

MINUTES OF THE ONE HUNDRED SEVENTEENTH MEETING  
June 20, 1957

Pursuant to bylaws, the Ohio Turnpike Commission met in special session in its headquarters at 8080 Prospect Road in Berea, Ohio at 1:45 P.M. on June 20, 1957 with the key members of its staff, representatives of the Consulting Engineers, the Secretary to the Governor of Ohio, 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; Beightler, Chastang, Teagarden, Shocknessy.

Absent: Director of Highways. The Secretary to the Governor, Mr. Charles M. Noble, represented the Director of Highways.

The Chairman said that members of the Commission had been favored by the Governor by the reappointment of their esteemed colleague, Mr. Charles J. Chastang. He said that it was a matter of great satisfaction to the members that the Governor had reappointed Mr. Chastang and that he had been unanimously confirmed. He said that Mr. Chastang had been a very able member and that the members would look forward to a happy and profitable future with him as the period of his last term had been happy and profitable to them. Mr. Chastang expressed his thanks.

A motion was made by General Beightler, seconded by Mr. Chastang, that the minutes for the meeting of April 30, 1957 which had been examined by the members of the Commission and on which the corrections suggested by the members had been made be approved without reading.

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

Ayes: Beightler, Chastang, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the motion carried.

The Chairman reported that an article entitled "Pikes' Slowdown" had appeared in the New York Times under date of June 2, 1957. He said that the article had contained some statements which, while debatable, certainly were not acceptable at face value and accordingly the Chairman of the Commission had addressed a letter under date of June 6, 1957 to Mr. Joseph C. Ingraham of The New York Times whose byline had appeared on the article. The Chairman said further that very wide distribution had been given to the letter and that the Commission had had more spontaneous responses from all over the United States to it than to almost anything ever written on behalf of the Commission. He said that everyone had liked the letter except Mr. Ingraham. He said that he had a letter from Mr. Ingraham under date of June 12, 1957. He read from the letter as follows: "Ordinarily I have a heavy pile of mail, but it has been swelled these last few days with copies of your letter addressed to various editors and others, all of whom dutifully forwarded it to me as the addressee. Frankly I am puzzled at your action. I might even think of a stronger word but it isn't worth the effort."

The Chairman said further that the letter from Mr. Ingraham startled him because it did not have the tone quality that was ordinarily expected from a gentlemen of The Times. He said that he had not intended to row; that all he had been trying to do was to keep the record straight. He said also that the Commission had put out a mid-month release telling that the Commission's income for the first fifteen days of June had been approximately \$1,002,000, which indicated that June would likely be the first \$2,000,000-revenue month the Commission had had. He said that in the first fourteen days of June the passenger income had been up 42.7% over the same days of June 1956; commercial revenue had been up 47.7%, and the aggregate had been up 44.1%. He said that the Commission could be proud of its income position and that it was safe to say that the Ohio Turnpike would produce \$19,000,000 in 1957 and that the Ohio Turnpike was a sound economic venture.

The Chairman reported also that the Cleveland Plain Dealer on June 18, 1957 had had an article under the byline of Mr. Wilson Hirschfeld entitled "Sleepy Drivers Ruin Pike's Safety Record." He said that articles along the same vein had appeared in other papers recently. He said that the Cleveland Plain Dealer had also carried an editorial inspired by Mr. Hirschfeld's article and that he thought it was most wholesome that the press was taking up the matter of driver fatigue. The Chairman said that he had attended so-called safety meetings held by well meaning organizations and that he had seen nothing of

value come from them. He said that on August 20, 1956 after the Governor's Traffic Safety Committee had met in Columbus, Ohio, a meeting he had attended, he had written a letter to the then Director of Highway Safety, Mr. U. C. Felty, and had said with reference to a letter sent to him by Mr. Felty which was a resume of the meeting: "your letter reminds me that I have failed to write to you after the meeting of the committee on July 24 in the State Office Building, which I attended. It is my belief that the meeting was quite ineffectual and hardly worth the time consumed because it did not address the problems of safety with any real degree of realism and consumed too much time with repetitive statements. Unquestionably safety can be served by competent design of highways and by extensive policing. The most formidable cause of fatal accidents on the Ohio Turnpike with which I have some degree of familiarity has been operator failure, for the most part induced by fatigue manifested by sleepiness. What must be done in order to make our highways safer is to insist upon the public's being made conscious of the fatal consequences often inherent in operating motor vehicles while fatigued."

The Chairman said that the completion of the toll roads from New York to Chicago had invited people to drive as uninterruptedly as possible for sixteen and eighteen hours. He said that people had been killed in the recent past on the Ohio Turnpike whose deaths were directly attributable to the fact that the drivers were too fatigued because they had been driving too long. He said that he was consoled by the fact that the Cleveland Plain Dealer had looked the matter of sleepy drivers in the face. He said that he found there was no effort more effective that could be exerted in behalf of the public than the effort that was exerted by the newspapers. He said that all the safety committees were not getting through to the public. He said that the newspapers could get through to the public and that he hoped all the agencies which had opportunities to disseminate information about the danger inherent in driver fatigue would do so. He said that the Commission had built a highway that was as safe as engineering standards could produce but it had no way of persuading the operator who was fatigued to stay off the highway. The Chairman said that suggestions about taking off one's shoes and taking oxygen and other comparable maneuvers seemed to him to be quite ineffectual because if one had come to that place when one was driving the thing for one to do was to stop. He suggested that signs be erected at all toll plazas and service plazas saying "If you're sleepy, take a rest." He said that if the newspapers would harp on the subject, the Commission would get better results. The Chairman congratulated Mr. Hirschfeld, who was present at the meeting, upon his article and he congratulated the Cleveland Plain Dealer upon its editorial. He said that he hoped Mr. Hirschfeld

and his newspaper would stay with the subject. He said that highways could be designed and built but the public had to be educated to take care of itself. He said that the Highway Patrol could police speed and could watch for adequate lights on the back of trucks but that the public had to be induced to stop driving when the driver was fatigued. He said that habits in the United States had changed and had been changed over the generations by effort to educate the public. He said that people had been made safety conscious on holidays, that it was hardly the holiday driver who gave cause for worry any longer but that it was the fellow who was taking the trip on Tuesday who wanted to get from Chicago to New York, from New York to Gary. He said that if the safety people would address themselves to public education they would do well.

The Chairman reported further that the matter of discrimination which had been before the Commission rather vividly a year previous seemed to have been cured. He said that the Commission had had no complaints about discrimination against human beings seeking shelter because of their color later than October 24, 1956. He said he hoped that the absence of complaints meant that those who sought shelter along the Ohio Turnpike especially at motels announced by the Ohio Turnpike Commission were not being discriminated against.

The Chairman reported further that Mr. Chastang had addressed himself at a previous meeting to tourist information signs on the Ohio Turnpike and that since then there had been an article in the Columbus Dispatch under date of June 16, 1957, an editorial under date of June 12, 1957 in the Cincinnati Times-Star, and letters from persons thanking the Commission for the interest it was taking in giving information about points of interest along the turnpike.

The Chairman reported further that he had a letter from the Secretary to the Governor, Charles M. Noble, under date of May 31, 1957 asking the Commission to advise him with respect to the impact which certain improvements of Ohio Route 18 in the vicinity of Akron, all within the Akron urban area, might have on the Ohio Turnpike. He said that the letter of Mr. Noble together with map and enclosures attached to it would remain part of the business of the meeting and be incorporated in the minutes. He said that it was his personal belief that the improvement of those three sections of highway within the Akron urban area contemplated by the State of Ohio, the Department of Highways, on Route 18 would not adversely affect the revenues of the Ohio Turnpike and that he was personally willing for Mr. Noble to so advise anyone. He said that he could not speak in behalf of the Commission, that the members were present and he would like them to express themselves with respect

to, whether or not his statement had their approval.

The letter addressed to the Chairman by the Secretary to the Governor, Charles M. Noble, under date of May 31, 1957 together with map and enclosures in the file relating to the letter follow:

"May 31, 1957

"Mr. James W. Shocknessy - Chairman  
Ohio Turnpike Commission  
8080 Prospect Road  
Berea, Ohio

"Dear Mr. Shocknessy:

"Submitted herewith is a map showing a portion of the northeastern section of Ohio and also submitted is a map of Akron showing their proposed expressway system, as it pertains to the interstate system. We have designated on the Akron map those sections of the interstate system which are now under construction, and that section which we desire to place under construction in the near future.

