

MINUTES OF THE TWO HUNDRED AND SECOND MEETING
October 4, 1966

Pursuant to the bylaws of the Ohio Turnpike Commission permitting the Chairman to change the place of the meeting, the Commission met in regular session in the conference room of the Ohio Department of Highways building at 139 East Gay Street, Columbus, Ohio at 11:00 A. M. eastern standard time on October 4, 1966 with the key members of the staff; representatives, Mr. Fred Cresswell and Mr. H. A. Harnden, of the Consulting Engineers; a representative, Mr. Robert H. Bartholomew, of the Trustee; a representative, Mrs. Russel Lucas, of the Auditor of State; 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: Redman, Chastang, Teagarden, Masheter, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present.

A motion was made by Mr. Redman, seconded by Mr. Chastang, that the minutes for the meeting of September 6, 1966 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: Redman, Chastang, Teagarden, Masheter, Shocknessy.

Nays: None.

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

The Chairman reported that the Commission's revenue for September was the highest for any September since the turnpike was opened. He said the revenue was about \$3,133,000 which was some \$286,000 greater than the income of September of the previous year. He said it was the 29th successive month in which revenue had exceeded that of the corresponding month of the previous year. The Chairman said also that

the Commission's revenue for the first nine months of 1966 was approximately \$25,335,000, which was \$1,850,000 more than the first nine months of 1965.

The Chairman reported further that during September the Trustee purchased Ohio Turnpike bonds in the amount of \$4,610,000, bringing the total for the year 1966 to \$10,752,000 and reducing the Commission's outstanding indebtedness to \$260,194,000.

The Chairman reported further that as a result of the frightful accident which occurred in September the record of fatalities of the turnpike for the year was 34 compared to 32 for the entire year of 1965.

The Chairman reported further that the Consulting Engineers had already submitted their annual report which, according to the trust agreement, was required by October 1. He said there was a copy of the report on the table and all the Members had received a copy.

The Chairman reported further that as of the 28th of September the Commission received an opinion from Squire, Sanders & Dempsey advising that a successor to the B. J. Van Ingen & Co., Inc. as principal underwriter had been approved.

The Chairman said that in the absence of questions the report of the Chairman was 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 August and September 1966.
2. Traffic and Revenue Report for August 1966.
3. Draft of the minutes of the September 6, 1966 meeting.
4. Financial Statements as of August 31, 1966.

The Chairman said that in the absence of questions the report of the Secretary-Treasurer was accepted as offered. He said the report of the Committee on Budget and Finance would be received.

The chairman of the Committee on Budget and Finance, Mr. Redman, reported that the estimated income of the Commission for 1967 was \$32,000,000 versus \$30,000,000 estimated for 1966. He said that as of the end of August 1966 the actual income for the Commission was \$1,564,000 over the corresponding months of 1965. He said the \$32,000,000 estimate for 1967 appeared to be reasonable in the light of increases sustained in 1966.

Mr. Redman reported further that the total estimated budget for 1967 was \$6,636,948, which was an increase of \$633,458 over 1966. He said that was a substantial increase - 10.5% actually - over 1966 and most of it was attributable to the salary increases that were granted by the Commission in 1966. He said the salary increases per se in the budget would be about \$260,000 but the fringe benefits added another \$110,000 so that nearly \$400,000 of the increase in the budget was due entirely to wage increases.

In response to a question by Mr. Chastang, Mr. Redman said the increased fringe benefits comprised primarily three items: insurance costs, contributions to Public Employees Retirement System, and the hourly vacation and sick pay. He said the largest item was the contribution of \$58,000 to PERS, which was the result not only of increases in salary but also of an increase in the employer's rate from 8.3 to 9 over which the Commission had no control.

Mr. Redman said also that the other major items of the \$600,000 increase were \$60,000 attributable to an intensified landscaping improvement program, recurring maintenance, particularly of the beam guard rail, which was included in the budget for an additional \$26,000; an additional \$28,000 for salt which had gone up in price by one dollar a ton; an accelerated sign replacement program which would cost about \$20,000; and service plaza pavements which would cost another \$20,000. Mr. Redman said he was hopeful that there would not be another salary adjustment in 1967. He said the adjustment in 1966 was an average of 9%. Mr. Teagarden said the increase of 1966 made up for a year and a half in which there had been no increases made. He said he thought the employees were all pretty happy with the increases they had received. He said there might be some wage adjustments to make but he did not expect anything such as in 1966. The Executive Director concurred.

