

MINUTES OF THE TWO HUNDRED AND TWENTY-THIRD MEETING  
November 5, 1968

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 in Columbus, Ohio at 11:00 A. M. on November 5, 1968 with the key members of the staff; a representative, Mr. H. A. Harnden, of the Consulting Engineers; a representative, Mr. P. Joseph Sesler, of the Trustee; a representative, Mrs. Russel Lucas, of the Auditor of State; 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. Teagarden, seconded by Mr. Redman, that the minutes for the meeting of October 1, 1968 which had been examined by the Members 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, Redman, Chastang, Masheter, Shocknessy.

Nays: None.

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

The Chairman reported that traffic in October was exceptionally good for the tenth month of the year. He said revenue for the month was \$2,939,000 as compared to \$2,685,000 in October of 1967 and \$2,712,000 in October of 1966 - the best previous October.

The Chairman reported also that the Trustee in October purchased Ohio Turnpike revenue bonds in the principal amount of \$3,411,000 at an average price of 92.265. He said the purchases brought redemptions in 1968 to

\$10,132,000, and the total to date to \$97,637,000, and left bonds outstanding at \$228,363,000.

The Chairman reported also that October was a good safety month because there were no traffic deaths on the Ohio Turnpike during the month. He said there had been two so far in November.

The Chairman said the report of the Chairman was accepted as offered. He said the report of the Secretary-Treasurer, Mr. Chastang, would be received.

The Assistant Secretary-Treasurer, Mr. John Soller, reported for the Secretary-Treasurer that since the last meeting the following had been sent to all Members:

1. Traffic and Revenue Report for September 1968.
2. Financial Statements as of September 30, 1968.
3. Draft of the minutes of the October 1, 1968 meeting.
4. Budget Report, First 9 Months of 1968.
5. Detail of investment transactions for October 1968.

The Assistant Secretary-Treasurer reported also that the new computer had been delivered and was being tested with the new programs. He said the old computer still was in place and was being operated most of the time in order to get the work processed. He said it was possible that by the next Commission meeting the change-over to the new equipment would be completed. He said it was not possible to operate both computers at the same time because they used the same printer which had to be connected to one or the other.

The Chairman said that in the absence of questions, the report of the Secretary-Treasurer would be recorded as received. 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 the Committee had received and currently had under consideration a proposal from the Howard D. Johnson Company to remodel the counter and snack bar area at the Brady's Leap Service Plaza. He said the company's plan called for the counter service to be replaced by a cafeteria line and the

snack bar area to be enlarged to accommodate a speed snack bar line with separate facilities provided for ice cream, milk shakes and sodas. He said the Howard D. Johnson Company cited a lack of available help in the area plus a tendency on the part of turnpike travelers to avoid time-consuming counter service as its reasons for wanting to make the change.

Mr. Teagarden reported also that the remodeling of the food-service areas at the Fallen Timbers and Oak Openings Service Plazas was nearing completion and it was anticipated that both facilities could be opened prior to November 15. He said those areas had been scheduled for completion on November 1 but a delay was encountered when the concrete floor did not cure as fast as it should have.

Mr. Teagarden reported also that construction of the additional dining area at the Middle Ridge Service Plaza had begun after a delay which was occasioned by an inability to get delivery on materials. He said it was expected the project would proceed to completion without further delay.

The Chairman said that in the absence of questions 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 Safety would be offered by the Executive Director, Mr. Russell S. Deetz.

The Executive Director reported for the Committee on Safety that bids would be received November 6 for the installation of a cable-type barrier guard rail on the center line of the median between Mileposts 126 and 127 in the vicinity of Berlin Heights in Erie County. He said it would be an experimental installation which it was hoped would prevent crossings of the median by out-of-control vehicles. He said the project would also consist of furnishing and placing embankment to raise the grade of the median, raise existing inlets, pave the median ditch, seed and mulch and other incidental work.

