance of unpaved shoulders than would be required to be spent on paved shoulders, and also that to do so would be to get into the realm of the possible sacrifice of safety. Mr. Linzell said that the conferees had sought a prospective highway that would be not less safe and would still be one that would be economical to maintain.

Mr. Linzell reported further that the second prospective project was the whole system, as already described, less the cost saving by the use of approximately 45 miles of state highway comprising U. S. Route 40 from just east of Springfield and U. S. Route 42 plus new construction across to the proposed intersection of U. S. Route 23 and the prospective turnpike. He said that it was a valid assumption that the Highway Department could bring the deficient portions of that mileage of state highway up to a standard comparable with that of the turnpike. He said also that the second prospective project as described would mean a reduction of \$80,000,000 from the estimate of \$516,000,000 first disclosed for Project No. 2 to leave a net construction cost of \$436,000,000.

Mr. Allen commented that the increase in saving represented by the second prospective project amounted to about a million dollars a mile for the state highway mileage proposed to be used.

Mr. Linzell reported further that the third prospective project was the same as the second prospective project except that the mileage from Delaware to the Ohio Turnpike at Woodville would be subtracted and that thereby there would result a total reduction of \$174,000,000 from the estimate of \$516,000,000 first disclosed for the construction cost of Project No. 2 to leave a net construction cost of \$342,000,000.

Mr. Linzell reported further that the estimates of revenue of the whole system as envisioned in the first prospective project had been refined so that the revenue figure amounted to \$25,807,000 for the first full year of operation or approximately \$2,000,000 greater than the estimate of \$23,125,700 contained in the preliminary draft received by the Department of Highways a month previous. He said that the new figure reflected a fine-tooth combing and checking of all the traffic and revenue figures and also a re-examination of the concession-revenue figures.

The Chairman said that the prospective increase in revenue could be capitalized at about thirty-three million dollars, assuming an interest rate of 3-1/3 percent, a construction period of not less than four and probably five years and a revenue-earning period of thirty-five years. He said that that would mean an additional thirty-three million dollars to spend.

Mr. Allen said that more revenue could not be gotten when mileage was cut.

The Chairman said that he was estimating that the mileage-loss revenue was not in any measure comparable to the mileage-cost construction.

Mr. Linzell said that deducting the revenue of \$1,200,000 that had been estimated would be earned on the Delaware-to-Springfield section would leave a net revenue figure of \$24,607,000. He said further that the traffic engineers of the Highway Department, and C. H. Makeever of the Commission's engineering staff and the Coverdale & Colpitts engineers all had said that the figure of \$1,200,000 could not be used because upon reanalysis the figure might go to \$1,800,000. He said also that the revenue of \$1,200,000 which had been estimated would be earned on the Delaware-to-Woodville section could not be deducted in that amount in considering the third prospective project because there might be a greater loss of revenue. He said that, therefore, re-evaluation of the revenue to be produced by adoption of the third prospective

project might produce a net figure of \$21,000,000 or something of that order.

Mr. Linzell reported further that a lot of work was being done by the Department of Highways on highways leading to the northwestern portion of the state. He said that he was referring specifically to the Toledo area and to the recent lettings of contracts which showed that Route 25 was being developed at a very rapid rate of speed and would be a four-lane highway all the way from Dayton to Toledo as soon as any turnpike could be developed. He said also that Route 23 currently was four lanes from Delaware to the southern part of the state with the exception of one short gap north of Chillicothe that would be let for construction in the near future. He said that a contract already had been let on the four-laning of Route 23 north of Delaware to approximately where the railroad crossed Route 23, and that extension of four-laning to Waldo was coming up soon. He said that it was inevitable that, if the Commission could not build the Delaware-to-Woodville mileage, the Department of Highways would have to start concentrating its funds on development of Route 23 northward and that some of the long-range planning the department had done in areas that were not in as great a need as northwestern Ohio would probably receive a lower priority with respect to construction. He said that the whole program might be accelerated tremendously if President Eisenhower's road-building program should go through.

