

MINUTES OF THE ONE HUNDRED AND THIRTY-FIFTH MEETING
September 15, 1959

Pursuant to bylaws the Ohio Turnpike Commission met in regular session at its headquarters at 682 Prospect Street in Berea, Ohio at 10:00 a. m. Eastern Standard Time on September 15, 1959 with the key members of its staff, representatives of the Consulting Engineer, of the Auditor of State, of the Ohio State Highway Patrol, 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: Chastang, Beightler, Teagarden, Preston, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by General Beightler, seconded by Mr. Teagarden, that the minutes for the meeting of July 21, 1959 and its reconvened session of July 29, 1959 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 responded to roll call. The vote was as follows:

Ayes: Beightler, Teagarden, Chastang, Preston, Shocknessy.

Nays: None.

The Chairman declared the motion carried.

The Chairman reported there had been 39 fatal accident-free days on the Ohio Turnpike between the 28th of July and the 4th of September. He said there was one fatal accident over the Labor Day holiday to mar an otherwise perfect record and the accident appeared to be in the usual pattern. He said there had occurred also over the Labor Day holiday an accident involving a Greyhound bus which struck the rear of a truck at milepost 175. He said ten persons were injured, none fatally. The Chairman said that even though there had been one fatal accident over the Labor Day week end there was still proof that the more traffic the more alert the drivers and

the safer the travelling public was. He said the Commission had found time after time that when the turnpike was nearly filled it had a better record of safety than when drivers seemed to think they were home free just because it looked good and they took chances and they often got drowsy. He said he thought there was less drowsiness when there was a great deal of traffic because the public was alerted.

The Chairman reported also that during the month of August 1959 the Commission almost met the \$3,000,000 revenue which he had hoped it might meet. He said the Commission had \$2,942,266 in income during the month of August which amounted to an interest coverage in that month of 2.77 and for the first eight months of the year 1.75. He said the Commission therefore still looked like a good investment for the State of Ohio.

The Chairman reported further the Highway Patrol had inaugurated a speed enforcement through the use of two airplanes. He said there was a new Commander of District 10 of the Highway Patrol, Lieutenant William E. Timberlake. He welcomed Lieutenant Timberlake, who was present, on behalf of the Commission and extended to him its best wishes for success. He said the Commission had had very cordial and happy relations with his predecessor and with the Highway Patrol. He said he knew the relations of the Commission and the Highway Patrol would be enriched under Lieutenant Timberlake. The Chairman said that anything the Commission could do, anything the administration could do at Berea to cooperate with Lieutenant Timberlake, he might have no doubt it would be done. The Chairman said he wanted not to admonish Lieutenant Timberlake but just to reinforce what the Commission had said often before. He said the Commission expected the law of the State and the regulations of the Commission to be enforced by the Highway Patrol. He said there had never been any disposition on the part of the Commission to offer any indulgence beyond what was reasonable in the specific case as the patrolman himself might determine. He said he did not think Lieutenant Timberlake thought there was any intention on the part of the Commission that there be an indulgence with violation of law in order to improve the Commission's income but there were those who thought the Commission was so eager to get income that it had said from time to time "go a little easy here and there". The Chairman said the Commission had never said it and was not saying it then to Lieutenant Timberlake. He said Lieutenant Timberlake knew and the Commission knew what their traffic problems were and Lieutenant Timberlake would become more familiar with them as he went along. He said it was only by the cooperation of both the Commission and the Highway Patrol that the public was assured the safety of the highway which the engineers had built into it

and which the Commission had at all times hoped it to have and which Ohio and the travelling public expected to have on the turnpike. Lieutenant Timberlake replied that he was happy to work with the Commission and that he knew the assignment was a challenge but he would accept it. The Chairman said Lieutenant Timberlake would have more men than anyone else had ever had. He asked how soon Lieutenant Timberlake expected to have his full complement. Lieutenant Timberlake replied he would be fortunate if he got it by the first of the year. He said the Highway Patrol was covering about 64 men at that time by the use of overtime and if District 10 got an additional five or six or seven men it could give good coverage.

The Chairman said also that earlier in 1959 Sergeant W. M. Lohr had succeeded Sergeant Harold W. Wheeler. He asked Lieutenant Timberlake to let Sergeant Lohr know the Commission had noted the fact that he was on the job.

The Chairman reported further that there was not too much to say about the robbery the Commission had experienced at the Youngstown Interchange. He said the Commission hoped the law enforcement officers would be able to produce the gunmen. He said he supposed it could be said the Commission had been fortunate in not having had that kind of incident sooner.

