

MINUTES OF THE TWO HUNDRED AND FIFTH MEETING
March 7, 1967

Pursuant to bylaws the Ohio Turnpike 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 March 7, 1967 with the key members of the staff; a representative, Mr. H. A. Harnden, of the Consulting Engineers; and a representative, Mr. Robert Bartholomew, of the Trustee, in attendance. For the first time since the Commission first met no representatives of the press were in attendance although the Associated Press, United Press International, Columbus Dispatch, Columbus Citizen-Journal, and other newspapers had been given advance notice of the meeting.

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 February 7, 1967 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 first thing he wished to speak about was the death of a patrolman on the turnpike a few days before - a nice young man recently out of the Ohio Highway Patrol training school on his first assignment and killed. He said the death was the first of a patrolman that had occurred on the turnpike and the first accident of its kind in

several years of the highway patrol. The Chairman said also that on the day of the death of the young man, who was Patrolman Jon D. Birchem, on behalf of the Commission he issued a statement, a copy of which he handed to the secretary-treasurer for incorporation in the business of the meeting. The statement was as follows:

"Patrolman Jon D. Birchem of the Ohio Highway Patrol who died late today in the crash of his patrol car while pursuing two speeding automobiles on the Ohio Turnpike was a casualty in the never ending war against highway lawlessness. The drivers of the speeding passenger cars involved, although they may never be apprehended or even known, are morally guilty of Patrolman Birchem's death.

"This young man spent his entire brief police career as one of the dedicated officers who have contributed so greatly to making the Ohio Turnpike one of the safest highways in the nation. In the more than twelve years since the first section of the turnpike was opened on December 1, 1954 several members of the turnpike district of the Highway Patrol have been injured while in performance of their official responsibilities but Patrolman Birchem is the first who has given his life in the line of duty.

"It is with a heavy and grieving heart that on behalf of the Ohio Turnpike Commission I extend sympathy to Patrolman Birchem's wife, Crystal; to his son, Jon, whose birth date last June 11 followed by just one day the graduation of his father from the Ohio Highway Patrol Academy and his assignment to the turnpike district, and to his brother officers in the Ohio Highway Patrol. May they find consolation in the knowledge that Patrolman Birchem gave his life in the service of his state and of his fellowman and in the enrichment of a great tradition of public dedication."

A resolution expressing the Commission's sorrow and extending sympathy to the widow on the death of Patrolman Jon D. Birchem was moved for adoption by the Chairman, seconded by all the other Members, as follows:

Resolution No. 4-1967

"WHEREAS the Commission, with profound sorrow, has learned of the tragic death in line of duty of Highway Patrolman Jon D. Birchem;

"WHEREAS Patrolman Birchem graduated from the Ohio Highway Patrol Academy with an outstanding record in June, 1966, was thereupon

assigned to the Ohio Turnpike and spent his entire brief police career as one of the dedicated officers who have contributed so greatly to making the Ohio Turnpike one of the safest highways in the nation; and

"WHEREAS the ability and courage and dedication to duty of Patrolman Birchem have been an example and will continue to be an inspiration to those who have come to know his character and record;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission recognize by the adoption of this resolution its heartfelt grief upon this loss of a young life of very great promise, a casualty in what must be a never ending war against highway lawlessness; and

"FURTHER RESOLVED that the Commission extend its sympathy to the bereaved widow, Mrs. Crystal Birchem, and family, requesting the Assistant Secretary-Treasurer to transmit a certified copy of this resolution to the widow and to Colonel R. M. Chiaramonte, Superintendent, Ohio State Highway Patrol."

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

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

Nays: None.

The Chairman said the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 4-1967.

The Chairman reported further that February was the thirty-fourth consecutive month in which revenue exceeded that of the corresponding month in previous years. He said the February revenue was approximately \$1,760,000, or \$63,000 more than that of February 1966.