Mr. Redman reported further that the new Reserve Maintenance Fund projects for 1967 were estimated to be approximately \$5,000,000. He said there were about a million dollars of incompleting projects.

In response to a question by the Chairman, Mr. Redman said that if the proposed allocations were to apply against the deposits at the beginning

of 1966, there would be \$619, 000 unallocated at the end of 1966. He said it was proposed to put an additional \$5, 300, 000 in the fund in 1967 which would provide a total of \$5, 900, 000 out of which the proposed schedule for 1967 would spend \$5, 800, 800 so that there would be something less than \$100, 000 left in the Reserve Maintenance Fund at the end of 1967.

In response to a question by Mr. Chastang, the Executive Director said it might be necessary to forego some of the projects if the expenses in the initial part of 1967 were higher than anticipated. He said certain projects could be carried over to another year but certain of them could not.

In response to a question by the Chairman, the Comptroller said the interest cost on the turnpike revenue bonds in 1967 would be around \$8, 400, 000. The Chairman said he estimated the cost would be closer to \$8, 250, 000.

A resolution adopting preliminary budget for the fiscal year 1967 was moved for adoption by Mr. Redman, seconded by Mr. Teagarden, as follows:

Resolution No. 16-1966

"WHEREAS it is provided by Sec. 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 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 of income and current expenses for the fiscal year 1967 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
1967

Income	\$32, 000, 000
Current Expenses	
Administration & Insurance	\$ 1, 108, 098
Operations	5, 376, 850
Trust Indenture Expense	<u>152, 000</u>
Total Current Expenses	\$ 6, 636, 948

"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."

In response to a question by the Chairman, Mr. Harnden said the Consulting Engineers had submitted to the Commission a letter approving the preliminary budget.

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

Ayes: Redman, Teagarden, Masheter, Chastang, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all the Members voting in the affirmative. The resolution was identified as No. 16-1966.

The Chairman said the report of the Committee on Budget and Finance 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, reported that the current contracts for the operation of the service stations which replaced the original 10-year contracts had been in effect for a few days more than one year. He said those contracts were significantly different from the original contracts with respect to rental

payment on diesel fuel sales. He said the original contracts provided a bid amount per gallon on diesel fuel sales while the current contracts provided a fixed rate of three cents per gallon on diesel fuel sales. He said the fixed rate was specified in the current contracts so that the service station operators could compete favorably with the net price charged for diesel fuel at service stations just off the turnpike. He said that in that manner the Commission hoped to obviate the necessity of truck drivers having to leave the turnpike for fuel because of the price differential.

Mr. Teagarden said also that the fixed rental rate for diesel fuel sales was 3.59 cents less than the average rental rate paid under the original contracts. He said that for the Commission to break even on rental from diesel fuel sales it meant that service stations had to show an increase of 120 percent in gallons of diesel fuel sold. He said that for the eleven months after the new contracts went into effect for which the Commission had an accounting - October 1965 through August 1966 - diesel fuel sales had increased 93 percent over the corresponding eleven month period one year earlier. He said the monthly increases over corresponding months one year earlier had climbed from 18 percent in October 1965 to a high of 131 percent in August 1966. He said the break-even level was first exceeded in May 1966 and had been exceeded each month thereafter.

Mr. Teagarden reported further that a year prior when the Commission made those new contracts with the service stations it estimated that for the first year the Commission should increase its earnings by approximately \$750,000. He said the income from service stations for the 12 months of operation under the new contracts was estimated to be \$886,000 more than for the preceding 12-month period.

The Chairman said the Commission had had more complaints about restaurants in the last month than it had had in the previous months of the year. He said the Executive Director had reminded him that it was always so in September. He said the Executive Director had communicated with the complainant in each case and had investigated the complaint with the restaurant operator concerned. He said that in one instance the Executive Director talked to a complainant and finally perceived that what she wanted was to be served, that she did not care for cafeterias. The Chairman said the cafeterias were the Commission's salvation in the restaurant service, which was tailored to the advantage of the traveling public that wanted to eat in a hurry. He said he thought more travelers on the turnpike wanted to eat in a hurry than wanted to sit and savor the meal. He said he was not discounting complaints but he thought the Commission had had relatively few by comparison with the 13 to 14 millions of people who had been served during the summer months.