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 by letter under date of October 18, 1968 Highway Director Masheter furnished the Commission a copy of his letter addressed to the Bureau of Public Roads wherein he requested that the 35 mile section of the Ohio Turnpike between State Route 10 and State Route 14 be added to the National System of Interstate and Defense Highways. He said Director Masheter advised that he had delayed answering the Commission's letter of September 19, 1968 on the same subject because he had

hoped to receive some amendment from the Federal Highway Administrator providing guidelines for adding mileage to the Interstate System as provided in the 1968 Federal Aid Highway Act. He said Director Masheter further advised that since such guidelines had not been received it was decided to initiate the request for the addition of mileage without further delay. He thanked Director Masheter for following through on the Commission's request.

The Executive Director reported also that in another letter on October 7, 1968 Director Masheter acquainted the Commission with a tentative plan to construct an interchange between Interstate Route 75 and State Route 795 south of Toledo in Wood County. He said the Director further advised that such construction would necessitate the abandonment of the proposed future interchange between I-75 and the Ohio Turnpike and requested the Commission's views. The Executive Director said further that when I-75 was in the design phase the traffic assignment studies of the Ohio Department of Highways for the Toledo area did not indicate a sufficient volume of traffic to justify the construction of an interchange - economically at least - with the turnpike at that time. He said it was the thinking that a full cloverleaf interchange would possibly be necessary at such time as the turnpike became toll free. He said that that thinking was so strong that right of way was acquired for such interchange and the bridges carrying I-75 over and across the Ohio Turnpike were constructed with sufficient span to provide space for the future construction of speed-change lanes for the full cloverleaf interchange.

The Executive Director said he had advised Director Masheter by letter under date of October 18, 1968 that it was his opinion that in the best interests of the Interstate System travelers nothing should be done currently to preclude the future construction of an interchange between I-75 and I-80 and I-90, which follow the Ohio Turnpike in that area.

Mr. Masheter said the problem the Department of Highways had in the area was the fact that the Chrysler Corporation came into the area with a plant and now had an intention of expanding it to employ around 12,000 people. He said the problem of servicing those employees was very critical with S. R. 795 going past the plant. He said the relation with the Detroit area was something that the company was interested in also. He said an interchange between S. R. 795 and I-75 was very desirable. He said the Department, in deference to the Commission and the Federal Highway Administration, was studying the possibility of building an interchange with S. R. 795 and I-75 currently with the intention that at the time the turnpike would become free the interchange could be made to serve it also. He said it was not yet known whether this was practical. He said it would be costly but appeared to be a requirement of industrial development.

The Executive Director reported also that it had been the practice to conduct fire-fighting training schools for the Commission's maintenance employees about every two years. He said that, accordingly, arrangements had been completed with the Ohio State Department of Education to furnish instructors again for the schools, which would be held at alternate maintenance buildings during the week of November 11. He said the training was designed to give the employees skill and confidence in fighting fires with the equipment provided and to acquaint them with ways and means for observing safety precautions. He said that of the 262 fires that occurred on the turnpike during the previous year 243 were extinguished by the Commission's employees without the assistance of an outside fire department. He said outside fire departments were required in only 19 incidents.

The Executive Director reported also that currently there were 16 construction projects in various stages of completion ranging from approximately 8 percent to 99 percent. He said six of the projects were major resurfacing contracts. He said final inspections had been made on three of the resurfacing contracts the past month and, except for performing remedial work on the surface of some of the structures and the approaches thereto, the contracts were ready for finalization. He said two other resurfacing contracts would be ready for final inspection within two weeks and the one remaining resurfacing contract within six weeks, providing weather conditions permitted continuation of the work.

The Executive Director said further that at the last meeting of the Commission he had reported that The City Asphalt and Paving Company, contractor on the resurfacing project on the eastern end of the turnpike, was far behind schedule and that the contractor and its bonding company, Ohio Farmers Insurance Group, had been so notified on several occasions in writing. He said he was pleased to report that recent progress had been astounding. He said that by working seven days a week from about sunrise to sunset the contractor had advanced the work from 55 percent complete to nearly 95 percent complete in one month's time. He said that was one of the resurfacing contracts that would be ready for final inspection within two weeks.