The Chairman reported further that it was in order to mention the economic trend the turnpike portended. He said articles on a "slowdown in business" from numbers of authorities had been published. He said the turnpike had ever been a barometer of some validity so he had been watching and all the Members had been watching the reflection the turnpike might give of economic conditions. He said so far there was not anything very conclusive. He said there was a slight downward trend in the last three weeks of February which, like the first robin of spring, was not

enough to indicate anything with certainty. He said the Commission would be watching again in March and see whether it was weather in February which accounted for the downward trend during the last several weeks or whether it was a reflection of an economic trend.

The Chairman reported further that the status of construction of interstate highways in Cuyahoga County and of I-71 in Hamilton County remained about the same because little could be accomplished during the winter season in the way of construction. He said the Interstate Coordinators' Conference had been meeting and the distinguished Director of Highways had told him just before the meeting convened of a success that he had achieved since the Conference met the day before; namely, agreement by the Council of the City of Lakewood to permit the burning on the site of structures which required demolition. The Chairman said he could not report favorably enough to the Commission on the work of the Highway Department. He said the Highway Department under the very able direction of Mr. Masheter turned in a superb job and no one was more conscious of it than he was as the years went on and especially he was conscious of it in the men the Commission had who were trained in the Highway Department. He said he was always proud of the way that the Executive Director, Mr. C. W. Hartford, proceeded with the Commission's work and the way the Deputy Executive Director, Mr. Russell S. Deetz, proceeded, and they both were representative of the kind of men the Highway Department used. He said that week after week he saw it in the Interstate Coordinators' work. He said the Highway Department continued to perpetuate itself and was an organization which withstood all the pressures and produced untold and unrecognized accomplishments. The Chairman said he would be remiss if, when reporting to the Commission on the work of the Interstate Coordinators' Conference, he did not take note of how the work was done by the Highway Department under Mr. Masheter's direction. He said the performance of the Department was absolutely superb and he had never worked with a group of people who were nicer to work with and who were more inspired to do their work than the Highway Department people were.

The Chairman reported further that the Commission's Committee on Employee Relations would meet under the very able chairmanship of Mr. Teagarden on March 9, 1967 at Berea at 10:00 o'clock in the morning with representatives of Toledo Local 20, a Teamsters Union, which asserted that it represented a substantial percentage of the Commission's employees. He said the Commission's policy had been stated in correspondence with another union ten years before. He said it was recognized that changes had occurred in society in the ensuing ten years but no change so far had been required in the Commission's policy. He said Mr. Teagarden's committee was ably advised by Mr. John Lansdale of Squire,

Sanders & Dempsey, fiscal counsel to the Commission, and by Mr. W. C. Hartman of that firm and by the Commission's General Counsel. The Chairman said he wanted to say that Mr. Teagarden, with his usual zeal, had given a great deal of time and effort to the committee work since the union matter had arisen. He said Mr. Teagarden made one trip from Florida especially for it and made one trip earlier than necessary in order to have a conference and was going to stay the remainder of the week to have a committee meeting.

Mr. Redman asked whether Local 20 had the necessary membership application cards indicating that they represented "x" number of the Commission's employees. The Chairman replied that the Commission did not have the answer to that question. Mr. Redman asked whether determination of that answer was the purpose of the meeting to be held on March 9. The Chairman said that this might evolve from the meeting, but that he did not regard this as of great consequence. The Chairman said he talked with Mr. Teagarden, the Executive Director and Mr. Lansdale in a conference call the day before and they discussed that very question. He said that they were of the opinion, and he concurred, that if any employee wished to be represented by a union that the Commission should talk to the union. Since the Commission could not recognize the union as an agent for those who do not specifically request it, the actual number was not of great importance.

Mr. Chastang said that without casting any reflection on the current conferences the Commission had found with another union that when it made claims of having application cards it did not have them when the Commission asked for them. The Chairman said that happened ten years before and when the request was made to produce the cards the conferences terminated.

The Chairman said the Commission had no objections to any employees joining any organization they wanted to join. He said the only thing the Commission had said over the years was that in the absence of legislation it could not recognize anybody as an exclusive bargaining agent. He said there was a case at Toledo where the Ferguson Act was at issue and the Ferguson Act was upheld by the Court. He said the City of Toledo relied on the Ferguson Act then negotiated itself out of it and the Court said the City could not do so.