The Chairman said also that that was an awful lot of people to be served. He said that had the Commission not adopted the cafeteria expedient it would be out of the food serving business. He said he was of the opinion that the cafeterias had been useful. He said he did not think it unlikely that in the foreseeable future there would have to be some additional restaurant facilities provided because the saturation point was being reached in the summer months with the existing facilities and there was little the Commission could do to extend them as they currently stood.

The Chairman said also that the Commission had had an income of more than four million dollars in August and he doubted he should hope for the day when the Commission would have a five-million dollar month because a five-million month would saturate the turnpike. He said people occasionally asked him what was going to happen when certain interstate highways should be completed. He said he replied that what was going to happen was that the interstates were going to take the traffic that otherwise the Ohio Turnpike would have to take and wouldn't be able to take if they weren't provided. He said the Commission's concern was not going to be competition from those roads but the assistance that it would be gaining from them.

In response to a question by Mr. Chastang, the Executive Director said he estimated that in excess of 20 million persons were served on the turnpike during a twelve month period. He said that total included everybody who purchased food, whether ice cream cones or meals.

The Executive Director supplemented the report of the Service Plaza Committee with the statement that he had reported to the Commission more than a year before that it had furnished some chandeliers discarded during the service plaza remodeling program to a church in Taiwan. He said the Deputy Executive Director received a letter from the pastor of the church which he read as follows:

"September 24, 1966

"Mr. Russell S. Deetz
Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio

"Dear Mr. Deetz:

"Just a little over a year ago, May 13, 1965 to be exact, I received a letter from you saying that the Turnpike

Commission would give our church out in Taiwan some of the old light fixtures that were removed from some of your plazas. This is to inform you that our new church has just been completed and the large round brass chandeliers have been repolished and lacquered and are now hanging in our new church. I must confess these chandeliers are the talk of the town these days! Such fixtures are not available in Taiwan so everyone has had to come and see.

"We want to thank you for your generosity to this small group of Christians. As a group of Chinese, they have asked that I write you and thank you 'for such beautiful lights'.

"Sincerely yours,

/s/ Reverend W. K. Lyons

Rev. William K. Lyons"

The Chairman said that in the absence of further discussion the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report by the Committee on Employee Relations. He said the report of the Committee on Interchange Development would be received.

The Executive Director reported for the Committee on Interchange Development that progress in constructing the new interchange between the turnpike and Interstate Route 71 in Strongsville was satisfactory. He said the service building was substantially completed, the toll booths were installed and substantially completed, and the toll classification equipment was being installed.

Mr. Hartford said also that with the opening of I-71 to traffic the existing interchange would be closed down to permit the completion of the connecting road between the new and old interchanges. He said he expected the existing interchange to be out of service for approximately one month.

Mr. Hartford reported further for the Committee that plans for the new interchange between the turnpike and Interstate Routes 80 and 80 South near Youngstown were nearing completion and the development of plans for a new toll plaza was receiving attention. He said he believed that new interchange was destined to be one of the busiest, if not the busiest, interchanges on the turnpike when I-80 should be completed across Pennsylvania and New Jersey to New York City.

The Executive Director reported further for the Committee on Interchange Development that because of the increased volume of traffic on State Route 45 generated by the new General Motors Corporation plant near Lordstown, the Director of Highways had programmed the reconstruction of the existing two-lane highway to a four-lane highway with a narrow median. He said the turnpike crossed over State Route 45 on twin bridges at milepost 217.3. He said those turnpike bridges were designed to span a two-lane highway so they must be modified to accommodate the proposed four-lane, divided highway. He said it was proposed to provide the required additional space by relocating the existing piers on each bridge and re-inforcing the superstructure. Mr. Hartford said the Commission had cooperated with the Director of Highways in developing a plan and schedule of operations that would result in the least possible interference with turnpike traffic. He said that if all went well and in accordance with the plans, traffic would be inconvenienced but two days, during which it would be necessary to restrict traffic to one lane in each direction. He said operations that would interfere with turnpike traffic would be limited to specific low volume periods. He said the maintenance and control of traffic on the turnpike would be handled by the Commission's forces at the expense of the Department of Highways. Mr. Hartford said also that all those matters plus others were outlined in an agreement prepared for that purpose. He said the plans and the proposed form of agreement had been approved by the staff and by the Consulting Engineers and it was recommended that the Commission take favorable action on the resolution authorizing the execution of the agreement by the Executive Director.