"The sections under construction were sold, under protest, as Federal Aid Urban and Primary, Non-interstate Projects. The Bureau of Public Roads has, as yet, refused to finance these projects with interstate monies. Undoubtedly, they will take the same position when we sell the remaining section between the two projects now under construction. Those sections of the interstate running south toward Canton and west to US-21 are not a subject of controversy since they are parts of other interstate routes.

"We have been advised by the Bureau that they will approve the sections in question, as being eligible for interstate funds, providing the Ohio Turnpike Commission will state that they have no objection to this action.

"It is my opinion that the improvement of these sections is extremely necessary to the welfare of Akron, and I further believe that the construction of these sections will not adversely affect the revenues of your Commission. I respectfully request that the Ohio Turnpike Commission notify the Bureau that it has no objection to the construction of these sections with interstate funds.

"In regard to those portions of State Route 18 between Norwalk and US-21, and between the eastern limit of the project now under construction through Tallmadge and the Ohio Turnpike, we do not propose to proceed with any major construction until such time as a mutual understanding is reached between the Ohio Turnpike Commission, the Bureau of Public Roads and the State. We do intend to proceed with determining the location in order that critical right-of-way may be acquired.

"We have shown the correct Federal designation of the projects on the Akron map. Please refer to them in any correspondence with the Federal Bureau.

"Thank you.

"Very truly yours,

(signed) Charles M. Noble  
"Secretary to the Governor

"CMN:jah

"Att. 1 map northeastern Ohio  
1 map Akron

5 complete sets (letter and  
2 maps)"

Enclosure in the file relating to the letter addressed to the  
Chairman by the Secretary to the Governor under date of May 31, 1957.

"June 5, 1957

"TO:                   Messrs. Teagarden  
                          Beightler  
                          Chastang

"FROM:                 Executive Director

\*           "Enclosed is a copy of a letter, with maps attached, from  
Charles M. Noble, Secretary to the Governor to Mr. James W.  
Shocknessy, Chairman of the Commission, dated May 31, 1957.  
I believe the enclosure to be self explanatory.

"The Chairman has asked that I forward a copy to each  
of you for your information, consideration and reply to me.  
The Chairman has stated that he is agreeable to complying  
with the request made by Mr. Noble in the absence of any ob-  
jection from other members. Further he has asked that I make  
the reply to Mr. Noble. Therefore, will you advise your con-  
clusions so that I can, in turn, reply to Mr. Noble.

"C. W. Hartford  
Executive Director

"CWH/ma  
cc:Chairman  
\*Attachments"

Enclosure in the file relating to the letter addressed to the  
Chairman by the Secretary to the Governor under date of May 31, 1957.

"June 5, 1957

"J. E. Greiner Company  
1106 North Charles Street  
Baltimore, Maryland

"Attn: Mr. J. J. Jenkins, Jr.

"Gentlemen:

\*           "I am enclosing for your information, consideration and

advice, a copy of a letter, with maps attached, as received by Mr. James W. Shocknessy, Chairman of the Commission, from Charles M. Noble, Secretary to the Governor, dated May 31, 1957. I believe the enclosure to be self explanatory.

"In view of the conclusions stated in your letter of February 20, 1957 I would appreciate your review of the proposal as stated by Mr. Noble in his letter of May 31, 1957 and your advice with respect to the effect of the proposal on the Ohio Turnpike.

"Very truly yours,

(signed) C. W. Hartford  
"Executive Director

"CWH/ma  
\*Attachments  
cc:Chairman"

Enclosure in the file relating to the letter addressed to the Chairman by the Secretary to the Governor under date of May 31, 1957.

"June 7, 1957

"Mr. C. W. Hartford  
Executive Director, Ohio Turnpike Commission  
8080 Prospect Road  
Berea, Ohio.

"Dear Mr. Hartford:

"I am in receipt of your memorandum of the 5th to which you attached copy of a letter and maps received by the Chairman from Charles M. Noble, Secretary to the Governor. I have carefully reviewed Mr. Noble's letter and the attached maps and I am agreeable to complying with the request made by Mr. Noble.

"Very truly yours,

(signed) Charles J. Chastang

"CJC/rh  
cc:Chairman"



Enclosure in the file relating to the letter addressed to the Chairman by the Secretary to the Governor under date of May 31, 1957.

"11 June 1957

"Mr. C. W. Hartford, Executive Director,  
Ohio Turnpike Commission,  
8080 Prospect Road,  
Berea, Ohio.

"Dear Mr. Hartford:

"This is in reply to your memorandum of June 5, 1957, enclosing a letter from Mr. Chas. M. Noble, Secretary to the Governor, dated May 31, 1957, in which he asks the Ohio Turnpike Commission to inform the Bureau of Public Roads (Federal) that the Commission has no objection to the construction of three sections of a proposed expressway system in the Akron area with interstate funds (Federal).

"When this matter was presented verbally and very briefly to the Commission by Mr. Noble I got the impression that the sections in question were a part of the interstate route between Cleveland, Akron and Canton, as well as Route 18, relocated. I now observe that such is not the case. It also appears to me that, should we approve of this construction with interstate funds, the Bureau of Public Roads could assume our approval of the inclusion of all of Route 18 on the Interstate System, since the sections in question constitute an interior portion of this route.

"From the two maps submitted by Mr. Noble it is quite apparent that the State Highway Department is some time planning the construction of all of Route 18 between Youngstown and Norwalk. The maps show the tentative relocation of this route and Mr. Noble admits that right-of-way may be acquired. It is also my understanding that surveys and perhaps plans are now under way on parts of this highway.

"Actually, I have no objection to the employment of interstate funds on the three sections in the Akron area as shown on the map submitted by Mr. Noble. I am not yet convinced, however, that the construction of all of Route 18 between Youngstown and Norwalk would not affect adversely the operations of the Ohio Turnpike, and, may I add, most seriously.

"Consequently, unless we can be assured that the balance of Route 18 will not become eligible for interstate funds without concurrence of the Ohio Turnpike Commission, I cannot consent to the construction of the three sections in question with interstate funds.

"Very truly yours,

(Signed) Robert S. Beightler  
Major General USA Ret'd

"Copy to: Mr. James W. Shocknessy, Chairman  
Mr. O. L. Teagarden,  
Mr. Charles J. Chastang"

Enclosure in the file relating to the letter addressed to the Chairman by the Secretary to the Governor under date of May 31, 1957.

"Oak Harbor, Ohio  
June 12, 1957

"C. W. Hartford  
Executive Director  
Ohio Turnpike Commission  
8080 Prospect Road  
Berea, Ohio

"Dear Mr. Hartford:

"This will acknowledge receipt of your letter of the fifth enclosing a copy of letter from Mr. Noble, Secretary to the Governor, dated May 31, 1957 requesting permission of the Ohio Turnpike Commission to notify Bureau of Public Roads that the Commission does not object to the construction of three sections of a proposed expressway system in the vicinity of Akron, Ohio, with interstate funds.

"This matter was discussed briefly between the Commission and Mr. Noble after the last meeting in Berea. I understood from Mr. Noble at that time that if the Commission gave its approval to the construction mentioned and shown on the map enclosed with your letter, no further action would be taken in connection with the construction or any other matter that would indicate further construction of Route 18 east to Youngstown or west to Norwalk. From these maps and from reading the last paragraph of Mr. Noble's letter at the bottom

of the first page, it is apparent that the State Highway Department is proceeding with determining the location and acquisition of right-of-way of both east and west sections from Akron on Route 18.

"Unless we have definite assurance that the balance of Route 18 (other than the three sections shown on the two maps enclosed with letter) will not be placed on the system and become eligible for interstate funds, I cannot give my consent to construction of the three sections referred to in Mr. Noble's May 31st letter and shown on the two maps enclosed with same.

"Yours truly,

(signed) O. L. Teagarden"

Enclosure in the file relating to the letter addressed to the Chairman by the Secretary to the Governor under date of May 31, 1957.

"C-720

"June 12, 1957

"Mr. C. W. Hartford,  
Executive Director  
Ohio Turnpike Commission  
8080 Prospect Road  
Berea, Ohio

"Re: Improvements to Ohio Route 18

"Dear Mr. Hartford:

"We have considered your letter of June 5, 1957, together with its attachments and the influence these latest developments might have on our conclusion of February 20, 1957.