The Chairman reported also that since the last meeting the Commission members had learned of the embezzlement at one of its terminals and that that, also, was up to the local authorities where the incident occurred. He said he wanted to congratulate the Staff at Berea for the very careful preparation that was made in that case and the restraint which they exhibited so that the case appeared to be very well established before it was presented to the prosecutor. He particularly congratulated the Executive Director.

The Chairman reported further that the preliminary budget for 1960 would be presented at the meeting. He said the Chairman of the Committee on Budget and Finance, Mr. Chastang, had attended a meeting on the budget at Berea.

The Chairman said he was impressed with the income from the Commission's latest investments, 4.67, which was almost unbelievable, on 4-3/4 United States Treasury Notes due August of 1960.

The Chairman said he wanted to congratulate the General Counsel on the Attorney General's ruling with respect to assessments against the

turnpike which the Attorney General had declared to be illegal. He said he also wanted to congratulate the General Counsel on having persuaded the Prosecutor of Fulton County to advise officials of that county to stop harrassing the Commission with notices of assessments against it.

The Chairman said that in the absence of any questions the report of the Chairman would be incorporated in the business of the meeting.

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 July and August 1959.
2. Financial Reports as of July 31 and August 31, 1959.
3. Traffic and Revenue Reports for July and August, 1959.
4. Auditors' Report for period ending June 30, 1959.
5. Draft of the minutes of the July 21, 1959 meeting.

The Assistant Secretary-Treasurer called the attention of the Members to a chart showing the trend of commercial toll revenue which he had prepared and of which they had copies. He said the chart showed graphically that 1959 was well ahead of 1958 until the middle of July when the majority of steel plants had shut down. He said that for the first six and one-half months of 1959 commercial toll revenue had been running 34% ahead of 1958. He said that since the middle of July 1959 the increase had averaged about 7%. He said the month of August 1959 alone was about 5% ahead of August 1958. He said that if the month of August 1959 had been the same percentage ahead of August 1958 that seven months of 1959 were ahead of seven months of 1958, the August commercial toll revenue would have been \$158,000 greater than it was.

The Assistant Secretary-Treasurer reported also that earlier in September the \$2,320,000 transferred to the Reserve Account had been invested for almost a year at the highest yield of any investment to that time. He said the yield of 4.67% would add \$9,000 a month to the Commission's income from investments. He said that although the amount available for investment early in October would be smaller, it appeared the investment might be at an equally satisfactory yield.

The Assistant Secretary-Treasurer reported further that in 1958

the interest coverage for the year was practically the same as the interest coverage for the first eight months. He said the interest coverage for the first eight months of 1959 was 1.75. He said people in the bond business seemed to consider any interest coverage over 1.5 times to be completely adequate.

A resolution correcting names of designated banks as custodians of certain securities lodged or to be lodged therewith by the Ohio National Bank of Columbus, Ohio was moved for adoption by General Beightler, seconded by Mr. Chastang, as follows:

Resolution No. 13-1959

WHEREAS, by §601 of the trust agreement between the 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, it is provided as follows:

"***All moneys paid to the Trustee *** and not invested shall be continuously secured, for the benefit of the Commission and the holders of the bonds, ***by lodging with some bank or trust company approved by the Commission as custodian, as collateral security, direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States Government, or other marketable securities eligible as security for the deposit of trust funds under regulations of the Board of Governors of the Federal Reserve System or eligible as security for the deposit of funds of the State of Ohio having a market value (exclusive of accrued interest) not less than the amount of such deposit***, ';

"WHEREAS pursuant to said authorization the Trustee from time to time has lodged and proposes in the future to lodge with certain specified banks, as collateral security for moneys paid to it and not invested pursuant to §601 of the trust agreement, direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States government, or other marketable securities eligible as security for the deposit of trust funds under regulations of the Board of Governors of the Federal Reserve System or eligible as security for the deposit of funds of the state of Ohio, having a market value (exclusive of accrued interest) not less than the amount of such deposit;

"WHEREAS the Commission by Resolution No. 186-1954 approved

four certain therein designated banks as custodians of securities lodged or to be lodged therewith by The Ohio National Bank of Columbus, Ohio; and

"WHEREAS, since approval of said resolution by the Commission, there has been a change in name on the part of three of the four banks originally designated as custodians of securities by The Ohio National Bank of Columbus, as Trustee, authorized in the Commission's resolution aforesaid and it therefore appearing to the Commission that while no additional banks have been designated as custodians of funds there should be a correction of name as to three of the depositories named in its Resolution No. 186-1954 for the purpose of conforming the Commission's present records to the changes in name of three depositories aforesaid;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby recognizes the change of names, and directs the Assistant Secretary-Treasurer to change the Commission records in such manner as to show that the following banks mentioned in the Resolution No. 186-1954 are correctly designated as follows: The Chase Manhattan Bank (designated in the resolution aforesaid as The Chase National Bank of the City of New York); Morgan Guaranty Trust Company of New York (designated in the resolution aforesaid as Guaranty Trust Company of New York); and The First National City Bank of New York (designated in the aforesaid resolution as The National City Bank of New York)."