The Chairman said that what was being dealt with was a highway package; that what was being looked for was highway service for the whole state, whether toll or free. He said further that the first determination would necessarily be made by the Director of Highways as to which roads he could build, and, that determination having been made, then the Commission had the responsibility under the law as requested by the Governor to provide facilities which the state could not itself provide. He said that none of the highway package should be toll if it could be free.

Mr. Linzell said that, with respect to Route 42, it was contemplated that the Department of Highways would ultimately take the turnpike alignment between Route 23 and a point where the turnpike alignment intersected existing Route 42 below Plain City and build a limited-access, divided highway when justified by traffic.

The Chairman said that he thought that an enormous amount of progress was measurable in what the Commission had before it.

Mr. Linzell said that the Governor had authorized him to make a statement that the Governor wanted him to go ahead and seek to work out an amended contract with the two firms of consulting engineers to work on one of the three prospective projects which he had described to the Commission. He said further that he certainly did not want to work on an amended contract on a project that was unacceptable to the Commission lest it be thrown back to him.

The Chairman said that he did not think that the Commission was at that time prepared to go ahead finally on one of the prospective projects to the exclusion of all others.

Mr. Linzell said that he would like to have a recommendation from the Commission because he could not deal with the consultants on a vague project.

The Chairman said that the Commission would require better figures from the consultant on traffic and revenue in order to make a recommendation. Mr. Linzell said that it was the contention of the consultant on traffic and revenue that to arrive at the proper subtractions of revenue that would be involved in the second prospective project and in the third prospective project would entail a rather complete analysis which would require about eight weeks. He said further that he had asked the consultants to see if there were possible a short cut in method.

The Chairman said that the traffic and revenue consultant had working papers and that he thought that the work could be done faster. He said further that the construction figure which had been obtained from the engineering consultant was an informal figure in which that consultant felt considerable confidence and that it was so accepted by the Commission.

Mr. Allen said that if the Commission should get the same sort of firm preliminary figure from the traffic and revenue consultant, he would be willing to act.

Mr. Linzell said that he would tell the consultants to proceed as fast as they could.

Resolution No. 67-1955 appointing chief engineer was moved for adoption by General Beightler, seconded by Mr. Allen, as follows:

Resolution No. 67-1955

"RESOLVED that Ralph J. Lehman be, and hereby he is, appointed chief engineer, effective January 1, 1956, to serve at his and the Commission's mutual pleasure, and that his compensation be at the rate of \$16,000 per annum."

General Beightler said that he had been acquainted with Ralph J. Lehman for many years; that he had been associated with him when serving as Executive Director of the Turnpike Commission; that he knew him to be a most estimable person, courteous, capable, and firm in requirement of good engineering and proper performance of contracts; and that he represented the highest traditions in the engineering service. He said also that he was satisfied that Mr. Lehman would be a most worthy successor to Mr. Kauer.

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

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

Nays: None.

The Chairman declared the resolution adopted.

Mr. Lehman said that with the aid of Mr. Makeever as his chief assistant, of E. L. Sheley, of men like G.K. Jewell, and G. O. Powers, and R. W. Meyer, and of all the other men and women in the engineering department, he would do his utmost to uphold the wonderful reputation that Mr. Kauer had established in the engineering department.

Resolution No. 68-1955 designating persons to sign requisitions, certificates, etc., under Sections 405, 406, 407, 408, and 506 of the Trust Agreement was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

Resolution No. 68-1955

"WHEREAS the Commission, by resolution No. 51-1955, designated certain persons to sign requisitions, certificates, statements, approvals, and opinions provided for by §§405, 406, 407, 408, and 506 of the trust agreement dated June 1, 1952, between Ohio Turnpike Commission and The Ohio National Bank of

Columbus as trustee and The National City Bank of New York (now The First National City Bank of New York) as co-trustee; and

WHEREAS subsequent to the adoption of said resolution certain changes have occurred or will, prior to January 1, 1956, occur in Commission personnel which make an amendment to said resolution desirable;