The Executive Director said further that all other contracts were progressing reasonably satisfactorily except one. He said the exception was the contract awarded to F. Buddie Contracting, Inc. of Cleveland on September 24, 1968 for the repair of the decks of the Tinkers Creek bridges in an amount of nearly \$80,000. He said the contract, which was scheduled for completion on October 31, 1968 was approximately 8 percent complete. He said the contractor had had approximately 30 days to complete the project but had just not moved. The Executive Director said the contract consisted

of removing deteriorated concrete, making full-depth and partial-depth concrete bonded repairs, maintaining traffic, and other incidental work. He said the contractor opened approximately 150 feet of the east end of the 965 foot westbound bridge and did not begin placing any concrete until November 1. He said the contractor's rate of progress indicated that it would be impossible to complete the work before winter weather would set in.

The Executive Director said further he was proposing that the Commission terminate the contract. He said that through the winter the contract area would be maintained by the Commission's maintenance forces. He said holes would be repaired as they developed and the roadway would be kept serviceable. He said that in the spring another contract would be awarded or the work would be performed by the Commission's maintenance forces.

In response to questions by the Members, the Executive Director said inspection of the work had been performed from the first day any work was done. He said further that although the contractor needed four crews to progress satisfactorily he brought in only one crew. He said that at the pre-award conference the contractor assured the Commission's representatives that he was totally familiar with the requirements of the specifications, including the time limit for completing the work. He said the contractor's bondsman, the St. Paul Fire & Marine Insurance Co., had been notified of the situation but had not attended any of the meetings between the Commission's representatives and the contractor. He said the contractor currently was performing reasonably satisfactorily on another contract with the Commission: the repair of certain bridges in the Cleveland (No. 11) Interchange. The General Counsel, Mr. Lockwood Thompson, said his office had been conferring with the Executive Director and the Chief Engineer to see whether there could be an allocation of damages suffered by the Commission.

The Chairman said he thought the situation should be brought to the attention of the Ohio Contractors Association. The Chairman and Mr. Chastang said they thought the Commission's bylaws should be amended to give the Executive Director the authority to terminate contracts.

A resolution authorizing termination of Contract RMP 43-68-2 with F. Buddie Contracting, Inc. for deck repairs to Tinkers Creek bridges was moved for adoption by Mr. Masheter, seconded by Mr. Chastang, as follows:

RESOLUTION NO. 21-1968

"WHEREAS the Commission heretofore on September 24, 1968 entered into a contract with F. Buddie Contracting, Inc. , being Contract RMP 43-68-2, for the repair of the decks of the bridges carrying the Turnpike over Tinkers Creek in Summit and Portage Counties;

"WHEREAS the work under said contract has not progressed to the satisfaction of the Commission, or in accordance with the terms thereof, in that it has become apparent that said contract will not be completed by the date specified therein;

"WHEREAS the chief engineer has suspended all work not already commenced under said contract so that the aforesaid bridges will be available for use by the travelling public during the winter season, and has recommended that the contract be terminated; and

"WHEREAS the Commission desires to confer express authority upon the executive director to effect such termination;

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director be, and hereby he is, authorized to terminate such contract in accordance with its terms or the law governing the same, if he shall deem it to be in the best interest of the Commission to do so."

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

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

Nays: None.

The Chairman said the resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 21-1968.

The Executive Director reported also that the current agreement with the J. E. Greiner Company for the performance of the duties of consulting engineers with respect to the maintenance and operation of the Ohio Turnpike stipulated to be performed by consulting engineers under the terms of the trust agreement would terminate December 31, 1968. He said the current agreement was a three year agreement under which the Greiner Company agreed to perform the required services for \$6,000 per month.

