

MINUTES OF THE ONE HUNDRED AND FIFTIETH  
MEETING

September 19, 1961

Pursuant to bylaws, the Ohio Turnpike Commission met in regular session in Room 907 of the Ohio Departments Building in Columbus, Ohio at 11:00 A. M. Eastern Standard Time on September 19, 1961 with the key members of its staff, representatives of the Consulting Engineers, of the Trustee, 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 who said it was being held on that date and at that time, the 19th of September, rather than the 12th which was the date agreed upon at the last meeting, because after the last meeting, Mr. Chastang learned he was going to be on the trial of a case and would not be able to attend on the 12th and he thought if the meeting were held on the 19th he would be able to attend so the meeting was changed to the 19th but it so happened the case was still in trial and Mr. Chastang would not be able to be present that morning. The Chairman said also that since the regular meeting for September was being held late in September there was not any point in the Commission's meeting early in October on the first Tuesday. He said that because the preliminary budget for the year ensuing must be adopted, according to the indenture, not later than the 20th of October he was porposing that the Commission have the next regular meeting on the 17th of October at 11:00 A. M. in Room 907 of the Ohio Departments Building at which time the Commission could take up the preliminary budget which the Commission had received from the Committee on Budget and Finance but would postpone consideration of until the October 17 meeting because the Chairman of the Committee, Mr. Chastang, was not able to be present.

The roll was called, and the attendance was reported to be as follows:

Present: Beightler, Teagarden, Preston, Shocknessy.

Absent: Chastang.

The Chairman announced that a quorum was present.

A motion was made by Mr. Teagarden, seconded by General Beightler, that the minutes for the meeting of July 28, 1961 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: Teagarden, Beightler, Preston, Shocknessy.

Nays: None.

The Chairman declared the minutes stood adopted with the four Members present voting in the affirmative.

The Chairman said also that he had addressed a letter to the Consulting Engineers on the 16th of August in which he had requested that they assign for consideration of the problems which could be envisioned from the Ohio Turnpike Commission's reduced income the person or persons in their organization most qualified by experience and education to advise the Commission what steps it might take toward adjusting its expenditures downward consistent with its reduced income, and had directed that conversations with the Executive Director should be had at once. The Chairman read the following excerpt from the letter which in its entirety is incorporated by reference.

"A copy of this letter is being sent to each member of the Commission and to its executive director and to its fiscal counsel and it is urged that immediate studies and action be undertaken. It would seem to the chairman of the Commission that a reduction of not less than ten per cent in the budget of expenses for the year 1962 as compared with the year 1961 actual expense or budget, whichever is greater, must be striven for immediately."

He said the budget to be considered by the Commission preliminary to its adoption at the meeting on the 17th of October would encompass the suggestions of the Chairman that the expenses of the Commission be reduced ten per cent for the year 1962.

The Chairman said also that the budget was the underlying consideration of everything the Commission was doing at that time. He said the Commission's total income for August was \$3,044,000, approximately \$10,000 less than it was in August 1960, but the toll revenue for August exceeded the highest month the Commission ever had before by \$11,000,

and the commercial toll revenue was \$751,000 which was the highest commercial revenue the Commission ever had. He said the year therefore would unquestionably be satisfactory from the standpoint of income, but the income was not going to be as great as it might have been had there not been manifest evidence throughout the year and especially during the summer that there was some business stricture occurring in the past year. He said the income for the year was going to be approximately what it was in 1960 but not what had been projected in the budget for 1961. The Chairman said that for that reason the Commission would take into consideration when it considered the budget for the coming year the fact that expenses would have to be reduced commensurate with the reduction in income.

The Chairman reported also that he had mentioned a short time before in a note to Governor DiSalle that sometimes people told the Commission they were pleased about the services they received from the Commission and other times they complained. He said the Commission had a letter from the Missions Council in New York addressed to the Commission that made the Commission feel good. He read the letter as follows:

"Missions Council  
"Interpretive Activities, Support and Services for the  
Boards and Agencies of the Congregational Christian Churches  
"287 Park Avenue South, New York, 10, N. Y.