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

Ayes: Beightler, Chastang, Teagarden, Preston, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted. The resolution was identified as No. 13-1959.

The Chairman said that in the absence of questions the report of the Secretary-Treasurer was accepted as presented by the Assistant Secretary-Treasurer on behalf of the Secretary-Treasurer.

The Chairman of the Committee on Service Plazas, General Beightler, reported he had spent all day on Labor Day and a part of the day before Labor Day on the turnpike inspecting conditions in the restau-

rants during a peak traffic period. He said he visited seven restaurant facilities representing all three restaurant operators. He said he would give the details on deficiencies he found to the Supervisor of Service Plazas for correctional measures.

General Beightler reported further that his findings were a little surprising. He said he had full expected to get his best food at the Howard Johnson restaurants but actually the poorest meal he had had was at the Howard Johnson restaurant he visited. He said his breakfast of hot cereal, bacon, eggs, etc. was all brought in at once time so that the cereal was rather cold by the time he had eaten his eggs. He said the bacon had been cooked a long time before and was greasy. He said the manager admitted to him that the bacon was so cooked when the restaurant was crowded like it was at that time. General Beightler said the food he had at the three A. B. C. restaurants he visited was good. He said the food at the Holiday House restaurants was satisfactory but he enjoyed it less than he did the food at the A. B. C. restaurants. He said he had interrogated at least 75 patrons at the A. B. C. and Holiday House restaurants about their opinions of the service and the food. He said he did not receive one single complaint and on the contrary had many compliments. He said he thought therefore probably he was more severe in his criticism than the normal patron would be.

General Beightler reported further that the Blue Heron Holiday restaurant was best of all with respect to outside appearance. He said the premises showed great care. He said that at Great Lakes Howard Johnson restaurant the grass area was very attractive but the shrubs had been neglected. He said the A. B. C. restaurants seemed to give very little attention to their outside areas and were not good at all in cleaning up rubbish. He said also that only at the two Holiday House restaurants he visited did there seem to be any shortage of help. He said the managers there told him they could not get help although they had advertised for it. He said on the other hand those restaurants had the best trained waitresses by far of any of the restaurants he visited.

General Beightler reported further that the floor in the rest room of the Howard Johnson restaurant he visited was discolored under the washbowls and gave a generally unsatisfactory appearance and a bad impression to a person walking in. He said the rest rooms in the A. B. C. restaurants were the best of all and had attendants in all of them. He said the Holiday House rest rooms were good except for the women's rest room at the Wyandot restaurant which was quite unsatisfactory according to a report given to him by an observer. He said that on the whole the rest rooms were greatly improved over his last visitation.

General Beightler reported further that the Holiday House restaurants had taken over extra space in the dining room for gift shops but that the shops did not present a bad appearance. He said he did object to the Howard Johnson gift shop setup because it did not conform to the lay-out approved by the Commission.

General Beightler reported further that tax stamps were being given to patrons at all restaurants visited except the A.B.C. restaurants. He said he asked the manager of the A.B.C. restaurants about it and was told that stamps were not given out because nobody wanted tax stamps on the turnpike. He said the manager said the amount of the tax was computed on the cash register tape and the stamps detached and given to some good cause. General Beightler said he did not think there was any attempt to defraud but he was not sure whether the A.B.C. restaurants were complying strictly with state law.

General Beightler said his conclusions were that despite his critical remarks he did regard the restaurant situation as being generally good and better than a year before and far better than several years before. He said the patrons seemed to be satisfied and pleased. He said he did think the Holiday House restaurant operator cut corners a little more when it came to personnel than either of the other two operators. He said the filling stations seemed to be handling things fairly well although he noticed several incidents involving a long line of automobiles waiting for service at the pumps.