"A review of the maps submitted, together with the copy of a letter of May 31, 1957, from Mr. Charles M. Noble, Secretary to the Governor, to Mr. James W. Shocknessy, Chairman of the Commission, would indicate that eventually Route 18 will be reconstructed on a new alignment from a point north of Norwalk, just south of the Ohio Turnpike, in an easterly direction through Akron to Youngstown. It also appears that the central section from U. S. 21 east through Akron to a point just west of Brimfield Station on existing Route 18 will be improved to interstate standards in the reasonably near future. No indication is given as to the design standards of the improvements from

Norwalk to U. S. 21, nor from Brimfield Station to Youngstown. That these latter sections of Route 18 will be improved, however, seems definite, since Mr. Noble states that the Department of Highways 'intends to proceed with determining a location in order that critical right-of-way may be acquired.'

"There is no doubt in our minds that completion of the contemplated improvement of Route 18 from Norwalk to Youngstown will adversely affect toll revenues of the Ohio Turnpike to a most serious degree, since this new route would operate as a parallel free route, competing with the most heavily travelled 100-mile section of the Ohio Turnpike.

"We do not believe that the completion of construction of the particular three projects, aggregating some six miles in length in the Akron area, (two of which are presently under construction) will, of themselves, have any material effect upon the revenues of the Ohio Turnpike. However, extension of this construction westward to U. S. 21 and eastward to Youngstown will undoubtedly adversely affect Turnpike revenues.

"In general, we are of the opinion that Ohio Turnpike toll revenues will be reduced by increasingly significant amounts as Route 18 is improved and extended toward Norwalk and Youngstown. The degree of reduction will be governed both by the extent and design standards of the improvement.

"To determine with any accuracy the amount of potential loss of toll revenue would require appropriate origin and destination counts and traffic studies. These studies could only be made after the ultimate plans of the Ohio Department of Highways regarding improvement of Route 18 are made known to those assigned the responsibility of making the necessary traffic studies.

"With respect to Mr. Noble's specific request that the Commission state that it has no objection to the Bureau of Public Roads' approving the three specific projects in the Akron area as being eligible for interstate funds, we can only comment that the method of financing of those projects can, in itself, have no influence on the revenues of the Ohio Turnpike. On the other hand, the overall improvement outlined by Mr. Noble will seriously affect Turnpike revenues, no matter how the financing is accomplished.

"Very truly yours,

"J. E. GREINER COMPANY

(signed) J. J. Jenkins, Jr.

"cc: Mr. J. M. Worthington!"

Mr. Noble said that he believed the Chairman's statement was adequate, if the Commission would see no objections to the construction of those sections as part of the interstate system.

General Beightler said that the matter was of great import and had a great bearing on the future of the Ohio Turnpike. He said that he concurred with the Chairman in that he did not think the construction of the three sections in question, the ones in the Akron area, would have any material effect on the revenues of the Ohio Turnpike. He said that he would be perfectly willing to go along with that if it would simply end right there. He said that he had given the matter a lot of serious thought in an honest hope that he could somehow come to the conclusion that the Commission could favorably consider the request made by Mr. Noble in his letter of May 31, 1957. He said that it had worried him a lot since late in 1956 when the Commission had been asked to concur in the inclusion of Ohio Route 18 from Youngstown to Norwalk in the interstate system, and when the request had been amended later to make Route 18 from Youngstown to Route U. S. 21 a part of the interstate highway system. He said that at that time he had discussed at length the possible adverse effect he felt that such action would have upon the Ohio Turnpike and upon the solvency of the turnpike. He said that Mr. Noble had asked that the Commission state that it had no objection to the Bureau of Public Roads approving three specific sections in the Akron area as being eligible for interstate funds. He said that he would gladly give his assent to such a request if the Commission could be assured by the Bureau of Public Roads and the Ohio Department of Highways that nothing would be done on the balance of Ohio Route 18 toward making it in whole or in part eligible for such funds without the concurrence of the Turnpike Commission. He said that he doubted whether such assurance could be given because to finance the sections in question in the vicinity of Akron with interstate funds would require the inclusion, in his opinion, of a considerable part of Route 18 in the interstate highway system, possibly from Youngstown to Norwalk. He said that he had no doubt that Mr. Noble would adhere strictly to his agreement that no further construction would be undertaken on that Route without conferring with the Turnpike Commission but that he did not think that Mr. Noble could speak for his possible successors or for the Bureau of Public Roads. He said that the Federal Aid Highway Act of 1956 required the completion of the entire interstate system within a period of 16 years and that if Route 18 should be placed on that system, it appeared to him that it was going to have to be built some time.

General Beightler said also that another thing that disturbed him greatly was the statement in Mr. Noble's letter that surveys were being made on the portion of Route 18 between Akron and Youngstown and that the Department of Highways intended to proceed with the acquisition of

rights-of-way. He said that he understood as a matter of fact that the surveys were practically completed and the plans were nearly completed on that portion of Route 18. He said that presumably those rights-of-way would be acquired with interstate funds or at least the Highway Department would be reimbursed with interstate funds because the Federal Highway Act provided for such acquisitions. He said that the Act in Section 110 of Public Law 627 provided also that the use of federal funds for the procurement of right-of-way was permitted but that unless a road should be built upon such rights-of-way within five years the state must make reimbursement to the Federal government.

General Beightler said also that the report of the Committee on Public Works of the House of Representatives which accompanied the Federal Highway Act of 1956 referred in section R to a report of the Bureau of Public Roads in 1954 recommending that the law of 1954 be changed to permit the inclusion of toll roads as part of the interstate system when such toll roads met the standards for that system. He said that the Ohio Turnpike met such standards. He said that the report of the Committee stated that the Committee had inserted a provision covering such recommendation and that the report commented further as follows:

"The language of this Act is intended to promote maximum integration of the system by including both free and toll roads in the system and the committee does not anticipate that free facilities would be built in such locations and to such standards as to be competitive with toll roads."

General Beightler said further that it would seem that the Bureau of Public Roads was attempting to conform to the intent of Congress in the matter of considering the existing toll roads. He said that Public Law 627 provided for a study to be submitted to the Congress by January 19, 1958 as to whether or not the Federal government should reimburse a state for a toll road completed since some time in 1947 when such toll road was on the interstate system. He said that unless the Ohio Turnpike was made a part of the interstate system, Ohio would not be eligible for such reimbursement. He said that some states were taking advantage of that part of the statute and were requesting reimbursement. He said that the total cost of the Ohio Turnpike including financing amounted to some \$326,000,000.

General Beightler said that many persons in considering, editorially or otherwise, whether Ohio Route 18 should be placed on the federal interstate system appeared to regard any inclusion in such consideration of the possible effects on Ohio Turnpike traffic of a closely paralleling interstate system road as being included only to guard the

interests of holders of Ohio Turnpike revenue bonds. He said that what those persons overlooked was that the Ohio Turnpike was not a private enterprise but a high type highway the construction of which on the location across northern Ohio approved by the governor was vitally necessary to the relief of traffic congestion on public free highways in that area but the financing of which could not be accomplished at that time by the methods ordinarily available to the state of Ohio for the construction of highways. He said that for that reason a \$326,000,000 issue of revenue bonds had been sold to the general public to finance construction of the Ohio Turnpike. He said that in the same general period the state of Ohio had authorized the sale of \$500,000,000 in bonds to finance the construction of free public highways and that most of the latter issue had then been sold to the general public. He said that broadly speaking, the only difference in those two bond issues was that the interest and principal on the turnpike revenue bonds must be paid entirely from tolls collected from users of the turnpike while interest and principal on the bond issue to finance construction of public free roads were paid from proceeds of taxes - gasoline and so-called axle-mile taxes - paid by all users of highways in Ohio. He said that even users of the Ohio Turnpike contributed to the debt service on those latter bonds through the tax they paid on gasoline used in turnpike travel for which they already were paying tolls.

General Beightler said also that just as the highways being built from proceeds of the \$500,000,000 bond issue were becoming or would become part of the state highway system of free roads so would the Ohio Turnpike become a free public highway when the \$326,000,000 revenue bond issue should be retired. He said that the Ohio Turnpike Act which authorized the construction and operation of turnpike projects in this state so provided. He said that the question that should be answered by those who would advocate the construction of parallel highway facilities which would drain traffic from the Ohio Turnpike and thereby pose a threat to the adequacy of turnpike revenues to service the turnpike revenue bonds was how the state of Ohio would propose in such an eventuality to free the turnpike from its burden of debt so that the highway could become what the General Assembly of Ohio intended - a free road and part of the state highway system.