He said the Company had submitted a proposal to provide the services under the same terms and conditions for the three year period beginning January 1, 1969 through December 31, 1971. He said he and other key staff members of the Commission had reviewed the proposal and recommended it for approval.

A resolution accepting proposal for consulting engineering services was moved for adoption by Mr. Masheter, seconded by Mr. Redman, as follows:

RESOLUTION NO. 22-1968

"WHEREAS the J. E. Greiner Company is presently performing the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike under a three-year agreement with the Ohio Turnpike Commission, which was originally executed under date of December 22, 1965, and which by its terms expires on December 31, 1968;

"WHEREAS the J. E. Greiner Company and the Commission desire to enter into a new agreement for a three-year period beginning January 1, 1969 and terminating December 31, 1971 whereby the J. E. Greiner Company is to be employed as consulting engineers in connection with maintenance and operation of the Ohio Turnpike;

"WHEREAS said J. E. Greiner Company, a partnership, has submitted to the Commission under date of October 30, 1968 a proposal for an agreement for a three-year period to perform the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike commencing January 1, 1969 and terminating December 31, 1971; and

"WHEREAS the Commission now desires to accept the same;

"NOW, THEREFORE, BE IT

"RESOLVED that the proposal of the J. E. Greiner Company, a partnership, dated October 30, 1968, to perform the duties of consulting engineers in connection with maintenance and operation of the Ohio Turnpike pursuant to a new three-year agreement beginning January 1, 1969 and terminating as of midnight December 31, 1971, and providing that the J. E. Greiner Company is to be paid \$6,000 per month for its services as such consulting engineers, and providing further that the services aforesaid may be earlier terminated by either party upon not less than thirty days' notice in writing given to the other party be, and the same hereby is, accepted; and



"FURTHER RESOLVED that the executive director be, and hereby he is, authorized and empowered to execute an agreement on behalf of the Commission carrying into effect the proposal of the J. E. Greiner Company to perform the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike for the three-year period commencing January 1, 1969 and terminating as of midnight December 31, 1971, except as either the J. E. Greiner Company or the Commission may, upon not less than thirty days' notice in writing, earlier terminate the said agreement, and cause said agreement to be delivered to said J. E. Greiner Company on behalf of the Commission."

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

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

Nays: None.

The Chairman said the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 22-1968.

The Executive Director concluded his report by introducing the recently appointed Director of Administrative Services, Mr. Robert A. Meywes.

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, Mr. Masheter, reported that his staff had been in conversation with the Commission's Executive Director and his staff about the matter of bridge inspection. He said a state statute provided that the Highway Department was responsible for the inspection of all bridges carrying state highway traffic, and in relation to the turnpike there were quite a few bridges which were the responsibility of the Turnpike Commission. He said he was sure the Commission did not want his employees to be on its property inspecting bridges and he proposed to enter into an agreement with the Executive Director providing that the Highway Department would accept reports by the Commission's Consulting Engineers to the Commission on the bridges and the Commission would send copies of the reports 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 wished to request a resolution from the Commission in connection with the settlement of the suit that was brought by the Commission in October 1966 against International Salt Company. He said that in connection with the settlement and the details of working it out there was a stipulation agreed to and dictated in the judge's chambers to the court reporter which provided certain provisions of which the most important was that the Commission be paid \$125,000, payment to be made on or before January 15, 1969. He said the company said a Commission resolution would be necessary for the purposes of its executive committee. He said the company approved the settlement and he recommended that the Commission also do so. He said the company wanted to have exchange of mutual releases, which would be done.

The General Counsel said further he thought the settlement a better one than had been offered to any other plaintiffs to date. He said there had been some 300 to 400 lawsuits filed against International Salt Company. He said the Commission had obtained a very favorable pretrial ruling in the United States District Court at Minneapolis, Minnesota and that the matter then went up on appeal taken by International Salt Company. He said the Commission won in the United States Circuit Court of Appeals at St. Louis, Missouri by written opinion in which that Court accepted generally the findings of the district court. He said the International Salt Company then appealed by a petition for writ of certiorari to the Supreme Court of the United States which was currently pending.