NOW, THEREFORE, BE IT

RESOLVED that the aforesaid resolution No. 51-1955 be, and the same hereby is, rescinded as of January 1, 1956, and the authorizations hereinafter set forth are substituted therefor, effective as of January 1, 1956;

FURTHER RESOLVED that requisitions for payment of compensation or deposit of moneys, to be made by the trustee pursuant to §405 of the trust agreement, shall be signed by the secretary - treasurer, an officer of the Commission, or by Ruth L. Wilkins, or C. W. Hartford, employees of the Commission;

FURTHER RESOLVED that requisitions for payments to be made by the trustee pursuant to §406 and/or §408 of the trust agreement shall be signed by the secretary-treasurer, an officer of the Commission, or by Frank C. Dunbar, Jr. or John Soller, employees of the Commission;

FURTHER RESOLVED that requisitions for payments to be made by the trustee pursuant to §407 of the trust agreement and certificates required by said section shall be signed by the secretary-treasurer, an officer of the Commission, or by Frank C. Dunbar, Jr., or John Soller, employees of the Commission; and if any item in any such requisition is for reimbursement on account of the payment for any real property, the requisite certificate shall be signed by the secretary-treasurer, an officer of the Commission, or by John Soller, an employee of the Commission, and by Frank C. Dunbar, Jr., or C. W. Hartford, employees of the Commission, and the requisite statement, opinion, or approval shall be signed by general counsel, or by Charles E. Westervelt, Jr., one of the counsel for the Commission;

FURTHER RESOLVED that certificates required by §408 of the trust agreement shall be signed by the secretary-treasurer, an officer of the Commission, or by John Soller, an employee of the Commission, and by Frank C. Dunbar, Jr., or C. W. Hartford, employees of the Commission;

FURTHER RESOLVED that statements, opinions, and approvals

required by §408 of the trust agreement shall be signed by general counsel, or by Charles E. Westervelt, Jr., one of the counsel for the Commission; and

FURTHER RESOLVED that requisitions for payments made pursuant to §506 of the trust agreement and certificates required by the same section shall be signed by the chairman, or vice-chairman, or secretary-treasurer, officers of the Commission, or by Frank C. Dunbar, Jr., or John Soller, employees of the Commission."

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

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

Nays: None.

The Chairman declared the resolution adopted.

At this point Mr. Linzell had to leave and the Chairman said that the record could show that the resolutions which were going to be presented to the Commission had been submitted to Mr. Linzell prior to his departure on urgent emergency business for the State of Ohio and that he had approved them.

Resolution No. 69-1955 pertaining to final payment to contractors in certain instances not heretofore provided for was moved for adoption by Mr. Teagarden, seconded by General Beightler, as follows:

Resolution No. 69-1955

"WHEREAS in some instances contractors having contracts with the Commission for the construction of one or more portions of the Ohio Turnpike, including contractors having contracts for the construction of bridges or buildings, as well as roadway-construction contractors, have not completed the work specified under the contracts to be completed by the day or days therein mentioned as being the time for the completion of such work;

WHEREAS in a number of such instances, the Commission has been advised by its contracting engineer responsible for the supervision of the work concerned and by its consulting engineer and its chief engineer that it has not been damaged by the fact that said work has

not been fully completed within the time specified therefor, as mentioned above; and

WHEREAS the Commission's consulting engineer, chief engineer, and executive director have recommended that final payment be made under such contracts without deduction of any amount for damages, in any such cases in which it shall appear, at the time that final payment is proposed to be made, that the Commission shall not have been damaged;

NOW, THEREFORE, BE IT

RESOLVED that the Commission's executive director and general counsel, acting jointly, may, upon the recommendation or concurrence of the consulting engineer, direct that final payment be made under any of the commission's roadway construction, bridge-construction, or building-construction contracts, notwithstanding any delays which may have occurred in the performance thereof; provided that, in any case in which they shall deem it necessary or desirable, the executive director and general counsel may require that such final payment be accompanied by a written reservation, in form satisfactory to general counsel, of the Commission's rights to damages for breach by the contractor of the contract."