"September 8, 1961

"Ohio Turnpike  
Dept. of Information and Research  
Berea, Ohio

"Gentlemen:

"This is to express the appreciation of our family after traveling the Ohio Turnpike full length, both ways, on a vacation trip to the West. We were comfortable, aided and well-cared for at all times.

"We took advantage of the extra courtesy of your 'Shelter for the Night' service twice. This is a very well-planned feature which I hope will be adopted by other similar highways. Your requirements for motel and hotel listing gives assurance to travelers, and we particularly wish to endorse most warmly your item 1: forbidding discrimination.

"Our family happens to be part of the majority - racial and religious background - but we find deeply disturbing the too common practice of denying service to any people for totally irrelevant reasons.

"Thank you on every score for a happy travel experience.

"Very truly yours,

"(S) LeRoy E. Eide

"Secretary, Field Promotion"

The Chairman said also the Commission had had some letters recently from representatives of a minority race saying the same thing, that they were grateful for the fact that the Commission made certain that they could get shelter along the Ohio Turnpike despite any feeling that anybody might have otherwise because of any racial bias.

The Chairman said that in the absence of any questions the report of the Chairman would be accepted as offered. He said the report of the Secretary-Treasurer would be received.

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 1961.
2. Accountants' Report for period ending June 30, 1961.
3. Traffic and Revenue Reports for July and August 1961.
4. Financial Reports as of July 31 and August 31, 1961.
5. Draft of the minutes for the July 28, 1961 meeting.

The Chairman said that in the absence of any questions the report of the Secretary-Treasurer would be accepted as offered. He said the report of the Executive Director would be received. He said also the Executive Director was going to take up in his report something that he, for one, was out of patience about. He said an incident involving a man on a motorcycle who was stranded on the turnpike had occurred and he thought everybody connected with it was blameworthy in some respect.

The Executive Director reported that the incident the Chairman referred to had been brought to the Commission's attention by a report in the Cleveland Press concerning a young man driving a foreign-made motorcycle on the Ohio Turnpike on the night of Saturday, September 9. He said the cycle had a flat tire. He said the cyclist had complained to the newspaper of inattention he had experienced during the disablement. He said the staff had explored and tried to reconstruct events connected with the occurrence and as a result believed that certain persons must accept blame for the plight of the young man. He said also that the latter himself had done nothing to try to mitigate the problem which occurred, possibly because of his youthfulness and perhaps, lack of finances, but that however the young man did become disabled on the turnpike and his plight was not detected for approximately three hours. He said the disablement occurred late Saturday evening and the young man did not finally leave the turnpike until some time Sunday afternoon although he did leave the turnpike Saturday night. The Executive Director said he understood there had been a delay in reporting the disablement even after it was finally detected because of radio problems. He said that because the motorcycle was a foreign make the tire was an unusual size not carried by filling stations and the disabled vehicle contractor concerned was unable to obtain a needed inner tube. He said the young man finally got a tube when his sister brought one to him on the turnpike. He said it was one of those incidents which would occur from time to time, that it was unfortunate that it did occur, but that perhaps something had been learned from the problem which could be used to improve service to patrons in times of disablement.

The Chairman said he had only raised the point to underscore and emphasize the fact that everyone connected with the Commission intended to give service to everybody who was in the confines of its jurisdiction and when it did not, when there was a failure, the Commission was not above admitting it. He said also that he considered the incident of the motorcycle represented a failure, and that there were numbers of failures of performance associated with the incident, and that he had called everybody's attention who had anything to do with it. The Chairman said the incident was regrettable and should not occur again. He said it did not help the young man who was stranded that the Commission felt awfully bad about it, but it was an assurance to the public that in the awareness that the Commission had of it was not unmindful of the problem that any member of the public could have while traveling on the turnpike. He said it was an assurance to the public also that the Commission wanted to make travel on the turnpike safe and secure and comfortable.