General Beightler said also that he sincerely wished that he could in good conscience without violation of his trust as a Commissioner assent to the construction of the three sections of highway in the Akron area in question. He said that he realized the serious need for that construction and that he did not think that the sections would seriously affect the revenues of the Turnpike Commission. He said that he would be glad to have them constructed with interstate funds. He said that he realized the problems of the Ohio Department of Highways but that he could not

nevertheless agree with such usage of interstate funds except under the conditions which he had indicated previously.

General Beightler said that he had said at a meeting of the Commission the previous December that the Ohio Turnpike would be insolvent within a period of two years if Route 18 should be built to modern standards as a limited access road. He said that the only change he would make in that statement would be to cut the time of solvency in half. He said that he frankly doubted that the Commission would be able to take in enough revenue on the Ohio Turnpike under such circumstances to pay operating, maintenance, and replacement costs, let alone the \$10, 500, 000 which was required each year for interest on the funded debt. He said that if the three sections in question could be built without placing Route 18 on the interstate system he was absolutely for using interstate funds in their construction but that otherwise he would have to oppose such use.

Mr. Noble said that apparently General Beightler was unaware that one of the sections had actually been finished and was in operation in the city of Akron. He said that the other two sections were under construction and will be finished within a short time. He said that the two sections then under construction had been financed on the basis of urban bonds which meant that the state contributed 50 percent and the federal government 50 percent of the cost. He said that the Department of Highways desired to have the federal government contribute 90 percent, thus conserving state funds. He said that the only section that the Department of Highways was asking to proceed with was the section in between the two sections then under construction, a section only two or three miles long. He said that the Department wished to proceed with construction of that section by the use of interstate funds so that it could get 90¢ dollars from the federal government. He said that the project described in his letter was wholly within the city of Akron and was entirely separated from Youngstown so that the connection between the project and Youngstown would have to be over existing Route 18 between Akron and Youngstown. General Beightler asked whether approval of the use of interstate funds on the three-mile section would have to be accomplished by placing Route 18 on the interstate highway system. Mr. Noble replied that the route was already on the interstate system. General Beightler asked why, in view of Mr. Noble's statement that Route 18 was already on the interstate system, anything was being asked of the Commission. Mr. Noble replied that the request had been made because of the desire of the Bureau of Public Roads to safeguard the interests of the Ohio Turnpike, that that was the sole issue involved. He said that the Bureau of Public Roads would not permit the Department of Highways to obtain 90¢ dollars until it was assured that there would be no conflict of interest and that that position of the Bureau was the



Commission's insurance that the Department of Highways would not go farther with seeking interstate funds for the other remaining sections of Route 18 beyond Akron.

General Beightler asked whether the Bureau of Public Roads would back up Mr. Noble's statement and whether Mr. Noble's successor would back up his statement. Mr. Noble said that if the Commission wished to make a condition that the Department of Highways would not proceed with construction of Route 18 on the sections on either side of the Akron area, as stated in his letter, as a condition of the Commission's approval, that that would be perfectly satisfactory. He said he thought that the letter had said clearly that the Department of Highways would not proceed with any further construction without consultation with the Commission and with the Bureau of Public Roads. He asked the Commission to consider the supposition that the Department of Highways would not obtain interstate money for the three sections and that the state of Ohio therefore would lose that money to some other state and that somebody would change his mind with respect to proceeding with construction of Route 18 with interstate funds. He said that in that case the Commission would be no better off than it was then. He said that the Commission already had a guarantee that the Bureau of Public Roads was going to cooperate and that the Commission had his guarantee in his letter. General Beightler asked whether it could be assumed that when the Department of Highways was completing surveys and plans on Route 18 between Youngstown and Akron and was planning to acquire rights-of-way, undoubtedly with federal funds, the Department of Highways would find it necessary to construct Route 18 within five years. He said that Mr. Noble expected to obtain the approval of the Commission for his request in the face of such an assumption. Mr. Noble replied that he was a newcomer in the state of Ohio but it looked as though he had more faith and confidence in the state than General Beightler had. He said he believed that the whole area from Lake Erie south through the Akron and Medina area was going to develop with the greatest speed and rapidity and was going to require highway facilities beyond anything that was being thought about at that time. He said that he did not want to see the state of Ohio lose the chance for those highway facilities. He said he thought that that chance should be preserved. He said that the state did not need to build those facilities at that time but unless rights-of-way for those highway facilities could be established before the land concerned should be built upon, before factories and housing developments and shopping centers should be constructed, those rights-of-way would be lost. He said he thought that the state of Ohio should preserve those rights-of-way. He said that he had such faith in the way that whole area was going to go forward he thought it would be a crying shame if the state missed the opportunity of leaving Route 18 on the interstate system and thus of having the

opportunity later of constructing it and that it would be a shame if the state missed the opportunity also of preserving the right-of-way while it could.

General Beightler said he quite agreed with Mr. Noble that the area was going to grow very fast but he was not sure that it was going to grow so fast and so rapidly that a freeway parallel to the turnpike could be built with the expectation that the turnpike would remain solvent.

Mr. Chastang asked Mr. Noble whether he considered that if the Commission should approve the request made in his letter, the Commission thereby would be committed in any way to approve further improvement of Route 18 beyond Akron, east and west, with interstate funds. Mr. Noble replied that he would be perfectly willing to accept a definite statement in the Commission's letter to the Highway Department that the Commission was giving its consent to the request in his letter of May 31 with a specific understanding that there would be no further encroachment on Route 18 beyond the Akron area without consultation and agreement with the Ohio Turnpike Commission. He said that the Department of Highways was asking for the one thing he had specified. He said that the Department was not asking for one bit more but that it did believe the state should preserve the right-of-way for the future.

The Chairman said that it was his belief that neither the state of Ohio nor the Bureau of Public Roads would do anything so foolish as to build an outright competitive highway. He said that that would be utterly unsound and that regardless of what the Commission said or what it did he would have confidence that nothing so foolish as the construction of a competitive freeway would be done unless a competitive freeway would be required by the exigencies of traffic growth. He said that he had thought for a number of years, even before the Ohio Turnpike had been completed, that the day would come when another comparable highway might be required. He said that he did not even have trouble with accepting the concept of a road from Akron to Youngstown.

Mr. Chastang said that Mr. Noble's answer to his question convinced him.

General Beightler said that he did not think that the members of the Commission were far apart on their thoughts. He said that all the members wanted to do was to protect the turnpike. He said he had gotten the impression from the Executive Director that Route 18 was

only tentatively on the interstate system. The Executive Director said that Route 18 had been on the interstate system since the Federal Highway Act of 1944. General Beightler said he had thought that what had been designated had been simply a route which could be either Route 18 or the turnpike or something else. The Executive Director said that that was right, that what had been designated a part of the interstate system was just a road to service the Youngstown-Akron-Norwalk areas whether it should be Route 18 or the turnpike or some new route. Mr. Noble said that there were two routes, that Route 18 was separate from the route which would be considered the turnpike. He said that a separate route was shown on the map very clearly. Mr. Chastang asked Mr. Noble whether he believed that the improvements in Akron which had been discussed would have any effect one way or another upon the situation of the turnpike in the interstate system. Mr. Noble replied that he could not see how it could possibly have any adverse effect. Mr. Chastang said that he agreed with Mr. Noble.

General Beightler said that as a matter of fact the turnpike was on the interstate system. Mr. Noble said that the greater part of the turnpike was on the interstate system. He said that there was a gap outside of the Youngstown area up toward Cleveland which had been left out, apparently so that Route 14 could be constructed. He said that shortly after he had come to Ohio he had gone to Washington to see if he could get some mileage that had been assigned to the turnpike put on some other highways in the state of Ohio. He said also that he did not know that it would do any good to have the turnpike called part of the interstate system. He said that people were still going to ride the turnpike.

Mr. Teagarden said that with the explanation of the construction of the three parcels mentioned in Mr. Noble's letter he could support the request with the understanding that approval by the Commission did not necessarily mean that anything else was going to be done to other parts of Route 18 unless the Ohio Turnpike Commission should give its final approval. The Chairman said that the Congress of the United States was not going to tolerate the squandering of funds on roads that were not necessary.