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

Ayes: Teagarden, Beightler, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 70-1955 authorizing deferment of annual vacations of certain named employees of the Commission from the calendar year 1955 until the calendar year 1956 was moved for adoption by Mr. Allen, seconded by Mr. Teagarden, as follows:

Resolution No. 70-1955

"WHEREAS certain of the Commission's employees have, during the calendar year 1955, accumulated but not taken certain vacation leave, as indicated in the chart hereinbelow set forth; and

Whereas said employees have requested that such accumulated vacation leave for the calendar year 1955 be deferred until the calendar year 1956, and the department heads concerned therewith have recommended such deferment;

NOW, THEREFORE, BE IT

RESOLVED that the employees hereinbelow listed are hereby granted permission to defer the accumulated vacation leave hereinbelow set forth opposite their respective names, until such time or times in the calendar year 1956 as shall be designated by such department heads as are charged with that responsibility:

<u>Employee</u>	<u>1955 Vacation Leave Accumulated But Not Taken During Calen- dar Year 1955</u>
Dunbar, Frank C., Jr. Executive Director	7 days
Hartford, C. W. Assistant to Executive Director	10 days
Forsythe, F. W. Administrative Services Department	10 days
Handiboe, Kenneth, J. Administrative Services Department	10 days
Holston, Pauline, M. Administrative Services Department	10 days
McDonald, Garland Administrative Services Department	5 days
Robertson, V. O. Administrative Services Department	10 days
Jewell, G. K. Construction Department	10 days
Kauer, Theodore, J. Construction Department	2 days
Lehman, Ralph J. Construction Department	5 days
Makeever, C. H. Construction Department	5 days
Meyer, R. W. Construction Department	5 days
Sheley, E. L. Construction Department	10 days
Byrd, L. G. Operations Department	10 days
Deetz, R. S. Operations Department	10 days
Grace, Andrew Operations Department	4 days
Metcalf, H. D. Operations Department	10 days
Staib, F. C. Operations Department	10 days
Oberlin, Derl D. Right-of-way Department	3 days
Cochran, Reuel B. Accounting and Auditing Department	10 days
Foster, Virginia Accounting and Auditing Department	5 days
McBride, C. Paul Accounting and Auditing Department	5 days
O'Grady, Walter, G. Accounting and Auditing Department	4 days
Soller, John Accounting and Auditing Department	8 days
Bryan, Joseph D. Legal Department	6 days
Whiteside, Alba L. Legal Department	1 day
Wilkins, Ruth L. Legal Department	4 days"

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

Ayes: Allen, Teagarden, Beightler, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 71-1955 directing the closing of the Commission's offices on certain days preceding holidays was moved for adoption by General Beightler, seconded by Mr. Teagarden, as follows:

Resolution No. 71-1955

"RESOLVED that the Commission's offices shall be closed at twelve o'clock noon on Friday, December 23, 1955, and shall remain closed through the 1955 Christmas holiday;

FURTHER RESOLVED that said offices shall be closed at twelve o'clock noon on Friday, December 30, 1955, and shall remain closed through the 1956 New Years holiday."

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

Ayes: Beightler, Teagarden, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director called upon the Project Manager of the Ohio Turnpike to make a report with respect to some of the operations and problems of operation of the Ohio Turnpike.

The Project Manager reported that there are five major functions in the operations of the Ohio Turnpike; namely, maintenance, toll collection, traffic and safety, patron services, and enforcement. He said further that the maintenance department field forces then consisted of 136 men: two superintendents, eight foremen, 10 clerks, two class five men, 12 class four men, 14 class three men, 60 class

two men, and 28 class one men. He said also that following the opening of the turnpike their principal activity had been to get ready the equipment and buildings and to train personnel especially for the snow-and ice-removal program. He said that as early as October 26, 1955, the turnpike had experienced its first snow and that on November 18, 1955 there had been a severe storm during which snow had fallen to depths varying from two inches to six inches. He said that at that time less than a quarter of the de-icing and snow plowing equipment had been delivered and that hand methods had been used to spread abrasives over the road from the back of dump trucks. He said that subsequently there had been fifteen major snows some of which had lasted as long as three days. He said that it was December 14 before all of the 67 pieces of equipment ordered for use in snow- and ice-removal had been delivered. He said that at no time did ice or snow remain on the travel lanes of the turnpike longer than on the nearby public freeways.

