

MINUTES OF THE ONE HUNDRED AND FIFTY-FIFTH MEETING
April 3, 1962

Pursuant to bylaws, the Ohio Turnpike Commission met in regular session in Room 907 of the Ohio Departments Building at Columbus, Ohio at 11:00 A. M., Eastern Standard Time, April 3, 1962 with the key members of its staff, representatives of the Consulting Engineers, of the Trustee, of the Auditor of State, of the principal underwriters, members of the press and others in attendance.

The oath of office as a Member of the Commission was administered to Ralph A. Winter of LeRoy, Ohio by the General Counsel of the Commission.

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

Present: Winter, Chastang, Teagarden, Preston, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present. He said that immediately prior to the meeting it was the Members' pleasure to see inducted a new Member, former state senator Ralph A. Winter of LeRoy, Ohio, whom the Commission had known for many years as a friend. The Chairman said that as a member of the Ohio Senate, Senator Winter was the sponsor of the legislation which created the Ohio Turnpike Commission. He said Senator Winter spent several years of his time dedicated to making the turnpike legislation possible. He said Senator Winter went through two sessions of the General Assembly with the legislation and it was enacted by the second assembly in which he proposed it. He said Senator Winter had been a friend of the Commission, a friend of highways. He said he wanted, in taking note of Senator Winter's appointment as a Member of the Commission, to mention that despite all he had to do with the enactment of the legislation and the creation of the Commission Senator Winter never once had sought any advantage from the Commission, had never sought any favors from the Commission, had never sought to bring any pressure to bear on the Commission in furtherance of any interest of his own or of anyone else who might have brought pressure to bear on him. The Chairman said he was glad to be able to say at that time when Senator Winter became a Member of the Commission that it was

a special pleasure and satisfaction to him personally and to the other Members of the Commission to receive him as one of the Members. He said it had been his hope from the beginning that Senator Winter would sometime be a Member of the Commission. He said he had no doubt that the Governor of Ohio at the time the first Commission was appointed would have appointed Senator Winter to the Commission had it not been impossible to do so because he was a member of the General Assembly which had created the Commission and established the salaries and he was thereby ineligible. He said he was nevertheless sure that United States Senator Frank J. Lausche, the then Governor, had the highest regard for Senator Winter and that he would be pleased to know that a successor of his, Governor Michael V. Di Salle, had chosen to put Senator Winter on the Commission. The Chairman said Senator Winter came to the Commission not inexperienced, that he came to the Commission as somebody who by virtue of the experience he had had with the legislature and by the careful attention which he had given over the years to the affairs of the Commission because of his original interest in the enactment of the legislation was familiar with the affairs of the Commission. The Chairman congratulated Senator Winter and said the Commission was happy to have him with it and that the Commission congratulated him upon the extent of his recovery from his accident of the previous November. He said the occasion was significant to the Commission because of the Members' fondness for him and their belief that he would do much to assist the Commission in continuing to fulfill the mission which was envisioned for the Commission by the legislation of its creation.

A resolution expressing the regret of the Commission upon retirement of Maj. Gen. Robt. S. Beightler, U.S.A. (Ret.) and heartfelt wishes for his future happiness was moved for adoption by Mr. Shocknessy and seconded by all the other Members.

Resolution No. 6-1962

"WHEREAS Maj. Gen. Robert S. Beightler, U.S.A. (Ret.), resigned as a member of this Commission effective March 31, 1962;

"WHEREAS General Beightler has served as a member of this Commission continuously since July 15, 1955 and immediately prior to that time about two years as Executive Director;

"WHEREAS the period of service of General Beightler embraces the historic period in which the Ohio Turnpike was constructed, opened to traffic, and established as a financially solvent and successful enterprise; and

"WHEREAS the same superb qualities of integrity, devotion, and leadership which General Beightler had previously demonstrated in public office, including a term as Highway Director for the State of Ohio, and as leader of the 37th Division in the South Pacific, in World War II, have endeared him to his associates on this Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, by the adoption of this resolution, desires to incorporate within its permanent records its deep regret in losing its close association with General Beightler as a member, and its recognition of the qualities of dedicated leadership, ability and integrity which he has demonstrated throughout his life both in civil and military service in peace and war; and

"FURTHER RESOLVED that this Commission extend to General Beightler and Mrs. Beightler the heartfelt expression of the esteem of its members and the wish that they may enjoy the many long years of happiness they so richly deserve."

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

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

Nays: None.

The Chairman declared the resolution adopted with all Members voting in the affirmative. The resolution was identified as No. 6-1962.

A motion was made by Mr. Teagarden, seconded by Mr. Chastang, that the minutes of the meeting of March 6, 1962 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: Teagarden, Chastang, Winter, Preston, Shocknessy.

Nays: None.