Mr. Noble said that he would like to clear up the five-year situation with respect to acquisition of rights-of-way. He said that all that that meant was, if the state of Ohio sought to get the federal participation in the purchases of distressed rights-of-way, the state would have to build on the rights-of-way in five years in order to get the federal money. He said that that did not mean that state money could

not be spent for that purpose. He said that if it were urgent to buy rights-of-way, state funds alone could be used and under those conditions there would be no restriction that the state must build within five years. He said that even if the state should buy rights-of-way with federal funds and the five years should run out all that could happen is that the state would reimburse the federal government for its participation.

The Chairman said that before the meeting he had gone over with General Beightler a draft letter which came pretty close to bespeaking the views that he had bespoken at the meeting when he had introduced the subject. He said that Mr. Noble had asked that the Commission add to that statement words which would indicate that not only did the Commission feel, it believed, having deliberated, that the improvement of the sections in the Akron urban area would not adversely affect the Commission's revenue but also that the Commission did not object to their inclusion in a formula for the application of federal funds under the interstate system provided that nothing therein contained was to be construed as an approval of any construction with interstate funds other than the three specific sections mentioned. The Chairman then read the draft of the letter addressed to Mr. Noble as follows:

"We have your letter of May 31, 1957 wherein you advise us of the urgency of improvement of certain sections of Route 18 within the city of Akron and immediately outside the city of Akron but all within the Akron urban area. You are advised that after consideration of the impact the improvement of the three specific sections hereinabove referred to might have upon the Ohio Turnpike, it is the considered belief of the Commission that the improvement of the three specific projects in the Akron urban area will not adversely affect the revenue of the Ohio Turnpike. Nor would the Ohio Turnpike Commission object to use of interstate funds for the improvement of those three sections on Route 18 provided nothing herein stated is to be construed as an indication of any approval of any further use of interstate funds for construction on Route 18."

General Beightler said that that was fine, that that was all he had wanted done. The Chairman said that the Executive Director was authorized to send the letter on behalf of the Commission.

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 for May 1957.
- (2) Draft of the minutes of the April 30, 1957 meeting.
- (3) Unaudited Financial Report as of May 31, 1957.
- (4) Traffic and Revenue Report for May 1957.

He said that on June 14 income from investments of the construction fund had passed the \$17,000,000 mark. He said that during June the remaining money in the construction fund again had been re-invested in U. S. Treasury Bills at a yield slightly higher than the rate of interest being paid on Ohio Turnpike Revenue Bonds.

The Assistant Secretary-Treasurer reported further that the week ending June 15, 1957, had set new high weekly records for commercial toll revenue, number of commercial vehicles, and total toll revenue. He said that three of the previous four weeks had established new records on commercial toll revenue, and that the fourth week had been the one with the Memorial Day holiday. He said that the previous record week for total toll revenue had been the week before Labor Day of 1956.

The Chairman thanked the Assistant Secretary-Treasurer and said that the report from the Secretary-Treasurer as presented by the Assistant Secretary-Treasurer was accepted as offered.

The Chairman of the Committee on Budget and Finance reported that the budget for five months of 1957 was just about in line with respect to budgeted items with a few slight variations. He said that there would be available a more complete report and a better method of appraising at the end of June.

The Chairman of the Committee on Budget and Finance reported further that with respect to financing he thought it was too early to know what the impact of the increase in toll rates of Class I vehicles would be but that the indications to that date were that the estimates made initially would be exceeded or were at least accurate.

The Chairman thanked the Chairman of the Committee on Budget and Finance.

The Chairman of the Committee on Claims said that the Executive Director had a report of the first meeting of the Committee on Claims held on June 11, 1957 which he would pass around to the Members. He said that the report included a summary review of all the claims and

the status of each claim. He said also that the Commission was proceeding to close the claims as rapidly as possible. He said that a great many claims had been filed but that at that time the Committee on Claims did not feel it was justified in taking them up individually.

The Chairman thanked the Chairman of the Committee on Claims. The Chairman congratulated the General Counsel upon the satisfactory conclusion of the McKarns case, otherwise known as the pig case, and also upon the satisfactory conclusion of the Lichter case which the Supreme Court of Ohio the day before had announced it would refuse to review.

The General Counsel reported that with respect to the McKarns case he had furnished each Member a copy of the brief opinion written by the Judge addressed to the Commission's local counsel. He said that in the first paragraph the Court found that the defendants were creating an actionable nuisance in the manner and place of their hog operation. He said that the Court found that the defendants were operating their hog enterprise so as to cause stench and flies to pervade the premises of the plaintiffs, etc. He said that on the second page the rather cryptic remarks of the Court had caused local counsel to go out to the McKarns' farm and take measurements. He quoted the remarks as follows: "The tract of land above referred to is bounded on the northeasterly side by the property line of the turnpike; on the southerly side by an extension of the line marked '215.00' and on the westerly side by a line running due south from the brace post which is nearest the large plaza sign." General Counsel said that the Commission's local counsel was somewhat uncertain about the location described in the opinion. He said that the Commission's engineers had prepared a map and had drawn a line to indicate what it appeared the Court intended to do and that it thereby appeared that the Court intended to move eight hog pens that were along the access road to the service plaza back a distance such that none of them would be less than six hundred feet from the restaurant itself. He said that there was uncertainty as to the distance that the hogs could be permitted to come within the proximity of the picnic area of the service plaza. He said that local counsel would take it up with the Court the next week.

Resolution No. 15-1957 transferring revolving fund and authorizing the reimbursement and augmentation thereof, and the drawing of checks thereof was moved for adoption by General Beightler, seconded by Mr. Teagarden, as follows:

Resolution No. 15-1957

"WHEREAS Section 506 of the Trust Agreement provides that the commission may maintain a revolving fund not to exceed \$10,000.00 for the payment of items of current expenses which cannot conveniently be paid as otherwise provided in the Trust Agreement, and the commission has heretofore, while its principal office was in Franklin County, pursuant to its Resolution No. 21-1955 established said fund and designated the Ohio National Bank of Columbus, Ohio as depository thereof;

"WHEREAS the term of the aforesaid designation has expired, and the commission, now having its principal office in Cuyahoga County, desires to designate a conveniently located depository for such fund and to transfer such fund thereto; and

"WHEREAS the Union Commerce Bank (through its Berea office, 40 Front Street, Berea, Ohio), a conveniently located institution eligible for the receipt of active deposits pursuant to Sections 135.01 to 135.23, inclusive, of the Revised Code of Ohio, has made application for such deposit and no other institution has made such application;

"NOW, THEREFORE, BE IT

"RESOLVED that the aforesaid fund be transferred to the Union Commerce Bank, and said Union Commerce Bank is hereby designated as depository for said revolving fund, which fund shall be held by it without service charge and subject to check as hereinafter provided, and shall be used by the Ohio Turnpike Commission as a revolving fund for the purposes provided therefor under Section 506 of the Trust Agreement, and the Ohio National Bank, as trustee under said agreement is authorized and directed, from time to time, to make payments against requisition to the Union Commerce Bank for the purpose of reimbursing said fund as provided in said Section 506, or of augmenting said fund as transferred and initially established with said Union Commerce Bank; provided, however, that the total amount of said fund shall not be increased so that it exceeds \$10,000.00.

"FURTHER RESOLVED, that the comptroller be and hereby he is authorized, on behalf of the Ohio Turnpike Commission to draw checks on the aforesaid account with said Union Commerce Bank, and said bank is authorized and directed to honor checks drawn against said amount and signed by the said comptroller of the Ohio Turnpike Commission, and the secretary-treasurer of the Ohio Turnpike Commission is authorized and directed to certify this resolution as duly adopted and to provide for the delivery thereof to the Union Commerce Bank.

"FURTHER RESOLVED that the comptroller is hereby authorized and directed to approve and to execute any memoranda or other documents which, in the opinion of general counsel, are requisite for the transfer of said fund and establishment of said account as aforesaid. "

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

Ayes: Beightler, Teagarden, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that the advertising authorized at the previous meeting of the Commission for the construction of a water line to Erie Islands and Commodore Perry service plazas was in progress with bids to be received June 28, 1957 and the award to be made not later than July 13, 1957.

The Chairman instructed the Deputy Executive Director to make his report to the Commission in writing.

The Chairman of the Committee on Service Plazas reported that the Committee had met on June 7, 1957 and that he personally had visited and inspected all of the ABC restaurants and had eaten at all of them. He said that the Committee had had a meeting with Mr. Virgil Gladioux, the principal owner and president of Buddies Food Service, Inc., which operated the six restaurants at the westerly end of the turnpike, and had gone over a number of matters concerning the operation of those restaurants.