The Project Manager reported further that the maintenance forces also had been repairing guard rails, signs, lighting standards, and torn-up grass areas damaged by traffic, and had been jacking pavement slabs that had settled, and correcting earth slides, most of which had resulted from erosion.

He said also that a number of meetings of the operations staff had been held which had been attended also by members of the headquarters staff, among them the Assistant Chief Engineer who had discussed problems of maintenance; the Comptroller and the Auditor who assisted with training and record keeping and the preparation of necessary reports; and the Purchasing Agent who advised on the preparation of requisitions and the processing of purchase orders.

The Project Manager reported further that the field organization for toll collection consisted of 175 people: 156 toll collectors, 17 senior toll collectors, and two district toll collectors. He said also that toll collection problems during peak-volume days, especially during the month of October, which had been attributable in large measure to lack of experience, equipment breakdowns, patrons asking many questions, and patrons not accustomed to driving toll roads and paying fares, had been solved by calling off-duty toll collectors to man all available lanes and to station themselves in advance of the toll booths to make change and to answer questions in order to eliminate delays at the booths. He said that on peak-volume days signs had been posted on the interchange ramps advising patrons to have change ready.

The Project Manager reported further that a current concern was that of utilizing manpower to the fullest extent. He said further that five toll plazas were being operated with one toll collector during the shift beginning at midnight, and that greater use was being made of split shifts so as to provide adequate manpower during the daily peak-hour periods. He said that based upon experience, policies had been developed for handling U-turns, excess time in transit, overweight axles, overweight vehicles, etc.

The Project Manager reported that the traffic and safety division was a very small one and that its staff, therefore, looked to the maintenance division or to the toll collection forces to carry out its programs.

The Project Manager reported further that since October 1 the center line had been painted throughout nearly 190 miles of both roadways and that weather conditions had postponed the completion of the program. He said also that approximately 500 additional lead-in signs had been erected, and that delineators had been added throughout the interchange divided areas in order better to guide traffic on the turnpike proper. He said that crossover locations had been selected and crossovers constructed; that signs prohibiting unauthorized use of the crossovers had been erected; and that special safety messages had been designed and posted for the attention of travelers at all toll booths.

The Project Manager reported further that programs then under study included extension of the lead-in sign installation; identification of state routes and county roads where they cross over the turnpike; provision of supplemental town- and city-destination information on the turnpike proper; possible operation of truck-safety patrols; exhaustive study of accident causations; and rear lighting of trucks. He said also that the sign shop would soon be in production and that the first signs to be produced would be access-road signs and signs to be erected in advance of service plazas identifying the restaurant and gasoline station concessionaires at the plazas.

The Project Manager reported that unfortunately during the first two months of operation there had been one fatal accident which had claimed the life of one person. He said that the fatal accident rate for the first two months of operation was 0.88 accidents per 100,000,000 vehicle miles of travel. He said that the comparable national and state rates were 7.0 and 7.59 respectively, for the year 1954. He said that when it was considered that 1,662,005 vehicles had traveled 113,491,045.3 miles on the turnpike, the accident experience had been most satisfying. He said that, however, the

operations personnel would not be content to rest on that record; that more would be done for safety.

The Project Manager reported further that a weather-reporting system, utilizing teletype service, had been inaugurated. He said that the weather bureau furnished forecast information throughout each 24-hour period and that all toll plazas and maintenance buildings reported roadway and weather conditions in their vicinities to the Berea office daily and supplemented those reports throughout the day whenever there were major changes in those conditions. He said that all of the employees on the turnpike were apprised of roadway and traffic conditions at all times by means of the radio communications system.

The Project Manager reported further that another safety activity which had been inaugurated was that of having the Ohio State Highway Patrol discuss with the maintenance personnel the safety precautions to be observed while operating slow-moving vehicles on the turnpike.