A resolution approving contract with the State of Ohio for improvement of State Route 45 crossing under the Ohio Turnpike, including alteration of the existing dual bridges carrying Ohio Turnpike traffic over State Route 45 was moved for adoption by Mr. Chastang, seconded by Mr. Redman, as follows:

Resolution No. 17-1966

"WHEREAS the State of Ohio proposes to improve State Route 45 where said route crosses under the Ohio Turnpike Project No. 1 at a point in Jackson Township in Mahoning County, Ohio, at Ohio Turnpike Milepost 217.3, and requiring the alteration of the existing dual bridges carrying Ohio Turnpike traffic over State Route 45;

"WHEREAS the Commission's General Counsel on the basis of various discussions by and between representatives of the State of Ohio and representatives of this Commission has submitted an Agreement

setting forth the terms and conditions of the construction and providing that the cost and expenses of such construction shall be payable by the State of Ohio without cost to the Commission, said Agreement also providing generally for the terms under which the work shall be carried out in order to provide for safety and continuity of operations on the Ohio Turnpike; and

"WHEREAS such Agreement has been approved by the Commission's Executive Director, Chief Engineer and the Consulting Engineer, and is now before the Commission for approval as to its terms;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission's Executive Director be, and hereby he is, authorized to enter into an Agreement with the State of Ohio as approved by General Counsel and on the terms and conditions substantially as therein set forth."

Mr. Masheter said he was satisfied with the resolution.

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

Ayes: Chastang, Redman, Masheter, Teagarden, Shocknessy.

Nays: None.

The Chairman said the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 17-1966.

The Chairman said the report of the Committee on Interchange Development was accepted as offered. He said the report of the Committee on Safety would be received.

The Executive Director reported for the Committee on Safety that because speed was a factor in the tragic accident on the turnpike over the Labor Day week end the subject of speed had been one of public interest and had prompted many individuals and the news media to express their views. He said those views had been both for and against the existing limit of 70 miles per hour on freeways and the turnpike. He said all views to date that had come to his attention had been based on impressions rather than studious considerations. He said that to provide some food for thought the Commission's staff had analyzed experience on the Ohio Turnpike for the month of August.

Mr. Hartford said the study included consideration of speed for passenger cars only, but in accident experience it was necessary to include commercial accidents because of the involvement of both commercial vehicles and passenger cars in some of the accidents. He said that in August 1966, a total of 1,767,084 passenger cars traveled more than 146,700,000 miles on the turnpike. He said drivers of 1,319 passenger cars were arrested for exceeding the speed limit. He said 503 drivers were cited for exceeding the speed limit by more than 10 miles per hour and of the 503, forty-two were cited for speeds over 90 miles per hour.

Mr. Hartford said also that because of the limitations placed on the officer in making an arrest for a speed violation, it was a fact that many violations were undetected or, if observed, could not result in an arrest. He said those limitations included the requirement of the marked car, the use of a four-by-five foot sign with letters eight inches high announcing the use of radar or aircraft for policing, and the long sight distances on the turnpike. He said all favored the violator. He said he believed most drivers inclined to speeding were aware of those limitations and took advantage of the conditions and had little respect for the established limits.

The Executive Director said also that during 1965 the Ohio State Highway Patrol arrested on the Ohio Turnpike the drivers of 13,940 passenger cars for excessive speed. He said that in view of continuing experience he wondered how much had been accomplished in the improvement of driver attitude or respect for the law through arrest and prosecution under prevailing limitations. He said he felt certain that an improvement could be obtained and a greater respect for the law would result if the circumstances were less favorable to the driver in avoiding detection.

Mr. Hartford reported also that the second part of the study pertained to the relationship of speed to accident experience and included the accident experience of commercial vehicles with the experience of passenger cars. He said that in August there were 123 accidents, of which 115 occurred on the turnpike traffic lanes. He said that of the 123 accidents, eighty-eight resulted from improper actions by the driver and of those only two accidents were charged to exceeding the speed limit. He said that did not mean, however, that speed was not a factor in the other accidents.

Mr. Hartford said also it was unquestionable that the speed of vehicles contributed to the severity of accidents, and the speed coupled

with an improper action contributed to the frequency of accidents, and the greater the speed the greater the contribution in both cases; yet a reduction in the speed limit would have no effect on the severity of an accident or the frequency of accidents in those cases where the speed limit was not being observed. He said the arrest record demonstrated that that was a fertile area where an improvement in driver behavior should result in an improvement in accident experience.

The Chairman said the accident over the Labor Day week end was responsive to just what the Executive Director said. He said that regardless of what the speed limit had been the driver would have been going at the same speed undoubtedly. He said the driver would have had the same slick tires and behaved the same way she did.