The Chairman of the Committee on Service Plazas reported also that the Committee had had a meeting the day before with a gentleman whom it might recommend for employment by the Commission as Supervisor of Restaurants. He said that the man in question was aged 36, a graduate of Cornell University with a Bachelor of Science degree in foods, nutrition and administration, had been employed by Thompson Products Company as manager of their cafeteria, had served the United States Navy as the chief food inspector in a five-state area, and had been conducting a restaurant of family ownership which served from 1800 to 2000 persons daily, and had been quite active in many organizations, particularly of restaurateurs.

The Chairman of the Committee on Service Plazas said that the



principal matter to be considered was the contract of the Olympic Commissary Company. He called on counsel for the Committee, John Lansdale, Jr. of Squire, Sanders & Dempsey.

Mr. Lansdale said that on March 13, 1957 the Commission had given notice under the provisions of Section 31 of the contract with the Olympic Commissary Company specifying the particulars in which the Company had failed to comply with its contract. He said that under the contract the Olympic Commissary Company had thirty days thereafter in which either to correct the defects or to take steps to insure their correction. He said that thereafter the Committee had investigated the performance of Olympic Commissary Company, had invited representatives of the Company to appear before it, which they had done, and the Committee had determined and recommended to the Commission that the Company had neither corrected the situation nor taken steps which would insure that correction. He said that that had been reported to the Commission at the first meeting succeeding the expiration of the thirty days.

Mr. Lansdale said also that he had reported to the Commission and to the Committee concerning certain conversations he had had with Olympic Commissary Company looking toward steps by them to assign their contract to a nationally recognized restaurant operator that would be acceptable to the Commission, it having seemed that that sort of an easy transition would be an asset to the Commission. He said that the Committee had recommended, solely for that reason, that the Commission defer further action, which had been done.

Mr. Lansdale said also that at the subsequent meeting of the Commission negotiations had at that time been in progress between the Olympic Commissary Company and other restaurant operators looking toward assignment and that at the request of the Olympic Commissary Company the Commission had again deferred action solely on that account. He said that he had been advised a few days before that the last of the negotiations which the Olympic Commissary Company had undertaken had fallen through and that there was no assignment in prospect. He said that that was the situation as of that moment. He said that with respect to the defects of operation, with respect to the basic difficulties that were involved with respect to the extraordinary difficulty which the Commission had experienced at getting cooperation from or even conversation with responsible officials of Olympic Commissary Company, he would not discuss them because they had been fully covered by the reports of the Committee.

Mr. Lansdale said also that in his judgment the deferral of

action in excess of thirty days had been solely to permit the assignment and that the Commission might, but need not, look to periods subsequent to the expiration of that 30-day period for a determination as to whether the Commission should proceed with cancellation. Mr. Lansdale said that Mr. Sidney D. L. Jackson, Jr. of the law firm of Baker, Hostetler & Patterson had come to the meeting with officials of Olympic Commissary Company and had requested time to speak to the Commission. He recommended that the Commission hear Mr. Jackson. The Chairman called upon Mr. Jackson.

Mr. Jackson said there was due the Commission a first hand report of the efforts that had been made to locate an assignee. He said that those efforts had been made in good faith. He said that the officials of the Olympic Commissary Company had been in contact with approximately nine or ten properly qualified restaurant operators. He said that some of them summarily had said they were not interested and that others had been interested. He said that about ten days prior he had had occasion to write the Commission through Mr. Lansdale a letter stating that Olympic Commissary Company expected from Howard Johnson's who had evidenced a great interest some sort of a proposition and had asked that any action that the Commission proposed to take be deferred until that interest could develop into something or other. He said that unfortunately it had developed into a rejection.

Mr. Jackson offered to the Commission for its records a photostat of a letter addressed to Mr. Lawrence M. McDermott of Olympic Commissary under date of June 14, 1957 by Victor Nelson of Howard Johnson's as follows:

"June 14, 1957

"Mr. Lawrence M. McDermott  
Olympic Commissary  
3119 Market Street  
Youngstown, Ohio

"Dear Mr. McDermott:

"After consideration and considerable investigation, we find that we are not interested in a straight assignment of your Ohio Turnpike contract. We believe that under the present conditions that the financial risk would not be commensurate with the opportunities for profitable operation.

"However we would be interested in further dis-

cussing with you the possibilities of combining our efforts on some sort of a management association. The details of such an arrangement are rather vague at the present time, but we believe we could further discuss them.

"We want to thank you for your co-operation in giving us all the facts and figures in this situation.

"Looking forward to seeing you again and having further discussions with you,

"Very truly yours,

(signed) Victor Nelson

"VN/C"

Mr. Jackson said that Olympic Commissary Company was continuing to explore the Howard Johnson's suggestion that an association with reference to the management of the six restaurants be considered. He said that Howard Johnson's would not undertake any financial risk, which was a very serious proposition because Olympic Commissary Company had a considerable financial investment in the restaurants. He said that the invitation was open and he thought there would be such a discussion, that it would depend on what the Commission did.

In a reply to a question by the Chairman, Mr. Jackson said that at that time so far as Howard Johnson's was concerned there was not pending any negotiations with respect to fortifying the management of Olympic Commissary Company. He said that the Company had done other things, which he would develop later in his discussion. Mr. Jackson referred to the Commission's letter of March 13 and said that contrary to what Mr. Lansdale had said, the complaints outlined in that letter had not been specific because they had been quite general in nature. He said that nevertheless the Company had been able to identify the character of the complaints of the Commission.

He said that the first complaint specified in the Commission's letter, that Olympic Commissary Company was not operating according to the highest standards of restaurant operation, was after all a pretty severe test. He said that since receiving the letter the company had employed Horwath & Horwath, a nationally known restaurant accounting firm, on an annual retainer basis. He said that Horwath & Horwath would throughout the rest of the time Olympic Commissary Company

operated restaurants on the turnpike be in constant consultation with the Company to give it the benefit of the firm's suggestions as to improving the Company's management operations.

Mr. Jackson said that the Company had hired a staff training instructor who was working steadily and constantly with the managers of the six restaurants to give improvement in staff training. He said he thought the results had become apparent from expressions the Company had received from patrons.

Mr. Jackson said also that the Company had hired a pest and roach control firm for the summer months to give the utmost care and attention to the restaurants in all matters of that kind. He said the Company had hired an expert chemical cleaning company from Pittsburgh to supervise and take care of and look after the cleaning of the restaurants supplementing and augmenting what the Company's employees were constantly doing. He said that the Company had employees hired just for that purpose.

Mr. Jackson said that the Company had had no complaints about the food it bought. He said the Company served foods of the highest quality as specified in the exhibits attached to its lease. He said that so far as he knew there had never been a question as to the quality of food the Company purchased and served its patrons. He said that in the early months of 1957 an unfortunate person, unfortunate from the standpoint of personnel, had been managing the restaurants, he said that that person had been fired April 10, 1957. He said that the Company was then giving careful, competent management attention to each of the six restaurants.

The Chairman asked how many general managers the Company had had on the Ohio Turnpike. Mr. Jackson said he was unable to say how many but would say several probably. He said that Mr. John McCammon, who had the title of general manager, had been in that position for some time. He said that the Company had had different restaurant managers. The Chairman said that the Commission had always experienced the greatest difficulty in dealing with top management at Olympic. He said that the president of the Company had invariably been inaccessible to the Commission and that the Company's top management on the turnpike had had an inordinate turnover. Mr. Jackson said that when he became counsel for the Company on May 1, 1957, Mrs. L. M. McDermott, the executive vice president of the company, was in charge of the restaurants, was making her residence in Kent, Ohio, and was at the turnpike restaurants every day of the week except possibly on some of the week-ends when she returned to

Chicago. The Chairman asked whether Mrs. McDermott was a trained restaurant administrator. Mr. Jackson said that he did not think that she was. Mr. Jackson said that the people operating the restaurants for the Company, if they had not been experienced before, were rapidly gaining experience. He said that with Horwath & Horwath in the picture he thought the Commission would find that there would be without exception experienced, qualified management available on an operating and on a consultant basis thereafter for all Olympic Commissary operations.