The Project Manager reported further that much time had been devoted to obtaining emergency roadway-vehicle services and to policing the contracts for said services to see that the turnpike patrons received the best. He said that one of the garages which had been providing such services had been found to be unable to handle the work and that its contract had been terminated and another garage had been selected pursuant to advertising. He said also that during the months of October and November the service garages had answered 1,733 calls for mechanical services, 1,148 calls to supply gasoline, 351 calls to fix flat tires, 253 calls to tow vehicles from ditches, and 21 calls to tow vehicles from the scene of accidents; a grand total of 3,506 aids to motorists. He said further that the ambulance-service contracts had all been most satisfactory, and that fire services had improved greatly since additional portable fire extinguishers had been delivered and construction of a 500-gallon water trailer had been completed. He said that, generally speaking, all gasoline stations had performed in a most excellent manner. He said that the restaurants had been a principal source of problems and that consequently a one-man continuous inspection of restaurants had been initiated as a means of seeking improvement in the quality of food, service to patrons, and cleanliness.

The Project Manager reported further that District 10 of the Ohio State Highway Patrol currently had a strength of 51 men but was still under maximum strength. He said that during the first two months of operation the patrol had made 539 traffic arrests, 28 arrests at accidents, and 38 arrests for misdemeanors, and had issued 2,306

written warnings for traffic violations.

The Project Manager concluded his report by saying that in attempting to solve problems the operations personnel were at all times cognizant of safety, service, and economy of operation.

The Chairman thanked the Project Manager for a very good report.

The Executive Director reported that a conference had been held several days before between representatives of the staff of the Commission and a committee from the Ohio Trucking Association which included three men from out of the State of Ohio whose companies had a substantial traffic east and west across the northern part of the state. He said further that members of the committee had stated that they were representative of the entire trucking industry in the State of Ohio and also representative of and spokesmen for the entire trucking industry in the United States by a sort of standing arrangement between the several state trucking associations. He said further that the conference had been quite constructive although it had led to no ultimate conclusions at that time. He said that the discussions had been upon the rates of tolls on the Ohio Turnpike, upon the classifications of vehicles, upon various aspects of the operation of commercial vehicles on the Ohio Turnpike, and in some measure upon the matter of safety patrols. The Executive Director reported further that the truckers had furnished some information with respect to their operations and with respect to the economics of operating on the Ohio Turnpike, but that that information had been quite skimpy and had related primarily to one company, and that the Commission representatives had invited the truckers to submit further and much more detailed information such as would be of aid to the Commission in its continuing study of the problem of the optimum rates of toll on the Ohio Turnpike. He said also that it had been agreed that those matters would be further jointly pursued and that he felt confident that in the light of the fact that the truckers had exhibited a fully-cooperative attitude it would be possible to proceed constructively to ultimately sound conclusions. He said also that he had told the representatives of the trucking industry that the Commission's toll rates in effect at that time had been predicated upon recommendations made to the Director of Highways initially by a firm of traffic and revenue engineers after a study of the problem; that the Commission did not consider that the rates were necessarily right or necessarily ideal; and that the Commission considered that the early months of operation of the Ohio Turnpike were, in that field as in others, necessarily in some degree experimental. He said that further exchanges of views and information with the

representatives of the trucking industry were contemplated.

The Executive Director reported further that the various trucking associations across the country had for a number of years in various states, including Ohio, operated so-called cooperative safety patrols on the highways. He said also that those patrols operated in suitably equipped automobiles to observe the behavior of the drivers of trucks; to warn those drivers observed in violation of any traffic rule, including the safety rules and regulations of the truckers' own companies; and to report to the owners of the trucks upon the behavior of their drivers on the highways. He said that the patrols were equipped with first-aid equipment and had special facilities for observing and recording speeds of operation and other characteristics in the operation of trucks. He said that the patrols had, on occasion, installed temporary speed-clocking stations utilizing radar, not for the purpose of apprehension of violators of laws, but rather to collect statistical information and to report to the operators of the trucks. He said that the Ohio Trucking Association had suggested that it make appropriate arrangements with the Commission for the function of such patrols on the Ohio Turnpike and that he had invited the association to submit in writing any suggestions it might have with respect to such functioning. He said that such a submission had been made two days previous but had not yet been adequately analyzed. He said further that most of the suggestions submitted had been the subject of some consideration by the the Commission and the association prior to the time of submission.