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

The Chairman reported that the Commission had had a very successful time in its history since the last meeting. He said the Commission had achieved a victory in the courts since the last meeting which meant a great financial advantage to the Commission. He read as follows from a memorandum dated March 30, 1962 which he had had from the General Counsel, Judge Lockwood Thompson:

"The Commission was advised that Judge Kloeb of the United States District Court for the Northern District of Ohio, Western Division that day rendered a written opinion in the case of S. J. Groves & Sons Co. v. Ohio Turnpike Commission.

"It will be recalled that in that case Groves filed suit for \$1,598,766.40 of which \$364,496.99 constituted retainage. The Commission filed a motion for summary judgment which was argued orally last October.

"Judge Kloeb's memorandum indicates that he has granted the Commission's motion for summary judgment, thereby sustaining the Commission in all respects."

The Chairman said he wanted to offer congratulations to the Commission's General Counsel, Judge Lockwood Thompson, to his assistant, Mr. Francis K. Cole, and to the special counsel who cooperated with Commission's counsel in handling the case. He said it was his idea of a great legal victory and one of the finest experiences the Commission had had in the courts. He said also that whether or not the decision should be appealed he was not alarmed because it was an excellent decision and upheld the position that the Commission took all along in the case.

The Chairman read from the memorandum of the court re defendant's motion for summary judgment, as follows:

"The contract on its face precludes plaintiff from recovery. Plaintiff appears to have foreclosed itself from recovery under Counts 2 and 3 of the complaint by the conditions in the contract to which it subscribed. In addition thereto, plaintiff accepted payment on twenty-four separate occasions on the terms offered and thereby compromised and settled its claims. It is, therefore, estopped by acceptance of these payments.

"The contract is not ambiguous in any respect and plaintiff claims no ambiguity.

"Plaintiff was one of many bidders for the three sections of the Turnpike proposed to be constructed and was successful in its unit price bid. To permit plaintiff to recover for the extras sought under Counts 2 and 3 would require the Court to reframe the contract or enact a wholly new one, diverging completely from the unit price basis and awarding to plaintiff sums more than double the unit price bid. This we feel we cannot do.

"We conclude that defendant has no liability to plaintiff at this time under Count 1 of the complaint for failure or refusal of plaintiff to comply with the provisions of the contract."

The Chairman said also that the memorandum of the court had a final paragraph in which the court said it was not ruling on the Commission's counter-claim, which, the Chairman said, the court might be reserving and which might mean something even further for the Commission.

The Chairman said the decision was a great one which meant a great deal and one in which the Trustee could take some satisfaction. He said the decision was a good job by a courageous, competent judge.

The Chairman reported further that the revenue for March 1962 was approximately \$1,732,000, the highest by a hundred thousand dollars of any March since the Ohio Turnpike was opened. He said tolls from commercial vehicles were \$774,000, which was a new monthly record, and on March 8, 1962 were \$32,996, the most for a single day in the history of the turnpike. He said the Commission's revenue for the first quarter of 1962 would be approximately \$4,646,690 as compared with \$4,247,000 in 1961 when traffic was down, and as compared to \$4,500,000 in 1960, which was the biggest first quarter the Commission had had prior to the first quarter of 1962.

The Chairman reported further that since the last meeting also the Commission had had a lot of publicity on the screening of a billboard on U. S. Route 21 at the interchange of Route 21 and the turnpike, where the able Executive Director had proceeded to erect a screen in front of a billboard. He said the screen was manifestly erected on Commission's property to screen a billboard that probably wasn't intended, as far as the Commission believed, to affect the Commission's traffic, but which could be viewed from the turnpike roadways. He congratulated the Executive Director on having the courage and resourcefulness and initiative to go right ahead and do the screening.

The Chairman said that in the absence of questions the report of the Chairman would be recorded as received. 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. Traffic and Revenue Report for February 1962.
2. Financial Report as of February 28, 1962.
3. Draft of the minutes for the March 6, 1962 meeting.
4. Detail of investment transactions for March 1962.

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

The Executive Director reported that under date of March 19, 1962 he mailed each Member a copy of a presentation made by Communications Development Co., Inc. to representatives of the Commission and of the Indiana Toll Road Commission at a conference in Berea on Friday, March 16, 1962. He said minutes of that conference had been given the Members prior to the meeting. He said that since the conference Communications Development Co., Inc. had developed in cooperation with the legal department of the Indiana Toll Road Commission a form of franchise or agreement that would serve as a basis for further discussions. He said a copy of the franchise had been received but not yet analyzed and that it was likely further conferences would be in order in the near future.

In response to questions by Mr. Chastang, the Executive Director said that the cable proposed to be used by Communications Development Co., Inc. would be buried about four inches in the ground. He said the cable was about the size of the lead in a lead pencil and would not interfere with radios used in operation of the turnpike nor with other commercial stations because of its very limited range.