Mr. Jackson said also that the Commission had complained in its letter of service to the traveling public. He said that since the early part of May the Company had had a patron card count which it knew to be accurate because every card that came back was accounted for so that the figures could be verified as a matter of legal proof if it should become necessary. He said that less than one percent of the patrons complained and that sixteen thousand cards representing over forty thousand people coming into the Olympic restaurants had been obtained in a period of five weeks. He said that the complaints were far outnumbered by the compliments. He said that he could not answer for the previous year but that the Company thought it was giving them a very high quality calibre of service currently. He said that the cards were available for the Commission's inspection and examination as and when the Commission cared to ask for them.

The Chairman asked Mr. Jackson if he were speaking as an officer of the Company in lieu of an officer of the Company. Mr. Jackson said that he was speaking as the Company's counsellor. The Chairman asked whether everything Mr. Jackson was speaking the Commission was to accept as a fact upon which the Company relied as though, in fact, bespoken by the Company. Mr. Jackson said that the statements he was making were being made in his professional capacity as a lawyer representing a client whom he believed to be a reputable client and that he was a reputable lawyer and that he thought his statements could be accepted at their face value. The Chairman said that there was no question of that. He said that the point he was making was that the Commission and Olympic Commissary Company were not really having any litigation and that he had not been at all certain of just the status of Mr. Jackson's statement. Mr. Jackson said that all that he was trying to do was to persuade the Commission that action taken at that moment based on the complaints of the previous March would be (a) an injustice and (b) unfair to the Company in view of what it had done to meet the requirements of its lease. The Chairman said he thought he and Mr. Jackson understood each other. He said that so far as the Commission was concerned at that time, Mr. Jackson was standing at the table in the shoes of the president of the

Company. Mr. Jackson said that that was right.

Mr. Jackson said that the reports of the inspectors of the Commission insofar as copies had been made available to the Company tended to show a satisfactory situation. He said that the Company was informed by the reports that under the Commission's grading system a grade of 85 was good. He said that the Company's grades for May had been about 87 and a fraction percent and that from the reports the Company had had for the last three months its grades were almost 90 percent which was above what the Commission's inspectors had told the Company was a satisfactory grading. He said that there was nothing serious or deep-seated listed in the reports.

The Chairman asked Mr. Jackson whether it was his position that the objections of the Commission had been satisfied within the thirty-day period which began to run on March 14, 1957. Mr. Jackson replied that he was taking the position that Olympic Commissary Company 30 days after date of notice had fully complied with the complaints of the Commission because he thought that in the Company's letter of April 2, 1957, it had said it thought that what it had done had satisfactorily met the complaints. He said that the Company did not stop in 30 days but had continued to take further corrective steps it felt would tend to improve the operation even though the steps taken had not been on the basis of any specific or general complaint the Commission previously had made. He said the Company just had been trying to improve its standard of operation.

Mr. Jackson said that the reports of the Commission's inspectors also were sufficient to answer the Commission's third complaint that the Company had not been conducting the service to obtain the public esteem for the Commission, for the Company's operating, and for the turnpike generally. He said that he could only refer the Commission again on that point to what the patrons currently were saying. He said that the Company thought that it had the high regard of the patrons that had been in its restaurants since the 7th of May.

Mr. Jackson said that with respect to the Commission's fourth complaint, which was with respect to cleanliness of the service plazas, the Company had hired people for pest and roach control and for the chemical cleaning of the rest rooms, that the Company had people employed to police the grounds. He said that as he could note from the inspectors' reports there seemed to be practically no defects, defalcations, shortages, or whatnot as to the cleanliness of the Company's operation.

The Chairman asked Mr. Jackson whether he could give the

Commission any reason justifying the delay in instituting the reforms that he was talking about. Mr. Jackson said that for a period of the first hundred days of 1957 the Company had had pretty flabby management. He said that the man who had come in as general manager of the restaurants in January, 1957 had been discharged on April 10, 1957. He said that he did not think that that was too long for a trial to see if he would work out. Mr. Jackson said that he referred to Mr. Sullivan. He said that since that time the Company had had satisfactory management. He said that he took it that the Members of the Commission as well as certain of its executives knew Mr. McCammon, the current general manager. He said that he thought that Mr. McCammon would impress the Commission as knowing what he was doing and with his sincerity. He said he thought Mr. McCammon was a capable man. The Chairman asked Mr. Jackson why Mr. McCammon had been removed in favor of Mr. Sullivan if he were capable. Mr. Jackson said he did not know. The Chairman said that on August 1, 1956 he had participated in a conference which had been attended also by certain members of the McDermott family and had made some rather definite and specific complaints against the management operation of the Olympic restaurants. He said that thereafter the Commission had had an almost impossible time in dealing with the management of Olympic so as to determine just what was going on. He said that the Commission had spent weeks trying to get Mr. J. Lawrence McDermott, the president of the Company, to come to Berea for a conference the previous winter.

Mr. Jackson said that he had with him at the meeting Mrs. J. Lawrence McDermott and her son, Mr. Lawrence McDermott, the secretary of the Company. He said that officials from Olympic Commissary Company were then available for a consultation and had been since May 1, 1957. He said that he referred to Mrs. McDermott, the executive vice president; Mr. McCammon, the general manager; Mr. Rex Jones, the comptroller, who had been at the Commission's headquarters; and Mr. Lawrence McDermott, the secretary, who had been at Berea repeatedly. Mr. Jackson said that the officers of the Company would continue to be available. He said that on occasion the Company had sought conferences with members of the Commission's staff but had been put off on the basis that while the matter was in the hands of the lawyers it had better go through lawyers' channels instead of direct. He said the Company would have preferred to have discussed operating questions with operators instead of lawyers. The Chairman said that once the matter had developed into a controversy and once Mr. Sydney Jackson had been employed and had advised the Commission that he was speaking for the Company it was not appropriate for the Commission to discuss direct with his client matters which were under his consideration. Mr. Jackson said that he had no objection to any operating questions that

might be discussed between any official of the Company and any representative of the Commission. He said he thought there was a matter of efficient operation that should be kept in mind even though there might be litigation. He said that after all the Commission and the Company had a common problem of trying to give a high grade service to the members of the public.

Mr. Jackson said that the Company in its letter to the Commission under date of April 2, 1957 had invited the Commission to call to its attention any specific complaints or further complaints that the Commission had. He said that he had seen no further letter from the Commission to the Company conveying any additional complaints except that somebody from the Commission had sent over two complaints from customers that had come in in writing, one of which had been from a disgruntled salesman who wasn't selling his merchandise to the company as he formerly had done.

Mr. Chastang asked whether it was not the purpose of those present to discuss the question of assignment. Mr. Jackson said that he had explained why the company had no active potential assignee. He said that he wanted to urge the Commission that it not take any action on cancellation of the lease at that time but recognize the efforts and improvement and give the Company the opportunity to continue with the restaurants with the hope that in the long run the Commission would be getting a better result by that method than by actually effecting a cancellation. The Chairman said that that exactly was what the Commission had thought on August 1 of 1956. He said that at that time the Commission had been pretty generally of the opinion that the Company could never develop into a satisfactory contractor under the contract for the operation of restaurants but it had hoped that the Company could so develop because it had believed it would be far less painful to develop the Company if at all possible than to terminate the Company. He said that from August 1, for many months, it had been impossible for the Commission to deal with the Company. He said he had no doubt that Mrs. McDermott was a very gracious lady but he would question her ability as an operating executive for the conduct of the business of restaurants.

The Chairman asked Mr. Lansdale what action the Commission had taken on April 30, 1957. Mr. Lansdale replied that the Commission had approved the report of the Committee on Service Plazas which had recommended that the Commission cancel the contract of Olympic Commissary Company unless an assignment should be accomplished. Mr. Jackson said he urged the Commission to give consideration to the current situation. He said that he had read the Commission's last



Annual Report and that the Commission had seemed to be equally unhappy with all its restaurant concessionaires. The Chairman said that he had written that language and that he had never indicated great happiness with any of the operators. He said that the mere fact that the Commission was addressing itself to the Olympic Commissary Company that day did not mean that it was unlikely that it would be addressing itself to others on the morrow. He said it should not be understood that the mere fact that Olympic was receiving so much of the Commission's attention meant that the other concessionaires were satisfactory or that the Commission was not going to proceed against the others. He said that somebody had to be first and that Olympic Commissary Company was an enormously good candidate for first place.