The Executive Director described some of the specific suggestions that had been made by the association and stated his conviction that on the basis of performance of the patrols elsewhere they should be able in Ohio to perform a very worthwhile service in the public interest.

The Chairman said that he thought the very incident of the trucking industry's seeking to place safety cars on the turnpike was suggestive of a large volume of truck traffic on the turnpike.

The Project Manager said that inquiries had developed that truck-safety patrols were operating on the turnpikes or thruways in Pennsylvania and New Jersey and New York pursuant to arrangements of greater or less formality with the turnpike commissions and the thruway authority, respectively, of those states.

The Executive Director reported further that proposals had been solicited and received from about a dozen different life insurance companies or agents with respect to a program of group life insurance for the employees of the Commission. He said that the proposals were of such complexity that their analysis would take some time, and that reports would therefore have to be made to the members later. He said that it was a program that he personally was very much in favor of. He said that any such program tended to be highly beneficial to the employees of any agency, and that he believed that something could be worked out that would be eminently satisfactory and valuable to the employees at a relatively low cost to the Commission.

The Executive Director reported further that one of the great problems in operating the turnpike had been the operation of the restaurants. He said also that it was fair to say that the operations of none of them had been ideal. He said that there had been varying degrees of proficiency in performance on the part of the several restaurant operators, and that within the group of restaurants operated by any one of the three companies there had been substantial variations in performance, apparently depending in some measure upon the competence of particular restaurant managers. He said that the four restaurants operated by the ABC Vending Corporation had presented the greatest problems, and that the operations of that company were still quite unsatisfactory. He said that a conference had been arranged in Columbus with the president of that company at which time the staff expected to go further and forcefully into that matter. He said also that he had been very loath to take action which would look toward the termination of any of those contracts, but that he feared that the Commission might be approaching the point at which the only way in which it could reasonably hope to secure adequate restaurant service to the patrons of the turnpike would be to exercise the Commission's option to terminate on account of breach of contract and seek some more competent operation. He said that he hoped that the Commission would not have to take that step. He said that there had been a wholly inadequate response on the part of ABC Vending Corporation, particularly to the requests and suggestions and admonitions of the Commission, with respect to their operations.

The Executive Director reported further that a conference had been held the previous week in Columbus with Antonino Fiorella from Philadelphia, Pennsylvania, together with Jacob Clayman of the Ohio CIO Council and others representing the Government and Civic Employees Organizing Committee, a union.

The Chairman requested that the statement that had been made after that conference and which had been sent to the members be

incorporated into the record of the meeting and let stand as the statement with respect to that conference. That statement was as follows:

"The Ohio Turnpike Commission disclosed today that a conference was held in the office of the Commission yesterday between representatives of the Commission and representatives of the Government and Civic Employees Organizing Committee (AFL-CIO). The Commission was represented at the conference by the Executive Director, Frank C. Dunbar, Jr., the General Counsel, Ruth L. Wilkins, and other members of its staff. The union was represented by Antonino Fiorello of Philadelphia, Pa., Jacob Clayman, attorney and Secretary-Treasurer of the Ohio CIO Council, of Columbus, Ohio, and several others.

"Speaking for the union, Clayman acknowledged that there is neither duty nor lawful sanction for the Ohio Turnpike Commission to enter into any bargaining agreement with the union," Dunbar said today. He said further: "Clayman in effect accepted as valid the statements made by the Chairman of the Commission at a previous conference between representatives of the Commission and representatives of the same union when the Chairman of the Commission said that in the absence of legislation by the General Assembly of Ohio, and possibly of amendment to the Constitution of Ohio, the Ohio Turnpike Commission as an agency of the State of Ohio is precluded from entering into bargaining agreements with any organization representing the body of the Commission's employees."