The Chairman said that in the absence of any questions the report of the Chairman of the Committee on Service Plazas was accepted as offered. He said the members of the staff who were concerned with the matters upon which General Beightler had reported should read his notes as they would appear in the transcript very carefully and give attention specifically and address the noncompliance with respect to giving out sales tax stamps in accordance with his comments.

The Chairman of the Committee on Budget and Finance, Mr. Chastang, reported the Committee met at the Commission's headquarters about two weeks before with members of the staff and Mr. Fred S. Cresswell and Rear Admiral J. M. Worthington, representatives of the Consulting Engineer, to discuss the proposed budget for the year 1960. He said the various items that went into the budget were reviewed. He said an estimate as to possible revenue was made with the assistance of the Comptroller. He asked that the Executive Director make a fuller report from his notes of the meeting.

The Executive Director reported that the budget recommended by

the Committee on Budget and Finance totaled \$5,334,900. He said that amount was in excess of the budget which was approved for the year 1959 by approximately \$489,000.

He said that at the time the 1959 budget was prepared and submitted for approval it was anticipated that certain expenditures would be made from the Reserve Maintenance Account which later the Commission deemed advisable to spend from operating funds. He said it was not possible to tell just how much was involved because there had been certain savings and certain expenditures which would need to wait until later in 1959 before a balance could be made. The Executive Director said the budget was greater than it would have been under any circumstances in 1959. He said that was occasioned by several factors: the increased cost of labor, increased taxes, the addition of another year to the age of the facility, the addition of 15 patrolmen, an increase in the Commission's contribution to the Public Employees Retirement System, an increase in the Industrial Insurance Rate, an increase in gasoline tax, the requirement that tax be paid on certain gasoline which theretofore had been exempt, and the general increase in salaries in the lower echelon.

The Chairman said the items which were costly included one with respect to transferring certain recurring expenses to the operating budget which had been considered as capital expenditures in the 1959 budget. He said there was also the patrol which was a substantial item in 1959. He said there were the step increases, the regular increases in salaries of operating personnel which were rather expensive and there was the expectation of applying an increase in salaries for personnel in accordance with the standards established by the General Assembly for employees of the State of Ohio. He said that in addition, when a comparison was being made, the \$489,000 represented the difference between 1959 preliminary and 1960 preliminary budgets. He said the 1959 budget would be supplemented. He said that therefore the actual difference was not necessarily \$489,000 but the actual difference was something different. The Executive Director said a conservative estimate on the difference would be about \$150,000 to \$200,000. The Chairman said the reason he was making the point he wanted to advise everybody. He said he did not consider there was anything in the budget for 1960 that made it any different from the budget for 1959. He said the increases were increases which were compelled by operation of bylaw or policy of the Commission not established by the year 1960 but established by long-time policy with respect to step increases for employees.

The Executive Director said the estimated income for 1960 included in the budget was \$24,570,000 and was an increase over the 1959 estimate of \$21,450,000. He said the estimate probably was low. He said the Committee recommended adoption of the budget as presented.

A resolution adopting preliminary budget for the fiscal year 1960 was moved for adoption by Mr. Chastang, seconded by Mr. Teagarden, as follows:

Resolution No. 14-1959

"WHEREAS it is provided by §505 of the trust agreement dated June 1, 1952, between the 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, that, on or before the 20th day of October in each fiscal year, the Commission will adopt a preliminary budget of income and current expenses for the ensuing fiscal year;

"WHEREAS the Commission's executive director and comptroller have submitted a preliminary budget and current expenses for the fiscal year 1960 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission; and

"WHEREAS all reasonable requests of the consulting engineer as to the classifications in which such budget shall be prepared have been complied with, and the consulting engineer has advised the Commission that said budget classifications meet with its approval and that it has no further requests with respect to said classifications;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following:

Preliminary Budget of Income and Current Expenses

	<u>1960</u>
Income	\$24, 570, 000
Current Expenses	
Administration & Insurance	\$ 941, 800
Operations	4, 265, 100
Trust Indenture Expense	<u>128, 000</u>
Total Current Expenses	\$ 5, 334, 900

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said budget with the trustee and to mail copies thereof to the consulting engineer and to the principal underwriters forthwith."

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

Ayes: Chastang, Teagarden, Preston, Beightler, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted. The resolution was identified as No. 14-1959.