The Executive Director reported also that negotiations had been completed with the Department of Highway Safety to provide patrol cars for use of District 10 of the Highway Patrol on the turnpike effective at the termination of the existing leasing contract on April 25, 1962. He said the agreement provided for reimbursement to the

Department on a mileage basis determined by costs with a provision to permit adjustment semi-annually should experience indicate adjustment necessary.

The Executive Director reported also that, in connection with the operation of the Highway Patrol on the turnpike, the installation of a new base station radio in the administration building had been approved. He said the new radio was on the regular Highway Patrol radio frequency and would provide radio communications with the Highway Patrol generally through district headquarters of the Highway Patrol at Massillon, Ohio. He said the equipment was being installed and should be in service shortly. He said all equipment and labor necessary for the installation were being provided by the Highway Patrol at no cost to the Commission. He said the new facility provided something that had been lacking theretofore: direct radio communication with other districts of the Highway Patrol.

The Executive Director reported further that shortly following the opening of the turnpike to traffic it became apparent that the conduct of operations and provision of services to patrons left something to be desired because of lack of radio communication with the service plazas. He said means and methods to provide that service had been explored. He said the turnpike operational circuit could be likened to a party line having about 190 parties divided between two circuits. He said that because the communications on those two circuits would be of little interest to the service plaza personnel and because it was believed that any additional traffic on the operational circuit would result in undersirable inefficiencies at the expense of operations it was determined that micro-wave telephone was the only answer. He said that estimates to provide micro-wave facilities at the service plazas exceeded \$100,000 and the plan was dropped. He said that even so certain services had to be provided for patrons at the service plazas and a plan had been devised whereby messages were relayed by public telephone service to a maintenance building and thence by radio to Berea headquarters or, if the communication originated by radio, it was relayed by radio to the maintenance building nearest the service plaza intended to receive the message and thence to the service plaza by telephone. The Executive Director said also that recently the Commission had been informed that its need for direct radio communication with the service plazas could be served by an innovation which would permit utilizing the existing operational channel but controlled through a dial system. He said the cost of the supplement to the Commission's existing radio system would be less than \$10,000. He said the dial system would require all radio traffic from and to the service

plazas to clear through the Commission's radio operators in Berea who would activate the circuit by dialing, and such dialing could activate the service to one station or all stations in the service plazas. He said that radio in the service plazas would serve the staff in many instances in which long distance telephone currently must be used. He said also that it had been hoped for a long time to provide a bulletin board in each service plaza to make available to patrons weather and road condition reports but that the staff had been unable to devise a practical solution for servicing the bulletin boards. He said the dial radio would provide the proper means for servicing the boards. He said the procedures for handling radio traffic at service plazas were being explored and, if it appeared that the radio traffic could be handled properly, the plan would result in a major improvement in service at nominal cost.

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

The Chairman of the Committee on Service Plazas, Mr. Teagarden, asked the Executive Director to bring the Commission up to date on the cafeterias that were being planned to be installed on restaurants on the turnpike. The Executive Director reported that it appeared the cafeteria to be operated by Howard Johnson Company at Great Lakes Service Plaza would be in service the week preceeding Easter. He said two other cafeterias were being planned to be installed at service plazas on the western half of the turnpike but that plans for them had not progressed too far.

In response to a question by Mr. Chastang, the Director of Information and Research said that the cards prepared by the Commission to convey information about the use of credit cards in purchasing fuel on the turnpike had been very well received and that people travelling the turnpike seemed to be happy to get them.

The Chairman said the report of the Committee on Service Plazas would be accepted as offered. He ascertained that there would be no reports by the Committee on Budget and Finance, the Committee on Claims, the Director of Highways, the General Counsel, or the Consulting Engineers. He said the report of the Director of Information and Research would be received.

The Director of Information and Research reported that informational leaflets calling attention to the advantage of using the eastern turnpike system, including the Ohio Turnpike, in traveling to and from

the Seattle World's Fair had proven popular beyond expectation. In response to a question by the Chairman he said the Commission's action in preparing and distributing the leaflets had been brought to the attention of the management of the Fair.

The Director of Information and Research reported further that during 1961 a total of 2, 240, 000 pieces of turnpike travel literature, including maps, had been distributed throughout the United States and Canada.

The Chairman said that in the absence of further questions the report of the Director of Information and Research would be accepted as offered.

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

Resolution No. 7-1962

"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 March 6, 1962, 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 March 6, 1962, 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, Chastang, Winter, Preston, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 7-1962.

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

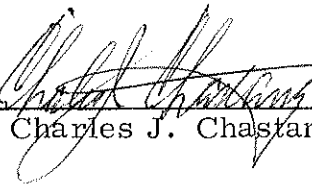
A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 11:43 o'clock A. M.

Approved as a correct transcript of the
proceedings of the Ohio Turnpike Com-
mission



Charles J. Chastang, Secretary-Treasurer