"At the meeting yesterday, Dunbar advised the representatives of the union that the Commission, in its capacity as employer for the State of Ohio, can not enter into any bargaining agreement but said that the Commission and its Executive Director and all its supervisory employees "stand ready at all times to entertain any grievances which individual employees may seek to present."

"While the Commission can not recognize a union for purposes of bargaining," Dunbar said, "As its Executive Director I will arrange for a member of my staff and the Project Manager and counsel of the Commission to be available for conference in the immediate future at the office of the Commission at Berea with any of its employees who may wish to present any grievance or request to the Commission, and such presentations may in any case be made by the employee in person, or by any attorney, or other agent of his choosing."

"The Commission is in no different position in its representation of the State of Ohio as an employer from any other department or agency of the state," Dunbar said, and continued, "Public employees of the State of Ohio are by law denied the privilege of striking against

the state. The officials representing the state in employment fields have official responsibility to see that employees are treated justly and fairly. One of the reasons that public employees may not strike is the assurance they have from the state that they will be dealt with fairly in the performance of their official duties for the state."

"Employees of the Ohio Turnpike Commission in a recent decision by Judge Robert M. Draper of the Court of Common Pleas of Franklin County were again declared to be public employees and entitled to the benefits of the Public Employees Retirement System. The Commission provides group hospitalization insurance and is considering a program of group life insurance for its employees, and pays its toll collectors, maintenance employees and all other employees in non-supervisory capacities, time-and-a-half for overtime."

The General Counsel reported that she had a report which she would file with the members.

The Chairman invited Mr. Kauer to address the Commission if he wished.

Mr. Kauer first thanked the Chairman for the kind words the latter had spoken about him. The Chairman said that he had meant every one of them. Mr. Kauer said further that it was with deep regret that he was leaving the Commission. He said also that he would have served the Commission in some manner or other for more than six years. He said that he had come to know the members very well and to love them dearly. He said that he had enjoyed working with them, and that the integrity and faithfulness with which the members had conducted themselves constituted one of the finest things he had ever seen. Mr. Kauer said that he wanted to thank all the members of his staff and the other members of the Commission's staff for their fine cooperation, without which the turnpike could not have been built. The Chairman said that in whatever endeavor Mr. Kauer should find himself he would always have his personal affection and good wishes and that he was sure Mr. Kauer would always have the personal affection and good wishes of the other members of the Commission too.

General Beightler said that he thought the Chairman had quite expressed the sentiments of the Commission generally. He said further that he had known Mr. Kauer for many, many years, and that they had served in engineering together before General Beightler had become Ohio Director of Highways, and that he knew Mr. Kauer to be a capable engineer. General Beightler said further that the Commission was going to miss Mr. Kauer and that they were going

to miss Mr. Dunbar immensely. He said further that if, in addition to the loss of Mr. Kauer and Mr. Dunbar, the Chairman was serious about what he had said about leaving the Commission, it would be just like tearing the guts out of a machine. He said that the Commission would be able to continue in some form but that the wonderful service that all three of them had given was certainly going to be missed by the Commission and by the public generally. The Chairman thanked General Beightler.

Mr. Dunbar said that he would not say farewell at that time since he assumed that he would be present for another meeting.

Resolution No. 72-1955 ratifying actions of administrative officers was moved for adoption by Mr. Teagarden, seconded by Mr. Allen, as follows:

Resolution No. 72-1955

WHEREAS the executive director, deputy executive director, assistant to executive director, chief engineer, assistant chief engineer, general counsel, assistant secretary-treasurer, comptroller, and chief, right-of-way department 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 November 22, 1955, are hereby ratified, approved, and confirmed.

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

Ayes: Teagarden, Allen, Beightler, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

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 present responded to roll call. The vote was as follows:


Ayes: Beightler, Teagarden, Allen, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned.

The Time of adjournment was 1:28 o'clock P. M.

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



A. J. Allen, Secretary-Treasurer.