The Executive Director reported further that negotiations with the Department of Highways of Ohio for its use of a portion of the right-of-way acquired for construction of the Ohio Turnpike to accommodate a relocation of a portion of State Route 57 through the City of Elyria had been in progress since early in 1959. He said the relocation of Route 57 commenced just southerly of the Lorain-Elyria Interchange and extended eastwardly roughly parallel to the Ohio Turnpike to a point easterly of the Black River, thence southerly to an intersection with U. S. Route 20. He said that because of the limited area available for a crossing of the Black River, the relocated Route 57 was contiguous to the Ohio Turnpike in that area. He said at its closest point the most northerly edge of the pavement for Route 57 would be approximately 90 feet from the southerly edge of the eastbound pavement on the turnpike. He said that to avoid headlight glare from oncoming vehicles the Department of Highways had so designed its facility as to permit a retention of a part of the turnpike backslope approximately 10 feet high. He said that as part of the project the Department of Highways had arranged for its contractor to relocate the six-foot chain-link fence marking the boundary of the turnpike right-of-way at no expense to the Commission and to maintain maximum security against trespass during the construction of the new highway. He said the plan of the Department of Highways would permit the chain-link fence to be located permanently a minimum distance of 110 feet southerly of the turnpike centerline. He said also there were three parcels of turnpike right-of-way necessary for the construction of relocated Route 57. He said the largest parcel lay just easterly of the Black River and embraced approximately one-half the backslope of the turnpike cut section and the lands on top of the slope between the top of the slope and the existing fence and included 1.758 acres. He said the remaining two parcels were minor in comparison and consisted of narrow slivers averaging five feet to 10 feet

in width and containing 0.255 and 0.162 acres respectively. He said the Chief Engineer and the Consulting Engineer had examined the site and the plans and conferred with the engineers of the Department of Highways and found no objection to its plan. He said that by reason of the construction plan of the relocated Route 57 the Commission would have no need of control over the lands proposed to be occupied by its construction. He said General Counsel had advised the Commission might dispose of the property if it would serve no useful purpose in the maintenance and operation of the turnpike and the proceeds received should be paid to the Trustee to be held for the Construction Fund, the Reserve Maintenance Fund or other funds as directed by the Commission. He said the Trust Indenture provided the Commission might dispose of any real property as the Commission by resolution should declare was not needed or served no useful purpose in connection with the operation and maintenance of the turnpike if the Consulting Engineer should, in writing, approve such resolution. He said he had been assured by the Consulting Engineer that should the Commission take favorable action on a proposed resolution determining certain real estate was no longer needed in connection with the operation and maintenance of the Ohio Turnpike and authorizing the Executive Director to sell the same to the Department of Highways it would approve the resolution in writing as required by the Trust Agreement. He recommended the Commission adopt the resolution for disposing of the property and depositing the proceeds of the sale to the Construction Fund.

The Director of Highways said he had discussed the situation with the Executive Director earlier that day and he and the Executive Director were on the verge of an agreement on the amount to be paid by the Department of Highways for the land to be taken. He said there was no argument between the Department of Highways and the Commission. He said there would be money transferred. He said the matter would be worked out according to the terms of the resolution before the Commission.

A resolution determining certain real estate was no longer needed in connection with the operation and maintenance of Ohio Turnpike Project No. 1 and authorizing the Executive Director to sell the same to the Department of Highways was moved for adoption by Mr. Teagarden, seconded by General Beightler, as follows:

Resolution No. 15-1959

"WHEREAS the Department of Highways as a part of its detailed plans for the relocation of State Route 57 has approached the Commission with a request that the Commission permit the Department to purchase three separate small parcels of real estate presently included within the

right of way of the Ohio Turnpike Project No. 1 originally acquired by the Commission in the name of the State of Ohio for turnpike purposes, which parcels the Department urgently desires to use as a part of its plans submitted to the Commission for the relocation of State Route 57;

"WHEREAS study of the Department's plans by the Commission, particularly the amount and nature of use of the land intended by the Department in connection with the relocation of State Route 57 and presently a part of the Ohio Turnpike project, indicates that the real property sought by the Department of Highways is no longer needed by the Commission on the basis of the nature of the use contemplated by the Department of Highways involving the cutting back of certain back slopes which would eliminate the necessity of the Commission maintaining the same right-of-way width required under its original construction plans;

"WHEREAS the Department of Highways has had an appraisal made of the real property it desires to acquire from the Commission and the Commission's own separate appraisal reveals that the intended price to be offered therefor is fair; and