The Chairman said that in the absence of further discussion the report of the Committee on Safety was accepted as offered. He ascertained that the Executive Director had no further report, and that the Director of Highways would have no report.

The Chairman said that he might say for both the Highway Director and himself that they hoped to open I-71 in the City of Cleveland to West 25th Street on the first of November. He said it had been their hope to open to Interstate Route 90 on that date but because of occurrences over which they had no control it was determined 10 days or so before that it would be impossible to open I-71 farther than West 25th Street which was within two to three miles of Public Square in Cleveland.

The Chairman said also that all who had worked together on that project, not excluding the Governor who had given unstintingly of his support, could take pride in the success which they were achieving. He said a newspaper writer over the week end said that those of the I-71 task force had not been forthright in admitting inability to open to I-90 on October 31. He said that newspaper man was not present at the I-71 meeting of the previous week when it was disclosed openly to everybody that Mayor Ralph S. Locher of Cleveland had been advised that his cooperation was sought and needed to open at West 25th Street. He said he did not know how much more forthright one could have been but that he was very sensitive about that remark, which was coupled with a statement that politicians have trouble admitting failure. He said that as the chief engineer of the Ohio District of the United States Bureau of Public Roads, Mr. William E. Reed, said the day before, the task force did not have to admit a failure. He said the force was not admitting a failure. He said he thought getting to West 25th Street was a triumph.

The Chairman said also that Mr. Reed said the day before he thought there were few experiences in the whole United States currently that were as satisfactory as the experience in opening to West 25th Street. The Chairman said also that if his concept of what the newspaper had in mind with respect to politicians was correct - and he assumed the writer was speaking contemptuously - the task force had never operated that way - and the Ohio Turnpike Commission had never operated that way. The Chairman said he liked politicians. He said he believed in politicians and he did not think the business of government could be done without politicians and he had had about as much experience in thirty-five years with politicians as anybody he knew. He said he happened to know that the people the writer was speaking contemptuously of were people who had given unstintingly and honestly of their service in the furtherance of government. He said he did not know that he had ever been much more offended than he was by that article.

The Chairman said the article was by the same man who wrote the article to which the Director of Information and Research had replied a few weeks before in which the writer said that the median strip on the Ohio Turnpike was too narrow and that he had said so when the turnpike was being built. He said that as a matter of fact he was not aware of the writer's great interest at the time the turnpike was built. He said he did remember that one of the editors of his newspaper took exception to the width of the median at that time because the turnpike was taking so much land out of production unnecessarily. The Chairman said that with all due respect to the newspaper men who were in the room he wanted to say that one could do a lot with an inkpot and he had great respect for what could be done with an inkpot. He said he had always said that the Ohio Turnpike was built by lawyers and newspapers but it also took more. He said it was easy to charge that getting I-71 to West 25th Street was a failure but it was not easy to get to West 25th Street and the task force was not even there yet but hoped it was going to be there by the 1st of November. He said he did not know how anybody could be more forthright.

The Chairman said that same writer wrote a story in his newspaper in which he said the trouble with the bridge piers on I-71 in the Jennings Road area in Cleveland was caused by haste and that Governor Rhodes' opponent had picked it up and had used it and had said it was caused by haste, charging Governor Rhodes with it. He said the piers were built in accordance with engineering plans drawn by a firm employed by Governor Rhodes' predecessor.

The Chairman said he had never failed to tell the Commission everything and he had been doing so for seventeen years and had never

held anything out. He said the same thing had been done with the I-71 group and the I-71 group had been approved and applauded by everybody because not only had there been an I-71 group meeting in Columbus but a similar meeting was held in Cleveland in the Mayor's office once a week. He said it was his own conception to have that meeting in Cleveland and one of the newspapers had said rather recently that the group in Cleveland had done more to resolve difficulties and differences which had arisen in the construction of I-71 than could have been done by any other group.

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

The General Counsel reported that the settlement in the case of E. Harold Copeland, d. b. a. Copeland Music Company v. Ohio Turnpike Commission had been carried out and the suit dismissed on September 19, 1966.