Mr. Chastang said he thought the Commission might commend General Counsel for a fine job. The Chairman said he concurred. He said the settlement concluded a long tedious job and a costly job.

The General Counsel said he had had very fine aid from the Assistant General Counsel, Mr. Francis K. Cole, and from Mr. James C. McGrath of the Commission's legal staff.

A resolution authorizing settlement of lawsuit filed in the United States District Court in Minnesota against International Salt Company was moved for adoption by Mr. Chastang, seconded by Mr. Redman, as follows:

RESOLUTION NO. 23-1968

"WHEREAS the Commission had claims against International Salt Company by virtue of purchases of sodium chloride, commonly known as rock salt, covering a period from January 1, 1956 up to and including June 28, 1961, which claims were not able to be recognized or settled without the institution of a lawsuit;

"WHEREAS the Commission therefore filed a certain civil action in the United States District Court, District of Minnesota, Fourth Division, No. 4-66 Civ. 354, entitled Ohio Turnpike Commission, Plaintiff, v. International Salt Company, Defendant, which lawsuit was filed on October 12, 1966 and was instituted by the Commission under provisions of the federal statutes granting rights to private plaintiffs to recover damages in such cases;

"WHEREAS the Commission's action was thereafter prosecuted by the Commission's counsel and certain favorable rulings of the District Court as a result of pretrial hearings were subsequently affirmed by the United States Circuit Court of Appeals at St. Louis, Missouri and thereafter an appeal by a Petition for Writ of Certiorari was taken by the International Salt Company to the United States Supreme Court, which appeal is presently pending; and

"WHEREAS an offer on the part of International Salt Company has now been received by the Commission whereunder the company agrees to pay \$125,000 to the Commission on or before January 15, 1969 without interest, under circumstances whereby the Commission will provide International Salt Company with a release and will agree to a court entry of dismissal of its pending lawsuit at the time of payment, such dismissal to be with prejudice, with each party bearing its own cost;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, upon consideration of said settlement offer which bears the approval of Commission's general counsel and that of trial counsel in Minneapolis, Minnesota, hereby approves the said settlement; and

"FURTHER RESOLVED that simultaneously with the receipt of said amount of \$125,000 the Commission directs its executive director to deliver a release to International Salt Company of all claims asserted in the Commission's lawsuit pending in the federal courts, said release to be executed by the executive director if and when approved by general counsel, which release shall also authorize counsel to consent to and approve dismissal of the Commission's pending lawsuit with prejudice, with each party bearing its own cost. "

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 resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 23-1968.

The General Counsel reported also that with respect to qualifying for a certificate of completion of the Ohio Turnpike he had prepared and sent out to the utility companies concerned 71 partial releases of easements and had received back 36. He said it was a slow process.

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

Mr. Harnden reported for the Consulting Engineers that he would like to thank the Commission for adopting the resolution renewing the contract for consulting engineering services.

The Chairman said the report of the Consulting Engineers was 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. 24-1968

"WHEREAS the 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 October 1, 1968, 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 October 1, 1968 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. 24-1968.

Following discussion the Members agreed that the regular meeting of the Commission for December would be held on December 10.

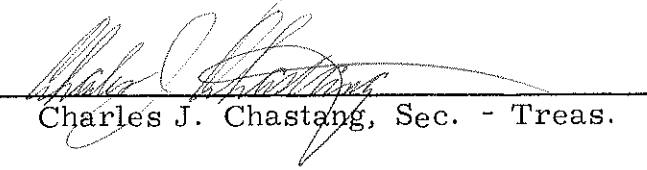
There being no further business to come before the Commission, a motion was made by Mr. Chastang, seconded by Mr. Teagarden, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members responded to roll call. The vote was as follows:

Ayes: Chastang, Teagarden, Redman, Masheter, 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

  
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Charles J. Chastang, Sec. - Treas.