Mr. Redman adverted to a letter which Local 20 had addressed to employees of the Commission under date of February 14 and said he had read the letter with interest. The Chairman said the Commission sent out a letter in response to that first letter because the letter was full of misrepresentations. The Chairman said that it was, in his judgment, important that the employees be kept informed. He said that the Commission is

receiving letters from some employees indicating that they did not wish union representation.

The Chairman reported further that he had a letter from the Executive Vice President of the American Automobile Association, Mr. George F. Kachlein, Jr. which he read for the record as follows:

"February 28, 1967

"Mr. James W. Shocknessy
Chairman
Ohio Turnpike Commission
Berea, Ohio 44017

"Dear Jim:

"I read with considerable interest the 1966 Annual Report of the Ohio Turnpike Commission.

"Congratulations on the excellent financial showing of the Turnpike operations. The article on the integration of the turnpike with the national interstate system was most timely.

"Was sorry to see that the 1966 fatality rate had substantially increased over that of 1965, and as a matter of fact the general average for the years that the turnpike has been in operation.

"I am having our Traffic and Safety staff study your safety record report as it did contain some rather unusual findings - 'that drinking was not an important factor in the cause of turnpike accidents' - for example.

"Was extremely happy to see the steps that you are taking to improve the services on the turnpike to the traveling public. This has been a shortcoming in my judgment - both on toll roads and the interstate freeway system.

"Was sorry to have missed seeing you when I was improving my 'managerial abilities' at an interesting seminar which has been developed by the Ohio State University for our managerial staff. They kept me too busy 'in school' to see my good friends.

"Retha joins me in sending you best regards,

"Sincerely,

/s/ George
Executive Vice President"

The Chairman said that in the absence of further 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. Traffic and Revenue Report for January 1967.
2. Financial Statements as of January 31, 1967.
3. Detail of investment transactions for February 1967.
4. Draft of the minutes of the February 7, 1967 meeting.

The Assistant Secretary-Treasurer reported further that the Trustee purchased in February \$86,000 of turnpike bonds with money which was generated from income from investments.

The Chairman said that in the absence of questions the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no report by the Committee on Budget and Finance. 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 contracts were awarded on February 9, 1967 for the construction of truckers' shower room additions at Wyandot, Vermilion Valley, Portage and Brady's Leap Service Plazas. He said those additions would be the same as the pilot model which was constructed in the fall of 1965 at Middle Ridge Service Plaza. He said the pilot facility had been under nearly continuous survey by the Director of Information and Research whose finding it was that the truckers used the facility extensively and had only praise for the convenience. He said the truckers' often-repeated suggestion was that shower facilities should be provided at more service plazas. He said that upon completion of the four new facilities showers would be available at no greater spacing than every other service plaza.

Mr. Teagarden reported further that another oil company on the Ohio Turnpike had begun honoring credit cards of all major oil companies. He said Gulf Oil Corporation was first to do so and that Mobil Oil Corporation had just gone along with the plan. He said that was a service that the turnpike travelers had wanted for years. He said it was the Committee's hope Atlantic Richfield Company and Texaco, Inc., the remaining two operators on the turnpike, would follow suit.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He determined there would be no report by the Committee on Employee Relations or by the Committee on Interchange Development. He said the report of the Committee on Safety would be presented by the Executive Director.

The Executive Director reported for the Committee on Safety that the National Safety Council compiled monthly and summarized annually statistics relating to the accident experience of all turnpikes in the United States. He said the average fatal accident rate for all turnpikes for 1966 was 2.1 for 100 million miles of travel. He said the fatal accident rate on the Ohio Turnpike was 2.1, or average. The Executive Director said also that Indiana Toll Road had had a bad year with a rate of 4.5 following an exceptionally low rate of 0.8 during 1965. He said the rate for the Pennsylvania Turnpike was 2.0, slightly below Ohio, and the New York State Thruway had had a rate of 2.3, slightly above Ohio.