The Executive Director reported further that a new study of out-of-gas incidents had been completed. He said that any vehicle disabled on the turnpike was, of course, a hazard both to the other vehicles on the turnpike and to the patrons in the disabled vehicle itself. He said that in each of the past three years a survey of out-of-gas incidents on the turnpike had been made and the location of each incident served by the disabled vehicle contractors logged in an effort to learn what might be done to improve safety and service to the patron. He said the summer months were selected for the survey because of the greater percentage of strangers using the turnpike during that period. The Executive Director said also that in 1959 during the survey period one of every 1,560 vehicles ran out of gas and was served by the disabled vehicle contractors. He said that in 1960 the figure was reduced to one in every 1,649 vehicles, and further reduced in 1961 to one out of every 1,940 vehicles. He said the improvement was believed basically to be the result of education. He said the most distressing part of the survey in 1959 was that twenty-eight per cent of the vehicles running out of gas did so within 15 miles after having passed a service station on the turnpike. He said that assuming a car had about one gallon of gas in the tank when the fuel gauge showed empty and would run 15 miles per gallon of fuel, the gauges of all of the twenty-eight per cent showed empty when the patrons passed a gas station unless the gauges might have been faulty. He said that in an effort to improve the situation two signs had been erected in advance of Portage Service Plaza and in advance of Vermilion Valley Service Plaza in November 1960. He said the first of each pair of signs read "Check Gas Supply" and the second read "Next Plaza 8 Miles". He said out-of-gas incidents between Portage Plaza and Great Lakes Plaza dropped from 113 in 1959 to 111 in 1960 and to 88 in 1961. He said out-of-gas incidents between Vermilion Valley Plaza and Towpath Plaza in 1959 numbered 137, rose substantially during 1960 to 225, but dropped back in 1961 to 148, or 11 more than in 1959. He said it would be difficult to say the signs were responsible for the improvement because overall out-of-gas incidents on the turnpike had dropped from 2,312 in 1959 to 2,247 in 1960 and to 1,889 in 1961 for the three-month period of the surveys.

The Executive Director said the fact that incidents occurring within the first fifteen miles after vehicles had passed a service station had increased from twenty-eight per cent in 1959 to twenty-nine per cent in 1960 was frustrating. He said more firm conclusions with respect to the signs might be drawn after a second season following erection of the signs.

General Beightler said the average driver had the impression that prices for gasoline on the turnpike were higher than in other areas of the state. He said not as much gasoline was sold on the turnpike as should be sold considering the traffic on the turnpike. He said prices were not higher on the turnpike. He wondered how people could be educated to that fact. Following a discussion of the subject, the Chairman directed that information be put out to acquaint the traveling public with the fact that prices for fuel on the Ohio Turnpike were as low or lower than in other areas of the state.

The Executive Director reported further that it had been charged or implied from time to time that the Commission did not pay taxes or contribute to the support of communities through which the Ohio Turnpike passed. He said that although the Commission knew that it did contribute it had been unable to support its contention with sound information. He said that at his request the Department of Information and Research undertook a study of the problem and, using statistics from the year 1960, produced some rather impressive information. He said that the restaurant operators, the service station operators, and the disabled vehicle contractors had cooperated in supplying the information.

The Executive Director said further that in 1960 contributions and other payments to local, state and federal governments resulting from operation of the Ohio Turnpike amounted to more than 12.5 million dollars and that that was a conservative estimate. He said the greatest contribution to tax funds was the payment of taxes on the amount of gasoline, oil and tires needed to carry a record 12.8 million vehicles over the turnpike for a total distance of more than a billion miles. He said that since a sizeable percentage of gasoline used on the turnpike was not purchased at filling stations operated on the turnpike, the state and federal gasoline taxes totaling \$3.5 million collected by turnpike filling-station concessionaires did not represent all gasoline taxes realized as a result of turnpike travel. He said the same was true with respect to taxes on lubricating oil and tires. The Executive Director said that turnpike users actually paid in 1960 an estimated \$10.5 million in gasoline taxes, made up of \$3.8 million in federal taxes and \$6.7 million in state taxes, for turnpike driving. He said those amounts were based on an average fuel performance of 15 miles per gallon for automobiles and five miles per gallon for trucks and buses. He said tire wear in turnpike travel represented an estimated payment of more than \$420,000 in state and federal taxes. He said that figure was based on four tires to an automobile and an average of nine tires to commercial vehicles, with the life of an automobile tire estimated at 30,000 miles and of a truck tire at 100,000 miles. He said travel on the turnpike