The General Counsel reported further that the last time the Commission filed suit against anybody was about October 1956. He said the Commission had tried to be good neighbors with people up and down the turnpike and had tried to be patient. He said it was possible that the Commission would currently have to file a suit which was as a result of a controversy the Commission was having with the City of Broadview Heights. He said the City of Broadview Heights had a contract to supply water to the residents from the City of Cleveland. He said the contract provided that the City of Cleveland should not merely charge for the water being consumed and used by the residents of Broadview Heights but that there should be an additional charge of one dollar for each thousand cubic feet. He said that beginning in January 1966 the Commission received a bill for that extra charge. He said the Commission's legal department felt very strongly that the charge actually was an assessment and, under the turnpike act, the Commission was not liable for taxes or assessments. He said that question had gone to the Supreme Court of Ohio in connection with the service plazas on the turnpike and the act had been sustained. He said the legal department was endeavoring to work the matter out with the City of Broadview Heights.

In response to a question by the Chairman, the General Counsel said he had dropped the case of John May v. Ohio Turnpike Commission from his quarterly report. He said the case was decided by the Supreme Court of Ohio in 1962. He said the Supreme Court directed the Commission to work out provisions for an exit road and the Executive

Director and he had been in negotiation with the plaintiff. He said the Executive Director had given the plaintiff two alternates and he had not made up his mind as to either. He said the negotiations were still going on. He said the Commission intended to fulfill its responsibilities under the decision.

The Chairman said he wanted to put in the record that the Commission had never filed a certificate of completion and still could not file it as far as he knew because there was still the problem with the United States Corps of Engineers with respect to the Lewis Research Center - Plum Brook Station parcel taken for right-of-way for the Ohio Turnpike. He said he wanted the record to show that the Commission was aware that it had never been able to declare the turnpike completed because the Corps of Engineers had never been willing to settle with it that portion of the right-of-way. The General Counsel said settlement would consist of giving the Commission a deed for that parcel which the Corps of Engineers had said to go ahead and take and work out the matter of a deed at a later time. He said he and the Executive Director currently were negotiating with the National Aeronautics and Space Administration, which was the government agency currently in charge of the parcel in behalf of the United States Government. He said NASA said it could give the Commission a deed and that it was working out at that time a contract by which the Commission would receive title to the parcel. The Chairman said that if and when the Commission got the deed a formal opinion should be asked of Squire, Sanders & Dempsey as fiscal counsel whether or not the Commission should proceed to declare the turnpike completed.

The Chairman directed that the letter under date of September 28, 1966 received from Squire, Sanders & Dempsey advising that a successor to B. J. Van Ingen & Co., Inc. as principal underwriter had been approved be incorporated in the record of the meeting. The letter was as follows:

"September 28, 1966

"Ohio Turnpike Commission
682 Prospect Street
Berea, Ohio

"Dear Sirs:

"You have inquired whether Kidder, Peabody & Co. Incorporated is the 'successor' to B. J. Van Ingen & Co., Inc.

as a 'principal underwriter' under the Trust Agreement between the Ohio Turnpike Commission, The Ohio National Bank of Columbus, as Trustee, and The National City Bank of New York (now First National City Bank) as Co-Trustee, dated June 1, 1952.

"We have been furnished by Kidder, Peabody & Co. Incorporated with a copy, certified by an Assistant Secretary of Kidder, Peabody & Co. Incorporated, of agreement dated May 27, 1966 between Kidder, Peabody & Co. Incorporated, B. J. Van Ingen & Co. Inc., Bernard J. Van Ingen, Jr. and Duncan C. Gray, from which certain exhibits and other information, which we do not deem pertinent to our opinion, had been deleted.

"We have also examined the opinion of Messrs. Sullivan & Cromwell, counsel for Kidder, Peabody & Co. Incorporated, dated August 10, 1966, a copy of which has been furnished to you.

"Based on the foregoing, we are of the opinion that Kidder, Peabody & Co. Incorporated is a 'successor' to B. J. VanIngen & Co. Inc. as a 'principal underwriter', as those terms are defined in the Trust Agreement referred to above.

"Respectfully submitted,

/s/ Squire, Sanders & Dempsey"

The Chairman asked the representative of the Trustee, Mr. Bartholomew, if the Trustee was accepting Kidder, Peabody & Co. Incorporated as a principal underwriter in accordance with the opinion by Squire, Sanders & Dempsey. Mr. Bartholomew replied in the affirmative.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained that there would be no reports from the Consulting Engineers or by the Director of Information and Research.

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

Resolution No. 18-1966

"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 September 6, 1966, 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 September 6, 1966 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, Redman, Masheter, Shocknessy.

Nays: None.

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 18-1966.


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

Ayes: Chastang, Teagarden, Masheter, Redman, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:13 P. M.

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



Charles J. Chastang, Secretary-Treasurer