"WHEREAS the Commission, by §713 of the Trust Agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, trustee, and The National City Bank of New York (now The First National City Bank of New York), as co-trustee, has authority to dispose of real estate on the basis therein provided and the Department of Highways has indicated its willingness to enter into a contract with the Commission for the purchase of said real estate desired at a fair price as indicated by the appraisals of the Department and of the Commission, and is willing to agree that its use of the real estate to be purchased and the construction plans generally will be in accordance with the plans heretofore submitted to the Commission and will be executed without injury to the turnpike, without hazard to users of the turnpike, and without interruption of use;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the matter, hereby determines that from and after September 15, 1959 the following three parcels of real estate situated in Lorain County, Ohio, and bounded and described as follows:

PARCEL A

Beginning at the point of intersection of the Southerly line of the right of way of the Ohio Turnpike with the Westerly line of Abbe

Road said point being 130 feet Southerly of and radially to the centerline of the Ohio Turnpike at Station 781+71.56 said point also being 108.78 feet Northerly of and radially to Station 899+92.56 in the centerline of survey made by the Ohio Department of Highways for SR 57; thence Northerly along the Westerly line of Abbe Road to a point 113.53 feet Northerly of and radially to Station 899+94.14 in the centerline of survey for SR 57 said point also being 125 feet Southerly of and radially to Station 781+70.74 in the centerline of Ohio Turnpike; thence Westerly on a curve to the left having a radius of 2739.79 feet to a point 125 feet Southerly of and radially to Station 774+00 in the centerline of Ohio Turnpike said point also being 81.21 feet Northerly of and radially to Station 906+86 in the centerline of survey for SR 57; thence Westerly to a point 130 feet Southerly of and radially to Station 773+00 in the centerline of Ohio Turnpike said point also being 82.58 feet Northerly of and radially to Station 907+79.33 in the centerline of survey for SR 57; thence Westerly to a point 140 feet Southerly of and radially to Station 771+00 in the centerline of Ohio Turnpike said point also being 76.81 feet Northerly of and radially to Station 909+66.06 in the centerline of SR 57; thence Westerly to a point 140 feet Southerly of and at right angles to Station 767+66.12 in the centerline of Ohio Turnpike said point also being 80 feet Northerly of and at right angles to Station 912+89.87 in the centerline of SR 57; thence Westerly to a point same being 140 feet Southerly of and at right angles to Station 766+00 in the centerline of Ohio Turnpike said point also being 80 feet Northerly of and at right angles to Station 914+55.99 in the centerline of SR 57; thence Southerly to a point of same being 150 feet Southerly of and at right angles to Station 766+00 in the centerline of Ohio Turnpike said point also being 70 feet Northerly of and at right angles to Station 914+55.99 in the centerline of SR 57; thence Easterly along the Southerly right of way line of the Ohio Turnpike to a point 150 feet Southerly of and at right angles to Station 767+66.12 in the centerline of Ohio Turnpike said point also being 70 feet Northerly of and at right angles to Station 912+89.87 in the centerline of SR 57; thence continuing Easterly along the Southerly line of the right of way of the Ohio Turnpike to a point 150 feet Southerly of and radially to Station 771+66.12 in the centerline of Ohio Turnpike said point also being 65.31 feet Northerly of and radially to Station 909+03.84 in the centerline of SR 57; thence continuing Easterly along the Southerly right of way line of the Ohio Turnpike to a corner said point being 150 feet Southerly of and radially to Station 773+00 in the centerline of Ohio Turnpike said point also being 62.59 feet Northerly of and radially to Station 907+79.67 in

the centerline of SR 57; thence Northerly along said right of way line of the Ohio Turnpike to a corner the same being 130 feet Southerly of and radially to Station 773+00 in centerline of Ohio Turnpike said point also being 82.58 feet Northerly of and radially to Station 907+79.33 in the centerline of SR 57; thence continuing Easterly along the Southerly right of way line of the Ohio Turnpike to the place of beginning and containing .255 acres more or less.

PARCEL B

Beginning at a point in a jog in the Southerly right of way line of the Ohio Turnpike said point being 150 feet Southerly of and at right angles to Station 748+24.72 in the centerline of Ohio Turnpike said point also being 70 feet Northerly of and at right angles to Station 932+31.27 in the centerline of survey made by the Ohio Department of Highways for SR 57; thence Northerly along said right of way line of Ohio Turnpike to a point 140 feet Southerly of and at right angles to Station 748+27.48 in the centerline of Ohio Turnpike said point also being 80 feet Northerly of and at right angles to Station 932+28.51 in the centerline of survey for SR 57; thence Westerly to a point 140 feet Southerly of and at right angles to Station 745+00 in the centerline of Ohio Turnpike said point also being 80 feet Northerly of and at right angles to Station 935+55.99 in the centerline of SR 57; thence Westerly to a point 125 feet Southerly of and at right angles to Station 743+50 in the centerline of Ohio Turnpike said point also being 95 feet Northerly of and at right angles to Station 937+05.99 in the centerline of SR 57; thence Westerly to a point in the Southerly right of way line of the Ohio Turnpike said point being 150 feet Southerly of and at right angles to Station 742+00 in the centerline of Ohio Turnpike said point also being 70 feet Northerly of and at right angles to Station 938+55.99 in the centerline of SR 57; thence Easterly along the Southerly right of way line of the Ohio Turnpike to the place of beginning and containing .162 acres more or less.