required the purchase of oil on which taxes amounted to more than \$60,000, based on an average oil consumption of 500 miles per quart for each vehicle.

The Executive Director said also that purchases of food and gifts by turnpike travellers in 1960 at service plaza restaurants resulted in payments of almost \$188,000 in state sales taxes. He said cigarette taxes accounted for \$95,000 in state and federal taxes. He said federal excise taxes on gifts came to \$7,000. He said other taxes paid by the concessionaires in operating their turnpike establishments amounted to more than \$44,000 for such items as personal property tax, franchise and license fees, and highway use tax on their own trucks. He said calls placed from public telephones at service plazas and toll plazas were taxed in excess of \$15,000.

The Executive Director said also that arrests by the Ohio State Highway Patrol for traffic and other violations on the turnpike in 1960 resulted in the payment of \$275,497 in fines and forfeited bonds, all of which was apportioned to state and local governments as provided by law.

The Executive Director said also the Commission itself paid \$42,000 in state gasoline taxes in 1960 and through payments for the leasing of Ohio State Highway Patrol cars contributed another estimated \$12,000 in federal and state taxes, paid by the lessor.

The Executive Director said also that turnpike personnel, including employees of both the Commission and its concessionaires paid some \$760,000 to the federal government in income tax withheld during 1960 in addition to an estimated \$6,000 in city taxes (not withheld) paid by employees residing in Toledo, Warren, Youngstown and Columbus. He said all those employees, largely as a result of earnings from turnpike employment, paid to the state of Ohio an estimated \$71,000 in sales tax and \$67,000 in gasoline taxes, and to the federal government some \$38,000 in gasoline taxes. He said no attempt was made in the study to determine the amount of other taxes paid principally as a result of employment in connection with the operation of the Ohio Turnpike, such as excise taxes, real estate taxes and personal property taxes, but that there could be no doubt that the amount was considerable.

The Executive Director said also that after all of that and upon retirement of the \$326 million in Ohio Turnpike revenue bonds, the entire turnpike and its facilities would be turned over to the State of Ohio at no cost to the taxpayer or to the communities served.



The Chairman said the study was an excellent one and he would like it gotten together as a press release and sent out to every newspaper in Ohio especially those 400 small newspapers that served communities where people like to believe that the Commission did not make any contribution, that all the Commission did was to take advantage of their services.

The Chairman said that in the absence of any further questions the report of the Executive Director would be accepted as offered. He said the report of the Chairman of the Committee on Service Plazas would be received.

The Chairman of the Committee on Service Plazas, General Beightler, said he wanted to announce that a meeting of the Committee would be held with the restaurateurs on the turnpike at Berea on the 29th of September. He said that in the morning the Committee would meet with Howard Johnson Company and in the afternoon with the Gladieux Corporation, operator of Holiday House restaurants to discuss the operations during the past summer and to learn of any proposed improvements that the restaurateurs expected to make and to discuss some deficiencies the Commission had noted. He said both operators had indicated they were giving serious consideration to modification of at least a part of their restaurants to offer cafeteria or buffet service. He said that area also would be discussed in the meeting of September 29.

The Chairman said that in the absence of questions the report of the Committee on Service Plazas would be accepted as offered. He said the report of the Director of Highways would be received.