The Executive Director said also that with respect to all accidents the average for all turnpikes was 120.7 per 100 million miles of travel. He said the Ohio Turnpike rate was 93.4, or substantially below average. He said that of the major turnpikes only Massachusetts, Oklahoma and New Jersey had accident rates lower than the Ohio Turnpike with Oklahoma having the lowest rate of any turnpike at 67.8. He said the Sunshine State Parkway in Florida, the Illinois Tollway, the Indiana Toll Road, the Kansas Turnpike, the Garden State Parkway, the New York State Thruway and the Pennsylvania Turnpike all had accident rates higher than Ohio with Kansas topping the list of major toll roads with a rate of 175.0. He said the Indiana experience was 140.7, the Pennsylvania experience was 150.3 and the New York State Thruway experience was 135.5, all compared to the Ohio Turnpike experience of 93.4.

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

The Executive Director reported that plans were nearing completion for the repair and resurfacing of original Contract Sections C-22, 23

and 24. He said the project extended from the Amherst Maintenance Building in Lorain County eastward to a point just east of Interchange No. 9 at the Lorain-Cuyahoga County line, or approximately 12.5 miles. He said the project included concrete pavement repair, supplemental under drainage, and under sealing and resurfacing.

The Executive Director said also that the problems on that section of the turnpike were caused by the cementation of the I-22 base material under the pavement which, in turn, prevented the I-22 material from performing its intended function of providing drainage. He said normal maintenance routines were adequate to maintain an acceptable riding surface until the past several years; however, the condition had been worsening with the passage of time and increasing traffic volumes and normal maintenance routines were no longer adequate.

The Executive Director said also that the project would be advertised for bids and it was hoped satisfactory bids could be obtained for presentation to the Commission at its next meeting.

The Chairman said the project was a portentous one and spoke for the future. The Executive Director said he did not believe the same cause would require resurfacing another section.

The Chairman said the report of the Executive Director was accepted as offered. He said the report of the Director of Highways would be received.

The Director of Highways said he had nothing to report except to thank the Chairman for his eulogy to the Highway Department.

The Chairman said the report of the Director of Highways was accepted as offered. He said the report of the General Counsel would be received.

The General Counsel reported that he was glad to tell the Commission that the case of Walter Jewell and Ruth Jewell vs the Ohio Turnpike Commission et al. had been disposed of. He said there were three cases filed out of Williams County in 1955 before he came with the Commission and they were given to an excellent lawyer, Mr. Loren L. Hogue, in Williams County to handle for the Commission. He said the cases raised drainage questions that people were fighting back in 1954 and 1955. He said the same lawyers represented the plaintiffs that represented the plaintiffs in the two other cases that also had seemed to drag forever in Williams County. He said the Commission had put forth inquiries every year or two as to whether it could get those cases disposed of.

He said the Jewell case had been disposed of and he thought the other two would be disposed of shortly. He said damages of more than \$30,000 had been sought in the Jewell case. He said the Commission paid \$600 in settlement and two other defendants - the construction contractor and the contracting engineer - each put up \$300. He said the Commission would have had to put witnesses in in event of a trial and he thought it would have cost the Commission just in expert fees more than the \$600.

The Chairman said the report of the General Counsel was accepted as offered. He ascertained that there would be no report by 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. 5-1967

"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 February 7, 1967, 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 February 7, 1967 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 adopted with all Members voting in the affirmative. The resolution was identified as No. 5-1967.

There being no further business to come before the Commission, a motion was made by Mr. Chastang, seconded by Mr. Redman, that the

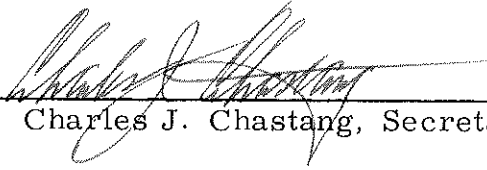
meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

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

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:08 P. M.

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



Charles J. Chastang, Secretary-Treasurer