PARCEL C

Beginning at a point in the Southerly right of way line of the Ohio Turnpike said point being 175 feet Southerly of and radially to Station 731+00 in the centerline of Ohio Turnpike said point also being 82.49 feet Northerly of and radially to Station 949+99.59 in the centerline of survey made by the Ohio Department of Highways for SR 57; thence Westerly to a point 135 feet Southerly of and radially to Station 726+00 in the centerline of Ohio Turnpike said point also being 92.44 feet Northerly of and radially to

Station 955+31.25 in the centerline of SR 57; thence Westerly to a point 110 feet Southerly of and radially to Station 722+00 in the centerline of Ohio Turnpike said point also being 76.77 feet Northerly of and at right angles to Station 959+45.41 in the centerline of SR 57; thence Westerly with a curve to the right having a radius of 5839.58 feet concentric with and 110 feet distant from the centerline of the Ohio Turnpike to a point 110 feet Southerly of and radially to Station 716+50 in the centerline of Ohio Turnpike said point also being 90.42 feet Northerly of and radially to Station 964+90.21 in the centerline of SR 57; thence Westerly to a jog in the Southerly right of way line of Ohio Turnpike said point being 165 feet Southerly of and radially to Station 714+40 in the centerline of Ohio Turnpike said point also being 91.94 feet Northerly of and radially to Station 967+04.65 in the centerline of SR 57; thence Southerly along said right of way line of Ohio Turnpike to a jog said point being 175 feet Southerly of and radially to Station 714+40 in centerline of Ohio Turnpike said point also being 82.23 feet Northerly of and radially to Station 967+07.43 in the centerline of SR 57; thence Easterly along the Southerly right of way line of the Ohio Turnpike to the place of beginning and containing 1.758 acres more or less.

will not be needed in connection with the operation and maintenance of Ohio Turnpike Project No. 1;

"FURTHER RESOLVED that the Commission deems it in its best interest to sell said three parcels of real estate hereinabove described and adopts this resolution pursuant to §713 of the Trust Agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, trustee, and The National City Bank of New York (now The First National City Bank of New York), as co-trustee;

"FURTHER RESOLVED that the Commission's executive director is hereby authorized and empowered to negotiate with the Department of Highways for the sale of said real estate hereinabove described and to consummate said sale on behalf of the Commission at a price to be agreed upon by the executive director and the Director of Highways; and thereupon the Commission's executive director is empowered to execute a quit claim deed in behalf of the Commission to the Department of Highways; provided, however, that the consulting engineer shall first approve this resolution;

"FURTHER RESOLVED that in connection with said sale to the Department of Highways by and on behalf of the Commission the Department of Highways by contract with the Commission shall specify the manner in which the Department's construction plans, upon acquisition of the parcels

aforesaid, shall be carried out, without injury to the turnpike, without hazard to users of the turnpike, and without interruption of use, and further containing such terms as may be approved by the executive director and general counsel;

"FURTHER RESOLVED that the proceeds of said sale shall be paid to the trustee to be held for the credit of the construction fund pursuant to said §713 of the Trust Agreement; and

"FURTHER RESOLVED that the comptroller is hereby directed, immediately upon the consummation of said contract of sale, to notify the trustee thereof and of the amount and disposition of the proceeds therefrom as hereinabove directed."

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

Ayes: Teagarden, Beightler, Chastang, Preston, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted. The resolution was identified as No. 15-1959.