The Director of Highways said it might be well to bring the Commission up to date on the status of the current negotiations between the Ohio Department of Highways and the United States Bureau of Public Roads with respect to approval of the Interstate net work of highways in northeastern Ohio. He said he believed substantial agreement had been reached on the proposed network, with the exception of two legs: the projection of the Clark Freeway easterly from the inner belt in Cleveland and the extension of the south outer belt in Cleveland to the turnpike at the North Olmsted-Cleveland Interchange. He said he hoped the meeting scheduled between the Department and the Bureau in Washington on Thursday of that week would bring final conclusion of the negotiations.

The Director of Highways said also that he thought the report on the general taxes paid as a result of operation of the turnpike was a worthy study and would indicate that the turnpike in its operation con-

tributed to the various communities. He suggested that the release on the report might very well have a few words stating what the taxes and collections referred to do and where they go because there was a possibility of misconception of excess revenue paid by motorists.

The Chairman said users of the Ohio Turnpike were paying a second tax. He said they paid a tax, a toll, for use of the highway and at the same time were taxed to maintain other highways. He said there never had been a question in his mind that they were being taken advantage of in the collection of taxes from people who otherwise paid totally for the services that they got. He said he had never wanted to raise the issue but certainly the issue was morally entitled to be raised because under law the gasoline tax was collected for specific purposes none of which purposes were available to the turnpike. Mr. Preston said the connecting highways were part of the interstate network. The Chairman said he agreed but that that network was available to the whole public. He said everybody got the same benefits. He said the man who rode the turnpike should not have to pay extra.

The Chairman said that in the absence of any further questions the report of the Director of Highways was accepted as offered. He said the report of the General Counsel would be received. He said the General Counsel had had some triumphs recently for which he congratulated him.

The General Counsel thanked the Chairman and reported that the legal staff had closed two cases. He said one case was Berardi v. McKenna in Mahoning County. He said in that case the Commission had been joined as defendant along with about 20 others. He said the case involved title questions including the validity of the Commission's permanent easement. He said the Commission was dismissed out of the case as the result of a motion for summary judgment by the Commission which was granted by the Court. He said the easement was upheld. He said the other case was Butler v. the Ohio Turnpike Commission in Lucas County. He said that was a case involving property owners from whom the Commission had purchased 1/100 of an acre. He said the property owners claimed that in connection with the contract the Commission had breached the provision that existing drainage systems should be preserved. He said a jury trial was had in that case. He said the jury brought in a verdict for the Commission. The Chairman said the result was a very good one and established a very good precedent.

The Chairman said that in the absence of any questions the report of the General Counsel would be accepted as offered. He said the report of the Consulting Engineers would be received.

Mr. Fred S. Cresswell of the Consulting Engineers reported that the annual report of the Consulting Engineers would be submitted on or before the 1st of October.

The Chairman said that in the absence of questions the report of the Consulting Engineers would be accepted as offered. He said the Commission had already heard from the Director of Information and Research. He congratulated the Director of Information and Research on the tax study and also on many studies made by the Department.

The Chairman said it was understood that the meeting for October 3 would not be held on the 3rd but would be held the 17th and that the Commission would meet on the 17th to consider the budget and whatever else would be before it at that time. The Chairman said it was understood also that the Commission itself was postponing the meeting of October 3 to October 17 so that notices would not be needed beyond the regular reminder.

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

Resolution No. 6 - 1961

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, 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 on July 28, 1961, 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 July 28, 1961, hereby are 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, Beightler, Preston, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with the four Members present voting in the affirmative. The resolution was identified as No. 6-1961.

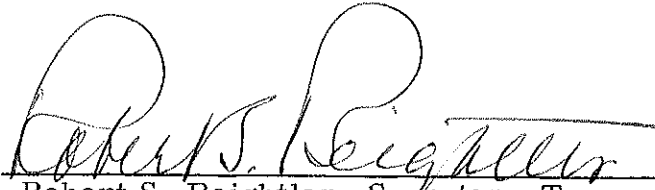
There being no futher business to come before the Commission, a motion was made by Mr. Preston, seconded by Mr. Teagarden, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Preston, Teagarden, Beightler, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:45 P.M.

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

  
Robert S. Beightler, Secretary-Treasurer