The Chairman said that the minutes of the Commission's meeting of April 30, 1957 would bear out his statement that the Commission had reached a conclusion at that time and only had refrained from taking appropriate action because of Mr. Lansdale's belief, of which he had advised the Commission, that the best interests of all would be served by giving the Company opportunity to find someone to step into its shoes.

General Beightler said that the Commission was concerned altogether with the period prior to April 30. He said that he had not found that conditions at the six turnpike restaurants operated by the Company had improved as stated by counsel for the Company. He said that as recently as the previous day he had visited two Olympic restaurants, at the Towpath and the Great Lakes Service Plazas. He referred to his notes made during the visits and said that he had given six operations at the Great Lakes restaurant ratings of unsatisfactory. He said that those operations were: outside area, rest rooms, counter and dining room, promptness of service, attractiveness of food, proper temperature of food. He said that he had rated the restaurant fair only on tastiness of food, price of food, and the appearance of the lobbies. He said that there was no soap in the men's rest room and that water was standing on the floor in all the men's toilets and that in one toilet there was no paper. He said that an assistant had inspected the women's rest rooms and had reported that four of the eight toilets were without toilet paper, that one toilet was locked and was not useable, and that one hand dryer of the two hand dryers was working. He said that in the dining room seven tables were occupied and at least eight of the remaining tables were covered with dirty dishes but that a bus boy had come in and started cleaning off the tables. He said that there was no hostess on duty. He said that the floor in the dining room was dirty with food particles and paper. He said that soup was served without

any crackers so that it had been necessary to ask the waitress to obtain some. He said that the desserts were served without cleaning the table, that the dirty dishes were just shoved aside to make room for the desserts, a practice which did not make for very pleasant surroundings. He said that the roast prime rib of beef was fair. He said that the beets were served cold although they were not pickled beets. He said that the area outside the restaurant needed policing. He said that he had had no "thank you" from either the waitress or the cashier. He said that he had not seen the cashiers at either restaurant tear off state sales tax stamps when patrons paid their checks. He said that in many respects the restaurant at Great Lakes plaza was about the worst that he had been in and that he thought it had deteriorated from before as he knew it.

The General said that at the restaurant at Towpath plaza it had always been his experience that he could just not get food served hot. He said that the previous day he had been served cold potatoes that were also old.

General Beightler said also that his personal observations had indicated that there had been little if any improvement. He said that he did not see any reason for getting into an argument with Mr. Jackson because he did not think operations by the Company at that time had any particular bearing. He said that the Committee had met in session that morning and that the Committee was making to the Commission a recommendation that the contract of the Olympic Commissary Company be cancelled as provided in Section 31 of said contract, the cancellation to be effective 60 days from the receipt of such cancellation notice by the Olympic Commissary Company. He said that he had heard nothing offered that day that would change the Committee's opinion in the matter. He said that the Committee had felt that if the Company should present the Commission at the meeting with an assurance of a good contract with an acceptable assignee within a period of a week or so, the Committee would have recommended a responsive action. He said that since that development had not materialized the Committee recommended unanimously cancellation of the contract.

The Chairman suggested that General Beightler poll the members of the Committee on Service Plazas. General Beightler did so and the members of the Committee responded. The Executive Director said that he was still of the opinion that he had been that morning. The General Counsel said that he was in favor of cancellation. The Director of Information and Research said that he favored cancellation. The Comptroller said that he favored cancellation. The Deputy Executive Director said that he favored cancellation. General Beightler said that the poll showed that the Committee was unanimous in favoring cancellation.

The Chairman said that the recommendation of the Committee on Service Plazas was that the contract of Olympic Commissary Company be cancelled forthwith.

Resolution No. 16-1957 authorizing cancellation of contract TR-1 of Olympic Commissary Company was moved for adoption by General Beightler, seconded by Mr. Teagarden, as follows:

Resolution No. 16-1957

"WHEREAS, under date of March 13, 1957, this Commission notified Olympic Commissary Company in writing, under the provisions of §31 of the Contract between this Commission and said Olympic Commissary Company, of the failure of such company to conduct its restaurant operations on the Ohio Turnpike in accordance with the terms, conditions, and provisions of said Contract, specifying in said notice the manner in which said Olympic Commissary Company was failing in its duties;

"WHEREAS the Olympic Commissary Company by the time of the meeting of the Ohio Turnpike Commission next succeeding the expiration of 30 days after the giving of such notice, having failed to correct the conditions set forth in such notice, or to take reasonable steps to correct such conditions, but having represented to the Commission that it was prepared to and was making efforts to assign its Contract to a nationally recognized restaurant operator acceptable to the Commission, Olympic Commissary Company was notified on May 6, 1957, that the Contract was not then being cancelled because of such efforts to assign, but that in the event of a failure to make an acceptable arrangement to assign such Contract the Commission would proceed to cancel it;

"WHEREAS, Olympic Commissary Company on May 24, 1957, requested the Commission to take no action at that time adverse to Olympic Commissary Company because it was then negotiating with a nationally-known restaurant operator with the intent of assigning its restaurant contract on the Ohio Turnpike to such nationally-known restaurant operator, and;

"WHEREAS the Commission is advised that such negotiations have been terminated and as of this date that no arrangement to assign its Contract has been made by Olympic Commissary Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the Contract between this Commission and Olympic Commissary Company be, and the same hereby is cancelled, and the secretary-treasurer is directed forthwith to give notice to Olympic Commissary Company of such cancellation."

In response to an invitation by the Chairman for an expression of opinion Mr. Noble said that one of the most important things the Ohio Turnpike Commission had to consider was service along the turnpike because the Commission was in duty bound to see that service to the traveling public was on a first class basis. He said that he would certainly feel that the Commission would be entirely justified in taking whatever steps necessary to secure proper service along the turnpike. The Chairman asked Mr. Lansdale whether he recommended the adoption of the resolution. Mr. Lansdale replied that on the basis of the conclusions of the Commission he did so recommend.

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

Ayes: Beightler, Teagarden, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chairman said that he therewith advised Mr. Jackson, as counsel for Olympic Commissary Company, and advised Mrs. McDermott, as executive vice president of the Company, that the Commission considered the contract of the Olympic Commissary Company to be cancelled in accordance with the terms of the contract. He said that the resolution provided that the Company should get notice so that, pursuant to the resolution, the Company had just been given notice. He said that he wanted the record to show that he had advised Mr. Jackson as counsel at that time and Mrs. McDermott as executive vice president that the Commission had cancelled the contract and considered the contract with Olympic had been cancelled and terminated and expected the services to be completed within the end of a 60-day period. Mr. Jackson asked whether the Commission was going to give the Company written notice as the lease provided. The Chairman replied that the Company would get written notice. He said that if the Company wanted it right away he was perfectly willing for it to be delivered to Mr. Jackson that night.

Resolution No. 17-1957 approving, adopting, and ratifying the contract documents for contract TR-1 was moved for adoption by General Beightler, seconded by Mr. Teagarden, as follows:

Resolution No. 17-1957

"WHEREAS there are before this meeting the forms of contract documents, to wit: Form of notice to bidders, proposal, terms and conditions of bidding, affidavit, and contract, for Contract TR-1, (together with Exhibits A, B, C, D and E, a part thereof) which is a contract for the operation of six restaurants at service plazas Nos. 1, 2, and 3 in Mahoning, Portage, and Cuyahoga Counties, respectively, and constituting a pair of restaurants on opposite sides of the turnpike at each of the above three locations;

"WHEREAS the Commission's executive director and general counsel have approved the form of the aforesaid contract documents; 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 form of contract documents before it at this meeting, being for and in connection with a contract for the operation of three pairs of restaurants to be located at the three dual service plazas of Ohio Turnpike Project No. 1, located at turnpike station 1076 in Mahoning County, turnpike station 598 in Portage County, and turnpike station 888 in Cuyahoga County;

"FURTHER RESOLVED that any 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, 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 the aforesaid contract, 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 present responded to roll call. The vote was as follows:

Ayes: Beightler, Teagarden, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 18-1957 ratifying actions of administrative officers was moved for adoption by Mr. Teagarden, seconded by Mr. Chastang, as follows:

Resolution No. 18-1957

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, maintenance engineer, and the 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 May 24, 1957, 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, Chastang, 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. Chastang, seconded by Mr. Teagarden that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Chastang, Teagarden, Beightler, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 4:27 p. m.

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

A handwritten signature in cursive script, reading "Robert S. Beightler". The signature is written in dark ink and is positioned above a horizontal line.

Robert S. Beightler, Secretary-Treasurer