The Executive Director reported further that on Labor Day weekend the Highway Patrol had inaugurated the use of aircraft for speed enforcement on the Ohio Turnpike. He said two zones were established for that purpose in the vicinity of the Lorain-Elyria Interchange. He said the zone on the eastbound roadway was westerly of the Interchange and the zone on the westbound roadway was easterly of the Interchange. He said the zones consisted of a series of painted stripes across the pavement each quarter mile over a measured mile. He said circumstances and conditions permitted checking on Friday, August 28th only. He said the Highway Patrol had advised the check had been held from 3:30 P.M. to 4:30 P.M. during which time four arrests had been made for speeding and two warning tickets issued for speeding. He said walkie-talkie radios were used for communication between the airplane and ground control and because of the traffic noise and weakness of signal they had proved inadequate for the intended purpose. He said the density of traffic encountered during the period created a hazardous condition in apprehending violators and several cars had been permitted to pass to avoid a potential accident. He said those problems could be resolved and it was the consensus of the Highway Patrol and staff personnel that aircraft speed control was effective and would prove satisfactory. He said it was the intention to establish additional zones in areas where conditions and courts were favorable.

The Executive Director reported further that, including the four arrests and two warnings resulting from aircraft patrol, the Highway Patrol reported 257 arrests and 259 warnings for the four-day Labor Day period for a total of 516 enforcement actions. He said that relating those reports to traffic volumes resulted in a finding that for every 456 vehicles on the turnpike over the four-day period the patrol had made an arrest or issued a warning ticket. He said that during the same period the Highway Patrol had assisted 248 motorists needing aid. He said the contract garages had serviced 583 disabled vehicles during the four-day period.

The Executive Director reported further that the Labor Day weekend was not unusual, that traffic volumes were no greater on Labor Day than on the average Sunday during July and August of 1959 and the resultant problems of the holiday traffic were not significantly different than those of a summer time Sunday. He said that because Labor Day occurred at the latest date possible in September many schools had opened prior to Labor Day, resulting in a reduction in home-bound vacationers on that weekend.

The Executive Director reported further it had been suggested that the steel facia beams of the overhead bridges on the turnpike be utilized for signs both for speed control and in the program to combat the sleepy-driver problem. He said he had made a survey of the overhead bridges and there were 198 such bridges. He said 34 of those already had state route markers on them and 18 more were either railroad bridges or within an interchange area, leaving 146 locations on each roadway available for use in the proposed signing program. He said the messages to serve the purposes had not yet been worked out.

The Chairman said that in the absence of any questions the Executive Director's report would be accepted as offered.

The General Counsel reported the Commission had had a very fine ruling from the Attorney General's office on the matter of assessments. He said the Commission had been peppered in Fulton and Williams Counties for years with assessments. He said Judge Russell V. Maxwell, Common Pleas Court, Williams County finally had determined that the assessments were illegal. He said that finding still did not stop either the County Prosecutor in Williams County or the county officials in Fulton County. He said the Attorney General had ruled as follows: "The language of Section 5537.20, Revised Code, is plain and free from doubt, and effect must be given to its clear import which is: the turnpike commission shall not be required to pay any taxes or assessments upon any turnpike project." The General Counsel said that since that letter had been written he had taken

up with the Fulton County Prosecutor the matter of the Attorney General's ruling. He said the Prosecutor had accepted the ruling and had advised his Board of County Commissioners and the Auditor. He said he thought the Commission's problem with assessments was solved.

The General Counsel reported further that a case filed against the Commission known as "The Lee Case" handled by the Commission's legal staff had been settled without cost to the Commission. He said the case involved a next door neighbor of the Commission in Berea who had sold the premises since the case was filed and who had claimed that in connection with a temporary easement he had suffered damages, that the premises had not been restored. He said the plaintiff had asked for special damages.

The General Counsel reported further that the Dolyk case against the Commission had been dismissed by Judge Le Roy F. Kelly, Common Pleas Court, Lorain County on September 11.

The Chairman said the report of the General Counsel would be accepted as received.

The Consulting Engineer's representative reported that its annual report would be submitted ahead of time. He said Mr. Edward J. Donnelly, a member of the consulting firm, was in the hospital with a heart attack. The Chairman requested that Mr. Donnelly be informed the Commission felt very sorry about Mr. Donnelly's illness.

A resolution ratifying actions of administrative officers was moved for adoption by Mr. Teagarden, seconded by General Beightler, as follows:

Resolution No. 16-1959

"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 meeting of July 21, 1959 and since the said meeting as reconvened on July 29, 1959, 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 of July 21, 1959 and since the said meeting as reconvened on July 29, 1959, hereby are ratified, approved, and confirmed."

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

Ayes: Teagarden, Beightler, Chastang, Preston, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted. The resolution was identified as No. 16-1959.


There being no further business to come before the Commission, a motion was made by General Beightler, 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 responded to roll call. The vote was as follows:

Ayes: Beightler, Teagarden, Preston, Chastang, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 11:35 o'clock A.M.

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


Robert S. Beightler, Secretary-Treasurer